

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Certiorari to Greenville County
Honorable B. Alex Hyman, Circuit Court Judge

CHRISTIAN SCOWCROFT,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-002035

APPENDIX

WANDA H. CARTER
Chief Appellate Defender

ALAN WILSON
Attorney General

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

JOSHUA A. EDWARDS
Assistant Attorney General
P. O. Box 11549
Columbia, SC 29211
(803)734-2508

ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE) COURT OF GENERAL SESSIONS

State of South Carolina,)
v.) Case No. 17-GS-23-1278
Christian Arenson Scowcroft,)
Defendant.)

TRANSCRIPT OF JURY TRIAL

The within JURY TRIAL in the above-captioned matter was held on August 23-24, 2017, before The Honorable Perry H. Gravely in Courtroom 6 of the Greenville County Courthouse, Greenville, South Carolina; attended by counsel as follows:

APPEARANCES:

Brann Fowler, Assistant Solicitor
13th CIRCUIT SOLICITOR'S OFFICE
305 E. North Street, #325
Greenville, South Carolina 29601
.... Appearing for State

Randy Chambers, Esq.
... Appearing for Defendant

Deborah Garrison
Circuit Court Reporter – 13th Judicial Circuit
P O Box 27145
Greenville, South Carolina 29616
[REDACTED]@sccourts.org

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Qualification and Selection of Jury

1 AUGUST 23, 2017

10:00 A.M.

2

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(DEFENDANT PRESENT)

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THE COURT: Let's get the panel in here
and get started.

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(JURY PANEL IN @ 11:05 A.M.)

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THE COURT: Good morning, ladies and
gentlemen. I apologize we kept you waiting.
I'm sure you must be thinking, 'What? They
tell us to be here at 9:00 o'clock and then
don't bring us up here until 11:00?' But I'm
been sitting on the bench since 9:00 o'clock
and we've resolved six matters this morning.
So it wasn't like we've been sitting up here
idle.

Anyway, I do appreciate your patience.
Like I said, it's been a very productive
morning. Part of the reason why it was so
productive is because you were sitting down
there and that was very helpful to getting
some things resolved. You've been working and
you didn't even know it. So, thank you.

We are now getting ready to draw a jury
for the case of the State of South Carolina
versus Christian Scowcroft.

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1 First of all let me give you a very brief
2 synopsis of what the charges are. I want to
3 say right upfront that the fact that somebody
4 is charged with a crime does not mean that
5 they are guilty. They are presumed innocent.
6 I'll expand further on the presumption of
7 innocence once the jury is selected.

8 These are merely the indictments, the
9 papers that bring these charges before the
10 court. Mr. Scowcroft has pled not guilty to
11 these charges.

12 The first charge is burglary, first
13 degree, and then a grand larceny, which
14 involves a matter on August 16th, 2016, on
15 Alex Court in connection with the dwelling
16 of Mr. Harrison Golson.

17 First of all, I need to make sure -- is
18 anyone related by blood or marriage, is a
19 close personal friend, has any business
20 relationship with the defendant -- if the
21 Defendant could stand, Mr. Scowcroft.

22 DEFENDANT: (Complies).

23 THE COURT: Thank you. Is anybody
24 related by blood or marriage, is a close
25 personal friend or has a business relationship

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1 with Mr. Scowcroft? If so, please stand.

2 (No response). Thank you, no response.

3 In addition, the victim in this case is
4 Harrison Golson. Mr. Golson, please stand and
5 face the jury.

6 HARRISON GOLSON: (Complies).

7 THE COURT: All right. Thank you.
8 Anybody related by blood or marriage, close
9 personal friend, or have any business
10 relationship with Mr. Golson? If so, please
11 stand. (No response). All right, no
12 response.

13 This matter is being prosecuted by a
14 member of the Greenville County Solicitor's
15 Office. If you would, stand and introduce
16 yourself.

17 SOLICITOR FOWLER: Good morning, ladies
18 and gentlemen. My name is Brann Fowler. I
19 am an assistant solicitor with the Greenville
20 County Solicitor's Office.

21 THE COURT: All right. Mr. Chambers,
22 if you want to stand ---

23 RANDY CHAMBERS: Good morning
24 everybody. I'm Randy Chambers. I practice at
25 the Chambers Law Firm here in Greenville. I

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1 represent Mr. Scowcroft, who has been
2 introduced to you.

3 THE COURT: These are the attorneys
4 involved in the case. I need to make sure
5 that if anybody is related by blood or
6 marriage, has ever been represented by any of
7 the attorneys, or has ever been involved in a
8 matter where these attorneys were on the other
9 side of a matter you were involved, please
10 stand. (No response). All right, no response
11 noted.

12 Here are some potential witnesses in the
13 case. In addition to -- I believe that I've
14 already asked you about the victim. But we
15 have:

16 Jared Skinner with the Greenville County
17 Sheriff's Office

18 Mike Nascarello

19 George Nannarello

20 Steve Keys

21 Michael Ladson

22 Brent Boone

23 Timothy Brochin with the Greenville
24 County Sheriff's Office

25 Robert Grubbs, with Greenville County

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1 Sheriff's Office

2 Michael Bryan with Greenville County

3 Sheriff's Office

4 Dan Kelly with the Greenville County

5 Sheriff's Office

6 Britain Donahue

7 Brenda Scowcroft

8 First I need to know if you're related by
9 blood or marriage to any of these witnesses;
10 if you have any social, close personal
11 relationship; or if you have any business
12 relationship with any of these witnesses.
13 If so, please stand. (No response). All
14 right, no response.

15 Is anybody related by blood or marriage
16 to anyone that works with the Greenville
17 County Sheriff's Office? If so, please stand.
18 (No response). All right.

19 Does anyone have any relatives that work
20 with the 13th Circuit Solicitor's Office? If
21 so, please stand. (No response).

22 All right. Is there any member of the
23 jury panel who has formed or expressed any
24 opinion? I realize that y'all have very
25 limited information but if you've formed an

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1 opinion about anything related to this matter,
2 please stand. (No response).

3 Does any member of the jury panel know
4 of any reason why they cannot give a fair and
5 impartial trial to both the State and the
6 Defendant in this matter? (No response).

7 Are there any additional questions from
8 the Defense or from the State?

9 RANDY CHAMBERS: None from the defense,
10 Your Honor.

11 THE COURT: Mr. Fowler, any additional
12 questions?

13 SOLICITOR FOWLER: No, sir.

14 THE COURT: All right. We can proceed
15 with the selection.

16 CLERK: When I call your name, please
17 stand in place where you are and await further
18 instructions. Juror Number 83, Keith Kirlew.

19 (BLACK MALE BEFORE COUNSEL)

20 CLERK: What says the State?

21 SOLICITOR FOWLER: Please seat Mr.
22 Kirlew.

23 CLERK: What says the defense?

24 RANDY CHAMBERS: Please seat Mr.
25 Kirlew.

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1 CLERK: Mr. Kirlew, please have a seat
2 in the jury box.

3 (JUROR NUMBER 83 SEATED)

4 CLERK: Juror Number 47, Taneasha
5 Elmore.

6 (BLACK FEMALE BEFORE COUNSEL)

7 CLERK: What says the State?

8 SOLICITOR FOWLER: Please seat Ms.
9 Elmore.

10 CLERK: What says the defense?

11 RANDY CHAMBERS: Seat Ms. Elmore,
12 please.

13 CLERK: Ms. Elmore, please have a seat
14 in the jury box.

15 (JUROR NUMBER 47 SEATED)

16 CLERK: Juror Number 171, Kenneth
17 Harper.

18 (WHITE MALE BEFORE COUNSEL)

19 CLERK: What says the State?

20 SOLICITOR FOWLER: Please seat Mr.
21 Harper.

22 CLERK: What says the defense?

23 RANDY CHAMBERS: Please excuse the
24 juror.

25 CLERK: You may be seated, sir. You

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1 have been excused from this case.

2 (JUROR NUMBER 171 EXCUSED)

3 CLERK: Juror Number 39, Timothy W.
4 Crevison.

5 (WHITE MALE BEFORE COUNSEL)

6 CLERK: What says the State?

7 SOLICITOR FOWLER: Please seat Mr.
8 Crevison.

9 CLERK: What says the defense?

10 RANDY CHAMBERS: Seat Mr. Crevison,
11 please.

12 CLERK: Please have a seat in the jury
13 box.

14 (JUROR NUMBER 39 SEATED)

15 CLERK: Juror Number 15, Van P.
16 Bennett.

17 (WHITE MALE BEFORE COUNSEL)

18 CLERK: What says the State?

19 SOLICITOR FOWLER: Please seat Mr.
20 Bennett.

21 CLERK: What says the defense?

22 RANDY CHAMBERS: Seat Mr. Bennett,
23 please.

24 CLERK: Sir, please come have a seat in
25 the jury box.

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1 (JUROR NUMBER 15 SEATED)

2 CLERK: Juror Number 113, Lynn B. Pry.

3 (WHITE FEMALE BEFORE COUNSEL)

4 CLERK: What says the State?

5 SOLICITOR FOWLER: Please excuse the
6 juror.

7 CLERK: Please have a seat, you have
8 been excused from the trial of this case.

9 (JUROR NUMBER 113 EXCUSED)

10 CLERK: Juror Number 27, Rachel M.
11 Carnell.

12 (WHITE FEMALE BEFORE COUNSEL)

13 CLERK: What says the State?

14 SOLICITOR FOWLER: Please seat Ms.
15 Carnell.

16 CLERK: What says the defense?

17 RANDY CHAMBERS: Please excuse Ms.
18 Carnell in this case.

19 CLERK: Please take your seat. You've
20 been excused from the trial in this case.

21 (JUROR NUMBER 27 EXCUSED)

22 CLERK: Juror Number 18, Dominique R.
23 Brewster.

24 (BLACK MALE BEFORE COUNSEL)

25 CLERK: What says the State?

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1 SOLICITOR FOWLER: Please seat the Ms.
2 Brewster.

3 CLERK: What says the defense?

4 RANDY CHAMBERS: Please seat Ms.
5 Brewster.

6 CLERK: Please have a seat in the jury
7 box. You've been selected to serve as a juror
8 in this case.

9 (JUROR NUMBER 18 SEATED)

10 CLERK: Juror Number 170, Lacey L.
11 Hampton.

12 (WHITE FEMALE BEFORE COUNSEL)

13 CLERK: What says the State?

14 SOLICITOR FOWLER: Please seat Ms.
15 Hampton.

16 CLERK: What says the defense?

17 RANDY CHAMBERS: Please excuse Ms.
18 Hampton from the trial in this case, please.

19 CLERK: Ms. Hampton, please be seated.
20 You've been excused from the trial in this
21 case.

22 (JUROR NUMBER 170 EXCUSED)

23 CLERK: Juror Number 97, Michelle
24 Maynard.

25 (WHITE FEMALE BEFORE COUNSEL)

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1 CLERK: What says the State?

2 SOLICITOR FOWLER: Please seat Ms.
3 Maynard.

4 CLERK: What says the defense?

5 RANDY CHAMBERS: Seat Ms. Maynard,
6 please.

7 CLERK: Ms. Maynard, please bring all
8 your stuff and come have a seat in the jury
9 box.

10 (JUROR NUMBER 97 SEATED)

11 CLERK: Juror Number 158, Heather
12 Pressley.

13 (WHITE FEMALE BEFORE COUNSEL)

14 CLERK: What says the State?

15 SOLICITOR FOWLER: Please seat Mr.
16 Pressley.

17 SOLICITOR FOWLER: What says the defense?

18 RANDY CHAMBERS: Seat Ms. Pressley,
19 please.

20 CLERK: Ma'am, please bring your things
21 and have a seat in the jury box.

22 (JUROR NUMBER 158 SEATED)

23 CLERK: Juror Number 145, Susan
24 Stevenson.

25 (WHITE FEMALE BEFORE COUNSEL)

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1 CLERK: What says the State?

2 SOLICITOR FOWLER: Please seat Ms.
3 Stevenson.

4 CLERK: What says the defense?

5 RANDY CHAMBERS: Please seat the juror.

6 CLERK: Please have a seat in the jury
7 box, you have been selected to serve on the
8 jury in the trial of this case.

9 (JUROR NUMBER 145 SEATED)

10 CLERK: Juror Number 143, Julio I.
11 Sotero.

12 (HISPANIC MALE BEFORE COUNSEL)

13 CLERK: What says the State?

14 SOLICITOR FOWLER: Please seat Mr.
15 Sotero.

16 CLERK: What says the defense?

17 RANDY CHAMBERS: Please seat Mr.
18 Sotero, please.

19 CLERK: Sir, please come have a seat in
20 the jury box.

21 (JUROR NUMBER 143 SEATED)

22 CLERK: Juror Number 65, Deborah
23 Gregory.

24 (WHITE FEMALE BEFORE COUNSEL)

25 CLERK: What says the State?

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1 SOLICITOR FOWLER: Please excuse the
2 juror.

3 CLERK: You may be seated, ma'am. You
4 have been excused from the trial of this case.

5 (JUROR NUMBER 65 EXCUSED)

6 CLERK: Juror Number 156, Justin B.
7 Vernon.

8 (BLACK MALE BEFORE COUNSEL)

9 CLERK: What says the State?

10 SOLICITOR FOWLER: Please seat Mr.
11 Vernon.

12 CLERK: What says the defense?

13 RANDY CHAMBERS: Seat Mr. Vernon,
14 please.

15 CLERK: Sir, please come have a seat in
16 the jury box.

17 (JUROR NUMBER 156 SEATED)

18 CLERK: Juror Number 76, Leroy Clarence
19 Hubbard.

20 (WHITE MALE BEFORE COUNSEL)

21 CLERK: What says the State?

22 SOLICITOR FOWLER: Please seat Mr.
23 Hubbard.

24 CLERK: What says the defense?

25 RANDY CHAMBERS: Please excuse Mr.

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1 Hubbard.

2 CLERK: You may have a seat, sir. You
3 have been excused from the trial of this case.

4 (JUROR NUMBER 76 EXCUSED)

5 CLERK: Juror Number 164, Robin
6 Willoughby.

7 (WHITE FEMALE BEFORE COUNSEL)

8 CLERK: What says the State?

9 SOLICITOR FOWLER: Please excuse Ms.
10 Willoughby.

11 CLERK: All right. Ma'am, you may be
12 seated. You've been excused from the trial
13 of this case.

14 (JUROR NUMBER 164 EXCUSED)

15 CLERK: Juror Number 17, Shirley W.
16 Bowdoin.

17 (WHITE FEMALE BEFORE COUNSEL)

18 CLERK: What says the State?

19 SOLICITOR FOWLER: Please seat Ms.
20 Bowdoin.

21 CLERK: What says the defense?

22 RANDY CHAMBERS: Seat Ms. Bowdoin,
23 please.

24 CLERK: Ma'am, please have a seat in
25 the jury box.

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1 (JUROR NUMBER 17 SEATED)

2 CLERK: Juror Number 101, Al H. Mickle.

3 (WHITE MALE BEFORE COUNSEL)

4 CLERK: What says the State?

5 SOLICITOR FOWLER: Please seat Mr.

6 Mickle.

7 CLERK: Defense?

8 RANDY CHAMBERS: Excuse Mr. Mickle,

9 please.

10 CLERK: All right, sir, please have a

11 seat. You've been excused from the trial in

12 this case.

13 (JUROR NUMBER 101 EXCUSED)

14 CLERK: Juror Number 85, Timothy S.

15 Langley.

16 (WHITE MALE BEFORE COUNSEL)

17 CLERK: What says the State?

18 SOLICITOR FOWLER: Please seat Mr.

19 Langley.

20 CLERK: What says the defense?

21 RANDY CHAMBERS: Excuse Mr. Langley

22 from this case.

23 CLERK: You may be seated, sir.

24 (JUROR NUMBER 85 EXCUSED)

25 CLERK: Juror Number 50, Scott Fleury.

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1 (WHITE MALE BEFORE COUNSEL)

2 CLERK: What says the State?

3 SOLICITOR FOWLER: Please seat Mr.
4 Fleury.

5 CLERK: What says the defense?

6 RANDY CHAMBERS: Excuse Mr. Fleury from
7 this case.

8 CLERK: Sir, you may be seated. You
9 have been excused from this case.

10 (JUROR NUMBER 50 EXCUSED)

11 CLERK: Juror Number 67, James A. Hall.

12 (WHITE MALE BEFORE COUNSEL)

13 CLERK: What says the State?

14 SOLICITOR FOWLER: Please seat Mr. Hall.

15 THE COURT: What says the defense?

16 RANDY CHAMBERS: Seat Mr. Hall, please.

17 CLERK: Mr. Hall. Please come have a
18 seat in the jury box.

19 (JUROR NUMBER 67 SEATED)

20 THE COURT: Let's pick two alternates
21 just to be safe.

22 CLERK: Juror Number 168, Lisa Akers.

23 (WHITE FEMALE BEFORE COUNSEL)

24 CLERK: What says the State?

25 SOLICITOR FOWLER: Please seat Ms. Akers.

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1 CLERK: What says the defense?

2 RANDY CHAMBERS: Seat Ms. Akers,
3 please.

4 CLERK: Ma'am, please have a seat in
5 the jury box.

6 (JUROR NUMBER 168 SEATED AS ALTERNATE #1)

7 THE COURT: And the second Alternate?

8 CLERK: Juror Number 109, Shantel
9 D. Parks.

10 (BLACK FEMALE BEFORE COUNSEL)

11 CLERK: What says the State?

12 SOLICITOR FOWLER: Please seat Ms. Parks.

13 CLERK: What says the defense?

14 RANDY CHAMBERS: Seat Ms. Parks,
15 please.

16 CLERK: Ma'am, have a seat in the jury
17 box.

18 (JUROR NUMBER 109 SEATED AS ALTERNATE #2)

19 CLERK: Your Honor, the jury has been
20 seated.

21 (JURY SEATED @ 11:20 A.M.)

22 THE COURT: Is there any objection or
23 issues with the jury selection process? From
24 the State?

25 SOLICITOR FOWLER: No, Judge.

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1 THE COURT: From the Defendant?

2 RANDY CHAMBERS: No, Your Honor.

3 THE COURT: All right. We have two
4 groups here. I will talk to this group and
5 then I'll talk to you all.

6 I'm going to ask that you go back to your
7 jury room. I know that you don't have any
8 information about the case but I'll caution
9 you every time that you take a break that it
10 is not permissible for y'all to discuss the
11 case.

12 I realize that you don't have any
13 information, but do not discuss the case or
14 anything about it, the parties or anything
15 like that.

16 I will bring you back out for further
17 instructions in just a few minutes. Please
18 follow the bailiff.

19 (JURY OUT @ 11:22 A.M.)

20 THE COURT: Thank you, ladies and
21 gentlemen. You obviously have not been
22 selected for this jury, so you're free to go
23 but you need to call back after 6:00 o'clock
24 today. I'm not sure what the rest of the
25 week holds. But you'll get further

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1 instructions when you call that number.

2 If I don't get a chance to see you again,
3 I appreciate you coming in today and your
4 service this week. If I do see you again,
5 then we will have further discussions again
6 tomorrow.

7 At this point you are free to go, but
8 make sure that you call back after 6:00
9 today.

10 (JURY PANEL EXCUSED)

11 THE COURT: For timing purposes,
12 I will go ahead and do my preliminary
13 instructions.

14 SOLICITOR FOWLER: Judge, we need to do
15 our *Jackson v. Denno* real quick. I suggest
16 that we do that before we break for lunch.

17 THE COURT: Okay. Let me bring them
18 back out here and do their -- my preliminary
19 charge, then we will release them to go to
20 lunch and we can do the *Jackson v. Denno*.

21 SOLICITOR FOWLER: Yes, sir.

22 THE COURT: Okay, let's bring the jury
23 back in.

24 (JURY IN @ 11:35 A.M.)

25 THE COURT:

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25

1 (WHEREUPON JURY SWORN)

2 THE COURT: Ladies and gentlemen, we
3 have some matters that we need to go over.
4 I'm going to give you some preliminary
5 information and then let y'all go to lunch.
6 When you get back, we'll start the actual
7 case.

8 At this time, I'm going to ask the Clerk
9 to administer the oath for this case.

10 (WHEREUPON JURY SWORN)

11 THE COURT: This is just preliminary
12 information to give you kind of a "road map"
13 so you'll know what to expect.

14 First I want to reinforce what I said
15 previously. As I indicated, I reference the
16 indictments in this matter that charge Mr.
17 Scowcroft with burglary first degree and
18 grand larceny. The fact that somebody has
19 been indicted, charged, arrested is something
20 that you don't need to consider. Those are
21 merely papers which bring a matter before the
22 court.

23 Mr. Scowcroft has pled not guilty to
24 these charges. What that means is that that
25 puts the burden on the State. The State has

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1 to prove -- has the burden to prove guilt of
2 these charges beyond a reasonable doubt. I
3 will discuss that further when I charge you
4 on the law of the case at the conclusion of
5 the trial.

6 Your job is to determine what the facts
7 of this case are.

8 My job as the judge is to rule on the
9 evidence and to determine what the law of the
10 case is, which is the jury charge.

11 Your responsibility as the jury is to pay
12 close attention to all of the evidence.
13 Evidence is usually by way of testimony from
14 the witness stand here and documentary
15 evidence: photographs, tapes, all kinds of
16 documentary evidence that may be presented.

17 Sometimes there may be some objections
18 and we have to very carefully follow our
19 Rules of Evidence as established by our State
20 courts and Federal courts. Sometimes there
21 may be an objection and that is just to make
22 sure that we all properly follow our Rules of
23 Evidence.

24 Sometimes it may be a quick matter
25 and we meet here privately at the bench.

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1 We're not trying to keep anything from you.
2 It's just that we need to make sure that we
3 officially have the evidence introduced.
4 Sometimes it will make sense that we send you
5 out, take a break and argue the objection in
6 more detail and both parties can freely
7 express their positions. Then I will
8 determine whether something is admissible or
9 not.

10 You are only to consider the matters and
11 the evidence that is presented from this
12 witness stand or evidence that is introduced.

13 Now, just to kind of let you know some of
14 the people in the courtroom, -- sometimes
15 jurors say *'well, I don't know who those*
16 *people were.'* Of course we have the deputies
17 here. They are always in the courtroom when
18 a judge is in the area.

19 We have the bailiffs. The bailiffs are
20 your main contact persons. They are the more
21 important people to you. If you have any
22 questions, need any assistance, please talk
23 with the bailiffs. If you have a question,
24 please present that to the bailiffs. If it
25 is something that the court needs to address,

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1 they will bring it to me and I will respond
2 accordingly.

3 Seated here, this lady (Mary Troop) is
4 with the Clerk of Court. The Clerk of Court
5 is in charge of all the records in the court
6 system.

7 Over here is Ms. Garrison. She is our
8 court reporter. She takes down everything
9 said in the courtroom, keeping a record.
10 This is what is called a court of record.

11 To my right is my law clerk. A law clerk
12 is someone who has graduated law school and
13 he is here to make sure that I don't say
14 anything improper, also to research and
15 assist me in the trial of this case.

16 So the procedure of the trial is that we
17 start off after lunch with the opening
18 statements. That is opening statements by
19 the attorneys. It is not evidence, it is
20 just their statement telling you what they
21 expect that you will hear and what the case
22 is about.

23 Then there will be the evidentiary stage
24 where the parties present what evidence that
25 they feel is appropriate.

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1 At the conclusion of the trial, there
2 will be closing statements by the attorneys.

3 Then I will charge you on the law.

4 Based on what the attorneys tell me, we
5 should get through most of the testimony this
6 afternoon. We may have some additional
7 witnesses tomorrow but we should be able to
8 finish this case tomorrow. That's just for
9 planning purposes. Should that change, I'll
10 let y'all know and keep you posted in that
11 regard.

12 Normally we try to go about an hour to
13 an hour-and-a-half and then we take a break.
14 Sometimes that may depend on where we are in
15 the trial, where a particular witness may be
16 in testimony. Sometimes it makes more sense
17 to break at a particular time than others,
18 but we try to do that about every hour to an
19 hour-and-a-half.

20 If anybody needs to take a break at any
21 time, please let me know. Please let a
22 bailiff know. We realize that this is an
23 inconvenience to you and we try to
24 accommodate you as much as possible. So if
25 anybody needs to take a break, we will

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1 accommodate you as soon as possible.

2 Timing, we try to break as close to 5:00
3 as possible. Sometimes a witness may be on
4 the stand and we may go a little bit longer
5 than that. If it looks like we are going to
6 go too much past 5:00, I try to take a break
7 so that anybody can make the appropriate
8 arrangements. We try to shoot for 5:00 as
9 close as possible.

10 In the mornings, we start around 9:00 to
11 9:30. We won't have the issues that we had
12 today because this is the matter of priority,
13 so we should be able to start on time
14 tomorrow and go straight into trial as soon
15 as you get here.

16 If any of y'all should run into any of
17 the attorneys in the hallways, elevators --
18 and this courtroom is not as small as some of
19 the other courthouse where, like in Pickens,
20 you may run into the attorneys. But if you
21 run into the attorneys and they are acting
22 like they don't see you, it's because they
23 can't talk to you. It is not that they are
24 being rude or anything like that. It's just
25 that they have been instructed that they

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1 can't have any communication with you
2 whatsoever.

3 I don't expect -- every time y'all take a
4 break and when we break at the end of the day
5 there are four things that I will tell you,
6 and these are things that I will tell you
7 every time we break:

8 You are not supposed to discuss the
9 case in any way prior to final deliberations
10 after you have received all the evidence and
11 after I've charged you on the law. You are
12 to keep an open mind up to that point. It
13 is not appropriate for you to have any
14 discussions until you have received both all
15 the evidence and the law.

16 The second thing that I will tell you is
17 that is not permissible to do any type of
18 research on your own, whether it is about the
19 particular events involved in this matter,
20 the law, anything like that. You don't need
21 to do anything like that. I will be
22 providing you all the tools that you will
23 need to make a decision about this case.

24 The third thing is you're not to pay any
25 attention to any media whatsoever. I'm not

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1 aware of any media coverage in this case but
2 if there is anything that you're -- if there
3 is anything in the newspaper, on the TV,
4 radio or any social media, you're not to pay
5 any attention to that whatsoever.

6 The final thing is that no one should
7 contact you when you're -- like this evening
8 or at any time when you're on a break; except
9 possibly the Clerk's Office to tell you about
10 a change in the schedule. If you should be
11 contacted by anybody, then you need to get as
12 much information about that contact that you
13 can and let the bailiffs know. I don't
14 expect that to happen but I always tell
15 jurors should that happen, you need to let us
16 know.

17 So that's kind of the little synopsis
18 here with how the trial will go.

19 Like I said, we have a couple of matters
20 to go over, so we're going to let you go to
21 lunch. You are on your own for lunch.

22 It is now 11:30. Let's be ready to go at
23 1:15. So be back in at 1:15 and we will have
24 opening statements.

25 I hope that you have a good lunch. This

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1 is an early lunch. I call this a school
2 lunch, an 11:30 lunch.

3 (JURY OUT @ 11:35 A.M.)

4 THE COURT: All right, I will be glad
5 to hear from the State.

6 SOLICITOR FOWLER: Yes, sir, Judge. We
7 would like to go ahead and do a *Jackson v.*
8 *Denno* Motion.

9 THE COURT: All right.

10 SOLICITOR FOWLER: Your Honor, the
11 State calls Deputy Robert Grubbs.

12 (WITNESS TAKES STAND)

13 ROBERT GRUBBS, having been sworn to tell
14 the truth, and nothing but the truth,
15 testified as follows:

16 DIRECT EXAMINATION

17 BY SOLICITOR FOWLER:

18 Q. Deputy Grubbs, how long have you
19 been with the Sheriff's Office?

20 A. Seven years now.

21 Q. And what is your role there?

22 A. Property crimes investigator.

23 Q. Were you doing that back in August
24 of 2016?

25 A. Yes, sir, I was.

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1 Q. Did you in fact investigate this
2 case that we are here today for?

3 A. Yes, I did.

4 Q. Did y'all come to find the Defendant
5 as a suspect in that case?

6 A. Yes, sir.

7 Q. Did you attempt to reach out to that
8 defendant and talk to him?

9 A. Yes, sir. Had a good telephone
10 number, called him and, uh, asked him to come
11 to my office.

12 Q. Were you able to speak to him on the
13 phone?

14 A. I was.

15 Q. Did you leave a business card for
16 him or anything like that?

17 A. I did. I think at one point I left
18 a business card for him on his car at his
19 apartment.

20 Q. Did he respond after that?

21 A. He responded, to my recollection,
22 several days later. He got in contact with
23 me and came to meet with me, I think, on
24 August 19th.

25 Q. So y'all set up a time to meet.

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1 A. (Affirmative nod).

2 Q. You -- he waited several days after
3 the initial contact to get in touch with you?

4 A. That's correct.

5 Q. So it's fair to say that he wasn't
6 in custody at that point?

7 A. No, sir.

8 Q. So he came freely, voluntarily to
9 that meeting?

10 A. Yes, sir.

11 Q. There was no threat of arrest or
12 anything like that?

13 A. No, sir.

14 Q. Let's talk about that meeting.
15 Where did this meeting take place?

16 A. It took place at the Sheriff's
17 Office, Northern Area Command, at 4900 Old
18 Buncombe Road.

19 Q. Who was present at this meeting?

20 A. Myself, Mr. Scowcroft and
21 Investigator Brochin.

22 Q. Okay. And when he walked in, was he
23 in handcuffs or anything like that?

24 A. No, sir.

25 Q. Did you tell him he was in hand-

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1 cuffs?

2 A. No, sir.

3 Q. Could you describe the room? Were
4 there bars or anything like that?

5 A. No, this was a regular office
6 converted to an interview room. It has a
7 camera and audio recording equipment. A
8 standard interview room. That's about it.

9 Q. Okay. But just to be safe, pretty
10 prior to this interview, did you advise him
11 of his *Miranda* rights?

12 A. Yes, sir. I pulled out a
13 departmental waiver of rights form. I read
14 the form to him, gave him an opportunity to
15 read it. So -- (pause).

16 Q. Is this a copy of that form?

17 A. Yes, sir.

18 Q. Can you tell me whose name is signed
19 at the bottom of that form?

20 A. (Upon review), Chris Scowcroft.

21 Q. That is the defendant, correct?

22 A. Yes, sir.

23 Q. How far in school did he tell you
24 that he went, how far does this form say that
25 he went?

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1 A. Bachelor of Science, Electrical
2 Engineering.

3 Q. So he has college degree, so it is
4 safe to say that he can read and write?

5 A. Yes, sir.

6 Q. Did you have any doubt at all that
7 he understood what was going on?

8 A. No, sir.

9 Q. Do you have doubts that he under-
10 stood his rights?

11 A. No, sir, no doubt.

12 Q. Okay. In fact, at some point during
13 that interview, he sort of made an intimation
14 that he may have wanted a lawyer. Correct?

15 A. Yes, sir.

16 Q. Did y'all stop the interview at that
17 point?

18 A. Correct.

19 Q. But then he decided that he wanted
20 to keep going?

21 A. Correct.

22 Q. Did you advise him that y'all could
23 stop at any time?

24 A. Yes, sir. That was advised on the
25 form.

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1 Q. Okay. And at the end of that
2 interview, he was in fact placed under
3 arrest; was he not?

4 A. Yes, sir.

5 Q. Okay.

6 SOLICITOR FOWLER: That's all that I've
7 got, Judge.

8 CROSS EXAMINATION

9 BY RANDY CHAMBERS:

10 Q. Had you already secured an arrest
11 warrant for him before he came in to talk to
12 you?

13 A. Yes, sir, I had.

14 Q. So you were just waiting for him to
15 come and you were going to arrest him,
16 regardless of what he said that day?

17 A. Correct.

18 RANDY CHAMBERS: That's all the
19 questions that I have.

20 THE COURT: May I see that?

21 SOLICITOR FOWLER: Yes, sir. I'd like
22 to mark this as a Court's Exhibit right now.

23 THE COURT: This is the Waiver of
24 Rights that you're referring to, to be marked
25 as Court's Exhibit 1.

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1 SOLICITOR FOWLER: Yes, sir.

2 (SO ENTERED AS COURT'S EXHIBIT 1)

3 THE COURT: Anything else of this
4 witness?

5 SOLICITOR FOWLER: No, Judge.

6 (WITNESS STEPS DOWN)

7 SOLICITOR FOWLER: Judge, at this time
8 I'd ask that the Defendant's statement, as
9 made to Deputy Grubbs, be deemed as
10 admissible into evidence by the terms of
11 *Jackson v. Denno*.

12 THE COURT: What was the statement?

13 SOLICITOR FOWLER: He gives a fairly --
14 he gives about a thirty-minute -- he tried --
15 he essentially attempts to explain where he
16 was the day of the crime and how he came in
17 possession of this stuff.

18 THE COURT: Mr. Chambers?

19 RANDY CHAMBERS: Your Honor, I
20 appreciate that summary but we don't know
21 what the statement is.

22 THE COURT: Right.

23 SOLICITOR FOWLER: We provided it in
24 discovery, Judge.

25 THE COURT: Well, I know but that's not

1 something that I -- isn't that something that
2 I should be looking at?

3 SOLICITOR FOWLER: We could play it for
4 you. It's a recorded interview.

5 RANDY CHAMBERS: I think that there is
6 a written version of it, a written version of
7 the statement, or at least a summary of it.

8 SOLICITOR FOWLER: Well, it is in his
9 report which was also provided to you in
10 discovery?

11 RANDY CHAMBERS: I'll put it to you
12 this way, Your Honor. From my standpoint,
13 as long as it is what is on the video and
14 they're not seeking to get any other
15 statements in, I don't -- obviously the Court
16 will make the decision, but if it is that
17 then I don't think that we have an issue with
18 it.

19 THE COURT: So you're saying that you
20 looked at the video and if it is what is on
21 the video, then you don't have any issue with
22 it?

23 RANDY CHAMBERS: That's correct.

24 THE COURT: Yeah, I just don't have a
25 good handle on what statements that you're

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1 talking about, so ---

2 SOLICITOR FOWLER: Well, this statement
3 -- now, we do intend to produce other
4 statements, Judge. This one is 'what did you
5 provide to the authorities', which is what my
6 understanding of *Jackson v Denno* covers. If
7 you're in custody, then *Miranda* applies. If
8 it does -- if *Miranda* was properly given and
9 properly waived.

10 He did make a statement to the clerk at
11 the gun store that ---

12 THE COURT: All right. This has
13 nothing to do with ---

14 SOLICITOR FOWLER: Has nothing to do
15 with that.

16 THE COURT: Okay. I guess -- so what
17 I'm hearing is that everything that is
18 related to the interview in this room that
19 Officer Grubbs testified about, you do not
20 have any issue with those as far as *Jackson*
21 *v. Denno*?

22 RANDY CHAMBERS: No, Your Honor.

23 THE COURT: You're not requesting the
24 Court review the summary or anything like
25 that?

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1 RANDY CHAMBERS: No.

2 THE COURT: I think based on that, then
3 I'm going to find that you've met *Jackson v.*
4 *Denno* and I will allow it in for that
5 purpose. We can address it as it comes in.
6 Anything else?

7 RANDY CHAMBERS: The only other thing,
8 Your Honor, is that I'd ask that my client be
9 allowed to remain out on bond during our
10 breaks and overnight, if necessary. He's
11 never failed to show up for court.

12 SOLICITOR FOWLER: I have no problem
13 with that, Judge. He's exactly right.

14 THE COURT: I will allow him to remain
15 on bond through lunch and then I will address
16 that issue later today. He can remain on
17 bond until the conclusion of today.

18 At 1:15 be ready to go. I told this jury
19 to be back at 1:15, so let's be ready to go
20 at 1:15.

21 SOLICITOR FOWLER: Absolutely.

22 (LUNCH RECESS)

23 (DEFENDANT PRESENT)

24 THE COURT: Juror Number 17, Shirley
25 Bowdoin, advised -- explain exactly what she

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1 told me.

2 BAILIFF: She told another fellow,
3 who told me, that she just discovered that
4 her sister -- or just remembered, that she
5 didn't think about it earlier, that her
6 sister works for the Sheriff's Department.

7 THE COURT: What do y'all want to do
8 about that?

9 SOLICITOR FOWLER: I mean, you know, --
10 I certainly understand if you have a problem
11 with it.

12 RANDY CHAMBERS: Well, I do from the
13 standpoint that I had ten strikes and I
14 probably would have used one of them on her.

15 THE COURT: Well, we have two ways to
16 handle it. We can either have her out here
17 and ask her -- go that way. Or we have two
18 alternates and we can just agree to seat one
19 of the alternates.

20 RANDY CHAMBERS: I would say have her
21 relieved and put one of the alternates on the
22 jury.

23 THE COURT: Do y'all have a problem
24 with that?

25 SOLICITOR FOWLER: (Negative gesture),

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1 I'm okay with that, Judge.

2 THE COURT: All right. Bring Ms.
3 Bowdoin out and I'll -- you know, what we're
4 supposed to do for an alternate is draw from
5 a hat.

6 RANDY CHAMBERS: Oh, okay.

7 THE COURT: We can let the clerk draw
8 it.

9 (JUROR NUMBER 17 ENTERS COURTROOM)

10 THE COURT: You are Ms. Bowdoin; right?

11 JUROR NUMBER 17: Yes, sir.

12 THE COURT: You indicated that your
13 sister -- that you just didn't realize the
14 connection or something but that your sister
15 works in the Sheriff's Department. Is that
16 correct?

17 JUROR NUMBER 17: Yes, sir.

18 THE COURT: That's why we have
19 Alternates. We realize that sometimes it
20 happens, so we're going to pull one of the
21 Alternates in. The parties have agreed that
22 we can use one of the Alternates, so we can
23 dismiss you from this case.

24 JUROR NUMBER 17: You go so fast on them
25 questions and then I wondered, 'what about my

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1 sister working' ---

2 THE COURT: That's good.

3 JUROR NUMBER 17: Okay.

4 THE COURT: No problem, we're just

5 going to move one of the Alternates in.

6 You still will call back after 6:00 tonight

7 to see if we have another one.

8 JUROR NUMBER 17: Okay.

9 THE COURT: The Clerk will draw.

10 CLERK: Juror Number 109, Shantel

11 Parks.

12 THE COURT: All right. Please tell Ms.

13 Parks that she will be a part of the regular

14 jury. Are y'all ready to bring the jury in?

15 Are you ready for opening statements?

16 SOLICITOR FOWLER: Ready, Your Honor.

17 RANDY CHAMBERS: Yes, sir.

18 THE COURT: Bring in the jury.

19 (JURY IN @ 1:25 P.M.)

20 THE COURT: Ladies and gentlemen, y'all

21 are shy one now because one of the jurors

22 realized that there may be a potential

23 conflict. So under our process, Ms. Parks,

24 you are now part of the regular jury. Ms.

25 Akers, you are still an Alternate. You

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1 haven't been "promoted" but Ms. Parks has.

2 We are now ready for opening statements/
3 summaries by the attorneys. Please devote
4 your attention to them at this point. Mr.
5 Fowler?

6 SOLICITOR FOWLER: Yes, sir. Good
7 afternoon, ladies and gentlemen, my name is
8 Brann Fowler. As I said earlier, I'm an
9 assistant solicitor with the Greenville
10 County Solicitor's Office. That means today
11 that my job is to prove to you all beyond a
12 reasonable doubt that the Defendant,
13 Christian Scowcroft, committed two crimes:

14 First, burglary in the first degree;

15 Second, grand larceny.

16 Now, in opening statements I like to give
17 jurors a very brief summation of where I
18 think that this trial is going to go.

19 We will show that the defendant and the
20 victim knew each other.

21 We will show that the defendant knew
22 where the victim lived.

23 We will show that the defendant knew when
24 the victim would and would not be home.

25 We will show that the defendant knew that

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Opening Statement by Solicitor for the State

1 even though the victim had a fairly good-
2 sized dog that he would keep it locked up if
3 he wasn't home.

4 We will show that the defendant knew
5 about valuables that the victim had inside
6 his house.

7 We will further show that a neighbor
8 spotted a similar looking person to the
9 defendant at the scene of the crime at the
10 time of the crime.

11 We will also show that that same
12 neighbor, though he initially misidentified
13 the vehicle, later identified the defendant's
14 vehicle at the scene of the crime at the time
15 of the crime.

16 We will also show through photographic
17 evidence that the defendant sold the very
18 same items which were stolen from the
19 victim's house almost immediately after they
20 were taken, at two different stores very near
21 the defendant's residence.

22 We will also show the defendant had
23 recently lost a job, needed money.

24 And, finally, ladies and gentlemen,
25 you'll get to hear from the defendant himself

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Opening Statement by Mr. Chambers for Defense

1 through his statement that he gave to police
2 where he lies almost continually.

3 At the end of this presentation of
4 evidence, I feel confident that you will
5 agree with the State that the defendant is
6 guilty on all counts.

7 Thank you very much. I look forward to
8 working with you.

9 THE COURT: Mr. Chambers?

10 RANDY CHAMBERS: Yes, sir, Your Honor,
11 may it please the Court. Mister Solicitor.
12 Ladies and gentlemen of the jury.

13 As he was introduced to you earlier, this
14 is Christian Scowcroft sitting over here. He
15 is a lifelong residence of this area, a
16 Citadel grad, an engineer. He now works as a
17 purchasing manager for Green River Log Homes.

18 He finds himself today in a situation
19 that, frankly, he never thought that he would
20 be in. He finds himself sitting here
21 referred to as the defendant. He's on trial.
22 He's on trial for a very serious offense,
23 burglary first. Also grand larceny. So the
24 stakes are very high for him here today. But
25 I will tell you that as terrible a situation

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Jury Trial of August 23-24, 2017

Opening Statement by Mr. Chambers for Defense

1 as that is for him to find himself in, and as
2 unlikely as he could ever have believed that
3 he would find himself here, he's been looking
4 forward to this day because these charges
5 have been hanging heavy over his head this
6 entire time. Finally, because you good folks
7 have interrupted your lives and you've come
8 here pursuant to your jury summons, this case
9 is going to be decided.

10 Now, the Solicitor gave you a little bit
11 of a roadmap about where he expects this case
12 to go. You've been told a couple of times
13 now that the burden is squarely on the
14 Solicitor. They have to prove their case,
15 each and every element of every offense
16 beyond a reasonable doubt.

17 It's not like if we were here on a Common
18 Pleas case, a civil case, which also involves
19 serious matters. But there the jury would be
20 looking for the greater weight of the
21 evidence. If you have a scale that we could
22 look at, you'd have to be able to say that
23 there's just enough evidence to tilt it ever
24 so slightly in their favor.

25 There are other tribunals, such as

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1 arbitration and things like that, where a
2 person bringing a case has to prove their
3 case by clear and convincing evidence; which
4 is obviously a high standard, higher than a
5 preponderance of the evidence standard.

6 Here in this court, it's the only court
7 where somebody can walk out of here with a
8 criminal record and can be deprived of their
9 freedom. That is where we have the greatest
10 burden for the prosecutor, and that is prove
11 that convinces you beyond a reasonable doubt.

12 It's kind of hard to quantify that. I
13 think His Honor will tell you that it has to
14 be evidence that leaves you firmly convinced
15 -- that's just another way of saying that you
16 have to be absolutely sure.

17 It is not proof beyond the shadow of a
18 doubt. There are not many things that we
19 know of in life that can be proven beyond the
20 shadow of a doubt.

21 It has to be true enough to you as you
22 hear the evidence in this case that you don't
23 go home and say, 'I wonder if I got that
24 right.' It has to be substantial enough
25 proof that if you had to bet something in

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1 your life, something that was personal to
2 you, on the outcome in that case would you
3 feel comfortable in doing that based on what
4 you've heard.

5 If you are left with any doubt, the
6 benefit of that doubt has to go to the
7 defendant in this case -- or the accused,
8 which is probably a better way to put it,
9 because all we have are accusations.

10 Now, the Solicitor told you where he
11 intends to go with the case. There are
12 certainly inferences that can be drawn from
13 this case as you go through it. Perhaps it
14 supports their side, but does it support it
15 beyond a reasonable doubt?

16 Here are some things that will become
17 abundantly clear to you as we go through
18 this:

19 There was another person that was a
20 likely suspect in this case that was never
21 investigated. His name is Britain Donahue.
22 He was a roommate of Christian Scowcroft.
23 You'll hear more about that as the evidence
24 unfolds.

25 You are also going to hear that there was

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1 absolutely no physical evidence that would
2 establish that Christian Scowcroft broke into
3 the alleged victim's home in this case -- and
4 I won't say the 'alleged victim' because he
5 did have some items stolen from him. We
6 contend that it was not by Christian
7 Scowcroft.

8 But there is no physical evidence.
9 You're not going to find any fingerprints,
10 any DNA, anything like that that was found
11 in the house. There are no eyewitnesses.
12 There are no witnesses that saw him go in or
13 out of that house at any point.

14 There was a description that you'll hear
15 of a "tall, shaggy-haired male driving a red
16 car." Yes, Christian Scowcroft had a red car
17 but he is not, never has been, a tall,
18 shaggy-haired individual. That is important
19 as you see the evidence unfold in this case.

20 You will hear and it is true that he went
21 and pawned some items at a couple of
22 different stores. They are going to present
23 evidence of that. He had possession at some
24 point of goods that had been stolen from Mr.
25 Golson's home, but he got those because they

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1 were left at his house by Britain Donahue.

2 We believe that is what the evidence in
3 this case is going to show. We really
4 appreciate you being here, folks. It is easy
5 to make an accusation against someone but at
6 some point you've got to prove it. In this
7 case, you've got to prove it beyond a
8 reasonable doubt.

9 Trial by jury is one of the bedrocks of
10 our republic, of our democracy, because it
11 is a check on government power. It is
12 guaranteed in the ten amendments, the
13 original ten amendments to the Bill of
14 Rights. It is guaranteed, trial by jury.
15 John Adams even went so far as to say that
16 it is the very heart and lungs of liberty.
17 That's absolutely true, for all the reason
18 that I have already talked about.

19 Now, it is just human nature that --
20 you are of different ages, you come from
21 different walks of life. Each and every one
22 of you has an unique perspective. Some of
23 you are shy, some of you are very outgoing.
24 There is one thing that you need to know as
25 you're sitting here today. None of you is

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Testimony of Harrison Golson - Direct Examination

1 any more or less important than the other
2 person. You have to reach an unanimous
3 decision when all is said and done.

4 I've been doing this for a while and
5 there is nothing that gives me greater
6 comfort than trial by jury, because that is
7 where justice happens. It happens in your
8 hands, folks.

9 Our position is very clear, he did not
10 commit the crimes that he is accused of and
11 they can't prove he did beyond a reasonable
12 doubt.

13 We appreciate you being here and we look
14 forward to hearing this case. Thank you.

15 THE COURT: All right. State, call your
16 first witness.

17 SOLICITOR FOWLER: Yes, sir, Judge.
18 The State calls Harrison Golson.

19 (WITNESS TAKES STAND)

20 HARRISON GOLSON, having been sworn to
21 tell the truth, and nothing but the truth,
22 testified as follows:

23 DIRECT EXAMINATION

24 BY SOLICITOR FOWLER:

25 Q. Mr. Golson, where do you live?

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Testimony of Harrison Golson - Direct Examination

1 A. [REDACTED] Alex Court.

2 Q. How long have you lived there?

3 A. Since March 3rd, 2015.

4 Q. Okay. Is that located in Greenville
5 County?

6 A. Yes.

7 Q. So you were living there in August
8 2016?

9 A. Yes, sir.

10 Q. What do you do for a living?

11 A. I am an engineering manager for
12 AT&T.

13 Q. How long have you worked for them?

14 A. Since June 1st, 2015.

15 Q. Do you know Christian Scowcroft?

16 A. Yes.

17 Q. Do you see him in the room here
18 today?

19 A. Yes, sir.

20 Q. For the record, could you point him
21 out and say what color shirt that he is
22 wearing?

23 A. (Indicating), white shirt.

24 Q. All right, Mr. Golson. Let's talk
25 about the -- let's talk about y'all's

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Testimony of Harrison Golson - Direct Examination

1 relationship. How did you know him?

2 A. We worked together at AT&T.

3 Q. When you say that you worked
4 together, what does that mean?

5 A. He was a new hire, I tried to help
6 train him. Stuff like that.

7 Q. Okay. During the course of that
8 did he ever go to your house?

9 A. Yes.

10 Q. So he knew where your house was?

11 A. Yes.

12 Q. What did he go to your house for?

13 A. Help me move a piece of furniture.

14 Q. So he was inside your house?

15 A. Yes.

16 Q. So he saw inside your house?

17 A. Right.

18 Q. Do you have a dog?

19 A. I do.

20 Q. What kind of dog is it?

21 A. German Wirehaired Pointer.

22 Q. How much does he weigh?

23 A. About seventy-five pounds.

24 Q. Does he bark when people come up to
25 the house?

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Testimony of Harrison Golson - Direct Examination

1 A. Yes.

2 Q. What do you do with him when you're
3 not home?

4 A. Lock him up.

5 Q. The day that Christian came to your
6 house, did you lock him up?

7 A. I did.

8 Q. About when was that in relation to
9 the events of August 16th?

10 A. Two to four months.

11 Q. Prior?

12 A. Yes.

13 Q. So somewhere between April and June?

14 A. Right.

15 Q. And this event happened in August?

16 A. That's right.

17 Q. Did you keep pretty much the same
18 schedule?

19 A. Every day.

20 Q. Every day?

21 A. (Affirmative nod).

22 Q. What kind of schedule did that look
23 like?

24 A. Leave at 6:45 a.m., get to work at
25 7:00; leave work at 11:00, home by 11:15 for

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Testimony of Harrison Golson - Direct Examination

1 lunch, an hour lunch and then go back.

2 Q. Every single day?

3 A. Every single day, (affirmative nod).

4 Q. And you were doing that when you
5 were training Mr. Scowcroft?

6 A. Yes.

7 Q. How long was Mr. Scowcroft -- how
8 long were you training him?

9 A. Couple months.

10 Q. So for several months you ---

11 A. Right.

12 Q. He was with you every day?

13 A. (Affirmative nod).

14 Q. Day in and day out?

15 A. (Affirmative nod).

16 Q. Okay. Was he still working for AT&T
17 at the time that this crime happened?

18 A. No, sir.

19 Q. How long before that did he leave?

20 A. July 20th.

21 Q. So just a little bit less than a
22 month prior?

23 A. Correct.

24 Q. Was there any kind of ill will?

25 What was that about?

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Testimony of Harrison Golson - Direct Examination

1 A. I don't know.

2 Q. So let's talk about the events of
3 August 16th, 2016. What time did you leave
4 your house that morning?

5 A. 6:45.

6 Q. And what time did you get home for
7 lunch?

8 A. 11:15.

9 Q. Okay. When you got back in the
10 house, what did you see?

11 A. Opened up the front door, saw the
12 back door was open. Saw the lock on the
13 floor. I reached for my gun in the closet
14 and it was gone. Got the dog out, checked
15 the house to make sure that nobody was there.
16 Called the police.

17 Q. Did you notice some items had gone
18 missing in addition to that gun?

19 A. Not at first.

20 Q. But eventually you did?

21 A. Right.

22 Q. What all was missing out of your
23 house?

24 A. Two guns, accessories for those;
25 video games, PlayStation.

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Testimony of Harrison Golson - Direct Examination

1 Q. Did you tell the police about that?

2 A. I did.

3 Q. Did you file an insurance claim?

4 A. I did.

5 Q. Did you file a claim both for the
6 damage to your house and for the things that
7 had gone missing?

8 A. I did.

9 Q. I'm going to show you what has been
10 premarked as State's Exhibits 1 through 9.

11 A. Okay.

12 Q. Before we show them to the jury or
13 before you tell them what it is, just look at
14 them and tell me if you recognize them.
15 Okay?

16 A. (Upon review), yes.

17 Q. All right.

18 SOLICITOR FOWLER: Judge, at this time
19 the State would move to enter into evidence
20 what has been premarked as State's Exhibits
21 1 through 7, pictures of rifles and
22 PlayStations stolen out of the house. And
23 State's Exhibits 8 and 9, two insurance
24 documents regarding the things taken and
25 damage done to the house.

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Testimony of Harrison Golson - Direct Examination

1 THE COURT: Any objection?

2 RANDY CHAMBERS: No objection to the
3 pictures, Your Honor. I am not sure as to
4 the relevance of the insurance claim.

5 SOLICITOR FOWLER: The idea is that
6 part of the element of grand larceny is value
7 and it shows the evaluation the insurance
8 company put on it.

9 RANDY CHAMBERS: No objection, Your
10 Honor.

11 THE COURT: So 1 through?

12 SOLICITOR FOWLER: State's Exhibits 1
13 through 7 are pictures.

14 THE COURT: What are they? I've got a
15 list here. Are you talking about 1 through 9
16 or 1 through 10?

17 SOLICITOR FOWLER: I'm entering 1
18 through 9.

19 THE COURT: Okay, so 1 through 9 are in
20 without objection.

21 SOLICITOR FOWLER: Okay.

22 (SO ENTERED AS STATE'S EXHIBITS 1-9)

23 DIRECT EXAMINATION CONTINUED

24 BY SOLICITOR FOWLER:

25 Q. Mr. Golson, could you tell me what

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Testimony of Harrison Golson - Direct Examination

1 that is right there? State's Exhibit 9?

2 A. This is a detailed statement from
3 the insurance company on the appraisal of the
4 items taken.

5 Q. What is the total value that the
6 insurance company assigned those items?

7 A. \$3,171.

8 Q. If you could tell me what those all
9 are?

10 A. Those are all pictures of a rifle.

11 Q. Is that your rifle?

12 A. It is.

13 Q. That is the one that went missing
14 from your house that day? Correct?

15 A. It is, (affirmative nod).

16 Q. If you could, tell me what these
17 three things are.

18 COURT REPORTER: Exhibit numbers?

19 SOLICITOR FOWLER: Exhibits 1, 2, 3.

20 WITNESS: Those are pictures of the
21 PlayStation and the game inside.

22 DIRECT EXAMINATION CONTINUED

23 BY SOLICITOR FOWLER:

24 Q. The same ones taken from your house?

25 A. That's correct.

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Testimony of Harrison Golson - Direct Examination

1 Q. Was that game inside your Play-
2 Station when he took it from your house?

3 A. Yes, sir.

4 Q. What model PlayStation is that?

5 A. PlayStation 2.

6 Q. Two?

7 A. PlayStation 3.

8 Q. Okay. And what kind of rifle was
9 that?

10 A. Remington Model 700, .270

11 Q. Did it have a scope on it?

12 A. Yes, sir.

13 Q. All right. So you come home, you
14 find your house has been broken into?

15 A. (Affirmative nod).

16 Q. You find your stuff missing.

17 A. (Affirmative nod).

18 Q. You call the police?

19 A. (Affirmative nod).

20 Q. Did you have any idea about who
21 could have done this?

22 A. No idea.

23 Q. You didn't tell the police that --
24 about anybody?

25 A. Later I did.

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Testimony of Harrison Golson - Cross Examination

1 Q. Who was that?

2 A. Chris.

3 Q. What kind of car does the defendant
4 drive?

5 A. A red Volkswagen Jetta, Passat.

6 Q. A car -- Volvo (sic)?

7 A. Yeah.

8 Q. You don't have anything personal
9 against the defendant?

10 A. No, sir.

11 Q. He didn't owe you money or anything
12 like that?

13 A. No, sir.

14 SOLICITOR FOWLER: That's all that I've
15 got. If you would, please answer any
16 questions that the defense attorney might
17 have.

18 THE COURT: Cross-examination.

19 CROSS EXAMINATION

20 BY RANDY CHAMBERS:

21 Q. You weren't home for this, you
22 didn't witness anything; is that correct?

23 A. That's correct.

24 Q. You just came in in the aftermath of
25 what happened?

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Testimony of Harrison Golson - Cross Examination

1 A. That's correct.

2 Q. The items that were taken, where
3 were they inside the home?

4 A. Downstairs. Living room, closet,
5 dining room, all one room.

6 Q. You had things in a closet, you had
7 things in the dining room. Were these things
8 put away or were they just sitting out in the
9 open?

10 A. The guns were in the closet.

11 Q. Where is the closet located?

12 A. Downstairs as you walk in the door.

13 Q. And the guns were a Remington .270;
14 is that correct?

15 A. Yes.

16 Q. And you had a scope?

17 A. (Affirmative nod).

18 Q. Was the scope actually on the rifle?

19 A. Yes, sir.

20 Q. And then you had a Browning .12
21 gauge; correct?

22 A. Yes, sir.

23 Q. Was that a single shot or an
24 automatic?

25 A. Automatic.

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Testimony of Harrison Golson - Cross Examination

1 Q. And I believe that you had it in a
2 camouflaged-colored gun bag; correct?

3 A. Right.

4 Q. And then there was the PlayStation 3
5 and various games? Right?

6 A. One game.

7 Q. Other than those things that I just
8 named, was anything else stolen?

9 A. Other than that, no.

10 Q. You said that there were accessories
11 that went with the guns?

12 A. Both guns were in cases, both guns
13 had slings, one had a scope on it.

14 Q. And were all those items recovered?

15 A. No.

16 Q. The shotgun was not recovered?

17 A. No, sir. That's correct.

18 Q. And were all of the items, the
19 ancillary items that went with the guns and
20 things, were all those things recovered?

21 A. Not the shotgun. And the case for
22 the rifle is still missing.

23 Q. So your only interaction with
24 Christian then is that the two of you worked
25 together at AT&T?

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Testimony of Harrison Golson - Cross Examination

1 A. That's correct.

2 Q. You weren't social friends?

3 A. No.

4 Q. No real interaction outside of work?

5 A. No.

6 Q. You just sat close together at work?

7 A. Correct.

8 Q. And he had been to your house one
9 time?

10 A. That's right.

11 Q. And that was at your request to help
12 move a piece of furniture?

13 A. That's correct.

14 Q. Do you recall that he had another
15 person with him when he came to your office,
16 that was seated out in his vehicle?

17 A. No, sir.

18 Q. You don't recall that?

19 A. No, sir.

20 Q. So the only time that he went in
21 your house, Christian, was when you moved the
22 table.

23 A. (Affirmative nod).

24 Q. And where did you move the table to?

25 A. To the garage where the dog was.

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Testimony of Harrison Golson - Cross Examination

1 Q. Was this a table that you were
2 bringing into the house or where you simply
3 moving it from the house to the garage?

4 A. Bringing it into the house. It
5 wasn't a table, it was a cabinet.

6 Q. A cabinet?

7 A. (Affirmative nod).

8 Q. So he didn't even have to go into
9 the house then?

10 A. We did.

11 Q. You went through the house to get to
12 the garage?

13 A. Yes.

14 Q. With the cabinet?

15 A. No. We went through the house to
16 get to the garage, to open the door, to bring
17 it ---

18 Q. Oh, okay. So y'all -- so he got
19 there, the two of you walked through the
20 room, into the garage, opened the door, then
21 moved the cabinet in there?

22 A. Correct.

23 Q. Then you said 'thanks a lot for
24 coming' and he went home?

25 A. That's correct.

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Testimony of Harrison Golson - Redirect Examination

1 Q. And he was driving -- you said it
2 was either a Passat or a Jetta, you just know
3 that it was a red car?

4 A. A red Volkswagen car, (affirmative
5 nod).

6 Q. Christian is about 5'10", right?

7 A. Sure.

8 Q. A little bit taller than you?

9 A. Sure.

10 Q. He's always worn his hair in a well-
11 groomed manner, right?

12 A. As far as I know.

13 RANDY CHAMBERS: Thank you very much.

14 THE COURT: Redirect?

15 SOLICITOR FOWLER: Just very quickly.

16 REDIRECT EXAMINATION

17 BY SOLICITOR FOWLER:

18 Q. So that happened -- about how long
19 in total was Mr. Scowcroft at your house that
20 day?

21 A. I don't know. Fifteen, twenty
22 minutes maybe.

23 Q. The shotgun that went missing, what
24 color was it?

25 A. It was camouflage.

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Testimony of Michael Nascarello - Direct Examination

1 Q. So the case and the shotgun were
2 both camouflage?

3 A. Right. Yes.

4 SOLICITOR FOWLER: Judge, that's all that
5 I've got for this witness.

6 THE COURT: You may step down.

7 (WITNESS STEPS DOWN)

8 THE COURT: Please call your next
9 witness.

10 SOLICITOR FOWLER: Your Honor, the State
11 calls Michael Nascarello.

12 (WITNESS TAKES STAND)

13 MICHAEL NASCARELLO, having been sworn
14 to tell the truth, and nothing but the truth,
15 testified as follows:

16 DIRECT EXAMINATION

17 BY SOLICITOR FOWLER:

18 Q. Mr. Nascarello, where do you live?

19 A. I live on Alex Court, two houses
20 down from Harrison.

21 Q. Could you describe Alex Court for
22 us, could you describe that street?

23 A. Yes, it's a cul-de-sac that
24 intersects perpendicular to another cul-de-
25 sac.

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Testimony of Michael Nascarello - Direct Examination

1 Q. How many people live on your end of
2 the cul-de-sac?

3 A. There's five or six houses on Alex
4 Court, so there's probably seven or eight
5 people that live there.

6 Q. What do you do for a living?

7 A. I am in engineering technology
8 sales.

9 Q. And you -- do you pretty well know
10 everybody that lives on your end of the cul-
11 de-sac?

12 A. Yes.

13 Q. You were living there in August
14 2016?

15 A. Correct.

16 Q. And you know pretty much what kind
17 of vehicles that they drive?

18 A. Yes.

19 Q. Now, on August 16th, were you home?

20 A. Yeah, I was working from home that
21 day.

22 Q. So you were home that morning?

23 A. Yes.

24 Q. Did you see a car that you didn't
25 recognize that morning?

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Testimony of Michael Nascarello - Direct Examination

1 A. I did.

2 Q. What kind of car was that?

3 A. It was a red sedan.

4 Q. And did you give a description to
5 the police of what kind of car you thought
6 that it was?

7 A. I did.

8 Q. What did you tell them?

9 A. I told them that it was a red
10 Pontiac Sunfire.

11 Q. But later the police showed you
12 another car, is that right?

13 A. That's right.

14 Q. And did you decide that one was the
15 right one and changed your ---

16 A. Yeah, kinda backtracked.

17 Q. Because you just saw the actual car?

18 A. Sure.

19 Q. I am going to hand you what has been
20 premarked as State's Exhibits 10 and 11, two
21 pictures of a car.

22 A. Okay.

23 Q. Is this the car that you -- that red
24 car right there, is that the car that you
25 saw?

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Testimony of Michael Nascarello - Direct Examination

1 A. Um-humm.

2 COURT REPORTER: Is that a "yes"?

3 WITNESS: Yes.

4 THE COURT: Any objection?

5 RANDY CHAMBERS: No, Your Honor.

6 THE COURT: So ten and eleven are in
7 without objection.

8 (SO ENTERED AS STATE'S EXHIBIT 10)

9 (SO ENTERED AS STATE'S EXHIBIT 11)

10 DIRECT EXAMINATION CONTINUED

11 BY SOLICITOR FOWLER:

12 Q. Now, just to be clear, you said that
13 you're an engineering software salesman;
14 correct?

15 A. Correct.

16 Q. What kind of engineering software is
17 it?

18 A. 3D, CAD software. I don't know how
19 much detail you need.

20 Q. Doesn't have anything to do with
21 cars, does it?

22 A. Correct.

23 Q. You're not a mechanic, are you?

24 A. I am not.

25 Q. Are you a particular car guy? Are

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1 you into cars?

2 A. Not really. Everyone else seems to
3 be.

4 Q. Okay. So you just threw it out that
5 it might be a Pontiac?

6 A. Yeah.

7 Q. Now, like you said, you're a
8 salesman. Do you have any kind of training
9 in observation or anything like that?

10 A. No.

11 Q. You're not a reserves sheriff's
12 deputy or anything like that, are you?

13 A. No.

14 Q. Are you on the Neighborhood Watch or
15 anything like that?

16 A. No.

17 Q. So you were just a guy working from
18 home?

19 A. Yeah. Wrong place at wrong time, I
20 guess.

21 Q. So you'd been looking out your
22 window?

23 A. Yes.

24 Q. And what did you see when you looked
25 out your window?

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1 A. Well, I saw the red car parked out
2 in front of my house right on the curb.

3 Q. And you said that you were two doors
4 down from Mr. Golson?

5 A. Correct.

6 Q. Did you think that was unusual?

7 A. Not particularly. We tend to have
8 visitors come in and out of the neighborhood,
9 but I'd never seen that car before.

10 Q. But you didn't write it down in your
11 diary or anything like that, did you?

12 A. No, it did not seem memorable at the
13 time.

14 Q. Did you see anybody that morning?

15 A. Yeah, briefly.

16 Q. Was it a man or a woman?

17 A. It was a man.

18 Q. Was he tall or short?

19 A. Average. Lanky.

20 Q. The next question was going to be
21 skinny or fat? So we'd say skinny, I guess?

22 A. Yeah.

23 Q. What race was he?

24 A. He was white.

25 Q. Do you remember anything about the

1 clothing that he was wearing or anything like
2 that?

3 A. No, I didn't really get that much
4 detail on him.

5 Q. And you didn't see him going into
6 the house or anything like that, did you?

7 A. No, I'd seen somebody get back into
8 the car.

9 Q. So you just saw them get in the car?

10 A. Yes.

11 Q. Do you remember what seat of the
12 car, was it the driver's seat or the
13 passenger's seat?

14 A. Driver's seat.

15 Q. Was this all one view out the
16 window, you saw this guy come and get in that
17 car -- or was this two separate views, you
18 saw the car and then you saw him?

19 A. Well, I looked out and I -- I'd got
20 up to, you know, go get a glass of water or
21 something and I seen the red car when I went
22 to sit back down. I got up for some other
23 reason, again, and I seen somebody get back
24 in the car.

25 Q. So the extent of your observations

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1 as a regular, untrained guy is that you saw a
2 somewhat skinny, average build white guy get
3 into a red sedan?

4 A. Right.

5 Q. That was pretty much it?

6 A. Yeah.

7 Q. Didn't -- it wasn't anything super
8 memorable for you, was it?

9 A. Not at all.

10 Q. At least not until all this started?

11 A. Right.

12 Q. Okay. So now it's fair to say that
13 some of your observation may have been not
14 spot-on; right?

15 A. Right.

16 Q. Let me ask you this, does the
17 defendant seated at the table right here look
18 similar to the person you saw that morning?

19 A. Could be.

20 Q. And did you tell the police about
21 this?

22 A. I did. I was visited by an
23 investigator that same day.

24 Q. That's all that I've got. Please
25 answer any questions that the defense

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1 attorney might have.

2 A. Okay.

3 THE COURT: Cross-examination.

4 RANDY CHAMBERS: Yes, sir.

5 CROSS-EXAMINATION

6 BY RANDY CHAMBERS:

7 Q. So as I understand, you were in your
8 home which is two doors down from Mr.
9 Golson's home?

10 A. Correct.

11 Q. And if you could -- I know this is a
12 cul-de-sac.

13 A. (Affirmative nod).

14 Q. Describe as best you can where the
15 houses are located and how close they are,
16 those sorts of things?

17 A. Sure. In our cul-de-sac it's got a
18 round. Mr. Golson's house is right at the
19 top of the round. Then there is one house
20 here and I'm about ninety degrees separated
21 from him.

22 Q. Each house has it's own driveway?

23 A. Yes.

24 Q. And each house has it's own garage?

25 A. That's right.

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1 Q. And there is no sidewalk, probably;
2 right?

3 A. There's a limited sidewalk.

4 Q. But you can park on the street and
5 people do?

6 A. Sure.

7 Q. And you weren't on the Neighborhood
8 Watch or anything, you were just there
9 working?

10 A. Right.

11 Q. And you happened to look out the
12 window and you saw a red car?

13 A. Yes.

14 Q. You didn't think anything about it
15 at the time, did you?

16 A. Didn't find it unusual. Like I
17 said, there's visitors coming in and out of
18 the neighborhood from time to time.

19 Q. You just really got concerned about
20 it when you heard about that your neighbor
21 two doors down had been burglarized?

22 A. Yes.

23 Q. And if you were to walk, say, from
24 the front of Mr. Golson's house to where that
25 car was parked, how far would that be?

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1 A. Probably from the front door to the
2 car fifty to a hundred steps.

3 Q. And it would require going onto this
4 little bit of sidewalk that you were talking
5 about?

6 A. No, you'd just cut straight through
7 the cul-de-sac to get there.

8 Q. Would you -- but you would have to
9 walk in front of at least one other house?
10 Was it parked in front of your house?

11 A. It was, (affirmative nod).

12 Q. So it was directly in front of your
13 house?

14 A. (Affirmative nod).

15 Q. So he would have had to walk in
16 front of another house and then to your house
17 to get into the car, whoever the person
18 driving that car was?

19 A. That's right.

20 Q. And you actually saw the person get
21 into the driver's seat of the car?

22 A. Like I said, only briefly and
23 vaguely.

24 Q. Do you remember telling the police
25 that it was, as you've already said, a

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1 Pontiac Sunfire?

2 A. That's right.

3 Q. And you say now that's wrong?

4 A. Um-humm.

5 COURT REPORTER: Is that a "yes?"

6 WITNESS: Yes.

7 CROSS EXAMINATION CONTINUED

8 BY RANDY CHAMBERS:

9 Q. That's a pretty specific car, a red
10 Pontiac Sunfire. We don't see a lot of Sun-
11 fires out on the road, do we?

12 A. That's correct.

13 Q. Yet that was the car that you called
14 to mind, a Pontiac Sunfire?

15 A. That's right.

16 Q. But then when the police showed you
17 these pictures of the Volkswagen, you said
18 'oh, that's the car.'

19 A. (Affirmative nod).

20 Q. So it was only after the police came
21 and said, 'hey, we're investigating this and
22 we'd like for you to look at this' did you
23 say, 'yeah, that's the car that I saw'?

24 A. (Affirmative nod).

25 Q. Now, the person that you saw getting

1 in this car, did you see them carrying any
2 rifles, shotguns, any kind of PlayStation,
3 any kind of bag or box or anything that would
4 have had those items in them?

5 A. I can't say that I specifically
6 remember that.

7 Q. So if that were the car that the
8 person who broke into the house actually came
9 and went in, then that person would have had
10 to walk from the front of the house where
11 these items were located inside at least
12 fifty to a hundred steps in front of a couple
13 different houses to get into that car.
14 Right?

15 A. Yes.

16 Q. And this was in broad daylight?

17 A. Yes.

18 Q. For anybody in the neighborhood to
19 see?

20 A. (Affirmative nod).

21 Q. And, yet, you didn't see that.

22 Right?

23 A. I did not.

24 Q. You saw a guy get into the car that
25 you originally thought was a red Pontiac

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1 Sunfire, who may look like my client but who,
2 then again, may not. Right?

3 A. That's right.

4 Q. Thank you.

5 THE COURT: Redirect?

6 SOLICITOR FOWLER: Just real quick.

7 REDIRECT EXAMINATION

8 BY SOLICITOR FOWLER:

9 Q. Your house -- where exactly where
10 you working in your house?

11 A. Within the house?

12 Q. Right.

13 A. I was located on the couch, which is
14 in front of the window that faces the cul-de-
15 sac.

16 Q. Did you see this from the couch?

17 A. I saw it when getting back to the
18 couch, my couch is -- has my back to that
19 window.

20 Q. So you were doing something else and
21 in those brief few moments when you happened
22 to be up moving around, doing something else,
23 you saw this?

24 A. Right.

25 Q. Were there any other cars parking on

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1 that cul-de-sac that morning?

2 A. Not that I can recall.

3 SOLICITOR FOWLER: That's all that I've
4 got.

5 THE COURT: Thank you. You may step
6 down.

7 (WITNESS STEPS DOWN)

8 THE COURT: Please call your next
9 witness.

10 SOLICITOR FOWLER: The State calls Steve
11 Keys, Your Honor.

12 (WITNESS TAKES STAND)

13 MICHAEL STEVEN KEYS, having been sworn
14 to tell the truth, and nothing but the truth,
15 testified as follows:

16 DIRECT EXAMINATION

17 BY SOLICITOR FOWLER:

18 Q. Mr. Keys, do you own Traders Gun
19 store?

20 A. No, sir.

21 Q. You do not?

22 A. No, sir.

23 Q. Did you used to own it?

24 A. No, sir.

25 Q. Did you used to manage it?

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1 A. No, sir, but I worked there for
2 quite a while.

3 Q. So when you were working there, were
4 you aware of the system that they have for
5 keeping receipts?

6 A. Yes, sir.

7 Q I am going to show you what has been
8 premarked as State's Exhibit 13. Can you
9 tell me if that is one of those receipts?

10 A. (Upon review), yes, sir.

11 SOLICITOR FOWLER: Your Honor, the
12 State would move to enter State's Exhibit 13,
13 a receipt from Traders Gun store.

14 RANDY CHAMBERS: No objection.

15 THE COURT: Exhibit 13 is in without
16 objection.

17 (SO ENTERED AS STATE'S EXHIBIT 13)

18 DIRECT EXAMINATION CONTINUED

19 BY SOLICITOR FOWLER:

20 Q. Could you tell me what y'all do with
21 these receipts?

22 A. We hang onto them, seems like
23 indefinitely.

24 Q. What kind of information is on
25 there?

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1 A. A person's name, address, type of
2 weapon that they are selling, the serial
3 number, caliber.

4 Q. Let me stop you there. Does it show
5 the date and time as well?

6 A. Yes, sir. Date, time, driver's
7 license number.

8 Q. What date and time does this receipt
9 show?

10 A. This one is 0816, 2016, at 1348.

11 Q. For the nonmilitary in the room,
12 what does 1348 translate to?

13 A. That would be 1:48, sir.

14 Q. In the p.m.?

15 A. Yes, sir.

16 Q. What kind of firearm does that show
17 being sold?

18 A. That's a Remington 700, .270
19 Winchester bolt-action.

20 Q. Does it have the serial number for
21 that firearm?

22 A. It does.

23 Q. Can you tell me, does that match --
24 I'm going to show you State's Exhibit 4. Can
25 you tell me, does that match the serial

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1 number on that rifle?

2 A. (Upon review), yes, sir, it does.

3 Q. Same rifle?

4 A. Absolutely.

5 Q. Who sold that rifle?

6 A. Christian Scowcroft. I don't know
7 if I pronounced his name right.

8 Q. Could you spell his last name for
9 us?

10 A. S-c-o-w-c-r-o-f-t.

11 Q. Okay. So that piece of paper shows
12 us that this defendant right here took the
13 rifle that was in Harrison Golson's house and
14 sold it to y'all. Correct?

15 A. I don't know where it came from but
16 yes, sir, he did sell it to us.

17 Q. And that sale took place at 1:48 in
18 the afternoon?

19 A. Absolutely.

20 Q. Correct?

21 A. Yes, sir.

22 Q. And how much money did he make off
23 of it?

24 A. We paid him \$300

25 Q. When y'all do -- when y'all buy a

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1 gun, do you run any kind of check on it, or
2 anything like that?

3 A. No, sir. We do after the fact.
4 We send it in the next day to the Sheriff's
5 Department, we do that at the close of
6 business.

7 Q. You wait until the end of the day
8 and you send all the guns bought that day,
9 you send that information to the Sheriff's
10 Office.

11 A. Yes, sir.

12 Q. And whose signature is that right
13 there?

14 A. That's my signature.

15 Q. What does that mean, that you signed
16 it?

17 A. That means that he has sold us the
18 weapon and I paid him for it.

19 SOLICITOR FOWLER: That's all that I've
20 got, Judge.

21 THE COURT: Cross-examination?

22 CROSS EXAMINATION

23 BY RANDY CHAMBERS:

24 Q. So if somebody comes in,
25 specifically in this case, to sell a weapon,

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1 they have to produce a photo ID; is that
2 right?

3 A. Yes, sir.

4 Q. You wouldn't buy it from them if
5 they didn't produce a photo ID?

6 A. Absolutely.

7 Q. And Mr. Scowcroft did that in this
8 case?

9 A. Yes, sir.

10 Q. Did he appear to be trying to
11 disguise his identity or anything while he
12 was there?

13 A. Not that I can remember.

14 Q. Obviously you didn't think that
15 there was anything suspicious about him or
16 about this transaction?

17 A. No, sir.

18 Q. He did everything that you asked him
19 to do?

20 A. (Affirmative nod).

21 Q. And you paid him \$300 for the rifle?

22 A. Yes, sir.

23 RANDY CHAMBERS: Thank you very much.

24 THE COURT: Redirect?

25 SOLICITOR FOWLER: Just very briefly.

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1 REDIRECT EXAMINATION

2 BY SOLICITOR FOWLER:

3 Q. Mr. Keys, is the man that y'all
4 bought that rifle from that day in the
5 courtroom today?

6 A. Yes, sir. Right over here,
7 (indicating).

8 Q. That's him sitting at the defense
9 table?

10 A. Yes, sir.

11 Q. And I assume that it is not Mr.
12 Chambers, correct?

13 A. Yes, sir.

14 Q. And when y'all sell these guns to
15 people, they sign forms as well?

16 A. Absolutely. Yes, sir.

17 SOLICITOR FOWLER: That's all that I've
18 got, Judge.

19 THE COURT: You may step down.

20 (WITNESS STEPS DOWN)

21 THE COURT: Call your next witness.

22 SOLICITOR FOWLER: Your Honor, the
23 State calls George Nannarello.

24 (WITNESS TAKES STAND)

25 GEORGE NANNARELLO, having been sworn to

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1 tell the truth, and nothing but the truth,
2 testified as follows:

3 DIRECT EXAMINATION

4 BY SOLICITOR FOWLER:

5 Q. Mr. Nannarello, back in August of
6 2016, were you working at Traders Gun store?

7 A. Yes, sir.

8 Q. Do you remember a fellow coming in
9 and selling y'all a rifle?

10 A. Yes.

11 Q. I'm sure there were a lot of them,
12 but do you remember a guy coming in and sell-
13 ing you a Remington 700?

14 A. Well, Steve handled that.

15 Q. But you had worked there during that
16 timeframe, correct?

17 A. Yes, sir.

18 Q. Same deal?

19 A. (Affirmative nod).

20 Q. Do you remember a few days after
21 that if somebody came in trying to sell a
22 shotgun to you?

23 A. Yes, sir.

24 Q. And what happened when he tried to
25 sell the shotgun to you?

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Testimony of George Nannarello - Direct Examination

1 A. Well, he came in with the shotgun,
2 a Browning shotgun and it had a wire tie
3 through the action. He said that he'd bought
4 the shotgun at the gun show and he wanted to
5 sell it.

6 Q. Okay.

7 A. So I started -- I got a price on it,
8 as I recall, and started the transaction.
9 When I went to put him in the computer, his
10 name came up and that's when -- his name
11 looked familiar to me, so I went and looked
12 at this Remington that you talked about, that
13 the police had come in and said was a stolen
14 gun. It wasn't long before then that we'd
15 pulled -- I did all the computer work at the
16 time, so I'd pulled the paperwork and had it
17 attached to the rifle. So I went and checked
18 the rifle and the name matched. I told him
19 that we couldn't buy the shotgun because the
20 rifle he'd sold us had come up as a stolen
21 gun.

22 Q. Just to be clear, the name that had
23 popped up, what name was it?

24 A. I've forgotten now the name.

25 Q. But it was same name as had sold you

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1 the ---

2 A. It was an unusual name, so when I
3 saw it again it had stuck in my memory.

4 Q. And it was the same name as the
5 person who had sold you this Remington rifle?

6 A. The same name as on the Remington,
7 yes, sir.

8 Q. What name was it that had sold that
9 Remington to you?

10 A. Christian Scowcroft.

11 Q. And this has -- I mean, this has his
12 address, his phone number, -- correct?

13 A. Yes, sir.

14 Q. So he comes in trying to sell y'all
15 a shotgun.

16 A. (Affirmative nod).

17 Q. Do you remember what color that
18 shotgun was?

19 A. Camouflage.

20 Q. All right. Do you remember, you
21 know, pretty much basically -- what did you
22 tell him when his name popped up attached to
23 that stolen gun?

24 A. I told him that we couldn't buy the
25 shotgun because the Remington that he'd sold

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1 us had come up as a stolen gun.

2 Q. And how did he respond to that?

3 What did he said?

4 A. He said that the Remington and the
5 Browning had been in his safe for years.

6 Q. Well, now, you just told us that he
7 showed up with a wire tag through it. Right?

8 A. Yes, sir, with a wire tag like the
9 police put on it at the gun shows.

10 Q. Have you ever bought a gun at a gun
11 show?

12 A. Yes, sir, I have.

13 Q. Did you leave the wire tie on it for
14 years?

15 A. No, sir. No, sir.

16 Q. Okay. So it wouldn't make a whole
17 lot of sense for him to have a wire tie in it
18 and to have had it in his safe for years;
19 right?

20 A. No, sir. It didn't make it -- when
21 he said that he'd bought it at a gun show,
22 the wire tag made me think that he'd just
23 come from a gun show with it.

24 Q. Wait a minute now. He told you that
25 he'd bought it at the gun show.

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1 A. (Affirmative nod).

2 Q. Then when you said, 'hold on now,
3 you sold me a stolen rifle a couple of weeks
4 ago', he said that 'I've had that rifle and
5 this shotgun in my safe for years.'

6 A. Right.

7 Q. So he told you two separate stories
8 right then?

9 A. Yes, sir.

10 Q. And both of those things can't be
11 true. Right?

12 A. I wouldn't think so.

13 Q. Okay. Now, did he say anything
14 about the rifle -- well, I guess he said that
15 he'd had it in his safe for years.

16 A. Well, he didn't say anything about
17 the rifle until I told him that the rifle
18 that he'd sold us had come up on the stolen
19 list.

20 Q. Okay. So is the guy who tried to
21 sell you that shotgun, is he in the room
22 today?

23 A. To be honest, it's been so long that
24 I wouldn't recognize him.

25 Q. But you know that it was the same

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1 name as the person that sold you that rifle?

2 A. It was the same name; yes, sir.

3 Q. What name was that?

4 A. Scowcroft.

5 Q. So just to be clear, he came in and
6 initially said, 'I just bought this shotgun
7 at a gun show.' Right?

8 A. Yes, sir.

9 Q. And these wire ties, can you tell
10 us about those real quick? What do you mean
11 'wire ties'.

12 A. Those plastic things that
13 electrician bundle wires with, like a zip
14 tie.

15 Q. So it's a zip tie?

16 A. (Affirmative nod).

17 Q. Does it have any kind of special
18 seal or anything on it?

19 A. Meaning?

20 Q. A seal?

21 A. (Negative gesture).

22 Q. So it's just a zip tie through the
23 gun?

24 A. Yes, sir.

25 Q. Have you ever bought a zip tie

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Testimony of George Nannarello - Direct Examination

1 before?

2 A. Yes, sir.

3 Q. So you can get ahold of a zip tie,
4 right?

5 A. Yes, sir.

6 Q. And you can zip it through a gun,
7 right?

8 A. Yes, sir.

9 Q. At a gun show, don't they have
10 separate rules for buying a gun at a gun
11 show? Different from buying guns at a gun
12 store?

13 A. Well, at the gun shows you can buy
14 from individuals or from a business. If it
15 is a licensed firearms dealer, it's just like
16 buying in a store. But if you buy from an
17 individual, you just give them the money and
18 take the gun.

19 Q. And they don't run any kind of check
20 or anything?

21 A. That's correct.

22 Q. Okay. That's all that I've got.
23 Please answer any questions that Mr. Chambers
24 might have.

25 THE COURT: Cross-examination.

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CROSS EXAMINATION

BY RANDY CHAMBERS:

Q. Mr. Nannarello, so the day that you said that this person came in with a shotgun was not the same day as the rifle; correct?

A. That's correct.

Q. The rifle was on August 16th, is that correct?

A. I would have to look at the receipt.

Q. (Tenders).

A. (Upon review), that's correct.

Q. August 16th?

A. (Affirmative nod).

Q. So the rifle came in on August 16th?

A. (Affirmative nod).

Q. So when you say a couple of days later, do you literally mean two or do you mean three, or how many days later?

A. I couldn't tell you, sir.

Q. And other than your recollection there is no record of this, right?

A. Of him coming in with the shotgun?

Q. Yes, sir.

A. That's correct.

Q. And you said that the person that

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1 came in had the shotgun that had this serial
2 number on it. Was it in a case?

3 A. No, sir, it was just the shotgun.

4 Q. So just the shotgun?

5 A. (Affirmative nod).

6 Q. There was no camou(flage) case on
7 it?

8 A. No, sir.

9 Q. And you said that it had one of
10 these wire tags on it, consistent with having
11 been at a gun show?

12 A. Yes, sir.

13 Q. And you're familiar with gun shows?

14 A. Yes, sir.

15 Q. So you have seen that before and you
16 recognized it as something that had some from
17 a gun show?

18 A. Well, you know, the wire tie gave me
19 that idea.

20 Q. So when this person, whoever it was,
21 came in and presented this shotgun with the
22 wire tie on it and said that they just bought
23 it at the gun show, that was consistent with
24 your experience?

25 A. Yes, sir.

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1 Q. So that would ring true then, if
2 somebody said, 'I got this at a gun show' and
3 in fact based on your experience it looked
4 like something that had come from a gun show?

5 A. Yes, sir.

6 Q. Do you happen to know if there was
7 a gun show that started on the 18th here in
8 Greenville?

9 A. There was a gun show in town at that
10 time.

11 Q. And if a person had a shotgun --
12 let's just say for argument's sake that they
13 went to a gun show and have a stolen gun,
14 they could just freely sell that shotgun to
15 anybody there, individual to individual.
16 Correct?

17 A. Yes, sir.

18 Q. I mean, there wouldn't be any kind
19 of check or anything that would go on?

20 A. That's correct.

21 Q. There wouldn't be any record of the
22 transaction.

23 A. That's correct.

24 Q. So if I had a stolen shotgun and I
25 went to a gun show, that would probably be

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1 the best place to sell it. Right?

2 A. Yes, sir.

3 Q. In fact, that probably would be the
4 best place to sell the Remington .270 that
5 was pawned to you just a couple of days
6 before. Right?

7 A. Well, if there was a gun show at
8 that time.

9 Q. Because you could sell it, probably
10 get more for it and there would be no record
11 of the transaction. Right?

12 A. That's right.

13 Q. And persons familiar with a gun show
14 would know that?

15 A. Yes, sir.

16 Q. Now, you say that this person -- you
17 say that you can't identify him here today,
18 but you say that it was Christian Scowcroft?

19 A. (No verbal response).

20 Q. You didn't remember the name
21 independently just a few moments ago. Right?

22 A. That's correct.

23 Q. You just remembered that it was an
24 unusual name. Right?

25 A. The only reason that I recognized it

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Testimony of George Nannarello - Redirect Examination

1 at all was because I'd just recently put it
2 on that Remington.

3 Q. Yeah.

4 A. I had just pulled that paperwork.

5 Q. Right. And so you recollect now
6 that this person also said that they'd had
7 those guns in a safe for years. Right?

8 A. That's correct.

9 Q. Yet it did look like a gun that had
10 come from a gun show?

11 A. Yes, sir.

12 Q. A place where that gun could readily
13 have been sold to anybody there, with no
14 transaction record?

15 A. Yes, sir.

16 Q. Thank you.

17 THE COURT: Redirect?

18 SOLICITOR FOWLER: Yes, Judge.

19 REDIRECT EXAMINATION

20 BY SOLICITOR FOWLER:

21 Q. So just to be clear, that gun show
22 was August 8th?

23 A. Correct.

24 Q. Or ---

25 A. It was on the same day.

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1 Q. Same day as the shotgun came in and
2 he tried to sell it?

3 A. Yes, sir.

4 Q. Now, did it make a whole lot of
5 sense to you for somebody to have bought a
6 gun at the gun show and then to immediately
7 sell it at your gun store?

8 RANDY CHAMBERS: Objection, Your Honor.
9 Speculation.

10 THE COURT: Sustained.

11 REDIRECT EXAMINATION CONTINUED

12 BY SOLICITOR FOWLER:

13 Q. If it might help refresh your
14 recollection a little bit, I've got here your
15 statement that you made on September 9th to
16 Investigator Grubbs of the Greenville County
17 Sheriff's Office. If you could read ---

18 COURT REPORTER: Would you like to mark
19 it as an exhibit?

20 SOLICITOR FOWLER: (Tenders).

21 COURT REPORTER: State's Exhibit 14 for
22 identification.

23 SOLICITOR FOWLER: She is just marking
24 it for identification.

25 RANDY CHAMBERS: Your Honor, I don't

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1 object to him reading that. He hasn't asked
2 any question of whether this is -- if there
3 is any recollection on the witness' part of
4 what he wants to ask him about. In other
5 words, -- it's not clear what it is that he
6 wants him to recollect.

7 THE COURT: You're also on redirect.

8 SOLICITOR FOWLER: It seems to me that
9 when he was on cross that he was trying to
10 say, 'well, you didn't have any memory of
11 this until you saw this receipt.' And from
12 what I've got here, it says something a
13 little different.

14 RANDY CHAMBERS: Well, then he should
15 ask him about that. That would be my
16 position, Your Honor.

17 THE COURT: All right.

18 SOLICITOR FOWLER: And that's why I
19 am trying to show him his statement, so that
20 he can remember it from a year ago.

21 THE COURT: Okay.

22 REDIRECT EXAMINATION CONTINUED

23 BY SOLICITOR FOWLER:

24 Q. Just read that silently to yourself,
25 please, real quick.

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1 A. (Review) .

2 Q. Now, does that help you remember
3 more accurately what happened? Because it's
4 been about a year. Right?

5 A. Oh, yes, sir.

6 Q. Now, when you typed his name in the
7 computer, did you remember his name?

8 A. Yes, sir.

9 Q. Did you remember the name as someone
10 who had done another transaction with you
11 guys?

12 A. Yes, sir.

13 Q. What transaction was that?

14 A. That was the Remington 700.

15 Q. So when he came in and you entered
16 his name, you remembered him as the person
17 who had sold the Remington 700 a couple of
18 days earlier. Correct?

19 A. Mainly I remembered pulling the
20 paperwork and attaching it to the Remington
21 700 because it was reported as a stolen gun.

22 Q. Okay.

23 A. I didn't remember the transaction, I
24 just remembered pulling the paperwork and
25 attaching it to the gun that we had bought.

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Testimony of George Nannarello - Recross Examination

1 Q. All right.

2 SOLICITOR FOWLER: That's all that I've
3 got, Judge.

4 RECROSS EXAMINATION

5 BY RANDY CHAMBERS:

6 Q. So in other words, you didn't
7 remember the person. You just recognized the
8 name?

9 A. I remembered the name.

10 Q. But you weren't even part of that
11 original transaction other than you did the
12 ---

13 A. I put it in the computer. Right.

14 Q. Thank you.

15 THE COURT: You may step down.

16 (WITNESS STEPS DOWN)

17 THE COURT: All right, let's take our
18 afternoon break. We've been going for about
19 an hour, an hour and a half.

20 Again, as I told you before, remember
21 that it is not permissible to discuss the
22 case in any way. So go back to your jury
23 room and we will have you back out in just a
24 few minutes.

25 (JURY OUT @ 2:20 P.M.)

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1 THE COURT: We will be at-ease for
2 about ten minutes.

3 SOLICITOR FOWLER: All right, Judge.

4 (BRIEF RECESS)

5 (DEFENDANT PRESENT)

6 BAILIFF: (Bench Conference, off
7 record).

8 THE COURT: Do you remember her
9 number?

10 BAILIFF: Juror 97.

11 THE COURT: Juror Number 97, Michelle
12 Maynard. The bailiff has indicated that one
13 of the jurors disclosed that she was
14 apparently the piano teacher to one of the
15 witnesses. I'm just going to bring her out
16 and ask her if she can still be fair and
17 impartial.

18 SOLICITOR FOWLER: Judge, I assume that
19 she is talking about -- he's from Mississippi
20 and the other guy is from Florida, so they're
21 not from Greenville.

22 THE COURT: Okay.

23 SOLICITOR FOWLER: You know, so --
24 (pause).

25 THE COURT: Ask her to come out. I

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1 just want to put it on the record.

2 (JUROR NUMBER 97 ENTERS COURTROOM)

3 THE COURT: I just needed to ask you a
4 question on the record. You are Ms. Maynard?

5 JUROR NUMBER 97: Yes.

6 THE COURT: The bailiff indicated that
7 you said that you thought that you knew one of
8 the witnesses.

9 JUROR NUMBER 97: It's been years,
10 probably ten or twelve years. I taught piano
11 lessons to Steve Keys' daughter.

12 THE COURT: Okay. Do you think that
13 would in any way -- could you still be fair
14 and impartial in the trial of this matter?

15 JUROR NUMBER 97: Yes.

16 THE COURT: Any other questions from
17 the defendant or ---

18 RANDY CHAMBERS: (Negative gesture).

19 SOLICITOR FOWLER: None from the State.

20 THE COURT: Thank you. We just had to
21 clarify all that. Thank you. We will have
22 you all back out here in a minute.

23 (JUROR NUMBER 97 EXITS COURTROOM)

24 THE COURT: If they are ready, we can
25 bring in the full jury. Is everybody ready

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Testimony of George Nannarello - Recross Examination

1 for the jury?

2 RANDY CHAMBERS: We are, Your Honor.

3 SOLICITOR FOWLER: Go ahead and start
4 marking these for me.

5 COURT REPORTER: Certainly. State's
6 Exhibits 15 and 16 are now premarked for
7 identification.

8 (JURY IN @ 3:27 P.M.)

9 THE COURT: Ladies and gentlemen, thank
10 you again for your patience. It turned out to
11 be a longer break than expected, but sometimes
12 you end up being the only judge in the
13 courthouse and you get pulled away on all
14 kinds of matters.

15 Anyway, I appreciate your patience. We
16 are now ready to continue with the State's
17 case.

18 Mr. Fowler, you may call your next
19 witness.

20 SOLICITOR FOWLER: Yes, sir, Judge. Uh,
21 the State of South Carolina calls Brent Boone.

22 (WITNESS TAKES STAND)

23 BRENT BOONE, having been sworn to tell
24 the truth, and nothing but the truth,
25 testified as follows:

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Testimony of Brent Boone - Direct Examination

1 DIRECT EXAMINATION

2 BY SOLICITOR FOWLER:

3 Q. Mr. Boone, where do you work?

4 A. At the GameStop in Taylors on Wade
5 Hampton.

6 Q. So right off Highway 29?

7 A. Yes, sir.

8 Q. How long have you worked there?

9 A. It'll be ten years this Sunday. In
10 that specific location, about four years.

11 Q. Okay. What is your official title?

12 A. Store Leader.

13 Q. So you were working there in August
14 of 2016?

15 A. Yes, sir.

16 Q. Do y'all maintain a security camera?

17 A. We do. It's a DVR multiple camera
18 system there with digital live feed.19 Q. Okay. So does that play -- can you
20 watch those tapes anywhere in the store?21 A. There's a unit in the back with a
22 small monitor. You can access certain time-
23 frames if you put in the right parameters, but
24 even while you're accessing that it is still
25 recording.

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1 Q. Does that recording make a fair and
2 accurate depiction of the scene in the store
3 at the time which it records?

4 A. It does, (affirmative nod). Yes, it
5 has multiple cameras and it does -- the back
6 of the store, the front of the store, multiple
7 cameras, (affirmative nod).

8 Q. Do you remember some deputies come
9 to your store back in August of 2016?

10 A. Yes, at that time. There's been
11 quite a few over the years. Yes.

12 Q. Do you remember showing them that
13 closed-circuit TV?

14 A. Yes, on the back monitor, we just
15 pulled up the still off the video. We can
16 also burn DVRs of the -- you know, the events
17 that you need, the timeframes and stuff like
18 that. That was just a still off the monitor.

19 Q. Okay. And just a -- without telling
20 them what this shows, are these pictures fair
21 and accurate depictions of what was on that
22 monitor when you showed it to the deputies?

23 A. Yes, sir.

24 Q. Okay.

25 SOLICITOR FOWLER: Your Honor, the State

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Testimony of Brent Boone - Direct Examination

1 would move to enter into evidence State's
2 Exhibits 15 and 16, which are both pictures
3 from the GameStop security footage.

4 RANDY CHAMBERS: No objection, Your
5 Honor.

6 THE COURT: In without objection.

7 (SO ENTERED AS STATE'S EXHIBIT 15)

8 (SO ENTERED AS STATE'S EXHIBIT 16)

9 DIRECT EXAMINATION CONTINUED

10 BY SOLICITOR FOWLER:

11 Q. We are waiting for the camera
12 (projector) to warm up. Where was this
13 picture taken in the store?

14 A. That was hidden in the height strip
15 by the door.

16 Q. So this is basically as you're
17 walking out the door?

18 A. Yes, sir.

19 Q. Okay, (projector displaying), there
20 we go. Is this that picture that I just
21 showed you?

22 A. Yes, sir.

23 Q. Is this the other one?

24 A. Yes, sir.

25 Q. Now, it's a little bit hard to tell

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Testimony of Brent Boone - Direct Examination

1 in this light, but could you just read the
2 date and time off the bottom of that, please.

3 A. It's fuzzy -- August 16th, 2016 at
4 1328.

5 Q. 1328, that is military time; isn't
6 it?

7 A. Yes, sir.

8 Q. 1328 in -- for the nonmilitary?

9 A. 1:28.

10 Q. Both of these picture were
11 approximately the same time?

12 A. Yes, sir.

13 Q. And just real quick, how would you
14 describe the haircut of the guy in this
15 picture? Would you say that it is close-
16 cropped or long or medium or ---

17 RANDY CHAMBERS: Your Honor, I object.

18 THE COURT: Yes?

19 RANDY CHAMBERS: I think the photo
20 speaks for itself.

21 THE COURT: I agree. Sustained.

22 SOLICITOR FOWLER: That's all that I have
23 of this witness. If you will, answer any
24 questions that the defense attorney might
25 have.

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Testimony of Michael Ladson - Direct Examination

1 RANDY CHAMBERS: No questions, Your
2 Honor.

3 THE COURT: Thank you, you may step
4 down.

5 (WITNESS STEPS DOWN)

6 SOLICITOR FOWLER: The State calls
7 Michael Ladson.

8 THE COURT: Okay.

9 SOLICITOR FOWLER: And if you could mark
10 these.

11 COURT REPORTER: State's Exhibits 17
12 and 18 premarked for identification.

13 (WITNESS TAKES STAND)

14 MICHAEL LADSON, having been sworn to tell
15 the truth, and nothing but the truth,
16 testified as follows:

17 DIRECT EXAMINATION

18 BY SOLICITOR FOWLER:

19 Q. Mr. Ladson, where do you work?

20 A. I work for GameStop.

21 Q. Which GameStop in particular?

22 A. It's the GameStop in Taylors, South
23 Carolina, Wade Hampton Boulevard.

24 Q. Right off Wade Hampton. Correct?

25 A. Yes, sir.

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Testimony of Michael Ladson - Direct Examination

1 Q. You work with Brent? At the same
2 store?

3 A. Yes, we do.

4 Q. How long have you worked there?

5 A. I've been employed there for about
6 ten years.

7 Q. Do y'all buy and sell videogames and
8 consoles, stuff like that?

9 A. Yes, sir.

10 Q. So y'all buy and sell PlayStations,
11 correct?

12 A. Yes, sir.

13 Q. Okay. When you buy something from
14 somebody, do you print a receipt for the
15 transaction?

16 A. Yes, sir, we do.

17 Q. What information is typically on
18 those receipts?

19 A. For like the customer receipt it
20 would be what was traded in, the value for it,
21 uh, I guess like the information of the
22 customer: name, height, weight, stuff like
23 that.

24 Q. Without telling the jury, can you
25 tell us what this is right here?

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Testimony of Michael Ladson - Direct Examination

1 A. This?

2 Q. Just this whole document?

3 A. That is a GameStop receipt.

4 Q. Okay. What transaction does that
5 receipt show?

6 A. A trade-in of a PlayStation 3 and a
7 game done by Christian Scowcroft.

8 Q. Can you spell that last name for us,
9 off of there? D

10 A. S-c-o-w-c-r-o-f-t.

11 Q. Who handled that transaction in the
12 store, does it show that?

13 A. Yes, that would be Michael Ladson.

14 Q. So this receipt shows that somebody
15 named Christian Scowcroft, who was a white
16 male, came in and sold you a PlayStation 3 and
17 a video game. Correct?

18 A. That is correct.

19 Q. Does it show the time on that
20 receipt?

21 A. It does. It shows 1:14 on August
22 16th, 2016.

23 Q. Now I want to show you another
24 GameStop document. This is State's Exhibit
25 18. The last one was 17. Could you just tell

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Testimony of Michael Ladson - Cross Examination

1 us real quick, what does this show?

2 A. This shows the items that were
3 traded in, the controller, the system and the
4 game confiscation.

5 Q. Who does it show as the -- I believe
6 that it shows an officer's name right there,
7 does it not?

8 A. Officer Grubbs.

9 SOLICITOR FOWLER: Your Honor, the State
10 would move to enter as evidence State's
11 Exhibits 17 and 18, GameStop receipts.

12 THE COURT: Any objection?

13 RANDY CHAMBERS: No objection.

14 THE COURT: So entered without
15 objection.

16 (SO ENTERED AS STATE'S EXHIBIT 17)

17 (SO ENTERED AS STATE'S EXHIBIT 18)

18 SOLICITOR FOWLER: Judge, that's all that
19 I have for this witness. If you would, please
20 answer any questions that Mr. Chambers might
21 have for you.

22 THE COURT: Cross-examination

23 CROSS EXAMINATION

24 BY RANDY CHAMBERS:

25 Q. Good afternoon, Mr. Ladson.

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Testimony of Michael Ladson - Cross Examination

1 A. Hello.

2 Q. So if I had a PlayStation 3 and
3 maybe some games and I wanted to sell them to
4 you. If I came in, you would ask me for ID?

5 A. Yes, sir.

6 Q. Is that something that you're
7 required to do by management? They tell you
8 that if somebody is selling something, they
9 want to know who that person is?

10 A. Yes, it's required by -- I think
11 it's some kind of law, but yes.

12 Q. So that day Christian Scowcroft, or
13 at least somebody who represented himself to
14 be Christian Scowcroft, came in and sold you
15 the items that you just described and which
16 are listed on that receipt?

17 A. Yes, sir.

18 Q. And you checked his ID against the
19 person's who was presenting the ID, correct?

20 A. Yes, sir.

21 Q. If it had been somebody other than
22 Christian Scowcroft, if the ID had been off,
23 you would not have gone through with the
24 transaction. Correct?

25 A. That is true.

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Testimony of Michael Ladson - Cross Examination

1 Q. Okay. So the person presenting that
2 would have the opportunity, I guess, when you
3 asked them for their ID to say, 'Oh, no, I
4 didn't know I was going to have to do that'
5 and they could have left?

6 A. Yes.

7 Q. And you would never have known who
8 that person was?

9 A. That's true.

10 Q. But in order for them to sell those
11 items, they're telling you who they are and
12 they are presenting proof that that is who
13 they are?

14 A. Yes, sir.

15 Q. Then you write that down?

16 A. I type it in the computer, yes.

17 Q. Do you know if there is a reporting
18 system, that you have to report these sales so
19 they can later be accessed by law enforcement
20 and people like that?

21 A. I believe that at the end of -- that
22 every night they do a form for that, that
23 everything goes out to law enforcement and
24 everything.

25 Q. So if law enforcement did come back

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Testimony of Robert Grubbs - Direct Examination

1 later and they -- they got these items? I
2 think that they reimburse GameStop for what
3 you paid for the Guitar Hero and PlayStation
4 3?

5 A. Yes, sir.

6 Q. How much was that amount, do you
7 recall?

8 A. I don't remember the exact value at
9 the time -- maybe ---

10 Q. \$54.20? Does that sound right?

11 A. That would be correct, I believe.

12 Q. So that's what the GameStop paid for
13 the PlayStation 3 console and the Guitar Hero
14 game, total?

15 A. Yes, sir.

16 Q. Thank you.

17 THE COURT: Redirect?

18 SOLICITOR FOWLER: No, Judge.

19 THE COURT: You may step down.

20 (WITNESS STEPS DOWN)

21 THE COURT: Call your next witness.

22 SOLICITOR FOWLER: The State calls
23 Detective Grubbs.

24 (WITNESS TAKES STAND)

25 ROBERT GRUBBS, having been sworn to tell

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Testimony of Robert Grubbs - Direct Examination

1 the truth, and nothing but the truth,
2 testified as follows:

3 DIRECT EXAMINATION

4 BY SOLICITOR FOWLER:

5 Q. Deputy Grubbs, where do you work?

6 A. Greenville County Sheriff's Office.

7 Q. How long have you been there?

8 A. Seven years.

9 Q. What is your role with the
10 Greenville County Sheriff's Office?

11 A. I am an investigator with the
12 property crimes unit.

13 Q. In that role, did you investigate
14 the crime involving Harrison Golson as the
15 victim?

16 A. Yes, sir, I did.

17 Q. Do you remember the date that that
18 crime took place?

19 A. I believe that it was August 16th,
20 2016.

21 Q. Do you remember pretty much what was
22 stolen?

23 A. I do.

24 Q. What was that?

25 A. I believe that there was a Remington

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Testimony of Robert Grubbs - Direct Examination

1 .270 rifle, a Browning shotgun, a PlayStation,
2 the PlayStation controller and games that go
3 along with that.

4 Q. Okay. When someone comes to you and
5 there's been stolen property is there is any
6 kind of program or anything that y'all can
7 punch that into and try to find it?

8 A. Yes, sir. The Greenville County
9 Sheriff's Office utilizes what is called Leads
10 Online. Most if not all local pawn shops,
11 gold retailers submit reports online of what
12 they buy, within a few days it's entered, and
13 law enforcement can search that database for
14 information on what has been entered in.

15 Q. And does that database search by
16 serial number?

17 A. You can search by serial number, you
18 can search by name, search several different
19 ways.

20 Q. Did you have serial numbers for the
21 items stolen?

22 A. I believe that I did for the rifle.

23 Q. So you placed in the serial number
24 for the rifle and did it pop up somewhere?

25 A. Yes, sir. When I typed in the

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Testimony of Robert Grubbs - Direct Examination

1 serial number given to me for the rifle, it
2 came back that Christian Scowcroft had pawned
3 it at Traders Gun Shop.

4 Q. Now, were you able to find that
5 PlayStation?

6 A. Yes, sir, I did.

7 Q. How did you find that PlayStation?

8 A. With the hit for the rifle, I in
9 turn searched the name of Christian Scowcroft
10 and found, same day, that he'd pawned the
11 PlayStation a short distance away at the Game
12 Stop.

13 Q. Did you get an address for Mr.
14 Scowcroft?

15 A. I did.

16 Q. Did you go by that address?

17 A. Yes, sir.

18 Q. You obviously had the address of the
19 incident?

20 A. Correct.

21 Q. And you had the address for the
22 GameStop and the gun shop?

23 A. Yes.

24 Q. Without showing this to the jury and
25 telling them what it is, can you tell me if

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1 this accurately depicts that part of
2 Greenville?

3 A. Yes, sir, it does.

4 SOLICITOR FOWLER: Your Honor, the State
5 would move to enter into evidence a map of the
6 Highway 29 area as Exhibit 19.

7 RANDY CHAMBERS: No objection, Your
8 Honor.

9 THE COURT: So entered without
10 objection, Exhibit 19.

11 (SO ENTERED AS STATE'S EXHIBIT 19)

12 DIRECT EXAMINATION CONTINUED

13 BY SOLICITOR FOWLER:

14 Q. You may want to come around here if
15 that's all right, so we can kind of put this
16 together.

17 A. (Leaves witness stand).

18 Q. You can hold that. Right here, what
19 is this?

20 A. That is the location of the victim's
21 residence.

22 Q. So that is where the victim leaves?

23 A. Yes, sir.

24 THE COURT: Make sure that you speak up
25 so that the court reporter can hear.

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1 WITNESS: Yes, sir.

2 SOLICITOR FOWLER: What he is pointing to
3 is the victim's residence.

4 DIRECT EXAMINATION CONTINUED

5 BY SOLICITOR FOWLER:

6 Q. What is this right here?

7 A. That would be the GameStop on Wade
8 Hampton.

9 Q. That is where you found the
10 PlayStation?

11 A. Yes, sir.

12 Q. What is this right here?

13 A. That's Traders Gun Shop on Wade
14 Hampton.

15 Q. Down here by you, right there, what
16 is that last one?

17 A. That was Christian Scowcroft's
18 residence at that time.

19 Q. This is Highway 29?

20 A. Yes, sir. In red is Highway 29.

21 Q. So there really is no great distance
22 between any of these locations?

23 A. No, sir.

24 Q. In fact, this GameStop and the gun
25 store are really pretty close to the

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1 defendant's house?

2 A. Yes, sir.

3 Q. Now, were y'all able to get in touch
4 with the defendant?

5 A. Yes, sir, I was.

6 Q. How were you able to get in touch
7 with him?

8 A. One day, and I can't remember the
9 date, I rode by his apartment. Found his
10 vehicle by the registration and tag. Nobody
11 would come to the door, so I put one of my
12 business cards under his windshield wiper, I
13 believe, and wrote on it "please give me a
14 call."

15 Q. So he called you?

16 A. Yes, sir.

17 Q. And y'all set up a meeting?

18 A. Yes, sir.

19 Q. Okay. Now, at that meeting y'all
20 talked about this?

21 A. Yes, sir.

22 Q. Did y'all make a recording of that
23 meeting?

24 A. Yes, sir.

25 Q. Okay. Do you remember coming to my

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1 office and reviewing that recording with me?

2 A. Yes, sir.

3 Q. Are those your initials right there?

4 A. Yes, sir.

5 Q. What date does that show?

6 A. 6-21-2017.

7 Q. So when you reviewed that video with
8 me, did it fair and accurately portray the
9 scene that day?

10 A. Yes, sir.

11 SOLICITOR FOWLER: Your Honor, the State
12 would move to enter into evidence State's
13 Exhibit 20, a recording of the defendant's
14 interview.

15 THE COURT: Objection?

16 RANDY CHAMBERS: No objection, Your
17 Honor.

18 THE COURT: So entered as State's
19 Exhibit 20.

20 (SO ENTERED AS STATE'S EXHIBIT 20)

21 DIRECT EXAMINATION CONTINUED

22 BY SOLICITOR FOWLER:

23 Q. Detective Grubbs, I am going to play
24 that interview for us right now.

25 A. Okay.

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1 THE COURT: How long is this?

2 SOLICITOR FOWLER: It's about thirty
3 minutes.

4 THE COURT: Everybody good for thirty
5 minutes? (Multiple jurors nod affirmatively).

6 DIRECT EXAMINATION CONTINUED

7 BY SOLICITOR FOWLER:

8 Q. (State's Exhibit 20 published).
9 All right. Okay, Detective Grubbs, so --
10 let's backtrack on that a little bit. First
11 of all, using evidence that you gathered
12 throughout the investigation, about what time
13 did you discern that this burglary took place?

14 A. It had to be sometime between 6:45
15 and 11:50 a.m., that would have been when Mr.
16 Golson left for work and right about 11:50
17 when he returned home from work for lunch.

18 Q. That was on August 16th?

19 A. That's right.

20 Q. So we know that this house was
21 broken into sometime in the morning of August
22 16th?

23 A. Yes, sir.

24 Q. Looking at State's Exhibit 17, what
25 does that show?

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1 A. This is the receipt -- I believe
2 that it is the receipt from Game Stop dated
3 August 16th, 2016, at 1:14 p.m. -- 1314 for us.

4 Q. So we know that the PlayStation was
5 sold at 1:14 in the afternoon on August 16th?

6 A. Yes, sir.

7 Q. Correct?

8 A. Yes, sir.

9 Q. Looking at State's Exhibit 13, what
10 time did that transaction take place?

11 A. This transaction shows 1348, 1:48
12 p.m.

13 Q. Okay. On August 16th again?

14 A. Yes, sir, August 16th.

15 Q. So we know that on the morning of
16 the 16th, Mr. Golson's house got broken in?

17 A. Yes, sir.

18 Q. And we know that at 1:14 p.m., Mr.
19 Golson's PlayStation was sold at that
20 GameStop?

21 A. Yes, sir.

22 Q. And we know that at 1:48 p.m. that
23 Mr. Golson's rifle was sold at Trader's Gun
24 store. Correct?

25 A. Yes, sir.

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1 Q. Now, let's unpack Mr. Scowcroft.

2 Did he tell you where he had been around this
3 time for a while?

4 A. Yes, sir, he told me that he was at
5 the lake.

6 Q. Okay. Did he -- how long had he
7 been at the lake, going camping?

8 A. To my recollection he said a couple
9 of weeks.

10 Q. Several weeks, he'd been at the
11 lake?

12 A. Yes, sir.

13 Q. Now, he said that he'd kicked his
14 roommate out. Right?

15 A. Yes, sir.

16 Q. Now, he seemed to say that he --
17 that he kicked his roommate out when he left
18 for the lake, is that correct?

19 A. That's what I gathered. Yes, sir.

20 Q. Now, his roommate, he thought -- he
21 had suspicions was stealing from him?

22 A. That's what I gathered from the
23 interview. Yes, sir.

24 Q. Just to be clear, he told you that
25 his roommate, that he thought had robbed from

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1 him, he kicks him out of his house and makes
2 him homeless. Then leaves him in his house
3 with all of his stuff ---

4 RANDY CHAMBERS: Your Honor, he is
5 leading his witness.

6 THE COURT: Sustained.

7 SOLICITOR FOWLER: Okay.

8 DIRECT EXAMINATION CONTINUED

9 BY SOLICITOR FOWLER:

10 Q. So now let's talk about his time-
11 line on the, uh, day in question. So now --
12 I think that he gave you a few different
13 stories. What day did he say -- how soon
14 after getting home from the lake did he say
15 that he sold these guns?

16 A. Seems to be that he sold -- very
17 soon, because he didn't want the guns in his
18 residence.

19 Q. At one point he said that it had
20 been a couple of days, didn't he?

21 A. I believe so, yes, sir.

22 Q. Okay. He said that he came home and
23 thought that these were his old roommate's
24 guns. Right?

25 A. Yes, sir.

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1 Q. And how did you get -- how did he
2 communicate with his roommate to see if it was
3 okay to sell his guns?

4 A. I believe that he said SnapChat.

5 Q. Okay. For those of us who are not
6 super social media savvy, does SnapChat retain
7 their stuff?

8 A. I believe that it dissipates after a
9 certain period of time. I am not sure of the
10 timeframe but it does go away.

11 Q. So through a media that disappears,
12 he communicate with him and he told him that
13 it was okay to sell these things?

14 A. Yes, sir.

15 Q. Okay. Now, did he give you a
16 timeframe of about when he thought that he'd
17 got home?

18 A. After lunch.

19 Q. So we know that he sold the Play-
20 Station at 1:14. So if he gets home after
21 lunch, -- so -- so he says that he comes home,
22 finds this PlayStation and pretty well
23 immediately gets rid of them?

24 A. Yes, sir.

25 Q. After he initially said, 'I waited a

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1 couple days to check with my roommate and he
2 said that it was okay.'

3 A. Yes, sir.

4 Q. Did he say anything about selling a
5 PlayStation that day?

6 A. I believe that there was another
7 part of that interview.

8 RANDY CHAMBERS: Objection, Your Honor.

9 THE COURT: Y'all come up.

10 (OFF RECORD BENCH CONFERENCE)

11 THE COURT: Sustained. Strike that.
12 Ladies and gentlemen, I've asked -- I've
13 granted the Motion to strike whatever that
14 answer was, and you are to disregard that in
15 your deliberations.

16 DIRECT EXAMINATION CONTINUED

17 BY SOLICITOR FOWLER:

18 Q. But he basically tried to say that
19 his buddy, Britain, had given him this stuff?

20 RANDY CHAMBERS: Objection! Leading,
21 Your Honor.

22 THE COURT: Sustained.

23 DIRECT EXAMINATION CONTINUED

24 BY SOLICITOR FOWLER:

25 Q. Were you able to get ahold of

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1 Britain?

2 A. I was not.

3 Q. Did you look for him?

4 A. I did.

5 Q. Where did you look for him?

6 A. At one point I spoke to a lawyer
7 named Derrick Chapman. I believe Mr.
8 Scowcroft's girlfriend, right around that time
9 or either right before, and she didn't have a
10 good phone number for him but she was able to
11 provide me with a name, Tneal (phonetic), who
12 might know something about him. I wasn't able
13 to get a last name for her, nor was I able to
14 get a phone number.

15 Q. So y'all weren't able to find him?

16 A. No, sir.

17 Q. It was basically a dead end?

18 A. Yes, sir.

19 SOLICITOR FOWLER: That's all that
20 I've got. Please answer any questions that
21 Mr. Chambers might have.

22 THE COURT: Cross-examination.

23 CROSS EXAMINATION

24 BY RANDY CHAMBERS:

25 Q. Were you the lead investigator on

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1 this case?

2 A. Yes, sir.

3 Q. You were not the one who initially
4 reported when there was the burglary reported;
5 is that correct?

6 A. Correct, I did not take the initial
7 report.

8 Q. Did you actually -- the day of the
9 16th, did you actually go out to Mr. Golson's
10 home and meet with him?

11 A. No, sir.

12 Q. That was another officer?

13 A. Yes, sir.

14 Q. Who was that?

15 A. I believe that was Deputy Skinner.

16 Q. Did you talk to Deputy Skinner, read
17 his report, or how did you get up to speed on
18 what he had?

19 A. Deputy Skinner called me and let me
20 know what was going on, because that's my area
21 that I investigate. I did eventually get a
22 copy of the report as the case was assigned to
23 me.

24 Q. The interview that we just saw
25 occurred on the 26th, is that correct?

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1 A. (Affirmative nod), I believe that it
2 was the 26th.

3 Q. And the burglary and grand larceny
4 occurred on August the 16th?

5 A. Yes, sir.

6 Q. So ten days apart?

7 A. Yes, sir.

8 Q. And you had requested that Christian
9 come down and speak to you and he agreed to do
10 that?

11 A. Yes, sir.

12 Q. So he came down there on his own?

13 A. Yes, sir.

14 Q. Prior to that you had already gone
15 out and purchased, gotten back the items from
16 GameStop and the rifle; is that correct?

17 A. I believe that was after the
18 interview.

19 Q. After the interview?

20 A. Yes, sir.

21 Q. So you didn't get those until later?

22 A. I went to both locations and I
23 verified the serial numbers that was given in
24 the report to make sure those were the correct
25 items that the victim was missing.

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Testimony of Robert Grubbs - Cross Examination

1 Q. Okay. But you had done that before
2 the interview?

3 A. Yes, sir.

4 Q. You had also obtained a search
5 warrant prior to this interview, is that
6 correct?

7 A. That is not correct.

8 Q. You didn't get a search warrant on
9 the 25th?

10 A. I'd have to look, but I don't think
11 so.

12 Q. Did you, along with other officers,
13 execute a search warrant on the 26th?

14 A. Yes. Yes, sir.

15 Q. That was the day that Christian
16 Scowcroft came in for the interview?

17 A. Yes, sir.

18 Q. Also the day that he was arrested?

19 A. Yes, sir.

20 Q. And you had actually secured an
21 arrest warrant before he came down there for
22 the interview, is that correct?

23 A. Yes, sir.

24 Q. So you had already made a deter-
25 mination based on everything that you had up

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Testimony of Robert Grubbs - Cross Examination

1 to that point that you were charging him with
2 burglary first degree and grand larceny?

3 A. Yes, sir.

4 Q. So there was really nothing that he
5 could have done that day that was going to
6 change your mind?

7 A. No.

8 Q. But you read him his rights and then
9 asked him if he wanted to talk to you.
10 Correct?

11 A. Yes, sir.

12 Q. In fact, he did?

13 A. Yes, sir.

14 Q. And when he came down there, of
15 course he didn't know that you had an arrest
16 warrant for him; did he?

17 A. No, he did not.

18 Q. He just -- did he know specifically
19 why you wanted to talk to him?

20 A. Not that I know of. He didn't
21 indicate that he had anything specifically
22 that he wanted to talk to me about.

23 Q. Did you tell him what you wanted to
24 talk about?

25 A. I believe in the first part of the

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Testimony of Robert Grubbs - Cross Examination

1 interview that the reason why I wanted to
2 speak to him was because Harrison's house had
3 been broken into.

4 Q. Was that on the phone before he came
5 down?

6 A. That was during the actual
7 interview.

8 Q. In order to get him to come down,
9 what had you told him?

10 A. I told him that I needed to talk to
11 him about a case.

12 Q. You didn't say any more than that?

13 A. Not that I can recall.

14 Q. So when he showed up, I guess that
15 he was in the dark about what he was going to
16 talk to you about?

17 A. Yes, sir.

18 Q. And you indicated to him that
19 somebody had specifically picked out his
20 Volkswagen, correct?

21 A. Maybe not specifically his Volks-
22 wagen. I may have said a car that looked like
23 his.

24 Q. So you didn't tell him, 'Look, we've
25 got your car identified. We know your car was

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Testimony of Robert Grubbs - Cross Examination

1 there.'

2 A. I don't think that I told him that
3 specifically.

4 Q. You weren't out there at the scene
5 but you read the report and went through it?
6 The indication was initially that there was a
7 red Pontiac Sunfire?

8 A. Yes, sir.

9 Q. You were aware of that?

10 A. Yes, sir, I read the report.

11 Q. But this was not a red Pontiac
12 Sunfire?

13 A. (No verbal response).

14 Q. This is a red VW?

15 A. Correct, that's a red Volkswagen.

16 Q. Of course -- but you did indicate to
17 him that a red Volkswagen is what they'd seen
18 out there?

19 A. I think I did.

20 Q. Do you also recall the description
21 being given of a lanky person with shaggy hair
22 as being the person that was seen out there
23 with that red ---

24 A. I do.

25 Q. Getting into that red car?

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Testimony of Robert Grubbs - Cross Examination

1 A. Yes, sir.

2 Q. Christian had pretty close-cropped
3 hair on that day when he came in and talked to
4 you?

5 A. He did.

6 Q. You'd almost called it a crew cut;
7 right?

8 A. Yes, sir.

9 Q. Certainly not a shaggy haircut?

10 A. That's correct.

11 Q. So as the lead investigator, there
12 is no physical evidence, fingerprints, DNA
13 or anything like that that has Christian
14 Scowcroft at Mr. Golson's home?

15 A. Physical evidence at his home,
16 (negative gesture); no, sir.

17 Q. And there really is no eyewitness
18 that can say that he was there or that can say
19 for sure that his car was there that day.
20 Correct?

21 A. That's correct.

22 Q. And it is a fact that the car that
23 was parked on the street was actually parked
24 a couple of houses down from the home that was
25 broke into?

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1 A. That's correct.

2 Q. So you can't say for sure that the
3 red car that was parked on the street was
4 actually the car that was used in conjunction
5 with that burglary, can you?

6 A. I can't say that it was the same
7 one.

8 Q. What you know for sure is that
9 Christian Scowcroft sold the rifle and sold
10 the PlayStation that day at Traders and at
11 GameStop?

12 A. Yes, sir.

13 Q. And we know for a fact that he did
14 that?

15 A. Yes, sir.

16 Q. There were items that were stolen
17 that were never recovered. Correct?

18 A. That's right.

19 Q. Not just the shotgun. There were
20 other things that were not recovered?

21 A. Yes, sir.

22 Q. And you did execute a search warrant
23 that day at Christian Scowcroft's home.
24 Correct?

25 A. That's correct.

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Testimony of Robert Grubbs - Cross Examination

1 Q. You took, I believe, his computer
2 but you didn't find any other stolen items at
3 the house, did you?

4 A. No, sir, I did not.

5 Q. And you did a thorough search of the
6 home?

7 A. Yes, sir.

8 Q. That would have been the same day
9 that he was arrested?

10 A. On the 26th.

11 Q. Did you ever recover any of those
12 other items from any other place?

13 A. No. No, sir.

14 Q. And you were never able to find
15 Britain Donahue?

16 A. No, sir.

17 Q. And the timeframe that this burglary
18 occurred, if it happened that day, would have
19 been sometime between 6:45 and 11:50.

20 A. Yes, sir.

21 Q. It would have had to have been
22 between those two times?

23 A. Yes, sir.

24 Q. That's all the questions that I
25 have. Thank you.

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Testimony of Robert Grubbs - Redirect Examination

1 THE COURT: Redirect?

2 SOLICITOR FOWLER: Yes, Judge, just real
3 briefly.

4 REDIRECT EXAMINATION

5 BY SOLICITOR FOWLER:

6 Q. When y'all served that search
7 warrant on the defendant's house, what all did
8 you pick up?

9 A. Computer tower and I think -- I
10 can't remember if I got any documents of
11 Britain's just to show that he didn't live
12 there.

13 Q. Uh-huh.

14 A. The only thing I can remember for
15 sure is the computer tower.

16 Q. Did the defendant have a cell phone
17 when y'all arrested him?

18 A. He did.

19 Q. He had that in his possession when
20 you arrested him?

21 A. Yes, sir.

22 Q. Y'all seized that?

23 A. Yes, sir.

24 SOLICITOR FOWLER: That's all that I
25 have, Judge.

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Testimony of Britain Donahur - Direct Examination

1 THE COURT: You may step down.

2 (WITNESS STEPS DOWN)

3 SOLICITOR FOWLER: The State calls
4 Britain Donahue.

5 (WITNESS TAKES STAND)

6 BRITAIN DONAHUE, having been sworn to
7 tell the truth, and nothing but the truth,
8 testified as follows:

9 DIRECT EXAMINATION

10 BY SOLICITOR FOWLER:

11 Q. Mr. Donahue, where did you grow up?

12 A. New Hampshire.

13 Q. New Hampshire?

14 A. (Affirmative nod).

15 Q. When did you move down here?

16 A. 2004.

17 Q. Do you know Christian Scowcroft?

18 A. Yes, sir, I do.

19 Q. Is that him seated right there?

20 A. Yes, sir.

21 Q. Can you tell us what color tie that
22 he is wearing?

23 A. Maroon with maybe black.

24 Q. Did you ever live with him?

25 A. Yes, sir, I did.

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Testimony of Britain Donahur - Direct Examination

1 Q. When did you live with him?

2 A. Probably about a year and a half ago
3 for about a six- to eight-month period of
4 time.

5 Q. Could you give us like a start date
6 month and an end date month?

7 A. Honestly I really couldn't. I mean,
8 sometime around -- I want to say February or
9 March.

10 Q. Of what year?

11 A. 2016.

12 Q. Until?

13 A. Until about -- I'd say June or
14 August. It was -- it wasn't -- right around
15 August probably.

16 Q. So you lived with him for about six
17 months, from February to August in 2016?

18 A. Um-humm.

19 Q. Okay. Do you know Harrison Golson?

20 A. No.

21 Q. Can you pick him out in this room?

22 A. No.

23 Q. You don't know where he lives?

24 A. No, sir.

25 Q. You've never been to his house?

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Testimony of Britain Donahur - Direct Examination

1 A. No, sir.

2 Q. You never helped Britain move a
3 piece of furniture -- excuse me. You never
4 helped Christian Scowcroft move a piece of
5 furniture one day at someone's house?

6 A. No, sir.

7 Q. Have you ever owned a gun?

8 A. No, sir.

9 Q. Did your dad ever own a gun?

10 A. Yes, sir, my dad was a Marine.

11 Q. There you go. Did you ever give a
12 gun to Mr. Scowcroft?

13 A. No, sir.

14 Q. Did you ever give him anything?

15 A. No.

16 Q. Can you tell us about the end of
17 y'all rooming together, how did that go?

18 A. It was a rough patch. I was going
19 through a lot of stuff at work. He actually
20 originally reached out and helped me because
21 I didn't have a place to live. Like I say, it
22 was a rough patch. We didn't see eye-to-eye
23 on roommate things. Then I met a girl and
24 started staying over there more often.

25 Q. Okay. So you don't really have

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1 anything against you?

2 A. No.

3 Q. It wasn't like he kicked you out?

4 A. No.

5 Q. It was more that you moved in with
6 your girlfriend?

7 A. (Affirmative nod).

8 SOLICITOR FOWLER: That's all that I've
9 got. Please answer any questions that defense
10 counsel might have.

11 CROSS EXAMINATION

12 BY RANDY CHAMBERS:

13 Q. When did you first become aware of
14 this case at all?

15 A. I believe about a month after it
16 happened.

17 Q. Did you leave town back on August
18 the 16th?

19 A. No.

20 Q. Where were you?

21 A. I was over by Furman Place
22 Apartments.

23 Q. You still had things at Christian's
24 apartment, though; right?

25 A. Yes, sir.

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1 Q. A lot of things?

2 A. I mean, I really don't have a lot
3 anyway.

4 Q. But you had personal possession
5 still at his house?

6 A. Some clothes. I mean, not things
7 that were immediately important to me.

8 Q. But you had a closet that still had
9 some things in there. Right?

10 A. I had what?

11 Q. You had a closet where you had some
12 things stored in there?

13 A. Yes, sir.

14 Q. So you hadn't really moved out at
15 that point?

16 A. I mean, I was in the process. No, I
17 wouldn't say that I had fully moved out.

18 Q. But there was nothing there that you
19 say that you are saying that you really cared
20 about?

21 A. I mean, there wasn't anything that I
22 needed to have over at my girlfriend's house
23 at the time. With everything going on between
24 me and him, I didn't know whether I was going
25 to be out of there or not.

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1 Q. I thought you said that there wasn't
2 anything going on. I thought you said that
3 everything was fine.

4 A. So I actually said that toward the
5 end of our relationship as roommates that it
6 was kind of a rough patch.

7 Q. Was it partly a rough patch because
8 you were using drugs on a regular basis and he
9 told you not to do that.

10 SOLICITOR FOWLER: Objection, Your Honor.

11 RANDY CHAMBERS: He brought up the
12 "rough patch."

13 THE COURT: Overruled.

14 CROSS EXAMINATION CONTINUED

15 BY RANDY CHAMBERS:

16 Q. And he told you not to do that?

17 A. No, it was not.

18 Q. Was part of the reason that, uh, you
19 were doing things that he disapproved of and
20 he told you that he disapproved of those?

21 A. No.

22 Q. So you're saying that none of that
23 happened and you just kind of eased your way
24 on out?

25 A. No. I was working a completely

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1 different schedule. I was going out after I
2 got off work, you know, at 2:30 in the morning
3 -- because I worked at a bar. So by the time
4 I got home and sometimes I'd have a friend
5 over, a female, and I also played late night
6 video games online, so it was just that the
7 schedules didn't clash (sic) together and it
8 was more disagreement than agreement.

9 Q. Now, when the police -- did you ever
10 talk to the police about this case?

11 A. No.

12 Q. So the prosecutor found you and had
13 you come in to testify today? Right?

14 A. I was informed that, uh, uh, I was
15 being blamed for a certain -- for certain
16 things going on in this case and it would help
17 my personal life to come in here and state
18 that none of this was -- had anything to do
19 with me. None of it's mine. It's not. I'm
20 not trying to get caught up in this mess.

21 Q. So you were not aware that when
22 Investigator Grubbs, for example, says that
23 they were making efforts to try to find you?
24 You were not aware of that?

25 A. No, I had no idea why anybody would

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1 try to reach out to me until I got a message
2 from Mr. Graham Buckner.

3 Q. So was Brann Fowler the one that
4 told you that somebody was trying to blame
5 this on you?

6 A. No. It wasn't so much that he was
7 trying to blame it on me, it was that the case
8 was going on and he was alerting me of it and
9 -- he didn't know if I knew anything about it.

10 Q. I want you to correct me if I am
11 getting this wrong. I'm going to ask you, did
12 you tell me a few minutes ago that when you
13 first heard about it was when somebody -- was
14 because somebody was blaming this crime on you
15 and you wanted to come forward to set the
16 record straight. Right?

17 A. Yes, sir.

18 Q. So it was Mr. Fowler then ---

19 A. No, sir.

20 Q. --- that told you that?

21 A. No, sir.

22 Q. Well, who told you? You said that
23 you didn't know anything about it until he
24 contacted you?

25 A. We have a lot of the same mutual

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1 friends, me and Christian.

2 Q. So you're saying that some friends
3 contacted you?

4 A. Yes, some of his friends. Yes.

5 Q. Yet you didn't come forward on your
6 own to call the police up and tell them what
7 you knew about this?

8 A. Well, I mean, why would I get myself
9 involved unless I needed to when it had
10 nothing to do with me?

11 Q. But you said that you got the word
12 that somebody was trying to blame you for a
13 crime that you didn't commit?

14 A. Right. But I didn't give it no
15 attention because I didn't do it.

16 Q. So you decided to come in after the
17 prosecutor called you and you're armed with
18 the knowledge that somebody has accused you of
19 stealing something?

20 A. Well, when I think a lawyer calls
21 you that you need to take it more seriously
22 and pay that more attention than when you hear
23 some rumor from friends.

24 Q. So you knew coming into this then
25 that this was going to be your opportunity to

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1 say, 'Hey, I didn't do this. He's trying to
2 blame it on me but I didn't do it.'

3 A. It's not so much my opportunity to
4 prove myself but it is my opportunity to clear
5 my name when my name shouldn't be involved
6 anyways.

7 Q. Do you remember what you were doing
8 back on August 16th, that day?

9 A. August 16th?

10 Q. Yeah, August 16th, 2016. That's the
11 day that this burglary was supposed to have
12 occurred. What were you doing that day?

13 A. Probably hanging out with my
14 girlfriend. I didn't have a job at the time.

15 Q. Okay. And you were aware that --
16 you had been staying at your girlfriend's how
17 long?

18 A. It wasn't too long, probably a
19 month or a month or a half.

20 Q. Okay. So there was that much time
21 then that you weren't there at the house or
22 the apartment?

23 A. Yeah. I -- I may have occasionally
24 stopped by to get clothes or whatever. I had
25 clothes there. It was kind of a predicament,

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1 that I didn't know if I was going to still be
2 living there or not. So I'd stop by and get
3 clothes. You know, maybe once a week or once
4 every other week.

5 Q. And Christian would very often spend
6 time at -- his parents had a place at the
7 lake? Or his dad had a place at the lake. He
8 would stay there sometimes.

9 A. Sure. I didn't know what he was
10 doing during the day. It wasn't like I kept
11 tabs on him.

12 Q. But he wasn't there these times when
13 you were dropping by?

14 A. No, but there were some times when
15 he was there.

16 Q. But there were times when he was not
17 there?

18 A. I'd say more times not than when he
19 was there.

20 Q. But you said that you'd been out of
21 the house for a month to a month and a half.

22 A. Right.

23 Q. So what was the last time that you
24 think that you stopped by there in August?

25 A. I am not sure.

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1 Q. You don't know?

2 A. I am not sure. That was a long time
3 ago and it wasn't really important until a few
4 weeks ago.

5 Q. So you don't know during this time
6 where Christian would have been but you say
7 that you were staying with your girlfriend?

8 A. Yes, sir.

9 Q. You don't know where you were that
10 day?

11 A. Not exactly on that day. No, sir.

12 Q. You very often drove Christian's red
13 VW, didn't you?

14 A. No, I did not.

15 Q. He'd allow you frequently to use his
16 car?

17 A. No.

18 Q. You're saying that is completely not
19 true?

20 A. I think there was one occasion when
21 he was too drunk to drive that I drove.

22 Q. He also had a truck, did he not?

23 A. I never knew anything about a
24 truck.

25 Q. And he had more than one cell phone.

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1 Right?

2 A. (No verbal response).

3 Q. He had a work cell phone and then he
4 had another cell phone?

5 A. That is correct. Yes.

6 Q. Have you ever used Christian's cell
7 phone, for example?

8 A. No. I had my own cell phone.

9 Q. Have you ever used social media?

10 A. Yes, sir, I do.

11 Q. Do you use SnapChat?

12 A. Yes, sir, I do.

13 Q. Do you communicate with friends on
14 SnapChat?

15 A. Yes, sir.

16 Q. Do you do that frequently?

17 A. Not as much as texting.

18 Q. Have you SnapChatted with Christian?

19 A. On occasion back when we were
20 roommates and hanging out all the time.

21 That's a normal thing to do.

22 Q. So your entry into this whole thing
23 was when you were told -- how long ago were
24 you told, by the way, by these mutual friends
25 that Christian was trying to blame you for

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1 something that you didn't do?

2 A. I honestly couldn't tell you. Like
3 I say, it was a month or two after he got
4 arrested that I heard about it.

5 Q. You really don't remember it?

6 A. No, I really don't.

7 Q. But you knew him well enough to call
8 him up and say, 'Dude, what are you doing?'
9 Did you do that?

10 A. When did I call him up and ask that?

11 Q. Did you call him at any point and
12 say, 'why are you saying these things about
13 me' or 'are you saying these things about me'?

14 A. No. Because I took good advice from
15 my dad's lawyer, who said what is the point of
16 getting involved unless you really need to. I
17 mean, this is -- this is kinda ridiculous that
18 my name is even brought into this when I was
19 out of the equation and I'm not even -- not
20 even, like, sure why you're cross-examining me
21 or questioning me like this.

22 Q. Because that's my job.

23 A. Okay.

24 Q. You've not always had your hair cut
25 short like that, have you?

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1 A. I just actually -- I've had long
2 hair. I got a haircut yesterday.

3 Q. Yeah, you used to wear it in a long
4 haircut.

5 A. Not "long" long. Probably back when
6 I was with him and I was working at the
7 coliseum, yeah.

8 Q. Somebody would call it a shaggy hair
9 style?

10 A. I -- (pause) -- not so much.

11 Q. How long was it?

12 A. It was like an inch and a half to
13 two inches. I have thick hair so it was
14 shaggy, I guess.

15 Q. Thank you.

16 A. Yes, sir.

17 THE COURT: Redirect?

18 SOLICITOR FOWLER: Just real briefly.

19 REDIRECT EXAMINATION

20 BY SOLICITOR FOWLER:

21 Q. Just to be clear, y'all had each
22 other's phones. Correct?

23 A. Um-humm, (affirmative nod).

24 Q. Okay. In August of 2016, do you
25 know if Christian was working?

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1 A. No, he wasn't.

2 Q. So if he wasn't working, would he
3 have had a work phone?

4 A. I don't know why he would. The work
5 phone was more or less in the beginning of the
6 relationship because that's when he was
7 working for AT&T.

8 Q. Right.

9 SOLICITOR FOWLER: That's all that I've
10 got, Judge.

11 THE COURT: Thank you. You may step
12 down.

13 (WITNESS STEPS DOWN)

14 SOLICITOR FOWLER: May we approach on
15 some scheduling stuff?

16 THE COURT: That's fine.

17 (OFF RECORD BENCH CONFERENCE)

18 THE COURT: Ladies and gentlemen, it's
19 ten of 5:00. This is a good breaking point.
20 I am sure that you all will agree with me.
21 We're going to start back in the morning and
22 continue with the case.

23 I am going to ask that you do one thing
24 before you leave. All right? I should have
25 gotten y'all to do this earlier. Y'all need

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1 to select a foreperson from the main twelve.
2 You need to write that on a note and give the
3 note to the bailiff. Once you do that, you
4 can leave.

5 The foreperson is just a person that is
6 to communicate with the court and to lead
7 discussions when you begin deliberations. So
8 if you will, go back and decide who you want
9 to be the foreperson. Give that information
10 to the bailiff.

11 Let me give you my four little warnings:

12 Do not discuss the case amongst yourself,
13 with family members or anyone. That is not
14 appropriate at all.

15 Do not do any type of research.

16 Do not pay any attention to any media.

17 Finally, if anybody should contact you
18 other than the clerk's office, then let the
19 bailiffs know.

20 Let's start at 9:00 o'clock. Will that
21 be okay with you all? ((No verbal response
22 from jurors). Okay.

23 Select your foreperson, give a note to
24 the bailiff, have a good evening, see you in
25 the morning.

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1 (JURY OUT @ 4:50 P.M.)

2 THE COURT: Anything before we break?

3 SOLICITOR FOWLER: No, Judge.

4 THE COURT: Anything from the
5 defendant?

6 RANDY CHAMBERS: Your Honor, may my
7 client, as we talked about earlier, remain on
8 bond? He's never failed to show up for court.
9 He will be here. He knows that if he doesn't
10 come that the trial will continue without him.

11 THE COURT: Does the State have a
12 position on that?

13 SOLICITOR FOWLER: I mean, Judge, you
14 know, I am not going to dispute that he has a
15 good record of showing up.

16 THE COURT: This is a serious charge.
17 He is looking at some serious time. I'm going
18 to make him stay with the County tonight.

19 (DEFENDANT IN CUSTODY)

20 THE COURT: Let me have any jury
21 charges that you want. Be here a little early
22 in the morning if we need to discuss those.
23 See you at 9:00 in the morning.

24 (COURT IN RECESS)

25 (TRANSCRIPT CONTINUED NEXT PAGE)

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9:00 A.M.

(DEFENDANT PRESENT)

THE COURT: Let the record reflect that the defendant is present. Good morning, Mr. Scowcroft.

Is there anything that we need to address before the jury comes in?

SOLICITOR FOWLER: Nothing from the State, Judge.

RANDY CHAMBERS: No, sir.

THE COURT: All right, bring in the jury.

(JURY IN @ 9:10 A.M.)

THE COURT: Good morning, ladies and gentlemen. I hope that you had a good evening. We are now ready to continue with the State's case. Mr. Fowler, you may call your first witness.

SOLICITOR FOWLER: Thank you, Judge. The State of South Carolina calls Mr. Michael Bryan.

(WITNESS TAKES STAND)

MICHAEL BRYAN, having been sworn to tell

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1 the truth, and nothing but the truth,
2 testified as follows:

3 DIRECT EXAMINATION

4 BY SOLICITOR FOWLER:

5 Q. Deputy Bryan, you work for the
6 Greenville County Sheriff's Office; is that
7 correct?

8 A. Yes, sir.

9 Q. What exactly do you do for them?

10 A. I'm with the ICACU, Internet Crimes
11 Against Children Unit.

12 Q. Okay.

13 A. Forensic examiner.

14 Q. So a forensic examiner, can you tell
15 us what that means?

16 A. Yes, we use certain procedures to
17 analyze computers, cell phones, hard drives,
18 SD cards, CDs. Analyze the data on those
19 devices to see what is captured and what is
20 kept in those devices.

21 Q. So you can look at somebody's
22 computer and tell basically what they've been
23 looking at on their computer?

24 A. Yes, sir. Well, there's -- we will
25 be able to read the records off of the

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1 computer. Yes, sir.

2 Q. Did you execute a search warrant on
3 a hard drive back in September of 2016?

4 A. Yes, it was provided by Investigator
5 Grubbs.

6 Q. And it is your understanding that
7 hard drive came from a search warrant that
8 Officer Grubbs executed on Mr. Scowcroft's
9 house. Correct?

10 A. That's correct, it came out of the
11 computer seized there.

12 Q. I am going to show you some
13 documents. Before you tell the jury about
14 them, just tell me if you recognize them.

15 A. (Upon review), yes, I recognize
16 these.

17 Q. Are these the results from that
18 search?

19 A. Yes, sir.

20 Q. I am going to put them up here on
21 the screen so that the jurors can see them.

22 RANDY CHAMBERS: I've seen them.

23 THE COURT: Any objection?

24 RANDY CHAMBERS: No objection.

25 SOLICITOR FOWLER: Judge, I move to enter

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1 the evidence as State's Exhibits 21 and 22,
2 23, the resulting search documents from the
3 defendant's computer.

4 THE COURT: It's my understanding that
5 there is no objection.

6 RANDY CHAMBERS: That's correct.

7 THE COURT: They are in without
8 objection.

9 (SO ENTERED AS STATE'S EXHIBIT 21)

10 (SO ENTERED AS STATE'S EXHIBIT 22)

11 (SO ENTERED AS STATE'S EXHIBIT 23)

12 DIRECT EXAMINATION CONTINUED

13 BY SOLICITOR FOWLER:

14 Q. We were waiting for the projector to
15 warm up but I'll just have you read it for the
16 jury. Okay?

17 A. Okay.

18 Q. Handing you what has been marked as
19 State's Exhibit 21, could you tell me what
20 this is right here, this highlighted line?

21 A. Yes. To give some context for the
22 jury, we use a program called Magnet Forensics
23 AXIOM. AXIOM looks through the hard drive and
24 then parses out data in a readable format. So
25 the particulars on Exhibit 21 is a breakdown

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1 of the different artifacts, pieces of evidence
2 in different categories. This particular one
3 covers the web browser Chrome, specifically
4 the web history that the artifacts had come
5 from. There is a lot of different artifacts
6 that can come from a web browser but this is
7 kind of what you'd see if you hit the search
8 bar to see what you had typed in previously.

9 All this indicates is that on August 16,
10 2016, at 3:13 and 35 seconds, p.m., there was
11 a search for a -- a web visit to
12 www.deweyspawn.com/contact us, which is their
13 contact page.

14 Q. Going through, could you -- these
15 next three, can you tell us what those are.

16 A. So on 8/16 at 3:37 in the afternoon,
17 there is a web visit to www.TradersGunStore.
18 com, which is an index page for the Traders
19 Gun Store website.

20 The next one is a web visit to the main
21 home page of www.TradersGunStore.com, also at
22 3:16.

23 Then there is a Google search that
24 happened at 3:15 where the person searched in
25 Google for Gun Broker, Greenville South

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1 Carolina. That is *Google.com* and then some
2 kind of search terms after that. You can make
3 out Gun Broker, Greenville South Carolina in
4 the search field.

5 Q. So this computer was searching gun
6 shops and gun stores in Greenville, South
7 Carolina on the afternoon of August 16th; is
8 that right?

9 A. That's correct.

10 Q. Continuing on, could you tell us
11 what that search right there is for?

12 A. It's a search, same thing. The user
13 typed into the *Google* search bar "Remington
14 Model 700 .270", meaning the caliber.

15 Q. A Remington 700 .270 will match --
16 let me show you what has been entered into
17 evidence as State's Exhibit 5.

18 RANDY CHAMBERS: Your Honor, I don't
19 think that this witness -- that there was been
20 a foundation laid to compare what was in a
21 search history to that picture.

22 THE COURT: Does it have it on there?

23 SOLICITOR FOWLER: We can find one that
24 says Remington Model 700.

25 THE COURT: I don't believe he is

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1 competent unless you can find that.

2 DIRECT EXAMINATION CONTINUED

3 BY SOLICITOR FOWLER:

4 Q. What does that say right there, on
5 State's Exhibit 4?

6 A. State's Exhibit 4, this is a
7 photograph of a Remington, Model 700 rifle.

8 Q. Thank you. That is the same rifle
9 that was search for in this *Google* search.
10 Correct?

11 A. Yes, it was the term "Remington 700
12 .270" was searched.

13 Q. Okay. Now, continuing on, could you
14 tell me what this is right here and the time
15 that that was?

16 A. Yes, sir. August 16th, 2016 at 9:23
17 a.m., there is a Gmail -- a visit to a Gmail
18 account and the inbox where that Gmail was
19 viewed, that e-mail was titled "Wells Fargo
20 Transfer Canceled due to Insufficient Funds"
21 under the e-mail account of Christian
22 [REDACTED]@gmail.com

23 Q. And if you could tell us this last
24 highlighted thing right here, or the next to
25 the last rather?

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1 A. There is another Gmail e-mail that
2 was viewed on a Facebook account. The
3 Facebook account is a visit to an individual's
4 Facebook page. So the Facebook page was
5 Harrison.Golson -- which would the URL of the
6 person's Facebook page.

7 Q. What time did that take place?

8 A. That took place on August 16th, 2016,
9 at 1:13:50 a.m.

10 Q. So from looking at this, you can
11 tell that the night of the 15th, going into the
12 16th that someone looked at Harrison Golson's
13 Facebook page on this computer?

14 A. That's correct.

15 Q. And you can tell that on the morning
16 of the 16th, at approximately 9:30, a Gmail
17 account shows -- what account received that e-
18 mail?

19 A. The e-mail account that received the
20 e-mail was [REDACTED]@gmail.com

21 Q. So at 9:30 in the morning, a Gmail
22 account titled [REDACTED]@gmail.com
23 received notice that a transfer was canceled
24 due to insufficient funds. Is that correct?

25 A. That's correct.

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Testimony of Michael Bryan - Direct Examination

1 Q. Then throughout the afternoon on
2 August 16th there were several searches for gun
3 stores. Correct?

4 A. That's correct.

5 Q. And there was a search for the exact
6 same rifle, that Remington 700 .270, that was
7 sold; correct?

8 A. That's correct.

9 Q. Now, there are two more things that
10 will be quicker. I am handing you what has
11 been premarked as State's Exhibit 22. Can you
12 tell me what you can discern from that high-
13 lighted portion?

14 A. This is just another artifact that
15 gives us where on a computer that natural
16 artifact came from? This is from the browser,
17 but this information was pulled from the user,
18 Cassius, a local *Google Chrome* user default.
19 The important part there is that it shows the
20 user was activating -- that was using the
21 computer at the time, and that user was
22 Cassius.

23 Q. And this, can you tell us what that
24 shows?

25 A. Yes, this is an image ---

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Testimony of Michael Bryan - Direct Examination

1 Q. State's Exhibit 23?

2 A. Yes, State's Exhibit 23 -- like I
3 said before, there are a number of artifacts
4 that were pulled -- including artifacts about
5 the Windows registry and the, uh, Windows --
6 how you log in Windows and things like that.
7 In one of those folders is the data for when
8 you log onto your computer. It has all the
9 data about your account, your screen name,
10 what your real name is, if you have a
11 password.

12 So what we know from this screen shot
13 here is that the user name Cassius, that the
14 full name associated with that account is
15 Christian Scowcroft; that -- that that
16 account is password protected on the
17 computer. It's right here, Password
18 Required. It is marked True. It's true --
19 and False meaning that there is no password.
20 True means that there is a password.

21 Q. So putting all this together, you'd
22 have to provide a password to be able to log
23 into this computer under the account of
24 Cassius?

25 A. Yes.

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Testimony of Michael Bryan - Cross Examination

1 Q. What human being's name is
2 associated with the account of Cassius?

3 A. Christian Scowcroft.

4 Q. Was the Cassius account looking at
5 these web searches?

6 A. Yes.

7 SOLICITOR FOWLER: That's all that I've
8 got. Please answer any questions that
9 defense counsel might have.

10 CROSS EXAMINATION

11 BY RANDY CHAMBERS:

12 Q. So everything that you just went
13 over comes from the date of August 16th?

14 A. Yes, sir.

15 Q. And there's a bunch of highlights on
16 here. I guess the Solicitor added those.
17 You didn't put those on your report, did you?

18 A. No, sir.

19 Q. Those are all the things that he
20 wants you to focus on as you testify; right?

21 A. As to the questions that he asked.
22 Yes, sir.

23 Q. But there are many other things that
24 aren't highlighted that would represent
25 searches done that day as well. Correct?

1 A. Yes, sir. His entire web history is
2 there.

3 Q. Yes. So anything that would have
4 been done that day on that computer is going
5 to be on here?

6 A. Yes, sir. I did not exclude
7 anything.

8 Q. I understand. And what you can tell
9 is that that is what took place on that
10 particular computer's hard drive. Correct?

11 A. Yes, sir. As the user was using it,
12 it was recorded on the hard drive.

13 Q. That's exactly right. But there is
14 no way to know for sure who was using the
15 computer at a given time. Correct?

16 A. I could not tell you the person who
17 was sitting behind the computer.

18 Q. You can't say who would be using the
19 computer regardless of where they were
20 sitting?

21 A. I can say that the person using the
22 computer would have had Mr. Scowcroft's
23 password and would have had his password to
24 his Gmail account.

25 Q. Somebody like a roommate?

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Testimony of Dan Kelly - Direct Examination

1 A. (No verbal response).

2 Q. That's okay. You don't have to
3 answer. Thank you.

4 THE COURT: Redirect?

5 SOLICITOR FOWLER: No, Judge. We
6 would ask that this witness be excused.

7 THE COURT: You may step down.

8 (WITNESS STEPS DOWN)

9 THE COURT: You may call your next
10 witness.

11 SOLICITOR FOWLER: Judge, the State's
12 last witness is Sergeant Dan Kelly.

13 (WITNESS TAKES STAND)

14 DANIEL KELLY, having been sworn to tell
15 the truth, and nothing but the truth,
16 testified as follows:

17 DIRECT EXAMINATION

18 BY SOLICITOR FOWLER:

19 Q. Sergeant Kelly, where do you work?

20 A. Greenville County Sheriff's Office.

21 Q. What do you do for them?

22 A. I am a sergeant over the technical
23 services unit.

24 Q. Could you explain some of the sort
25 of stuff that a technical services unit does?

1 A. Probably shorter to tell you what we
2 don't do. We do -- we take care of a lot of
3 the technical issues at the Sheriff's Office.
4 We handle the website, we handle video
5 analysis -- we pull videos for homicides,
6 robberies, things of that nature. We also
7 work with cell phone data. That's some of
8 the things that we do there.

9 Q. With regards to cell phone data,
10 what kind of training or education have you
11 had with looking at cell phone data?

12 A. The program that we use is a program
13 called GeoTime, and it's a call records pull,
14 which is the second part of that software.
15 We've had training, online training, right
16 around twenty hours. Then they've come to
17 Greenville and trained us on how to use that
18 for several days. They are coming back
19 again. You have to have extensive knowledge
20 in Microsoft Excel, PowerPoint, PDF
21 conversion and also the analysis of the cell
22 phone call records from the phone companies.

23 Q. So you were taught a course on how
24 to interpret and use this data?

25 A. Correct.

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Testimony of Dan Kelly - Direct Examination

1 Q. To remain qualified you have to
2 continually remain educated and updated.
3 Correct?

4 A. Yes, sir.

5 Q. Now, have you ever been qualified as
6 an expert with regards to interpreting cell
7 phone data for South Carolina?

8 A. Yes, sir.

9 Q. Where was that?

10 A. In the Eighth Circuit. I'm trying
11 to remember. I think that it was last year
12 or the beginning of this year. Last year.

13 SOLICITOR FOWLER: Judge, we would ask
14 that this witness be qualified as an expert
15 with regard to using GeoTime computer program
16 to interpret cell phone data?

17 THE COURT: Any *voir dire*, or do you
18 have an objection?

19 RANDY CHAMBERS: No, Your Honor

20 THE COURT: All right. GeoTime data?

21 SOLICITOR FOWLER: Using GeoTime to
22 interpret cell phone data.

23 THE COURT: All right, I will allow
24 that. Ladies and gentlemen, normally a
25 person cannot testify outside the realm of

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1 their -- outside of what they have observed,
2 tasted, their direct knowledge.

3 When somebody is qualified as an expert,
4 they can testify in the field in which they
5 are qualified. In this particular case, I
6 have granted the State's Motion that he be
7 qualified as an expert using GeoTime to
8 interpret cell phone data.

9 Now, that doesn't mean that you have to
10 accept his testimony outright. You are still
11 to consider it and give it the weight that
12 you feel is appropriate during your
13 deliberations.

14 DIRECT EXAMINATION CONTINUED

15 BY SOLICITOR FOWLER:

16 Q. All right. Officer Kelly, can you
17 explain this GeoTime and what it tells you?

18 A. The GeoTime is a way to look at the
19 phone detail records that are obtained from a
20 phone company, for example Verizon or Sprint,
21 any of the phone companies. The best way to
22 describe it that is a kind of huge coin
23 sorter for data. You dump a big pile of
24 coins into a coin sorter and it spits them
25 out in a nice even stack, easy to see, easy

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1 to use format. That is exactly what it does
2 but with call records, phone records as to
3 dates, times. This program actually puts it
4 on a map so that you can see it as to place
5 and time.

6 Q. Now I want to show you what has been
7 premarked as State's Exhibit 24. Is that one
8 of those maps?

9 A. That's correct.

10 Q. What does that map tell you?

11 A. This is a map of the cell phone
12 records for this case on the dates of August
13 11th through the 16th -- sorry, April -- no,
14 August. Sorry.

15 Q. August 11th, 2016, where was that
16 cell phone hitting?

17 A. The cell phone was hitting a tower
18 right around Old Spartanburg Road, Kimberly
19 Road, Cunningham Road, that community in
20 there.

21 Q. Okay. Now I'm going to show you a
22 map that has already been entered into
23 evidence. Can you see it from over there?

24 A. Yes.

25 Q. Can you show us on this map where

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1 approximately that cell phone was located?

2 A. Right in this area right here.

3 Q. That is where the tower is, correct?

4 A. Yes, that is the closest tower.

5 Q. So that is the tower that the ---

6 A. That is the tower that the cell
7 phone was hitting off of at the time of those
8 calls.

9 Q. Thank you. Now, Sergeant Kelly, do
10 you know of any lakes over that way?

11 A. I don't know of any lakes over
12 there.

13 Q. Lake Keowee and Lake Hartwell, they
14 are fairly nearby to Greenville; correct?

15 A. (Affirmative nod).

16 Q. But there are plenty of cell phone
17 towers between Lake Keowee and Lake Hartwell
18 and that tower?

19 A. Oh, yes, sir.

20 Q. So if that cell phone was at Lake
21 Hartwell or Lake Keowee and if it had been
22 used, it would have been a different cell
23 phone tower; is that correct?

24 A. That's correct.

25 Q. So we can safely say that when that

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1 cell phone was used on those days it was
2 nowhere near a lake?

3 A. That's correct.

4 Q. That's all that I've got. Please
5 answer any questions that defense counsel may
6 have.

7 THE COURT: Cross-examine?

8 CROSS EXAMINATION

9 BY RANDY CHAMBERS:

10 Q. That's just the location of the cell
11 phone, correct?

12 A. Yes, sir.

13 Q. You don't know who had possession of
14 the cell phone?

15 A. No, sir.

16 Q. Thank you.

17 THE COURT: Redirect?

18 SOLICITOR FOWLER: That's all that I
19 have, Judge.

20 THE COURT: You may step down.

21 (WITNESS STEPS DOWN)

22 THE COURT: You may call your next
23 witness.

24 SOLICITOR FOWLER: Your Honor, at this
25 time the State rests.

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1 THE COURT: Ladies and gentlemen, the
2 State has rested and that means that he has
3 put forth all of the evidence in his case in
4 chief. At this time we need to take a break
5 because there are things that I need to go
6 over with the attorneys.

7 So this will be your morning break. You
8 may go back to your jury room. Please do not
9 discuss the case, this is not that time yet.
10 Please retire back there and we will bring
11 you back out as soon as possible.

12 (JURY OUT @ 9:40 A.M.)

13 THE COURT: Any Motions?

14 RANDY CHAMBERS: I make a Motion as to
15 directed verdict as to both indictments, Your
16 Honor.

17 THE COURT: All right. Be glad to hear
18 from you on those?

19 RANDY CHAMBERS: Your Honor, I would
20 just say that there is no physical evidence
21 of any kind and I would say that there is no
22 evidence of any other kind that rises to any
23 remote standard that the solicitor has to
24 meet at this point considering all of the
25 evidence in the light most favorable to the

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1 Solicitor. Certainly on the burglary, that
2 he entered that home unlawfully or otherwise
3 on the day that this crime was supposed to
4 have been committed. Likewise, as to the
5 grand larceny, I think at best they could
6 prove receiving stolen goods and, so, based
7 on that we ask for a directed verdict.

8 THE COURT: Mr. Fowler?

9 SOLICITOR FOWLER: Judge, I would say
10 that we have more than met our burden at this
11 point.

12 We've got a neighbor who identified the
13 defendant's car as being at the scene of the
14 crime.

15 We have got the defendant selling the
16 property taken from the victim's house almost
17 immediately after this happened.

18 Further, we've got -- you know, the
19 defendant gave very inconsistent stories
20 about how he came to have this stuff.

21 I think that we've borne that verdict
22 past a scintilla of evidence.

23 THE COURT: In looking at *State v.*
24 *Rogers*, it clearly states that if there is
25 any direct evidence or if there is

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1 substantial circumstantial evidence that
2 reasonably tends to prove the defendant's
3 guilt that it is then a jury question.

4 I think that there is a host of
5 circumstantial evidence that meets that
6 standard, so I think it is a question for
7 the jury and I deny your Motion.

8 Anything else?

9 SOLICITOR FOWLER: No, sir.

10 THE COURT: Do you plan on presenting
11 anything?

12 RANDY CHAMBERS: I do.

13 THE COURT: Do we need to have a
14 discussion with your client?

15 RANDY CHAMBERS: I think just for the
16 record that we would need to go over his
17 rights with him.

18 THE COURT: Is he going to testify or
19 do you have another witness?

20 RANDY CHAMBERS: He is going to
21 testify and we do have another witness.

22 THE COURT: Let's take a short break
23 and then we will -- be right back.

24 THE COURT: Mr. Scowcroft, my under-
25 standing from your attorney is that you plan

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1 to testify.

2 DEFENDANT: Yes, sir.

3 THE COURT: I want to go over your
4 rights with you. First of all, if you will
5 raise your right hand.

6 DEFENDANT: (Complies).

7 THE COURT: Do you solemnly swear to
8 tell the truth, the whole truth and nothing
9 but the truth?

10 DEFENDANT: I do, Your Honor.

11 THE COURT: Based on what I have heard
12 so far there is no criminal record on
13 anything?

14 SOLICITOR FOWLER: No, Judge.

15 THE COURT: The reason that I ask that
16 is because that could be used to cross-
17 examine you if you had a criminal record, but
18 from what I understand there is none to
19 cross-examine you on.

20 First of all you have a right, of course,
21 to testify on your behalf. I also want to be
22 sure that you understand that you also have a
23 right to remain silent. You are not required
24 to testify, you cannot be made to testify.
25 That is totally up to you, totally your

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1 decision after consultation with your
2 attorney.

3 Now, you realize that if you decide that
4 it is in your best interest not to testify,
5 the jury cannot use that against you in any
6 way. I would instruct them that they are not
7 to consider that because the State would
8 still have the burden of proof. I just need
9 to make sure that you understand that right.
10 Do you understand that right?

11 DEFENDANT: Yes, sir.

12 THE COURT: Do you need any additional
13 time to talk with your attorney? We're going
14 to take a break here and you can talk to him
15 more. But do you need any time to talk with
16 your attorney any more about whether or not
17 you wish to testify? Well, we're going to
18 take a break anyway, so I'll ask you that.

19 Those are your rights. When we come back
20 on the record after the break, I'll ask you
21 if you have made a decision whether or not
22 you wish to testify. All right?

23 DEFENDANT: Yes, sir.

24 THE COURT: You need five minutes, or
25 do you need ten?

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1 RANDY CHAMBERS: Let's take ten.

2 THE COURT: Ten minutes. We'll be at-
3 ease.

4 (BRIEF RECESS)

5 (DEFENDANT PRESENT)

6 THE COURT: Does your client wish to
7 testify?

8 RANDY CHAMBERS: He does, Your Honor.

9 THE COURT: All right. Mr. Scowcroft,
10 if you could please stand.

11 DEFENDANT: (Complies).

12 THE COURT: We discussed your rights,
13 and you understand your rights?

14 DEFENDANT: Yes, Your Honor.

15 THE COURT: After you've had a further
16 chance to discuss with your attorney, do you
17 have any questions?

18 DEFENDANT: No, Your Honor.

19 THE COURT: Do you wish to testify?

20 DEFENDANT: Yes, I do, Your Honor.

21 THE COURT: All right. Do you have any
22 questions of the court?

23 DEFENDANT: No, sir, Your Honor.

24 THE COURT: Any additional questions of
25 Mr. Chambers?

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1 DEFENDANT: No, Your Honor.

2 THE COURT: All right. Are we ready to
3 bring the jury in?

4 RANDY CHAMBERS: Yes, Your Honor.

5 THE COURT: Bring in our jury.

6 (JURY IN @ 10:05 A.M.)

7 THE COURT: Thank you, ladies and
8 gentlemen. We are now ready to proceed with
9 the trial. The State has rested their case.
10 Mr. Chambers, do you wish to call any
11 witnesses?

12 RANDY CHAMBERS: Yes, Your Honor. I
13 would call Christian Scowcroft.

14 (WITNESS TAKES STAND)

15 CHRISTIAN SCOWCROFT, having been sworn to
16 tell the truth, and nothing but the truth,
17 testified as follows:

18 DIRECT EXAMINATION

19 BY RANDY CHAMBERS:

20 Q. Christian, please keep your voice
21 up. I need you to pull that microphone over
22 so that everybody will be able to hear what
23 you have to say. Okay?

24 A. Yes, sir.

25 Q. First I want to ask you some

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Testimony of Christian Scowcroft - Direct Examination

1 questions about yourself. Where are you
2 from?

3 A. I am from the Upstate here in South
4 Carolina. I was born in Anderson.

5 Q. Pretty much lived here your whole
6 life?

7 A. Yes, sir, I've lived here my entire
8 life.

9 Q. Did you graduate from college?

10 A. Yes, sir, I did. I went to The
11 Citadel.

12 Q. What year did you graduate?

13 A. 2013.

14 Q. And did you go to work after you
15 graduated from college?

16 A. I did. I was in the Army for two
17 years.

18 Q. What did you do in the Army?

19 A. I was an Apache pilot and a United
20 States Army officer.

21 Q. Were you discharged with an
22 honorable discharge?

23 A. That's correct.

24 Q. What did you do when you got out?

25 A. I went to work for an engineering

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1 company called TA Solutions doing controls
2 and automation engineering.

3 Q. Was that the sort of training that
4 you had?

5 A. Yes, sir.

6 Q. I didn't mean to cut you off. You
7 were talking about being an engineer.

8 A. I did that for a short while and
9 then I moved to AT&T Operations.

10 Q. Is that where you had been working
11 prior to August 16th?

12 A. Yes, sir.

13 Q. Were you working there then?

14 A. I actually was. I was still
15 employed there. I was on paid vacation from
16 Brian Oakley. I had four weeks.

17 Q. Did you go back to work with them
18 after that?

19 A. I did not.

20 Q. Why not?

21 A. I had been asked to leave due to
22 excessive absences, lateness really. It was
23 kind of shameful for me in a way. I'd never
24 been late. You know, the military taught me
25 that. But I'd been late quite often, in the

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Testimony of Christian Scowcroft - Direct Examination

1 last month or so in working at this job and,
2 uh, couldn't really recover from that.

3 Q. Are you working now?

4 A. I am.

5 Q. Where do you work now?

6 A. I work for Green River Log Cabins.
7 I am the purchasing manager for their entire
8 materials acquisition department.

9 Q. How long have you been working that
10 job?

11 A. Since April, April the 24th I
12 believe.

13 Q. When you were with AT&T, did you
14 work with Harrison Golson?

15 A. I did.

16 Q. Did you get to know him?

17 A. A little bit, not very well. We
18 went out to lunch several times, did that
19 occasionally.

20 Q. Were you social friends, did you see
21 each other after work?

22 A. No, not really. I can't recall when
23 we did anything outside of lunch.

24 Q. Did you have any interaction with
25 him outside of work?

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1 A. No, sir.

2 Q. And we heard some testimony that you
3 helped him move a dresser or a cabinet or
4 something, did you do that?

5 A. Yes, sir, I did.

6 Q. Tell us approximately when that was
7 -- you know, just tell us about how that
8 happened and what you did.

9 A. I believe that it was in the
10 springtime, probably in June or maybe shortly
11 before that. I had been asked by Harrison
12 approximately around lunchtime that same day
13 about if I could spare a few minutes after
14 work. We got off around 4:00 o'clock.
15 Basically he told me that he had a piece of
16 furniture in the back of his truck that he
17 needed to get put in his house. So we came
18 to his house, I got picked up by a buddy at
19 work and he drove me to Harrison's house. He
20 actually took my car from work often and --
21 would take it downtown. We got to Harrison's
22 house. Harrison had it in the back of the
23 truck and we just put it in the garage. It
24 took five seconds, I wasn't there more than a
25 minute and then we left that day.

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1 Q. Did you go inside his house?

2 A. I did not.

3 Q. You went into the garage?

4 A. Just in the garage. Harrison had
5 gone in through the house to open the garage
6 door. He explained that he had a large dog
7 and that he had put it inside and that the
8 garage door couldn't be opened otherwise.

9 Q. So you just took it out of the truck
10 and put it in the garage?

11 A. That's correct.

12 Q. Then you went home?

13 A. Yes.

14 Q. How did you get home?

15 A. Britain was still driving me. He
16 never got out of the car. He was pretty shy
17 about that and I was embarrassed about it in
18 a way, so I would often ask him not to.

19 Q. Now, when did you find out about
20 Harrison Golson's home being broken in and
21 things being taken?

22 A. I guess I kinda figured it out when
23 I went through my interrogation by the police
24 officers. At first I thought that they just
25 needed some help, but kind of came to that

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1 conclusion there.

2 Q. When was that? August 26th?

3 A. I believe so. Yes, sir.

4 Q. Had they contacted you prior to that
5 to ask you to come down there?

6 A. They had. They left me a voice
7 mail.

8 Q. When was that, do you recall?

9 A. I think that it was the same day or
10 the day before actually, within a day or two.

11 Q. Did you get back with them?

12 A. I did. I immediately called them
13 back. I got a voicemail and asked him what
14 was going on, if I could still be of
15 assistance, did they still need to speak with
16 me. They said yes, so -- I'd gone from my
17 home to meet with them and had called them
18 several times on the way to try and -- I
19 actually came downtown here and ended
20 straight up to the jail. I wasn't clear
21 where they were supposed to meet me. I'd
22 call them but they wouldn't answer, so I -- I
23 finally got ahold of them and they said to
24 come to the Northern Area Command, so that is
25 where I met them.

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Testimony of Christian Scowcroft - Direct Examination

1 Q. Where is the Northern Area Command?

2 Where did you go?

3 A. I can't remember exactly where it is
4 right now. It's in their part of the city.
5 I believe it's over on the far side of town.

6 Q. It's not at the Law Enforcement
7 Center downtown?

8 A. That's correct.

9 Q. When you went in there for that
10 interview, did you have any idea why you were
11 there?

12 A. None at all, sir.

13 Q. Now let's back up a little bit.
14 Let's go back to August 16th, the day that all
15 of this transpired. The first thing that
16 morning, the morning of August 16th, just kind
17 of walk us through your day. What did you do
18 that day?

19 A. Actually August 16th was kind of
20 interesting, kind of unique in a way. I'd
21 been out with a girl, Erica. We had gone up
22 to the lake that evening, the night before.
23 I'd left very early that morning to go pick
24 up a girl, a friend of hers so that we could
25 all three go and we never came back. But the

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1 trick of it was that her friend was a mess
2 downtown, needed help. When we did, I'd left
3 the door unlocked to my house, my keys on the
4 table, my phone sitting there too. It was
5 Erica that got me out of the house that
6 night, and we went up to the lake house. We
7 spent the night there. Then I mowed the lawn
8 and we came back that day. I think it was
9 around 12:00, we'd just stopped to eat lunch.
10 Then around 1:00 o'clock, you know, we'd got
11 back to the house and been cleaning up.

12 Q. You have -- or you had a red
13 Volkswagen Jetta; right?

14 A. Yes. Yes, sir.

15 Q. Were you driving it at the lake?

16 A. No, sir, I was not.

17 Q. What were you driving?

18 A. We were in Erica's car that day. It
19 was -- she was -- I was trying to explain
20 this to the investigator. I was so confused
21 by the past week or so, and I was shell-
22 shocked when I was there. I was terrified, I
23 was mortified.

24 It was the day that we got up there and
25 we took the jet ski, taking it out of the

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1 water and winterized it or if it was before
2 that when I went to mow the law and -- I was
3 just confused.

4 Q. So Erica takes you home?

5 A. Yes, shortly after 12:00, maybe
6 before 1:00 sometime.

7 Q. Start there and take us through the
8 rest of your day.

9 A. So on the way home form the lake,
10 Erica had been pushing me to, arguing with me
11 about moving in, making room for her and all
12 of this. So -- our big argument was over
13 what to do with all the extra junk that we
14 had.

15 Q. What extra junk?

16 A. So -- most of my closet space was
17 occupied by Britain's stuff. A lot of it was
18 -- a lot of it was, you know, now mine and I
19 didn't know what to do with it. I'm, you
20 know, very, vary cautious around people's
21 thing. I am very polite and respect their
22 privacy. I didn't want to, you know, get
23 into his things. I didn't want to get into
24 his things at all. But the fact of the
25 matter is that it'd been weeks since I'd

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1 heard form him and even longer since I'd
2 asked him to come and get it.

3 Q. So Britain was living with you but
4 he wasn't staying there at the time?

5 A. He'd come by, stay for a couple of
6 nights, a couple of days and then leave
7 again. That inconsistency, especially
8 conjoined with using my house key and my
9 vehicle, because a huge, huge liability. I
10 was terrified as to what he might be doing.

11 Q. What worried you so much about
12 Britain?

13 A. It wasn't -- at first he was very,
14 very, very trustworthy. I was able to give
15 him a house key, I was able to let him use my
16 phone, my car. I was able to take him out
17 with friends, family, be around people and
18 nothing would be abnormal. But then as time
19 went on, I guess that he became a little bit
20 more himself and more comfortable with, you
21 know, -- give him an inch and he'd take a
22 mile. So he would be gone all night in my
23 vehicle and I wouldn't know where he was or
24 what he was up to. He wouldn't get my
25 vehicle back on time.

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1 Q. So the two of you started to -- it
2 appears at least that he started to irritate
3 you. Did you irritate him?

4 A. I don't know if I irritated him or
5 not. I hope that I didn't. I hope that I
6 was polite in what I was telling him. But
7 basically I told him that his erratic
8 schedule and unpredictable behavior had, you
9 know, caused me to be late to work by him not
10 even having my car home on time.

11 Q. During this time had you been
12 staying at your apartment or had you been
13 staying somewhere else? What had you been
14 doing at that point in time?

15 A. I stayed at the apartment most of
16 the time, but lots of times I'd go up to the
17 lake house to help them get prepared for
18 moving out. We'd tried to sell the house
19 last summer and we'd actually had a deal come
20 through on it and it was about to close, so
21 we were packing and moving everything around.
22 All of the furniture was about to be moved
23 out. The deal fell through, so we ended up
24 not selling. We ended up keeping the house,
25 we still possess it today.

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1 Q. Who owns that house?

2 A. It is my dad's place.

3 Q. Where is it located? You keep
4 saying lake ---

5 A. My dad's place.

6 Q. Where is it located?

7 A. Lake Keowee.

8 Q. Is that in Pickens or Oconee County?

9 A. Pickens.

10 Q. So you came back from the lake that
11 morning?

12 A. (Affirmative nod).

13 Q. Then?

14 A. So Erica and I argued about ---

15 Q. Had you already told Britain at that
16 point to move out?

17 A. Yes, multiple times.

18 Q. Did you see any indication that he
19 had been moving out, that any of his stuff
20 was gone?

21 A. Bits and pieces of it that I knew he
22 had had there were gone -- his baseball card
23 collection. But it looked like pretty much
24 most of it was still there.

25 Q. Did you talk to him that day?

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1 A. I called him and called and had
2 never got a response. I had asked, texted
3 him to see if he was going to come by. Erica
4 called him as well and -- finally, you know,
5 we started pulling things out and started
6 sending it to SnapChat, SnapChat, SnapChat of
7 all the things that he left at the house that
8 weren't mine.

9 Q. Did you get any response from him?

10 A. I finally got a response from him
11 after, you know, a couple of pictures that
12 had went out of, you know, 'stop, leave me
13 alone.' Then 'Go ahead and get rid of it, I
14 don't want it. I don't want anything to do
15 with you anymore.'

16 I think that was latent hostility from
17 the last argument that we'd had. It seemed
18 to me that he was just ready to go our
19 separate ways.

20 Q. So what did you go after that?

21 A. So Erica I boxed and bagged up
22 everything that was in that closet, most of
23 his possessions that were ---

24 Q. What was his closet located?

25 A. Immediately to the right as you go

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1 in the front door.

2 Q. Was this a closet that had been
3 designated for his use or for you?

4 A. I asked him to, you know, by all
5 means keep everything together, don't spread
6 it all out across the apartment. He was
7 pretty much just couch surfing, so I gave him
8 a space for his things. You know?

9 Q. And what sort of things did you find
10 in there?

11 A. Clothing, a lot of clothing. His
12 baseball card collection, some electronics,
13 some speakers, a laptop. There were hard
14 drives, the portable kind. I found two empty
15 rifle cases and then two rifle cases that
16 clearly contained weapons here, all four I
17 was completely unaware of were even there. I
18 couldn't keep -- I don't like the fact that
19 he kept a firearm in my home and I didn't
20 know about it.

21 Q. Why not?

22 A. It's a security thing. I was in the
23 military and we were always very secure with
24 our weapons. When you're in the Army, you
25 clear the chamber when you walk on base.

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1 And, you know, you remove your weapon and you
2 turn it in to the quartermaster, your armor.
3 It's then tagged and bagged out. This was an
4 unsecured weapon with ammunition in the case,
5 left laying in my apartment and I didn't even
6 know that it was there. I feel like that is
7 a very, very dangerous thing for anyone to
8 have laying around.

9 Q. About what time was it when you
10 started going through this stuff, do you
11 know?

12 A. Before 1:00, around 12:30. It was
13 right when we got back. We were both
14 determined when we got out of the car that we
15 were done with this, 'okay, lets get him out
16 of here.' She wanted to go ahead and move on
17 it. So we went in and started going.

18 Erica took all the clothes and everything
19 and I took all the electronics and the two
20 firearms that were still there.

21 Q. Then what did you do?

22 A. Kind of just -- shortly before
23 leaving we looked at where we were going to
24 go. She was going to take it to Plato's
25 Closet and then to Goodwill. I was going to

1 go to a gun shop and a GameStop.

2 Q. So you formulated, between the two
3 of you, you sort of planned that you were
4 going to go sell this items?

5 A. That's correct.

6 Q. What made you decide to do it right
7 then?

8 A. We'd been talking about it for such
9 a long time. In a small way, it was very --
10 she kinda of had gotten me excited about the
11 thought, the prospect of her coming to live
12 with me.

13 Q. What made you decide that day that
14 you were going to sell those things? Did you
15 try to get back in touch with Britain and
16 say, 'hey, you've got a couple of weapons
17 here and..' ---

18 A. It was closure from him too, in a
19 way. He finally responded and said that he
20 didn't want to have nothing to do with it,
21 he didn't care if I sold it. He hadn't ever
22 paid me any money for rent though he'd
23 promised it over and over and over. I hadn't
24 really asked him for it but he kept swearing
25 that it was coming and -- I never stuck him

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1 with it, I never made him hold up his end of
2 the bargain to it.

3 Q. You indicated when the police called
4 you that you got online and did a search for
5 gun stores in the area. Tell us about that.

6 A. I actually got on the computer and
7 did a search for a number of things. You
8 know, number one was whether these guns were
9 registered to somebody and if they were was
10 there some way to get them back to those
11 people. The other thing was that if there
12 was gun stores nearby where I could take them
13 to get them appraised, looked at and figure
14 out -- then if everything was, you know, if
15 my car had been broken into and was that
16 covered by insurance.

17 Q. So tell the jury what you did -- you
18 said that you decided where you were going to
19 go and what you were going to do as far as
20 the clothes, these weapons and games and
21 everything. Tell the jury what you did.

22 A. So I went to GameStop first and told
23 them where I had gotten this PlayStation
24 from, just basically handed it over in a box
25 and said, 'hey, my roommate left this at my

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1 place, can you give me anything for it.'

2 They looked it over, said that it was in good
3 condition and, no problem, they took it. So
4 I said 'okay.'

5 I went down the street and --

6 Q. How much did you get for it?

7 A. Nothing really. Fifty bucks, maybe.

8 Q. Okay.

9 A. Then I went right across the street
10 to Traders Gun Shop because it was very close
11 to my house and very close to -- on the same
12 circuit where I was already going running
13 errands.

14 I went straight in the front door. I was
15 trying to hide anything from anyone. I was
16 still wearing a Citadel shirt, had -- you
17 know, it wasn't -- there wasn't anything but
18 it was just like a daily errand for me. I
19 didn't think twice about what we were doing.

20 I walked in, took this rifle to the
21 Traders Gun Shop and asked them to look over
22 it, appraise it for me and tell me if was
23 worth anything. I wasn't very familiar with
24 that particular brand of hunting rifle, I'd
25 never had one like that.

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1 They took it, looked at it, took it apart
2 and everything, said that it was in good
3 condition and, uh, you gave me an offer of
4 cash for it. I said sure. I didn't want to
5 pawn it or, you know, make a big deal out of
6 or even argue with them. It wasn't about the
7 money. The money thing at that point, at
8 all.

9 Q. So how much did you get?

10 A. It was about \$300.

11 Q. You said that there was another
12 weapon.

13 A. (Affirmative nod).

14 Q. What was it?

15 A. It was a camouflage shotgun. I had
16 asked them about it that day, you know, when
17 I went in Traders. Had said that there is
18 another gun, a shotgun, that I didn't bring
19 it because I didn't think that it was worth
20 selling or anything. I couldn't really tell.
21 They said that they could appraise it if I
22 brought it back in but that there was a gun
23 and knife show coming up and that I should go
24 check that out. That's actually what I ended
25 up doing.

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1 Q. Where was this gun and knife show?

2 A. At the Palmetto Expo Center..

3 Q. Is that the one right off of
4 Pleasantburg?

5 A. Yes, sir.

6 Q. Close to the Krispy Kreme over
7 there?

8 A. Yes, sir.

9 Q. All right. So did you take the
10 shotgun there?

11 A. I did.

12 Q. What day?

13 A. I am not sure. It was after I'd
14 gone into Traders the first time.

15 Q. Did you -- was it later the same
16 day, a day later or two days later?

17 A. Two days later, on the 18th.

18 Q. So what did you do when you got to
19 the gun show?

20 A. Spent a whole lot of time kind of
21 exploring. I'd never been to one before, it
22 was actually pretty cool. I got to look at
23 a bunch of old military paraphernalia, old
24 weapons and, you know, cool historic
25 artifacts; knives, things like that.

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1 Actually I took the weapon inside. As
2 was the custom there, you get it checked on
3 the way in the door. I carried it around
4 plain as day all day long and, you know, was
5 -- hadn't even asked anyone to look at it
6 yet. A guy came up to me, asked me about it
7 and made me an offer on it. I think he
8 offered me a hundred fifty bucks for it or
9 something like that.

10 Q. Did you sell it?

11 A. I did.

12 Q. Was there ever a time when you went
13 into Traders with the shotgun and some sort
14 of tag on it from a gun show? Did you do
15 that?

16 A. No, I did not.

17 Q. Did you ever take that shotgun
18 inside Traders?

19 A. I did not.

20 Q. You only asked about the shotgun
21 when you were at Traders?

22 A. I did, at Traders.

23 Q. And that was back on the 16th when
24 you sold the rifle?

25 A. Um-humm.

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1 COURT REPORTER: Was that a "yes"?

2 DEFENDANT: Yes, ma'am.

3 DIRECT EXAMINATION CONTINUED

4 BY RANDY CHAMBERS:

5 Q. So you sold the shotgun that day at
6 the gun show?

7 A. Yes.

8 Q. What did you do after that?

9 A. Erica and I had been working on
10 finding me a new job, so I was on -- I was
11 on the way out the door with AT&T and had
12 almost used up all of my four weeks vacation.
13 I was working with Telex, trying to contract
14 with them.

15 Q. Were you having financial
16 difficulties at the time?

17 A. Not at all. The insufficient funds
18 that we saw up in my e-mail -- first of all,
19 I don't know how that e-mail got read. I
20 wasn't home at the time.

21 Second of all, the insufficient funds was
22 like a huge problem coming from Wells Fargo
23 at the time. I had transferred all of my
24 funds from my saving account at the time and
25 was getting my ROTH IRA dumped into my

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1 checking. I had pulled everything out of my
2 AT&T funds, pretty much, because I was
3 leaving the company. So my ROTH IRA was
4 about to be deposited and that's what I was
5 waiting for. That was almost \$4,000.

6 Q. Did -- if you had been desperate,
7 was there anyone that you could have borrowed
8 money from or gotten money from?

9 A. Sure. My family has always, always
10 been extremely helpful and willing to step in
11 and take care of me. They've always --
12 especially in financial situations. It's
13 only happened once before. I was down in
14 Charleston while working to pay bills and
15 also going to school at The Citadel, I had a
16 truck payment, insurance payment and they
17 said that they would help me then. It would
18 have been nothing to have asked them for help
19 at all if it was a problem.

20 Q. Did you have to ask them for money?
21 Did you need money from them?

22 A. No, I did not.

23 Q. Did you hear from Britain any more
24 after you sold his weapons and the game?

25 A. No. And it scared me in a way how

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1 he kind of ghosted out. It was terrifying
2 for me to think that this guy who lived for
3 almost six months like he did, who had been
4 so close with me, such a big part of my life
5 and then just disappear off the face of the
6 earth. He vanished.

7 Q. Did you think -- I mean, what did
8 you do with the rest of his stuff?

9 A. A lot of it I actually stored in the
10 apartment aside from the clothes and, you
11 know, the game system. You know, I left
12 everything else of his there. I knew that he
13 still had an apartment key so he could still
14 come back and get it.

15 Q. You're not in that apartment any
16 more?

17 A. I am not. I actually lost my
18 apartment, my car, everything that I owned,
19 all of my possessions. Most of my family and
20 friends have turned their back on me ever
21 since.

22 Q. Okay. Are you and Erica still
23 together?

24 A. No. It kinda hurts me in a way to
25 think about Erica. In hindsight it's painful

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1 because she had came to the jail after I was
2 arrested. I'd went to talk to the cops, she
3 knew that I was going -- I knew that I was
4 going with the best of intentions but she
5 didn't know what was going on. So I went in
6 and then when I got arrested, they took my
7 house keys. She needed a house key to get to
8 her things, because she moved into my
9 apartment before I lost my apartment. So she
10 came to the jail and got my house keys signed
11 out, went back to my apartment and cleaned it
12 out.

13 Q. Have you seen or talked to her
14 since?

15 A. I have not.

16 Q. So when you went in to talk to the
17 police on the 26th, it was in response to
18 their call?

19 A. It was.

20 Q. And you've already stated, I
21 believe, that you didn't know why you were
22 going down there?

23 A. That's correct.

24 Q. Do you remember approximately what
25 the officer said to you when you talked to

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1 him on the phone?

2 A. I'd asked him what was going on and
3 -- if it was something that I could do over
4 the phone. He said no, that I didn't to come
5 on. I asked him did I have any warrants, was
6 this something going on with me or was this
7 relating to something else. 'Can you give me
8 a heads up or anything? How can I assist you
9 with them?' He said 'no, just come in, we
10 need to ask you some questions.'

11 So I went in, expecting to be helpful
12 and, you know, a law-abiding citizen,
13 something that may be able to take corrective
14 action on what was going on.

15 Q. Did -- was there any discussion --
16 we saw a video of you being questioned. Was
17 there any discussion with the police prior to
18 the camera being turned on?

19 A. Not that I can recall, sir.

20 Q. And they went over your rights with
21 you, as we saw?

22 A. They did. But they -- I don't know
23 if it is relevant but they did go over my
24 rights but I am not sure that I was aware of
25 what I was doing at that time. That it was a

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1 statement, an official statement. You know,
2 by passing all of my rights -- I don't want
3 to say that I was tricked because they did
4 state what was going on but at the same time,
5 I thought that I was going to help them and
6 not because they were questioning me. It
7 became very clear after the fact that it was
8 very, very much directed towards me.

9 Q. Did you answer their questions to
10 the best of your ability?

11 A. I did. I was terrified.

12 Q. Did you answer their questions
13 honestly?

14 A. I did. I don't believe that I made
15 any incorrect statement in regards to what
16 was going on. It was a traumatic and
17 terrifying experience because -- it -- it
18 wasn't even my actions that they were
19 speaking about and I couldn't explain it, I
20 didn't know about it.

21 Q. They told you that it was Harrison
22 Golson's things that had been taken?

23 Q. When they mentioned Harrison's name,
24 I was shocked and mortified, just -- just --
25 I felt so bad for him that he had been

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1 affected by this person that I had brought
2 into my life. It was the conclusion all
3 wrapped into one, the realization just struck
4 me that I'd brought it -- I hated that the
5 sanctity of his home had been violated and
6 that -- that it was because of somebody that
7 I'd known, that I had brought into his life
8 somehow.

9 Q. Would you acknowledge that it seems
10 like it was a huge coincidence that a person
11 that you used to work with, that their house
12 is burglarized and you end up selling that
13 property. Do you see how that looks bad?

14 A. I do. I think that there is an
15 explanation for it, in a very straightforward
16 manner actually. Britain, when he was
17 leaving, wanted to know why he had to leave.
18 He demanded to know why I was asking him to
19 get out.

20 I basically told him that he'd caused me
21 to be late at work so many times that I
22 couldn't recover from it with the company.
23 That because of that one of my coworkers had
24 been reporting on it to my boss. I had no
25 animosity towards Harrison for having spoken

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1 with our boss about this at all. Harrison
2 and I actually spoke about it and Harrison
3 had said that he had no animosity towards me,
4 so there was no conflict about it between he
5 and I.

6 But in Britain's mind, I think that he
7 directly related him having to leave and
8 losing his free ride with me with Harrison,
9 because Harrison had told on me.

10 Q. Is that just you speculating?

11 A. Not at all. In fact, he directly
12 stated to me many times when we argued about,
13 after I had asked him to leave, you know,
14 'Well, why is this guy tattling on you? Why
15 is he reporting to your boss on you? Don't
16 you have time clocks for that?'

17 I didn't -- I thought that it was petty.
18 I didn't take it seriously. But Britain did.

19 Q. After you moved that furniture that
20 day, did you ever go back to Harrison
21 Golson's house?

22 A. I did not.

23 Q. Were you ever in his neighborhood at
24 all on the 16th?

25 A. I was not.

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1 Q. Do you know if your red car was in
2 his neighborhood on the 16th? Do you know for
3 a fact that your car was in his neighbor-
4 hood?

5 A. I do not know for a fact.

6 Q. Do you know anything firsthand about
7 the break-in at Harrison Golson's house on
8 August the 16th?

9 A. I do not.

10 Q. Did you in any way conspire with
11 Britain to go over there and break in and
12 steal things from Harrison Golson's house?

13 A. I most certainly did not.

14 Q. Were you aware when you went to sell
15 those items that they belonged to Harrison
16 Golson?

17 A. I had no idea.

18 Q. Are you -- did you do the things
19 that you are accused of doing in this case?

20 A. Absolutely not.

21 Q. That's all the questions that I have
22 for you. Please answer any questions that
23 the Solicitor has.

24 A. Yes, sir.

25 THE COURT: Cross-examine.

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1 SOLICITOR FOWLER: Yes, sir, Judge.

2 CROSS EXAMINATION

3 BY SOLICITOR FOWLER:

4 Q. All right, Mr. Scowcroft. Just real
5 quickly on some background stuff. So you
6 grew up in Anderson?

7 A. I did. I was born in Anderson.

8 Q. Where did you go to high school?

9 A. Riverside High School.

10 Q. That's in Greenville, isn't it?

11 A. Yes.

12 Q. So I guess y'all moved over here for
13 you to be in high school. I mean, I don't
14 understand how you could go to Riverside ---

15 A. Yes, sir.

16 Q. So you graduated, obviously?

17 A. Yes, sir.

18 Q. And then you went to The Citadel.

19 Correct?

20 A. Yes, sir.

21 Q. What year did you graduate from high
22 school?

23 A. '09, sir.

24 Q. So you graduated from The Citadel in
25 2013?

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1 A. That's correct, sir.

2 Q. Then you were commissioned in the
3 Army?

4 A. Yes, sir.

5 Q. Did you do regular Army or the
6 National Guard?

7 A. I went regular Army first, then
8 transferred to National Guard.

9 Q. The South Carolina National Guard?

10 A. Yes, sir.

11 Q. I'm an infantry officer with the
12 South Carolina National Guard. You were an
13 Apache pilot, you said?

14 A. Yes, sir.

15 Q. Okay. How many Apaches do we have
16 in the South Carolina Army National Guard?

17 A. Twenty-four, sir.

18 Q. Okay. And how long is flight
19 school?

20 A. About a year and a half.

21 Q. So flight school is about a year and
22 a half.

23 A. Yes, sir.

24 Q. Is there any other training that you
25 have to do?

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1 A. BOLC.

2 Q. BOLC. Isn't there something called
3 the SEAR course?

4 A. Yes, sir.

5 Q. How long is SEAR school?

6 A. Thirty days.

7 Q. So we've got a year and seven months
8 of school?

9 A. Yes, sir.

10 Q. How long is your BOLC?

11 A. It was, I think, six to eight weeks.
12 I don't remember -- I'm really not sure. I
13 don't recall.

14 Q. So we'll call that another month to
15 two months. So you figure that you've got a
16 month and ---

17 A. Some of those overlapped, sir.

18 Q. Did they? Really?

19 A. Yes, sir.

20 Q. How is that?

21 A. BOLC in the Army is considered part
22 of the year and a half training in flight
23 school.

24 Q. Because my understanding is that you
25 went to BOLC, which is like in San Antonio or

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1 somewhere like that.

2 A. That's correct, sir.

3 Q. But the flight school is at Fort
4 Rucker?

5 A. It is at Fort Rucker.

6 Q. Okay. Well, I'm talking about a
7 Black Hawk pilot, and that might be different.
8 since he's a medevac guy.

9 Okay. So, regardless, at least a year
10 and seven months?

11 A. Yes, sir.

12 Q. Correct?

13 A. Yes, sir.

14 Q. Then you had to transfer from
15 regular Army to the National Guard?

16 A. I did at school.

17 Q. So you did that at school, so you
18 didn't commission in the regular Army?

19 A. I did.

20 Q. So you commissioned into the regular
21 Army?

22 A. I did.

23 Q. You were a commissioned United
24 States Army officer and then you ended up in
25 the South Carolina National Guard?

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1 A. Yes, sir, to get the Apache slot for
2 that. I asked for it.

3 Q. How long did that process take?

4 A. It didn't take any time at all. It
5 was initiated my senior year and was done
6 right after I commissioned, really.

7 Q. So you commissioned in the regular
8 Army and then a few days later you are in the
9 Guard?

10 A. Yes, sir.

11 Q. That's the fastest military maneuver
12 that I've heard of. Now, let me ask you
13 this. When was your BOLC date?

14 A. We started BOLC, I believe, August
15 of the same year.

16 Q. Okay.

17 A. So I had two months.

18 Q. So you started BOLC, which we are
19 calling flight school the same thing. You
20 started SEAR school August 2013, we're
21 saying?

22 A. Yes, sir.

23 Q. So you would have gotten out of that
24 August 2015?

25 A. August 2015, yes.

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1 Q. So we're saying a year or so
2 training and then about three months before
3 you -- I assume that you commissioned in May.
4 Right?

5 A. That's right.

6 Q. Those added together make about a
7 year and ten months. Right?

8 A. Yes, sir.

9 Q. Okay. So now you say that you were
10 in the military for two years?

11 A. I was probably -- if you want to get
12 technical about it, sir, I was in the
13 military for much, much longer than that.

14 Q. As an ROTC cadet?

15 A. Yes, sir.

16 Q. But you were a commission United
17 States Army officer for two years?

18 A. Right. I basic while I was
19 enlisted.

20 Q. Yeah, I did too. So about a year
21 and ten months of that ten years was your
22 initial training.

23 A. Yes, sir.

24 Q. So did you graduate flight school?

25 A. I did not, didn't finish.

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1 Q. So saying that you were an Apache
2 pilot is a bit of a stretch; right?

3 A. I can fly an Apache, yes, sir.

4 Q. But did you ever fly an Apache with
5 the Guard?

6 A. I did.

7 Q. Did you ever go to a drill?

8 A. I did.

9 Q. As an Apache pilot?

10 A. Yes, sir.

11 Q. And you flew an Apache?

12 A. Yes, sir.

13 Q. Well, why did they -- why did you
14 get out then?

15 A. They were actually downsizing our
16 units. They couldn't afford at the time to
17 send me back through Black Hawk training and
18 they were transferring all of our Apache
19 Lieber models to a different Guard unit and I
20 couldn't go back through training.

21 Q. So they just let you out of the
22 Army?

23 A. Yes. Major Leihouse (phonetic) said
24 that the four of us that he let go, we all
25 got honorable discharges and he said that we

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1 were four million dollar mistakes and they
2 couldn't afford to keep us and re-train us.

3 Q. Okay. So basically you might have
4 made it one or two months in the Guard before
5 you were out, after you were done with BOLC
6 and flight school?

7 A. That's correct.

8 Q. Okay. All right. So now moving on
9 -- forgive me, but I was trying to take notes
10 as you were taking. You used to work at
11 AT&T?

12 A. Yes, sir.

13 Q. What timeframe did you work there?

14 A. I was direct hired on with AT&T as a
15 network operations engineer in February of
16 2016.

17 Q. So February of '16?

18 A. Yes, sir.

19 Q. All right. And why were you let go
20 from them?

21 A. I was asked to leave the company --
22 I think that it was the first week of August
23 when Brian Oakley and I had our meeting.

24 Q. So you made it about six months
25 there?

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1 A. (Affirmative nod).

2 Q. And you said that you were let go
3 because you were having a hard time showing
4 up for work?

5 A. Yes, sir.

6 Q. And how did -- I guess Brian Oakley
7 was your big boss. How did he find out about
8 it?

9 A. Uh, at first it was brought to his
10 attention, I think, by Harrison Golson.
11 Scott Trayling (phonetic) told me that it was
12 something that he'd discussed with Brian
13 Oakley about.

14 Q. So Harrison Golson, the victim in
15 this crime is the guy that got you fired?

16 A. I would say it initiated it that
17 way. I didn't directly relate it to
18 Harrison. In fact it actually more
19 embarrassing for me because I was late.
20 It had nothing to do with what Harrison had
21 said.

22 Brian Oakley began monitoring my
23 attendance, basically. The first three
24 months that I worked there was perfect
25 attendance and then after that it had become

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1 unstable.

2 Q. So now let's talk about a little bit
3 more. When you let go, I guess that you had
4 some vacation days built up?

5 A. Yes, sir.

6 Q. And they were cashing out your
7 vacation days?

8 A. Yes, sir.

9 Q. As one does?

10 A. (Affirmative nod).

11 Q. Now, you mentioned that you -- you
12 said that you weren't in financial distress
13 at the time?

14 A. Yes, sir.

15 Q. But you cashed out an IRA?

16 A. Yes, sir.

17 Q. Now, for those of us who are
18 financial wizards, could you explain what
19 IRAs are typically used for?

20 A. It is retirement funds, sir.

21 Q. But you are retired, are you?

22 A. That's right. I took a huge tax hit
23 when I cashed it out.

24 Q. That's what I was about to say. You
25 took a pretty good penalty for that.

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1 Correct?

2 A. Yes, sir.

3 Q. It probably would have been a lot
4 more prudent if you weren't in financial
5 trouble to leave that and let it grow; right?

6 A. I was told by Brian Oakley that it
7 would not be accessible after a certain
8 period of time because I'd left the company.

9 Q. Okay. Now, I've got another
10 question for you. You were obviously
11 ultimately arrested on this charges, weren't
12 you?

13 A. Yes, I was.

14 Q. You were offered a bond, correct?

15 A. Yes, sir, I believe so.

16 Q. And you said that your parents would
17 help you out at the drop of a hat, that money
18 is not a problem. Do you remember how much
19 the bond was?

20 A. I believe that it was \$40,000.

21 Q. Typically how a bond works, that's
22 money that -- you put up a portion of that
23 and if you don't show up for court, they
24 collect the rest of it from you. Right?

25 A. I believe so, sir.

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1 Q. Do you know how much of that \$40,000
2 that you would have had to put up to get out
3 of jail?

4 A. I really am not sure, sir.

5 Q. Would you -- what if I told you that
6 it was ten percent?

7 A. (No verbal response).

8 Q. They didn't explain this to you when
9 you were put in jail, how much money that
10 you'd have to put up to get out?

11 A. No, sir, I didn't actually really
12 ask about the bond. There were some people
13 in the jail who were convinced that if you
14 bond out and pay your way out to get out of
15 jail, that that makes you look guilty.

16 I actually didn't bond out or pay my out
17 because it was something that would
18 incriminate me in a way, make it look like I
19 was trying to run.

20 Q. But you ultimately bonded out?

21 A. (No verbal response).

22 Q. You're not in jail right now?

23 A. On a personal recognizance bond.

24 Q. Right. Okay. So you, on point of
25 principle, sat in jail on a bond that would

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1 have taken \$4,000 to get you out; right?

2 A. Yes, sir.

3 Q. How long did you sit in jail for?

4 A. Sixty days, almost.

5 Q. Almost sixty days?

6 A. (Affirmative nod).

7 Q. Almost two months. Golly. And how
8 much was that IRA cashed out for? I think
9 you said earlier?

10 A. Close to \$4,000.

11 Q. Man, that would have gotten you out
12 of jail?

13 A. It would have, yes, sir.

14 Q. Okay. Now, this Wells Fargo e-mail
15 that we saw, you don't dispute that was to
16 your e-mail account. Correct?

17 A. Correct, I think it was.

18 Q. And you bank with Wells Fargo,
19 correct?

20 A. Yes, sir.

21 Q. Okay. So explain to me again how an
22 e-mail saying that you had insufficient funds
23 doesn't mean that you were out of money?

24 A. So there were two accounts that were
25 linked, my checking account with my bank

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1 account. My checking account has things
2 charged to it like Netflix, Spotify, and
3 things of that nature. My saving account has
4 my savings and nothing charges to it, it
5 actually accumulates interest over a period
6 of time.

7 Q. Okay. So these two accounts are
8 linked.

9 A. (Affirmative nod).

10 Q. I guess what you're telling me is
11 that you think that it was maybe an automatic
12 charge to your checking account that didn't
13 go through?

14 A. Yes, sir.

15 Q. Okay. Well, I want to direct your
16 attention back to what has been entered as
17 State's Exhibit 21. Could you read to me
18 what that says?

19 A. (Reading): "Wells Fargo transfer
20 canceled due to insufficient funds."

21 Q. Now it says "transfer", not
22 "transaction." Correct?

23 A. That's correct, sir.

24 Q. Those are two different things,
25 right?

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1 A. Yes, sir.

2 Q. Okay. All right, Mr. Scowcroft.

3 Let's see here, let's talk about your day
4 around August 15th and 16th, 2016. Now, you
5 said that you had gone downtown the night
6 before, right?

7 A. (Affirmative nod).

8 Q. Is that right?

9 A. Yes, sir.

10 Q. The 15th?

11 A. Yes, sir.

12 Q. And that was with your then girl-
13 friend, Erica?

14 A. Yes, sir.

15 Q. Where did y'all go?

16 A. She had me go downtown to meet, uh,
17 -- I went with her actually, we drove in her
18 car to go pick up this girl, Taylor, from
19 near Ink & Ivy.

20 Q. Okay, which is right there at the
21 corner across from ---

22 A. Across the street almost,
23 (affirmative nod).

24 Q. Yeah.

25 A. We couldn't find Taylor and we were

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1 down there for a while searching until well
2 after midnight actually, trying to get ahold
3 of her, trying to get her to answer her
4 phone. I mean, she was intoxicated, sick.
5 She was a mess.

6 So we picked up Taylor and we were going
7 to stay here, but Erica and I had already
8 been planning on going to the lake house and
9 spending the night there. I knew that I had
10 to get the lawn mowed and get the jet ski
11 pulled, put in the water. So we were going
12 to go on to the lake house. We took Taylor
13 with us. We made a nice night of it
14 actually.

15 Q. Good. So then you -- so you and
16 Erica went to the lake house?

17 A. (Affirmative nod).

18 Q. Then you got up the next day and you
19 did some yard chores around the lake house?

20 A. (Affirmative nod). We were up early
21 too. We've got a small lawn there. It's got
22 a bunch of hills on it, but we just -- I
23 mowed the lawn about 7:00 a.m. and then we
24 came back to town. We stopped for lunch at
25 Aaron's Gas Station.

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1 Q. Wait a minute now. What time did
2 you leave Greenville the night of the 15th?

3 A. Uh, sometime after 12:00, before
4 1:00. The bars hadn't closed yet.

5 Q. So y'all leave Greenville, let's
6 say, at 12:30. You took Taylor home, right?

7 A. No, we took her with us.

8 Q. So she was at the lake with you?

9 A. (Affirmative nod).

10 Q. There were two people at the lake?

11 A. (No verbal response).

12 Q. Okay. So how -- how long is the
13 drive from downtown Greenville to your lake
14 house?

15 A. About forty-five minutes.

16 Q. So if you leave here at 12:30, that
17 puts you there at 1:15; right?

18 A. Um-humm, (affirmative nod).

19 Q. Now, let's say that you go to bed
20 about 1:30. You said that you woke up --
21 that you started mowing the lawn about 7:00,
22 right?

23 A. Yes, sir.

24 Q. So you presumably didn't wake up
25 pushing the lawnmower. So let's say that you

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1 woke up about 6:30.

2 A. Sure. As the sun comes up.

3 Q. So you slept about five hours that
4 night.

5 A. Yes, sir.

6 Q. A light sleeper. So you, Erica and
7 Taylor were over there and you'd already
8 planned on taking your girlfriend there, but
9 you had to go pick up her drunk friend, who
10 was a mess, downtown. You just loaded her up
11 and brought her along for a romantic night
12 too.

13 A. We were actually planning on
14 dropping her off at home but I couldn't get
15 her to wake up to tell me where she lived.
16 So Erica got her to wake up and asked her if
17 it was okay if we just brought her with us.
18 It wasn't supposed to be for a romantic
19 night, but we made it into one.

20 Q. So you were able to wake her up and
21 say, 'hey, do you want to go to the lake
22 house with us' in the middle of the night
23 'when you're hammer drunk', but not 'hey,
24 what is your address?'

25 A. Yeah, 'hey, where is your home, I

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1 want to take you home.'

2 Q. Yeah.

3 A. She wasn't really responsive.

4 Q. She couldn't communicate that well?

5 A. Right.

6 Q. But she could communicate well
7 enough that she wanted to go to the lake
8 house?

9 A. I think she just said 'yeah, that's
10 fine' I'm not really sure. Erica just
11 really tried to nurse her, I guess, in a way.

12 Q. Erica didn't know where she lived?

13 A. No, sir.

14 Q. But Erica was friends enough with
15 her that she didn't want to let her take a
16 taxi or an Uber or something back?

17 A. I think that she was kinda playing
18 den mother, in a way, trying to take care of
19 a friend.

20 Q. Erica was just being a nice girl.
21 Right?

22 A. Right.

23 Q. But she doesn't know here this
24 friend lives, right? If she had to ask her
25 for her address, evidently. Right?

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1 A. Yes, sir.

2 Q. So y'all are all at the lake. You
3 start cutting grass about 7:00 o'clock. What
4 time did you finish that?

5 A. I think I finished cutting the grass
6 about 9:00 or 10:00, ate breakfast and then
7 we started to headed out.

8 Q. So you all ate breakfast over there
9 after you'd cut the grass?

10 A. Yes, sir.

11 Q. Okay. So you finished cutting the
12 grass, you said, about 9:00 or 10:00?

13 A. Yes, sir.

14 Q. So let's say 9:30. You eat
15 breakfast, how long did that take?

16 A. An hour, hour and a half.

17 Q. Okay, let's say an hour and a half.
18 That puts us at 11:00, right?

19 A. Yes, sir.

20 Q. So now you said that it's forty-five
21 minutes back to Greenville?

22 A. Yes, sir.

23 Q. Now, you're back in Greenville and
24 it's about 12:15; correct?

25 A. Yes, sir.

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1 Q. Okay. Did y'all drop Taylor off at
2 this point?

3 A. Yes, sir, we did.

4 Q. Where did you drop her off at?

5 A. At someone house on Wade Hampton.

6 Q. On Wade Hampton?

7 A. Yes, sir.

8 Q. So near your house?

9 A. No, sir, it was further up than
10 that. It was farther towards Spartanburg,
11 over near Greer.

12 Q. So you had to drive all the way from
13 Lake Keowee, where your lake house is on, --
14 is it Lake Keowee?

15 A. Yes, sir.

16 Q. Let me get this straight. So you
17 leave the lake house at 10:30, is that right?

18 A. Yes, sir, maybe a little after that.

19 Q. Well, then let's start with 11:00.

20 I don't want to put words in your mouth.

21 A. Yeah.

22 Q. Let's say 11:00. Are we agreeing on
23 11:00?

24 A. Maybe 10:30. I can't remember
25 exactly, sir.

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1 Q. 10:30 to 11:00, you leave Lake
2 Keowee and you drive to Greer to drop this
3 girl off?

4 A. Yes, sir.

5 Q. That is longer than forty-five
6 minutes. That's -- how long is that?

7 A. More like an hour.

8 Q. So now we're at noon.

9 A. It wasn't all the way to Greer
10 either, sir.

11 Q. Okay.

12 A. Lee Road Baptist Church.

13 Q. I think I know where that is. So
14 it's an hour to noon, and you've got to drive
15 back from Greer to your house. Correct?

16 A. From Lee Road Baptist Church to my
17 house is maybe five minutes, maybe ten.

18 Q. So we'll call it noon, then we're
19 back at your house. We show up and Britain's
20 stuff is still there. Right?

21 A. Yes, sir.

22 Q. And y'all -- it was a lot of stuff,
23 wasn't it?

24 A. A whole closet full.

25 Q. A whole closet full and, I mean,

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1 there's guns, there are gun cases, there's
2 clothes, I think you said a high school
3 diploma, a baseball card collection. I mean,
4 there's all kinds of stuff.

5 A. Yes, sir.

6 Q. Okay. Was there a PlayStation in
7 there?

8 A. There was, sir. There were two of
9 them.

10 Q. Two?

11 A. (Affirmative nod).

12 Q. All right.

13 A. An older one and a newer one.

14 Q. All right. So there's a new
15 PlayStation, an old PlayStation, clothes,
16 guns, diploma, cases, -- how big is this
17 closet?

18 A. It's pretty big, walk-in.

19 Q. So it's -- you know, it's -- give me
20 a foot-by-foot guess?

21 A. A guess is seven feet deep and, you
22 know, five feet wide.

23 Q. So it's a room almost.

24 A. Almost.

25 Q. So y'all are going through this room

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1 full of stuff and you realize that it's all
2 Britain's, right?

3 A. Yes, sir.

4 Q. Now, I assume that you're calling
5 him. You said that. Right? That you were
6 trying to get ahold of him?

7 A. Yes, sir.

8 Q. So he hadn't responded to phone
9 calls, right?

10 A. That's right.

11 Q. Did you try text messages?

12 A. We tried texting him.

13 Q. And he didn't respond to your text
14 messages? Right?

15 A. That's right, sir.

16 Q. Then you started sending SnapChat
17 of, I assume, snarky jabs that 'we're looking
18 at all of your stuff here, dude.'

19 A. Not really. It was more to put
20 emphasis on some of the valuables that he'd
21 left there, to make him realize that he still
22 had some things that he might be missing.

23 Q. Right. So -- to make him realize
24 how valuable this stuff was, you decided to
25 send it through messages that ---

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1 A. 'Hey, you left this here.' 'Do you
2 remember having this here?' 'You left this
3 here.' It wasn't toward any ill effect at
4 all, and he didn't take it that way either.

5 Q. Okay. So what I am getting at is
6 that we've gone through three forms of
7 communication.

8 A. Right.

9 Q. If we were working our PACE plan,
10 we'd be on our contingent.

11 A. Yes, sir.

12 Q. So now we're on our third form of
13 communication and you've presumably gone
14 through this room full of stuff. How much
15 time has passed?

16 A. It took about thirty minutes, sir.

17 Q. So now we're like 12:30?

18 A. Yes, sir.

19 Q. I think a minute ago that you said
20 that y'all had boxed and bagged all of that
21 stuff.

22 A. Most of it was already boxed and
23 bagged. We just sort of went through it and
24 sorted it out.

25 Q. So it was boxed and bagged. You

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1 unpacked it to see what was in it, is that
2 what you're telling me?

3 A. No, sir. Open the bag, see what's
4 in it, close it back.

5 Q. So y'all finished packing it all up.
6 How long did that take?

7 A. Not all that long. I mean, all we
8 did was open the door, walk inside, start
9 pulling things out to -- it wasn't a big
10 process in any way.

11 What is this? Clothing.

12 What is this? Electronics.

13 What is this? A gun.

14 What is this? A box of old high school
15 pictures.

16 What is this? A high school diploma.

17 It doesn't take five minutes to empty out
18 a bunch of stuff out of a closet, especially
19 when your conclusion has already been
20 established that you're going to get rid of
21 it.

22 Q. Okay. So you had already decided,
23 'I am chunking this stuff', basically?

24 A. Yes, sir.

25 Q. So why were you telling Britain that

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1 'it's all here.'

2 A. It was a last attempt to get him to
3 come by.

4 Q. One last stab?

5 A. (Affirmative nod).

6 Q. Okay. So we'll put it at 12:35 that
7 we have finished going through all this stuff
8 in this room and we've found all this stuff
9 and we have -- have you heard from Britain by
10 this point?

11 A. He did Snap back and -- I think the
12 reason for that was that the cell phone that
13 he did have only had internet connection. He
14 never had actual service. That might be why
15 none of our phone calls or text messages
16 would get responses. He did that a lot,
17 actually. He used the WiFi at my apartment
18 all the time, that's the only way that he
19 communicated, basically Messenger and
20 SnapChat really.

21 Q. Well, if the only way that he
22 communicated was through Facebook Messenger
23 and SnapChat, as you just told us. You knew
24 that because he'd lived at your house and
25 used your WiFi. So why were you trying to

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1 call him and text him?

2 A. Because he often would go get a
3 refill card and would have service.

4 Q. So did he often only use the cell
5 phone or -- I mean often only use internet?

6 A. Until he ran out, (affirmative nod).

7 Q. Okay. So it's about 12:35. We've
8 got through this stuff. We've gotten a
9 response from Britain, 'take it, get rid of
10 it, I don't want it.'

11 A. Basically, (affirmative nod).

12 Q. So what did you decide to do with
13 it?

14 A. Honestly Erica pointed out that a
15 lot of it would be valuable to sell. I
16 didn't -- I knew that it would be because
17 there were, obviously, weapons involved but I
18 didn't think that it would be that important.
19 I said that we should just toss most of it in
20 the dumpster or put it in a box outside the
21 front door. The box outside the front door
22 was a legal thing because that's what you
23 have to do if you're trying to evict someone.
24 You just get everything legally accessible,
25 hold it for twenty-four hours, and then you

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1 can get rid of it. Erica said that, you
2 know, since he had already said, since he'd
3 given up his claim to it, that we were okay
4 to just pretty much get rid of it, do with it
5 as we please. I felt like, you know, that we
6 should just go ahead and sell it to get rid
7 of it, especially the valuable things. You
8 can't just throw away a shotgun. You can't
9 just throw it in the garbage. There has to
10 be some sort of accountability on it.

11 Q. I would agree. So how long did it
12 take y'all to decide to sell the stuff then?

13 A. No time at all.

14 Q. Okay.

15 A. As I said we have already come to
16 the conclusion that we were getting rid of
17 it, we were done with it.

18 Q. Okay. So what time did you leave
19 your house to sell the stuff?

20 A. I left the house around 12:00,
21 12:30, 12:45.

22 Q. So 12:40'ish you leave your house.

23 A. (Affirmative nod).

24 Q. You don't deny that you sold this
25 gun to Traders, right?

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1 A. That's right.

2 Q. And you don't deny that you sold
3 this PlayStation to GameStop?

4 A. That's correct, sir. I was under
5 the impression that it had come from
6 Britain's dad, that the PlayStation had been
7 Britain's.

8 Q. Is Erica still with you at this
9 point?

10 A. No, she is not.

11 Q. Where did she go?

12 A. I have no idea. She came and signed
13 my keys out of jail. My stepmom ran into her
14 at my apartment, then she -- she basically
15 called her out on having ransacked the place
16 and taking all my belongings, my TV, my Blu-
17 ray's. Erica said that she would come back
18 and ---

19 Q. I want to get to that in just a
20 second but just a minute ago you said that,
21 uh, that y'all had sort of divided and
22 conquered there. Just a minute ago on the
23 stand you said that Erica took this stuff and
24 sold it at Plato's Closet. The clothes.
25 Right?

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1 A. That was the clothes, (affirmative
2 nod).

3 Q. So that is where she was when you
4 were selling the gun and PlayStation?

5 A. Correct.

6 Q. She was selling the clothes at
7 Plato's Closet.

8 A. Right. Yes, sir.

9 Q. Okay. So with -- again, within
10 forty-five minutes of Britain relinquishing
11 control of this stuff, you sold it?

12 A. I'm not sure that it was that short
13 of a time window. Because if Harrison got up
14 and went to work at 6:00 in the morning, like
15 he did, he ---

16 Q. No, I'm talking about from when
17 Britain told you that you could sell it?

18 A. Oh, then -- yeah. It was --
19 Britain said to go ahead and get rid of it,
20 so we did. But that was already, I think,
21 pretty much established between Erica and I
22 that we wanted to get rid of it.

23 Q. Okay. So now on the 16th Britain
24 hadn't been at your house, had he?

25 A. I don't know if he was or not that

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1 morning or that night before.

2 Q. Okay. Let's see here. Now, when
3 was the last time that you were at your house
4 before y'all went through his closet and
5 stuff?

6 A. Before that, late evening maybe
7 10:00 or 11:00 at night.

8 Q. On the 15th?

9 A. I think so.

10 Q. The day before?

11 A. Yes, sir.

12 Q. Okay.

13 A. It might have been later than that.
14 I just know that the bars hadn't closed yet.

15 Q. So y'all left from your house to go
16 pick this girl up at a bar?

17 A. Yes.

18 Q. Okay.

19 A. I had to absolutely go -- I had to
20 go to the lake house, had to get that done.
21 My stepmother had already asked me to do it
22 the last week, had asked me several times.

23 Q. I gotcha. Now, do you often buy and
24 sell stuff?

25 A. You know. Often, I don't think so.

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1. You know, I know people who do buy and sell a
2 lot. I know people who make a business out
3 of it.

4 Q. Um-humm.

5 A. I've met some people's moms who are
6 really, really good at arts and crafts and
7 sell stuff, buy stuff and sell it.

8 Q. I mean, this wasn't the first time
9 that you'd sold something; right?

10 A. Anything like this? Yeah, I think
11 it was.

12 Q. Really?

13 A. I think so.

14 Q. You've never sold a gun before?

15 A. I have.

16 Q. Oh, okay. So when you said that it
17 was the first time you'd ever sold something
18 like this?

19 A. In this manner, coming where it came
20 from.

21 Q. So I want you to be clear with me
22 now. Have you ever sold a gun before?

23 A. I have.

24 Q. Had you ever sold a gun to Traders
25 before?

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1 A. I have.

2 Q. Okay. So saying it was the first
3 time that you'd done something like that,
4 that was just not accurate?

5 A. That's correct, sir, but before that
6 I don't think that I ever had.

7 Q. Okay. Now, you are an educated man.
8 What did you major in at The Citadel?

9 A. Electrical Engineering.

10 Q. Electrical Engineering?

11 A. (Affirmative nod).

12 Q. Okay. You've worked in the business
13 world for a little while and you've told us
14 that you've sold some stuff before. Now, it
15 is reasonable that you'd want to get the best
16 price for your stuff. Right?

17 A. If that is what I was worried about,
18 yes, sir. I don't think that I haggled with
19 them at all, though. It wasn't really a big
20 deal to let it go for whatever it was that
21 they offered.

22 Q. Okay. You just wanted to get rid of
23 it?

24 A. Yes, sir.

25 Q. But it would make sense that if you

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1 were -- let's say, for example, that you sold
2 this gun to Traders, this rifle. And if you
3 were thinking about selling that shotgun
4 there, you might want to research -- since
5 you sold that gun so quickly because you just
6 wanted to get rid of it.

7 A. Right.

8 Q. You might want to check and make
9 sure that you got a good deal for it. Right?

10 A. Yes, sir.

11 Q. Before you go sell that shotgun?

12 A. I would say so. Yes, sir.

13 Q. It would make sense to check prices
14 and to check the market. Right?

15 A. Yes, sir.

16 Q. Okay. All right. Now, let's talk
17 about your relationship with Britain. When
18 did he move in with you?

19 A. I believe that it was the end of
20 February, first of March.

21 Q. How did y'all meet?

22 A. There was a -- he was a friend of a
23 friend -- it was in high school that I ran
24 him at the coliseum playing pool with a
25 league. He was Nat's former roommate.

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1 Q. I'm sorry?

2 A. I was going to say that Nat
3 introduced me to him saying that, you know,
4 'this guy is actually looking for a place.'

5 Q. So you met him playing pool?

6 A. Yes, sir.

7 Q. Do you play pool regularly?

8 A. I did. Used to, for a couple of
9 months.

10 Q. I think that you said that you were
11 in some kind of a league?

12 A. Yes, sir.

13 Q. Can you explain that to us?

14 A. It's a league, the American Pool
15 Players Association. Basically we meet
16 Tuesdays and Thursdays. You don't have to
17 come to every one, but it teaches you how to
18 play eight-ball and nine-ball.

19 Q. Okay. All right. So, now he moves
20 in with you like in February or March,
21 something like that. Was he your first ever
22 roommate?

23 A. No, sir.

24 Q. You had lived with other people
25 before?

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1 A. I'd had other roommates before, down
2 in Charleston and -- (affirmative nod).

3 Q. Not counting The Citadel?

4 A. Yes, sir.

5 Q. Did you give any of them the keys to
6 your car?

7 A. My buddy from The Citadel that I
8 lived with for two years in Charleston
9 afterwards, (affirmative nod), and had an
10 apartment with, he drove my car all the time.

11 Q. Well, wait a minute. I thought for
12 the two years after The Citadel that you were
13 off in flight school, BOLC and all that.

14 A. No, sir, not directly after Army
15 training, not directly after The Citadel.
16 During Army training, (negative gesture).
17 After I got back from that.

18 Q. Oh, okay, so after you get back from
19 BOLC?

20 A. I went from BOLA, Advanced and all
21 during flight school up to when I moved back
22 to Charleston.

23 Q. Okay. So you let this guy drive
24 your car?

25 A. Yes.

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1 Q. Did he let you drive his car?

2 A. Yes, he did. He had a nice Jeep.

3 Q. And y'all just drove each other's
4 vehicle?

5 A. Depending on what we were doing.

6 If we were going to the beach, I'd drive
7 his Jeep.

8 If he needed to borrow my car for
9 something less important ---

10 Q. I might be asking a stupid question
11 here. Let me clarify myself. Y'all,
12 independently of each other, would just drive
13 each other's vehicles?

14 A. No, sir.

15 Q. Okay.

16 A. If we were doing something together,
17 it wasn't a big deal.

18 Q. Made sense. Right?

19 A. Because he had a car, so did I. In
20 this case with Britain, he didn't have a
21 vehicle.

22 Q. So part of the perk for Britain
23 living there was that he just got to drive
24 your car whenever he wanted to.

25 A. He did. Well, it wasn't that way at

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1 first. It wasn't like I just walked in, met
2 this guy and handed him my keys. It wasn't
3 like that at all. I rode with him several
4 times to make sure that he was a good driver.
5 And, you know, spent a little bit of time
6 getting to him very well. He never once gave
7 me any idea of being a bad driver, of being
8 unreliable or being untrustworthy. It wasn't
9 an issue until later on.

10 Q. Okay. Did he pay rent?

11 A. I asked him about it. I never asked
12 him a specific net amount to pay every month.
13 You know? It was my understanding that he
14 was having a hard time, that he was having a
15 hard time getting on his feet. So in working
16 at the Coliseum, I could see where the
17 strange hours and minimal pay would make that
18 difficult. So I was kinda giving him a
19 chance to build up some money, build up a
20 rapport at work, to have something good
21 going.

22 Q. So just out of the goodness of your
23 heart, you've got him on a pay-as-you-can
24 schedule with access to your own car, you're
25 paying utilities, ---

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1 A. After several months when he was
2 there he would take my car to work when he
3 went in the evening. I get home at 4:00 or
4 4:30. He'd get up and he'd go to work at
5 like 5:00 or 6:00 in the evening, so it
6 worked out.

7 Q. Okay.

8 A. Then he'd get off at like 2:00 in
9 the morning, which I was not going to come
10 pick him up from -- I'd tried that several
11 times and basically it just made me stay up
12 really late and I was tired the next morning.
13 But I was trying to accommodate him because,
14 you know, it seemed like he needed a hand, he
15 needed help.

16 Q. So this guy, you put a roof over his
17 head, you know, water in the sink, everything
18 but food in his belly -- gave him use of your
19 car and all that. He went with you to
20 Harrison's house to move the couch?

21 A. He picked me up at work that day.
22 He also acted like a chauffeur. In a way it
23 was a joke. But he'd do that all the time.

24 I'd called him, tried to get ahold of
25 him, sent him a message on Facebook Messenger

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1 from my work and told him, 'Hey, I've got to
2 go help a guy move some furniture after work,
3 you want to just meet me here?' He drove my
4 car down to work that day and picked me up.

5 Q. How did you get to work that
6 morning, if he had your car?

7 A. Because he dropped me off, because
8 he was just coming back in.

9 Q. Okay. What time did you go to work
10 in the mornings, normally?

11 A. At 6:00.

12 Q. And what time did he get off,
13 normally?

14 A. At 2:00.

15 Q. And what time would he get home?

16 A. About 2:30 to 3:00, he would
17 occasionally go out to a couple of bars that
18 stayed open after. That was when -- one of
19 the concerns that I first had, was that he
20 wasn't coming straight home after work.

21 Q. So he gets back at like 2:00 or 3:00
22 o'clock in the morning. If he didn't get
23 back at 2:00 or 3:00 in the morning, it was
24 because he was out drinking at a late-night
25 bar. Correct?

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1 A. That's correct.

2 Q. Okay. But, uh, he still wakes up
3 the next morning to drive you to work?

4 A. He never went to sleep.

5 Q. Never slept?

6 A. Didn't consider him, but was one of
7 the big alarms that it raised for me.

8 Q. We need to have him studied, folks.
9 Your roommate, unlike every other human
10 being, doesn't have to sleep.

11 RANDY CHAMBERS: Your Honor, at this
12 point I am going to object to the sarcastic
13 comments.

14 THE COURT: Sustained.

15 DIRECT EXAMINATION CONTINUED

16 BY SOLICITOR FOWLER:

17 Q. So your roommate basically drove the
18 car back to your house?

19 A. Yes.

20 Q. Okay. Now, why were you going to
21 help Harrison move this furniture?

22 A. Harrison asked me that day and I --
23 Britain had asked me if he could keep the car
24 so that he could go do something that day. I
25 don't recall what actually. It was uncommon

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1 for him to actually take me to work in the
2 morning. He often asked and I usually just
3 said no. But this particular day I'd given
4 him permission to keep the it, so he dropped
5 me off. Then Harrison asked me to help him
6 move something after work, so I needed him to
7 come back and get me.

8 Q. I gotcha. What exactly were y'all
9 moving? Do you remember?

10 A. It looked like a display case of
11 some kind, a glass display case. Dresser
12 size.

13 Q. So how big are we talking?

14 A. Seven feet tall, maybe three or four
15 feet wide with glass panels.

16 Q. And what was it made out of?

17 A. Wood and glass.

18 Q. Okay. Do you know how much -- do
19 you remember if it was heavy? Do you know
20 how much it weighed?

21 A. I don't remember.

22 Q. But it was definitely a two-person
23 job?

24 A. For sure.

25 Q. Would it have been helpful to have a

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1 third person there?

2 A. Probably not. More cumbersome than
3 heavy. All we did was slide it out of the
4 back of his truck to the ground, walked it
5 into the garage and left it there.

6 Q. Okay. So this whole time Britain is
7 just sitting in the car watching?

8 A. Running it, (affirmative nod). Yes.

9 Q. He was sitting in the car with the
10 car running?

11 A. Yes. Harrison said at work that it
12 wouldn't take but a second. I didn't think
13 anything of it.

14 Q. Okay. And this is about the time
15 that y'all's relationship had gone south, I
16 believe is what you said?

17 A. Not quite yet. I had become
18 suspicious of him at this point. This was
19 over the summer, June or maybe before.

20 Q. Okay.

21 A. It wasn't until July or maybe August
22 where he had become almost hostile a lot of
23 the time, bringing people around, had become
24 more unpredictable. He'd actually lost his
25 job, been fired from the coliseum, the month

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1 before.

2 Q. Okay. So what was he doing that was
3 bothering you?

4 A. It was the people that he brought
5 with him back to the house. I wasn't there
6 most of the day. I had to get up to go to
7 work at 6:00. He'd come back around 5:00,
8 maybe 4:30, sometimes even sooner if he got
9 off earlier.

10 But there was a bucket by the front door
11 that was full of cigarette butts where some-
12 body had been out there smoking. I don't
13 smoke cigarettes. So somebody hanging out by
14 the front door, smoking cigarettes.

15 Then I walk in the house and there's --
16 the kitchen was a wreck, the house was a
17 wreck, stuff everywhere. Cups, plates --
18 more than just one person, because they
19 weren't there the day before. So who has he
20 had over while I was gone? And what have
21 they been doing? It was alarming because it
22 was -- it was that way for a couple of weeks,
23 then all of a sudden these people were
24 actually there when I get home. They're, you
25 know, tattooed, long hair, beards, no

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1 haircuts, stains on their clothes. They
2 looked like very, very hard people. People
3 that might not have my best interests -- I
4 mean, I might be judging here in a way. They
5 weren't the savory crowd that you'd go to
6 Sunday brunch with.

7 Q. I believe your words were that you
8 ultimately became terrified. Right?

9 A. Well, yeah. I hated the fact that
10 he had so much, I guess, leverage in my life.
11 I'd given him a house key, you know, a car
12 key. You've only got -- he got the car key
13 from me, but then I found out that he'd been
14 breaking into my car before -- or someone had
15 been breaking into my car, where they knew
16 that they could pull the door away from the
17 actual weather-stripping, stick something
18 down in there and press the unlock button.
19 There is chipped paint all down the side of
20 the vehicle from it.

21 That's the main reason I don't wear my
22 class ring anymore. I used to wear a big
23 'ole hunk of gold Citadel class ring with '13
24 on it and that -- I took it off and put it in
25 my cup holder one day, to reach under the

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1 hood of the car because my ring couldn't get
2 through the cracks. It sat in there. He
3 mentioned it a couple of times.

4 Then the day that I came back with Erica
5 and we went in the house, I found my car keys
6 laying on the desk next to my phone where I'd
7 left them but the car was in a different
8 parking spot.

9 Q. You'd given him permission to drive
10 the car, though; right?

11 A. Yes, but this was after I'd asked
12 him to leave.

13 Q. Oh, okay.

14 A. So he had come back to the house and
15 had been in there.

16 Q. Okay. So you were terrified of him?

17 A. I mean, him and some of the cronies
18 that he had.

19 Q. So terrified, in fact, that you left
20 him your car keys and your house keys.

21 A. He still had a house key.

22 Q. He still had a house key?

23 A. That I had given him from a long
24 time ago.

25 Q. Okay.

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1 A. And he took my car keys off of my
2 desk.

3 Q. Was there just one set of car keys?

4 A. Only one. It was a programmed one.

5 Q. So he's got the only set of car keys
6 that you've got at this point?

7 A. Yes.

8 Q. And he's got a key to your house?

9 A. This is all conjecture at this point
10 that he still had the key to the house, but
11 the car key was on the desk where I'd left
12 them, right next to my phone, that night that
13 Erica and I left to go pick up Taylor.

14 Q. Okay. So he didn't have a set of
15 car keys?

16 A. I don't believe so, unless he had
17 some made.

18 Q. He did have a house key?

19 A. He did have a house key.

20 Q. So you are scared of this guy, so
21 you don't ask for a key back to the house?

22 A. I did.

23 Q. So you did ask for your key back?

24 A.. (Affirmative nod), ---

25 Q. And he refused?

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1 A. --- and he just never responded.

2 Q. Okay. The night that you all went
3 to go to get this girl from downtown, you and
4 Erica started out at your house; right?

5 A. We were, (affirmative nod).

6 Q. You started out from your house,
7 right?

8 A. Yes.

9 Q. Did you leave your car keys there?

10 A. I did, and my phone.

11 Q. You left your car keys and your
12 phone?

13 A. Yes, sir.

14 Q. Even though y'all were planning on
15 going to the lake?

16 A. Yes, sir. It wasn't until -- we
17 were planning on coming back to the
18 apartment, and we -- we also didn't plan on
19 being out that late. And we were already
20 downtown and it's much closer from downtown
21 to just go through the far side and up to the
22 lake. It's a thirty-minute drive.

23 Q. How far is it from downtown to your
24 house?

25 A. Fifteen minutes, depending on

1 traffic.

2 Q. Okay. Did you -- do you often leave
3 your house without your car keys and your
4 cell phone?

5 A. No.

6 Q. Had you ever done that before?

7 A. Maybe a couple of times, running a
8 quick errand. It's kinda hard to leave your
9 house without your keys.

10 Q. I would tend to agree with you.
11 Okay. Now, let's talk about this interview
12 that you gave to the police. Now, just a
13 minute ago -- well, before we get there.

14 After you were arrested, Erica had left
15 some stuff in your house. Right?

16 A. Yes, she had.

17 Q. And before you were able to get out
18 of jail, she came and cleared the stuff out?

19 A. I signed my keys out to her.

20 Q. She took the keys and -- did she
21 clear all of her stuff out, or ---

22 A. She cleared all of her things out
23 and a bunch of mine.

24 Q. So she stole from you today?

25 A. Yes, sir, in a very blatant obvious

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1 way. My stepmom actually caught her in
2 person.

3 Q. So your girlfriend robbed you and
4 your roommate robbed Harrison Golson, is that
5 what you're telling us?

6 A. My girlfriend, Erica, had been
7 introduced to me by my roommate. I didn't
8 know Erica. It was mid-July when she kinda
9 showed up in the picture and was very, very,
10 very, very enthusiastic, Britain was anyway,
11 about me hanging out with Erica, getting to
12 know her. He kinda brought her around.

13 Q. So the guy that you were living with
14 and the girl that you were dating, I mean,
15 you're just saying -- I mean, that is bad
16 luck.

17 A. It was a horrible, horrible judge of
18 character.

19 Q. Okay. And -- now, moving on to the
20 interview. Just a minute ago you said that
21 you had no incorrect statements in that
22 interview.

23 A. I don't believe that I made any
24 false statements in that interview.

25 Q. So when you were speaking in that

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1 interview, you were speaking as honestly and
2 as completely as you could?

3 A. At the time, (affirmative nod). I
4 believe that I was.

5 Q. Were you scared of the police?

6 A. Terrified.

7 Q. That's understandable. Now, when
8 you were talking to them, you told them that
9 you thought that you had suspicions that
10 maybe Britain had taken this stuff. Right?

11 A. That was the conclusion that I
12 arrived at.

13 Q. Now, you told them that you had been
14 to the lake, right?

15 A. I did.

16 Q. And they asked if there was any way
17 that you could prove that, right?

18 A. Right.

19 Q. And y'all went back and forth over
20 that, didn't you?

21 A. We did.

22 Q. You couldn't think of anything?

23 A. I didn't want to involve anyone that
24 wasn't already involved. Turned out for good
25 reason, she not only refused to come to the

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1 police and give me a statement but kind of
2 disappeared off the face of the earth; kind
3 of like Britain did shortly afterwards.

4 Q. But you had two people down there at
5 the lake with you, right?

6 A. Right.

7 Q. And you didn't know that she wasn't
8 going to make a statement at that point.
9 Right?

10 A. That's correct.

11 Q. So at the time that the police asked
12 you if there was anybody that could vouch for
13 you and you didn't have anything to say, you
14 either forgot that you'd just spent the night
15 with two women, after picking one up from
16 downtown, or you hadn't come to that
17 conclusion. Which one is it?

18 A. It wasn't that I had forgotten that
19 I had spent the night with two women. That's
20 pretty hard to forget. It was more of the
21 fact that I didn't want to involve Erica in
22 anything that I had going on with me. I
23 didn't think that it was relevant or fair to
24 drag her into that. And I didn't think that
25 she would be willing to say anything to the

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1 police.

2 Q. But she was your girlfriend, was she
3 not?

4 A. Right.

5 Q. I mean, you'd just done her a favor
6 by picking up her friend downtown. Right?

7 A. True.

8 Q. And she was there with the two of
9 you, right?

10 A. True.

11 Q. But when the police asked you if
12 there was anybody there that could prove that
13 you were at the lake, you just kept your
14 mouth shut?

15 A. The police had already been so
16 dishonest with me at this point that I don't
17 feel like it would have been fair to involve
18 another person in what was going on. I
19 didn't want to drag anybody into this,
20 because they'd had to lie to me to get me
21 there.

22 Q. Okay. So instead of proving your-
23 self innocent, you just kept your mouth shut?

24 A. (No verbal response).

25 Q. Right?

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1 A. I guess.

2 Q. So now in the interview, you said
3 that you -- you sold the clothing at Plato's
4 Closet. Just a minute ago, you said that
5 Erica did. Which one was it?

6 A. Same thing I was just talking about,
7 I didn't want to include someone and I just
8 left her out.

9 Q. We're still protecting Erica at this
10 point?

11 A. I guess. I hate that -- I guess
12 that was dishonest in a way. I am very, very
13 dishonest in a way. It was me that gave
14 Erica permission to sell them, so in a way it
15 is true but, at the same time, I didn't take
16 her over there.

17 Q. Okay. Just a second -- okay. So
18 in that interview, you fairly quickly put it
19 together that they thought that you'd broke
20 into Harrison's house. Right?

21 A. Yes.

22 Q. I think you said to them, 'Is there
23 anything that I can do?' You know, 'I'd be
24 happy to give him the money back for the
25 guns.'

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1 A. I hate that it happened to Harrison
2 especially since it had such a big impact on
3 his life. It was a breach of security for
4 his home and -- I wanted to make reparation
5 to him. I wanted to fix it. I wanted to
6 help him. I wanted to apologize to him for
7 having brought this person around. I can't
8 imagine how I would feel if it happened to
9 me. I can't imagine how he must have felt
10 when he got home and found this. I --
11 (pause). I wanted to do anything that I
12 could and that's why I went to the cops to
13 begin with.

14 Q. Right. But, uh, I mean you wanted
15 to help him out.

16 A. (Affirmative nod).

17 Q. But they arrested you. Right?

18 A. (Affirmative nod), on the spot.

19 Q. Yeah. It was pretty clear that they
20 thought that you did it. Right?

21 A. (Affirmative nod), before I even got
22 there.

23 Q. Yeah. So they're investigating a
24 false lead according to you. Right?

25 A. Yes.

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1 Q. You didn't want to throw them off
2 that trail?

3 A. (No verbal response).

4 Q. You didn't want to tell them that
5 you had two witnesses that could tell them
6 that your story checked out?

7 A. At the time I didn't think about it
8 like that.

9 Q. Okay, let's see here. Now, you
10 know, you said that they were dishonest with
11 you. And you said that they tricked you,
12 that they lied to you and all that. Right?

13 A. Pretty much.

14 Q. You said earlier when Mr. Chambers
15 asked you that they gave you your *Miranda*
16 statement.

17 A. Right.

18 Q. Your *Miranda* rights. Correct?

19 A. Yes.

20 Q. But I believe you said that wasn't
21 really relevant here?

22 A. I was confused by it to begin with
23 because I thought that I was going through
24 and answering some questions with them. I
25 didn't know that I was being interrogated.

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1 They wasn't very clear about it. I'd asked
2 them if it had anything to do with me and
3 they'd told me that they didn't have any
4 warrants out for me, that it didn't have
5 anything to do with me, that they weren't
6 going to arrest me. You know, that I just
7 need to come talk to them. Those were all
8 direct statements.

9 Q. But they advised you of those
10 rights, those *Miranda* rights?

11 A. They put them on a piece of paper
12 and told me to read them.

13 Q. You're a college graduate and ---

14 A. I am.

15 Q. --- you can read and write?

16 A. Yes, sir.

17 Q. Have you ever seen a television show
18 with police ---

19 A. I have.

20 Q. So you understand -- you got it?
21 You understood it?

22 A. Right.

23 Q. And part of the way through the
24 interview, they said "we don't believe you";
25 didn't they?

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1 A. Yes, sir.

2 Q. So at that point that was a pretty
3 good clue that you might be in trouble,
4 wasn't it?

5 A. It was. I still didn't understand
6 that I was being charged with anything or had
7 any inclination of me even being a suspect
8 yet. They didn't make that clear until the
9 very end.

10 Q. I think at one point that Deputy
11 Grubbs said, "I think you did it. In fact, I
12 know that you did it." Isn't that true?

13 A. That's true that he said that, yes.

14 Q. So anyway ---

15 A. It was not true, though.

16 Q. And at one point you said, "Hey,
17 look. If y'all think that I did it, I think
18 I need a lawyer here."

19 A. Yes, sir. That was the cop shows
20 talking. That was the cop shows talking at
21 that point.

22 Q. And they stopped questioning you,
23 didn't they?

24 A. He did, (affirmative nod), for a
25 short period of time.

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1 Q. Then you say, "Well, but if y'all
2 think I did it, I'm just curious to know what
3 you think." Did you say that?

4 A. I said something to that effect. I
5 wanted to know why they thought I did it.

6 Q. Right. And then he said, "Well, do
7 you want to keep talking to me or do you want
8 a lawyer?"

9 A. Well, my intention was to help out
10 in any way that I could. So still at this
11 point I didn't realize that I was a suspect.

12 Q. This was after they say, "I know you
13 did it."

14 A. Well, it was after he says he thinks
15 I did it.

16 Q. But you didn't know you were a
17 suspect yet?

18 A. No, not formally. No. I thought
19 like they had to try you and then, you know,
20 that you're being charge with blah-blah-blah.
21 I didn't realize that they could just get a
22 little bit in it and they wanted me to
23 confess to something that I hadn't done.

24 Q. Well, what I am getting at is that
25 when they said 'do you want a lawyer' that

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1 you said 'yeah, I think so.' They stopped.
2 Then you said 'well, I am just curious' and
3 y'all kinda kept going. Then he said, 'do
4 you want a lawyer or do you want to talk to
5 me?'

6 A. I said that I wanted a lawyer and
7 'I want to know why you think I would do
8 anything like -- why you think I'm guilty --
9 why you think that I did this.'

10 Q. Right. I think at one point in that
11 interview that you said when you found those
12 guns that you thought that was suspicious.
13 Right?

14 A. Yes.

15 Q. That that seemed odd to you?

16 A. It did, especially -- that he had
17 them in my apartment, especially without me
18 knowing about it.

19 Q. Did you ever know Britain to hunt or
20 shoot or anything like that?

21 A. He talked about it all the time,
22 talked about it with his dad.

23 Q. Did he?

24 A. I never really knew him to go do it.

25 Q. All right. So -- let's see. Now,

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1 at another point in there, you tried to
2 connect Britain with Harrison. Because your
3 theory was that Britain had stole these guns
4 from Harrison. Right?

5 A. That's correct.

6 Q. Now, I think you said that, you know
7 -- again, I wrote this down and I want you to
8 correct me -- and we can play the video if we
9 need to. But I think you said, "How he got
10 to Harrison, I don't know. That beats me."

11 A. I didn't know how he figured out
12 where he lived. I couldn't put it together.
13 It took a long time to finally piece two and
14 two together. I finally remembered that he'd
15 rode with me that day. Then I had a business
16 car of Harrison's on my table and he might
17 have -- on the desk at home, next to my
18 computer.

19 More importantly, I didn't immediately
20 associate the fact that Britain was so mad
21 about having to get out of my apartment and
22 associate that back with Harrison reporting
23 me at work, causing me to lose my job.

24 Q. So it wasn't until later that you
25 were able to remember that Britain in fact

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1 had been at Harrison's house?

2 A. No. It wasn't until much, much
3 later that I was able to remember that he had
4 been at Harrison's house. It was long after
5 I was in jail, been able to sit down and talk
6 to people that I recalled that.

7 Q. Okay. Now, -- so your computer,
8 let's talk about that. Does it have a
9 password on it?

10 A. It does but it remains unlocked as
11 long as the program is open.

12 Q. It just stays unlocked?

13 A. (Affirmative nod).

14 Q. Now, Harrison and Britain had never
15 met; is that right?

16 A. That's correct.

17 Q. Okay. Do you leave your FaceBook
18 logged in?

19 A. I do.

20 Q. You do?

21 A. I leave my FaceBook logged in, I
22 leave my Gmail open, they are all automatic
23 log-ins whenever you open the program. I
24 think most people do that.

25 Q. Okay. So you leave your e-mail and

1 your FaceBook all open?

2 A. (Affirmative nod).

3 Q. With this roommate that you're
4 terrified of?

5 A. That's correct.

6 Q. Okay. So you don't dispute now that
7 at 1:00 in the morning the night before this
8 house was broken into that somebody looked at
9 Harrison Golson's FaceBook profile; right?

10 A. I wouldn't know anything about it.

11 Q. Well, you agree that this is what
12 this shows. Correct?

13 A. I agree that that piece of paper
14 shows that. I don't know who did it.

15 Q. Okay. But Britain and Harrison
16 didn't know each other?

17 A. Britain knew all about Harrison from
18 me having talked about him.

19 Q. But he'd never met him?

20 A. He had never met him.

21 Q. As far as you know, they weren't
22 FaceBook friends?

23 A. I know that they aren't FaceBook
24 friends.

25 Q. But someone was on that computer

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1 looking at Harrison's FaceBook?

2 A. Sure.

3 Q. Okay.

4 A. That's what it says.

5 Q. So, now, Britain, your theory is,
6 broke into Harrison's house; right? Correct?

7 A. I think so.

8 Q. And your theory is that he was able
9 to remember from driving over there and
10 sitting in the parking lot a little bit month
11 prior -- and your theory is that he did it,
12 why?

13 A. Because Harrison was the one who
14 initiated the things that made him have to
15 get out of my apartment.

16 Q. Okay.

17 A. So he lost his home because of what
18 Harrison started.

19 Q. So he lost his home because of
20 Harrison?

21 A. And he was incredibly upset with me,
22 my boss, Harrison and anyone else involved in
23 the whole thing of me leaving AT&T. It was
24 all our fault, you know.

25 Q. Um-humm.

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1 A. My patience at this point had ran
2 out with him as well, and my goodwill.

3 Q. So when he left your house, when he
4 was done living with you, where did he go
5 live?

6 A. I don't know. I know that he had
7 brought a girl around a good bit. So I can't
8 really confirm where he was staying but I
9 assume that it was with his girlfriend.

10 Q. Well, to back up, you said that he
11 had been fired from his job?

12 A. Month before.

13 Q. As far as you know, he still wasn't
14 working?

15 A. That's correct.

16 Q. So he probably needed money?

17 A. I am sure that he did.

18 Q. If he needed money, he might be
19 desperate enough to break in somebody's
20 house. Right?

21 A. Possibly.

22 Q. Perhaps to steal things to then sell
23 for money?

24 A. I assume so.

25 Q. Now, if -- a key part of selling

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1 something for money is that you've got to
2 have it. Right?

3 A. Yes, sir.

4 Q. So he was mad at you for kicking him
5 out. Right?

6 A. Yes, sir.

7 Q. And he was mad at Harrison for
8 starting the chain of events that led to him
9 getting kicked out?

10 A. Yes, sir. I assume so.

11 Q. And he's essentially homeless at
12 this point and unemployed. Right?

13 A. Yes, sir.

14 Q. So your theory is that he broke into
15 Harrison's house because he was mad at him,
16 that he then took all these valuable items,
17 that he left them at your house and told you
18 to 'go ahead and sell them, don't worry about
19 me.'

20 A That's a theory.

21 Q. All right. Okay. In the interview
22 with the police, I think you told them that
23 you'd been late for weeks. Right?

24 A. Yes.

25 Q. But you told us today that it was

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1 just overnight and like a half day?

2 A. I had been going back and forth ever
3 since I got that paid vacation started.

4 Q. Okay. Well, how were you going back
5 and forth all the time.

6 A. Take my car.

7 Q. Drive your car?

8 A. Most of the time. Yes, sir.

9 Q. Did you take your phone with you?

10 A. Sometimes.

11 Q. Some of the time?

12 A. I had a work phone as well.

13 Q. But I thought that you weren't
14 working at that point?

15 A. I was still under their employment
16 at the time.

17 Q. So they didn't take your phone back
18 from you?

19 A. I didn't go in and sign my leave
20 paperwork and turn in my phone or my login or
21 my passkey for the building until long after
22 this.

23 Q. Okay.

24 A. I finished my four weeks vacation,
25 my three weeks vacation.

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1 Q. So you had a work phone and your
2 private phone. Right?

3 A. Yes, sir.

4 Q. Who did you call on your work phone?

5 A. Anyone from work mostly.
6 Occasionally a few friends and family.

7 Q. Did you -- you know, I'm assuming
8 that you just had people's numbers saved.
9 You don't memorize phone numbers, do you?

10 A. I do some.

11 Q. Oh, you do?

12 A. Some, (affirmative nod).

13 Q. Were you allowed to download apps
14 and, you know, stuff like that on your work
15 phone?

16 A. Yeah.

17 Q. So you were allowed to do whatever
18 you wanted on that work phone?

19 A. Pretty much, (affirmative nod).

20 Q. To the point that you basically just
21 didn't need a personal cell phone?

22 A. Yes, sir.

23 Q. And so from -- looking at this
24 chart, we can discern that on these days when
25 you were away after being fired from your

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1 job, you still had that work phone?

2 A. I think it's a big assumption to say
3 that I had my work phone with me. I didn't
4 always leave my phone behind.

5 Q. Well, we just heard from Sergeant
6 Kelly that these things show when it's
7 bouncing off a cell phone tower.

8 A. That's correct.

9 Q. So are you telling me that's not
10 accurate?

11 A. It might be accurate. I think it
12 is.

13 Q You think it's accurate?

14 A. Especially when -- I assume that it
15 is.

16 Q So if this is accurate, this shows
17 your cell phone being at your house from
18 August 11th through August 16th. Correct?

19 A. Sure.

20 Q. So if you had gone to the lake
21 during that timeframe, according to that, you
22 didn't have your personal cell phone on you?

23 A. That's possible. I am not really
24 sure that it was during that timeframe that I
25 went to the lake. I am sure that it was long

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1 before that. The first week of August.

2 Q. So it looks like -- you told the
3 deputies that it has been weeks you'd been to
4 the lake, prior to that. So it was a little
5 squishy on that?

6 A. (No verbal response).

7 Q. It might have been weeks, it might
8 have been days, a week, a day, might have
9 been back and forth?

10 A. It definitely was back and forth.
11 I'd go, then drive back from the lake house
12 on the weekend, or go up there on weekends or
13 even during the week.

14 Q. Okay.

15 A. A forty-five minute drive, that's
16 not a bad drive at all.

17 Q. Okay. What day did you leave work?
18 What day was your last day?

19 A. I am not sure. I really don't
20 remember the day that I signed the paperwork
21 with Brian Oakley. He allowed me to finish
22 up the paid vacation that I took.

23 Q. Right, but you were on vacation.
24 You weren't -- when was your last day in the
25 office?

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1 A. The 20th, I think.

2 Q. Of July?

3 A. Of August.

4 Q. August?

5 A. Yes, sir.

6 Q. So now you were still working for
7 them when all of this happened?

8 A. I was still getting paid. I was not
9 working actively every day.

10 Q. To be clear, your last day in the
11 office was August 20th?

12 A. That's correct.

13 Q. Okay. But, now, in your police
14 interview I think you said that you had
15 already been done working. Earlier you said
16 that you had already been done working with
17 them and that that was why you were going to
18 go down to the lake.

19 A. Yes, I was done working with them.
20 Because I wasn't going in the office anymore,
21 I kinda considered that to be done with them.

22 Q. I agree. But your last day in the
23 office was August 20th?

24 A. That's when I went and turned in ---

25 Q. All your stuff?

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1 A. Yeah.

2 Q. Were you ever escorted out of the
3 office?

4 A. No. I don't think so.

5 Q. Okay.

6 A. I left of my own volition.

7 Q. You didn't have anybody walk with
8 you out?

9 A. I don't think so.

10 Q. Okay.

11 SOLICITOR FOWLER: That's all that I have
12 got.

13 THE COURT: Redirect?

14 RANDY CHAMBERS: No redirect, Your
15 Honor.

16 THE COURT: You may step down.

17 (WITNESS STEPS DOWN)

18 THE COURT: We've been going an hour
19 and a half, so we will take a short break.

20 Please do not discuss the case in any
21 way. We will have you back out here in just
22 a few minutes.

23 (JURY OUT @ 11:35 A. M.)

24 THE COURT: Just for scheduling
25 purposes, do you have one more witness; is

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1 that correct?

2 RANDY CHAMBERS: Actually, Your Honor,
3 that's it.

4 THE COURT: Okay. Sorry, I should have
5 let you do that.

6 SOLICITOR FOWLER: We're done, Judge.
7 We are ready to go ahead and start closing
8 arguments?

9 THE COURT: Well, let's go ahead and
10 let everybody take a break. Then we can
11 discuss charges and we can get started before
12 lunch, if y'all want to?

13 SOLICITOR FOWLER: That's good.

14 THE COURT: You might want to go ahead
15 and get the jurors menus.

16 CLERK: Yes, sir.

17 (BRIEF RECESS)

18 (IN CHAMBERS CHARGE CONFERENCE)

19 (DEFENDANT PRESENT)

20 THE COURT: Y'all can look over that
21 (verdict form). We also discussed jury
22 charges and -- are there any issues that you
23 want to put on the record for the jury
24 charges?

25 RANDY CHAMBERS: No, Your Honor.

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1 THE COURT: Now I will be glad to hear
2 any Motions since the State has rested.

3 RANDY CHAMBERS: Yes, Your Honor. I
4 would just renew our directed verdict Motion
5 now that we've completed our case. I guess I
6 need to say officially on the record that the
7 defense rests.

8 THE COURT: Okay. I think as far as
9 the standard which I need to review this
10 matter, that there is substantial
11 circumstantial evidence that could lead to
12 the defendant's guilt. I think that's the
13 jury question, so I deny your Motion.

14 Anything else from the State?

15 SOLICITOR FOWLER: No, Judge.

16 THE COURT: All right. And what I will
17 do is I -- when they come back here, I will
18 give them a little brief thing about that
19 y'all are going to do closing arguments.
20 That they've ordered lunch, so we will argue,
21 charge and then they can begin their
22 deliberations.

23 So if they're ready, bring them on.

24 (JURY IN @ 11:50 A.M.)

25 THE COURT: All right, ladies and

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1 gentlemen. We've got a lot of things that
2 happened while y'all were gone.

3 One is that when we took the break the
4 defense rested. They rested on the record,
5 which means that they have put forth all the
6 evidence that they plan to put forth.

7 The State has the right to have rebuttal
8 but they also have rested their case.

9 That is the end of all the evidence which
10 will apply to this case.

11 So therefore we had to have a few minutes
12 to go over the charge to make sure that the
13 charge that I am going to give you -- to make
14 sure that we have all the issues covered
15 there. That is why we went ahead and got
16 your orders for lunch. I think you have
17 already done that. What happens is -- that
18 usually takes about an hour.

19 So what is going to happen is that we're
20 going to have closing arguments and then I
21 will give you the charge on the law. Then
22 you can get back there and start your
23 deliberations, and your lunch should be
24 there. We're trying to be as efficient as
25 possible.

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Closing Argument by Solicitor for the State

1 Right now we're at the closing argument
2 stage. This is the summary by the attorneys.
3 This is not evidence. The evidence that you
4 will need to consider is the documents placed
5 in the record and the testimony of the
6 witnesses.

7 At this point I would ask that you direct
8 your attention to the attorneys. Solicitor?

9 SOLICITOR FOWLER: Ladies and gentlemen,
10 the truth has an amazing consistency, while
11 lies tend to get overly complicated.

12 Now, by my last count, we heard at least
13 three stories from Mr. Scowcroft as to how he
14 came to have Mr. Golson's stuff.

15 We heard, 'I got these guns at a gun
16 show.'

17 We heard, 'I've had these guns in a gun
18 safe for years.'

19 We heard, 'My roommate must have stolen
20 them, and he give them to me.'

21 Now, folks, you heard from the defendant
22 just a few minutes ago when he said, "I am a
23 very, very dishonest person." That's almost
24 all you need to hear from him, because that's
25 the only thing that he's told you that I'd

1 say it the truth. He is a very, very
2 dishonest person.

3 The reason we have three separate stories
4 about this is because he had lied so much
5 that he couldn't keep his stories straight in
6 his own head.

7 Well, you know, he said that he got these
8 guns at a gun show. Well, that rifle went
9 missing the same day that it was sold.

10 Then he said that 'I've had these guns in
11 a gun safe for years.' Again, the rifle went
12 missing the same day that it was sold.

13 Then he goes to the police -- and this is
14 when we first hear about Britain. Even to
15 himself he said that these guns seemed
16 suspicious -- 'I don't know, it was a weird
17 situation.'

18 Then when we asked him how Britain would
19 have known about Harrison, to go break in his
20 house, he says 'how he met Harrison, I don't
21 know, that beats me.' Folks, he doesn't even
22 believe his own lies.

23 You know, let's talk about that
24 interview. Almost immediately he says,
25 'Harrison doesn't think that I broke into his

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Closing Argument by Solicitor for the State

1 house, does he?' Then he goes, 'Tell me that
2 it wasn't a shotgun and a rifle. Was it?'
3 And of course it was, ladies and gentlemen.

4 That is when he goes into putting this
5 all on Britain. This roommate who he just
6 kicked out of his house, that he just made
7 homeless, that he testified that he was
8 terrified from, but after doing all this he
9 didn't change his locks, he didn't make him
10 give back his key. No. He left and went to
11 the lake and left his car keys and his cell
12 phone in his house.

13 Then this terrifying and sketchy,
14 questionable guy, when he gets some guns, he
15 doesn't say, 'Man, this is weird. I've never
16 seen him with a gun before. I probably ought
17 to go to the police about this.' He just
18 immediately sells them.

19 Ladies and gentlemen, I would submit to
20 you that he lied about being at the lake just
21 like he lied about getting this guns from
22 Britain.

23 There's essentially two choices for you
24 in this case. You can believe that out of
25 all the houses in Greenville County that

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1 Harrison Golson's happened to be broken into.
2 That out of all the people in Greenville
3 County, that the person who broke into this
4 house happened to know the defendant. That
5 out of all the other people in Greenville
6 County that the defendant happened to be
7 essentially fired by that victim. That is
8 Option A.

9 Now, Option B, you can believe that
10 Christian Scowcroft, who had just been fired,
11 who had just cashed out his vacation, just
12 cashed out his IRA, who was essentially out
13 of money broke into this guy's house when he
14 knew he wouldn't be home, took some stuff
15 from him and immediately sold it.

16 One of those makes sense. One of them
17 doesn't, especially when we apply some facts
18 that we know are true.

19 We know that the defendant knew the
20 victim.

21 We know that the defendant had been to
22 the victim's house.

23 We know that the defendant knew when the
24 victim wouldn't be home.

25 We know that the defendant knew that even

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Closing Argument by Solicitor for the State

1 though the victim had a big 'ole German
2 Wirehair Pointer that dog would be locked up
3 when he wasn't home.

4 We know that the defendant knew what kind
5 of money the victim made.

6 We know that the defendant immediately
7 sold those items.

8 When we take this information, folks, and
9 we lay it against the stories told, there is
10 only one that makes sense. That is that when
11 Christian Scowcroft was selling this
12 PlayStation the reason that he had was
13 because he had just stolen it that morning.

14 Now, when Mr. Chambers and I finish with
15 our closing arguments, the judge is going to
16 give you what is called the charge on the
17 law. That is essentially an instruction on
18 what the law is and how you are to apply it
19 in this situation.

20 He is going to tell you that grand
21 larceny is the taking of the good of another
22 with the intent to deprive them of the use,
23 and the value is over \$2,000. We know that
24 by selling these things that Mr. Scowcroft
25 certainly intended to deprive their lawful

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Closing Argument by Solicitor for the State

1 owner of their use. We know by the insurance
2 valuation that their value was over \$2,000.
3 That, ladies and gentlemen, is grand larceny.

4 The Judge is also going to charge you on
5 burglary in the first degree. He is going to
6 tell you that a defendant is guilty of
7 burglary in the first degree when they enter
8 the dwelling of another with the intent to
9 commit a crime therein, and during the course
10 of that entry -- whether when they are
11 entering the house, when they are inside the
12 house or whether it's when they are fleeing
13 the house. That, ladies and gentlemen, that
14 is burglary in the first degree.

15 Mr. Scowcroft kicked in the victim's back
16 door. He gathered up as much stuff as he
17 could, to include two firearms. That
18 firearms, ladies and gentlemen, are deadly
19 weapons. When he did that, he became armed.
20 That is burglary in the first degree.

21 Now, the Judge is also going to charge
22 you on the burden of proof that the State
23 carries in every General Sessions case. Mr.
24 Chambers is exactly right that the burden of
25 proof beyond a reasonable doubt is the

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Closing Argument by Solicitor for the State

1 highest burden of proof that any party in any
2 court in all the country carries. We welcome
3 that burden, ladies and gentlemen, because
4 these are very serious issues that we deal
5 with up here in General Sessions court.

6 However, I think that Mr. Chambers and I
7 might disagree a little bit on what the exact
8 definition of what "beyond a reasonable
9 doubt" is. I imagine most of you have
10 probably heard that phrase before, however
11 most of you have probably not heard the legal
12 definition of it. As many judges define
13 beyond a reasonable doubt, they will say that
14 it is doubt that will cause a reasonable man
15 to hesitate to act.

16 That does not mean no doubt. That does
17 not mean beyond all doubt. That does not
18 mean beyond the shadow of a doubt. What that
19 means, ladies and gentlemen, is that as best
20 you can gather -- this is an example that I
21 like to you. Probably some of you own your
22 own home. When you were looking to buy that
23 house, you probably looked at a couple of
24 other houses. You may have gone to a few
25 banks and compared mortgages, rates. Then

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Closing Argument by Mr. Chambers for Defense

1 you weighed the plus and minuses of all this
2 information. Ultimately, after hesitating to
3 act, you made a decision. Now, you may still
4 today harbor some doubt as to whether that
5 decision was the right decision. However, by
6 weighing the evidence, hesitating to act and
7 coming to a conclusion, I would put to you
8 that that decision was beyond a reasonable
9 doubt.

10 So that is what I want you to go here
11 today, folks. I want you to go back in your
12 jury room and I want you to apply your good
13 common sense in life, which is why we have
14 juries in this country, to these facts and
15 this information.

16 Now, I want you to come back with the
17 only verdict that this evidence allows, and
18 that is that the Defendant is guilty on all
19 counts. Thank you very much. It's been a
20 pleasure working with you.

21 THE COURT: Mr. Chambers.

22 RANDY CHAMBERS: May it please the
23 Court, Your Honor. Solicitor. Ladies and
24 gentlemen.

25 We have come to the end. This is the

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1 last chance that I'll get to talk to you.
2 The Solicitor will get to get up in a few
3 minutes and dispute anything that I've said.
4 I don't get to do that, and that's because he
5 has the burden of proof.

6 Through this you've heard a lot about
7 Christian Scowcroft who is seated here beside
8 me throughout this, referred to as the
9 Defendant. You got to hear from him on a
10 couple of different occasions.

11 As I told you at the outset, he finds
12 himself in a position that I guarantee you
13 that he never thought that he would be in,
14 that his family never thought that they would
15 see him in; that's sitting here in court,
16 accused of committing a violent felony,
17 burglary first, breaking into someone's home
18 armed with a deadly weapon and with grand
19 larceny.

20 He has dealt with finding himself in that
21 position as best he could. Every time that
22 he has been called upon to answer questions
23 about that, he's done that.

24 Now, the Solicitor started out telling
25 you that Christian has told three different

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1 stories in this case. That's not true. You
2 heard the evidence. You've been able to
3 watch the video that was taken by the police.
4 You got to watch him testify. That's just
5 simply not true. He's tried at every turn to
6 tell them as honestly as he could what
7 happened.

8 From the outset -- and there is no way to
9 deny that this is an incredible coincidence
10 of things coming together. It makes the
11 situation sort of all that more desperate for
12 Christian, I guess, as he sits there and
13 ponders how it is that he got into this
14 situation and why he is here.

15 After this, this is, as you've heard, the
16 first -- no criminal record, college
17 graduate, working at a good job, had his own
18 apartment. He seemed to have things going
19 for him and here he is accused of this
20 violent felony.

21 Now, what do we know about August 16th?

22 We know that Harrison Golson went to work
23 about 6:45 in the morning, as he said he does
24 every day like clockwork. Then he comes home
25 around 11:15. At some point that day he was

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1 robbed. Somebody had gotten into his
2 apartment, entered his home and took things
3 from him.

4 We have a description of somebody who not
5 from that neighborhood, somebody who was out
6 there in close proximity to that house in the
7 right timeframe.

8 We know that there was a red car. Well,
9 there are a lot of red cars in the world.
10 Mr. Nascarello, who was the neighbor who came
11 forward, indicated that it was a Pontiac
12 Sunfire, a very specific car -- not one that
13 would automatically come to mind. He looked
14 at it and he said that it was a Pontiac
15 Sunfire.

16 Later the police showed him the car that
17 belonged to Christian and he said, 'oh,
18 that's it, that's the car that I saw.'

19 Well, you can look at a Jetta and you can
20 sort of ponder if a Pontiac Sunfire -- I
21 don't know. I don't know if the person in
22 that red car had anything to do with this or
23 not. I know that Mr. Nascarello was just
24 coming forward, being a good neighbor.

25 But there is one thing that stands out

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1 about that. If that was the car that was
2 used -- and we certainly can't say that it
3 was not. The person that was driving that
4 car, we know, was a lanky -- Mr. Nascarello's
5 words -- shaggy-haired white guy. Well, you
6 might be able to say that Christian is lanky,
7 maybe. I usually consider that to be
8 somebody who is fairly tall and thin. But he
9 certainly would not be described as somebody
10 who had shaggy hair; not today but, more
11 importantly, back then. You have -- you saw
12 him when they were interviewing him at the
13 Sheriff's Office. You see him here.

14 Who did have shaggy hair? Well, remember
15 when Britain Donahue came in and I asked him,
16 I said 'you have a fairly short hair cut
17 today, you don't normally wear it that way.'
18 He said no, 'it is usually longer.' I asked
19 if people could describe it as shaggy and he
20 said yeah, I guess, because of how thick and
21 everything that it is that it looks shaggy.

22 So I would submit to you, folks, that if
23 there was anybody out there in a red car that
24 it wasn't Christian Scowcroft. It could very
25 well have been Britain Donahue. It could

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1 very well have been Britain Donahue.

2 Britain, remember, had been -- he denied
3 -- here's something -- and I'm going to stop
4 just a moment to cover that a little bit, and
5 I'll expand on that a little bit more just a
6 little bit later. You know, the police in
7 this case didn't do any follow up relative to
8 Britain Donahue. Remember before Christian
9 ever went down there to talk to them, they
10 had an arrest warrant and they were in the
11 process of getting a search warrant for his
12 home. That is a fact, so they knew that when
13 he came down there that they were going to
14 arrest him. They didn't do any follow up of
15 any kind to talk to Britain Donahue. Not
16 even after he talked about Britain Donahue
17 with them, they never did any follow up.

18 He said that the police never contacted
19 him, never talked to him -- ever. In fact,
20 the only reason that he showed up in this
21 courtroom was because the Solicitor was able
22 to find him. Apparently he wasn't very hard
23 to find. He said that he'd never left
24 Greenville. He comes in because, lo and
25 behold, the Solicitor told him that 'somebody

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1 is accusing you of committing a burglary.'
2 Well, of course he's now going to come in and
3 give a self-serving statement saying 'I
4 didn't have anything to do with it. I've
5 never been over to Mr. Golson's house. I
6 don't know anything about it.'

7 But we do know that he was living there.
8 We do know that he still had stuff there.
9 All of that corroborates everything that
10 Christian told you.

11 You have to remember, folks, that this
12 was a case where a door was kicked in, things
13 were taken from that house and it -- it would
14 be either someone looking through the house,
15 or they knew where they were going. Neither
16 of these guys really knew anything about the
17 inside of the house because the only reason
18 that Christian had ever been over there was
19 to help move this item into the garage. Mr.
20 Golson said, 'I believe that he walked
21 through the house.' Maybe he did but
22 Christian doesn't remember it that way.
23 Christian remembers that they just got out,
24 got it out of the truck and moved it directly
25 into the garage, which makes a lot of sense.

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1 I'm not trying to say that Mr. Golson is not
2 telling the truth. I am just saying that as
3 you go back and try to remember things that
4 you don't get everything right.

5 So, yeah, he had been out to the house
6 but Britain Donahue had been out there also.
7 He's the shaggy-haired guy. He fits the
8 description of the person that was actually
9 seen out there.

10 There were no fingerprints. They looked
11 for fingerprints but they said that they
12 didn't get any.

13 There was no DNA.

14 There was absolutely no physical evidence
15 of any kind that put Christian Scowcroft in
16 Mr. Golson's house. None.

17 So when you're thinking about this
18 burglary that requires an unlawful entry by
19 Christian Scowcroft, there is no evidence.
20 There is not eyewitness that saw Christian
21 Scowcroft. The only eyewitness saw a shaggy-
22 haired lanky individual. Again, no physical
23 evidence. I want to keep reploughing that
24 same ground because that's important, that's
25 extremely important because the solicitor

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1 will tell you that you can convict somebody
2 on circumstantial evidence. To have
3 circumstantial evidence you have to be able
4 to exclude all other theories of what might
5 have been. There is certainly a reasonable
6 theory in this case that this shaggy-haired
7 individual getting in the red car, who didn't
8 belong in that neighborhood, is the one that
9 went in that house. That could very well be
10 Britain Donahue. But you know what? We will
11 never really know because the police didn't
12 follow up on that.

13 What they did do was, based on the fact
14 -- and Mr. Golson said, 'I know a guy who has
15 a red car' and he mentioned Christian
16 Scowcroft. Lo and behold, his bad luck,
17 Christian had actually sold some items and
18 they started working backwards at that point.

19 Ten days after this happened, that is
20 when they had Christian come in to talk to
21 them. They knew then that they had an arrest
22 warrant and they were going to arrest him.
23 They could have very easily have placed him
24 under arrest when he got there. But they did
25 mislead him. Now, I am not saying that they

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1 broke any rules. Police are allowed to
2 mislead, to a certain extent. I'm not saying
3 that there was really anything improper about
4 that interrogation.

5 But I want you to consider that here is
6 somebody who by their own admission, by his
7 admission, didn't really know when he got
8 down there why he was coming. They said, 'we
9 want to talk to you, we want you to help us
10 clear something up.' They didn't say that
11 'we want to arrest you when we get you here.'
12 They got him started talking. They even said
13 at one point, 'just as a formality, because
14 you might become a suspect we want you to
15 read your rights over.' They downplayed it
16 as much as they could because they were
17 trying to disarm him. They wanted him to
18 talk.

19 So he starts talking, telling them what
20 he knows. That's when they unload on him,
21 'We think you did this. We don't believe
22 anything that you're telling us.' They
23 didn't shake him. He continued to talk to
24 them, he continued to answer their questions
25 best as he could, trying to work backwards.

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1 And I think it is easy for any of us to
2 imagine how scared somebody is in that
3 situation. Here's somebody who has never
4 been through anything like that, never had to
5 go down and be interrogated by the police,
6 didn't know that is what he was going down
7 there for. Then all of a sudden he is hit
8 with this. You start working it out, like,
9 you know, what happened?

10 Now, they're going to say that he made up
11 an excuse by talking about Britain Donahue,
12 that he made it up to try and save himself.
13 The fact of the matter is, folks, and I'm
14 just going to keep going back to it, we have
15 a description that fits Britain Donahue. We
16 do. We have that.

17 This is the person who had access to
18 everything that Christian Scowcroft had. And
19 that is not unusual. Most of us, at least
20 when we were younger, in college, shortly
21 after college or whatever, we had roommates.
22 I know I did. I ended up having falling outs
23 with every one of them. That's on me,
24 because I am hard to live with. But that's
25 just how it goes. We've all probably had

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1 some experience with that. That is what
2 started happening between these two. You get
3 to the point where you just don't want to
4 talk to the other person. You want to avoid
5 them as much as possible and you just try and
6 get rid of them. That is what was going on
7 here.

8 He came back from the lake and he found
9 all of this. He thought that he was going to
10 be gone but all that stuff was there and he
11 set about getting rid of it. I'm not going
12 to rehash all of that. I'm not going to go
13 back through it. You heard it and you get to
14 be the judge.

15 Here's the thing. He didn't have to talk
16 to the police. He had an absolute right not
17 to you. And he certainly didn't have to get
18 up there and take the witness stand and be
19 subjected to all the questions that he was
20 asked, the sarcasm and everything else. He
21 did that and he answered those questions as
22 truthfully and honestly as he could.

23 So now you get to go back, deliberate and
24 make a decision in this case.

25 We talked in the outset about this

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1 "beyond a reasonable doubt." There is not a
2 great definition, every judge has a little
3 bit different one. The solicitor is right
4 that is it the kind of doubt that is going to
5 cause you to hesitate to act. Now, I would
6 say to you that the example that he gave is
7 not a good example. Truthfully, if you have
8 nagging doubts, that is reasonable doubt by
9 definition. For you to be firmly convinced,
10 in other words for you to be definitely sure,
11 they have to erase these doubts from your
12 mind.

13 'Do I believe that with no physical
14 evidence in this case, with no eyewitness, do
15 I believe Christian Scowcroft went into that
16 house beyond a reasonable doubt? Or do I
17 believe that it is just as likely that
18 Britain Donahue, his roommate, somebody who
19 fits the description that a person saw went
20 into that house?' If he didn't go in that
21 house, if he wasn't there, he didn't have
22 anything to do with it. He could not have
23 gone in somebody's house unauthorized, armed
24 on the way out, with the rifles that were
25 there.' Reasonable doubt.

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1 Now, he did sell those items and he
2 explained all that to you. But I would say
3 to you that that is even further proof of
4 what he is telling you. He walked in to that
5 store, and he didn't know that he was doing
6 anything that would get him in trouble.
7 Think about it. He told you that he sold one
8 gun at a gun show. You heard from the police
9 and everybody else that knows anything about
10 gun shows -- well, he is just a guy from
11 Traders who said that you can go sell a gun
12 as an individual at a gun show and you don't
13 have to have any record of that transaction.
14 You don't have to have ID or anything else.
15 That's absolutely true. There is a lot of
16 discussion when anybody wants to start
17 talking about gun control about the so-called
18 gun show problem. That's exactly what it is.
19 One individual can sell to another individual
20 without any kind of record. A perfect place
21 to sell a stolen gun.

22 But when you walk into Traders to sell
23 something, you have to produce a driver's
24 license, which he did. He's on video. He
25 knows when he walked in there that he's on

1 video, that they have cameras on him. He's
2 not stupid. He knows that he is handing them
3 his driver's license. He knows that there is
4 a record of this transaction. He's certainly
5 smart enough to know that if he has something
6 that is stolen that it is going to easily
7 traced back to him.

8 If he didn't know that before he walked
9 in there, the minute that they asked him for
10 ID he would say 'uh-uh, I don't want a record
11 of this because I just stole it.' No, folks.
12 He didn't have any reason to be worried about
13 it. He hadn't stolen anything.

14 The same thing at the GameStop. All of
15 these things are in close proximity to one
16 another, they're all kind of out Taylors way.
17 He goes in the GameStop, same thing: ID. The
18 whole transaction as recorded with his
19 identification.

20 Again, you could go to the jockey lot and
21 sell that stuff on a Saturday and there is no
22 record of it at all. In fact, I think a lot
23 of that goes on at the jockey lots.

24 But he presented ID because he didn't
25 have any reason to believe that he was doing

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1 anything wrong. A person with a guilty state
2 of mind is the only person who would lie and
3 make things up, would not present their
4 driver's license, they would not let that be
5 recorded.

6 Bottom line, there are too many other
7 ways that he could have gotten rid of that
8 stuff if he had stolen it.

9 He didn't even know that anybody knew
10 anything about it. It's not like he had any
11 way of thinking that he needed to go get rid
12 of this stuff in a hurry. The solicitor
13 seems to think that he was in such financial
14 straits that he desperately needed this \$350
15 that he got from this stuff.

16 First, \$350 is not a great deal of money.
17 It's certainly not a great deal of money such
18 that you'd risk what has happened to
19 Christian Scowcroft in this case, that you
20 would go and expose yourself -- that's the
21 kind of thing that drug addicts do, somebody
22 who is that desperate for money. They don't
23 care if they have to show their ID because
24 all they want to do is get drugs or
25 something. That clearly is not Christian

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1 Scowcroft. There was no reason for him to
2 have done that. He didn't.

3 Now, I could stand up here for the rest
4 of the day, folks, and I could go over
5 things. They're going to talk about his
6 internet searches and he told the police all
7 that. He told them that 'I got online that
8 day, I was looking for a place to go sell the
9 guns.' He answered every question they had
10 the best that he could. Even today as the
11 solicitor goes through it and he is talking
12 about this story with Britain Donahue, I
13 would submit to you that he is just trying
14 his best to resurrect what happened to try
15 and explain -- because as he said that he
16 really doesn't feel bad about it. He really
17 does, that somebody that he worked with, that
18 their home was broken into and things were
19 stolen and that it was probably broken into
20 by his roommate. It was probably his
21 roommate that did it.

22 You've heard it all. Most importantly,
23 you got to hear from Christian himself. He
24 looked you in the eye and answered not only
25 questions from me but questions from them.

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1 After all of that there are questions
2 that still remain and there is plenty of
3 doubt that falls on Christian's side of the
4 ledger. I am not going to rehash all of it.
5 You're smart people You heard it. You know
6 that there is a lack of evidence.

7 You know that their basis for relying on
8 this coincident of him having known the
9 person who was burglarized that day and that
10 he ended up with the property, at worst what
11 you could say is that they've been able to
12 prove receiving stolen goods. He did have
13 stolen goods in his possession. He didn't
14 know that they were stolen. That is not what
15 he is charged with. He's charged with
16 burglary first, breaking into the house,
17 taking those items. And he's charged with
18 grand larceny, actually stealing those items.

19 As I said before, you're going to go back
20 there and deliberate. You can ask each other
21 questions, go over the evidence in this case.
22 You are to ferret out your decision in this
23 case, keeping always in mind this whole
24 concept of beyond a reasonable doubt. I know
25 from my experience that you are going to hold

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1 the State to their burden. You are going to
2 come back with a Not Guilty verdict because
3 that's the correct verdict, because there is
4 doubt in this case, because this is a serious
5 matter, because this is something that
6 deserves sober reflection and deliberation.

7 I told you at the beginning that our
8 founding fathers had great faith in the jury
9 system. I join them in that. I've been
10 doing this a long time and I think this is
11 the fairest way to hold the government
12 accountable. Yes, hold people accountable
13 and punish them for things that they have
14 done but not when there is this much doubt.

15 Now I have to do the hardest thing that I
16 ever have to do in a trial, do sit down. I
17 do that realizing that I am Christian's
18 advocate here. He has relied on me to
19 present his case in as effective a manner as
20 is possible so that you can learn the truth.
21 We have endeavored to do that. I know when I
22 sit down, even later on, I'm going to say 'I
23 wish I have done this or wish I had done
24 that.'

25 Worst yet, I have to listen to the

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Replay Argument by Solicitor for the State

1 solicitor get up and respond to what I've
2 said. Again, he has the -- he has the burden
3 in this case. But no matter what he says, he
4 can't change the fact that there is no
5 physical evidence, that there was no follow
6 up with Britain Donahue. Imagine if Britain
7 Donahue had had to sit down on camera and
8 been interrogated by those two officers the
9 way that he was, the way that Christian was.
10 He never had to do that because they never
11 bothered to find him. It was easy enough to
12 find him that the solicitor could do it in
13 time to say, 'hey, I need you to come in
14 because this guy is saying you committed this
15 crime.' Keep that in mind. They can't erase
16 those things.

17 I can tell you that Christian has been
18 looking forward to this day, the day that he
19 gets to get up on that witness stand and tell
20 his side of the story and then wait for your
21 verdict.

22 We appreciate your patience, we look
23 forward to receiving your verdict.

24 THE COURT: Brief reply?

25 SOLICITOR FOWLER: Yes, just very

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Replay Argument by Solicitor for the State

1 briefly. Ladies and gentlemen, I appreciate
2 Mr. Chambers' argument, I appreciate what he
3 is doing on behalf of his client. However, I
4 think that there is a pretty big "but" here.
5 Perhaps he twisted the facts so that they are
6 a little bit more advantageous to him.

7 Yesterday you heard Britain Donahue, out
8 of his own mouth, say 'I'd heard that I was
9 -- you know, that my name had been drug into
10 this back when it first happened, back last
11 August. I called my dad and his lawyer back
12 in New Hampshire to ask him what to do.'
13 That lawyer advised him to stay out of it.

14 Britain is not charged with anything in
15 this case. He doesn't live with Christian
16 anymore, he has nothing to do with him. He's
17 got nothing to gain from this. He had to
18 miss work, just like all you good people, to
19 come here and testify, deal with all this and
20 subject himself to cross examination.,

21 Further, I would say that the police did
22 plenty of follow up to track down Britain.
23 They, in fact, called Ms. Erica Chapman, who
24 was supposedly part of the *ménage trois* at
25 the lake with ---

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Replay Argument by Solicitor for the State

1 RANDY CHAMBERS: Objection, Your Honor.

2 THE COURT: Yeah. That's not ---

3 SOLICITOR FOWLER: They talked with
4 Erica Chapman, who supposedly was at the lake
5 with Christian the night before. She said,
6 'I don't have his number but here's a number
7 to him.' You know what she didn't say,
8 folks? She didn't say, 'Well, I'd been to
9 the lake with Christian.'

10 Further, we heard from Mr. Harrison
11 Golson yesterday morning, or afternoon
12 rather. There was only one person at his
13 house helping him move that furniture, and
14 it was Christian Scowcroft.

15 I'd put to you that every time that I've
16 moved a piece of furniture, if I had an able-
17 bodied young man sitting there in the car,
18 I'd have him out helping.

19 I am not going to talk on and on about
20 the definition of "shaggy." But I'd say that
21 on August 16th, that the picture that we have
22 of Mr. Scowcroft, his hair looked a little
23 bit longer than it did ten days later in that
24 interview. Ten days is plenty of time to go
25 get yourself a haircut.

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1 Now, in that interview, Mr. Chambers said
2 that any misstatements that Christian made
3 was because he was scared, that he was scared
4 of the police and that's a reasonable thing.
5 However, just this very same day Christian
6 got up and he said -- well, first, he said
7 that he didn't say anything inaccurate in
8 that interview. Then he said that he was
9 poised and collected enough to keep his get-
10 out-of-jail free card out of the dirt.

11 And, now, as to him providing his
12 identification and his name at the sale of
13 these guns, this is -- this is a defense that
14 I've heard a time or two before. I like to
15 call it the "bad criminal defense", that that
16 was so stupid that there is no way that
17 anybody would have done that if they really
18 thought that what they were doing was
19 illegal. Well, ladies and gentlemen, I will
20 tell that in South Carolina we don't give
21 credit for being a criminal.

22 Now, finally, you know, Mr. Chambers is
23 exactly right. I wish that the neighbor had
24 been rock solid in his identification. I
25 wish that we had some fingerprints or some

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Replay Argument by Solicitor for the State

1 blood or some kind of really good, hard
2 physical evidence. A camera. Something at
3 the scene of the crime. But I'll put to you
4 that most of the time that you just don't
5 have that kind of stuff, folks. And if we
6 had that in every case, we wouldn't need
7 juries. In fact, the cases that have that,
8 they aren't resolved in a courtroom with a
9 jury. They're resolved right down there in
10 Courtroom 8 with a plea.

11 I want you to remember the logic of what
12 Mr. Chambers is asking you to believe. He is
13 asking you to believe that this Britain guy
14 who supposedly may have knew Harrison, who
15 had just been kicked out of Christian's
16 house, went and broke in Harrison's house.
17 Even though he is homeless and out of work
18 takes these valuable items and leaves them
19 for the guy who just made him homeless.
20 Ladies and gentlemen, that doesn't make
21 sense.

22 I am confident that you will agree with
23 the state that Mr. Scowcroft is absolutely
24 guilty of both of these crimes.

25 Thank you. I look forward to your

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1 verdict.

2 THE COURT: Ladies and gentlemen, it is
3 now my opportunity to charge you on the law.

4 As I previously indicated to you, the
5 indictment in this matter charge the
6 Defendant with burglary in the first degree
7 and grand larceny. As I told you at the very
8 beginning and I now remind you, the fact that
9 the Defendant was arrested, charged and
10 indicted is not evidence in this case. It
11 cannot be considered by you in any way. Nor
12 does it create any presumption or inference
13 of guilt. These documents are simply the
14 formal written charges that brings this
15 matter before the Court.

16 The Defendant has pled not guilty to
17 these charges. That plea puts the burden of
18 proof on the State as to all elements of the
19 charge, as to each charge. That burden, that
20 I will go over in a few minutes, is by beyond
21 a reasonable doubt.

22 A crime charged with committing a
23 criminal offense in this State is never
24 required to prove themselves innocent. I
25 charge you that it is an important rule of

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Court's Charge on the Law

1 law in a criminal trial that a defendant, no
2 matter what the seriousness of the charge,
3 will always be presumed innocent of that
4 crime for which the indictment was issued
5 unless guilt has been proven by evidence
6 satisfying you, the jury, beyond a reasonable
7 doubt.

8 This presumption of innocence does not
9 end when you begin your deliberations but it
10 accompanies the defendant throughout the
11 trial until you've reached a verdict of guilt
12 based on the evidence satisfying you of that
13 guilt beyond a reasonable doubt.

14 The presumption of innocence is like a
15 robe of righteousness placed about the
16 shoulders of a defendant, which remains with
17 the defendant until it has been stripped from
18 the defendant by the evidence satisfying you,
19 the jury, of the defendant's beyond a
20 reasonable doubt.

21 This presumption of innocence is not a
22 mere legal theory. It is not a mere legal
23 phrase. It is a substantial Constitutional
24 right which we base our criminal system on,
25 which every defendant is entitled to unless

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1 you the jury are satisfied of his guilt
2 beyond a reasonable doubt.

3 All right. We have used the phrase
4 "reasonable doubt" many times. You've heard
5 it throughout and you've probably heard it in
6 your lifetime several times before. So what
7 is reasonable doubt? Reasonable doubt is the
8 kind of doubt that would cause a reasonable
9 person to hesitate -- that would cause a
10 reasonable person to hesitate to act.

11 Proof beyond a reasonable doubt is proof
12 that leaves you firmly convinced of the
13 defendant's guilt. There are very few things
14 that we know in this world with absolute
15 certainty. In a criminal case the law does
16 not require proof that overcomes every
17 possible doubt.

18 If based on your consideration of the
19 evidence you are firmly convinced that the
20 defendant is guilty of the crimes charged,
21 you must find the defendant guilty of these
22 charges.

23 If, on the other hand, you find that
24 there is a reasonable possibility that the
25 defendant is not guilty, you must give the

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1 defendant the benefit of that doubt and find
2 that the State did not meet its burden and
3 find the defendant not guilty.

4 As I indicated when we began this trial,
5 you and I have two separate and distinct
6 roles in this matter. As the trial judge, it
7 is my responsibility to preside over the
8 trial, rule on the evidence and determine the
9 law to charge you.

10 Your role is to consider only the
11 competent evidence presented and produced
12 before you. If there was any testimony or
13 questions which were stricken from the record
14 during the trial of this case, then you are
15 to disregard that testimony. You are only to
16 consider the testimony which has been
17 presented from the witness stand and the
18 exhibits which have been made a part of the
19 record and any stipulations of counsel.

20 I have the additional duty to charge you
21 the law which applies in this matter. I am
22 the sole judge of the law.

23 It is your duty to accept this law. You
24 may have your ideas of what the law should
25 be, what you thought it is or what you think

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1 it should be but you're to disregard that
2 because the law that you're to apply in your
3 deliberations is the law that I'm giving you
4 now.

5 In every case tried in this court before
6 a jury you're the sole and exclusive judge of
7 the facts. As the trial judge, I cannot
8 infer or intimate any opinion as to the
9 facts. The law does not allow me to have an
10 opinion as to the facts. If there is
11 anything that I've said or did that makes you
12 believe that I have an opinion as to the
13 facts of this case, you are to disregard that
14 because that is your duty. It is your
15 responsibility to determine what the facts
16 are. This is a matter solely for you to
17 determine.

18 As jurors, it is your duty to determine
19 the effect, the value, the weight and the
20 truth of the evidence presented during the
21 trial.

22 Now, I should have talked about this in
23 the beginning but I didn't, so I want to
24 address note taking. This is something --
25 again, it's up to the judge to allow you to

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1 take notes or to not take notes. I noticed
2 that there was at least one person taking
3 notes, and that's fine because I did not
4 instruct you on that. But some people are
5 better note takers than others. Just because
6 somebody may have notes, that's not to be
7 given any greater weight than the
8 recollection of other juror. The
9 recollection of individuals should be
10 considered just as reliable as the notes
11 taken.

12 I know when I was in school I was a
13 horrible note taker, but I could remember
14 things. So, you know, again, those notes --
15 if you took notes, those are to be used only
16 by yourself. Those are not the actual
17 record. Please keep that in mind as you join
18 in the deliberations.

19 Now, there's two types of evidence.
20 There is direct and circumstantial evidence.

21 Direct evidence is the testimony of a
22 person who claims to have actual knowledge
23 of a fact, such as an eyewitness. It is
24 evidence which immediately establishes the
25 main fact to be proved.

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1 Circumstantial evidence is proof of a
2 chain of facts and circumstances that prove
3 the existence of a fact. It is evidence
4 which immediately establishes collateral
5 facts from which the main fact can e
6 inferred.

7 Circumstantial evidence is based on
8 inference and not on personal knowledge or
9 observations.

10 The law makes absolutely no distinction
11 between the weight or value to be given to
12 either direct or circumstantial evidence.
13 Nor is there a greater degree of certainty
14 required of circumstantial evidence than of
15 direct evidence.

16 You should weigh all the evidence in the
17 case and after weighing all the evidence, if
18 you're convinced of the guilt of the
19 defendant, you must find the defendant
20 guilty.

21 A good way to think about it is an
22 illustration. That is that if you come home
23 one evening and just as you get out of your
24 car it starts raining. Well, you have direct
25 evidence that it is raining. But if you go

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1 inside and you come back out thirty minutes
2 later and clouds are dark, your car is wet,
3 the grass is wet and there's this little
4 puddle of water, well, you don't have direct
5 evidence that you saw it raining but you can
6 infer from these other facts that it did
7 rain. That's kind of the difference between
8 direct and circumstantial evidence.

9 Also -- let me also touch on the fact
10 about expert witnesses. I believe that there
11 was one individual classified or qualified as
12 an expert witness. Normally, as I told you
13 at the time, a person cannot testify beyond
14 anything that they have observed, smelled,
15 eyewitness type information unless somebody
16 is qualified to give an opinion based on
17 their training, their background and
18 expertise in their field. Experts may
19 testify as to their opinion about matters.

20 But just because a person is qualified
21 as an expert does not mean that you have to
22 accept that fact even though it may not be
23 contradicted. You are to give an expert's
24 testimony the same weight as you do any other
25 witness.

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1 One of the things that you also must
2 determine in your deliberations is the
3 credibility of witnesses who have testified.
4 Credibility simply means believability.

5 It becomes your duty as jurors to
6 determine and evaluate the evidence and
7 determine which evidence convinces you of its
8 truth.

9 In determining the believability of
10 witnesses who have testified in this case,
11 you may believe one witness over several
12 witnesses or several witnesses over one
13 witness.

14 You may believe a part of a witness'
15 testimony and reject the remaining testimony
16 of that same witness. You may believe the
17 testimony of a witness in its entirety or you
18 may reject it in its entirety.

19 You may consider whether any witness has
20 exhibited to you any bias, prejudice or other
21 motive in the case.

22 You may also consider the appearance and
23 the manner of the witness while on the
24 witness stand.

25 In other words, you are to use your

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1 collective common sense to weigh, just like
2 everything else, to weigh the evidence and
3 give it the weight that you feel it deserves.

4 There has been evidence presented that
5 the witness (sic) made prior statements which
6 were not consistent with his present
7 testimony. You may use this evidence to
8 decide whether to believe the witness.
9 You may also use evidence of the earlier
10 contradictory statements to determine the
11 truth of those statements. It is up to you
12 to decide whether to believe the earlier
13 statements or the testimony given in trial.

14 If a witness is shown to have knowingly
15 testified untruthfully concerning a matter,
16 you may consider this in determining whether
17 to trust the witness' testimony as to other
18 matters. You may reject all testimony of
19 that witness or give all or part of the
20 testimony the weight which you think that it
21 deserves.

22 A statement also was presented that was
23 made by the defendant, admitted into evidence
24 in this case. The Court has determined that
25 this statement was admissible. I instruct

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1 you that you make the ultimate decision of
2 whether or not the defendant made the
3 statement. If the defendant did make the
4 statement, you must determine whether the
5 statement was made by the defendant
6 voluntarily and of his free will. This means
7 that the statement was not caused by
8 pressure, force, fear, threats, coercion or
9 by intimidation or by hope or promise of
10 leniency or reward of any kind.

11 In determining whether the statement was
12 voluntary, you should consider both the
13 characteristics of the defendant and the
14 details of the questioning. Some of the
15 factors that you consider in making this
16 determination are the age of the defendant,
17 the defendant's education or lack of
18 education, the defendant's mental ability or
19 capacity, the defendant's IQ or intelligence,
20 the defendant's background and environment,
21 the place and length of detention, the nature
22 of the questioning and the advice, or lack
23 thereof, to the defendant of his
24 Constitutional rights, including but not
25 limited to:

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1 The right to remain silent.

2 That any statement can be used
3 against him in a court of law.

4 The right to have a lawyer present.
5 If he should not be able to afford a lawyer
6 that one will be appointed to represent him
7 free of charge.

8 That he can stop making the state-
9 ment at any time.

10 You must carefully consider all of the
11 surrounding circumstances before you give any
12 weight to such an alleged statement.

13 The State has the burden of proving
14 beyond a reasonable doubt that the alleged
15 statement was voluntary. If you determine
16 that it was, you may give the statement any
17 further consideration that you deem proper.
18 You must decide what weight, if any, must be
19 given to the alleged statement. If you
20 determine that the alleged statement was not
21 the free and voluntary statement of the
22 defendant, you should not consider this
23 statement at all.

24 Now, in a criminal matter one of the
25 things that you must look to the State to

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1 prove as one of the elements is intent. In
2 order to establish criminal liability,
3 criminal intent is required. For example,
4 the mental state required to be proven by the
5 State for intent to commit a particular crime
6 might be purpose, intent, knowledge,
7 recklessness or negligence. Criminal intent
8 must be proven by the State beyond a
9 reasonable doubt.

10 Criminal intent is always a matter that
11 must be determined by the jury from the
12 circumstances surrounding the situation.

13 There is no way to prove intent to a
14 mathematical certainty. There is no way that
15 medical science can dissect a person's brain
16 and determine what the person had in mind, so
17 the law says that criminal intent must be
18 inferred by the circumstances shown to have
19 existed. This is how you make a
20 determination of whether or not the element
21 requiring intent was present.

22 It's not necessary to establish intent by
23 direct and positive evidence but intent may
24 be established by inference in the same way
25 as any other fact by taking into

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1 consideration the acts of the parties and all
2 the facts and circumstances of the case.

3 Criminal intent is a mental state, a
4 conscious wrongdoing. It's up to you to
5 determine what the defendant intended to do
6 based on the circumstances shown to have
7 existed at the time.

8 Criminal intent can arise from action or
9 failure to act. It may arise from
10 negligence, recklessness or any indifference
11 to duty or to the consequence considered by
12 the law to be the equivalent of criminal
13 intent.

14 All right, let me have -- now I am going
15 to get into the substantive law of the
16 charges themselves and the elements of the
17 charges that the State must prove.

18 First is a charge of burglary first
19 degree. This is defined by our State
20 statute. The defendant is charged with first
21 degree burglary. The State must prove,
22 beyond a reasonable doubt, that the defendant
23 entered a dwelling without consent. That's
24 one of the elements.

25 A dwelling is any building or portion of

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1 a building in which a person ordinarily
2 sleeps. A building constructed as a dwelling
3 that has never been occupied cannot be
4 considered a dwelling. But a building is a
5 dwelling even if the residents are
6 temporarily absent from the building.
7 The State does not have to prove that force
8 was used to gain entry.

9 That is the first element, entry into a
10 dwelling.

11 Next, the State must prove beyond a
12 reasonable doubt that the defendant intended
13 to commit a crime, either a felony or a
14 misdemeanor, at the time of the entry. The
15 mere entry into a dwelling without consent
16 is not burglary. If the intent to commit a
17 crime is formed after the entry, it is not
18 burglary. On the other hand, if the
19 defendant intended to commit a crime at the
20 time of the entry it is a burglary even if
21 the intent was abandoned after the entry.
22 It does not matter that the intended crime
23 was not completed.

24 Intent may be shown by acts and conduct
25 of the defendant and other circumstances from

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1 which you may naturally and reasonably infer.

2 The third element of the crime of
3 burglary first -- you have the entering of a
4 dwelling, intent to commit a crime and,
5 finally, the State must prove beyond a
6 reasonable doubt that while entering or while
7 in the dwelling or when fleeing that the
8 defendant was armed with a deadly weapon.

9 A deadly weapon is any article,
10 instrument or substance which is likely to
11 cause death or great bodily harm. Whether an
12 instrument has been used as a deadly weapon
13 depends on the facts and circumstances of
14 each case.

15 A gun may be a deadly weapon even if it
16 is not operable. A person is considered
17 armed with a deadly weapon if he had physical
18 control over the deadly weapon in effecting
19 entry of or while in the dwelling or in the
20 immediate flight therefrom such that the
21 weapon is readily available for the person to
22 use.

23 So there's the three elements for
24 burglary first: entering a dwelling without
25 consent with the intent to crime while armed

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1 with a deadly weapon. The State must prove
2 all three elements beyond a reasonable doubt.

3 The second charge in this matter is grand
4 larceny, which is also defined by statute.
5 The State must prove beyond a reasonable
6 doubt that the defendant took and carried
7 away the property of another against the will
8 or without the consent of that other person.

9 The slightest removal of property or the
10 complete possession of the property, even for
11 an instance, by the defendant is enough to
12 show a taking and carrying away.

13 The State must also prove beyond a
14 reasonable doubt that the defendant intended
15 to permanently deprive the owner of the
16 property.

17 So the taking of someone's property
18 without their consent.

19 The final element of grand larceny is the
20 State must prove that the value of the
21 property taken was more than \$2,000.

22 All right. Now, Mr. Foreman, -- please
23 hand this to the foreman.

24 BAILIFF: (Complies).

25 THE COURT: I am going to go through

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1 the verdict form with you. You will have it
2 in your jury room.

3 First of all, the top part of this is
4 just the indictment number and it has the
5 caption. As I told you, you're to disregard
6 the fact that this individual was charged.
7 That is not to be considered as evidence.

8 The verdict form has two questions,
9 because you have two charges: burglary first
10 and grand larceny.

11 As to the first charge, that is
12 Indictment 17-GS-23-1278 for burglary first
13 degree it says, "We, the jury, find the
14 Defendant, Christian Scowcroft, ..." -- then
15 you check one. I had to put your choices in
16 some order, so there is no meaning behind one
17 choice being first or second, guilty or not
18 guilty.

19 If you find that the State did not meet
20 their burden, then you would check Not Guilty
21 as to burglary first.

22 If you find that the State did meet their
23 burden, upon your deliberations, you would
24 check Guilty as to burglary first.

25 Then you go to item two, same indictment

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1 number, for grand larceny. "We, the jury,
2 find the Defendant, Christian Scowcroft,..."
3 -- and you check one, guilty or not guilty.

4 Then you, as the foreperson, sign saying
5 that you certify this as the unanimous
6 decision of the jury, then date it.

7 Once you have completed your verdict, you
8 will indicate to the -- the bailiff will show
9 you what you need to do as far as flipping a
10 switch so that the light comes in and we know
11 that you've reached a verdict or that you may
12 have a question.

13 Let me tell you a little bit about your
14 deliberations. First of all, a verdict must
15 be a unanimous decision. That means that all
16 twelve of you must decide and agree on each
17 of the charges.

18 Your verdict cannot be based on sympathy,
19 passion, prejudice, emotion or any other
20 consideration which is not in evidence.

21 Once you have reached your verdict, you
22 -- again, the bailiff will show you what you
23 need to do.

24 In the process of your deliberations, if
25 you have a question, what you will need to

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1 do, Mr. Foreman, is that you'll have pen and
2 paper back there. You will write a note to
3 me, sign it, date it at the bottom. Give
4 that to the bailiff, and the bailiff will
5 bring that to me. I will review your
6 question and decide how to respond. A lot of
7 times I can respond by just writing on the
8 note. Sometimes it will be necessary to
9 return you to the jury room and if that is
10 the case, we will do.

11 A lot of question that comes into play,
12 in both civil and criminal cases, is 'can we
13 see such and such.' I will tell you right
14 now that the only evidence which you can
15 consider is the evidence which has been
16 entered. If something was not presented,
17 then that is not something that you can
18 consider in your deliberations.. So that is
19 a question commonly asked, to see some
20 additional matters but we cannot produce
21 anything that was not entered during the
22 trial.

23 So I'm sending you back to your jury
24 room. Do not begin your deliberations yet.
25 I have to talk to the attorneys to make sure

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1 that I covered all the law, that I didn't
2 misstate something. If I have misstated
3 something or there is something I left out,
4 then I'd have to bring you back in here and
5 tell you -- I won't go over the whole thing,
6 don't worry. But I'd recharge you on
7 anything that I may have misspoke about and
8 anything that I missed.

9 If there are no issues that I need to
10 bring you back on, the signal for you to
11 begin your deliberations is when receive the
12 exhibits and the verdict form. He will
13 exchange that for the Alternate.

14 Unfortunately the Alternate cannot be
15 involved in deliberation. I don't want you
16 to think that that means that you were not
17 important in this process. As you saw, we
18 had to seat one Alternate. Frequently
19 somebody gets sick or has some emergency and
20 they cannot continue, so it's very important
21 that we have alternates. Your role here has
22 been extremely important and I don't want --
23 unfortunately you cannot be in the room, you
24 cannot be involved in deliberations of the
25 matter. So when the exhibits and the verdict

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1 form come to the jury room, please step out.
2 I will be with you shortly to tell you how
3 long we might need for you to remain. Should
4 it become necessary to return the jury for
5 further instruction on the law or any
6 correction, then you will return with the
7 jury for that.

8 Go back but don't begin deliberations
9 until you receive the evidence and the
10 verdict form and the Alternate has stepped
11 out of the room.

12 Your lunch should be here shortly.

13 (JURY OUT @ 1:00 P.M.)

14 THE COURT: Any exceptions or additions
15 from the State?

16 SOLICITOR FOWLER: No, Judge.

17 THE COURT: Any exceptions or additions
18 from the defendant?

19 RANDY CHAMBERS: No, Your Honor.

20 THE COURT: Please get with Ms.
21 Garrison (court reporter) and review the
22 evidence.

23 (COUNSEL APPROVAL OF EXHIBITS)

24 (JURY IN DELIBERATION @ 1:04 P.M.)

25 (NOTIFIED OF JURY QUESTION @ 2:45 P.M.)

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1 (DEFENDANT PRESENT)

2 THE COURT: I have a note from the
3 jury asking for a recharge on the burglary,
4 so I will give them the same charge on first
5 degree burglary as I did before. Does
6 anybody want to see the note or have any
7 comments?

8 SOLICITOR FOWLER: That's good,
9 Judge.

10 RANDY CHAMBERS: That seems appropriate
11 to me, Judge.

12 THE COURT: All right, please bring in
13 the jury.

14 COURT REPORTER: Court's Exhibit 2.

15 (JURY IN @ 2:55 P.M.)

16 THE COURT: Mr. Foreman, I have
17 received a note that says, "Please repeat
18 terms for burglary first degree", signed by
19 the foreman.

20 I gather from that that you want me to
21 repeat the charge just on the elements for
22 burglary first degree.

23 FOREMAN: Yes, sir.

24 THE COURT: Okay. All right. So first
25 degree burglary. The State must first prove

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1 that beyond a reasonable doubt that the
2 defendant entered a dwelling without consent.

3 A dwelling is any building or portion of
4 a building in which a person ordinarily
5 sleeps. A building constructed as a dwelling
6 that has never been occupied cannot be
7 considered a dwelling. But a building is a
8 dwelling even if the residents are
9 temporarily absent from the building.
10 The State does not have to prove that force
11 was used to gain entry.

12 That is the first element, entry into a
13 dwelling.

14 Next, the State must prove beyond a
15 reasonable doubt that the defendant intended
16 to commit a crime, either a felony or a
17 misdemeanor, at the time of the entry. The
18 mere entry into a dwelling without consent
19 is not burglary. If the intent to commit a
20 crime is formed after the entry, it is not
21 burglary. On the other hand, if the
22 defendant intended to commit a crime at the
23 time of the entry it is a burglary even if
24 the intent was abandoned after the entry.
25 It does not matter that the intended crime

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1 was not completed.

2 Intent may be shown by acts and conduct
3 of the defendant and other circumstances from
4 which you may naturally and reasonably infer.

5 The third element of the crime of
6 burglary first -- you have the entering of a
7 dwelling, intent to commit a crime and,
8 finally, the State must prove beyond a
9 reasonable doubt that while entering or while
10 in the dwelling or when fleeing that the
11 defendant was armed with a deadly weapon.

12 A deadly weapon is any article,
13 instrument or substance which is likely to
14 cause death or great bodily harm. Whether an
15 instrument has been used as a deadly weapon
16 depends on the facts and circumstances of
17 each case.

18 A gun may be a deadly weapon even if it
19 is not operable. A person is considered
20 armed with a deadly weapon if he had physical
21 control over the deadly weapon in effecting
22 entry of or while in the dwelling or in the
23 immediate flight therefrom such that the
24 weapon is readily available for the person to
25 use.

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1 So there's the three elements for
2 burglary first: entering a dwelling without
3 consent with the intent to crime while armed
4 with a deadly weapon. The State must prove
5 all three elements beyond a reasonable doubt.

6 Is that what you needed?

7 FOREMAN: I believe so, sir.

8 THE COURT: Then you may go back and
9 continue your deliberations.

10 (JURY OUT @ 2:59 P.M.)

11 THE COURT: Any exception of objection
12 from the State?

13 SOLICITOR FOWLER: No, Judge.

14 THE COURT: From the defense?

15 RANDY CHAMBERS: No, Your Honor.

16 THE COURT: We will be at-ease until we
17 hear from the jury. Please stay close by.

18 SOLICITOR FOWLER: Yes, Judge.

19 (NOTIFIED of VERDICT @ 3:20 P.M.)

20 (DEFENDANT PRESENT)

21 THE COURT: I've been notified that the
22 jury has reached a verdict. I am sure that
23 everybody is aware that you are to maintain
24 composure when the verdict is read. No one
25 is to react whatever the verdict is. If

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1 anyone cannot control their behavior, you
2 will be removed from the courthouse and I
3 will deal with that after we receive the
4 verdict. Bring the jury in.

5 (JURY IN @ 3:25 P.M.)

6 THE COURT: Mr. Foreman, I understand
7 that the jury has reached a verdict. Please
8 pass the verdict form to the bailiff.

9 FOREMAN: (Complies)

10 BAILIFF: (Tenders form to Judge).

11 THE COURT: (Upon review), it appears
12 that the verdict form has been properly
13 complete. Please publish the verdict.

14 CLERK: In the case of 17-GS-23-1278,
15 the State of South Carolina versus Christian
16 Scowcroft, (reading): "As to Indictment 17-
17 GS-23-1278, for burglary in the first degree,
18 we find the Defendant, Christian Scowcroft,
19 Guilty."

20 Number two, as to Indictment 17-GS-23-
21 1278 for grand larceny, "We, the jury, find
22 the Defendant, Christian Scowcroft, Guilty."

23 This is signed by our foreperson.

24 Ladies and gentlemen, if you agree that
25 this is the verdict that you reached in your

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1 deliberations, please raise your right hand.

2 (UNANIMOUS RESPONSE BY JURORS)

3 THE COURT: Anything from the jury,
4 from the State?

5 SOLICITOR FOWLER: No, Judge.

6 THE COURT: Anything from the jury from
7 the defendant?

8 RANDY CHAMBERS: No, Your Honor.

9 THE COURT: Ladies and gentlemen, thank
10 you for your service in this matter. At this
11 time you can retire back to your jury room.
12 That ends your services for this week. I do
13 appreciate your service. I will step back in
14 just a few minutes and answer any questions
15 that you might have. Thank you.

16 (JURY DISMISSED/EXITS COURTROOM)

17 THE COURT: Anything from the
18 Defendant?

19 RANDY CHAMBERS: Your Honor, I make a
20 Motion for a new trial.

21 THE COURT: All right. I think that
22 the discussion that we had at the directed
23 verdict stage, uh, I believe that based on
24 circumstantial evidence that it was
25 appropriately a jury trial. I am not aware

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1 of any basis for a new trial. So I deny your
2 Motion.

3 RANDY CHAMBERS: Do you want us to step
4 forward, Judge?

5 THE COURT: Please. Do you have the
6 sentencing sheet?

7 SOLICITOR FOWLER: Yes, Judge.
8 There's a restitution Order there as well.

9 THE COURT: For the record, this is the
10 State versus Christian Scowcroft.

11 As indicated by the verdicts, Mr.
12 Scowcroft, the jury has found you guilty on
13 both charges: burglary in the first degree
14 and grand larceny.

15 I will be glad to hear from you, Mr.
16 Chambers. But, as you know, my hands are
17 kinda tied in this matter.

18 RANDY CHAMBERS: They are, Your Honor.
19 I -- you know, I -- I looked to see if I
20 could come up with any authority for reducing
21 the fifteen-year sentence in this case. I
22 don't have any authority. I know that a very
23 long time ago when I was still working in the
24 Solicitor's Office, back in the '90s, that we
25 had a case in front of Judge Peeples, and

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1 Judge Peeples suspended a fifteen-year
2 sentence down to something less on burglary
3 first. I didn't question him as a
4 prosecutor. I don't know if he could do that
5 or not. If there is any way that that could
6 be done, this would certainly be an
7 appropriate case for it.

8 You've heard everything about my client.
9 You know, no criminal record. Citadel grad.
10 Engineering, working white-collar
11 professional type jobs. He -- I have
12 something from his employer now that he is
13 in charge of a \$3.2 Million dollar enterprise
14 that there with the purchasing and things
15 that he does. He's not somebody that, I
16 think in his wildest imagination, ever
17 thought he would be going to prison,
18 especially for fifteen years.

19 Beyond that, I don't know what I could
20 say. I know from our conversations off the
21 bench that you are very sympathetic to the
22 situation, and I just ask you to do --
23 whatever you can do.

24 THE COURT: All right. Mr. Scowcroft,
25 based on -- again, the jury finding you

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1 guilty, there isn't -- it sounds like if
2 you're guilty of this, as the jury has
3 indicated, it appears that this is just a
4 blip in your life, not consistent with
5 anything that I've heard here.

6 But, you know, -- and I'll be glad to
7 hear from you but your attorney -- that's why
8 we took that break yesterday because this
9 charge has a mandatory minimum. I'm not
10 going to tell you that I agree with that,
11 especially under this circumstances, at all.
12 But that's what the law is.

13 I want to give you an opportunity to tell
14 me anything that you want to tell me. I'm
15 just telling you know that my hands are kinda
16 tied on this.

17 If there is anything that you want to
18 tell me, I'll be glad to listen to you.

19 DEFENDANT: Your Honor, I'm just
20 ashamed that I found myself in this
21 situation, involved with these kinds of
22 people. I wish that I could do more to
23 overcome some of the things that I ran into,
24 the person that I was living with, that I
25 brought him into my life, my family's lives.

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1 People that I love have been affected by him,
2 by this.

3 I'm sorry for Harrison and what happened
4 to him. I'm sorry for the people that have
5 been affected by this.

6 I just -- I don't understand how I could
7 live a life of leadership and of exemplary
8 behavior, being everything that I wanted to
9 do, and more, to do so well at what I've
10 done, tried to be such a good example for
11 everyone and then have something that is
12 questionable, at best, not even set in stone,
13 to come back to ruin it all and change
14 everything. It's purely from the effect of
15 happenstance. There is no -- there is
16 nothing concrete to it.

17 THE COURT: I appreciate where you're
18 coming from. Anything else?

19 RANDY CHAMBERS: No, Your Honor.

20 THE COURT: Anything else from the
21 State?

22 SOLICITOR FOWLER: No, Judge.

23 THE COURT: I think he has sixty days
24 in jail. The mandatory minimum is fifteen
25 years, so the sentence of the court is

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1 fifteen (15) years with credit for sixty days
2 served.

3 On the grand larceny, that's one year
4 with credit for time served.

5 Sentences are to run concurrent.

6 Restitution per the Order.

7 Good luck to you, Mr. Scowcroft.

8 (TRIAL CONCLUDED)

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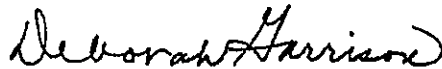
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Certificate of Court Reporter

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STATE OF SOUTH CAROLINA)
) CERTIFICATE
COUNTY OF GREENVILLE)

I, the undersigned Deborah Garrison,
Circuit Court Reporter for the 13th Judicial
Circuit, hereby certify that the foregoing is a
complete and accurate transcript of the jury trial
in the within action heard on August 23-24, 2017,
before The Honorable Perry H. Gravely;

I further certify that I am neither kin nor
counsel to any of the parties and have no interest
in the outcome of this action.



Deborah Garrison

Greenville, South Carolina

November 25, 2017

FORM 5

STATE OF SOUTH CAROLINA)

County of Greenville)Christian Scowcroft #373633)

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

v.)

State of South Carolina)

IN THE COURT OF COMMON PLEAS

2020-CP-23-04164

APPLICATION FOR

POST-CONVICTION RELIEF

ENTERED COMPUTER

FILED
CLERK OF COURT
PAUL B. KENSINGER
2020 SEP 19 AM 9:33**INSTRUCTIONS - READ CAREFULLY**

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

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

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

1. Place of detention Kirkland Correctional Institute, 4344 Broad River Rd., Columbia, SC 29210
2. Name and location of Court which imposed sentence Greenville County General Sessions
3. Name(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2017-65-23-001278, Burglary 1st / Grand Larceny
 - (b) _____

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) August 24, 2017
- (b) 15 years - 1st Degree Burglary, 1 year - Grand Larceny
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty ☒ _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
Yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. The South Carolina Court of Appeals
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. The Conviction was Affirmed
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. March 11, 2020
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. Unpublished Opinion No. 2020-UP-061
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) N/A
- (b) _____

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) See attached pages of issues, facts, and arguments.
- (b) Applicant believes he has additional claims for post-conviction relief but
- (c) does not yet have collaborative counsel or access to the discovery process.
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) See attached pages of issues, facts, and arguments.
- (b) Applicant believes he has additional claims for post-conviction relief but
- (c) does not yet have collaborative counsel or access to the discovery process.
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? No
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No
- (d) any other petitions, motions or applications in this or any other Court? No
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. _____
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. _____
- ii. _____
- iii. _____
- iv. _____

(c) the disposition thereof:

- i. _____
- ii. _____
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. _____
- ii. _____
- iii. _____
- iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. _____
- ii. _____
- iii. _____
- iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

No

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. _____
- ii. _____
- iii. _____

(b) the proceedings in which each ground was raised:

- i. _____
- ii. _____
- iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

- (a) Did not motion against evidence or mitigate, IAC claim
 (b) Did not know of failure to investigate, IAC claim
 (c) Did not properly prepare for trial, IAC claim

17. Were you represented by an attorney at any time during the course of:

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

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

- (a) the name and address of each attorney who represented you:
 i. Teal Johnson, 305 East North Street, Suite 123, Greenville
SC 29601
 ii. Randy Chambers, 804 Laurens Road, Greenville, SC 29607
 iii. Katherine Hudgins, 1330 Lady Street, Suite 401, Columbia, SC
29211
 (b) the proceedings at which each such attorney represented you:
 i. Arraignment - Bond
 ii. Bond - Trial / sentencing
 iii. Appeal

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

Reversal of Conviction and Remanded to Greenville County for a
new trial

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

No

STATE OF SOUTH CAROLINA)

County of Greenville)

VERIFICATION

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

Christian Aronson Scowcroft

SWORN to and subscribed before me this 31
 day of August, 2020.

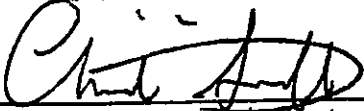
Melissa Spring (L.S.)
 Notary Public

My Commission Expires: 12-1-2025

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

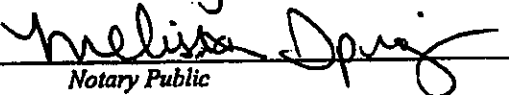
I, Christian Aronson Skowroff, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

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



Applicant

SWORN or affirmed to and subscribed before me this
31 day of August, 2020.



Notary Public

My Commission Expires: 12-1-2025

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Defendant respectfully requests that this honorable court assess the circumstances of the case, appoint effective counsel, and grant this application for post conviction relief.

Here within the defendant raises any unresolved and previously mentioned questions of fact or law that are the basis for cognizable claims in this PCR. The defendant states the following in support of his Post Conviction Relief application.

Defendant's counsel was ineffective on an array of issues in the case. Defendant believes that he also has additional claims for a PCR, but does not yet have collateral counsel, access to the discovery process, access to digital evidence prohibited by incarceration, or funds for expert services to investigate these claims. See S.C.A. R15, where leave to amend "shall be freely given when justice so requires."

① Trial counsel Randy Chambers was ineffective for giving material misadvice regarding the mandatory minimum sentence of 15 years upon conviction of a first degree burglary. Counsel erroneously advised the Defendant, prior to trial, that even though a conviction of first degree burglary carries a mandatory minimum sentence of 15 years, he knew of precedence that would allow the judge to grant a sentence of less than the mandatory minimum if the defendant was found guilty. Counsel advised the defendant that he was confident in the Defendant proceeding to trial because the Prosecution only had circumstantial evidence. Based on counsel's assessment of the Prosecution and information regarding the mandatory minimum, the defendant proceeded to trial. After the defendant was found guilty, counsel states that he looked for, but failed to find, any authority to reduce the mandatory 15 years, but that he recalls a case from his time as a solicitor, where the mandatory minimum of 15 years was suspended for a first degree burglary. Trial counsel asks the court to consider that for this case and was denied. The South Carolina Criminal

①

low statute § 16-11-311 for First degree burglary states "the court, in its discretion, may sentence the defendant to a term of not less than fifteen years" and Furthermore § 16-1-60 categorizes First degree burglary as a violent crime, for which no portion of a sentence may be suspended. Counsel's material misadvice regarding the mandatory minimum sentencing prejudiced the Defendant at all stages of the criminal proceedings. Were it not for counsel's erroneous advice at critical stages of the proceedings it is likely the defendant would have proceeded differently prior to going to trial. [See: Trial Transcript P. 354-357] (*Strader v. Garrison*, 1974) (*US vs Powell*, 1973) (*Strickland v. Washington*, 1984) (*Kolle v. State*, 386 S.W. 578, 690 S.W. 2d 73, 2010) (*Smith v. State*, 2006)

② Plea counsel was ineffective in handling of state's initial Plea offer.

Plea counsel Teal Johnson was ineffective in advising defendant to reject the state's initial plea offer of non-violent Burglary Second Degree with a recommendation of probation [see: Plea offer dated 11/10/2016]. This is based on counsel's influential and harmful arguments that prejudiced the defendant's decision making process. Counsel supplied that the defendant had no criminal history, would maintain a clean record if he proceeded to trial because the state had only circumstantial evidence which wouldn't be enough for a conviction on a first degree burglary, and that the state's initial plea offer reflected the prosecution being aware of having a weak case for trial. Plea counsel was aware of the prosecution having cell phone data, provided in the discovery material on "Disk of Media" [see: Property and Evidence Report #3] [see: Search Warrant #4]

The Geotime data contained in the "Disk of Media" required the analysis of an expert witness, which the prosecution utilized before and during trial, but which plea counsel neglected to use and instead advised the defendant based on her own assessment of the data. Counsel's deficient performance in understanding the evidence in the discovery led to ineffectiveness in the plea bargaining process and therefore violated the defendant's right to effective assistance of counsel. Counsel's deficient assessment of the evidence against him and misadvice prejudiced the defendant's decision making process regarding the plea bargaining procedure and ultimately undermined the plea bargaining process (*Kolle v. State*,

(3)

386 S.W. 578, 690 S.E. 2d 73) Furthermore, counsel failed to advise the defendant that if the plea was rejected, the prosecution would no longer be willing to negotiate a plea, as was explicitly stated in the solicitor's email to the defendant's plea counsel [see: Plea offer dated 11/10/2016]. Upon rejecting the initial offer, counsel informed the defendant she would instead pursue a plea agreement for the misdemeanor charge of receiving stolen property. The solicitor was not willing to offer her another plea after the initial was rejected. Plea counsel Teal Johnson then advised the defendant that it would be better for him to get a trial lawyer before proceeding to trial.

Plea counsel's arguments against accepting the initial plea coerced the defendant into rejecting the plea. The vast discrepancy between the plea offered, a non-violent parole-eligible burglary, second degree and a recommendation of probation, or the severity of risk at trial, a violent, non-parole-eligible, most serious burglary, first degree, with a minimum of 15 years but carrying up to a life sentence, indicates that, but for counsel's ineffective performance informing the defendant, the defendant would have accepted the plea. Plea counsel prejudiced the defendant from further plea bargaining, where her failure to communicate that the solicitor would no longer be open to plea negotiations if the initial plea was rejected and her assertion that she would continue negotiating from a misdemeanor charge after rejection of the initial offer was collectively deficient counsel, where it not for counsel's coercive arguments that undermined the plea bargaining process and counsel's deficient performance in communicating the initial plea offer's limitations, the defendant likely would have proceeded differently. (*Davis v. State*, 381 S.W. 601, 675 S.E. 2d 416) (*Missouri v. Frye*, 556 U.S. 137, 132 S.Ct. 1371, 182 L.Ed. 329) (*Julge v. State*, 1996) (*Julge v. State*, 321 S.W. 571, 471 S.E. 2d 146).

③ Trial counsel Randy Chambers ineffective for failing to preserve the issue of the initial plea at trial. Trial counsel was incurably unaware of state's initial plea offer made to Teal Johnson and failed to preserve the issue of a lesser charge at trial, where due diligence and research would have revealed that the plea existed and that the discoverable evidence had changed since the plea had been rejected (*Jackson v. State*, 342 S.W. 95, 535 S.E. 2d

④

926). The state initially submitted 39 items of discoverable evidence to Teal Johnson on October 6, 2016 [see: Discoverable Evidence #1]. Based on evidence available and the advice of counsel, the defendant rejected the state's initial plea offer [see: Plea Offer dated 11/10/2016]. The state then submitted 2 more pieces of evidence on June 21, 2017, after the initial plea offer had been rejected [see: Discoverable Evidence #2]. Counsel was deficient in failing to request that the initial plea offer be reinstated after the new evidence had been submitted. Furthermore, counsel was ineffective in failing to notify the defendant the prosecution had submitted new evidence against him 30 days prior to trial, and that the evidence contained a map of cell phone tower location/triangulation data. Counsel was deficient in failing to request a continuance and raise questions about admissibility of evidence at a suppression hearing. An appropriately requested continuance and analysis of the newly submitted cell phone tower triangulation map, should have raised questions for defense counsel about letting the defendant give testimony at trial while knowing the prosecution had such compelling evidence to persuade a jury. The prosecution deemed it necessary to utilize an expert witness to explain the geo-time data and cell phone location data; the defendant, relying on counsel's judgement and experience, had no expert to understand the data and was left unaware of the evidence to be used against him until the day of trial. Counsel's deficient performance prejudiced the defendant from being able to make an informed plea decision prior to going to trial. Counsel's failure in communication prejudiced the defendant's ability to build an appropriate defense and directly impacted the defendant's ability to make informed decisions about the criminal proceedings. Had it not been for counsel's deficient research of plea offers, deficient communication regarding critical evidence, and failure to preserve critical issues about the plea bargaining process at trial for direct review; the defendant would have reasonably sought the plea bargaining process and counsel would have sought a lesser charge or sought to reinstate the initial plea. If not for counsel's ineffective performance, the defendant would likely have proceeded differently and the outcome of the proceedings would be different. (*Kolle v. State*, 386 S.W.2d 578, 690 S.E. 2d 73) (*Dane v. State*, 381 S.W. 2d 601, 675 S.E. 2d 134, 132 S.Ct. 1399, 182 L.Ed.379) (*Judge v. State*, 324 S.W. 2d 554, 471 S.E. 2d 146) (*Jackson v. State*, 342 S.W. 2d 95,

⑤

535 S.E.2d 926) (Lownds v. State, 2008) (State v. Lauren, 2004)

④ Trial Counsel ineffective for failing to object to inadmissible evidence at trial. Trial counsel Randy Chambers was ineffective for failing to object to the admission of circumstantial evidence that, after review, should have been deemed inadmissible due to illegal search and seizure. Due diligence and research by counsel would have shown that on August 26, 2016, a search warrant was issued for the defendant's residence authorizing the search and seizure of the following: "Browning Maxus 12 ga. shotgun, s/n 1153303211 with chokes and accessories associated with this gun, P13 games of Call of Duty, Tiger Woods, Legends of Rock Hero, 1 Apple iPad - white in globe case, camouflage gun case. Receipts and papers associated with the sale of stolen items. Any other items that can be identified as stolen and any illegal substances. [See: Search Warrant #1] The victim later reported that he was mistaken and was only actually missing the shotgun and case. Defense counsel ineffective for failing to object to the victim's false claims, the validity of the search warrant obtained under that false claim, or the accuracy of the value amount associated with a grand larceny charge after adjusting for the false claims made. Furthermore, counsel was ineffective for failing to preserve any of these issues for direct review. The only item confiscated from the defendant's apartment was the defendant's green desktop computer. This console A50 tower PC was built by the defendant upon graduation from the Citadel in 2013, all the components were purchased at Fry's Electronics north of Atlanta on the defendant's debit card with USAA, and the operating system installed on the Samsung solid state drive was a registered and verified copy of Windows. The affidavit used by investigators to obtain a search warrant in front of the grand jury was misleading at best, making the claim of the defendant using "Offer-Up" and "Let-go" apps as grounds for seizing his computer, where both apps are phone use only and have no computer platform. The computer could not be considered stolen and no documents or receipts associated with the sale of stolen items could be recovered from it. Counsel was ineffective in failing to object to the admissibility of the evidence gained from the computer and preserve the issue for direct review. Counsel was deficient in failing to review the search warrant and affidavit

⑥

that supplied the grounds on which the computer was originally seized and ineffective for failing to preserve the issue at trial for direct review. Were it not for counsel's deficient performance in prudent review of the discoverable materials, the issue would have been preserved for direct review, the evidence found inadmissible or suppressed, and the outcome of the proceedings would likely have been different. [See: search warrants #1-5] (USCA Constitutional Amendment 4) (Strickland v. Washington, 1984) (Deppre v. State, 1991) (Holloman v. State, 2009)

⑤ Trial counsel ineffective for failing to object to inadmissible evidence at trial as well as false testimony by state's witness. Based on the state's own evidence, where if defendant had actual effective assistance of counsel and that counsel had fulfilled counsel's duty as advocate doing cross examination of state's witness Robert Grubbs (under ABA standards for criminal justice: 4-1.1 through 4-8.1, 2nd ed. 1980 updated 2012), the result of the proceedings would have been different. Investigator Robert Grubbs, the lead investigator on the case, stated under sworn oath that the defendant had his cell phone in his possession when he came in for a voluntary interview the day he was arrested [See: Trial transcript Pg. 140]. In contrast, Investigator Grubbs Property and Evidence report states that he seized the phone from the defendants apartment the day of his arrest [See: Property and Evidence Report dated 8/26/2016]. A third document, the vehicle impound and inventory record shows that a phone was also found in the defendants impounded vehicle with no supplemental report documenting the phone afterwards. [See: Vehicle Impound Record] Reasonable due diligence and research would conclude that all three instances of the phone could not simultaneously exist and therefore, the chain of custody of the phone was unreliable, the circumstances under which the phone seized were questionable, and the investigators testimony false. Trial counsel was ineffective for failing to object to Investigator Grubbs statements, for failing to question the integrity of the phone's seizure and chain of custody, and for failing to preserve the issue at trial for direct review. All inconsistent statements made by a particular witness, made between witnesses, whether written or oral, that is known to the solicitors office or any other law enforcement agency, including statements or other evidence that raise

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questions about reliability or credibility of a witness, fall under obligation of the defendant's counsel to assert. Questions surrounding the chain of custody of the defendant's phone, what was seized and where it was seized, and Investigator Grubb's inconsistent records and statements were not raised by counsel or preserved for direct review; where, by the state's own documentation the phone was seized at both the defendant's apartment and the defendant's car that was parked outside the property crimes substation, and also by Investigator Grubb's statement that the phone was taken off of the defendant at the time of his arrest. All three cannot logically be true and defendant's counsel failed to address the issue at trial and failed to preserve the issue for direct review; these failures prejudiced the outcome of the case and were, if not for counsel's ineffectiveness, the outcome of the proceedings would have been different. (*Dwyer v. State*, 408 S.E. 2d 815 (SC) 1991) (*Hollman v. State*, 2009) (*Strickland v. Washington*, 1984).

⑧ Defendant has a right to effective assistance of counsel at every stage of criminal proceedings. This includes counsel's collection and analysis of communications records, reports, test results, lab reports, forensic reports, search warrants, statements and any other material intended to be used as evidence by the prosecution in the proceedings; as well as any information or material evidence which tends to establish the Defendant's innocence, to mitigate punishment, or to impeach, discredit, or contradict the evidence or testimony of any state witness at any proceeding, including any witness the state may use to control or induce plea negotiations or use as a potential witness at trial. Defense counsel's performance was deficient under American Bar Association's rules for effectiveness for having no trial strategy, not filing any motions to restrict, challenge, or limit any of the alleged evidence. Further, counsel failed to fully investigate the case and build any type of defense. As evidenced by court record, where trial counsel failed to object to any of the states 24 evidence exhibits or any of the states 10 witnesses called, and where trial counsel introduced no evidence, reports, or witnesses on behalf of the defense. Instead of compiling a defense, trial counsel advocated only to ask for a directed verdict of acquittal the day of trial, where further investigation of the evidence in the case would have supported

⑧

a defensive strategy. Therefore, the court cannot say, beyond a reasonable doubt, that any undiscovered evidence or mitigating fact, taken as a whole, would not have resulted in a different outcome of the case. Due to trial counsel's failure to object, on any grounds, to inflammatory and cumulative evidence introduced at trial, as well as multiple inflammatory statements made by the prosecution, it can be established that there was a constructive denial of counsel as a result of counsel failing to subject the prosecution's case to meaningful adversarial testing. (*Giles v. Maryland*, 336 U.S. 66, 1967) (*Mupac v. Illinois*, 360 U.S. 264 1959) (*Exile v. U.S.*, 405 U.S. 105, 1972) (*Kyles v. Whitley*, 514 U.S. 419, 1995) (*Edwards v. State*, 710 S.E. 2d 60, 2011) (*Strickland v. Washington*, 499 U.S. 23, 1991) (*Almeida v. Ortiz*, 2006) (*Lowell v. State*, 2008) (*McKnight v. State*, 2008)

Under the contemporaneous objection rule, counsel's failure to object in the following instances led to a complete breakdown of the adversarial process. The defendant believes that more instances exist but does not yet have collaborative counsel to assist.

a) Counsel failed to object to the validity of the charge of Grand Larceny \$2,000-\$10,000 where evidence procurement showed only \$354.00 was spent on recovering the evidence lost and where the victim later admitted to falsifying his initial report to police and the insurance company of what was actually stolen. Counsel failed to preserve the issue for direct review. [see: email] [see: search warrant #1] [see: supplemental report]

b) Counsel failed to object to testimony of state's witness Nuscarello, where witness's testimony was inflammatory and prejudicial. Witness failed to pick the defendant out of a photo line up and failed to identify the defendant in court. Counsel failed to object to state's leading examination of the witness and failed to impeach the witness on grounds of credibility. [see: Trial transcript Pg. 30-31]

(9)

C) Counsel failed to object to the use of statements given by the defendant after having signed a waiver of rights form. It can be established that the defendant was aware of the right to counsel, but there was no indication that he was aware of the dangers of giving statements under self representation (Gardner v. State, 2002). The form was coercedly signed under false pretenses, where the investigator admits to lying to the defendant to get him to sign the form. Counsel fails to object to all evidence gained from that interview as well as failing to object to the submission of the form at trial, and failed to preserve the issue at trial. [See: Trial transcript Pg. 38, 138-140]

D) Counsel failed to object to state's witness Britain Demmie and failed to impeach the witness on issues of credibility. Witness testimony was self-serving and the witness had motive to commit perjury given the circumstances of the case. Investigators admitted to not having investigated him because they could not find him at the time of the investigation [See: Trial transcript Pg. 134]. Counsel's failure to impeach or object was prejudicial and counsel's failure to preserve the issue led to ineffectiveness. Due diligence regarding Britain Demmie as a witness in a case where he was allegedly a suspect would have led defense counsel to seek impeachment based on Rules of Evidence 609: A crime of moral turpitude (a prior conviction) may be used for the purpose of impeaching a witness.

E) Trial counsel failed to object to the prosecutor's inflammatory and prejudicial comments about the defendant's video interrogation, where the comments bias the jury prior to the jury actually viewing the video. [See: Trial transcript P. 39]

F) Trial counsel ineffective for being unaware of evidence provided in the discovery, and for allowing that evidence to be submitted after being altered in an unknown way [See: Trial transcript Pg. 39-41] [See: Trial transcript Pg. 133]

(10)

G) Trial counsel fails to object to solicitor leading a witness by having the witness read back their own statement from a year ago, therefore making the witness testimony unreliable. Counsel failed to preserve the issue for review. [See: Trial transcript Pg. 104]

H) Counsel ineffective for allowing the testimony of an expert witness without objection and without first examining the reports and findings of the expert witness in a closed hearing. Counsel ineffective for failing to preserve the issue for direct review. [See: Trial transcript Pg. 137]

I) Counsel failed to object to the solicitor's inflammatory and prejudicial statements to the jury, where the statements undermined the deliberative process and as a result, the jury was incorrectly charged and the results of the trial are unreliable. [See: Trial transcript P. 299-302]

J) Counsel failed to further object to the solicitor's reference to one Erica Chapman, whose statements were never recorded or submitted into evidence for the court's review; as well as the solicitor's inferences about what Erica Chapman "didn't say", where solicitor's statements were made to the jury after an initial objection that was sustained and counsel failed to object further, creating prejudice with the jury and failing to preserve the issue for direct review. [See: trial transcript Pg. 323]

K) Counsel failed to object to the solicitor's prejudicial comments about the defendant's guilt that greatly undermined the deliberative process. [Trial transcript Pg. 325 In 22-24]

* D. cont.) (Matthews v. State, 2004) (Taylor v. State, 1993) (Lizette v. State, 2002) (Strickland v. Washington, 1984) (Lagare v. State, 1998)

E-mail

1 of 2

State of South Carolina
Solicitor, Thirteenth Judicial Circuit

Telephone: 864-467-8847
Telefax: 864-467-8610



Greenville County Courthouse
305 E. North Street, Suite 325
Greenville, SC 29601-2185

Solicitor
W. Walter Wilkins

11/10/2016

TEAL JOHNSON
305 EAST NORTH STREET, STE 123
GREENVILLE, SC 29601

RE: Plea Offer for State v. Christian Arenson Scowcroft

Dear Teal Johnson :

I am willing to make the following proposal to your above-referenced client in order to dispose of these charges by way of a guilty plea:

The Defendant will plead guilty to the following:

Warrant Number: Charge:
2016A2330208101 Grand Larceny

The State will reduce the following:

Warrant Number: Charge:
2016A2330208100 Burglary in the First Degree

Plead to Charge:

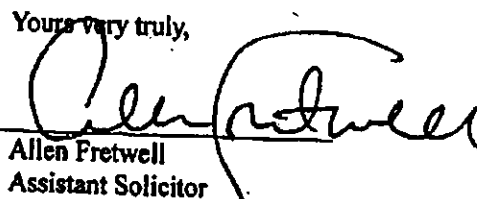
to Burglary of a Building in the Second Degree

The State will make the following sentence recommendations/negotiation:

Probation & Restitution

1/12/17 2 of 2
Please contact me as soon as possible with your client's response as plea negotiations must be concluded and the guilty plea entered before ~~1/23/17~~ or this and any other offers are automatically withdrawn. If your client does not plead guilty by this date, the case(s) will be placed on the trial calendar for disposition without further negotiation.

Yours very truly,


Allen Fretwell
Assistant Solicitor

State of South Carolina
Solicitor, Thirteenth Judicial Circuit

Discoverable
Evidence # 1
1 of 2

Telephone: 864-467-8647
Telefax: 864-467-8610



Greenville County Courthouse
305 E. North Street, Suite 325
Greenville, SC 29601-2185

Solicitor
W. Walter Wilkins

October 6, 2016

13th Circuit Public Defender

Teal Johnson, Esq.
305 East North Street, Ste 123
Greenville, SC 29601

OCT 18 2016

Initials: LL

RE: STATE OF SOUTH CAROLINA vs. CHRISTIAN ARENSON SCOWCROFT

Burglary - First degree and Grand Larceny

Warrant/Ticket # (s) 2016A2330208100 and 8101

Dear Mr. Johnson:

Enclosed please find copies of the following discoverable material, pursuant to Rule 5, South Carolina Rules of Criminal Procedure:

1. Above referenced warrant/ticket(s);
2. GCSO Incident Report, by Officer Skinner, dated 8/16/16, Case #16-0139262, 4 pages;
3. GCSO Supplemental Report, by Officer Grubbs, dated 8/24/16, 3 pages;
4. GCSO Supplemental Report, by Officer Grubbs, dated 8/29/16, 3 pages;
5. GCSO Supplemental Report, by Officer Grubbs, dated 9/12/16, 6 pages;
6. GCSO Supplemental Report, by Officer Bryan, dated 9/14/16, 2 pages;
7. GCSO Supplemental Report, by Officer Bryan, dated 9/15/16, 2 pages;
8. Statement by George Nannarello, 1 page;
9. Photos-by Greenville Forensics, 7 pages;
10. Property and Evidence Report, dated 9/8/16, 1 page;
11. Property and Evidence Report, dated 9/14/16, 1 page;
12. Property and Evidence Report, dated 8/26/16, 1 page;
13. Property and Evidence Reports, dated 9/9/16, 2 pages;
14. Waiver of Rights, dated 8/26/16, 1 page;
15. Statement by Harrison Golson, 1 page;
16. GC DPS Forensic Investigation Report, dated 8/19/16, 1 page;
17. Vehicle Impoundment and Inventory Record, 1 page;
18. Search Warrant, by Officer Grubbs, dated 8/26/16, (24 cunnigham rd./shotgun), 4 pages;
19. Property and Evidence Report, dated 8/29/16, 1 page;
20. Search Warrant, by Officer Grubbs, dated 8/29/16, (samsung galaxy S7), 4 pages;
21. Search Warrant, by Officer Grubbs, dated 8/29/16, (computer tower), 4 pages;

Teal Johnson, Esq.
 October 6, 2016
 Page 2

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22. Search Warrant, by Officer Grubbs, dated 9/9/16, (computer tower), 4 pages;
23. Firearm Return Background Investigation, 2 pages;
24. Fax Cover Sheet/Letter & Search Warrant to Verizon Wireless, by Officer Grubbs, dated 8/31/16, 7 pages;
25. Two Evidence Procurement Fund Forms, dated 9/9/16, 2 pages;
26. LeadsOnline Ticket- GameStop #5738, 1 page;
27. LeadsOnline Ticket- Traders Gun Shop, 1 page;
28. 7 Large Black & White Male Photos, 7 pages;
29. 12 Small Black & White Lineup Male Photos, 2 pages;
30. Email from Golson Harrison to Officer Grubbs, 1 page;
31. GameStop Transaction Ticket, dated 8/16/16, 1 page;
32. GameStop Confiscation Report, 1 page;
33. 3 Year Driver Record for Defendant, 1 page;
34. Customer Vehicles, 1 page;
35. Computer Crimes Investigation Request Form, 1 page;
36. Trader's Gun & Mercantile Receipt, dated 9/9/16, 1 page;
37. GameStop Receipt, dated 9/9/16, 2 pages;
38. Large Black & White Photos, 13 pages;
39. NCIC Criminal History.

Pursuant to Rule 609(b) of the South Carolina Rules of Evidence, this shall serve as advance written notice of the State's intention to use all convictions of crimes in excess of ten (10) years old to impeach the Defendant in this matter. Those crimes are listed on the Defendant's NCIC report of criminal activity. This will be the only notification in this regard.

Please note that the State may introduce video recording(s) relevant to this case, which are also available for viewing and downloading on the internet, at www.greenvillemc.org, using the attorney log-in screen in the Solicitor's Office. Instructions for downloading and viewing video(s) can be found at the log-in screen. Please let me know if you have problems accessing this information, and I will assist you. (VIDEO AVAILABLE IN GREENVILLE COUNTY CASES ONLY AT THIS TIME). There may also be a 911 recording available in this case. Please provide a blank CD to receive a copy. Otherwise, you may contact my investigator to make an appointment to listen to the recording.

Please contact our office regarding a mutually convenient time for you to view evidence, which may be contained in the Property and Evidence Room at the Law Enforcement Center here in Greenville County. Pursuant to discovery rules, we will allow you to inspect the evidence that may be utilized at trial.

Please make every effort to protect the disclosure of any personal identifying information released to you through the discovery process. Such personal identifying information would include, but not limited to, names, addresses, dates of birth, social security numbers, driver's license numbers, bank account numbers, credit card numbers and telephone numbers for any witness, victim or defendant.

Also, please find enclosed the State's Request for Reciprocal Discovery and the State's Request for Notice of Alibi and/or Insanity Defense, pursuant to Rule 5, South Carolina Rules of Criminal Procedure.

State of South Carolina
Solicitor, Thirteenth Judicial Circuit

13th Circuit Public Defender

JUN 23 2017

Initials: _____

Telephone: 864-467-8647
Telefax: 864-467-8810



Greenville County Courthouse
305 E. North Street, Suite 325
Greenville, SC 29601-2185

Solicitor
W. Walter Wilkins

June 21, 2017

*Discoverable
Evidence #2*

1 of 1

Randall Chambers, Esq.
Public Defender's Office
305 E. North Street, Ste. 123
Greenville, SC 29601

Re: STATE OF SOUTH CAROLINA vs. CHRISTIAN ARENSON SCOWCROFT
Burglary - First Degree
Grand Larceny
Warrant/Ticket # (s) 2016A2330208100 - 8101

Dear Mr. Chambers:

Pursuant to Rule 5 (C) South Carolina Rules of Criminal Procedure, Continuing Duty to Disclose, the State has recently received additional evidence or material previously requested or ordered, which is subject to discovery or inspection under this rule. The additional discovery is as follows:

1. Cell phone tower map, 1 page;
2. Receipt from Sunset Traders, 2 page.

Please note that the State may introduce video recording(s) relevant to this case, which are also available for viewing and downloading on the internet, at www.greenvillecounty.org, using the attorney log-in screen in the Solicitor's Department. Instructions for downloading and viewing video(s) can be found at the log-in screen. Please let me know if you have problems accessing this information, and I will assist you. (VIDEO AVAILABLE IN GREENVILLE COUNTY CASES ONLY AT THIS TIME). There may also be a 911 recording available in this case. Please provide a blank CD to receive a copy. Otherwise, you may contact my investigator to make an appointment to listen to the recording.

If you have any questions regarding this defendant's case(s) or need any further assistance, please do not hesitate to contact me.

Sincerely,

Brann Fowler
Assistant Solicitor

STATE OF SOUTH CAROLINA

COUNTY OF _____

SEARCH WARRANT

#1

Form Approved by
S.C. Attorney General
October 17-13-198
March 28, 1978

ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY
OF _____

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED

■ Cunningham Rd, APT ■, Taylors SC 29687. This apartment sits in the Southern Pines Apartment Complex. Building ■ sits at the rear of the complex and is positioned parallel to Cunningham Rd. Building ■ sits longways as you approach it from the main automobile route to get to the building. Building ■ is marked with a triangle sign reading ■. The building has a brick walkway area with a black shingle roof and tan siding that has white trim around the windows. Apartment ■ sits on the lower level and is on the right as you exit off the stairs. This apartment is clearly marked ■ on the door.

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found:

DESCRIPTION OF PROPERTY

Browning Maxus 12 Ga Shotgun S/N ■ with chokes and ammunition associated with this gun, PS3 games of Call of Duty, Tiger Woods, Legends of Rock Hero, 1 Apple Ipad-white in Globe Case, Camouflage gun case. Receipts and papers associated with the sale of stolen items. Any other items that can be identified as stolen and any illegal substances.

This Search Warrant shall not be valid for more than ten days from the date of issuance.

A written inventory of all property seized pursuant to this Search Warrant shall be made to

The premises and the issuing magistrate

within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

Taylor, S. C.
August 26, 2016
3:15 Pm.

[Signature] (L. S.)
Signature of Judge

FILED IN/IN
FILED

11:54 AM

16-139262 0

#1

RETURN

I received the attached Search Warrant August 26, 20 16, and have executed it as follows:
 On August 26, 20 16 at 330 o'clock P. M, I searched
 (the person) described in the warrant and (the premises)

I left a copy of the warrant with Residence
 Name of person searched or "at the place of search" with.
 Together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant: _____

Green desktop computer S/N 13127800 - w/ power cord - from
living room

This inventory was made in the presence of Jim R. Grubbs #1278/460
 AND Jim T. Brock #1416/155

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

SWORN to before me this _____

day of _____, 20 _____

(L.S.)

Signature of Judge

[Signature] #1416/155
 (Signature of Officer Executing Warrant)

2016 AUG 31 AM 11:54

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

SEARCH WARRANT

#2

ORIGINAL
Form Approved by
S.C. Attorney General
Revised 7-13-10
March 18, 2016ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY
OF Greenville

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED

Green in color computer tower with 2 handles on top with a serial number of 13127800 listed on the rear of the computer tower.

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found:

DESCRIPTION OF PROPERTY

Computer systems, including any electronic, magnetic, optical, or other high speed data processing device performing logical, arithmetic, or storage functions, internet search history, photos, videos, internet selling applications and any other evidence related to Burglary 1st Degree. As a result of the execution of this search warrant, a search for any and all information and/or data stored on any of the above listed systems or devices seized pertaining to this investigation of Burglary 1st.

This Search Warrant shall not be valid for more than ten days from the date of issuance.

A written inventory of all property seized pursuant to this Search Warrant shall be made to

Issuing Magistrate and with computer

within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

Greenville, S.C.
August 29, 2016Lees

Signature of Judge

(L.S.)

S/WP BB/BL/BB15
5102/18/08 27W/S

2016 AUG 31 AM 11:53

16-139202

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

AFFIDAVIT

#2

ORIGINAL

Personally appeared before me, one Inv. Robert Grubbs 460/*1278
 who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions
 of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

Computer systems, including any electronic, magnetic, optical, or other high speed data processing device performing logical
arithmetic, or storage functions, internet search history, photos, videos, internet selling applications and any other evidence related to
Burglary 1st Degree. As a result of the execution of this search warrant, a search for any and all information and/or data stored on any
of the above listed systems or devices seized pertaining to this investigation of Burglary 1st.

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED

Green in color computer tower with 2 handles on top with a serial number of 13127800 listed on the rear of the computer tower.

REASON FOR AFFIANT'S BELIEF THAT THE
PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

Affiant is a property crimes investigator with the Greenville County Sheriff's Office. An interview was conducted with a suspect (Christian A Scowcroft) who under Miranda stated that he uses the selling apps Let-Go and Offer-Up. The listed suspect also sold a gun to Trader's Gun Shop on Wade Hampton Blvd within 2 hours of a burglary occurring. This computer does belong to Christian Scowcroft. The suspect advised me that he was at a totally different area when these crimes occurred and information on this computer will help disprove this. It is the affiant's belief that there is further communication data, photos, and GPS data on this phone that will aid in this investigation.

2016 AUG 31 AM 11:53

Sworn to and Subscribed before me
 this 29 day of August 2016
[Signature] (L.S.)
 Signature of Judge

R. L. Grubbs *1278/460

Affiant

Address 4900 Old Buncombe Rd
Greenville SC, 29617

Phone 864-371-3644

SIRZ/IR/EN PTW/S

1227

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

SEARCH WARRANT

#3

ORIGINAL

Form Approved by
S.C. Attorney General
Section 17-13-103
March 18, 1978ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY
OF Greenville

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED

Gold Samsung Galaxy S7 IMEI-357754073106388

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found:

DESCRIPTION OF PROPERTY

All data stored on the Samsung phone listed in this search warrant to include text messaging, data from messaging applications, digital images stored, contact list, received numbers, last numbers, voice mail, location data and videos relating to the crime of Burglary

This Search Warrant shall not be valid for more than ten days from the date of issuance.

A written inventory of all property seized pursuant to this Search Warrant shall be made to

Issuing Magistrate and with phone

within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

Greenville, S.C.
August 28, 2016

WJ

Signature of Judge

(L.S.)

S/MLP 89/81/2816

2016 AUG 21 AM 11:53

16-159269

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

AFFIDAVIT

#3

Personally appeared before me, one Inv. Robert Grubbs 460/*1278 who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

All data stored on the Samsung phone listed in this search warrant to include text messaging, data from messaging applications, digital images stored, contact list, received numbers, last numbers, voice mail, location data and videos relating to the crime of Burglary.

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED

Gold Samsung Galaxy S7 IMEI-357754073106388

REASON FOR AFFIANT'S BELIEF THAT THE
PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

Affiant is a property crimes investigator with the Greenville County Sheriff's Office. An interview was conducted with a suspect (Christian A. Scowcroft) who under Miranda stated that he uses the selling apps Let-Go and Offer-Up. The listed suspect also sold a gun to Trader's Gun Shop on Wade Hampton Blvd within 2 hours of a burglary occurring. This phone does belong to Christian Scowcroft. The suspect advised me that he was at a totally different area when these crimes occurred and information on this phone will help disprove this. It is the affiant's belief that there is further communication data, photos, and GPS data on this phone that will aid in this investigation.

2016 AUG 31 AM 11:53

Sworn to and Subscribed before me
this 29 day of August, 2016
[Signature] (L.S.)
Signature of Judge

R. L. Grubbs *1278/460

Affiant

Address 4900 Old Buncombe Rd
Greenville SC, 29617

Phone 864-371-3644

B/M/P BB/R1/2816

1207

STATE OF SOUTH CAROLINA
COUNTY OF Greenville

SEARCH WARRANT
#4

Form Approved by
S.C. Attorney General
Section 17-13-100
March 18, 1919

ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY
OF Greenville

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED

Records of Verizon concerning subscriber and activity for number [REDACTED]

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found:

DESCRIPTION OF PROPERTY

Subscriber information for the number: [REDACTED] including name, date of birth, mailing address, alternate phone number, and other numbers on this same account.
All communication for the wireless number [REDACTED] in the time period of 08/10/16-08/26/16 to include cellular calls, tower locations and azimuth for the sectors accessed during the communication for all Element's accessed. Also indicate if the tower was Lucent, Nortel and provide a three sector layout. As well as possible maximum ranges. Additionally RTT (Range To Tower) for the cellular phone number of [REDACTED] or the time period of 08/10/16-08/26/16. Also, all content for SMS messages for the wireless account of [REDACTED] or the time period of 08/10/16-08/26/16. Additionally, identify the existence of any Verizon cloud services associated with the wireless number of [REDACTED] and provide any data held within the cloud to include SMS, MMS, and emails communications. Also provide any IP (Internet Protocol Addresses) assigned to the device for the time period of 08/10/16-08/26/16. Lastly, provide a detailed definitions page which identifies all information in the records.
Please provide this information to Investigator R. L. Grubbs in digital format on a compact disc or thumb drive in Excel, PDF or TXT format.

This Search Warrant shall not be valid for more than ten days from the date of issuance.

A written inventory of all property seized pursuant to this Search Warrant shall be made to

within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

Greenville, S.C.
August 31, 2016

Signature of Judge

(L.S.)

8-MLP 89/13/2815

2016 SEP 12 PM 3:13

16-139262

STATE OF SOUTH CAROLINA

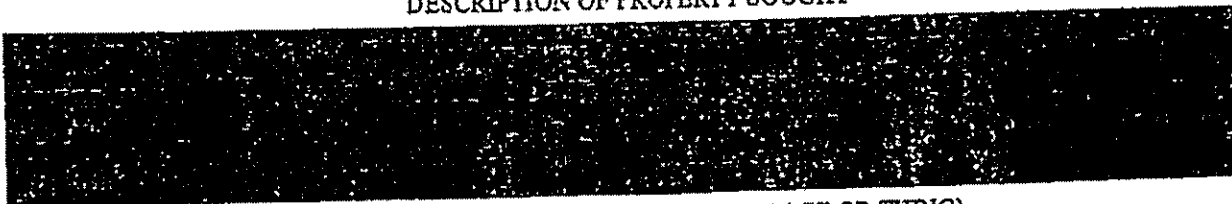
COUNTY OF Greenville

AFFIDAVIT

#4

Personally appeared before me, one Inv. Robert Grubbs
 who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions
 of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHEDREASON FOR AFFIANT'S BELIEF THAT THE
PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

I am investigating a burglary that occurred at Alex Ct, Greenville, SC, that occurred in the
 jurisdiction of the Greenville County Sheriff's Office (SC) where the user of this phone number has
 been implicated and charged in this case. The requested information is necessary to complete a fair
 and thorough investigation into this burglary as well as to locate items of stolen property that have not
 been recovered.

These records sought are necessary and relevant to an ongoing criminal investigation into this
 burglary.

Sworn to and Subscribed before me
 this 31 day of August, 20 16
W. J. [Signature] (L.S.)
 Signature of Judge

[Signature] + 1275 / 400
 Affiant
 Address 4900 Old Buncombe Road
Greenville, SC 29617
 Phone 864-371-3644

S/MLP 89/13/2816

2016 SEP 12 PM 3:13

16-139262

RETURN (#4)

I received the attached Search Warrant 3 September, 20 16, and have executed it as follows:
 On 3 September, 20 16 at 09:04 o'clock A.M., I searched
 (the person) described in the warrant and (the premises)

I left a copy of the warrant with Verizon Wireless
 Name of person searched or "at the place of search" with.
 Together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

Information and records of phone # [REDACTED]
from Verizon Wireless

This inventory was made in the presence of Inv. T. Brochin (455)
 AND Inv. R. Givits (460)

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

SWORN to before me this 6th
 day of September, 2016 } [Signature] 1466/48
 (Signature of Officer Executing Warrant)
[Signature] (L.S.)
 Signature of Judge 1034HPS

EMLP 89/13/2815

2016 SEP 12 PM 3:13

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

(5)

CERTIFIED TRUE COPY

Form Approved by
S.C. Attorney General
Section 17-13-140
March 18, 1978

Greenville County Bond Court

ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY
OF Greenville

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED

Green in color computer tower with two handles on top with a serial number of 13127800 displayed on a tab on the rear of the computer tower.

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found:

DESCRIPTION OF PROPERTY

Computer systems, including any electronic, magnetic, optical, or other high speed data processing device performing logical, arithmetic, or storage functions, Internet search history, photos, videos, Internet selling applications or any other evidence related to Burglary 1st degree, specifically focusing on data from the time frame of 08/14/16-08/17/16. As a result of this search warrant, a search for any and all information and/or data stored on any of the above listed systems pertaining to this investigation of Burglary 1st.

This Search Warrant shall not be valid for more than ten days from the date of issuance.

A written inventory of all property seized pursuant to this Search Warrant shall be made to

Issuing Magistrate and with computer

within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

Greenville, S.C.

September 9, 2016

135 hrs

[Signature] (L.S.)
Signature of Judge

S/MLP 89/13/2016

2016 SEP 12 PM 1:58

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

#5
 CERTIFIED TRUE COPY
 AFFIDAVIT
 Greenville County Bond Court

Personally appeared before me, one Inv. Robert Grubbs 460/*1278
 who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions
 of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

Computer systems, including any electronic, magnetic, optical, or other high speed data processing device performing logical
arithmetic, or storage functions, Internet search history, photos, videos, Internet selling applications or any other evidence related to
Burglary 1st degree, specifically focusing on data from the time frame of 08/14/16-08/17/16. As a result of this search warrant, a
search for any and all information and/or data stored on any of the above listed systems pertaining to this investigation of Burglary
1st.

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED

Green in color computer tower with two handles on top with a serial number of 13127800 displayed on a tab on the rear of the
computer tower.

REASON FOR AFFIANT'S BELIEF THAT THE
PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

Affiant is a property crimes investigator with the Greenville County Sheriff's Office who is conducting an investigation into a burglary that occurred at Alex Ct in Greenville County, SC. An interview was conducted with the suspect (Christian A Scowcroft) who under Miranda stated that he uses the selling apps Let-Go and Offer-Up. A search warrant was executed on the suspect's residence where this computer system was seized. The listed suspect also sold a gun to Trader's Gun Shop on Wade Hampton Blvd within 2 hours of a burglary occurring. A separate search warrant was executed on the suspect's phone records which show a large gap in usage service around the time frame of this burglary. Those same phone records indicate the phone was in the area of his residence before and after the large gap of use. The suspect told this investigator under Miranda that he just got back into town early in the morning on 08/16/16. It is the affiant's belief that search history, facebook activity, and other Internet use will show that the suspect was in fact using his computer during the time frame he said he was out of town, all the while possibly trying to hide his location by powering his phone off.

Sworn to and Subscribed before me
 this 9th day of September, 2016
[Signature] (L.S.)
 Signature of Judge

R. L. Grubbs *1278/460

Affiant

Address 4900 Old Buncombe Rd
Greenville SC, 29617

Phone 864-371-3644

S/MLP 89-13-2816 274/8

1135 hrs

2016 SEP 12 PM 1:58

RETURN

CERTIFIED TRUE COPY

I received the attached Search Warrant 09/09

Greenville County Bond Court

, 19 2016, and have executed it as follows:

On 09/09/ , 19 2016 at 3:00 o'clock P . M, I searched
(the person) described in the warrant and (the premises)

I left a copy of the warrant with the items to be searched.
Name of person searched or "at the place of search" with.
Together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant: _____
Due to the intense nature and exhaustive amount of information that may be stored in the device and the necessary amount of time
required to complete the analysis of the information, at the conclusion of the examination a report will be forwarded to the lead
investigator.

This inventory was made in the presence of Inv. Michael Rainey
AND Inv. Michael Bryan

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

SWORN to before me this

day of

September 19 2016

L. J. Sammons (L.S.)
Signature of Judge

Inv. Michael Rainey *0280/681

(Signature of Officer Executing Warrant)

S/MLP 88/13/2816

2016 SEP 12 PM 1:58

**GREENVILLE COUNTY DEPARTMENT OF PUBLIC SAFETY
PROPERTY & EVIDENCE REPORT**

2016 AUG 31 AM 11:54

ATN7/TN/EN ATN/EN

**GREENVILLE COUNTY DEPARTMENT OF PUBLIC SAFETY
PROPERTY & EVIDENCE REPORT**

3/MLP/09/12/2016

☒ 1 - Greenville SO
☐ 2 - Greenville PD
☐ Other _____

**GREENVILLE COUNTY DEPARTMENT OF PUBLIC SAFETY
PROPERTY & EVIDENCE REPORT**

#3

[illegible]

3/MLP 09/16/2016

Agency I.D.
SC0230000

EC5 09/20/2016-13:13:16

GREENVILLE COUNTY SHERIFF'S OFFICE

Supplemental Report Ent: stillman 09/20/2016
18:51:35

Case Number

16000139262

☐ Original Report	☐ Status Change	☐ Additional Victims	☐ Additional Stolen Property	Incident Type <u>S011 - Burglary</u>
☒ Supplemental Report	☐ Other Report	☐ Additional Defendants	☐ Additional Recovered Property	Patrol District <u>02</u> Page <u>1</u> of <u>2</u> Pages

I.D. OVERFLOW	☐ Complainant	Suspect's Name (Last, First, Middle)		Victim Relationship To Subject	Residency	Resident	Race	Sex	Age	Date of Birth
	☒ Victim #1	GOLSON, HARRISON		RU		J	W	M	27	
	☐ Subject	Address		City	State	Zip Code	Patrol District	Day Phone	Evening Phone	
	☐ Runaway	GREENVILLE		SC	29609	02				
☐ Wanted	Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Scarses, Clothing, Physical Peculiarities, Etc.					
☐ Arrest	☒ Victim No. <u>1</u>	☐ Visible Injury	☐ Complaint of any	☐ Victim Using Alcohol	☐ Yes	☐ No	☐ Unk	Two-Man Veh ☐ One Man Veh ☐ ALONE ☐		
☐ Missing	Explain:	☐ Yes	☐ No	☐ Yes	☐ No	☐ Unk	Drugs ☐ No ☐ Yes Type:			
☐ Jail	Subject No. <u> </u>	Using Alcohol ☐ No ☐ Yes ☐ Unk	Using Drugs ☐ No ☐ Yes ☐ Unk			Type:			☐ Arrested on Current Offense	
☐ Other							☐ Unk ☐ Cleared By Arrest on Prior Offense			
Arrestee Armed ☐ Yes ☐ No				Weapon Type		☐ On View Arrest ☐ Summoned ☐ Custody				
Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority										
Arrest Location				Gang Affiliation: NG - Not Gang Related						

Overflow:
INCIDENT TYPE: 0478 - Larceny: Grand, OFFENSE COMPLETE: Y, FORCED ENTRY: N, PREMISE TYPE: 20
- Residence/Home, UNITS ENTERED: 0

Scowcroft, Christian Arenson: Subject 1
Subject Types: Suspect, Warrant, Arrest
ADDRESS: Cunningham Rd Taylors SC 29687 02, ETHNICITY: N, RACE: W, SEX: M,
DL STATE NUMBER: SC
Mobile:
Physical Description
HAIR COLOR: Brown, EYES: Unknown, HEIGHT: 510, WEIGHT: 175, VISIBLE INJURY: No, NON-VISIBLE INJURY: No, USING ALCOHOL: Unknown, USING DRUGS: Unknown, ARREST ON CURRENT OFFENSE, ARRESTEE ARMED, WEAPON TYPE: Not Applicable, CUSTODY, ARREST LOCATION: 4900 Old Buncombe Rd Greenville SC 29617 09,
Charges
CHARGE 1: Burglary 1st WARRANT #: 2016A2330208100
CHARGE 2: Larceny: Grand \$2000-\$10000 WARRANT #: 2016A2330208101

NARRATIVE:
On September 14th, 2016, I examined the Samsung 128GB solid state drive located in the seized computer.

I utilized Magnet's Axiom v. 1.0.5.1994 to process and examine the data from the hard drives. After examination of the Samsung hard drive I was able to recover 17,737 artifacts that could be attributed to the time frame of Aug 14, 2016 through Aug 17, 2016.

I located a internet searches and site visits for Traders gun shop, deweys pawn, and gunbroker that occurred on 8/16/16 around 1510 hrs to 1517 hours. I also noticed there was a google search for remington model 700 .270 that occurred at 15:17 hrs. Also of interest was a search on 8/15/16 at 1732 hrs for "does insurance cover my car being broken into."

I produced a report of all of the files that had access dates in the requested time frame and produced an image of the timeline showing the activity during the requested time frame. That data was placed on a compact disc and delivered to property and evidence. A copy of the data was provided to Inv. Grubbs.

PROPERTY	State	Property Type	Quantity	Property Make	Color	Description	Serial # / OAN	Value

ADMIN	Subject Identified		Subject Located		☐ Active ☐ Admin Closed	☐ Arrested Under 18	☐ Ex-Cleared Under 18
	☒ Yes ☐ No	☐ Yes ☐ No	☐ Unfounded	☐ Arrested 18 and Over	☐ Ex-Cleared 18 and Over		
	Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest						
	Reporting Officer(s)	Date	Unit#/Star#	Approving Officer	Date	Unit#/Star#	
BRYAN, MICHAEL	09/15/2016	682 / 00807	RHEA, STEVEN	09/16/2016	803 / 00712		
Follow Up Investigation ☐ Yes ☒ No							

Agency I.D.
SC0230000

EC5 09/20/2016-13:12:49

GREENVILLE COUNTY SHERIFF'S OFFICE

Supplemental Report Ent: stillman 09/20/2016
18:49:50

Case Number

16000139262

☐ Original Report ☐ Status Change ☐ Additional Victims ☐ Additional Stolen Property		Incident Type <u>S011 - Burglary</u>	
☒ Supplemental Report ☐ Other Report ☐ Additional Defendants ☐ Additional Recovered Property		Patrol District <u>02</u> Page <u>2</u> of <u>2</u> Pages	

I. D. OVERFLOW	☐ Complainant		Subject's Name (Last, First, Middle)		Victim Relationship To Subject		Kinship		Resident		Race		Sex		Age		Date of Birth	
	☐ Victim		Address		City		State		Zip Code		Patrol District		Day Phone		Evening Phone			
	☐ Subject		Height		Weight		Hair		Eyes		Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical Peculiarities, Etc.							
	☐ Runaway		☐ Victim No. _____		Visible Injury ☐ Yes ☐ No		Complaint of any Non-Visible Injuries ☐ Yes ☐ No		Victim Using Alcohol ☐ Yes ☐ No ☐ Unk		Two-Man Veh ☐ One Man Veh ☐ ALONE ☐		Detective ☐ Other ☐ ASSISTED ☐					
	☐ Wanted		Explain:		Using Alcohol ☐ No ☐ Yes ☐ Unk		Using Drugs ☐ No ☐ Yes ☐ Unk		Type:		☐ Arrested on Current Offense		☐ Unk ☐ Cleared By Arrest on Prior Offense					

Arrestee Armed ☐ Yes ☒ No		Weapon Type		☐ On View Arrest ☐ Summoned ☐ Custody	
Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority					
Arrest Location				Gang Affiliation: NG - Not Gang Related	

Aug 14 2018 hrs to 2036 hrs - 2 records
 Aug 14 2054 hrs to 2112 hrs - 1 record
 Aug 14 2112 hrs to 2130 hrs - 10 records
 Aug 15 1700 hrs to 1718 hrs - 1 record
 Aug 15 2112 hrs to 2130 hrs - 14 records
 Aug 16 0312 hrs to 0330 hrs - 3 records
 Aug 16 0442 hrs to 0500 hrs - 5 records
 Aug 16 0742 hrs to 0800 hrs - 2 records
 Aug 16 1642 hrs to 1700 hrs - 1221 records
 Aug 16 2112 hrs to 2130 hrs - 2 records

No activity is noted on Aug 17 and Aug 18.
 There is no internet activity recorded since 2015.

I produced a report of all of the files that had access dates in the requested time frame and produced an image of the timeline showing the activity during the requested time frame. That data was placed on a compact disc and delivered to property and evidence. A copy of the data was provided to Inv. Grubbs.
 The hard drives were returned to Property and Evidence.

PROPERTY	Status		Property Type		Quantity		Property Make		Color		Description		Serial # / OAN		Value	

ADMIN	Subject Identified		Subject Located		☐ Active ☐ Admin Closed		☐ Arrested Under 18		☐ Ex-Cleared Under 18			
	☒ Yes ☐ No		☒ Yes ☐ No		☐ Unfounded		☒ Arrested 18 and Over		☐ Ex-Cleared 18 and Over			
	Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest											
	Reporting Officer(s)		Date		Unit#/Star#		Approving Officer		Date		Unit#/Star#	
	BRYAN, MICHAEL		09/14/2016		682 / D0697		RHEA, STEVEN		09/16/2016		603 / 00712	

Follow Up Investigation ☐ Yes ☒ No	

400

1043

6/12/2017

2013

SCHEIDT, CHRISTIAN ARENSON
216 DOC GREER LN.
SUNSET
SC 29685
THIBBERS
2850 MADE HAMPTON BLVD
TAYLORS, SC 29687
(864) 292-5644

PAWNSHIP NO. 1 OF 1
OWN

AMOUNT FINANCED
 The amount of cash advanced or credit extended to you.
300.00

FINANCE CHARGE
 The dollar amount the owner will cost you.

TOTAL OF PAYMENTS
 Amount required to redeem pawn on Date Due.

ANNUAL PERCENTAGE RATE
 The cost of your credit as a yearly rate based on Amount Financed.

PAYMENT SCHEDULE 1 @ \$

PREPAYMENT:
 If you pay off early, you will not be entitled to a refund of part of the finance charge.

DATE OF BIRTH 05/28/91
DATE PAID

DRIVERS LIC. NO. 101384675 SCOL
SEX M **RACE** W **AGE** 25 **HT** 510 **WT** 175 **HAIR** BL **EYES** BR **SOCIAL SECURITY NUMBER**

Amount of the Advance Financed \$ 300.00
Amount given to you directly \$ 300.00
Amount Financed \$

Please give article(s) pawned by me to bearer of this ticket.

ORIGINAL PAWNSHIP SIGNATURE **DATE**

ORIGINAL SIGNATURE

See Reverse Side For Terms And Conditions

864-320-3576

Res. Phone _____

Has serial number been altered?
 Yes ☐ No ☒

Any evidence of third party ownership?
 Yes ☐ No ☒

Special Markings: _____

Engravings: _____

Any other identifiers or unusual characteristics? ☒ **XX**

Yes ☐ **No** ☒

If yes, seller/pedigor ownership verified by _____

On this date I request that items listed on this ticket and ticket # _____ be split into _____ separate pawn transactions and I understand that this splitting will cost me _____ dollars in additional interest.

PAWNSHIP SIGNATURE **DATE**

ORIGINAL SIGNATURE



GREENVILLE COUNTY SHERIFF'S OFFICE
Steve Loftis, Sheriff
Vehicle Impoundment and Inventory Record



INCIDENT TYPE - OFFENSE CLASS Warrant Service		1-16-159262			
[Redacted]		CASE NUMBER 11-118-171		DATE 8-26-16	
VOLVO		YEAR 2015	COLOR Red	BODY TYPE 45	
STATE SC	TAG/YR 17	SPECIAL CHARACTERISTICS OF VEHICLE (EXTRA EQUIPMENT, DAMAGE, UNUSUAL LIGHTING, ANTENNAS, ETC.)			
REGISTERED OWNER CHRISTIAN SANCROFT		OWNER'S ADDRESS 1111 W. 1st St		CITY Tulsa	STATE SC
OPERATOR		OPERATOR'S ADDRESS Taylor St		CITY	STATE
LIEN HOLDER				STATE	ZIP
OPERATOR INCARCERATED? YES ☒ NO ☐		CHARGES 1st - Grand Larceny		TICKET NUMBER(S)	
TOWING SERVICE		IMPOUNDMENT LOCATION			
IMPOUNDING OFFICER T. S. O. 1/416		CASE OFFICER P. G. 1/278		OWNER NOTIFIED YES ☒ NO ☐	DATE NOTIFIED 8-26-16
				TIME NOTIFIED 1315	
HOLD FOR AND REASON					
SPECIAL MECHANICAL ACCESSORIES (GAUGES, PARTS)					
ELECTRONIC EQUIPMENT (RADIOS, TAPE PLAYERS, SPEAKERS, TV, ETC.)					
SPECIAL WHEELS, WHEEL COVERS, SPARE TIRE					
FIREARMS (RIFLES, PISTOLS, SHOTGUNS, AMMUNITION)					
TOOLS, CLOTHING, OTHER ITEMS					
[Redacted]					
TBI - Samsung Smartphone - Silver					
[Redacted]					
[Redacted]					
[Redacted]					
TOW TRUCK OPERATOR (PRINT NAME) Brandi Cross			TOW TRUCK OPERATOR'S SIGNATURE Brandi Cross		
[Redacted]					
MILEAGE		VALUE		OTHER	
RETURNED TO OWNER ----- DATE					
COURT FORFEITURE ----- DATE			CONSENT FORFEITURE: ----- DATE:		
DEACTIVATED ----- DATE			OPERATIONAL USE ----- DATE:		
			TO BE AUCTIONED: ----- DATE:		

090916 JTB/

2016 SEP -9 AM 10:58

**GREENVILLE COUNTY DEPARTMENT OF PUBLIC SAFETY
PROPERTY & EVIDENCE REPORT**

[illegible]

3/MLP 09/16/2016

ORIGINAL

Grubbs, Robert

email

16 - 139262

From: Harrison Golson [REDACTED]@gmail.com]
 Sent: Saturday, August 20, 2016 7:39 PM
 To: Grubbs, Robert
 Subject: Re: 16-139262

CAUTION: This email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Good afternoon,

Sorry it took so long for me to get back with you, but I have been trying to get the info for the playstation. I wasn't able to find the login for playstation network, but it had two controllers with it (one white and one black), a guitar hero dongle (blue tooth adaptor to sync guitar), 4 games, and all of the cables for hooking up and charging controllers. The rifle was purchased at Gary's Pawn and Gun in West Point MS and the serial number is [REDACTED]. The shotgun was also purchased from Gary's Pawn and Gun. It is a Browning Maxus 12ga. The serial number is [REDACTED]. Both were in soft cases with slings, and the rifle had a Nikon scope on it. The shotgun had 4 chokes in the side pocket of the camouflage care. My neighbor living at [REDACTED] Alex Ct that shopped the red car is Mike Nascarella, and his number is [REDACTED]. Have you found anymore items, or arrested Mr. Scowcroft? If you need anything else, just let me know.

Thanks,
 Harrison Golson

Sent from my iPhone

On Aug 19, 2016, at 10:38 AM, Grubbs, Robert <[REDACTED]@greenvillecounty.org> wrote:

Investigator Robert Grubbs
 Greenville County Sheriff's Office
 CSD/Property Crimes
 4900 Old Buncombe Rd
 Greenville, SC 29617
 864-371-3644
 [REDACTED]@greenvillecounty.org

CONFIDENTIALITY NOTICE: This e-mail and any files transmitted with it are confidential and may contain information which is legally privileged or otherwise exempt from disclosure. They are intended solely for the use of the individual or entity to whom this e-mail is addressed. If you are not one of the named recipients or otherwise have reason to believe that you have received this message in error, please immediately notify the sender and delete this message immediately from your computer. Any other use, retention, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited.

8/22/2016

8/22/2016 8:16 PM

2016 AUG 23 PM 2:50

Agency I.D.
SC0230000

EC5 09/14/2016-11:50:59

GREENVILLE COUNTY SHERIFF'S OFFICE

Supplemental Report Ent: banderson 09/15/2016
02:57:50

Case Number

16000139262

☐ Original Report	☐ Status Change	☐ Additional Victims	☐ Additional Stolen Property	Incident Type <u>Evidence Procurement</u>	
☒ Supplemental Report	☒ Other Report	☐ Additional Defendants	☐ Additional Recovered Property	Patrol District <u>02</u>	Page <u>1</u> of <u>2</u> Pages

I.D. OVERFLOW	☐ Complainant	Suspect Name (Last, First, Middle)		Victim Relationship To Suspect	Ethnicity	Resident	Race	Sex	Age	Date of Birth
	☒ Victim #1	GOLSON, HARRISON		RU		J	W	M	27	
	☐ Subject	Address		City	State	Zip Code	Patrol District	Day Phone	Evening Phone	
	☐ Runaway			GREENVILLE	SC	29609	02			
	☐ Wanted	Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Scars, Clothing, Physical Disabilities, etc.				
☐ Arrest	☒ Victim No. <u>1</u>	☐ Visible Injury	☐ Complaint of any Non-Visible Injuries	☐ Victim Using Alcohol	☐ Yes	☐ No	☐ Unk	Two-Man Veh ☐ One-Man Veh ☐ ALONE ☐		
☐ Missing	Explain:		☐ Yes	☐ No	Drugs ☐ No		☐ Yes	Type:	Detective ☐ Other ☐ ASSISTED ☐	
☐ Jail	Subject No. <u> </u>		Using Alcohol ☐ No	☐ Yes	☐ Unk	Using Drugs ☐ No		☐ Yes	Type:	☐ Arrested on Current Offense
☐ Other									☐ Unk ☐ Cleared By Arrest on Prior Offense	
Arrestee Armed		☐ Yes ☐ No		Weapon Type		☐ On View Arrest ☐ Summoned ☐ Custody				
Juvenile Disposition		☐ Handled Released ☐ Referred To Other Authority								
Arrest Location				Gang Affiliation: NG - Not Gang Related						

Overflow:

Scowcroft, Christian Arenson: Subject 1
 Subject Types: Suspect, Warrant, Arrest
 ADDRESS: Cunningham Rd Taylors SC 29687 02, ETHNICITY: N, RACE: W, SEX: M,
 DL STATE NUMBER: SC
 Mobile:
 Physical Description
 HAIRCOLOR: Brown, EYES: Unknown, HEIGHT: 510, WEIGHT: 175, VISIBLE INJURY: No, NON-VISIBLE INJURY: No, USING ALCOHOL: Unknown, USING DRUGS: Unknown, ARREST ON CURRENT OFFENSE, ARRESTEE ARMED, WEAPON TYPE: Not Applicable, CUSTODY, ARREST LOCATION: 4900 Old Buncombe Rd Greenville SC 29617 09,
 Charges
 CHARGE 1: Burglary 1st WARRANT #: 2016A2330208100
 CHARGE 2: Larceny: Grand \$2000-\$10000 WARRANT #: 2016A2330208101

Narrative:
 Supplemental / Date: 09/12/16 / Assigned case / CBA / File #0345
 Incident Location: Alex Ct, Greenville SC 29607
 suspect: Christian A. Scowcroft / W / M / DOB: -1991 / SSN: / Wade Hampton Blvd Greenville, SC 29609
 Warrant #: 2016A2330208100 Burg 1st
 2016A2330208101 Grand Larceny \$2,000-\$10,000
 Evidence Procurement I. D.: # 9.5

On 09/09/16, this investigator filled out an evidence procurement fund request to purchase the victim's stolen property back from Gamestop located at 3023 Wade Hampton Blvd. that was sold by the suspect (Scowcroft). I submitted the form to Sgt. Motes (402) and he approved and signed the form. I then traveled to the LEC and met with Lt. Miller (23) and she approved the purchase and signed the form. I then met with Jody Trammell and she issued me \$54.20 of evidence procurement money and she assigned I.D.# 9.5 to the form. I then traveled to Gamestop located at 3023 Wade Hampton Blvd and met with Brent Boone of the

PROPERTY	Status	Property Type	Quantity	Property Make	Color	Description	Serial #/OAH	Value

ADMIN	Subject Identified		Subject Located		☐ Active ☐ Admin Closed		☐ Arrested Under 18		☐ Ex-Cleared Under 18	
	☒ Yes ☐ No		☒ Yes ☐ No		☐ Unfounded		☒ Arrested 18 and Over		☐ Ex-Cleared 18 and Over	
	Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest									
	Reporting Officer(s)		Date	Unit#/Star#	Approving Officer		Date	Unit#/Star#		
	GRUBBS, ROBERT		09/12/2016	480 / 01278	MOTES, THOMAS		09/13/2016	402 / 00251		
				Follow Up Investigation ☐ Yes ☒ No						

Case Number: 01 - 20 16 - 139262

YOUR RIGHTS

Sheriff's Office
Greenville, S. C.Date 8/26/16Time 12:40Ct Before we ask you any questions, you must understand your rights.Ct You have the right to remain silent.Ct Anything you say can be used against you in court.Ct You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.Ct If you have no money to pay a lawyer's fee, the court will appoint one to represent you without cost if you wish.Ct If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

WAIVER OF RIGHTS

Ct I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me.

Signature

Christian Scurcraft

Print Name

Christian Scurcraft

Address

Compton Rd Apt 10

SSN

DOB

Education

School Attended

Phone

Witness

Witness

Time

1243 hrs
400
41416/455

Christian Scudderoff #373633

SCIT 32-56

344 Broadview Rd.
Columbia, SC 29210

SCDC

SEP 02 2020

MAIL ROOM

Paul B. Wickensimer
Greenville County Clerk of Court
305 East North Street
Greenville, SC 29601

2020-CP-23-09164

LITIGANT
MAIL
ONLY

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
 STATE VS.
Christian Arenson Scowcroft

AKA:

Race: WHITE Sex: [REDACTED] Age: 26DOB: -1991 SS#: [REDACTED]Address: Cunningham RdCity, State, Zip: Taylors, SC 29687DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
 TO: Burglary, First Degree

IN THE COURT OF GENERAL SESSIONS ^{1125714 JV}INDICTMENT/CASE#: 2017GS2301278A/W#: 2016A2330208100Date of Offense: 8/16/2016S.C. Code § : 16-11-0311CDR Code #: 0079SENTENCE SHEET ^{15- The Randy}☐ CONVICTED OF or ☒ PLEADSin violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
 w/minor 1st or Lewd Act)

The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

Fowler, Brann

102029

SC Bar#

Defendant

CHAMBERS, RANDALL

65302

SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 8/24/17

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
 by the State Department of Corrections. 60 days

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
 Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☒ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☒ Ordered FTUPTotal: \$ 1354.20 plus 20% fee: 40.63 1394.83Payment Terms: 390☐ Set by SCDPPPS Per Order

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 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)	\$	\$ <u>3.75</u>

TOTAL

\$ 128.75

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
 Proviso 61.6 requires \$500 be paid to Clerk
 during probation and shall be collected before
 any other fees.

Clerk of Court/ Deputy Clerk Paul B. WackerhausenCourt Reporter: Harrison

SCCA/217 (07/2016)

Presiding Judge [Signature]Judge Code: 2755Sentence Date: 8/24/17

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)
)
 THE STATE)
)
 -VS-)
)
 CHRISTIAN ARENSON SCOWCROFT,)
)
 DEFENDANT.)

IN THE COURT OF GENERAL SESSIONS
 THIRTEENTH JUDICIAL CIRCUIT

INDICTMENT # 2016 GS-23-

ORDER OF RESTITUTION
 () JOINTLY AND SEVERALLY

Upon Motion of the Solicitor of the Thirteenth Judicial Circuit, it appears South Carolina Code of Laws Section 17-25-322 requires the Court to hold a hearing to determine the amount of restitution due the victim(s) of the defendant's criminal acts which have resulted in pecuniary damage or loss. Further, South Carolina Code of Laws Section 16-3-1530(D)(3) provides that the Court "shall order restitution at every sentencing for a crime against person or property" unless the Court finds a substantial and compelling reason not to order restitution.

The Court upon conducting a Restitution Hearing, or upon waiver and consent of the defendant, hereby finds:

() Restitution should not be ordered for the following substantial and compelling reasons:

() This restitution is ordered jointly and severally with any co-defendants.

(X) Restitution should be paid by the defendant as a condition of his/her sentence to the designated victims in the following Court-ordered amounts:

1. Victim HARRISON GOLSON

3. Victim

ALEX CT

GREENVILLE, SC 29609

Phone: Restitution: \$ 1,000.00

Phone: - Restitution: \$ 0.00

2. Victim GCSO EVIDENCE PROCUREMENT

4. Victim

MCGEE ST

GREENVILLE, SC 29601

Phone: Restitution: \$ 354.20

Phone: - Restitution: \$ 0.00

AND IT IS SO ORDERED THIS 24th DAY OF August, 2017 Greenville, South Carolina

SO MOVE

BY:

Allen [Signature] 17016
 Assistant Solicitor, Thirteenth Judicial Circuit

[Signature]
 PRESIDING JUDGE
 THIRTEENTH JUDICIAL CIRCUIT

I WAIVE MY RIGHT TO A RESTITUTION
 HEARING AND CONSENT TO THE ABOVE:

DEFENDANT

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
STATE VS.Christian Arenson Scowcroft

AKA:

Race: WHITE Sex: M Age: 26DOB: -1991 SS#: [REDACTED]Address: Cunningham RdCity, State, Zip: Taylors, SC 29687DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Larceny/Grand Larceny

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2017GS2301278A/W#: 2016A2330208101Date of Offense: 8/16/2016S.C. Code § : 16-13-0030(B)CDR Code #: 3420

SENTENCE SHEET

Randy
8-51☐ CONVICTED OF or ☐ PLEADSin violation of § 16-13-0030(B) of the S.C. Code of Laws, bearing CDR Code # 3420☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor list or Lewd Act)The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature]
Fowler, Brann

102029

SC Bar#

Defendant

CHAMBERS, RANDALL

65302

SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 1 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. *to 8/24/17*☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

Proviso 61.6 (Public Def/Probation)

§ 14-1-212 (Law Enforce. Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 50-21-114(BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

TOTAL

\$ 128.75

PTUP _____

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Clerk of Court/ Deputy Clerk

Court Reporter: [Signature]

SCCA/217 (07/2016)

Presiding Judge

Judge Code: 2755Sentence Date: 8/24/17

STATE OF SOUTH CAROLINA)
 COUNTY OF GREENVILLE)

IN THE COURT OF GENERAL SESSIONS
 THIRTEENTH JUDICIAL CIRCUIT

Indictment No: 2017-GS-23-001278

The State of South Carolina,)
)
)

Christian Scowcroft,)
)
)

Defendant.)
)

VERDICT FORM

Please answer each question below.

1. As to Indictment Number 2017-GS-23-001278, for **Burglary 1st Degree**, we, the jury, find the Defendant, Christian Scowcroft (Check One):

_____ Not Guilty

 X Guilty.

2. As to Indictment Number 2017-GS-23-001278, for **Grand Larceny**, we, the jury, find the Defendant, Christian Scowcroft (Check One):

_____ Not Guilty

 X Guilty.

I certify that this is the unanimous decision of the jury.


 Juror #143, Foreperson

August 21, 2017
 Greenville, South Carolina

When you have completed your deliberations, please notify the bailiff.

DOCKET NO. 2017-GS-23-
AOF 001278

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

February TERM 2017

THE STATE

vs.

CHRISTIAN ARENSON SCOWCROFT

WITNESSES

R Grubbs

Greenville County Sheriff's Office

8/26/2016

ARREST WARRANT NUMBER

2016A2330208100, 2016A2330208101

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

VERDICT

Burglary - Guilty

Grand Larceny - Guilty

Foreperson of Petit Jury

Date: 8-24-17

Indictment for

0079/3420

BURGLARY FIRST DEGREE
AND GRAND LARCENY

VIOLATION § 16-11-0311 and §16-13-0030

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)

INDICTMENT FOR
 BURGLARY FIRST DEGREE AND GRAND LARCENY

At a Court of General Sessions, convened on **FEB 21 2017** the Grand Jurors of Greenville
 County present upon their oath:

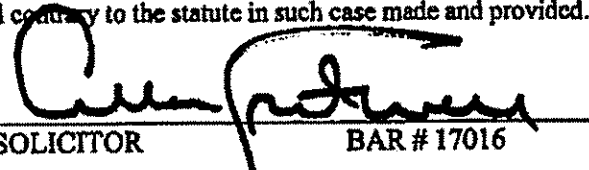
COUNT I - BURGLARY FIRST DEGREE

That CHRISTIAN ARENSON SCOWCROFT did in Greenville County, on or about the 16th day of August 2016, willfully and unlawfully enter the dwelling of HARRISON GOLSON located at █ Alex Court, Greenville, SC, without consent and with the intent to commit a crime therein, and the burglary was accompanied by circumstances of aggravation, to wit: defendant did become armed with a deadly weapon upon entering the dwelling. This is in violation of §16-11-0311 of the South Carolina Code of Laws (1976) as amended.

COUNT II - GRAND LARCENY

That CHRISTIAN ARENSON SCOWCROFT did in Greenville County, on or about the 16th day of August, 2016, feloniously take and carry away the personal property of HARRISON GOLSON to wit: a shotgun, rifle and scope, gaming system with games and controllers, with a total value of more than Two Thousand Dollars with the intent to deprive the owner permanently of such property. This is in violation of §16-13-0030 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


 SOLICITOR

BAR # 17016

ARREST WARRANT
2016A2330208100
STATE OF SOUTH CAROLINA
County: Greenville
Municipality of: Greenville
THE STATE
against
Christian Aronson Scowcroft
Address: Cunningham Rd
Taylors, SC 29687-
Phone: [redacted]
SSN: [redacted]
Sex: M Race: W Height: 5'10" Weight: 175
DL State: SC DL #: [redacted]
DOB: [redacted] Agency ORI #: SC02300000
Prosecuting Agency: Greenville County Sheriff's Office
Prosecuting Officer: R Grubbs - 1278
Offense: Burglary / Burglary (After June 20, 1985) - First degree
Offense Code: 0079
Code/Ordinance Sec: 16-11-0311
THIS WARRANT IS CERTIFIED FOR SERVICE in the
County: [redacted] Municipality of: [redacted]
is to be arrested and brought before me to be
dealt with according to the law.
The accused
(L.S.)
Date: [redacted]
Signature of Judge: [redacted]

RETURN
A copy of this arrest warrant was delivered to
defendant on 8-26-16
RETURN WARRANT TO:
Greenville General Sessions
305 E. North Street
Greenville County Courthouse
Greenville, SC 29601-2120
ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA
County: [redacted] Municipality of: [redacted]
Greenville
AFFIDAVIT
Personally appeared before me the affiant R Grubbs
being duly sworn deposes and says that defendant Christian Aronson Scowcroft
did within this county and state on or about 8/16/2016 County: [redacted] Municipality of: Greenville
State of South Carolina (or ordinance of [redacted]) who
in the following particulars:
DESCRIPTION OF OFFENSE: Burglary / Burglary (After June 20, 1985) - First degree
I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:
The affiant has documented evidence implicating the defendant as the perpetrator who without consent and with the intent to
commit a crime did unlawfully enter the residence of the victim (Harrison Goleson) at 9 Alex Ct, Greenville SC. While unlawfully
inside the residence the victim did become armed with a Remington 270 rifle that he took from the residence without permission.
This offense did occur in Greenville County, SC.
Signature of Affiant: [redacted] *1215 400
STATE OF SOUTH CAROLINA
County: [redacted] Municipality of: [redacted]
Greenville
ARREST WARRANT
TO ANY LAW ENFORCEMENT OFFICE OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:
It appearing from the above affidavit that there are reasonable grounds to believe that
on or about 8/16/2016 defendant Christian Aronson Scowcroft
did violate the criminal laws of the State of South Carolina (or ordinance of [redacted]) as set forth below:
DESCRIPTION OF OFFENSE: Burglary / Burglary (After June 20, 1985) - First degree
Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith if he does, with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of his arrest, or as
soon thereafter as is practicable.
Sworn to and subscribed before me
on 8/26/2016
Signature of Judge: [redacted] (L.S.)
Letonya T. Simmons
Judge Code: 5077
Judge's Address: Law Enforcement Center
Greenville, SC 29601-
Judge's Telephone: [redacted]
hearing Court: [redacted] Municipal: [redacted] Circuit: [redacted]
ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA
County: [redacted] Municipality of: [redacted]
Greenville
ARREST WARRANT
TO ANY LAW ENFORCEMENT OFFICE OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:
It appearing from the above affidavit that there are reasonable grounds to believe that
on or about 8/16/2016 defendant Christian Aronson Scowcroft
did violate the criminal laws of the State of South Carolina (or ordinance of [redacted]) as set forth below:
DESCRIPTION OF OFFENSE: Burglary / Burglary (After June 20, 1985) - First degree
Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith if he does, with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of his arrest, or as
soon thereafter as is practicable.
Sworn to and subscribed before me
on 8/26/2016
Signature of Judge: [redacted] (L.S.)
Letonya T. Simmons
Judge Code: 5077
Judge's Address: Law Enforcement Center
Greenville, SC 29601-
Judge's Telephone: [redacted]
hearing Court: [redacted] Municipal: [redacted] Circuit: [redacted]
ORIGINAL ORIGINAL ORIGINAL

ARREST WARRANT 5443
52102016A2330208101
STATE OF SOUTH CAROLINA
County ☒ Greenville
Municipality of ☐

THE STATE
against
Christian Aronson Scowcroft
Address: Cunningham Rd
Taylor, SC 29687-

Phone: 854
Sex: M Race: W Height: 5 10 Weight: 175
DL State: SC DL #: 1991
DOB: 1991 Agency ORI #: SC0230000
Prosecuting Agency: Greenville County Sheriff's Office
Prosecuting Officer: R Grubbs - 1278
Offense: Larceny / Grand Larceny, value more than \$2,000
but less than \$10,000
Offense Code: 3420
Code/Ordinance Sec: 16-13-0030(B)

This warrant is CERTIFIED FOR SERVICE in the
☐ County ☐ Municipality of
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)
Signature of Judge
Date: _____

RETURN
A copy of this arrest warrant was delivered to
defendant Christian Scowcroft
on 8/26/16

RETURN WARRANT TO:
Greenville General Sessions
305 E. North Street
Greenville County Courthouse
Greenville, SC 29601-2120
ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA
☒ County ☐ Municipality of
Greenville
Personally appeared before me the affiant R Grubbs
being duly sworn deposes and says that defendant Christian Aronson Scowcroft
did within this county and state on or about 8/16/2016 violate the criminal laws of the
State of South Carolina (or ordinance of ☒ County ☐ Municipality of Greenville)
in the following particulars:

DESCRIPTION OF OFFENSE: Larceny / Grand Larceny, value more than \$2,000 but less than \$10,000
I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:
The affiant has documented evidence implicating the defendant as the perpetrator who without consent and with the intent to
commit a crime did steal, take, and carry away items valued at \$3,000 from the victim (Harrison Golsen) during the commission of a
burglary. This offense did occur in Greenville County, SC.

Signature of Affiant
STATE OF SOUTH CAROLINA
☒ County ☐ Municipality of
COMPUTER ENTERED
Affiant's Address 4 Magee Street
Greenville 29601-
Affiant's Telephone (864)271-5210

ARREST WARRANT
AUG 26 2016
GREENVILLE COUNTY
SHERIFF'S OFFICE
TO ANY JUDGE OR CLERK OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:
I hereby certify that the above defendant from the above affidavit that there are reasonable grounds to believe that
on or about 8/16/2016 defendant Christian Aronson Scowcroft
did violate the criminal laws of the State of South Carolina (or ordinance of Greenville) as set forth below:
☒ County ☐ Municipality of Greenville

DESCRIPTION OF OFFENSE: Larceny / Grand Larceny, value more than \$2,000 but less than \$10,000
Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable.
Sworn to and subscribed before me
on 8/26/2016
Lezayna T. Simmons (L.S.)
Judge Code: 5077
Judge's Address Law Enforcement Center
Greenville, SC 29601-
Judge's Telephone _____
Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit
ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE	)	FOR THE THIRTEENTH JUDICIAL CIRCUIT
	)	
Christian Scowcroft, #373633,	)	Case No.: 2020-CP-23-04164
	)	
Applicant,	)	
	)	
v.	)	RETURN
	)	
State of South Carolina,	)	
	)	
Respondent.	)	

The State of South Carolina (“Respondent”), making its return to the application for post-conviction relief filed by Christian Scowcroft (“Applicant”) on September 10, 2020, would respectfully show this Court:

I. Procedural History

Applicant is presently confined in the South Carolina Department of Corrections. During its February of 2017 term, the Greenville County Grand Jury indicted Applicant for first-degree burglary (2017-GS-23-001278) and grand larceny (2017-GS-23-001278). Applicant was represented initially by Teal Johnson, Esquire, and ultimately by Randall L. Chambers (“trial counsel”), Esquire, and Assistant Solicitor Brann W. Fowler of the Thirteenth Circuit Solicitor’s Office prosecuted the case. On August 23-24, 2017, Applicant proceeded to a jury trial with the Honorable Perry H. Gravely presiding. A summary of the facts in the underlying case is as follows:¹

Consistent with his typical daily routine, Harrison Golson (“victim”), an engineering manager for AT&T, left his Greenville, South Carolina, home at approximately 6:45 a.m. on August 16, 2016, and headed to his office for work. Later that day, victim returned home around 11:15 a.m. to each lunch, which was also consistent with his typical daily routine. However, that day, victim encountered

¹ This factual summary is adapted from the summary of facts given in Respondent’s final brief on appeal in Applicant’s direct appeal.

something highly out of the ordinary upon returning home. Specifically, when he entered his home, victim noticed the back door was ajar and its lock was on the floor. In response, victim quickly went to his closet to retrieve one of his guns, but the guns—a Remington Model 700 .270 caliber rifle and a camouflage-colored Browning .12 gauge shotgun—were missing along with their accompanying accessories. At that point, victim released his dog, checked to see if anyone was in his home, and reported the burglary and theft to law enforcement. He then checked through the rest of his home and discovered a PlayStation 3 system was also missing along with a controller and some games.

Shortly after that, deputies from the Greenville County Sheriff's Office responded to the scene and met with victim, and he alerted them of the various items that had been stolen from his home that morning. However, victim had no idea who had committed the break-in at that time, so he was unable to identify a suspect for the deputies. The deputies then spoke with Michael Nascarello, who was one of victim's neighbors and had been working from home that morning. In speaking with the deputies, Nascarello revealed he saw a red sedan he did not recognize that morning parked outside his residence, which was located only two houses away from victim's home. Furthermore, Nascarello reported he briefly caught a glimpse of a lanky white man of average height getting into the driver's seat of that red sedan.

A few hours later, Applicant, who had recently worked at AT&T with victim up until Applicant was terminated near the end of the preceding month, went to a GameStop store that was located near victim's home and sold a PlayStation 3 system along with a game. After that, Applicant went to Traders Gun Shop, which was also nearby, and sold victim's rifle at around 1:48 p.m. Following those transactions, Applicant left with his newly acquired money, and the information related to the items he sold was submitted to a database that could be accessed and reviewed by law enforcement officers.

Thereafter, as the investigation continued, Investigator Robert Grubbs of the Greenville County Sheriff's Office searched the database for victim's rifle and learned it was sold at Traders Gun Shop by Applicant just a few hours after the rifle had been stolen. Investigator Grubbs then searched the database using Applicant's name and also discovered Applicant had sold a PlayStation 3 system around the same time. At that point, Investigator Grubbs believed Applicant committed the crimes, so he attempted to make contact with Applicant to discuss the matter while also obtaining a warrant for Applicant's arrest.

On August 26, 2016, Applicant voluntarily met with Investigator Grubbs and agreed to speak with him. During that interview, Applicant repeatedly denied committing the break-in. Applicant asserted he had been at his family's lake house for weeks before the break-in occurred, returned home at some point around 11:00 a.m. or 12:00 p.m. one day, and subsequently sold a rifle and shotgun he found in his home that purportedly belonged to Applicant's former roommate, Britain Donahue. Applicant—at multiple points in the interview—denied selling any other

items he found in his apartment, but he eventually admitted he also sold a PlayStation 3 system when confronted about that fact. Nonetheless, Applicant continued to insist he did not commit the break-in while identifying Donahue as the person he believed was the actual perpetrator of the crimes. However, Applicant conceded he had no idea how Donahue possibly would have known where victim lived because Applicant had not revealed that information to Donahue and had never taken him to victim's home at any time.

At the end of the interview, Applicant was arrest, and officers seized his computer and cell phone for forensic analysis. The following information was uncovered in the computer: (1) Applicant's password-protected computer was used to access victim's Facebook profile at approximately 1:13 a.m. on the date of the break-in; (2) Applicant's computer was used at 9:23 a.m. later that same day to access Applicant's password-protected email account and read a message to him from his bank indicating that his attempted bank transfer had failed because his account had insufficient funds; and (3) Applicant's computer was used to search for information related to stores where a gun could be sold and for information related to Remington Model 700 .270 caliber rifles on the afternoon of the break-in. Applicant's cell phone had not connected with any cell phone towers located near any of the lakes in the area at any point between August 11, 2016, and the date of the break-in.

At the conclusion of trial, the jury found Applicant guilty as indicted. Judge Gravely sentenced Applicant to imprisonment for fifteen years for first-degree burglary and for one year for grand larceny, with both sentences running concurrently, and with credit for time served.

Trial counsel filed a timely notice of appeal. Appellate Defender Kathrine H. Hudgins ("appellate counsel") of the South Carolina Commission on Indigent Defense represented Applicant on appeal. Assistant Attorney General Mark R. Farthing of the South Carolina Attorney General's Office represented Respondent on appeal. Appellate counsel argued on appeal that Judge Gravely erred in denying trial counsel's motion for a directed verdict with respect to both charges. The South Carolina Court of Appeals affirmed Applicant's convictions in an unpublished opinion. State v. Scowcroft, Op. No. 2020-UP-061 (S.C. Ct. App. filed March 11, 2020) (per curiam). The remittitur was issued on May 5, 2020.

II. Current Application

In his application for post-conviction relief, filed on September 10, 2020, Applicant argues

he is entitled to relief based upon multiple claims, which Respondent interprets as follows:

- (1) Trial counsel was constitutionally ineffective for:
 - a. Misadvising Applicant regarding the mandatory minimum sentence upon conviction for first-degree burglary by informing Applicant that a judge could give a defendant fewer than fifteen years in prison even if the defendant was convicted;
 - b. Advising Applicant that his chances of acquittal at trial were good because the State's case was based upon circumstantial evidence only;
 - c. Failing to preserve the issue of the initial plea offer and being unaware that the State made an initial plea offer;
 - d. Failing to preserve the issue of the lesser-included offense at trial;
 - e. Failing to object to the admission of circumstantial evidence on the basis that the evidence should have been suppressed after being discovered during an illegal search and seizure;
 - f. Failing to object to the victim's false claims to police;
 - g. Failing to object to the valuation of the stolen items;
 - h. Failing to object to the admission of Applicant's cell phone on the basis that Investigator Grubbs's testimony as to the location of the phone when seized was false;
 - i. Failing to have a trial strategy or build a defense;
 - j. Failing to file a motion to suppress or "restrict" any of the State's evidence;
 - k. Failing to investigate the case;
 - l. Failing to object to the admission of any of the State's twenty-four exhibits at trial;
 - m. Failing to object to inflammatory evidence introduced and inflammatory statements made by the prosecution;
 - n. Failing to impeach the credibility of Donahue with evidence of Donahue's previous conviction(s), the self-serving nature of Donahue's testimony, and Donahue's motive to commit perjury;
 - o. Failing to be aware of all evidence turned over by the State in discovery;
 - p. Failing to object to the admission of exhibits that had been altered;
 - q. Failing to object when the assistant solicitor was leading a witness by having the witness read the witness's own previous statement;
 - r. Failing to object to the admission of testimony from the State's expert witness and for failing to review the witness's reports before trial;
 - s. Failing to preserve for appellate review the issue of the assistant solicitor's discussing what Erica Chapman "didn't say";
 - t. Failing to object to inflammatory and prejudicial testimony from Nascarello;
 - u. Failing to impeach the credibility of Nascarello with the fact that the witness had been unable to pick Applicant out of a photograph lineup;
 - v. Failure to move to suppress Applicant's statements to law enforcement as not knowingly and voluntarily given; and
 - w. Failing to subject the State's case to meaningful adversarial testing; and
- (2) Johnson was constitutionally ineffective for:
 - a. Advising Applicant to reject the State's initial plea offer that Applicant plead guilty to second-degree burglary in exchange for a sentencing recommendation

- of probation based upon Johnson's erroneous estimation that the State's evidence of Applicant's guilt was weak or circumstantial;
- b. Failing to inform Applicant that the State would not be willing to continue in plea negotiations if Applicant rejected the initial plea offer;
- c. Failing to request that the State reinstate its initial plea offer after the State turned over in discovery additional evidence of Applicant's guilt; and
- d. Failing to notify Applicant that the State turned over in discovery thirty days before trial additional evidence of Applicant's guilt.

Attached to this return and incorporated herein by reference are the records of the Greenville County Clerk of Court regarding Applicant's convictions and sentences; the records from Applicant's direct appeal, including the record on appeal, the parties' final briefs, the Court of Appeals' dispositive opinion, and the remitter; and Applicant's records from the South Carolina Department of Corrections. Respondent reserves the right to amend this return upon receipt of any relevant materials.

III. Response to Applicant's Claims

Applicant, like all other defendants, has a right to the assistance of effective counsel as provided by the Sixth Amendment to the United States Constitution. Lomax v. State, 379 S.C. 93, 665 S.E.2d 164 (2008); Strickland v. Washington, 466 U.S. 668 (1984). Applicant has the burden of proving the allegations in his post-conviction relief action, and when alleging that counsel was constitutionally ineffective, he must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that it cannot be relied upon as having produced a just result." Strickland, at 686. In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland, 466 U.S. 668. First, Applicant must prove that counsel's performance was deficient. Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." Cherry, at 117, 386 S.E.2d at 625 (quoting Strickland, at 690). The proper measure of performance is whether the attorney provided

representation within the range of competence required in criminal cases. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). “Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” Id. (citing Strickland, 466 U.S. at 690). Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel’s deficient performance must have prejudiced Applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

The standards do not establish mechanical rules; the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged. A court need not first determine whether counsel’s performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies. If it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, that course should be followed. Strickland, at 670. Moreover, Strickland does not require a finding of ineffectiveness merely for deviation from some rigid rule of representation. Rather, Strickland requires the post-conviction relief applicant to prove “counsel made errors so serious that counsel was not functioning as the ‘counsel’ guaranteed the defendant by the Sixth Amendment.” Id. at 697. Therefore, the function of the post-conviction relief court is to determine if “in light of all the circumstances, the identified acts or omissions were outside the wide range of professional competent assistance” required of a criminal defense attorney. Id. at 690.

A defense attorney has a duty to undertake reasonable investigations or to make a decision that renders a particular investigation unnecessary. Strickland, at 691. Thus, “[a] criminal defense attorney has the duty to conduct a reasonable investigation to discover all reasonably available mitigation evidence and all reasonably available evidence tending to rebut any aggravating

evidence introduced by the State.” McKnight v. State, 378 S.C. 33, 46, 661 S.E.2d 354, 360 (2008).

A defense attorney’s “[f]ailure to conduct an independent investigation does not constitute ineffective assistance of counsel when the allegation is supported only by mere speculation as to the result.” Moorehead v. State, 329 S.C. 329, 334, 496 S.E.2d 415, 417 (1998) (citing Kibler v. State, 267 S.C. 250, 227 S.E.2d 199 (1976)). An applicant alleging that his attorney failed to prepare for the case must show how additional preparation would have resulted in a different outcome. Skeen v. State, 325 S.C. 210, 214, 481 S.E.2d 129, 132 (1997). Moreover, counsel’s decision not to investigate should be assessed for reasonableness under all the circumstances with heavy deference to counsel’s judgment. Simpson v. Moore, 367 S.C. 587, 597, 627 S.E.2d 701, 706 (2006). “[A] court deciding an actual ineffectiveness claim must judge the reasonableness of counsel’s challenged conduct on the facts of the particular case, viewed as of the time of counsel’s conduct.” Id. at 690; Bagwell v. State, 410 S.C. 259, 265, 763 S.E.2d 630, 633-34 (S.C. Ct. App. 2014). An “applicant must produce the testimony of a favorable witness or otherwise offer the testimony in accordance with the rules of evidence at the PCR hearing in order to establish prejudice from the witness’ failure to testify at trial.” Bannister v. State, 333 S.C. 298, 303, 509 S.E.2d 807, 809 (1998) (citing Pauling v. State, 331 S.C. 606, 503 S.E.2d 468 (1998)); see also Dempsey v. State, 363 S.C. 365, 370, 610 S.E.2d 812, 815 (2005) (holding that the PCR court’s finding that Dempsey was prejudiced by trial counsel’s failure to call an expert at trial to rebut the State’s expert was merely speculative when Dempsey failed to have an expert testify at his PCR hearing), abrogated on other grounds by Smalls v. State, 422 S.C. 174, 810 S.E.2d 836 (2018).

When discussing an attorney’s decision to limit the scope of his investigation into potential mitigating evidence, the Supreme Court of the United States has provided that “strategic choices made after thorough investigation of law and facts relevant to plausible options are virtually unchallengeable” Wiggins v. Smith, 539 U.S. 510, 521 (2003) (citing Strickland, at 690-91).

Though a defense attorney is not required to investigate every conceivable line of mitigation evidence or introduce it into evidence, the attorney's strategic choices made after he has made a less than complete investigation is "reasonable only to the extent that reasonable professional judgment support[s] the limitations on investigation A decision not to investigate thus must be directly assessed for reasonableness in all the circumstances. Von Dohlen v. State, 360 S.C. 598, 607, 602 S.E.2d 738, 743 (2004) (citing Wiggins, 539 U.S. at 533).

"[A]s a general rule, defense counsel has the duty to communicate formal offers from the prosecution to accept a plea on terms a conditions that may be favorable to the accused." Missouri v. Frye, 566 U.S. 134, 145 (2012); Davie v. State, 381 S.C. 601, 610, 675 S.E.2d 416, 421 (2009) (finding that counsel's failure to communicate a plea offer was deficient), abrogated on other grounds by Smalls v. State, 422 S.C. 174, 810 S.E.2d 836 (2018).

When an issue was unpreserved for direct appellate review, a PCR court is to examine whether the applicant suffered prejudice from the lack of preservation by analyzing the merits of the issue and considering whether the applicant has established that the outcome would have been different had the issue been preserved. See Milledge v. State, 422 S.C. 366, 380, 811 S.E.2d 796, 804 (2018) (instructing that the PCR court is to evaluate prejudice when considering an applicant's claim that counsel failed to preserve an issue for appellate review by viewing "the trial court's ruling through the same lens that would be applied on appeal . . . ") (citation omitted); see also McHam v. State, 404 S.C. 465, 474-82, 746 S.E.2d 41, 46-50 (2013) (holding the PCR court erred in finding counsel was not deficient in failing to preserve an issue for appellate review but agreeing with the PCR court that McHam failed to establish prejudiced because the Fourth Amendment claim failed on the merits), abrogated on other grounds by Smalls v. State, 422 S.C. 174, 810 S.E.2d 836 (2018).

Respondent submits that Applicant likely cannot show that he is entitled to post-conviction

relief on these claims in light of the strong deference given to defense attorneys in post-conviction relief actions, but requests an evidentiary hearing in order to address the questions of fact raised that the record may not conclusively refute. See Sharper v. State, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (holding that an evidentiary hearing is required when an application for post-conviction relief alleges specific instances of ineffectiveness that are not conclusively refuted by the record) (citing Norman v. State, 276 S.C. 278, 277 S.E.2d 707 (1981)).

IV. Denial of All Other Claims

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

V. Future Amendments and the Discovery Process

Applicant must specify any claims he intends to raise at the post-conviction relief evidentiary hearing. All claims should be made well in advance of the evidentiary hearing. Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent pursuant to Love v. State, 428 S.C. 231, 238-39, 834 S.E.2d 196, 199-200 (2019), or, alternatively, Respondent will move for a continuance in the matter. See Love, at 245, 834 S.E.2d at 203 (Kittredge, J., dissent) (“If, however, the proposed amendment . . . would truly prejudice the State, the better course of action would be to continue the matter and thus remove any possibility of prejudice resulting from the belated amendments.”).

Pursuant to S.C. Code Ann. § 17-27-150(a) (2008), an applicant in a non-capital post-conviction relief action may invoke discovery under the South Carolina Rules of Civil Procedure only if granted leave to do so by a court upon a showing of good cause. If Applicant attempts to invoke discovery powers without first obtaining leave to do so by a court upon a showing of good cause, Respondent will oppose those attempts.

VI. Conclusion

WHEREFORE, Respondent requests that the Court convene an evidentiary hearing.

Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

TAYLOR ZANE SMITH
Assistant Attorney General

By: s/Taylor Zane Smith
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
Telephone: (803) 734-3737

December 17, 2020

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Christian Scowcroft, #373633,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE THIRTEENTH JUDICIAL CIRCUIT

Case No.: 2020-CP-23-04164

CERTIFICATE OF SERVICE BY MAILING

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

Sarah M. Henry, Esquire
Sarah Henry Law
406 Pettigru Street
Greenville, SC 29601

DATED this 17th Day of December 2020.


Hannah M. Bradham, Legal Assistant
For Respondent

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

CHRISTIAN SCOWCROFT (373633),
PLAINTIFF,

VS.

STATE OF SOUTH CAROLINA,
DEFENDANT.

IN THE COURT OF
COMMON PLEAS THIRTEENTH
JUDICIAL CIRCUIT

DOCKET NO: 2020-CP-23-04164

AMENDED APPLICATION FOR POST
CONVICTION RELIEF

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SCLC JURY 1 2020 04164

The application is being brought pursuant to South Carolina Code of Laws Sec 17-27-10 et seq. and should be considered along with the original application filed on September 10, 2020.

1. The applicant is presently being held as an inmate with the South Carolina Department of Corrections.
2. Applicant was tried in Greenville County Court of General Session from August 23-24, 2017 before Judge Gravely on Burglary 1st and Grand Larceny.
3. Applicant was found guilty, and sentenced to 15 years for Burglary 1st and 1 year for Grand larceny, concurrent.
4. Applicant did file a direct appeal from his convictions and the remittitur was issued on March 11, 2020.
5. The applicant filed the post-conviction relief application in a timely manner.
6. The applicant has filed no action in federal court challenging his convictions.
7. Attorney Randy Chambers represented the applicant at trial on these charges, and attorney Teal Johnson represented applicant at the beginning of his case, prior to trial.
8. In this application the applicant seeks an order vacating his sentence and remanding him for a new trial.
9. The applicant is amending his post-conviction relief petition to clarify his prior allegations, and respond to the state's motion for a more definite statement.
10. The applicant alleges that he was denied effective assistance of counsel on the above charge, that applicant was prejudiced by this denial of effective assistance, and submits the following in support his allegations:

11. Applicant alleges that trial counsel, Randy Chambers, failed to relay an offer of probation extended to client through counsel on March 29, 2017, and that had client been aware of this offer he would have pled guilty instead of trying the case.
12. Counsel, Teal Johnson, received an offer of probation on behalf of applicant on November 10, 2016. Ms. Johnson relayed this offer to applicant, and applicant rejected the plea offer. However, applicant alleges that Ms. Johnson advised him that the case was weak and circumstantial, that she could get him a lower charge, that he should not accept the offer as extended, and that she had not reviewed the evidence against him when she gave this legal advice. Applicant alleges that had he been properly advised he would have accepted the plea offer, and not tried this case.
13. Applicant alleges that trial counsel, Randy Chambers, advised client that he could receive less than the mandatory 15 years for Burglary 1st, and that Mr. Chambers would request less time for applicant should he lose at trial. Applicant relied on this advice when deciding to go to trial, and applicant alleges he would not have gone to trial had he been aware that he could not receive less than 15 years if convicted, as a matter of law.
14. Applicant alleges that trial counsel, Randy Chambers, failed to object to the court providing an incomplete Burglary 1st jury charge, and failed to put the substantive contents of the jury charge conference on the record for appeal, prejudicing the client at the trial and on appeal.

Respectfully Submitted,

s/Sarah M. Henry
 SC Bar #77907
 406 Pettigru St.
 Greenville, SC 29601
 478-8324/232-9555 (fax)
 [REDACTED]@sarahmhenrylaw.com
 Attorney for Applicant

May 08, 2024

PROOF OF SERVICE

ON THIS DATE, a copy of this document, Amended Application for Post Conviction Relief, was served by email upon counsel for the State of South Carolina at the following address:

S.C. Attorney General's Office
Rembert C. Dennis Building
Post Office Box 11549
Columbia, South Carolina 29211
Office: 803-734-0964
[REDACTED]@scag.gov

s/Sarah M. Henry
Date: May 08, 2024

24 MAY 9 AM 09:24
STATE OF SOUTH CAROLINA

Copy mailed to
Attorney <u>General/Sarah Henry</u>
on <u>5/1/2024</u>

1 State of South Carolina) Court of Common Pleas
2 County of Greenville) Thirteenth Judicial Circuit
3
4 Christian A. Scowcroft,) Transcript of Record
5 Applicant/Petitioner,) 2020-CP-23-04164
6 vs.)
7 State of South Carolina.)

8

9

May 13, 2024

10

Greenville, South Carolina

11

12 B E F O R E:

13 The Honorable B. Alex Hyman, Judge

14

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

15

Sarah Morrison Henry, Esquire

16

On behalf of the Applicant/Petitioner

17

Joshua A. Edwards, Assistant Attorney General

18

On behalf of the State of South Carolina

19

20

Stacy S. Johnson, RPR
Circuit Court Reporter

21

22

23

24

25

I N D E X

WITNESSPAGE

Christian Scowcroft

Direct Examination by Ms. Henry

8

Teal Johnson

Direct Examination by Mr. Edwards

25

Cross-Examination by Ms. Henry

38

Redirect Examination by Mr. Edwards

44

Randall Lee Chambers

Direct Examination by Mr. Edwards

45

Cross-Examination by Ms. Henry

56

Certificate of Reporter

68

1	E X H I B I T S			
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
3	Court's 1	Post-Conviction Packet	5	
4	Applicant's 1	Plea Offer	10	11
5	Applicant's 2	Plea Offer	10	
6	Applicant's 3	E-mail Correspondence	10	40
7	State's 1	E-mail Correspondence	4	32
8	State's 2	8-31-2017 Letter	4	36
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1 (The following proceedings were held May 13,
2 2024, beginning at 3:52 PM.)

3 (State's Exhibit No. 1 and 2 were marked for
4 identification.)

5 THE COURT: Mr. Edwards, like we did earlier, if
6 you don't mind giving me a procedural history and then
7 I'll go to Ms. Henry.

8 MR. EDWARDS: Yes, Your Honor.

9 This was a 2017 trial in Greenville. The
10 indictment number on this case is -- there was a
11 burg first charge and a grand larceny charge greater
12 than two. The indictment number that I have is
13 2017-GS-23-1278. I think that's for the burg first.
14 On the transcript I did not see an indictment number
15 for the grand larceny. They were tried together.

16 Mr. Scowcroft was originally represented by Teal
17 Johnson with the Greenville County Public Defender's
18 Office and then trial counsel was Randy Chambers, and
19 they are both here and will be State's witnesses if
20 Ms. Henry doesn't call them first.

21 THE COURT: All right.

22 MR. EDWARDS: I apologize. He did appeal his
23 conviction and it was affirmed in an unpublished
24 opinion at the Court of Appeals. I believe the only
25 issues raised were directed verdict issues.

1 THE COURT: Yes, ma'am.

2 MS. HENRY: Thank you, Your Honor.

3 Your Honor, I don't know if you -- do you have a
4 copy of the amended petition for relief?

5 THE COURT: I do.

6 MS. HENRY: Okay.

7 MR. EDWARDS: And, Your Honor, I have a packet
8 here.

9 May I approach?

10 THE COURT: Yes, sir.

11 MS. HENRY: And, Your Honor, since we're gonna be
12 referencing it, I'd also ask that that be made Court's
13 Exhibit 1 and I don't think there's any opposition.

14 MR. EDWARDS: No objection to that, Your Honor.

15 THE COURT: All right. It will be made Court's
16 Exhibit 1.

17 (Court's Exhibit No. 1, a Post-Conviction Packet,
18 was marked for identification.)

19 MS. HENRY: Okay. And, Your Honor, the same way
20 that I did with Mr. Reyes, I would like to just run
21 through kind of what we're gonna be trying before you
22 here.

23 THE COURT: Sure.

24 MS. HENRY: The majority of my client's
25 allegations are related to conversations that he had

1 with trial counsel, Randy Chambers, and his original
2 counsel, Teal Johnson, prior to the trial.

3 Essentially he's alleging that Mr. Chambers
4 failed to relay an offer of probation that had been
5 reextended to the client through counsel on March 29,
6 2017, and that had my client been aware of that he
7 would have plead guilty instead of trying the case.

8 He's also alleging that his original counsel,
9 Teal Johnson, received an offer of probation on
10 his behalf in November of 2016, that she did relay
11 this offer, but that based on her advice and their
12 conversations he rejected that offer and, you know,
13 had her legal advice been different or more related to
14 the evidence he's alleging that he would have -- had
15 he been properly advised he would have accepted the
16 plea offer and plead in 2016.

17 He's also alleging that he was told by trial
18 counsel, Mr. Chambers, that he could receive less
19 than the mandatory fifteen for burglary first and
20 that Mr. Chambers assured him that he would request
21 less time than fifteen years from the trial court if
22 Mr. Scowcroft lost the case and that Mr. Scowcroft
23 relied on that when he decided to try the case and
24 that if he had known that there was nothing but
25 fifteen years waiting for him that he would not have

1 tried the case and he would have pled straight up.

2 And then finally he's alleging that trial counsel
3 Randy Chambers failed to object to the Court providing
4 an incomplete burglary first charge as part of the
5 jury charge during the trial and that Mr. Chambers
6 failed to put the substantive contents of the jury
7 charge conference on the record making it impossible
8 to appeal and impossible to kind of know what
9 happened; whether or not Mr. Chambers requested
10 burglary second as a jury charge, which might have
11 been appropriate, or if there had been other
12 discussions or anything else related to the charging
13 of the jury, all of that I believe was in chambers and
14 Mr. Chambers failed to put that on the record, and
15 that's the basis of what we're hoping to prove today
16 on the -- during the PCR.

17 THE COURT: All right. Thank you, Ms. Henry.

18 MS. HENRY: All right. I would call our first
19 witness, Mr. Scowcroft.

20 (Whereupon, Christian Arenson Scowcroft was duly
21 sworn by the Clerk of Court.)

22 THE CLERK: Thank you. You may be seated.
23 Please state your full name for the record.

24 THE WITNESS: Christian Arenson Scowcroft.

25 CHRISTIAN ARENSEN SCOWCROFT,

1 having been duly sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MS. HENRY:

4 Q. All right. Mr. Scowcroft, can you tell us how old you
5 are?

6 A. I am thirty-two years old.

7 Q. Okay. And do you have any degrees or can you tell us
8 what your educational level is?

9 A. Yes, ma'am. I have a bachelor's of science in
10 electrical engineering from the Citadel.

11 Q. And I'm sorry, what was that last part?

12 A. From the Citadel.

13 Q. Okay. And before you were convicted of this, can you
14 tell us where you worked?

15 A. I worked at AT&T in downtown Greenville here.

16 Q. Okay. Was your position there?

17 A. Outside plant manager and network engineer.

18 Q. Okay. And where are you being housed right now?

19 A. I am currently at Union County Detention Center.

20 Q. Okay. And how long have you been there?

21 A. About a year and a half.

22 Q. About a year and a half?

23 A. Yes, ma'am.

24 Q. Okay. And then have you been incarcerated since
25 August 24, 2017?

1 A. I have.

2 Q. You have. Okay.

3 All right. And then your projected release date,
4 is that still March 22, 2030?

5 A. That's correct. Yes, ma'am.

6 Q. All right. So you know in -- do you mind if I call
7 you Christian?

8 A. No, ma'am. That's fine.

9 Q. All right. So, Christian, I want to talk to you a
10 little bit about some of these allegations and kind of --
11 I want you to walk the Court through them and what the
12 basis is.

13 A. Okay.

14 Q. So first I want to talk to you a little about your
15 conversations with Teal Johnson. Can you tell the Court
16 who Teal Johnson was to you?

17 A. So Ms. Johnson was my public defender that was
18 assigned to me when I was in county.

19 Q. Okay. And just for background for the Court, did
20 Ms. Johnson try -- ultimately end up trying your case?

21 A. No, ma'am.

22 Q. Okay. Did she work with Mr. Chambers to try your
23 case?

24 A. No, ma'am, she did not.

25 Q. Okay. So did you -- was she ultimately relieved as

1 your counsel?

2 A. Yes, ma'am, she was. There came a point where we
3 reviewed some evidence and may have had some discussions
4 and she advised me that if I planned on going to trial,
5 then I should consider, you know, hiring a trial lawyer.

6 Q. Okay. And is that when you ended up retaining
7 Mr. Chambers?

8 A. Yes, ma'am.

9 Q. Okay. All right. I want to take you back to some
10 of these first conversations with Ms. Johnson. So did you
11 receive a plea offer while Ms. Johnson was representing
12 you?

13 A. Yes, ma'am, I did. It was burglary second with a
14 recommendation for probation for ten years.

15 Q. All right. And then, Christian, I'm gonna show you
16 this.

17 MS. HENRY: And, Your Honor, if I could approach?

18 THE COURT: Yes.

19 MS. HENRY: Actually while I'm up there, I'd ask
20 to have these marked as Exhibits 1, 2 and 3.

21 (Plaintiff's/Applicant's Exhibit No. 1, 2 and 3
22 were marked for identification.)

23 BY MS. HENRY:

24 Q. All right. Christian, I'm gonna show you Plaintiff's
25 Exhibit 1 and I'm going to ask you to take a look at it and

1 let me know if you recognize it.

2 A. I do.

3 Q. Okay. Can you tell the Court what it is?

4 A. So this is the initial offer from the solicitor that
5 Ms. Johnson and I discussed.

6 Q. Okay.

7 MS. HENRY: Your Honor, I'd ask that that be
8 admitted at as Applicant's Exhibit 1.

9 MR. EDWARDS: No objection.

10 THE COURT: All right.

11 (Plaintiff's/Applicant's Exhibit No. 1, a plea
12 offer, was admitted into evidence.)

13 BY MS. HENRY:

14 Q. All right. Christian, I'm gonna ask you a couple of
15 questions about that. Can you describe the offer that you
16 received through Teal to the Court?

17 A. Yes, ma'am. So Ms. Johnson had me meet with her at
18 her office to discuss this offer. It was for reducing
19 the charge of burglary first to burglary in the second
20 degree and that the State would make a recommendation for
21 probation and restitution.

22 Q. Okay. So the offer says that you would be pleading
23 to grand larceny and then a reduced -- reduced down to
24 burglary second from burg first?

25 A. Yes, ma'am.

1 Q. And that you would get only probation and restitution?

2 A. Yes, ma'am.

3 Q. All right. So was that issued on November 10th of
4 2016?

5 A. Yes, ma'am.

6 Q. Okay. Is there anything else about this offer that
7 you want to draw the Court's attention to?

8 A. Ma'am, only that when Ms. Johnson and I discussed this
9 we looked at the evidence and I was relying solely on her
10 opinion about what she was looking at, about what was in
11 the discovery. I didn't really know much about discovery
12 evidence or how these things worked; what's circumstantial
13 evidence, what's legitimate, what's forensic, but when we
14 went to discuss this offer that day, I asked Ms. Johnson,
15 you know, I'd still be pleading out to a felony, I'd have a
16 felony record, and I asked her what did the evidence look
17 like, what did the case look like, and she reviewed the
18 discovery, she popped in some of the material and flipped
19 through it very quickly and concluded that it was weak and
20 circumstantial, and that opinion that she gave me is what
21 helped me conclude to turn down this offer. She told me
22 it was a great offer and I agreed with her, it was a great
23 offer, but her opinion was that the case was weak and
24 circumstantial and better fit the charge of receiving
25 stolen goods. And so when I left her office that day, it

1 was under the impression that she was gonna be seeking the
2 reduction to receiving stolen goods from there on out, and
3 that was the last that we discussed this plea.

4 Q. Okay. So it's your testimony that Ms. Johnson did
5 relay the offer to you?

6 A. She did.

7 Q. All right. And that the two of you discussed it?

8 A. Yes, ma'am.

9 Q. Okay. And then ultimately you rejected this plea
10 offer; is that correct?

11 A. Yes, ma'am.

12 Q. All right. Now I do want to talk to you and I want
13 you to flush out for the Court a little bit more about why
14 you rejected the offer.

15 So you testified that Ms. Johnson advised you
16 that the case was weak and circumstantial. Did she
17 explain to you why she thought that it was weak?

18 A. So, as a matter of fact, we really didn't go into
19 the details of what she was looking at in the evidence.
20 She had a disk of media that she put into her computer to
21 look at and it had a bunch of -- I call it raw data, stuff
22 that we weren't really able to assess or ascertain what it
23 meant.

24 Q. Do you know what the raw data was from? Was it from
25 a cell phone dump or something similar?

1 A. So later on I found out that it a cell phone dump.
2 It was something from magnetizing the hard drive on my
3 computer and collectively it was a lot. Later on after
4 an expert witness had testified on it after someone had
5 already gone through and parsed it out, it was a lot of
6 circumstantial evidence. There was a lot of things that
7 were pointed that would have been very influential in our
8 decisionmaking process had we known what it was, but her
9 assessment of it was that it was weak and circumstantial.

10 Q. When Ms. Johnson gave you that opinion, how early in
11 the case was it?

12 A. Very early. I had -- I think I had been locked up --
13 I got locked up. I got out in October. We discussed this.
14 I met with her once or twice more, but it was still another
15 year or more before we went to trial.

16 Q. Okay. Was evidence from the cell phone dump and from
17 the information on your computer, was that used against you
18 at trial?

19 A. Yes, ma'am, it was.

20 Q. Okay. Did Ms. Johnson before she gave her opinion
21 that the case was weak and circumstantial, do you
22 know whether or not she had fully reviewed all of that
23 information and whether or not she had an expert or
24 another professional that had expertise in reading raw
25 data, do you know whether she had anyone else look at it?

1 A. To the best of my knowledge, she didn't, but I don't
2 know. Like I said, I was going off of her opinion, her
3 statement.

4 Q. Okay. You also mentioned a receiving stolen goods
5 charge. Like a further reduction down from burglary
6 second. Can you talk to the Court about what your
7 conversation with Ms. Johnson -- what that was relating
8 to getting a lower charge? What was the plan?

9 A. So she felt that the circumstantial evidence as it
10 was from our understanding of it at the time was low
11 enough to reduce the charge of first degree burglary down
12 to receiving stolen goods, that if the solicitor's office
13 was willing to offer this burglary second probation that
14 they'd possibly be willing to offer or reduce it down to
15 receiving stolen goods.

16 Q. Okay. And did that appeal to you?

17 A. Of course. I had a clean record. I had my whole
18 life ahead of me and the thought -- her opinion of the
19 evidence being circumstantial and her being -- her saying
20 that she might be able to get the charge reduced down to
21 receiving stolen goods, which is a misdemeanor, played a
22 huge pivotal role in my decision-making process, and I
23 carried those arguments with me all the way through trial.

24 Q. So her assessment that the case was weak and
25 circumstantial and that this should be a receiving stolen

1 goods charge, which would be a misdemeanor and leaving
2 you with a clean record, that was something that -- having
3 received that opinion from an attorney in the case, that
4 it was very difficult for you to pivot?

5 A. Yes, ma'am.

6 Q. Okay. All right. Do you feel ultimately that if
7 she had -- do you feel like -- her analysis that this case
8 was weak and circumstantial, do you feel like that was the
9 correct analysis given the evidence?

10 A. No, ma'am.

11 Q. All right. And do you feel that if you had properly
12 advised that you would have accepted this plea offer for
13 probation?

14 A. Yes, ma'am.

15 Q. And ultimately what did you get?

16 A. Fifteen years for first degree burglary on a violent
17 charge that's not parole eligible.

18 Q. Okay. So there's a big difference then between
19 probation and going home?

20 A. Drastic.

21 Q. All right. I want to move on from Ms. Johnson and
22 I want to talk to you a little about your trial counsel,
23 Randy Chambers.

24 All right. So one of your allegations against
25 Mr. Chambers is that he failed to relay an offer of

1 probation that was extended to you through him from
2 March 29, 2017; is that right?

3 A. Yes, ma'am.

4 Q. All right.

5 MS. HENRY: Your Honor, may I approach?

6 THE COURT: Yes.

7 MS. HENRY: Well, never mind I'll not approach.

8 BY MS. HENRY:

9 Q. All right. So your understanding was there was an
10 offer extended to you on March 29, 2017. When did you find
11 out about that offer?

12 A. I think it was about two weeks ago when we talked on
13 the phone.

14 Q. Okay. So as far as you know, your original offer,
15 which I believe expired January 12, 2017, was the only --
16 the one that you received through Ms. Johnson was the only
17 offer that you received?

18 A. Yes, ma'am. There was another offer that got brought
19 up the second day of trial with Mr. Chambers, but that --
20 that was the last or the only other offer that I know of.

21 Q. Okay. All right. Let's talk about the one that you
22 received on March 29, 2017. This was before trial. That
23 offer was also for -- as far as you're aware, that offer
24 was also for probation?

25 A. To the best of my knowledge, yes, ma'am.

1 Q. Okay. And, again, this is about six months later. If
2 you had been aware of this offer, would you have taken it
3 and pled guilty?

4 A. Absolutely.

5 Q. Okay. Why? This is only six months after the initial
6 offer from -- that Ms. Johnson received on your behalf.
7 What has changed?

8 A. By the time I hired Mr. Chambers to represent me, I
9 felt like I was trapped into going to trial and if I had
10 known at any point in time there was another option until
11 the day of trial or halfway through the trial, if I had
12 known ahead of time that we could intervene and prevent
13 this after having talked to friends and family, sought
14 counsel, it would have changed the entire outcome of the
15 case.

16 Q. All right. I want to move onto your other allegation
17 against Mr. Chambers and this is when your trial counsel,
18 Randy Chambers, advised you that you could potentially
19 receive less than the mandatory fifteen even if you were
20 convicted of burglary first. Did he tell you that?

21 A. He did. So thirty days prior to trial Mr. Chambers
22 called me when I was at work to let me know that we had
23 been placed on the docket and during that conversation I
24 kind of catastrophized and had a "what if" conversation
25 with him about what if I get convicted, what if this

1 doesn't work, what if our trial strategy is no good,
2 you know, what are we gonna do, and am I looking at
3 fifteen years, and he said well, I know of precedents
4 that you don't necessarily have to get fifteen years,
5 that you could be granted less than that, and then I
6 think that based on the accolades of your life and the
7 things that you've done as a person and as the case and
8 the circumstantial evidence presents, you might qualify
9 for something like that, something less than the mandatory
10 minimum.

11 Q. Okay. Did Mr. Chambers also tell you that he would
12 request that less time for you from the Court if you were
13 convicted during your sentencing?

14 A. Yes, ma'am, he did.

15 Q. Okay. Was that part of that same conversation?

16 A. Same conversation. Yes, ma'am.

17 Q. Okay. When you were deciding whether to plead
18 straight up, just to plead or to take this to trial, what
19 was the level of reliance on his advice regarding you being
20 able to receive less than fifteen years?

21 A. Looking at this for what it was going into trial that
22 day, it was my safety net. His advice was -- was, you
23 know, tantamount to having a lifeline just in case and
24 knowing that going into trial was -- you know, the only
25 thing that drove me forward was hoping that, you know,

1 okay, even if I get convicted, even if this goes wrong,
2 then maybe I'd still have a chance of getting less than
3 fifteen years and that he's still gonna fight for that.

4 Q. Okay. Are you alleging that you would not have gone
5 to trial if you had known that you could not get less than
6 fifteen if you were convicted?

7 A. That's correct.

8 Q. Okay. So you testified earlier that you'd received
9 another plea offer, that you received a plea offer the
10 second day of trial. What was that offer?

11 A. So the second day of trial, it was burglary second,
12 I think, with eight years, and it was right before I was
13 supposed to give my testimony.

14 Q. Okay. Did you discuss that offer with Mr. Chambers?

15 A. I did.

16 Q. Okay. Can you describe that conversation with the
17 Court?

18 A. So Mr. Chambers encouraged me to take that. This
19 is a day and a half into trial after we've already
20 presented -- or the State's already presented all of
21 their arguments, the prosecution has, and to the best of
22 my understanding our entire plan for trial was to ask for
23 a directed verdict and then have me take the stand. Well,
24 he asked for the directed verdict and that hadn't worked
25 and I had yet to take the stand, so I felt like, you know,

1 if I plea out now I'm kind of selling myself short and I
2 -- again, it was reiterated that day in the room next
3 to the courthouse -- or next to the courtroom when
4 Mr. Chambers and I talked about it that, you know, they
5 don't have to give you fifteen. It was confirmed, we
6 talked about it, and, again, he asked for it.

7 Q. Did Mr. Chambers express any confidence that you guys
8 would still be able to win this?

9 A. He told me that we could still win and that we still
10 had a strong case.

11 Q. Okay. And then -- and I just want to be really clear.
12 It's your testimony that he reconfirmed that he believed
13 you could receive less than fifteen years even if you were
14 convicted?

15 A. Yes, ma'am.

16 Q. Okay. And that he told you that there was some sort
17 of precedence for that?

18 A. Yes, ma'am.

19 Q. Okay. So he said -- you're telling me that you had
20 a conversation with Mr. Chambers the second day of trial
21 before you testified and you -- according to you he was
22 still saying that this was an option, that less than
23 fifteen was an option even if you lost?

24 A. Yes, ma'am.

25 Q. Okay.

1 A. That conversation happened more than once.

2 Q. Okay. All right. Is there anything about the guilty
3 pleas or the fifteen years that I have not asked you that
4 you want the Court to know?

5 A. No, ma'am.

6 Q. All right. I want to talk to you about the last
7 allegation, which is that Mr. Chambers failed to object
8 to the Court providing an incomplete burglary first jury
9 charge. Is that something that you knew while it was
10 happening or is that something that you noticed afterward,
11 after you looked at the transcript?

12 A. I didn't notice it until after the fact because I had
13 no idea what the statute meant or what the requirements
14 were for first degree burglary. There's a lot of things
15 I didn't know during the trial and plenty more I still
16 don't know, but after learning about it and reading through
17 the transcript, you know, it seemed like the charge that
18 was given only fit pieces of what happened in my case and
19 I felt like if I was a jury member and I was listening to
20 what the charge for first degree burglary is usually used
21 for, I might have had some concerns about applying it to
22 this case if I had heard all of the pieces of the charge.

23 Q. Well, let me back this up even further. What were
24 your discussions with Randy about what your -- what the
25 strategy was?

1 A. I can't say that we really discussed strategy prior
2 to trial.

3 Q. Did you discuss whether or not you were going to ask
4 for burglary second as a jury charge or did you -- as far
5 as you're aware in your conversations with Randy, did you
6 discuss what jury charges you were gonna put forward to
7 the Court regarding what he was gonna read to the jury,
8 what he was gonna tell the jury what the law was in this
9 case?

10 A. No, ma'am.

11 Q. Okay. What did you and Randy talk about -- this was
12 a burglary first case not because you hurt anybody or
13 you broke into a house at night. This ended up being a
14 burglary first case, correct, because you ended up taking
15 -- or allegedly took a gun out of the house?

16 A. Yes, ma'am.

17 Q. Is that correct?

18 A. That's correct.

19 Q. Okay. So that's what according to the State bumped
20 this up to a burglary first? Not violence, none of the
21 other allegations. So as part of your discussions with
22 Randy, how did you plan together to address that or
23 potentially get a lesser included or something similar to
24 that from the jury or from the judge?

25 A. Ma'am, we never did. We didn't talk about suppressing

1 the evidence, we didn't talk about calling witnesses,
2 assessing data. We didn't talk about any of that. Again,
3 most of our conversations were brief. It was about when
4 my court dates were, when I needed to appear. We never --
5 we never discussed another charge or that that was even
6 something that could be brought up.

7 Q. Okay. Were you -- were you present when the two
8 attorneys discussed the jury charges that were going to
9 be given with the judge?

10 A. No, ma'am. I don't think so, no. I don't know
11 anything about that.

12 Q. All right, Christian. Anything else that you -- you
13 know, I've got questions for Randy and for Teal, but is
14 there anything else that you want to tell the Court about
15 anything that you and I've discussed?

16 A. No, ma'am. Just that I really appreciate the Court's
17 time.

18 Thank you.

19 MS. HENRY: Okay. Answer any questions that the
20 State may have.

21 THE COURT: Yes, sir.

22 MR. EDWARDS: I have no questions for this
23 witness.

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

25 THE WITNESS: Thank you, sir.

1 (Witness excused.)

2 MS. HENRY: No other witnesses, Your Honor.

3 THE COURT: All right.

4 MR. EDWARDS: The State calls Teal Johnson.

5 THE COURT: All right.

6 (Whereupon, Teal Johnson was duly sworn by the
7 Clerk of Court.)

8 THE CLERK: Please state your full name for the
9 record.

10 THE WITNESS: Teal Johnson.

11 TEAL JOHNSON,

12 having been duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. EDWARDS:

15 Q. How are you doing, Ms. Johnson?

16 A. I'm doing well.

17 Q. Can you tell the Court the circumstances of how you
18 came to represent Mr. Scowcroft?

19 A. I'm a public defender employed by the Thirteenth
20 Circuit Public Defender's Office and I was appointed to
21 represent Mr. Scowcroft. He was in jail I believe in
22 August of 2016 and it was my turn for assignment of cases.

23 Q. Okay. August, 2016. Do you recall roughly when
24 you looked at the discovery in this case for the first
25 time?

1 A. So I had to look at my file. I didn't receive all
2 of the discovery until sometime I think right after
3 Mr. Scowcroft got out of jail on bond. I've got a
4 discovery cover letter that's dated October 6th. It
5 looks like our office received it October 18th. I
6 probably didn't look at it -- look at the whole discovery
7 packet until October 24, 2016, is when I indicate I
8 gave him a copy of it. I believe for the bond hearing I
9 would have reviewed the initial incident report, but not
10 complete discovery, and that bond hearing would have been
11 October 14th of 2016.

12 Q. Do you recall the evidence that was in discovery when
13 you viewed it in October?

14 A. I do.

15 Q. Okay. And you don't have to remember every piece of
16 evidence, but just generally what was the evidence?

17 A. The evidence was that a co-worker of Mr. Scowcroft's
18 house was broken into and like I think sometime the same
19 day Mr. Scowcroft is selling the stolen property or the
20 guns from the burglary. There was a witness who saw a
21 red car I think with a white male in it with a shaggy look
22 or shaggy hair. And I think there were some computer
23 forensics. I don't know if I looked at those at the time.

24 Q. And not to go through all of the evidence in the case,
25 but just a very broad overview, so the victim's house was

1 burglarized sometime that morning, correct?

2 A. Yes.

3 Q. And he gave a window where he was at work and he came
4 home for lunch around -- I think it was 11:15. He comes
5 home at the same time every day for lunch. Is that how you
6 remember it?

7 A. Yes.

8 Q. And he discovered his house has been broken into and
9 two guns and a PlayStation was stolen?

10 A. That's correct.

11 Q. And then Mr. Scowcroft was seen pawning the gun. Do
12 you recall the timeframe?

13 A. I think it was that afternoon.

14 Q. Earlier that afternoon sound right?

15 A. We had a short window.

16 Q. And he gave the dealer his driver's license and there
17 was no question that this was Mr. Scowcroft who pawned the
18 gun?

19 A. Correct.

20 Q. And at trial he eventually testified that he pawned
21 the gun, correct?

22 A. That's correct.

23 Q. Okay.

24 A. His theory was that he received the property, but
25 he didn't actually burglarize the property is what

1 Mr. Scowcroft, you know, wanted to maintain.

2 Q. What did you make of that evidence when you saw that?

3 A. I was scared, but -- so I've got this burglary with
4 a window. I think it was from like 6:45 AM to 11:30, so,
5 you know, let's say five hours, and then two hours later
6 Mr. Scowcroft is pawning the proceeds from the burglary.
7 And I know that I said I -- you know, this scares me.
8 Would I have characterized it as weak? I don't think so.
9 I think that's what Mr. Scowcroft wanted to characterize
10 it as. Yeah, there were some things I -- you know, I
11 wanted to do with the burglary. I mean, it wasn't like
12 the strongest burglary, but with that timeframe and then
13 two hours later he is selling the goods. And then I
14 forgot there was a -- a statement that he gave that was,
15 you know, not good for him either. All of that taken
16 together, I don't -- I wouldn't have characterized it as
17 like weak. I think it was as -- you know, I think I
18 stressed hey, you need to -- this is a good offer, you
19 know, I don't know what we're gonna do about this pawn
20 ticket, you know, two hours later. You know, that's a --
21 that's a coincidence, a big coincidence. I don't know if
22 the jury's gonna buy that.

23 Q. I don't know how firmly you can be on this, but just
24 to kind of go back did you tell him it was a weak case?

25 A. I -- I don't recall saying it was a weak case. I

1 think Mr. Scowcroft before I saw all of the evidence
2 wanted to present it as a weak case, but I think, you
3 know, Mr. Scowcroft had a red car. He's -- you know,
4 two hours later he's selling these goods at the pawn,
5 you know, store. There was some question about whether
6 he was at the lake -- his lake house, and he gave all that
7 up to the investigators and, you know, I'm like give me --
8 give me information that I can confirm that you were at
9 this lake house, and that -- that didn't happen. I don't
10 think I characterized it as weak. I was very skeptical of
11 our chances. I mean, I'm sure anything's possible, but I
12 know I would have said this is not something you need to
13 take lightly.

14 Q. And you've reviewed the case since then?

15 A. Yes.

16 Q. And, I mean, looking at it now would you call it a
17 weak case?

18 A. No.

19 Q. And Mr. Scowcroft just said it was strong?

20 A. I would agree with that. I think it is -- I think
21 it's strong and you've got the -- you know, the
22 relationship with the victim, you know, that he had.

23 Q. So what was Mr. Scowcroft's attitude at this time
24 when you first met with him and first went over discovery?
25 What was his attitude about what he wanted to do?

1 A. You know, he -- so I've got a young man who's got no
2 prior record, who's got a military -- you know, stellar,
3 sterling military career. He is an electrical engineer.
4 He wants to keep his record clean and, you know, I want to
5 do everything I can to help him. I certainly tried, you
6 know, to ask for PTI. I asked for lesser charges. I
7 wasn't able to, but, you know, he -- Mr. Scowcroft said to
8 me I didn't do this, I'm innocent of this. You know, at
9 one point I think I e-mailed him the offer and he wrote
10 back and said I want a trial and so at that point, you
11 know, there really was no more talking about it, you know,
12 I felt like and I -- it's just like you need to understand
13 what your -- you know, the potential consequences here, and
14 it was -- I think Mr. Scowcroft only wanted to hear one
15 thing.

16 Q. Did he maintain his innocence the whole time?

17 A. Absolutely. And, you know, he's got that right.

18 But, you know, I don't twist people's arms to plead.

19 I can't. You know, I can advise you of the potential
20 consequences of pleading or not pleading, but ultimately
21 it's your decision, you know, my client's decision.

22 Q. Is that a principle that you use in any case really?

23 A. Absolutely.

24 Q. I'm gonna show you something I've marked as State's
25 Exhibit 1. Can you tell me if you recognize this?

1 A. I do.

2 Q. And what is that?

3 A. So I had written him about the offer, letting him
4 know that I had not made any progress with the solicitor.
5 I'd not been able to get him a reduction. You know,
6 initially I'd asked for PTI.

7 Q. Did the solicitor make an offer around this time; do
8 you recall?

9 A. He did. He made an offer for a reduction to burglary
10 second for probation.

11 Q. And what -- and what is the date on that e-mail?

12 A. November 17th is when I e-mailed Mr. Scowcroft and
13 Mr. Scowcroft e-mailed me back on the 18th of November.

14 Q. Okay. Can you just read that e-mail, please.

15 A. Ms. Johnson, I cannot plead guilty to a crime I
16 did not commit, especially a felony. That would be
17 condemning me to a life diminished to constantly answering
18 for the actions of another man and I will not lie and take
19 responsibility for it. I would lose my engineering license
20 and any chance of ever bettering myself as a person and a
21 member of the community.

22 Do you want me to keep going?

23 MR. EDWARDS: Well, maybe I should offer this.

24 The State offers this as State's 1.

25 MS. HENRY: No objection.

1 THE COURT: It's admitted as State's Exhibit 1.

2 (State's Exhibit No. 1, e-mail correspondence,
3 was admitted into evidence.)

4 BY MR. EDWARDS:

5 Q. If you could just keep going, please.

6 A. I tried to speak with you today on multiple occasions.
7 As it stands, I am unsure how to proceed. You must keep
8 fighting for me. I have got employment as a server at
9 Outback Steakhouse while I continue to seek engineering
10 work. I am doing everything I can to struggle through
11 this, but I must say that this is discouraging news. I
12 don't know if veterans court is an option. I don't know
13 what I can do to convince the solicitor that I am a
14 beneficial part of society and that there has to be a
15 better solution than the life of a convicted felon. If I
16 must go to court, I will. If I have to bring forth a team
17 of lawyers to expend, suppress and dismiss this case piece
18 by piece, I will. I can only stand by the reason I went
19 in to speak with the investigator, the reason I've then
20 spoken with you and the reason that I have faith in the
21 resolution of this case. I am innocent of these crimes
22 and my heart has told me to cooperate every step of the
23 way. I am rejecting this plea bargain. I really need
24 your guidance here. He must either make a better offer
25 and allow me to undertake PTI for receiving stolen property

1 or we will escalate this to a trial by jury and drag this
2 case through veterans affairs. I must also reiterate the
3 fact that they have no forensics, no witnesses and only
4 irrelevant circumstantial evidence to stand on. The time
5 window of events is the only implication of guilt, but that
6 is only an unfortunate implication, not a conclusive fact.
7 Please contact me as soon as possible with your thoughts.
8 Best regards.

9 Q. Okay. So based on this e-mail, what did you do?

10 A. I said well, we need to get ready for trial.

11 Q. And did you start preparing for trial?

12 A. I think Mr. Scowcroft, you know, told me he wasn't --
13 he wanted to go hire a private lawyer. I don't know, you
14 know, if he didn't have any faith in my abilities. I don't
15 know. That would be his decision, but he ultimately said
16 I want to hire a private lawyer.

17 Q. Do you recall if -- after this e-mail, do you recall
18 if you ever reached back out with the solicitor and tried
19 one more time to get a better offer?

20 A. I did. I mean, I kept trying.

21 If you'd bear with me.

22 So I've got a note November 22, 2016, where I
23 talked to Mr. Scowcroft and then I called Allen
24 Fretwell, the solicitor. Allen said not qualifying
25 for veterans court. This is not somebody -- I think

- 1 it's to recommend -- I wrote down liar, manipulator.
2 I believe that that's what Allen thought of
3 Mr. Scowcroft. I've listened to him spin his craft.
4 I believe what Allen, you know, said. He probably
5 listened to jail calls. I don't know. I'm just
6 taking notes. And then I called Mr. Scowcroft back
7 and told him all of that and I just -- you know, I do
8 -- I said, you know, I need witnesses, you know, and
9 this Britain Donahue was the roommate that he, you
10 know, said set him up and so I said well, we need to
11 -- you know, I need to track him down or, you know,
12 start investigating him, and I've got not gonna
13 happen. I just didn't get the feeling that he was
14 enthusiastic about having me as his trial counsel and
15 maybe I'm just -- you know, he sensed that I was not
16 -- I don't want to say I didn't believe in him. I --
17 you know, that's not my job, but it's like there were
18 issues with -- there were problems with his case and I
19 kept confronting him, you know, indirectly, maybe I
20 should have been more direct, but indirectly about
21 these problems with his case.
- 22 Q. Just on that note, Britain Donahue is the roommate who
23 eventually at trial you had blamed this on, correct?
- 24 A. Yes.
- 25 Q. And he told the same thing to you? He blamed it on

1 the roommate, too?

2 A. He said that Britain set him up was his theory of the
3 defense -- or of the case.

4 Q. Okay. And so Mr. Scowcroft eventually retained Randy
5 Chambers and can you just tell what happened there? Did
6 you speak with Randy about the case at all?

7 A. I may have spoken with Randy maybe like in passing.
8 I gave Randy I believe everything I had, like all of the
9 discovery and the forensics, I believe, but I don't think
10 I -- you know, we talked extensively about this case.

11 Q. Are you familiar with Mr. Chambers's work as an
12 attorney?

13 A. Absolutely.

14 Q. How would you describe his competence as an attorney?

15 A. If I was faced -- if I needed somebody to represent
16 me at a -- you know, in a trial and I was facing criminal
17 charges --

18 MS. HENRY: Your Honor, objection. I mean, I
19 feel like she's vouching for somebody else who's about
20 to testify in this hearing for competency. She hasn't
21 been qualified as an expert, none of that.

22 THE COURT: I'm gonna let her say what she's
23 gonna say. I mean, it's just me here.

24 THE WITNESS: I would have hired Randy Chambers
25 to represent at a -- you know, in a trial. He's --

1 he's the best trial lawyer around.

2 BY MR. EDWARDS:

3 Q. Okay. So Mr. Scowcroft does go to trial, gets
4 convicted and he gets a 15-year sentence, which is the
5 mandatory minimum.

6 I'm gonna show you another -- can you tell me if
7 you recognize this and where it came from?

8 MR. EDWARDS: It's premarked as State's 2.

9 THE WITNESS: So this was a letter that
10 Mr. Scowcroft wrote to my boss, the Thirteenth Circuit
11 Public Defender, John Mauldin, and it was placed in
12 my file, but it's postmarked August 31, 2017. But
13 it's a letter that he wrote to Mr. Mauldin.

14 BY MR. EDWARDS:

15 Q. And that's from your file?

16 A. Yes, that's in my file. It went in my file.

17 Q. Okay.

18 MR. EDWARDS: I'd offer this as State's 2.

19 MS. HENRY: No objection.

20 THE COURT: All right. State's 2 is admitted.

21 (State's Exhibit No. 2, a letter, was admitted
22 into evidence.)

23 BY MR. EDWARDS:

24 Q. And I don't think you need to read the whole thing
25 unless Ms. Henry would like you to, but can you just start

1 reading maybe the first two or three sentences of that
2 letter, please.

3 A. Mr. John Mauldin. Hello, my name is Christian --
4 MS. HENRY: Your Honor, I -- I apologize,
5 Ms. Johnson.

6 Your Honor, can I see that one more time? I just
7 want to have my client look at it and verify that he
8 wrote it.

9 THE COURT: Sure.

10 BY MR. EDWARDS:

11 Q. Is that signed by Christian Scowcroft?

12 A. It is.

13 Q. Can you just read the first two or three sentences of
14 that, please.

15 A. Hello. My name is Christian Arenson Scowcroft. I'm
16 writing you in hopes this letter is finding you in generous
17 spirits for I've found myself in dire circumstances and
18 need all of the assistance I can get. First of all, please
19 thank Ms. Teal Johnson for me for all her guidance and
20 wisdom and tell her that I wish I had listened.

21 Q. That's enough.

22 So is that basically the extent of your
23 involvement in this case?

24 A. (Nods head.)

25 Q. Is there anything that the Court should know that we

1 didn't talk about?

2 A. No. No, that's it.

3 MR. EDWARDS: Thank you. I have no further
4 questions.

5 MS. HENRY: Your Honor?

6 THE COURT: Yes, ma'am.

7 MS. HENRY: All right. Thank you.

8 CROSS-EXAMINATION

9 BY MS. HENRY:

10 Q. Good morning, Ms. Johnson. Or good afternoon.

11 All right. I've just got a couple of follow-ups
12 from your testimony a minute ago that I just want to
13 clarify.

14 So your testimony was that you kind of wish you
15 would have been more direct or less indirect with him
16 about his chances with the evidence against him when
17 you guys discussed the plea offer?

18 A. Well, I don't know when we discussed the plea offer.
19 I think early on, you know, when I don't have discovery
20 and, you know, the client wants to tell me his version of
21 things, which is -- you know, you're not supposed to go
22 over really anything until you see, you know, the incident
23 report, but I know that I was listening to Mr. Scowcroft
24 telling me his side of things and I did not have the
25 discovery, but I wish I had been more, you know, forceful.

1 Yeah, I wish I would have said we're not doing anything
2 until we see all the discovery. We're not in a position
3 to, you know, accurately assess this offer, but after --
4 you know, after I saw the discovery it's pretty clear.

5 Q. Okay. All right. And then was it also your testimony
6 that -- I'm just thinking about the way to put this. So at
7 any point in time did you see this as a weak case against
8 Mr. -- I guess the defendant, against Mr. Scowcroft?

9 A. No, I did not. I saw a timeline that I did not think
10 he could -- he was gonna have to answer to that timeline
11 and it's not like, you know, two days later, two weeks
12 later he's got the stolen goods, it's literally -- it could
13 be two hours. Best case scenario could be seven hours the
14 same day. His story was that his roommate told him he
15 could sell these guns and the roommate had been out of the
16 house is my understanding. I didn't know how that -- how
17 we were gonna explain that.

18 Q. All right. So it's also your testimony that the weak
19 and circumstantial came from Mr. Scowcroft and not from
20 you?

21 A. I probably said circumstantial, but I definitely
22 wouldn't have said weak, you know, after -- after looking
23 at the timeline.

24 Q. Okay. All right.

25 MS. HENRY: Your Honor, may I approach with

1 Plaintiff's Exhibit 3?

2 BY MS. HENRY:

3 Q. All right. Ms. Johnson, I'm just gonna ask you to
4 take a look at it. Can you tell us what it is?

5 A. Yes, and that is -- that's an e-mail that -- you're
6 right. I am looking at an e-mail from me that I wrote to
7 Allen Fretwell and I said I know it's a lot to ask, but
8 it may be a weak case except guns were allegedly taken.

9 Again, I'm relying on Mr. Scowcroft telling me
10 this. I didn't look at the discovery completely until
11 after I wrote this, which was -- I told you was like
12 at the end of October. I'm relying on Christian
13 telling me his version of things, okay?

14 Q. Okay.

15 A. Yeah, and --

16 MS. HENRY: And let me just ask that this be
17 admitted, Plaintiff's Exhibit 3.

18 THE COURT: Yes.

19 MR. EDWARDS: No objection.

20 THE COURT: Plaintiff's 3 is admitted.

21 (Plaintiff's/Applicant's Exhibit No. 3, e-mail
22 correspondence, is admitted into evidence.)

23 BY MS. HENRY:

24 Q. I apologize. I know you know the drill.

25 A. No, no, no. That's fine.

1 Q. Okay. So --

2 A. You know, I've got to go to Allen and say I don't
3 know about this case, it may be weak, and I'm thinking
4 okay, it's not a nighttime home invasion burglary --

5 Q. Right.

6 A. -- but it's still a burglary first, and I, you know,
7 made that absolutely clear to Christian. But, no. Again,
8 I wrote that e-mail before I looked at this, and that's
9 just me trying to, you know, get ahead of -- get out in
10 front of this case trying to get him the best offer I can,
11 a pie in the sky offer, you know. A burglary first, me
12 still asking for PTI, but, again, I've got a client who
13 graduated from the Citadel, is a -- has a decorated
14 military career and maybe the solicitor's willing to take
15 a chance on him, but I do -- I said may be a weak case. I
16 did not say this is a weak case. I said may be, you know,
17 because I had not assessed it.

18 Q. Okay. And that was in your communication with Allen
19 Fretwell, the solicitor in this case?

20 A. That's correct.

21 Q. Okay. And this was also you said a reflection of your
22 conversations with Mr. Scowcroft?

23 A. Correct.

24 Q. Which is why you -- why you said that to Mr. Fretwell?

25 A. Correct.

1 Q. Okay. So weak and circumstantial, it's not outrageous
2 for us to say that that was part of your conversation with
3 Christian?

4 A. I've got a client who's begging me, who's telling me
5 I cannot have a conviction, okay? That's what I was
6 listening to over and over and over. You know, I don't
7 even think we had discussed the fifteen to life situation
8 yet. I know that I, you know, stressed that to him until
9 I was blue in the face, but I've got this client who wants
10 to keep a clean record and that is his, you know, main
11 concern at this point and I should have, you know, said no,
12 this is crazy, we need to -- you know, you're gonna go --
13 you're looking at fifteen to life.

14 Q. Ms. Johnson, do you have any e-mails or any
15 communications with Christian where you say you're going
16 down? Like this is not happening. This is not weak and
17 circumstantial, this is -- this is crazy. You're going to
18 prison. You've got to take this offer, you're dead in the
19 water?

20 A. I don't like to put that kind of conversation in an
21 e-mail, okay, but I did say when I gave him the offer
22 letter --

23 Q. Take your time.

24 A. Can I see one of those exhibits? Exhibit 2. I
25 said Mr. Scowcroft, I've not made any progress with the

1 solicitor. He advised me that his offer's to plead to
2 grand larceny and a reduction to burg second from burglary
3 first for probation and restitution. I'm attaching his
4 formal offer, okay? So by -- up to then, up to that point,
5 we were just kind of negotiating, nothing official.

6 You have a tough decision to make. Do you want
7 to go to trial and risk a minimum of 15 years in
8 prison if convicted or do you take a plea, which is
9 also a felony conviction, and certainly has lifelong
10 implications? Do not contact the solicitor. I should
11 be in the office tomorrow afternoon if you want to
12 discuss.

13 Q. I'm definitely hearing a lot of good information and
14 not -- and not a lot of analysis in that one. Do you have
15 anything in there telling him hey, man, you've got to do
16 this?

17 A. I can't twist somebody's arm, but I remember
18 explicitly in this case, okay, I said -- I kept focussing
19 on the timeline. He kept saying he was in -- at his
20 lake house. I said -- and there was some gas receipt,
21 okay? I said give me the gas receipt or tell me where to
22 look so I can put an investigator. That never happened.
23 There were potential witnesses. I never got those names,
24 contacts. I feel like there was always like issues like
25 or excuses, you know? I can't go find people out of thin

1 air. I can't put an investigator to go down to every gas
2 station from here to sunset. You know, I've got to -- help
3 me help you is what I tell the client, and I feel like I
4 didn't get that. But I absolutely said I'm afraid of this
5 timeline. If you weren't there, get me the receipts from
6 where you got gas. Give me the names of the witnesses that
7 you were with if you were not there and, you know, I've got
8 to have a start. I didn't get that information.

9 Q. Okay.

10 MS. HENRY: Your Honor and Ms. Johnson, just give
11 me one second.

12 THE COURT: All right.

13 MS. HENRY: All right. I don't have any more
14 questions.

15 Thank you, Ms. Johnson.

16 THE COURT: Any redirect?

17 MR. EDWARDS: I have one.

18 REDIRECT EXAMINATION

19 BY MR. EDWARDS:

20 Q. This probably goes without saying and it's probably
21 not worth asking, but here we are. So the e-mail to Allen
22 Fretwell, the solicitor, where, you know, you were asking
23 -- doing your best to get a good offer on what may be a
24 weak case, would you maybe talk differently to a solicitor
25 that you're trying to work with and get a deal from than

1 the client you're representing when you're talking about
2 the facts of the case?

3 A. Absolutely. You know, like I may characterize it
4 one way to one person and, you know, have a different
5 characterization with somebody else.

6 Q. And you did ultimately get a really, really good plea
7 offer in this case, correct?

8 A. I did. It wasn't good enough for Mr. Scowcroft, but,
9 you know, I definitely encouraged him to strongly consider
10 that offer.

11 MR. EDWARDS: Okay. Thank you.

12 THE COURT: You may step down.

13 (Witness excused.)

14 THE COURT: Yes, sir, Mr. Edwards.

15 MR. EDWARDS: The State's next witness is Randy
16 Chambers, Your Honor.

17 (Whereupon, Randall Lee Chambers was duly sworn
18 by the Clerk of Court.)

19 THE CLERK: Thank you. You may be seated and
20 please state your full name for the record.

21 THE WITNESS: My name is Randall Lee Chambers.

22 RANDALL LEE CHAMBERS,

23 having been duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. EDWARDS:

1 Q. Mr. Chambers, how are you?

2 A. I'm doing well. I hope you are.

3 Q. Thank you. How long have you been practicing law?

4 A. I've been practicing law for about thirty-six years.

5 Q. And what is your primary area of practice?

6 A. I'm trying to dabble in a few things, but I've always
7 been involved in criminal practice, primarily criminal
8 defense. Criminal defense primarily since 1998 and before
9 that when I was in the Navy JAG corps I had a 6-year period
10 as a prosecutor, but I've been involved in criminal law the
11 entire thirty-six years.

12 Q. Okay. Can you tell the Court how you became involved
13 in this case.

14 A. My recollection is that Christian came to see me. I
15 believe that either he or his parents had been referred to
16 me. In fact, his mother told me today they were referred
17 me to by Judge Kelly, Keith Kelly. I don't know if he was
18 a judge at the time, but Keith Kelly had told them to give
19 me a call and he came into the office to meet with me, you
20 know, for a client consultation.

21 Q. Okay. And how did that conversation go?

22 A. When Christian and I met, he said that he was
23 currently being represented by Teal Johnson at the public
24 defender's office and that Teal had been trying to get him
25 to plead guilty to this burglary second, the offer that was

1 on the table, that -- that he was not guilty, didn't intend
2 to plead guilty and that he wanted to go to trial, and that
3 was the reason he was there to see me. And I remember that
4 I told him that I knew Teal to be a very good lawyer and
5 that if she was telling him to plead guilty that that was
6 probably something that he needed to consider and he said
7 -- he reiterated to me that he was -- he was not guilty,
8 that he had no intentions of pleading guilty and that he
9 was hiring me to take the case to trial. And I indicated
10 to him that if he was, you know, determined to go to trial
11 and he wanted me to be the person that represented him,
12 I would let him retain me, and we did a substitution of
13 counsel and I overtook the case.

14 Q. Okay. Do you recall when that was?

15 A. I mean, I couldn't tell you the precise date, but it
16 was -- it was, you know, within that timeframe that Teal
17 went over when she was on the -- on the witness stand.
18 Unfortunately, I recently closed my practice down and I had
19 all the files stored in my office and I moved everything
20 over to a storage unit and I wasn't -- I honestly wasn't
21 able to find this file when I went looking for it, so I
22 never got a chance to -- well, it looks like Sarah may have
23 my file.

24 MS. HENRY: I have your file right here. I am
25 very sorry. I feel like I may have --

1 THE WITNESS: There should be a retainer
2 agreement in there that would say exactly when --

3 MS. HENRY: -- I may have been in possession of
4 this.

5 THE WITNESS: I'm not sure how you got that file.

6 MS. HENRY: I'm often puzzled. Normally they
7 don't give me the real thing. They just give me
8 copies.

9 THE WITNESS: It looks like -- it looks like the
10 retainer agreement was signed on March 20th of 2017.

11 BY MR. EDWARDS:

12 Q. March 20th. And did you -- when did you first view
13 the evidence? Was it close in time to that or --

14 A. I mean, it was sometime after that. I don't remember
15 the exact date, but I eventually got everything. I think
16 that -- that Teal gave me everything that they had at the
17 public defender's office and I think that was supplemented
18 later by the solicitor's office.

19 Q. And what was your impression of the case?

20 A. Well, once I got the evidence and was able to go
21 through it, I understood why Teal had encouraged him to
22 plead guilty. I mean, it was a circumstantial case, but
23 it was a very strong case. I mean, there certainly wasn't
24 any eyewitness that saw him go into the house other than
25 someone who said they saw a red car as I recall. I don't

1 remember there being any forensic evidence that indicated
2 that he was in the house; if there were fingerprints or
3 anything like that. I also recollect that Christian had
4 some sort of relationship with the person whose house was
5 broken into, so that would have been easily explainable.
6 I think as she indicated the most -- the thing that was
7 the most damaging was he had this relationship, and I
8 don't recall what it was, with the person whose house was
9 burglarized and he did go sell -- try to sell or sold that
10 gun at a pawn shop in very close proximity in time to when
11 the burglary occurred.

12 Q. And I think I recall from the transcript there was
13 some pretty strong motive evidence that the person whose
14 house was burglarized was -- maybe in some way contributed
15 to Mr. Scowcroft being fired from AT&T?

16 A. I believe that's the case, yes.

17 Q. Okay. So the allegation here, it's Number 11 on
18 the amended application, Christian Scowcroft alleges that
19 you failed to relay an offer of probation extended on
20 March 29, 2017, never told him about it. Is that true?

21 A. That is not true. We had -- we had several
22 discussions about him pleading guilty because I had
23 talked to Allen Fretwell much the same as Teal described
24 and said hey, I've got this case, you know, this is --
25 this is a fella with a military record, he graduated

1 from the Citadel, he is an aspiring engineer, he has no
2 criminal record. I mean, this is a complete anomaly.
3 This is not somebody that you would ever expect to be
4 in this position, is there anything that we can do, and
5 Allen indicated that hey, the best I'm going to do is
6 what I've already offered and he said that offer was
7 still open, we could have taken that offer, and I implored
8 Christian to take it because -- and I told him, I said --
9 and he -- he said, first of all, I'm not guilty, I cannot
10 have a felony record, and he said I really don't believe
11 that when a jury hears this case that they're going to
12 convict me. He goes they're going to see the kind of
13 person that I am, my background and my education, and
14 they're going to know that I'm not the kind of person
15 that would do something like this. And he was -- he was
16 supremely confident. Much more so than I was. Listen,
17 I've tried a lot of cases and I've gotten pretty good
18 results over the years, but I've also lost a lot of cases
19 too because I try a lot of them and I knew what the
20 downside was and I, you know -- and I indicated listen --
21 I'm sure that at some point I told him this is a tough
22 case; if anybody can win it, I can win it, but I don't
23 know that it can be won and if you lose the minimum you're
24 gonna get is fifteen years.

25 Q. That's the next thing I want to ask you about. Did

1 you tell him he could get less than fifteen years?

2 A. I've never told him he could get less than fifteen
3 years. Listen, I've been practicing law in South Carolina
4 for a very long time, since 1992. That's always been the
5 sentence range. You cannot get any less than that and I
6 gave him no expectation he would get any less than that.
7 And, moreover, that he would have to serve 85 percent of
8 the fifteen years. He was just very confident that he was
9 not going to get that.

10 Now they may point to the fact that when -- after
11 the trial when he -- when he was found guilty I asked
12 Judge Gravely if there's anything you can do to not
13 give him the fifteen years, that was just my last
14 ditch effort, and I did point out to him there's no
15 kind of precedent or case law or anything like that,
16 but back in the nineties when I was in the solicitor's
17 office here in Greenville we had Judge Rodney Peeples
18 as our chief administrative judge for a 6-month
19 period. Most of you-all are too young to have had
20 any dealings with Judge Peeples, but Judge Peeples is
21 -- had quite the reputation as somebody that ran a
22 courtroom basically the way he wanted to run it and I
23 had prosecuted this fella for a burglary first, we had
24 convicted him, and it was really a case where honestly
25 I tried to -- I had tried to get the defense counsel

1 -- or the defendant in that case to take a burglary
2 second for probation, and he had turned it down. And
3 I think Judge Peeples -- and this is strange for Judge
4 Peeples, he normally maxed people out, but I think he
5 had some issues with the case and he suspended the
6 fifteen years. I didn't question it. As a
7 prosecutor, I didn't think it was proper, but I also
8 thought that it was fair. That's the only time that
9 I've ever seen that done and I mentioned that to Judge
10 Gravely with no real expectation that he was going to
11 do it, but I just -- I threw that out there. But I
12 never told Christian that he would get anything less
13 than fifteen years because there's no way he could
14 have gotten less than fifteen years.

15 Q. And was your thinking essentially it doesn't hurt to
16 ask?

17 A. It doesn't hurt to ask. Because, listen, the other
18 thing is I do know that Judge Gravely had some concern.
19 He didn't really want to have to sentence -- because,
20 again, he didn't have any record. You know, he was a
21 sterling -- he was an exemplary young man in every way
22 except for the fact that there he was now convicted of
23 this -- charged with and eventually convicted of burglary
24 first and I don't think he wanted to have to give him that
25 much time.

1 Q. And so that leads me into the next allegation, which
2 is an incomplete burglary first jury charge. It seems like
3 everybody in this case from the transcript that I've read
4 and the testimony here today, everybody agreed that this
5 was a burg first because there was a gun involved.

6 A. That's right.

7 Q. And was that your understanding of the law at the time
8 this case was tried?

9 A. That was my understanding of the law.

10 Q. Is that still your understanding of the law?

11 A. That is still my understanding of the law.

12 Q. Now can you shed some light on what happened? Was
13 there any sort of discussion at the charge conference
14 behind closed doors or anything like that about burglary
15 second?

16 A. I'm sure -- and, again, I don't have a specific
17 recollection or any notes or anything like that, but I'm
18 sure that I probably threw burglary second out there and
19 it -- and it was shot down, but I can't give you any
20 specifics on that. I know -- you know, yeah, I may have
21 thrown it out there, but the judge -- if I did, the judge
22 rejected it, and I'm not surprised by that. I mean, there
23 was really -- there was really no evidence that would --
24 that would have supported a charge of burglary second in
25 this case.

1 Q. Okay. When Mr. Scowcroft was testifying, he -- he
2 kind of gave a different theory of the jury charge issue
3 and I think one of the allegations is that the charge was
4 incomplete in that the entire burg first statute was not
5 read out and so burg first as we all know is not just armed
6 while committing a burglary, there are other factors that
7 could apply depending on the facts, correct?

8 A. That's correct.

9 Q. Now did any of those other theories of burg first
10 apply in this case?

11 A. They did not.

12 Q. Did you ever consider asking the Court to charge these
13 irrelevant parts of the statute?

14 A. I didn't.

15 Q. And would you think that would be a good idea?

16 A. Well, I didn't think it would be a good idea at the
17 time, but, again, I always leave open the option that I
18 may have made a mistake and if I made a mistake and did
19 something improper as far as the instruction goes, then
20 I have no problem with the Court finding that I made a
21 mistake, but at the time I didn't think there was anything
22 objectionable about the charge that Judge Gravely gave, but
23 I also leave open the option that I could be -- I could
24 have been wrong and perhaps he deserves some sort of relief
25 on a mistake that I may have made, but I don't think I made

1 one at that time.

2 Q. Do you ever recall making that -- giving any thought
3 to ask for that?

4 A. No. I mean, I certainly would have objected. I've
5 objected to jury charges plenty of times and I would have
6 objected if I thought that it was an improper charge. But,
7 again, I've been wrong. I'm not always right.

8 Q. And Mr. Scowcroft didn't ask you to do that or
9 anything?

10 A. Well, he didn't, but I wouldn't expect that.

11 Q. Right.

12 A. I mean, I don't expect him to know the law. He relies
13 on me for that.

14 Q. So as the trial goes on, there was some talk about a
15 subsequent plea offer?

16 A. I had forgotten that until it came up in earlier
17 testimony, but, yeah, I recollect that going into the -- I
18 think it was the second day of trial we had gone back and I
19 honestly think if I -- and, again, I may be getting this
20 wrong, but I think it was with some encouragement from the
21 judge that the solicitor had made a new offer. This time
22 offering burglary second and eight years.

23 Q. Which was nonviolent?

24 A. That's correct.

25 Q. Parole eligible?

1 A. Correct.

2 Q. Did Mr. Scowcroft seriously consider that?

3 A. I don't recall that he did, no. Again, he -- he
4 never wavered in his belief that he was gonna be found
5 not guilty.

6 Q. Okay.

7 MR. EDWARDS: I think that's all of the questions
8 I have, Your Honor.

9 THE COURT: All right.

10 MS. HENRY: Your Honor, if you could just give me
11 one second.

12 THE COURT: Sure.

13 CROSS-EXAMINATION

14 BY MS. HENRY:

15 Q. Good afternoon, Mr. Chambers.

16 A. Good afternoon.

17 Q. All right. Well, you've answered a lot of my
18 questions, and I really appreciate that. I do have a
19 couple of more though. So I didn't see any charge
20 conference or any discussion on the record. Do you know
21 why that would be? Like did you-all do this in chambers;
22 do you remember?

23 A. I'm pretty sure we did it in chambers.

24 Q. Okay. And why did you guys -- why didn't you guys
25 come back out and put the charge conference on the record?

1 A. I don't know. I think that I was just happy with the
2 charges the judge indicated that he was gonna give, so I
3 didn't see any reason to ask for it and I guess Judge
4 Gravely just didn't do it for whatever reason, but I don't
5 know.

6 Q. And like you said before, you've objected to a lot
7 of jury charges and had a lot of complaints about that
8 before. Is that often because it's an important appellate
9 issue?

10 A. That's correct. And because I think, you know, I
11 disagree with the charge the judge is giving. More often
12 than not, it comes down to a charge that I want the judge
13 to give that he declines to give. That's been the case
14 more often than not, but I've had some times where I've
15 objected to the charge that the judge has decided to give.

16 Q. And you indicated earlier that you're pretty confident
17 given the facts of the case that you at least would have
18 thrown out the burglary second jury charge during the
19 charge conference?

20 A. I'm sure I probably tried to get it, but I wasn't
21 surprised that the judge wouldn't charge it because I
22 really don't think that there was evidence in the case to
23 support a charge for burglary second because it involved
24 a gun.

25 Q. Okay. What's your understanding of the difference

1 between burglary second and burglary first?

2 A. Well, I mean, burglary first is the burglary of a
3 dwelling either at night, you know, when it's dark outside
4 or when it involves a firearm or when it involves two or
5 more convictions, I believe, for burglary. Burglary second
6 can either be the nighttime -- can either be the daytime
7 burglary of a dwelling that doesn't involve a firearm or
8 it can be the nighttime burglary of a building.

9 Q. Okay. And then as part of the -- as part of the
10 burglary first charge, and this is page 350 of the
11 transcript, the judge read that the deadly weapon effecting
12 entry or while in the dwelling or in the immediate flight
13 thereof such that the weapon is readily available for the
14 person to use.

15 Now that last portion of the jury charge is not
16 something that you argued. Part of Christian's
17 testimony or part of the testimony here was that the
18 -- at least from the victim in this case was that the
19 weapons were wrapped up or they were encased when they
20 were taken. Is that something that you considered
21 arguing or asking for an additional jury charge on or
22 that you would have thought would have used or thrown
23 out as part of your request for a burglary second?

24 A. I did not and perhaps I should have.

25 Q. Okay. Do you remember whether or not you submitted

1 any requested jury charges?

2 A. I don't believe that I did.

3 Q. Okay. All right. And then, Mr. Chambers, give me
4 just one second, okay, because I don't want to drag you
5 out with the discussion. I just want to make sure I've
6 asked everything I've planned to.

7 As part of the burglary first charge, I think if
8 there are other existing extenuating circumstances or
9 aggravating circumstances, including taking a gun, I
10 think that violence, like you say it being at
11 nighttime, other things like that are exacerbating
12 circumstances that are all part of the statute, and I
13 don't think that any of those were read out as part of
14 the charge. One of the reasons I'm asking you about
15 whether or not you objected to the Court not reading
16 the full charge is because I wondered whether or not
17 you felt like reading the full charge would have given
18 the jury a much better idea of what burglary first was
19 supposed to accomplish as opposed to just relegating
20 it to gun possession. You know, is it gun possession
21 for the purpose of violence, is it also kidnapping, is
22 it -- do you see what I'm getting at?

23 A. I do. I really don't -- I don't know what my thought
24 process was. The thing was is that the defense all along
25 would have centered around essentially pointing the finger

1 at the roommate. That was what Christian had told me he
2 thought had happened, that his roommate had basically set
3 him up, that his roommate had committed the burglary, and
4 that was the thrust of my defense. I mean, I can always go
5 back -- especially when I lose and look and see what I
6 could have done differently, should have done differently,
7 and perhaps I should have looked closer at that statute and
8 at that charge and at the -- the language that you talked
9 about where the apparent ability to use the weapon, maybe
10 I should have focussed on that some more and, you know, I
11 don't know. I could -- that could very well have been a
12 mistake on my part.

13 Q. Thank you, Mr. Chambers. And I just have one more --
14 a couple more quick questions about the fifteen years.
15 What a strange back and forth. So you heard Christian's
16 testimony?

17 A. Actually I didn't -- I stepped out because I had to
18 make a phone call, so a lot of his testimony I didn't hear.

19 Q. All right. So two parts of his testimony, he
20 testified that you guys talked about the fifteen years
21 when you were preparing for trial initially and his
22 understanding was that, you know, even if he was convicted
23 he could potentially get less than fifteen and he said
24 that was some conversations with you. He also said that
25 you guys discussed getting less than fifteen when the plea

1 offer came up again or when the plea offer for eight years
2 came up on the second day of trial that you guys talked
3 again and you said hey, listen, whatever happens I think,
4 you know, you can still potentially get less than fifteen,
5 and you've testified that didn't happen?

6 A. I can't imagine what I would have said that would
7 have led him to believe that because that's not something
8 that I would have ever told anybody. I'm very familiar
9 with what the sentence range is on a burglary first and
10 that it is a -- fifteen is the minimum. I mean, listen,
11 like I said, this is one of those cases that bothers me.
12 I've got a handful of them that I think about. This young
13 man did not deserve fifteen years in prison. There's just
14 no question about that, but the statute is what it is. I
15 implored him to take the probation, I implored him to take
16 the probation, but he was very confident that he was not
17 going to lose this case and I did everything I could to
18 try and win it for him, but it has bothered me ever since
19 that verdict came in.

20 Q. Okay. And you -- and it's your testimony -- and
21 this is my last question. So it's your testimony too
22 that your request for potentially less than fifteen from
23 the judge during the sentencing was not reflective of the
24 conversations you had with Christian and was really kind
25 of a hail Mary?

1 A. Not at all. I was just throwing that out there. I
2 knew Judge Gravely couldn't do anything like that. I did
3 -- you know, like I said, I had that one example with
4 Judge Peeples and, like I said, if you know Judge Peeples
5 he intended to do really just whatever he wanted to do.
6 I can still remember him sitting back there in chambers
7 smoking and the clerk coming in there and telling him he
8 couldn't smoke in the courthouse and his response was what
9 are you gonna do, arrest me. You know, he did kind of
10 what he wanted to do and I was throwing that out there
11 if -- Judge Gravely, please, if there's anything you can
12 do here don't give this young man fifteen years, but I
13 knew Judge Gravely was gonna have to do that and I knew
14 Judge Gravely didn't really want to because we'd had
15 conversations. The reason -- I'm pretty sure that the
16 reason the 8-year offer came into play was because he
17 really didn't like the prospect of having to sentence this
18 young man to fifteen years.

19 MS. HENRY: I don't have any other questions. I
20 appreciate it, Mr. Chambers.

21 THE COURT: Any redirect?

22 MR. EDWARDS: No, Your Honor.

23 THE COURT: All right. Mr. Chambers, thank you.
24 You may step down.

25 (Witness excused.)

1 MR. EDWARDS: I have no further witnesses, Your
2 Honor.

3 THE COURT: All right. Your next witness.

4 MR. EDWARDS: I'm done, Your Honor.

5 THE COURT: All right.

6 MS. HENRY: And, Your Honor, just briefly I'm
7 just gonna let you know what case law we relied on for
8 this.

9 THE COURT: Yes.

10 MS. HENRY: On the 15-year mandatory minimum,
11 we're relying on Pittman v. State. That's 337 S.C.
12 597. Dover v. State, 304 S.C. 433. Carter v. State,
13 329 S.C. 355.

14 Let's see.

15 THE COURT: What was that first one? I'm sorry.

16 MS. HENRY: Oh, no, that's okay. I was moving
17 fast. Pittman v. State, 337 S.C. 597. And then --
18 yes.

19 Okay. And then on the re-extension of the plea
20 offer to Mr. Chambers, again, based on my client's
21 testimony, we're relying on Davie v. State. That's
22 381 S.C. 601. And defense counsel allowing an offer
23 to expire, that's Missouri v. Frye, 132 South Carolina
24 -- Supreme Court 1399. It's ineffective assistance of
25 counsel -- it's ineffective assistance of counsel to

1 call for the rejection of a plea offer leading to a
2 trial a more severe sentence. The Supreme Court has
3 held the remedy is to order the State to reopen that
4 plea agreement and/or retry the case. Lafler v.
5 Cooper, 132 U.S. Supreme Court 1376.

6 And then on the plea -- the plea offer to
7 Applicant through Ms. Johnson, reliance on counsel's
8 incorrect assessment, again, that's the same case law.
9 That's Lafler v. Cooper. And then Cole v. State,
10 383 S.C. 578.

11 And then finally on the burglary first incomplete
12 jury charge on Mr. Chambers in failing to put the
13 charge conference on the record for appeal, as well
14 as, finally, to argue that the jury charge, you know,
15 requires a gun to be assessable in order for it to
16 qualify as a burg first and failing to request a
17 burglary second on the record. He indicated he asked
18 for it, but it was not on the record and it wasn't
19 available for appeal. We're relying on Cohens,
20 C-O-H-E-N-S, v. Atkins, and that's 1998. And State v.
21 Atkins, and I'm so sorry, I did not put down the whole
22 -- okay. And that's it for our side.

23 Thank you, Your Honor.

24 THE COURT: Thank you.

25 Yes, sir.

1 MR. EDWARDS: Thank you, Your Honor.

2 You can probably guess what my argument is
3 gonna be, and I don't say this to be insulting, but
4 Mr. Scowcroft does not have any credibility. The
5 two witnesses that testified for the State are very
6 credible and testified -- they could not be more
7 opposite of what Mr. Scowcroft testified to.
8 Throughout this trial, throughout this whole process,
9 Mr. Scowcroft has shown repeatedly that he does not
10 tell the truth, and I would rely on the testimony
11 today, but also the trial transcript of this case, the
12 interview that he gave to law enforcement, which is
13 down the hall, State's Exhibit 20 introduced at trial.
14 I went and spoke with the clerk's office. That is
15 available if Your Honor would like to view it. I
16 can also get you a copy if you would like. It's a
17 statement to police and he lies in the statement to
18 police. He even lied to the people at the pawn shop
19 about where he got the gun. He told two different
20 stories in the span of a couple minutes to the people
21 at the pawn shop about where the gun came from. He's
22 just not a credible witness and so for all of the
23 allegations that are involving his conversations with
24 his lawyers and what they told him to do we would ask
25 this Court to find he's not credible and find that our

1 witnesses are credible.

2 THE COURT: All right.

3 MR. EDWARDS: Now as to the burglary charge, the
4 main case I want to direct the Court to is State
5 versus McCastle, which is a Court of Appeals case
6 from 1996, 321 S.C. 283, holding pretty unequivocally
7 that when someone burglarizes a home and becomes armed
8 during the robbery or during the burglary that that
9 is a burg first. They cite several cases within
10 there. One is State versus Faille out of the state
11 of Washington that made clear that that is true
12 whether the gun is loaded or unloaded. That has been
13 the law in South Carolina and that's still the law.
14 I appreciate the novel argument.

15 I also appreciate the novel argument as to
16 charging the whole statute. I did not anticipate that
17 argument and it's kind of similar to one that I am
18 arguing, State versus Workman. It's a case I lost at
19 the Court of Appeals, but I'm arguing at the Supreme
20 Court next week about when the trial judge has a duty
21 to charge the entire statute and when they don't and
22 whether that's prejudicial, so I would direct the
23 Court to that. That's a direct appeal and in PCR the
24 analysis is different because in PCR a judge is not
25 required to raise novel arguments, and I have the cite

1 for you on that one, too.

2 United States versus Morris, 917 F.3d 818. It
3 says a lawyer does not perform deficiently by failing
4 to raise novel arguments that are unsupported by then
5 existing precedent.

6 So that's basically my argument on that. Again,
7 these are all strategic decisions. They're entitled
8 to extreme deference from this Court and so we -- I
9 submit that Mr. Scowcroft has failed to meet his
10 burden to prove deficiency or prejudice in this case.

11 THE COURT: Thank you, Mr. Edwards.

12 MR. EDWARDS: Thank you.

13 THE COURT: All right. I believe that's the last
14 thing we had this afternoon. I'm gonna take a look at
15 some of these cases that you sent, so I'll hold it
16 under advisement. I'm gonna take it under advisement,
17 but I should have something for you-all by the end of
18 the week, all right?

19 MS. HENRY: Thank you so much.

20 MR. EDWARDS: Thank you.

21 (Whereupon, the proceedings were concluded at
22 5:17 PM.)

23

24

25

C E R T I F I C A T E

I, Stacy S. Johnson, Official Court Reporter
for the Eleventh Judicial Circuit of the State of
South Carolina, do hereby certify that the foregoing
is a true, accurate and complete transcript of record
of all the proceedings had and the evidence introduced
in the hearing of the captioned case in Circuit Court
on the 13th day of May, 2024.

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

December 22, 2025

/s/ Stacy S. Johnson
STACY S. JOHNSON, RPR
CIRCUIT COURT REPORTER

State of South Carolina
Solicitor, Thirteenth Judicial Circuit

Telephone: 864-467-8647
Telefax: 864-467-8610



Greenville County Courthouse
305 E. North Street, Suite 325
Greenville, SC 29601-2185

Solicitor
W. Walter Wilkins

11/10/2016

13th Circuit Public Defender

TEAL JOHNSON
305 EAST NORTH STREET, STE 123
GREENVILLE, SC 29601

Initials: WJ

RE: Plea Offer for State v. Christian Arenson Scowcroft

Dear Teal Johnson :

I am willing to make the following proposal to your above-referenced client in order to dispose of these charges by way of a guilty plea:

The Defendant will plead guilty to the following:

Warrant Number: Charge:
2016A2330208101 Grand Larceny

The State will reduce the following:

Warrant Number: Charge:
2016A2330208100 Burglary in the First Degree

Plead to Charge:

to Burglary of a Building in the Second Degree

The State will make the following sentence recommendations/negotiation:

Probation & Restitution

