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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Charleston County
Honorable Deadra L. Jefferson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

NORMAN PHILIP BROWNE,

APPELLANT.

APPELLATE CASE NO. 2024-000872

RECORD ON APPEAL

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State of South Carolina	)	In the Court of Common Pleas
	)	Ninth Judicial Circuit
County of Charleston	)	Case No. 2023-GS-10-02457
	)	Case No. 2023-GS-10-02458
	)	
	)	
	)	
State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Transcript of Record
	)	
	)	
Norman Philip Browne,	)	
	)	
Defendant.	)	
	)	

February 7, 2024
Via WebEx

B E F O R E:

The Honorable Deadra L. Jefferson, Judge

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

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Attorney for the State/Plaintiff

Laree Hensley, Esquire
Attorney for the Defendant

Krystal J. Smith
Official Circuit Court Reporter III

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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
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(No Exhibits Presented)

COURT REPORTER LEGEND

dashes	--	intentional or purposeful interruption
		or change in thought
ellipses	. . .	trailing off
[ph]		phonetically written
[sic]		written as said

1 FEBRUARY 7, 2024

2 (WHEREUPON, the proceedings began at 10:25 a.m. held via
3 WebEx with the Court present in Calhoun County.)

4 THE COURT: This is 2023-GS-10-2457, indicted as --

5 MS. SHEALY: Yes, Your Honor.

6 THE COURT: -- murder, and 2023-GS-10-2458, grand
7 larceny. The State is represented by Jennifer Shealy. The
8 defense is represented by Ms. Hensley.

9 Also present is the defendant, Norman Philip Browne. The
10 purpose of this hearing is to determine if, pursuant to the
11 *Faretta* precedent, the defendant -- well, first, does the
12 defendant want to relieve Ms. Hensley as his lawyer.

13 And just for procedural purposes, Mr. Browne was
14 previously represented by Michael S. O'Neal and, as we know,
15 Mr. O'Neal has met with some unfortunate circumstances and,
16 due to that incapacity, he is no longer representing Mr.
17 Browne, and Ms. Laree Hensley was appointed in his stead to
18 take over that representation.

19 This matter is set for trial the week of March 25th, and
20 --

21 MS. SHEALY: Your Honor?

22 THE COURT: -- Mr. Browne was originally -- I'm sorry?

23 MS. SHEALY: I'm sorry. That date has changed to April
24 15th, Your Honor.

25 THE COURT: To April? It's set for the week of April

1 15th --

2 MS. SHEALY: Yes, Your Honor.

3 THE COURT: -- of 2024. Mr. Browne was originally
4 arrested on 2/10 of '19, which makes this case right at four
5 years old with, of course, Covid being the intervening event.

6 The Court was presented with a motion to proceed *pro se*
7 that was filed January 18th of 2024 and, accompanying that,
8 Ms. Hensley provided a consent order to relieve counsel for
9 the defendant. And I'm assuming she filed -- that being Ms.
10 Hensley filed this motion at the behest of Mr. Browne, where I
11 -- I would have to assume Mr. Browne communicated to Ms.
12 Hensley that he intends to represent himself.

13 THE DEFENDANT: Do you want me to text her again?

14 THE COURT: No, sir. Did she go back out?

15 THE DEFENDANT: I think so.

16 THE COURT: Ms. Hensley, can you hear us?

17 She'll let us know when she's back in, sir, because I
18 think I've already articulated --

19 MS. HENSLEY: Judge, I can hear you intermittently.

20 THE COURT: Okay. So maybe do you need to move to a
21 different spot?

22 Okay. Mr. Browne, is it correct that you've asked the
23 Court to relieve Ms. Hensley as your lawyer?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: Okay. And without compromising anything that

1 would be privileged, would you like to tell me why you intend
2 to relieve her, especially when your trial is imminent?

3 THE DEFENDANT: Yes. It took six months for us to have
4 an in-person meeting and, upon that meeting, she informed me
5 that she works for the State, not for me. And then she has
6 made it very clear that I am not allowed to have witnesses,
7 according to her and the Court. And she will represent the
8 Court and its best interest, not mine. And we have had
9 several correspondence through email on this issue where she
10 said she was going to relieve herself, and I said that was
11 fine.

12 Then she filed this motion, which is why we're here
13 today. She also refused to file four motions that I had
14 helped, you know, pre-prepare her for. All she had to do was
15 verify them all and said that --

16 THE COURT: Yes, sir. She can't do that. We don't have
17 hybrid representation in South Carolina. If you have a
18 lawyer, you don't -- you don't get to prepare legal papers and
19 have a lawyer simply sanction those and file those. We don't.

20 Lawyers have a greater responsibility. They're bound by
21 the good faith provisions and professional responsibility of
22 Rule 11. They can't just sign on to things if they don't
23 think there's a valid legal basis for it or if they don't
24 believe it's in your best interest, even if you think it is in
25 your best interest. So I just give that to you for your

1 edification.

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: Now, as I understand it, do you understand
4 that this case is set for trial on April 15th of 2024?

5 THE DEFENDANT: Yes, ma'am, I am now.

6 THE COURT: Okay. Tell her she -- I need her to move to
7 a different place in that building where she's going to have
8 better reception and to let us know.

9 Bear with us. Ms. Hensley is having difficulty hearing.
10 So I've instructed her to move to a different location in the
11 building that may have better reception so that she's able to
12 hear us.

13 And, sir, while we're waiting on Ms. Hensley to relocate,
14 I need to know if you consent to this hearing being held
15 virtually.

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: And you understand that I am in Calhoun
18 County -- County right now, and I would not return to
19 Charleston until next week, which would delay basically you
20 being able to, you know, move your -- your case ahead?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: And, Ms. Shealy, likewise, the State consents
23 to this hearing being done virtually?

24 MS. SHEALY: I do, Your Honor. Is there a court reporter
25 that's taking down?

1 THE COURT: Absolutely. You know me well enough to know
2 I do nothing without a court reporter.

3 MS. SHEALY: I certainly did believe that. And can you
4 tell me her name just so I'll have that if I need to get a
5 copy?

6 THE COURT: Krystal Smith.

7 MS. SHEALY: Oh, okay. Very good. Thank you.

8 THE COURT: You're welcome.

9 MS. HENSLEY: Judge, I just turned off the Wi-Fi.

10 THE COURT: Say that one more time, Ms. Hensley?

11 MS. HENSLEY: Judge, I'm sorry. I turned off the Wi-Fi
12 attached to this building, and now I can see and hear, but I'm
13 not sure I can turn my video on.

14 THE COURT: That's what I was about to say. Yeah, you
15 might want to rely on your broadband. The problem with Wi-Fi
16 in those buildings is you have all those drop ceilings and all
17 that equipment, and it's just -- it's going to be difficult
18 for you to have a consistent connection. I've already --

19 MS. HENSLEY: I'm afraid if I turn the video on, it will
20 make me lose my connection.

21 THE COURT: That's okay. As long as I can hear you and I
22 -- I know your voice well enough to know that it is you.

23 MS. HENSLEY: Okay. Thank you, Judge.

24 THE COURT: I -- I have gotten Mr. Browne's consent to
25 this matter being held virtually, as well as Ms. Shealy's, and

1 I need to likewise know if you consent to the matter being
2 heard virtually?

3 MS. HENSLEY: Certainly, Your Honor.

4 THE COURT: And I've advised Mr. Browne -- Browne that
5 the reason we're doing this is because I'm in another -- I'm
6 in Calhoun County, and I would not be returning to Charleston,
7 at least for the purposes of having the benefit of a court
8 reporter, until Monday. And so it was in -- especially with
9 an impending trial date to dispose of the matter, it would be
10 beneficial to all involved.

11 And for your benefit, Krystal Smith is the court
12 reporter. She's likewise logged on to WebEx and is recording
13 the proceedings. But even if we didn't have Ms. Smith, these
14 proceedings are recorded, and Court Administration keeps them
15 and they have somebody who transcribes them, a certified
16 reporter who does that.

17 Alrighty. Now, sir, could you please repeat --

18 Did you hear, Ms. Hensley, why he said he wanted to
19 relieve you as counsel or was that a moment when you had gone
20 in and out? Ms. Hensley, can you hear us?

21 (WHEREUPON, there was a pause in the proceedings, after
22 which the proceedings resumed as follows.)

23 THE COURT: Bear with us. We're -- Ms. Hensley lost
24 audio again. So we've asked her to maybe go outside where she
25 can have better reception. Those buildings really aren't

1 designed for the use of cell phones or other devices. So it's
2 her -- her -- her connection is probably going to continually
3 be interrupted until she is able to get a clearer signal. And
4 I appreciate your patience.

5 (WHEREUPON, there was a pause in the proceedings, after
6 which the proceedings resumed as follows.)

7 MS. HENSLEY: I'm back in now, Your Honor, and I can see
8 you.

9 THE COURT: Okay.

10 MS. HENSLEY: I apologize.

11 THE COURT: Can you hear us clearly?

12 MS. HENSLEY: Yes, Your Honor, I can.

13 THE COURT: All right. You can hear us clearly?

14 MS. HENSLEY: Yes, Your Honor, I can.

15 THE COURT: And what I needed to know is, did you hear
16 Mr. Browne's reasons for why he wanted to relieve you as his
17 counsel?

18 MS. HENSLEY: Yes, Your Honor. Just in that regard, I
19 didn't have the discovery before I met with him, and I thought
20 it would be more productive to have that information.

21 And I believe that he misunderstood when he understood
22 that I said I worked for the State. I think probably I was
23 just explaining my contract with Indigent Defense and how I
24 got appointed. I don't now and have never worked for the
25 State and would not have relayed that information.

1 But I do understand that he's -- he expressed to me that
2 he was dissatisfied with my services and did not want to have
3 me represent him, and that is why I prepared the consent
4 order.

5 THE COURT: Okay. Sir, with that explanation, is it
6 still your desire to discharge Ms. Hensley?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: Okay. Is it your desire to represent
9 yourself?

10 THE DEFENDANT: At this point, I am trying to seek
11 different counsel. I am working on that as we speak. And now
12 that I have a court date again, I will be working a little
13 more diligently.

14 THE COURT: So you said -- so are you telling me you do
15 not want to represent yourself or are you telling me you do
16 want to represent yourself?

17 THE DEFENDANT: I do want to represent myself.

18 THE COURT: So when you say you're seeking different
19 counsel, tell me what that means.

20 THE DEFENDANT: I'm trying to put together enough money
21 to be able to afford a lawyer. The problem is, is every --
22 the few lawyers that I've talked to that will even look at the
23 case want more than \$30,000 to get started. And as this has
24 pretty much drained everything I have ever owned, I don't have
25 the 30 grand sitting in my bank account anymore to just pay

1 for it.

2 THE COURT: Uh-huh.

3 THE DEFENDANT: The money that I spent with Mr. O'Neal, I
4 have not gotten any report from or otherwise. So it's been --
5 made this very difficult.

6 THE COURT: Sir, I need to advise you that you have the
7 right to counsel. If you cannot afford counsel, that we will
8 appoint counsel to represent you in those circumstances.

9 I would also advise you that it is not prudent to
10 represent yourself, and that it would be clearly against your
11 interest. Knowing that, do you still wish to discharge Ms.
12 Hensley?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: And are you saying you do not want the Court
15 to appoint counsel for you?

16 THE DEFENDANT: Yes, ma'am. I do not want the Court to
17 appoint a counsel, and Ms. Hensley can be released.

18 THE COURT: Now, I need to know your age, sir.

19 THE DEFENDANT: 49, turn 50 this year.

20 THE COURT: Okay. And how far have you gone in school?
21 What is your educational background?

22 THE DEFENDANT: High school and automotive educationals.

23 THE COURT: And how far have you gone in automotive
24 education?

25 THE DEFENDANT: Gold level in almost every manufacturer.

1 THE COURT: And was that through technical school or
2 through the manufacturer's school? What was that first?

3 THE DEFENDANT: Both.

4 THE COURT: And what technical school did you attend?

5 THE DEFENDANT: They were all put through the dealerships
6 or the independent shops that I worked for.

7 THE COURT: And what brands of vehicles would you say you
8 are a gold level in?

9 THE DEFENDANT: General Motors. Chrysler. Porsche.
10 Ferrari. Lamborghini. Maserati. I am Silver in Ford. I am
11 gold in Kia and Hyundai, of course, and I am about silver in
12 Toyota.

13 THE COURT: And where are you currently employed?

14 THE DEFENDANT: I'm currently employed with J & J Tools.
15 I run a Matco tools truck for a friend of mine.

16 THE COURT: And how long have you been employed in that
17 occupation?

18 THE DEFENDANT: I started with him September 19th, 2019.

19 THE COURT: And where did you work prior to that?

20 THE DEFENDANT: I had my own distributorship that I
21 purchased, which was in the Conway/Myrtle Beach area, that
22 this wrongful charge crucified me and caused my business to
23 close.

24 THE COURT: Sir, have you ever had any legal training?

25 THE DEFENDANT: No, ma'am.

1 THE COURT: Do you understand your constitutional rights?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: And tell me in a nutshell what those are.

4 THE DEFENDANT: Basically, I have the right to remain
5 silent. Anything I say can and use -- will be used against me
6 in a court of law. I do have the right to have an attorney
7 present at any time during questioning or otherwise. If I
8 cannot afford one, there will be one appointed to me. And
9 that's basically the gist of it.

10 THE COURT: You also understand you have a right to a
11 jury trial?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: DO you understand what a jury trial entails
14 and what it is?

15 THE DEFENDANT: Yes, ma'am. Twelve people of my peers,
16 general a rough age group, which will decide guilt or
17 innocence upon all evidence produced to the Court.

18 THE COURT: Do you understand the range of penalty?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: And what is that?

21 THE DEFENDANT: According to the South Carolina rule, it
22 is 5 to 20, 25 to life, I believe.

23 THE COURT: Sir, on murder, the penalty is a minimum of
24 30 years, a maximum of life without parole, none of which can
25 be suspended or probation or parole given. Do you understand

1 that?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: Do you understand that life without parole in
4 South Carolina means life until your natural death?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: That you're never released?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: Sir, do you understand the Rules of Evidence?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: Tell me in a nutshell what those are.

11 THE DEFENDANT: Rules of Evidence have to be supplied to
12 the Court and to the other party, the plaintiff, the State in
13 this case, and all the evidence that I have acquired or
14 developed needs to be presented to both. All evidence that
15 the State has acquired I am supposed to have access to and a
16 full, free copy of. And then the questions are asked based
17 upon the evidence in court.

18 THE COURT: Sir, I'm asking about the Rules of Evidence
19 that govern how a trial operates and how you have to utilize
20 those in order to operate in a courtroom, which includes not
21 just entering evidence, but also asking questions of
22 witnesses, making objections, and pretrial procedures and
23 otherwise. Do you understand those rules? Have you studied
24 them? They are about five inches thick.

25 THE DEFENDANT: I am in --

1 THE COURT: And it's contained in a book called the *South*
2 *Carolina Rules of Evidence*.

3 THE DEFENDANT: Yes. I've been reading that online at
4 night ever since this transpired in October.

5 THE COURT: Reading it online where?

6 THE DEFENDANT: Through the -- I pulled it up and it
7 showed the *South Carolina Rules of Evidence*, and I started
8 reading the book there. I just googled it.

9 THE COURT: Okay. You understand that I don't -- I don't
10 know that those rules -- are those rules online? I don't
11 think -- are they?

12 MS. SHEALY: They're all online on South Carolina court
13 clerk's website.

14 THE COURT: They're on the sccourt's website. You know,
15 I'm tactile. I'm used to using a book.

16 Okay. All right. And -- and the rules are -- are you
17 familiar with and have you familiarized yourself with the
18 Rules of Procedure?

19 THE DEFENDANT: I'm working on all of that. I mean, like
20 you said, it's a very large book.

21 THE COURT: It is.

22 THE DEFENDANT: I don't read fast.

23 THE COURT: My clerk just got a copy. Are you familiar
24 with this book?

25 THE DEFENDANT: Yeah. That's the one that it looked like

1 online when I pulled up the picture of it.

2 THE COURT: Okay. That's the Rules of Procedure. That's
3 not a current copy, but that's an older copy. But it's the
4 same book, generally. Have you familiarized yourself with the
5 Rules of Procedure?

6 THE DEFENDANT: I'm reading through that now, ma'am.

7 THE COURT: And, sir, are you married?

8 THE DEFENDANT: No, ma'am.

9 THE COURT: Do you have any children?

10 THE DEFENDANT: My son is 23 years old and lives in
11 Louisiana, works in Louisiana.

12 THE COURT: Have you ever gone through the criminal
13 system before?

14 THE DEFENDANT: In my 20s, I made a few small mistakes,
15 and I was in the judicial system. Yes, ma'am.

16 THE COURT: And what state was that?

17 THE DEFENDANT: California.

18 THE COURT: Were you represented at that time?

19 THE DEFENDANT: I believe so, yes. It's over 30 years
20 ago.

21 THE COURT: Ms. Shealy, in a nutshell tell me what's
22 alleged to have taken place in this case?

23 MS. SHEALY: Your Honor, this defendant had a
24 relationship, the nature of the relationship is debatable, but
25 of a woman who lived in the Old Village in Mt. Pleasant. He

1 met her, as I understand it, through a place that he worked as
2 a mechanic. She too was interested in cars, and they
3 developed a friendship.

4 He had expressed to her his interest in being able to get
5 one of the tool trucks, as he has described that he ultimately
6 was able to get. He was able to afford it based on the
7 victim's contribution to that effort and his live-in
8 girlfriend's financial contribution to that effort.

9 The victim lived by herself in Mt. Pleasant. Her father
10 was infirmed and had house care from aides to assist him in
11 the day-to-day activities. And she was somewhat of a
12 homebody.

13 She regretted having not gotten any type of document from
14 the defendant recognizing what she had lent him, and arranged
15 to travel to the Myrtle Beach area, where he had an apartment
16 at the time and also a home here in Charleston, but his route
17 was in the Myrtle Beach area, and she traveled there to take a
18 look at the truck and to have a discussion with him about the
19 need for some type of documentation that she had invested in
20 the -- the effort with him and intended to be paid back.

21 She was not someone who had planned on staying overnight
22 there, and she had many friends who indicates -- indicated
23 that she was very much a homebody. She did not return to
24 Charleston seemingly because none of her friends heard from
25 her. She had not prepared the hours and the payroll for her

1 father's caretakers, and her friends became very concerned
2 when they had not heard from her, because it was very
3 different than how she typically behaved.

4 One of her friends contacted Mr. Browne, and he was curt
5 and not very explaining of what had happened when she traveled
6 to meet with him. They then, as the days continued with no
7 one hearing from her, approached the Mt. Pleasant Police
8 Department, and that led them into going into her home.

9 When they went into her home, she was in the bed deceased
10 and had been there for a number of days. She had a gun placed
11 into her hand to make it appear as if she had, I guess, shot
12 herself, despite the fact that the entrance wound was in the
13 back of the head and not in her dominant hand. Your Honor,
14 the police then began looking for him because her friends had
15 expressed they are concerned about his behavior and knowing
16 that that's where she was going and no one heard from her once
17 she left to go there.

18 We learned that her vehicle was stopped in the early
19 morning hours of the day, which preceded the day that she went
20 there. He was driving her vehicle back into the Myrtle Beach
21 area. And as the police began investigating the matter, he
22 became their primary suspect, giving a somewhat preposterous
23 story about having seen the deceased in Wilmington, North
24 Carolina, all of which can be disproved by the State.

25 And so, Your Honor, he is charged with murder, and he is

1 charged with grand larceny of her vehicle. His DNA was found
2 on the trigger -- on the trigger of the gun that was in her
3 hand, and his DNA has been found in her vagina.

4 THE COURT: Has the State extended any offers to Mr.
5 Browne?

6 MS. SHEALY: No, Your Honor.

7 THE COURT: Does the State have any intention of
8 extending any offers to him?

9 MS. SHEALY: No, Your Honor.

10 THE COURT: And I'm just curious. Why was it moved from
11 the March date to the April date?

12 MS. SHEALY: Because one of our primary officers is not
13 available that week, Your Honor, and I was coordinating with
14 Ms. Hensley as well as we were looking at other dates. This
15 case has been set for trial on a number of occasions, Your
16 Honor. It's never been the State that has been the move --
17 moving party in it not going forward.

18 THE COURT: I would imagine that the challenges with Mr.
19 O'Neal, that had a lot to do with it.

20 MS. SHEALY: Oh, absolutely.

21 THE COURT: Uh-huh.

22 MS. SHEALY: And then also, the most recently scheduled
23 trial, Ms. Hensley just had some medical things going on and
24 was getting tested, and so we could not go then.

25 THE COURT: And I assume the State takes no position

1 regarding nor would you have any standing to take any position
2 regarding Mr. Browne representing himself?

3 MS. SHEALY: I don't know that I do have -- that I am
4 able to have a position. Of course, my concern, as long as
5 I've practiced -- and I know it has happened, but I have never
6 had a defendant go *pro se* on a murder case, and so that
7 obviously causes some concerns for me. But I understand that
8 this is directed towards his desires and Ms. Hensley's
9 acquiescence in coming off the case.

10 The way he answered the questions earlier, Your Honor,
11 certainly I want a clean record when this case is tried, and I
12 don't want there to be any -- and Your Honor has asked the
13 probing questions. I am certainly protective of any post-
14 conviction relief matter later or anything that could surface
15 after the trial itself in his attempting this, having not
16 studied the law, and I understand that he's making those
17 efforts, but I do have that concern.

18 THE COURT: And one I think is -- that is legitimate.

19 Ms. Hensley, have you been in the process of preparing
20 for trial prior to Mr. Browne evincing an indication he wanted
21 or a desire that he wanted to terminate your services?

22 MS. HENSLEY: Yes, Your Honor. When the matter was
23 scheduled, I think in November, we were -- we had been
24 preparing diligently. Unfortunately, I had a bladder cancer
25 diagnosis and had to have, you know, a medical procedure to

1 take care of that.

2 So -- but I have provided Mr. Browne with all the
3 discovery that I have and the -- you know, the information
4 about how to access all the cameras because it -- it is a
5 pretty discovery heavy case just because of, you know,
6 Charleston, Conway, Wilmington, Mt. Pleasant, all of those
7 things. But yes.

8 THE COURT: And is there any outstanding discovery that
9 you think needs to be pursued or do you think that you've
10 received everything at this point that is available that would
11 be necessary for trial preparation?

12 MS. HENSLEY: My understanding is that I have everything,
13 Your Honor.

14 THE COURT: And you have turned all of that over to Mr.
15 Browne?

16 MS. HENSLEY: Yes, Your Honor.

17 THE COURT: And do you recall what date you did that?

18 MS. HENSLEY: I don't, and I'm -- since I'm outside, I
19 can't look it up, but the issue was finding the --

20 THE DEFENDANT: October 26th, 2023.

21 MS. HENSLEY: -- to put all that stuff --

22 THE COURT: So it was October 26th of 2023.

23 MS. HENSLEY: And then --

24 THE COURT: Does that sound right to you, Ms. Hensley?

25 MS. HENSLEY: Yes, Your Honor. I -- I copied everything

1 that I received on a hard drive onto a hard drive for Mr.
2 Browne, and then we got some supplemental discovery, which I
3 just sent to him by email. So yes.

4 THE COURT: And that was how recent would you say?

5 THE DEFENDANT: Last week.

6 MS. HENSLEY: No. I think it was before January the 18th
7 that I got the DNA information that I provided. I -- like I
8 said, I can't check my email, but I didn't provide anything
9 last week.

10 THE COURT: And I understand you're at bond court, and we
11 appreciate you accommodating the urgency of having this taken
12 care of promptly.

13 Sir, did you receive the hard drive?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: And have you received the supplemental
16 discovery --

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: -- from Ms. Hensley, including the DNA
19 evidence?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: And, sir, what is your current address?

22 THE DEFENDANT: [REDACTED] Sycamore Shade Street, Charleston,
23 South Carolina.

24 THE COURT: It's Sycamore Shade?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: Is that -- you said drive or street?

2 THE DEFENDANT: Street.

3 THE COURT: And what's the zip code?

4 THE DEFENDANT: 29414.

5 THE COURT: And what is your --

6 MS. SHEALY: Can I get that?

7 THE COURT: -- current phone?

8 I'm sorry?

9 MS. SHEALY: I just didn't hear that.

10 THE COURT: It's going to be on the order, Ms. Shealy.

11 MS. SHEALY: I'm sorry?

12 THE COURT: It's going to be on the order.

13 MS. SHEALY: Okay.

14 THE COURT: That's why I'm asking.

15 MS. SHEALY: Okay. Thank you.

16 THE COURT: Sir, what is your current phone number?

17 THE DEFENDANT: 843-817-7989.

18 THE COURT: 817-7989?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: And what is your email address?

21 THE DEFENDANT: My last name, B-r-o-w-n-e, underscore,

22 Philip, P-h-i-l-i-p, 22 at yahoo.com.

23 THE COURT: And so it's your last name. Philip is

24 underscored or is -- or is your whole name underscored?

25 THE COURT: No. It's Browne, my last name, then an

1 underscore, then my name Philip, then 22 at yahoo.com.

2 MS. HENSLEY: And, Judge, I think I did include that
3 information in that consent order.

4 THE COURT: Yeah. His hand -- it was on -- in
5 handwriting though.

6 MS. HENSLEY: I'm sorry.

7 THE COURT: And some of it I -- I couldn't -- I have his
8 -- oh, I see now, but some of it -- I couldn't make out his
9 address from the handwriting, but I -- I wanted to make sure
10 that we had it because all notices, if I grant the relief,
11 will be sent to that address, be emailed to that email, and
12 any attempts to contact him by telephone will be by that phone
13 number.

14 Sir, do you understand that?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: And, sir, are you -- I -- I'm very concerned.
17 I do not think you meet the obligate -- meet the requirements
18 to represent yourself.

19 People think the law is what they see on television. It
20 is not. It is very complex. Every decision has a very
21 significant consequence, and it just is not advisable for you
22 to represent yourself.

23 I am inclined, how -- you're fairly adamant, however, in
24 your desire to represent yourself. And if I grant that
25 relief, I would still have Ms. Hensley act as standby or

1 shadow counsel for you until such time that you obtain
2 alternate legal counsel and in the event that you don't.

3 And, Ms. Hensley, could you in a nutshell explain to Mr.
4 Browne what standby shadow counsel is?

5 MS. HENSLEY: Basically, Mr. Browne, I would just be
6 there to, you know, answer any questions that you have, help
7 you with any procedural issues and, you know, stand by in case
8 at some point in the trial you determine that you weren't able
9 to represent yourself to step in.

10 THE COURT: Sir, do you have any exception to that?

11 THE DEFENDANT: No, ma'am.

12 THE COURT: Okay. So what I'll do in the interim is I
13 will do an order regarding his request to represent himself
14 pursuant to the *Faretta* standard. I will, however, within
15 that order have Ms. Hensley still act as shadow or standby
16 counsel.

17 And, sir, basically, what she'll do is she'll sit. I
18 mean, if you want her to sit at counsel table with you, she
19 can, or she can sit behind you. And in the event you have any
20 questions during the proceedings, procedurally or otherwise,
21 she can assist you. Okay?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: In the event that you obtain counsel, you
24 need to have them file a notice of appearance and you need to
25 do that -- actually, if you're going to obtain a lawyer, you

1 need to do that quickly. This case is quite old. It needs to
2 be disposed of, especially pursuant to the directives of the
3 Supreme Court and the dockets being caught up since Covid, and
4 --

5 THE DEFENDANT: Yeah, it's five years. It's been a
6 while.

7 THE COURT: Yeah. So you need to go ahead and -- and
8 really at this point it's incumbent -- you know, we had, you
9 know, some challenges during Covid, which set things behind
10 quite a bit, but we're now in full throttle catching back up.
11 So we have a lot of trial terms, cases are being disposed of.
12 Yours is scheduled to be disposed of.

13 So if you're going to obtain someone, I would strongly
14 encourage you to do that within the next five days, because
15 that person's going to have to get up to speed in a very short
16 period of time. They're going to have to study all of the
17 discovery. They're going to have to go over all of it with
18 you. If you have any defenses, they're going to have to
19 explore those with you and -- and probably get an investigator
20 or someone else to do that investigation that needs to be done
21 so that they can be properly prepared for trial.

22 And I assume, Ms. Hensley, that you've explored any
23 potential defenses with him and made him aware of that as
24 well?

25 MS. HENSLEY: Yes, Your Honor.

1 THE COURT: And, sir, is that accurate?

2 THE DEFENDANT: No, ma'am.

3 THE COURT: Okay. Well, I've tried a lot of cases with
4 Laree Hensley, and I've known her to be immaculately prepared.
5 And if she tells me that she went over the defenses with you,
6 I believe her. Now, whether you understood that conversation
7 is a whole 'nother circumstance.

8 So -- but I would strongly suggest again that if you have
9 any questions that you take advantage of her sage counsel and
10 -- and receive the benefit of it until such time that you
11 obtain alternate counsel, if that's your desire. Okay?

12 THE DEFENDANT: Yes, ma'am.

13 MS. SHEALY: Your Honor?

14 THE COURT: So do you have any questions?

15 I'm sorry. Yes?

16 MS. SHEALY: I had one question, in that --

17 THE COURT: Sure.

18 MS. SHEALY: -- I've never dealt with this before.

19 THE COURT: Uh-huh.

20 MS. SHEALY: Assuming for a moment that you allow him to
21 represent himself, would the appropriate manner in which I
22 could communicate with him be handled either by his Yahoo
23 account with an email or by sending, if there were any new
24 discovery, that to his home address?

25 THE COURT: Sir, which would you prefer? Do you want --

1 if there's any supplemental discovery -- because the State has
2 a continuing obligation to make you aware of any evidence that
3 could exculpate you. The Charleston Solicitor's Office has an
4 open file policy, so they'll provide you with anything they
5 receive. So is your preferable means of communication email,
6 telephone, or mail?

7 THE DEFENDANT: Either way. I mean, whatever is more
8 convenient for her is fine. The last time they relieved
9 Michael O'Neal, she emailed me and sent it to my house.

10 THE COURT: Ms. Shealy, which do you prefer? Do you want
11 to continue that by emailing it and mailing it?

12 MS. SHEALY: Yes. Just because, like if it's something
13 very quick that I feel like he needs to know soon, I could
14 just email him, and if it's something that I need to provide
15 to him, I could either do it by email or by mail, and we'll
16 just make a decision, you know, in our office, if that's okay,
17 either way.

18 THE COURT: Well, he said the last time you did both and
19 he's fine with that, that you --

20 MS. SHEALY: Okay.

21 THE COURT: -- emailed it and you mailed it.

22 MS. SHEALY: I could do that.

23 THE COURT: I think that's probably good.

24 MS. SHEALY: The only time that I would -- I would be
25 interested in probably emailing him and not necessarily

1 sending anything is if it's just an update of some sort or my
2 answering something from him, rather than the pace in which
3 the mailing would add days to that.

4 THE COURT: Why don't you do both just to be on the safe
5 side?

6 MS. SHEALY: Okay.

7 THE COURT: Because, you know, in the event it goes to
8 his junk box, he misses it or otherwise, then you at least
9 know you've sent a paper copy.

10 MS. SHEALY: Okay. And, Your Honor, I did want to --

11 THE COURT: I think that falls under no harm, no foul.
12 Uh-huh?

13 MS. SHEALY: I did want to mention one thing to you. In
14 addition to DNA, there's also ballistics testing, and there
15 are a number of videos from Wilmington, North Carolina, that
16 are relevant to the case. I just wanted Your Honor to have
17 the benefit of knowing that there are two scientific arenas
18 that are involved in this, as well as technological, and he
19 seems to be very adept at that, but just for your purposes in
20 analyzing this.

21 THE COURT: Well, I've advised him that I don't think
22 it's advisable that he represent himself. I can't force him
23 to have a lawyer if that's what he wants to do.

24 I will tell you, sir, however, that I've had a law degree
25 for over 30 years, and I would not represent myself. If I

1 have challenges, I hire somebody, I write them a check, and I
2 sign a retainer agreement. I can't be my own lawyer. I don't
3 have the objective ability to look at my situation. I need
4 somebody to give me, like, cold facts when I need to hear
5 them.

6 So, however, I've already advised him, Ms. Shealy, that
7 it's not advisable to have a -- be your own lawyer, that you
8 place yourself at significant, significant jeopardy. He's
9 acknowledged that. He tells me he thinks that he's capable.

10 He also tells me that he plans to hire someone, and we
11 know that that is a very expensive venture. I'm surprised
12 it's only 30,000. Most charge a whole lot more than that, not
13 to diminish that that's a lot of money. That's a lot of
14 money.

15 So, you know, I understand the economic challenge that
16 that could pose for him and, in light of that, that's why I've
17 left Ms. Hensley as standby counsel. In the event he has some
18 significant challenge, he needs someone to help him navigate
19 the procedures or otherwise to be available to him.

20 But if he is adamant in representing himself, you know,
21 there are consequences that flow from that, and I've advised
22 him regarding it. So --

23 MS. SHEALY: Thank you, Your Honor.

24 THE COURT: You know, he doesn't appear to me to be
25 suffering from any mental disabilities, under the influence of

1 any drugs or alcohol or any other disabilities that would
2 require any type of mental evaluation.

3 And, sir, on that note, have you ever had to be treated
4 for any mental disabilities in the past?

5 THE DEFENDANT: No, ma'am. And I don't drink or do
6 drugs.

7 THE COURT: Have you ever had a mental health diagnosis?

8 THE DEFENDANT: No, ma'am.

9 THE COURT: Okay. And have you ever had to have any
10 substance abuse treatment?

11 THE DEFENDANT: I don't drink. My dad was a raging
12 alcoholic, so I learned very quickly that's a bad idea. And
13 my dad and I grew up in the army; so you do not do drugs ever.

14 THE COURT: Okay. So I'll issue an order. I am in
15 Calhoun. I have a full day of court. Even if I were to issue
16 an order today, it wouldn't get to Charleston until tomorrow
17 sometime for filing.

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: Once the Court has issued an order, I
20 certainly will make sure that Mr. Browne gets a copy, as well
21 as Ms. Hensley and as well as the State.

22 MS. SHEALY: Thank you, Your Honor.

23 MS. HENSLEY: Thank you, Your Honor.

24 THE COURT: You're welcome.

25 THE DEFENDANT: Okay.

1 THE COURT: Is there anything else, Mr. Browne? Do you
2 have any questions for the Court? Is there anything else you
3 feel you need to place on the record?

4 THE DEFENDANT: No, ma'am, not at this time.

5 THE COURT: Ms. Hensley, is there anything else you feel
6 needs to be added to the record?

7 MS. HENSLEY: No, Your Honor.

8 THE COURT: And, Ms. Shealy, is there anything else you
9 feel needs to be added to the record?

10 MS. SHEALY: No, Your Honor.

11 THE COURT: Okay. Y'all have a good day.

12 MS. SHEALY: You, too. Thank you.

13 MS. HENSLEY: Thank you.

14 THE COURT: You're welcome. Bye-bye.

15 (WHEREUPON, the proceedings ended at 11:15 a.m.)

16

17 --- END REQUESTED TRANSCRIPT ---

18

19

20

21

22

23

24

25

State of South Carolina)

) Certificate

County of Florence)

I, the undersigned, Krystal J. Smith, notary public and Official Court Reporter for the Twelfth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing pages, numbered 1 through 33, constitute a true, accurate, and complete Transcript of Record of all the proceedings had and evidence introduced in the hearing of the above captioned case, relative to appeal, in the Court of Common Pleas for Charleston County, South Carolina, held via WebEx on the 7th day of February, 2023.

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

S/ Krystal J. Smith

Court Reporter

Florence, South Carolina

April 10, 2024

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF GENERAL SESSIONS
MOTION COVERSHEET

WARRANT/TICKET/

INDICTMENT #'s 2019A1020900040 & 51

STATE OF SOUTH CAROLINA

-vs-

NORMAN PHILIP BROWNE

DEFENDANT

Solicitor:
JENNIFER SHEALY, Bar No. _____
Address:
101 Meeting St., 4th Floor Charleston, SC
Phone: 843-958-1959
E-mail: shealyj@scsolicitor9.org

Defendant's Attorney:
Laree A. Hensley, Bar No. 16867
Address:
2129 Dorchester Rd. N. Charleston, SC 29405
Phone: 843-225-2101
E-mail: _____

- ☒ MOTION HEARING REQUESTED
☐ FORM MOTION, NO HEARING REQUESTED

SECTION I: Hearing Information

Nature of Motion: Motion to Proceed Pro Se

Estimated Time Needed: 15 mins

Court Reporter Needed: ☒ YES/ ☐ NO

SECTION II: Motion/Order Type

- ☒ Written motion attached
☐ Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Laree A. Hensley
Signature of ☐ Solicitor ☒ Attorney for Defendant

1/18/24
Date submitted

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	9 TH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	WARRANT #S: 2019A1020900040 &
	)	2019A102090005
STATE OF SOUTH CAROLINA,	)	
	)	
VERSUS	)	
	)	MOTION TO PROCEED <i>PRO SE</i>
NORMAN PHILIP BROWNE,	)	
	)	
DEFENDANT.	)	

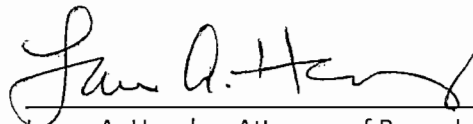
FILED
2024 JAN 18 PM 3:13
JULIE A. HENSLEY
CLERK OF COURT
BY

THIS MOTION is before the Court upon Motion of the Defendant, NORMAN PHILIP BROWNE, by and through his Attorney of Record, Laree A. Hensley. Defendant was previously represented by Michael S. O'Neal. Due to his incapacity, Laree A. Hensley, was appointed as counsel for the Defendant.

Defendant has signed a Consent Order to Relieve his present attorney of record (copy attached). Upon information and belief, the Defendant intends to represent himself at the trial of this matter which is currently scheduled for March 25, 2024. Defendant has been provided a complete copy of the discovery in this matter and, upon information and belief, is prepared for trial.

Counsel believes that a hearing is necessary to advise the Defendant of the risks associated with self-representation and to ensure Defendant is fully prepared to proceed to trial on the scheduled Court Date.

Respectfully submitted:



Laree A. Hensley, Attorney of Record
2129 Dorchester Rd.
N. Charleston, SC 29405
843-225-2101; 843-225-2208
Email: Laree@lahensleylawoffice.com

January 18, 2024

LAREE A. HENSLEY**ATTORNEY AT LAW**

2129 Dorchester Road

North Charleston, South Carolina 29405

Telephone (843) 225-2101 Telefax (843) 225-2208 Email: laree@lahensleylawoffice.com

January 18, 2024

Clerk of Court
Charleston County General Sessions Court
100 Broad St.
Charleston SC 29401-2270

Re: State v. Norman Philip Browne
Charges: Murder/Grand Larceny
Warrant #s: 2019A1020900040 & 2019A1020900051

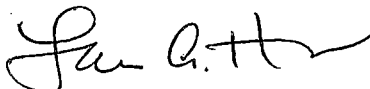
Dear Sir or Madam:

Enclosed please find for filing and scheduling the original and one copy of a Motion to Proceed *Pro Se* on behalf of the Defendant in the above referenced matter.

This matter is first up for trial on March 25, 2024. Therefore, I would appreciate it if this matter could be scheduled and heard in an expedited manner.

Should you have any questions, please do not hesitate to call me.

Very truly yours,



Laree A. Hensley

Copy to: Norman Philip Browne (via mail)
Jennifer Shealy, Esq. (via hand delivery)

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

STATE OF SOUTH CAROLINA

vs.

NORMAN PHILIP BROWNE
DEFENDANT.

IN THE COURT OF GENERAL SESSIONS
NINTH JUDICIAL CIRCUIT

ORDER TO BE RELIEVED AS COUNSEL

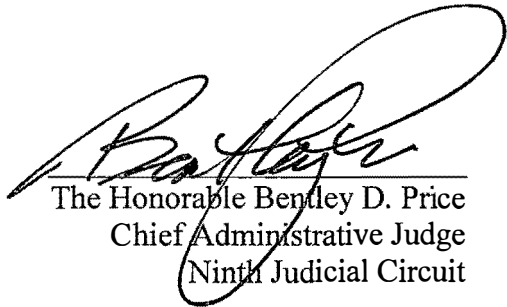
Case No. 2019A1020900040: 05

FILED
2023 FEB 15 PM 3:33
JULIE J. ARMSTRONG
CLERK OF COURT
BY RL

IT APPEARING to this Court that Michael S. O'Neal, counsel for the Defendant, can no longer represent the Defendant, this Court determined that Mr. O'Neal would be relieved of any further duties of representation for the above referenced Defendant on all pending charges.

IT IS THEREFORE ORDERED that Michael S. O'Neal, Esquire, be and is hereby relieved of all further duties of representation of the above referenced Defendant.

AND IT IS SO ORDERED this 15 day of Feb. 2023.


The Honorable Bentley D. Price
Chief Administrative Judge
Ninth Judicial Circuit

Charleston, South Carolina

FILED

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

2024 FEB 13 AM 9:54

JULIE J. ARMSTRONG
CLERK OF COURTBY MS) IN THE COURT OF GENERAL SESSIONS
) FOR THE NINTH JUDICIAL CIRCUIT) Indictment No(s): 2023-GS-10-02457; 2023-
) GS-10-02458) Warrant Number(s): 2019A1020900051;
) 2019A1020900040

) Charges: Murder; Grand Larceny

STATE OF SOUTH CAROLINA)

vs.)

NORMAN PHILIP BROWNE)

Defendant)

ORDER RELIEVING COUNSELPresiding Judge:
Solicitor:
Defendant's Attorney:
Date of Hearing:
Court Reporter:Hon. Deadra L. Jefferson
Jennifer Shealy, Esq.
Laree Hensley., Esq.
February 7, 2024
Krystal Smith

This matter came before the Court on February 7, 2024, on the Motion of Laree Hensley, Esq. for an order relieving her as counsel for the above-named Defendant, Norman Phillip Browne.¹ The basis cited for this motion is that the Defendant wishes to discharge Ms. Hensley and has elected to represent himself on his pending criminal charges which is posing a significant interference and disruption of the attorney client relationship. The Movant has alleged that this has interfered with the attorney-client relationship and that she is willing but is now unable to be an effective advocate for Mr. Browne.

Present at the hearing was Laree Hensley., Esq. the Defendant, and appearing on behalf of the State was Assistant Solicitor Jennifer Shealey Esq. The Defendant consented to the relief

¹ The Motion was filed at the request of the Defendant. The parties consent to this motion being held via WebEx as the Court is in Calhoun County and time is of the essence in this matter. The trial is scheduled for the week of April 15, 2024.

1/04/4
[Signature]

requested and announced to the court that he wished to proceed *Pro Se*.² The Court then proceeded to question the Defendant's ability to represent himself as required by Faretta v. California, 422 U.S. 806, 95 S. Ct. 2525 (1975). The Defendant testified that he is forty-nine (49) years old, graduated high school and holds multiple gold level certifications in automotive repair for multiple automobile brands such as Ford, Kia, Hyundai, Porsche, and General Motors. He testified this education was accomplished through industry schools and technical school education. He further testified that in the past he has had several jobs in the automotive servicing industry and since September 19, 2019 owned and operated or operated for others a macro tools truck distributorship. He also testified that he is not married and has an emancipated child that resides and works in Louisiana. This Court then further questioned the Defendant regarding his understanding of the charges against him, his knowledge of the elements of the offenses, his constitutional rights, the range of penalty he would face if convicted, and whether he had a working understanding of criminal, evidentiary and trial rules and procedure. The above charges are scheduled to proceed to trial the week of April 15, 2024 in the General Sessions Court of Charleston County.³

The Court finds that the Defendant has a limited knowledge of the nature and consequences of the charges against him. The Court further finds that he does not have a complete or adequate understanding of the requirements of criminal procedure, evidence and the trial process. Mr. Brown advised the Court, in an effort to familiarize himself, he is now reading the Rules of Evidence and Procedure online. Moreover, the Court finds that the Defendant does not meet the Faretta requirements to represent himself. The Court repeatedly cautioned the Defendant of the dangers inherent in self-representation and the advantages of the representation of counsel. The

² The Defendant has indicated that he may also attempt to hire alternate counsel in the interim. However, he was not certain of the success of this endeavor due to monetary concerns.

³ The Defendant is charged with Murder (Indictment Number: 2023-GS-10-02457) and Grand Larceny (Indictment Number: 2023-GS-10-02458).

2 2024
[Signature]

Court further advised the Defendant of the right to appointed counsel in the event he could not afford counsel. However, the Defendant has proven an impediment to this caution and is adamant in his assertion that he represent himself. He has also rebuffed any attempts of this Court to appoint counsel to represent him. As a result, the Court is left in the unenviable position of allowing the Defendant to represent himself. The Court notes, however, that the Defendant is placing himself in considerable jeopardy.⁴ The Court advised the Defendant that he would be required to appear at all hearings, that all notices would be sent to his last known address, and that he had the affirmative obligation to update his address, phone number and email with the Clerk of Court. He was further cautioned, at the time of his bond proceedings, that if he did not appear for his trial that he could be tried in his absence. The Court verified the Defendant's address as [REDACTED] Sycamore Shade Street, Charleston, SC 29414, his telephone number as [REDACTED] 7989 and his email address as [REDACTED]

The Defendant has a constitutional right to self-representation pursuant to the Faretta requirements as guaranteed by the United States Constitution and the State of South Carolina constitution. While the Court has articulated its concerns and the grave position the Defendant is placing himself in the Defendant is adamant in his assertion of self-representation.

IT IS THEREFORE ORDERED that Laree A. Hensley, Esq. be relieved as counsel for the above-named Defendant.⁵

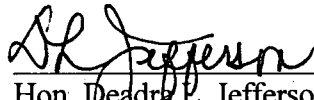
⁴ The Defendant is charged with Indictment #2023-GS-10-02457 Murder and Indictment #2023-GS-10-02458 Grand Larceny.

⁵ Ms. Hensley has agreed and the Defendant has consented to her remaining as stand-by counsel. If, in the interim, Mr. Brown retains counsel Ms. Hensley is relieved of that obligation.

3-24
[Signature]

IT IS FURTHER ORDERED that the Defendant be allowed to proceed *pro so* and that his former attorney provide the Defendant with all discovery received from the State in electronic format within thirty (30) days of this order.⁶

IT IS SO ORDERED

 2128
Hon. Deadra L. Jefferson
Chief Administrative Judge
General Sessions
Ninth Judicial Circuit

Charleston, South Carolina
Dated: February 7, 2024

FILED
2024 FEB 13 AM 9:55
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

⁶ The Court has confirmed that all discovery in Ms. Hensley's possession was provided to the Defendant in advance of this hearing.

4 

1 STATE OF SOUTH CAROLINA) IN THE CIRCUIT COURT NO. 9
 2 COUNTY OF CHARLESTON) DOCKET NOS: 2023-GS-10-2457
 3 2023-GS-10-2458

4 -----
 5 STATE OF SOUTH CAROLINA,)
 6 Plaintiff,)
 7)
 8 versus)
 9)
 10 NORMAN PHILIP BROWNE,)
 11 Defendant.)
 12 -----

13 J U R Y T R I A L

14 DATES AND TIMES: April 15, 2024 - 11:45 a.m. to 6:29 p.m.
 15 April 16, 2024 - 10:38 a.m. to 5:16 p.m.
 16 April 17, 2024 - 10:15 a.m. to 5:15 p.m.
 17 April 18, 2024 - 9:39 a.m. to 5:32 p.m.
 18 April 19, 2024 - 10:53 a.m. to 5:23 p.m.
 19 April 22, 2024 - 9:49 a.m. to 5:12 p.m.
 20 April 24, 2024 - 10:18 a.m. to 5:33 p.m.

21 LOCATION: South Carolina Circuit Court No. 9
 22 JUDGE: Deadra L. Jefferson
 23 TRANSCRIBED BY: Sandra J. Early

24 LEGAL EAGLE

25 Post Office Box 5682

Greenville, South Carolina 29606

(864)467-1373 -- depos@legaleagleinc.com

A P P E A R A N C E S

FOR THE PLAINTIFF, STATE OF SOUTH CAROLINA:

JENNIFER KNEECE SHEALY, ESQUIRE

Chief Deputy Solicitor

Ninth Circuit Solicitor's Office

101 Meeting Street, Suite 400

Charleston, South Carolina 29401

Phone: (843) 958-1900

E-mail: shealy@scsolicitor9.org

A. ELLIOTT BARROW, ESQUIRE

Ninth Circuit Solicitor's Office

101 Meeting Street, Suite 400

Charleston, South Carolina 29401

Phone: (843) 958-5162

E-mail: barrowa@scsolicitor9.org

FOR THE DEFENDANT, NORMAN PHILIP BROWNE:

NORMAN PHILLIP BROWNE, PRO SE

FOR THE DEFENDANT, NORMAN PHILIP BROWNE:

LAREE A. HENSLEY, ESQUIRE (Standby counsel)

2129 Dorchester Road

North Charleston, South Carolina 29405

Phone: (225) 2101

E-mail: laree@lahensleylawoffice.com

JURY TRIAL

1 APRIL 15, 2024

2 THE COURT: -- extended such that they needed to
3 be rejected or considered.

4 MS. SHEALY: Your Honor, if you would allow me a
5 moment to call my office so I can get someone to
6 bring the list over.

7 MR. BARROW: Mark is already on the way.

8 MS. SHEALY: Okay. Very good. Actually, one of
9 the law clerks ran over it to --

10 THE COURT: Perfect. Thank you. And when you
11 all reviewed his list, is there any overlap in his
12 witnesses and your witnesses? And, sir, did you have
13 any requests for voir dire, which's the questions
14 that the Court asks so that you can exercise your
15 peremptory challenges in jury selection? Did you
16 submit any of that?

17 MR. BROWNE: I was not told about any of that,
18 no, ma'am.

19 THE COURT: Okay. Well, sir, you know, when you
20 represent yourself, you're required to know the
21 rules. And the Court -- you know, I can give you
22 some -- I can't even really give you any guidance.
23 That's why I left Ms. Hensley as shadow counsel in
24 the event that you had any legal questions. The
25 Court has to remain impartial, which means I can't be

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1 an advocate, I can't answer legal questions, I can't
2 give clarity, and I can't give any guidance, because
3 then it could be perceived that I'm advocating or
4 assisting you and I can't do that. So you maybe want
5 to have Ms. Hensley explain to you what voir dire is?

6 (The defendant conferred with Ms.
7 Hensley.)

8 MS. SHEALY: Do you all have the list of your
9 witnesses here?

10 MR. BROWNE: No, I don't have it here.

11 MS. HENSLEY: I didn't get it.

12 MS. SHEALY: Okay.

13 MS. HENSLEY: I'm sorry. I apologize.

14 MS. SHEALY: I do not. Judge, I don't think
15 that they're duplicative, but I cannot tell you that
16 until I get something back from my office with his
17 list on it. Angelina Phillips, apparently. She is
18 the pathologist from MUSC, so she would only need to
19 be called out one time.

20 THE COURT: I need the indictments for what
21 we're trying because I need -- I need the
22 indictments. What cases are you going forward on,
23 Ms. Hensley -- I mean, Ms. Shealy?

24 MS. SHEALY: Murder and grand larceny.

25 THE COURT: That's 2023-2457 and 2458?

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1 MR. BROWNE: That's correct.

2 THE COURT: And, sir, are you going to want to
3 have a -- I need the indictment. Sir, are you going
4 to want have a formal arraignment?

5 MR. BROWNE: Yes. Yes, ma'am.

6 THE COURT: Okay. And do you understand what
7 that is?

8 MR. BROWNE: Yes, ma'am.

9 THE COURT: What property is it that the State
10 is alleging that Mr. Browne took pursuant to the
11 grand larceny indictment?

12 MS. SHEALY: A Cadillac that was owned by the
13 victim's father.

14 THE COURT: What year Cadillac?

15 MR. BROWNE: 2003.

16 THE COURT: And, sir, has Ms. Hensley explained
17 to you the strike system?

18 MR. BROWNE: No, ma'am.

19 THE COURT: Can you please explain that to him,
20 Ms. Hensley?

21 (Ms. Hensley conferred with the
22 defendant.)

23 THE COURT: Do you all have an exhibit list, Ms.
24 Shealy?

25 MS. SHEALY: I'm sorry?

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1 THE COURT: Exhibit list.

2 MS. SHEALY: I do. We are waiting for our cart
3 with all of our stuff to make its way over here,
4 Judge, but let me see if I have a copy for you right
5 now. I think we handed up a witness list and an
6 exhibit list.

7 THE COURT: No, I mean the witness list I asked
8 you to go get from your office for -- that Mr. Browne
9 sent to you.

10 MS. SHEALY: Oh. Ms. Hensley, you don't have
11 it?

12 MS. HENSLEY: I wasn't copied on the e-mail.

13 THE COURT: So are you saying you don't have
14 one?

15 MS. HENSLEY: Your Honor, I do not.

16 THE COURT: No, I was talking to Ms. Shealy.
17 The only reason I'm asking for you to get it is --

18 MS. SHEALY: They brought mine Judge, not --

19 THE COURT: -- pardon me?

20 MS. SHEALY: -- I'm sorry. By mistake, they
21 brought mine.

22 THE COURT: Can they get the other one?

23 MS. SHEALY: They just left.

24 THE COURT: It just eliminates an issue -- it's
25 easier than him having to go to his car and get it,

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1 voice than any fellow juror. It is simply that we
2 need someone to fill out the verdict form and write
3 out any questions you may have during the deliberation
4 process. And again, I will give you further
5 instructions, sir, regarding that at the conclusion of
6 the case. In order to preserve everyone's rights, I'm
7 going to give counsel the opportunity to take
8 exception to anything the Court has said by way of
9 opening instruction. And exceptions from the State?

10 MS. SHEALY: No, Your Honor.

11 THE COURT: Any exceptions, Mr. Browne?

12 MR. BROWNE: No, Your Honor.

13 THE COURT: The State may proceed. Ladies and
14 gentlemen, I would ask that you give the parties your
15 undivided attention in opening argument. You may
16 proceed when you're ready.

17 MS. SHEALY: May it please the Court?

18 THE COURT: Yes, ma'am.

19 MS. SHEALY: Good afternoon. You know, it's
20 been a bit of a long day for you all already. I
21 think tomorrow will probably move more quickly.
22 Again, I'm Jennifer Shealy from the solicitor's
23 office. Thank you for being here. I mean that
24 genuinely. I know it takes time out of your life
25 otherwise. This case involves a woman named Ann

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1 Witherspoon. She was 60 years old. She grew up in
2 Mount Pleasant. She lived in a home by herself, not
3 too far from where her parents had lived together,
4 but her mother was deceased and her father was ill.
5 He had 24-hour caregivers at his house, but it was
6 just a couple of streets over from where Ann lived.
7 She had been a physical therapist. She loved music.
8 She took guitar lessons. She loved to play, she
9 loved to listen to it. She had friends that she had
10 grown up with since they were children and they
11 reunited in different stages of their lives when
12 they're all back living in the same area. She loved
13 cars. She was interesting. She had long, gray hair,
14 an attractive woman who enjoyed getting to know
15 people and doing nice things for her friends. And
16 you will hear from some of her friends, starting
17 today, as long as we keep going, and you'll get a
18 glimpse of who she was and what she did and how she
19 lived.

20 She met the defendant, who worked at an
21 automotive place called Honest-1, which was in Mount
22 Pleasant. She had cars and loved talking to people
23 about cars, was very interested in it. They struck up
24 a conversation which led to other conversations. No
25 romantic entanglement, but just two people happen to

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1 like cars and like to talk about them. So the more
2 that she got to know Philip Browne, the defendant, the
3 more he started feeling comfortable telling her what
4 some of his dreams were. And one was to be able to
5 get a franchise for one of those Matco tool trucks.
6 Their expensive to get. But he had gone from
7 automotive place to automotive place -- that had
8 pretty much been his career -- and was looking for
9 something better for himself, and he talked to Ann
10 about it.

11 And as I indicated, she like to try to help her
12 friends. So she agreed to loan him \$20,000 to help
13 him secure the franchise. He's a smooth talker. He
14 certainly indicated that it would be profitable, and
15 she was happy to do it for him. What she didn't know
16 was that his girlfriend, Roberta Tripp, she's the one
17 who was putting up the money between the two of them,
18 Mr. Browne and Roberta, to be able to get that
19 franchise. She had more money to contend. She made
20 more money than he did. But she loved him, Roberta
21 Tripp at the time, and thought this would be a great
22 thing for them to do together. With Ann, she was led
23 to believe that this would be pooled. It would be in
24 the family of automotive bills, she could learn all
25 about the Matco franchise, and that she could give him

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1 some money to secure his ability to get the franchise.
2 She gave him the 20,000. He didn't use it on the
3 franchise.

4 Now, her friends, who were maybe a little bit
5 less artsy and musically, were astounded that she did
6 not insist on documentation that she had lent him the
7 money. I think it made her feel silly. So she began
8 following up with Mr. Browne after giving him that
9 money to say I need some kind of document that shows
10 I've invested in your franchise. You know the term
11 now "ghosted"? He kind of ghosted her. He wasn't
12 calling her back. That then brings us to February
13 6th of 2019. Finally that week, she had gotten Mr.
14 Browne on the phone and he had agreed to meet with
15 her.

16 Now, we've got the franchise. He and Roberta
17 Tripp lived in house over in, I think, it was the West
18 Ashley area together, but his route for the Matco
19 truck was in Myrtle Beach. So he got an apartment at
20 Myrtle Beach and a storage unit facility. Had the
21 storage unit itself and a spot that you could park
22 your Matco truck. So Ann Witherspoon, on -- in
23 February, on February 6th, was heading from her home
24 to go meet with him. Her goal to get the paperwork
25 that showed she had invested, just that she hadn't

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1 made a dumb mistake, I've got to have something to
2 show for it.

3 You will learn that the car that she drove was
4 her father's Cadillac. As I indicated, her father was
5 infirm, so she would periodically drive some of his
6 cars to kind of keep them in better working order.
7 She told one of her friends that she was going to go
8 see him, and she traveled there. You'll have the
9 opportunity to look at some videotape of when she
10 arrives at the storage unit, when she arrives over at
11 his apartment. They're just moments away, a couple of
12 minutes away. And that day progressed.

13 What you'll see in the video is, as the evening
14 hours came, she walked out of the Matco truck, holding
15 her head. She's walking that way. She's able to
16 walk. And her father's vehicle was a white Cadillac
17 -- well, a gold-ish colored Cadillac with white
18 upholstery. And she gets in the vehicle and Philip
19 Brown drives her back to her home in Mount Pleasant.
20 He'd gotten so close meeting that next goal of
21 ownership, and he killed her. He murdered her. He
22 bludgeoned her in the back of her head and he takes a
23 gun that was her father's and shoots her in the back
24 of the neck and flees. He locks the door up tight.
25 The car is not there for anyone to know her body was

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1 inside. That's where his mind was.

2 In Mount Pleasant, her father's caretakers, they
3 hadn't heard from Ann. And they give their hours for
4 the two-week period to Ann and then the checks are
5 generated and she makes sure she gives them. And
6 that's not like her. She doesn't go off for long time
7 periods with her father in his health condition. And
8 her friends, one -- the one who said you really need
9 to get it in writing, and another friend texting her
10 asking how the meeting went, where are you, calling
11 her. Nothing. Nothing from Ann, which was completely
12 out of character. They're wondering -- and their
13 instincts were right -- something is not right.

14 Mary Webb, who you'll hear from today, she rides
15 by her house. And Ann was a religious reader of the
16 newspaper every morning. The newspapers have gathered
17 on the lawn. No one has heard from her. The
18 caregivers are not taken care of. All the alarms are
19 going off. So Mary Webb knew of Norman Browne because
20 of the whole situation, and she tries to start finding
21 him on the Internet and Facebook, and she gets a phone
22 number for him and calls him. And he's like, oh yeah,
23 she came and then she hurt her head and I took her
24 back and she was okay, and then I -- I took her car
25 back to her in Wilmington, North Carolina the next

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1 day.

2 If Mary hadn't been upset before that
3 conversation, she certainly was afterwards. Ann
4 Witherspoon is not traveling to Wilmington to meet
5 someone who lives in Myrtle Beach. And he did his
6 smooth talking stuff. Oh, well, she was with a guy,
7 and he was tall, wore like a 3X, white hair, and they
8 were having words together. They parked at the Waffle
9 House parking lot on Front Street in Wilmington.

10 There is no Waffle House parking lot on Front
11 Street in Wilmington. Mary's sensors were in high
12 gear and she and one of her friends, Mary Dallas
13 Moore, had been talking about it and panicking, et
14 cetera. And ultimately, Mary Webb and Mary Dallas'
15 husband go to Mount Pleasant and report a missing
16 person. There was a newer officer to Mount Pleasant
17 -- he had worked at other places in law enforcement --
18 who took their statement, and it didn't seem right to
19 him. It wasn't somebody who might have a boyfriend in
20 one county, another one from somewhere else. It
21 wasn't someone who was so free-spirited that she left
22 to go out of town and not tell anybody. She was
23 hyper-responsible, hyper-caring of her father, and she
24 would not leave those caretakers without their money.

25 Mr. Frances, Brian Frances, went over to her

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1 house and he too thought it was odd that it was so
2 secure, like, all the shades were down, all the doors
3 were locked, another newspaper in the grass. And
4 ultimately, he called one of his supervisors and said
5 I think I need to go in there, and they went inside.
6 And there she was in her bed in her house. No blood
7 on the floor, no sign of a burglary, jewelry still on
8 her. And she was on the bed, dead, with a gun resting
9 on her shoulder on her side. She's left-handed. But
10 in staging it, he didn't think about that.

11 You will learn about what the scene looked like.
12 You'll know about how the bed appeared and what all of
13 that means to pathologists in the case who did her
14 autopsy, to the coroner who went to the scene, to the
15 crime scene gentleman from Mount Pleasant who went and
16 gathered evidence. It wasn't adding up. Did he make
17 it look like a suicide? How many suicides have you
18 heard of where someone uses their nondominant hand and
19 shoots himself from behind? He head her facedown on
20 that bed and bludgeoned her to calm her and then shot
21 her. He thought he was in the clear. Too much to
22 lose.

23 You will hear from the trooper right outside of
24 where his apartment and his storage unit was who stops
25 him that night when he is hightailing it back to

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1 Myrtle Beach. I'm in the clear. He gets stopped for
2 speeding. And he said, oh, it's my friend's car.
3 She's sick. I'm going to get back to her. She's
4 sick. And as the trooper walks off, you'll hear the
5 video, hear what he says, the trooper, hoping, hoping
6 that he could can salvage it. Well, this whole
7 Wilmington story that he told Mary Webb, he then told
8 Brian Frances that who called him, the officer who
9 was, like, this isn't adding up, I'm going over. He
10 tells him about Wilmington, trying to create this
11 bigger than him guy who was menacing like this.

12 You'll hear from her friends. You'll get a
13 feel. She's not going to Wilmington in the evening
14 hours from Mount Pleasant with some guy they've never
15 heard of and nobody meets the description. Baloney.
16 You'll hear from all of them.

17 He told both Mary Webb and he told Brian
18 Frances, and then later he talks to David Ivey, who's
19 seated behind us, he's the lead detective in the case,
20 that he took her her car back and I just had to take a
21 cab, a cab from Wilmington to Myrtle Beach. That's no
22 low fare. He said Ann wouldn't give him a ride home.
23 What he didn't know, what he hadn't planned on, what
24 he didn't think through, what he wasn't quite smart
25 enough to figure out is that the police will

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1 ultimately get the video from Front Street in
2 Wilmington showing him coming down in Mary's dad's
3 car, not stopping, not having a conversation with two
4 people, plowing down, turns and goes and hides that
5 car in a college parking lot. And then you see his
6 image surface and you see him walking quickly back to
7 a restaurant where people pick up cabs. Ann
8 Witherspoon was dead the night he left the house. She
9 didn't go to Wilmington.

10 As you are listening to the testimony in this
11 case, I ask that you pay close attention, you know, to
12 the details. It's almost like something you hear
13 about, a person who gets so close to becoming the man
14 he wants to be, and then he's lied to one woman and
15 she's used her money, and he's lied to another woman
16 and she's used her money, and it's catching up with
17 him. And he reacts and he takes the life of a woman
18 who was willing to let him borrow money to better
19 himself. I ask that you pay attention to all of the
20 testimony, all of the photographs. And I will address
21 you again at the end and ask that you return a verdict
22 of guilty of murder and guilty of grand larceny.
23 Thank you very much.

24 THE COURT: You may proceed.

25 MR. BROWNE: I'd like to reserve the right to do

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1 it at my opening in the --

2 THE COURT: Sir, you have to -- if you're going
3 to make an opening statement, you'll need to make it
4 now. Otherwise, you can waive it if you would like.

5 MR. BROWNE: I would like to waive it.

6 THE COURT: Pardon me?

7 MR. BROWNE: I would like to waive it.

8 THE COURT: Okay. You're certainly entitled to
9 do that. You may take your seat. Call you first
10 witness.

11 MS. SHEALY: Mary Dallas Moore. Your Honor --

12 THE COURT: Yes?

13 MS. SHEALY: -- may we approach you for a
14 moment?

15 THE COURT: If it's something that needs to be
16 on the record, then no. We'll need to send out the
17 jury.

18 MS. SHEALY: It's a question as to whether
19 something has already been moved in technically, or
20 whether I still need to.

21 THE COURT: I think everything has except 103 --

22 MS. SHEALY: Okay.

23 THE COURT: -- through 106.

24 MS. SHEALY: Very good. Thank you.

25 THE COURT: 10-- 10-- I'm sorry. Yeah, except

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1 questions you're going to want to ask, I need to
2 hear. Those are the only questions you plan to ask
3 her?

4 MS. SHEALY: As -- as to this, yes. I -- she
5 took it to the -- well, if you don't want me to --

6 THE COURT: No, go ahead. No, no.

7 MS. SHEALY: -- she -- she indicated she took it
8 to the police.

9 THE COURT: Uh-huh. I got that part.

10 MS. SHEALY: Okay. And -- and that she had
11 looked at it prior to doing so, and so what I would
12 hope to do is to then offer it into evidence in front
13 of the jury. And under Rule 803 --

14 THE COURT: You need to determine if he objects.
15 Sir, do you have any objection to the admission -- to
16 the admission of what Ms. Shealy has provided to you,
17 which is marked as Rule 5 Bates stamped page 681, 682
18 683?

19 MR. BROWNE: Yes, Your Honor, I object because
20 it's hearsay under rule -- other Rule 803. The
21 person who supposedly wrote it is not here to
22 argument what was said, about what was said, or the
23 matter of how it was said.

24 THE COURT: Ms. Shealy?

25 MS. SHEALY: Your Honor, it's the State's

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1 position that under 803.3 then existing mental
2 emotional, or physical condition. And the rule
3 itself is entitled, "Hearsay Exceptions Availability
4 of Declarant Immaterial," that this matter would be
5 appropriate for introduction into evidence.

6 THE COURT: Sir, are you contesting that
7 Ms. Witherspoon loaned you \$20,000?

8 MR. BROWNE: No, ma'am.

9 THE COURT: I guess I'm in a bit of a struggle
10 as to how this is -- purports to be what you
11 represent it to be, Ms. Shealy.

12 MS. SHEALY: Just to make sure I'm addressing
13 you accurately, do you --

14 THE COURT: I'm not certain it comes within the
15 elements of the rule, and I'm trying to figure how it
16 is. These are extraneous statements purportedly made
17 by the victim in this case, Ms. Witherspoon. There
18 is no contest that she loaned him the money. That's
19 not an issue that is -- that is being contradicted.
20 Mr. Browne just indicated that he admits she owed --
21 she loaned him \$20,000. So I'm trying to figure out
22 for what purpose you're seeking to admit this, what
23 -- what evidentiary value it has, and what issue of
24 consequence it makes more or less probable in this
25 case.

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1 MS. SHEALY: The -- I think, Your Honor, that it
2 goes to her reason for --

3 THE COURT: And let me just jump into traffic.
4 Normally, in the cases that support these type of
5 admissions or when people have told somebody that
6 they felt threatened that their life was in danger or
7 they have committed that to writing, the rule
8 provides under 803.3 that a statement of the
9 declarant's then existing state of mind, emotions,
10 sensation or physical condition, such as intent,
11 plan, motive, design, mental feeling, pain and bodily
12 health, but not including a statement of memory or
13 belief to prove the fact remembered or believed,
14 unless it relates to the execution, revocation,
15 identification or terms of declarant's will, which
16 are -- there's a whole 'nother set of case law
17 interpreting that exception. And I'm trying to
18 figure out how does it fit within that exception
19 because otherwise, it is a statement offered for its
20 truth, but it is a fact that is not in contention.
21 So I'm trying to figure out how it, in fact, comes
22 within Rule 803.3.

23 MS. SHEALY: Thank you, Your Honor.

24 THE WITNESS: Can I say something? No? Oh,
25 sorry.

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1 MS. SHEALY: Your Honor, if you look on the page
2 that's numbered 682, there is an acknowledgment by
3 her that "I have to believe I will get the \$20,000
4 back." That is crucial to the State's case to show
5 that that was her motivation for traveling to see
6 him, not as he suggested during one of his
7 cross-examinations that she had a private life, she
8 was --

9 THE COURT: Well, he hasn't been cross-examined.
10 Well, you mean in his cross-examination of --

11 MS. SHEALY: Yes, Your Honor.

12 THE COURT: But that's not what he offered that
13 testimony for. What he offered it for is that she --
14 she was a very private person and it would not be
15 unusual for her to do things without telling someone.
16 And that is corroborated by your first witness,
17 Ms. Mary Dallas Moore, who said she was very private,
18 that she offered information into the extent it was
19 offered -- I'm paraphrasing it -- she took it, she
20 didn't ask any more questions because she was an
21 adult and she was not going to pry into her life. So
22 I'm trying to figure out -- he never said that she
23 wasn't coming to see him to come get her money.
24 That's not --

25 MS. SHEALY: Nor did he say that --

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1 THE COURT: But that wasn't why it was offered.
2 It clearly was offered in cross-examination by the
3 extent of their knowledge of where she was going,
4 whether she would have shared that with them, and
5 whether she was an extremely private person, which
6 you elicited on direct exam of the witnesses.

7 MS. SHEALY: Yes, Your Honor. I think it is
8 appropriate for the State to be able to present that
9 under Rule 803 that she is very concerned about
10 getting the \$20,000 back. The jury --

11 THE COURT: But is that what this really says?

12 MS. SHEALY: -- it says, "I have to believe I'll
13 get the \$20,000 back."

14 THE COURT: Yeah, but that doesn't mean that I
15 -- I don't think you can -- this whole -- and
16 paraphrasing -- is basically, I gave some money to
17 somebody. It was an advisable -- my words, not hers
18 -- and I'm chalking this up to a life lesson. I'm
19 not going to be bitter about it. I need to get my
20 money back, but -- and her exact words are, "The
21 investment deal, no word from PB." And I really --
22 you know, we can assume those are his initials. We
23 don't have anything in the record to corroborate
24 that. "Appears the investment deal is not, which is
25 fine. I am going to turn this very expensive lesson

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1 into a positive. The positive is that the financial
2 loss, though not a done deal, will not be compounded
3 by any loss of physical self-respect." But I don't
4 know that I can infer from "I have to believe I will
5 get the 20K back" means I was going to get my money.
6 That's a totally -- that's a totally -- that's --
7 that's -- that's the hope or belief like, well, I'm
8 hoping I get my money back but if not." When you
9 read this in its whole context, it's like I'm
10 chalking this up to bad experience, at least I've got
11 -- I arranged to have some interest. I'm sort of
12 jumping out of chronology. "At least I arranged to
13 have some interest, unlike my experience with H," who
14 I have no idea who that is. But it appears that she
15 must have loaned somebody some money in the past and
16 it didn't turn out that she was able to recoup her
17 money. "I'm going to turn this very expensive lesson
18 into a positive."

19 And she goes on. Really, this about
20 introspection. This is about I'm not going to beat
21 myself, I'm not going to fault myself for trusting
22 someone again -- my words, not hers -- I'm going to
23 make this into a positive, teachable moment. Maybe
24 I'll get my money back, maybe I won't, but I'm not
25 going to linger on it. Nowhere in here doe it say I'm

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1 going to Myrtle Beach to get my money and I expect to
2 have this encounter with him and I expect it not
3 necessarily to be pleasant or work out in my -- to my
4 advantage. That would be totally different. Or if
5 she put in here I'm scared, I think he might kill me,
6 I'm going to Myrtle Beach and I'm doing it at risk of
7 my own life. I haven't told my friends I'm going.
8 Maybe I've told a couple of my friends I'm going, but
9 I still plan to go because I want my money.

10 Totally sort of different statements. And the
11 case law interpreting the admission of these type of
12 statements really deals with when the Supreme Court
13 articulates what -- and they actually cite a couple of
14 United States Supreme Court cases. They all deal with
15 a victim's state of mind in terms of being scared of
16 someone when it tends to disprove something contrary
17 to what a defendant has articulated, that being in one
18 case, it was relevant to disprove a contention that
19 the defendant made. In nother words, that a shooting
20 was an accident. And they allowed in statements about
21 her fear, which went to the intent about the shooting.

22 And what the -- what our Supreme Court, as well
23 as United States Supreme Court, has articulated is
24 that there are two different things you cannot -- that
25 you cannot -- that you cannot, in your analysis, say

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1 are the same thing. What they have said is that the
2 present state of a declarant's mind is admissible as
3 an exception, however, the reason for their state of
4 mind is not.

5 And so a lot of this is about the reasons she is
6 in the state of mind that she's in, but not really
7 about her state of mind. You know, like when people
8 say I'm scared, I'm scared because this person has
9 threatened me. Those are generally the kind of
10 statements that are admitted. And then the other
11 thing is that he does not -- he concedes that the
12 \$20,000 was -- was loaned to him.

13 MS. SHEALY: He has articulated that to the
14 Court, that is not in front of the jury.

15 THE COURT: He is bound by that. He has told me
16 that it is not an issue in this case that he
17 contends. He's acting as his own attorney. It's no
18 different than if Ms. Hensley told me that was his
19 position. Now, if he changes his position, that's
20 different, which can happen. Things change in a
21 trial. But I am at a loss as to how this is, as the
22 Court has articulated, her -- declarant's -- the
23 declarant's state of mind versus the declarant's --
24 the reason for her state of mind. Now, I am just not
25 -- I'm not there yet with you about -- these are all

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1 introspective, which is what thankfulness journals
2 are for, if nobody has ever owned one. I am familiar
3 with them.

4 What you do is at the beginning of the day, you
5 set aside time and you set aside time at the end of
6 the day. And basically what you do is you reflect on
7 your day. You give three things you're thankful for
8 and three things you're going to change in the next
9 day. In other words, I did -- you know, I had these
10 goals when I started out this morning, I tackled these
11 three goals, but these are the things I need to do
12 better tomorrow. And it really does reflect that. In
13 other words, I'm not going to beat myself because I
14 was kind to somebody. And my words, not hers. I'm
15 not going to penalize myself because I loaned this
16 money and it may have been inadvisable because I saw
17 red flags. You know -- and again, I'm going to turn
18 this very expensive lesson into a positive.

19 All of those things are reflective of what a
20 thankfulness journal is. Some -- some of them are
21 called -- oh, I'm trying to think of all the titles
22 they've given them, but they're very popular. A lot
23 of people use them, a lot of churches use them. But
24 the whole purpose of it is for you to take quiet time
25 at the beginning of each day, at the end of each day,

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1 and look inside and say what is it that I am thankful
2 for, what things are challenges to me, and what do I
3 plan to do better tomorrow. And all of these really
4 fit into that category. .

5 And I think my analysis and my perception would
6 be different if she said I'm scared of this person. I
7 think that if I don't get -- if I approach him about
8 getting my money that my life is in danger. Those are
9 different kinds of statements. And those, in general,
10 have been the type of statements that our appellate
11 courts have said are appropriately admitted under the
12 803 exception. But reading these, I -- like I said,
13 these are -- they fall right in line with what a
14 thankfulness journal is and why people find them
15 helpful. I think they're probably a good practice.
16 Everybody needs their quiet time during the course of
17 the day.

18 And what she basically says is that she's not
19 going to seek out any resolution. She texts, "My
20 heart certainly feels calm, there is that. I texted P
21 last night at 9:00. I will not do so again. And if I
22 don't get a reply, I will wait until the end of
23 January to retry, so from 12/29 to 1/31' -- and
24 there's a period after that -- 'I will wait on this,
25 not seek out any resolution. The progress, and this

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1 is simply or not simply the fact that I did not
2 compromise my physical body beyond superficial. This
3 is a good lesson. I am worth way' -- and that's
4 capitalized -- 'more than \$20,000.'"

5 So it really doesn't serve to corroborate
6 anything that you've said, which is about her going to
7 get her money.

8 MS. SHEALY: Well, it does. Respectfully, Your
9 Honor, I do think it is -- it is on her mind she is
10 owed the money. She's not going to let it ruin her
11 life if she doesn't get it, but that she --

12 THE COURT: It's not relevant to anything.

13 MS. SHEALY: Well, I think it is relevant as to
14 the purpose of why she went to Wilmington.

15 THE COURT: It doesn't say that. If anything,
16 if I were to extrapolate from this, is that she's
17 letting it go. I'm not going bother with it. I'm
18 not writing about it anymore. It's a good life
19 lesson. I'm not going to beat myself about it. I'm
20 not going to think about myself negatively. It does
21 not state in one paragraph of this thankfulness
22 journal I'm going to Wilmington to get my money or
23 that I'm going to pursue getting my money. And I
24 don't think -- I mean, if it becomes -- and I still
25 don't know how any of these statements would say

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1 that. It would be different if she said I'm going to
2 Wilmington tomorrow to get my money. I'm a little
3 concerned about that. I'm a little concerned about
4 having to face to face with him. I'm concerned about
5 my safety. I think all of that would come in as a
6 present-sense impression.

7 Or even if she said, you know, I've texted him,
8 he hasn't responded, I'm going to get my money
9 tomorrow. I've made the decision that I'm going. I
10 told so-and-so and so-and-so. I've maybe not told
11 so-and-so that I'm going. I anticipate being gone a
12 day. I'll be back. But typically, a thankfulness
13 journal not contain that kind of information. Like I
14 said, it's limited to what am I trying to do better
15 today, did I reach my goals, and what am I going to
16 try to do better tomorrow. And it really does fall in
17 line with that. And it's commendable.

18 And even -- it really also refers apparently --
19 and I didn't mean to skip over this -- but apparently,
20 she does have some struggles with an eating disorder.
21 And basically what she also says, parenthetically, is
22 I'm not going to allow this to be a trigger. I'm not
23 going to binge today. And I'm not going to allow this
24 to overcome everything that I've accomplished that I'm
25 trying to do better from -- you know, I'm saying

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1 Tuesday, but that's not -- from Tuesday to Wednesday.
2 In other words, I'm not going to allow what happened
3 on Monday to trigger me to do something that's --
4 that's -- what's the word that I'm looking for --

5 MS. SHEALY: Derail her.

6 THE COURT: -- that's, you know, that's going to
7 make me decompensate from where I have come, which is
8 I feel like I've exhausted this issue and I've
9 overcome it, and I'm not going to allow these series
10 of events to act as a trigger to make me regress.
11 That's the word I was looking for. I don't know if
12 he may open the door to it. I'm not certain. We'll
13 have to cross that bridge when we come to it.

14 MS. SHEALY: And I regret referring to it as a
15 thanks -- a thanks -- what -- what --

16 THE COURT: No, that's the name of it. That's
17 what -- it says it on the title, doesn't it?

18 MS. SHEALY: Well, actually, it says journal. I
19 don't know where the thankfulness came in.

20 THE COURT: But it really sort of follows. But
21 it wouldn't --

22 MS. SHEALY: I understand what you're saying.

23 THE COURT: -- but it wouldn't be unusual. A
24 lot of people use them. They find them very helpful.
25 In the busyness that we find -- you know, as

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1 Americans -- and I don't mean this in any pejorative
2 sense -- we're in the business of being busy. We
3 never take time to slow down and have any sort of
4 introspection about, you know, our lives. And so a
5 lot of people journal for that purpose, to have quiet
6 moments for introspection. And -- and -- but again,
7 my perspective would be different if she had said I'm
8 scared, I'm terrified, I'm making sure I've got my
9 doors locked, I'm going here against advice to go
10 confront him about this money.

11 You know, even if she didn't say I was scared
12 about confronting him about my money. Even if she
13 said I'm going to Myrtle Beach to go get my money, it
14 was inadvisable for me to loan it without, you know,
15 having something in writing to confirm that I would
16 get my money back. But she had plenty of advice. She
17 had Ms. Webb, who was a lawyer. Although she's a very
18 able and competent teacher, but she had her as a
19 lawyer to assist her. And she told us, she's like,
20 don't go there because we can take care of this other
21 ways. She had Ms. Moore, whose husband is a lawyer
22 who -- I think she had a lot of good advice around
23 her.

24 Now, again, I don't know if the door might be
25 opened, I'm not certain. But I don't know that these

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1 come within 803. I think these are more about the
2 reason for her state of mind, but not really a --
3 there are reflections in some ways of her state of
4 mind, but not relevant to this case. Her state of
5 mind about her eating disorder, her state about not
6 denigrating her body in any negative way because of
7 this. It being a teachable moment -- my words again,
8 not hers.

9 But of the -- in the brief time that I've had to
10 research this, all of the cases that seem to support
11 an 803.3 admissibility really deals with threats to a
12 person's life and their present-sense impression that
13 they're in fear, that they feel threatened, something
14 that inherently possesses veracity that is relevant to
15 an element in the case. And I think it's -- I'll
16 think about it over the evening, but I -- and I need
17 to do some research, but I can't find any cases that
18 have these statements fall into any of those
19 categories that have been articulated by our appellate
20 courts.

21 Anything further for the record, Ms. Shealy,
22 regarding the request to admit? And what number would
23 this be, because I have 103 through 106, and I need to
24 know which -- oh, I see how you marked them. So
25 State's 104 is the first statement I referred to, no

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1 word -- actually, it's a full three paragraphs but you
2 only have one sentence highlighted, which is -- and
3 again, this is -- and that's 104 -- is 12/16/18, which
4 the full first part of it deals with about -- and
5 again, I don't want to go into all the details, but
6 about her eating disorder, which I don't know what
7 makes more or less probable or -- even though it might
8 be a present-sense impression, I don't know what it
9 makes -- why -- why it would be relevant in this case.
10 And there's one sentence, "No word from PB. It
11 appears this investment deal is not, which is fine.
12 At least I didn't just offer to lend for zero return
13 (as with my past experience with H) so I believe that
14 is progress for me. No foul, nothing ventured. Will
15 I see him again? I believe so. And as I said to Mary
16 at least, I don't cry around the experience with him.
17 I will live today without binging. And the day of a
18 binge is uncontrolled eating, eating to' -- and then
19 it says (unknown).'" Let's see, 12/16/18.

20 MS. SHEALY: Oh, you're reading from the typed
21 portion?

22 THE COURT: Yeah. I'm trying to find it in the
23 actual -- in her handwriting.

24 MS. SHEALY: It -- may I approach or --

25 THE COURT: Sure. You can show me where --

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1 well, actually, it's not that much. "So I believe
2 that is progress for me. No foul, nothing ventured.
3 Will I see him again? I believe so. And as I said
4 to Mary, at least I don't cry around the experience
5 with him. I will'" -- and actually, she marks out --
6 she said "I will get," and then she marks out get. I
7 will live today without binging. And the day of a
8 binge' -- 'the day of a binge is uncontrolled eating,
9 eating to escape, eating to punish. And so all have
10 unknown, but that is eating to escape, eating to
11 punish, which all really deals with her -- with her
12 eating disorder.

13 And I don't mean to sound indelicate or
14 unsympathetic, but I think that's more in the nature
15 of I'm not going to allow this to act as -- as a
16 trigger to me derailing my progress or causing me to
17 decompensate. And then you have one marked 12/29/18
18 which is, "I'm going to turn this very expensive
19 lesson into a positive. The positive is that the
20 financial loss (though not a done deal) will not be
21 compounded by any loss of physical self-respect. When
22 I think back, I see a pattern without any doubt,
23 except in varying degrees. The other major losses
24 were not accompanied by physical loss. Can
25 specifically think of the RX-7 issue in Tampa. The

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1 other gifts never returned were not the same. And
2 then a parenthesis, Chris love, Bill love, Hugh love
3 but not -- but then the line was blurred with the
4 guitar which was a gift. And to say that Hugh loves
5 me is also not a given, however, he has not injured me
6 physically." And then it goes on. "Today, 12/29/18,
7 the potential for significant financial loss, which
8 does happen to people. It is real. But I' -- I'm
9 trying to read both of them at the same time, I'm
10 sorry, I'm going back and forth -- 'but I have not
11 been physically hurt, part of the questionable
12 encounter that raised the red flag. I have to forgive
13 myself. I forgive myself.'" And she writes that
14 twice. "I let this experience go right now." Which
15 are clearly affirming statements, which is what, you
16 know, a gratitude journal encourages you to do. "I
17 let this experience go right now."

18 And then it goes on to the next paragraph. She
19 talks about surfing the web. She thinks of H., which
20 I have to assume is Hugh. "And the boats, trailers, I
21 did get the money back for the 18K loan, I have to
22 believe I will get the 20K back. If I'm gone and this
23 is ever read, just know I did feel at the time it was
24 going to be okay. And I will continue to believe that
25 but now will place this out of the forefront of my

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1 consciousness. My heart certainly feels calm. There
2 is that. I texted P last night at 9:00. I will not
3 do so again. And if I don't get a reply, I will wait
4 until the end of January to retry." And I've already
5 read the rest of that, which is about this not being a
6 trigger and her being way more -- worth way more than
7 \$20,000. And then she lists three -- four goals, and
8 it looks like she lists them twice.

9 And again, this is -- it is -- it's in the
10 nature of a gratitude journal, which she said she
11 hadn't written, basically, for about two months, a
12 month and a half. She had so many things for which to
13 be grateful, and she basically says all the things
14 she's restarted to deal with the fact that it appears
15 maybe she's regressed a little, restarted her meds,
16 dealt with a cycle of binge eating, which was getting
17 more frequent. "Grateful for the help, will take
18 advantage of the chemistry, do not feign affection,
19 ask questions even if you don't get answers." And
20 then she starts talking about the Chinese New Year and
21 who she's grateful for. Basically, February 5th is a
22 list of everybody that she's grateful for.

23 So even if I were to interpret that these were
24 statements of her present -- of her then existing
25 state of mind, they really do not support your theory

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1 of which you're offering them for, which is that I was
2 going to get my money from him, and these simply don't
3 say that. So I'm grappling with whether they're
4 relevant.

5 So Mr. Browne, I need to hear any argument you
6 have. And you said that you're opposed to the
7 admission of these documents. I need to know, based
8 on what Ms. Shealy has presented to the Court, if you
9 have any additional argument in response.

10 MR. BROWNE: You pretty much laid it out at
11 extense. There's nothing I have to argue.

12 THE COURT: Well, you need to place your
13 argument on the record, sir. You can't rely on what
14 the Court said, because I was querying Ms. Shealy as
15 to the purpose for which she was seeking to admit the
16 evidence and how she felt it fit within the rules.

17 MR. BROWNE: And I'm going to quote Rule 803.3,
18 then existing mental, emotional, and physical
19 conditions.

20 THE COURT: I'm sorry, sir. Say that one more
21 time.

22 MR. BROWNE: I'm going to quote Rule 803,
23 hearsay exceptions No. 3, "Then existing mental,
24 emotional, or physical conditions," that it isn't any
25 of those.

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1 THE COURT: Okay. I'll think about it over the
2 evening. If you have any specific cases that you
3 would like me to look at -- and Ms. Webb, I
4 apologize. Did you have any other questions on
5 proffer that you want to ask her about --

6 MS. SHEALY: I do not.

7 THE COURT: Sir, do have any cross-examination
8 of the witness on a proffer?

9 MR. BROWNE: No, ma'am.

10 THE COURT: Can we excuse Ms. Webb without --
11 well, we can make it subject to recall in the event
12 that any door is opened. But that certainly would
13 not excuse her from being present in the courtroom.
14 Sir, do you have any exception to that?

15 MR. BROWNE: No, ma'am.

16 THE COURT: Ms. Shealy, do you have any
17 exception to that?

18 MS. SHEALY: No, Your Honor.

19 THE COURT: You're excused, Ms. Webb.

20 THE WITNESS: Thank you.

21 THE COURT: We thank you for your patience.

22 THE WITNESS: Thank you.

23 THE COURT: And if you have any cases you want
24 to bring to my attention in the morning, I'll be glad
25 to look at them, Ms. Shealy.

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1 Is that --

2 MR. BROWNE: Objection.

3 THE COURT: Basis.

4 MR. BROWNE: He can't read his report.

5 THE COURT: Sustained. He can only use it to
6 refresh his memory. He's not to read anything from
7 that report. It's hearsay.

8 THE WITNESS: The only --

9 THE COURT: Sir, if you need to refresh your
10 memory, you can read the report silently to yourself,
11 but don't read anything from the report.

12 THE WITNESS: Yes, ma'am. I only ask because I
13 am not sure if the format is the same --

14 THE COURT: That's okay.

15 THE WITNESS: -- between my report and hers.

16 BY MS. SHEALY:

17 Q Officer Frances, if I were to consider the beginning
18 of your report the words, "On 2 --02/09/2019" at the
19 top --

20 A Yes, ma'am.

21 Q -- and if you were to go down to the bottom paragraph
22 -- two paragraphs, I'd ask you to take a look at that to
23 refresh your memory.

24 A Okay.

25 Q Upon reviewing that, is your memory refreshed as to

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1 MR. BROWNE: Objection.

2 THE WITNESS: -- to just leave her papers
3 sitting in the front yard.

4 THE COURT: Sustained; hearsay. You cannot say
5 what someone said to him. There's no investigative
6 hearsay.

7 THE WITNESS: I got there and I found the two
8 papers on the front porch. I found the Saturday
9 paper lying in the front yard. I checked the mailbox
10 and the mailbox was still full of mail, and went up
11 to the front door. The front door was locked. I
12 wasn't able to look inside of any of the windows
13 because the blinds were closed. The papers that were
14 on the porch were from Thursday and Friday. The one
15 that was in the yard was from Saturday, indicating
16 that no one had read the paper since -- at least
17 since Wednesday. I went around to the back of the
18 house and tried the other doors, the other windows,
19 same thing. There was one window I was able to
20 partially look into and I could see what looked like
21 a charging cord plugged into possibly a cell phone
22 sitting on the counter. And Ms. Witherspoon, I had
23 been told, had two cell phones and that she always
24 used both -- she used both of them and always had
25 both of them with her. That indicated to me that if

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1 Q So --

2 A And that never happened.

3 Q -- that's what I was going to ask you. So when you
4 said there were phone calls about it, you don't mean with
5 Ann, you mean with other caregivers?

6 A Yes. The caregivers were saying she never called or
7 she didn't come by to get the time or the grocery list.

8 MR. BROWNE: Objection, Your Honor.

9 THE COURT: Basis?

10 MR. BROWNE: Hearsay.

11 THE COURT: Sustained; hearsay.

12 BY MS. SHEALY:

13 Q The week that you did not give your hours to Ann --

14 A Yes.

15 Q -- did you learn at some point that she was not in
16 town?

17 A Yeah. I learned that she was out of town and I was,
18 like, out of town? She don't usually go out of town. And
19 if she goes, she let us know she's going to go out of
20 town. But she don't -- that's something she really
21 didn't.

22 Q Okay. And describe, if you would, for the jury
23 whether Ann would keep on top of her father's condition
24 and how he was doing with the caregivers.

25 A She did. She kept in contact with everyone about him,

JURY TRIAL

1 It's always usually either in the side of head or through
2 the mouth. That's -- that's normally what I see.

3 Q And regarding women and suicide, is there -- do they
4 often shoot themselves, or is there usually a different
5 mode of suicide?

6 A It's the second, leaving --

7 MR. BROWNE: Objection.

8 THE COURT: Was the basis of the objection?

9 MR. BROWNE: Expertise.

10 THE COURT: It's sustained. Lack of foundation,
11 speculation, lack of expertise. The entire question
12 is stricken as well as any potential answer. Ladies
13 and gentlemen, you are to give absolutely no
14 consideration to the question or the answer in your
15 deliberations. You may proceed.

16 MS. SHEALY: Thank you, Your Honor.

17 BY MS. SHEALY:

18 Q Okay. I'm now showing you -- we covered State's 34
19 with the pillow. So after you and the coroner worked the
20 bed area --

21 A Yes, ma'am.

22 Q -- layering back the bedding --

23 A Mm-hmm.

24 Q -- and taking photographs of the room in general and
25 of the bed and of each layer, did you then also look in

JURY TRIAL

1 A This is on the same kitchen counter. If you see where
2 my hand is at there right below that is that green beanie.
3 And this is a picture of a calendar.

4 Q Okay. And could you advise the jury whether or not
5 there were writings as to future plans on that calendar?

6 A Yes, ma'am. There should be a closer picture.

7 Q You mean there is a closer picture? I'm showing you
8 State's Exhibit 51.

9 MR. BROWNE: Objection; hearsay.

10 THE COURT: Mr. Foreman, ladies and gentlemen, I
11 have a brief matter of law to take up with the
12 parties. During the break, please do not discuss the
13 case and please leave your notepads in your seats.

14 (The jury exited the courtroom.)

15 THE COURT: You may be seated. What number was
16 the exhibit that had the cloth, the blue cloth?

17 MS. SHEALY: Had the what? I'm sorry.

18 THE COURT: The blue cloth with the stains on
19 it, what number was that?

20 MR. BROWNE: 48, Your Honor.

21 MR. BARROW: 48.

22 THE COURT: Sir, what is the objection?

23 MR. BROWNE: Hearsay. She's asking him about
24 the writings on a calendar from somebody else.

25 THE COURT: Now, you agreed to admit No. 50, so

JURY TRIAL

1 the jury will be able to see that picture and they'll
2 be able to read it. However, he is correct. He
3 doesn't get to annotate anything. His job is to
4 collect evidence, that's it. It's not his job to
5 evaluate evidence. It's not his job to -- he doesn't
6 have the expertise to analyze any evidence. And he
7 hasn't objected. It's not my job to object. I'm
8 just the referee. You need to stay on task.

9 MS. SHEALY: Yes, Your Honor. May I respond
10 briefly, please?

11 THE COURT: I don't think there needs to be a
12 response. He's already admitted the document. He
13 doesn't get to read what's in it. The jury can look
14 at the exhibit themselves.

15 MS. SHEALY: Oh, you're just saying -- okay.

16 THE COURT: There's too much annotation going
17 on. His job as a CSI is to collect the evidence, to
18 marshal it, to identify it, and it's for somebody
19 else to analyze it. He hasn't objected. I don't
20 interpose myself, but you need to stay on task.

21 MS. SHEALY: Very well.

22 THE COURT: Get the jury for me. Sir, was there
23 anything further?

24 MR. BROWNE: No, ma'am.

25 THE COURT: Thank you.

JURY TRIAL

1 items were sent from your department to SLED?

2 A Item No. 1 was a buccal swab from the suspect. Item 2
3 was swabs of the trigger and grip area of the handgun.
4 Item 3 were fingernail clippings, both the right and left
5 hand. The blood standard from the victim. Swabs that
6 were taken from the cups that I collected, the Kawasaki
7 cup and the MiiR cup. A pair of gray and white striped
8 gloves, a GSR kit, a pair of black knit gloves, a pair of
9 blue and white gloves, and a sexual assault kit.

10 Q And when you --

11 MR. BROWNE: Object, Your Honor.

12 THE COURT: Basis?

13 MR. BROWNE: Was removed yesterday, the last
14 item. "

15 THE COURT: I don't think there was any
16 reference to it. We'll take it -- let me -- let me
17 see what you just referred to.

18 (Bench conference off the
19 record.)

20 THE COURT: The objection is sustained. You may
21 continue.

22 MS. SHEALY: I'm sorry?

23 THE COURT: I said you may continue with your
24 questioning of the witness.

25 MS. SHEALY: Thank you.

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1 I'm sorry.

2 BY MS. SHEALY:

3 Q So did you have any involvement with the Cadillac that
4 had been brought from Wilmington where it was found to
5 Mount Pleasant?

6 A Yes, ma'am. Captain Martin advised me that the car
7 was recovered and they were bringing it down.

8 MR. BROWNE: Objection; hearsay.

9 THE COURT: Basis?

10 MR. BROWNE: Hearsay.

11 THE COURT: Sustained; hearsay. He can only say
12 what he did as a result of the conversation. He
13 cannot say what someone said to him. Do you need the
14 question rephrased, sir, or restated for you?

15 MS. SHEALY: I might do this.

16 THE COURT: Rephrase the question, please.

17 BY MS. SHEALY:

18 Q Tell us, first, did the vehicle -- was the vehicle
19 towed to Mount Pleasant?

20 A Yes, it was.

21 Q Was it towed to a location that you all keep evidence?

22 A Yes, ma'am. We have a vehicle examination building
23 and it was towed there.

24 Q Once it was towed there, did you take photographs and
25 do any type of forensic analysis of the vehicle?

JURY TRIAL

1 Q And in looking at the photograph, can you point to the
2 area where there had been a lot of blood?

3 A Not really in this picture. This here is not blood.

4 I don't know if you want me to mark.

5 Q I'm going to ask you about that as well.

6 A Okay.

7 Q But in looking at that photo, it doesn't show the
8 blood that you found that you said was a lot?

9 A That's right, not on this side. Correct.

10 Q And on which side of this photo would that blood have
11 been?

12 A It's going to be behind her and underneath her.

13 Q Now, looking at this photo, tell the jury whether or
14 not there was anything of interest regarding the pants
15 that she had on and the area on the sheet.

16 A Yes. So what you're seeing there is the wetness on
17 her pants and also the wetness that's on the sheet, and
18 that's probably urine. Sometimes after death we'll
19 release that fluid, and so that would be urine.

20 Q And was there any interest to you regarding the image
21 on the pants compared to that on the bed?

22 A Yes. This appears to be --

23 MR. BROWNE: Objection.

24 THE COURT: Basis?

25 MR. BROWNE: Expert.

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1 THE COURT: Sustained, Rule 701 and 702. She
2 cannot render an opinion. I'm not taking argument.
3 The Court has ruled. The objection is sustained.
4 She can describe what she saw only, she cannot render
5 an opinion based on it.

6 MS. SHEALY: Okay.

7 BY MS. SHEALY:

8 Q Describe what you saw.

9 A The shape that's on her pants is the same shape that's
10 on the bed, and they are the same shape.

11 Q Okay. And when you go to a crime scene, just in
12 general, do you have any way of knowing whether a body has
13 been moved at some point before you've seen it?

14 A Yes.

15 Q (Unintelligible.)

16 A Sometimes, yes. There are ways that we can see how a
17 body is not in the same position based on the postmortem
18 changes of the body. So yes, there are ways that we can
19 tell that the body is in a different place than of which
20 it died.

21 Q I'm showing you State's Exhibit 42. And that's a
22 slightly different angle of where she was laying.

23 THE COURT: Did you show that to Mr. Browne?

24 MR. BROWNE: I agree, Your Honor.

25 THE COURT: States 42 is marked and admitted

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1 is for the amount of rigor, and rigor is the stiffening of
2 the -- the body. And there is a timeframe of which after
3 death the body and the muscles get stiffer and stiffer and
4 stiffer, and then it holds into very tight, and then there
5 is an amount of time where that slowly goes away.

6 MR. BROWNE: Objection, Your Honor, expertise.

7 THE COURT: Basis?

8 MR. BROWNE: Expertise.

9 THE COURT: The objection is sustained. Lack of
10 foundation and Rule 701 and 702.

11 MS. SHEALY: Your Honor, may I query her with
12 foundation?

13 THE COURT: I think based on the Court's
14 previous ruling, you should move on.

15 MS. SHEALY: I'm sorry?

16 THE COURT: I think based on the Court's
17 previous ruling, you should move on.

18 BY MS. SHEALY:

19 Q Tell us whether or not her stomach -- how did it
20 appear when you saw her stomach?

21 A There is a little bit of greenish tint color to some
22 lower abdomen areas.

23 MS. SHEALY: And I beg the Court's indulgence.

24 THE COURT: Yes, ma'am.

25 MR. BROWNE: Your Honor, approach?

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1 for the photo.

2 BY MS. SHEALY:

3 Q Do you know who took the photo?

4 A I believe my trainee, Deputy Coroner Dobbins.

5 Q And she was one who was present with you --

6 A Correct.

7 Q -- during the incident?

8 A Correct.

9 Q And there were a number of photos, in fact, taken by
10 the coroner's office as well as Mr. Horton's; is that
11 correct?

12 A Correct.

13 Q And did you actually see the thermostat as well?

14 A I believe so.

15 MS. SHEALY: Your Honor, we would offer it into
16 evidence.

17 (Plaintiff's Exhibit 211 was
18 again offered for admission into
19 evidence.)

20 THE COURT: Any objection?

21 MR. BROWNE: Objection.

22 THE COURT: Basis?

23 MR. BROWNE: She says she didn't take the photo.
24 Mr. Horton said it was 72 degrees yesterday and
25 remembered it quite emphatically, because he's a

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1 MS. SHEALY: And, Your Honor, Detective Ivey has
2 just indicated to me that he can probably get it to
3 play on hers if she wants him to do so.

4 THE COURT: Sure. I mean, are you saying you
5 have the --

6 MR. BARROW: No. She just got it. It's right
7 there.

8 MS. HENSLEY: I don't know if there's any sound
9 on here.

10 DET. IVEY: So there won't be any sound on it
11 unless you use the provided video player.

12 MS. HENSLEY: Right, unless I use the --

13 MR. BROWNE: Well, that's what -- we already --

14 MS. HENSLEY: -- how do you use the --

15 MR. BROWNE: -- thought of that.

16 MS. HENSLEY: -- the problem was I had to use
17 the Wilmington video player to get it to play.

18 DET. IVEY: So are you using this video player
19 here? So if you install that video player, then you
20 can use that to play those files. It will have the
21 video and the sound for you.

22 MR. BROWNE: Well, we actually don't need audio.
23 It's pretty clear.

24 (Continued discussion between the
25 defendant and Ms. Hensley.)

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1 THE COURT: Were you all able to locate it and
2 send it?

3 MR. BROWNE: Yes, ma'am, we found it. We don't
4 actually need the sound, but I just don't know how to
5 make it play up.

6 THE COURT: What do they need to make it play?

7 (Continued technical issues.)

8 THE COURT: Is this the clip you wanted to
9 utilize?

10 MR. BROWNE: Yes, ma'am. That is -- that is
11 what I need, yes, ma'am.

12 THE COURT: And this is a -- I'm sorry -- this
13 is the clip of you in the interrogation room when you
14 arrived at the station? "

15 MR. BROWNE: With Detective Ballentine
16 performing the buccal swab.

17 THE COURT: And so for what purpose are you
18 seeking to play this -- this video?

19 MR. BROWNE: We don't know yet. It may be
20 impeachment.

21 MR. BARROW: I don't know yet. May we include
22 it?

23 THE COURT: Pardon me?

24 MR. BROWNE: Impeachment.

25 THE COURT: Okay. In order to impeach the

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1 whether they may know they have the phone?

2 A No. The example that was given was the phone had been
3 in some bag. If it was in the bag and you don't know that
4 it's there, then it's going to stay with that bag and the
5 signals are going to reflect wherever the phone's movement
6 is.

7 Q Okay. If that phone is in someone's bag for an
8 extended period of time, they would likely find that phone
9 and know that they had it; would you agree?

10 MR. BROWNE: Objection.

11 THE COURT: Basis?

12 MR. BROWNE: Stipulation -- or speculation.

13 THE COURT: It is speculation. The objection is
14 sustained. Lack of foundation and speculation.

15 BY MR. BARROW:

16 Q The victim's Verizon phone was at the defendant's
17 apartment for the entirety of the evening of February 6th
18 and into the morning of February 7th?

19 A Yes. That's my opinion.

20 Q Okay. And then it moved from the apartment to the
21 storage unit?

22 A Yes.

23 Q And did it move with another phone?

24 A Yes. It moved with Norman Browne's phone throughout
25 the day.

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1 come up on the monitor if that would help Your Honor
2 in looking at the photos, or I can hand them up to
3 you, whichever you prefer.

4 THE COURT: You can hand them up to me. That's
5 fine. Do you have copies of these, Mr. Browne? What
6 numbers are those, Ms. Shealy?

7 MR. BROWNE: Your Honor, you objected to those
8 originally.

9 THE COURT: I don't have an objection, sir.
10 What happens is I'm making an observation.

11 MR. BROWNE: Graphic in nature.

12 THE COURT: And I don't recall exactly how it
13 came to my attention but, nonetheless, I need to know
14 what exhibits those are, Ms. Shealy.

15 MS. SHEALY: Yes, Your Honor. State's Exhibit
16 that is currently marked for ID 44, State's
17 Exhibit 79, State's Exhibit 78, and State's
18 Exhibit 77. The reason there are --

19 THE COURT: I just need to see them first and
20 then I'll hear argument. For what purpose are you
21 seeking to offer -- and actually, 78 is a black and
22 white of 77.

23 MS. SHEALY: It is. I handed both up, Your
24 Honor. But I wanted to draw the contrast. I thought
25 that perhaps it that would be one that we could

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1 message from Matco about a -- whether they were going to
2 finance a tool box purchase for a customer, and they would
3 send those back through text messages. His phone went off
4 and there was a text message from Ann.

5 Q And, Ms. Tripp, if you can just make sure you're
6 speaking loudly into that microphone. We just want to
7 make sure we hear you. So you saw a text message on the
8 defendant's phone from Ann?

9 A Yes.

10 Q And did you read it?

11 A Yes.

12 Q What did it say?

13 A It had asked if he was coming over that night. In
14 part of the message, it --

15 MR. BROWNE: Objection; hearsay.

16 THE COURT: Sustained; hearsay. Ladies and
17 gentlemen, you're to disregard the last question and
18 answer in your deliberations and give it absolutely
19 no consideration in your deliberations. You may
20 proceed.

21 BY MR. BARROW:

22 Q Did you discuss with the defendant having seen that
23 text?

24 A Yes.

25 Q Did you see more than one text?

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1 Wednesday morning, which is the 24th. Yeah, the
2 24th, Wednesday morning, 9:30. Sir, I still need to
3 . advise you that if you fail to appear for any
4 purpose, we will continue the trial. You will be
5 tried in your absence. If convicted, you will be
6 sentenced in your absence, and a bench warrant in
7 either event will be issued for your arrest. Do you
8 understand?

9 MR. BROWNE: Yes, ma'am.

10 THE COURT: Oh, you all can approach. Go ahead,
11 yeah. And then, do you all need to test out any
12 technology tomorrow? Do you all need to arrange that
13 . time with James or with any of the clerk staff?

14 (The proceedings were adjourned
15 until 9:30 a.m., April 24, 2024.)

16 **APRIL 24, 2024**

17 (The jury entered the courtroom.)

18 THE BAILIFF: All jurors are present, Your
19 Honor.

20 THE COURT: You may be seated. Good morning,
21 ladies and gentlemen. I hope everybody had a
22 pleasant evening. As I instructed -- excuse me --
23 previously, both the State and the Defense have
24 rested their cases. We have now reached the stage of
25 the trial where we will have closing argument and

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1 instruction. I would ask that you give the parties
2 your undivided attention. We'll break as necessary,
3 and we've ordered your lunch. And when lunch
4 arrives, will take a break for lunch and then if we
5 need to resume argument and instruction. The State
6 may proceed.

7 MS. SHEALY: May it please the Court?

8 THE COURT: Yes, ma'am.

9 MS. SHEALY: Good morning. I wanted to start by
10 telling you sincerely, I appreciate how much
11 attention you all have paid to everything. You all
12 have been a very good jury, taking notes and watching
13 and listening, and that means a lot. It's an
14 important day for the State, it's an important day
15 for the Witherspoon family, and it's an important day
16 for the defendant. So I do appreciate you all taking
17 it very seriously.

18 Norman Philip Browne. He wanted more than
19 working for someone. He was a hard worker. We heard
20 his friends come in and talk about it. He was a great
21 mechanic. He appeared to make his friends in doing
22 his line of work. And he was willing to put hard work
23 in to be able to do well. But he wanted something
24 more than that. And that's okay. That's the American
25 way, right? It's that you learn a craft and you keep

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1 gaining experience and getting better situations for
2 yourself. Because remember, he had had several
3 different jobs, and he wanted something that was his,
4 some sense of ownership, right? Like some sense of
5 being the boss. He'd been an employee for a long
6 time.

7 He chose well in a girlfriend. Roberta Tripp
8 loved him. She was willing to give a large amount of
9 her money towards what he wanted. And she wanted it,
10 too. She wanted it for him, to have this Matco
11 distributorship. She trusted him with her future, and
12 she was getting willing to give him the money. She
13 told you that from the stand. She was older than he
14 was. Ann was older. He has that gift of gab, being
15 interested in other people. Remember, one of his
16 character witnesses and when his character witness
17 referred to his own mother, he called her mom. And
18 you could tell, Mr. Brown called her mom, too. He
19 knew how to get familiar with someone, and they would
20 enjoy a relationship accordingly.

21 While he had the talent and the skill, he did
22 need money from elsewhere. And no question, Roberta
23 Tripp absolutely was willing to give it to him. It
24 was an investment for her, too. She expected them to
25 get married. She was willing to stay in Charleston

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1 and work at Belk and then use her days off to go to
2 Myrtle Beach where he was and ride on the truck with
3 him. She adored him. Ann got to know him through his
4 being her auto mechanic. And obviously, she enjoyed
5 him, liked to talk to him, and he told her all about
6 the Matco adventure. Roberta gave, as we know,
7 thousands of dollars to him, \$41,000, and he secured
8 that franchise. I'm not sure what he told Ann when
9 she gave him \$20,000, but she believed that she was
10 investing in the Matco franchise.

11 Mary Webb, her longtime friend since they were
12 children, former attorney, she told you all when she
13 heard she was, like, did you get a piece of paper
14 acknowledging that you give him \$20,000? She hadn't.
15 Ann was trusting. And Mary insisted, you need to get
16 something. You've given him money. You need to be
17 able to account for that. Ann was trying to get in
18 touch with him. It like felt like he'd ghosted her,
19 like why wasn't he interested in talking then. And
20 ultimately, in February, February 6th, 2019, he agreed
21 to meet with her. He was living in the apartment down
22 at the beach where his route was. And she, who, both
23 Mary Dallas Moore and Mary indicated, she doesn't go
24 that much. She's kind of a homebody. You've all
25 heard it. She took care of her father's caregivers.

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1 That was part of her responsibility. Her father lived
2 in the same neighborhood that she did. She
3 absolutely, every week, never, ever had missed getting
4 the number of hours they had worked and making sure
5 the checks were ready for them. She went down to have
6 the conversation with Mr. Brown. Her plan, to come
7 back with a piece of paper. I'm sure she was, like, I
8 can't wait to tell Mary I've got a piece of paper now.

9 The defendant, Mr. Browne, his plan was to use
10 his people skills. Hello, Mary [sic], come on down.
11 When you look back at that video, you will see that at
12 different times on that day they go to the truck, and
13 they're there for hours in the evening. He's showing
14 her everything, giving her that sense of confidence
15 this is worthy, this will be profitable, thank you so
16 much. But that didn't satisfy Ms. Witherspoon. She
17 wanted to come back with that piece of paper. Ann did
18 not know that he was hiding the fact that she had
19 given him money from his girlfriend who also was his
20 business partner. But he thought he could schmooze
21 her. You know, look, this is a safe investment, you
22 don't need to worry about that piece of paper.

23 And we see the videotape, and it's hard to see.
24 But when she's walking out of the Matco track to get
25 in the passenger side of her father's car, you can

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1 kind of see her holding something right here. But
2 remember when Stephanie Buono and Detective Neese
3 searched the Matco truck a few days later? There was
4 no blood on the floor. There was no blood outside to
5 suggest she had had a severe injury there. Something
6 happened to her head and he drove her home. He
7 thought that he could convince her, my word is my
8 bond. You saw his parade of people who really don't
9 know that much about him but know he's fun to talk to.
10 That one couple would have him over for a meal
11 occasionally when he was fixing their elevator, et
12 cetera.

13 He was offended that she didn't trust him. And
14 he was probably very disappointed that he couldn't use
15 his gift of gab to talk her down. Roberta had no idea
16 that he had \$20,000 that she was totally unaware of.
17 Can you imagine taking some of your life savings and
18 helping the man get what he wanted, enjoying it
19 yourself? Remember the weekend that followed Ann's
20 trip to Myrtle Beach? They were going to the expo in
21 Las Vegas with other owners, a different echelon for
22 them, and they were excited. There's no question, as
23 we've talked about, that he would work hard. He'd get
24 up early and do his routes. I think he's the type of
25 person who likes to work. He's able, very able. He's

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1 willing to work hard for what he wanted.

2 But what was in jeopardy? What was in jeopardy?

3 Remember Roberta told you all that there was one time
4 that she was in the truck with the defendant and a
5 text message came up and she saw that he, to Ann,
6 referred to her as a friend. So that had happened in
7 the past. Can you imagine if you are Mr. Browne
8 thinking, I'm getting ready to get dined out, what
9 will Roberta do? What will Roberta do? Will she do
10 what she did after all this happened and go to the
11 other end of the country and get away from it? That
12 was his concern. His masculinity had been challenged.
13 I've got women giving me money. Now, she doesn't
14 trust me, Ann doesn't trust me.

15 Ann couldn't be talked down that night. He
16 didn't give her the note. He was probably insulted,
17 scared about Roberta and what that might do to their
18 relationship, their financial relationship. And
19 remember this. On that Wednesday that Ann came, he
20 didn't tell Roberta he was coming -- that she was
21 coming, I'm sorry. He lied to her. His attempt to
22 woo Ann just did not work. She wanted the note. Can
23 you imagine all that nervous energy Mr. Browne had?
24 Fast talker. Let me show you this. Let me show you
25 that. Safe -- safe investment for you, even though

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1 he'd already secured the franchise.

2 It would be a tough thing for most
3 relationships. It would be a tough one for mine with
4 my husband if I found out he got \$20,000 and I didn't
5 know one thing about it. Not only was he keeping the
6 money to himself, he wasn't doing what he was supposed
7 to do with what it was intended for. It didn't get
8 deposited in any bank account. He had that feeling,
9 kind of itching, to live larger than he had been able
10 to previously.

11 Do you all remember when Roberta was on the
12 stand and he was asking her, when my OCD flares up, I
13 explode? Do you remember that? His words, "explode."
14 Roberta did not know that he got the \$20,000 from Ann
15 or that he even had \$20,000 at all. They were more
16 comfortable -- or should have been they -- were more
17 comfortable if they had \$20,000 spending money.
18 Surely, she would have liked to have been included in
19 a discussion about whether they should put that into
20 the franchise in some fashion, pay something off.
21 Remember, she told us that when they were getting the
22 franchise, she had to pay off some debts of his
23 because he owed Matco for tools that he had purchased.
24 And you can't owe Matco and then get the franchise, so
25 you have to pay that off. She did that for him. Do

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1 you know when Roberta found out that Ann Witherspoon
2 had let him borrow \$20,000? He had been sitting in
3 jail for over a month. That's the first time she
4 hears anything about it.

5 Now, ladies and gentlemen, that man -- that man
6 -- is different then the kid, the one gentleman, came
7 in and discussed that he was so helpful with him, very
8 giving. And he may still have been very giving in
9 other ways to people, but not the stand-up guy that he
10 presented that helped him so much when he had an
11 injury, et cetera. He was reaching way back to bring
12 him in. We all know people who become greedier in a
13 weird way the more they get. They get a little and
14 your lifestyle changes a bit. That feels good. And
15 then you have another goal, and another goal, maybe
16 another franchise. That's who Philip Browne was
17 during this time period. He felt conflicted. He
18 might have still been the good guy that everybody that
19 came up was saying that he was when they knew him,
20 stand-up guy who would help you. Or was there part of
21 what he did both to Ann at that point, not giving her
22 a note when she had requested one, and to Roberta, who
23 made him realize maybe this isn't good. Maybe he was
24 conflicted, or maybe he was, it's about me, it's about
25 me, it's about me.

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1 Do you think he wondered whether he was doing
2 Roberta wrong, a woman who works two jobs to make your
3 franchise work? No question, he would be scared of
4 Roberta's reaction if she found out about it. Can you
5 imagine? How could he -- I'm sure he was thinking,
6 how can I tell Roberta about this? He sure --
7 certainly did not until he sat in jail for a month.
8 He was going to keep it to himself. He bought his son
9 (unintelligible). She had put so much money into the
10 business.

11 Let's listen to the jail call -- and it is dated
12 April 19th, 2019 -- between the defendant and Roberta.
13 Keep in mind, she is sticking right by him at this
14 point, and he's sitting in jail.

15 (The audio recording was played.)

16 (The audio recording was paused.)

17 MS. SHEALY: He's trying to play that -- oh,
18 excuse me.

19 (The audio recording resumed
20 playing.)

21 (The audio recording was paused.)

22 MS. SHEALY: Several things regarding that
23 conversation. First of all, he, in that
24 conversation, doesn't tell how much money Ann had
25 loaned him. But you'll have that in the back with

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1 you a letter dated 4/18/2019 -- so it probably had
2 not gotten to her Roberta yet -- where he admits it
3 was a loan for \$20,000. He indicated that Ann
4 Witherspoon's fingerprints were on the gun. That's a
5 lie. He's still lying to Roberta. Ann Witherspoon's
6 fingerprints are not on the gun. But you know it's
7 interesting about that? He probably thought he had
8 achieved that by putting her hand near that gun as it
9 lay rested in her (unintelligible). The other thing
10 is he said, let them check the DNA. Let them check
11 the DNA. He wiped the gun. He thought he did a good
12 job. He knows everything, remember?

13 But you heard testimony that the trigger had
14 those grooves in it that DNA can stay in. If he had
15 tried to wipe it and the grip was wooden, it had that
16 little screw area. Sam Stewart from SLED indicated
17 that DNA can get left behind, that the surface of the
18 grip was one that it had attached. Remember? You
19 see, he thought he was smart, like, I've taken care of
20 that. I didn't leave that house until I moved her
21 body from where she had been facedown on the bed, and
22 I took that gun or something else heavy and blunt and
23 caused that wound to the back of her head. And with
24 her on the bed, shot her in the back of the neck.

25 He thinks he thought of everything. I'm so

JURY TRIAL

1 wise. Why lie to Roberta about her fingerprints being
2 on the gun? He thought he had achieved it, or he's
3 just lying. Another day, another lie, another
4 conversation. 'Lies and lies and lies. He takes from
5 Roberta, takes from Ann and keeps it for himself. Not
6 a standup guy who will help you learn how to do your
7 craft when he was 22 years old. There's a big
8 difference between being nice to people who have you
9 over for Christmas dinner and you help them, they help
10 you. But when someone threatens the best thing that's
11 ever happened to you, the Matco franchise, it's a
12 different story. Explodes.

13 Two women, kind to him, generous to him. And
14 this and this and this, that's how he thanks them.
15 Remember, on his way to Wilmington after he had killed
16 her, interestingly, after he drove back in the middle
17 of the night and got stopped by the officer and got
18 home, he was up and ready to go the next morning. He
19 needed to do his route because that was most important
20 to him, keeping that franchise, working for himself,
21 keeping Roberta in the dark. When he called her, he
22 didn't tell her that he was on the way to Wilmington.
23 Remember, she testified that he said he had a
24 headache? So while he's preparing to go dump
25 Dr. Witherspoon's vehicle in Wilmington, another

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1 state, he tells her he has a headache. And what does
2 Roberta do? Do you want me to come and get the dog
3 and give you some relief? That's what Roberta asks
4 him. No, no, no, I'm fine.

5 Make no mistake, when he was driving to
6 Wilmington, he was going to get rid of that vehicle.
7 He needed to unload it. Not for one moment believe
8 that Ann Witherspoon was still alive. He said oh, Ann
9 suggested that why don't I just come meet her in
10 Wilmington. Ann, who her friends say doesn't like to
11 be away from home much? So what would that mean, that
12 she would drive past Myrtle Beach and keep on driving
13 to Wilmington? Absolutely not. She was in the bed,
14 dead, at that point, and at his hands.

15 We have presented to you the video, the city
16 cameras on Front Street in Wilmington. Now, when we
17 go over it, and you can go over it as many times as
18 you need to in the back. We're going to circle for
19 you so it's a little easier to see the figure. This
20 is what you need to remember. The police, the lead of
21 Detective Ivey, they sent people to Wilmington
22 immediately and they got video from the Waffle House,
23 where he said he saw them outside of the Waffle House,
24 he saw them in the parking lot of the Waffle House
25 which has no parking lot on Front Street. He creates

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1 a guy bigger than him, 6 feet tall, had to wear a 2X,
2 3X size shirt, mean, mad. And I rolled down my window
3 and I said, Ann, do you want your car? Can you take
4 me back? Baloney. 'It didn't happen.

5 You've heard from both Detective Ivey and
6 Rebecca Sixto, the one that works in the STING Center
7 in Wilmington. They had hours of Front Street. They
8 looked through it. Sixto and Ivey; Ivey here, Sixto
9 there. Danny Neese had gone there to be of
10 assistance. Ann Witherspoon is not on the video
11 because she was dead. There's no tall guy in a Nissan
12 Murano. There's no Nissan Murano. He's lying. His
13 web of lies continues, continues. He's lying to
14 everybody at this point. As Sixto went about that,
15 because it is interesting to think about. But this is
16 what assisted her. They knew, because he said he got
17 a taxi, a Taxi Taxi. And so Mount Pleasant Police
18 Department got the records, and they know exactly what
19 time he got into the taxi. So Sixto does it in
20 reverse. Okay. We know this is him here. Let's work
21 backwards. When you look at it again, you'll see that
22 there is a man with a woman, I think, that has blonde
23 hair. At some point when you do it in the
24 chronological order, she is ahead of him. They're
25 ahead of the defendant. And then he's walking faster,

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1 getting out of town, and they follow right behind him.

2 So Sixto knows the ending destination, to get

3 the cab, and she works backwards. So when you're

4 looking at it in the back in chronological order, just

5 remind yourself of that. That was a good starting

6 point. It was the cab he took. As has been testified

7 to, the Husk Restaurant has a designated place for

8 cabs. You will see that as that Cadillac is driving

9 down Front Street, he doesn't pause and look over to

10 his left where the Waffle House is. He doesn't wave,

11 he doesn't get out of his car. He's lying, completely

12 lying. Ann Witherspoon is not there. Detective Ivey

13 told you the exhaustive effort he made to look at all

14 of it. And she there because he had killed her. No

15 man, no Murano, no big guy. Her body, without her

16 father's car in the driveway, was decomposing, laying

17 in the bed under those layers of blankets he put over

18 her in the oddest position you can imagine. And

19 Roberta still completely in the dark, who thinks he's

20 at home nursing the headache.

21 He didn't tell her where he was going. He knew

22 one thing, though. He needed to get that car out of

23 South Carolina. He gives different versions of what

24 happens when he sees him and the big guy, trying to

25 make them menacing. Let me throw this in there.

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1 Maybe they'll start looking at him. But one thing for
2 sure -- I beg the Court's indulgence just a moment --
3 here's the Waffle House. Here is the college parking
4 lot. He wants you to believe that he thought maybe
5 that was the Waffle House parking lot. Are you
6 kidding me? And we see him take a hurried march back
7 down to where you saw a taxi earlier. He couldn't get
8 out of there fast enough. He arrived at 8:05 and 20
9 seconds onto Front Street. By 8:20, less than 15
10 minutes, he is hightailing it home in the taxi. You
11 saw -- you've seen the image of him in the taxi asleep
12 like that. He probably didn't sleep the night into
13 the early morning hours after he killed Ann
14 Witherspoon.

15 But he was ready to go on that route next
16 morning, ready to go. He exploded, like he asked
17 Roberta. Let's look at his explosion. I'm showing
18 you State's 30, the room as you initially see it
19 coming off the hall. 31, her body, pillow on top, all
20 the covers. 32. It's hard to see in these pictures.
21 You'll have it back there with you. But look at the
22 way the gun is laying. That's dark on dark. You'll
23 be able to see it closer when you have the photos with
24 you. She's laying there. What did Eddie Bush tell
25 us, the musician? She's left-handed. 35, you can see

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1 better there. Resting the gun. 57, the gun itself.
2 58. Looking at 34, this pillow was of great interest
3 to Bobbi Jo O'Neal from the coroner's office. She has
4 spent her adult life handling medical issues and crime
5 scene issues. She's the coroner. She was an
6 assistant coroner at the time. How did that get there
7 if there's a division between the blood and the fluid?
8 She found it odd. Greg Horton, head of crime scene, a
9 seasoned police officer, a sergeant there, he thought
10 that was odd. And when we showed it to Dr. Phillips
11 from MUSC, she thought it was odd. Blood doesn't go
12 that way. That pillow didn't make sense to any of
13 them. 37.

14 You see the pair of jeans down here? Now, I
15 realize everybody doesn't take their jeans off the
16 same way. But it looks like somebody pulled them off
17 of her, doesn't it? You've seen your house otherwise.
18 She keeps a neat house. 38, this is one of the most
19 significant findings. You see the urine on the front
20 of her pelvis area. And you see, as my children
21 always called it, wetness on the bed. Bobbi Jo
22 O'Neal, Angelina Phillips, Horton thought it was odd,
23 too, it's a mirror image. Look at this shape on the
24 bed and look at the shape in her pelvis and upper
25 thigh area. She had been turned on her stomach area.

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1 That's what created the wetness on the sheets.

2 I guess when you want to knock the heck out of
3 somebody, when you want to take the gun and pound it
4 on her, you need her facedown.' Maybe she was
5 squirming. Immobilize her. And then the shot, the
6 shot that all three -- Horton, O'Neal, and Phillips --
7 the way she was found in that bed makes no sense with
8 the path of the shot, no sense.

9 He thinks he's being smart. That's one thing he
10 does well, he thinks he's being smart. The
11 professionals, they call it baloney. They had worked
12 so many crime scenes individually and altogether.
13 Suicides. Her -- if she is left-handed, she's laying
14 in that bed on her left side. 'Now, before I told
15 Dr. Phillips that, Dr. Phillips said that shot would
16 be very difficult to achieve. As a reminder, Sergeant
17 Horton, all the suicides that he's had to work, never,
18 not one time over all his years did someone shoot
19 themselves -- I can't -- I can't even get my arm right
20 to do it -- shoot themselves in the back of the head.
21 Nobody does that. She didn't shoot yourself. He shot
22 her. Facedown with all of that rage is when he struck
23 her and when he shot her. How dare she interrupt his
24 plan? How dare she jeopardize what he believes is
25 going to be very successful for him? How dare she put

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1 him in that position?

2 Let's slow down for a moment and think about
3 this. Ann Witherspoon was kind to him. She didn't
4 come back and say, look, you've got to go ahead and
5 give me your money, I don't feel good about this. She
6 was kind and did something for someone who paid
7 attention to her, who she considered a friend. And
8 that's how he thanks her. The rage. You've seen --
9 they're in evidence -- the bullet and the fragments,
10 the damage that shot did to her. And there was Ann,
11 135 pounds of kindness. He couldn't give her a
12 document. Who challenged his masculinity, challenged
13 his character, didn't buy in to what he was selling
14 that day.

15 We got a glimpse of how he sounds when he's mad.
16 Tell you what, my husband wouldn't speak to me that
17 way. But the anger at Roberta, are you kidding me?
18 Let me tell you something, you might learn something.
19 He should have been listening to her. How dare she
20 challenge me, how dare she demand it in writing, how
21 dare she doubt me, how dare that she ask me at all.
22 He couldn't let Roberta know. He couldn't let Roberta
23 know. He lied and he lied and he lied to Roberta.

24 I think you can probably see from her what I see
25 in her which is, she's a sensible woman. She's not

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1 flighty. She knows how to handle all the books. She
2 knows what needs to get paid so they can get that
3 franchise. She understood all the business aspect of
4 it. And while his talent is in his skills and his
5 ability to talk to people and to be friendly, that
6 franchise would not have happened at all without
7 Roberta. And this is how he treated her. Surely, he
8 realized that if she knew he pocketed or whatever he
9 did do with a \$20,000, how do go back from that in a
10 relationship when you're not married?

11 He knew he was in jeopardy. And if he lost
12 Roberta, he was going to lose that franchise. They
13 had just made it. They had just made it. Hadn't had
14 it for long. Roberta was 100 percent in with him.
15 Enjoyed riding around in the truck, probably because
16 she enjoyed being around him. That's what's sad. The
17 expo was that weekend. It's like you can reach, but
18 not attain it. His world was crumbling, and he was
19 doing what he could to salvage it."

20 I don't want to think about happened in that
21 room, the room of her house. But you've heard about
22 it, and you've heard the results of the injuries that
23 that man inflicted on Ann Witherspoon. It was
24 haunting, I thought, when you see that initial video
25 and Officer Frances and Detective Ivey, they walk down

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1 the hall, they walk into the room. It's still.
2 There's silence. And there she is, buried under
3 layers of bedding.

4 Remember that Bobbi Jo O'Neal and Mary Webb
5 found it very significant that the newspapers are
6 collecting on the lawn. Mary tells the officers that
7 early on, look, I know her. I've known her for a long
8 time. She reads that paper every day. You know
9 what's important? The one for the 6th, the morning
10 before she goes to see him, are in the recycling bin.
11 Mary's instincts were spot on. Wait a minute, she
12 didn't come back. The 7th's is in the yard, the 8th's
13 is in the yard, the 9th's is in the yard. He wants
14 you to hang your hat on what was the time of death.
15 You had three professionals tell you that's like
16 something from the movies. You can't pinpoint it.
17 There are factors. How far the decomposition has
18 occurred, but even that can be solid because then it
19 is, what's the temperature in the room, has anybody
20 touched her since she died. All these factors.

21 But the most solid thing -- the most solid
22 thing -- is she's not answering her e-mails, she's not
23 calling her friends back, she's not picking her
24 newspaper up off the lawn, and she is sure not going
25 to Wilmington. They knew something was wrong. I have

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1 friends that if I didn't talk to them for two weeks, I
2 would never expect anything odd. I've got two boys.
3 One of them I might be worried about if I hadn't heard
4 from him than the other. We all have relationships
5 with people that helps us make decisions on the common
6 sense basis. She doesn't let a text message go
7 unanswered.

8 One of the most important things Eddie Bush told
9 you was he got a good review or whatever it was in his
10 music industry. Who was one of the first persons --
11 people that he wants to tell? Ann Witherspoon, a
12 supportive friend. Nothing from her. He was, like,
13 woah. She would be the type of person bragging. He
14 tried it again later as the days passed." Nothing.
15 The people who loved her and knew her best knew
16 something terrible had happened. That's why Mary
17 Dallas Moore's husband and Mary Webb go talk to Brian
18 Frances. They're like, we need to report a missing
19 person. Thank goodness, Brian Frances didn't blow
20 them off. He listened. Instinctively, he knew there
21 is something going on, something has happened to that
22 woman. And it had.

23 I don't remember if I finished going through our
24 three professionals that went to the scene. But Greg
25 Horton said I've never had one where they shot

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1 themselves in the back of the neck. Bobbi Jo, she's
2 done hundreds -- unfortunately -- and hundreds of
3 suicides. Never in the back of the neck. And then
4 Angelina Phillips said, I had one in the neck but it
5 wasn't in the back of the neck. This is not a
6 suicide. This is not a suicide in any fashion.
7 Physically, from the professionals, this is not a
8 scene of a suicide. Do you know what else it's not a
9 scene of? Burglary. The police couldn't even get in
10 the house. A robbery? She's got her diamonds on her
11 when she goes to the autopsy. Nothing was stolen.
12 The house wasn't entered by some unknown person. It
13 was orderly. That man, and that man alone, took the
14 life of Ann Witherspoon.

15 We got a little glimpse of what she liked to do.
16 Remember, she had her guitar lesson with Eddie Bush
17 that morning. She and Mary Dallas had walked the
18 bridge and gotten their pedicure or manicure. She had
19 a thirst for living, a lot of interest. She also had
20 responsibilities. She didn't shirk that to end her
21 life. He ended it. He ended it.

22 You -- if you need to rehear some witnesses'
23 testimony, you can ask the judge to do so, but as
24 you're going through this case, remember what the
25 witnesses testified to. The body appeared to have

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1 been moved. She couldn't move it after she'd been
2 shot in her head. She probably couldn't have moved it
3 when she'd just suffered the one injury. Greg Horton
4 told you about his department at Mount Pleasant. And
5 he's responsible and his people and his unit are
6 responsible for taking in evidence, using gloves,
7 using protocol. Officers can only open from one side
8 and then it locks back. Everything to preserve the
9 evidence so that it can be tested.

10 THE COURT: I need to interrupt you for one
11 second, please, Ms. Shealy. Mr. Foreman, ladies and
12 gentlemen, I understand that you all need a comfort
13 break. We'll be out for a few moments. Please do
14 not discuss the case in any manner whatsoever. Once
15 you've concluded that break, please let the bailiffs
16 know and we'll resume argument. If you would go with
17 the bailiffs. Please leave your notepads in your
18 seats.

19 (The jury exited the courtroom.)

20 THE COURT: You may be seated.

21 MR. BROWNE: Your Honor, can I go?

22 THE COURT: Mm-hmm. Give me one second. For
23 the record, one of the jurors needed a comfort break.
24 We'll be at ease until they have let us know they're
25 ready to proceed. You all can take your seats. I'm

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1 sorry.

2 (Off the record.)

3 (Recess.)

4 (On the record.

5 THE COURT: Is the State ready to proceed?

6 MS. SHEALY: Yes, Your Honor.

7 THE COURT: Is the Defense ready to proceed?

8 MR. BROWNE: Yes, Your Honor.

9 THE COURT: Please bring in the jury.

10 (The jury entered the courtroom.)

11 THE BAILIFF: All jurors are present, Your
12 Honor.

13 THE COURT: You may be seated. You may proceed,
14 Ms. Shealy.

15 MS. SHEALY: Thank you, Your Honor.

16 THE COURT: You're welcome.

17 MS. SHEALY: Philip Browne, he bludgeoned her,
18 he shot her, and put her in position. And what did
19 he do? As fast as he could, he headed back to Myrtle
20 Beach. He didn't leave her her house keys, right?
21 Didn't leave her her -- didn't leave her her car.
22 Despite the fact of the parade of people that thinks
23 he's a good mechanic, nobody can come pick him up?
24 You know why he didn't want them to pick him up.
25 They would know where he had been and they would know

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1 what he had done. He flies back and he gets stopped
2 by a Trooper Lilly. We'll take a look at that again
3 in a moment. Mr. Browne has a heavy dose of thinking
4 he's smarter than he is. He is smart, but he thinks
5 there's not a discipline he doesn't know more than
6 everybody else about. I'll make it look like suicide
7 and then I'll wipe it all down and get the heck out
8 of there. Nobody knows I'm here. Lilly put a little
9 wrench in his plan.

10 You remember Sergeant Horton testifying that he
11 took the gun and put it into evidence. And took a
12 look at it under a light because he realized the gun
13 could have two things. It could have fingerprints
14 that would be helpful and it could have DNA that would
15 be helpful. And he didn't want to contaminate one of
16 those findings by lifting the prints unless there were
17 prints on there. So he used the machine that he
18 described to you all. No fingerprints. Another light
19 goes on at this end. How are there no fingerprints if
20 she got shot? Surely, Mr. Browne is not going to
21 argue that she wasn't dead yet and she wiped her own
22 gun, right? He wiped it. Not smart enough to think
23 that all the way through. You would expect to see
24 fingerprints. What did Sergeant Horton tell us about
25 the gun? There was one spent cartridge left in the

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1 gun. It was a high standard 22 Magnum revolver, and
2 it had that bluing. You'll have it back there with
3 you, and you'll see the finish. This is an older gun.
4 Remember, it came from Ann's father, Sam Witherspoon?
5 Her friends didn't even know she had it at the house.
6 But when they ran the trace, it was a gun of her
7 father's.

8 And Detective Horton told you that, unlike some
9 surfaces, this type of surface is really easy to get a
10 fingerprint off of. What does that tell us? It was
11 wiped. It was wiped. And you can see the trigger and
12 the grip. And you'll have that back there with you if
13 you want to take a better look at it. But those areas
14 can gather DNA because of the way they are made and
15 what they're made from. Once again, he thought he had
16 taken care of it. Smart, but not enough. No
17 fingerprints, despite the fact that Ann Witherspoon's
18 body was on the bed, shot in the back of her head with
19 the gun right there. It was staged.

20 Now, you remember when Josh Ballentine, who I
21 think is out in the audience, testified about being
22 called out in the middle of the night to go over to
23 Mr. Browne's house in Charleston where Roberta was.
24 When he interviewed him and when they took him into
25 the station to arrest him for the theft of the

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1 vehicle, he got his buccal swab. And you were told
2 that the buccal swab kit has two swabs and in, and
3 that gets sent to SLED looking for items that may have
4 the perpetrator's DNA. Thank goodness for DNA. The
5 defendant's buccal and Ann's blood spot that was
6 gotten at autopsy were both sent along with the gun,
7 the fingernail scrapings that were taken at the
8 autopsy. Sometimes you can see who's messing with
9 someone by their DNA being on that person's -- under
10 that person's nails.

11 And Sam Stewart came in and testified. And he
12 indicated, as it related to the grip, 1.1 million
13 times more likely that Norman Browne and unidentified
14 individuals contributed to the mixture than if three
15 unrelated individuals did. His DNA is on the gun, the
16 grip. You heard him tell Roberta on the phone that he
17 knew she had a gun. She wanted him to take her
18 shooting. He didn't know what kind it was. Pause
19 there. He enjoys shooting. A lot of guys do. Some
20 women do. He knows guns. He stood up here and asked
21 questions about guns and types of guns. And he tells
22 Roberta, I don't know what kind of gun she had, I
23 didn't hear that until the preliminary hearing.

24 Sam Stewart from SLED indicated to all that the
25 rough areas of the gun can hold the DNA; the surface,

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1 the screw, the trigger. And as it related to his DNA
2 being on the grip of the gun that killed her, the
3 figure that I read to you is considered very strong
4 support that his DNA is on that gun, 1.1 million times
5 more likely. The trigger, 2,300 times more likely,
6 the lower number. But he wiped it. More likely if
7 Norman and an unidentified, unrelated individual
8 contributed to the mixture than if two unidentified
9 people did. He's on the trigger. Remember, Sam said
10 there's no way that it can be Norman Browne -- Norman
11 Philip Brown -- and Ann at the same time. No way.

12 The fingernail scrapings from the right hand,
13 1 in 9,700. It's a match. It was a different type of
14 DNA, Y-STR. Do you remember him saying that, and that
15 that was the higher figure you could get, that number,
16 1 in 9,700? Fingernail scrapings. What did he do to
17 get those in her nails? I can tell you one thing, he
18 didn't think this through. She sure as heck didn't go
19 to Wilmington the next day. His DNA is under her
20 nails because she's dead on the 6th and they're
21 present. She didn't get up the next morning, take a
22 shower. And how is she going to drive? He didn't say
23 his saw her and that her car was there.

24 Pay close attention to what he says about
25 Wilmington. And when you see that videotape, he's not

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1 pulling over and leaning his head out. He is
2 hightailing it down. And you'll see his vehicle. The
3 car in front of him stops. Too big of a hurry, I'm
4 not stopping, I go around that car and keep on going.
5 Interesting that the school, Cape Fear Community
6 College where the car gets parked in a parking lot for
7 a college, not a Waffle House, it was their automotive
8 part. There's testimony he hid that car. He didn't
9 leave it for Ann to get. Sure, Ann, I'll just park
10 it. Every time he describes what happens in
11 Wilmington, he says it differently. He can't keep his
12 stories straight. He wanted to make sure he got that
13 car of hers out of state.

14 When you think back to Officer Lilly stopping
15 him that night and, oh, he's doing his schmoozing
16 stuff. He knows how to talk to people, starting up a
17 conversation. He says, oh, I have a friend that was
18 sick and so I took her home and I'm going to have to
19 get her car back to her. A friend that was sick.
20 Sick? Bludgeoned, shot. This is indelicate, but
21 remember when Officer Lilly goes back to his car to
22 call in the ticket and he takes it back down to Norman
23 Browne, and he's schmoozing there and let him get a
24 lower level ticket, remember? When Lilly is walking
25 back, when he's walking back to his car, what does he

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1 say about Norman Browne? It smells like he pooped his
2 pants. I bet he did. He'd just killed a woman, and
3 he'd gotten stopped by the police. He was doing his
4 fast talking and knew one thing, this car can't stay
5 in South Carolina.

6 His anger is palpable. You heard it when he was
7 talking to Roberta. What was he mad at Roberta about?
8 Listen to me, listen to me and you might learn
9 something. That's Philip Browne. She wasn't alive
10 the next day on the 7th. She would have read the
11 paper. She would have returned the calls from Mary,
12 Mary Dallas, Eddie Bush. She would have called the
13 women who took care of her beloved father and said how
14 many hours do you have in this week? That's who Ann
15 Witherspoon was.

16 Bobby Jo O'Neal's office, after she went over to
17 the house and learned what she learned, did issue a
18 death certificate and what she put was 2/6 to 2/7.
19 The defendant wants you to think that there is a very
20 prescribed litany of physical manifestations during
21 the death process. And there are things that
22 professionals look at, but so many of those things are
23 variables for a variety of reasons, even to the last
24 meal she ate. She was forever silenced by Philip
25 Browne.

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1 Angelina Phillips, who came the first day and
2 had to go back and do autopsies the next morning and
3 came back with us, she does 250 autopsies a year.
4 Charleston has got all kinds of stuff going on, right?
5 We read the paper. There are deaths, there are
6 crimes, motorcycle accidents, felony DUI's. She's
7 seen it all. She's not going to risk her reputation
8 in coming in here to testify. The scene did not make
9 sense. She could have not -- she could not have been
10 lying there in that position when she got shot. Do
11 you remember how she looked up on the stand when she
12 was trying -- I think I asked her, was that possible
13 -- and she was taking her arm back and then trying to
14 show how you would then have to angle it to go up it
15 as it did in the head. That didn't happen. That
16 didn't happen. She said it. Bobbi Jo O'Neal said it.
17 Greg Horton said it. The bed says it. The pillow
18 says it. His anger says it. His DNA says it.

19 She did tell us, though, that decomposition had
20 started. The stomach area kind of had that strange
21 green tint to it. There was a purple-ish area also
22 showing decomposition on her thighs and her abdomen.
23 The skin was slipping. She told us, Dr. Phillips,
24 that she doesn't usually weigh in on time of death
25 because there's so many variables. And by the time

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1 she gets it, the body, it's been moved, the
2 temperature has changed, the body was lifted. She
3 died on the 6th into the early hours of the 7th, just
4 like Bobbi Jo O'Neal said. Nothing, there's nothing
5 in this record that supports that she was alive the
6 next day. Nothing.

7 Dr. Phillips told us that the trajectory was
8 back to the front, upward and to the left, and that's
9 why it's hard to get your hand behind you and achieve
10 that. She said that the bullet perforated the brain,
11 caused fractures in the head. The bullet and some of
12 its fragments were still in the head and removed at
13 autopsy. She indicated that the path of the bullet
14 showed that it entered the back of the head and went
15 forward up and to the left. Remember when she got in
16 front of you all and she had that Styrofoam head and
17 she described how the injury that was so bloody -- so
18 bloody? Do you remember saying that, that the bed --
19 you all didn't get to see the pictures, but she saw
20 them -- the bed had so much blood on it. That injury
21 didn't happen at the Matco truck. Okay? She told you
22 how bloody it would be, how serious it is in her head.
23 Maybe he was making her stop squirming. Maybe she was
24 trying to protect herself. The injury and the shot,
25 not a problem now, in his mind.

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1 Dr. Phillips also said she would have
2 immediately started bleeding. You all saw the
3 pictures of Dr. Witherspoon's Cadillac after it came
4 back from Wilmington once it was finally located. I
5 think a white interior. There there's no blood in
6 that car. Whatever happened that made her do this, we
7 don't know. We don't know. But Horton took his light
8 to the car to see if there was residue of blood.
9 There was that one glove that had some blood in it,
10 not the kind of blood that's on the bed, not the kind
11 of injury that incapacitates you. He was not playing
12 around. He had a mission.

13 The language that she used on the stand about
14 whether or not that was a self-inflicted wound, she
15 said it would be very difficult to achieve it. In all
16 her autopsies, in all her years, never a shot to the
17 back of the head. The blood on her face, do you all
18 remember that picture? I'm not sure if I have it
19 right here, but you'll have it back there. There was
20 blood on her cheek. Bobbi Jo O'Neal, Angelita
21 Phillips, that's weird. I can't explain that by the
22 way she's laying in this bed. Telltale signs of
23 someone trying to cover up, cover up killing somebody
24 because she wanted a note. Dr. Phillips said
25 regarding that, the blood, she said it defies gravity.

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1 It doesn't make sense. It defies gravity. Now, he
2 thought he was being meticulous thinking at all
3 through. He was probably a little proud of himself
4 about it. But he wasn't as smart as he thought he
5 was.

6 Pause for a second -- and again -- he ended up
7 in Wilmington matter. Nothing about that since. Mary
8 Webb, Mary Dallas, when he was describing the guy he
9 saw with her in Wilmington, they don't know that guy.
10 They know her buddies. They called it for what it
11 was, baloney. He's making stuff up. Thank God for
12 their instincts. Thank God for their instincts. From
13 what you've heard about Ann Witherspoon and her desire
14 to be close to home, do you think for one second she's
15 like, I tell you what, I'm going to Wilmington. That
16 will be shorter for you, a shorter drive for you.
17 What? Bad try, Mr. Phillips [sic], bad try.

18 Let's focus on Wilmington for second. And I
19 promise, I think this is going to be a little faster
20 than it was when we were getting the testimony in.
21 But hang in there with us and do remember this. I
22 said it earlier in the argument, but I do want to tell
23 you again. David Ivey and Rebecca Sixto, I haven't
24 done it, they did it. They looked at hours --
25 hours -- of video, and they knew what he said

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1 happened. They know he focused on the Waffle House
2 and he fabricated a story, and every time he told them
3 to somebody else, it got a little bit different. And
4 they know where he got picked up for the taxi. So as
5 a reminder, in looking at this, 11:00 a.m. on the 6th,
6 Mary Dallas Moore got that e-mail from -- I call them
7 e-mails -- the text message -- the text message from
8 Ann, I'm going to Conway. So she knows she's heading
9 that way. At 3:19, the defendant and Ann meet at
10 Plantation Storage. She's in a Cadillac. He's in the
11 Matco truck.

12 (The video was played.)

13 MS. SHEALY: Here comes the Matco truck. At
14 3:51 -- you should have seen the Cadillac right
15 behind the Matco truck coming in -- at 3:51, the
16 defendant and Ann leave Plantation Storage. He's
17 driving his Porsche. She's driving her father's
18 Cadillac. And remember, Plantation Storage isn't
19 very far from his apartment complex. They're heading
20 out. At 3:53, two minutes later, you see them
21 pulling in, the defendant in his Porsche and Ann in
22 the Cadillac. Porsche, Cadillac, 3:56 in the
23 afternoon.

24 Between the hours of -- well, at 4:15 Ann's
25 Verizon phone -- remember she had two phones. She had

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1 two phones that weren't found in her house. And
2 you'll remember that Mr. Elliott put up Jerome
3 Desheers who tracked the cell tower information? Ann's
4 Verizon phone is at the defendant's apartment in
5 Myrtle Beach, 2/6 at 4:15. The defendant and Ann then
6 arrived back at the defendant's apartment together in
7 the Porsche, and they leave the apartment together at
8 6:39 in Ann's Cadillac, and he drives. The gentleman.
9 You get a feel of how those lights look on his
10 vehicle -- I mean, her vehicle, the Cadillac. They go
11 back to Plantation Storage and arrive there at 6:47 in
12 the evening. So that was 6:47 that they got to the
13 Matco truck. At 9:01 on the 6th, a few hours later,
14 you're going to see the defendant and Ann go together
15 to the Cadillac. Watch carefully, if you would here.
16 You see two people. And that's where, if you look
17 closely enough, it looks like she might be holding her
18 head. And that image, that's the last image we have
19 of Ann Witherspoon being alive. There. I guess from
20 6:47 to 9:01 was not enough time for him to convince
21 her, oh, you don't need a note, we're good, I'm good.

22 (The video was stopped.)

23 MS. SHEALY: From 2/6 around 9:00 until 2/7 at
24 1:39 a.m., the defendant is driving from Myrtle Beach
25 back to Mount Pleasant with Ann in her Cadillac. The

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1 next time that we're aware of is on Thursday, 2/7, at
2 1:40 in the morning. He gets stopped by Trooper
3 Lilly. There's the ticket. It reflects 3/12/2019 at
4 13:30, 1:30 in the morning. He's already back at
5 Myrtle Beach. I'm sorry. I said the right wrong
6 date. February 7th -- yes -- February 7th of 2019.
7 I was looking at the trial date. So February 7th,
8 2019, at 1:40 in the morning. Officer Lilly's car.

9 (The video was played.)

10 (The video was stopped.)

11 MS. SHEALY: That was from 1:53. Actually, that
12 was at 1:40. I'm sorry. At 1:53, we see the
13 defendant driving into the Myrtle Beach apartment.
14 Sorry. Okay. We don't have that video right now.
15 At -- on Thursday -- so he gets home at three -- hold
16 on one second. I'm showing you -- we presented this
17 in the courtroom -- that document -- do you have that
18 -- remember when we were telling you about the tow
19 trucks drive around and they capture images? This
20 was at 3:04 a.m. That shows that her vehicle is
21 parked outside his apartment. It doesn't mean that's
22 when he pulled in, but it shows the license tags and
23 that you can see that he has taken that car to his
24 apartment. I don't know if he slept.

25 On Thursday, 2/7, 5:59 a.m., he drives his

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1 Porsche to Plantation Storage. And Ann's phone --
2 she's back in Mount Pleasant -- her phone moves from
3 the apartment to the storage along with the defendant.
4 He's got her phone. Between 6:22 a.m. and 8:14 a.m.
5 on that Thursday morning, the defendant's phone and
6 Ann's Verizon phone are moving and pinging together as
7 he does his Matco route. He has her phone. You will
8 have the maps that Jerome Desheers prepared showing
9 where the defendant was on that Thursday, showing
10 where Ann Witherspoon's phone was on that day. He
11 kept it close to him. Between 8:15 a.m. on Thursday
12 the 7th, the defendant's phone and Ann's Verizon phone
13 are moving and pinging together throughout the day as
14 the defendant drives his Matco route and returns to
15 Plantation Storage.

16 (The video was played.)

17 MS. SHEALY: He gets back to Plantation Storage
18 at 5:57 p.m., right about 6:00 on that Thursday. At
19 6:15, the defendant shuffles some bags into the
20 Porsche and then leaves Plantation Storage in the
21 Porsche. At 6:27 on February 7th, that Thursday,
22 Jerome Desheers told you -- and you'll have his maps
23 back there with you -- that the defendant's phone and
24 Ann's phone leave the defendant's apartment at 6:27.
25 So he left the storage unit, went home, switched

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1 cars, has his phone and her phone, and leaves for
2 North Carolina. A man on a mission.

3 (The video was stopped.)

4 MS. SHEALY: He hadn't been able to call the
5 victim to set up anything in Wilmington. So what did
6 he tell the police? Oh, she called from a blocked
7 number. He had her phone with him and he knew she
8 was dead. Time to get rid of the vehicle. As he
9 drives the Cadillac towards Wilmington, at 7:15,
10 Ann's Verizon phone pings on Highway 17 in North
11 Carolina. At 7:20, her phone pings on Highway 17
12 just south of -- and I think this is pronounced two
13 different ways, I'm not sure which way is correct,
14 Shallotte or Shallotte, North Carolina -- and that's
15 the last time either of Ann's phones are on the
16 network. He's traveling to Wilmington. Does he toss
17 it out the window while he's driving to dump the car?

18 At 7:33, the defendant calls Roberta when he's
19 on Highway 17 near Supply, North Carolina. He doesn't
20 tell her he's going to Wilmington. I've got a
21 headache. I've got a headache. The drive time
22 between the location of the defendant's phone at 7:33
23 -- and again, that is near Supply, North Carolina,
24 enroute to Wilmington -- and the location of the Front
25 Street Waffle House is 35 minutes. Jerome Desheers

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1 testified to that. So he calls Roberta at 7:33, and
2 he's heading to Wilmington, the Front Street Waffle
3 House.

4 (The video was played.)

5 MS. SHEALY: He arrives into Wilmington at
6 8:05:30. He drives past the Waffle House on Front
7 Street and he doesn't stop. He goes down Front
8 Street until he turns right on Grace Street enters
9 Wilmington. So at 8:05, he enters Wilmington. At
10 8:06, he passes the Waffle House. 8:11, we're going
11 to see him walking in just a minute southbound on
12 Front Street, having already dumped the car. We see
13 him at 8:05. By 8:11, he's walking. No time for
14 this discussion with Ann. No time to observe a
15 nonexistent man on Front Street. No time to hand her
16 her keys in the nonexistent Waffle House parking lot.
17 He getting up and he is getting out and he is dumping
18 the vehicle as quickly as he can. 8:19. So he
19 starts his walk at 8:11. By 8:19, he reaches the
20 taxi in front of The Husk. Couldn't get out of there
21 faster. Remember our officer that came in from
22 Wilmington who walked the path from where the car got
23 dropped off and to Husk? The defendant walked it way
24 faster than that officer. He was on a mission. At
25 8:19, the taxi pulls away from Husk, and he's enroute

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1 back to Myrtle Beach to his apartment.

2 (The video was stopped.)

3 (The video was played.)

4 MS. SHEALY: This time, when we show you this,
5 we're going to point out where you can see the
6 defendant. We're starting with an image of Market
7 and Front Street. It is 8:05 in the evening. I'm
8 not sure. Did you all just see the image that -- I
9 honestly have a hard time seeing this, so I'm
10 trusting we have to show you. Can you back up and do
11 that again, please?

12 Here comes the Cadillac showing in that
13 intersection. Then continuing at 8:05:02, this is an
14 image of Market and Front Street East. Can you back
15 that up and do that again? There it is. That is at
16 8:05:02, the car continuing. Do you see where he's
17 doing the circle and the vehicle is coming? Okay.
18 The next image is at 8:05:58. This is Chestnut and
19 Front Street. This might be helpful. So this is
20 Front. And we're watching his progression. And this
21 is Chestnut Street. This is where the next image will
22 be from. If you could, please, again show where the
23 vehicle is. I'm now showing you -- okay. Now, at
24 8:06:13, this is the outside of the Waffle House. And
25 you'll have the opportunity to be reminded of what the

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1 defendant says to the officers right out front of the
2 Waffle House, a variety of different descriptions of
3 what happens. And if you stop it there for second.

4 (The video was paused.)

5 MS. SHEALY: Remember, we had the gentleman who
6 worked with Nissans come in and he looked in all of
7 these vehicles to see if he saw a Nissan at all or a
8 Nissan Murano, and he did not? But that's what the
9 defendant this tall guy was in.

10 (The video was played.)

11 MS. SHEALY: He's cleared the area. He's
12 cleared the area down Front Street. No one has
13 hailed him. He hasn't paused, rolled down his window
14 to call out to her. He doesn't see any type of cross
15 words between one nonexistent person and one deceased
16 person. 8:06:20, Walnut and Front. They see I'm
17 challenged. Walnut and Front. If you'll do those
18 circles again to draw their attention. Let's look at
19 that again. This is a little hard to see with all of
20 that -- the numbers and the language up there.
21 Watch -- if you'll show them again, please, where to
22 focus their attention. And I'll tell what to look
23 for, how the lights change on the vehicle as it's
24 going around another car. See it?

25 This next image is that Outdoor Equipped

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1 business, and Outdoor Equipped is on the corner of
2 Front and Grace Street. So we've been seeing this
3 progression, and he's coming up to this intersection
4 where Outdoor Equipped is Grace Street and Front.
5 Watch which way he turns. Let's watch that again,
6 because it's a little bit hard to see. But remember
7 this, if you would. Rebecca Sixto, good for her to
8 have that job because it would drive me crazy. But
9 she spent hours, hours looking to find the vehicle in
10 question and which way it went. And as a reminder,
11 remember that there was a different type of third
12 brake light in the back and he had those wraparound
13 lights on the front? That assists them, both she and
14 Detective Neese, in following the vehicle as it
15 progressed down Front Street.

16 There at the corner -- and then watch which way
17 it goes. You see it turn. The turn onto Grace Street
18 here, the college parking lot. He gets off of Front
19 and he takes the car and parks it in a college parking
20 lot.

21 (The video was stopped.)

22 (The video was played.)

23 MS. SHEALY: This clip is from 8:11:30. Stop.

24 (The video was stopped.)

25 MS. SHEALY: He's on foot now. He's dumped it,

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1 he's hidden it, he's gotten rid of it, disentangled
2 it from himself. And he's on foot going back down
3 Front Street to get a cab. If you would play that
4 again, please.

5 (The video was played.)

6 MS. SHEALY: You see him walking down the
7 street. At 8:11:52, Grace and Front Street. Back
8 here, Grace and Front. We're seeing him making his
9 way back down towards the Taxi Taxi cabs. Now, this
10 camera is faced the opposite way. He's still heading
11 this way back on Front. But the way the camera is
12 turned, we're looking at it from a different posture.
13 If you could circle again where he is, please. We're
14 back to that outdoor outfitters place. Not the best
15 camera situation to try to figure out. But for
16 Sixto, who spent hours doing it, and for David Ivey,
17 who spent hours doing it, it will show you in these
18 two locations, in those windows, the defendant
19 walking by. Did you see the edge? If you look -- if
20 you'll stop that just for a second, please, and back
21 it up -- where the small circle is, you'll see the
22 figure walking by right there in that window,
23 continuing down.

24 I'm going to get you to move back a little bit,
25 please. And look in the large circle. We saw the one

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1 in the small circle. And if you could -- I think
2 maybe if you actually took the red off of that at this
3 point and look at the window, the larger window.
4 There. Could you do that again, please? Continuing
5 down Front Street, heading back to The Husk area to
6 grab a cab. Back at the Waffle House -- could you
7 back it up a little bit, please -- do you see the
8 image now on the far side of the street? Do it -- if
9 you would, please, do it one more time. Here he
10 comes, and he continues. At that point, he's made it
11 this far down, the Waffle House, Front Street. You
12 can see the figure there -- and if you'll just run it
13 now that you've pointed that out -- continuing down
14 Front.

15 This is the one that they said that camera was
16 kind of wonky. Then this -- if you'll pause it for a
17 second.

18 (The video was paused.)

19 MS. SHEALY: This is now at Princess and Front.
20 Here's where The Husk is. Continuing down. Could
21 you do that again, please?

22 (The video resumed playing.)

23 MS. SHEALY: See him walking down? 8:15:43,
24 Market and Front Street. Let me just show you where
25 that is. Market and Front, not too much further down

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1 to Husk. So we're looking over here instead. Could
2 you back that up, please, and do it again? When you
3 see him, if you will circle him -- circle it -- and
4 that, again, is Market and Front Street. If you
5 could back that up a little bit. And will you note
6 with some type of dot on his figure when you see him?
7 Do you see the image? Do you see him approaching the
8 corner, continuing down? Would you do that arrow
9 again, please? Watch the defendant in this image at
10 8:17 on Market and Front Street. Do you see the
11 defendant continuing down Front Street? And the area
12 that's being circle there is where he continues to.
13 If you would, please, can you then X on where The
14 Husk Restaurant is in this picture? So Husk is just
15 right down at the end of that -- at the beginning of
16 that next intersection. Okay.

17 (The video was stopped.)

18 (The video was played.)

19 MS. SHEALY: Then remember Detective Neese's
20 video of a video when he went to go eat at the
21 restaurant? Okay. Before we go to that one, watch
22 down here we just indicated Husk was. Look for the
23 taxi backing up and then heading forward. You can
24 see it on this image. If you'll show that again
25 where we're talking about. Do you see it back up?

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1 Do you want to show that one more time right at that
2 point? It's right at 8:19:45. See the movement? In
3 The Husk video from Danny Neese, we're looking at the
4 front doors of the restaurant. Watch as someone
5 walks by, and there's the taxi. There. Do you see
6 the image asking about a ride to Myrtle Beach?
7 Backing up. Heading out, leaving Wilmington, doing
8 what he had planned to do, which was to get rid of
9 the car.

10 You never see Ann Witherspoon, a Nissan Murano,
11 a tall guy with white hair. You never see this
12 defendant -- if you'll stop that for a second.

13 (The video was stopped.)

14 MS. SHEALY: You never this defendant, who is
15 worn out. You never see him pause in the road to
16 talk to Ann because she's dead. He was in danger of
17 losing everything. He's there for one reason; to get
18 rid of the car. There he is in the taxi cab. And he
19 heads back to his apartment. You'll have that guide
20 there with you. We don't necessarily need to look at
21 this. But do you see how utterly, utterly worn out
22 he is? What a day he's had. What a night before
23 he's had. Not compared to Ann Witherspoon, however.
24 The taxi trip ends at 2057 Silvercrest Drive in
25 Myrtle Beach. He gets home. Here's the receipt from

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1 the cab drop -- the cab trip. \$158.40 it cost him.

2 It cost Ann Witherspoon a lot more than that.

3 Back in Mount Pleasant, Mary Webb goes to Ann's
4 house and then her father's house, and the Cadillac is
5 still gone. Remember she told you she talked to the
6 caregivers and that Ann hadn't gotten their hours,
7 they hadn't gotten their checks? Completely unlike
8 Ann. Remember the nice lady that testified for us?
9 Never before -- never before -- had Ann missed getting
10 their hours and getting them paid. Because Ann is
11 dead.

12 On Friday, February 8th, at 10:32 a.m., the
13 Cadillac was located in the parking lot of the
14 community college. It got a parking ticket. Nobody
15 had thought to look behind why it was there. It was
16 just a park car parked where it shouldn't have been.
17 At that point, a ticket sufficed. On Friday the
18 8th of February in the afternoon hours, Mary Webb and
19 Mary Dallas Moore went back to Ann's house and noticed
20 that the Wednesday and Thursday newspapers were in the
21 front yard and they put them on the porch. You all
22 saw a picture of that, Wednesday and Thursday on the
23 porch.

24 On Friday, February 8th at 4:48 p.m., Mary Webb
25 told you all she called the defendant. Talk about a

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1 woman's intuition. That's what she had. She knew
2 this was foul. Not her friend to not answer, to not
3 be home, to not take care of the caregivers. And the
4 defendant told Mary that, oh, I saw Ann in Wilmington
5 with a friend on Thursday the 7th. Mary Webb
6 immediately knew, no way. No way. She doesn't have a
7 friend that lives in Wilmington. She doesn't have a
8 friend that meets that description. They were tight.
9 These girls were best friends since they were young.
10 Everything is screaming to Mary Webb, something
11 horrible is happened. And it had.

12 Saturday the 9th. Mary Webb and Mary Dallas
13 Moore's husband went to Mount Pleasant and they talked
14 to Brian Frances. Brian Frances was that first
15 officer that we put on the stand. It didn't sound
16 right to him either, not with the habits that Ann had,
17 not with the friendships and what they looked like,
18 not with the fact that her father's caretakers hadn't
19 been paid. He thought something was very wrong. He
20 talked to them. He went by the house. And when he
21 went by the house, it was still locked up tight.
22 Something just was not making sense. He called his
23 sergeant, or his supervisor, and said something is
24 just really not looking good here. I think there was
25 another paper in the yard by that point, too. I think

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1 it was. It was the February 9th one. She's still not
2 here, nobody has seen her, nobody has heard from her.
3 Something is afoul. And when he went to the house, it
4 was locked up tight.

5 David Ivey, at that point as an investigator,
6 was assigned to look into this, and he and Brian
7 Frances went over to the house together. Both of them
8 knew, based on their experience based on their
9 instincts, based on the special facts of this
10 situation and the habits of Ann Witherspoon, something
11 sounded bad. What did they have to do? They couldn't
12 get in there themselves. They had to call the fire
13 department to come over and let them in. You've seen
14 the image more than once of them walking into that
15 house and going through that -- it looks kind of like
16 a -- might have used to have been a part of the garage
17 or whatever with that front room. And they turned
18 left, and her bedroom is on the left. And the silence
19 happens. There she is in the bed.

20 They had Fireman Ceglia come and pronounce her
21 dead. In fact, he believed that she was and he did,
22 and we've seen that video. Detective Ivey is
23 communicating with his superiors and they are
24 mobilizing people. Something bad has happened here.
25 At that point, they don't know for sure what has

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1 happened, but they see her dead in the bed, and they
2 call crime scene. The coroner's office gets alerted,
3 and people come to the house.

4 Remember that Detective Frances called the
5 defendant? He got the number from Mary, remember? He
6 didn't mention that he borrowed \$20,000 from her. He
7 didn't tell Officer Frances that. He did tell him
8 these things. Initially, he didn't tell him that she
9 gotten hurt. He didn't tell Officer Frances that she
10 had gotten hurt. He said that he had and Ann ate
11 dinner. Remember when they go back to the apartment?
12 And that she started feeling sick. Started feeling
13 sick. The defendant said that Ann had been with him
14 in the back of the tool truck when suddenly she fell
15 and struck her head on an unknown object. That's
16 important, struck her head on an unknown object. He
17 then said that there was a camping trailer parked next
18 to the truck, but he didn't see what she hit her head
19 on. He asked if it was bleeding. And only when the
20 defendant said it was bleeding, that's when he told
21 Officer Frances that she'd actually been injured. He
22 didn't tell him that first. He's making this story up
23 as he goes. He told Officer Frances that he drove her
24 back to her house.

25 Here's what's important. He told Officer

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1 Frances that when he went to Wilmington and he was
2 driving on Front Street looking for a place to pull
3 over to call Ann. How are you going to call Ann if
4 she has a blocked number? And all of a sudden, he saw
5 Ann standing in the parking lot of the Waffle House on
6 Front Street near a cream-colored Nissan Murano
7 talking to a man the defendant didn't know. All of a
8 sudden he sees. The Waffle House parking lot on Front
9 Street. Bad guess, Mr. Browne. There is no Waffle
10 House parking lot on Front Street. He described the
11 man as a white male, mid-50s, 6 feet tall, white
12 hair, 2X, 3X, and that he called out, Ann. None of
13 that happens on the video, not one part of it. He is
14 getting down Front Street as fast as he can.

15 He said to Officer Frances that he was talking
16 to Ann and gave her the keys to the Cadillac.
17 Complete fabrication. He doesn't tell him about the
18 money borrowed from her. He doesn't tell him why she
19 was in Myrtle Beach with him earlier. He mentions to
20 Officer Frances that Ann two cell phones but they were
21 turned off, and that he hadn't tried to call her since
22 he last saw her on Thursday, February 7th. He phones
23 were with him. I don't know what he did with them.
24 Hid them, destroyed them, threw them in the woods, put
25 them in a body of water. But he has them that day

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1 he's doing his Matco route. He says both the phones
2 are off. But yet, he hadn't tried to call her?
3 Interesting.

4 At 11:30 a.m. on Friday -- excuse me -- on
5 Saturday the 9th, that's when Officer Frances went
6 over to Ann's house. You know what else he did? He
7 called contacts he had in Wilmington and said please
8 be on the lookout for this Cadillac in the area of the
9 Waffle House on Front Street. It sure wasn't found
10 there. By 2:15, that's when he and Detective Ivey had
11 gone in the house and found her deceased. The night
12 into Sunday, February 10th, Mount Pleasant mobilizes.
13 They want to get down to the beach. They want to find
14 him. They want to talk to him. They started drafting
15 search warrants. They started drafting the warrant
16 for having taken her car, the grand larceny. They
17 enlisted other detectives and said we're going to
18 Myrtle Beach. And much to Detective Ivey's
19 disappointment, Philip Browne wasn't there. He didn't
20 know he had a house and a girlfriend in Charleston.
21 He thought he would see him.

22 Remember that they got search warrants to look
23 at the storage unit? They ultimately get search wants
24 to look at the Matco truck. They want to go to his
25 apartment. And they had to go there, frankly, in the

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1 middle of the night and get with a judge there to
2 cosign their search warrants. And then he wasn't
3 there. Let's listen to the conversation that
4 Detective Ivey has with the defendant while Detective
5 Ivey is still in Myrtle Beach.

6 (The audio recording was played.)

7 (The audio recording was paused.)

8 MS. SHEALY: He says he's having that
9 conversation with him right at the Waffle House. And
10 when she says she can't take him back, I turn, I see
11 a taxi. He doesn't say that he goes up Front Street,
12 turns right, drives to the college parking garage and
13 walks back. He lies.

14 (The audio recording resumed
15 playing.)

16 MS. SHEALY: Stop it for a second.

17 (The audio recording was paused.)

18 MS. SHEALY: Again, I call her back. He's had
19 her phones -- he had her phones and he said I had to
20 call her back. How are you going to call her back
21 from a blocked number? He's lying. He's lying.

22 (The audio recording resumed
23 playing.)

24 MS. SHEALY: Pause it again.

25 (The audio recording was paused.)

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1 MS. SHEALY: He says again, I walked down Front
2 Street to get a cab. He leaves out hiding the car.
3 Continue.

4 (The audio recording resumed
5 playing.)

6 MS. SHEALY: Pause it for a second.

7 (The audio recording was paused.)

8 MS. SHEALY: You sure don't hear him say, oh
9 gosh, anything I can do to help you find her. What
10 can I do? Do you want me to come down there?
11 Continue.

12 (The audio recording resumed
13 playing.)

14 (The audio recording was
15 stopped.)

16 MS. SHEALY: So you heard the Officer Frances
17 testify that the defendant had told him that Ann had
18 struck her head on an unknown object and that he did
19 not see what Ann hit her head on. And Frances
20 thought it was interesting that then when he asked
21 more questions, he said, oh, and it was bleeding.
22 Just now to David Ivey, she bumped her head. She
23 bumped her head.

24 The next person to talk to Philip Browne was
25 Josh Ballentine. Remember, he got called out in the

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1 middle of the night and had to go over there? Don't
2 forget something. When Roberta testified and she said
3 they had gotten a phone call late in the middle of the
4 night and that they were supposed to be leaving the
5 following day to go to Las Vegas for the expo, she
6 joined the defendant -- I think she said on their
7 porch -- and when it was obvious that the police had
8 arrived, he approached her, he kissed her on her
9 forehead, and it was something that he had never done,
10 that type of tenderness. And it made Roberta very
11 worried. It worried her. Let's hear the interview
12 with Josh Ballentine.

13 (The video was played.)

14 MS. SHEALY: Let's stop it right there. You'll
15 have the whole recording back there.

16 (The video was stopped.)

17 THE COURT: I need to interrupt you.

18 Mr. Foreman ladies and gentlemen, we're going to take
19 advantage of this to have our lunch recess. During
20 the break, please do not discuss the case. Please
21 leave your notepads in your seats. Your lunch is in
22 the jury room with you. If you need to go out and
23 get some air or make any phone calls, please let the
24 bailiffs know. They have to observe your phone
25 calls. And if you need to go outside, they will need

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1 to accompany you. We're going to break for 30
2 minutes. It's 1:42. That takes us to -- let's see,
3 what is that, round it off to ten after 2:00? Thank
4 you. You see how hard I was thinking to count,
5 right? We're going to break until 2:15 for lunch.
6 Again, during the break, please do not discuss the
7 case and please leave your notepads in your seats.
8 And again, the bailiffs will have to accompany you
9 outside if you 'd like to go outside and get some
10 air.

11 (The jury exited the courtroom.)

12 THE COURT: You may be seated. How much longer
13 do you contemplate your argument is going to be,
14 Ms. Shealy?

15 MS. SHEALY: Not much longer at all.

16 THE COURT: I need you to quantify that, please.

17 MS. SHEALY: I'm looking at my notes. Maybe ten
18 minutes.

19 THE COURT: Okay. We'll break for lunch until
20 2:15. Mr. Browne, I need to advise you that you will
21 need to stay in or about the courthouse. You cannot
22 leave the courthouse grounds. And we'll resume
23 argument had 2:15. Have a good lunch.

24 (Off the record.)

25 (Recess.)

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1 (On the record.)

2 THE COURT: Is the State ready to proceed?

3 MS. SHEALY: Yes, Your Honor.

4 THE COURT: Is the Defense ready to proceed?

5 MR. BROWNE: Yes, Your Honor.

6 THE COURT: How much longer do you anticipate
7 your argument will be to conclusion, Ms. Shealy?

8 MS. SHEALY: Maybe five minutes.

9 THE COURT: And, Mr. Browne, you said you're
10 ready to proceed?

11 MR. BROWNE: Yes, Your Honor.

12 THE COURT: Please bring in the jury.

13 THE BAILIFF: Yes, ma'am.

14 THE COURT: Thank you. I think they're in the
15 hallway. Can you find out why they're just standing
16 out there?

17 (The jury entered the courtroom.)

18 THE BAILIFF: All jurors are present, Your
19 Honor.

20 THE COURT: You may be seated. Ladies and
21 gentlemen, I hope you all enjoyed your lunch. We'll
22 now resume argument. You may proceed, Ms. Shealy.

23 MS. SHEALY: Thank you, Your Honor.

24 THE COURT: You're welcome.

25 MS. SHEALY: It's easy to keep the truth

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1 straight, right? What happened, what happened?

2 Philip Browne cannot keep his lies straight. You
3 have heard what he said to Officer Frances, you have
4 heard what he said to Officer Ivey, and you have
5 heard what he said to Officer Ballentine. He's
6 dancing. To Frances, he said that he was in the back
7 of the tool truck when Ann suddenly fell and struck
8 her head on an unknown object and it was bleeding and
9 that he took her home. He also indicated that when
10 he went to Wilmington that he saw Ann and the guy in
11 the Waffle House parking lot. Okay. That's what he
12 tells Officer Frances, that he approached and gave
13 her the keys. Approached suggests outside the
14 vehicle.

15 Not to any officer, ever, does he admit that he
16 had taken a loan from her. That's a fact in all of
17 his rambling that's consistent. He doesn't tell any
18 of the police officers that, because he knew what he
19 had done to her because of it. David Ivey, he says
20 she bumped her head, saw her with the guy standing
21 outside the Waffle House. You all have seen the
22 footage. Ann Witherspoon is not in Wilmington.
23 There's not a 6-foot tall guy that wears a 2X, 3X that
24 drives a Nissan Murano. He's lying. He lies to
25 officer after officer after officer. And then he

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1 says, oh, I rolled the window down and talked to her.
2 You see that vehicle. He does not stop. In fact,
3 he's so hurried that he doesn't take a full stop at
4 the light, that he goes around a car that has paused
5 in the road. He got there, he did what he had to do,
6 he hid the car, and he left.

7 With Ballentine, here's one thing that I just
8 find so upsetting. He talked about himself more than
9 he talks about Ann. Not one time does he say, oh, my
10 God, let me think about who I might could call, or do
11 you want me to ride down there to talk to you all,
12 what can I do to help? Nothing like that. He is a
13 totally self-absorbed man who has done the unthinkable
14 to someone who had been generous and kind to him.
15 That's who he is. These people who want to say that
16 he's fun to talk to when he works on their cars, come
17 on. Of little value. He tells Ballentine that she
18 fell out the back of the truck and hit her head. I
19 grabbed a rag and put it on her F head. That man is
20 talking about Ann Witherspoon like that? That's who
21 he is.

22 And Roberta Tripp. Good Lord, Roberta Tripp.
23 He told her that an unknown object fell on Ann's head.
24 Fell on Ann's head, and it didn't bleed. But what did
25 she tell you all? When he told her the next time, he

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1 said an unknown object fell on her head and it was
2 bleeding. He may be a detail man when it comes to
3 fixing a car. He's no good at keeping his lies
4 straight. He gets out of jail. 'They've taken his
5 phone. What was it, one day afterwards or two days
6 afterwards, he like, oh God, does the Waffle House
7 have a parking lot? That's what he's looking for. He
8 knows he screwed up. That's the -- that's the search
9 he wants to do.

10 Never, ever told the police I borrowed money
11 from her. In each conversation he has, he is totally
12 void of a human reaction to a woman who's missing.
13 She's missing because he killed her. He ended her
14 caper [ph]. Not interested one bit. What are you all
15 doing to look for her? Did you call Mary? Did you
16 call her other friend? Did you go to see her father?
17 Nothing. In fact, what he does, he calls her a
18 druggie to the police. That's who he is. Not one
19 concern, and couldn't even muster up the emotion to
20 fake it. He's consistent about a Nissan Murano.
21 Detective Ivey, Rebecca Sixto, no Nissan Murano, not
22 on that street.

23 He killed a woman he was trying to help him.
24 That's who she was. In his mind, the audacity -- the
25 audacity -- to ask me for a note of what she lent me

JURY TRIAL

1 cost Ann Witherspoon her life. That's who this man
2 is. The State is asking that you return a verdict of
3 guilty of murder, because this was murder. No good
4 reason for murder, ever. His DNA is on the grip and
5 on the trigger. He may know cars, but he doesn't know
6 DNA.

7 I appreciate, as I said at the beginning of
8 this, your attention to this. We're asking that you
9 return a verdict of guilty of murder, and we
10 appreciate very much your attentiveness during all of
11 this. Thank you.

12 THE COURT: You may proceed, Mr. Browne.

13 MR. BROWNE: Hello. Thank you for being here.
14 I know this has been a long couple of weeks. A lot
15 of things have been said about me. A lot of things
16 have been brought up. Have I made mistakes? Yes.
17 Am I perfect? No. When I get stressed out, do I
18 explode? Yes. Pretty much everybody does.
19 Everybody has issues, everybody has problems. It's
20 been brought up very clear that I would have killed a
21 friend of mine for a car, for a loan. It's been
22 brought up that I didn't mention it to the police
23 officers. I didn't discuss my business arrangements
24 with the police. That's not what they were asking.
25 They were asking if I knew where she was, and I said

JURY TRIAL

1 I didn't know where she was. In the videos that you
2 guys can continue to watch, you will see I offered to
3 go with them and I offered to meet them there. They
4 didn't want it that way. If you listen to Detective
5 Ivey when he played his phone call again, his tell
6 when he starts lying to somebody is he stutters.
7 It's probably something of a childhood issue. It's
8 been brought up that I did something very planned or
9 very on the spur to hurt a friend of mine. Not my
10 mentality, not the way I do things.

11 What you guys have to look at very simply is a
12 math problem. And this is something that the
13 solicitor has drowned you guys out in every other
14 piece of information here, is she doesn't want you to
15 look at simple math. Simple math is, according to the
16 coroner, whose job it is to accurately determine time
17 of death and writes the policy-protocol manuals for
18 such things, didn't do a single thing that she writes
19 in her books. She didn't take temperature because
20 it's not an exact science. However, the pathologist,
21 who did go to school for this, who spent the money to
22 be a death investigator, stated on the it decreases
23 one degree per hour. That's pretty precise. And if
24 you have 65 degrees, as one person said, or
25 72 degrees, as another officer said, you can narrow it

JURY TRIAL

1 down pretty quick. There's a window of opportunity.

2 If you've ever driven to Myrtle Beach-Conway,
3 it's a two-and-a-half hour drive. So if we start with
4 two-and-a-half hours, we left at 9:00. That makes it
5 11:30 we got to her house. The solicitor wants you to
6 believe that I put Ann in her bed, rolled her onto her
7 stomach, and assaulted her to bludgeon her in the
8 head, which caused her to urinate on the bed. Then I
9 put her in a seated position, propped her up, moved
10 her around, with a laceration and the cracked of her
11 skull caused her to bleed so profusely that she lost a
12 lot of blood -- a lot -- and yet, it was still wet.
13 And then in the meantime, I took her and laid her down
14 on her side and then put a gun to her head and pulled
15 the trigger, according to her.

16 Now here's with the math stuff doesn't add up.
17 I left in her car, we went back to Myrtle Beach, and I
18 got pulled over at 1:40 the morning. So if you do the
19 time, according to the solicitor, in half an hour I
20 was able to assault and attack somebody and bludgeon
21 them, put them in a bed been long enough for them to
22 bleed a lot of blood, half, whatever it is, into a bed
23 from a wound. Because as the coroner, the pathologist
24 and the police department have said, the minute that
25 bullet entered her brain, she stopped bleeding. You

JURY TRIAL

1 can't bleed because your heart is not working if
2 you're dead. You'll have seepage, but not that much.

3 And then let's look at the urine stain. Not
4 that I'm proud of it, I had a rough childhood with my
5 natural mother.

6 MS. SHEALY: Objection, Your Honor.

7 THE COURT: Basis?

8 MS. SHEALY: Relevance.

9 THE COURT: That wouldn't be the -- please
10 approach.

11 (Bench conference off the
12 record.)

13 THE COURT: The objection is sustained; facts
14 not in evidence. You may proceed, Mr. Browne.

15 MR. BROWNE: So as a child, I was a bed wetter.
16 If I wet my bed at midnight and got up 6:00 in the
17 morning, my mother didn't know. But if I wet the bed
18 at 2:00 or 3:00 in the morning, she knew and beat my
19 behind up one side and down the other.

20 MS. SHEALY: Objection, Your Honor.

21 THE COURT: Sustained; facts not in evidence.
22 Ladies and gentlemen, you're to disregard the last
23 comment and give it absolutely no consideration in
24 your deliberations. You may proceed, Mr. Browne.

25 MR. BROWNE: Simple fact. In the picture, you

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1 guys will see, Picture No. 38. Do you see any drying
2 around that, any shading showing that it's been dry?
3 I don't, not even on the bed. And yet, according to
4 the prosecution, I supposedly killed this woman 62 to
5 64 hours when this picture was taken. Urine doesn't
6 stay wet on somebody or cotton sheets or a mattress
7 for 62 hours. It's impossible. You would have to
8 rewet --

9 MS. SHEALY: Objection, Your Honor.

10 THE COURT: Basis?

11 MS. SHEALY: Assumes facts not in evidence.

12 THE COURT: Sustained.

13 MR. BROWNE: -- then we go to, again, the simple
14 math. Livor, lividity times the change. Her hand is
15 completely purple, meaning all the blood is pooling
16 in her hand. And as the pathologist stated, yes,
17 that happens. It doesn't go away. They determine
18 the time of death based on these key factors. In the
19 process of looking at said things, somebody grabs
20 that same hand and touches a finger and all of the
21 sudden, the blood moves. It changes color. It goes
22 from a dark purple to not a dark purple. Then you
23 go, again, 54 hours later during an autopsy, there's
24 nothing on that hand. There's still a ring on it,
25 but that hand is no longer purple, which means the

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1 blood has now settled. That's 12 hours, according to
2 the policy-protocol manuals written and established
3 by the coroner, by every doctor --

4 MS. SHEALY: Your Honor, objection.

5 THE COURT: Basis?

6 MS. SHEALY: Facts not in evidence.

7 THE COURT: Sustained. Mr. Browne, you need to
8 stick to evidence that has been presented for
9 purposes of the record. Ladies and gentlemen, you're
10 to disregard Mr. Browne's last comment and give it
11 consideration in your deliberations. You may
12 proceed.

13 MR. BROWNE: According to policy and protocol,
14 it's simple.

15 MS. SHEALY: Again, Your Honor.

16 MR. BROWNE: Over the past few days --

17 THE COURT: Basis?

18 MS. SHEALY: Facts not in the record.

19 THE COURT: Sustained; facts not in evidence. I
20 need you to stick to what's been presented through
21 the witnesses and what's been admitted in exhibits,
22 Mr. Browne.

23 MR. BROWNE: -- yes, ma'am. The coroner stated
24 she does not use temperature to determine time of
25 death. The pathologist states you use it every day.

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1 Other coroners use it. It's something that matters.
2 She stated she uses witness statements. That's how
3 you get proper time of death for anybody outside of
4 somebody seeing a crime. The problem with that is
5 the witness statements she took was the police
6 department's. She stated on the stand, she never
7 interviewed her friends. Her friends didn't know
8 that much about her. Every one of us knew a little
9 bit less. Ms. Moore stated, plain and simple, she
10 didn't know she was coming up to see me. Or she knew
11 she was coming up to see me, but Ms. Webb didn't.
12 Why would she hide it from Ms. Webb? Obviously, she
13 didn't like the way Ms. Webb was going to have a
14 conversation with her. She didn't tell Ms. Moore
15 about the money that I loaned her, because she would
16 have been an issue about it. She didn't tell me
17 about Ms. Moore. I never knew about her. I knew
18 about Mary Webb, but I didn't know about Mary Moore.

19 MS. SHEALY: Objection, Your Honor; facts not in
20 the record.

21 MR. BROWNE: She kept all that --

22 THE COURT: Sir, there's an objection pending.
23 I would ask that you wait for a moment and give the
24 Court an opportunity to reflect. I think that's a
25 reasonable inference from the testimony that was

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1 educated. Overruled. You may proceed.

2 MR. BROWNE: She kept every one of her friends
3 at varying levels; who she talked to, when she talked
4 to them. She didn't talk to any one of us every
5 single day, as stated by both Mary Webb and Mary
6 Moore and myself. We had different conversations,
7 different ways of doing things. When she talked to
8 me, it was cars, bikes, and what are we doing and
9 where are we going.

10 MS. SHEALY: Objection, Your Honor.

11 THE COURT: Basis?

12 MS. SHEALY: Facts not in the record.

13 THE COURT: Sustained. Please stick to what has
14 been presented, sir.

15 MR. BROWNE: When she passed, I didn't know. I
16 wasn't able to go my friend's funeral. I was locked
17 up.

18 MS. SHEALY: Objection, Your Honor.

19 THE COURT: Sustained; facts not in evidence.
20 Ladies and gentlemen, you're to disregard the last
21 comment and give it absolutely no consideration in
22 your deliberations.

23 MR. BROWNE: It's been clear through this trial
24 that I'm apparently some bad person just manipulates
25 women. In Roberta's testimony, I told her where to

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1 find \$8,000 in my truck so that she could pay to have
2 my son's car repaired. I didn't ask her about it
3 because I didn't feel it was important. But we
4 didn't discuss her. We discussed buying my son that
5 (unintelligible).

6 MS. SHEALY: Objection, Your Honor.

7 THE COURT: Basis?

8 MS. SHEALY: Facts not in evidence.

9 THE COURT: Sustained.

10 MR. BROWNE: She went and got the car. Given to
11 my son. Has testified to. Who dusted and I find my
12 tow truck we what else did they not look for in my
13 tool directly didn't find \$8000 of my cigar box
14 sitting on my desk.

15 MS. SHEALY: Your Honor?

16 THE COURT: Basis.

17 MS. SHEALY: Facts not in evidence.

18 THE COURT: Sustained.

19 MR. BROWNE: She went and got the car and gave
20 it to my son, as testified to. What else did they
21 not find in my tool truck? What else did they not
22 look for in my tool truck? They didn't find \$8,000
23 in my cigar box sitting around on my desk.

24 MS. SHEALY: Your Honor?

25 THE COURT: Basis?

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1 MS. SHEALY: Facts not in evidence.

2 THE COURT: Sustained. Mr. Browne, I need you
3 to -- to focus on the evidence that has been
4 presented as well as the exhibits. Ladies and
5 gentlemen, you're to disregard Mr. Browne's last
6 argument and give it absolutely no consideration in
7 your deliberations.

8 MR. BROWNE: If we go back to our timeline, to
9 our math problem, in half an hour I should have --
10 according to the prosecution -- assaulted,
11 bludgeoned, attacked, moved, Ann two to three times,
12 and then put a gun to her head and pulled the trigger
13 left in her car. I got a speeding ticket at 1:00 in
14 the morning, 1:40 in the morning. I got home
15 2:00-something, went to work the next day. Went
16 back. Heard from Ann, she's going to meet me. What
17 she was doing in Wilmington, I don't know. That's
18 where she said she was.

19 MS. SHEALY: Objection, Your Honor.

20 THE COURT: Basis?

21 MS. SHEALY: Facts not in evidence.

22 THE COURT: Sustained.

23 MR. BROWNE: When I reached Wilmington, coming
24 up on the street, I'd never been there before, the
25 Waffle House stands out. When I went around the

JURY TRIAL

1 Honda Civic that was letting people out --

2 MS. SHEALY: Objection, Your Honor.

3 THE COURT: I don't know what he's going to say.

4 MR. BROWNE: -- as I turned the corner onto
5 Grace Street, she's standing there. The young lady
6 from the police department up there that reviewed the
7 camera footage said they had hundreds and hundreds of
8 cameras but yet, there's only nine cameras showing
9 from Front Street, nothing on grace. Right on the
10 coroner. And the one camera on the corner doesn't
11 catch the whole coroner. And from that corner, you
12 can see the Waffle House clear as day. Nowhere in
13 the video did I say I physically saw her in a parking
14 lot at it. I said I saw her and went to a parking
15 lot and gave her her keys.

16 If you listen clearly, just like in the video
17 evidence that we played, when Ceglia of the Mount
18 Pleasant Fire Department touched her, he said rigor is
19 just setting in. He's obviously done this job long
20 enough to see and to feel these things to know and
21 obviously notate on camera. Why would he say that if
22 it didn't matter? Why would he even bring it up? He
23 may not be an expert on it, but it's something he
24 deals with everyday, apparently. I never knew that
25 about the paramedics.

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1 They say that you can't have a however-long
2 conversation that the prosecution would like to say on
3 that corner. I'm short, especially when I'm not
4 happy, as we've determined from my discussions with my
5 ex. How many times do you call somebody and you have
6 a 30-second phone call? It feels like an hour
7 sometimes, but it's 30 seconds when you look at your
8 phone. Doesn't take five hours to have a long
9 conversation. You're not taking me home? Not a
10 problem. Block-and-a-half, parked the car, handed her
11 her keys, and I walked. I walked fast, a 12-minute
12 mile. I have my whole life. My friends don't walk
13 with me because I have a problem. It's simple. After
14 they had found her I was their one and only subject --
15 suspect, regardless of the estrangement with her
16 family and her brother.

17 MS. SHEALY: Objection, Your Honor.

18 THE COURT: Basis?

19 MS. SHEALY: Facts not in the record.

20 THE COURT: Don't be -- just make an objection.

21 MS. SHEALY: Sorry.

22 THE COURT: Thank you.

23 MS. SHEALY: Facts not --

24 THE COURT: Sustained; facts not in evidence.

25 Ladies and gentlemen, you're to disregard Mr.

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1 Browne's last comment and give it absolutely no
2 consideration in your deliberations.

3 MR. BROWNE: In the police reports you guys will
4 be reading -- they're in that -- you'll look and
5 you'll see information in there, and I would hope
6 that you pay attention to the details. As she likes
7 to say, it's details. And yes, I'm very detail
8 oriented and I'm very clear on when I do things and
9 when I discuss things and when I promote things.
10 When I started the business with Roberta, it was
11 something we talked about and she wanted to do it.
12 We paid off all of my debts and her debts. We worked
13 as a team. There was no I or you at that point.
14 That has only been a recent development. Roberta
15 stated on the stand, she stayed with me until
16 December. I don't know why she left. I found out
17 when the movers showed up. She didn't call me.

18 MS. SHEALY: Objection.

19 THE COURT: Basis?

20 MS. SHEALY: Facts not in evidence.

21 THE COURT: Sustained; facts not in evidence.

22 Ladies and gentlemen, you're to disregard Mr.
23 Browne's last comment and give it absolutely no
24 consideration in your deliberations.

25 MR. BROWNE: And if Roberta was so scared of me

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1 and I was such a bad person, why was I invited to her
2 house in Mount Pleasant multiple times? Why did she
3 take care of foster puppies for me because I had dogs
4 at my house? Why did she invite me to her house on
5 James Island multiple times? Why did she ask me to
6 come over and fix her lawnmower? This isn't
7 something that just goes away. As you've heard from
8 my friends and the people that I brought in, I'm good
9 at what I do when it comes to mechanics. It's my
10 thing. It's how I make my friends. It's how I meet
11 people. Everybody meets people in their jobs. If
12 you're a lawyer, you're going to meet people in the
13 courts. If you're a mechanic, you meet them at a
14 mechanic shop. It's pretty simple.

15 Looking at the evidence, it's all timed.
16 Nowhere in any of the search warrants did they find it
17 was a time issue, so it's not something I could have
18 used to go back and move the body around and attack
19 her, talk to her, do whatever it takes, and then pull
20 the -- put a gun to her head and pull the trigger. It
21 is what it is. If you look at the simple timeframe,
22 62 hours from when they say she died to when they
23 found her -- 64 hours. They were there at 2:00 and
24 9:00 p.m. The coroner didn't get there 'til 4:16. So
25 that's another two hours. In 54 hours' time, the

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1 urine is dry, the blood has moved into her hand.

2 MS. SHEALY: Objection, Your Honor.

3 THE COURT: Basis?

4 MS. SHEALY: Facts not in evidence.

5 THE COURT: I think it's a reasonable inference,
6 based on what's been presented. Overruled.

7 MR. BROWNE: All that stuff is dry. It can stay
8 for 62 hours and then completely dry in 54? The math
9 doesn't add up. One plus one equals two, not one
10 plus one equals five. Everything along this way it's
11 been what I would have done and what I said to
12 somebody. She loaned me money. She offered it to
13 me, twice. I took it the second time because I
14 needed it.

15 MS. SHEALY: Objection, Your Honor.

16 THE COURT: Basis?

17 MS. SHEALY: Facts not in evidence.

18 THE COURT: Sustained; facts not in evidence.
19 Ladies and gentlemen, you're to disregard the last
20 comment and give it no consideration in your
21 deliberations. You may proceed.

22 MR. BROWNE: When I did, I offered to write her
23 a promissory note. She didn't accept it.

24 MS. SHEALY: Objection, Your Honor.

25 THE COURT: Sustained; facts not in evidence.

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1 Ladies and gentlemen, you're to disregard the last
2 comment and give it absolutely no consideration in
3 your deliberations.

4 MR. BROWNE: She didn't bring up a promissory
5 note when she was with me.

6 MS. SHEALY: Objection, Your Honor.

7 THE COURT: Sustained; facts not in evidence.
8 Ladies and gentlemen, you're to disregard the last
9 comment and give it no consideration in your
10 deliberations.

11 MR. BROWNE: When she was there Wednesday, it
12 was to determine a business franchise, what it takes.
13 She was interested in a franchise of some kind type.
14 She was interested in owning her own business yet
15 again.

16 MS. SHEALY: Objection, Your Honor.

17 THE COURT: Sustained; facts not in evidence.

18 MR. BROWNE: We were friends. We did things
19 together. We worked together. When she worked for
20 me, she told me a lot of things about her father.

21 MS. SHEALY: Objection, Your Honor.

22 THE COURT: Basis?

23 MS. SHEALY: Facts not in evidence.

24 THE COURT: Sustained; facts not in evidence.
25 Ladies and gentlemen, you're to give Mr. Browne's

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1 last comment no consideration in your deliberations.

2 You're to disregard and disabuse it from your mind.

3 You may continue, sir.

4 MR. BROWNE: If you listen to the evidence and
5 you look at the pictures that has been given to you
6 and you go over it, you will see certain
7 discrepancies built within the details. According to
8 the prosecution, she says that I saw a taxi when I
9 looked back down the road. I never said I saw a taxi
10 looking back down the road. I said I walked back
11 down and saw one.

12 She's brought up that I supposedly knew she had
13 passed away on 2/6. I don't talk to all my friends
14 every single day, every single minute of the day.
15 Nobody does. But the prosecution has stated that she
16 talked to everybody, no questions asked. And even
17 under the interviews with the witnesses, she didn't
18 talk to everybody every day. A couple of days three
19 days, if somebody can't get a hold of you, somebody
20 can't get a hold of you. I don't answer every cell
21 phone or text message, sometimes for days. It depends
22 on whether or not I want to talk to that person or if
23 I just didn't see it.

24 When I got the ticket, it was marked pretty
25 clear. If you do the math, driving two-and-a-half

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1 hours to Myrtle Beach, from Myrtle Beach to Mount
2 Pleasant, and half an hour there at most, and
3 two-and-a-half hours back, there is your entire
4 timeline. It's not possible. It is not physically
5 possible to do everything to a human person that the
6 solicitor has described and for her to bleed the
7 absolute profuse amount of blood on that bed and it
8 still be wet two-and-a-half days after that night.
9 Sixty-four hours, urine to be wet 64 hours after
10 somebody dies. As stated, the minute the bullet went
11 through her head, fission [sic] reflex, her bladder
12 would have emptied. The Mount Pleasant Fire
13 Department, rigor is just setting in. Listen to it
14 again. Watch it. He touches her so that he can
15 determine that one key fact, because that's going to
16 matter for time of death. He's looking to assist
17 Bobbi Jo.

18 She didn't take any physical readings,
19 measurements, or scientific direction in determining
20 time of death. She took police statements as
21 witnesses. She didn't interview the friends as
22 witnesses, as she stated on the stand. She didn't
23 look up cell phone records. She said she has the
24 ability to do that, she didn't pull that up. She went
25 with nothing of what science rules for determining

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1 anything. She walked outside, saw her friends, said
2 okay, this is what we've got, she's in there. And she
3 went in with Detective Horton. And between the two of
4 them, they can't even 100 percent narrow down an
5 actual temperature of the house. It's kind of funny
6 how it's 6 degrees to 8 degrees off, but we're
7 supposed to take that as fact but yet, Bobbi Jo
8 doesn't use temperature, so how are we supposed to
9 gauge what actually happened with the thermostat?

10 I'm a very detailed-oriented OCD person.
11 Details matter. If you've gotten any my friends, they
12 would tell you it's that way. I can direct you to my
13 house right now and tell you to get exactly what you
14 need out of my toolbox or my house without ever being
15 there. You would figure somebody who is in a position
16 that can control the rest of my life, screwed or
17 otherwise, would be proper and do the proper
18 paperwork, something that matters.

19 I have had my fair share of issues with my ex.
20 As stated on the stand, we have had some
21 disheartenings since then. But yet, she's not scared
22 of me. If she was, she wouldn't have stayed in my
23 house. She would have left. One of my witnesses
24 sitting right over there brought me her car after I
25 was released on bail for a murder charge --

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1 MS. SHEALY: Objection, Your Honor.

2 MR. BROWNE: -- to repair it.

3 THE COURT: Basis?

4 MS. SHEALY: Facts not in evidence.

5 MR. BROWNE: She testified to that.

6 THE COURT: Don't respond. It is in the record.

7 Overruled.

8 MS. SHEALY: It's in the record?

9 THE COURT: Yes.

10 MS. SHEALY: Thank you, Your Honor.

11 THE COURT: The objection is overruled.

12 MR. BROWNE: She obviously wasn't worried about
13 me killing her, and she's got an Audi. I would have
14 kept that car. And I spoke with her today. It's
15 still willed to me. Her husband didn't have a
16 problem with me going to her house during a snowstorm
17 and taking care of a leak. My brother, the closest
18 person I can call my brother, has no problems with me
19 being around all the women in his life at his home
20 when he is not there and he's deployed.

21 If all I ever did was take care of -- take
22 advantage and abuse people, it would be pretty much
23 standard. I don't have to talk to all my friends
24 every day, every month, every year. Sometimes we go a
25 few years without talking. One thing leads to

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1 another. It doesn't mean it changes who I am. I've
2 helped Patrick in his time of need. I still help
3 Patrick. I've help my brother, I've helped my
4 friends, I helped Ann when she needed it. As stated
5 in the video, that Jaguar blew up several batteries.
6 I never charged her to fix it, I just fixed it. It's
7 who I am. If she had a problem, she'd call, I'd come
8 over and get her.

9 The State has made it very clear that I was
10 their one and only suspect and they weren't going to
11 look in any other directions, regardless of what was
12 right in front of their faces. And the evidence is in
13 that box. I ask you simply to pay attention. Look at
14 details. Look at the math. Look at the simples.

15 Many of you are close to my age or a little
16 above. You've got kids. Urine does take five hours
17 -- or 62 hours to dry. It doesn't happen. We all
18 know it. We've all been there. Blood doesn't take
19 that long to dry. If you've got kids that injure
20 themselves playing in the yard or whatever, it dries
21 pretty quick. Everything has a timeline. Everything
22 has a timeframe. Everything that I've had to research
23 in dealing with this nightmare for the past five
24 years. There's pretty standard evidence and pretty
25 standard timelines set up by doctors and such.

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1 MS. SHEALY: Objection, Your Honor.

2 THE COURT: Basis?

3 MS. SHEALY: Facts not in the record.

4 THE COURT: Sustained. You may proceed.

5 MR. BROWNE: Looking at how everything goes
6 together and what happens, that's where I came to the
7 simple conclusion this is a math problem. It's
8 simple math. 30 minutes, 11:30 to midnight. That is
9 what the solicitor says I did everything in. And she
10 stated multiple times up here. Heck, you guys heard
11 it. We've had it for five hours today. The body's
12 been moved, the body's been moved, the body's been
13 moved. How does all that happen and bleed that
14 amount of blood in half an hour? Drive time doesn't
15 lie. You've got me on camera putting her in the car
16 at 9:01 p.m. And you've got me getting a speeding
17 ticket at 1:40 in the morning. You can count that on
18 one hand. I still do. That's pretty easy. Look at
19 simple details.

20 If you feel that they solicitor has produced a
21 solid case of 100 percent guilt, find me guilty. I
22 hope nobody will. Her job is to prove 100 percent I'm
23 guilty.

24 MS. SHEALY: Your Honor.

25 THE COURT: Basis?

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1 MS. SHEALY: Facts not in evidence. It's
2 misstating.

3 THE COURT: Yeah, but I'll overruled it.
4 Counsel misstates it all the time. They'll be
5 instructed of what the law is and how the law is to
6 be applied. You may proceed.

7 MR. BROWNE: Your job is to look at everything.
8 I'm simply asking you to look for the slightest
9 amount of doubt, 1 percent. Could this have happened
10 in this timeframe? Could all this have happened in
11 30 minutes two-and-a-half days prior? Is it
12 possible? Did all the planets line up at the exact
13 same moment and keep that urine wet on a body and
14 keep the blood wet on the bed? If you look at the
15 entire situation and you look at it with an open mind
16 and you look at it for the details, and you see these
17 details, you will see what I'm discussing, math. One
18 and one equals two, not one and one equals five. The
19 solicitor would like you to see one and one equals
20 five. They've hung everything to this case on
21 myself. I've had to do this myself simply because
22 things have happened.

23 MS. SHEALY: Objection, Your Honor.

24 MR. BROWNE: This is five years.

25 THE COURT: Basis?

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1 MS. SHEALY: Facts out of -- not within the
2 record.

3 THE COURT: The objection is sustained. Please
4 stay within the evidence, Mr. Browne.

5 MR. BROWNE: If you find doubt, if you find the
6 small inferences, if you look at the details and you
7 don't see where I am 100 percent guilty, then I ask
8 you to look at it cleanly and find me not guilty,
9 because I've done nothing wrong. There is no hard
10 evidence of proof of me being in that room when she
11 died, according to time. Time doesn't change. It
12 moves in one direction. As I said before, they never
13 found a time machine in any of the things they
14 searched, and they searched a lot; my house, my
15 apartment, my tool truck, my storage, and found
16 nothing. Again, I don't have one. So how I could
17 have moved back and forth to create this problem in
18 half an hour simply didn't happen. Thank you, guys.

19 THE COURT: You may proceed.

20 MS. SHEALY: Thank you, Your Honor.

21 THE COURT: You're welcome. He didn't mention
22 the DNA did he? We have the burden of proof, no
23 question about it, the State does. We have to prove
24 to each of you beyond a reasonable doubt that this
25 defendant took the life of Ann Witherspoon. Beyond a

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1 reasonable doubt. Your Honor is going to instruct
2 you on the law. So probably most you have heard
3 these terms before, but she will articulate what they
4 mean so that you can apply the law to the facts of
5 this case.

6 He didn't come up here and say, ignore the DNA
7 on the instrument that killed her. He didn't tell you
8 that. He didn't come up here and say, all my buddies
9 that came up here yesterday to testify that they know
10 anything about the facts of this case. They don't
11 know that. The State has presented testimony from
12 three professionals who this is their the world.
13 Dr. Phillips an MUSC forensics pathologist, do you
14 think she would come in here, swear to the truth, the
15 whole truth and fudge on it? Absolutely not. Her
16 reputation is at stake. She told you and answered
17 every question that was asked of her.

18 The scene does not make sense. Remember, he
19 tried to make a big deal about, oh, well, how does
20 that urine still look wet? She was under layers of
21 bedding. The thermostat, no question about it, said
22 65. He wants you to believe that the time of death is
23 everything here, yet we've had Dr. Phillips take the
24 stand and say, look, we don't do that because by the
25 time I get her, she's been moved -- excuse me -- she's

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1 been moved, she's been exposed to different
2 temperature, et cetera.

3 Bobbi Jo O'Neal, you heard her background. I
4 don't know that I've ever heard a more honorable one.
5 She started as a nurse, and she has gone -- she is so
6 well educated about what she testified to, well
7 received in the community nationally regarding crime
8 scenes, on boards, et cetera. These are quality
9 witnesses who come in and -- they came, they swore to
10 tell the truth, and they answered the questions.

11 He wants you to think that he's the person who
12 knows what's really important and what should have
13 been proven. They tell you the reality of the
14 different features that go into trying to figure out
15 when someone died. There's so many variables. And
16 Sergeant Horton, he's been at Mount Pleasant for
17 years. These people's reputations are at stake.
18 They're not going to come in here. They don't him
19 from Adam. There's so many murders in Charleston.
20 They came in here and answered every question -- every
21 question -- and told you what the problems were with
22 the way that body was on the bed, the injuries to her,
23 and the fact that she looked staged.

24 Oh, he isn't talking to you about that, is he?
25 He's not saying, oh, my gosh, they're wrong, she

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1 wasn't, you know, staged. He wants you to rule his
2 way based on one rule; his math problem. I'll tell
3 you what. A person motivated to end someone's life,
4 they can move fast. We don't know what speed he was
5 going from Myrtle Beach to Mount Pleasant. She lived
6 in a little house, first room after you go through the
7 -- what used to be the garage. He knew what he was
8 going to do. He was unwilling to get so close to his
9 dream that he would lose it because of her. And he
10 thought Roberta would walk out. And it took her a
11 while, but she did. She went to Washington state.

12 So he wants you to think that because Roberta
13 was kind after she moved out, would take his dog, he's
14 confused about what decency from a human looks like.
15 Roberta Tripp is a decent, decent person, and she hung
16 in there with him until she couldn't, until she saw
17 him for what he was.

18 We ask that you go back, you all deliberate. If
19 you want to see something again, if you want to hear
20 something again, if you need to be reminded of
21 something that's in the record, you take your time to
22 do it. But ladies and gentlemen, Norman Philip Browne
23 killed her. He killed her. The thing he didn't
24 mention, his DNA is on the trigger, his DNA is on the
25 grip. He didn't want to meet her demand for a note.

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1 He feared losing Roberta and the franchise when he was
2 right, right there.

3 Thank you for your attention very much. We ask
4 that you return a verdict of guilty to murder. Thank
5 you.

6 THE COURT: Please make sure there's no movement
7 in the gallery while the Court is giving instruction.

8 During this trial, you and I have certain duties
9 to perform. As the trial judge, it is my
10 responsibility to preside over the trial of this case.
11 I also have the duty to rule upon or pass upon the
12 admissibility of evidence which has been offered
13 during the trial. You are to consider only the
14 competent evidence that is before you, and you are to
15 disregard and disabuse from of your mind any testimony
16 which has been ordered stricken from the record in
17 this case during the progress of this trial, if there
18 has been any. You are to consider only the testimony
19 which has been presented from the witness stand,
20 together with any exhibits which have been made a part
21 of the record in this case.

22 I have the additional duty to charge or instruct
23 you on the law which applies to this case. As the
24 presiding judge, I'm the sole judge of the law of this
25 case, and it is your duty as jurors to accept and

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1 (The alternate jurors exited the
2 courtroom.)

3 THE COURT: The alternates were excused at 3:44,
4 and the jury has begun its deliberations.

5 (Off the record.)

6 (Recess.)

7 (On the record.)

8 THE COURT: The jury has reached a verdict. Is
9 there anything before we proceed, from the State?

10 MS. SHEALY: No, Your Honor.

11 THE COURT: From the Defense?

12 MS. SHEALY: Mr. Barrow is not in here. He
13 needed to step out.

14 THE COURT: You need to find him before we can
15 proceed. Anything from the Defense?

16 MR. BROWNE: No, ma'am.

17 THE COURT: Please get the jury. I need order.

18 THE BAILIFF: Order.

19 (The jury entered the courtroom.)

20 THE BAILIFF: All jurors are present, Your
21 Honor.

22 THE COURT: You may be seated. Mr. Foreman, is
23 it correct that the jury has reached a verdict?

24 JURY FOREMAN: Yes, Your Honor.

25 THE COURT: If you would give the verdict forms

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1 to the bailiff for me, please. Sir, if you would
2 stand for publication.

3 THE CLERK: The State of South Carolina, County
4 of Charleston, versus Norman Philip Browne. 'As to
5 Indictment 2023-GS-10-02457, we, the jury, by
6 unanimous consent, find the defendant guilty of
7 murder. Signed by the foreperson and dated April
8 24th, 2024. As to Indictment 2023-GS-10-02458, we,
9 the jury, by unanimous consent, find the defendant
10 guilty of grand larceny. Signed by the foreperson,
11 dated April 24th, 2024.

12 THE COURT: Is there any request of -- ladies
13 and gentlemen, if this is your verdict, please
14 indicate by raising your right hand. Let the record
15 reflect that all jurors raised their right hands.
16 You can put your right hand down. Is there any
17 request to poll the jury, from the State?

18 MS. SHEALY: No, Your Honor.

19 THE COURT: From the Defense?

20 MR. BROWNE: Yes, Your Honor.

21 THE COURT: Ladies and gentlemen, we're going to
22 go through a process that is called polling where the
23 deputy clerk is going to ask you certain questions.
24 I would ask that you give him your attention. You
25 may proceed when you're ready.

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1 THE CLERK: Ladies and gentlemen of the jury,
2 I'll call out your jury number and when I do, please
3 raise your hand. I'll then ask you each two
4 questions. Please answer yes or no.

5 (The jury was polled.)

6 THE CLERK: Juror 67, is this your verdict?

7 JUROR NO. 67: Yes.

8 THE CLERK: Is it still your verdict?

9 JUROR NO. 67: Yes.

10 THE CLERK: Juror 92, is this your verdict?

11 JUROR NO. 92: Yes.

12 THE CLERK: Is it still your verdict?

13 JUROR NO. 92: Yes.

14 THE CLERK: Juror 102, is this your verdict?

15 JUROR NO. 102: Yes.

16 THE CLERK: Is it still your verdict?

17 JUROR NO. 102: Yes.

18 THE CLERK: Juror 103, is this your verdict?

19 JUROR NO. 103: Yes.

20 THE CLERK: Is it still your verdict?

21 JUROR NO. 103: Yes.

22 THE CLERK: Juror 119, is this your verdict?

23 JUROR NO. 119: Yes.

24 THE CLERK: Is it still your verdict?

25 JUROR NO. 119: Yes.

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1 THE CLERK: Juror 128, is this your verdict?
2 JUROR NO. 128: Yes.
3 THE CLERK: Is it still your verdict?
4 JUROR NO. 128: Yes.
5 THE CLERK: Juror 144, is this your verdict?
6 JUROR NO. 144: Yes.
7 THE CLERK: Is it still your verdict?
8 JUROR NO. 144: Yes.
9 THE CLERK: Juror 154, is this your verdict?
10 JUROR NO. 154: Yes.
11 THE CLERK: Is it still your verdict?
12 JUROR NO. 154: Yes.
13 THE CLERK: Juror 224, is this your verdict?
14 JUROR NO. 224: Yes.
15 THE CLERK: Is it still your verdict?
16 JUROR NO. 224: Yes.
17 THE CLERK: Juror 268, is this your verdict?
18 JUROR NO. 268: Yes.
19 THE CLERK: Is it still your verdict?
20 JUROR NO. 268: Yes.
21 THE CLERK: Juror 289, is this your verdict?
22 JUROR NO. 289: Yes.
23 THE CLERK: Is it still your verdict?
24 JUROR NO. 289: Yes.
25 THE CLERK: Juror 291, is this your verdict?

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1 JUROR NO. 291: Yes.

2 THE CLERK: Is it still your verdict?

3 JUROR NO. 291: Yes.

4 THE CLERK: Your Honor, the jury has been
5 polled. The verdict stands.

6 THE COURT: Are there any posttrial motions,
7 from the State?

8 MS. SHEALY: No, Your Honor.

9 THE COURT: From the Defense?

10 MR. BROWNE: No, Your Honor.

11 THE COURT: I would appreciate it if the State
12 would pass up any paperwork that it knows the Court
13 needs at this time.

14 MS. SHEALY: I'm sorry, Your Honor?

15 THE COURT: I need the paperwork.

16 MS. SHEALY: We've got someone preparing it in
17 our office, Your Honor.

18 THE COURT: Ladies and gentlemen, we thank you
19 for your time and your attention to this case. I
20 know that you all really have gone above and beyond
21 the call of duty. You've been here with us longer
22 than the week that we projected, and we appreciate
23 your time. You all have been very patient and very
24 courteous and very indulgent of us during the many
25 matters that we've had to take -- had to deal with as

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1 it regards to matters of law and otherwise. And we
2 have appreciated the courtesies you all have extended
3 to us. You are excused. You're welcome to discuss
4 this case if you would like. Sometimes lawyers and
5 others will contact you just to get your perspective
6 on a case, and you're welcome to do that. By the
7 same token, you don't have to speak with anyone. And
8 if someone should exceed your comfort level, please
9 advise the clerk's office so that we can take the
10 appropriate action to protect your privacy.

11 Does anyone need a work excuse before they leave
12 today? We have those ready and available for you.
13 And if you would just when you go back to the jury
14 room, we'll make sure that you are provided those.
15 Your checks will be mailed to you. I'll hope that
16 you've learned how very vital your service is to us.
17 Charleston County is one of the busiest circuits in
18 the state, only rivaling Greenville and Richland
19 County, which is Columbia. We hold jury trials
20 probably -- used to be 48 weeks out of the year, but
21 probably about 45 weeks out of the year. We used to
22 have multiple terms of court, but we're now -- court
23 administration is trying out some -- a different
24 scheduling method, which has been an interesting.
25 It's like moving into a new house. We'll figure out

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1 how it works. Hopefully, it has been an expedient way
2 to move the docket. But we would not be able to do
3 what we do without your willingness to donate your
4 time to us and serve as jurors and to sit as fact
5 finders and apply a very complex set of laws to those
6 facts and render a verdict. So I hope you know how
7 very valuable your service has been to us.

8 If anyone wishes to remain for sentencing,
9 you're welcome to do that. You can remain in your
10 seats. If you do not wish to do that, you're
11 certainly excused at this time. You can collect your
12 belongings and you're free to go with the Court's
13 profound thanks. And they'll have your work excuses
14 for you down in the jury room, along with your passes
15 for your parking. Have a wonderful rest of the week.
16 For those who wish to leave, you're welcome to do so.
17 For those who wish to remain, you're welcome to do
18 that as well. And Mr. Foreman, we need you to sign
19 the indictments.

20 All right. Is there anything further from the
21 State regarding Mr. Browne's sentencing?

22 MS. SHEALY: Yes, Your Honor. If I could
23 inquire from her friends that are here as to whether
24 they'd like to address the Court.

25 THE COURT: I think that we would have to make

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1 sure that Mr. Browne has no exception to that.

2 MS. SHEALY: Okay. Sure.

3 THE COURT: Mr. Browne, do you have any
4 exception to that?

5 MR. BROWNE: Yes, Your Honor.

6 THE COURT: And what would be the basis of that
7 objection, sir?

8 MR. BROWNE: They're friends of the family, not
9 actual family.

10 THE COURT: I need time to consult the victim's
11 statute to make sure that we're in compliance with
12 it. He has an objection, and I need to address it.

13 MS. SHEALY: Yes, Your Honor.

14 THE COURT: Is there anything else you'd like
15 present to the Court on behalf of the State?

16 MS. SHEALY: Your Honor, obviously, I'm aware
17 that you just sat through the whole trial. You've
18 gotten a glimpse of who Ann Witherspoon was. She was
19 beloved in her community and devoted to her father.
20 She had also taken care of her mother when her mother
21 was gravely ill. Her friends, as you can imagine,
22 have been torn up about this. Their instincts were
23 accurate from the very beginning. They all have
24 senses of sadness, not only regarding her absence,
25 but also in encouraging her to try to get written

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1 documentation. Of course, this is not their fault at
2 all, but I will tell you that that's been something
3 that has plagued them to a certain extent.

4 Ann Witherspoon didn't deserve what happened.
5 She was eager to help him and just wanted some
6 documentation. This defendant, I think, changed over
7 time and became centrally focused on getting his own
8 business. And he's not the type of person who should
9 have done this to someone which makes it, to me, more
10 grave. He could have shown restraint. He could have
11 told Roberta that, in fact, he had taken money from
12 her. All of these things were avoidable.

13 And Mr. Mr. Witherspoon, Dr. Witherspoon, was
14 heartbroken when he learned that his daughter had died
15 and had asked his son, was it the gun that I had given
16 her. So for that gentleman to have that sense of
17 guilt, having provided his daughter with what he
18 thought would be something that could protect her and
19 that, in an ironic turn, it's what killed her was very
20 difficult for him and his age -- with his age and his
21 physical disability at that time in his life.

22 So this situation has plagued many people,
23 family members and friends and the small community
24 that Ann operated under.

25 THE COURT: And as I understand it, her brother,

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1 is he still in the hospital?

2 MS. SHEALY: He's not in the hospital.

3 Mr. Barr, one of our colleagues in the bar, had
4 spoken to him today. He does not feel well. He has
5 a rare disease. And we had been talking to him prior
6 to trial and he very much wanted to come, but he also
7 didn't want it to get delayed because of the previous
8 delays in this matter. So I have not been able to
9 speak to him today, Judge, to know whether he would
10 want to share anything with Your Honor. I can do so
11 if you would allow me that opportunity to call, or I
12 could ask somebody else to try to give him a call
13 just to see if there's something in particular he
14 would like for me to share with you.

15 THE COURT: I think that would be appropriate.

16 MS. SHEALY: Okay.

17 THE COURT: And he is her relative?

18 MS. SHEALY: Yes, Your Honor.

19 THE COURT: And under the statute, he's
20 certainly entitled to be heard. Does the family
21 lawyer wish to be heard? He's left.

22 MS. SHEALY: I think he left. He was here just
23 not too long ago. I will get someone to reach out to
24 Sam.

25 THE COURT: If anybody wants to leave, you're

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1 welcome to leave.

2 MS. SHEALY: Your Honor?

3 THE COURT: Mm-hmm.

4 MS. SHEALY: We have the sentencing sheet
5 prepared but they couldn't get back in through the
6 cut-through, so Kelly is going to go to see if we can
7 get them back here. And our victim witness advocate
8 is trying to get in touch with Ann's brother. Thank
9 you.

10 THE COURT: You're welcome. And according to
11 what you presented to the Court, he has no record;
12 correct?

13 MS. SHEALY: He has a record from many, many
14 years ago in California, Your Honor.

15 THE COURT: Which was? Because when I asked
16 earlier, you said he had no criminal history.

17 MS. SHEALY: A larceny that was a fine, and that
18 was actually in Arizona.

19 THE COURT: And what year was that, please?

20 MS. SHEALY: That was 1984.

21 MR. BARROW: '94.

22 MS. SHEALY: '94. I'm sorry. Grand theft,
23 motor vehicle, a felony charge.

24 THE COURT: I'm sorry. Repeat that.

25 MS. SHEALY: Judge, in -- in 1996, he had a

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1 grand theft conviction that was a felony.

2 THE COURT: In what state?

3 MS. SHEALY: That is from California. Your
4 Honor, we do have Sam Witherspoon, her brother, on
5 the phone so that he can communicate to the Court. I
6 beg the Court's indulgence just one moment.

7 THE COURT: Yes. I need the rest of his
8 criminal history, and then I'll be glad to hear from
9 him.

10 MS. SHEALY: There is a forgery conviction in
11 1994 that he was convicted for in California. That's
12 it, Your Honor.

13 THE COURT: Thank you. And is he on the
14 telephone?

15 MS. SHEALY: He is, Your Honor. Would you like
16 for us to --

17 THE COURT: I'm going to listen to a test and
18 see how clearly he comes through.

19 MS. SHEALY: Mr. Witherspoon?

20 MR. WITHERSPOON: Yes.

21 MS. SHEALY: Can you hear me?

22 MR. WITHERSPOON: Yes, I can hear you.

23 MS. SHEALY: Okay.

24 THE COURT: How loud do you have the volume? Is
25 that as loud as it will go? I need you just to get

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1 as close to -- put it under a microphone. That's a
2 good idea.

3 MS. SHEALY: Like one of these, Your Honor?

4 THE COURT: Yes. It should be on.

5 MS. SHEALY: Mr. Witherspoon?

6 MR. WITHERSPOON: Yes, ma'am.

7 MS. SHEALY: This is Jennifer Shealy. We are in
8 the courtroom. Mr. Browne has been convicted of
9 murder. And the judge is interested in seeing if you
10 would like to address the Court at all as to
11 sentencing or if you'd like to share anything about
12 your sister?

13 MR. WITHERSPOON: Well, I don't have much to say
14 at this point. I'm -- I'm glad that --

15 THE COURT: Maybe he can use this microphone.

16 MR. WITHERSPOON: -- I'm glad to hear --

17 MS. SHEALY: Wait. Hold on one second --

18 MR. WITHERSPOON: -- the jury --

19 MS. SHEALY: -- Sam, I'm so sorry, but could you
20 hold on for one second? We're moving it somewhere
21 else.

22 THE COURT: To that microphone.

23 MS. SHEALY: This one?

24 THE COURT: Yes, ma'am. Thank you.

25 MS. SHEALY: Okay. If you could continue,

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1 please, with what you'd like to say to the Court.

2 MR. WITHERSPOON: To the Court, I'd like to say
3 thanks, for the solicitors, for doing such a good job,
4 and for the jury, for doing a unanimous decision,
5 which is the most important thing, I think that I
6 wanted to say. And hopefully, we put this to rest.
7 And the sentencing, I don't have any idea of what the
8 judge would like to do, and I'm -- but I know from my
9 past experience that the judge is a good judge, and
10 I'll await to hear.

11 MS. SHEALY: Okay. Thank you very much. Your
12 Honor, I think you indicated that you were going to
13 consider hearing from --

14 THE COURT: Well, I have to -- I asked if he had
15 an objection, and he interposed one. And the statute
16 is very clear about who is defined as a victim under
17 the victim statute. And that -- and I think in light
18 of the fact that he's pro se and he's interposed an
19 objection, I have to consider it and I have to look
20 at what analysis would be required.

21 The statute that I'm referring to -- its long,
22 so I have to get back up to the top, I apologize --
23 it's Article 1, Section 24, Victims Bill of Rights.
24 And the preamble to that statute provides to preserve
25 and protect victims rights to justice and due process

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1 regardless of race, sex, age, religion, or economic
2 status. And then it lists what their Bill of Rights
3 are. Subsection (A)(5) provides to be heard at any
4 proceeding involving a post-arrest release decision, a
5 plea or sentencing. Further down in the statute, the
6 term "victim" is defined under Subsection (C)(2).
7 Victim means a person who suffers direct or threatened
8 physical, psychological or financial harm as the
9 result of the commission or attempted commission of a
10 crime against him, meaning the actual person. The
11 term "victim" also includes the person's spouse,
12 parent, child or lawful representative of a crime
13 victim who is diseased, who a minor, or who is
14 incompetent, or who was a homicide victim, or who is
15 physically or psychologically incapacitated. That's
16 why I asked if their legal representative was present.

17 While I am certainly empathetic of those, I have
18 people who I consider family who are not blood-related
19 to me, and I understand that feeling. I have to --
20 with Mr. Browne representing himself, I have to
21 strictly adhere to the statute where he's interposed
22 an objection. But I think that the record is clear as
23 to what their feelings were for Ms. Witherspoon, and I
24 -- you know, their testimony clearly articulated the
25 depth of their relationship with her, as well as their

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1 familial connection to her. And I -- I don't -- I
2 don't think that -- I think that has been adequately
3 explained for the record, that where he interposes an
4 objection, I think I have to look at the language, I
5 have to give it its plain interpretation. It's not
6 ambiguous, it's not subject to interpretation. And
7 you know, if he didn't object, I certainly would allow
8 them to speak. But where his interposed an objection,
9 I think I have to entertain that analysis and adhere
10 to what the statute says.

11 MS. SHEALY: Yes, Your Honor.

12 THE COURT: But it's not lost on the Court, and
13 I think I can extrapolate from their testimony what
14 their feelings are regarding what has taken place.

15 Mr. Browne -- is there anything further from the
16 State.

17 MS. SHEALY: Your Honor, regarding sentencing
18 for him, obviously, murder carries a minimum of 30
19 years and a maximum of life in prison. I think this
20 situation is demanding of a life sentence, Your
21 Honor. Yes, he had issues -- younger -- during his
22 younger days with criminal acts, but he had every
23 opportunity in the world not to behave the way he
24 did, and he chose to. And it shows a callousness and
25 a void of humanity to kill a woman who was lending

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1 you money because she wanted a note for it. We've
2 all seen the photographs of how she was left in that
3 room. And this crime calls out for a heavy
4 sentencing to dissuade others who may have one
5 consequence that's difficult to deal with in their
6 life in a moment of time and choose to end the life
7 of someone who was completely undeserving of such
8 violence. So the state would ask for a life
9 sentence.

10 THE COURT: And also in terms of annotating what
11 I said earlier regarding the victim statute, where
12 Mr. Browne is acting as pro se counsel, he certainly
13 would have a challenge regarding his sentencing, and
14 I would not want that to revisit us and be reversed
15 and remanded to us for the purpose of a resentencing.

16 Yes, sir, I would be glad to hear from you.

17 MS. HENSLEY: Your Honor, I'm happy to speak for
18 Mr. Browne.

19 THE COURT: If he wishes for you to do that,
20 that's fine. If he doesn't -- I think in light of
21 the fact that he discharged your services and I
22 appointed you as shadow counsel, I am -- I -- I think
23 it is good that he is seeing the wisdom of my
24 decision in having you remain as shadow counsel.
25 I've seen him utilize your services. If he wishes to

JURY TRIAL

1 have you speak for him, I'm certainly amenable to
2 that. Mr. Browne, do you wish to have Ms. Hensley
3 speak for you?

4 MR. BROWNE: Yes, please.

5 THE COURT: Yes, ma'am, we would like to hear
6 from you.

7 MS. HENSLEY: Thank you, Your Honor.

8 THE COURT: You're welcome.

9 MS. HENSLEY: May it please the Court, on behalf
10 of Mr. Browne, obviously, he's maintained his
11 innocence on these charges consistently since his
12 arrest in 2019. He has been, as the Court is aware,
13 on a monitor since he was released. And I apologize,
14 I don't actually have those dates, but I think maybe
15 May 3rd is --

16 THE COURT: Has he been on a monitor and allowed
17 to leave the house, or has he been on a monitor where
18 he's had to stay at home?

19 MS. HENSLEY: No, ma'am. He's been on a monitor
20 where he's been allowed to leave the house. So I
21 don't want to mislead the Court in any way on that.
22 But he was in jail from -- until May the 3rd.

23 THE COURT: So he was arrested on what date?
24 It's in my notes, but if you could --

25 MS. HENSLEY: Initially, in the murder, I think,

JURY TRIAL

1 was February the 27th. So you know, on the grand
2 larceny, I think he was.

3 THE COURT: And when did he -- and I don't
4 calculate time.

5 MS. HENSLEY: I understand.

6 THE COURT: They'll send his records. They're
7 already --

8 MS. HENSLEY: February the 27th to May the 3rd,
9 I think, are the dates. As you've heard from his
10 record, it's been 27 to 30 years since he's had any
11 criminal -- any involvement with the criminal justice
12 system. He's 50 years old. So I would just ask the
13 Court, given his age, that you consider that minimum
14 sentence of 30 years just because on a day-to-day
15 sentence, for all intents and purposes, that may
16 never well be a life sentence for Mr. Browne.
17 Obviously, he has friends and family who love him and
18 have supported him through this, and I would ask the
19 Court to take that into consideration.

20 THE COURT: And Mr. Browne, do you wish to say
21 anything on your own behalf?

22 MR. BROWNE: No, Your Honor.

23 THE COURT: Anything further from the State?

24 MS. SHEALY: No, Your Honor. Thank you.

25 THE COURT: Sir, you can take your -- well, I

JURY TRIAL

1 guess you don't need to take your seat. Bear with me
2 one just one moment. Yes, ma'am?

3 MS. SHEALY: I have the sentencing sheet.

4 THE COURT: That will be helpful. Thank you.

5 Having been present for this trial and having
6 had the benefit of observing the witnesses, and as
7 well as having absolutely no concern regarding the
8 standard that would be required to sustain the jury's
9 verdict, there is more than substantial circumstantial
10 evidence in this record to uphold the any evidence
11 standard that would be applied to a jury's verdict.
12 And as such, the Court finds it appropriate, sir, that
13 you be -- on the murder charge, that you be sentenced
14 to the state department of corrections for a period of
15 life. On the offense of grand larceny, that you be
16 sentenced for five years. These sentences will run
17 concurrent. You'll get credit pursuant to 24-13-40 to
18 be applied by -- to be calculated and applied by the
19 department of corrections.

20 Now, Ms. Shealy, you did not address his request
21 for credit for monitored house arrest pursuant to
22 24-13-40. And again, Ms. Hensley, what time period
23 did you say you were requesting that?

24 MS. HENSLEY: Your Honor, he's been on monitored
25 house arrest since May 3rd of 2019.

JKS/0352805
WITNESSES

Mt. Pleasant Police Department

De Daniel New

AGENCY CASE NUMBER

2019-0001263

ARREST WARRANT NUMBER

2019A1020900051

DATE OF ARREST

02/10/2019

ACTION OF GRAND JURY

TRUE BILL

MAY 16 2023

Date:

RP
Foreperson of Grand Jury

VERDICT

DOCKET NO. 2023-GS-10-02457

The State of South Carolina

County of Charleston

FILED

5/23/2023 4:22:18 PM

JULIE J. ARMSTRONG

CLERK OF COURT

COURT OF GENERAL SESSIONS

MAY TERM 2023

THE STATE

VS.

NORMAN PHILIP BROWNE

W/M DOB: [REDACTED]

Indictment for

MURDER

SC Code: § 16-03-0010

CDR Code: 0116

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA

INDICTMENT

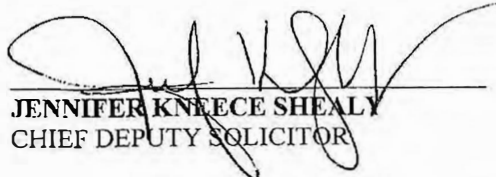
COUNTY OF CHARLESTON

At a Court of General Sessions, convened May 2023, the Grand Jurors of Charleston County present upon their oath:

MURDER

That in Charleston County, South Carolina on or about February 6, 2019, the defendant, Norman Philip Browne, with malice aforethought did kill and murder Ann Kirby Witherspoon by means of shooting her, and Ann Kirby Witherspoon did die in Charleston County as a proximate result thereof on or about February 6, 2019 in violation of §16-3-10 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.


JENNIFER KNEECE SHEALY
CHIEF DEPUTY SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON

STATE

INDICTMENT/CASE#: 2023-GS-10-02457

VS.

NORMAN PHILIP BROWNE

AKA:

A/W#:

2019A1020900051Race: WhiteSex: MAge: 49

Date of Offense:

02/06/2019

DOB: [REDACTED]

SS#: [REDACTED]

S.C. Code §:

16-03-0010Address: Sycamore Shade Street

CDR Code #:

0116City, State, Zip: Charleston, SC 29414-9199

SENTENCE SHEET

DL#* [REDACTED]

SID# SC02356411*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: MurderIn violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

7/9/19
 Jennifer K. Shealy, SC Bar # _____ Defendant Attorney for Defendant SC Bar # _____
 Chief Deputy Solicitor

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of Life days/months/years/Time Served ☐ Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years/Time Served 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.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2023-GS-10-02458☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDoc.
days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE NORMAN PHILIP BROWNE INDICTMENT/CASE#: 2023-GS-10-02457
 VS. _____

SPECIAL CONDITIONS:

☐ **PTUP** after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning: _____
☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
☐ Other: _____

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____

		\$
§14-1-206 (Assessments 107.5%)		\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ 375
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$

TOTAL \$ 1000.75

Clerk of Court/Deputy Clerk: _____

Court Reporter: _____

Presiding Judge: _____

Judge Code: _____

Sentence Date: _____

2128

4 / 24 / 2024

JKS/0352805
WITNESSES

Mt. Pleasant Police Department

[Signature]

AGENCY CASE NUMBER

2019-0001263

ARREST WARRANT NUMBER

2019A1020900040

DATE OF ARREST

02/10/2019

ACTION OF GRAND JURY

TRUE BILL

MAY 16 2023

For person of Grand Jury

Date:

VERDICT

For person of Petit Jury

Date:

DOCKET NO. 2023-GS-10-02458

The State of South Carolina

County of Charleston

FILED

5/23/2023 4:22:18 PM

JULIE J. ARMSTRONG

CLERK OF COURT

COURT OF GENERAL SESSIONS

MAY TERM 2023

THE STATE

VS.

NORMAN PHILIP BROWNE

W/M DOB: [REDACTED]

Indictment for

GRAND LARCENY

SC Code: § 16-13-0030(B)

CDR Code: 3421

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

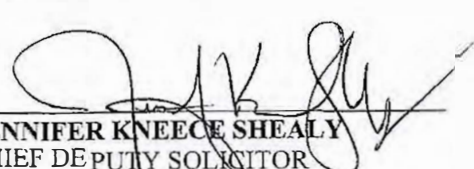
INDICTMENT

At a Court of General Sessions, convened May 2023, the Grand Jurors of Charleston County present upon their oath:

GRAND LARCENY

That in Charleston County, South Carolina, on or about February 6, 2019, the Defendant, Norman Philip Browne, did take and carry away the personal property of the victim, Ann Kirby Witherspoon, valued at Ten Thousand Dollars or more, with the intent to deprive the victim of its possession and to convert the property to Defendant's own use in violation of Section 16-13-30 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.


JENNIFER KNEECE SHEALY
CHIEF DEPUTY SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON

STATE

INDICTMENT/CASE#: 2023-GS-10-02458

VS.

NORMAN PHILIP BROWNE

AKA:

A/W#: 2019A1020900040Race: WhiteSex: MAge: 49Date of Offense: 02/06/2019S.C. Code §: 16-13-0030(B)

DOB: [REDACTED]

SS#: [REDACTED]

CDR Code #: 3420Address: [REDACTED] amore Shade Street

City, State,

Zip: Charleston, SC 29414-9199

SENTENCE SHEET

DL#* [REDACTED]

SID# SC02356411*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Grand LarcenyIn 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 ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☐ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Jennifer Kneese Shealy, Chief Deputy Solicitor	7919 SC Bar #	Defendant	Attorney for Defendant	16867 SC Bar #
---	------------------	-----------	------------------------	-------------------

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 5 days/months/years Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$, plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2023-GS-10-02457☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.
days/months☒ To include time spent on monitored house arrest prior to trial and sentencing. 5.3.19-4.24.24☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

STATE NORMAN PHILIP INDICTMENT/CASE# 2023-GS-10-02458
 VS. BROWNE

☐ **PTUP** after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

	\$	Beginning	\$
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____		
§14-1-206 (Assessments 107.5%)			\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100		\$ <u>100.40</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100		\$
§56-5-2995 (DUI Assessment)	\$12		\$
§56-1-286 (DUI Breath Test)	\$25		\$
§14-1-212 (Law Enforce. Funding)	\$25		\$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150		\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41		\$
§50-21-114 (BUI Breath Test Fee)	\$50		\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea		\$
3% to County (if paid in installments)	TBD		\$ <u>3.75</u>

- ☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees
- ☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TOTAL \$ 128.75

Clerk of Court/Deputy Clerk: _____
 Court Reporter: _____

Presiding Judge: _____
 Judge Code: _____
 Sentence Date: _____

2128
4/24/2024

RECEIVED

MAY 29 2024

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

Deadra Jefferson, Circuit Court Judge

Case #: 2019A1020900051; 2019A1020900040
Indictment #s: 2023-GS-10-2457 & 2458

The State, ...Respondent

v.

Norman Philip Browne, ...Appellant.

NOTICE OF APPEAL

Norman P. Browne, appeals his conviction and sentence in this case. The sentence was imposed
on April 24, 2024.



Norman P. Browne
Pro Se Defendant
[REDACTED] Sycamore Shade St.
Charleston, SC 29414

Other Counsel of Record:
Jennifer K. Shealy
Deputy Solicitor
101 Meeting Street 4th Floor
Charleston, SC 29402

Elliott Barrow
Assistant Solicitor
101 Meeting St. 4th Floor
Charleston, SC 29402

RECEIVED

MAY 29 2024

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

Deadra Jefferson, Circuit Court Judge

Case #: 2019A1020900051; 2019A1020900040
Indictment #s: 2023-GS-10-2457 & 2458

The State, ...Respondent

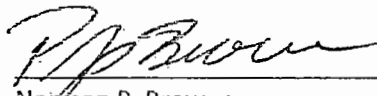
v.

Norman Philip Browne, ...Appellant.

PROOF OF SERVICE

Personally appeared before me, Norman P. Brown, who first being duly sworn, deposes and says:

That on the ____ day of April, 2024, he personally served the Notice of Appeal on Jennifer K. Shealy, Deputy Solicitor, and Elliott Barrow, Assistant Solicitor via first class, postage paid wrapper, properly addressed, in a post office or official depository under the exclusive care and custody of the United States Postal Service to 101 Meeting St; 4th Floor, Charleston, SC 29402.


Norman P. Browne

Sworn to before me this ____ day of
April, 2024

Notary Public for SC

My Comm Exp: _____

218

From: Philip Browne tazbad2000@yahoo.com
Subject: Fwd: Philip
Date: May 28, 2024 at 5:56:41 PM
To: Carrie carriemrogers@gmail.com

RECEIVED

MAY 29 2024
SC Court of Appeals

Begin forwarded message:

From: Laree Hensley <lahensley@lahensleylawoffice.com>
Date: April 26, 2024 at 11:35:43 AM EDT
To: Philip Browne <tazbad2000@yahoo.com>
Subject: Re: Philip

The appeal paperwork was mailed on Thursday. The court of appeals should send the notices to him directly because as you're aware, I am not his attorney. I believe it will come to his home address.

Sent from my iPhone

PLEASE NOTE: Our new office address is 2129 Dorchester Road N. Charleston, SC 29405

On Apr 25, 2024, at 6:18 PM, Philip Browne <tazbad2000@yahoo.com> wrote:

Okay. Thank you for that. My other question is when will his appeal paperwork be filed and can I get an official confirmation of it's filing status.

On Apr 25, 2024, at 1:12 PM, Laree Hensley <lahensley@lahensleylawoffice.com> wrote:

I don't really do this kind of work, but I would call Allen Badger. She is in the same office space as I am and I can help facilitate getting the signatures from the jail.

Allen's number is 843-554-8881. Laree

*******PLEASE NOTE OUR NEW OFFICE ADDRESS IS:**

2129 DORCHESTER ROAD

NORTH CHARLESTON, SC 29405 *****

April 24, 2024**RECEIVED**

MAY 29 2024

SC Court of Appeals

Jennifer K. Shealy, Esq.
Elliott Barrow, Esq.
Charleston County Solicitor's Office
101 Meeting Street 4th Floor
Charleston, SC 29402

Re: State v. Norman P. Browne
Indictment #s: 2023-GS-10-2457 & 2458

Dear Ms. Shealy & Mr. Barrow:

Enclosed please find a copy of a Notice of Appeal and Proof of Service in the above referenced matter.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

Norman P. Browne

Enclosures

RECEIVED

MAY 29 2024

SC Court of Appeals

LAREE A. HENSLEY

ATTORNEY AT LAW

2129 Dorchester Road

North Charleston, SC 29405

843-225-2101 – Phone 843-225-2208 – Fax laree@lahensleylawoffice.com – Email

April 26, 2024

Robert M. Dudek
Chief Appellate Defender
SC Commission on Indigent Defense
PO Box 11433
Columbia, SC 29211

Re: State v. Norman Philip Browne
Indictment #: 2023-GS-10-2457 & 58

Dear Mr. Dudek:

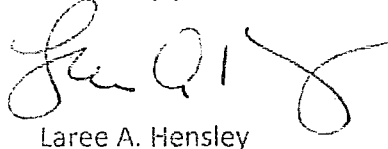
Enclosed please find a copy of a Norman P. Browne's Notice of Appeal and Proof of Service from his sentence in Charleston County.

I am also enclosing herein the Order of Appointment as proof of Mr. Browne's indigency wherein I was appointed to represent Mr. Browne. I am also enclosing an Order Relieving me as his Counsel issued by Judge Jefferson wherein I was appointed as Stand By Counsel for his trial where he represented himself.

Please be advised that I am happy to provide a copy of my file in this matter if you feel it could be helpful. Please advise if the Office of Appellate Defense needs me to do anything further to ensure Mr. Browne's appeal will be handled by your office.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,



Laree A. Hensley

Enclosures

Copy to: Norman P. Browne

April 24, 2024

The Honorable Jenny Abbott Kitchings
Clerk of Court, SC Court of Appeals
PO Box 11629
Columbia, SC 29211

RECEIVED

MAY 29 2024

SC Court of Appeals

Re: State of South Carolina v. Norman P. Browne
Indictment #s: 2023-GS-10-2457 & 2458

Dear Ms. Kitchings:

Enclosed please find the original Notice of Appeal, Proof of Service and Sentencing Sheets in the above referenced matter.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

Norman P. Browne

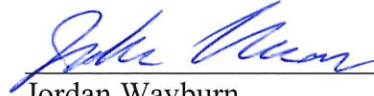
Enclosures

Copy to: Jennifer Shealy
Elliott Barrow

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Jordan Wayburn
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 28th day of March, 2025.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County

Honorable Deadra L. Jefferson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

NORMAN PHILIP BROWNE,

APPELLANT.

APPELLATE CASE NO. 2024-000872

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Brian H Gibbs, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 28th day of March, 2025.



Jordan Wayburn
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT