

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Oconee County
Honorable R. Scott Sprouse, Circuit Court Judge
Appellate Case No. 2024-001358

RECEIVED

Aug 27 2026

SC Court of Appeals

THE STATE,

Respondent,

vs.

WILLIAM DAVID GUNN,

Appellant.

SUPPLEMENTAL RECORD ON APPEAL

SARAH E. SHIPE
Appellate Defender

ALAN WILSON
Attorney General

S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211
(803) 734-1330

MARK R. FARTHING
Senior Assistant Deputy Attorney General

Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEY FOR APPELLANT

MICAH E. BLACK
Solicitor, Tenth Judicial Circuit

Post Office Box 8002
Anderson, SC 29622
(864) 260-4046

ATTORNEYS FOR RESPONDENT

INDEX

Index.	i
Court’s Exhibit # 1 (Solicitor Blundy’s Trial Notes).	1
Court’s Exhibit # 2 (Judge Sprouse’s Trial Notes).	16
Court’s Exhibit # 3 (Law Clerk’s Trial Notes).	20

William David Gunn

Burglary 1st Degree

Malicious Injury Real Property 2k less

Resisting Arrest

Possession of Tools Used in the Commission of a Crime

Opening: Taking a nap with a crowbar. Resting with a pair of pliers. Relaxing with a screwdriver.

It was April 18, 2023 at approximately 2am in the morning. When Kristy Shaw received an alert from her and husband Toby's Blick camera that there was an invader inside his deceased mother's house. You see Toby's mom was a single mom who raised four children. She owed the house at [REDACTED] Walhalla. It was really all she had to show for her lifetime of work. She ended up dying exactly one month before this incident on March 18, 2023. She had two adult children who passed before her and two more adult children who were her surviving heirs - Toby and his sister Tammy. Toby and his sister were close and they had not probated her estate yet. There was no will so it automatically transferred to him and his sister 50/50. They both were caring for the property at [REDACTED]. In fact Toby had been sleeping there, installed the cameras, had food and internet and had utilized the house as a dwelling. He was watching over the house and lodged there at times with a view to protect the property. He was frequently checking the cameras.

So when the alert went off an notified his wife who woke him in the middle of the night and they both can see the footage of a white male with a beard inside the home who is turning the cameras in the other direction. Immediately his wife Kimberly Shaw calls 911.

Multiple officers were dispatched out to an active Burglary where they were able to catch him on scene. They observe pry marks on the back door. After close to an hour wait period trying to get him to come out of the house. Announcing

EXHIBIT

Court's

1

themselves, knowing he's in there, and explaining they had a K9. F. Sgt. Aaron Alexander makes the call to make entry inside the home after Toby Shaw arrives on scene with the key. When they do make entry inside the front door with K9 Coss the Defendant tries to flee outside the back door where Officer Brody Pitts radios to the other officers and they are able to get him to the ground on the ramp of the home. Out of his pockets burglary tools fly. He tells them its his aunts house but she is dead. He says he had an argument with his girlfriend so he went there to rest. And he says the tools he had on him were found inside the yard. He also said he went there to rest and get water.

What is Burglary 1st Degree? Go through power point.

What is Poss Burglary Tools?

What is Malicious Injury Real Property 2k or less?

What is Resisting Arrest?

Now its true that I must prove to you each element of each crime for you beyond a reasonable doubt. It is a high burden but it's not an impossible burden. Once you hear the testimony and see the evidence I think you'll agree that the Defendant entered a dwelling with the intent to commit a crime therein and that he is guilty of Burglary 1st Degree, he had the tools to carry out the Burglary, he damaged the back door of the house, and he was under arrest and made it difficult on the officers by hiding out inside the house and he is guilty of all these crimes.

Direct:

Kristy Shaw

1. Please state your name for the record.
2. What county do you reside in?
3. Who are you married to?
4. How long have you been married to Toby?
5. What was Toby's mom's name?
6. Where did your mom-in-law reside?

7. When did she pass away?
8. Do you recall April 18, 2023?
9. What happened in the middle of the night?
10. What were you able to observe?
11. What did you tell Toby?
12. Do you remember watching the surveillance camera?
13. What did you do next?
14. I'm showing you what has been marked as **State's Ex. 1?(911 call)**
15. What is it?
16. How do you recognize it?
17. It is a fair and accurate representation as of the date/time it was recorded?
18. Who went out to the house when you called?

Melisande Richmond

1. Please state your name for the record
2. Where do you work?
3. How long did you work for 911 Dispatch?
4. Explain the process that you do when a call comes in?
5. I'm showing you what has been marked as **State's Ex. 2 (911 CAD)?**
6. What is it?
7. How do you recognize it?
8. Is this substantially in the same condition as the date/time it was created?
9. When was that?
10. Are these CAD reports kept in the ordinary course of business with 911 dispatch?
11. What time did the call come in?
12. Who was the caller?
13. I'm showing you what has been marked as **State's Ex. 1 (911 call)**
14. What is it?
15. How do you recognize it?
16. Is it a fair and accurate representation as of the date/time it was recorded on April 18, 2023?
17. Has it been altered or changed in anyway prior to trial?

18. Are these recordings kept in the ordinary course of business with 911 dispatch?
19. Who took the call that day?
20. Move to admit **State's Ex. 1.**
21. Looking back to what was marked as State's Ex. 2 – What officers were dispatched out to scene?
22. Move to admit **State's Ex. 2.**

Lisa Burton

1. Please state your name for the record.
2. Where do you work?
3. How long have you been working in the Clerk of Court's office?
4. What is your position currently?
5. What is your authority level over the records of convictions?
6. I'm showing you what has been marked as **State's Ex. 3 (cert. conviction 1 (7/1/04).**
7. What is this?
8. How do you recognize it?
9. Who is the Defendant?
10. What is the indictment number?
11. What is the charge?
12. When did he plead guilty?
13. When was the certified true copy stamped?
14. Whose office would have issued this?
15. Has this document been altered?
16. How?
17. Other than the redactions?
18. Move to admit **State's Ex. 3.**
19. I'm showing you what has been marked as **State's Ex. 4 (cert. conviction 2 (10/27/13).**
20. What is this?
21. How do you recognize it?
22. Who is the Defendant?
23. What is the indictment number?
24. What is the charge?
25. When did he plead guilty?
26. When was the certified true copy stamped?

27. Whose office would have issued this?
28. Has this document been altered?
29. How?
30. Other than the redactions?
31. Move to admit **State's Ex. 4**.

Toby Shaw

1. Please state your name for the record.
2. What county do you reside in?
3. Where do you work?
4. How long have you worked there?
5. Who are you married to?
6. How long have you been married?
7. Tell the jury a little bit about how you were raised?
8. What was your mom's name?
9. How many siblings are there?
10. How many of your siblings have passed away prior to your mom dying?
11. When did your mom pass away?
12. What home did she own?
13. Where was it located?
14. Who was her designated legal power of attorney?
15. Who installed the cameras inside the house?
16. What kind of cameras were they?
17. Who maintained the blink account?
18. Who was monitoring the blink account?
19. After she passed what the plan with the house between you and your sister Tammy?
20. How often would you go back to the house from the time that she died until the time of the burglary?
21. From the date of her death to the incident date were you ever sleeping in the house?
22. Who kept up the utilities?
23. Who was maintaining the internet?
24. What perishables did you keep there?
25. Turning to April 18, 2023 – what happened around 2am?
26. What did you observe?

27. I'm showing you what has been marked as **State's Ex. 5 (Surveillance Video)**
28. What is this?
29. How do you recognize it?
30. Is it a fair and accurate representation as of the date/time it was recorded on April 18, 2023?
31. Were you able to observe this video as it was happening that very day?
32. Who had access to the blink videos on the account to the cameras?
33. Has this video been altered or changed in anyway?
34. Move to admit **State's Ex. 5.**
35. What did you ask your wife to do?
36. Where did you go after?
37. I'm showing you what has been marked as **State's Ex. 6 (pic front door) and 7 (pic inside house front door)**
38. What are these?
39. How do you recognize them?
40. Are they a fair and accurate representation as of the incident date on April 18, 2023?
41. Move to admit **State's 6 & 7.**
42. Looking at Ex 6 - what is this a picture of?
43. And 7 - where is this located within the house?
44. I'm showing you what has been marked as **State's Ex. 8-13. (back door, ramp, x2 doorknob, backdoor inside, backdoor room)**
45. What are these?
46. How do you recognize them?
47. Are they a fair and accurate representation of the incident date on April 18, 2023?
48. Move to admit **State's Ex. 8-13.**
49. Turning to Ex. 8-9 what are these pictures of?
50. So how many doors were there to the house?
51. And now Ex. 10-11 - what do you notice near the doorknob in the picture?
52. The last time you left the house was the side of the door dented in?
53. Looking at 12-13 - what are we looking at here?
54. Where does the backdoor go to within the house?

55. How many cameras were up inside the house?
56. How many cameras were up on the outside of the house or surrounding property?
57. I'm showing you what has been marked as **State's Ex. 14-16. (inside kitchen, hall door, camera)**
58. What are these?
59. How do you recognize them?
60. Are they a fair and accurate representation as of the incident date?
61. Move to admit **State's Ex. 14-16.**
62. Handing you Ex. 14 - please tell the jury where we are looking within the house?
63. Is this a single wide or double wide trailer?
64. Where is the camera located in this picture?
65. I'm handing you 15-16 - based on where this camera is located what angles was it set up to capture?
66. I'm showing you what has been marked as **State's Ex. 17-18. (hallway past door, camera hall).**
67. What are these?
68. How do you recognize them?
69. Are they a fair and accurate representation of the house on the incident date?
70. Move to admit **State's Ex. 17-18.**
71. Turning to picture 17 what are we looking at here?
72. Where is the camera?
73. How were you notified that someone was in the house that night?
74. What ability did you have to view it as it was going on?
75. What did you do after that?
76. What did you see when you arrived there?
77. Where was the suspect when you got there?
78. Who brought law enforcement a key?
79. What happened while you were on scene?
80. Were you able to get a good look at the defendant when he came out of the house?
81. Do you know the defendant?
82. Are you any relation to the defendant?
83. A weeks after your mom's passing had you filed with the probate court to have the property retitled?

84. Who was occupying the property at that time?
85. What was your intention as to whether you were ever going back to that property?
86. Who would have had the authority in your family to allow people in/on the property?
87. What permission did the defendant have to be inside the house at 204 Johnson Road?
88. When you came face to face with the Defendant what did he say to you?
89. What happened to the water at the residence?
90. Who currently is residing in the property now?

Officer Michael Shedd

1. Please state your name for the record.
2. Where do you work?
3. How long have you been with the WAPD?
4. Where did you work before that?
5. What are duties at the WAPD?
6. What training do you have as a law enforcement dog handler?
7. On April 18, 2023, around 2am what do you remember being requested out to help with?
8. Who put in that request?
9. What did you observe when you arrived?
10. What loud verbal commands did you give?
11. How long were you outside of the house waiting for the Defendant to come out?
12. Who made the decision to make entry into the house?
13. What officers made entry? (Shedd, Alexander, Carr,)
14. Which door did the officers make entry to?
15. What happened when entry was made?
16. Where did you go?
17. What involvement did you have in the Defendant's apprehension?
18. I'm showing you **state's Ex. 19 (pic coss and D)**.
19. What is this?
20. How do you recognized it?
21. Is it a fair and accurate representation as of the incident date?
22. Move to admit **Ex. 19**.

23. What role did Coss play that night?
24. Who else was found inside the house?

Deputy Brody Pitts

1. State your name for the record.
2. Where do you work?
3. How long have you been with OCSO?
4. What are your duties as a deputy?
5. Do you recall April 18, 2023?
6. When you were out on the burglary call where were you stationed at surrounding the house?
7. What knowledge did you have when entry by officers into the house was made?
8. What happened when you were at the back door of the residence?
9. How did you notify your fellow officers?
10. What part in the apprehension process did you play?
11. What came out of the Defendant's pockets upon a pat down post arrest?
12. I'm showing you what has been marked as **State's Ex. 21 (evidence bag)**.
13. What is it?
14. How do you recognize it?
15. While you were on scene did you have an opportunity to handle this bag?
16. While it was in your care, custody and control did you alter or change any of the items inside of this bag?
17. After you handled the bag do you remember who handed it to?

Deputy Josh Entsminger

1. Please state your name for the record.
2. Where do you work?
3. What is your title?
4. How long have you worked for OCSO?

5. Where did you work before that?
6. What are your duties and responsibilities as a deputy for OCSO?
7. Turning to April 18, 2023 – were you on duty that night?
8. Do you remember being called out around 2 am?
9. What was the call for?
10. What location was the call to?
11. **What county & state is that in?**
12. When you arrived what did you do first?
13. What did you learn about who owned the home?
14. How could you tell whether or not someone was inside the home?
15. How long did you observe the house under surveillance?
16. What back up did you radio for?
17. What officers came out to assist you from OCSO?
18. What assistance was requested of any WAPD officers?
19. Why was there assistance requested?
20. What efforts did you make to knock and announce who you were?
21. What did you ask the Defendant to do?
22. How did you know he was in there?
23. Eventually who made the call to make entry into the house?
24. Where did you go?
25. Who went to the front door and who went to the back door?
26. What happened when entry was made?
27. How was he apprehended?
28. What officer knew who he was for identification purposes?
29. What was he wearing?
30. What happened during the pat down after he was handcuffed?
31. What kind of items fell out of his pockets?
32. Based on you training and experience why did you gather these as evidence?
33. I'm showing you what has been **marked as State's Ex. 20 (chain of custody)**
34. What is it?

35. How do you recognize it?
36. What is the case number?
37. What is the description of the evidence?
38. Who did you list as the owner of the items?
39. I'm showing you what has been **marked as State's Ex. 21 (evidence bag)**
40. What is it?
41. How do you recognize it?
42. When did you deposit them into evidence locker at the OCSO?
43. While these items were in your care, custody and control did you ever alter or change them?
44. Does this look to be the same since you last had care over it?
45. Who read the Defendant his miranda rights?
46. What reason did he give for being in the house?
47. Where did he say the tools came from?
48. I'm showing you previously admitted photos **pics 10 & 11 (dented door)**
49. Where did you determine entry into the house was made?
50. Who took these photos?
51. What did you think about the location of these dents?
52. What were your thoughts based on what the Defendant told you and what you observed?
53. I'm showing you what has been marked as **State's Exhibit 22 (axon)**
54. What is it?
55. How do you recognize it?
56. Is it a fair and accurate representation as of the date/time it was recorded?
57. Move to admit **State's Ex. 22.**

Sgt. David Philpott

1. Please state your name for the record.
2. Where do you work?
3. How long have you worked for the OCSO?
4. What role do you work in?
5. How long have you worked in evidence?

6. I'm showing you what has been marked as **State's Ex. 20 (chain of custody)**
7. What is it?
8. How do you recognize it?
9. Is this substantially in the same condition as when it was generated?
10. What was indicated as placed into the evidence locker?
11. On what date?
12. At what time?
13. Who made the deposit into the evidence locker?
14. Move to admit **State's Ex. 20 (chain)**
15. I'm showing you what has been marked as **State's Ex. 21 (burg tools bag)**
16. What is it?
17. How do you recognize it?
18. Does it correlate with the chain as to what was turned in?
19. Is it substantially in the same condition as when you received it from evidence locker 6?
20. Move to admit **State's Ex. 21. (burg tools)**

F. Sgt. Aaron Alexander

1. Please state your name for the record.
2. Where do you work?
3. How long have you worked for OCSO?
4. What is your rank?
5. What other LE experience to you have?
6. As a F Sgt what are your duties?
7. On April 18, 2023 – do you recall being called out to burglary in progress?
8. What time of the time was it?
9. What did you observe when you arrived?
10. What call did you make to enter into the home?
11. What happened after you made that call?
12. How were you able to apprehend the Defendant?
13. Who was the Defendant? *Who you come into contact w/ on scene, are they in the carters?*
14. ~~Who else was in the house with him?~~
15. What happened when you were able to pat him down for weapons? *Point out for the jury.*
16. What did he ask Toby to do with his charges?

IDD

17. What did he say to Toby when he walked by him?
18. What kind of clothes was he wearing?
19. What did you think about his type of clothing based on your training and experience in the field?
20. What did the Defendant say to you as to why he was inside the house?
21. What did he say to you about what he had taken from the house?
22. What happened when you went to check the water?
23. What conclusion did that lend to you into why he was there?
24. I'm showing you what has been marked as **State's Ex. 23 (Alexander Axon)**
25. What is it?
26. How do you recognize it?
27. Is it a fair and accurate representation as of the date/time it was recorded?
28. Move to admit **State's Ex. 23.**

Closing: Nap with a crowbar, rest with pliers, relaxing with screwdriver.

He was not there to rest.

He was not there to get a drink of water.

He was not there because he couldn't make it home.

He was not there because his girlfriend dropped him off on the side of the road at 2 am.

He was there because he broke in with the intention to steal, but before he could take any items he got caught.

Think about it. He knew the of the family. He knew Toby's mom had died. She had only been gone exactly one month and he was plotting.

He wore dark clothes to conceal himself in the night. He wore a black cap. He had a backpack with him ready to be stuffed with things that weren't his. He came prepared not for a nap but he utilized this crowbar to pry open the back door. See the photos and the testimony was it wasn't like this and maybe he used some of the other tools help pick the lock.

He did not find all of these items just laying or scattered in the yard. He came prepared. He came with intention.

What he wasn't prepared for was the cameras.

What he wasn't prepared for was that Toby was watching the property, caring for the property, staying at the property, eating at the property, paying for utilities at the property. The Defendant thought it was empty and an easy target.

So went he went it and noticed the cameras he knew he has to do something so he turned them around. In hopes that he couldn't be viewed. But he didn't know that they were active and alerted the Shaws in the middle of the night. Who immediately took action to protect what was theirs.

They called the police who reacted quickly and were able to catch him on scene in the middle of the burglary. He stayed in the house for over an hour until the police finally made entry and he tried to skirt out the back down but there was an officer waiting for him as well. He laid down and said I was only resting and getting a drink. Little did he know Toby had to cut the water off since there was leak that he was fixing at the house. So he wasn't even honest about that.

This is a house. This is a dwelling. Sure Toby's mom had no intention of returning home she's in a better place, but Toby sure intended to return to care for what she had left for her kids. That fact that she is dead doesn't take the family home and make into a building. It doesn't look like building right? No it's a place where Toby was watching over, maintaining, sleeping, eating, and caring for it. It was a dwelling that continued to remain in his family and continued to lived in by family agreement to his niece who needed it.

Get into a person's house to know intent

It's clear who had no right to be there and that is the Defendant William Gunn. He's guilty.

SUPP. R. 16

- hearsay - not coming out of court statement hearsay
- Jackson v. Dennis -

(3)

Prior ~~burglary~~ burglary -
- element of offense -

11:57	1.	Michael Joseph Marullo	Beeco	By G-1	plus
	2.	Robert Ricketts	Jones	By G-1	plus

- where the tools -
- announce name prior to getting -

1:32 Jackson v. Dennis

Joshua Enteninger

responded to burg call 4-18, 2023 - Δ was @
scene -

he arrived - inspected house - set perimeter
Δ was inside (last known location)

backup officers - Sgt. Aaron Alexander
Michael Smith
David Carr
Brady Potts

- got Δ outside - made entry thru front door -
Δ went out back door - instructed to get
on the ground - eventually he did - handcuffed him

- put down -

- "anybody else inside -

- wavy -

standard criteria



- all officers present on back porch -
- taser being pointed @ Δ during handcuffing -
- "Maybe just a minute... not very long"
- questions? None prior to Miranda -
- Fully Mirandized Δ -
- post miranda, Δ spoke to them - didn't ask for lawyer
- ~~site~~ site: on back porch - Δ was under arrest -

1:38 CROSS

- only pre-Miranda questions was about weapon & other people inside -

1:39 Aaron Alexander

- supervisor on shift -
- he arrived 3rd : was made call to enter? "ultimately it was my call"
- perimeter set up - attempting to enter - heard yelling
- came thru front door - made way to back -
- subject @ back - officers attempted to approach -
- Eutzinger, Pitts, Shedd, @ Carr + him (5 officers) -
- Δ given verbal direction after handcuffed -
- procedural questions : weapons not house (had not cleared yet)
- Miranda? do recall - conversation to that effect -
- don't know exact time -
- asked Δ questions post Miranda (other than weapons/other people)
- Δ never asked for lawyer

1:43 CROSS

STATE #22 Etkiniger video
32 minute mark

44:36 Miranda warnings given

prove - talking - said his aunt was dead -
he was having argument w/ "old lady"

"just rest"

tools - picked up along the way -

door was unlocked -

- turned off camera - (inside)

inhaler, flashlight, phone charger, pliers -

- I was resting at first -

- hoping we will go away - yes -

STATE# Alex also video

39:50

- asked him how he walked -

- what made him choose that location -

"I was just tired"

42:57 bringing tools, all black ...

43:19 marijuana

Denied — post miranda —

2:15 State Opening

2:25 Δ Opening

2:30 Kristy Shaw

lives in Ocoee - married to Toby Shaw 5 yrs

Patty Shaw 208 Johnson Dr. - mother in law - passed away

SUPP. R. 19

March of 2023 Pussie died

Apr. 18, 2023 - blink cameras went off - pulled it
up - saw someone entering the house
- wake up husband - "Bunny, there's
somebody in your mother's house"

called 911

STATE # 1 911 Call - she initiated it - IDS
- Toby went to residence - he had key to the house

2:33 CASS

- married to Toby 5 yrs
- lives about 15 minutes away -

2:35 Melisande Richmond - works @ Prison
- was @ OCSO - answer 911 calls - did that
about 8 months

- describes process of 911 call - calls recorded - starts
when they pick up -

CADD report - details - records everything - ordinary course of
business

IDS STATE # 1

< publishes - < "looks like a male" >

"he can't tell anything."

"he's moving the camera"

"nobody is at the residence"

tobacco on

"nobody lives there"

"white person w/ beard and mustache"

STATE # 2 CADD Report - IDS

W/O Objection explains - types in all the details 4-18-23 2:16 am

SUPP. R. 20

- states case, hearsay, making statements and assumptions, things they can testify to on the stand and do not need to have body cam playing.
- Confessions made throughout; caused damage to backdoor; can play those and testify to those; some of things officer's say pre-answering are hearsay and improper because bolstering state's case
 - State: agreeable to 2 different statements (start at 32 min until 40:52); other is alexander's (39:55 until 47:56 but backing up a little to redact weed part); no objection on the other about being in jail (sections don't contain)
 - Hearsay: not every out of court is hearsay; all officers under subpoena and welcome to be cross examined; can impeach vs testifying to and what is said on video; extraneous statements to an extent; going to hear mentions of things in situation like this; no bolstering – when questioned def is post-miranda and
 - JUDGE: ID Specific statements made on tape over lunch and then allow judge to watch; Jackson v. deno hearing prior to starting

[Defense Motion] – MIL – prior burglaries

- Defense: prior burglaries are allowed; objection and concern is that state believes met BOP as far as (a), (b) the entering or remaining occurs in nighttime (based on fact it is clear it occurred during nighttime by light and time stamp) don't believe prior convictions necessary because at that point she has already proved case and would essentially be overproving case – clear occurred during nighttime
- State: legal issue is whether burglary in 1st or 2nd; critical for jury to assess all facts and weigh all factors and case law makes element a jury can assess; redacted all penalty info on prior burglary; just assess fact that had prior burglary conviction
- JUDGE: Element of the offense, any case law prohibits state from presenting the elements?
 - Defense: no case law that prohibits; if can find something more on point with CJ Toal's point of "guilting the lilac"

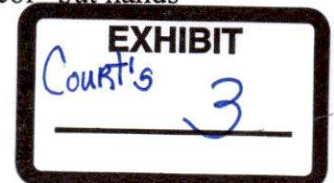
RECESS FOR LUNCH AT 11:48 AM

COURT RESUMES @ 1:30 PM

[Jackson v. Deno hearing] – Begins: 1:32 PM | Ends: 2:12 PM

State:

- State Witness #1 – Officer Joshua Entsminger
 - Called to burglary scene on April 18, 2023 "yes" who come into contact with "Mr. Dunn" how come into contact "received call of burglary and he was present at scene" what happened when arrived "viewed building from outside and set perimeter" where see dunn "believed in house...last known position from camera footage" what officers assisted "alexander, shedd, pitts" able to get def outside house "yes" how "began making entry through front as def exited out of back door" what happened "instructed to get on ground, detained in hand cuffs" what happened when detained "we patted down for weapons to ensure no weapon on him" what kind of questions ask immediately upon placing hand cuffs "anyone else inside and if any weapons on him" when normally place handcuffs on someone what is std protocol "put hands



behind back, check for weapons” all of that done “yes” how many officers say were involved in process of placing handcuffs on def “all present on back porch, 3 or 4 may have been touching him” any weapons drawn or utilized “not during handcuffing, tazer pointed at him during handcuffing” how long from point handcuffs placed to mirandized “just like 2 or 3 minutes maybe not very long” at that point were questions starting to be asked as to why he was there and what he was doing “I don’t believe any questions asked before mirandized” able to fully mirandize “yes” decide to speak with you “yes he spoke with us post-miranda” any point object to any questioning or ask for a lawyer “no” able to ask why there and what doing “yes” any other custody placed on def when questioning “on back porch” but freedom to leave restrained and under arrest “yes”

- Ends 1:38
- Cross begins 1:38
 - Said no questions before “yes” any other officers ask questions before “only about weapons and being inside” pretty quick after handcuffs placed under miranda “yes” when you and everyone else began questioning “yes – 1 other officer”
 - Ends 1:38
- State Witness #2 – 1st Sgt. Aaron Alexander
 - Direct begins at 1:39 PM
 - What was your role on April 18, 2023 with incident “supervisor on shift and responded to scene to assist” when arrive, 1st second recall “probably 3rd” and entry made into home “it was later” who made call “ultimately my call once arrived on scene but all collectively agreed” what happened “after perimeter set up, could hear yelling at back while attempting entry so come on through front door and made way to back” what happened “suspect there and officers attempting to apprehend” apart of process “verbally, don’t think physically” recall how many officers there apprehending “4” and self so 5 “correct” recall who handcuffed def ? “I know pitts and entsminger there and asked to go around back but don’t know” recall being handcuffed “correct” what else recall after “given some verbal direction...had to sweep rest of home...asked procedural questions about weapons and if anyone else in home” recall being mirandized “at that exact time?” yes post handcuffs “I do recall a convo between entsminger and a card but don’t know exact time transpired” able to ask def questions on scene and post-miranda “questions other than weapons and anyone else in home yes” at any time did def object or ask to stop or lawyer “no”
 - Ends 1:43
 - Cross begins 1:43
 - No questions other than 2 “no” placed under miranda “yes” that’s it “yes”
 - Ends 1:44 pm
- JUDGE: play video so see all in totality since what is being referenced in the testimony
- State: Officer entsminger body cam starting at 32 min mark
 - 44:45 remaining on video = mirandized
 - Video ends with 41:10 remaining
 - Defense: about him announcing his name in tone like knew exactly who he was; also picked up tools in yard to break into house, obviously tools came out of pocket – def request leave that part out – they come out of pocket; as far as statements, questions

asked prior to mirandized – those are questions that are fine to be heard in front of jury.

- JUDGE: I have considered this video in totality of circumstances; statements were certainly custodial, announced to be under arrest prior to contact and on ground in handcuffs; questions prior were procedural; questions regarding events themselves took place after miranda rights clearly audible and on video; statement on video, considering totality, was voluntary and admissible for purposes of trial – question of fact for jury and will give them the charge on that
- State: Pre-marked ex #23, officer aaron alexander's body camera starts at 39:54 mark
 - Mirandized at time video begins
 - Asks repeatedly about lying and who asked to come to house
 - 8:13 remaining "you normally dress in all black"
 - 7:59 remaining "you got burglary tools, dressed in all black, caught in the process doing it"
 - 7:43 remaining "you broke in"
 - 6:35 remaining "want me to tell [homeowner] why you did it"
 - 4:49 "not that far when burglary involved"
 - Video ends with 4:17 remaining
- Defense: concern is conjecture by officers when making statements – as far as Jackson v. deno concerned, he was mirandized; the defense is worried about state v. Washington hearsay that can just be testified by officers on stand
- Judge: what hearsay statements
 - Defense: questions officers asking – "honest, normally in black, pipe and smoking device in background, tools" all things being asked – these statements are bolstering officer's theory under case
 - State: offered for truth – officer is not stating truth he is asking questions – becomes issue for jury, post-miranda and things jury has right to hear from defendant
- Judge: post-miranda;

****JURY RETURNS @ 1:3 PM****

****TRIAL BEGINS AT 1: PM****

[State Opening Statement] –

- Begins: 2:14 PM
- Ends: 2:25 PM

[Defense Opening Statement] –

- Begins: 2:25 PM
- Ends: 2:29 PM

[State Witness #1 – Kristy Shaw] – Direct

- Begins: 2:30 PM
- Resides in Oconee, married to tony shaw for past 5 years; MIL was Peggy Shaw, resided [REDACTED]
[REDACTED]; recall April 18, 2023 date of incident "yes"

- What happened “pulled up cameras and saw someone entering her house” remember time of night “remember during night I woke up” what do “woke husband up and said somebody in peggy’s house” what do while observing “called 911”
- **introduces state’s ex. #1** – that is a 911 disc, recognize “yes” review fair and accurate “yes” altered or changed in any way “no”
- Ends: 2:33

[State Witness #1 – Kristy Shaw] Cross

- Begins: 2:33
- Married and lived with shaw for 5 years “yes” how far you live from peggy house “about 15 minutes”
- Ends: 2:34

[State Witness #2 – Melisande Richmond] – Direct

- Begins: 2:35 PM
- Prisma health EMT now, employed at time as 911 operator for OCSO; worked at dispatch for about 8 months; calls recorded in ordinary course of business “yes” when does recording start “starts recording as soon as you pick up” besides audio recording, what other records do you keep of 911 calls “cad report” what that include “details and records everything as start typing” those also kept in ordinary purpose of 911 “yes”
- 2:37 **shows st. ex #1 – 911 call** how recognize “listened and has initials on it”
 - Defense Objection to admission on basis of foundation
 - Def: proper foundation has not been laid to place into evidence under the rules of evidence, object under any grounds that – both 911 operator here and had the lady who made call present who could’ve testified as to anything said on call
 - State: believe proper foundation laid, both caller and listener id’ed tape and said not altered; testified fair and accurate representation as to date and time
 - JUDGE: This is recording kept in ordinary course of business, under hearsay objections overruled
 - **state ex. #1 admitted over objection at 2:40 PM**
 - State publishes exhibit #1 for jury at 2:41 PM
- 911 call – nobody lives there correct? “correct”
- **shows st. ex. #2 at 2:46 PM to witness**
 - What time “around 2:56 in the morning” what action you take based on information relayed “in that moment in time when getting details, had deputy in route to residence because of burglary” how many deputies “I believe total of maybe 5 or 4” would that be in CAP report “yes – alexander, entsminger, shedd, and carr” looking at CAP report, is that substantially same condition as day entered it “yes” moves to admit at 2:48, admitted without objection***
- Ends: 2:48

[State Witness #2 – Melisande Richmond] Cross

- NONE

CERTIFICATE OF COUNSEL

Counsel for Respondent certifies this Supplemental Record on Appeal contains all the supplemental material proposed to be included by any of the parties and not any other material and 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.”

ALAN WILSON
Attorney General

MARK R. FARTHING
Senior Assistant Deputy Attorney General

MICAH E. BLACK
Solicitor, Tenth Judicial Circuit



BY: _____
Mark R. Farthing
S.C. Bar Number 76901

ATTORNEYS FOR RESPONDENT

August 27, 2026

RECEIVED
Aug 27 2026
SC Court of Appeals