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SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

**APPEAL FROM ANDERSON COUNTY
General Sessions Court
Hon. R. Lawton McIntosh, Circuit Court Judge**

**Appellate Case No. 2025-001295
Lower Case Nos 2022GS0401524, 1525, 1794, 2024GS0402053**

The State Respondent

vs.

Carles Brandon Scruggs..... Appellant

**RECORD ON APPEAL
VOLUME I**

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1 STATE OF SOUTH CAROLINA
2 IN GENERAL SESSIONS
3 COUNTY OF ANDERSON

4 State of South Carolina,

5 vs.

Transcript of Record
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2022-GS-04-1794
2022-GS-04-1524
2022-GS-04-2053

6 Carles Brandon Scruggs,

7 Defendant.
8
9
10

11 June 16, 2025
12 Anderson, South Carolina
Volume I of III

13 B E F O R E:

14 The HONORABLE R. SCOTT MCINTOSH

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

16 Patti Ferguson, Solicitor
17 Chase Kinsey, Solicitor

18 Hunter Chase Harbin, Representing the defendant
19
20
21

22 SHARON G. HARDOON, CSR
23 Official Circuit Court Reporter, III
24
25

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1 THE COURT: All right. We have State's
2 motion in limine and we have defendant's motion to
3 suppress, and I think there are some other matters
4 that the defense needs it bring up as well. I'm
5 going to go ahead and start with that.

6 Mr. Harbin, any matters you need to put
7 on the record?

8 MR. HARBIN: Yes, sir.

9 To start, as the Court is aware, just
10 from some pretrial discussions. My client has
11 filed a grievance against Patti, and that
12 grievance, to my understanding, is more or less
13 embodied in a motion that he would like me to
14 file. I have discussed this with him and I have
15 told him, as his attorney, and as an officer of
16 the court, I do not believe that there is a good
17 faith basis for me to proceed with this. However,
18 I wanted it make clear to him and allow the Court
19 to, you know, clarify with him for purposes of
20 proceeding with this trial that there are some
21 decisions that I make that are my decisions, not
22 his. I obviously try to accommodate him as much as
23 possible, and he's got lots of legitimate things
24 that he wants me to bring up, and I will.

25 But, specifically, as it relates to

1 allegations of fraud or misconduct, you know,
2 purposeful deceit, that kind of stuff then that is
3 embodied in this motion that he wants to file, I'm
4 not going to move forward with that as his
5 attorney. If he wants -- there are related issues
6 that I'm not going to press forward with in the
7 trial as a matter of my discretion, you know,
8 which motion to file and which not. I know that
9 we disagree on that. I think he understands that
10 we disagree on that, but I don't know that he's
11 completely clear on the idea that he can't have --

12 THE COURT: Dual representation.

13 MR. HARBIN: Yeah. He can't represent
14 himself and have me represent him.

15 THE COURT: Let me say this for you: If
16 his written motion with regard to Miss Ferguson is
17 in writing, I'll make it a Court exhibit. I'm not
18 going to hear it. It doesn't affect this case.
19 It's going to go forward regardless. And I'm not
20 going to have you argue it. I'm going to let him
21 argue it.

22 So if you want to make it a Court exhibit, I
23 will do that.

24 It will be Court Exhibit Number 2, Madame
25 Court Reporter.

1 MR. HARBIN: Yes, sir.

2 THE COURT: Mr. Scruggs, let me make sure
3 I'm clear with you and make sure you understand
4 what Mr. Harbin is saying first. I've been
5 practicing law and a judge for a long time. I've
6 known Mr. Harbin for a long time. He's an
7 excellent lawyer. One of the best.

8 But you have a constitutional right to
9 represent yourself. What you don't have a right
10 to do is have Mr. Harbin represent you and you
11 represent yourself. It's called dual
12 representation. We don't allow it in South
13 Carolina.

14 So here's the deal: Either Mr. Harbin
15 will represent you in this trial and we'll go
16 forward, and that would be -- what probably the
17 good move would be, or you have the right to
18 represent yourself and that's a constitutional
19 right. Okay? But at this juncture, if you
20 represent yourself, you will have to understand
21 the rules of evidence. The fact that you're not a
22 lawyer -- you will have to understand the
23 procedural things. The fact you're not a lawyer
24 is no excuse.

25 So you have a right if you want to

1 represent yourself, but we got to make that call
2 now. So which way do you want to go?

3 MR. SCRUGGS: I would like to continue
4 with the representation I have.

5 THE COURT: I'm sorry?

6 MR. SCRUGGS: I'd like to keep the
7 representation I have.

8 THE COURT: You want Mr. Harbin to
9 represent you?

10 MR. SCRUGGS: Yes, sir.

11 THE COURT: You know what? Good move.
12 You know what Abraham Lincoln said about anybody
13 who represents themselves?

14 MR. SCRUGGS: They're a fool.

15 THE COURT: That's right. You got it. I
16 agree with you on that.

17 Okay. With that being said, the State has
18 motions.

19 MS. FERGUSON: Your Honor, related to
20 that, I would also like to put on the record that
21 this was filed with the Office of Disciplinary
22 Counsel. It was postmarked on May 26th of 2025.
23 There was a prior allegation -- similar
24 allegations made against Will McAbee, who handled
25 this case before I joined the 10th Circuit

1 Solicitor's Office. That was cleared from his
2 filing with the ODC. That's under review with the
3 ODC. I consulted the commission on the
4 prosecution. They advised me to go forward.

5 THE COURT: Well, it's been in the past
6 where they filed grievances with many of the
7 lawyers. It doesn't stop us from going forward,
8 those who stand free on their own later on.

9 With that being said, I'm going to go
10 first to the State's motion in limine. Is there
11 any reason, Mr. Harbin, why you don't want to
12 bring up anything in the State's -- apparently
13 it's a civil case of Mr. Scruggs and Miss Bryant
14 vs. Anderson County Sheriff's Office?

15 MR. HARBIN: Can you repeat the question,
16 Judge? I'm sorry.

17 THE COURT: Sir?

18 MR. HARBIN: Can you repeat that
19 question, Judge?

20 THE COURT: Yes. There's under -- a
21 motion in limine from the State. It says that
22 they asked to exclude any and all testimony
23 realated in any way to the matter of Carles Brandon
24 Scruggs and Christy Bryant versus Anderson County
25 Sheriff's office, case number 2021-CP-04-0078. Is

1 there anything in that case that you think needs
2 to be brought up in this case?

3 MR. HARBIN: Judge, my -- I would lodge
4 this objection to that for the Court to consider:
5 My client believes that the Anderson County
6 Sheriff's Office, or certain members of the
7 Anderson County Sheriff's Office in the law
8 enforcement community have specifically targeted
9 him, kind of like a -- you know, it's not
10 discovering a crime. It's trying to go find a
11 crime, create a crime. And he believes that that
12 is the derogation of certain activities or certain
13 improprieties or inconsistencies. He believes
14 that is the underlying explanation for why he
15 believes some things don't make sense.

16 And although I am not to the point where
17 I believe that I am going to go forward with the
18 motion to, you know, essentially accuse anybody of
19 wrongdoing myself, I do believe that there is the
20 possibility that if he should choose to testify
21 that it would be -- we could, obviously, reconvene
22 this conversation.

23 THE COURT: I think that's probably --

24 MR. HARBIN: That he would have a
25 legitimate reason to lodge a complaint or believe

1 that this -- you know, that this explains that
2 because they were mad at me because I prevailed in
3 this particular matter. It essentially is a
4 motive or an explanation for what may come to
5 light during this trial. We don't know that that
6 would, but I did want to, kind of, leave that open
7 for maybe a --

8 THE COURT: Let me do this: I have no
9 idea what it may be, so at this juncture,
10 obviously, if Mr. Scruggs at the end of the day
11 decides he wants to testify, that potentially
12 might --

13 But, Patti, if you think they're getting
14 into something, I just don't know what it is. So
15 if you would just stand up and object, we'll do it
16 and hear it outside the presense of the jury.
17 That's the only thing I know to do.

18 MS. FERGUSON: Yes, sir.

19 THE COURT: That being said, there's a
20 motion to suppress from the defense.

21 Any other matters from the State before I
22 move over to the defense?

23 MS. FERGUSON: Nothing further from the
24 State.

25 THE COURT: Okay. I'll be glad to hear

1 your motion to suppress.

2 MR. HARBIN: Yes, sir.

3 THE COURT: Tell you what, let's do this.
4 Miss Robertson is the foreperson. Mr. Bailiff,
5 there will be 14 pads and pens. Let me bring in
6 and excuse them and bring them back at 2:30.

7 Everybody agree with that?

8 MS. FERGUSON: Yes, sir.

9 THE COURT: Would you bring them in,
10 please?

11 MR. HARBIN: May it please the Court,
12 Judge?

13 THE COURT: Yeah.

14 MR. HARBIN: So there was a motion to
15 suppress filed by Mr. Scruggs's former attorney
16 that we're going to, kind of, go by. But I also
17 got a -- what's drafted as a motion but it's
18 really just a brief. I provided that to Miss
19 Ferguson as a go by.

20 Essentially, in this case, we have what
21 we believe to be an improper issuance of a search
22 warrant, and then, of course, the fruits of that
23 search warrant would not be admissible and there
24 are several, kind of, points to consider with the
25 search warrant itself.

1 THE COURT: Now, one thing I know I read
2 in the motion had to do with statements by the
3 defendant about some methamphetamine which this is
4 not part of that case.

5 Hang on.

6 (Jury enters the courtroom at 12:05 p.m.)

7 THE COURT: All right. You're juror
8 number 8, Miss Robinson? Are you Miss Robinson?

9 JUROR 8: Yes, I am.

10 THE COURT: I'm going to ask each time we
11 come in and out of the courtroom that you use that
12 seat, please.

13 Our two alternates, if you would use
14 those seats.

15 The rest of you, other than those seats,
16 can sit where you like, okay?

17 All right. Just so, for scheduling purposes,
18 I'm going to excuse you in just a minute. I had some
19 pretrial matters we need to take up, but I'm going to
20 ask you to be back at the courthouse at 2:30. We'll
21 begin opening statements at that time and then begin
22 with some testimony.

23 Let me remind you that from this point
24 forward, until you are excused, you may not speak
25 with anybody about this case. You can't talk

1 amongst yourselves about this case. You can't
2 read anything about it if it happens to be in the
3 press. You can't hear it or watch it. We don't
4 want you engaging in what is called independent
5 jury research where you look up anything about an
6 issue or any party or any matter involved in this
7 case or any issue that you hear in this case.

8 What we're trying to make sure happens is
9 that you make your decision based on the testimony
10 that you hear from this witness stand and any
11 exhibits that I allow into evidence and according
12 to the law that I give to you at the end of this
13 case.

14 So during the break, do not speak with
15 your friends or family members or each other about
16 the case. Quite frankly, sometimes jurors don't
17 understand that they may see something like an
18 objection going on during in the trial and say,
19 *Did you see that? Did you hear that?* That's
20 called early deliberations. Just don't speak
21 about it in any form or fashion with each other or
22 anyone else until the end of the case, after which
23 you can do it to your heart's desire.

24 With that being said, I'm going to excuse
25 until until 2:30. If you'll come back then, we'll

1 start with opening statements. If you'll follow
2 our bailiff, please.

3 (Jury exits the courtroom at 12:08 p.m.)

4 THE COURT: I'm sorry.

5 MR. HARBIN: That's okay. I started at
6 the wrong time.

7 So by way of background, this case is
8 about -- starts off as a neighbor dispute.

9 THE COURT: I read some -- I read where
10 there's some films and videos taken by a neighbor.

11 MR. HARBIN: Yes, sir. And the neighbor,
12 the nextdoor neighbor, you know, like the
13 fence-line neighbor put a very tall camera, or
14 very a tall pole with a camera on top of that
15 pole, I would agree that it seems patently obvious
16 that the purpose of the height of that pole is not
17 to cover her own property, but to peek over the
18 fence of my client.

19 And his fence is -- you'll see in the
20 video how tall it is and was supplemented with
21 tarps and he tried to raise it as high as he
22 could. And Miss Pool, his neighbor was able to
23 capture some footage that she forwarded to law
24 enforcement that they believe is my client
25 possessing a weapon that he's not supposed to.

1 That was by way of background just to
2 kind of give you where that started.

3 Since this motion is filed, I want to
4 make sure that I understand correctly, I don't
5 know that I want to go over verbatim everything in
6 Mr. Epps's motion just because it's lengthy, and
7 I'm sure the Court has already read through it.
8 So I will make those arguments at least on the
9 record. But as long as his motion itself is on
10 the record and those points are made, then I won't
11 belabor the point, if that's my correct
12 understanding.

13 THE COURT: I think the good thing to do,
14 we'll just make it a Court exhibit. I know it's
15 probably filed, but just to be on the safe side.
16 I have read all of Mr. Epps's motions before I got
17 here. That's why I was kind of leading to the
18 alleged statement that was made un-Mirandized.
19 You're not going to bring that out.

20 I would agree with him on that.

21 MS. FERGUSON: No, sir, that's not a part
22 of this trial.

23 THE COURT: Right. Okay. So that part
24 of it, I would certainly sustain. Otherwise --

25 MR. HARBIN: We're starting off agreeing.

1 THE COURT: And that's scary, isn't it?

2 MR. HARBIN: Right.

3 THE COURT: Let me ask you something, if
4 I may, you know, the Fourth Amendment has to do
5 with State actors and not private actors. Is
6 there any authority that you have out there where
7 a private actor who is not considered an agent of
8 the State triggers the Fourth Amendment based on
9 the circumstances similar to this?

10 MR. HARBIN: So, I believe that there is
11 a case that I found -- and let me thumb through my
12 notes here, that -- unfortunately, it was not in
13 the Fourth Circuit, but there was a federal
14 court -- *Stapleton vs. Superior Court*, 70,
15 California, Appellant Fifth, 1128, that's in 2021.
16 The holding was that, *Extensive private*
17 *surveillance when used by law enforcement as a*
18 *substitute for government surveillance implicates*
19 *the Fourth Amendment and may require a warrant.*

20 THE COURT: Is that -- can I ask you
21 this: Is that somewhat akin to the State having
22 somebody act as their agent?

23 MR. HARBIN: Correct.

24 THE COURT: Okay.

25 MR. HARBIN: And I think that the

1 analogous argument here in the instant case is
2 that not only does it seem that just from
3 circumstances that the Court can observe and
4 acknowledge from circumstances that the pole
5 camera -- I'm going to call it the really tall
6 camera that peaks over his fence -- not only was
7 it put there to see into his yard and to see out
8 of her yard, it was monitored constantly. She was
9 constantly calling law enforcement. I mean, it
10 was -- there's dozens of reports of her calling
11 law enforcement for this, that, and the another,
12 mostly about her complaints with Mr. Scruggs.

13 And, at some point, law enforcement --
14 law enforcement was aware of Mr. Scruggs before
15 this incident. He was aware -- they were
16 generally aware -- and I'm, kind of, skipping over
17 the how they came to know -- but through reports
18 from Misty Pool, they were aware of this
19 interaction, or this, you know, neighbor view was,
20 or whatever you want to call it. And so not only
21 is she, you know, kind of, invading his privacy
22 person-to-person, and to the extent that the
23 South Carolina Constitution would address that
24 she's doing it because she's trying to catch him
25 doing something. She is a -- I mean, she is a

1 defacto law enforcement agent insofar as the
2 purpose of her surveillance seems to obviously
3 have been to catch him doing something and report
4 that, and law enforcement knew about the camera
5 before.

6 And so we're in, kind of, a touchy area
7 where we're going to kind of whistle past this
8 graveyard of law enforcement knowing there's a
9 camera that sees things that they're not allowed
10 to see, but they're like, *Well, just call me when*
11 *you get something on this video.*

12 THE COURT: Well, in the cases where they
13 have someone who's considered an agent, I mean,
14 are there -- is there a standard or factors or
15 elements that have to be shown to make that?

16 MR. HARBIN: I haven't been able to find
17 anything that's analogous to this situation where
18 Misty Pool essentially wants to argue with the
19 State on her behalf that she was just surveilling
20 her property or she was operating a camera that
21 she's legally allowed to operate. And I think
22 that, you know, I was discussing this Mr. Scruggs,
23 much to his chagrin, I can't find a statute --
24 certainly not a statute -- or a case that says
25 you're not allowed to surveill your neighbor's

1 back yard if you can do so from a line of sight.

2 And where I think it's going to be really
3 interesting in the coming years as technology
4 expands and already has expanded is, there doesn't
5 seem to be anything directly on point that would
6 prevent you from buying a drone and just hovering
7 over your neighbors yard indefinitely, as long as
8 your battery lasts because there doesn't seem to
9 be any air rights to privacy.

10 There are mentions of your privacy, you
11 know, what your expectation of privacy is and
12 mentions things that you would expect, you know,
13 like your backyard, like the inside of your house,
14 but it doesn't, to my -- to my discovery anyway,
15 it doesn't seem to prohibit a line-of-sight
16 camera.

17 But to be fair, I don't think that
18 it's -- I don't think the absence of proof is the
19 proof that it shouldn't be.

20 THE COURT: Say that again.

21 MR. HARBIN: I don't think that the
22 absence of that case law suggests that authority
23 has decided it's okay. I think they just haven't
24 confronted that yet. And I think, especially --
25 not just with the U.S. Constitution, obviously the

1 South Carolina Constitution has a bit more privacy
2 rights explicitly stated in that.

3 And so I think that through that prism,
4 we could view the camera situation a little
5 differently than we would simply as a -- you know,
6 a Fourth Amendment issue as it would be
7 interpreted through the U.S. Constitution of law.

8 So although I cannot point to a case
9 exactly on point where it says that a neighbor
10 can't continuously record and then report to law
11 enforcement when and if she sees something, I do
12 think that the arguments embodied in what's going
13 to be the Court exhibit from the motion.

14 And just so I can put this on the record,
15 Judge, I guess the motion that was filed, I
16 believe this says August 3rd, 2023. It was filed
17 by Norman Epps on behalf of Mr. Scruggs. He
18 outlines, you know, what we all, kind of, know,
19 that the South Carolina Constitution does have an
20 explicit mention of privacy as opposed to just
21 leaving it to, you know, Fourth Amendment search
22 and seizure.

23 It does appear from the facts of this
24 case as they develop that the purpose of the
25 surveillance was to surveil -- the purpose of that

1 particular camera -- you know, it does -- you
2 know, Detective Velez testified in the previous
3 trial, it does in fact cover her yard, and so
4 that's almost her covery. It does cover her yard,
5 but it also does cover all of his yard. And she
6 can cover her yeard with way less height on her
7 camera. Right?

8 So if you can imagine if you just make
9 that 25 foot lower -- I'm saying 25. It just
10 seems like it's 25. I'm not sure if it's exactly
11 that, but really, really high. Put that camera
12 back down to a reasonable height, 12 feet -- 10,
13 12 feet or something, it would cover her whole
14 yard, but not peak into his yard.

15 So, I do believe that we have a situation
16 where law enforcement may not have explicitly
17 directed her -- and I can't tell you that that
18 would be the Court's, you know, definition of an
19 agent, but certainly they knew it was there. And
20 Misty Pool knew it was there and she knew that she
21 planned -- I mean, it seems obviously that she was
22 planning on using whatever she got from that
23 camera for the purpose of making a criminal
24 report.

25 And I would suggest to the Court that

1 there's some logic that might be found to support
2 Mr. Scruggs's argument that she should be allowed
3 to do that. And the same logic applied to hearsay
4 ruling where, you know, an excited utterance or
5 something reported to the police can be a hearsay
6 exception, but not if explicitly for the purpose
7 of getting the person arrested, getting the person
8 in trouble.

9 You can circumvent the hearsay rule, but
10 not if your expressed purpose is for getting the
11 person, you know, arrested.

12 THE COURT: Right. Let me ask you this:
13 There's 28 indictments, 26 which are the same, and
14 then two more?

15 MS. FERGUSON: Yes, sir.

16 THE COURT: Is this a certain situation
17 where a certain number of the indictments were
18 covered by this video where a certain number of
19 them were not, were they all covered by the
20 surveillance?

21 MR. HARBIN: I'll let Patti speak for
22 herself, but I believe that what's going to end up
23 happening is that that video surveillance was part
24 and parcel of the search warrant -- the probable
25 cause affidavit.

1 THE COURT: I got you.

2 MR. HARBIN: And then the fruits of that
3 search warrant resulted in all of the matters
4 before us today.

5 THE COURT: All right. Miss Ferguson.
6 Are you done?

7 MR. HARBIN: On that particular issue,
8 yes, sir.

9 THE COURT: Okay.

10 MS. FERGUSON: May it please the Court,
11 Your Honor, granted this is a neighborhood
12 dispute, but there were previous calls for service
13 that came into Anderson County Sheriff's Office
14 beginning in February of 2021 that prompted them
15 to put this residence on their radar. Actually,
16 there was a Crime Stoppers tip that came -- and he
17 would testify to this -- came to Detective Velez
18 in August of 2021 -- well, the Crime Stoppers tip
19 came in in August of 2021, and he was reassigned
20 to the case in December 2021. So that period of
21 time, this particular dispute was on their radar.
22 They knew about it. He did not include that
23 information in the search warrant.

24 Putting Miss Pool in the posture of a
25 confidential informant or a government informant

1 is ludicrous.

2 THE COURT: Say that again.

3 MS. FERGUSON: It's ridiculous.

4 Ludicrous. She is a private citizen, but she
5 also owns a business that's situated --

6 THE COURT: Well, I don't think I heard
7 confidential informant as much as an agent, and
8 that's different.

9 MS. FERGUSON: Definitely not an agent,
10 Your Honor. She owns a residence that's to the
11 left of Scruggs --

12 THE COURT: Can I ask you a question?

13 MS. FERGUSON: Yes.

14 THE COURT: I remember, just off the top
15 my head without citing the cases that, if the
16 State uses someone as an agent, that that can be
17 considered a Fourth Amendment issue if they were
18 to qualify as an agent. But I don't know what the
19 factors or the standard is to become an agent. Do
20 you know?

21 MS. FERGUSON: No, sir, but she was not
22 acting as their agent. She was reporting activity
23 in her neighborhood as did other people in her
24 neighborhood. Her actual video surveillance was
25 what Detective Velez based his search warrant on.

1 Otherwise, they would just call shots were in the
2 neighborhood, shots fired in neighborhood, dog
3 loose in the neighborhood. She's absolutely not
4 an agent. But as I was saying, her residence,
5 when you face these two houses, they are next
6 door. But her business, her place of business,
7 Pool's Used Cars, is right across the street. So
8 as a business owner in the neighborhood, she had
9 cameras all the way around her business and she
10 included cameras at her house.

11 When you look at the actual surveillance,
12 only one-third of the Scruggs yard is in that
13 surveillance. Two-thirds of it is in her private
14 property over her yard.

15 She was concerned about hurting her dogs.
16 She has dobermans that help protect that Pool's
17 Used Cars business. She didn't want those dogs
18 injured. She has a three-year-old grandson. She
19 didn't want her grandson injured.

20 So, yes, sir. She had cameras all the
21 way around her business and all the way around her
22 house. Camera 10 is the one that Mr. Harbin's
23 referencing and it is on a pole, but it's not
24 specifically for the purpose of spying on anyone.

25 THE COURT: Let me just say this: First

1 blush, I think probably she's not a State actor so
2 it doesn't implicate the State or federal
3 Constitution, but I'm going to hold it under
4 advisement. I want to think about it, look at it,
5 and hear the testimony and then make my decision
6 at that point. So I'm going to hold that under
7 advisement and make a decision as we go.

8 Any other ones, Mr. Harbin?

9 MR. HARBIN: Yes, sir. Well, one point
10 just to address that particular issue before we
11 move on. The argument would be made -- could be
12 made that it was more specific -- it was a more
13 specific action, in case this is important to the
14 Court, that when -- remember, I referenced that my
15 client had a privacy fence and then he actually
16 put something, you know, to expand the height of
17 that privacy fence. When he did so, her pole went
18 up. Or the height of that camera went up. He
19 tells me it's closer to 45 feet, not 25, but I
20 think for the Court's purpose it is -- it's a
21 surveillance pole, but I'll move on, Judge.

22 THE COURT: Okay.

23 MR. HARBIN: So the warrant, as it was
24 signed, as it was printed, referenced the
25 residence at 607 Jackson Street. And then the

1 warrant references later -- and there are also
2 outbuildings on the property. But as the wording
3 on the warrant itself, the search warrant I'm
4 talking about, it says, "The place to be
5 searched," and that's, kind of, the heading, the
6 preprinted heading. And then below that it says,
7 "The residence at 607 Jackson Street."

8 And then in what we might consider
9 equivalent to dicta, it goes on to say property
10 also has outgoing buildings. And to be fairly
11 safe, there are references to the fact that people
12 store guns in their house and they store them
13 outside of their house as well.

14 But the objection was raised and I
15 believe it's a valid one that the search warrant
16 as it's written on its face says, the place to be
17 searched is the "The residence at 607 Jackson
18 Street." And within the context of the document
19 itself, the search warrant itself, it
20 distinguishes -- and this is the language that was
21 typed by submitting affiant.

22 THE COURT: Can I ask you something on
23 this? I'm looking at the memo that says that the
24 description was, "The residence to be searched is
25 a single-level white vinyl siding home with white

1 trim, wooden door, gray roof." There are also,
2 "several outdoor buildings, slash, sheds located
3 around the rear of the property along with mutiple
4 vehicles. There is a plastic mailbox in the
5 roadway," et cetera, et cetera. And then it says,
6 "You are authorized to search the premisis
7 described below."

8 And what was the description because it
9 doesn't show up in what I see of what they could
10 search?

11 MR. HARBIN: Yes, sir. And, Judge, the
12 -- I can pull it up, Judge. The specific language
13 I believe that was objected to was the fact that
14 under the heading "Places To Be Searched" it
15 says -- and perhaps it's redundant, and there are
16 other paragraphs that either excuse or accept
17 places to be searched, but said "the residence."
18 And it doesn't under that heading "Places To Be
19 Searched," I don't believe, immediately say the
20 residence and outbuildings.

21 So I think the argument is that it is
22 describing the property as having a residence and
23 outbuildings. And it is also, to be fair,
24 describing the possibility that there would be --
25 logically, there could be things of interest in

1 those outbuildings.

2 I think the objection is that simply when
3 it states what's to be searched it says 606
4 Jackson Street, "The residence at," and then that
5 document itself seems to define a residence as
6 being apart from the outbuildings that are later
7 described in the four corners of that document.

8 So it, kind of, contradicts itself. In
9 that respect it does. So if you're limiting
10 yourself to the terminology, "the residence," and
11 then you're also pointing out there are other
12 things of interest, essentially, places of
13 interest, the outbuildings and whatnot, I think
14 the document can create confusion. If it's not
15 consistent, I believe that inconsistency should be
16 resolved in favor of the defendant in that case
17 and be limited to what was found inside the
18 residence under the roof of the residence.

19 THE COURT: All right. Miss Ferguson.

20 MS. FERGUSON: Your Honor, I think it's
21 well settled that a residence includes the
22 curtilage and the outbuildings around that
23 residence. It's specified in the affidavit that
24 was generated by Detective Velez. The warrant has
25 the word "also." "There are also several outdoor

1 buildings, sheds, located around the rear of the
2 property." I think that's specific enough to
3 define what was to be searched. It's very well
4 settled that curtilage includes outbuildings.

5 THE COURT: All right. I'm going to
6 overrule your objection on that, Mr. Harbin. I
7 think it's -- I've read -- I think if you look at
8 the totatlity of the search warrant that it's
9 acceptable. I think that you'll probably need to
10 object again during the trial just to make sure
11 you're covered.

12 MR. HARBIN: Okay. Yes, sir.

13 THE COURT: By the way, I had a court of
14 appeals judge tell me that I tell lawyers that
15 you're protected on the record and he's like don't
16 tell them that because they're not protected
17 unless we find they're protected. So if I say
18 that to you, don't think you're protected. You
19 have to object. Okay?

20 All right. Go ahead. Next one.

21 MR. HARBIN: So, Judge, as part of the
22 search warrant we object to, and this comes under
23 the totality of the circumstances because there
24 are several elements or several things being
25 offered to the magistrate as probable cause for

1 the search warrant itself.

2 One of the specific mentions was a
3 conversation that was held between Misty Pool, who
4 is the neighbor, and Christy who is Mr. Scruggs's
5 wife where upon they mention the gunshots, mention
6 the complaints about the gunshots, and where
7 Miss Pool quotes Miss Bryant, and then, of course,
8 Detective Velez quotes that to the magistrate that
9 something to the fact that, *You know he'll get in*
10 *trouble if you report this.* That's the
11 implication. Right?

12 THE COURT: He alleged -- to make sure I
13 understand, you're saying that this gentleman
14 allegedly told the victim -- or, excuse me, the
15 witness, *You report it, I'm going to get in*
16 *trouble.*

17 MR. HARBIN: His wife reported that to
18 the witness that, *If you report that, my husband*
19 *is going to get in trouble.*

20 THE COURT: Okay.

21 MR. HARBIN: Mr. Scruggs is going to get
22 in trouble. The issue that I have with that, a
23 part from, you know, hearsay that we can object to
24 if that was offered in this court today --

25 THE COURT: Right.

1 MR. HARBIN: I know hearsay is fine for a
2 probable cause warrant. However, that
3 conversation that was quoted to the magistrate was
4 over a year previous. And so I know we have, kind
5 of, a timeliness requirement for when information
6 can be, you know, important.

7 THE COURT: Is there any bright line test
8 in that regard?

9 MR. HARBIN: I would -- I would -- I
10 don't know what the bright line test would be, but
11 I would think that probably over a year ago was
12 probably outside of that.

13 THE COURT: I would think that sounds
14 somewhat stale to me too.

15 MR. HARBIN: So that's the significant
16 part of -- I believe the picture that you're
17 painting for a magistrate -- I'm an officer, I'm
18 trying to convince the judge that I'm doing the
19 right thing here and that there's reasons to
20 believe that he ought to sign this warrant.
21 Right? And so I don't know --

22 THE COURT: Was that unsupported by
23 anything else? Because if there's something else
24 that may make it more relevant down the line that
25 may be the cause. But just in and of itself, I

1 think that would be problematic.

2 MS. FERGUSON: But that's not the only
3 thing in the affidavit. There were incidents
4 recited on March 26th, 2022, going back to
5 December 21, 2021, December 28, 2021, January 3rd,
6 2022, February 10th, 2022, so all those other
7 incidents were recited to the magistrate when he
8 issued this warrant. That's a small part -- a
9 very small part aside from those other
10 incidents.

11 THE COURT: I'm going to overrule your
12 objection on that too.

13 MR. HARBIN: Judge, if I can be heard.

14 THE COURT: Sure.

15 MR. HARBIN: There are several other
16 parts of that -- of that affidavit that I'd like
17 to address.

18 THE COURT: Absolutely.

19 MR. HARBIN: So, she's correct that
20 they're referencing other incidents. And what
21 they're doing is referencing other incidents that
22 they are believed to have been captured on this
23 surveillance system that Miss Pool had installed,
24 and my argument, for the purposes of doing exactly
25 what they're doing in this moment that we're

1 discussing.

2 So the next thing to consider here is,
3 there is a video camera. The camera is how many
4 feet in the air, lots of feet in the air, and lots
5 of feet away. So by the time you have a screen
6 that's this big with all of that, and most of that
7 is from Miss Pool's yard and this the Scruggs's
8 yard. And, Judge, just indicating here for the
9 record, a third of the screen, as Miss Ferguson
10 had pointed out is his yard, and then a tiny
11 little figure is alleged to have been Mr.
12 Scruggs's.

13 Part of what the affidavit cites as
14 probable cause is that Misty Pool identifies
15 Mr. Scruggs in the video, but there's no mention
16 of the fact that the video -- it's so grainy that
17 you can't really see whether there is, in fact,
18 anything in his hand in several of them or a
19 couple of them. You can't identify him by face
20 because it's just not that -- you're not able to
21 do it. The video is not of that quality. I
22 think, at best, you can say light-skinned, or a
23 white guy that's, you know, approximately a normal
24 size five-five to six-five and walking around in
25 their back yard.

1 I think the magistrate was misled, at
2 least to the extent that, you know, if he says
3 *Hey, somebody's on video, somebody saw him*, well,
4 I mean, you saw somebody that looked like him that
5 could have been. Something that fits a very
6 general description, a white male, adult white
7 male.

8 THE COURT: Go ahead.

9 MR. HARBIN: And you're not allowed to
10 identify the figure in his hand or not. Right?

11 So, as it was on paper, if you read it on
12 paper, it looks as if -- there's a video, and if
13 you had in your mind's eyes what you expect to see
14 based upon the affidavit, you're going to pull
15 this video up and there's going to be a picture of
16 Mr. Scruggs holding a gun that you can identify.

17 The next part of the argument has to do
18 with the quality of the video as well, and that is
19 that you can't actually identify the weapon in his
20 hand because the video is just not of that
21 quality. It's just not possible.

22 THE COURT: Does it have audio with it
23 too?

24 MR. HARBIN: It has audio, yes, sir.

25 THE COURT: Are guns being fired?

1 MR. HARBIN: It has audio of -- yes, what
2 sounds like gunshots. There's one where it
3 appears that the figure is firing a weapon as it's
4 on video where you hear it, and then there's
5 others where it's off camera and you can just hear
6 and then maybe see figure walk back by it.

7 That dovetails into the next
8 consideration for this, is that the law allows for
9 Mr. Scruggs to have a gun but not a modern gun.
10 He has a black powder pistol and he has a black
11 powder rifle, several. The footage cannot
12 possibly distinguish that.

13 THE COURT: So you -- let me make sure I
14 understand. You're saying that he's not precluded
15 from having black powder?

16 MR. HARBIN: Yes, sir.

17 THE COURT: Really? I thought black
18 powder falls under the definiton of a gun. I'm
19 not saying you're wrong. I just didn't know that.

20 MR. HARBIN: I believe I can find you
21 something about that.

22 THE COURT: I'd like to see that.

23 MR. HARBIN: I believe that's the
24 exception. You know, South Carolina mimics the
25 federal law, and I believe both laws make that

1 exception for antique firearms essentially.

2 THE COURT: I know that when I read the
3 charge on what a firearm is, it certainly would
4 encompass what would be a black powder gun based
5 on what I've read.

6 MR. HARBIN: Yes. It's extraordinarily
7 confusing because one statute is, I think,
8 referencing handguns, perhaps.

9 THE COURT: Capable of shooting
10 projectiles, et cetera, et cetara.

11 MR. HARBIN: Exactly. And then you have
12 to go back to the statute that defines firearm and
13 then there's an exception to the firearm statute.

14 THE COURT: Okay. Would you give me
15 that?

16 MR. HARBIN: I'm sorry?

17 THE COURT: When you have a chance, would
18 you give it to my law clerk?

19 MR. HARBIN: Yes, sir, definitely.

20 And so there's the issue of just a
21 visual, the lack of visual evidence of an actual
22 handgun, or firearm. You know, you can't just
23 discern what it is.

24 And that lack of information or lack of
25 specificity being available to the migistrate --

1 having the net effect of telling the magistrate
2 that there is some level of certainty that does
3 not exist.

4 Now, again, I'm not to the point of
5 saying that that was done on purpose but it
6 doesn't matter for our purposes whether it's
7 intentionally omitted or just omitted. If there's
8 a material omission, I think that's where the
9 Court is concerned.

10 I think the other issue that is connected
11 with that is that, if, in fact, the Court accepts
12 that -- for purposes if this argument anyway -- if
13 he's allowed to have a blank powder pistol, then
14 they have alleged facts or this surveillance of
15 something that they have not addressed of whether
16 it's legal or not. In other words, if it's legal
17 for him to own a firearm, then you at least --
18 whether you have to disprove that it was a -- I'm
19 not saying necessarily you have to disprove that
20 it was a black powder pistol, but you certainly at
21 least acknowledge that exception.

22 So there's -- I don't think they have
23 prior knowledge of this. But there's a difference
24 between an affirmative defense and an exception
25 integral to the offense. Right?

1 So, in the statute, it explicitly accepts
2 this firearm, the particular firearm that he has.

3 So that being an integral part of the
4 statutory definition of this offense, it seems
5 that that -- it's not requiring that to be
6 addressed because there was no investigation done.
7 It's just you get a statement and you go get a
8 search warrant and then you, you know,
9 essentially, invade his privacy of Fourth
10 Amendment interest with the search warrant.

11 So you have net effect of having anyone
12 that is qualifying as this fellow in possession --
13 anyone that has a qualifying offense.

14 THE COURT: Is firearms synonymous with
15 long gun and not pistol?

16 MR. HARBIN: I don't believe that they
17 distinguish between long guns and pistols. I
18 think it's just firearm and then the exception
19 falls in the firearm definition of the antique and
20 black power pistol.

21 So my concern here is that the magistrate
22 was misled, whether purposely or not, but misled
23 as to what level of -- what indicia of probable
24 cause, right, there actually is, because it's kind
25 of glossed over and Misty identified him. Right?

1 THE COURT: Right.

2 MR. HARBIN: It's also glossed over that
3 you can't really tell exactly what he's doing
4 because if, in fact, he's able to own that black
5 powder pistol, he's able to shoot it too. And if
6 they don't address that in the probable cause,
7 then essentially what you've done is, you have
8 accused somebody of doing something that's not
9 illegal. You're just going to make it more
10 specific later. Right?

11 THE COURT: Well, let me stop you right
12 there. Let me hear from the State on that
13 issue.

14 MR. HARBIN: Yes, sir.

15 MS. FERGUSON: Your Honor, I'm no
16 firearms expert by any stretch of the imagination,
17 but a black powder weapon you have to reload it.
18 On this video, these are shots fired in quick
19 succession as if it were a semi-automatic weapon.
20 That's what's on the video and that's what
21 Detective Velez relied on.

22 17-13-140 requires only an affidavit
23 sworn to before a magistrate. That magistrate
24 could have asked for additional oral testimony.

25 THE COURT: That's actually a good point.

1 You know, to be quite honest, I've hunted for
2 forever and a day and I shot black powder and I
3 shot other guns, but I have never seen a black
4 powder that's capable of being shot like a
5 semi-automatic. In other words, bang, bang, bang,
6 bang. You have to load it and then go back and do
7 it again which is time consuming and slow.

8 Are you aware of the existence of any kind of
9 black powder that I'm not aware of that allows you to
10 do that?

11 MR. HARBIN: Yes, sir. So I actually
12 visited Mr. Scruggs's home and he showed me one of
13 his black powder revolvers, and you, essentially,
14 can prepack that chamber -- you know, those
15 chambers and fire it as a revolver, as a regular
16 revolver. So, yes, sir.

17 THE COURT: That's interesting.

18 MS. FERGUSON: That becomes a jury
19 question, Your Honor.

20 THE COURT: Do what?

21 MS. FERGUSON: That would become a jury
22 question -- that would become a question for the
23 jury whether the gun fired on that video was an
24 antique, automatic-firing black powder gun.

25 THE COURT: Well, it may be.

1 Let me ask this: How do you address his
2 argument that you can't tell it's him, you can't tell
3 what kind of gun it is in the video no matter what?

4 MS. FERGUSON: The identification came
5 from the neighbor Misty Pool who lived beside them
6 and across from them for a very long time. There
7 are only three people that live in that house. I
8 haven't heard a claim of any guests being at that
9 house who was shooting in the backyard. So,
10 logically, it had to be one of the three people.
11 And that's only one incident that he's addressing.
12 There are multiple incidents in this search
13 warrant.

14 THE COURT: Okay.

15 MR. HARBIN: I would say fairly that, you
16 know, the camera is stationary. The amount of
17 detail that's consistent through all of them -- or
18 more importantly, the lack of detail that's
19 consistent throughout all of that. And the
20 concern I have is not only that you literally
21 can't tell what I'm arguing. You can't really
22 tell what it is. The magistrate at the time was
23 not aware that you can't tell, or at least we
24 don't know that they were -- that he was.

25 And that, I believe, is a material

1 omission. It's basically a Franks issue, what
2 we're arguing now.

3 You know, and think about the fact that
4 you have all of these things, you know, kind of,
5 colliding together. You have what amounts to,
6 kind of, a questionable -- I mean, if legal,
7 defacto surveillance operation. Law enforcement
8 knows about it. They have a relationship with the
9 reporting witness to the extent that they have
10 dealt with her before about this same complaint
11 that she has.

12 The videos are not clear. It's not made
13 clear that the videos are not clear in the
14 affidavit for the search warrant. It is not
15 addressed at all. The legal -- the issue of
16 whether it is -- there isn't any indication
17 whatsoever whether through statement or law
18 enforcement.

19 THE COURT: Well, let me ask you
20 something. You mentioned Franks, but Franks has
21 to do with basically, you know, falsehoods that's
22 put in the affidavit, right? But I don't think
23 you're saying they're lying. You just saying
24 they're just --

25 MR. HARBIN: No, I believe that Franks

1 also says omissions, because I told you, and I
2 mean it, I don't believe --

3 THE COURT: Well, omission can be a lie
4 as well. In other words, just untruth.

5 MR. HARBIN: Well, if the omission is
6 material, right, I think that's what's important.
7 And I don't think that -- I don't think most cases
8 in Franks cases would be deceitful. I think it
9 would be where the law enforcement officer or the
10 magistrate did not hear what he needed to hear.

11 I mean, again, I'm not making an
12 accusation that the detective withheld
13 information.

14 THE COURT: I'm just looking at some
15 notes that my law clerk has given me. It says,
16 *There's no Franks violation if the affidavit,*
17 *including the omitted data, still contains*
18 *sufficient information to establish probable cause*
19 *and that you have a heavy burden to demonstrate*
20 *that the omitted material was necessary to a*
21 *finding of probable cause.*

22 It seems to me that probably the issue of
23 probable cause falls within the discretion of the
24 magistrate but that which you're arguing may be
25 more suitable for a directed verdict motion at the

1 appropriate time in this trial.

2 But --

3 MS. FERGUSON: Your Honor, there was also
4 a written statement referenced in the affidavit
5 that we have and has been provided to the Court.

6 THE COURT: Probable cause, you can stump
7 your toe and get over it. It's such a low
8 standard.

9 MR. HARBIN: And, Judge, if it matters, I
10 certainly can dig up the statute.

11 THE COURT: I'll be glad for you to hand
12 up -- I'll tell you what, I'm probably going to
13 deny it, but I'll give you a chance to give me
14 something. I hold that under advisement.

15 MR. HARBIN: Okay.

16 THE COURT: Any other matters?

17 MR. HARBIN: Judge, I believe that does
18 it for now.

19 THE COURT: Okay. Any other matters from
20 the State?

21 MS. FERGUSON: Not from the State.

22 THE COURT: So we're clear on the record,
23 and you-all correct me, the motion in limine about
24 excluding civil matters just has to be objected to
25 at the time because I can't tell what it is.

1 MS. FERGUSON: Yes, sir.

2 THE COURT: Motion to suppress the
3 neighbor's surveillance tapes are under
4 advisement. I'll tell you what, the thing that he
5 said about the fence going up and the camera going
6 up, that does give me concern, quite frankly. I'm
7 not saying it's the case. I'm just saying, if
8 that happened, that's concerning.

9 The areas covered by the warrant, I
10 denied.

11 The quality of the video tied into the
12 video camera, I thought I would deny, but I will
13 give you an opportunity to correct me. Okay?

14 So two things: The surveillance camera
15 as well as the quality of the video tied in to
16 that, if you want to give me things -- I think you
17 can give me something about the gun.

18 MR. HARBIN: Yes, sir.

19 THE COURT: Thank you, guys.

20 Any other matters before we get started?

21 MS. FERGUSON: Nothing from the State.

22 THE COURT: Now let me ask you,
23 Mr. Scruggs, are you out on bond?

24 MR. SCRUGGS: Yes, sir, I am.

25 THE COURT: Okay. I have to tell you

1 this. Just so you know, I have to tell everybody.
2 If you don't show up when we come back to court,
3 the trial will be continued in your absence. I
4 know you will. I just have to say that for the
5 record.

6 Any other matters before we come back at
7 2:30, Mr. Harbin?

8 MR. HARBIN: Nothing from the defense.

9 THE COURT: From the State?

10 MS. FERGUSON: Nothing from the State,
11 your Honor.

12 THE COURT: See you at 2:30.

13 MR. HARBIN: Thank you, Judge.

14 (A break was taken from 12:49 p.m. to 2:40 p.m.)

15 THE BAILIFF: All rise.

16 THE COURT: Be seated. She's going to
17 write a letter to your employer about jury
18 service.

19 Anything from the State before we get
20 ready?

21 MS. FERGUSON: Your Honor, we would make
22 a motion to sequester witnesses.

23 THE COURT: Look at yours and look at
24 defense and everybody who is going to be testying
25 needs step on out.

1 MS. FERGUSON: Except Sergeant Velez.

2 THE COURT: The investigating officer
3 certainly can stay.

4 MS. FERGUSON: And our --

5 THE COURT: And the victim can stay.
6 Do you think she's going to testify?

7 MR. HARBIN: It's possible, so I would --

8 THE COURT: I told her she can sit up
9 there with them.

10 MS. FERGUSON: And, Your Honor, I don't
11 have any problem with that for the motion.

12 THE COURT: Okay, it makes it easier.

13 MS. FERGUSON: But for the testimony, I
14 do.

15 THE COURT: I think that's fair.

16 Anybody else here as a witness? If there
17 are, please step back in the back.

18 She can stay.

19 MR. HARBIN: She's fine to stay?

20 THE COURT: That's my understanding. You
21 have no objection; is that right?

22 MS. FERGUSON: I do, sir, because if
23 she's going to testify -- I had no objection while
24 she was here during the motions. But if she is
25 going to testify, I do.

1 THE COURT: Then after she testifies, she
2 can stay in. But until that time, she has to step
3 out. Okay? Or she can't testify. Either way.

4 MR. HARBIN: Judge, do you mind if I
5 actually have a quick conversation about that
6 specifically?

7 THE COURT: Yes, sir.

8 MR. HARBIN: I have one other issue to
9 raise.

10 Judge, she's going to step out because
11 she may well testify.

12 THE COURT: All right. Thank you.

13 MR. HARBIN: Judge, the other issue --
14 we've already raised all of the relevant points,
15 but I guess there's a difference between a Franks
16 hearing as it relates to the video and an
17 objection to the introduction of that video based
18 upon a more general -- like a 403, probative
19 versus prejudicial analysis.

20 THE COURT: You just need to make that
21 when she tries to introduce it. That would be my
22 preference.

23 MR. HARBIN: I just wanted to bring that
24 to the Court's attention.

25 THE COURT: Otherwise, you're ready to

1 go?

2 MR. HARBIN: Yes, sir.

3 MS. FERGUSON: Yes, sir.

4 THE COURT: Will you bring the jury in,
5 please?

6 (Jury enters the courtroom at 2:45 p.m.)

7 THE COURT: Madame Clerk, will you swear
8 the jury for me, please?

9 THE CLERK: Yes, sir.

10 Will you all stand and raise your right
11 hand. Do you and each of you solemnly swear or
12 affirm that you well and truely try and a true
13 deliverance make between the State of South
14 Carolina and the defendant whom you shall have in
15 charge and a true verdict render according to the
16 law and evidence? If you do so accept this oath,
17 please say I do.

18 ALL JURORS: I do.

19 THE CLERK: You may be seated.

20 THE COURT: All right. Madame Forelady,
21 ladies and gentlemen of the jury, before we get
22 started, let me point out a couple things out.
23 Number 1, I have a tendency to go long. My court
24 reporter will tell you that. If any time you need
25 a break and I'm not giving you a break, let me

1 know. I don't mean to do that. Sometimes I just
2 lose track of how long we're in here. This is not
3 an endurance contest. So if I call you in before
4 you're ready, just say we're not ready.

5 If you need anything, we have great
6 bailiffs, if they can reasonably accommodate you,
7 they will.

8 They can not answer any of your
9 questions. Please do not ask the bailiff
10 questions about anything. If you have a question,
11 bring it to me.

12 Madame Forelady, the way you would do
13 that is write it down on a piece of paper, sign
14 your name, fold it over, tell the bailiff you have
15 a question, and I'll response to it accordingly.
16 Okay?

17 Now, ladies and gentlemen, I don't know
18 if you've ever been involved in a trial before,
19 whether it be civil or a criminal case like this
20 one, I would suspect, however, that all of you
21 have watched on TV or in the movies something that
22 purports to be a criminal trial. Let me dispell
23 any notions you may have. This is not TV. It is
24 not entertainment. It is a fundamental part of
25 our democracy. Trials don't happen in five-minute

1 vignettes. They're slow, they're very methodical,
2 and they're very deliberate.

3 Now, these attorneys when they're sworn
4 in as attorneys, like all attorneys, take an oath
5 that they will zealously represent their side of
6 the case before the court, and you can expect no
7 less from both of these fine attorneys. I've
8 known them for quite a long time, but they're also
9 officers of the court. What that means is, you
10 can expect them to be competent and professional
11 and ethical in their dealings with me, in their
12 dealings with the witnesses and each other before
13 this court, any witnesses that may be before this
14 court.

15 Now, you just took an oath where you
16 swore or affirm that you would try to reach a fair
17 and just verdict, an impartial verdict. That
18 means that the parties, the Court, and all
19 participants in this matter have a right to expect
20 of you that you will be fair, that you will be
21 impartial and that you will be ethical when you
22 approach your duties as jurors in this case.

23 Now, what I tell you now is not that law
24 that you will apply. I will give that to you at
25 the end of the case. What I'm telling now is

1 basically a road map so you will understand kind
2 of where you are at any given time throughout the
3 course of this trial.

4 Those of you who decided to take notes,
5 do you have your pad and pen? Good. Let me
6 caution you first, you're jurors -- your duties as
7 jurors will be judges of the facts. No one,
8 including myself, the attorneys, or anyone
9 involved in this case has a right to invade. Your
10 sole province is being the judges of the facts.
11 In other words, what your verdict is going to be.

12 But in making that determination of what
13 the facts are, you need to make a determination as
14 to whether there's testimony you wish to believe
15 or testimony you wish not to believe. You
16 collectively have a right to believe all, part, or
17 none anyone's testimony that comes before. You
18 can believe one witness over many or many over
19 one. That is solely up to you. But, if you
20 become so engrossed in taking your notes that you
21 miss somebody's reaction on the stand to a
22 question, it may cause you not to be able to tell,
23 or miss something that's indicative as to whether
24 or not you should believe or disbelieve their
25 testimony. So I caution you about that.

1 Also, Madame Forelady, and I'll remind
2 you about this later, at the end of the day, when
3 you begin your deliberations, if somebody has
4 something in their notes and somebody's memory of
5 that same issue differ, that's why they're called
6 deliberations. Just because it's written down
7 doesn't mean it trumps somebody's memory. Some
8 people are better listeners, some people are
9 better notetakers.

10 Now, as I told you, the defendant has
11 been indicted on 28 different counts. Each of
12 these are here. These indictments will not go
13 with you back to the jury room. These indictments
14 are not evidence. They don't raise an inference
15 nor any kind of presumption of guilt. This is
16 simply the mechanism by which the State of South
17 Carolina brings this defendant before the Court
18 for a trial and a determination by you, the jury,
19 of his guilt or innocence.

20 In fact, the defendant in this case says,
21 *I'm not guilty to all these charges.* And once he
22 says, *I'm not guilty*, the presumption of innocence
23 attaches and that presumption will last throughout
24 the course of this trial. And it will continue
25 into your deliberations unless and until you, the

1 jury, are satisfied that the State has proven each
2 and every element of the charges against this
3 defendant by proof beyond a reasonable doubt.

4 Each one of the these charges are
5 separate charges. You will consider each one
6 separately from one another, and I'll tell you
7 more about that at the end of the day, Madame
8 Forelady.

9 So at the end of the day, it will be your
10 job to determine whether or not the State has met
11 its burden of proving each and every element of
12 these charges by proof beyond a reasonable doubt.

13 So let me give you a definition of what
14 reasonable doubt is. Reasonable doubt, ladies and
15 gentlemen, is the kind of doubt that would cause a
16 reasonable, sincere, honest, and conscientious
17 person to hesitate to act in an important matter
18 in their affairs. It's proof that leaves you
19 firmly convinced of the defendant's guilt.

20 Now, ladies and gentlemen, with that
21 being said, there are very things in this world
22 that we know with absolute certainty and the law
23 does not require the State to overcome every
24 possible doubt that may occur in a case.

25 At the end of the day, if you are firmly

1 convinced that the defendant is guilty of one or
2 more of the indictments for which he has been
3 charged, it is your duty to find him guilty. On
4 the other hand, if you think there's a real
5 possibility that he's not guilty, you must give
6 the defendant the benefit of that doubt and find
7 him not guilty. A reasonable doubt may arise from
8 the evidence or it may arise from lack of
9 evidence. And I instruct you further that the
10 defendant in this case is entitled to every
11 reasonable doubt that may appear or occur in this
12 case. And what that simply means is this, if upon
13 any issue of fact essential to a conviction and a
14 verdict of guilty, if you have a reasonable doubt
15 as to how that is to be resolved, it is your duty
16 to resolve it in favor of the defendant.

17 Now, as I told you, ladies and gentlemen,
18 you are the sole judges of the facts. If I say
19 anything or if I do anything throughout the course
20 of this trial that seems to indicate to you how
21 you are to find facts, or the verdict you are to
22 reach, I'm going to ask you but also instruct you
23 to disregard it. Our Constitution does not allow
24 any trial judge to have a comment or have an
25 opinion on the facts of the case. You and you

1 alone will make the determination of what your
2 verdict will be and you will make that
3 determination based on the testimony that you hear
4 from this witness stand from people who have taken
5 an oath and also any exhibits that I allow into
6 evidence, and you apply the law that I will give
7 to you at the end of this case in making your
8 determination.

9 Now, the, ladies and gentlemen, law that
10 makes you the sole judges of the fact makes me the
11 sole judge of the law. You must accept law as I
12 give to you. You must not and shall not be
13 concerned with what you think it should be, but
14 only what it is. I will tell you that, if I make
15 a mistake, there's a Court of Appeals and a
16 Supreme Court who will quickly correct my legal
17 errors of law, but it will be an application of
18 your duties as jurors not to apply the law as I
19 give to you when you go in and start deliberating
20 the facts of this case.

21 Now, I'm going to remind you, please do
22 not discuss this case amongst yourselves at any
23 time until you are told to begin your
24 deliberations. Again, that even includes such
25 things as making a comment about by ruling on an

1 objection here in the courtroom or anything that
2 may be happening about this case.

3 At the end of the day, when you're told
4 to begin your deliberations, you will have more
5 than sufficient time to talk about it. This means
6 face-to-face communications, emails, any other
7 type of communication that I am not sophisticated
8 enough to understand. Do not engage in it, if you
9 don't mind. Also, do not look up anything about
10 the parties or any issues or matters involved in
11 this case. And to the extent this may be in the
12 press, do not watch it, hear it, or listen to it.
13 I don't think that's going to be an issue. But,
14 if it is, just don't watch that for me, if you
15 don't mind.

16 In every case, there are five phases. In
17 a minute, the State is going to make an opening
18 statement. What the attorneys tell you is not
19 evidence. They're not sworn in. They're not
20 subjected to cross-examination. That's not to
21 minimize the importance of what they're telling
22 you, but it's not evidence. What they intend to
23 show you -- their opening statement is what they
24 intend to show you during the course of this
25 trial.

1 The defendant does not have to make an
2 opening statement since the burden at all times
3 remains on the State to prove his guilt. But to
4 the extent they decide they do want to make an
5 opening statement, it is not evidence either. It
6 is solely their contentions of what they think the
7 case is about.

8 Now, in every case, there are objections.
9 A lawyer has a legal, ethical obligation to object
10 anytime he or she sees something that they feel
11 like is improper during the course of the trial.
12 I expect this trial to be no different than all
13 the others that's come before this court.

14 Madame Forelady, ladies and gentlemen,
15 the extent to which there is an objection shall
16 not and may not be part of your deliberations,
17 suffice it to say that's simply the process that's
18 followed in all cases before this court.

19 Now, with that being said, I want to take
20 a quick break and ask the attorneys whether or not
21 I've neglected to tell you something that I should
22 have, or maybe said something that I shouldn't
23 have. I'm going to bring you back probably before
24 you have a chance to sit down. But you'll go back
25 to your jury room and we'll bring you back for

1 opening statements.

2 (Jury exits the courtroom at 2:56 p.m.)

3 THE COURT: Any additions or exceptions
4 from the State?

5 MS. FERGUSON: None from the State.

6 THE COURT: From the defense?

7 MR. HARBIN: No, sir.

8 THE COURT: You-all need a break before
9 you do your openings or are you ready to go?

10 MS. FERGUSON: Ready to go.

11 MR. HARBIN: Ready.

12 THE COURT: Bring them back in.

13 (Jury enters the courtroom at 2:58 p.m.)

14 THE COURT: Miss Ferguson.

15 MS. FERGUSON: May it please the Court?

16 THE COURT: Yes, ma'am.

17 OPENING STATEMENT

18 MS. FERGUSON: Good morning, ladies and
19 gentlemen. I think you've heard, I'm Patti
20 Ferguson, Jason Kensi is sitting with me and
21 Sergenat Bella is from the Anderson County
22 Sheriff's Office. It is my privilege to work for
23 elected solicitor, Micah Black. In south, we're,
24 kind of, strange. We're called solicitors insted
25 of district attorneys or prosecutors or any other

1 variation of that. For give me, while I move
2 this. I also like demonstrative evidence as much
3 as I can use it.

4 Robert Frost, he's the guy that wrote,
5 "Two roads diverged in a yellow wood. Whose woods
6 these are, I know." He also wrote the lovely poem
7 called Mending Wall. And in that poem he said,
8 "Good fences make good neighbors." That's
9 applicable to this case; however, we are not here
10 to resolve a neighborhood dispute or referee a
11 neighborhood dispute.

12 This case is not about the second
13 amendment, the right for people to bear arms.
14 This case is about a violation of South Carolina
15 code -- if you forgive me. Our code bears numbers
16 17-23-500, and I'll read it to you: It's caption
17 "Unlawful Possession of a Firearm by a Person
18 Convicted of a Violent Offense." It also includes
19 confiscation and return to an incident. Under
20 Section A, "It is unlawful for a person who has
21 been convicted of a violent crime as defined by
22 section 16-1-60 that is classified as a felony
23 offense to possess a firearm or ammunition in this
24 state."

25 Now, that being said, you don't have to

1 guess at what a violent crime is. That's
2 contained in the South Carolina code 16-1-60.
3 That defines violent crimes. And everything
4 that's listed is violent. And everything that's
5 not listed is non-violent. And that includes, of
6 course, murder, attempted murder -- assault and
7 battery with intent to kill is no longer a violent
8 crime that we recognize. It's different now --
9 kidnapping, armed robbery, attempted armed
10 robbery, there's a whole list of them.

11 And this case is also about possession.
12 His Honor will charge you on the law of
13 possession. There's actual possession. Firearms
14 in your hand, it's on your ankle, it's on your
15 back, it's in a shoulder holster, any way you can
16 carry one.

17 There's also constructive possession.
18 Possession is not ownership. It's not registration.
19 It's not purchase. It's ownership. It's dominion and
20 control. That's constructive possession. Right to
21 have dominion and control over an item.

22 Now, 67 Jackson Street is what this case
23 centers on. 607 Jackson Street is over there. It's
24 situated in the county, but it's in a really urban
25 area, but there are homes located all around it There

1 are businesses, there are schools, there are parks
2 where children play.

3 The neighbors and businesses in this case
4 started hearing gunshots at all hours of the day
5 and night. If you know anything at all about
6 guns, sometimes it's hard to tell where the gun
7 fire is coming from.

8 So 607 Jackson Street, there's a
9 residence right next to it. I'm not an artist.
10 But also, right across the street, there's a
11 business. It's call Poole's Used Cars. The owner
12 of Poole's Used Cars is here. Her business is
13 here. And as most businesses do now, there are
14 cameras everywhere. Everybody's got cameras. Cop
15 cameras. If you drive through an intersection, if
16 you look up, there's a camera.

17 So, camera 10, is here, captured this
18 defendant with a firearm. This person here also
19 saw him with a firearm. She saw him first
20 Sheriff's Office. There were other calls to
21 Anderson County Sheriff's Office. They did an
22 investigation. They obtained the proper paperwork
23 and they executed a search warrant at 607 Jackson
24 Street and found a lot of firearms and found a lot
25 of ammunition. A whole lot of ammunition. That's

1 what this case is about.

2 The three people that live at 607 Jackson
3 Street, one of those three people has a conviction
4 for a violent felony which prohibits that person,
5 Carles Scruggs, from possessing a firearm. Not
6 owning a firearm; possessing a firearm.

7 Now, during the course of this case, you will
8 hear from Sergeant Velez, you will hear from
9 Mrs. Poole, who is the neighbor, and you will see
10 these firearms. They are going to come in through
11 photographs. We have, like, an overhead projection.
12 That's that kind cool. They'll come in through
13 photographs, but you will also -- I'm advised, I'm
14 hoping that will happen, you will also be able to see
15 them in person, but you're safety is more important.
16 So when we bring them up here the first time, you will
17 see them through the photographs that we've taken.

18 I thank you for time and attention. The
19 law is magnificent animal. It changes. It's
20 changed from 1866 when Winchester first started
21 its firearm business. It changed in 1900, 1920,
22 and 1060, and it continues to change. It's makes
23 it very challenging for the lawyers, but it also
24 makes it very interesting.

25 Thank you.

1 THE COURT: Mr. Harbin does the defense
2 wish to have an opening statement?

3 MR. HARBIN: Yes, sir.

4 THE COURT: All right.

5 MR. HARBIN: May it please the Court?

6 THE COURT: Yes, sir.

7 OPENING STATEMENT

8 MR. HARBIN: Good afternoon, ladies and
9 gentlemen. So I won't take quite as long as
10 Patti. This case is going to be about what they
11 believe versus what you-all know. That's going to
12 be the entire case. They believe something. I
13 guess they believe it or they wouldn't be here.
14 They don't know. You-all don't know it. That's
15 the issue.

16 The judge has told you once and he'll
17 tell you again that you have to have proof beyond
18 any reasonable doubt. It doesn't exist in here.
19 It's not going to exist here just because they use
20 more words to describe that than I just did.

21 All I want you to do is pay attention to
22 the evidence that you do not have, that you don't
23 have.

24 This is a case where the neighbor doesn't
25 like a neighbor. They're constantly calling the

1 cops on him. They finally come in, search his
2 home, find a bunch of guns behind locked doors.
3 That's not against the law. And then try to
4 charge him with some ammunition that they say is
5 out in the open and accessible. I don't think
6 prove it. I certainly don't think they can prove
7 it beyond a reasonable doubt.

8 So what I would like you to do is pay
9 attention to the difference between what they
10 believe and what you-all believe at the end of
11 this case beyond a reasonable doubt.

12 Thank you.

13 THE COURT: Call your first witness,
14 please.

15 MS. FERGUSON: I call Miss Poole.

16 THE CLERK: Raise your right hand. Do
17 you solemnly swear or affirm to tell the truth,
18 the whole truth, and nothing but the truth?

19 THE WITNESS: I do.

20 THE COURT: Thank you. Please walk
21 around to our witness chair. If you would,
22 please, state your full name for the record and
23 spell your last name.

24 THE WITNESS: My full name is Misty Doug
25 Lewis Poole, M-i-s-t-y, P-o-o-l-e.

1 WHEREUPON:

2 MISTY POOLE,

3 after having been sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MS. FERGUSON:

6 Q Miss Poole, where are you from?

7 A I'm from Anderson. I was born and raised.

8 Q Where did you live while you've in Anderson?

9 A For about 38 years now, I've been at 601
10 Jackson Street, Anderson, South Carolina, 29625.

11 Q Where did you live before that?

12 A Before that, I lived at -- it was on Lake
13 Forest Road, in Anderson. Can't remember the
14 numbers. It's been a lot of years.

15 Q Did you go to school here?

16 A I did. McDuffie High School.

17 Q Did you graduate?

18 A Graduated in '91.

19 Q Tell me about your property at 601 Jackson
20 Street?

21 A We bought that property roughly 38 years ago,
22 and my father-in-law, my husband, my
23 mother-in-law, myself, we all built the house.
24 Very little did we sub out. We built it. We put
25 a fence up for the grandbabies, my kids, and it

1 was our dream home. I mean, we made it wide
2 enough -- my mother-in-law had lost a leg and so
3 we made it an open plan so scooter could get
4 anywhere in the house.

5 Q Is that located in close proximity to your
6 business?

7 A Yes, ma'am. It's right across the street.

8 Q What is your business?

9 A Poole's Used Cars and Poole's Rentals.

10 Q Who started Poole's Used Cars?

11 A My father-in-law probably 50 years ago.

12 Q When, if ever, did you take over running Poole's
13 Used Cars?

14 A I took over, roughly, when I married my
15 husband, Donnie, Jr, 35 years ago.

16 Q Is Donnie, Jr. with still us?

17 A No, he passed away.

18 Q Who is your father-in-law?

19 A My father-in-law is Donnie, Sr. Donnie
20 Poole, Sr.

21 Q Did he have a nickname?

22 A My husband had a nickname, Bud.

23 Q So Donnie, Jr. was Bud?

24 A Are the same.

25 Q They ran Poole's Used Cars?

1 A Yes, ma'am.

2 Q How many rental properties did they have?

3 A Overall, all together we had over 40.

4 Q Are they close in proximity to your residence and
5 business?

6 A I'd say 80 percent of them are within a mile
7 of the office.

8 Q Did you raise your children at that house?

9 A I did. And I started raising my grandkids.

10 Q When did that neighborhood, if ever, start to
11 change?

12 A It's always been kind of a rough
13 neighborhood, but it was still everybody kept to
14 their self. I would say in the last 13, 14 years
15 it changed.

16 Q Have the Scruggs been your neighbors during those
17 past 13, 14 years?

18 A Yes. I believe they've been there close to
19 15 years. His dad moved in probably 15 years
20 ago.

21 Q What is the address for the Scruggs?

22 A 607 Jackson Street.

23 Q Who lives at 607 Jackson Street?

24 A Roger Scruggs, Carles Scruggs, and Christy
25 Barnett.

1 Q How old a fellow is Roger Scruggs?

2 A I'd say he's close to 70.

3 Q And Christy and Carles?

4 A I would say they are 38 to 40.

5 Q Are there any children at 607 Jackson Street? Any
6 children?

7 A No, not right now.

8 Q How do you know who lives there?

9 A Because we've been neighbors for 15 years.

10 Q How do you get to your business down here?

11 A Sometimes I walk and sometimes I drive the
12 car across.

13 Q Have you been friendly in the past with the
14 Scruggs?

15 A Yes, we tried to be friendly.

16 Q What changed?

17 A We got to hearing gunshots. And, at first we
18 weren't sure -- we knew they were close, but we
19 weren't sure where they were coming from. And so
20 we did call the officers and told them that we had
21 some shooting in the area because we got daycares,
22 we got schools, we got my babies, you know. So
23 they so started doing an investigation. And then
24 I observed Mr. Scruggs with a gun.

25 Q Let back up a minute. Tell me about your babies.

1 You said you had babies at 601?

2 A I did. At the time, I had my daughter and
3 son and son-in-law, and then they had their baby
4 who was born while they lived there, and a second
5 one was born while they were there still, and they
6 were both there with me.

7 Q So what period of time did your two grandchildren
8 live at 601?

9 A They lived from February 2019 to 8, probably
10 9, 10 of 2021.

11 Q You had mentioned you saw Mr. Scruggs with a gun.

12 A Yes, ma'am.

13 Q What happened?

14 A We wound up -- my daughter and the oldest
15 grandson, who, at the time was two or three, we
16 found a bullet in our yard, in our pool while they
17 were in the pool. And I just went to them and
18 asked them, you know, *Did you-all shoot a gun?*
19 *You know, a bullet got over here. If you are,*
20 *please just stop shooting around my babies.* And
21 they said it wasn't them. You know, I couldn't
22 prove it was, but I just was telling them, you
23 know, let's be a little more careful and it didn't
24 stop.

25 Q What occasions, if any, did you see Mr. Scruggs

1 with a gun on his person?

2 A I seen it multiple times. I seen it in front
3 of his pants.

4 Q Okay, wait. Describe what you saw -- where he
5 was, what you were doing, and what you saw it?

6 A I was coming out of my house and he was
7 standing out on his porch and he raised his shirt
8 and in the front of his pants was a handgun.

9 Q It could have been a pellet gun or something else.

10 A I'm not an expert on guns.

11 Q Okay.

12 A The second time, we were on our back porch
13 and we were drilling out. And he comes out his
14 back porch and I look and I see him coming off his
15 steps holding a gun, going out there, and I heard
16 pow, pow, pow.

17 The final time, he rose his rifle up and shot
18 up at a crow out of my front yard and it died crying
19 in my yard, so we buried it. I actually seen him
20 shoot that crow out of my yard. It's within 10 foot
21 of my porch in the trees.

22 Q Was this a short handgun or a long handgun?

23 A No. So it was a long rifle, like a hunting
24 rifle, and it had a scope on the top of it.

25 Q The time before that, was that a handgun or long

1 gun?

2 A No, it was a handgun. It was a shorter
3 gun.

4 Q Were there any other occasions that caused you
5 concern?

6 A There was multiple. Like I said, the
7 gunshots, he would come out -- if I called the
8 law, he would come out and verbally just scream
9 and cuss everything at us. We couldn't come out
10 without him coming out and screaming at us. It
11 just made me not to want going outside. I was
12 scared for my safety and I was scared for my kids'
13 safety.

14 Q Was this a daily occurrence or something less?

15 A It was daily. It got worse and worse over
16 time.

17 Q How did it impact your business?

18 A My business, they was scared of the gunshots.
19 They were like, *I don't want to be here. I might*
20 *get shot.* So it seems like people got more and
21 more not coming around. If they owed me, they'd
22 call payments in. They didn't want to come
23 there.

24 Q Around your house and business, do you have
25 security cameras?

1 A I do.

2 Q How did you come to obtain those cameras?

3 A Well, in the business I do, people like to
4 break in and steal radios, catalytic converters,
5 stuff like that, so we had put one up at the car
6 lot. And then we had a small set at the house,
7 nothing major. And then in --

8 MR. HARBIN: Judge, the witness appears
9 to be referencing notes that -- I don't know what
10 that is, but I'd ask that -- I'd ask that -- she's
11 being asked to use her recollection. If she has
12 some kind of statement that helps her refresh that
13 recollection, I'll leave that up to the Court, but
14 I just didn't want her reading off her notes.

15 MS. FERGUSON: Put this an a State's
16 exhibit, Your Honor.

17 THE COURT: All right.

18 BY MS. FERGUSON:

19 Q All right. Go back. You started installing
20 cameras at your business and at your residence?

21 A Yes. On November -- 1st of November, the end
22 of October.

23 Q Of what year?

24 A 2020.

25 Q Okay.

1 A I had three people jump my fence and burn my
2 husband's truck and started burning my house. So
3 I called J&J Lighting Company to install more
4 cameras. I have a dobermans, so I wanted my fence
5 line protected because I didn't know who they were
6 or who it was. So I was little nervous. I wanted
7 protection forensics for my dog also.

8 Q Okay. At my request, did you make a list of those
9 cameras in and around our residence and business?

10 A I did.

11 Q You prepared this yourself?

12 A Yes, ma'am.

13 Q Is that the copy you prepared for me? Has that
14 changed in any way, shape, or form?

15 A No.

16 MS. FERGUSON: Your Honor, we ask that
17 this be marked and admitted a State's first.

18 THE COURT: Any objection?

19 MR. HARBIN: No, sir.

20 THE COURT: Admitted. Exhibit Number
21 1.

22 MS. FERGUSON: Yes, sir.

23 (STATE EXH. 1, List of Cameras, was marked
24 and entered into evidence.)

25 BY MS. FERGUSON:

1 Q Have you been challenged about the cameras at your
2 house?

3 A I have. Mr. Scruggs and I suppose his wife
4 also called law enforcement on me three or four
5 times about it. They took me to court about them.
6 I always just told them they were legal, that I
7 wasn't doing nothing wrong.

8 Q Did you preserve the surveillance from the cameras
9 at your home and business?

10 A I did.

11 Q Did you make that surveillance video available to
12 law enforcement?

13 A I did.

14 Q In particular, describe where camera 10 is?

15 A Camera 10 is on the top of a power pole that
16 I -- it's my power pole. It's not Duke Power's or
17 anybody's. It's 20 to 30 foot in the air.

18 Q Did you have that pole installed yourself?

19 A Yes. It was always there. When we built the
20 house, we put it there for lightning.

21 Q Where on that pole did you place a camera or have
22 someone place a camera?

23 A Twenty or 30 foot, maybe, in the air facing
24 my backyard, facing the swimming pool.

25 Q And did you preserve it on a flash drive provided

1 to our office and to law enforcement?

2 A Yes, ma'am.

3 Q I'm showing you what appears to be purple colored
4 flash drive. Are those your initials on that flash
5 drive?

6 A Yes, sir.

7 Q Are those your initials on that flash drive?

8 A Yes, ma'am.

9 Q And are those your initials on the envelope in
10 which it's been stored?

11 A Yes.

12 Q And the date on it is when?

13 A 6/11/25.

14 Q Did the video transferred to this flash drive
15 accurately reflect what was recorded from camera 10?

16 A Yes, ma'am.

17 Q And is this exemplar of the problems you've been
18 having?

19 A Yes, ma'am.

20 MS. FERGUSON: Your Honor, we ask that
21 this be marked and admitted as State's Exhibit
22 2.

23 THE COURT: Any objection?

24 MR. HARBIN: Not to being marked as an
25 exhibit.

1 THE COURT: Admitted.

2 .

3 MS. FERGUSON: I said marked and
4 admitted.

5 MR. HARBIN: Subject to my previous
6 objection.

7 THE COURT: Subject to the prior hearing.

8 (STATE EXH. 2, Flash Drive; 6/11/25, was
9 marked and admitted into evidence.)

10 BY MS. FERGUSON:

11 Q All right. I'm going to pull up, I hope, part
12 one --

13 MR. HARBIN: Judge, I apologize. Just so
14 I'm preserving this for the record, my objection
15 here is a 403 probative versus prejudicial
16 objection.

17 THE COURT: All right. I note your
18 observation. It's overruled.

19 BY MS. FERGUSON:

20 Q Describe to the Court and the jury was this is
21 showing?

22 A This camera shows my side fence and my back
23 fence, my shed. We put our lawn equipment back
24 there.

25 Q That red roof is your shed?

1 A Yes, ma'am.

2 Q Okay.

3 A And the swimming pool. We put it that way so
4 if one of the kids or an animal climbed up there,
5 we could inside the inside the pool to make sure
6 nothing was in there.

7 Q Okay. Did you place it up -- keep describing what
8 you see.

9 A You see half of my back yard, the green shed
10 is where my carport is.

11 Q Which green shed, this?

12 A The one at the very bottom.

13 Q Okay.

14 A The one to the left --

15 Q The bottom right?

16 A Yes. The one to the right -- left of it, is
17 just like a storage building, just like the red
18 one on the front of that one.

19 Q Does this fence run in back of the storage
20 building?

21 A Yes, ma'am.

22 Q How far does it run? Does it run all the way to
23 the street?

24 A This fence stops right when you get to the
25 cement and another fence picks up, like a chain

1 link fence.

2 Q All right. When did you install that particular
3 fence?

4 A It was after the snow. The tenants behind us
5 built a fireplace for their little building and
6 pushed against a metal fence I had. It was like
7 refrigeration metal. And it brought it down. So
8 we were trying to hurry and put one of those up.
9 It takes a lot of time, so we went with a chain
10 link.

11 Q And are those buildings behind your property
12 occupied?

13 A Part of them were, but the one to the very
14 left at the top was vacant.

15 Q Okay. To the right, after the fence, what are we
16 seeing?

17 A At the back of the trailer?

18 Q No. To the right of the pool and the fence?

19 A That's Mr. Scruggs's building.

20 Q Okay. When, if ever, did the fence around that
21 building change?

22 A Right after I put my chain link up, he
23 started putting up a privacy wood fence.

24 Q Are those the boards that you see that are, kind
25 of, going this way?

1 A Yes, ma'am.

2 Q Vertical, straight across?

3 A Yes, ma'am. I put my fence up off the
4 property line, just so we have a little piece
5 there.

6 Q You have privacy there in your pool?

7 A No, just what's there.

8 Q So camera 10 projects this part of his yard, this
9 small acreage in the back of the building?

10 A Yes, Your Honor -- yes, ma'am.

11 Q Have you been present with this video has been
12 played in my office and with law enforcement?

13 A Yes, I have.

14 Q Multiple times?

15 A Yes.

16 .

17 MS. FERGUSON: Your Honor, the State
18 would play what's marked and admitted as State's
19 second.

20 THE COURT: You're going to publish
21 Exhibit 2.

22 .

23 MS. FERGUSON: (Video played.)

24 BY MS. FERGUSON:

25 Q What are we seeing to the right? Let me back up.

1 I'll move it back to 09. What are you observing that
2 caused you concern?

3 A I saw Mr. Scruggs walking to the back. And
4 he has a very distinguished walk that makes me
5 know it was him, the build, the walk. The way he
6 walks.

7 Q Okay.

8 A I see him go out there. And just a few
9 minutes later, I hear the gunshots, and then I see
10 him come back.

11 Q Let me play that again. This person on the right
12 side, who is that?

13 A That's Brandon Scruggs or Carles Scruggs.

14 Q Okay.

15 (Video played.)

16 BY MS. FERGUSON:

17 Q I'll turn the volume up. This also has a part 2.
18 Is that the same type of video, the same video?

19 A Yes, ma'am.

20 Q How often did that happen?

21 A A lot. Every day, night. I mean, it was so
22 common that you just, kind of, stayed in the house
23 and hoped you were okay.

24 Q In that video that day, did you observe anybody
25 else in that backyard before Mr. Scruggs walked across

1 or after he left?

2 A No, I did not.

3 Q Did you preserve the entire video?

4 A A good bit of it.

5 Q Did you alter it --

6 A No, ma'am.

7 Q -- to hide someone coming from behind that
8 building with him?

9 A No, ma'am. You seen the video with him going
10 there and coming back out of there.

11 Q So before he shows up on camera and after he shows
12 up on camera, is it your testimony that you saw nobody
13 else there that day or during that period of time?

14 A No, ma'am.

15 Q Did you speak with the officer assigned to
16 investigate this case, Sergeant Velez?

17 A I did.

18 Q What did you tell him?

19 A I told him that we had shooting and that I
20 had him with a gun.

21 Q Okay. Did you provide a written statement for
22 him?

23 A Yes, he come and got my statement.

24 Q I believe it's been an issue. Before that time,
25 had you had any personal interaction with Sergeant

1 Velez?

2 A Not that I can remember. It was different
3 officers, it seemed like, each time.

4 Q Purchase a car from you or investigated other
5 cases for you?

6 A Not that I know of.

7 Q All right. Miss Poole, I'll show you a typed a
8 statement, some handwriting on it with your signature,
9 it's 3/30/2022. Can you identify that statement?

10 A That's where my grandson was scared. He
11 heard the gunshots and he said, *Grandma, they're*
12 *going to shot me.*

13 Q Did you type that statement or did someone type it
14 for you?

15 A I typed it.

16 Q And is that your signature on the right-hand
17 side?

18 A Yes, ma'am.

19 Q Has it been changed or altered in any way since
20 you wrote it?

21 MS. FERGUSON: Your Honor, marked and
22 admitted, please, as State's third.

23 THE COURT: What now?

24 MS. FERGUSON: State's third.

25 THE COURT: Any objection?

1 MR. HARBIN: If she's testified to it,
2 I'm not sure what the probative value of the
3 statement itself is on a piece of paper.

4 THE COURT: Overruled. It's admitted.
5 That's number 3.

6 MS. FERGUSON: Yes, number 3.

7 (STATE EXH. Statement; Poole, 3/30/2022, was
8 marked and entered into evidence.)

9 BY MS. FERGUSON:

10 Q Miss Poole, have you, at times, moved your family
11 from Jackson Street?

12 A I did. When Mr. Scruggs was released out on
13 bond from this charge, he come over the hill and
14 got out of the car and started threatening us. So
15 I told my kids, I said, *Let's pack up and leave*
16 *for a little while*, and I had to leave my house.

17 Q Where did you go?

18 A We have a lake house in Iva.

19 Q How long did you stay?

20 A I stayed two-and-a-half years.

21 Q So you would come in to Poole Used Cars?

22 A Come to Poole's Used Cars every day, except
23 the weekends when we we're closed.

24 Q When, if ever, did you move back?

25 A I moved back on August 20, 2024.

1 Q Why did you move back?

2 A Because Mr. Scruggs and them knew where I was
3 at anyway. So I figured if they knew where I was
4 at, I'd just come home.

5 Q Your children live elsewhere, right?

6 A My kids. They were scared to come home.

7 Q Do you have firearms?

8 A I do.

9 Q Are you a registered gun owner?

10 A I'm CPW carrier. I'm a responsible carrier.
11 I do not show my guns. I use them only if I need
12 them for protection. I don't think I carry it all
13 the time. I mean, I try to be responsible. I
14 have guns. I'm not saying I don't. But I don't
15 go out and fire them in my yard. I'm just too
16 close to neighbors. Too close to kids' schools.

17 Q Miss Poole, is Carles Scruggs in the courtroom?

18 A Yes, he is.

19 Q Can you identify him, point to him, please?

20 A He's sitting right there in the dark red
21 shirt.

22 MS. FERGUSON: Let the record reflect
23 Miss Poole is indicating the man sitting next to
24 Mr. Harbin.

25 THE COURT: So reflected.

1 BY MS. FERGUSON:

2 Q And you can recognize his gait, his stance, and
3 the way he stands, the way he moves?

4 A Yes, ma'am.

5 Q That's the person you see on the video?

6 A Yes, ma'am. A hundred percent.

7 Q Thank you, ma'am. Please answer any questions Mr.
8 Harbin may have?

9 THE COURT: Cross-examination.

10 MR. HARBIN: Thank you, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. HARBIN:

13 Q Miss Poole, it's fair to say that you do not like
14 my client, is that fair?

15 A It's fair. I think it's mutual.

16 Q Is it fair to say that you don't want him as your
17 neighbor?

18 A I don't have a problem as long as the gun
19 fire -- that's the biggest thing. I'm afraid for
20 my safety because our houses are so close.

21 Q You've had quite a lot of contact with law
22 enforcement about -- complaints about noise and also
23 other things involving your car lot, graffiti,
24 vandalism, you name it. Is that an accurate statement
25 that you've had quite a bit of contact with law

1 enforcement for recording reasons?

2 A Yes.

3 Q And that's part and parcel a bit of the
4 neighborhood that you had described, I suppose, is
5 that fair?

6 A Yes.

7 Q You described that you had installed the pole that
8 the camera was mounted on that provided that image; is
9 that correct?

10 A That's correct.

11 Q And, in fact, I guess you had a camera, or camera
12 on that pole and there's a privacy fence or
13 effectively something as -- blocking as a privacy
14 fence between your yard and the Scruggs's yard, right?
15 If you're standing -- I apologize. If you're standing
16 in the yard, you can't see over the fence; is that
17 right?

18 A Correct.

19 Q And the Scruggs, in fact, kind of raised their
20 privacy fence at one point as well, did they not? Or
21 makeshift or something to make it higher.

22 A Yes.

23 Q And at some point you actually raised your camera
24 so that it could see over that?

25 A I've never moved that camera. It's in the

1 original spot that camera was at.

2 Q So it was installed at the height that it is
3 now?

4 A Right. It's 20 to 30 foot.

5 Q Okay. I think you had referenced or at least made
6 the implication that some questions must be asked or
7 posed by you or by law enforcement or you-all had some
8 type of discussion as to the legality of the placement
9 of that camera. Is that fair to say?

10 A Mr. Scruggs and his client had called the law
11 several times about my placement of my cameras.
12 Each time, the law enforcement asked if they can
13 come and look at it. I said, *That's fine, come on*
14 *in.* They also said that I was in my legal right,
15 they were not -- you know, they asked them -- I
16 told them, I said, *They have cameras facing my*
17 *house too.* I said, *It don't bother me because,*
18 *you know, the more cameras on me if something*
19 *happens to me.* But you know, we both got cameras.
20 We both have cameras positioned in places that I
21 have not moved any of mine since. I had them
22 installed by J&J.

23 Q But it is fair to say, though, he doesn't have any
24 cameras that can see over your privacy fence into --
25 like, if you're standing in your backyard, he can't

1 see you?

2 A There was a video that he had come over my
3 fence catching my kids' playground and my cook
4 house.

5 Q The video that Miss Ferguson played, you weren't
6 actually in town for that video, were you?

7 A Yes, I was there.

8 Q You were there?

9 A I was there.

10 Q And so you had described that you can't see over
11 that fence, so you didn't see what happened. You only
12 saw the video as to what happened?

13 A Yes.

14 Q Okay. And you said you -- strike that.

15 And you said that you weren't sure when you
16 first I guess this was quite sometime back when you
17 first started hearing gunshots so that they became a
18 nuisance or a problem you did not know exactly where
19 they were coming from; is that correct?

20 A I knew, but I didn't want get him to get in
21 trouble. I just wanted the gunshots to stop in
22 the 600 block, just so that law enforcement --
23 because he's not the only one. So, you knew, I
24 didn't want to just pinpoint it on him if it
25 wasn't. You know, I wanted it to stop, is the

1 main thing. I wanted the gunshots to stop.

2 Q But you did say earlier in testimony that you
3 didn't know exactly where they were coming from at
4 first They could be anywhere. Gunshots -- you know.

5 Q And that makes sense because you can't see over
6 your fence, right?

7 A Right.

8 Q But you installed the pole camera and now you can.

9 A I could see in their yard on my back porch.
10 If I was on my back porch and they were on their
11 back porch, I could see. Because my back porch, I
12 face going forwards their house to go down my
13 steps.

14 Q Right. So when you had reported these shots and
15 law enforcement responded, I take it that there was no
16 response this one, thing one being now we're here in
17 court after being charged and that must be frustrating
18 to you.

19 A No, we had a truce at one time, and it was
20 nice. It was when my daughter had a high
21 pregnancy -- health pregnancy, and then started
22 again afterwards. And I went to him, I said, *I*
23 *thought we had a truce.* And they said there would
24 never be a truce.

25 Q Okay. I think what I'm driving at is that you

1 were trying to solve a problem by putting that camera
2 up on a pole.

3 A I was to make sure that my two-year-old
4 grandson didn't fall in the pool and I wouldn't be
5 able to see him.

6 Q You could have accomplished that with a much, much
7 shorter pole?

8 A And also it catches my back fence and my side
9 fence.

10 Q And, again, that could have been accomplished with
11 a much, much shorter pole?

12 A I couldn't see in the pool. I got them on
13 the other side that catches the side of the pool,
14 but not inside the pool.

15 Q So it's your testimony that you wanted that height
16 to only capture your yard and that height was
17 necessary to capture those things that you just
18 described and not to appear into your neighbors into
19 back yard?

20 A I did not want to see in their yard. I told
21 the camera man that I wanted to be able to see my
22 fence line because of the doberman, my back
23 fence -- or my back shed because lawn equipment,
24 and I wanted to be able to see inside the pool
25 because I had a camera down there that caught the

1 steps.

2 Q I understand. Thank you for answering that.

3 How many times have you spoken directly
4 person-to-person with my client, if ever?

5 A We have on several occasions. Part of the
6 time it was mostly with his wife.

7 Q Okay. Speaking to Christy while he was there
8 or --

9 A Yes. Sometimes -- most of the time, he would
10 take off to the back and Christy would have talked
11 to me.

12 Q So your limited observation of him is basically
13 from him getting out of his car, going inside, or him,
14 you know, walking out of his yard, I suppose?

15 A No, sir. He would walk by my house, by my
16 fence fussing, cussing, showing -- what I was
17 telling you, he was going to bash my dog's head
18 in, throwing fireworks at my driveway to scare the
19 dogs. Going to the side of the house on
20 Standridge Road throwing fireworks there.

21 Q Okay. And, again, is it your testimony that you
22 believe that he is acting this way with no reason on
23 your part, he just picked you out of the blue?

24 A He didn't like that I called law enforcement.
25 He called several times on me and it didn't hurt

1 my feelings. I didn't like that I called on him,
2 but he would continue to fire guns.

3 Q Okay.

4 MR. HARBIN: Judge, if I could have one
5 moment.

6 BY MR. HARBIN:

7 Q Just to put a button on this one. Your
8 observation of that video and the videos that you had
9 provided are just through the video and not through
10 personal observation. You weren't -- I guess it's
11 not -- it's really not possible for you to see the
12 same thing that's on the video or else you would have
13 to climb a pole.

14 A Right.

15 Q Right?

16 A Right.

17 MR. HARBIN: No further questions
18 judge.

19 THE COURT: Redirect.

20 MS. FERGUSON: Yes, sir.

21 REDIRECT EXAMINATION

22 BY MS. FERGUSON:

23 Q Miss Poole, when they called law enforcement on
24 you, did you get in any trouble?

25 A No.

1 Q Any citation, any warning, any problem?

2 A No.

3 Q If you know, what kind of things did they call
4 for?

5 A I got called on my dogs. When my puppy was
6 six months old, he was in the puppy stage, and
7 Miss Bryant got out of her car screamed and run
8 and he chased after her. After that, we put a
9 \$5,000 chain link fence in the front yard and put
10 him in training classes.

11 Their dogs come to my yard. So you know that
12 wasn't a big deal, but we just wanted to make sure
13 everybody's dog stayed in their own yard.

14 Q Following up on Mr. Harbin's question about the
15 truce, what do you mean by that? What as that?

16 A He kept accusing us of killing his cat. And
17 he came to my shop. And he called the officer out
18 and he wanted to go in my shop and see if his cat
19 was there. I told him that no, the officer could
20 go in there. We can all stand outside and the
21 officer can go in my shop and look. I told him,
22 *Look everywhere. Look up in the attic. Look in*
23 *the bathroom. You have free reign to look for his*
24 *cat.* So we decided -- Mr. Scruggs said, *Well,*
25 *let's call a truce. You quit the calling the law*

1 *I'll quit tormenting you. I said, Okay, let's do*
2 *it, because at the time my daughter was in a high*
3 *risk pregnancy, and that ended -- five, six months*
4 *later that ended.*

5 Q By whom? Who ended it?

6 A He started shooting again and I asked
7 Miss Bryant, I said -- I thought -- when DSS was
8 called and I texted Miss Bryant and said, *I*
9 *thought we had a truce. She said, There will*
10 *never be a truce.*

11 Q Did you get in trouble with DSS?

12 A No. We've been called on three times, and
13 every time they dropped the case.

14 Q You to be clear, you've seen him pacing up and
15 down Jackson Street, walking up and down Jackson
16 Street?

17 A Constantly.

18 Q And you've also not only seen this on -- well,
19 there volumes of surveillance that you provided to law
20 enforcement, right?

21 A Yes. I was told to document everything.

22 Q Some of it was before that incident on video now.

23 A Yes.

24 Q Kind of remote. We'd probably be here a week if
25 we showed all the videos, right?

1 A Yes.

2 Q Okay. But it's not only on video, but you've also
3 seen him on in person with a firearm shooting birds
4 and other things?

5 A Multiple times.

6 Q Thank you. Answer any follow-up from Mr. Harbin.

7 MR. HARBIN: Recross?

8 RECROSS-EXAMINATION

9 BY MR. HARBIN:

10 Q You mentioned somebody called DSS, and, as far as
11 I know, those complaints are usually anonymous, but
12 why do you think it was the Scruggs?

13 A Miss Bryant told me.

14 Q Christy told you?

15 A Uh-huh. Because when I asked her about the
16 truce, she said, *There will not be a truce.* The
17 second time that was called, the DSS -- Christy
18 went out to the DSS and the woman told me across
19 at the office that she came over there and Christy
20 had emailed her and told her she needed to be kept
21 updated on that and showed me the text.

22 Q All that happened before or after you decided to
23 put the tall pole up?

24 A It was after. That camera has been up there
25 since 2020.

1 Q So, law enforcement has known it's been up there
2 since 2020?

3 A Oh, yeah.

4 Q Thank you, Miss Poole.

5 MR. HARBIN: No further questions of this
6 witness.

7 THE COURT: Thank you, ma'am. You may
8 step down.

9 MS. FERGUSON: THE COURT: Any objection?

10 MR. HARBIN: No, sir.

11 THE COURT: You are excused.

12 Madame Forelady, ladies and gentlemen,
13 it's about four o'clock. Would you like to have a
14 break or keep going.

15 FOREPERSON: Keep going.

16 MS. FERGUSON: Sergeant Velez, V-e-l-e-z.

17 THE CLERK: Raise your right hand. Do
18 you solemnly swear or affirm to tell the truth,
19 the whole truth, and nothing but the truth?

20 THE WITNESS: Yes, ma'am.

21 THE CLERK: Please walk around to our
22 witness chair. If you would, state your full name
23 for the record and spell your last name.

24 THE WITNESS: My name is Jonathan Michael
25 Velez, V-E-L-E-Z.

1 WHEREUPON:

2 SGT. JONATHAN VELEZ,
3 after having been sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MS. FERGUSON:

6 Q You are now Sergeant Velez?

7 A Yes, ma'am.

8 Q Where are you employed?

9 A Anderson County Sheriff's Office. At the
10 time when this incident was occurring, I was
11 working for the special investigations division.
12 I was working narcotics.

13 Q So on April the 6th of 2022, you were employed by
14 Anderson County working narcotics?

15 A Correct. I was working plain clothes.

16 Q What does that entail?

17 A It varies. We conducted different
18 investigations, mostly consistent of drugs
19 narcotics, criminal complaints, anything vice
20 related. We assist DEA, ATF.

21 Q You're giving acronyms.

22 A I'm sorry. Many federal agencies that deal
23 with drugs and guns.

24 Q And specifically DEA stands for?

25 A Department of Drug Enforcement Agency. And

1 then we got Alcohol Tobacco and Firearms.

2 Q That's ATF?

3 A Yes, ma'am. And then SLED which would be the
4 State Law Enforcement Division.

5 Q What were your specific duties during that period
6 of time, if any?

7 A Oh, at the time when these complaints were
8 coming in, I was working case with the DEA, I
9 believe, and one case for SLED for state grand
10 jury.

11 Q When were you assigned to this particular
12 complaint?

13 A This complaint was assigned to me, I believe,
14 in August of 2021, but I was tide up in other
15 cases. And, to be honest with you, when you get
16 complaints that sent to internal files, they pile
17 up. You end up getting a lot of cases and
18 complaints that get sent internally. They sit
19 there for months on end if you're working a pretty
20 serious case. And, at this time, I think it was
21 quite some time that this initial complaint was
22 sitting in the server.

23 Q Okay. When did you begin working on it?

24 A The time that it actually came to my
25 attention that it was sitting in my server is when

1 my captain approached me. His name was Steven
2 Reeves. And he advised me that there was a
3 complaint that needed to be looked at that had
4 been sitting there for quite some time. And the
5 DEA case that we were working had completed, so he
6 requested for me to do so due to the concerns of
7 some media being involved in the matter.

8 Q When you started your investigation, was this one
9 complaint or multiple complaints?

10 A There was complaints. One was a Crime
11 Stoppers tip, which was the initial complaint
12 which is anonymous. One came from Misty Poole.
13 And another one came from a Becky Scott. That was
14 the last one.

15 Q Did these events occur in Anderson County?

16 A Correct. They did.

17 Q They occurred exclusively in Anderson County?

18 A Yes, ma'am.

19 Q 601 and 607 Jackson Street are in Anderson County?

20 A Yes, ma'am.

21 Q Had you encountered the defendant Carles Scruggs
22 before April 6, 2022?

23 A I think I had interaction with him on another
24 officer's case. It was maybe possibly some
25 concerns about him selling drugs. And that's all

1 hearsay. At the time, when I --

2 MR. HARBIN: Judge, objection. That was,
3 kind of, over the line.

4 THE COURT: I sustain the objection. I
5 strike that from the record. Ladies and
6 gentlemen, you are to disregard that, please.

7 BY MS. FERGUSON:

8 Q Yes, sir. What I'm trying to do -- can you
9 identify the defendant?

10 A Yes.

11 Q Is he in this courtroom?

12 A Yes, ma'am.

13 Q Where is he?

14 A He's sitting beside Mr. Harbin.

15 Q How did you proceed with this investigation?

16 A I proceeded -- when I was actually conducting
17 surveillance for probably about two weeks, give or
18 take, at the property of Poole's Auto Sales lot.
19 And I actually never had any interaction with Miss
20 Poole until one day she actually approached me,
21 and I think it was on the 25th, and she basically
22 started inquiring who the heck I was on her
23 property and she didn't realize I was law
24 enforcement at that time.

25 Q What, if anything, did you see?

1 A Well, I spoke with Miss Poole and I actually
2 entered her business and established and she
3 pretty much gave me the rundown of what as going
4 on her end. I gave her my business card. I told
5 her I actually completed my date for business, and
6 if she had any other issues just to notify me and
7 call me.

8 Q When was the next time you investigated this
9 complaint?

10 A I received a phone call from her. I believe
11 she was at her business. And she contacted me on
12 the 26th, which is a Saturday.

13 Q March of?

14 A I believe March of 2022. And she contacted
15 me saying, hey, he's out there shooting again. I
16 said, *Okay, do you have your surveillance cameras,*
17 which she had showed me the day prior. Or she
18 said, *Yes.* I said, *I'll get with you next week in*
19 *reference to the matter.* I asked her if -- I'd
20 probably need to get a statement from her.

21 Q Okay. The video that was played earlier, is that
22 the video that you obtained from Misty Poole on March
23 26th?

24 A That was one of a few, yes, ma'am.

25 Q After that, what did you do?

1 A I went ahead and actually observed it and its
2 completion. I held on to it for a couple days. I
3 actually had some other officers in the office,
4 kind of, look through it to, kind of, have some
5 peer review about the matter to confirm what I
6 found to be valid. And then, therefore, I
7 collected all that evidence. I actually ran a
8 criminal history to confirm that he was a
9 convicted felon, that's a violent felony, at that
10 point in time.

11 Q Who is a convicted felon?

12 A Mr. Scruggs.

13 Q Okay.

14 A So upon that, I confirmed that it was valid
15 enough for me to go ahead and proceed further with
16 the investigation.

17 Q How did you come to go to the residence at 607
18 Jackson Street?

19 A Upon viewing the videos, I actually made
20 contact with Judge Whitman. Upon collecting all
21 the evidence that I had, I spoke with him about
22 the matter, advising that there were some issues
23 between two neighbors. And while speaking to him
24 at the office, I advised that there was some
25 previous incidences, that she had brought concerns

1 to me, especially in the direction in which the
2 shooting was occurring. So, therefore, I gave the
3 whole case to Judge Whitman and presented the
4 affidavit to get a search warrant for said
5 address.

6 Q Did you subsequently execute the search warrant?

7 A Yes, ma'am.

8 Q On what date?

9 A I believe April the 6th was the date that we
10 executed the search warrant.

11 Q How does that happen?

12 A Well, essentially, what ends up happening in
13 the special investigations division -- there's a
14 lot of detectives that work in this division, and
15 we all have cases and we all have search warrants.
16 So sometimes we'll have to prioritize our search
17 warrants. Sometimes we can get to them quickly
18 right when the judge signs it. Sometimes we have
19 to take a few days to make sure we have enough
20 personnel to execute a search warrant for safety
21 reasons.

22 An ops plan was completed on that date, I
23 believe the 6th, and we had enough personnel, so then
24 we went ahead and executed when we knew that he was at
25 his residence.

1 Q When did you take it to Judge Whitman?

2 A I believe it was the -- off the top of my
3 head, I would say --

4 Q Do you need me to refresh your recollection?

5 A Yes, ma'am. I believe it was March -- I
6 don't want to say the wrong date. I believe it
7 was the 30th. Yes, it's the 30th. March 30th.

8 Q When did you execute this warrant?

9 A The 6th of April.

10 Q How did you go about it?

11 A As in executing?

12 Q Yes, sir. How did you do this?

13 A Normally, what the day is, if we have an
14 opening to execute a search warrant, we'll fill
15 out an ops plan. We'll get approvals by our
16 superiors. Our captain or a lieutenant looks at
17 the matter to make we sure we got enough SWAT
18 personnel.

19 Q Stop now.

20 A Yes, ma'am.

21 Q What's an ops plan?

22 A And ops plan is an internal file that we keep
23 just making sure that we're following all our due
24 diligence on safety for the law enforcement and
25 the general public when we make entry into

1 someone's house.

2 Q Why was that a concern in this particular case?

3 A Due to the concerns that there was going to
4 be weapons there.

5 Q That's why you involved SWAT?

6 A We involved SWAT in every execution of a
7 search warrant when it comes to narcotics.

8 Q Most folks are familiar with body cams. Do the
9 SWAT officers wear body cams?

10 A No.

11 Q Why not?

12 A That's above my expertise, but the way that
13 is advised to us, when we're working narcotics,
14 there's a lot of methods that we use when we're
15 conducting either surveillance, interviews, and/or
16 when we're actually executing, we don't want the
17 general public knowing how we make entry into
18 certain houses. So a lot of times, they try --
19 they give us a clause to -- instruct the
20 investigators and the SWAT personnel not to have
21 body cams issued to them. We don't have them
22 issued. Nobody in our division.

23 Q So officer safety concerns?

24 A Officer safety concerns, yes, ma'am.

25 Q General citizen concerns?

1 A Yes, ma'am.

2 Q So this was a house you didn't just walk up to and
3 knock on the doors and say, *Hey*?

4 A No.

5 Q Okay. How did you go about getting into this
6 residence? In other words, did you break the door
7 down? How did you do it?

8 A I don't think they broke it down. I can't
9 recall, because I'm not part of the team that
10 actually makes the entry. I'm kind of standing by
11 as they're completing and they're rendering the
12 scene safe and then I come in and conduct my
13 investigation as the case agent.

14 Q What did you do?

15 A I essentially go on scene. I overview --

16 Q What did you do in this case?

17 A In this case, I end up going on scene. I
18 made contact with the officers while they were
19 working around through the premises. I made
20 contact with Mr. Scruggs when the scene was safe
21 and asked if he wanted to speak with me, and he
22 advised he wanted to seek counsel. So I assisted
23 him with making contact with his attorney at that
24 point in time.

25 Q How did you do that?

1 A I believe he had his phone number in his cell
2 phone, so I think we retrieved his cell phone and
3 gave him his phone to call his attorney.

4 Q Now, what, if anything, did you recover during
5 that search?

6 A A lot of guns. A lot of guns and
7 ammunition.

8 Q Where were the guns and ammunition?

9 A There was a portion of guns that were located
10 in the safe in Mr. Scruggs's father's bedroom.
11 And then was also a large amount of the guns
12 located in the back building, like the garage,
13 shop.

14 Q Did you find any bullets or projectiles that were
15 spent at this location?

16 A There was some projectiles that were
17 retrieved and pulled out a tree that was in the
18 backyard.

19 Q When you say it's in the backyard, on this
20 photograph, can you generally identify what tree
21 you're talking about?

22 A Yes, ma'am. If you see the man standing in
23 the middle of his yard in the direction that he's
24 actually looking to the rear of that property next
25 to the white building with the gray roof, there is

1 a tree to the right that has, like, three limbs
2 that you can see protruding from the top of the
3 building. I believe there was three projectiles
4 removed from that tree when we were on scene
5 executing the search warrant.

6 Q How many officers were on the scene?

7 A I believe 10 or 11.

8 Q What time of day did you go out to the scene?

9 A I believe it was midday. It was after lunch.
10 That would be between maybe 1:00 to 2:00 or
11 between 1:00 to 3:00 in the afternoon.

12 Q How did these officers go about collecting the
13 guns?

14 A Well, there was some concerns about -- there
15 was rain was coming in, so there was a different
16 protocol than we normally would do so. We were
17 more hasteful in collecting the items, but
18 normally what ends up happening when we execute a
19 search warrant and start collecting evidence, we
20 send in an officer to photograph the scene. And
21 when he photographs every room and every item that
22 they see out in the open, then other detectives
23 will then go into those rooms and they get
24 assigned a task per that residence or back
25 building or area of the house.

1 Q Who was the officer that photographed the scene?

2 A It was Ronald Wood, Detective Ronald Wood.

3 Q And then other officers began to retrieve the
4 firearms from the location?

5 A Yes, ma'am. Yes, ma'am.

6 Q At my request, did you do a general survey of the
7 properties around this address?

8 A Yes, ma'am.

9 Q And are there any properties or schools that would
10 cause you concern with firearms on this address?

11 A Yes, ma'am. Yes, ma'am.

12 Q What are they?

13 A Well, the general concern is that there's a
14 trailer park directly behind Mr. Scrugg's
15 property. Behind this white building, there's
16 multiple trailers where children play. But also
17 behind the trailer park there's New Foundation,
18 which is a children's home, that's in pretty close
19 proximity as well.

20 Q How far is New Foundations Children Home for this
21 location?

22 A Using Google Earth --

23 MR. HARBIN: Your Honor, I respectfully
24 object. He's not charged with a crime that
25 references proximity of other people or schools or

1 playgrounds. He is only charged with a crime that
2 he can't simply possess a gun. He's not even
3 charged with shooting the gun. He's charged with
4 possessing a gun. So I'm not sure what the
5 relevance is.

6 THE COURT: What is the relevance?

7 .

8 MS. FERGUSON: Showing what's around this
9 area that shots should not be fired in this
10 general.

11 MR. HARBIN: Again, it's not relevant.

12 THE COURT: I'll sustain the objection.

13 MS. FERGUSON: I'll move on.

14 BY MS. FERGUSON:

15 Q Thank you, Sergeant Velez. Please answer any
16 questions Mr. Harbin may have.

17 MR. HARBIN: Thank you. May it please
18 the Court?

19 CROSS-EXAMINATION

20 BY MR. HARBIN:

21 Q Sergeant Velez, right?

22 A Yes, sir.

23 Q You were a detective and now you're a sergeant.
24 Is that a promotion?

25 A Now, I'm a sergeant, yes, sir.

1 Q Is that -- I don't know which way.

2 A It's a promotion, yes, sir.

3 Q Well, congratulations.

4 A Thank you.

5 Q So, we've heard from Misty Poole, kind of, what
6 you've have heard, right?

7 A Yes.

8 Q And you took that information and you got a search
9 warrant and then you executed the search warrant.

10 A That's correct.

11 Q Now, and I say you executed the search warrant.
12 It was your case, so the guys are, kind of, working
13 under your direction for lack of a better term; is
14 that right?

15 A To a certain degree.

16 Q And you said that -- Miss Ferguson asked one of
17 the questions I was going to ask. Why are there no
18 body cams? Now, you did say SWAT had some methods and
19 things, but you're not part of SWAT and I guess
20 there's some guys that work for you -- or work with
21 you that are not necessarily part of SWAT. So what's
22 explanation for why essentially no one --

23 A Nobody in this has a body camera issued to
24 them based on our general policies and concerns in
25 doing their investigations. That's a departmental

1 matter. I have no say in that. That's above my
2 pay grade. I work under other people that make
3 those decisions.

4 Q I understand that.

5 But you did -- Miss Ferguson asked, I believe
6 10 or 11 officers were on the scene.

7 A I believe there is 11 officers. Maybe one
8 supervisor that was a staff sergeant at the time.

9 Q Okay. And just to be clear, not to be too
10 redundant, but out of those 11 officers nobody had any
11 video recording devices.

12 A No, sir, because they were all assigned to
13 that division.

14 Q Okay. And you said that SWAT -- you tell me what
15 I'm wrong about. If SWAT makes entry and then you,
16 kind of, come behind them?

17 A There's personal that's in my division that
18 are SWAT personnel.

19 Q Okay.

20 A So you kind of intermingle between sometimes
21 if they need more personnel they will contact the
22 SWAT team and say, *Hey, we need few more people*
23 *due to -- whatever.* That's why we do the ops plan
24 just to kind of have different variables depending
25 if there's multiple houses. There's different

1 circumstances for every occasion. They felt
2 comfortable that they would only need 11 personnel
3 at this time, so that's what they rolled with.

4 Q Okay. But, of course, what you're trying to
5 accomplish in the execution of the search warrant,
6 other than, you know, gaining the evidence, or lack of
7 evidence if that be the case, is documenting what
8 you're doing because you knew there was always a
9 possibility you could end up here in court having to
10 offer documentation and proof. That's part of your
11 job, right?

12 A Yeah, we document. Yes, sir.

13 Q Who was the -- was there one particular officer
14 that was assigned for all of the photographs?

15 A Correct. They have one officer that's
16 assigned to the photographs and that was Ronald
17 Wood on scene.

18 Q And is he routinely the officer that's assigned
19 the photographs? Is that his specialty?

20 A No. We take turns essentially helping each
21 other out. So if they need an individual or
22 detective to take photographs, I might just do
23 that for another detective.

24 Q Okay. Is there any amount of training or protocol
25 or procedure that they have you-all follow vis a vis

1 the photographing of a cite?

2 A Essentially what ends up happening is when
3 you execute a warrant and it's rendered safe by
4 personnel that making the entry and maybe all
5 persons are removed from the house, then the
6 photographer, whoever is tasked to that, has to
7 take over all photographs of the property and
8 anything in plain view.

9 Q Okay. So, essentially, he's doing a once over
10 before boots are on the ground?

11 A Correct.

12 Q Give me one second.

13 A Okay.

14 Q So, Sergeant Velez?

15 A Yes, sir.

16 Q So as part of the execution of the search warrant,
17 I think you mentioned there are different officers for
18 different areas, did you have a particular area
19 yourself or was that, kind of --

20 A No. Normally, what ends up happening, who
21 oversees the case, he ends up either standing with
22 the person who collects the evidence and/or just,
23 kind of, peeks in to see what all the other
24 officers were locating.

25 So essentially, I really wasn't tasked with

1 anything other than just standing by. Most of the
2 time we end up with the person who is wishing to speak
3 to an officer about the case.

4 At this time, they didn't wish to speak. So,
5 therefore, I was just kind of monitoring Kevin Shaw
6 who was collecting all the evidence.

7 Q Okay. And so, to your knowledge, because this is
8 your case --

9 A Yes, sir.

10 Q -- the guns that are the subject of this
11 particular trial --

12 A Yes, sir.

13 Q -- were any of those guns found outside of a safe
14 or locked compartment acting as a safe?

15 A Not the guns that were seized, no.

16 Q So they were all locked away?

17 A Uh-huh.

18 Q What -- if they were all locked behind a safe,
19 what was idea that you had behind the -- well, excuse
20 me. Let me back up.

21 What was, to your knowledge specifically --
22 and if you don't know, that's okay. What specifically
23 was found that was not in a safe.

24 A In the bedroom that we believed that was
25 occupied by Mr. Scruggs, there was a black powder

1 rifle in plain view, sitting near the bed. I
2 think near the front by the bedroom door. But in
3 play view, beside the drugs that were located
4 under a bed.

5 MR. HARBIN: Judge --

6 THE WITNESS: I'm sorry. I apologize.

7 MR. HARBIN: Can we approach?

8 THE COURT: Yes, sir.

9 (Bench conference off the record.)

10 THE COURT: Madame Forelady, ladies and
11 gentlemen of the jury, would you please go to your
12 jury room?

13 (Jury exits the courtroom at 4:05 p.m.)

14 THE COURT: You keep ad libbing, I will
15 put you in jail. You understand me? I mean, I
16 count about four times you've added things in
17 here, drug things, you're volunteering things.
18 You know what you're doing. I'm catching it.
19 He's catching it. It's not going to go anymore.
20 If you do it, I'm going to hold you in contempt.
21 You understand me?

22 THE WITNESS: I apologize, Your Honor.

23 THE COURT: Do you understand me?

24 THE WITNESS: Yes, sir.

25 THE COURT: What's your objection?

1 MR. HARBIN: Judge, I think I have a
2 motion for a mistrial right now. There's charges
3 that specifically would not be tried today. And
4 my personal belief that --

5 THE COURT: My law clerk was handing me a
6 note. I missed the last thing. I heard the drug
7 thing twice by him already.

8 MR. HARBIN: So the statement that caused
9 me to object was that he -- when asked about which
10 guns -- or what was outside of the safe, he
11 responded that, *Nothing except the black powder*
12 *rifle and the drugs that were found.*

13 MS. FERGUSON: That could be -- there
14 were pills that were found. There wasn't just
15 methamphetamines found. There were pills that
16 were found and crushed.

17 MR. HARBIN: That's strings
18 congruently -- Judge, I don't know how you unring
19 that bell because they have reports of drug use
20 and he said that, and we, kind of, let that slide
21 because it was anonymous reports and it was just
22 police reports and I didn't believe Miss Ferguson
23 was going to follow up on that.

24 But then when you just blatantly say
25 there was drugs found, I don't know how you cure

1 that because they're just humans. They're trying
2 their best follow, but now they're going to say,
3 well, now we got drug guy with the guns now
4 shooting around children and schools.

5 THE COURT: Miss Ferguson.

6 .

7 MS. FERGUSON: Your Honor, I think drugs
8 doesn't necessarily mean illegal drugs. Lots of
9 people have drugs.

10 THE COURT: Oh, come on now. Come on.

11 .

12 MS. FERGUSON: I know. That's all I got
13 right now.

14 MR. HARBIN: I know Miss Ferguson and I
15 have been waiting a long time to try this case,
16 and I don't --

17 THE COURT: Let me tell you, I'm not
18 going to declare a mistrial. I'm going to give a
19 curative charge to the jury.

20 And I'm telling you, if there are any
21 more violations -- I've already had to exercise
22 his right not to talk to counsel, drugs on two or
23 three times, I'm about to the point where I am --
24 he knows what he's doing. He's doing it on
25 purpose and I'm about to hold him in contempt. So

1 you need to get witness under control. And I
2 would suggest you get under control.

3 THE WITNESS: I apologize.

4 THE COURT: Don't tell me you're sorry.
5 Stop.

6 THE WITNESS: Yes, sir.

7 THE COURT: Bring the jury back in,
8 please.

9 (Jury enters the courtroom at 4:13 p.m.)

10 THE COURT: Madame Forelady, ladies and
11 gentlemen of the jury, I want to point out to the
12 jury, you heard testimony referencing drugs. This
13 case isn't about that. This case is about weapons
14 and unlawful possession of weapons and other
15 charges related to that. It has nothing to do
16 with drugs. I'm going to ask you to disregard any
17 reference to drugs.

18 And I asked the State, I instruct the State
19 not to bring that up anymore.

20 Okay, go ahead.

21 MR. HARBIN: Thank you, Judge. May it
22 please the Court?

23 BY MR. HARBIN:

24 Q I'll pick up where we left off. All right. So I
25 believe we were talking about the guns, where they

1 were found.

2 A Yes, sir.

3 Q And I believe that all of the guns that are
4 subject to this trial were found behind the doors of a
5 safe or something operating as a safe.

6 A Yes, sir.

7 Q Is that fair to say?

8 A Yes.

9 Q And you said there was one black powder rifle that
10 was found outside of the safe, right?

11 A That was in a bedroom.

12 Q Did you-all leave -- you left that rifle, I
13 believe?

14 A We left it. We realized it was black power,
15 and we were aware of the charges.

16 Q Excellent, okay.

17 All right. And believe I was driving towards
18 idea of ammunition or pieces of ammunition being out.
19 Where did you witness that, and what state? Like, how
20 did you discover ammunition that was not -- I'm not
21 talking about any ammunition that would have been
22 behind any locked door.

23 A Well, I didn't discover any ammunition.
24 There was ammunition advised to me by personnel
25 there that was collected on top of the safes, and

1 I believe beside the safes outside of the safe.

2 Q That's fair. If you didn't see it. I'll leave for
3 the other officer.

4 So the total of your -- other than providing
5 us the background information for, kind of, how we got
6 here --

7 A Yes, sir.

8 Q -- the actual seizure of the guns and their
9 locations, that specific information is better left to
10 some of your fellow officers. You're not -- you don't
11 have that specific knowledge.

12 A Correct. I never handled any of the weapons
13 on scene.

14 Q And, to your knowledge, none of the guns were
15 outside the safes.

16 A No, sir. Not that I'm aware of.

17 Q One more minute. No further questions. Thank
18 you.

19 THE COURT: Redirect.

20 MS. FERGUSON: No redirect.

21 THE COURT: Thank you. You can step
22 down.

23 THE WITNESS: Yes, sir.

24 MS. FERGUSON: Your Honor, we are
25 checking on a witness.

1 THE COURT: You-all up here to get the
2 logistics, please.

3 (Bench conference held off the record.)

4 THE COURT: Call your next witness.

5 MS. FERGUSON: THE CLERK: Raise your
6 right hand. Do you solemnly swear or affirm to
7 tell the truth, the whole truth, and nothing but
8 the truth?

9 THE WITNESS: Yes, ma'am.

10 THE CLERK: Please walk around to our
11 witness chair. Would you please state your full
12 name for the record and spell your last name?

13 THE WITNESS: Morgan Partain,
14 P-a-r-t-a-i-n.

15 WHEREUPON:

16 MORGAN PARTAIN,
17 after having been sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MS. FERGUSON:

20 Q Miss Partain, where are you employed?

21 A The Anderson County Clerk of Clerk's
22 Office.

23 Q What do you do for the Anderson County Clerk of
24 Court's office?

25 A I am the Deputy Clerk of Court.

1 Q Under Madame Clerk's direction, are you the
2 custodian of the record for the Anderson County
3 records?

4 A Yes, ma'am. That's correct.

5 Q And that includes the criminal records for
6 Anderson County?

7 A Yes, ma'am. That's correct.

8 Q I show you what appears to be a true copy of a
9 sentence sheet.

10 A Yes, ma'am.

11 Q Can you identify that document?

12 A Yes, ma'am.

13 Q What is it, please?

14 A It is a sentence sheet.

15 Q What's the date of it?

16 A The sentence date is February the 8th of
17 2005.

18 Q Would you publish the indictment number?

19 A It is 2004-GS-04-3212.

20 Q And it's a sentence sheet pertaining to who?

21 A Mr. Charles Carles Spelled C-a-r-l-e-s.

22 A Yes, ma'am.

23 Q And is this document kept in the ordinary course
24 of business of the Anderson County Clerk's Office?

25 A Yes, ma'am. That's correct.

1 Q And is it substantially the same as when it was
2 recovered?

3 A Correct.

4 Q Has it been altered or amended in any way?

5 A .

6 MS. FERGUSON: As States fourth.

7 THE COURT: Any objection?

8 MR. HARBIN: No objection.

9 THE COURT: Admitted.

10 .

11 MS. FERGUSON: Thank you, ma'am. Please
12 answer any questions Mr. Harbin may have.

13 MR. HARBIN: No questions for this
14 witness.

15 THE COURT: May this witness be
16 excused.

17 MS. FERGUSON: Yes, please.

18 THE COURT: Thank you, ma'am. You are
19 excused.

20 MS. FERGUSON: Let me step out and see if
21 our Detective Wood is back.

22 MS. FERGUSON: Your Honor, if we may take
23 a brief recess. Detective Wood is on his way.

24 THE COURT: All right. Madame Forelady,
25 ladies and gentlemen, let's take about a 5- or

1 10-minute break. We're going to finish before
2 5:00. We're just trying to get more witnesses in.
3 If you would, go back to the jury room, please.

4 (Jury exits the courtroom at 4:22 p.m.)

5 THE COURT: You-all ready.

6 MS. FERGUSON: Yes.

7 THE COURT: Bring the jury in.

8 (Jury enters the courtroom at 4:31 p.m.)

9 THE COURT: Call your next witness.

10 .

11 MS. FERGUSON: The State calls Detective
12 Ronald Wood.

13 THE CLERK: Raise your right hand. Do
14 you solemnly swear or affirm to tell the truth,
15 the whole truth, and nothing but the truth?

16 THE WITNESS: I do, ma'am.

17 THE CLERK: Thank you. Please walk
18 around to our witness chair. And, if you would,
19 please state your full name for the record and
20 spell your last name.

21 THE WITNESS: Ronald Wood, W-o-o-d.

22 WHEREUPON:

23 RONALD WOOD,
24 after having been sworn, testified as follows:

25 DIRECT EXAMINATION

1 BY MS. FERGUSON:

2 Q You are Detective Ronald Wood?

3 A Yes, I am.

4 Q Where are you employed?

5 A Anderson County Sheriff's Office.

6 Q What do you do for Anderson County Sheriff's
7 Office?

8 A Right now task force officer with the drug
9 enforcement administration.

10 Q Now, were you so employed on April 6th of 2022?

11 A Yes, ma'am. I was in the narcotics
12 investigation unit.

13 Q And, at that time, did you photograph a residence
14 at 607 Jackson Street?

15 A Yes, ma'am. I did.

16 Q Were you on scene at 607 Jackson Street?

17 A Yes, ma'am. I was.

18 Q If you'll look on your screen, how many pictures
19 did you take at this time?

20 A Roughly, 310.

21 Q Okay. Is what I'm showing you on the screen one
22 of the photographs you took on that day?

23 A Yes, ma'am.

24 Q Can you identify that photograph?

25 A That is from the road looking directly out to

1 the house there. It's the center of the house.

2 Q Okay. And can you --

3 THE COURT: Are these admitted?

4 MS. FERGUSON: No, sir.

5 THE COURT: Would you mind getting them
6 admitted for me in evidence?

7 MS. FERGUSON: Certainly.

8 BY MS. FERGUSON:

9 Q I'm going to show you a series of photographs.

10 A Yes, ma'am.

11 Q I'm not showing you 310 photographs. Can you
12 identify those photographs, please.

13 A Yes, ma'am. I can.

14 Q What are they?

15 A They are pictures I took on that day at
16 607 Jackson Street in Anderson.

17 Q Are those photographs of both the interior and the
18 exterior of a certain property at 607 Jackson
19 Street?

20 A Yes, ma'am. They are.

21 Q Do they accurately depict what you observed on
22 that date?

23 A Yes, ma'am. They do.

24 Q Have they changed in any manner since you took
25 them that you know of?

1 A That I know of, no.

2 MS. FERGUSON: Your Honor, we'd ask that
3 these nine photographs be admitted as State's
4 fifth. I believe counsel has had access to all of
5 them.

6 MR. HARBIN: We have no objection.

7 THE COURT: Is 5 through 13?

8 MS. FERGUSON: Your Honor, they can be
9 one exhibit since they were taken by Mr. Wood.

10 THE COURT: 5 then.

11 MS. FERGUSON: Let me count. There are
12 eight photographs in State's fifth.

13 THE COURT: 6?

14 THE COURT REPORTER: 5, Your Honor.

15 MS. FERGUSON: State's fifth.

16 (STATE EXH. 5, Photos; 607 Jackson
17 Street, was marked and entered into evidence.)

18 BY MS. FERGUSON:

19 Q All right, Detective, let's go back.

20 A All right.

21 Q That photograph here is to depict the front of the
22 residence?

23 A That's correct. That's the front of the
24 residence.

25 Q What is this?

1 A That is, as you're going out, there's a
2 detached garage on the back of the residence at
3 607 Jackson Street.

4 Q Is that a different angle of that particular one?

5 A Yes, ma'am. That's the back of property
6 where the house is.

7 Q Slow down and speak up, because I'm --

8 A Okay.

9 Q What does that depict please, sir?

10 A That picture appears to be just down from
11 where -- I think there's a wooden fence there
12 behind the residence looking back towards the back
13 of the property showing the same -- what's on that
14 back picture that you just shown me, that's the
15 front of it where that garage outbuilding --
16 whatever you want to call it.

17 Q That would be how you approach it from the street
18 and the house?

19 A Yes, ma'am.

20 Q Well, this appears to be what, sir?

21 A That's inside of that garage or outbuilding,
22 and the picture is mainly focusing on a Winchester
23 safe that's there against the back wall on that
24 sidewall.

25 Q I believe they're all self-explanatory. What is

1 that, please, sir?

2 A That is just a little -- it's a blurry at the
3 top. It appears to be just a little different
4 angle, maybe looking off to the left. Sort of,
5 more opening of the garage, the same
6 outbuilding.

7 Q And in a previous photograph, that Winchester safe
8 seems to be closed?

9 A Yes, ma'am. It is.

10 Q Now, it appears to be open; is that correct?

11 A Yes, ma'am. It is.

12 Q What is that photograph? Again, self-explanatory.

13 A That appears to be Winchester safe that has
14 multiple guns that are inside the safe.

15 Q Detective Wood, when you were on scene, were there
16 any guns outside the safes?

17 A Not that I recall there. Not that I
18 recall.

19 Q There was one that looks to be -- something?

20 A Yes, ma'am. That appears to be some type of
21 rifle.

22 Q And when you were on scene, did you observe any
23 ammunition that was outside of the safe?

24 A I don't recall issuing pictures, but I think
25 so. Yes, ma'am.

1 Q At some point, were there difficulties at the
2 Anderson County Sheriff's office with the servers and
3 the storage of photographs and other evidence?

4 A Yes, ma'am. The computer did crash at some
5 point in time. I can't remember when.

6 Q So our hard copies, these are what's left. Is
7 that a fair and accurate statement, as best you know?

8 A The best I know. Unless you're missing some,
9 I'm not sure.

10 Q Okay. Thank you, sir. Please answer any
11 questions Mr. Harbin may have.

12 CROSS-EXAMINATION

13 BY MR. HARBIN:

14 Q When you walk into a location to be photographed,
15 you're the first person to walk in, like ahead of
16 anyone disturbing what you're going to be
17 photographing?

18 Am I first first During the search
19 warrant, I was assigned to secure the perimeter.
20 Once the scene was secured, which means people go
21 in there and make sure there's no threat or
22 anything like that, then we take our photos and go
23 from there.

24 Q So, my question really is more, do you take
25 pictures before the folks that come in behind you to

1 collect evidence start their business?

2 A We try to do overall first when they find
3 things, we take our photos, yes, sir.

4 Q But to be clear, you take what I would call kind
5 of like a baseline picture, like this is what it
6 looked like before officers, kind of, interacted with
7 the scene, and then you take pictures ongoing
8 throughout if something says, *Hey, I found this. Take*
9 *a picture of this.*

10 A Right. The pictures shows my initial taking
11 of photographs.

12 Q Okay. And those are representations of what it
13 was -- which ones -- and I can hand them back to
14 you -- which ones are the state of the house before
15 officers interacted, if you'd like to see them, and
16 after?

17 A I would have to look because they are
18 numbered. Some of them in the garage, I could be
19 wrong, say 75 through 78, which is -- when I was
20 there taking pictures, they're numbered so you can
21 tell how which order they are taken.

22 Q That's helpful. So if I understood correctly,
23 your testimony was that of the 300 plus pictures you
24 took --

25 A I can't say without looking at the numbers.

1 I know the scene-wise was 39 to 44. There's a few
2 out there from other cases.

3 Q But from that number, whatever that number happens
4 to be --

5 A Yeah.

6 Q -- but these are the only ones that are available
7 to you right now?

8 A That's all she handed me, sir.

9 Q Okay. I was asking about clarification for the
10 server issue that she had asked you about, if you
11 could explain.

12 A I can't tell you what was lost in the server.
13 I'm not a IT guy.

14 Q ?

15 MS. FERGUSON: I don't know what she has.
16 I took photographs. I don't know, out of what was
17 turned over, how many she actually has.

18 Q Fair enough. Fair enough.

19 No further questions. Thank you.

20 A Thank you, sir.

21 THE COURT: Redirect?

22 MS. FERGUSON: No redirect. We'd ask
23 that this witness be excused.

24 THE COURT: Any objection?

25 MR. HARBIN: No.

1 THE COURT: Thank you, sir. You are
2 excused.

3 Madame Forelady, ladies and gentlemen of the
4 jury, it's a good time to break. If I would, leave
5 your notes in the jury room. We'll keep them under
6 lock and key. Is there any reason we can't get
7 started, like, 9:30 in the morning? I'm going to
8 remind you, if you would, please don't talk to
9 anybody, look, read, or hear anything about the case
10 and we'll see you at 9:30 in the morning.

11 (Jury exits the courtroom at 4:43 p.m.)

12 THE COURT: Anything from the State
13 before we get break for the afternoon.

14 MS. FERGUSON: No.

15 THE COURT: From the defense?

16 MR. HARBIN: No.

17 THE COURT: Mr. Scruggs, be here in the
18 morning.

19 THE WITNESS: Yes, Your Honor.

20 THE COURT: We'll see you-all in the
21 morning.

22 (The trial was adjourned at 4:44 p.m.)

23

24

25

CERTIFICATE OF REPORTER

I, SHARON G. HARDOON, Official Circuit Court Reporter, III for the State of South Carolina at Large, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in General Sessions Court for Anderson County, South Carolina.

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

January 4, 2026



Sharon G. Hardoon, CSR
Official Circuit Court Reporter, III

1 STATE OF SOUTH CAROLINA
2 IN GENERAL SESSIONS
3 COUNTY OF ANDERSON

4 State of South Carolina,

5 vs. Transcript of Record
6 2022-GS-04-1525 x 27
7 2022-GS-04-1794
8 2022-GS-04-1524
9 2022-GS-04-2053

10 Carles Brandon Scruggs,

11 Defendant.

12 June 17, 2025
13 Anderson, South Carolina
14 Volume II of III

15 B E F O R E:

16 The HONORABLE R. SCOTT MCINTOSH

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

18 Patti Ferguson, Solicitor
19 Chase Kinsey, Solicitor

20 Hunter Chase Harbin, Representing the defendant

21
22 SHARON G. HARDOON, CSR
23 Official Circuit Court Reporter, III
24
25

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1 THE BAILIFF: All rise.

2 THE COURT: You figure out logistics?

3 MS. FERGUSON: Yes, sir. We have.

4 THE COURT: Good.

5 MS. FERGUSON: Your Honor, for planning
6 purposes, your first witness will be Chris Beusse.
7 He is the person responsible for, kind of, staging
8 it and telling us how the evidence comes in.

9 Your next witness is Kevin Shaw who would
10 have been an inventory -- or handwritten inventory
11 that's been redacted by Mr. Harbin and me.

12 THE COURT: Okay. Is that matter you
13 were going to talk about, those redactions?

14 MR. HARBIN: Yes, sir.

15 THE COURT: Do I need to put anything on
16 the record about that?

17 MR. HARBIN: I don't believe so.

18 MS. FERGUSON: I would.

19 THE COURT: Perfect.

20 MS. FERGUSON: And then the next witness
21 is Michael Campbell, and we'll begin putting the
22 guns in with Michael Campbell.

23 THE COURT: All right. Anything from the
24 defense before we get started?

25 MR. HARBIN: No, sir.

1 THE COURT: Would you bring the jury in?

2 (Jury enters the courtroom at 10:06 a.m.)

3 THE COURT: Good morning.

4 JURY PANEL: Good morning.

5 THE COURT: Ladies and gentlemen, over
6 the evening, did anybody read, hear, or see
7 anything about this case or did anybody speak with
8 you about this case or did you speak with anybody
9 about this case? If so, would you raise your
10 hand? (No response.)

11 Excellent, I know sometimes when you're
12 sitting back there you're wondering, *What in the*
13 *world are they doing out there?* I promise you,
14 things are being done. We're not just sitting
15 around drinking coffee. And a lot of times, if
16 there's a delay, I'm causing it. The lawyers are
17 ready to go. So if there's a delay, you-all get
18 mad at me, not the lawyers. Because that's my
19 fault.

20 That being said, you ready with your next
21 witness?

22 MS. FERGUSON: Yes, sir. The State calls
23 Chris Beusse.

24 THE CLERK: Please raise your right hand.
25 Do you swear or affirm the testimony you give to

1 this Court will be the truth, the whole truth, and
2 nothing but the truth?

3 THE WITNESS: Yes, ma'am.

4 THE CLERK: Please come around to your
5 witness chair. If you would please state your
6 full name for the record and spell your last name.

7 THE WITNESS: Christopher Henry Beusse.
8 It's B-e-u-s-s-e.

9 WHEREUPON:

10 CHRISTOPHER BEUSSE,
11 after having been sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MS. FERGUSON:

14 Q Mr. Beusse, where are you employed?

15 A The Anderson County sheriff's office.

16 Q What do you do for the Anderson County Anderson
17 Sheriff's Office?

18 A I'm the lieutenant over the forensics
19 division, the evidence division, and the latent
20 print division.

21 Q Are you responsible for all of the evidence that's
22 collected in any traffic stop, any search warrant,
23 anything where an officer touches a piece of
24 evidence?

25 A Yes, ma'am.

1 Q How do you hold that evidence?

2 A It's secured in an area that's at the
3 sheriff's office.

4 Q So when an officer seizes a piece of evidence,
5 does he generate a form?

6 A Yes. We have an evidence management system
7 called FileOnQ, they enter it there. Evidence
8 management system is called FileOnQ at the
9 sheriff's office and they enter property into
10 that.

11 Q With large amounts of evidence, is it uncommon for
12 them to do a handwritten sheet that labels each piece
13 as they go through it?

14 A No, ma'am. That's common.

15 Q And on April 6, 2022, was that the common practice
16 in the Anderson County Sheriff's Office?

17 A Yes, ma'am.

18 Q And just for information only --

19 THE COURT: Has that been admitted yet?
20 Has that been admitted?

21 MS. FERGUSON: No, sir. I'm just using
22 it for reference. It will be admitted through
23 Kevin Shaw. That's your next witness.

24 THE COURT: Okay.

25 BY MS. FERGUSON:

1 Q So that's, kind of, the handwritten inventory with
2 the officer's name?

3 A Yes, ma'am.

4 Q And then what kind of form comes next?

5 A They fill out a property report. When they
6 enter the evidence into the management system, it
7 states the case number, the address where they
8 found the property, who found it, and the date it
9 was received.

10 Q Does it look something like that?

11 A Yes, ma'am. Each thing is entered with a bar
12 code. That's how we track it at the sheriff's
13 office.

14 Q Are there two tracking systems for each piece of
15 evidence? There's a number and then the bar code,
16 like the location code?

17 A Yes, ma'am. We label -- the bar is attached
18 to the item, and then the bar code is assigned a
19 storage action.

20 Q And you keep track of those bar codes how?

21 A Through the chain of custody.

22 Q That's the next form is a chain of custody form?

23 A Yes, ma'am.

24 Q To your knowledge, were those forms generated in
25 this particular case?

1 A Yes, ma'am.

2 Q Has this evidence in this case been kept securely
3 in your facility since it was entered?

4 A Yes, ma'am, it has.

5 Q What date did it come into your custody or your
6 possession? On or about April 6th of 2022?

7 A Yes, ma'am.

8 Q Now, at concern points are pieces of evidence
9 moved around for testing or other?

10 A Yes, ma'am. It's -- we might move things
11 around for different situations. We usually -- as
12 soon as they come in, we assign them a storage
13 location. We might have to adjust that storage
14 location based on other evidence that were
15 received in different cases, so we might change it
16 from log note 5 to log note six. We start
17 organizing stuff as it comes in.

18 We also -- if somebody comes in and needs to
19 look at the property, we'll move it to a location
20 where they can see it and then we'll place it back in
21 our storage location.

22 Q Are those movements tracked through the chain of
23 custody sheets?

24 A Yes, ma'am.

25 Q Some of your custody sheets show the initials

1 NIBIN, N-I-B-I-N, what does that indicate?

2 A That's a program where we test-fire our guns.

3 So if we get -- we receive guns on different
4 cases. We'll test fire the guns and we'll send
5 these to SLED to be tested. In the interim, we
6 have to see if they're related to another case or
7 crime.

8 Q Each person that touches a piece of evidence logs
9 in on that chain of custody sheet?

10 A Yes, ma'am.

11 Q Now, Hansey Allen and Brad McGuire are also shown
12 your chain of custody sheets. Are they still in your
13 employment?

14 A No, ma'am. Both of those folks have retired.

15 Q They would not have any reason to move or alter
16 any of the evidence at your location?

17 A No.

18 Q Likewise, are there times when you return evidence
19 that's been entered into your facility?

20 A Yes, ma'am.

21 Q Lieutenant Beusse, I'm showing you what appears to
22 be a consent order. Counsel has a copy. Can you
23 identify that consent order?

24 A Yes, ma'am.

25 Q What is it?

1 A It's a consent order to return some
2 property.

3 Q What property was returned by that consent
4 order?

5 A It would have been multiple firearms that
6 were received under this case.

7 Q Returned to whom? Is it Roger --

8 A Yes, ma'am. Roger Scruggs.

9 Q And who else?

10 A Christy Scruggs.

11 Q Thank you. Is that an accurate copy of what you
12 received?

13 A Yes, ma'am.

14 Q And did you act in accordance with this consent
15 order?

16 A Yes, ma'am.

17 MS. FERGUSON: Your Honor, we ask that
18 this be marked and admitted as State's, I think,
19 8.

20 THE COURT: Any objection?

21 MR. HARBIN: No, sir.

22 THE COURT: Admitted. What number would
23 that be, Madame Court Reporter?

24 COURT REPORTER: 6.

25 THE COURT: 6.

1 (STATE EXH. 6, Consent Order, was
2 marked and entered into evidence.)

3 BY MS. FERGUSON:

4 Q Thank you. Please answer any questions Mr. Harbin
5 may have.

6 A Yes, ma'am.

7 CROSS-EXAMINATION

8 BY MR. HARBIN:

9 Q Just to be clear, the way -- your procedure --

10 MR. HARBIN: Judge, if I could --

11 BY MR. HARBIN:

12 Q Could you move the screen maybe up against the --
13 it gets in the way of being able to see you.

14 A Okay.

15 Q So the handwritten log is created in the moment,
16 like, as the evidence is being collected?

17 A Yes, sir.

18 Q In this case, you created that particular log?

19 A That would be when the officers collected the
20 property.

21 Q So what is the -- if you can kind of give me -- if
22 we're blocking a movie, like, where people are coming,
23 the officers are retrieving a piece of evidence, and
24 they're walking over to a person that's essentially
25 collecting that evidence, or how does that work?

1 A Well, people do it different ways. I don't
2 know how they did it that day, but it looks like
3 they were collecting the items and somebody was
4 keeping a log of the items that were collected.

5 Q Okay.

6 A That is then entered into our evidence
7 management system, and that's what we receive in
8 evidence.

9 Q So you take the handwritten stuff and you create
10 the computer version of the handwritten stuff. Is
11 that over-simplified?

12 A No, it's not.

13 Q So that's the purpose of -- that's what you do to,
14 kind of, keep everything organized?

15 A Yeah. There's two ways things can happen.
16 It can be through a physical written property
17 sheet, fill it out, turn it in to us and one of
18 our evidence techs enters it into evidence, or we
19 have a computer system that they can enter it
20 themselves.

21 Q Okay. They can directly enter it or they can ask
22 you to help them enter it.

23 A Yes.

24 Q Okay.

25 MR. HARBIN: One second, Judge. No

1 further questions. Thank you.

2 THE COURT: Redirect.

3 MS. FERGUSON: No redirect, Your Honor.

4 We'd ask that this witness be excused.

5 THE COURT: Any objections?

6 MR. HARBIN: No, Your Honor.

7 THE COURT: Thank you, sir. You are
8 excused.

9 THE WITNESS: Thank you.

10 MS. FERGUSON: The State calls Kevin
11 Shaw.

12 THE CLERK: Raise your right hand. Do
13 you solemnly swear or affirm to tell the truth,
14 the whole truth, and nothing but the truth?

15 THE WITNESS: I do.

16 THE CLERK: Please walk around to our
17 witness chair. If you would, please state your
18 full name for the record and spell your last
19 name.

20 THE WITNESS: Kevin Shaw, S-h-a-w.

21 WHEREUPON:

22 KEVIN SHAW,
23 after having been sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MS. FERGUSON:

1 Q Mr. Shaw, where are you employed?

2 A With the Anderson City Sheriff's Department.

3 Q Has that been your continuous employment or did
4 you work someplace else before?

5 A Prior to the City Police Department, I was
6 employed with the Anderson County Sheriff's Office
7 from 2017 to 2023 or '24.

8 Q You were so employed on April 6th of 2022?

9 A I was.

10 Q And on that date, were you assigned to go to a
11 residence at 607 Jackson Street?

12 A Yes, ma'am.

13 Q What was your task at 607 Jackson Street?

14 A My task that day was to assist Detective
15 Velez with his case and he tasked me with the
16 collection of evidence.

17 Q What does that mean, collection of evidence? What
18 did you do?

19 A So when you're tasked with the collection of
20 evidence, we had, basically, an inventory sheet of
21 where we keep track of evidence that -- there's
22 multiple people searching and they bring it to one
23 collection point. And that day, they were
24 bringing me evidence. I had a stationary place to
25 be and they were reading serial numbers and all

1 kinds of different things out to me and I was
2 documenting it, and then I was in charge of
3 transporting that from the scene back to the
4 sheriff's office to our evidence.

5 Q How many officers were handing you evidence at
6 this scene?

7 A If I could correctly, probably -- I want to
8 say six to eight.

9 Q All at one time or were they acting in an orderly
10 fashion?

11 A Well, with the weather that had came in or
12 was coming in, I mean, they're all standing in
13 line and they want to hurry up so they can get
14 back to searching and finishing their job, so
15 there might be a line of them there just handing
16 me different stuff.

17 Q On that date -- I'm handing you what appears to be
18 a handwritten search inventory. Can you identify that
19 document?

20 A I can.

21 Q What is that?

22 A This is our -- it's the Anderson County
23 Sheriff's Office search inventory form.

24 Q Is that your handwriting on that search
25 inventory?

1 A It is.

2 Q And is that the inventory you made on April 6,
3 2022 at 607 Jackson Street?

4 A Yes, ma'am, it is.

5 MS. FERGUSON: Your Honor, we'd ask that
6 this be marked and admitted as State's seventh.

7 THE COURT: Any objection?

8 MR. HARBIN: No, sir.

9 THE COURT: Admitted.

10 (STATE EXH. 7, Inventory Sheet, 607 Jackson
11 Street, was marked and entered into evidence.)

12 BY MS. FERGUSON:

13 Q I'm going to put that on the screen. Can you see
14 that pretty good? Fairly well?

15 A Yes.

16 Q What do you do when an officer brings, let's say,
17 item F-1 to you?

18 A So F-1, if there's a previous item, obviously
19 the F-2 and so on and so forth, and you have to
20 document that. F just indicates that it's a
21 firearm. The 1, obviously, is just the item
22 number that is.

23 After that, you write a brief description of
24 the item. And, essentially, I'm just looking down.
25 They're reading it out to me, all the details. So the

1 primary details, like, what color it is, what type of
2 firearm it is, serial number, and if and how many
3 rounds are contained with that firearm or from that
4 firearm.

5 And then you go to the location that they
6 found it. They tell you that, you document it, you
7 write it down, and also the time and the person who
8 handed you that evidence and the time that they found
9 it.

10 Q Did you follow that procedure for each piece of
11 evidence that was handed to you at Jackson Street?

12 A I did.

13 Q And did you also document the person who found
14 that piece of evidence on the right-hand column?

15 A I did.

16 Q Now, with F-1 indicating firearms -- I'm sorry.
17 There's really no easy way to do that.

18 The first set was found by M. Campbell. Who
19 was that?

20 A That was Detective Michael Campbell.

21 Q He was on the scene and handing you evidence?

22 A Yes.

23 Q And the line reflected on the second page, what
24 does that mean?

25 A That just means -- instead of me writing M.

1 Campbell, it was just a shorthand way of saying
2 that it was him that found all these items through
3 the line until it stops and goes to the next
4 person.

5 Q Same thing on page 3?

6 A Yes, ma'am.

7 Q And these are still -- f-22 looks to be a
8 backpack. Can you read that from there?

9 A Yes. A desert tan, MOLLE backpack containing
10 assorted magazines and ammunition.

11 Q So during this search, did you also receive some
12 backpacks or other duffle bags that you indicated on
13 your search inventory?

14 A I did.

15 Q And that was one of them?

16 A Yes, ma'am.

17 Q And then we change to -- on F-26 that changes to
18 Lindsey. Who is Lindsey?

19 A I'm not sure of his title at the time, but
20 that's J. Lindsey.

21 Q Okay. And he was pulling items from a different
22 safe than Campbell; is that correct?

23 A That's correct.

24 Q So from safe 2, Lindsey has a line drawn. Those
25 are the items that he collected?

1 A Yes, ma'am.

2 Q Same thing down to C. Wood?

3 A Yes, ma'am.

4 Q Back to Lindsey on page 6?

5 A Correct.

6 Q And F-48 and F-49 are boxes of asserted
7 ammunition; is that correct?

8 A Correct.

9 Q When you were at the scene, were was this
10 ammunition? I know safe 5 on one, was all the
11 ammunition contained in the safe?

12 A No. At the back of the residence, so if
13 you're facing the house, the building is to the --
14 kind of, like, catty-corner back left. And when
15 you walk in the building, I mean, it's -- that was
16 just a plethora of tools, ammunition. I think I
17 remember a firearm laying on a table. Safes,
18 different -- all kinds of stuff out there.

19 Q This has been previously marked and admitted as
20 State's fifth, is that the scene that you observed?

21 A Yes, ma'am.

22 Q Where did they put you?

23 A If I remember correctly, I was actually
24 stationed in the front yard, just because it was
25 easier than -- there was really nowhere to sit

1 back there. So I think I was at, like, a tailgate
2 of a truck, if I remember correctly, so I had a
3 platform to write on and we were going to
4 transport the evidence anyway.

5 Q Going back to your evidence sheet. So Lindsey
6 picks back up with F-46; is that right?

7 A That's correct.

8 Q Safe 3?

9 A Yes.

10 Q And then F-50 becomes ammo cans and other assorted
11 ammunition?

12 A Correct.

13 Q Now, after you logged all this in on your
14 inventory, what did you do with all that?

15 A We transported back to the Anderson County
16 Sheriff's Office where we -- we have to complete
17 firearms sheets and it has, basically, the make
18 and model on those other firearms along with the
19 serial number. What country it's manufactured,
20 things of that nature, for forensics to conduct --
21 I'm not exactly sure what they do from that point
22 with it. At some point, it has to be fired so I
23 know that they use that sheet to help them with
24 that, and it coincides with the firearm itself.
25 You have to tag it.

1 And then you also have to -- I remember if we
2 placed all those in firearm boxes. I can't remember
3 exactly. But, typically, you'll place it -- if it's a
4 handgun, you'll place it inside of a handgun box. You
5 write your information on it. And it's either --
6 sometimes it would be zip tied or sometimes it would
7 be placed in there and you secure it inside of an
8 evidence locker.

9 Q How long did you spend doing this?

10 A A long time.

11 Q Okay.

12 A There was a lot. It was -- I mean, it's the
13 most I had to process in 15, 16 years that I've
14 been a law enforcement. So it was just a lot. I
15 don't remember exactly how long it took, but I
16 know it took hours and hours to process all of it.

17 Q And once it's processed, the property report is
18 just, kind of, what you filled out too?

19 A Uh-huh.

20 Q And then chain of custody sheets; is that
21 correct?

22 A That's correct.

23 Q Now, when you left, how did you leave the scene
24 with all of this evidence?

25 A We brought an enclosed trailer -- from what I

1 remember just because it started to rain, the
2 weather started coming in, just to, kind of,
3 preserve the integrity of the evidence as well as
4 not damage the firearms themselves. So we
5 transported them in an enclosed trailer,
6 everything.

7 Q Did you help unload it at the sheriff's office?

8 A Yes, ma'am.

9 Q Between the scene and the sheriff's office, did
10 you stop, did you alter anything in that trailer, did
11 anybody take anything out, or add anything to it?

12 A Oh, no.

13 Q Thank you, sir. Please answer any questions
14 Mr. Harbin may have.

15 A All right.

16 MR. HARBIN: May it please the Court?

17 THE COURT: Yes, sir.

18 CROSS-EXAMINATION

19 BY MR. HARBIN:

20 Q Officer Shaw, the -- your job is kind of
21 collection -- well, central collection. You weren't
22 collecting the individual items; is that correct?

23 A That's correct.

24 Q And you were stationed in the front yard, and, I
25 guess, a lot of the activity was obviously inside the

1 house and then inside the outbuildings in the
2 backyard, correct?

3 A Yes.

4 Q So, when somebody hands you a piece of evidence,
5 do they also -- what information do you ask of them at
6 the time as they are handing you the evidence?

7 A So I just have them read the description of
8 the firearm, and then I ask them, *Where did you*
9 *find this*, and they tell the location that they
10 found it. And then I look at my watch or my phone
11 and document the time and who the person is.

12 Q Okay. And the same thing for any other item. You
13 just ask them to describe the item, where did you find
14 it, the time?

15 A Correct.

16 Q So, essentially, you're here as part of the chain
17 of custody, but not as the person who collected it
18 from where it was originally, right? You're not here
19 to testify as a fact witness as to where it was, only
20 to what somebody told you where it was?

21 A That's correct.

22 Q Okay, thank you.

23 MR. HARBIN: No further questions.

24 THE COURT: Redirect.

25 MS. FERGUSON: No redirect, Your Honor.

1 We ask that Mr. Shaw be excused.

2 THE COURT: Any objection?

3 MR. HARBIN: No, sir.

4 THE COURT: Thank you, sir. You are
5 excused.

6 THE WITNESS: Thank you.

7 MS. FERGUSON: At this time, Your Honor, the
8 State will begin producing the firearms. If the Court
9 needs a break at this time, I think it would be a good
10 idea.

11 THE COURT: Ladies and gentlemen,
12 apparently some of the evidence, there's a little
13 bit of logistics we're going to have to deal with.
14 I'm going to take this opportunity to point out in
15 the event there is firearms that would be produced
16 in this courtroom, please know they have been
17 disabled. They are not able to be fired, and
18 they, regardless, will not be pointed at anyone,
19 including yourselves.

20 But if you would, let's take about a 10-
21 15-minute break and we'll continue at that point.

22 (Jury exits the courtroom at 10:29 a.m.)

23 THE COURT: Would you-all send word down
24 when you're ready?

25 MS. FERGUSON: We're ready.

1 THE COURT: Oh, you are?

2 MS. FERGUSON: Yes.

3 (Off the record.)

4 THE COURT: Mr. Harbin, are you ready?

5 MR. HARBIN: Yes, sir.

6 (Jury enters the courtroom at 10:41 a.m.)

7 THE COURT: Next witness, please.

8 MS. FERGUSON: The State calls Detective
9 Campbell.

10 THE CLERK: Raise your right hand. Do
11 you solemnly swear or affirm to tell the truth,
12 the whole truth, and nothing but the truth?

13 THE WITNESS: I do.

14 THE CLERK: Please walk to around to our
15 witness chair.

16 THE WITNESS: Yes, ma'am.

17 THE CLERK: If you would, please state
18 your full name for the record and spell your last
19 name.

20 THE WITNESS: My name is Michael
21 Campbell, C-a-m-p-b-e-l-l.

22 THE COURT: Move your microphone a little
23 bit. That's it. Thank you.

24 WHEREUPON:

25 MICHAEL CAMPBELL,

1 after having been sworn, testified as followed:

2 DIRECT EXAMINATION

3 BY MS. FERGUSON:

4 Q Detective Campbell, where are you employed?

5 A The Anderson County Sheriff's Office.

6 Q What do you do for the Anderson County Sheriff's
7 Office?

8 A I'm a detective in the special investigation
9 division.

10 Q Were you so employed on April 6th of 2022?

11 A Yes, ma'am.

12 Q And, on that date, did you respond to 607 Jackson
13 Street here in Anderson County?

14 A Yes, ma'am.

15 Q What was your task at 607 Jackson Street?

16 A Initially, I'm part of the SWAT team, so
17 we -- because of the nature of the search warrant,
18 we were called to do the initial entry and I
19 stayed afterward to help with the evidence
20 collection.

21 Q Where did you go to collect evidence?

22 A I was primarily in the garage and back left
23 side of the property where there were two safes
24 located.

25 Q Okay. That was my next question, how many safes.

1 How did you gain access to the safes?

2 A I talked to the lady there on scene and she
3 finally gave us the code to get into one safe
4 which contained the code to the other safe in the
5 outbuilding.

6 Q Which safe did you remove the property from?

7 A It's safe number 1, as it was in the evidence
8 collection list.

9 Q And after you retrieved the evidence from that
10 safe, what did you do with that?

11 A We took it to the front yard of the property.
12 We had set up an evidence collection location
13 point.

14 Q Kevin Shaw, was he logging in your evidence?

15 A That's correct.

16 Q And on your screen you will see a list of the
17 evidence.

18 A Yes, ma'am.

19 Q And when you handed it to Kevin, what did he do?

20 A He logged it into the collection log.

21 Q On that sheet?

22 A That's correct.

23 Q So, the first item on that collection sheet is
24 marked F-1 on the chain of custody. I hand you that
25 sheet, what is it?

1 A Palmetto State AR-15.

2 Q And where did that item come from?

3 A The safe in the outbuilding in the backyard
4 of the property.

5 Q Does it have a designation of safe 1, 2, 3?

6 A Safe 1, yes, ma'am.

7 Q All right. Is that shown on the inventory sheet
8 to your left?

9 A It is.

10 Q And F-1 matches what you got in your hand as the
11 chain of custody?

12 A That's correct.

13 MS. FERGUSON: Your Honor, we'd ask --
14 well, no.

15 BY MS. FERGUSON:

16 Q I'll also show you have photographs. What do you
17 see on that yellow tag on the photograph?

18 A Evidence noted as F-1.

19 Q And does that correspondence with the inventory
20 sheet and your chain of custody?

21 A It does.

22 MS. FERGUSON: Your Honor, we'd ask that
23 the two photographs and the chain of custody be
24 marked and admitted as State's ninth.

25 THE COURT: 9?

1 MS. FERGUSON: 9.

2 THE COURT: Any objection?

3 MR. HARBIN: No, sir.

4 THE COURT: Admitted.

5 COURT REPORTER: Your Honor, it's 8.

6 THE COURT: What is it?

7 MS. FERGUSON: 8.

8 COURT REPORTER: 8.

9 THE COURT: 8, thank you.

10 (STATE EXH. 8, Photo; F-1, Palmetto
11 State Armory AR-15, marked and entered into
12 evidence.)

13 BY MS. FERGUSON:

14 Q If we can retrieve F-1. Let's show it to
15 Detective Campbell.

16 Detective Campbell, is that F-1 and black PSA
17 AR-15 PA15 multi?

18 A Yes, ma'am.

19 Q Was there any ammunition with that particular
20 weapon?

21 A Yes, ma'am.

22 Q Is that the weapon you see from safe 1 on April
23 6th, 2022?

24 A That's correct.

25 Q Does it look substantially the same as when you

1 got it?

2 A It does.

3 MS. FERGUSON: Marked and admitted, I
4 believe, would be the 9-A would be the easiest way
5 to do it -- or 8-A.

6 THE COURT: 8-A.

7 MS. FERGUSON: 8-A.

8 THE COURT: Any objection?

9 MR. HARBIN: No, sir.

10 THE COURT: 8-A will be admitted.

11 (STATE EXH. 8-A, F-1, PSA AR-15 Rifle,
12 was marked and admitted into evidence.)

13 MS. FERGUSON: Let me suggest that we
14 take that back out. If you want to show the jury.

15 And, Officer, just hold it up and let the
16 jury look at and then we'll take it back out.

17 OFFICER: (Complies.)

18 THE COURT: Thank you, sir.

19 BY MS. FERGUSON:

20 Q So moving on to item F2 in the inventory sheet
21 marked item 7. Does that correspond with your chain
22 of the custody?

23 A Yes, ma'am, it does.

24 Q And I'm showing you two photographs. What does
25 the tag say on those two photographs?

1 A F-2 evidence tag.

2 Q What is item F-7?

3 A F-7?

4 Q Excuse me. Item 7, I'm sorry.

5 A Oh, okay. It's a black American tactical
6 1011 handgun.

7 Q Does that photograph match the gun that you seized
8 from safe 2?

9 A Yes, ma'am, it does.

10 MS. FERGUSON: Your Honor, marked and
11 admitted as State's -- Sharon, help me. 9?

12 COURT REPORTER: 9.

13 THE COURT: Any objection?

14 MR. HARBIN: No, sir.

15 THE COURT: Admitted.

16 (STATE EXH. 9, Photo; F-2, American
17 Tactical 1011 Handgun, was marked and entered into
18 evidence.)

19 MS. FERGUSON: Can we retrieve F-7,
20 please? Item 7, F-2.

21 BY MS. FERGUSON:

22 Q Is that handgun the gun you seized from safe 1 in
23 the outbuilding?

24 A That's correct.

25 Q It's listed as a black American tactical 1911?

1 A Yes, ma'am.

2 MS. FERGUSON: Your Honor, we'd ask that
3 be marked and admitted as subpart A.

4 THE COURT: Any objection?

5 MR. HARBIN: No, sir.

6 THE COURT: Admitted as 9-A. If you
7 would show that to the jury also.

8 (STATE EXH. 9-A, F-2, Black American
9 Tactical 1911, marked and entered into evidence.)

10 BY MS. FERGUSON:

11 Q Let me turn your attention to item F-3 -- or, I'm
12 sorry. F-3, item 8. I'm handing you what appears to
13 be a chain of custody for that. What is that?

14 A It's the black crystal 9mm handgun.

15 Q Is that the item you see that's from safe 1 as
16 item 8?

17 A Yes, ma'am.

18 Q Is that a photograph that corresponds to your
19 chain of custody?

20 A It does.

21 Q What does that evidence tag say on that weapon?

22 A F-3.

23 MS. FERGUSON: Your Honor, marked and
24 admitted as State's 10.

25 THE COURT: 10.

1 Any objection?

2 MR. HARBIN: No, sir.

3 THE COURT: Exhibit 10 is admitted.

4 (STATE EXH. 10 Photo; F-3, Black Crystal
5 9mm, was marked and entered into evidence.)

6 MS. FERGUSON: If the officer will bring
7 forward item 8.

8 BY MS. FERGUSON:

9 Q Detective Campbell, is that the gun that you
10 seized from safe 1 in the outbuilding?

11 A Yes, ma'am, it is.

12 MS. FERGUSON: Please mark and admit as
13 State's 10-A.

14 THE COURT: Any objection to 10-A coming
15 in, Counselor?

16 MR. HARBIN: No, sir.

17 (STATE EXH. 10-A, F-3, Black Crystal 9mm,
18 was marked and entered into evidence.)

19 BY MS. FERGUSON:

20 Q Detective, if you'll turn your attention to item
21 F-5 on the inventory sheet, I'm handing you what
22 appears to be a chain of custody. Can you identify
23 that?

24 A Yes, ma'am. It would be a black Browning, 22
25 handgun.

1 Q Was there any ammunition with that handgun?

2 A Yes, ma'am. Eight live rounds.

3 Q And from the evidence tag, is that a photograph of
4 the handgun?

5 A Yes, ma'am, it is.

6 Q Marked as what evidence number?

7 A F-4.

8 MS. FERGUSON: Your Honor, marked and
9 admitted as State's 11. Mark and admitted as
10 State's 11.

11 THE COURT: Any objection?

12 MR. HARBIN: No, sir.

13 THE COURT: That's F-4 or F-5, Counselor?

14 MR. HARBIN: These guns are not in order
15 on the sheet.

16 THE COURT: I got you.

17 MS. FERGUSON: Some were returned.

18 THE COURT: Okay, excuse me.

19 Exhibit 11 is admitted.

20 (STATE EXH. 11, Photo; F-4, Browning, 22,
21 was marked and admitted into evidence.)

22 BY MS. FERGUSON:

23 Q Detective Campbell, is that the firearm that's
24 reflected on your evidence sheet as item 9?

25 A Yes, ma'am, it is.

1 Q Same condition that you found it in safe 1?

2 A Yes, ma'am.

3 Q Was it accompanied by any ammunition?

4 A Yes, ma'am, it was.

5 Q Let me refresh you. How much ammunition was with
6 that particular firearm?

7 A It would be eight live rounds.

8 MS. FERGUSON: Marked and admitted as
9 State's 11-A.

10 THE COURT: Any objection?

11 MR. HARBIN: No, sir.

12 THE COURT: Admitted.

13 (STATE EXH. 11-A, F-4, Browning, 22, was
14 marked and admitted into evidence.)

15 BY MS. FERGUSON:

16 Q We're going to move to item F-6. I'm handing you
17 what appears to be a chain of custody. Does that
18 match item F-6?

19 A Yes, ma'am, it does.

20 Q What type of weapon is that?

21 A It's a black Palmetto State AR-15.

22 Q Was it accompanied by any ammunition?

23 A Yes, ma'am, it was.

24 Q Was it in safe 1 that you seized?

25 A Yes, ma'am.

1 Q Does that photograph match the evidence number on
2 your chain of custody?

3 A Yes, ma'am, it does.

4 Q And is that a photograph of that AR-15?

5 A It is.

6 MS. FERGUSON: Your Honor, marked and
7 admitted as State's 12.

8 THE COURT: Any objection?

9 MR. HARBIN: No, sir.

10 THE COURT: Admitted.

11 (STATE EXH. 12, Photo; Item 6, Palmetto
12 State AR-15, was marked and entered into evidence.)

13 BY MS. FERGUSON:

14 Q I'm showing you item 11.

15 MS. FERGUSON: Would you publish that to
16 the jury, please?

17 I don't know if I marked and admitted 12-A.

18 THE COURT: Any objection to 12-A being
19 admitted?

20 MR. HARBIN: No, sir.

21 THE COURT: It's admitted.

22 (STATE EXH. 12-A, Item 6, Palmetto State
23 AR-15, was marked and entered into evidence.)

24 BY MS. FERGUSON:

25 Q Detective, if you turn your attention to item F-7

1 on the inventory sheet. I'm handing you a chain of
2 custody sheet. Can you identify that?

3 A Yes, ma'am. It's a black Mosin-Nagant rifle.

4 Q And was it accompanied by any ammunition?

5 A Yes, ma'am. It was.

6 Q What was it?

7 A Thirteen live rounds.

8 Q Is that a photograph of that particular firearm?

9 A Yes, ma'am, it is.

10 Q Is there anything unusual about that particular
11 firearm, as in how it was stored?

12 A If memory serves correct, I think it was out
13 on the table in the garage.

14 Q Okay. Rather than in safe 1?

15 A That's correct.

16 Q Okay.

17 MS. FERGUSON: Your Honor, marked and
18 admitted as State's 12.

19 THE COURT: Any objection?

20 MR. HARBIN: I had this as F-7.

21 THE COURT: I thought that was 13.

22 COURT REPORTER: 13.

23 MS. FERGUSON: 13. You-all, I'm sorry.

24 THE COURT: It's admitted.

25 (STATE EXH. 13, Photo; F-7, Black

1 Mosin-Nagant Rifle, was marked and entered into
2 evidence.)

3 MS. FERGUSON: It's F-7. For our bar
4 codes, it's item 12.

5 BY MS. FERGUSON:

6 Q Detective Campbell, does that correspond with item
7 12?

8 A Yes, ma'am, it does.

9 Q Is it substantially in the same condition from the
10 time that you seized it?

11 A That's correct.

12 MS. FERGUSON: Your Honor, marked and
13 admitted as 12-A.

14 THE COURT: 13-A is admitted.

15 MR. HARBIN: Which F number is this?

16 MS. FERGUSON: F-7.

17 MR. HARBIN: That's F-7? I thought the
18 previous one was F-7.

19 MS. FERGUSON: I've got F-7.

20 MR. HARBIN: So the previous one was not
21 F-7?

22 MS. FERGUSON: Hang on.

23 (Off the record.)

24 BY MS. FERGUSON:

25 Q It becomes confusing because the inventory sheet

1 matches a different number from the item number when
2 it's logged in. Is that correct assessment of what's
3 going on?

4 A Yes, ma'am.

5 Q Item 11, a black Palmetto State Arms AR-15 -- no,
6 that's not it.

7 A That's not it. That's the Mosin-Nagant.

8 Q That's the Mosin-Nagant.

9 MS. FERGUSON: Marked and admitted, Your
10 Honor.

11 THE COURT: Any objection? I have it as
12 13-A.

13 MR. HARBIN: Judge, he didn't have the
14 opportunity to testify as to where he located that
15 gun.

16 MS. FERGUSON: I can back up.

17 BY MS. FERGUSON:

18 Q I'll give you your chain of custody back. Where
19 did you find this particular gun?

20 A This gun being the Mosin-Nagant was found in
21 safe 1 in the outbuilding.

22 Q So it was not on the table out?

23 A No, ma'am. Not this one.

24 Q So your memory serves from what was actually put
25 on the chain of custody sheet and what was put on the

1 inventory?

2 A That's correct.

3 MS. FERGUSON: Marked and admitted.

4 (STATE EXH. 13-A, F-7, Mosin-Nagant,
5 was marked and entered into evidence.)

6 BY MS. FERGUSON:

7 Q Item F-8 on your inventory sheet, what is that
8 chain of custody?

9 A You said F-8?

10 Q It's item 13 on your chain, but F-8 on your
11 inventory.

12 A Okay, that's correct. Black Marlin -- I
13 don't know there's a difference.

14 Q Okay. Does that help? And does that help? Is
15 that one they missed?

16 A Let me study these documents, please.

17 Q Yes, sir.

18 A I understand this is F-8 on our chain of
19 custody?

20 Q It should be.

21 A Okay. Okay, I apologize for the confusion.

22 Yes, this is item F-8, black Marlin rifle,
23 that's correct.

24 Q That's not reflected on the chain of custody,
25 right?

1 A That is not.

2 Q Okay.

3 A Well, no. The chain of custody.

4 Q Not my notes. The actual chain.

5 A Yes.

6 Q These are my notes on that particular item?

7 A That's correct.

8 Q So that's not reflected where it should be. It
9 just says safe 1, outbuilding, gray Winchester?

10 A That's correct.

11 Q But item F-8 is listed on your inventory sheet is
12 listed as what type of firearm?

13 A It would be a black Marlin, model 6022 rifle.

14 Q And the photographs you have, what are they?

15 A They do reflect this weapon.

16 Q The black Marlin?

17 A That's correct.

18 Q The photograph, what's the evidence tag on the
19 photograph?

20 A F-8.

21 MS. FERGUSON: Your Honor, we'd ask that
22 this be marked and admitted.

23 THE COURT: Any objection?

24 MR. HARBIN: So, we're admitting the
25 photograph of a gun that is not the gun that's

1 described on the chain?

2 MS. FERGUSON: But it's described on the
3 inventory.

4 MR. HARBIN: I think I would object.
5 It's kind of the whole point of this chain of
6 custody thing, isn't it? I would object to this,
7 Judge.

8 THE COURT: Just one second.

9 Madame Forelady, would you go back to your
10 room for a few minutes. We'll get you back out here
11 in just one second.

12 (Jury exits the courtroom.)

13 THE COURT: Madame Court Reporter, what
14 number is this on your list? Mine is 13. I don't
15 know why --

16 COURT REPORTER: 13, Your Honor.

17 THE COURT: 13.

18 COURT REPORTER: Yes.

19 THE COURT: And 13 is F-8, which is a
20 black Marlin shotgun.

21 MS. FERGUSON: Yes, sir.

22 THE WITNESS: A rifle.

23 THE COURT: It's a rifle, not a shotgun?

24 THE WITNESS: That's correct, sir.

25 THE COURT: All right. Your objection is

1 based on chain of evidence; is that correct?

2 MR. HARBIN: Yes, sir. It's not -- what
3 they documented on the stand doesn't match up.

4 THE COURT: Do you agree that a shotgun
5 or a rifle is not fungible?

6 MR. HARBIN: I'm sorry?

7 THE COURT: Do you agree that a shotgun
8 or a rifle is not fungible?

9 MR. HARBIN: Yes, sir.

10 THE COURT: Chain of evidence is only
11 required for fungible evidence. It's not required
12 for non-fungible evidence. However, any other
13 objection other than that?

14 MR. HARBIN: I think my objection would
15 be, if that's not the gun that's described on the
16 chain of evidence, then if part of this trial is
17 where the gun is located, then that reliability
18 goes out the window.

19 THE COURT: What is your response?

20 MS. FERGUSON: Well, it's the misprint,
21 Your Honor. I can show, Your Honor.

22 THE COURT: Well, I'll tell you, let's
23 put it on the board so everybody can see it. That
24 might make it easier for everybody.

25 MS. FERGUSON: Forgive my notes on this,

1 but when you see --

2 THE COURT: What is F-8 on your other
3 list?

4 MS. FERGUSON: F-8 on the search
5 inventory is that gun.

6 THE COURT: Is the black Marlin?

7 MS. FERGUSON: Yes, sir.

8 If you will look at item 11, which is
9 also up, where they type "firearms," black PSA
10 AR-15, on this particular chain of custody sheet
11 it says, "Firearms, safe 1, in outbuilding, gray
12 Winchester." They just didn't put that there was
13 a Marlin model 60. You see where I'm talking
14 about?

15 THE COURT: Well, I mean, it's certainly
16 not an AR.

17 MS. FERGUSON: No, but this is the item
18 before it. That's where they would typically type
19 the make and model of the firearm.

20 THE COURT: Okay.

21 MS. FERGUSON: It says firearm -- "Item
22 11, Firearms, black AR-15; Item 13, safe 1 and
23 outbuilding." So it's a clerical error.

24 THE COURT: Oh, okay. It takes me a
25 minute, but I get it now.

1 MR. HARBIN: Can I see the picture?

2 THE COURT: Just show him, make sure he
3 can understand. He'll still probably object, but
4 I want to make sure he understands what you're
5 saying.

6 MR. HARBIN: Without having to ask her to
7 read back --

8 THE COURT: F-8 says Marlin.

9 MR. HARBIN: F-8 says Marlin, and this is
10 Marlin.

11 THE COURT: It's just not described on
12 that.

13 MR. HARBIN: Okay. Because I was
14 confused. Because at some point you said this
15 picture is not -- neither of these pictures is
16 that gun.

17 THE COURT: That's what I thought I heard
18 too, but that's not right.

19 MS. FERGUSON: We're all on track.

20 MR. HARBIN: But which gun -- when you
21 were -- I apologize.

22 THE COURT: Do you care if he asks him a
23 question right quick?

24 MS. FERGUSON: Of course not.

25 THE COURT: Do you mind?

1 THE WITNESS: Not at all, sir.

2 THE COURT: Go ahead.

3 MR. HARBIN: And just to clarify because
4 I think I'm misunderstanding what the
5 misunderstanding was, at some point, you referred
6 to the picture and said neither of these pictures
7 is that gun or -- I'm paraphrasing, that gun, but
8 I'm confused as to what -- because you were
9 basically saying this picture is not what you're
10 asking me or what somebody is referring to, but I
11 don't know what gun he was being asked about that
12 it was. Does that make sense? Because he wasn't
13 being asked if it was safe 1 outbuilding. So
14 where did the -- I'm not sure where the --

15 MS. FERGUSON: F-8 came from our
16 inventory sheet, which is a black Marlin model
17 6022.

18 MR. HARBIN: Right.

19 MS. FERGUSON: The photograph is of a
20 black Marlin 22.

21 MR. HARBIN: Okay.

22 MS. FERGUSON: It's marked with evidence
23 tag F-8 which corresponds to the search inventory.

24 MR. HARBIN: Right.

25 MS. FERGUSON: It's just the chain of

1 custody has a clerical error.

2 MR. HARBIN: But at some point, though,
3 he was asked --

4 THE COURT: But I think he didn't word it
5 the way -- but that's the way he's saying F-8 is
6 black Marlin that's shown on the list as the
7 photograph. It's just the chain of custody form
8 describes where it is and not what it is.

9 MS. FERGUSON: Right, it's a clerical
10 error in the firearm where it should have been
11 typed.

12 THE COURT: You got it?

13 MR. HARBIN: Yeah. I don't know how we
14 got to answering the question that this picture
15 doesn't match that gun.

16 MS. FERGUSON: We'll go back and
17 clarify.

18 THE WITNESS: May I clarify it?

19 THE COURT: He wants to clarify it. Do
20 you have a problem, either one of you?

21 MS. FERGUSON: I do not.

22 THE COURT: Go ahead.

23 MR. HARBIN: Yeah, if you recall.

24 THE WITNESS: Counsel asked me what that
25 was, a PSA AR-15. It's the only thing that I said

1 does not match what she was saying. Because she
2 was reading the line before up here. She was
3 going back.

4 MR. HARBIN: Oh, she was saying --

5 THE WITNESS: That's correct. She
6 misstated the black AR-15 for the Mosin-Nagant.
7 So that's the only thing that I recall that I
8 objected to or said it was not correct.

9 THE COURT: All right. Is everybody on
10 the same page?

11 MS. FERGUSON: On the same page.

12 THE COURT: So for the record, it's
13 Exhibit 14 now that we're dealing with, right,
14 Madame Clerk?

15 MS. FERGUSON: 14, Sharon?

16 THE COURT: The black Marlin is Exhibit
17 14, correct?

18 COURT REPORTER: Yes.

19 THE COURT: Everybody good to go?

20 MS. FERGUSON: Good to go.

21 THE COURT: Bring them back in.

22 COURT REPORTER: The next exhibit number
23 is 14. I don't have the gun in, 13-A.

24 (Jury enters the courtroom.)

25 MS. FERGUSON: Madame Court Reporter, what

1 item are you waiting for?

2 COURT REPORTER: 13-A.

3 BY MS. FERGUSON:

4 Q Going back, on the chain of custody for 13-A and
5 the photographs for 13, chain of custody is 13, the
6 photographs are 13, what are the photographs of?

7 A The photographs of the item marked F-8, our
8 inventory would be a black Marlin 6022 rifle.

9 Q Those photographs are of a black Marlin rifle?

10 A Yes, ma'am.

11 Q Now, on the chain of custody where your records
12 custodian normally marks the make and model of the
13 firearm, what does it say?

14 A It says safe 1 in outbuilding gray
15 Winchester.

16 Q Is that a clerical error on that particular
17 sheet?

18 A It does appear to be because it's the
19 location where the firearm was found and not the
20 description of the firearm.

21 MS. FERGUSON: So marked admitted, Your
22 Honor, as our next.

23 THE COURT: Any objection to Exhibit 13?

24 MR. HARBIN: No, sir.

25 THE COURT: Admitted.

1 (STATE EXH. 13, Photo; Black Marlin Rifle,
2 remarked and entered into evidence.)

3 (STATE EXH. 14, Photo; F-12; Black
4 Mosin-Nagant, was marked and entered into evidence.)
5 BY MS. FERGUSON:

6 Q Let's bring up the gun. F-12 is a black
7 Mosin-Nagant with 13 live rounds.

8 A F-7 in our inventory.

9 Q F-7 on your inventory, item 12. This particular
10 firearm.

11 MS. FERGUSON: Marked and admitted,
12 Madame Court Reporter.

13 COURT REPORTER: Yes.

14 MS. FERGUSON: So that's been admitted.
15 BY MS. FERGUSON:

16 Q Item 13. Detective Campbell, what is that firearm
17 make and model?

18 A Black Marlin model 6022 rifle.

19 Q That matches what's on your inventory as F-8?

20 A It does.

21 Q Which matches the chain of custody as item 13?

22 A Yes, ma'am.

23 Q And matches the photographs -- Madame Court
24 Reporter has item 14, that matches the photographs of
25 item 14?

1 A That's correct.

2 Q All right.

3 MS. FERGUSON: Marked and admitted, Your
4 Honor, as 14-A.

5 MR. HARBIN: No objection.

6 THE COURT: Okay, no objection.

7 (STATE EXH. 14-A, F-12; Black
8 Mosin-Nagant Rifle, was marked and entered into
9 evidence.)

10 BY MS. FERGUSON:

11 Q All right. Detective, you need water? Are you
12 okay?

13 A I would. I'll take a glass of water.

14 MS. FERGUSON: May I, Your Honor?

15 THE COURT: Yes, ma'am.

16 BY MS. FERGUSON:

17 Q Okay. All right. State's 15, I'm handing you a
18 chain of custody what should be marked as F-9 on your
19 inventory?

20 A That's correct.

21 Q Does that chain of custody match that inventory?

22 A It does.

23 Q I'm handing you photographs of two firearms with
24 an evidence tag marked 9?

25 A That's correct.

1 Q What type of firearm is that?

2 A A black Springfield Armory -- excuse me.

3 Black Springfield Armory 1911 45 handgun.

4 Q Was it accompanied by ammunition?

5 A Yes, ma'am, it was.

6 Q And that shows eight live rounds?

7 A That's correct.

8 MS. FERGUSON: Your Honor, marked and
9 admitted as State's 15.

10 BY MS. FERGUSON:

11 Q I'm showing you item 14.

12 THE COURT: Any objection?

13 MR. HARBIN: Judge, can I see it just to
14 make sure I'm understanding?

15 THE COURT: Any objection?

16 MR. HARBIN: No, sir.

17 THE COURT: Admitted.

18 (STATE EXH. 15, Photo; F-9, Black
19 Springfield Armory 1911 45 Handgun, was marked and
20 admitted into evidence.)

21 BY MS. FERGUSON:

22 Q Item 14. Is that a handgun you seized from 607
23 Jackson Street, safe 1?

24 A That's correct.

25 Q Does that correspond with your inventory sheet and

1 chain of custody?

2 A It does.

3 MS. FERGUSON: Marked and admitted as
4 State's 15-A.

5 THE COURT: Any objection?

6 MR. HARBIN: What F number was that?

7 MS. FERGUSON: F-9.

8 MR. HARBIN: F-9. No objection.

9 THE COURT: Admitted.

10 (STATE EXH. 15-A, F-9; Black Springfield
11 Armory 1911 45 Handgun, was marked and admitted into
12 evidence.)

13 BY MS. FERGUSON:

14 Q Detective Campbell, I'm handing you a chain of
15 custody sheet that should correspond with F-10 on your
16 inventory.

17 A That's correct.

18 Q What type of firearm is that?

19 A A black Springfield Armory XD-S 9mm.

20 Q Is that a photograph of that particular firearm
21 marked with the evidence tag that corresponds?

22 A Yes, ma'am, it is.

23 MS. FERGUSON: Your Honor, marked and
24 admitted as State's 16, item 15.

25 THE COURT: Any objection?

1 MR. HARBIN: What F number is this?

2 MS. FERGUSON: F-10.

3 MR. HARBIN: F-10, no objection.

4 THE COURT: Admitted.

5 (STATE EXH. 16, Photo; Springfield
6 Armory XD-S 9mm, was marked and entered into
7 evidence.)

8 BY MS. FERGUSON:

9 Q Detective Campbell, is that particular firearm the
10 firearm that corresponds with your chain of custody
11 and with your inventory sheet?

12 A Yes, ma'am, it is.

13 MS. FERGUSON: Your Honor, marked and
14 admitted as sub-part A.

15 THE COURT: Any objection?

16 MR. HARBIN: Again, I must be missing
17 this F.

18 THE COURT: 10.

19 MS. FERGUSON: 10, no objection.

20 THE COURT: Without objection?

21 MR. HARBIN: No objection.

22 THE COURT: Admitted.

23 (STATE EXH. 16-A, Springfield Armory
24 XD-S 9mm, was marked and entered into evidence.)

25 BY MS. FERGUSON:

1 Q Your inventory sheet item F-10. What is F-10 on
2 your inventory sheet, sir?

3 A That black Springfield Armory XD-S 9mm
4 handgun.

5 Q I'm handing you a chain of custody sheet. Can you
6 identify that?

7 A Yes, ma'am. It's the same weapon black
8 Springfield Armory XD-S with six live rounds.

9 Q Is this photograph of that particular firearm and
10 the rounds associated with it?

11 A Yes. This actually would be the other one.
12 This is a 45-caliber. I said earlier it was a
13 9mm, and that's not correct.

14 Q So on your chain of custody, what's that gun?

15 A Black Springfield Armory XD-E 45-ACP.

16 Q Your F-11?

17 A That's correct, ma'am. Yes, F-11.

18 Q Some of these firearms were returned; is that
19 correct?

20 A Yes, ma'am, to my knowledge.

21 Q So we skip around a little bit.

22 F-11, black Springfield Armory XD-E 45, those
23 are the photographs of that particular firearm?

24 A That's correct.

25 MS. FERGUSON: Gentlemen, marked and

1 admitted, please, as State's 17.

2 THE COURT: No objection?

3 MR. HARBIN: No objection.

4 THE COURT: Admitted.

5 MS. FERGUSON: Item 16.

6 (STATE EXH. 17, Photo; F-11, Springfield
7 Armory XD-E 45, was marked and entered into evidence.)

8 BY MS. FERGUSON:

9 Q Does that particular firearm correspond with
10 what's shown on your chain of custody?

11 A Yes, ma'am, it is.

12 Q And your inventory sheet?

13 A Yes, it is.

14 MS. FERGUSON: Your Honor, marked and
15 admitted as sub-part A.

16 THE COURT: Any objection?

17 MR. HARBIN: No, sir.

18 THE COURT: Admitted.

19 (STATE EXH. 17-A, F-11, Springfield Armory
20 XD-E 45, was marked and entered into evidence.)

21 BY MS. FERGUSON:

22 Q You're going to skip down to F-13 on your
23 inventory sheet. I'm showing you a chain of custody
24 sheet for that particular item. What is that?

25 A It would be Browning 9mm handgun.

1 Q Was that accompanied by ammunition?

2 A Yes, ma'am. Thirteen live rounds.

3 Q And are those two photographs of that particular
4 gun?

5 A That's correct.

6 MS. FERGUSON: Your Honor, marked and
7 admitted as State's 18.

8 THE COURT: 18?

9 MS. FERGUSON: 18.

10 THE COURT: Any objection?

11 MR. HARBIN: I don't believe there's been
12 any testimony as to where this gun came from.

13 MS. FERGUSON: I can back up.

14 BY MS. FERGUSON:

15 Q Can you reference your inventory sheet on the next
16 page. Where does it say that item came from?

17 A That item was removed from safe 1 in the
18 outbuilding on the property.

19 Q Does it also reference a zipper bag?

20 A It does, ma'am.

21 Q Did that particular firearm come from that
22 location and that safe in a bag marked as F-14?

23 A That's correct. It did.

24 MS. FERGUSON: Your Honor marked and
25 admitted as State's 18.

1 THE COURT: Any objection?

2 MR. HARBIN: No, sir.

3 THE COURT: Admitted.

4 (STATE EXH. 18, Photo; F-14, Browning 9mm
5 Handgun, was marked and entered into evidence.)

6 BY MS. FERGUSON:

7 Q Detective Campbell, does that particular firearm
8 match what's on your chain of custody?

9 A The one you have, yes, ma'am, it does.

10 Q Your inventory and your photographs?

11 A That's correct.

12 MS. FERGUSON: Your Honor, marked and
13 admitted as sub-part A of 18.

14 THE COURT: Any objection?

15 MR. HARBIN: And again, that's F-14.

16 MS. FERGUSON: It came from F-14.

17 MR. HARBIN: No objection.

18 THE COURT: Admitted.

19 (STATE EXH. 14-A, F-14, Browning 9mm
20 Handgun, was marked and entered into evidence.)

21 BY MS. FERGUSON:

22 Q Now, sir, if you'll turn your attention to F-15
23 What is F-15 on your inventory sheet?

24 A Black Remington 870 shotgun.

25 Q I'm handing you a chain of custody. What does

1 this particular chain of custody reflect?

2 A Same weapon, Remington 870 12-gauge shotgun.

3 Q All right.

4 MS. FERGUSON: Beg the Court's
5 indulgence. May I approach, Your Honor?

6 (Bench conference off the record.)

7 BY MS. FERGUSON:

8 Q Detective Campbell --

9 MS. FERGUSON: Item 20 gentlemen.

10 BY MS. FERGUSON:

11 Q Can you identify this particular firearm?

12 A Yes, ma'am.

13 Q What type of firearm is that?

14 A Twelve-gauge shotgun, ma'am.

15 Q It's reflected on your inventory?

16 A It is.

17 MS. FERGUSON: Your Honor, marked and
18 admitted, the chain of custody the particular
19 firearm as 19.

20 THE COURT: 19-A?

21 MS. FERGUSON: 19 and 19-A.

22 THE COURT: Any objection?

23 MR. HARBIN: No, sir.

24 THE COURT: Admitted.

25 Do you object to the photograph?

1 MR. HARBIN: Yes, sir.

2 THE COURT: You do object to the
3 photograph.

4 MR. HARBIN: I do object to the
5 photograph.

6 THE COURT: So 19-A admitted. 19 is
7 not.

8 MR. HARBIN: I'm sorry?

9 THE COURT: 19-A is admitted. 19 is not.

10 MS. FERGUSON: Yes, sir. 19 is the chain
11 of custody without the photograph attached.

12 THE COURT: Okay.

13 MS. FERGUSON: 19-A is the actual
14 firearm.

15 THE COURT: Got you, okay.

16 Any objection to that?

17 MR. HARBIN: No, sir. Just the chain of
18 custody and firearm is okay.

19 THE COURT: Okay.

20 (STATE EXH. 19, Chain of Custody, was marked
21 and entered into evidence.)

22 (STATE EXH. 19-A, Remington 870, was marked
23 and entered into evidence.)

24 MS. FERGUSON: Your Honor, we'll double
25 back and enter the next as item 17, to make up

1 for --

2 THE COURT: Say that again.

3 MS. FERGUSON: She's got 18 and 19.
4 Skipped over 17. So our next exhibit will be
5 Exhibit 17.

6 THE COURT: What would be the
7 corresponding number to that?

8 Tell you what, let's do this. Let's take
9 about a 10-minute break.

10 Madame Forelady, if you go back to the jury.
11 We'll be back in about 10 minutes.

12 (A break was taken from 11:30 a.m. to 11:44 a.m.)

13 THE COURT: Are you ready?

14 MS. FERGUSON: Yes, sir.

15 THE COURT: You ready?

16 MR. HARBIN: Yes, sir.

17 THE COURT: Bring them in.

18 (Jury enters the courtroom at 11:45 a.m.)

19 THE COURT: All right.

20 MS. FERGUSON: Thank you.

21 BY MS. FERGUSON:

22 Q Detective Campbell, if you will reference F-16 on
23 your inventory, I'm handing what appears to be the
24 chain of custody for that item. Can you identify that
25 particular firearm?

1 A Yes, ma'am. It's a black Sauer and MOS 9mm
2 handgun.

3 Q Was it accompanied by ammunition?

4 A 32 rounds and two magazines.

5 Q Is that a photograph of that particular firearm?

6 A Yes, ma'am, it is.

7 MS. FERGUSON: Your Honor, we asked that
8 that be marked and admitted as State's 20.

9 THE COURT: Any objection?

10 MR. HARBIN: No objection.

11 THE COURT: Admitted.

12 (STATE EXH. 20, Photo; Sauer and MOS 9mm
13 Handgun, was marked and entered into evidence.)

14 BY MS. FERGUSON:

15 Q Detective Campbell, is that the particular firearm
16 that you seized?

17 A Yes, ma'am, it is.

18 Q Is it in the same condition that you found it?

19 A Yes, ma'am.

20 MS. FERGUSON: Your Honor, marked and
21 admitted as State's 20-A.

22 THE COURT: Any objection?

23 MR. HARBIN: No, sir.

24 THE COURT: Admitted.

25 (STATE EXH. 20-A, Sauer and MOS 9mm Handgun,

1 marked and entered into evidence.)

2 BY MS. FERGUSON:

3 Q Sir, if you look at F-17 on your inventory, is
4 that what appears to be in your chain of custody for
5 that particular item?

6 A Yes, ma'am. That's correct.

7 Q What is that particular firearm?

8 A It's a black SARS arms 9mm handgun.

9 Q Does that appear to be two photographs of that
10 particular handgun?

11 A That's correct.

12 Q Does that match what's on your chain of custody
13 and what's on your inventory?

14 A It does.

15 Q Is that firearm accompanied by ammunition?

16 A Yes, ma'am. It was.

17 MS. FERGUSON: Your Honor, marked and
18 admitted as State's 21.

19 THE COURT: Any objection?

20 MR. HARBIN: No, sir.

21 THE COURT: Admitted.

22 (STATE EXH. 21, Photos; SARS arms 9mm
23 Handgun, was marked and entered into evidence.)

24 BY MS. FERGUSON:

25 Q I show you item 22. Detective Campbell, does that

1 particular firearm match what's on your inventory and
2 what's on your chain of custody?

3 A Yes, ma'am. It does.

4 MS. FERGUSON: Your Honor, marked and
5 admitted as sub-part A.

6 THE COURT: Any objection?

7 MR. HARBIN: No, sir.

8 THE COURT: Admitted.

9 (STATE EXH. 21-A, SARS arms 9mm
10 Handgun, was marked and entered into evidence.)

11 BY MS. FERGUSON:

12 Q Move your inventory to item F-25. F-25. You got
13 it?

14 A Yes, ma'am.

15 Q I'm handing what appears to be a chain of custody
16 for that particular item. Can you identify that?

17 A Yes, ma'am. It will be a silver Imperium
18 MetaProducts 22 revolver.

19 Q Does that chain of custody match what's on your
20 search inventory?

21 A It does.

22 Q I'm handing you one photo of that particular
23 firearm. Is the evidence tag marked consistent with
24 your inventory and with the chain of custody?

25 A Yes, ma'am. It is.

1 MS. FERGUSON: Your Honor, marked and
2 admitted 22.

3 THE COURT: Any objection?

4 MS. FERGUSON: No, sir.

5 THE COURT: It's admitted.

6 (STATE EXH. 22, Photo; F-25, Imperium
7 MetaProducts 22 Revolver, was marked and entered into
8 evidence.)

9 BY MS. FERGUSON:

10 Q Detective, I'm showing you what appears to be a
11 silver barrel revolver? Can you identify that weapon?

12 A That would be the same on my inventory, the
13 Imperial MetaProducts 22 revolver.

14 Q The same one that's on your chain of custody?

15 A That's correct.

16 MS. FERGUSON: Your Honor, marked and
17 admitted as sub-part A.

18 THE COURT: Any objection?

19 MR. HARBIN: No, sir.

20 THE COURT: Admitted.

21 (STATE EXH. 22, F-25, Imperial MetaProducts
22 22 Revolver, was marked and entered into evidence.)

23 BY MS. FERGUSON:

24 Q Detective Campbell, did you also seize assorted
25 backpacks, firearms, and ammunition?

1 A Yes, ma'am.

2 Q Can you describe to the jury what all was there
3 that you seized? Just in general.

4 A From the safe, multiple firearms, cases for
5 firearms were there, and duffle bags of
6 firearms.

7 Q And some of the items that you described were
8 contained in those various places?

9 A That's correct.

10 Q Did you limit your search to only safe 1 in the
11 outbuilding?

12 A No, there was another safe in the
13 outbuilding.

14 Q Did you search some of that safe?

15 A That's correct.

16 Q And some of these firearms came from that safe
17 too?

18 A Yes, ma'am, they did.

19 Q Was safe 2 locked like safe 1 was?

20 A It was. They were both locked.

21 Q And to refresh your recollection, the combinations
22 were where?

23 A The combination was given to me for the first
24 safe by the female who was in the front yard.

25 The combination to the second safe in the building

1 was in the first safe that we come across.

2 Q Did you damage either of those two safes when you
3 opened them?

4 A No, ma'am.

5 Q Thank you. Please answer any questions Mr. Harbin
6 may have.

7 A Yes, ma'am.

8 CROSS-EXAMINATION

9 BY MR. HARBIN:

10 Q If I understand you correctly, all of the guns
11 that you -- that we've admitted thus far in this case
12 came from safe 1. It seems to be that you were
13 assigned safe 1 or you assigned yourself to safe 1 and
14 all those guns were as a result of the search of safe
15 1 that was locked?

16 A That's correct.

17 MR. HARBIN: No further questions.

18 MS. FERGUSON: Thank you, Your Honor. We
19 ask that Detective Campbell be excused.

20 THE COURT: Any objection.

21 MR. HARBIN: No, sir.

22 THE COURT: Thank you, sir. You are
23 excused.

24 THE WITNESS: Thank you, sir.

25 MS. FERGUSON: State calls Detective J.

1 Lindsey.

2 THE CLERK: Raise your right hand. Do
3 you solemnly swear or affirm to tell the truth,
4 the whole truth, and nothing but the truth?

5 THE WITNESS: I do.

6 THE CLERK: Please walk around to our
7 witness chair. Please state your full name for
8 the record and spell your last name.

9 THE WITNESS: James Lindsey,
10 L-i-n-d-s-e-y.

11 WHEREUPON:

12 DETECTIVE JAMES LINDSEY,
13 after having been sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MS. FERGUSON:

16 Q Detective Lindsey, you go by J?

17 A Yes, ma'am.

18 Q Where are you employed?

19 A Anderson County Sheriff's Office.

20 Q What do you do for Anderson County Sheriff's
21 Office?

22 A I work in the special investigation division.
23 A variety of things. Assisting Captain Scoggins.
24 Assisting and managing the special teams; SWAT
25 team, bomb squad, aviation division.

1 Q Were you employed on April 6th of 2022?

2 A I was.

3 Q On that occasion, did you accompany Detective Bell
4 and other officers to 607 Jackson Street?

5 A I did.

6 Q At that location, what was your task?

7 A I assisted with initial securing of the
8 residence and the property, mainly concentrating
9 in the backyard area. There was an outbuilding
10 back there, a large shop area.

11 And then once we secured it, I assisted
12 Detective Campbell. And firearms -- or numerous
13 firearms were located in there. Reading serial
14 numbers so that we could assist with Detective Shaw in
15 the logging of the evidence.

16 Q Did you physically remove any firearms from this
17 location?

18 A I did.

19 Q Once you removed them, what did you do with
20 them?

21 A We turned them over to Detective Shaw with
22 serial numbers just because we had so many.

23 Q Does the search inventory in front of you on the
24 screen match your recollection of Shaw recording the
25 firearms that you seized? If you look to the right,

1 you'll see Campbell's name and your name.

2 A Yes. I'm just trying to read the writing.

3 Yes, ma'am, that looks right.

4 Q All right. So, if you'll look at item F-26 on
5 your search inventory, if you'll exam this chain of
6 custody that I'm handing you, what is that?

7 A It's a black Remington 870 12-gauge shotgun.

8 Q Did you seize that particular shotgun?

9 A I did.

10 Q Did you place it into evidence with Kevin Shaw?

11 A I did.

12 Q Does that match F-26 on the search inventory?

13 A It does.

14 Q Sir, I'm showing you a picture with an evidence
15 tag on it. What number is on that evidence tag?

16 A F-26.

17 Q Does that match what's on the chain of custody and
18 what's on your search inventory?

19 A Yes.

20 MS. FERGUSON: Gentlemen, item 31.

21 THE COURT: Any objection?

22 MR. HARBIN: No, sir.

23 THE COURT: It's admitted.

24 MS. FERGUSON: Your Honor, while we're
25 waiting, we'd ask that they be marked and admitted

1 as State's 23.

2 THE COURT: Any objection to that? I'm
3 sorry.

4 MR. HARBIN: No, sir.

5 THE COURT: Admitted.

6 (STATE EXH. 23, Photo; F-26, Remington
7 870 12-Gauge Shotgun, was and entered into
8 evidence.)

9 BY MS. FERGUSON:

10 Q Detective Lindsey, I'm showing what appears to be
11 a Remington 12-gauge. Does that match what's on your
12 inventory item 31?

13 A That's not it.

14 Q That's not it. Does that look better?

15 A Yes, ma'am.

16 Q What is that particular firearm?

17 A Remington 12-gauge shotgun.

18 Q And it matches what's on your search inventory,
19 what's on your chain of custody, and your
20 photograph?

21 A Yes, ma'am.

22 MS. FERGUSON: Your Honor, marked and
23 admitted as State's 23 sub-part A.

24 THE COURT: Any objection?

25 MR. HARBIN: No, sir.

1 THE COURT: Admitted.

2 (STATE EXH. 23-A, F-26, Remington 870
3 12-Gauge Shotgun, was marked and entered into
4 evidence.)

5 BY MS. FERGUSON:

6 Q Detective, if you'll look at item F-27 on your
7 search inventory. What is that particular firearm?

8 A Brown Mossberg 500A 12-gauge shotgun.

9 Q I'm handing you the chain of custody sheet. Does
10 that match what's on your inventory search sheet?

11 A It does.

12 Q Is that the firearm that you seized?

13 A Yes, ma'am.

14 Q I'm handing you a photograph with an evidence tag.
15 It's kind of obscured, but can you identify that
16 particular firearm? The second.

17 A Yes. F-27, yes.

18 MS. FERGUSON: Your Honor, marked and
19 admitted as State's 24.

20 THE COURT: Any objection?

21 MR. HARBIN: No, sir.

22 THE COURT: Admitted.

23 (STATE EXH. 24, F-27; Brown Mossberg
24 500A 12-Gauge Shotgun, was marked and entered into
25 evidence.)

1 BY MS. FERGUSON:

2 Q I'm showing you item 32. I'm showing you what
3 appears to be a brown Mossberg 500A 12-gauge
4 shotgun?

5 A Yes, ma'am.

6 Q Can you identify that?

7 A That's it.

8 Q Was that gun accompanied by any ammunition?

9 A It had five live rounds in it.

10 Q How was it stored?

11 A In the little thing that's on top.

12 MS. FERGUSON: Your Honor, marked and
13 admitted as State's 24-A.

14 MR. HARBIN: No objection.

15 THE COURT: Admitted.

16 (STATE EXH. 24-A, F-27; Brown Mossberg 500A
17 12-Gauge Shotgun, was marked and entered into
18 evidence.)

19 BY MS. FERGUSON:

20 Q Sir, I'm directing your attention to F-28 on the
21 search inventory. Can you identify that particular
22 item?

23 A It's a gray Luger 308 caliber rifle.

24 Q Does that correspond with your search inventory?

25 A It does.

1 Q And where did you find that particular firearm?

2 A That was in safe number 2 in the outbuilding
3 in the shop.

4 Q I'm showing you a photograph -- actually a
5 photograph of two firearms. One has an evidence tag.
6 Can you identify those firearms?

7 A The one with the evidence tag F-28 is the
8 Remington 308.

9 Q Does that match your --

10 A Luger thread. Excuse me. It's a bolt
11 action. Yes, ma'am, it does.

12 Q That matches your chain of custody and your search
13 inventory?

14 A It does.

15 Q And that was a weapon you seized from safe 2?

16 A Yes, ma'am.

17 MS. FERGUSON: Your Honor, marked and
18 admitted as State's 25.

19 THE COURT: Any objection?

20 MR. HARBIN: No objection.

21 THE COURT: Admitted.

22 (STATE EXH. 25, Photo; F-28, Remington
23 308, was marked and entered into evidence.)

24 BY MS. FERGUSON:

25 Q Detective, you're being shown what appears to be

1 another firearm. Can you identify that firearm?

2 A That's it. Safe 2, yes, that's it.

3 Q Does that match what's on your inventory and your
4 chain of custody?

5 A Yes, it does.

6 MS. FERGUSON: Your Honor, marked and
7 admitted as State's 25-A.

8 MR. HARBIN: No objection.

9 THE COURT: Admitted.

10 (STATE EXH. 25-A, F-28, Remington 308, was
11 marked and entered into evidence.)

12 BY MS. FERGUSON:

13 Q Sir, I direct your attention to F-29 on your
14 search inventory. I'm handing you what appears to be
15 a chain of custody. Can you identify that chain?

16 A Brown Rossi Interarms 12-gauge shotgun.

17 Q Is that F-29?

18 A F-29, it is.

19 Q From your search inventory?

20 A Yes, ma'am.

21 Q And, sir, I'm handing you a photo with an evidence
22 tag F-29. Is that the particular gun that goes with
23 that chain of custody and that search inventory?

24 A It is.

25 MS. FERGUSON: Your Honor, marked and

1 admitted as State's 26.

2 MR. HARBIN: No objection.

3 THE COURT: Admitted.

4 (STATE EXH. 26, Photo; F-29; Rossi
5 Interarms 12-Gauge Shotgun, was marked and entered
6 into evidence.)

7 Q Detective Lindsey, I'm showing you what appears to
8 be a breached shotgun.

9 A That's it.

10 Q Is that the gun you seized?

11 A It is.

12 Q It matches your search inventory and your chain of
13 custody?

14 A Yes, ma'am.

15 MS. FERGUSON: Your Honor, marked and
16 admitted as 26-A.

17 MR. HARBIN: No objection.

18 THE COURT: Admitted.

19 (STATE EXH. 26-A, F-29; Rossi Interarms
20 12-Gauge Shotgun, was marked and entered into
21 evidence.)

22 BY MS. FERGUSON:

23 Q If you'll direct your attention to F-30 on your
24 search inventory. Can you identify that rifle?

25 A It's a black Radical Firearms AR-15,

1 multi-caliber rifle.

2 Q Sir, I'm handing you what appears to be the chain
3 of custody for that weapon. Does that match what you
4 got on your search inventory?

5 A It does.

6 Q Where did you find that?

7 A That was in safe 2 in the outbuilding.

8 Q All right. I'm handing you an evidence tag. It's
9 kind of obscured, but does that photograph of that
10 firearm match what's on your chain and your search
11 inventory?

12 A Yes, ma'am.

13 MS. FERGUSON: Your Honor, marked and
14 admitted as State's 27.

15 MR. HARBIN: No objection.

16 THE COURT: Admitted.

17 (STATE EXH. 27, Photo; F-29, Radical
18 Firearms AR-15, Multi-Caliber Rifle, was marked
19 and entered into evidence.)

20 MS. FERGUSON: Gentlemen, Item 35.

21 THE WITNESS: That's it.

22 BY MS. FERGUSON:

23 Q Does that particular firearm match what's on your
24 search inventory and what's on your chain of
25 custody?

1 A Yes, ma'am.

2 Q Same condition it was in when you found it?

3 A Yes, ma'am.

4 MS. FERGUSON: Your Honor, marked and
5 admitted as sub-part A.

6 MR. HARBIN: No objection.

7 THE COURT: Admitted.

8 (STATE EXH. 27-A, F-29; Radical Firearms
9 AR-15, Multi-Caliber Rifle, was marked and entered
10 into evidence.)

11 BY MS. FERGUSON:

12 Q Detective Lindsey, if you'll direct your attention
13 to F-31 on your search inventory. Can you identify
14 that rifle?

15 A It's a black Century Arms 7.60 caliber
16 rifle.

17 Q I'm handing you what appears to be the chain of
18 custody that accompanies that particular firearm. Can
19 you identify that?

20 A That's it.

21 Q Meaning that is?

22 A That's the rifle, the black Century Arms 7.60
23 rifle.

24 Q All right. I'm also showing a photograph of
25 evidence tag F-31. Does that match the search

1 inventory and your chain of custody?

2 A It does.

3 MS. FERGUSON: Your Honor, marked and
4 admitted as State's 27 -- 28.

5 MR. HARBIN: No objection.

6 THE COURT: Admitted.

7 (STATE EXH. 28, F-31; Photo, Century Arms
8 7.60 Caliber Rifle, was marked and entered into
9 evidence.)

10 MS. FERGUSON: Gentlemen, item 26.

11 BY MS. FERGUSON:

12 Q Detective Lindsey, does that particular firearm
13 match what's on your search inventory and what's on
14 your chain of custody?

15 A It does.

16 Q That's essentially the same as you found it?

17 A Yes, ma'am.

18 MS. FERGUSON: Marked and admitted as
19 27-A.

20 MR. HARBIN: No objection.

21 THE COURT: Admitted.

22 COURT REPORTER: 28-A.

23 MS. FERGUSON: 28-A.

24 (STATE EXH. 28, F-31; Century Arms 7.60
25 Caliber Rifle, was marked and entered into evidence.)

1 BY MS. FERGUSON:

2 Q Sir, I direct your attention to F-32 on the search
3 inventory. What is that particular firearm?

4 A It's a black Savage 17 HMR rifle.

5 Q I'm handing you your chain of custody. At the
6 bottom on that, on some of them, it's not filled in,
7 but is that the firearm that matches what you did on
8 that search inventory?

9 A It is.

10 Q Where was that particular building found -- or
11 particular firearm found?

12 A Safe 2 in the outbuilding.

13 Q I'm handing you a photograph with an evidence tag
14 of F-32. Does that firearm match the search inventory
15 and your chain of custody?

16 A It does.

17 MS. FERGUSON: Your Honor, marked and
18 admitted as State's 29.

19 MR. HARBIN: No objection.

20 THE COURT: Admitted.

21 (STATE EXH. 29, Photo; F-32, Savage 17 HMR
22 Rifle, was marked and entered into evidence.)

23 MS. FERGUSON: Gentlemen, item 37.

24 BY MS. FERGUSON:

25 Q Detective Holbrooks is showing you a firearm with

1 a scope. Does that particular firearm match the black
2 Savage 17 HMR rifle?

3 A Yes, ma'am.

4 Q It's the one you seized from safe 2?

5 A Yes, ma'am.

6 Q Substantially in the same condition that you
7 seized it?

8 A Yes, ma'am.

9 MS. FERGUSON: Your Honor, marked and
10 admitted as sub-part A.

11 MR. HARBIN: No objection.

12 THE COURT: Admitted.

13 (STATE EXH. 29-A, F-32; savage 17 HMR Rifle,
14 was marked and entered into evidence.)

15 BY MS. FERGUSON:

16 Q Sir, if you'll direct your attention to F-34 on
17 your search inventory. What type of firearm is
18 that?

19 A It's a brown Auto-Ordnance Corp. 45 rifle.

20 Q I'm handing you up the chain of custody. What
21 does that chain of custody reflect?

22 A It does.

23 Q Please say what type of firearm it is.

24 A Brown Auto-Ordnance Corporation 45 rifle.

25 Q What did you get it from?

1 A That was in safe 2 out in the outbuilding.

2 Q Although your chain of custody does not reflect
3 it, was it accompanied by ammunition? If I show you
4 the photograph . . .

5 A Yes, it was.

6 Q From your recollection, was that ammunition paired
7 with this firearm the way your evidence team has
8 reflected?

9 A It is -- or was.

10 MS. FERGUSON: Your Honor, marked and
11 admitted as State's 30.

12 MR. HARBIN: No objection.

13 THE COURT: Admitted.

14 (STATE EXH. 30, F-34; Auto Ordnance Corp. 45
15 Rifle, was marked and entered into evidence.)

16 MS. FERGUSON: Gentlemen, item 39.

17 BY MS. FERGUSON:

18 Q You're being shown a firearm that's a long gun.
19 Does that match what's on your chain of custody and
20 your search inventory?

21 A It does.

22 Q Are you familiar with that particular type of
23 firearm?

24 A Somewhat, yes, ma'am.

25 Q Does it have a nickname or a common name?

1 A Tommy gun.

2 Q Say again.

3 A Tommy Gun. It's a tommy Thompson submachine
4 gun.

5 Q Thank you.

6 MS. FERGUSON: Your Honor marked and
7 admitted State's 30-A.

8 MR. HARBIN: No objection.

9 THE COURT: Admitted.

10 (STATE EXH. 30-A, F-34; Auto Ordnance
11 Corp. 45 Rifle, was marked and entered into
12 evidence.)

13 BY MS. FERGUSON:

14 Q All right. Sir, I direct your attention to F-35
15 on your search inventory. What firearm is that?

16 A It's a Rossi 22 caliber rifle with a scope.

17 Q And in your chain of custody, can you identify
18 that chain of custody related to particular firearm?

19 A Yes, ma'am. Black Rossi 22 caliber rifle
20 with scope.

21 Q And although your inventory sheet does not show
22 ammunition, your evidence custodians have shown
23 ammunition. Do you recollect that being with that
24 particular firearm?

25 A Yes, ma'am.

1 Q And that matches what's on your search inventory.

2 Where did you find it?

3 A That was in safe 2 in the outbuilding. Same
4 outbuilding.

5 MS. FERGUSON: Your Honor, marked and
6 admitted State's 31.

7 MR. HARBIN: No objection.

8 THE COURT: Admitted.

9 (STATE EXH. 31, F-35; Rossi 22 Caliber Rifle
10 with a Scope, was marked and entered into evidence.)

11 MS. FERGUSON: Gentlemen, item 40.

12 BY MS. FERGUSON:

13 Q Detective Lindsey, you're being shown a long gun
14 firearm with a scope. Is that the particular firearm
15 that relates to your chain of custody and your search
16 inventory?

17 A Yes, ma'am.

18 Q The condition that you found it?

19 A Yes, ma'am.

20 Q Absent the ammunition?

21 A Yes, ma'am.

22 MS. FERGUSON: Your Honor, marked and
23 admitted as sub-part A 31.

24 THE COURT: Admitted.

25 (STATE EXH. 31-A, F-35; Rossi 22

1 Caliber Rifle with a Scope, was marked and entered
2 into evidence.)

3 BY MS. FERGUSON:

4 Q Sir, if you'll direct your attention to F-36 on
5 your inventory. What type of firearm is F-36?

6 A It a Typhoon 12-gauge shotgun.

7 Q I'm handing you what appears to be the chain of
8 custody. Does that match that particular firearm?

9 A It does. Typhoon 12-gauge shotgun.

10 Q I'm handing you a photograph of an item marked
11 F-36. Does that match your chain of custody and your
12 search inventory?

13 A It does.

14 MS. FERGUSON: Your Honor, marked and
15 admitted as State's 32.

16 MR. HARBIN: No objection.

17 THE COURT: Admitted.

18 (STATE EXH. 32, Photo; F-36, Typhoon
19 12-Gauge Shotgun, was marked and entered into
20 evidence.)

21 THE COURT: Gentlemen, item number 41.

22 BY MS. FERGUSON:

23 Q Detective you're being shown a firearm, can you
24 identify that firearm?

25 A It's a Typhoon 12-gauge shotgun, item F-36.

1 Q It matches your search inventory and your chain of
2 custody?

3 A Yes, ma'am.

4 MS. FERGUSON: Your Honor, marked and
5 admitted as State's 32-A.

6 MR. HARBIN: No objection.

7 THE COURT: Admitted.

8 (STATE EXH. 32-A, Typhoon 12-Gauge
9 Shotgun, was marked and entered into evidence.)

10 BY MS. FERGUSON:

11 Q Detective Lindsey, in addition to these firearms,
12 you and Detective Campbell -- what else did you find
13 in this outbuilding and any safes?

14 A We found some sorted ammunition in various
15 places in the safes, and there was some additional
16 firearms in there.

17 Q I'm going to hand you 10 chains of custody.

18 A Okay.

19 Q Would you take a moment and look through those?
20 You and Detective Campbell were seizing the items
21 reflected on those; is that correct?

22 A Yes, ma'am.

23 Q In the interest of time, what does that chain of
24 custody reflect, multiple cans of ammunition?

25 A Multiple cans of ammunition. You have some

1 bags. There were some gun parts that we located.
2 Magazines for different firearms, different types
3 of firearms, ammunition components, being the
4 primer, various parts of a bullet in there. Like,
5 hand loading or something like that.

6 Q If you were to describe how much ammunition you
7 located, how much was it?

8 A It was a significant amount. I couldn't put
9 a number on it, but it was a significant amount of
10 various types of ammunition.

11 Q Was that collectively logged in by Kevin Shaw?

12 A Yes, ma'am.

13 Q And has that collectively been held, to your
14 knowledge, by the evidence custodians at the Anderson
15 County Sheriff's Office since you seized it?

16 A That's correct.

17 Q And, to your knowledge, it's sitting back in the
18 back of this courtroom, right?

19 A Yes, ma'am.

20 MS. FERGUSON: Your Honor, we'd ask that
21 collective exhibit be marked and admitted as
22 State's 33.

23 THE COURT: State's?

24 MS. FERGUSON: 33.

25 THE COURT: All right. Any objection?

1 MR. HARBIN: If I could clarify just the
2 collection of these sheets. If I can have one
3 second.

4 THE COURT: Yes, sir.

5 MR. HARBIN: Judge, I think there's a few
6 of these that I would object to because I don't
7 think they've been testified to, the basis of
8 which have not been addressed.

9 THE COURT: I'm sorry. Speak up.

10 MR. HARBIN: A few of these I don't think
11 have been testified to, the substance and the
12 chain of custody, so I would object to several of
13 them, but not all of them.

14 THE COURT: All right.

15 MS. FERGUSON: We can go through each
16 one, Your Honor.

17 THE COURT: All right. Please do.

18 MS. FERGUSON: Your Honor, I think
19 counsel and I have discussed it and we have an
20 agreement to hopefully pair it down a little bit.

21 THE COURT: Say that again.

22 MS. FERGUSON: Hopefully we can
23 consolidate this.

24 THE COURT: Okay.

25 BY MS. FERGUSON:

1 Q Addressing what appears to be a chain of custody
2 item number 53, firearm ammunition with magazine, can
3 you identify that particular chain of custody?

4 A It's a box of assorted ammunition.

5 Q Would that have been collected by you?

6 A Yes, ma'am.

7 Q Where was it from?

8 A It was in a black tool box in an outbuilding.

9 Q Would you look at the location marked on your
10 chain of custody?

11 A Safe number 5.

12 Q And where was safe number 5?

13 A Located inside the house in the father's
14 bedroom.

15 Q Keep them in order please, sir.

16 The next chain of custody referencing that,
17 what is that chain of custody?

18 A Item number 54, box of assorted ammunition.

19 Q Where was that located?

20 A Safe number 5 located inside the house in the
21 father's bedroom.

22 Q Next item 55, what is that?

23 A It's two ammo cans containing assorted
24 ammunition.

25 Q Where was that located?

1 A That was located in safe number 5 inside the
2 house in the father's bedroom.

3 Q And the next please, sir, what is that?

4 A It's a tan backpack. It had seven rifle
5 magazines with assorted ammunition, and that was
6 located inside the house in the father's bedroom
7 in safe 5.

8 MS. FERGUSON: Your Honor, we'd ask that
9 those exhibits be marked and admitted as State's
10 33.

11 THE COURT: 33, any objection?

12 MR. HARBIN: Judge, I believe there may
13 have been something misspoken. Did she intend to
14 introduce -- or question the detective about item
15 number 58?

16 MS. FERGUSON: It's coming, Mr. Harbin.
17 I'm going to go safe by safe.

18 MR. HARBIN: Okay. That will be fine.

19 THE COURT: Any objection?

20 MR. HARBIN: No objection.

21 THE COURT: It's admitted.

22 (STATE EXH. 33, Ammunition; Safe 5, was
23 marked and entered into evidence.)

24 BY MS. FERGUSON:

25 Q Were you present when Detective Campbell was

1 removing items from safe 1?

2 A Yes, ma'am.

3 Q And did you assist him in moving any of those
4 items from safe 1?

5 A Yes, ma'am.

6 Q Did you assist him in removing book bags, duffle
7 bags, and ammunition from safe 1?

8 A Yes, ma'am.

9 Q Detective Campbell, I'm going to show you this
10 particular chain of custody. Can you identify that
11 and where it came from?

12 A It's book bags, backpacks, duffle bags,
13 luggage, and a black zipper bag containing six
14 magazines, sorted live ammunition that was in safe
15 1 in the outbuilding.

16 Q And, sequentially, this next chain of custody, can
17 you identify that and where it was found?

18 A That's book bags, backpacks, duffle bags,
19 luggage, black Browning zipper bag with four
20 magazines and assorted ammunition. That was also
21 in safe 1 in the outbuilding.

22 Q Next chain of custody, number 3, identify what it
23 contains and where it was found.

24 A Black duffle bag with four magazines and a
25 assorted ammunition that was also in safe 1 in the

1 outbuilding.

2 Q Next one, what does that chain of custody
3 indicate?

4 A It's a black backpack of assorted ammunition
5 and magazines. That's was also in safe 1 in the
6 outbuilding.

7 Q Twenty-seven on the chain of custody, what was
8 that item?

9 A The desert-tan MOLLE backpack containing
10 assorted magazines and ammunition. That was also
11 in the safe 1 in the outbuilding.

12 Q Item 62 on the chain of custody?

13 A It's a green bag containing assorted
14 ammunition and magazines that was located in safe
15 1 in the outbuilding.

16 MS. FERGUSON: Your Honor, we ask that
17 these be marked and admitted as State's 34.

18 MR. HARBIN: No objection.

19 THE COURT: Admitted.

20 (STATE EXH. 34, Ammunition and Magazines on
21 Chain of Custody, was marked and entered into
22 evidence.)

23 BY MS. FERGUSON:

24 Q And to the best of your knowledge, all of that is
25 in evidence at the Anderson County Sheriff's Office

1 property and evidence?

2 A Yes, ma'am.

3 Q The same condition that you collected it?

4 A Yes, ma'am.

5 Q And you believe Chris Beusse kept it in that same
6 condition safe under lock and key?

7 A Yes, ma'am.

8 Q And it's here in this courthouse today?

9 A Absolutely.

10 Q All right. Now, item 59, can you identify that
11 particular chain?

12 A That's nine ammunition cans containing
13 assorted ammunition that was located in the safe 3
14 in the outbuilding.

15 Q Where was safe 3?

16 A It was in the outbuilding.

17 Q The same building where the safe 1 and safe 2
18 were?

19 A Yes, ma'am.

20 Q Next item, 57?

21 A It's a box containing assorted ammunition
22 that was located in safe 3 in the outbuilding.

23 MS. FERGUSON: Your Honor, marked and
24 admitted as State's 35.

25 MR. HARBIN: No objection.

1 THE COURT: Admitted.

2 (STATE EXH. 35, Box Containing Assorted
3 Ammunition, was marked and entered into evidence.)

4 BY MS. FERGUSON:

5 Q I want to direct your attention specifically to
6 item number 56 on your search inventory.

7 A Okay.

8 Q What does that reflect?

9 A It's a wooden crate containing assorted
10 ammunition of gun parts.

11 Q Sir, I'm handing you a chain of custody. Does
12 that relate to item 58?

13 A Yes. Wooden crate, same assorted ammunition
14 and gun parts.

15 Q Where was that particular wooden crate?

16 A That was inside the outbuilding.

17 Q Did you seize that particular crate?

18 A I did.

19 Q Can you describe it?

20 A It was away from the safes, kind of halfway
21 down. The wall, the adjacent wall. There was so
22 much stuff in there, but that's where I found it,
23 separate from the safe.

24 Q Was it secured?

25 A It was just over next to the wall and we were

1 digging through and we found it.

2 Q Was it locked?

3 A Don't recall that. No, ma'am.

4 Q What did it contain?

5 A Assorted -- it had ammunition and gun parts
6 in it.

7 MS. FERGUSON: Your Honor, marked and
8 admitted State's 36.

9 THE COURT: Any objection?

10 MR. HARBIN: Are we asking to admit the
11 chain of custody without admitting the crate?

12 MS. FERGUSON: We can bring the crate
13 in.

14 Your Honor, if we may have a moment to
15 secure a hand truck.

16 THE COURT: Yes, ma'am.

17 (Off the record.)

18 BY MS. FERGUSON:

19 Q Detective Lindsey, is that the wooden crate that I
20 found in the outbuilding?

21 A Yes, ma'am, that's it.

22 MS. FERGUSON: Sergeant Holbrooks, if you
23 would break that evidence seal and open it,
24 please, sir.

25 BY MS. FERGUSON:

1 Q Can you come around, sir, and please describe
2 what's contained in that wooden crate?

3 A There's stock in here for a long gun, for --
4 it looks like a tommy gun, bolt, 12-gauge
5 ammunition, bunch of 12-gauge ammunition, a bunch
6 of different magazines for different kinds of
7 shotguns. You have a holster in here. It looks
8 like parts for shotguns. A high-capacity magazine
9 for some sort of firearm in here.

10 Q When you say high-capacity magazine, what does
11 that mean?

12 A It holds multiple rounds. That's a 7.62, a
13 39. This is for a AK-47 magazine.

14 Q AK-47?

15 A Rifle.

16 Q Is it automatic, semi-automatic?

17 A It's supposed to be semi-automatic, yes,
18 ma'am.

19 You got some 12-gauge -- magazines for
20 12-gauge ammunition, or 12-gauge ammunition magazine
21 shotgun in here, a holster, numerous -- that was for
22 the Typhoon shotgun up there. It's got Typhoon marked
23 on it. And a barrel in here for some sort of long
24 gun.

25 Q Say it again, sir. I'm sorry.

1 A I see a barrel for an upper receiver, a
2 barrel for some sort of long gun here, multiple
3 magazines in here, 12-gauge rounds.

4 MS. FERGUSON: Your Honor, marked and
5 admitted as State's 36.

6 MR. HARBIN: No objection, Judge.

7 THE COURT: Admitted. You're admitting the
8 whole box, Counselor? Your entire box, right?

9 MS. FERGUSON: Yes, sir.

10 THE COURT: It's admitted.

11 MS. FERGUSON: The wooden crate, and
12 Detective Lindsey has described the contents.

13 (STATE. EXH. 36, Assorted Gun Parts, was
14 marked and entered into evidence.)

15 THE COURT: I think the jury is asking
16 for a quick break. Tell you what, would you like
17 to go ahead and have our lunch break now?

18 MS. FERGUSON: Your Honor, may we put one
19 more firearm in? And then Detective Lindsey is
20 done.

21 THE COURT: Madame Forelady, do you mind?

22 FOREPERSON: Okay, one more.

23 THE COURT: Very good.

24 MR. HARBIN: May we approach real quick?

25 THE COURT: Yes.

1 (Bench conference off the record.)

2 BY MS. FERGUSON:

3 Q All right. Last one, Detective Lindsey. Direct
4 your attention to F-46 on your search inventory?

5 A That's a 1911, 45-caliber handgun with an
6 empty magazine.

7 Q Does that chain of custody reflect that particular
8 gun?

9 A Yes, ma'am. 1911 45 handgun with empty mag.

10 Q Was it accompanied by ammunition?

11 A It's an empty magazine, so it shouldn't have
12 any ammunition.

13 Q Unfortunately, I don't have a photograph of that
14 gun.

15 MS. FERGUSON: Your Honor, marked and
16 admitted as State's 36 (sic).

17 THE COURT: Any objection?

18 MR. HARBIN: No, sir.

19 THE COURT: Admitted.

20 (STATE EXH. 37, 1911 45 Handgun, was
21 marked and entered into evidence.)

22 MS. FERGUSON: Gentlemen, item 51.

23 BY MS. FERGUSON:

24 Q Detective Lindsey, does that firearm match what's
25 on your search inventory and your chain of custody?

1 A It odes.

2 MS. FERGUSON: Your Honor, marked and
3 admitted as sub-part A.

4 MR. HARBIN: No objection.

5 THE COURT: Admitted.

6 (STATE EXH. 37-A, 1911 45 Handgun, was
7 marked and entered into evidence.)

8 THE COURT: Any additional questions?

9 BY MS. FERGUSON:

10 Q Thank you, Detective Lindsey. Please answer any
11 questions Mr. Harbin may have for you.

12 THE COURT: We're going to take a break
13 now. We're going to let you just step down but
14 don't talk to anybody about your testimony.

15 If you would, ladies and gentlemen, leave
16 your notes in the jury room. Let's be back and be
17 ready at two o'clock. Is that okay with
18 everybody? All right. Thank you.

19 I remind you, don't talk to each other,
20 or about the case or anybody else.

21 (Jury exits the courtroom at 12:38 p.m.)

22 THE COURT: Anything else before we break
23 for lunch?

24 MS. FERGUSON: Nothing from the State.

25 MR. HARBIN: No, sir.

1 THE COURT: All right. See you-all at
2 two o'clock.

3 (A break was taken from 12:20 p.m. to 2:39 p.m.)

4 THE COURT: You're going to put some
5 things on the record?

6 MS. FERGUSON: May it please the Court,
7 Your Honor, yes, sir.

8 Regarding State's Exhibit 34 and 35,
9 after discussions with counsel, we have decided
10 that it is in the best interest of everything to
11 put the boxes of ammunition that were found by
12 Detective Lindsey and by Detective Campbell into
13 evidence, we'd ask that the record reflect that
14 Exhibit 34 and 35 are withdrawn, and we'll proceed
15 to put these exhibits into evidence singularly
16 paired with the physical evidence that's now in
17 the courtroom.

18 THE COURT: Before you left, I thought
19 there was some discussion about putting them in
20 under their F numbers which goes with the log that
21 was kept on the scene and then converting those to
22 exhibit numbers at the end of the day; is that
23 right?

24 MS. FERGUSON: Yes, sir. That's how
25 we've done all these.

1 THE COURT: Mr. Harbin?

2 MR. HARBIN: Yes, sir. Although, I --
3 I'm not opposed to listing a bunch of F numbers
4 under a singular exhibit number.

5 THE COURT: Okay, that's fine.

6 MR. HARBIN: I think that's Patti's
7 intention.

8 THE COURT: Is that what you were saying?

9 MS. FERGUSON: That may be the simplest
10 thing. Those eight pages -- does that sound
11 right, Madame Court Reporter?

12 COURT REPORTER: Yes.

13 MS. FERGUSON: Eight pages will consist
14 of Exhibit 34 and we'll pair them to the search
15 inventory.

16 THE COURT: Would you put all the F
17 numbers under that for us so it's on the record?

18 MS. FERGUSON: Just like I did the guns,
19 yes, sir. That's how I was doing the guns, was
20 referring to the F numbers.

21 THE COURT: I got lost.

22 MS. FERGUSON: I was referring him to a
23 search inventory and the F number.

24 MR. HARBIN: I think so that the record
25 is clear that if -- and I assume you're going to

1 do them in order any way, the same way that all of
2 Campbell's came out of safe 1 and all Lindsey's
3 came out of safe 2. I think if that's, kind of,
4 announced too, it just helps keep everything a
5 little more ordinarily. Especially if there is
6 ever a transcript, you can understand where it
7 came from without having to go back and triple
8 reference.

9 THE COURT: Hang on. She can't take down
10 everybody at one time.

11 If you would, let's do Exhibit 34 which
12 consists of F so-and-so and so-and-so. Let's put
13 it right here on the record now. And then when
14 you go through it later, that's fine, but it's all
15 in one spot so later on we'll have it easy to
16 find.

17 MS. FERGUSON: And my chain -- we went
18 through the guns and tied them to the indictments,
19 to the warrant, to the F number. We did not go
20 through all this ammunition and do that. So I'll
21 reference this, the search inventory and the
22 physical piece of evidence here.

23 THE COURT: All right.

24 MS. FERGUSON: I'm assuming we've
25 established the chain for all of that.

1 THE COURT: First of all, that's for me
2 to decide, not him.

3 MS. FERGUSON: I hope we've established
4 the chain for all of this.

5 THE COURT: Chain of evidence is not
6 necessary for the guns.

7 MS. FERGUSON: Out of an abundance of
8 caution.

9 THE COURT: I understand. I totally
10 understand. All right. So can you do that for me
11 now, if you don't mind?

12 MS. FERGUSON: Of course.

13 THE COURT: Thank you.

14 MS. FERGUSON: F-12.

15 THE COURT: Hang on. I'm not being very
16 clear. May I see that? Is that Exhibit 34?

17 MS. FERGUSON: No, sir. This is
18 Exhibit 7. Exhibit 34 and 35 were the chains for
19 all of this.

20 THE COURT: Okay. So all the F's are
21 coming in.

22 MS. FERGUSON: On the search inventory.

23 THE COURT: Okay. When you start putting
24 in these exhibits now, are you putting them under
25 exhibit number with all the F numbers under them?

1 MS. FERGUSON: A collective exhibit, yes,
2 sir. No let's not do that. Let's do one each.

3 THE COURT: You want to do one?

4 MS. FERGUSON: Yeah. One each.

5 Is that okay, Madame Court Reporter?

6 THE COURT REPORTER: Yes.

7 THE COURT: Go about it. I'll leave you
8 alone. I'm sorry.

9 MS. FERGUSON: Madame Court Reporter, we
10 may ask you to step down?

11 THE COURT REPORTER: Are we on the
12 record?

13 MS. FERGUSON: Not right this second.

14 (Off the record.)

15 THE COURT: Okay, you ready?

16 MS. FERGUSON: Yes, sir.

17 MR. HARBIN: Yes, sir.

18 (Jury enters the courtroom at 2:56 p.m.)

19 MS. FERGUSON: May it please the Court,
20 Your Honor?

21 THE COURT: Yes.

22 MS. FERGUSON: The State combined the
23 ammunition in this case with Exhibit 34 and 35.
24 After discussions with counsel we would withdraw
25 those two exhibits and proceed with admitting that

1 evidence under the exhibit numbers that Madame
2 Court Reporter has marked in reference to the
3 search inventory.

4 THE COURT: Is that your understanding?

5 MR. HARBIN: Yes, sir.

6 MS. FERGUSON: Chain of custody has been
7 stipulated.

8 BY MS. FERGUSON:

9 Q Detective Lindsey, would you please reference on
10 your screen Item F-2. Can you identify that
11 particular item?

12 A You said F-2?

13 Q Yes, sir. Excuse me, F-12.

14 A F-12 is a black zipper bag containing six
15 magazines of assorted live ammunition.

16 Q Is this that particular bag marked F-12?

17 A Yes, it is.

18 Q F-12, Exhibit 38. It wouldn't on there, sir.

19 A F-12 it is.

20 Q Exhibit 38, F-12.

21 A That's right.

22 MS. FERGUSON: Your Honor, marked and
23 admitted as State's 38.

24 THE COURT: Any objection?

25 MR. HARBIN: No, sir.

1 THE COURT: Admitted.

2 (STATE EXH. 38; Photo; F-12, Zipper Bag
3 Containing Magazines and Live Ammunition, was marked
4 and entered into evidence.)

5 BY MS. FERGUSON:

6 Q If you look on search inventory of F-14, can you
7 identify that item?

8 A I'm not seeing F-14 on here.

9 Q I'm sorry, sir. F-14.

10 A That's a black Browning zipper bag with four
11 magazines and assorted ammunition.

12 Q And that's Exhibit 39?

13 A Yes.

14 MS. FERGUSON: Your Honor, marked and
15 admitted State's 39.

16 MR. HARBIN: No objection.

17 THE COURT: Admitted.

18 (STATE EXH. 39, Photo; F-14;
19 Zipper Bag with Magazines Assorted Ammunition, was
20 marked and entered into evidence.)

21 BY MS. FERGUSON:

22 Q The next item, can you identify F-18 on your
23 screen?

24 A It's a black duffle bag, four magazines with
25 assorted ammunition.

1 Q And marked as State's 40.

2 A Yes, ma'am.

3 THE COURT: Your Honor, marked and
4 admitted State's 40.

5 (STATE EXH. 40, Photo; F-18, Duffle
6 Bag, Magazines with Assorted Ammunition, was
7 marked and entered into evidence.)

8 BY MS. FERGUSON:

9 Q Referencing F-19 on your screen, can you identify
10 that?

11 A Black with assorted -- black backpack with
12 assorted magazines and ammunition.

13 Q Can you describe F-19 that I'm holding?

14 A That's it. Yes, ma'am.

15 Q Exhibit 41?

16 A Yes, ma'am.

17 MS. FERGUSON: Your Honor, marked and
18 admitted as State's 41.

19 MR. HARBIN: No objection.

20 THE COURT: Admitted.

21 (STATE EXH. 41, Backpack with Assorted
22 Magazines and Ammunition, marked and entered into
23 evidence.)

24 BY MS. FERGUSON:

25 Q Next on your screen should be item F-22?

1 A It's a desert tan MOLLE backpack containing
2 assorted magazines and ammunition.

3 Q Marked as State's Exhibit 42?

4 A Yes, ma'am.

5 MS. FERGUSON: Your Honor, marked and
6 admitted as State's 42.

7 MR. HARBIN: No objection.

8 THE COURT: Admitted.

9 (STATE EXH. 42, F-22, MOLLE Backpack
10 Containing Assorted Magazines and Ammunition, was
11 marked and entered into evidence.)

12 BY MS. FERGUSON:

13 Q Detective Lindsey, would you step down?

14 Referencing F-48.

15 A It's a box of assorted ammunition.

16 Q And what is F-48? Can you identify that?

17 A It's a box of assorted ammunition. Yes,
18 ma'am.

19 MS. FERGUSON: Your Honor, marked and
20 admitted as State's 43.

21 MR. HARBIN: No objection.

22 (STATE EXH. 43; F-48, Box of Assorted
23 Ammunition, was marked and entered into evidence.)

24 BY MS. FERGUSON:

25 Q On this screen, sir, if you're reference F-49.

1 A Box of assorted ammunition.

2 Q Is this box marked F-49?

3 A It is.

4 Q It's assorted ammunition.

5 A Yes, ma'am.

6 MS. FERGUSON: Your Honor, marked and
7 admitted at State's 44.

8 THE COURT: It's admitted.

9 (STATE EXH. 44, F-49; Box of Assorted
10 Ammunition, was marked and entered into evidence.)

11 BY MS. FERGUSON:

12 Q Next, sir, is marked F-50.

13 A Two ammo cans containing assorted ammunition.

14 Q Those are the two ammo cans that that
15 references?

16 A Yes.

17 MS. FERGUSON: Your Honor, marked and
18 admitted State's 45-B.

19 THE COURT: Admitted.

20 (STATE EXH. 45-B, F-50; Two Ammo Cans,
21 Assorted Ammunition, was marked and entered into
22 evidence.)

23 BY MS. FERGUSON:

24 Q I'm showing you what's referenced on your screen
25 as F-51.

1 A Tan backpack containing seven rifle magazines
2 with assorted ammunition.

3 Q Is that what I'm holding in my hand?

4 A It is.

5 MS. FERGUSON: Your Honor, marked and
6 admitted as State's 46.

7 MR. HARBIN: No objection.

8 THE COURT: Admitted.

9 (STATE EXH. 46, F-51; Backpack Containing
10 Seven Rifle Magazines, Assorted Ammunition, was marked
11 and entered into evidence.)

12 BY MS. FERGUSON:

13 Q Detective Lindsey, if you'll step down. Identify
14 F-52?

15 A Box containing assorted ammunition.

16 Q Is this box F-52?

17 A Yes, ma'am.

18 Q Is that the contents?

19 A Yes, ma'am.

20 MS. FERGUSON: Your Honor, marked and
21 admitted as State's 47.

22 MR. HARBIN: No objection.

23 THE COURT: Admitted.

24 (STATE EXH. 47, F-52; Assorted Ammunition,
25 was marked and entered into evidence.)

1 BY MS. FERGUSON:

2 Q Referencing F-53, can you identify F-53?

3 A Box containing assorted ammunition and
4 components.

5 Q When you say components what are you referencing?

6 A The brass primer, any of that, or
7 ammunition.

8 Q What should I pick up?

9 A That brass.

10 Q Empty brass.

11 MS. FERGUSON: Your Honor, marked and
12 admitted as State's 48.

13 MR. HARBIN: Judge, may I have a moment?

14 THE COURT: Yes, sir.

15 MR. HARBIN: Judge, could I have one
16 moment?

17 BY MS. FERGUSON:

18 Q Would you reference F-54?

19 THE COURT: Hang on, hang on, hang on.

20 MS. FERGUSON: I'm sorry.

21 MR. HARBIN: Judge, I'm trying to --
22 Judge, beg the Court's indulgence.

23 At this point, my objection would be
24 there is no information about where F-53 came
25 from.

1 THE COURT: Noted for the record.

2 BY MS. FERGUSON:

3 Q Detective Lindsey, if you would step back up for
4 F-53. If you would reference your search inventory
5 sheet. Who secured F-53?

6 A I did.

7 Q And where did you get it from?

8 A It says black tool box in the outbuilding. I
9 think that's what it says.

10 Q So do you recall where that black tool box was?

11 A As I recall, it was -- when we started
12 everything, we went to the left and to the right
13 of the safes and down the wall so that it was away
14 from the safes.

15 Q All right.

16 A I don't recall actually how far down it
17 was.

18 Q And if you would step back down again. Since I
19 have gloves on, on F-53, can you point to anything
20 that you would consider ammunition used in a firearm.
21 Just point. I'll pick up.

22 A Under there. Under that bag, there is a
23 magazine. Under this bag. See that magazine
24 right there? It's got live ammunition.

25 Q This magazine?

1 A Yes, ma'am.

2 Q Contains live ammunition?

3 A Yes, ma'am.

4 Q What are those?

5 A Those are --

6 Q They been shot.

7 A Yes, ma'am. Those are just components.

8 Brass, extra brass.

9 Q Thank you, sir.

10 A Yes, ma'am.

11 Q Sir, if you'll reference F-54 on your inventory.

12 A Ammunition conditions containing assorted

13 ammunition.

14 Q With all due respect, would you come down. That

15 is live ammunition?

16 A Yes, ma'am.

17 Q This is also marked F-53. F-54, that goes with

18 this ammunition can. Can you tell what this is?

19 Another ammunition can?

20 A Yes, ma'am.

21 Q Can you tell what caliber?

22 A It should say on the end of it, on the bottom

23 end.

24 Q Can you tell me, what's that?

25 A Touch this. Hold on. Give me the chain.

1 270 Winchester, it looks like.

2 Q F-54, it's another ammo can? What is that?

3 A 9mm Luger ammunition.

4 Q More ammunition?

5 A Yes, ma'am.

6 Q F-54. What's on the top?

7 A 12-gauge.

8 Q F-54.

9 A 40 caliber.

10 Q F-54.

11 A 308 rifle ammo.

12 Q F-54.

13 A 223 Remington.

14 Q F-54, not marked.

15 A 12-gauge shotgun.

16 Q All 12-gauge?

17 A It looks like 12-gauge.

18 Q And F-54 marked as what?

19 A 45.

20 Q What is that handgun?

21 A Ammunition.

22 MS. FERGUSON: Your Honor, at this time,
23 we'd ask that 49-A, B --

24 MR. HARBIN: A through I be marked and
25 admitted.

1 THE COURT: Any objection?

2 MR. HARBIN: No.

3 THE COURT: Admitted.

4 (STATE EXH. 54-A, Assorted Ammo, was marked
5 and entered into evidence.)

6 (STATE EXH. 54-B, Assorted Ammo, was marked
7 and entered into evidence.)

8 (STATE EXH. 54-C, Assorted Ammo, was marked
9 and entered into evidence.)

10 (STATE EXH. 54-D, Assorted Ammo, was marked
11 and entered into evidence.)

12 (STATE EXH. 54-E, Assorted Ammo, was marked
13 and entered into evidence.)

14 (STATE EXH. 54-F, Assorted Ammo, was marked
15 and entered into evidence.)

16 (STATE EXH. 54-G, Assorted Ammo, was marked
17 and entered into evidence.)

18 (STATE EXH. 54-H, Assorted Ammo, was marked
19 and entered into evidence.)

20 (STATE EXH. 54-I, Assorted Ammo, was marked
21 and entered into evidence.)

22 BY MS. FERGUSON:

23 Q Thank you, Detective Lindsey. Answer any
24 questions Mr. Harbin may have.

25 I stand corrected, please. Two more.

1 A Two more, okay.

2 Q Exhibit F-55?

3 A Green bag with assorted magazines and
4 ammunition.

5 Q Is that what's in my hand?

6 A Yes, ma'am.

7 MS. FERGUSON: Your Honor, marked and
8 admitted as State's 50.

9 THE COURT: Any objection?

10 MR. HARBIN: No, sir.

11 THE COURT: Admitted. Are you moving
12 that in?

13 MS. FERGUSON: Marked and admitted as
14 State's 50, please.

15 THE COURT: It's admitted.

16 (STATE EXH. 50, F-54; Green Bag,
17 Assorted Magazines and Ammunition, was marked and
18 entered into evidence.)

19 BY MS. FERGUSON:

20 Q Detective Lindsey, this is marked as F-58. Would
21 you step around and identify what is inside of F-58
22 for me?

23 A Okay. It's live ammunition, 12-caliber
24 ammunition, a drum magazine for rifle. It looks
25 like 17.60, AK-47-type rounds. Magazine, 7.62

1 ammunition. Magazine, it looks like two
2 23-caliber ammunition. Some magazines for a
3 handgun. 1911 magazine for a 45-caliber. A
4 magazine, it looks .60 by 39. Multiple magazines
5 on a Chestire 7.62 by 39 magazine.

6 Q What do you mean by Chestire?

7 A Just caliber. Another magazine live ammo
8 7.62 by 39. Same thing, 7.62 by 39. Empty green
9 bag.

10 Q Thank you, sir.

11 That's F-57 as opposed to F-58 in the box.
12 Verify that in the box F-57?

13 A Yes, ma'am.

14 MS. FERGUSON: Your Honor, marked and
15 admitted as State's 51.

16 MR. HARBIN: No objection.

17 THE COURT: Admitted.

18 (STATE EXH. 51, F-57 and F58; Assorted
19 Items and Ammunition, was marked and entered into
20 evidence.)

21 BY MS. FERGUSON:

22 Q Thank you, Detective Lindsey. Please answer any
23 questions Mr. Harbin has.

24 MR. HARBIN: May it please the Court?

25 THE COURT: Yes, sir.

CROSS-EXAMINATION

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BY MR. HARBIN:

Q So you are -- I believe, if I recall correctly,
safe 2 was -- I think Detective Campbell had safe 1
and --

A Several other safes, yes.

Q Safe 1 and you --

A I think I was on safe 2.

Q -- had safe 2?

A Three maybe.

Q And so that's safe, that gun safe, it was all gun
stuff in that safe, to your recollection?

A To my recollection.

Q Did you log everything in that safe? Is that your
practice to -- I mean, everything in there is -- I was
asking if there was unrelated gun stuff that you left
in there or if that safe was all gun stuff and it was
all collected and is somewhere in the property and
evidence room or in this courtroom?

A Just items of evidentiary value that we
logged. We usually get something of that
quantity. It's common practice for us to read
serial numbers. Log out to whoever is logging the
evidence, which was Detective Shaw just to
expedite.

1 Q But as far as just cleaning out that safe, if it's
2 gun-related in this particular case, it's coming with
3 you-all, I assume.

4 A Yes.

5 Q All right. That's all the questions. Thank you

6 MS. FERGUSON: One question on redirect.

7 REDIRECT EXAMINATION

8 BY MS. FERGUSON:

9 Q Was some of all of this outside of the gun safes
10 you saw?

11 A Some of it, as you recall. Because you come
12 in and there's the safe, and you got to put the
13 guns in the safe with all this ammo.

14 Q Thank you, sir.

15 MS. FERGUSON: Your honor, we ask that
16 this detective be excused.

17 THE COURT: Any objection?

18 MR. HARBIN: No, sir.

19 THE COURT: Thank you, sir. You are
20 excused.

21 Call your next witness.

22 MS. FERGUSON: May it please the Court,
23 Your Honor? The State rests.

24 THE COURT: Very good.

25 All right. Madame Forelady, ladies and

1 gentlemen, you remember, I told you there were
2 phases in the case. The State has presented its
3 case in chief. I have some administrative matters
4 to take up now and then we'll continue with the
5 case in just a few minutes. But I'm going to send
6 you back to your jury room for about 10 minutes,
7 please.

8 (Jury exits the courtroom at 3:17 p.m.)

9 THE COURT: Any motions?

10 MR. HARBIN: Yes, sir.

11 Judge, I renew my previous motions about
12 the probable cause, Franks hearing.

13 I make a motion for directed verdict.
14 Judge, we started off this case with concerns
15 about the accuracy or the reliability of the
16 information in the probable cause hearing and
17 that's the, kind of, foundation of this case and
18 why we're here now.

19 We have a neighbor that says that she has
20 a video. She doesn't necessarily see anything in
21 person herself. The magistrate is not told that
22 the video is not really -- you can't really see it
23 on the video who it is. She's just identifying a
24 figure. I would consider that an omission, if not
25 misleading, but definitely an omission.

1 We have a case where there is no
2 suggestion to the magistrate that there's any
3 attempt to verify whether or not the weapon that
4 was alleged to have been held by him was, in fact,
5 legal in the form of a black powder pistol. We
6 heard testimony today from Officer -- Sergeant
7 Velez that they left a black powder rifle there.
8 I think it's -- I know that's not for him to say
9 and it's for the Court to say, but, certainly,
10 that was common understanding that the black
11 powder is the exception to the felony possession
12 statute.

13 Judge, we have a whole bunch of guns and
14 whole bunch of ammunition. That's a lot of noise.
15 If it's not illegal, and it's not illegal to have
16 that much. It's probably intimidating to a lot of
17 people, but it's not illegal to have it.

18 Our argument, of course, is that all of
19 this stuff, but for some unspecified -- not
20 exactly sure where it is -- outside of the safe.
21 It's not necessarily documented very well in the
22 chain. It's behind locked safe doors. And our
23 position the entire time has been that that
24 belongs to and was kept by Mr. Scruggs's wife,
25 Christy. They have not presented any evidence to

1 the contrary, lacking a video that is standard
2 issue for just about every officer these days.
3 Somehow there's not -- you know, there's hours of
4 video from a neighbor's surveillance camera, but
5 not a second of this search warrant and where all
6 this was found. It seems like that would have
7 cured a lot of these issues.

8 For those reasons and the reasons argued
9 earlier, I renew those motions and make a motion
10 for directed verdict.

11 MS. FERGUSON: May it please the Court,
12 Your Honor?

13 First, this statute is not based on
14 ownership. This statute is based on possession,
15 and it's entirely reasonable to put this defendant
16 in both actual and constructive possession of the
17 firearms and the ammunition. The statute is not
18 exclusive for firearms. It includes ammunition.
19 And there's ample testimony that a lot of this
20 ammunition was not secured in the safe. Even if
21 it were locked, it was in his dominion and
22 control.

23 There is absolutely no evidence that the
24 shots heard on the video were a black powder
25 revolver. I would submit that when you shoot a

1 black powder revolver, you're going to have to
2 cock the hammer just to move the cylinder to the
3 next shot. That usually requires two shots.

4 It's clear that the sound on that
5 surveillance are three shots in rapid succession
6 would suggest a semi-automatic handgun, and there
7 are multiple semi-automatic handguns that were
8 placed into evidence in this case.

9 The neighbor did say -- Miss Poole said
10 she not only had video surveillance of the
11 defendant with a handgun, she witnessed herself
12 that he handguns. He showed her one in his belt
13 line. He had pointed a long gun at her in her
14 yard. He had pointed a long gun at another
15 incident.

16 So, in light of the evidence most
17 favorable to the State, we'd ask the Court to deny
18 the motion for a directed verdict.

19 THE COURT: I think it's a question for
20 the jury. I mean, just for the record, looking
21 through my notes, Miss Poole said she had seen the
22 defendant with a gun in his waistband. In fact,
23 according to her, lifted up his shirt and showed
24 her a pistol. Shot a crow out of her yard with a
25 rifle with a scope, and that was a daily thing.

1 She could see in his backyard from the
2 porch. You have the video, though. I don't
3 necessarily disagree with Mr. Harbin. It wasn't
4 the clearest of all, but she said he had a
5 distinctive walk. She could tell it was him.

6 The repetitive nature of the shooting
7 didn't sound to me like a black powder gun either.
8 But I think, again, that's something for the jury
9 to consider.

10 Something I thought was interesting, she
11 had a conversation with the defendant about coming
12 to a truce when her daughter was having a problem
13 with pregnancy. The shooting stopped, but then
14 after the pregnancy, it started again, which shows
15 it wasn't just -- he was in control of what was
16 going on back there regardless of whether or not
17 he owned the guns. With that regard, it's not
18 necessary that he owned them. But it's
19 interesting to me that people got guns returned to
20 them who lived at this location saying, *We own the*
21 *guns*. We want our guns back. That inference may
22 be that they would be his left over, but I don't
23 know that.

24 That's -- with that and going through all
25 the testimony in this case, that's sufficient --

1 especially looking in the light most favorable to
2 the State, there's sufficient evidence in the
3 record that it is a question of fact for the jury
4 to make that determination.

5 So I'm going to deny your motion.

6 MR. HARBIN: And, Judge, I forgot. I
7 renew my motion for a mistrial based upon --

8 THE COURT: Absolutely.

9 MR. HARBIN: -- mere presence.

10 THE COURT: Yes, sir. And that's denied
11 as well. I don't think it's a necessity. I think
12 the instruction to the jury was sufficient, and it
13 was not objected.

14 That being said, raise your right hand
15 for me, Mr. Scruggs.

16 MR. SCRUGGS: Yes, sir.

17 THE COURT: Do you swear or affirm to
18 tell the truth, the whole truth, and nothing but
19 the truth?

20 MR. SCRUGGS: Yes, sir.

21 THE COURT: Mr. Scruggs, we reached that
22 stage in the trial where you have a right to put
23 up a defense. You have a right to testify. You
24 also have a right to claim the privileges afforded
25 to you by the Fifth Amendment to the United States

1 Constitution.

2 Have these rights been explained to you by
3 Mr. Harbin?

4 MR. SCRUGGS: Yes, sir.

5 THE COURT: Do you understand them?

6 MR. SCRUGGS: Yes, sir.

7 THE COURT: Just to make sure they have,
8 your attorney is a -- your lawyer is a fine
9 lawyer, but I would, just to make sure, do you
10 understand that the Fifth Amendment to the United
11 State Constitution says in part that no person can
12 be required or compelled to testify against
13 himself in a criminal trial?

14 MR. SCRUGGS: Yes, sir.

15 THE COURT: Which means that your lawyer
16 can't make you testify. The State can't make you
17 testify. I can't make you testify. No one can.

18 But you do have the right to testify, and
19 that's a Constitutional right, if you want to.
20 You have to make that decision knowingly and
21 intelligently and voluntarily knowing your rights
22 under the Fifth Amendment not to testify, and also
23 the consequence if you do decide to testify. If
24 you do testify, you will be subject to
25 cross-examination by the State.

1 Other than bringing up his armed-robbery
2 prosecution, is there any other criminal
3 background that you would seek to impeach his
4 record with?

5 MS. FERGUSON: No, Your Honor.

6 THE COURT: Well, obviously, if you got
7 up to testify, they're going to seek to impeach
8 and hit your credibility. Do you understand that?

9 MR. SCRUGGS: Yes, sir.

10 THE COURT: Now, if you don't testify,
11 I'm going to charge the jury that they can't
12 consider that at all. That's your right under the
13 Fifth Amendment, and also that the burden is on
14 the State at all times to prove your guilt by
15 proof beyond a reasonable doubt. Do you
16 understand that?

17 MR. SCRUGGS: Yes, sir.

18 THE COURT: And I will tell the jury they
19 cannot consider it or even talk about it in their
20 deliberations. Do you understand?

21 MR. SCRUGGS: Yes, sir.

22 THE COURT: Have you understood
23 everything I've gone over with you?

24 MR. SCRUGGS: I have, yes, sir.

25 THE COURT: Have you made your decision

1 as to whether or not you wish to testify?

2 MR. SCRUGGS: Not quite yet, sir.

3 THE COURT: Sir?

4 MR. SCRUGGS: No, I haven't made a
5 decision yet.

6 MR. HARBIN: Judge, I'd like an
7 opportunity to speak with him.

8 THE COURT: How long do you think you
9 need?

10 MR. HARBIN: Ten minutes.

11 THE COURT: Let's go for 10 minutes and
12 we'll come back with your response. Thank you.

13 (Off the record.)

14 THE COURT: All right.

15 MR. HARBIN: Before we go on the record,
16 can we approach?

17 MS. FERGUSON: Of course.

18 (Bench conference off the record.)

19 THE COURT: Let's bring the jury in.

20 MR. HARBIN: Thank you.

21 THE COURT: Yes, sir.

22 (Jury enters the courtroom at 3:47 p.m.)

23 THE COURT: All right. Madame Forelady,
24 ladies and gentlemen of the jury, I have inserted
25 some things in this case that I need to spend the

1 afternoon with these lawyers about. I'm going to
2 break for the afternoon.

3 Any reason we can't come back in the
4 morning at 9:30?

5 FOREPERSON: Okay.

6 THE COURT: And let me tell you, I never
7 give a case to a jury after four o'clock in the
8 afternoon. It's too late. I rather you have a
9 fresh start at it. Be in the jury room at about
10 9:30. We'll go ahead and continue the trial at
11 that time. Thank you very much.

12 (Jury is excused at 3:48 p.m.)

13 THE COURT: All right. For the record,
14 we had a little bench conference. There was a
15 request to allow the defendant over the night and
16 come back before they get started. I granted
17 that. But at 9:30, we need to be ready.

18 And, not that you're involved, but I'm going
19 to ask the jury to come back at 2:00 because I think
20 we can get cranked up again.

21 MS. FERGUSON: Come back at 2:00?

22 THE COURT: The next case.

23 MS. FERGUSON: Oh, yes, sir.

24 THE COURT: Just gets bells on. You said
25 you're ready to go.

1 MS. FERGUSON: I'm ready.

2 THE COURT: Will you be ready, seriously?

3 MS. FERGUSON: Yes, sir. I'm old and I'm
4 tired, but I'll be ready.

5 THE COURT: I agree with 50 percent of
6 that. I won't tell you which.

7 Now, seriously, any problem with me
8 calling them back at two o'clock?

9 MS. FERGUSON: I'm fine.

10 THE COURT: In the morning, okay?

11 MR. SCRUGGS: Yes.

12 THE COURT: As I've been telling you, if
13 you're not here, we're going to continue in your
14 absence. I know you will be.

15 MR. SCRUGGS: I will be.

16 MR. HARBIN: Thank you, Judge.

17 (Off the record.)

18 (Charge Conference.)

19 THE COURT: Did you-all look at the
20 proposed charges?

21 MR. HARBIN: I did.

22 THE COURT: I wrote on mine a little bit,
23 and the verdict form.

24 We are on the record. Unlawful
25 possession of a firearm by a person convicted of a

1 violent offense. That it is unlawful for a person
2 who has been convicted of a violent crime as
3 defined by 16-1-60 that it's classified as a
4 felony offense to possess a firearm or ammunition
5 within this state. 16-1-60 provides, and you put
6 whatever it says. That would be what we charge
7 them.

8 MS. FERGUSON: Yes, sir.

9 THE COURT: Right.

10 MS. FERGUSON: Yes, sir.

11 THE COURT: Do you have any problem with
12 that? I mean it's a general instruction. I'll
13 let you look at it again, but that's generally
14 what it's going to be.

15 MS. FERGUSON: Would you define violent
16 offense? Are you going to read the whole thing?
17 How would we do that?

18 MR. HARBIN: Under the statute,
19 armed-robbery lists --

20 THE COURT: What I normally say is
21 16-1-60 defines what crimes are classified as a
22 violent offense. I would charge you that
23 armed-robbery is classified as a violent offense.

24 MS. FERGUSON: Yes, sir.

25 THE COURT: Is that okay?

1 MS. FERGUSON: Yes, sir.

2 THE COURT: Does that suit you, Mr. --

3 MR. KINSEY: It does.

4 THE COURT: As long as it suits you. I
5 mean . . .

6 MR. KINSEY: I do have a question,
7 though.

8 THE COURT: Oh, good.

9 MR. KINSEY: Are you putting actual and
10 constructive possession in here?

11 THE COURT: Yes. And if you look at
12 it -- Chase has it. It comes in at the end.

13 MR. KINSEY: Constructive is going to
14 have to be our thing, if he's arguing -- okay.

15 MR. HARBIN: You created that monster.

16 THE COURT: I know. And I didn't create
17 it. Mama and daddy did.

18 MR. KINSEY: Yeah, okay.

19 THE COURT: And then when I go back
20 through it, instead of me going back and
21 recharging actual constructive, I'll say the law
22 of actual and constructive possession is the same
23 for this charge as it was for the other. Instead
24 of me doing it over and over again.

25 MS. FERGUSON: Do we need the instruction

1 on dual possession, that two people can actually
2 be in constructive possession of the same thing?

3 THE COURT: I don't have that. It's in
4 there?

5 LAW CLERK: The last line of constructive
6 says that.

7 THE COURT: My law clerk says you got it.

8 MR. HARBIN: I don't know the answer to
9 that and I'll look it up. "Two or more persons
10 may have joint possession of a firearm."

11 THE COURT: That's the general law.

12 MR. HARBIN: If I'm arguing that he's not
13 in constructive possession am I not asking for
14 them to --

15 THE COURT: I think that would be more --

16 MR. HARBIN: Mere presence? I mean, is
17 that weird to say?

18 THE COURT: You're arguing a factual
19 issue as opposed to a legal issue, I think, that,
20 by it being locked, he actually could not have
21 constructive possession because he didn't get to
22 it.

23 MR. HARBIN: That's right.

24 THE COURT: But two or more people could
25 have regardless.

1 MR. HARBIN: Sure.

2 THE COURT: So wouldn't that be a factual
3 argument instead of legal?

4 MR. HARBIN: I think it's -- because it's
5 not ownership, its possession, and possession
6 means that you need to have dominion and control.
7 And if they believe that he doesn't -- my argument
8 is, if they believe that he doesn't have access to
9 the inside of that safe, he does not exercise
10 dominion and control.

11 THE COURT: If you have something you
12 want to scribble together and you want me to
13 consider, I'll be happy to do so. I think,
14 though, that is -- saying two or more people can
15 have constructive possession or possession is a
16 good statement -- unless you have -- if you show
17 me something else, I'll be glad to look at it.

18 MS. FERGUSON: Of course, I want that
19 beefed up.

20 MR. HARBIN: I think it's true. Both of
21 them are in the house.

22 THE COURT: You know, we have a 28-page
23 verdict form.

24 MS. FERGUSON: And, Judge, I need to be
25 sure. Kirjsten, we worked really hard on trying

1 to pare it down. I've got some sentencing sheets
2 -- some tracking sheet where I dismiss some
3 additional charges because the firearms were
4 returned to the dad. I haven't filed those
5 tracking sheets -- those dismissals yet. It's
6 that consent order that returned two things to
7 Mrs. Scruggs and several -- I didn't do it -- and
8 several firearms to dad. I paired up those and
9 have the dismissal sheets ready for those
10 warrants.

11 THE COURT: I mean, I don't know anything
12 about that. The only thing I know is, she said
13 she's been in contact with you guys and the 28
14 that are attached are the ones you showed going
15 forward. That's my understanding.

16 MS. FERGUSON: I think I did all those in
17 evidence.

18 THE COURT: And she has the indictment
19 numbers.

20 MS. FERGUSON: Yes, because I paired them
21 with indictments. Okay.

22 THE COURT: So, I mean, look at it. If
23 it's something that needs to be corrected, I'll
24 certainly will do that because it won't take long.

25 Are you going to make those changes on

1 constructive possession on that one?

2 MS. FERGUSON: In the unfortunate event
3 he is convicted, how do we structure sentencing
4 sheets?

5 THE COURT: You're going to make me sign
6 28?

7 MS. FERGUSON: Yes.

8 THE COURT: I guess I'll have to do 28.

9 MS. FERGUSON: I think you will sign 28.

10 (Off the record.)

11 THE COURT: You can put so and so times
12 10. I've seen you-all do that before, but you're
13 going to have to have all your indictment numbers
14 on there.

15 Just do them all separate.

16 MS. FERGUSON: And we'll deal with it.

17 MR. KINSEY: There's no counts on this
18 verdict form. Am I missing something?

19 MS. FERGUSON: No.

20 MR. KINSEY: Because it's a multi-count
21 indictment, right?

22 MS. FERGUSON: It was a mess. I did not do
23 that either.

24 So when I gave the chain of custody
25 sheets to Kirjsten and to Chase, on each one was

1 written which count was paired with which -- which
2 gun was paired with which warrant.

3 THE COURT: Do we need to put counts on
4 here?

5 MS. FERGUSON: I don't think so.

6 THE COURT: Do you have counts on your
7 indictment?

8 MS. FERGUSON: Yes.

9 MR. HARBIN: I would think you have to
10 identify it.

11 THE COURT: I think you got to too. Can
12 you give me those copies so she could do that?
13 She needs something to do this evening.

14 MS. FERGUSON: Kirjsten, do you have
15 those sheets that I gave you?

16 LAW CLERK: Yes, ma'am. They're right
17 here.

18 MS. FERGUSON: Look at how I've done
19 chain of custody.

20 THE COURT: Why don't you help her out
21 right quick. If you can just guide her once,
22 she's really smart. She can do it.

23 MS. FERGUSON: Oh, really. I laid it out
24 before I gave them to her.

25 MR. KINSEY: That's your copy

1 apparently.

2 THE COURT: The other ones -- the other
3 charges, do you have a problem with, Chase?

4 MR. KINSEY: The other -- oh, I do not.
5 I do not.

6 THE COURT: And that would be unlawful
7 possession of ammunition by a person convicted of
8 a violent offense and --

9 MS. FERGUSON: Add in the definition
10 from --

11 THE COURT: Possession of ammunition --
12 hang on. Unlawful storing, keeping, or possession
13 of a sawed-off rifle. I'll add the rifle part.
14 Do you have a problem with either one of those
15 charges?

16 MR. HARBIN: No, sir, I do not.

17 THE COURT: Okay. If you can put the
18 counts in there and we change the other, then we
19 should be good to go. See you-all in the morning.

20 (The proceedings were adjourned at 4:05 p.m.)

21

22

23

24

25

CERTIFICATE OF REPORTER

I, SHARON G. HARDOON, Official Circuit Court Reporter, III for the State of South Carolina at Large, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in General Sessions for Anderson County, South Carolina.

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

September 24, 2025



Sharon G. Hardoon, CSR
Official Circuit Court Reporter, III

1 STATE OF SOUTH CAROLINA
2 IN GENERAL SESSIONS
3 COUNTY OF ANDERSON

4 State of South Carolina,

5 vs.

Transcript of Record

2022-GS-04-1525 x 27

2022-GS-04-1794

2022-GS-04-1524

2022-GS-04-2053

7 Carles Brandon Scruggs,

8 Defendant.

11 June 18, 2025

Anderson, South Carolina

12 Volume III of III

13 B E F O R E:

14 The HONORABLE R. SCOTT MCINTOSH

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

16 Patti Ferguson, Solicitor

17 Chase Kinsey, Solicitor

18 Hunter Chase Harbin, Representing the defendant

22 SHARON G. HARDOON, CSR

23 Official Circuit Court Reporter, III

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1 THE BAILIFF: All rise.

2 THE COURT: Be seated. Good morning.

3 MR. HARBIN: I've got a couple of issues
4 I'm going to have to bring to the Court's
5 attention. May it please the Court?

6 THE COURT: Your inference objection, we
7 took that out. That was never -- your objection
8 to inference, I would never charge that anyway.
9 We took that out.

10 MR. HARBIN: Okay.

11 THE COURT: Your objection is overruled.

12 MR. HARBIN: Judge, before we start, I
13 was able to have a conversation with Patti last
14 night. My client's wife and his mother are likely
15 to testify. We're going to call his wife first.
16 They would like to introduce pictures that were
17 provided to us in discovery, and I've asked Patti
18 if she would stipulate on the record that those
19 pictures were taken by law enforcement concurrent
20 with the search warrant.

21 THE COURT: Okay.

22 MS. FERGUSON: Without objection.

23 THE COURT: Sure.

24 MR. HARBIN: And also, all of the
25 evidence collected in this case has either been

1 guns that were returned or admitted -- or the
2 evidence has been admitted here in the courtroom,
3 except for a cell phone and --

4 MS. FERGUSON: It was several multiple
5 cell phones, a Swan DVR recorder, and item F-21
6 was a black Glock 40-cal, serial number UGB146
7 that comes back stolen from Simpsonville.

8 THE COURT: Stolen from where?

9 MS. FERGUSON: Simpsonville.

10 THE COURT: So what are asking that I do?
11 You're stipulating something?

12 MR. HARBIN: So, Judge, I had -- the
13 discussion with Patti was -- I had two options;
14 one, ask her to stipulate that all of the evidence
15 was admitted, like to tell the jury this is
16 everything they actually gathered at the home; or,
17 I would have to call the evidence collection,
18 Mr. Beusse, to basically close that loop.

19 I just wanted --

20 THE COURT: What's the relevance of all
21 the evidence coming in? I'm not sure what the
22 relevance of that would be.

23 MR. HARBIN: It's relevant as to what was
24 collected from home. What was in the safes or the
25 containers or the garage, if I am not able to tell

1 the jury that everything that was picked up --
2 that was collected by law enforcement, then I
3 can't make the evidentiary points that I need to
4 make. So if I need to call the evidence
5 collection officer --

6 THE COURT: Whatever you need to do,
7 better do it because we're going right now.

8 MR. HARBIN: Well, Judge, my point is,
9 after conversations with Patti, all I asked her
10 was, have you -- is everything in the courtroom or
11 is there anything -- I tried to go to P & E
12 yesterday and nobody home and nobody answered the
13 door. So I called Patti and asked her is
14 everything in evidence, she said yes, except
15 for --

16 MS. FERGUSON: It's 4:30 in the morning,
17 I realized the Glock had not been -- because it's
18 a stolen gun and can't go in evidence.

19 THE COURT: Guys?

20 MS. FERGUSON: There's no warrant.

21 THE COURT: If you want to stipulate,
22 stipulate. If you don't --

23 MS. FERGUSON: I do not want to
24 stipulate.

25 THE COURT: All right. Call your

1 witnesses.

2 MS. FERGUSON: Because I wasn't there
3 collecting the evidence myself. I can't get into
4 the heads of the officers collecting the
5 evidence.

6 MR. HARBIN: Let me be more clear,
7 perhaps. All I want for the record is that what
8 is in P & E, what was in property and evidence
9 collected, that's all. I don't want her to
10 speculate about what was or wasn't -- what was or
11 was not collected. I'm only asking about the
12 evidence that was collected and was logged into
13 property and evidence.

14 MS. FERGUSON: That should have been done
15 through cross-examination of the officers that
16 were actually taking evidence. Mr. Beusse was on
17 scene, not collecting evidence, not logging in
18 evidence.

19 THE COURT: All right. If you're not
20 going to stipulate, call who you got to call.
21 Better make your phone call now because we're
22 getting ready to get started.

23 MS. FERGUSON: Your Honor, Mr. Harbin is
24 calling Christine Reeves trying to find
25 Mr. Buesse's number last night. I didn't know all

1 this until I got a text at 7:15 last night. He
2 didn't ask me for Mr. Buesse's number. I would
3 have told him the same thing I just put on the
4 record.

5 MR. HARBIN: Apparently, I misunderstood
6 our conversation last night.

7 THE COURT: Let me tell you something,
8 guys, this jury is coming in right now. Okay? I
9 let you cut off yesterday early. I'm not waiting
10 any more. Okay?

11 Bring them in.

12 While we're waiting, does your client
13 intend to testify?

14 MR. HARBIN: Yes, sir.

15 THE COURT: Okay, very good.

16 (Jury enters the courtroom at 9:42 a.m.)

17 THE COURT: Good morning.

18 JURY PANEL: Good morning.

19 THE COURT: I hope you had a nice
20 evening. Over the break, did anybody read, hear,
21 or see anything about this, or have you spoken to
22 anybody about the case, or has anybody spoken to
23 you about the case?

24 JURY PANEL: No.

25 THE COURT: I didn't think so. Very

1 good.

2 All right. Ladies and gentlemen, we're
3 about to begin with the defense's side of the
4 case.

5 Mr. Harbin, would you call your first
6 witness, please, sir?

7 MR. HARBIN: Thank you, Your Honor. May
8 it please the Court? I call Christy Bryant.

9 THE CLERK: Raise your right hand. Do
10 you swear or affirm to tell the truth, the whole
11 truth, and nothing but the truth?

12 THE WITNESS: Yes, ma'am.

13 THE CLERK: Please come around to our
14 witness chair. And, if you would, please state
15 your full name for the record and spell your last
16 name.

17 THE WITNESS: Christy Anne Bryant,
18 B-r-y-a-n-t.

19 THE CLERK: Just pull that microphone
20 just a little closer to you, if you don't mind.
21 Thank you.

22 WHEREUPON:

23 CHRISTY BRYANT,
24 after having been sworn, testified as followed:

25 DIRECT EXAMINATION

1 BY MR. HARBIN:

2 Q Good morning, Christy.

3 A Good morning.

4 Q So you are Brandon's wife?

5 A Yes, sir.

6 Q How long have you-all been together?

7 A Together, 13 years. Married for four.

8 Q Okay. Thirteen years, so that's, what,
9 2012-ish?

10 A Yes, sir.

11 Q Okay. And you know that he has a criminal record;
12 is that correct?

13 A Yes, sir.

14 Q Okay. And you moved -- when did you -- when did
15 you move in with him?

16 A It was about six months after he was released
17 from prison.

18 Q Okay. And when he was released from prison, where
19 did he go? Where was that that you moved in to?

20 A His father's house.

21 Q Is that 607 Jackson Street?

22 A Yes, sir.

23 Q Okay. What did you do -- or what were -- what was
24 done at the home regarding his father's guns and any
25 guns that you would have had?

1 A Safes were purchased and everything was kept
2 in a locked safe.

3 Q Okay.

4 A Due to his criminal record.

5 Q Do you recall specifically?

6 Well, let me back up. So you're not from
7 here; is that right?

8 A No, I'm from here.

9 Q From here. And then you moved back up here from
10 somewhere?

11 A I was living in Louisiana for about eight
12 years.

13 Q Okay. And so why did you -- why did you-all
14 purchase safes for the guns?

15 A Because he has a criminal record. He's a
16 felon. He can't be around guns.

17 Q Okay. Was he still on supervision when he moved
18 in?

19 A Yes.

20 Q And so did his parole or probation agent visit the
21 home while he was on supervision?

22 A Once or twice.

23 Q Okay. Were the safes and the guns in the home at
24 the time?

25 A Yes, sir.

1 Q Do you recall any issues from the probation
2 agent?

3 A No, sir.

4 Q Vis a vis, those guns in those safes?

5 A No, sir.

6 Q What do you-all -- tell me about you -- a little
7 bit about you. What do you-all do for a living? How
8 do you spend your day? I'm trying to give the jury a
9 little bit of, you know, insight into your life and
10 how that's going to blend into your relationship or
11 lack of relationship with your neighbor Misty Poole.
12 Tell me a little bit about you-all.

13 A Well, clean houses. Sometimes I Instacart.
14 He works on small engines, sometimes cars. Like,
15 we both work -- he works out of the house, and I
16 work pretty much doing -- cleaning houses and
17 Instacart. Instacart is a little. He doesn't
18 really like me to do that. He says it's
19 dangerous.

20 Q Speaking to that, tell me about Jackson Street.
21 Tell me about your neighborhood.

22 A What do you mean? What about the
23 neighborhood?

24 Q Well, there's been prior testimony here that the
25 neighborhood has -- was not always the safest and

1 maybe it's gotten a little worse over the years, and
2 I'm asking if you have an opinion about that?

3 A It can be pretty dangerous, yes. They find
4 bodies all the time around there.

5 Q Has there been a lot of calls for service, a lot
6 of police activity around your house or around that
7 area?

8 A To my house, yes, a lot.

9 Q Is that part of the trouble with your neighbor
10 Misty Poole?

11 A Yeah, that's really -- as far as our side of
12 it, that's the whole issue with the neighbor.

13 Q Okay.

14 A She sent the police to the house, like,
15 probably close to 50 times. I have a three-ring
16 binder full of call logs from her.

17 Q Can you give me a couple of examples of what she
18 has called on you about?

19 MS. FERGUSON: Objection, Your Honor.
20 Calls for speculation.

21 THE COURT: Rephrase your question.

22 BY MR. HARBIN:

23 Q Can you give me a couple of examples of what --
24 when, I guess, a police officer knocked on your door,
25 what they introduced -- what was the concern that they

1 were coming to you for?

2 A Well, she has -- it's been burning stuff in
3 the backyard. Chopping motorcycles. One call was
4 manufacturing drugs in the backyard. When she
5 realized that she could call you and say "guns,"
6 you know, guns and felon, she realized they'd come
7 for that so she stuck with that.

8 Q So you-all had this antagonistic relationship for
9 a while, true?

10 A Yeah. But me and Misty were friends for
11 quite a while until we found out it was her that
12 kept sending the cops to the house, and then she
13 just went nuts. I guess she didn't like getting
14 caught. It was really crazy after that.

15 Q She referenced something about her dogs and
16 having -- I believe she said she had some type of
17 run-in with you. What was that about?

18 A Her dog tried to attack me on my front porch.
19 I went outside to holler at a friend about her
20 that -- he had been walking and it started
21 raining, so I was going to give him a ride. And
22 when I went outside to tell him to come back,
23 their dog came running across the yard. It almost
24 got me on my front porch.

25 Q What kind of dog are we talking about?

1 A We're talking about a full-grown Doberman
2 pincher.

3 Q How big?

4 A Oh, he was huge. At least 100 pounds.

5 Q Okay. Tell me about the -- you-all had issues, I
6 believe, with the cameras that Misty had. Tell me
7 about what bothered you about those cameras.

8 A Well, you said "had," but has.

9 Q Has.

10 A It's present tense, like this is still
11 happening. She has at least 12 cameras pointed at
12 my house. One of them is up so high like it's
13 over my privacy fence in my backyard.

14 Q And how high are you talking about?

15 A I'm talking 40-, 45-foot. It started off
16 that camera was pointed at my back door, and I had
17 a privacy fence put up and she moved that camera
18 up so she could see over that privacy fence that I
19 put up.

20 MR. HARBIN: Your Honor, may I approach
21 the witness?

22 THE COURT: Yes, sir.

23 BY MR. HARBIN:

24 Q Christy, can you identify this photo?

25 A Yes. That is the boom truck that was used to

1 put that camera up.

2 Q Did you take that photo?

3 A Yes.

4 Q And this is -- can you be more specific? Where is
5 this photo located? Where's the boom truck located?

6 A In Misty's yard.

7 MR. HARBIN: Judge, I'd ask to admit this
8 as Defense 1.

9 THE COURT: Any objection?

10 MS. FERGUSON: I don't think there's a
11 sufficient foundation. I don't see a name on that
12 truck. It could be there to fix the power.

13 THE WITNESS: It's their truck.

14 THE COURT: No, no.

15 THE WITNESS: I'm sorry.

16 MS. FERGUSON: It could be there to fix
17 the power. It could be there to install a camera.
18 It could be there to instal a light. So I don't
19 think there's sufficient foundation.

20 THE COURT: Overruled.

21 MR. HARBIN: Judge --

22 THE COURT: Overruled. It's admitted.
23 That's number 1?

24 MR. HARBIN: Number 1, yes, sir.

25 (DFT. EXH. 1, Photo of Boom Truck, was

1 marked and entered into evidence.)

2 BY MR. HARBIN:

3 Q So, tell me, she had cameras before she installed
4 that pole?

5 A Yes.

6 Q And did I hear you correctly that at some point
7 the camera was raised even higher?

8 A Yes. When we noticed the camera pointed
9 directly at our back door, we put the privacy
10 fence up higher. The tarp and stuff that's on the
11 fence, we put that up. And she moved that camera
12 up onto that pole so she could see over the
13 privacy fence.

14 Q So, has Misty ever -- do you know why Misty
15 doesn't like you?

16 A We have no idea.

17 MS. FERGUSON: Objection; calls for
18 speculation.

19 THE COURT: That's sustained. Strike
20 that response.

21 BY MR. HARBIN:

22 Q Let me shift gears. I've seen you-all's back yard
23 and Brandon has stuff all over the place. Have you
24 fussed at him for cleaning up the yard or not cleaning
25 up the yard before?

1 A I have, but I can't really fuss at him too
2 much about it because a lot the stuff I find and
3 bring home too.

4 Q All right. And I can't help but figure that maybe
5 that's part of the problem, that she just doesn't want
6 a junky yard. But I don't know if you-all have been
7 made aware or tried to remedy that situation?

8 A She hasn't ever said anything about the yard.
9 She shouldn't be able to see my back yard anyway,
10 so . . .

11 Q I understand.

12 So, you are -- were you home the day that
13 officers arrived to conduct a search?

14 A Yes, sir.

15 Q Tell me about what you experienced. Like, what's
16 the first thing that happened?

17 A We were immediately put outside at the front
18 of the car and we were told to stay there.

19 Q Were you outside or inside when they arrived?

20 A We were on our way out the front door,
21 actually.

22 Q Okay. And was Brandon living at 607 Jackson
23 Street at that time?

24 A He was staying pretty much at his mom's, but
25 he was back and forth really. His address, as far

1 as anything goes, was at his mom's because we
2 were kind of -- we were, kind of, split up at the
3 time. We were taking us a break, really the
4 stress of all this.

5 Q It's not necessarily that it wasn't his dad's home
6 and a home you-all were hoping he came back to, but
7 that he was spending the night at that point at his
8 mother's house; is that correct?

9 A Yes.

10 Q Okay. So you were not able to witness any of the
11 search or anything they were doing; is that correct?

12 A Correct. We were outside the whole time.

13 Q You have had an opportunity, however, to see
14 pictures, right, provided to us through discovery?

15 A Yes.

16 Q I'm going to ask you -- I'm going to hand you
17 these photos and ask you if you can identify each
18 photo. If you can just state -- we'll call them -- or
19 identify them by the numbers. This is the State's
20 numbers.

21 A This is my safe in the shop. What exactly do
22 you want me to identify it by?

23 Q What does it show?

24 THE COURT: Could you identify that by
25 number for the record for us, please.

1 THE WITNESS: Oh, I'm sorry?

2 BY MR. HARBIN:

3 Q It's on that sticky note?

4 A 0180.

5 Q Okay. Could you describe what's in the safe.

6 A My pistols are in the door of the safe.

7 There's bullets. Keys are in the safe.

8 Q Okay. What --

9 A Go ahead.

10 Q What keys are in what safe?

11 A The keys to my locks and the other safes.

12 Q Okay. While we're on that subject, the officer
13 testified previously that he had gotten the
14 combination of the first safe from you; is that
15 correct?

16 A Yes.

17 Q And the inside of that first safe was the keys
18 and/or combinations to the other safes?

19 A Right. I had those actually on a laminated
20 card and it's inside this pocket here, but you
21 can't see it in the picture.

22 Q All right. If you can move on to the next
23 picture, please, and identify that by number and then
24 what is in the picture.

25 A This is 0220, and this is my Browning safe.

1 I have my little coin safe on top of it. And then
2 that's the grip for the tommy gun. That's about
3 all that's in this. Got some shotgun shells in
4 the pouch there.

5 Q And is everything in that safe yours?

6 A Yes.

7 Q And the previous picture, is everything in that
8 safe yours?

9 A Yes, uh-huh.

10 Q What's the next picture, please?

11 A 0174, and this is a picture of the floor in
12 the shop. And there is --

13 Q You'll have to move on to the next one.

14 A Move on to the next one.

15 A Okay. 0178, this is a picture of the same
16 safe as the first one. And let's see. It's a
17 picture of the first safe, like I said. And you
18 got a magazine on top of that empty magazine. And
19 the other magazine that's -- can I do two pictures
20 at once?

21 Q Why don't you just -- we'll establish that you've
22 identified that picture. And if you've already called
23 out that number, then we'll move on to the next and
24 then we can ask some questions about it.

25 A Okay. The next picture is 202, and this is

1 the Browning safe again. And that's pretty much
2 the same as the last one.

3 Q Okay.

4 A All right. And then we got 0219, and now, in
5 this one, there's a magazine, actually, that came
6 out of that other safe and it's on top of this
7 safe.

8 Q Okay. We can come back to that.

9 A You got 0075, and this is a picture from the
10 doorway of the shop. And neither of those things
11 are on top of the safe in this picture.

12 Q Can you describe -- you recognize that picture.
13 What is that a picture of?

14 A It's a picture from the doorway of the shop
15 and into the shop.

16 Q Okay. And that's your garage, your shop?

17 A Uh-huh.

18 Q Or you-all's.

19 A Uh-huh.

20 You got 0169, and this is another picture of
21 the Winchester safe. And the keys out of this safe
22 now on the cinder block on the floor.

23 And then 0171, the keys are in the safe
24 here.

25 Q There's not a number on that one.

1 A I didn't call that one.

2 And this is actually -- this wooden
3 crate, it's empty. It's on the side empty here,
4 but there's another picture in discovery that
5 there's a whole bunch of stuff in it.

6 MS. FERGUSON: Objection, Your Honor.
7 She's referring to another picture that's not
8 before her. We move that that be stricken.

9 THE COURT: Sustained.

10 THE WITNESS: Okay.

11 MR. HARBIN: Judge, I'd ask that --
12 Patti, do you care if they're admitted as one
13 exhibit, or you want to see each picture?

14 MS. FERGUSON: As long as you leave the
15 yellow tags on them that she was referencing.
16 Otherwise we have no idea what she was talking
17 about.

18 MR. HARBIN: Judge, I'd make a motion to
19 admit these pictures into evidence.

20 THE COURT: How about get them marked and
21 we'll go over the -- any objection to their
22 admission?

23 MS. FERGUSON: No objection.

24 THE COURT: If you mark them and then put
25 the numbers on the record for us, please, sir.

1 MR. HARBIN: Yes, sir.

2 Judge, do you have any objection to simply
3 having this as one exhibit?

4 THE COURT: I don't have an objection, if
5 you want to do it as one group exhibit do A
6 through C or D, or whatever it is. Or 1 through
7 10, whatever it is, just show the number of
8 pictures in that exhibit, please, sir.

9 MR. HARBIN: These will be Defendant's
10 2-A through H.

11 THE COURT: A through H. Thank you, sir.

12 (DFT. EXH. 2-A, Photo; Search, was
13 marked and entered into evidence.)

14 (DFT. EXH. 2-B, Photo; Search, was marked
15 and entered into evidence.)

16 (DFT. EXH. 2-C, Photo; Search, was marked
17 and entered into evidence.)

18 (DFT. EXH. 2-D, Photo; Search, was marked
19 and entered into evidence.)

20 (DFT. EXH. 2-E, Photo; Search, was marked
21 and entered into evidence.)

22 (DFT. EXH. 2-F, Photo; Search, was marked
23 and entered into evidence.)

24 (DFT. EXH. 2-G, Photo; Search, was marked
25 and entered into evidence.)

1 (DFT. EXH. 2-H, Photo; Search, was marked
2 and entered into evidence.)

3 BY MR. HARBIN:

4 Q Christy, you had begun to reference some things
5 you had noticed on these pictures, so I'm going to put
6 up one of these pictures here.

7 THE COURT: Would you identify the number
8 of it for us, please, sir?

9 MR. HARBIN: Yes, sir.

10 BY MS. FERGUSON:

11 Q The 0178.

12 THE COURT: Or A or B or C or D?

13 BY MS. FERGUSON:

14 Q 2-D. Christy, what is this here?

15 A That is an empty magazine.

16 Q Okay. And what is this -- is this -- what is this
17 a picture of?

18 A That is a picture of the same safe. That's
19 the magazine from the first picture. And now
20 there's a magazine here from the Savage HMR-17
21 that was not there before.

22 Q You're pointing to this thing right here
23 (indicating)?

24 A Yes. You can see the bullet and the cover.

25 Q And tell me, that's a magazine for one of your

1 guns?

2 A Uh-huh.

3 Q Okay.

4 A Yes, sir. That was in the other safe, the
5 Browning safe.

6 THE COURT: That's 2-A?

7 MR. HARBIN: This is 2-A, yes, sir.

8 Thank you.

9 BY MR. HARBIN:

10 Q You said that that was from another safe. What
11 did you mean?

12 A I mean the magazine was in the rifle that was
13 in the Browning safe.

14 Q That magazine you believe to be in the rifle
15 stored in the Browning safe, not on top of the safe?

16 A I don't believe to be. It was.

17 Q All right. What do you see -- This is 2-C. What
18 do you see in this picture of interest? What did you
19 note in this picture previously?

20 A This fore grip right here for the tommy
21 gun.

22 Q This right here?

23 A Uh-huh.

24 Q Okay. Tell me what a fore grip is?

25 A It goes on the front of this -- the front

1 grip for the tommy gun.

2 Q So is that not attached to a gun right now in this
3 picture?

4 A No.

5 Q Okay. How does it -- how do you attach it?

6 A It was screwed. It goes up through the
7 bottom. You see the screw there?

8 Q So you have multiple -- or you have
9 interchangeable handles for some of your weapons?

10 A No, I just have the one of those. It just
11 wasn't on there at the time.

12 Q Just one of those?

13 A Uh-huh.

14 Q I just want to be clear. All of the weapons that
15 were seen in the photographs that I have asked you to
16 identify, who do they belong to?

17 A They belong to me. All of them.

18 Q Okay. They don't belong to Brandon?

19 A No.

20 Q Not holding them for Brandon?

21 A No. Brandon can't have guns.

22 Q Is your shop normally in this state here with the
23 drawers open, doors open?

24 A No.

25 Q What is your protocol for caring for your

1 weapons -- caring for the storage, storing your
2 weapon?

3 A Everything is kept locked up, everything is
4 in the safe.

5 Q So do you -- so how do you get your weapons? How
6 do you procure them?

7 A What do you mean?

8 Q How do you get them? Where do you get them
9 from?

10 A Some of them were purchased at Sportsman
11 Warehouse. I bought several of them from private
12 sellers. Academy. I ordered some of them on-line
13 through the FFL.

14 Q Okay.

15 MR. HARBIN: Judge, at this time, I would
16 ask that the witness be allowed to identify one of
17 the items previously admitted into evidence, but I
18 would need one of the bailiffs to help with that.

19 THE COURT: What are you asking them to
20 do?

21 MR. HARBIN: To retrieve the wooden crate
22 item.

23 THE COURT: Okay.

24 MR. HARBIN: Judge, may I be allowed to
25 ask the witness to step around?

1 THE COURT: Yes, you may step around.

2 MS. FERGUSON: Your Honor, may we
3 approach?

4 THE COURT: Sure.

5 BY MR. HARBIN:

6 Q Christy, what is that item on the top- left corner
7 of that box?

8 A That is the fore grip for the tommy gun.

9 THE COURT: Could you pick it up so the
10 jury can see? I see they can't see it over there.

11 THE WITNESS: (Complies.)

12 BY MR. HARBIN:

13 Q This is the item that you identified in the
14 picture previously?

15 A Yes, sir.

16 Q So this item was stored in that safe?

17 A Uh-huh.

18 Q Thank you.

19 Now, you didn't have access to any of the
20 evidence while they were conducting the search
21 warrant? You haven't had access to any of the
22 evidence since they have taken these items and stored
23 them in property and evidence; is that correct?

24 A Right.

25 Q You haven't gone to P & E yourself?

1 A I've gone to P & E, but I was never allowed
2 to see of the -- anything.

3 Q So you never actually got to it?

4 A Right.

5 Q Do you have more than one of those fore grips?

6 A No.

7 Q If the fore grip was in that safe and now it's in
8 that box, how did it get there?

9 MS. FERGUSON: Objection; calls for
10 speculation.

11 THE COURT: Sustained.

12 BY MR. HARBIN:

13 Q Let me revisit. I just want to be clear if I can.
14 Let's see if we can do a compare and contrast for the
15 things you noticed here. These are two pictures,
16 which would be 2-A and 2-D, they are of the same safe?

17 A Yes.

18 Q Okay. And what can you notice on those pictures
19 that are different?

20 A This magazine, the safe, the Savage HMR is on
21 top of the safe and it's not there in this
22 picture. It was in the rifle in the other safe.

23 Q So it's not even in the safe that's opened
24 directly underneath it?

25 A Right.

1 Q Okay, thank you.

2 Christy, does Brandon own any firearms of his
3 own?

4 A He has a black powder, yes, sir.

5 Q And he has a black powder pistol. Is that the
6 only black powder weapon that he owns?

7 A He has two.

8 Q I'm sorry?

9 A He has two.

10 Q Two?

11 A Uh-huh.

12 Q Two black powder guns.

13 A Yes.

14 Q At the time, was there a black powder rifle in
15 your home when the search warrant was conducted?

16 A A muzzle loader, yes, sir.

17 Q Whose was that?

18 A That was a friend of ours.

19 Q Okay. When Brandon was on -- strike that.

20 Christy, this trial is about whether those
21 guns are yours or Brandon's, right?

22 A Uh-huh.

23 Q Did Brandon have access to those safes?

24 A No.

25 Q Did he ever try to get access to it, those

1 safes?

2 A No.

3 Q Did you ever leave combinations out where he might
4 find them?

5 A Absolutely not.

6 Q Did you ever leave the keys out where he might
7 find him? Did you ever catch him trying to get into
8 the safes?

9 A No.

10 Q Are you aware of the -- I believe you already
11 stated this. I apologize. You're aware of the
12 criminal penalties that he would face, yes?

13 A He would face, and I would face also.

14 Q And he made you aware of that as soon as you moved
15 in?

16 A Right.

17 Q The family took efforts to comply with that?

18 A Of course.

19 MR. HARBIN: One moment, Your Honor.

20 BY MR. HARBIN:

21 Q No further questions. Thank you, Christy. Please
22 answer any questions that Patti has for you.

23 A Of course.

24 MS. FERGUSON: Thank you.

25 CROSS-EXAMINATION

1 BY MS. FERGUSON:

2 Q Miss Bryant, you and Carles -- Brandon, I'm sorry,
3 were married?

4 A Yes, ma'am.

5 Q And youv'e lived together?

6 A Uh-huh.

7 Q Did you live with him some at 206 Loblolly where
8 his mother lives?

9 A No.

10 Q You never moved into that residence with him?

11 A No. I stayed a few nights, but I never
12 actually lived there.

13 Q So when you split up, you would stay at Brandon's
14 father's house with Brandon's father and he would go
15 by himself to his mother's house.

16 A Yes.

17 Q You-all share the same bedroom in the house at
18 Jackson Street?

19 A Uh-huh.

20 Q Is that a yes?

21 A Yes. Yes, ma'am.

22 Q Now, you would agree with me that the shed is
23 where Brandon works on motorcycles and motors and
24 other things?

25 A Uh-huh.

1 Q Is that a yes?

2 A Yes.

3 Q Okay.

4 A Yes, ma'am.

5 Q How much time does he spend out there every

6 today?

7 A I don't know. A couple hours. A few

8 hours.

9 Q So he's not out there all day. Just a couple of

10 hours here and there?

11 A Yeah.

12 Q What does he do with the rest of his time?

13 A Whatever he wants to do with his time, I

14 guess. I don't know.

15 Q I want to show you --

16 A He works on stuff a pretty good bit.

17 Q And your income is primarily from what?

18 A Cleaning houses, Instacart.

19 Q How many houses do you clean?

20 A Several a week.

21 Q How many?

22 A Several. Three.

23 Q How many is several?

24 A Three, four.

25 Q How much do you get paid to clean a house?

1 A What's that got to do with this?

2 MS. FERGUSON: Your Honor, I'd ask the
3 witness to answer the question.

4 THE COURT: Answer the question.

5 THE WITNESS: I get paid about \$100 a
6 house.

7 BY MS. FERGUSON:

8 Q \$300 to \$700 a week?

9 A Uh-huh. Yes, ma'am.

10 Q And Brandon's income fluctuates as he works on
11 motors or whatever?

12 A Right.

13 Q You-all both get paid in cash?

14 A Uh-huh. Yes, ma'am.

15 Q Now, I'm going to show you --

16 MS. FERGUSON: May I approach the
17 witness, Your Honor?

18 THE COURT: Yes, ma'am.

19 BY MS. FERGUSON:

20 Q I'm going to show you what has previously been
21 marked and admitted into evidence as State's Exhibit
22 Number 5. This is a photograph that's contained in
23 that exhibit.

24 A Okay.

25 Q In that photograph --

1 MS. FERGUSON: May I put it on the screen
2 so the jury can also see it?

3 BY MS. FERGUSON:

4 Q Is that a fair and accurate depiction of his
5 garage?

6 A Of my -- our -- yeah.

7 Q Is that our garage?

8 A He works in there, yeah.

9 Q Do you work in there?

10 A I work at people's house cleaning it.

11 Q So you wouldn't clean this garage?

12 A Well, when you clean houses, you know, it's
13 pretty -- you really don't want to work on your
14 house once you got off of work, you know?

15 Q Absolutely.

16 All right. So can you see that okay?

17 A Uh-huh. Yes, ma'am.

18 Q Let me turn it. So, do you recall telling
19 Judge Miller in this courtroom that you fix guns? He
20 asked you about the tommy gun that you had and you
21 responded -- He said, "What are you doing with a tommy
22 gun?" And you said, "I fix guns."

23 A Okay. Yes, ma'am.

24 Q Did you say that?

25 A Yeah.

1 Q Where in this shop do you fix guns?

2 A That's a vice right here. Where this pellet
3 gun is actually, there's a vice on the table.

4 Q Okay. Whose tools are in the black tool chest?

5 A Mine.

6 Q Whose tools are in all those boxes behind that?

7 A This area is not actualy tools. That's nuts,
8 bolts, screws, you know, stuff like that. This is
9 a filing cabinet that has some of Dad's old stuff
10 in it.

11 Q Whose red tool box is that?

12 A That's Dad's.

13 Q That's his dad's?

14 A Uh-huh. Yes, ma'am.

15 Q Who's the bow hunter?

16 A We both shoot bow. He's a little better than
17 I am, actually.

18 Q So how much time do you spend out in that shop
19 fixing guns?

20 A It just depends on whether I have to fix or
21 not.

22 Q How do you get guns to fix?

23 A Well, I don't anymore.

24 Q How did you get guns to fix?

25 A Well, if something was wrong with one of

1 mine, I would fix it.

2 Q Do you fix guns for anybody else?

3 A No, not -- I'm going to school for that right
4 now, actually.

5 Q Say again.

6 A I'm going to school for that right now,
7 actually.

8 Q Okay.

9 A To get my gunsmithing.

10 Q But at the time of this search warrant, you did
11 not have a license to fix guns, did you?

12 A No, I just work on my own.

13 Q And, actually, your purchases from Sportsman
14 Warehouse were new guns?

15 A Yeah.

16 Q So they didn't need fixing.

17 A Right.

18 Q And your purchases from Anderson Gun & Pawn, they
19 didn't need fixing?

20 A Right.

21 Q Your purchases from City View Pawn, they didn't
22 need fixing.

23 A Okay.

24 Q Did they?

25 A No.

1 Q You bought one from Pack Arms, LLC. The brick
2 mortar is no longer there.

3 A Right. It's on Cenerville Road now.

4 Q Did you fix that gun?

5 A No.

6 Q All right. So your attorney showed you pictures
7 that were taken at the scene and your testimony is
8 that some of the magazines and the safes were moved by
9 law enforcement; is that correct?

10 A Yes, ma'am.

11 Q Law enforcement didn't move the ammunition that
12 was laying out in this shed, did they?

13 A There wasn't ammunition laying out in the
14 shed.

15 Q Oh, there was no ammunition laying out in the
16 shed?

17 A No, ma'am, there was not.

18 Q All of that ammunition was secured in a safe; is
19 that right?

20 A Yes, ma'am.

21 Q Every bit of that ammunition was secured in the
22 safe?

23 A Oh, yes, ma'am. Uh-huh.

24 Q No empty reload shells?

25 A There may have been reloads, yeah, but they

1 were empty.

2 Q None of those were out loose?

3 A They shouldn't have been loose, no.

4 Q So in this safe that looks to be about four foot
5 wide, you stored all of that ammunition and all of
6 those guns?

7 A No, there was actually another safe for the
8 ammunition.

9 Q Okay. Safe what? Which safe?

10 A I don't know which number you have it
11 numbered as, but there's pictures of it.

12 Q Well, you reviewed all those photographs with your
13 attorney, didn't you?

14 A Right. The one with ammunition wasn't in
15 those pictures.

16 Q Okay. So did you tell him -- I'm sorry. I
17 withdraw that.

18 Now, you're aware that your hobby of
19 collecting guns and fixing guns -- you have to take
20 the gun out the safe to fix it, right?

21 A Right.

22 Q So --

23 A When that gun --

24 Q When that gun is out of the safe, your testimony
25 is Brandon was never anywhere around you ever?

1 A Not when I was working on anything, no.

2 Q He didn't help you with anything?

3 A Of course not.

4 Q You knew his past? You knew --

5 A Yes, ma'am.

6 Q I'm going to show you what has been marked as
7 State's Exhibit 4.

8 MS. FERGUSON: May I approach, Your
9 Honor?

10 THE COURT: Yes, ma'am.

11 BY MS. FERGUSON:

12 Q Does that appear to be his sentencing sheet?

13 A I assume, yes. I mean, I've never seen a
14 sentencing sheet.

15 Q Do you know what he was charged with?

16 A Yes, ma'am.

17 Q What was he charged with?

18 A Armed robbery.

19 Q Thank you.

20 I'm also going to show you -- you're, of
21 course, aware that the State of South Carolina
22 returned guns to Mr. Scruggs's elderly father.

23 A Yes, ma'am.

24 Q And the State of South Carolina returned guns to
25 you? Well, one was a flare launcher?

1 A Uh-huh. One was black powder.

2 Q One was black powder?

3 A Uh-huh.

4 Q And shooting that black powder, you have to cock
5 the hammer every time you move the cylinder?

6 A Yes, ma'am.

7 Q It takes a little bit of time to cock that hammer
8 to move the cylinder; is that right?

9 A I suppose, yes.

10 Q Have you shot it?

11 A Yeah.

12 Q So you know, unless you're really coordinating, or
13 shooting it like a cowboy pistol, you're going to have
14 to cock the hammer every time that cylinder rotates,
15 right?

16 A Okay. Yes, ma'am.

17 Q Right?

18 A Uh-huh.

19 Q So --

20 MS. FERGUSON: May I approach the
21 witness, Your Honor?

22 THE COURT: Yes, ma'am.

23 BY MS. FERGUSON:

24 Q Your testimony, there's -- I think Mr. Macaby
25 listed it in error, but on that order there's a Glock

1 firearm that was supposed to be returned to you?

2 A Yes, ma'am.

3 Q And would you publish the serial number that's
4 written on that court order?

5 A It's the UGB146.

6 Q Your testimony is that that was your Glock?

7 A Yes, ma'am.

8 Q That's your Glock?

9 A Yes, ma'am. I purchased it from a private
10 seller, yes, ma'am. And I actually called the
11 sheriff's office and ran the numbers before I
12 purchased it.

13 Q Okay. And that really short barrel -- that short
14 Remington firearm, there's a picture here somewhere,
15 it looks almost like a 12-gauge sawed-off shotgun.

16 A It's a 12-gauge firearm. I purchased it
17 through Pack Arms, the FFL.

18 Q That's your firearm?

19 A Yes, ma'am.

20 Q Even if it's classified as a sawed-off shotgun,
21 it's your firearm.

22 A It's not classified as a sawed off shogun. I
23 purchased it from the FFL.

24 Q Why is it not classified as a sawed-off shotgun?

25 A Because it's had a stock put on it where it

1 could be fired from the shoulder.

2 Q Okay. How long is the barrel?

3 A It's tactical. I really don't know. I
4 purchased it from the FFL and it's never had the
5 stock handle removed. Now, if the handle were
6 removed and a stock was put on it to be fired from
7 the shoulder, and then say I went to put the
8 original handle back on it, that would still be
9 considered a sawed-off shotgun. But it's never
10 had that grip removed.

11 Q What makes it a saw off shotgun?

12 A The barrel being sawed off.

13 Q Okay.

14 A The barrel has not been sawed off.

15 Q Was the length of statutory --

16 MR. HARBIN: Objection; asked and
17 answered, and also just facts not known to her.
18 She's asking, essentially, what law is.

19 THE COURT: If she knows, she knows. If
20 she doesn't, she can just say she doesn't know.

21 BY MS. FERGUSON:

22 Q Again, what is the length that makes it a
23 sawed-off shotgun?

24 MR. HARBIN: Objection. It's the same
25 question.

1 THE COURT: Overruled. Go ahead.

2 BY MS. FERGUSON:

3 Q What is the length of the barrel that makes it a
4 sawed-off shotgun?

5 A A shotgun barrel is supposed to be 18 inches,
6 I believe.

7 Q Okay. Overall length is how much, if you know?

8 A Twenty-six.

9 Q That is your gun?

10 A Yes, ma'am.

11 Q You're also aware that that consent order to
12 return the firearms to Roger Scruggs were supposed to
13 be kept at his brother Ray Scrugg's house off premises
14 over in Little Creek?

15 A Yes, ma'am.

16 Q You're also aware that the guns that were returned
17 to you and the flare launcher that were returned to you
18 were supposed to be kept at Melissa's Bryant's house
19 at 501 Fredricks Street.

20 A Yes, ma'am. It's 510 Fredricks.

21 Q I'm sorry. 510 Fredricks Street.

22 And your testimony is that those guns have
23 stayed there continuously since they were returned to
24 you?

25 A The weapons are still at Ray's house. And

1 the one that I had at my mother's, I sold it back
2 to the pawn shop. And the other two are not
3 firearms.

4 Q Does your mother still have those other two?

5 A No, I have the other two.

6 Q So you removed them from 510 Fredricks Street?

7 A They're not firearms.

8 Q But you removed what the State of South Carolina
9 returned to you and entrusted you to leave at 510
10 Fredricks Street, you retrieved them?

11 A My mother had to move. My mother doesn't
12 live there anymore.

13 Q You didn't leave them in her possession either?

14 A They're not firearms.

15 Q Nevertheless, there was a court order that
16 required you to leave those firearms at least with
17 your mother, if not specially at 510 Fredricks Street?

18 A There's also a State law that says they're
19 not supposed to be returned until the disposition
20 of the case also, so . . .

21 Q But your attorney made a motion to return them,
22 remember?

23 A Okay. Does that change the law?

24 MS. FERGUSON: Your Honor, the witness is
25 being argumentative.

1 THE COURT: You don't get to ask
2 questions. You have to answer the questions,
3 please, ma'am.

4 THE WITNESS: I'm sorry. What was the
5 question?

6 THE COURT: Would you rephrase your
7 question.

8 MS. FERGUSON: I'm not sure I remember
9 it. I've moved on.

10 THE COURT: Okay.

11 BY MS. FERGUSON:

12 Q Miss Bryant, do you recall the name Jeremy Ryan
13 Adams?

14 A Yes, ma'am.

15 Q Who is Jeremy Ryan Adams?

16 A He is the guy that they say that that Glock
17 belongs to.

18 Q They say the Glock with the serial number UGB146
19 belongs to?

20 A That's what -- allegedly, yes.

21 Q And isn't it true that you were advised that that
22 gun was stolen from Simpsonville from Jeremy Adams?

23 A Well, originally, it was said that it was ran
24 through ATF and it came back fine. And then when
25 they were court ordered to give it back, then it

1 was stolen.

2 Q They ran an ATF trace on that particular gun?

3 A On all the guns, according to Detective
4 Velez.

5 Q And this Glock came back stolen from Simpsonville,
6 South Carolina?

7 A Originally, no, ma'am. It did not.

8 Q It came back stolen from Jeremy Ryan Adams?

9 A Not originally. When the court order came to
10 give it back, then it came back stolen.

11 Q Nevertheless, you had possession of a firearm that
12 the State recognized as stolen.

13 A Not originally recognized as stolen, no.

14 Q You had possession on April 6, 2022 --

15 A Yes, ma'am.

16 Q -- of a firearm that was stolen?

17 A Yes, ma'am. I also had it in my possession
18 before they say it was stolen. So, I mean, I have
19 pictures of that firearm before they said it was
20 stolen.

21 Q The photographs prove it's not stolen to you?

22 A I mean, I don't see how it would have been
23 stolen when I had it already when they say it was
24 stolen.

25 Q You understand that state law references

1 possession of a gun, of a firearm by a violent felon?

2 You recognize that, yes?

3 A Yes, ma'am.

4 Q You recognize that it does not mean ownership,
5 registration, purchase, it means possession.

6 A Right. Okay.

7 Q You got that?

8 A Uh-huh.

9 MS. FERGUSON: Beg the Court's
10 indulgence.

11 BY MS. FERGUSON:

12 Q Thanks, Mrs. Scruggs. I have nothing further.

13 THE COURT: Redirect.

14 REDIRECT EXAMINATION

15 BY MR. HARBIN:

16 Q I have just a couple.

17 A Sorry.

18 Q I'll let you down in just a minute.

19 A Okay.

20 Q Whether or not -- well, regardless of the
21 questioning from Miss Ferguson, you do not believe
22 that gun was stolen when you procured it; is that
23 correct?

24 A Absolutely not. I ran the numbers through
25 the sheriff's office before I purchased it.

1 Q Was that gun anymore available to Brandon than any
2 of the other guns?

3 A No. None of the guns were available to him.

4 Q Christy, I'm going to ask you to take a look at
5 this. It's defense 2-F. It's a picture of your
6 garage, correct?

7 A Yes.

8 Q What is this right there?

9 A That's a pellet rifle?

10 Q I'm sorry. Say that again.

11 A It's a pellet rifle.

12 Q That's a pellet rifle.

13 A I actually still have it.

14 Q Thank you.

15 MR. HARBIN: No further questions.

16 THE COURT: All right. Next witness
17 please, sir.

18 MR. HARBIN: We call Carla Tripp.

19 THE COURT: Madame Forelady, would you
20 take the jury back to the jury room for one
21 second, please?

22 (Jury exits the courtroom at 10:38 a.m.)

23 THE COURT: Who is this witness?

24 MR. HARBIN: This is Brandon's mother.

25 THE COURT: She was not on the witness

1 list. She was not voir dired to the jury.

2 MR. HARBIN: Yes, sir. This would be,
3 essentially, a rebuttal to the idea that --

4 THE COURT: She's not going to testify.
5 I'm sorry.

6 MR. HARBIN: That's fine.

7 MS. FERGUSON: Your Honor, the defendant
8 has not testified yet. The record should reflect
9 that his wife is now seated next to him. I would
10 suggest she needs to be sequestered.

11 THE COURT: If you don't mind, until
12 after he testifies -- you can stay in the
13 courtroom. If you don't mind, thank you, ma'am.

14 MR. HARBIN: Judge, while the jury is
15 out, could I be allowed to call the property and
16 evidence office that we were discussing earlier?

17 THE COURT: Who are you calling?

18 MR. HARBIN: Calling the property and
19 evidence officer that we were discussing earlier
20 to get him up here, please.

21 THE COURT: Sure.

22 MS. FERGUSON: Your Honor, while we're at
23 recess, I have the ATF traces on my desk. May I
24 retrieve those?

25 THE COURT: You have the ATF what?

1 MS. FERGUSON: Traces where ATF ran these
2 guns.

3 THE COURT: Okay. What do you want to do
4 with it?

5 MS. FERGUSON: I want to send Chase down
6 to my office to get them.

7 THE COURT: Okay.

8 MS. FERGUSON: Thank you.

9 (Off the record.)

10 (A break was taken from 10:30 a.m. to 10:46 a.m.)

11 THE BAILIFF: All rise.

12 THE COURT: All right. You ready?

13 MR. HARBIN: Yes, sir.

14 THE COURT: Bring the jury back in,
15 please.

16 MR. HARBIN: Thank you for the break.

17 THE COURT: Yes, sir.

18 (Jury enters the courtroom at 10:46 a.m.)

19 THE COURT: Call your next witness.

20 MR. HARBIN: Thank you, Judge. May it
21 please the Court? Brandon Scruggs.

22 THE COURT: Come around please, sir.

23 THE CLERK: Raise your right hand. Do
24 you swear or affirm to tell the truth, the whole
25 truth, and nothing but the truth?

1 THE WITNESS: Yes.

2 THE CLERK: Please walk around to our
3 witness chair. And if you would, please, state
4 your name for the record and spell your last name.

5 THE WITNESS: Brandon Carles Scruggs,
6 S-c-r-u-g-g-s.

7 WHEREUPON:

8 BRANDON SCRUGGS,
9 after having been sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MR. HARBIN:

12 Q All right. Brandon, you've heard the testimony
13 thus far. You know why you're here. You heard what
14 your wife has testified to. Are any of those guns,
15 any of the guns in question here in court, any of
16 those guns yours?

17 A No, sir.

18 Q To your knowledge, were any of those guns outside
19 of those safes when you were around?

20 A No, sir.

21 Q Has your wife ever offered to let you possess the
22 gun, have the gun, borrow the gun, shoot the gun, any
23 of those guns?

24 A No, sir.

25 Q You work on anything and everything, is that

1 true?

2 A For the most part, yes.

3 Q Okay. You're a fix-it guy?

4 A Yes, sir.

5 Q And where do you get stuff you work on?

6 A Facebook much of it. My own stuff
7 sometimes.

8 Q Is that how you make money?

9 A Yes, sir.

10 Q What items do you fix for money?

11 A Cars, motorcycles, small engines. Sometimes
12 I cut trees, do landscaping sometimes. I've been
13 doing housing lately. I'm in Lakeland, Florida,
14 the past couple weeks.

15 Q You live in your dad's house; is that correct?

16 A Yes, sir.

17 Q And fair to say you-all don't make a lot of
18 money?

19 A Correct.

20 Q You-all work, you know, paycheck to paycheck, kind
21 of?

22 A Yes, sir. Sometimes I might get a job that
23 pays a lot of money, but it may be a week or two
24 before I get paid. And then sometimes I may do
25 multiple jobs that, you know, kind of the same

1 time. It's however I balance it out.

2 Q Tell me about the problems with your neighbor.
3 We've heard about camera systems and we've heard about
4 dogs.

5 A Well, she's called the police about 40 or 50
6 times. Just making stuff up. You name it. Dogs
7 attacked us. People ride by my house spinning
8 tires. I've been shot at.

9 Q You're not insinuating that Misty Poole actually
10 personally shot at you?

11 A No, no, no. Not her. There's been claims
12 that she's tried to have people do that,
13 affidavits and stuff. She hasn't personally done
14 anything like that.

15 MS. FERGUSON: Objection, Your Honor. It
16 calls for hearsay.

17 THE COURT: I'll sustain. That's
18 stricken from the record. You are to disregard
19 that, ladies and gentlemen.

20 BY MR. HARBIN:

21 Q Let's not go into neighborhood rumor stuff.

22 Misty owns the car lot across the street from
23 you?

24 A Yes, sir.

25 Q That combined with her camera system has caused

1 you some amount of distress.

2 A Yes, sir.

3 Q We've seen pictures of, we've heard testimony
4 about this camera system, right?

5 A Yeah.

6 Q And how many cameras can you see from your house
7 that faces some direction towards your house?

8 A About 10 to 15 cameras. It's a lot.

9 Q Does she have cameras that face your front yard?

10 A Yes, sir.

11 Q Does she have cameras that face the side of your
12 house?

13 A Yes, sir.

14 Q Captures your front porch?

15 A Yes, sir.

16 Q Your back porch?

17 A Yes, sir.

18 Q And your backyard?

19 A Yes, sir.

20 Q Is there a part of the -- other than the opposite
21 side of your house, is there a part of your yard or
22 exterior that she doesn't capture?

23 A No, sir. She captures all of it.

24 Q Is it fair to say, if it happens outside of your
25 house, unless it's on the direct opposite side of

1 house, that ought to be -- to your knowledge, that
2 would be captured by one of those cameras?

3 A Yes, sir. And most of the other side of my
4 house also.

5 Q So tell me about this. The pole camera, and
6 specifically what I'm wondering is --

7 MS. FERGUSON: Objection, Your Honor. If
8 he can ask a question but not lead his witness.

9 THE COURT: Rephrase your question,
10 please, sir.

11 BY MR. HARBIN:

12 Q Did you notice anything about your neighbor's
13 camera system after you raised the height of your
14 privacy fence?

15 A The camera went up higher on the pole. As I
16 raised the fence, the camera went higher. My
17 fence measures about 16-feet high. The camera is
18 over that. It's about 45 feet.

19 Q Okay. Your criminal conviction is for armed
20 robbery?

21 A Uh-huh.

22 Q How old were you?

23 A I was 20.

24 Q You were 20 years old.

25 A Yes, sir.

1 Q Tell the jury what you did.

2 A I was with a friend of mine and he had a
3 shotgun, and some people were -- they were going
4 to the bank, and we walked around the corner, and
5 we took the bag, and then we left and we got
6 caught. I did 10 years for it and came home. And
7 I've been home ever since. I've been home since
8 2012.

9 Q How old are you today?

10 A Forty-one.

11 Q Forty-one. So it 21 years ago?

12 A Yes.

13 Q You regret that decision.

14 A Yes, sir.

15 Q And you said your sentence was 10 years?

16 A Yes, sir.

17 Q And how much did you do of that ten years?

18 A I did eight-and-a-half years incarcerated,
19 and 18 months community supervision. That's when
20 I was released.

21 Q Okay. When you left the department of
22 corrections, where did you go?

23 A At first, I went to my mother's, and then I
24 went to my father's. I was home, like, a week, if
25 that. And, you know, my dad was -- he wasn't

1 sure. I hadn't been there. You know, like,
2 people change. When I went there, and I've been
3 there ever since at my father's.

4 Q Your dad had guns before you moved in?

5 A Yes, sir.

6 Q To your knowledge, he's always had guns?

7 A Yes, sir.

8 Q And did you make special accommodations or did he
9 make special accommodations for you, or how did that
10 go?

11 A Well, I told him that they had to be locked
12 up. Firearms needed to be locked up. I can't
13 have access and all that stuff. So he got in
14 touch with my brother who was in Afghanistan. My
15 brother came from Afghanistan. My dad picked him
16 up. They went to get the safe that my brother
17 purchased and then my brother went back to
18 Afghanistan. And they've been in the safe ever
19 since.

20 Q And this -- I assume your brother came -- this was
21 before you had got out? It was ready for you when you
22 got there?

23 A I was already out. And I told my dad, and I
24 think my mom might have told him too. But she
25 made some calls.

1 But, yeah, my brother came from -- I didn't
2 see my brother. My dad picked him up at the airport
3 and they went and bought the safe and my brother went
4 back to the airport.

5 Q Okay. So, guns have been in the house the entire
6 time you've been there, but they've been behind --
7 were the guns that were the house always in the
8 safe?

9 A Yes, sir. When I first went to my father's,
10 he did -- he took his firearms to my uncle's house
11 until my brother could come and buy the safe.

12 Q And you owned -- is it true that you own a black
13 powder gun?

14 A Yes, sir.

15 Q All right. Do you ever fire that weapon?

16 A Yes, sir.

17 Q Okay. Where do you fire that weapon?

18 A In my backyard.

19 Q Okay.

20 A I have two of them, actually.

21 Q You have two black powder guns?

22 A Yes, sir. The solicitor has suggested that
23 it is -- let me back up.

24 Do you recall the video that was played at
25 the beginning of this trial?

1 A Just vaguely.

2 Q The video -- well, do you recall what it
3 displayed?

4 A Yes, sir.

5 Q What it was supposed to be showing?

6 A Yes, sir.

7 Q Do you recall what you were doing the day of that
8 video?

9 A I don't remember. That was several years
10 ago.

11 Q Okay. Do you recall if there was anybody in the
12 backyard with you or were you alone in that video?

13 A No. My friend, we call him Pee-wee, he was
14 there and he was in the back. I think he had a
15 bicycle he had been working on, or something like
16 that.

17 Q Where in the yard would you be able to see him on
18 that video?

19 A Kind of towards that back there's like a shed
20 right there, a wooden shed, he's over there around
21 that area.

22 MR. HARBIN: Judge, we are just going to
23 replay this for the jury.

24 (STATE EXH. 2 video played)

25 BY MR. HARBIN:

1 Q Brandon, I'm going to play part two.

2 (Video played.)

3 BY MS. FERGUSON:

4 Q Brandon, what do you recall about that video right
5 there?

6 A We have a room on the back of that shop.
7 It's a laundry room. We use it for the laundry
8 room. I was going back. If you look, Pee-wee is
9 kind of to the side over here. And I'm coming
10 out, and when I walk down through there, you see
11 all the trailers behind the house, I hear
12 whatever. I turn around and I walk right back up
13 through there and I look back and I look at
14 Pee-wee and I'm pointing back, I'm saying, *That*
15 *right there is what's getting me messed up.* That
16 kind of stuff going on. Just any noise it is, she
17 assumes it's me.

18 Q Can you explain what you just said, *That right*
19 *there is going to get me messed up?*

20 A The gunshots, the noise, you know, just
21 anything they can use to say that I'm shooting
22 guns or whatever.

23 Q Who is "they"?

24 A Misty Poole and Detective Velez.

25 MR. HARBIN: Judge, permission for him to

1 leave the stand to point out where he's talking
2 about.

3 THE COURT: Sure.

4 BY MR. HARBIN:

5 Q Brandon come around here, please. If you want to,
6 you can click play here and you can use the cursor so
7 the jury can see that. Point to where you say that
8 you are.

9 A Right in this area right here (indicating).

10 Q Okay.

11 A You can see him moving a little better in the
12 other there. You see him right there? He's right
13 there. You can barely see him. But at the end of
14 the other video, he's moving a little more right
15 before it cuts off.

16 Q But he's right in that area?

17 A Yes, sir.

18 Q You can take a seat.

19 So it's your testimony you weren't actually
20 firing a gun. Those gunshots were not yours.

21 A Correct.

22 Q Did you ever threaten Misty Poole with a gun?

23 A No, sir.

24 Q Have you ever pointed a gun at Misty Poole?

25 A No, sir.

1 Q Is it true that she would have ever seen you with
2 your black powder gun?

3 A I don't think she's ever seen me with
4 anything. I'm in my backyard. I got a privacy
5 fence. If I go outside, I usually just get in the
6 car leaving. You know, I might cut the grass. If
7 I don't pay somebody to cut the grass, I cut the
8 grass.

9 Q Would you have ever taken your black powder gun
10 out the front door?

11 A No, sir. I don't think so. Unless there was
12 somebody trying to hurt somebody, or something,
13 trying to defend myself.

14 Q Well --

15 A Not just walking around with it in the front
16 yard, no.

17 Q So speaking of that, your wife had mentioned that
18 Misty could be nice, and I guess they were nice to
19 each other for some amount of time. Did you have an
20 opportunity to do -- any involvement with her car lot
21 across the street? Did you help with anything with
22 her car lot across the street?

23 A Yes, sir. Her husband, before he died,
24 bought -- sometimes we would go on her car lot.
25 There was no fence. They would go over there and

1 they would start messing around at night.

2 Sometimes Bud would go out and I would see him and

3 I would go out there with him. I go over there

4 and make sure he was okay and stuff like that.

5 As far as interactions with Misty, no, never.

6 I was always with Bud.

7 And, you know, I would help do things, but,

8 like, Christy thought I was talking Misty. I never

9 spoke with her directly about anything.

10 Q Now, you-all had your own security system,
11 correct?

12 A Yes, sir.

13 Q And where is that security system now?

14 A We purchased another one. The one that we
15 had, Detective Velez seized --

16 Q Okay.

17 A -- when they came to our house.

18 Q That security system, it was taken the day of the
19 search warrant, is that what you're saying?

20 A Yes, sir.

21 Q Where do you have cameras on that security system
22 as it existed in 2022?

23 A There's a camera looking -- like, if you're
24 standing, like, in my front door, the view you
25 would see would be of the road coming into the

1 left. It's like straight across the road in front
2 of house and down towards the stop sign a little
3 bit. It would be like the store, the car lot, the
4 mill down the road.

5 And then there was one of my front porch
6 looking at my front door. There was one on my back
7 porch looking at my back door and my backyard.

8 Q Was there a camera facing in the direction of your
9 garage?

10 A Yes, sir.

11 Q When you got home -- sorry, I'm skipping around.
12 When you got back from the department of corrections,
13 I believe you said you were on supervision.

14 A Yes, sir.

15 Q What were the conditions of that supervision as
16 far as whether you could leave your house?

17 A When I first came home, I was on house arrest
18 for 90 days. I had to build up time to be able to
19 go out. It was like an hour a day up to, like,
20 three hours a day I think it was. When I finally
21 got off the monitor, I started reported every
22 week. And I reported every week.

23 Q And were you visited at your home by your
24 parole/probation agent?

25 A Yes, sir.

1 Q Okay. Was he aware --

2 A Yes.

3 Q -- of your father's gun safe?

4 MS. FERGUSON: Objection, Your Honor.
5 calls for speculation.

6 THE COURT: Sustained.

7 BY MR. HARBIN:

8 Q Did you have any -- did you ever get in trouble
9 while you were being supervised on probation for any
10 gun-related possession charge?

11 A No, sir.

12 Q Did Misty ever tell you why she was monitoring
13 your yard, your property so heavily?

14 A No, sir.

15 MR. HARBIN: Judge, may I have one
16 moment?

17 MS. FERGUSON: May it please the Court?

18 THE COURT: One second.

19 MS. FERGUSON: I'm sorry. I thought he
20 tendered.

21 MR. HARBIN: No further questions, Judge.

22 BY MR. HARBIN:

23 Q Please answer any questions Miss Ferguson has for
24 you.

25 MS. FERGUSON: May I approach the

1 witness, Your Honor?

2 THE COURT: Yes, ma'am.

3 MS. FERGUSON: I'll show Mr. Harbin.

4 CROSS-EXAMINATION

5 BY MS. FERGUSON:

6 Q Mr. Scruggs, your testimony is that you didn't get
7 in any trouble while you were on probation; is that
8 correct?

9 A With any firearms, yes.

10 Q But you did get in trouble on probation.

11 A I did get in trouble.

12 Q You got in trouble on March 28, 2014.

13 A Yes, ma'am.

14 Q And you got in trouble on April 4th, 2014.

15 A Yes, ma'am.

16 Q They didn't send you back to jail for that,
17 though.

18 A No, ma'am. They arrested me and I bonded
19 out, and that was it. That was pretty much the
20 end of it.

21 Q Now, turn your attention, please, to that armed
22 robbery. That armed robbery, in fact, was of Dominos
23 Pizza here in Anderson City, wasn't it?

24 A Yes, ma'am.

25 Q And your father hadn't reported the shotgun

1 stolen, did he?

2 A Yes, sir.

3 Q And the gun used in that armed robbery was your
4 father's shotgun.

5 A Yes, sir -- yes, ma'am, it was.

6 Q So you entered a Dominos Pizza and put an employee
7 in front of a shotgun and demanded money?

8 A We didn't ever enter the building.

9 Q You stood outside and demanded money?

10 A We walked up. My friend had the shotgun and
11 he just made a noise. He just made like a "eeee"
12 sound, and they looked at it and said that was
13 it.

14 Q But it was your father's shotgun?

15 A It was his shotgun. We had been shooting it
16 earlier that day.

17 Q Now, you deny that you shot a crow out of
18 Miss Poole's yard?

19 A No, I didn't shoot a crow.

20 Q Did not shoot a crow with a long gun?

21 A No, I didn't.

22 Q And you did not show her a gun in your waistband.

23 A No, I didn't.

24 Q (Video played.) I'm sorry. I tried to stop that,
25 Mr. Scruggs. I apologize. Hold on.

1 So, all that didn't happen?

2 A Not to my knowledge, no. If I did that,
3 there would be a video of it. She had a video of
4 everything else.

5 Q Okay. Well, let's talk about that. Her
6 cameras -- you were in here when she gave us a list of
7 her cameras, right?

8 A Yes.

9 Q Okay. But the only one that you really have a
10 problem with is camera 10 which shows the pool. If
11 you look on your screen, sir. You might want to turn
12 so you can see.

13 A I can see.

14 Q Okay. Shows the pool and about a third of this is
15 your backyard, right?

16 A That's my entire backyard for the most
17 part.

18 Q So your --

19 A About 80 to 90 percent of that is my back
20 yard.

21 Q Your property doesn't go down that tree line on
22 the right.

23 A You're talking about back here?

24 Q Uh-huh.

25 A My property is right there. The corner of my

1 house is, like, right here. The back of my house
2 is right here.

3 Q You mean your dad's house.

4 A My dad's house, yes.

5 Q You don't deny that there are multiple residences
6 behind your house?

7 A There's a lot of people that live behind
8 me.

9 Q And that board -- it looks like there's four
10 boards that are kind of tacked up with a tarp on them,
11 is that what you're referring to as your privacy
12 fence?

13 A That's what I put up originally around it.
14 It was like a screening I had put up and the wind
15 tore it down.

16 Q And you don't deny that camera 10 has a pretty
17 good view of the above-ground pool where her
18 grandchildren play.

19 A I mean, you can see it. Yeah, you can see
20 it.

21 Q Your aware that she's got little kids that
22 frequent her house and her business, her
23 grandchildren.

24 A I don't see her grandchildren.

25 Q You don't see her grandchildren in that picture,

1 but you yourself know that she has little kids that
2 live with her and that frequent Poole's Used Cars?

3 A They live in Abbeville. Her grandchildren
4 live in Abbeville. They don't frequent her --

5 Q On April 6th and prior to April 6, 2022, her
6 grandchildren were coming to her house and to her
7 business.

8 A Uh-huh.

9 Q And you know that?

10 A Uh-huh. Do they play by the pool without her
11 out there? She watches them on camera play by the
12 pool?

13 Q But you know that those kids are present when
14 you're home?

15 A Sometimes, yeah.

16 Q Okay.

17 A I live in the county also. It's not illegal
18 to fire a firearm in the county.

19 Q Okay. It's not illegal to target practice in the
20 county.

21 A It is not.

22 Q It's not illegal to shoot a firearm in the county.

23 A They shot in their backyard lots of times.
24 It's legal to do.

25 Q She's not a felon, though.

1 A I'm not hindered from possessing any black
2 powder firearms.

3 Q And that's the only gun you've shot?

4 A Yes, ma'am.

5 Q You would agree with me that you would have to
6 pull the hamper to rotate the cylinder on a black
7 powder revolver.

8 A Yes, ma'am.

9 Q That's the only thing -- so it takes an action of
10 your thumb every time you fire the revolver.

11 A Yes, ma'am. And I have two guns and two
12 pistols. It's quick.

13 Q And they operate the same way?

14 A It's pretty quick. Thumbs are quick.

15 Q Okay, thumbs are quick.

16 A Uh-huh.

17 Q Would you show the jury the tattoo on your elbow
18 that you've had? No, sir. Roll up your sleeve and
19 show the jury.

20 A It's a spider web.

21 Q And your testimony is that the person that walks
22 in this video from the edge of your house back behind
23 the shed, the out building, the garage, whatever you
24 want to call it, that's not you?

25 A I didn't say that.

1 Q Okay. That is you?

2 A It could be anybody. It might be. Possibly.

3 I don't know.

4 Q All right. Did you invite company to your house
5 to walk around your backyard where your garage is?

6 A All the time. People are there all the time.

7 Q Okay.

8 A I had a friend of mine last night sitting
9 outside.

10 Q Did you allow that person to come shoot guns at
11 your house?

12 A If they want to. I don't care what they do.
13 As long as it doesn't bother me, I don't care.

14 Q Okay. And I imagine you don't deny being very
15 angry with Misty Poole for all of this.

16 A Who wouldn't be upset?

17 Q Okay. And you've been upset enough to at least
18 swear outside your house at her?

19 A Well, yeah, I swore at her before, like, for
20 sending the police to my house for nothing. Like,
21 I pulled up and met them in my yard.

22 Q Okay. But you shouted profanities at her out of
23 frustration?

24 A She shouted them at us, too.

25 Q All right.

1 A Her dog attacked my wife in front of our
2 house, physically. I have that on video also.

3 Q Well, did she look at her Doberman and say, *Go get*
4 *him, sick him, sick him, go get him?*

5 A I don't know if she did.

6 Q No.

7 A That Doberman did attack my wife on the front
8 porch out of their yard.

9 Q Does that justify maybe shooting that Doberman?

10 A Shooting what Doberman? I didn't shoot any
11 Doberman.

12 Q No. But would that justify you being angry and
13 maybe taking a shot at that dog?

14 A I didn't shoot anybody. I never shot at
15 anything or anyone.

16 Q You actually shoot fireworks to scare those dogs.

17 A When they charge the fence, I do.

18 Q Okay. But there's a fence.

19 A There's a fence. There wasn't then, but
20 there is now. And there's five of them that
21 charge the fence as you walk outside and walk by
22 there, or anything like that.

23 Q And your testimony is that all the calls to law
24 enforcement are because of Misty.

25 A A lot of them, yeah. Some of them are her

1 friends calling, but most of them.

2 Q But you've also called?

3 A I have.

4 Q You called law enforcement multiple times since
5 2021 when all this started?

6 A Possibly, yeah.

7 Q I think your wife called about a lost cat.

8 A Oh, yes, ma'am.

9 Q Actually called twice and demanded law enforcement
10 go look for this cat.

11 A Yes, ma'am. She had made a comment -- Misty
12 had made a comment about my cat.

13 Q And that kind of got you mad?

14 A I think I'd be mad. My cat vanished right
15 after that.

16 Q And there was a juvenile named Justin that you-all
17 had a problem with that was kind of looking over the
18 fence at Christy?

19 A Yes, ma'am.

20 Q You-all called a couple of times --

21 A He wanted to come over there and he wanted me
22 to fix his stuff for him for free. I said, *Man,*
23 *you're just a kid. You can't come over here. I'm*
24 *not fixing your stuff for free.* He didn't like
25 that. And then I guess he got friends with Misty

1 because he goes over to see her all the time. He
2 was over there the other day.

3 Q But before that, you were calling the law on him.

4 A I wasn't calling the law.

5 Q Said he was threatening --

6 A He got the law called on him maybe twice.
7 Maybe once or twice.

8 Q But your testimony is that Misty didn't call or
9 report him, or anything?

10 A Not that I know of.

11 Q And --

12 A I don't know what she did with him.

13 Q Do you remember law enforcement coming to your
14 house about a possible stolen ladder?

15 A Yes, ma'am, I do.

16 Q And actually the man's name was on the ladder.

17 A It was stenciled on there by -- it was new
18 paint. It was an old ladder. It was red when we
19 got it and it was almost white from the sun being
20 outside and it had fresh black paint on it. The
21 fence had been taken down. Misty had a privacy
22 fence that she took down and put a chain-link
23 fence up. And while the fence was down, then this
24 paint on my ladder which was on the side of my
25 shop right there in that video. This is right

1 between the fence and the shop.

2 Q Even though another company's name was on the
3 ladder?

4 A It wasn't on the ladder. They came and I
5 asked them, I said, *Well, do you have -- Well, how*
6 *do you know? Show me the receipt.*

7 And the police officer asked if they could
8 buy it. I said, *Okay, give me 50 bucks, you can have*
9 *it,* and they gave me 50 dollars.

10 Q And hauled it off in their patrol car?

11 A No, no, no. The company owner was like --
12 the guys that own the company, they bought the
13 ladder.

14 Q Okay.

15 MS. FERGUSON: Excuse me, may I have the
16 Court's indulgence?

17 BY MS. FERGUSON:

18 Q So somebody named Pee-wee -- who's Pee-wee?

19 A He's a friend of mine.

20 Q And he was shooting in your yard?

21 A I didn't say that.

22 Q But then you were shooting your black powder
23 pistol?

24 A I do shoot my black powder pistol. He was
25 there. He comes over there all the time. His

1 name is David. Everybody just calls him
2 Pee-wee.

3 Q Lots of people have nicknames, I know.

4 Do you remember calling Anderson County in
5 April about somebody shooting in front of your house?

6 A Possibly. Maybe. People shoot all the time
7 over there.

8 MS. FERGUSON: Thank you. I have nothing
9 further.

10 THE COURT: Redirect.

11 MR. HARBIN: No.

12 THE COURT: Thank you, sir. You can step
13 down.

14 MR. HARBIN: Judge, may we approach?

15 THE COURT: Yes, sir.

16 (Bench conference off the record.)

17 THE COURT: Madame, let's take a morning break and we
18 will get you back out here shortly.

19 (Jury exits the courtroom at 11:16 a.m.)

20 (A break was taken from 11:16 a.m. to 11:38 a.m.)

21 (Jury enters the courtroom at 11:38 a.m.)

22 THE COURT: Call your next witness.

23 MS. FERGUSON: Your Honor, the defense
24 call Officer Chris Beusse.

25 THE COURT: Mr. Beusse, let's reswear

1 you, if you don't mind, please, sir.

2 THE CLERK: Please step forward and raise
3 your right hand. Do you swear or affirm the
4 testimony you give this Court is the truth, the
5 whole truth, and nothing but the truth?

6 THE WITNESS: Yes, ma'am.

7 THE CLERK: Thank you. Please walk
8 around to the witness chair. And please state
9 your full name for the record again and spell your
10 last name.

11 MR. HARBIN: Christopher Beusse,
12 B-e-u-s-s-e.

13 WHEREUPON:

14 CHRISTOPHER BEUSSE,
15 after having been sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. HARBIN:

18 Q Officer, thank you for coming on short notice.

19 A Yes, sir.

20 Q I just got a couple questions. You previously
21 testified you're over the property and evidence, and
22 you have access and kind of understand what items are
23 checked out, where they are, you're kind of -- that's
24 your job, to make sure where everything is, right?

25 A Yes, sir.

1 Q So under this case number, all of the evidence in
2 this case that has been collected was either checked
3 out and is here and brought to court.

4 A Yes, sir.

5 Q Or it is in property and evidence now, right?

6 A That's correct.

7 Q And I asked you to bring a list of the pieces of
8 property that are remaining --

9 A Yes, sir.

10 Q -- in property and evidence. And I would ask if
11 you brought -- is that what you brought today?

12 A Yes, sir, I did bring that list.

13 Q I would ask specifically, are there any guns or
14 gun parts in that list?

15 A Yes, sir. There's two items.

16 Q Okay. And are there any gun parts?

17 A Yes, sir.

18 Q Or just whole guns?

19 A It looks like whole guns with a magazine and
20 some rounds.

21 Q Okay. Two whole guns, magazines, and rounds, but
22 no other gun parts or gun-related items in your list
23 that remain in property and evidence that are not in
24 the courthouse now or not checked out?

25 A No, sir.

1 Q Okay.

2 MR. HARBIN: Judge, I'd ask --

3 BY MR. HARBIN:

4 Q And that list demonstrates what we just talked
5 about, that's the list?

6 A Yes, sir.

7 MR. HARBIN: Judge, I would ask that this
8 be admitted as Defense Exhibit 3.

9 THE COURT: Any objection?

10 MS. FERGUSON: No objection.

11 THE COURT: It's admitted.

12 (DFT. EXH. 3, List; Remaining Items in
13 P & E, was marked and entered into evidence.)

14 MS. FERGUSON:

15 CROSS-EXAMINATION

16 BY MS. FERGUSON:

17 Q Chris, in the ordinary course of business, does
18 the sheriff's office and your division perform checks
19 on serial numbers for firearms for individual people
20 who are purchasing?

21 Let me say that again: Does your office run
22 the serial numbers assigned to firearms just for
23 individuals in the community?

24 A No, not normally.

25 Q Not normally or not at all?

1 A Not at all. Unless somebody called in and
2 wanted a firearm check on the road to see if it
3 was stolen. But we don't do that in evidence.

4 Q Officers call, not individual people driving a
5 car.

6 A No.

7 Q Law enforcement calls to check stolen guns?

8 A Yes, sir.

9 Q Not individual people?

10 A Yes, ma'am.

11 Q Thank you.

12 MS. FERGUSON: Nothing further.

13 MR. HARBIN: No redirect.

14 THE COURT: All right. May this witness
15 be excused?

16 MR. HARBIN: Yes, sir.

17 THE COURT: Thank you, sir. You are
18 excused.

19 MR. HARBIN: Judge, the defense rests.

20 THE COURT: All right. Very good.

21 Madame Forelady, the defense advises that
22 it rests. I have to take a short administrative
23 matter and then we'll bring you back out here in
24 just a few minutes for reply or for closing
25 arguments. If you'll go back to your jury room.

1 Has everybody gotten their lunch order, by
2 the way?

3 THE CLERK: Yes, sir.

4 THE COURT: Very good. We'll bring you
5 back in about ten minutes.

6 (Jury exits the courtroom at 11:35 a.m.)

7 THE COURT: Do you have a reply?

8 MS. FERGUSON: No reply, Your Honor.

9 THE COURT: Have you looked at the new
10 charge?

11 MR. HARBIN: Say that again, Judge.

12 THE COURT: Have you looked at the new
13 charge that my law clerk gave you this morning?

14 MS. FERGUSON: I looked at the one that
15 was emailed, Your Honor, and I responded by email.

16 THE COURT: Have you looked at the new
17 one this morning?

18 MS. FERGUSON: Say again.

19 THE COURT: Have you looked at the new
20 charge that my law clerk gave you this morning?

21 MS. FERGUSON: Yes. I don't know if
22 there's an update from the one that was at 8:30
23 this morning.

24 MR. HARBIN: Judge, I'm looking through
25 it now. I don't know if I'm --

1 THE COURT: Take a minute and look at it
2 if you would, please.

3 Your objection, Patti, earlier, at least
4 my law clerk says that you had a concern about the
5 charge on the prior offense. I'll note your
6 objection, but that's the charge and that's what
7 I'm going to charge.

8 Mr. Harbin had an objection to the
9 inference. I never charge inference. That was
10 taken out. It is not in the charge now.

11 MR. HARBIN: Actually -- and I may have
12 mistyped because it was late last night. So my
13 objection is not the inference. I would argue the
14 inference is the correct language.

15 THE COURT: Well, I'm not going to charge
16 it because I don't charge inference.

17 MR. HARBIN: I'm sorry?

18 THE COURT: I do not charge inferences.
19 I think it's a comment on the facts, so I don't do
20 it.

21 MR. HARBIN: Okay. Now, so my problem
22 is, and I might need to pull the case up so that I
23 can cite this a little bit more eloquently, is
24 that I believe the Court in the *Stewart* case, I
25 believe it was, that I emailed you, the

1 problematic language was that it says that
2 constructive possession means that you have
3 dominion and control, or -- and then it goes on
4 "or," and then it says, ". . . or the property on
5 which the firearms and ammunition were found."
6 That language specifically, I believe, was
7 objected to in a very specific fashion in *Stewart*.
8 They did uphold that case, but that was in spite
9 of problematic language. And the Court went on to
10 say that that -- I'm not sure if they had
11 suggested language, but that was the very language
12 that was problematic for the Court.

13 THE COURT: Well, actually, the case said
14 no. I mean, what you're saying is not correct. I
15 mean, what my law clerk just handed me was, they
16 said if you take that language in isolation, it
17 would be problematic. But as a whole, it was not
18 problematic.

19 MR. HARBIN: So what --

20 THE COURT: Have you proposed any
21 language that you ask that I charge instead of
22 just saying you don't like it?

23 MR. HARBIN: Well, sir, I hadn't gotten
24 that far, although I want to make sure that I
25 protect the record if we end up with this.

1 I think that if this Court were to
2 instruct on this language, and it is --

3 THE COURT: I want you to tell me the
4 language that you find offensive. You have not
5 told me yet.

6 MR. HARBIN: You want me to site the
7 specific verbiage?

8 THE COURT: Yes, sir.

9 MR. HARBIN: Yes, sir. Sorry.

10 So the specific verbiage that I am worried
11 about --

12 THE COURT: Okay.

13 MR. HARBIN: Well, I'll read it now and
14 tell you so I can get my thoughts together.
15 "Constructive possession means that the defendant
16 had dominion and control or the right to exercise
17 dominion and control over either the firearms
18 and/or ammunition themselves, or the property on
19 which the firearms and/or ammunition were found."
20 That specific phraseology was picked out by the
21 *Stewart* court as being problematic.

22 THE COURT: Which one? The phrase ". . .
23 or the property on which the firearms and/or
24 ammunition were found"?

25 MR. HARBIN: ". . . or the property on

1 which . . ."

2 So essentially the argument was that if
3 you were to tell the jury that just because you
4 own the house -- this was a drug case, I
5 believe -- just because you own the house the
6 drugs were found in that you would be in
7 constructive possession of that, and that was
8 confusing. And I believe they were correct in
9 that.

10 In this particular case, I think we have
11 another layer of concern where there is a
12 legitimate argument to be made, a logical argument
13 to be made that you don't have access to something
14 that is, in fact, on your property, because there
15 is a locked safe involved. And so it is difficult
16 to argue that you have dominion and control over
17 something you can't get to.

18 But with this language, it seems to imply
19 to a jury, I would think, that if they find that
20 he has dominion and control over the property,
21 then he would be in constructive possession of the
22 firearms. And I think that's where the Court was
23 really worried about it going astray. If I could
24 pull it up -- Your Honor, I apologize.

25 MS. FERGUSON: Your Honor, *Stewart* is

1 distinguishable because in a drug case the State
2 is required to prove knowledge. In this case,
3 this is a statutory case, we are only required to
4 prove possession. So *Stewart* is problematic to me
5 in that respect.

6 THE COURT: Well, how could you have
7 possession without knowledge?

8 MS. FERGUSON: Say again.

9 THE COURT: How could you have possession
10 without knowledge? I mean, you have to know it's
11 there to intend to possess it, right? I mean, if
12 a gun is sitting there in my house and I don't
13 know it's there, I can't possess it, can I?

14 MS. FERGUSON: I follow that by
15 distinguishing that from drug cases where that is
16 an essential element. That is an implied element
17 in this kind of case. It just says possession.
18 It doesn't say knowing possession. It doesn't say
19 intentional possession, or willful possession. It
20 says possession.

21 So I think that property, respectfully,
22 makes the burden on the State to prove intent.
23 And that's on page 2 of your instruction that
24 says, "Any intent to control . . ."

25 THE COURT: Where is that?

1 MS. FERGUSON: On page 2 of your
2 instructions in the bottom paragraph, "Any intent
3 to control . . .," that causes me to stumble a
4 little bit.

5 Gleeton says that it's an element. You
6 don't have to bifurcate those two elements. They
7 are one in the same because it's a statutory case.
8 The easiest and clearest way is to reference the
9 statute.

10 MR. HARBIN: Judge, I don't follow how a
11 drug statute, for example, possession of drugs --
12 if I don't know the drugs --

13 THE COURT: What would be the language
14 that you would propose?

15 MR. HARBIN: So, I would -- so the -- I
16 know you like the inference language.

17 THE COURT: I'm not charging inference
18 language.

19 MR. HARBIN: So I think it is a fact --

20 THE COURT: The question I'm asking you
21 to answer, okay, is: What language do you
22 propose?

23 MR. HARBIN: I would propose that *Stewart*
24 would say that you should not include that
25 language that says "or the property on

1 which . . ." I don't think it adds any
2 instruction to the jury. I think it only confuses
3 them. It does not help them. It is -- I mean,
4 that "on the property," I mean, I looked up this
5 the best I could, that "on the property" language
6 just kind of appeared very recently and then
7 immediately got, kind of, shot down by this Court.
8 It wasn't until recently where it said "on the
9 property" it got appealed and this Court basically
10 said you shouldn't do that.

11 And so -- I apologize. I know you're
12 asking for exact language, but I'm trying my best
13 to protect the record here. I would say that
14 lacking something that I can spit out right this
15 second, I would say that you should not include
16 ". . . or the property on which the firearms were
17 located." That implies that they have to -- that
18 basically means they have to convict if he owns
19 the property. That's more or less what that says.
20 And I think *Stewart* basically says that is the
21 problem.

22 MS. FERGUSON: Mr. Kinsey has that.

23 MR. KINSEY: Miss Ferguson wants me to
24 show him. I don't think he can ask for the fact
25 that -- not to charge the control over the

1 property, and it's quite obvious he's going down
2 that route. To the jury he's going to argue, he
3 didn't have access to the safes. I don't think he
4 can get both of those at the same time.

5 MS. FERGUSON: I think if you omit the
6 word --

7 THE COURT: Let me stop you-all. Let me
8 cut to the chase. What if we put, "Constructive
9 possession means the knowledge of intent, that the
10 defendant had knowledge and intent and dominion
11 and control, or the right to exercise dominion and
12 control over . . .," blah, blah, blah. It just
13 has knowledge and intent.

14 If you want to object to it, you can object.
15 That's what it says.

16 MS. FERGUSON: Because constructive
17 possession is dominion and control. It does not
18 include intent. I think --

19 THE COURT: I disagree. That's what the
20 case says.

21 Will you stop?

22 MS. FERGUSON: It may be curative.

23 THE COURT: It's not curative.

24 MS. FERGUSON: Well, if you'll -- please?
25 If we strike the words "property on which" and

1 just use the word property.

2 THE COURT: I'm not going to strike that.

3 MS. FERGUSON: The two words "on which,"
4 that's all. Not "property on which," just the two
5 words "on which," and that may cure Mr. Harbin's
6 complaint.

7 MR. HARBIN: If I can have a chance to
8 look at that, Judge. I think she might be on to
9 something because I think that the "on property"
10 implies that it's the real estate.

11 MS. FERGUSON: Right.

12 MR. HARBIN: And that that is the
13 confusing element of that. Because I
14 understand --

15 THE COURT: Well, look at it instead of
16 talking and let's see if we can't get started
17 going forward.

18 (Off the record.)

19 THE COURT: What is it that you agreed
20 on?

21 MS. FERGUSON: If I may, Your Honor, I'll
22 bring it to you.

23 THE COURT: Look at my charge and give it
24 to me. Just tell me.

25 MS. FERGUSON: On page 3.

1 THE COURT: Okay.

2 MS. FERGUSON: In the middle of the
3 paragraph "property," we strike.

4 THE COURT: "On which."

5 MS. FERGUSON: No. "Property," period.
6 And delete all of that.

7 THE COURT: Okay.

8 MS. FERGUSON: I think that will take
9 care of it.

10 THE COURT: So it should read:
11 "Constructive possession means the defendant had
12 dominion and control or the right to exercise
13 dominion and control over either the firearms
14 and/or ammunition themselves or the property."
15 That's what you're asking me to read.

16 MS. FERGUSON: You want to take out "or
17 the property"?

18 MR. HARBIN: Yeah, "or the property."

19 MS. FERGUSON: ". . themselves," period.
20 And that takes the real estate out.

21 MR. HARBIN: That cures my worry.

22 THE COURT: So, again, you're asking me
23 to charge as follows: "Constructive possession
24 means that the defendant had dominion and control
25 or the right to exercise dominion and control over

1 either the firearms or the ammunition themselves,
2 or the property," period.

3 MR. HARBIN: No.

4 THE COURT: Strike the whole thing.

5 MR. HARBIN: Stop at "themselves."

6 MS. FERGUSON: Strike ". . . or the
7 property on which the firearm . . .", that whole
8 last --

9 THE COURT: So stop with "themselves."

10 MS. FERGUSON: Yes, sir, please.

11 THE COURT: You're both asking that?

12 MR. HARBIN: Yes.

13 MS. FERGUSON: Yes, sir, please.

14 THE COURT: And you-all agree with that?

15 MS. FERGUSON: Yes, sir, please.

16 THE COURT: If you-all both agree, then
17 I'll do it.

18 So just for the record, it will read:
19 "Constructive possession means the defendant had
20 dominion and control or the right to exercise
21 dominion or control over either firearms and/or
22 ammunition themselves."

23 MS. FERGUSON: That's satisfactory to the
24 State.

25 MR. HARBIN: That is acceptable to the

1 defense.

2 THE COURT: You-all ready to go?

3 MR. KINSEY: Judge, we do have one more
4 issue with the charge.

5 THE COURT: What is your issue Mr. --
6 whatever your name is.

7 MR. KINSEY: The first page, fourth
8 paragraph it says that, "We must first find that
9 he possessed." That's the first requirement.

10 THE COURT: That's overruled. I've
11 already read that objection. I've overruled.
12 That's the charge. I'm going to read it like it
13 is.

14 MR. KINSEY: Okay.

15 THE COURT: And it's very clear. Your
16 argument was that you had proof that he was guilty
17 of that, and that's not it. It doesn't read that
18 way.

19 MS. FERGUSON: Okay.

20 THE COURT: So I note it. My law
21 clerk -- you give a good argument, but I still
22 overruled you.

23 MS. FERGUSON: He did that to me at eight
24 o'clock this morning.

25 THE COURT: I got it.

1 Everybody ready to go? You want a second
2 to go before we bring the jury out?

3 MR. HARBIN: Yes, sir.

4 (Off the record.)

5 THE COURT: You guys all ready to go?

6 MR. HARBIN: Yes, sir.

7 THE COURT: Bring them in.

8 (Jury enters the courtroom at 12:03 p.m.)

9 THE COURT: Madame Forelady, ladies and
10 gentlemen of the jury, the presentation of
11 evidence phase has concluded. That takes us to
12 the phase where you're going to have closing
13 arguments. The State, having the burden of proof,
14 will go first. The defendant has the right to go
15 next, and then the State has the right to reply to
16 that. After which I'm going to have a quick break
17 before I charge and then we'll bring you back for
18 the charge on the law and then you'll be sent back
19 for deliberations probably in time for your lunch
20 to get there.

21 You ready to proceed?

22 MS. FERGUSON: Yes, Your Honor. May it
23 please the Court?

24 THE COURT: Yes, ma'am.

25 MS. FERGUSON: Mr. Harbin.

1 CLOSING ARGUMENT

2 MS. FERGUSON: Ladies and gentlemen, when
3 we started this case, I quoted Robert Frost to you
4 about the good fences making good neighbors, and I
5 said we're not here to litigate a neighborhood
6 dispute. Well, we were a little bit; however,
7 that neighborhood dispute brought to light a
8 dangerous situation, a situation that was quickly
9 moving out of control. It brought to light an
10 illegal arsenal of weapons. And you saw all those
11 weapons that came in and out of this courtroom.
12 All that ammunition that stretched all the way to
13 where your clerk of court sits.

14 Now, I remember Mr. Harbin said what they
15 believe versus when you-all know. That's just a
16 riddle. And what did Winston Churchill say about
17 Russia? He said Russia was a riddle, wrapped in a
18 mystery surrounded by an enigma. That's not this
19 case.

20 It's clear that there was an illegal
21 arsenal of weapons at 607 Jackson Street. It's
22 clear that the defendant had access to every safe
23 in the shop or the outbuilding or garage where he
24 spent a lot time fixing motors and other things.
25 They're married. It's not realistic that he had

1 absolutely no access to the safe ever. Not
2 realistic.

3 And you've heard him -- you heard him
4 say, *We shoot out there a lot.* And you've seen
5 the video. You look really closely at that
6 video -- my eyes won't do it -- but if you look
7 really closely, you'll observe the tattoo on the
8 defendant's left arm and the gun in his hand. If
9 you listen to those shots, the rapid succession of
10 shots, common sense will tell you that's not a
11 black powder, antique firearm. You got to cock it
12 and move the cylinder, pull the trigger, cock it,
13 pull the trigger. It's got to move while you're
14 moving the hamper. That's not realistic.

15 You heard Misty Poole say that he showed
16 her a firearm in his waistband. You heard
17 Misty Poole say he shot a crow with a rifle with a
18 scope in her yard. You heard her say that you
19 could see, not just from the camera, but that you
20 could see from her backyard from her porch. She
21 had a conversation with them. They suggested a
22 truce. It doesn't solve the problem. That
23 neighborhood dispute continued. That neighborhood
24 dispute was a service to you in Anderson County
25 because it brought to light a dangerous situation,

1 it brought to light an arsenal.

2 And not just any arsenal: Two AR-15s,
3 multiple semi-automatic handguns, one AK-47, and a
4 tommy gun. If you're familiar with the history of
5 the tommy gun, that was the St. Valentine's Day
6 massacre. That's a dangerous weapon. These are
7 dangerous weapons in the hands of dangerous
8 people.

9 Why are they dangerous people? Why would
10 I say that? Well, armed robbery is not a small
11 thing. And I thought I heard one thing and I
12 asked Madame Court Reporter to print what was said
13 about that armed robbery. And he said, "I was
14 with a friend of mine and we had a shotgun and
15 some people were -- they were caught going to the
16 bank. We walked around the corner, we took the
17 bag, and then we left and got caught." Dominos is
18 not a bank. The Dominos has an innocent probably
19 teenager, a young person working behind the
20 counter that saw a shotgun that was stolen from
21 Mr. Scruggs's father -- he testified to that --
22 and robbed him at gunpoint. That defense doesn't
23 go away just because it's 20 years old. And that
24 offense, that propensity for violence doesn't go
25 away. Why? Misty Poole saw a shotgun in his

1 waistband. Misty Poole saw a bird shot out of a
2 tree in her yard. She broke down. The stress had
3 really gotten to her. She had grandchildren
4 across the street from all this. She had
5 grandchildren in her house next door to all of
6 this.

7 It's not about what we believe. It's
8 about what's clear, and South Carolina law is
9 clear.

10 This is not about -- it's not a matter
11 who owns the gun. It's not a matter of who bought
12 the gun. It's a matter of possession, dominion,
13 and control. And I would submit to you-all, on
14 more than one occasion, this defendant had
15 dominion and control over not one, but at least 25
16 firearms. And oh, by the way, the statute also
17 addresses ammunition. It's not just about
18 firearms. Firearms are worthless without
19 ammunition. And there was a lot of it and it
20 wasn't secured in the safes. I would submit to
21 you that those safes could not hold all of the
22 ammunition, all of those ammo cans, and all of
23 those firearms. There were three. There's one in
24 the house and the State returned those guns from
25 the house to the father to be held offsite. He is

1 an elderly man and they were hunting guns. You
2 will have the list.

3 Look at the evidence. Judge McIntosh is
4 going to instruct you on the law. The law has two
5 elements. Two. Not conjecture. Two elements
6 that the State has to prove, and the State has to
7 prove it beyond a reasonable doubt. You watch
8 television. You know what that means. But the
9 law comes from Judge McIntosh and he will instruct
10 you on that.

11 Find Brandon Scruggs criminally
12 responsible for those guns. Find him guilty.

13 Thank you.

14 MR. HARBIN: May it please the Court?

15 THE COURT: Yes, sir.

16 CLOSING ARGUMENT

17 MR. HARBIN: All right, you-all. I wish
18 I could say this is going to go as smoothly as I
19 think it will, but I have some notes here so I
20 don't forget.

21 Miss Ferguson is right and I'll repeated
22 it. The same thing I told you at the beginning.
23 This is not about what they believe. It's not
24 about what they believe. It's not about what they
25 wanted to find, what they wanted to prove. It's

1 about what they have proven. What you know. What
2 you know beyond any reasonable doubt. And I feel
3 as though that phrase gets thrown around so much
4 that you get jaded, like that's just some cop-out
5 or something. It's not.

6 This is where we decide as a society
7 whether we are going to put a scarlet letter on
8 somebody basically, at the minimum. Right? This
9 is a big deal. We hold the State to the standard
10 that they have to meet, and that is beyond every
11 reasonable doubt.

12 Let me discuss that with you briefly
13 because we have several standards of proof in our
14 judicial system. The most of which would be
15 probable cause which you have to get to get
16 arrested to begin with that got us here so far.

17 You have preponderance, which means it's
18 more likely than not. Fifty plus something.
19 Fifty plus more. And you have clear and
20 convincing, that's a civil standard. It's not
21 used in criminal court. But clear and convincing,
22 it's been acknowledged, it's not as much as -- it
23 does not require as much as reasonable doubt, or
24 beyond all reasonable doubt. Right?

25 So I'd argue here, I don't know how you

1 can get beyond a preponderance, but I certainly
2 don't think nothing is clear and convincing must
3 less beyond a reasonable doubt, but just to give
4 you, kind of, a lay of the land of our burdens of
5 proof.

6 So, this case started off with kind of a
7 Hatfield and McCoy situation. Right? I mean,
8 both parties probably did some regrettable things.
9 I think they probably treated each other poorly as
10 neighbors. I suspect that Miss Poole just doesn't
11 like the junk yard she lives beside. Fair.

12 But you heard from my client and from his
13 wife, they don't make a lot of money. They live
14 paycheck to paycheck. That's how some people
15 live. We're not judging them for the kind of
16 clothes they wear, where they live, what their zip
17 code is, and what their kind of standard of living
18 is. Right?

19 And it occurs to me that you ought to be
20 able to imagine someone that you respect, someone
21 that you really look up to, sitting in that chair
22 right there, and whatever amount of reasonable
23 doubt you would give them is what you would give
24 my client even though he might not look like you,
25 talk like you, or live near you, or live like you.

1 Back to the neighbors. So, we have a
2 neighbor that has a security system. I've never
3 even heard of something like this, but 12 -- I
4 think 12 cameras or something. Think about how
5 many cameras that is, by the way. I mean, it's a
6 single-family residence. So, I mean, you put one
7 on each corner of your house, that's four. You
8 still have eight more to go. Where in the world
9 are you pointing all these cameras and for what?

10 Now, I asked Miss Poole several times,
11 did you not -- basically, did you not put the pole
12 up so high so you could peer into Brandon's yard?
13 I think it's imminently clear that's exactly why
14 she did that. And she gave that away when she
15 said, *I was within my rights to do it.* Right?
16 She's defending herself already, even though I
17 just asked her, *Did you not do that?* I didn't say
18 it was wrong, but she assumed it's wrong because
19 she feels guilty because she knows she's not
20 telling you the truth. She ought to just tell you
21 the truth because it isn't against the law, as
22 best I can. I don't agree with it. I don't think
23 you should be able to just peer down on somebody's
24 yard, but I don't think it's illegal. But she did
25 it, I'm pretty sure, to try to find something to

1 get Brandon in trouble. She doesn't like him
2 firing his guns.

3 He's told you that he's got the black
4 powder guns. We've come to the understanding that
5 the black powder guns are on the property. They
6 left a black powder gun there. You heard Velez --
7 excuse me -- Sergeant Velez say it, we didn't even
8 take that. That's not the issue.

9 Now, you may not like that. I personally
10 think it's silly. I don't know why in the world
11 we have an exception for a black powder pistol
12 that fires a projectile like a gun fires a
13 projectile. Either you aren't allowed to have a
14 gun or you can have a gun. Right? That makes
15 much more sense to me. But that is not what the
16 law is. And Brandon is following the law.

17 And I -- also -- I mean, you know, I
18 live in the suburbs. I don't personally own a
19 bunch of guns, so it is intimidating to me to see
20 all those guns and all of that ammunition, but
21 that is not the point. That's noise is what that
22 is. It's noise for them to parade all of that
23 stuff out. Now, they kind of have to, so we'll
24 give Ms. Ferguson a little slack. She doesn't
25 have a choice to bring it out here. But to parade

1 it all out here like armory itself is what is
2 objectionable, that's noise. That's a
3 distraction. It's a red herring. Because all of
4 them or either legal or all of them aren't.
5 Right? We don't have law about how much you can
6 have.

7 I submit to you that Miss Poole was
8 willing to lie to you because when I'm asking the
9 question, she's answering for you-all. She's
10 willing to lie to you. She's willing to lie when
11 it's convenient. Put into evidence by Misty on
12 Saturday, March 2nd, 2022, "I witnessed my
13 neighbor, Brandon Scruggs, with a gun in his
14 backyard." And that's all I want to read from
15 that is because the point is whether she witnessed
16 it or not. Right? She didn't. She admitted she
17 didn't because she can't see over the fence.
18 Right? She didn't witness it. She recorded
19 something that she believed that to be. That's
20 the only possibility because she admitted she
21 can't see into the backyard.

22 I don't think that's a typo. I think
23 that's a material representation. I don't think
24 she's stupid. I think she intended to say exactly
25 what that says. I don't think you can trust her.

1 She's the one that gave you the reason not to
2 trust her. That's not Brandon. That's her.

3 She was concerned about her children and
4 grandchildren. I understand that. I've got kids.
5 I'm sure you-all got kids. But we're not here
6 about, like, reckless shooting. You know, we had
7 testimony about what schools or playgrounds or
8 whatever is near, but that's -- again, that's
9 noise. That's a distraction. They don't want you
10 to concentrate on the amount of evidence they do
11 not have. So the guy makes some noise. And thing
12 they've drawn over here and then takes us over to
13 here. Nobody alleged to have been in danger heard
14 the indictments that you're considering or the
15 charges for your consideration. Right? We are
16 not here to determine whether or not something
17 else happened. We are only supposed to be
18 deciding whether or not he was in possession of
19 those guns. Right?

20 The felon possession statute itself, it
21 requires him to be a felon. And he did something
22 real bad 21 years ago. He was 20 years old. He
23 regrets it. Surely, there's nothing else you can
24 do after that. Like, you have made that mistake
25 and then you pay the price for that. You pay the

1 price for that by going to prison. You pay the
2 price for that by being on supervision. You pay
3 the price for that by not being able to get the
4 kind of job you might want to get one day. It
5 follows him forever. It's never going to go away.

6 But the fact that he did something 21
7 years ago doesn't make him guilty of some
8 allegation 21 years later. Right?

9 They need you to look at Brandon and not
10 like him. That dude shouldn't have a gun. Right?
11 That dude should not have a gun. The law says he
12 can't have a gun. You might not like it, they
13 don't like it, but it's legal. We're not here to
14 decide whether he can have a gun that annoys his
15 neighbor. We're only here to decide whether he
16 had access to those modern firearms behind locked
17 safe doors.

18 Now, let's get to that because, at some
19 point, there is a search warrant and a ton of law
20 enforcement officers come to his house. Something
21 like 10 or 11 guys to search one house not a body
22 cam between them.

23 Now, if you're buying what they're
24 selling about it's protocol and they can't
25 disclose their methods and stuff like that then I

1 got a bridge to sell you. They destroyed stuff
2 when they looked through it. They get to do it.
3 They don't want you to know why, but I'll tell you
4 why. What really hurts them is that that video
5 maybe could have helped them because I got some
6 serious questions about what actually happened
7 when they were searching that place. If they had
8 a video, then they might be able to prove me
9 wrong. But right now, I got some real serious
10 questions.

11 And where does that serious question come
12 from? I got one thing that they cannot explain
13 and they broke your trust, that wooden foregrip --
14 I did not know what a foregrip was called until
15 this trial. It's just the -- I think it's the
16 handle of the front of some gun. The wooden
17 foregrip. It's in that picture. You'll get to
18 look at it in the jury room. It's in that safe.
19 It's on the top shelf. It is a very distinct
20 carved piece of wood. It was in that safe.

21 I asked Officer Lindsey. I said -- I
22 don't ask too many questions. I really don't. I
23 let the State put up theirs and then I put up my
24 case and talk to you. I asked him a very specific
25 question. I said, *Did you clear out that safe?*

1 Remember? I mean, I went back and I said, *Was*
2 *anything left in that safe?* He said, No. He
3 didn't leave that foregrip in that safe. There is
4 not another foregrip. That foregrip made its way
5 from that safe to a box that it did not belong in
6 that was presented to you-all as evidence that it
7 was in that condition. That is, as my mother
8 would say, is a fib. There are fibbers somewhere.

9 It doesn't matter who told that story
10 because it is held against the State. It doesn't
11 matter if -- it wasn't Officer Velez. He was in
12 the front yard. It doesn't matter if it was
13 Campbell or Lindsey or one of the other unnamed
14 officers that was not brought before this court.
15 It doesn't matter. There is somebody who was
16 completely unaccountable. Completely
17 unaccountable.

18 My client's story -- my client told you,
19 I think his wife did too, that box was empty.
20 They have five safes in their house. Way more
21 guns than probably any of us ever thought we'd
22 ever have or anybody needs. They brought in all
23 this ammunition. Thousands of rounds of
24 ammunition. That's all locked behind doors.
25 That's all kept just right. But they just got

1 shotgun gun shells and gun parts just laying
2 around.

3 And you know, you know there is proof
4 beyond any doubt, not beyond any doubt, beyond any
5 doubt that one of those officers took something
6 that was behind a locked safe door and he made it
7 part of something that was outside the locked safe
8 door. And I wonder why that is. And I wonder --
9 I don't wonder. I don't trust that guy. That guy
10 is part of his team. Whether or not he was part
11 of that, that's on his team, on his case on the
12 State. Somebody put evidence where it wasn't
13 supposed to be. That is a material deception.
14 There's no way around it.

15 I can't stress that enough of what it
16 would take -- imagine -- just put yourself in that
17 officer's shoes. What is it going to take?
18 You're going to go into a safe and you're going to
19 pick something up with your hand, and then you're
20 going to go to another location, to another
21 container, and you're going to put it in there.

22 Now, there could be two explanations, I
23 suppose. Right? I could have had anyone take
24 stuff out the safe, somebody else put it there.
25 Organize it. Whatever. I mean, it's possible.

1 But if that's possible, then you can't trust any
2 of the chain of custody. You can't trust anything
3 about where they said they got it because nobody
4 is taking account about who got it out of the safe
5 first. Right?

6 There is no way to trust what they did
7 because they didn't document it, and they brought
8 false evidence to you. Irrefutably false
9 evidence.

10 As much as they want to believe that
11 Brandon had access to those guns, the case gives
12 their case away when they say -- I wrote it
13 down -- "It is not realistic that he doesn't have
14 those guns." That is another way of saying, *That*
15 *is what I believe*, and that has been my point the
16 entire case. What they believe doesn't carry the
17 day. It is only what they can prove. We have
18 standards. Things have to be accounted for line
19 by line.

20 And that was a fairly messy job, but they
21 did it. I cannot think of a single item, a single
22 gun that was actually testified to to have been
23 outside the safe. He said it at first but then he
24 took it back. He wasn't sure because he didn't
25 know. He wasn't sure. But this is the whole

1 point of the case. You can't not be sure about
2 that. Right? If he's not sure, how in the world
3 are you going to be sure?

4 So I think we're down to this. I think we
5 are down to we know that there are guns behind the
6 locked safe. Nobody denied that. Those are the facts
7 that we know beyond a reasonable doubt.

8 So it's up to you to hold the State
9 accountable for that, to that account. If he
10 didn't have access to the safe and they don't have
11 a single iota of proof that he had access to the
12 guns in that safe. Those guns are named
13 individually, a whole bunch of guns of names that
14 I don't recognize of names, but they say this gun,
15 that gun, that gun.

16 They haven't offered a single bit of proof,
17 not one bit of proof that any one of those individual
18 guns were possessed by my client. They don't like the
19 fact that they were shooting black powder pistols.
20 They don't like it. I'll tell what, though, that
21 video doesn't show anything either. It literally
22 doesn't show anything. He literally walks off frame
23 doing whatever. They say he was shooting. He says he
24 was walking to the rear of his property and then he
25 comes back.

1 And he does clearly appear to me to be
2 gesturing to somebody. It took me a while to see
3 that because it's very grainy. There's a
4 movement. You-all take a look. He's working on a
5 lawn mower or motorcycle or something. But with
6 that context, I believe it does look like there's
7 something back there so it's consistent with what
8 he said.

9 But more to the point, there is no
10 evidence that he actually had the gun. She can
11 tell you to look for a gun and imagine a gun all
12 you want to, but I've watched that video a hundred
13 times. I can't make out something that I can call
14 a gun, certainly not beyond a reasonable doubt.

15 There's one single charge of a
16 short-barrel shotgun. They entered a gun into
17 evidence I guess that they said was a short-barrel
18 shotgun. The problem is that there is absolutely
19 no evidence on the record as to how long or short
20 that gun is. Nothing, nothing. I tried to ask
21 Christy how long it was, she said, "I don't know."
22 That's not an answer. It's not what you suspect.
23 They literally didn't give me any evidence as to
24 whether or not that any one of those guns meets a
25 particular standard. There's literally no

1 evidence. Whether or not you believe it might be,
2 you don't get to speculate or you don't get to
3 guess. There's no facts provided to you. You
4 just kind of drop the ball. There's literally no
5 evidence.

6 I think I've taken up enough of you-all's
7 time, so just to wrap it up. We're here to see
8 whether the State has brought you-all enough
9 evidence to where you can walk back to that jury
10 room and say without any reasonable doubt that any
11 one of those specifically labeled guns, and the
12 charges that you will be able to consider, were
13 possessed by my client. You've had no one that
14 said they saw him with that gun. The only
15 evidence that said he did not have access to that
16 safe -- the language that you will hear from the
17 judge about what possession is going to be
18 exercising dominion and control over that object.

19 It's fairly hard to exercise dominion and
20 control over something that you cannot get to.
21 They did not prove that he could get to that.

22 They want you to just throw the baby out
23 with the bath water. He's a bad guy. He's
24 aggravating a neighbor. He's real messy. Doesn't
25 have a good job. Just works on stuff. Doesn't

1 have steady income. And he has too many guns, too
2 many guns. Convict him, he's got too many guns.
3 They want to say he's got too many guns, just
4 convict him. Don't think about the evidence.

5 Don't hold them accountable, but you have
6 to. You swore an oath. You got to. You might
7 not like a not guilty verdict. You might feel
8 uncomfortable with somebody not too far down the
9 street who has that many guns. That's the law.
10 We're here to uphold the law. We're here to hold
11 the State to account.

12 I'd ask you to do that and find him not
13 guilty.

14 MS. FERGUSON: May it please the Court?

15 THE COURT: Yes, ma'am.

16 CLOSING ARGUMENT

17 MS. FERGUSON: Ladies and gentlemen,
18 Mr. Harbin has been talking a lot about
19 constructive possession, about the guns that may
20 or may not have been forever locked away in a safe
21 for 13 years while those two were together, or
22 four years while they were married. That's
23 constructive possession.

24 The State had a witness here who put
25 Mr. Scruggs in actual possession of a firearm.

1 Discount the video, you have a credible witness
2 who testified she saw with her own eyes at least
3 two firearms, and I'd submit to you the State
4 doesn't need 40 firearms. The State needs one.
5 One.

6 This law says, "It is unlawful for a
7 person who has been convicted of a violent
8 crime . . .," and the State didn't put that up
9 because he's a bad guy, it's an element of the
10 crime. It's in the statute, skip over, it says,
11 ". . . to possess a firearm." Possess.

12 Mr. Harbin has been saying, oh, any
13 reasonable doubt, that's not right either. It's
14 beyond a reasonable doubt, a doubt that would
15 leave you firmly convinced. Beyond a reasonable
16 doubt. Not any, not all, not every.

17 And I find it really interesting that out
18 of all that evidence, all of that, they're arguing
19 about the placement of that one grip, one wooden
20 grip. Out of all that evidence, that's what they
21 have a problem with what Anderson County had and
22 where they put it and how they placed it, whether
23 it was on top of the safe, or in this safe, or in
24 this box, which contains ammunition, by the way.

25 You're not putting a scarlet letter on

1 Mr. Scruggs. He put it on himself by being convicted
2 of a violent crime and having possession of at least
3 one firearm. That's all it takes.

4 He lies when it's convenient and he lies
5 without aforethought, and he lies without
6 afterthought.

7 Thank you.

8 THE COURT: All right. Madame Forelady,
9 ladies and gentlemen of the jury, I'm going to
10 send you back for a quick second so I can do a
11 brief review of my charge with the attorneys and
12 we'll bring you back and I'll charge you on the
13 law. If you would go back to the jury room,
14 please.

15 (Jury exits the courtroom at 12:38 p.m.)

16 THE COURT: All right. Guys, have you
17 look at the verdict form? Do you have any problem
18 with that?

19 MS. FERGUSON: I don't have any
20 objection, Your Honor.

21 MR. HARBIN: I don't.

22 THE COURT: All right. About the charge,
23 let me go over a couple things with you right
24 quick. As to the substantive charge that you
25 have, I made the change as you requested and

1 agreed upon. It has to do with weapons and then
2 ammunition. My thought was that I do the first
3 one that has to do with weapons as you had it on
4 pages 1 through 3 of the charge. And then when I
5 go over to 4, which is the ammunition, just, "A
6 person who is convicted of a violent crime as
7 defined by 16-1-160 that's classified as a felony
8 offense to possessing ammunition in this
9 state . . ." And also 16-1-60 provides it's a
10 violent offense. And, ladies and gentlemen, you
11 are to apply the same rules that apply to the
12 charge I give you on the possession of a weapon,
13 which would include the rules about prior
14 conviction, and that evidence is only coming in
15 for purposes of the element of the charge. This
16 is the charge I give you on the actual
17 constructive possession, or I can't go over them
18 again. What would you rather I do? I mean, I
19 kind of hate to be redundant, and juries hate for
20 me to be redundant, but I will if you want me
21 to.

22 MS. FERGUSON: It's in your discretion,
23 Judge.

24 THE COURT: Okay. So what that will
25 do -- is that okay with you?