

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM ABBEVILLE COUNTY

Frank R. Addy, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

QUENTIN STEPFON DEAN,

APPELLANT

APPEALLATE CASE NO. 2013-001784

RECORD ON APPEAL

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SOUTH CAROLINA COURT OF APPEALS

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STATE'S EXHIBIT #49 (CD of Statement)

DEFENDANT'S EXHIBIT #2 (CD of Statement)

STATE OF SOUTH CAROLINA
COUNTY OF ABBEVILLE

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA,)
)
PLAINTIFF,)
)
-VS-)
)
QUENTIN STEPFON DEAN,)
)
DEFENDANT.)
_____)

2011-GS-01-0082

TRANSCRIPT OF RECORD

JULY 29-30, 2013
ABBEVILLE, SOUTH CAROLINA

BEFORE:

THE HONORABLE FRANK R. ADDY, JR., JUDGE; AND A JURY

APPEARANCES:

ATTORNEY FOR PLAINTIFF:

C. YATES BROWN, ASSISTANT SOLICITOR
CAM MORROW, ASSISTANT SOLICITOR

ATTORNEY FOR DEFENDANT:

CAROLINE HORLBECK, ESQUIRE

TARA T. SCOTT, CVR
CIRCUIT COURT REPORTER

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Abbeville County Courthouse

RANDOM STRIKE SHEET

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JUDGE NAME : Frank Addy

TRIAL TYPE : Criminal

PANEL ID : 2011GS0100082-6

COURTROOM CTRM

DESCRIPTION : 2011GS0100082-6

Sorted by: Random Nbr

Trial

NAME	JUROR NBR	RACE	SEX	ST/PLTFF	DEF	CRT	REMARKS
1 Herron, John W	(67)	W	M	()	()	()	
2 Wiley, Dana G	~~155~~	W	F	()	~~(X)~~	()	
3 Price, Heather N	(121)	W	F	()	()	()	
4 Schwab, Bonnie J	~~129~~	W	F	()	~~(X)~~	()	
5 Gambrell, Jennifer B	~~54~~	W	F	()	~~(X)~~	()	
6 Bull, Joel E	~~22~~	W	M	~~(X)~~	()	()	
7 Bryson, Melissa M	(20)	B	F	()	()	()	
8 Powell, Michael E	~~118~~	W	M	()	~~(X)~~	()	
9 Stoll, Douglas R	~~140~~	W	M	()	~~(X)~~	()	
10 Ellison, Rita G	~~48~~	W	F	~~(X)~~	()	()	
11 Anderson, Nancy H	(2)	W	F	()	()	()	
12 Bouchillon, David P	(13)	W	M	()	()	()	
13 Fox, Dustin G	~~52~~	W	M	()	~~(X)~~	()	
14 Henderson, Precious M	~~66~~	B	F	~~(X)~~	()	()	
15 Burton, Jessie L	(26)	B	F	()	()	()	
16 Willard, Rachel L	(156)	W	F	()	()	()	
17 Brewton, Patrick Donnell	(15)	B	M	()	()	()	
18 Crawford, D'jaris G	(41)	B	F	()	()	()	
19 Crawford, Cynthia M	~~40~~	W	F	()	~~(X)~~	()	
20 Clark, Linda A	~~35~~	W	F	()	~~(X)~~	()	
21 Postell, Evelyn C	~~116~~	B	F	()	~~(X)~~	()	
22 Owens, Sherri D	~~111~~	B	F	~~(X)~~	()	()	
23 Driggers, Alison S	~~46~~	W	F	()	~~(X)~~	()	
24 Price, Tolly H IV	(123)	W	M	()	()	()	

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Abbeville County Courthouse RANDOM STRIKE SHEET

JUDGE NAME : Frank Addy
TRIAL TYPE : Criminal
PANEL ID : 2011GS0100082-6
COURTROOM CTRM

DESCRIPTION : 2011GS0100082-6

Sorted by: Random Nbr

Trial

NAME	JUROR NBR	RACE	SEX	ST/PLTFF	DEF	GRT	REMARKS
25 Walker, Tony A	152	B	M	()	()	()	
26 Greer, Marie C	60	W	F	()	~~()~~	()	
27 Gray, Kiara E	58	B	F	()	()	()	
28 Barnes, Aleta B	8	W	F	()	~~()~~	()	
29 Swaney, Steve M	Alt. 144	W	M	()	()	()	
30 Jackson, Linda S	76	B	F	()	()	()	
31 Swaney, Miriam O	143	W	F	()	()	()	
32 Parnell, Darrell W	112	W	M	()	()	()	
33 Lyons, Keterrio D	95	B	M	()	()	()	
34 Kay, Melva N	81	W	F	()	()	()	
35 Chadwick, Jason S	32	W	M	()	()	()	
36 Lawrence, Laura D	89	W	F	()	()	()	
37 Plaxco, Charles C Jr.	115	W	M	()	()	()	
38 Arnold, Nancy E	3	W	F	()	()	()	

Total Number of Jurors:

38

** END OF REPORT **

TRIAL DAY 1-07/29/13

(Whereupon, the proceedings were commenced at 10:25 a.m.)

1 THE COURT: Solicitor, if you'll call your first case,
2 please.

3 MR. BROWN: Thank you, Your Honor. The State calls
4 *State v. Quentin Stepfon Dean* on indictment 11-GS-01-082 for
5 conspiracy. Indictment 11-GS-01-083 for burglary in the
6 first degree. Indictment 11-GS-01-084 grand larceny. 11-
7 GS-01-085 indictment for malicious injury to real property.
8 Indictment 11-GS-01-086, which is possession of a weapon
9 during the commission of a violent crime. The State is
10 ready to proceed with the trial.

11 THE COURT: If you'll hand up the indictments, please,
12 to the clerk. Ms. Horlbeck, the defense is ready to
13 proceed?

14 MS. HORLBECK: Yes, sir.

15 THE COURT: Very good. Ladies and gentlemen, we are
16 about to begin the trial of the *State of South Carolina*
17 *versus Quentin S. Dean*. Mr. Dean is charged with five
18 offenses: Conspiracy, burglary, grand larceny, malicious
19 injury to real property and possession of a weapon during
20 the commission of a violent crime. Before we begin I want
21 to explain to you that the fact that Mr. Dean was charged
22 and indicted in this case is, of course, not evidence. The
23 allegations contained in the indictments are exactly that.

1 An indictment is nothing more than a piece of paper that
2 contains the charges made against the defendant and the
3 allegations in the indictment are not in any sense of the
4 word evidence or proof of any of the allegation in the
5 indictment. They are simply the way the charge is brought
6 in the court. So, obviously, you should know that at the
7 beginning. Now, ladies and gentlemen, the state of South
8 Carolina in this case is being represented by Mr. Yates
9 Brown. Mr. Brown, if you would care to stand and introduce
10 yourself and the other members of the prosecution team
11 seated at the table with you, please.

12 MR. BROWN: My name is Yates Brown. I'm an assistant
13 solicitor in the Eighth Judicial Circuit. Sitting next to
14 me is Cam Morrow, also an assistant solicitor, who is trying
15 this case with me. And next to him is Mr. Mike Knox. He's
16 the victim in this case. And also at our table is Mr. Jeff
17 Miller, who is an investigator with our office.

18 THE COURT: Thank you, Mr. Brown. Mr. Dean is being
19 represented by Caroline Horlbeck of the Greenville Bar. Ms.
20 Horlbeck, if you care to stand and introduce yourself and
21 certainly your client to the jury, please.

22 MS. HORLBECK: Good morning, ladies and gentlemen. My
23 name is Caroline Horlbeck and I do practice in Greenville.
24 This is my client, Quentin Dean. Quentin, stand up for a
25 minute. (Defendant Complied.) And I'm representing him

1 here today.

2 THE COURT: Thank you very much. Ladies and gentlemen,
3 I have some questions I'm going to need to ask you in order
4 to determine your qualification and eligibility to serve on
5 this particular case. First of all, is there any member of
6 the jury panel who has previously been represented or is
7 currently being represented by any of the attorneys involved
8 in this case, or is there any member of the jury panel who
9 has any close business or social relationship or familial
10 relationship with any of the lawyers involved, either Mr.
11 Brown, Mr. Morrow, or Ms. Horlbeck? If so, please stand.
12 No one is standing.

13 Is there any member of the jury panel who is related by
14 blood or marriage to the defendant in this case, Quentin
15 Dean, or has any close personal or social relationships or
16 business relationships with Mr. Dean or his family? If so,
17 please stand. No one is standing.

18 Ladies and gentlemen, the State alleges that this
19 incident took place on or about October 7, 2010 at 299 Cold
20 Springs Center Road here in Abbeville. I'm told that this
21 location is close to the Cold Springs Café and Murrell's
22 Countertops. Is there any member of the jury panel who has
23 formed or expressed any opinion or thinks that they know
24 anything about the allegations in this case? If so, please
25 stand. No one is standing.

1 Ladies and gentlemen, I'm going to read a list of
2 potential witnesses and I need you to listen carefully
3 because once I'm done reading off these names I'll ask you
4 if you're related by blood or marriage to any of these
5 people or have any close business or personal or social
6 relationships with any of these folks, okay. So here are
7 the possible witnesses in this case: Mike Knox, James
8 Brandon Williams, Edward Montreze Thompson. M-o-n-t-r-e-z-e
9 is how you spell the middle name. Jason Bonds with the
10 Abbeville Sheriff's Department. Patrick Thompson with the
11 Abbeville Sheriff's Department. Brandon Scott with the
12 Abbeville Sheriff's Department. Also Mike Belcher with the
13 Sheriff's Department. Kimberly Wells with Abbeville 911.
14 Jeffrey Abercrombie with the Sheriff's Department. Leslie
15 Norman with the Sheriff's Department. Shannon Riley and
16 Ryan Abernathy with the Sheriff's Department. Again, is
17 there any member of the jury panel who is related by blood
18 or marriage to any of those possible witnesses or do you
19 have any close business, personal or social ties or
20 relationships with any of those witnesses? If so, please
21 stand.

22 (Whereupon, David James, a white male, stood)

23 Yes, sir, what's your name, please?

24 MR. JAMES: David James.

25 THE COURT: James, you said?

1 MR. JAMES: James.

2 THE COURT: Do you remember your juror number?

3 MR. JAMES: Juror number 77.

4 THE COURT: Which of those witnesses do you know, sir?

5 MR. JAMES: I'm close friends with Mike Knox.

6 THE COURT: Close friends with Mike Knox, okay. I
7 assume that might cause you some anxiety or discomfort on
8 this case because you're close friends with him if you were
9 to serve as a juror. Is that right?

10 MR. JAMES: Yes, sir.

11 THE COURT: Very good. Mr. James, stay with us, but you
12 won't be picked on this jury. Okay, sir. Thank you for
13 that information. Anybody else who needs to respond to that
14 question?

15 (Whereupon, Cynthia Crawford, a white female, stands)

16 THE COURT: Yes, ma'am. What's your name?

17 MS. CRAWFORD: Cynthia Crawford, juror number 40. I
18 have a cousin name Jeffrey Abercrombie. I don't know if
19 that's the one or not. He's my third cousin.

20 THE COURT: Do you know if he works at the Sheriff's
21 Department?

22 MS. CRAWFORD: I'm not sure.

23 THE COURT: You're not sure. He's your third cousin,
24 though?

25 MS. CRAWFORD: Third cousin.

1 THE COURT: I think that's outside the degree, so you'd
2 be -- if this were your cousin would that affect your
3 ability to be fair and impartial for everybody concerned?

4 MS. CRAWFORD: I don't think so.

5 THE COURT: You're certain of that?

6 MS. CRAWFORD: Yes.

7 THE COURT: Very good. Thank you very much. And you're
8 okay to serve. And that was Ms. Bryson? What was your
9 name again?

10 MS. Crawford: Crawford.

11 THE COURT: I've got you now. Cynthia Crawford, juror
12 number 40. Anyone else need to respond? If so, please
13 stand. No one is standing.

14 Is there any member of the jury panel who has been a
15 victim of a violent crime or had a close family member who
16 has been a victim of a violent crime? And if you're not
17 comfortable discussing this in open court what you can do is
18 come forward and talk with me privately down front. But if
19 there is any member of the jury panel who has been a victim
20 of a violent crime or had a close family member or a very
21 close friend who was a victim of a violent crime, I'd ask
22 that you stand up now, please. No one is standing.

23 Is there any member of the jury panel who is a member
24 of any organization such as MADD, Mothers Against Drunk
25 Driving, or SADD, Students Against Drunk Driving, or CAVE,

1 Citizens Against Violent Crime? Any organization the
2 primary purpose of which is the promotion of victim's rights
3 or law enforcement? If so, please stand.

4 (Whereupon, Chuck Plaxco, a white male, stood)

5 THE COURT: Yes, sir. What's your name, please?

6 MR. PLAXCO: I'm Chuck Plaxco. I'm a member of the
7 South Carolina EMS PIER team, which is Public Information,
8 Education and Relations.

9 THE COURT: Okay. Mr. Plaxco, the fact that that, I
10 guess, deals with EMS and -- Okay. The fact that you're a
11 member of that organization, Mr. Plaxco, would that affect
12 your ability to be fair and impartial to both the state and
13 to Mr. Dean?

14 MR. PLAXCO: I don't think so.

15 THE COURT: You don't think so. The purpose of your
16 organization, it's not for victim's rights, is it?

17 MR. PLAXCO: We advocate wellness and safety and
18 bicycle helmets, not drinking and driving and that sort of
19 stuff.

20 THE COURT: All right. So you think that you can --
21 you're confident that you can serve as a fair and impartial
22 juror?

23 MR. PLAXCO: I think so.

24 THE COURT: Very good, Mr. Plaxco. Thank you. Sir,
25 you can have a seat. Anybody else need to respond to that

1 last question? No one is standing.

2 Is there any member of the jury panel who has any
3 deeply held moral or religious convictions that would
4 prevent them from serving on a jury and would make them feel
5 uncomfortable sitting in judgement of someone else? If so,
6 please stand. Any deeply held moral or religious
7 convictions that would keep you from serving on a jury and
8 rendering a verdict? If so, please stand. No one is
9 standing.

10 Is there any member of the jury panel who knows of any
11 reason whatsoever why you cannot give the state of South
12 Carolina and the defendant in this case, Mr. Dean, a fair
13 and impartial trial? Any concerns whatsoever as to why you
14 would not be able to serve as a fair and impartial juror in
15 this case? If so, please stand. No one is standing.
16 Additional voir dire from the state?

17 MR. BROWN: None from the state, Your Honor.

18 THE COURT: From the defense?

19 MS. HORLBECK: None from defense.

20 THE COURT: Very good. The strikes in this case will be
21 five for the state, ten for the defense. Ladies and
22 gentlemen, the way that we do this is a little bit different
23 if you served as a juror in civil court. In criminal court
24 if your name is called what I'm going to need you to do is
25 just come down front with any of the belongings that you

1 brought to the courthouse and right down here next to this
2 projector if you could, just turn around and face towards
3 the back of the courtroom where the clock is. At that point
4 in time the state will have an opportunity to either seat
5 you as a juror or excuse you. The defendant will have a
6 similar opportunity.

7 I will tell you what I tell every jury. If they excuse
8 you, don't take it personally. Every lawyer has a different
9 way of picking a jury. And so if you're asked not to serve
10 on this jury it's nothing personal, ladies and gentlemen.
11 It's just that lawyers -- every lawyer, and we've got
12 thousands of them in South Carolina, and each of the 14,000
13 lawyers that we have in this state, they've got their own
14 way to pick a jury. So don't take offense if they ask you
15 not to serve on this one, okay? Again, ladies and
16 gentlemen, if your name is called I'll ask that you come
17 forward and stand right down here next to the overhead
18 projector and just turn around face towards the back of the
19 courtroom, please. Madame clerk, give me a jury, please.

20 MADAME CLERK: 67, John Herring. What say you for the
21 State?

22 MR. BROWN: Please present Mr. Herring.

23 MADAME CLERK: What say you for the defense?

24 MS. HORLBECK: Please swear Mr. Herring.

25 MADAME CLERK: You may take a seat in the jury box.

1 (Whereupon, the juror complied.)
2 155, Dana Wiley. What say you for the State?
3 MR. BROWN: Please present Ms. Wiley.
4 MADAME CLERK: What say you for the defense?
5 MS. HORLBECK: Please excuse Ms. Wiley.
6 MADAME CLERK: You may take a seat back in the audience.
7 Number 121, Heather Price. What say you for the State?
8 MR. BROWN: Please present Ms. Price.
9 MADAME CLERK: What say you for the defense?
10 MS. HORLBECK: Please swear Ms. Price.
11 MADAME CLERK: You may take a seat in the jury box.
12 (Whereupon, the juror complied.)
13 129, Bonnie Schwab. What say you for the State?
14 MR. BROWN: Please present Ms. Schwab.
15 MADAME CLERK: What say you for the defense?
16 MS. HORLBECK: Please excuse Ms. Schwab.
17 MADAME CLERK: You may take a seat back in the audience.
18 54, Jennifer Gambrell. What say you for the State?
19 MR. BROWN: Please present Ms. Gambrell.
20 MADAME CLERK: What say you for the defense?
21 MS. HORLBECK: Please excuse Ms. Gambrell.
22 MADAME CLERK: 22, Joel Bull. What say you for the
23 State?
24 MR. BROWN: Please excuse Mr. Bull from the trial of
25 this case.

1 MADAME CLERK: Go back in the audience. Number 20,
2 Melissa Bryson. What say you for the State?

3 MR. BROWN: Please present Ms. Bryson.

4 MADAME CLERK: What say you for the defense?

5 MS. HORLBECK: Please swear Ms. Bryson.

6 MADAME CLERK: You may take a seat in the jury box.

7 (Whereupon, the juror complied.)

8 118, Michael Powell. What say you for the State?

9 MR. BROWN: Please present Mr. Powell.

10 MADAME CLERK: What say you for the defense?

11 MS. HORLBECK: Please excuse Mr. Powell.

12 MADAME CLERK: You may take a seat back in the audience.

13 140, Douglas Stoll. What say you for the State?

14 MR. BROWN: Please present Mr. Stoll.

15 MADAME CLERK: What say you for the defense?

16 MS. HORLBECK: Please excuse Mr. Stoll.

17 MADAME CLERK: 49, Rita Ellison. What say you for the
18 State?

19 MR. BROWN: Please excuse Ms. Ellison from the trial of
20 this case.

21 MADAME CLERK: You may take a seat back in the audience.
22 Number two, Nancy Anderson. What say you for the State?

23 MR. BROWN: Please present Ms. Anderson.

24 MADAME CLERK: What say you for the defense?

25 MS. HORLBECK: Please swear Ms. Anderson.

1 MADAME CLERK: You may take a seat in the jury box.

2 (Whereupon, the juror complied.)

3 13, David Bouchillon. What say you for the State?

4 MR. BROWN: Please present Mr. Bouchillon.

5 MADAME CLERK: What say you for the defense?

6 MS. HORLBECK: Please swear Mr. Bouchillon.

7 MADAME CLERK: You may take a seat in the jury box.

8 (Whereupon, the juror complied.)

9 52, Dustin Fox. What say you for the State?

10 MR. BROWN: Please present Mr. Fox.

11 MADAME CLERK: What say you for the defense?

12 MS. HORLBECK: Please excuse Mr. Fox.

13 MADAME CLERK: You may take a seat back in the audience.

14 66, Precious Henderson. What say you for the State?

15 MR. BROWN: Please excuse Ms. Henderson from the trial
16 of the case.

17 MADAME CLERK: 26, Jessie Burton. What say you for the
18 State?

19 MR. BROWN: Please present Ms. Burton.

20 MADAME CLERK: What say you for the defense?

21 MS. HORLBECK: Please swear Ms. Burton.

22 MADAME CLERK: You may take a seat in the jury box.

23 (Whereupon, the juror complied.)

24 156, Rachel Willard. What say you for the State?

25 MR. BROWN: Please present Ms. Willard.

1 MADAME CLERK: What say you for the defense?

2 MS. HORLBECK: Please swear Ms. Willard.

3 MADAME CLERK: You may take a seat in the jury box.

4 (Whereupon, the juror complied.)

5 15, Patrick Donald Brewton. What say you for the State?

6 MR. BROWN: Please present Mr. Brewton.

7 MADAME CLERK: What say you for the defense?

8 MS. HORLBECK: Please swear Mr. Brewton.

9 MADAME CLERK: You may take a seat in the jury box.

10 (Whereupon, the juror complied.)

11 41, D'jaris CRAWFORD. What say you for the State?

12 MR. BROWN: Please present Ms. Crawford.

13 MADAME CLERK: What say you for the defense?

14 MS. HORLBECK: Please swear Ms. Crawford.

15 MADAME CLERK: You may take a seat in the jury box.

16 (Whereupon, the juror complied.)

17 40, Cynthia Crawford. What say you for the State?

18 MR. BROWN: Please present Ms. Crawford.

19 MADAME CLERK: What say you for the defense?

20 MS. HORLBECK: Please excuse Ms. Crawford.

21 MADAME CLERK: You may take a seat back in the audience.

22 35, Linda Clark. What say you for the State?

23 MR. BROWN: Please present Ms. Clark.

24 MADAME CLERK: What say you for the defense?

25 MS. HORLBECK: Please excuse Ms. Clark.

1 MADAME CLERK: 116, Evelyn Postell. What say you for
2 the State?

3 MR. BROWN: Please present Ms. Postell.

4 MADAME CLERK: What say you for the defense?

5 MS. HORLBECK: Please excuse Ms. Postell.

6 MADAME CLERK: 111, Sherry Owens. What say you for the
7 State?

8 MR. BROWN: Please excuse Ms. Owens from the trial of
9 this case.

10 MADAME CLERK: 46, Allison Driggers. What say you for
11 the State?

12 MR. BROWN: Please present Ms. Driggers.

13 MADAME CLERK: What say you for the defense?

14 MS. HORLBECK: Please excuse Ms. Driggers.

15 MADAME CLERK: You may take a seat back in the audience.

16 123, Tony Price. What say you for the State?

17 MR. BROWN: Please present Mr. Price.

18 MADAME CLERK: What say you for the defense?

19 MS. HORLBECK: Please swear Mr. Price.

20 MADAME CLERK: You may take a seat in the jury box.

21 (Whereupon, the juror complied.)

22 152, Tony Walker. What say you for the State?

23 MR. BROWN: Please present Mr. Walker.

24 MADAME CLERK: What say you for the defense?

25 MS. HORLBECK: Please swear Mr. Walker.

1 MADAME CLERK: You may take a seat in the jury box.

2 (Whereupon, the juror complied.)

3 Number 60, Marie Greer. What say you for the State?

4 MR. BROWN: Please present Ms. Greer.

5 MADAME CLERK: What say you for the defense?

6 MS. HORLBECK: Please excuse Ms. Greer.

7 MADAME CLERK: You may take a seat back in the audience.

8 58, Kiara Gray. What say you for the State?

9 MR. BROWN: Please present Ms. Gray.

10 MADAME CLERK: What say you for the defense?

11 MS. HORLBECK: Please swear Ms. Gray.

12 (Whereupon, the juror took a seat in the jury box.)

13 THE COURT: That's twelve. We'll go with one

14 alternate. Strikes are one and two.

15 MADAME CLERK: Number eight, Aleta Barnes. What say you
16 for the State?

17 MR. BROWN: Please present Ms. Barnes.

18 MADAME CLERK: What say you for the defense?

19 MS. HORLBECK: Please excuse Ms. Barnes.

20 MADAME CLERK: You may take a seat back in the audience.

21 144, Steve Swaney. What say you for the State?

22 MR. BROWN: Please present Mr. Swaney.

23 MADAME CLERK: What say you for the defense?

24 MS. HORLBECK: Please swear Mr. Swaney.

25 MADAME CLERK: You may take a seat in the jury box.

1 (Whereupon, the alternate juror complied.)

2 THE COURT: Any issues concerning selection or
3 composition of the jury from the State?

4 MR. BROWN: Judge, may we have a quick sidebar?

5 THE COURT: Sure, come on over here.

6 (Whereupon a bench conference was held in the presence of
7 but out of the hearing of the jury)

8 THE COURT: No issues concerning selection of
9 composition of the jury from the defense, either, Ms.
10 Horlbeck?

11 MS. HORLBECK: No, Your Honor.

12 THE COURT: Very good. Ladies and gentlemen who were
13 picked on this jury, if you would, adjourn to the back for
14 just a few moments. I'm going to release the rest of the
15 jury panel and then I'll bring you back out, give you some
16 brief instructions and probably release you for lunch. But
17 I need to talk to them briefly and give them some
18 instructions. So back into the jury room. Don't talk about
19 the case yet. That should be incredibly easy. You know
20 nothing about this case. So adjourn back there and I'll
21 have you back out in a second.

22 (Whereupon, the jury exited the courtroom at 11:30 a.m.)

23 THE COURT: Ladies and gentlemen who were not selected
24 on this jury, you're done for the week so you can go about
25 your business. If you need an excuse for work or for school

1 we can provide those to you up here. I want to thank you
2 for coming in here and your willingness to come in and do
3 your civic duty. A lot of people look at jury duty as a
4 chore and certainly in many respects it is. But I tell you,
5 I tend to concur with what Winston Churchill stated about
6 jury duty, and that is aside from serving your country in
7 uniform during time of war there's probably no greater
8 service than a citizen can give to their nation than to
9 serve on a jury. Our system is unique in this country. A
10 lot of other countries, especially in Europe and throughout
11 the world, they use professional judges or they use
12 professional juries. And our English common law system is
13 truly unique in that the average citizen is called upon to
14 make determinations about guilt or innocence or to resolve
15 civil disputes. And it's a hallmark of our system. I think
16 it's one that is truly unique to our nation and to the rest
17 of the countries that follow the commonwealth tradition.
18 But I, again, want to thank you for your service. Remember
19 what I told you earlier. You get a three year get out of
20 jury service free card, so make a mental note in your mind
21 that in July of 2013 you were summoned to come up here so
22 that if you are summoned again for jury duty in the next
23 three years you can let the Clerk know. She'll say I
24 appreciate your bringing that fact to my attention and you
25 won't even need to show up here on the first Monday. With

1 that, again, you are excused. If you go back to work,
2 that's fine. If you don't go back to work I'm not going to
3 tell on you. So whatever you chose to do is your business.
4 If you need an excuse come on down and we'll hook you up
5 with that. Thank you very much and I will see y'all later.
6 We'll be at ease for a few moments while they square that
7 away.

8 (Whereupon, the court took a brief recess until 11:40)

9 THE COURT: Logistically in speaking to the attorneys in
10 chambers I think the game plan is to go ahead and release
11 the jury. We'll deal with any pretrial issues that we have
12 and then resume at two o'clock. Is that acceptable to
13 everyone?

14 MR. BROWN: Yes, Your Honor.

15 MS. HORLBECK: Yes.

16 THE COURT: Very good. Let's have the jury back in,
17 please.

18 (Whereupon, the jury entered the courtroom at 11:45 a.m.)

19 THE COURT: Ladies and gentlemen of the jury, thank you
20 for going your continued patience. What we're going to do
21 at this point in time is I'm going to go ahead and release
22 y'all to get some lunch. I'm going to ask that you be back
23 in the jury room, if you would, at two o'clock, please.
24 That should give you plenty of time. There's a few other
25 cases that I need to take up, a few other matters that I

1 need to address before we begin with trial of this case in
2 earnest. Now, if you happen to go to lunch with a friend or
3 a family member or even one of your fellow jurors, ladies
4 and gentlemen, please don't discuss this case, okay. And
5 this will be a rule that goes throughout the course of the
6 trial. And the reason for this rule is that ultimately,
7 ladies and gentlemen, the decision in this case will be
8 yours and yours alone. And it would be very, very improper
9 and against the oath that you're going to take after lunch.
10 It would be contrary to that oath if you were to discuss
11 this case with anyone and allow your opinion on this to be
12 influenced by anything that somebody else might say no
13 matter how well intentioned their comments might be. So
14 throughout the trial don't talk about this case with anyone
15 again because this is your decision. It will be your
16 decision to make once the case is submitted to you. I'll
17 also tell you, and I'll give you further instructions on
18 this, but clearly during the trial don't undertake any
19 independent research of the facts of the allegations
20 contained in the record as the evidence is presented. Don't
21 go to Googling people's names. Don't go performing any sort
22 of internet search. The reason for this is very simple,
23 ladies and gentlemen. The rules of evidence are designed to
24 try and give you the best possible information available,
25 okay? And the same filter doesn't exist for stuff that's

1 put online or printed in the papers or broadcast over the
2 radio or on the news channels. There's no filter, okay.
3 The paper can print pretty much whatever it wants to print.
4 People can post online whatever they want to post. And some
5 of it's true and some of it's not true, as I'm sure y'all
6 are aware. And in this state, unfortunately, there have
7 been instances where jurors have gone against those
8 instructions. They've decided that it was a good idea to
9 Google somebody's name or a party's name to the case. And
10 when the judge found out about it, ladies and gentlemen,
11 I'll tell you that judge was not at all happy about that
12 situation. I have never been placed in that kind of
13 position. I never want to be placed in that kind of
14 position of dealing with juror misconduct along those lines.
15 So please don't put me in that position, okay. Just follow
16 my instructions because the evidence that you get is what
17 you will need to judge this case on, all right? With that
18 you are invited to take your lunch break. I understand that
19 -- I've never had a husband/wife get summoned at the same
20 time, and I saw your wife still sitting out there, Mr.
21 Alternate, but when we come back from lunch I will appoint a
22 foreperson. If you would, Mr. Alternate, stay where you are
23 in that seat throughout the trial. The foreperson will be
24 sitting where this gentleman is right here at the corner.
25 And I will appoint someone after lunch. But, again, I hope

1 y'all have a great lunch. Don't talk about the case with
2 anyone and I'll see y'all back here at two o'clock. Thank
3 you very much. You are excused.

4 (Whereupon, the jury exited the courtroom at 11:50 a.m.)

5 THE COURT: Let the record reflect that the jury is out.
6 Anything that we need to address from the State before we
7 break for lunch, Mr. Brown, that you can think of?

8 MR. BROWN: I can't think of anything.

9 THE COURT: Anything on the defense side?

10 MS. HORLBECK: Judge, just briefly. I didn't know if
11 you wanted to go into -- I've got two brief motions. One is
12 to sequester witnesses two and three on the State's list.
13 They are the co-defendants. One is incarcerated and may
14 naturally be sequestered to the extent that he can be in
15 that holding area, although I think you can hear. I'd
16 request he be placed in a different area where he cannot
17 hear the testimony and probably away from my client. And
18 also that Mr. Williams be left out of the courtroom until
19 it's time for him to testify.

20 THE COURT: One had received probation. One's in YOA.
21 If you could, Solicitor, when are you expecting these folks
22 to arrive?

23 MR. BROWN: Witness number two will be here by 1:30.
24 The other when I call him from the jail.

25 THE COURT: So he's located in the jail?

1 MR. BROWN: And, Judge, we also during the course of
2 this trial have already asked the jail to keep Mr. Thompson
3 and Mr. Dean separated at the jail.

4 THE COURT: Let's suggest this. I think Ms. Boland had
5 represented the gentleman who is indeed YOA in SCDC. Ask
6 her if she wouldn't mind just to let him stay back in her
7 office back there since she's his attorney anyway. I
8 imagine that probably won't be more than a fifteen or 20
9 minute wait hopefully between the time that his testimony is
10 needed and the time that he's brought over. So ask her when
11 we're on break if she's comfortable letting him do that.
12 The rest of your witnesses I assume you'll use the grand
13 jury room outside.

14 MR. BROWN: Yes, sir.

15 THE COURT: Very good. And additional motions?

16 MS. HORLBECK: Yes, Judge, just briefly. One of the
17 witnesses, Mr. Thompson, made a written statement. And I
18 had discussed before we selected the jury I discussed with
19 the prosecutor redacting one line. It's line six and seven,
20 and it says specifically but he then, he meaning Quentin
21 Dean my client, but he then told me he couldn't because he
22 was already in trouble and out on bond. Obviously, I don't
23 want the already in trouble part and out on bond part coming
24 in. That's prejudicial. And I would just ask that that be
25 redacted in the event that that comes in. I think the

1 prosecutor and I had discussed possibly whiting that out.

2 THE COURT: No objection to that? It sounds like it's a
3 Brewton type of an issue. Anything else in the statement
4 that Brewton would apply to?

5 MS. HORLBECK: I don't believe so.

6 MR. BROWN: Not in that statement. There is a -- both
7 co-defendants gave audio recordings. They were Mirandized
8 and their statements were recorded. Brandon Williams, there
9 are some parts in that audio statement that will need to be
10 redacted. We have redacted, you know, the copy already
11 redacted, so we'd have to listen to that. Just maybe we can
12 do that over lunch to make sure all of the sections are out
13 that need to be out. Other than that, the other
14 co-defendant, Thompson, gave audio statements, too. There's
15 really no issues in that one except for this second -- this
16 written letter.

17 THE COURT: Okay. Very good. If the State seeks to
18 introduce the written statement of Mr. Thompson then I do
19 believe it would be appropriate to redact those portions
20 that Ms. Horlbeck said needed to be redacted. I would tend
21 to concur with her. Obviously, if you don't introduce the
22 written statement then it's not an issue.

23 MR. BROWN: Yes, sir.

24 THE COURT: Anything else?

25 MS. HORLBECK: No, Your Honor.

1 THE COURT: We'll be at ease until around two o'clock
2 then.

3 (Whereupon, the court was in recess until 2:00 p.m.)

4 THE COURT: The record should reflect that the
5 defendant, Mr. Dean, is present along with present, along
6 with counsel for the state. Anything before we bring the
7 jury out and proceed from the state?

8 MR. BROWN: Not from the state, Your Honor.

9 THE COURT: From the defense?

10 MS. HORLBECK: None from defense.

11 THE COURT: Very good. I know that the motion to
12 sequester witness was made. Of course, Solicitor, if you --
13 the victim has a right to remain here throughout the
14 proceeding. And, of course, your chief investigating
15 officer, if you have one on this case or want one they can
16 be present, but otherwise I assume you've got everybody out
17 of the correct, correct?

18 MR. BROWN: Yes, sir.

19 THE COURT: Let's go ahead and have the jury back out,
20 please.

21 (Whereupon, the jury entered the courtroom at 2:06
22 p.m.)

23 THE COURT: Let the record reflect that the jury is back
24 and seated. First thing I need to do, ladies and gentlemen,
25 is appoint a foreperson. Who's John Herring? That was the

1 first person picked. Okay. Mr. Herring, if it's okay with
2 you I'm going to appoint you as the foreman of the jury.
3 You have -- your primary responsibility, Mr. Herring, is to
4 preside over the deliberations in the jury room, which means
5 your main job is to make sure that everybody has a chance to
6 have their fair say, okay. Your first among equals. That's
7 probably the best way to put it. And you'll be the
8 spokesperson for the jury once a verdict is delivered. When
9 we come back out, you don't have to do it right now, but you
10 can switch seats with the gentlemen immediately through the
11 right. And that will be your seat throughout the trial.
12 The rest of you can feel free to move about as you want to.
13 If you could stay in that seat, please, Mr. Alternate. If
14 at any time during the trial anyone has any difficulty
15 hearing, what I want you to do is just raise your hand,
16 okay. This courthouse was built a long time ago, and,
17 fortunately, they knew a lot more about acoustics back then
18 than they know nowadays. The courthouses they're building
19 nowadays you can't hear a thing. But this courthouse is
20 actually very well built, and you shouldn't have any trouble
21 hearing. But if you do have a problem hearing raise your
22 hand. That will be my cue to ask the witness to speak up or
23 the lawyers cue to ask them to speak up, okay.

24 Now, ladies and gentlemen, we're about to begin the
25 case of the *State v. Quentin Stepfon Dean*. And before we

1 begin the trial I want to explain to you that this trial is
2 probably going to be a bit different from what you've come
3 to expect from seeing trials depicted on TV or reading about
4 them in the books. From what you see on TV or in the
5 movies, you might get the impression that trials are filled
6 with riveting circumstances and intense drama. And
7 sometimes that's certainly true. But, more often than not,
8 a trial is somewhat of a laborious process that takes a lot
9 of time. And that's because what we are engaged in, ladies
10 and gentlemen, is a search for the truth. And that often
11 takes a great deal of time. So I will apologize ahead of
12 time if your expectations of what trials are like does not
13 comport with what you've seen in the movies, okay.

14 I want to thank you for your important responsibility:
15 your important role today and tomorrow as jurors. I want to
16 thank you at the outset for coming in here. And with that
17 I'm going to ask that you stand up where you are and raise
18 your right hand so that the clerk can administer your oath
19 to you as jurors, please.

20 (Whereupon, the jury was duly sworn at 2:10 p.m.)

21 THE COURT: Let the record reflect that all twelve
22 jurors did take that oath. Now, ladies and gentlemen, what
23 I now say to you is intended to serve as an introduction of
24 these case -- of this case. And these brief remarks are not
25 an instruction on the law. I'll instruct you on the law

1 that applies in this case before you retire to deliberate
2 your verdict, but after we've received all the evidence that
3 we're going to receive. Again, this is just an overview of
4 trying to help you better understand what's going to be
5 taking place.

6 Now, ladies and gentlemen, the defendant in this case,
7 Mr. Dean, is charged by five indictments filed in this court
8 with the offenses of conspiracy, burglary, grand larceny,
9 malicious injury to real property and possession of weapon
10 during the commission of a violent crime. And I'll explain
11 the elements of those offenses to you at a later point in
12 time. Again, ladies and gentlemen, the indictments in this
13 case are simply the charges, or the pieces of paper which
14 contain the charges, by which these cases are brought not
15 court. And the indictments are not in any sense of the word
16 evidence of any of the allegations contained in the
17 indictments. In this case Mr. Dean has pled not guilty to
18 these indictments. The state, therefore, has the burden of
19 proving each and every elements of the indictments beyond a
20 reasonable doubt. It will be your duty, ladies and
21 gentlemen, to decide whether the state has met this burden.

22 Now, your purpose as jurors is to find and determine
23 the facts in this case. You are the sole judges of the
24 fact. So if at any time I make any comments concerning the
25 facts, please disregard these comments because you must be

1 the sole judges of the facts. You're to determine the facts
2 from the testimony that you hear and the other evidence
3 which is presented during the course of the trial. It will
4 be up to you to determine the inferences which you feel may
5 properly be drawn from the evidence presented.

6 Now, ladies and gentlemen, it's especially important
7 that you perform your duty of determining the facts
8 diligently and conscientiously because ordinarily there is no
9 way to correct an erroneous determination of facts by a
10 trial jury. Now, on the other hand, and with equal
11 emphasis, the same law that makes you the judge of the facts
12 in this case makes me the judge of the law. The law is
13 given by the court is the only law that you can consider.
14 You have to accept it and apply it even though you may
15 disagree with it. Now, the law does not permit me to have
16 an opinion about what the facts are. And, similarly, the
17 law does not allow you to disagree with me about what the
18 law is or what the law should be. Your job will be to take
19 the laws I give it to you, apply it to the facts as you find
20 them to be and, thus, render a true and just verdict under
21 the oath that you have just taken as jurors.

22 Now, ladies and gentlemen, until I advise you to begin
23 your deliberations, please don't discuss this case with
24 anyone, certainly not with your fellow jurors, definitely
25 not with any friends or family members or anyone else. The

1 lawyers in this case have been told that they're to have
2 nothing to do with you. So if you happen to see one of the
3 lawyers or one of the parties coming or going from the
4 courthouse while the trial is going on and they don't even
5 say hello to you, understand they're not being rude.
6 They're simply following my instructions not to have any
7 contact with you while the case is going on.

8 And the reason for this rule is very simple, ladies and
9 gentlemen. Innocent conversations and innocent hello or
10 innocent how are you doing, if seen by the other side, could
11 be interpreted as an attempt at jury tampering. And so
12 that's the reason that I simply say as a general rule no
13 contact with the jurors while the trial is going on. Now,
14 ladies and gentlemen, I don't know if there is going to be
15 any media reporting on this trial. But certainly don't
16 watch any news reports, don't check the internet, don't
17 listen to anything on the radio about this case, should
18 anything be broadcast or put into the popular press. Again,
19 you cannot consider anything that you may have read or heard
20 about this case outside the courtroom, whether before or
21 during the trial.

22 It will be important that you keep an open mind and not
23 decide any issue in this case until you have received all
24 the evidence, the attorneys have made their closing
25 arguments to you, and you have received my instructions on

1 the law. It's your solemn responsibility to determine the
2 guilt or innocence of the defendant. And your verdict must
3 be based solely on the evidence as presented during the
4 trial and on the laws that I instruct you at the close of
5 the trial.

6 Now, in just a moment, ladies and gentlemen, the
7 solicitor will make what's known as his opening statement in
8 which he'll explain to you what the issues, or at least what
9 he believes the issues are in this case. The attorney for
10 the defendant will also be able, or given an opportunity, to
11 make an opening statement, although she's not required to do
12 so. I'll tell you that what the lawyers say to you during
13 their opening statement is not evidence. Again, you'll
14 judge the evidence based on the testimony that you receive,
15 as well as the other exhibits. But the opening statements
16 will simply be their contention as to what will be proven or
17 will not be proven in this particular case.

18 Now, ladies and gentlemen, from time to time during the
19 trial you might hear one of the lawyers say something like,
20 Your Honor, we have a matter of law for the court or we need
21 to take up an issue of law with the court. And during those
22 times it might be necessary for me to ask you to leave the
23 jury -- leave the courtroom and go into the jury room while
24 I discuss this issue of law with the attorneys. The reason
25 I'm asking you to step outside is that sometimes in ruling

Opening Statement by Mr. Brown

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1 on an issue on the law it's necessary for me to comment on
2 what facts have been presented or have not been presented.
3 And since you are the sole judges of the facts, I ask that
4 you leave the courtroom so that any comments that I make on
5 the facts doesn't have any bearing on what you ultimately
6 find the true facts to be, okay.

7 During those recesses, please don't speculate as to
8 what I'm thinking or what I'm saying. Ladies and gentlemen,
9 in determining what the true facts are in this case you must
10 decide whether or not the testimony of witnesses is
11 believable or not. It will be my responsibility to rule as
12 a matter of law whether certain testimony is admissible.
13 But whether or not you believe it is solely for you to
14 determine. In deciding whether to believe a witness, you
15 have the right to consider the interest of any witness, the
16 bias of any witness, the prejudice of any witness, the
17 opportunity for the witness to have seen the matters and
18 things about which the witness testifies and the way the
19 witness acts on the witness stand.

20 You have the right to consider anything that's in the
21 record in this case that will help you evaluation the
22 testimony of the witnesses. That means it's your duty to
23 pay close attention to them, observe them and listen to
24 them, and please pay close attention to the attorneys in the
25 court. Try to keep your thoughts from wandering, but give

Opening Statement by Mr. Brown

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1 strict attention to the testimony so at the conclusion of
2 the trial you'll be in the best position possible to render
3 a true and just verdict under the law and the facts as you
4 find them to be.

5 Now, in order to preserve everyone's rights, I'll give
6 the parties an opportunity to object anything that I've said
7 to you during these opening comments and then we'll resume
8 with the trial. Any objections from the state?

9 MR. BROWN: Not from state, Your Honor.

10 THE COURT: Defense?

11 MS. HORLBECK: No, Your Honor.

12 THE COURT: All right. We will begin the trial.

13 Solicitor, you are recognized for your opening, sir.

14 MR. BROWN: Thank you, Your Honor. May it please the
15 court?

16 THE COURT: Yes, sir.

17 OPENING STATEMENT BY MR. BROWN

18 MR. BROWN: Good afternoon. Ladies and gentlemen, we're
19 here because on October 7, 2010 the victim in this case, Mr.
20 Mike Knox, had his house broken into. Mr. Knox is usually
21 at work on a Thursday, but that day he had taken the day
22 off. He had some errands to run. And he was away from his
23 around lunchtime. As he came back around twelve o'clock to
24 his house and pulled up in his driveway, and as he
25 approached the side of his house, he noticed two guys run

Opening Statement by Mr. Brown

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1 off the back of his porch, jumped in a car, an SUV, a maroon
2 SUV, and drive out by him. Mr. Knox turned around in his
3 car, follows them down the road. He loses sight of them,
4 but gives the general direction -- knows the general
5 direction where they're going.

6 He can't quite talk to 911 on his cell phone, so he
7 goes back to his house. Calls 911. Gives them a
8 description of the car, what he saw and says they're going
9 down in this direction from 299 Cold Springs Road, which is
10 Mr. Knox's house here in Abbeville County, South Carolina.
11 Once he got back to his house he started looking around
12 trying to figure out if they had stolen anything, what
13 happened. Did they actually break in his house. He noticed
14 that the back door to his house was busted out. Gained
15 entry there.

16 He went around to different rooms. He went to his
17 room. And in his closet he has a wooden gun safe. The gun
18 safe is open. The guns are gone. He also noticed on his
19 bed that his wife's jewelry laid out there. Not where it
20 should be. A lot of that jewelry is gone. So he calls 911.
21 Dispatch puts out a BOLO, be on the lookout for this type of
22 car.

23 A short time later one of the officers, Lesley Norman
24 with the Sheriff's Department here in Abbeville County finds
25 this car riding down the road. Falls in behind them, calls

Opening Statement by Mr. Brown

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1 in backup. They make a traffic stop. And, ladies and
2 gentlemen, that's just a brief overview. And, in fact,
3 really it's the facts of the case. Once they pull the car
4 over they find the guns in the back of the car. And later
5 on they find the jewelry on Quentin Dean, the defendant in
6 this case.

7 Now, ladies and gentlemen, the state, which I
8 represent, and Cam Morrow represents, we have the burden of
9 proof in this case. We have the burden of proof to prove to
10 you beyond a reasonable doubt that Quentin Dean did, in
11 fact, commit the charges he charged with. One he's charged
12 with in this case is burglary in the first degree. He's
13 charged with burglary in the first degree, conspiracy,
14 larceny, possession of firearms in a commission of a violent
15 crime. And what we have to prove is prove beyond a
16 reasonable doubt.

17 What is reasonable doubt? It's the proof that leaves
18 you firmly convinced in the defendant's guilt. It's not all
19 doubts. It's not every doubt. It's not any doubt. It
20 leaves you firmly convinced of his guilt. Now, what do we
21 have to prove? The judge -- if I ever say anything wrong
22 with the law, the judge will instruct you at the end of the
23 case, and he will tell you what the law is. But what you
24 need to look out for, what is burglary in the first degree.

25 Burglary is a person enters a dwelling or house without

Opening Statement by Ms. Horlbeck:

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1 the consent of the homeowner with the intent to commit a
2 crime therein. To make it burglary first you have to an
3 aggravating factor. In this case, aggravating factor is
4 either Mr. Dean, co-defendant, is either armed when you go
5 in the house, or come armed while in the house, or armed
6 when they're in flight from the house.

7 Also, conspiracy. It's a combination of two or more
8 people to commit an unlawful act or lawful act by unlawful
9 means. Two or more people, it's a combination or agreement
10 between these people. Larceny is the felonious taking and
11 carrying away of the goods of another with the intent to
12 permanently deprive that person of those goods. In this
13 case, it was over \$2,000 and less than \$10,000. It was the
14 taking, carrying away these goods from somebody else.

15 And possession of weapon or commission of violent crime
16 is burglary is a violent crime. Possession of weapon during
17 a violent crime. He had a gun. That's a weapon. Ladies
18 and gentlemen, he's also charged with malicious injury to
19 real property. Malicious injury is the willful damaging of
20 somebody's property, real property. A house is property.
21 Ladies and gentlemen, it's not going to be a very long case.
22 We ask you to listen and look at -- listen to every witness,
23 look at every piece of evidence that's presented and just
24 listen carefully.

25 At the end of the case I'll come back before you and

Opening Statement by Ms. Horlbeck:

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1 ask you to find Quentin Dean guilty as charged on all these
2 charges. Thank you.

3 THE COURT: Thank you, Mr. Brown. Ms. Horlbeck,
4 you're recognized for your opening, ma'am.

5 OPENING STATEMENT BY MS. HORLBECK

6 MS. HORLBECK: Good afternoon, ladies and
7 gentlemen. Just to reintroduce myself, my name is Caroline
8 Horlbeck. I'm from Greenville and my client is Quentin
9 Dean. I'm representing him today. This case is about
10 Quentin Dean's decision not to become involved in his
11 co-defendant's plan to break into a house. Who are the
12 co-defendants? Well, one of them is named Brandon and the
13 other one is named Edward. And the evidence will show that
14 Edward got out of the SUV and walked up to the front door,
15 rang the doorbell. When no one answered the door, what
16 Edward did is he got a hammer out, broke the window, let
17 himself in to the house and then stole things from it.
18 Quentin Dean had nothing to do with any of this and he's not
19 guilty today.

20 Now, we've already named two co-defendants. One is
21 named Brandon. The other one is named Edward. The evidence
22 will also show that they are related. They're in the same
23 family. They are cousins. Quentin's not related to these
24 two, not in any way, shape, or form. He's not in their
25 family, in either of these two guy's family at all. The

Direct Examination by Mr. Brown- Mike Knox

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1 evidence will also show that these two co-defendants,
2 Brandon and Edward, already pled guilty to these charges on
3 May -- this past May 29th this very year. They, Brandon and
4 Edward, are not cloaked in innocence. They are cloaked in
5 guilt. Quentin, on the other hand, is cloaked in the
6 presumption of innocence. And the judge will tell you a
7 little bit more about the presumption of innocence at the
8 end of the case. But just a definition that we learn, the
9 presumption of innocence is actually the robe of
10 righteousness, and it covers everyone in this country who's
11 charged with a crime. And it covers -- it stays covering
12 the person throughout the whole process. Quentin Dean is
13 presumed innocent in this case.

14 I think you'll remember before we started the judge
15 mentioned that the words on the arrest warrant in the
16 indictment were not evidence of a crime. They don't mean
17 anything. The reason these documents don't mean anything
18 and that the reason they are not evidence of anything is
19 because of the presumption of evidence. So you can just
20 take these and rip them up. They mean nothing. And you can
21 put them in the trash. They're not evidence of anything in
22 this case. The burden of proof is on the state. And they
23 are going to put two burglars who are related to each other
24 on the stand to point the finger at Quentin Dean.

25 As you listen to their testimony ask yourselves who's

Direct Examination by Mr. Brown- Mike Knox

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1 pointing the finger and who stood to gain at the time they
2 pointed the finger. Consider the source of the information
3 and where their loyalties lie. And at the end of this case
4 you're not going to believe Brandon and you're not going to
5 believe Edward. And when you don't believe the state's
6 evidence the only appropriate verdict is not guilty.

7 THE COURT: Thank you very much, Ms. Horlbeck.
8 Solicitor, if you'll call your first witness, please.

9 MR. BROWN: The state calls Mike Knox.

10 MIKE KNOX, having been first duly
11 sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. BROWN:

14 Q Good afternoon.

15 A Good afternoon.

16 Q State your name again for the record.

17 A Michael Knox.

18 Q Mr. Knox, tell me where you live.

19 A 299 Cold Spring Center Road.

20 Q And what county is that in?

21 A Abbeville.

22 Q What state is that in?

23 A South Carolina.

24 Q Mr. Knox, how long have you lived at that location?

25 A Since 1987.

Direct Examination by Mr. Brown- Mike Knox

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1 Q Continuously that whole time?

2 A The whole time.

3 Q Who lives in your wife with you?

4 A My wife, Sandy, and my two kids, Austin and Avery.

5 Q How old are your kids?

6 A Fifteen and seventeen.

7 Q So they're still there?

8 A Oh, yeah.

9 Q Mr. Knox, where do you work?

10 A Work at ATL Transportation in Anderson.

11 Q In Anderson. How long have you worked there?

12 A Four years.

13 Q Were you working there at the time that this burglary
14 took place?

15 A I had just started. My boss got on me about not taking
16 any vacation, so I took a day off.

17 Q And what day was that you took off?

18 A I believe it was a Thursday.

19 Q October 7, 2010?

20 A Yeah.

21 Q Mr. Knox, tell me about your Thursday on October 7,
22 2010.

23 A I really didn't have anything to do. Got up. Took my
24 truck to Greenwood had the oil changed. Went by the coin
25 shop. Just messed around. Got something to eat and come

1 home.

2 Q What time you think you came home?

3 A It was around lunch. I wasn't gone long.

4 Q What time is lunch for you?

5 A Twelve.

6 Q Around twelve on October 7th?

7 A Yes, sir.

8 Q Now, when you left your house that morning what did
9 your doors look like at your house?

10 A They were all locked in one piece.

11 Q All your belongings looked like they were in good
12 order?

13 A Oh, yeah. My wife's a great housekeeper. Nothing was
14 out of place.

15 Q And when you got home from traveling to Greenwood that
16 day what did you find out? What did you see?

17 A When I drove up the driveway, got the mail out, and
18 looked and there were two slender African-Americans running
19 off the back porch.

20 Q Where were you when you saw this?

21 A About halfway up the driveway.

22 Q And after you saw them run off the back porch what
23 happened?

24 A They come by me, close as me to the jury, in that
25 vehicle, maroon SUV.

Direct Examination by Mr. Brown- Mike Knox

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1 Q Okay. What did you do?

2 A I tried to pursue them to get the license plate number.

3 I got hung up in traffic. I lost them. Couldn't call 911

4 on my cell. Went back home, seen what had happened. Picked

5 up the land line, called 911.

6 Q What did you tell 911?

7 A That my house had been broken into. The only thing

8 that I could see that was missing were my guns. One of the

9 guns they picked up was loaded. And that was just, you

10 know, just looking at it.

11 Q Which guns that was picked up were missing from your

12 house, what kind of gun was that?

13 A The one that was loaded?

14 Q That's right.

15 A The .357 Sig Glock.

16 Q And what did you tell 911?

17 A To be careful, that my loaded Glock was gone.

18 Q Could you give them any kind of description?

19 A Gave them a description of the vehicle.

20 Q What did you tell them?

21 A It was an odd color maroon small SUV that had a white

22 decal on the back and --

23 Q Did you tell them what the -- if who -- who you might

24 find in the car?

25 A I told them there were two or three African-Americans

1 in the car.

2 Q Now, what did you do once you got back to your house?

3 What did you find or what did you see after you called 911?

4 A A mess. Everything I owned of value was wrapped up in
5 sheets and tied like you see the old-timey Santa Claus.

6 Lined up all the way down your -- the cabinets in the

7 kitchen, kids' Wii games busted in the kitchen floor. Like

8 I say, all the long guns were gone. Every drawer that had

9 anything of value was gone. Wife's jewelry, what little bit

10 she had, was gone. Just -- it was just a mess. Glass all

11 over the floor where they busted the window out.

12 Q Now, where was the busted window?

13 A The back door's got nine small window panes. Bottom

14 left one was busted out. All they had to do was reach in

15 and unlock the door.

16 Q And after you kind of took inventory of your house and

17 what was left in your house what happened next?

18 A One of the -- they had already stopped them by then. I

19 mean, it didn't take them seemed like ten minutes. They

20 sent an officer to pick me up, drove me around. Identified

21 the vehicle they had stopped. I identified it and they took

22 me back home. Started doing -- trying to get fingerprints

23 and just taking pictures and collecting evidence.

24 (Whereupon, a map on board was marked State's Exhibit 1

25 for identification.)

Direct Examination by Mr. Brown- Mike Knox

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

2 THE COURT: Please.

3 Q I'll show you what's been marked for identification
4 purposes as State's Exhibit No. 1. Can you tell me what
5 that is?

6 A It's the area I live in.

7 Q Can you -- on this -- and how long did you say you've
8 been living in that area?

9 A Twenty plus years, since '87.

10 Q So you'd say you're pretty familiar with the area?

11 A Yeah.

12 Q Can you show me on this map, if it's on here, where
13 your house would be located?

14 A Right here.

15 Q And what address is that, again?

16 A

17 Q What county?

18 A Abbeville.

19 Q And state?

20 A South Carolina.

21 Q Okay. Now, after that can you tell me what direction
22 you said that after you saw them you tried to pursue them.

23 A They were headed up 20 toward to Due West.

24 Q Which way would that be?

25 A This way.

1 THE COURT: Solicitor, if you need to have the witness
2 step down. Some of the jurors can't quite see that exhibit.
3 If he needs to demonstrate where his house is again and
4 which way.

5 MR. BROWN: Yes, sir.

6 (Whereupon, the witness stepped down from the witness
7 stand and approached State's Exhibit 1.)

8 A We live here. They turned, went, and I followed them
9 this way.

10 Q And how far were you able to follow them?

11 A I lost them right in here. I got in behind a bunch of
12 traffic.

13 Q And what did you do after that?

14 A I kept going. There's a - - Strawhorne Road is up
15 here. I turned around and come right back.

16 Q And called 911?

17 A Called 911 when I got back home.

18 Q You said later on that one of the officers came, picked
19 you up, and took you to the location where they had stopped
20 the car.

21 A Uh-huh (affirmative).

22 Q Is the location where they stopped the car, is it on
23 this areal map as well?

24 A Yes.

25 Q Where is that?

Direct Examination by Mr. Brown- Mike Knox

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1 A It's right here. It's where Whip-O-Will and Hodges
2 Road or Old Douglas Mill Road, whatever you want to call it.

3 Q And the car you saw coming out from behind your house
4 it was stopped?

5 A Yes, sir.

6 MR. BROWN: Judge, move now what's been marked as
7 State's Exhibit No. 1 as evidence -- State's evidence.

8 THE COURT: Without objection?

9 MS. HORLBECK: Without objection.

10 THE COURT: State's 1 will be in evidence.

11 (Whereupon, State's Exhibit 1 was entered into evidence.)

12 (Whereupon, photographs were marked State's Exhibits
13 numbers 2-5 for identification.)

14 Q Mr. Knox, you said moments ago that you were able to go
15 to the location where they were stopped and identify the
16 car.

17 A Yes, sir.

18 Q I want to show you what's been marked for
19 identification purposes as State's Exhibits 2, 3, 4 and 5.
20 I want you to take a look at that and tell me what those
21 are.

22 A That's a picture of the vehicle that was in my yard
23 that stopped when a officer carried me to it.

24 Q This is the vehicle you saw coming out from behind your
25 car -- or from behind your house?

1 A Yes, sir.

2 MR. BROWN: Judge, State moves State's exhibit 2, 3, 4
3 and 5 in as evidence now.

4 MS. HORLBECK: Without objection.

5 THE COURT: Without objection State's 2 through 5 will
6 be in evidence.

7 (Whereupon, State's Exhibits 2, 3, 4 and 5 were entered into
8 evidence.)

9 Q Mr. Knox, I'm showing you again state's evidence number
10 two. Can you tell me what that is again so the jury . . .

11 A That's the car that come out from behind my house and
12 stopped on the side of the road where the police officers
13 were.

14 Q Again ...

15 A Same vehicle.

16 Q Same vehicle? Is that the white sticker that you were
17 --

18 A Yes, sir.

19 Q -- referring to? Mr. Knox, you said that once you got
20 to your house and you started looking around in your house I
21 think your house had been kind of turned -- it was in
22 disarray?

23 A Yes, sir.

24 (Whereupon, photographs were marked as State's Exhibits
25 6-31 for identification.)

Direct Examination by Mr. Brown- Mike Knox

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1 Q Sorry about that. Mr. Knox, I'll show you what's been
2 marked for identification purposes as State's Exhibit 6
3 through 31. And I want you to take your time, look through
4 that and tell me if you recognize State's 6.

5 (Witness complied.)

6 A Yes, sir, I recognize them.

7 Q What do those pictures depict?

8 A They are my house.

9 Q At 299 --

10 A Cold Springs Center Road in Abbeville, South Carolina.

11 Q What are the other pictures, I believe it's 9-31?

12 A Of the inside of the house.

13 Q Inside the house?

14 A Yes, sir.

15 MR. BROWN: Your Honor, at this time move State's
16 Exhibits 6-31 as evidence.

17 THE COURT: Any objection?

18 MS. HORLBECK: No objection.

19 THE COURT: Without objection they're in evidence.

20 (Whereupon, State's Exhibits 6-31 were entered into
21 evidence.)

22 Q Mr. Knox, I'm going to show you what's been marked as
23 State's Exhibit No. 6. What is that?

24 A That's my house, side view of my house.

25 Q And where is your driveway in relation to that picture?

- 1 A He is standing in the edge of it.
- 2 Q Looking at the house?
- 3 A Looking at the house.
- 4 Q This is State's Evidence 7. What is that?
- 5 A That's a view of the side of the house standing at the
- 6 turn-around area.
- 7 Q Now, where is the front of the house?
- 8 A To your right.
- 9 Q And then, obviously, the back would be to my left.
- 10 A Yes, sir.
- 11 Q Where were you pulling up? Is that the driveway you
- 12 used to pull up your house that day?
- 13 A Yes, sir.
- 14 Q And where did you first see the car or SUV?
- 15 A About where the first picture was taken.
- 16 Q You first saw it from that?
- 17 A Maybe just a little further toward the back.
- 18 Q Where was the maroon SUV parked when you pulled up?
- 19 A All you can see was the hood and the back of the SUV
- 20 through the railing at the back.
- 21 Q Okay. I'll show you what's been marked as State's
- 22 Evidence number 8. Can you tell me what that is?
- 23 A That's my back door with the window busted out.
- 24 Q This is State's Evidence 9. What is that?
- 25 A A better picture. Same thing, back door.

Direct Examination by Mr. Brown- Mike Knox

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1 Q Back door of your house?

2 A Yes, sir.

3 Q Mr. Knox, I'm showing you State's Evidence number 10.

4 What does that depict?

5 A That's a picture of my master bedroom in my house.

6 Q Now, was your master bedroom in that shape when you

7 left that morning to go to Greenwood?

8 A No, sir.

9 Q What do you see in this picture?

10 A My wife's closet door is open. The jewelry box is laid

11 on the bed empty. Every drawer has been ransacked. Stuff

12 in the floor.

13 Q I'll show you what's State's Evidence number 11. What

14 does that picture show?

15 A That's a picture of my walk-in closet where the gun

16 cabinet was.

17 Q That's still in the master bedroom?

18 A Still in the master bedroom. The double barrel twelve

19 gauge laid on the bed that I guess they didn't deem worthy

20 of taking.

21 Q Was that twelve gauge laying on your bed when you left

22 that morning?

23 A No, sir.

24 Q I'll show you State's Evidence 12. What does that

25 picture show?

1 A Still in the master -- still in the master bedroom,
2 just a different angle going out of the bedroom into the
3 hall.

4 Q What do you see in that picture?

5 A They dug the gun covers out from under the bed. There
6 again, the drawers are open. Everything just opened and in
7 the floor. Every drawer in the room was open.

8 Q This is State's Evidence 13.

9 A Just a picture of my master bedroom bed.

10 Q It shows the same things you've already kind of
11 identified or told about?

12 A Yes, sir.

13 Q I'm going to show you State's Evidence 14. Tell me
14 what that is.

15 A That's a picture of my back porch with my TV sitting on
16 a wood box.

17 Q Is that where your TV is normally kept?

18 A No, sir. No, sir.

19 Q Where is your TV normally kept?

20 A It's usually in the den.

21 Q What else do you see in that picture?

22 A A sheet hanging off the corner of the kitchen cabinet
23 and I can't tell from that picture. There's so much stuff
24 in floor you couldn't hardly get the door open.

25 Q I'll show you, taking it all out of order, State's

Direct Examination by Mr. Brown- Mike Knox

55.

1 Evidence 18. Tell me what that is. I know it's kind of --

2 A That's where the TV was when I left home that morning.

3 Q And then it was ended up on your back porch?

4 A Yes, sir.

5 Q And this is State's Evidence 15.

6 A That's -- like I say, they -- everything was wrapped up

7 in sheets out of each bedroom. Everything of value was tied

8 up on a sheet. And it looks like that one had been dropped.

9 It had one of those Wii games in it that dropped and busted.

10 Q And who did those games belong to?

11 A My oldest son.

12 Q Mr. Knox, I want to show you State's Evidence 16.

13 A That's my computer desk.

14 Q Is that how you left your desk when you left to go to
15 town that day?

16 A No, sir, it's not at all.

17 Q I'm going to show you State's Evidence 19. What is
18 that, if you can see? If you need to you can come down and
19 get a closer look.

20 MR. BROWN: Judge, I --

21 THE COURT: Solicitor, why don't you have somebody close
22 that middle window because kind of from -- I'm sure the
23 jurors can see fine, but from this angle I think the witness
24 might be getting some glare, because I am, too.

25 (Whereupon, the courtroom blinds were closed.)

1 A That looks like some of the stuff that might have been
2 in a drawer or a jewelry box or something.

3 Q Okay.

4 A It wasn't . . .

5 Q Mr. Knox, I want to show you State's Evidence 24. What
6 is that a picture of?

7 A That's my closet.

8 Q What do you see there?

9 A I don't see my guns. A mess. A real mess.

10 Q Is that how you keep your closet?

11 A No, sir, it's not.

12 Q When you left that morning before you went to Greenwood
13 what did that closet look like?

14 A A lot better than that. A lot more organized. The
15 guns were in the gun case locked up. You can see on the
16 bottom left of the gun case where it was pried open.

17 Q This is State's Evidence 25.

18 A That's where the guns were when I left that morning.

19 Q Roughly, how many guns did you have in that safe?

20 A Six or seven plus the pistol.

21 Q I'm going to show you State's Evidence number 20.

22 A Those are two of mine. Dove hunting guns, Beretta 390,
23 L Gold Sport is the bottom one and the Gold Mallard is the
24 top one.

25 Q Where were those located?

Direct Examination by Mr. Brown- Mike Knox

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1 A They were in the gun case when I left the house.

2 Q And, just for purposes, how much are those worth?

3 A They no longer make that brand of gun. To replace the
4 one on the bottom is about \$1800. The one on the top is
5 about \$1200. They make a 391 Beretta now. They quit making
6 the 390s.

7 Q I'll show you State's Evidence 21.

8 A The top one is a Remington 1100 I bought when I was 13
9 years old. The bottom one I think it's a 270 Mossberg with
10 a scope on it. Remingtons today, six, \$700. Mossbergs go
11 for five or \$600.

12 Q I'll show you State's Evidence 22.

13 A The top one's a lever action .22 Henry rifle about 250
14 bucks. The middle one's called a Cricket. Mossberg .22
15 about \$100. The bottom one is an Escort youth model 20
16 gauge. They're about \$400.

17 Q And where were they kept?

18 A All that was in the gun case when I left that morning.

19 Q I'll show you State's Evidence 23.

20 A That's my Baby Glock .357 Sig, loaded.

21 Q You had that loaded that day?

22 A It's loaded right there in that picture, yes, sir.

23 Q And where did you keep that gun?

24 A It was in the gun cabinet with the rest of the guns.

25 Q I just have a few more pictures to go through. State's

1 Evidence 26, the one I'm showing you now.

2 A That's the floor of my oldest -- my youngest -- my
3 oldest son's room.

4 Q What do you see in that picture?

5 A All -- what's left. The Xbox, I think it was
6 downstairs. Most of all of his games, the DVD was
7 downstairs. That's just what was left. That looked like
8 another trip, because that's how they hauled it from room to
9 room.

10 Q I'll show you State's Evidence 27. What is that?

11 A Same picture.

12 Q Just a different view?

13 A Just a different view.

14 Q And State's Evidence 28.

15 A That's my youngest son's room. The same thing. It's
16 like they didn't get through. All there was a cross bow and
17 still some more stuff up there. It was out from under the
18 bed. Just a mess.

19 Q And this is State's Evidence 29.

20 A Again, it's my youngest son's room. Just ransacked.

21 Q Now, is that how his bedroom normally looked?

22 A No, sir.

23 Q I know some teenagers can have a dirty bedroom, but --

24 A Not quite that, no.

25 Q I want to show you State's Exhibit 30 and 31. This is

Direct Examination by Mr. Brown- Mike Knox

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1 State's Exhibit number 30. What do you see there?

2 A A picture of my backyard with tire tracks on the grass.

3 Q Do you normally pull your car back behind your car like
4 that?

5 A No, sir. My septic tank is right there on the corner.
6 Nobody gets off the concrete at the house. I'm kind of
7 particular about my yard. I don't -- we don't drive our
8 vehicles in the yard.

9 Q Now, when you said that you pulled up coming back from
10 Greenwood that day and pulled in your driveway, where was
11 their car? Where did their car come from?

12 A Right where that picture starts.

13 Q Right at the base of it?

14 A Right at the base of that picture.

15 Q I want to show you State's Evidence 31. What is that?

16 A That's the same picture where they -- it appears that
17 they had made a circle in the backyard, according to the way
18 the grass looks. And then they had pulled up. The two
19 right behind the shadow is where the vehicle was.

20 Q Mr. Knox, you stated that in one of the prior pictures
21 that some of your wife's jewelry was missing that same day.
22 Or you reported that missing.

23 A Yes, sir.

24 (Whereupon, photograph was marked as State's Exhibit 32
25 for identification.)

1 Q I'm going to show you what's been marked for
2 identification purposes as State's Exhibit number 32. Take
3 a look at this and tell me what this is.

4 A That's a picture of everything that was in her jewelry
5 box that morning when I left.

6 Q What do you see there?

7 A Some foreign money that had been given to my son. A
8 gold necklace, bracelets, rings that I had had made for her.
9 High school ring.

10 Q Whose high school ring was that?

11 A That was my wife's high school ring.

12 MR. BROWN: Your Honor, the State moves to State's
13 exhibit -- for State's exhibit 32 into evidence.

14 THE COURT: Any objection?

15 MS. HORLBECK: No objection.

16 THE COURT: State's 32 will be in evidence.

17 (Whereupon, State's Exhibit 32 was entered into evidence.)

18 Q And for the jurors' benefit, what do you see there?

19 A Like I say, it's the contents of her jewelry box. Like
20 I say, we -- bunch of little rings I had made for her. One
21 of them is her high school ring. Necklaces, an anklet,
22 bracelet and foreign currency that one of my son's friends
23 father had given him.

24 Q Now, was that missing from your house or was that still
25 in your house?

Direct Examination by Mr. Brown- Mike Knox

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1 A No, that was gone, too.

2 Q Who did you get that back -- or did you ever get that
3 returned to you?

4 A They returned it.

5 Q Who gave it back to you?

6 A The officer. Give it back to me in a little white bag.

7 Q Mr. Knox, when you left that morning did you give
8 anybody permission or consent to go into your house?

9 A No, sir, I did not.

10 Q Did you give any permission or consent to bust that
11 window out in your backdoor?

12 A No, sir, I did not.

13 Q Did you give anybody permission to take your guns away?

14 A No, sir.

15 Q What about the jewelry?

16 A No.

17 Q Have you ever seen this man, Mr. Dean, before?

18 A Not that I could identify except in court.

19 Q Mr. Knox, you didn't help load these guns in their car,
20 did you?

21 A No, sir.

22 Q You were gone and you actually saw them leaving?

23 A Yes, sir.

24 MR. BROWN: No further questions, Your Honor.

25 THE COURT: Cross?

1 MS. HORLBECK: No questions.

2 THE COURT: Thank you, sir. You can step down. Call
3 your next witness, please, Solicitor.

4 MR. BROWN: The State calls Leslie Norman.

5 THE COURT: Ladies and gentlemen of the jury, does
6 anybody need a break? If you do, raise your hand. We've
7 been at it for about an hour. So if you need a break, put
8 your hand up. We're good.

9 LESLIE NORMAN, having been first
10 duly sworn, testified as follows:

11 THE COURT: Mr. Morrow.

12 MR. MORROW: May it please the court?

13 THE COURT: Yes, sir.

14 DIRECT EXAMINATION BY MR. MORROW

15 BY MR. MORROW:

16 Q Could you please state your name for the record?

17 A Leslie Norman.

18 Q And, Ms. Norman, I notice a uniform you've got on.

19 What is your occupation?

20 A Sergeant deputy with Abbeville County Sheriff's
21 Department.

22 Q And how long have you been with them there?

23 A Seventeen years.

24 Q Were you working on -- were you working there October
25 7, 2010?

Direct Examination by Cam Morrow- Leslie Norman

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1 A Yes.

2 Q Okay. On that date in 2010, October 7th, did you
3 respond to a burglary in progress call?

4 A Yes.

5 Q Okay. And what happened when you responded to that
6 call?

7 A They gave out a description of the vehicle: burgundy in
8 color, SUV. And I saw a vehicle matching that description
9 on Kay Road, and I was on Highway 20 which is off of Kay.
10 Well, which is off of 20, Kay Road is. And I got behind the
11 vehicle.

12 Q Okay. I'm going to show you what's previously been
13 marked as State's Exhibit No. 1. Now, where were you when
14 you stopped that vehicle?

15 A Right here, Old Douglas Mill and Whip-O-Will.

16 THE COURT: You may want to ask her to step down. Same
17 problem as last time. Some of the jurors are having trouble
18 seeing the diagram.

19 (Whereupon, the witness stepped down from the witness
20 stand and approached the Exhibit.)

21 Q And where in relation did you hear the call as being
22 from the burglary in progress?

23 A I'm looking for Kay Road on -- Stevenson Road, well,
24 Highway 20 and Kay Road. I turned onto Kay. I think I was
25 here on the side road and I came down behind the vehicle and

1 we stopped at the intersection of Whip-O-Will and Old
2 Douglas Mill.

3 (Whereupon, the witness returned to the witness stand.)

4 Q Thank you. When did you get the call about the
5 burglary in progress?

6 A When?

7 Q Yeah.

8 A I don't know the exact time. I don't remember.

9 Q You don't remember the exact time?

10 A No.

11 Q Was it around a certain time of day?

12 A I think it may have been towards the evening, towards
13 lunchtime or maybe a little after.

14 Q Okay. Let me show you what's previously been marked as
15 State's Exhibit 5. State's Exhibit 2, 3, 4 and 5. Can you
16 take your time and look through those and tell me what those
17 are?

18 A (Witness complies:) These pictures are of the vehicle
19 that they were driving the day I pulled them over.

20 Q Thank you. So you pulled over the burgundy SUV?

21 A Uh-huh. Yes.

22 Q What happened next?

23 A After the vehicle stopped, I believe, Abernathy and
24 state constable Shannon Riley, they pulled up at the same
25 time. We all got out of the vehicles. Weapons drawn. Then

Cross-Examination by Ms. Horlbeck- Leslie Norman

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1 after that everybody else from the county, they responded.

2 Q Okay. And who were the occupants of the vehicle?

3 A Mr. Dean was one. But I don't know the other. I
4 didn't know them by name.

5 Q Okay.

6 A None of the guys.

7 Q Is Mr. Dean in the courtroom today?

8 A Yes, he is. He's in the courtroom.

9 Q This all happened in Abbeville County?

10 A Yes, Abbeville County.

11 Q Why did you exit your vehicle with your gun drawn?

12 A Well, we've had a lot of guns stolen from the area in
13 the past and we didn't know, you know, what they had on
14 them.

15 MR. MORROW: I beg the court's indulgence.

16 THE COURT: Yes, sir.

17 MR. MORROW: No further questions for this witness.

18 THE COURT: Ms. Horlbeck?

19 CROSS EXAMINATION

20 BY MS. HORLBECK:

21 Q Ms. Norman, my name is Caroline Horlbeck and I just
22 have a couple questions for you.

23 A Okay.

24 Q You indicated that Mr. Dean was in the car. He wasn't
25 driving, though, was he?

1 A I don't know who was driving. It's been so long ago.

2 I can't recall who was driving.

3 Q Okay. So you can't recall exactly who was in the
4 driver's seat of this SUV that you pulled over?

5 A No. No, I can't.

6 Q And you're not exactly sure of the exact time that you
7 pulled the SUV over?

8 A No.

9 Q Okay. And you're not sure of the exact time that the
10 call went out for being on --

11 A No.

12 Q I'm sorry. For being on lookout?

13 A No. Oh, well, when the call came out. You mean the
14 time?

15 Q The exact time, yes.

16 A Oh, no, I don't have the exact time.

17 MS. HORLBECK: That's all I have. Thank you.

18 THE COURT: Thank you, ma'am. You can step down.

19 Solicitor, call your next witness, please.

20 MR. MORROW: Your Honor, the State calls Jeff
21 Abercrombie.

22 JEFF ABERCROMBIE, having been first
23 duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. BROWN:

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1 Q Would you state your name for the record, please.

2 A Jeff Abercrombie.

3 Q Mr. Abercrombie, what do you do for a living?

4 A I'm deputy sheriff for Abbeville County Sheriff's
5 Office.

6 Q And how long have you been with the Sheriff's Office?

7 A A little over four years, since June '09.

8 Q And were you working on October 7, 2010?

9 A Yes, sir.

10 Q And did you respond to a burglary in progress call that
11 day?

12 A I did.

13 Q What happened when you responded to that call?

14 A A call went out. All units respond to 200 Cold Springs
15 Center Road for a burglary in progress. We canvassed the
16 area. Sergeant actually spotted the vehicle matching the
17 description of a burglary people that was -- they were
18 driving, the suspects. And she followed the vehicle for a
19 small ways until another unit could get closer. She went
20 ahead and made a traffic stop on the vehicle as we got
21 closer. And stopped at Old Douglas Mill and Whip-O-Will
22 Road at the intersection.

23 Q Okay. And once the vehicle was stopped what actions
24 did you take?

25 A I pulled up on the scene as she was getting -- myself

1 and Sergeant Norman and a couple other officers were getting
2 the suspects out of the vehicle. I was sent out to the
3 victim's residence to pick up the victim, let him -- bring
4 him out, ride him by the incident scene at the traffic stop
5 and identify the vehicle.

6 Q Okay. So you went to pick up the victim at his home.
7 Did you notice anything when you were at the victim's home?

8 A I did. I noticed he was upset. The TV sitting on the
9 back porch that the suspect had took out the back door. And
10 I picked him up, drove him out and passed the incident real
11 slow, let him identify the vehicle. He said that he did
12 positively identify the vehicle that was in his back -- back
13 of his house.

14 Q All right. And all this did happen in Abbeville
15 County?

16 A Yes, sir.

17 Q Okay.

18 MR. MORROW: I beg the court's indulgence.

19 THE COURT: Yes, sir.

20 Q Are any of the suspects that you took out of the car
21 sitting in the courtroom today?

22 A Yes, sir.

23 Q Could you -- is Quentin Dean one of those?

24 A Yes, sir.

25 Q Could you identify him for the jury?

1 A The fellow sitting at the defendant's table, one of
2 them.

3 Q Okay. Thank you. All right. Thank you.

4 MR. BROWN: No further questions for this witness.

5 THE COURT: Cross, Ms. Horlbeck?

6 CROSS EXAMINATION

7 BY MS. HORLBECK:

8 Q Just to make sure I get your title right. You're
9 Deputy Sheriff Abercrombie?

10 A Yes, ma'am.

11 Q All right. Deputy sheriff, my name is Caroline
12 Horlbeck and I just have a couple of questions for you. You
13 testified that there was a television located on the back
14 porch.

15 A Yes, ma'am.

16 Q Okay. Do you know whether or not that television was
17 dusted down for prints?

18 A I was not there when the detective processed the scene,
19 but it was left untouched on the back porch.

20 Q You said it was left untouched or touched?

21 A It was left untouched by any -- myself.

22 Q Oh, I understand. But, to your knowledge, do you know
23 if forensic came in -- the forensic --

24 A Yes.

25 Q -- unit came out?

1 A Yes. Yes, ma'am. The detective went out and processed
2 the whole scene, the house.

3 Q All right. And when you say that the scene was
4 processed, does that include dusting down for prints?

5 A Yes, ma'am.

6 Q All right. And do I -- just to make sure I understand
7 you correctly, you don't know whether or not prints were
8 lifted off of a television, do you?

9 A I do not know because I was gone out from the scene
10 when -- I protected the scene until the detective arrived.
11 And then he -- as he arrived he went in to process the
12 scene.

13 Q Okay.

14 A And then I took the victim out.

15 Q All right. And are you aware if any surveillance tapes
16 from the neighbors house were collected?

17 A I'm not aware of that.

18 Q Okay. And are you aware if any text messages were
19 collected from anybody's phone that was in the car or any
20 phones located inside the SUV?

21 A I'm not aware of any if they were.

22 Q All right. And do you know who was driving the SUV?

23 A No, ma'am, I don't.

24 MS. HORLBECK: That's all I have. Thank you.

25 THE COURT: Thank you, sir, you can step down. Call

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1 your next witness.

2 MR. BROWN: The State calls Patrick Thompson.

3 PATRICK THOMPSON, having been
4 first duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. BROWN:

7 Q Mr. Thompson.

8 A Yes, sir.

9 Q You now work with the Anderson County Sheriff's Office,
10 correct?

11 A Yes, sir, I do.

12 Q And how long have you been with Anderson County?

13 A I've been with Anderson County since September 2012.

14 Q And where were you working previously going to
15 Anderson?

16 A I was employed here at Abbeville County Sheriff's
17 Office.

18 Q How long were you with Abbeville County?

19 A From 2007 to 2012.

20 Q So while you were working with Abbeville County you
21 were definitely employed on October 7, 2010?

22 A I was.

23 Q Now, what were your duties at that time --

24 A At that time I was assigned as an investigator here at
25 Abbeville Sheriff's Office.

1 Q And do you remember that day being called about a
2 burglary in progress?

3 A I do.

4 Q And where was that burglary? What location was that
5 burglary?

6 A That was at 299 Cold Spring Center Road.

7 Q Where is that?

8 A It's here in Abbeville County just north of town in the
9 community of Cold Springs.

10 Q And how did you learn of this burglary?

11 A I was in my vehicle and heard the call dispatched over
12 the radio.

13 Q What did that dispatch say?

14 A They gave it out as a call of a burglary in progress.

15 Q Did they give a description of what to look for?

16 A The dispatchers gave it out as burglary in progress.

17 The caller at the time gave a description of a burgundy SUV
18 leaving his residence north on Highway 20.

19 Q And what did you do once you got that call?

20 A I proceeded through the area, myself and another deputy
21 began to canvas the area attempting to locate the vehicle.

22 At that time information was coming in, direction of travel,
23 more details of the vehicle description, and particulars of
24 what actually occurred at the scene was being given to us.

25 And we began to closing a perimeter to the area where the

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1 vehicle was last seen.

2 Q What were some of those details you said that happened
3 at the incident location?

4 A Got information. The caller gave dispatchers
5 information that he had come home, found several subjects
6 running out the back of his house with items, jumped in the
7 burgundy colored SUV, left his yard, went north on Highway
8 20 and made a right-hand turn off Highway 20.

9 Q Now, did you ever find that car?

10 A Yes, we did.

11 Q Where did you find it?

12 A Deputies conducted a traffic stop on Highway 203, also
13 known as the Old Douglas Mill Road, within just a few miles
14 of the residence.

15 Q I'm going to show you what's been entered into evidence
16 as State's Evidence 1. If you would, if you'd step down and
17 tell me if you recognize what this is.

18 A Yes, sir. This is a map of the general vicinity of
19 where everything occurred. Let's see here. This is Cold
20 Spring Center Road. This would be the Knox residence here.
21 It would be the first residence on the right as you pull on
22 Cold Spring Center Road. And right here on Highway 201 and
23 Old Douglas Mill Road is where the traffic stop occurred at.

24 Q And while you were on that traffic stop what did you
25 do?

1 A When I arrived on the scene at the traffic stop there
2 was already several other units there. They proceeded the
3 traffic stop as a felony traffic stop. As I was approaching
4 the passengers of the vehicle were being removed by the
5 other deputies. I did remember one deputy when they were
6 first converging on the vehicle, "Where's the gun, where's
7 the guns, where's the guns" because there were guns that was
8 given to us -- information given to us there guns taken from
9 the burglary. Trying to locate and make sure there was no
10 weapons on the persons in the vehicle. I believe it was the
11 driver, but someone in the vehicle stated that the guns are
12 in the back.

13 Q Who was the driver?

14 A I believe it was a Mr. Thompson.

15 Q Brandon -- there were three -- Thompson, Williams and
16 Dean.

17 A Yes, sir. Let's see. I'm just checking the report
18 here. Let's see here.

19 Q Where was Mr. Dean?

20 A All these -- all the list of suspects, Mr. Williams,
21 Mr. Dean and Mr. Thompson were all in the vehicle.

22 Q What happened once y'all got there to the traffic stop?
23 What did you do with the suspects in the car?

24 A Oh, they were all removed and detained from the
25 vehicle. At that time they were all placed in patrol cars

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1 and everything, separated. I approached the vehicle and
2 everything. I did see numerous guns piled in the rear of
3 the SUV behind the second or third row at the rear hatch.
4 All that was matching up with the information we were
5 gathering at the time from the original crime scene at 299
6 Cold Spring Center.

7 Q I'm going to show you what's been marked as State's
8 Evidence 2, 3, 4 and 5. Take a look at those and tell me
9 what those are.

10 A These are photographs that I took at the law
11 enforcement center after we towed the suspect vehicle from
12 the traffic stop back to our impound yard.

13 Q And what kind of car is that?

14 A This is a burgundy color Mitsubishi Montero, I believe.

15 Q Who actually took these pictures?

16 A I took those pictures.

17 Q Now, after you made that traffic stop what did you do
18 next?

19 A After the traffic stop was there we established that
20 the property in the back, between the vehicle description,
21 the property that was there, we established that there was
22 guns missing. A large amount of guns was missing from the
23 house, everything, all that stuff was established. They
24 were placed in investigative detention and subject to that,
25 that vehicle was towed back to the law enforcement center.

1 After that scene was cleared, I proceeded back to original
2 crime scene at Cold Spring Center Road to photograph and
3 process that residence.

4 Q And once you went back to the house, 299 Cold Spring
5 Center Road, what did you discover?

6 A I arrived at the house. When I first arrived at the
7 house I was -- the way the house is laid out the common
8 point of entry to the residence would be the rear door. So
9 as I approached the house, and given the information about
10 the vehicle being parked around the back, first thing I
11 noticed was a set of tire prints in the grass leading from
12 the area, the backdoor, out from around the side of the --
13 out towards Highway 20. As I got up on the back porch,
14 walked onto the back porch, it's a common kitchen door, nine
15 pane half glass door. The lower left window was broken out
16 to gain access to the locks. As soon as I stepped in the
17 door there, there was a sheet containing electronic devices,
18 video games, that kind of stuff piled up as if somebody had
19 placed all these items in the sheet and used the sheet to
20 tote the items to where they were sitting.

21 Q I'll show you what's been marked as State's Evidence 6
22 and 7. Take a look at those and tell me what you see there.

23 A This is the residence of 299 Cold Spring Center, the
24 house that was burglarized.

25 Q Okay. I'll show you what's marked as State's Evidence

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1 8. What is that?

2 A This is the rear door of the residence. This is the
3 point of entry that we established was the point of entry to
4 the house.

5 Q I'm also going to show you State's Evidence 15. I
6 think you already mentioned that, but what is that?

7 A Yes, sir. This is, as I mentioned before, a pile of
8 electronics. It appears to be a pile of electronics,
9 possibly a video gaming system wrapped in a sheet. Looked
10 like it was to tote it from its original location to where
11 it was lying.

12 Q Mr. Thompson, I'll show you State's Evidence 17. Take
13 a look at that. Tell me what that is.

14 A Yes, sir. This is a large screen TV. I believe this
15 was actually taken from the living room. And this was
16 sitting on the back porch on our arrival.

17 Q On the back porch of his house?

18 A Yes, sir, I believe so.

19 Q Now, Detective Thompson, did you do any kind of
20 forensic analysis on that TV, dust for fingerprints or
21 anything?

22 A Yes, sir. I dusted the TV for latent fingerprints.
23 There was some latent fingerprints recovered. Also found on
24 the TV were -- I don't know how to best describe it. Fabric
25 impressions. Those fabric impressions are commonly

1 associated with use of knit cotton gloves. They contain
2 oils and residues from previous uses. So when you dust the
3 object the gloves were used to handle that object they'll
4 actually leave a residue of oil and you can actually see the
5 impression of the fabric on the item. But we also noticed
6 that there were fabric impressions left on the TV as well.

7 Q Now, I'll show you what's been marked as State's
8 Evidence 25. Take a look at that and tell me what that is.

9 A This is the Knox's gun cabinet here where Mr. Knox said
10 that all the firearms that were recovered that were located.

11 Q Now, all these pictures, who took these pictures?

12 A I took -- I did the complete processing of the house.
13 All photographs and other processing was done by me.

14 Q After you left the house, doing your processing there
15 at the house, what did you do next?

16 A After we finished with that I returned to the law
17 enforcement center where the vehicle was -- had been sent
18 to. And there I did an inventory of the vehicle and removed
19 the firearms after we got a detailed description from Mr.
20 Knox of all the firearms that were taken and confirmed the
21 identities of all the firearms that were in plain view.

22 (Whereupon, photographs were marked as State's Exhibits
23 33-45 for identification.)

24 Q Detective Thompson, I want to show you what's marked
25 for identification as State's Exhibit 33-45. Take a look at

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1 those and tell me what you see.

2 A These are photographs at the law enforcement center,
3 the suspect vehicle. In these photographs are numerous
4 firearms that were stored in the rear of the vehicle. Also
5 documented in this were several pairs of gloves, two-way
6 radios, gloves found in the front seat and there was also a
7 large pair of pliers that were caught in the tailgate, the
8 rear hatch of the vehicle, upon it being shut. And it was
9 documented as possibly being as a burglary tool possibly
10 being used to break that small window to gain entry to the
11 house.

12 Q Now, these pictures clearly and accurately represent
13 what you saw that day at the vehicle impound?

14 A Yes.

15 Q And did you take these pictures?

16 A Yes, I did.

17 Q And this was -- how long did you take these pictures
18 after the car was stopped and Mr. Dean and his co-defendants
19 were detained?

20 A I would say approximately an hour, hour-and-a-half.

21 Q Who had access -- when you get a car towed from a like,
22 for example, when you stopped this car, or when the
23 Sheriff's Department stopped this car, what's the -- what
24 happens with the car?

25 A When the vehicle is taken in and impounded for

1 evidentiary purposes in processing, our chief deputy, Marion
2 Johnson, at the time, he was evidence custodian. He had the
3 key to the impound yard. In order to put an item into the
4 impound yard, he has to -- Chief Johnson would have to come
5 out, open the gate, put the vehicle in there and he would
6 re-lock it. And then when I arrived for processing I have
7 to go through Chief Johnson to gain access to the vehicle
8 again.

9 Q But if the vehicle was locked up, nobody's got access
10 to the vehicle. He just opens up the gate and let it in
11 your building or to let it into your impound yard?

12 A It's enclosed like 50x50, fifteen foot fence area.
13 Once it is placed into evidence and put in the impound yard
14 in such a way the only -- it is secured by him and he had
15 only -- only one who had access to it.

16 Q And when you made this traffic stop did you notice --
17 were these guns in the car when you made the traffic stop
18 and when y'all were arresting these folks out there?

19 A Yes, sir. At the -- on the scene, couldn't actually
20 document it. If you're familiar with how polarization
21 works. You try to take a picture of something through glass
22 you're going to have a polarized filter. All you'll gain is
23 the reflection off the glass. A human eye can see through
24 the glass, see through the polarization glare. But if you
25 try to document it with a picture you can't do it unless you

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1 have a polarization filter on your camera.

2 Q Now, when you got to the impound yard what did you do?

3 A I got to the impound yard. Again, taking over all the
4 pictures, documenting everything. I took over all -- walk
5 around the vehicle, documented everything in the vehicle as
6 it sat and then began the process of the inventory.

7 Q And once your -- during the process of inventory what
8 do you do?

9 A On this vehicle I started at the rear because that was
10 our primary concern was the firearms located in the rear.
11 Removed all the vehicles. Documented, took photographs of
12 each individual gun, serial numbers. I gave -- wrote it
13 down on the inventory sheet. Just take everything out
14 that's going to be taken out as evidence or recovered stolen
15 property. All that is taken and listed down on the
16 inventory sheet and itemized.

17 Q And, again, do all these pictures clearly and
18 accurately represent what you itemize or what you took at
19 that vehicle, took pictures of?

20 A Yes, sir.

21 MR. BROWN: Your Honor, State moves State's exhibit 44.

22 Well, actually --

23 THE COURT: I think it was 33-45.

24 MR. BROWN: 33-45, yes, Your Honor, into evidence at
25 this time.

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1 THE COURT: Any objection?

2 MS. HORLBECK: No objection.

3 THE COURT: Without objection 33-45 will be in
4 evidence.

5 (Whereupon, State's Exhibits 33-45 were entered into
6 evidence.)

7 Q I'll show you now again State's Evidence 33. What is
8 that?

9 A This is the initial opening of the rear hatch of the
10 vehicle. It's that one firearm. Actually, when I opened
11 the hatch that firearm rolled out onto the bumper.

12 Q And so these guns are sitting in this car as they were?

13 A As they were when we observed them on the traffic stop.
14 That was just opening the hatch to gain access for
15 photographs.

16 Q Again, this is State's Evidence 34. Is that just a
17 different view?

18 A Yes, sir. Due to light conditions you take different
19 angles and everything to get all the details.

20 Q On a closer view, State's Evidence 35. Detective
21 Thompson, I want to show you State's Evidence 36. What is
22 that?

23 A That is a Glock, a subcompact semi-automatic weapon.

24 Q And where was that located?

25 A In the previous picture you had, that was located kind

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1 of buried down in between several of the long guns. If
2 you'll notice it there, the -- where the buttstock of the
3 shotgun is in the foreground you can see the magazine and
4 the lower part of the grip there sticking out of the shadow.

5 Q Talking about right there?

6 A Yes, sir. And that is the original location of that
7 pistol.

8 Q I'll show you, also, State's Evidence 37. What is
9 that?

10 A Yes, sir. That is the same pistol.

11 Q Now, the previous picture showed that the clip was
12 coming out. Did you take it out?

13 A The clip -- the magazine was removed to document that
14 the equipment was loaded.

15 Q I'll show you State's Evidence 38. What do you see
16 there?

17 A Those are gloves and also two-way radios that were --
18 it's hard to describe in that picture. That is the rear
19 seat. In the lower, right-hand corner, that is the back of
20 the front passenger side seat.

21 Q If I turn it around it might work better.

22 A Yes, sir. There we go. Orientate it. And those items
23 were located in the map pouch of the rear of the seat.

24 Q This, again, is State's Evidence 39. Is that same
25 picture?

1 A It's the same picture, just a closer -- close in
2 picture of the glove.

3 Q I'll show you State's Evidence 40. What is that?

4 A That is just during when we process we take numerous
5 pictures as we're going in, going out because there might be
6 some details that we might miss. But it's just documenting.
7 It's probably the original picture I was photographing
8 before I noticed those items and moved them out to be
9 documented.

10 Q What all do you see in that picture?

11 A In that picture there is a bag located there. And also
12 there is also that -- there's a hammer over on the other
13 seat. If you'll notice that it could possibly can be a
14 burglary tool to enter that residence.

15 Q I'll show you State's Evidence 41.

16 A This is the front, passenger-side glove box with
17 documenting a pair of gloves and the glove box.

18 Q I'll show you State's Evidence 42. What is that?

19 A Same glove, just removed from glove box for
20 documentation and more detailed picture.

21 Q Detective Thompson, I'm going to show you what's been
22 marked for identification purposes as State's Exhibit 46.
23 If you'll look at that and tell me what that is.

24 A This is the hammer that was documented in that picture
25 several minutes ago.

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1 MR. BROWN: Your Honor, State moves State's Exhibit 46
2 into evidence at this time.

3 THE COURT: No objection?

4 MS. HORLBECK: No objection.

5 THE COURT: Without objection, it's in evidence.

6 (Whereupon, State's Exhibit 46 was entered into evidence.)

7 Q Again, what is that?

8 A That's the hammer that we previously established as
9 being in the passenger seat in that prior picture.

10 Q Now, after you took those pictures of the guns in the
11 back of the car what did you do with the guns?

12 A After everything was documented they were brought in.
13 Everything was cleared. Compared that to notes we got from
14 Mr. Knox and everything. And there was a verbatim that the
15 firearms that he was missing. And after that was done we
16 verified that those were, in fact, -- that were, in fact,
17 his guns that were taken from his residence.

18 Q I'm going to show you what's already into evidence as
19 State's Evidence 20, 21 and 22. What do you see there?

20 A These are the firearms that I removed from the vehicle.
21 These are just pictures of them laid out with the serial
22 number annotated up under them for a better view.

23 Q This is State's Evidence 20. That's two of the guns
24 you took out of the car?

25 A Yes, sir.

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1 Q They were both Berettas. And then this is State's
2 Evidence 21. Those also came out of the car?

3 A Yes, sir.

4 Q And these three guns, too?

5 A Yes, sir.

6 Q Now, after you got them out and you took these pictures
7 and you still have these in evidence or what happened to
8 them?

9 A They were placed into evidence, and I believe they were
10 eventually turned back over to Mr. Knox.

11 Q Now, after doing your investigation and doing the
12 inventory of the car, finding several gloves and all, did
13 you ever get those -- you said you had one latent
14 fingerprint on the TV. Did you ever get that tested?

15 A The latent print was pulled, entered into evidence. As
16 far whether or not our latent prints are sent to SLED, given
17 the time frame and everything, the stuff will go down to
18 SLED to be processed. And I've left the agency. Whether or
19 not there's been any results back or if it had been sent,
20 I'm unsure, but it was pulled.

21 Q And also as part of doing your investigation, I'll show
22 you State's Evidence 32. What is that?

23 A I believe this is going to be items that were recovered
24 from the defendant's pocket on booking.

25 Q What defendant? Quentin Dean?

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1 A Yes, sir.

2 Q This was discovered where?

3 A Deputy Bonds contacted me and said that he had
4 recovered --

5 MS. HORLBECK: I'm going to object to hearsay, please.

6 THE COURT: Sustained as far as hearsay, but ask another
7 question.

8 MR. BROWN: Yes, sir.

9 Q Now, where -- when did you take these pictures?

10 A These pictures were after these items were turned over
11 as evidence after they were established that they had been
12 out on -- taken off Mr. Dean's person.

13 Q All right. And after you took these pictures what did
14 you do with these? Same thing you did with the guns?

15 A Yes, sir.

16 Q What do you see in this picture?

17 A Numerous items of jewelry and various denominations of
18 foreign currency.

19 MR. BROWN: I beg the court's indulgence.

20 THE COURT: Yes, sir.

21 (Whereupon, photographs were marked State's Exhibits 47
22 and 48 for identification.)

23 MR. BROWN: Just a few more questions.

24 Q Now, Detective Thompson, I want to show you what's been
25 marked for identification purposes State's Exhibit 47 and

1 48. Can you tell me what these are?

2 A This is just two more overalls. This is overall
3 pictures of the firearms. After the firearms were
4 documented and placed inside the vehicle they were just -- I
5 took them out of the vehicle and stood them along the fence.
6 Took just another overall of the -- what was pulled out.

7 Q So, actually you took pictures of the guns inside the
8 vehicle when you opened up the hatch. And then after you
9 took those pictures you lined them up?

10 A Yes, sir. You can't never have too many pictures.

11 MR. BROWN: Judge, the State moves State's Exhibit 47
12 and 48 into evidence at this time.

13 MS. HORLBECK: No objection.

14 THE COURT: Without objection State's 47 and 48 are in.
15 (Whereupon, State's Exhibits 47, 48 were entered into
16 evidence.)

17 Q This is State's Evidence 47. Where is that?

18 A This is the rear fence of the impound yard.

19 Q So this impound yard is chainlinked in?

20 A Yes, sir. It's like a fifteen foot chainlink fence
21 with barbed wire across the top.

22 Q And, again, those are pictures of the guns taken out of
23 the car?

24 A Yes, sir.

25 MR. BROWN: No further questions.

1 CROSS EXAMINATION

2 BY MS. HORLBECK:

3 Q Detective Thompson, my name is Caroline Horlbeck and
4 I've got a few questions for you about this case. You
5 testified on direct examination that you processed the whole
6 house.

7 A Yes.

8 Q And that included taking pictures and also dusting area
9 the area for prints?

10 A Yes, ma'am.

11 Q You dusted the television for prints. Is that correct?

12 A Yes, ma'am.

13 Q All right. And you indicated on direct examination
14 that some prints were actually collected.

15 A Yes, ma'am.

16 Q And, to your knowledge, were those prints sent down to
17 South Carolina Law Enforcement Division?

18 A They were entered in. The disposition after that, I
19 cannot advise on it.

20 Q Okay. When you mean entered in does that mean that you
21 either mailed them or drove them down to SLED?

22 A No, ma'am. I turned them into evidence. And then the
23 evidence custodian would arrange for them to be sent to SLED
24 for further examination.

25 Q Okay. All right. And at this point after you entered

1 the fingerprints in to evidence you don't know whether or
2 not they were sent down to SLED?

3 A No, ma'am. I never got a notification since then.

4 Q Okay. And so this at this point you don't know if
5 there's been any testing done on those fingerprints?

6 A No, ma'am.

7 Q And those -- at this point you don't know if those
8 fingerprints -- who, if anyone, those fingerprints match?

9 A No, ma'am.

10 Q And there's no evidence that those fingerprints match
11 Quentin Dean?

12 A No, ma'am.

13 Q All right. And if there had been an analysis, you
14 would have been notified of the result of the analysis,
15 correct?

16 A Yes, ma'am.

17 Q Okay. All right. You also -- I think you took a look
18 at some pictures of some tire tread on the grass.

19 A There was not one entered into evidence. I stated I
20 took pictures of tire tracks.

21 Q Okay. Was that in the grass or was that in the gravel?

22 A In the grass at the rear of the residence.

23 Q Okay. And was there also a picture taken of the tire
24 tread in the -- in some -- in a gravel or dirt area?

25 A I'm unsure. It would be documented in the photographs

Cross-Examination by Ms. Horlbeck- Patrick Thompson

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1 if I did.

2 Q Okay.

3 MS. HORLBECK: I beg the court's indulgence.

4 THE COURT: Yes, ma'am.

5 (Whereupon, a photograph was marked as Defense Exhibit
6 1 for identification.)

7 Q Deputy, I'm handing you what's been marked Defense 1
8 for just identification purposes only and ask you if you
9 recognize that picture.

10 A If it's part of the evidence and part associated with
11 this case, it's a -- appears to be a tire impression or what
12 appears to be a tire impression with grass on concrete.

13 Q Okay. And you took the pictures in this case, correct?

14 A Yes, ma'am.

15 Q Okay. And do you recall that picture?

16 A Not -- it's been over two -- two or so years.

17 Q Okay.

18 A Not directly.

19 Q Okay. But what is depicted in that picture?

20 A In this picture it appears to be a four line tread
21 pattern across concrete with no detail whatsoever, just in a
22 -- it's annotating that something had drove there.

23 Q Is it a tread of a vehicle tire?

24 A It appears to be.

25 Q All right. All right. To your knowledge, was that

1 analyzed?

2 A No, ma'am.

3 Q So there's no evidence that the tire tread actually
4 matches the tire on the burgundy SUV?

5 A From what I'm viewing in that picture, there is no
6 detail in that picture that could be further analyzed
7 against any given tread pattern.

8 Q Okay. And so there's no further analysis was done on
9 that -- on the tire tread that's depicted in that
10 photograph, correct?

11 A No, ma'am. There is no detail in that picture for
12 analysis.

13 Q All right. And there's no evidence connecting that
14 specific tire tread to the burgundy SUV, correct?

15 A No, ma'am.

16 Q All right. And did you have the opportunity to
17 question any of the neighbors to determine if there were any
18 surveillance tapes taken of the scene?

19 A Where the Knox residence is at there are -- is a
20 neighbor next door. Given the layout of the properties,
21 there's some trees in between everything. They're on the
22 corner of Highway 20. And there are no other neighbors in
23 direct sight of their residence.

24 Q Okay. And you also testified about some gloves that
25 were found on the scene and also in the burgundy SUV. Were

1 the inside of those gloves ever tested?

2 A No, ma'am.

3 Q So, to your knowledge, there was no swab taken on the
4 inside of the gloves, no DNA swab, correct?

5 A No, ma'am.

6 Q Okay. So there's none matched to the inside of the
7 gloves to Mr. Dean, correct?

8 A Other than them -- Mr. Dean being in the vehicle with
9 the gloves.

10 Q I'm talking specifically about DNA. Did you swab the
11 inside of any of the gloves that you took pictures of in the
12 car?

13 A No, ma'am. We found no reason to.

14 Q Okay. And so you didn't take any swabs. So nothing
15 was sent down to SLED to be tested regarding the inside of
16 the gloves, correct?

17 A No, ma'am.

18 Q All right. So you have no evidence that connects the
19 inside of the glove to Mr. Dean, correct?

20 A Other than him being in possession.

21 Q I'm talking about the inside of the glove. I asked you
22 the second time.

23 A Yes, ma'am.

24 Q All right. Is there any evidence that connects the
25 inside of the glove to Mr. Dean's hand?

1 A No, ma'am.

2 Q And were you present during the questioning of the
3 co-defendants?

4 A Detective Belcher handled -- while I was doing
5 processing he was handling the interviews of the suspect.

6 Q Okay. Were you present at all?

7 A I stepped in on one of them towards the end.

8 Q All right. Do you recall which one that you stepped in
9 on?

10 A No, ma'am.

11 Q All right. Did you recover any texts from the phones
12 that were recovered from the cars?

13 A I don't recall --

14 Q The car.

15 A -- if there was anything recovered as far as texts or
16 anything.

17 Q All right. So you've got no records of any texts off
18 of the phones inside the car? Were there phones found in
19 the car, cell phones?

20 A There was phones and iPods and that kind of stuff
21 recovered on their persons.

22 Q Okay.

23 A As far specifics of that, I'm not sure.

24 Q All right. So, to your knowledge, are there any
25 records or texts that were taking off of the -- of Mr.

1 Dean's phone or the co-defendants' phones?

2 A No, ma'am. I have no knowledge of that.

3 Q All right. Also, you've got your report with you. Is
4 that correct?

5 A Yes, ma'am.

6 Q There was a question that the prosecutor asked about
7 who was the driver. And I'm looking specifically at the
8 second paragraph, line three.

9 A On the originating officer's original report narrative
10 or on my supplemental?

11 Q Your supplemental report.

12 A All right. All right. What question do you have
13 about it?

14 Q The identity of the driver of the burgundy SUV.

15 A The second paragraph in my supplemental is I arrived --

16 Q I'm just looking specifically at the third line.

17 A How the guns . . . It's stated in here that Williams
18 -- that the driver, Williams, stated were there.

19 Q Okay. All right. So Brandon Williams was the driver
20 of the burgundy SUV, correct?

21 A If I annotated as that in the report at that time then
22 that's what was . . .

23 Q All right. And Mr. Williams was actually the one that
24 said -- that told y'all where the guns were, correct?

25 A Yes, ma'am.

1 Q All right. And did you have the opportunity to
2 determine who the burgundy SUV belonged to?

3 A It was associated with one of the -- a family member or
4 something. It was associated as they had lawful possession
5 of it.

6 Q Who had -- when you say lawful possession, who exactly
7 are you talking about?

8 A It was established it was a family member's vehicle of
9 someone's who eventually came and got it. But it was -- the
10 owner of the vehicle was known and it was a -- one of the
11 occupant's relatives or friend. I'm unsure exactly of the
12 relation.

13 Q But when you say there was lawful possession of the
14 SUV, are you saying that Mr. Williams was in lawful
15 possession of the SUV?

16 A If he was operating the vehicle, he has lawful
17 possession.

18 Q All right. He wasn't charged with possession of the
19 stolen vehicle, correct?

20 A No. That's what I was establishing.

21 Q Okay.

22 A He had right to have the vehicle.

23 Q All right. So was it -- are you saying that it was
24 likely Mr. William's family -- the car likely belonged to
25 Mr. William's family member?

Re-direct Examination by Mr. Brown- Patrick Thompson

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1 A That was the detail that was -- we found out who the
2 vehicle belonged to. And after it was released it was
3 turned back over to the rightful owner.

4 Q Okay.

5 MS. HORLBECK: I beg the court's indulgence just for a
6 moment.

7 THE COURT: Yes.

8 Q Did you -- were the officer that actually released the
9 vehicle to the rightful owner?

10 A I'm unsure if I completed the paperwork. I did a
11 property release sheet of the vehicle being released back to
12 someone. I'm unclear if I was the one who authorized the
13 release or someone else did. I couldn't advise on that.

14 Q And all -- everyone that was taken out of the SUV, they
15 were actually separated and put in different patrol cars.
16 Is that correct?

17 A Yes, ma'am.

18 MS. HORLBECK: That's all I have. Thank you.

19 THE COURT: Anything on re-direct?

20 MR. BROWN: Yes, Your Honor. Just quickly.

21 RE-DIRECT EXAMINATION BY MR. BROWN

22 BY MR. BROWN:

23 Q Ms. Horlbeck asked you about tire impression on some
24 grass on the pavement.

25 A Yes, sir.

1 Q I think she actually showed you the pictures of the
2 tire or the grass.

3 A Yes, sir.

4 Q When you received the call over dispatch what did you
5 hear over dispatch to look for?

6 A Burgundy colored SUV traveling north on Highway 20.

7 Q Who made that call in to dispatch?

8 A Mr. Knox did.

9 Q And how did they know it was a burgundy Montero
10 traveling up that area?

11 A Mr. Knox jumped in his truck and actually pursued up
12 behind them until he lost sight and then he returned home.

13 Q Okay. Now, when the traffic stop was made, who was in
14 the car?

15 A The defendant and the two other co-defendants: Mr.
16 Dean, Mr. Thompson and Mr. Williams.

17 Q What color car were they in?

18 A Burgundy color SUV.

19 Q And that same burgundy colored SUV that Mr. Knox had
20 called dispatch about when he saw in his driveway?

21 A Matched the -- Mr. Knox actually was escorted out to
22 the scene and verified that.

23 Q And what was found -- you mentioned gloves that were
24 found in the car. Who was in the car with those gloves?

25 A Three -- the defendant and the other two co-defendants.

Re-direct Examination by Mr. Brown- Patrick Thompson

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1 Q And you said DNA was not taken from inside the gloves.

2 A No, sir.

3 Q Why would you not do DNA inside the gloves?

4 A If an item is recovered in the vehicle and you are in
5 direct possession of it, it is in arm's reach, and there is
6 no need to verify your hand was in a particular glove unless
7 that glove has some particulars of the crime scene -- the
8 actual crime scene associated with it, like ownership. It
9 is just gloves are documenting that the lack of fingerprints
10 in the scene and the fact that they are associated with
11 being burglary tools, along with the hammer, the two-way
12 radios and the other items in the car.

13 Q And the other items being?

14 A The guns, the firearms from the house and the other
15 associated burglary tools.

16 Q And how long after the radio came out over dispatch
17 saying to look for a maroon color SUV, how long after that
18 call were they stopped as you said -- or on Old Douglas Mill
19 Road?

20 A Within just several minutes. I mean, two to three
21 minutes tops. Deputy Norman come across the radio that she
22 had eyes on a burgundy SUV. And then, given the situation,
23 she maintained contact until the other unit got closer to
24 her before a traffic stop was initiated for safety reasons.

25 MR. BROWN: No further questions.

1 MS. HORLBECK: No re-cross.

2 THE COURT: Thank you very much for coming down. No
3 objection to excusing this witness, I assume?

4 MS. HORLBECK: No.

5 THE COURT: Thanks for coming. You're free to go;
6 you're free to stay. Ladies and gentlemen, we've been at it
7 for about two hours straight. Y'all might need a break. I
8 do. So, we're going to take a break. If you would, adjourn
9 to the jury room in the back. I'm sure they have some
10 refreshments back there. If you happen to need a cigarette
11 or need a smoke, just let one of the bailiffs know. They'll
12 take you down the back stairway to the back of the
13 courthouse. Don't talk about the case yet. We'll resume
14 with the case here in about five, ten minutes. Thank you
15 very much. We will be at ease.

16 (Whereupon the jury exited the courtroom at 4:00 p.m.)

17 (Whereupon, the court was in recess until 4:15 p.m.)

18 THE COURT: Is everyone ready to resume at this point?
19 Very well.

20 MR. BROWN: I would say this will probably be the last
21 one for the day. This is probably a good breaking spot.

22 THE COURT: Let's go back on the record, if we may. The
23 defendant is present with counsel. The State's counsel is
24 also present. Let's go ahead and have the jury back out,
25 please.

Direct Examination by Mr. Brown- James Williams

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1 (Whereupon, the jury entered the courtroom at 4:17

2 p.m.)

3 THE COURT: Who's the next witness, Mr. Brown?

4 MR. BROWN: James Brandon Williams.

5 THE COURT: Let the record reflect that the jury is
6 back and seated at this point. Mr. Brown, call your next
7 witness, please.

8 MR. BROWN: The State calls James Brandon Williams.

9 JAMES BRANDON WILLIAMS, having been
10 first duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. BROWN:

13 Q Mr. Williams, how are you?

14 A Pretty good.

15 Q Good. Tell me your name again for just the record.

16 A I'm Brandon Williams.

17 Q And, Brandon, where are you from?

18 A Anderson, South Carolina.

19 Q How old are you?

20 A Twenty-two.

21 Q And have you ever -- have you always lived in Anderson?

22 A Yes, I have.

23 Q Mr. Williams, going back to October 7, 2010 -- first of
24 all, do you know the fellow sitting at this table to the
25 right?

Direct Examination by Mr. Brown- James Williams

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1 A Yes, I do.

2 Q Who is that?

3 A That's Quentin Dean.

4 Q And how do you know Quentin?

5 A Through somebody.

6 Q Who is somebody?

7 A Edward Thompson.

8 Q And who is Edward Thompson?

9 A That's the other co-defendant.

10 Q So you say co-defendant, your three -- three of y'all?

11 A Yes, sir.

12 Q You, Edward and Quentin?

13 A Yes, sir.

14 Q Going back to October 7, 2010, I know that's a good
15 ways away or in the past, but I'm sure you probably remember
16 it pretty well. Where were y'all -- where did you start off
17 that day?

18 A Well, I was at my house and I had got a call from
19 Edward Thompson asking me if I wanted to make any money or
20 whatever that day. So I said, yeah, I agreed to it. And I
21 went and picked him up. And we ended up here in Abbeville
22 and that's when --

23 Q You said you were at your house?

24 A Yeah.

25 Q Where was that?

Direct Examination by Mr. Brown- James Williams

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1 A 815 Rainbow Road.

2 Q In Anderson?

3 A Yeah, in Anderson.

4 Q Okay. And once you went to pick up Edward was Quentin
5 there?

6 A Yes, he was there, too.

7 Q Tell me what y'all decided to do when you went to
8 Edward's house?

9 A We decided to ride around and, you know, scout out
10 houses or whatever. And we just popped up on this house
11 that looked pretty invacant (sic) or whatever. And just --
12 that's --

13 Q Who all was riding around?

14 A There was me, Edward Thompson and Quentin Dean.

15 Q And so when y'all were riding around did y'all have
16 this kind of this plan or kind of like understanding y'all
17 were going to --

18 A Yes, sir.

19 Q What was y'all's understanding?

20 A That the other two was going to go into a house while I
21 drove or whatever. And that was pretty much it.

22 Q And you said y'all started in Anderson.

23 A Yeah.

24 Q Where did y'all end up?

25 A Here in Abbeville.

Direct Examination by Mr. Brown- James Williams

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1 Q Do you know what house you ended up at?

2 A Mr. Knox's house.

3 Q Is Mr. Knox here in the courtroom?

4 A Yes, sir, right here.

5 Q And what kind of car were y'all in?

6 A A Mitsubishi Montero Sport jeep.

7 Q Who did that car belong to?

8 A It was my car.

9 Q I'll show you what's already been entered into as
10 State's Evidence number 3. What is that?

11 A That's my car.

12 Q That's your Montero Sport?

13 A Yes, sir.

14 Q What color is that?

15 A Burgundy.

16 Q Now, Brandon, when you got -- what was y'all's plan
17 when y'all got down to Abbeville and got to Mr. Knox's
18 house?

19 A Well, Edward had went and knocked on the door to make
20 sure nobody was in there. And that's when they seen that
21 nobody was in there, so they told me to leave and they would
22 call me whenever I needed to come back. And that's when I
23 got back and Mr. Knox had popped up and caught us.

24 Q Okay. At what time of day was this?

25 A It was like maybe noon, around noontime.

Direct Examination by Mr. Brown- James Williams

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1 Q Noon?

2 A Yeah.

3 Q On October 7th?

4 A Yeah. Yes, sir.

5 Q And what did Edward and Quentin ask you to do?

6 A Well, they asked me to leave while they went in the
7 house and look around or whatever. And they would call me
8 when I need to come back. And I came back and Mr. Knox
9 popped up and saw us.

10 Q Do you know how did they get in the house?

11 A I think they broke a window to get in. To my
12 knowledge, that's all I know.

13 Q Did you see them both go in?

14 A I didn't actually see them because I left, but I know
15 they did actually go in.

16 Q How do you know they went in the house?

17 A Because they called me to confirm it. And that's when
18 I came back and they was -- they loaded the guns in my car.
19 And tried to load a TV into it, but couldn't because Mr.
20 Knox popped up.

21 Q And who -- just for namesake for the record, who put
22 the guns in the car?

23 A Quentin Dean and Montre - well, Edward Thompson.

24 Q Does Edward go by another name?

25 A Montreze.

Direct Examination by Mr. Brown- James Williams

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1 Q Montreze. That's his middle name?

2 A Yes, sir. I guess.

3 Q Now, when you dropped them off at Mr. Knox's house how
4 long were gone or where did you go?

5 A I just really just rode around the block. I wasn't
6 familiar with the neighborhood, so just rode around and it
7 was maybe like five -- three to five minutes.

8 Q Wasn't long at all?

9 A No, it wasn't long.

10 Q And then what made you come back?

11 A They called and told me that I needed to come back.

12 Q So did y'all say y'all had this -- y'all conspired to
13 do this?

14 A Yeah, pretty much, yes, sir.

15 Q And what happened when you got back to the house?

16 Where did you go -- where did they -- where did you go to
17 load up the guns?

18 A I went to the backyard, which was only a one way
19 exit/entrance. And they tried to load -- well, they did
20 load the guns into the car. But they tried to load a TV
21 into it, too, but didn't succeed because Mr. Knox had popped
22 up. That's all.

23 Q Once Mr. Knox popped up, what did you do?

24 A Oh, I just took off. I just --

25 Q Did you leave them there at the house?

Direct Examination by Mr. Brown- James Williams

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1 A No, they was in the car with me. And we just --

2 Q Where were they when Mr. Knox pulled up?

3 A They was coming out of the house actually. And they
4 saw him and hopped in the car and we took off.

5 Q They jumped in your car?

6 A Yeah. Yes, sir.

7 Q Who jumped in what part of the car?

8 A Edward was in the front passenger seat and Quentin was
9 in the back passenger seat.

10 Q Now, once they jumped in the car what did you do?

11 A I just took off, just left.

12 Q Did they tell you to do anything?

13 A Well, when we was getting chased by the police they was
14 telling me to keep going, but I wasn't going to run from the
15 cops, so.

16 Q How long after -- how long was it by when you left Mr.
17 Knox's house when you saw him, how long was it before
18 sheriff's deputies got behind you?

19 A Maybe twenty minutes after.

20 Q Not long?

21 A Not too long.

22 Q And when you pulled out -- I'm kind of going back.

23 When you pulled out of the driveway and saw Mr. Knox could
24 you tell he was following you or what happened?

25 A Yes, sir. He was following me at first, but we had

1 beared off onto this dirt road. And I guess he -- we lost
2 him or whatever. And we came back off the dirt road and
3 maybe ten minutes later and that's when the sheriff -- well,
4 police got behind us.

5 Q And once the sheriff's deputy, police got behind you,
6 what happened then?

7 A I just - I just stopped.

8 Q Did you say anything?

9 A Sir?

10 Q Did you say anything?

11 A Well, they was telling me to go and I was like no, no,
12 I'm not going to go. And then I just surrendered.

13 Q Who let the deputies know -- or did the deputies know
14 at this time they had guns in the back?

15 A No, they didn't know until I told them.

16 Q So you told them that the guns in the back?

17 A Yeah, I told them.

18 Q And you were the driver?

19 A Yeah, the driver.

20 Q Mr. Williams, I'm going to show, it's been entered into
21 evidence already, the State's 6, 7 and also State's Evidence
22 15 and State's Evidence 17. Take a look at those and tell
23 me what those are.

24 A Those are Mr. Knox's house.

25 Q Is that the house that y'all went to that day and

Direct Examination by Mr. Brown- James Williams

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1 burglarized?

2 A Yes, sir, it is.

3 Q Is that the house that Edward Thompson and Quentin Dean
4 went in.

5 A Yes, sir, it is.

6 Q Again, I'm going to show you State's Evidence 6. Is
7 that the house?

8 A Yes, it is.

9 Q I'm going to show you this picture, too. From that
10 picture can you tell me where your car was parked when you
11 saw Mr. Knox?

12 A It was like on the other side, on the left side, in the
13 backyard, if I'm not mistaken.

14 Q You're saying left side over here?

15 A Yes, sir.

16 Q Okay. And where were Quentin and Edward?

17 A They were just coming out of the house loading stuff
18 up. And that's when they saw Mr. Knox.

19 Q And once they saw Mr. Knox what did they do?

20 A Oh, they just hopped in the car and we just left. Just
21 . . .

22 Q I'm going to show you State's Evidence 17. It's kind
23 of dark there. What is that?

24 A A flat screen.

25 Q Where is that at?

1 A It's inside of Mr. Knox's house.

2 Q It's inside or . . . ?

3 A I can't really tell.

4 Q You said that Quentin and Edward were loading items up.

5 What all did they load up or -- into the house? This is

6 actually another -- this is State's Evidence 14. What is

7 that?

8 A Yeah, that's his backyard, back dock.

9 Q Back dock?

10 A Yes, sir.

11 Q Is that the loading dock?

12 A Yes, it's the way they came out of the house.

13 Q And what is -- what else do you see in that picture?

14 A I just see the TV.

15 Q What were -- from you seeing their actions, what were

16 the plans with that TV?

17 A What you mean, after the fact?

18 Q Yeah, before Mr. Knox got there.

19 A Oh, to put it in the car.

20 Q Now, I'll show you what's been marked as State's

21 Evidence 33, 34. For right now. What are these pictures

22 of?

23 A The back of my vehicle with the guns in them.

24 Q And, again, where did those guns come from?

25 A Out of Mr. Knox's house.

Direct Examination by Mr. Brown- James Williams

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- 1 Q And who put them in that car?
- 2 A Quentin Dean and Edward Thompson?
- 3 Q Did y'all have permission or consent to go in Mr.
- 4 Knox's house?
- 5 A No, sir, we didn't.
- 6 Q Did y'all have permission to take these guns?
- 7 A No, we didn't.
- 8 Q What were y'all going to do with them?
- 9 A I guess just sell them off.
- 10 Q I'm going to show you also what's been marked as
- 11 State's Evidence 37 and State's Evidence 36. I'll show you
- 12 a picture of that. And look at that. What is that?
- 13 A It's a Glock.
- 14 Q Do you know where that -- you ever seen that?
- 15 A Not to my knowledge, I didn't. I had no idea.
- 16 Q You didn't know that was in your car?
- 17 A No, I didn't.
- 18 Q What does that show you?
- 19 A It's in my car.
- 20 Q Is that the back trunk of your car?
- 21 A Yes, sir, back trunk.
- 22 Q What else does that picture show?
- 23 A Got a bullet.
- 24 Q Loaded gun?
- 25 A It was loaded, yeah.

1 Q I want to show you a couple other pictures of State's
2 Evidence 38, 39, 40, 41 and 42. You recognize those
3 pictures?

4 A Yes, sir, I do.

5 Q What are those pictures?

6 A Pictures of gloves and - - pretty much just gloves and
7 I can't really make out what that is?

8 Q Where are those pictures taken? Where were those?

9 A In my car.

10 Q And what were the purpose of those gloves in your car?

11 A For them to break in.

12 Q Now, but it was -- just to be clear, all of y'all had
13 the same idea to go down there, right?

14 A Yes, we did.

15 Q You just happened to be the driver?

16 A Yeah. Yes, sir.

17 Q That was your role?

18 A Yes, sir.

19 Q Do you remember were Edward or Quentin wearing gloves
20 when they went into the house?

21 A Not to my knowledge, I can't recall.

22 Q You can't recall?

23 A No.

24 Q Could they have been wearing them when they went in the
25 house?

Direct Examination by Mr. Brown- James Williams

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1 A Possibly, yeah.

2 Q You just don't remember?

3 A No, I don't.

4 Q Again, did you -- were you there the whole time? You
5 drove off, didn't you?

6 A Yeah, I left.

7 Q Do you know how they broke in the house?

8 A Through a window. Busted glass, that's just pretty
9 much all I know.

10 Q I want to show you what's already in evidence as
11 State's Evidence 32. What is that?

12 A A picture of jewelry.

13 Q What else?

14 A And like some money.

15 Q Have you -- on the day y'all burglarized Mr. Knox's
16 house did you see that?

17 A No, I didn't, not the jewelry.

18 Q Not the jewelry?

19 A Huh-uh. (negative).

20 Q What all did you think you got out of that house that
21 day?

22 A Pretty much just the guns. That's all.

23 Q Why do you think y'all just got the guns?

24 A It might be - - I guess because Mr. Knox popped up and
25 didn't have enough time.

Direct Examination by Mr. Brown- James Williams

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1 Q Did you see anybody load, just throw this in car or
2 load this in the car?

3 A No, I never seen jewelry.

4 Q And, again, whose house did y'all go to?

5 A Mr. Knox's.

6 Q And, again, what was your plan? What was the three of
7 yours plan going there that day?

8 A To just go inside of it if no one was there and
9 burglary. Just see what was in there, basically.

10 Q And take it?

11 A Yes, sir.

12 Q And who was with you that day?

13 A Quentin Dean and Edward Thompson.

14 Q And who went in the house day?

15 A Quentin Dean and Edward Thompson.

16 Q And who came out of the house with guns that day?

17 A Edward Thompson and Quentin Dean.

18 Q And is Quentin Dean sitting in the courtroom today?

19 A Yes, he is.

20 Q Where is he?

21 A Right there.

22 Q What's he wearing?

23 A A collared shirt with gray and white.

24 THE COURT: The record shall reflect that the witness
25 has identified the defendant.

Cross-Examination by Ms. Horlbeck- James Brandon Williams

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1 MR. BROWN: I beg the court's indulgence.

2 THE COURT: Yes, sir.

3 Q Mr. Williams, a couple final questions. When y'all
4 were leaving Mr. Knox's house and you had these guns in the
5 car, what were y'all trying to do?

6 A Basically just trying to get away. I mean, --

7 Q Y'all were in flight from the house?

8 A Yes, sir, because he was behind us. Mr. Knox was
9 behind us.

10 MR. BROWN: No further questions.

11 THE COURT: Ms. Horlbeck, cross?

12 CROSS EXAMINATION

13 BY MS. HORLBECK:

14 Q Mr. Williams, my name is Caroline Horlbeck. I
15 represent Quentin Dean, and I just have a few questions for
16 you about this case. Now, you graduated high school,
17 correct?

18 A Yes, ma'am.

19 Q And at the time this happened you were enrolled in tech
20 school. Is that correct?

21 A Yes, ma'am.

22 Q You were studying to be I think it was a physical
23 therapist?

24 A Yes, ma'am.

25 Q All right. And obviously you were studying those

1 things so that you could further yourself along in a career
2 as a physical therapist sometime in the future?

3 A Yes, ma'am.

4 Q Okay. All right. And before any of this happened you
5 had absolutely no record, correct?

6 A No, ma'am.

7 Q All right. Now, your parents were with you on the day
8 you pled guilty, correct?

9 A Yes, ma'am.

10 Q And you actually pled guilty to these charges of
11 burglary second and a grand larceny and a conspiracy charge,
12 correct?

13 A Yes, ma'am.

14 Q And you pled guilty to those charges on this past May
15 29th?

16 A Yes, ma'am.

17 Q All right. And were your parents there?

18 A Yes, they were.

19 Q All right. And at the time -- do your parents live in
20 town?

21 A In this town?

22 Q Well, in Anderson?

23 A Oh, yes, ma'am. Yes, ma'am.

24 Q And the rest of your family, do they live in Anderson
25 as well?

Cross-Examination by Ms. Horlbeck- James Brandon Williams

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1 A Yes, ma'am.

2 Q Do you have any children?

3 A No, ma'am.

4 Q Did you have a girlfriend at the time of the incident?

5 A Yes, ma'am.

6 Q All right. So I guess long -- you know, just what I'm
7 getting at is you had people on the outside that love you
8 and you love them as well, correct?

9 A Right.

10 Q Okay. All right. And you were arrested, I think, on
11 the -- well, the 7th of October, 2010. Does that sound
12 right?

13 A Yes, ma'am.

14 Q And did you spend about three weeks in jail? Does that
15 sound about right?

16 A More like two.

17 Q Okay. All right. But while you were at the jail you
18 certainly weren't allowed to -- weren't able to move around
19 freely, were you?

20 A Not as much as I wanted to, but --

21 Q But you couldn't -- it wasn't like you could -- wasn't
22 like they were letting you out to go do what you wanted to
23 do, correct? You were under arrest?

24 A Yes, ma'am.

25 Q Okay. And you had to eat what they gave you?

1 A Yes, ma'am.

2 Q All right. And you couldn't visit everybody all the
3 time like your family. They couldn't come around all the
4 time to visit with you, could they?

5 A No, ma'am.

6 Q All right. And you can only spend your money in
7 certain ways at the canteen. Is that correct?

8 A Yes, ma'am.

9 Q Okay. Jail controls everything about your life.

10 A Right.

11 Q All right. So when you were arrested for these charges
12 -- well, let me ask you this. Were you working at the time
13 as well?

14 A I was helping my mom with the paper route, but I
15 wouldn't consider it working.

16 Q Okay. And did your mom drive the burgundy SUV on the
17 paper route?

18 A No, ma'am. It was my car.

19 Q Okay. All right. But you stood to lose your ability
20 to continue with your education, correct?

21 A Yes, ma'am.

22 Q All right. So when you were arrested you stood to lose
23 your ability and continue visiting with your family?

24 A Yes, ma'am.

25 Q All right. All those things, your freedom, right?

1 A Yes, ma'am.

2 Q All right. And when you were arrested the police gave
3 you a chance to talk to them, right?

4 A Yes, ma'am.

5 Q And one of the first things they asked you about was
6 what did Edward Thompson say to you at the very beginning of
7 the day? Isn't that correct?

8 A Yes, ma'am.

9 Q And Edward Thompson is your cousin? Is that right?

10 A Yes, ma'am.

11 Q All right. And you told the police that Edward had
12 texted you? Isn't that correct?

13 A Yes, ma'am.

14 Q And at first you told the police that Edward texted you
15 to ask you to take him to get -- to buy some reefer. Is
16 that correct?

17 A At first?

18 Q Yes.

19 A I don't recall that. I don't remember.

20 Q You don't recall?

21 A I don't remember.

22 Q So at this point you deny that that was the first thing
23 you told the police?

24 A Yes, ma'am.

25 Q Okay. All right. And did you tell the police or do

1 you remember whether or not you told the police your cousin
2 Edward said that he would pay you some money to take him to
3 get some reefer?

4 A Yes, ma'am, I remember that.

5 Q Okay. So you remember that part of it?

6 A Yes, ma'am.

7 Q Okay. And did you also tell the police that you didn't
8 know anything about a burglary?

9 A I don't remember telling the police that.

10 Q Oh, okay. You just told them -- you don't recall
11 telling them that all you did was drive off, that -- do you
12 remember that part?

13 A Yes, ma'am.

14 Q Okay. Do you remember telling the police that you
15 thought you were just going to go help him buy some reefer
16 and you thought everything was cool and it wasn't? Do you
17 remember telling the police that?

18 A I don't remember that.

19 Q Okay. Do you remember telling the police that once you
20 saw what they were doing you pulled off because you didn't
21 want to be any part of it?

22 A No, ma'am.

23 Q Okay. So none of that -- do you remember -- but you do
24 remember talking to the police, correct?

25 A Yes, ma'am.

Cross-Examination by Ms. Horlbeck- James Brandon Williams

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1 Q And do you recall whether or not they audio taped your
2 state?

3 A Yes, ma'am.

4 Q Okay. So there is an audiotape audio statement. Did
5 you also -- do you recall whether or not you told the police
6 that you didn't know 100 percent why y'all were going to
7 Abbeville?

8 A Yeah. I think at first I told them.

9 Q Okay.

10 A But --

11 Q All right. How long do you think you told them that?

12 A Ma'am?

13 Q How long do you think you kept telling the police that
14 you weren't for sure or weren't 100 percent?

15 A Oh, not long. Not long.

16 Q Not long?

17 A No, ma'am.

18 Q How long is not long?

19 A Maybe the first couple of times they asked me.

20 Q Okay. So how many minutes would that be?

21 A Like ten minutes, twenty minutes.

22 Q All right. Would it refresh your recollection if we
23 had -- if we played your statement that day?

24 A Yeah, it probably would.

25 Q All right.

1 MS. HORLBECK: Just beg the court's indulgence. And it
2 may --

3 THE COURT: Sure.

4 MS. HORLBECK: -- booted up, but you never know with
5 technology.

6 THE COURT: Sure.

7 MR. BROWN: Can we go to side bar, Judge?

8 (Whereupon, a bench conference was held in the presence
9 but out of the hearing of the jury.)

10 THE COURT: Ladies and gentlemen, we're going to take a
11 brief break before we play this. I want and try to do a run
12 through and make sure that we can get it operational and
13 everything is fine. We sometimes have technical issues.
14 We'll take a brief five minute breaks while the attorneys
15 check out everything, and then we'll resume with the trial.
16 So go back to the back. Don't talk about anything and we'll
17 have you back out here shortly.

18 (Whereupon, the jury exited the courtroom at 4:50 p.m.)

19 (Whereupon, the court was in recess until 5:13 p.m.)

20 (Whereupon the jury entered the courtroom at 5:13 p.m.)

21 THE COURT: Let the record reflect that the jury is back
22 and seated. Ladies and gentlemen of the jury, I was
23 mistaken in terms of what I thought the length of the
24 recorded statement of the witness who was testifying a
25 moment ago. I thought it was shorter, and it turns out it's

1 rather -- it's somewhat lengthy. It's somewhat unusual to
2 break during the middle of a witness's testimony, but based
3 upon the time and what time you guys would be here tonight,
4 I think it's best if we just go ahead and call it a day
5 since y'all have been working very, very hard this
6 afternoon. What I am going to ask you to do is if you could
7 be back in the jury room by 9:30 tomorrow morning. They
8 will have some coffee, maybe some snacks or something,
9 donuts. I'm not quite sure what they provide, but they will
10 have something to munch on. It probably won't be a lot, so
11 go ahead and grab some breakfast before you come in.

12 Now, tonight I know full well that whoever you have
13 that lives with you, your husband, spouse, mom, child,
14 significant other I know that they're aware that you have
15 jury duty this week, and it's perfectly fine to tell them
16 that you have been selected on a case, okay. The next
17 question they're going to ask you, though, is, well, what
18 kind of case is it, what can you tell me about it. Blame it
19 on me. Tell them that you can't speak about the case
20 because, again, as I told you before lunch, this is your
21 decision to make. No matter how well intentioned their
22 comments might be it's still your decision and it would not
23 be proper for your decision in this case to be influenced by
24 anything that they may say to you. So blame it on me when
25 you tell them that I really can't talk about it and I can

1 talk to you after the case is over with, but right now the
2 judge told me not to discuss it. Hopefully your lives are
3 more interesting than this case and you'll have many, many
4 interesting things to discuss tonight as opposed to what you
5 did today.

6 Additionally, I doubt this is going to happen, but
7 should anyone try to contact you concerning this case, you
8 need to immediately just stop any sort of conversation, dial
9 911, let the police know. They'll come out immediately,
10 okay. I don't think it's going to happen, but it has been
11 known to happen on occasion. So if anyone were to try to
12 contact you immediately report that to the police and
13 they'll take care of that, okay. With that, I hope you have
14 a pleasant evening. Again, if you could, be back in the
15 jury room at 9:30 tomorrow morning. We'll resume with this
16 trial and proceed from there. So thank you. Y'all have a
17 good night. See you in the morning.

18 (Whereupon, the jury exited the courtroom at 5:15 p.m.)

19 TRIAL DAY 2- 07/30/2013

20 BAILIFF: All rise. Court come to order. The Honorable
21 Frank Addy presiding.

22 THE COURT: Thank you. Please have a seat. The record
23 should reflect that the defendant is present along with
24 counsel. The state is present and I'm told that the jury is
25 here. Do y'all have the system ready to play the tape?

Cross-Examination by Ms. Horlbeck- James Williams (continued from Day 1)

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1 Very good. Let's go ahead and have the jury out, please.

2 (Whereupon, the jury was seated in the courtroom at
3 9:45 a.m.)

4 THE COURT: Let the record reflect that the jury is back
5 and seated. Ladies and gentlemen of the jury I hope y'all
6 had a pleasant evening. I apologize for keeping y'all
7 waiting back there. I will tell on myself. I inadvertently
8 left - - I was doing some work last night and I left the
9 laptop on my kitchen table and I got ten miles down the road
10 and had to double back to get it because I need it. I'm
11 sorry. I'm the one that caused court to start late and I
12 apologize to all of you for keeping you waiting. We are
13 still in the State's case in chief. At this point, Mr.
14 Brown, I think that we were on cross. Do you have the
15 witness that was up here yesterday?

16 MR. BROWN: Brandon Williams.

17 THE COURT: If you'll ask him to step up here and I
18 think we have the CD ready to play. Just have a seat, Mr.
19 Williams. Mr. Williams, I'll remind you that you're still
20 under oath from yesterday, sir. You can proceed.

21 CROSS EXAMINATION (Continued from Day 1)

22 BY MS. HORLBECK:

23 Q Good morning, again. Mr. Williams.

24 A Good morning.

25 Q Before we begin playing the CD of your statement to the

1 police, take a look at the clock and just tell me what time
2 it is.

3 A It's 9:50. Ten to ten.

4 Q Maybe 9:47 or 48?

5 A Yeah.

6 (Whereupon audio was published for the jury)

7 Q I'm just going to pause it there briefly. Look at the
8 clock. Tell me what time it is.

9 A It's about 10:03, 04.

10 Q Okay. When you looked at the clock the first time it
11 was about 9:47; correct?

12 A Right.

13 Q So about 15, 16 minutes passed in this interview with
14 the police before you admitted the text from your cousin,
15 Edward, was asking you to be the driver on a lick. Is that
16 correct?

17 A Right.

18 Q What is a lick mean?

19 A It's like a robbery like --

20 Q Okay.

21 A -- just a robbery, crime robbery.

22 Q Is a lick in your mind, is it what happened to Mr.
23 Knox's house?

24 A Yes.

25 Q I'm going to un-pause this and play it.

Cross-Examination by Ms. Horlbeck- James Williams (continued from Day 1)

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1 (Whereupon, audio CD was played for the jury)

2 Q What time is it now?

3 A 10:22. I mean, 10:18.

4 Q About 10:18. Is that fair?

5 A Yes.

6 Q Okay. All right. So for about the first half hour of
7 this interview between yourself and the police you told them
8 you thought everything was cool. You didn't know anything
9 about a burglary, right?

10 A Right.

11 Q And when you saw what everyone -- what was going on you
12 pulled off, you didn't want any part of it. You told them,
13 too, didn't you?

14 A Yes, ma'am. Yes, ma'am.

15 Q Okay. And you didn't know a hundred percent why on
16 earth you were in Abbeville, correct?

17 A Yes, ma'am.

18 Q And you also just blatantly told the police for --
19 maybe more than a half-hour you didn't know anything about a
20 plan.

21 A Yes, ma'am.

22 Q And then you finally, about a half-hour into this
23 changed your story and now all of a sudden I know about a
24 plan, right?

25 A Yes, ma'am.

- 1 Q There was a plan?
- 2 A Yes, ma'am.
- 3 Q And the police asked you to cooperate, didn't they?
- 4 A Yes, ma'am.
- 5 Q They told you if you help us we'll help you?
- 6 A Yes, ma'am.
- 7 Q Work with us, we'll work with you.
- 8 A Yes, ma'am.
- 9 Q Is that what they said?
- 10 A That's right.
- 11 Q And just to clarify, your cousin's role, Edward's role
- 12 in all of this, Edward texted you, didn't he?
- 13 A Yes, ma'am.
- 14 Q And Edward offered to pay you to drive, didn't he?
- 15 A Yes, ma'am.
- 16 Q And Edward was the one that got out of the car?
- 17 A Yes, ma'am.
- 18 Q He had the hammer in his hand?
- 19 A Yes, ma'am.
- 20 Q He broke out the window?
- 21 A Yes, ma'am.
- 22 Q And went inside, didn't he?
- 23 A Yes, ma'am.
- 24 Q You didn't want to be associated with this, did you?
- 25 A Absolutely I didn't know, ma'am.

Cross-Examination by Ms. Horlbeck- James Williams (continued from Day 1)

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1 Q I mean, when you were arrested and you were at the
2 police headquarters, you didn't want to admit to anything?

3 A No, ma'am.

4 Q You had your whole life in front of you, didn't you?

5 A Yes, ma'am.

6 Q You had school left, correct?

7 A Yes, ma'am.

8 Q You were getting ready to try to be a physical
9 therapist, correct?

10 A Yes, ma'am.

11 Q And your whole family was on the outside that you
12 loved?

13 A Yes, ma'am.

14 Q Your girlfriend?

15 A That's right.

16 Q And at that point it seemed like the best thing to do
17 was to create some distance between yourself and what
18 happened. Isn't that what you thought?

19 A Yes, ma'am.

20 Q At that point telling the police some kind of story
21 seemed like the best way to stay out of trouble, didn't it?

22 A Yes, ma'am. At the time, yes, ma'am.

23 Q And you swore to the police that this Abbeville
24 burglary was the only time you've ever been involved in
25 anything, correct?

1 A Yes, ma'am.

2 Q But you know your cousin Edward uses and sells reefer,
3 don't you?

4 A Yes, ma'am.

5 Q And you told that to the police, didn't you?

6 A Yes, ma'am.

7 Q How long were you in jail before you were able to bond
8 out? A few weeks?

9 A Maybe like two weeks. I can't remember.

10 Q While you were in jail did you get to do what you
11 wanted to do?

12 A No, ma'am, I didn't.

13 Q Didn't get to eat what you wanted to eat?

14 A No, ma'am.

15 Q Didn't get to keep going to school, did you?

16 A No, ma'am.

17 Q You said you were working on your mom's paper route.

18 A Yes, ma'am.

19 Q Didn't get to earn any money, did you?

20 A No, ma'am.

21 Q And you certainly didn't get to spend your money the
22 way that you wanted to, did you?

23 A No, ma'am.

24 Q Because jail controlled your every movement, didn't it?

25 A Yes, ma'am.

Cross-Examination by Ms. Horlbeck- James Williams (continued from Day 1)

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1 Q When you bonded out did you get a job?

2 A A couple months later, yes, ma'am, I did.

3 Q Where did you work?

4 A At this plant - - just bagging groceries.

5 Q Were you working at that job when you pled guilty on
6 May 29th?

7 A No, I wasn't.

8 Q Did you have another job?

9 A Yes, ma'am.

10 Q All right. You did your best, then, to be gainfully
11 employed and earn some money an honest way, correct?

12 A Yes, ma'am.

13 Q Because you didn't want to go back to prison?

14 A No, ma'am.

15 Q You didn't want to go anywhere near the prison again,
16 did you?

17 A No, ma'am, I didn't.

18 Q And you pled guilty to burglary second, conspiracy, and
19 grand larceny, didn't you?

20 A Yes, ma'am.

21 Q Do you recall what your sentence was?

22 A On probation.

23 Q You're on probation now?

24 A Yes, ma'am.

25 Q Were the police present when you pled guilty? Do you

1 recall?

2 A I don't think they were, no, ma'am.

3 Q And your charges were reduced, weren't they?

4 A Yes, ma'am.

5 Q Were you also found with some reefer in the SUV?

6 A Yes, ma'am, I was.

7 Q And were you charged with that charge?

8 A Yes, ma'am.

9 Q That charge was dismissed, wasn't it?

10 A Yes, ma'am.

11 Q And you don't have any other charges pending in any
12 other counties, do you?

13 A No, ma'am.

14 Q And after what happened in Abbeville you weren't
15 charged with any other charges in any other counties, were
16 you?

17 A No, ma'am.

18 Q And you got probation, didn't you?

19 A Yes, ma'am.

20 MS. HORLBECK: I beg the Court's indulgence. That's all

21 I have. At this point I would like to move that portion of
22 the -- that we heard into evidence.

23 MR. BROWN: Without objection.

24 THE COURT: Very good. That will be Defense Exhibit No.

25 2.

Re-Direct Examination by Mr. Brown- James Brandon Williams

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1 MS. HORLBECK: Exhibit No. 1.

2 THE COURT: You've already got Exhibit No. 1 in.

3 MS. HORLBECK: I think that was just marked for -- I'm
4 sorry, I don't know what I'm talking about.

5 THE COURT: It will be defense Exhibit No. 2, I think.
6 Whatever the Court Reporter says. That will be in evidence
7 without objection.

8 MS. HORLBECK: Thank you, judge.

9 THE COURT: Re-Direct?

10 MR. BROWN: Yes, Your Honor.

11 Re-DIRECT EXAMINATION

12 BY MR. BROWN

13 Q Now, Brandon, what day were you questioned by the
14 police after that burglary?

15 A The 8th of October.

16 Q So the day after?

17 A The day after. Yes, sir.

18 Q And were you scared?

19 A Yeah. Actually, I was. Yes, sir.

20 Q And later on about that 30 minute mark into the talking
21 with the police did you tell the truth?

22 A Yes, I did.

23 Q Did you tell the truth yesterday in the courtroom?

24 A Yes, sir, I did.

25 Q Were you promised, or coerced, threatened, or anything

1 like that to testify here in court today?

2 A No, sir, not at all.

3 Q Were you threatened, coerced, promised anything to
4 testify in court yesterday?

5 A No, sir, not at all.

6 Q Why did you kind of give half truths the first part of
7 your interview to the police?

8 A Just nervous. Just scared. That was the first time I
9 was ever in that predicament, so just nervous. Nervous.

10 Q But the constant -- you did tell the police the whole
11 way through, even up to the 30 minute mark, that you, Edward
12 Thompson and Quentin Dean traveled from Anderson down to Mr.
13 Knox's house, right?

14 A Yes, sir. Right.

15 Q What did y'all do when you got to that house?

16 A Broke in.

17 Q And who broke in the house?

18 A Edward Thompson and Quentin Dean.

19 Q And where were you?

20 A I was -- well, I came back. I had left and then I came
21 back in the backyard.

22 Q This was all a plan?

23 A Yes, sir, it was.

24 Q Again, what was brought out of the house? What did
25 y'all take from Mr. Knox?

1 A A couple of rifles and tried to get a TV out, but he
2 had popped up as they was trying to load it in, but that's
3 all I knew to my knowledge.

4 Q And, again, are you telling the truth of what happened
5 that day ---

6 A Yes, sir, I am.

7 Q --- on October 7, 2010?

8 A Yes, sir.

9 Q And whose car were y'all in?

10 A It was in my car.

11 Q What color car was that?

12 A Burgundy.

13 Q Where were y'all parked when you first saw Mr. Knox?

14 A In the back. Well, I was parked in the back and they
15 saw him and they ran out and just took off.

16 Q Where were you when you saw Mr. Knox?

17 A I was in the car. In my car.

18 Q And where were they?

19 A They was in the back loading up, but they spotted him
20 and we took off.

21 Q What did they do when they spotted him?

22 A Just hopped in the car and ---

23 Q Jumped off the porch and into your car?

24 A Yes, sir.

25 Q How long after you left Mr. Knox's house were y'all

1 arrested?

2 A Maybe like -- I don't know. Like 30 or 40 minutes
3 later.

4 Q Thirty or 40 minutes?

5 A Yeah.

6 Q Is that -- are you guessing or you --

7 A I'm just guessing. I'm not sure, positive.

8 Q Could it have been quicker than that?

9 A Yeah, possibly could have been.

10 MR. BROWN: I beg the Court's indulgence.

11 Q One other thing. You'd readily admit here that you had
12 an active part in this burglary, right?

13 A Yes, sir.

14 Q And Edward did?

15 A Yes, sir.

16 Q Who else did?

17 A Quentin Dean did.

18 Q And, again, is Quentin Dean here in this courtroom?

19 A Yes, sir. He is.

20 Q Where is he?

21 A He's right there.

22 Q What's he wearing today?

23 A He's wearing a collared shirt, black and white stripes.

24 Q And Quentin Dean was with you that day --

25 A Yes, sir.

Re-Cross Examination by Ms. Horlbeck- James Brandon Williams

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1 Q -- you burglarized the house?

2 A Yes, sir.

3 Q Did Quentin Dean help load up the weapons out of the
4 house into your car?

5 A Yes, sir.

6 MR. BROWN: No further questions.

7 RE-CROSS EXAMINATION

8 BY MS. HORLBECK:

9 Q Brandon, you testified that you've been telling the
10 truth, correct?

11 A Yes, ma'am.

12 Q Now, when you talked to the police, the police expected
13 the truth from you, didn't they?

14 A Yes, ma'am, they did.

15 Q All right. Okay. And for the first half-hour of your
16 conversation with them the day after this happened you spent
17 the entire time telling half truths. Isn't that correct?

18 A Pretty much so.

19 Q Half truth is just another word for a lie, isn't it?

20 A Yes, ma'am.

21 Q So you lied the majority of the interview to the
22 police. Isn't that right?

23 A Yes, ma'am.

24 Q And the police asked you to help them and they'd help
25 you. Didn't they?

1 A Yes, ma'am.

2 Q And you pled guilty and got probation, didn't you?

3 A Yes, ma'am.

4 MS. HORLBECK: That's all I have. Thank you.

5 THE COURT: Thank you, sir. You can step down.

6 Solicitor, if you'll call the next witness, please.

7 MR. BROWN: The state calls Jason Bonds.

8 JASON BONDS, having first been duly
9 sworn, testifies as follows:

10 DIRECT EXAMINATION

11 BY MR. MORROW:

12 Q Will you state your name for the record?

13 A Jason Bonds.

14 Q And, Mr. Bonds, I see that badge around your neck. You
15 work for the Abbeville County Sheriff's Office? Is that
16 correct?

17 A Yes, sir.

18 Q All right. How long have you worked there?

19 A Just over six years.

20 Q And what are your duties there?

21 A I'm a sergeant investigator in the narcotics division.

22 Q And were you working there on October 7, 2010?

23 A Yes, sir, I was.

24 Q Did you respond to the call of a burglary in progress?

25 A I did respond to the area. I was actually headed to

Direct Examination by Cam Morrow- Jason Bonds

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1 the scene - rather the officer who responded to the traffic
2 stop, I then responded to their scene.

3 Q Okay. Now, once you got to the -- what was the call
4 that you heard over the radio? What was it about?

5 A To my understanding, it was basically a burglary. The
6 gentleman, the victim, had come home, observed some male
7 subjects leaving from his residence of some sort, jumped
8 into a vehicle and then he did attempt to follow them an
9 unknown amount of distance. I'm not sure how far. Did lose
10 sight of them, at which time one of our officers did spot
11 the vehicle that was -- matched the description given to us.

12 Q Can you describe the vehicle?

13 A To my recollection, it was a burgundy or red in color
14 Mitsubishi SUV.

15 Q Okay. Once you got the scene what was your role there,
16 what did you do?

17 A Well, once I arrived on scene officers already had --
18 were already getting the subjects out of the vehicle,
19 already had them out. They had them detained at that time.
20 I was asked to place one of the subjects into my patrol car,
21 as far as separating them.

22 Q So you placed one of the subjects in your patrol car?

23 A I did.

24 Q And who did you place in your patrol car?

25 A Mr. Quentin Dean.

Direct Examination by Cam Morrow- Jason Bonds

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1 Q And is Mr. Quentin Dean in the courtroom today?

2 A He is.

3 Q Could you identify him?

4 A Mr. Dean is wearing the black and white polo shirt and,
5 I believe, blue jeans.

6 Q Thank you. I want to show you what's been marked as
7 State's evidence Exhibit No. 32.

8 A Yes, sir.

9 Q What is that?

10 A These are items that I found in a bag once I arrived at
11 the scene at the detention center with Mr. Dean. We did do
12 a property search form. It's just a search where basically
13 we check for any weapons he might have on him, any
14 paraphernalia, anything that he shouldn't obviously have in
15 jail or any property there that would need to be placed into
16 his property bin at the detention center. These are just
17 items that I found in a clear bag that was in his pocket.

18 Q So you found these items in his pocket?

19 A I did. Yes, sir.

20 Q And anything stand out to you about those items?

21 A When I originally pulled out the bag I did notice that
22 there was a class ring inside of it. I'm wanting to say
23 it's from Abbeville High School. It had Mrs. Knox, Sandy
24 Knox's, name on it.

25 Q So Ms. Knox, the victim's high school ring was in the

Direct Examination by Cam Morrow- Jason Bonds

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1 bag that you found in the defendant's pocket?

2 A That's correct.

3 Q And who found that ring?

4 A I did.

5 Q And this was -- is it a common practice for you to do
6 an inventory?

7 A Yes, sir. Anything that any defendant has or suspect -
8 - once we bring them into the detention center we search
9 their person. Like I said, again, make sure there's no
10 contraband, any paraphernalia, any type of weapons. And
11 also their property they place into a bin that is held by
12 the detention center.

13 Q Okay. And what did you do with that once you found it
14 on the defendant?

15 A As far as the property?

16 Q Yes.

17 A Once I found the property and observed the ring in
18 there I also felt that it may be related to the case. I
19 then left from the detention center from the sally port
20 area, drove down to our impound lot where Investigator
21 Thompson was placing the vehicle, the suspect vehicle at the
22 time. And then released the property to him.

23 MR. BROWN: I beg the court's indulgence.

24 THE COURT: Yes, sir.

25 MR. BROWN: No further questions for this witness.

1 THE COURT: Cross?

2 CROSS EXAMINATION

3 BY MS. HORLBECK:

4 Q Sergeant Bonds, you work in the narcotics division?

5 A Yes, ma'am, I do.

6 Q Okay. And you testified on -- let me back up. My name
7 is Caroline Horlbeck, and I just have a few questions for
8 you.

9 A Yes, ma'am.

10 Q You responded to the area where the SUV was pulled
11 over. Is that correct?

12 A Yes, ma'am.

13 Q But you were not actually present at the Knox home?

14 A No, ma'am. I never arrived at the Knox's.

15 Q Never went over the Knox home at all that evening?

16 A No, ma'am.

17 Q All right. And so you certainly weren't an eye witness
18 and didn't see what happened, did you?

19 A No, ma'am.

20 Q And you don't know who went into the house, did you --
21 do you?

22 A I can't answer that.

23 Q And you don't know the circumstances of how a bag of
24 jewelry got into Mr. Dean's pocket, do you?

25 A I can only answer for what I found on his person.

Cross-Examination by Ms. Horlbeck- Jason Bonds

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1 Q And you don't know whether or not he went in the house
2 and got it or whether or not someone handed him the bag
3 after they came out with it?

4 A No, ma'am.

5 Q All right. Now, was the bag that the jewelry came in,
6 was it -- do you have it? Did you put it in property and
7 evidence?

8 A I released it to Detective Thompson.

9 Q I'm sorry, say that again.

10 A I released the property to Detective Thompson.

11 Q Okay. And you testified on direct examination that the
12 bag was a plastic bag?

13 A I want to say it was a clear, plastic bag from my
14 recollection.

15 Q Okay. All right. And did you take the bag -- or did
16 you bring the bag here with you to court?

17 A No, ma'am.

18 Q All right. Did you put it in the works that the bag
19 would be dusted down for prints?

20 A I was not an investigator at the time. No, ma'am.

21 Q Okay.

22 A I released the property to a detective that was working
23 the scene.

24 Q All right. To your knowledge, was the bag dusted down
25 for prints?

1 A I wouldn't be aware after the fact that I released the
2 property to Detective Thompson.

3 Q Okay. So, to your knowledge, you got no knowledge that
4 bag was ever dusted down for prints?

5 A Absolutely none.

6 Q And you didn't come here today with a report saying we
7 found a print and it matches X?

8 A No, ma'am.

9 Q All right. To your knowledge, was any of the jewelry
10 or the paper money inside that bag, was that dusted down for
11 prints?

12 A Not to my knowledge. I wouldn't be aware of it.

13 Q Okay. And you say you're not aware of it. If you had
14 been -- well, then did you -- you don't -- you did not bring
15 a report saying these items were dusted down for prints, we
16 found prints and they match X?

17 A Yes, ma'am. Once, again, I'm not -- I was not an
18 investigator at the time. I did not handle criminal
19 investigations. I released it to an investigator that would
20 have done that.

21 Q All right. So you have no evidence with you today of
22 any prints that match anybody?

23 A No, ma'am.

24 Q All right. And the article of clothing that the
25 jewelry was in, was that placed into property and evidence?

Re-direct Examination by Cam Morrow- Jason Bonds

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1 A It should have been. Yes, ma'am.

2 Q Did you bring it with you today?

3 A No, ma'am. Once again, I released that property to
4 Investigator Thompson.

5 Q Okay. And do you see Investigator Thompson or anybody
6 else today with a plastic bag or an article of clothing?

7 A No, I haven't seen it. No, ma'am.

8 Q All right.

9 MS. HORLBECK: That's all I have. Thank you.

10 MR. MORROW: Just a few questions.

11 RE-DIRECT EXAMINATION

12 BY MR. MORROW:

13 Q Where did you find that evidence?

14 A I removed it from Mr. Dean's person.

15 Q Okay. That was in his pocket?

16 A Yes, sir.

17 Q And is Mr. Dean in the courtroom, again?

18 A He is. Yes, sir.

19 Q Where is he?

20 A Sitting at the defense table. The one with the
21 collared shirt.

22 MR. MORROW: Thank you. No further questions.

23 MS. HORLBECK: No further questions.

24 THE COURT: Thank you, sir. You can step down.

25 (Whereupon, the witness exited the witness stand.)

1 THE COURT: Solicitor, if you'll call your next witness,
2 please.

3 MR. BROWN: Judge, can we take a quick break?

4 THE COURT: All right. Very good. We'll be at ease for
5 about five or ten minutes. Ladies and gentlemen, adjourn to
6 the back. Don't talk about the case yet. We'll have you
7 back out here shortly. Thank you.

8 (Whereupon, the jury exited the courtroom at 10:15 a.m.)

9 THE COURT: We're at ease.

10 (Whereupon the court was in recess until 10:20 a.m.)

11 THE COURT: If we may, let's go back on the record. Ms.
12 Horlbeck, you've had a chance to discuss with Mr. Dean
13 whether or not he's going to testify. Is that correct?

14 MS. HORLBECK: I have.

15 THE COURT: All right. And in a moment I'm going to let
16 the state rest formally. We'll deal with motions. But
17 while we're on this topic, has he made a decision and what
18 is that decision?

19 MS. HORLBECK: He's made a decision, and he decided not
20 to testify.

21 THE COURT: Okay. Very good. Just for the record
22 before I review with Mr. Dean his Fifth Amendment rights,
23 Mr. Brown, the state rests at this time?

24 MR. BROWN: That's correct, Your Honor.

25 THE COURT: All right. Ms. Horlbeck, let me go ahead

1 and hear you on motions, please.

2 MS. HORLBECK: Judge, I just have a motion for a
3 directed verdict. Our position is that the state's evidence
4 merely raises a suspicion of Mr. Dean's guilt. And, as
5 such, to permit the jury to merely conjecture or speculate
6 as to his guilt. So this -- our position is they have
7 presented no substantial, either direct or circumstantial,
8 which reasonably tends to prove guilt or from which guilt
9 may be fairly and logically deduced. And we, at this time,
10 would ask that Your Honor grant a directed verdict.

11 THE COURT: All right. In the light most favorably to
12 the state, I do find that there is evidence from which the
13 court could reasonably conclude that Mr. Dean was involved
14 with these particular offenses, so I will deny your motion
15 at this particular time. Mr. Dean, if you would, you can
16 stay seated, but I just need you to raise your right hand.
17 I've just got to ask you a few questions about your right to
18 testify, okay? Swear or affirm testimony you're about to
19 give is the truth?

20 MR. DEAN: Yes, sir.

21 THE COURT: You are Quentin Stepfon Dean?

22 MR. DEAN: Yes, sir.

23 THE COURT: Now, Mr. Dean, at this time I'm going to
24 explain to you certain rights. And if you don't understand
25 something I'm saying to you, stop me and ask me about it or

1 you can talk to your attorney about it. Okay, sir?

2 MR. DEAN: Yes, sir.

3 THE COURT: Now, we've reached the stage of the trial
4 where you can present a defense and you have the right to
5 claim certain protections that are applicable to you under
6 the Fifth Amendment of the US Constitution and the corollary
7 amendment under the South Carolina Constitution. And,
8 namely, the Fifth Amendment states in part that no person
9 shall be compelled in a criminal case to be a witness
10 against himself. That means that you cannot be required to
11 be a witness in this case. You cannot be called to testify
12 by your attorney, by the state, not even by me. Okay?

13 MR. DEAN: Yes, sir.

14 THE COURT: You have the right to testify on your own
15 behalf if you chose to do so. And this is a personal right
16 that can only be waived by you. You understand that, Mr.
17 Dean?

18 MR. DEAN: Yes, sir.

19 THE COURT: Now, if you decide to testify, Mr. Dean,
20 you'll be subject to the same rules of cross examination as
21 any other witness. And I don't know if you have certain
22 convictions against you that involve crimes of dishonesty or
23 that carry the possible sentence of more than a year in
24 prison, but if I were to determine that the probative value
25 of those convictions outweighs the prejudicial effect, then

1 the Solicitor would be allowed to cross examine you on those
2 convictions just for the purposes of impeaching your
3 credibility. You understand that?

4 MR. DEAN: Yes, sir.

5 THE COURT: And I would instruct the jury on that entire
6 issue on the fact that they can only use those prior
7 convictions in assessing whether your testimony is credible.
8 Do you understand, Mr. Dean?

9 MR. DEAN: Yes, sir.

10 THE COURT: Now, if you decide to testify, Mr. Dean,
11 this decision has to be made freely and voluntarily and
12 intelligently with the full understanding of the protections
13 of the law and the consequences of your decisions. Now, if
14 you decide not to testify I'll instruct the jury that they
15 cannot give the fact that you didn't testify any
16 consideration whatsoever and that there is to be absolutely
17 no prejudice to you because you chose not to testify. Now,
18 you can talk with your attorney, your family, your friends,
19 whoever you might want to speak to, but you understand that
20 ultimately the final decision on this question is yours to
21 make. You understand that, Mr. Dean?

22 MR. DEAN: Yes, sir.

23 THE COURT: Have you understood everything I have
24 explained to you?

25 MR. DEAN: Yes, sir.

1 THE COURT: Do you need to ask me about anything that
2 we've discussed?

3 MR. DEAN: No, sir.

4 THE COURT: And is your attorney correct that you do not
5 want to testify? Is that right?

6 MR. DEAN: Yes, sir, that's correct.

7 THE COURT: Very good. All right. Ms. Horlbeck, do you
8 intend to present a defense?

9 MS. HORLBECK: I do.

10 THE COURT: And I believe that you said, Mr. Brown,
11 that the co-defendant was on his way. Do you know if he's
12 gotten here quite yet. Can we check, perhaps?

13 MR. BROWN: I'm going to check. I did call over to the
14 detention center and they said they were going to have him
15 on his way.

16 THE COURT: All right. Not to hold you to it,
17 necessarily, Ms. Horlbeck, but do you anticipate calling any
18 other witnesses after this gentleman?

19 MS. HORLBECK: I don't believe so.

20 THE COURT: That will be it, then?

21 MS. HORLBECK: Yes, sir.

22 THE COURT: And I believe he does have a criminal
23 history that would be impeachable. Certainly, this is
24 offense he pled guilty to. And then there was something --
25 the next witness.

1 MR. BROWN: Next witness.

2 THE COURT: The Thompson gentleman.

3 MR. BROWN: I'll double check again. Judge, he actually
4 did -- he did not have a prior.

5 THE COURT: Oh, he does not have a prior?

6 MR. BROWN: He did not at that time.

7 THE COURT: Okay.

8 MR. BROWN: Not before he pled guilty.

9 THE COURT: Okay. And y'all don't have to worry about
10 studying those right now because what we'll do is after the
11 next witness we'll give you a break before we go into
12 closing and everything else and you can have a chance then
13 to take a better look at what I've handed you.

14 THE COURT: The bailiff ran downstairs to get him. He's
15 at the backdoor.

16 MR. BROWN: Judge, one thing. He is -- they have do
17 have him in handcuffs and shackles. How do you want to do
18 that when he comes in here?

19 THE COURT: I don't think he's going anywhere. I
20 imagine it's pretty safe to take them off him. I'm not too
21 worried about it.

22 (Whereupon, the jury entered the courtroom)

23 THE COURT: Let the record reflect that the jury is back
24 and seated. At this time, Solicitor, call your next
25 witness, please.

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1 MR. BROWN: Judge, at this time the state rests its
2 case.

3 THE COURT: Ms. Horlbeck, you're recognized for your
4 defense, ma'am.

5 MS. HORLBECK: Judge, the defense calls Edward Thompson
6 to the stand.

7 THE COURT: I'm going to ask Mr. Thompson to step up,
8 please.

9 (Witness complies)

10 EDWARD THOMPSON, being first duly sworn,
11 testifies as follows:

12 DIRECT EXAMINATION BY MS. HORLBECK:

13 Q Mr. Thompson, my name is Caroline Horlbeck, and I
14 represent Quentin Dean in this case. I just have a few
15 questions to ask you. Do you go by Edward or Montreze?

16 A Montreze.

17 Q Am I pronouncing it right?

18 A No, ma'am. Montreze.

19 Q Montreze?

20 A Montreze.

21 Q Montreze?

22 A Montreze.

23 Q Montreze, okay. Why don't I just call you Edward
24 because I'm afraid -- or Mr. Thompson because I'm afraid I'm
25 going to massacre your name. I've never -- you and I have

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1 never met. Is that correct?

2 A Yes, ma'am.

3 Q Did you plead guilty to these charges?

4 A Yes, ma'am.

5 Q Do you recall what charges you pled guilty to?

6 A I think it was six, if I'm not mistaken. I don't know
7 all of them, but I know it was burglary and conspiracy and
8 malicious something damage. But I don't know the rest of
9 them.

10 Q All right. Do you know what degree burglary?

11 A It was first.

12 Q You sure it was first degree? Was there any reduction
13 in your case?

14 A Yes, ma'am. It was dropped to second.

15 Q And you pled to guilty? Is it true that you pled
16 guilty to a second offense burglary?

17 A Yes, ma'am.

18 Q And are you currently incarcerated?

19 A Yes, ma'am.

20 Q Where are you incarcerated?

21 A Turbeville. SCDC.

22 Q What sentence are you serving?

23 A I think it's six months. Six month Y.

24 Q Okay. Do you know what your actual release date is?

25 A December 15th -- 13, 2013. Or 14th. No, the 13th.

1 Q All right. Is that the same date as your parole day?

2 And if you don't know, that's fine.

3 A No, ma'am.

4 Q Do you know if that's the same date as your parole
5 date?

6 A No, ma'am, it's not.

7 Q What's your actual parole date?

8 A I think December 15, 2017.

9 Q All right. What institution are you incarcerated at?

10 A Turbeville.

11 Q While you're in Turbeville are you able to do what you
12 want to do?

13 A No, ma'am.

14 Q I've got some questions to ask you about this
15 particular case and the charges that you pled guilty to and
16 a particular discussion that you had with the police.

17 A Yes, ma'am.

18 Q Do you recall telling the police that you sold drugs?

19 A I think, if I'm not mistaken. Yes, ma'am.

20 Q Did you -- do you recall telling them what drug you
21 used and sold?

22 A Marijuana.

23 Q Do you recall whether or not you were charged with a
24 marijuana or did you plead guilty to a marijuana offense?

25 A No, ma'am.

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1 Q How long had you been selling marijuana?

2 A When I found out I had disability problem.

3 Q When did you find out you have a disability problem?

4 A 2009.

5 Q How old were you in 2009?

6 A I was like -- I would say about 20 -- no, about 21, 20.

7 Q And how old are you now?

8 A Twenty-three.

9 Q Is it correct to say that you've been selling drugs
10 since about age 21?

11 A Yes, ma'am.

12 Q And how did you get into selling reefer?

13 A Honestly, I had to do what I had to do. Pay bills.
14 Didn't have no income.

15 Q Were you working at the time legally?

16 A No, ma'am.

17 Q And did you begin as a user?

18 A No, ma'am.

19 Q Just sell -- just sell reefer. All right. And to
20 support your employment selling reefer did you have any
21 scales, things like that that you would use?

22 A Yes, ma'am.

23 Q Are you familiar with the amounts of reefer that you
24 would divide out to sell?

25 A Probably just an ounce.

- 1 Q Is that the amount that you would normally sell?
- 2 A Yes, ma'am.
- 3 Q But is it correct -- have you ever been caught for
- 4 selling reefer?
- 5 A I have been pulled over, yes, ma'am.
- 6 Q But were -- have you ever been charged?
- 7 A Marijuana possession, yes, ma'am.
- 8 Q Okay. Before pleading guilty to these charges on May
- 9 29th you didn't have a record then, did you?
- 10 A No, ma'am.
- 11 Q And on May 29th is it fair to say that you pled to
- 12 burglary second, grand larceny, and conspiracy?
- 13 A Yes, ma'am.
- 14 Q Now, this Abbeville burglary -- well, let me back up a
- 15 little bit. Do you know what a lick is?
- 16 A Yes, ma'am.
- 17 Q What is a lick?
- 18 A You might as well say anything dealing with a robbery.
- 19 Q What happened in Abbeville was that what you would call
- 20 a lick?
- 21 A Yes, ma'am.
- 22 Q All right. And the Abbeville situation was not your
- 23 first lick, was it?
- 24 A Yes, ma'am.
- 25 Q Was it your first lick in Abbeville County?

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1 A Honestly, I didn't even know I was in Abbeville County.

2 Q Was it your first lick ever?

3 A Yes, ma'am.

4 Q Is that what you told the police?

5 A If I recall, yes, ma'am.

6 Q So let me just make sure I understand. You told the
7 police that this Abbeville County lick was your first lick
8 ever?

9 A Yes, ma'am. Mr. Thompson.

10 Q And you haven't -- have you been charged with any other
11 licks from any other counties?

12 A No, ma'am.

13 Q Okay. Are you familiar with the Broadway Lake area in
14 Anderson County?

15 A My family stay out there.

16 Q Did you tell the police anything about homes or
17 burglaries on Broadway Lake when you talked to them after
18 your arrest?

19 A No, ma'am.

20 Q And did you provide them any information about licks
21 that you did on Broadway?

22 A No, ma'am.

23 Q All right. And when -- so when you talked to the
24 police -- how soon after your arrest did you talk with the
25 police?

1 A I think in the next day, if I'm not mistaken.

2 Q Do you know if your interview with the police was
3 recorded?

4 A I think, yes, ma'am.

5 Q And when you talked to the police you told them there
6 was a plan; correct?

7 A Yes, ma'am. I told them -- well, me and Brandon had
8 text each other.

9 Q I'm sorry, say that -- I didn't --

10 A I told them me and Brandon Williams had text each other
11 the day before.

12 Q Okay. And did you tell -- what else did you tell them
13 about the text?

14 A Mostly, I asked him -- well, no, matter of fact, he
15 asked me did I want to hit a lick. I told him yeah.

16 Q Brandon asked you?

17 A Yes, ma'am.

18 Q Okay. Is that the first time Brandon and you ever got
19 involved together in a lick?

20 A Yes, ma'am.

21 Q And did you tell that this -- did you tell the police
22 that this was the first time you and Brandon ever got
23 involved in a lick?

24 A Yes, ma'am.

25 Q Okay. And did you also -- did you tell the police

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1 anything about Brandon's role, like what Brandon did in
2 this?

3 A Yes, ma'am.

4 Q And did you also mention to the police Quentin Dean?

5 A Yes, ma'am.

6 Q Okay. And what did you tell the police that day about
7 Quentin Dean?

8 A Honestly, I told him he didn't really have no part into
9 it. He didn't know about it.

10 Q Okay. And did you also make a written statement a
11 couple months later?

12 A Yes, ma'am.

13 Q And the written statement, did you say that Quentin
14 didn't want to come with you and Brandon?

15 A Yes, ma'am.

16 Q And did you say that Quentin didn't want to come with
17 you and Brandon to break in a house?

18 A Yes, ma'am.

19 Q And did you say that you told Quentin that y'all were
20 just riding?

21 A Yes, ma'am.

22 Q All right. And did you say that you thought that you
23 could change Quentin's mind to come with you when he got
24 into the car?

25 A Yes, ma'am.

1 Q And then did you also say in this written statement
2 when y'all found a house Quentin said he was not going to go
3 inside because he couldn't do it?

4 A Yes, ma'am.

5 Q And then did you also write in this written statement
6 that you took the hammer and broke out the back window on
7 the door?

8 A Yes, ma'am.

9 Q And did you also say in this written statement that you
10 were the only one that went in and took the merchandise?

11 A Yes, ma'am.

12 Q Do you recall -- when you talked to the police do you
13 recall the police asking for your cooperation?

14 A Yes, ma'am.

15 Q And did the police tell you, you know, if you work with
16 us we'll work with you?

17 A Yes, ma'am.

18 Q Did they tell you if you help us we'll help you?

19 A Yes, ma'am.

20 Q Okay. How long were you in the jail?

21 A Twenty-seven days.

22 Q And how did you get out? Did you post bond or . . .

23 A Bond, yes, ma'am.

24 Q And when you posted bond what did you do to make money?

25 A I worked for a man name Stoney Bailey.

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1 Q Who is Stoney Bailey?

2 A He's a realtor.

3 Q How long did you work for Mr. Bailey?

4 A Honestly, still working for him to this day -- well,
5 still working for him.

6 Q Okay. All right. So did you take steps then to get
7 gainfully employed and make an honest living?

8 A Yes, ma'am.

9 Q All right. Because you didn't want to go back to the
10 jail, did you?

11 A No, ma'am.

12 Q And you didn't want to go back. You didn't want to
13 risk going to prison, did you?

14 A No, ma'am.

15 Q All right. Is it true that you -- well, let me back
16 up. We've already talked about the fact that you had work.
17 Are your parents still alive or have they passed away?

18 A My mother passed away and my father, he's still alive.

19 Q Okay. Do you have -- are you from Anderson County?

20 A Yes, ma'am.

21 Q Do you have family in Anderson County?

22 A Yes, ma'am.

23 Q Do you have children?

24 A Yes, ma'am. I just had one.

25 Q You just had one?

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- 1 A Yes, ma'am.
- 2 Q How old is your child?
- 3 A He's two months.
- 4 Q All right. Do you have a girlfriend or are you
- 5 married?
- 6 A No, ma'am.
- 7 Q Okay. No girlfriend?
- 8 A No girlfriend.
- 9 Q Okay. All right. Did you have a girlfriend at the
- 10 time when these charges were pending?
- 11 A Yes, ma'am.
- 12 Q And is this girlfriend, is she the mother of your child
- 13 now?
- 14 A No, ma'am.
- 15 Q Okay. All right. Is it fair to say you had a lot to
- 16 lose?
- 17 A Yes, ma'am.
- 18 Q Were you worried about losing the ability to see your
- 19 family?
- 20 A Yes, ma'am.
- 21 Q Were you worried about -- what other things were you
- 22 worried about losing?
- 23 A Mostly the trust of Stoney Bailey. Just mostly being
- 24 around my family, little cousins.
- 25 Q And when you spoke to the police did you tell them the

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1 things that you told us today?

2 A Yes, ma'am.

3 Q All right. Did you say anything about Quentin Dean
4 other than what you've told us today?

5 A Not that I recall.

6 Q All right. And after when the police asked you to
7 cooperate the things that you told them, are they on -- are
8 they recorded, to your knowledge?

9 A Yes, ma'am, I think.

10 Q Okay.

11 MS. HORLBECK: I beg the court's indulgence.

12 THE COURT: Yes, ma'am.

13 MS. HORLBECK: That's all I have. Please answer any
14 questions that the Solicitor may have for you.

15 THE COURT: Solicitor?

16 MR. BROWN: Thank you, Your Honor.

17 CROSS EXAMINATION

18 BY MR. BROWN:

19 Q Mr. Thompson, how are you?

20 A I'm doing fine.

21 Q Good. All right. Go back to -- where are you now, you
22 say?

23 A Turbeville.

24 Q Turbeville. And did you plead guilty to these charges?

25 A Yes, sir.

1 Q Were you promised or coerced or anything like that to
2 make you plead guilty?

3 A No, sir.

4 Q Were you promised anything to make you give a
5 statement?

6 A No, sir.

7 Q Promised anything to testify here in court today?

8 A No, sir.

9 Q What you say in court today, is it true?

10 A Yes, sir.

11 Q Is it what you said the day after you talked -- after
12 you did this burglary what you told the police?

13 A Yes, sir.

14 Q So the day after you told -- after you did this
15 burglary -- who was with you when the burglary took place?

16 A Brandon Williams. He was the driver. And Quentin
17 Dean.

18 Q Quentin Dean?

19 A Yes, sir.

20 Q Is Quentin Dean here in the courtroom?

21 A Yes, sir.

22 Q What's he wearing?

23 A Right there.

24 Q What's he wearing?

25 A White and gray, black.

Cross-Examination by Mr. Brown- Edward Thompson

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1 Q And he was with you when you went down to Mr. Knox's
2 house and burglarized it?

3 A Yes, sir.

4 Q Where did y'all meet up?

5 A You might as well say apartment complex.

6 Q Where?

7 A In Anderson.

8 Q And how did y'all decide to meet up?

9 A Honestly, Brandon text me -- me and Quentin. We was
10 around each other at the time. And he didn't really know
11 what was going on.

12 Q He didn't know what was going on?

13 A No, sir, not really.

14 Q Not really? He just happened to hop in the car with
15 you?

16 A Yes, sir.

17 Q Y'all just go for a joy ride?

18 A Yes, sir.

19 Q What made you go down to Abbeville?

20 A Honestly, we didn't know. It was -- took back roads
21 and ended up at a house.

22 Q If y'all don't have any money what are you going around
23 joy riding for?

24 A It's just riding.

25 Q You didn't know you were about to break into Mr. Knox's

1 house and do a lick?

2 A At the time we didn't. We didn't know Mr. Knox or
3 nothing.

4 Q But you went around and found a house that nobody was
5 there, right?

6 A Correct.

7 Q And how did Quentin get in the car with you?

8 A He was convinced.

9 Q Convinced about what?

10 A Convinced to get in.

11 Q How was he convinced to get in?

12 A I told him to ride with me.

13 Q Did you put him in that car?

14 A No. I didn't put him in the car.

15 Q Could you put him in the car if you tried to put him in
16 the car?

17 A No, sir.

18 Q Why is that?

19 A He weighs more than me, probably.

20 Q All right. Now, the day after you got caught -- tell
21 me what did y'all do once you got down to Abbeville County
22 and you saw Mr. Knox's house.

23 A Honestly, Mr. Knox's dog came up. It was a friendly
24 dog. I knocked at the front door. Nobody came to the front
25 door. I went to the back. Knocked at the back. Nobody

Cross-Examination by Mr. Brown- Edward Thompson

167

1 came to the back. By then I had a hammer. I hit the back
2 window and by then opened the door and went in.

3 Q Who went in?

4 A Me.

5 Q Who else went in?

6 A That was it.

7 Q That was it?

8 A Yes, sir.

9 Q Is that what you told law enforcement the day after you
10 got arrested?

11 A Yeah. I think so, yes, sir.

12 Q You think so?

13 A Yes, sir.

14 Q You sure?

15 A Honestly, I was scared at the moment. Didn't know --
16 didn't know really what I was saying. I was just scared.

17 Q And let me show you what's been marked as State's
18 Evidence 4. What is that?

19 A It was Brandon William's truck -- SUV.

20 Q Is that what -- that's what y'all rode down to
21 Abbeville, right?

22 A Yes, sir.

23 Q What is that?

24 A That's the hammer I used.

25 Q To do what?

Cross-Examination by Mr. Brown- Edward Thompson

168

1 A Bust a small window in the back.

2 Q This is State's Evidence six.

3 A That's Mr. Knox house.

4 Q Is that the house y'all burglarized?

5 A Yes, sir.

6 Q And who was all at Mr. Knox's house when y'all
7 burglarized the house?

8 A No one at the time.

9 Q No, who was with you?

10 A Just me and Quentin.

11 Q You and who?

12 A Quentin. He was in the back. He got out of the car.

13 He didn't --

14 Q He got out of the car?

15 A Yes, sir.

16 Q Where did Brandon go?

17 A Brandon took off at the time.

18 Q He drove off?

19 A Yes, sir.

20 Q And you and Quentin stayed at the house?

21 A Quentin stayed in the back -- stayed outside.

22 Q Why did he stay outside?

23 A He didn't have -- well, he didn't want to have no part.

24 And we was already in the country and you might as well say

25 he didn't want to have no part in doing nothin.

Cross-Examination by Mr. Brown- Edward Thompson

169

1 Q That what you told law enforcement the day you got
2 interviewed?

3 A Honestly, I wrote different statements because I was
4 scared. Didn't know I was being questioned and being my
5 first time in trouble.

6 Q Would you like to hear what you told law enforcement
7 that day?

8 A We can.

9 MR. BROWN: Judge, at this time I'd like to play Mr.
10 Thompson's statement to law enforcement.

11 THE COURT: Very good.

12 Q While we're getting that ready, when did you talk with
13 law enforcement?

14 A I'm thinking it was the day after.

15 Q The day after?

16 A Yes, sir.

17 Q So all this was pretty fresh on your mind that time,
18 right?

19 A Not really because it happened back in 2010, if I'm not
20 mistaken.

21 Q No, the day you were interviewed is only the day after
22 the burglary took place, right?

23 A Yes, sir. But, like I said, I was scared. Didn't know
24 what I was saying.

25 Q Okay. And in the statement that -- the statement Ms.

Cross-Examination by Mr. Brown- Edward Thompson

170

1 Horlbeck said, a written statement, it was dated December 6,
2 2010; right?

3 A I think --

4 Q The written statement she read out to you a little
5 while ago?

6 A Yes, sir.

7 Q And that was two months later, right, after the
8 burglary?

9 A Yes, sir.

10 Q Now, was that statement true?

11 A Yes, sir.

12 Q That whole statement was true?

13 A Yes, sir. Like I said, I was scared. I didn't know
14 what I was saying. I was being questioned by some police
15 officers. So, being my first time, I just told them what I
16 thought happened.

17 Q But the consistency is that Quentin was there with you
18 at the house during the burglary; right?

19 A Yes, sir.

20 Q And Brandon drove off?

21 A Yes, sir.

22 (Whereupon, the audio was published for the jury)

23 Q You remember speaking with law enforcement that day?

24 A Yes, sir. Mr. Thompson.

25 Q And you said y'all came down from Anderson Gardens.

Cross-Examination by Mr. Brown- Edward Thompson

171

1 Went to one house first. You stopped at a house before you
2 got to Mr. Knox's house.

3 A I think. Yes, sir.

4 Q And then y'all got to Mr. Knox's house and you and
5 Quentin got out of the car?

6 A Yes, sir.

7 Q You bust the window open, but both of y'all went in?

8 A Like I said, Quentin stood outside. I came out with a
9 gun.

10 Q But y'all knew what y'all were doing?

11 A Me and Brandon, yeah. But I didn't -- I didn't text Q
12 because Q didn't have no phone.

13 Q Now, on the statement you gave law enforcement --

14 A The law enforcement -- the law enforcement got my
15 phone, so it should say who I texted.

16 Q Did y'all text Quentin and came on down?

17 A Yes, sir.

18 Q And then you, Brandon and Quentin came on down to
19 Abbeville?

20 A Yes, sir, but we didn't know we was at Abbeville.

21 Q Okay. And but you came to Mr. Knox's house.

22 A Uh-huh.

23 Q Then Brandon drove off. Quentin stayed there with you,
24 right?

25 A Yes, sir.

Cross-Examination by Mr. Brown- Edward Thompson

172

1 Q Who loaded up the guns in the back of that car?

2 A Brandon helped. And might as well say me and Brandon.

3 Q Quentin helped too, didn't he?

4 A Honestly, he seen Mr. Knox. He didn't -- by then we
5 had the guns in the car. Mr. Knox came up his driveway.

6 Q So was Quentin the lookout?

7 A Well, yes, sir, at the time he seen the car and know
8 just --

9 Q He told y'all to hurry up, we need to go?

10 A He didn't say hurry up. He just -- he say somebody
11 coming.

12 Q What did y'all do then?

13 A By then we started coming out the driveway. Mr. Knox,
14 he seen Brandon Williams and he stopped right there to ask
15 Brandon Williams what was wrong. And by then Brandon
16 Williams kept going and Mr. Knox turned around. By then we
17 was already out of his pathway.

18 Q Who said -- what did you say is something wrong? Go
19 back. I missed that.

20 A I guess Mr. Knox asked Brandon Williams what was --
21 what was --

22 Q Y'all were coming out of the driveway and he asked what
23 was going on?

24 A Yeah. Brandon Williams stopped. I'm telling you. He
25 stopped and asked Mr. Knox.

Cross-Examination by Mr. Brown- Edward Thompson

173

1 Q Come on, now. He really stopped?

2 A Yes, sir.

3 Q You didn't tell that to law enforcement.

4 A Like I said, I was scared.

5 Q Are you telling the truth up here on the stand today?

6 A Mr. Knox -- we did stop when Mr. Knox. You can ask Mr.
7 Knox.

8 Q You think Mr. Knox let you leave his driveway with all
9 his stuff in there coming out from behind his house?

10 A He spotted us. He rolled the window down. That's what
11 I'm telling you. He rolled a window down that's why I
12 thought him and Mr. Knox exchanged words. Brandon kept
13 going.

14 Q And he let y'all drive on out of the driveway?

15 A It was like - you might as well say. Yes, sir. He
16 tried to turn around. He turned around and tried to come
17 out.

18 Q Okay.

19 A Because he had a Tundra. He -- by then he turned
20 around in his driveway because he couldn't turn around right
21 there in the middle of his driveway because it was kind of
22 skinny.

23 Q So y'all had a nice little conversation in his driveway
24 that day?

25 A No, I didn't have no -- Brandon -- I guess Brandon

1 because he stopped and talked to him.

2 Q Okay. Later on in your statement to law enforcement
3 you said that Q had a Glock on -- a Glock pistol on him. I
4 didn't even know he had it.

5 A Yeah. Because I set everything right there on the
6 table. Set everything right there on the table.

7 Q Oh, so Q did get a Glock that day?

8 A I guess. I didn't even know.

9 Q He picked it up?

10 A I didn't know it until law enforcement told me. He say
11 did you know he had a Glock and it could've pierced my
12 jacket. I said I didn't know.

13 Q So he said Q had a Glock on him.

14 A Well, it was -- I guess it was out of the house because
15 that's when I --

16 Q You guess it was out of the house?

17 A Yes, sir.

18 Q Y'all didn't have it before you went in the house, did
19 you?

20 A Oh, no, sir.

21 Q So it came out of the house?

22 A Yes, sir.

23 Q And Q had the gun on him?

24 A Yes, sir, at the time. He had all the guns on him,
25 really.

Cross-Examination by Mr. Brown- Edward Thompson

175

1 Q Q had all --

2 A No, he had all the guns in the car with us.

3 Q From his house?

4 A Yes, sir.

5 Q After y'all stopped in the driveway and had a
6 conversation with him?

7 A We didn't -- it was -- I guess, it was short -- short
8 conversation with him and Brandon because we was in the
9 back.

10 Q You mentioned a Glock. I'll show you what's State's
11 Evidence 37. What is that?

12 A That's the gun.

13 Q That's the gun?

14 A (No verbal response)

15 Q That's the gun that you said when you told police that
16 day when you told us today that Quentin had that gun on him.

17 A It came out the house. Yes, sir.

18 Q It came out of the house and you didn't --

19 A We didn't take no guns in there.

20 Q You didn't take any guns in there?

21 A No, sir.

22 Q But that gun was on Quentin?

23 A When we came out, yes, sir.

24 Q When you came out of the house --

25 A When we came out of the house I put all the guns ---

Cross-Examination by Mr. Brown- Edward Thompson

176

1 Q Out of Mr. Knox's house?

2 A --- I put all the guns -- I put all the guns right
3 there on the table. There was a table outside where the TV
4 was. The TV was still outside. All the guns was put on the
5 table. I guess ---

6 Q And you're saying Quentin Dean in the striped shirt had
7 the Glock on him?

8 A Yes, sir.

9 Q That came out of that house?

10 A Yes, sir.

11 Q And then y'all drove away past Mr. Knox. Went on down
12 the road. Tried to hide -- take the guns out of the car,
13 load them back up, drove on down the road and you were
14 stopped?

15 A Yes, sir.

16 Q And all the guns were in the back of the car?

17 A Yes, sir.

18 Q And y'all burglarized this house that day?

19 A Yes, sir.

20 MR. BROWN: No further questions.

21 THE COURT: Re-Direct? Well, hold on, Solicitor. Do
22 you move that statement into evidence at this time?

23 MR. BROWN: I do move that statement into evidence.

24 THE COURT: No objection?

25 MS. HORLBECK: No objection.

Re-direct Examination by Ms. Horlbeck- Edward Thompson

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1 (Whereupon, State's Exhibit number 49, audio CD, was moved
2 into evidence.)

3 RE-DIRECT EXAMINATION

4 BY MS. HORLBECK:

5 Q Did you have a second interview with police?

6 A Yes, ma'am.

7 Q Okay. And during that second interview is that when
8 you told the police about a number of other burglaries that
9 you committed in Anderson County?

10 A No, ma'am. I think it was Brandon. He told some
11 others, if I'm not mistaken.

12 Q You didn't tell any of the cop -- officers that you
13 spoke to during that second interview anything about any
14 burglaries that you committed in another county, Anderson
15 County?

16 A No, ma'am. No, ma'am.

17 Q Okay. All right. And you didn't tell them about
18 anybody helping you with those?

19 A No, ma'am.

20 Q Okay. All right. And you mentioned that -- we've
21 heard some testimony about a Glock. You testified just a
22 minute ago that law enforcement told you something about Mr.
23 Dean having a Glock.

24 A Yes, ma'am.

25 Q All right. You didn't see Mr. Dean with a Glock?

1 A No, ma'am.

2 Q And the last time you saw that gun was when you put it
3 on the table outside of that house?

4 A Yes, ma'am.

5 Q Correct? All right. And you were the one that brought
6 that Glock outside the house?

7 A Yes, ma'am.

8 Q This is the same law enforcement that told you this?
9 Are they the same people that asked you to cooperate?

10 A If I'm not mistaken, Mr. Thompson.

11 Q All right. And we've had a couple different statements
12 here today, correct?

13 A Yes, ma'am.

14 Q All right. One statement you say one thing. Written
15 statement you say something completely different, correct?

16 A Yes, ma'am.

17 Q All right. You're scared today? Is that correct?

18 A Yes, ma'am.

19 Q Were you nervous the day that you talked to law
20 enforcement?

21 A Yes, ma'am.

22 Q And when you're nervous do you tell different stories
23 of things?

24 A Honestly, I didn't -- I didn't have everything correct.
25 So, like I say, yes, ma'am, I was kind of lost on my story.

Re-direct Examination by Ms. Horlbeck- Edward Thompson

179

1 Q So when you're nervous you tell different stories,
2 right?

3 A At the time I was just dealing with the first police.
4 You know, I didn't know what to say.

5 Q I understand. And is it true that when you're nervous
6 and scared, though, it's hard to keep track of all the
7 stories you've told?

8 A Yes, ma'am.

9 Q All right. Okay. So is it true, too, we don't -- we
10 really don't know what we can trust of what you say?

11 A You can say that.

12 Q All right. Okay. And I'll hand you a copy of this.

13 MS. HORLBECK: Have this marked as Defense 3.

14 (Whereupon, written statement of Edward Thompson was marked
15 Defense Exhibit 3 for identification)

16 Q Mr. Thompson, I'm handing you Defense 3 and I ask you
17 to take a look at that and just for a minute, if you would.

18 A (Witness complies.) Yes, ma'am.

19 Q Is that your signature at the bottom?

20 A Yes, ma'am.

21 Q And what is that?

22 A A statement that I wrote to a lawyer.

23 Q All right. And is that -- why don't you read -- well,
24 go ahead and just publish. Read that out to us.

25 A (as read) "I am Montreze Thompson is writing this

1 statement to say Q didn't want to come with me and Brandon
2 Williams to break in the house. I told him we was -- we
3 just riding cause I thought I could change his mind to come
4 with me when he got into the vehicle. Found the house. So
5 when we found the house he said he wasn't going in because
6 he couldn't do it. So I, Montreze Thompson, took the hammer
7 and bust the back window on the door and I was the only one
8 that went in and took the merchandise."

9 Q All right.

10 MS. HORLBECK: At this time I'd move that into evidence,
11 Judge.

12 THE COURT: No objection?

13 MR. BROWN: No objection.

14 THE COURT: Without objection. It will be Defense 3.

15 (Whereupon, Defendant's Exhibit 3 was entered into
16 evidence.)

17 MS. HORLBECK: I beg the court's indulgence.

18 THE COURT: Yes, ma'am.

19 MS. HORLBECK: Judge, at this point I'd like to play the
20 second interview, but I'm not -- I don't -- I've got to talk
21 to the State and see whether they've got on it. So this
22 might be a good time to take a brief recess.

23 THE COURT: Take five minutes. Don't talk about the
24 case. We'll have you back in just a moment. Thank you.

25 (Whereupon, the jury exited the courtroom)

Re-direct Examination by Ms. Horlbeck- Edward Thompson

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1 (Off the Record)

2 (Whereupon, the jury entered the courtroom)

3 THE COURT: Let the record reflect that the jury is back
4 and seated. Ms. Horlbeck, you may continue, please.

5 MS. HORLBECK: And, just for the record, the portion I'm
6 about to play for the court is actually in the first
7 interview with the officers.

8 THE COURT: Very good.

9 MS. HORLBECK: I'm going to start about 19.

10 (Whereupon, audio CD was published for the jury)

11 Q Mr. Thompson, does that refresh your recollection?

12 A Yes, ma'am.

13 Q Did you tell the police that you had done some other --
14 or you had done some other licks in another county?

15 A Yes, ma'am. It helped my situation out. I sat up
16 there and told them that, but I really didn't.

17 Q You really didn't?

18 A Yes, ma'am.

19 Q So you're telling us today that you told the police
20 that you hit some licks in Anderson County?

21 A Yes, ma'am. But, like I said, he was you help me and I
22 help you. So I told him that's why I couldn't pinpoint none
23 at the time.

24 Q All right. And have you ever -- did you volunteer to
25 drive the police around or -- and show them which houses in

1 Anderson County that you had gone to?

2 A Yes, ma'am. But, like I said, I couldn't -- I wouldn't
3 have been able to pinpoint none because at the time I was
4 just trying to help my situation out and I was scared and I
5 didn't know.

6 Q Okay. Did you the police put you in the car and drive
7 you to different houses?

8 A No, ma'am.

9 Q Have you ever been charged with any other charges in
10 Anderson County?

11 A No, ma'am.

12 Q And when you told the police about burglaries in
13 another county did anybody help you?

14 A No, ma'am. They tried to come at me with some names,
15 but, like I told them, I was like they didn't -- nobody
16 didn't really --

17 Q What names did they come at you with?

18 A Patrick Lee and -- I think Pat Lee and Big O,
19 Dontarius.

20 Q All right. And when you talked to the police about the
21 homes you -- the licks you did in Anderson did you tell them
22 that you broke the window out on those homes, too?

23 A I'm thinking yes. Honestly, I don't know.

24 Q Okay. Did you tell the police who was driving you?

25 A I don't recall.

Re-Cross Examination by Mr. Brown- Edward Thompson

183

1 Q And you haven't been caught or charged for those, have
2 you?

3 A No, ma'am.

4 Q Okay.

5 MS. HÖRLBECK: That's all I have. Thank you.

6 THE COURT: Re-cross?

7 MR. BROWN: Yes, Your Honor.

8 RE-CROSS EXAMINATION

9 BY MR. BROWN:

10 Q So you said you talked to law enforcement the last
11 little blip. You went and told them about burglaries in
12 Anderson you committed because you wanted to help yourself
13 out?

14 A Yes, sir.

15 Q It sounds to me you were being honest that day.

16 A Honestly, I --

17 Q You were coming clean that day.

18 A I was being -- I was scared.

19 Q Scared so you were telling the truth about other
20 burglaries and all. The fact of the matter is Abbeville
21 County couldn't charge you because their jurisdiction is
22 here in Abbeville, not in Anderson.

23 A That's what I was saying. I was being -- I was scared,
24 trying to play the role.

25 Q And the statement that she showed you a few minutes ago

1 is now Defense Evidence 3, this letter you wrote on December
2 6, 2010 exactly two months after this burglary.

3 A Yes, sir.

4 Q Who did you write that letter to?

5 A A lawyer.

6 Q Whose lawyer?

7 A Quentin's lawyer.

8 Q The fact of the matter is Quentin was actually dating
9 your cousin, right?

10 A Yes, sir.

11 Q He was dating your cousin and you wanted to help him
12 out, right? You were covering for him.

13 A I was trying to do the right thing.

14 Q After you thought it about it for a little while after
15 about two months -- or two months after you gave the
16 original statement you thought about it and said I'll help
17 him out and write this letter to his attorney. There were
18 no law enforcement officers in that room, were there, when
19 you wrote that letter?

20 A No, sir.

21 Q The day you gave that statement we just heard talking
22 about Q and Brandon -- or Quentin and Brandon and you coming
23 down to Abbeville County, you were telling the truth that
24 day, weren't you?

25 A Not all the way.

1 Q And the truth is that y'all went in that house, stole
2 his guns and got caught down the road, right, all three of
3 you?

4 A Like I said, I went in the house, came out with the
5 guns and loaded up.

6 Q And what happened next?

7 A They were loaded up and we left.

8 Q Loaded up and you left. So to be honest we don't know
9 what's the truth. You told three different things: once to
10 law enforcement, once in the letter, and something different
11 today, right? So we just got to pick and chose what we need
12 to gather today. One thing is the same, though, right? It
13 was you, Brandon, and Quentin that were in that car and went
14 down to that house that day, right?

15 A Yes, sir.

16 Q It was you, Quentin, and Brandon that had Mr. Knox's
17 gun in the back of the car, right?

18 A Yes, sir.

19 Q And it was you, Quentin, and Brandon that were arrested
20 that day, right?

21 A Yes, sir.

22 Q It was you, Quentin, and Brandon that were arrested
23 that day only a few miles from Mr. Knox's house?

24 A Yes, sir.

25 MR. BROWN: No further questions.

1 MS. HORLBECK: Just briefly.

2 RE-REDIRECT EXAMINATION

3 BY MS. HORLBECK:

4 Q You said you wrote this letter to an attorney. What
5 office did you go to?

6 A An office downtown.

7 Q Downtown where?

8 A Anderson.

9 Q Okay. All right. Was it Scott McElhan?

10 A I'm thinking. I'm not sure.

11 Q Okay. You didn't wrote it for me, did you?

12 A No, ma'am.

13 Q You don't -- you and I have never seen each other
14 before today?

15 A No, ma'am.

16 Q Okay. And when you wrote that statement did you take a
17 copy of that statement to law enforcement?

18 A No, ma'am.

19 Q Did you, you know, make a phone call to the officers
20 and tell them, hey, I've changed my statement?

21 A No, ma'am.

22 Q And is that because you wanted to continue cooperating?

23 A Honestly, ---

24 Q You didn't want the officers to know that you had
25 changed your statement, did you?

Re-Redirect Examination by Ms. Horlbeck- Edward Thompson

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1 A I didn't talk to no officers. I didn't --

2 Q You didn't go out of your way to tell the officers that
3 you were changing your statement?

4 A No, ma'am.

5 Q Because you wanted to help yourself? You're looking
6 out for yourself, aren't you?

7 A Honestly, yes, ma'am, trying.

8 MS. HORLBECK: That's all I've got. Thank you.

9 THE COURT: Thank you, sir, you can step down. Ms.
10 Horlbeck, you may call your next witness.

11 MS. HORLBECK: Your Honor, the defense rests.

12 THE COURT: Ladies and gentlemen, there are some issues
13 that I need to take up with the attorneys. I don't think
14 this will take very long, and we're getting to close to
15 lunch. I might bring you out here in a few minutes and
16 break. The law requires that I discuss with them a few
17 issues at this stage of the trial. So adjourn for a moment.
18 Don't talk about the case and maybe I'll have you out and
19 let you go to lunch here in a few minutes. So adjourn to
20 the back, please.

21 (Whereupon, the Jury exited the courtroom.)

22 THE COURT: Solicitor, I should have asked if you had
23 intended to offer any reply testimony.

24 MR. BROWN: No, Your Honor.

25 THE COURT: Very good. I know that y'all have maybe not

1 had a complete chance to look at my proposed instructions.
2 I think I need to remove in the instructions on page 25 and
3 26 the part that talks about the penalty provisions because
4 I don't think there was any testimony elicited about the
5 different penalty between burglary first and burglary
6 second. Am I incorrect? Clearly, there was a testimony
7 elicited that the last witness and the one before him pled
8 to a burglary second. But we didn't really go into the
9 penalties involved, so I'm going to get -- I'm inclined to
10 get rid of that. Additionally, there's nothing in the
11 record about a prior record concerning the witnesses and
12 that prior record being used for impeachment, so I was going
13 to delete that as well. I've added a part on prior
14 statement of witnesses concerning how the jury is entitled
15 to believe which -- or how the jury can take into account the
16 change in story and they have to decide which to believe.
17 And they can use the fact that someone changed their story
18 to decide whether to believe a witness. Is there anything
19 that you or anyone would request an instruction on?

20 MR. BROWN: No, sir, not from state.

21 MS. HORLBECK: Not at this point. I would just like to
22 look over it again. I think I got part way through.

23 THE COURT: Certainly. Would you be seeking a charge
24 on accessory after the fact, or will you rather it simply be
25 up or down?

1 MS. HORLBECK: Let me think about that.

2 THE COURT: All right.

3 MS. HORLBECK: I would probably seek a charge on
4 receiving on stolen goods.

5 THE COURT: Okay. I've not included that. Does the
6 state have a position on receiving stolen goods?

7 MR. BROWN: I actually don't see where it would be any
8 kind of lesser included in principal offenses.

9 THE COURT: Well, there's testimony that he was in
10 possession of the foreign currency and the jewelry when he
11 was booked into the jail. Assuming that the jury were to
12 believe the testimony of the last witness to testify that
13 the defendant did not go into the house, clearly there's
14 circumstantial evidence, I think, from which the jury could
15 conclude that, okay, the defendant did not go into the house
16 but at some point he did take possession of the jewelry and
17 the currency. I suppose it is within their providence to
18 decide that that's what happened. I would be inclined to
19 charge on a lesser included for those reasons. Because
20 under the law, as we all know, the jury can believe a part
21 of the witness's testimony and reject the other part. But
22 I'll give you a moment to look at that. Would y'all prefer
23 for me to just go ahead and let the jury go, have them come
24 back at 1:30 and then we can proceed with closing? And that
25 will have -- that will give you a little bit of time to look

1 at -- ten minutes to look at this without them sitting back
2 here and we can discuss it a little bit more once they're
3 gone.

4 MS. HORLBECK: Sure.

5 MR. BROWN: Yes, sir.

6 THE COURT: Let's go ahead and get the jury out. I'm
7 going to let them go for lunch.

8 (Whereupon, the jury entered the courtroom)

9 THE COURT: The record should reflect that the jury is
10 back and seated. Ladies and gentlemen of the jury, there's
11 no such thing as a free lunch today. I did discuss with the
12 clerk, and apparently the last time we ordered lunch for a
13 jury it took about two hours to get here. So we're kind of
14 at a good breaking point to give y'all an opportunity to get
15 a bite to eat. We'll stay here and keep discussing the
16 issues that I need to discuss with the attorneys. If you
17 would, be back in the jury room at 1:30. Of course, same
18 thing goes as before. Don't talk about the case with anyone
19 if you were to go to lunch with anyone. It's fine to go to
20 lunch with a fellow juror, friend, family member, what have
21 you. Just don't talk about the case. With that, be back in
22 the jury room at 1:30 and we will finish the trial at that
23 particular point in time. So thank you. You are excused.

24 (Whereupon, the jury was dismissed for lunch)

25 THE COURT: We'll be at ease while you take a look at

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1 what I've given to you and you consider what we've
2 discussed.

3 (Whereupon, the court was in recess at 12:45 p.m.)

4 (Whereupon, the court resumed at 1:40 p.m.)

5 THE COURT: I would like the record to reflect that we
6 did have a charge conference in chambers where I discussed
7 what was going to be charged to the jury. I've also
8 prepared a verdict form which the attorneys have had a
9 chance to look at on the laptop. I will, of course, let
10 y'all double check the hard copy once we finish. In that
11 charge conference the defense informed me that they were not
12 going to require the state to open on the law. Ms. Horlbeck
13 you'll go first to be followed by Mr. Brown or Mr. Morrow.
14 Brown, you're closing? Okay. Let's have the jury out,
15 please.

16 (Whereupon, the jury entered the courtroom at 1:43
17 p.m.)

18 THE COURT: The record should reflect that the jury is
19 back and seated. Ladies and gentlemen of the jury, we have
20 reached that portion in the trial where the attorneys for
21 the defense and the state will give you their closing
22 summation. I'll remind you of what I said about their
23 opening arguments. Of course, what the attorneys say during
24 their closing arguments is not evidence. It's simply their
25 contention as to what has been proven or has not been

1 proven, and even though it's not evidence certainly you
2 should pay attention to what the attorneys say during their
3 closings. However, if at any time they reference some of
4 the facts, and that's normal. In every closing argument
5 it's expect that the lawyers should say something about the
6 facts, but if they say something about the facts and it
7 differs from what your recollection of the testimony was or
8 the facts were, then you should go with your recollection as
9 opposed to what the attorneys say the facts are because you
10 are, in fact, the judges of the facts in this case. If, for
11 example, they were to say that yesterday the sky was blue
12 and your recollection was that yesterday it was rainy and
13 dreary, go with your recollection as opposed to what they
14 say the weather was like yesterday. The way that we'll
15 proceed is that Ms. Horlbeck will begin with her closing
16 summation and then we will be followed by - we will hear Mr.
17 Brown's closing argument. So with that, Ms. Horlbeck, you
18 are recognized for your closing, ma'am.

19 CLOSING ARGUMENT BY

20 MS. HORLBECK: Thank you. Good afternoon, ladies and
21 gentlemen. Just to remind you my name is Caroline Horlbeck.
22 Let me just start by kind of revisiting some of the basic
23 principals in a criminal case. You'll notice my client did
24 not testify. He has the absolute right to remain silent and
25 that right is protected by the law. The Judge will even

1 explain to you he has the right to remain silent. That's
2 because he doesn't have the burden of proving anything in
3 this case. He doesn't have the burden to bring evidence or
4 disprove evidence. The burden rests entirely on the state.
5 It's the state's burden in this case to bring you evidence
6 and to prove to you the credibility of their evidence and
7 their testimony. It's not Quentin Dean's responsibility.
8 Having said that, let me revisit briefly too the presumption
9 of evidence.

10 I told you at the beginning of this case that the
11 presumption of evidence is like a robe of righteousness and
12 it covers Quentin Dean. It covered him at the beginning and
13 it continues to cover him. The Judge will explain to you a
14 little bit more about that. Also, at the end of this case,
15 we will talk more about proof beyond a reasonable doubt.
16 Well, let's talk about what reasonable doubt is. Reasonable
17 doubt has been defined as a doubt that leaves you firmly
18 convinced. If this case is a tapestry, reasonable doubt is
19 woven throughout this case and it's going to be woven and
20 intertwined with the Judge's instructions, which he will
21 give to you when we're both done talking to you. As I've
22 said, reasonable doubt can be defined. One of the ways to
23 define it is to define it as something that leaves you
24 firmly convinced. Another way to think of reasonable doubt
25 is that it's a doubt that you've got a reason for having.

1 It's a doubt which may leave you feeling like gosh, I just
2 don't think that the government has proven their claims. It
3 may be an uneasy feeling in your stomach that the government
4 just hasn't brought you the evidence that you need.

5 Some of you have probably seen the scales of justice in
6 the past. They're usually seen held by the blindfolded lady
7 of justice. When she's holding them they're usually even,
8 just like they are now. Well, in a criminal case the scales
9 are never even. That's part and parcel because of the
10 presumption of innocence. If this is our side, let's say
11 this is the defense cup. The presumption of innocence at
12 the beginning of this case this cup is full of presumption
13 of innocence. It's also full of reasonable doubt. So at
14 the end of the case then, if the state is to meet their
15 burden, they must remove each one of these stones of
16 reasonable doubt until these scales are not only just even
17 but they've actually got to tip in the state's favor. So
18 this is what has to be done. This cup has to actually tip
19 towards the state for them to sustain their burden of proof.
20 They haven't done that and let's talk about why. Let's talk
21 about the stones of reasonable doubt that exist in this
22 case.

23 There's absolutely no physical evidence to connect
24 Quentin Dean to these charges. There's no fingerprint
25 evidence. There's no scientific evidence. No DNA was

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1 collected. It has not been connected. If it wasn't
2 collected it certainly couldn't be connected to Mr. Dean.
3 No phone records were subpoenaed. So when you hear
4 testimony about phones and phone calls and texts between
5 certain co-defendants in this case there's no records to
6 support that and there's no records to substantiate the fact
7 that any phone calls or texts actually took place at all
8 between these phones. We heard some testimony about whether
9 or not surveillance tapes from the neighbors existed. Well,
10 those don't exist. So there's absolutely no physical
11 evidence in this case. So what we're left with is the
12 testimony of the two burglar cousins. I told you at the
13 beginning of this case to consider the source of the
14 information. Think about where their loyalties lie. Let's
15 talk about who these two are. Who are they? We know
16 they're twenty-something young guys. We know that neither
17 one of them had a record before they pled guilty. We know
18 that they had hopes and dreams and had loved ones on the
19 outside. That they didn't want to continue staying in jail.
20 That they were both working to try to improve their lives.
21 But what are they really? They're really just hangmen.
22 Hangmen have existed all throughout history. Just
23 throughout the course of time. What do hangmen do? Well,
24 they do the government's dirty work. They do what they need
25 to do to avoid the gallows themselves. Let's talk about

1 what our two hangmen did in this case to avoid the gallows.
2 We'll talk about Brandon first. I'm not going to review
3 everything that he said. You've all heard his testimony and
4 you also heard the tape of his interview with the police,
5 but just to review some of the highlights. In true hangman
6 style he hung everybody else out to dry. But at the same
7 time, the whole story was not me. I didn't know anything
8 about a plan to burglarize anything. I didn't know we were
9 going to Abbeville. I didn't know the way to Abbeville. I
10 didn't know anything about a plan. In true hangman style.
11 What was he doing? Looking out for himself. What dirty
12 work did he do? Hung everybody else out to dry. Provided
13 testimony against his co-defendant, Quentin Dean. That
14 testimony is not believable. It's not believable
15 whatsoever. You have to look at his testimony with extreme
16 caution. Extreme caution.

17 Let's talk a little bit about Edward. His name was on
18 the state's witness list, but he wasn't actually called by
19 the state. We knew he'd given conflicting statements. We
20 thought that you needed to hear about it. Why did you need
21 to hear about it? Because Edward provided evidence that led
22 to Quentin Dean's arrest. And he changed that evidence.
23 That's the dirty work that they did. They provide the
24 evidence, but at the end of the day it's all about
25 themselves. It's all about number one. You heard it

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1 straight from Edward's mouth. I was looking out for myself.
2 That's all I'm doing. That's all Brandon was doing too.
3 Just looking out for myself. I'm going to do y'all's dirty
4 work. At the end of the day I'm looking out for me. For
5 number one.

6 Why did they do that? Let's look at what they stood to
7 lose. They stood to lose their freedom. They stood to lose
8 their jobs, access to their family. If you can't work you
9 don't have your own money to spend. And even if you do have
10 a little bit of money if you're in the jail or the
11 Department of Corrections you can't spend that money freely.
12 You can't go out and buy a television set. You can only buy
13 maybe a candy bar or some chips or something at the canteen.
14 You have to eat what they give you to eat. You can only
15 have a visit with your family when they give you visiting
16 hours. Everything is controlled. They stood to lose a lot.
17 That's what they stood to lose. What did they hope to gain
18 and what did they gain? They hoped for a reduction of
19 sentence and that's what they got. They hoped, at least in
20 Brandon's case, hoped for probation. That's what he got.
21 In Brandon's case he hoped for probation. But what did he
22 get in return? He got a shorter sentence. He should be out
23 in December. But he also escaped charges in Anderson
24 County. He also admitted to you on the stand that he used
25 and sold reefer. Hasn't been charged for that yet. E

1 Rewards? Yes. They hoped to gain and they did gain. What
2 deal was promised? In both tapes you heard the police
3 officers state over and over and over again, work with us.
4 We'll work with you. Help us. We want to help you. You
5 help us, we'll help you. Don't be surprised when I sit down
6 the Solicitor will likely take my place and say well, there
7 was no deal actually told to anybody. No one said we'll
8 give you probation. No one said we'll make sure you don't
9 go to the penitentiary. No one made any promises and
10 certainly nothing was in writing. A deal is about what
11 exists in the mind. A deal doesn't have to exist on paper.
12 A deal is about what do I hope to get. What do I want to
13 get. Let me give you an example of what I'm talking about.
14 I've got a friend and she's been dating a guy for quite some
15 time. They've never talked about marriage. They certainly
16 don't have anything on paper, and he hasn't proposed. But
17 he took her to a jewelry store and they looked at rings.
18 Since then he hasn't said anything about marriage. He
19 hasn't mentioned the word marriage. He hasn't mentioned the
20 word proposal. Nothing. Do you think in her mind that she
21 doesn't expect a ring? Do you think in her mind in exchange
22 that she doesn't expect something to happen from him making
23 that first step of taking her to the jewelry store?
24 Expectations. That's what the deal is about. What do I
25 want. What would I like to have and what do I hope for.

1 You have to look at what's led these people to have these
2 hopes and expectations. It was the officers saying work
3 with us and we'll work with you. Tell us - - give us more
4 information. We want to help you. Help us and we'll help
5 you. There was a deal. There were things that were
6 insinuated and promised. In exchange these two acted - -
7 were the hangmen.

8 The Solicitor will likely say well, what's consistent
9 about the co-defendant's testimony was the fact that it was
10 always the three of them: Quentin, and Brandon, and Edward.
11 That's not evidence of consistency of what happened because
12 the testimony was all over the place. Absolutely all over
13 the place. The only thing that the whole Quentin, Edward,
14 and Brandon trilogy stands for is just consistency in the
15 lies. The only thing evident from this stand and the only
16 thing consistent was just the lies flying around. That's
17 why you have to examine the testimony with caution. As you
18 consider their testimony remember they were so specific,
19 despite it all. Both guys were so specific about Edward's
20 participation. What did he do? It was very specific. He
21 sent a text. He offered money so that Brandon would drive.
22 He got out of the SUV. He rang the doorbell at the home.
23 When no one answered he, Edward, got the hammer out and
24 knocked out the window. Nobody else. Very specific
25 testimony. When the police asked Brandon what did Quentin

1 do, I guess he was the accomplice. I guess he was the
2 lookout. How do you go from such specific testimony to oh,
3 I guess. If the Solicitor's argument about consistency is
4 true, how do you go from that much detail to that degree of
5 vagueness. Their testimony reminds me of the situation we
6 have with my little niece. She's four years old. We had
7 her over at the house. We gave her a sandwich and said if
8 you eat all of your sandwich we'll give you a Crunch bar.
9 So with record speed - I'm doing some stuff in the house and
10 with record speed she comes to me with her empty plate,
11 holds her mouth open. There's nothing in it so she's not
12 stuffing her cheeks. Not hiding the sandwich. And she
13 tells me I want my Crunch bar. I ate everything. So I just
14 thought that's really quick. That's faster than I've ever
15 seen this child eat just a plain old sandwich before. So I
16 said did you really eat your sandwich? Yes. So I asked her
17 again, are you sure you ate it? All of it? Sure did. Sure
18 did, Aunt Caroline. So I go and I check the garbage pan or
19 the garbage bucket in the kitchen. There's no sandwich in
20 there. I said, you didn't throw your sandwich away
21 somewhere else did you? No, ma'am. No, ma'am. See my
22 empty plate. My mouth is empty. So we have a little
23 bathroom that's kind of on the side of the kitchen and
24 there's a little trash can in their. So I head towards that
25 bathroom. I said, are you sure you didn't throw it away.

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1 Oh, no, ma'am. I didn't throw it away. So I go to that
2 bathroom. Don't go in the bathroom. Why don't you want me
3 to go in this bathroom? I don't know. So I go in the
4 bathroom. There's a sandwich in the garbage. How did that
5 get there? I don't know. Tell me how it got there. It
6 fell in. I was in the bathroom washing my hands and it fell
7 in. Which part of what that child told me was true? I have
8 no idea. Was it the first part? Was it the first two
9 sentences? Was it the last part? Was it none of it? I
10 have no idea, and you know what? Does it really matter?
11 These guy's testimony needs to be put in the same category.
12 Who knows which part of it was real. Was it the first
13 thirty minutes? Was it the first statement? Was it the
14 written statement? Was it the last - who knows and who
15 cares. At the end of the day with my niece that child lied.
16 I don't know if the sandwich fell in the bucket or not.
17 I've got no clue. Didn't see it. No clue how that sandwich
18 got in there. But the child lied. The child lied about
19 something. She didn't get her little candy bar. She didn't
20 get her candy bar because everything she said had to be
21 thrown out. And the Judge will tell you that if you don't
22 believe any part of the credibility, you can throw out the
23 first sentence. You can throw out all of it. You can throw
24 out the third of it. A 16th of it. You can throw out the
25 whole thing. I argue that Brandon's and Edward's testimony

1 can be completely thrown out. The state will likely argue
2 that we don't get to handpick our co-defendants for our
3 witnesses. We have to go with the witnesses because the
4 defendant chose to hang around. They may even argue
5 something like when you go against the devil, sinners make
6 better witnesses. Don't fall for that. The state has the
7 burden of proving the credibility of their evidence and the
8 honesty of their witnesses. That their burden. It's the
9 burden that rests on their shoulders. Don't let them shifted
10 that burden and try to wiggle out of it. They shouldn't be
11 allowed to wiggle out of proving the credibility of their
12 witness. Especially when there are other things that could
13 be done. What other things could be done? When you've got
14 people that are taking the witness stand and just lying
15 don't know which way is up and which story is up, well,
16 rather than hand y'all just what I consider a giant not for
17 y'all to somehow unravel and -- well here's a thread let's
18 see if we can undo this giant not of stories that we've got.
19 Rather than doing that, there's things that the state could
20 of done. They could have -- they dusted down the television
21 for fingerprints, but for some reason those were never sent
22 to sleep and they were never tested. So we don't know if
23 those match anybody at all. No clue. Wouldn't that have been
24 great evidence? Would that have been great evidence to
25 bolster -- you know, if you fail somebody's prints on

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1 there. Quentin's. Wouldn't that have been - - well, I
2 guess they were right. I guess when they said that he went
3 in there and he took stuff. There's his fingerprints. Even
4 though they have a problem with lying I guess that part of
5 it was right. How would we have known that? If that
6 fingerprint had been tested. We may not have even had to
7 have been here today. You've also heard testimony of how the
8 jewelry came in a bag. We don't know how that jewelry got
9 there. We haven't heard any direct credible evidence that
10 Quentin actually went into the house. That quit broke in,
11 assisted with the breaking in, used a hammer to break the
12 window. No credible direct evidence that he went in there to
13 steal things. We've heard testimony that some jewelry was
14 found in his pocket. We don't have a picture. All the
15 pictures are evident and I think there's 30 or 40 of them.
16 There's no picture of a pocket full of jewelry. We don't
17 have a garment that the jewelry came out of. And the bag
18 that the jewelry was in. It was never dusted for prints. So
19 we don't know who handled those prints. We don't even know
20 the circumstances of how that jewelry got there. We don't
21 know. For all we know, it could've been handed to him. Hold
22 this. We don't know. The bag was never dusted down. We also
23 didn't get the phone records. Wouldn't that have been
24 something to bolster the credibility of these guys? Brandon
25 was saying we texted back and forth on the phone. We phoned

1 back and forth. Where are the phone records to substantiate
2 that? When you have this much changing of stories and when
3 has people who are working for their best interest if you
4 had outside records and could sustain some of this then you
5 can substantiate. None of that was done. I'm not saying that
6 the police are bad people for that they are liars or
7 anything like this, but you just expect that these extra
8 steps will be taken. There's nothing wrong with you asking.
9 We just wanted a little bit more. Since this testimony from
10 this witness stand has turned into such a knot we just need
11 a little bit more. Just something. And there's nothing.
12 There's nothing to substantiate. No phone records. No
13 nothing. So at the end of the day we've got no credible
14 evidence that Quentin had anything to do with this burglary
15 for the stealing of these items from inside the house. We've
16 got no credible evidence that he took possession of a
17 weapon. We've got no credible evidence of any of the charges
18 that he's got today.

19 The judge will probably charged with an accessory
20 charge that you are to consider if you find him not guilty
21 of the other charges. Well, in order to be guilty of
22 accessory, you actually have to take steps to avoid - - to
23 help these two avoid in the detection - - avoid their
24 detection were - - I'm not saying this right at all. You can
25 be merely present, but you have to take steps to avoid

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1 detection or escape. There's been no credible evidence that
2 he actually participated in that. That car wasn't his. He
3 wasn't the driver. The most that he might be guilty of is
4 receiving stolen goods. We don't know why the jewelry is in
5 his pocket, but it's there. That's the most that he's guilty
6 of, because there's not one shred of credible evidence to
7 sustain these charges. At the end of the day, the government
8 has told this entire case through the eyes and the mouth of
9 two liars, Brandon and Edward. They pointed the finger at
10 Quentin and got a deal. Just remember, if you're thinking
11 about siding with them, listen to the testimony again. I ask
12 you, listen to their testimony again and remember if they
13 hadn't given testimony and evidence against Quentin they
14 would be sitting at that table. And the government would be
15 asking you to convict them instead of believing them.

16 The judge will instruct you that there are very few
17 things that we know for certainty, but we know when we are
18 being lied to. Lies are the foundation of this case, the
19 state's case. Lies as the foundation is sort of like having
20 a home foundation that's made of sawdust. It can't stand.
21 That is what the state case is based on. Lies and sawdust.
22 It can't stand. I'm asking you to send them a message that
23 they have not overcome the presumption of innocence and they
24 have not sustain their burden and they have failed to tip
25 the scales in their direction. Find Quentin Dean not guilty.

1 THE COURT: Thank you very much, Ms. Horlbeck. Mr.
2 Brown, you are recognized, sir.

3 CLOSING ARGUMENT BY

4 MR. BROWN: Thank you, Your Honor. Ladies and
5 gentlemen, at the beginning of this case I said it was not
6 going to be a very long case. You hear several witnesses and
7 we presented evidence you to listen to every witness
8 carefully and look at every piece of evidence very carefully
9 and at the end of the case I would be back in front of you.
10 Well, right now we are at that point and the state
11 appreciate your attention. Mr. Knox, the victim in this
12 case, appreciate your attention.

13 Now, Ms. Horlbeck says this is a case only. This is
14 nothing but a case online. You can't trust what the
15 witnesses are saying. I know one person here, the victim in
16 this case, Mr. Knox. He was off work that day. When he came
17 home to his house at 299 - - he came home and pulled into
18 his driveway and he noticed a garnet SUV parked in the back
19 of his house. He sees this. He sees two African-American
20 males jumped off his back porch, jump in the porch, drive-
21 by. Now, we did hear Edward Thompson say they had a
22 conversation in the driveway. Well, Mr. Knox never said
23 that.

24 They drove by and drove on out. What he did see is he
25 saw that car. He followed them down the road and he lost

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1 sight of them. He said he got behind some traffic. Couldn't
2 dial 911 at that point, so he goes back home. Calls 911. And
3 at that point he gives a description of the car and says
4 there are three African-American males in the car. Proceed
5 in his house and his guns are stolen sees his wife's jewelry
6 is missing. He sees a busted out hole in the back and he
7 sees sheets filled up with everything else out of his boys
8 rooms.

9 If he didn't come home they would've probably walked
10 out of the house with it. He called that right off the bat.
11 Called on the phone and called a sheriff's deputy. You heard
12 testimony from Brandon Williams. You heard it from Edward
13 Thompson you heard it from law enforcement. It was within 20
14 minutes that they were arrested. They were taken out of the
15 car. This is the house they burglarized. They were arrested
16 here. Old Douglas Mill Road and Whip-O-Will Road. Merely a
17 couple of miles away. In the back of that car -- officers
18 get them out of the car. Brandon Williams, as he said, guns
19 are in the back. He's the driver. Guns are in the back. They
20 opened it up and see the guys. Mr. Knox's guns. They
21 separate them and take them to jail.

22 Now, what do we hear from Mr. Knox. He said he got her
23 and saw the stuff. He was able to identify the car. He then
24 was taken back out there and identified the car. He then
25 said that he didn't give them permission to go into his

1 house. Why would he give them permission to go in his house
2 and steal his guns? He wouldn't do that. You then heard
3 Leslie Norman. She is the deputy with the Abbeville County
4 Sheriff's office. What did she do? She got the call. It came
5 out over dispatch. To look for a burgundy SUV from a
6 burglary in progress at 299 Cold Springs Center Road where
7 it was burglarized. So she and pretty much the rest of the
8 Abbeville County Sheriff's office canvassed the area. She
9 got behind them and stop them. It didn't take long. About 20
10 minutes later. You heard Jeffrey Abercrombie. And all these
11 were short witnesses. They all had a little part in this
12 case.

13 Mr. Abercrombie came out there, arrived at the scene.
14 Arrived at the traffic stop. They had already stopped them
15 and got them out of the cars. He then went back and got Mr.
16 Knox and he identified the car. That is essentially what his
17 testimony is. Patrick Thompson, an investigator in the
18 case, he got out there when they stopped the car. He was
19 able to identify Mr. Dean. He also said that Mr. Williams
20 was the driver after Ms. Horlbeck questioned him a little
21 bit more and he read from his report, yeah, Mr. Williams was
22 the driver. Well, if he saw two guys run off the back porch
23 and then the car is speeding off real quick, it wasn't
24 Brandon Williams who jumped in that car. It was Quentin Dean
25 and Edward Thompson. Jumping in the car and running off. Mr.

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1 Thompson then went back and process the scene. They secured
2 the car after they arrested the three co-defendants: Mr.
3 Dean, Thompson, and Williams. They took that car and towed
4 it back to the impound lot and locked it in the impound lot.
5 He went back and took all the pictures that you've already
6 seen. You will have these back in the jury room so you can
7 look at every one of them and you can look at them a little
8 more thoroughly.

9 He went back, and yeah he did find a print on the TV.
10 He found a latent print on the TV that was out on the back
11 porch. What did he also find? He found three guys that were
12 driving away, within 20 minutes after he had been told by
13 Mr. Knox that that was the car and those were the guys - -
14 or he could see three guys going. They had the guns in the
15 car. Yeah, in a perfect world you might want to go on and
16 get that extra fingerprint tested. At that point, he had the
17 guys caught 20 minutes later. He knew what they were in.
18 They had been identified. Showed pictures of the tire track
19 with the grass. Yeah, we can go out there and analyze the
20 tire of that car in that grass on that pavement. Is that
21 necessary? Mr. Knox goes out there and identifies them.

22 Again, they catch the car right down the road with
23 three guys in it. Then we come to Brandon Williams. Yeah,
24 Brandon Williams came in here yesterday and he testified. He
25 came up here. He's already pled guilty to his charge. He sat

1 there and asked him questions answered. What happened that
2 day? Well, when he was testifying at that point he said that
3 he got a text from his cousin Edward. They all met up in
4 Anderson. Quentin was with Edward. They all got together.
5 They knew what they were doing. They came down to Abbeville
6 and were going to hit a lick. A lick is a robbery or
7 burglary in their mind. Both of them said, Edward Thompson
8 and Mr. Williams, said that they were going to hit a lick.
9 Was burglarizing a house hitting a lick? Yes, it's hitting a
10 lick. So they come down to Abbeville. They ride around and
11 pick out a house. Brandon is the one driving. Both of them
12 say, Mr. Thompson and Mr. Williams, say that they were
13 riding around and they were finding a house.

14 They pull up to Mr. Knox's house because there's no car
15 in the drive. Edward gets out and knocks on the door.
16 Quentin gets out also at that point. You heard that from
17 Thompson. Thompson didn't say it from up on the stand when
18 he was sitting here yesterday, but you hear it in the
19 statement. He says he's scared in his statement when he was
20 talking to law enforcement, yet he's wanting to help himself
21 out so he's going to admit to a bunch of other burglaries.
22 He was telling it that day. It took Brandon a little bit
23 longer later on in his initial audio or recording with
24 officers. As you hear further on into the audio he starts
25 back over and tells the whole thing. He says they met in

Closing Argument by Mr. Brown

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1 Anderson. They knew what they were doing. They conspired as
2 he said from that stand they all conspired to break into a
3 house because they wanted some money. They broke into Mr.
4 Knox's house. They stole the jewelry. They stole the guns.
5 They stole that money. And they loaded it up.

6 Now, what else did Brandon Williams say. He says he got
7 there - - they got to the house and Edwards knocked on the
8 door and nobody was there. Edward and Quentin got out and
9 busted the door open and went in. He left. He left.
10 Edward said the same thing too. Brandon left. Who was
11 there at that house? Edward and Quentin. Edward also says
12 in his audio statement that he and Quentin went into the
13 house. They both went in the house. He also says in that
14 audio statement he doesn't know how that Glock got in the
15 car because he didn't take it out of the house. Quentin
16 carried it out of the house. That's what Edward says in his
17 audio. He changes his story. He also writes a letter to --
18 a little bit later, two months later -- and says that
19 Quentin didn't have anything to do with it. Quentin dated
20 his cousin. He's trying to protect him too.

21 The fact of the matter is every one of them said
22 Quentin was there. Edward was there in the car. Quentin and
23 Edward got out. They loaded up the car with the guns. It
24 ties it all together. They are loading the car. Mr. Knox get
25 there. Quentin Mr. Knox. They jump in the car. Those are the

Closing Argument by Mr. Brown

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1 two guys that jumped in the car. Mr. Knox testified to,
2 Edward testified to, and Brandon testified to. You also saw
3 the pictures that show there's an awful lot of guns that are
4 coming out of that house. An awful lot of rooms that they
5 went into in that house. They were pulling drawers open.
6 They were pulling every drawer in the house open it looks
7 like. They're moving a 46 inch TV out the door.

8 Now, if only one person went in there as both of them
9 said it lasted a mere five minutes. Edward Thompson he's not
10 able to rack up and bust open that gun safe and load all
11 those guns downstairs and stick them outside. He's not able
12 to go around and pick all that jewelry up and take it out.
13 He's not able to move that 46 inch TV and load up these
14 sheets and take it out there to the loading dock is they all
15 said. Quentin Dean went into the house with Mr. Thompson and
16 Brandon Williams was the driver. They are all guilty.

17 Ladies and gentlemen, as I said at the beginning of the
18 case the state has the burden of proof. We have the burden
19 of proving beyond a reasonable doubt this happen. You've
20 heard the police. You've heard Mr. Knox. He didn't let them
21 go in his house. He saw them they are, saw the car they are,
22 they drove off, they were all caught down the road. They
23 have the guns in the car. Now, who else did you hear from
24 that day. You heard Jason Bonds. Jason Bonds was the last
25 officer the state called. He's the officer that he got there

Closing Argument by Mr. Brown

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1 after the guys were already out of the car. He took Quentin
2 been in his car. He drove him to the Sheriff's Department
3 and in part of bookings they pat him down and make sure they
4 don't have any other property or evidence in their pockets.
5 When he did that, he pulls out the jewelry. He pulls out the
6 jewelry. And he sees an Abbeville high school ring that
7 belonged to Mr. Knox's wife. It's in his pocket.

8 The defense wants you to think he didn't really know
9 what he was doing. He didn't drive all the way down from
10 Anderson 30 minutes away not knowing. They were just going
11 on a joy ride? These guys don't have any money. They might
12 not have any money but they were looking for it. That's why
13 they went to Mr. Knox's house. They all knew what they were
14 doing. You heard Edward Thompson. You can believe whatever
15 you want to believe from him.

16 The fact is, they all drove down here. He didn't load
17 him up in the car. He said he weighs too much. I can't make
18 that guy get into the car with me. He didn't make him go. He
19 knew what they were doing. He participated fully with it. He
20 had the money and he had the jewelry in his pocket. That
21 jewelry didn't walk itself out of that house. He was part of
22 it, and he went and got it. Again, we have the burden of
23 proof in this case. What is that? To prove to y'all beyond a
24 reasonable doubt that he committed these crimes. It's a
25 proof that leaves you firmly convinced. Ladies and

1 gentlemen, he's charged with burglary first. What is
2 burglary in the first degree? A person is guilty of burglary
3 in the first degree when they enter a dwelling or a home of
4 somebody else. Mr. Knox. Without permission, and with the
5 intent to commit a crime therein. They didn't have any
6 money. They were going to make some money. They were going
7 to go upon these guns off and pawn this jewelry off to make
8 some money. They were going into burglarize and to steal
9 items out of that house.

10 We also have to show that while effecting entry or
11 while in the house or while leaving the house that they were
12 armed with a deadly weapon. And became armed. In this case,
13 those guns. Went with them. They became armed as you saw
14 earlier the guns came out of their were a rifle, a shotgun,
15 and a Glock. Edward Thompson says in his audio the day after
16 he was arrested he really didn't know how that Glock got
17 into the car. Because it walked out of there with Quentin
18 Dean. It was in Quentin Dean's pocket. He was armed with a
19 deadly weapon. As all of them were when they were leaving
20 the house with all of these guns in their possession.

21 Ladies and gentlemen, they are also charged with grand
22 larceny. It's more than \$2000 but less than \$10,000. Larceny
23 is the taking and carrying away of goods of another without
24 their consent and with the intent to permanently deprive
25 them of those goods. What did they walk out of the house

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1 with? They walked out of the house with the guns. They
2 walked out of the house with the jewelry. Money, they tried
3 to get out of there with that TV. They tried to get out of
4 there with those Wii games until he drove home. Mr. Knox
5 tells you how much they were worth. He went through each
6 gun. One of the shotguns, he said, the replacement value
7 would be \$1,800 for the replacement of that one gun. The
8 next one he said \$1,200. Add those up and we're already
9 over \$2,000. The jewelry and the other guns were well above
10 \$2,000. Coming close to \$8,000.

11 Ladies and gentlemen, he's also charged with possession
12 of a firearm during the commission of a violent crime.
13 Burglary first is a violent crime. You have to find him
14 guilty on burglary first in order to get him for the
15 possession of a weapon. But as the Judge will instruct you
16 in a few moments, the shotguns, rifles, pistols, that's a
17 deadly weapon. And burglary is a violent crime. Lastly,
18 the malicious injury to real property. Ladies and
19 gentlemen, they went in and they busted the door open. They
20 busted the glass. You've seen the pictures of that. They
21 went in and pretty much ransacked the house. They willfully
22 and unlawfully do this damage in this house. That's
23 malicious injury to real property. One other thing the
24 Judge is going to charge you with in a few moments is
25 something we have in this state that's called the hand of

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1 one is the hand of all. That is, one who joins with another
2 to accomplish an illegal purpose is liable criminally for
3 everything done by his confederate or the folks he's there
4 with. He'll explain that a little bit more in detail here
5 in a few moments.

6 Ladies and gentlemen, the defense wants to muddy up the
7 whole waters. You can't trust what the co-defendant says.
8 The thing is, even though the stories might not be verbatim
9 of what they say, they're very accurate. They both say they
10 drove down from Anderson. They got the text that morning
11 and they were going to hit a lick. Quentin is in the car
12 with them. Quentin gets out of the car with Edward Thompson
13 as Brandon drives off. Quentin goes in that house as
14 Brandon says and as Edward says it the first time. The next
15 time Edward comes up here and says that Quentin was the
16 lookout. He was the one that spotted Mr. Knox. He's still
17 participating in that crime. Either way you want to look at
18 it.

19 I submit to you that he came out with that Glock and he
20 came out with that money and that jewelry. I ask you to
21 find Mr. Dean guilty on all the charges based on the facts
22 and the evidence that you've seen here today and yesterday.
23 Thank you so much.

24 THE COURT: Thank you, Mr. Brown. Now, ladies and
25 gentlemen, it becomes my responsibility at this point in

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1 time to charge you on the law that applies in this
2 particular case. The way that this has traditionally been
3 done is the judge simply sits up here and read to you the
4 law that applies. It's actually about 31 pages. That's how
5 it was done when I started practicing law 20 years ago. I
6 always found it a little bit strange that I'm supposed to be
7 able to sit here and you're supposed to be able to sit there
8 and you simply listen to me read 30 plus pages to you and
9 you're supposed to just absorb this like a sponge and then
10 go back and apply what I now tell you the law is and get a
11 good result.

12 What I'm saying to you, ladies and gentlemen, I found
13 that very unreasonable. So what I will do is give you a copy
14 of these instructions in the jury room which you can refer
15 to if you need to. Please don't pay attention to part of the
16 instructions and ignore the rest, but follow the
17 instructions as a whole. Additionally, at this stage of the
18 case, it's not possible to receive any additional evidence
19 or any additional facts into evidence. So if you have any
20 questions about the facts in all likelihood I will not be
21 able to assist you with that. But if you have any questions
22 about the law as it applies, simply send a note out to me
23 and I'll try to fill you in or better explain what the law
24 is that you are struggling with, okay? Of course when you're
25 done with the deliberations please return these instructions

Jury Charge

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1 to me.

2 Ladies and gentlemen, in this case the indictments
3 charge the defendant with one count of burglary, grand
4 larceny, conspiracy, malicious injury to real property, and
5 one count of possession of a weapon during the commission of
6 a violent crime. Each indictment charges a separate and
7 distinct offense and you must decide each indictment
8 separately on the evidence and the law applicable to it,
9 uninfluenced by your decision as to any other indictment.
10 The defendant may be convicted or acquitted on any or all of
11 the charges. You will be asked to write a separate verdict
12 of guilt or innocence for each indictment on this verdict
13 form that I have here before you.

14 Ladies and gentlemen, I remind you that the fact that
15 Mr. Dean was arrested, charged, and indicted in this case is
16 not evidence in this case it should not be considered by you
17 as evidence of guilt in this case, nor does it create any
18 presumption or inference of guilt. The indictments are
19 simply the formal written instrument which contain the
20 charges made against Mr. Dean. They are the formal documents
21 by which this case is brought into court. The defendant, Mr.
22 Dean, has pled not guilty to these charges, and that plea
23 puts the burden on the state to prove him guilty. A person
24 charged with committing a criminal offense in South Carolina
25 is never required to prove himself innocent. I charge you

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1 that it is an important rule of the law that a defendant in
2 a criminal trial, no matter what the seriousness of the
3 charge may be, will always be presumed to be innocent of the
4 crime for which the indictments were issued unless guilt has
5 been proven evidence satisfying you of his guilt beyond a
6 reasonable doubt. This presumption of innocence does not end
7 when you began your deliberations, but it accompanies the
8 defendant throughout the trial until you reach a verdict of
9 guilt based upon evidence satisfying you of his guilt beyond
10 a reasonable doubt.

11 The presumption of innocence is like a robe of
12 righteousness place about the shoulders of the defendant.
13 The robe remains with him until it's been stripped from him
14 by evidence satisfying you of his guilt beyond a reasonable
15 doubt. Ladies and gentlemen, the presumption of innocence is
16 not merely a legal theory. It's not just a legal phrase.
17 It's a substantial right to which every defendant is
18 entitled unless you, the jury, are satisfied from the
19 evidence of his guilt beyond a reasonable doubt. What is a
20 reasonable doubt in the eyes of the law? Reasonable doubt is
21 the kind of doubt that would cause a reasonable person to
22 hesitate to act. The state has the burden of proving the
23 defendant guilty beyond a reasonable doubt. Some of you may
24 have served as jurors in civil cases where you were told
25 that it is only necessary to prove that a fact is more

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1 likely true than not true such as by the greater weight or
2 the preponderance of the evidence. In criminal cases, the
3 state's proof must be more powerful than that. It must be
4 proof beyond a reasonable doubt. Proof beyond a reasonable
5 doubt is proof that leaves you firmly convinced of the
6 defendant's guilt.

7 Now, there are very few things in this world that we
8 know with absolute certainty. In criminal cases the law does
9 not require proof that overcomes every possible doubt. If,
10 based on your consideration of the evidence you are firmly
11 convinced that the defendant is guilty of the crime charged,
12 you must find him guilty. If, on the other hand, you think
13 there's a real possibility that the defendant is not guilty
14 you must give him the benefit of the doubt and find him not
15 guilty. Ladies and gentlemen, I remind you that during this
16 trial you and I have certain duties to perform. As the trial
17 judge, it is my responsibility to preside over the trial of
18 this case and I also have the duty to rule on the
19 admissibility of evidence offered during trial. You are to
20 consider only the competent evidence before you.

21 You are to consider only the testimony which has been
22 presented from the witness stand as well as any exhibits
23 which have been made a part of the record in this case. I
24 have the additional duty to charge you with the law
25 applicable to this case and as the presiding judge I am the

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1 sole judge of the law in this case. It is your duty as
2 jurors to accept and apply the law as I now state it to you.
3 If you already have any idea as to what the law is or what
4 the law ought to be and it does not agree with what I now
5 tell you the law is, you must abandon this idea because you
6 are sworn to accept and apply the law exactly as I state it
7 to you now.

8 In every case tried in this court before a jury, the
9 jury becomes the sole and exclusive judge of the facts in
10 the case. A trial judge cannot intimate, state, comment on,
11 or make any statement to a trial jury about the facts in a
12 case since you, the jury, are the sole judges of the facts
13 in this case you're not to infer from what I have said
14 during the progress of this trial in ruling upon the
15 admissibility of evidence or otherwise or anything that I
16 say to you now that I have any opinion about the facts in
17 this case.

18 Ladies and gentlemen, the law does not permit me to
19 have an opinion about the facts in this case because this is
20 a matter solely for you the jury to determine. As jurors
21 it's your duty to determine the effect, value, weight, and
22 proof of the evidence presented during this trial. Ladies
23 and gentlemen, there are typically two types of evidence
24 presented during a criminal trial: direct evidence and
25 circumstantial evidence. Direct evidence is the testimony of

1 a person who claims to have actual knowledge of a fact, such
2 as an eyewitness. It's evidence which immediately
3 establishes the main fact be proved. Circumstantial
4 evidence is proof of a chain of facts and circumstances
5 indicating the existence of a fact. It is evidence which
6 immediately establishes collateral facts from which the main
7 fact may be inferred.

8 Circumstantial evidence is based upon inference and not
9 on personal knowledge or observation. The law makes
10 absolutely no distinction between the weight or value to be
11 given to either direct or circumstantial evidence, nor is a
12 greater degree of certainty required of circumstantial
13 evidence than of direct evidence. You should weigh all the
14 evidence in this case and after weighing all the evidence if
15 you're not convinced of the defendant's guilt beyond a
16 reasonable doubt you should find him not guilty.

17 Necessarily, ladies and gentlemen you must determine
18 the credibility of witnesses who have testified in this
19 case. Credibility simply means believability. It becomes
20 your duty as jurors to analyze and to evaluate the evidence
21 and determine which evidence convinces you of its truth. In
22 determining the believability of witnesses who have
23 testified in this case you may believe one witness over
24 several witnesses or several witnesses over one witness.
25 You may believe a part of the testimony of a witness and

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1 reject the remaining part of the testimony of that same
2 witness. You may believe the testimony of a witness in its
3 entirety or reject the testimony of a witness in its
4 entirety. You may consider whether the witness has
5 exhibited to you any interest, bias, prejudice, or other
6 motives in this case, and you may also consider the
7 appearance and manner of the witness while on the witness
8 stand.

9 Ladies and gentlemen, I instruct you that a person who
10 has a past criminal record is competent to testify during a
11 trial. A past record does not affect the ability of that
12 witness to testify. The past record may only be considered
13 by you, if at all, in determining the witness's
14 believability. Remember, you are the sole judges of the
15 facts in this case and of the believability of any and all
16 of the witnesses in the case. In this case, ladies and
17 gentlemen, there's been evidence presented that witnesses
18 have made prior statements which are not consistent with the
19 witness's present testimony. You may use this evidence to
20 decide whether to believe the witness. You may also use
21 this evidence of the earlier contradictory statement to
22 determine the truth of those statements.

23 It's up to you to decide whether to believe the earlier
24 statements or the testimony given at trial. If a witness is
25 shown to have knowingly testified untruthfully concerning

1 any material matter, you may consider this in determining
2 whether to trust the witness's testimony as to other
3 matters. You may reject all testimony of that witness or
4 give all or part of the testimony the weight you think it
5 deserves.

6 Ladies and gentlemen, I instruct you and emphasize that
7 the fact that the defendant, Mr. Dean, did not testify is
8 not a factor to be considered by you in any way in your
9 deliberations and in your consideration on the question of
10 the guilt or the innocence of the defendant and must not be
11 considered by you in any manner whatsoever. A defendant has
12 the constitutional right to remain silent and the assertion
13 of this right must not be considered by you in your
14 deliberations. I repeat, under your oath you are to draw no
15 conclusions whatsoever from the fact that the defendant in
16 this case did not testify. The fact that he didn't testify
17 should not even be discussed by you in the jury room. The
18 burden of proof, as I have stated to you, is on the state.
19 The defendant is not required to prove his innocence. The
20 burden of proof remains on the state to prove guilt beyond
21 reasonable doubt.

22 Ladies and gentlemen, in order to consider criminal
23 liability criminal intent is required. For example, the
24 mental state required for a particular crime might be
25 purpose, intent, knowledge, recklessness, or criminal

Jury Charge

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1 negligence. Criminal intent must be proven by the state
2 beyond a reasonable doubt. Criminal intent is always a
3 matter that must be determined by the jury from the
4 circumstances surrounding the situation. Now, there's no
5 way to prove intent to a mathematical certainty. There's no
6 way that medical science can dissect a person's brain and
7 determine what that person had in mind, so the law says that
8 criminal intent may be inferred from the circumstances shown
9 to have existed. This is how you make a determination of
10 whether or not the element requiring intent was present. It
11 is not necessary to establish intent by direct and positive
12 evidence, but intent may be established by inference in the
13 same way as any other fact by taking into consideration the
14 acts of the parties and all the facts and circumstances in
15 this case.

16 Criminal intent, ladies and gentlemen, is a mental
17 state. A conscious wrongdoing. It's up to you to determine
18 what the defendant intended to do based upon the
19 circumstances shown to have existed. Ladies and gentlemen,
20 I instruct you that mere presence at the scene is not
21 sufficient to prove someone guilty of a crime. A
22 defendant's presence where a crime is being committed or
23 mere association with a person who commits a crime does not
24 make the defendant an accomplice or an aider and abettor of
25 the person committing the crime. The burden is on the state

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1 to prove every element of the crime charged. If you find
2 after reviewing all of the evidence that the state has
3 proven that the defendant was only present at the scene of
4 the crime and that they have not proven beyond a reasonable
5 doubt any other participation in the crime then you must
6 find the defendant not guilty. The law is that proof of
7 being at the scene of a crime is not sufficient to find
8 someone guilty.

9 Ladies and gentlemen, a person who was present at the
10 scene of the crime and intentionally or through a common
11 plan aided, abetted, or assisted in the commission of that
12 crime through some overt act is guilty as an accomplice. To
13 be liable as an accomplice the defendant must have knowledge
14 of the principal's criminal conduct. Mere presence, again,
15 at the scene of the crime isn't sufficient to establish
16 guilt as an accomplice. Intentionally means willfully
17 intending the result which actually occurs and not
18 accidentally or involuntarily. I instruct you that if a
19 crime is committed by two or more people who are acting
20 together in committing a crime, the act of one is the act of
21 all. A person who joins with another to commit an unlawful
22 act is criminally responsible for everything done by the
23 other person which happens as a probable or a natural
24 consequence of the act done in carrying out the common plan
25 and purpose. For example, two people can be guilty of

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1 killing another person when only one of the two had a gun
2 and there was only one bullet and only one of the two fired
3 the shot that caused the death.

4 If two or more people are together acting together
5 assisting each other in the committing of the offense, the
6 act of one is the act of all or as it is sometimes said the
7 hand of one is the hand of all. Prior knowledge that a
8 crime is going to be committed without more is not
9 sufficient to make a person guilty of that crime. Mere
10 knowledge that another person is going to commit a crime,
11 even if the defendant is present when the crime is
12 committed, isn't sufficient to convict the defendant as a
13 principle. Guilt as a principle is shown by actual or
14 constructive presence at the scene as a result of prior
15 arrangement. Therefore, a finding of a prior arranged plan
16 or a common scheme is necessary for a finding of guilt as
17 principle.

18 The state must prove beyond a reasonable doubt by
19 competent evidence that the theory of the hand of one is the
20 hand of all. A principal in a crime is one who either
21 actually commits the crime or is present aiding, abetting,
22 or assisting in committing the crime. When a person does an
23 act in the presence of and with the assistance of another
24 the act is done by both. Where two or more are acting with a
25 common plan or intent or present at the commission of a

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1 crime it doesn't matter who actually commits the crime. All
2 are guilty. The hand of one is the hand of all. Present at
3 the commission of a crime means to be sufficiently near to
4 aid and abet and assist in the commission of that crime.
5 However, the mere presence at the scene is it sufficient to
6 convict one as a principal on the theory of aiding and
7 abetting.

8 Intent is also a necessary element for there must have
9 been a common design or intent to commit the crime and the
10 crime must have been committed pursuant thereto with the
11 person aiding and abetting by some overt act. Intent means
12 intending the result which actually occurs, not accidentally
13 or involuntarily. Again, intent may be shown by acts and
14 conduct of the defendant and other circumstances from which
15 you may naturally and reasonably infer intent and the state
16 must prove these elements beyond a reasonable doubt.

17 Ladies and gentlemen, in this case one of the charges
18 that the defendant faces is burglary in the first degree.
19 State must first prove beyond a reasonable doubt that the
20 defendant entered a dwelling without consent. I instruct you
21 that a dwelling is a building or a portion of the building
22 in which a person ordinarily sleeps. A building constructed
23 as a dwelling that has never been occupied is not considered
24 a dwelling for the purposes of burglary, but a building is a
25 dwelling even if the residents are temporarily absent from

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1 the building. In order to prove that the defendant entered
2 the dwelling the state does not have to show that the
3 defendant's entire body entered the dwelling. The smallest
4 entry is sufficient. It may be any part of the body such as
5 hand, or foot, or even an instrument such as a hook or
6 another instrument.

7 In addition, the state does not have to prove that
8 force was used to gain entry. Next, the state must prove
9 beyond a reasonable doubt that the defendant intended to
10 commit a crime either a felony for a misdemeanor at the time
11 of the entry. A mere entry into a dwelling without consent
12 is not burglary. If the intent to commit a crime is formed
13 after the entry it's not burglary. If, on the other hand,
14 the defendant intended to commit a crime at the time of the
15 entry it burglary even if the intent was abandoned after the
16 entry. It does not matter that the intended crime was not
17 completed. Intent may be shown by acts and conduct of the
18 defendant and other circumstances from which you may
19 naturally and reasonably infer intent.

20 Finally, the state must prove beyond a reasonable doubt
21 that when entering while in the dwelling, or when fleeing,
22 the defendant or an accomplice was armed or became armed
23 with a deadly weapon. A deadly weapon is any article,
24 instrument, or substance which is likely to cause death or
25 great bodily harm. Whether an instrument has been used as a

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1 deadly weapon depends on the facts and circumstances of each
2 case. The following are examples of instruments which may be
3 deadly weapons: a pistol, a shotgun, a rifle, a dirk,
4 dagger, knife, slingshot, metal knuckles, a razor, gasoline,
5 firebomb, or Molotov cocktail, and lighter fluid.

6 Now, ladies and gentlemen, the defendant is also
7 charged with possession of a weapon during the commission of
8 a violent crime or the attempt to commit a violent crime.
9 The state must prove beyond a reasonable doubt that the
10 defendant was in possession of a firearm during the
11 commission of a violent crime. Firearm means any machine
12 gun, automatic rifle, revolver, pistol, or any weapon which
13 will, is designed to, or may readily be converted to expel a
14 projectile.

15 In order to find the defendant guilty of possession of
16 a weapon during the commission of a violent crime you must
17 first find the defendant guilty of either committing a
18 violent crime or attempting to commit a violent crime. I
19 instruct you that under the laws of South Carolina burglary
20 in the first degree is classified as a violent crime. The
21 state must prove beyond a reasonable doubt that the weapon
22 furthered, advanced, or helped in the commission of the
23 crime.

24 The defendant is also charged with one count of grand
25 larceny. To prove larceny the state must prove beyond a

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1 reasonable doubt that the defendant took and carry away the
2 property of another against the will or without the consent
3 of the other person. The slightest removal of the property
4 or the complete possession of the property, even for an
5 instant by the defendant, is enough to show taking and
6 carrying away of the property.

7 The state must also prove beyond a reasonable doubt
8 that the defendant intended to permanently deprive the owner
9 of the property. Finally, the state must prove that the
10 value of the thing or items taken was between \$2000 but less
11 than \$10,000. Now, ladies and gentlemen, if you find that
12 the state has failed to prove the defendant guilty of grand
13 larceny you may consider whether the state has proven the
14 defendant is guilty of receiving stolen goods. To be
15 convicted of receiving stolen goods the state must prove
16 beyond a reasonable doubt that the defendant involved see or
17 possess goods and chattels or other property and that the
18 defendant knew or had reason to believe that the property
19 was stolen. Whether the defendant knew or had reason to
20 believe the property was stolen may be shown by direct or
21 circumstantial evidence.

22 The state may prove that the defendant knew or had
23 reason to believe that the property was stolen by showing
24 that the defendant knew facts that would make a reasonable
25 person believe that the property was stolen. Ladies and

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1 gentlemen, if the defendant is found possessing recently
2 stolen goods this may be used as evidence that the defendant
3 stole the goods. This would simply be an evidentiary
4 inference to be taken into consideration by along with the
5 other evidence in the case and you may give it the way you
6 decide it should have.

7 The defendant is also charged with conspiracy. To prove
8 conspiracy the state must prove beyond a reasonable doubt
9 that the defendant combined with one or more persons for the
10 purpose of committing an unlawful act or of committing a
11 lawful act by unlawful means. There must be a mutual
12 understanding, agreement, or common intention and plan. Mere
13 passive knowledge of or consent to the criminal conduct of
14 another is not enough to make a person a conspirator. There
15 must be guilty knowledge and participation.

16 Similarly, the mere fact that the defendant may have
17 associated with another person or met with another person
18 and discuss common aims and interests does not necessarily
19 establish proof of the existence of a conspiracy or that the
20 defendant was involved in a conspiracy. On the other hand,
21 it's not necessary that the agreement be a formal one. That
22 it be in writing. That the persons should hold a meeting and
23 expressly state the terms of the common plan or that the
24 agreement being stated his words between them. The agreement
25 of a criminal conspiracy may come into being through an

Jury Charge

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1 implied mutual understanding. The willful, intentional, and
2 knowing adoption by two or more persons of a common plan is
3 sufficient. No overt act needs to be shown to establish a
4 conspiracy.

5 A conspiracy may be shown by circumstantial evidence
6 and the conduct of the parties. In order to convict the
7 defendant of conspiracy the state must prove beyond a
8 reasonable doubt not only that the defendant knew of the
9 unlawful conduct but that the defendant agreed to combine
10 with the other person or persons for the purpose of
11 accomplishing the unlawful conduct.

12 Additionally, ladies and gentlemen, the defendant is
13 charged with malicious injury to real property. The state
14 must prove beyond a reasonable doubt that the defendant
15 willfully and maliciously cut, mutilated, defaced, or
16 otherwise injured a house, outside fence, or fixture of
17 another person or committed any other trespass on the real
18 property of another person. Willfully means voluntarily and
19 intentionally with a specific intent to do something that
20 the law forbids.

21 Maliciously means involving malice. Malice is hatred or
22 ill will or hostility towards another person. It's the
23 intentional doing of a wrongful act without just cause or
24 excuse with the intent to inflict an injury or under
25 circumstances that the law will infer an evil intent. Malice

Jury Charge

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1 may be express or inferred. These terms express or inferred
2 do not mean different kinds of malice but merely the manner
3 in which malice may be shown to have existed. That is either
4 by direct evidence or by inference from the facts and
5 circumstances which are proven.

6 Express malice is shown where a person speaks words
7 which express hatred for ill will for another or when the
8 person prepared before hand to do the act which was later
9 accomplished. For example, laying in wait for another person
10 or any other act of preparation going to show that the deed
11 was within the defendant's mind would be express malice. The
12 state must also prove beyond a reasonable doubt that the
13 value of the property injured is more than \$10,000. Ladies
14 and gentlemen, another possible charge which you may
15 consider is whether the defendant is guilty of being an
16 accessory after the fact of the burglary, malicious injury
17 to real property, or grand larceny charges.

18 You should only consider whether the defendant is
19 guilty of accessory after the fact if you find that the
20 defendant is not guilty of the burglary, malicious injury,
21 or grand larceny. In order to prove accessory after the fact
22 the state must prove beyond a reasonable doubt that the
23 defendant being that another person, the principal,
24 committed a felony and after the crime intentionally helped
25 the principal to escape from arrest, conviction, or

Jury Charge

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1 punishment. Intentionally means willfully intending the
2 result which actually occurs, not accidentally or
3 involuntarily.

4 Intent may be shown by acts and conduct of the
5 defendant and other circumstances from which you may
6 naturally and reasonably infer intent. Absence is not an
7 element of the crime of accessory after the fact. If you
8 find that the defendant was merely present at the scene of
9 the crime and didn't participate in the crime but became
10 involved after the commission of the crime you may find the
11 defendant guilty of being an accessory after the fact.

12 Although the actions of the defendant may have helped the
13 principal to escape detection or arrest this is not enough
14 to be an accessory after the fact.

15 The state must also prove that the defendant acted with
16 the intention or with the purpose of helping the principal
17 to escape detection or arrest. So, if a person is charged
18 with being accessory after the fact did not intend that his
19 act should help the principal escape detection or arrest
20 then he is not an accessory after the fact even though his
21 acts in fact may have resulted in helping the principal
22 escape detection or arrest. There must be some affirmative
23 act tending towards concealment of the commission of the
24 crime. Solids alone is not sufficient to make a person an
25 accessory.

Jury Charge

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1 Ladies and gentlemen, there's several possible verdicts
2 which you may find in this case. Mr. Foreman, I have
3 prepared this brief verdict form that will hopefully help
4 guide your deliberations somewhat. The possible verdict
5 could find in this case include guilty or not guilty on the
6 charge of burglary, larceny, receiving stolen goods,
7 conspiracy, malicious injury to real property, or possession
8 of a weapon during the commission of a violent crime and or
9 accessory after the fact of burglary, malicious injury, and
10 or grand larceny.

11 There's no significance, ladies and gentlemen, to the
12 order that I state these verdicts. It's simply that one has
13 to be stated first. Mr. Foreman, the first question on the
14 verdict form -- well, it's more of a statement. It
15 basically says we the jury in the above captioned case on
16 the charge of burglary first degree unanimously find Quentin
17 Stepfon Dean -- and then it has an option for you to find
18 not guilty or guilt, okay? If you find that the defendant is
19 not guilty you would go down to question three. This is all
20 written out for you on here, but if you find him not guilty
21 they go to question three which relates to the charge of
22 grand larceny. If you find that the state has proven his
23 guilt beyond a reasonable doubt to the charge of burglary
24 first you would then go to question two which asks you about
25 the possession of a weapon during the commission of a

Jury Charge

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1 violent crime charge. I found it most appropriate to put
2 that charge after the burglary first sentence burglary first
3 is the only violent crime listed on here. So if you find
4 that the state has met its burden of proving his guilt
5 beyond a reasonable doubt on the burglary charge, initial
6 guilty there and then go to question number two and consider
7 the firearm charge within the context of the instructions I
8 have just given you.

9 When you get to question number three it asks the exact
10 same thing about the grand larceny charge. Question 3A if
11 you find him not guilty on the grand larceny charge you
12 should then consider question 3A which relates to the lesser
13 included offense of receiving stolen goods, okay? Again, an
14 option of guilty or not guilty on both of those. Question
15 four, same question about conspiracy. Guilty or not guilty.
16 Question five, same question on the malicious injury charge.
17 Question six you would only consider if Mr. Dean is found
18 not guilty on the burglary, malicious injury, and or grand
19 larceny charges, and that's the one that deals with
20 accessory after the fact to those offenses, okay? All of
21 this is written out for you, but if you have - - I
22 understand how sometimes this can get a little complicated.
23 So if you've got any questions you let me know and I will
24 try and explain it to you better, but it's about as easy to
25 understand as I can make it on this particular verdict form.

Jury Charge

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1 Ladies and gentlemen, your verdict must be a unanimous
2 one. That means all 12 of you have to agree on the verdict.
3 When the jury agrees on the verdict, Mr. Foreman, just write
4 the verdict on the verdict form that I'm sending that they
5 are with you. Sign your name as foreperson on the third
6 page, knock on the door to let the bailiff know you're done,
7 and we'll receive back into the courtroom shortly.

8 Ladies and gentlemen, I remind you that you have no
9 enemies to punish in this case. You have no friends to
10 reward. You've been selected as 12 fair and impartial
11 individuals who can give both the defendant and the state a
12 fair trial. Along those lines, your verdict should speak the
13 truth. I will ask you at this point in time to return to the
14 jury room but don't begin your deliberations yet. Your cue
15 to begin deliberations will be receipt of these
16 instructions, the verdict form, and all the exhibits back
17 there and my asking the alternate to step out, okay?

18 I want to go over with the lawyers and make sure I've
19 told you everything I need to tell you before you begin your
20 deliberations. If at any time you need to listen to the
21 audio statements again, that's fine. We can't bring the
22 equipment in there so if you need to listen to any of the
23 audios a second time, let me know and I'll bring you back
24 out here. We'll cue up what it is that you want to listen to
25 and will play it for you here in the open court room, okay.

Jury Charge

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1 If you will, go back to the jury room. Don't start talking
2 yet. You know your cue. Thank you very much. You go with
3 them one last time, yes sir. Thank you.

4 (Whereupon, the jury exited the courtroom at 2:54 p.m.)

5 THE COURT: Exceptions, additions from the state?

6 MR. BROWN: Judge, I have one. On malicious injury to
7 real property it says the state must also prove beyond a
8 reasonable doubt that the value of the property is more than
9 \$10,000. I think the indictment is \$10,000 or less.

10 THE COURT: Oh, okay. Sorry.

11 MR. BROWN: I should've caught that before and I missed
12 it.

13 THE COURT: I apologize.

14 MS. HORLBECK: Judge, I just have one thing. It's not
15 in anything you said, but before - I think it's on page ten.
16 If this is going to go back to the jury it says failure of
17 defendant to testify. I don't know if there's a possibility
18 of rephrasing that. Right not to testify or something like
19 that instead of phrasing it as a failure.

20 THE COURT: Okay. You're talking about the big bold
21 print. On my copy it's on page 11.

22 MS. HORLBECK: Yes.

23 THE COURT: You're talking about the bold print.

24 MS. HORLBECK: Yes. Nothing in the instruction itself,
25 just the bold print.

1 THE COURT: That's a good point. That does have
2 somewhat of a negative connotation. How about fact that the
3 defendant did not testify?

4 MS. HORLBECK: That's fine.

5 THE COURT: Let's have the jury back out here.

6 (Whereupon, the jury entered the courtroom at 3:00
7 p.m.)

8 THE COURT: Ladies and gentlemen, I did make an error in
9 the instructions that none of us caught before I read them.
10 On the malicious injury charge I told you that the state had
11 to prove that the value of the property injured is more than
12 \$10,000. Under the law the state has to prove that it's
13 less than \$10,000. That was a typo on my part. I've
14 scratched through that and corrected that on page 27 here.
15 Also, under page 11 there was a typo, and there are a few
16 other typos in here where I've scratched through stuff and
17 written things in. They're just here and there. Obviously,
18 if I've scratched through anything, a stray word or
19 something that was not supposed to be there, ignore whatever
20 I scratched through. Go with what's written in, okay? With
21 that I think - are we okay, everyone, with the instructions
22 at this point?

23 MR. BROWN: Yes, Your Honor.

24 MS. HORLBECK: Yes, Your Honor.

25 THE COURT: If you'll stay out, the rest of the jury go

1 back there and we'll have this case to you in just a moment,
2 Mr. Foreman. Unless you want to go back and say goodbye.

3 (Whereupon, the jury exited the courtroom to deliberate at
4 3:03 p.m. and the alternate remained in the courtroom)

5 THE COURT: The jury is out. If y'all could just
6 confirm that all of the exhibits are in evidence. Let's
7 make sure about what we have going back. Don't send the
8 audio recordings back. There's no point. If they need to
9 listen to those we'll bring them out and play the CD ROMS.
10 We'll be off the record.

11 (Whereupon, the court was in recess until 4:15 p.m.)

12 (Whereupon, the court received a note from the jury,
13 which was marked as Court's Exhibit 1 for identification.)

14 THE COURT: Let's go ahead and go back on the record to
15 make sure that all of this is noted. We've received a
16 question from the jury. Would the back porch be considered
17 part of the dwelling? I've marked the note as Court's 1. I
18 have asked counsel for the state and the defense to do some
19 quick research on this question. There is one case that
20 says definitively that a screened porch is part of the
21 dwelling for purposes of the burglary statute. There is,
22 from my research, a 2002 case, State v. Stone, that's the
23 one that dealt with the screened porch. It sites to a 1913
24 case, State v. Puckett recorded at 95SC114 where the court
25 says we addressed whether the defendant could be convicted

1 of burglary for entering an unenclosed piazza. The facts of
2 the case, the court held that evidence did not show the
3 piazza was such a part of the dwelling as was contemplated
4 by law to make it an offence to enter in the nighttime
5 against the security of the dwelling house. Then it goes on
6 to say, however, at the time Puckett was decided common-law
7 required a breaking in order to establish the offense of
8 burglary. The offense of burglary no longer requires such a
9 breaking.

10 Further, unlike Puckett, the porch here was entirely
11 enclosed and utilized for the protection of Griffith's
12 property. We find these factors sufficient to demonstrate
13 that the porch was part of Griffith's dwelling. How would
14 y'all suggest we address this? Y'all had a better chance to
15 look at the photos than I did. I think that the photos may
16 have indicated that there was a roof but no screening. Is
17 that right or can anyone speak to that? Because under the
18 definition of piazza, as used in New England and the south
19 apparently, it would include a large covered porch. That's
20 New Webster's World College Dictionary.

21 MR. BROWN: This is under a large, covered porch.

22 MS. HORLBECK: If I could offer my thoughts.

23 THE COURT: Sure.

24 MS. HORLBECK: Here's the thing. I think that the
25 instruction that you gave - neither the instruction that you

1 gave nor the statute mentioned curtilage, so this is
2 obviously a word that the jury has come up with on their
3 own. I don't think that it is incumbent upon the court to
4 define that for them. I think it's most impro.-- I don't
5 think we need to do that and I don't think we should. I
6 think we're getting very far afield.

7 We don't even have the pictures that the jury are
8 looking at, so no one can really say what this looks like
9 and I don't think we took any testimony about what this
10 looks like. What the area looks like. So I think the jury
11 is going to have to rely on the facts that they have in
12 evidence and I think that they are going to have to use the
13 law that has been charged to them. If that doesn't include
14 a definition of curtilage, then that's the answer. We're
15 not going to define it for them. I don't think we can
16 define that for them, Judge.

17 THE COURT: They seem to me to be looking for the
18 definition of dwelling, and I want to avoid a charge on the
19 facts. I don't want to say definitively that the back porch
20 is or is not because her point is well taken. The defense
21 point is very well taken that there wasn't a great deal of
22 testimony about that. The Solicitor's theory of the case
23 was that the defendant entered the home; correct?

24 MR. BROWN: That and we did get testimony from the co-
25 defendant, or from at least Edward Thompson. One of his

1 stories is that he was the lookout standing there on the
2 back porch. So if we instruct again on burglary, if we even
3 bring them out to instruct on burglary, also instruct on
4 hand of one hand of all.

5 MS. HORLBECK: They didn't ask any questions about hand
6 of one hand of all, so I object to that. They have the
7 instruction already with them. I think the only thing they
8 need to be reminded of is that they need to apply the jury
9 instruction on burglary that they've been read and handed.
10 And Judge, if I may, I think the instruction adequately
11 handles the definition of dwelling in the second paragraph.

12 MR. BROWN: Judge, is this State v. Stone in 655 or the
13 376SC32? Is that the one you were ...

14 THE COURT: I'm not sure. The one I pulled up was on
15 the Judicial Department website as opposed to Westlaw,
16 because my Westlaw has been extremely slow. It's opinion
17 25494 decided July 15, '02. The problem that the court has
18 is that I don't know how I avoid a charge on the law - -
19 sorry, I don't know how I avoid a charge on the facts by
20 saying a back porch can be a dwelling. It can be part of a
21 dwelling, but it has to be screened in.

22 MR. BROWN: Judge, actually one of the pictures that I
23 believe was sent back there showed also the tire marks in
24 the grass. That showed a picture of the screened-in porch,
25 which is the back side of that house next to the whole area

1 where they were.

2 MS. HORLBECK: But I still don't think that we can
3 instruct them beyond what they've already been instructed.
4 You don't have to - the burglary statute does not include
5 the word curtilage. It includes the word dwelling and
6 dwelling has been defined in the instruction.

7 MR. BROWN: Judge, didn't the note say the porch? It
8 didn't say anything about curtilage.

9 THE COURT: We're not dealing with curtilage.

10 MR. BROWN: Not dealing with curtilage at all.

11 MS. HORLBECK: Well, then if we're dealing with dwelling
12 I think the definition of dwelling in the instruction
13 answers their question. The definition that's already been
14 given in the instruction.

15 THE COURT: The problem in Stone is that this was in the
16 context of a directed verdict motion instead of a jury
17 question and I was looking at the other cases trying to
18 figure out what the other cases cited in Stone in an effort
19 to figure out what the policy concerns are in deciding where
20 a dwelling begins and where it ends. There are a number of
21 cases cited in the string citation in Stone. A fully
22 enclosed porch with windows and walls of wooden construction
23 running the length of the house. A porch which was screened
24 in and connected to kitchen by door and window. It says
25 similarly other courts have held a pertinent structure is to

1 a home even if not directly accessible from the home are
2 nonetheless part of the dwelling as contemplated by burglary
3 statutes. It cites a case out of Minnesota for a basement,
4 a case out of California for a garage attached to a house,
5 even though not connected by an inside doorway to the
6 inhabited part of the house. I think we've gotten a little
7 bit far afield because we're maybe focusing - I think we're
8 missing the forest for the trees. By definition, every
9 house that I am aware of is going to have a porch of some
10 kind and that porch is going to be part of the home.
11 There's always a front porch to a house. There's always at
12 least a couple of steps that lead up to the house. To say
13 that those steps or that area is not a part of the home is
14 ridiculous. It's clearly part of the home. The question
15 isn't whether the steps or a deck or some other structure
16 that is attached to the house is part of the home. We know
17 that that's part of a dwelling house. The question is that
18 when someone enters up onto the steps what is the intent of
19 the person. Clearly, by entering onto the steps a postman
20 delivering mail or a poll worker or a person doing census or
21 somebody who is visiting clearly they're not committing
22 burglary because they have no intent to commit the crime.
23 So I believe that it would be logical to say that yes, the
24 porch of a home is part of the home. That's not a big
25 logical leap. The question isn't so much though whether the

1 porch is part of the home, it's the question of what the
2 intention of the person who enters upon that porch is. I
3 can have a friend come over that wants to borrow something
4 off my back porch and I've got no problem with him borrowing
5 it and he's able to come up onto the porch and do so without
6 committing burglary. If, however, my friend's intention is
7 to go to onto that porch and then to break into my home - to
8 enter the back door to my house and then go into my house,
9 even if the back door is unlocked. Go into my house and
10 steal something. That's when you get the burglary. So it's
11 not so much important, I think, on - - the question isn't so
12 much whether this deck or patio or whatever it is or piazza
13 is part of the home or the dwelling, the question is the
14 intention of the person entering upon the property. That's
15 what I'm going to charge the jury because that's a correct
16 statement of the law. Let's have the jury in. Subject to
17 your objection. Hold on.

18 MS. HORLBECK: So are you going to re-charge them on
19 intent?

20 THE COURT: I'm going to basically instruct them that
21 the back porch - their question is would the back porch be
22 considered part of the dwelling. The question is answered,
23 yes. It is part of the dwelling, but the central issue for
24 you is not so much whether it was part of the dwelling.
25 It's what the intention of the parties were. What the

1 intention of the defendant was at the time that he -
2 assuming he entered onto the back porch or that he entered
3 the dwelling. I have no problem, if you wish, reminding the
4 jury that the State's theory of this case is that the
5 defendant entered into the actual dwelling. Went inside the
6 house itself.

7 MS. HORLBECK: Okay. If I could - - could we just
8 review exactly what their question is, because I just want
9 to make sure.

10 THE COURT: "Would the back porch be considered part of
11 the dwelling?"

12 MS. HORLBECK: My objection is just - - I'll just say
13 one more time. I think that's a fact or a matter for the
14 jury to find. I think that dwelling has already been
15 defined. I don't think we need to go further. If Your
16 Honor is inclined to further instruct, then yes, I would ask
17 Your Honor to remind the jury of the State's theory.

18 (Whereupon, there was a knock on the jury room door.)

19 THE COURT: Do they have another question?

20 BAILIFF: Same question.

21 THE COURT: Tell them to come on out.

22 (Whereupon, the jury entered the courtroom at 4:20
23 p.m.)

24 THE COURT: Mr. Foreman, ladies and gentlemen of the
25 jury, I did receive your note. Please don't feel like I was

1 ignoring you. In all candor, I needed to discuss this with
2 the attorneys because it is somewhat of an unusual question.
3 I'm trying to figure out how best to approach it in light of
4 what law exists in this state. To answer your question,
5 "Would the back porch be considered part of the dwelling?"
6 The answer to that question is yes. Most homes have steps
7 out front, steps out back. It's understood that someone can
8 come onto those steps. If you've got your mailbox right
9 there next to your front door and you've got steps walking
10 up, clearly the mailman can walk onto those steps, place the
11 mail there, and then leave without having committed a
12 burglary. So the focus, ladies and gentlemen, is not so
13 much on, in my mind, where the house begins or where the
14 house ends. Because most homes I know have a porch or a
15 deck or some kind of structure attached to them that's used
16 either to get into the house or outside the house or for
17 recreation. So I think yes, that's clearly - - those
18 structures are part of the dwelling unit themselves. The
19 question is more to the effect of what the intention of an
20 individual is when they enter upon that structure. Just as
21 the postman can come to the front door and deliver the mail
22 without any crime being committed. Just like a poll worker
23 or a census taker can come up onto the front porch and ring
24 the doorbell and ask questions without a crime being
25 committed. Until such time as the plane of the house is

1 broken with the intention to commit a crime inside that
2 dwelling, that's where the line is drawn. So it's a
3 question of the intention of the person coming into or upon
4 the dwelling that is the central issue that you have to
5 decide. I will remind you that the State's theory in this
6 case is that the defendant, Mr. Dean, did actually enter
7 into the inner space, the inner structure of the dwelling.
8 That is what their theory of what happened is. I have to
9 speculate to a degree as to what you're trying to get at in
10 order for me to help you. I don't know if this information
11 has helped you at all or if it hasn't. If you care to
12 refine your question or if you need to ask me another
13 question that's perfectly fine. Just use the same procedure
14 as before. Write it down and I'll bring you back out here.
15 I hope that what I've said to you is of some assistance to
16 you with regard to this specific question. With that I'll
17 ask you to, of course, take these comments into account with
18 the rest of the charge that I gave you earlier and the
19 comments now, of course, receive no greater weight than the
20 other instructions I gave you earlier. If you'll return and
21 continue your deliberations. I appreciate very much y'all's
22 work.

23 (Whereupon, the jury exited the courtroom to continue
24 deliberations.)

25 THE COURT: The jury is out. Ms. Horlbeck, your

1 objection is noted for the record. I understand your
2 position. Thank you very much.

3 MS. HORLBECK: Thank you, Judge.

4 THE COURT: We will remain at ease.

5 (Whereupon, the court was in recess.)

6 THE COURT: If we may go back on the record. I have
7 received another question from the jury. It reads as
8 follows, "Page two, item 6a states burglary first degree.
9 Is this a typo? Should this be another form of burglary?"
10 What they're working on at this point is that they're down
11 to the accessory after portion of that verdict form,
12 question 6a. Mr. Bishop, grab my computer from chambers if
13 you don't mind. I don't think it's a typo because it says
14 accessory after to burglary first, but I'll have to double
15 check that.

16 MR. BROWN: I'm actually kind of confused as to what
17 they're asking.

18 THE COURT: We're off the record.

19 (Whereupon, the court was off the record briefly.)

20 THE COURT: Let's have the jury out.

21 (Whereupon, the jury entered the courtroom at 4:50
22 p.m.)

23 THE COURT: Let the record reflect that the jury is back
24 and seated. Mr. Foreman, I received your question about the
25 verdict form and the question is, "On page two of the

1 verdict form, item 6a states burglary first degree. Is this
2 a typo? Should this be another form of burglary?" It's not
3 a typo. What question 6 is asking you is that if you find
4 Mr. Dean not guilty of the burglary, not guilty of malicious
5 injury, and/or not guilty of grand larceny, then you should
6 consider whether the state has proven beyond a reasonable
7 doubt whether Mr. Dean is guilty of accessory after the fact
8 of burglary first degree or malicious injury or grand
9 larceny. So maybe it's not as clear there, but what 6a is
10 asking you is whether the state has proven to your
11 satisfaction beyond a reasonable doubt that Mr. Dean is
12 guilty of accessory after the fact to burglary first.
13 Again, you only reach this question, as I explained there,
14 if a not guilty verdict is returned on the others. Does
15 that answer your question?

16 JURY FOREMAN: Yes, sir.

17 THE COURT: Was the concern that it just said burglary
18 first? If I had put in there accessory after that would've
19 cleared it up?

20 JURY FOREMAN: Probably so.

21 THE COURT: Good enough. Y'all keep deliberating then
22 and I'll see y'all when I see y'all. Thank you.

23 (Whereupon, the jury exited the courtroom at 4:56 p.m.)

24 THE COURT: The jury is out. I'll mark the latest note
25 as Court's 2 for the purposes of the record. While we're on

1 the record, something was brought to my attention that
2 relates to that 1913 case involving a piazza and the
3 definition of burglary of a dwelling. It might be
4 pertinent, but of course it would - - at the time the 1913
5 case was decided, a lot of homes were built in this state
6 with open-air type areas. Open porches that were not
7 necessarily screened but they were open so that you could
8 get a good night's rest in the open air as opposed to inside
9 your very hot dwelling. I think that that may have some
10 bearing on the question of whether the porch constitutes
11 part of the dwelling. The issue of entry, however, is
12 another issue entirely. But perhaps because they are even
13 considering question 6a it would sound as if they answered
14 the first question in the negative. So that's where we are.
15 I just wanted that thought put on the record. We'll be at
16 ease.

17 (Whereupon, jury note was marked Court's Exhibit 2 for
18 identification.)

19 (BREAK)

20 THE COURT: I've received another communication from the
21 jury which we'll mark in a moment as Court's 3. Basically,
22 it says that the jury has only been able to reach a decision
23 with regard to one charge and they're hung up on the other
24 charges, apparently. What's the State's position concerning
25 where we're at?

1 MR. BROWN: Judge, I would just instruct the jury on an
2 Allen charge.

3 MS. HURLBECK: I agree.

4 THE COURT: I'm wondering if, because it's 6:00, I'm
5 wondering if they're a bit fatigued and if it would be
6 beneficial to suggest that if they want to come back in the
7 morning to resume then. I may just simply suggest that to
8 them and explain to them what my standing policy is and
9 that's once it's submitted to the jury we're on their time,
10 not vice versa. I'm inclined to give an Allen charge, but
11 I'll also mention to them that if they feel fatigued or what
12 have you we're at their disposal as opposed to the other way
13 around. Let's have the jury back in.

14 (Whereupon, the jury entered at 5:53 p.m.)

15 THE COURT: Let the record reflect that the jury is back
16 and seated. Mr. Foreman, I've received the last
17 communication that you sent to us basically saying that
18 y'all have reached a decision on one of the charges but
19 you're having difficulty reaching a decision on the
20 remaining charges. What I want to do is give you some
21 further instructions that hopefully you may find helpful.
22 Now, ladies and gentlemen, you've explained to me that
23 you've been unable to reach a verdict in this case as I
24 instructed you earlier. Of course the verdict in this case
25 has to be unanimous. When a matter is in dispute it's not

1 always easy for even two people to come to an agreement on
2 something, so when twelve people have to agree it of course
3 becomes more difficult. In most cases, ladies and gentlemen,
4 absolute certainty can't be reached or expected. However,
5 you have a duty to make every reasonable effort to reach a
6 unanimous verdict in this case. In doing this you should
7 certainly consult with one another and express your own
8 views and listen to the opinions and statements of your
9 fellow jurors. Tell each other how you feel about the case
10 and why you feel that way, and of course discuss your
11 differences with open minds. Now, although the verdict of
12 the jury has to be unanimous, every one of you has the right
13 to your own opinion. The verdict you agree to must be your
14 own verdict, the result of your own convictions, and you
15 should not give up any firmly held beliefs merely to be in
16 agreement with your fellow jurors. The majority should
17 consider the minority's position and the minority should
18 consider the majority's position. You should carefully
19 consider and respect the opinions of each other and re-
20 evaluate your position for reasonableness, correctness, and
21 impartiality. You must lay aside all outside matters and
22 re-examine the questions before you based on the law and the
23 evidence in this case.

24 Ladies and gentlemen, if you do not agree or if you are
25 unable to agree on a verdict in this case I will have to

1 declare a mistrial. In that case it doesn't mean that
2 anybody wins, it just means that at some future point in
3 time I will try this case again with some other jury sitting
4 exactly where you are right now. The same participants will
5 come and the same lawyers will ask basically the same
6 questions and get basically the same answers and we'll go
7 through the whole process again. Y'all were selected in the
8 same manner and from the same source as any future jury will
9 be, and there's no reason for me to suppose that the case
10 will ever be submitted to twelve people who are more
11 capable, intelligent, impartial, conscientious, or
12 competent, or that more competent jurors than you or that
13 clearer evidence will be produced at a later date on either
14 side. Therefore, what I'm going to ask you to do at this
15 particular point in time I'll ask you to return to your
16 deliberations. However, I do realize that it's getting
17 rather late in the day, Mr. Foreman. If for whatever reason
18 you feel like it's appropriate or it would be beneficial to
19 break at this particular point in time and perhaps return
20 sometime tomorrow morning, I'm more than happy to do it. I
21 meant to mention to you my rule and that is once a case is
22 submitted to the jury we're on your time and not vice versa.
23 So if y'all want a break and go home and think about this,
24 sleep on it tonight, and return tomorrow morning, that's
25 perfectly fine. If you feel like continuing deliberations

1 this afternoon, this evening, would be warranted, that's
2 fine too. But if you could, Mr. Foreman, just get a sense
3 of where y'all are and what y'all want to do. Again, if you
4 want to return and keep working tonight that's perfectly
5 fine. If you want to return in the morning and try and
6 start again, that's fine too. I would ask at this point in
7 time you return to your deliberations. Thank y'all very
8 much.

9 (Whereupon, the jury exited the courtroom at 6:10 p.m.)

10 THE COURT: If whoever has the note if we could mark it
11 as Court's 3. We'll be at ease.

12 (Whereupon, jury note was marked Court's Exhibit 3 for
13 identification.)

14 (Whereupon, court was in recess until 6:30 p.m.)

15 (Whereupon, the jury entered the courtroom with a
16 completed verdict form at 6:31 p.m.)

17 THE COURT: Would counsel approach, please.

18 (Whereupon, a bench conference was held in the presence
19 but out of the hearing of the jury.)

20 THE COURT: Ladies and gentlemen, I've reviewed the
21 verdict form. I do have one question. With regard to
22 question three, and that's the grand larceny charge, on that
23 you found Mr. Dean - - here it's checked guilty. On
24 question 6c, which is accessory after the fact to grand
25 larceny, you also checked guilty on that charge as well.

1 Those two are actually mutually exclusive. So he cannot be
2 found guilty of both accessory after the fact to grand
3 larceny and grand larceny. So it's kind of a one or the
4 other sort of situation. So what I'm going to do is ask
5 that you return to the jury room and just clarify that. I
6 noted that under question 3 initially there was a check mark
7 and it was scratched through on that. So if you could just
8 clarify that for the court it would be very helpful. So if
9 you would all just return to the jury room and knock on the
10 door when you're done and that is clarified for us. Okay?
11 Thank you very much.

12 (Whereupon, the jury exited the courtroom at 6:45 p.m.)

13 (Whereupon, the jury entered the courtroom with a
14 verdict at 6:57 p.m.)

15 THE COURT: Mr. Foreman, if you'll hand the verdict form
16 to the bailiff. Thank you. I've reviewed the verdict form,
17 Mr. Foreman. All twelve jurors have agreed on this verdict
18 for all these counts. Is that correct?

19 MR. FOREMAN: Yes, sir.

20 THE COURT: Very good. Madame Clerk, you may publish.

21 MADAME CLERK: 2011-GS-01-82 to 86. *The State vs.*

22 *Quentin Stepfon Dean*. Number 1, we the jury in the above
23 captioned case on the charge of burglary first degree
24 unanimously find Quentin Stepfon Dean not guilty.

25 (Whereupon, an unknown person in the audience clapped.)

1 THE COURT: We need to control ourselves, please, while
2 the verdict is being read. If you cannot do that, I need
3 you to leave. Thank you very much.

4 MADAME CLERK: Number 2, we the jury in the above
5 captioned case on the charge of possession of a weapon
6 during the commission of a violent crime unanimously find
7 Quentin Stepfon Dean not guilty. Number 3, we the jury in
8 the above captioned case on the charge of grand larceny
9 unanimously find Quentin Stepfon Dean guilty. 3A, we the
10 jury in the above captioned case on the charge of receiving
11 stolen goods unanimously find Quentin Stepfon Dean not
12 guilty. Number 4, we the jury in the above captioned case
13 on the charge of conspiracy unanimously find Quentin Stepfon
14 Dean guilty. Number 5, we the jury in the above captioned
15 case on the charge of malicious injury to real property
16 unanimously find Quentin Stepfon Dean not guilty. Number 6,
17 as to 6a burglary first degree not guilty. 6B, malicious
18 injury to real property, not guilty. 6C, grand larceny, not
19 guilty. Foreman, John F. Herron, July 30, 2013. Mr.
20 Foreman, ladies and gentlemen of the jury, if this is your
21 verdict so say you all. Please signify by raising your
22 right hand.

23 THE COURT: Let the record reflect that all twelve
24 jurors did raise their right hand. Anything further from
25 the jury before they're discharged? From the State?

1 MR. BROWN: None from the State.

2 THE COURT: From the defense?

3 MS. HORLBECK: None from the defense.

4 THE COURT: Mr. Foreman, ladies and gentlemen of the
5 jury, I want to thank you for your patience and your hard
6 work today. I'm not going to keep you except to give you a
7 few brief parting instructions. First of all, we still live
8 in a free country. Sometimes lawyers will contact you after
9 the case is over with just to get feedback on how they did
10 as attorneys. It's something that helps them become better
11 at what they do. Better at their craft. If you want to
12 talk to them that's perfectly fine. If you don't want to
13 talk to them, that's perfectly fine too. Just politely tell
14 them, listen, I've listened to you for two days. I'm kind
15 of done at the moment. If anyone were to contact you and
16 they insist upon talking to you and you don't want to talk
17 to them, simply notify the police and I'll take care of
18 that. That's not going to happen though. Secondly, I want
19 to thank you again for your service. I know that this is
20 not an easy thing for someone to come in here and sit as
21 jurors. It's a very very difficult position. So you do
22 have my appreciation. You'll get a letter from me later on
23 this week again thanking you formally for your service as
24 jurors. The purpose of the letter really though is twofold.
25 Certainly it's to thank you, but secondly it's to solicit

1 any sort of feedback that you may have about your experience
2 as jurors. What you liked and especially what you didn't
3 like. If you didn't like something I want you to tell me
4 about it, okay? I can't guarantee I can do anything about
5 it, but I will certainly try. I've received a lot of good
6 comments in the past from people who have served as jurors
7 as far as how to improve the way that court runs. So
8 definitely, if you didn't like something, let me know.
9 You'll have my email address, my snail mail address, and my
10 phone on there. Don't hesitate to contact me. At this
11 point in time you are free to leave. You are free to stay.
12 If you choose to stay I'm going to have to ask that y'all
13 move back into the gallery out here. We do not have your
14 checks. They will be in the mail to you. You do get paid.
15 It's not a lot of money so please spend it all in one place.
16 With that you have my appreciation and my thanks and you are
17 free to go. Except for the foreman. I need you to sign the
18 actual verdict on the indictments themselves. The rest of
19 you can gather your belongings and stay or go as you choose.
20 Mr. Foreman, I've written the verdict of not guilty on the
21 weapons charge, the malicious injury charge, and the
22 burglary charge. If you don't mind, you can come on up here
23 and sign those. I've written the verdict of guilty on the
24 conspiracy and the grand larceny charge. Thank you, sir. I
25 appreciate your time. Solicitor, do you have sentencing

1 sheets prepared at this point?

2 MR. BROWN: I do, Your Honor.

3 THE COURT: If you'll hand those up.

4 MR. BROWN: Also, I'm passing forward a restitution
5 order. The other two co-defendants did have \$1,000 in
6 restitution. I'm just going to submit this. I do need to
7 change the date. You would move for a new trial, of course,
8 Ms. Horlbeck?

9 MS. HORLBECK: I don't know. Let me...

10 THE COURT: In terms of issue preservation, I think that
11 there might be a - -

12 MS. HORLBECK: Judge, yes. We'll go ahead and move for
13 a new trial at this point.

14 THE COURT: Very good. Your motion for a new trial is
15 denied at this point and all prior objections and rulings
16 are noted for the record. Before I turn to anything in
17 mitigation, and certainly if Mr. Dean wants to step closer
18 and if he - at the appropriate time I'll be happy to hear,
19 of course, from you and from he. Solicitor, if you would
20 edify me as to any prior criminal history that Mr. Dean
21 might have, please.

22 MR. BROWN: Your Honor, he does have - - these are
23 actually two juvenile convictions, but they won't count
24 towards this. A burglary and a petty larceny. In 2008,
25 entering a premises after warning. 2008, common law strong

1 arm robbery. He pled to this in Anderson, received 15 years
2 suspended to 240 days time served and 5 years probation. I
3 do think this would probably violate that, but I'd have to
4 double check. He does have at the same time he pled to
5 assault and battery with intent to kill. He received the
6 same sentence of 15 years suspended to 240 days, 5 years
7 probation. He had a criminal conspiracy at that time.
8 Convicted 7 years suspended to 240 days and 5 years
9 probation. 2010, convicted of burglary second degree. He
10 received 5 years suspended to 240 days, 5 years probation.
11 He has had a custody status, or a violation it looks like in
12 2011 on those charges. 2011, he's got a possession of 28
13 grams or less marijuana. Judge, at the moment while he was
14 out on bond for these charges here in Abbeville he was
15 arrested and was actually being held in Anderson for pending
16 charges of burglary in the first degree, armed robbery,
17 weapons charge, and failure to appear after release. After
18 that charge, U.S. Marshals had to pick him up in Pittsburgh
19 after the warrants were sought.

20 THE COURT: Obviously, Ms. Horlbeck, I'm not going to
21 take into account anything that he has pending against him
22 in terms of sentencing, but certainly at this point in time
23 I'm happy to entertain anything that you may want to say or
24 that Mr. Dean might want to tell me.

25 MS. HORLBECK: Thank you, Judge. I don't think we have

1 anything more to say about the facts of the case. I think
2 that's been gone over and over and over to the point where
3 it's probably exhausted. I've represented Mr. Dean for nine
4 months to a year and I've known his family just a very short
5 time. They have called me constantly and are very concerned
6 about him, so he certainly has a lot of family support out
7 there. Family who love him. I know Your Honor also
8 sentenced the co-defendants and I was present for that as
9 well. There was a lot of - - the things that the co-
10 defendants and their positions they took during sentencing
11 on that, their sentencing, was much like what we heard
12 today. I think today we find out that although there was
13 involvement, it's certainly not to the degree that it was
14 stated during the co-defendant's sentencing. I just ask the
15 court to take that into consideration today. In
16 understanding the fact that he is on probation, although I
17 am not ruling it out, but of course at this point I don't
18 think we certainly aren't going to ask for something like
19 that, Judge. But barring all that he hasn't been - - this
20 is the longest he's ever been incarcerated. I think he's
21 been incarcerated in Anderson for how long?

22 MR. DEAN: Since July 26.

23 MS. HORLBECK: So about a year. This is the longest
24 you've been incarcerated. Is that true?

25 MR. DEAN: Yes, ma'am.

1 MS. HORLBECK: SO we'd ask for as much leniency. We ask
2 Your Honor to consider something much less than the full
3 amount that he faces today. That's what I would ask for
4 anyone who has not spent a great deal of time at the
5 Department of Corrections. I'm not saying he doesn't
6 deserve an active sentencing. He honestly quite frankly
7 knows he probably faces that today. But we are asking that
8 the court consider carefully something besides the maximum.
9 I think you can give people the maximum and in terms of
10 actual punishment and what good it really does I think if
11 you give somebody the maximum I just don't know that you're
12 going to get the maximum - - I think at some point you're
13 going to get as much punishment as you're going to get. So
14 we would ask Your Honor for as much leniency as the court
15 can offer in this case.

16 THE COURT: Thank you. I assume that everyone concurs
17 that the grand larceny would be five as well as the
18 conspiracy?

19 MR. BROWN: That's correct, Your Honor.

20 THE COURT: That's your understanding, Ms. Horlbeck?

21 MS. HORLBECK: Yes, sir.

22 THE COURT: Mr. Dean, certainly I'm happy to entertain
23 anything that you may want to say.

24 MR. DEAN: Yes, sir. Mr. Knox, I just want to say I
25 apologize about y'all's house being broke in. I hope you

1 can take my apologies. From the bottom of my heart I really
2 apologize. Send my condolence to your whole family. That's
3 it, sir. I just wanted his apologies.

4 THE COURT: Very good. How much time did he serve, do
5 you know, before he made bond on these charges? Obviously
6 under the law if he's being held on separate charges he
7 wouldn't be entitled to that jail time credit.

8 (Whereupon, the court and the clerk of court
9 conferred.)

10 THE COURT: I calculate 189 days in pretrial
11 confinement.

12 THE COURT: Mr. Dean, I've taken everything into
13 consideration. I do feel that the verdict of the jury is
14 appropriate in light of the way that the trial progressed
15 these last two days. I think that their conclusions are
16 very sound. I say that not needing to even say that really
17 though because they have made the decision and I would tend
18 to agree with the verdict that has been rendered in this
19 case. Mr. Dean, the problem that you face, and I'm just
20 going to be completely candid and completely on the record
21 with you, okay, sir?

22 MR. DEAN: Yes, sir.

23 THE COURT: Because I feel like I owe that to anybody
24 that appears before me, but your two co-defendants, when
25 they appeared in this same courtroom, and they pled in front

1 of me. They didn't have a criminal history. Okay? That
2 sets them apart from you.

3 MR. DEAN: Yes, sir.

4 THE COURT: The gentleman who was testifying today, he
5 had a relatively minor, I think, brush with the law some
6 time ago, but his situation and that of his co-defendant are
7 much different in that they have not previously had the run
8 ins that you have had.

9 MR. DEAN: Yes, sir.

10 THE COURT: I have to take that into account, okay?
11 That's not something I can simply turn a blind eye to.

12 MR. DEAN: I understand.

13 SENTENCE OF THE COURT

14 THE COURT: I really hope, Mr. Dean, that after you get
15 done serving this sentence, it's my most sincere hope that
16 you do straighten up. That you avoid the kind of stupid
17 acts that have landed you here, and that you just figure out
18 a way to manage your life in an appropriate and non-criminal
19 manner. That's my sincere wish for you, because I don't
20 like seeing people come in front of me day after day and me
21 having to do what I have to do. The sentence of the court,
22 Mr. Dean, on the charge of conspiracy on indictment 82 is
23 that you're committed to the Department of Corrections for
24 five years. You're to receive credit for 189 days in jail.
25 On indictment 84, that's the grand larceny charge, the

1 sentence of the court is that you're committed to the
2 Department of Corrections for five years. You get credit
3 for 189 days in jail, but this sentence will be consecutive
4 to that on indictment 82. So you have ten years to serve,
5 Mr. Dean. I wish you luck, sir. The restitution will be
6 enrolled as a civil judgement. The record is closed in this
7 matter.

8 (Whereupon, the proceeding was concluded at 7:45 p.m.)

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10 - - - END OF TRANSCRIPT OF RECORD - - -

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STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Abbeville

VS.

Quentin Stepfon Dean

AKA:

Race: AA Sex: M Age: 24

DOB: 1 SS#:

Address:

City, State, Zip: Anderson, SC

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Conspiracy / Criminal Conspiracy, Common Law conspiracy defined

in violation of § 16-17-0410 of the S.C. Code of Laws, bearing CDR Code # 0049.

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45.The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury: (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Brown, C. Yates

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. Credit 189 days - on.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)	\$	\$ 3.90
TOTAL		\$ 133.90

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 11GS01-0082

A/W#: M510336

Date of Offense: 10/7/2010

S.C. Code § 16-17-0410

CDR Code #: 0049

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

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and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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TOTAL		\$ 133.90

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge:

Judge Code: 2159

Sentence Date:

July 30, 2013

THE STATE OF SOUTH CAROLINA

COUNTY OF ABBEVILLE

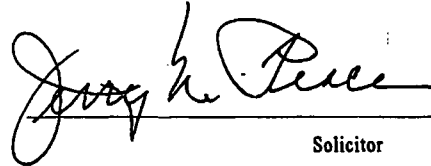
INDICTMENT FOR

CONSPIRACY
16-17-0410

At a Court of General Sessions, convened on the 11th day of March, 2011 the Grand Jurors of Abbeville County present upon their oath:

That Quentin Stepfon Dean, along with another person or persons, did in Abbeville County, state aforesaid, on or about the 7th day of October, 2010 willfully and unlawfully unite, combine, conspire, confederate, agree between and among themselves and have tacit understanding with each other or with other persons whose names are unknown to the Grand Jurors, for the purpose of committing the act of Burglary-First Degree, in violation of Section 16-17-410 of the South Carolina Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.


Solicitor

WITNESSES

Patrick Thompson
Abbeville County Sheriff

WARRANT NUMBER

M510336

Allen C. Dean

Foreman of the Grand Jury

Date: **MAY 11 2011**

TRUE BILL

VERDICT

Guilty

J. W. Dean

Foreman

7-30-13

THE STATE OF SOUTH CAROLINA

COUNTY OF ABBEVILLE

COURT OF GENERAL SESSIONS

March Term, 2011

Indictment # 11GS01- *082*

THE STATE

vs.

Quentin Stephon Dean

INDICTMENT FOR

CONSPIRACY

16-17-0410

TRUE COPY
BY *Shandal Boag*
ABBEVILLE COUNTY CLERK OF COURT

✓

STATE OF SOUTH CAROLINA

COUNTY OF
STATEAbbeville
VS.

Quentin Stepfon Dean

AKA:

Race: AA Sex: M Age: 24

DOB: 10-30-1988 SS#: 250-75-3802

Address: 415 -A Clark Lane

City, State, Zip: Anderson, SC

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Larceny / Grand Larceny, more than \$2,000 but less than \$10,000

in violation of § 16-13-0030(B) of the S.C. Code of Laws, bearing CDR Code # 3420

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

*Brown, C. Yates*28107
SC Bar#

Defendant

Attorney for Defendant

SC Bar#

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and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services' standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 11-GS-01-82☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. Credit for 189 days - jail☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☒ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing: ☒ OrderedTotal: \$ 1000 plus 20% fee: \$ _____Payment Terms: Civil judgment☐ Set by SCDPPPS

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5%)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ca	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (if paid in installments)	\$	\$ <u>39.00</u>
TOTAL		\$ <u>133.90</u>

Clerk of Court/ Deputy Clerk: *Emily McMahon*Court Reporter: *Tara Scott*

SCCA/217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

275

INDICTMENT/CASE#: 11GS01-0084

A/W#: M510334

Date of Offense: 10/7/2010

S.C. Code §: 16-13-0030(B)

CDR Code #: 3420

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

PTUP: _____

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning: _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
47.12 requires \$500 be paid to Clerk
during probation.

Presiding Judge

Judge Code: 2159Sentence Date: July 30, 2013

THE STATE OF SOUTH CAROLINA

COUNTY OF ABBEVILLE

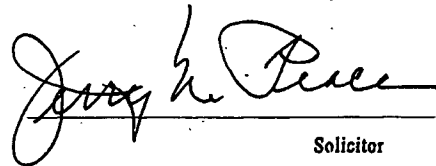
INDICTMENT FOR

GRAND LARCENY
16-13-0030

At a Court of General Sessions, convened on the 11th day of March, 2011 the Grand Jurors of Abbeville County present upon their oath:

That Quentin Stepfon Dean, did in Abbeville County, state aforesaid, on or about the 7th day of October, 2010 feloniously take and carry away the personal goods of Michael Knox of the value of more than two thousand and NO/100 (\$2,000.00) dollars, but less than ten thousand and NO/100 (\$10,000.00) dollars described as follows: a quantity of jewelry and firearms, with intent to deprive the owner permanently of such goods, in violation of Section 16-13-30 of the South Carolina Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.


Solicitor

277

WITNESSES

Patrick Thompson
Abbeville County Sheriff

WARRANT NUMBER

MS10334

Allen C. Dean

Foreman of the Grand Jury

Date: MAR 1 1 2011

TRUE BILL

VERDICT

Guilty

Joe W. Dean

Foreman:

7-30-13

THE STATE OF SOUTH CAROLINA

COUNTY OF ABBEVILLE

COURT OF GENERAL SESSIONS

March Term, 2011

Indictment # 11GS01-284

THE STATE

VS.

Quentin Stephon Dean

INDICTMENT FOR

GRAND LARCENY
16-13-0030

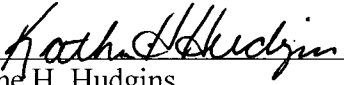
TRUE COPY

BY *Shandal Boggs*
ABBEVILLE COUNTY CLERK OF COURT

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

July 7th, 2014



Kathrine H. Hudgins
Appellate Defender

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

ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Abbeville County

Frank R. Addy, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

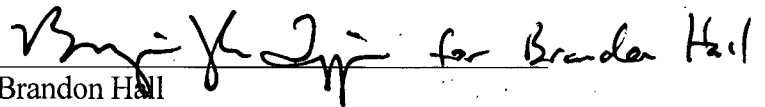
QUENTIN STEPFON DEAN,

APPELLANT

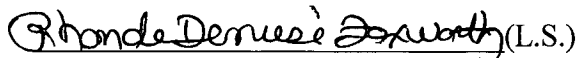
APPELLATE CASE NO. 2013-001784

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Salley W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 7th day of July, 2014.


Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 7th day of July, 2014.

 (L.S.)
Notary Public for South Carolina

My Commission Expires: October 17, 2021

RECEIVED

JUL 07 2014

SC Court of Appeals