

**ORIGINAL**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM SPARTANBURG COUNTY  
The Honorable J. Derham Cole, Circuit Court Judge

Appellate Case No: 2013-001411

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AUG 18 2015

SC Court of Appeals

THE STATE

RESPONDENT,

v.

ROBERT ODELL BROWN

APPELLANT.

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SUPPLEMENTAL RECORD ON APPEAL

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SUSAN B. HACKETT  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense

P.O. Box 11589  
Columbia, SC 29211  
(803) 734-1330

ATTORNEY FOR APPELLANT

ALAN WILSON  
Attorney General

J. BENJAMIN APLIN  
Assistant Attorney General

Office of the Attorney General  
P.O. Box 11549  
Columbia, SC 29211  
(803)734-3727

ATTORNEYS FOR RESPONDENT

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Jury sworn

1 if the original 12 are able to perform that function, then  
2 your service as alternates would end, and you would not  
3 participate any further. And that's because the decision  
4 of a jury is that of 12, and no more than 12 are permitted  
5 to engage in that deliberation process.

6 But it is important that each of you pay just as  
7 careful attention as we ask of all of the jurors selected  
8 in this case because it does occur from time to time for  
9 one reason or another one or two of these jurors may be  
10 unable to continue. In that event one or both of you would  
11 be called upon to participate in deliberations.

12 So we do appreciate your participation as alternate  
13 jurors, just as we appreciate the participation of each of  
14 you jurors who have been selected for the purpose of  
15 deciding the verdicts in this particular case.

16 You may swear the panel.

17 (whereupon, the jury was duly sworn.)

18 THE COURT: Ladies and gentlemen, as you know, you  
19 have been selected to decide the verdicts in the case of  
20 the State vs. Robert Odell Brown.

21 As you also know, Mr. Brown has been accused by the  
22 state through the prosecutor with having committed four  
23 separate and distinct offenses that the state alleges arose  
24 out of one particular event or a course of events which  
25 occurred back on November the 6th of 2011.

1 But there are four separate and distinct criminal  
2 charges for which you will be rendering four separate and  
3 distinct decisions. And your decisions as to each of the  
4 crimes may be the same, or they may be different. That of  
5 course will depend upon your determination of fact as it  
6 relates to a particular charge and then your application of  
7 the law to the facts as you determine them to be in order  
8 to arrive at your decision as it relates to that particular  
9 charge.

10 Each of the charges brought against the defendant are  
11 set forth in the indictments which I referred to prior to  
12 your selection. As I think I also told you, the  
13 indictments are not evidence of anything. They are not  
14 proof of anything.

15 They're simply the means by which any person who is  
16 accused of a crime is brought into this court and formally  
17 put on notice as to what crime the state claims they  
18 committed by them having a copy of the indictment served  
19 upon them.

20 But the indictments will be in the jury room at the  
21 trial's conclusion, Madam Forelady. They'll be there  
22 solely to serve as the verdict forms. So you'll use the  
23 back of the indictment as to a particular charge to reflect  
24 the jury's unanimous decision as it relates to that  
25 particular charge. But other than serving as the verdict

1 forms the indictments serve no purpose so far as you jurors  
2 are concerned.

3 Now, as you know, as to each of the charges contained  
4 in those indictments alleged against the defendant he has  
5 entered a plea of not guilty. And a plea of not guilty  
6 always places upon the state the burden of proving the  
7 allegations that they have made against another.

8 They have the burden of proving each of the essential  
9 elements of the crime that is alleged against the  
10 defendant; and therefore the burden is upon the state to  
11 establish a defendant's guilt to the satisfaction of you 12  
12 jurors beyond a reasonable doubt before any verdict of  
13 guilty could be returned as it relates to a particular  
14 charge.

15 Every person who is accused of a crime is always  
16 presumed to be innocent of that charge. That presumption  
17 of innocence remains with any defendant, as it does with  
18 this defendant, from the time that he is placed under  
19 arrest and throughout the course of the criminal process  
20 and even throughout the course of the actual trial in the  
21 case.

22 That presumption of innocence will be with Mr. Brown  
23 even as you go back into your jury room to begin with your  
24 deliberations at this trial's conclusion, and that  
25 presumption of innocence will be with him in that jury

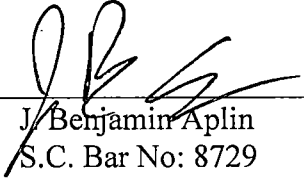
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CERTIFICATE OF COUNSEL

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

BY:   
J. Benjamin Aplin  
S.C. Bar No: 8729

August 18, 2015

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THE STATE,

Respondent,

v.

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Appellant.

PROOF OF SERVICE

I, Angela Bennett, certify that I have served the Supplemental Record on Appeal and Motion to Serve and File a Supplemental Record on Appeal on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to his attorney of record Susan B. Hackett, Esquire, S.C. Commission on Indigent Defense, Division of Appellate Defense, Post Office Box 11589, Columbia, South Carolina 29211-1589.

I further certify that all parties required by Rule to be served have been served.

This 18<sup>th</sup> day of August, 2014.



ANGELA BENNETT  
Administrative Assistant  
Office of Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727