

ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Roger M. Young, Circuit Court Judge

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SEP 19 2014

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

MICHAEL ANTHONY GLOVER,

APPELLANT

APPELLATE CASE NO. 2014-000162

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA COURT OF GENERAL SESSIONS
COUNTY OF CHARLESTON 2011-GS-10-913
 2011-GS-10-915
 2011-GS-10-916

STATE OF SOUTH CAROLINA)
) TRANSCRIPT OF RECORD
)
) January 13-15, 2014
MICHAEL ANTHONY GLOVER,)
) Charleston, South Carolina
) Defendant.)

B E F O R E:

The Honorable Roger M. Young, Sr., Judge.

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Circuit Court Reporter

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1 (January 13, 2014.)

2 THE COURT: Welcome, folks. My name is Roger
3 Young. I'm one of the presiding judges this week. We've
4 got criminal court going on, civil court, and I'm
5 presiding over a term of criminal court. Our big fancy
6 word for that is General Sessions, so if you see a little
7 sign directing you somewhere to General Sessions court,
8 that's criminal court.

9 So we are here now, you have been qualified
10 as jurors and, so we're going to draw a jury for a case
11 that we are going to start -- actually, tomorrow morning.
12 We would start it this afternoon, but we have to take up
13 some pretrial issues and so one of witnesses is ill, and
14 we are just going to push those off until tomorrow
15 morning, and hopefully that will give that witness the
16 opportunity to feel better, and that way we will make
17 some productive use of some other things that we need to
18 do this afternoon, but we'll get started on this case
19 tomorrow morning.

20 So we'll draw the jury, and that process
21 begins by me asking you a bunch of questions, all right?
22 You got qualified by a bunch of questions. All of these
23 questions are simply questions that are designed to
24 determine whether or not you have any sort of interest or
25 bias in the outcome of the lawsuit or you know the people

1 involved, such as the lawyers, the witnesses, the
2 defendants, that sort of thing.

3 It's possible you may know some of these
4 people, but the real critical question is would that
5 affect your ability to be fair and impartial in this case
6 because that's really all we're trying to do, is find 12
7 people who can take an oath that they will listen to the
8 evidence that's presented in this courtroom and apply the
9 law that I tell you applies to this type of case, and
10 then you'll go back and consider and deliberate and come
11 up with a verdict, and then we'll live with it.

12 So it's nothing more complicated than that,
13 and I'll be asking you some questions, but none of these
14 questions are designed to in any way pry into your
15 personal affairs to the point that we want to embarrass
16 you in any way, so if at any time I ask a question and
17 you find it's too embarrassing for you to -- you want to
18 stand up in front of a bunch of people and talk about it,
19 please don't just sit there, come forward, and talk to me
20 about it a little more privately.

21 The lawyers will be allowed to listen in, but
22 we have to have it on the record, but occasionally it
23 comes up, and it's certainly understandable but the wrong
24 thing to do is sit there and say nothing.

25 So if you feel like you need to let me know

1 something in response to a question and you don't want to
2 say it in front of a group of people, please just stand
3 up and come down. All right?

4 Now, this is criminal case, as I told you,
5 and the stay is the State of South Carolina versus
6 Michael Anthony Glover. The State of South Carolina has
7 brought three charges against Mr. Glover, and he has pled
8 not guilty to each of these charges. It is therefore
9 incumbent upon the State to provide him with a trial, a
10 jury trial, and to prove to 12 of you that he is guilty
11 of these charges beyond a reasonable doubt.

12 A defendant who is charged in this state or
13 any state in the United States is never required to prove
14 they are innocent. The State has to prove guilt beyond a
15 reasonable doubt. You'll hear that numerous times over
16 the course of the trial, but basically what it means is
17 you have to be firmly convinced of the defendant's guilt.
18 He doesn't have to prove he's innocent.

19 The only thing that he has to do is show up
20 for trial, and that he has done. If he wants to call
21 witnesses on his behalf, he can do that, and if he wants
22 to testify, he can do that, but if he doesn't want to
23 call witnesses and he doesn't want to testify, he has
24 that as a constitutional right. It's his constitutional
25 right and a constitutional right that every person in

1 this courtroom shares, including me and including you, so
2 I will tell you that not only does he not have to
3 testify, or call witnesses, you are not to hold that
4 against him if he doesn't in any way, shape, or form
5 while you are deliberating.

6 And I'll again go over these things in more
7 depth, but these are important constitutional rights.
8 These aren't just legal theories that we talked about,
9 maybe you heard about it in high school, that sort of
10 thing. These are very real rights that people have, and
11 so they're important, and you need to remember that.

12 Now, these indictments are simply charging
13 documents. They are as a result of a grand jury that
14 meets once a month. The police bring forward some
15 information and they basically have to allege that a
16 crime has been committed and they feel like it's probably
17 the defendant that committed the crime.

18 This is far, far short of proving in a court
19 of law guilt beyond a reasonable doubt. This is
20 something, as a practical matter, that is two-fold: It
21 gives this Court jurisdiction over the case, and it also
22 provides Mr. Glover with notice of what he is to stand
23 charged for. All right?

24 It's a throwback, or leftover, from 1,000
25 years ago, really, when the king of England used to pull

1 people off the street and throw them in the courtroom and
2 put them up for trial, and you didn't really have to do
3 anything other than allege they committed a crime and
4 people didn't even know what they were getting charged
5 with.

6 So as a result of that, you might have heard
7 of the magna carta. One of the rights that they have is
8 there is a grand jury who basically acts as a buffer
9 between the government and citizens, and so we kept that,
10 and when the settlers from England came over and started
11 this country, this was a right they brought with them,
12 and so it stayed on in our country, both on the federal
13 and state level.

14 So, again, these documents are not evidence.
15 They're not to be considered by you in any way, shape, or
16 form as evidence. Why I mention that is because other
17 than the photographs or statements or documents that I
18 might allow into evidence for you, it's the only
19 documents that will go back to the jury room with you
20 that are not evidence, all right? And the only reason
21 why I send them back is because there is a place on the
22 back of it where you write the verdict, either guilty or
23 not guilty. Okay?

24 So I'm going to read out these charges to you
25 so that you will know what this case is about and so you

1 will be able to answer when I ask the question does
2 anybody know about this case? All right?

3 The first indictment is State of South
4 Carolina Michael Anthony Glover, indictment
5 2011-GS-10-913, and it is an indictment for burglary in
6 the first degree. And it alleges that in Charleston
7 County, South Carolina on or about November 23, 2010, the
8 defendant, Michael Anthony Glover, did enter the dwelling
9 of Alicia Glover, located at Street without
10 the consent and with the intent to commit a crime therein
11 and while affecting entry or while in dwelling or while
12 an immediate flight therefrom, perpetrator or another
13 participant in crime is armed with a deadly weapon,
14 including explosives and/or causes physical injury to a
15 non-participant in the crime and/or uses or threatens the
16 use of dangerous instrument and/or displays what is or
17 appears to be a knife or firearm and/or defendant has a
18 prior record of two or more convictions for burglary or
19 housebreaking or a combination of both and/or the
20 entering or remaining occurs at nighttime in violation of
21 16-11-311.

22 All right? Obviously, the person is not
23 charged with doing all those things. They have basically
24 reiterated what the statute says, but it's putting him on
25 notice that on November 23, 2010 he is charged with the

1 crime of burglary. All right? To that, he has pled not
2 guilty.

3 Indictment 2011-GS-10-916, again, the State
4 of South Carolina versus Anthony Michael Glover. It is
5 for kidnapping, and it says that in Charleston County,
6 South Carolina on November 23, 2010, the defendant,
7 Michael Anthony Glover, unlawfully did seize, confine,
8 inveigle, decoy, kidnap, abduct, or carry away the
9 victim, Alicia Glover, without authority of law all in
10 violation of section 16-3-19 of the South Carolina code
11 of laws as amended. Again, he has pled not guilty to
12 that charge.

13 The final indictment is 2011-GS-10-915, which
14 is the State of South Carolina versus Michael Anthony
15 Glover. It is for the charge of criminal domestic
16 violence of a high and aggravated nature, and it alleges
17 that in Charleston County, South Carolina, on or about
18 November 23, 2010 the defendant, Michael Anthony Glover,
19 did cause physical harm or injury to the victim, Alicia
20 Glover, a household member of the defendant, or did offer
21 or attempt to cause physical harm or injury with apparent
22 present ability under the circumstances reasonably
23 creating fear of imminent peril to Alicia Glover.

24 Said assault and battery involved the use of
25 a deadly weapon resulting in serious bodily injury to the

1 victim, or would reasonably have caused a person to fear
2 imminent serious bodily injury or death, all in violation
3 of section 16-25-65 of the South Carolina code of laws as
4 amended. And, again, Mr. Glover pled not guilty to these
5 charges, or that charge as well.

6 So let me ask, does any member of the jury
7 panel know anything at all about this case or these
8 charges? If so, would you please stand. Okay. I find
9 none.

10 Let me introduce you to the parties and the
11 lawyers now and the names of the people who might be
12 called as witnesses in this case. In South Carolina, the
13 State prosecutes cases through a local office known as
14 the solicitor's office. It's another of our throwbacks
15 from old English law, but we call our prosecuting
16 attorneys solicitors. Some states they call them
17 district attorneys or prosecuting attorneys. We just
18 simply call them solicitors, and the State of South
19 Carolina is divided into 16 judicial circuits.

20 We're in the Ninth Judicial Circuit. The
21 Ninth Judicial Circuit is made up of Charleston and
22 Berkeley County, and the Ninth Judicial Circuit solicitor
23 is Ms. Scarlett Wilson. She has designated Ms. Stephanie
24 Linder and Ms. Jessica Baldwin as her assistants to
25 prosecute this case on her behalf, and I would ask that

1 they now stand and face the jury panel, these two ladies
2 right here.

3 Is there any member of the jury panel who is
4 related by blood or marriage or acquainted in any way
5 with either Ms. Wilson or Ms. Linder or Ms. Baldwin? If
6 so, would you please stand. Okay. I find none. You may
7 be seated.

8 The defendant in this case is Mr. Michael
9 Anthony Glover. Mr. Glover, would you stand and face the
10 jury panel, please. All right. He is represented by --
11 his two lawyers are Brian Burke, and Brian Johnson.
12 Would you gentlemen stand? They're now standing on
13 either side of him. Is there any member of the jury
14 panel who is related by blood or marriage or acquainted
15 in any way with Mr. Glover or Mr. Burke or Mr. Johnson,
16 or, perhaps, you have been represented by either
17 Mr. Burke or Mr. Johnson in the past.

18 If so, would you please stand. Yes, sir.
19 Your name and number for the record?

20 A PROSPECTIVE JUROR: Your Honor, I'm Dennis
21 Roddey. I know the lawyers on -- I know Stephanie Linder
22 and Brian Burke on both sides, but I'm not related or
23 anything like that. You said acquainted in any way?

24 THE COURT: Absolutely. What's your number?

25 A PROSPECTIVE JUROR: 284.

1 THE COURT: Would that affect your ability to
2 be impartial either for or against the State or for or
3 against the defense?

4 A PROSPECTIVE JUROR: No, it would not.

5 THE COURT: All right. Thank you. Anyone
6 else? Okay. You can be seated.

7 Now, I'm going call out the names of some
8 people who might be called as witnesses in this case.
9 When I call the name out, if you're related by blood or
10 marriage or acquainted with them in any way at all,
11 please stand when I call the name out.

12 First is Alicia Glover? I find none. Keisha
13 Davis? I find none. Carrie Voorhees? I find none.
14 Wayne Wood? I find none. Melissa Craven, with the Ninth
15 Circuit Solicitor's Office? I find none. Dr. Jennifer
16 Leslie, who is also -- or she's with Leslie Vision, if
17 you're a patient of hers or know her or acquainted or
18 related in any way.

19 Dr. Scott Hayes with Summerville Emergency
20 Medical Room? I find none. Brian Scheer, S-c-h-e-e-r?
21 I find none. Tiffany Dent, D-e-n-t? I find none.
22 Stephanie Lewis Ayende, A-y-e-n-d-e, with Charleston
23 County sheriffs? I find none. Deputy Jason Bowen with
24 the sheriff's office, Charleston County? I find none.
25 Detective James Perkins, Charleston sheriff's office? I

1 find none.

2 Detective Rita Avila, A-v-i-l-a, with
3 Charleston sheriff's office? I find none. Detective
4 Keith Herriott with the Charleston sheriff's office? I
5 find none. Investigator Kathy Kjellman, K-j-e-l-l-m-a-n,
6 Charleston sheriff's office? I find none. Investigator
7 Erin Meyer with the Charleston sheriff's office? I find
8 none. Officer Sarah Midgett, North Charleston police? I
9 find none. Officer Lucas Cummins, North Charleston
10 police? I find none. Officer James McNeil, North
11 Charleston police? I find none.

12 Nikki Perry Hughes with SLED, South Carolina
13 Law Enforcement? I find none. Doris Yarbrough with
14 SLED? I find none. Amy Stephens with SLED? I find
15 none. Betty Butler with SLED? I find none. Stephanie
16 Stanley with SLED? I find none. Patricia Crooks with
17 SLED? I find none. Lilly Gallman with SLED? I find
18 none. Alyssa Reingold, Medical University of South
19 Carolina? I find none. Scott Maxwell? I find none.
20 Damien Scott Glover? I find none.

21 All right. Any member of the jury panel,
22 either you or an immediate family member or close
23 personal friend either now or in the past either work
24 worked for the Ninth Circuit solicitor's office? If so,
25 would you please stand. Yes, 284, Mr. Roddey?

1 A PROSPECTIVE JUROR: Your Honor, I was
2 assistant solicitor in that office from 19 -- sometime, I
3 think, in 1990 to 1998.

4 THE COURT: All right. Would that affect
5 your ability to be fair and impartial in this case?

6 A PROSPECTIVE JUROR: No, Your Honor. I've
7 been on the other side since.

8 THE COURT: Thank you. Any member of the
9 jury panel or immediate family member or a close personal
10 friend ever been a member of a law enforcement agency,
11 either federal, state, county, city, or military? If so,
12 would you please stand.

13 Yes, your name and number please?

14 A PROSPECTIVE JUROR: Jane Carpenter, number
15 52.

16 THE COURT: 52?

17 A PROSPECTIVE JUROR: Uh-huh. My son-in-law
18 was a Coast Guardsman.

19 THE COURT: He was what?

20 A PROSPECTIVE JUROR: Coast Guardsman.

21 THE COURT: Great. Thank you. Yes, your
22 name and number?

23 A PROSPECTIVE JUROR: Calvin Allen, number
24 one. I don't know if this affects this or not, but my
25 wife was a former detention officer at Al Cannon

1 Detention Center, my brother-in-law was a sergeant in
2 Charleston County, he was a sergeant, and my deceased
3 father-in-law was with Charleston County, so --

4 THE COURT: All right. Thank you. Name and
5 number, please?

6 A PROSPECTIVE JUROR: Heather Condon, 71. I
7 actually was going to ask you to repeat what you
8 initially said, the question.

9 THE COURT: Either you or an immediate family
10 member or a close personal friend, either now or in the
11 past, ever worked for a law enforcement agency. Could be
12 federal, state, local, military.

13 A PROSPECTIVE JUROR: Yes.

14 THE COURT: Which would be apply?

15 A PROSPECTIVE JUROR: My mother was a warden
16 at Westchester County, New York, Westchester County
17 Department of Corrections.

18 THE COURT: All right. Thank you. Name and
19 number, please.

20 A PROSPECTIVE JUROR: Margaret Barton, 16.
21 Close friend, John Whitney, was in the sheriff's
22 department of Charleston County.

23 THE COURT: All right. Thank you. Did I see
24 somebody in the back here?

25 A PROSPECTIVE JUROR: Yes, Stephanie Hammond,

1 145. I was in the US Army.

2 THE COURT: Okay. Thank you. Yes?

3 A PROSPECTIVE JUROR: Bruce Young, 300. My
4 wife's sister's husband worked for the State Attorney
5 General as a polygraph tech.

6 THE COURT: Thank you. Yes, sir?

7 A PROSPECTIVE JUROR: Ryan Sakre, 287. Two
8 close personal friends in the Jacksonville, Florida,
9 sheriff's office.

10 THE COURT: Thank you. Any member of the
11 jury panel, either you or an immediate family member,
12 ever been prosecuted by the Ninth Circuit Solicitor's
13 Office for a crime, whether or not it was charged, went
14 to trial, dismissed, whatever? Ever been charged by or
15 prosecuted by the Ninth Circuit Solicitor's Office? I
16 find none.

17 Any member of the jury panel, either you or
18 an immediate family member or a close personal friend,
19 ever been accused of domestic violence? If so, would you
20 please stand.

21 A PROSPECTIVE JUROR: I don't know how to
22 reply, Your Honor, but my brother-in-law had been in a
23 situation of domestic violence.

24 THE COURT: All right. Your name and number
25 again?

1 A PROSPECTIVE JUROR: Calvin Allen, number
2 one.

3 THE COURT: Thank you. Yes, sir?

4 A PROSPECTIVE JUROR: 374, Antonio Young. I
5 was charged with CDV at one point in time.

6 THE COURT: As a result in conviction or just
7 was it dropped or --

8 A PROSPECTIVE JUROR: Dropped.

9 THE COURT: Your number again, please?

10 A PROSPECTIVE JUROR: 374.

11 THE COURT: Yes, sir?

12 A PROSPECTIVE JUROR: Alex Ut, 342, my father
13 was charged.

14 THE COURT: All right. Thank you. Anyone
15 else?

16 Any member of the jury panel, either you or
17 an immediate family member or close personal friend, ever
18 been accused of any kind of crime, regardless of whether
19 or not there was a conviction and you didn't already just
20 tell us about it? Yes, sir?

21 A PROSPECTIVE JUROR: 374, Antonio Young.
22 Some simple possession of marijuana.

23 THE COURT: Okay. And that was you?

24 A PROSPECTIVE JUROR: Yes.

25 THE COURT: Thank you. Anyone else? Yes.

1 A PROSPECTIVE JUROR: 135.

2 THE COURT: Okay.

3 A PROSPECTIVE JUROR: And I was tried in 2008
4 for drug paraphernalia.

5 THE COURT: All right. And was that
6 resolved?

7 A PROSPECTIVE JUROR: I guess it was dropped.

8 THE COURT: Thank you. Yes, your name and
9 number?

10 A PROSPECTIVE JUROR: Allan Dapore, 83.

11 THE COURT: Okay.

12 A PROSPECTIVE JUROR: I was charged with
13 minor in possession of alcohol.

14 THE COURT: All right. Thank you. Anyone
15 else? Any member of the jury panel, either you or --
16 obviously, it would be an immediate family member or
17 close personal friend, currently incarcerated in prison
18 or previously incarcerated in prison and you haven't
19 already told us about it?

20 A PROSPECTIVE JUROR: I have a brother.

21 THE COURT: All right. And what was your
22 number again?

23 A PROSPECTIVE JUROR: 135.

24 THE COURT: Okay. And who does it apply to?

25 A PROSPECTIVE JUROR: I don't know what

1 prison he's in right now.

2 THE COURT: Your brother? I'm sorry?

3 A PROSPECTIVE JUROR: Brother.

4 THE COURT: Okay. And what is he in for?

5 A PROSPECTIVE JUROR: He's in for double
6 count of child -- having sex with a minor.

7 THE COURT: Okay. Yes, sir. Name and number
8 again?

9 A PROSPECTIVE JUROR: Antonio Young, 374. My
10 brother is in prison.

11 THE COURT: For what?

12 A PROSPECTIVE JUROR: Drugs.

13 THE COURT: Thank you. Yes, sir?

14 A PROSPECTIVE JUROR: Brian Sakre, 287. My
15 uncle was in prison for, I believe, bank fraud, bank
16 embezzlement.

17 THE COURT: All right. Thank you. Yes, sir?

18 A PROSPECTIVE JUROR: Vincent Walker, juror
19 348. My son is in prison for grand larceny.

20 THE COURT: Thank you. Anyone else?

21 A PROSPECTIVE JUROR: When you say prison or
22 in jail -- or incarcerated at all?

23 THE COURT: Incarcerated in any kind of
24 detention --

25 A PROSPECTIVE JUROR: He was incarcerated,

1 that's all I know.

2 THE COURT: Okay. Thank you.

3 A PROSPECTIVE JUROR: Calvin Allen, number
4 one.

5 THE COURT: All right. Anyone else?

6 Any member of the jury panel, either you or
7 an immediate family member, a financial contributor or
8 member of any sort of group that has its primary concern
9 the promotion of law enforcement or victims' rights, such
10 as any kind of police booster organization, South
11 Carolina Law Enforcement Officer Association, Association
12 of Sheriffs, South Carolina Sheriff's Association,
13 Troopers Association, any political contributors for
14 solicitor, Fraternal Order of Police, Mothers Against
15 Drunk Driving, Students Against Drunk Driving, anything
16 like that?

17 Yes, sir.

18 A PROSPECTIVE JUROR: Juror 284. I have made
19 political contributions to the solicitor.

20 THE COURT: Okay. Thank you. Anyone else?

21 Any member of the jury panel feel like there
22 is any reason why they don't feel like they could be a
23 fair and impartial juror in this case for any reason?
24 Sometimes you might belong to organizations that favor,
25 you know, one side or the other.

1 It would just be an example, but sometimes
2 you have people with religious feelings, like they don't
3 feel they could sit in judgment of other people.
4 Sometimes you have people who have philosophical disputes
5 with America's system of government. Sometimes you might
6 have groups that are out there that think the country is
7 going down the wrong path, and these groups advocate that
8 if a member ever gets on a jury, they've got some idea of
9 what the outcome ought to be, whatever they are, so that
10 would be an issue we need to talk about.

11 Some people are pro prosecution; some people
12 are pro defense. They don't like the government. Some
13 people feel you ought to believe a police officer's word
14 over everything, any kind of reason where you think that
15 you don't -- you could not be fair to both the State and
16 the defendant, we should talk about it, because here is
17 what we're looking for: Both these sides get a fair
18 trial.

19 The State of South Carolina is entitled to a
20 fair trial; the defendant is entitled to a fair trial,
21 and if you have a belief that you think might cause you
22 to either favor or disfavor one side or the other, I'm
23 not going to try to convince you to change your beliefs.
24 I just need to know about it so we can decide whether or
25 not you can take an oath that says, I promise that I will

1 listen to the evidence that's presented in this courtroom
2 and this courtroom only and that I will apply the law
3 that you tell me applies whether the law is what I think
4 it should be or what I wish it should be.

5 All those things don't matter. You promise
6 that you will be fair, objective, put all your beliefs
7 and prejudices and thoughts about the system aside and
8 simply for the next few days listen to this evidence and
9 make your decision based only on what you hear in this
10 courtroom and not from outside influences or beliefs.

11 If you feel like you might have a problem,
12 again, don't just sit there. You're welcome to come down
13 and talk with me if you want to or if you want to stand
14 up and tell me about it, that's one thing.

15 Yes, sir, your name and number?

16 A PROSPECTIVE JUROR: 374, Antonio young. My
17 beliefs in God, I don't feel it's right to basically
18 judge.

19 THE COURT: All right. Well, some people
20 have that belief. I know that the Bible says -- there
21 are verses where people get that and say don't judge
22 people, but then it says after that you will be judged by
23 the same standard as other people, and what I would ask
24 you, would you want to be judged by you? Do you think
25 you can put aside any of the feelings that you have and

1 you would be fair and impartial to the prosecution and
2 fair and impartial to the defense?

3 In other words, would you want to be judged
4 by somebody like you or do you feel you just have a total
5 prohibition against being able to sit in judgment of
6 somebody?

7 A PROSPECTIVE JUROR: I believe it is up to
8 the man above to judge.

9 THE COURT: What was your name and number
10 again?

11 A PROSPECTIVE JUROR: Antonio Young, 374.

12 THE COURT: Thank you. Anyone else? Could I
13 see the lawyers for just a second.

14 (The following discussion was held at
15 sidebar.)

16 I think I got all the questions asked. The
17 only one I'm going to excuse at this point for cause is
18 374. Anybody have anybody else they want to strike for
19 cause? All the questions overed? Okay. All right.

20 (End of sidebar.)

21 THE COURT: Okay. Folks, the way we do this
22 now in state court on a criminal case is a little
23 different than how we do it on a civil case.

24 On a civil case we would print out a list of
25 names, give them to the lawyers and send them off for a

1 little while so they can study it, but criminal court, we
2 just get right to it, so what we do is when the clerk
3 calls your name and number out, take your belongings
4 because if you get picked, we'll just go right over here,
5 sit in the jury box.

6 If you don't get picked, you'll return back
7 to your seat, but I want you to come through the little
8 doors here, stand on the other side of this little podium
9 here and turn around and face back toward the wall. The
10 State will have the first opportunity to say present the
11 juror or excuse the juror. If they excuse you, you go
12 back.

13 If they say present, then the defendant has
14 the right to say present or excuse. If both say present
15 the juror, you're on the jury, okay? If either of them
16 say excuse the juror, then you go back and have a seat.

17 In state court, for these kind of charges,
18 the prosecution gets five strikes, the defendant gets ten
19 strikes. We are going to draw 12 jurors and two
20 alternates, and on the alternates the strikes will be one
21 for the prosecution, two for the defendant. Those are
22 set by statute, not by me.

23 So if y'all are ready, he'll begin calling
24 out names.

25 THE CLERK: Ladies and gentlemen: Whenever

1 your name is called, if you will please gather your
2 belongings and make your way to the podium. When you
3 reach the podium, you will turn and face the back of the
4 courtroom, and I'll instruct you from that point on.
5 Juror number 355, William Watson.

6 (The juror, a white male, approaches.)

7 What say you for the State?

8 MS. BALDWIN: Please present the juror.

9 THE CLERK: What say you for the defendant?

10 MR. BURKE: Please seat the juror.

11 THE CLERK: Sir, if you will please make your
12 way to the jury box, you've been selected for the trial
13 of this case.

14 Juror number 340, Robert Tumbleston?

15 (The juror, a white male, approaches.)

16 THE CLERK: What say you for the State?

17 MS. BALDWIN: Please present the juror.

18 THE CLERK: What say you for the defendant?

19 MR. BURKE: Please seat the juror.

20 THE CLERK: If you would make your way to the
21 jury box, you've been selected as a juror in this case.

22 Juror number 342, Alex Ur.

23 (The juror, a white male, approaches.)

24 What say you for the State?

25 MS. BALDWIN: Please excuse the juror.

1 THE CLERK: If you would return to your seat,
2 you've been excused from the trial of this case.

3 Juror number 375, Bruce Young.

4 (The juror, a white male, approaches.)

5 What say you for the State?

6 MS. BALDWIN: Please present the juror.

7 THE CLERK: What say you for the defendant?

8 MR. BURKE: Please seat the juror.

9 THE CLERK: Sir, if you would, please make
10 your way to the jury box. You've been selected as juror
11 in the trial of the case.

12 Juror number 343, Grace Vanderhorst.

13 (The juror, a black female, approaches.)

14 What say you for the State?

15 MS. BALDWIN: Please present the juror.

16 THE CLERK: What say you for the defendant?

17 MR. BURKE: Please strike the juror.

18 THE CLERK: If you would return to your seat,
19 you've been excused from the trial of this case.

20 Juror number 292, Linda Scott.

21 (The juror, a white female, approaches.)

22 What say you for the State?

23 MS. BALDWIN: Please present the juror.

24 THE CLERK: What say you for the defendant?

25 MR. BURKE: Please present the juror.

1 THE CLERK: If you would make your way to the
2 jury box, you've been selected as a juror in this case.

3 Juror number 94, Diane Dunlap.

4 (The juror, a white female, approaches.)

5 What say you for the State?

6 MS. BALDWIN: Please present the juror.

7 THE COURT: What say you for the defendant?

8 MR. BURKE: Please strike the juror.

9 THE CLERK: If you would return to your seat,
10 you've been excused from the trial of this case.

11 Juror number 16, Margaret Barton.

12 (The juror, a white female, approaches.)

13 What say you for the State?

14 MS. BALDWIN: Please present the juror.

15 THE CLERK: What say you for the defendant?

16 MR. BURKE: Please strike the juror.

17 THE CLERK: Ma'am, if you would, please
18 return to your seat. You've been excused from the trial
19 of this case.

20 Juror number 53, James Carson.

21 (The juror, a white male, approaches.)

22 What say you for the State?

23 MS. BALDWIN: Please present the juror.

24 THE CLERK: What say you for the defendant?

25 MR. BURKE: Please seat the juror.

1 THE CLERK: If you would make your way to the
2 jury box, you've been selected as a juror in this case.

3 Juror number 145, Stephanie Hammond.

4 (The juror, a black female, approaches.)

5 What say you for the State?

6 MS. BALDWIN: Please present the juror.

7 THE CLERK: What say you for the State?

8 MR. BURKE: Please strike the juror.

9 THE CLERK: If you would please return to
10 your seat. Juror number 71, Heather Condon.

11 (The juror, an Asian female, approaches.)

12 What say you for the State?

13 MS. BALDWIN: Please present the juror.

14 THE CLERK: What say you for the defendant?

15 MR. BURKE: Please seat the juror.

16 THE CLERK: If you would, please make your
17 way to the jury box. You've been selected as a juror in
18 the trial of this case.

19 Juror number 287, Brian Sakre.

20 (The juror, a white male, approaches.)

21 What say you for the State?

22 MS. BALDWIN: Please present the juror.

23 THE CLERK: What say you for the State?

24 MR. BURKE: Please seat the juror.

25 THE CLERK: Sir, if you would please have a

1 seat in the jury box, you have been selected for the
2 trial of this case.

3 Juror number 364, James Wight.

4 (The juror, a white male, approaches.)

5 What say you for the State?

6 MS. BALDWIN: Please present the juror.

7 THE CLERK: What say you for the defendant?

8 MR. BURKE: Please strike the juror.

9 THE CLERK: Please have a seat. You've been
10 excused from the trial of this case. The defendant has
11 used up five of its ten strikes.

12 Juror number 348 Vincent Walker.

13 (The juror, a white male, approaches.)

14 What say you for the State?

15 MS. BALDWIN: Please present the juror.

16 THE CLERK: What say you for the defendant?

17 MR. BURKE: Please seat the juror.

18 THE CLERK: If you would, sir, please make
19 your way to the jury box. You've been selected as a
20 juror in the trial of this case.

21 Juror number 70, Richard Comerford.

22 (The juror, a white male, approaches.)

23 What say you for the State?

24 MS. BALDWIN: Please present the juror.

25 THE CLERK: What say you for the defendant?

1 MR. BURKE: Please strike the juror.

2 THE CLERK: If you would return to your seat,
3 you've been excused from the trial of this case.

4 Juror number 46, Stephen Bullock.

5 (The juror, a white male, approaches.)

6 What say you for the State?

7 MS. BALDWIN: Please seat the juror.

8 THE CLERK: What say you for the defendant?

9 MR. BURKE: Please seat the juror.

10 THE CLERK: If you would make your way to the
11 jury box, you've been selected as a juror in this trial.

12 Juror number 17, Belinda Greenbrown.

13 (The juror, a black female, approaches.)

14 What say you for the State?

15 MS. BALDWIN: Please excuse the juror.

16 THE CLERK: If you would please return to
17 your seat, you've been excused from the trial of this
18 case.

19 Juror 193, Michael Latrace.

20 (The juror, a white male, approaches.)

21 What say you for the State?

22 MS. BALDWIN: Beg the Court's indulgence.
23 Please present the juror.

24 THE CLERK: What say you for the defendant?

25 MR. BURKE: Please seat the juror.

1 THE CLERK: If you would please make your way
2 to the jury box, you've been selected as a juror in the
3 trial of this case.

4 Juror number one, Calvin Allen.

5 (The juror, a black male, approaches.)

6 What say you for the State?

7 MS. BALDWIN: Please excuse the juror.

8 THE CLERK: If you would, please return to
9 your seat. You've been excused from the trial of this
10 case. State has exhausted three of its five strikes.

11 Juror 308, Brendan Smith.

12 (The juror, a white male, approaches.)

13 What say you for the State?

14 MS. BALDWIN: Please present the juror.

15 THE CLERK: What say you for the defendant?

16 MR. BURKE: Please seat the juror.

17 THE CLERK: If you would, please make your
18 way to the jury box. You've been selected as a juror in
19 the trial of this case.

20 Juror number 230, Kristin Middleton.

21 (The juror, a black female, approaches.)

22 THE CLERK: What say you for the State?

23 MS. BALDWIN: Please present the juror.

24 THE CLERK: What say you for the defendant?

25 MR. BURKE: Please seat the juror.

1 THE CLERK: If you would make your way to the
2 jury box, you've been selected as a juror in the trial of
3 this case.

4 Now striking for our alternate, strikes are
5 one and two. Juror number 52, Jane Carpenter.

6 (The juror, a white female, approaches.)

7 What say you for the State?

8 MS. BALDWIN: Please present the juror.

9 THE CLERK: What say you for the defendant?

10 MR. BURKE: Please strike the juror.

11 THE CLERK: If you would, please return to
12 your seat. You've been excused from the trial of this
13 case. The defendant has one strike remaining for the
14 alternate.

15 Juror 83, Allan Dapore.

16 (The juror, a white male, approaches.)

17 What say you for the State?

18 MS. BALDWIN: Please present the juror.

19 THE CLERK: What say you for the defendant?

20 MR. BURKE: Please seat the juror.

21 THE CLERK: If you would, please make your
22 way to the jury box. You've been selected as the first
23 alternate for the trial of this case. Now striking for
24 our second alternate, strikes are one and two.

25 Juror 121, Kristen Gaskins.

1 (The juror, a white female, approaches.)

2 THE CLERK: What say you for the State?

3 MS. BALDWIN: Please present the juror.

4 THE CLERK: What say you for the defendant?

5 MR. BURKE: Please seat the juror.

6 THE CLERK: If you would make your way to the
7 jury box, you've been selected as the second alternate in
8 the trial of this case.

9 Thank you.

10 THE COURT: All right. Anything from the
11 State?

12 MS. BALDWIN: Nothing further.

13 THE COURT: Anything from the defense?

14 MR. BURKE: Nothing from the defense, Your
15 Honor.

16 THE COURT: All right. Folks, you are going
17 to be our jury now for this case. We are going to start
18 it, like I said, tomorrow morning because of the illness
19 of one of the witnesses that we need for some pretrial
20 things, so I'm going to have you go back with the bailiff
21 now, and he'll show you where the jury room is and where
22 you're to report tomorrow morning.

23 You don't come back in the courtroom. You'll
24 go to the room that he shows you and he will show you how
25 to go in and out of the building. I would like you to

1 report back tomorrow morning at 10 a.m. We should get
2 started thereabouts, or right around that time.

3 So let me leave you with this instruction.
4 You don't know anything about the case other than what I
5 told you earlier, but it is a standard instruction that I
6 give you, but please don't begin any kind of
7 deliberations or discussions about the case with anyone,
8 including other members of the jury panel.

9 Every time you take a break, I'll be giving
10 you the same instructions, because, really, what we want
11 you to do is make up your mind about this case based on
12 what you hear in this courtroom after you have heard all
13 of the evidence, so it's improper for you to begin your
14 deliberations prior to hearing all of the evidence.

15 So that's why every time throughout the trial
16 we'll take a break, I'll say don't begin deliberations or
17 discussions about the case until you've heard all of the
18 evidence because, again, this is just like life, and
19 there are always two sides to every story and you need to
20 hear both sides of every story before you begin to make
21 up your mind.

22 Also, when you go home, you can go to lunch,
23 go to work, do whatever you want to with the rest of the
24 afternoon, but please don't discuss the case with anyone.
25 I know you'll need to tell your significant other or

1 husband, wife, employer, that you're picked for a jury
2 and you'll probably be, I would estimate, until about
3 Thursday, maybe, on this case what we're thinking right
4 now. I don't see it going into next week at all. In
5 fact, I think we'll probably finish by Thursday, but
6 you'll be with us this week, but please don't talk about
7 the case with them.

8 Again, this will become less problematical as
9 we go along and you start learning more about the case,
10 but we don't need other people to influence you about the
11 case. We also don't need you to start going out and
12 trying to find out about the case now on the Internet.
13 Sometimes once people get invested to be picked on a jury
14 they want to know about it, start looking stuff up on the
15 Internet.

16 I don't know if there is anything out on the
17 Internet about this case but oftentimes there is these
18 days, or as we go along in the trial, they'll find out
19 where the crime scene is and they'll want to ride by,
20 things like that. All of those things are improper for
21 you to do.

22 Remember, you are going to take an oath
23 tomorrow morning and it says you will base your evidence
24 on what you hear in this courtroom and nothing else, so
25 just avoid those temptations and things like that. You

1 can have all the time in the world to talk to people
2 after the case is over with, go by, see whatever you want
3 to do, anything like that, but just this week, please
4 abide by those instructions.

5 Again, we'll see you tomorrow morning, if you
6 would report back about 10:00 tomorrow morning, and we
7 should get started shortly thereafter. All right? Thank
8 you for your patience today.

9 (In open court, jury not present.)

10 Okay. Is there anything else other than this
11 Lyle stuff that we need to take up tomorrow morning?

12 MR. BURKE: No. We had discussed this in
13 pretrial maybe Friday.

14 MS. BALDWIN: Correct, Your Honor. The
15 reason why I filed it is one of his possible witnesses I
16 thought might be an alibi witness, but Mr. Burke has
17 assured me he is not.

18 THE COURT: Okay. I read your memo. I read
19 your memo, and I guess I'll hear for sure tomorrow, but
20 there's prior bad acts you want to put in about calling,
21 texts, and all that, but there is this gap between
22 January and November where there is nothing that you're
23 not trying to get in; is that correct?

24 MS. BALDWIN: That's correct. He was in
25 prison for a period of time during that gap, so there

1 would have been no opportunity. The victim will state
2 that the defendant, while he was hitting her, told her
3 that she better go to his attorney and drop the case,
4 referring to the case that was pending, is still pending.

5 THE COURT: Okay. That helps me understand
6 this a little better. All right. You will get plenty of
7 chance to argue it tomorrow.

8 Let's meet at 9:15 tomorrow morning, and if
9 there is any problem with anybody, I guess we'll deal
10 with that in the morning.

11 MR. BURKE: If I may, this may resolve the
12 Lyle motion, we would have to talk about it, but you want
13 in the fact that he was charged with stalking, or do you
14 want all the prior bad acts?

15 MS. BALDWIN: Both, the prior bad act and the
16 fact he was charged with it.

17 THE COURT: He's facing some pretty
18 significant time on these. Have y'all talked about a
19 plea?

20 MS. BALDWIN: We've talked about it, and I
21 think this was addressed Monday, that last Monday.
22 Mr. Glover doesn't want any sort of plea, and that's
23 always been my understanding.

24 THE COURT: Well, let's see. Kidnapping, the
25 life without parole, that means you go to jail for the

1 rest of your life with no possibility of ever getting out
2 on parole, but you would do a minimum of 15 on that. If
3 you get the minimum, you got to do 85 percent of it.
4 Kidnapping is --

5 MR. BURKE: I believe it's up to 30, Your
6 Honor.

7 THE COURT: That is up to 30 years, and,
8 again, that is a no parole offense so if you got that,
9 you would do 85 percent of whatever the Court gave you.

10 I don't know if y'all want to talk about it.
11 You got this afternoon to discuss it, but that is
12 significant time, so you need to think about that
13 because, you know, assuming that I listen to all of the
14 evidence and find that you deserve a minimum sentence if
15 you got convicted of burglary first degree, it's a
16 minimum of 15 years, which means you do roughly 12 and a
17 half before you could get out.

18 That's assuming you got the minimum. You
19 could get life without parole on a burglary charge, and,
20 again, you're facing up to 30 years on a kidnapping.
21 This is hard time, man. This is you going up the road if
22 you get convicted on these, so if you want to give that
23 some serious thought, talk to your lawyer, talk to the
24 prosecutor about a plea.

25 It doesn't matter to me, but I would --

1 you're starting trial tomorrow, and it's you doing the
2 time, not me, but I would give it some serious thought if
3 I were you. Okay? Good luck.

4 (Recess taken.)

5 (January 14, 2014.)

6 THE COURT: I understand y'all reached an
7 agreement on the Lyle issues you wanted to take up today.
8 We'll put that on the record what the agreement is.

9 MS. BALDWIN: As I e-mailed your clerk
10 yesterday, Mr. Burke and I have come to an agreement.

11 Basically, the State is just going to elicit
12 the fact there was a stalking charge pending. The victim
13 was the victim in that stalking case, and the defendant
14 was obviously the one charged. We don't intend to go
15 into any of the facts behind that charge unless the
16 defense opens the door.

17 THE COURT: So that would be all of the acts
18 prior to January of -- what was it, 2010?

19 MS. BALDWIN: It would be the acts in January
20 2010. The defendant does have a CDV first conviction.
21 It was pending at the time the stalking charge resolved
22 before this particular incident. The State does not
23 intend to go into that, obviously, unless the door is
24 open.

25 THE COURT: So I guess what I'm trying to get

1 at, there were, in your memos, a multitude of things that
2 you were going to try to get in.

3 MS. BALDWIN: Right.

4 THE COURT: Phone calls, texting, anonymous
5 calls, et cetera. None of these you're going to try to
6 get in.

7 MS. BALDWIN: Correct.

8 THE COURT: The only things you want to get
9 in is that act, as of January 2010, I think it was, he
10 had an arrest for stalking, is that what it was?

11 MS. BALDWIN: Yes, sir.

12 THE COURT: Okay. And that's acceptable to
13 you, Mr. Burke?

14 MR. BURKE: That's correct, Your Honor.

15 THE COURT: All right. Is there anything
16 else we need to take up before we start this trial?

17 MS. BALDWIN: As a housekeeping matter, Your
18 Honor, the State has State's Exhibits 1 through 52
19 photos. I don't believe the defense has any objection to
20 those, so if we could admit those now.

21 MR. BURKE: That's correct, Your Honor. We
22 went through them yesterday.

23 THE COURT: All right. All 52?

24 MS. BALDWIN: Yes, sir.

25

1 (State's Exhibit Nos. 1 through 52 were
2 marked for identification and admitted into evidence.)

3 THE COURT: Anything else?

4 MR. BURKE: I believe, from our standpoint,
5 the solicitor informs us this morning that one of her
6 witnesses, she intends to elicit testimony from her that
7 she is afraid of the defendant. She does not want to be
8 here because she's afraid of him, and we would object to
9 any questioning along that line.

10 THE COURT: That's a person who is not the
11 victim?

12 MS. BALDWIN: Correct, Your Honor.

13 THE COURT: All right. So you want to put
14 up -- or you want to not put up someone, but just tell
15 the jury you called a witness but she's afraid to come?

16 MS. BALDWIN: We are going to call her, Your
17 Honor. She will be on the stand. It should be pretty
18 obvious on the stand she's not terribly excited about
19 being here.

20 The State had to go and track her down, and
21 she has expressed to the State the reason why she does
22 not want to be here and does not want to testify the
23 reason -- she's going, to but the reason why she doesn't
24 want to testify is because she's fearful of the
25 defendant.

1 THE COURT: How about you just -- she's
2 subpoenaed, I take it.

3 MS. BALDWIN: Yes, sir.

4 THE COURT: You can ask her if she's
5 subpoenaed, and if it comes across that she's fearful,
6 that's fine, but just to elicit that she's scared of the
7 defendant I think is probably unduly prejudicial, but you
8 can bring out that she is here. She's under subpoena,
9 and just ask her the other questions why you're here.
10 Okay?

11 MS. BALDWIN: Yes, sir.

12 THE COURT: Anything else from the defense?

13 MR. BURKE: I believe that's it, Your Honor.

14 THE COURT: All right. Mr. Glover, would you
15 stand up there.

16 You didn't want him to get other clothes?

17 MR. BURKE: He may change into other clothes
18 later but not at this time.

19 THE COURT: Okay. Mr. Glover, we're getting
20 ready to start the trial. We talked yesterday about
21 whether or not you wanted to discuss a plea bargain with
22 the State. How did those discussions go? Did anybody
23 pursue those? Mr. Burke, did you guys talk about that?

24 MR. BURKE: No, Your Honor. Mr. Glover is
25 not interested in any plea negotiation.

1 THE COURT: Okay. So is that correct,
2 Mr. Glover?

3 THE DEFENDANT: That's correct.

4 THE COURT: Well, we're getting ready to
5 start your trial in a few minutes, as soon as the last
6 juror gets here.

7 MR. BURKE: I believe that juror is --

8 THE COURT: Pardon? Well, we'll be starting
9 in just a minute, but I need to bring something to your
10 thought pattern. All right?

11 The State here, and I will instruct the jury,
12 has the burden of proving your guilt beyond a reasonable
13 doubt. You do not have to prove that you are innocent.
14 That's a constitutional right that you have, and I'll be
15 instructing the jury about that.

16 You have the right to testify at a point in
17 the trial. After the State puts up all its evidence, you
18 have the right to testify, tell the jury your side of the
19 story, your lawyer will call you if he needs to ask
20 questions. The State will have the right to
21 cross-examine you and ask you questions, and you would be
22 under an obligation if you decide to testify to answer
23 those questions.

24 Do you understand that?

25 THE DEFENDANT: I understand.

1 THE COURT: You also have the right to not
2 testify. You do not have a burden of proof. You don't
3 have to call any witnesses on your behalf, and you don't
4 have to testify, if you don't want to, and if you do not
5 want to testify, I will instruct the jury that they are
6 not to hold that against you in any way while they are
7 deliberating the verdict.

8 Do you understand that?

9 THE DEFENDANT: I understand.

10 THE COURT: Now, that is a constitutional
11 right you have. It is your right and your right alone;
12 however, you can and should discuss this with your
13 lawyer.

14 You don't have to tell me at this time
15 whether or not you want to testify or whether or not you
16 intend to call witnesses, and even if you do tell me, you
17 can change your mind.

18 Do you understand?

19 THE DEFENDANT: Understood.

20 THE COURT: I'm telling you this now. I'm
21 sure you have thought about it, and I'm sure your lawyers
22 have talked about it, but we're on the record now, so
23 everything that I say from this point on is being taken
24 down. Everything that you say is being taken down. For
25 that matter, anything that anybody says in this courtroom

1 is being taken down.

2 So I'm telling you this so that the record
3 will reflect that I have informed you of this right,
4 telling you what your options are, and, again, I'm not
5 telling you what to do right now, but I do want you to
6 think about it and discuss it with your lawyer and any
7 friends or family members that you might have that you
8 feel comfortable with, but, ultimately, it is your
9 decision and your decision alone, not your lawyer's
10 decision. It's your decision.

11 Do you understand that?

12 THE DEFENDANT: Understood.

13 THE COURT: Good. Okay. Well, we will then
14 bring the jury in and get started.

15 (In open court, jury present.)

16 THE CLERK: Please let the record reflect all
17 jurors have taken the oath.

18 THE COURT: Ma'am, you in the front row, what
19 is your name and number?

20 A PROSPECTIVE JUROR: 229, Linda Scott.

21 THE COURT: Congratulations. You just got
22 appointed to be foreperson of the jury. That's what you
23 get for sitting in that chair. We don't have assigned
24 seating, except we like the foreperson to sit in that
25 chair. It's not always the deciding factor, but it is

1 today, so congratulations.

2 You don't get any extra pay, you just handle
3 the verdict, and if the crowd gets rowdy in the back, you
4 settle them down. All right?

5 All right, folks. I'm going to go over a few
6 things with you now to just give you some procedural
7 things about what we'll be doing over the next couple of
8 days, how we handle a criminal trial in this case, and go
9 over some evidentiary things with you, and then we'll
10 talk about what the role of the different parties are.

11 I told you yesterday this is the case of the
12 State of South Carolina versus Michael Anthony Glover,
13 and I told you Mr. Glover got indicted for burglary in
14 the first degree, kidnapping, and criminal domestic
15 violence of a high and aggravated nature.

16 Mr. Glover has pled not guilty to each of
17 these charges, and it is therefore incumbent upon the
18 State to provide him with a trial and to try to convince
19 12 of that you he is guilty of these charges beyond a
20 reasonable doubt.

21 I want to emphasize to you, and you'll hear
22 this several times throughout the trial, Mr. Glover, in
23 the eyes of law, sits before you as an innocent man. He
24 is presumed to be not guilty, and that presumption
25 remains with him throughout the trial until such time the

1 State convinces 12 of you of his guilt beyond a
2 reasonable doubt. He is not required to prove he is
3 innocent. The only thing he's required to do is show up
4 for trial, and he has done that. All right?

5 The indictments, as I told you yesterday, are
6 simply the charging instruments by which this Court gets
7 jurisdiction, and he is provided notice of what he is
8 being charged with and stands trial for. They're not to
9 be considered by you as evidence. The fact that he is
10 arrested doesn't raise any presumption of guilt at all.
11 You're not to consider that, again, in any way.

12 The State always has the burden of proof. He
13 doesn't have to prove anything. He doesn't even have to
14 tell me if he wants to put up a defense at this point,
15 nor does he have to tell me if he wants to testify at
16 this point, and I don't know whether or not he will.

17 If he does not, you are not to even consider
18 that in any way during your deliberations. That's a
19 constitutional right that not only Mr. Glover has, but
20 each of us in this courtroom has, and it's more than just
21 a mere legal theory. It's an important constitutional
22 right that we all share as citizens of the United States.

23 So, again, if he wants to testify, that's his
24 choice. If he doesn't want to testify, that's also his
25 choice, and you're not to hold that against him in any

1 way while you are deliberating your verdict.

2 Now, there's some procedures that we follow,
3 and I'll go over those in just a second, but I want to
4 tell you about what some of our roles are. Everybody in
5 the courtroom has a role, and your role is as judges of
6 the facts. In other words, there is going to be a
7 dispute about what happened, and it is up to you to
8 resolve what happened.

9 You determine credibility of witnesses and
10 things like that. It is totally up to you as to how you
11 resolve factual differences, and whatever you decide,
12 that's what we live with.

13 On the other hand, my job is the trial judge,
14 and I have basically two functions during the trial. One
15 is to preside over the trial and make sure both sides get
16 a fair trial. The State of South Carolina is entitled to
17 a fair trial, and Mr. Glover is entitled to a fair trial,
18 so I have to make sure we follow our procedures and we
19 make sure we follow our rules of evidence, so that's one
20 part of my job.

21 The other part of my job is to instruct you
22 on the law at the end of the trial and tell you what the
23 elements are of the crimes that the State has to prove in
24 order to -- you to come to a verdict, so you will take
25 the evidence that you've heard, decide which way you feel

1 the evidence, or what evidence persuades you is the
2 truth, and then you take the law that I charge you and
3 apply it to those facts, and that is how you come up with
4 a verdict. So now, let's talk about some of the
5 procedural things that we do.

6 Because the State has the burden of proof,
7 the State will call their witnesses first. They'll also
8 get to ask questions of the witnesses first. That's --
9 when a party calls a witness and asks questions, that's
10 called direct examination. All right?

11 So the State will call a witness. A person
12 will get sworn in and tell you what they heard, they
13 touch, they saw, they felt, they smelt, that sort of
14 thing. The other side then gets to cross-examine the
15 witness, all right? So direct examination,
16 cross-examination, and then I allow one follow-up, if the
17 parties want, of redirect and recross, and then we move
18 on to the next witness.

19 So the State will have the burden of proof.
20 They'll call their witnesses first, and then after
21 they've called all their witnesses, the defendant will
22 have the opportunity to call witnesses, if he wants to,
23 and then testify if he wants to and, again, if he doesn't
24 present any evidence, doesn't testify, you're not to hold
25 that against him. He doesn't have the burden of proof.

1 The State has the burden of proof.

2 So let's talk about this burden of proof.

3 All right? The burden of proof in a criminal case is a
4 standard called beyond a reasonable doubt, and you
5 probably heard that phrase before. You know, books, TV,
6 movies, that sort of thing, and it's one of those phrases
7 we hear all the time. It's kind of hard to define.
8 Sometimes we define it by what it's not. For instance,
9 if you were ever a juror in a civil case, you heard about
10 burden of proof, and burden of proof in a civil case is
11 what we call a preponderance of the evidence, or is
12 whatever a party trying to prove more likely true than
13 not true. Sometimes you hear it called the greater
14 weight of the evidence, and it's just a mere probability
15 that whatever somebody is proving is more likely true
16 than not.

17 And if you're like me and you're a visual
18 learner, you probably just let that go right in one ear
19 and out the other, and you say, I have no idea what he
20 meant by what he just said.

21 So sometimes it's helpful to imagine that set
22 of scales, you know, where you weigh things against each
23 other. At the beginning of the trial, you have the State
24 on one hand, the defense on the other hand, and those
25 scales are even. In a civil case, you have a plaintiff,

1 or the person that's suing against the defendant, the
2 person that got sued, and those scales are also even.

3 In a civil case that greater weight or more
4 likely true than not true preponderance of the evidence
5 statement means that party just has to tip those scales,
6 even if it's just a little bit, and they met the burden
7 of proof in a civil case, and they would be entitled to a
8 verdict.

9 In a criminal case though, the State -- even
10 though the stakes start out even, the State has to tip
11 those scales quite a bit in their favor. It's not a
12 mathematical formula, but it's more than just a mere
13 probability that the person did it. They have to prove
14 it beyond a reasonable doubt, which the law defines as
15 leaving you firmly convinced of the defendant's guilt.
16 They don't have to remove every possibility of doubt from
17 your mind because you can't ever prove anything to an
18 absolute certainty. The law simply requires the State to
19 prove to you or leave you firmly convinced that the
20 defendant is guilty, and at the end of all of the
21 evidence you hear in the trial, if you feel like the
22 State has proven Mr. Glover is guilty of these charges,
23 then you find him guilty.

24 On the other hand, if you are not firmly
25 convinced of the defendant's guilt, then it is your duty

1 to enter a verdict of not guilty on those charges. Okay?

2 Now, opening statements are simply the
3 lawyers getting up and kind of giving you what I call a
4 Reader's Digest condensed version of the case, just a
5 little brief overview of what this case is about, what
6 they think the evidence is likely to show. This is not
7 evidence. This is simply an opening statement, and
8 what's important to remember about the lawyers getting up
9 and talking to you is the lawyers were not witnesses in
10 this case, and therefore whatever they say during this
11 trial, not just the opening statements, but at any time,
12 whatever the lawyers say to you is not to be considered
13 to be evidence, all right?

14 Evidence is when somebody gets in that
15 witness stand and, under oath, tells you what they heard,
16 they saw, they touched, they felt, they smelt. That's
17 evidence. Photographs that come in, that's evidence.
18 Documents, that's evidence. I don't know what's in those
19 bags. Sometimes you have, you know, instruments of the
20 instrument. Those things are evidence, but the lawyers
21 getting up and saying things to you is not to be
22 considered by you as evidence. All right?

23 So when a lawyer is questioning the witness,
24 when a lawyer asks a question, that's not evidence. The
25 answer to the question is evidence, so keep that in mind

1 because you're going to hear from the lawyers quite a
2 bit. You're going to hear from a lot of different
3 witnesses, but you'll hear from the lawyers probably more
4 than anybody, but just remember, they're not witnesses.
5 They're not testifying, so what they say isn't to be
6 considered as evidence.

7 So the State will get to make their statement
8 first. The defense will have the opportunity to make a
9 statement, and then we'll call the first witness. We'll
10 go through all the witnesses until we're finished with
11 the trial, and once all the evidence is in, we'll have
12 closing arguments where the lawyers will get up and
13 review the evidence and then make an argument to you,
14 basically trying to get you to render a verdict on their
15 behalf, or their client's behalf.

16 After that, I charge you on the law and go
17 over the verdict with you, and then you go back to the
18 jury room and retire and consider your verdict. One last
19 thing I want to go over with you before we turn it over
20 to the lawyers for opening statements is this is the most
21 simple sounding thing, but it is one of the most
22 difficult things to do throughout the trial, and that is
23 keep an open mind. All right?

24 You have to keep an open mind until you've
25 heard all of the evidence, because just simply the way we

1 present evidence means you're going to hear one side
2 first before you hear the other side.

3 Every witness, you're going to hear
4 questioning on direct first, and then you'll hear
5 cross-examination, and then a little redirect, a little
6 cross, and then we'll go on to the next witness. You're
7 going to hear things that cause you to change your view
8 about things throughout the trial. It may be you end up
9 where you began in your thoughts, but it would be very
10 unusual in a trial, just like in life, that you didn't
11 change your mind once you saw more.

12 There's usually two sides to every story, and
13 all we ask is you keep an open mind and don't begin your
14 deliberations or discussions about the case until you've
15 heard all of the evidence. That's why every time we take
16 a break I'll remind you, don't talk about the case, don't
17 begin deliberations, don't discuss witness demeanor,
18 anything like that. At the end of all of the evidence,
19 then and only then is it proper for you to begin to make
20 up your mind about what the outcome of the case ought to
21 be.

22 So that sounds simple, but it's a little
23 trickier than you think it would be, so just remember to
24 keep an open mind throughout the trial until you've heard
25 all the evidence. All right?

1 Well, we will start then with the opening
2 statements with the State making your opening statement.
3 Ms. Baldwin?

4 MS. BALDWIN: Thank you, Your Honor. Anger,
5 jealousy, power, need for control. These are all very
6 powerful things, and what happens when they combine at
7 one time in one person? You end up with what the
8 defendant, Michael Glover, did to his ex-wife, Alicia
9 Glover, on November 23rd, 2010.

10 November 23rd was a normal day for Alicia.
11 She had a friend come over to her house. They went and
12 looked at houses for him. They went and got some lunch.
13 They watched a little bit of a movie, and then the friend
14 had to go to a meeting for work. So Alicia went about
15 her business. It was about Thanksgiving time, so she
16 called up her sister Keisha and started talking about
17 their Thanksgiving plans. Everything seemed normal.

18 But then things starting to take a bit of a
19 left turn. Alicia went to go wash her hands in the
20 bathroom since. When she turned on the water, she
21 realized that the water wasn't running out of the faucet,
22 and she thought that was a little strange. She wanted to
23 make sure she hadn't forgotten pay the water bill, so she
24 went to the kitchen, checked the water there. Those were
25 working fine. So she started to look around, and she

1 noticed other things around her house were a little off.

2 She looked down at the phone in her bedroom
3 and noticed that the phone cord was gone. She was on her
4 cell phone with her sister, so she told her sister that
5 she had to go. She called her back, but she didn't call
6 her sister right back. Because, out of nowhere, Alicia
7 was hit in the head.

8 It was the defendant, Michael Glover, over
9 her. She was shocked. He wasn't supposed to be there.
10 They were estranged at the time. He hadn't been in the
11 house. They were separated. Earlier in the day she
12 received some voice mails from him but nothing to make
13 her think he would be at the house where there he was,
14 kicking her, hitting her, yelling at her.

15 He then dragged her to their son's bedroom,
16 tied her up, held her wrist, kept threatening her,
17 hitting her, and then finally he thought he heard a noise
18 so that scared him off. He ran out of the house and was
19 actually located by the police the next day.

20 Luckily for Alicia, he did stop, and she
21 managed to free herself, and she actually ended up
22 driving to a neighbor's house, the neighbor practically
23 across the street from her. She was so frantic she
24 didn't even think to run, she just drove and she got that
25 neighbor to call the police, and you guys will hear from

1 that neighbor. She'll testify about Alicia's demeanor at
2 the time.

3 You're hear from Alicia's sister who she was
4 on the phone with right before the defendant began to
5 attack her, and you'll see the pictures of Alicia's
6 injuries, cut to her eye, bruises. The belt was
7 recovered by the police from the scene. It still has the
8 loop on it, and as a result of the defendant's actions
9 that day, he was charged with criminal domestic violence
10 of a high and aggravated nature, burglary in the first
11 degree, and kidnapping.

12 The judge at the end of the case will
13 instruct you on the law, but when you hear the testimony
14 from the State's witnesses, you see those pictures of the
15 house, of her injuries, when you see the evidence, the
16 State is convinced that you will be convinced that
17 Alicia's ex-husband, the defendant, snuck into her house
18 that day, in the middle of the day, laid in wait until
19 she was alone, and in a rage of jealousy and anger tied
20 her up and beat her such that she thought he was going to
21 kill her, and when you hear that and see all of the
22 evidence, you will find the defendant guilty of criminal
23 domestic violence of a high and aggravated nature,
24 burglary first degree, and kidnapping.

25 Thank you.

1 THE COURT: Mr. Burke?

2 MR. BURKE: May it please the Court, Your
3 Honor, ladies and gentlemen: Thank you for being here
4 this morning, and let me take the time to reintroduce
5 myself. I know the judge did it yesterday. Again, my
6 name is Brian Burke, my law partner Brian Johnson, and
7 Michael Glover.

8 I want to thank y'all for being here today.
9 As the judge said, the duty that you are carrying out
10 today is an extremely important duty, not just in our
11 criminal justice system, but to this man right here,
12 Michael Glover. You have heard a theory, a theory that
13 the prosecution laid out just now, but you have not heard
14 any facts.

15 As the judge said, there is but one fact
16 right now, one fact and one fact only, and that is that
17 Michael Glover, as he sits here right now, is innocent of
18 the charges that have been levied against him. If a jury
19 were to go back and vote after opening statements, they
20 would be left with no choice but to find the defendant
21 not guilty because there have been no facts submitted to
22 the jury.

23 That burden, beyond a reasonable doubt, the
24 judge will lay out the law for you and tell you exactly
25 what that means again at the end of the trial, and you

1 realize that again that the one fact that is in place
2 until you go back to that jury room and for the first
3 time debate the guilt or innocence of Michael Glover is
4 that Michael Glover sits here innocent. The theory that
5 the prosecution laid out is but a theory, and as the
6 judge said, there are two sides to every story, maybe
7 three, maybe four sides, but listen. Listen intently to
8 the evidence that the State will present, and as you
9 listen to the evidence, listen, most importantly, to the
10 lack of evidence.

11 You will hear the testimony of Alicia Glover.
12 She will tell you that Michael Glover did this, but what
13 I don't suspect you'll hear is the testimony of anybody
14 else to say Michael Glover did this. In the
15 prosecution's opening statement, she said, in broad
16 daylight, he snuck into her home and committed this
17 offense, in broad daylight, but the only witness that I
18 believe the State is going to present will be the alleged
19 victim, Alicia Glover.

20 You will also hear testimony that they were
21 estranged. I believe the prosecution alluded to that
22 during her opening. They were estranged, since June 24,
23 2009, when the alleged victim filed for a divorce from
24 Michael Glover. June 24, 2009. This allegedly occurs
25 November 23rd, 2010. Quick math tells you that is 17

1 months later. Seventeen months later, she's still not
2 divorced. I would suspect that she was extremely
3 frustrated.

4 June 23rd, 2010, Michael Glover is accused of
5 committing a horrific crime that could affect the rest of
6 his life. June 24th, 2010, Michael Glover is
7 incarcerated, puts on that uniform that he has worn for
8 the past 1,100 days, waiting for today. And, today
9 starts the first day of the rest of his life.

10 Alicia Glover got her divorce. She got it
11 four months later after he was locked up, four months
12 later. Seventeen months sitting around. Where is her
13 divorce? Where is her divorce? Where is her divorce?
14 It never came until four months after he's incarcerated.

15 There was a plan laid out on November 23rd,
16 2010. The question is, who hatched it? Was it Michael
17 Glover? Look at the evidence. Look at the lack of
18 evidence and decide who hatched that plan.

19 We are confident that when you go over the
20 lack of evidence there is but one verdict that can be
21 returned: Not guilty. Not guilty because there is no
22 evidence, other than Alicia Glover's statement, that
23 Michael Glover did this to me.

24 Again, we thank you for your time, for your
25 service, for the other fact that remains in this room

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1 that y'all are going to uphold your duties, and we truly
2 appreciate that. Thank you.

3 THE COURT: All right. Madame Solicitor,
4 call your first witness.

5 MS. BALDWIN: Thank you, Your Honor. The
6 State calls Alicia Glover.

7 ALICIA GLOVER,
8 having been first duly sworn,
9 was examined and testified as follows:

10 DIRECT EXAMINATION

11 THE WITNESS: Alicia Glover, G-l-o-v-e-r.

12 BY MS. BALDWIN:

13 Q. Alicia, tell the jury a little bit about yourself.
14 Where are you from?

15 A. Right here in North Charleston, South Carolina.

16 Q. How old are you?

17 A. Thirty-four.

18 Q. Have any children?

19 A. Six of them.

20 Q. How old are they?

21 A. Fourteen, thirteen, eleven, ten, eight, and seven.

22 Q. And you know the defendant?

23 A. I do.

24 Q. And how do you know him?

25 A. He's my ex-husband.

1 Q. How long were y'all married?

2 A. Eleven years.

3 Q. And when were you divorced?

4 A. It was March of 2011.

5 Q. I know you're soft-spoken. If you could, speak
6 into the mike so everybody can hear you.

7 What did Mr. Glover do for a living at the time?

8 A. He worked for construction.

9 Q. Okay. And where do you live?

10 A. Right in North Charleston, off of Timber Street,
11 Street.

12 Q. Did you live back there in 2010?

13 A. I did.

14 Q. What was the nature of yours and Mr. Glover's
15 relationship back in November of 2010?

16 A. We were separated.

17 Q. Did you have contact with each other?

18 A. No.

19 Q. When -- when did that relationship start to change
20 such that you guys were separated?

21 A. A couple years ago. Things weren't going right in
22 our marriage, and we separated.

23 Q. You said a couple years ago?

24 A. Yes.

25 Q. Is that in 2010 or prior to or after that? When

1 did your relationship start to go south?

2 A. Around 2009, 2010.

3 Q. So tell the jury a little bit about November 23rd,
4 2010. What were you up to that day?

5 A. I got two phone calls that day. It was left on my
6 voice mail regarding Mike telling me that I was a slut
7 and I was keeping him from his kids and he knew someone
8 was at my house and that my stove and oven wasn't
9 working.

10 Q. Was somebody, in fact, at your house that day?

11 A. There was.

12 Q. Who was that?

13 A. A friend of mine.

14 Q. What is his name?

15 A. Wayne.

16 Q. Wayne came over to the house that day?

17 A. Yes.

18 Q. Okay. What did y'all do at the house?

19 A. He -- Wayne wanted to check and see if he could
20 fix the stove.

21 Q. Could he fix the stove?

22 A. No, he didn't.

23 Q. So what did y'all do after that?

24 A. We went to go look at some houses he was looking
25 at.

1 Q. Where did y'all go to look at houses?

2 A. In the Goose Creek area.

3 Q. And then what did you do after you looked at
4 houses?

5 A. We stopped by Sonic's to get something to eat.

6 Q. And what did you do after that?

7 A. We came back to my house and watched a Medea
8 movie.

9 Q. Where did you watch the movie?

10 A. In the living room.

11 Q. Did y'all watch the movie for a long time?

12 A. No.

13 Q. Did you finish it?

14 A. No, we didn't.

15 Q. Why didn't you finish?

16 A. It he had a meeting to go to.

17 Q. What meeting?

18 A. It was a meeting at Trident Hospital.

19 Q. Is that where he works?

20 A. That's where he used to work.

21 Q. Where do you work?

22 A. At Trident Hospital.

23 Q. Were y'all working together at the time?

24 A. Yes.

25 Q. At Trident? When -- just so the jury knows, what

ALICIA GLOVER - DIRECT BY MS. BALDWIN

1 did you do at Trident?

2 A. I am a patient care tech at Trident Hospital.

3 Q. So what happened after Wayne left for the meeting?

4 A. I went and called my sister to discuss
5 Thanksgiving plans.

6 Q. What phone did you call her on?

7 A. My house phone.

8 Q. Did you notice anything while you were speaking
9 with your sister?

10 A. Not at the time.

11 Q. Y'all were talking about Thanksgiving plans?

12 A. Correct.

13 Q. Did everything seem normal to you at first?

14 A. Yes.

15 Q. Did anything not seem normal at any point during
16 your conversation?

17 A. I went to go to my bathroom, to wash my hands, and
18 I noticed the sink wasn't working.

19 Q. What do you mean by it wasn't working?

20 A. I turned the knob and water was not coming out.

21 Q. That was odd to you?

22 A. It did.

23 Q. What did you do?

24 A. I went to the other bathroom and the kitchen sink
25 and checked both of the sinks and they were working.

1 Q. And after you checked the sinks, what did you do
2 after that?

3 A. I went downstairs to check the window to see if it
4 was locked.

5 Q. Was it locked?

6 A. No, it wasn't.

7 Q. I'm going to show you State's Exhibit 39. That
8 should come up on that screen in front of you. What is
9 that?

10 A. That's the downstairs area.

11 Q. And what window were you checking?

12 A. This window where the yellow sheet is hanging up.

13 Q. And I show you State's Exhibit 37. And what is
14 that?

15 A. That's the kitchen.

16 Q. Okay. And is that the sink in the background? Is
17 that the kitchen sink you were talking about?

18 A. Correct.

19 Q. After you checked the window downstairs, what did
20 you do?

21 A. I went back up, back to my bedroom, went back to
22 the bathroom and checked the sink one more time, and it
23 still wasn't working.

24 Q. So what happened then?

25 A. Then I went to look out my window.

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1 Q. Your window where?

2 A. In my bedroom.

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

4 A. My bedroom.

5 Q. Was the mattress to the bed like that at the time?

6 A. No.

7 Q. Is that window the window you were looking out of?

8 A. Correct.

9 Q. And you just looked out the window?

10 A. Yes.

11 Q. Okay. And what did you do after you looked out
12 the window?

13 A. I went to go check under my mattress for my
14 journal.

15 Q. And was the journal there?

16 A. No, it wasn't.

17 Q. What did you notice after that?

18 A. I noticed that the phone was no longer plugged up
19 to the outlet. The cords were gone.

20 Q. I'll show you State's Exhibit 42. Is the phone in
21 that picture?

22 A. Yes..

23 Q. If you touch that screen, you can point it out.

24 A. This one right here (indicating).

25 Q. Okay. I show you State's Exhibit 6. What's that?

1 A. The phone.

2 Q. Same phone that you just pointed out?

3 A. Yes.

4 Q. So after you noticed the cord on the phone was
5 gone, what did you do?

6 A. I told my sister I had to go. I had to go pick up
7 my son from day care.

8 Q. And then what happened?

9 A. I hung up with her, went to go get my stuff and
10 headed out of my bedroom, and that's when I got hit.

11 Q. When you say you got hit, what do you mean?

12 A. It happened so fast. I got hit.

13 Q. Where did you get hit?

14 A. In the head, face.

15 Q. And who was it that was hitting you?

16 A. Michael Glover.

17 Q. Was he saying anything?

18 A. He was telling me it was my fault, that I kept the
19 kids from him, I was a slut, I did this to him.

20 Q. Do you know where he came from?

21 A. I don't.

22 Q. Was he supposed to be in your house?

23 A. No.

24 Q. Did you expect him to be there?

25 A. No.

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1 Q. Did he have permission to be in the house?

2 A. No.

3 Q. Did you notice anything about his appearance?

4 A. I noticed he was very angry with me, and he had
5 socks on his hands.

6 Q. What kind of socks?

7 A. I don't know. Just socks.

8 Q. So what did he do? He was hitting you, yelling at
9 you?

10 A. Hit me, yelling at me, punching me, threw me to
11 the wall and hit me a couple more times. Somehow I
12 landed on the floor, and he kept punching me and kicking
13 me.

14 Q. When you say he threw you into the wall, what room
15 were y'all in?

16 A. The bedroom.

17 Q. Which wall was it, do you know?

18 A. The wall -- same wall side as the window.

19 Q. Okay. What happened after that?

20 A. He wanted to know the name of the person who was
21 with me that day.

22 Q. And did he just nicely ask you? How was he saying
23 that?

24 A. He was angry. He wanted to know who was in this
25 house, and I didn't tell him at first.

ALICIA GLOVER - DIRECT BY MS. BALDWIN

1 Q. Why didn't you tell him?

2 A. I wanted him to stop hitting me.

3 Q. So after he was demanding this, what happened
4 next?

5 A. He took me to the boys' bedroom and tied my right
6 wrist up with a belt and tied it up to the bunk bed.

7 Q. He took you to the boy's bedroom. I'll show you
8 State's Exhibit 47. Where is your bedroom in this
9 picture?

10 A. Right here (indicating).

11 Q. Where is the boys' bedroom?

12 A. Right here (indicating).

13 Q. How did he take you over there?

14 A. Basically dragged me to the room.

15 Q. You said he tied you up?

16 A. He did.

17 Q. How did he tie you up?

18 A. One of the belts off my skirt. He tied one to my
19 right wrist and the other one to the bunk bed.

20 Q. And then what happened?

21 A. He wanted to know who was the person who was at
22 the house that day, and I told him. He hit me a couple
23 more times.

24 Q. You say he hit you a couple more times. How did
25 he hit you?

ALICIA GLOVER - DIRECT BY MS. BALDWIN

1 A. Hit me with his fist.

2 Q. Closed fist?

3 A. Yes.

4 Q. And where was he hitting you?

5 A. He hit me in the face, the head, stomach.

6 Q. What else did he say to you?

7 A. He wanted me to drop the charges and call his
8 attorney.

9 Q. Did he say anything else?

10 A. He told me if I go to the police that the next
11 time you see me, he wouldn't be doing any talking.

12 Q. What did you take that to mean?

13 A. That he was going to kill me.

14 Q. So what happened after he said that?

15 A. He wanted to know about the alarm system, if it
16 was on or off.

17 Q. You had an alarm system in your house?

18 A. I did.

19 Q. When did you get that installed?

20 A. Several months back.

21 Q. When you say several months back, prior to this
22 incident?

23 A. Yes.

24 Q. So he asked if the alarm was on?

25 A. Correct.

1 Q. And what did you say?

2 A. I wasn't sure.

3 Q. What happened after that?

4 A. He went to go look and see what colors they were,
5 if it was on or off, and then came back and asked me what
6 did it mean, and I told him that it was off.

7 Q. What color was it, did he tell you?

8 A. It was green.

9 Q. So what happened after that?

10 A. He left out the back door.

11 Q. Let me just go back real quick. You said the back
12 window was unlocked?

13 A. Yes.

14 Q. Was that unusual? Did you keep your window
15 unlocked most of the time?

16 A. No. It was always locked.

17 Q. Do you know how it got unlocked?

18 A. I do not know.

19 Q. I'll show you State's Exhibit 48. Can you tell me
20 what's in that picture?

21 A. That's my kids' room, their bunk bed.

22 Q. And what is tied to the bunk bed?

23 A. The belt.

24 Q. Can you show me where that is?

25 A. Right here.

ALICIA GLOVER - DIRECT BY MS. BALDWIN

1 Q. So what was going through your head while he was
2 hitting you?

3 A. I believe he actually was going to kill me, and
4 the pain was excruciating. I was terrified. I was very
5 afraid.

6 Q. When you say the pain was excruciating, what pain
7 are you talking about?

8 A. The pain from him hitting me in the face, head,
9 stomach.

10 Q. You had mentioned earlier he said go to his
11 attorney and drop the charge?

12 A. Uh-huh.

13 Q. What charge are you talking about?

14 A. The stalking charge.

15 Q. And he was arrested for stalking?

16 A. Yes.

17 Q. And when was that, do you know?

18 A. I'm not sure when. I know it was in January, but
19 I'm not sure if it was -- I believe 2010.

20 Q. Before this incident?

21 A. Correct.

22 Q. Okay.

23 MS. BALDWIN: Beg the Court's indulgence.

24 BY MS. BALDWIN:

25 Q. Alicia, you mentioned that Mr. Glover didn't have

1 any permission to be in your house at the time.

2 A. Correct.

3 Q. Was there any Court Order in place?

4 A. Yeah.

5 Q. Telling him --

6 A. I had an order of protection in place.

7 Q. And when you said that he heard a noise and left
8 the house, did he leave calmly?

9 A. I'm not sure exactly how he left. I just know
10 that he -- when he was leaving out, he just asked me
11 about the alarm system, if it was on or off, and since it
12 was off, he left out the back door.

13 Q. Do you know why he left?

14 A. I don't know.

15 Q. How could you tell it was the back door?

16 A. The chimes of the alarm will tell you when the
17 front door is opened versus the back door.

18 Q. And what is the difference between?

19 A. The ring it makes.

20 Q. As a result of this incident, what injuries did
21 you suffer?

22 A. Head injury, eye injury. I had to get my left eye
23 stitched, had bruising from head to toe, couldn't even
24 talk for a long time, was unable to drive for over a
25 month. I had to see the doctor, had CT scans, MRI, had

ALICIA GLOVER - DIRECT BY MS. BALDWIN

1 to go to counselling, hair fell out, had to go to
2 counselling.

3 Q. When you say you thought he was going to kill you
4 at the time --

5 A. Uh-huh.

6 Q. -- were you scared at the time?

7 A. Very scared. Terrified.

8 MS. BALDWIN: Beg the Court's indulgence.

9 BY MS. BALDWIN:

10 Q. I'm going to show you State's Exhibit 1. What's
11 that?

12 A. My face.

13 Q. Do you know when that picture was taken?

14 A. The day of the incident.

15 Q. And what time of day was it when this happened?

16 A. It was in the afternoon.

17 Q. Was it -- so it was light outside?

18 A. Yes.

19 Q. Okay. Did you hear anybody come through the front
20 door after Wayne left?

21 A. No.

22 Q. Do you know if your front door was locked or
23 unlocked?

24 A. The front door was locked.

25 Q. How did Wayne get out?

ALICIA GLOVER - CROSS BY MR. BURKE

1 A. Through the front door.

2 Q. Did you lock it afterward?

3 A. I did.

4 Q. Do you have any idea what time during the day it
5 was?

6 A. I want to say it was around 1:00 when I called my
7 sister at the time.

8 Q. So after you went to Carrie's (C) house, you
9 called your sister?

10 A. No. It was 1:00 that afternoon when I called to
11 discuss Thanksgiving plans.

12 Q. And you said you drove over to Carrie's house?

13 A. I did.

14 Q. What did do you at Carrie's house?

15 A. I was crying, I was hurt, terrified, scared,
16 shocked, and she was there. I saw her when I went to
17 drive over there, and she came and got me.

18 Q. So how do you feel about that incident today?

19 A. I can't believe that happened to me. I never
20 expected that to happen to me.

21 MS. BALDWIN: Alicia, I don't have any other
22 questions for you. Please answer any of Mr. Burke's.

23 CROSS-EXAMINATION

24 BY MR. BURKE:

25 Q. May it please the Court: Alicia, isn't it true

ALICIA GLOVER - CROSS BY MR. BURKE

1 that you filed for your divorce on June 24, 2009?

2 A. I believe so.

3 Q. And on November 23rd, 2010, were you divorced from
4 Michael Glover?

5 A. No.

6 Q. And isn't it true you were divorced from him on
7 March the 4th, 2011?

8 A. Yes.

9 Q. And as a result of that divorce, were you awarded
10 the home?

11 A. Yes.

12 Q. And were you awarded sole custody of your
13 children?

14 A. Yes.

15 Q. And were you awarded all the personal property
16 inside the home?

17 A. Yes.

18 Q. And as a result of that divorce, what did Michael
19 Glover receive?

20 A. Nothing.

21 Q. I'm sorry?

22 A. Nothing.

23 Q. And on March 4th, 2011, did Michael appear in
24 family court for the divorce hearing?

25 A. Yes.

1 Q. And was he wearing that same uniform he has on
2 now?

3 A. Yes.

4 Q. We've seen a picture of your injuries. Isn't it
5 true that Michael Glover's an amateur boxer?

6 A. Yes.

7 Q. I'm sorry?

8 A. Yes.

9 Q. And is the -- what doctor's office did you go to
10 on November 23rd, 2010?

11 A. I went to the hospital.

12 Q. Was that in Summerville?

13 A. Yes.

14 Q. And you met with Dr. Hayes; is that correct?

15 A. I'm not sure of the doctor's name.

16 Q. Do you recall leaving there with some instructions
17 from the doctor?

18 A. Yes.

19 MR. BURKE: May I approach, Your Honor?

20 THE COURT: Sure.

21 BY MR. BURKE:

22 Q. I ask you to take a look at this, Alicia, and tell
23 me if you recognize that.

24 A. I recognize it.

25 Q. Is that the report that you received from Dr.

ALICIA GLOVER - CROSS BY MR. BURKE

1 Hayes at Summerville emergency?

2 A. Yes.

3 Q. And at the top, after the first paragraph, can you
4 tell me, does Dr. Hayes describe your injuries?

5 A. Yes, he does.

6 Q. And does he call it minor closed head injury
7 without loss of consciousness?

8 A. Yes.

9 Q. And he calls it minor. Does it say superficial
10 laceration to the face?

11 A. Yes.

12 Q. And multiple superficial abrasions to the face.

13 A. Yes.

14 Q. And a contusion to the face; is that correct?

15 A. That's correct.

16 Q. And, Alicia, you stated on direct that you were on
17 your home phone line?

18 A. Yes.

19 Q. So while your home phone line, you allege the cord
20 is missing in the bedroom, your home phone is working.

21 A. It is.

22 Q. So you're speaking on your home phone line to your
23 sister, I believe it was.

24 A. Correct.

25 Q. And at some point, you became concerned about the

1 state of your home?

2 A. When things were not looking the way I had it,
3 yeah.

4 Q. And at that point were you nervous and scared?

5 A. I knew something wasn't right. I was afraid a
6 little bit, yes.

7 Q. You were afraid a little bit. And being on the
8 phone with your sister, did that give you a certain level
9 of comfort?

10 A. I guess you can say that.

11 Q. But yet you hung up the phone?

12 A. I did. I went to go -- I was proceeding to go
13 pick up my son from day care.

14 Q. Is that what you told your sister, or did you say
15 I have to go? What did you tell her?

16 A. I told her I had to go.

17 Q. Now, you described the window as being downstairs.
18 Is that correct?

19 A. Correct.

20 Q. How many stairs down is it?

21 A. Three or four.

22 Q. Three or four stairs?

23 A. Yes.

24 Q. So it's not an actual level below the level you're
25 on.

ALICIA GLOVER - CROSS BY MR. BURKE

1 A. No, a level on a cross space, so --

2 Q. It's just about the same height, correct?

3 A. Correct.

4 Q. And about how long is your home? Would you say
5 it's as big as this courtroom, or maybe a little smaller?

6 A. Maybe a little smaller.

7 Q. So did you hear Michael come into your home?

8 A. No. I didn't hear anything.

9 Q. So the solicitor asked you to look back. Looking
10 back today, do you think he was lying in wait in your
11 home?

12 A. I believe he was.

13 Q. And where do you believe he was lying in wait in
14 your home?

15 A. I do not know.

16 Q. So Michael, in your theory, is lying in wait in
17 your home while you and Wayne are watching Medea?

18 A. Correct.

19 Q. And what does Wayne do for a living?

20 A. He's an LPN.

21 Q. What is a LPN? I'm sorry.

22 A. A licensed practical nurse.

23 Q. And do you know, as an LPN, does Wayne have, let's
24 say, experience or has he been around cuts and abrasions?

25 A. Yes.

ALICIA GLOVER - CROSS BY MR. BURKE

1 Q. Has Wayne been around minor closed head injuries
2 without loss of consciousness?

3 MS. BALDWIN: Objection, Your Honor. It's
4 outside of her knowledge.

5 THE COURT: Sustained.

6 BY MR. BURKE:

7 Q. So getting back to Wayne, I couldn't really
8 understand. What time did Wayne get to your house?

9 A. I'm not quite sure.

10 Q. And what time did you and Wayne leave your home?

11 A. I don't know what time we left.

12 Q. What time did you and Wayne get back to your house
13 to watch Medea?

14 A. I believe it was after 12:00.

15 Q. What time did you receive an alleged phone call
16 from Michael Glover?

17 A. The time, I don't know.

18 Q. Were you home when the calls came in?

19 A. Yes.

20 Q. And was Wayne there when the calls came in?

21 A. That, I'm not sure.

22 Q. You didn't hear Michael come in. When you first
23 saw him, was he wearing the gloves?

24 A. I don't know.

25 Q. I'm sorry. They weren't gloves. They were socks,

1 right?

2 A. They were socks.

3 Q. Socks, not gloves. You don't know if he had those
4 on. Did he have a belt?

5 A. I didn't see him with a belt at first, no.

6 Q. And when he tied you up, did he tie you up first
7 or did he tie up your belt?

8 A. Tied my wrists first.

9 Q. And he did that with the gloves on?

10 A. I believe so.

11 Q. And I apologize. It was socks, not gloves?

12 A. Yes, they were socks.

13 Q. So he tied you up with these socks on, and then he
14 tied the belt to the bed with the socks on.

15 A. I believe so, yes.

16 Q. Did you ever locate your journal?

17 A. No.

18 Q. Did the police ever return your journal to you?

19 A. No, they didn't.

20 Q. And you stated that while you did not unlock the
21 window, you don't know how the window came unlocked?

22 A. Correct.

23 Q. And how many people reside in your home?

24 A. There's a total of seven of us, including me.

25 Q. Just one last question: You testified you

1 couldn't drive for a month; is that correct?

2 A. That's correct.

3 Q. And yet on November 23rd, 2010, you drove over to
4 Carrie Voorhees's house; is that correct?

5 A. That's correct.

6 MR. BURKE: Nothing further, Your Honor.

7 THE COURT: Redirect?

8 MS. BALDWIN: Thank you, Your Honor.

9 REDIRECT EXAMINATION

10 BY MS. BALDWIN:

11 Q. Alicia, you -- was your divorce dependent on the
12 outcome of this trial?

13 A. No.

14 Q. Have you met with our office since that divorce
15 was finalized?

16 A. Yes.

17 Q. More than once?

18 A. Yes.

19 Q. I'm going to show you what's been marked as
20 State's Exhibit 8. Do you know what that is?

21 A. A receipt from Sonic's.

22 Q. Is that where y'all went to eat that day?

23 A. Correct.

24 Q. And what's the time on it?

25 A. It looks like 12:08.

ALICIA GLOVER - REDIRECT BY MS. BALDWIN

1 Q. And you said you received several calls from
2 Mr. Glover that day. I show you State's 17. What's
3 that?

4 A. My phone with the numbers on it.

5 Q. When you say the numbers on it, what are you
6 talking about?

7 A. His number.

8 Q. What time was that?

9 A. 10:01 a.m.

10 Q. Were you at the house when you got the phone call?

11 A. Yes.

12 Q. Did you answer the phone?

13 A. No.

14 Q. What about State's 18. What's that?

15 A. Same number, 10:03 a.m.

16 Q. And State's 19?

17 A. 11:16 a.m.

18 Q. That is a different phone number than the previous
19 two, correct?

20 A. Correct.

21 Q. Did Mr. Glover have more than one phone number?

22 A. I believe so, yes.

23 Q. Were you at the house when you received that phone
24 call?

25 A. Possibly. I'm not sure.

1 Q. And State's 20.

2 A. 12:26 p.m.

3 Q. Now, there is this talk about the phone, phone in
4 the bedroom, the cord being cut. Did you have more than
5 one house phone?

6 A. Yes, I did.

7 Q. Were you talking to your sister on the one from
8 the bedroom?

9 A. No. It was the one from the living room.

10 Q. When you and Wayne got back from going out to eat
11 and you came back to the house, did you go into every
12 single room of the house?

13 A. No, we didn't.

14 Q. Where did you go?

15 A. Just to the living room.

16 Q. Was Wayne there long?

17 A. No, he wasn't.

18 Q. When you checked the lock to the back window -- do
19 you check the locks to your house fairly often?

20 A. I have been lately.

21 Q. And do you remember every detail from the assault?

22 A. Not as much as it occurred, you know, the day of
23 the incident.

24 Q. How many years later is it since it happened?

25 A. Three years.

ALICIA GLOVER - RECROSS BY MR. BURKE

1 Q. Do you -- did it happen over a long period of time
2 or did it happen over a short period of time, the actual
3 assault?

4 A. I'm not understanding your question.

5 Q. Did it take hours? Did he beat you up for hours?

6 A. No.

7 Q. Okay.

8 MS. BALDWIN: Beg the Court's indulgence.

9 BY MS. BALDWIN:

10 Q. Alicia, is there any question in your mind who it
11 was that beat you up that day?

12 A. There is no question.

13 Q. Who was it?

14 A. Michael Glover.

15 Q. And where is he?

16 A. Right there (indicating).

17 MS. BALDWIN: I don't have any further
18 questions.

19 THE COURT: Recross?

20 MR. BURKE: Very briefly, Your Honor.

21 RECROSS-EXAMINATION

22 BY MR. BURKE:

23 Q. Alicia, that photograph they said that came from
24 Michael Glover, isn't it true that you programmed the
25 name into the phone so that the phone recognizes the

1 number?

2 A. No. It automatically comes up on the caller ID.

3 Q. On your house phone?

4 A. Correct.

5 Q. And that's a V-Tech house phone?

6 A. Correct.

7 Q. And that call was at 12:26?

8 A. I believe that's what it said, yes.

9 Q. And you allege that this happened around 1:00.

10 A. Correct.

11 Q. And that you and Wayne are in the house, watching
12 Medea when that call comes in?

13 A. Correct.

14 Q. And you said when we spoke the first time that
15 your thought was Michael was laying in wait inside your
16 house; is that correct?

17 A. That's correct.

18 Q. And yet you didn't hear him dial or leave a voice
19 mail; is that correct?

20 A. That's correct.

21 Q. And one last thing: Wayne's in the house. You
22 said he had to leave to go to a meeting.

23 A. Correct.

24 Q. Why did you start watching Medea if he was only
25 going to be in the house a couple minutes?

WAYNE WOOD - DIRECT BY MS. LINDER

1 A. We were eating lunch and watching a movie.

2 MR. BURKE: Nothing further, Your Honor.

3 THE COURT: All right. Folks, let's go ahead
4 and take a rest room break. I got 11:15. We'll get
5 ready to have you back in about 15 minutes.

6 Don't begin deliberations or discussions
7 about the case, and we'll see you back in about 15
8 minutes.

9 (Recess taken.)

10 THE COURT: Let the record reflect the
11 defendant is back in the courtroom. Are you ready with
12 your next witness?

13 MS. BALDWIN: Yes, sir.

14 THE COURT: Bring the jury in.

15 (In open court, jury present.)

16 THE COURT: All right. Welcome back, folks.
17 We'll have the State call the next witness.

18 MS. LINDER: The State calls Wayne Wood.

19 WAYNE WOOD,

20 having been first duly sworn,
21 was examined and testified as follows:

22 DIRECT EXAMINATION

23 BY MS. LINDER:

24 Q. Good morning, Mr. Wood. Where are you from?

25 A. I was born in Charleston.

1 Q. And do you have any children?

2 A. I have three.

3 Q. And are you married currently?

4 A. No, ma'am.

5 Q. And what is your occupation?

6 A. I'm a nurse.

7 Q. And do you know the victim in this case, Alicia
8 Glover?

9 A. Yes, ma'am.

10 Q. How and when did you first meet her?

11 A. Trident Hospital when I started working there,
12 2010, 2009, something like that.

13 Q. And do you know why you're here today about the
14 incident that happened back on November 23rd of 2010?

15 A. Yes, ma'am.

16 Q. And what was your relationship with the victim
17 back on that date?

18 A. We were friends. We worked together, but we were
19 friends outside of work.

20 Q. And did you see the victim, Alicia, back on that
21 day, November 23rd of 2010?

22 A. Yes, ma'am.

23 Q. And what did y'all do?

24 A. I went to her house to pick her up 'cause she was
25 going to go with me. I was looking at some houses, and I

WAYNE WOOD - DIRECT BY MS. LINDER

1 wanted a woman's opinion.

2 Q. And did you have any idea approximately what time
3 you went over that morning to her house?

4 A. 10:00, probably around 10:00.

5 Q. When you first arrived at her house that morning,
6 did you go inside?

7 A. Yes, ma'am.

8 Q. And how -- were you inside a long time or --

9 A. No, just a few minutes. I mean, it was just come
10 in. Hey, you ready? You know, we're going to go over to
11 Crowfield and look at some houses.

12 Q. All right. So when y'all left Alicia's house, did
13 you actually go look at the other houses -- or Crowfield,
14 I think you said?

15 A. Yeah. We drove over to Crowfield, had to find it,
16 and I remember because it was a cute little white
17 cottage, great price, and we found out why the price was
18 so good, because it had mold.

19 Q. And after you looked at that house, what did y'all
20 do next?

21 A. We looked at some other houses, and then we went
22 back to her house, but we got some lunch at Sonic.

23 Q. Do you have any idea what time it was when you
24 stopped at Sonic for lunch?

25 A. Lunchtime, probably around 12:00.

WAYNE WOOD - DIRECT BY MS. LINDER

1 Q. Where did you go after y'all went to Sonic?

2 A. Went to Sonic, picked it up, take out, drove to
3 her house.

4 Q. I'm sorry to interrupt. About how far from Sonic
5 does Alicia live?

6 A. Five minutes.

7 Q. Okay. When you two of you got back to Alicia's
8 house, what did you do?

9 A. Popped in a movie. We had chilli dogs, slushies,
10 sat on the floor, started watching movies.

11 Q. And where did you eat that food when you were in
12 her house?

13 A. In the living room.

14 Q. Where did you watch the movie?

15 A. In the living room.

16 Q. Did you go to the bathroom when you were in her
17 house at that time?

18 A. No, ma'am.

19 Q. Did you go into any of the bedrooms in her house
20 when you arrived after lunch?

21 A. No, ma'am.

22 Q. Did you end up watching the whole movie?

23 A. No, ma'am.

24 Q. Why not?

25 A. I had a meeting I had to go to at Trident at 1:00

WAYNE WOOD - DIRECT BY MS. LINDER

1 that day that I had forgotten about, so I had to leave,
2 probably, I don't know, ten till, quarter to 1:00.

3 Q. When you left Alicia's home, what was her
4 appearance, her physical appearance?

5 A. She was fine.

6 Q. Did she have torn clothes?

7 A. No, ma'am.

8 Q. Did she have any bruises?

9 A. No, ma'am.

10 Q. Was she bleeding from her face?

11 A. No, ma'am.

12 Q. Was she crying?

13 A. No, ma'am.

14 Q. When you left Alicia's home, did you kind of take
15 an inventory of every other car or person that was around
16 when you left?

17 A. No, ma'am.

18 Q. Did you -- when you left Alicia's house, where did
19 you park your car?

20 A. Over at Trident, the hospital.

21 Q. I'm sorry. When you were at Alicia's home, do you
22 park in the street, in the front?

23 A. No, I park in the yard.

24 Q. Is that the front?

25 A. The front yard, yes, ma'am.

WAYNE WOOD - CROSS BY MR. BURKE

1 Q. When you left her house, did you go to the back
2 yard for any reason?

3 A. No, ma'am.

4 Q. And when was the next time after you went to your
5 meeting at Trident that you saw Alicia?

6 A. I want to say two days later.

7 Q. What was her appearance when you saw her two days
8 later?

9 A. Her left eye, she had been hit, was bruised. You
10 know, she was -- she was upset still.

11 MS. LINDER: Beg the Court's indulgence.

12 I don't have any further questions for you at
13 this time. Please answer any questions the defense may
14 have.

15 THE COURT: Cross?

16 MR. BURKE: Thank you, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. BURKE:

19 Q. Mr. Wood, you went to pick up Alicia to go look at
20 houses; is that correct?

21 A. Yes, sir.

22 Q. And so the purpose of you going over there was to
23 pick her up and look at houses over in Crowfield?

24 A. Yes, sir.

25 Q. So you picked her up; you went to Crowfield. Did

1 you stop anywhere on the way to Crowfield?

2 A. No, sir.

3 Q. Did you go into the house at Crowfield?

4 A. We looked at more than one house. We did go into
5 one house, but not the one I actually wanted to buy, the
6 white one.

7 Q. And then you left Crowfield and you went to Sonic?

8 A. Yes, sir.

9 Q. And then from Sonic you come back in to Alicia's.
10 How did you go into Alicia's house?

11 A. Through the front door.

12 Q. And you had the Sonic with you; is that correct?

13 A. Yes, sir.

14 Q. And before eating, where did she wash her hands?

15 A. I don't recall.

16 Q. How about you? Where did you wash your hands?

17 A. I probably didn't. We have -- I'm a nurse, so we
18 have, like, wipe stuff.

19 Q. You had sterile wipes on you?

20 A. I don't know. Like I said, I'm a nurse, so I
21 probably used the -- what do you call it -- sanitizer.
22 I'm sorry. I haven't been here before.

23 Q. That's all right. But you can't really remember?

24 A. No, sir, I don't.

25 Q. And you ate a chilli dog?

1 A. Yes, I remember the chili dog. It was good.

2 Q. Where did you wash your hands after you ate the
3 chili dog?

4 A. I didn't. I had to go.

5 Q. You went to a meeting without washing your hands?

6 A. I did.

7 Q. Did you use Purell or sanitizer then?

8 A. I don't remember. I didn't wash my hands because
9 I had to go. It was one of those, oh, I got to go.

10 Q. And how much of Medea did you watch?

11 A. I don't even remember the name of the movie. I
12 had already seen them. I just loaned it to her.

13 Q. When did you loan them to her?

14 A. Prior to that meeting.

15 Q. So you didn't bring them that day?

16 A. No.

17 Q. And your job as a nurse, do you have occasion to
18 come into contact with people who have been injured?

19 A. Yes, sir.

20 Q. People who have cuts or bruises?

21 A. Yes, sir.

22 Q. Was Medea funny?

23 A. I have seen it before. It is funny.

24 Q. Did y'all laugh, sitting there on the floor?

25 A. Oh, yeah, we laughed, we talked.

1 Q. So you're sitting there, on Alicia's floor,
2 laughing with her, having a good time. Did you hear
3 anybody possibly secreted away inside of the house who
4 might not enjoy you sitting with their wife, having a
5 good time? Hear any heavy breathing, any rustling,
6 anything in that home to give you any indication that
7 somebody would be lying in wait?

8 A. No, sir.

9 Q. Did you hear anybody dial a phone?

10 A. No, not to my knowledge.

11 Q. Did you hear a phone ring?

12 A. No. I don't remember a phone ringing.

13 Q. Well, I guess just one other question: Were you
14 able to fix the kitchen stove?

15 A. No.

16 Q. Do you remember that?

17 A. I looked at a lot of things at her house. I've
18 looked at her kitchen stove, doors. I don't know if I
19 did or not. It's been a couple years.

20 Q. Right. But you do remember going in and eating at
21 Sonic and everything else?

22 A. Yes.

23 Q. But you don't remember looking at the kitchen
24 stove?

25 A. I have looked at her stove. I don't know if it

CARRIE VOORHEES - DIRECT BY MS. BALDWIN

1 was that day.

2 MR. BURKE: Thank you. Nothing further.

3 THE WITNESS: Yes, sir.

4 THE COURT: Redirect?

5 MS. LINDER: Nothing further from this
6 witness, Your Honor.

7 THE COURT: You can step down. Thank you.

8 THE WITNESS: Yes, sir.

9 THE COURT: You're free to go. Next witness?

10 MS. BALDWIN: State calls Carrie Voorhees.

11 CARRIE VOORHEES,

12 having been first duly sworn,

13 was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MS. BALDWIN:

16 Q. How old are you?

17 A. Forty.

18 Q. Are you married?

19 A. Separated.

20 Q. Do you have any kids?

21 A. I do. Three.

22 Q. Do you know why you're here today?

23 A. I do.

24 Q. Do you know Alicia Glover?

25 A. I do.

CARRIE VOORHEES - DIRECT BY MS. BALDWIN

1 Q. And how do you know Alicia?

2 A. She's a friend.

3 Q. Do you know defendant, Michael Glover?

4 A. I do.

5 Q. And how do you know him?

6 A. He was also a friend at one time.

7 Q. Okay. Carrie, were you subpoenaed to testify in
8 this case?

9 A. I was.

10 Q. And your understanding, the subpoena is a Court
11 Order?

12 A. Yes, ma'am.

13 Q. Where were you living back in 2010?

14 A. Street.

15 Q. And where is that in relation to Alicia and
16 Michael's house?

17 A. Across the street.

18 Q. All right. Back in November of 2010, who was
19 living at Alicia and Michael's house?

20 A. In November 2010, Alicia and her six children.

21 Q. Okay. Michael didn't live there?

22 A. No.

23 Q. Do you remember an incident that happened between
24 Alicia and Mr. Glover back in 2010?

25 A. I do.

1 Q. In November 2010?

2 A. I do.

3 Q. What was your understanding of their relationship
4 at the time that this happened?

5 A. They were separated.

6 Q. How did you become involved in this incident in
7 November of 2010?

8 A. Basically, Alicia showed up in my driveway.

9 Q. How did she show up in your driveway?

10 A. A mess, bleeding, barely able to walk, sobbing.
11 She had driven to my driveway from her driveway.

12 Q. What was she driving?

13 A. I believe a van at that time.

14 Q. How far was your house from Alicia's house?

15 A. 300, 400 yards, maybe, just across the street.

16 Q. What time of day was it that she drove over?

17 A. 1:00, 1:30 in the afternoon.

18 Q. Where were you when she showed up?

19 A. I was in the laundry room doing laundry, which is
20 outside on the patio. It is an outside laundry room.

21 Q. She showed up, she could barely walk?

22 A. Yes, ma'am.

23 Q. And what else?

24 A. She was bleeding from her eye and she was crying.

25 Q. Did that strike you as unusual or normal?

1 A. Unusual.

2 Q. What was her demeanor normally?

3 A. Pretty calm, relaxed, soft-spoken, not easily
4 upset.

5 Q. Did she tell you what happened?

6 A. She did.

7 Q. Okay. What did she tell you?

8 A. She told me that her ex-husband was in the house
9 and tied her up and had beaten her.

10 Q. When she said her ex-husband, did you know who
11 that was?

12 A. Yes.

13 Q. Did she say his name or did she just say my
14 ex-husband?

15 A. I believe she said his name.

16 Q. What did you do?

17 A. There was a neighbor outside next door and I just
18 asked for her to call 911, tried to get Alicia calmed
19 down and cleaned up a little bit.

20 Q. Do you happen to know the last time Mr. Glover was
21 allowed in that house at ?

22 A. I'm really not sure. I know I moved to South
23 Carolina in August of 2009, and within two or three
24 months of me living across the street, he was no longer
25 living there.

1 Q. So after you asked the neighbor to call 911, what
2 happened next?

3 A. I believe Alicia called her solicitor and
4 explained to her what had happened, and, basically, I was
5 just trying to get her calmed down, you know, console
6 her.

7 Q. Did she seem pretty upset to you?

8 A. Yes, ma'am.

9 MS. BALDWIN: Beg the Court's indulgence.
10 Carrie, I don't have any other questions for you. Please
11 answer any of Mr. Burke's.

12 THE COURT: Cross?

13 CROSS-EXAMINATION

14 BY MR. JOHNSON:

15 Q. Did you give a written statement to the police?

16 A. Yes.

17 Q. When did you give that statement?

18 A. The same day of the incident.

19 Q. Do you recognize this document here?

20 MR. JOHNSON: May I approach the witness,
21 Your Honor?

22 THE COURT: Uh-huh.

23 THE WITNESS: Yes, sir.

24 BY MR. JOHNSON:

25 Q. Is that your statement?

1 A. Yes.

2 Q. And what date was that given?

3 A. November 23rd.

4 Q. Okay. And in that statement, you have the date
5 that the alleged event took place. And what date is
6 that?

7 A. 11/21.

8 Q. So did the event happen on November 21 or November
9 23rd of 2010?

10 A. It was postdated the 21st. It would have been the
11 21st.

12 Q. And as far as with -- once this event happened,
13 Mr. Glover came, she drove to your house; is that
14 correct?

15 A. Yes, sir.

16 Q. And she looked pretty rough. You said she was
17 bleeding from her eye?

18 A. Yes, sir.

19 Q. And the first thing you do is call 911?

20 A. I asked for a neighbor to call 911.

21 Q. The first thing Ms. Glover does is she wants to
22 call her solicitor; is that correct?

23 A. After a couple minutes of trying to get her calmed
24 down, yes, she felt it was important for the solicitor to
25 know what had happened.

1 Q. And in the meantime, did you have to get her a
2 towel or a bandage or anything for her face?

3 A. I got her a washcloth.

4 Q. So how much time transpired from once she stated
5 she needed to call her solicitor did that actually
6 happen?

7 A. I'm going to estimate five, ten minutes. I mean,
8 it was four years ago.

9 Q. And she did talk to her solicitor? Did she leave
10 a message, do you remember?

11 A. I don't remember. I'm pretty sure she talked to
12 her, but I can't say for sure.

13 Q. Were you home most of the day on November 21,
14 2010?

15 A. As far as I remember.

16 Q. How about November 23, 2010, were you home most of
17 that day?

18 A. I really can't say. That day is not significant
19 to me.

20 Q. Okay. And do you have a key to Ms. Glover's
21 house?

22 A. No, I do not.

23 MR. JOHNSON: No further questions, Your
24 Honor.

25 THE COURT: Redirect?

MELISSA CRAVEN - DIRECT BY MS. BALDWIN

1 REDIRECT EXAMINATION

2 BY MS. BALDWIN:

3 Q. What is the date on top of that statement that you
4 gave?

5 A. 11/23/2010.

6 Q. Did you give that statement the same day the
7 incident occurred?

8 A. I thought that I did.

9 Q. Okay. What was your mindset when all this was
10 happening? Were you calm?

11 A. No, not at all. I was upset for my friend, and a
12 little nervous, you know, this has gone on in the
13 neighborhood.

14 MS. BALDWIN: I have no further questions.

15 THE COURT: Recross?

16 MR. JOHNSON: Just a few questions, Your
17 Honor.

18 RECROSS-EXAMINATION

19 BY MR. JOHNSON:

20 Q. Just to be clear, the event did happen on November
21 23rd, 2010?

22 A. I believe it was November 21st, if that's what I
23 stated in my statement.

24 MR. JOHNSON: No further questions.

25 THE COURT: You can step down. Thank you.

MELISSA CRAVEN - DIRECT BY MS. BALDWIN

1 Next witness.

2 MS. BALDWIN: Thank you, Your Honor. The
3 State calls Melissa Craven.

4 MELISSA CRAVEN,
5 having been first duly sworn,
6 was examined and testified as follows:

7 DIRECT EXAMINATION

8 THE WITNESS: Melissa Craven, C-r-a-v-e-n.

9 BY MS. BALDWIN:

10 Q. Melissa, where do you work?

11 A. In the solicitor's office. I apologize. I'm
12 getting over a respiratory infection. I'm winded.

13 Q. Just take your time then. What do you do within
14 the solicitor's office?

15 A. I'm a victim advocate.

16 Q. What does the victim advocate do?

17 A. I work with victims of crime, specifically
18 domestic violence, and I work with them, going to court
19 with them, preparing them for court, just working with
20 them throughout the process.

21 Q. Do sometimes people get confused about what your
22 title is? Do they always call you victim advocate? Do
23 they sometimes call you their solicitor?

24 A. That's happened before. People get confused as to
25 who people are in the justice system. I've been called a

MELISSA CRAVEN - DIRECT BY MS. BALDWIN

1 police officer before. That's not very close to the
2 truth.

3 Q. Do you know Alicia Glover?

4 A. I do.

5 Q. I'm going to direct your attention to November 23,
6 2010. Did you speak to Alicia that day?

7 A. I did.

8 Q. Tell us about that.

9 A. I received a phone call -- I don't remember
10 exactly what time, but I know it was close to lunch
11 because I saw the phone ringing and I was going to get
12 ready to get lunch, so I got the phone so I know it was
13 that time.

14 When I answered the phone, I could hear screaming
15 and crying. It was really hard to understand. I didn't
16 know who it was at first until she started to talk, and
17 it was very fragmented.

18 I remember she was screaming and -- sorry.

19 Q. Take your time.

20 A. One day I'll breathe normal again. She mentioned
21 that she was bleeding. She --

22 Q. Who is she?

23 A. I'm sorry, Alicia. Once she started to talk, I
24 recognized her voice, although, like I said, it was
25 fragmented, and that she had -- from what I could gather,

1 she had been hit in the face, that Mr. Glover had hit
2 her, and that she was pleading and afraid that her jaw
3 was broken.

4 And that was -- and then I asked her if she was
5 alone or not, because I was concerned had 911 been called
6 and they had and she called me.

7 Q. She called 911 first?

8 A. Well, I know 911 had been called. I don't know if
9 she called or someone else had called.

10 Q. You said it was hard to understand her?

11 A. Yeah.

12 Q. Why was it hard to understand her?

13 A. Because she was crying -- she was crying so hard,
14 and when I first answered it was just screaming, and from
15 screaming and crying and she definitely sounded to be in
16 pain.

17 Q. Was that -- when you had spoken to Alicia on other
18 occasions, was that her usual demeanor?

19 A. No. Alicia has always been very calm, almost like
20 nothing bothers her and when she talks, she's very easy
21 to understand, and this was definitely a time when she
22 was really upset.

23 Q. Could you just tell the jury briefly what an order
24 of protection is.

25 A. An order of protection is --

MELISSA CRAVEN - DIRECT BY MS. BALDWIN

1 MR. BURKE: Objection, Your Honor.

2 MS. BALDWIN: May we approach, Your Honor?

3 THE COURT: Yes.

4 (Discussion held at sidebar.)

5 THE COURT: Let me send the jury out so we
6 can discuss this a little bit. Don't begin deliberations
7 or discussions.

8 (In open court, jury not present.)

9 THE COURT: All right. Tell me what you
10 want.

11 MS. BALDWIN: I'm not trying to elicit any of
12 the specific facts behind the victim's order of
13 protection in this case. I was just trying to elicit,
14 generally speaking, what an order of protection is
15 because the victim testified on direct that at the time
16 she did have an order of protection.

17 I don't think the jury would know what that
18 is unless they're familiar with the family court system.
19 The victim advocate is familiar with that, and an element
20 of burglary is whether or not he had permission to be
21 there. An order of protection would keep the defendant
22 from having contact, wouldn't allow him at the victim's
23 residence.

24 MR. BURKE: So would the temporary order of
25 the Family Court, which gave her exclusive use and

MELISSA CRAVEN - DIRECT BY MS. BALDWIN

1 possession of the marital home which we could stipulate
2 to, but in terms of what an order of protection is, is
3 just a Family Court order that if it's the intent of the
4 victim's advocate to say, well, it's a Family Court order
5 that decides who has the marital home, that would
6 accomplish the objective, but to go into all the reasons
7 that an order of protection can be issued, which in
8 Family Court could be something as minor as --

9 THE COURT: Are you just trying to put the
10 order in evidence?

11 MS. BALDWIN: Just to explain to the jury
12 when the victim testified that she had an order of
13 protection. We're just trying to explain, generally
14 speaking, that an order of protection is an order given
15 by the Family Court and could restrain the defendant from
16 contact with the victim or at the house.

17 THE COURT: Do you have a copy of the order?

18 MS. BALDWIN: I could get a copy. I wasn't
19 intending to put it into evidence.

20 MR. BURKE: But the solicitor's evidence was
21 what in general is an order of protection, which goes
22 into all the background as to all the horrible reasons
23 somebody could get an order of protection.

24 THE COURT: Well, what I would suggest is, is
25 that the order itself, since permission to be there is an

MELISSA CRAVEN - DIRECT BY MS. BALDWIN

1 element, the order itself can come in, and so it might be
2 that you need to put it in through a different witness,
3 but to get her to explain what it is in general, I don't
4 think it's necessary for her to do it that way.

5 If your point is to get the document itself
6 in, or get the fact in that there was an order in place,
7 it would be hearsay for her to say she knew there was one
8 in place. I don't really quite know what you would be
9 offering this witness for, other than to corroborate that
10 the witness was crying and upset when she called her.

11 But for her to get in and start explaining
12 what order of protections and things are is probably
13 beyond the scope of what this witness can testify to, so
14 why don't you get a copy of the order in.

15 MS. BALDWIN: Of this particular order?
16 Okay.

17 THE COURT: The one that was in place that
18 says he can't be there.

19 MR. BURKE: And, Judge, we would stipulate to
20 the fact that there is an order in place that prohibits
21 him from being in the marital residence.

22 THE COURT: Okay. Fine. Then you won't have
23 a problem with them coming in.

24 MR. BURKE: Well, I will because order of
25 protection has specific findings. If it's going to be

MELISSA CRAVEN - DIRECT BY MS. BALDWIN

1 redacted -- because now, again, the solicitor is trying
2 to backdoor into the prior bad acts.

3 THE COURT: Why don't we deal with that
4 separately. I don't know what's in it. It doesn't sound
5 like you have a copy with you here.

6 MS. BALDWIN: I may have one in my file.

7 THE COURT: But it's not coming in through
8 her. You got another topic that you need her on the
9 witness stand for?

10 MS. BALDWIN: No, sir.

11 THE COURT: Okay. We'll bring the jury in
12 and then you want to cross or -- somebody is going to
13 cross her. All right. How about after she testifies,
14 you got another witness?

15 MS. BALDWIN: We can, but she's going to be a
16 bit longer. It's the responding officer -- we do have
17 another witness after that. I'm sorry. A quick one.

18 THE COURT: All right. Bring the jury back
19 in. Get the order of protection at lunch.

20 (In open court, jury present.)

21 THE COURT: All right. Any further questions
22 from this witness?

23 MS. BALDWIN: No, Your Honor.

24 THE COURT: All right. Cross?

25 MR. BURKE: Very briefly, Your Honor.

MELISSA CRAVEN - CROSS BY MR. BURKE

CROSS-EXAMINATION

BY MR. BURKE:

Q. Ms. Craven, isn't it true that your complete and total understanding of the events on November 23rd, 2010 are solely based on the story conveyed to you by Alicia Glover?

A. And the phone call that I received.

Q. Correct.

A. Yes, sir.

Q. You've done no independent investigation or anything else?

A. No, sir.

MR. BURKE: Nothing further, Your Honor.

THE COURT: Redirect?

MS. BALDWIN: No questions, Your Honor.

THE COURT: You can step down. All right. You have one more short witness before we break for lunch?

MS. BALDWIN: Yes, sir. The State calls Keisha Davis.

KEISHA DAVIS,

having been first duly sworn,
was examined and testified as follows:

DIRECT EXAMINATION

BY MS. BALDWIN:

1 Q. Keisha, how old are you?

2 A. Twenty-seven.

3 Q. And do you work?

4 A. Yes.

5 Q. How do you know Alicia Glover?

6 A. Alicia Glover is my sister.

7 Q. Older or younger sister?

8 A. Older sister.

9 Q. Are you guys fairly close?

10 A. Yes.

11 Q. Do you know the defendant, Michael Glover?

12 A. Yes.

13 Q. Do you see him in the courtroom today?

14 A. Yes.

15 Q. Where do you see him?

16 A. Right there (indicating).

17 Q. What's he wearing?

18 A. Stripes.

19 Q. Did you get a phone call from your sister on
20 November 23rd, 2010?

21 A. Yes.

22 Q. Did you talk to her that day?

23 A. Yes.

24 Q. What were y'all talking about?

25 A. We were talking about holiday dinner that we were

1 going to have.

2 Q. What holiday?

3 A. Thanksgiving.

4 Q. Was it right before Thanksgiving?

5 A. Uh-huh.

6 Q. Okay. Did anything sound odd to you when you were
7 talking to her on the phone?

8 A. Yeah, the conversation was good, and then all a
9 sudden she kind of stopped talking. It felt like
10 something wasn't right in the house.

11 Q. She felt like something wasn't right in the house?

12 A. Yes.

13 Q. She sounded normal at first to you?

14 A. Yes.

15 Q. And then you said she kind of stopped talking.
16 Did she get quiet?

17 A. Yes.

18 Q. What else did she tell you?

19 A. I asked her what was wrong, and she told me that
20 the notebook was missing.

21 Q. Okay. Did she tell you anything else?

22 A. Not that I remember, no.

23 Q. So what happened after that?

24 A. We talked for a couple more seconds, then she said
25 she will call me back.

1 Q. And then what happened?

2 A. She didn't call back, and then later on I heard
3 from her neighbor.

4 Q. Did you think it unusual that she didn't call
5 back?

6 A. No, not really, because usually most people say
7 they'll call back and they don't call back, so I didn't
8 think anything of it.

9 Q. You said you heard from her neighbor then? You
10 heard from her neighbor later?

11 A. Yes.

12 Q. Which neighbor was that?

13 A. Carrie.

14 Q. And what time of day was that?

15 A. Around afternoon.

16 Q. What did Carrie tell you?

17 A. Carrie told me that she had been tied up and hurt
18 by Michael.

19 Q. Who is she?

20 A. I'm sorry?

21 Q. When you said Carrie told you she --

22 A. Alicia.

23 Q. -- had been tied up and hurt by him?

24 A. Michael.

25 Q. Did you see your sister later on that day?

—KEISHA DAVIS - CROSS BY MR. JOHNSON—

1 A. Yes.

2 Q. What did she look like?

3 A. Really sad, was crying. She was injured over her
4 eye. She had stitches.

5 MS. BALDWIN: Beg the Court's indulgence. I
6 don't have any more questions for you, Keisha.

7 MR. JOHNSON: Just a few questions, Your
8 Honor.

9 THE COURT: Okay.

10 CROSS-EXAMINATION

11 BY MR. JOHNSON:

12 Q. Ms. Davis, did you give a statement to the police?

13 A. Yes.

14 Q. And what date did you give that statement?

15 A. Right before Thanksgiving.

16 Q. May I approach, Your Honor?

17 THE COURT: You may.

18 BY MR. JOHNSON:

19 Q. Do you recognize this document?

20 A. Yes.

21 Q. And what is that document?

22 A. That's my statement of what happened that day.

23 Q. And on the top right-hand corner you had written
24 November 23rd, 2010?

25 A. Yes.

1 Q. Now, in the body of your statement, it states
2 November -- it looks like 21, 2010, but it's kind of
3 crossed out with a 23rd over it. Is that just a mistake
4 or what's --

5 A. I think it was just a mistake when I was writing.

6 Q. Okay. And how often does Carrie call you, Ms.
7 Voorhees?

8 A. I haven't spoken to Carrie for a while.

9 Q. When she called, did it identify her phone number
10 or was it an unknown phone number?

11 A. I'm not sure, but I knew it was her voice when I
12 spoke to her.

13 MR. JOHNSON: No further questions, Your
14 Honor.

15 THE COURT: Redirect?

16 MS. BALDWIN: None, Your Honor.

17 THE COURT: You can step down. Thank you.

18 All right. Folks, we're going to break for
19 lunch now. Let me have y'all back in the jury room by
20 just a little bit before 2:00, and we'll resume promptly
21 at 2:00. Again, don't begin deliberations or
22 discussions.

23 You can go to lunch with anybody on the jury
24 panel if you want to, but please don't discuss the case
25 in any way, talk about witness demeanor. Discuss

KEISHA DAVIS - CROSS BY MR. JOHNSON

1 whatever else in the world you want other than this case.
2 You'll have plenty of time to talk about the case
3 afterwards.

4 If anybody approaches you to talk to you
5 about the case, please report that as soon as you can
6 when we get back. Thank you for your patience today.
7 See you at 2:00.

8 (Recess taken.)

9 A F T E R N O O N S E S S I O N

10 MS. LINDER: Judge, I believe we're back on
11 the record now.

12 THE COURT: All right. Let the record
13 reflect the defendant is in the courtroom. Go ahead.

14 MS. LINDER: Judge, thank you. I just wanted
15 to address the matter we discussed pretrial about the
16 fact that Mr. Glover has a pending stalking arrest that
17 would come in, and also, before we broke for lunch, there
18 was discussion of whether or not an order of protection
19 would seem to be admitted, or specifics of that, and
20 before we broke for lunch, Mr. Burke suggested that they
21 would stipulate that he was restrained from being at the
22 house, not going into details of an order of protection
23 nor stating those words in the stipulation itself.

24 Over the lunch hour, Ms. Baldwin put together
25 a stipulation. Mr. Burke has had time to review it.

1 Actually, a change was made to this, and both parties
2 consent to these two stipulated items and have signed
3 this and, Your Honor, if I may hand it forward to become
4 an exhibit.

5 THE COURT: All right. Can I see it? All
6 right. I will instruct the jury on that when they get
7 back.

8 What's the plan of action for this afternoon?

9 MS. BALDWIN: Your Honor, I think we have our
10 responding deputy, our crime scene person, and then some
11 chain witnesses. There is another deputy who would be a
12 short witness, another crime scene person who's a short
13 witness, and then two SLED chain people and a DNA analyst
14 from SLED.

15 THE COURT: Okay.

16 MS. BALDWIN: And that will leave us with two
17 more tomorrow morning, quick witnesses, maybe an hour.

18 THE COURT: Do you have anything you wanted
19 to add?

20 MR. BURKE: No, Your Honor.

21 THE COURT: All right. Well, I think we're
22 still waiting on a couple jurors, so as soon as they get
23 here and give us order, we'll get started back.

24 (Recess taken.)

25 (In open court, jury present.)

SARAH MIDGETT - DIRECT BY MS. BALDWIN

1 THE COURT: We're going to start this
2 afternoon with the State calling the next witness.

3 MS. BALDWIN: Thank you, Your Honor. State
4 calls officer Sarah Midgett.

5 SARAH MIDGETT,
6 having been first duly sworn,
7 was examined and testified as follows:

8 DIRECT EXAMINATION

9 BY MS. BALDWIN:

10 Q. Officer, where do you work?

11 A. I work for the North Charleston police department.

12 Q. And how long have you worked there?

13 A. Since 2010.

14 Q. Where did you work in November of 2010?

15 A. For the Charleston County sheriff's office.

16 Q. In what capacity?

17 A. I was a deputy sheriff.

18 Q. Tell the jury a little bit about what a deputy
19 sheriff does. What are your duties?

20 A. We respond to calls for service, enforce traffic
21 laws, respond to 911 calls.

22 Q. When you say calls for service, what do you mean
23 by that?

24 A. If somebody were to call 911 or request police
25 assistance, then I would respond to assist them and

1 whatever their need may be.

2 Q. Did you respond to a call at Street on
3 November 23rd of 2010?

4 A. Yes, I did.

5 Q. You know the complainant?

6 A. Yes, I do.

7 Q. Who was that?

8 A. Carrie Voorhees.

9 Q. Is that -- Street, is that where the
10 incident took place?

11 A. No. That's where the complainant lives.

12 Q. Did you, in speaking with the complainant,
13 discover where the incident took place?

14 A. Yes, I did.

15 Q. And what was that address?

16 A. That address was Street.

17 Q. Is that in Charleston County?

18 A. Yes, ma'am.

19 Q. When you did arrive at Timber Street, you spoke
20 with the complainant. What did you do after you spoke
21 with her?

22 A. I spoke with the victim, Alicia Glover.

23 Q. Did the victim tell you what happened?

24 A. Yes, she did.

25 Q. All right. What did she look like when you were

SARAH MIDGETT - DIRECT BY MS. BALDWIN

1 talking with her?

2 A. She was very upset. She appeared very scared.
3 Her face -- her left eye -- she had a cut by her eye.
4 The right side of her face was -- appeared bruised and
5 swollen, and then her shirt was red and she had redness
6 to her neck and chest area.

7 Q. What did you do after you briefly spoke with her?
8 What happened after that?

9 A. We called EMS to respond to the scene to assist
10 her.

11 Q. Did they, in fact, respond?

12 A. Yes, they did.

13 Q. After EMS responded what, did you do?

14 A. I photographed her injuries.

15 Q. I'm going to show you State's Exhibit 1. It's
16 going to come up on the screen. What's that?

17 A. That's Ms. Glover's left eye.

18 Q. And State's Exhibit 2?

19 A. That's her chest with the redness, and her shirt
20 was torn.

21 Q. If you touch that screen, it will show a mark, but
22 could you point out on the screen where the redness is?

23 A. You can see it in that area, up near her neck, and
24 you can also see a cut right there on her chin.

25 Q. And State's Exhibit 3, what's that a photograph

1 of?

2 A. That would be the right side of her face.

3 Q. And when you were taking these pictures, where was
4 she?

5 A. In the back of the ambulance.

6 Q. What are you trying to capture in that photo?

7 A. You can see right here where there's redness, and
8 then also, you know, the little lacerations on her chin.
9 You can also see the redness there too on her chest.

10 Q. State's Exhibit 4, what is that?

11 A. That shows her eye and just how fresh it was with
12 the blood, and, you know, the state of how she was.

13 Q. So did you -- you took more pictures than this in
14 the back of the ambulance?

15 A. Yeah. I took these pictures in the back of the
16 ambulance.

17 Q. I'll show you State's Exhibit 9.

18 A. Yeah, this after she got treated with the
19 ambulance. She got transported to Summerville Medical
20 Center. After I cleared out my investigation on Timber
21 Street, I responded down there to meet with her and get a
22 written statement and also to just photograph her
23 injuries again, and you could still see the redness on
24 her cheek, right in that area where she said she was
25 assaulted, and on her chin a little bit.

SARAH MIDGETT - DIRECT BY MS. BALDWIN

1 Q. After you photographed her injuries in the back of
2 the ambulance, what did you do?

3 A. I called for backup so that we could go clear the
4 residence, and then we responded over to where the
5 incident occurred.

6 Q. And when you say clear the residence, what do you
7 mean?

8 A. Just to go in there, make sure -- you know, see if
9 the suspect was inside of the residence, see if we could
10 find any evidence.

11 Q. When you went over to the residence, what did you
12 see?

13 A. We noticed the back door was unlocked, which is
14 consistent with Ms. Glover's account of what happened,
15 and then we also noticed that the back window was
16 unlocked as well.

17 Q. Did you notice anything else?

18 A. On the exterior or the interior?

19 Q. Interior.

20 A. We then made entry into the residence to clear it.
21 When we went inside, we noticed in the master bedroom the
22 bed appeared disheveled. She said she was tied by a belt
23 to one of the beds, and I noticed a belt on the floor in
24 the children's bedroom, and then we also noticed the
25 phone cords were missing inside the master bedroom, so --

1 Q. I show you State's Exhibit 5. What is that a
2 picture of?

3 A. The back door, and that's how it was when we found
4 it.

5 Q. State's Exhibit 6?

6 A. That's the phone from the master bedroom, showing
7 that all the cords were missing.

8 Q. When you went over to the residence and you were
9 taking these pictures, did you know the full details of
10 what had happened?

11 A. I didn't. I spoke briefly with her while she was
12 in the back of the ambulance. She told me that basic
13 information, you know, the back door was unlocked, the
14 back window was unlocked, and she also said the cords
15 were missing and then she told me about the belt, so when
16 I walked through the house, I was looking for those
17 specific details, and so I photographed the information
18 that she told me, but it was just through the previous
19 conversation we had prior to her getting transported.

20 Q. And were you sure exactly what you were looking
21 for?

22 A. No, not exactly.

23 Q. I show you State's Exhibit 7. What's that a
24 picture of?

25 A. I believe that's the phone in the living room.

SARAH MIDGETT - DIRECT BY MS. BALDWIN

1 Q. Were you sure which phone she was talking about
2 being unplugged at the time?

3 A. No, so I just photographed all the phones.

4 Q. And State's Exhibit 8.

5 A. Yeah. That's a receipt. She said that she had
6 gone to Sonic with one of her friends, and so I just
7 photographed that just to show the time frame and the
8 date.

9 Q. And what did you do after you photographed the
10 residence?

11 A. We photographed everything. Then I secured the
12 door, made sure it was locked up tight, and then I went
13 and spoke with the victim's sister, who also arrived on
14 scene, and also Ms. Voorhees the second time.

15 Q. Did you get a statement from them?

16 A. I believe I got a statement from Ms. Davis, her
17 sister, and I don't recall about from Ms. Voorhees.

18 Q. After you spoke to them, what did you do?

19 A. Ms. Voorhees told me that the residence -- if
20 you're looking at Ms. Glover's residence, to the right
21 there was a house, and Ms. Voorhees said she believed it
22 was abandoned and she said maybe the defendant possibly
23 stayed in the residence, and by looking at the residence
24 there was sheets over the windows, black sheets, so it
25 looked like it was unoccupied, so we went over there to

1 make sure no one was possibly in it.

2 When I went around back, I noticed the back window
3 was unlocked, and peering in back window, there was a bed
4 in there, there were beer bottles on the dresser. It
5 appeared somebody was staying inside of there. So I
6 called my sergeant and advised him of that, and K-9
7 responded to the scene and we cleared that residence and
8 cleared that as well, and we didn't find Mr. Glover
9 inside the residence.

10 Q. Did you find anybody inside the residence?

11 A. We did not.

12 Q. After that residence was cleared, what did you do
13 next?

14 A. Then I left from the incident location. I
15 responded to Summerville Medical Center to meet with Ms.
16 Glover to get her written statement and also to
17 photograph, you know, her injuries a second time.

18 Q. When you met with her and got her statement, how
19 do you go about getting her statement?

20 A. I just tell her, Here is the statement form, just
21 write everything that you remember, be as detailed as
22 possible, and then she writes it out and if there is
23 anything that I need to specify, you know, get better
24 information or specific details, I'll do a question and
25 answer, but her statement was very thorough and detailed,

SARAH MIDGETT - DIRECT BY MS. BALDWIN

1 so I did not do that with her statement.

2 Q. You said you got photographs at the hospital?

3 A. Yes, I did.

4 Q. I'll show you State's Exhibit 10. And what is
5 that?

6 A. That's where her eye had been stitched up.

7 Q. And State's 11?

8 A. That was her wrist where she said that she had
9 been bound by the leather belt to the bed, and you can
10 see a little bit of redness that was still left over.

11 Q. And State's 12.

12 A. That's her shirt where she said it got torn during
13 the assault.

14 Q. State's 13.

15 A. I think that was from her stomach where she said
16 she had been kicked about her body.

17 Q. Did you notice any injury when you took that
18 picture?

19 A. Yeah. There's a little bit of bruising right in
20 that area.

21 Q. State's 14, what's that?

22 A. I think that was taken a day or two later back at
23 her residence just because after you have been assaulted,
24 your bruises and injuries can become more pronounced, and
25 so you could just see where it's, you know, gotten

1 darker.

2 Q. Now -- I'm sorry. Go ahead.

3 A. No. You're good.

4 Q. When you're at the hospital, did you do anything
5 else besides the statement and the pictures?

6 A. No, ma'am.

7 Q. Did the victim play anything for you?

8 A. Yes. She had a recording. She had two voicemails
9 that she had saved that she had received from Mr. Glover
10 on that date, and I listened to the voicemail messages
11 and kind of alluded to the fact he had gone into the
12 residence that day and damaged some of her appliances,
13 and so I listened to that.

14 Q. Did you -- you said that this picture was taken at
15 a later date.

16 A. Yes, ma'am.

17 Q. Okay. When did you next meet with the victim?

18 A. It was approximately a couple days after the
19 original assault.

20 Q. And I'll show you State's 15. What's that?

21 A. That's her arm, and, you know, that was taken a
22 couple days after the original assault, and you could
23 just see where her bruise had become more prominent.

24 Q. And State's 16.

25 A. Yeah, that's her arm again. You could just see

SARAH MIDGETT - DIRECT BY MS. BALDWIN

1 the bruising.

2 Q. Besides taking pictures of her a couple days
3 later, when you met with her on that later date, what
4 else did you do?

5 A. I photographed the phone. You know, it was a land
6 line, so I had the cordless phone. It just showed where
7 Mr. Glover had called to kind of correspond with the date
8 of the assault, and we also recorded the voicemail
9 messages as well on another deputy's cell phone that he
10 downloaded and saved.

11 Q. What happened with those voicemails?

12 A. They were downloaded on to a disk, and they were
13 turned into evidence.

14 Q. Do you know what happened to them?

15 A. I do not.

16 Q. So when you were at the hospital and you're
17 getting a statement and getting the pictures of Ms.
18 Glover, what was her demeanor like?

19 A. She was very scared, just very upset about the
20 whole situation. You know, she seemed very terrified
21 about everything.

22 MS. BALDWIN: Beg the Court's indulgence.
23 Officer, I have no further questions. Please answer
24 anything the defense has.

25 THE WITNESS: Thank you.

SARAH MIDGETT - CROSS BY MR. BURKE

1 THE COURT: Cross?

2 MR. BURKE: Thank you, Your Honor.

3 CROSS-EXAMINATION

4 BY MR. BURKE:

5 Q. Deputy Midgett -- I guess it's now Officer
6 Midgett, let me first ask about the voicemails. Do you
7 not know where the voicemails are or were they lost?
8 Does somebody else have the voicemails?

9 A. I'm not sure. I turned them into evidence, and I
10 ended up leaving the sheriff's office in December of that
11 same year, so I'm not sure where they went with the chain
12 of custody.

13 Q. And you said that on the voicemail was Mr. Glover
14 speaking; is that correct? That's your testimony?

15 A. Yes, sir.

16 Q. And have you spoken with Mr. Glover before?

17 A. No, I haven't.

18 Q. So how do you know it was Mr. Glover speaking?

19 A. The only reason I believed that was because at the
20 time the voicemail -- you know, it says the time you
21 listen to the voicemail messages, and on the cordless
22 phone it also displayed his name, Michael Glover, with
23 the time as well so it led me to believe it was him on
24 the phone.

25 Q. The fact you believe it's Michael Glover 's voice

1 on there is because Alicia Glover told you it's Michael
2 Glover's voice?

3 A. That would also contribute to that fact as well.

4 Q. Because if I called your phone, or called the
5 phone and it came up and said Michael Glover and I was
6 speaking into it, it wouldn't be Michael Glover, it would
7 be Brian Burke; is that correct?

8 A. Correct.

9 Q. And Alicia Glover's phone said that it was Michael
10 Glover and Alicia said it was Michael Glover, but you do
11 not know that it was Michael Glover?

12 A. Correct.

13 Q. Now, Deputy Midgett, the back window, when did it
14 become unlocked?

15 A. I'm not sure when it became unlocked.

16 Q. And when you fingerprinted the back window, whose
17 fingerprints did you locate?

18 A. I did not fingerprint the back window. The crime
19 scene responded to the ones in there, the ones that
20 processed the scene, but I didn't personally.

21 Q. But you took care of the residence, correct?

22 A. Correct.

23 Q. And how about foot impressions? Where did you
24 locate foot impressions?

25 A. I didn't notice any impressions.

1 Q. But you looked for them?

2 A. Yeah. I mean, I canvassed the area, but I didn't
3 notice any foot impressions. It was a cement patio and
4 then grass.

5 Q. Is it your theory that Michael Glover came in
6 through an unlocked back window?

7 A. I'm not sure how he would have made entry, but
8 either way, the back window was unlocked and the back
9 door was unlocked.

10 Q. So you're not sure how he got in there if at all?

11 A. I'm not sure how he made entry into the residence.

12 Q. How about DNA? Did you locate any of Michael
13 Glover's DNA?

14 A. I didn't process the scene for any kind of
15 physical evidence like that.

16 Q. All right. You stated that there were some phone
17 calls that showed up on the alleged victim's phone, and
18 those allegedly were made by Michael Glover. Did you get
19 cell phone triangulations to pinpoint where Mr. Glover's
20 phone was when these alleged phone calls were made?

21 A. No, I didn't.

22 Q. Were you aware if that technology exists?

23 A. No.

24 Q. You have never used cell phone triangulations?

25 A. I personally have not. It might be something the

1 detectives might have done.

2 Q. Have you heard of it?

3 A. It's possible to do something like that, but I've
4 never dealt in anything like that.

5 Q. And did you canvass the neighborhood?

6 A. Yes. I bulleted out the information that I had,
7 and North Charleston police, they patrolled the area for
8 him and also the other deputies that were working did as
9 well.

10 Q. And how many deputies was that?

11 A. I believe there were three.

12 Q. And how many North Charleston officers?

13 A. I do not know.

14 Q. And of the people looking for Michael Glover, no
15 Michael Glover is located.

16 A. No.

17 Q. And when you interrogated the defendant, did you
18 read him his rights?

19 A. I never met with the defendant. What happened is
20 I got all the original statements, and then a detective
21 with the sheriff's office, he's the one that followed up
22 with it and obtained the charges.

23 Q. So when someone is accused of committing a crime,
24 you're the investigating officer initially, but you do
25 not interview the alleged perpetrator of the crime?

1 A. Correct. I took the initial report, and then the
2 detective would have been the one that followed up with
3 that aspect of it.

4 Q. Did Ms. Glover tell you that Mr. Glover was an
5 amateur boxer?

6 A. Yes, she did.

7 Q. And did she tell you anything that may have been
8 on his hands, gloves, or anything like that?

9 A. She didn't specify as to anything like that.

10 Q. And on the day in question, you made a report; is
11 that correct?

12 A. Correct.

13 Q. And you're trained at the academy that your report
14 should be full, complete, accurate as to what an alleged
15 victim tells you; is that correct?

16 A. Correct.

17 Q. And have you read your report recently?

18 A. Yes. I gazed through it.

19 Q. On the day of the incident, November 23rd, 2010,
20 did Ms. Glover tell you she was speaking on the phone to
21 her sister?

22 A. Yes, she did.

23 Q. What kind of phone did she say she was speaking
24 on?

25 A. May I --

SARAH MIDGETT - CROSS BY MR. BURKE

1 Q. Certainly. Refresh your recollection.

2 A. She didn't specify as to what phone she was
3 speaking on.

4 Q. The back phone line, did that impact the front
5 phone's ability to operate?

6 A. I have no idea.

7 Q. So she didn't tell if you it was the home phone or
8 the cell phone?

9 A. No.

10 MR. BURKE: Beg the Court's indulgence, Your
11 Honor.

12 BY MR. BURKE:

13 Q. When you were in the residence, did you notice any
14 blood splatter in the hallway?

15 A. Not that I recall.

16 Q. Did you notice any blood drops on the floor?

17 A. Not that I recall.

18 Q. Did you notice any blood anywhere inside the
19 residence?

20 A. Not that I recall.

21 Q. And on the back door, the door that was open, did
22 you notice any blood on the handle of that door?

23 A. No, sir.

24 Q. On the frame of the door?

25 A. Not that I recall.

1 Q. Anywhere to indicate that somebody who had blood
2 on their hands would have transferred that blood
3 somewhere inside the residence?

4 A. I didn't recall seeing any blood inside the
5 residence.

6 Q. And you mentioned that Ms. Glover was tied up with
7 a leather belt. Was it a leather belt?

8 A. I believe she said it was a leather belt. Let's
9 see. Actually, just says a belt to tie her by.

10 Q. Where did you come up with the leather in your
11 mind, do you know?

12 A. No.

13 Q. And did you take any belts into evidence?

14 A. I photographed a belt that was in the children's
15 bedroom, and then I believe the crime scene responded to
16 the house to process the scene. I believe they
17 photographed the belt, but I'm not sure if they actually
18 took it into evidence.

19 Q. Any DNA on the belt that you're aware of, either
20 from the victim or from the defendant?

21 A. I have no knowledge of that.

22 Q. The residence next door that you searched, was
23 there any fingerprints taken of the residence next door,
24 any DNA, any shoe prints, anything whatsoever to tie --

25 MS. BALDWIN: Objection, Your Honor. Calls

SARAH MIDGETT - REDIRECT BY MS. BALDWIN

1 for speculation. She's already said she didn't process
2 the scene.

3 MR. BURKE: She said the house, I didn't
4 know --

5 THE COURT: Yeah, she didn't process the
6 scene.

7 MR. BURKE: Nothing further. Thank you.

8 THE COURT: All right. Redirect?

9 MS. BALDWIN: Briefly, Your Honor.

10 REDIRECT EXAMINATION

11 MS. BY BALDWIN:

12 Q. Officer Midgett, you said you took a statement
13 from Ms. Glover?

14 A. Yes, I did.

15 Q. And did you witness it?

16 A. Yes, I did.

17 MS. BALDWIN: May I approach?

18 THE COURT: Uh-huh.

19 MS. BALDWIN: Thank you.

20 BY MS. BALDWIN:

21 Q. What is that you're holding?

22 A. This is a copy of the statement that I obtained
23 from Ms. Glover.

24 Q. And is that your signature on the bottom of it?

25 A. Yes, it is.

1 Q. Would it refresh your recollection as to what your
2 victim told you as you glance over that statement?

3 A. It would.

4 Q. Take your time.

5 A. Okay.

6 Q. In that statement, does Ms. Glover mention that
7 the defendant had socks on his hands?

8 A. Yes.

9 Q. Let's go -- you mentioned you listened to those
10 voicemail messages?

11 A. Yes, ma'am.

12 Q. And in those voicemail messages, there was some
13 mention of her -- the appliances being tampered with.
14 What else was in those voicemail messages? Did he say
15 anything else?

16 A. Let's see. Just that -- yeah, refer to my report.
17 He just accused her of being a slut and alluded to the
18 fact that he had damaged several appliances inside her
19 residence without her knowledge.

20 Q. So besides her telling her it was Mr. Glover, it
21 indicated to you it very well could have been?

22 A. Just, because to -- the appliances weren't
23 working, sink faucet wasn't working, then with him saying
24 that, it led me to believe that he could be involved with
25 it.

—KEITH HERRIOTT - DIRECT BY MS. LINDER—

1 MS. BALDWIN: Beg the Court's indulgence. I
2 don't have any other questions for you. Thank you.

3 THE COURT: You may recross.

4 RECROSS-EXAMINATION

5 BY MR. BURKE:

6 Q. Very brief, Your Honor. When you took photographs
7 of the freshly committed injuries to Ms. Glover, did you
8 observe any material, any fabric, any cotton, anything
9 like that that would give you an indication that there
10 was a transfer of some type of soft material to her
11 wounds?

12 A. No.

13 MR. BURKE: Nothing further.

14 THE COURT: You may step down. Thank you.

15 THE WITNESS: Thank you, sir.

16 THE COURT: All right. Folks, before the
17 State calls the next witness, I want to read a couple of
18 stipulations to you.

19 Stipulations are facts both the prosecution
20 and the defense have agreed on, these two stipulations,
21 therefore, neither side has to present any evidence about
22 them. They are to be treated by you as proven facts.

23 First: The State and the defense agrees that
24 the defendant in the above captioned case, Michael
25 Anthony Glover, has a pending charge of stalking. He has

—KEITH HERRIOTT - DIRECT BY MS. LINDER—

1 not yet been found guilty or declared innocent in that
2 case.

3 In the stalking case, the date of arrest --
4 in the stalking case with the arrest date of January 25,
5 2010, the named victim is Alicia Glover.

6 The second stipulation, or agreed upon fact,
7 says that the State and the defense agree that at the
8 time of this incident, November 23, 2010, the defendant,
9 Michael Anthony Glover, was restrained from having
10 contact with Alicia Glover and was not permitted inside
11 the residence of Street in Charleston, South
12 Carolina.

13 (Stipulation marked for identification as
14 Court's Exhibit No. 1.)

15 Okay? State, call your next witness.

16 MS. LINDER: The State calls Keith Herriott.

17 KEITH HERRIOTT,

18 having been first duly sworn,

19 was examined and testified as follows:

20 DIRECT EXAMINATION

21 THE WITNESS: Keith Herriott,

22 H-e-r-r-i-o-t-t.

23 BY MS. LINDER:

24 Q. Good afternoon. What is your occupation?

25 A. Detective Charleston County sheriff's office.

—KEITH HERRIOTT - DIRECT BY MS. LINDER—

1 Q. And how long have you been in law enforcement over
2 all?

3 A. Twenty-one years.

4 Q. Where have you worked in law enforcement?

5 A. Beaufort police depart, Summerville, North
6 Charleston, and Charleston County.

7 Q. Tell the jury about any background and training
8 you have received dealing with law enforcement.

9 A. Besides the criminal justice academy, I've been
10 through basic fingerprint school, advanced fingerprint
11 school, marijuana analysis, crime scene investigations,
12 evidence collection, and weapons of mass destruction.

13 Q. Have you involved with North Charleston sheriff's
14 office in November of 2010?

15 A. Yes, ma'am.

16 Q. What capacity were you working?

17 A. Crime scene forensic services.

18 Q. What are your duties with crime scene? What do
19 you do?

20 A. When we get called to a scene, we got to process
21 the scene, so we'll take photographs over all of the
22 whole scene, exterior, interiors, anything of value, or
23 anything we need to take more detailed photographs of.
24 You'll select evidence, lift latent fingerprints, DNA
25 evidence, any trace evidence, all physical evidence,

1 anything at the crime scene that's needed.

2 Q. On November 23, 2010, did you have occasion to
3 respond to Street?

4 A. Yes, ma'am.

5 Q. And is that Charleston County?

6 A. Yes, ma'am.

7 Q. What was the purpose of you going to that
8 location?

9 A. To execute a search warrant with Detective Wagner.

10 Q. And once you arrived on the scene, did you speak
11 to anyone?

12 A. Detective Wagner.

13 Q. And once you started, how did you first start
14 processing this scene upon arrival?

15 A. Upon arrival, I took overalls of the whole
16 residence, started from the street, get the street number
17 on the house, and you work your way systematically around
18 the house.

19 Once I completed the exterior of the residence, at
20 which time Detective Wagner had the key to the residence
21 from the victim, we entered, and I take overalls of the
22 whole inside of the residence. I'll start at each corner
23 and shoot towards the middle four times. I'm going to
24 cover everything in that room. I do that systematically
25 through the house, and once you find something of

—KEITH HERRIOTT - DIRECT BY MS. LINDER—

1 evidentiary value, you're going to get detailed
2 photographs of that item, which we basically say room,
3 table, plate, I will show this whole room, and if I'm
4 looking for that water cup on the desk, now that's just
5 going to be showing the desk and that cup, and the last
6 one is going to just show the cup only, where it sits.

7 Q. At this time I show you what's been marked and
8 previously admitted into evidence. I'm going to go
9 through State's 21 through 33 for you, if you could just
10 look at the screen in front of you.

11 What is this?

12 A. That is my personal notebook. I have a case
13 number there, the date, the address, and my initials.

14 Q. And what is this, State's Exhibit 22?

15 A. That is the front of the residence, Timber Street.

16 Q. State's Exhibit 23?

17 A. The front of the residence, closer up.

18 Q. And do you see anything of note in this picture?

19 A. .

20 Q. This is State's Exhibit 24. What is this?

21 A. It's the front of the residence.

22 Q. Number 25.

23 A. I am -- it's a corner of the residence, moving
24 toward the left.

25 Q. 26?

1 A. Left side of the residence.

2 Q. 27?

3 A. The rear.

4 Q. State's Exhibit 28?

5 A. The back rear on the right side.

6 Q. State's Exhibit 29?

7 A. And the right side of the residence.

8 Q. This is State's Exhibit 30?

9 A. Still over on the right side of the residence on
10 the rear. There is a screen now.

11 Q. Is that beside them?

12 A. Uh-huh.

13 Q. State's Exhibit 31?

14 A. Showing the scene where it's located at the front
15 of the house.

16 Q. 32?

17 A. It's in the back corner of the house door. It
18 looks like a heater of some type, I guess.

19 Q. State's Exhibit 33?

20 A. Corner of the residence and the window.

21 Q. You also mentioned that you go inside the house
22 and take a bunch of pictures. At this time, I'm going to
23 show you what's been marked as State's Exhibit 34 through
24 49.

25 A. Okay.

—KEITH HERRIOTT - DIRECT BY MS. LINDER—

1 Q. You can just look in front of you. What is this,
2 State's Exhibit 34? What does this show?

3 A. It's a picture of a room inside the house.

4 Q. State's Exhibit 35?

5 A. Picture of the room and the doorways.

6 Q. 36?

7 A. Another angle of that room.

8 Q. And this is what you said you typically do?

9 A. Right.

10 Q. You take a bunch pictures just to show the lay
11 out? State's Exhibit 37?

12 A. This is another picture going into the kitchen
13 area.

14 Q. 38?

15 A. Picture is -- looks like it's in the kitchen area.
16 I can see what's on the bottom of the dining room table.

17 Q. State's Exhibit 39?

18 A. A corner shot of a room, an unfinished room.

19 Q. State's Exhibit 40?

20 A. Going into a bedroom.

21 Q. 41?

22 A. Another picture of that bedroom.

23 Q. 42?

24 A. Another picture of the same room, same bed.

25 Q. Can you tell what's down here in the corner? It

1 was a couple years ago.

2 A. It looks like a phone maybe.

3 Q. State's Exhibit 43?

4 A. That's another room with bunk beds, and there is
5 another bed in it.

6 Q. State's Exhibit 44?

7 A. Steel bunk bed.

8 Q. Can you tell what this item is?

9 A. It's brown belt, cloth.

10 Q. State's Exhibit 45?

11 A. Another angle of that room.

12 Q. State's Exhibit No. 46?

13 A. And the other angle.

14 Q. State's 47?

15 A. It's a shot of a door right there. It looks like
16 it was damaged, like, pried open.

17 Q. And this is State's Exhibit 48. Can you explain
18 what that is.

19 A. That is a steel bunk bed with a brown cloth-type
20 belt tied to it.

21 Q. And State's Exhibit 49, could you explain what
22 this is?

23 A. Closer up picture of the same.

24 Q. Is that the kind of what you described the
25 distance of the table?

—KEITH HERRIOTT - DIRECT BY MS. LINDER—

1 A. Yes, ma'am.

2 Q. So when you photographed the scene, did you --
3 after photographing the scene, rather, did you do any
4 other crime scene duties at the scene itself on Timber
5 Street?

6 A. I just collected the belt as evidence and placed
7 it in a do not pile to be processed for latent
8 fingerprints.

9 Q. And you mentioned that you did not process the
10 latent fingerprints. Why did you not process for latent
11 fingerprints?

12 A. We had knowledge that he had lived there with her
13 before, and fingerprints have no time stamp on them, and
14 they can't tell you whether they're six months ago or two
15 weeks ago. So if there was -- if his fingerprints were
16 in the residence, they could have been there before or
17 that night. There is no way to tell.

18 Q. And you mentioned that part of processing the
19 scene is trying to get blood or DNA samples. Any of that
20 apply in this case?

21 A. When I got on scene, all Detective Wagner wanted
22 was overall photographs and going for that cloth belt
23 that was tied to the bed, collect it as evidence.

24 Q. And did you ever end up photographing the victim
25 in this case?

1 A. Yes, ma'am.

2 Q. And where did you do that?

3 A. I left there with Detective Wagner, and we rode
4 over to family members' house. It was in Forest Hills, I
5 believe.

6 Q. I'm going to show you what's been previously been
7 marked as State's Exhibits 50 through 52, which have
8 already been entered into evidence. What is this
9 photograph?

10 A. It's a picture of the victim in this case, taking
11 a picture of the bruise on the right side of her cheek
12 there. Then a closer up view of it.

13 Q. You mentioned that you collected a brown belt in
14 this case. What did you do with that brown belt?

15 A. I put it in a bag, and then I transported it to
16 the Charleston County sheriff's office compound where it
17 was secured and logged in as evidence.

18 Q. All right. This time I show you what's been
19 marked as State's Exhibit 53. Do you recognize this?
20 And you can --

21 A. Yes, ma'am.

22 Q. How do you recognize it?

23 A. I recognize the case number up here, and that's my
24 handwriting, and then -- of course the evidence tag that
25 we place on the bag. I recognize that.

—KEITH HERRIOTT - DIRECT BY MS. LINDER—

1 Q. And if you look within that, does this appear to
2 be substantially the same condition it was when you
3 selected it?

4 A. Yes, ma'am.

5 MS. LINDER: Your Honor, at this time I would
6 ask that State's Exhibit 53, I believe, be admitted into
7 evidence.

8 MR. BURKE: Without objection, Your Honor.

9 THE COURT: Admitted.

10 (State's Exhibit No. 53 was marked for
11 identification and admitted into evidence.)

12 BY MS. LINDER:

13 Q. And can you explain what this is. What is this?

14 A. It's a brown cloth belt.

15 Q. And what would be -- kind of my right hand, on
16 this end, what is that?

17 A. It's a loop, like to tie a knot.

18 Q. And how did you secure this off of that bunk bed
19 that we saw in the photo? Did you untie something? Did
20 you tie something?

21 A. I did untie it on one end.

22 MS. LINDER: I have no further questions for
23 you at this time. If you could, answer any questions
24 that Mr. Burke or Mr. Johnson may have at this time.

25 THE COURT: Cross?

KEITH HERRIOTT - CROSS BY MR. BURKE

1 MR. BURKE: Thank you, Your Honor.

2 CROSS-EXAMINATION

3 BY MR. BURKE:

4 Q. Deputy -- is it Herriott?

5 A. Yes, sir.

6 Q. Deputy Herriott, when you were going to the
7 alleged crime scene, did you know what the alleged crime
8 was?

9 A. No, sir.

10 Q. So you were told to -- what is it you're told?

11 A. I was called from home, because I was on call, and
12 I was told to respond to Timber Street to wait on
13 Detective Wagner to execute a search warrant.

14 Q. And what did -- in other words, you said you were
15 photographed at the crime scene looking for items of
16 evidence. If you didn't know it was burglary or criminal
17 domestic violence or homicide, how do you know it's
18 something of interest?

19 A. Once I looked at the warrant, I saw the warrant
20 and it was for a burglary.

21 Q. So you understood the seriousness of this offense?

22 A. Yes.

23 Q. And as you're walking around the house, did you
24 observe any shoe prints?

25 A. Not to my recollection.

—KEITH HERRIOTT - CROSS BY MR. BURKE—

1 Q. Did you observe any sign of exterior entry into
2 the residence that caught your eye and you took a
3 photograph off?

4 A. A screen off of the back window.

5 Q. A screen off the back of the back window? Did you
6 fingerprint that screen in any way?

7 A. No, sir.

8 Q. Would it not be very important to determine
9 whether or not Michael Glover had ever touched that
10 screen?

11 A. Could be.

12 Q. But yet you didn't do it.

13 A. No, sir.

14 Q. So the screen remains unfingerprinted. Was the
15 window opened, closes, locked? What condition was it is?

16 A. It was closed.

17 Q. Did you fingerprint the window?

18 A. No, sir.

19 Q. Because it's true that the screen that is missing
20 from the screen piqued your interest so the window must
21 have, correct?

22 A. Yes, sir.

23 Q. And yet you didn't fingerprint it?

24 A. Yes, sir.

25 Q. Was there any forced entry to this window?

1 A. Not to my -- it didn't appear to be.

2 Q. So no broken glass, no pry marks, nothing that you
3 observed.

4 A. No, sir.

5 Q. And this window that piqued your interest, what
6 was on the other side of that window?

7 A. I can't recall. It might have been the master
8 bedroom. I'm not sure.

9 Q. And while Mr. Glover lived in the house at one
10 time, were you ever made aware that Mr. Glover no longer
11 resided in the residence?

12 A. No.

13 Q. Were you ever made -- well, that's not true, is
14 it?

15 A. Well, it was a burglary -- well, no, I did not.

16 Q. But you are a detective with Charleston sheriff's
17 department?

18 A. At that time I was in crime scene.

19 Q. And you are aware that if somebody committed a
20 burglary it's generally not of their own residence?

21 A. Correct.

22 Q. So --

23 A. Can I speak?

24 Q. Certainly, yes.

25 A. Detective Wagner, I did ask him if he wanted the

—KEITH HERRIOTT - CROSS BY MR. BURKE—

1 scene processed for latents. He said no, we don't need
2 that, something to the fact that, I don't even know who
3 the suspect was at the time, had lived here. I don't
4 know if he just recently moved out or what, so I just
5 went along with what he wanted. He was driving the
6 search warrant. I was just collecting the evidence.

7 Q. So if I place my hand on this podium and I roll it
8 as such, will it leave a fingerprint?

9 A. Typically.

10 Q. And if you come by and you rub it like such, is it
11 still there?

12 A. It's going to smear.

13 Q. So if I live in my home and I go like that and
14 then my wife dusts and cleans up and things like that or
15 I dust and clean up, am I going to smear that
16 fingerprint?

17 A. Yeah.

18 Q. So when a person is accused of burglary, you have
19 the opportunity to prove or disprove that that person has
20 been inside that residence, and you and Detective Wagner
21 decide no need for fingerprints; is that correct?

22 A. Yes.

23 Q. No shoe impressions?

24 A. No.

25 Q. No DNA?

1 A. No.

2 Q. You took a lot of photographs. You took
3 photographs of the brown belt.

4 A. Correct.

5 Q. You touched the brown belt. Did you wear gloves?

6 A. Yes, sir.

7 Q. So you preserved the brown belt, and you sent it
8 over to SLED to be analyzed?

9 A. No, sir.

10 Q. Did you analyze it in house?

11 A. No, sir.

12 Q. What made you take this brown belt into evidence?
13 Is it because the alleged victim says she was tied up
14 with it?

15 A. That's correct.

16 Q. And did the alleged victim also convey that the
17 alleged suspect tied her up with it?

18 A. Yes, sir.

19 Q. Wouldn't it be beneficial to your investigation,
20 to the benefit of the alleged victim and the benefit of
21 alleged suspect, to have done a DNA analysis to see if
22 the alleged suspect's DNA is on it?

23 A. I'm sure they could have.

24 Q. But you didn't.

25 A. I didn't, no.

KEITH HERRIOTT - CROSS BY MR. BURKE

1 Q. Did you observe any blood splatter inside the
2 house?

3 A. Not to my recollection.

4 Q. Did you take photographs of any sink, access
5 points, and as far as turning on or off the water?

6 A. No, sir.

7 Q. The stove, did you print it or take photographs of
8 the stove?

9 A. No, just the overalls.

10 Q. So you failed to process the window, you failed to
11 process the screen, you failed to process the belt, you
12 didn't find any blood splatter or anything else. Did you
13 do any investigation other than taking photographs?

14 A. No. That's all I did was take photographs in this
15 case and collect that belt.

16 Q. You read the warrants.

17 A. Yes, sir.

18 Q. Did you read the warrant that said that Mr. Glover
19 was accused of criminal domestic violence of a high and
20 aggravated nature?

21 A. Are you talking about the arrest warrant or search
22 warrant?

23 Q. Search warrant. How about after Mr. Glover was
24 arrested did you do anything after that?

25 A. No, sir. I didn't do any more investigation in

1 this case.

2 Q. Did you receive a phone call from anybody in the
3 Charleston County police department saying, hey, we
4 caught the suspect. Come fingerprint, come take pictures
5 of his hands?

6 A. No, sir.

7 Q. And your experience as a detective with 21 years
8 of experience, if somebody hits somebody, do their
9 knuckles walk away unscathed?

10 A. No, sir.

11 Q. Does anybody at the Charleston County police
12 department, sheriff's department, have pictures of
13 Michael Glover's nose?

14 MS. LINDER: Objection, Your Honor. He can
15 only testify about what he knows as to what he himself
16 has taken. It's beyond his scope.

17 THE COURT: Sustained.

18 MR. BURKE: Beg the Court's indulgence, Your
19 Honor.

20 BY MR. BURKE:

21 Q. The first thing you testified to was to go and
22 collect evidence.

23 A. Correct, sir.

24 Q. And who was the detective that told you not to
25 collect the evidence, Detective Wagner?

—KEITH HERRIOTT - REDIRECT BY MS. LINDER—

1 A. Are you talking about as far as process relating
2 to fingerprints? Detective Wagner.

3 Q. Collect evidence?

4 A. Detective Wagner.

5 Q. And was he your supervisor?

6 A. No. He was driving the search warrant.

7 MR. BURKE: Nothing further.

8 THE COURT: Redirect?

9 MS. LINDER: Just briefly, Your Honor.

10 REDIRECT EXAMINATION

11 BY MS. LINDER:

12 Q. So are my prints everywhere?

13 A. Yes, ma'am.

14 Q. Are you going to be able to collect every single
15 one of those prints that I just put?

16 A. No, ma'am.

17 Q. Are you going to be able not only collect but
18 swear every single one of those prints that I just made?

19 A. No, ma'am.

20 Q. Would you be able to tell me, Well, that Stephanie
21 Linder did that at 2:51 p.m., because I don't know if you
22 know, but I'm in this courtroom a lot. This is my job.

23 A. Correct.

24 Q. I'm here a lot, sometimes once a week, sometimes
25 twice a week, sometimes more. If you were able to

1 collect every print, if you were able to compare the
2 prints, if you were able to say that they were mine,
3 could you say, as a crime scene investigator, when
4 exactly that occurred?

5 A. No. There is no time stamp on a print.

6 Q. Same situation with DNA. If I touched something,
7 am I going to leave DNA all over?

8 A. Touch DNA.

9 Q. And, similarly, these fingerprints, does the touch
10 DNA have the same pros and cons, can we say?

11 A. Yes, ma'am.

12 Q. So you got to the scene, and you, as a crime scene
13 officer, was that your investigation? Did you start
14 making all the decisions or --

15 A. No, ma'am.

16 Q. You were just directed?

17 A. Directed.

18 Q. And did you do exactly what you were directed to
19 do?

20 A. Yes, ma'am.

21 Q. Did you take photographs?

22 A. Yes, ma'am.

23 Q. Did you collect a belt?

24 A. Yes, sir.

25 MS. LINDER: I have nothing further.

LOUIS AYENDE - DIRECT BY MS. BALDWIN

1 THE COURT: Recross?

2 RECROSS-EXAMINATION

3 BY MR. BURKE:

4 Q. Ms. Linder just touched a lot of items. If I
5 approached you a year from now and said Solicitor Linder
6 has not been inside this courtroom for a year, let's dust
7 for fingerprints, do you think in a year of cleaning a
8 home, scrubbing a divorce out of a home, her prints would
9 still be in here --

10 A. It depends -- the key word in that was clean.

11 MR. BURKE: Thank you. Nothing further.

12 THE COURT: You can step down. Next witness.

13 MS. BALDWIN: State calls Deputy Ayende.

14 LOUIS AYENDE,

15 having been first duly sworn,

16 was examined and testified as follows:

17 DIRECT EXAMINATION

18 BY MS. BALDWIN:

19 Q. Where do you work, Deputy?

20 A. I work with the Charleston County sheriff's
21 office.

22 Q. How long have you worked there?

23 A. About 17 years.

24 Q. And what division are you in?

25 A. I work for the warrants division.

LOUIS AYENDE - DIRECT BY MS. BALDWIN

1 Q. Describe for the jury what that entails.

2 A. Basically, we're assigned to serve warrants, clear
3 outstanding arrest warrants throughout the county.

4 Q. What's the process when you serve a warrant?

5 A. Well, from the beginning we were assigned to
6 certain type warrants, it's Family Court warrants,
7 magistrate warrants, you investigate the case trying to
8 locate the person, but once you locate the person, you
9 arrest them, take them to jail.

10 Q. Did you make an arrest in this case on November 24
11 of 2010?

12 A. I did.

13 Q. And who was that?

14 A. Michael Anthony Glover.

15 Q. How did you get notified that this warrant needed
16 to be served?

17 A. A call came out from our warrants technicians on
18 our radio warrant channel that North Charleston was
19 holding the subject that we had warrants on, so I
20 responded to the North Charleston substation on Rivers
21 and Cosgrove and met with North Charleston officers there
22 and took custody of Mr. Glover.

23 Q. Did you take any property off Mr. Glover's person?

24 A. He had a black back pack.

25 Q. I'm going to show you what's been marked as

—LOUIS AYENDE - DIRECT BY MS. BALDWIN—

1 State's 54. Why don't you take a look at that for ID
2 purposes. And what is that?

3 A. That is the back pack.

4 Q. Okay. That's the back pack you took off
5 Mr. Glover's person?

6 A. Yes, ma'am.

7 Q. And what did you do with that bag?

8 A. First I went through it, looked for weapons or any
9 kind of things that the jail wouldn't take. Then I
10 submitted it to the evidence compound in Pine Haven.

11 Q. And when you submit it to the evidence compound,
12 what does that entail?

13 A. Basically, it's a different location in the jail,
14 so we have to take custody of the property, bring it over
15 there. We go through it. Like I said, look for weapons
16 or anything that might be of value or not illegal,
17 anything that might be illegal, take it out of there, and
18 put it elsewhere.

19 Q. And you log it into evidence?

20 A. And we log it into evidence, yes, ma'am. We have
21 a procedure we have to follow.

22 Q. What is that procedure?

23 A. Well, it's changed recently. We have to go into
24 the computer. Basically, you just sign a sheet of paper,
25 what was in here, and turn it over to the evidence

1 custodians.

2 Q. Is that a secure facility where it's stored?

3 A. Yes, ma'am.

4 Q. When you were serving this warrant, did you know
5 anything about the case?

6 A. I had heard about it.

7 Q. Did you know the details?

8 A. I didn't know the details, no, ma'am.

9 Q. To serving a warrant?

10 A. Yes, ma'am.

11 MS. BALDWIN: At this time, I would like to
12 submit State's 54 into evidence.

13 MR. BURKE: Without objection, Your Honor.

14 THE COURT: Admitted.

15 (State's Exhibit No. 54 was marked for
16 identification and admitted into evidence.)

17 MS. BALDWIN: Beg the Court's indulgence. I
18 have no further questions, Deputy.

19 THE COURT: Cross.

20 MR. BURKE: Briefly, Your Honor.

21 CROSS-EXAMINATION

22 BY MR. BURKE:

23 Q. Deputy Ayende, when you served the warrants on
24 Mr. Glover on November 24 of 2010, you read those
25 warrants to him?

LOUIS AYENDE - CROSS BY MR. BURKE

1 A. I can't recall if I did or not. I think I may
2 have asked him if he knew what he was being arrested for
3 and I told him what the charges are.

4 Q. So you told him he was being arrested for burglary
5 first, kidnapping, criminal domestic violence of a high
6 and aggravated nature, didn't you?

7 A. Yes, and I give him copies of the warrants also.

8 Q. On November 24, 2010, how long you had been a
9 deputy with the sheriff's department?

10 A. That would be three years ago, so, Deputy,
11 approximately 14 years.

12 Q. And how long in law enforcement total?

13 A. Fourteen years. I did two years at the jail
14 before that.

15 Q. Okay. So you've taken custody of Michael Glover
16 from North Charleston police department?

17 A. Yes, sir.

18 Q. And I assume that you radio in, you say, Hey,
19 Charleston County sheriff's department. I've arrested
20 Michael Glover and transporting him to -- do you do
21 anything, notify anybody?

22 A. No, sir. I just usually take them into custody.
23 When a call went out asking for an available deputy, I
24 responded, so they knew what I was doing.

25 Q. Okay. And so you get him to the detention center,

LOUIS AYENDE - CROSS BY MR. BURKE

1 and that's where he's pictured and fingerprinted and that
2 type of stuff?

3 A. Eventually, yes, sir.

4 Q. And so he's been arrested for criminal domestic
5 violence of a high and aggravated nature. He's
6 supposedly pounding on his wife. Who took pictures of
7 his hands?

8 MS. BALDWIN: Objection, Your Honor.

9 THE COURT: He can answer the question if he
10 knows.

11 THE WITNESS: I don't know.

12 BY MR. BURKE:

13 Q. Did you call anybody and say, Hey, we may want to
14 get a deputy over to picture his hands?

15 A. No. I may have called the detective, but I can't
16 recall if I did or not.

17 Q. Who's that detective?

18 A. I can't remember off the top of my head.

19 Q. Okay.

20 MR. BURKE: Nothing further. Thank you.

21 THE COURT: Redirect?

22 MS. BALDWIN: No questions.

23 THE COURT: You may step down.

24 Next witness?

25 MS. LINDER: Erin Meyer.

ERIN MEYER - DIRECT BY MS. LINDER

1 ERIN MEYER,
2 having been first duly sworn,
3 was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MS. LINDER:

6 Q. Good afternoon. Where are you presently employed?

7 A. Charleston County sheriff's office in the forensic
8 services division.

9 Q. And how long have you been with the sheriff's
10 office?

11 A. For -- since 2006.

12 Q. And what type of education and training do you
13 have.

14 A. I have a bachelor's in criminal justice, a
15 bachelor's in psychology, and I have -- I started law
16 enforcement in 2000 with another department and came here
17 in 2006.

18 Q. And what are your duties? I believe you said
19 forensic services, but can you just generally explain
20 what your duties are with the sheriff's office.

21 A. Yes, ma'am. We're a crime scene unit. We process
22 crime scenes and preserve evidence. We respond to
23 scenes. We also do stuff indoors in our lab. It's our
24 responsibility to collect and preserve evidence.

25 Q. And were you working in this capacity back on

1 November 23rd of 2010?

2 A. Yes, ma'am.

3 Q. And when evidence comes in to you, do you mark it
4 with any sort of number? If you can, explain the process
5 of submitting evidence to the sheriff's office.

6 A. When evidence comes into -- part of our unit in
7 the sheriff's office is we have an evidence compound
8 where we reserve and store all the evidence. There are
9 several different ways we can acquire evidence. We bring
10 it in or the deputies can bring it in to us.

11 They put in a secure locker. We go to the locker,
12 pick it up, bring it into our evidence compound. Once we
13 get it there, we enter it, validate it, and assign a bar
14 code to it, just specific to that particular item.

15 Q. And did you receive any evidence regarding this
16 case, the State versus Michael Glover, I believe
17 OTH-10-020123?

18 A. I didn't particularly -- it came into the evidence
19 compound.

20 Q. And what items are in evidence relating to this
21 case?

22 A. I don't have an evidence list. I can't list all
23 of them to you --

24 Q. Would it help you if I give you a copy?

25 A. Yes. Yeah.

ERIN MEYER - DIRECT BY MS. LINDER

1 Q. Do you recognize that?

2 A. Yes, ma'am.

3 Q. And what is that?

4 A. It's an evidence list. It lists all the evidence
5 we have under the number we have it for every case in the
6 sheriff's office?

7 Q. What items have been submitted in this case?

8 A. In 2010, it looks like there were six items, CD of
9 photos, a belt. The investigating officer did a case
10 file. There was a black bag that had some contents in
11 it, and we ended up separating some items from the black
12 bag which were a pair of blue panties. There was already
13 a hair brush submitted, and it looks like we took a
14 couple buccal swabs.

15 Q. The black bag you mentioned, and you also
16 mentioned things being separated out, I'm going to show
17 you what has already been marked as State's Exhibit 54.
18 Do you recognize that?

19 A. Yes.

20 Q. And were you present some time after the original
21 collection of that when it was gone through and searched?

22 A. Yeah. I think the original deputy that responded
23 submitted this into, evidence and one of the other
24 investigators validated it, picked it up from evidence
25 and signed the bar code. I didn't come in contact with

1 it until the solicitor's office show up to want to review
2 other evidence, and that's how I became involved.

3 Q. And can just anybody come look at that evidence or
4 do they need you or somebody from your department there?

5 A. Yeah. It's a secure facility, so whoever needs to
6 have permission from the investigating officer,
7 solicitor's office, sergeant, but I can't just walk in
8 and do it.

9 Q. And when you looked through that bag, did you
10 separate anything out from there?

11 A. I did. I pulled a pair of blue panties out.

12 Q. All right. At this time, I show you what's been
13 marked as State's Exhibit 55. Do you recognize this?

14 A. Yes. This is my seal and my evidence tape, my
15 initials on the back of here.

16 Q. Does this appear to be to be in substantially the
17 same condition as when you first marked it?

18 A. I won't know unless I pull them out, but if it's
19 been opened, apparently by SLED. SLED did some
20 processing on it. Did you want me to pull them out,
21 because I can --

22 Q. If you can please, take a look at that exhibit,
23 and after looking at it, let me know if it appears to be
24 in substantially the same condition, if you recognize it.

25 A. It doesn't appear -- the item is still sealed by

ERIN MEYER - DIRECT BY MS. LINDER

1 SLED.

2 Q. According to all the markings on the exterior of
3 the bag, do those match up with how you originally marked
4 it?

5 A. Yes, ma'am.

6 Q. And could you describe to the jury what it was you
7 found when you went through this bag. When you went
8 through the black bag, could you explain to the jury
9 exactly what you found.

10 A. There was an ID in there and a couple other
11 things, but in particular there were the blue underwear,
12 and I became -- it became an interest, so we separated it
13 then into its own individual package.

14 Q. And did you do any follow-up work involving that
15 blue underwear that was found in Mr. Glover's black bag?

16 A. I actually took it to SLED for analysis.

17 Q. Before taking it to SLED, did you ever show anyone
18 the underwear?

19 A. Well, the victim was there, and I identified the
20 underwear when we pulled it out of the black bag.

21 Q. And what were you trying to get verified at SLED,
22 or tested at SLED?

23 A. She identified them as being hers, and we just
24 wanted to clarify through DNA that they did, in fact,
25 belong to her.

1 Q. And what was the next step you took in order for
2 SLED to have an item to compare it to?

3 A. Collected a buccal swab from the victim.

4 Q. Can you explain what a buccal swab is for the
5 jury?

6 A. It's considered a controlled sample of DNA from
7 the mouth area with a swab and seal it up and it's then
8 considered a known sample of DNA that we know is from
9 that particular person. That sample gets compared to
10 something that we aren't sure who it belongs to.

11 Q. And, again, do the best you can. At this time I'm
12 going to show you what's been marked as State's Exhibit
13 57. Do you recognize that?

14 A. Yeah. On the envelope I put on my seal, the
15 envelope that the buccal swabs are in.

16 Q. And what did you do with the underwear and the two
17 buccal swabs?

18 A. I actually pre-logged them into the SLED system,
19 and then I transported them to SLED for analysis.

20 Q. Did those items remain in your custody from the
21 sheriff's office up to SLED?

22 A. Yes, ma'am.

23 Q. And when you got to SLED, did you have to sign
24 anything or indicate to SLED that you were the one and it
25 was safe because you were the one that was submitting it

ERIN MEYER - CROSS BY MR. BURKE

1 to them?

2 A. We sign a chain of custody or a submission form
3 every time we go to SLED for anything we drop off.

4 MS. LINDER: Beg the Court's indulgence. I
5 have no further questions for you. If you could, answer
6 any questions the defense may have.

7 THE COURT: Cross?

8 CROSS-EXAMINATION

9 BY MR. BURKE:

10 Q. Is it Investigator Meyer?

11 A. Investigator Meyer.

12 Q. Investigator Myer, so you made the decision that
13 the blue panties were of sufficient interest that they
14 needed to be further investigated; is that correct?

15 A. Yeah. It needs to be separated.

16 Q. Okay. And in your determining what's important
17 and what needs further investigation, what about the
18 brown belt?

19 A. I don't know anything about anything regarding
20 this case other than what I had dealings with..

21 Q. So if there was a brown belt that exists in this
22 case, you didn't find it of sufficient interest to mail
23 it to SLED for analysis?

24 MS. LINDER: Objection. The witness already
25 answered that she had nothing.

ERIN MEYER - CROSS BY MR. BURKE

1 THE COURT: What was your question?

2 MR. BURKE: That she did not determine that
3 anything about the brown belt was of sufficient interest
4 to send off to SLED for further investigation, for
5 analysis.

6 THE COURT: Doesn't sound like it was her
7 job, but you can answer the question.

8 THE WITNESS: It wouldn't have been my
9 decision to make.

10 BY MR. BURKE:

11 Q. And when you discovered these blue panties, what
12 date was that?

13 A. I think we -- on the 14th of June in 2010.

14 Q. June 14, 2012. So anywhere, any Charleston County
15 detective logs or anything else, is that underwear listed
16 as being found or relevant or in Mr. Glover or in anybody
17 else's possession?

18 A. I don't think -- well, he originally came in with
19 a black bag itself. I don't think in the description
20 that they itemized it at the time.

21 Q. So the first time they appear on your evidence log
22 would be June 14, 2012?

23 A. When we separated them to have their own bar code,
24 yes, sir.

25 Q. And when did those underwear come into Michael

DORIS YARBROUGH - DIRECT BY MS. LINDER

1 Glover's possession, if ever?

2 A. I don't know. Like I said, I don't have any
3 involvement in this case other than --

4 Q. So you're unable to tell the jury or anybody else
5 when, if ever, this underwear came into Michael Glover's
6 possession?

7 A. Correct.

8 Q. Besides this underwear, do you have any knowledge
9 as it relates to the case, crime scene, photographs,
10 anything else?

11 A. No, sir.

12 MR. BURKE: Nothing further. Thank you.

13 THE COURT: Redirect?

14 MS. LINDER: I have no redirect, Your Honor.

15 THE COURT: You may step down. Thank you.

16 Next witness.

17 MS. LINDER: State calls Doris Yarbrough.

18 DORIS YARBROUGH,

19 having been first duly sworn,

20 was examined and testified as follows:

21 DIRECT EXAMINATION

22 BY MS. LINDER:

23 Q. Where are you presently employed?

24 A. I'm employed by the South Carolina Law Enforcement
25 Division, commonly known as SLED.

DORIS YARBROUGH - DIRECT BY MS. LINDER

1 Q. How long have you been employed by SLED?

2 A. Five-and-a-half years.

3 Q. What is your position there?

4 A. I'm a forensic technician in the evidence control
5 department.

6 Q. And what type of training and education do you
7 have?

8 A. I have a background in administrative assistant
9 and I have peer training.

10 Q. And could you explain to the jury what exactly
11 your duties are at SLED.

12 A. My duties include the acceptance, transfer, and
13 packaging of evidence that's brought in from the agencies
14 throughout the State of South Carolina.

15 Q. Can you explain generally how evidence and
16 submissions come to SLED.

17 A. The law enforcement agencies of South Carolina
18 present us with the items that they would like to submit
19 for a forensic analysis along with the paperwork that
20 goes with it.

21 We log it into our computer system. It is
22 generated, a bar code labelled that either has a letter
23 or number on it, and it is tracked throughout our
24 laboratory by each person that it's transferred to.

25 Q. And when a law enforcement agency submits

DORIS YARBROUGH - DIRECT BY MS. LINDER

1 something to SLED, if it appears that it has been
2 tampered with, will SLED accept it?

3 A. No.

4 Q. If it appears -- if it is in a bag that is
5 unsealed, will SLED accept it?

6 A. No.

7 Q. Did you handle any submission to SLED in this
8 case, state versus Michael Glover?

9 A. I handled evidence in this case, yes.

10 Q. And what items did you handle?

11 A. I handled item one and item two.

12 Q. And could you please explain, what is item one?

13 A. Item one is described as a heat sealed pouch
14 containing clothing described as victim's underwear.

15 Q. Do you know who handled that before you did? Is
16 there any way for you to know that?

17 A. Yes. We have a verified chain of custody. It was
18 received by Nikki Perry Hughes, who is also a forensic
19 technician.

20 Q. Where did it go after that?

21 A. She placed it in our evidence processing intake
22 storage shelf, which is a secure evidence room in our
23 area. Then it was received by Amy Stephens and
24 transferred to Betty Butler, and then I received it back
25 from Betty Butler and put it on the shelf.

1 Q. At this time I show you what's been marked as
2 State's Exhibit 55. Do you recognize this?

3 A. I recognize it by the bar code label it has on it
4 and the item number that goes with it.

5 Q. And what other items did you handle involving this
6 case?

7 A. I handled items 1.1 and 1.2.

8 Q. And what is 1.1?

9 A. 1.1 would be a heat sealed pouch containing
10 cuttings described as from the underwear, and item 1.2
11 would be a heat-sealed pouch containing debris described
12 as from underwear.

13 Q. Okay. And can you tell who within SLED handled or
14 was involved with the cuttings prior to you receiving
15 them?

16 A. Yes. That would have been Betty Butler.

17 Q. And any step along this way, would the people you
18 mentioned who handled it before you, would they have
19 continued to handle the item if it appeared to have been
20 tampered with?

21 A. No.

22 Q. And I believe you also mentioned you had item
23 number two?

24 A. That's correct.

25 Q. What was that?

DORIS YARBROUGH - DIRECT BY MS. LINDER

1 A. Item number 2 is a heat-sealed pouch containing a
2 buccal swab described as Alicia Glover.

3 Q. And as far as marking these items, are all these
4 items marked in a similar fashion and procedure when they
5 come into SLED?

6 A. Yes, they are.

7 Q. At this time I show you what's been marked as
8 State's Exhibit 56. Do you recognize this?

9 A. I again recognize it by the label, the lab number
10 that's on there, and the container number. This contains
11 the cuttings that came from item number one.

12 Q. And then I'm also showing them -- you have a bunch
13 of stuff up here. The item that's been marked as State's
14 Exhibit 57, do you recognize that?

15 A. Again, this is the same bar coded label with a
16 separate number as item number two.

17 Q. And can you tell who handled the item number two,
18 the buccal swabs, before they arrived to you?

19 A. Yes. They were brought in by Erin Meyer of the
20 Charleston County sheriff's office. They were received
21 by Nikki Perry Hughes. They were placed on the evidence
22 intake shelf, and then I transported them to forensic
23 scientist Lilly Gallman.

24 MS. LINDER: I believe that's all the
25 questions I have for you at this time. If you could,

DORIS YARBROUGH - CROSS BY MR. BURKE

1 answer any questions the defense may have.

2 THE COURT: Cross?

3 MR. BURKE: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. BURKE:

6 Q. Ms. Yarbrough, do you have any knowledge of any
7 items other than the two or three that you mentioned that
8 SLED has processed as it relates to the case of State
9 versus Michael Glover?

10 A. I'm sorry. Could you repeat that question.

11 Q. Do you have knowledge of any other evidence other
12 than what you've mentioned so far that SLED has processed
13 as it relates to the case of State versus Michael Glover?

14 A. No, sir, I do not.

15 MR. BURKE: Nothing further, Your Honor.

16 THE COURT: Redirect?

17 MS. LINDER: No redirect, Your Honor.

18 THE COURT: You may step down. Thank you.

19 Next witness?

20 MS. BALDWIN: State calls Stephanie Stanley.

21 STEPHANIE STANLEY,

22 having been first duly sworn,

23 was examined and testified as follows:

24 DIRECT EXAMINATION

25 BY MS. LINDER:

STEPHANIE STANLEY - DIRECT BY MS. LINDER

1 Q. Good afternoon. Where are you presently employed?

2 A. I'm employed by the South Carolina Law Enforcement
3 Division, which is more commonly referred to as SLED.

4 Q. How long have you been employed by SLED?

5 A. I've been employed by SLED since February of 2005.

6 Q. What is your position currently at SLED?

7 A. I'm a forensic scientist, more specifically a
8 forensic DNA analyst. I'm assigned to our DNA case work
9 section. Right now I'm the acting team leader of
10 evidence processing and serology units.

11 Q. And what type of training and education do you
12 have?

13 A. I have a bachelor of science degree in biological
14 science from Clemson University, have done SLED's
15 in-house -- I'm sorry in-house training program where I
16 learned evidence handling, DNA analysis, serology,
17 evidence processing, Court running statistics as it
18 relates to forensic DNA analysis, and completed training
19 at the National Forensic Sciences and Technology Center
20 in serology analysis as well as Marshall University.

21 Q. Can you explain to the jury how items are first
22 received by SLED and what processes they go through once
23 they're received into SLED.

24 A. Items submitted to SLED first start out in our
25 evidence control department where they're assigned a bar

1 code number, laboratory number that usually begins with
2 L, and a series of numbers, and this allows for tracking
3 in our computer system throughout all of SLED.

4 Items themselves are given an item number, and we
5 use this item number on our recording as well as chain of
6 custody to let us know who has had the item before us,
7 and it showed who had the item after us.

8 Q. Would SLED accept a submission if the submission
9 appeared to be tampered with?

10 A. I don't work in the evidence control department.
11 What I'm dealing with as far as tampering is making sure
12 that sales are intact. They are sealed in our evidence
13 control department. The officer's signature is across
14 it, or when I'm starting with the case for DNA analysis,
15 I need to make sure no one else has cut into that sample,
16 and if they have, why did they? Was it that serology was
17 being performed or evidence processing was being
18 performed, but I can tell, based on the packaging.

19 Q. As part of your duties at SLED, does that include
20 being supervisor over cuttings?

21 A. Over the evidence processing and serology section.
22 Evidence processing takes larger items of evidence, a
23 T-shirt or a bed sheet, and they'll look for biological
24 stains. They'll test these stains to see if they are
25 blood or semen, usually, and for a small for piece of

STEPHANIE STANLEY - DIRECT BY MS. LINDER

1 evidence, they'll take a cutting from that item, and then
2 actually further testing, further testing could be our
3 serology unit where we attempt to confirm it is blood or
4 it is semen or it is saliva, or it could go straight to
5 our DNA analyst, so it could follow different path, just
6 depending on what type of evidence it is.

7 Q. And do your duties include being the supervisor
8 the Betty Butler?

9 A. Yes.

10 Q. And are you aware if Betty Butler did any cuttings
11 in this case?

12 A. Yes, I am.

13 Q. And is she still with SLED?

14 A. She is with SLED. She is on an extended leave
15 right now.

16 Q. Can you explain the procedures that Betty Butler
17 would have gone through to have the cuttings in this case
18 out of the item 1.0?

19 A. Our item one in this case is a pair of underwear.
20 Procedurally, Betty would receive a piece of evidence and
21 check the request. What are we looking for on a
22 particular item? Is she being asked to look for blood,
23 semen, possible saliva, or is she doing something such as
24 touch DNA or ownership DNA?

25 Touch DNA is left behind after somebody touches a

1 particular item, and ownership DNA could be a shirt, say,
2 you know, who wore the shirt? You're trying to find out
3 whose actual clothing it belongs to. She would receive a
4 receive a piece of evidence in this case, underwear, open
5 them, and look for whatever she was asked to.

6 Q. And can you tell, through your internal paperwork,
7 who handled the item before Betty did?

8 A. Yes, if I could refer to my chain. Item number
9 one was handled by forensic technician Amy Stephens prior
10 to Betty Butler.

11 Q. And what were done with the cuttings that Betty
12 Butler made in this case?

13 A. Betty Butler took a cutting from the crotch area
14 as well as selected possible other debris, and she would
15 have packaged them and returned them to Doris Yarbrough.

16 Q. All right. At this time, I show you what's been
17 marked as State's Exhibit 55 and State's Exhibit 56. Do
18 you recognize these items?

19 A. Yes, I do.

20 Q. And what are those items?

21 A. The first item that you handed me, State's Exhibit
22 55, is going to be a heat-sealed pouch, and it's our SLED
23 lab number L127641, and this is going to be our item one.
24 This is going to be actually the pair of panties that
25 would have gone to Betty Butler.

LILLY GALLMAN - DIRECT BY MS. BALDWIN

1 The second item you handed me, State's
2 Exhibit 56, is going to contain the cuttings that Betty
3 Butler would have made, and I can tell that gun by this
4 lab number, and this is a container, and then this is
5 where Betty would have sealed this package.

6 MS. LINDER: Your Honor, at this time State
7 would move to enter State's Exhibit 55 into evidence.

8 (State's Exhibit No. 55 was marked for
9 identification and admitted into evidence.)

10 MR. BURKE: Without objection, Your Honor.

11 THE COURT: Admitted.

12 MS. LINDER: I have no further questions.
13 Please answer any questions the defense may have.

14 MR. BURKE: Nothing from the defense, Your
15 Honor.

16 THE COURT: You can step down. Thank you.
17 All right. Next witness?

18 MS. BALDWIN: State calls Lilly Gallman.

19 LILLY GALLMAN,

20 having been first duly sworn,
21 was examined and testified as follows:

22 DIRECT EXAMINATION

23 BY MS. BALDWIN:

24 Q. Ms. Gallman, where are you employed?

25 A. I'm employed by South Carolina Law Enforcement

1 Division.

2 Q. How long have you been employed by SLED?

3 A. This Friday, January 17th, will be 24 years.

4 Q. And what is your job at SLED?

5 A. I'm employed as a forensic DNA analyst.

6 Q. What duties does that entail?

7 A. Well, as a forensic DNA analyst, I receive
8 evidence for the purpose of identification. I also
9 receive standards to compare to that evidence. In cases
10 where I could have a match, I do not have a match between
11 the evidence and the standards that are submitted to me,
12 and then I report my results accordingly.

13 Q. What is your educational background?

14 A. I have a degree in biology from the University of
15 South Carolina. Once I received my degree, I continued
16 working at the university in the area of molecular
17 genetics, and I began working with SLED as a forensic
18 DNA analyst. Since that time I've attended
19 FBI DNA typing school. I've also been trained in the
20 area of serology, and I have taken advanced courses in
21 genetics and statistics to further my education and for
22 my job.

23 Q. So about how many DNA samples have you tested over
24 your career at SLED?

25 A. Thousands.

LILLY GALLMAN - DIRECT BY MS. BALDWIN

1 Q. And how many times have you testified in court?

2 A. I've been qualified at least 60.

3 MS. BALDWIN: At this time, we would like to
4 offer Ms. Gallman as an expert in DNA analysis and
5 serology.

6 MR. BURKE: No objection, Your Honor.

7 THE COURT: All right. Folks, the
8 instructions that I gave you at the beginning of the
9 trial, you might recall, said we normally have people
10 just come up and tell you what they heard, they touched,
11 they felt, they smelt, their observations, that sort of
12 thing. We don't typically let people come in and tell
13 you their opinion about what evidence is. That's really
14 for you to decide, what to think about that.

15 The law says that, however, because some
16 people have specialized training or education or
17 experience in a field, if they rise to a level of
18 expertise, then they are allowed, because of that level
19 of expertise, to come in and testify in court, be
20 qualified as an expert and not only tell you about their
21 observations and findings, but they can also give you an
22 opinion about the things that they have found.

23 So this witness has now been qualified as an
24 expert in the field of DNA analysis. She'll be allowed
25 to testify in the form of an opinion as well as her

LILLY GALLMAN - DIRECT BY MS. BALDWIN

1 observations. She can give you the basis for your
2 opinions. You're not required to give an expert's
3 opinion any greater weight than you do any other evidence
4 that you find in this trial simply by virtue of the fact
5 that she is qualified as an expert. You decide how much
6 weight her testimony deserves based on all of the
7 evidence that you'll hear throughout this trial.

8 All right? You can resume.

9 BY MS. BALDWIN:

10 Q. Thank you. Ms. Gallman, could you explain to the
11 jury briefly what DNA terms is, if not much possible?

12 A. DNA is considered to be the blueprint the body.
13 Everyone's DNA is unique except for identical twins who
14 have the same DNA because it's coming from an egg that
15 has been split in half. Since everyone's DNA is unique,
16 I'm able to take a person's DNA and compare it to
17 evidence to determine whether it matches or it does not
18 match.

19 Q. Did you receive any evidence in this case?

20 A. Yes, I did.

21 Q. What did you receive?

22 A. I received cuttings from -- a cutting from a pair
23 of panties and a standard from Alicia Glover in this
24 particular case.

25 Q. I'm going to show you State's 56 and 57. Could

LILLY GALLMAN - DIRECT BY MS. BALDWIN

1 you tell me what those are.

2 A. And also I received an envelope labelled as debris
3 from the panties that would be any, like -- things like
4 any foreign -- like tears, fragments of whatever that
5 would fall off the panties, so there was also an envelope
6 like that, but I did not do any analysis on that.

7 So what we have here is heat-sealed pouch that
8 contains the cutting from the panties and the envelope
9 that contains the debris from the panties, and then this
10 particular pouch is the standard, buccal swab from
11 Alicia.

12 Q. And who did you receive those items from?

13 A. I received the pouch that contains the cutting
14 from the underwear, and the debris came from Pat Crooks
15 and the envelope that contains the standard was
16 transferred to me from Doris Yarbrough.

17 Q. Who is Pat Crooks?

18 A. She's the evidence technician. Our system is set
19 up where the evidence is stored in the area until it's
20 time for me to do the case and it has to go from a person
21 to a person, so Pat Crooks would take it into her custody
22 and then transfer it straight to me while I'm right there
23 at the moment.

24 Q. And when you received those items, did they appear
25 to have been tampered with in any way, Exhibits 56 and

1 57?

2 A. No, they did not.

3 Q. If they appeared to have been tampered with, would
4 you have tested them?

5 A. Once I receive evidence, I check and see. Maybe
6 the heat seal on the pouch was not heat sealed all the
7 way across. I would go back to the source as to who
8 signed the heat seal area and to find out exactly what
9 happened before I do any testing on the items.

10 Q. And that was not the case with these two items?

11 A. That was not the case with these.

12 MS. BALDWIN: Your Honor, at this time I
13 would like to admit State's 56 and 57 into evidence.

14 MR. BURKE: Without objection, Your Honor.

15 (State's Exhibit Nos. 56 and 57 were marked
16 for identification and admitted into evidence.)

17 BY MS. BALDWIN:

18 Q. Explain to the jury the type of analysis you
19 performed on those two items.

20 A. These items were -- let's start with evidence that
21 came from the panties. It was given to me, and a
22 statement that was made on the submitting form was to
23 look for ownership on the particular -- on the panties.

24 So when you have a case like that, what you would
25 do is just take the dustings, do a DNA extraction, what

LILLY GALLMAN - DIRECT BY MS. BALDWIN

1 effort would be needed to extract that DNA, and develop a
2 DNA profile from it.

3 Q. Tell us about the buccal swabs from Alicia Glover.
4 What do you do with those?

5 A. Once I establish I have DNA from that cutting and
6 I developed a DNA profile from the cutting, I need to
7 compare it to someone, and this particular case the
8 standard from Alicia Glover was submitted for that
9 purpose.

10 I took the DNA profile from her DNA and compared
11 it to two DNA profiles.

12 Q. You did get a profile also from the cutting?

13 A. Yes, I did.

14 Q. Okay. And what were the results when you compared
15 the victim's DNA profile to the profile obtained from the
16 cutting?

17 A. Okay. I'm reading from my report. The
18 DNA profile that goes from item 1.1, which is the cutting
19 from the panties, matches the DNA profile of Alicia
20 Glover, and we are required to give a statistical weight
21 to that particular match, and the next statement is that
22 the probability of randomly selecting an unrelated
23 individual having a DNA profile matching this item is
24 approximately in 37 quintillion.

25 Q. How many people are on the planet?

LILLY GALLMAN - CROSS BY MR. BURKE

1 A. I think it's a little over seven billion.

2 Q. So the probability is more than the number of
3 people on the planet?

4 A. That's correct.

5 MS. BALDWIN: I have no further questions.

6 THE COURT: Cross?

7 MR. BURKE: Thank you, Your Honor.

8 CROSS-EXAMINATION

9 BY MR. BURKE:

10 Q. Ms. Gallman, how old was the DNA on the panties on
11 the cuttings?

12 A. I don't know.

13 Q. And was there any DNA evidence from Michael Glover
14 found on the cuttings or the panties?

15 A. The DNA I developed from the panties matched
16 Alicia Glover. It was not a mixture. It was just a
17 straight sample.

18 Q. And how did the -- and I apologize. I'm not known
19 to be an expert. How can the material that you were
20 testing, was it -- can you tell, is it vaginal fluid? Is
21 it blood? Is it skin cells? Do you know what the
22 substance is?

23 A. I did not test for body fluids, so the test was
24 just for ownership, not body fluids, and that's how we
25 handle it.

LILLY GALLMAN - CROSS BY MR. BURKE

1 Q. And is that typically skin cells or you're not
2 able to tell that?

3 A. I did not test for body fluids. All the DNA in
4 your body is the same, whatever DNA was on there.

5 Q. But you were asked to test for ownership but not
6 touch; is that correct?

7 A. Ownership and touch kind of played together. If
8 I'm looking for ownership, touch, it could just be from
9 her touching it. It could be from her touching it, but
10 her DNA was on the panties..

11 Q. So if Mr. Glover touched it and you were asked to
12 testify for Mr. Glover's samples, his could possibly be
13 found on there also?

14 A. Well, the first thing that I did was establish
15 that there was a DNA profile there, and this was from a
16 female. I did not have a mixture, but there was no one
17 for the victim, Alicia Glover, in this case.

18 MR. BURKE: Thank you, ma'am.

19 THE COURT: Redirect?

20 MS. BALDWIN: No questions.

21 THE COURT: We have one other witness that
22 we'll get in today, but he's on his way. It will be
23 about 15 minutes before he gets here, so it's time for a
24 break here, so let's have you go on back to the jury
25 room.

SCOTT HAYES - DIRECT BY MS. BALDWIN

1 Again, don't begin deliberations or
2 discussions about the case, and we'll see you back in a
3 little bit. Thanks for your patience. Okay. We'll see
4 y'all back in about 15 minutes.

5 (Recess taken.)

6 THE COURT: Let the record reflect the
7 defendant is in the courtroom.

8 (In open court, jury present.)

9 THE COURT: Welcome back, folks. We will
10 resume with the State calling their next witness.

11 MS. BALDWIN: Thank you, Your Honor. The
12 State calls Dr. Hayes.

13 SCOTT HAYES,
14 having been first duly sworn,
15 was examined and testified as follows:

16 DIRECT EXAMINATION

17 BY MS. BALDWIN:

18 Q. Doctor, where are you employed?

19 A. I'm self-employed through Trident Health System.

20 Q. And tell us about your occupation. What
21 department do you work in?

22 A. I am Board certified in emergency medicine, and I
23 practice in the emergency department with Trident Health
24 System at all three facilities, which is Trident Medical
25 Center, Summerville Medical Center, and Moncks Corner

SCOTT HAYES - DIRECT BY MS. BALDWIN

1 Medical Center, as well as part-time at East Cooper
2 Medical Center.

3 Q. And how long have you been practicing medicine?

4 A. I've been practicing -- I finished medicine in
5 2003.

6 Q. Did you see the patient, Alicia Glover, on
7 November 23rd of 2010 at Summerville Medical?

8 A. Yes, I did.

9 Q. Tell us about her injuries.

10 A. Ms. Glover presented to the emergency department
11 after an alleged assault and sustained injuries to the
12 head, face, and chest wall.

13 Q. And those were the locations of her injuries.
14 What were the nature of the injuries?

15 A. Apparently, she was struck with a closed fist and
16 sustained contusions to the face as well as a laceration
17 to the -- I believe it was the forehead as well as
18 abrasion and contusion to her chest wall.

19 Q. And you're referring to some documents up there.
20 What are the documents?

21 A. These were the medical records that were provided
22 to me that I had signed, given on behalf of Summerville
23 Medical Center.

24 Q. Those were your records from treating Ms. Glover?

25 A. Correct.

1 Q. Do those help refresh your recollection?

2 A. Yes.

3 Q. You treat how many patients?

4 A. Approximately 5,000 a year.

5 Q. So it's hard to recall exactly one for the record?

6 A. Exactly.

7 Q. You said she sustained a laceration?

8 A. Yes, she did.

9 Q. How was that laceration treated?

10 A. According to my notes, it was actually sutured
11 with three sutures.

12 Q. So what were the final diagnoses as to her injury?

13 A. Her final diagnoses was, number one, physical
14 assault; number two, closed head injury; number three,
15 superficial laceration to the face; number four, multiple
16 abrasions to the face, and contusion to the face.

17 Q. Describe for the jury what an abrasion is and what
18 a contusion is.

19 A. An abrasion is -- we call it superficial break in
20 the skin, where a contusion is any type of swelling,
21 injury, or even bruising.

22 Q. Was she diagnosed with any sort of head injury?

23 A. Yes. She was diagnosed with a closed head injury.

24 Q. What is that?

25 A. That is any type of trauma to the head. She was

SCOTT HAYES - DIRECT BY MS. BALDWIN

1 actually diagnosed with a minor closed head injury
2 without loss of consciousness which means she did not get
3 knocked out from the injury.

4 Q. And how do you determine whether or not she was
5 knocked out from the injury?

6 A. Per her history.

7 Q. So when you say minor, superficial, how do you
8 make that determination?

9 A. It is all based on the clinical criteria, so a
10 minor closed head injury would mean she did not lose
11 consciousness. She was not knocked out. She did not
12 have any vomiting directly immediately after that.

13 Q. So if something were minor to -- as your medical
14 terminology states, does that mean it would be something
15 that was minor to the patient?

16 A. Not necessarily.

17 Q. As far as head injuries go, can they be dangerous?

18 A. Yes, absolutely.

19 Q. If they present -- if a patient may present with a
20 minor head injury, could it become something worse later?

21 A. Yes. We actually -- all patients with any type of
22 head injury, we ask that they be monitored for 24 hours
23 and give them warning signs.

24 MS. BALDWIN: Beg the Court's indulgence.

25 Doctor, I don't have any other questions for

SCOTT HAYES - CROSS BY MR. JOHNSON

1 you. Please answer any questions the defense has.

2 THE COURT: Cross?

3 MR. JOHNSON: Just briefly, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. JOHNSON:

6 Q. Dr. Hayes, whenever you do your medical dictation,
7 you do that into the microphone, and how do you do that?

8 A. At this point in time, we are documenting on the T
9 system, which is an electronic medical record which is
10 actually done physically by me.

11 Q. And once that's done, it's printed off and you
12 have a chance to review the documents and sign off on it?

13 A. It's actually all computer based, and at this
14 point in time, I actually did the chart and I
15 electronically signed the chart approximately an hour and
16 a half after I saw her.

17 Q. And what was Alicia Glover's main complaints when
18 she came?

19 A. In the chief complaint was assault.

20 Q. Okay. And in the records, it says that the
21 patient complains of moderate pain. Patient sustained
22 blow to the head, no neck pain, no loss of consciousness,
23 no seizures, and not dazed; is that correct?

24 A. That's correct.

25 Q. And, also, it says review of systems. The patient

SCOTT HAYES - CROSS BY MR. JOHNSON

1 sustained skin laceration, no numbness, no dizziness, no
2 loss of vision, hearing loss or chest pain; no difficulty
3 breathing, weakness, headache, nausea, or abdomen pain,
4 no fever or vomiting; is that correct?

5 A. Correct.

6 Q. Under clinical impression, you testified earlier
7 minor closed head injury?

8 A. Correct.

9 Q. What would you consider a major closed head
10 injury? Is there such a thing?

11 A. Yes. This is -- a major closed head injury would
12 be anywhere from loss of consciousness to an actual bleed
13 on the brain.

14 Q. And that wasn't present in this case?

15 A. That was not present in this case.

16 MR. JOHNSON: No further questions, Your
17 Honor.

18 THE COURT: Redirect?

19 MS. BALDWIN: No redirect, Your Honor.

20 THE COURT: All right. You can step down.
21 Thank you for coming.

22 That's your last witness for today?

23 MS. BALDWIN: Yes, sir.

24 THE COURT: Okay, folks. We'll go ahead and
25 break for today then and resume at 9:30 tomorrow morning.

1 Please don't begin any discussions or talk
2 about the case with anybody, no deliberations. If
3 anybody approaches you about the case, Please report that
4 back, and, again, Please don't try to go on to the
5 Internet or anything like that or go to the scene, try to
6 find out anything about it.

7 Again, under your oath, you promise that
8 you'll make your decision based on what you hear in this
9 courtroom, and I promise you that anything that you need
10 to make your decision you will hear in this courtroom.

11 Thank you for your patience today, and we
12 will see you tomorrow morning at 9:30.

13 (In open court, jury not present.)

14 THE COURT: You got two more witnesses
15 tomorrow?

16 MS. BALDWIN: One more.

17 THE COURT: And how long will that witness
18 be?

19 MS. BALDWIN: She shouldn't be too terribly
20 long, Your Honor. She's an expert witness. I believe
21 the defense is contesting whether or not her testimony is
22 admissible, so we may need to proffer her testimony ahead
23 of time.

24 THE COURT: What is she testifying about?

25 MS. BALDWIN: I was going to qualify her as

1 an expert in the psychology of trauma victims and
2 domestic violence and psychology of domestic violence.

3 She'll basically testify about different
4 victim responses and then the power and control involving
5 domestic violence.

6 THE COURT: Do y'all need it?

7 MS. BALDWIN: I think it could explain some
8 of the behaviors of the victim on the stand.

9 THE COURT: I don't know what that would be,
10 but if you want to have a counsel hearing before that,
11 we'll deal with that at 9:30.

12 MR. BURKE: And, Your Honor, I don't know
13 that we have any type of objection as far as her
14 qualification, but it's our understanding she never
15 treated her or anything else. She wasn't here for the
16 testimony, so we just don't understand the relevance of
17 any testimony coming from her.

18 THE COURT: I don't know right now either,
19 but I guess I'll find out in the morning. Okay?

20 MR. BURKE: I anticipate we won't be
21 presenting any witnesses.

22 (Recess taken.)

23 (January 15, 2014.)

24 THE COURT: Let the record reflect the
25 defendant is in the courtroom.

1 Talk to me about this battered spouse
2 syndrome testimony that you want in. What evidence is
3 there in the record that there is any evidence to shore
4 any expert testimony?

5 MS. BALDWIN: Your Honor, it wouldn't be as
6 to battered spouse syndrome. What it would be is to
7 trauma victim testimony and the domestic violence second.

8 THE COURT: Okay. And what evidence is there
9 other than the incident that took place that we have to
10 base an expert opinion on?

11 MS. BALDWIN: Yes, Your Honor. Well, one,
12 the expert can testify to the victim on the stand was
13 very unemotional. The expert --

14 THE COURT: Did she set here and observe the
15 victim's testimony?

16 MS. BALDWIN: She would be talking generally,
17 Your Honor, and about emotional numbing, about the fact
18 that victims can have a flat affect when they relate the
19 stories of the incident because of the trauma response.

20 It could assist the jury in understanding
21 that behavior, because it's normally not in their
22 wheelhouse. I think most people would expect if they're
23 relating a traumatic extent to be crying and incredibly
24 upset and the fact she has not the expert can assist in
25 describing that.

1 She could also testify as to the dynamics in
2 a domestic violence situation about power and control and
3 intimidation, while the defendant possibly didn't hit her
4 more than the victim testified to him hitting her.

5 She can also testify to the fact that when
6 couples in these situations are separating, when they're
7 in this case in a period of estrangement, they're working
8 on getting divorced that can actually be a more volatile
9 time, and that testimony can make the State's version of
10 the case seem more probable that the defense has put up,
11 that she just made this up to get advantage in this
12 divorce, and it could help the jury understand that maybe
13 that's not the case.

14 THE COURT: Well, you sent me up a case on
15 battered women's syndrome, and you said this is about
16 victim's trauma testimony. Typically, these things come
17 up in a situation where the person who got battered is on
18 trial to negate a self-defense -- or to bolster a
19 self-defense claim. This is why they acted the way they
20 did, so what you're doing is different, and you're trying
21 to bolster your witness 's testimony.

22 I didn't see anything unusual about her
23 testimony, and she wasn't here to testify. She didn't
24 see the victim testify, so I don't know how she could
25 even begin to testify about how somebody appeared on the

1 stand when she didn't watch them.

2 MS. BALDWIN: I don't know she would
3 necessarily say when this person was on the stand, but
4 she could talk about general responses to trauma, and
5 that -- I think in South Carolina we allow expert
6 testimony regarding rape victims and their trauma
7 testimony to help the jury understand why they behaved
8 the way they behaved.

9 The expert can testify in this case as to why
10 did she not fight back when he was hitting her, why did
11 she drive over to her neighbor's house, because all of
12 those things may seem very odd to a lay person, but the
13 expert could explain to the jury, well, actually, these
14 are common responses during trauma. People have
15 different responses. Sometimes they freeze; sometimes
16 they do run.

17 THE COURT: I didn't see anything at all
18 unusual about the way the victim reacted at all. She was
19 beaten up. You go get help. Her testimony didn't appear
20 to me to be unusually flat in the way she testified.

21 There was nothing unusual about the way she
22 reacted to the crime. I'm trying to figure out what you
23 would be having an expert come in for the purpose of
24 rebutting some sort of thing, that she acted out of the
25 norm. Every way she acted appeared to me to be normal.

1 I'm missing something.

2 Do you want to be heard on this?

3 MR. BURKE: Your Honor, I agree that it's
4 simply a case of bolstering. A lot of it, the testimony
5 that is seen for what the case law was saying was that
6 they were talking about acts after leading up to but not
7 an analysis of the trial itself, and that seems to be
8 what this is, is that I want to put a witness on the
9 stand to explain and make another witness's testimony
10 more credible.

11 Not only is it bolstering, but the
12 prejudicial nature of the testimony far outweighs the
13 probative. Now, you're going to put somebody on the
14 stand simply to say hey, everything that this one witness
15 said should have greater credibility than other
16 witnesses, and I'm an expert in traumatic victim and
17 therefore I'm lending credence to what this person said.

18 It's just simply trying to make allegiance
19 testimony a greater weight than anybody else's testimony,
20 and that is for the jury to decide, not an expert witness
21 who hasn't even been here during the trial.

22 MS. BALDWIN: I don't think she would be
23 saying, Well, when I say that person behaved that way,
24 then definitely they were. She's not vouching for the
25 credibility of the victim. She's just explaining to the

1 jury -- not everybody responds the same way in a
2 traumatic situation. Not everybody would fight back. I
3 think a lot of people would think, Okay. You're getting
4 hit. Why didn't you fight back?

5 MR. BURKE: Isn't that the purpose of a
6 juror, to take their life experience and say, okay. Of
7 course everybody reacts differently. You don't have to
8 be an expert to say everybody reacts differently.

9 MS. BALDWIN: I think that's the purpose of
10 the expert testimony, testifying about behaviors is that
11 the Courts have recognized that most jurors don't
12 understand that in certain situations people react
13 different ways, is that they can have different
14 responses. It's not necessarily a life experience.

15 THE COURT: Well, all of the cases that you
16 have provided me and that I'm aware of are rape victims.

17 This isn't a rape case. The batterer's
18 spouse cases all seem to be cases where the spouse who's
19 on trial wants to introduce evidence as to why they
20 reacted the way they did to the charge -- or to refute
21 some element of the charge that they have been accused
22 of. You don't put those on to support the victims's
23 testimony, so I don't think -- I don't think what you're
24 offering them for applies; and, second, the expert wasn't
25 here to hear what she testified to, how she appeared, and

1 I don't know how she could possibly give competent
2 testimony when she wasn't here to do that, so I'm not
3 going to allow that witness.

4 MS. BALDWIN: Thank you, Your Honor.

5 THE COURT: Does the State have anything
6 else?

7 MS. BALDWIN: No further witnesses, no, Your
8 Honor.

9 THE COURT: All right. Well, how about the
10 defense then? Are you going to call any witnesses?

11 MR. BURKE: We are not calling any witnesses,
12 Your Honor.

13 THE COURT: All right. That includes
14 Mr. Glover?

15 MR. BURKE: That includes Mr. Glover.

16 THE COURT: All right. Mr. Glover, stand up,
17 please.

18 All right. Earlier in the trial, yesterday
19 or maybe it was Monday, I don't recall, I told you that
20 you were going to have a decision that you needed to make
21 about testifying and calling witnesses and presenting a
22 defense, and I explained to you at the time you were
23 under no obligation to call witnesses, present a defense,
24 nor were you required to testify.

25 I told you at the time if you did want to

1 testify, you would be subject to answering the questions
2 that your lawyer asked you, but you would also be subject
3 to cross-examination by the State. I told you at that
4 time if you decided that you did not want to testify, I
5 would instruct the jury not to hold that against you in
6 any way during their deliberations about your guilt or
7 innocence.

8 Do you recall those conversations?

9 THE DEFENDANT: Yes, sir, I do.

10 THE COURT: All right. You indicated to me
11 at that time that you hadn't -- I don't think I asked you
12 at that point what you wanted to do, I'm not sure, but I
13 told you specifically you didn't have to tell me at that
14 time, but it is to the point now where the State has
15 called all the witnesses that they want to call, and you
16 are now to the point where you have to decide whether or
17 not you want to call any witnesses or testify because
18 we're going to have closing arguments and I'll charge and
19 they'll begin their deliberations.

20 So have you had sufficient time to think
21 about this?

22 THE DEFENDANT: Yes, sir, I have.

23 THE COURT: You have discussed it with your
24 lawyers?

25 THE DEFENDANT: Yes, sir, I have.

1 THE COURT: You discussed it with anyone you
2 want to?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Have you made a decision?

5 THE DEFENDANT: Yes, sir, I have.

6 THE COURT: What is your decision?

7 THE DEFENDANT: I don't wish to call any
8 witnesses, nor do I wish to testify.

9 THE COURT: And that is your decision and
10 your decision alone?

11 THE DEFENDANT: Yes, sir, it is.

12 THE COURT: All right. You may be seated.
13 Okay. How about the jury charges? Does
14 anybody have anything they want to talk about the jury
15 charges?

16 MS. BALDWIN: Just, Your Honor, on the
17 CDV/HAN charge, I believe you have listed in there for
18 simple CDV. It doesn't contain the two aggravating
19 factors for CDV HAN under 16-25-65.

20 MR. BURKE: And the defense would concur with
21 that, Your Honor, but we would also ask that the CDV --
22 the simple CDV charge stay in the charge as a lesser
23 offense.

24 MS. BALDWIN: No objection to that.

25 THE COURT: All right. I have a copy of

1 16-25-65.

2 Okay. Well, I'll charge the statute 16-25-65
3 for CDV/HAN, and then what I have is the charge for
4 CDV/HAN will be a simple CDV as a lesser included.

5 Does that work for everybody?

6 MR. BURKE: Yes, Your Honor.

7 MS. BALDWIN: I just want -- are you going to
8 read the beginning of the CDV/HAN statute -- I have to
9 quote it directly. A person who violates section
10 16-25-20(a) is guilty of the offense if one of following
11 also occurs.

12 I just don't want to confuse the jury with
13 those aggravating factors. I hope it's clear to the jury
14 that it's a simple CDV plus these aggravating factors for
15 a CDV/HAN.

16 THE COURT: Well, I guess I'm confused as to
17 what you're saying exactly. So it should be CDV/HAN plus
18 these two aggravators, right?

19 MS. BALDWIN: Correct, what you have written
20 from a CDV/HAN plus these two other factors.

21 THE COURT: So for the CDV/HAN charge, I
22 would read what I have here, plus the two aggravators,
23 and then tell them simple CDV is a lesser included. If
24 they don't find that, they're just to consider criminal
25 domestic violence which is just the first two things that

1 I have printed on page six.

2 MS. BALDWIN: Yes, sir.

3 THE COURT: Okay. Everybody agree to that?

4 MR. BURKE: Yes, Your Honor.

5 THE COURT: Okay.

6 All right. Anything else?

7 MR. BURKE: From the defense, may I approach?

8 We are requesting the reasonable doubt
9 language as charged in Battle vs. State, and I have the
10 actual language.

11 THE COURT: I always use the Vickers charge.
12 I've always used the Court approved one on Vickers, and I
13 like that one and I think it's correct. So I will use
14 that one.

15 MR. BURKE: Your Honor, is there any way the
16 Court would consider my separate statement of the law the
17 second paragraph? This case is just about as much the
18 lack of evidence that has been presented as is about the
19 testimony that's been presented, and that is a huge point
20 for the defense, and clearly that's -- the South Carolina
21 Supreme Court said it's an acceptable charge, but I think
22 we do need to address the lack of evidence, and that lack
23 of evidence is, in fact, evidence.

24 THE COURT: Well, I don't have any problem
25 with that language. It's essentially what I've charged,

1 but it doesn't add anything new than what I have, but
2 I'll charge that.

3 MR. BURKE: Thank you, Your Honor.

4 THE COURT: Anything else?

5 MS. BALDWIN: Nothing from the State, Your
6 Honor.

7 THE COURT: How long do you think you'll
8 need?

9 MS. BALDWIN: Maybe 20 minutes.

10 THE COURT: Do you want to open and close or
11 just close?

12 MS. BALDWIN: I'll just be closing since they
13 didn't put up a case.

14 THE COURT: Well, they actually get to close
15 since they didn't put up a case. So all right. You need
16 20? How long do you need?

17 MR. BURKE: I'm ready.

18 THE COURT: Anybody need to use the rest room
19 or anything?

20 MS. BALDWIN: No, sir.

21 THE COURT: Okay.

22 MR. BURKE: Prior to bringing the jury in, we
23 would make a motion for directed verdict at this time
24 since the State is resting.

25 THE COURT: Well, there is, I believe,

1 sufficient evidence in the record by which the jury could
2 conclude that the defendant has committed each of the
3 offenses, so the motion is denied.

4 MR. BURKE: Thank you, Your Honor.

5 THE COURT: Everybody ready? Let the record
6 reflect the defendant is in the courtroom. Bring the
7 jury in.

8 (In open court, jury present.)

9 THE COURT: All right. Welcome back, folks.
10 We are now into the final phase of the trial. The State
11 is not calling any more witnesses. They rested, and the
12 defendant has decided to also not call any witnesses, and
13 so the defense has rested, so we're going to move into
14 closing arguments, and then I will charge you on the law.

15 Now, I want to remind that you these
16 arguments are not evidence, so the lawyers will simply be
17 getting up and reviewing the evidence that you've heard,
18 making arguments based on that evidence, give you a
19 preview of the law that I will charge you and persuade
20 you to render a verdict on their client's behalf.

21 Again, it's important to remember this is not
22 evidence, this is just a review of the evidence. Now,
23 under our rules of procedure, normally when the State
24 prosecutes somebody for a crime, the State has the right
25 to close, but our rules provide that when the defendant

1 does not introduce any evidence or call any witnesses, he
2 has the right to close, so you will hear from the State
3 first and then the defendant.

4 So if you are ready, Madame Solicitor, you
5 may begin.

6 MS. BALDWIN: Your Honor. Alicia Glover is a
7 criminal mastermind. She executed this whole thing just
8 so she could get a leg up in a divorce that happened over
9 two years ago, at least that's what the defense would
10 have you believe.

11 What actually happened on November 23rd of
12 2010 is that Alicia Glover was attacked and tormented, in
13 her own home, by her estranged husband.

14 You guys heard Alicia testify. It was a
15 normal day for her. She was hanging out at her house
16 with a friend. She went on some errands, had some lunch,
17 started talking to her sister about Thanksgiving plans,
18 which is pretty normal.

19 She received some phone calls from
20 Mr. Glover, but she didn't really think too much of it,
21 but then things started to change because the defendant
22 came out of nowhere, started hitting her all over her
23 body, started threatening her and tied her up. Alicia
24 told you that at the time of this incident she had a
25 charge -- there was a charge of stalking pending against

1 Mr. Glover.

2 She also told you that as soon as she saw
3 something was off, when she tried to turn on the faucet
4 to her sink and realized the water wasn't working, she
5 started checking things. She realized something might
6 not be quite right. She went to her back window, saw
7 that was unlocked. That was unusual to her. She went to
8 check her phone. She saw that the cord wasn't there.
9 That was unusual, and she went to look for her journal
10 that was hid didn't underneath her mattress, and that
11 wasn't there either.

12 And then before she got a chance to do
13 anything else, to try to call for help, to call someone,
14 tell them what was going on, bam, the defendant was on
15 top of her, demanding to know who the man was in her
16 house earlier.

17 And how would he know Alicia had a man
18 earlier but had he been lying in wait, watching her and
19 waiting for her? Why would he call her, leaving her
20 voicemails, calling her a slut but for he was mad that
21 there was another man in his house?

22 Now, speaking of these phone calls, you guys
23 saw pictures of the caller ID. The defense may try to
24 make a big deal over that last one, the one that was at
25 12:26 when Alicia and Wayne were in the house. They told

1 you, both Alicia and Wayne, that they were watching a
2 movie in the living room. They had the sound on on the
3 movie, and I don't know about y'all, but I don't know
4 that you would necessarily hear somebody dialling a phone
5 in another room if you're in one room watching a movie.

6 Now, when Mr. Glover appeared, not only was
7 he demanding to know about Wayne, but he was also trying
8 to intimidate Alicia into telling her attorney to drop
9 the charge.

10 Now, when Alicia testified, she couldn't
11 remember every detail. It happened pretty fast. He
12 didn't hold her for hours on end. It also happened three
13 years ago, but she did remember one thing, one very
14 specific detail, and that was that Mr. Glover was wearing
15 socks on his hands while he was assaulting her.

16 Now, if Alicia was making the whole thing up,
17 why would she pick socks? Why not gloves? That seems to
18 make more sense, and when I asked her what kind of socks
19 he was wearing, she couldn't remember. If she was making
20 the whole thing up, why wouldn't she just make up the
21 kind of socks he had on his hands? But instead she said
22 she didn't know. She didn't remember.

23 Now, lucky for Alicia, after the defendant
24 was assaulting her, he thought he might have heard a
25 noise. He quickly told her she better not go to the

1 police. He wasn't finished with her that day.

2 He just got interrupted. He thought somebody
3 might have been coming into the house. He thought maybe
4 the alarm was going off, so he fled the scene. He just
5 didn't get a chance to finish what he started. She was
6 so frantic, Alicia was, that after the defendant left,
7 she actually had to drive across the street to her
8 friend's house.

9 Most people would think, oh, it makes sense
10 to walk across the street, the person is right, this not
11 too far away, but in her head, she was so frantic, so
12 scared, that she drove. If she was setting this whole
13 thing up, probably would have made a bit more sense to
14 run over there, but she wasn't thinking straight. She
15 had been hit in the head multiple times as she testified,
16 and the doctor testified yesterday that she did have a
17 closed head injury. You saw the cuts to her face. You
18 saw the bruises to her body.

19 She probably could have made up something a
20 little bit better had she been setting the whole thing
21 up. Maybe she could have planted some fingerprints,
22 pointed the police to something he had touched in the
23 past. Maybe she could have lured him into the open and
24 set the whole thing up so that there were more witnesses.
25 Maybe she faked her injuries so that they were worse, but

1 those things didn't happen because Alicia told you up
2 there what actually happened. Mr. Glover came into her
3 house, tied her up, and attacked her and beat her.

4 You guys also heard from Wayne Wood, kind of
5 helped establish the timelines that he came over to
6 Alicia's house midmorning. Alicia said they worked on
7 the stove. Wayne didn't really remember. He said he
8 might have. He knew he worked on it before. Keep in
9 mind this happened over three years ago. I know I don't
10 remember everything that happened even two weeks ago, let
11 alone three years ago. Memories just don't always work
12 that way.

13 Wayne told you they were there at the house a
14 little, then they went out to look at some homes in Goose
15 Creek, went and got some food at Sonic, and there is a
16 picture of the receipt. You can look at the receipt. It
17 says 12:08 is the time on it on the 23rd of November, but
18 Wayne wasn't there long. He told you he was planning
19 on -- he wasn't planning on leaving for the meeting
20 initially that he had at work. He forgot about it, and
21 then he went, Oh, my goodness. I need to get going to my
22 meeting. I need to leave at 1 o'clock.

23 So he left. They were previously hanging out
24 sitting in living room, just having lunch, just doing
25 things normal people do, but then he had to go, and he

1 did tell you that they spent the whole time in the living
2 room. They didn't go anywhere else in the house and to
3 any other rooms in the home or to the bathroom. They
4 didn't have any reason to go into another room.

5 You also heard from Carrie Voorhees, the
6 neighbor of Alicia. She told you that she was Court
7 ordered, she was subpoenaed to be here. She saw Alicia
8 that day. She talked about how Alicia drove over to her
9 house, how she thought what that was kind of strange
10 given how close they were. She described Alicia as
11 crying, bleeding. She could barely walk. Carrie had to
12 help her inside of the house. Carrie did have a little
13 bit of confusion on the date of her statement. She
14 wasn't sure -- in her statement she said November 21st.
15 At the top of the statement it said November 23rd.

16 People write down the wrong date all the
17 time. We're two weeks into the new year, and I'm still
18 writing 2013, but everybody else established that the
19 incident did occur on November 23, 2010.

20 Next you heard from Melissa Craven. I'm
21 going through all these because we did hit several
22 witnesses in one day yesterday, so it helps to review.

23 Melissa Craven is the victim advocate with
24 the solicitor's office, and she told you she wasn't
25 expecting the call from Alicia that day. The defense may

1 try to make a big deal that Alicia reached out to the
2 victim advocate to tell her what was going on, but the
3 police were already on their way.

4 Carrie stated she had a neighbor call 911,
5 and then Carrie brought Alicia into her house to help
6 clean her up some. Melissa told you when she answered
7 the phone all she heard was screaming and crying, and
8 then she realized it was Alicia on the other end. She
9 finally recognized the voice, and it sounded to Melissa
10 that Alicia's jaw was broken. She could barely
11 understand her.

12 To Melissa, Alicia's behavior on the
13 photograph was unusual. She said Alicia was typically
14 pretty calm, but she wasn't that day when she called her,
15 and you guys saw her on the stand. She didn't come off
16 as the most emotional of people. Then we heard from
17 Keisha Davis, who is Alicia's sister, younger sister.
18 When she was talking to Alicia on the phone, everything
19 was normal.

20 Apparently, though, genius that Alicia is,
21 she planned to call her sister ahead of time to set
22 things up. How preposterous is that?

23 They were talking about Thanksgiving, just
24 having an average conversation that sisters do,
25 especially close to the holidays. And Keisha told that

1 she didn't really think anything of it when Alicia got
2 off the phone. She just said, Oh, well, she didn't call
3 me back. Sometimes people don't call you back all the
4 time.

5 Unfortunately for Keisha, though, the next
6 time she saw her sister was that evening. She was beaten
7 up, bruised. She said she was sad, upset.

8 Then we moved on to showing you guys the
9 police, having the police on the stand. You first heard
10 from Officer Midgett, Sarah Midgett. She was the first
11 responder. She was the first one on the scene. She's
12 the one that took the first pictures of Alicia, the
13 house. She took statements from the witnesses. She went
14 and saw the abandoned house that was next door where
15 apparently it wasn't so abandoned because it was quite
16 obvious that there was somebody living in there.

17 Officer Midgett went to the house,
18 photographed it, Alicia's house, and photographed it
19 exactly how she saw it. She photographed the back door,
20 the back door wide open, the window there. And Midgett
21 testified that the window was unlocked. You can't see in
22 the picture because there is a curtain in the way, but
23 Midgett told you the window was unlocked. Alicia told
24 you the window was unlocked when she checked it.

25 Also, Alicia told you that Mr. Glover ran out

1 of the back door. She only knew that because the door
2 bells from her alarm system. She could tell the
3 difference between the front door and the back door with
4 the number of beeps, so she knew it was the back door.
5 Lo and behold, the back door is open.

6 Officer Midgett, like I said, took several
7 pictures of Alicia. Took a picture of her face. This is
8 a little bit after she was cleaned up by Carrie, still
9 bleeding from the cut to her eye. She also took pictures
10 of Alicia's blouse when they were at the hospital and
11 showed that it was torn from the struggle between Alicia
12 and Michael.

13 You saw the pictures of the phone. Now, the
14 defense asked Officer Midgett at one point about foot
15 impressions, did she take foot impressions. Well, what
16 did Officer Midgett say? Well, there wouldn't have been
17 any foot impressions because there was a cement back
18 patio and then there was grass. She didn't see anything
19 like that.

20 She also told you she heard the voicemails
21 that Alicia was talking about from Mr. Glover, that
22 Mr. Glover talked about how he had been in her house, how
23 he was messing around with the appliances, calling her
24 names.

25 Who else is going to call her a slut, be mad

1 that she's there -- Alicia is there with another man?
2 Probably her estranged husband. You next heard from
3 Investigator Herriott who collected the belt that was
4 used to tie Alicia up to the bunk bed. Now, the defense
5 made a big deal about the lack of fingerprinting and
6 DNA evidence.

7 First of all, let's state this: The police
8 aren't the ones that are on trial. Mr. Glover is.

9 The defendant lived in the house at one point
10 in time, though, so Herriott told you you can't time
11 stamp fingerprints or DNA. It would have been useless
12 for them to try because even if they had found them, he
13 couldn't have said when he was in there, just at some
14 point in time he was there.

15 Plus, if you'll remember, Alicia said the
16 defendant was wearing socks at the time of the assault.
17 You're not going to get fingerprints through socks.
18 Touch DNA, from wiping off on stuff, isn't going to come
19 off if he's got socks over his hands.

20 When you're back there, you'll have the
21 evidence back there in the jury room with you, and when
22 you're back there, take a look at the belt. Feel free to
23 pull it out, get a closer look at it, but you'll see that
24 it was -- it still has the loop at the end where Alicia
25 pulled it off. That loop is still intact, and, also,

1 Officer Midgett did take a photograph of Alicia's wrist
2 because she noticed redness there from Alicia pointing it
3 out. She pointed out a little scratch on her wrists had
4 been from sliding the slide, the loop, over her wrist so
5 she could flee her house.

6 When you're back there looking at the photos,
7 you'll see the mattress is askew in Alicia's bedroom.
8 Alicia told you there was a struggle in the bedroom. He
9 threw her around. She hit the wall at one point, threw
10 her to the ground. She said it wasn't like that earlier
11 in the day. I don't think most people would keep their
12 mattresses off kilter like that on a regular basis. Just
13 remember, this isn't like the movies or CSI where you're
14 going to have the perfect handprint on a doorknob.

15 I don't know how many of you watch CSI or
16 NCIS, but there is one piece of dirt that somebody
17 manages to find that is found outside the suspect's
18 grandmother's house and somehow manages to link the
19 suspect to that. Real life doesn't work like that.

20 You also heard from Deputy Ayende. He didn't
21 do a lot in this case. He was there to serve an arrest
22 warrant. The defendant, he fled the scene; officers
23 drafted a warrant; Ayende got a call that there was a
24 warrant to serve. He went to the North Charleston
25 substation to serve it.

1 I believe defense asked him about pictures of
2 knuckles. Well, Alicia said that Mr. Glover was wearing
3 socks at the time, but think about it: There's some
4 padding there. There wouldn't necessarily be abrasions
5 to his knuckles anyway.

6 Ayende did do one thing, though: He took the
7 defendant's messenger bag into evidence. He was
8 searching for weapons when he inventoried the bag, making
9 sure that there was nothing in there that was dangerous
10 or, as he said, illegal in there, and he didn't know
11 anything about the case when he was searching the bag.
12 He was just more trying to make sure everything was okay.

13 But that bag brings us to one discovery that
14 came a little bit later, and that's the women's underwear
15 found in the bottom of the bag. Ayende secured the bag
16 into evidence. He stated it wasn't tampered with.

17 You heard a lot of testimony from Erin Meyer
18 about the evidence compound being secure, and what Erin
19 actually told you it was only later when our office,
20 solicitor's office, went to look at the evidence that she
21 saw the underwear in there. She didn't have any
22 involvement in the case prior to that time, but she
23 realized when she saw that underwear that it could have
24 been a potential evidentiary value.

25 She went so far as to have the victim

1 identify them. The victim ID'd them, but Erin went one
2 step further, and she sent the underwear to SLED for
3 DNA testing to try to determine whose underwear that was,
4 and the DNA did come back to Alicia. The probability was
5 more than the number of the people on the planet, if you
6 recall Lilly Gallman's testimony, so it was her
7 underwear, Alicia's underwear, in the defendant's bag
8 when the defendant was arrested.

9 His messenger bag, even though they had been
10 estranged for months, and it's true, what Herriott said.
11 You can't time stamp DNA; however, you'll have that bag
12 back in the jury room with you, and take a look in it.
13 See if there are any other items in it. See if those
14 items seem like things that people would kind of have
15 sitting around in the bag. See if it makes sense that
16 that underwear was in there but for the defendant having
17 been in the victim's house.

18 Use your common sense and ask yourself if it
19 seems like he would have had those items for months on
20 end, for a year, since they have had been estranged that
21 long in a bag he had on his person when he was arrested?

22 Now, the defense would have you believe
23 Alicia Glover made this whole thing up, that she was the
24 only witness to her assault. Why wouldn't she be the
25 witness? Most people aren't going to attack somebody out

1 in the open. Wayne was in the house for a little while.
2 The defendant likely would have had to go through him had
3 he appeared while Wayne was still there. He didn't know
4 Wayne was going to be coming back with Alicia. The
5 defendant didn't know that he would be come being back to
6 the house with her ahead of time, so he had to wait until
7 Wayne left.

8 Alicia didn't orchestrate this crime. She's
9 a victim. She's a victim of criminal domestic violence
10 of a high and aggravated nature. She's a victim of
11 burglary in the first degree. She's a victim of
12 kidnapping.

13 Think about Alicia up on that stand. I urge
14 you to use your common sense and your life experience to
15 judge her credibility. Do you really think that she is
16 capable of planning all that it would take to set this
17 thing up? Don't believe the red herrings that the
18 defense will try to throw at you.

19 Now, I'm a big reader. I like classics. As
20 a kid, I would really read Jules Verne quite a bit, and
21 I'm not sure how many of you are familiar with it, 20,000
22 Leagues Under the Sea, the giant squid that attacks.

23 What does a squid do when it's scared? What
24 you think, to cloud and muddy the waters, to distract
25 from the truth, and that's what the defense is trying to

1 do here. They want to throw up all these other things to
2 distract you from what actually happened.

3 Don't be distracted. There are many things
4 that show that Michael Glover is guilty. There are the
5 cuts and the bruises, the stitches that Alicia received.
6 There is the belt that was recovered from the scene.
7 There is the fact that he had a pending charge of
8 stalking with Alicia as the victim at the time of the
9 case and that Alicia just happened to say he told her to
10 go to his attorney and drop the charge.

11 There are the phone calls that Officer
12 Midgett said that she heard. There's Alicia's demeanor
13 that all the other witnesses testified to at the time,
14 and there's that underwear in the bag.

15 So Michael Glover is charged with, first of
16 all, criminal domestic violence of a high and aggravated
17 nature. First of all, you have to commit criminal
18 domestic violence, and the judge will instruct you on the
19 law. If anything I say differs from what he says, follow
20 what he says.

21 But, first of all, criminal domestic violence
22 is -- it's causing physical harm or injury to a person or
23 household member or it's an attempt to cause physical
24 harm or injury to a person's own household member with
25 apparent present ability under circumstances reasonably

1 creating fear of imminent peril.

2 Now, criminal domestic violence of a high and
3 aggravated nature is all that stuff that I just said,
4 plus an assault and battery which involves the use of a
5 deadly weapon or results in serious bodily injury to the
6 victim, or an assault with or without an accompanying
7 battery, which would reasonably cause a person to fear
8 serious, imminent serious bodily injury or death.

9 I'm not sure that anybody is saying that she
10 suffered, that Alicia suffered a lot of serious injury
11 here. Thank goodness she didn't. Thank goodness Michael
12 Glover heard a noise and left before things got worse.

13 She did, however, suffer multiple bruises,
14 abrasions, cuts, a cut that was bad enough to need
15 stitches, and I submit to you that she reasonably feared
16 imminent serious bodily injury or death.

17 You heard that he was an amateur boxer. You
18 heard he had a pending charge with her at the time. You
19 heard that Alicia said that she thought he was going to
20 kill her.

21 Last element of criminal domestic violence of
22 a high and aggravated nature is that in order for this
23 statute to apply, the person has to be a household
24 member. The victim has to be a household member, and
25 South Carolina has very specific definition of what that

1 is.

2 Spouse, former spouse, if you live together,
3 you have kids together, basically, and they were married
4 at the time. They were estranged but they were married
5 and they're now divorced, they falls under the household
6 member statute.

7 Michael Glover is also charged with burglary
8 in the first degree, which states that a person is guilty
9 if the person enters a dwelling without consent and with
10 intent to commit a crime in a dwelling and, when in the
11 dwelling, he caused physical injury to a nonparticipant
12 in the crime. So Mr. Glover entering the house -- he
13 didn't have permission at the time to be there. Lots of
14 testimony has come out about that.

15 There was a stipulation you heard that he
16 didn't have permission to have contact with Alicia or to
17 enter the house. He came in, laid in wait, and he
18 assaulted her. He didn't have permission to be there.
19 That's burglary first degree.

20 Lastly, he's charged with kidnapping. It
21 says that anybody who unlawfully seizes, confines,
22 inveigles, decoys, kidnaps, abducts, or carries away any
23 other person by any means whatsoever without authority of
24 law is guilty of kidnapping.

25 When Michael Glover drags Alicia to their

1 children's bedroom, tied her up with that belt, he
2 confined her so that she couldn't run away, even if she
3 wanted to at that moment. That's kidnapping.

4 The judge will instruct you on reasonable
5 doubt. It's kind of an amorphus standard, but it's our
6 burden, the State's burden, to prove beyond a reasonable
7 doubt our case.

8 Now, reasonable doubt isn't beyond all doubt.
9 It's not beyond any doubt. I think death and taxes are
10 the only two things that we can actually be completely
11 certain of. If y'all knew everything in this case beyond
12 all doubt, you would be on the stand testifying. I would
13 have had you up there.

14 Reasonable doubt means that you are firmly
15 convinced of the defendant's guilt. Alicia Glover and
16 Michael Glover did get a divorce, years ago. She didn't
17 have to come to court yesterday and tell you what
18 happened back in 2010. If all she wanted to do was make
19 this whole thing up to get the kids in the house, she
20 didn't have to come to court yesterday. She's already
21 got the kid. She's already got her divorce.

22 She already got what she wanted, according to
23 the defense. Just think about that. Examine the
24 evidence, look at the pictures that you have up there,
25 and you'll see that on November 23rd of 2010, the

1 defendant did sneak into Alicia's house, tied her up,
2 beat her in an effort to intimidate her and maintain
3 control over a person who he was losing power over.

4 Remember, these domestic cases don't happen
5 out in the open. They happen behind closed doors. It's
6 not a brawl in the middle of the bar where there are a
7 whole bunch of people to see the incident. It's one
8 person attacking another when they are most vulnerable in
9 their home.

10 A person thinks they're safe in their home.
11 They think they can relax, put their feet up, not worry
12 about the dangers of the world. Well, Alicia couldn't.
13 She was most in danger in her home, and that's why I urge
14 you to find the defendant guilty.

15 Thank you.

16 THE COURT: Mr. Burke?

17 MR. BURKE: Thank you, Your Honor. May it
18 please the Court: No tentacles, no ink. We're not
19 20,000 leagues under the sea. This isn't a smoke screen.
20 This is about the evidence, and it's about the lack of
21 evidence.

22 The judge told you and the solicitor told you
23 that the final say on the law won't be the judge. He
24 will tell you what the standard is, but reasonable doubt
25 arises from the evidence that's been presented and from

1 the lack of evidence.

2 I'm going to take issue with three things
3 before I get into, I guess, what I would call my prepared
4 closing, three things that the solicitor addressed: The
5 criminal mastermind. She stated that Alicia is not a
6 criminal mastermind, which implicitly says that Michael
7 is suddenly a criminal mastermind, that he subverted an
8 alarm system and he gained entry into a house, laid in
9 wait, which is a wonderful movie scene, a man lying in
10 wait while his wife sits on the floor and watches a Medea
11 movie with another man, but he sat there quietly and did
12 nothing about it, because the criminal mastermind,
13 Michael Glover, had that type of restraint.

14 The solicitor also mentioned an abandoned
15 house. There's no connection to Michael. There's not
16 one iota of evidence that Michael was ever in that
17 abandoned house. Then she talked about what she says is
18 our theory, and she's right, it is our theory, that
19 Alicia Glover made up this story because she does have a
20 house. She does have the kids. She has all the personal
21 property, and until today, you had never seen this young
22 man in anything but pin stripes because she's had him
23 locked up.

24 She had him locked up once before on the
25 stalking charge. Never been found guilty of it, and,

1 clearly, he wasn't in jail, so the stalking charge
2 apparently wasn't working. Then he got arrested on
3 burglary, kidnapping, criminal domestic violence, high
4 and aggravated nature on November the 24th, 2010, and for
5 over 1,100 days he sat in that jail wearing that same
6 prison uniform, even went to his final divorce hearing in
7 that same prison uniform, where she walked away with the
8 house, the kids, the cars, all the personal property.
9 She even said he got nothing.

10 I'm going to be speaking more about that in a
11 moment. There is one image of all the images that you've
12 seen that I would like you to take a quick look at, and
13 we'll get back to it some more. You've seen a lot of
14 pictures of that home.

15 Personally, I would say that the home was in
16 disarray at best. It did not appear to be a kept home to
17 me, yet there's that receipt. Sitting there, with a
18 sticker, right out on the table. There are not a whole
19 bunch of other receipts around it.

20 In all the pictures that were displayed, you
21 didn't see any type of paperwork, receipts, anything
22 else, but there's that receipt, sitting out so
23 beautifully and wonderfully that a detective, a crime
24 scene investigator who did nothing in the world but take
25 photographs, said, That's a strange looking receipt, and

1 took a picture of it, with the time stamp and everything
2 else.

3 And I apologize for getting myself off track,
4 but now I'll move to what I intended to say originally as
5 it relates to this case.

6 The solicitor went through the testimony of
7 four people, and I would like to go through that
8 testimony.

9 The testimony of Alicia, Wayne, Keisha, and
10 Carrie, because they all told a story, and it was a
11 story. And the fact of the matter is that stories are
12 easy to remember three years ago, much harder to remember
13 when you're sitting in the stand.

14 Life is always easy to remember, because you
15 live it, especially the most traumatic day of your life.
16 So Alicia's theory, as we discussed, was that Michael got
17 around the alarm system. Now, she never mentioned
18 anything about that, no cut alarm system wires, no
19 Michael knew the pass code, no anything, just Michael
20 somehow magically, because nobody that the State offered
21 as a witness would tell you how Michael got into that
22 house.

23 So the State can't really put him in the
24 house. It's going to take a leap of faith. So if we
25 take that leap of faith and we say Michael's in the

1 house, he lies in wait. His wife's in the house with
2 another man. He lies in wait. They're lagging. He lies
3 in wait. Why did Alicia put him inside that house?
4 Because it is the easiest explanation she could give.

5 See, if she tells you that he came in after
6 Wayne left, chirp chirp, chirp chirp, back door, front
7 door, window, some door, there is an alarm system, so
8 he's got to be waiting. She just doesn't address how he
9 got past the alarm initially, but it's the keeper of the
10 two options, so she goes with it.

11 The solicitor had a slip of the tongue, and
12 I'll probably have one too at some point, so I'm not
13 going to harp on her about that, but she said Alicia
14 can't remember anything, all the details. She had it
15 right the first time. Alicia can't remember any of the
16 details, and I'm talking about simple details.

17 Socks: What color were the socks? She
18 couldn't remember what color the socks were. She
19 couldn't remember when the socks came off. She
20 supposedly was hit, hit, hit, kicked, kicked, kicked,
21 tied up, and can't, in her imagination, remember what
22 color the socks were.

23 When I was questioning her, I purposely
24 called them gloves. Not once did Alicia say, No, sir.
25 Socks.

1 She just responded back gloves, and I would
2 say, You meant socks, right?

3 And she would say, Yes, the socks.

4 It is hard to remember a story. She couldn't
5 remember if he had on socks while she was tied up. I
6 would imagine that it is very difficult to tie up that
7 little brown belt to a bed post with little sock hands.
8 It almost sounds ludicrous.

9 I'm going to be speaking a little bit more in
10 detail about these panties, but mind you that Alicia
11 never once mentioned any panties when she was on the
12 stand. Where did the panties come from? Nobody
13 whatsoever said they came from November 23rd, 2010.

14 You're also going to see, according to the
15 solicitor, a lot of Michael's other items that were in
16 there, in that bag, in that secured evidence room, for
17 two years, sitting around with those panties, and yet
18 SLED, state law enforcement division, couldn't find a
19 drop of his DNA on them.

20 So not only does Deputy Ayende not even find
21 them two years previously, but when they are found, and
22 they had been smothered in his stuff for past two years,
23 there is not a stitch of his DNA on it. It just doesn't
24 make sense. It requires a leap of faith.

25 You saw several wounds on Alicia. You saw

1 the photographs of them. She comes out, someone goes to
2 hit her, (indicating), no bruising on her forearms, no
3 bruising on her hand. She's lying on the ground getting
4 kicked. No bruising on the forearms; no bruising on the
5 hands. How do we know that? Because a doctor testified.

6 What injuries did he testify about? He
7 testified about superficial laceration, superficial
8 laceration, an amateur boxer, even with sock hands,
9 superficial.

10 Superficial abrasions. No major injuries
11 from an amateur boxer. There's also, surprisingly, no
12 material from the sock hands in any of these cuts, no
13 transfer whatsoever. Picture Alicia sitting on the
14 stand. She testified yesterday. Picture her in her
15 glasses testifying on the stand.

16 Anybody who's been in a fight knows that even
17 if you surprise somebody, you're going to move a little
18 bit. Largest object in a fight. What does everybody in
19 a fight want to do? Break the nose. Nose doesn't have a
20 scratch on it. In her glasses, on the stand, in the
21 photographs, no scratches, no broken nose, no bloody
22 nose, just a superficial laceration.

23 Solicitor urged you to use your common sense,
24 and I agree with her. Use your common sense. Does an
25 amateur boxer beat a woman repeatedly and only manage

1 superficial lacerations?

2 Immediately after the alleged attack, she
3 drives over to Carrie's house. Now, she stated that she
4 couldn't drive for a month after the event, but
5 adrenaline being what it is, I guess she manages to drive
6 over to Carrie's house, whereas the solicitor said,
7 crying, shaking, pleading, could barely walk, so much so
8 that she hadn't dialled 911, but she made a phone call,
9 to her solicitor.

10 You've just been beaten up by your
11 ex-husband, or soon to be ex-husband, and the one phone
12 call you make, still fresh, police haven't even gotten
13 there yet, I'm going to call my solicitor. This is going
14 to do it.

15 Use your common sense. The one phone call
16 she made -- the victim's advocate, Mrs. Craven, and I
17 didn't remember this until it was testified that it
18 sounded like Alicia, when she was talking to her on the
19 phone, had a broken jaw.

20 I don't know if that part of the act
21 disappeared because Dr. Hayes doesn't mention anything at
22 all about her jaw. No jaw wound whatsoever, just a
23 supervision laceration.

24 He didn't notice anything wrong with her
25 speaking or anything else, so I guess at some point

1 between the sounding like they have a broken jaw and the
2 reality of a doctor's office, that symptom went away.
3 Use your common sense.

4 Then let's talk about Wayne. Wayne may or
5 may not have been there to fix the stove. I don't know.
6 Wayne wasn't there to fix the stove, but apparently
7 Alicia in her story felt that he was. Wayne also didn't
8 hear it, as loud as Medea may or may not have been
9 playing for the couple minutes before he realized he had
10 to get out of there real quick. He didn't hear the phone
11 ring, and, granted, he didn't hear any dialling, he says,
12 but he also didn't hear any speaking.

13 They were supposedly two voicemail messages
14 which he never heard, and we'll get into that in the
15 secured evidence room. They seem to walk off. Maybe
16 panties walk in; I don't know.

17 So Wayne doesn't hear a phone ring. Wayne is
18 a nurse. He's got knowledge of the injury. He's the
19 only person who, as you sit here today, knows for a fact
20 who was in the house on November 23rd, 2010 with Alicia.

21 The State couldn't put Michael Glover there,
22 absent his amazing ability to teleport there. The only
23 person in that house, for a fact, is Wayne.

24 Keisha, her sister, I'm going to address
25 Keisha here in a minute.

1 The solicitor already sort of hit on it, so
2 Keisha doesn't offer any evidence. She got up there and
3 she testified, but what did she know? She didn't tell
4 you anything except what Alicia told her, so I don't know
5 how much -- how beneficial she was. She did say
6 something on cross that was interesting though, is
7 that -- she didn't really speak to Carrie very much.

8 It's the middle of the day. This unknown
9 number calls her, and she answers it. Most people tend
10 to send unknown numbers to what you call a voicemail.
11 But on November 23rd, she took the phone call, she talked
12 to Carrie. Carrie took the stand, testified Alicia came
13 over. She's upset, she's crying.

14 The strange thing about both of them is
15 they're the only two statements other than Alicia's. You
16 saw us ask, you know, does this refresh your
17 recollection? Take a look at your statement.

18 They were the only people we did that to
19 because they were the only people that wrote statements.
20 Why in the world did both of them think it was November
21 21?

22 Now, I'm not foolish. We're not saying that
23 this happened November 21, we're not saying that the
24 alleged incident happened on November 21, but why did
25 both of them, independently and separately, write down

1 November 21?

2 Deputy Midgett. Deputy Midgett testified
3 there and offered us nothing new, just what Alicia told
4 us. Alicia told me Michael did it; Michael did it.
5 Guess I better get some warrants, have him arrested. No
6 fingerprints. No footprints. No manner of entry. No
7 DNA. No hair follicles, no evidence that anybody saw
8 Michael Glover in that neighbor in broad daylight.

9 Canvassed the area. Nobody sees him leaving
10 the neighborhood in broad daylight. No testimony that he
11 got his car, and we searched it. No testimony if he even
12 has a car. No testimony that we searched his residence
13 and found the socks, the missing journal. No photographs
14 of Michael's hands, knuckles, no allegation of any wounds
15 on Michael whatsoever.

16 Nothing to his chest, his arms, hands. No
17 blood splatter at the crime scene. An amateur boxer,
18 hitting her in the face. She's bloody. No drops, no
19 nothing, not even I got cut and a little droplet got on
20 the floor. Nothing.

21 And then Deputy Midgett listened to the
22 voicemails. The voicemails you never got to hear, the
23 voicemails. We don't know where they were. They were
24 locked in the secure evidence, secure evidence, and yet
25 they're lost.

1 Deputy Herriott, crime scene investigator, by
2 his on admission responsible for collecting evidence, and
3 you've got it all here, photographs. No photos of
4 Michael. He was arrested the very next day, the very
5 next day. Even if they would take photos of him and say
6 he doesn't have any injuries whatsoever, they did
7 nothing. He walked the residence. A crime scene
8 investigator, walking the whole yard, walking around,
9 taking pictures, even focuses on a window that is
10 allegedly opened, talks about a screen, doesn't tell you
11 if the screen fits the window, doesn't tell you if
12 there's any fingerprints on it, but he does tell you what
13 he didn't find.

14 He walked the whole perimeter of the building
15 and doesn't see any sign of entry of Michael Glover.
16 It's a leap of faith. How does Michael get in that
17 house? No tire tracks leaving the area, no neighbors
18 testifying they heard a car peel out, squeal out. No DNA.
19 No hair follicles, no DNA from Alicia's nails of her
20 alleged attacker, no DNA from Michael's nails of his
21 alleged victim. No testing of the brown belt.

22 I showed you the receipt. Look at the
23 receipt back there, neatly laid out. You see that little
24 sticker taken off of the bag, laid out. Where was the
25 bag? It would take a leap of faith on my part, but I

1 would assume the trash.

2 There's my time stamp. That's when I was at
3 Sonic. Deputy Ayende, he was the one that was in North
4 Charleston. North Charleston calls and says, Hey, we got
5 Michael Glover.

6 No report that Michael Glover was fleeing or
7 doing anything of that nature. Deputy Ayende transported
8 him to North Charleston, inventoried his belongings. No
9 burglary tools; no bloody socks; no missing journal;
10 certainly no mention of any panties. Puts it all into
11 evidence.

12 Then you have a series of law enforcement
13 people who testify, and they testify about the underwear.
14 Investigator Meyers sent it to the SLED agent and expert
15 witness Gallman.

16 I agree 100 percent with the prosecutor: The
17 underwear was Alicia's. We're not contradicting that
18 it's Alicia's. Our question is how in the world did it
19 sit in there for two years, undiscovered, roll around in
20 his bag prior to him being arrested, and not get any of
21 his DNA?

22 Most importantly, even if it's Alicia's
23 panties and they're in Michael's bag, nobody from the
24 State says how they got there or when they got there.
25 It's a leap.

1 The State's expert, Ms. Galloway {sic}, even
2 said that the type of DNA that they look for was
3 ownership, which she says is synonymous with touch DNA,
4 so if Michael possessed those panties the last 24 hours
5 prior to them being locked up, again, how is there no
6 DNA?

7 Dr. Hayes testified, and, again, superficial,
8 superficial, superficial, all from amateur boxer, so the
9 facts that you're left with is there is no physical
10 evidence tying Michael to the alleged scene of the crime.
11 The only physical evidence of an assault is superficial
12 wounds to Alicia, no defensive wounds to Alicia, which
13 would corroborate an assault. No physical evidence of
14 having committed an assault on Michael, no one even
15 interrogated, questioned, did anything to try to find out
16 about Michael Glover's guilt or innocence.

17 There wasn't a single detective that said, I
18 sat in there and I interrogated him and I questioned him,
19 nobody. Interestingly enough, the same people who never
20 questioned, interrogated, interviewed, did anything with
21 Michael never did it with Wayne either.

22 June 24, 2009, Alicia Glover files for
23 divorce. 17 months later, 17 months, that's a long time,
24 she is still not divorced. In January, she had Michael
25 arrested for stalking. He got out, fight goes on again

1 in a courtroom, and she is still not getting her divorce.

2 She gets him arrested, burglary, kidnapping,
3 CDV/HAN. He's locked away in the Charleston County
4 Detention Center. She gets her divorce four months later
5 and gets everything. That is motive.

6 I want to take exception with one last thing
7 that the solicitor said: The police are not on trial
8 here. Michael Glover is, and she's right. He is on
9 trial, and he deserves a fair trial. And just like an
10 adequate police investigation could have proven his
11 guilt, it could also prove his innocence. They didn't
12 have the common courtesy or the professionalism to do
13 their job. He's relying on today being the first day,
14 being 1,100 plus days that everyone does their jobs and
15 then he goes home.

16 He'll never go back to the life he had, but
17 he deserves to go home. He started this trial wearing
18 that same uniform that he's had on for 1100 days, and
19 today, for the first time, he's back in the clothes he
20 belongs in.

21 Remember what the judge said at the
22 beginning: Until you go back there and start
23 deliberating, Michael Glover is an innocent man, innocent
24 until proven guilty beyond a reasonable doubt. The State
25 does not even come close to proving his guilt beyond a

1 reasonable doubt. If anything, of they've shown his
2 innocence. I'm sure when you're through with
3 deliberations you're going to do what is right and just
4 in this case and find Michael Glover not guilty.

5 Thank you.

6 THE COURT: All right, folks. It's now my
7 duty to instruct you on the law as it applies to the
8 facts as you find them. I told you at the beginning of
9 the trial that you have a job and I have a job, and part
10 of my duty as a trial judge is to preside over the case,
11 make sure we follow the rules of procedure, rules of
12 evidence, that sort of thing.

13 But it is my job to charge you on the law on
14 the charges that have been brought in this case, and it
15 is your duty as jurors to accept this law as I now charge
16 it to you, and if you don't think this is what the law is
17 and what it ought to be and it doesn't agree with what I
18 told you, you must forget those ideas and, under the oath
19 that you took, apply the law as I now charge it to you.

20 I remind you that I told you you are the
21 judges of the facts. You are the sole judges of the
22 facts, and you determine how much weight to give the
23 testimony of any particular witness, how to judge
24 credibility of a witness.

25 You determine whether or not a witness has a

1 bias, a prejudice, or an interest in the outcome of the
2 case. You can judge things like appearance and demeanor
3 in the witness stand and reasonableness of a witness's
4 statement. You're not bound to decide this case based on
5 the number of witnesses produced. You can decide -- or
6 you can believe one witness over many or many over one.

7 You can decide to accept all of a witness's
8 statement or you can reject it entirely. You can accept
9 part of a witness's statement if you want and reject part
10 of it, and if you reject part of it, you can still accept
11 the remainder of a witness's statement.

12 I also talked to you about expert witnesses,
13 and I told that you we normally don't let people come in
14 and testify and give their opinion about things, but I
15 told you we made an exception for expert witnesses, and
16 those are people who because of education and specialized
17 training in a field are allowed to come in, be qualified
18 as experts within their field, and they can give you
19 their opinion and state the reasons for their opinions.

20 You alone decide how much weight to give an
21 expert's testimony, and you give it as much or as little
22 as you think it deserves. If you don't think it's based
23 on sufficient education or experience, or you conclude
24 that an expert's opinions aren't sound or that they're
25 outweighed by other evidence, then you can disregard an

1 expert's opinion entirely. You're not compelled to
2 blindly accept an expert's opinion.

3 You have the right to consider that testimony
4 in light of all the circumstances and evidence that
5 you've heard and give it such weight, if any, that you
6 think it is entitled to. I want to also remind you that
7 I've told you that the fact that a defendant was
8 arrested, charged, and indicted in this case is not
9 evidence in this case and cannot be considered by you as
10 evidence of guilt in this case. It doesn't create any
11 presumption of guilt or any inference of guilt.

12 The indictments that were brought are simply
13 the formal written unless instruments that contain the
14 charges. It gives the Court jurisdiction, and it
15 notifies the defendant of what the charges are that he is
16 to stand trial for. I told you that the defendant pled
17 not guilty to those charges, and that plea cast the
18 burden on the State to prove the defendant's guilt to the
19 12 of you beyond a reasonable doubt.

20 A person in South Carolina and in all of the
21 United States is never required to prove his innocence.
22 This is an important rule of law in this country. The
23 defendant in a criminal trial will always be presumed to
24 be innocent of the crime that he is indicted for unless
25 and until his guilt has been proven by satisfying you of

1 his guilt beyond a reasonable doubt.

2 This presumption of innocence is not a mere
3 legal theory. This isn't just a legal phrase. This is a
4 substantial constitutional right that every defendant is
5 entitled to. This presumption of innocence accompanies
6 the defendant from the time he is charged throughout the
7 trial and until you reach a verdict based upon evidence
8 satisfying you of guilt beyond a reasonable doubt.

9 I also instruct you and I want to emphasize
10 that the fact that the defendant did not testify is not a
11 factor to be considered by you in any way in your
12 deliberation and your consideration on the question of
13 the guilt or innocence of the defendant.

14 This is not to be considered by you in any
15 manner whatsoever. A defendant has a constitutional
16 right to remain silent. Any assertion of this right must
17 not be considered by you in your deliberations. I repeat
18 that under your oath, you are to draw no conclusions
19 whatsoever from the fact that the defendant in this case
20 did not testify.

21 The fact that the defendant did not testify
22 should not even be discussed in the jury room. The
23 burden of proof, as I have stated to you, is on the
24 State. The defendant is not required to prove his
25 innocence. The burden of proof remains on the State to

1 prove guilt beyond a reasonable doubt.

2 So what is reasonable doubt? Some of you, as
3 I explained earlier in the trial, may have served as
4 jurors in civil cases where you were told it's only
5 necessary to prove that a fact is more likely true than
6 not true, such as by the greater weight or the
7 preponderance of the evidence.

8 In criminal cases, the State's proof must be
9 more powerful than that. It must be beyond a reasonable
10 doubt. Proof beyond a reasonable doubt is proof that
11 leaves you firmly convinced of the defendant's guilt.
12 There are very few things in this world that we know with
13 absolute certainty, and in criminal cases, the law does
14 not require proof that overcomes every possible doubt.

15 If, based on your consideration of the
16 evidence, you are firmly convinced that the defendant is
17 guilty of the charges, then you must find the defendant
18 guilty. If, on the other hand, you think there is a real
19 possibility that the defendant is not guilty, then you
20 must give the defendant the benefit of the doubt and find
21 him not guilty.

22 A reasonable doubt may arise from the
23 evidence that's been presented in this case or from the
24 lack of evidence in this case. You alone are the sole
25 judges of the facts of this case. You alone must make

1 the decision as to whether or not the State has proven
2 him guilty beyond a reasonable doubt.

3 Now, in a trial, there are two types of
4 evidence, direct evidence and circumstantial evidence.
5 Direct evidence proves the existence of a fact and does
6 not require deduction. Circumstantial evidence is proof
7 of a chain of facts and circumstances that indicate the
8 existence of a fact. Crimes may be proven by
9 circumstantial evidence. The law makes no distinction
10 between the weight or value given to either direct or
11 circumstantial evidence.

12 However, to the extent that the State relies
13 on circumstantial evidence, all of the circumstances must
14 be consistent with each other, and when taken together
15 point conclusively to the guilt of the accused beyond a
16 reasonable doubt. If these circumstances merely portray
17 the defendant's behavior as suspicion, then proof has
18 failed.

19 The State has the burden, again, of proving
20 guilt beyond a reasonable doubt. This burden rests with
21 the State regardless of whether the State relies on
22 direct or circumstantial evidence or some combination of
23 the two.

24 Now, there are three charges that I want to
25 explain to you what the State must prove the elements of.

1 The first charge is for burglary in the first degree, and
2 I want you to remember that you consider each of these
3 charges separately. All right? So you can find the
4 defendant guilty or not guilty of each charge
5 independently of what you find on the verdict of the
6 other two charges.

7 All right? So the first charge to go over
8 with you is burglary first degree. First of all, the
9 State must prove beyond a reasonable doubt that the
10 defendant entered a dwelling without consent. A dwelling
11 is any building or portion of a building in which a
12 person ordinarily sleeps. A building constructed as a
13 dwelling that has never been occupied cannot be
14 considered as dwelling for purposes of the burglary, but
15 a building is a dwelling, even if the residents are
16 temporarily absent from the building.

17 In order to prove that the defendant entered
18 the dwelling, the State does not have to show that the
19 defendant's entire body entered the dwelling. The
20 smallest entry is sufficient. It may be any part of the
21 body, such a hand or a foot, or even an instrument, such
22 as a hook or other instrument. In addition, the State
23 does not have to prove that force was used to gain entry.

24 If a person enters a building using
25 deception, artifice, trick, or misrepresentation to get

1 consent to enter, this is an entry without consent.

2 Next, the State must prove beyond a reasonable doubt that
3 the defendant intended to commit a crime, either a felony
4 or a misdemeanor, at the time of the injury.

5 Mere entry into a dwelling without consent is
6 not burglary. If the intent to commit a crime is formed
7 after the entry, it's not burglary. On the other hand,
8 if the defendant intended to commit a crime at the time
9 of the injury, it is burglary, even if the intent was
10 abandoned after the entry.

11 It does not matter that the intended crime
12 was not completed. Intent may be shown by facts and
13 conduct of the defendant and other circumstances from
14 which you may naturally and reasonably infer intent.

15 And, finally, the State must prove beyond a
16 reasonable doubt that while entering, while in the
17 dwelling, or when fleeing, the defendant or an accomplice
18 caused physical injury to someone not participating in
19 the crime. That is what the State must prove for the
20 charge of burglary first degree.

21 Next, you consider the charge of kidnapping,
22 and, again, your verdict on this is separate and
23 independent of what your other two charges are. To prove
24 kidnapping, the State must prove beyond a reasonable
25 doubt that the defendant knowingly and unlawfully seized,

1 confined, inveigled, decoyed, kidnapped, abducted or
2 carried away another person without authority of law.

3 To do a thing unlawfully is to do it
4 willfully against the law. Knowingly means knowledge, or
5 with knowledge; consciously, not accidentally. To seize
6 means to take hold of suddenly or forcibly. Confine
7 means to limit, restrict, or enclose within bounds, in
8 prison, or shut or keep in. Inveigle means to lure,
9 entice, or lead astray by false representations,
10 promises, or other deceitful means.

11 Decoy means to lure by, as if by decoy. A
12 decoy is something to entice a person into a trap.
13 Kidnap is to remove a person against his will by unlawful
14 portion or by fraud. Abduct means to carry off secretly
15 or by force for an illegal purpose. Carry away means to
16 remove.

17 The State does not have to prove that the
18 defendant did all of these things. Instead, if you find
19 beyond a reasonable doubt that the defendant did any of
20 these things, you may find the defendant guilty of
21 kidnapping. Something that is done without authority of
22 law is something which the law does not sanction, permit,
23 allow, condone, or provide justification for.

24 The kidnapping does not have to be for any
25 personal or monetary gain or for any illegal purpose but

1 may be for any reason whatsoever.

2 Now, the final charge is for criminal
3 domestic violence of a high and aggravated nature. I'm
4 going to explain this to you this way: The State must
5 prove the elements of criminal domestic violence plus one
6 of two aggravating circumstances, all right?

7 So I'll first tell you what criminal domestic
8 violence is. Criminal domestic violence, to prove that,
9 the State must prove beyond a reasonable doubt that the
10 defendant caused physical harm or injury to a member of
11 the defendant's own household or that the defendant
12 offered or attempted to cause physical harm or injury to
13 a member of the defendant's own household with the
14 apparent present ability to cause harm or injury under
15 circumstances reasonably creating a fear of imminent
16 danger.

17 Law defines a household member as a spouse, a
18 former spouse, a parent, a child, a grandparent, a
19 brother or sister, a grandchild, a person with whom the
20 defendant has a child in common, and a person of the
21 opposite sex with whom the defendant is living or has
22 lived in the past.

23 Now, that is the charge of criminal domestic
24 violence. In order to prove criminal domestic violence
25 of a high and aggravated nature, the State must not only

1 prove what I just told you, but they also have to prove
2 that there was an assault, which involves the use of a
3 deadly weapon or results in serious bodily injury to the
4 victim, or that there was an assault with or without
5 accompanying battery which, would reasonably cause a
6 person to fear imminent, serious bodily injury or death.

7 All right? So that is what the State must
8 prove for criminal domestic violence of a high and
9 aggravated nature. Criminal domestic violence, plus one
10 of those two aggravators that I just told you about.

11 Now, as to the charge of criminal domestic
12 violence of a high and aggravated nature, again, you
13 consider that separately of the two other charges. In
14 addition, if you do not find the defendant guilty of
15 criminal domestic violence of a high and aggravated
16 nature, you may then consider whether or not he is guilty
17 only of the charge, lesser included charge, of criminal
18 domestic violence, which would be the first part that I
19 told you about without one of the two aggravators. Okay?

20 So your choices for burglary first are guilty
21 or not guilty. All right? Your choices for kidnapping
22 are guilty or not guilty. On criminal domestic violence,
23 your choices of criminal domestic violence of a high and
24 aggravated nature, first, you determine guilty or not
25 guilty of that charge. If you find guilty of that

1 charge, you stop considering anything having to do with
2 that charge.

3 On the other hand, if you find him not guilty
4 of criminal domestic violence of a high and aggravated
5 nature, you then consider the lesser included charge of
6 just criminal domestic violence, and your choices on that
7 would either be guilty or not guilty. But you only
8 consider just criminal domestic violence if you find him
9 not guilty of criminal domestic violence of a high and
10 aggravated nature.

11 So on the verdict form, Madame Foreman,
12 you'll find on this back part where the red stamp is,
13 this is the indictment for burglary first. Your choices
14 are guilty, not guilty. You write whichever the jury
15 unanimously decides, sign it, and date it. Then you go
16 on to the charge of kidnapping. Whatever the jury
17 unanimously decides, guilty or not guilty, you write it
18 underneath there, sign it and date it.

19 On criminal domestic violence of a high and
20 aggravated nature, there's that same block. If you find
21 guilty, you write that down. If you find not guilty, I
22 want you to write not guilty of CDV HAN, CDV of a high
23 and aggravated nature, then I want you to put what your
24 verdict is for criminal domestic violence underneath
25 that, and that would either be guilty or not guilty, so

1 if you find guilty of CDV, you would put guilty of CDV.
2 If you find not guilty of CDV, write not guilty of CDV.
3 But, again, you only consider just CDV if you find he's
4 not guilty of CDV/HAN or criminal domestic violence of a
5 high and aggravated nature.

6 Okay, folks. I'm going to send you back
7 right now. Don't begin your deliberations for just a few
8 minutes until I send word back with the bailiff. I want
9 to give the lawyers the opportunity to tell me I
10 misspoke. Then we get the evidence together and send it
11 back with you. Once you get your evidence and the word
12 from the bailiff that said you can begin your
13 deliberations, then you begin your deliberations, but
14 just hold off for a couple of minutes, all right? You
15 can decide -- it's 11:20 right now. If you want us to
16 order you lunch, why don't you go ahead and discuss that.
17 They have a little place next to the courthouse.

18 So you can be thinking about whether or not
19 we want you to order lunch, and we'll get those orders
20 together for you, so we'll see you in a couple of
21 minutes. Thank you for your patience.

22 (In open court, jury not present.)

23 THE COURT: Anything from the State?

24 MS. BALDWIN: Nothing from the State.

25 THE COURT: From the defense?

1 MR. BURKE: Nothing from the defense, Your
2 Honor.

3 THE COURT: All right. Make sure we got
4 everything in, and then I'll tell them they can begin
5 deliberations.

6 (Jury begins their deliberations at 11:26
7 a.m.)

8 THE COURT: I understand we have a verdict.
9 Let the record reflect the defendant is in the room.
10 Okay. Bring the jury in.

11 (In open court, jury present at 3:40 p.m.)

12 THE COURT: All right. Madame Foreman, I
13 understand the jury has reached a verdict; is that
14 correct?

15 THE FOREPERSON: That's correct.

16 THE COURT: Is it unanimous as to each
17 indictment?

18 THE FOREPERSON: Yes.

19 THE COURT: Would you hand it to the bailiff,
20 please. All right.

21 The defendant will stand. On indictment
22 2011-GS-10-913, State of South Carolina versus Michael
23 Anthony Glover, burglary first degree, the verdict of the
24 jury is guilty. Indictment 2011-GS-10-916, indictment is
25 for kidnapping. The verdict of the jury is guilty. And

1 indictment 2011-GS-10-915, indictment for criminal
2 domestic violence of a high and aggravated nature, and
3 the verdict for criminal domestic violence of a high and
4 aggravated nature is guilty. All right. You may be
5 seated.

6 Do you wish to have the jury polled?

7 MR. BURKE: Yes, Your Honor.

8 THE COURT: All right. Clerk, poll the jury.

9 THE CLERK: Ladies and gentlemen: Whenever I
10 call your juror number, if you could, please raise your
11 hand to signify that is you. I'm going to ask you two
12 questions. Please respond to each question
13 appropriately.

14 Starting with Madame Forelady, juror 292, is
15 this your verdict?

16 THE JUROR: Yes.

17 THE CLERK: Is it still your verdict?

18 THE JUROR: Yes.

19 THE CLERK: Thank you, ma'am. Juror number
20 355, is this your verdict?

21 THE JUROR: Yes.

22 THE CLERK: Is it still your verdict?

23 THE JUROR: Yes.

24 THE CLERK: Thank you. Juror 340, is this
25 your verdict?

1 THE JUROR: Yes.

2 THE CLERK: Is it still your verdict?

3 THE JUROR: Yes, sir.

4 THE CLERK: Thank you. Juror 375, is this
5 your verdict?

6 THE JUROR: Yes.

7 THE CLERK: Is it still your verdict?

8 THE JUROR: Yes.

9 THE CLERK: Thank you. Juror 53, is this
10 your verdict?

11 THE JUROR: Yes.

12 THE CLERK: Is it still your verdict?

13 THE JUROR: Yes.

14 THE CLERK: Thank you. Juror 71, is this
15 your verdict?

16 THE JUROR: Yes.

17 THE CLERK: Is it still your verdict?

18 THE JUROR: Yes.

19 THE CLERK: Thank you. Juror 287, is this
20 your verdict?

21 THE JUROR: Yes.

22 THE CLERK: Is it still your verdict.

23 THE JUROR: Yes.

24 THE CLERK: Thank you. Juror 348, is this
25 your verdict?

1 THE JUROR: Yes.

2 THE CLERK: Is it still your verdict?

3 THE JUROR: Yes.

4 THE CLERK: Thank you. Juror 46, is this
5 your verdict?

6 THE JUROR: Yes.

7 THE CLERK: Is it still your verdict?

8 THE JUROR: Yes.

9 THE CLERK: Thank you. Juror 193, is this
10 your verdict?

11 THE JUROR: Yes.

12 THE CLERK: Is it still your verdict?

13 THE JUROR: Yes.

14 THE CLERK: Thank you. Juror 308, is this
15 your verdict?

16 THE JUROR: Yes.

17 THE CLERK: Is it still your verdict?

18 THE JUROR: Yes.

19 THE CLERK: Thank you. Juror 230, is this
20 your verdict?

21 THE JUROR: Yes.

22 THE CLERK: Is it still your verdict?

23 THE JUROR: Yes.

24 THE CLERK: Thank you. Your Honor, the jury
25 has been polled, and the verdict stands.

1 THE COURT: All right, folks. I want to
2 thank you for your service on the jury this week. It's
3 always a new learning experience, and I gather you
4 probably learned something new about our criminal justice
5 system this week.

6 We cannot do this without you, and it
7 requires that you come in, displace yourself from your
8 normal activities, and concentrate on what we present to
9 you in the courtroom. We ask that you listen, that you
10 take the law and you go back and deliberate, and that's
11 clearly what you did.

12 It's not one of these verdicts that came back
13 in 15 minutes. It's been several hours, and to me that
14 indicates that you took your oath very seriously, had a
15 full and frank discussion, and came up with a verdict,
16 and I appreciate that. We can't ask you to do anything
17 more than your duty, and that's what you've done.

18 I do hope that you have enjoyed the
19 experience, and I do hope that you will look upon it
20 favorably, and I hope that you will keep in mind what I
21 said the first of the week. I can't remember if I told
22 y'all or not because I didn't qualify the jury, but I
23 often tell juries when I'm qualifying them that I know a
24 lot of times they consider jury service a burden and a
25 hardship sometimes, and I understand all that, but this

1 is a privilege to serve on a jury.

2 This is something that we take for granted
3 because we do it week in, week out. I'm already on my
4 second trial while you guys are out and we kind of take
5 it for granted because we do it all the time, but people
6 all over the world really wish they had this right, and
7 there are probably less than dozen countries around the
8 world where the people have a right to a jury trial,
9 where the government accuses them of a crime employees
10 like myself aren't the ones to make a decision.

11 People that have no connection to the case
12 and have nothing to do with the government, at least as
13 far as making this kind of decision, come in and make the
14 decision as to whether or not the State has met their
15 burden, and so it's special, what you've done, and I hope
16 that you will remember that in that light.

17 You have participated in your government this
18 week. We often only get to pay taxes and vote, is about
19 the extent that most people have with the interaction of
20 their government, but you were part of the judicial
21 branch this week and that is an important job and you
22 clearly took it seriously, and that is what we ask.

23 So I want to thank you for your service now.
24 We are -- I'm finishing -- well, we are getting ready to
25 start another trial, so we will proceed on with that, but

1 we won't be drawing any more jury trials this week.

2 The civil side, the ones that they are doing
3 right now will finish out, so we won't need you to call
4 the telephone number anymore or come back. You're
5 welcome to come back and watch any other ones. Like I
6 said, we're getting ready to start another one. We were
7 doing some pretrial stuff while you all were
8 deliberating, but we're getting ready to start that in a
9 few minutes, but after you go back and get your
10 belongings, you are free to go. All right?

11 Thank you very much.

12 (Jury dismissed.)

13 All right. Well, we'll move on to sentencing
14 now. Do you have any motions you want to make before we
15 go there?

16 MR. BURKE: Not at this time, Your Honor.

17 THE COURT: All right. Is there anything
18 that the State would like to tell me before sentencing?

19 MS. BALDWIN: Your Honor, you've heard all of
20 the facts of the case. Just reading his record, he has a
21 1995 DUS; 1997 fraudulent check, five counts of that;
22 1998 false information; 2000, a DUS; 2001, receiving
23 stolen goods, \$1,000 to \$5,000; 2003, DUS third or more;
24 2009, DUS; 2010, false information, CDV first with the
25 same victim, Ms. Glover, receiving stolen goods, and a

1 DUS.

2 We've asked the victim if she would like to
3 address the Court, and she would not. You heard her
4 testimony on the stand, Your Honor.

5 THE COURT: Is the State making any kind of
6 recommendation?

7 MS. BALDWIN: We'll leave it in your
8 discretion, Your Honor. Just take into account all the
9 facts and circumstances that you heard.

10 THE COURT: Mr. Burke?

11 MR. BURKE: Thank you, Your Honor.

12 Your Honor, I was appointed to represent
13 Michael back in August, and I spent a fair amount of time
14 with him at the jail, and, you know, the jury has come
15 back with their verdict. That obviously doesn't change
16 how anybody at this table feels.

17 Mr. Glover was adamant the whole time about
18 his innocence. I don't believe at this time that he's
19 going to change the fact that he's innocent of the crimes
20 he's accused of. As you said, the jury has found him
21 guilty, and we can't undo that at this time.

22 He has been incarcerated for the past, as I
23 said a few times during the trial, 1,100 days, Your
24 Honor. He has lost everything as a result of these
25 charges, and I'm sure his life is going to continue on

1 obviously, from the detention center, and from the South
2 Carolina correctional facility that he may be housed in,
3 but 15 years to life, he has a lot of life left in him.
4 He still has the stalking allegation charge ahead of him.

5 I don't know if Michael wishes to address the
6 Court but he's never been anything but nice and wonderful
7 and courteous to me, highly intelligent. The discussions
8 that we have had, at times he almost speaks as if he or
9 his knowledge of the law and his analysis of evidence
10 against him.

11 Your Honor, obviously, you have a wide range
12 of discretion, and with 15 being the minimum, we would
13 ask that Michael be sentenced to something that would
14 allow him to come out at some point and have a life left.

15 THE COURT: You want to say anything,
16 Mr. Glover?

17 THE DEFENDANT: No, sir.

18 THE COURT: Does anybody want to say anything
19 on his behalf?

20 Yes, sir, your name?

21 THE WITNESS: Damien Scott Lancaster, sir.
22 I'm Michael Glover's brother, sir.

23 THE COURT: All right.

24 THE WITNESS: Sir, I would like to say my
25 brother is an outstanding citizen, sir, and I truly do

1 believe, even what he stated, that he is innocent, so
2 that is all I would like to say, sir.

3 THE COURT: Okay.

4 THE WITNESS: And I'm his mother.

5 THE COURT: Yes, ma'am. Your name?

6 THE WITNESS: I'm Mary Pinckney, and I thank
7 the Lord for my son and I thank him for my
8 ex-daughter-in-law, Alicia, and they have six children
9 together, and if he is saying he's innocent and I'm
10 standing here and I know I believe in him, and I just ask
11 the Court to have mercy on him.

12 He done been in there since 2010. It's now
13 2014, and I don't see the children at all since 2010, and
14 I just ask the Lord to keep him and know Jesus love him
15 and he will take care of him and you have mercy on his
16 soul, please.

17 THE COURT: Anyone else? You can sit down.

18 All right. Do you have any sentencing
19 sheets?

20 MS. BALDWIN: Yes, Your Honor.

21 THE COURT: All right. Mr. Glover, the thing
22 that is troublesome to me in many respects in this case
23 is, obviously, you are a man who cannot control your
24 abilities to think clearly with regards to your separated
25 wife. The amount of harassing activities that you had

1 leading up to this brought upon a lot of your
2 difficulties, but you are clearly, as far as I'm
3 concerned, in command of your ability to assist your
4 lawyer in this case.

5 It's not that kind of loss of mental
6 facilities I'm talking about, I'm just saying you let it
7 get you, and whatever you got in your head about your
8 wife, either not being able to love you anymore or you
9 got in your head that you thought she was with somebody
10 else, I don't know. There's nothing in the record to
11 indicate to me that she was seeing anyone else. That
12 question wasn't asked of Mr. Wood. He didn't appear to
13 be anything other than a friend, but what really, truly
14 disturbs me about your conduct, totally aside from all
15 that harassing, texting, phone calls that led up to the
16 day in question is that there's clear evidence to me that
17 you were lying in wait on this, and even more disturbing
18 to me is that when this activity was going on when you
19 were hitting her and tying her up, that it was going to
20 probably end up a lot worse had you not heard something
21 that spooked you and caused you to run off from the
22 premises.

23 For that, I really don't have any doubt
24 whatsoever. It was going to get a lot worse. However,
25 you're not charged with what you didn't do, you're

1 charged with what you did, and to me, what you did was
2 planned. You had premeditation. You had lying in wait,
3 and you had the intent to cause great bodily harm to your
4 now ex-wife. She needs to be protected from you for a
5 while.

6 On the burglary charge and on the kidnapping
7 charge, I'm sentencing you to 20 years in the Department
8 of Corrections. On the CDV/HAN, the maximum is ten.
9 Those will run concurrent. Good luck to you. Give you
10 credit for time served.

11 - - -

12 (Whereupon, the proceedings were concluded.)

13 - - -

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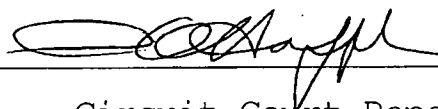
24

25

I, the undersigned Amanda K. Haffenden, RPR, CRR, Official Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Charleston County, South Carolina, on the 15th of January 2014.

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

April 6, 2014



Circuit Court Reporter

WITNESSES

JAMES B. PERKINS
Charleston County Sheriff

AGENCY CASE NUMBER

2010020123B

ARREST WARRANT NUMBER

K684369

DATE OF ARREST

November 24, 2010

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: FEB 07 2011

VERDICT

CDV HAN - Guilty

Foreperson of Petit Jury

Date:

INDICT.DOT

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

February Term 2011

THE STATE

vs.

10-6156 (02)

MICHAEL ANTHONY GLOVER

DOB:

B/M

Indictment for

Criminal Domestic Violence Of A High And
Aggravated Nature

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P. & S. & F.C.
By: *Julie J. Armstrong*
DEPUTY CLERK

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)

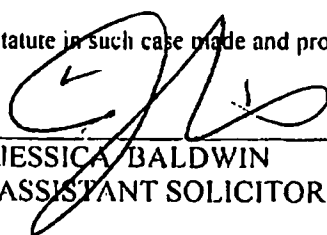
INDICTMENT

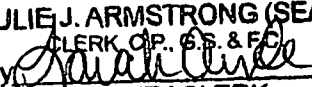
At a Court of General Sessions, convened on February 7, 2011 the Grand Jurors of Charleston County present upon their oath:

Criminal Domestic Violence Of A High And Aggravated Nature

That in Charleston County, South Carolina, on or about November 23, 2010, the Defendant, MICHAEL ANTHONY GLOVER, did cause physical harm or injury to the victim, Alicia Glover, a household member of the Defendant, or did offer or attempt to cause physical harm or injury with apparent present ability under circumstances reasonably creating fear of imminent peril to Alicia Glover. Said assault or battery involved the use of a deadly weapon, resulted in serious bodily injury to the victim or would reasonably have caused a person to fear imminent serious bodily injury or death; all in violation of Section 16-25-65 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


 JESSICA BALDWIN
 ASSISTANT SOLICITOR

ATTEST: A TRUE COPY
 JULIE J. ARMSTRONG (SEAL)
 CLERK OF P. S. & F.C.
 By: 
 DEPUTY CLERK

278
STATE OF SOUTH CAROLINA

COUNTY OF Charleston
STATE VS.
MICHAEL ANTHONY GLOVER

AKA: _____
Race: BLACK Sex: M Age: 42
DOB: _____ SS#: _____
Address: DR
City, State, Zip: SUMMERVILLE, SC 294830000
DL#: _____ SID#: SC00960825

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
In disposition of the said indictment comes now the Defendant who was
TO: CDVHAN/Criminal Domestic Violence-High and Aggravated Nature

in violation of § 16-25-0065 of the S.C. Code of Laws, bearing CDR Code # 2988
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)

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: _____
Baldwin, Jessica 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 10 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.
☐ 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
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
§ 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
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114 (BUI Breath Test Fee)	\$50
§ 56-5-2942(I) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$ 131.90

Clerk of Court/ Deputy Clerk _____
Court Reporter: Amanda Hallden
SCCA/217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS1000915
A/W#: K684369
Date of Offense: 11/23/2010
S.C. Code § : 16-25-0065
CDR Code #: 2988

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: 2104
Sentence Date: 11/15/14

ATTES: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK C.P.I.G.S. P.C.
By _____ DEPUTY CLERK

WITNESSES

JAMES B. PERKINS

Charleston County Sheriff

AGENCY CASE NUMBER

2010020123B

ARREST WARRANT NUMBER

K684368

DATE OF ARREST

November 24, 2010

ACTION OF GRAND JURY

TRUE BILLForeperson of Grand Jury
Date: FEB 07 2011

VERDICT:

Guilty

Foreperson of Petit Jury

Date:

INDICT.DOT

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

February Term 2011

THE STATE

vs.

10-6156 (01)

MICHAEL ANTHONY GLOVER

DOB:

B/M

Indictment for

Burglary, 1st Degree

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., C.S. & F.C.
By Sarah L. Lusk
DEPUTY CLERK

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)

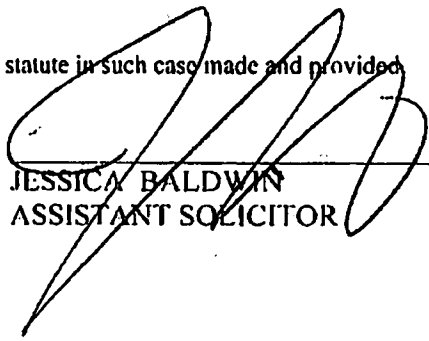
INDICTMENT

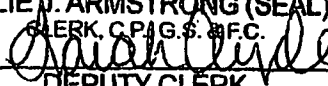
At a Court of General Sessions, convened on February 7, 2011 the Grand Jurors of Charleston County present upon their oath:

Burglary, 1st Degree

That in Charleston County, South Carolina, on or about November 23, 2010, the Defendant MICHAEL ANTHONY GLOVER, did enter the dwelling of Alicia Glover, located at _____ Street, without consent and with the intent to commit a crime therein and/or while effecting entry or while in dwelling or while in immediate flight therefrom perpetrator or another participant in crime is armed with a deadly weapon (including explosives) and/or causes physical injury to nonparticipant in crime and/or uses or threatens use of dangerous instrument and/or displays what is or appears to be a knife or firearm and/or the defendant has a prior record of two or more convictions for burglary or housekeeping or a combination of both and/or the entering or remaining occurs at nighttime; in violation of Section 16-11-311 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided


 JESSICA BALDWIN
 ASSISTANT SOLICITOR

ATTEST: A TRUE COPY
 JULIE J. ARMSTRONG (SEAL)
 CLERK, C.P. & S. & F.C.
 By 
 DEPUTY CLERK

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS 281

COUNTY OF Charleston
 STATE VS.
MICHAEL ANTHONY GLOVER

AKA: _____
 Race: BLACK Sex: M Age: 42
 DOB: _____ SS#: _____

Address: DR
 City, State, Zip: SUMMERVILLE, SC 294830000
 DL#: _____ SID#: SC00960825

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
 In disposition of the said indictment comes now the Defendant who was
 TO: Burglary, 1st degree

INDICTMENT/CASE#: 2011GSI000913A/W#: K684368Date of Offense: 11/23/2010S.C. Code §: 16-11-0311CDR Code #: 0079

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079

☐ 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:

Baldwin, JessicaSC 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 20 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.☐ 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

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	\$ <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>3.90</u>
TOTAL		\$ <u>133.90</u>

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: _____

Sentence Date: 11/18/14

Clerk of Court/ Deputy Clerk

Court Reporter: Amanda Halburden

SCCA/217 (03/2011)

ATTEST: A TRUE COPY
 JULIE J. ARMSTRONG (SEAL)
 BY Julie J. Armstrong
 DEPUTY CLERK

WITNESSES

JAMES B. PERKINS
Charleston County Sheriff

AGENCY CASE NUMBER

2010020123B

ARREST WARRANT NUMBER

K684370

DATE OF ARREST

November 24, 2010

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury *[Signature]*
Date: FEB 07 2011

VERDICT

Guilty

Foreperson of Petit Jury

Date:

INDICT.DOT

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

February Term 2011

THE STATE

vs.

10-6156 (03)

MICHAEL ANTHONY GLOVER

DOB:

B/M

Indictment for

Kidnapping

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., G.S. & F.C.
By *[Signature]*
DEPUTY CLERK

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

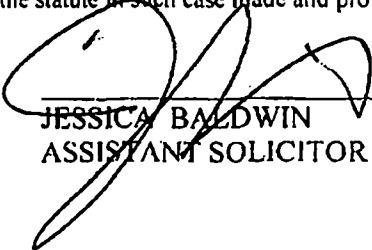
INDICTMENT

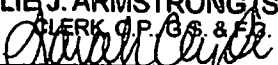
At a Court of General Sessions, convened on February 7, 2011 the Grand Jurors of Charleston County present upon their oath:

Kidnapping

That in Charleston County, South Carolina, on or about November 23, 2010, the Defendant, MICHAEL ANTHONY GLOVER, unlawfully did seize, confine, inveigle, decoy, kidnap, abduct or carry away the victim, Alicia Glover, without authority of law; all in violation of Section 16-3-910 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


JESSICA BALDWIN
ASSISTANT SOLICITOR

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK OF P. S. & F.
By 
DEPUTY CLERK

284

STATE OF SOUTH CAROLINA

COUNTY OF Charleston
 STATE VS.
MICHAEL ANTHONY GLOVER

AKA:

Race: BLACK Sex: M Age: 42DOB: SS#:Address: DRCity, State, Zip: SUMMERVILLE, SC 294830000DL#: SID#: SC00960825*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
 TO: Kidnapping

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS1000916A/W#: K684370Date of Offense: 11/23/2010S.C. Code §: 16-03-0910CDR Code #: 0095

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095

☐ 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:

Baldwin, JessicaSC Bar#DefendantAttorney for DefendantSC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 20 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.

☐ 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

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	\$ <u>103.00</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 (SCCJA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (if paid in installments)	\$	\$ <u>3.90</u>
TOTAL	\$	\$ <u>133.90</u>

Clerk of Court/ Deputy Clerk

Court Reporter: Amanda Hollander

SCCA/217 (03/2011)

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

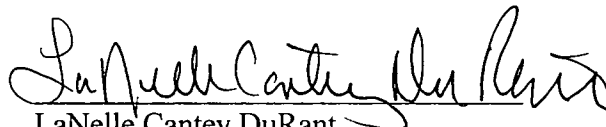
Judge Code: 2139Sentence Date: 11/15/14

ATTEST: A TRUE COPY
 JULIE A. ARMSTRONG (SEAL)
 BY: [Signature]
 DEPUTY CLERK

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."

September 19th, 2014



LaNelle Cantey DuRant
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

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Charleston County

Roger M. Young, Circuit Court Judge

RECEIVED

SEP 19 2014

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

MICHAEL ANTHONY GLOVER,

APPELLANT

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, and Mr. Michael Anthony Glover, #292936, Lieber Correctional Institution, PO Box 205, Ridgeville, SC 29472, this 19th day of September, 2014.


Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 19th day of September, 2014.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: July 3, 2023.