

27982

ANDERS
NO DEF. BRIEF

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM BAMBERG COUNTY

Doyet A. Early, III, Circuit Court Judge

ORIGINAL

RECEIVED

MAY 05 2015

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

Jacqueline P. Bacon ,

APPELLANT

APPELLATE CASE NO. 2014-001751

RECORD ON APPEAL

LAURA R. BAER
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

Attorney for Appellant

ALAN WILSON
Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General
Office of the Attorney General
PO Box 11549
Columbia, SC 29211
(803) 734-3727

J. STROM THURMOND, JR.
Solicitor, Second Judicial Circuit
Post Office Box 3368
Aiken, SC 29802-3368
(803) 642-1557

Attorneys for Respondent

INDEX

INDEX	i
TRIAL TRANSCRIPT	1
OPENING STATEMENT ON BEHALF OF THE STATE.....	24
OPENING STATEMENT ON BEHALF OF THE DEFENDANT	27
TESTIMONY	
WAYNE BACON.....	28
FRANKLIN BAMBERG, JR.	40
THOMAS BENJAMIN HAY, IV	46
SILAS LEON ROLAND, III	54
CLOSING ARGUMENT ON BEHALF OF THE STATE	70
CLOSING ARGUMENT ON BEHALF OF THE DEFENDANT	79
VERDICT	91
COURT’S EXHIBIT #1 (Bonding Documents).....	95
SENTENCING TRANSCRIPT (August 4, 2014)	105
INDICTMENT	110
SENTENCING SHEET	112
VERDICT FORM	113
CERTIFICATE OF COUNSEL.....	114

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BAMBERG)

STATE OF SOUTH CAROLINA) CASE NO.: 13-GS-05-00019
)
 VS.) TRANSCRIPT OF RECORD
)
 JACQUELINE BACON,)
)
 DEFENDANT,)
)

TUESDAY, JUNE 24TH, 2014
 BAMBERG, SOUTH CAROLINA

BEFORE:

THE HONORABLE DOYET A. EARLY, III

APPEARANCES:

Jack Hammack, Assistant Solicitor
 Susanna Ringler, Assistant Solicitor
 Attorneys for the State of South Carolina

Jason Price, Esquire
 Attorney for the Defendant

Bethanie K. Creppon
 Official Court Reporter

REBA C. HAYES, CVR
OFFICIAL COURT REPORTER

INDEX

Jury Selection.....	4
Preliminary Matters.....	11
Opening Statement on Behalf of the State.....	24
Opening Statement on Behalf of the Defendant.....	27
Wayne Bacon,	
Direct Examination by Mr. Hammack.....	28
Cross-Examination by Mr. Price.....	37
Redirect Examination by Mr. Hammack.....	39
Franklin Bamberg, Jr.,	
Direct Examination by Mr. Hammack.....	40
Cross-Examination by Mr. Price.....	45
Thomas Benjamin Hay, IV,	
Direct Examination by Mr. Hammack.....	46
Cross-Examination by Mr. Price.....	53
Silas Leon Roland, III,	
Direct Examination by Mr. Hammack.....	54
Cross-Examination by Mr. Price.....	64
Closing Argument on Behalf of the State.....	70
Closing Argument on Behalf of the Defendant.....	79
Verdict.....	91
Certificate of Reporter.....	94

EXHIBITS

<u>Exhibit</u>	<u>Description</u>	<u>ID</u>	<u>ADM</u>
C-1	Bonding Documents	17	17

1 THE COURT: Ladies and gentlemen, the way we draw
2 a jury in a criminal case is that the Court personnel
3 will now enter into the computer those who are
4 remaining on the jury panel. It will give us a random
5 selection, therefore if your name is called randomly
6 you will please come forward, stand right here before
7 the lawyers.

8 In the trial of this case, the State of South
9 Carolina has five strikes; the Defendant has 10. They
10 can strike you for most any reason at all or no reason
11 at all within certain bounds that the lawyers know what
12 they are, so if you get struck don't let your -- don't
13 get offended. But we'll go through that process until
14 we get 12 jurors and two alternates.

15 (Whereupon, there is a pause in the proceedings.)

16 THE COURT: As your name is called please come
17 forward.

18 THE CLERK: Judge, number 144, Ryan O. Thomas.
19 Stand right there please, sir.

20 THE COURT: That's good. Turn around and face
21 those people.

22 THE CLERK: What say you for the State?

23 MR. HAMMACK: Please present Mr. Thomas.

24 THE CLERK: What says the defense?

25 MR. PRICE: Please seat the juror.

1 THE CLERK: Have a seat in the jury box please,
2 sir. Number 48, Michael Funches. What say you for the
3 State?

4 MR. HAMMACK: Please present Mr. Funches.

5 THE CLERK: What say you for the defense?

6 MR. PRICE: Please seat Mr. Funches.

7 THE CLERK: Have a seat in the jury box please,
8 sir. Number 32, Abigail Crosby. What say you for the
9 State?

10 MR. HAMMACK: Please present Ms. Crosby.

11 THE CLERK: What say you for the defense?

12 MR. PRICE: Please dismiss Ms. Crosby.

13 THE CLERK: Do what?

14 MR. PRICE: Please dismiss Ms. Crosby.

15 THE COURT: What did you say?

16 MR. PRICE: Dismiss Ms. Crosby.

17 THE CLERK: Number 83, Ashley Jordan. What say
18 you for the State?

19 MR. HAMMACK: Please present Ms. Jordan.

20 THE CLERK: Have a seat in the jury box please,
21 ma'am.

22 THE COURT: No.

23 THE CLERK: Beg your pardon. What say you for the
24 defense?

25 MR. PRICE: Please seat this juror.

1 THE CLERK: Have a seat. Number 53, Ta'hishia
2 Graham. What say you for the State?

3 MR. HAMMACK: Please present Ms. Graham.

4 THE CLERK: What say you for the defense?

5 MR. PRICE: Please seat Ms. Graham.

6 THE CLERK: Have a seat in the jury box please.
7 Number 151, Jacqueline Washington. What say you for
8 the State?

9 MR. HAMMACK: Please present Ms. Washington.

10 THE CLERK: What say you for the defense?

11 MR. PRICE: Please dismiss Ms. Washington.

12 THE CLERK: Number 120, James O. Rice. What say
13 you for the State?

14 MR. HAMMACK: Please present Mr. Rice.

15 THE CLERK: What say you for the defense?

16 MR. PRICE: Please seat Mr. Rice.

17 THE CLERK: Have a seat in the jury box. Number
18 86, George Lemay, Jr. What say you for the State?

19 MR. HAMMACK: Please excuse Mr. Lemay.

20 THE CLERK: Have a seat back in the jury pool.

21 Number 63, Landis Hiers. What say you for the State?

22 MR. HAMMACK: Please present Mr. Hiers.

23 THE CLERK: What say you for the defense?

24 MR. PRICE: Please seat Mr. Hiers.

25 THE CLERK: Have a seat in the jury box. Number

1 159, Joanne Willis. What say you for the State?

2 MR. HAMMACK: Please present Ms. Willis.

3 THE CLERK: What say you for the defense?

4 MR. PRICE: Please dismiss Ms. Willis.

5 THE CLERK: Have a seat back in the jury panel.

6 Number 4, Rhonda (sic) Banks. What say you for the
7 State?

8 MR. HAMMACK: Please present Ms. Banks.

9 THE CLERK: What say you for the defense?

10 MR. PRICE: Please seat Ms. Banks.

11 THE CLERK: Have a seat in the jury box please,
12 ma'am. Number 18, Tyrone Brooks. What say you for the
13 State?

14 MR. HAMMACK: Please present Mr. Brooks.

15 THE CLERK: What say you for the defense?

16 MR. PRICE: Please seat Mr. Brooks.

17 THE CLERK: Have a seat please, sir. Number 52,
18 Rickie Graham. What say you for the State?

19 MR. HAMMACK: Please present Mr. Graham.

20 THE CLERK: What say you for the defense?

21 MR. PRICE: Please seat Mr. Graham.

22 THE CLERK: Have a seat please. Number 85, Joe
23 Ann Kemp. What say you for the State?

24 MR. HAMMACK: Please present Ms. Kemp.

25 THE CLERK: What say you for the defense?

1 MR. PRICE: Please seat Ms. Kemp.
2 THE CLERK: Have a seat please, ma'am. Number
3 105, Chelsea Mingo. What say you for the State?
4 MR. HAMMACK: Please present Ms. Mingo.
5 THE CLERK: What say you for the defense?
6 MR. PRICE: Please seat Ms. Mingo.
7 THE CLERK: Have a seat. Number 16, Khadijah
8 Brabham. What say you for the State?
9 MR. HAMMACK: Please present Ms. Brabham.
10 THE CLERK: What say you for the defense?
11 MR. PRICE: Please seat Ms. Brabham.
12 THE CLERK: Have a seat please, ma'am. Number
13 101, Matthew McNair.
14 THE COURT: This is for an alternate.
15 THE CLERK: What say you for the State?
16 MR. HAMMACK: Please present Mr. McNair.
17 THE CLERK: What say you for the defense?
18 MR. PRICE: Please dismiss Mr. McNair.
19 THE CLERK: Number 15, Carroll Ann Brabham --
20 Carroll Kemp Brabham -- excuse me. What say you for
21 the State?
22 MR. HAMMACK: Please present Ms. Brabham.
23 THE CLERK: What say you for the defense?
24 MR. PRICE: Please seat Ms. Brabham.
25 THE CLERK: Have a seat, ma'am.

1 THE COURT: All right. Give me one more
2 alternate.

3 THE CLERK: All right. Number 107, Stanley
4 Mobley. What say you for the State?

5 MR. HAMMACK: Please present Mr. Mobley.

6 THE CLERK: What say you for the defense?

7 MR. PRICE: Please seat Mr. Mobley.

8 THE CLERK: Have a seat in the chair back there
9 please, sir.

10 THE COURT: Are there any motions in connection
11 with the selection of the jury by the State?

12 MR. HAMMACK: None from the State, Your Honor.

13 THE COURT: By the defense?

14 MR. PRICE: None, Your Honor.

15 THE COURT: Ladies and gentlemen, those of you who
16 were not selected, as represented I am now going to
17 release you for the balance of the week. A check will
18 be mailed to you by Mr. Hiers some time this week or
19 the first of next week. I thank you for coming.
20 Obviously we cannot run the judicial system without
21 having citizens ready, willing and able to serve as
22 jurors to resolve disputes.

23 I'm happy to report that Bamberg County, compared
24 with other counties throughout the State, we are in
25 really good shape on our civil and criminal dockets.

1 Our jail census is down which saves the taxpayers
2 money. When we come we give everyone in the jail an
3 opportunity to come over and resolve their cases, but
4 we are in as good a shape as you can be. Unfortunately
5 the more we move through here, we get that many more on
6 the other side coming in, new ones, but we have a
7 hardworking public defender's office, solicitor's
8 office, sheriff's office, all law enforcement and I'm
9 happy to report that Bamberg County ranks up near the
10 top in having their cases up to date.

11 So we can't do that without you and I thank you.
12 I'm going to release you now for the balance of the
13 week. I enjoyed being here with you. Everyone else
14 please remain seated and the jurors are free to go.

15 (Whereupon, the jury panel exits the courtroom.)

16 THE COURT: Ladies and gentlemen, those who were
17 selected, I'm going to let you step back to the jury
18 room right now. I've got about 10 minutes worth of
19 work I've got to do with the lawyers. Stretch your
20 legs, bathroom break, whatever. We'll come back in
21 about 10 minutes and that will be 11:30. We'll
22 probably go to somewhere around close to one. So go
23 back and I'll call you out in just a few minutes and
24 we'll get started.

25 (Whereupon, the jury exits the courtroom.)

1 THE COURT: Any motions by the defendant?

2 MR. PRICE: Yes, Your Honor, we do have a motion.

3 THE COURT: Be glad to hear from you.

4 MR. PRICE: I am moving to continue the case of
5 the trial (sic) until my client can be located. I have
6 only met with my client once at first appearance and
7 have not spoken to her about a proper defense in her
8 case.

9 In addition, the bonding company that stood before
10 you yesterday said they could possibly locate her
11 within a week.

12 THE COURT: That's not what they said. They asked
13 me to give them a week to try to find her. Go ahead.

14 MR. PRICE: In addition, I've attempted to notice
15 my client the right to be present at trial, but I have
16 not actually made contact with her, and for those
17 reasons I would like to continue.

18 THE COURT: Mr. Price, when were you appointed to
19 represent Ms. Bacon?

20 MR. PRICE: I was appointed in late 2013. The
21 exact date ---

22 THE COURT: That's all right. Late 2013.

23 MR. PRICE: Yes.

24 MR. HAMMACK: Your Honor, I've got October 28th,
25 2013.

1 THE COURT: Does that sound about right?

2 MR. PRICE: Yes, Your Honor.

3 THE COURT: And immediately being appointed, did
4 you make attempts to contact her to tell her that you
5 were her lawyer?

6 MR. PRICE: I did.

7 THE COURT: And how many -- where did you try to
8 contact her?

9 MR. PRICE: I've tried to contact her through her
10 mother. I've mailed letters to her mother. I've
11 mailed letter to her address around Surfside Beach.
12 I've emailed her. I've called her on three various
13 numbers and I've had no success.

14 THE COURT: And you've been doing that pretty
15 regular since October 28?

16 MR. PRICE: Yes.

17 THE COURT: And this case was set for trial. This
18 is a 545-day case. When we had our initial 545-day
19 roll call, this case was one of the cases scheduled for
20 trial this week; is that correct, Mr. Solicitor?

21 MR. HAMMACK: Yes, sir, on June 4th.

22 THE COURT: And since June 4th of 2014, have you
23 made a number of efforts to locate her?

24 MR. PRICE: I have.

25 THE COURT: And also her mother who lives in

1 Columbia? You've directly spoken with her, have you
2 not?

3 MR. PRICE: I've spoken with her twice.

4 THE COURT: And each time everyone has been
5 notified that the case was set for today?

6 MR. PRICE: Yes.

7 THE COURT: And yesterday I did all I could. I
8 got the bonding company, made them come from Myrtle
9 Beach, and obviously told them. They have a \$75,000
10 bond which the State is moving to estreat, and they
11 were making every effort. But have you -- do you think
12 you have made every effort that you know how to contact
13 her?

14 MR. PRICE: I have, Your Honor.

15 THE COURT: But to no avail?

16 MR. PRICE: To no avail.

17 THE COURT: Well, for the record I even met with
18 the lawyers, all of you, yesterday afternoon in
19 chambers, told y'all my concerns that the if lady would
20 just simply show up, I could probably get the State to
21 reduce the charges and the penalty would be
22 substantially less and I asked you last night, or
23 yesterday afternoon, Mr. Price, to contact her mom to
24 give her that information. I assume you did that.

25 MR. PRICE: I did.

1 THE COURT: Do you know of anything else you could
2 do to locate her?

3 MR. PRICE: I know of nothing else.

4 THE COURT: And as an officer of this Court,
5 you've made every effort that you know how to do to
6 locate her?

7 MR. PRICE: I have, Your Honor.

8 THE COURT: All right. Well, I'm going to
9 respectfully deny your motion to continue. I don't
10 know what else we could do to have her appear.

11 MR. PRICE: Thank you, Your Honor.

12 THE COURT: Thank you. All right. Obviously I
13 have to make a finding based on the case of the City of
14 Aiken versus Koontz, K-O-O-N-T-Z. That's sort of the
15 case to be looked at where we try someone in their
16 absence and obviously a criminal defendant has a
17 Constitutional right guaranteed by the confrontation
18 clause to be present at trial.

19 However, a person indicted for misdemeanors or
20 felonies may voluntarily waive their right to be
21 present and may be tried in their absence upon the
22 finding by this Court that such person has received
23 notice of his right to be present and that a warning
24 was given that the trial would proceed in his absence,
25 or her absence, upon a failure to attend.

1 And Mr. Price, did you advise by letter and to her
2 mom and to her by email that the case would proceed
3 even though she did not appear? Mr. Price?

4 MR. PRICE: Yes, Your Honor.

5 THE COURT: Thank you. I find based on the
6 mandates of the Koontz case that the defendant has
7 voluntarily waived her rights to be present, be tried
8 in absentia. She has either constructively or actually
9 received notice of her right to be present and was
10 warned by her lawyers -- he has warned her family; he
11 sent letters to her, emails -- that the trial would
12 proceed in her absence should she fail to attend.

13 I might note for the record that it's been told to
14 me for a week, 10 days or two weeks, that they were
15 having trouble locating this lady and I asked the
16 solicitor and Mr. Price to make every effort they knew
17 to have her located, including getting the bonding
18 company involved. I might add that she was bench-
19 warranted for failing to appear -- when, Mr. Solicitor?

20 MR. HAMMACK: January 27th, 2014.

21 THE COURT: So she's been on a bench warrant list
22 for over six months and that bench warrant was given to
23 her bonding company. Do you have the date on that?

24 MR. HAMMACK: Your Honor, I know Mr. Bryan was
25 notified shortly thereafter. He notified the surety

1 company, which in turn was supposed to notify Beach
2 Bail Bonding and failed to do so. When I spoke with
3 Cory from the surety company last night she told me she
4 dropped the ball, that Mr. Bryan did what he was
5 supposed to do, notified them, and they just did not
6 notify Beach Bail Bonding until a much later date.

7 THE COURT: But it's undisputed that initially
8 when the bench warrant was issued for Ms. Bacon for
9 failing to appear back in January, that the bonding
10 company that we have, notwithstanding the fact they may
11 have contracted with another bonding company, the
12 bonding company of record was notified and given notice
13 of the bench warrant immediately; is that not correct?

14 MR. HAMMACK: Yes, sir, absolutely, Your Honor.

15 THE COURT: And that's been some six months ago.

16 MR. HAMMACK: Yes, sir.

17 THE COURT: And the State is moving to estreat the
18 \$75,000 bond. We'll have the proper paperwork here
19 shortly; is that not correct?

20 MR. HAMMACK: Yes, sir, Your Honor. And, Your
21 Honor, if I may, in City of Aiken versus Koontz, in
22 accordance with that I would like to enter a copy of
23 the bonding documents that show Ms. Bacon's signature,
24 along with the admonitions about failing to appear and
25 about her right to be present. If I may approach, Your

1 Honor, that's a copy of the bonding form with her
2 signature and those admonitions.

3 THE COURT: Let's mark that as a Court exhibit and
4 make it part of the record. Mr. Price, anything you
5 need to add in connection with your client not being
6 here?

7 MR. PRICE: No, Your Honor.

8 THE COURT: As I said, and I will put on the
9 record, number one, I commend Mr. Price for his
10 numerous efforts to try to locate his client, probably
11 going beyond the call of duty to have her mom involved,
12 emailing, calling different telephone numbers and
13 mailing to all addresses that he had.

14 I don't know anything else that any of us could
15 have done to get her here, other than the bonding
16 company picking her up, which I assume they're still
17 attempting to do. If I were them, I certainly would
18 be.

19 Anything else for the record before we commence
20 the trial of the case by the State?

21 MR. HAMMACK: No, sir.

22 THE COURT: By the defense?

23 MR. PRICE: No, Your Honor.

24 THE COURT: I will instruct the jury that
25 notwithstanding the fact that she is not present, they

1 should not use that in any manner against her to infer
2 any evidence of guilt or anything else. She's to be
3 tried like she was sitting right here. Any other
4 instruction you wish for me to give?

5 MR. PRICE: Nothing else.

6 THE COURT: Let's take a quick bathroom break.
7 We'll start back in about 10 minutes. If you will tell
8 the jury in 10 minutes we'll be ready to go.

9 (Off the record)

10 THE COURT: Thank you. Please be seated. Is the
11 State ready to proceed?

12 MR. HAMMACK: Yes, sir, Your Honor.

13 THE COURT: The Defendant ready to proceed?

14 MR. PRICE: Yes, Your Honor.

15 THE COURT: Bring the jury in please.

16 (Whereupon, the jury came into open court.)

17 THE COURT: Ladies and gentlemen of the jury
18 panel, the first thing we have to do to get started in
19 the trial of the case is that you have to be sworn in
20 for this particular case, so please stand and raise
21 your right hand. Mr. Hiers will administer the oath.

22 (The jury was sworn by the Clerk.)

23 THE COURT: Thank you. Ladies and gentlemen of
24 the jury, let me make a couple of comments to start off
25 the trial of the case and then we'll get right into

1 taking testimony.

2 First of all, as you can see the Defendant is not
3 present. She has chosen not to be here. Now, please -
4 - she has the right not to be here -- do not infer
5 anything from the fact that she's not here, do not
6 discuss it in the jury room, the fact that she's not
7 here, do not comment on it, and do not consider the
8 fact that she was not here when, at the end of the
9 case, you deliberate her guilt or innocence. She has
10 the right not to show, so try the case just as if she
11 were here. Please do not infer anything from the fact
12 that she's not here. Fair enough?

13 Now, to the indictment of burglary in the first
14 degree, obviously she has pled not guilty and a plea of
15 not guilty obviously means she is afforded the
16 Constitutional right to be presumed innocent unless the
17 State of South Carolina is able to prove her guilt to
18 you beyond a reasonable doubt. That is the burden of
19 proof in a criminal case.

20 If we were trying a car wreck where somebody got
21 hurt in a car wreck, or we were trying someone for
22 breach of contract between two parties, or medical
23 malpractice or legal malpractice in a civil case where
24 someone is seeking monetary damages, those parties come
25 into the courtroom on an equal footing and for the

1 plaintiff, the person bringing the case, to prove their
2 case in a civil case, they have to prove it by what we
3 call the preponderance or greater weight of the
4 evidence. They simply have to move -- if these were
5 the scales of justice coming in on an equal basis, they
6 have to move the scales of justice ever so slightly in
7 their favor to prevail.

8 In a criminal case such as this where the person
9 is accused with burglary in the first degree, because
10 that accused has the Constitutional presumption of
11 innocence, they come into the courtroom and the scales
12 are tipped heavily in their favor and for the State to
13 prove the case beyond a reasonable doubt they have to
14 offer evidence. The burden of proof is beyond a
15 reasonable doubt and the scales have to tip in this
16 manner.

17 So the burden of proof in a criminal case is
18 different than that in a civil case. It is beyond a
19 reasonable doubt and I'll instruct you at the close of
20 the case what our courts have defined beyond a
21 reasonable doubt as. So that is the burden on the
22 State to prove the case beyond a reasonable doubt.

23 Because they have the burden of proof, they will
24 go first and the way the trial is this: I will make a
25 few remarks and then that will be followed by an

1 opening statement by the Solicitor representing the
2 State, followed by an opening statement by the
3 Defendant's lawyer. Please bear in mind that the
4 opening statement is not evidence in the case. It is,
5 sort of, a road map that the lawyers will give you to
6 tell you what to look for during the trial of the case,
7 where they're going from point A to point B, and what
8 they're trying to prove, what the case is about. But
9 that is not evidence in the case.

10 The evidence comes from sworn testimony here on
11 the witness stand. They will call various witnesses to
12 attempt to prove the case beyond a reasonable doubt.
13 So the State will present their case first. At the
14 conclusion of the State's case, the Defendant has the
15 right to present any defense they may choose to put up.

16 At the conclusion of that, then we will be in a
17 position to listen to closing arguments by both the
18 State and the Defendant, and at the conclusion of that
19 I will charge or instruct you on the law in the case
20 and then at that time you will start your
21 deliberations. So that's, sort of, how the process
22 will work.

23 As I told you when we selected the jury, you are
24 12 people collectively acting as one. You are the
25 judges of the facts in the case, so you will judge the

1 people who testify to determine what the true facts
2 are. Once you determine what those true facts are, you
3 apply it to the law and you will be in a position to
4 render a true and just verdict.

5 Now, couple of other matters. I try to run an
6 efficient courtroom. We try to move on time. We'll go
7 until about 12:30 today; start back about two, maybe a
8 little bit off of that, and if we finish this
9 afternoon, fine. If not, we'll decide what time we
10 want to start back in the morning, but we should be
11 through no later than lunchtime tomorrow. That's at
12 the outside, maybe even before that.

13 Even though we're trying to be efficient with
14 everyone's time I'm not trying to run a race, so if at
15 any time during the trial of the case any of you become
16 uncomfortable, if you need a bathroom break, you want
17 something to drink, just get tired of listening to me,
18 raise your hand and I will make sure that your needs
19 are met and we'll take a break at that time. If you
20 get cold, if you get hot, just tell me. We can cut the
21 air conditioner up or down, however you wish for it to
22 be. Don't get uncomfortable.

23 I will further tell you that each time we take a
24 break until the very end when we finish with everything
25 and I've instructed you on the law, up until that time

1 please do not discuss the case. Do not start any
2 deliberations until all the evidence is in, the lawyers
3 have made their final arguments and I've charged you on
4 the law. I will ask you also at the first break, the
5 lunch break today, I need a spokesperson from the 12 of
6 you who are on the regular jury, excluding the
7 alternates. The spokesperson is simply the foreperson
8 for the jury. That's someone who heads up the
9 deliberation, brings to my attention any comments or
10 any concerns you may have, so try to select one from
11 the 12 of you. If you can't I'll just randomly pick
12 one out.

13 I'll ask that you pay close attention. Like I
14 said, if you get uncomfortable raise your hand and let
15 me know. In just a few seconds I'm going to sit down.
16 The State will start by their opening statements,
17 followed by the Defendant's opening statements,
18 followed by the testimony in the case, and we'll move
19 right along in a very efficient manner.

20 So having said that, State, any objections to my
21 opening remarks?

22 MR. HAMMACK: No, sir, Your Honor.

23 THE COURT: Mr. Price?

24 MR. PRICE: None, Your Honor.

25 THE COURT: You may make your opening remarks.

1 OPENING STATEMENT ON BEHALF OF THE STATE

2 MR. HAMMACK: Mr. Price, Mr. Clerk, Your Honor, good
3 morning. It's still morning for a few more minutes.
4 Glad to have you here today. We're here today to try
5 the case of Jacqueline Bacon. She's charged with
6 burglary first degree. The Judge is going to tell you
7 the law a little bit later, but basically I'll give you
8 an idea of what to look for.

9 A burglary is when the Defendant enters the
10 dwelling of another, somebody else's house or dwelling
11 or residence where they live, without permission, with
12 the intent to commit a crime therein, in this case
13 stealing, and either is armed with a weapon or becomes
14 armed with a weapon during the course of the burglary.
15 In this case guns were taken, are the allegations.

16 You'll hear all that from the stand here in just a
17 few minutes but I just want to, kind of, give you an
18 idea of where we're going. What you're going to hear,
19 the evidence you'll hear is that back on or about
20 September 9th of 2012, Wayne Bacon was out of town. He
21 went to Columbia to visit his parents.

22 He came back into town about 8:15, 8:30 that
23 night, and when he gets to his house -- he lives over
24 in Denmark on Carolina Highway, [REDACTED].
25 He'll go through all that with you.

1 He sees his kitchen cabinets opened. It strikes
2 him as odd because he doesn't remember leaving them
3 open and he realizes the back door is broken, so he
4 backs out of the house and calls the police. When they
5 get there, cleared the house to make sure nobody was
6 there, they have a chance to walk around.

7 So they walk around the house. They see the
8 kitchen where things have been tampered with, the
9 bedroom area where things have been tampered with, and
10 they see certain drawers that are opened and Chief Ben
11 Hay will tell you, it just appeared odd.

12 When they started looking around the places, the
13 house was immaculate. The place was clean. Things
14 just weren't disturbed except for certain areas,
15 certain drawers, certain cabinets, and it just appeared
16 odd to them.

17 So they talked to Mr. Bacon. They asked Mr. Bacon
18 what -- who knows you were out of town today. And Mr.
19 Bacon says well, my parents know because I was at their
20 house. My neighbors know because I told them I was
21 going out of town, but my ex-wife knows. Jacqueline
22 Bacon, she texted me earlier today around lunchtime and
23 asked if I was home today.

24 He says that she texted again around 4:15 or so in
25 the afternoon and asked him if he was still in Columbia

1 and that got law enforcement thinking. Well, it
2 appears it was somebody that knows where things are.
3 You got these texts from Ms. Bacon, so they start
4 looking at her. That draws their attention to
5 Jacqueline Bacon.

6 They start looking at some phone records and that
7 puts Ms. Bacon -- her phone records put her in Denmark
8 around the time of this burglary with a gentleman named
9 Silas Roland. Mr. Roland will be testifying for you.
10 You'll be able to hear from Mr. Roland. Mr. Roland is
11 going to tell you that around four o'clock or so that
12 day, on September 9th, he drove Ms. Bacon down to
13 Denmark to a church right outside of town where she got
14 in the car with somebody else.

15 He ran up to the store to get a drink. He gets a
16 text on his phone that says hey, come back. He comes
17 back to get her and she's got a bag full of guns and
18 liquor and different things that are consistent with
19 what was taken from the house. The officers recovered
20 several of the items that were taken in Mr. Silas
21 Roland's truck and at a home where Ms. Bacon had been
22 staying. Mr. Roland actually brought the items to law
23 enforcement when he saw them there.

24 It's a circumstantial evidence case, ladies and
25 gentlemen, and the Judge is going to explain

1 circumstantial evidence to you. We don't have
2 fingerprints putting her there. We don't have video of
3 her there. We don't have DNA of her there. Wish we
4 did, but we don't. It's all circumstantial evidence.
5 Once we've had a chance to present it all to you, I'm
6 confident you'll understand where we're going and
7 you'll understand the case. Thank you.

8 OPENING STATEMENT ON BEHALF OF THE DEFENDANT

9 MR. PRICE: Good morning, ladies and gentlemen.
10 My name is attorney Jason Price. Sitting with me is
11 Laura McCann and obviously my client is not here. But
12 don't let the fact that my client is not here be a
13 determining factor as to whether or not she's guilty or
14 not guilty.

15 One of the great things about our nation is you
16 are presumed innocent beyond a reasonable doubt. As
17 the Solicitor mentioned you are going to hear testimony
18 from various people. Testimony will be more than
19 likely against my client, but the testimony that you'll
20 hear will not -- will not show that my client is guilty
21 beyond a reasonable doubt of burglary.

22 Please listen to the testimony very carefully.
23 Please weigh each piece of testimony equally and I'm
24 confident that you'll find and return a verdict of not
25 guilty. Thank you.

(WAYNE BACON-DIRECT EXAMINATION BY MR. HAMMACK)

1 THE COURT: Call your first witness.

2 MR. HAMMACK: The State calls Wayne Bacon.

3 THE COURT: Mr. Bacon.

4 (Witness sworn)

5 THE COURT: You can be seated at the witness
6 stand. Please give us your full name for the record,
7 spelling your last name for the court reporter.

8 THE WITNESS: Wayne Steven Bacon -- B-A-C-O-N.

9 WAYNE BACON, after being duly sworn, testified as
10 follows:

11 DIRECT EXAMINATION

12 BY MR. HAMMACK:

13 Q Good morning, Mr. Bacon.

14 A Yes, sir.

15 Q Mr. Bacon, can you pull the microphone a little
16 bit closer?

17 A Sure.

18 Q Thank you. Mr. Bacon, where do you live?

19 A I live in Denmark.

20 Q Where in Denmark?

21 A On the outskirts of town. It's [REDACTED]

22 H [REDACTED].

23 Q That's here in Bamberg County?

24 A Yes, sir.

25 Q All right. How long have you lived there?

(WAYNE BACON-DIRECT EXAMINATION BY MR. HAMMACK)

1 A I've been at that residence for eight years.

2 Q And do you know Jacqueline Bacon?

3 A I do. She is my ex-wife.

4 Q How long were y'all married?

5 A For seven years.

6 Q When did you get divorced?

7 A We've been divorced for about two and a half,

8 three years.

9 Q And this address on Carolina highway, how long

10 have you lived there?

11 A I'm going on eight years.

12 Q I assume she lived there with you?

13 A She did.

14 Q And how long has she been gone from that

15 residence?

16 A At least three years.

17 Q Does she have any property at that residence?

18 A No, she has nothing.

19 Q Did the Family Court give her any kind of interest

20 in that residence?

21 A No, sir.

22 Q That's your home?

23 A My home.

24 Q Let me take you back to September 9th, 2012. Do

25 you recall that day?

(WAYNE BACON-DIRECT EXAMINATION BY MR. HAMMACK)

1 A Yes, sir.

2 Q Tell me what you remember from that day. What was
3 going on that day? Where were you?

4 A I remember I was at my home. We left that
5 morning, me and my daughter, to go to Columbia to have
6 dinner with my parents. That was the day that Phoebe -
7 - or Jacqueline -- she actually, kind of, texted me out
8 of the blue that day, said she wanted to talk, wanted
9 to know where I was at. I told her I was on the way to
10 Columbia to have dinner with my parents and I couldn't
11 talk.

12 Q About what time did you leave to go to Columbia?

13 A I left around 9:30, 10, I believe.

14 Q AM or PM?

15 A AM.

16 Q I think you mentioned -- who was with you?

17 A My daughter.

18 Q Okay. And about what time did you get a text from
19 Jacqueline?

20 A We hadn't been gone very long. I hadn't made it
21 to Columbia yet. I don't remember the exact time but
22 we had probably been gone 25, 30 minutes.

23 Q So probably a little before lunch time?

24 A Right.

25 Q Okay. All right. And how long did you stay up in

(WAYNE BACON-DIRECT EXAMINATION BY MR. HAMMACK)

1 Columbia that day?

2 A We spent the day in Columbia at my parents'.

3 Q Did you hear from Ms. Bacon again, or from
4 Jacqueline again?

5 A I think I might have got one or two more texts,
6 but that was it, and I didn't hear from her anymore
7 that day.

8 Q Did you ever text her back?

9 A I did.

10 Q What did you tell her in your text?

11 A I told her I -- we were on the way to my parents
12 and I didn't have time to talk to her.

13 Q Do you recall whether one of those texts was in
14 the afternoon?

15 A Be honest with you, I'm not sure. It's been so
16 long.

17 Q All right. So what time did you arrive home that
18 evening?

19 A We arrived probably around a little after nine
20 o'clock.

21 Q And what happened when you got to your house?

22 A We pulled up and I opened the garage, went in
23 through the kitchen entrance and I had my daughter with
24 me, like I said. We walked in and when I turned the
25 corner to my kitchen, I seen that one of the cabinet

(WAYNE BACON-DIRECT EXAMINATION BY MR. HAMMACK)

1 doors was open and it was one that I kept liquor in and
2 a pistol, and I seen that all the liquor was gone and
3 my pistol, so I grabbed my daughter, took her back out
4 to my truck, put her in the truck and locked it. I
5 called the police and I called my neighbor to come get
6 my daughter.

7 Q About how long was it before the police got there?

8 A Fifteen minutes, 10 minutes, you know, it wasn't
9 long at all.

10 Q What happened when the police arrived?

11 A I had already been in the house to look and they
12 walked in the house with me and the guest room where I
13 had a gun cabinet, they had took all the pistols out of
14 it. And then in the bedroom I had -- we walked in the
15 master bedroom. There was a hidden jewelry box in the
16 dresser that was locked. If you didn't know it you
17 would never seen it. It had been opened and wiped out
18 and there was one drawer in my room, out of all the
19 dressers, they opened up and threw everything on the
20 floor and that was one that I used to keep cash in the
21 drawer when we were married.

22 Q When you started walking through the house with
23 the officers, did things just seem a little odd to you?

24 A Yeah, I mean, they had busted the back glass off
25 my house, come in through the back door. It's, like, a

(WAYNE BACON-DIRECT EXAMINATION BY MR. HAMMACK)

1 playroom for my daughter where she kept all the toys.
2 They busted the glass out of that door and just covered
3 the room with glass. You know, we went in, like I
4 said, the guest room where I kept my gun cabinet. They
5 had opened one door with a key and pried one open with
6 a knife, it looked like.

7 They had went into my daughter's bedroom and took
8 a duffel bag, I guess to -- there was nothing in it and
9 they took a pillow case off my bed, off of one of the
10 pillows, you know. I noticed that the only drawer that
11 was went through was the one that I kept cash. That,
12 kind of, threw up a red flag because they didn't mess
13 with any other drawers.

14 Q You mentioned the gun cabinet earlier. Were all
15 the guns taken?

16 A No, sir. They only took -- they took nine pistols
17 and one assault rifle.

18 Q Left other weapons?

19 A They left all the long guns, the rifles and
20 shotguns.

21 Q And where was the key to the gun cabinet?

22 A It was behind the TV in the guest room.

23 Q And you stated the key was used to open it?

24 A They pried one lock open and they took the key and
25 used it on the other one.

(WAYNE BACON-DIRECT EXAMINATION BY MR. HAMMACK)

1 Q Okay. And you mentioned a minute ago this hidden
2 drawer. What was this drawer?

3 A It's a clothes dresser, probably four foot wide,
4 six feet tall or something. In the middle of it, it's
5 got -- it looks like just a piece of wood but it's
6 actually a hidden jewelry box. The only way you would
7 know that it was a jewelry box is if somebody told you
8 or you bought the furniture.

9 Q Does it lock with a key or how is it secured?

10 A It has a key lock.

11 Q This box when you looked at it, had it been -- did
12 they use a key to open it or pry it open?

13 A Well, the key was actually on the floor. They had
14 -- they had took a knife or something and pried it
15 because it chipped some of the wood on it too, so I
16 don't know if they used a knife to get in or the key.

17 Q And what was taken out of this drawer?

18 A Out of the jewelry box numerous diamond necklaces,
19 rings, diamond earrings, diamond rings, things that we
20 had acquired over the years. And I had -- if I'm not
21 mistaken -- it was five brand new Bravado watches still
22 in the box. They took them, left the boxes there.

23 Q Did they leave other items in the drawer?

24 A They left the fake jewelry and some baby jewelry.
25 My daughter had some baby necklaces that my parents had

(WAYNE BACON-DIRECT EXAMINATION BY MR. HAMMACK)

1 given her when she was born and little things that were
2 not a lot of value. They left that. She had a gold
3 bangle bracelet. They took that. Anything with value
4 was gone.

5 Q You mentioned a drawer that you had kept money in
6 at some point had been gone through. Talk to me a
7 little bit more about that.

8 A When we were married I would keep cash on hand, a
9 couple thousand dollars, and I hid it in a black bag in
10 my underwear drawer and I had kept it there for years.
11 Well, after our divorce I just felt the need to move it
12 and I did.

13 Q I should probably ask you this because the jury's
14 probably wondering: What type of business do you work
15 in?

16 A I own the lumber company in Denmark.

17 Q And it's probably not unusual for you to bring
18 deposits and stuff home?

19 A I keep cash most of the time.

20 Q You also mentioned, I guess, the liquor cabinet.
21 Where was the liquor?

22 A If you walk in my kitchen, it was -- I actually
23 use -- it's a corner cabinet in the kitchen and we use
24 that as the liquor cabinet and I've always kept a
25 pistol in there. You know, I keep a pistol in there.

(WAYNE BACON-DIRECT EXAMINATION BY MR. HAMMACK)

1 I keep one in my closet in my room and one by my
2 nightstand because -- for the reason I know most of the
3 town, they know that I have a business and I bring
4 money home, so when I walked in and seen that they had
5 just opened that one cabinet and took all the liquor
6 and took that pistol, I knew that I had been broken
7 into that night before I noticed the door was broken in
8 in the back.

9 Q So we're talking about one cabinet, one pistol out
10 of the liquor cabinet.

11 A Yes, sir.

12 Q Eight or nine out of the gun cabinet.

13 A Right. There was seven pistols out of the gun
14 cabinet, I believe, one out of the liquor. I had one
15 in my closet and I had the assault rifle in the closet.

16 Q That's where I was going next. I wanted to ask
17 you about the assault rifle. Where was that?

18 A It was in my closet on the top shelf in a closed-
19 in duffle bag.

20 Q Were there other guns or other weapons in there
21 with it?

22 A Yes, I've always kept a pistol in there on the
23 shelf where you could get to.

24 Q And so that pistol and the assault rifle were both
25 missing from that location?

(WAYNE BACON-CROSS-EXAMINATION BY MR. PRICE)

1 A Yes, sir.

2 Q Okay. You mentioned earlier you got a text out of
3 the blue. How long had it been since you'd heard from
4 Jacqueline at that point?

5 A I had talked with her probably three weeks before
6 that because she actually texted me and told me that
7 Silas had some guns. She knew I collected guns. That
8 he had a couple of rifles and a pistol he wanted to
9 sell and I actually met them in Lexington one day and
10 bought the pistol from him at his residence.

11 Q So you talked to her a few weeks ---

12 A Right.

13 Q --- three weeks beforehand. Did she text often or
14 did you speak to her often?

15 A It was, kind of -- she's been one of those where I
16 would hear from her out of the blue, not hear from her
17 for a couple of weeks.

18 Q You mentioned earlier your daughter. Is she your
19 daughter with Jacqueline or from a previous ---

20 A With Jacqueline.

21 MR. HAMMACK: Nothing further.

22 THE COURT: Cross examination?

23 CROSS-EXAMINATION

24 BY MR. PRICE:

25 Q Hello, Mr. Bacon. How are you?

(WAYNE BACON-CROSS-EXAMINATION BY MR. PRICE)

1 A Pretty good. You?

2 Q Doing well. You mentioned that most of the

3 population in Denmark knows that you bring money home;

4 right?

5 A I mean, they know I have a business.

6 Q And do you have many visitors at your home?

7 A No, I don't. I'm very private. I have -- my

8 whole property in fenced in with two gates to get in.

9 Q How many people knew that you were going to be out

10 of town that day?

11 A My parents.

12 Q Your parents. Anyone else?

13 A That's it.

14 Q Okay. And you mentioned about where you had

15 money, you moved it after you got a divorce from

16 Jacqueline; correct?

17 A Right.

18 Q And where did you move it to again?

19 A I moved it into my kitchen into a kitchen drawer.

20 Q Okay. Had Jacqueline ever been in the house since

21 the divorce?

22 A She had.

23 Q How often?

24 A She had been in there one time.

25 Q And what purpose was that for?

(WAYNE BACON-REDIRECT EXAMINATION BY MR. HAMMACK)

1 A She had -- we talked and spent some time together.

2 Q Did she ever see anything ---

3 A No.

4 Q Okay. Had anyone else been in the house since the
5 divorce to see that box being placed in that other ---

6 A No, I mean, the only one who knew about that was
7 my daughter

8 Q How well did you know Silas Roland?

9 A I have met him once or twice years ago through
10 her. He was a family friend when we were married.

11 Q Did you ever have -- you never had any type of
12 close connection or anything like that with him?

13 A No.

14 MR. PRICE: Beg your indulgence, Your Honor.

15 Q Does Jacqueline ever have any visitation or is
16 there a visitation order with ---

17 A No, we had a quick 90-day divorce and her parental
18 rights were terminated.

19 MR. PRICE: Okay. That's all the questions I
20 have, Your Honor.

21 MR. HAMMACK: Just real quickly.

22 REDIRECT EXAMINATION

23 BY MR. HAMMACK:

24 Q Most people know you have a business?

25 A Yes, sir.

(WAYNE BACON-REDIRECT EXAMINATION BY MR. HAMMACK)

1 Q Most people familiar with where things are kept in
2 the house?

3 A No, sir, like I said, I'm very private with myself
4 and my daughter. I don't allow a whole lot of people
5 in my residence.

6 Q They asked briefly about the money drawer. You
7 said you moved the money to a different drawer?

8 A Yes, sir, it was still there. They did not find
9 it.

10 Q That's what I was about to ask.

11 MR. HAMMACK: Thank you. Nothing further.

12 THE COURT: You may step down. Next witness
13 please.

14 MR. HAMMACK: Your Honor, the State would call
15 Franklin Bamberg.

16 THE COURT: Sir, you can stay in the courtroom.

17 (Witness sworn)

18 FRANKLIN BAMBERG, JR., after being duly sworn,
19 testified as follows:

20 DIRECT EXAMINATION

21 BY MR. HAMMACK:

22 Q Deputy Bamberg, if you haven't already can you
23 please state your name for the record?

24 A Franklin Bamberg, Jr.

25 Q Thank you, deputy. Sergeant, excuse me. I just

1 noticed your collar. Sergeant, how long have you been
2 with the sheriff's department up here?

3 A I've been with the sheriff's department for about
4 five years, but I have over 20 years experience in law
5 enforcement.

6 Q Were you working in the sheriff's office back
7 September 9th, September 10th, 2012?

8 A Yes, I was.

9 Q What's your duties with the sheriff's department?

10 A I do investigations, a lot of training. I answer
11 calls, just about some of everything.

12 Q And Deputy Bamberg, are you familiar with an
13 incident that occurred over at [REDACTED] Highway in
14 Denmark on September 9th?

15 A Yes, I am.

16 Q Were you the investigating officer on that case?

17 A Yes, sir.

18 Q I think I've covered this but just to be sure, is
19 [REDACTED] Highway in Bamberg County?

20 A Yes, it is.

21 Q Over in Denmark?

22 A Yes, sir.

23 Q Now, you weren't at the scene the night this
24 occurred on September 9th; correct?

25 A Correct.

1 Q You picked up the investigation at what point?

2 A The next day the case was turned over to me.

3 Q All right. Well, talk to me a little bit about
4 your investigation. What did you start with?

5 A I first started with interviewing the victim and
6 the victim just thought things were out of the norm,
7 the way things were left in the residence. He provided
8 a phone number of his ex-wife and from that point on,
9 we subpoenaed the phone records.

10 Prior to subpoenaing the phone records during the
11 interview with the victim, he gave us a time frame that
12 he spoke with his ex-wife and once we received the
13 phone records back, the time coincided with everything
14 that the victim said. It left -- when we subpoenaed
15 the phone record it left a trail where the ex-wife --
16 the phone calls had hit off of towers leading from
17 Lexington all the way here to the town in Denmark where
18 the victim stayed at and it gave a trail leading back
19 from the victim's residence back up to Columbia.

20 Q And I think the victim mentioned earlier text
21 messages. Is that what you're basing this on?

22 A Yes.

23 Q Tower locations from texts?

24 A Text messages, yes, sir.

25 Q Okay. And it puts Ms. Bacon's phone in Denmark

1 about what time of day?

2 A At 4:43. From 4:43 until 4:47 it was located here
3 in Denmark.

4 Q Okay. So it basically puts her phone here on the
5 afternoon of September 9th?

6 A Correct.

7 Q After you got that information, what did you do?

8 A We reviewed some of the information that were on
9 the text messages. We went to Mr. Roland's residence
10 and at Mr. Roland's residence, we found some of the
11 weapons there. We ended up getting a search warrant to
12 go inside the residence.

13 Q Real quick, Mr. Roland, is that Silas Roland?

14 A Silas Roland.

15 Q Okay.

16 A Yes. And we recovered some of the victim's
17 weapons at his residence. Mr. Roland was arrested. He
18 made bond. He went back and he later -- I met him in
19 the Country Store in Pelion where he turned in more of
20 the weapons that he said Ms. Bacon placed into his
21 vehicle at that time.

22 Q And you were able to trace these weapons back to
23 Mr. Bacon?

24 A Correct.

25 Q And they were weapons taken during this burglary?

1 A Yes, they were.

2 Q And probably speak to Chief Hay more about it
3 because he was more involved in the search warrant
4 part, but you state weapons were recovered from where?

5 A The weapons were recovered from Mr. Roland's
6 residence, from a vehicle that was in his yard which
7 belonged to Mr. Roland, and then there were some
8 weapons that he turned in to me where he met me at in
9 Pelion.

10 Q Do you recall when you met with Mr. Roland and he
11 gave you the weapons, do you recall if they were in
12 something?

13 A The weapons were in a black bag.

14 Q Okay. And the weapons that were recovered from
15 the vehicle, do you recall whether they were in some
16 kind of container?

17 A I can't remember whether they were in something at
18 this time.

19 Q That's fine. Sergeant Bamberg, how did y'all end
20 up getting to Silas? We made, kind of, a jump there
21 from these phone records to Silas. How did y'all end
22 up speaking to Silas Roland?

23 A Well, when I spoke to -- when I interviewed the
24 victim at that time, he mentioned a name of Stony and -
25 --

(FRANKLIN BAMBERG, JR.-CROSS-EXAMINATION BY MR. PRICE)

1 Q Mentioned a name what?

2 A Stony which was Silas Roland -- a nickname for him
3 and we found out through -- we had a phone number for
4 him and that led us to Silas Roland.

5 Q Say that -- he was identified by his phone number
6 and his nickname?

7 A Affirmative.

8 MR. HAMMACK: Nothing further.

9 CROSS-EXAMINATION

10 BY MR. PRICE:

11 Q You mentioned that you came on to the scene the
12 day after the incident; correct?

13 A Right. I never went out to the incident location.
14 I interviewed the victim at the time the next day.

15 Q Okay. Who was the responding officer, by the way?

16 A The responding officer was Tammy Williams.

17 Q Do you know if any prints -- fingerprints were
18 picked up at this location?

19 A No, sir, I don't believe they were.

20 Q Or any DNA at all?

21 A No, sir.

22 Q Okay. And you mentioned that Ms. Bacon's phone
23 was pinged in Denmark from 4:43 to 4:47; is that
24 correct?

25 A Correct.

1 MR. PRICE: I have no further questions.

2 THE COURT: Anything?

3 MR. HAMMACK: Nothing further.

4 THE COURT: You may step down. Next witness.

5 MR. HAMMACK: Chief Ben Hay.

6 THE COURT: All right, Chief Hay.

7 (Witness sworn)

8 THOMAS BENJAMIN HAY, IV, after being duly sworn,
9 testified as follows:

10 DIRECT EXAMINATION

11 BY MR. HAMMACK:

12 Q Chief Hay, would you please state your full name
13 for the record?

14 A Thomas Benjamin Hay, IV.

15 Q By whom are you employed?

16 A The Bamberg County Sheriff's Office.

17 Q How long have you been over there?

18 A Seventeen years between the sheriff's office and
19 the City of Denmark Police Department.

20 Q What are your duties with the sheriff's office?

21 A Like Sergeant Bamberg, I'm, kind of, the jack of
22 all trades. We do a little bit of everything.

23 Q Did you get involved in this burglary out at [REDACTED]

[REDACTED]?

25 A Yes, sir, I received a call from Tammy Williams

1 the night of the incident because of the -- the high
2 value of the jewelry and suspicions that were involved
3 in it.

4 Q So did you respond to that location?

5 A I did

6 Q What time did you get out there?

7 A It was just getting dark. It was just -- just at
8 the edge of darkness.

9 Q Tell me what you did when you got out there.

10 A Well, I talked to everybody that was there and
11 even Wayne's parents and every person there really all
12 pointed the same direction. Everything there pointed
13 us exactly to Phoebe.

14 Q Explain that. Why?

15 A It's a very nice house, a very big house. It's a
16 very clean house. I've been doing burglaries for
17 years. That's, kind of, my major thing, has been
18 burglaries, investigations. Every one I go to, the
19 house is ransacked, every drawer is pulled out, every
20 cabinet is opened, every -- the house is ransacked.
21 That wasn't the case in this one. It was obvious that
22 whoever was doing this knew exactly where to go, not
23 close to where to go. Not the gun cabinet but specific
24 locations in the house.

25 Q Did you ever attempt to lift fingerprints?

1 A Tammy did with no avail. Fingerprints are far and
2 few between. Also knew the Defendant had recently been
3 in the residence, but she did attempt to but did not
4 obtain anything.

5 Q Is that unusual?

6 A It's unusual to find any.

7 Q So why is that?

8 A A, most people watch enough TV they know if
9 they're going to commit a crime to take gloves. The
10 guys that I interview after catching them in
11 burglaries, the ones that just stumble up on something
12 and decide to do it, they take their shoes off. They
13 put their socks on their hands. Everybody knows you
14 don't commit a burglary without covering your hands.

15 Q Did you attempt to find any DNA?

16 A She processed the scene. Everything that we could
17 take, we did. I don't know the status of any of that.

18 Q Well, after you were out at the scene and you see
19 everything that's going on, what do you do next?

20 A Well, like I say, I go through the house in a
21 little more detail with Wayne. He takes me into the
22 kitchen. He says, you know, he's got this huge kitchen
23 that's got cabinets all the way around the top and
24 drawers all the way around the bottom. You know, right
25 by the door he says this is the cabinet that we always

1 kept our money bag in from work. I don't keep it there
2 anymore but this is the cabinet that she went to -- or
3 that the person went to. I shouldn't say she. That
4 the person went to.

5 Went through all the house, showed me the -- the -
6 - I guess you call it an armoire. It's a huge cabinet,
7 very nice, decorative cabinet that has drawers
8 everywhere and a little bit down from the top there's a
9 gap. I would have never known it. Nobody would have
10 never known it but that gap is actually a hidden
11 jewelry box, is what it is. Pointed that out to me.
12 Pointed out that the keys were in a sock drawer, that
13 the sock drawer is obviously rummaged through.

14 After talking to him, talking to his parents, we
15 really were leaning towards looking at Phoebe on this
16 case. Tammy finished processing the scene. We all
17 cleared the area. First thing in the morning I got
18 with Sergeant Bamberg and really started trying to dig
19 in and find some evidence to lead to recovering some of
20 Mr. Bacon's property.

21 Q During the course of the investigation, did you
22 have an opportunity to go to the residence of Silas
23 Roland?

24 A We did.

25 Q How did you end up there?

1 A Our first -- well, also talking to Wayne that
2 night he pointed out that he'd recently bought a gun
3 from Silas Roland through Phoebe. Phoebe arranged
4 everything. It was all through him (sic) and he told
5 me about Silas, that he was a disabled individual that,
6 kind of, was buying and selling guns for profit.

7 And so he thought that that would be her
8 connection to get rid of all of these guns, because
9 things they targeted was guns and jewelry. So he felt
10 like he may have been involved in it, so we did a
11 search warrant or subpoena for Phoebe's cell phone
12 records. Those cell phone records put her and him
13 communicating before and after the incident.

14 It also puts them both leaving the Lexington area
15 of Columbia at the same time; both arriving in Norway
16 at the same time. Phoebe's cell phone tower -- I mean,
17 cell phone hits off the Denmark tower which is right by
18 his house at 4:45 when she sends him a text that is
19 apparently quizzing him on where he's at, making sure
20 he wasn't back in the area.

21 There's continued text where she mentions I'm not
22 home right now, I'm at her mother's house but she uses
23 a nickname that only she would use. So we used all
24 that information to go to Columbia looking for Phoebe.
25 At this time Phoebe had some arrest warrants for her

1 for some petty charges unrelated to the case. We go to
2 the house that we know she is living in, a relative of
3 Silas Roland.

4 We approach the house that the known boyfriend of
5 her at this time, his vehicle is there. It's a very
6 unique vehicle. Knock on the door, beat on the door,
7 feel like they're there but they're not there. We have
8 a Lexington County investigator with us during this
9 process. So when we don't get an answer to the door,
10 we decide to go to Silas Roland's house.

11 We get to Silas's house. He's there. He's on the
12 phone. He's obviously communicating back and forth
13 with somebody. We assume it's Phoebe but that's not
14 our goal right now. Our goal is now on ---

15 Q Real quick. Let me stop you. Jacqueline Bacon --
16 Phoebe, is that her name she goes by?

17 A Yes.

18 Q Okay. Sorry. Go ahead

19 A I know her as Phoebe.

20 Q Yes, sir.

21 A So anyway, we get to Silas Roland's house. Very
22 easy to talk to. He's willing to cooperate with us.
23 We talk to him. I explained what's going on, why we're
24 there, telling him about the phone records, this, that
25 and the other. He gives us consent to search the

1 house. We search his house. We search multiple
2 vehicles. We get to one vehicle, he stop us. Talked
3 to him some more, he doesn't want us to search this
4 vehicle.

5 We review the case. We go in front of a
6 magistrate. We get a search warrant for that vehicle.
7 During the process of that search warrant, serving the
8 search warrant on the vehicle, we end up getting three
9 of the guns that were stolen from Wayne Bacon's house.
10 Finish getting the additional evidence that we get from
11 the house; bring Silas back; charge him; and he
12 confesses to everything -- every part of it that he
13 had, that included him and Phoebe coming here, knowing
14 what they were coming to do, and Phoebe actually coming
15 back to his vehicle with the guns in the bag.

16 Q Now, do you recall -- the guns in the car, do you
17 recall if they were in any kind of container or do you
18 recall what they were in?

19 A They were in a black bag. There was, I think,
20 three guns in there and Wayne didn't have the serial
21 number for the gun, but Wayne had purchased the gun
22 from a mutual friend so I was able to obtain the serial
23 number for that gun from Wayne and confirm that it was
24 the guns that were stolen from Wayne Bacon's house.

25 MR. HAMMACK: No further questions right now.

CROSS-EXAMINATION

1
2 BY MR. PRICE:

3 Q Chief Hay, you mentioned that you obtained the
4 guns from Silas's vehicle; is that correct?

5 A Yes.

6 Q Is there anything else that you obtained from
7 Silas thereafter?

8 A He turned some additional stuff over to Franklin.
9 There was also a very particular kind of gun. It's a
10 Kel-Tec that had the -- the internal chamber is
11 removable and you can make it, like, a .22, a .40 or a
12 .45. We also recovered an exact duplicate of that gun
13 but couldn't match it with serial numbers from inside
14 Silas's residence.

15 Q That was directly from Silas's residence; is that
16 correct?

17 A Yes.

18 Q Were there any gloves that you found in Silas's
19 residence, by any chance?

20 A I don't want to say that I recall. It seems like
21 there was, but I can't say for sure.

22 Q Any jewelry recovered from Silas?

23 A There was one piece of jewelry that we sent Wayne
24 a picture of that he did not identify.

25 Q But all of the evidence that you recovered were

(SILAS LEON ROLAND, III-DIRECT EXAMINATION BY MR. HAMMACK)

1 from Silas, were a direct result from Silas; is that
2 correct?

3 A Correct

4 MR. PRICE: I have no further questions, Your
5 Honor.

6 MR. HAMMACK: Nothing further.

7 THE COURT: You may step down. One more witness?

8 MR. HAMMACK: Your Honor, I'm not sure if he's
9 here yet because I told him it would probably be lunch.
10 We can check.

11 (Whereupon, there is a pause in the proceedings.)

12 MR. HAMMACK: Silas Roland.

13 (Witness sworn)

14 SILAS LEON ROLAND, III, after being duly sworn,
15 testified as follows:

16 DIRECT EXAMINATION

17 BY MR. HAMMACK:

18 Q If you would please state your full name for the
19 record.

20 A Silas Leon Roland, III.

21 Q Good afternoon, Mr. Roland. Mr. Roland, where are
22 you from?

23 A Lexington, South Carolina.

24 Q How long have you lived up there?

25 A Pretty much all my life.

1 Q Do you happen to know Jacqueline Bacon?

2 A Yes, sir.

3 Q What name do you call her?

4 A Phoebe.

5 Q How long have you known Phoebe?

6 A Me and her ex-brother-in-law has been friends
7 since probably '89, so '89

8 Q Mr. Roland, back on September 9th, 2012, were you
9 with Phoebe?

10 A Yes.

11 Q What were y'all doing?

12 A She needed a ride and I gave her a ride.

13 Q Let's start a little bit before that. What were
14 y'all doing earlier that day? Where were you?

15 A I was at home and she texted me about, you know,
16 wanting a ride and I'm, like, okay

17 Q About what time was that?

18 A I don't remember. Probably 10 o'clock maybe.

19 Q Once you got the text, what did you do?

20 A I told my wife that I was going to clean some deer
21 stands.

22 Q So you weren't quite truthful with your wife?

23 A No, sir.

24 Q Where did you go from there?

25 A I went over to my friend's house, Frankie, which

1 is where she was staying at.

2 Q About what time did you get to Frankie's? Do you
3 recall?

4 A Probably 11.

5 Q What did you do at Frankie's?

6 A We just sat around. I was talking to Frankie and
7 she was getting dressed, just waiting.

8 Q At some point did you leave Frankie's?

9 A Yes.

10 Q Let me ask you right quick: Where does Frankie
11 live?

12 A He used to have a house on McCalla Drive in West
13 Columbia.

14 Q Is that where y'all were?

15 A Yeah.

16 Q Go ahead. What did y'all do after that when you
17 left there?

18 A Well, we left. We stopped by the store. I got a
19 Pepsi and I can't remember if she got anything to drink
20 or not. And she needed a ride down -- I don't know if
21 it was North, Denmark, or wherever it was, but it's
22 where a white church with a red roof is.

23 Q Do you remember what road that was off of?

24 A It's the one coming out of Swansea.

25 Q So you drove ---

1 A 321.

2 Q You drove down this way, I guess, toward Denmark?

3 A Yeah. Yeah.

4 Q And you get to this church you were talking about.
5 Can you describe it for me again?

6 A It's white and it's got a red roof now. I don't
7 know if it did then or not.

8 Q What happened when you got to the church?

9 A I pulled up and the way I was sitting, I was
10 facing back toward Norway, I think it was. I was
11 facing back toward that way and we had a couple beers.
12 I drank one, she drank one, and then we -- I got out
13 and I crushed the cans down on the ground.

14 This either black or dark blue car pulls up. It
15 had bad tinting, scratched up window on the back and
16 somebody said you ready, girl, or ready -- excuse the
17 language -- bitch, and she got in the car with them
18 and left.

19 And I went -- then I went down to the first store
20 on the right. I think it's called the Red Sign. And I
21 got another Pepsi and I spent a few minutes there, not
22 long, and I get a text, said where you at. And I went
23 back and she was standing right there with a black
24 duffel bag, at the church.

25 Q About how long from the time you dropped her off

1 to the time you came back?

2 A Twenty, thirty minutes maybe. I mean, it wasn't
3 long. I mean, because I didn't know -- I come down
4 this way but I don't come all the way down this way. I
5 mean, this is new part -- area for me.

6 Q Okay. So it wasn't long?

7 A No, it wasn't long.

8 Q So you get back to the church. Tell me again what
9 you saw.

10 A She was standing there, had a black bag and had a
11 drink in her hand. I don't remember what it was. And
12 I popped the back hatch on my wife's car, threw the bag
13 in and we left.

14 Q Where did you go?

15 A Back to Frankie's house.

16 Q Did you ever see what was in that bag?

17 A Not until the next day.

18 Q So what happened the rest of that day? Let's stay
19 on the 9th.

20 A It was still daylight because Frankie was home
21 packing to leave and we sat there and talked, and me
22 and Frankie talked. He was folding his clothes,
23 putting it in a bag, and he went to leave and then I
24 left shortly after. I mean, we wasn't doing nothing.

25 Q Well, let's move on to the next day. You stated

1 you looked in the bag the next day. Tell me about
2 that.

3 A She told me about she had a couple of guns she
4 wanted to sell and that's when I started piecing
5 everything together. I'm, like, okay. And I knew some
6 people that would buy them, just like other people.
7 But she was going to pay me a little bit out of it and
8 she had, like, five or six guns in there.

9 Q Do you recall what kind of bag it was?

10 A It was a black duffel bag. I turned it in to
11 Officer Denmark.

12 Q We'll get to that here in just a little bit.

13 A Okay.

14 Q So you saw these guns.

15 A Yeah.

16 Q What did you do then?

17 A I asked her if they were stolen and she said no,
18 they're not stolen. Well, okay. And I looked at one
19 or two of them. I didn't touch them. I mean, I looked
20 at them and I said okay, I'll make some calls. So it
21 was, like, the next day I called her and said well,
22 I've got somebody that might be interested in a couple
23 and that person was me.

24 And so she brought three over, four over, and she
25 put them in the Blazer, in my Blazer, and I told her

1 I'd lock them up and I locked the doors and left them
2 there. Never looked at them. And that's pretty much
3 all we talked about.

4 Q Short time after that law enforcement came to your
5 house, didn't they?

6 A Yes, sir.

7 Q Do you remember when that was?

8 A I don't remember the day.

9 Q Just a short time after?

10 A It was a short time. It was, like, the 9th maybe.
11 I don't . . .

12 Q Okay. What was going on that day when law
13 enforcement came to your house?

14 A I was getting ready to go to a doctor's
15 appointment.

16 Q All right. About what time of day did they come
17 over?

18 A It was in the morning, because I was in the
19 shower.

20 Q Did they explain to you what was going on?

21 A Yes.

22 Q Did you get a chance to talk to them a little bit
23 that day?

24 A Yes.

25 Q At some point did you give them consent to search

1 ---

2 A Yes, I did.

3 Q --- your house?

4 A Yes, I did.

5 Q Tell me a little bit about that. What did they
6 do?

7 A They went through the house. They looked, didn't
8 see nothing. Went out looking in the vehicles and then
9 the detective from Lexington County was adamant about
10 smelling marijuana and I'm, like, you don't smell no
11 marijuana. He's, like, yeah, I smell marijuana. And
12 I'm, like, I don't think so. And he -- I said well,
13 the doors are locked and he's, like, well, I can get
14 in.

15 He slid the window open, reached in, unlocked the
16 door. He opened the door. He said man, this thing
17 reeks of marijuana and there's never been marijuana in
18 my Blazer. And so I locked the door and said I guess
19 your search is over. You can call a drug dog.

20 Q Okay. I guess they came back after that with a
21 search warrant ---

22 A Oh, yeah.

23 Q --- correct?

24 A Oh, yeah.

25 Q What happened when they came back with a search

1 warrant?

2 A They found the guns that was in the black bag.

3 Q After they found these guns, what did you do?

4 A I was sitting there going I should have went ahead
5 and gave it to them. I don't think I'd be sitting
6 where I am right now.

7 Q All right. You mentioned earlier that you gave
8 some guns to Sergeant Bamberg. When was that?

9 A I gave one the day after I got out of jail, or the
10 next day maybe.

11 Q How did that occur? Tell me a little bit about
12 that.

13 A I called Frankie to see if he was home and he's,
14 like, no. I said can I go to your house, can I go in
15 your house because I know where she stashed stuff, and
16 so I went in the house, looked, didn't see nothing.
17 Went outside to the little storage building, the
18 storage part connected to the house, and behind the
19 refrigerator or the freezer was the black bag. And I
20 got on the phone with -- it was either Ben Hay or
21 Detective Bamberg, it was one of them, and my
22 fingerprint wasn't nowhere on that gun.

23 Q You met up with them somewhere?

24 A In Pelion.

25 Q Handed it over ---

1 A And turned it over to him.

2 Q Okay. You mentioned earlier you don't know
3 Denmark very well. You're just not that familiar with
4 the area?

5 A No, sir.

6 Q Do you know Mr. Bacon?

7 A Yes, sir.

8 Q How do you know Mr. Bacon?

9 A Through Phoebe and going down to his doublewide
10 back when he had the shop where the store is and just
11 going there, went hunting with him.

12 Q Had you ever been over to his house? Did you ever
13 go over to [REDACTED] Highway?

14 A I didn't even know he had a house until I looked
15 it up, Googled it.

16 Q You'd never been over there?

17 A No, sir.

18 Q Had you talked to him recently, not long before
19 this happened?

20 A Yeah, I sold him a pistol

21 Q Okay. When was that?

22 A I don't know. It was maybe a month before, a
23 couple weeks before.

24 Q So you had seen him recently.

25 A Yeah.

(SILAS LEON ROLAND, III-CROSS-EXAMINATION BY MR. PRICE)

1 Q Familiar with him?

2 A Yes, sir.

3 Q Okay. I think you mentioned it earlier, but
4 what's your relationship again with Phoebe? How did
5 you come to be involved with her?

6 A Just as friends. I mean, she was at the time a
7 likeable person. Not now.

8 Q But you met her through a family member; correct?

9 A Yes.

10 Q Known her for a good while?

11 A Yeah.

12 Q Kind of did things together?

13 A Not a lot of things.

14 Q Hung out some?

15 A Oh, yeah, we hung out.

16 Q Take her places from time to time?

17 A Yeah, as friends would do.

18 MR. HAMMACK: Nothing further.

19 CROSS-EXAMINATION

20 BY MR. PRICE:

21 Q Mr. Roland, you mentioned that when y'all got to a
22 certain location near Denmark, a black car came; right?

23 A Yes, sir.

24 Q You never questioned Phoebe, as you call her,
25 about where she was going at all?

1 A As far as I know, she had talked to her friend
2 Clarence, which I've never met, and he had some stuff
3 for her to get. I guess I was thinking clothes and
4 stuff.

5 Q You didn't find it odd that she would just get
6 into a black car, go somewhere, and then -- and then
7 allegedly suddenly come back?

8 A Not if they were friends.

9 Q But you mentioned later too that you asked her
10 whether the guns were stolen. You didn't think
11 anything about allegedly the black bag that she came
12 back with, that they were stolen, that something was
13 stolen in there?

14 A It, kind of, dawned on me but ---

15 Q Why didn't you ask her then?

16 A I did. She said they wasn't.

17 Q In addition, you mentioned that you and Mr. Bacon
18 had known each other; is that correct?

19 A Yeah.

20 Q And y'all had gone hunting?

21 A Yeah.

22 Q But you never went to his house?

23 A Not his house. I went to his doublewide. That's
24 the only place I've ever known him to live.

25 Q And you said afterwards that you didn't know where

(SILAS LEON ROLAND, III-CROSS-EXAMINATION BY MR. PRICE)

1 he lived until you Googled it; right?

2 A I Googled it on map search.

3 Q When did you do that?

4 A After I got out of jail because I wanted to know
5 where he lived.

6 Q Okay. If she was going to get clothes why did she
7 have to get into another car and why did you go to the
8 store?

9 A I just went to get a drink. I don't know.

10 Q So you had no -- she -- you had no earthly idea
11 about anything whatsoever?

12 A I did not really have an inkling that she was
13 going to go do what she done.

14 Q So you never went to his house?

15 A No.

16 MR. PRICE: No further questions.

17 MR. HAMMACK: Nothing from the State.

18 THE COURT: You may step down. Next witness.

19 MR. HAMMACK: The State rests.

20 THE COURT: Ladies and gentlemen of the jury, we
21 have reached the conclusion of the State's testimony.
22 I need to speak to the lawyers a little bit. It's a
23 quarter to one. Let's break until two o'clock. That
24 gives you an hour and 15 minutes. Is that okay for
25 lunch? Be back at two o'clock.

1 Please do not discuss the case. Do not start
2 deliberating. When you get back, select a foreperson
3 please. We'll finish it up this afternoon. Thank you.
4 Everybody else remain seated.

5 (Whereupon, the jury exited the courtroom.)

6 THE COURT: Anything by the State?

7 MR. HAMMACK: No, sir.

8 THE COURT: Mr. Price?

9 MR. PRICE: Yes, Your Honor, I move for -- I move
10 for summary judgment based on the testimony given
11 today.

12 THE COURT: You move for a directed verdict?

13 MR. PRICE: Directed verdict rather. There hasn't
14 been any testimony that has shown that my client, Ms.
15 Jacqueline Bacon, was actually at the residence, no
16 DNA, no fingerprints were located. It's based solely
17 on the testimony of Mr. Silas Roland. Mr. Roland said
18 he got various text messages and no text messages were
19 presented as evidence today, and for that reason I move
20 for a directed verdict.

21 MR. HAMMACK: Your Honor, taking the evidence in
22 the light most favorable to the State, it's absolutely
23 circumstantial evidence, but there's enough there for a
24 jury to make a decision on whether -- based on the
25 testimony of Detective Hay, based on the testimony of

1 Mr. Bacon and then based on the testimony of Silas
2 Roland. There's enough there to put the case together.

3 THE COURT: I respectfully deny your motion.
4 Obviously I'm -- at this stage of the game I'm
5 concerned about the existence of evidence, not the
6 weight, and there is substantial circumstantial
7 evidence that if a jury believes it would support a
8 verdict, so I respectfully deny your motion for a
9 directed verdict. Anything else by the Defendant?

10 MR. PRICE: No, Your Honor.

11 THE COURT: Do you intend to put up any testimony?

12 MR. PRICE: No, Your Honor.

13 THE COURT: So when we get back we'll move right
14 into the final arguments. The State goes first,
15 followed by you, and then I will charge -- Ms. Ringler,
16 I don't have a law clerk today. Please get me a
17 verdict form for guilty or not guilty of burglary
18 first. Put not guilty first and guilty second. Any
19 particular jury charge that y'all want?

20 MR. PRICE: Just the standard, Your Honor.

21 MR. HAMMACK: Circumstantial evidence and the
22 normal stuff you do.

23 THE COURT: Well, normal stuff I do is burglary
24 first and circumstantial and direct evidence,
25 credibility of witnesses, presumption of innocence,

1 reasonable doubt. Once again, remind them of the fact
2 she's not here, do not hold that against her in any
3 manner whatsoever. That's basically it. All right.
4 We'll stand at ease until two o'clock.

5 (Off the record for lunch.)

6 THE COURT: Is the State ready to proceed?

7 MR. HAMMACK: Yes, sir, Your Honor. My deputy is
8 not quite back yet. Should be here any minute now.

9 THE COURT: Who?

10 MR. HAMMACK: My deputy, Franklin Bamberg. He
11 should be here in just a minute. We can go on if we
12 need to. He's just running a couple minutes behind.

13 THE COURT: Supposed to start at two o'clock. Is
14 the Defendant ready?

15 MR. PRICE: Yes, Your Honor.

16 THE COURT: Can you find out where he is?

17 MR. HAMMACK: He should be walking in.

18 (Whereupon, there is a pause in the proceedings.)

19 (Whereupon, the jury came into open court.)

20 THE COURT: First question: Did y'all get me a
21 foreperson? Did y'all get me a foreperson? You've got
22 to do it. Everybody gets \$10 taken off their pay.
23 I'll select somebody. We'll do that in a minute.

24 Here's where we are. We have concluded all of the
25 testimony, so that will be it for the testimony. So

1 where we are now, the State will present their final
2 argument, followed by Mr. Price on behalf of the
3 Defendant and then I'll instruct you on the law and
4 then y'all can go back to your jury room and start your
5 deliberations, so we will finish it up today.

6 CLOSING ARGUMENT ON BEHALF OF THE STATE

7 MR. HAMMACK: Mr. Price, Mr. Clerk, Your Honor.
8 Welcome back. The case moved pretty fast but we'll
9 probably get done today, I'm hoping. Appreciate all
10 your attention during the testimony. I know I said we
11 moved pretty quick, but I appreciate y'all paying
12 attention to everything that was said.

13 Guys, like I said before, you've realized by now
14 this isn't CSI. We're not going to have somebody
15 coming in with this special piece of fiber that only
16 one person in the world has and that's how we link
17 Phoebe or Jacqueline Bacon to this thing. It's a
18 circumstantial evidence case.

19 Chief Deputy Hay told you they didn't get any
20 fingerprints. That's not unusual. It's actually more
21 unusual to get fingerprints. DNA evidence, they
22 swabbed for it but Ms. Bacon had been in the house
23 recently. If it showed anything -- if they even found
24 it, she might have been in the house at some point.
25 It's already been testified to she had been there

1 recently. It's a circumstantial evidence case.

2 What we have to prove beyond a reasonable doubt --
3 and the Judge is going to define that for you here in a
4 few minutes -- a couple of different definitions in
5 South Carolina. There's a firmly convinced. That's
6 evidence that leaves you firmly convinced of the
7 Defendant's guilt is enough to convict, or the other
8 definition of reasonable doubt is doubt which would
9 cause a reasonable person to hesitate to act.

10 I know that's hard to understand. I've been doing
11 this 13 years. I'm not quite sure I understand
12 completely what reasonable doubt is. That's why we ask
13 you to use your common sense; what makes sense to you.
14 Think about what you heard from the stand.

15 The Judge will tell you, if he hasn't already,
16 what we're saying is not evidence in the case. This is
17 me telling you my opinion, my version, what I see,
18 trying to give you a roadmap of what to look for and
19 what to talk about, but what I'm saying is not evidence
20 in the case. The only evidence is what comes from that
21 stand right there.

22 I have to prove beyond a reasonable doubt that
23 Jacqueline Bacon entered Wayne Bacon's residence, his
24 house, the place where he lives, with the intent to
25 commit a crime therein, to take stuff, to steal guns,

1 steal liquor, steal jewelry, and that she did it
2 without his consent. One of the elements of burglary
3 first is that she became armed during the course of the
4 burglary. She took guns.

5 Again, like I said, it's circumstantial evidence.
6 You heard testimony from the stand that Wayne Bacon
7 left his house that morning to go to Columbia to have
8 some time with his parents; took his daughter up there
9 and they went and spent the day with his parents. He
10 gets a text around lunchtime, maybe a little earlier,
11 from Jacqueline who he hears from periodically. It's
12 his ex-wife. They've been divorced for about three
13 years. And a little bit unusual because it's just,
14 kind of, out of the blue. He tells her he's headed to
15 Columbia to see his parents.

16 Gets a text again later on in the day. Chief
17 Deputy Hay told you, looking at the records, somewhere
18 around 4:45 or so, again asking where he is. Gets home
19 later that night and walks in and notices his kitchen
20 cabinet is open. That's a little bit unusual; didn't
21 leave them that way, so draws his attention. He
22 notices the back door has been broken into, so he does
23 what pretty much any parent would do. He's going to
24 get his daughter and get out of the house, so that's
25 what he does.

1 Law enforcement gets there, they get a chance to
2 look around and see what's going on and it's just
3 something not quite right. It's just odd that, as
4 Chief Deputy Hay told you, usually in a burglary the
5 house is a mess, things moved around but it's not in
6 this case. Only certain areas have been gone into and
7 it becomes real obvious, real fast, that whoever did it
8 knew where stuff was, to go to these specific places,
9 not other places.

10 There weren't other places in the house, as Chief
11 Deputy Hay told you. The house was clean. It was -- I
12 think he used the word immaculate or something along
13 those lines. The house was just very well maintained
14 and it was obvious the places that they had been to and
15 it again became obvious real fast that whoever had been
16 in there knew where to go, knew what to look for.

17 There's only a couple of different people that
18 know where all those places are, Mr. Bacon told you.
19 His parents, and they were with him so they weren't
20 down here breaking into his house, and Phoebe, or
21 Jacqueline, his ex-wife.

22 She's been out of the house for some time. He's
23 made some changes since she's been gone, putting places
24 -- putting money in different places, kind of, moving
25 things around a little bit but mostly things are still

1 the same; jewelry drawer is still there; still keeps
2 the gun in the liquor cabinet with the liquor; still
3 keeps the gun in the top of the closet with things that
4 were taken; and because of all that law enforcement,
5 they know. They know where to start looking. They
6 have a pretty good idea.

7 So they start looking at Jacqueline because they
8 know she's familiar with the house, she's familiar with
9 where things are. They pull her phone records and find
10 out that she was down around the Denmark area around
11 the time of this burglary and that she was with Silas
12 Roland. So they say well, let's go look for Jacqueline
13 and see what we can find out. Get to where she was
14 staying, she's not there, so they ride over to Silas's.
15 Maybe she's there. Maybe it's a good chance to talk to
16 Silas.

17 Once they get to Silas's house, talk to him a
18 little bit, start searching, looking around, and when
19 they get to his Blazer they talked about, Silas
20 withdraws his consent to search, and that certainly
21 piqued their interest and made them wonder if
22 something's going on. He's let us search everything
23 else, why not this?

24 So they go get a search warrant and as soon as
25 they get there, they find guns that were stolen from

1 Wayne Bacon in that Blazer. That's when Mr. Roland
2 told you about being arrested and when he gets out, he
3 actually goes and retrieves some more of the firearms
4 that were left over at Frankie's house and he talks to
5 law enforcement.

6 He explains to them what happened that day and
7 what he can tell them; that on September 9th he had
8 brought Jacqueline down here to Denmark to a little
9 church where she got in the car with somebody else. He
10 stayed gone for a little bit. It wasn't a long lengthy
11 period. It wasn't a two or three-hour time period. It
12 was pretty quick.

13 I think phone records would show that, you know,
14 the text messages and stuff that were being sent were a
15 pretty quick time period here in Denmark, here in this
16 area. That's consistent with somebody knowing where
17 stuff is in the house. They don't have to rummage.
18 They know where to go and what to look for. Don't take
19 long if you know what you're looking for.

20 Go in, get what they want, get out. He'd done
21 picked her up and she's got a bag full of something.
22 He don't know what but she's got this bag. The next
23 day he finds out there's guns in the bag, because she's
24 asking him about trying to help sell them. Those are
25 the same guns that were found in the Blazer that were

1 traced back to Mr. Bacon.

2 Those are the same guns that were found in the
3 black bag that Mr. Roland brought to Sergeant Bamberg
4 that were stolen from Mr. Bacon. It's not a hard case.
5 I'm just asking you to use your common sense. Think
6 about what you've heard. Think about what you've been
7 told. Put it all together, what makes sense to you.

8 I understand that -- and I'm just guessing at this
9 point -- I'm assuming the defense is going to talk a
10 little more about Silas Roland and what his involvement
11 was in the case because he's the one with the guns.
12 They didn't find them on Jacqueline. They found them
13 with him. He's the one provided them back to them.

14 But as Mr. Roland told you, he didn't even know
15 the house was there. He'd been to a doublewide. He
16 didn't know he had a house. Does it make sense that
17 Silas Roland goes in that house, goes to those specific
18 areas, gets those specific items and gets out in
19 minutes and is headed back to Lexington? Does that
20 make sense?

21 Or does it make more sense that somebody knows
22 what they're doing, knows where they're going, knows
23 what they're looking for? You heard some testimony
24 about this jewelry drawer that you couldn't even tell
25 was there. It wasn't obvious. I think that Chief

1 Deputy Hay even said had he not been shown, he wouldn't
2 have known that the jewelry drawer was there.

3 Does it make sense that somebody that's never been
4 in the house and not familiar with it is going to know
5 where that drawer is, that the key is kept in the sock
6 drawer so the sock drawer was gone through looking for
7 it? Does that make sense? What makes sense in this
8 case is that Jacqueline Bacon went in that house, not
9 her house, Wayne Bacon's house. Her ex-husband's
10 house, not her house anymore.

11 We talked about that. Family Court didn't give
12 her any interest in that house. That's his house. She
13 goes in that house to the spots where she knows he
14 keeps stuff and she takes it. That's what makes sense
15 in this case. I'm going to finish up with a little
16 story. If you've got kids you'll understand it;
17 grandkids, you'll get it. Hopefully it'll help it make
18 a little more sense. Susie's heard this before so
19 she's going to probably laugh at me.

20 Little Johnny comes home from school Friday --
21 excuse me -- Thursday afternoon, looks at mama and says
22 mama, we have an end-of-school party tomorrow. I need
23 two dozen chocolate chip cookies and of course, you
24 know, mom is, like, wait until the last minute to tell
25 me, but they go do it because that's what moms do.

1 They go make those cookies.

2 So mom goes in the kitchen and she makes up a
3 batch of 24 beautiful chocolate chip cookies ready to
4 go to school the next day. She leaves them there on
5 the cooling rack so they can cool so she can pack them
6 up. She goes off to check on the laundry, do some
7 other things around the house, comes back, there's two
8 cookies missing.

9 Mom says wonder what happened to those two
10 cookies. So she yells at Little Johnny who's in the
11 living room watching TV, and she says Little Johnny,
12 what happened to my cookies and Little Johnny says
13 mama, I don't know what you're talking about. I
14 haven't seen any cookies. Mama is still looking
15 suspicious. Okay. So she asked him again, Little
16 Johnny, are you sure you haven't seen those cookies,
17 and again he denies it. I haven't seen those cookies.

18 So she decides to walk into the living room to
19 look for them. She gets in there and Little Johnny is
20 sitting there on the chair in front of the TV. He's
21 got cookie crumbs all over his shirt and chocolate all
22 over his face. Mama doesn't need to get law
23 enforcement to come out and take samples of those
24 crumbs to make sure they're chocolate chip cookies.

25 She doesn't need SLED to analyze the chocolate on

1 his face to know that it's Toll House Chocolate as
2 opposed to some other chocolate. Mama knows.

3 She knows exactly what went on even if she doesn't
4 have a video of it. She doesn't have an eyewitness.
5 She doesn't have a SLED analyst coming down and talking
6 about how this chocolate is special chocolate that only
7 these cookies had. She knows and in this case you
8 know.

9 You've got the evidence there. Go back, talk
10 about that evidence. I urge you to spend some time and
11 talk about it, think about it and come back with the
12 only verdict and that's guilty. Thank you.

13 CLOSING ARGUMENT ON BEHALF OF THE DEFENSE

14 MR. PRICE: Ladies and gentlemen of the jury,
15 thank you for your service. Thankfully it didn't take
16 us too long to get to this point.

17 You've heard the testimony today and all the
18 testimony seems to lead back to Silas Roland. When you
19 first heard Sergeant Bamberg -- yeah, Sergeant Bamberg
20 speak about this case, he said that he first talked to
21 Mr. Roland. You heard Ben Hay who spoke to Mr. Roland.
22 Mr. Roland is the only one that talks about Jacqueline
23 Bacon being linked with this case.

24 Mr. Roland is the one that said he lied to his
25 wife about going to see Jackie. If he lied to his

1 wife, how do you know he didn't lie to us? We don't
2 know if he lied to us at all. Mr. Roland said that he
3 drove down to see -- to take Jackie to a certain place
4 and a guy in a black car picked her up.

5 We have no description of more of this car. We
6 don't know if it was a Mercedes or a Chevrolet. We
7 don't know who this guy is, but he sure gave a
8 description of the church that was white with a red
9 roof. How come you don't know the description of the
10 car or description of the person who was inside that
11 car?

12 He's the only one that's linked to the guns.
13 Jackie's not linked to the guns whatsoever. Law
14 enforcement went to Mr. Roland. They retrieved guns
15 from him. Mr. Roland said that later on, a couple of
16 weeks later, he went up to Frankie's house to take the
17 guns and to give to law enforcement in Pelion.

18 Why would you take the guns from somebody's house
19 to give to law enforcement in Pelion? Why wouldn't you
20 just call law enforcement and say hey, there's
21 additional evidence here that you can pick up? It
22 doesn't make any sense. Why? Because Mr. Roland is
23 lying.

24 Mr. Roland is the one that likely did everything.
25 He probably did the whole thing all himself. He sent

1 law enforcement -- you've heard from law enforcement
2 and you've heard from Mr. Roland about Jackie texting.
3 How do we know that Mr. Roland didn't have the phone
4 all along? He testified earlier that he went to
5 Frankie's house and that Jacqueline was there and they
6 rode down to that area, the Denmark area.

7 Well, we don't know if he took that phone with him
8 the entire time, so all of this today, the testimony
9 from law enforcement, from Mr. Roland, is all linking
10 back to Silas; nothing necessarily to Jacqueline.

11 He also testified about Google. He Googled Mr.
12 Bacon's house. Why would you Google about Mr. Bacon's
13 house after you get out of jail? That doesn't make any
14 sense. Why would you -- what's the point of Googling
15 him?

16 Lastly, you heard the ex-husband, Mr. Wayne Bacon
17 who readily had his house broken into, speak about his
18 wife briefly -- or his ex-wife briefly, and that's
19 Jacqueline Bacon. You would think that someone -- an
20 ex-wife breaking into the home would have some type of
21 acrimonious relationship with the husband, or the ex-
22 husband. You didn't hear that whatsoever.

23 You did hear Mr. Bacon say that she had her
24 parental rights terminated, but he did say that she
25 came out to the house one time and they had a nice

1 evening. I would think there would be a little bit
2 more of a bad relationship between the two if she was
3 going to break into the house.

4 Silas, Mr. Roland, mentioned that he really didn't
5 know Mr. Bacon all that well. He'd never been in the
6 house. Well, Silas did testify that he had known
7 Jacqueline since 1989, known him since 1989, and he
8 testified that he had went hunting with Mr. Bacon a
9 couple of times and that he went to his doublewide. I
10 find it hard to believe that he wouldn't be in the
11 home, he didn't know anything about that home. So I
12 offer that really Silas Roland that did the burglary
13 all along.

14 Now, the Judge is going to instruct you about
15 reasonable doubt. As you heard from the Solicitor,
16 there's different versions about what reasonable doubt
17 is. After you hear the Judge give his instruction and
18 you go in the back to deliberate, I'm confident that
19 you'll return a verdict of not guilty for Jacqueline
20 Bacon. Thank you.

21 THE COURT: Ladies and gentlemen, what we normally
22 do at this stage of the trial is I instruct you or tell
23 you what the law is, and as I go around the State
24 trying cases, in criminal cases the first part of the
25 charge or the instructions deals with anybody charged

1 with anything criminal. They're general charges
2 dealing with people who have been indicted for certain
3 crimes.

4 Let me go through that first and then we'll turn
5 our attention to this indictment, which is for burglary
6 in the first degree. First of all let me remind you
7 the fact that the Defendant has been arrested and
8 charged and indicted in the case is not evidence in the
9 case and cannot be considered by you as evidence of
10 guilt in this case, nor does it create any presumption
11 of guilt in the case.

12 The indictment is simply the formal document by
13 way we come into the courtroom. To this indictment of
14 burglary in the first degree the Defendant has pled not
15 guilty, and a plea of not guilty puts the burden on the
16 State of South Carolina to prove the guilt beyond a
17 reasonable doubt. A person charged with committing a
18 criminal offense in our State is never required to
19 prove himself or herself innocent.

20 I instruct and charge you it is an important
21 Constitutional rule of law that a person in a criminal
22 case, no matter how serious the charges may be, will
23 always be presumed to be innocent of the charges for
24 which the indictment was issued unless guilt has been
25 proven by evidence to satisfy you of that guilt beyond

1 a reasonable doubt.

2 The presumption of innocence does not end when you
3 start your deliberations but it stays with a Defendant
4 throughout the trial, unless you reach a verdict of
5 guilt based on the evidence satisfying you of that
6 guilt beyond a reasonable doubt.

7 The presumption of innocence is not a mere legal
8 theory or phrase. It is a substantial Constitutional
9 right to which every Defendant is entitled unless you
10 the jury are satisfied from the evidence of the
11 Defendant's guilt beyond a reasonable doubt.

12 Our Appellate Courts have defined the term
13 reasonable doubt as the kind of doubt that would cause
14 a reasonable person to hesitate to act. It's the kind
15 of doubt that would cause a reasonable person to
16 hesitate to act. Obviously the State has the burden of
17 proving the Defendant's guilt beyond a reasonable
18 doubt. Proof beyond a reasonable doubt is proof that
19 leaves you firmly convinced of the Defendant's guilt.

20 Obviously there are very few things in the world
21 that we know with absolute certainty and in criminal
22 cases the law does not require proof that overcomes
23 every possible doubt, but if based on your
24 consideration of the evidence you are firmly convinced
25 of the Defendant's guilt of the crime, then you must

1 find the Defendant guilty.

2 If on the other hand you think there is a real
3 possibility that the Defendant is not guilty, then you
4 must give the Defendant the benefit of the doubt and
5 find her not guilty.

6 As I told you when we selected the jury earlier
7 today that you and I have two distinct functions to
8 perform. You are obviously the judges of the facts.
9 You have to determine whether the facts in this case
10 are credible and believable and if so, whether it will
11 rise to the level of proving the Defendant guilty
12 beyond a reasonable doubt. So you are the finders of
13 the facts in the case.

14 I'm the Judge of the law in the case, so you have
15 to accept the law as I give it to you. If at any time
16 during the trial of the case you think I have some
17 opinion about the facts, the law does not allow me to
18 do so. So if I raised my eyebrows or rolled my eyes or
19 frowned or smiled, or did anything that you think I
20 have an opinion about the facts, set that aside. I
21 cannot. That is not my job nor my responsibility.
22 That is your responsibility. You determine true facts
23 that's been testified in this case.

24 And to do that obviously you have to determine the
25 believability or the credibility of the witnesses who

1 have testified in the case. Credibility simply means
2 believability. Who do you believe? It becomes your
3 duty as jurors to analyze and evaluate the evidence and
4 determine which evidence convinces you of its truth.

5 We all, in our everyday lives, we deal with wives
6 and husbands and children and friends and employees and
7 employers. You know how to judge when someone is
8 telling the truth or not telling the truth. Use that
9 everyday common sense in judging the credibility of
10 these witnesses and you will be in a position to
11 determine the true facts in the case.

12 In determining the believability or the
13 credibility of the witnesses, you can believe one
14 witness over several, several over one. You can
15 disbelieve everything a witness says. You can believe
16 everything he says. You can believe a little bit and
17 disbelieve the rest, but just use your good common
18 sense to judge the credibility and you'll be in a
19 position to determine what the true facts are in the
20 case.

21 Under our law when we try cases there are two
22 types of evidence which is generally presented during a
23 trial. They're called direct evidence and
24 circumstantial evidence, and the law makes no
25 distinction between the two, or the weight or value to

1 be given to either direct or circumstantial evidence,
2 nor is any greater degree of certainty required of
3 circumstantial evidence than of direct evidence.

4 You should weigh all the evidence in the case and
5 after weighing all the evidence, if you are not
6 convinced of the guilt of the Defendant beyond a
7 reasonable doubt, you must find the Defendant not
8 guilty. Direct evidence is testimony of a person who
9 claims to have actual knowledge of a fact such as an
10 eyewitness. Circumstantial evidence is proof of a
11 chain of facts and circumstances indicating the
12 existence of a fact.

13 If you go outside and it's raining, you get wet
14 and see the raindrops coming down, that's direct
15 evidence that it's raining. If you walk outside and
16 there's mud puddles and it's hot and humid and cloudy,
17 even though you don't see it's raining, mud puddles and
18 all that is circumstantial evidence that it has rained.
19 So that's basically the difference between the two.
20 The law does not distinguish between the two. You give
21 it whatever weight you deem is necessary.

22 Let me emphasize once again under the laws of our
23 State a Defendant may be tried even if the Defendant
24 does not attend the trial, but the fact that the
25 Defendant is not present may not be considered against

1 the Defendant in any manner whatsoever.

2 Now, that's sort of the general propositions of
3 law that we deal with in all cases. Let's turn to the
4 indictment in this case. The Defendant has been
5 indicted for the offense of burglary in the first
6 degree. There are three degrees of burglary in our
7 State. We're only dealing with burglary in the first
8 degree here today.

9 The Defendant is charged with first degree
10 burglary. The State must first prove beyond a
11 reasonable doubt that the Defendant entered a dwelling
12 without consent. Must prove that the Defendant entered
13 a dwelling without consent. A dwelling under our law
14 is defined as any building or portion of a building in
15 which a person ordinarily sleeps, so you have to prove
16 that they entered that place where a person ordinarily
17 sleeps, a building where someone ordinarily sleeps,
18 without consent.

19 Next the State must prove beyond a reasonable
20 doubt that the Defendant intended to commit a crime,
21 whether it be a felony or misdemeanor, at the time of
22 the entry, and finally the State must prove beyond a
23 reasonable doubt that while entering or while in the
24 dwelling, or when leaving the dwelling, the Defendant
25 was armed with a deadly weapon and a deadly weapon,

1 examples are pistols, shotguns, those sorts of things.

2 The State has to prove to you beyond a reasonable
3 doubt that the Defendant entered a dwelling -- a
4 dwelling is a building where a person normally sleeps -
5 - without consent and with intent to commit a crime
6 therein, and while entering or while in the dwelling or
7 when leaving was armed with a deadly weapon.

8 Now, ladies and gentlemen, your verdict must be
9 unanimous. That means all 12 of you must agree as to
10 what the verdict is. You will have a verdict form,
11 Madam Foreman, and it's simply we find the Defendant
12 not guilty or we find the Defendant guilty.

13 Obviously we have no enemies to punish, friends to
14 reward. What we have to do is ask you to consider the
15 evidence that has been presented to determine whether
16 or not the State has proven their case beyond a
17 reasonable doubt. If all 12 of you unanimously agree
18 that they have, your verdict would be we find the
19 Defendant guilty. If you find that they have failed to
20 prove the case to you beyond a reasonable doubt, it
21 would be not guilty.

22 Once you have reached a verdict, check the
23 appropriate spot, guilty or not guilty, sign your name,
24 knock on the door and we will receive you back in the
25 courtroom. If you have any questions while you're

1 deliberating, the protocol or the rule is to write that
2 question out on a piece of paper that you'll have back
3 there, give it to the bailiff who'll give it to me.

4 Sometimes I can answer the questions, sometimes I
5 can't, obviously depending on what the inquiry is. I'm
6 going to ask you now to step back into your jury room.
7 Do not start deliberating. I have to ask the lawyers
8 if I've left anything out or if I need to change
9 anything.

10 Once I make that inquiry I will send the verdict
11 form back to the jury room. At that time you can start
12 your deliberations. Separate my alternates out please.

13 (Whereupon, the jury exited the courtroom.)

14 THE COURT: Are there any exceptions, requested
15 additions or deletions to the charge by the State?

16 MR. HAMMACK: No, sir, Your Honor.

17 THE COURT: By the Defendant?

18 MR. PRICE: No, Your Honor.

19 THE COURT: I have a verdict form that simply says
20 we find not guilty or guilty. Any objection to that?
21 None by the State and none by the Defendant. Hand that
22 to the jury and tell them they may start their
23 deliberations. You have separated the alternates; is
24 that correct?

25 THE CLERK: Yes, sir.

1 THE COURT: Thank you. We'll stand at ease for a
2 few minutes.

3 (Whereupon, the jury began deliberations.)

4 (Off the record)

5 THE COURT: Thank you. Please be seated. Is the
6 State ready to receive the verdict?

7 MR. HAMMACK: Yes, sir, Your Honor.

8 THE COURT: Mr. Price?

9 MR. PRICE: Yes, Your Honor.

10 THE COURT: Bring the jury in please. Get the two
11 alternates. They can come in if they want to. That'll
12 be fine. Let them sit over here.

13 (Whereupon, the jury entered open court.)

14 THE COURT: Have y'all reached a verdict?

15 MS. FOREPERSON: Yes, we have.

16 THE COURT: Hand it to the bailiff.

17 THE CLERK: In the State of South Carolina versus
18 Jacqueline Bacon, we the jury find the Defendant
19 guilty. Madam Forelady, is that your verdict and is it
20 still your verdict?

21 MS. FOREPERSON: Yes, it is.

22 THE CLERK: Members of the jury, is that your
23 verdict and is it still your verdict?

24 (Members of the jury respond simultaneously in the
25 affirmative.)

1 THE COURT: Anything further for the jury before
2 we dismiss then by the Defendant?

3 MR. PRICE: No, Your Honor.

4 THE COURT: Thank you.

5 MR. HAMMACK: No, sir.

6 THE COURT: Madam Forelady, ladies and gentlemen,
7 a quick trial and I agree with your verdict.
8 Interesting. I've been doing this 30 years as a lawyer
9 and 10 years now on the bench and I think this is maybe
10 the second or third case we've had to try where they
11 didn't show up.

12 I just wanted to let you know that every effort
13 has been made to locate her and to have her here.
14 She's out on bond. We had her bondsman here yesterday
15 and they were trying to find her. This case has been
16 set for trial for a while. Mr. Price has been
17 representing her all the way back last year and she --
18 we just don't know where she is.

19 We've been in touch with her family and all, but
20 sometimes those things happen, but the case has to be
21 resolved. It can't just stay on the roster forever.
22 We gave her every means and effort to be here.

23 Anyway I appreciate y'all's time and effort and
24 you've now got exempted for three years so you get a
25 little something out of it. Mr. Hiers will send you a

1 check and that will be it for the week and I thank you.
2 Enjoyed being with you.

3 So unless you've got any questions we're going to
4 let you go. You can turn -- those badges are, I guess,
5 disposable. Anything else, Mr. Hiers?

6 THE CLERK: No, sir. If anybody needs an excuse
7 to take back to where you work, we can give you one
8 downstairs.

9 THE COURT: The Clerk's office is as you go out
10 the front door, that last office on the left. Go in
11 and tell them you're a juror and they'll be glad to
12 give you an excuse. Thank you very much. Enjoyed
13 being with each and every one of you.

14 Just let me tell you one other thing. What will
15 happen now is I will have to impose a sentence upon her
16 and they'll hand me a sentence sheet up in just a
17 minute and I will sentence her. Nobody will know what
18 it is. It'll be in a sealed envelope so it won't be
19 revealed until she has been found, and when she's found
20 they'll bring her in to be sentenced. Thank y'all.

21 (Whereupon, the jury exited the courtroom.)

22 (WHEREUPON, THE TRIAL WAS CONCLUDED.)

23
24
25

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN) CERTIFICATE

Be it known that I, the undersigned Reba C. Hayes, CVR, official court reporter for the Second Judicial Circuit of the State of South Carolina, transcribed the foregoing proceeding in the above-referenced matter.

The foregoing transcript of 93 typewritten pages represents a true, accurate and complete transcription of the testimony so given and the evidence introduced at the time and place aforesaid to the best of my skill and ability;

That I am not related to nor an employee of any of the parties hereto, nor a relative or employee of any attorney or counsel employed by the parties hereto, nor interested in the outcome of this action.

Witness my hand this 2nd day of September, 2014.

S/Reba C. Hayes
REBA C. HAYES, CVR

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS
SECOND JUDICIAL CIRCUIT

COUNTY OF BAMBERG)

STATE OF SOUTH CAROLINA)

CONDITIONAL ORDER TO
ESTREAT BOND

VS)

Jacqueline P. Bacon,)

Defendant,)

Brad's Bail Bonding and)

Priscilla's Bail Bonds,)

Surety,)

Palmetto Surety Corporation,)

Insurance Company.)

Indictment Number: 2013GS0500019

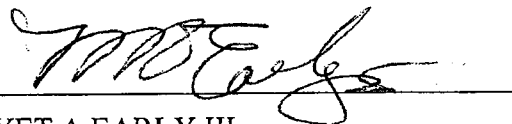
CP Case Number:

FILED
BAMBERG COUNTY
2014 JUL 14 PM 3:32
JAMES B. HIRS
CLERK OF COURT
BAMBERG, SC

IT IS ORDERED that the bond amount of seventy-five thousand dollars posted by Brad's Bail Bonding, for Priscilla's Bail Bonding, to ensure the presence of Jacqueline P. Bacon, before the Court upon notice by the Solicitor's Office be estreated in full due to this Defendant's non-compliance with the conditions of bond as outlined in South Carolina Code Annotated §17-15-20.

On October 20, 2014, Brad's Bail Bonding, Priscilla's Bail Bonding and Jacqueline P. Bacon must appear at the Bamberg County Courthouse, 2959 Main Highway, Bamberg, South Carolina at 9:00 a.m., or as soon thereafter as a hearing can be held; to show cause as to why such forfeiture should not be confirmed finalized, and made absolute against them pursuant to South Carolina Code Annotated §17-15-180.

IT IS SO ORDERED.



DOYET A EARLY III
Chief Administrative Judge
Second Judicial Circuit

July 9, 2014
Date

Bacon, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF BAMBERG

FILED

IN THE COURT OF
GENERAL SESSIONS

STATE OF SOUTH CAROLINA JUN 13 PM 5:15

WARRANT/TICKET # 2012A0510100143

AMOUNT OF BOND 75,000.00

-vs-
JACQUELINE P. BACON

DEFENDANT

JAMES S. WIERS
CLERK OF COURT
BAMBERG, SC

SSN 251-87-8224 DOB [REDACTED]
DATE BOND POSTED 9/24/2012

IN RE:

A PLUS BAIL BONDS

SURETY

AFFIDAVIT & MOTION TO BE RELIEVED
ON BOND

PLEASE TAKE NOTICE that A PLUS BAIL BONDS

Surety, moves before this Court, such motion to be heard on the date and time indicated below, requesting an Order to be Relieved on the bond of the above named defendant.

Surety moves to be relived on the bond based on the following facts and attached affidavit (required):

- ☒ 1. To prevent defendant from committing an imminent violation of specific terms of the bail bond.
- ☒ 2. The defendant has violated any one of the specific terms of the bond.
- ☒ 3. Other: (specify) Moved without notice, failed to appear at rollcall, and not of good behavior.

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 13 DAY OF JUNE, 2013

David Crawford III

NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission expires: June 7, 2022

[Signature]
SURETY

I have received custody of the above named defendant and the defendant will remain in custody until such time that a hearing may be held to determine the status of the bond.

OFFICER: A. S. Johnson DATE: 6/13/2013
Bamberg County / Municipal Detention Center

ORDER

The above motion is hereby ☒ GRANTED ☐ DENIED.
The bond shall be set at ☒ remain as is.

NOTICE OF HEARING
Please take notice that a hearing on
the motion herein is scheduled at the

Defendant to be ☐ committed ☐ released under the above
warrant(s).

located at
at o'clock on

Dated at Bamberg County, South Carolina,

If you do not appear, the hearing will be
held in your absence.

JUDGE [Signature]

SCCA/635 (2/2005) ☐ Court Copy ☐ Defendant Copy ☐ Detention Center Copy ☐ Surety Copy

ACKNOWLEDGEMENT BY DEFENDANT

I understand that if I violate any condition of this Order, a warrant for my arrest will be issued.

I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence.

It has been explained to me that if I fail to appear before the court as required, a warrant for my arrest will be issued.

ADDRESS Denmark, SC 29042
CITY/STATE/ZIP
TELEPHONE
SOCIAL SECURITY NUMBER
DRIVER'S LICENSE OR ID NUMBER
SIGNATURE OF DEFENDANT Jacqueline Bar
DATE
ATTORNEY REPRESENTING ACCUSED (IF KNOWN)

SPECIAL CONDITIONS OF RELEASE

a. ☐ Placement in custody. The defendant is placed in the custody of: _____
NAME OF PERSON OR ORGANIZATION

ADDRESS _____ CITY/STATE _____ ZIP _____ TELEPHONE _____
who agrees (1) to supervise the defendant as set forth by the court, (2) to use every effort to assure the appearance of the defendant at all scheduled hearings before the court, and (3) to notify the court immediately in the event the defendant violates any conditions of his release or disappears.

SIGNATURE OF CUSTODIAN (IF APPROVED)

DATE

b. ☐ Restrictions on Travel, Association or Residence. The defendant will comply with each of the following conditions: _____

c. ☐ Part-time Release. The defendant will be released from custody from _____ o' clock, _____ to _____ o' clock, _____
on _____ on condition that he return to the custody of _____
at _____ as designated.
DATE(S) NAME OF PERSON OR ORGANIZATION

d. ☒ Other conditions. The defendant will comply with the following other conditions of release: _____
Must Appear in Court as Required; No contact with victim/victim's family directly or indirectly; Must Have Permission to Leave State; Must Keep the Peace

APPEARANCE RECOGNIZANCE WITH SURETY

On the 24 day of September, 2012, personally appeared before the undersigned judge the surety named below who acknowledged himself indebted to the State of South Carolina, in the sum of \$ 75,000.00, such sum to be levied on his real and personal property for the use of the State, should named defendant fail in performing the conditions of this Order.

The surety, being duly sworn, says that he is a resident and free holder within the State and is worth the sum acknowledged and underwritten herein, over all his debts and liabilities, and exclusive of property exempt from execution.

A-PLUS Bonding 803-957-7577
NAME OF SURETY BONDSMAN COMPANY TELEPHONE

520 Gibson RD.
ADDRESS OF SURETY BONDSMAN

Lexington S.C. 29072
CITY/STATE/ZIP

Safety National Casualty
NAME OF INSURANCE COMPANY

1832 Schuetz RD.
ADDRESS OF INSURANCE COMPANY

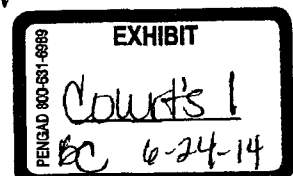
St. Louis MO 63146
CITY/STATE/ZIP

Ph# 314-995-5300

SIGNATURE OF SURETY BONDSMAN

SIGNATURE OF JUDGE

DATE



BAIL PROCEEDING FORM II

STATE OF SOUTH CAROLINA
COUNTY OF Bamberg

IN THE General Sessions

STATE OF SOUTH CAROLINA

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE

Bacon, Jacqueline P.

NAME OF DEFENDANT

Offense Charged: Burglary / Burglary (After June 20, 1985) - First degree-[2012A0510100143]

At a bail proceeding conducted by the undersigned judge, for the defendant named above, it was determined by the court (check one or both):

- ☐ The release of the defendant on recognizance will not reasonably assure his appearance as required.
☐ The release of the defendant on recognizance will result in an unreasonable danger to the community.

This determination was based upon the following findings of fact: _____

Nature of Circumstances of Offense; Must Notify Court Immediately of Change of Address _____

[Considerations: Nature and Circumstances of the offense charged, the defendant's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and any record of flight to avoid prosecution or failure to appear at other court proceedings.]

THEREFORE, IT IS HEREBY ORDERED:

- That the above named defendant be released from custody on the condition that he will personally appear before the designated court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court and not depart the State without the permission of the court and be of good behavior.
- That the above named defendant be released from custody provided as follows (check all that apply):

CASH IN LIEU OF BOND

- ☐ The defendant, acknowledges himself to be indebted to the State of South Carolina in the sum of \$ _____ to secure his release from custody. Should the defendant fail to comply with all terms and conditions of this Order, this sum of money is subject to being forfeited to the State.

CASH PERCENTAGE IN LIEU OF BOND

- ☐ The defendant, acknowledging himself to be indebted to the State of South Carolina in the full amount of \$ _____, his release to be obtained by payment to the court of _____ % (not to exceed 10%) of the full amount of the bond, deposits \$ _____ to secure his release from custody. Should the defendant fail to perform the conditions of this Order, the full amount shall be levied on his real and personal property for the use of the state.

APPEARANCE RECOGNIZANCE WITH SURETY

- ☒ The defendant will provide good and sufficient surety approved by the court, in the form hereinafter set forth in this Order, acknowledging an indebtedness to the State in the amount of \$ 75,000.

3. That the defendant shall appear at (check one):

- ☒ the term of COURT OF GENERAL SESSIONS beginning on September 12, 2013 at 9:30 o'clock, A.M.,
at General Sessions - 2959 Main Highway/PO Drawer 150/Bamberg, SC 29003 / (803) 245-3025
and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.
- ☐ the session of ☐ MAGISTRATE COURT ☐ MUNICIPAL COURT beginning on _____ at _____ o'clock, _____
at _____
If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

Bond Amount(s): \$75,000.00 (CS) or \$75,000.00 (SB)

INITIALS OF DEFENDANT [Signature]

4. That the defendant will notify the court promptly if he changes his address from the one contained in this order and he will comply with those conditions described hereinafter in the Order.

SIGNATURE OF JUDGE [Signature]

DATE 6/25/13

ACKNOWLEDGEMENT BY DEFENDANT

I understand that if I violate any condition of this Order, a warrant for my arrest will be issued.

I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence.

It has been explained to me that if I fail to appear before the court as required, a warrant for my arrest will be issued.

ADDRESS
Denmark, SC 29042

CITY/STATE/ZIP
004392817 (SC)

TELEPHONE
004392817 (SC)

SIGNATURE OF DEFENDANT
DATE 6/25/13

SOCIAL SECURITY NUMBER
DRIVER'S LICENSE OR ID NUMBER
ATTORNEY REPRESENTING ACCUSED (IF KNOWN)

SPECIAL CONDITIONS OF RELEASE

a. ☐ Placement in custody. The defendant is placed in the custody of: _____ NAME OF PERSON OR ORGANIZATION

ADDRESS CITY/STATE ZIP TELEPHONE
who agrees (1) to supervise the defendant as set forth by the court, (2) to use every effort to assure the appearance of the defendant at all scheduled hearings before the court, and (3) to notify the court immediately in the event the defendant violates any conditions of his release or disappears.

SIGNATURE OF CUSTODIAN (IF APPROVED)

DATE

b. ☐ Restrictions on Travel, Association or Residence. The defendant will comply with each of the following conditions: _____

c. ☐ Part-time Release. The defendant will be released from custody from _____ o' clock, _____ to _____ o' clock, _____ AM/PM
on _____ on condition that he return to the custody of _____ NAME OF PERSON OR ORGANIZATION
at _____ as designated.
LOCATION

d. ☒ Other conditions. The defendant will comply with the following other conditions of release: _____
Must Appear in Court as Required; No contact with victim/victim's family directly or indirectly;; Must Have Permission to Leave State; Must Keep the Peace

APPEARANCE RECOGNIZANCE WITH SURETY

On the 25th day of June, 2013, personally appeared before the undersigned judge the surety named below who acknowledged himself indebted to the State of South Carolina, in the sum of \$ 75,000.00, such sum to be levied on his real and personal property for the use of the State, should named defendant fail in performing the conditions of this Order.

The surety, being duly sworn, says that he is a resident and free holder within the State and is worth the sum acknowledged and underwritten herein, over all his debts and liabilities, and exclusive of property exempt from execution.

BRAD'S BAIL BONDING

NAME OF SURETY BONDSMAN COMPANY

120 BARR RD.
LEXINGTON, SC 29072

ADDRESS OF SURETY BONDSMAN COMPANY

CITY/STATE/ZIP

NAME OF INSURANCE COMPANY

Palmetto Surety Corp.
126 Seven Farms Dr. Ste. 170

ADDRESS OF INSURANCE COMPANY

CITY/STATE/ZIP

Form Approved by S.C. Attorney General
Section 17-15-40
March 21, 2012

SIGNATURE OF SURETY BONDSMAN

SIGNATURE OF JUDGE

DATE

STATE OF SOUTH CAROLINA
COUNTY OF BAMBERG

FILED

IN THE COURT OF
GENERAL SESSIONS

STATE OF SOUTH CAROLINA

WARRANT/TICKET #

2012A0510100143

JUN 13 PM 5:15

AMOUNT OF BOND

75,000.00

-vs-

JACQUELINE P. BACON

JAMES S. HIERS
CLERK OF COURT
BAMBERG, SC

DEFENDANT

SSN

DOB

DATE BOND POSTED

9/24/2012

IN RE:

A PLUS BAIL BONDS

SURETY

AFFIDAVIT & MOTION TO BE RELIEVED
ON BONDPLEASE TAKE NOTICE that A PLUS BAIL BONDS

Surety, moves before this Court, such motion to be heard on the date and time indicated below, requesting an Order to be Relieved on the bond of the above named defendant.

Surety moves to be relived on the bond based on the following facts and attached affidavit (required):

- ☒ 1. To prevent defendant from committing an imminent violation of specific terms of the bail bond.
- ☒ 2. The defendant has violated any one of the specific terms of the bond.
- ☒ 3. Other: (specify) Moved without notice, failed to appear at rollcall, and not of good behavior.

A TRUE COPY
Attest: J. B. Hiers
CLERK OF COURT
BAMBERG COUNTY, SC

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 13 DAY OF JUNE, 2013David Crawford III

NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission expires: June 7, 2022

[Signature]
SURETY

I have received custody of the above named defendant and the defendant will remain in custody until such time that a hearing may be held to determine the status of the bond.

OFFICER: A. S. JohnsonDATE: 6/13/2013Bamberg

County / Municipal Detention Center

ORDER

The above motion is hereby ☒ GRANTED ☐ DENIED.
The bond shall be set at ☒ remain as is.Defendant to be ☐ committed ☐ released under the above warrant(s).Dated at Bamberg County, South Carolina,6-24-13

JUDGE

[Signature]

NOTICE OF HEARING

Please take notice that a hearing on the motion herein is scheduled at the

located at

at o'clock on .

If you do not appear, the hearing will be held in your absence.

SCCA/635 (2/2005)

☐

Court Copy

☐

Defendant Copy

☐

Detention Center Copy

☐

Surety Copy

BAIL PROCEEDING
FORM IISTATE OF SOUTH CAROLINA
COUNTY OF Bamberg

IN THE General Sessions

STATE OF SOUTH CAROLINA

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE

v.

Bacon, Jacqueline P.

NAME OF DEFENDANT

Offense Charged: Burglary / Burglary (After June 20, 1985) - First degree-[2012A0510100143]

At a bail proceeding conducted by the undersigned judge, for the defendant named above, it was determined by the court (check one or both):

- ☐ The release of the defendant on recognizance will not reasonably assure his appearance as required.
- ☐ The release of the defendant on recognizance will result in an unreasonable danger to the community.

This determination was based upon the following findings of fact: _____

Nature of Circumstances of Offense; Must Notify Court Immediately of Change of Address _____

[Considerations: Nature and Circumstances of the offense charged, the defendant's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and any record of flight to avoid prosecution or failure to appear at other court proceedings.]

THEREFORE, IT IS HEREBY ORDERED:

1. That the above named defendant be released from custody on the condition that he will personally appear before the designated court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court and not depart the State without the permission of the court and be of good behavior.

2. That the above named defendant be released from custody provided as follows (check all that apply):

CASH IN LIEU OF BOND

☐ The defendant, acknowledges himself to be indebted to the State of South Carolina in the sum of \$ _____ to secure his release from custody. Should the defendant fail to comply with all terms and conditions of this Order, this sum of money is subject to being forfeited to the State.

CASH PERCENTAGE IN LIEU OF BOND

☐ The defendant, acknowledging himself to be indebted to the State of South Carolina in the full amount of \$ _____, his release to be obtained by payment to the court of _____ % (not to exceed 10%) of the full amount of the bond, deposits \$ _____ to secure his release from custody. Should the defendant fail to perform the conditions of this Order, the full amount shall be levied on his real and personal property for the use of the state.

APPEARANCE RECOGNIZANCE WITH SURETY

☐ The defendant will provide good and sufficient surety approved by the court, in the form hereinafter set forth in this Order, acknowledging an indebtedness to the State in the amount of \$ _____.

That the defendant shall appear at (check one):

☒ the term of COURT OF GENERAL SESSIONS beginning on December 06, 2012 at 9:30 o'clock, A.M.,
at General Sessions - 2959 Main Highway/PO Drawer 150/Bamberg, SC 29003 / (803) 245-3025
and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.

☐ the session of ☐ MAGISTRATE COURT ☐ MUNICIPAL COURT beginning on _____ at _____ o'clock, _____
at _____

If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

Bond Amount(s): \$75,000.00 (CS) or \$75,000.00 (SB)INITIALS OF DEFENDANT XJPB

4. That the defendant will notify the court promptly if he changes his address from the one contained in this order and he will comply with those conditions described hereinafter in the Order.

SIGNATURE OF JUDGE _____

DATE 9/21/12

ACKNOWLEDGEMENT BY DEFENDANT

I understand that if I violate any condition of this Order, a warrant for my arrest will be issued.

I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence.

It has been explained to me that if I fail to appear before the court as required, a warrant for my arrest will be issued.

_____ Hwy

ADDRESS

Denmark, SC 29042

CITY/STATE/ZIP

TELEPHONE

(SC)

SOCIAL SECURITY NUMBER

DRIVER'S LICENSE OR ID NUMBER

SIGNATURE OF DEFENDANT

DATE

ATTORNEY REPRESENTING ACCUSED (IF KNOWN)

SPECIAL CONDITIONS OF RELEASE

- a. ☐ Placement in custody. The defendant is placed in the custody of:

NAME OF PERSON OR ORGANIZATION

ADDRESS

CITY/STATE

ZIP

TELEPHONE

who agrees (1) to supervise the defendant as set forth by the court, (2) to use every effort to assure the appearance of the defendant at all scheduled hearings before the court, and (3) to notify the court immediately in the event the defendant violates any conditions of his release or disappears.

SIGNATURE OF CUSTODIAN (IF APPROVED)

DATE

- b. ☐ Restrictions on Travel, Association or Residence. The defendant will comply with each of the following conditions:

- c. ☐ Part-time Release. The defendant will be released from custody from _____ o' clock, _____ to _____ o' clock,

on

DATE(S) on condition that he return to the custody of

NAME OF PERSON OR ORGANIZATION

at

LOCATION

as designated.

- d. ☒ Other conditions. The defendant will comply with the following other conditions of release:

Must Appear in Court as Required; No contact with victim/victim's family directly or indirectly; Must Have Permission to Leave State; Must Keep the Peace

APPEARANCE RECOGNIZANCE WITH SURETY

On the 24 day of September, 2012, personally appeared before the undersigned judge the surety named below who acknowledged himself indebted to the State of South Carolina, in the sum of \$ 75,000.00, such sum to be levied on his real and personal property for the use of the State, should named defendant fail in performing the conditions of this Order.

The surety, being duly sworn, says that he is a resident and free holder within the State and is worth the sum acknowledged and underwritten herein, over all his debts and liabilities, and exclusive of property exempt from execution.

A-PLUS Bonding

NAME OF SURETY BONDSMAN COMPANY

803-957-7577

TELEPHONE

SIGNATURE OF SURETY BONDSMAN

520 Gibson Rd.

ADDRESS OF SURETY BONDSMAN

Lexington S.C. 29072

CITY/STATE/ZIP

Safety National Casualty

NAME OF INSURANCE COMPANY

1832 Schuetz Rd.

ADDRESS OF INSURANCE COMPANY

St. Louis MO 63146

CITY/STATE/ZIP

Ph# 314-995-5300

SIGNATURE OF JUDGE

DATE

STATE OF SOUTH CAROLINA
COUNTY OF BAMBERG

FILED

IN THE COURT OF
GENERAL SESSIONS

STATE OF SOUTH CAROLINA JUN 13 PM 5: 15

WARRANT/TICKET # 2012A0510100143

AMOUNT OF BOND	75,000.00
----------------	-----------

-VS-
JACQUELINE P. BACON

JAMES B. HIERS
CLERK OF COURT
BAMBERG, SC

DEFENDANT

SSN [REDACTED] DOB [REDACTED]
DATE BOND POSTED 9/24/2012

IN RE:

A PLUS BAIL BONDS

**AFFIDAVIT & MOTION TO BE RELIEVED
ON BOND**

SURETY

PLEASE TAKE NOTICE that A PLUS BAIL BONDS

Surety, moves before this Court, such motion to be heard on the date and time indicated below, requesting an Order to be Relieved on the bond of the above named defendant.

Surety moves to be relived on the bond based on the following facts and attached affidavit (**required**):

- ☒ 1. To prevent defendant from committing an imminent violation of specific terms of the bail bond.
- ☒ 2. The defendant has violated any one of the specific terms of the bond.
- ☒ 3. Other: (specify) Moved without notice, failed to appear at rollcall, and not of good behavior.
- Attest: [Signature]
CLERK OF COURT
BAMBERG COUNTY, SC

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 13 DAY OF JUNE, 2013

Daryl Crawford III
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission expires: June 7, 2022

SURETY

I have received custody of the above named defendant and the defendant will remain in custody until such time that a hearing may be held to determine the status of the bond.

OFFICER: A. S. Johnson DATE: 6/13/2013
Bamberg County / Municipal Detention Center

ORDER

The above motion is hereby ☐ GRANTED ☐ DENIED.
The bond shall be set at _____ ☐ remain as is.

Defendant to be ☐ committed ☐ released under the above warrant(s).

Dated at _____ County, South Carolina,

JUDGE

NOTICE OF HEARING
Please take notice that a hearing on
the motion herein is scheduled at the

located at _____
at _____ o'clock on _____.
If you do not appear, the hearing will be
held in your absence.

SCCA/635 (2/2005) ☐ Court Copy ☐ Defendant Copy ☐ Detention Center Copy ☐ Surety Copy

THE FACE OF THIS DOCUMENT HAS A COLORED SECURITY BACKGROUND AND MICROPRINTS

POWER AMOUNT **POWER OF ATTORNEY**

\$100,000.00 **PALMETTO SURETY CORPORATION** **PSC100-0**

24 Seven Falls Drive, Suite 201 Charleston, SC 29492

KNOW ALL MEN BY THESE PRESENTS, that PALMETTO SURETY CORPORATION, a corporation duly authorized and existing under the laws of South Carolina, does constitute and appoint the below named agent its true and lawful Attorney-In-Fact for it and in its name, place and stead to execute for and on its behalf, as surety, a bail bond only. Authority of such Attorney-In-Fact is limited to appearance bonds. No authority is provided herein for the execution of surety, immigration bonds, alimony payments, fines, wage law claims or other payments of any kind on behalf of below named defendant. The named agent is appointed only to be consistent with the terms of this power of attorney. The agent is not authorized to act as agent for receipt of service of process in any criminal or civil action. This power is void if altered or erased or used in any combination with other powers of attorney of this company or any other company to obtain a bond for a defendant named below or to satisfy any bond requirement in excess of the stated face amount of this power. This power can only be used once. The company shall not exceed the sum of

ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS

and provided this Power Of Attorney is filed with the bond and retained as a part of the court records. The said Attorney-In-Fact is hereby authorized to execute this Power Of Attorney the name of the person on whose behalf this bond was given.

IN WITNESS WHEREOF, PALMETTO SURETY CORPORATION has caused these presents to be signed by its duly authorized officer, proper for its corporate seal to be hereunto affixed this _____ day of _____

Bond Amount \$ 75,000.00 Appearance Date 9/12/13

Defendant: JACQUELINE BACON

Court CJS

Case # 2012A0540100143

Case # _____

Case # _____

County Primary City Barnwell St. SC Zip 29603

Offense Burglary 1st Degree IVP

Offense _____ IVP

Executing Agent _____ IVP

Expires 9/30/2015

PALMETTO SURETY COI



[Signature]

Chief Executive Officer

TRANSFER BOND

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BAMBERG)

State of South Carolina) CASE NO.: 13-GS-05-00019
)
 VS.) TRANSCRIPT OF RECORD
)
 Jacqueline Bacon,)
)
 Defendant.)
)

Monday, August 4, 2014
 Bamberg, South Carolina

BEFORE:

The Honorable Doyet A. Early, III

APPEARANCES:

Jack Hammack, Assistant Solicitor
 Attorneys for the State of South Carolina

Jason Price, Esquire
 Attorney for the Defendant

Bethanie K. Creppon
 Official Court Reporter

Reba C. Hayes, CVR
Certified Verbatim Court Reporter

INDEX

CERTIFICATE OF COURT REPORTER.....5

EXHIBITS

NO EXHIBITS MARKED FOR THIS PROCEEDING.

1 THE CLERK: Jacqueline Bacon.

2 (Defendant sworn)

3 THE COURT: Standing before me is Jacqueline
4 Phoebe Bacon. Ms. Bacon was charged with the offense
5 of burglary in the first degree. The case was called
6 in Bamberg at the last term of court. She was tried by
7 trial by jury on June 24th, 2014. She failed to
8 appear. She was tried in her absence. Sentence was
9 handed down and put in a sealed envelope, which I have
10 just opened.

11 She was found guilty by a jury of 12 people in
12 Bamberg County. Subsequent to that time obviously she
13 has been located and brought in and incarcerated in the
14 Bamberg County Jail awaiting sentence. Before me today
15 is Solicitor Hammack and her lawyer Jason Price.
16 Anything from the State that we need to put on the
17 record?

18 MR. HAMMACK: Your Honor, you heard all the facts
19 of the case when we were present. The victim, I think,
20 spoke after the trial; did not wish to be present
21 today. Just so the Court will know, her prior
22 convictions are breach of trust over 5,000 and 2,000
23 and are on the prior record.

24 THE COURT: I will note on the record I had Mr.
25 Price call Ms. Bacon's mother. We've made every effort

1 -- he made every effort as well as everyone else to
2 locate her. The bondsman was brought in, if I remember
3 correctly.

4 MR. HAMMACK: Yes, sir, Your Honor, the bonding
5 company and the surety both came in -- the insurance
6 surety company -- both came and you spoke with both of
7 them, and they made every effort they could to find
8 her.

9 THE COURT: Mr. Jason Price?

10 MR. PRICE: I have nothing to add, Your Honor.

11 THE COURT: Ms. Bacon, anything you want to say?

12 THE DEFENDANT: No, sir, Your Honor.

13 THE COURT: Well, you were charged with burglary
14 in the first degree. It carries a minimum of 15 years
15 to life. It is the order of the Court that you be
16 committed to the State Department of Corrections for a
17 period of 15 years.

18 MR. HAMMACK: Thank you, Your Honor.

19 MR. PRICE: Thank you, Your Honor.

20 (WHEREUPON, THE PROCEEDING WAS CONCLUDED)
21
22
23
24
25

STATE OF SOUTH CAROLINA)
) CERTIFICATE
COUNTY OF AIKEN)

Be it known that I, the undersigned Reba C. Hayes, CVR, official court reporter for the Second Judicial Circuit of the State of South Carolina, transcribed the foregoing proceeding in the above-referenced matter;

The foregoing transcript of 4 typewritten pages represents a true, accurate and complete transcription of the testimony so given and the evidence introduced at the time and place aforesaid to the best of my skill and ability;

That I am not related to nor an employee of any of the parties hereto, nor a relative or employee of any attorney or counsel employed by the parties hereto, nor interested in the outcome of this action.

Witness my hand this 2nd day of September, 2014.

S/ *Reba C. Hayes*
REBA C. HAYES, CVR

WITNESSES

Bamberg County Sheriffs Office

Ben Hay

Law Enforcement Case #: 2012-1140

SMR

ARREST WARRANT NUMBER

2012A0510100143

ACTION OF GRAND JURY

TRUE BILL

J.P. Bacon 1/22/2013
Foreperson of Grand Jury
Date: January 22, 2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2013GS0500019

The State of South Carolina

County of Bamberg

COURT OF GENERAL SESSIONS

JANUARY TERM 2013

THE STATE

VS.

JACQUELINE P. BACON

AKA: JACQUELINE PHOEBE DELOACH

CDR #: 0079

Indictment for

BURGLARY FIRST DEGREE

§ 16-11-0311

J. STROM THURMOND, SOLICITOR

08/13/2014 17:17

8032453088

BAMBERG CNTY CLERK

PAGE 04/05

STATE OF SOUTH CAROLINA)
COUNTY OF BAMBERG)

INDICTMENT FOR
BURGLARY FIRST DEGREE

§ 16-11-0311

At a Court of General Sessions, convened on January 28, 2013, the Grand Jurors of Bamberg County present upon their oath:

That **JACQUELINE P. BACON** did in Bamberg County on or about September 9, 2012, wilfully and unlawfully enter the dwelling of Wayne Bacon located at [REDACTED] [REDACTED], Denmark, South Carolina, without consent and with the intent to commit a crime therein and the defendant was armed with a deadly weapon, all in violation of §16-11-311, Code of Laws of South Carolina (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


Per J. STROM THURMOND, SOLICITOR

112

06/13/2014 17:17 8032453088

COUNTY OF Bamberg
STATE VS.
Jacqueline P. Bacon

AKA:

Race: White Sex: F Age: 37DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED] Hwy [REDACTED]City, State, Zip: Denmark, SC 29042DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Burglary - First degree

BAMBERG CNTY CLERK

PAGE 02/05

INDICTMENT/CASE#: 2013GS0500019A/W#: 2012A0510100143Date of Offense: 9/9/2012S.C. Code § : 16-11-0311CDR Code #: 0079

SENTENCE SHEET

15yrs. to Life☒ 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 ☐ §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:

Jack W. Hammack
Hammack, Jack69652
SC Bar#

Defendant

Tom R. P...
Attorney for Defendant77457
SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 15 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 PTUP

Total: \$ _____ plus 20% fec: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ca	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)	\$	\$ 3.90
TOTAL		\$ 133.90

_____ 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 bc paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk

Court Reporter: Bethanie

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 0136Sentence Date: June 24, 2014

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS

COUNTY OF BAMBERG)

SECOND JUDICIAL CIRCUIT

The State of South Carolina,)

Vs.)

VERDICT

Jacqueline Bacon,)

Indictment 2013-GS-05-0019

Defendant.)
_____)

WE THE JURY IN THE ABOVE ENTITLED MATTER, UNANIMOUSLY FIND THE
DEFENDANT:

Burglary, First Degree:

Not Guilty

 X

Guilty

Bamberg, SC

June 24, 2014

Joe Ann Kemp
Foreman

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."

March 5, 2015



Laura R. Baer
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

RECEIVED

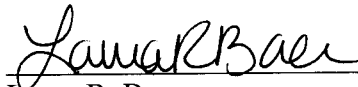
MAR 05 2015

SC Court of Appeals

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."

March 5, 2015



Laura R. Baer
Appellate Defender

RECEIVED

MAR 05 2015

SC Court of Appeals

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT