

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Chester County

Honorable Brian M. Gibbons, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JASON MORTON,

APPELLANT

APPELLATE CASE NO. 2015-002641

RECORD ON APPEAL

DAVID ALEXANDER
Appellate Defender

ALAN WILSON
Attorney General

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

J. BENJAMIN APLIN
Senior Assistant Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

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	)	
State of South Carolina,	)	
	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
Jason Morton.	)	
	)	
	)	
	)	

December 15th-17th, 2015
Chester, South Carolina

BEFORE:

THE HONORABLE BRIAN M. GIBBONS, JUDGE; and a
jury.

APPEARANCES:

JULIE HALL, ASSISTANT SOLICITOR
Attorney for the State

DEVON NIELSON, ASSISTANT PUBLIC DEFENDER
Attorney for the Defendant

AMINAH R. HARDY, CM
Official Court Reporter

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By Ms. Hall

By Mr. Nielson

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P R O C E E D I N G S

THE COURT: I believe all members of the jury panel are present, I believe.

Ladies and gentlemen, we're about to start the trial of the -- well, I'll have the state call the case.

Madame Solicitor, go ahead and call the case.

MS. HALL: Thank you, Your Honor. This is the State of South Carolina vs. Jason Scott Morton, docket number 2015-GS-12-372, which is a true billed indictment for safecracking, and 2015-GS-12-371, which is a true billed indictment for receiving stolen goods.

THE COURT: All right. Thank you.

Ladies and gentlemen of the jury panel, as you just heard, Ms. Hall, the deputy solicitor for Chester County, indicated to you we're about to begin the trial of the case of the State of South Carolina against Jason Scott Morton, who's been charged with receiving stolen goods and who's also been charged with safecracking.

Before we select the jury, there are several questions which I need to ask you. Remember, ladies and gentlemen, you're still under oath from previously when we went through the qualifications process. And the same procedure will apply this time, if a question applies to you, I'm going to need you to answer.

The first thing -- excuse me, I'm going to need you

1 to stand. The first thing I'm going to ask of you is
2 what's your juror number, okay. So those of you who
3 know -- or don't know your juror number, try to find it
4 out. Look on your jury information card; it should be on
5 your card. If you don't know your number, fine, just give
6 us your last name, we'll go from there. I'll have
7 follow-up questions for you.

8 Okay. Before we go through the questions, I'm going
9 to have the lawyers and whoever's sitting at their table
10 who are going to be involved in case introduce themselves
11 to you because some of the questions pertain to that.

12 So, Madame Solicitor, I'll go with you first.

13 MS. HALL: Your Honor, thank you. Should I introduce
14 the witnesses that might be in --

15 THE COURT: You can go ahead and introduce everybody
16 on your side.

17 MS. HALL: Okay. My name is Julie Hall. I'm the
18 deputy solicitor in Chester County. This is Kim Friar.
19 She's assistant solicitor in Chester County. Mr. Newman
20 is the solicitor for the sixth circuit. I believe he was
21 already introduced. Keith Lewis is an investigator for
22 our office. And from the Sheriff's Department, Chris
23 Reynolds, he's a detective; Detective Brian Sanders;
24 Detective Wade Young, and Detective Al Crawford. And then
25 Natasha Hatcher is also present in the courtroom and she

1 will be testifying in the state's case.

2 THE COURT: All right. Thank you.

3 Mr. Nielson.

4 MR. NIELSON: My name is Devon Nielson. I'm a
5 criminal defense attorney here in Chester, South Carolina.
6 I am seated here with my client, Mr. Jason Morton, and I'm
7 also seated with my paralegal from my office, Ms. Amanda
8 Huey.

9 THE COURT: All right. Thank you, Mr. Nielson.

10 All right. The first question I have of you, ladies
11 and gentlemen, has any prospective juror -- or is any
12 prospective juror related by blood or marriage or have any
13 close, personal or social relationship with any of the
14 attorneys involved in this case, that being Mr. Nielson or
15 Ms. Hall or Ms. Friar? If so, please stand. Or
16 Solicitor, excuse me, Mr. Newman.

17 All right. No response.

18 Has anybody ever been represented or had any business
19 dealings with any of the lawyers involved in this case?
20 If so, please stand.

21 All right. No response.

22 You've been introduced to some of the potential
23 witnesses. I'm going to read out some names to you that
24 I've been provided by the lawyers. And just because I
25 read these names out doesn't mean they're going to

1 testify, it means they may testify. So you need to think
2 about it and see if you know any of these people because
3 that's going to be one of the questions.

4 So in no particular order, the names of potential
5 witnesses would be Jason Scott Morton, HM ,
6 Hannah M. , Al Crawford with the Chester County
7 Sheriff's Department, or Wade Young with the Chester
8 County Sheriff's Department.

9 So the question is, has anybody ever been related by
10 blood or marriage to any of those witnesses or have a
11 close, personal or social relationship with any of those
12 potential witnesses? If so, please stand.

13 All right. Yes, ma'am, juror number?

14 JUROR: 82.

15 THE COURT: Juror No. 82. How does this apply to
16 you, ma'am?

17 JUROR: Wade Young is my cousin.

18 THE COURT: Wade Young is your cousin?

19 JUROR: Yes.

20 THE COURT: First cousin, second cousin?

21 JUROR: Second.

22 THE COURT: Would that affect your ability to be fair
23 and impartial?

24 JUROR: No.

25 THE COURT: Thank you, ma'am. You can be seated.

1 Yes, ma'am, juror number?

2 JUROR: Twenty-five.

3 THE COURT: Juror No. 25. Yes, ma'am?

4 JUROR: Wade Young is my cousin.

5 THE COURT: Wade Young is your cousin, okay. First
6 or second or third?

7 JUROR: Third.

8 THE COURT: Would that affect your ability to be fair
9 and impartial?

10 JUROR: No.

11 THE COURT: Thank you, ma'am. You can be seated.

12 Okay. Anybody else on those five names? I'm going
13 to try to break it up in five so we can remember all the
14 names.

15 The next five names in no particular order are Brian
16 Sanders with the Chester County Sheriff's Department,
17 Chris Reynolds with the Chester County Sheriff's
18 Department, Chuck Starnes with the Chester County
19 Sheriff's Department, Burly McDaniel with the Chester
20 County Sheriff's Department, George Weeks with the York
21 County Sheriff's Department.

22 The question is does any juror have any blood or
23 marriage relationships to any of those witnesses or have a
24 close, personal or social relationship with any of those
25 potential witnesses? If so, please stand.

1 All right. Yes, ma'am, juror number?

2 JUROR: Forty.

3 THE COURT: How does this apply to you?

4 JUROR: Detective Chris Reynolds is my brother.

5 THE COURT: Okay. Thank you, ma'am. You're excused
6 from the trial of this case. Stay with us, please.

7 Yes, ma'am?

8 JUROR: Juror 76.

9 THE COURT: Yes, ma'am.

10 JUROR: Just a close friend with Brian Sanders.

11 THE COURT: When you say close friends, what's that
12 mean?

13 JUROR: I've known Brian for 28 years.

14 THE COURT: Okay. Would that affect your ability to
15 be fair and impartial?

16 JUROR: No.

17 THE COURT: Thank you very much. You can be seated.

18 MR. NIELSON: Your Honor, what was her number?

19 JUROR: Seventy-six.

20 THE COURT: Juror No. 76.

21 MR. NIELSON: Thank you, Your Honor.

22 MS. HALL: Your Honor, the State is going to add
23 Keith Lewis to our list, too.

24 THE COURT: Okay.

25 All right. Anybody else from those five names?

1 We'll go to the next five names. Amberly Lee Ann Freeman,
2 Mary Talbert, Chris Schull, Natasha Hatcher, Gene Ray
3 Hatcher.

4 Does any prospective juror have any blood or family
5 relationship or marriage relationship or close, personal
6 or social relationship with any of those potential
7 witnesses? If so, please stand. Amberly Lee Ann Freeman,
8 Mary Talbert, Chris Schull, Natasha Hatcher, Gene Ray
9 Hatch.

10 No response.

11 Next five names, same question. Lindzey Campbell,
12 Brittany Wells, Janet Guyton, Danielle Morton, Linsey
13 Yarborough and Keith Lewis.

14 So if you have any close, personal or social
15 relationship or related by blood or marriage to any of
16 those people's names I just said, please stand.

17 No response.

18 Is there any member of the jury panel who's a member
19 of or contributor to any group which has as its primary
20 concern the promotion of law enforcement or victims
21 rights? These type of groups include, but are certainly
22 not limited to CAVE, Citizens Against Violent Crime, or
23 SADD or MADD or police association or fraternal order of
24 police, any type of group like that. If so, please stand.

25 No response.

1 I always ask this question, but again, I don't know
2 how you can answer because you know nothing about this
3 case other than the names, but has any member of the jury
4 panel formed or expressed an opinion about any issue or
5 matter involved in this case?

6 No response.

7 Is there any member of the jury panel that was a
8 member of the grand jury which issued the indictments in
9 the case? If so, please stand.

10 No response.

11 Is there any member of the jury panel who has a
12 religious, moral or philosophical reason why they cannot
13 be a fair and impartial juror in this case? If so, please
14 stand.

15 No response.

16 Any further voir dire from the state?

17 MS. HALL: No, sir.

18 THE COURT: Any further voir dire from the defense?

19 MR. NIELSON: No, Your Honor.

20 THE COURT: All right. Thank you.

21 Ladies and gentlemen, at this point in time, the
22 clerk's office right here in front of me, they've got that
23 big old fancy computer, they're generating totally
24 randomly a list of jurors' names and numbers in no
25 particular order whatsoever to be possibly selected for

1 the trial jury in the case. And while we're doing that --
2 I'll kind of fill up the time while they're doing that by
3 explaining to you how this process works.

4 Each side has a certain number of what we call
5 strikes. Don't take it personally if you're struck and
6 you're not selected to be on the jury. Many reasons go
7 into why lawyers select jurors. I'm not going to make you
8 like the old days as some of my older judge friends will
9 do, make you walk up here and face -- turn around and face
10 everybody and the state decides whether they want you or
11 not, then the defense decides whether they want you or
12 not. Then if you're not selected, you have to take that
13 walk of shame back. I'm not going to make y'all do that.

14 When your name is called, simply just stand where you
15 are. The lawyers are turned around and they're facing you
16 and they can decide what they want to do with you. But
17 again, don't take it personally if you're not selected,
18 okay. Many reasons go into why lawyers want jurors on
19 their jury.

20 So having said that, they're randomly selecting the
21 list. Not too long ago -- I've been a judge 10 and a half
22 years. It's hard for me to believe that, but it's true.
23 Back in my days being a trial lawyer and trying cases in
24 this very courtroom, the last time I did it, Ms.
25 Carpenter, she had her little roll thing and you would

1 roll it and little tubes, little cylinders had all your
2 names in the little tubes. And then they would randomly
3 take out the tube and -- you know, roll it and take it
4 out. It's like a ping pong ball with the lottery. And
5 then take the name out and scotch tape it onto a piece of
6 paper. That's the way it was done only 10 and a half
7 years ago, hard to believe. But now we have it by
8 computer program, so it's a lot quicker and more
9 efficient.

10 All right. That's enough of that. We have a list
11 going and we're fixing to do it right now.

12 All right. Five and five. Y'all want to do one
13 alternate or two alternates?

14 MS. HALL: Two, please.

15 THE COURT: Two? All right.

16 All right. Everybody listen carefully. Everybody
17 stand when your name is called.

18 THE CLERK: Juror No. 63, Sean B. Griggs.

19 THE COURT: Stand up right there. Hang on for a
20 second.

21 THE CLERK: What saith the state?

22 MS. HALL: Please present this juror.

23 THE CLERK: What saith the Defendant?

24 MR. NIELSON: Please seat this juror.

25 THE CLERK: Juror No. 85.

1 THE COURT: Sir, come on around --

2 I'm sorry.

3 Sir, come on around and the bailiffs will show you
4 where to sit.

5 Thank you.

6 THE CLERK: Juror No. 85, Robin K. Koon. What saith
7 the state?

8 MS. HALL: Please present this juror.

9 THE CLERK: What saith the defendant?

10 MR. NIELSON: Please excuse this juror.

11 THE CLERK: Please take your seat, please.

12 Juror No. 115, Charlotte M. Shannon. What saith the
13 state?

14 MS. HALL: Please present this juror.

15 THE CLERK: What saith the defendant?

16 MR. NIELSON: Please excuse this juror.

17 THE CLERK: Please return to your seat.

18 Juror No. 145, Earl T. Wilkes, II. What saith the
19 state?

20 MS. HALL: Please excuse this juror.

21 THE CLERK: Please return to your seat.

22 Juror No. 42, Johnny G. Edwards. What saith the
23 state?

24 MS. HALL: Please present this juror.

25 THE CLERK: What saith the defendant?

1 MR. NIELSON: Please seat this juror.

2 THE CLERK: Please come to the jury box.

3 Juror No. 133, Shakiah Q. Tucker. What saith the
4 state?

5 MS. HALL: Please excuse this juror.

6 THE CLERK: Return to your seat, please.

7 Juror No. 23, Mary R. Case. What saith the state?

8 MS. HALL: I'm sorry, could you repeat the number?

9 THE CLERK: Juror No. 23.

10 MS. HALL: Thank you. Please present the juror.

11 THE CLERK: What saith the defendant?

12 MR. NIELSON: Please seat this juror.

13 THE CLERK: Please come forward.

14 Juror No. 24, Shanekia A. Chisholm. What saith the
15 state?

16 MS. HALL: Please excuse this juror.

17 THE CLERK: Please return to your seat.

18 Juror No. 96, Harriett A. Morrow. What saith the
19 state?

20 MS. HALL: Please present this juror.

21 THE CLERK: What saith the defendant?

22 MR. NIELSON: Please seat this juror.

23 THE CLERK: Please come forward.

24 Juror No. 131, Jeffrey S. Thomas. What saith the
25 state?

1 MS. HALL: Please present this juror.

2 THE CLERK: What saith the defendant?

3 MR. NIELSON: Please excuse this juror.

4 THE CLERK: Please return to your seat.

5 Juror No. 81, Thomas E. Jones. What saith the state?

6 MS. HALL: Please excuse this juror.

7 THE CLERK: Please take your seat.

8 Juror No. 67, Towanda S. Hemphill. What saith the

9 state?

10 MS. HALL: Please present this juror.

11 THE CLERK: What saith the defendant?

12 MR. NIELSON: Please seat this juror.

13 THE CLERK: Take a seat in the jury box, please.

14 Juror No. 137, Matthew H. Waldrip. What saith the

15 state?

16 MS. HALL: Please present this juror.

17 THE CLERK: What saith the defendant?

18 MR. NIELSON: Please seat this juror.

19 THE CLERK: Take a seat in the jury box, please.

20 Juror No. 103, James A. Perry. What saith the state?

21 MS. HALL: Please present this juror.

22 THE CLERK: What saith the defendant?

23 MR. NIELSON: Please seat this juror.

24 THE CLERK: Take a seat in the jury box, please.

25 Juror No. 2, Hailee L. Allen. What saith the state?

1 MS. HALL: Please present this juror.

2 THE CLERK: What saith the defendant?

3 MR. NIELSON: Please seat this juror.

4 THE CLERK: Come forward, please.

5 Juror No. 45, Pao A. Evans. What saith the state?

6 MS. HALL: Please present this juror.

7 THE CLERK: What saith the defendant?

8 MR. NIELSON: Please seat this juror.

9 THE CLERK: Take your seat in the jury box, please.

10 Juror No. 79, Anthony K. Jernigan. What saith the
11 state?

12 MS. HALL: Please present this juror.

13 THE CLERK: What saith the defendant?

14 MR. NIELSON: Please seat the juror.

15 THE CLERK: Have a seat in the jury box, please.

16 Juror No. 87, Willie L. Lightner. What saith the
17 state?

18 MS. HALL: Please present this juror.

19 THE CLERK: What saith the defendant?

20 MR. NIELSON: Please seat this juror.

21 THE CLERK: Take your seat in the jury box, please.

22 Juror No. 26, Marian E. Cook. What saith the state?

23 MS. HALL: Please present this juror.

24 THE CLERK: What saith the defendant?

25 MR. NIELSON: Please excuse this juror.

1 THE CLERK: Please return to your seat.

2 Juror No. 122, Jennifer G. Stillwell. What saith the
3 state?

4 MS. HALL: Please present this juror.

5 THE CLERK: What saith the defendant?

6 MR. NIELSON: Please excuse this juror.

7 THE CLERK: Please return to your seat.

8 Juror No. 107, Joshua L. Pruette. What saith the
9 state?

10 MS. HALL: Please excuse this juror.

11 THE CLERK: Please return to your seat.

12 Juror No. 36, Wendy F. Denio. What saith the state?

13 THE COURT: Any challenge for cause from the state?

14 MS. HALL: No, sir. Please present this juror.

15 THE CLERK: What saith the defendant?

16 MR. NIELSON: Please seat this juror.

17 THE CLERK: Take your seat in the jury box, please.

18 We have our 12, Judge.

19 THE COURT: We'll do one and two.

20 THE CLERK: Juror No. 102, Sonnie W. Peay, Jr. What
21 saith the state?

22 MS. HALL: Please present the juror.

23 THE COURT: What saith the defendant?

24 MR. NIELSON: Please seat this juror.

25 THE CLERK: Take a seat in jury box, please.

1 Juror No. 6, Jessie L. Barber. What saith the state?

2 MS. HALL: Please present this juror.

3 THE CLERK: What saith the defendant?

4 MR. NIELSON: Please excuse this juror.

5 THE COURT: Please take your seat, please.

6 Juror No. 17, Farrah J. Brown.

7 THE CLERK: What saith the state?

8 MS. HALL: Please present this juror.

9 THE CLERK: What saith the defendant?

10 MR. NIELSON: Please excuse this juror.

11 THE CLERK: Please take your seat.

12 Juror No. 22, William P. Carpenter. What saith the
13 state?

14 MS. HALL: Please present this juror.

15 THE CLERK: What saith the defendant?

16 MR. NIELSON: Please seat this juror.

17 THE CLERK: Take your seat in the jury box, please.

18 THE COURT: Any matters of law regarding the jury
19 selection?

20 MS. HALL: None from the state.

21 MR. NIELSON: None from the defense, Your Honor.

22 THE COURT: All right. Thank you.

23 Ladies and gentlemen of the trial jury, we're going
24 to take a brief recess. Y'all can get to know each other
25 back in your jury room. Don't talk anything about the

1 case at this point. You don't know anything about the
2 case at all. And, of course, I'm going to tell you and
3 I'm going to charge you here momentarily that you cannot
4 talk about the case with anybody, not even anybody at home
5 or friends or family members until you've received all the
6 evidence, until I've instructed you on the law. And that
7 doesn't happen until the very end. So certainly, you can
8 talk amongst yourselves about who you are and introduce
9 yourselves to each other and that type of thing, but do
10 that in the jury room. At this point in time. The
11 bailiff will show you where to go. So y'all are excused
12 at this point in time.

13 (The jury left open court at 2:56 p.m.)

14 THE COURT: To the rest of the jury panel, y'all are
15 free to leave. Please call that number that you have on
16 your card after 6:00 p.m. today and you'll receive
17 instructions about what you're supposed to do tomorrow.
18 Okay. Thank you very much. Y'all are free to leave.

19 (The jury venire left open court at 2:57 p.m.)

20 MS. HALL: Your Honor, I have a couple motions I need
21 to make.

22 THE COURT: Okay.

23 MS. HALL: Your Honor, 2015-371, which is an
24 indictment for receiving stolen goods, it says items,
25 to-wit: a microwave and the other. And I would move to

1 amend the indictment to include the television set. I
2 think the time of this -- Mr. Morton has been on
3 substantial notice for -- I mean, that's a -- yeah, that's
4 actually a very conservative way to put it, generous
5 notice that he is -- the television has been part of it.

6 It's included in all of the statements that have been --

7 THE COURT: So it's a motion to amend the indictment?

8 MS. HALL: Just to amend. I mean, it doesn't change
9 the charge, it doesn't do anything. It just changes it
10 from microwave to television -- or adds the television to
11 it, which should have been done during --

12 MR. NIELSON: It's been included in pictures and
13 everything else, we have no problem with that.

14 THE COURT: Without objection then, the indictment is
15 amended to include a television.

16 MS. HALL: And then also, the other --

17 THE COURT: And also, while we're on that, that
18 doesn't change the amount, it's still 2,000 or less?

19 MS. HALL: No, it does not change anything.

20 THE COURT: It's an enhanced. We're not dealing with
21 that. The jury doesn't know that.

22 MS. HALL: I just want -- that was the second part of
23 what I was getting ready to say, I'm assuming Mr. Nielson
24 is willing to stipulate to the fact it is a enhancement?

25 MR. NIELSON: Yes.

1 THE COURT: So the defense stipulates that the Court
2 has jurisdiction to treat any guilty verdict as a third
3 offense property crime?

4 MR. NIELSON: On the property crime itself, yes, on
5 the safecracking, no, of course.

6 THE COURT: Right, I understand that.

7 MS. HALL: And then the other thing, we had a
8 conversation earlier this week, I guess it was yesterday,
9 that Mr. Nielson is going to stipulate to the chain in
10 terms of George Weeks with the safe. He's one of the --
11 he does fingerprints and stuff in York County. At some
12 point, the safe went up there and stayed with him for a
13 period of time. Nothing was found on it and another
14 officer is going to talk about that. But just to not have
15 to have Mr. Weeks come to court, Mr. Nielson had agreed to
16 that. I just want to put that on the record as well.

17 MR. NIELSON: Yes, Your Honor. As long as they have
18 the testimony of who took it up there and who brought it
19 back, I have no problem with them not bringing George
20 Weeks down here.

21 THE COURT: Okay.

22 Anything else from the State's perspective?

23 MS. HALL: No.

24 THE COURT: Okay.

25 From the defense, pretrial motions?

1 MR. NIELSON: Yes, I have a variety of motions I'd
2 like to make at this point. The first of which is I would
3 actually -- I would like to make a motion that all
4 witnesses other than the lead detective on the case and
5 whoever they consider to be the primary victim in the
6 case, which I believe should be the person whose safe was
7 stolen from itself, be sequestered throughout the course
8 of this trial. I don't know -- I don't think any of the
9 other witnesses need to hear each other. And I would
10 actually include all the detectives. I don't know that we
11 need all the detectives sitting here through the whole
12 trial. I believe one lead detective is all that they
13 should be allowed to have sitting through the entirety of
14 the trial.

15 THE COURT: Okay.

16 MS. HALL: Okay. Which I don't have a problem with.
17 I have two lead investigators on the case, I'd ask that
18 they both be able to stay. And I'd also ask that Keith
19 Lewis, who's our office investigator, although he's on the
20 witness list, we would ask that he be able to come and go.
21 I'd also ask that the motion be -- that it be a reciprocal
22 situation.

23 MR. NIELSON: And I have no problem with Mr. Lewis --
24 with Keith Lewis sitting in here. I would rather have
25 them choose a lead investigator, though, Your Honor.

1 MS. HALL: Well, unfortunately, the receiving stolen
2 goods, you know, some stuff got taken from one house, some
3 stuff got taken from another house and everybody did the
4 safecracking. So it's kind of hard to split it.

5 THE COURT: Okay. So who are the victims?

6 MS. HALL: Well, the victims in this case are Mary
7 Talbert and, also, Amberly Lee Ann Freeman.

8 THE COURT: So both of them can stay in.

9 MR. NIELSON: No problem with that, Your Honor.

10 MS. HALL: And I think the investigators, that was
11 the other part of it. The investigators are --

12 THE COURT: All right. I'm going to grant your
13 motion in part and deny it in part. I'm going to grant it
14 in part as everybody other than the lead investigators and
15 the victims need to be out of here.

16 MS. HALL: And Keith Lewis.

17 THE COURT: He consented to Keith Lewis.

18 MS. HALL: Okay. Good. Thank you.

19 MR. NIELSON: Yes.

20 THE COURT: Okay.

21 MR. NIELSON: Secondly, I'd like to make a motion to
22 ask the solicitor to disclose any and all plea deals that
23 were given to any witness in this case, whether it was an
24 actual offer made or a plea deal hinted at to that -- to
25 those codefendants or others who may not have been

1 charged.

2 THE COURT: Solicitor?

3 MS. HALL: There was no plea deal hinted at and
4 nothing was made.

5 THE COURT: I'm sorry?

6 MS. HALL: I haven't hinted at any plea deals and I
7 haven't made any agreements with anybody for anything.

8 THE COURT: Now, the -- okay. The sentencing sheet,
9 of course, I've accepted the guilty plea of
10 Mr. Yarborough, the testifying codefendant, and nothing is
11 checked on there as far as recommendation, negotiation,
12 but, also, the box that says without negotiation or
13 recommendation is not checked either. It's just a blank
14 plea and I've accepted it.

15 MS. HALL: And I may make a recommendation at the end
16 of all this, but I have not promised him anything.

17 MR. NIELSON: All right.

18 THE COURT: No promises made by the state.

19 MR. NIELSON: Okay. And lastly, I would like --
20 based on the fact that we were still receiving discovery
21 this morning on this case, I would like notice that all
22 discovery is now to us and that all witnesses who are
23 going to be called that are in -- and all documents and
24 any other evidence that's in the control of the solicitor
25 and/or any law enforcement officer that has not been

1 turned over to the defense at this time will not be used
2 in the trial.

3 MS. HALL: Do you have the statement from Ms. Wells?

4 MR. NIELSON: I do.

5 MS. HALL: And you have the statement from Mr.
6 Yarborough?

7 MR. NIELSON: I do.

8 MS. HALL: And no other statements have been reduced
9 to writing and no other --

10 MR. NIELSON: Other than Natasha's, which was in the
11 original?

12 MS. HALL: That was in the original, but I'm talking
13 about just in the last couple of days, week of
14 investigation, yeah. There's nothing else.

15 MR. NIELSON: Okay. Then I'm good.

16 THE COURT: All right.

17 MR. NIELSON: No further motions, Your Honor.

18 THE COURT: While we're on it, I know this -- we'll
19 deal with it at the close of the State's case. What, if
20 any --

21 If your client testifies --

22 -- crimes do you intend to cross-examine him on,
23 Madame Solicitor?

24 MS. HALL: Yes. Are you talking about Mr. Yarborough
25 or Mr. Morton? Hold on a second.

1 MR. NIELSON: Your Honor, while we're talking about
2 that, I do not believe I've received criminal records on
3 any witnesses in this case and I would like those turned
4 over if they're available.

5 And for that purpose, Your Honor, I would actually
6 consider making a motion in that it's 3:00 in the
7 afternoon already and I have not received those yet that
8 we actually adjourn for the day before we call any
9 witnesses today so that I can look at those and decide
10 what I want to cross-examine on and what I don't. Since I
11 have not received a single shred of that evidence yet.
12 And I would ask for that evidence if it's available as
13 it's not available to me without coming from the
14 solicitor's office. And I think that I do -- I am
15 entitled to some time to look at it.

16 MS. HALL: And, usually, Your Honor, it's really not
17 required that I give it to him until the witness gets on
18 the stand, however, if he feels strongly that it's going
19 to prejudice his client and that it's going to make -- you
20 know, then I'm not going to object to you calling --
21 continuing it until the morning or adjourning until the
22 morning, but I have lay witnesses here. I have law
23 enforcement here, you know, people I need to get through,
24 at least -- like if I could go through -- have one victim
25 here, one of the victims had to leave.

1 THE COURT: Who can you call today that you can
2 certify they don't have any criminal record? Other than
3 the cops, because if they had a criminal record, they
4 wouldn't be cops.

5 MS. HALL: Just give me one second, okay? I have a
6 lady here -- can we approach?

7 (A bench conference was held.)

8 THE COURT: Defense motion to delay starting tomorrow
9 is denied as the state has provided the defense with rap
10 sheets for the witnesses which the state intends to call
11 today.

12 All right. Anything further from the lawyers before
13 we take a little recess to freshen everybody else up
14 before we start?

15 MR. NIELSON: Your Honor, the solicitor, they were
16 declaring what they were going to cross-examine my client
17 on and I don't believe we actually got to that.

18 THE COURT: Yeah, we need to get to that. We'll do
19 that when we come back. Let's go ahead and take a
20 10-minute recess, let everybody in the courtroom, staff
21 refresh themselves and we'll be ready to roll.

22 (A recess was taken from 3:10 p.m to 3:21 p.m.)

23 MS. HALL: Your Honor, I think what Mr. Nielson was
24 asking when we got sidetracked --

25 THE COURT: I know, I know.

1 MS. HALL: I'm sorry.

2 MR. NIELSON: Can we wait for my client, too, please?

3 Thank you. Sorry.

4 MS. HALL: Your Honor, we were talking about -- I
5 think what originally happened, you wanted me to tell what
6 record, if any, Mr. Morton had that I was going to impeach
7 him with in case he decides to take the stand and we got
8 sidetracked on the witnesses.

9 I want to go over Rule 609, which is impeachment
10 evidence by conviction of a crime. When we had side-bar
11 earlier, there was some discussion about crimes of
12 moral -- I mean, crimes of dishonesty, which is prong two
13 of 609, evidence that a witness has been convicted of a
14 crime should be admitted if it involved dishonesty or
15 false statement regardless of punishment.

16 THE COURT: Hang on a second. It's not in my red
17 evidence book. Okay. Go ahead.

18 MS. HALL: Subsection A, general rule talks about --
19 part one of that talks about the 10 -- if it carries more
20 than a year. And then part two talks about it's a crime
21 of dishonesty or false statement. Then if you go to
22 subsection B of that same rule, it talks about the time
23 limit, evidence of a conviction under this rule is not
24 admissible if a period of more than 10 years has elapsed
25 since the date of the conviction or the release of the

1 witness from the confinement imposed, whichever is later,
2 unless the Court determines, in the interest of justice,
3 that the probative value of the conviction outweighs the
4 prejudicial effect. However, evidence of a conviction
5 more than 10 years old as calculated herein is not
6 admissible unless the proponent gives to the adverse party
7 sufficient --

8 COURT REPORTER: I'm sorry, what?

9 THE COURT: The solicitor let them know in advance
10 they're going to do it.

11 MS. HALL: In advance. Okay. So when we had the
12 side-bar, I was under the impression that --

13 THE COURT: You have a witness who had a conviction
14 in 1999 for bad check.

15 MS. HALL: And --

16 THE COURT: Okay.

17 MS. HALL: Well, we thought we did and I think what
18 the Court had said was that that would be admissible --

19 THE COURT: Under the dishonesty or false statement.

20 MS. HALL: But the way I read the rule, I would be
21 limited by the 10-year provision.

22 THE COURT: Hang on.

23 What's the defense position given the reading of the
24 rule?

25 MR. NIELSON: I believe she's correct, Your Honor.

1 THE COURT: I'm sorry?

2 MR. NIELSON: I believe she's correct, Your Honor.

3 THE COURT: Right. So it doesn't come in.

4 MS. HALL: Okay. And the reason that I'm going over
5 those is because it would apply to the defendant as well.

6 THE COURT: Sure. What --

7 MS. HALL: Now --

8 THE COURT: Go ahead.

9 MS. HALL: And I'm going to start from -- I'm not
10 going to go over things that are more than 10 years old,
11 okay?

12 THE COURT: Go ahead.

13 MS. HALL: In 2000 -- sorry, 2011 -- let me make sure
14 that -- I don't think that would apply under the 10-year
15 rule. Hold on. I'm trying to do math in my head. Just
16 give me a second. In 2011, he was -- Mr. Morton was
17 convicted of criminal conspiracy by the South Carolina
18 drug law, that carries more than a year, 2009.

19 THE COURT: Okay. Any argument as to --

20 MR. NIELSON: No, Your Honor.

21 THE COURT: Okay.

22 MS. HALL: In 2000 --

23 THE COURT: Except you may argue that the probative
24 value -- the prejudicial effect outweighs the probative
25 value.

1 MR. NIELSON: Well, I'm going to make that argument
2 on a lot of these and I'd like to just get the list before
3 we decide that.

4 THE COURT: We'll get the list and then you can make
5 that argument.

6 MR. NIELSON: Thank you, Your Honor.

7 MS. HALL: 2011, he was convicted of two counts
8 receiving stolen goods. 2012, he was convicted of two
9 more counts of receiving stolen goods. And then in 2013,
10 he was convicted of receiving stolen goods, grand larceny
11 and shoplifting. It was under the -- and he received a
12 seven-year sentence on that.

13 THE COURT: Okay.

14 MS. HALL: And that's it.

15 THE COURT: Mr. Nielson?

16 MR. NIELSON: I really don't have a problem with the
17 criminal conspiracy. I don't know that I can argue more
18 prejudicial than probative on that case because I'm not
19 sure where the prejudice comes in. I mean, he was
20 convicted of it. I believe they have the right to examine
21 that.

22 My bigger issue is with all the receiving stolen
23 goods charges. That's what he's on trial for now. I
24 believe if the jury is going to hear that, they're not
25 going to use it to judge his character or his truthfulness

1 in this case, they're going to use it to say he's got five
2 counts of receiving stolen goods in the last four years,
3 he must have done it again. And that's where I think it's
4 more prejudicial to my client to let that in.

5 Regardless of what the rules on letting it in say,
6 you also have to run it through that 403 analysis of is
7 its probative value greater than prejudicial effect. I
8 believe the prejudicial effect of allowing those receiving
9 stolen goods in in a receiving stolen goods case far
10 outweighs what they're going to use to show the
11 truthfulness of my client.

12 I would suggest in lieu of that that they're allowed
13 to cross-examine him on the criminal conspiracy and the
14 grand larceny and not allow them to cross-examine on
15 anything that says receiving stolen goods. That's still
16 leaving them some things they could cross-examine him on
17 about his record without the most prejudicial part of that
18 coming in.

19 THE COURT: Okay.

20 MS. HALL: And there's also shoplifting.

21 THE COURT: And a shoplifting.

22 MS. HALL: And the state would take the position that
23 they are crimes of dishonesty and that they are probative.
24 Just because it's the same thing, I don't think that that
25 causes the prejudicial value to outweigh the probative

1 value, but whether Mr. Morton is telling the truth or not
2 if he decides to take the stand. This case, you know,
3 basically, it hinges on people's testimony and I think
4 that it is probative.

5 THE COURT: I understand where both sides are on that
6 issue. It's not ripe at this point yet. I need to make a
7 decision that I'm going to -- you know, many things happen
8 during a trial, so I'm going to take the arguments under
9 advisement. I'm on notice of what they are now, that's
10 primarily what I wanted to do. And let me think about it,
11 let's see how the case develops. And if Mr. Morton does
12 take the stand, I will deal with it prior to his
13 testimony.

14 MR. NIELSON: Thank you, Your Honor.

15 THE COURT: Anything else before we bring the jury
16 in, get them sworn in and let me do my initial charge?

17 MR. NIELSON: No, Your Honor.

18 MS. HALL: No.

19 THE COURT: Thank you. Let's bring the jury in.

20 (The jury entered the courtroom at 3:29 p.m.)

21 THE COURT: All right. Madame Clerk, please swear
22 the trial jury.

23 THE CLERK: Please stand and raise your right hands.

24 (The jury was sworn.)

25 THE COURT: Thank you, Madame Clerk.

1 Ladies and gentlemen, good afternoon. I know y'all
2 are all excited to be here on a beautiful December
3 afternoon. Before we begin this trial, let me tell you
4 that this trial is probably going to be different from
5 what you might expect. Many people don't have the chance
6 to attend actual court sessions as you're doing now, much
7 less participate in them as you're doing now. Of course,
8 they tend to think from watching television and looking at
9 movies and reading books that trials are always full of
10 high drama, intense action, and riveting circumstances.
11 You know, all of these things may be true at times. This
12 trial is not for entertainment, ladies and gentlemen.
13 This trial is a fundamental part of our democracy. This
14 trial is a search for truth in an effort to make sure that
15 justice is done between the parties before the Court, both
16 the state of South Carolina and the defendant.

17 Now, searching for the truth and making sure that
18 justice is done can sometimes be a slow, deliberate and
19 repetitive process, the opposite of what you may have seen
20 on TV, in movies or read in books. This courtroom is a
21 place of honor dedicated to the protection and
22 preservation of citizens' rights through what many have
23 called the greatest justice system ever created.

24 The attorneys who are appearing before you are
25 advocates for the party they represent. The state is

1 represented by lawyers called solicitors. The defense is
2 represented by defense lawyers. These attorneys are first
3 and foremost officers of this court. They're sworn to
4 uphold the integrity and fairness of our system and to
5 help you in your search for the truth. You should expect
6 them, therefore, to be professional, competent and ethical
7 in the representation of their respective client's
8 interest. And remember, you've just taken the oath to do
9 the same thing, to reach a fair and just verdict. So you
10 are also expected to be professional, reasonable and
11 ethical. Thank you for again accepting this very
12 important responsibility.

13 Let me tell you how basically a trial proceeds.
14 First, the state will make what's called an opening
15 statement to you. An opening statement is not evidence.
16 It's simply the lawyers' chance to speak to you, kind of
17 give you an outline of what the state thinks the evidence
18 will show. Okay. Simply an outline to help you
19 understand what the parties expect the evidence will show.
20 The state will do their version. And the defense, if they
21 want to, can give an opening statement, but they're not
22 required to for reasons I'll let you know later on.

23 Now, following opening statements, you will then hear
24 testimony and consider evidence in this case. This will
25 consist of testimony from various witnesses as well as any

1 physical exhibits which may be introduced into evidence.

2 Following the completion of testimony, the attorneys
3 again will have an opportunity to speak directly to you
4 and do what's called a closing statement or closing
5 argument. This is the opportunity for the attorneys to
6 summarize the case from their respective points of view.
7 And again, these closing arguments made to you are not
8 evidence.

9 Now, following the closing statements, that's when I
10 will instruct you on the law of South Carolina as it
11 pertains to the issues which have arisen in this case.
12 Now, when I've completed my instructions to you, that's
13 when you'll be permitted to begin your deliberations in
14 order to reach a verdict. Then and only then is when
15 you'll be able to start talking about the case with each
16 other.

17 As you know, this is a criminal case that has been
18 brought by the state of South Carolina. The state has
19 charged the defendant with receiving stolen goods and
20 safecracking. The charges against the defendant are
21 contained in what's called these indictments. Now, these
22 indictments are not evidence of anything. These
23 indictments are simply the description of the charges that
24 have been made by the state against the defendant. The
25 defendant has pled guilty not guilty to these charges and

1 is presumed innocent unless and until proven guilty beyond
2 a reasonable doubt.

3 Now, ladies and gentlemen, I will define reasonable
4 doubt for you later on in more detail, but a reasonable
5 doubt is the kind of doubt that would cause a reasonable
6 person to hesitate to act. A defendant has the right not
7 to testify and never has to prove innocence or present any
8 evidence. The burden of proof is always upon the state of
9 South Carolina.

10 It's going to be your duty, ladies and gentlemen, now
11 as the jury to decide what the facts are. You and you
12 alone are the judges of the facts. You will hear the
13 evidence, you will decide what the facts are, and then you
14 will apply those facts to the law which I give to you.
15 I'm the judge of the law, you're the judge of the facts.
16 That's how you reach a verdict. And in doing so, ladies
17 and gentlemen, you must follow the law that I give you
18 whether you agree with it or not. You shouldn't take
19 anything that I say or do during the trial as indicating
20 what I think the evidence is or what your verdict should
21 be.

22 Now, just like we have rules which govern sports and
23 other business activities, there are certain rules of
24 evidence which control what can come into evidence in the
25 court. When a lawyer asks a question or offers something

1 into evidence that the lawyer on the other side thinks may
2 violate the rules or not permitted by the rules of
3 evidence that lawyer may stand up and say objection,
4 object. If I overrule the objection, that means that the
5 question can be answered or the exhibit can be received or
6 come into evidence. If I say sustained, that means the
7 question cannot be answered and the thing cannot be
8 received.

9 Now, whenever I sustain an objection to a question or
10 deny a motion to admit something into evidence, you must
11 ignore the question or the existence of the exhibit. And
12 you must not speculate or guess what the answer would have
13 been or what the exhibit would have shown. The whole
14 reason we have these rules of evidence is to get you the
15 best evidence possible for you to judge those facts.
16 That's why we have those rules, okay.

17 And sometimes on that regard, it may be necessary for
18 me to ask you to leave the courtroom to take up matters of
19 law which may come up. I have to judge the law just like
20 you have to judge the facts. So if that happens, I'll ask
21 you to go back to your jury room while I discuss those
22 matters of law with the lawyers. To keep you from having
23 to get up and go back and forth, I sometimes will have the
24 lawyers approach the bench -- and we'll do that as much as
25 possible so you won't have to keep getting up and getting

1 down and going back and forth -- to make the things more
2 orderly. But whenever I do that, don't sit back and
3 speculate about what we're talking about and what we're
4 trying to keep something from you. Again, we're not doing
5 that. We're simply using the rules of evidence to make
6 sure that you get the best and most accurate evidence
7 available so you can make the decision that you need to
8 make, okay.

9 Now, in deciding the facts of the case, about what
10 happened, you may have to decide which witnesses you want
11 to believe and which witnesses you don't want to believe.
12 That's called credibility of a witness. You can believe
13 everything a witness says, or only part of it, or perhaps
14 none of it. That's in your sole discretion. You'll do
15 that as you see fit.

16 During the trial, ladies and gentlemen, this is
17 important, you need to pay very close attention to what
18 the witnesses testify to and listen carefully to
19 everything that goes on because you're not going to be
20 allowed to take notes, okay. So please pay close
21 attention so you can accurately discuss everything when we
22 finish the trial. And you're not going to have a
23 transcript available with you in your jury room during
24 deliberations. It's very time consuming and costly for my
25 court reporter to go back and try to figure out what the

1 testimony was of this witness at this particular point in
2 time. So you have to use your memory, so please pay
3 particularly close attention to everything that goes on.

4 Now, until I -- this is where I get to what I was
5 telling y'all earlier. Until I advise you to begin your
6 deliberations, you must not discuss this case with anyone,
7 even your fellow jurors, especially your friends or family
8 members and anybody else involved in this case. Don't go
9 on social media when you leave here today and put on
10 Facebook and Instagram and SnapChat and everything else,
11 or Twitter, that you're on jury duty and you're hearing
12 this case. Don't do that. Certainly, you can let your
13 spouse or significant other know that yes, I'm serving on
14 a jury, but Judge Gibbons told me not to talk about it.
15 Okay. That's all you got say, okay.

16 Don't -- if anybody tries to approach you or persist
17 in talking about you -- or talking to -- with you about
18 the case, wanting to find out certain things about it,
19 just remember who they are and let me know about them and,
20 believe me, I'll take care of it.

21 Don't do any independent research on the case. Your
22 job as a juror is to consider the testimony and evidence
23 offered in this courtroom from this witness stand, okay,
24 not from anywhere else. From this witness stand in this
25 courtroom, that's the evidence that you have to consider.

1 That's why you don't go out and do all this other stuff,
2 okay. You have to go by the record of the case.

3 Now, again, it's important, ladies and gentlemen,
4 that you keep an open mind, don't decide anything, any
5 issue in this case until everything has been presented,
6 until after the parties have made their closing arguments
7 to you and, especially, until you learn about what the law
8 is in South Carolina. After that, that's when you can
9 start talking about it and that's when you can make up
10 your mind.

11 It is your solemn responsibility to determine the
12 guilt or innocence of the defendant. And your verdict
13 must be based solely on the evidence presented to you in
14 this courtroom, in this trial and on the law that I may
15 instruct you at the end of the case.

16 At this point in time, thank you again, ladies and
17 gentlemen, for your undivided attention. I'm going to ask
18 the lawyers to give opening statements to you at this
19 point in time.

20 Madame Solicitor.

21 MS. HALL: Thank you, Your Honor.

22 OPENING STATEMENT

23 BY MS. HALL:

24 I told you a while ago, my name is Julie Hall. I'm
25 the deputy solicitor here in Chester County. And,

1 obviously, it's my job to prosecute criminal cases here in
2 Chester County.

3 Judge Gibbons, you heard him talking about that you
4 guys are the judges of the facts and he's the judge of the
5 law. He's going to give you law at the end of the case,
6 but I think it's extremely helpful to go over it before
7 you start so that you know what you're looking for, okay.

8 So when we -- the defendant in this case is charged
9 with two things. And I want to talk about what he's not
10 charged with real quick. You're going to hear evidence in
11 the form of testimony from the witness stand about people
12 who had their houses broken into and things stolen from
13 their homes. This defendant is not charged with breaking
14 into their house or stealing stuff from their homes. That
15 would be a burglary charge, which he is not -- and a
16 larceny charge, but he's not charged with that because we
17 don't have any evidence that he did that. He's charged
18 with receiving or possessing stolen goods. And there's a
19 value situation that goes along with that. And in this
20 instance, he's charged with \$2,000 or less.

21 What I expect to hear from the witness stand is
22 testimony that Mr. Morton was in possession of a
23 television, that -- and a microwave, but these items did
24 not exceed the \$2,000 value. And you'll hear about the
25 valuation of them and stuff like that, okay.

1 The receiving stolen goods law basically says --
2 well, it does say it's unlawful for a person to buy,
3 receive or possess stolen goods, chattels or other
4 property if the person knows or has reason to believe the
5 goods, chattels, or property is stolen. A person is
6 guilty of this offense whether or not anyone is convicted
7 of the actual theft of the property, which goes back to
8 what I was saying about the burglary situation. No
9 charge -- no charge of stealing, just charge of possessing
10 it.

11 He's also charged with safecracking. And the
12 safecracking law is pretty simple. It's unlawful for a
13 person to use explosives, which is not the case here,
14 tools, which I submit is, or any other implement in or
15 about a safe used for keeping money or other valuables
16 with intent to commit larceny or any other crime. A
17 person who violates this is guilty of safecracking.
18 That's all it is. So it's really simple. You can't use
19 tools to break into a safe and steal stuff out of it.

20 So you're going to hear testimony from several
21 witnesses over the course of this afternoon and tomorrow,
22 law enforcement, lay witnesses, people who saw things,
23 people who heard things, people who can give you the facts
24 as -- you know, as they know them to be.

25 And Judge Gibbons touched on this, it's your job to

1 judge the credibility of the witnesses, who has motive,
2 bias, any reason to -- you know, not to tell the truth.
3 You've got to watch that very carefully, watch for
4 consistency between like if one person says something and
5 another person corroborates that testimony, says something
6 similar to the same thing. That's something else that
7 we're going to come back to at the end. So you do have to
8 pay close attention. And it might be a little confusing
9 in terms of what was taken and different houses and stuff
10 like that. But just like he said, pay very close
11 attention.

12 The state seeks the truth. The term "verdict" comes
13 from a Latin word that means to speak the truth. And
14 that's all we're seeking here is just the truth. And I
15 would submit to you at the end of the case, the truth is
16 that Jason Morton is guilty as charged on both of these
17 offenses. Thank you.

18 THE COURT: Thank you, Madame Solicitor.

19 Mr. Nielson.

20 MR. NIELSON: Thank you, Your Honor.

21 OPENING STATEMENT

22 BY MR. NIELSON:

23 Ladies and gentlemen of the jury, as was told to you
24 earlier, my name is Devon Nielson and I'm a criminal
25 defense attorney here in Chester.

1 My client, Jason Morton, is excited for today. He's
2 excited to come before you and let you be the judges of
3 the evidence that's going to be presented to you from the
4 witness stand today. You get to decide that. I know what
5 I think. I know what the solicitor thinks. She just told
6 you what she thinks. But the only person that matters
7 what they think at the end of this case is you.

8 I want to talk to you about a couple of things.
9 First of all, the judge defined probable cause -- defined
10 what reasonable doubt is. Reasonable doubt is doubt that
11 would make a reasonable person give hesitation to act.
12 You're going to hear a lot about that while the lawyers
13 are talking to you in this case. And I'm going to come
14 back to it, but what I want you to remember is at this
15 moment in time, none of you know anything about this case.
16 You haven't heard any of the witnesses. You haven't heard
17 any of the testimony. So Jason Morton, if you came back
18 with a verdict now, would have to be not guilty.
19 Something has to change inside you for you to find him
20 guilty. You have to hear evidence that gives you no
21 reason to hesitate to find him guilty.

22 You're going to hear a lot of things in this case. I
23 submit to you you're going to hear nothing that does not
24 include bias. You're going to hear nothing that does not
25 include an angle or a slant or a reason why somebody is on

1 the witness stand saying it. Every person that you're
2 going to hear from is going to have a reason for being up
3 there. Your job is to judge the credibility. Your job is
4 to judge the reasons and the reasons why they're saying
5 what they're saying and not saying what they're saying.

6 The solicitor defined the two charges you're here to
7 judge today. First, receiving stolen goods. She kind of
8 glossed over the fact that not only do you have to have
9 the property, but the state must prove beyond a reasonable
10 doubt that Jason Morton knew or should have known that
11 that property was stolen. It's more than just having it
12 in your possession. It's more than just that physical
13 having it. They're not going to be able to prove that to
14 you. They're not going to be able to prove to you that
15 Jason Morton had anything in his possession that he knew
16 or should have known was stolen. It's possible that
17 they'll prove the property -- that he had property. It's
18 not enough. They must prove that second part of it.

19 You're going to hear a lot of things throughout the
20 course of this trial. I'm not going to stand here before
21 you and tell you that Jason is perfect. I'm not. He's
22 not. He wouldn't tell you he was perfect if he was
23 telling you. But what I am going to tell you is you're
24 going to hear things that you're not going to like.
25 You're going to hear things that are going to make you not

1 like him. You're going to hear things that are going to
2 make you not like a lot of the witnesses in this case.
3 And you might hear some things that do make you like him
4 and like other witnesses and give them credibility or
5 break their credibility. But all that matters is at the
6 end of the day, at the end of this trial, there's no way
7 that you are going to not have some level of hesitation in
8 finding Jason guilty.

9 This case that you're going to hear is based on
10 statements and testimony that I want you to be open to
11 looking at the why behind it. Why is this person saying
12 this and what do they have to gain from saying what
13 they're saying?

14 And at the end, you won't know two things. A, you
15 won't know Jason cracked open that safe. And B, you won't
16 know that he knew. You won't know he knew that he had
17 anything that was stolen. I ask you to give ear to the
18 testimony that's given and consider it and think about it
19 and I know that that's the conclusion you'll come to.
20 Thank you.

21 THE COURT: Thank you, Mr. Nielson.

22 Is the state ready to proceed with its first witness?

23 MS. HALL: Yes, sir. The state calls Amberly Lee Ann
24 Freeman.

25 THE CLERK: Please raise your right hand, place your

1 left hand on the Bible and state your full name.

2 THE WITNESS: Amberly Lee Ann Freeman.

3 AMBERLY LEE ANN FREEMAN, after having first being
4 duly sworn, testified under oath as follows:

5 MR. NIELSON: Your Honor, before the Solicitor
6 starts, can we approach for just a second?

7 THE COURT: Yes.

8 (A bench conference was held in the presence of the
9 jury, but outside the hearing of the jury.)

10 THE COURT: Make sure you talk into the microphone,
11 okay? There we go. All right.

12 Madame Solicitor, your witness.

13 MS. HALL: Thank you.

14 DIRECT EXAMINATION

15 BY MS. HALL:

16 Q Your name is Amberly Lee Ann Freeman; is that
17 correct?

18 A Yes, ma'am.

19 Q And back in April of 2015, were you living at
20 Woods Ferry Road?

21 A I was, but I was staying at my mom and dad's house
22 taking care of them. I had -- my power was off there. I
23 had belongings there. I was getting my animals from out
24 there and I was back and forth. Like I said, I was out
25 there to get stuff out of the home at that time and we

AMBERLY LEE ANN FREEMAN - DIRECT EXAMINATION BY MS. HALL

1 noticed that everything was gone.

2 Q So tell me about this, you said you were staying --
3 and your house, it's in Chester County, in Carlisle; is
4 that correct?

5 A Yes, ma'am.

6 Q Okay. And you said it's your house, but you were
7 staying with your mom and dad helping to take care of them
8 and you were back and forth?

9 A Yes, ma'am.

10 Q So did you -- on April 23rd of 2015, did you go back
11 to the house at Woods Ferry Road?

12 A Yes, ma'am.

13 Q And how long had you been gone away from that house?

14 A I go -- I was going out there every other day. And
15 so then two days, that's when I had went back.

16 Q I'm going to get you to pull that microphone down a
17 little bit more so we can hear you a little bit better.

18 A (The witness complied.)

19 Q Okay. Thank you. When you got to the house on that
20 day, could you describe for the jury what you encountered
21 when you got to your home?

22 A My house was ransacked. We immediately started
23 walking into every room, noticed that there was things
24 missing, such as the TV, the microwave. There was other
25 items missing.

AMBERLY LEE ANN FREEMAN - DIRECT EXAMINATION BY MS. HALL

1 (State's Exhibit Numbers 1 and 2 were marked for
2 identification.)

3 BY MS. HALL:

4 Q I'm going to show you what's been marked as State's
5 Exhibit 1. Can you describe what that is?

6 A That's my television.

7 Q So that is the television -- that is your television?

8 A Yes, ma'am.

9 Q And have you -- since you discovered it missing that
10 day, have you seen it since then?

11 A No, ma'am, I have not.

12 Q And then I'm going to show you what's marked as
13 State's Exhibit 2. And tell me if you recognize that.

14 A That's my microwave.

15 Q Have you seen that since the day you discovered it
16 missing?

17 A Yes.

18 Q Tell me about that. Where did you go to see it?

19 A At Chester County Police Department, at the sheriff's
20 office.

21 Q And how -- when you saw it at the police department,
22 how did you know it was your microwave?

23 A Because I was asked to identify it.

24 Q And how did you identify it?

25 A It has a scratch on it and another marking on it.

AMBERLY LEE ANN FREEMAN - DIRECT EXAMINATION BY MS. HALL

1 Q Okay. So -- but -- okay. So, obviously, when you
2 got to your house and it was ransacked, did you call the
3 sheriff's department?

4 A Yes, ma'am.

5 Q Okay. Did an officer come out that day?

6 A No, it was the next day when everybody met up out
7 there.

8 Q So when you called them, you just told them it wasn't
9 any need to come that day or did --

10 A I wasn't going to be able to be there that day.

11 Q Okay. All right. So you met them later on,
12 according to what you just told me; is that correct?

13 A Yes, ma'am.

14 Q And tell me about that, what happened while you guys
15 were out there?

16 A They came in, they took pictures, they tried to get a
17 fingerprint. It was Mr. Wade and another officer there.
18 I don't remember his name. I mainly stayed outside, me
19 and my daughter stayed outside while they were doing what
20 they had to do unless we were asked, you know, more
21 questions, whatever. So we were outside and we talked to
22 him, talked to the other officers and the other detective
23 as well.

24 Q Okay. And to your knowledge, has anybody ever been
25 charged with breaking into your house?

AMBERLY LEE ANN FREEMAN - DIRECT EXAMINATION BY MS. HALL

1 A Not to my knowledge.

2 Q Okay. And at some point in time prior to this
3 happening, did you use the TV for collateral for a loan at
4 a place called World Finance here in Chester?

5 A Yes, ma'am, I did.

6 Q At some point after this happened, did you receive a
7 call from law enforcement with regard to your television?

8 A Yes, ma'am.

9 Q Okay. And did law enforcement ask you -- at that
10 point in time, did you tell them that it had been financed
11 at World Finance?

12 A At that time, I couldn't find out -- I don't remember
13 the serial number and I told them I had used it as
14 collateral --

15 Q At World Finance?

16 A -- and that's where they found out the serial number.

17 MS. HALL: Please answer any questions Mr. Nielson
18 might have for you.

19 THE COURT: All right. Mr. Nielson, your witness.

20 MR. NIELSON: Thank you, Your Honor.

21 CROSS-EXAMINATION

22 BY MR. NIELSON:

23 Q Ms. Freeman?

24 A Yes, sir.

25 Q Where did you say -- when did you say you first

AMBERLY LEE ANN FREEMAN - CROSS-EXAMINATION BY
MR. NIELSON

1 noticed this stuff was missing?

2 A Back in April.

3 Q What was the date?

4 A The 23rd.

5 Q Okay. And you -- and when was the last time you were
6 in the house before that?

7 A Two days prior.

8 Q So on the 21st?

9 A Yes, sir.

10 Q So it was sometime between the 21st and 23rd the
11 stuff went missing?

12 A Yes, sir.

13 Q What time of day were you there on the 21st?

14 A I don't remember the exact time.

15 Q What time of day were you there on the 23rd?

16 A Sir, I don't remember that time either.

17 Q Okay. And let's talk about your TV for a second.
18 Was your name on your TV?

19 A My name was on the loan and it was under my
20 collateral.

21 Q Okay. But was there anything printed on the TV
22 itself that said property of this person?

23 A No.

24 Q So is there any way that just a normal, random person
25 would have known that's your TV?

AMBERLY LEE ANN FREEMAN - CROSS-EXAMINATION BYMR. NIELSON

1 A My daughter.

2 Q Okay. But just somebody else who doesn't know you;
3 just anybody on the street, would they have known that was
4 your TV?

5 A Friends and family.

6 Q Okay. But outside of that?

7 A I don't know.

8 Q Is it the only TV that was ever made of that type and
9 brand and size?

10 A I'm sure it's not.

11 Q Okay. So there's probably thousands of TVs like it,
12 isn't there?

13 A Right.

14 Q Okay. So there was nothing to distinguish your TV
15 from many, many other TVs that exist in the world,
16 correct?

17 A Right.

18 Q Now, let's talk about your microwave. Do you
19 remember the brand of your microwave?

20 A I don't know the name of it, no, sir.

21 Q Okay. Is it a common microwave?

22 A It's an everyday use microwave.

23 Q Okay. To the best of your knowledge, other than a
24 scratch on it, is there anything special about it that
25 would make it --

AMBERLY LEE ANN FREEMAN - CROSS-EXAMINATION BYMR. NIELSON

- 1 A There's a dent.
- 2 Q -- one of a kind?
- 3 A There's a dent.
- 4 Q Okay. So there's a dent in the microwave?
- 5 A Yes, sir.
- 6 Q Okay. And you were personally able to identify that
- 7 because of the dent, correct?
- 8 A Yes, me and my daughter identified the microwave.
- 9 Q Okay. But if I went and picked a random person off
- 10 the street, do you think that they could tell you that
- 11 this is Ms. Freeman's microwave?
- 12 A I have no idea, sir.
- 13 Q Okay.
- 14 A I don't think so, but I don't know.
- 15 Q Was there any tag or anything on the microwave that
- 16 said property of Ms. Freeman?
- 17 A No, sir.
- 18 Q Okay. So you called the police, correct?
- 19 A Yes.
- 20 Q And they came out to the house?
- 21 A Yes.
- 22 Q And they took a bunch of pictures?
- 23 A Yes.
- 24 Q And they took -- looked for fingerprints?
- 25 A Yes.

AMBERLY LEE ANN FREEMAN - CROSS-EXAMINATION BYMR. NIELSON

1 Q And did they find anything, to the best of your
2 knowledge?

3 A I don't think so.

4 Q Okay. And do you have any personal knowledge, like
5 by you seeing or hearing or smelling or anything like that
6 of who was in your house?

7 A No, sir.

8 Q And no video surveillance?

9 A No, sir.

10 Q No -- nothing like no audio surveillance or anything
11 like that?

12 A No, sir.

13 Q Okay. And you say no one was charged to the best of
14 your knowledge with actually breaking into your house,
15 correct?

16 A No, sir.

17 Q And in July of 2012 -- sorry, in February of 2012,
18 were you convicted of shoplifting?

19 A I was.

20 Q Okay.

21 MR. NIELSON: No further questions, Your Honor.

22 THE COURT: Any redirect?

23 MS. HALL: No.

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

25 State call its next witness.

AMBERLY LEE ANN FREEMAN - CROSS-EXAMINATION BYMR. NIELSON

1 MS. HALL: The state calls Brian Sanders.

2 Your Honor, we'd ask that Ms. Freeman -- if she wants
3 to stay, that's fine, but we'd ask if she wants to
4 leave --

5 THE COURT: Any objection to her leaving, Mr.
6 Nielson?

7 MR. NIELSON: No, Your Honor.

8 THE COURT: Ma'am, you're free to leave. Thank you.

9 MS. HALL: But she might want to stay.

10 THE COURT: But you're welcome to stay.

11 THE CLERK: Please state your full name.

12 THE WITNESS: Terry Brian Sanders.

13 BRIAN SANDERS, after having first being duly sworn,
14 testified under oath as follows:

15 MS. HALL: Your Honor, I have to take this a little
16 bit out of order, but --

17 Can I tell you about this real quick?

18 THE COURT: Yes.

19 (A discussion outside of the hearing of the jury was
20 held between Ms. Hall and Mr. Nielson.)

21 DIRECT EXAMINATION

22 BY MS. HALL:

23 Q Your name is Brian Sanders?

24 A Yes, ma'am.

25 Q And you're a detective with the Chester County

BRIAN SANDERS - DIRECT EXAMINATION BY MS. HALL

1 Sheriff's Department?

2 A Yes, ma'am.

3 Q How long have you been working there?

4 A Little over five years.

5 Q And how long have you been a law enforcement officer?

6 A Little over eight.

7 Q Okay. Back in April, May of this year, did you have
8 occasion to investigate a break-in at Meadowbrook
9 Road?

10 A Yes, ma'am.

11 Q Can you tell us about that?

12 A Yes, ma'am. On May 4th, 2015, myself and Detective
13 Sinclair went to Meadowbrook in reference to a
14 previous case about a safe. We arrived at the residence.
15 We attempted to make contact with the owner, who we later
16 found out was Mary Talbert. There was nobody there. We
17 knocked on the door several times. I did observe a window
18 that was opened in the residence.

19 I ended up talking to a neighbor and asked if he knew
20 who the owner was and where they possibly might have been.
21 He, at that time, advised us her name was Mary Talbert and
22 she lived at -- on Dawson Drive at

23 At that time, myself and Detective Sinclair went over
24 and spoke to Ms. Talbert and she stated that the residence
25 on Meadowbrook had been broken into two months prior.

BRIAN SANDERS - DIRECT EXAMINATION BY MS. HALL

1 Several things had been taken out of the house then,
2 firearms, some old coins, Dale Earnhardt collection. We
3 advised her about the window being open, at which time,
4 she went back to Meadowbrook with us and gave us consent
5 to look in the house.

6 We checked the house. It was ransacked. At which
7 time, she did tell us that there was several items that
8 were taken then, which was several tools, a red riding
9 mower, a .357 reloading kit, and a safe.

10 Q Okay. Did you -- the way I'm understanding what
11 you're telling me is that her house had been broken in two
12 months before approximately, firearms had been taken,
13 coins, and Dale Earnhardt collectibles?

14 A Yes.

15 Q And then when you took her back over there -- after
16 you went over there and saw that the window was open, you
17 took her back over there that day, on May 4th, and she
18 said, Oh, my goodness, the house has been broken into
19 again, and now, there's tools, a mower, a reloader, and a
20 safe that's missing?

21 A Yes, ma'am.

22 Q I want to go back -- did you ever recover any of
23 these items that she said were missing?

24 A We did recover two firearms from the previous
25 break-in as well as memorabilia, some type of collection

BRIAN SANDERS - DIRECT EXAMINATION BY MS. HALL

1 book that had old bills and stuff in it.

2 Q Okay. Did you -- when you recovered the firearms,
3 how did you go about recovering those?

4 A Detective Reynolds was notified by Wayne Yarborough
5 that he had several firearms that he had bought from a
6 gentleman named Quinn. At which time, Mr. Yarborough
7 brought the weapons to the sheriff's office and released
8 them to us, which they were identified by Ms. Talbert.
9 Two of the three guns that he gave us was identified by
10 Ms. Talbert, which was a .22 caliber Remington Viper and a
11 brown and black 22 pump was identified by her.

12 Q Okay. And her home at Meadowbrook Road, you said
13 she wasn't living there at the time; but is that property
14 located within the boundaries of Chester County?

15 A Yes, ma'am.

16 Q Was anybody ever arrested for actually breaking into
17 her house?

18 A No, ma'am.

19 Q Did you -- do you know how far Meadowbrook Road
20 is from Pinckney Road?

21 A No more than a mile, maybe a little less.

22 Q You said that you were there in reference to a
23 previous case. I don't -- what -- can you clarify that?

24 A On, I believe it was May 1st -- I'm sorry,
25 April 30th, a Natasha Sue Hatcher requested that she

BRIAN SANDERS - DIRECT EXAMINATION BY MS. HALL

1 needed an investigator at her residence at Pinckney
2 concerning a stolen safe and a silver flat screen TV with
3 a black stand and a white in color microwave oven.
4 Detective Young did go to the residence around 9:30 that
5 night and spoke to Ms. Hatcher. They were standing on the
6 porch. I believe Ms. Hatcher stated that --

7 MR. NIELSON: Objection.

8 MS. HALL: Without saying --

9 MR. NIELSON: If you want Ms. Hatcher's testimony,
10 we've got to get her up here to say it.

11 BY MS. HALL:

12 Q And let's not say what anybody else said. I'm just
13 trying to figure out how you got -- okay, Ms. Hatcher
14 calls the police. She says there's a safe -- I'm calling
15 you in reference to a safe, a TV and a microwave?

16 A She advised it was -- she advised Detective Young it
17 was from a residence off of Meadowbrook.

18 Q How did --

19 THE COURT: Sustained.

20 BY MS. HALL:

21 Q Without saying what she said, how did you end up over
22 at Meadowbrook? During the investigation of the case, did
23 it lead you over to the Meadowbrook Road address?

24 A Yes, it led us to a possible abandoned house, at
25 which time when we drove down Meadowbrook, we did observe

BRIAN SANDERS - DIRECT EXAMINATION BY MS. HALL

1 that house. It did appear to be abandoned. The grass was
2 grown in the yard. It was behind another residence. We
3 did go knock on the door to attempt to locate somebody to
4 see if anybody lived there.

5 Q Did somebody come out and say hey, she doesn't live
6 there, she lives somewhere else? How did you find
7 Ms. Talbert?

8 A We spoke to a next door neighbor and he told us she
9 didn't live there anymore.

10 MS. HALL: Please answer any questions Mr. Nielson
11 may have.

12 THE WITNESS: Yes, ma'am.

13 CROSS-EXAMINATION

14 BY MR. NIELSON:

15 Q Detective Sanders?

16 A Yes, sir.

17 Q How often was Ms. Talbert in the house, do you know?

18 A She stated that -- before the date that we came and
19 spoke to her, she stated it was about two weeks prior to
20 her being at that residence again.

21 Q And to the best of your knowledge, when you say that
22 was the last time she was in the house, was she staying
23 there full time two weeks before or was she just in and
24 out or something else?

25 A I believe just in and out.

BRIAN SANDERS - CROSS-EXAMINATION BY MR. NIELSON

1 Q Okay.

2 A She was actually living on Dawson Drive.

3 Q To the best of your knowledge, do you know when the
4 last time she was living in that residence was?

5 A No, ma'am -- no, sir.

6 Q Okay. And there were two break-ins in that house, at
7 least, correct?

8 A Yes, sir.

9 Q Is it possible there were more break-ins?

10 A Possibly, I'm not sure. She didn't say.

11 Q And to the best of your knowledge, did Ms. Talbert do
12 an inventory of all the property at her house every time
13 she went to the house?

14 A I do not know.

15 Q Okay. So you can't testify that it had only been two
16 weeks since that stuff had been missing? To the best of
17 your knowledge, it could have been much longer than that?

18 A Possibly.

19 Q And what -- describe what the yard of this house
20 looked like.

21 A Little bit of grass and dirt. It was -- what grass
22 there was was a little high, not extremely high, but it
23 was higher than normal.

24 Q Okay. Did it look like it had been abandoned?

25 A The house appeared to be like nobody did live in it,

BRIAN SANDERS - CROSS-EXAMINATION BY MR. NIELSON

1 no, sir.

2 Q Okay. Did it look like it had been like that for
3 some time based on your experience as an officer?

4 A The porch, possibly, yes. The porch was run down.

5 Q Okay. Did anybody see my client around that house
6 around the time of any of the break-ins?

7 MS. HALL: Objection, Your Honor. He's asking for
8 him to speculate. He doesn't know what other people saw.
9 He can say if anybody told him that he was around, but he
10 can't say did anybody else ever see him.

11 THE COURT: Rephrase your question.

12 BY MR. NIELSON:

13 Q Throughout the investigation of your case, did you
14 find anybody who saw my client anywhere near that house?

15 A No.

16 Q Okay. You stated it's a mile away from the house on
17 Pinckney, correct?

18 A Roughly, about a mile.

19 Q How many houses between those two houses within a
20 mile distance?

21 A I could not say. I don't know the exact number.

22 Q Are there some?

23 A Yes, sir.

24 Q Many?

25 A There's a few.

BRIAN SANDERS - CROSS-EXAMINATION BY MR. NIELSON

1 Q Okay. So these two houses aren't right next door to
2 each other?

3 A No, sir.

4 Q And it's not like the next house up the street with
5 just some open area between them?

6 A In between the house on Pinckney --

7 Q Yeah.

8 A -- and that house?

9 Q Yes, sir.

10 A Yes, sir, there's an open area. I mean, there's a
11 pretty nice gap.

12 Q And there's also houses in between, correct?

13 A Yes.

14 Q Okay. You say you recovered the firearms from the
15 previous houses, correct -- or from the previous break-in,
16 correct, two of the firearms?

17 A Yes, sir.

18 Q Did you fingerprint those firearms?

19 A No, sir, we did not.

20 Q Did you fingerprint the book with the bills that was
21 collected?

22 A No, sir.

23 Q Okay.

24 MR. NIELSON: Beg the Court's indulgence for one
25 minute.

BRIAN SANDERS - CROSS-EXAMINATION BY MR. NIELSON

1 THE COURT: Yes, sir.

2 MR. NIELSON: No further questions, Your Honor.

3 THE COURT: Redirect?

4 MS. HALL: No, sir.

5 THE COURT: Thank you, sir. You can step down.

6 Call your next witness.

7 MS. HALL: State calls Al Crawford.

8 THE CLERK: Please state your full name.

9 THE WITNESS: Albert Crawford, Jr.

10 ALBERT CRAWFORD, JR., after having first being duly
11 sworn, testified under oath as follows:

12 DIRECT EXAMINATION

13 BY MS. HALL:

14 Q Your name is Detective Al Crawford?

15 A Yes, ma'am.

16 Q And do you work at the Chester County Sheriff's
17 Department?

18 A I do.

19 Q And were you a detective back -- at the sheriff's
20 department back in April of 2015?

21 A I was.

22 Q And May as well?

23 A Yes, ma'am.

24 Q And continuously through that time?

25 A Yes.

ALBERT CRAWFORD, JR. - DIRECT EXAMINATION BY MS. HALL

1 Q How long have you been a law enforcement officer?

2 A Started in '87.

3 Q Okay. Did you sometime at the end of April,
4 beginning of May talk to a lady named Natasha Hatcher on
5 the telephone?

6 A Yes, I did.

7 Q Could you tell me the circumstances surrounding that?

8 A I was searching a vehicle -- we had stopped a vehicle
9 on I-77 that had run from a couple of counties and Major
10 McDaniel had called me to the office to help search the
11 vehicle. My job is narcotics in Chester County. And they
12 were suspecting there may have been some narcotics in the
13 vehicle.

14 While searching the vehicle, I got a phone call from
15 Ms. Lindzey Campbell, a friend of mine who works at a gas
16 station, Danny's, I think it's Danny's convenience store
17 on Pinckney Street, and she was a little upset. She said
18 there was a lady who wanted to talk to me about some stuff
19 that was going on. So I -- she handed her the phone and
20 then we had a little brief conversation.

21 Q Okay. And when she handed you the phone, that's when
22 you spoke with a lady named Natasha Hatcher?

23 A That's when I spoke to her.

24 Q Could you describe just the demeanor of Natasha
25 Hatcher while you were speaking with her on the telephone?

ALBERT CRAWFORD, JR. - DIRECT EXAMINATION BY MS. HALL

1 A When she initially started talking, she was upset and
2 she was talking real fast. I actually had to slow her
3 down a little bit because I couldn't understand what she
4 was saying. And once she calmed down, she was trying to
5 explain to me what was going on with her at that time.

6 Q Okay. And what did she say to you?

7 A If I can recall -- now, I can't remember verbatim
8 everything she said. What I do recall was she said that
9 she knew of some stolen items --

10 MR. NIELSON: Objection, Your Honor. It's the same
11 objection. We've got to get Ms. Hatcher up to testify.

12 THE COURT: Sustained.

13 BY MS. HALL:

14 Q Okay. Well, tell me what you did as a result of your
15 conversation with Natasha Hatcher?

16 A After I spoke with her, I talked to a Major Burly
17 McDaniel and explained to him what she had told me and
18 told him he needed to get some people over there as soon
19 as possible.

20 Q And to your knowledge, did officers go out to her
21 house?

22 A Yes, ma'am.

23 MS. HALL: I don't have anything else.

24 THE COURT: Questions?

25 MR. NIELSON: Yes.

ALBERT CRAWFORD, JR. - CROSS-EXAMINATION BY MR. NIELSON

1 CROSS-EXAMINATION

2 BY MR. NIELSON:

3 Q Detective Crawford, did you go to the house that
4 night?

5 A No, I did not.

6 Q Did you even see Natasha in any way that night?

7 A No, just talked to her on the phone.

8 Q So all conversations you had took place on the
9 telephone?

10 A Yes, sir.

11 Q And do you know Ms. Hatcher?

12 A Never met her before in my life.

13 Q So you don't know if she talks fast on a regular
14 basis or if that's abnormal for her to be a fast talker?

15 A The only thing I can say was she initially started
16 out talking fast and when I asked her to calm down, she
17 started talking in a normal voice.

18 Q In your experience as a police officer, when people
19 are talking to police to explain things, do you often find
20 they talk fast at first?

21 A According to what the situation is?

22 Q Is that rare, though?

23 A I mean, it's according to what the situation is.

24 Q Okay. And you don't know what happened with the
25 officers once they went over there that night then?

ALBERT CRAWFORD, JR. - CROSS-EXAMINATION BY MR. NIELSON

1 A I was informed they had recovered a safe and I think
2 a microwave.

3 Q But you don't know that from personal knowledge, you
4 know that because you were told that by someone else,
5 correct?

6 A I saw them bring the safe in.

7 Q Did you see it at the house?

8 A No.

9 Q Okay.

10 A I saw them bring the safe to jail at the sheriff's
11 office.

12 Q So you were informed by someone else, you didn't see
13 it at the house that night?

14 A Oh, I didn't see it at the house, no, but I saw them
15 bring it to the sheriff's office.

16 MR. NIELSON: No further questions.

17 MS. HALL: Just real quick.

18 REDIRECT EXAMINATION

19 BY MS. HALL:

20 Q Do people in your experience as a police officer --
21 like Mr. Nielson was asking you, is it your experience
22 that people talk fast when they're upset and are you able
23 to judge the demeanor of somebody through a telephone call
24 the way they're speaking to you?

25 A In my experience, when most people are dealing with

ALBERT CRAWFORD, JR. - REDIRECT EXAMINATION BY MS. HALL

1 the police and they are excited, they seem to talk a
2 little fast.

3 Q And you said that Ms. Hatcher seemed to be upset when
4 you were talking to her. Explain to me why you think she
5 was upset.

6 A Well, she was talking really fast. I could not
7 understand what she was saying. It's like she was trying
8 to get everything out at that time. And I said, Hold on a
9 second, I can't understand you. Slow down, calm down a
10 little bit and then tell me what's going on because I
11 can't understand what you're saying.

12 Q And she did?

13 A Yes, ma'am, she did. She kind of paused a second or
14 two and then she started talking to the point where I
15 could understand her. I mean, she was still, I guess
16 excited, I'm not sure, but I was able to understand what
17 she was saying and relay that information to Major Burly
18 McDaniel who happened to be standing next to me at the
19 time.

20 MS. HALL: Thank you. I don't have anything else.

21 THE COURT: Anything on that?

22 MR. NIELSON: Just a couple questions, Your Honor.

23 RECROSS-EXAMINATION

24 BY MR. NIELSON:

25 Q Based on your experience as a police officer, are

ALBERT CRAWFORD, JR. - RECROSS-EXAMINATION BY MR. NIELSON

1 there multiple reasons why people could be excited?

2 A Absolutely.

3 Q And so there's not really anything you can draw from
4 her being excited other than her being excited, correct?

5 A Absolutely.

6 MR. NIELSON: Okay. No further questions.

7 THE COURT: Thank you, sir. You may step down.

8 MS. HALL: And he can be excused?

9 THE COURT: Well, you don't examine people twice.

10 MS. HALL: Well, I'll ask he be excused, at least,
11 for today.

12 And I'll ask as you step out, would you please call
13 Ms. Lindzey Campbell.

14 THE COURT: Next witness. Thank you.

15 THE CLERK: Would you raise your right hand and state
16 your full name.

17 THE WITNESS: Lindzey Campbell.

18 LINDZEY CAMPBELL, after having first being duly
19 sworn, testified under oath as follows:

20 DIRECT EXAMINATION

21 BY MS. HALL:

22 Q Ms. Campbell, it's Lindzey Campbell. Can you spell
23 your first name, please?

24 A L-I-N-D-Z-E-Y.

25 Q Okay. C-A-M-P-B-E-L-L?

LINDZEY CAMPBELL - DIRECT EXAMINATION BY MS. HALL

1 A Uh-huh.

2 Q And back in April of this year, where were you
3 employed?

4 A Danny's Food Mart.

5 Q And where is Danny's Food Mart located?

6 A On Pinckney Street.

7 Q And then did you -- what was your role there? What
8 was your job?

9 A Cashier.

10 Q Did you have occasion -- did you know of Natasha
11 Hatcher, know who she was?

12 A Yeah, she stayed across the street.

13 Q She was right across the street?

14 A Uh-huh.

15 Q And did she come across the street while you were
16 working?

17 A Yes.

18 Q That -- was it -- do you remember the date?

19 A She comes everyday, comes about everyday.

20 Q But this particular -- did she come to you one day
21 excited and ask you to call Al Crawford, don't you know
22 law enforcement --

23 MR. NIELSON: Objection, Your Honor, leading.

24 MS. HALL: I'm just trying to get her to the point.

25 THE COURT: Sustained.

LINDZEY CAMPBELL - DIRECT EXAMINATION BY MS. HALL

1 THE WITNESS: She came over and asked me did I have a
2 police friend and I told her yeah, I'd call him.

3 BY MS. HALL:

4 Q Can you either sit up a little bit better --

5 A Okay.

6 Q There you go. Say it again.

7 A And I told her I had some police friends. She said
8 could I call one of them and I said, Okay.

9 Q How was she acting when she came across the street?

10 A Hysterical.

11 Q Hysterical?

12 A Uh-huh.

13 Q How do you know -- describe that. I mean, how do you
14 know she --

15 A Because she was ranting about her son being taken
16 away because there was bad stuff at her house --

17 MR. NIELSON: Your Honor, objection. This is more
18 hearsay that Natasha can testify to, but I don't believe
19 this witness can.

20 THE COURT: Sustained.

21 BY MS. HALL:

22 Q Was she crying? Was she excited?

23 A Yes, she was crying.

24 Q Okay. And what did you do as a result of what she
25 was asking you to do?

LINDZEY CAMPBELL - DIRECT EXAMINATION BY MS. HALL

1 A I called Al on the phone and gave the phone to her so
2 she could talk to him.

3 Q When you say Al, who is that?

4 A Al Crawford.

5 Q And you just gave her the phone so she could talk to
6 him?

7 A Yeah, so she could talk to him.

8 Q And did you -- could you see the house where Natasha
9 lived from where you worked at Danny's Food Mart?

10 A Yes, uh-huh.

11 Q Did you see -- when she left, where did she go or
12 could you tell?

13 A She went back to the house.

14 Q Did you -- over the course of the next day or a few
15 days or prior to that, did you know if anybody else was
16 living there?

17 A Yeah, it was three, three other guys there and a girl
18 was there.

19 Q Did you know any of their names?

20 A Jason was there and Danielle was there. I know their
21 names, but I don't know the others' names.

22 Q Do you know their last names?

23 A Huh-uh.

24 Q When you refer to Jason, do you see him sitting in
25 the courtroom today?

LINDZEY CAMPBELL - DIRECT EXAMINATION BY MS. HALL

1 A Yeah, he sitting over there.

2 MS. HALL: Let the record reflect, please, that she's
3 pointing at the defendant, Jason Morton.

4 THE COURT: Okay.

5 BY MS. HALL:

6 Q And did you observe anything else over the course of
7 the next few days with regard to the house over on
8 Pinckney Street?

9 A Nothing, but they always had bonfires at night.

10 Q When you say they had bonfires at night, was it --
11 could you describe like what kind of fire?

12 A Bonfire in the trash can, like put trash in there and
13 burn it.

14 Q Do you recall any of those bonfires or anything going
15 on within the day or two after -- the day of or the day
16 after or the day after Natasha came into the store to see
17 you?

18 A It was the same day, the same night. When I got off
19 work, they had one. They had one that night.

20 Q Do you remember how many people were standing outside
21 at the bonfire that night?

22 A It was three Caucasians and then the guy I worked
23 with, he went over there.

24 Q He went over there?

25 A Yeah.

LINDZEY CAMPBELL - DIRECT EXAMINATION BY MS. HALL

1 Q Okay. Do you remember -- after Natasha called Al
2 Crawford from the phone at the store, do you remember the
3 police coming over to the house that night?

4 A Yeah, it was a police car went over there. I don't
5 know exactly who it was, I don't know who it was.

6 Q And was the bonfire before or after the police car
7 got there?

8 A That was after.

9 Q But was it the same day?

10 A Yeah.

11 Q When you said Jason and Danielle, do you know if
12 there's any relationship between the two of them?

13 A Ain't they husband and wife?

14 Q I don't know.

15 A I don't know them like that. I just met them since I
16 been working at the store.

17 Q Okay.

18 MS. HALL: Please answer any questions Mr. Nielson
19 may have.

20 THE COURT: Mr. Nielson.

21 MR. NIELSON: Thank you, Your Honor.

22 CROSS-EXAMINATION

23 BY MR. NIELSON:

24 Q You stated on direct examination Natasha came into
25 that store about every day?

LINDZEY CAMPBELL - CROSS-EXAMINATION BY MR. NIELSON

1 A Yeah.

2 Q Was she usually excited?

3 A No.

4 Q So that was abnormal for her to be excited?

5 A Uh-huh, yeah.

6 Q And what day was this?

7 A I'm thinking it was on a Wednesday.

8 Q What Wednesday?

9 A April -- it was April 22nd or 21st.

10 Q So it was the 21st, 22nd, one day in April?

11 A Yes.

12 Q So it was either the 21st or the 22nd?

13 A I can't remember exactly what the date was, but I
14 remember she was hysterical that day.

15 Q But it was a Wednesday?

16 MS. HALL: Objection, Your Honor. She said she
17 doesn't know. He's trying to force her to answer
18 something she doesn't know.

19 THE COURT: Overruled.

20 MR. NIELSON: Your Honor, she said it was Wednesday.

21 THE COURT: Overruled.

22 THE WITNESS: It was Wednesday, Tuesday or Wednesday,
23 one of those. It was the middle of the week.

24 BY MR. NIELSON:

25 Q So it was the middle of the week, 21st, 22nd?

LINDZEY CAMPBELL - CROSS-EXAMINATION BY MR. NIELSON

1 A Uh-huh.

2 Q Okay. And where did she come from when she came to
3 the store, could you see that?

4 A No. I looked up and she was there.

5 Q But you said when she left the store, where did she
6 go?

7 A Back home.

8 Q Okay. And how do you know my client?

9 A Coming in the store. And then she introduced me to
10 him saying that was her husband.

11 Q So she introduced you at some point?

12 A As her husband, yeah.

13 Q And you said there was three guys and a girl out by
14 the trash can the night the police came, right?

15 A No, I said three guys and a black guy.

16 Q Three Caucasians and a black guy?

17 A Yeah.

18 Q Was my client one of them?

19 A I can't swear to it.

20 Q But you saw them well enough to know there were four
21 of them and three of them were white and one of them was
22 black?

23 A Yes.

24 Q Okay. Now, how often did they build fires in the
25 trash can?

LINDZEY CAMPBELL - CROSS-EXAMINATION BY MR. NIELSON

1 A About three times a week.

2 Q Okay. So it wasn't rare for them to have a fire in
3 the trash can?

4 A That late, it was.

5 Q Okay. But they commonly burned stuff in the trash
6 can?

7 A Yeah.

8 Q But that late at night, it was -- that was a little
9 bit different?

10 A Yeah.

11 Q Okay. And how do you know Al Crawford?

12 A Police officers comes in the store sometime.

13 Q Because you were the one that suggested to Natasha to
14 call -- you said I had her call Al?

15 A Yeah.

16 Q So do you have a close relationship with him?

17 A No.

18 Q Okay. You just know him from coming in the store?

19 A Yeah.

20 Q Okay.

21 MR. NIELSON: No further questions.

22 THE COURT: Any redirect?

23 MS. HALL: No, sir.

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

25 Is she free to leave?

LINDZEY CAMPBELL - CROSS-EXAMINATION BY MR. NIELSON

1 MS. HALL: Yes, sir.

2 THE COURT: You're free to leave. Thank you, ma'am.

3 MS. HALL: Your Honor, may we approach?

4 THE COURT: Yes, ma'am.

5 (A bench conference was held in the presence of the
6 jury, but outside the hearing of the jury.)

7 THE COURT: Ladies and gentlemen, we've now reached a
8 good time to stop for the day with some scheduling issues
9 going on with the lawyers, which is fine. It's already
10 4:30. Y'all don't want to stay until 5:00 anyway. We're
11 going to go ahead and break for the evening.

12 Remember what I told you, while you're away, you
13 can't discuss this case in any manner. Don't go Googling
14 the names of people involved here, any of the lawyers'
15 name, the defendant's name, anybody. Remember, you only
16 go by the evidence received from this witness stand and in
17 this courtroom, okay.

18 Y'all have a wonderful evening and I will see you
19 back -- I want you back in the jury room tomorrow at 9:30.
20 We'll be here before then doing other stuff. We want to
21 minimize any inconvenience to you. So be in the jury room
22 no later than 9:30 tomorrow and we'll get started right
23 thereafter. Thank you very much.

24 (The jury left open court at 4:31 p.m.)

25 THE COURT: Jury is out. Anything else?

LINDZEY CAMPBELL - CROSS-EXAMINATION BY MR. NIELSON

1 MR. NIELSON: No, Your Honor.

2 THE COURT: We're in recess until tomorrow.

3 (Court was adjourned at 4:32 p.m. on December 15th,
4 2015 and resumed at 9:44 p.m. on December 16th, 2015.)

5 (State's Exhibit Numbers 3 through 18 were marked for
6 identification only.)

7 MS. HALL: Your Honor, I need to -- I didn't think
8 about this yesterday --

9 MR. NIELSON: Can we have Jason brought out here?
10 I'm sorry --

11 MS. HALL: No, you're fine.

12 MR. NIELSON: -- I didn't mean to interrupt you.

13 MS. HALL: That's okay. Yeah, I wasn't thinking
14 about that.

15 Yesterday when the sequestration order came about, I
16 didn't think about my evidence custodian. I need him to
17 be not subject to the sequestration order.

18 THE COURT: Who is the evidence custodian?

19 MS. HALL: Chuck Starnes.

20 THE COURT: He's listed as a witness?

21 MS. HALL: Right, just because he's a chain witness.
22 He's not a material witness in any way, he's just chain.

23 THE COURT: Any objection to that?

24 MR. NIELSON: I have no objection to Mr. Starnes
25 being in here.

LINDZEY CAMPBELL - CROSS-EXAMINATION BY MR. NIELSON

1 MS. HALL: Thank you. And I'm just going to step out
2 and grab him.

3 THE COURT: Mr. Starnes is allowed to stay in here.
4 He's not subject to the sequestration order.

5 MS. HALL: And I believe Mr. Nielson had something he
6 needed to talk to you about.

7 MR. NIELSON: Your Honor, at this time, also, we're
8 asking to add Connie Morton to our witness list. She was
9 unavailable -- we did not realize she was going to be a
10 witness until after court last night. And we're asking
11 that she be added to the witness list.

12 The only issue that I know that's going to come up
13 with that is she was sitting in the courtroom yesterday
14 throughout some of the -- throughout the testimony that
15 was heard yesterday, but nothing -- I can tell you that
16 nothing she's going to testify to has anything to do with
17 anything that was said yesterday on the witness stand.
18 And B, she's -- she is a somewhat elderly woman who did
19 not have her hearing aids in and couldn't really hear what
20 was going on yesterday anyway. So I don't think she's
21 going to be -- I don't think anything she heard yesterday
22 is going to influence her testimony in any way. And I'd
23 ask you to allow her to be added to our witness list.

24 THE COURT: Ms. Hall?

25 MS. HALL: As long as it's not anything about what

LINDZEY CAMPBELL - CROSS-EXAMINATION BY MR. NIELSON

1 was testified to yesterday, I really don't have any
2 problem. But I have a hard time understanding why they
3 didn't know about it, but I'm not going to give them a
4 hard time about it..

5 THE COURT: Okay. And Ms. Morton --

6 MR. NIELSON: And we're okay with her being
7 sequestered from this point and we'll ask her to step out
8 of the courtroom at this point.

9 THE COURT: You take care of the sequestration of
10 your witnesses.

11 You take care of the sequestration of your witnesses
12 other than what's allowed.

13 Any other issues before we bring the jury in?

14 MS. HALL: None from the state.

15 MR. NIELSON: None from the defense, Your Honor.

16 THE COURT: Let's bring the jury in.

17 (The jury entered the courtroom at 9:49 a.m.)

18 THE COURT: All members of the jury are present.

19 Good morning, ladies and gentlemen. I hope you had a
20 nice evening last night. I know you're ready and
21 refreshed and ready to get to work this morning. We're
22 going to do that here momentarily.

23 Where is Ms. Case, Mary Case? Ms. Case, I'm
24 appointing you as the forelady of the jury, okay? You
25 will be the presiding juror in the jury room. You will

LINDZEY CAMPBELL - CROSS-EXAMINATION BY MR. NIELSON

1 also be the jury's spokesperson here in court.. It's also
2 going to be your duty and your only duty -- nobody else
3 can write on the verdict form. You'll be the only one who
4 can write on the verdict form and I'll give you
5 instructions on that later on as it goes. Now, all the --
6 you're the only one authorized to write on the verdict
7 form.

8 I'll tell you in more detail later on, to all the
9 jury, that whatever verdict you give must be unanimous,
10 okay.

11 So Ms. Case, you will be the forelady from this point
12 forward and you'll be seated at the very front -- my left,
13 very front right when you come back in and out. Okay?
14 Thank you very much..

15 Is the state ready to proceed?

16 MS. HALL: Yes, sir.

17 THE COURT: You may call your next witness.

18 MS. HALL: Mary Talbert.

19 THE CLERK: Please raise your right hand. State your
20 full name.

21 THE WITNESS: Mary Talbert.

22 MARY TALBERT, after having first being duly sworn,
23 testified under oath as follows:

24 DIRECT EXAMINATION

25 BY MS. HALL:

MARY TALBERT - DIRECT EXAMINATION BY MS. HALL

1 Q Ms. Talbert, can you state your name for the record,
2 please?

3 A Mary Talbert.

4 Q I'm going to get you to pull that down a little bit
5 closer to your mouth so everybody can hear you, okay? Say
6 it again for me.

7 A Mary Talbert.

8 Q Okay. That's much better. Thank you. Now,
9 Ms. Talbert, where were you living back in April of 2015?

10 A I live on Dawson Drive.

11 Q How long have you lived on Dawson Drive?

12 A Ever since 2007.

13 Q Okay. And tell me about the address at
14 Meadowbrook Road.

15 A Meadowbrook Road was my home, and my husband
16 passed and I moved out.

17 Q When did he pass away?

18 A Ma'am?

19 Q When'd did your husband pass?

20 A He's been gone two years ago.

21 Q So were you living with him at the Meadowbrook Road
22 address --

23 A Yes.

24 Q -- and then he passed away and you moved to Dawson
25 Drive?

MARY TALBERT - DIRECT EXAMINATION BY MS. HALL

1 A Yes.

2 Q So did you have occasion like in the beginning of May
3 for the police to come to your house on Dawson Drive?

4 A Yes.

5 Q Could you tell us about that?

6 A They came and told me somebody had broke into my
7 house.

8 Q Which house?

9 A On Meadowbrook Road. And they had taken a lot of
10 stuff.

11 Q Did you know they had taken a lot of stuff at that
12 point?

13 A No.

14 Q Had you also had that house broken into before --

15 A No.

16 Q -- that day, the day the police came to your house?

17 A No.

18 Q Tell me about the -- tell me about the house and when
19 it was broken into. What happened? Did you go back over
20 to the house with the police?

21 A Oh, yes.

22 Q Tell me what you saw when you got there.

23 A Oh, it was awful. When we went in, the furniture was
24 all broke up. And we had a cabinet, like cabinet glass
25 doors and all with our cars in. And over this side, we

MARY TALBERT - DIRECT EXAMINATION BY MS. HALL

1 had a gun rack, all that stuff was gone and broke. And
2 they took all the clothes out. And they took -- he had
3 one safe there in the living room and they got whatever
4 was in it and left it. And the bedrooms was all messed up
5 and all in there. And he had some -- a safe in there and
6 it was gone.

7 Q It was gone? And do you know what was in that safe?

8 A A bunch of baseball cards, as far as I know. He had
9 some change and old money.

10 Q How many safes total were in that house?

11 A We had three.

12 Q Okay. And you talked about the one that was still
13 there.

14 A Yeah.

15 Q It had -- it had -- had it been opened?

16 A Yes.

17 Q Okay. And then you said there were two more in the
18 house, where were they?

19 A I don't know.

20 Q Were they still in the house when you got there that
21 day?

22 A No.

23 Q How long had it been -- you know, we're at this day
24 where you're in the house and it's all ransacked. And
25 then how long before that day was the last time you'd been

MARY TALBERT - DIRECT EXAMINATION BY MS. HALL

1 in the house?

2 A I had went out there -- my son stayed there in and
3 out. And he had his leg taken off, so he was staying with
4 me at night because my son worked on first shift. And we
5 was in and out.

6 Q About how -- can you tell me about how long it had
7 been? Had it been two weeks, a month, a year?

8 A Oh, about three, maybe four days.

9 Q How long had your son been staying with you?

10 A Right now?

11 Q No, ma'am. How long had he been -- as of this day --
12 you said he had to have his leg amputated. How long
13 before this, do you remember how long that was?

14 A It was two years.

15 Q It was two years?

16 A Uh-huh.

17 Q Ago from today?

18 A Yeah.

19 Q I'm going to show you a few pictures. I'm going to
20 show you what's been marked as State's 11 -- actually, let
21 me first show you what's been marked as State's 7. Can
22 you tell me if you recognize anything in that picture?

23 A The safe.

24 Q Ma'am?

25 A The safe is --

MARY TALBERT - DIRECT EXAMINATION BY MS. HALL

1 Q The safe is in that picture? Is that the safe that
2 was taken out of your house?

3 A Looks like it.

4 Q And what -- is that -- what was in that safe?

5 A Baseball cards and change.

6 Q Okay. And I'm to going show you what's been marked
7 as State's 8. Is that the same thing?

8 A Yes.

9 Q Tell me what that is?

10 A That's the safe.

11 Q Okay. I'm going to show you what's been marked as
12 State's 16. Do you recognize that?

13 A Yes.

14 Q What is that?

15 A That's -- I call it a scooter.

16 Q How do -- are you familiar --

17 A It was on the front porch.

18 Q It was on the front porch at the house at
19 Meadowbrook?

20 A Yes. It belonged to my granddaughter.

21 Q And then I'm going to show you what's been marked --
22 and these are kind of the same, so I'll show it to you all
23 at the same time. 9, 10 and 11, can you tell me what's in
24 those pictures?

25 A Dale Earnhardt cars.

MARY TALBERT - DIRECT EXAMINATION BY MS. HALL

1 Q Is it anything that you recognize from your house?

2 A This red one, I know, and that one with -- the
3 yellow-looking one, I know it, but I don't know about the
4 two -- the Jeep-looking thing, I don't know what that is.

5 Q So there are two cars in that picture, little cars
6 that were in your house that belonged to y'all. And do
7 you see --

8 A I know that one there. But this -- this one here, I
9 don't know about it. It could have been, I wouldn't say
10 it's mine.

11 Q That's fine. And you said there were some guns that
12 were taken?

13 A Yes, ma'am.

14 Q Did you -- did you -- as far as you know, have those
15 guns ever been recovered? Have they ever been found?

16 A I think they said they had been found, some of them.

17 Q All right. Do you remember if there were any other
18 items that were missing from your house?

19 A There was a big picture of Dale Earnhardt, it was
20 gone. And there was some jewelry gone. It was men's. It
21 was rings and things like that. Ricky's high school ring.

22 Q Okay. Did you -- as far as you know, has anybody
23 ever been arrested for breaking -- actually breaking into
24 the house?

25 A No.

MARY TALBERT - DIRECT EXAMINATION BY MS. HALL

1 Q Ms. Talbert, I'm going to -- since there's a little
2 confusion about what was in the picture. You said some of
3 them were what you knew were yours and some of them you
4 weren't quite sure. Can you circle the ones you know were
5 yours?

6 A (The witness complied.)

7 Q Thank you. Do these actually belong to you or do
8 they belong to somebody in your family?

9 A They belong to my grandson.

10 Q Ms. Talbert, you were in the office earlier today.
11 This thing is really heavy, but I'm going to show you
12 what's been marked as State's 18. Did you have the
13 opportunity to see this earlier today?

14 A Yes.

15 Q Do you recognize it?

16 A Yes.

17 Q What is it?

18 A It's a safe.

19 Q Is it the safe that was in your house?

20 A Looks like it.

21 MS. HALL: Please answer any questions Mr. Nielson
22 may have for you.

23 THE COURT: Mr. Nielson.

24 MR. NIELSON: Thank you, Your Honor.

25 Can I see the pictures you showed her?

MARY TALBERT - CROSS-EXAMINATION BY MR. NIELSON

1 CROSS-EXAMINATION

2 BY MR. NIELSON:

3 Q Ms. Talbert, I just have a couple questions about
4 this photo right here that you've already seen from the
5 solicitor.

6 A Yes.

7 Q The cars that you circled?

8 A Yes.

9 Q Were they one-of-a-kind cars or could there be more
10 of them out there in the world?

11 A There could be more out there in the world, I'm sure.

12 Q What about the trophy you circled, is it a
13 one-of-a-kind trophy that only one of those types of
14 trophies was ever made?

15 A I would think so, but it was my grandson's.

16 Q What was the trophy for? Do you know?

17 A He played ball.

18 Q So did the whole team get a trophy or did just he get
19 a trophy?

20 A I couldn't tell you that.

21 Q But the cars themselves, you do say that they weren't
22 one of a kind just made for your grandson. They're sold
23 at the store, correct?

24 A He had been collecting -- they belonged to my son.
25 He had been collecting them ever since he was eight years

MARY TALBERT - CROSS-EXAMINATION BY MR. NIELSON

1 old.

2 Q Okay. But they weren't the only ones that existed in
3 the world?

4 A I don't guess -- I doubt it.

5 Q Do you know why the police were at your house at
6 Meadowbrook that day?

7 A Know who was there?

8 Q Yeah, do you know why they were there?

9 A No, I don't.

10 Q Okay. Did they tell you why they were there?

11 A I don't know.

12 Q Now, you stated that when the police came that that
13 was the only time the house was broken into. There was
14 not a previous break-in at that house?

15 A Not that know of.

16 Q How long had it been since somebody stayed in that
17 house on a permanent, full-time basis?

18 A Full-time, it had been about two years, but we was in
19 and out all the time because my son and all still had
20 their clothes and all in there. And he worked on the
21 third shift and he went out there, took a bath, got ready
22 to go to work.

23 Q Where was the safe at in the house?

24 A In the back room.

25 Q And every time you went in the house, did you see the

MARY TALBERT - CROSS-EXAMINATION BY MR. NIELSON

1 safe?

2 A No, you couldn't see it unless you went down the hall
3 in the bedroom.

4 Q So when's the last time you know you saw that safe in
5 that house?

6 A About two weeks before.

7 Q And you did see it that day?

8 A Yes.

9 Q Okay. Looking at the safe, where -- did y'all
10 purchase this safe from the store?

11 A I think it come from Sears or either Wal-Mart.

12 Q Who purchased the safe?

13 A My son.

14 Q Okay. Was it kept inside, outside, where was the
15 safe stored at?

16 A Well, the bed was like this and it was up in the
17 corner of his bed.

18 Q Was it always stored inside?

19 A Yes.

20 Q Okay. When the safe was in your house, did it have
21 these rust spots on it?

22 A No.

23 Q Like around the leg?

24 A No, no. He had a thing to unlock it.

25 Q Okay. But did it have rust on it?

MARY TALBERT - CROSS-EXAMINATION BY MR. NIELSON

1 A No.

2 Q So it had no rust on it at that point?

3 A No.

4 Q Looking at the picture the state showed you that's
5 State's Exhibit 7, what are those marks on top of the
6 safe? What does that look like to you?

7 A Looks like dirt.

8 Q Okay.

9 A But that don't mean it couldn't have been in the
10 house there because it does get dusty.

11 Q Let's look at the safe. Looking at the safe, is that
12 dirt or rust or something else?

13 A I don't know.

14 Q Okay.

15 MR. NIELSON: Your Honor, permission to show the jury
16 the top of the safe?

17 THE COURT: Okay.

18 MS. HALL: Your Honor, it hasn't been entered into
19 evidence, but I mean --

20 MR. NIELSON: Okay. I ask it be entered into
21 evidence.

22 THE COURT: Any problem with that coming in into --
23 is it premarked?

24 MS. HALL: It's been premarked -- well, the safe
25 bottom is premarked as 18. It's in two pieces, but I

MARY TALBERT - CROSS-EXAMINATION BY MR. NIELSON

1 would submit those are pieces of the same thing. It's
2 been marked as State's 18 and I do intend to enter it
3 later, but I think we do need to enter it in before we
4 show it.

5 MR. NIELSON: And I agree it can all be 18.

6 THE COURT: It will come in then as State's Number 18
7 entered into evidence.

8 (State's Exhibit Number 18 was admitted into
9 evidence.)

10 MS. HALL: Thank you.

11 BY MR. NIELSON:

12 Q Let's look at the other part for a second. What is
13 that, Ms. Talbert? Is that rust, dirt or something else?

14 A Well, now, he's had that safe for years.

15 Q Okay. But is it rust, dirt or something else?

16 A It looks like rust.

17 Q Okay. Thank you.

18 MR. NIELSON: Permission to show the jury the rest of
19 the safe?

20 THE COURT: Yes, sir.

21 BY MR. NIELSON:

22 Q And just to clarify, Ms. Talbert, there was no --
23 there was no -- you don't know of any other break-in at
24 this house at any time before that period of time in
25 April?

MARY TALBERT - CROSS-EXAMINATION BY MR. NIELSON

1 A No.

2 MR. NIELSON: No further questions, Your Honor.

3 THE COURT: Any redirect?

4 REDIRECT EXAMINATION

5 BY MS. HALL:

6 Q Ms. Talbert, where is your son today? Your son, who
7 owned all this stuff, where is he right now?

8 A He's in the hospital.

9 MR. NIELSON: Objection, I don't know why this is
10 relevant.

11 MS. HALL: Well, it's why he's not here to testify.
12 You're the one that brought him up.

13 THE COURT: Okay. Overruled.

14 BY MS. HALL:

15 Q Ma'am, where is he?

16 A He's in the hospital.

17 Q So he couldn't have come to court today, could he?

18 A No. He's not responding.

19 Q He's not responding? Okay. I'm sorry to hear that.
20 Thank you so much for being here.

21 MS. HALL: I don't have anything else for her.

22 THE COURT: All right. Thank you, ma'am. You can
23 step down. You're also free to leave.

24 MS. HALL: Thank you.

25 THE COURT: You may call your next witness.

MARY TALBERT - REDIRECT EXAMINATION BY MS. HALL

1 MS. HALL: The state calls Wade Young. Actually,
2 stop that. I forgot about Natasha Hatcher. Let me get
3 her first and we can get her out of here.

4 THE COURT: Who?

5 MS. HALL: Natasha Hatcher.

6 THE COURT: Natasha Hatcher.

7 THE CLERK: Please raise your right and place your
8 left hand on the Bible. State your full name.

9 THE WITNESS: Natasha Hatcher.

10 NATASHA HATCHER, after having first being duly sworn,
11 testified as follows:

12 DIRECT EXAMINATION

13 BY MS. HALL:

14 Q Ms. Hatcher, if you could tell us your name again.

15 A Natasha Sue Hatcher.

16 Q Can you move that microphone a little closer to your
17 mouth so we can all hear you?

18 A Natasha Sue Hatcher.

19 Q All right. Thank you. Okay. Now, I know your
20 family relationships are a little bit complicated, so I
21 want to go slowly so we can understand all of the goings
22 on with that. Tell me your mom's name.

23 A Sylvia Sue Little.

24 Q Sylvia Little. And who does she live with?

25 A She lives with David Wayne Yarborough.

NATASHA HATCHER - DIRECT EXAMINATION BY MS. HALL

- 1 Q And what does he normally go by?
- 2 A Wayne Yarborough.
- 3 Q So we've got Sylvia Little and Wayne Yarborough. How
- 4 long have they been together?
- 5 A Sixteen years.
- 6 Q So Sylvia is your mom?
- 7 A Correct.
- 8 Q And does Wayne -- do they have any children together?
- 9 A No, ma'am.
- 10 Q Does he have any children with another lady?
- 11 A Yes, ma'am.
- 12 Q Tell me their names.
- 13 A Danielle Morton and Linsey Yarborough.
- 14 Q And they're brother and sister?
- 15 A Correct.
- 16 Q Now, it's your mom and Wayne. And then you're your
- 17 mom's child and you've got Linsey and Danielle?
- 18 A Yes.
- 19 Q Who's Danielle married to?
- 20 A Jason Morton.
- 21 Q Do you see -- the person you know to be Jason Morton,
- 22 do you see him here in the courtroom today?
- 23 A Yes, ma'am.
- 24 Q Could you point him out for me?
- 25 A Right there.

NATASHA HATCHER - DIRECT EXAMINATION BY MS. HALL

- 1 Q Okay. All right. And that's Danielle -- so that
2 would basically -- if your mom and dad were married, that
3 would be like your stepbrother-in-law, right?
- 4 A Correct.
- 5 Q So you grew up with Linsey and Danielle?
- 6 A Yes, ma'am, I did.
- 7 Q And about how long has -- to your knowledge, how long
8 have Jason and Danielle been together?
- 9 A Danielle was probably about 13, since about 2001.
- 10 Q Okay. So it's safe to say you've kind of grown up
11 with Danielle, too?
- 12 A Yes.
- 13 Q And were you -- are you married?
- 14 A Yes, ma'am, I am.
- 15 Q Do you have a child?
- 16 A Yes, ma'am, I do.
- 17 Q Tell me your husband's first name.
- 18 A Gene.
- 19 Q And is it Hatcher, also?
- 20 A Yes, ma'am.
- 21 Q And you have a seven-year-old little boy?
- 22 A Yes, ma'am.
- 23 Q With Gene?
- 24 A Yes, ma'am.
- 25 Q I'm going to go -- at some point in April, did you

NATASHA HATCHER - DIRECT EXAMINATION BY MS. HALL

1 live with your mom and Wayne?

2 A Yes, ma'am, I did.

3 Q Did you live -- were Gene and your little boy living
4 there with you, also?

5 A Yes, ma'am, they were.

6 Q Could you describe your relationship with Wayne and
7 your momma?

8 A Uh --

9 Q At that time?

10 A Everybody loved each other. We got along really
11 well. We were a close-knit family, I guess you could say.

12 Q At some point, did you make a decision to move out of
13 her house?

14 A Yes, ma'am.

15 Q Okay. And can you tell us why you did that?

16 A Danielle and Jason's father, Wayne, had gotten in a
17 horrific four-wheeler wreck and he was air lifted. And we
18 were at our house and Jason had recently got out of
19 jail --

20 Q Tell me -- well, okay, let's not go into that. Tell
21 me what is -- tell me what is going -- you said Wayne got
22 air lifted and you said our house. Is this the house that
23 you were living with with all these people?

24 A No, just with my mom.

25 Q Just with your mom?

NATASHA HATCHER - DIRECT EXAMINATION BY MS. HALL

1 A Yes.

2 Q Okay. And just for purposes of making it easier, can
3 you tell me what street that was on?

4 A It was off of Baton Rouge, West Chester.

5 Q And where is Wayne's house?

6 A He is off of Elizabeth, right off Baton Rouge.

7 Q So now Wayne gets in an accident, you're living with
8 your mom on Baton Rouge. So Wayne goes to the hospital
9 and then you were living with your mom and Wayne wasn't
10 living there with y'all, or was he?

11 A He was in the hospital.

12 Q Okay. Had he been living with you on Baton Rouge
13 prior to the accident?

14 A Yes, ma'am.

15 Q Okay. So he goes to the hospital and then what do
16 y'all do in terms of living arrangements?

17 A Me and my husband are still there. My mom is at the
18 hospital with him. We just continue on with life, go to
19 school, go to work, cook dinner. At this point, Danielle
20 and Jason got to where they routinely stopped by the house
21 to ask for things and borrow things. And Danielle had
22 mentioned about me and my husband moving in with them,
23 that the bills would be cheaper, stuff like that.

24 Q So you were paying your mom and Wayne to live there?

25 A Oh, yes, ma'am.

NATASHA HATCHER - DIRECT EXAMINATION BY MS. HALL

1 Q So now Danielle says, Hey, do you guys want to come
2 live with us? And where were they living, just the name
3 of the street?

4 A Pinckney.

5 Q Do you know the house number?

6 A . . .

7 Q So did you and your husband have a conversation about
8 going to move over there?

9 A Yes, ma'am, we did.

10 Q And did you ultimately decide to move to Pinckney
11 Road?

12 A Yes, ma'am, I did.

13 Q And do you remember about when that was?

14 A It was about mid-April. I'm going to say around
15 probably the 10th, second week of April.

16 Q Okay. So you and Gene and your little boy, did y'all
17 all move over there?

18 A Yes, ma'am, we did.

19 Q And how was everything over there?

20 A At first, things were kind of normal, you know, just
21 like at home. We cooked dinner, go to school, go to work.
22 Jason had got a job with Two Brothers Tree Company. He
23 was working.

24 Q And was Gene working?

25 A Yes, ma'am. He had been at Aspen Tree for nine

NATASHA HATCHER - DIRECT EXAMINATION BY MS. HALL

1 years.

2 Q So everybody was working for tree companies, just
3 different tree companies. Gene had been there for nine
4 years and Jason had just recently got the job and
5 everything is chugging along and everybody is doing fine;
6 is that an accurate statement?

7 A Correct.

8 Q Now, at some point, did strange things start to
9 happen, or did everything continue to go well or?

10 A Yes, ma'am, strange things began to happen.

11 Q About when did that start? How long -- just not --
12 without putting a date, how long had you been living
13 there?

14 A About a week.

15 Q Tell us about what you experienced and what you
16 witnessed.

17 A Jason and them didn't have a phone, so he had gave
18 his boss man my number. Well, when we thought that Jason
19 was at work, his boss man would call and want to know why
20 Jason hadn't been to work. And then they would stay gone
21 all night, come in, sleep all day. You know, we really
22 didn't know what was going on.

23 Q Okay. Did something happen that caused you greater
24 concern at some point, or were you just okay with this
25 whole situation?

NATASHA HATCHER - DIRECT EXAMINATION BY MS. HALL

1 A I got worried and then something really did happen.

2 Q Tell us about that.

3 A A couple nights had passed and one night, me and my
4 husband are sitting there and Linsey comes in with a black
5 and silver screen TV carrying it through the front door.
6 Behind him, Jason comes in with a white microwave through
7 the front door. And they're talking about taking it from
8 this house. Danielle is in there cleaning the
9 microwave --

10 MR. NIELSON: Objection --

11 THE COURT: Hold on, ma'am.

12 MR. NIELSON: -- hearsay what they're talking about
13 it.

14 MS. HALL: Well, if Jason is talking about it, then
15 she can say it.

16 THE WITNESS: I could hear them.

17 MS. HALL: If Mr. Morton, I shouldn't say Jason. If
18 the defendant is talking about it.

19 THE COURT: Just rephrase your question.

20 She can talk about what she heard the defendant
21 allegedly say, but nobody else.

22 BY MS. HALL:

23 Q Because of our rules of evidence, you can't talk
24 about what people were saying unless it was the defendant,
25 Jason Morton, okay. So let's just try to keep it -- and

NATASHA HATCHER - DIRECT EXAMINATION BY MS. HALL

1 it's hard I know to kind of tell a story without saying
2 that, but you're going to have to kind of keep that, okay?

3 A Okay. Danielle was cleaning the microwave and Jason
4 is telling her, Baby, you're doing a good job. And he's
5 talking about where they got it from and stuff like that.

6 Q Did he say where he got it from? Did you hear him
7 say where he got --

8 A No, ma'am, not at that time.

9 Q Okay. Keep going.

10 A They get done with that, they take a bath, they go to
11 bed. And then a few nights later --

12 Q Sit up and talk in the microphone. I can barely hear
13 you. Okay?

14 A Yes, ma'am.

15 Q Okay.

16 A They get done with that, cleaning it up, they take a
17 bath and they go to bed.

18 Q Now, did the microwave at some point, where did it --
19 did it become part of your daily existence at some point?

20 A Yes, ma'am. They had it sitting in the kitchen. I
21 had some Knickknacks in there and it had been placed on
22 top of the microwave.

23 Q Let me show you what's been marked as State's 2. Is
24 that the microwave?

25 A Yes, ma'am, it is.

NATASHA HATCHER - DIRECT EXAMINATION BY MS. HALL

1 Q And those are your knickknacks and things that you
2 just talked about on it?

3 A Yes, ma'am.

4 Q Is that the microwave that you saw them bringing in?

5 A Yes, ma'am.

6 Q So keep going. I didn't mean to stop you, but keep
7 going.

8 A They take a bath, they go to bed. I would say one or
9 two nights passed and me and my husband are sitting there
10 on the couch. I was just sitting on the bed. It was
11 probably about 8:30, 9:00. And Jason and Danielle hadn't
12 been long coming in and they were sitting there with us.
13 And all of a sudden, Linsey Yarborough and his girlfriend,
14 Janet, bust in the front door and Linsey had a pocketful
15 of coins.

16 MS. HALL: I don't know what's wrong with this thing.

17 (A discussion was held off the record.)

18 BY MS. HALL:

19 Q Go ahead.

20 A Okay. But he had a pocketful of little coins, like
21 silver and gold coins, and he handed them to his sister,
22 Danielle, wondering if she thinks that they're real.
23 Well, Danielle starts to bite on them. She throws them on
24 the floor and listens to them pop. And Linsey begins to
25 tell them about the house --

NATASHA HATCHER - DIRECT EXAMINATION BY MS. HALL

1 Q Okay, we're not going to say what Linsey said because
2 he's not Mr. Morton, okay? What did they do as a result
3 of what Mr. Morton said to them?

4 A Jason and Danielle both immediately wanted to know
5 where Linsey got them from.

6 Q Uh-huh.

7 A And Linsey begin to tell them. And then Jason Morton
8 asked what else was in the house, so Linsey begin to tell
9 him there's another safe. And him and Jason started
10 talking --

11 MR. NIELSON: Your Honor, objection. Hearsay as to
12 what Linsey is saying.

13 THE COURT: Sustained.

14 BY MS. HALL:

15 Q It's okay. I know it's hard, but just try to not say
16 what Linsey said. You can only say what Mr. Morton said,
17 okay? So then did they go anywhere or do anything or what
18 did you see happen after that or anything that Mr. Morton
19 said is fine, too?

20 A After that, Jason asked Linsey, "Are you sure there's
21 another safe in the house?"

22 Q Okay.

23 A Okay. Then Danielle wants Jason to go with him.
24 Jason gets really angry. He tells Danielle, I haven't
25 long --

NATASHA HATCHER - DIRECT EXAMINATION BY MS. HALL

1 Q Okay. Let's not talk about that either because
2 that's again an evidentiary thing. So keep going and tell
3 me -- actually, go ahead and tell me what -- just keep
4 going, but I don't want Mr. Nielson to keep having to
5 object, so if you start to say something that somebody
6 else said or that's not admissible, I'll stop you, but
7 keep going.

8 A Jason and Danielle get in an argument. And Jason is
9 telling Danielle, I'm not doing this. I'm not going back
10 to jail for you or nobody else. And he gets mad and goes
11 in the bedroom and slams the door.

12 Q Okay.

13 A Danielle follows him in there. I can hear crushing
14 and snorting or something in the bedroom.

15 Q Okay.

16 A Jason comes out. He's blacked down with a hoodie,
17 gloves on. He asked Linsey, You got yours, boy? Linsey
18 runs to the car. He comes back, he's blacked down with
19 gloves and a hoodie on. Then Linsey and his girlfriend
20 continue into argument about who is going to drive.
21 Immediately after that, Danielle speaks up and she
22 volunteers. Jason, Danielle, and Linsey all run out and
23 get in the car.

24 I would say five to ten minutes later, if that,
25 they're back. When they come back, they have Dale

NATASHA HATCHER - DIRECT EXAMINATION BY MS. HALL

1 Earnhardt cars collectors item dating all the way to back
2 to when Dale Earnhardt, Sr. drove in the K2. And they're
3 in memorabilia cases. And I would say there was probably
4 20 to 25 cars. You could tell someone had collected these
5 over a course of a lifetime. They bring those in and
6 Jason and Danielle were sitting the cars out on the floor,
7 spacing them apart. Danielle is looking them up on her
8 phone to see what they're worth.

9 And then all of a sudden, they jump up, they get back
10 in the car and they go back up the road. When they come
11 back this time, they have a purple Challenger old scooter.
12 They have baseball cards. They're really old. I remember
13 hearing them talk about Mickey Mantle and stuff like that.

14 Okay. They look through those things, they leave
15 again. This time when they come back, they have a white
16 safe. They bring the safe in. Me and my husband decide
17 we've seen enough, it's time to go to bed. We go to bed.
18 And it wasn't long, I heard the safe door open, pop and
19 hit the floor.

20 Q Okay. So did you see them -- did you see them
21 opening the safe? Did you see anything like that?

22 A I seen them go to the car and get pry tools, like
23 crowbar and stuff, come back in the house and begin to
24 open the safe. That's when we decided no more.

25 Q Okay. So you see that and you go back in your

NATASHA HATCHER - DIRECT EXAMINATION BY MS. HALL

1 bedroom, you hear the safe -- what you think to be the
2 safe door or something heavy drop to the floor?

3 A Yes, ma'am.

4 Q Did you do anything that night? Did you see anything
5 else or do anything else after that?

6 A No, ma'am. I can remember going to the restroom and
7 seeing stuff everywhere, all the things. The safe was
8 open then. I don't know what they got out of it. When I
9 woke up that morning to take my son to school, to put him
10 on the bus, they were gone and everything else was gone.

11 Q I'm going to show you some pictures, okay?

12 A Okay.

13 Q I'll show you what's been marked as State's 9. Can
14 you tell me what that is?

15 A Those things come out of a bag that the detectives
16 found behind the couch when they come in with a search
17 warrant.

18 Q Had you seen any of that stuff before? Is that your
19 couch? Have you seen any of those items in that picture
20 before now?

21 A Yes, ma'am.

22 Q Tell me what you've seen.

23 A I seen the gloves that Linsey had on, the black
24 gloves in the middle, the brown gloves, some screwdrivers
25 and stuff that he had kept in a bag. I remember placing

NATASHA HATCHER - DIRECT EXAMINATION BY MS. HALL

1 these things in a bag asking him to take them home because
2 I had been cleaning up.

3 Q That was before or after this happened?

4 A Before.

5 Q Okay. Do you see anything else in there that you've
6 seen before?

7 A No, ma'am.

8 Q Okay. And I'm going to show you what's been marked
9 State's 16. Tell me if you recognize that.

10 A That is the Challenger scooter that they took from
11 the house.

12 Q And we don't know that they took it from the house,
13 so just in all fairness, that --

14 A That came in with the other things.

15 Q So that's what you saw brought into your house; is
16 that right?

17 A Yes, ma'am.

18 Q And I'm going to show you what's been marked as
19 State's 7 -- actually, let me show you one other one first
20 to make it a little more perspective. Now, I'm going to
21 show you what's been marked State's 17. Is that your
22 house, or do you know where that is?

23 A It's Pinckney.

24 Q And what's shown in that picture?

25 A The mailbox in front of the house, a burn barrel.

NATASHA HATCHER - DIRECT EXAMINATION BY MS. HALL

1 Q Okay. All right. I'm going to show you what's been
2 marked State's 13. Is that the same house?

3 A Yes, ma'am, only the backyard.

4 Q Okay. What do you see in that picture?

5 A I see some of my son's toys, a burn barrel, the back
6 door, and the safe laying on top.

7 Q Laying on top of what?

8 A A junk pile.

9 Q Okay. And I'm going to show you what's been marked
10 State's 7. Can you tell me what that is?

11 A In the back room by the back door, there was what you
12 would call an older washroom. It was full of things.
13 They had cleaned it out and the safe was laying on top of
14 all those things out of that room.

15 Q Okay. Is that the yard, though, or is that the room
16 itself?

17 A That is the yard that they threw it in.

18 Q Okay. And is it safe to say that's a close-up
19 picture of the one I just showed you where you said there
20 was a pile of trash?

21 A Yes, ma'am.

22 Q Okay. So you already said you got up the next
23 morning -- I'm just going to go back to where we're going
24 to start from. You got up the next morning and you came
25 back and everything was gone?

NATASHA HATCHER - DIRECT EXAMINATION BY MS. HALL

1 A Yes, ma'am.

2 Q And cleaned up. Okay. What did you do after that?

3 A I usually get up and eat breakfast and I lay back
4 down for about an hour. I didn't that morning. I got up
5 about 8:30. Jason and Danielle had returned and they were
6 in the bed. I was sitting in the living room watching TV
7 and there was a knock at the door and it's Linsey. He
8 burst through the door. He beats on Jason and Danielle's
9 bedroom door and he calls Jason outside. I could hear
10 them arguing. All of a sudden, Jason runs through the
11 house past me. He gives me an evil look and he runs in
12 there and he grabs Danielle by both arms and he begins to
13 shake her, scream at her. Wake the H up, we got to leave.
14 They called the police.

15 Q Had you talked to anybody else that day?

16 A No, ma'am. Prior to that, I spoke with my mother and
17 told her what they had done.

18 Q Okay.

19 A She immediately tells me I need to tell someone.

20 Q Why did you tell your mom?

21 A I knew that I could trust her. I was scared because
22 I knew that these people had committed a serious crime. I
23 had my son and my husband living under the same roof as
24 them and I pretty much feared for our lives.

25 Q So you hear Linsey and Jason outside arguing -- or

NATASHA HATCHER - DIRECT EXAMINATION BY MS. HALL

1 talking, I guess, and he wakes up Danielle and says, We
2 got to go. Is that right?

3 A Yes, ma'am.

4 Q So tell me about the calling of the police. You said
5 you had done something like that, you had talked to the
6 police at some point.

7 A Yes, ma'am. The day that Jason went in and woke
8 Linsey up like that -- I mean, Danielle like that, they
9 all left with Linsey. Before they left, he comes back
10 through the living room. He puts his finger on the end of
11 my nose and leans down and he told me, "I got a bullet for
12 you and your mama," and flicked my nose. They leave.

13 Immediately, I go inside and I call my mom. I asked
14 her to get my son from school. I tell her that okay, I'm
15 about to walk over here and talk to the people at the
16 store to see if any cameras were facing our home that
17 would have caught this.

18 Q At this point, have you actually called the police?

19 A No, ma'am.

20 Q So you haven't told anybody, you just told -- the
21 only person you told -- is it safe to say the only person
22 you told was your mother up until this point?

23 A Yes, I'm trying to figure out the best way I can
24 handle this safely.

25 Q Okay. So you told your mom. And then is it the same

NATASHA HATCHER - DIRECT EXAMINATION BY MS. HALL

1 day all this goes down, or is there a period of time that
2 passes or tell me about that.

3 A It was about a day after I told my mom that they woke
4 up like this and I went to the store.

5 Q Okay. So did you -- tell me about going to the
6 store. Tell me where the store is first of all, though.

7 A It's directly across the street from Pinckney.

8 Q And do you know the name of the store?

9 A They call it Danny's store. He's the owner.

10 Q And where was your husband during all this time?

11 A He was at work. He leaves about 5:30 a.m.

12 Q So now you go over to the store. And tell me what
13 happens when you get there.

14 A When I go in, Danny -- I pretty much know him from
15 going in there and living around here. He automatically
16 sees that something is wrong, that I'm upset. He comes
17 around the counter. He asked me, What's wrong? And I
18 tell him what I know that they had done. And he tells me
19 not to tell anyone else, to come back and he has a lady
20 that works for him that knows a couple of people on the
21 police force, that she could help me. So I do. I leave,
22 and I come back that evening when I see her car come in.

23 Q During this time -- so you go in the morning and then
24 there's the evening. In the meantime, in the middle of
25 that part of the day, where are you?

NATASHA HATCHER - DIRECT EXAMINATION BY MS. HALL

1 A I'm at the house waiting on my husband to get off
2 work.

3 Q Does anybody else come in or out during that day that
4 you remember?

5 A No, ma'am.

6 Q Okay. All right. So you say you wait to see the
7 lady's car. Do you know the lady's name?

8 A Her name is Lindzey Campbell.

9 Q Did you ultimately when you -- did her car ultimately
10 come to the store that day?

11 A Yes, ma'am, it did.

12 Q And what did you do?

13 A I walked directly across the street as soon as I seen
14 her go in. I went in, I was still upset. I had been
15 crying all day. She asked me what was wrong again. I
16 told her what Danny had told me to tell her and that he
17 sent me to her. And she told me to hang on a minute and
18 she got on her cell and she called someone who was a
19 police officer for Chester County. And she told me to
20 tell him what you just told me.

21 Q Did you tell him what she just told you?

22 A Yes, ma'am, I did.

23 Q And then what did you do?

24 A He told me hang on a minute and he goes and gets the
25 sheriff, who he said was the sheriff. And he said, "I

NATASHA HATCHER - DIRECT EXAMINATION BY MS. HALL

1 need you to tell the sheriff what you just told me." And
2 I do. They then tell me they're going to send a detective
3 to my house. I ask them to wait on my son to get home
4 from school. I make sure he's safe at my mom's and my
5 husband's okay.

6 The detectives get there later that night. They were
7 handling something else in Chester. They come in, he
8 looks at everything. When he enters the house, he
9 immediately goes straight to the black screen TV. He says
10 that he believed that it was stolen.

11 Q Do you see the police officer who came to your house
12 here in the courtroom today?

13 A Yes, I do.

14 Q Could you point to him for me?

15 A (The witness complied.)

16 MS. HALL: Let the record reflect she's pointed to
17 Detective Wade Young.

18 THE COURT: Okay.

19 BY MS. HALL:

20 Q Go ahead.

21 A They come in, they file a report. They take pictures
22 of everything, look at everything. They ask me if I know
23 their whereabouts or where they would have went. I'm
24 scared. I ask him what can me and my husband do for our
25 safety. They advise us that if they were us, they would

NATASHA HATCHER - DIRECT EXAMINATION BY MS. HALL

1 not be there. We got a hotel room that night.

2 Q Okay. So you guys got a hotel room that night?

3 A Yes, ma'am.

4 Q Since -- have you talked to Linsey Yarborough or seen
5 Linsey Yarborough since that day or since the days
6 proceeding this?

7 A I talked to him one time when he called my mom's
8 house from jail on the phone.

9 Q And without going into what was said, did you guys
10 have a long conversation, a short conversation?

11 A Short, very short.

12 Q Did you answer the phone when he called?

13 A I answered the phone.

14 Q And did he want to talk to you or did he want to talk
15 to somebody else?

16 A He wanted to talk to his father.

17 Q Was there an exchange of words or did you basically
18 just hand the phone to his dad?

19 A There was a small exchange of words. His father
20 wasn't there.

21 Q Okay. Let me ask you this: You said a minute ago
22 that you went over to Danny's store and you actually
23 talked to Danny, who's the owner of Danny's store, and he
24 sent you away to come back when Lindzey was there. Why
25 didn't you call 911 in the middle of that? Why didn't you

NATASHA HATCHER - DIRECT EXAMINATION BY MS. HALL

1 just go ahead and call the police?

2 A I never been through nothing like this. Again, I
3 said my son was there. I didn't know how to handle it
4 anyway, the right way, you know, without them hurting me
5 or my son being taken because of the fact that we did live
6 under the same roof for something that we didn't do.

7 Q Did you -- had you gone over to that store before in
8 the past?

9 A Yes, ma'am. I frequent that store pretty much every
10 day.

11 Q So had you seen and talked with Danny Patel before?

12 A Yes, ma'am.

13 Q And had you seen and talked to Lindzey Campbell
14 before?

15 A Yes, ma'am.

16 Q Did you trust them?

17 A Very much. That's why I went there.

18 MS. HALL: Beg Court's indulgence just a second.

19 BY MS. HALL:

20 Q I'm going to show you what's been marked State's 18.
21 It's been entered into evidence. And I'm not going to
22 pick up the whole safe, but do you recognize this?

23 A Yes, ma'am, I do.

24 Q What is it?

25 A It's the top of the safe that they took.

NATASHA HATCHER - DIRECT EXAMINATION BY MS. HALL

1 Q Is that what you saw in your house that night?

2 A Yes, ma'am.

3 Q And the photographs I showed you, do they truly and
4 accurately depict what your house looked like? The ones
5 that we've already looked at?

6 A Yes, ma'am.

7 Q They're showing pictures of what your house looked
8 like?

9 A Yes, ma'am.

10 MS. HALL: Your Honor, I'm going to move these into
11 evidence. I need to read the numbers out. 10, 11, 7, 2,
12 17, 12 -- I didn't show her that one. Not 12, I'm sorry,
13 17, yeah, 17, 13. I move all these into evidence at this
14 time.

15 MR. NIELSON: Without objection, Your Honor.

16 THE COURT: Okay.

17 BY MS. HALL:

18 Q And I'm also going to show you what's been marked as
19 State's 1 --

20 THE COURT: Hold on. Without objection, those items
21 are entered into evidence.

22 BY MS. HALL:

23 Q And I'm going to show you what's been marked as
24 State's 1. Tell me if you recognize that.

25 A Yes, ma'am, that's the black and silver screen TV

NATASHA HATCHER - DIRECT EXAMINATION BY MS. HALL

1 that Linsey Yarborough brought in prior to the other
2 things.

3 Q So this is what he brought in a few days before --

4 A Yes, ma'am.

5 MS. HALL: And that's State's 1 and we'd move that
6 one into evidence as well.

7 MR. NIELSON: Without objection.

8 THE COURT: Without objection, entered into evidence.

9 (State's Exhibit Number 1 was admitted into
10 evidence.)

11 MS. HALL: And I'd ask permission to publish them to
12 the jury.

13 THE COURT: Permission to publish granted.

14 Any further questions for this witness?

15 MS. HALL: Just one second. I'm going to look at one
16 thing I just found. No, sir.

17 Please answer anything Mr. Nielson might have.

18 THE COURT: Mr. Nielson, your witness.

19 CROSS-EXAMINATION

20 BY MR. NIELSON:

21 Q All right. Ms. Hatcher, the night that Jason Morton
22 and Linsey Yarborough allegedly left the house multiple
23 times, what night was that?

24 A It was April 21st.

25 Q And you wrote a statement for the police in this

NATASHA HATCHER - CROSS-EXAMINATION BY MR. NIELSON

1 case, right?

2 A Uh-huh, yes, sir.

3 Q And would you say that your memory of the situation
4 of what happened is better now or right after it happened?

5 A The same.

6 Q Okay. So you told the same story to the police that
7 you told us here today?

8 A Yes.

9 Q Did you write the same story you told us today?

10 A Yes.

11 Q Okay.

12 MR. NIELSON: Your Honor, I'd like to show her her
13 statement that she wrote for the police.

14 THE COURT: Okay.

15 BY MR. NIELSON:

16 Q Is this the statement you wrote for the police?

17 A Yes.

18 Q Okay. Can you show me where in that written
19 statement you talk about Jason and Linsey leaving the
20 house multiple times that night?

21 A It's not in here.

22 Q Okay. Can you -- and according to the statement that
23 you wrote -- that you just read, that you just had the
24 opportunity to review, did you see -- allegedly see the
25 baseball cards and collectibles and things before or after

NATASHA HATCHER - CROSS-EXAMINATION BY MR. NIELSON

1 the safe came into the house?

2 A Before the safe came in.

3 Q Will you show me where in your statement you say
4 before it came into the house?

5 A It wasn't necessarily in order in my statement.

6 Q Okay. So --

7 A He wanted me to write down the highlights of what had
8 happened in my statement.

9 Q Oh, so now your testimony is this is just the
10 highlights, it's not the full and complete of what
11 happened that night?

12 A It's what happened that night.

13 Q Did you not just tell me that this is what happened
14 that night that you told the police that night and this is
15 statement you gave them, correct?

16 A Not in any particular order.

17 Q But this is the statement you gave them, correct?

18 A Correct.

19 Q It doesn't say anything about Jason and Linsey
20 leaving the house multiple times?

21 A Not multiple times.

22 Q Does it say -- in fact, doesn't it say that --
23 doesn't it say in your statement to the police that the
24 safe was pried open and then you saw the collectibles and
25 the baseball cards?

NATASHA HATCHER - CROSS-EXAMINATION BY MR. NIELSON

1 A It says that in my statement.

2 Q In this statement, correct?

3 A Yes.

4 Q And on direct examination, you said they brought the
5 collectibles in and then left the house, and then brought
6 the baseball cards in and then left the house and then
7 brought the safe in, right?

8 A Yes.

9 Q So which of those two statements is true, because
10 they can't both be true?

11 A What me and Ms. Julie just discussed was the absolute
12 truth.

13 Q So you didn't tell the police the truth at the time?

14 A It wasn't in that order.

15 Q Okay. Do you have any reason to distrust the police?

16 A No.

17 Q Okay. Why didn't you call the police immediately
18 upon seeing all the stuff that was brought in the house?

19 A It wasn't the police I was worried about; it was the
20 people I was living with I was worried about.

21 Q Couldn't the police have helped you with that?

22 A Yes, but I was knew they were ex-criminals and I
23 watch TV.

24 Q Okay. Now, you testified on direct examination that
25 the next morning when Jason put his finger in your face

NATASHA HATCHER - CROSS-EXAMINATION BY MR. NIELSON

1 and said that he had a bullet for you and your mama, you
2 said you immediately went out and got your son from
3 school, correct?

4 A No, that's not correct.

5 Q Is that not what you said on direct?

6 A No.

7 Q On examination?

8 A No --

9 Q What did you say? What did you do immediately after
10 that morning?

11 A I called my mother.

12 Q Okay.

13 A After he did that.

14 Q And then what?

15 A And secured my son and then I went across the street
16 to the store.

17 Q Okay. And then you said you came back home, correct?

18 A Yes.

19 Q And on direct examination, you said that you then
20 waited for your son and your husband to come home,
21 correct?

22 A No, that's not correct.

23 Q Okay. Do you know -- how long had Jason been living
24 in that house?

25 A I don't know how long he had been living there prior

NATASHA HATCHER - CROSS-EXAMINATION BY MR. NIELSON

1 to the fact that I moved in.

2 Q Danielle was your sister -- your stepsister, correct?

3 A We're not that close.

4 Q What about Linsey?

5 A We're not that close.

6 Q Okay. Never have been?

7 A Not really.

8 Q In spite of the fact you testified that you grew up
9 together?

10 A We grew up together. I wouldn't call us close. We
11 seen each other pretty much every day.

12 Q But you don't know when Danielle's husband -- you saw
13 Danielle basically every day, but didn't know when her
14 husband lived in the house?

15 A I would say that they lived kind of a rougher
16 lifestyle than we did.

17 Q Okay. Okay.

18 MR. NIELSON: Beg the Court's indulgence just one
19 moment.

20 THE COURT: Yes, sir.

21 BY MR. NIELSON:

22 Q What ultimately made you trust to call the police?

23 A Because I realized that they were the only ones that
24 could help me at this point.

25 Q Because your mom had asked you to call the police

NATASHA HATCHER - CROSS-EXAMINATION BY MR. NIELSON

1 already, right?

2 A Correct.

3 Q Well before you did?

4 A That, and I wanted to secure the safety of my son. I
5 didn't want him to see any of this. Thank the Lord he was
6 in the bed when this happened.

7 Q So once you went and picked him up from school --

8 A I didn't pick him up, my mother did.

9 Q Okay. So once he was picked up from school,
10 regardless of who picked him up, why couldn't you have
11 immediately called the police after that?

12 A Because I was scared of them. I just had my life
13 threatened.

14 Q And how long after you called the police did you
15 write this statement?

16 A The very next morning.

17 Q The morning after you called the police. And you
18 testified that this all happened April 21st, correct?

19 A Correct.

20 Q In fact, that's what you wrote in your statement,
21 correct?

22 A Right.

23 Q Okay. What's the date on that statement, at the top
24 of that statement when it was written?

25 A Says May the first.

NATASHA HATCHER - CROSS-EXAMINATION BY MR. NIELSON

1 Q So if you went to the police the day before you wrote
2 that statement, that means you went to the police on
3 April 30th?

4 A You notice it's not the same handwriting as mine. I
5 didn't fill that date in.

6 Q So you signed a statement that wasn't true?

7 A The date was filled in after I signed the statement.

8 Q Okay. But what's the date on the statement?

9 A 05/01.

10 Q And that's all we have to go off of, correct?

11 A Correct. It's not in my handwriting, though.

12 MR. NIELSON: Your Honor, I would actually like to
13 mark this as Defense 1 and ask that it be entered into
14 evidence.

15 MS. HALL: I actually was going to do that myself, so
16 I'm fine with that.

17 THE COURT: Introduce as Defense 1.

18 MR. NIELSON: Thank you, Your Honor.

19 (Defendant's Exhibit Number 1 was marked and admitted
20 into evidence.)

21 MR. NIELSON: Thank you, Your Honor. No further
22 questions.

23 THE COURT: Any redirect?

24 MS. HALL: No, sir. We would ask that she be excused
25 and we would also ask if we could take a break at this

NATASHA HATCHER - CROSS-EXAMINATION BY MR. NIELSON

1 time.

2 THE COURT: I expected you to do that.

3 Thank you, ma'am. You can step down. You're free to
4 leave.

5 Let's go ahead and take a mid-morning recess, about
6 10 or 15 minutes. Don't talk about the case, ladies and
7 gentlemen.

8 (The jury left open court at 10:53 a.m.)

9 THE COURT: Anything before we take a break from the
10 state?

11 MS. HALL: No, Your Honor.

12 THE COURT: Anything from the defense?

13 MR. NIELSON: No, Your Honor.

14 THE COURT: We're down for about 10 minutes.

15 (A recess was taken from 10:54 a.m. to 11:13 a.m.)

16 THE COURT: Anything before we bring in the jury?

17 MS. HALL: It was pointed out or somebody drew it to
18 my attention -- Brittany Wells is my next witness.

19 THE COURT: Who?

20 MS. HALL: Brittany Wells. She's here in the
21 courtroom right here seated behind the bench -- behind the
22 table in a red shirt. She was outside over the break,
23 went downstairs to smoke a cigarette. She's been
24 subpoenaed to be here, doesn't want to be here anyway.
25 She goes downstairs and standing outside or coming up the

NATASHA HATCHER - CROSS-EXAMINATION BY MR. NIELSON

1 stairs, I'm not sure exactly where the encounter occurred,
2 at which point, my understanding was that -- I think it
3 was Jason Morton's mom -- and I'll just say -- and his
4 children were going up or down the stairs or standing
5 outside. And what was said to the lady -- and she
6 obviously felt, I don't know if "threatened" is the right
7 word. I'll have to let her speak to how she felt, but she
8 was very much offended and very upset when she came back
9 upstairs and reported to me that Jason Morton's mom
10 pointed to her -- and I don't know if she put her finger
11 in her face or exactly how that went that, but she said,
12 "That's that bitch that's testifying against your daddy."

13 And I just -- I just find that offensive. I don't
14 feel like witnesses should be felt -- be made to feel the
15 way that she feels now. I'm not sure it rises to the
16 effect of intimidating a witness, but at the same time --
17 which is a criminal charge, but at the same time, I just
18 want this Court to admonish everybody and to tell this is
19 not okay. Because I feel like it needs to come from
20 somebody because apparently they're not doing it on their
21 own.

22 MR. NIELSON: And Your Honor, just -- I want to be
23 heard here. I talked to them. My client's mother denies
24 that she actually used those words. She said that she did
25 say that's the lady who's testifying against your mother

NATASHA HATCHER - CROSS-EXAMINATION BY MR. NIELSON

1 [sic]. She denies using the word "bitch." She denies
2 trying to intimidate her. She knew who Brittany Wells
3 was. She knew she was a witness in the case. She was
4 pointing out to her children that that's the lady that's
5 testifying today. I don't know that that's intimidation.

6 THE COURT: Well, you know, beauty is in the eye of
7 the beholder, okay? I don't know whether the witness was
8 intimidated or not, but obviously, I hope you impressed
9 upon your client's family the seriousness of an
10 intimidation of a witness criminal charge.

11 MR. NIELSON: I have told them not to talk about
12 anybody around anybody who could be a witness in this
13 case, Your Honor.

14 THE COURT: All right. Let me speak to everybody.
15 I'm not making any blanket allegations or accusations
16 against anybody. Obviously, I know this is a tough and
17 emotional situation for both sides. But let me impress
18 upon -- who is the lady who apparently made -- that's the
19 witness. Who's the lady who apparently -- allegedly made
20 the statement? Okay.

21 Ma'am, you understand the seriousness of intimidation
22 of a witness allegation?

23 SPEAKER: I do.

24 THE COURT: Okay. I'm not going to get into it any
25 further because the state is not asking me to get into it

NATASHA HATCHER - CROSS-EXAMINATION BY MR. NIELSON

1 any further. I'm just admonishing this side and this
2 side, act appropriately, okay. I understand tensions and
3 emotions are high, but if I hear of anything else again,
4 y'all won't be going home today. Does everybody
5 understand? Okay. Thank you.

6 MS. HALL: Thank you.

7 THE COURT: Bring the jury in.

8 (WHEREUPON, the jury entered the courtroom at 11:13
9 a.m.)

10 THE COURT: All members of the jury are present.

11 Ms. Hall, you can call your next witness.

12 MS. HALL: State calls Brittany Wells.

13 THE COURT: Ma'am, come on around.

14 THE CLERK: Please raise your right hand and place
15 your left hand on the Bible. State your full name.

16 THE WITNESS: Brittany Nichole Wells.

17 THE COURT: Make sure you speak into the mic, okay?
18 You can lean up and speak into the microphone.

19 All right. Your witness.

20 MS. HALL: Thank you.

21 DIRECT EXAMINATION

22 BY MS. HALL:

23 Q Ms. Wells, just state your name for the record so we
24 can make sure the microphone is working okay.

25 A Brittany Wells.

BRITTANY WELLS - DIRECT EXAMINATION BY MS. HALL

1 Q Okay. Ms. Wells, you were subpoenaed to be here
2 today?

3 A Yes, ma'am.

4 Q What was your relationship, if any, with Danielle and
5 Jason Morton?

6 A I was friends with Danielle. And like I told y'all,
7 I only met Jason maybe once or twice.

8 Q During the month of April of this year, did you have
9 occasion to hang out with them on Pinckney Road at their
10 house?

11 A Yes.

12 Q All right. Do you recall who was there when you were
13 over at the house?

14 A Danielle, Jason, Janet, and Linsey.

15 Q Janet Guyton and Linsey Yarborough?

16 A (Witness nods head.)

17 Q Did you frequent that house and go over there and
18 hang out a lot?

19 A No.

20 Q And how do you know when it was? You stated to me at
21 one point in time it was the month of April, how do you
22 know it was the month of April?

23 A Because it was like a few weeks before they got
24 locked up.

25 Q Okay.

BRITTANY WELLS - DIRECT EXAMINATION BY MS. HALL

1 A About a month.

2 Q And you said -- did you -- what, if anything, did
3 you -- could you describe the house to me a little bit or
4 tell me what you saw inside of it?

5 A You walk inside and you turn to the left --

6 Q Put the microphone up to your face, please.

7 A (The witness complied.)

8 Q Thank you.

9 A You walk inside and you turn to the left, you go into
10 the next room where you get to the kitchen. Right there
11 was a safe laying there on the floor.

12 Q Would that be characterized as a living room or would
13 that be characterized as the bedroom, or do you know what
14 kind of room it was?

15 A Kind of like a living room/den kind of thing,
16 something like that.

17 Q Okay. Let me show you what's has been -- you said
18 you saw a safe laying there. Did you see anything else?

19 A Not exactly.

20 Q What color was it? We'll start with that.

21 A White.

22 Q Some kind of an outlet?

23 A Yeah.

24 Q Let me show you what's been marked and entered into
25 evidence as State's 8. Does that look -- what is that?

BRITTANY WELLS - DIRECT EXAMINATION BY MS. HALL

1 A A safe.

2 Q Does it look like the safe you saw there that day?

3 A Uh-huh.

4 Q Is that a yes or a no?

5 A Yes, ma'am.

6 Q And did -- when you saw that safe in that house, was
7 it open or closed?

8 A Closed.

9 MS. HALL: Please answer any questions Mr. Nielson
10 may have.

11 THE COURT: Mr. Nielson, your witness.

12 CROSS-EXAMINATION

13 BY MR. NIELSON:

14 Q Ms. Wells, you said you saw a photo album?

15 A It wasn't quite -- it was like not exactly a photo
16 album. Like -- kind of more like a three-ring binder.

17 Q What was in it? You don't know?

18 A No. I didn't open it and look.

19 Q And you say you saw a safe?

20 A Uh-huh.

21 Q And the safe was closed?

22 A Yes, sir.

23 Q Did you see the safe open?

24 A No, sir.

25 Q Did you ever see anybody open the safe?

BRITTANY WELLS - CROSS-EXAMINATION BY MR. NIELSON

1 A No.

2 Q Do you know where the safe came from?

3 A No, sir.

4 Q Do you know who brought the safe in the house?

5 A No, sir.

6 Q Do you know whose safe it was?

7 A No.

8 Q Because you testified there were four people in the
9 room, right, Danielle, Jason, Linsey and Janet?

10 A Yes.

11 Q Was there anybody else in the house?

12 A No.

13 Q Just those four?

14 A Yes.

15 Q And so the safe could have belonged to any one of
16 those four because you don't know whose safe it is, right?

17 A No.

18 MR. NIELSON: Beg the Court's indulgence. No further
19 questions.

20 MS. HALL: We'd ask that she be excused.

21 THE COURT: Thank you, ma'am. You're free to leave.

22 Call your next witness.

23 MS. HALL: Wade Young.

24 THE CLERK: Please state your full name.

25 THE WITNESS: Wade Young.

WADE YOUNG - DIRECT EXAMINATION BY MS. HALL

1 WADE YOUNG, after having first being duly sworn,
2 testified under oath as follows:

3 DIRECT EXAMINATION

4 BY MS. HALL:

5 Q Detective Young, where are you employed?

6 A Chester County Sheriff's Office.

7 Q How long have you been there?

8 A Since 2009.

9 Q And what is your job there right now?

10 A Right now, I'm a detective in criminal
11 investigations.

12 Q What was your job back in April of this year?

13 A Same thing, detective.

14 Q And how long have you been a police officer?

15 A Since 2009.

16 Q Did you have occasion to investigate a break-in at
17 Woods Ferry Road?

18 A Yes, ma'am, I did.

19 Q And whose house was that or is that?

20 A Complainant was Ms. Lee Ann Freeman.

21 Q Amberly Lee Ann Freeman?

22 A Amberly Lee Ann Freeman.

23 Q Okay. And that's in Chester County?

24 A Yes, ma'am.

25 Q Is it in Carlisle?

WADE YOUNG - DIRECT EXAMINATION BY MS. HALL

1 A It's got a Carlisle address.

2 Q And can you tell me what you observed and what the
3 nature of that investigation entailed?

4 A Yes, ma'am. When I went down to investigate, the
5 house was ransacked, stuff was thrown everywhere. House
6 was dark, really dark because no power was on.
7 Ms. Freeman had been inside. Her and her daughter had
8 been inside and they had moved a lot of stuff around. And
9 she told me that she was missing a color TV and a
10 microwave oven and a guitar, some cars, different items
11 like that.

12 Q And what did you do in the course of your
13 investigation of that situation?

14 A I took photos, dusted for fingerprints, see whether
15 there was any forced entry, which they had already been in
16 the house, so as far as the forced entry, they had come --
17 whoever came in came through the back door, but it was
18 closed when I got there.

19 Q Okay. And did you ever -- I mean, you investigated
20 it. Were you able to come up with enough to arrest anyone
21 for breaking into her house?

22 A No, ma'am.

23 Q When did you investigate that? When did she call the
24 police to report it?

25 A 04-23-015.

WADE YOUNG - DIRECT EXAMINATION BY MS. HALL

1 Q So April 23rd, she called to report it. When did you
2 actually go out to look at her house?

3 A I actually got out there on the -- April 28th.

4 Q Why did you wait five days to go?

5 A Normally, when we get a report in, the investigator I
6 call out that night -- investigator assigned to go to
7 whatever case we were given to investigate.

8 Q And was Ms. Freeman living at that address, or do you
9 know?

10 A She say she was periodically going out maybe once or
11 twice a week, once a week sometimes. Because at that
12 point in time, she said she was keeping her dad, so...

13 Q So that was on the 28th, you went out there and you
14 took the pictures when she said my stuff's gone. And she
15 originally called on the 23rd, you make it out there on
16 the 28th?

17 A Yes, ma'am.

18 Q Tell me what happened next in the course of the
19 investigation of that situation. Did you ever recover any
20 of those items?

21 A Not at that particular day, but, yes, ma'am, I did
22 recover some items.

23 Q Tell me about that.

24 A Actually, on April 30th.

25 Q So tell me about April 30th.

WADE YOUNG - DIRECT EXAMINATION BY MS. HALL

1 A Okay. April 30th, Natasha Sue Hatcher request that
2 she needed a investigator at her residence located at
3 Pinckney Road concerning a stolen safe.

4 Q Let me ask you this, how did you get to that call?

5 A Well, prior to that, my major --

6 MR. NIELSON: Your Honor, can we approach for a
7 second?

8 THE COURT: Yes, sir.

9 (A bench conference was held in the presence of, but
10 not within the hearing of the jury.)

11 BY MS. HALL:

12 Q How did the call come in that got you to go to
13 Pinckney Road?

14 A My supervisor, who is my boss, my major, he calls
15 me -- I'm on call this week -- this particular week, I'm
16 on call. I'm on-call investigator. And he calls me and
17 says, "I need you to go to Pinckney Road." I -- and
18 he said, "You need to talk to Ms. Hatcher when you get
19 there."

20 Q Okay.

21 A She said she's got a stolen safe at her house.

22 Q Okay.

23 A That's why I proceeded to her address.

24 Q So tell me what happened when you got there.

25 A When I got there, Ms. Hatcher was standing on the

WADE YOUNG - DIRECT EXAMINATION BY MS. HALL

1 porch very distraught. She was very emotional. And she
2 stated she had some stolen items in her house that was
3 brought in by Linsey Yarborough and Jason Morton.

4 Q I'm going to stop you for just a second and ask you
5 what time you went out there to talk to her?

6 A I went out around 9:30 p.m.

7 Q Okay. About 9:30 p.m. All right. Keep going.

8 A Okay. Ms. Hatcher proceeded to tell me Mr. Jason
9 Morton, he lives at that residence, also. Ms. Hatcher
10 stated Jason Morton and Linsey Yarborough brought these
11 items in some time around April 21st during the night. I
12 asked Natasha -- I asked her why was she just reporting
13 this incident. And the reason she stated was that she had
14 been trying to investigate on her own and she was in fear
15 of what might happen to her if she said something.

16 Q So without reading the whole thing and saying what
17 she said, let's stop for just a minute.

18 A Okay.

19 Q You said she was very upset, how do you know she was
20 upset? Was very crying? Was she screaming? Was she --

21 A Yes, ma'am, and her emotions and hands and the facial
22 expressions and her voice.

23 Q Were any other cops with you that night?

24 A Not at that particular time.

25 Q Did anybody else come out there?

WADE YOUNG - DIRECT EXAMINATION BY MS. HALL

1 A Yes, ma'am.

2 Q While you were still there?

3 A Yes, ma'am.

4 Q Okay. Who came out there while you were still there?

5 A Major McDaniel.

6 Q Now, tell me what you observed -- what you on your
7 own observed while you were out at the house?

8 A Yes, ma'am. When I walked into the house, I walked
9 into where I would call a sitting room, a den. I walked
10 in there and she's still telling me the whole --
11 everything. She's talking really fast and she's
12 emotional. And I'm trying to get her to really calm down
13 so I could understand what she's trying to tell me. She
14 was mostly concerned about this safe that she kept telling
15 me about, the safe. I didn't see a safe at this
16 particular time because I find out the safe was behind the
17 house in a pile of junk.

18 Q Okay.

19 A So she keep continuing to tell me that she been
20 trying to investigate this thing on her own and, "Hey, I
21 need your help. I'm scared. I'm fearful for my life." I
22 said, "Why you fearful?" She said, "I been trying to
23 investigate it and somehow Mr. Morton found" -- Mr. Jason
24 Morton found out about it, so he threatened her, said --
25 put a finger in her face and said, "Hey, if you don't stay

WADE YOUNG - DIRECT EXAMINATION BY MS. HALL

1 out my business, I got a bullet for you."

2 Q Okay. Okay. So what else did you observe while you
3 were in the house?

4 A While she was speaking to me, I happened to just look
5 in the corner that's behind the chair -- beside the chair
6 and I see a flat screen TV. And I'm thinking to myself,
7 umm, I was looking for a TV like that. So I proceeded to
8 ask her about the TV. She said, "It's stolen. Mr. Linsey
9 brought -- Mr. Linsey Yarborough brought that TV in and I
10 got a microwave that Mr. Jason Morton brought in --
11 brought into the house."

12 Q So did she go and show you these -- I mean, you see
13 the TV now?

14 A Yes, ma'am.

15 Q I'm going to show you what's been entered into
16 evidence as State's 1 and tell me if that is --

17 MS. HALL: Actually, I'm going to enter all this
18 stuff and I want -- I need to have a list of what's going
19 in because I've got all this additional -- I'm going to
20 have additional ones and I didn't mark down which ones
21 were.

22 So I could ask the court reporter, Your Honor, to
23 tell me which one were entered so that I can make sure I
24 get the rest of them in. I can just reenter them through
25 this witness instead of going through all that.

WADE YOUNG - DIRECT EXAMINATION BY MS. HALL

1 BY MS. HALL:

2 Q Okay. I'm going to show you -- and I just want to
3 know, did you take pictures while you were at ?

4 A Yes, ma'am, I did.

5 Q And we're going to come back to talking about the
6 pictures in a little while, but this is State's 12. Did
7 you take that picture?

8 A Yes, ma'am.

9 Q I'm going to show you State's 2. Did you take that
10 one?

11 A Yes, ma'am.

12 Q I'm going to show you State's 11. Did you take that
13 one?

14 A Yes, ma'am.

15 Q State's 7?

16 A Yes, ma'am.

17 Q State's 13?

18 A Yes, ma'am.

19 Q State's 17?

20 A Yes.

21 Q State's 10?

22 A Yes.

23 Q State's 16?

24 A Yes.

25 Q State's nine?

WADE YOUNG - DIRECT EXAMINATION BY MS. HALL

1 A Yes.

2 Q Eight?

3 A Yes.

4 Q Four?

5 A Yes.

6 Q Five?

7 A Yes.

8 Q One?

9 A Yes.

10 Q Three?

11 A Yes.

12 Q Six?

13 A Yes.

14 Q Fifteen?

15 A Yes.

16 Q And 14?

17 A Yes.

18 Q Do all of these pictures accurately depict what you

19 saw out on Pinckney Road on the day you went out to

20 investigate?

21 A Yes, ma'am.

22 MS. HALL: Your Honor, the state would ask to put all

23 of these in.

24 MR. NIELSON: Without objection.

25 THE COURT: Without objection, those pictures are

WADE YOUNG - DIRECT EXAMINATION BY MS. HALL

1 entered into evidence.

2 (State's Exhibit Numbers 1 through 17 were admitted
3 into evidence.)

4 BY MS. HALL:

5 Q So then now going back, this is State's 1. Tell me
6 what that is.

7 A It's a gray-in-color flat screen Magnavox TV.

8 Q Now, is that the TV that you saw that you thought
9 might have something to do with your other investigation?

10 A Yes, ma'am.

11 Q So what did you do -- and I'm going to show you
12 what's been entered as State's 3. Tell me what that is.

13 A I begin to take pictures of it.

14 Q Tell me what State's 3 is.

15 A This is a code that normally be on the back of any TV
16 right here, what's the serial number, model number and all
17 the other pertinent information.

18 Q So that's the back of the television that shows the
19 serial number; is that right?

20 A Yes, ma'am.

21 Q What do you use serial numbers for?

22 A To match items with whatever product it is.

23 Q And so after you took these pictures, did you have an
24 occasion to speak with the lady that you thought the TV
25 belonged to?

WADE YOUNG - DIRECT EXAMINATION BY MS. HALL

1 A Yes, ma'am.

2 Q Who was that?

3 A Ms. Amberly Lee Ann Freeman. After I saw that TV,
4 after I left there, I called her up on the telephone.

5 Q Uh-huh.

6 A And she had gave me some information, what the TV
7 looked like. She didn't know the serial number of it at
8 that time.

9 Q Okay. All right. And did you ultimately find a way
10 to find out what the serial number was?

11 A Yes, ma'am.

12 Q How did do you that?

13 A After trying to get that information from her to
14 figure out what the serial number was, I asked her had she
15 ever used it for collateral before. And she stated she
16 think she had. And I asked her whereabouts and she told
17 me World Finance.

18 Q Okay. Now, let me ask you this: You said you left
19 there. Did you take the TV when you left?

20 A No, ma'am.

21 Q Why not?

22 A I really didn't know who it belonged to at that time.
23 I wasn't 100 percent sure because I didn't have a serial
24 number. And I thought I was going to be able to come back
25 after I got the information for the serial number, that's

WADE YOUNG - DIRECT EXAMINATION BY MS. HALL

1 what I was thinking.

2 Q Okay. So when you left there that day, did you take
3 anything with you at all?

4 A Yes, ma'am, I did take the safe. It was outside in
5 the junk.

6 Q You took the safe with you, right?

7 A Yes, ma'am.

8 Q How did you ultimately find the safe?

9 A Ms. Hatcher told me where they had -- where the --
10 the safe was located at.

11 Q Okay.

12 A She said, "It's out there in the back -- in the pile
13 in the backyard. I want you to get it away from my
14 house."

15 Q What about the microwave? You said when you
16 investigated the other situation with Ms. Freeman that a
17 microwave had been taken; is that right?

18 A Yes, ma'am.

19 Q And so you guys left and after you talked -- was a
20 search warrant ever obtained for Pinckney Road?

21 A Yes, ma'am.

22 Q Did you go back when the search warrant was executed?

23 A Yes, ma'am.

24 Q So now you've been to the house twice; is that right?

25 A Yes, ma'am.

WADE YOUNG - DIRECT EXAMINATION BY MS. HALL

1 Q When did you get a search warrant?

2 A After I ran the serial numbers, World Finance
3 confirmed that that was the stolen TV from Woods Ferry
4 Road. That's when I proceeded to get a search warrant.

5 Q When did you go back?

6 A It was that afternoon.

7 Q That afternoon that you got the search warrant?

8 A Yes, ma'am.

9 Q While you were there -- and we'll talk about later
10 the effect and execution of the search warrant, but while
11 you were there, did you pick up the microwave?

12 A Yes, ma'am. After the search -- we got the search
13 warrant, we did.

14 Q And you took possession of the microwave?

15 A Yes, ma'am.

16 Q And where did you take it?

17 A We took it to the Chester Sheriff's Office evidence
18 and put it in evidence.

19 Q Okay. I'm going to show you what's been marked
20 State's 14 and 15. Do you recognize these photographs?

21 A Yes, ma'am.

22 Q What are they?

23 A Some kind of burned debris, looks to be a folder of
24 some type. The way it's layered like an album, that's
25 what I took it to be.

WADE YOUNG - DIRECT EXAMINATION BY MS. HALL

1 Q Why did you think it was significant enough to take a
2 picture of?

3 A Well, Ms. Hatcher had called me at the beginning and
4 told me, "Hey, you going to arrest Jason because" --

5 MR. NIELSON: Objection.

6 THE COURT: Sir?

7 MR. NIELSON: I believe what Ms. Hatcher tells him is
8 hearsay. She could have testified to that when she was on
9 the stand if she wanted to testify to what she said.

10 THE COURT: Objection overruled.

11 BY MS. HALL:

12 Q Without saying what anybody else said, what made you
13 think those were significant?

14 A She thought they was being burned in a barrel and
15 when I went inside the house that particular night, it was
16 a lot of stuff in the house I took pictures of. When I
17 went back with the search warrant, everything was gone.

18 Q When you say everything was gone, what was gone?

19 A There was mopeds, there was junk laid everywhere.
20 Matter of fact, when I went back that morning, the house
21 was clean.

22 Q Okay. So this is State's 9. Did you take that the
23 first time you went to the house?

24 A No, ma'am, that was behind the chair.

25 Q That was behind the couch.

WADE YOUNG - DIRECT EXAMINATION BY MS. HALL

1 A Yes, ma'am.

2 Q Tell --

3 MS. HALL: I'll just publish it to the jury if that's

4 okay?

5 MR. NIELSON: Which one is it?

6 MS. HALL: State's 9.

7 MR. NIELSON: Can I see it? Thank you.

8 BY MS. HALL:

9 Q That's the -- you said you took that the second time

10 you went?

11 A Yes, ma'am.

12 Q Where did you find this?

13 A Behind the couch.

14 Q Was it just on the floor?

15 A No, ma'am, it was in a bag, stuffed in a bag.

16 Q All these pictures you said were taken -- was this

17 one taken the first time or the second time?

18 A Yes, ma'am, first time I was there.

19 Q This is the what?

20 A That's the microwave.

21 Q Was it still there when you got there the second

22 time?

23 A Yes, ma'am, it was there.

24 THE COURT: What number is that for the record?

25 MS. HALL: I'm sorry, that's 6. And I would like to

WADE YOUNG - DIRECT EXAMINATION BY MS. HALL

1 publish each of these as we go through them.

2 THE COURT: Permission to publish granted.

3 BY MS. HALL:

4 Q So that was still there?

5 A Yes, ma'am.

6 Q Okay. And for State's 14 and 15, you said these were
7 the things that were in the burn barrel that --

8 A Yes, ma'am.

9 Q -- you took pictures of?

10 A Yes, ma'am.

11 Q Was this taken the first time or the second time?

12 A The second time after I got a search warrant.

13 Q And State's 5 was taken?

14 A First time I visited the house.

15 Q And what is this?

16 A Magnavox TV, gray in color.

17 Q Again, was that the second time you went back --

18 A No, ma'am, it was gone.

19 Q -- when you had the search warrant? Now, from the
20 first time you went there until the next when you executed
21 the search warrant, how many days had passed?

22 A Very next day. Just a few hours had passed.

23 Q And I'm going to show you what's been marked as
24 State's 16. Do you know what that is?

25 A Some type of scooter. I'm not sure exactly what it

WADE YOUNG - DIRECT EXAMINATION BY MS. HALL

1 would be because it's old.

2 Q First time or second time?

3 A First time. First time I was there.

4 Q Was it there when you went back?

5 A No, ma'am, it was gone.

6 Q I'm going to show you what's been marked State's 7.

7 Is this -- tell me what that is?

8 A That's a safe.

9 Q Where is it?

10 A In a pile of junk.

11 Q Was that the first time or second time?

12 A That was the first time.

13 Q And you took the safe with you when you left?

14 A Yes, ma'am.

15 Q Did you ultimately take some of the burned debris

16 from the trash barrel or whatever?

17 A Yes, ma'am.

18 Q Where did you take that?

19 A Brought it to evidence at the sheriff's Office.

20 Q I'm going to show you what's been marked State's 11.

21 Anything from that that was taken into evidence?

22 A Yes, ma'am.

23 Q What?

24 A Gloves. I'm not sure about the bag, but I know the

25 gloves was taken into evidence.

WADE YOUNG - DIRECT EXAMINATION BY MS. HALL

1 Q And you put those into evidence?

2 A Yes, ma'am.

3 Q When was this picture taken?

4 A That was when we got the search warrant the next day.

5 Q Once you took the gloves, you put them into evidence?

6 I'm sorry, I've probably already asked you that.

7 A Yes, ma'am.

8 (State's Exhibit Number 19 was marked for

9 identification.)

10 BY MS. HALL:

11 Q Okay. I'm going to show you what's been marked as

12 State's 19. Is this the microwave that you took from

13 Pinckney Road?

14 A Yes, ma'am, it is.

15 Q Okay. And did you ultimately determine who, if

16 anyone, it belonged to?

17 A Yes, ma'am.

18 Q Okay. Who?

19 A Ms. Amberly Lee Ann Freeman.

20 Q And how did she figure out it was hers?

21 A She was telling me about a little red mark that was

22 on there and that's how she could tell. If you go to the

23 house, you can tell where it been hanging on the wall

24 there and it matched the corner of the microwave.

25 Q Can you show me where --

WADE YOUNG - DIRECT EXAMINATION BY MS. HALL

1 MS. HALL: Your Honor, I'd ask him to come down
2 instead of me having to carry it up there.

3 THE COURT: Sure.

4 MR. NIELSON: Your Honor, I'll ask permission to see
5 what he points to.

6 THE COURT: Yes, sir.

7 THE WITNESS: It's a little mark over here kind of --
8 she was talking about this mark over here. She was
9 talking to me about a mark that was over here on this
10 corner here.

11 BY MS. HALL:

12 Q Okay. But when she came to the sheriff's
13 department -- did she ever come to the sheriff's
14 department to look at it?

15 A Yes, ma'am, she came to look at it.

16 Q As far as you know, did she identify it as hers?

17 A Yes, ma'am. Her and her daughter came and looked at
18 it and she did identify it.

19 MS. HALL: Your Honor, we're going to put State's 19
20 into evidence, too.

21 MR. NIELSON: Without objection, Your Honor.

22 THE COURT: Without objection, introduced into
23 evidence.

24 (State's Exhibit Number 19 was admitted into
25 evidence.)

WADE YOUNG - DIRECT EXAMINATION BY MS. HALL

1 BY MS. HALL:

2 Q So after going back to the house and taking all these
3 items into evidence and taking them back to the sheriff's
4 department, what did y'all do as part of the
5 investigation?

6 A On the safe, we tried to get the prints, but
7 eventually, we sent that to Mr. Weeks. He's the forensic
8 guy.

9 Q So you guys tried to get prints off of it yourself,
10 you tried to dust it for fingerprints?

11 A Yes, ma'am.

12 Q Were you successful in finding anything on it?

13 A Detective Sanders did all the fingerprinting.

14 Q You were the lead investigator, though --

15 A Yes, ma'am.

16 Q -- in this situation? Were any fingerprints that
17 could be used or linked to anyone found on this safe?

18 A I don't think so. Not sure.

19 Q Okay. Well, let's check and make sure.

20 A At this time, I don't think the sheriff's department
21 got any fingerprints off of it.

22 Q And you took it to George Weeks, you said --

23 A Yes, ma'am.

24 Q -- at York County -- who's a York County forensic
25 scientist; is that correct?

WADE YOUNG - DIRECT EXAMINATION BY MS. HALL

1 A Yes, ma'am.

2 Q For him to try to get fingerprints off of it; is that
3 correct?

4 A Yes, ma'am.

5 Q And he didn't find anything either, wasn't able to
6 identify either, right?

7 A No, ma'am.

8 Q Did you interview anybody else or talk to anybody
9 else during the course of this investigation?

10 A Yes, ma'am.

11 Q Who?

12 A Talked to Mr. Linsey Yarborough, also, talked to
13 Mr. Morton.

14 Q But neither one of them would really give you a
15 statement or talk about it or anything, right?

16 A No, ma'am.

17 Q Based on your investigation and your experience as a
18 detective, what did you ultimately do in this case? Did
19 you ask for any warrants on anybody?

20 A Yes, ma'am.

21 Q Who?

22 A We asked for warrants on Mr. Jason Morton and also on
23 Mr. Linsey Yarborough.

24 Q And you got those warrants, right?

25 A Yes, ma'am.

WADE YOUNG - DIRECT EXAMINATION BY MS. HALL

1 Q And you served those warrants on them, correct?

2 A Yes, ma'am.

3 Q Were those warrants -- each of them had the same
4 warrants -- well, close to -- they were the same thing,
5 safecracking and receiving stolen good on each?

6 A Yes, ma'am, one of them had an enhancement.

7 MS. HALL: That's all I have. Please answer any
8 questions Mr. Nielson may have.

9 THE COURT: Mr. Nielson, your witness.

10 MR. NIELSON: Thank you, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. NIELSON:

13 Q Detective Young, I'm showing you what's previously
14 been marked Defendant's Exhibit 1. Do you recognize this
15 document?

16 A Yes, sir.

17 Q What is this document?

18 A It's a statement by Natasha Hatcher.

19 Q Who wrote this document?

20 A She wrote it.

21 Q Okay. The whole thing?

22 A Yes, sir.

23 Q Including the stuff at the top?

24 A No, I wrote that at the top.

25 Q Did you write that before or after she filled out the

WADE YOUNG - CROSS-EXAMINATION BY MR. NIELSON

- 1 statement?
- 2 A I write it during the time she filled out the
- 3 statement.
- 4 Q Before or after she signed the statement?
- 5 A During the time she was filling it out.
- 6 Q What does during the time mean?
- 7 A When she filled it out, that's when she signed it?
- 8 Q So you hand her this form?
- 9 A Yes, sir.
- 10 Q Was it blank when you handed it or was this
- 11 information at the top already on it when you handed it to
- 12 her?
- 13 A I put it on there before.
- 14 Q And then you handed her this and she wrote it and
- 15 then is that her signature at the bottom?
- 16 A Yes, sir.
- 17 Q And so she signed saying this is, in fact, a true
- 18 statement, correct, including the information at the top?
- 19 A Yes, sir.
- 20 Q Okay. Because that was written in there before you
- 21 handed her this piece of paper?
- 22 A Yes, sir.
- 23 Q Okay. You mentioned -- I'm going to show you what's
- 24 been previously marked as State's Exhibits 14 and 15.
- 25 What you just looked at, right?

WADE YOUNG - CROSS-EXAMINATION BY MR. NIELSON

1 A Yes, sir.

2 Q And you stated you took some of the ashes from that
3 burn barrel back to the sheriff's department?

4 A Yes, sir.

5 Q What did you do after you got back to the sheriff's
6 department?

7 A We put it in evidence.

8 Q You put them into evidence, okay. Did you look
9 through them?

10 A Well, if you touch it, it will fall apart.

11 Q Did you look through the burn barrel to see if there
12 was any remnants of anything in there?

13 A We didn't really want to mess it up because it was so
14 soft and burned so hard, it was just falling apart.

15 Q How did you get it back to the sheriff's department?
16 Did you take it in the barrel?

17 A No, he was able to get pieces of it, you know, get
18 some of the debris.

19 Q When you picked up debris, was there any debris that
20 you could see that you could tell exactly what it was?

21 A No, sir.

22 Q So all we know is it was something square, correct?

23 A Yes, sir.

24 Q You can't testify with certainty those were baseball
25 cards?

WADE YOUNG - CROSS-EXAMINATION BY MR. NIELSON

- 1 A I can't, not with certainty.
- 2 Q Or anything else? If I asked you can you testify
- 3 those are receipts, could you say yes or no to that?
- 4 A I couldn't testify to that.
- 5 Q But you can't testify that they're baseball cards?
- 6 A No.
- 7 Q I want to talk about the TV for a minute. Is there
- 8 a -- you're a law enforcement officer, correct?
- 9 A Yes, sir.
- 10 Q You use serial numbers to investigate where things
- 11 go, where things are, all those kind of things, correct?
- 12 A What matches up?
- 13 Q Whether they match each other, correct?
- 14 A Yes, sir.
- 15 Q Is there a database that I or anybody else could go
- 16 look at to compare a serial number of a TV that I'm buying
- 17 to one that's stolen?
- 18 A I'm pretty sure it is.
- 19 Q Where is that database?
- 20 A Match a serial number? I don't understand your
- 21 question.
- 22 Q As a private citizen, if I'm buying a TV, is there a
- 23 database that you know of that I can look up a serial
- 24 number to see if that TV has been stolen?
- 25 A I can't answer that.

WADE YOUNG - CROSS-EXAMINATION BY MR. NIELSON

1 Q Because you used your investigative powers of a
2 police officer to go to the World Finance place and find
3 the serial number, correct?

4 A Yes, sir.

5 Q And you did that because you were investigating the
6 case, correct?

7 A Correct.

8 Q And you were able to find out that information
9 correct?

10 A Yes, sir.

11 Q Was there anything about the TV itself that made it
12 different from any other gray in color, Magnavox TV of
13 it's size and color?

14 A No, sir, just when I investigated -- when the victim
15 told me she had that particular-looking TV and for me to
16 walk in this house and see it in the corner, it made me
17 suspicious.

18 Q But there could be a million TVs like that in the
19 world, correct?

20 A That's correct.

21 Q And the microwave, is it the only microwave, white
22 microwave of its kind and color?

23 A I'm sure it's not.

24 Q In fact, there could be a million microwaves like it,
25 correct?

WADE YOUNG - CROSS-EXAMINATION BY MR. NIELSON

- 1 A Yes, sir.
- 2 Q In fact, there could be others in Chester, correct?
- 3 A I'm sure there could be.
- 4 Q So there's nothing about the TV or the microwave that
5 you could point to that shows that it was stolen just by
6 looking at it?
- 7 A Not stolen, but the description that matched the same
8 TV.
- 9 Q Okay. But what did you -- what's my client charged
10 with?
- 11 A Receiving stolen goods.
- 12 Q So you admit there's nothing special about the TV or
13 the microwave that a normal regular person will look at
14 and say that's a stolen TV if they saw it just sitting
15 there?
- 16 A Not sure I can answer that. What I thought --
- 17 Q Could you -- okay, but could you tell it was the TV
18 or did you have to do more investigation to find out it
19 was the TV?
- 20 A Yes, sir, I had to do more investigation.
- 21 Q So you didn't even know for sure it was the TV,
22 otherwise, you would have taken it right there; would you
23 not have?
- 24 A Right.
- 25 Q So even a law enforcement officer, you couldn't tell,

WADE YOUNG - CROSS-EXAMINATION BY MR. NIELSON

1 correct?

2 A Yes, sir.

3 Q Okay. What was the date that you went out and talked
4 to Ms. Hatcher?

5 A April 28th.

6 Q April 28th. Okay. So was it nighttime, morning
7 time, what time of day it was?

8 A Nighttime.

9 Q It was at nighttime? And when did she write her
10 statement?

11 A The next day.

12 Q The next day? On April 29th?

13 A I'm sorry, I was at Woods Ferry -- I was at her
14 house -- I was at Woods Ferry on the 28th. I was at
15 Ms. Hatcher's house on the 30th.

16 Q On the 30th. Okay. Did she give -- what indication
17 did she give why she waited nine days to call the police?

18 A She said she was fearful of her life and she was
19 trying to investigate on her own. I asked her the same
20 question. That's what she told me.

21 Q Okay.

22 A And what made her decide to call the police is when
23 Mr. Morton threatened her with he said he had a bullet for
24 her.

25 MR. NIELSON: Beg Court's indulgence one moment. No

WADE YOUNG - CROSS-EXAMINATION BY MR. NIELSON

1 further questions, Your Honor.

2 THE COURT: Madame Solicitor?

3 MS. HALL: I don't have anything further.

4 THE COURT: Thank you, sir. You can step down.

5 Call your next witness.

6 MS. HALL: Your Honor, can you give me one minute to
7 go out?

8 THE COURT: Yes.

9 MR. NIELSON: Your Honor, may I approach on something
10 unrelated to this?

11 THE COURT: Yes.

12 (A bench conference was held in the presence but not
13 within the hearing of the jury.)

14 THE COURT: Ladies and gentlemen of the jury, we're
15 going to break here shortly. I anticipate one more
16 witness and we'll take a lunch recess.

17 MS. HALL: State calls Chris Reynolds.

18 THE CLERK: Please raise your right hand and place
19 your left hand on the Bible. State your full name.

20 THE WITNESS: Christopher Reynolds.

21 CHRISTOPHER REYNOLDS, after having first being duly
22 sworn, testified under oath as follows:

23 THE COURT: All right, Solicitor.

24 MS. HALL: Thank you.

25 DIRECT EXAMINATION

CHRISTOPHER REYNOLDS - DIRECT EXAMINATION BY MS. HALL

1 BY MS. HALL:

2 Q Detective Reynolds, you're a detective with the
3 Chester County Sheriff's Department?

4 A Yes, ma'am, I am.

5 Q How long have you been a law enforcement officer?

6 A Almost seven years.

7 Q And how long have you been a detective with the
8 sheriff's department?

9 A Almost three years.

10 Q So it's safe to say, I guess, in April of 2015 and
11 May as well, you were a detective with the Chester County
12 Sheriff's Department?

13 A That's correct.

14 Q What is your involvement in this case?

15 A I assisted Detective Sanders and Detective Young with
16 a search warrant and I was also part of the investigation.

17 Q When was the search warrant executed -- when you
18 execute a search warrant, tell the jury what it means to
19 execute a search warrant.

20 A When you execute a search warrant, you split the
21 responsibilities up with -- one person actually comes up
22 with the probable cause, going to the judge presenting the
23 probable cause to a judge with the search warrant. The
24 judge signs off on the warrant, comes up with the probable
25 cause, prints out the search warrant. You go to a judge

CHRISTOPHER REYNOLDS - DIRECT EXAMINATION BY MS. HALL

1 and the judge says --

2 Q Let me stop you. Without going into all the
3 intricacies of it, what is the purpose of it?

4 A The purpose of the search warrant is to find evidence
5 in a home, car, or some type of evidence -- some type of
6 property -- evidence inside some type of property.

7 Q So in this case, is it safe to say you executed a
8 search warrant to be able -- allowed to go into the house
9 at Pinckney Road to collect whatever the evidence was.
10 in this case?

11 A That's correct.

12 Q Okay. And so is that what you did?

13 A We did.

14 Q And you said it was yourself, Detective Young and
15 Detective Sanders who went over to the house to execute
16 the search warrant?

17 A That's correct.

18 Q And when you got there, was anybody there?

19 A No, it wasn't.

20 Q And did you execute the search warrant?

21 A Yes, we did.

22 Q And items of evidence were collected as a result of
23 that; is that correct?

24 A I'm sorry?

25 Q I said items of evidence were collected as a result

CHRISTOPHER REYNOLDS - DIRECT EXAMINATION BY MS. HALL

1 of the execution of the search warrant, right?

2 A That's correct.

3 Q And that was a safe, gloves -- just say yes or no
4 after each item I name.

5 MR. NIELSON: Your Honor, these are all leading
6 questions.

7 THE COURT: I agree.

8 MS. HALL: Can I ask him to -- okay.

9 THE WITNESS: I have a copy of the search warrant
10 that I signed off on.

11 BY MS. HALL:

12 Q That's fine. Did you collect items of evidence while
13 you were there?

14 A I did.

15 Q And Detective Young and Brian Sanders were involved
16 in that process?

17 A That's correct.

18 Q Are you -- and at some point in time, were you asked
19 to locate a man named Gene Hatcher?

20 A Yes.

21 Q Were you able to do so?

22 A I was.

23 Q Where is he now or do you know?

24 A The information we have with Gene Hatcher, Gene Ray
25 Hatcher, I think his name is, the information we have is

CHRISTOPHER REYNOLDS - DIRECT EXAMINATION BY MS. HALL

1 he's working for a paving company now. He's married to
2 Natasha Hatcher. He's working for a paving company that's
3 traveling up and down the Southeast coast right now and we
4 were not able to locate him.

5 Q And Pinckney Road, where you executed the search
6 warrant, was that the home where Natasha and Gene Hatcher
7 were living at the time of this incident?

8 A Yes.

9 Q And that's located within the boundaries of Chester
10 County; is that correct?

11 A That's correct.

12 MS. HALL: I don't have anything else. Please answer
13 any questions that Mr. Nielson may have?

14 THE COURT: Mr. Nielson.

15 MR. NIELSON: Beg the Court's indulgence just one
16 moment.

17 THE COURT: Yes, sir.

18 MR. NIELSON: Thank you, Your Honor.

19 CROSS-EXAMINATION

20 BY MR. NIELSON:

21 Q You used the word "probable cause" like a bunch of
22 different times at the beginning of your testimony --

23 A Yes, sir.

24 Q -- is that correct?

25 A That's correct.

CHRISTOPHER REYNOLDS - CROSS-EXAMINATION BY MR. NIELSON

1 Q What is probable cause?

2 A Sir?

3 Q What is probable cause?

4 A What is probable cause?

5 Q Yes.

6 A Probable cause is the -- I don't know the exact term
7 of it, I mean, I'd have to look it up and give you the
8 exact term of it, but it's the -- the definition is.

9 MS. HALL: Your Honor, I'm going to object. He's
10 asking him to define a legal term, which is obviously the
11 Court -- I mean, he could ask him what he does with
12 probable cause or what he has to have as probable cause to
13 do, but I don't think he can --

14 THE COURT: Rephrase your question. You can ask him
15 what his understanding of probable cause is.

16 BY MR. NIELSON:

17 Q What's your understanding of what probable cause is?
18 You used that statement, correct, that word, correct?

19 A But I didn't type the search warrant in this case.

20 Q Okay.

21 A So I don't know what the probable cause of this
22 search warrant was. I just executed the search warrant,
23 so I don't know what the probable cause of this search
24 warrant was.

25 Q Okay.

CHRISTOPHER REYNOLDS - CROSS-EXAMINATION BY MR. NIELSON

1 A That would be Detective Young, if I remember.

2 Q Okay. So all you did in this case was help with --
3 help to execute the search warrant?

4 A Yes, sir.

5 Q Did you do anything else on the case?

6 A I was with Detective Young at the time that Natasha
7 Hatcher and Gene Hatcher completed their statement.

8 Q Okay. And you said at this point you can't locate
9 Mr. Gene Hatcher?

10 A No, sir.

11 Q And --

12 A I have left messages with him on the phone number we
13 have.

14 Q Okay.

15 A And the other thing I did, I did talk to Mr. Morton
16 multiple times during the time we did have warrants on
17 him.

18 Q So you did talk with him?

19 A And also was present during the interview after
20 Mr. Morton was arrested.

21 Q Okay.

22 A Yes, sir.

23 Q Did you do anything else in this case?

24 A As of right now, I do not remember.

25 Q Okay.

1 MR. NIELSON: No further questions, Your Honor.

2 THE COURT: Anything else?

3 MS. HALL: No.

4 THE COURT: Thank you, sir. You may step down.

5 Ladies and gentlemen of the jury, we're going to go
6 ahead and take a lunch recess. I want you to be back in
7 your jury room -- it's now right at noon. How about 1:45,
8 be back in your jury room and we'll get started this
9 afternoon. Remember, do not talk about the case. Don't
10 talk about the case with anybody else either and don't do
11 any independent research on the case. We'll see you back
12 at 1:45.

13 (The jury left open court at 12:04 p.m.)

14 MS. HALL: Your Honor, can I ask you a question real
15 quick? Are we breaking for lunch right now? I've got a
16 witness on the way, but I need to call him off and tell
17 him what time to --

18 THE COURT: Yeah, we're breaking for lunch now.
19 We're going to reconvene at 1:45.

20 MS. HALL: 1:45. Thank you.

21 THE COURT: But before we break, we need to -- I need
22 to finish up -- wrap up something that was on the record
23 that was brought up yesterday about the issue of any
24 impeachment evidence the state would seek to use against
25 the defendant if the defendant chooses to testify. Okay.

1 And I believe, Madame Solicitor, you indicated -- well,
2 without objection, there were four convictions under Rule
3 609 analysis that were allowed without objection.

4 MS. HALL: I believe --

5 THE COURT: As far as I understand.

6 MS. HALL: -- that's correct. I think it was
7 criminal conspiracy under South Carolina drug law and
8 there was a grand larceny and a shoplifting. And he had
9 five --

10 THE COURT: Those are the four you --

11 MS. HALL: There's three.

12 THE COURT: There's three. Are those the three then
13 you concede that the state will be allowed to try to
14 impeach his testimony?

15 MR. NIELSON: Yes, Your Honor.

16 THE COURT: Okay.

17 And then there were five receiving stolen goods?

18 MS. HALL: Right. Two from one date, two from
19 another date and a third -- there was a companion
20 charge --

21 THE COURT: And your argument is under 403 analysis
22 that those -- evidence of those prior convictions would be
23 too prejudicial rather than probative; is that correct?

24 MR. NIELSON: I agree they would be probative, but I
25 believe the prejudicial weight overrides the probative

1 value.

2 THE COURT: I agree with the defense on that as far
3 as the specific offense of the receiving stolen goods is
4 mentioned; however, I do believe the state can
5 cross-examine him on the fact that he has five previous
6 misdemeanor convictions without naming the specific
7 convictions, so I'm going to allow the state to ask that.

8 MR. NIELSON: Okay.

9 THE COURT: So without getting into the specifics
10 they were actually receiving stolen goods because I agree
11 that would make a juror potentially -- if he was guilty --
12 convicted of those previous five, he must be guilty of
13 this. We're not going to get into that by leaving out the
14 specifics of receiving stolen goods.

15 MR. NIELSON: Okay. So they can ask about the three
16 plus five misdemeanors.

17 THE COURT: They can ask about the three and they can
18 say, you know, isn't it true you have up to five other
19 misdemeanor convictions.

20 MR. NIELSON: Okay.

21 MS. HALL: I would ask to be able to say misdemeanor
22 property offenses.

23 MR. NIELSON: I don't know why she needs to say that.

24 THE COURT: Yeah, I'm not going to let you do that,
25 Ms. Hall. You can say he has five other misdemeanor

1 convictions.

2 MS. HALL: Okay.

3 THE COURT: That's the ruling of the Court on that
4 and everybody's position is protected on the record.

5 Anything else before we break?

6 MR. NIELSON: No, Your Honor.

7 MS. HALL: No.

8 THE COURT: Okay.

9 (A recess was taken from 12:08 p.m. to 1:59 p.m.)

10 THE COURT: Anything before we bring the jury in?

11 MS. HALL: Nothing from the state, Your Honor.

12 THE COURT: Mr. Nielson, anything before we start?

13 MR. NIELSON: No, Your Honor.

14 THE COURT: All right. We'll bring your client in
15 and then we'll bring the jury in.

16 (The jury entered the courtroom at 1:59 p.m.)

17 THE COURT: All right. All members of the jury are
18 present.

19 Madame Solicitor, you may call your next witness.

20 MS. HALL: The state calls Linsey Yarborough.

21 THE COURT: Linsey Yarborough.

22 THE CLERK: Please raise your right hand. State your
23 full name.

24 THE WITNESS: Linsey Michael Yarborough.

25 LINSEY YARBOROUGH, after having first being duly

LINSEY YARBOROUGH - DIRECT EXAMINATION BY MS. HALL

1 sworn, testified under oath as follows:

2 THE COURT: Please try to speak in the microphone,
3 okay?

4 THE WITNESS: Yes, sir.

5 THE COURT: Madame Solicitor.

6 DIRECT EXAMINATION

7 BY MS. HALL:

8 Q Please state your full name.

9 A Linsey Michael Yarborough.

10 Q I'm going to ask you to pull the microphone a little
11 bit closer to your mouth. Say it again.

12 A Linsey Michael Yarborough.

13 Q What is your relationship with Jason Morton, the
14 defendant in this case?

15 A He's my brother-in-law.

16 Q Tell me the -- tell me how -- so are you married
17 to -- are you married to his sister?

18 A No, ma'am, he's married to my sister.

19 Q He's married to your sister. Okay. And what's your
20 sister's name?

21 A Danielle Morton.

22 Q How long have you known Jason Morton?

23 A Seventeen years.

24 Q Okay. And how do you feel about him?

25 A I love him to death.

LINSEY YARBOROUGH - DIRECT EXAMINATION BY MS. HALL

1 Q His family is basically your family; is that right?

2 A He's the only family I ever known.

3 Q And isn't it true that earlier today you even told me
4 about how much you cared about his mother?

5 A Yes, ma'am, I think the world of her.

6 Q Do you -- were you charged in this case?

7 A Yes, ma'am.

8 Q You were charged with safecracking and receiving
9 stolen goods?

10 A Yes, ma'am, receiving stolen goods, more than two
11 less than ten.

12 Q And yesterday, you pled guilty to those charges?

13 A Yes, ma'am.

14 Q Were you promised anything or --

15 A No, ma'am.

16 Q What made you plea?

17 A I'm tired of being a liar. I'm trying to change. I
18 got to start over.

19 Q And did you give a statement to law enforcement about
20 your involvement in this situation?

21 A Yes, ma'am.

22 Q When did you give that statement?

23 A Yesterday morning.

24 Q Had you given any statement at all to law enforcement
25 prior to yesterday morning?

LINSEY YARBOROUGH - DIRECT EXAMINATION BY MS. HALL

1 A No, ma'am.

2 Q Isn't it true that several weeks ago, your attorney,
3 Mr. Frick, and myself and my investigator from my office
4 came to speak with you at the detention center about this
5 case?

6 A Yes, ma'am, in October.

7 Q I'm sorry?

8 A It was in October, I believe.

9 Q Did you give a statement at that time?

10 A No, ma'am.

11 Q Isn't it true that you told me at that time that you
12 knew something about the case, but you didn't want to
13 tell?

14 A Yes, ma'am.

15 Q Okay. And then on Tuesday morning -- and that was
16 the day -- were you set to go to trial that day along with
17 Mr. Morton?

18 A Yes, ma'am.

19 Q But rather than doing that, you decided to enter a
20 plea and give a statement about your involvement?

21 A Yes, ma'am.

22 Q I want you to tell me about your involvement.

23 A I mean, it started maybe the end of February, end of
24 March. Mark Buccolu, he worked with me at Aspen Tree
25 Company, he was telling me about this house he had broken

LINSEY YARBOROUGH - DIRECT EXAMINATION BY MS. HALL

1 into and he said he had got three safes out of it and a
2 bunch of guns and a bunch of silver and a bunch of money
3 they got out of it and stuff. I really wasn't trying to
4 question him or, you know, mention about it. And I didn't
5 see him again until right there at the end of -- right
6 there at the end of March, I think, I mentioned something
7 to him about it.

8 Q Mentioned something to him about what Bobo had told
9 you?

10 A About what Mark Buccolu told me. He said he buried a
11 safe in a field outside Bobo Melton's house.

12 Q Did you know where Bobo Melton lived?

13 A Yes, ma'am.

14 Q Where?

15 A On Meadowbrook Road. I don't know the address.

16 Q That's okay. So Mark Buccolu tells you that there
17 was a safe buried in Bobo Melton's yard?

18 A Yes, ma'am.

19 Q On Meadowbrook?

20 A Yes, ma'am.

21 Q And I don't want to put words in your mouth, but
22 didn't you just tell me that you mentioned that to Jason
23 Morton?

24 A Yes, ma'am.

25 Q When did you say that happened, about the end of

LINSEY YARBOROUGH - DIRECT EXAMINATION BY MS. HALL

1 March?

2 A Yes, ma'am, about the end of March, end of March,
3 middle of March --

4 COURT REPORTER: I'm sorry, sir, could you speak up a
5 little bit?

6 THE WITNESS: I said right there at the middle of
7 March, end of March. I don't know exactly what date.

8 BY MS. HALL:

9 Q Okay. And do you know anything about any -- I'm
10 going to show you what's been marked State's 1 and entered
11 into evidence.

12 A Yes, ma'am.

13 Q Do you know what that is?

14 A Yes, ma'am. I bought that TV off Mark Buccolu, paid
15 10 bucks for it.

16 Q You paid Mark Buccolu 10 dollars for that television?

17 A Yes, ma'am. It didn't have a power cord.

18 Q It didn't have a power cord?

19 A No, ma'am.

20 Q What did you ultimately do with that television?

21 A It was at my house in Lockhart. And my sister and
22 Jason come by and I asked Jason if he wanted to buy it and
23 he said, yeah, he would buy it. Told me he'd give me 40
24 bucks for it. And I never got paid for it. I never did
25 press the matter or nothing because I figured it was all

LINSEY YARBOROUGH - DIRECT EXAMINATION BY MS. HALL

1 right. It was at my sister's house and I could always get
2 it back if I had to, so I wasn't worried about it.

3 Q Did it ultimately end up at your sister's house?

4 A Yes, ma'am.

5 Q And that's where Jason lives with her?

6 A That's where he stayed, yes, ma'am.

7 Q Is that the Pinckney Road address?

8 A Yes, ma'am.

9 Q And then at some point in time, did you have occasion
10 to go over to Jason's house -- or Jason Morton's house --
11 did you go over there often?

12 A I really didn't go over there often.

13 Q Where were you living?

14 A I was living in Lockhart.

15 Q Who were you living with?

16 A I was living with me and my wife, Janet.

17 Q And at some point later, sometime in April, did you
18 go over to Danielle and Jason's house?

19 A Yes, ma'am, I went -- my power got cut off
20 April 20th and I went over there. Jason called me on the
21 24th, I believe it was that Friday, and we went by there
22 around 10:30, 11:00. And it was all of us. There was me
23 and Janet and Danielle and Jason, Natasha Hatcher, Gene
24 Hatcher was all sitting in the living room together and
25 they had the safe that was on the floor. And I mean, like

LINSEY YARBOROUGH - DIRECT EXAMINATION BY MS. HALL

1 I said, everybody sat around joking and laughing, I don't
2 know, an hour, roughly an hour, I would say. And then I
3 think Jason used a hammer and screwdriver. And it wasn't
4 no rough thing, just popped it open. And it wasn't
5 nothing, maybe 15, 20 baseball cards in it. Nothing
6 magnificent. Nothing, just maybe 10-cent baseball cards.
7 And he threw it in the backyard.

8 And I walked outside with him when he threw it in the
9 backyard. And I asked him, I said, "Jason, you just going
10 to leave it here? Man, I mean, you trust Tasha and Ray, I
11 mean?" He said, "Yeah, it ain't nothing, but scrap." And
12 so I took he must have bought it because I don't -- I know
13 the man my whole life. I don't see him -- he ain't stupid
14 at all. That's why I figured he must have purchased it.

15 And so we -- me and Janet, we ended up leaving that
16 night. Come back the next night and stayed the next night
17 with them and stayed the next day with them. We left that
18 Sunday. I stayed at my dad's house that Monday and that
19 Tuesday.

20 And that Tuesday morning, my stepmother, which is
21 Natasha Hatcher's mom, she started off on me first thing
22 that morning telling me that -- telling me she wasn't
23 going to have no thief living in her house and she knew
24 all about the safe and all this and they done called the
25 investigators. At the time, I wasn't worried about

LINSEY YARBOROUGH - DIRECT EXAMINATION BY MS. HALL

1 calling the investigators. I'd talk to them myself, I
2 ain't got nothing to worry about. And anyway, I left
3 walking. And my dad, he picked me up and I went to
4 Clover. And after I left there, I went and got a room at
5 the Executive Inn up here in Chester. And that night,
6 Janet come and stay with me.

7 And the next morning, we got up and we went over
8 there and I run -- I run to the house and knocked on the
9 door. I told Jason to come outside and talk to me. I
10 told Jason at that time, I said, "Jason, man, we need to
11 get rid of that safe. Natasha and Sylvia talking about
12 calling the police and all this." And I don't know what
13 happened. So I left after that. But I assume Natasha
14 heard me or something and it was all just set in motion.

15 Q Did you tell me about -- you told him about the
16 conversation you had with Sylvia?

17 A Yes, ma'am, that's the whole reason I went over
18 there, to tell him she was talking about calling the
19 police. And I mean, I don't know they had it. I never
20 looked to see. I was just telling him, you know, the way
21 they was talking and they said the safe was stolen. And I
22 was just letting him know, you know, get rid of it if it
23 is.

24 Q Okay. When did you see Jason Morton again or when
25 did you talk to him again?

LINSEY YARBOROUGH - DIRECT EXAMINATION BY MS. HALL

1 A It had to be that Thursday night because that
2 Wednesday, I went to deposit a check into my account in
3 Rock Hill. And they give me \$200 that same day and I got
4 a room for two nights at the EconoLodge in Rock Hill.

5 Q When was that?

6 A The 24th, 25th, 26th, 27th, 28th, had to be the 29th,
7 Wednesday, Thursday, the 30th. And then he called me that
8 night and --

9 Q Which night?

10 A The 30th. And he was in a panic. Like I said, he
11 said that the safe was gone. He got rid of my TV and he
12 burned everything else. And he said, "Can I come stay
13 with you?" I said, "Yeah, you can come stay with me," but
14 you have to sleep on the floor. We only got one bed.

15 Q Did he come stay with you?

16 A Yes, ma'am.

17 Q How long did he stay?

18 A We stayed -- we left that next morning, left Friday
19 morning.

20 Q Was anybody with him?

21 A Yeah, my sister.

22 Q That's Danielle?

23 A Yes, ma'am.

24 Q And he told you he had gotten rid of your TV?

25 A Yes, ma'am.

LINSEY YARBOROUGH - DIRECT EXAMINATION BY MS. HALL

1 Q And burned the baseball cards, but the safe was gone?

2 A Yes.

3 Q I want to -- let's go back to the TV for just a
4 second. You said you had that conversation. That was at
5 your house in Lockhart where the TV was when you talked to
6 Jason about you wanted to buy it?

7 A Yes, ma'am.

8 Q Did he take the TV away that day?

9 A Yes, ma'am.

10 Q Did you later see it at his house?

11 A Yes, ma'am.

12 Q When you saw it at his house, where was it?

13 A It was in the living room. Like I said, the TV was
14 mine, but he never bought it. I pled guilty to that
15 charge.

16 Q But he took it with the intention of buying it and he
17 had it at his house?

18 A It wasn't no -- yes, ma'am.

19 Q I'm going to show you what's been marked as state --
20 it's actually been entered into evidence as State's 18.

21 I'm going to bring it over here so you don't have to.

22 Have you seen this before?

23 A Yes, ma'am. It looks like the same one that was in
24 the living room, but when I seen it, it was still attached
25 to the safe. It wasn't detached.

LINSEY YARBOROUGH - DIRECT EXAMINATION BY MS. HALL

1 Q You mean it was attached to it when you --

2 A It was still hooked to the safe. It wasn't departed.
3 It was still hooked. It was one piece.

4 Q Was it closed or was the door just on it?

5 A It was closed. I mean, like I said, it wasn't
6 nothing. I thought -- you know, I thought safecracking, I
7 was thinking cut torch, but it was just a pop and it was
8 open.

9 Q So you saw it closed and then you saw it open, but
10 you just saw --

11 A Yeah, the door was still hooked to it. It wasn't two
12 pieces.

13 Q Just by the hinges, is that what you mean?

14 A Yes, ma'am.

15 MS. HALL: Mr. Yarborough, please answer any
16 questions Mr. Nielson has to ask you, okay?

17 THE WITNESS: All right.

18 THE COURT: Mr. Nielson, your witness.

19 MR. NIELSON: Thank you, Your Honor.

20 CROSS-EXAMINATION

21 BY MR. NIELSON:

22 Q Mr. Yarborough?

23 A Yes, sir.

24 Q Did you write a statement yesterday?

25 A Yes, sir.

LINSEY YARBOROUGH - BY MR. NIELSON

1 Q Is this the statement you wrote?

2 A Yes, sir.

3 Q I'll hand you the statement and let you review what
4 you've written. Is that statement a full and complete
5 depiction of what you believe happened that you wrote
6 yesterday?

7 A I mean, this is what happened.

8 Q When did you start first hearing about safes that
9 were stolen from the house on Meadowbrook?

10 A At the end of February.

11 Q What does your statement there say?

12 A Middle of January. Yeah, it had to be the middle of
13 January.

14 Q Okay. So --

15 A Because it was before I got fired. I got fired
16 January 28th, day before my birthday.

17 Q So this says middle of January, right?

18 A I worked with Mark Buccolu -- I been in jail the last
19 eight months, so rough to say exactly what date I talked
20 to Mark about it. It happened four, five months prior --
21 or three months prior to when I got locked up.

22 Q Okay.

23 A But I know it was before I lost my job. I lost my
24 job January 28th.

25 Q A few minutes ago, you testified it was in February

LINSEY YARBOROUGH - BY MR. NIELSON

1 that you first heard about it, right?

2 A If you read on it, though, it first said February 2
3 and then I had it corrected by the end of the testimony.

4 Q And you corrected it, correct?

5 A Yes, sir.

6 Q Okay. Because those are your initials on there above
7 the correction?

8 A Yes, sir.

9 Q Okay. And you testified and you wrote in your
10 statement that you came to the house and the safe was
11 already at the house, correct?

12 A Yes, sir.

13 Q It was in the living room?

14 A Yes, sir.

15 Q You didn't help Jason carry the safe in?

16 A No, sir.

17 Q And you also testified and wrote in your statement
18 that you did not pop the safe open, correct?

19 A No, sir.

20 Q You didn't help Jason with that?

21 A No, sir.

22 Q Okay. And you told the solicitor on direct
23 examination that you were not promised anything when you
24 pled guilty, correct?

25 A Yes, sir.

LINSEY YARBOROUGH - BY MR. NIELSON

1 Q Do you expect that pleading guilty and coming to
2 court today will help you in your sentencing?

3 A I hope to God it does.

4 Q So that's what you're hoping for, correct?

5 A I'm hoping it does.

6 Q And is that why you pled guilty? Part of why you
7 pled guilty?

8 A No, I pled guilty because it's the truth.

9 Q Okay.

10 A I mean, I was there. I didn't help with the opening,
11 but I was there. I was sitting on the couch with a room
12 full of people. I was there. The TV was mine.

13 Q Did you show Jason where to dig the safe up at?

14 A No, sir.

15 Q Because you told them about it, right?

16 A I told them about it, yes, sir.

17 Q Okay.

18 A I never seen where it was at myself. I was told
19 about where it was at. I mean, the field is only so big.

20 Q Okay. Did -- you wrote on here you were worried
21 about the safe being in the backyard, correct?

22 A Sir?

23 Q You were worried about the safe being in the
24 backyard?

25 A I wasn't worried about it, no, sir.

LINSEY YARBOROUGH - BY MR. NIELSON

1 Q Okay. Didn't you write in your statement that you
2 asked him if he was just going to leave it in the yard?

3 A Yes, sir.

4 Q Why did you write that in your statement if you
5 weren't worried about him leaving it in the yard?

6 A Because I love the man. I was hoping if it was
7 stolen, he was going to get rid of it.

8 Q Okay. Let's move to the TV.

9 A Yes, sir.

10 Q Is there anything about the TV that would make
11 someone believe that it was stolen just by looking at the
12 TV?

13 A I mean, no, sir. This person I bought it from, he
14 goes dumpster diving all the time on the way home from
15 work. We pull into the store, he goes to the trash
16 dumpster. I mean, he had a nice flat screen TV with no
17 power cord for ten bucks. I figured hey, it's worth a
18 shot of buying it, you know.

19 Q But there's nothing about it, like it didn't say
20 property of somebody on it or anything like that?

21 A No, sir.

22 Q Okay. And you're familiar -- you were in and out of
23 the house where your sister and Jason were living,
24 correct?

25 A Yes, sir.

LINSEY YARBOROUGH - BY MR. NIELSON

1 Q The house on Pinckney?

2 A Yes, sir.

3 Q Do you remember seeing the microwave in that house?

4 A I seen the microwave, but I never had no questions
5 about it.

6 Q Was there anything special about that microwave that
7 would lead you to believe it was stolen?

8 A No, sir.

9 Q And you bought the TV not believing it was stolen?

10 A Yes, sir.

11 Q Okay. So when Jason bought it from you, you didn't
12 tell him it was a stolen TV, did you?

13 A No.

14 Q So when he bought the TV from you, there's nothing
15 that you can think of that would have led him to believe
16 it was stolen?

17 A No, sir.

18 Q Okay.

19 A I mean, just to tell you the truth, Mark, like I
20 said, he comes by the house all the time, so I mean it
21 wasn't have been nothing I figured -- like I said, I
22 figured if he had it, probably something he found and got
23 it for a cheap price and was selling it for a cheap price.

24 Q In January of 2015 when you heard that Mark Buccolu
25 had stolen some safes out of a house on Meadowbrook.

LINSEY YARBOROUGH - BY MR. NIELSON

1 Where was Jason at that point?

2 A He was in prison.

3 Q So he couldn't -- so he couldn't have taken it that
4 time, correct?

5 A No, sir.

6 Q Okay. And when was the first time you saw him in
7 Chester County after January of 2015?

8 A First time I seen him in Chester County?

9 Q Uh-huh.

10 A Wasn't until April.

11 Q Okay. And you -- and your sister is his wife,
12 correct?

13 A Yes, sir.

14 Q If he had come to Chester County to visit at any
15 point in time, do you think you would have seen him?

16 A I was living in Lockhart at the time. I wasn't
17 living in Chester.

18 Q How often did you see your sister?

19 A I seen -- I don't see my sister that often. I really
20 try to keep my distance from her.

21 Q But you and Jason are close. You testified to that
22 on direct, correct?

23 A Jason is my brother-in-law. I been knowing him my
24 whole life. I consider him my brother.

25 Q Okay. All right.

1 MR. NIELSON: Beg the Court's indulgence for one
2 minute. No further questions, Your Honor.

3 THE COURT: Anything further, Madame Solicitor?

4 MS. HALL: No, sir.

5 THE COURT: All right. Thank you, sir. You can step
6 down.

7 State call its next witness.

8 MS. HALL: Give me one second, Your Honor.

9 THE COURT: Okay.

10 MS. HALL: May we approach?

11 THE COURT: Yes.

12 (WHEREUPON, a bench conference was held in the
13 presence of but not within the hearing of the jury.)

14 MS. HALL: Your Honor, my understanding after
15 conferring with Mr. Nielson is that the defense is willing
16 to stipulate that the items that the state alleges are at
17 issue in this case in terms of the receiving stolen goods
18 case, those items are of value and the value is less than
19 \$2,000.

20 THE COURT: Okay.

21 MR. NIELSON: And we will stipulate.

22 THE COURT: Mr. Nielson, is that correct?

23 MR. NIELSON: Yes, Your Honor.

24 THE COURT: Ladies and gentlemen, there's been what's
25 called a stipulation by both the state and the defense. A

1 stipulation, what that means -- and that's a legal word.
2 What it means is that both parties agree that the items at
3 issue that you have to -- you'll make the ultimate
4 decision as to guilt or innocence, the items at issue are
5 valued at less than \$2,000. One of the charges you will
6 have to consider when you deliberate is whether or not the
7 state has met the burden of proving the crime of receiving
8 stolen goods \$2,000 or less. And you heard the defense
9 stipulate that the value of the items, if you believe the
10 state has proven beyond a reasonable doubt the charge of
11 receiving stolen goods, the defense has conceded that the
12 value is less than \$2,000. So stipulation means that fact
13 is established. We don't have to determine that fact.
14 Okay. Thank you.

15 Anything further from the state?

16 MS. HALL: No. That was my last witness, the
17 valuation witness, and now there's no need, so the state
18 rests.

19 THE COURT: All right. The state rests.

20 Ladies and gentlemen, at this point in time, we need
21 to take a little break. I need to take up some matters
22 with the attorneys. Use this as your midafternoon break,
23 you can refresh and everything. We'll get you back in
24 here as soon as possible. Don't talk about the case.

25 (The jury left open court at 2:26 p.m.)

1 THE COURT: All right, Mr. Nielson.

2 MR. NIELSON: Yes, Your Honor. At this point, we
3 would move for a directed verdict on this case and that
4 Your Honor would rule as a matter of law this case should
5 not continue forward and direct a verdict for the defense.

6 THE COURT: All right. That motion is respectfully
7 denied. I believe there is enough evidence in the record
8 where a reasonable jury could -- and especially
9 considering the light most favorable to the nonmoving
10 party, the state has met its burden of proof up to this
11 point in time. Maybe not necessarily through direct, but
12 certainly through circumstantial evidence, the state has
13 met that burden.

14 MR. NIELSON: Thank you, Your Honor.

15 THE COURT: I believe there is enough substantial
16 circumstantial evidence in the case.

17 Anything further?

18 MR. NIELSON: No, Your Honor.

19 THE COURT: All right. Let me talk to your client at
20 this time.

21 Mr. Morton, if you'll please stand. Raise your right
22 hand for me.

23 JASON MORTON, after having first being duly sworn,
24 testified under oath as follows:

25 MR. NIELSON: Your Honor, before you start on my

1 client -- either before or after you talk to my client, I
2 would like to have a word with him in private before he
3 makes his decision.

4 THE COURT: Absolutely, that would be fine. We can
5 do that during the break. Are you ready for me to speak
6 to him about his right to testify now?

7 MR. NIELSON: That's what I'm saying, I think it
8 would be better if I spoke with him first.

9 THE COURT: Why don't we go ahead and do that and
10 then I'll question him.

11 MR. NIELSON: Thank you, Your Honor.

12 THE COURT: All right. You're under oath. Speak
13 loud so my court reporter can hear you. At this time, I'm
14 going to explain certain rights that you have. If you
15 don't understand anything I say, please stop me and I'll
16 be glad to go over it with you again. If you want me to
17 explain anything in more detail, I'll be glad to do that.
18 Do you understand?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Okay. We've now reached the stage of the
21 trial where you can present your defense. You have a
22 right to claim the protections given to you by our
23 Fifth Amendment to the United States Constitution, which,
24 of course, states that no person shall be compelled in any
25 criminal case to be a witness against himself. This means

1 you cannot be required to testify in this case. You
2 certainly have the right to testify if you want to, but
3 nobody can make you do that. This is a personal right
4 that you have and nobody can waive this right except for
5 you. Do you understand that?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Now, if you do decide to testify, you'll
8 be subject to the same rules which govern other witnesses
9 and you may be examined and cross-examined on any relevant
10 issue in this case. Just like your lawyer has tried to
11 make witnesses look bad and make them look not believable,
12 the State's lawyers will try to do the same thing to you.

13 In addition, if you have any convictions involving
14 dishonesty or false statement or crimes punishable by
15 imprisonment for more than one year and the Court
16 determines that the probative value outweighs the
17 prejudicial effect at the introduction of those, the state
18 could seek to impeach your testimony by bringing those up.

19 Now, you've heard -- you were in here earlier where I
20 issued a ruling where the state can bring up some previous
21 convictions you have. Do you understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Okay. So if you decide to testify, your
24 decision must be made freely and voluntarily and, of
25 course, you understand completely your Fifth Amendment

1 right. And if you decide not to testify, I will issue a
2 specific instruction to the jury that they can't even
3 bring that up in the deliberation room and they're not to
4 hold that against you because you don't have to prove
5 anything. So anyway, do you understand everything I've
6 explained to you?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Do you have any questions about what I've
9 explained to you?

10 THE DEFENDANT: No, sir.

11 THE COURT: Have you discussed with your lawyer about
12 whether or not you should or should not testify?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Do you need any more time to talk to your
15 lawyer about it?

16 THE DEFENDANT: No, sir.

17 THE COURT: Do you wish to testify?

18 THE DEFENDANT: No, sir.

19 THE COURT: I'm sorry?

20 THE DEFENDANT: No, sir.

21 THE COURT: So you're not going to testify. Thank
22 you.

23 And Mr. Nielson, do you agree with that decision?

24 MR. NIELSON: I do, Your Honor.

25 THE COURT: All right. Thank you.

1 Anything else right now?

2 MS. HALL: No, sir, nothing else from the state.

3 THE COURT: All right. Scheduling-wise then, how
4 many witnesses do you have?

5 MR. NIELSON: I'm going to call four. I think we
6 ought to do my witnesses and then be done for the day. I
7 think that was brought up earlier.

8 MS. HALL: Four?

9 MR. NIELSON: I'm recalling one of yours.

10 MS. HALL: The grandmother --

11 MR. NIELSON: I'm recalling one of the cops.

12 MS. HALL: All right.

13 THE COURT: Okay. That's HM , Hannah
M.
14 , the other Morton --

15 MR. NIELSON: And I'm going to recall Detective
16 Sanders.

17 THE COURT: Okay. Okay.

18 Anything else before we bring the jury back?

19 We're all on the same page now. What we're going to
20 do is run through those witnesses and then we're going to
21 call it for the day. We'll argue and charge tomorrow.

22 MR. NIELSON: Yes, Your Honor.

23 THE COURT: Okay. Sounds good.

24 Everybody ready? Anybody need to run to the restroom
25 real quick other than me?

1 (The jury entered the courtroom at 2:34 p.m.)

2 THE COURT: All members of the jury are present. The
3 state has rested.

4 Mr. Nielson.

5 MR. NIELSON: Your Honor, at this time, we would
6 call -- recall Detective Brian Sanders.

7 THE COURT: Sir, you're still under oath. If you
8 would just have a seat.

9 THE WITNESS: Yes, sir.

10 DIRECT EXAMINATION

11 BY MR. NIELSON:

12 Q Detective Sanders, when you went to the house on
13 Meadowbrook in early -- late April, early May, why were
14 you out there to begin with?

15 A The reason we were out there looking?

16 Q Yes, sir.

17 A Because of what we were told about the safe Detective
18 Young picked up from -- previously, they said it was from
19 an abandoned house on Meadowbrook?

20 Q Had there been any other break-ins or burglaries out
21 in that area previously in the year?

22 A I cannot say. I do not know. That were reported?

23 Q Yes, sir.

24 A That were reported, I do not know.

25 Q So you don't know of any burglaries that occurred out

BRIAN SANDERS - DIRECT EXAMINATION BY MR. NIELSON

1 in that area at that time?

2 A Reported-wise, Ms. Talbert did tell me about the
3 house being previously broken into, but she didn't report
4 it.

5 MR. NIELSON: No further questions, Your Honor.

6 THE COURT: Any questions?

7 CROSS-EXAMINATION

8 BY MS. HALL:

9 Q You said Ms. Talbert told you that her house had been
10 previously broken into?

11 A Yes, a few months prior, but she did not report it.

12 Q Did she say what was taken?

13 A At the time when that was done, several firearms, old
14 coins and an Earnhardt collection were taken.

15 Q And at this time when you took her back over to the
16 house, what did she notice missing at that time?

17 A At that time, there were several tools, a red riding
18 mower, a 357 reloading kit and a safe.

19 Q And did she tell you about some sort of a time frame
20 for the first time the house was broken into?

21 A She just said two months prior.

22 Q Two months prior?

23 A About two months prior.

24 Q And that would be two months prior to the May 4th or
25 6th or whatever date that you took her over there?

BRIAN SANDERS - CROSS-EXAMINATION BY MS. HALL

1 A Yes, ma'am.

2 Q But she never reported it?

3 A No, ma'am.

4 Q Do you know Mark Buccolu or Bobo Melton?

5 A I've run into Bobo Melton before. Mark Buccolu, I
6 believe I don't know.

7 MS. HALL: All right. Thank you.

8 MR. NIELSON: No further questions, Your Honor.

9 THE COURT: Thank you, sir. You can step down.
10 You may call your next witness.

11 MR. NIELSON: The defense at this point would call
12 HM

13 THE COURT: HM

14 -- are you HM

15 THE WITNESS: Yes, sir.

16 THE COURT: Come on up here, HM . Stand there and
17 raise your right hand for me.

18 HM , after having first being duly sworn,
19 testified under oath as follows:

20 DIRECT EXAMINATION

21 BY MR. NIELSON:

22 Q Talk into the microphone good and loud, okay, HM ?

23 A Yes, sir.

24 Q Will you state your name for the record?

25 A HM

HM

- DIRECT EXAMINATION BY MR. NIELSON

- 1 Q And how old are you, HM ?
- 2 A Eleven.
- 3 Q Do you know Jason Morton?
- 4 A Yes, sir.
- 5 Q How do you know Jason?
- 6 A He's my daddy.
- 7 Q And do you know the codefendant, Linsey Yarborough,
- 8 who was also arrested in this case?
- 9 A Yes, sir, he's my uncle.
- 10 Q And tell me about how you feel about your dad and
- 11 your uncle?
- 12 A Well, I don't want my daddy to get lied on. I mean,
- 13 I love them both, but I just can't let my daddy get lied
- 14 on.
- 15 Q What do you mean? Tell me about that. Is there --
- 16 tell me what you mean by you're not going to let him get
- 17 lied on?
- 18 A Well, my uncle, he was in -- at the time while this
- 19 stuff was going on, my daddy was still in prison.
- 20 Q And what do you mean "this stuff"? What do you mean
- 21 by that?
- 22 A Like the safe getting stole.
- 23 Q How do you know that the safe was stolen before your
- 24 dad got out of prison?
- 25 A Well, my grandma -- my mom just got out of jail and

HM

- DIRECT EXAMINATION BY MR. NIELSON

1 she was doing pretty good, so we would keep on, on and on
2 trying to get my aunt to let us go to my mama's. Well,
3 mama told my nana that she'd pick us up and take us
4 straight to my mom's. And so after that, we went to Mark
5 Buccolu's house.

6 Q Okay.

7 A And it was -- I was playing with this little boy,
8 Carter, and my sister was in the room with the little girl
9 they call Fatback. Well, we was sitting there and --
10 well, they was all in the kitchen and I didn't know what
11 they was doing and I was playing a game with Carter, so we
12 walked in the kitchen and they was putting money in a
13 sock.

14 Q What do you mean by money when you say putting money
15 in a sock?

16 A Like old money, like big coins.

17 Q How do you know it was old?

18 A Because I never seen it. It was like big quarters,
19 looked like, and they told me it was dollars.

20 Q Okay.

21 A And Mark gave me one.

22 Q What did you do with the coin?

23 A I spent it.

24 Q How do you know where that coin came from?

25 A Well, Mark told me it was his uncle's, that his uncle

HM

- DIRECT EXAMINATION BY MR. NIELSON

1 gave it.

2 MS. HALL: Your Honor, I'm going to object to this
3 and I hate to do it to a child, but I mean, this is so
4 much hearsay all over the place.

5 THE COURT: I sustain the objection. Hearsay is
6 hearsay.

7 MR. NIELSON: Okay.

8 BY MR. NIELSON:

9 Q But who was it that gave you the coin?

10 A Mark Buccolu.

11 Q Was either Jason Morton or Linsey Yarborough involved
12 in giving you the coin?

13 A No, sir.

14 MR. NIELSON: Okay. No further questions for this
15 witness.

16 THE COURT: All right. Ms. Hall.

17 CROSS-EXAMINATION

18 BY MS. HALL:

19 Q HM , do you remember when it was that you went
20 over to -- let me see what you said his name was. What
21 was the little child you were playing with?

22 A Carter.

23 Q Connor?

24 A Carter.

25 Q Carter, I'm sorry. And when did you go over to his

HM

- CROSS-EXAMINATION BY MS. HALL

1 house, do you remember when it was?

2 A No, ma'am, I'm not for sure.

3 Q Do you remember if it was cold outside or hot
4 outside?

5 A It was hot out. It was warm, it wasn't hot.

6 Q Okay. And was it after Christmas, before Christmas?
7 When's your birthday?

8 A

9 Q Was it before your birthday?

10 A I think so.

11 Q Okay.

12 A I'm not for sure.

13 Q And do you remember what day it was your daddy got to
14 come home?

15 A No, ma'am.

16 Q Did you know if your daddy was working anywhere, like
17 while he was in prison?

18 A Yes, ma'am.

19 Q Okay. He got a job so that when he got out of
20 prison -- while he was still like under the Department of
21 Corrections, he got a job, didn't he?

22 A Yes, ma'am.

23 Q And they were actually paying him, right?

24 A Yes, ma'am.

25 Q And do you know what that's called?

HM

- CROSS-EXAMINATION BY MS. HALL

1 A Where he was working?

2 Q Well, where was he working?

3 A He was working in a junk yard.

4 Q Okay. And do you know if that's called work release?

5 A Yes, ma'am, that's what it's called.

6 Q Is that what it's called? And that prepares people
7 so when they get out, they can come home and take care of
8 their family, right?

9 A Yes, ma'am.

10 Q Okay. Do you know how long your daddy had been doing
11 that before he got out of -- got to come home and got out
12 of prison?

13 A No, ma'am. When he came home, he was still working
14 there.

15 Q Oh, good. So that was the idea, right, you get the
16 job and you get to keep working there?

17 A Yes, ma'am.

18 Q Do you know how work release works?

19 A Yes, ma'am.

20 Q How does it work?

21 A It works like when you're in prison, you go to work
22 then and then, like you said, they prepare you to come
23 home.

24 Q And they take you from the prison and drop you off at
25 the job, right?

HM

- CROSS-EXAMINATION BY MS. HALL

1 A Yes, ma'am.

2 Q And leave you there all day, which is why it's called
3 release?

4 A Yes, ma'am.

5 Q Does that make sense? Okay. You love your daddy,
6 don't you?

7 A Yes, sir -- yes, ma'am.

8 Q That's the second time that's happened to me today,
9 so that's okay. And --

10 MS. HALL: I don't have anything else. Thank you.

11 THE COURT: Mr. Nielson, anything else?

12 MR. NIELSON: No further questions.

13 THE COURT: Thank you, HM. Take care, buddy.

14 Call your next witness.

15 MR. NIELSON: The state at this point would call

16 Hannah -- or the defense at this point calls Hannah
M.

18 THE COURT: Stand right there for me and raise your
19 right hand.

20 Hannah M., after having first being duly sworn,
21 testified under oath as follows:

22 THE COURT: Thank you so much. Have a seat right
23 there.

24 DIRECT EXAMINATION

25 BY MR. NIELSON:

Hannah M.

- DIRECT EXAMINATION BY MR. NIELSON

1 Q Okay, Hannah, I'm going to ask you to speak very
2 loudly and clearly right into the microphone, okay?

3 A Uh-huh.

4 Q Will you state your name for the record?

5 A Yes, sir. Hannah M.

6 Q And do you know Jason Morton?

7 A Yes, sir.

8 Q How do you know Jason?

9 A He's my father.

10 Q And do you know the codefendant who was also arrested
11 with him, Linsey Yarborough?

12 A Yes, sir, it's my uncle.

13 Q And during the early part of this year, was there a
14 time your uncle gave you anything?

15 A Yes, sir.

16 Q Tell me about that.

17 A Well, I received some baseball cards he had given me.
18 And actually, I asked them from him and he said that's
19 fine, I could have them.

20 Q Okay. Where were you at when that happened?

21 A I was at my grandmother's house.

22 Q Okay. Which grandmother's house?

23 A Maureen Yarborough, which is Linsey's mother.

24 Q Okay. So you were at her house and you asked for the
25 baseball cards, is that what you said?

Hannah M.

- DIRECT EXAMINATION BY MR. NIELSON

1 A Yes, sir.

2 Q And he agreed to give them to you?

3 A Yes.

4 Q What kind of baseball cards were these?

5 A Well, actually, they were older. They wasn't the new
6 type of baseball cards. They were an older version of
7 baseball cards.

8 Q Do you know what brand they were or anything like
9 that?

10 A No, sir. I just know they wasn't the kind --
11 usually, they put the gloss over the baseball card. These
12 were more like paper.

13 Q So they weren't glossy like what you knew as baseball
14 cards?

15 A Yes, sir.

16 Q Had you seen newer baseball cards before?

17 A Yes.

18 Q So you knew what a baseball card looked like?

19 A Yes.

20 Q So you knew these were different from that?

21 A Yes, sir.

22 Q Do you know how old they were?

23 A No, sir. I actually wanted them because I have a
24 brother and he's really into baseball. so I was going to
25 show them to him.

Hannah M.

- DIRECT EXAMINATION BY MR. NIELSON

1 Q And do you remember when this was?

2 A Yes, sir, it was after Christmas.

3 Q And where was your dad when this all happened?

4 A Prison.

5 Q Had you seen your dad since he got home from prison
6 before all this happened?

7 A Yeah, I went to visit him.

8 Q In prison? You went to visit him in prison?

9 A I spoke with him over phone calls.

10 Q Okay. But you hadn't seen him in Chester County
11 since he went to prison before Linsey gave you the
12 baseball cards?

13 A Huh-uh.

14 MR. NIELSON: No further questions, Your Honor.

15 THE COURT: All right.

16 MS. HALL: I don't have any questions for her.

17 THE COURT: All right. Thank you. You're free to
18 leave. Step down right out that door.

19 All right. Call your next witness.

20 MR. NIELSON: At this point, the defense would call
21 Connie Morton.

22 THE COURT: Connie Morton.

23 Come on over here. Raise your right hand.

24 CONNIE MORTON, after having first being duly sworn,
25 testified under oath as follows:

CONNIE MORTON - DIRECT EXAMINATION BY MR. NIELSON

1 THE COURT: Thank you. Have a seat. Come on over
2 here. Just pull that microphone to you and make sure you
3 speak into it.

4 All right. Mr. Nielson.

5 DIRECT EXAMINATION

6 BY MR. NIELSON:

7 Q Ms. Morton, I'm going to ask you to speak very loudly
8 and clearly into the microphone if you can, okay?

9 A Okay.

10 Q Will you state your name for the record?

11 A My name is Connie Morton.

12 Q And do you know Jason Morton?

13 A I do.

14 Q How do you know Jason?

15 A He's my grandson.

16 Q And do you know Hannah M. ?

17 A I do.

18 Q How do you know Hannah?

19 A She's my great-grandbaby.

20 Q And was there ever a time earlier this year where she
21 showed you something that she received?

22 A Yes, sir.

23 Q Tell me about that.

24 A She come down to my house and she said --

25 MS. HALL: Your Honor, I'm going to object to what

CONNIE MORTON - DIRECT EXAMINATION BY MR. NIELSON

1 the child said to her.

2 BY MS. NIELSON:

3 Q Okay. Without saying what the child said, will you
4 please tell me what the child showed you or what she --

5 A She showed me some cards that her Uncle Linsey gave
6 her.

7 Q Okay. What kind of cards were they?

8 A Old cards.

9 Q Did you see them?

10 A I did, but I didn't -- you know, I didn't see a name
11 on them.

12 Q Okay.

13 A But I did see the cards.

14 Q Okay. How do you know they were baseball cards?

15 MS. HALL: Objection. She hasn't said she knows that
16 they were baseball cards. He said what kind of cards are
17 they and she said I do not know.

18 MR. NIELSON: She said she showed her baseball cards.

19 MS. HALL: I didn't hear that. She said some old
20 cards.

21 THE COURT: Hang on.

22 Repeat your question.

23 BY MS. NIELSON:

24 Q What type of cards were you shown?

25 A Old cards.

CONNIE MORTON - DIRECT EXAMINATION BY MR. NIELSON

1 Q Okay. What was on the cards?

2 A Baseball cards.

3 Q Okay. So how do you know they were baseball cards?

4 A Because I saw them.

5 Q What was on them that showed you that they were
6 baseball cards?

7 A Their names and stuff like that was on it, the date.

8 Q Okay. What were the dates, do you remember?

9 A Oh, gosh. Back in 1930, 1900's.

10 Q Okay.

11 A They were real old.

12 Q They were old?

13 A Old.

14 Q Okay. And would you tell me about your relationship
15 with Jason?

16 A Well, he's my grandson and I love him.

17 Q Okay.

18 A But I wouldn't lie for him.

19 Q Tell me more about that. What in your past shows you
20 would not lie for your grandchildren?

21 MS. HALL: Objection. She's -- he's bolstering
22 credibility.

23 THE COURT: I don't know what her answer is going to
24 be yet.

25 THE WITNESS: What did I do?

CONNIE MORTON - DIRECT EXAMINATION BY MR. NIELSON

1 THE COURT: Hang on. You don't say anything yet.

2 What was your question?

3 MR. NIELSON: I asked what in your past has shown
4 that you would not lie for your grandchildren?

5 THE WITNESS: Because I --

6 THE COURT: Hang on.

7 That objection is sustained.

8 BY MR. NIELSON:

9 Q But you wouldn't come here and lie for Jason?

10 A Pardon?

11 Q You would not come here and lie for Jason?

12 A Oh, no.

13 MR. NIELSON: No further questions.

14 THE WITNESS: No, sir.

15 THE COURT: All right. Ms. Hall, your witness.

16 Hang on.

17 Any questions?

18 CROSS-EXAMINATION

19 BY MS. HALL:

20 Q Where does Hannah live?

21 A Hannah lives with her grandmother. I'm her
22 great-grandmother.

23

24 Q So does she live with your daughter?

25 A No, Jason's mother. She was my daughter-in-law at

CONNIE MORTON - CROSS-EXAMINATION BY MS. HALL

1 one time, but they divorced and she remarried.

2 Q So Hannah lives with her grandmother?

3 A Right.

4 Q And do you know Danielle Morton?

5 A I do.

6 Q Okay. And she's the mother of those children,
7 correct?

8 A Yes, she is.

9 Q Does she have custody of those children to your
10 knowledge?

11 A Does she what?

12 Q She doesn't have custody of those children, does she?

13 A No.

14 Q She doesn't have a driver's license either, does she?

15 A She doesn't drive?

16 Q Right. She doesn't have a driver's license?

17 A Danielle?

18 Q Uh-huh.

19 A As far as I know, she does. I don't know.

20 Q All right. And does she bring the children by your
21 house?

22 A No, she don't have a lot to do with them babies.

23 Q She doesn't?

24 A No.

25 MS. HALL: That's it. I don't have anything.

CONNIE MORTON - CROSS-EXAMINATION BY MS. HALL

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

2 Call your next witness.

3 MR. NIELSON: At this point, the defense rests.

4 THE COURT: The defense rests.

5 Does the state have anything in reply?

6 MS. HALL: Recalling Linsey Yarborough.

7 THE COURT: Okay.

8 MR. NIELSON: Your Honor, I would ask that all my
9 witnesses be excused.

10 THE COURT: They can leave if they would like to,
11 absolutely.

12 Mr. Yarborough, you're still under oath. Have a seat
13 right there.

14 REDIRECT EXAMINATION

15 BY MS. HALL:

16 Q Mr. Yarborough, do you know Hannah M. ?

17 A Yes, ma'am.

18 Q Who is she?

19 A She's my niece.

20 Q How are you related to her?

21 A She's my sister's daughter.

22 Q Did you give her any baseball cards?

23 A No, ma'am.

24 MS. HALL: I don't have anything else.

25 THE COURT: Any questions, Mr. Nielson?

1 MR. NIELSON: No, Your Honor.

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

3 Anything further in reply?

4 MS. HALL: No.

5 THE COURT: All right. Ladies and gentlemen, we've
6 now reached the end of the testimony and evidence stage of
7 the trial. Hang on a second.

8 Let me see the lawyers.

9 (A bench conference was held in the presence but not
10 within the hearing of the jury.)

11 THE COURT: Ladies and gentlemen, I know it's just
12 now 3:00, but given the potential length of arguments --
13 and, of course, I know y'all love hearing that, and given
14 the potential -- you know, I've got to read you the law
15 and explain to you the law that's going to be involved,
16 we're going to go ahead and cut it short this afternoon.
17 I have some other matters I need to deal with anyway not
18 involved with this case.

19 So that's the good news, you get to leave for the
20 day. But I do need you back in your jury room tomorrow
21 morning at 9:30 so we can do what's called argue and
22 charge tomorrow. That way you get the case tomorrow and
23 you'll be able to start deliberating.

24 So remember, when you leave here today, don't discuss
25 this case with anybody, don't let anybody try to discuss

1 the case with you, okay. Don't go on social media and
2 look for information or tell everybody you're a juror,
3 don't try to Google names and look things up because you'd
4 be violating your oath as a trial juror. Remember, your
5 decision must be made and can only be made from the
6 evidence received in this case in this courtroom and that
7 witness stand. Okay. So we'll see you tomorrow morning
8 at 9:30. You're free to go.

9 (The jury left open court at 3:01 p.m.)

10 THE COURT: Anything else for the day?

11 MR. NIELSON: Your Honor, just a housekeeping note.
12 You asked us to look over the charges and the verdict
13 form, I have no problem with the verdict form. There are
14 a couple of things on the charges, though. There's been
15 no expert witnesses in this case, so --

16 THE COURT: Yeah, I just always have him print that
17 out any time. I'm not going to charge that.

18 MR. NIELSON: And then secondly, I've already given
19 this case to the state. I'd like to hand up state V.
20 Logan. And I would ask for the circumstantial charge out
21 of state V. Logan. And I don't really care if it's added
22 to the circumstantial charge you gave us, but I
23 highlighted the holding in the case for Your Honor to
24 read.

25 THE COURT: Well, the charge that I currently give on

1 circumstantial has all that, except the sentence that if
2 these circumstances merely portray the defendant's
3 behavior as suspicious, the proof has failed.

4 MR. NIELSON: I believe it's very similar, I agree
5 with that, Your Honor. I would ask --

6 THE COURT: You want me to add that one sentence?

7 MR. NIELSON: I would ask to add the whole charge our
8 Supreme Court has asked to be given. As they say, that is
9 the proper charge when we request it. I believe that's
10 current law when we request.

11 THE COURT: Okay.

12 MR. NIELSON: And I'm amenable to adding it to your
13 current thing. And I understand that that's going to make
14 it a little bit longer, but I would ask for that to be
15 added.

16 THE COURT: I don't want to be redundant and keep
17 saying the same thing over and over again. I'm looking at
18 it and --

19 MR. NIELSON: Your Honor, I'd also be okay with
20 giving this as the charge and then you can still include
21 the example if you want to after having this replace the
22 charge part of it.

23 THE COURT: Right. The one part I see that's
24 different from what I currently charge is the sentence --
25 two sentences, if these circumstances merely portray the

1 defendant's behavior as suspicious, the proof has failed.
2 I'm going to charge that. And then I'll also charge the
3 burden rest with the state regardless of whether the state
4 relies on direct evidence, circumstantial or some
5 combination of the two.

6 MR. NIELSON: Okay. Where are you going to put that
7 in your charge?

8 THE COURT: I don't know yet. I'll read it out as I
9 go through it. I'm going to put that in here right now.

10 MR. NIELSON: Thank you, Your Honor.

11 THE COURT: All right. Anything else on the charge
12 or verdict form?

13 MS. HALL: I would just ask for an accomplice
14 liability charge.

15 THE COURT: Accomplice liability? Okay. I'll look
16 at it and see.

17 MS. HALL: Hand of one, hand of all.

18 THE COURT: Let's deal it with right now. Pull it
19 up. What do you mean by accomplice -- what specific
20 charge?

21 MS. HALL: Hand of one, hand of all. They were
22 codefendants in there. This codefendant has talked
23 about --

24 THE COURT: Okay.

25 MS. HALL: -- his involvement and he's...

1 THE COURT: Any objection to that?

2 MR. NIELSON: Just that I'm not sure the codefendant
3 actually testified to -- that he was guilty of it. I
4 mean, he said he pled guilty to it, but I'm not sure based
5 on his testimony he said he was guilty of it. He said he
6 watched Jason do it.

7 MS. HALL: Natasha Hatcher does say that they were
8 both acting in concert.

9 THE COURT: Are you talking hand of one, hand of all
10 or accomplice liability?

11 MS. HALL: Well, it's hand of one, hand of all.

12 THE COURT: It's not really accomplice. If a crime
13 is committed by two or more people who are acting together
14 in committing a crime, the act of one is the act of all.

15 MS. HALL: That's it.

16 THE COURT: I'll charge that.

17 What else?

18 MS. HALL: I don't have anything else.

19 MR. NIELSON: Nothing else, Your Honor.

20 THE COURT: We're in recess.

21 MR. NIELSON: Thank you, Your Honor.

22 (Court was adjourned at 3:06 p.m. on December 16th
23 and resumed at 9:47 a.m. on December 17th, 2016.)

24 THE COURT: Anything from anybody before we bring the
25 jury in for closing arguments?

1 MS. HALL: Nothing from the State.

2 MR. NIELSON: No, Your Honor.

3 THE COURT: Okay.

4 (The jury entered the courtroom at 9:48 a.m.)

5 THE COURT: All members of the jury are present.

6 Good morning, ladies and gentlemen. We'll get right
7 to it this morning with closing arguments. As I told you
8 day before yesterday, what you're about to hear is a
9 summary from the lawyers representing their respective
10 points of view about what the evidence has shown, okay.
11 As I indicated to you earlier, these arguments are not
12 evidence. You've already heard the evidence that has been
13 received by the Court and you will have that evidence when
14 you start deliberating later on this morning. But after
15 closing arguments is when I will charge you on the law
16 applicable to this case.

17 Thank you so much. Please pay close attention to the
18 lawyers as they summarize the case from their respective
19 points of view.

20 Mr. Nielson.

21 MR. NIELSON: Thank you, Your Honor.

22 CLOSING ARGUMENTS

23 BY MR. NIELSON:

24 I told you a couple days ago you're going to hear a
25 lot of stuff in this case. I told you you were going to

1 hear things you like. I told you you were going to hear
2 things you didn't like. I told you you were going to hear
3 things that would make you question, make you think. I
4 believe all that's happened. I believe you probably heard
5 things that make you not like my client very much for some
6 of you. And I have no doubt that's true. Some of those
7 things -- some of those things may include people he hangs
8 out with, may include places he's been. It's come out in
9 the evidence my client was in prison not too long ago.
10 That came out as part of the testimony you've heard.
11 You've heard a lot of things, but what you haven't heard
12 is you have not heard evidence that would prove beyond a
13 reasonable doubt that Jason Morton committed either
14 safecracking or that he received stolen goods.

15 I want to start by talking about what those two
16 things mean. For receiving stolen goods, the State, as we
17 talked about at the beginning, must have proved that he
18 received goods that were stolen and either knew or should
19 have known that those goods were, in fact, stolen. Now,
20 to be guilty of safecracking, it must be proven that Jason
21 took part in opening the safe and that he participated in
22 that activity in some way.

23 Now, you're going to hear the judge talking about
24 different things like accomplice liability and things like
25 that. And listen to the judge and hear what he has to

1 say. But I tell you that at the end of all of this,
2 there's no way that that can be shown.

3 And let me just review some of the evidence as I see
4 it and as I heard it from this witness stand and,
5 hopefully, you did as well. I want to start by talking
6 about the TV and the microwave. The one thing that no one
7 has said from that witness stand is that the TV and the
8 microwave had any markings, any numbers, any property
9 tags, anything else that would show to be different than
10 any other TV and microwave. The person the TV and the
11 microwave was stolen from told that a normal person would
12 not have the ability to know it was a stolen microwave or
13 TV just by looking at it. The cops told you that. But
14 Mr. Yarborough when he testified yesterday said there's no
15 way when he sold the TV to Jason that Jason should have
16 known it was stolen.

17 There is no evidence, none that has been presented to
18 you that Jason should know this TV was stolen other than
19 the fact that it was stolen. Yes, there's been evidence
20 there was a stolen TV and potentially a stolen microwave
21 in a house where Jason was staying. That's the only
22 evidence they're using. I submit to you there is no way,
23 no way that that overcomes the presumption of innocence
24 that Jason has that he's entitled to to say that he knew
25 those things were stolen. I think that's the easier part

1 to talk about.

2 The harder part, and what I want to spend a little
3 bit more time talking about than that, is the safe and the
4 cracking of the safe. I don't know how y'all can be
5 expected, how y'all can be expected to come back with a
6 verdict of guilt. Because the solicitor's office has
7 presented evidence through witnesses they called to tell
8 multiple stories. To tell different stories about how my
9 client may have been involved in the cracking of the safe.
10 Let's go through those stories.

11 Let's started with Natasha. Natasha actually told
12 two stories by herself. She told an original story to the
13 police that Jason and Linsey together brought this safe
14 into the house, she went back to the bedroom -- and you're
15 going to have all this because it's in the evidence --
16 that she went back to the bedroom. She heard the safe hit
17 the floor. I'm not sure how a safe hitting the floor
18 sounds differently than any other large object that could
19 fall and hit the floor, but she testified -- she said in
20 her statement that she heard it hit the floor, in the
21 statement she gave to the police. She stated that -- she
22 told you that she wrote that statement the day after all
23 of this happened.

24 Now, when pressed on that with the date that was
25 actually written on her written statement versus the date

1 she talked to the police, which was nine days later, not
2 the day after she talked to -- after she -- after this --
3 she says this stuff allegedly happened. She said oh,
4 well, the cops filled that in. So now, the cops are lying
5 or she's lying already.

6 When the detective got on the stand, I asked him
7 about the date on it. He said it was on there when she
8 filled out the statement and she signed it at the bottom
9 saying that it was all true. And her signature is there
10 at the bottom of the statement saying this is what
11 happened. That's the statement that the police relied on
12 in the investigation, that Jason has relied on in
13 preparing a defense. And then we come here to court and
14 we hear a different story of people coming in and out of
15 the house multiple times, carrying things in and going
16 back up the road and carrying things in and going back up
17 the road. And we hear this story, a fantastic story.

18 But I submit to you based on the fact that she filled
19 out a statement that she could have wrote all that in the
20 statement if it was true seven months ago when she first
21 talked to the police, not yesterday when she came into
22 court and talked to y'all. That's the first time we heard
23 it, this fantastic story. There's story number one.

24 And I want to point out a couple more things about
25 Ms. Hatcher's testimony. She also told you -- I gave her

1 ample opportunity to explain why she didn't go to the
2 police. I asked, Do you not trust the police? Are you
3 scared of the police? I asked her those questions. And
4 what she said was, Well, I see these things on TV, so I
5 decided to do this investigation on my own for some time.
6 Is that what a scared adult taking care of a
7 seven-year-old child does? She said she was scared of
8 Jason and the other people that she was with because they
9 were criminals. She is Danielle Morton's stepsister. She
10 is stepsisters with my client. She's stepsisters with my
11 client's wife, which you heard in testimony. She didn't
12 know who he was? She didn't know what kind of person he
13 was before she moved in there? And now all of a sudden,
14 she's scared of these criminals. It doesn't make sense.

15 I'm asking you to use logic and common sense to
16 realize these stories are exactly that, they're stories.
17 They're not the truth. They're not what actually
18 happened. We know that because somebody else told a
19 different story. A completely different story. An adult
20 in fear for their life, as Ms. Hatcher stated she was,
21 calls the police immediately, April 22nd, once she secures
22 her child from school. Doesn't wait until May 1st.
23 Doesn't wait 10 days.

24 Now, before I get to the second story, I want to talk
25 about Ms. Wells. Y'all heard Ms. Wells. She might have

1 been the shortest testimony you heard of this week because
2 she didn't say anything that implicates anyone. She said
3 she walked in a house where four people were sitting.
4 Linsey Yarborough, Janet Guyton, Danielle Morton, Jason
5 Morton are sitting and sees a safe on the floor, an
6 unopened safe, and a memorabilia -- a card memorabilia
7 album of some kind sitting next to it. Now, the state
8 alleges the memorabilia album came out of the safe. Well,
9 the safe wasn't open, I'm not sure how it came out. But
10 that's what she claims she saw. She didn't see anybody
11 open the safe. She doesn't even know if the safe was
12 open. She doesn't know what was inside. Didn't see the
13 safe get taken by anybody. All she saw was a safe, maybe
14 this safe, maybe not this safe, but a safe sitting on the
15 living room floor. I would tell you that there's nothing
16 illegal about that. There's nothing illegal about my
17 client owning a safe even if that safe was in the living
18 room floor. So I would argue that doesn't have anything
19 to do with this case because she didn't see anything
20 that's relevant to this case.

21 Next, the second story we heard. Y'all heard Linsey
22 Yarborough get on the witness stand yesterday. Linsey got
23 up there and told a fantastic story that serves one
24 purpose and one purpose only, to help him. Now, he told
25 you that he hasn't been promised anything for his

1 testimony, but he also told you that he sure hopes it
2 helps. He told you he's already pled guilty to these
3 things. And he sure hopes that his testimony against
4 Jason helps. That's why he's -- he told you that's why
5 he's giving testimony, that and because he wanted to tell
6 the truth, of course. Of course, that was his main reason
7 for wanting to tell his story.

8 But what story did he tell? He told a story about a
9 house being broken into on Meadowbrook that was backed up,
10 by the way, by Detective Sanders's story that this house
11 had been broken into on multiple occasions. And that the
12 owner of that house told the police that prior to the
13 April breaking in, there was another breaking in that
14 occurred a few months before that. So he told a story
15 about somebody else, some guy named Mark stealing the safe
16 and burying it in, I believe, a guy named Bobo Melton's
17 backyard. So that's the story that he told. And then, of
18 course, he says I might have told Jason where that safe
19 was, I don't know what happened after that. I was there
20 the day that Jason popped over the safe. I submit to you
21 that that is most self-serving statement that he could
22 have made that could have helped him. It lets him admit
23 to the minimal culpability and put it all off on someone
24 else.

25 Now, I don't know why Linsey would put it all off on

1 Jason, but -- other than the fact that Jason was also
2 charged so it was an easy person for him to put it all off
3 on. But I would argue to you that that story is tainted
4 beyond belief by the fact that the only person it
5 potentially helps is Linsey himself.

6 Now, I also submit to you that that is a completely
7 different story of what happened, than the story that
8 Natasha Hatcher told you. Natasha Hatcher told you story
9 A. Linsey Yarborough tells you story B. Both called to
10 testify and tell you these stories by the state. I don't
11 know how the state can expect y'all as a jury to find
12 somebody guilty when they can't even figure out through
13 their detectives and through their investigation what the
14 actual story is, what my client did wrong. They told you
15 multiple stories. Natasha told you two by herself and
16 Linsey is kind of a third if you want to look at it that
17 way.

18 And then to back up whichever of their many stories
19 you want to believe, you heard from HM, who
20 said that a guy named Mark gave him a silver coin. He
21 called it a large quarter, I believe. And said that Mark
22 had given it to him when Mark was filling up socks with
23 these coins. That kind of tends to back up the fact --
24 and he told you that this all happened while his dad was
25 in prison. That kind of tends to back up the fact that if

1 these were the coins that came out of the safe off of
2 Meadowbrook, which Linsey told you was broken into back in
3 January, that my client couldn't have broken open those
4 safes; they were broke open back in January.

5 Also, you heard from Hannah, who, once again, Linsey
6 contradicted this statement by coming out and giving a
7 self-serving statement that said no, I never gave her
8 baseball cards. But Hannah came before you and said
9 Linsey gave me baseball cards. And once again, where was
10 dad when Linsey gave her the baseball cards? Dad was in
11 prison. She told you to the best of her knowledge, dad
12 was still in prison.

13 Now, to kind of get -- to -- also as a part of
14 Hannah's, you heard from Connie Morton, who Hannah showed
15 the baseball cards to. And she said -- and Connie told
16 you that Hannah had showed her old baseball cards. And
17 both Hannah and Connie said the baseball cards were old
18 baseball cards, which is what my client's alleged to have
19 stolen. It was alleged to have been in that safe.

20 Now, the one thing I know the solicitor is going to
21 get up and tell you, there's no way we can know even if
22 Hannah got baseball cards if they were those baseball
23 cards. There's a million baseball cards. I'll grant you
24 that. But when we're talking about a safe that was stolen
25 that had old baseball cards in it and you heard from one

1 of the people who's admitted that he was involved in that,
2 giving his niece old baseball cards, I think we can make
3 that connection. We can make that leap.

4 What else? The last couple things that we heard in
5 testimony. Ms. Talbert told you that that safe was kept
6 in a back bedroom in her house. She said we bought it at
7 Sears, brought it home, put our valuables in it in the
8 back bedroom in the house. There's photographs of the
9 safe. You don't have to rely on what it looks like now,
10 you've seen photographs of the safe from May of this year
11 that shows the safe. You can see the condition of the
12 safe. You can see that there's rust on the safe. There's
13 rust around the legs. There's rust on the top. There's
14 rust on the edges. That rust existed seven months ago in
15 May. I submit to you that we can make the assumption that
16 it took a while for that to get there in something of a
17 condition.

18 If this safe was stolen on April 21st or, by the way,
19 April 24th is when Linsey said all this happened -- we
20 can't even get our dates straight. But if we assume that
21 on April 21st or April 24th, the safe was taken out of
22 Ms. Talbert's house and then thrown in the backyard
23 discarded like garbage and found by the police a week or
24 two later, would it have had -- would it have had rust on
25 it if it was kept inside, housed in a protective

1 environment inside somebody's house? You get to make that
2 decision. Those are -- these are the things that come
3 into the credibility of these stories.

4 Everything in this case points to this safe being
5 gone in January and somebody else breaking it open. Not
6 waiting until April for my client to be the person who
7 breaks it open. People who break into a house and steal a
8 safe and let's not open it, let's bury it and wait for him
9 to be the one who opens the safe. That's the leap that
10 the solicitor is asking you to make.

11 I want to talk about reasonable doubt for just a
12 minute. Now, reasonable doubt is very simple in theory.
13 Reasonable doubt is a doubt that would make a reasonable
14 person hesitate to act. Y'all are on this jury because we
15 believe you to be what we would consider reasonable
16 people. The judge asked you all the qualifying questions
17 at beginning of the week. You met all the qualifications
18 for what a reasonable person would be. Each -- myself and
19 the solicitor had the opportunity to say no to people we
20 didn't believe were reasonable. So we believe y'all can
21 be the reasonable people we're talking about when we say
22 would make a reasonable person hesitate to act.

23 This is what I consider hesitation to act. Many
24 years ago when I was a young child, I was out behind our
25 house. I grew up on a ranch. There was nothing but open

1 space behind my house. And I was out there with my
2 brother behind the fence. And there was a little gate and
3 a walkway that went through the fence right near where we
4 were playing. And me and my brother were playing
5 baseball. My brother was pitching and I was swinging and
6 I was hitting baseballs. And my brother would throw and
7 I'd hit the baseball in the pasture. And then after a
8 while, we'd go gather up all the balls and do it again.
9 So we're out there just playing baseball, me and my
10 brother.

11 I have another brother who came wandering out to see
12 what his older brothers were doing. Without seeing him,
13 my brother threw the ball and I took a swing and it hit my
14 brother right across the back of the neck and shoulders.
15 My brother, of course, who's four or five years old, falls
16 down. In pain, he gets up screaming, runs in the house,
17 which is less than a hundred yards away, screaming mommy,
18 mommy, Devon hit me with a baseball bat.

19 My mother, of course, incensed, comes out of the
20 house yelling, What did you do to your little brother?
21 Grabs me, and I said, Wait, wait, wait, wait, I didn't see
22 him. And at that moment when she was about ready to give
23 me what I had coming to me, she hesitated and let me tell
24 her my side of the story. That hesitation that a
25 reasonable person has in listening to the evidence and

1 then hearing the evidence and after hearing it, I didn't
2 get in trouble. It was an accident because there was
3 nothing there. That's what I would tell you has happened
4 here.

5 There's going to be things that bother you. I'm not
6 naive to that. But one thing you are not going to have
7 when you go back to talk about this case is I would
8 hope -- you have heard the evidence and listened to it,
9 heard everything that was said from this witness stand,
10 heard multiple stories where the state can't even decide
11 which side of the story they want to tell you, multiple
12 days where this may have happened, waiting and what would
13 an adult do and all these conclusions. All I'm asking is
14 for you to use your brains and think about those things.
15 And if you individually, each one of you individually have
16 questions about whether they have proven that Jason did
17 this, that's reasonable doubt. We put in your hands
18 because we believe you to be reasonable. I submit to you
19 that that's what important here. Not if you don't know
20 because if you don't know, then we go back to the
21 beginning. The first thing I talked to you about two days
22 go, which is Jason Morton is presumed innocent until it's
23 proven that he is, in fact, guilty.

24 With that being said, I would ask you to bring back a
25 verdict of not guilty on both charges. Thank you.

1 THE COURT: Thank you, Mr. Nielson.

2 And Ms. Hall.

3 CLOSING ARGUMENTS

4 BY MS. HALL

5 Good morning. I'm going to apologize in advance, I
6 told you guys when you first started there was going to be
7 a lot of information that we were going to put out in
8 front of you. And I do want to review all of it. I'm not
9 going to belabor the point, but I do want to go through it
10 because it's important to review a little bit. So my
11 apologies for looking at my notes.

12 But anyway, I said there was a lot of information,
13 several witnesses and you've got to sort through what
14 you've heard. And everything that you've heard comes from
15 the witness stand. And you're going to have to -- there's
16 two things, there's direct evidence and there's
17 circumstantial evidence. Direct evidence is testimony
18 that a person who has actual knowledge of a fact, like an
19 eyewitness. I would submit to you that's Natasha Hatcher,
20 Linsey Yarborough, those people saw things going on. They
21 told you about them and they came here to testify.

22 Circumstantial evidence is proof of a chain of facts
23 and circumstances that indicate the existence of a fact.
24 And the Court sometime uses an analogy about snow on the
25 ground, if there's snow on the ground in the morning. But

1 you're sleeping and you don't know what happened, you
2 don't know it snowed outside that night. But you get up
3 and it snowed and you see these footprints walking across
4 the snow. You can assume that somebody has walked across
5 your yard after it started snowing. That's circumstantial
6 evidence. That kind of gives you an idea of what it is.
7 And that also comes in the form of testimony. It may not
8 be people who exactly saw things directly. And a lot of
9 times, it comes from police officers because they're
10 gathering facts and making conclusion and deductions from
11 what evidence they've gathered.

12 So what we talked about when people got up there and
13 testified, you got -- I mean, I agree. That's the one
14 thing Mr. Nielson and I can agree on. You guys were
15 chosen because you were reasonable people. That's
16 probably about the only thing we can agree on right now.
17 But the credibility of the witnesses has to be judged, the
18 bias of the witnesses has to be judged, the demeanor of
19 the witnesses has to be judged and whether they were
20 confused or whether they go through the whole thing
21 without becoming confused or being made confused on either
22 direct examination or cross-examination. So you had an
23 opportunity to do that.

24 And Mr. Nielson told you in his opening that there
25 was nothing in this case that does not include bias or an

1 angle. And I would have to submit to you that we disagree
2 very greatly about that. He talks about Linsey Yarborough
3 extensively. Linsey Yarborough came in here and he said
4 he loves Jason Morton very much. And Mr. Nielson told you
5 just a minute ago that Linsey Yarborough's entire
6 testimony was self-serving. I want to talk about that for
7 a second.

8 Mr. Yarborough told, Yeah, I'm hoping to help myself.
9 And I submit to you that the courts do smile on people who
10 take responsibility for their actions. That is the first
11 step to rehabilitation, taking responsibility for your
12 actions. So yes, he's up there taking responsibility for
13 what he did, tempering it, though, with his love for Jason
14 Morton. But he's pled guilty, y'all. He has no reason to
15 say Jason Morton opened the safe. He's already pled
16 guilty to safecracking. He's saying that I was part of
17 it. When you stand up and plead guilty, say yeah, I'm
18 guilty of safecracking, you're saying yeah, I'm part of
19 it, but he did it, too. That's not self-serving, that's
20 just telling the truth. He has no reason to put it on
21 Jason Morton when he's already taken responsibility for
22 part of it. He's done this without any promise, but he
23 does have hope. And it's for the reason I just told you
24 about, the Court smiling on people who take responsibility
25 for the things they have done. He wants to tell the

1 truth. He's trying to rehabilitate himself.

2 And he -- Mr. Nielson also indicated to you that his
3 entire testimony was completely different from Natasha
4 Hatcher and talking about all these stories flying around.
5 And I'll get to that in just a few minutes, but I want to
6 point out on the front end just two glaring things that
7 are extremely consistent with what was said. And there
8 are some confusion about dates, but I doubt very seriously
9 these people are writing on a calendar as these things
10 happen. But everybody knows that April 30th is when
11 everything came to a head. And I'm going to come back to
12 this in a minute.

13 The things that are consistent about it is that
14 Natasha said I reported it to Sylvia and Mr. Yarborough
15 says Sylvia confronted me about it. So we know that
16 Natasha reported it to Sylvia because Sylvia confronted
17 him. And we know that this -- and then we know that on
18 April 30th some other events happened, but keep that date
19 in mind and I'm going to come back to that in a minute.

20 And unfortunately, the people who have the most bias
21 and angle to come into court and talk to you are the
22 children and they were brought in here. We've got an
23 11-year-old little boy who came in here, HM , who loves
24 his daddy very much. These children, in the aftermath of
25 this, I would submit, have the most to deal with. Their

1 daddy just got out of prison, their mama just got out of
2 prison. Mama doesn't have much to do with them and
3 they're paraded into court to testify for their dad. They
4 were confused is what I would submit to you. They were
5 very confused. And I would submit to you that if you've
6 ever had children, I have children, then you would
7 understand children do not pay a lot of attention to
8 dates. I would assume that's why they did -- especially
9 11 and 13.

10 But children do pay attention to things like
11 birthdays and Christmas and holidays and birthdays, like I
12 said before. And they also pay attention to weather. And
13 you heard little HM get up there and say yeah, this
14 man, Mr. Buccolu, he gave me some coins and it was hot
15 outside. And I would ask that you go back in your mind
16 and think about all the snow days that we had in January
17 of this past year.

18 I would also submit that even so, even so, even if
19 Mark Buccolu gave him the coins, it doesn't even make any
20 difference because you heard Linsey Yarborough get up
21 there and say yeah, in January sometime, Mark Buccolu told
22 me that he hit a house and he had gotten a whole bunch of
23 coins and gotten some safes and gotten some other stuff
24 out of the house, I can't remember what it was right now,
25 might come back to that, too, but there were coins

1 involved with this. And so that's -- it's not
2 inconsistent at all.

3 And then you heard Hannah come in here and I -- I
4 mean, you saw what happened on cross-examination, I just
5 don't have anything to ask her. She comes in and she says
6 yeah, Linsey Yarborough gave me some baseball cards. And
7 what I found most interesting about it and I would submit
8 to you that Connie Morton came in here and tried to clean
9 that up. And she, too, loves Jason Morton. I mean, he's
10 her grandson, she loves him very much. She comes in here
11 and she tells you two times. One time Mr. Nielson asked
12 you, What did your granddaughter show you? She showed me
13 some old cards, but I didn't really pay attention to what
14 was on them. I didn't really know what they were. And
15 then Mr. Nielson, I would submit, put words in her mouth,
16 and says, What about those baseball cards? And if you'll
17 recall, I objected and we came back to Ms. Morton again
18 and she said, I said they were old cards. And then all of
19 a sudden, even though she wasn't paying attention to what
20 was on them the first time, now they've got dates, they've
21 got all kinds of details that she could not recall until
22 her memory is jogged. And I would submit to you the angle
23 and bias and the only angle and bias that exist in this
24 situation was those three witnesses.

25 I would also submit to you that Danielle Morton

1 played an extensive role in part of this. Obviously,
2 she's not charged, but I want to -- she's Linsey
3 Yarborough's sister. She -- he doesn't have much to do
4 with her. She's Natasha's stepsister. Natasha said we
5 lived -- she lived -- they lived a rougher life than we
6 did. I didn't really have much to do with her. Jason,
7 though, loved her, he loved her very much -- or loves her.
8 He definitely exhibited signs of love and commitment at
9 the time of the incident. They've been together since she
10 was 13 years old. Natasha and Ray and the little boy
11 moved in with them in order to decrease their bills. And
12 Natasha tells you this on the stand. We're going to lower
13 our bills, our monthly bills. We're going to move out of
14 my mama's house where we're paying on this rent and we're
15 going to move in with them.

16 And she said -- and the little child -- one of the
17 little children, maybe it was Connie, said well, yeah,
18 Danielle was doing a lot better. Jason had just gotten
19 out of prison. We were hoping everything was going well.
20 The little boy tells you yeah, daddy had a job and he had
21 gotten out on work release prior to actually being
22 released from prison and he had gotten the job. And the
23 little boy, you could see the shine in his eyes. He was
24 hoping everything was going to get better. And I would
25 submit to you Natasha was also hoping the same thing. She

1 was hoping not only in decreasing her bills, but in
2 helping them out a little bit by moving into the house
3 with them with basically her stepsister and her husband.

4 So they move in. And everything's good for about a
5 week. And then she said -- she tells you that Jason and
6 Danielle start staying out all night. Jason's boss is
7 calling Natasha's phone to look for him. They thought he
8 was at work, he wasn't at work. Nobody really knew.
9 These are things that indicate little red flag here,
10 little red flag here. And the red flags start to get
11 bigger and bigger and bigger.

12 And then about another week passes and things start
13 to get really bad. And she comes in one day and she sees
14 Jason and Linsey Yarborough and Danielle Morton in the
15 kitchen with the microwave. She sees Danielle Morton
16 cleaning it out. And Jason Morton saying, Good job, baby.
17 Thank you. Good job. Because he loves her. She says
18 they brought the microwave in that night, they cleaned it
19 up. They brought the TV in the same night.

20 Couple of nights pass. She says Linsey Yarborough
21 comes in with a pocketful of coins. And she says Danielle
22 is biting the coins, she's throwing the coins, she's
23 trying to figure out if the coins are real. And then
24 Jason Morton's interest peaks. And he said -- and he
25 starts asking Linsey Yarborough, Hey, what else is out

1 there? What else? Are you sure there's a safe in the
2 back of that house? Are you positive there's a safe in
3 the back of that house? And I would submit to you -- Mr.
4 Nielson talked about hesitating, but Jason Morton
5 hesitates. He's like, No, man, I don't want go back the
6 prison. They go back to the bedroom and they start to
7 argue. And she hears -- and it doesn't matter what
8 they're doing back in there, but she says she hears some
9 snorting and something going on. And they come out,
10 Jason's dressed down in black and he is ready to go
11 because his wife convinced him this is a good idea.

12 And he does a little cost-benefit analysis. He said,
13 Well, you know, it's an abandoned house. What's the
14 chance of anybody realizing what we're doing? What's the
15 chance of anybody noticing? So I'm going to risk it.
16 They put stuff on, Linsey come on, let's go. Danielle
17 drives them and they go, you heard Detective Sanders say,
18 less than a mile around the corner. And less than a mile
19 around the corner to Meadowbrook Road. Oddly enough,
20 Bob Melton, who you heard everybody talking about, who
21 says he buried the safe in his yard, his house happens to
22 be right next door to that. The properties touch each
23 other.

24 So Danielle goes -- drives them over there. She
25 wants Jason to go. She's pushing him out the door trying

1 to get him to go get more stuff. Natasha says they're
2 gone five or ten minutes, again, less than a mile around
3 the corner. She said they're dressed in black. They've
4 got on black everything and gloves. And she said they
5 come back a little while later and they've got a purple
6 scooter. They've got Dale Earnhardt cars.

7 If you recall asking Ms. Talbert to -- she was the
8 resident -- she wasn't even the resident, but she owned
9 that Meadowbrook Road house. And I asked her to
10 circle -- she talked about Dale Earnhardt memorabilia that
11 had been taken from her house during a break-in. And she
12 says that she didn't really report it. And I would submit
13 to you if they're stashing stuff around, they could be
14 taking it out of the house at that particular moment.
15 They're not charged with that. Police officers could not
16 find enough evidence to charge them with actually breaking
17 in the house, but they charge them with possession of
18 receiving stolen goods. Possession or receiving, we went
19 over that in my opening, we'll do it later. Same thing,
20 that's what they're charged them. That's what they have
21 evidence to charge them with.

22 So now they've got the stuff. They're bringing it
23 back the house. They come in. Dale Earnhardt cards,
24 Mickey Mantle baseball cards. And Natasha told you about
25 that, too, and the old purple scooter. And she said she

1 hears them out there talking. Danielle's on her phone
2 trying to figure out how much they're worth and the Mickey
3 Mantle baseball cards, some old baseball cards. The safe
4 has not come into the picture at this point. Then she
5 says they go back out again, gone just for a few minute
6 and they bring in a white safe. She saw -- she sees them
7 get pry tools and begin to open it and she goes to bed.

8 And then she gets up in the middle of night to go to
9 the bathroom and she sees the safe open and there's stuff
10 everywhere. And she goes back to bed. And I submit to
11 you she's ducking and trying to keep her blinders on.
12 She's just moved into this place. She's trying to make it
13 work.

14 She goes back to bed, wakes up the next morning
15 disturbed enough about it that she calls her mom.
16 Somebody's got to know what's going on over here. Mom,
17 this is what's going on. I just want you to know. I'm
18 not sure what I'm going to do with this information. I
19 might just ride it out a little. She never said she was
20 trying to investigate this herself. Detective Young said
21 he thought she was trying to investigate this herself.
22 She never says that. She said I wasn't really sure what
23 was happening. I was kind of laying low.

24 When the police go back over there -- I want to
25 remind you about the gloves -- she said they had on these

1 gloves. And when they went over there and served the
2 search warrant and the gloves that are layed out in this
3 picture right there, she said, Yeah, those were the
4 gloves. And oddly enough, they're in a bag behind the
5 couch, stuck behind the couch with Dale Earnhardt cars,
6 some trophy from Ms. Talbert's son and a screwdriver,
7 which I would submit to you can be used as a pry tool,
8 which Linsey Yarborough said, indeed, that's what it was
9 used for.

10 So Linsey Yarborough is worried about Jason putting a
11 safe -- the safe out there in the yard and he's worried
12 about Tasha -- do you trust Tasha and Ray? Should you be
13 putting the safe in your yard? And I would submit to you
14 at that point in time, he is looking out for both of them.
15 Is this a good idea? I'm not really sure we should be
16 doing this. And then he says, well -- then he is trying
17 to temper his testimony because he does love Jason Morton.
18 He said, Well, maybe he bought it. Who buys a safe and
19 then uses a pry bar to open it in the middle of the night?
20 And I would submit again, Jason wasn't really worried
21 about the house. This was an abandoned house. He's not
22 really worried about anybody finding this thing.

23 And we're going to talk about demeanor and bias in
24 just a little bit. When police officers come in and they
25 testify, you know, they're just doing their job. They

1 tried. And you can see that safe, it's got fingerprint
2 dust all over it still. They tried their best to get
3 fingerprints off of it. You don't put fingerprints on
4 something when you're using gloves to open it. They never
5 arrested anybody for burglary. They couldn't prove
6 anybody breaking into a house.

7 Natasha Hatcher had no reason to call the police and
8 report this and come to court and testify against her
9 family if it's not true. None. She had everything to
10 lose. She's just moved into this house. She was trying
11 to ride it out. She was worried, told her mom. The mom
12 is actually the one who pushed the issue, not Natasha
13 Hatcher. And yeah, when her mom pushed the issue -- and
14 we'll go back to the April 30th date.

15 On April 30th, Jason Morton comes in, Linsey
16 Yarborough comes running over there, Sylvia just told me,
17 she just told me that you -- Natasha's inside, Jason, come
18 here, I've got to tell you something. Natasha, she's
19 telling. I told you you couldn't trust her. I asked you,
20 Are you sure you can trust them? No, you can't trust
21 Natasha. That was a bad idea because Natasha told her mom
22 and now they're calling the police and they're going to
23 get warrants and we're in trouble, we're in big trouble.
24 And Jason runs inside, gets Danielle and says, I got a
25 bullet for you and your mama, you ratting bitch is what he

1 said to her. And she said that on the stand.

2 Now, she's scared. And I would submit to you anybody
3 would be in that situation. And that's when she starts
4 talking about -- and Mr. Nielson touched on this. That's
5 when she starts talking about watching TV. And she's
6 like, okay, I don't know what to do. I've never been in
7 this situation before. And she tells you that, I've never
8 been in this situation before.

9 So she goes across the street to someone she trusts,
10 Danny, who own the Danny's store. And I would submit to
11 you he's a businessman and she's thinking he'll know what
12 to do, let me go ask for help from him. So she goes over
13 there and she says, Danny, I don't know what to do. And
14 he said, Look, calm down. Calm down. Lindzey Campbell is
15 coming in later on this afternoon. She works here and she
16 knows some police officers, so when she gets here, you
17 come back across the street and she'll help you. And so
18 she goes back across the street and she calls her mom.
19 She says, "You've got to get my kid from school." She's
20 worried, got to get my kid from school.

21 She goes back across the street as soon as she
22 Lindzey Campbell's car drive in the driveway -- or the
23 store parking lot or whatever it was. Goes back across
24 the street, you have to help me. Lindzey calls the police
25 officer she knows, Al Crawford, here is the phone, talk to

1 Al Crawford. And she tells him all this stuff. And
2 they -- then the police come to the house. Al Crawford
3 doesn't come because he's doing something else, but Wade
4 Young comes to see about her and to see what's going on
5 over there.

6 He shows up. He starts investigating the situation.
7 Walks in the door -- you heard from Amberly Lee Ann
8 Freeman -- and Mr. Nielson's first question, were you
9 convicted of shoplifting? So what, who cares? She's got
10 her housebroken into. She's had her TV stolen. She's had
11 her microwave stolen. And so Detective Young comes in and
12 he had just investigated that crime. He's like, Oh, my
13 God, there's a TV that looks like that might be the TV.
14 And he was astute enough to take a picture of the back of
15 the television. Thank goodness he did because once he got
16 back to actually get it, it was gone. But he also
17 understood that if he couldn't prove it stolen at the
18 time, he couldn't take it out of the house.

19 So they go -- Ms. Freeman, hey, what's going on? Did
20 you -- is there anyway you could get me access to the
21 serial number? I have a picture and I just want to see if
22 that's the same television. Well, yeah, actually, World
23 Finance. Oh, my goodness, that's the same television. So
24 they do their investigation.

25 And this -- again, they're coming out there on

1 April 30th. This is documented. They come out there on
2 April 30th. She calls the police on April 30th. Lindzey
3 Campbell says she sees the police car come at about 9:30
4 that night. The police car comes. They did their
5 investigation. And she also said -- Lindzey Campbell, who
6 again, has no dog in this fight, says I saw something
7 weird. They had fires over there about three times a
8 week, but I had never really seen them do it that late at
9 night. That was really odd. And she said I saw three
10 people over there. And somebody who worked -- they walked
11 and I don't know who these people were. I couldn't see
12 that far, couldn't see what was going on. But she did say
13 it was really weird that they were doing it this late.
14 And that's the end of it, that's the end of what she had
15 to offer. But she has no dog in this fight whatsoever,
16 she's just a witness.

17 And I'm going to go back real quick. Mr. Nielson
18 asked Ms. Hatcher, do you have any reason to distrust the
19 police officers, trying to convict her of not calling the
20 police in a timely fashion. Again, she went to a place
21 she trusted, to people she trusted. She received advice
22 from someone she trusted and she followed that advice all
23 the way through. And she said, I wasn't worried -- it
24 wasn't the police I was worried about. I don't have any
25 distrust of the police. I'm worried about the criminals I

1 live with across the street. And Mr. Nielson put words in
2 her mouth, started talking about things going out of
3 order.

4 Now, I want to make this point to you real quick.
5 You can tell a lot more about details in terms of dates
6 when you've colluded your stories. When you've got a
7 little bit of a discrepancy, but the basic substantial
8 facts are the same and the only thing we're playing with
9 are dates, saying it's the 21st, no, it's the 24th, might
10 have been the 24th, I'm not really sure. And that's the
11 only Mr. Nielson has to point to you is a discrepancy, I
12 would submit to you that goes more to show they were
13 telling the truth. Like I said, I would submit they were
14 not keeping this stuff on a calendar. They were doing the
15 best they could to recall the actual dates of what
16 happened.

17 But on the 30th, we know that the volcano erupted and
18 everything broke apart. We know Sylvia called Linsey on
19 it. We know they came over to the house with Jason. We
20 know Jason got Danielle and left. We know that the police
21 came to the house. We know that they saw -- they took the
22 safe then because it was out in yard, so they can take
23 things out of the yard, but just couldn't take them out of
24 the house. Take the safe into evidence, which is right
25 there, and take pictures of all this stuff. Yeah, there's

1 a stolen TV. Ms. Freeman, yeah, here's your microwave.
2 And Mr. Nielson make a big deal like there's no stickers
3 of property of. Who puts property of Julie Hall on the
4 back of their microwave? Property of -- and that's not
5 knew or should have known. If everything had a property
6 of or put some sort of wood burning on everything you
7 owned, yeah, everybody's going to know it's your property.

8 But should have known is what I submit to you is
9 going on here. He should have known. You buy a TV like
10 that for \$40, you think you're not going to know or should
11 have known that it was stolen? And if you consider where
12 it's coming from. Linsey Yarborough said, Yeah, I didn't
13 know it was stolen. He said sometimes Bobo Melton just
14 told me he broke into all these houses and sometimes he
15 tells me that he goes dumpster diving. And again, that's
16 him tempering his statement. And he loves Jason Morton
17 and he's trying to make that a little less onerous than it
18 actually seems to be. But he knew good and well he
19 couldn't purchase that TV for \$10. And again, he pled
20 guilty to receiving stolen goods. He's taking
21 responsibility for doing exactly that. He should have
22 known. He probably did know, he definitely should have
23 known. But it doesn't matter in terms of the conviction
24 that he pled to because it all comes out in the wash with
25 that. He should have known for \$10. Jason Morton should

1 have known for \$40, getting it from the source he got it
2 from, should have known, yeah, there's something going on
3 here. So they both carry it into the house. And
4 definitely should have known about the microwave. He's
5 got some dirty microwave. Nobody ever paid -- he never
6 actually paid anything for the TV either.

7 But they carry all the stuff in, they're cleaning it
8 up, they're putting it in their own use and their putting
9 knickknacks, you know, people are using it. Natasha
10 Hatcher said she doesn't really know where it came from,
11 but she's not going to ask any questions at this point.
12 The television doesn't have a cord, so it just stays in
13 the floor. I'm come back to that in just a second.

14 And Mr. Nielson wants to talk about Ms. Talbert. I
15 would submit to you Ms. Talbert came in here under great
16 duress. She's coming in here to testify while her son is
17 sitting in the hospital nonresponsive. And she told you
18 that. She talks about the Dale Earnhardt cars, how she --
19 and she circles them on the thing, how her son collected
20 them over his life. He had the safe, had it in his room
21 with baseball cards in it. And Natasha Hatcher seems to
22 be fairly knowledgeable about Dale Earnhardt, too. She
23 said these things are so old, I could tell that somebody
24 had been collecting them all their life. Said something
25 about Dale, Sr. and his car. And both these people have

1 given testimony that these were an old collection that had
2 been going on for a long time..

3 Mary Talbert also tells you about the purple scooter.
4 And she also -- she gets -- she says, well, my house was
5 broken into and she didn't report it the first time. This
6 was the only time she reported it was when the detective
7 went over to her house and said we been kind of looking at
8 these abandoned houses, there's some weird stuff going on
9 and your window is open over here. Do you know what --
10 oh, let me go back over there with you and see what's
11 going on.. Well, yeah, actually, there's a lot of stuff
12 missing. And, you know, about two months ago, there were
13 a lot of stuff missing, too, but I didn't report that. So
14 she's had things go missing throughout the course of this
15 time. And I would submit to you again that that's what
16 Jason Morton is banking on when he's doing this cost
17 benefit analysis, that nobody is really going to that
18 house. It's right around the corner from where he lives.
19 Perhaps, he was looking out there to make sure nobody was
20 going there.

21 And then Mr. Nielson wants to make a big deal of rust
22 and dirt on the safe and she kept it in her bedroom. They
23 threw it in the yard and it stayed out there for somewhere
24 around at least a week before the police got it. She also
25 said it was really old. And I would submit -- it's in

1 evidence, you can look at it. It doesn't really have that
2 much rust on it. It's got a lot of fingerprint dust on
3 it, but not a lot of rust. But it would be consistent
4 with it being thrown in the junk pile in April.

5 And then Mr. Nielson talked about Brittany Wells and
6 I'll talk about her, too. That lady did not -- she
7 clearly did not want to be here. She had no bias. She
8 does tell you that she comes in and she sees this safe
9 that looks similar to that safe in the yard -- I mean,
10 sitting in the living room about sometime around the
11 middle of April. And she also says she sees a memorabilia
12 card album. And Mr. Nielson said the state alleges that
13 that came -- we don't allege that that came out of the
14 safe. That never came out. We never talked about that.
15 That safe was closed is what Brittany Wells said, whether
16 it stayed in the living room or was moved somewhere else
17 or outside in the yard, which again, would count for the
18 rust. She said it looked very similar to that, looks like
19 the same one. But it was closed when she saw it.

20 So I want to go through this timeline real quick and
21 we're going to go through a little bit of law and I'll be
22 finished. But I want to talk about mid-April, Natasha,
23 Ray and the son move in. They start -- things start to
24 get weird -- and we've gone over, I'm not going to go back
25 all over all that. Couple days before the end of April,

1 though, which I think is fairly significant and I would
2 submit to you that it is, Linsey Yarborough was confronted
3 by Sylvia, the mother of Natasha. Couple of days --
4 that's a couple of days before the end of April. Natasha
5 is home and Linsey Yarborough comes over, pulls Jason out
6 on the porch and she overhears him saying they've got the
7 warrant, they're calling the police. Jason comes back in
8 and threatens her. She gets scared, does the only thing
9 she knows to do, runs across the street, ask for help,
10 which she ultimately gets in the form of Wade Young. The
11 investigators come into her house.

12 And then some more interesting things happen. That
13 same day Linsey Yarborough gets a call from Jason Morton
14 saying, Hey, man, will you get rid of that safe for me?
15 Linsey Yarborough is like no way, not doing that. Not
16 going back over there. So the police get there. When
17 they get there, the safe is still in the yard because
18 Linsey Yarborough didn't go get it. And they get the safe
19 and they take it back to the police department. They
20 don't take anything else.

21 Natasha Hatcher, once the police leave, she goes to a
22 hotel with her husband and gets out of there because she's
23 scared, which is consistent with everything she said. And
24 again, Lindzey Campbell sees the burn fire after the
25 police are gone, late at night. And that is consistent

1 with what Linsey Yarborough says because he says Jason
2 calls him and says I've gotten rid of -- I got rid of
3 the -- I got rid of your TV is what he said. It was -- I
4 would submit it's Jason Morton's TV at this point. Got
5 rid of your TV, which I was in possession of, and I went
6 outside -- or he didn't say I went outside -- he didn't
7 say where he went. He just says that he burned the
8 baseball cards. And I'll submit to you he didn't just
9 burn the ones from the safe, he burned the other ones that
10 he found earlier.

11 You saw a picture of the house. You see the picture
12 of the rubble pile with the safe in it. There's the burn
13 barrel, which you can kind of see in this one, too. And
14 then you couldn't really tell what they were, the
15 investigators were astute enough again to take pictures of
16 what I would submit to you are burned baseball cards,
17 which is completely consistent with what Linsey Yarborough
18 said Jason Morton told him what happened. And again, the
19 detective said we couldn't get -- we couldn't tell what
20 they were. Well, that was the point, y'all, that was the
21 point. Burn them up so somebody can tell what they were.
22 Get rid of the evidence.

23 When the police go back the next day to execute the
24 search warrant that they've gotten for the house, in
25 addition to burning baseball cards, they get the TV, they

1 take the scooter, everything -- they don't take the Dale
2 Earnhardt cards because the Dale Earnhardt cards are -- I
3 mean cars are in a bag with the gloves with the
4 screwdriver with a trophy from Ms. Talbert's son's room
5 stuffed behind the couch which they don't see. And I
6 submit to you they really don't see the microwave either,
7 which in the situation they just kind of overlook it, but
8 the TV without a cord is still sitting in the floor, get
9 rid of that. So everything that they go -- they go over
10 there to get all this stuff and it's gone.

11 And I would submit to you that if Jason Morton didn't
12 know or should have known that that TV was stolen
13 property, why would he get rid of it when he knows the
14 cops are on him? Why would he call Linsey Yarborough and
15 say, Hey, man, I got rid of that TV, burned those baseball
16 cards. If he did not know or should have known, why would
17 he go to all that trouble?

18 All right. Now, let's talk about reasonable doubt
19 for just a minute. Mr. Nielson talked about reasonable
20 doubt being doubt that would cause a reasonable person to
21 hesitate to act. That's not the entire definition. It
22 may be the definition, but there's more that goes with it.
23 Reasonable doubt can also be described as proof that
24 leaves you firmly convinced of the defendant's guilt.
25 There are very few things that we know in this world with

1 absolutely certainty and the law does not require proof
2 that overcomes every possible doubt. It has to be
3 reasonable doubt. It's our job to prove all of this
4 beyond a reasonable doubt. That is absolutely the way
5 that the law works. And it's Mr. Nielson's job to create
6 reasonable doubt in your minds. I ask you to do is to not
7 get lost in the red herrings --

8 MR. NIELSON: Your Honor, objection. I believe
9 that's burden shifting. Her saying I have a job of
10 creating reasonable doubt I believe is burden shifting.

11 THE COURT: The statement is on the record.

12 You can go on, Ms. Hall.

13 MS. HALL: Thank you.

14 And as I said before, it's absolutely our job to
15 prove it beyond a reasonable doubt. What I don't want you
16 to do is get lost in the red herrings. I don't want you
17 to get lost in the confusion. Because there's not --
18 there's a direct timeline. It is very distinct what
19 happened. I would submit to you there's ample evidence
20 way beyond a reasonable doubt that not only did Linsey
21 Yarborough open the safe as Natasha Hatcher said, but he
22 couldn't quite come to say it himself, but Jason Morton,
23 as Natasha Hatcher said, opened the safe. And Linsey
24 Yarborough also says that happened. And then they're all
25 in possession of this stuff. I don't know how that's --

1 and I would submit to you that is absolutely -- why would
2 you open the safe? One of the elements is you got to
3 intend to get the stuff out and steal it if it's worth
4 anything. Why else would you open a safe? Why else would
5 you open a safe, but to steal something and assume
6 something valuable is in there. And that's going to be
7 another part of the safecracking. Intent to commit a
8 larceny or steal something from a safe. You can
9 reasonably and naturally infer when somebody is opening a
10 safe that's what they're intending to do. That makes
11 complete sense.

12 I would submit to you again along the lines of knew
13 or should have known, this is circumstantial evidence.
14 It's right there. Coincidences, coincidences brought
15 together and create circumstantial evidence. What are the
16 chances they're going to have a TV that is from somebody's
17 house that was stolen and a microwave and a safe and a
18 scooter and Dale Earnhardt cars and baseball cards from
19 the first time, Mickey Mantle baseball cards that weren't
20 in the safe, but were for something else, coins Danielle
21 is biting.

22 Mr. Nielson says how can y'all be expected to come
23 back with a verdict of guilty when you heard multiple
24 stories? You have heard multiple people testify about the
25 same thing. That's not multiple stories. Even though the

1 way they told it was a little bit different, but
2 everything is so consistent. And everything, as I stated,
3 comes to a head on April 30th.

4 And then he said you haven't heard evidence for
5 safecracking and receiving stolen goods. And I would
6 submit just for reasons that we said a minute ago -- that
7 I said a minute ago that you have. And the Judge is going
8 to charge you a charge called the hand of one is the hand
9 of all, which means if somebody is breaking into a safe
10 and you help them break into a safe, it doesn't -- one
11 person doesn't have to be the only person who is guilty of
12 that. If you act in concert with another person, it's
13 called the hand of one is hand out of all. And I submit
14 to you that's what happened here. They both were breaking
15 into the safe. He said there's no way that it can be
16 shown that Jason Morton was breaking into that safe. Yes,
17 it can. Linsey Yarborough told you about it and so did
18 Natasha Hatcher.

19 Just in closing, I want to go back to the part where
20 Mr. Nielson and I agree that you guys were chosen because
21 you were reasonable. You were chosen because you're not
22 going to check your common sense when you come in the
23 door. And I would ask you to go back and look at the
24 pictures, look at the evidence, talk about it. And I
25 would also submit to you at the end, there is no other

1 reasonable conclusion. The only reasonable conclusion is
2 that Mr. Morton is guilty of both safecracking and
3 receiving stolen goods. Thank you.

4 THE COURT: Thank you very much, Madame Solicitor.

5 Ladies and gentlemen, let's take a brief comfort
6 recess. My charge is going to take about 15 to 20 minutes
7 and rather than motor through it right now, I see some of
8 you moving around in the chairs and that kind of stuff, go
9 get a drink of water. Let's take about a five to
10 seven-minute quick recess, then I'll charge you the law
11 and you can have the case. So we're in recess for the
12 next five to 10 minutes, okay.

13 (A recess was taken from 10:48 a.m. to 11:00 a.m.)

14 JURY CHARGE

15 All right. Ladies and gentlemen, all my years of
16 practicing law and being a judge, I find that jurors pay
17 more attention to you when you're standing right in front
18 of them and talking to them. So just like my trial lawyer
19 days when I was trying cases, I like to be down here when
20 I can. Different courthouses that I travel around the
21 state don't let me normally do that, depending on how the
22 bench is designed. Here, I can do it, so I'm going to
23 take advantage of it, okay? I think you listen better
24 when I'm this close to you. I won't get too close.

25 So listen carefully as I explain to you the law that

1 pertains to the issues in this case. I have it written
2 down. And, of course, you'll see me from time to time
3 referring to my notes. I do that to make sure I get it as
4 accurately as possible because what I tell you is very
5 important. And I promise you I'll try not to just stand
6 here and read it to you. I'll try to make eye contact
7 make sure you understand.

8 Madame Forelady and members of the jury, you've heard
9 the testimony and the evidence and the arguments of both
10 the state and the defense. I will now explain to you the
11 law that applies to this case. Now, under the
12 constitution and the laws of South Carolina, you are the
13 finders of facts in this case. I don't have the right to
14 pass upon the facts or even to express any opinion that I
15 may have as to them because that's a matter solely for
16 you, the jury, to determine. As jurors, then, it is your
17 duty to determine the effect, the value, the weight, and
18 the truth of the evidence which has been presented during
19 this trial.

20 Now, as the trial judge, it has been my
21 responsibility to preside over the trial and to rule upon
22 the admissibility of the evidence offered during the
23 trial. You're to consider only the testimony which has
24 been presented from that witness stand together with any
25 exhibits which have been made part of the record. You'll

1 get to look at the exhibits here momentarily. I have the
2 additional duty to charge you the law applicable to this
3 case. As the presiding judge, I am the sole judge of the
4 law of this case. It is your duty then as jurors to
5 accept as correct and to apply the law as I now state it
6 to you and you apply the facts as you find them to be with
7 the law that I give you and that's how you reach your
8 verdict.

9 Now, the fact that I may instruct you on various
10 subjects in this case must not be taken as indicating my
11 opinion as to what your verdict should be. And finally, I
12 charge you that you should not concern yourselves with
13 what you think the law ought to be, but rather with what I
14 charge you the law is.

15 Now, you're the sole judges of the credibility, that
16 is the believability of the witnesses who have testified
17 and of the evidence which has been presented during this
18 trial. Now, in deciding credibility or believability of
19 witnesses, you can take into consideration many things,
20 such as the demeanor and the manner or the way in which
21 the witness testified, whether or not the witness had
22 reason to be biased or prejudiced, whether or not a
23 witness's testimony was contradicted on the one hand or
24 supported and corroborated on the other hand. All these
25 things you'll consider bearing in mind you should give the

1 defendant the benefit of any reasonable doubt. It becomes
2 your duty as jurors to analyze and evaluate the evidence
3 and determine which evidence convinces you of its truth.

4 Generally -- the lawyers talked about it and I'll
5 explain it to you now. There's generally two types of
6 evidence which are presented during a trial, direct
7 evidence and circumstantial evidence. I'm going to give
8 you a law school definition and then I'm going to explain
9 it to you because I want to make sure you understand what
10 I'm saying. Direct evidence is the testimony of a person
11 who claims to have actual knowledge of a fact, such as an
12 eyewitness. It's evidence which immediately establishes
13 the main fact to be proved and it doesn't require that you
14 try to deduce anything. It doesn't require deduction.
15 It's like an eyewitness.

16 Circumstantial evidence, however, is a proof of a
17 chain of facts and circumstances which indicate the
18 existence of a fact. It's evidence which immediately
19 establishes collateral facts from which the main fact can
20 be inferred. Circumstantial evidence is based on
21 inference and not on personal knowledge or observation.
22 That's the law school definition.

23 Let me give you a little example because we're
24 getting towards winter. On a winter night, you look
25 outside before you go to bed and you see the brown grass

1 on your lawn. You go to sleep and wake up the next
2 morning, you see snow on your lawn along with footprints
3 going through it. Well, first, you can infer that it
4 snowed; and second, you can infer that somebody walked on
5 your lawn. These are things you can infer even though you
6 didn't see it snow and even though you didn't see somebody
7 on your lawn.

8 Now, the law -- that's a good example of
9 circumstantial evidence. The law makes no distinction
10 between the weight or value to be given to either direct
11 or circumstantial evidence nor is there a greater degree
12 of certainty required of circumstantial evidence than of
13 direct evidence. To the extent the state relies on
14 circumstantial evidence, all the circumstances must be
15 consistent with each other and when taken together point
16 conclusively to the guilt of the accused beyond a
17 reasonable doubt. If these circumstances merely portray
18 the defendant's behavior as suspicious, the proof has
19 failed.

20 Now, the state has the burden -- always has the
21 burden of proving the Defendant guilty beyond a reasonable
22 doubt. This burden rest with the state regardless of
23 whether the state relies on direct or circumstantial
24 evidence or some combination of the two. You need and you
25 should weigh all of the evidence in this case.

1 Now, the fact the defendant was arrested, charged and
2 indicted with these crimes is not evidence in this case
3 and cannot be considered by you as evidence of guilt. Nor
4 is it -- nor does it create any presumption or inference
5 of guilt. The indictments are simply the formal written
6 instruments which contain the charges made against the
7 defendant. An indictment is merely the formal document by
8 which a case is brought into court.

9 Let's talk about hand of one. If a crime is
10 committed by two or more people who are acting together in
11 committing the crime, the act of one is the act of all. A
12 person who joins with another to commit an unlawful act is
13 criminally responsible for everything done by the other
14 person which happens as a probable or natural consequence
15 of the acts done in carrying out the common plan or
16 purpose. For example, two people can be guilty of killing
17 another person when only one of the two had a gun, there
18 was only one bullet and only one of the two fired the shot
19 that caused the death. If two or more people acting
20 together, assisting each other in committing these
21 offenses, the act of one is the act of all. Or as it is
22 sometimes said, the hand of one is the hand of all.

23 Now, I instruct and emphasize to you that the fact
24 that the defendant did not testify is not a factor to be
25 considered by you in any way in your deliberations and in

1 your consideration on the question of guilt or innocence.
2 It must not be considered by you in any matter whatsoever.
3 A defendant has the constitutional right to remain silent.
4 And the assertion of this right must not be considered by
5 you in your deliberations. So I repeat, under your oath,
6 you are to draw no conclusion whatsoever from the fact
7 that the defendant in this case did not testify. The fact
8 that he didn't testify should not even be discussed in the
9 jury room. The burden of proof, as I have stated to you,
10 is on the state. The defendant's not required to prove
11 anything. He doesn't have to prove his innocence. The
12 burden of proof is always on the state to prove guilt
13 beyond a reasonable doubt.

14 The defendant, of course, as you know, has pled not
15 guilty to the charges in these indictments and that plea
16 has placed the burden of proof on the state. A person
17 charged with committing a criminal offense in South
18 Carolina is never required to prove innocence. I charge
19 you, ladies and gentlemen, that it is an important rule of
20 law that a defendant in a criminal trial no matter what
21 the seriousness of the charge is will always been presumed
22 to be not guilty for the crime for which the indictment
23 was issued unless guilt has been proven by evidence
24 satisfying you, the jury, of that guilt beyond a
25 reasonable doubt.

1 The presumption of innocence does not end when you
2 begin your deliberations, but rather it accompanies the
3 defendant throughout the trial until you reach a verdict..
4 Think about the presumption of innocence like -- just like
5 I'm wearing a robe, think about it -- this theory like a
6 robe of righteousness placed about the shoulders of the
7 defendant, which remains with him until it has been
8 stripped from the defendant by evidence satisfying you of
9 his guilt beyond a reasonable doubt.

10 Now, ladies and gentlemen, this presumption of
11 innocence is not just a mere legal theory. It's not a
12 legal phrase. It's a substantial right to which every
13 defendant is entitled unless you, the jury, are satisfied
14 of the defendant's guilt beyond a reasonable doubt. I've
15 said reasonable doubt like 20 times, so let's talk about
16 reasonable doubt.

17 What is a reasonable doubt? A reasonable doubt is a
18 doubt which makes an honest, sincere, conscientious juror
19 in search of the truth hesitate to act. Proof beyond a
20 reasonable doubt must therefore be proof of such a
21 convincing character that a reasonable person would not
22 hesitate to rely and act upon it in the most important of
23 his or own affairs. Proof beyond a reasonable doubt can
24 also be described as proof that leaves you firmly
25 convinced of the defendant's guilt.

1 Now, ladies and gentlemen, there's very few things we
2 know in this world with absolute certainty. And in
3 criminal cases, the law does not require proof that
4 overcomes every possible doubt. If, based upon your
5 consideration of the evidence, you are firmly convinced
6 that the defendant is guilty, then you must find him so.
7 If, on the other hand, you think there's a real
8 possibility that he's not guilty, then you must give him
9 the benefit of the doubt and find him not guilty.

10 Now, there's been evidence presented that witnesses
11 made prior statements which aren't consistent with the
12 witness's credible testimony. You may use this evidence
13 to decide whether or not to believe a witness. You can
14 also use the evidence from an contradictory statement to
15 determine the truth of that statement. It's up to you to
16 decide whether to believe the earlier or written statement
17 or the testimony given at trial. If a witness is shown to
18 have knowingly testified untruthfully concerning any
19 material matter, you can consider this in determining
20 whether or not to trust that witness's credibility. You
21 can reject all of the testimony of that witness, part of
22 it or all of it. You can give the weight you think that
23 testimony deserves. That's solely for you to decide.

24 Let's talk about intent, criminal intent. In order
25 to establish criminal liability, criminal intent is

1 required. For example, the mental state required to be
2 proved by the state for a particular crime might be
3 purpose, intent, knowledge, recklessness or criminal
4 negligence. Criminal intent must be proven by the state
5 beyond a reasonable doubt. Criminal intent is always a
6 matter that has to be determined by the jury from the
7 circumstances surrounding the situation, which you just
8 heard. There's no way to prove intent to a mathematical
9 certainty. There's no way that medical science can
10 dissect a person's brain and determine what the person had
11 in mind, so the law says criminal intent has to be judged
12 or inferred from the circumstances which have been shown
13 to exist. That's how you make a determination about
14 whether or not the elements requiring intent was present.
15 It's not necessary to establish intent by direct and
16 positive evidence, but intent can be established by
17 inference in the same way as any other fact by taking into
18 consideration the acts of the parties and all of the facts
19 and circumstances which have been shown to exist in your
20 discretion in the case. Criminal intent is a mental
21 state, a conscious wrongdoing. It's up to you, the jury,
22 to determine what the defendant intended to do based upon
23 the circumstances which have been shown to have existed.

24 I'm almost done. Safecracking, let's talk about
25 safecracking. The defendant is charged with safecracking.

1 The state must prove beyond a reasonable doubt that the
2 defendant used -- and I'm quoting the statute, explosives,
3 tools, or any other implement in or about a safe used for
4 keeping money or other valuables with the intent to commit
5 larceny or any other crime. Intent, of course, I just
6 went over may be shown by acts and conducts of the
7 defendant and other circumstances from which you may
8 naturally and reasonably infer the intent. Larceny is the
9 taking and carrying away the goods or personal things of
10 another person with the intent to permanently deprive the
11 owner of the property and to convert it to the taker's
12 use. The defendant does not have to succeed in breaking
13 into the safe for the conduct to be defined as
14 safecracking.

15 Receiving stolen goods. The defendant is charged
16 with receiving stolen goods. The state must prove beyond
17 a reasonable doubt that the defendant bought, received or
18 possessed goods, chattels or other property that the
19 defendant knew or should have known that the property was
20 stolen. Whether or not the defendant knew or had reason
21 to believe the property was stolen can be shown by direct
22 or circumstantial evidence. The state may prove the
23 defendant knew or should have known that the property was
24 stolen by showing that the defendant knew facts that would
25 make a reasonable person believe that the property was

1 stolen.

2 Let me say something about your deliberations. The
3 word "deliberation" is defined as a careful consideration
4 weighing out what they view to a decision. The genius of
5 our jury system is that it allows 12 good people, both men
6 and women, from different backgrounds, life experiences
7 and perspectives to consider the evidence and talk about
8 it and ultimately reach a verdict. The task of the jury
9 is called deliberation for a reason. You, the jury, are
10 to consider the evidence in this case carefully and
11 deliberately. You're to discuss it in a calm, thorough,
12 and courteous manner. Remember, you're not partisans or
13 advocates for either side favoring one side or the other.
14 You are the judges of the facts. Your sole duty is to
15 sort through the information you receive and find the
16 truth of the evidence presented in this courtroom.

17 Now, our supreme law, United States Constitution,
18 affords everyone their day in court and a fair trial. So
19 this case is very important to both the state and the
20 defense because it is their day in court. I charge you to
21 listen to the views of your fellow jurors, carefully
22 consider their viewpoints, and encourage them to discuss
23 the evidence. Remember, you're doing something
24 deliberately, in no big hurry, and you're tasked with the
25 duty of utmost importance.

1 In conclusion, ladies and gentlemen, you've been
2 selected by both the state and the defense to be fair and
3 impartial jurors. It's your duty then in your
4 deliberations to determine the truth of this case giving
5 the defendant the benefit of every reasonable doubt on
6 these charges. And from the facts which you determine to
7 be true, you take and apply the law which I have just
8 given you to arrive at your verdict which speaks the
9 truth. Now, I told you the standards you have to apply as
10 to the charges in these indictments. You've heard the
11 evidence and now you've heard the law.

12 Whatever your verdict as to each indictment, guilty
13 or not guilty, Madame Forelady, you will indicate it on
14 the verdict form here. There's a place where it says not
15 guilty or guilty and then as to the other indictment not
16 guilty or guilty, then you will sign it and date it.
17 Okay.

18 Remember, although the forelady is the only juror who
19 writes the verdict, it is not her verdict alone. The
20 verdict must be unanimous, meaning all 12 of you have to
21 agree on it.

22 Madame Forelady, you are not authorized to write the
23 verdict on the form until all of you agree what the
24 verdict should be.

25 Ladies and gentlemen, I'm going to send you to your

1 jury room. Do not begin to discuss this case until you
2 receive these exhibits as well as the verdict form. Once
3 you receive those things in your room, that's your signal
4 to finally begin to start talking about the case. Once
5 you begin your deliberations, you'll deliberate until you
6 reach a verdict, at which time, you knock on the door,
7 tell the bailiff and we'll bring you out and receive your
8 verdict. At this time, you may go the jury room.

9 Everyone except for Mr. Peay and Mr. Carpenter, if
10 y'all will remain out here with me.

11 So the other 12 of you, go back to the jury room at
12 this time.

13 (The jury left open court at 11:19 a.m.)

14 THE COURT: All right. Gentleman, y'all were the
15 alternates in the case, so your jury service has now
16 ended. We didn't have a need to enact an alternate.
17 Thank you very much for your service to Chester County and
18 the state of South Carolina. You're free to leave at this
19 time, but you're certainly more than welcome to sit
20 wherever you wish and see what happens. I know you've
21 heard everything already. You don't have to if you don't
22 want to. Your jury service for this term of court has
23 ended as well and you're good to go for the next three
24 years. Okay. Thank you very much.

25 Any exceptions to the charge from the state?

1 MS. HALL: None.

2 THE COURT: From the defense?

3 MR. NIELSON: Your Honor, I just renew my objection
4 to the hand of one hand of all even being in there in the
5 first place. And I renew my objection to the
6 circumstantial charge as was stated yesterday. I know
7 Your Honor made the ruling on that already and I
8 understand that, but I just renew what I asked for, the
9 reading out of the new case, state v. Logan.

10 THE COURT: First of all, I don't recall your
11 objection to the hand of one hand of all, but to the
12 extent you made one, we'll protect your preserving of the
13 record, but I overrule your objection. As to the
14 circumstantial evidence charge, I incorporated everything
15 you asked for in this charge.

16 MR. NIELSON: I understand, but I --

17 THE COURT: I didn't read verbatim from the case, but
18 I put all the material things from that charge into my
19 circumstantial charge, so I overrule you on that as well.

20 MR. NIELSON: Thank you, Your Honor.

21 THE COURT: Anything further?

22 MR. NIELSON: No, Your Honor.

23 THE COURT: All right. We're in recess. Y'all come
24 check the exhibit as well as the verdict form.

25 (The jury begin deliberations at 11:21 a.m.)

1 (A discussion was held off the record.)

2 (Court's Exhibit Number 1 was marked for
3 identification.)

4 THE COURT: Mr. Nielson, we've got a question from
5 the jury on the other case.

6 MR. NIELSON: Yes, sir.

7 THE COURT: They just said, Can we see the safe? My
8 law clerk wrote yes on it not knowing that it had to be
9 made a Court Exhibit. So I made it a Court Exhibit. Are
10 y'all okay with that?

11 MR. NIELSON: Yes, sir.

12 THE COURT: I made the jury's question a Court
13 Exhibit.

14 MS. HALL: Thank you.

15 (Court's Exhibit Number 1 was marked.)

16 (A recess was taken from 11:23 a.m. to 12:40 p.m.)

17 THE COURT: It's my understanding we have a verdict.
18 Let's bring the jury in. Court come back to order.

19 (The jury entered the courtroom at 12:40 p.m.)

20 VERDICT

21 THE COURT: All members of the jury are present.

22 Madame Forelady, it's my understanding the jury has
23 reached a verdict?

24 MADAME FORELADY: Yes, sir.

25 THE COURT: Is the verdict unanimous?

1 MADAME FORELADY: Yes, sir.

2 THE COURT: Did you mark the appropriate blanks on
3 the verdict form?

4 MADAME FORELADY: Yes, sir.

5 THE COURT: I'm holding in my hand the verdict form.
6 I have reviewed the verdict. I'll hand it to you at this
7 time for publication, Madame Clerk.

8 THE CLERK: Your Honor, this is the state of South
9 Carolina versus Jason Scott Morton, number one, as to
10 indictment number 2015-GS-12-371, for the offense of
11 receiving stolen goods \$2,000 or less, we, the jury,
12 unanimously find the defendant, Jason Scott Morton,
13 guilty. Number two, as to indictment number
14 2015-GS-12-372, for the offense of safecracking, we, the
15 jury, unanimously find the defendant, Jason Scott Morton
16 guilty, signed Mary R. Case as forelady on December the
17 17th, 2015.

18 If this is your verdict, please say so by the raising
19 of your right hands.

20 (All jurors hands were raised.)

21 THE CLERK: I believe that's it, Your Honor..

22 THE COURT: Let the record reflect every juror raised
23 their right hand.

24 Ladies and gentlemen of the jury, thank you so much
25 for your jury service. Your service is now ended for the

1 week. And, of course, you're exempt for the next three
2 calendar years. We only have one week left of this
3 calendar year anyway. But again, thank you so much for
4 your service to Chester County and the state of South
5 Carolina.

6 Due to the hour, it's 12:45 right now, I'm going to
7 defer sentencing until this afternoon right at 2:00 p.m.
8 You are more than welcome to come back for sentencing at
9 that time if you wish to do so, but you do not have to do
10 so if you don't want to. You're free to leave at this
11 time. Thank you so much. Please go back to your jury
12 room and I'll come back there and talk to you briefly
13 about your service, okay. Thank you so much.

14 MR. NIELSON: Your Honor, I would make a motion to
15 poll the jury before you excuse them.

16 THE COURT: Okay. Let's have a motion -- a motion to
17 poll the jury has been made, Madame Clerk.

18 THE CLERK: Madame Forelady, is this your verdict and
19 do you still assent?

20 MADAME FORELADY: Yes, ma'am.

21 THE CLERK: Sean B. Griggs, is this your verdict and
22 do you still assent?

23 JUROR: Yes.

24 THE CLERK: Johnny G. Edwards, is this your verdict
25 and do you still assent?

1 JUROR: Yes.

2 THE CLERK: Harriett A. Morrow, is this your verdict
3 and do you still assent?

4 JUROR: Yes.

5 THE CLERK: Towanda Hemphill, is this your verdict
6 and do you still assent?

7 JUROR: Yes.

8 THE CLERK: Matthew H. Waldrip, is this your verdict
9 and do you still assent?

10 JUROR: Yes.

11 THE CLERK: James A. Perry, is this your verdict and
12 do you still assent?

13 JUROR: Yes.

14 THE COURT: Hailee L. Allen, is this your verdict and
15 do you still assent?

16 JUROR: Yes.

17 THE CLERK: Pao A. Evans, is this your verdict and do
18 you still assent?

19 JUROR: Yes.

20 THE CLERK: Anthony K. Jernigan, is this your verdict
21 and do you still assent?

22 JUROR: Yes.

23 THE CLERK: Willie L. Lightner, is this your verdict
24 and do you still assent?

25 JUROR: Yes.

1 THE CLERK: Wendy F. Denio, is this your verdict and
2 do you still assent?

3 JUROR: Yes, ma'am.

4 THE COURT: Thank you very much, Madame Clerk.

5 Again, thank you very much, ladies and gentlemen,
6 you're free to leave.

7 (The jury left open court at 12:46 p.m.)

8 THE COURT: Mr. Nielson.

9 MR. NIELSON: Your Honor, at this time, we would move
10 for a judgment notwithstanding the jury verdict.

11 THE COURT: That motion is denied.

12 MR. NIELSON: I'd also like to renew all motions and
13 objections that were made throughout the entirety of the
14 trial for the record.

15 THE COURT: Yes, sir, all your objections are noted
16 and preserved for the record. Those motions, however, are
17 denied.

18 Anything further from the state?

19 MS. HALL: No, sir.

20 THE COURT: We'll defer sentencing until 2:00 p.m.

21 We're in recess until then. Take the defendant into
22 custody.

23 (A recess was taken from 12:47 p.m. to 2:05 p.m.)

24 THE COURT: Y'all can bring the defendant in,
25 Mr. Morton.

1 All right. Madame Solicitor, let me hear from the
2 state first as to sentencing and we'll go from there.

3 MS. HALL: Your Honor, I'll start with the
4 Defendant's prior record. He has a 2001 conviction for
5 grand larceny. He received five years' probation -- I
6 mean, sorry, five years suspended with probation for three
7 years. In 2001, again, he was also convicted of -- that
8 was a concurrent sentence, that also included a receiving
9 stolen goods conviction. Public disorderly conduct from
10 2007. Driving under suspension from 2008 along with
11 failure to maintain insurance. In 2009, he was convicted
12 of criminal conspiracy to violate South Carolina drug law.
13 He got two years suspended with probation for one year.
14 I'm going to let Ms. Leake speak to any probation
15 violations that he's had. In 2011, again, convicted of
16 receiving stolen goods, two counts. In 2012, receiving
17 stolen goods, two counts. It doesn't say what -- first
18 two were less than \$2,000 and they were fines. And all of
19 them were -- the other two were also less than \$2,000. It
20 doesn't say what the disposition of the 2012s were. In
21 2013, he was convicted of receiving stolen goods, grand
22 larceny and enhancement shoplifting for which he received
23 a seven-year concurrent sentence. He was on parole for
24 that offense when these crimes were committed. And my
25 understanding was there's already a parole warrant out for

1 him. And I would let Agent Leake speak to his success or
2 nonsuccess on probation if she's ready to do that.

3 And Your Honor, with regard to the sentence,
4 obviously, the state -- we're asking for the full 30
5 years. I mean, this man has -- he's basically a career
6 criminal. He's a thief; that's what he does. He steals
7 things. He takes things that belong to other people. I
8 know after talking with investigators, he's a thorn in the
9 Chester County Sheriff's Department's side. I hate to say
10 that about somebody, but there is a pattern of behavior
11 here that not only does it not seem to be stopping, but it
12 seems to be escalating. And the state is asking for a
13 substantial sentence and would really, really like to have
14 the entire 30. And I want to remind the Court, too, that
15 the receiving stolen goods he was convicted of this time
16 was under the enhancement provision, meaning it carries 10
17 years.

18 PROBATION OFFICER: May it please the Court, Your
19 Honor.

20 THE COURT: Yes, ma'am.

21 PROBATION OFFICER: He has three prior -- two prior
22 supervision cases with our department, one current case
23 for parole. He's currently on parole for grand larceny,
24 the property offense third or subsequent enhancement and
25 receiving stolen goods. He was paroled on February the

1 10th of this year and that's due to expire on
2 November 1st of 2018. His two prior cases, one closed
3 unsuccessfully and one successfully.

4 THE COURT: Anything further from the state on
5 sentencing?

6 MS. HALL: Keeping in your mind, Your Honor, he's
7 looking at 40, not the 30.

8 THE COURT: I understand. He gets out of prison
9 February 10th and this all happens in March and April?

10 MS. HALL: Correct -- well, he was on -- and that's
11 part of -- what did not necessarily come out at trial is
12 he was on work release -- he was on work release from
13 November of 2013 -- 2014. He was put on work release from
14 2014 until, I think, it was January 21st of 2014 -- 2015,
15 I'm sorry. From November to January, he was on work
16 release. He gets off work release on the 21st, goes to
17 Kershaw Correctional Institute. He was there for about
18 two weeks until he was paroled on February the 10th of
19 2015. All the stuff that was going on in the background
20 during the course of this trial, he was on work release
21 during that time.

22 THE COURT: Anything further?

23 PROBATION OFFICER: No, sir.

24 THE COURT: Anything further, Madame Solicitor?

25 MS. HALL: No, sir.

1 THE COURT: Mr. Nielson.

2 MR. NIELSON: To begin with, I would like to point
3 out that my client wasn't really accused or anything else
4 about all the stuff going on in the background while he
5 was on work release and I don't believe there was an
6 allegation that he was involved in any of that.

7 Your Honor, there's no real reason to go over the
8 facts of this case in any significant detail. You heard
9 them. You heard what the facts are. I come before you
10 asking for whatever mercy the Court would grant. Jason is
11 joined today -- I'd like to introduce a few people to you.
12 His grandparents are sitting here on the front row, his
13 grandmother, grandfather. His sister is sitting next to
14 his grandmother and his aunt is sitting next to his
15 sister. He was also joined at various points during this
16 trial in support of him by his mother. His cousin was
17 here. And I'm sure I'm missing somebody that was here in
18 support of him. This is a man who has great support of
19 his family.

20 The part of the case that didn't come out in trial
21 is -- they couldn't come out because of our rules of
22 evidence, but what I would like to talk a little bit about
23 right now is Jason's family I do not believe would stand
24 up for him if they honestly felt like he was involved in
25 this. His grandparents have turned in their grandchildren

1 before for things they did wrong. I've represented their
2 grandchildren before when they did wrong and I believe --
3 and they believe strongly that Jason did not do this.
4 They've sat here, they've heard all the evidence like Your
5 Honor has, like the jury has. I understand the jury made
6 their decision, but I come before you asking you to show
7 whatever mercy you can to Jason. I would suggest
8 something more in the neighborhood of 10 years. He'll do
9 most of that. As Your Honor knows, based on what he's
10 charged with, he's going to have to do the vast majority
11 of whatever time Your Honor gives him. I come before you
12 asking you to consider something much less than the 30,
13 something closer to the 10 range as an appropriate
14 sentence after this trial.

15 THE COURT: All right. Thank you.

16 Mr. Morton, I'll be glad to hear from you if you'd
17 like to address the Court prior the sentencing.

18 THE DEFENDANT: No, sir.

19 THE COURT: Anybody else wish to speak on his behalf?

20 MR. NIELSON: No, Your Honor.

21 SENTENCE

22 THE COURT: All right. Give me just a moment. All
23 right, Mr. Morton, on indictment 15-GS-12-371, which the
24 jury found you guilty of receiving stolen goods, which is
25 an enhancement crime, the sentence of the Court is 10

1 years. On indictment 15-GS-12-372, where the jury found
2 you guilty of the crime of safecracking, the sentence of
3 the court is 20 years. Both sentences shall run
4 concurrent. Good luck to you.

5 (Whereupon, the proceedings were concluded.)
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CERTIFICATE OF REPORTER:

STATE OF SOUTH CAROLINA)

COUNTY OF CHESTER)

I, Aminah R. Hardy, CM, Official Court Reporter for the
16th Judicial Circuit of the State of South Carolina, do
hereby certify that the foregoing is a true, accurate and
complete Transcript of Record of the proceedings had and
evidence introduced in the trial of the captioned case,
relative to appeal, in the Court of General Sessions for
Chester County, South Carolina, on the 15th-17th day of
December, 2015.

April 5th, 2016



Aminah R. Hardy, CM

P. 2

TO: +18037341397

FROM: Chester County

1/28/2016 12:31 PM

WITNESSES

Brian Sanders (CSD)

R. A. Clair

ARREST WARRANT NUMBER/DOA

2015A1210400111 (DOA- 5-9-15)

ACTION OF GRAND JURY

TRUEBILL

Raymond K. McDonald
Foreperson of Grand Jury

Date: *9-8-2015*

VERDICT

guilty

Mary R. Case
Foreperson of Petit Jury

Date: *12-17-15*

DOCKET NO. 2015-GS-12-372

The State of South Carolina
County of Chester

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2015

THE STATE
vs.

Jason Scott Morton

Indictment for
Safecracking

SC Code: § 16-11-390
CDR Code: 0141
Class: Felony, A

296

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHESTER)

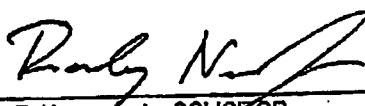
INDICTMENT

At a Court of General Sessions, convened on September 8, 2015, the Grand Jurors of
Chester County present upon their oath:

SAFE CRACKING

That Jason Scott Morton did in Chester County on or about April 21, 2015,
unlawfully use explosives, tools, or any other implement in or about a safe used for
keeping money or other valuables belonging to Mary Talbert with intent to commit
larceny or any other crime in violation of § 16-11-390, *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.


Randy E. Newman, Jr., SOLICITOR

WITNESSES

Chris Reynolds (CSD) *R. St. Clair*

ARREST WARRANT NUMBER/DOA

2015A1210400109 (DOA-5-9-15)

ACTION OF GRAND JURY

TRUEBILL

Raymond K. McFarland
Foreperson of Grand Jury
Date: *9-8-2015*

VERDICT

guilty

Mary R. Case
Foreperson of Petit Jury
Date: *12-17-15*

DOCKET NO. 2016-GS-12- 371

The State of South Carolina
County of Chester

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2015

THE STATE
vs.

Jason Scott Morton

Indictment for

Receiving Stolen Goods \$2,000 or Less
Third Offense Property Crime

SC Code: § 16-13-180(A), (B)(1), 16-01-57
CDR Code: 2367
Class: Felony, E

STATE OF SOUTH CAROLINA)
COUNTY OF CHESTER)

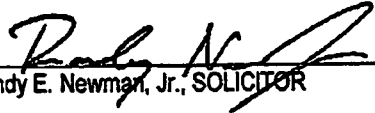
INDICTMENT

At a Court of General Sessions, convened on September 8, 2015, the Grand Jurors of Chester County present upon their oath:

Receiving Stolen Goods \$2,000 or Less Third Offense Property Crime

That Jason Scott Morton did in Chester County on or about April 1-April 30, 2015, buy, receive, or possess certain personal goods, microwave oven, of Amberly Lee Ann Freeman, valued at less than \$2,000, knowing or having reason to believe that the property was stolen the defendant having been twice or more previously convicted of a property crime the term of imprisonment for which was contingent upon the value of the property involved in violation of §16-13-0180(A), (B)(1) and § 16-01-0057 Code of Laws of South Carolina, (1976), as amended.

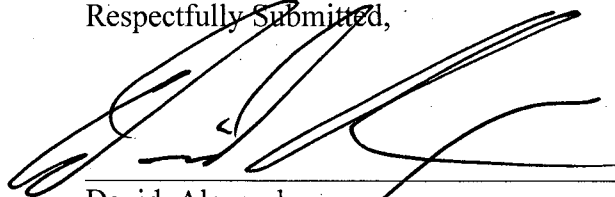
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


Randy E. Newman, Jr., SOLICITOR

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."

Respectfully Submitted,



David Alexander
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 17th day of October, 2016.

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SC Court of Appeals