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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
Court of General Sessions
Honorable Deadra L. Jefferson, Circuit Court Judge
Appellate Case No. 2015-001526

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SC Court of Appeals

THE STATE,

Respondent,

vs.

WALTER SCOTT GARRETT,

Appellant.

SUPPLEMENTAL RECORD ON APPEAL

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Supp. R. 1

1 MS. HERRING-LASH: There were no
2 statements made.

3 THE COURT: So then that's a moot
4 issue?

5 MR. KOZELSKI: I believe so, Your
6 Honor. Just -- that was also a precautionary
7 measure and we wanted to make sure that the State
8 did not get into the defendant's silence as --

9 THE COURT: I don't think they will.
10 Either he made a statement after being Mirandized
11 or he didn't.

12 MR. KOZELSKI: I understand.

13 THE COURT: He did not make any
14 statements; is that accurate?

15 MS. HERRING-LASH: Yes, Your Honor.

16 THE COURT: So this is a moot issue,
17 the Jackson v. Denno?

18 MR. KOZELSKI: Yes, Your Honor.

19 THE COURT: We then have a motion to
20 suppress statements, which looks like it's the same
21 thing?

22 MR. KOZELSKI: Yes, Your Honor. That's
23 moot as well.

24 THE COURT: Motion to include testimony
25 of prior bad acts. Does the State intend to

Supp. R. 2

1 introduce any evidence of prior bad acts?

2 MS. HERRING-LASH: Yes, Your Honor. I
3 did file a motion in support of the admission. It
4 will be sexual assault on this same victim in the
5 jurisdiction they lived in prior, and what I had
6 planned to do --

7 THE COURT: I guess I'm confused as to
8 why that would be considered prior bad acts and not
9 a continued course of conduct.

10 MS. HERRING-LASH: My argument is that
11 it is a continued course of conduct, but --

12 THE COURT: What year would they have
13 been in?

14 MS. HERRING-LASH: They would have been
15 from 1983, '4, up until they moved to Charleston
16 County.

17 THE COURT: When would that have been?

18 MS. HERRING-LASH: The end of 1989.

19 THE COURT: So it's the State's
20 contention that this was a continued course of
21 conduct from 1983 through whatever date it stopped?

22 MS. HERRING-LASH: Yes, Your Honor.

23 THE COURT: And this was from one state
24 to another?

25 MS. HERRING-LASH: Yes, Your Honor;

Supp. R. 3

1 from Georgia to Florida to South Carolina.

2 THE COURT: Is there any indication
3 that the behavior had ever stopped and then
4 resumed, or is it -- or is it going to be the
5 testimony that the behavior started and continued?

6 MS. HERRING-LASH: The only time that
7 it stopped was when the child was placed into
8 foster care in Georgia. She was placed in foster
9 care on two or three separate occasions, but,
10 according to her testimony, it started again when
11 she was returned back to the custody of the
12 defendant and her mother.

13 THE COURT: We'll take that up at the
14 appropriate time. Prior to her testifying, we'll
15 take it up in camera, but it doesn't sound to me
16 like prior bad acts; it sounds like a continuous
17 course of conduct.

18 MS. HERRING-LASH: Your Honor, what I
19 had planned to do is go into our case and then say
20 to the Court, we have a matter of law, and let her
21 do that part in camera.

22 THE COURT: That's perfect, to create
23 the record.

24 MR. KOZELSKI: Your Honor, there are
25 allegations of physical abuse as well throughout --


CERTIFICATE OF COUNSEL

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

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