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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Appeal from Newberry County

NOV 16 2016

Honorable Frank R. Addy, Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

v.

STERLING MAYBIN

APPELLANT

APPELLATE CASE NO. 2015-001585

RECORD ON APPEAL

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State of South Carolina)
 vs.) Transcript of Record
)
Sterling Maybin)
)
DEFENDANT) PARTIAL

July 8, 2015
Newberry, South Carolina

B E F O R E:

Honorable Donald B. Hocker, Judge.

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Official Court Reporter

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1 A Since I moved there.

2 Q So he is your nextdoor neighbor?

3 A Yes.

4 Q Do you remember December 23rd of 2014?

5 A Yes.

6 Q Were you home that day, at your house that day?

7 A I was back and forth.

8 Q Tell me about what you remember seeing as far as
9 earlier in the day?

10 A I went to the store and I guess I was gone about 20
11 or 30 minutes, came back and when I was leaving I saw a
12 green bicycle go down crossing the street.

13 Q You saw a green bicycle?

14 A And it had a bag on it.

15 Q Somebody was driving the bicycle?

16 A Yes, sir.

17 Q And it was going out across?

18 A Yes.

19 Q And do you know what time of day it was on the 23rd?

20 A In the afternoon, I don't know exactly what time.

21 Q It was daylight?

22 A Yes.

23 Q Describe the person you saw on the bicycle?

24 A I couldn't see the person then.

25 Q Was it a white guy, black guy?

1 A Black.

2 Q What?

3 A Black guy.

4 Q Black guy. Do you remember anything else about him?

5 A I just saw a green bicycle that had a bag on it.

6 Q The bicycle had a bag on it or was the man carrying
7 the bag?

8 A It was hanging on the handlebars.

9 Q Okay. And you noticed the man with a bag on a green
10 bicycle when you were leaving your house to go to the
11 store?

12 A Yes.

13 (Whereupon, State's Exhibit 16 was marked for
14 identification only.)

15 Q All right. I want to show you State's number 16. Do
16 you recognize that?

17 A It was green, I noticed a green bicycle. It caught
18 my eye.

19 Q Okay. Can you say this is the bicycle or it was
20 similar to this?

21 A It was similar to that.

22 Q Now, you went to the store and you were gone about 30
23 minutes or so?

24 A Yes, sir.

25 Q And tell me what happened when you came back to your

1 house?

2 A I pulled in the yard and I kind of made a circle and
3 I backed up to park my truck. And I walked around my back
4 yard and I saw this figure over there, I am used to seeing
5 Walter over there, you know, when I be back there. So I
6 just walked back there and I said, what is up, Walter.
7 And he turned. And I said, oh, he is not Walter so I
8 turned around and left.

9 Q Let me stop you for one second. I want to show you
10 State's number 1. Do you recognize that?

11 A This is Walter's house.

12 Q That is Walter's house.

13 MR. SCOTT: Your Honor, the State offers State's 1
14 for admission.

15 THE COURT: And what says the defense?

16 MR. VERNER: Your Honor, I thought I had agreed for 1
17 through 15, without objection, 1 through 15 photographs.

18 THE COURT: Is 1 through 15 all photographs?

19 MR. SCOTT: Yes, sir.

20 THE COURT: And the defense has indicated they do not
21 object to those coming into evidence.

22 MR. SCOTT: Okay. I am going to publish them then as
23 I show them to the witness.

24 THE COURT: Okay, that's good.

25

1 (Whereupon, State's Exhibits 1 through 15 were
2 admitted into evidence.)

3 Q So, State's number 1, you say that is Walter's house?

4 A Yes, sir.

5 Q And if we are looking at that picture your house
6 would be to the left of it?

7 A Yes, to the left.

8 Q Okay. Let me show you State's number 2 and number 6
9 as well. I will show you number 2, what is number 2?

10 A This is Walter's backyard.

11 Q And I guess if you are looking at his backyard, do
12 you see any part of your house in this picture?

13 A The corner.

14 Q That lighter colored brick, that is your house?

15 A That is my house.

16 Q This would be Walter's backyard facing towards your
17 house, is that right?

18 A Say that again.

19 Q This is if we are, the view we would have if we were
20 in Walter's backyard looking towards your yard?

21 A Yes.

22 Q And now where was the man standing that you saw in
23 Walter's backyard?

24 A Between the storage room door and the
25 air-conditioning.

1 Q Between the storage room door and the
2 air-conditioning. And the storage room door is that dark
3 brown door?

4 A That's correct.

5 Q And then the air-conditioning is right beside that
6 door?

7 A Yes.

8 Q And you are saying the person that you saw was in
9 between that door and that air-conditioning?

10 A Yes.

11 Q And what was that man doing?

12 A He was, he had his back turned and he was doing
13 something, I don't know what he was doing. He was
14 fiddling with something, I don't know what he was doing.

15 Q Fiddling with something?

16 A Yes, he was fiddling with something. I don't know
17 what he was doing.

18 Q All right. Did you notice anything else about the
19 man, did he have anything with him?

20 A I didn't notice anything else.

21 Q What did you do next when you realized that man was
22 not Walter?

23 A I kept walking to him and then he was doing something
24 with his hands. And I said, what's up Walter, and that is
25 when he turned around and looked. And I said, you are not

1 Walter. So I turned around and walked away.

2 Q Did you see his face when he turned and looked at
3 you?

4 A Yes, I seen him.

5 Q And after you realized that that wasn't Walter what
6 did you do?

7 A I turned around and went in my backyard.

8 Q You went back to your backyard?

9 A Yes.

10 Q What did you do then?

11 A I called the police, the city.

12 Q You called the police?

13 A Yes.

14 Q And about how long did it take them to get there?

15 A About five minutes.

16 Q Five minutes. Where were you, what were you doing
17 while you were waiting for the police to get there?

18 A I was standing on the side of my house, I was hidden.

19 Q Oh, you were hidden from the guy?

20 A Yes.

21 Q Okay. And it is daylight you said?

22 A Daylight.

23 Q And when the police got there what happened next?

24 A He took off.

25 Q How did he take off?

1 A When the police came he got on his bicycle because he
2 had a bag on the bicycle. He dropped it. He was going
3 away from Walter's house at first when the police got
4 there. And then when he saw the police he turned around
5 and came past me.

6 Q He went past you. Instead of going back up to Hiller
7 Street he rode through the backyards?

8 A He rode through the backyards.

9 Q And he went through your backyard?

10 A Yes.

11 Q State's 10 and 11. Do you recognize those?

12 A Yes, this is the bag that he dropped.

13 Q Those are the bags that he dropped?

14 A Yes.

15 Q Okay. What did you notice about the bike this man
16 was on at this time?

17 A I know it had straight handlebars on it and it was
18 pedaling.

19 Q How close did he get to you as he was leaving?

20 A About right here.

21 Q What color was the bike?

22 A Green.

23 Q It was the same green bike you saw earlier?

24 A Well, when I saw it the first time I just saw a green
25 bike.

1 Q Okay. Well, did you know the man at that time?

2 A I just know of him. I used to coach softball and he
3 had little kids that would come.

4 Q You had seen him before?

5 A Yes.

6 Q Do you see him today?

7 A Yes.

8 Q Where is he?

9 A (The witness points to the defendant.)

10 Q Are you pointing to the man there?

11 A Yes, sir.

12 Q Well, did the police, did you see them run after him
13 that day?

14 A Yes.

15 Q Anything else you remember that you want the jury to
16 hear about?

17 MR. VERNER: Your Honor, that is an improper
18 question.

19 THE COURT: I agree and I think the Solicitor agrees
20 as well.

21 Q Anything else happen with you after that or did you
22 watch the police run after him or did you go back in your
23 house or what did you do next?

24 A I watched the police run after him.

25 Q Okay. And did you see the man again that day?

1 A No.

2 Q Thank you. Mr. Glenn, answer any questions Mr.
3 Verner has for you.

4 THE COURT: Cross-examination.

5 CROSS-EXAMINATION

6 By Mr. Verner:

7 Q Mr. Glenn, have you got a clear recollection of
8 December 23rd of last year?

9 A I remember what happened, but the date I am not sure.

10 Q What was the weather on December 23rd of last year?

11 A It was raining.

12 Q Was it overcast or was it a hard rain, drizzle?

13 A It was just drizzling.

14 Q And when you went to the grocery store a little bit
15 earlier do you remember whether you had to run your
16 windshield wipers?

17 A Yes.

18 Q So it was dark enough or cloudy enough where you were
19 running your windshield wipers and your lights were on
20 too?

21 A It wasn't that dark.

22 Q A constant drizzle?

23 A Yes, kind of.

24 Q Had it rained harder earlier that day or do you
25 recall?

1 A I was standing outside so it wasn't raining that
2 hard.

3 Q Do you remember what you were wearing that day?

4 A No.

5 Q Do you remember whether it was a cold day or a warm
6 day?

7 A Kind of chilly to me.

8 Q When the police arrived, did they arrive with the
9 lights and the sirens on on the vehicle or did they just
10 pull up?

11 A They just pulled up.

12 Q You don't recall lights and sirens?

13 A I don't recall any lights.

14 Q What is behind your house, what would be behind your
15 house?

16 A Trees.

17 Q It is kind of forestry area?

18 A Yes.

19 Q What about across the street, what would be across
20 the street?

21 A A fence and bushes.

22 Q Are there other houses directly across the street?

23 A Yes.

24 Q Do you recall from which, do you recall how many
25 police vehicles arrived?

1 A I think there were three.

2 Q Three. They came all at once, three cars?

3 A I believe behind the other, one before the other.

4 Q Did you call them from a cell phone or from inside
5 your home?

6 A Cell phone.

7 Q Were you standing outside when you called the police
8 or you had gone back inside?

9 A Outside.

10 Q You were in your backyard or front yard, where were
11 you when you called the police?

12 A I was in my backyard beside my deck.

13 Q So you have a deck behind your house?

14 A Yes. It is on the side.

15 Q And they arrived fairly quickly?

16 A Yes.

17 Q Did you see any kind of chase between the suspect and
18 the police?

19 A Yes.

20 Q The man in the backyard had gotten on his bike, did
21 he get on the bike before the police arrived or the time
22 they were pulling in?

23 A When the police arrived he was pushing it up the
24 hill, he was going the other way. When he saw the police
25 I guess he turned around and jumped on his bike and

1 dropped what he had and kept riding.

2 Q Go ahead and tell the jury what you are looking at?

3 MR. VERNER: Your Honor, can the witness step down.

4 Q Can you step down, it is on a big screen right here,

5 Mr. Glenn. It might be easier to do it this way. Use

6 that red pointer so we can see a little more clearly.

7 Where is your house on Hiller Street, Mr. Glenn.

8 A (Witness points to diagram.)

9 Q Is this Hiller Street, do you recognize that?

10 A Right here.

11 Q You need to speak up.

12 THE COURT: You need to speak up so the Court

13 Reporter can hear you.

14 Q The Judge is going to have to hear you, the jury is

15 going to have to hear you, and the lawyers are going to

16 have to hear you. So speak up.

17 A This is mine.

18 Q You got kind of a brown roof on your home?

19 A Yes, sir.

20 Q And you don't have a neighbor to your, looking at

21 your house to your left, it is kind of, there is no

22 neighbor that is close to your house, there is trees and

23 stuff?

24 A Yes.

25 Q And then on the other side of your home there is

1 Walter?

2 A Walter.

3 Q Okay. What, the street that is kind of directly
4 across from your house. Does that street have a name?

5 A Floyd Street.

6 Q That is Floyd. Okay. And this bigger street that
7 goes across there, do you know what that street is?

8 A Crossing.

9 Q Crossing. Okay. Do you remember which direction the
10 police arrived on Hiller Street?

11 A (Witness points at diagram.)

12 Q They would have come from the Crossing Street side
13 towards your house?

14 A I was standing back here and saw.

15 Q Is it possible they could have come from more than
16 one direction?

17 A Possibly.

18 Q And then the man, before then you said you saw a guy
19 riding on a bicycle beforehand. Where was that?

20 A He came close to here on the bicycle.

21 Q So where would you have seen the bicycle, the man on
22 the bicycle earlier, on Crossing Street somewhere?

23 A (Witness points to diagram.)

24 Q Are you pointing kind of towards the intersection of
25 Crossing and Hiller?

1 A Yes.

2 Q When the police arrived you said the man got on his
3 bicycle and left. In which direction did he leave.

4 Towards your house or away from it?

5 A He went this way.

6 Q So he came back across your house?

7 A He went through my backyard and went behind my
8 neighbor's backyard.

9 Q Moving from my right to left, looking at the picture,
10 moving from right to left.

11 A Yes.

12 Q And that is the direction you saw the police chase
13 him?

14 A One police went behind him and the other one got in
15 the car.

16 Q You can have a seat, please, sir. Do you recall what
17 you were doing that day when you were at home?

18 A I just drove up.

19 Q Had you had any alcohol beverages that day?

20 A No.

21 Q At some point did you ever see that the man that the
22 police chased, they never brought him back or you never
23 saw him again?

24 A No.

25 Q Did the police ever produce a photographic lineup of

1 photographs for you to identify the man?

2 A No.

3 Q And have you ever identified Sterling Maybin prior to
4 identifying him here in court today for the police?

5 A No.

6 Q Did the police ask you if you knew who the man was?

7 A Yes.

8 Q Did you tell them I thought that was Sterling Maybin?

9 A No.

10 Q Why not?

11 A I didn't know his name.

12 Q When you came to the man in the back of Mr. Cromer's
13 home, do you recall whether that door was open or closed
14 or can you remember?

15 A It was closed.

16 Q When is the first you learned that the police had
17 identified Sterling Maybin as the person that you saw that
18 day?

19 A I know his brother. And that is what I told, he
20 looked like his brother.

21 Q You told that to the police?

22 A Yes.

23 Q On the day that this happened?

24 A Yes. I knew it wasn't his brother, I said it looked
25 like his brother. That is when, told me the name. And

1 said, yes, that is who it was.

2 Q So the police that day told you it wasn't, they
3 suggested that same day that that was Sterling Maybin to
4 you?

5 A Yes, they gave me his name.

6 Q So, it wasn't you providing the name to the police,
7 it was the police providing the name to you?

8 A I didn't know his name.

9 Q But my question is, it was not you giving the name to
10 the police, it was the police giving you the name?

11 A I didn't know his name.

12 Q But the police told you that it was Sterling Maybin,
13 right?

14 A That that was his brother, Terry's (phonetic)
15 brother. That is how they gave me his name.

16 Q Had they mentioned Sterling Maybin's name before
17 then?

18 A They asked me who it was. I said it looked Terry--

19 THE COURT: Who?

20 Q I guess that would be, T-H-I-E-R--

21 A That is his brother.

22 COURT REPORTER: Wait a minute. Spell that again.

23 MR. VERNER: I would assume he is talking about

24 T-H-I-E-R-R-Y, Thierry Maybin.

25 Q That is who you said it looked like?

1 A Yes.

2 Q You told the police that day?

3 A Yes.

4 Q While they were at the home?

5 A Yes.

6 Q And I am not trying to confuse you up but prior to
7 you saying it looked like Thierry Maybin, had the police
8 said, was it Sterling Maybin or when was it first that you
9 recall the name of Sterling Maybin being brought up to
10 you?

11 A When they asked me who was it. I said, it looked,
12 somebody that looked like Thierry but he is taller.

13 Q And you told them that day?

14 A Yes.

15 Q Do you recall which officer you told that to?

16 A I guess all of them.

17 Q There were several officers that came back to the
18 scene?

19 A Yes.

20 Q But they didn't apprehend anybody to your knowledge
21 and bring any suspect back?

22 A No.

23 Q Okay. And you have lived, I think you testified on
24 Hiller Street about the last 40 years?

25 A Four years.

1 Q Four?

2 A Yes.

3 Q I am sorry. Where did you live prior to Hiller
4 Street?

5 A Silverstreet.

6 Q Silverstreet?

7 A Yes, sir.

8 Q If I suggested that the Hiller Street area, the West
9 End area, there is a fairly large number of black men and
10 women that live in that neighborhood, wouldn't you say?

11 A Yes.

12 Q Okay. Thank you, Mr. Glenn.

13 THE COURT: Redirect?

14 MR. SCOTT: None from the State, Your Honor.

15 THE COURT: You can step down, sir. Thank you for
16 your testimony. Call your next witness.

17 MR. DANIEL: Your Honor, the State calls Randy
18 Malloy.

19 THE COURT: Who is this? Harold Malloy?

20 MR. DANIEL: Harold Malloy, yes sir, he goes by
21 Randy.

22 HAROLD MALLOY, being
23 first duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 By Mr. Daniel:

1 Q Officer Malloy, you go by Randy?

2 A Yes, sir.

3 Q You are employed as a police officer with the City of
4 Newberry, correct?

5 A Yes sir, I am.

6 Q How long have you been with that agency?

7 A 11 years.

8 Q December 23rd of 2014, were you on duty that day?

9 A Yes sir, I was.

10 Q What hours or what shift were you working?

11 A 6:00 a.m. to 6:00 p.m.

12 Q Did you respond to a call at [REDACTED] that
13 day?

14 A Yes sir, we did.

15 Q And what was the call in reference to?

16 A It was referenced to a person behind a house possibly
17 taking items from the home.

18 Q And you received that information from dispatch?

19 A Yes, from the complainant that was talking through
20 dispatch, yes.

21 Q Dispatch was relaying what--

22 A What the complainant that called them was actually
23 seeing at the time.

24 Q [REDACTED], that is in the City of Newberry
25 in Newberry County?

1 A Yes sir, it is.

2 Q Where were you when you first received this call,
3 were you nearby?

4 A I think I was around the Nance Street, Main Street
5 area. I wasn't far from the area when the call came in.

6 Q How long did it take you to respond?

7 A Just a couple of minutes.

8 Q When you arrived at [REDACTED] what did you
9 observe?

10 A The gentleman caller was basically standing in front
11 of the house and pointing towards the back of the house.
12 And I was to the, if you are looking at Hiller Street, I
13 come off of Crossing Street so I was closer, I hadn't
14 passed his residence yet, [REDACTED]. I was on the south side
15 of that residence.

16 Q I want to show you, do you recognize that?

17 A Yes, sir.

18 Q If you could and with the Court's permission, could
19 you kind of step down and point to the jury your route to
20 get to that location just so we have a layout.

21 THE COURT: And, Officer, be sure to speak up loud.

22 A Ladies and gentlemen, this is Crossing Street, this
23 is coming into Hiller Street. I made a right turn onto
24 Hiller Street. The caller was actually between the houses
25 pointing towards the back of the house like someone was

1 back there. I stopped my car along in this area and got
2 out of my car. Another officer was already in the area
3 and he arrived before I did. He was on this side of the
4 street, on this side of the house.

5 Q Thank you. And the caller was pointing, where was
6 the caller pointing, what address and what location?

7 A He was in between the two houses and was basically
8 pointing behind the house like he was back here, he was
9 back here. He was making some statements as well.

10 Q You can have a seat Officer Malloy. I want to show
11 you State's number 9 that has been submitted into
12 evidence. Do you recognize this?

13 A No, sir.

14 Q You said you observed the caller point to a location?

15 A Yes, sir.

16 Q Tell us what else you observed?

17 A He was at the front of the house. I never went
18 behind any of the residence.

19 Q You observed the suspect on the scene?

20 A What happened was, as I was coming around the back of
21 the, the side of one of the houses the suspect come around
22 the back of the same house that I was going around. We
23 were actually meeting around the house on a bicycle.

24 Q And I have my list of pictures here. State's number
25 1, do you recognize this?

1 A I think that is the house I was on the left side of.
2 There were two brick houses that were side by side and I
3 was on the left side of the houses. And the gentleman on
4 the bicycle came around the same side of the house that I
5 was on. And I don't recall the front of the house, I
6 really can't say if this was the actual house. But if
7 this is 1611 I am sure that was the house. I didn't look
8 at any house numbers because I was getting out, going
9 towards the back of the house.

10 Q And did you recognize this individual, this suspect?

11 A Well when the suspect came around the house he was
12 pedaling the bicycle fairly fast. And he and I were at a
13 angle, and I couldn't apprehend the suspect but I did see
14 the suspect and it was someone I was familiar with.

15 Q Did you know who the suspect, I am not saying how do
16 you know the suspect but did you know this person?

17 A I have seen him before, yes sir.

18 Q And did you know the name of this individual?

19 A I didn't quite know his name at that time. But I
20 knew, I knew who that guy is. You know how you have a
21 moment in time where, I know who he is, I know who he is.
22 I have seen him around. And then once we started looking
23 for him, the gentleman that, I realized it was Mr. Maybin
24 we were looking for. Because when he came by me I kept
25 thinking in my mind, who is this guy. Because you see

1 people all the time. And in the area you get familiar
2 with them, and I was like, I know this guy. And I
3 realized then Mr. Maybin was who we started looking for.

4 Q You said--

5 A And the reason I say that is because the bicycle was
6 something that he had already been on, we had seen him
7 earlier on as well, the bicycle that he was actually
8 riding on.

9 Q Let me show you that has been marked for ID purposes
10 as State's 16. Do you recognize this?

11 A Yes, sir, turquoise bicycle, yes sir.

12 Q Is that the same bicycle that you observed December
13 23rd?

14 A To the best of my knowledge, yes sir.

15 Q All right. Tell us what happened, there are other
16 units on the scene?

17 A Yes, sir. The officers were, like I said, were past,
18 they were a couple of houses past. They see me starting
19 chasing the suspect or Mr. Maybin and they begin to start
20 chasing as well. Officer Mercer and one of the other
21 officers get in the patrol car and we are trying to just
22 apprehend the guy.

23 Q So you are on foot?

24 A I am on foot and another officer is on foot and I am
25 actually trying to run down the bicycle. And then once I

1 see he is basically leaving is when I run back to my
2 patrol car.

3 Q And what direction?

4 A He is headed towards Crossing Street. If I can show
5 you again. Basically the way I came in.

6 Q Is that individual you saw on that bicycle in court
7 today?

8 A Yes, sir.

9 Q Can you identify him for the jury?

10 A Yes, sir. That is Mr. Maybin sitting beside Mr.
11 Verner.

12 Q About how close were you?

13 A Approximately from me to you to where the bicycle is
14 now.

15 Q 15 feet?

16 A 15 to 20 feet roughly.

17 Q What time of day was it when you were dispatched out
18 there?

19 A Early afternoon.

20 Q Daylight?

21 A Yes sir, daylight. It was cold and rainy.

22 Q December 23rd?

23 A Yes.

24 Q Did you notice anything in Mr. Maybin's hands,
25 anything like that?

1 A No, sir. He was just, I mean aggressively pedaling
2 that bicycle and everything happened so fast and I am
3 trying to run after him. And coming around I didn't
4 recognize or see anything in his hands.

5 Q What kind of clothes do you recall him wearing?

6 A I want to say that he had on a dark jacket and it was
7 layered, he had a layer of clothing on. There was more
8 than one layer of clothing on him. He is not a real big
9 individual but you could tell the bulkiness of the
10 clothing that there was more than one layer of clothes.

11 Q Do you attempt to run him down on foot?

12 A Yes, sir.

13 Q About how long did you try to chase him down on foot?

14 A Probably 20 yards. Once he hit the sidewalk, once he
15 got out of the grass, again, like I said, he was
16 accelerating pretty fast. Once he hit the sidewalk there
17 was just no chance. That is why I went toward my patrol
18 car.

19 Q Did other units continue to pursue on foot?

20 A Yes, sir.

21 Q What officer continued on foot?

22 A Patrolman O'dell.

23 Q Teal O'dell?

24 A Yes, sir.

25 Q Was Mr. Maybin taken into custody at that time?

1 A No, sir. We weren't able to locate Mr. Maybin.

2 Q Did you find any, did you find the bicycle or
3 anything like that?

4 A Yes, sir. Mr. Maybin had gotten away from us whether
5 or not at the end of Crossing Street and then we lost him
6 at the intersection of Crossing Street, if I can show
7 again on the map.

8 Q Sure.

9 A I basically stopped running through here. Patrolman
10 O'dell continued to chase, I got on the patrol car, like I
11 said was in this area. Mr. Maybin, the bicycle was found
12 in this area and Mr. Maybin was walking in this wooded
13 area.

14 Q And point to where the bicycle was recovered?

15 A It was recovered in this wooded area.

16 Q And that is when you lost Mr. Maybin, in the wooded
17 area?

18 A Yes, sir. In this wooded area here.

19 Q Did y'all set up a perimeter?

20 A Yes, we did. We searched the area, all through the
21 area. We had patrol cars roaming through the area and
22 never could make any more contact with Mr. Maybin.

23 Q You can take a seat, Mr. Malloy. I guess,
24 approximately what time are you being dispatched. Do you
25 keep records?

1 A Yes, sir. Can I refer to my report?

2 Q Yes sir, absolutely.

3 A The call actually came in at 1:10 and the first unit
4 arrived at 1:12 which is two minutes later. And that is
5 early afternoon.

6 Q Was that the extent of your role in this case?

7 A Basically we set up a perimeter and continued to
8 search the area for probably another, we didn't end the
9 call until 2:20 which gives us another hour of searching
10 for Mr. Maybin before we decided to cancel that portion of
11 it. That was the end of my role in the case.

12 Q Was the homeowner on the scene?

13 A I don't know who the gentleman was that was pointing
14 towards the back of the house. I don't know if he is the
15 homeowner or the, just a concerned citizen. I don't know
16 who, what his role was.

17 Q So your role is just limited to looking for the
18 suspect?

19 A I was actually the shift supervisor so I had to
20 resume duties of other areas of the city as well.

21 Q No further questions. Please answer any questions
22 Mr. Verner may have for you.

23 THE COURT: Mr. Verner, cross-examination.

24 MR. VERNER: Yes, Your Honor. Thank you.

25 CROSS-EXAMINATION

1 By Mr. Verner:

2 Q Officer Malloy, would you put on the aerial, please.
3 On the other side of Crossing Street where you say he was
4 running to, what is across Crossing Street from the Hiller
5 Street side?

6 A We have a park.

7 Q That would be the West End Park?

8 A The actual West End Park would be a block or two
9 further back. This is more of an open area where we have
10 a walking path.

11 Q There are some trees against the road but for the
12 most part that is a big open area with a creek down the
13 middle of it, right?

14 A Yes, sir. That is again about 50 yards away from
15 where these trees are located. That open area is about 50
16 to 75 yards away from where these trees are located.

17 Q Were there tennis courts and basketball courts and
18 playground equipment?

19 A No, sir. That would be, again, approximately two
20 blocks to the, East of our location. It is not actually
21 on the overhead map that we see.

22 Q And can you look at this what I am handing you. Can
23 you orient yourself from that one?

24 A Yes, sir.

25 Q The open area appears to start right behind the back

1 of those houses, there are some trees by the houses but
2 that is when it opens up to a big field?

3 A This area, sir, this photograph and this photograph,
4 if you can see, the trees are more fuller in this
5 particular photograph than they are in this one. It does
6 open up, like you say, into the field leading to the
7 walking path into the creek.

8 Q But there is some distance of trees you have to get
9 through?

10 A Yes, sir. Yes, sir.

11 Q And I think you testified it was cold and rainy?

12 A Yes, sir. Cold and drizzly.

13 Q Were you wearing a cap?

14 A No, sir. No, sir.

15 Q Was the suspect that you chased wearing anything on
16 his head?

17 A I can't recall.

18 Q But it would have been a day where you would have
19 worn a hat ordinarily cold and rainy?

20 A I don't wear a hat, Mr. Verner. Other officers may
21 wear these ball caps but I don't wear one.

22 Q You were blessed with a thick head of hair?

23 A Yes, sir.

24 Q Not all of us have that. Again, just for the record
25 for whoever is writing this down, estimate the distance

1 when you started chasing the man on the bicycle?

2 A I would approximately say probably 7 to 10 yards.

3 Q Okay. So that is about 20 to 30 feet?

4 A 20 to 30 feet.

5 Q Now, it has been a while since I rode a bicycle but
6 typically when you first get on that bicycle and you are
7 trying to go fast, for the first couple of yards it takes
8 you a while to build up momentum with a bicycle, right?

9 A Yes, sir.

10 Q And for particularly when it is a grassy area?

11 A Yes.

12 Q And let me clarify, when you first saw the man pass
13 you on the bicycle were you standing on the front side of
14 the home or the back side of the home?

15 A We basically met coming around the home, in the
16 middle of the home on that, on the left side. He was
17 coming around and it actually sort of startled me because
18 I wasn't expecting a bicycle to come speeding around the
19 back side of the home as I was coming around the same side
20 of the home. And again, that angle that we had, I didn't
21 have a good enough angle to stop him. He was wider out
22 than I was and he was able to continue on further out.

23 Q And he wasn't just starting pedaling it at that time?

24 A No, sir. He was aggressively pedaling that bicycle.

25 Q Did you say anything to him?

1 A Yes, I was yelling stop, police. You know, stop.

2 Q Did he say anything to you?

3 A No, sir.

4 Q His intention was just to ride far and fast away from
5 you?

6 A Yes, sir.

7 Q I think for the Solicitor, you said there was nothing
8 in his hands?

9 A I don't recall seeing anything in his hands.

10 Q Were there any bags hanging down or anything you
11 remember hanging down?

12 A No, sir. Nothing of that sort caught my attention.
13 The only thing that caught my attention more was the bulky
14 clothing.

15 Q And you saw Officer O'dell starting to chasing him
16 too?

17 A Officer O'dell came past me when I was around the
18 house and they heard me yelling. And he came running down
19 the sidewalk in front of the house.

20 Q Was Officer O'dell chasing him before you saw him
21 pass you?

22 A When he heard me yelling as we were coming around the
23 house--

24 Q Who is the he you are talking about?

25 A Mr. Maybin. Mr. Maybin and I met coming around the

1 house and I was yelling for him to stop Officer O'dell, I
2 assuming, the thing I knew was running back past me down
3 the sidewalk because he had already made it to the
4 sidewalk as well.

5 Q That is my question. Was he already pursuing the man
6 on the bicycle at the time you encountered him or he
7 didn't start until you--

8 A --he was coming initially to my command or to my
9 voice, hearing my voice. And then once he saw the
10 gentleman, Mr. Maybin on the bicycle then he began
11 pursuing him down the sidewalk.

12 Q And I think you said Officer O'dell started his
13 pursuit from the far side of the home, the other side of
14 the home that you were on?

15 A Yes, sir.

16 Q From the front on the sidewalk side or from the back?

17 A The front side.

18 Q So he would have had to pass--

19 A Well, I am assuming in front, Mr. Verner, like I
20 said, that patrol car was ahead of me, a couple of houses
21 ahead me. And when I got and the gentleman was pointing
22 behind there, I went around and I don't know where the
23 other officers, where their positions were exactly.

24 Q Do you remember Officer O'dell running past you?

25 A Yes, sir.

1 Q So he is a faster man than you are?

2 A A lot younger too, sir.

3 Q And I think you said at some point you stopped
4 running and just, it was up to Officer O'dell to catch the
5 man--

6 A Well, I ran back to my patrol car to gain advantage.

7 Q And you also have got the benefit of the radio and
8 did you call other units?

9 A Other units were already in the area.

10 Q Do you recall any other officers who were there on
11 the scene?

12 A During this time Officer O'dell was in our field
13 training program which is our FTO program and he was with
14 Corporal Richard Mercer. He was actually the driver of
15 the, or the commanding officer of that first vehicle.
16 There were a two-man unit that pulled up to that
17 residence, on the other side of the resident first.

18 Q Now, were you part of the processing of the scene for
19 evidence or did you go back on to patrol pretty much
20 after?

21 A No, what I did, like I said, the shift supervisor,
22 after the hour and fifteen minutes we were searching for
23 him, basically turned it over to the investigators and the
24 two initial officers which would be Officer O'dell and
25 Officer Mercer. I resumed the duties of shift supervisor

1 throughout the city with other officers.

2 Q Did you go down to the area where the bicycle was
3 found or did you just rely on what Officer O'dell in the
4 general area where he said he found it?

5 A I was behind the house. I had actually taken my
6 patrol car in this area that you said was open that we
7 discussed.

8 Q Yes, sir.

9 A I had driven my patrol car down through there all the
10 way into the, this area we are talking about here, this
11 open area.

12 Q When the man, the suspect got away you got out of
13 your patrol car and then you started driving roads in that
14 general area?

15 A Yes, sir. I actually got on the walking track and
16 actually got into the general area where the walking track
17 and the creek is at.

18 Q And I assume there were other patrol cars doing the
19 same thing?

20 A Other cars in the area as well.

21 Q Did you ever come back to the house to continue the
22 investigation?

23 A No, sir.

24 Q Okay. At some point you called off the search with
25 the suspect and then you went back on regular patrol?

1 A Basically the case was turned over then to the
2 supervisor, excuse me, to the investigators which was
3 Lieutenant Goodman and Sergeant Moore who were also out
4 working.

5 Q And then once the actual investigators come on the
6 scene, they take over the case and you go back to regular
7 patrolling?

8 A Well, they were there as well as responding perimeter
9 officers as well at the time.

10 Q Did you have anything more to do with this case after
11 December 23rd?

12 A No, sir. No, sir.

13 Q When you arrived at the house were the lights and
14 siren on on the vehicle or is this where you would have
15 arrived without?

16 A This would be where we would not have lights and
17 sirens on in our vehicle. We want to come in in a self
18 mode, you know, in this case try to apprehended someone.

19 Q Do you recall whether you would have ordinarily, I
20 think you would have been using your windshield wipers on
21 this day?

22 A I think if they were they were on intermittent, it
23 wasn't raining, it was more of a drizzle.

24 Q Do you recall whether it had been raining or clear
25 that day, or how long it had been raining?

1 A No sir, I can't recall.

2 Q Ordinarily on any kind of arrest or significant
3 incident that the police is involved in, ordinarily they
4 will go back towards the end of their shift or at some
5 point and write a report on what happened that day?

6 A I was the supervisor that approved this report that
7 was written. I actually reviewed this report.

8 Q But before it is submitted you proof read it to make
9 sure that is, if you have any questions about it you will
10 ask the officers?

11 A The only thing that we, when we proof read the report
12 we are checking for grammar, we are checking for mistakes,
13 we are not offering the report at all, we are just
14 checking, just basically the report is factual.

15 Q If you had independent evidence to offer you would be
16 able to write your own report. Often times officers will,
17 several officers will do a report for one particular file?

18 A Yes, sir. They are called supplemental reports, is
19 what Mr. Verner is asking. We have the initial report
20 that was written by Corporal Mercer and then you will have
21 other officers that would write supplemental reports,
22 their involvement in the case.

23 Q And are these reports typically done the day of the
24 incident or fairly close in time?

25 A Yes, sir.

1 Q Okay.

2 MR. VERNER: May I approach, Your Honor?

3 THE COURT: You sure can.

4 Q The last two sentences, can you read the last two
5 sentences of the report you approved?

6 A The suspect was located, was not located but a
7 possible identity was provided due to Cromer sees Sterling
8 Maybin in the area recently, referred to case numbers
9 2014-11160 and 2014-11161 which were two prior property
10 crimes in that same area, on that same street.

11 Q But the report indicates that Mr. Cromer said he had
12 seen Sterling Maybin on his property two days beforehand?

13 A That was from a prior report, yes sir. The reason
14 why we had so many officers--

15 MR. VERNER: Your Honor,--

16 THE COURT: He can explain his answer, go ahead.

17 A The reason why we had so many officers to respond to
18 this is, this is the third incident that we had of theft
19 on that street in the last, in that two-day span,
20 three-day span.

21 MR. VERNER: And, Your Honor, that is not in relation
22 to any kind of question I have asked.

23 A That was the verification of the case numbers that I
24 read.

25 MR. VERNER: I would ask that be stricken.

1 THE COURT: I deny your request.

2 Q On the two reports that you just mentioned, was
3 Sterling Maybin arrested on the other two crimes that you
4 are talking about?

5 A If I can refer to those two reports, sir.

6 Q You got them?

7 A Yes sir, I do. The two reports doesn't show that Mr.
8 Maybin was arrested on either one of these reports.

9 Q Okay. Thank you. Officer, unless the Prosecutor has
10 any more questions:

11 THE COURT: Any redirect?

12 MR. TAYLOR: Briefly, Your Honor.

13 REDIRECT EXAMINATION

14 By Mr. Daniel:

15 Q So you had reports on file prior to this December
16 23rd?

17 A Yes sir, we do.

18 Q And that involves Sterling Maybin?

19 A Yes, sir.

20 Q So that was one of the factors in identifying him?

21 A Yes sir, it was.

22 MR. VERNER: Your Honor, I may have missed something.
23 I object, but the officer testified that it was not
24 Sterling Maybin.

25 THE COURT: Let's do this and we are probably going

1 to be finishing up for the day fairly soon. But, Mr.
2 Foreman and ladies and gentlemen of the jury, I am going
3 to ask you to go to the jury room for just a moment and
4 let me discuss this matter a little further with the
5 lawyers. We will get you back out very soon.

6 (Whereupon, the jury was excused from open court at
7 approximately 5:00 p.m.)

8 THE COURT: Okay, Mr. Verner, you want to state your
9 objection for the record.

10 MR. VERNER: Your Honor, respectfully I would ask
11 the, if the State is intending to ask questions about
12 whether Sterling Maybin was identified as a suspect of the
13 other two reports. And that was partly the ground I
14 objected in the past was that this was going to open up
15 Lyles type prior bad acts evidence. I did ask the
16 question but the, it was at the officer, in my opinion he
17 went beyond the question in talking about the report. I
18 am not aware of any prior reports, Your Honor. Mr.
19 Sterling may have been listed as a suspect in this case.

20 THE COURT: Solicitor, what do you intend to elicit
21 through this witness?

22 MR. TAYLOR: Well, Your Honor, that was one of the
23 factors, that is one of the factors used to identify
24 Sterling Maybin. I know this officer had independent
25 knowledge. Mr. Verner ask him to read verbatim this line

1 of this incident report. I am not going beyond the scope
2 of his cross.

3 MR. VERNER: Do those prior reports indicate that
4 Sterling Maybin is a suspect. Because the question
5 clearly implies that Sterling Maybin was a suspect of the
6 prior two thefts.

7 THE COURT: I think that was the question. I am not
8 sure if the officer gave an answer.

9 MR. VERNER: That's correct and the officer didn't.

10 MR. TAYLOR: We would like to proffer that, Your
11 Honor, then because he didn't get a chance to respond.

12 THE COURT: All right. Let's go ahead, let's have
13 some in-camera testimony and let's see exactly where they
14 are coming from. I am a little vague at this point. You
15 may proceed, Solicitor.

16 In-camera Testimony by Mr. Daniel

17 Q Mr. Verner had you read the last lines of the
18 incident report in this case?

19 A Yes, sir.

20 THE COURT: Could you read that again.

21 COURT REPORTER: Can you read it slow.

22 MR. MALLOY: Yes, Ma'am.

23 A He asked me to read the last two lines. The suspect
24 was not located but a possible identity was provided due
25 to Cromer seeing Sterling Maybin in the area recently.

1 And it referenced the case numbers, 2014-11160 and
2 2014-11161.

3 THE COURT: All right.

4 Q And do you have those two reports with you?

5 A Yes sir, I do.

6 Q And who is the listed suspect in those reports?

7 A Sterling Maybin.

8 Q And what is the nature of these reports?

9 A 11161 actually happened on the same day of December
10 23rd at 10:16 or 10:28 a.m., where Mr. Cromer, let me read
11 this report. Where Mr. Cromer informed Mr. Glenn that he
12 had noticed Sterling Maybin walking through his yard and
13 Mr. Maybin is known for stealing items previously. Mr.
14 Cromer informed Mr. Glenn to check to make sure he still
15 had property. After receiving this information Mr. Glenn
16 inventoried the items and noticed that socket sets were
17 missing.

18 Q So Sam Glenn was the complainant and victim in that
19 report?

20 A He was the complainant in this report. Yes sir,
21 complainant and victim by the report.

22 Q What is that case number on that one you just read?

23 A 11161.

24 Q And read the nature of 11160?

25 A The nature of 11160 is, the heading is, stolen tools

1 and lawn equipment. The incident location is 1603 Hiller
2 Street. The complainant is Gary Darnell Quarles. He has
3 also shown to the victim and that report shows that Mr.
4 Quarles informed the officer that he was missing tools
5 from his truck and thought that his son may have taken the
6 items but did not worry about them. Mr. Quarles later
7 informed by neighbor to look out for his items because
8 they had noticed that Mr. Maybin was in the area walking
9 around and known Mr. Maybin to have a previous history
10 consisting of larceny. Mr. Quarles then called his son to
11 make sure his tools had not been stolen. His son informed
12 him that he had not taken his tools. Mr. Quarles
13 inventoried his items further and then noticed that his
14 leather case that held wrenches was stolen along with
15 Stanley tool box, two socket sets that had GQ initials on
16 them and a steel backpack blower that had a broken cable.

17 MR. VERNER: During proffer can I just ask what time
18 these, both of these reports were made by law enforcement,
19 what time law enforcement actually entered the report.

20 A Both of these reports were made, all three of these
21 reports were actually made on December the 23rd.

22 Q And what time?

23 A 10:28 on 61.

24 Q That is what time they are alleging the larceny
25 happened?

1 A No, sir. The alleged larceny, let me back up then,
2 sir. This is from the time that the officers were given,
3 from 12/21, at 2:00 o'clock in the afternoon to 12/23, at
4 10:49 a.m., is when they cleared the call.

5 Q So it was called in early?

6 A It was actually called in at 10:28 and he is saying
7 from this time period, from two days prior to that or a
8 day and a half prior to that to that morning is when he
9 missed these items. He realized his items were missing.
10 Or in this particular case, this is where they seen Mr.
11 Maybin walking through the neighborhood and missing these
12 items which would be the socket set missing from Mr.
13 Glenn. And the officer took this report which was
14 actually next door, this was at 1609, this is at 1606
15 Hiller Street. The officers took the same report, or took
16 another report from a different complainant and victim,
17 Mr. Gary Darnell Quarles. At the same time, they
18 completed both of these reports at the same time.

19 Q That don't suggest that law enforcement was actually
20 on 1603 Hiller Street at 10:30 that morning?

21 A They arrived at 10:34, yes sir. That was prior to
22 the initial call that we got where we found the bicycle,
23 the reason why we are here today.

24 Q Okay.

25 MR. VERNER: Your Honor, I would note that this

1 reports says, that in both cases the victims were later
2 informed by law enforcement that Mr. Maybin had been, or
3 by neighbors, that would be Mr. Cromer or Mr. Glenn, that
4 Mr. Maybin had been in the area.

5 THE COURT: Before you make the argument let's see
6 where, you got any other examination in-camera of this
7 witness?

8 MR. TAYLOR: No sir, Your Honor. I guess I only
9 mentioned because they were, Mr. Verner had him read the
10 case numbers. Actually Mr. Cromer, we can proffer his
11 testimony because, Mr. Cromer will testify about seeing
12 Mr. Maybin two days prior to this December 23rd date.

13 THE COURT: Is it the State's intention of giving, of
14 getting in evidence about these other break-ins under a
15 Lyle analysis. Is that the intention of the State.

16 MR. VERNER: Respectfully they have already done it
17 through the testimony of the officer, they have already
18 testified that there were two other larcenies in the area.

19 THE COURT: Did he answer before we excused the jury,
20 if he answered that the defendant was a suspect in both
21 cases.

22 MR. VERNER: I think the Court is right, that was
23 when I objected when the State asked--

24 THE COURT: I don't think the answer came out.

25 MR. VERNER: No, sir. It is not a very long hop to

1 lead to that conclusion at this point and time.

2 THE COURT: Let's go back. Solicitor, what is the
3 position of the State.

4 MR. TAYLOR: Your Honor, I guess it just puts it in
5 context that you have three neighbors on Hiller Street and
6 all of their houses have been tampered with the same day.
7 That explains why officers were in the area and responded
8 so quickly I guess.

9 THE COURT: But is it the position of the State that
10 you are wanting to get in that the defendant is a suspect
11 in those other cases?

12 MR. TAYLOR: No, sir.

13 THE COURT: Okay. I don't think you could. Just
14 being seen in the area in and of itself I don't think
15 would be sufficient to get that in under a Lyle analysis.
16 So, if we leave it where it is you still have a problem or
17 an objection, Mr. Verner, concerning these other two
18 cases. You did ask him to read and they were about two
19 other cases.

20 MR. VERNER: I opened the door but that was only
21 after my objection that the officer should not have been
22 allowed to hear details of those prior incidents without
23 the question being elicited from him about the nature of
24 both priors. Do you remember there was some pause, Your
25 Honor, and then the officer on his own started describing

1 the nature of what those two prior incidents were. I
2 objected that that was not my question. It was allowed
3 in. So, now the jury knows that there were two priors,
4 two other thefts in the neighborhood. The only fair
5 conjecture the jury may have, because he said this was why
6 we think Sterling Maybin was a criminal suspect in this
7 one because of these two other larcenies.

8 THE COURT: I don't remember him saying that.

9 MR. VERNER: What is that, Judge?

10 THE COURT: Did the officer say that we have
11 identified the defendant in this case because of those
12 other two prior cases. I don't remember the officer
13 saying that.

14 MR. TAYLOR: No, sir. He said it was a factor, Your
15 Honor, but he, the officer has independent knowledge of
16 Sterling Maybin.

17 THE COURT: Without giving details the officer did
18 say, I had prior knowledge or whatever with the defendant.
19 Okay. But I haven't heard anything from this officer and
20 you guys correct me if I am wrong, I haven't heard
21 anything from this officer to point the defendant to these
22 other two break-ins. I haven't heard that. Now, you tell
23 me if I am wrong.

24 MR. VERNER: I don't think there is any other way,
25 the only inference--

1 THE COURT: I am not talking about inferences. Okay.
2 I am not talking about inferences. Has there been any
3 testimony from this officer that ties the defendant in to
4 these other two break-ins so far.

5 MR. VERNER: Not without the inference that it is a
6 related factor. No, Your Honor, but I am arguing the
7 inference, it can only lead to one. My solution, Your
8 Honor, is one of two things. I would move for a mistrial.
9 I don't know how the jury can disregard that he was the
10 other suspect in the other two. The alternative is, I
11 would intend to clear it up by arguing that the suspect in
12 the other two larcenies was only identified after this
13 burglary, after they had identified Sterling Maybin as a
14 suspect in the burglary. And this is what the report
15 says, at a later time people said Sterling Maybin had been
16 in the, I think the report said in the neighborhood, it is
17 not law enforcement. But it says at a later time someone
18 had told the, both property owners that Sterling Maybin
19 had been in the area and that is how he was identified as
20 a suspect in these other two crimes.

21 THE COURT: I think what I want to do, I need to
22 logistically discuss this with the Court Reporter, I am
23 not sure if she is going to be here with us tomorrow or
24 not. Because I may want to review this officer's
25 testimony leading up to the objection to see specifically

1 what he has said and to determine whether or not there is
2 enough prejudicial effect that would even justify me
3 considering a mistrial. What I want to avoid is
4 associating him, the defendant with these other break-ins
5 because of all they have got is he was seen in the area,
6 that in and of itself would not come in, or could not come
7 in. I think I will go ahead and recess for today and see
8 if I can review his testimony and then we can deal with it
9 first thing in the morning concerning your motion for a
10 mistrial. And your alternative, Mr. Verner?

11 MR. VERNER: Your Honor, I think I can probably
12 fairly simply clear it up that the officer said that there
13 was reports of two other larcenies in the area on the
14 immediate street, I think. I think a fair reading of the
15 incident report was Sterling Maybin was not identified as
16 a suspect in the two larcenies until after the police had
17 already identified him as a suspect in the burglary. And
18 they went ahead and said, well, these are two adjoining
19 houses, he is likely the suspect and, but we never had
20 enough evidence to charge him.

21 THE COURT: Do I understand that you are now
22 withdrawing your motion for a mistrial or are you still
23 have that on the table?

24 MR. VERNER: No, Your Honor. If the Court doesn't
25 miss-try it that would be how I would intend to cure it by

1 somebody told the people at a later time that Sterling
2 Maybin was in the area.

3 THE COURT: I think all I can do at this stage is go
4 ahead and recess for the day. The Court Reporter will get
5 me the testimony and let me review it and we will go from
6 there. Solicitor, you want to throw anything in the
7 midst?

8 MR. DANIEL: No sir, Your Honor. That last sentence,
9 the suspect was not located but a possible identity was
10 provided due to seeing Sterling Maybin in the area. And
11 it says see cases and then the case numbers. Mr. Verner
12 asked him to read that and I was just, I had to elaborate
13 and that is why I questioned him further on that.

14 THE COURT: And I want a copy of that. We are going
15 to go ahead and bring the jury out and recess for the
16 evening. Bring the jury out, please, ma'am.

17 (Whereupon, the jury came into open court at
18 approximately 5:17 p.m.)

19 THE COURT: Let the record reflect the jury is back
20 in. Mr. Foreman and ladies and gentlemen of the jury,
21 there are some legal matters that I am going to need to
22 deal with and it is probably a good time to go ahead and
23 recess for today as opposed to keeping you back there for
24 me to deal with those legal issues. So, we are going to
25 go ahead and break for the day and ask that you be back at

1 9:30 promptly in the morning. Allow yourself enough time
2 where you can be back on time, mind you to leave your cell
3 phones in the car. And you may be questioned or quizzed
4 by family or friends about what has gone on today. You
5 can tell them you are a member of the trial jury but leave
6 it at that. Don't discuss anything related to this case
7 with anybody that you do come into contact with this
8 afternoon and this evening. And we will see you back in
9 the morning at 9:30. Let me go ahead and tell you, I have
10 a commitment in Columbia or I have got to leave at 12:00
11 so we are going to work real hard from 9:30 up to about
12 12:00 or 12:15 at the latest and then we will have to
13 break for the day. So if you need to make any plans or
14 anything for tomorrow afternoon feel free to because you
15 will be able to. This is a commitment that I can't get
16 out of. Okay. See you in the morning, have a good
17 evening.

18 (Whereupon, the jury was excused from open court for
19 the day at approximately 5:20 p.m.)

20 THE COURT: Officer, just remind you you are in the
21 middle of your testimony, you can't talk to anybody about
22 it. See you in the morning.

23 (Whereupon, the trial will resume the next morning at
24 9:30.)

25 (Maryann Nevers was the Court Reporter for July 9,

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2015, for the remainder of the trial.)

(END OF REQUESTED PARTIAL TRANSCRIPT)

STATE OF SOUTH CAROLINA)	COURT OF GENERAL SESSIONS
)	
COUNTY OF NEWBERRY)	Case No(s) : 2015GS3600121;
)	2015GS3600122
State of South Carolina,)	
)	
Plaintiff,)	
)	
-VS-)	TRANSCRIPT OF RECORD
)	
Sterling Maybin,)	
)	
Defendant.)	

July 9 - 10, 2015
Newberry, South Carolina

B E F O R E:

HONORABLE DONALD B. HOCKER, Judge.

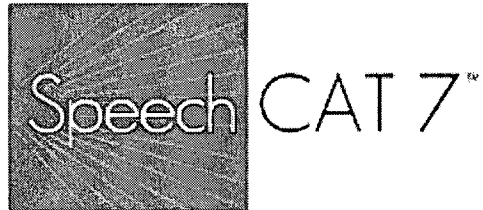
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CHARLES VERNER, Esquire
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Teresa B. Johnson, CVR-M
Certified Court Reporter
P.O. Box 2812
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Records are
taken and
produced via



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P R O C E E D I N G S

1
2 (WHEREUPON, the proceedings begin on the 9th day
3 of July, 2015 at approximately 10:26 a.m.)

4 THE COURT: Okay. We are back on the
5 record in the State of South Carolina versus
6 Sterling Maybin, uh, case. We concluded
7 yesterday, gentlemen, by, uh, Mr. Verner, you
8 had made a motion for a mistrial based upon
9 some testimony that came out yesterday. Uh, I
10 was able to obtain a partial transcript of the,
11 uh, cross-examination and, uh, redirect or part
12 of the redirect before we actually shut down
13 for the night; and, uh, the chronology of what
14 took place, Mr. Verner, is you did ask, uh,
15 this officer to read those two sentences in the
16 incident report about the other two cases. And
17 it was after that that I allowed him to explain
18 his answer. You disagreed that it was a proper
19 explanation of an answer, but I allowed him to
20 do that. Uh, and his explanation that you
21 objected to was just a comment of why there
22 were so many officers in the area on the 23rd,
23 because of some prior thefts on that street.
24 And then, uh, you asked him whether or not Mr.
25 Maybin had been arrested on those other two

Motions

1 cases. He indicated that he had not.

2 Hence, Mr. Daniel conducted his redirect
3 and asked did those prior, uh, reports or prior
4 -- two other cases involve the defendant. The
5 officer stated that they did. It was at that
6 time that I went ahead and excused the jury and
7 then we got into a little more dialog and some
8 proffered testimony after that.

9 What I'm going to do is deny your motion
10 for a mistrial. I believe to some extent that
11 you possibly opened the door, uh, for the
12 redirect to come in. But I'm going to prohibit
13 any further testimony concerning these other
14 prior cases. I think I mentioned yesterday that
15 -- the State wasn't trying to get that in under
16 Lyle. I did not believe there was sufficient
17 evidence to get these other break-ins in under
18 Lyle as it relates to the, uh, defendant.

19 So we're just going to kind of shut the
20 door down, nothing further about these other
21 two cases. Now, nothing prohibits, the State, I
22 think through maybe Mr. Cromer, from testifying
23 that he saw the defendant in the area two days
24 prior. I don't think that I can prevent them
25 from getting that in. But I don't want any

1 further testimony from this officer or anybody
2 else relating to these other two cases and
3 whatever, uh, involvement or suspicion of
4 involvement that maybe the police has
5 concerning the defendant in these other two
6 cases. So in effect, I'm splitting the baby.
7 And, uh, that's my ruling. Okay?

8 **MR. VERNER:** Judge, I understand that to
9 be -- my intent -- I do believe that the jury's
10 heard enough of it where there are two other
11 larcenies from the neighbors that he's a
12 suspect in. I know they have to make the
13 inference that he's a suspect, but I do submit
14 that's the only inference they can make.

15 I would intend to -- from my review of
16 those incident reports, the officer said, well,
17 why is he a suspect on the burglary case he's
18 on trial for it today. The officer said, well,
19 he's also a suspect in these two related petty
20 larcenies of neighbors. And the report
21 indicates to me, well, why is he a suspect in
22 those two petty larcenies? Because he's a
23 suspect in this burglary today. That's the only
24 evidence they have is basically Mr. Cromer told
25 the neighbors, well, you know, Sterling Maybin

1 got arrested for stealing stuff from me and
2 that's why he's listed as a suspect.

3 It's kind of a catch-22. He's a suspect in
4 case A because he's a suspect in case B and C.
5 He's a suspect in case B and C because he's a
6 suspect in case A. That's the only evidence. I
7 would try to, uh, argue that to the jury
8 because I do think they already heard enough
9 where it's clear he's a suspect in two
10 neighboring petty larcenies.

11 **THE COURT:** Well, you know, if you want to
12 go down that -- potentially -- I'm certainly
13 not trying to tell you how to try your case
14 because you are a good enough lawyer that you
15 don't need any advice from me, but that could
16 be a slippery slope for you.

17 **MR. VERNER:** I understand.

18 **THE COURT:** But, uh, again, you are a good
19 enough lawyer you can go in whatever direction
20 you need to go in. Of course, the prohibition
21 as far as these other two cases that he's a
22 suspect would be a prohibition against the
23 State for bringing that out. Now, if you want
24 to get into it in whatever fashion, so be it
25 and let's see what happens.

1 I just felt like that possibly the State
2 wouldn't have even mentioned the fact of the
3 other two cases if you had not -- I'm not being
4 critical, but I'm just stating that, in my
5 opinion, they probably wouldn't have got into
6 it if you had not asked the officer, uh, to
7 read those last two sentences of the incident
8 report which alludes to these other two cases.

9 **MR. VERNER:** Well, yes, sir. But the, uh,
10 -- I'm not going to argue with the Court. I
11 understand what the Court's ruling is.

12 **THE COURT:** Okay. All right. So let's, uh,
13 -- anything further before we bring the jury
14 out?

15 **MR. DANIEL:** Well, Your Honor, just
16 briefly. What Mr. Verner had Officer Malloy
17 publish yesterday did say, uh, he read in front
18 of the jury possible identity was provided
19 through Cromer being seen in the area.

20 **THE COURT:** Right. Well, Maybin being seen
21 in the area.

22 **MR. DANIEL:** Excuse me. Maybin being seen
23 in the area.

24 **THE COURT:** Right.

25 **MR. DANIEL:** I guess it seems to be

1 Officer Malloy's testimony was that he
2 recognized the face, just didn't know the name.
3 I believe I asked Officer Malloy was that a
4 factor in how you identified him in front of
5 the jury. That's how the name came up, Sterling
6 Maybin. Officer Malloy had to put a face with
7 the name -- uh, had to put a name with the
8 face. Excuse me.

9 **THE COURT:** Right. He testified on direct
10 that he recognized him and it was one of those
11 situations where I know that guy, know that
12 guy, just can't think of his name. And then at
13 some point in time, he either thought of the
14 name or was told the name.

15 **MR. DANIEL:** And if I ask a question the
16 reason I knew the name is because Sterling
17 Maybin had been seen in the area, is that going
18 to violate the court's prohibition? That
19 question, not even getting into specifics?

20 **MR. VERNER:** I don't have a problem with
21 that, Judge.

22 **THE COURT:** All right. Let's bring the
23 jury out understanding that I probably need to
24 leave here about -- around 12:15. All right.

25 Madam Bailiff.

1 **(WHEREUPON,** the jury enters at approximately
2 10:32 a.m.)

3 **THE COURT:** Let the record reflect the
4 jury's back in.

5 Mr. Foreman, Ladies and Gentlemen of the
6 jury, thank you for your patience. I don't want
7 the jury to think that we've just been kind of
8 sitting around drinking coffee and not doing
9 anything for the last hour. I had several
10 probation matters certainly unrelated to this
11 case that I had to deal with and we had to
12 touch on a couple of legal issues in this case
13 before we brought you out, so we've been
14 working. I've been signing some court orders
15 and some other things, so we have been working.
16 I appreciate your patience.

17 All right. Solicitor, you may proceed with
18 this witness who is still under oath.

19 **HAROLD MALLOY**

20 having previously been sworn, testifies:

21 **REDIRECT EXAMINATION**

22 **BY MR. DANIEL:**

23 **Q** Good morning, Officer Malloy. When we left
24 off, you were in the middle of your testimony. So
25 just to kind of refresh for everyone -- I don't want

1 to reiterate, but I kind of have to -- you were
2 responding to a call at [REDACTED] on
3 December 23rd of last year?

4 **A** Yes, sir. We did.

5 **Q** Okay. And what was that call in reference
6 to?

7 **A** In reference to a larceny.

8 **Q** And your testimony yesterday, I believe,
9 was you did observe the suspect on the scene?

10 **MR. VERNER:** Your Honor, that's an
11 improper form of the question. He's not allowed
12 to restate the answers of the officer and then
13 get him to corroborate.

14 **THE COURT:** Right. Uh, I sustain the
15 object. I understand you're trying to kind of
16 bring everybody back up to speed where we were.
17 But try not to state the answer.

18 **MR. DANIEL:** Yes, sir.

19 **BY MR. DANIEL:**

20 **Q** Did you observe the suspect on the scene
21 when you responded to that call?

22 **A** Yes, I did.

23 **Q** All right. And a foot chase, uh, ensued?

24 **A** Yes, sir. There was.

25 **Q** Was the suspect on foot or a vehicle?

1 **A** No, sir. The suspect was on a bicycle.

2 **Q** Okay. And where did you first observe --

3 **THE COURT:** One second.

4 **(WHEREUPON, Plaintiff's Exhibit 17 is marked for**
5 **identification.)**

6 **BY MR. DANIEL:**

7 **Q** I'm going to hand you a photo. Do you
8 recognize this?

9 **A** Yes, sir.

10 **Q** What is that?

11 **A** This is the, uh, aerial view of the Hiller
12 Street area..

13 **MR. DANIEL:** This has been marked for ID
14 purposes as State's -- State's number 17. Your
15 Honor, at this time, I offer State's number 17
16 into evidence.

17 **THE COURT:** Okay. What says the defense?

18 **MR. VERNER:** No objection.

19 **THE COURT:** All right. Without objection,
20 17 is in evidence.

21 **(WHEREUPON, Plaintiff's Exhibit 17 is admitted**
22 **into the record.)**

23 **BY MR. DANIEL:**

24 **Q** And, uh, with the Court's permission,
25 Officer, could you step down? We have it fed into the

1 TV here, some aerial footage.

2 **A** (Witness complies.)

3 **Q** Once again, describe how you arrived at the
4 location, your route and things of that nature.

5 **A** Okay. This is Crosson Street. I arrived on
6 Hiller Street from Crosson Street. I positioned my
7 patrol car in this area here. Uh, the complainant
8 that had called the police was motioning us in front
9 of the house and was motioning that there was a
10 suspect behind the house. The first positioned patrol
11 car was up the street a little further than mine. I
12 positioned myself here and begin to, uh, go around
13 this side of this house.

14 **Q** And where was the complainant standing?

15 **A** He was in the front area of the house up
16 here.

17 **Q** Okay. And where was the incident location
18 where the thefts --

19 **A** I'm assuming it was one of these houses
20 here.

21 **Q** Okay.

22 **A** All I know is I was being directed to the
23 back like there was someone in the back.

24 **Q** All right. And whereabouts did you first
25 observe the suspect?

1 **A** Coming around the width of this house, the
2 suspect comes around on a bicycle, peddling a bicycle
3 around through the side of the house. Basically, we
4 met around the side of the house.

5 **Q** Okay. And about -- distance-wise, how far
6 were you from the suspect?

7 **A** 20 to 30 feet.

8 **Q** Did you recognize the suspect?

9 **A** Yes.

10 **Q** Okay.

11 **A** I'd seen him before. I knew the suspect.

12 **Q** And did you -- you identified the suspect
13 yesterday in court, is that correct?

14 **A** Yes, I did.

15 **MR. DANIEL:** All right. Your Honor, at
16 this point, just for demonstrative purposes, we
17 can transition this aerial into a street view.

18 **THE COURT:** All right.

19 **BY MR. DANIEL:**

20 **Q** Now, take us through what you just said on
21 the aerial and you can direct --

22 **MR. VERNER:** I don't mean to interrupt,
23 Your Honor. Has this been marked into evidence?

24 **MR. DANIEL:** This is demonstrative.

25 **MR. VERNER:** Okay.

1 **MR. DANIEL:** This is a Google street
2 view. It's not something admit.

3 **THE WITNESS:** I stopped my patrol car
4 right here on Hiller Street before reaching
5 Floyd -- the intersection on Floyd Street. Then
6 I proceeded to go behind this house, the width
7 of this house. Uh, as I make my way back there,
8 we're trained to stay as close to the residence
9 as possible.

10 Mr. Maybin came around the house. You see
11 it's a wider area there. He came around the
12 house on the bicycle which created the distance
13 between he and I. I began to yell for him to
14 stop. He continued pedaling on. I think I said
15 yesterday he pedaled really aggressively. He was
16 pedaling really fast trying to get away. I was
17 yelling from him to stop. I gave a little foot
18 pursuit. He began to pull away from me as we're
19 going down Crosson Street.

20 **BY MR. DANIEL:**

21 **Q** Okay.

22 **A** The other officers --

23 **Q** Okay. Now --

24 **A** Uh-huh.

25 **Q** -- you said, does Mr. Maybin get on the

1 road with his bicycle?

2 **A** Mr. Maybin was still through this field
3 there.

4 **Q** Okay.

5 **A** I'm yelling for him to stop. As I'm running
6 back trying to cut him off and then realize I can't
7 cut him off, I'm heading back towards my patrol car.
8 Patrolman O'Dell, who was the house up, come running
9 down and saw -- once he heard me -- running in my
10 direction and began to pursue Mr. Maybin.

11 **Q** Okay. So you terminated your foot chase at
12 that point?

13 **A** To go to my patrol car, yes.

14 **Q** And you said Officer O'Dell --

15 **A** Yes.

16 **Q** --- then took the lead on foot?

17 **A** Yes, sir. He continued to pursue Mr.

18 Maybin.

19 **Q** That -- towards the direction of Crosson
20 Street?

21 **A** Which would be the opposite direction of my
22 patrol car across the street, yes.

23 **Q** Okay. And Officer O'Dell was the other unit
24 on -- he was with another unit on scene?

25 **A** He was, uh, with Corporal Mercer. They were

1 the first unit there on the scene, two houses up or
2 another house between myself and them.

3 Q Okay. All right. And did you lose sight of
4 Mr. Maybin at that point?

5 A Yes.

6 Q Okay. All right. So about where on this
7 street did you stop running?

8 A I basically stopped in the field area and
9 ran back towards my patrol car before reaching the
10 sidewalk.

11 Q Okay. All right. You can have a seat
12 Officer Malloy. At that point, was Officer O'Dell the
13 only person to have a line of sight on, uh, Mr.
14 Maybin?

15 A As far as I know, yes, sir.

16 Q Was he apprehended that day, Mr. Maybin?

17 A No, sir. He was not.

18 MR. DANIEL: No further questions.

19 THE COURT: Any recross, Mr. Daniel?

20 **RECCROSS EXAMINATION**

21 **BY MR. VERNER:**

22 Q Officer Malloy, do you remember seeing
23 Officer O'Dell running down the sidewalk chasing him?
24

25 A I can't recall. He ran past me when he was

1 coming -- when he heard me yell, stop, police, he ran
2 past me. He and I basically just crossed and I went
3 back towards my patrol car.

4 Q Are you able to do that Google zoom?

5 If you would, step down Officer Malloy.

6 Can you pull up a little bit towards the
7 house and then turn towards the left? Okay. That's
8 great.

9 The -- there is a sideway on the street but
10 it kind of ends a block before?

11 A Well, it actually -- well, it actually ends
12 at the, uh, vacant lot between where Mr. Maybin was
13 traveling. And that lot there, that's where we
14 started back in this area. He had swung out wide.

15 Q Okay. What's the distance behind these
16 houses to the -- I know we're looking at the
17 photographs but is there kind of a distance between
18 the houses and the treeline behind there?

19 A Uh, you talking about the woodline behind
20 the house there?

21 Q Yes, sir.

22 A There is a distance. I'd probably say 50
23 yards.

24 Q Okay. So there is kind of a backyard area
25 before the woods?

1 **A** Yes, sir. Some of it -- some of it
2 fluctuates. Some may be closer to some back doors
3 than others.

4 **Q** And State's 6 would kind of show the gap
5 between the -- assuming this was Mr. Cromer's house,
6 there would be about that same distance of space
7 between there?

8 **A** Again, as you can see, some of them are
9 closer than others to the -- or further away than
10 others.

11 **Q** Okay. Can you go back to the aerial street
12 view, the Google map?

13 I'm just going to ask you -- the bicycle
14 was back here behind the houses?

15 **A** He came from behind this house.

16 **Q** Yes, sir. And when he got past, was he kind
17 of in --

18 **A** He was still in this area here coming
19 towards the road.

20 **Q** He was coming towards --

21 **A** Yes, sir. He met -- the width of the house
22 is where we met. He was coming around the house as I
23 was heading towards the back of the house.

24 **Q** Right. So he would have -- kind of a dirt
25 flat area. He crossed over to get to the --

1 **A** He continued traveling through here.

2 **Q** Okay. Did you ever see bikes skip to the
3 road or to the sidewalk?

4 **A** No, sir. Again, I was running back to my
5 car once I knew I couldn't gain any ground on him.

6 **Q** By the time he had gotten that far, he was
7 far enough where you couldn't have caught him so
8 that's when you went back ---

9 **A** Right.

10 **Q** But Officer O'Dell was still chasing him?

11 **A** Officer O'Dell continued down behind him.

12 **Q** And Officer O'Dell was pretty much either
13 running on the street or running on the sidewalk?

14 **A** Yes, sir. I couldn't tell you which he
15 used.

16 **Q** Okay. The -- thank you, Officer. You can
17 take your seat.

18 **A** (Witness complies.)

19 **Q** Now, you remember him wearing an oversized
20 jacket?

21 **A** I said he had on a dark jacket, but it
22 looked like he had layered clothing on.

23 **Q** Uh-huh.

24 **A** He's not a big man, but he appeared bigger
25 than he was that day.

1 **Q** Right. Did the jacket have a hood or was he
2 wearing a hoodie underneath?

3 **A** Not that I can recall.

4 **Q** Did you see him holding -- both hands were
5 on the handlebar?

6 **A** As far as I can recall, yes, sir.

7 **Q** And it's relatively flat, but it still
8 would have been kind of choppy -- going through those
9 back yards on a bicycle, it would still be a kind of
10 choppy ride?

11 **A** Yes, sir.

12 **Q** He never said anything to you or you other
13 than to stop?

14 **A** No, sir. We basically startled each other.
15 When he came around, he wasn't expecting me and I
16 certainly wasn't expecting him.

17 **Q** And he was already at full speed?

18 **A** Yes, sir.

19 **Q** Thank you, Officer Malloy.

20 **THE COURT:** Thank you, sir, for your
21 testimony. You can step down.

22 **MR. DANIEL:** Your Honor, I'd ask for
23 Officer Malloy to be excused.

24 **THE COURT:** Certainly. You are excused,
25 Officer. You're welcome to stay with us or

WITNESSES

Kevin Goodman
Newberry Police Department

WARRANT NUMBER

2014A3620200462

TRUE BILL

Rhyllie Sanders

Foreman of the Grand Jury

Date: 4-2-15

VERDICT

Guilty 7-10-15

Henry Jern

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

COURT OF GENERAL SESSIONS

April Term, 2015

Indictment # 15GS36-0122

THE STATE

vs.

Sterling Maybin

INDICTMENT FOR

Petit Larceny \$2,000 or less

§16-13-0030

CDR: 3419

THE STATE OF SOUTH CAROLINA

INDICTMENT FOR

COUNTY OF NEWBERRY

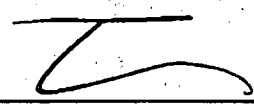
Petit Larceny \$2,000 or less

§16-13-0030

At a Court of General Sessions, convened on the 2nd day of April, 2015, the Grand Jurors of Newberry County present upon their oath:

That Sterling Maybin did, on or about December 23, 2014, in Newberry County, feloniously take and carry away the personal goods of Walter C. Cromer of the value of less than two thousand (\$2,000.00) dollars described as follows: Sony radio, air compressor, Poulan Pro blower and a battery charger with intent to deprive the owner permanently of such goods, in violation of Section 16-13-30(A) of the South Carolina Code of Laws, 1976, as amended.

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



Assistant Solicitor

WITNESSES

Kevin Goodman
Newberry Police Department

WARRANT NUMBER

2014A3620200461

TRUE BILL

Phyllis Sanders
Foreman of the Grand Jury

Date: *4-2-15*

VERDICT

Guilty 7-10-15

Henry Senn
Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

COURT OF GENERAL SESSIONS

April Term, 2015
Indictment # 15GS36-0121

THE STATE

vs.

Sterling Maybin

INDICTMENT FOR

Burglary Third Degree

§16-11-0313

CDR: 0427

THE STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

INDICTMENT FOR

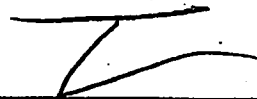
Burglary Third Degree

§16-11-0313

At a Court of General Sessions, convened on the 2nd day of April, 2015, the Grand Jurors of Newberry County present upon their oath:

That Sterling Maybin did, on or about December 23, 2014, in Newberry County, willfully and unlawfully enter a building without consent and with intent to commit a crime therein, the said building being owned and/or occupied by Walter Cromer, in violation of Section 16-11-313 of the South Carolina Code of Laws, 1976, as amended.

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



Assistant 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,



Laura R. Baer
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 16th day of November, 2016.

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,



Laura R. Baer
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 16th day of November, 2016.

RECEIVED

NOV 16 2016

SC Court of Appeals

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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL
RECEIVED

NOV 16 2016

Appeal from Newberry County
Honorable Frank R. Addy, Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

v.

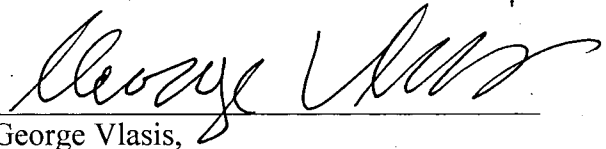
STERLING MAYBIN

APPELLANT

APPELLATE CASE NO. 2015-001585


CERTIFICATE OF SERVICE

I certify that a copy of the Record on Appeal in the above-referenced case has been served upon Ranee Saunders, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 16th day of November, 2016.



George Vlasis,
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 16th day of November, 2016.



(L.S.)

Notary Public for South Carolina

My Commission Expires October 30, 2022.