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STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal From Newberry County  
The Honorable Frank R. Addy, Jr., Circuit Court Judge

Appellate Case No: 2015-001585

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SC Court of Appeals

THE STATE,

Respondent,

v.

STERLING MAYBIN,

Appellant.

SUPPLEMENTAL RECORD ON APPEAL

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1           **A**     Yes, sir.

2           **Q**     Okay. Did you ever see him after the bike  
3 was dropped?

4           **A**     After he dropped the bike, then he fled  
5 into that driveway into the woods.

6           **Q**     Is that where you lost visual sight of him?

7           **A**     Yes, sir.

8           **Q**     Okay. Now, did you -- was Officer Mercer  
9 also engaged in a foot chase at that point?

10          **A**     No, sir.

11          **Q**     So it was just two officers initially?

12          **A**     Uh, yes, sir. At that point, uh, Lieutenant  
13 Malloy had dropped back to get his vehicle.

14          **Q**     And then you came back -- are you the one  
15 who brought the bicycle back?

16          **A**     Yes, sir. I believe myself and Officer  
17 Mercer went back.

18          **Q**     Who did you turn custody of the bicycle  
19 over to?

20          **A**     Uh, we put it into evidence. We were in a  
21 FTO phase which is --

22          **Q**     Which is field training.

23          **A**     He was demonstrating how to collect  
24 evidence ---

25          **Q**     Okay.

1 Q Did you see him throw any items down?

2 A He was at the sidewalk by that point.

3 Q But you would have walked back along the  
4 path -- is that something that you're trained to do  
5 is when you're chasing somebody and you don't catch  
6 him or even if you do, you will walk back to the  
7 point of the chase along the same general path of the  
8 chase?

9 A I walked back to the bicycle after we  
10 basically chased him. We had a strong indication at  
11 that time who it was.

12 Q Okay. Did you follow the route back to the  
13 house?

14 A I stopped at the bicycle and I stood over  
15 it to make sure the evidence didn't get tampered  
16 with.

17 Q Is this while it was still laying in the  
18 field?

19 A In the roadway.

20 Q In the roadway?

21 A Yes, sir.

22 Q At some point though, you would have picked  
23 it up and pushed it back towards the house or did you  
24 move the squad car down?

25 A We brought the squad car down.

1 been broke into.

2 Q Okay.

3 A So then I told him, I said, man, I'm just  
4 getting off work. I'm heading to the house now. Then  
5 when I get home, the first thing I thought was my  
6 utility building had been broken into.

7 Q Okay. And that utility room, where -- as  
8 far as position of your house, where is that utility  
9 room?

10 A It's attached onto the back part of the  
11 home.

12 Q Let me see State's number 2. That's, I  
13 guess, a depiction of the rear of your house. Is that  
14 right, Mr. Cromer? That's the back part of your  
15 house?

16 A Yes.

17 Q And I guess the brown door, not the one  
18 with the storm doors but this brown one over here by  
19 the AC unit, that's the storage room you're talking  
20 about?

21 A Yes, sir.

22 Q And what kind of stuff do you keep in  
23 there?

24 A I keep my weed eater, blower, air  
25 compressor, all my stuff used to clean my car out,

1           Q     Right here in front of your storage?

2           A     Yes, sir.

3           Q     Just kind of -- how far away from your  
4 front porch was the bike laying?

5           A     I almost say on the -- before you walk up  
6 on the porch, it was standing real close. It wasn't  
7 on the porch.

8           Q     Okay. It wasn't your bike?

9           A     No, it wasn't my bike. I don't own a bike.

10          Q     What did it look like?

11          A     It was a green bike.

12          Q     You see State's 16, do you recognize this  
13 bike?

14          A     That's it.

15          Q     So two days before your shed was broken  
16 into or your storage room was broken into, you saw  
17 that bike laying in your front yard?

18          A     Correct.

19          Q     All right. And what did you do?

20          A     I told you I seen the bike. I was like  
21 wonder who bike that is. I know it wasn't my bike. So  
22 I go into my home. I had my lunch box. I went in the  
23 kitchen and I sat it down on my counter. I went to my  
24 computer. My computer is facing my door. I kind of  
25 seen a glare. I see a glare, so I went to the door.

1 When I went to the door, it was Sterling Maybin was  
2 out in my yard.

3 Q How do you know Sterling Maybin?

4 A I kind of grew up around Sterling Maybin. I  
5 know him when I see him. Without a shadow of a doubt,  
6 I know him.

7 Q You've known him for years?

8 A Yes, sir.

9 Q Uh, he was somebody you were familiar with  
10 when you saw him face-to-face on your front porch?

11 A Without a doubt.

12 Q All right. You see Sterling here today?

13 A Yes, sir.

14 Q All right. Just point him out to the jury.

15 A The gentleman right there is Sterling  
16 Maybin.

17 Q Okay. Any doubt in your mind that day that  
18 you saw that green bike in your yard and you saw the  
19 man on your porch, any doubt in your mind that man  
20 was Sterling Maybin?

21 A Ain't no doubt in my mind. That was  
22 Sterling Maybin.

23 Q What did you say to Sterling that day?

24 A I asked, I said Sterling what are you doing  
25 in my yard. And he mumbled something. I couldn't pick

1 up nothing he was staying. He got the bike, got into  
2 the driveway, got into the main road and drove off.

3 Q Okay. You said what are you doing in my  
4 yard and he just mumbled something?

5 A I couldn't pick up nothing he was saying.  
6 He was mumbling something, but it wasn't clear to me.  
7 I couldn't tell you what he said. I couldn't tell you  
8 a word he said.

9 Q And that was it? He just gets on the bike  
10 and leaves?

11 A He just drives off.

12 Q Okay. Uh, all right. So then two days later  
13 is when you get this call at work that your utility  
14 room had been broken into?

15 A Yes, sir.

16 Q All right. And when you start trying to put  
17 two and two together, uh, was there a name that you  
18 thought the officers should know about?

19 A Yeah, my neighbor, it's me, Sam and I got  
20 another neighbor. He always kept a lot of stuff  
21 outside. So I know -- I see him and said I seen this  
22 guy, Sterling Maybin, in our neighborhood. So if I  
23 you know what I know, you need to lock yourself up  
24 because he would move some stuff. And Donnell was  
25 like do you know the guy. I said yeah, I kind of

1 grew up around him. He said Walt, I appreciate  
2 that; I hope he don't get me. And we kind of left it  
3 at that.

4 Q Okay. Let's go back to December 23rd  
5 though. Did you speak with officers that day?

6 A Yeah, I spoke to a lady. I called. A lady  
7 to come out, a lady officer.

8 Q All right. Did you tell them that there was  
9 anybody that you had in mind that may have done this  
10 to you?

11 A Yeah. I told her I thought it was Sterling  
12 Maybin. I said I can't prove it. I didn't see him but  
13 if I could call a name, that would be the name I'd  
14 call.

15 Q Okay. And were you able to speak with Sam  
16 Glenn, your neighbor, about what he had seen that  
17 day?

18 A Yes, sir.

19 Q All right. Did he tell you anything that  
20 made you think Sterling Maybin --

21 A Yeah, the kind of stuff he was telling me,  
22 I --

23 MR. VERNER: Your Honor, he's now asking  
24 him to comment on what somebody else told him.

25 THE COURT: Sustained.

1           **A**     Sterling Maybin.

2           **Q**     Okay. When did you catch up with Sterling?

3           **A**     I never caught up with him.

4           **Q**     When did your agency arrest him?

5           **A**     The agency, I think, arrested him -- I want  
6 to say --

7                   **MR. VERNER:**   Your Honor, I would ask to be  
8 heard. I have never known this to be relevant.

9                   **THE COURT:**    Let's have a sidebar.

10                   **(WHEREUPON,** a bench conference is held off the  
11 record.)

12                   **THE COURT:**    Solicitor, you want to just  
13 repeat the question?

14 **BY MR. SCOTT:**

15           **Q**     Were y'all able to eventually make an  
16 arrest?

17           **A**     Yes, sir, we were.

18           **Q**     To your knowledge, when was that?

19           **A**     To my knowledge, the next morning,  
20 Christmas Day, that morning some time.

21           **Q**     Okay. So the incident occurs on the 23rd.  
22 You speak with Sam Cromer on the 24th and you arrest  
23 Sterling Maybin on the 25th?

24           **A**     To the best of my knowledge, that's right.

25           **Q**     Thank you. Any question Mr. Verner has,

1           **A**     I was.

2           **Q**     --- today too. Was that consistent with  
3 what he told you?

4           **A**     Basically, yes.

5           **MR. VERNER:**   Okay. Thank you, Lieutenant.  
6 I'll take my papers back.

7           Your Honor, I will turn him back over to  
8 the State.

9           **THE COURT:**   Any redirect, Solicitor?

10          **MR. SCOTT:**   No, Your Honor. Nothing from  
11 the State.

12          **THE COURT:**   Thank you for your testimony.  
13 Sir, you can step down.

14          Anything further from the State?

15          **MR. SCOTT:**   Your Honor, the State rest.

16          **THE COURT:**   Okay. Mr. Foreman, Ladies and  
17 Gentlemen of the jury, I'm going to ask if you  
18 would return to your jury room. I have a few  
19 matters to take up with the lawyers. We'll get  
20 you back out as soon as we can. Again, I will  
21 remind you don't begin any discussions or  
22 deliberations related to this case. Thank you.

23          **(WHEREUPON, the jury exits at approximately**  
24 10:22 a.m.)

25          **THE COURT:**   All right, Mr. Verner,

1 anything you want to put on the record?

2 **MR. VERNER:** Your Honor, I would move for  
3 directed verdict on the burglary. The only  
4 evidence of the burglary would be the scrape  
5 marks outside of the closed door and Mr.  
6 Cromer's testimony that I usually keep those  
7 tools in the shed. The eyewitness actually said  
8 the door was closed. When he confronted the man  
9 and he was standing between the door and the air  
10 conditioner unit. The officers who arrived on  
11 the scene indicated the door was closed when  
12 they arrived. Because when they took  
13 photographs of it, they said I would not have  
14 closed it to take photographs of it.

15 The only evidence of burglary, an actual  
16 entry into the building would be the scrape  
17 marks on the door and the man saying I typically  
18 keep my stuff in that shed. I would ask for a  
19 directed verdict on the burglary charge.

20 On the larceny, there is no evidence of  
21 anything. I understand there was evidence that  
22 items had been moved. There was no evidence  
23 that items were kept with the intent to  
24 permanently deprive. Then I would also ask for  
25 directed verdict on both of them on the

1           insufficiency of the eyewitness identification.

2           **THE COURT:**     Okay.  Solicitor?

3           **MR. SCOTT:**     Your Honor, just, uh,  
4           circumstantial evidence to show that he had gone  
5           in the outbuilding and taken things out.  We got  
6           Mr. Cromer not saying that he usually kept the  
7           stuff in the shed, he said I had the battery  
8           charger, the radio, the leaf blower, all of  
9           these things are inside of that outbuilding.  
10          That's where I left him.  The next thing I know  
11          the officer's telling me they were in bags  
12          outside in the yard.  So circumstantial evidence  
13          of that taken with the fact that pry marks were  
14          seen at the door.  He says those weren't there  
15          before.

16          Mr. Glenn does see Mr. Sterling right near  
17          the outbuilding.  We will make no distinction  
18          between circumstantial and direct evidence but  
19          there is sufficient circumstantial evidence to  
20          show that it was a burglary.

21          The, uh, larceny again, same kind of deal.  
22          He's seen with bags by Mr. Glenn.  Mr. Glenn  
23          sees him drop the bags, uh, at the -- near the  
24          air conditioner unit.  Those items were later  
25          identified again by Mr. Cromer as being his.  He

1 didn't give anybody any consent to take them. He  
2 didn't give anybody consent to go in the  
3 outbuilding to take hold of those items.

4 Again, as Your Honor is well aware, we're  
5 dealing with the existence of the evidence and  
6 not the weight. I think the weight is pretty  
7 hefty, but I think it does go above and beyond  
8 directed verdict.

9 **THE COURT:** Thank you very much. Viewing  
10 the evidence in the light most favorable to the  
11 State, I find that it does suggest, uh, direct  
12 evidence as well as circumstantial evidence as  
13 to both charges to deny the defendant's motion.

14 **MR. VERNER:** Thank you, Your Honor.

15 **THE COURT:** Thank you.

16 **MR. VERNER:** Your Honor, I need just maybe  
17 one or two more minutes to, uh, make a final  
18 decision on whether he is going to testify.

19 **THE COURT:** Let me go ahead and give him  
20 the instruction and I will give you --

21 **MR. VERNER:** Thank you.

22 **THE COURT:** I'll let you talk with him.  
23 Let me get the instruction out and y'all can  
24 talk. Okay.

25 Madam clerk, would you swear the defendant

1 will it take for you to quit doing this stuff?  
2 I don't know. I just don't know. Even though  
3 your excellent attorney objected, I think the  
4 statement that the solicitor made at the  
5 beginning of his closing probably has some truth  
6 to it. When Sterling Maybin is around, lock  
7 things up.

8 All right. Both indictments, the sentence  
9 of the court is that you be committed to the  
10 Department of Corrections for 10 years to run  
11 concurrent. 198 days credit. Good luck to you  
12 sir.

13 **MR. MAYBIN:** Thank you, Your Honor.

14 **MR. VERNER:** Thank you, Your Honor.

15 **(WHEREUPON, the proceedings conclude at**  
16 **approximately 2:18 p.m.)**

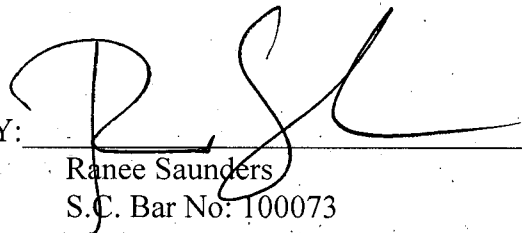
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CERTIFICATE OF COUNSEL

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

BY:

  
Rancee Saunders  
S.C. Bar No: 100073

December 1, 2016

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