

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Lancaster County  
R. Keith Kelly, Circuit Court Judge

**ORIGINAL**

**RECEIVED**

MAR 13 2017

SG Court of Appeals

THE STATE,

RESPONDENT,

V.

O'BRYANT TERRELLE GLADDEN,

APPELLANT

APPELLATE CASE NO 2016-002099

RECORD ON APPEAL

WANDA H. CARTER  
Deputy Chief Appellate Defender

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

ATTORNEY FOR APPELLANT

ALAN WILSON  
Attorney General

J. BENJAMIN APLIN  
Senior Assistant Deputy Attorney General  
Attorney General Office  
P. O. Box 11549  
Columbia, SC 29211

ATTORNEYS FOR RESPONDENT

INDEX

INDEX .....	i
TRIAL TRANSCRIPT DATED AUGUST 2-3, 2016 .....	1
JURY VOIR DIRE .....	8
OPENING STATEMENTS BY THE COURT .....	23
OPENING STATEMENT BY SOLICITOR.....	30
OPENING STATEMENT BY MR. PARKER.....	33
TRIAL TESTIMONY	
CRYSTAL BECKHAM	
AMANDA BURCH RAILEY .....	41
JOSHUA FUNDERBURK .....	54
HENRY BERNARD DUNCAN, III.....	61
NIKKI S. MOORE.....	66
STATE RESTS .....	79
MOTION FOR DIRECTED VERDICT.....	80
RULING BY THE COURT.....	81
TRIAL TESTIMONY	
AMY ELLIS DUNCAN .....	83
DEFENSE RESTS .....	88
RENEWAL OF MOTION FOR DIRECTED VERDICT .....	89
RULING BY THE COURT.....	89
CLOSING ARGUMENT BY MR. PARKER.....	89

CLOSING ARGUMENY BY SOLICITOR.....91

JURY CHARGE ON THE LAW .....94

VERDICT .....104

SENTENCING .....106

INDICTMENT.....108

CERTIFICATE OF COUNSEL .....110

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

STATE OF SOUTH CAROLINA  
COURT OF GENERAL SESSIONS  
COUNTY OF LANCASTER  
2016-GS-29-1100

State of South Carolina

vs.

O'Bryant Terrelle Gladden

Lancaster, South Carolina

August 2-3, 2016

Before the Honorable R. Keith Kelly

APPEARANCES

For the State: Cara Walker

For the Applicant: Russell Parker

Reported by: Michael C. Watkins

Official Court Reporter

## PRETRIAL HEARING

1	Pretrial Hearing:	3
2	Voir Dire:	8
3	Opening Statements:	30
4	Cyrstal Beckham:	35
5	Amanda Railey:	41
6	Joshua Funderburk:	54
7	Hank Duncan:	61
8	Nikki Moore:	66
9	Amy Duncan:	82
10	Closing Arguments:	89
11	Jury Charge:	94
12	Jury Verdict:	104
13	Sentencing:	106
14	Certificate:	107

15

16

## STATE'S EXHIBITS

17	1	Photograph	38
----	---	------------	----

18	2	Map	57
----	---	-----	----

19

20

21

22

23

24

25

PRETRIAL HEARING

1 THE COURT: Sir, you're O'Bryant Gladden?

2 THE DEFENDANT: Yes, sir.

3 (The defendant was sworn.)

4 THE COURT: Mr. Gladden, you are in custody pursuant  
5 to a bench warrant I issued yesterday for the call of your  
6 case and you were not here. I understand what your story  
7 is to your lawyer but you were not here and I issued the  
8 bench warrant, so you're in custody now on my bench warrant  
9 and I'm not going to release you. We're going to pick a  
10 jury here to try your case and we're going to do that right  
11 now in just a couple of minutes, do you understand?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: And I've got the jury panel right outside  
14 there. Now, I'm told that you don't want to change  
15 clothes; is that true?

16 THE DEFENDANT: Yeah.

17 THE COURT: Okay. You want to be tried in that orange  
18 jumpsuit?

19 THE DEFENDANT: It don't make a difference.

20 THE COURT: Sir, it's up to you.

21 THE DEFENDANT: I'm fine with what I got on.

22 THE COURT: You have a right and your lawyer -- and  
23 I'm going to let him put all of this on the record here --  
24 but you have a right to be dressed out in civilian clothes,  
25 and I was a defense lawyer and I used to bring clothes to

## PRETRIAL HEARING

1 my client so they would dress out and he tells me he has  
2 clothes ready for you to change but that you don't want to  
3 change.

4 THE DEFENDANT: Uh-huh.

5 THE COURT: Is that true?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: That's your decision?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: You want to be tried in that orange  
10 jumpsuit?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: You have a right to do that, you  
13 understand? And I'll instruct the jury that no matter how  
14 you are dressed that they are not to consider that, do you  
15 understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Let's do this, let's let defense counsel  
18 put on the record anything you need to.

19 MR. PARKER: Thank you, Your Honor. This morning  
20 whenever they brought Mr. Gladden I brought down some  
21 clothes, attempted to talk to him, handed the deputy  
22 clothes, he brought them to Mr. Gladden, came back, said  
23 Mr. Gladden didn't want to talk to me. I went back  
24 upstairs, was then called by the security desk, they said  
25 Mr. Gladden wished to be tried as he is, and here we are.

## PRETRIAL HEARING

1 I would have instructed him as to his right to be -- I  
2 probably would have advised him that he should change  
3 clothes, but given he didn't wish to talk to me I did not  
4 talk to him about that.

5 THE COURT: Sir, he wants to advise you to change  
6 clothes and I would encourage you -- but I'm not going to  
7 give any legal advice, but I would encourage you to do so  
8 but he is advising you to do so. So what do you want to  
9 do?

10 THE DEFENDANT: I want to wear this. I can't -- my  
11 knee messed up so the little thing they got, I can't put  
12 that on so I am just going to wear this.

13 THE COURT: You just want to wear that?

14 THE DEFENDANT: Yeah. They got some leg something  
15 like Forrest Gump things, you know what I'm talking about?

16 MR. PARKER: A brace.

17 THE DEFENDANT: On my knee, I don't want that on my  
18 knee.

19 THE DEFENDANT: I don't have a brace, Your Honor.

20 MR. PARKER: If law enforcement has one for him then I  
21 would be happy for him to wear one.

22 MR. NEWMAN: Your Honor, I believe they're talking  
23 about the shocker type --

24 (Break in proceedings.)

25 THE COURT: Let's do this, speak up officer. Here is

## PRETRIAL HEARING

1 what we're going to do, I'm not going to get involved in  
2 security, ever how they secure you is not my job, that is  
3 up to them.

4 THE DEFENDANT: We'll just leave it like this.

5 THE COURT: You want to stay like you are.

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Okay. Anything from the State?

8 MS. WALKER: No, sir, Your Honor.

9 THE COURT: Okay. He's made a free and intelligent  
10 and determined decision to go to trial in an orange  
11 jumpsuit and be secured ever how law enforcement says  
12 they're going to secure him, I'm not involved in the  
13 security, I'll leave that to the professionals.

14 MS. WALKER: Yes, Your Honor, at this time I would  
15 like to arraign the defendant, O'Bryant Gladden, as he was  
16 direct indicted for -- he was direct indicted for a petit  
17 larceny third or subsequent property crime with an  
18 enhancement per 16-1-57. The original charge on this case  
19 was a grand larceny but due to the dollar amount I thought  
20 this was a more appropriate charge. The new indictment  
21 number is 2016-GS-29-1100, at this time I will present two  
22 certified copies to his attorney.

23 THE COURT: Sir, I will read the indictment to you.  
24 Indictment 16-1100, the State alleges that you did in  
25 Lancaster County, South Carolina on or about October 11 of

PRETRIAL HEARING

1 2015 take and carry away the personal property, that being  
 2 one single axle metal trailer belonging to Crystal Beckham  
 3 with the intent to deprive the owner of possession of the  
 4 property, and to convert the property to your use, the  
 5 value of the property being \$2,000 or less, and that you  
 6 having been twice or more previously convicted of a  
 7 property crime the term of imprisonment for which is  
 8 contingent upon the value of property in violation of state  
 9 law. That matter was presented to the grand jury of this  
 10 county and a true bill was returned by the grand jury.  
 11 Sir, how do you plead to this indictment, guilty or not  
 12 guilty?

13 THE DEFENDANT: I'm kind of lost a little bit. So  
 14 this is another charge --

15 THE COURT: Talk to your lawyer.

16 (Break in proceedings.)

17 THE DEFENDANT: Well, I'll plead not guilty but --

18 THE COURT: You plead not guilty. Do you desire to go  
 19 to a trial by jury?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: All right, sir. Anything else before we  
 22 bring the jury back in? Anything else?

23 MR. PARKER: No, sir.

24 THE COURT: He has been arraigned, he has entered a  
 25 plea of not guilty, he stands not guilty. I said he has

## VOIR DIRE

1   pled not guilty, I have entered a plea of not guilty, and  
2   he said he wants a trial by jury and we are here to do  
3   that. Are we ready to go?

4           MS. WALKER: Yes, Your Honor.

5           THE COURT: Anybody got anything before we bring the  
6   jury in?

7           MS. WALKER: No, sir, Your Honor.

8           (The jury panel returned to the courtroom.)

9           THE COURT: Okay. Ladies and gentlemen, welcome back,  
10   we took care of a few matters, we are now ready to pick the  
11   jury in the next case, which is the matter of the State of  
12   South Carolina versus O'Bryant Gladden in indictment  
13   2016-1100. Mr. Gladden was charged by the indictment with  
14   the offense of petit larceny with a -- yeah, petit larceny  
15   in the third degree, that's what we're here about right,  
16   petit larceny?

17          MS. WALKER: Yes, sir.

18          THE COURT: All right. Mr. Gladden is charged with  
19   petit larceny. It is alleged that he did in Lancaster  
20   County, South Carolina on or about October 11th of 2015  
21   take and carry away personal property of another individual  
22   with the intent to convert that to his own use in violation  
23   of state law. Now, the lawyers will tell you more about  
24   the facts of the case as we go along, at this point that's  
25   all I really know about it, I'm reading off of the

VOIR DIRE

1 indictment. Once again I tell you that the indictment is  
 2 merely a piece of paper, that's all it is, it's just the  
 3 charging instrument that brings Mr. Gladden before the  
 4 court for trial. He has entered a plea of not guilty and  
 5 he is presumed under our law to be not guilty of that  
 6 charge. The burden -- and I will tell you that again  
 7 throughout this trial, that the burden is on the State of  
 8 South Carolina to prove him guilty beyond a reasonable  
 9 doubt, and they must do so on each and every element of the  
 10 offense charged. I also will tell you that Mr. Gladden is  
 11 dressed in an orange jumpsuit and you are to draw no  
 12 inference from that as to his guilt or innocence. The way  
 13 he has dressed, you are to draw no inference from that as  
 14 to his guilt or innocence in this matter. Now, ladies and  
 15 gentlemen, I must ask the same questions again as I must do  
 16 in every case, so here are the questions I'm required to  
 17 ask. Is there any member of the jury panel who is related  
 18 by blood or marriage or been related in the past by blood  
 19 or marriage to Mr. O'Bryant Gladden? If so, please stand.  
 20 Is there any member of the jury panel who has a close  
 21 personal or social relationship with Mr. Gladden? If so,  
 22 please stand. I'm sorry.

23 THE JUROR: I don't have a close relationship but he  
 24 once stayed on my street.

25 THE COURT: Ma'am, your number, please?

## VOIR DIRE

1 THE JUROR: Seventy-six, I believe.

2 THE COURT: You are Keeli Lake?

3 THE JUROR: Yes.

4 THE COURT: Ms. Lake, would the fact he may have  
5 stayed on your street, does that interfere with your  
6 ability to be fair and impartial to both the State and the  
7 defense?

8 THE JUROR: No, sir.

9 THE COURT: Ma'am, you may stay with us, thank you for  
10 telling us that. Anybody else? The following is a list of  
11 possible witness in this case. Amanda Railey, Crystal  
12 Beckham, Hank Duncan, Nikki Moore, and Deputy Joshua  
13 Funderburk. Is there any member of the jury panel who is  
14 related by blood or marriage, or ever been related by blood  
15 or marriage to any of the potential witnesses in this case?  
16 If so, please stand.

17 (Break in proceedings.)

18 THE COURT: All right, I add two more to that. Also  
19 potential witness would be Amy Duncan and it could be Mr.  
20 Bryant (sic) Gladden himself. If anybody is related by  
21 blood or marriage to any of those potential witnesses,  
22 please stand. Anybody have a close personal relationship  
23 with any of those additional witnesses? If so, please  
24 stand. I'll ask the lawyers to introduce themselves. Yes,  
25 ma'am?

## VOIR DIRE

1 MS. WALKER: Yes, Your Honor. I'm Cara Walker with  
2 the solicitor's office, I'm an assistant solicitor. This  
3 is our investigator Keith Lewis, our Deputy Solicitor Lisa  
4 Collins, and your Elected Solicitor Randy Newman. And  
5 behind Mr. Newman is Deputy Joshua Funderburk.

6 THE COURT: Yes, sir?

7 MR. PARKER: I am Russell Parker and I represent Mr.  
8 Gladden.

9 THE COURT: Is any member of the jury panel related by  
10 blood or marriage, or ever been related by blood or  
11 marriage to any of the lawyers or investigators in this  
12 case? If so, please stand. If any member of the jury  
13 panel has ever been represented by any of the lawyers in  
14 this case please stand. Any member of the jury panel have  
15 a close, personal or social relationship with any of the  
16 lawyers in this case? If so, please stand. Any member of  
17 the jury panel ever testified for the Sixth Circuit  
18 Solicitor's Office? If so, please stand. Any member of  
19 the jury panel have a family member or close personal  
20 friend who was employed by either the law firm that Mr.  
21 Parker is in or the Sixth Circuit Solicitor's Office? If  
22 so, please stand. Any member of the jury panel who has  
23 ever been a law enforcement officer either in military  
24 service or civilian service? If so, please stand. Any  
25 member of the jury panel have a relative or close personal

## VOIR DIRE

1 friend who is a law enforcement officer? If so, please  
2 Stan. Okay. Your number, please?

3 THE JUROR: 136.

4 THE COURT: Yes, ma'am? Cousin? Nephew?

5 THE JUROR: My brother-in-law.

6 THE COURT: Would that interfere with your ability to  
7 be fair and impartial to both sides?

8 THE JUROR: No, sir.

9 THE COURT: You may stay. Yes, ma'am, in the corner?

10 THE JUROR: Sixty-seven, just friend.

11 THE COURT: A friend. Would that interfere with your  
12 ability to be fair and impartial?

13 THE JUROR: No.

14 THE COURT: Ma'am, you may stay. Yes, ma'am?

15 THE JUROR: 126. A close friend.

16 THE COURT: Would that interfere with your ability to  
17 be fair and impartial?

18 THE JUROR: No, sir.

19 THE COURT: You may stay. Yes, ma'am?

20 THE JUROR: Sixty-six. My nephew.

21 THE COURT: Would that interfere with your ability to  
22 be fair or impartial to the State or the defense?

23 THE JUROR: No, sir.

24 THE COURT: Ma'am, you may stay, thank you. Any  
25 member of the jury panel who is a financial contributor to

## VOIR DIRE

1 or belongs to a law enforcement organization or supports  
2 law enforcement organizations such as Mother's Against  
3 Drunk Driving, the Sheriff's Association, Stop Violence,  
4 DARE, et cetera? If so, please stand. You either belong  
5 or you contributed or have contributed. Yes, ma'am, your  
6 number?

7 THE JUROR: Thirty-five.

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

10 THE JUROR: No, sir.

11 THE COURT: Ma'am, you may stay with us, thank you.

12 Is there any member of the jury panel who has a family  
13 member or friend who was accused of a property crime? If  
14 so, please stand. A family member or friend who was  
15 accused of a property crime? Yes, sir, your number?

16 THE JUROR: 101.

17 THE COURT: Would that interfere with your ability to  
18 be fair and impartial?

19 THE JUROR: No, sir.

20 THE COURT: Sir, you may stay with us.

21 THE JUROR: Eighty-six.

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

24 THE JUROR: No, sir.

25 THE COURT: Thank you, you may stay with us. Your

## VOIR DIRE

1 number, sir?

2 THE JUROR: Eight.

3 THE COURT: Number eight?

4 THE JUROR: Yeah, I'm good.

5 THE COURT: You can be fair and impartial?

6 THE JUROR: Yeah.

7 THE COURT: Thank you. Anybody else? I'm not going  
8 to look down. All right. Is there any member of the jury  
9 panel who has heard anything about this case? Once again,  
10 I have got three pieces of paper, that's all I know about  
11 it. Anybody know anything about this case? If so, please  
12 stand. Does any member of the jury panel know of any  
13 reason why he or she should not serve as a juror in this  
14 case? If so, please stand.

15 THE JUROR: Eighty-four, Your Honor. I cannot be fair  
16 or impartial.

17 THE COURT: Sir, you may not serve on this jury, he is  
18 excused.

19 THE JUROR: 146.

20 THE COURT: All right, sir.

21 THE JUROR: I don't feel I could be fair or impartial.

22 THE COURT: All right, sir, you may be excused from  
23 the trial of this case. You must be fair and impartial to  
24 both the State and the defense. Anybody else? Any  
25 questions from the State?

## VOIR DIRE

1 MS. WALKER: No, Your Honor.

2 THE COURT: From the defense?

3 MR. PARKER: None, Your Honor.

4 THE COURT: Hearing no further questions we will have  
5 a jury.

6 (Break in proceedings.)

7 THE CLERK: Juror 39, Logan Gordon. What say the  
8 State?

9 MS. WALKER: Please strike this juror.

10 THE CLERK: Juror 98, Patricia Musiel. What say the  
11 State?

12 MS. WALKER: Please present this juror.

13 THE CLERK: Defendant?

14 MR. PARKER: Please seat this juror.

15 THE CLERK: Juror 86, Debbie McEntire. What say the  
16 State?

17 MS. WALKER: Please present this juror.

18 THE CLERK: Defendant?

19 MR. PARKER: Please seat the juror.

20 THE CLERK: Juror 121, Chad Schmelzer. What say the  
21 State?

22 MS. WALKER: Please present this juror.

23 THE CLERK: Defendant?

24 MR. PARKER: Please excuse the juror.

25 THE CLERK: Juror 76, Keeli Lake. What say the State?

## VOIR DIRE

1 MS. WALKER: Please strike this juror.

2 THE CLERK: Juror eight, Rodney Beverly. What say the  
3 State?

4 MS. WALKER: Please strike this juror.

5 THE CLERK: Juror 128, Richard Terwilliger. What say  
6 the State?

7 MS. WALKER: Please present this juror.

8 THE CLERK: Defendant?

9 MR. PARKER: Please seat the juror.

10 THE CLERK: Juror 50, Melissa Gordon. What say the  
11 State?

12 MS. WALKER: Please present this juror.

13 THE CLERK: Defendant?

14 MR. PARKER: Please seat the juror.

15 THE CLERK: Juror 126, Alyson Stiles. What say the  
16 State?

17 MS. WALKER: Please present this juror.

18 THE DEFENDANT: Defendant?

19 MR. PARKER: Please excuse this juror.

20 THE CLERK: Juror 104, Teresa Outlaw. What say the  
21 State?

22 MS. WALKER: Please present this juror.

23 THE CLERK: Defendant?

24 MR. PARKER: Please excuse this juror.

25 THE CLERK: Juror 136, Crystal Wallach. What say the

## VOIR DIRE

1 State?

2 MS. WALKER: Please present this juror.

3 THE CLERK: Defendant?

4 THE DEFENDANT: Please excuse this juror.

5 THE CLERK: Juror 65, Brian Huffstickle. What say the  
6 State?

7 MS. WALKER: Please strike this juror.

8 THE CLERK: Juror 137, Bonnie Waller. What say the  
9 State?

10 MS. WALKER: Please present this juror.

11 THE CLERK: Defendant?

12 MR. PARKER: Please seat the juror.

13 THE CLERK: Juror 17, Stephanie Canty. What say the  
14 State?

15 MS. WALKER: Please present this juror.

16 THE CLERK: Defendant?

17 MR. PARKER: Please seat the juror.

18 THE CLERK: Juror 19, Janice Casale. What say the  
19 State?

20 MS. WALKER: Please present this juror.

21 THE CLERK: Defendant?

22 MR. PARKER: Please dismiss the juror.

23 THE CLERK: Juror 31, William Curtis. What say the  
24 State?

25 MS. WALKER: Please present this juror.

## VOIR DIRE

1 THE CLERK: Any challenge for cause?

2 THE DEFENDANT: None.

3 THE CLERK: Juror 15, Bobby Bullard. What say the  
4 State?

5 MS. WALKER: Please present this juror.

6 THE CLERK: Any challenge for cause by the defense?

7 THE DEFENDANT: None.

8 THE CLERK: Juror 90, Janet McLaughlin. What say the  
9 State?

10 MS. WALKER: Please present this juror.

11 THE CLERK: Any challenge for cause by the defense?

12 MR. PARKER: None.

13 THE CLERK: Juror 52, George Gunter. What say the  
14 State?

15 MS. WALKER: Please present this juror.

16 THE CLERK: Any challenge for cause by the defense?

17 MR. PARKER: None.

18 THE CLERK: Juror 44, Debbie Fant. What say the  
19 State?

20 MS. WALKER: Please present the juror.

21 THE CLERK: Any challenge for cause by the defense?

22 MR. PARKER: None.

23 THE CLERK: Juror 139, Chad Walters. What say the  
24 State?

25 MS. WALKER: Please strike this juror.

## VOIR DIRE

1 THE CLERK: Juror 93, Erin Morris. Any challenge for  
2 cause by the State?

3 MS. WALKER: No, sir.

4 THE CLERK: Any challenge for cause by the defense?

5 MR. PARKER: None.

6 (For the alternate juror.)

7 THE CLERK: Juror 48, Kevin Fredricks. What say the  
8 State?

9 MS. WALKER: Please present this juror.

10 THE CLERK: Defendant?

11 MR. PARKER: Please dismiss this juror.

12 THE CLERK: Juror 42, Christopher Estridge. What say  
13 the State?

14 MS. WALKER: Please present the juror.

15 THE CLERK: Defendant?

16 MR. PARKER: Please seat the juror.

17 THE COURT: Any matters regarding selection from the  
18 State?

19 MS. WALKER: No, Your Honor.

20 THE COURT: From the defense?

21 MR. PARKER: None, Your Honor.

22 (The remaining panel was dismissed.)

23 THE COURT: Ladies and gentlemen, you are jury number  
24 two, okay? You are jury number two. I say that one more  
25 time like my minister at the holiday season when we change

1 the hour of service, okay? Don't be here next Sunday at  
2 11:00 be here at 10:30, so I say it a third time, you are  
3 juror number two. Now, the reason that's important is I am  
4 getting ready to release and I need you to call back at  
5 1:00 p.m. I have got two messages for you, number one,  
6 please call back at 1:00 p.m. Jury number one that's  
7 waiting, I am going to leave here in just a couple of  
8 minutes and we're going to start that trial. A lot of  
9 times things happen and cases resolve themselves and I  
10 would be able then to move to jury number two. So call  
11 back at 1:00 p.m. for further instructions, and it's either  
12 going to say please return to the courthouse and in place  
13 by 2:30, it will either say please return to the courthouse  
14 and be ready to go at 2:30 to start this trial, or it will  
15 say call after 6:00 p.m. The reason you have to remember  
16 number two is because the brothers and sisters who were not  
17 selected are also going to be calling that same number at  
18 6:00 p.m., and if you're needed tomorrow morning it will  
19 say you are -- if you are on jury number two please report  
20 or be in place by 9:00 tomorrow morning to start the trial.  
21 If this trial starts at 9:00 in the morning, it may or may  
22 not tell those other jurors to report at 11:00 or so for  
23 the next case so I can pick the next jury, but I won't pick  
24 it and start you at the same time if that makes sense. I'm  
25 trying not to waste people's time, okay? So this afternoon

1 please call after 1:00. It will either say please report  
2 at 2:30 to start this case or it will say call after 6:00.  
3 If you call in after 6:00 it will say if you are on jury  
4 number two I need you whatever time, 9:00 tomorrow, 11:00  
5 2:00, we'll have a better feel for it in just a little  
6 while, okay?

7 (Break in proceedings.)

8 THE COURT: Now, don't discuss this case, don't try to  
9 research the case, don't try to go to the internet or learn  
10 anything about the case and we'll all learn together in the  
11 courtroom. Again, the only thing I know about this case  
12 are the names of the parties and what the indictment says,  
13 that's all I know about this case and that's all you have  
14 to know or need to know about it. Everything that you  
15 learn about the case must come from sworn testimony in the  
16 courtroom, that's our judicial system. So please, don't  
17 try to learn anything about the case, it would be juror  
18 misconduct if you did that and I would have to declare a  
19 mistrial and, you know, it cost tax payer dollars to do  
20 that, so please don't, okay? Anything from the State?

21 MS. WALKER: No, Your Honor.

22 THE COURT: Anything from the defense?

23 MR. PARKER: No, Your Honor.

24 THE COURT: Ladies and gentlemen, you are free to go.

25 (Court recessed in this case for the day and resumed

1 At 9:15 a.m., on August 3, 2016.)

2 THE COURT: Solicitor, are we ready on the matter of  
3 the State versus O'Bryant Gladden?

4 MS. WALKER: Yes, Your Honor, we are.

5 THE COURT: Defense is ready?

6 MR. PARKER: Yes, Your Honor.

7 THE COURT: Ready for the jury? Any matters need to  
8 be put on the record before I bring them in and swear them?

9 MS. WALKER: I just would ask that the defense counsel  
10 stipulate to the jurisdiction like we talked about for the  
11 prior enhanced property crimes.

12 MR. PARKER: Your Honor, we stipulate to that.

13 THE COURT: Okay. Anything else? We'll have the 13  
14 jurors. Madam Clerk, when they get here swear them and  
15 we'll go.

16 (The jury returned to the courtroom.)

17 THE COURT: Good morning, ladies and gentlemen, thank  
18 you for being punctual this morning. We need your service  
19 on the next case up which is the matter of State versus  
20 O'Bryant Gladden. Madam Clerk, will you swear the jury to  
21 try this case?

22 (The jury was sworn.)

23 THE COURT: Ladies and gentlemen of the jury, we are  
24 here to try the matter of State of South Carolina versus  
25 O'Bryant Gladden. Mr. Gladden has been charged by

## OPENING STATEMENTS

1 indictment with the offense of petit larceny. It is  
2 alleged that he did in Lancaster County, South Carolina on  
3 or about October 11th, 2015 take and carry away personal  
4 property belonging to Crystal Beckham with the intent to  
5 deprive the owner of the possession of the property and to  
6 convert that property to his own use. Now, ladies and  
7 gentlemen, I will say this more than once, Mr. Gladden has  
8 been charged by this indictment but he remains presumed  
9 innocent of the charges against him. The burden falls  
10 squarely on the State of South Carolina to prove his guilt  
11 beyond a reasonable doubt, and I will say that more than  
12 once this morning to you. The fact that he has been  
13 charged by an indictment is not evidence of any crime  
14 whatsoever, it is merely a piece of paper, that's all it  
15 is, ladies and gentlemen, it's a piece of paper that brings  
16 him before the Court to stand trial. Now, what I tell you  
17 this morning is that this trial will be different from what  
18 many of us have come to expect by watching TV, reading  
19 books, seeing movies and magazines and that sort of thing.  
20 Trials are not always full of high drama and intense  
21 actions and riveting circumstances, and all of these things  
22 may be true at times, but this trial is not for  
23 entertainment purposes. This trial is a fundamental part  
24 of our democracy, it is a search for the truth in an effort  
25 to make sure that justice is done between the parties that

## OPENING STATEMENTS

1 are appearing before you today, and often times, ladies and  
2 gentlemen, the actual process is slow, deliberate and even  
3 repetitive, just the opposite of what you and I have come  
4 to expect from the entertainment industry. This courtroom  
5 is a place of honor dedicated to the protection and  
6 preservation of citizen's rights through what many  
7 countries have called the greatest justice system ever  
8 created. I tell you that the lawyers who are appearing  
9 before you are advocates for the party that they represent,  
10 but first and foremost they're officers of this Court and  
11 they are sworn to uphold the integrity and the fairness of  
12 our judicial system. Again, we thank you for your service.  
13 Now, ladies and gentlemen, what I tell you now, my remarks  
14 are intended to be an introduction of this trial, my  
15 remarks are not a charge on the law. I will instruct you  
16 on the law at the end of this case before you retire to  
17 consider your verdict. My remarks are merely an  
18 explanation of the procedure that we will be following.  
19 Now, ladies and gentlemen, I often get this question and  
20 the answer is you are not to take notes while you are  
21 serving as jurors in the state court, okay? Do not take  
22 any notes. Sometimes I'm asked through the bailiff for a  
23 note pad and that is not permitted in state court, although  
24 it is permitted in federal court. Now, as I previously  
25 told you, and here it comes again, he is charged by

## OPENING STATEMENTS

1 indictment, the elements of which will be explained to you  
2 later. The indictment again is simply the charging  
3 instrument and it is not evidence of any crime whatsoever.  
4 He has entered a plea of not guilty and the State has the  
5 burden of proof proving the elements of the indictment  
6 beyond a reasonable doubt. Ladies and gentlemen, it will  
7 be your duty to decide whether the State meets the burden  
8 of proof. Your purpose as jurors is to find and determine  
9 facts. You are the sole judge of the facts, and at any  
10 time if I make a comment regarding the facts you must  
11 disregard it. You are to determine the facts in this case  
12 from the testimony and the evidence presented to you in  
13 this courtroom. It is especially important that you  
14 perform your duty of determining the facts diligently and  
15 conscientiously, because ordinarily there is no way to  
16 correct an erroneous determination of facts by the trial  
17 jury. Now, on the other hand, ladies and gentlemen, and  
18 with equal emphasis, the same state law that makes you the  
19 judge of the facts in this case makes me the judge of the  
20 law, and you must accept it and follow it even if you  
21 disagree with it. I cannot tell you what a fact is and you  
22 cannot tell me what the law is. Your job will be to take  
23 the law as I give it to you, apply it to the facts as you  
24 find them to be from the testimony and the evidence  
25 presented and render a verdict. Until I tell you to begin

## OPENING STATEMENTS

1 to deliberate you must not discuss this case with any  
2 person involved in the case or any other person, family  
3 member or friend. I have advised the lawyers and the  
4 parties in this case not to speak to you, so if you see one  
5 of them in the hallway and you know that person and they  
6 don't speak to you or don't waive, I assure you they are  
7 not being rude, they are merely following my instructions.  
8 Often times an innocent comment talking about a ballgame or  
9 otherwise can be misconstrued as a comment on the fact in  
10 front of a jury and you don't need to -- they're not going  
11 to do that, they're not going to be talking with you. Now,  
12 ladies and gentlemen, you must decide the case based solely  
13 on the evidence, and that means you must not conduct any  
14 research whatsoever about the facts in this case or any of  
15 the parties or organizations that are involved. Do not try  
16 to learn information about this case outside of this  
17 courtroom, and that includes using the internet, research  
18 materials, websites, blogs, chat rooms or tools of  
19 electronic communication to receive or send information  
20 about this case. Do not use computers, telephones,  
21 cellphones, smart phones or tablets, the internet or any  
22 tool of technology with communication capability at any  
23 time during this trial. Now, during breaks for lunch and  
24 overnight, if necessary, you may use those devices but you  
25 must not use those devices to communicate about this trial.

## OPENING STATEMENTS

1 Ladies and gentlemen, it's very important that you keep an  
2 open mind and not decide any issue in this case until all  
3 of the evidence has been presented, the parties have made  
4 closing statements and I have instructed you on the law.  
5 It is your solum responsibility to determine the guilt or  
6 the innocence of the defendant, and your verdict must be  
7 based on the evidence presented in this trial. Now, in  
8 just a few moments the solicitor will make an opening  
9 statement in which he or she will tell you what their  
10 version about the facts are, what the issues are and what  
11 they believe them to be, the attorney for the defense also  
12 may make an opening statement, although he is not required  
13 to do so. But I tell you that what the lawyers say to you  
14 in their statements is not evidence in the case, it is  
15 merely their perception of the issues in this case. Now,  
16 at some point during this trial, and it will be unusual if  
17 it doesn't happen, it always does, at some point during  
18 this trial one or both of the lawyers will rise and say,  
19 "Judge, we have a matter of law for the Court." When that  
20 occurs I will remove you from the courtroom, ladies and  
21 gentlemen, so that you will not hear my conversation with  
22 the lawyers about whether or not a particular law applies,  
23 or a particular court rule found in one of these books  
24 right here that I have, whether or not that particular rule  
25 applies. Sometimes it's necessary for me to make a comment

## OPENING STATEMENTS

1 on a fact in looking at the rule, and as I said, that would  
2 be improper in your presence. When that happens, not if  
3 but when that happens I'll remove you from the courtroom  
4 just for a few moments so that I may talk freely with the  
5 lawyers, because again, the trial judge cannot make a  
6 comment about a fact in the case in front of a jury. Now,  
7 ladies and gentlemen, in determining what the true facts  
8 are in this case you must decide whether or not the  
9 testimony of witnesses is believable. It is my  
10 responsibility as a matter of law to determine whether the  
11 certain testimony is admissible, but whether or not you  
12 believe that testimony is solely for you 12 jurors and you  
13 12 jurors alone. In deciding whether to believe a witness  
14 you have the right to consider the interest of the witness,  
15 any bias or prejudice of the witness, and the opportunity  
16 for that witness to have seen or heard the things to which  
17 he or she might be testifying. You have a right to  
18 consider anything in the record that might help you in  
19 evaluating the testimony, and that necessarily means that  
20 you must pay close attention to the witness' testimony and  
21 the evidence presented. I ask that you not let your  
22 thoughts wonder, but pay close attention during the trial.  
23 Now, juror number 31, Mr. William A. Curtis. Sir, where  
24 are you? Mr. Curtis, you are hereby appointed the foreman  
25 of this jury. It is my custom to alternate between a

## OPENING STATEMENTS

1 foreman and a forelady, and I had a forelady yesterday, I'm  
2 going to have a foreman today and you are hereby appointed  
3 that foreman. I'm going to ask you to stay right where you  
4 are, but when we return from a morning break I'm going to  
5 ask that you trade seats with the lady to your right, that  
6 is the foreman's seat and I will ask that you always sit in  
7 that seat. Sir, you are my Mr. Alternate, you are Mr.  
8 Christopher Estridge, number 42? Sir, I would ask that you  
9 sit always in that seat. Those will be the assigned seats  
10 for my foreman and my alternate. Everyone else is hereby  
11 made an honorary Rotarian, I have been one for 28 years and  
12 now you are an honorary Rotarian, and that means you can  
13 rotate, so you can sit on the front, you can sit in the  
14 back, you can sit left or right, you can tryout every chair  
15 up there except for those two when you come and go. Also I  
16 tell you, and I told you yesterday, I stand a lot, if you  
17 need to stand while you're serving on the jury that's quite  
18 fine with me, I would only ask that you sit on the back so  
19 that when you stand you will not block a view of a fellow  
20 juror. And I stand a lot. Again, I tell you, as I think I  
21 did yesterday, me standing or sitting when a witness  
22 testifies means only one thing, if I'm standing I'm tired  
23 of sitting, and if I'm sitting I'm tired of standing and  
24 that's all it means. It does not mean I believe or  
25 disbelieve the testimony of anyone who was testifying at

## OPENING STATEMENTS

1 that moment, I just simply can't be still, that's all there  
2 is to it, okay? All right. Anything from the State?

3 MS. WALKER: No, Your Honor.

4 THE COURT: Anything from the defense?

5 MR. PARKER: Nothing, Your Honor.

6 THE COURT: Solicitor?

7 MS. WALKER: Ladies and gentlemen of the jury, South  
8 Carolina doesn't ask much from us, they ask that we follow  
9 the laws of the state, and while nobody is perfect that's  
10 basically what they ask of us. And on October 11, 2015 the  
11 defendant, O'Bryant Gladden, committed the crime of  
12 larceny. He went on to the property of Amanda Railey  
13 without her permission and drove away with his codefendant,  
14 Nikki Moore, with a trailer attached to the back of her  
15 car. They drove away with the trailer that they did not  
16 have permission to have. The moment they drove away from  
17 Amanda Railey's driveway was the moment that they committed  
18 the crime, that they converted that trailer to their own  
19 use without permission from any people who were authorized  
20 to give permission for them to use the trailer. And that,  
21 ladies and gentlemen, is larceny. On this day Amanda  
22 Railey was returning home, she pulled onto her street and  
23 saw a green Trailblazer pulling out from her driveway. She  
24 didn't know whose green Trailblazer it was, and even more  
25 peculiar she saw the metal trailer attached to the back of

## OPENING STATEMENTS

1 the Trailblazer, and she saw them pulling out from her  
2 yard. She knew without a doubt that that trailer belonged  
3 in her yard, not on the back of anybody else's car. And  
4 she knew this because her friend, Crystal Beckham, had  
5 allowed her to borrow this trailer. Crystal had allowed  
6 Amanda and her ex-boyfriend, Hank, to borrow the trailer,  
7 and nobody else had permission to use it. So on this day  
8 when she saw the green Trailblazer pulling out of her yard,  
9 the occupants of the Trailblazer must have seen Amanda and  
10 immediately started speeding off, speeding down the road,  
11 and by doing so the trailer, which we assume was not  
12 connected properly, became disconnected from the back of  
13 the Trailblazer. It spun off and came to a rest about 100  
14 or so yards away from the residence, and it came to a stop  
15 right there in the middle of the road. Amanda jumped out  
16 of her car, went, looked at the trailer and then  
17 immediately called law enforcement. In the same span of  
18 time the Trailblazer, which had rushed away from the scene,  
19 actually came back, and at that moment Amanda was able to  
20 identify the two people inside of the Trailblazer. The two  
21 people inside of the Trailblazer were the defendant,  
22 O'Bryant Gladden, who Amanda has personal knowledge of, and  
23 his codefendant, Nikki Moore. At this point the three of  
24 them engaged in a very rushed brief conversation, and then  
25 Nikki and O'Bryant once again sped off leaving Amanda there

## OPENING STATEMENTS

1 in the road with the trailer. Amanda then called law  
2 enforcement, reported the crime and Deputy Funderburke of  
3 the Lancaster County Sheriff's Office responded to her  
4 street, Sims Drive here in Lancaster County. So you're  
5 going to hear from Amanda, you're going to hear a little  
6 bit about the conversation that she had with Mr. O'Bryant  
7 and Ms. Moore. You're going to hear from Deputy  
8 Funderburke and hear how he kind of engaged in an  
9 investigation to see whether the owner of the trailer,  
10 Crystal Beckham, had actually given permission to O'Bryant  
11 or Nikki to actually use the trailer. He also reached out  
12 and contacted Hank Duncan, that's Amanda's ex-boyfriend, to  
13 see whether he had given them permission. And after his  
14 investigation he found out that no, nobody who was  
15 authorized to do so gave permission to either of those two  
16 people to use this trailer. And so based on that  
17 information, based on everything that he saw he sought  
18 warrants for the crime of larceny. And what we're dealing  
19 with today is that, is the crime of petit larceny, and the  
20 petit larceny indicates the dollar amount, the value of the  
21 item that was stolen, and that means it was under \$2,000.  
22 So even though the word petit seems like it's not a big  
23 deal, it's still larceny none the same, it just deals with  
24 the value of the item that was stolen. So we're going to  
25 hear from all of the people that were involved; Crystal

## OPENING STATEMENTS

1 Beckham, Hank Duncan, you are going to hear from Amanda  
2 Railey, the eye witness of the event, and also the law  
3 enforcement officer who responded to the incident. And I  
4 am confident that at the end of hearing all of that, all of  
5 the evidence, all of the testimony that you'll return a  
6 guilty verdict against O'Bryant Gladden for petit larceny.  
7 Thank you.

8 THE COURT: Yes, sir, Mr. Parker?

9 MR. PARKER: Your Honor, may it please the Court?

10 THE COURT: Yes, sir.

11 MR. PARKER: Good morning everybody. I'm Russell  
12 Parker and I represent Mr. Gladden. I know that y'all  
13 probably have places you would rather be than sitting in a  
14 courtroom serving on a jury, but I can tell you that it's  
15 important to Mr. Gladden that y'all are here, I'm also  
16 thankful for your service. I just want to go over a few  
17 brief things with you today. You know, as jurors y'all  
18 can't ask questions, all y'all can do is listen. It's my  
19 job -- I will ask questions and I'm going to ask questions  
20 that I think that y'all would like to know the answer to.  
21 You know, that's -- I may come off aggressive sometimes but  
22 it's my job to draw out the facts that I think y'all need  
23 to have to hear to accurately decide the correct verdict.  
24 You know, this isn't a case that I'm going to ask y'all to  
25 come to a conclusion about somebody that -- you know, this

## CRYSTAL BECKHAM - DIRECT

1 isn't a game of clue where I am going to point at the  
2 butler as the murderer or anything like that. The person  
3 who committed this crime is mentioned earlier, it's not my  
4 client, it's Mr. Gladden -- or it's not Mr. Gladden, it's  
5 Ms. Moore who was mentioned by the solicitor earlier. We  
6 believe the evidence will show that Mr. Gladden's car broke  
7 down, he contacted Ms. Moore, he had her children actually,  
8 whenever he contacted Ms. Moore she came and picked him up.  
9 Mr. Gladden asked her to go to Dollar General, they went  
10 there, got oil, came back, and during that time Ms. Moore  
11 was the one who was in possession of the trailer. The  
12 solicitor brought up earlier that whenever they made eye  
13 contact with Ms. Railey that they sped off. Well, they did  
14 speed off and it wasn't Mr. Gladden who was driving, it was  
15 Nikki Moore. You know, throughout this I would just like  
16 for you to keep an open mind. There are two sides to every  
17 story. A lot of the times the way the solicitor is going  
18 to present the facts isn't the way they necessarily  
19 happened. If I'm going to sell you a car I'm not going to  
20 tell you what's wrong with it, I'm not going to tell you  
21 that it has a busted radiator, I'm going to tell you it's a  
22 nice car, it has a good sound system, I'm not going to go  
23 over all the previous problems it's had, which is something  
24 you would like to look into before you purchased it. Just  
25 keep an open mind. Once again I would like to thank you

## CRYSTAL BECKHAM - DIRECT

1 for your service and so would Mr. Gladden. Thank you.

2 THE COURT: Solicitor, call your first witness.

3 MS. WALKER: Yes, Your Honor. The State calls Crystal  
4 Beckham.

5 The witness, CRYSTAL BECKHAM, was first duly sworn and  
6 testified as follows:

7 THE COURT: Ms. Beckham, once you're seated adjust  
8 that microphone and tell us your full name and spell your  
9 last name for my court reporter, please.

10 THE WITNESS: Crystal Beckham. B-e-c-k-h-a-m.

11 THE COURT: Thank you. Solicitor?

12 DIRECT EXAMINATION

13 BY MS. WALKER:

14 Q Good morning, Crystal.

15 A Good morning.

16 Q Ms. Beckham, can you tell me where you live?

17 A [REDACTED].

18 Q And how long have you lived there?

19 A For 30 years.

20 Q So more or less a Lancaster native are you?

21 A Exactly.

22 Q And what do you do for a living?

23 A I own a daycare.

24 Q And how long have you done that?

25 A It will be five years in September.

## CRYSTAL BECKHAM - DIRECT

1 Q Okay. Are you familiar with why we're here today?

2 A Yes.

3 Q What incident do you think we're here to talk about?

4 A The trailer that was taken from Hank and Amanda's.

5 Q Had you given Hank and Amanda permission to take the  
6 trailer?

7 A Yes. They were taking a grill from my house to their  
8 house. We had gotten a new grill and they came up with my  
9 son one day and we just offered for them to have the old  
10 grill, so they'd used the trailer to take it to their  
11 house.

12 Q And let me actually go ahead and show you -- I show  
13 this photograph that has been marked for identification  
14 purposes as State's Exhibit 1. Do you recognize that  
15 picture?

16 A Yes, that's the trailer.

17 Q That is the trailer that was involved in this  
18 incident?

19 A Right.

20 Q Okay. And do you remember when that photograph was  
21 taken approximately?

22 A Couple of week ago.

23 Q And it was taken -- do you know who it was taken by?

24 A You.

25 Q And I came out there with you and took a photograph of

## CRYSTAL BECKHAM - DIRECT

- 1 it?
- 2 A Right.
- 3 Q So this is not from -- is the photograph from the time  
4 October of 2015?
- 5 A No, it's not.
- 6 Q Is it more or less in the same condition it was in?
- 7 A It is. It has not been moved since that incident  
8 happened.
- 9 Q Okay. And where is it when it's in that photograph,  
10 where is it stored?
- 11 A The back part of my yard.
- 12 Q Okay. So could you say that that picture of the  
13 trailer is a fair and accurate representation of what it  
14 looked like at the time?
- 15 A At the time it was stolen?
- 16 Q Yes, ma'am.
- 17 A No. It has busted lights on the side now, the wheel  
18 is busted and it -- we can't get it fixed and the tongue  
19 is bent where it will not hook onto the truck.
- 20 Q Okay. Is that damage that happened due to the October  
21 of 2015 incident?
- 22 A Yes, ma'am.
- 23 Q Okay. But otherwise does the trailer look the same?
- 24 A Right. It does, yes.
- 25 Q Okay.

## CRYSTAL BECKHAM - DIRECT

1 MS. WALKER: Your Honor, I would like to offer State's  
2 Exhibit 1 into evidence.

3 THE COURT: Any objection?

4 MR. PARKER: Your Honor, I would like to see the  
5 picture. That's fine, no objection, Your Honor.

6 THE COURT: Okay. State's 1 in without objection.

7 (The photograph was received as State's 1.)

8 Q So you allowed Amanda and Hank to use the trailer?

9 A Right.

10 Q How long had they had it approximately?

11 A I know at least a couple of weeks.

12 Q And what is your relationship to Amanda Railey?

13 A My son is friends with Amanda and Hank and they had  
14 just came by my house that day when we had gotten a new  
15 grill and they were with him.

16 Q Okay. But you -- did you give them the grill as a  
17 gift?

18 A Yes, just gave it to them basically to get rid of it  
19 and not have to take it off.

20 Q Okay. And had you given them the trailer?

21 A No.

22 Q You had only given them permission to use it?

23 A Right, to get the grill to their house.

24 Q Okay. Did you have a problem with the fact that it  
25 had not been returned to you right away?

## CRYSTAL BECKHAM - DIRECT

- 1 A Well, I -- not really.
- 2 Q All right.
- 3 A It's just, you know, things get busy and you get tied  
4 up.
- 5 Q Did you receive a call from Amanda Railey on October  
6 11th of 2015?
- 7 A I did.
- 8 Q Okay.
- 9 A And she told me that the trailer had been stolen --
- 10 MR. PARKER: Your Honor, I would object to hearsay.
- 11 THE COURT: That's sustained.
- 12 MS. WALKER: Yes, sir.
- 13 Q When you received that call what did you do?
- 14 A I went over to her house.
- 15 Q Okay. When you arrived at the house what did you see?
- 16 A The police were there in Amanda's yard, I just pulled  
17 up and talked with them.
- 18 Q Did you speak with a sheriff's deputy?
- 19 A Yes.
- 20 Q What did you tell the sheriff's deputy, what was the  
21 nature of your conversation with them?
- 22 A That I had not given permission to anyone to use the  
23 trailer except for Amanda and Hank.
- 24 Q Okay. Do you know the defendant O'Bryant Gladden?
- 25 A No, I don't.

## CRYSTAL BECKHAM - CROSS

1 Q Do you know his codefendant, Nikki Moore?

2 A No, I don't.

3 Q Okay. Did you notice when you arrived there, since  
4 the trailer had been luckily recovered, did you notice any  
5 boxes or anything stored on top of the trailer?

6 A There was a mattress.

7 Q All right. And were you able to get the trailer home  
8 that night?

9 A We did get it home but it was a mess trying to get it  
10 home, very aggravating.

11 Q All right.

12 MS. WALKER: I have no other questions. If you would  
13 please answer any questions that Mr. Parker has.

14 THE COURT: Mr. Parker?

15 CROSS EXAMINATION

16 BY MR. PARKER:

17 Q Ms. Beckham, just very briefly. You were not at Ms.  
18 Railey's house whenever all of this occurred, were you?

19 A No.

20 Q So you don't know what happened or how it happened,  
21 you just know what you are told, correct?

22 A Right.

23 Q And you said earlier you don't know Mr. Gladden.

24 A No.

25 MR. PARKER: That's all of the questions I have, Your

## AMANDA RAILEY - DIRECT

1 Honor.

2 THE COURT: Anything further?

3 MS. WALKER: No, Your Honor.

4 THE COURT: Ma'am you may step down, please be  
5 careful.

6 MS. WALKER: State calls Amanda Railey. I believe  
7 she's in the hallway. Your Honor, I apologize but it seems  
8 as though Amanda is in the restroom at the moment.

9 THE COURT: Well, call another witness.

10 (Break in proceedings.)

11 The witness, AMANDA RAILEY, was first duly sworn and  
12 testified as follows:

13 THE COURT: Ms. Railey, pull the microphone close to  
14 you there, tell us your full name and spell your last name  
15 for my court reporter, please.

16 THE WITNESS: Amanda Burch Railey, R-a-i-l-e-y.

17 THE COURT: Solicitor?

18 MS. WALKER: Yes, Your Honor.

19 DIRECT EXAMINATION

20 BY MS. WALKER:

21 Q Good morning. Could you tell me how old you are, Ms.  
22 Railey?

23 A Twenty-seven.

24 Q And where do you live?

25 A [REDACTED] in Lancaster.

## AMANDA RAILEY - DIRECT

1 Q Do you have any children?

2 A I have three.

3 Q Okay. Are you -- the [REDACTED], is that where  
4 the incident on October 11th, 2015 took place?

5 A Yes, ma'am.

6 Q Okay. And how long have you been living there?

7 A I was raised there, it's my grandmother's property.

8 Q Okay. All right. So Amanda, I'm just going to get  
9 one thing out of the way, do you have any criminal  
10 convictions?

11 A Yes.

12 Q What are they for?

13 A Unlawful conduct two accounts (sic) and giving false  
14 information.

15 Q Okay. And when did these happen?

16 A I was 17, about to turn 18.

17 Q Okay. And those are the only convictions you have?

18 A Uh-huh.

19 Q Okay. All right. Just wanted to get that out there.  
20 So what happened on October 11th, 2015?

21 A I had left from a friend's house, went home -- was  
22 going home to get something, and when I got home as I was  
23 going down the road I could see -- I couldn't tell at  
24 first who it was but I could see a green Trailblazer with  
25 a trailer -- with the trailer hooked to the back of it

## AMANDA RALEY - DIRECT

- 1 pulling out of my yard.
- 2 Q Okay. And did you know who that was --
- 3 A The closer the truck got to me I know who it was.
- 4 Q And who at that time did you think it was?
- 5 A At that time I could see who it was.
- 6 Q Okay. And who did you see?
- 7 A It was Nikki and O'Bryant.
- 8 Q Okay. Could you give me their last names, do you
- 9 know?
- 10 A O'Bryant Gladden, and I think Nikki's is Moore.
- 11 Q And do you see Mr. O'Bryant Gladden in the courtroom
- 12 today?
- 13 A Uh-huh.
- 14 Q Can you tell me where he's seated?
- 15 A (Witness points to defendant.)
- 16 MS. WALKER: The witness indicated the defendant.
- 17 THE COURT: So noted.
- 18 Q So on that day you came home, saw them, what did you
- 19 see next once you saw the trailer pulling out?
- 20 A I think when they noticed it was me about to pull in,
- 21 when they noticed it was me they sped off, the trailer had
- 22 come unhooked as they were speeding off.
- 23 Q Okay. And what did you do then when the trailer --
- 24 A I had to stop. Because when the trailer come
- 25 unhooked if I wouldn't have stopped it was going to hit my

## AMANDA RAILEY - DIRECT

1 car, and when I stopped it kept going down the road, and  
2 that's when I called the police. Because I didn't have  
3 the -- I didn't the ball on the back of my truck anymore,  
4 so I had to wait for them to come.

5 Q And let's back up a little bit. You said that when  
6 you saw the green Trailblazer you knew who was in it. How  
7 did you know who -- how do you know O'Bryant Gladden?

8 A From my youngest child's father.

9 Q Who is your youngest child's father?

10 A Henry Duncan.

11 Q Okay. And were you friends with Mr. Gladden?

12 A Uh-huh, I know him.

13 Q How long have you known him?

14 A I would say a couple of years.

15 Q Couple of years prior to 2015?

16 A Yeah, I would say probably three.

17 Q Okay. Does he live near you, O'Bryant Gladden?

18 A As far as I know his mother lives up the road. I'm  
19 not sure if he stays there or not anymore but I know his  
20 mother lives up the street.

21 Q Had O'Bryant Gladden ever been to your house before  
22 that day?

23 A Not that day, but he had been to my house prior to  
24 that.

25 Q Okay. So prior to October 11th he'd been to your

## AMANDA RAILEY - DIRECT

1 house?

2 A Uh-huh.

3 Q Okay. Had he only been there one other time?

4 A No, he has been there several times.

5 Q And to your recollection what was the last time he had  
6 been there?

7 A It might have been two weeks before that I had  
8 actually paid him to come and cut my grass.

9 Q So he came there to cut your grass?

10 A Uh-huh.

11 Q Did he cut your grass?

12 A Uh-huh.

13 THE COURT: I'm sorry, hang on a second. Ma'am, I'm  
14 sorry, he's recording, you have to say yes or no.

15 THE WITNESS: Okay.

16 THE COURT: Thank you, ma'am. Solicitor?

17 MS. WALKER: Yes, Your Honor.

18 Q So did he come and cut your grass?

19 A Yes, ma'am.

20 Q Did you pay him to do that?

21 A Yes, ma'am.

22 Q Do you remember how much you paid him?

23 A Not offhand I don't.

24 Q Do you remember if the trailer was there when he was  
25 there cutting your grass?

## AMANDA RAILEY - DIRECT

- 1 A Yeah, it was, because I had to move it.
- 2 Q Okay. Were you able to move the trailer by yourself?
- 3 A No. He'd helped me hook it up to the back of my  
4 truck.
- 5 Q So you know Mr. Gladden pretty well?
- 6 A Yes, ma'am.
- 7 Q You're able to recognize him?
- 8 A Yes, ma'am.
- 9 Q So moving back to October 11th, when the green  
10 Trailblazer left what happened next?
- 11 A After they pulled out and sped off and the trailer  
12 come unhooked I called the police or whatever, I was  
13 standing there -- I think I had done hung the phone up  
14 from the police when they pulled back up.
- 15 Q They came back?
- 16 A They come back.
- 17 Q And approximately how long in between when they left  
18 and came back?
- 19 A Long enough for me to call the police and stand there.  
20 for probably a minute or so.
- 21 Q So would you say it was pretty quick?
- 22 A Yeah. It was probably like two minutes at the most.
- 23 Q And what happened then when they came back?
- 24 A They come back and he was like, "Hank told me I could  
25 use the trailer." So I called Hank and I was like, "Did

## AMANDA RAILEY - DIRECT

1 you tell OB and Nikki that they could use the trailer?"

2 And he was like, "No." And I was like, "Well, I just  
3 caught them taking the trailer out in the yard." And he  
4 was like, "I didn't give nobody no permission to use that  
5 trailer, you need to call Crystal Beckham and tell her so  
6 that she'll know what's going on." And that's when I hung  
7 up from him and called Crystal and I was still waiting on  
8 the police officer to come.

9 Q At this point was Hank living with you?

10 A No. Me and Hank had done separated.

11 Q But he knew that the trailer was being stored at your  
12 house?

13 A Yes, because I had been using it.

14 Q Okay. So was there anything else that was said or  
15 that happened when they came back that second time?

16 A No. They was like -- all they said was --

17 MR. PARKER: Your Honor, objection. This question  
18 calls for hearsay.

19 THE COURT: Solicitor?

20 MS. WALKER: She was there, Your Honor, she was there  
21 and heard it. It's not being offered for the truth of it,  
22 it's just what else was said.

23 THE COURT: Sustained.

24 Q Okay. So they came back, and then where did they go  
25 from there?

## AMANDA RAILEY - DIRECT

1 A I'm not exactly sure where they went after they  
2 pulled off.

3 Q Did they pull off quickly or slowly?

4 A They pulled off at a normal speed, like they really  
5 didn't --

6 Q So they didn't attempt to -- or did they attempt to  
7 reattach the trailer that had come off?

8 A No.

9 Q Okay. So did they leave the trailer there in the  
10 road?

11 A I was standing with the trailer waiting on the  
12 officer. The officer pushed the trailer back to my yard  
13 with his hands.

14 Q Okay.

15 MS. WALKER: Beg the Court's indulgence a moment.

16 (Break in proceedings.)

17 Q So when the deputy arrived what happened?

18 A He asked me what had happened --

19 MR. PARKER: Objection, Your Honor, it's hearsay.

20 MS. WALKER: Just what happened, not what did he say.

21 THE COURT: Well, she started to say what he said,  
22 though. Ma'am, you can't say what somebody said, okay?  
23 You can tell what happened.

24 A He pulled up, he asked me if I had a way it get it to  
25 the --

## AMANDA RAILEY - DIRECT

1 MR. PARKER: Your Honor, it's --

2 Q So when the officer arrived did he look at the  
3 trailer?

4 A He looked at the trailer, because the front of it was  
5 bent up where it done hit the pavement from coming off the  
6 truck.

7 Q Okay. And you mentioned that he helped you return the  
8 trailer?

9 A Yes, he did.

10 Q Okay. All right. So he helped you return it to the  
11 house?

12 A Uh-huh.

13 Q And did you call Hank while you were in the officer's  
14 presence?

15 A Yes, I did.

16 Q Did you call Crystal Beckham while you were in the  
17 officer's presence?

18 A Yes I did.

19 Q Okay. And can you tell me approximately what time of  
20 day this happened?

21 A It was daylight, it wasn't dark, it was in the  
22 afternoon.

23 Q Okay.

24 MS. WALKER: No further questions, if you would please  
25 answer anything Russell has, Mr. Parker.

## AMANDA RAILEY - CROSS

1 THE COURT: Mr. Parker?

2 CROSS EXAMINATION

3 BY MR. PARKER:

4 Q Good morning. Just a few questions. Ms. Railey, you  
5 said whenever you took the corner you came and you saw a  
6 trailer being pulled by a green Trailblazer, correct?

7 A Uh-huh.

8 Q And you said whenever they got closer to you you  
9 noticed the occupants, correct?

10 A Yes.

11 Q Did you see who was driving?

12 A Yes.

13 Q Who was driving?

14 A Nikki.

15 Q So Nikki was driving.

16 A Yes.

17 Q You also said that whenever y'all made eye contact  
18 that the car sped up, correct?

19 A Yes.

20 Q So that was Nikki that sped up.

21 A Yes.

22 Q Okay. You also said earlier that you knew O'Bryant  
23 because he had -- I mean, y'all knew each other through  
24 Hank, correct?

25 A Yes.

## AMANDA RAILEY - CROSS

- 1 Q You said that he had been over to your place recently.
- 2 A Yes.
- 3 Q Just to cut your grass.
- 4 A Yes.
- 5 Q And you said that you paid him, correct?
- 6 A Yes.
- 7 Q Up until this point y'all didn't have any problems.
- 8 A No, sir.
- 9 Q You and O'Bryant.
- 10 A No, sir.
- 11 Q So he had no reason to do anything wrong to you,
- 12 correct?
- 13 A No, sir.
- 14 Q You also said earlier that whenever the trailer came
- 15 unattached that whenever the car turned around it was
- 16 O'Bryant who got out and --
- 17 A No one got out.
- 18 Q So no one got out.
- 19 A No one got out.
- 20 Q Okay. So who was it that told you they had permission
- 21 from Hank?
- 22 A O'Bryant.
- 23 Q O'Bryant did. Did you give a statement to police that
- 24 day, a written statement?
- 25 A Yes.

## AMANDA RAILEY - CROSS

1 Q So let's go back a second. I want to draw your  
2 attention to the very beginning. You said you knew  
3 O'Bryant through Hank. How did you know Nikki Moore?

4 A Nikki Moore used to date Hank's brother.

5 Q Okay. Had you had any prior contact with her?

6 A I knew of her, I had saw her a couple of times. I  
7 had spoke to her, "Hey, how are you," just --

8 Q That's it, I got you. So you knew O'Bryant fairly  
9 well, you were in contact with him fairly -- not regularly  
10 but you knew who he was, he came over who to your house,  
11 you cut his grass; y'all didn't have a problem. But you  
12 did not know Nikki Moore very well I take it.

13 A Yes.

14 MR. PARKER: No further questions, Your Honor.

15 THE COURT: Anything at all?

16 MS. WALKER: Yes, Your Honor, I would like to ask one  
17 quick question.

18 REDIRECT EXAMINATION

19 BY MS. WALKER:

20 Q So Amanda, you stated that you saw Nikki driving the  
21 car, you just told Mr. Parker that.

22 A Yes.

23 Q But did you also see O'Bryant Gladden in the car?

24 A Yes, he was in the passenger's side seat.

25 Q So both of them were in the car?

## AMANDA RAILLEY - REDIRECT

1 A Yes.

2 Q Were they in the green Trailblazer that you saw  
3 pulling away from your house?

4 A Yes.

5 Q Were they both in the green Trailblazer that you saw  
6 pulling the trailer?

7 A Yes.

8 Q And they were both in the green Trailblazer that  
9 returned to talk to you.

10 A Yes.

11 MS. WALKER: Thank you. No further questions.

12 THE COURT: Anything?

13 MR. PARKER: Just one question, Your Honor.

14 RECCROSS EXAMINATION

15 BY MR. PARKER:

16 Q You saw them when they were in the Trailblazer but you  
17 did not see what happened before they were pulling out,  
18 correct?

19 A I did not see them hooking the trailer up.

20 Q Sure. Or you didn't know any conversations they were  
21 having or what happened before seeing them in the car,  
22 correct?

23 A No.

24 MR. PARKER: That's all, Your Honor.

25 THE COURT: Ma'am, you may step down, please be

JOSHUA FUNDERBURK - DIRECT

1 careful. Solicitor?

2 MS. WALKER: Your Honor, can we approach for  
3 scheduling if you don't mind?

4 THE COURT: Sure.

5 (A bench conference was held.)

6 MS. WALKER: At this time State calls Deputy Joshua  
7 Funderburk.

8 The witness, JOSHUA FUNDERBURK, was first duly sworn  
9 and testified as follows:

10 THE COURT: Adjust that microphone and tell us your  
11 full name and spell your last name for Mr. Court Reporter,  
12 please.

13 THE WITNESS: Deputy Joshua Funderburk.  
14 F-u-n-d-e-r-b-u-r-k.

15 THE COURT: Thank you. Solicitor?

16 DIRECT EXAMINATION

17 BY MS. WALKER:

18 Q Deputy Funderburk, would you please state your  
19 occupation?

20 A I'm a deputy sheriff with the Lancaster County  
21 Sheriff's Office.

22 Q And how long have you been with them?

23 A With the sheriff's office for three and a half years.

24 Q And what's the nature of your duties in your position?

25 A To protect and serve the residents of Lancaster

## JOSHUA FUNDERBURK - DIRECT

1 County, protect them and their property.

2 Q Are you a patrol officer?

3 A Yes, ma'am.

4 Q So do you respond to any variety of calls that you  
5 might get?

6 A Yes, ma'am.

7 Q And did you have an opportunity to respond to a call  
8 on October 11th, 2015 on Sims Drive?

9 A I did.

10 Q Okay. What was the nature of the call when you were  
11 dispatched?

12 A It was an attempted larceny.

13 Q Okay. And did you respond to [REDACTED] in  
14 Lancaster?

15 A I did.

16 Q And when you got there what did you see?

17 A When I was responding I took Douglas Road down to  
18 Sims Drive. As I was turning onto Sims Drive I seen a  
19 trailer located in one of the lanes of Sims Drive and I  
20 seen Amanda, Ms. Railey, she was also located on Sims  
21 Drive, and the trailer was there by itself, it had come to  
22 a stop there at the stop sign.

23 Q Okay. And when you got there what did you do?

24 A I started speaking with Amanda about the incident.

25 Q And what type of information were you able to gather?

## JOSHUA FUNDERBURK - DIRECT

1 A That the trailer was supposedly taken from the  
2 residence by Nikki Moore and O'Bryant Gladden with Nikki's  
3 vehicle, and that they did not have permission to take  
4 that trailer from her residence.

5 Q Let me just direct your attention real quick to your  
6 narrative just to clarify. Originally Amanda had provided  
7 a different last name for Nikki; is that correct?

8 A Yes, ma'am.

9 Q But you were later able to determine the correct last  
10 name?

11 A Yes.

12 Q Okay. And were you able to run a DMV search to  
13 identify her car?

14 A I was.

15 Q Did it match the description of the car provided by  
16 Amanda?

17 A It did.

18 Q And so once you were there -- let me actually show you  
19 this, sorry. State's Exhibit 2 for identification  
20 purposes. Will you take a look at that please? Could you  
21 tell me what this is?

22 A This is the intersection of Douglas Road and Sims  
23 Drive.

24 Q But is it a map?

25 A It is.

## JOSHUA FUNDERBURK - DIRECT

1 Q And is it a fair and accurate representation of how  
2 those roads meet there?

3 A Yes, ma'am.

4 Q And can you see the little marker that's there?

5 A Yes, ma'am.

6 Q What's it indicating?

7 A Amanda's residence.

8 Q And what address is that?

9 A It's [REDACTED].

10 Q And could I give you this and ask you to mark where it  
11 is that you located the trailer approximately when you  
12 arrived?

13 A (Witness complies.)

14 Q All right. Can I see what you did? Okay. So you  
15 marked basically right there at the intersection of Douglas  
16 Road and Sims Drive.

17 A Yes, ma'am.

18 Q Okay. All right.

19 MS. WALKER: Your Honor, I would like to offer it  
20 State's Exhibit into evidence?

21 MR. PARKER: No objection.

22 THE COURT: Without objection it is admitted.

23 (The photo was received as State's 2.)

24 Q So once you got to Sims Drive you spoke with Ms.  
25 Railey, what happened next? What did you do next?

## JOSHUA FUNDERBURK - DIRECT

1 A I took the trailer back to her residence.

2 Q How did you take the trailer back to her residence?

3 A I had to carry it, pick the front of the tongue of  
4 the trailer up and walk it back to her residence.

5 Q Was it heavy?

6 A It was.

7 Q Was it difficult to move?

8 A It was.

9 Q As part of your duties as a law enforcement officer  
10 are you required to workout?

11 A No.

12 Q No? But do you?

13 A I do.

14 Q And was it difficult for you even?

15 A It was.

16 Q So you returned it to the yard. Do you remember if  
17 Amanda has a fence around her yard?

18 A I think it's a partial fence.

19 Q All right. And did you put it back inside the fence?

20 A I put it back in her yard where she wanted it.

21 Q And what did you do from there as far as your  
22 investigation?

23 A I just continued to speak with her about the  
24 incident, I obtained a written statement from her. I  
25 spoke with Hank about the incident and I spoke with

## JOSHUA FUNDERBURK - DIRECT

1 Crystal about the incident.

2 Q Did you speak with Hank over the phone?

3 A I did.

4 Q Okay. And did you speak with Crystal in person?

5 A Yeah.

6 Q And after speaking with them did you gather that no  
7 permission had been given?

8 A I did.

9 Q And approximately what time of day did you respond  
10 to --

11 A It was close to 6:00 p.m.

12 Q Close to 6:00? Okay. Do you recall whether it was  
13 still daylight out?

14 A It was.

15 MS. WALKER: I don't have any questions at this time,  
16 if you would please answer anything that Mr. Parker has.

17 THE COURT: Mr. Parker.

18 MR. PARKER: Yes, Your Honor. Beg the Court's  
19 indulgence.

20 (Break in proceedings.)

21 CROSS EXAMINATION

22 BY MR. PARKER:

23 Q Just a few things, Officer. You arrived after  
24 everything had happened, correct?

25 A Yes, sir.

## JOSHUA FUNDERBURK - CROSS

1 Q So you didn't see what happened?

2 A No, sir.

3 Q And you can only act on information you receive from  
4 other people because of that, correct?

5 A Yes, sir.

6 MR. PARKER: That's all I have, Your Honor. Thank  
7 you, Deputy.

8 THE COURT: Sir, you may step down, please be careful.  
9 Mr. Foreman, ladies and gentlemen of the jury, we're going  
10 to take us a break here for about 15 minutes and let you  
11 refresh yourself. I know you folks have been in here a  
12 good hour, I try to go about an hour and 15 minutes or  
13 thereabouts, but we have been in the courtroom since  
14 exactly 9:00 as I was doing some other things, so my staff  
15 has also been here -- we've been here about an hour. Quite  
16 honestly I want some more of this good coffee that they  
17 make to tell you the truth about it. They even furnish a  
18 cup with a lid on them here, I think they think I'm going  
19 to spill it or something, you know, they know me. But  
20 anyway, Mr. Foreman, I'll let you do your first official  
21 duty and take your jury out. Do not talk about the case,  
22 it is certainly not over, anything you need back there  
23 they'll help you with.

24 (The jury left the courtroom.)

25 THE COURT: We're going to be in recess for about 20

## JOSHUA FUNDERBURK - CROSS

1 minutes. And if I could see the lawyers.

2 (A recess was taken.)

3 THE COURT: Mr. Foreman, any matters from the jury?  
4 Everything good?

5 THE JUROR: Excellent, Your Honor.

6 THE COURT: Very good. Solicitor, call your next  
7 witness.

8 MS. WALKER: Yes, Your Honor. The State calls Hank  
9 Duncan.

10 The witness, HANK DUNCAN, was first duly sworn and  
11 Testified as follows:

12 THE COURT: Sir, when you get situated move that  
13 microphone, adjust it a little bit, then tell us your full  
14 name and spell your last name please.

15 THE WITNESS: Henry Bernard Duncan, III. D-u-n-c-a-n.

16 DIRECT EXAMINATION

17 BY MS. WALKER:

18 Q Mr. Duncan, do you go by any other names?

19 A Hank.

20 Q Okay. Do you answer to both Henry and Hank?

21 A Yes, ma'am.

22 Q So where do you live?

23 A On John Everall Road now.

24 Q Here in Lancaster?

25 A Yes, ma'am.

## HANK DUNCAN - DIRECT

1 Q Okay. And at one point were you in a relationship  
2 with Amanda Railey?

3 A Yes, ma'am.

4 Q Were you guys -- had you guys ever lived together  
5 or --

6 A Yes, ma'am.

7 Q You did? Okay. Do you two have any children  
8 together?

9 A A little girl.

10 Q So you still -- do you still stay in touch with her?

11 A Yes, ma'am.

12 Q And are you familiar with an incident involving  
13 O'Bryant Gladden on October 11th, 2015?

14 A I had got a phone call, that's how I found out about  
15 it. I didn't know nothing about it until the police  
16 called my phone.

17 Q And so who was it that called your phone?

18 A I'm not sure which officer it was.

19 Q But was it a law enforcement officer?

20 A Yes, ma'am.

21 Q Okay. And what was the nature of the call?

22 A Something about somebody had went to my baby mama's  
23 house and took some stuff out of the yard. They called,  
24 asked me did I know anything about it, I told them no, I  
25 didn't send nobody down there. And the officer said that

## HANK DUNCAN - DIRECT

1 the guy and the girl --

2 MR. PARKER: Your Honor, objection.

3 THE COURT: Hang on. Hold on, sir, we've got an  
4 objection. Don't say what somebody else said now, okay?

5 THE WITNESS: Yes, sir.

6 THE COURT: Just talk about what happened. Solicitor?

7 A Well, that's all that happened, that's all I know  
8 anyway.

9 Q Okay. Do you know O'Bryant Gladden?

10 A Yes, ma'am.

11 Q How long have you known him?

12 A We've been friends for awhile.

13 Q Approximately how many years would you say?

14 A About five.

15 Q And had he at one point had permission to come over to  
16 Amanda's house?

17 A Yes, ma'am. He used to come down there and chill  
18 with me.

19 Q When you were living there?

20 A When I was living there.

21 Q Okay. But on that day had you given permission to  
22 O'Bryant Gladden to use that trailer?

23 A No, ma'am.

24 Q Had you provided Nikki Moore, the codefendant, with  
25 permission?

## HANK DUNCAN - DIRECT

1 A No, ma'am.

2 Q Do you know Nikki Moore?

3 A Yes, ma'am.

4 Q How do you know Nikki?

5 A She used to talk to my brother.

6 Q Are you acquaintances with both of them?

7 A Yes, ma'am.

8 Q But had you picked up the phone and told either of

9 them that they could use the trailer that day?

10 A No, ma'am. The trailer ain't even mine.

11 Q Okay. Who does the trailer belong to?

12 A Crystal Beckham and Michael Beckham.

13 Q And why did Amanda have the trailer?

14 A We was using it to move, because I had dirt bikes and

15 four wheelers and that's how I transport my four wheelers

16 and dirt bikes.

17 Q And did Amanda have the trailer for more than a day?

18 A Yes, ma'am.

19 MS. WALKER: I don't have any other questions, if you

20 would please answer anything that Mr. Parker has.

21 THE COURT: Mr. Parker?

22 CROSS EXAMINATION

23 BY MR. PARKER:

24 Q Just a few very brief questions, Mr. Duncan. The

25 first time you heard about any of this was whenever you

## HANK DUNCAN - CROSS

1 received a phone call, correct?

2 A Yes, sir.

3 Q So I can infer from that you weren't there when any of  
4 this happened.

5 A No, sir.

6 Q You hadn't talked to anybody beforehand. Earlier when  
7 Madam Solicitor was asking you questions, she asked how  
8 y'all knew O'Bryant. Y'all were friends, correct?

9 A Yes, sir.

10 Q So I take it there was no ill-will in between either  
11 one of you, right?

12 A Yes, sir.

13 Q Y'all were on good terms.

14 A Yes, sir.

15 Q You said that Nikki used to date your brother; is that  
16 correct?

17 A Yes, sir.

18 Q What kind of note did they end their relationship on?

19 I take it they're no longer --

20 A Good. They were --

21 Q They were fine?

22 A Yes, sir.

23 Q And just to reiterate, the only thing you know about  
24 the incident that we're here for today is what you were  
25 told, you didn't know anything about it until you receive a

## HANK DUNCAN - CROSS

1 phone call, correct?

2 A Right.

3 MR. PARKER: That's all I have, Your Honor.

4 THE COURT: Anything at all?

5 MS. WALKER: No, sir, Your Honor.

6 THE COURT: Thank you, sir, you may step down, please  
7 be careful.

8 MS. WALKER: State calls Nikki Moore.

9 THE COURT: All right, Ms. Moore.

10 The witness, NIKKI MOORE, was first duly sworn and  
11 testified as follows:

12 THE COURT: Ma'am, tell us your full name, please, and  
13 spell your last name.

14 THE WITNESS: Nikki S. Moore. Shanta is S-h-a-n-t-a.

15 THE COURT: Okay. Solicitor?

16 MS. WALKER: Yes, Your Honor.

17 DIRECT EXAMINATION

18 BY MS. WALKER:

19 Q Nikki, where do you live?

20 A [REDACTED] off of McIlwaine.

21 Q And how long have you lived here in Lancaster County?

22 A Over about 25 years.

23 Q Big part of your life. I just want to clarify, you  
24 are a codefendant, or were a codefendant in this case?

25 A Yes, ma'am.

## NIKKI MOORE - DIRECT

1 Q And have you entered a guilty plea in this case?

2 A Yes, ma'am. I already been convicted of mine's, my  
3 part of what I had done with this.

4 Q Okay. So how do you know O'Bryant Gladden, the  
5 current defendant?

6 A I met him at the urnge and lat store off of  
7 Chesterfield and we had become friends then, and that's  
8 how I, you know -- been friends for over I want to say  
9 about five or six years.

10 Q Okay. All right. And what was the nature of your  
11 friendship? Like how often did you see each other?

12 A It was pretty much regular and I would back away,  
13 then he'll do something real bad and I would back away  
14 from --

15 MR. PARKER: Objection, Your Honor.

16 THE COURT: Objection, hold on. Solicitor?

17 MS. WALKER: I can rephrase that.

18 THE COURT: Renew the question.

19 MS. WALKER: Yes!

20 Q So you guys would see each other in the community  
21 regularly?

22 A Uh-huh.

23 Q Okay. On this day, October 11th of 2015, did O'Bryant  
24 Gladden call you?

25 A Yes.

## NIKKI MOORE - DIRECT

1 Q When he called you, why did he call you?

2 A He called, asked me could I give him a ride and I  
3 told him I was at work, and he said, "Girl, come give me a  
4 ride after you get off work." I gave him a ride. I  
5 picked him up from down the street from --

6 Q Wait a minute, sorry, slowdown a little bit. Yeah.  
7 So where did you pick him up?

8 A He was coming from up the road of Amy Duncan's, his  
9 friend from behind his mother's house, he was walking that  
10 road up to about the stop sign.

11 Q Was he walking or driving?

12 A He was walking.

13 Q He was walking?

14 A And I was driving.

15 Q You were driving. What car were you driving?

16 A The green Trailblazer.

17 Q How long have you had that car?

18 A I just got it last year.

19 Q And let me back up just a bit. When O'Bryant called  
20 you and you were at work, did he tell you why he needed  
21 your car or why he needed you?

22 A He told me because I had a Trailblazer and the rest  
23 of the people had a car, they had cars, not no Trailblazer  
24 or a truck or jeep, something that can pull.

25 Q So then you go to pick him up. And where did you see

## NIKKI MOORE - DIRECT

- 1 him again?
- 2 A At the stop sign down the street from his friend's  
3 house, Amy Duncan.
- 4 Q And so he was walking.
- 5 A Uh-huh.
- 6 Q And what happened next?
- 7 A After I picked him up he told me to take him down the  
8 street, which is like two or three minutes from Amy's  
9 house to Amanda's house. And I blew the horn and knocked  
10 on the door, didn't nobody come, because I don't believe  
11 in going to nobody's yard if I was just giving somebody a  
12 ride and I hadn't talked to nobody and I know it ain't his  
13 residence. So as I proceed to do that I didn't get no  
14 answer at the door, I didn't get no answer on the knock or  
15 the horn, and when -- I had -- I waited -- we waited,  
16 because we could have been gone, it was me  
17 procrastinating, waiting.
- 18 Q Let me slow it down a little bit. What did he tell  
19 you y'all were there to do?
- 20 A To get the rollback thing and the stuff that he had  
21 on there, and -- because he cut grass for her and she  
22 didn't pay him enough so he said he was going to go ahead  
23 and take that and took his stuff off.
- 24 Q Okay. So who got out and hooked up the trailer?
- 25 A O'Bryant.

## NIKKI MOORE - DIRECT

1 Q Hooked up the trailer to what car?

2 A To my Trailblazer.

3 Q Okay. And then from there what happened?

4 A As we was leaving out I seen Amanda's truck  
5 proceeding coming up so I'm driving regular because I  
6 didn't think nothing, you know.

7 Q Wait a minute, sorry. So do you know Amanda Railey?

8 A I don't know her know her, but I know her vehicle.  
9 Because where I stay at she's friend with a girl named  
10 Kiosha (phonetically) Benson and they -- we all -- I see  
11 her through them.

12 Q So continue, sorry for interrupting.

13 A As we went I kept going, I just kept -- when I seen  
14 her I kept regular, you know, regular going. And as I  
15 stopped at the stop sign the trailer unhooked itself, I  
16 guess he improperly put it on and it's unhooked itself.  
17 And so when it unhooked he told me to go ahead on, go  
18 ahead on, but I turned back around. It was my decision to  
19 turn around because I wanted to know -- because she backed  
20 back up after that happened. I thought maybe she was  
21 going to turn around to try to help, but really she was  
22 saying that it wasn't supposed to have been taken. And he  
23 told me that Hank Duncan told him that he can get it, so  
24 that's what he was telling her that Hank told.

25 Q So like you just said, you returned to Amanda.

## NIKKI MOORE - DIRECT

- 1 A Uh-huh.
- 2 Q And what was said?
- 3 A She really didn't say nothing. She was still on the  
4 phone with the officer and talking to other people, she  
5 really wasn't saying anything.
- 6 Q Okay. And did O'Bryant say anything to her?
- 7 A Well, he kept telling her that Hank told him, that  
8 was it. And she still was on the phone as if she didn't  
9 hear nothing or see us there.
- 10 Q And then what happened next?
- 11 A I dropped him off at the store down the street from  
12 my house.
- 13 Q Did he say anything while you guys were in the car  
14 about the incident that had just happened?
- 15 A He was like, "They supposed to have been paying me  
16 for cutting grass," and they didn't pay him and all of  
17 this and all that and a bunch of other stuff. I really  
18 can't remember offhand.
- 19 Q So then where did you take him?
- 20 A To the store above from my house. See, because he's  
21 familiar with the that, he always be at the store and I  
22 just dropped him off there, then the officer came to my  
23 house looking for him.
- 24 Q And was -- the incident where it happened was on Sims  
25 Road?

## NIKKI MOORE - CROSS

1 A I guess so, it's at the stop sign from her house.

2 Q And that's in Lancaster County?

3 A Yes, ma'am.

4 MS. WALKER: If you would, please answer any questions  
5 that Mr. Parker has.

6 CROSS EXAMINATION

7 BY MR. PARKER:

8 Q Ms. Moore, you talked earlier about the fact that  
9 you've already pled guilty to your part, correct?

10 A Uh-huh.

11 Q Yesterday you pled to a five year -- you pled to a  
12 suspended sentence where you're just placed on probation,  
13 correct?

14 A Yes, sir.

15 Q Based on your prior record that's a really good deal,  
16 isn't it?

17 A Yes, sir.

18 Q In fact, let's start -- we'll start in 2007. I see  
19 five guilty verdicts for -- or pleas for fraudulent checks,  
20 correct?

21 A Uh-huh.

22 Q I see one HTO in 2011. I see a forgery from 2011. An  
23 identity fraud to obtain employment. I see another HTO. I  
24 see a violation of probation, a shoplifting enhanced, two  
25 of those. I see another shoplifting, another shoplifting,

## NIKKI MOORE - CROSS

1 those are both in 2013.

2 A Uh-huh.

3 Q So you would end your relationship with O'Bryant  
4 whenever he would do bad things, correct, because you were  
5 such a good person?

6 A Not correct.

7 Q But that's what you said earlier, isn't it?

8 A I'm a changed person.

9 Q Are you?

10 A Yes --

11 Q Since what, October of 2015?

12 THE COURT: Hold on. Only one can talk at a time. My  
13 court reporter is good but he's not that good, okay? You  
14 ask a question, and ma'am you answer it, don't talk -- and  
15 when you finish talking he'll talk, okay?

16 THE WITNESS: Okay.

17 THE COURT: Go ahead.

18 Q So you're a changed person from 2015, correct?

19 A Well, I was before then.

20 Q Before then?

21 A I was just giving a friend a ride.

22 Q Right.

23 A In the negative I will -- he asked me for a ride, I  
24 gave him the ride as a friend, I've been giving him rides  
25 everywhere else, ain't ever had no confrontation. And my

## NIKKI MOORE - CROSS

1 past don't have nothing to do with me giving him a ride  
2 and him taking that rollback and hook it up. And some of  
3 them charges I didn't do it but I plead guilty like I did  
4 this charge.

5 Q But let me just reiterate, you pled guilty to this  
6 yesterday, correct?

7 A That one yesterday was the day before, Monday.

8 Q Okay. Actually I'm looking here at the clerk's  
9 website, it was two days ago, so yeah, Monday. Let's roll  
10 back. Looking at your record you were placed on probation  
11 because of this, correct?

12 A Yes, sir.

13 Q And you were also supposed to be here today to  
14 testify, right?

15 A Yes, sir.

16 Q So your incentive today to testify is to stay on  
17 probation so you don't go to prison.

18 A Yes, sir.

19 Q It is? That's what I thought.

20 MS. WALKER: Your Honor, I'd like to object to that  
21 given the fact that that's not a fair representation of  
22 what the plea was.

23 THE COURT: It's asked and answered. Go ahead.

24 Q Ms. Moore, you were the driver of the Trailblazer?

25 A Yes, sir.

## NIKKI MOORE - CROSS

1 Q You were in here earlier whenever you heard Amanda  
2 Railey testify, correct?

3 A Yes, sir.

4 Q She said that you sped up whenever y'all made eye  
5 contact?

6 A That's because he said, "Keep going, go."

7 Q But you're the driver, correct?

8 A Yeah, I turned around. Because usually -- I turned  
9 around when he said, "Let's go." I sped up just a little  
10 bit but I went back, I went right back.

11 Q And nobody is disputing that, you did go back at some  
12 point. Whenever you sped up what happened?

13 A Nothing, I just went back.

14 Q The trailer didn't pop off whenever you sped off?

15 A No. It automatically detached itself after I stopped  
16 at the stop sign.

17 Q So Ms. Railey is lying. Ms. Railey testified earlier  
18 that whenever you sped up the trailer popped off.

19 A No. When I stopped at the stop sign the trailer  
20 popped off.

21 Q You said earlier that O'Bryant talked about not  
22 getting paid, correct?

23 A Yes, for cutting grass. He cut grass --

24 Q Right. You heard -- I'm sorry. Go ahead and answer,  
25 I'm sorry.

## NIKKI MOORE - CROSS

1 A Yeah, for cutting grass.

2 Q Were you in here earlier whenever Ms. Railey  
3 testified?

4 A Yes, sir.

5 Q She said that she did pay O'Bryant.

6 A Yeah, she paid him. But he still went back and did  
7 what he did, that's what he did.

8 Q According to you, correct?

9 A Uh-huh.

10 Q Your testimony is here today because you pled to  
11 probation, right?

12 A Well, I'm here today to defend me.

13 Q I understand.

14 A I ain't got nothing else to do with that but me, I'm  
15 defending me.

16 Q Sure. You're defending yourself, right?

17 A Yes.

18 Q Which includes lying about O'Bryant Gladden's  
19 participating in this.

20 A No, sir.

21 MR. PARKER: That's all I have, Your Honor.

22 THE COURT: Solicitor, anything?

23 MS. WALKER: Yes, Your Honor.

24 REDIRECT EXAMINATION

25 BY MS. WALKER:

## NIKKI MOORE - REDIRECT

1 Q Ms. Moore, was there any promise made to you as part  
2 of your plea other than you being put on probation for five  
3 years?

4 A No, ma'am.

5 Q And when you initially told your version of what  
6 happen, who did you tell it to?

7 A I was trying to -- when the officer came he was  
8 looking for O'Bryant and I was going -- I told him  
9 O'Bryant wasn't there --

10 MR. PARKER: Objection, Your Honor, this is hearsay.  
11 Also this was not addressed on cross.

12 THE COURT: Let's stick to what was on cross.

13 MS. WALKER: Okay.

14 Q Did you tell your attorney, David Cook, this story as  
15 it happened?

16 A Yes, ma'am.

17 MR. PARKER: Objection, Your Honor, this was also not  
18 addressed on cross.

19 MS. WALKER: It was on that --

20 THE COURT: I'm going to give her just a little bit of  
21 leeway.

22 Q Okay. So did you come up with this story after you  
23 entered into a plea?

24 A No, ma'am.

25 Q Are you currently -- do you have any other pending

## NIKKI MOORE - REDIRECT

1 charges with my office, with the solicitor's office?

2 A Not that I know of.

3 Q Okay. Not that I know of either. When you entered a  
4 guilty plea was it to take responsibility for your part of  
5 this event?

6 A Yes, ma'am.

7 Q On the day that this happened, was O'Bryant Gladden  
8 there with you hooking up the trailer?

9 A Yes, ma'am.

10 MS. WALKER: No further questions.

11 THE COURT: Anything at all?

12 MR. PARKER: Beg the Court's indulgence just briefly.

13 (Break in proceedings.)

14 RECROSS EXAMINATION

15 BY MR. PARKER:

16 Q Ms. Moore, you didn't help O'Bryant move the trailer  
17 at all, hook it on the back of your car?

18 A I stood right there looking at him because it was too  
19 heavy, it looked heavy. I wasn't about to do all of that  
20 after 12 hours of work.

21 Q So you helped him put the trailer on the back?

22 A No, I watched him hook the trailer. I seen it was  
23 too heavy, you can look at that and tell it's heavy. I'm  
24 not about to be Hercules trying and hookup something that  
25 he needed, no. Why would I want to touch it if he needed

## NIKKI MOORE - RECROSS

1 it? But I was making sure he wasn't going to mess up the  
2 back of my bumper for my truck that I've got to drive back  
3 and forth to work, that's the only part -- I stood back  
4 there and watched him hook it to make sure he do it right  
5 so he won't knock my bumper thing off.

6 Q Okay..

7 MR. PARKER: Your Honor, no more questions.

8 THE COURT: Ma'am, you may step down, please be  
9 careful. Solicitor?

10 MS. WALKER: The State rests, Your Honor.

11 THE COURT: The State rests. Okay. Let's see the  
12 lawyers real quick.

13 (Bench conference was held.)

14 THE COURT: Mr. Foreman, ladies and gentlemen of the  
15 jury, tell you where we are, the State has now rested,  
16 which means that the State does not intend to call anymore  
17 witnesses or produce anymore evidence in what's called  
18 their case in chief. So I've conferred with the lawyers  
19 here, we've got a couple of little things where I told you  
20 at the beginning that would take place out of your presence  
21 having to do with matters of law but that will only take a  
22 matter of a few minutes as a matter of fact, but that will  
23 put us -- by the time we do that and send you out and bring  
24 you back, that would put us at 12:00 noon. So what we're  
25 going to do is break for lunch at this time. I'm going to

1 give you a little extra time here today, so I'm going to  
2 ask you to be back and be ready to go at 1:30. We're going  
3 to continue to work for about another five or six minutes  
4 here on this matter of law and then we're going to break  
5 for lunch ourselves, so I would ask you to be back at 1:30  
6 in your jury room. Now, Mr. Foreman, ladies and gentlemen,  
7 please do not discuss the case, don't think about the case.  
8 You are at work and you don't want to be thinking about  
9 work when you're at lunch, you want to think about  
10 something else, or at least I do. So think about something  
11 else, talk about something else, but don't begin  
12 deliberations, that would not be proper, you have not heard  
13 all of the evidence in this case at this time, so don't  
14 begin any deliberations, have a good lunch. I would ask  
15 that you be back ready to go at 1:30. I'm going to eat  
16 real close by here just within walking distance so I don't  
17 have to move a car and I will be right here ready to go at  
18 1:30 sharp so we can move this case along. Mr. Foreman,  
19 take the jury out, please.

20 (The jury left the courtroom.)

21 THE COURT: Any matter from the State?

22 MS. WALKER: No, Your Honor.

23 THE COURT: From the defense?

24 MR. PARKER: Just briefly, Your Honor. At this time  
25 we make a motion for a directed verdict. The State -- let

1 me start here. As you know, this is an any evidence  
2 standard, the Court is on supposed to take into  
3 consideration the existence or non-existence of any  
4 evidence. One of the values of petit larceny is that the  
5 value of thing taken was under \$2,000. If my recollection  
6 is correct in the testimony that was put up and all of the  
7 evidence, no evidence at all was introduced as to the value  
8 of the trailer that was reportedly taken. I believe Mr.  
9 Gladden is entitled to a directed verdict because of this,  
10 and there was absolutely no testimony or evidence produced  
11 as to value. That's all.

12 THE COURT: Solicitor?

13 MS. WALKER: Considering the statute states from 0 to  
14 \$2,000, and I believe Crystal Beckham indicated that she  
15 and her husband had purchased the trailer, so I mean, had  
16 purchased for over \$0. I mean, there is --

17 THE COURT: Well --

18 MS. WALKER: You can infer the value of a trailer if  
19 it's over \$0.

20 THE COURT: Okay. The motion for a directed verdict  
21 is denied. Looking at the evidence in the light most  
22 favorable to the State, which is the non-moving party, as  
23 you said, Mr. Parker, the Court is only concerned with  
24 whether there's any existence of evidence, not its weight.  
25 And I have a little fun from time to time holding this

1 piece of paper in my hand because it's where I was affirmed  
2 on that in a prior appeal. If you want it look at, it's in  
3 2015. So there is evidence that the trailer has value and  
4 it has some value. I agree there wasn't a specific dollar  
5 amount put, but even if the Beckham's had not purchased the  
6 trailer it has some value, which is more than \$0.  
7 Obviously if they were trying to prove grand larceny that  
8 would be a different issue. Anything else?

9 MR. PARKER: Nothing, Your Honor.

10 THE COURT: Okay. Let's be in recess until about 1:30  
11 but let's be ready to go at 1:30, okay?

12 (A lunch break was taken.)

13 THE COURT: All right. We will have our jury.

14 (The jury returned to the courtroom.)

15 THE COURT: Mr. Foreman, any matters for the jury?

16 The jury is okay?

17 THE JUROR: The jury is fine.

18 THE COURT: All right. The State has rested. Yes,  
19 sir, Mr. Parker?

20 MR. PARKER: Thank you, Judge. The defense would call  
21 Amy Duncan.

22 The witness, AMY DUNCAN, was first duly sworn and  
23 testified as follows:

24 THE COURT: Ms. Duncan, when you get situated adjust  
25 that microphone, please tell us your full name and spell

1 your last name for my court reporter.

2 THE WITNESS: Amy Ellis Duncan, D-u-n-c-a-n.

3 THE COURT: Mr. Parker?

4 MR. PARKER: Thank you, Judge.

5 DIRECT EXAMINATION

6 BY MR. PARKER:

7 Q Ms. Duncan, do you remember where you were October  
8 11th of 2015?

9 A At my home.

10 Q You were at home?

11 A Yes.

12 Q And I take it you -- do you know O'Bryant Gladden?

13 A Yes.

14 Q You do? Would you point him out?

15 A (Witness complies.)

16 Q That day, was he at your house?

17 A Yeah, he came to my house.

18 Q Why did he come to your house?

19 A To show me a car he had bought.

20 Q What kind of car was it, do you remember?

21 A Like a fuchsia Honda Accord.

22 Q Do you remember anything about the car, the condition  
23 it was in?

24 A Well, when he got to my house the oil pan, I guess it  
25 burst or something and all the oil was in my driveway.

## AMY DUNCAN - DIRECT

1 Q How did you -- how did you know that?

2 A Because he came to show me the car and the car was  
3 running hot when he got there and when he cut it off the  
4 oil just poured out.

5 Q So you could see the oil all over the place?

6 A Yeah.

7 Q Whenever y'all noticed the oil what happened next?

8 A I got my husband to come out, take a look at it, he  
9 got a tarp and got up under it and tried to see if he  
10 could tighten the oil pan, and because it was losing so  
11 much oil we took it and pushed it out of the driveway onto  
12 the side of my yard at the road so it wouldn't get no more  
13 oil.

14 Q What did O'Bryant do next after that?

15 A He called Nikki Moore.

16 Q And what did he ask her, or what did he say to her?

17 A To come and pick him up because my husband fixed it  
18 and tightened the oil pan, so he told him to go get some  
19 more oil and to fill it up a couple of quarts so he can  
20 drive it home.

21 Q So O'Bryant called Nikki Moore to ask her to get more  
22 oil -- so they could go get more oil.

23 A Yeah.

24 Q Do you remember anything else about that day?

25 A He had her children with him because she was working,

## AMY DUNCAN - CROSS

1 because I gave them Kool-Aid and Little Debbie cakes until  
2 she came to get him to get the oil.

3 Q Did O'Bryant talk about anything else aside from  
4 wanting to show you his car?

5 A No.

6 MR. PARKER: That's all of the questions I have, Your  
7 Honor. Please answer any questions that the solicitor has  
8 for you.

9 THE COURT: Solicitor?

10 CROSS EXAMINATION

11 BY MS. WALKER:

12 Q Ms. Duncan, do you know approximately what time  
13 O'Bryant was at your house?

14 A It was between 3:00 and 7:00. Because by the time we  
15 put oil back in his car and started it up it was around  
16 7:00 because I was late cooking dinner.

17 Q So did you see Nikki come and pick him up?

18 A Yes, it was right in front of my house.

19 Q So approximately how far away do you live from [REDACTED]

[REDACTED]?

21 A It's the next road over.

22 Q So it's right there, just it's right there.

23 A Yeah, maybe a quarter of a mile.

24 Q Okay. Just a minute's drive potentially.

25 A Yeah. It's up the road about 12 houses up.

## AMY DUNCAN - CROSS

1 Q And when Nikki came and picked up O'Bryant from your  
2 house, did you see them again that night?

3 A No. She took him to Dollar General, got his oil, he  
4 filled his car up and drove off, I didn't see them anymore  
5 that night.

6 Q But from the time he left your house you didn't see  
7 him again.

8 A No.

9 Q So you can't tell anybody anything about what he and  
10 Nikki may or may not have done later.

11 A No.

12 Q So you said that O'Brien called her and he asked --

13 A Yeah. He called her because he had her kids and it  
14 was hot out.

15 Q Yeah, and she came like you said.

16 A Yeah.

17 Q She came and --

18 A She came and got her kids and took him to Dollar  
19 General to get oil and came back about 30 minutes later  
20 and dropped him off.

21 Q Okay.

22 A And he got his car and went up the road.

23 Q Okay. But again, you can't testify as to what  
24 happened after they left your house.

25 A No.

## AMY DUNCAN - CROSS

1 MS. WALKER: Okay. No further questions, thank you!

2 THE COURT: Yes, sir?

3 MR. PARKER: Just briefly.

4 REDIRECT EXAMINATION

5 BY MR. PARKER:

6 Q Amy, did you see -- or excuse me, Ms. Duncan, you said  
7 earlier that you don't know what happened whenever they  
8 were gone. Did you see O'Bryant whenever he came back?

9 A Yeah. He got out of her vehicle with the oil, she  
10 went on while he put the oil in his car, shut the hood --

11 Q And then he left.

12 A -- and went up the road.

13 Q So you did see him return with oil and put it in his  
14 car.

15 A Yes.

16 MR. PARKER: That's all, thank you.

17 MS. WALKER: I do have one other question.

18 THE COURT: All right.

19 RECROSS EXAMINATION

20 BY MS. WALKER:

21 Q But again, even once he drove away from your house in  
22 his car, do you know where he went from there?

23 A No.

24 Q Okay.

25 MS. WALKER: Thank you. No other questions.

1 THE COURT: Ma'am, you may step down, please be  
2 careful. Yes, sir, Mr. Parker?

3 MR. PARKER: Your Honor, that's all from the defense,  
4 the defense rests.

5 THE COURT: Okay. All right. Well, Mr. Foreman,  
6 ladies and gentlemen of the jury, the defense has now  
7 rested which means that they do not intend to call anymore  
8 witnesses to the witness stand or introduce any other  
9 evidence in this case. Anything -- no reply or rebuttal?

10 MR. PARKER: No, Your Honor.

11 THE COURT: Nothing further from the State. So that  
12 means that all of the testimony is now in evidence. At  
13 this point there is -- I hate to do this because you just  
14 got here but we have no way of knowing these things, there  
15 is one matter of law that I have to take up outside of your  
16 presence, that will take about five minutes or less. Don't  
17 go anywhere far, just right here in this room, don't  
18 discuss the case, it's not time to do that but you're about  
19 45 minutes away from doing that, so go right there just for  
20 a minute. Don't talk about the case, Mr. Foreman, we'll be  
21 right back with you.

22 (The jury left the courtroom.)

23 THE COURT: Matters from the State?

24 MS. WALKER: No, Your Honor.

25 THE COURT: Matters from the defense?

1 MR. PARKER: Your Honor, just briefly, we would just  
2 like to renew our motion for a directed verdict for the  
3 reasons stated before after the State rested and reserve  
4 the record for appeal.

5 THE COURT: Yes, sir. And as stated before the motion  
6 is denied, it was denied again. Again, the Court is  
7 concerned with the existence of evidence, not its weight,  
8 it has to review that in the light most favorable to the  
9 non-moving party which is the State. Anything further?

10 MR. PARKER: Nothing, Your Honor.

11 THE COURT: We had a jury charge conference before we  
12 reconvened. Is there any additions or deletions for what  
13 I'm about to tell the jury?

14 MS. WALKER: No, Your Honor.

15 THE COURT: Ready to argue?

16 MR. PARKER: Yes, sir.

17 THE COURT: Okay. It's quick but we're ready.

18 (The jury returned to the courtroom.)

19 THE COURT: Are we ready to argue? Are you ready?

20 MS. WALKER: Yes, Your Honor.

21 THE COURT: Ready.

22 MR. PARKER: Yes, sir.

23 THE COURT: All right, sir.

24 MR. PARKER: Ladies and gentlemen, whenever y'all  
25 first got here today and I had an opportunity to speak with

## CLOSING ARGUMENTS

1 you, I asked you really to do one thing and that was to use  
2 common sense. If you look at everything that's been  
3 presented, all the evidence, all the witnesses, and I'm  
4 going to say this, the State is not required to show  
5 motive, but O'Bryant Gladden had no reason to go steal a  
6 trailer that day. You heard from Ms. Duncan, his car was  
7 leaking oil all over the place, he contacted Nikki Moore to  
8 pick him up so he could go get more oil, he came back with  
9 oil. The only person who alleges that O'Bryant Gladden had  
10 anything to do with the trailer trying to take it is Nikki.  
11 Nikki has every reason to lie. She pled yesterday and  
12 she's out of jail because she's here to testify, or she was  
13 here to testify today. She's the only person who placed  
14 O'Bryant there taking a trailer. That's not really a big  
15 leap of faith to, you know, see why she would be entitled,  
16 or, I guess, behooved to say that O'Bryant was the one that  
17 orchestrated the whole thing. She's even said herself  
18 she's here today to defend herself, not to tell the truth,  
19 not to say what really happened. At the end of the day  
20 O'Bryant is not required to prove himself innocent, it's up  
21 to the State to prove him guilty, and they may not be  
22 required to prove motive but they showed no motive. He had  
23 no reason to lie. Common sense would tell you that  
24 somebody whose car is leaking oil all over the place, he  
25 gets a ride to go get more oil and during the middle of it

## CLOSING ARGUMENTS

1 wouldn't go take a detour to go steal a trailer, that's  
2 just common sense. Also, you heard from all the witnesses.  
3 You heard from Ms. Railey, you heard from Ms. Beckham,  
4 O'Bryant had no problem with any of them. The assertion  
5 that Ms. Railey never paid him, you heard from her herself  
6 that O'Bryant was paid. After hearing everything it's the  
7 defense's position that the only proper verdict given all  
8 of the evidence is a verdict of not guilty. Thank you.

9 THE COURT: Thank you. Yes, ma'am?

10 MS. WALKER: Yes, Your Honor. May it please the  
11 Court? All right. We've got a lot going on here. You  
12 guys have heard from a lot of different people today, and  
13 some conflicting stories, but for the most part the theme  
14 of what happened that day is pretty clear. Amanda Railey  
15 pulled onto her street, saw a Trailblazer leaving her yard  
16 with a trailer attached to it, and that trailer belonged to  
17 someone else, it belonged to Crystal Beckham. You heard  
18 from Ms. Beckham that she has absolutely no relationship to  
19 the two defendants, O'Bryant or Nikki, that she didn't give  
20 them permission to use it. You heard from Hank Duncan who  
21 is an acquaintance with the defendant who said that he had  
22 not spoken with them or Nikki and given them permission.  
23 You heard from Amanda Railey who also is at least familiar  
24 with the two individuals who said she did not give  
25 permission to go to use it. And as far as common sense as

## CLOSING ARGUMENTS

1 to why someone would go commit a crime in a four hour time  
2 span while they have oil leaking in their car,  
3 unfortunately a lot of times when crimes are committed  
4 there's no common sense to it. I mean, sometimes people  
5 who commit crimes just do things, they see an opportunity  
6 and they seize on it. You heard from Ms. Duncan that she  
7 lives about a quarter a mile away from Ms. Railey's home,  
8 and O'Bryant Gladden had about two weeks prior been to Ms.  
9 Railey's home, he knew that the trailer was there, he knew  
10 that Nikki had a new Trailblazer that had a hitch on it who  
11 they could put all of that together and take advantage of  
12 an opportunity to steal the trailer. And Mr. Parker is  
13 absolutely right, we have absolutely no obligation to prove  
14 a motive. Sometimes it's a convenient thing to be able to  
15 throw a theory out there, but, I mean, if there is one, you  
16 heard testimony that O'Bryant Gladden himself made comments  
17 about how Amanda didn't pay him for cutting his yard -- her  
18 yard, and even though Ms. Railey herself testified that she  
19 had paid him. I'm not in Mr. Gladden's head, perhaps he  
20 thought he didn't get paid enough, or perhaps he thought  
21 she still owed him some or something, you know, that's not  
22 for me to interpret what he's thinking. But that gives him  
23 absolutely no right whatsoever to go onto her property and  
24 steal an item, any item, and in this case a trailer. And,  
25 you know, there is no reason at this point for Nikki Moore

## CLOSING ARGUMENTS

1 to lie in this case. She has pled guilty, she's got five  
2 years of jail time hanging over her head if she does not  
3 comply with probation. The terms of her probation was not  
4 to testify today, her testimony has absolutely nothing to  
5 do with her probation, so as far as her having a reason to  
6 lie I don't see it. She came in here today to accept  
7 responsibility for her part in it and to make sure that the  
8 other party also accepts responsibility for his role in the  
9 events. So on October 11th when Nikki and O'Bryant Gladden  
10 drove onto Amanda Railey's and hooked up the trailer to  
11 Nikki's car and pulled away from her yard, the moment they  
12 pulled away from her yard they converted that property to  
13 their own use, they converted it to their use by saying,  
14 "You know what, now this is mine, not yours. I'm just  
15 going to take it away without paying you for it, without  
16 asking for permission for it," and that's larceny. We know  
17 that the rule for petit larceny, the dollar amount is under  
18 \$2,000. The Judge is going to instruct you much more  
19 clearly than I am able to on the actual law, but it's clear  
20 that the trailer has monetary value, that Mr. Gladden and  
21 Nikki Moore intended to deprive the owners of that value  
22 and converted it to their own use on that day. And I am  
23 confident that once you consider the evidence that you will  
24 return a guilty verdict. Thank you.

25 THE COURT: Mr. Foreman, ladies and gentlemen of the

## JURY CHARGE

1 jury, you have seen and heard the evidence presented as  
2 well as the arguments of counsel, and it is now my duty and  
3 obligation to instruct you on the law in this case. It  
4 will then be your duty and obligation to begin your  
5 deliberations through which process you will decide the  
6 facts, apply the law as I instruct and render a fair and  
7 impartial decision. It is your exclusive duty to determine  
8 what the facts are in this case. You do that based on your  
9 own common sense examination and evaluation of the  
10 testimony and other evidence received during the trial.  
11 You 12 jurors alone will decide what effect, value and  
12 weight is to be given to any particular testimony or  
13 evidence received. Quite simply, your ultimate goal is to  
14 find the truth in this case, and by doing so you will have  
15 fulfilled your obligations as jurors in giving both the  
16 State and the defendant a fair and impartial trial based on  
17 the evidence presented and the law applicable to the case.  
18 The indictment in this case charges the defendant with  
19 petit larceny. Specifically it alleges that O'Bryant  
20 Gladden did in the County of Lancaster, State of South  
21 Carolina on or about October 11, 2015 take and carry away  
22 personal property of another with the intent to deprive the  
23 owner of possession of the property, and to convert the  
24 property to his own use in violation of the laws of this  
25 state. I remind you again that the fact that the defendant

## JURY CHARGE

1 was arrested, charged and indicted is not evidence in the  
2 case and cannot be considered as evidence of guilt in this  
3 case, nor does it create any presumption or inference of  
4 guilt. The document, the indictment, is simply the formal  
5 written instrument which contains the charge made against  
6 him, it is the document which brings him before the Court.  
7 The defendant has pled not guilty to the indictment, and  
8 that plea puts the burden squarely on the State to prove  
9 the defendant guilty beyond a reasonable doubt. A person  
10 charged with committing a criminal offense in this state is  
11 never required to prove himself innocent. I charge you it  
12 is a cardinal, important and vital rule of law that in a  
13 criminal trial no matter what the seriousness of the charge  
14 may be for which he stands charged, the defendant is always  
15 presumed to be innocent of the crime for which the  
16 indictment was issued unless guilt has been proven by  
17 evidence satisfying you of that guilt beyond a reasonable  
18 doubt. This presumption of innocence does not end when you  
19 begin your deliberations, but it accompanies the defendant  
20 throughout the trial until you reach a verdict of guilt  
21 based on evidence satisfying you of that guilt beyond a  
22 reasonable doubt. The presumption of innocence is like a  
23 robe of innocence placed about the shoulders of the  
24 defendant which remains with him from the moment of his  
25 arrest and continues until it has been stripped from his

## JURY CHARGE

1 shoulders by evidence satisfying you of his guilt beyond a  
2 reasonable doubt. The presumption of innocence is not a  
3 mere legal theory nor a legal phrase, it is a substantial  
4 right to which every defendant is entitled unless you 12  
5 jurors are satisfied from the evidence of his guilt beyond  
6 a reasonable doubt. Ladies and gentlemen, I remind you  
7 that during this trial you and I have certain duties to  
8 perform. As the trial judge it is my responsibility to  
9 preside over the trial, and I also have the duty to rule on  
10 the admissibility of evidence offered during the trial.  
11 You are to consider only the competent evidence before you.  
12 You are only to consider the testimony which has been  
13 presented from the witness stand and any exhibit which may  
14 have been made a part of the record. Additionally I have a  
15 duty to charge you the law in this case. As the presiding  
16 judge I am the sole judge of the law and it is your duty as  
17 jurors to accept it and apply it as I now state it to you.  
18 If you have a preconceived idea as to what the law is or  
19 what the law ought to be, or what the law should be, you  
20 must abandon your idea because you are to accept it and  
21 apply it as I state it to you. Ladies and gentlemen, in  
22 every case tried in this courtroom before a jury you, the  
23 jury, become the sole and exclusive judge of all facts in  
24 the case. A trial judge cannot make a statement or comment  
25 to a jury about a fact in a case. You, the jury, are the

## JURY CHARGE

1 sole judge of the facts and you are not to infer from  
2 anything that I have said during the progress of this  
3 trial, whether in ruling on admissibility of evidence or  
4 otherwise, that I have an opinion about any fact in this  
5 case. The law of South Carolina does not allow a trial  
6 judge to have an opinion about a fact in a case since you,  
7 the jury, are the sole judges of the facts. The State has  
8 the burden of proving the defendant guilty beyond a  
9 reasonable doubt. Now, proof beyond a reasonable doubt is  
10 proof that leaves you firmly convinced of the defendant's  
11 guilt. There are very few things in this world that we  
12 know with absolute certainty and in criminal cases the law  
13 does not require proof that overcomes every possible doubt.  
14 A reasonable doubt is also described as the kind of doubt  
15 that would cause a reasonable person to hesitate to act.  
16 If you have such a doubt as to the guilt of the defendant  
17 he is entitled to a verdict of not guilty. Reasonable  
18 doubt may arise from evidence in the case or from the  
19 absence or lack of evidence in the case. Based on your  
20 consideration of the evidence if you are firmly convinced  
21 the defendant is guilty of the crime charged you must find  
22 him guilty. On the other hand if you think there is a real  
23 possibly he is not guilty, you must give him the benefit of  
24 the doubt and find him not guilty. You alone must make the  
25 determination of whether or not reasonable doubt exists as

## JURY CHARGE

1 to the guilt of the defendant. I instruct you and  
2 emphasize the fact that the defendant did not testify is  
3 not a factor to be considered in any way in your  
4 deliberations and in your consideration of the question of  
5 guilt or innocence of the defendant. It must not be  
6 considered by you in any manner whatsoever. Every  
7 defendant has the constitutional right to remain silent and  
8 the assertion of this right must be considered by you in  
9 your deliberations. You are to draw no conclusion  
10 whatsoever from the fact that the defendant in this case  
11 did not testify. The fact that this defendant did not  
12 testify should not be discussed in the jury room. The  
13 burden of proof as I have previously stated remains on the  
14 State of South Carolina. The defendant is not required to  
15 prove his innocence, the burden of proof remains on the  
16 State to prove guilt beyond a reasonable doubt. Now, under  
17 the constitution of this state you are the finders of fact,  
18 and that necessarily means you must determine credibility  
19 of witnesses who have testified. Credibility simply means  
20 believability. It is your duty as jurors to analyze and  
21 evaluate the evidence and determine which evidence  
22 convinces you of its truth. In determining believability  
23 of witnesses who have testified you may believe one witness  
24 over several, or several witnesses over one, you may  
25 believe a part of the testimony of a witness and you may

## JURY CHARGE

1 reject the remaining part of the testimony of that same  
2 witness. You may believe the testimony of a witness in its  
3 entirety or reject the testimony of a witness in its  
4 entirety. Ladies and gentlemen, you may consider whether  
5 any witness has exhibited to you any interest, bias,  
6 prejudice or other motive in this case. You may also  
7 consider the appearance and manner of a witness while  
8 testifying. For instance, was that witness straight  
9 forward in answering questions or hesitant in responding to  
10 questions. Simply put, do you believe the witness was  
11 telling the truth. Whatever your good judgment and common  
12 sense tells you is the most believable testimony is the  
13 testimony you should accept, and reject the testimony which  
14 you find not to be credible or believable. Now, criminal  
15 intent is a necessary element of each crime that must be  
16 proved by the State beyond a reasonable doubt. Criminal  
17 intent is a matter that must be determined by you, the  
18 jury, from the circumstances surrounding the situation.  
19 There is no way to prove intent to a mathematical  
20 certainty. There is no way medical science can dissect a  
21 person's brain and determine what he had in mind. So the  
22 law says that criminal intent may be inferred from the  
23 circumstances shown to have existed and this is how a jury  
24 makes a determination of whether or not the element  
25 requiring intent was present. Criminal intent is a state

## JURY CHARGE

1 of mind operated jointly with an act which is the  
2 commission of a crime. Criminal intent is a mental state,  
3 a conscious wrongdoing, so it is up to you, the jury, to  
4 determine what the defendant intended to do based on the  
5 facts and circumstances shown to have existed. I tell you  
6 the State must prove criminal intent beyond a reasonable  
7 doubt -- must prove intent beyond a reasonable doubt and  
8 every element thereof as I previously explained. It is not  
9 necessary to establish intent by direct and positive  
10 evidence, but intent may be established by inference in the  
11 same way as any other fact. While the State may prove  
12 motive it is unnecessary for the State to do so, but they  
13 must prove criminal intent. Now, larceny is defined in our  
14 state code as follows: Larceny is the taking and carrying  
15 away of the goods of another against the owner's will or  
16 without her consent with an intent to permanently deprive  
17 the owner of possession. There are five elements which the  
18 State must prove beyond a reasonable doubt to convict the  
19 defendant of larceny. The elements are a taking, the act  
20 of carrying the property away, of personal property of  
21 another valued less than \$2,000 without the consent or  
22 against the will of the owner, and with the intent to steal  
23 it. The State must show the defendant took the property of  
24 another and carried it away with the intent to steal it.  
25 The taking away of the stolen property is an indispensable

## JURY CHARGE

1 element of the offense of larceny, and can be established  
2 by the slightest removal of the property with the intent to  
3 steal it. It must be shown this taking and carrying away  
4 was without consent or against the will of the owner of the  
5 property. The State must prove the value of the property  
6 taken was less than \$2,000. The defendant must intend to  
7 permanently deprive the owner of possession of the property  
8 by converting the property to his own use. Now, ladies and  
9 gentlemen, you have been selected as fair and impartial  
10 jurors sworn to impartially try and determine the facts of  
11 this case, and when you've complied with your oath to do so  
12 you will have fully discharged your duty as jurors. You  
13 are to decide this case according to the testimony that you  
14 heard from the sworn witnesses along with other evidence  
15 introduced during trial. During your deliberations you may  
16 only discuss the case in the jury room with fellow jurors  
17 because they've seen and heard the same evidence you have  
18 seen and heard, however you must not discuss the case with  
19 anyone else until you return a verdict and the case is  
20 ended. Whenever a member of the jury requires a break for  
21 restroom or otherwise, Mr. Foreman, please discontinue all  
22 deliberations until that juror rejoins the group. Now,  
23 ladies and gentlemen, your verdict must be a unanimous  
24 verdict. Mr. Foreman, when the jury agrees on the verdict  
25 you will indicate the verdict in the space provided on the

## JURY CHARGE

1 verdict form, sign your name as the foreperson, knock on  
2 the jury room door, inform the bailiff you've reached a  
3 verdict, at that time we will return you to the courtroom  
4 to receive your verdict. Mr. Foreman, this is the jury  
5 form of which I speak. My law clerk here prepares this for  
6 me in every case and it's merely a piece of paper or form.  
7 It has the caption of the case and the case number means  
8 nothing other than it goes with this case. It says right  
9 here, "We, the jury, unanimously find the defendant,  
10 O'Bryant Gladden, on the charge of petit larceny, not  
11 guilty or guilty." I tell you there is no significance to  
12 which one, not guilty or guilty, comes first on the piece  
13 of paper, it is necessary to put one before the other, this  
14 is the way I do it in every case, that's just my form. Mr.  
15 Foreman, when the jury reaches a unanimous verdict please  
16 indicate the verdict here, not guilty or guilty, you can  
17 put a check mark, a X, you can initial it, it matters not  
18 to me however you indicate that, but indicate whichever one  
19 the verdict is, and then Mr. Foreman it says, "I certify  
20 this decision was the unanimous decision of the jury," and  
21 then sign your name, sir. That's when you knock on the  
22 door and we will return all jurors to the courtroom and  
23 receive this verdict form from you being the verdict of the  
24 jury. Now, I'm going to ask you to leave in just about 60  
25 seconds, when you leave the courtroom all 13 jurors will

## JURY CHARGE

1 go, sir, you will go as the alternate with the panel at  
2 this time. There are two exhibits so it won't take much,  
3 many times there's 102, there are only two exhibits that  
4 have been put into evidence. I'm going to ask the lawyers  
5 as soon as you leave the courtroom to come up to Mr. Court  
6 Reporter and verify that those two are right here because  
7 they belong to you. When they verify that they're both  
8 there, the bailiff will bring you those two exhibits and  
9 this verdict form. Mr. Alternate, when the bailiff brings  
10 those three documents, that will be your signal to leave  
11 with the bailiffs, you will not be allowed to be with the  
12 12 at that point, they will have a place for to you sit  
13 comfortably, okay? When that happens, Mr. Foreman, that's  
14 your signal to begin deliberations. As soon as they bring  
15 these documents and he leaves the 12 may deliberate,  
16 whatever you need to do. All right, Mr. Foreman, don't  
17 talk about it yet but take your jury out, you will have  
18 this in a few minutes.

19 (The jury left the courtroom.)

20 THE COURT: Anything from the State?

21 MS. WALKER: No, sir, Your Honor.

22 THE COURT: From the defense?

23 MR. PARKER: No, sir.

24 (The jury began deliberations.)

25 THE COURT: I think we have a verdict.

## JURY CHARGE

1 (The jury returned to the courtroom.)

2 THE COURT: Mr. Foreman, has the jury reached a  
3 verdict?

4 THE JUROR: Your Honor, the jury has reached a  
5 verdict.

6 THE COURT: All right. If you would hand that up to  
7 Mr. Clerk.

8 THE CLERK: Indictment number 2016-GS-29-1100, State  
9 of South Carolina versus O'Bryant Gladden, defendant. "We,  
10 the jury, unanimously find the defendant, O'Bryant Gladden,  
11 on the charge of petit larceny, guilty. I certify this  
12 decision was a unanimous decision. William Curtis,  
13 foreperson, dated August 3rd of 2016 Lancaster, South  
14 Carolina." Ladies and gentlemen of the jury, if this be  
15 your verdict so say you all by the raising of your right  
16 hand. Let the record reflect all jurors raised their right  
17 hand.

18 (The jury was dismissed.)

19 THE COURT: Well, before I do that, any polling, any  
20 questions?

21 MS. WALKER: No, Your Honor, not from the State.

22 MR. PARKER: Nothing from the defense.

23 THE COURT: Nothing from the State or the defense.

24 Okay. Thank you, you may stay or go, whichever you choose.

25 (The jury was dismissed.)

## SENTENCING HEARING

1 THE COURT: Solicitor, I would like to hear the  
2 defendant's record.

3 MS. WALKER: Yes, Your Honor. In 2012 the defendant  
4 was convicted of a juvenile offense, breaking and entering  
5 into an automobile, and also had a probation violation from  
6 a prior juvenile offense in that year. In 2006 he was put  
7 on probation for burglary non-violent second degree, 2007 a  
8 conviction for possession of other controlled substance  
9 scheduled one through five first offense. In 2007 he was  
10 also convicted of nine counts of burglary non-violent  
11 second degree. In 2010 he was convicted of receiving  
12 stolen goods. In 2011 he was convicted of a property  
13 offense third or subsequent, a shoplifting third offense, a  
14 burglary second degree, and also had a violation of  
15 probation from his prior 2007 probationary provision of  
16 those convictions. And in 2012 he has a conviction of  
17 petit larceny forgery less than \$10,000, shoplifting  
18 enhanced and giving false information to the police. And  
19 Your Honor, with that information that is the reason that  
20 the State is asking for as close to the maximum amount of  
21 jail time that this carries. I mean, he's got quite an  
22 extensive record, he has already been on probation numerous  
23 times. And as far as probation serving a rehabilitative  
24 purpose, it's clearly not working, so I think at this point  
25 a lengthy jail sentence is the only measure that makes

## SENTENCING HEARING

1 sense.

2 THE COURT: Yes, sir?

3 MR. PARKER: Thank you, Judge. Mr. O'Bryant is 25  
4 years old. He is scheduled to be a sophomore at USC  
5 Lancaster starting August 17th. He was working at West  
6 Marine. Your Honor, we would ask for a sentence more in  
7 the line with what Ms. Moore received. I don't think  
8 any -- let me say this, Mr. O'Bryant maintains his  
9 innocence but I don't think any party was more culpable  
10 with the other. Ms. Moore's record wasn't that much better  
11 than Mr. Gladden's. Yes, sir, we would just ask for a far  
12 less sentence than the maximum. Thank you.

13 THE COURT: Sir, would you like to speak?

14 THE DEFENDANT: No.

15 THE COURT: Okay. Sir, 2016-110, you are confined to  
16 the state department of corrections for ten years, you'll  
17 get credit for any time that you did serve.  
18 Congratulations, sir, for ten years you've been trying to  
19 go to the department of corrections, you finally got your  
20 wish, you graduated today. Best of luck to you.

21 (End of trial proceedings.)

22

23

24

25

1 I, the undersigned, Michael C. Watkins,  
2 Official Court Reporter for the Sixth Judicial  
3 Circuit of the State of South Carolina, do hereby  
4 certify that the foregoing is a true, accurate and  
5 complete transcript of the proceedings had and  
6 evidence introduced in the trial of the captioned  
7 case relative to appeal in the Court of General  
8 Sessions for Lancaster County, South Carolina, on  
9 the 2-3 days of August, 2016.

10 I do further certify that am neither of kin, counsel,  
11 nor interest to any party hereto.


12

13

December 9, 2016

14

15

  
Michael C. Watkins

16

17

Court Reporter

18

19

20

21

22

23

24

25

WITNESSES

Funderburk/K. Howell - LCSO #15-48021

*M. Adams*

ARREST WARRANT NUMBER/DOA

Direct Indictment IN RE: AW#  
2015A2910200139 (DOA-10-13-2015)

ACTION OF GRAND JURY

TRUE BILL

*J. Wetters*  
Foreperson of Grand Jury  
Date: JUL 29 2016

VERDICT

*[Signature]*  
Foreperson of Petit Jury  
Date: 8-3-16

DOCKET NO. 2016-GS-29-1100

The State of South Carolina

County of Lancaster

COURT OF GENERAL SESSIONS

JULY TERM 2016

THE STATE

vs.

O'Bryant Gladden

Direct Indictment for

Petit Larceny 3<sup>rd</sup> or Subsequent  
Property Crime  
(Enhancement per 16-1-57)

SC Code: § 16-13-0030(A), § 16-01-0057  
CDR Code: 3596  
Class: Felony, E

FILED  
CLERK OF COURT  
2016 JUL 28 PM 2:36  
CLERK  
LANCASTER, SC

STATE OF SOUTH CAROLINA )  
 COUNTY OF LANCASTER )

DIRECT INDICTMENT

At a Court of General Sessions, convened on July 28, 2016, the Grand Jurors of Lancaster County present upon their oath:

**PETIT LARCENY 3<sup>RD</sup> OR SUBSEQUENT PROPERTY CRIME -- (Enhancement per 16-1-57)**

That O'Bryant Gladden did in Lancaster County, South Carolina, on or about October 11, 2015 take and carry away the personal property, to wit: one single axel metal trailer, belonging to Crystal Beckham with the intent to deprive the owner of possession of the property and to convert the property to the use of the defendant, the value of the property being \$2,000.00 or less, the defendant having been twice or more previously convicted of a property crime the term of imprisonment for which was contingent upon the value of the property involved in violation of §16-13-0030(A) and §16-01-0057, *Code of Laws of South Carolina, (1976), as amended.*

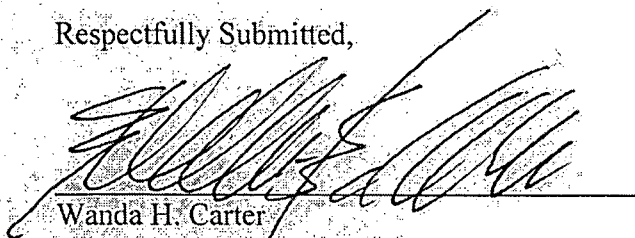
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
 Randy E. Newman, Jr., SOLICITOR

## CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Wanda H. Carter  
Deputy Chief Appellate Defender

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

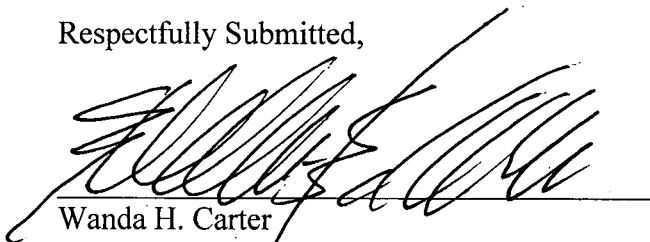
ATTORNEY FOR APPELLANT

This 13th day of March, 2017.

## 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,



Wanda H. Carter  
Deputy Chief Appellate Defender

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

ATTORNEY FOR APPELLANT

This 13th day of March, 2017.

**RECEIVED**  
MAR 13 2017  
SC Court of Appeals