

ORIGINAL

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
J. Derham Cole, Circuit Court Judge

Appellate Case No. 2016-002368

THE STATE,RESPONDENT

v.

THOMAS STEPHEN ACKER,APPELLANT.

SUPPLEMENTAL RECORD ON APPEAL

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ATTORNEYS FOR RESPONDENT

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Jury qualification

1 (Proceedings November 16, 2016)

2 THE COURT: Any matters we need to address before the
3 jury panel is brought around?

4 MR. POOLE: May we approach?

5 THE COURT: Sure.

6 (Bench conference held off the record.)

7 THE COURT: All right. Are we ready for the jury
8 panel? All right. Bring them around.

9 (The following takes place in the presence of the jury
10 venire.)

11 THE COURT: Good afternoon, ladies and gentlemen.

12 We are ready to begin with jury selection in the next
13 case that's going to require some of your participation.
14 The title of the case is the State vs. Thomas Stephen
15 Acker.

16 Mr. Acker has been charged in two separate indictments
17 with criminal offenses that are alleged to have arisen out
18 of one event or a course of events which the state alleges
19 occurred back in August through May of 2004 and 2005.

20 The state alleges that Mr. Acker did commit the crime
21 of criminal sexual conduct with a minor in the first
22 degree.

23 They allege between August of 2004 and May of 2005
24 that he did wilfully and knowingly commit the crime of
25 criminal sexual conduct with a minor in the first degree in

Jury qualification

1 that he did engage in a sexual battery with a child who was
2 under the age of 11 years at the time of the battery.

3 He's also charged in a separate indictment with
4 dissemination of obscene material to a child 12 years of
5 age or younger.

6 Again, during the same time period the state alleges
7 that Mr. Acker did wilfully and knowingly commit the crime
8 of dissemination of obscene material in that he did
9 knowingly disseminate or attempt to disseminate to a minor
10 12 years or younger material which he knew or should have
11 known to be obscene as defined by state law.

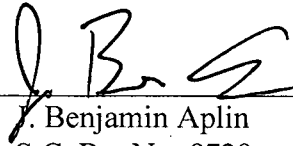
12 As to those allegations and as to each of those
13 charges Mr. Acker has entered a plea of not guilty. And as
14 you know, that plea of not guilty therefore places upon the
15 state the burden of proving the allegations that they have
16 made against him, the burden of proving each of the
17 essential elements of the crime that they have alleged
18 against the defendant; and therefore the burden is upon the
19 state to establish the defendant's guilt to the
20 satisfaction of 12 jurors beyond a reasonable doubt before
21 a verdict of guilty could be returned.

22 So, again, we'll select 13 of you to participate.
23 You'll decide the facts based upon the evidence presented.
24 You'll apply the law that I'll give you. You will
25 determine whether or not the defendant has been proven

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Supplemental Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

BY:



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August 31, 2017