

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Pickens County

Honorable Thomas A. Russo, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DOUGLAS KELLY PHILLIPS,

APPELLANT

APPELLATE CASE NO. 2016-001875

SUPPLEMENTAL RECORD ON APPEAL

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1 **THE COURT:** Aaron.

2 **MS. AARON:** No problem.

3 **THE COURT:** I didn't want to call you Cheryl on the
4 record, but ---

5 **MS. AARON:** That's okay.

6 **THE COURT:** But Ms. Aaron brought up an objection
7 wanting to explore that on cross examination as far as the
8 order in which she reported to the doctor. And at the
9 sidebar I indicated that I wasn't going to allow us to go
10 down that road.

11 So I did tell her, however, we were -- just to not
12 break up the testimony, I did tell her that we would put
13 that objection on the record. And so we're going to do that
14 at this time. And I'll let you verbalize your objection for
15 the record, Ms. Aaron.

16 **MS. AARON:** Thank you, Your Honor. And you explained
17 it, I think, very completely. My concern was that the jury
18 would not understand that the victim went to the doctor's
19 office and immediately began talking about a sexual
20 encounter with another individual and then disclosed
21 something about my client.

22 And I thought at that time that the jury should hear
23 that. When I asked Your Honor, Your Honor made his ruling,
24 I respect that and just wanted to have that as part of the
25 record.

1 **THE COURT:** All right. And the Court ruled that I
2 wasn't -- wasn't going to allow -- we talked earlier and we
3 handled it on the record earlier about the -- that I thought
4 it was appropriate that the jury be made aware that another
5 individual has been accused of this same offense with this
6 same victim during this time-frame. And I was going to
7 allow that in.

8 And that did come in through Investigator Hamby, but
9 that I wasn't going to allow going into detail with regards
10 to that. And so that was my overruling of that objection,
11 but I want the record to be clear that there -- she did make
12 that objection and then certainly note her exception to the
13 Court's ruling.

14 So at this point, if there's nothing else that we need
15 to put on the record, I'll hear from you with regards to
16 motions at the close of all the evidence.

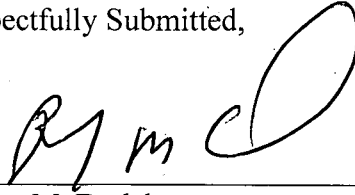
17 **MS. AARON:** Your Honor, I would again renew my motion
18 for directed verdict on behalf of my client for the same
19 reasons as previously argued.

20 **THE COURT:** All right. And, again, respectfully deny
21 that motion. As I said earlier, I think it's a factual
22 issue. I think there is facts in the record depending on
23 how the jury views those facts. And it's a weight issue
24 that the jury -- that is the province of the jury and not
25 for the Court. And so I'm going to allow the jury to do

CERTIFICATE OF COUNSEL FOR APPELLANT

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



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This 8th day of January, 2018.

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