

6

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Berkeley County

Honorable Deadra L. Jefferson, Circuit Court Judge
Appellate Case No. 2016-001519

RECEIVED
OCT 12 2017
SC Court of Appeals

THE STATE,

RESPONDENT,

vs.

LEE DELL BRADLEY,

APPELLANT.

SUPPLEMENTAL RECORD ON APPEAL

DAVID ALEXANDER
Appellate Defender

ALAN WILSON
Attorney General

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

DONALD J. ZELENKA
Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201
(803) 734-6305

ATTORNEY FOR APPELLANT

MELODY J. BROWN
Senior Assistant Deputy Attorney General

WILLIAM EDGAR SALTER
Senior Assistant Deputy Attorney General

P.O. Box 11549
Columbia, SC 29211
(803) 734-6305

SCARLETT ANNE WILSON
Solicitor, Ninth Judicial Circuit

101 Meeting St., Ste. 400
Charleston, SC 29401
(843) 958-1900

ATTORNEYS FOR RESPONDENT

INDEX

INDEXi

Trial Transcript Dated July 11 – 15, 2016, pages 31, 32, 72, 731

)

This page is intentionally left blank

1 in nature?

2 MS. LITTLEJOHN: Yes, Your Honor, most of it
3 being -- within the realm of referencing to the CDV, a
4 404(b) res gestae --

5 THE COURT: Yeah, you'll have to make a
6 contemporaneous objection. But I assume -- did you
7 reduce any of that to writing?

8 MS. LITTLEJOHN: I have, Your Honor. It's not
9 that great, and I didn't get it clocked -- well, wait a
10 minute.

11 THE COURT: Do you want to give it to the State
12 maybe so they can have a heads up in exactly what it is
13 you're objecting to?

14 MS. LITTLEJOHN: I need to make copies. Okay.

15 THE COURT: That's fine.

16 MS. LITTLEJOHN: And I typed it.

17 THE COURT: That's as bad as my disclaimer about
18 anything I touch. Well, what you can do -- I think a
19 better way to handle it -- because things never play
20 out pretrial the way they play out during trial. And I
21 need to hear it in a context so I can make a
22 contemporaneous ruling.

23 So why don't you give Mrs. Williams an
24 indication of the areas that you're objecting to, so
25 that she can know what she needs to take up in camera,

1 or you'll have to make a contemporaneous objection and
2 I'll have to take it up in camera at that time.

3 MS. LITTLEJOHN: Right. I think -- I think she's
4 pretty well aware of it, the CDVs and -- the prior CDV
5 record, Your Honor, she actually referenced it in her
6 trial brief.

7 THE COURT: Yeah, but that doesn't mean -- that
8 doesn't go to a jury.

9 MS. WILLIAMS: We're not planning to introduce any
10 prior convictions until we alert the court that we have
11 a matter of law, and we think there's a proper
12 foundation in the record.

13 MS. LITTLEJOHN: And we think that should be
14 eliminated in opening as well, Your Honor.

15 THE COURT: Well, I have already instructed them
16 not to take up anything that is subject of the motion
17 in limine in opening.

18 MS. LITTLEJOHN: Okay. I believe that would be
19 the -- the court's indulgence -- the 404 (b), the res
20 gestae -- in reference to the bank testimony, Your
21 Honor, the ATM --

22 THE COURT: Yeah, you have to make that at the
23 time that those witnesses are called to testify.

24 MS. LITTLEJOHN: And knives, Your Honor.

25 THE COURT: Well, you have to -- I have no clue

1 to my left for my protection, and they usually have one
2 over here in this corner. And I see no reason to alter
3 that arrangement.

4 MS. LITTLEJOHN: Your Honor --

5 THE COURT: The only other option would be to
6 borrow some rabbit ears from somebody, because I don't
7 think we -- and I don't think your client will want to
8 do that.

9 MS. LITTLEJOHN: Also --

10 THE COURT: That's the only -- rabbit ears are
11 something that are attached to his ankles that sends
12 him a little shock every time he doesn't move the way
13 they prefer, and I don't think he would like that.

14 MS. LITTLEJOHN: I don't know about those.

15 THE COURT: Or have him fully shackled and I don't
16 think that's preferable either. I don't see how he's
17 prejudiced by having a deputy sitting behind him. The
18 deputies get scattered throughout the room, and I have
19 already explained to the panel why they are here. I
20 don't think it's singling out your client.

21 MS. LITTLEJOHN: Your Honor, I handed up my motion
22 to exclude prior bad acts to -- I've provided Ivy with
23 a copy.

24 THE COURT: I think we'll deal with -- well, I've
25 already indicated we will deal with that -- you know,

1 that the State is not to make reference to any of that,
2 and we will have to make a contemporaneous objection,
3 and I'll take it up in camera and create a proffer.

4 MS. LITTLEJOHN: Okay. We will -- we'll get the
5 redacted version tonight on this.

6 MS. WILLIAMS: And, Your Honor --

7 THE COURT: And so the record is clear -- I
8 apologize while this is own my mind -- there is no
9 deputy seated directly behind your client. And they
10 rotate, sometimes they sit on the far end of the bench.
11 Sometimes they sit directly behind him. But if he
12 testifies, there will be a deputy sitting behind him.
13 And that is for security. That does not prejudice him
14 in any way.

15 But, again, we have other deputies seated
16 throughout the courtroom and I see no need to alter
17 that arrangement. I have a bigger issue. I need to be
18 concerned with the safety of everyone -- including your
19 client. Because I would not want someone irate from
20 the gallery to be able to do something to him, a long
21 armed extension is possible --

22 MS. LITTLEJOHN: We have seen it before.

23 THE COURT: Uh-huh.

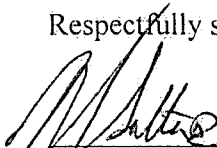
24 MS. LITTLEJOHN: Stranger things.

25 THE COURT: Yep. Yes, ma'am.

CERTIFICATE OF COUNSEL FOR RESPONDENT

Counsel for Respondent 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 Supplemental 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,



William Edgar Salter, III
Senior Assistant Attorney General

Office of the Attorney General
State of South Carolina
Post Office Box 11549
Columbia, SC 29211-1549

This 12th day of October 2017.

RECEIVED

OCT 12 2017

SC Court of Appeals