

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Sumter County

Honorable George M. McFaddin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

SABRINA ANN MCWILLIAMS,

APPELLANT

RECEIVED

MAR 14 2018

SC Court of Appeals

APPELLATE CASE NO 2017-001427

RECORD ON APPEAL

WANDA H. CARTER
Deputy Chief 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

J. BENJAMIN APLIN
Senior Assistant Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA)
COUNTY OF SUMTER) COURT OF GENERAL SESSIONS
)

STATE OF SOUTH CAROLINA)

STATE,)

v.)

TRANSCRIPT OF RECORD
15-GS-43-438

SABRINA A. MCWILLIAMS,)

DEFENDANT.)

June 19, 2017
Sumter, South Carolina

B E F O R E :

THE HONORABLE THOMAS A. RUSSO, JUDGE;
AND JURY

A P P E A R A N C E S:

W. JASON CORBETT, ESQ.
Assistant Solicitor

JASON E. BRIDGES, ESQ.
Attorney for Defendant

FRANCES B. RAY, RPR
Circuit Court Reporter

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1 MR. CORBETT: May it please the Court.
2 Your Honor, at this time Jacob Corbett on behalf of
3 the Solicitor's Office. We would call the case of
4 State of South Carolina versus Sabrina McWilliams.
5 Ms. McWilliams is before the Court on a three count
6 indictment, number 15-GS-43-438, true billed
7 indictment alleging under count two, criminal
8 conspiracy; count three, burglary in the first
9 degree; and count four, attempted armed robbery.
10 Judge, if I may, I will hand up the original
11 indictment as well as a list of the State's
12 potential witnesses.

13 THE COURT: That's right. Thank you very
14 much, sir, I appreciate that.

15 All right. Ladies and gentlemen, you have
16 heard the Solicitor call the case of State of South
17 Carolina versus Sabrina Ann McWilliams.
18 Ms. McWilliams is charged under this indictment
19 2015-GS-43-438, and she is charged with three
20 counts, and you heard the Solicitor call those out.
21 I'm going to read to you in just a moment what the
22 charges are that Ms. McWilliams has been charged
23 with. But before I do that, please understand and
24 know that to these charge-- or well, let me back up.
25 First of all, an indictment is simply a piece of

1 paper that brings the charge into this court. It's
2 the formal document that brings this case into
3 court. It is not in any way evidence in this case,
4 and it is not in any way evidence of the allegations
5 that are contained in this indictment. To these
6 charges or to these allegations Ms. McWilliams has
7 pled not guilty and that plea of not guilty places
8 upon the State the burden of proving the allegations
9 contained in this indictment; but, even though she
10 has pled not guilty, I'm going to read to you what
11 she's accused of so that you can better answer some
12 questions that I will have for you.

13 One of the charges that she is charged
14 with is a charge we call criminal conspiracy, and
15 that allegation is as follows. That Whittni Milhorn
16 did in Sumter County on or about September 26th,
17 2014, did combine with Sabrina Ann McWilliams, or in
18 other words, Sabrina Ann McWilliams did conspire
19 with Whittini Milhorn and/or other persons for the
20 purpose of accomplishing a criminal or an unlawful
21 object or an object that is neither criminal nor
22 unlawful through criminal means or unlawful means,
23 to wit, an attempted armed robbery, this in
24 violation of section 16-7-410 of the South Carolina
25 Code of Laws 1976 as amended.

1 Ms. McWilliams is also charged with
2 burglary in the first degree, and that allegation is
3 that Sabrina Ann McWilliams did in Sumter County on
4 or about two thousand, or excuse me, September 26th
5 of 2014, willfully and unlawfully attempt to enter
6 the dwelling located at [REDACTED] Lakewood Drive in
7 Sumter, South Carolina, without consent and with the
8 intent to commit a crime therein and that the
9 defendant was armed with a deadly weapon or caused
10 physical injury to a person or threatening the use
11 of or displayed what appeared to be a deadly weapon
12 in violation of the common law of South Carolina and
13 section 16-11-311 of the South Carolina Code of Laws
14 as amended.

15 And then finally, she's charged with a
16 charge of attempted armed robbery and that alleges
17 that Sabrina Ann McWilliams did along with other
18 co-defendants in Sumter County on or about
19 September 26th, 2014, while armed with a deadly
20 weapon did attempt to take and carry away the
21 personal property or from or in the immediate
22 presence of with the intent to deprive the owner of
23 the possession of those, of that property, by use of
24 force, threats, or intimidation in violation of
25 section 16-11-330(b) of South Carolina Code of Laws

1 1976 as amended. Now those are the allegations made
2 against Ms. McWilliams: Criminal conspiracy,
3 burglary in the first degree, and attempted armed
4 robbery.

5 Is there any member of the jury, any
6 member of the jury who knows anything about this
7 case based on the limited information that I've just
8 shared with you, if so, please stand.

9 (There was no response.)

10 THE COURT: All right, thank you, there
11 are none. Folks, I'm gonna have the attorneys stand
12 and introduce themselves. If you'd listen carefully
13 and I'll be back with you in just a moment.

14 Solicitor.

15 MR. CORBETT: Good morning, ladies and
16 gentlemen, my name is Jason Corbett. I'm one of the
17 assistant solicitors here in Sumter. I've been with
18 the Solicitor's Office for about 15 years.

19 MR. BRIDGES: Good morning, ladies and
20 gentlemen. My name is Jason Bridges. I'm assistant
21 Public Defender with the Sumter County Public
22 Defender's Office. I've been here about a year.

23 THE COURT: All right. Thank you,
24 gentlemen.

25 Folks, let me begin with Mr. Corbett. Is

1 there any member of the jury panel who is related by
2 blood, connected by marriage, or who has any close
3 business or personal relationship either with
4 Mr. Corbett or who has ever been either represented
5 by or prosecuted by Mr. Corbett, if so, please
6 stand.

7 (There was no response.)

8 THE COURT: Thank you, there are none.
9 You met Mr. Bridges. Is there any member of the
10 jury panel who's related by blood, connected by
11 marriage, or who has any close business or personal
12 relationship with or who has ever been represented
13 by Mr. Bridges, if so, please stand.

14 (There was no response.)

15 THE COURT: All right, thank you, there
16 are none. The defendant in this case, as you heard,
17 is Ms. Sabrina Ann McWilliams. Is there any member
18 of the jury panel who is related by blood, connected
19 by marriage, or who has any close business or
20 personal relationship with the defendant Sabrina Ann
21 McWilliams, if so, please stand.

22 (There was no response.)

23 THE COURT: Thank you, there are none.
24 Now folks, that question that I just asked you as it
25 related to Ms. McWilliams, in other words, are you

1 related by blood, connected by marriage, or have any
2 close business or personal relationship, that's the
3 question I'm gonna be asking as I go through this
4 list of names I'm going to call out. These folks
5 are potential witnesses. They may or may not
6 testify during the course of this trial, but these
7 are folks that have been listed as potential
8 witnesses. Keeping that question in mind, as I go
9 through this list, if you hear a name and that
10 question applies to you, in other words, if I call
11 out a name that you're either related by blood,
12 connected by marriage, or have some relationship
13 with, please stand. Now I'm gonna call out several
14 names so if you do stand, continue to listen because
15 it may be that you know more than one person on this
16 list.

17 The following folks are possible or
18 potential witnesses that may appear during the
19 course of this trial. Wayne Dubose, Jerry Kelly,
20 Mike McCauley, Donny Vickers, Deron Solomon, Emily
21 Fulton, Whittini Milhorn, George Aycock, Matthew
22 Brogdon. Any members of the panel related by blood,
23 connected by marriage, or have any close business or
24 personal relationship with any of those folks?

25 (There was no response.)

1 THE COURT: Thank you, there are none. Is
2 there any member of the jury panel who is related by
3 blood or connected by marriage to any local, state,
4 or federal law enforcement agent or law enforcement
5 official, or does any member of the jury panel have
6 a family member who is a close personal friend or
7 related to any state, local, or federal law
8 enforcement official, if so, please stand.

9 THE POTENTIAL JUROR: Does Bishopville
10 count?

11 THE COURT: Yes, ma'am. It doesn't matter
12 where they are. What's your name, please?

13 THE POTENTIAL JUROR: Sharriaa Byrd.

14 THE COURT: Ms. Byrd?

15 THE POTENTIAL JUROR: Yes, sir.

16 THE CLERK: She's number 9.

17 THE COURT: Ms. Byrd, that's juror number
18 33, would the fact that you -- is it yourself or a
19 family member?

20 THE POTENTIAL JUROR: A Family member.

21 THE COURT: The fact that you -- and you
22 said they worked in law enforcement capacity in
23 Bishopville?

24 THE POTENTIAL JUROR: Well, he was just
25 transferred to Lee County last week.

1 THE COURT: Okay.

2 THE POTENTIAL JUROR: I mean, in Clarendon
3 County.

4 THE COURT: Is he a sheriff deputy?

5 THE POTENTIAL JUROR: He's a sheriff
6 deputy, Antonio Pearson.

7 THE COURT: Ma'am, the fact that you have
8 that relationship in your family, would that in any
9 way affect your ability to give both the State and
10 the Defendant a fair and impartial trial?

11 THE POTENTIAL JUROR: No, sir.

12 THE COURT: Thank you, ma'am. You can
13 have a seat.

14 And your name please.

15 THE POTENTIAL JUROR: My number is 189,
16 Patricia Thompkins. My daughter-in-law's father is
17 with the Department of Corrections.

18 THE COURT: All right. Ms. Thompkins, the
19 fact that you have that relationship in your family,
20 would that in any way affect your ability to be fair
21 and impartial?

22 THE POTENTIAL JUROR: No.

23 THE COURT: Thank you, ma'am. You may
24 have a seat.

25 Ma'am, your name please.

1 THE POTENTIAL JUROR: Ernestine Wrigley.
2 I have an ex-son-in-law that was a sheriff's deputy.

3 THE COURT: All right. This is number
4 juror 202, gentlemen.

5 Ms. Wrigley, the fact that you have that
6 relationship, would that in any way affect your
7 ability to give both the State and the Defense a
8 fair trial?

9 THE POTENTIAL JUROR: No.

10 THE COURT: Thank you, ma'am. You may
11 have a seat.

12 Ma'am, your name please.

13 THE POTENTIAL JUROR: Ashley Martin.

14 THE COURT: All right. Now Ms. Martin,
15 what relation do you have with someone in law
16 enforcement?

17 THE POTENTIAL JUROR: My sister is retired
18 law enforcement and she's currently a victim
19 advocate for the Solicitor's Office.

20 THE COURT: Here in Sumter?

21 THE POTENTIAL JUROR: Uh-huh.

22 THE COURT: Ma'am, the fact that your
23 sister has that relationship — and this is juror
24 131, folks — would that in any way affect your
25 ability to give both the State and the Defense a

1 fair and impartial trial?

2 THE POTENTIAL JUROR: No.

3 THE COURT: Thank you, ma'am. You may
4 have a seat.

5 Ma'am, your name please.

6 THE POTENTIAL JUROR: Aleashia Conyers.

7 THE COURT: All right. This is juror
8 number 45. Ms. Conyers, what's that relationship,
9 ma'am?

10 THE POTENTIAL JUROR: I have a cousin
11 that's with law enforcement. She's here now.

12 THE COURT: Ma'am, would that in any way
13 affect your ability to give both the State and the
14 Defense a fair trial?

15 THE POTENTIAL JUROR: No.

16 THE COURT: Thank you very much,
17 Ms. Conyers. You may have a seat.

18 And ma'am, your name please?

19 THE POTENTIAL JUROR: Betty Davis, 59.

20 THE COURT: All right. Ms. Davis, what's
21 that relationship, ma'am?

22 THE POTENTIAL JUROR: I have a brother,
23 he's a probate officer.

24 THE COURT: Okay. And the fact that your
25 brother works with the probate office, would that,

1 ma'am, in any way affect your ability to remain fair
2 and impartial, and give both the State and the
3 Defense a fair trial?

4 THE POTENTIAL JUROR: No.

5 THE COURT: Thank you, ma'am. You may
6 have a seat.

7 Juror 24, Barbara Brockington. All right,
8 Ms. Brockington.

9 THE POTENTIAL JUROR: I have a cousin who
10 works in Columbia, police, as a police officer.

11 THE COURT: Ms. Brockington, would that in
12 any way affect your ability to be fair and
13 impartial?

14 MR. BRIDGES: No, sir.

15 THE COURT: Thank you, ma'am. You may
16 have a seat.

17 Is there any member of the jury panel or a
18 member of your immediate family who is a local state
19 or federal prosecutor or public defender, if so,
20 please stand.

21 (There was no response.)

22 THE COURT: Thank you, there are none. Is
23 there any member of the jury panel who contributes
24 either by way of a financial means or maybe by
25 volunteering your time as a contributor to the South

1 Carolina Law Enforcement Officers Association, the
2 South Carolina Troopers Association, Fraternal Order
3 of Police, or any other law enforcement support
4 organization, if so, please stand.

5 All right. And ma'am, your name.

6 THE POTENTIAL JUROR: Patricia Thompkins,
7 I do donations.

8 THE COURT: And Ms. Thompkins, the fact
9 you made donations to those types of organizations,
10 would that in any way —

11 THE POTENTIAL JUROR: No.

12 THE COURT: —affect your ability, ma'am?

13 THE POTENTIAL JUROR: No.

14 THE COURT: Thank you very much. You may
15 a seat.

16 Is there any member of the jury panel who
17 contributes either by way of financial means or
18 volunteering of your time to any organization whose
19 main purpose is to support or defend victims' rights
20 or any victim support organization, if so, please
21 stand.

22 (There was no response.)

23 THE COURT: Thank you, there are none. Is
24 there any member on the jury panel or member of your
25 immediate family or close personal friend who has

1 ever been the victim of a assault crime or a violent
2 crime, if so, please stand.

3 All right, and ma'am, your name please.

4 THE POTENTIAL JUROR: Karen Cowell, juror
5 50.

6 THE COURT: All right. Ms. Cowell,
7 yourself or a member of your family, ma'am?

8 THE POTENTIAL JUROR: Myself.

9 THE COURT: All right. And the fact that
10 you've had that experience, ma'am, would that in any
11 way affect your ability to sit as a juror in this
12 case and give both the State and the Defendant a
13 fair and impartial trial?

14 THE POTENTIAL JUROR: Yes.

15 THE COURT: All right. I'm going to
16 excuse you from participation in this case, ma'am.
17 If you'll have a seat for me I've got some more
18 questions to go through, but I'm gonna excuse you so
19 you don't need to respond to any additional
20 questions.

21 THE POTENTIAL JUROR: Thank you.

22 THE COURT: Thank you, ma'am.

23 And ma'am, your name again please.

24 THE POTENTIAL JUROR: Barbara Brockington.

25 THE COURT: Ms. Brockington, yourself or a

1 member of your family?

2 THE POTENTIAL JUROR: Members of my
3 family.

4 THE COURT: Members of your family?

5 THE POTENTIAL JUROR: Yes.

6 THE COURT: And Ms. Brockington, the fact
7 that you've had that experience in your family,
8 would that in any way affect your ability to give
9 both the State and the Defense a fair trial?

10 THE POTENTIAL JUROR: No, no.

11 THE COURT: It would not?

12 THE POTENTIAL JUROR: No.

13 THE COURT: All right. Thank you very
14 much, ma'am. You may have a seat.

15 Folks, earlier you heard me call out the
16 names of the potential witnesses that may testify
17 during the course of this trial, and I know I asked
18 if you have any relationship to those folks; but let
19 me take it a little bit step further. Even though
20 you may not personally be related to these folks, is
21 there any member of the jury panel who would have
22 any religious, political, social, or business
23 association with any of those potential witnesses,
24 if so, please stand.

25 (There was no response.)

1 THE COURT: Thank you, there are none. Is
2 there any member of the jury panel who has been, is
3 licensed as a licensed medical doctor or who is
4 related by blood or marriage to a licensed medical
5 doctor, if so, please stand.

6 Ma'am, your name please.

7 THE POTENTIAL JUROR: Kelsey Jones.

8 THE COURT: All right. Ms. Jones, 109.
9 Ms. Jones, the fact that you have, you are related
10 in some fashion to a medical doctor, would that in
11 any way have any affect on your ability to give both
12 the State and the Defense a fair trial?

13 THE POTENTIAL JUROR: No.

14 THE COURT: Thank you, ma'am. You may
15 have a seat.

16 Is there any member of the jury panel who
17 has either heard or read any news reports of this
18 case whether it be through newspaper, television,
19 radio or any other type of media outlet, if so,
20 please stand.

21 (There was no response.)

22 THE COURT: Thank you, there are none. Is
23 there any member of the jury panel who is a, either
24 a friend on Facebook or has any connection through
25 any type of social media with any of the potential

1 witnesses in this case who you heard me call out, if
2 so, please stand.

3 (There was no response.)

4 THE COURT: Thank you, there are none.
5 Folks, I've gone through several questions and those
6 of you who have responded, you note that my followup
7 question is always, would that in any way affect
8 your ability to be fair and impartial. The reason
9 we ask these questions is 'cause our purpose is
10 always to be able to impanel a group of individuals
11 who can put aside anything that has occurred outside
12 this courtroom and listen closely to the testimony
13 and the evidence that is presented during the course
14 of this trial and to decide this case based solely
15 upon that evidence and decide this case on nothing
16 outside the courtroom, but only what is presented
17 here inside the courtroom. That's what we attempt
18 to do, whether it's a criminal case or whether it's
19 a civil case. Any time we impanel a jury our
20 purpose is to put together a group of folks who can
21 listen collectively as a group to the testimony and
22 the evidence and judge and base the case solely upon
23 that evidence that is presented and give both the
24 State and Defense a fair trial with regards to that
25 evidence.

1 Now I can probably ask questions all
2 morning to try to determine if there's any issues
3 there, but maybe the easiest way is to simply ask
4 just straight out. Is there any member of the jury
5 panel who knows of any reason that you would not be
6 able to give both the State and the Defense a fair
7 and impartial trial whether I've asked the question
8 or not, is there any member of the panel that knows
9 of some reason you would not be able to do that, if
10 so, please stand.

11 All right. And ma'am, your name again.

12 THE POTENTIAL JUROR: Sharriaa Byrd, juror
13 number 33.

14 THE COURT: All right, Ms. Byrd, let me
15 get you to come up and I'm gonna talk to you about
16 that.

17 And Ms. Jones, if you'll come around I'll
18 get with you in just a moment, ma'am.

19 (Potential juror approached the Bench for an
20 off-the-record discussion.)

21 THE COURT: Ma'am, you can come forward.

22 (Potential juror approached the Bench for an
23 off-the-record discussion.)

24 THE COURT: Ms. Jones, juror 109. Yes,
25 ma'am.

1 (End of Bench conference with potential juror.)

2 THE COURT: Any other questions or voir
3 dire from the State? Anything further?

4 MR. CORBETT: Nothing from the State, Your
5 Honor.

6 THE COURT: Anything further from Defense?

7 MR. BRIDGES: Nothing from Defense, Your
8 Honor.

9 THE COURT: All right, ladies and
10 gentlemen, let me explain to you how we go about —
11 and let me get the lawyers to step up real quick and
12 get to something, I'm gonna try something that we
13 did last week and see if it works.

14 (WHEREUPON, counsel approached the
15 Bench for an off-the-record discussion.)

16 THE COURT: I've been on the Bench for 12
17 years and prior to that I practiced law for almost
18 20 as a trial lawyer. In South Carolina we've
19 always had this, I don't know if we want to call it
20 tradition or whatever but, the way we select juries
21 in a criminal matter is your names appear on this
22 roster and they were taken from a roster that's
23 alphabetical; but you were selected ---

24 THE BAILLIFF: Your Honor, this juror has a
25 question for you.

1 THE COURT: Yes, sir. Let me get you to
2 come up here.

3 (Potential juror approached the Bench for an
4 off-the-record discussion.)

5 THE COURT: Okay, excuse him for tomorrow
6 so he won't be able to serve. Derrick Hastie, we'll
7 excuse you for tomorrow.

8 So anyway, the way we've always done this
9 is if your name appears on this new list, this list
10 of 35 of you that were sent up here, and your names
11 are random on here. So, it could be that I was
12 Tommy Russo, juror number 134 on the main list and I
13 may have appeared on this list as Tommy Russo juror
14 14. There's no rhyme or reason; they're just
15 randomly put on this list. And what we typically do
16 is when we begin the jury selection process in the
17 past, we're gonna try it different today. I think
18 it will make you feel better. We've always, the
19 clerk will start with the first name on that list
20 and he'll call out that name. And typically we
21 would have you come down in front of everybody and
22 stand right here in the middle of the courtroom and
23 face the back of the courtroom. And while everybody
24 stares at you, the lawyers would decide whether or
25 not they wanted to excuse you or seat you. It can

1 be a little unnerving.

2 I was over in Williamsburg County a couple
3 of weeks ago and the clerk there said, Judge, we
4 found that jury selection goes a lot faster and the
5 jurors like it a lot better if instead of making
6 them come down and standing in front of everybody,
7 they're just allowed to stand where they are and go
8 through the process. And then if they're excused
9 they can just have a seat or if they're selected,
10 then they can come down. And we did that and it
11 seemed to make things go a little faster and it also
12 made the jurors a little bit more comfortable than
13 having to come down here and stand in front of
14 everybody and have everybody stare at you. So I
15 just discussed that with the lawyers and they're in
16 agreement with so it we're gonna try to do it that
17 way.

18 So if you hear your name called, if your
19 name is called I would ask that you stand wherever
20 you're seated, just stand, and then the clerk will
21 first ask of the State words to this effect, they
22 way what say you for the State.. The State has two
23 options. They can either excuse you, and if they
24 excuse you you'll just have a seat. Or they can
25 present you. If they present you, you remain

1 standing. And he'll ask the Defense the question
2 the same way, what say you for the Defense. The
3 Defense has the option to either excuse you, and if
4 they do, you'll have a seat. Or they can seat you.
5 If they do that then he'll have you be seated, then
6 you'll come around and have a seat in the jury box.
7 And we'll go through that process until twelve
8 selected all our jurors.

9 Now I believe it's five and ten?

10 MR. CORBETT: Correct, Your Honor.

11 MR. BRIDGES: Yes, sir.

12 THE COURT: All right. So we're gonna go
13 through that process and if you would just -- and
14 another thing too, and it doesn't apply today I
15 don't think. But you know, we used to have to send
16 you down to the front. We used to have to ask you
17 to collect your belongings and bring your stuff down
18 with you, your pocketbooks, umbrellas, books,
19 whatever you may have brought to court. This way
20 you won't have to tote that stuff around, okay,
21 unless you're selected so we're gonna try it that
22 way and see how it works.

23 So Mr. Clerk, if you will please go
24 through the selection process. Yes, sir.

25 THE CLERK: Ladies and gentlemen, when

1 your name is called please stand in place.

2 Juror number 151, Jaime Pickering (white
3 female), what saith the State?

4 MR. CORBETT: Present the juror please.

5 THE CLERK: What saith the Defendant?

6 MR. BRIDGES: Present the juror.

7 THE CLERK: Have a seat in the jury box
8 please, ma'am.

9 Juror number 128, Tonia Major (black
10 female), what saith the State?

11 MR. CORBETT: Present the juror please.

12 THE CLERK: What saith Defendant?

13 MR. BRIDGES: Present the juror.

14 THE CLERK: Have a seat in the jury box
15 please, ma'am.

16 Juror number 77, Paul Frey (white male),
17 what saith the State?

18 MR. CORBETT: Present the juror please.

19 THE CLERK: What saith the Defendant?

20 MR. BRIDGES: Excuse the juror.

21 THE CLERK: Have a seat, sir, you've been
22 excused from this trial. Thank you.

23 Juror number 105, Shanelle Johnson (black
24 female), what saith the State?

25 MR. CORBETT: Present the juror please.

1 THE CLERK: What saith Defendant?

2 MR. BRIDGES: Present the juror.

3 THE CLERK: Have a seat in the jury box
4 please, ma'am.

5 Juror number 23, Tracie Bradford (black
6 female), what saith the State?

7 MR. CORBETT: Present the juror please.

8 THE CLERK: What saith the Defendant?

9 MR. BRIDGES: Excuse the juror.

10 THE CLERK: Please have a seat. You've
11 been excused from this trial please, ma'am.

12 Juror number 1, Alex Adams (black male),
13 what saith the State?

14 MR. CORBETT: Excuse the juror please.

15 THE CLERK: Please have a seat. You've
16 been excused from this trial please, sir.

17 Juror number 106, Tiffany Johnson (black
18 female), what saith the State?

19 MR. CORBETT: Present the juror please.

20 THE CLERK: What saith the Defendant?

21 MR. BRIDGES: Present the juror.

22 THE CLERK: Have a seat in the jury box
23 please, ma'am.

24 Juror number 43, Kathryn Combs (white
25 female), what saith the State?

1 MR. CORBETT: Present the juror please.

2 THE CLERK: What saith the Defendant?

3 MR. BRIDGES: Excuse the juror.

4 THE CLERK: Please have a seat. You've
5 been excused from this trial please, ma'am.

6 Juror number 47, Lillie Cooper (black
7 female), what saith the State?

8 MR. CORBETT: Present the juror please.

9 THE CLERK: What saith Defendant?

10 MR. BRIDGES: Please present the juror
11 please.

12 THE CLERK: Have a seat in the jury box
13 please, ma'am.

14 Juror number 190, Vickie Underwood (white
15 female), what saith the State?

16 MR. CORBETT: Present the juror please.

17 THE CLERK: What saith Defendant?

18 MR. BRIDGES: Present the juror.

19 THE CLERK: Have a seat in the jury box
20 please, ma'am.

21 Juror number 189, Patricia Thompkins
22 (white female), what saith the State?

23 MR. CORBETT: Present the juror please.

24 THE CLERK: What saith Defendant?

25 MR. BRIDGES: Excuse the juror please.

1 THE CLERK: Have a seat. You've been
2 excused from this trial please, ma'am.

3 Juror number 168, Charles Rupp, Jr.,
4 (white male), what saith the State?

5 MR. CORBETT: Excuse the juror please.

6 THE CLERK: Please have a seat. You've
7 been excused from this trial please, sir.

8 Juror number 149, Kelly Pettitt, what
9 saith the State?

10 MR. CORBETT: Present the juror please.

11 THE CLERK: What saith Defendant?

12 MR. BRIDGES: Excuse the juror please.

13 THE CLERK: You can have a seat. You've
14 been excused from this trial please, ma'am.

15 Juror number 193, Pedro Washington, Sr.,
16 what saith the State?

17 MR. CORBETT: Excuse the juror please.

18 THE CLERK: Please have a seat. You've
19 been excused from this trial please, sir.

20 Juror number 69, William Dyson (white
21 male), what saith the State?

22 MR. CORBETT: Present the juror please.

23 THE CLERK: What saith Defendant?

24 MR. BRIDGES: Excuse the juror please.

25 THE CLERK: Have a seat. You've been

1 excused from this trial please, sir.

2 Juror number 48, Jolawrence Corbin (black
3 female), what saith the State?

4 MR. CORBETT: Present the juror please.

5 THE CLERK: What say Defendant?

6 MR. BRIDGES: Present the juror please.

7 THE CLERK: Have a seat in the jury box
8 please, ma'am.

9 Juror number 202, Ernestine Wrigley (white
10 female), what saith the State?

11 MR. CORBETT: Present the juror please.

12 THE CLERK: What say Defendant?

13 MR. BRIDGES: Excuse the juror please.

14 THE CLERK: Have a seat. You've been
15 excused from this trial please, ma'am.

16 Juror number 99, Brenda Jasper (black
17 female), what saith the State?

18 MR. CORBETT: Excuse the juror please.

19 THE CLERK: Have a seat. You've been
20 excused from this trial please, ma'am.

21 Juror number 38, Emma Catoe (white
22 female), what saith the State?

23 MR. CORBETT: Present the juror please.

24 THE CLERK: What say Defendant?

25 MR. BRIDGES: Please seat the juror.

1 THE CLERK: I'm sorry, I didn't hear you.

2 MR. BRIDGES ATTORNEY: Seat the juror.

3 THE CLERK: Juror number 56, Jerald David
4 (black male), what saith the State?

5 MR. CORBETT: Present the juror please.

6 THE CLERK: What say Defendant?

7 MR. BRIDGES: Present the juror please.

8 THE CLERK: Have a seat in the jury box
9 please, sir.

10 Juror number 170, Carol Scarborough (black
11 female), what saith the State?

12 MR. CORBETT: Present the juror please.

13 THE CLERK: What say Defendant?

14 MR. BRIDGES: Present the juror please.

15 THE CLERK: Have a seat in the jury box
16 please, ma'am.

17 Juror number 24, Barbara Brockington
18 (black female), what saith the State?

19 MR. CORBETT: Present the juror please,

20 THE CLERK: What say the Defendant?

21 MR. BRIDGES: Excuse the juror please.

22 THE CLERK: You may have a seat. You've
23 been excused from this trial please, ma'am.

24 Juror number 114, John King, Jr. (black
25 female), what saith the State?

1 MR. CORBETT: Present the juror please.

2 THE CLERK: What say the Defendant?

3 MR. BRIDGES: Present the juror please.

4 THE CLERK: Have a seat in the jury box
5 please, sir.

6 Juror number 174, Ricky Scott, (black
7 male), what saith the State?

8 MR. CORBETT: Present the juror please.

9 THE CLERK: What say the Defendant?

10 MR. BRIDGES: Present the juror please.

11 THE CLERK: Have a seat in the jury box
12 please, sir.

13 Juror number 113, Timothy Kelly (black
14 male), what saith the State?

15 MR. CORBETT: Excuse the juror please.

16 THE CLERK: Have a seat. You've been
17 excused from this trial please, sir.

18 Juror number 59, Betty Davis (black
19 female), what saith — any reason for cause from the
20 State?

21 MR. CORBETT: Present the juror please.

22 THE CLERK: What saith the Defendant?

23 MR. BRIDGES: Excuse the juror please.

24 THE CLERK: Have a seat. You've been
25 excused from the trial please, ma'am.

1 Juror number 127, Margaret Lybrand (white
2 female), what saith the State? Any reason for cause
3 from the State?

4 MR. CORBETT: Present the juror please.

5 THE CLERK: Any reason for cause from the
6 Defendant?

7 MR. BRIDGES: Present the juror please.

8 THE CLERK: Have a seat in the jury box
9 please, ma'am.

10 Alternate juror, juror number 131, Ashley
11 Martin (black female), what saith the State?

12 MR. CORBETT: Present the juror please.

13 THE CLERK: What say the Defendant?

14 MR. BRIDGES: Present the juror please.

15 THE CLERK: Have a seat in the jury box
16 please, ma'am.

17 Second alternate juror number 45, Aleashia
18 Conyers (black female), what saith the State?

19 MR. CORBETT: Present the juror please.

20 THE CLERK: What say the Defendant?

21 MR. BRIDGES: Present the juror please.

22 THE CLERK: Have a seat in the jury box
23 please, ma'am.

24 THE COURT: All right. Are there any
25 motions regarding jury selection from the State?

1 MR. CORBETT: Nothing from the State, Your
2 Honor.

3 THE COURT: Anything from the Defense?

4 MR. BRIDGES: None, Your Honor.

5 THE COURT: All right, I'm gonna, in just
6 a moment I'm gonna ask you if you would, follow the
7 bailiff. They're gonna show you where your jury
8 room is. I'm gonna get you to have a seat in the
9 jury room. Now very important, this instruction,
10 have no conversation about this case. Now you don't
11 know much other than what I shared with you, but
12 none at all, okay. Talk about -- introduce
13 yourselves to each other, get to know each other,
14 talk about anything you want, but don't discuss this
15 case and I'll get you back out here shortly, okay.
16 So if you'd follow the bailiff to your jury room.

17 (WHEREUPON, the jury was removed from the
18 courtroom at 12:12 p.m.)

19 THE COURT: When they got into that other
20 case I realized that he was the family court judge
21 that heard a lot of the issues in the family court
22 matter on this person who's being charged with the
23 criminal sexual conduct with a minor so he clearly
24 has a conflict so; but here's the thing, there is a
25 motion to continue the case by the defense which he

1 feels he can't hear because if he has a conflict he
2 has a conflict, and I agree with him. So I'm gonna,
3 we intend to send our jury home until tomorrow
4 anyway. I'm gonna send them home till tomorrow,
5 then I'm gonna take up the motion for continuance so
6 if y'all can give them room, they're gonna come in.
7 If I grant the motion for continuance, then we'll
8 pick up this afternoon with pretrial matters. If I
9 don't, then I'm gonna be switching over to that
10 case, Judge McFadden will take over this case; but
11 you'll still have your pretrial matters this
12 afternoon, okay. So it really doesn't change
13 anything for y'all other than you might be talking
14 to a different face and they may see something
15 different, okay. That's kind of where we're at so
16 if y'all will make room for them to come in to
17 arguer their motion for continuance, but stay right
18 where you are for right now. I'm gonna bring this
19 jury back in and I'm gonna excuse them.

20 So if you would bring them in.

21 (WHEREUPON, the jury was returned to the
22 courtroom at approximately 12:13 p.m.,
23 and the following proceedings commenced
24 in open court.)

25 THE COURT: Ladies and gentlemen, here's

1 what I'm gonna do. Now don't get terribly
2 comfortable. I'm getting ready to send you home for
3 the rest of the day because we're gonna start this
4 trial first thing in the morning. Oftentimes with
5 trials, if we can take up pretrial matters or we can
6 take up matters that aren't for the jury, in other
7 words, some nonjury matters, it helps the trial go
8 smoother and quicker once we get into it. I've got
9 some pretrial matters that I need to hear that I
10 need to get resolved before we begin the jury trial
11 so we're gonna do that this afternoon and there's no
12 reason for you to sit back there because I don't
13 think we're gonna get to any testimony today so what
14 I'm gonna do is, I'm gonna excuse you and have you
15 return back tomorrow morning. If you'll be back
16 here at 9:30, okay.

17 Now here's what I need, send you with some
18 instruction though. You are gonna take an oath to
19 try this case and to decide this case based solely
20 upon the evidence that is presented during the
21 course of this trial and on nothing outside of this
22 courtroom. It is very important that you do
23 everything within your power to maintain your
24 ability to stay fair and impartial. So that means
25 when you leave here you're not to have any

1 conversation with anybody about this case at all.
2 Don't allow anyone to talk with you about it. I
3 don't think anyone would; but if anybody did
4 approach you to discuss the case, you let them know
5 you're a juror and you're not allowed to talk about
6 it. You're also not allowed to discuss it. When I
7 say anybody, I mean anybody. So you're to go home
8 to your family friends and loved ones, you can tell
9 them that you were selected on a case and you tell
10 them that you have to be back in the morning; but
11 that's all you can tell them. Saying something as
12 innocent as well, it's a case that involves a person
13 charged with a burglary or attempted armed robbery
14 or, on it's about a lady named Sabrina McWilliams.
15 Something as innocent as that would possibly elicit
16 a response that might compromise your ability to be
17 fair and impartial. So here's what you tell them.
18 You just say, I can't discuss the case at all, I
19 can't even tell you what the name of the case is,
20 all I can tell you is that I am on the panel and I
21 have to be back at the courthouse at 9:30 in the
22 morning. Okay. Ask them to respect that and that's
23 all it needs to be.

24 Also, we live in a day and age where these
25 devices we call cell phones, really pocket

1 computers. You can access anything on this planet
2 by going through these things. It is very important
3 that you do not attempt to do any investigation on
4 your own. You are gonna be taking an oath to try
5 this case based solely upon the evidence that is
6 presented to you inside this courtroom. So it would
7 be highly improper for you to go on to the internet
8 and try to figure out anything about this case.
9 That's not your role; that is not appropriate at
10 all. So please, I mean, I used to not have to say
11 that to folks but we found that has occurred in the
12 past. It would be highly improper. Just relax,
13 take the chance to let your mind rest and get ready
14 for tomorrow morning. If you can get that good
15 night's rest, try to do that. Our minds operate
16 much clearer and better when we're well rested so if
17 you can do that, try to do that, all right. So I'm
18 gonna excuse you now.

19 Everyone else please remain seated.

20 And I ask you to be back, when you report
21 back you report back here and they'll direct you to
22 the jury room and that's where you'll report. And
23 that instruction, do not have any conversation
24 continues even with among yourselves.

25 Solicitor.

1 MR. CORBETT: If I may ask the Court to
2 make inquiry of the jury, Mr. Bridges and I, because
3 of the layout of the courthouse, we sometimes bump
4 into jurors, and I'll be asked about parking, where
5 we can leave a phone, and it's a little bit awkward
6 to tell somebody I can't talk to you because if they
7 ---

8 THE COURT: Guys, if you run into either
9 one of these characters don't talk to them. They're
10 really nice guys, but they can't talk to you, okay.
11 They are. Because they are the attorneys that are
12 trying this case, any communication or contact with
13 the jury members would be improper. So if you see
14 them and they don't say hey or they don't wave at
15 you, they're not being rude; they're just doing what
16 they're supposed to do, okay. So you probably won't
17 see them, but if you do, just ignore the fact that
18 they're ignoring you, okay. All right, so everyone
19 else remain seated. Folks, we'll see you back at
20 9:30 in the morning, okay.

21 (WHEREUPON, the jury was removed from the
22 courtroom 12:28 p.m.)

23
24 * * * END OF REQUESTED TRANSCRIPT OF RECORD * * *
25

C E R T I F I C A T E O F R E P O R T E R

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)

I, FRANCES B. RAY, Registered Professional Reporter (RPR), court reporter for the State of South Carolina, Third Judicial Circuit, do hereby certify that the foregoing proceeding is a stenographic report and was transcribed through computer-aided transcription; that the foregoing transcript contains a true record of the proceedings.

I further certify that I am neither counsel for, nor related to nor employed by any of the parties connected to the action, nor am I financially interested in the action.

Witness my hand at Florence, South Carolina, this 4th day of September, 2017.

Frances B. Ray

FRANCES B. RAY, RPR

1 State of South Carolina

2 County of Sumter

3

4 The State of South Carolina
5 Plaintiffs

Transcript of Trial
2015-GS-43-00438

6 vs.

7

8 Sabrina A. McWilliams
9 Defendant

June 19th-21st, 2017
Sumter, S.C.

10

11 BEFORE THE HONORABLE George M. McFaddin, Jr. Judge.

12

13 A P P E A R A N C E S:

14 Mr. Jason Corbett,
15 Assistant Solicitor for the State

16 Mr. Jason Bridges,
17 Attorney for Defendant

18

Margaret T. Sullivan,
Court Reporter

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1 (Whereupon, the following takes place
2 outside the presence of the jury.)

3 MR. CORBETT: Judge, I am going to do a
4 little bit of procedural history because of the
5 unusual nature of today's circumstances.

6 THE COURT: Okay.

7 MR. CORBETT: Your Honor, this is the
8 State of South Carolina versus Sabrina Ann
9 McWilliams. Indictment 2015-GS-43-438.
10 Ms. McWilliams is before the court on a true billed
11 indictment alleging burglary in the first degree,
12 attempted armed robbery and conspiracy. She is
13 represented by attorney Jason Bridges. Mr. Bridges
14 is present in the courtroom today.

15 Your Honor, when we arrived at the
16 courthouse earlier this morning, Mr. Bridges and I
17 selected a jury for the trial of this case before
18 Judge Russo. It's my understanding that due to some
19 circumstances with Your Honor having a conflict in
20 the case, we have now swapped off.

21 THE COURT: Yes, sir.

22 MR. CORBETT: Judge, having said all that,
23 prior to the selection of the jury, Mr. Bridges and
24 I had approached Judge Russo in chambers. Just gave
25 him a heads up on a couple of scheduling issues that

1 were going on. To alert the court, Ms. McWilliams
2 is not currently in the courtroom, and was not
3 present this morning when her jury was selected.
4 Judge, I believe the procedure as far as I
5 understand it to be right now is that, Mr. Bridges
6 wishes to address a matter for a continuance to the
7 court. Depending on the outcome of that motion,
8 Your Honor, I would like to make her bond form, a
9 Court's Exhibit in the case for the purposes of
10 establishing the State's right to proceed with a
11 trial in the absence.

12 THE COURT: Yes, sir.

13 MR. CORBETT: Judge, after that the State
14 in the abundance of caution, would like to offer
15 some Jackson v. Denno testimony regarding the
16 voluntariness of any statements that Ms. McWilliams
17 may have made. And, Judge, I think that will
18 resolve the pretrial issues. There may possibly be
19 an issue regarding the defendant's, excuse me, the
20 victim's prior criminal history. And we're working
21 on that as we proceed.

22 THE COURT: Yes, sir.

23 MR. CORBETT: So, Judge, if I may, I will
24 defer to Mr. Bridges.

25 THE COURT: Mr. Bridges.

1 MR. BRIDGES: Thank you, Your Honor. Good
2 afternoon. I would like to make a motion for a
3 continuance on behalf of my client Ms. Sabrina
4 McWilliams. I was able to get in contact with her
5 this morning after repeated attempts over the last
6 couple of weeks when I got the notice from the
7 solicitor about this trial. She told me today she
8 is in Tennessee; but that she could be here on
9 Wednesday. And that that she does wish for a trial.
10 I did explain that if she wanted to plead guilty, I
11 could notify the solicitor and see if we could put
12 things on hold until then. She said she certainly
13 wanted a jury trial. And she said she would be here
14 Wednesday.

15 Now I don't have any way of verifying
16 that. But I understand the court's situation there.
17 But to protect her interest, I do need to make a
18 motion to continue, and to object to any motions to
19 try her in her absence.

20 THE COURT: I understand, sir. I've been
21 there. The State.

22 MR. CORBETT: Your Honor, if I may, Judge,
23 I have in my possession a certified true copy of a
24 bond form for Sabrina Ann McWilliams listing the
25 warrants associated with this case. Judge, on her

1 bond form on the front side of the page, it
2 indicates a return date for court. And the language
3 in the bond form states, and remain there throughout
4 that term of court. If no disposition is made
5 during that term, the defendant shall appear and
6 remain throughout each succeeding term of court
7 until final disposition is made of his case unless
8 otherwise ordered by the court.

9 Judge, if I may, I want to come back to
10 that otherwise ordered by the court in just a
11 moment. The reverse of that bond form under the
12 heading, acknowledgment by defendant states, I
13 understand that if I violate any condition of this
14 order a warrant for my arrest will be issued. I
15 understand and have been informed that I have a
16 right and obligation to be present at trial, and
17 should I fail to attend the court, the trial will
18 proceed in my absence. It has been explained to me
19 that that if I fail to appear before the court as
20 required, a warrant for my arrest may be -- will be
21 issued. And it bears the signature of Sabrina
22 McWilliams. Judge, at this time, I'd like to make
23 this Court's No. 1, please.

24 THE COURT: Yes, sir.

25 MR. BRIDGES: No objections, Your Honor.

1 THE COURT: Thank you.

2 (Bond form papers marked Court's Exhibit
3 No. 1 for Id.)

4 MR. CORBETT: Judge, with regard that
5 language in the ordinance, it states unless
6 otherwise ordered by the court, as Your Honor is
7 aware in years past we did what was basically called
8 a role call. So everybody who had a pending
9 criminal charge on the first day of every term of
10 court, would for lack of a better term, flood the
11 courthouse.

12 THE COURT: Yes, sir.

13 MR. CORBETT: And I believe, Judge, please
14 don't hold me to this. But I believe it was Judge
15 King who issued an administrative order modifying
16 that procedure somewhat. And that is, that the
17 solicitor's office was required to submit a trial
18 list. And as part of submitting that trial list, we
19 were required to notify attorneys on the trial list
20 ten days in advance of the term of court, which
21 cases were being subject to be called to court.
22 Judge, if Mr. Bridges doesn't contest any of these,
23 I would like to say to the court that according to
24 our records, an e-mail went out on Thursday June the
25 8th at 3:56 p.m. Included in that e-mail address is

1 Mr. Bridges. And it is attached as a trial list for
2 the week of June 19th. Ms. McWilliams is on that.

3 Judge, then on Monday June the 12th, at
4 1:41 p.m, I e-mailed Mr. Bridges. I said Jason
5 please note that Sabrina McWilliams is on the trial
6 list for next week. My number one case has an
7 attorney issue, so I anticipate moving McWilliams
8 to the top. So when I became of an issue with one
9 of my other cases, I notified him a week ago that
10 Ms. McWilliams was being moved up. Judge, we oppose
11 the motion for a continuance for this reason: If
12 she's indicated that she can be here Wednesday, why
13 can't she be here Monday. Judge, it's also my
14 understanding just from kind of hearing through the
15 grapevine that Ms. McWilliams is reportedly in
16 Tennessee. If she is out on bond, and she has
17 removed herself to the State of Tennessee, I think
18 she is the one who bears the blame for putting us in
19 a situation where she can't be here today.

20 Judge, we believe that pursuant to the
21 bond form and to the administrative order that the
22 court operates under, that she's provided with
23 sufficient notice. And the State, and, Judge, and
24 in that regard, the State also agreed in front of
25 Judge Russo in chambers this morning, that we would

1 not begin testimony until morning, in an effort to
2 give Mr. Bridges some time to get her here. We
3 believe that's a fair accommodation under the
4 circumstances.

5 THE COURT: Any reply, Mr. Bridges?

6 MR. BRIDGES: Just that I will verify, I
7 did receive the e-mail both from the scheduling
8 docket for trial, and the e-mail from Mr. Corbett.

9 THE COURT: Mr. Bridges, you've done all
10 can to have her here. You certainly aren't expected
11 to drive to Tennessee and bring her back here. She
12 knows to be here.

13 MR. BRIDGES: Yes, Your Honor. She has
14 received several trial letters from us, and phone
15 calls.

16 THE COURT: Respectfully denied. Next.

17 MR. CORBETT: Judge, dovetailing into the
18 motion for a continuance, and I may have been a
19 little bit premature in making that other bond form
20 a court's exhibit. Judge, we would ask that the
21 court make a finding that Ms. McWilliams was
22 notified of her right to be present at trial, that
23 she was advised pursuant to her bond form, that were
24 she not present for trial, the trial would proceed
25 in her absence. And furthermore, ask the court to

Investigator Dubose-Direct by Corbett

1 make a finding that the trial list notification and
2 subsequent communication was sufficient notice.

3 THE COURT: I so find.

4 MR. CORBETT: Judge, at this point,
5 whenever the court's ready, we're prepared to
6 proceed to a Jackson v. Denno hearing.

7 THE COURT: I'm ready, sir.

8 MR. CORBETT: Your Honor, the State would
9 call Investigator Dubose.

10 MR. CORBETT: Investigator Wayne Dubose.

11 Investigator Wayne Dubose, being
12 first duly sworn, testified as follows:

13 THE CLERK: State your name for the record
14 and spell your last name, please.

15 A. Wayne Dubose. D-U-B-O-S-E.

16 Direct Examination by Mr. Corbett:

17 Q. Investigator Dubose, good afternoon.

18 A. How are you doing.

19 Q. Investigator Dubose, I know that I have
20 some basics that may sound silly to you. By whom
21 are you employed?

22 A. Sumter County Sheriff's Office.

23 Q. And how long have you been employed by the
24 Sumter County Sheriff's Office?

25 A. Twenty years.

Investigator Dubose-Direct by Corbett

1 Q. Now are you familiar with a case that
2 ultimately lead to the arrest of Sabrina McWilliams.

3 A. Yes.

4 Q. For a burglary and attempted armed
5 robbery?

6 A. Yes, sir.

7 Q. Now at the time that -- do you know the
8 date of that incident?

9 A. The incident occurred on September 26th
10 2014..

11 Q. At that time, were you employed by the
12 sheriff's office?

13 A. Yes, sir.

14 Q. In what capacity?

15 A. Criminal investigator.

16 Q. Now when was your first involvement with
17 this case?

18 A. I received a case, I was assigned, the
19 case was assigned to me on September 30th, actually.

20 Q. September 30th. Judge, if I could confer
21 with counsel for one moment.

22 THE COURT: Yes, sir.

23 (Whereupon, attorneys confer.)

24 MR. CORBETT: And, Judge, I was alerting
25 Mr. Bridges to the fact that I am going to ask a few

Investigator Dubose-Direct by Corbett

1 questions about the incident report, that
2 technically Investigator Dubose did complete, but
3 was used as part of the context for his
4 investigation.

5 THE COURT: Yes, sir.

6 A. Make a correction, it was actually
7 September 29th.

8 Q. What was the 29th?

9 A. The day I received the case.

10 Q. You received it on the 29th.

11 A. That's correct.

12 Q. The incident was September 26th.

13 A. Correct.

14 Q. Prior to you getting the case, do you know
15 if anyone in law enforcement had the opportunity to
16 speak to Sabrina McWilliams?

17 A. The patrol officer who responded to the
18 scene, who took the incident report, spoke to her
19 and the victim at the scene.

20 Q. Now to your knowledge when he spoke to her
21 on September 26th, was she considered a suspect?

22 A. She was not, she was a witness.

23 Q. So she was interviewed as a witness at
24 that time.

25 A. That's correct.

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1 Q. Now, that's on September 26th. You are
2 assigned the case on September 29th.

3 A. That's correct.

4 Q. Do you have any contact with Sabrina
5 McWilliams?

6 A. I have first contact with Ms. McWilliams
7 on September 30th.

8 Q. September 30th.

9 A. That's correct.

10 Q. If you would please, tell us the nature of
11 your contact with her, and in what capacity was she
12 being contacted or interviewed?

13 A. At that time, myself on September the
14 30th, made contact with Ms. McWilliams. She advised
15 she could not come to the office to speak with us.
16 Myself and Investigator Wadsworth went to her
17 residence in order to get a written statement from
18 her about what she witnessed. I went on the scene.
19 She provided specific details about the suspect.

20 Q. Let me stop you there for just a moment.
21 You indicated that you initially had telephone
22 contact with her?

23 A. I did.

24 Q. Did she make any statement over the
25 telephone, or was the purpose of that call to

Investigator Dubose-Direct by Corbett

1 establish a meeting time and place?

2 A. Just a meeting time.

3 Q. So you then went to her residence?

4 A. That's correct.

5 Q. Was it also on September 30th?

6 A. Sept -- that's correct. September 30th.

7 Q. Do you know the approximate time?

8 A. Roughly about 10, probably 10:45 that
9 morning of September 30th.

10 Q. At this point and time, did you consider
11 her a suspect?

12 A. No, sir, not at this time. We were going
13 there strictly to get information about what she
14 witnessed.

15 Q. So you and Investigator Wadsworth went to
16 her residence.

17 A. That's correct.

18 Q. And you began speaking to her.

19 A. That's correct.

20 Q. Now at this point and time, had she been
21 mirandized?

22 A. She was mirandized. I advised her we were
23 working a very serious crime. And even though she
24 was a witness, I was still going to go through the
25 procedures. And she was advised of her miranda

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1 rights, which she did sign that she understood them,
2 and she waived her rights.

3 Q. Now with regard to that, does your office
4 use a form in connection therewith?

5 A. They do. I have the from that she signed
6 at 10:53 a.m. on September 30th.

7 Q By Mr. Corbett) May I see that form, please,
8 sir?

9 Q. Investigator Dubose, I'm going to return
10 to you the form that you've handed me just a moment
11 ago, and then I am going to ask you to compare it to
12 my form.

13 A. That is a photocopy that I made.

14 Q. Is my photocopy, and I just happened to
15 notice the back side of yours. But is the front
16 side of yours identical to my copy?

17 A. Yes, sir.

18 MR. CORBETT: And, Judge, if I may.
19 Judge, if I may, I am going to show counsel---

20 THE COURT: Yes, sir.

21 MR. CORBETT: ---the detective made a few
22 hand drawn notes on the back. Judge, at this time,
23 because Investigator Dubose's original has some hand
24 drawn notes on the back.

25 THE COURT: Yes, sir.

Investigator Dubose-Direct by Corbett

1 MR. CORBETT: I would ask for the court's
2 permission to substitute in my photocopy as State's
3 Exhibit 1, and testified by Investigator Dubose to
4 be a duplicate copy.

5 THE COURT: What say you, Mr. Bridges?

6 MR. BRIDGES: No objection, Your Honor.

7 THE COURT: Without objection.

8 (Advisement of Miranda Rights marked
9 State's Exhibit No. 1 for ID.)

10 Q. Now, Investigator Dubose, I recognize the
11 tediousness of this process, but if you would
12 please, tell us what information is being provided
13 to a person being questioned by that form?

14 A. This is an advisement of their miranda
15 rights. And each miranda right has a space beside
16 it. It's numbered 1 to 5. Ms. McWilliams initialed
17 each right that she understood it. She also signed
18 at the bottom, that I did explain the rights to her,
19 and that she did understand them. And then the
20 very bottom is a waiver of her rights saying that
21 she did wish to speak to us at that time, and she
22 did not wish to have an attorney present. And she
23 did sign that waiver, and it was witnessed by myself
24 and Investigator Wadsworth.

25 Q. Now just quickly if you would please, read

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1 for us one through five.

2 A. You have a right to remain silent.

3 Anything you say can and will be used against you in
4 a court of law. You have the right to talk to an
5 attorney and have him or her present with you while
6 are being questioned. If you cannot afford hire an
7 attorney, one will be appointed to represent you
8 before any questioning if you wish. You can decide
9 at any time to exercise these rights and not answer
10 any questions or make any statements. I think asked
11 her if she understood. I understand each of the
12 above rights. It has been read and explained to me
13 by Investigator Dubose at the Sumter County
14 Sheriff's Office. And we were at her residence at
15 [REDACTED] Floyd Drive, and it was 10:53 a.m. By that
16 time she signed it, saying that she understood the
17 rights. I witnessed it. And then I went on to the
18 waiver portion. Having been advised of my rights, I
19 fully understand my rights. I do wish to answer
20 questions at this time. I do not wish to have an
21 attorney present. My decision to answer questions
22 now without an attorney is made freely of my own
23 choice. No one has threatened me in any way, or
24 promised me anything.

25 And again she did sign it saying that she

Investigator Dubose-Direct by Corbett

1 waived her rights. And it was witnessed myself and
2 the other investigator. And it was dated
3 September 30th at 10:53 a.m.

4 Q. Now, Investigator Dubose, I also noticed
5 that up at the top where the individual rights are
6 numbered, there's initials to the right.

7 A. That's correct.

8 Q. Whose initials are those?

9 A. That would Ms. McWilliams'. She initialed
10 beside each one that she understood them. And then
11 my initials would be to the left saying that I read
12 them to her.

13 Q. Now, Investigator Dubose, is it fair to
14 say at this point, you were approaching her as a
15 witness, but in an abundance of caution proceeded
16 with the miranda form?

17 A. I did.

18 Q. Now at that point, did you ask her
19 questions about the incident?

20 A. I did. I asked her to -- I had the
21 information from the incident report, and I asked
22 her to be very detailed about what occurred. And I
23 told her that I needed to get that in writing. And
24 at which time she did give me the version. And she
25 also provided a written statement about the events

Investigator Dubose-Direct by Corbett

1 that occurred that day.

2 Q. Now do have a copy of a written state from
3 Sabrina McWilliams?

4 A. I do.

5 Q. Do you have one that bears the date
6 September 30th and 2014, at 10:51 a.m.?

7 A. I do.

8 Q. If you would, please, compare my copy to
9 yours and make sure that they are identical. And
10 nothing is on the back of mine or anything of that
11 nature.

12 A. No, sir, it's the same form. It's a
13 photocopy.

14 MR. CORBETT: Your Honor, we would offer
15 the voluntary statement dated September 30, 2014,
16 time 10:51 a.m., for purposes of the Jackson v.
17 Denno hearing as State's Exhibit No. 2.

18 THE COURT: All right, sir.

19 MR. BRIDGES: No objections, Your Honor.

20 (Voluntary Statement marked State's
21 Exhibit No. 2 for ID.)

22 Q. Investigator Dubose, do you also possess a
23 written statement from Ms. McWilliams dated
24 September 30, 2014, and timed at 4:30 p.m.?

25 A. Yes, sir.

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1 Q. Is that a one or two-page statement?

2 A. A page and a half.

3 Q. A page and a half. If you would please,
4 sir, compare my copy to yours, and verify that
5 they -- that is an identical photocopy.

6 A. It is.

7 MR. CORBETT: Your Honor, voluntary
8 statement' dated September 30th 2014. Time 4:30 p.m
9 We would offer it as State's -- bearing two pages.
10 We would offer it as State's Exhibit No. 3.

11 THE COURT: Mr. Bridges.

12 MR. BRIDGES: No objection.

13 THE COURT: It's in.

14 (Voluntary statement marked State's
15 Exhibit No. 3 for ID.)

16 A. Mr. Corbett, can I, there is something
17 here I need to make sure I got it straight. That
18 way we all have it straight. The statements here
19 at the different times, the first one would have
20 been at 10:30 that morning, when we were there. We
21 were there the entire time up until 4:30 from the
22 second time. This first statement was written by
23 Ms. McWilliams as the witness. And she was then
24 mirandized, and then we took the second statement.
25 This first statement that you've asked about, she

Investigator Dubose-Direct by Corbett

1 was not mirandized. She would just give me the
2 information as a witness. She was mirandized and
3 then gave us the second statement.

4 Q. Investigator Dubose, I want to ask you
5 some questions. And for the purpose of this
6 hearing, I want to focus more on the nature of the
7 interview in questioning, and not as much the
8 substance. So when you, and I believe you said
9 Investigator Wadsworth?

10 A. That's correct.

11 Q. Went to the home of---

12 A. Ms. McWilliams.

13 Q. ---Ms. McWilliams on the 30th.

14 A. That's correct.

15 Q. And at that point, you had read the
16 incident report.

17 A. That's correct.

18 Q. And you were asking her to put in writing
19 what she had previously told the responding officer.

20 A. That's correct. She identified a
21 description of a suspect, and the details of what
22 occurred. So I was asking her to put that in the
23 first statement here that she gave of exactly what
24 occurred during that incident.

25 Q. Now the first statement that we're

Investigator Dubose-Direct by Corbett

1 referring, I am going to refer to the 10:51 a.m.
2 statement.

3 A. That's correct.

4 Q. Would that be accurate?

5 A. That's correct.

6 Q. Now at the time that she gave that
7 statement, this is when you were still acting under
8 the assumption that she was a witness.

9 A. Correct.

10 Q. Was she in custody at that time?

11 A. She was not.

12 Q. Was she in any way threatened, or coerced,
13 or any other pressure brought to bear on
14 Ms. McWilliams to get her to give a statement?

15 A. No, sir. She voluntarily gave that
16 statement as to what she witnessed.

17 Q. Do you recall approximately what time you
18 would have arrived at her house that morning?

19 A. I actually filled out the top of the form
20 at 10:30 a.m. So we were probably there about
21 10:15, I would assume.

22 Q. So from the time you arrived to when she
23 completed that first written statement,
24 approximately 45 minutes to an hour?

25 A. Yes, sir.

Investigator Dubose-Direct by Corbett

1 Q. So she wasn't held for a prolonged period
2 of time.

3 A. No, sir. We were at her residence.

4 Q. She wasn't deprived rest or food or water
5 of anything of that nature.

6 A. No, sir.

7 Q. Did you or Detective Wadsworth engage in
8 physical threats or intimidation in order to get her
9 to write this statement?

10 A. No, sir. We sat at her kitchen table, and
11 she gave us the information.

12 Q. And she wrote that statement as if she
13 were a witness to the crime.

14 A. That's correct.

15 Q. Now at some point, I am sorry, let me ask
16 the question a little more open ended. At some
17 point you decided to read her, her miranda rights.

18 A. I did.

19 Q. Why is that?

20 A. During her version of what occurred, It
21 just didn't make sense. It just occurred to me it
22 just not make sense about what occurred. During a
23 conversation she had -- where she was a witness, she
24 said that she had been picked up by another
25 individual at that residence and taken home. So I

Investigator Dubose-Direct by Corbett

1 asked her, I said well, to me that's another
2 witness. Tell me who that witness is. So I had her
3 call the lady. She called the lady while we're
4 sitting in her living room or in her kitchen.
5 Ms. Hughes puts her on the speaker phone, and that
6 lady says, I don't know who you are. There again
7 it's a red flag going up then. Why is this lady
8 saying that you don't know her. You've got her
9 programmed in her phone. So, and she knew that I
10 was there.

11 So I asked to used her phone, and I took
12 her phone and walked outside. And I spoke to a lady
13 that she was alluding to, a Ms. Hughes. And before
14 she said she didn't know Sabrina. Well then I asked
15 her I said, well have you been to Lakewood
16 Subdivision. And then she said, yeah, I did. I
17 went over there. Sabrina said we could get some
18 cans that were Dr. Aycock's house. So therefore, we
19 kind put two and two together. They were hiding
20 something. At that time I went back in and I told
21 Ms. McWilliams that I didn't believe her story. She
22 was lying. She was covering something up. And at
23 that time I advised her of her rights, because I
24 told her, we were going to go into a little more
25 detail and we needed to know what happened.

Investigator Dubose-Direct by Corbett

1 At that time at 10:53, she was mirandized.
2 And then she gave us the the same story about what
3 occurred. And I told at that time that the
4 investigation was going to continue. And if we
5 found out that she was being dishonest, that she
6 would be charged. And we got up and we was getting
7 ready to leave the residence.

8 At that time before we walked out the
9 front door, she told us no, sit back down, I need to
10 talk to you. I want to tell you all the truth. And
11 then she gave us the version which she put in
12 writing, at 10:53. Or no correction, 4:30.

13 Q. 4:30 p.m.

14 A. That's correct.

15 Q. Now did you remain in her residence the
16 entire time?

17 A. We were.

18 Q. So from 10:50 just before 11 o'clock until
19 4:30, there was a lengthy interview process there.

20 A. There was. There was enough to look at
21 the first statement. She actually told it to us,
22 and then I had her write it. Then there was a brief
23 period where we talked to Ms. Hughes on the
24 telephone. Then we went to leave. She asked us to
25 stay. We went back to the version that she told us

Investigator Dubose-Direct by Corbett

1 again. And then she put that version in writing.

2 Q. But for the second statement. There is no
3 question in your mind that at point she had been
4 mirandized.

5 A. That's correct.

6 Q. And that is the miranda form here.

7 A. That's correct.

8 Q. State's Exhibit No. 1.

9 A. That's correct.

10 Q. Now from the time that she was provided
11 the miranda statement until her interview ultimately
12 culminated in the statement of, I'm sorry, I want to
13 say the time correctly.

14 A. 4:30.

15 Q. 4:30. State's Exhibit No. 3, during that
16 period of time, she was still at her residence?

17 A. That's correct. And that interview would
18 have ended at 4:30, so when she signed the bottom of
19 the paper.

20 Q. Now you all were still at her residence.

21 A. Correct.

22 Q. And you all had not left.

23 A. We had not.

24 Q. Now during the course of that time period,
25 did you or Detective Wadsworth do anything out of

Investigator Dubose-Direct by Corbett

1 the way in terms of threatening her, coercing her,
2 physical intimidation, depriving her of any of
3 sustenance, anything of that nature?

4 A. No, sir.

5 Q. Now in the second statement from
6 Ms. McWilliams.

7 A. Yes, sir.

8 Q. In the course of that statement, did she
9 implicate any additional parties?

10 A. She stuck with the same information. And
11 at that time, she had implicated Whitnii Milhorn as
12 the other person.

13 Q. Now are you referring to the
14 4:30 statement?

15 A. That's correct. And she didn't per se in
16 that statement say it was Whittni, but she did say
17 that Whitnii had dropped her off. She described
18 what Whitnii was wearing. That was same the
19 clothing that the alleged suspect was wearing. And
20 in a around about way, she pointed out that it was
21 Ms. Milhorn. At that time we starting looking for
22 Ms. Milhorn to talk to her as a potential suspect.

23 Q. And again, I don't want to get too much
24 into the statement, the substance of the statements.
25 But on page two of that statement she says, I did

Investigator Dubose-Direct by Corbett

1 not initially tell the investigators who I thought
2 it was, because I was in fear for my life.

3 A. That's correct.

4 Q. Now in that statement, does she also
5 reference sharing text messages with who she refers
6 to as Whittni?

7 A. That's correct.

8 Q. Now as a result of the second statement,
9 which direction did your investigation then go?

10 A. We started looking for Ms. Milhorn. We
11 actually, Ms. McWilliams was going to cooperate with
12 us and make contact with Ms. Milhorn. So she called
13 us back, and we went back out to her house a few
14 days later. I believe on the October the 1st.
15 Actually the next day. And she was trying to going
16 to try to contact Ms. Milhorn on the phone to see if
17 we could find out where she was at. We were
18 actually going to try to get her over there. And
19 there were some phone calls made to her. And there
20 was actually -- she actually made contact with her
21 at one point. I believe Ms. Milhorn called her
22 back, and they had a conversation about what
23 occurred.

24 Q. So the day after statement, you all were
25 asking, did you contact Ms. McWilliams, or did she

Investigator Dubose-Direct by Corbett

1 contact you?

2 A. She contacted me because she said she got
3 a message from Ms. Milhorn basically threatening
4 her. So we went back out there to see if we could
5 get her to make a phone call. Maybe we could get
6 something to verify the threatening statements.

7 Q. At this point and time, had Ms. McWilliams
8 at any point invoked her rights to counsel or to
9 remain silent?

10 A. She had not.

11 Q. She was for lack of a better term, acting
12 in a cooperative manner.

13 A. She was.

14 Q. So tell us about what happened with that
15 effort to contact McWilliams.

16 A. What was that again?

17 Q. When you went back to the McWilliams
18 residence the following day, tell us what happened
19 with regard to her efforts to contact Milhorn. I'm
20 sorry, I said the wrong name.

21 A. She tried to contact Ms. Milhorn several
22 times at the phone number that she had. She called
23 and left several messages. I believe at some point
24 and time, Ms. Milhorn did call back. Those
25 conversations were recorded, and Ms. Milhorn made

Investigator Dubose-Direct by Corbett

1 contact back with her, but she wouldn't say a great
2 deal over the phone.

3 Q. Where did your investigation take you
4 next?

5 A. We started looking at Ms. Milhorn as
6 being the suspect, that she was the person who
7 actually hit Mr. Aycock with the hammer. At that
8 time we ended up getting warrants on her, and
9 located her a few days later.

10 Q. Now when you located Ms. Milhorn, did she
11 ultimately give any type of statement?

12 A. She did. She gave a verbal statement.
13 She would not give a written statement the first
14 date. But she did provide us with text messages
15 between her and Ms. McWilliams.

16 Q. So she -- in which, in what manner did she
17 provide these text messages?

18 A. We actually went out and arrested her. I
19 believe she had a bench warrant for something else.
20 We went out and arrested her at the residence. We
21 brought her to the sheriff's office. She was
22 mirandized. She waived her rights. We started
23 asking her about the incident that occurred. Of
24 course she knew nothing about it. Then she changed
25 and said well, I have messages from Ms. McWilliams

Investigator Dubose-Direct by Corbett

1 about, you know, she set this incident up. And then
2 she provided a basically play by play of the text
3 messages that occurred during the assault.

4 Q. And did she provide -- or in what way did
5 she provide you with the text messages?

6 A. She showed us the text messages. We
7 photographed them. She also give us consent to
8 download her cell phone. She signed a written
9 consent to that. I went ahead and got a search
10 warrant regardless, in case she tried to argue that
11 she was going to withdraw it. We did get a search
12 warrant. We had her phone downloaded, and got those
13 messages off of there. And then she was taken to
14 the jail.

15 Q. So she -- does she use her phone to show
16 you these text messages?

17 A. She did.

18 Q. And you are photographing them off of her
19 phone screen.

20 A. That's correct.

21 Q. Now at any point in the course of your
22 investigation did you have -- did you take any
23 additional statements from Ms. McWilliams?

24 A. No, sir.

25 Q. At some subsequent time after reviewing

Investigator Dubose-Direct by Corbett

1 the text messages, did you then seek a warrant for
2 Ms. McWilliams?

3 A. We did.

4 Q. Was any additional statements made after
5 Ms. McWilliams arrest?

6 A. No, sir, there were not.

7 Q. And I am sorry, I may have not asked this.
8 With regard to the trip out I believe on October 1.

9 A. Yes, sir.

10 Q. Did you or any other officer in any way
11 force, coerce, or do anything improper, unethical,
12 or illegal to get her to make those calls to
13 Ms. Milhorn?

14 A. No, she called us and said that she had
15 received threatening text messages. And then we
16 were just going out to possibly work the case
17 against her over making those text messages. And
18 she volunteered to call that person, which was
19 Ms. Milhorn.

20 MR. CORBETT: Very well. Investigator
21 Dubose, please answer any questions that Mr. Bridges
22 may have.

23 THE COURT: Mr. Bridges.

24 MR. BRIDGES: Thank you, Your Honor.

25 Cross Examination by Mr. Bridges:

Investigator Dubose-Cross by Bridges

1 Q. Investigator Dubose, on September 30th
2 when you first talked to Ms. McWilliams, she gave
3 that statement at 10:51. Did you give -- when did
4 you first arrive at the house? Approximately what
5 time?

6 A. We arrived at the house shortly before
7 10:30 a.m., because I actually filled out the top
8 form at 10:30. So I would say roughly about
9 10:15 a.m. And then she gave us the first statement
10 detailing what occurred at the house. What she
11 witnessed.

12 Q. And prior to her giving you that
13 statement, did you inform her of her miranda rights,
14 or explain to her that what she said might be used
15 against her?

16 A. No, sir. Well I was actually obtaining
17 that statement because she was a witness. She could
18 somewhat identify the suspect if she saw the
19 suspect.

20 Q. And it was only after that statement that
21 then you gave her the miranda warnings.

22 A. Things didn't add up. And the
23 conversation between the lady who said she didn't
24 know her, that's when I decided at that time to
25 mirandize her and go a little deeper.

Investigator Dubose-Cross by Bridges

1 Q. And then it was about, it was
2 approximately six hours this second interrogation
3 you say would last?

4 A. No, sir. Actually 10:30, 10:51 is when
5 she finished the first statement. Somewhere around
6 that time, the phone call. I asked her to make the
7 phone call to this Tracy girl. That would have only
8 been a short amount of time. I can't say how long
9 I actually spoke to her on the phone. Then I came
10 back in and informed her at 10:53, that I didn't
11 believe her story, and that we, you know, we needed
12 to get a little deeper into it.

13 So between 10:53 and and at least 4:30,
14 she went back through the entire situation. Told us
15 what happened. And then I had her put in writing
16 what she told us on this second statement.

17 Q. So that phone call she made, that was
18 prior to her being mirandized. The first phone
19 call.

20 A. That's correct. She actually said a lady
21 had picked her up, and I wanted to talk to that
22 lady, because she was potentially another witness.
23 And voluntarily called that lady and put her on the
24 speaker phone.

25 Q. And then from 10:53 to 4:30, that's where

Investigator Dubose-Cross by Bridges

1 the second voluntary statement comes from, isn't
2 that correct?

3 A. That's right. She gave us that second
4 voluntary. The second statement, yes.

5 Q. Were your discussions with her continuous
6 throughout that time frame, or is there a time where
7 you guys took a break?

8 A. Well she actually, we were sitting in her
9 kitchen, at her disposal. She never asked us to
10 leave. She told us the story verbally, as I said.
11 And then she turned around again and wrote the
12 statement afterwards.

13 Q. There was not -- was there any extended
14 period of time where you weren't talking about the
15 case, or was it pretty much the whole from 10:51 to
16 4:30?

17 A. While she was writing it?

18 Q. Yeah.

19 A. We would just let her go with her writing.

20 Q. But she never requested a break or
21 anything like that?

22 A. No, because she was at her house.

23 Q. And then on the next day, she called you
24 to tell her to come to your house.

25 A. At first she had called and advised that

Investigator Dubose-Cross by Bridges

1 she had received some threats via a text message.

2 Actually she said she got a message. And the

3 message said, don't close your eyes, bitch, you're

4 dead.

5 Q. And then you went to her residence.

6 A. That's right. We went back to her

7 residence so we could, you know, see -- she assumed

8 that it was Ms. Milhorn.

9 Q. And then, then did you ask her to call
10 Ms. Milhorn, or she said she could call Ms. Milhorn?

11 A. She said she would. And I did, I asked
12 her, I said, if you will call her, we're going to
13 record the phone calls, which we did.

14 Q. So you did notify---

15 A. The attempts, right.

16 Q. So you did notify that you were going to
17 record them.

18 A. Yeah, she was there with us. I was going
19 to record her. She knew exactly what we were
20 doing. We had to prep the call before the tape.
21 And then she would make the phone call. She just
22 didn't make contact with her. She left her several
23 messages. And then I believe at one time she did --
24 Ms. Milhorn would call her back.

25 Q. And she didn't -- you didn't mirandize her

Investigator Dubose-Cross by Bridges

1 at that time at her house when you came to record.

2 A. No.

3 Q. And then later when Milhorn gave you those
4 text messages, were you able to pull a, like a
5 technical reality call log with that?

6 A. We downloaded her phone, which downloaded
7 the messages. But also in the -- when we
8 photographed them from the phone, it showed her
9 naming stuff at the top, and who she was having a
10 conversation with. But the phone was also
11 downloaded. That was on a disk.

12 MR. BRIDGES: Well no further questions.
13 Thank you, Mr. Dubose.

14 THE COURT: Mr. Corbett.

15 MR. CORBETT: Judge, nothing in follow up.

16 THE COURT: You may step down, sir.
17 Anything you want to say, Mr. Corbett?

18 MR. CORBETT: Judge, we would just for a
19 finding from the court that the statements of
20 Ms. McWilliams were free and voluntarily given.
21 With regard to the first statement, that she was
22 being interviewed as a witness, that she was not in
23 custody. Your Honor, that the statement be
24 admissible. And then with regard to the second
25 statement and any subsequent conversations with the

1 officers, that she had been properly mirandized, and
2 that the statements were freely and voluntarily
3 given.

4 THE COURT: Mr. Bridges.

5 MR. BRIDGES: Thank you, Your Honor. The
6 statement that was given at 4:30 and the miranda
7 waiver at 10:53, I agree are valid and voluntary.
8 I do have an issue with the first statement at
9 10:51. The investigator testified that she was not
10 mirandized at that time. She wasn't aware that that
11 statement was used against her. And then very
12 shortly just two minutes afterwards, she is advised
13 of her rights. I would say this is very close to
14 being custodial interrogation. And in the abundance
15 of that, I would believe that she would have to be
16 mirandized for that 10:51 statement to be submitted
17 as voluntary, because of how close it is to then
18 becoming a custodial interrogation.

19 THE COURT: Yes, sir. I have considered
20 the information I heard, and I find that in all of
21 this, there was no deprivation. This occurred not
22 at the police department, the sheriff's department,
23 the holding cell, the jail, the police car or
24 anything like that, that it happened at the house,
25 as I recall, at the kitchen table. I find there is

1 no coercion here, no force, and I adopt those
2 post-findings offered by Mr. Corbett. And would
3 note that Mr. Bridges has done well to protect his
4 client's rights, and just simply find that it's all
5 acceptable.

6 MR. CORBETT: Judge, and the one last
7 thing would like to address with the court. If the
8 court bear with me just one moment. I have printed
9 out an NCIC criminal history report on the victim in
10 the case.

11 THE COURT: Yes, sir.

12 MR. CORBETT: And I am going to provide
13 Mr. Bridges with that. Unfortunately my copy
14 printed out lightly, but I don't think this is any
15 kind of matter that we can't -- that we would, I
16 believe it's the kind of matter that we can quickly
17 resolve in the morning, if it is in fact a matter.
18 It does appear that the victim has a prior
19 conviction from 2009. So that may very well be an
20 impeachable offense.

21 THE COURT: Yes, sir.

22 MR. BRIDGES: I have nothing further, Your
23 Honor.

24 MR. CORBETT: And, Judge, in our previous
25 discussions with Mr. -- excuse me, Judge Russo, I

1 believe he instructed our jury to return at 9:30 in
2 the morning.

3 THE COURT: Yes, sir.

4 MS. BRIDGES: And additionally, I just
5 want to ask about the procedure. Is that when the
6 bailiff would have to go outside and announce her
7 name, just for the TIA procedure?

8 THE COURT: I think so. The bailiff may
9 know better than I do about that.

10 MR. BRIDGES: When you guys do a trial in
11 someone's absence, isn't it required that the
12 bailiff go out and announce the names?

13 THE CLERK: Only when the judge instructs
14 us.

15 THE COURT: We'll do it in the morning.

16 MR. BRIDGES: I was just making sure.

17 MR. CORBETT: Judge, perhaps for
18 protection of the record, the appropriate thing to
19 do tomorrow would be to sound the name of the
20 defendant in the hallway of the courthouse.

21 THE COURT: Yes, sir.

22 MR. BRIDGES: I just wanted to make sure
23 of that.

24 THE COURT: By all means. Anything else?

25 MR. BRIDGES: I have nothing further, Your

1 Honor.

2 MR. CORBETT: Judge, I'm just trying to
3 make sure, because I don't want to burn any of your
4 time tomorrow morning.

5 THE COURT: You're not bothering me a bit.

6 MR. CORBETT: Judge, the only other thing
7 I would alert the court to is, I had asked last
8 week I sent a transport order to the South Carolina
9 Department of Corrections for Whitnii Milhorn, with
10 a requested time of 9 o'clock. They're usually
11 pretty good about being here on time. So I would
12 anticipate speaking briefly with Ms. Milhorn at
13 9 o'clock in the morning, and then coming straight
14 to the courtroom.

15 THE COURT: Folks, I know how my court
16 runs. We're okay. Thank you all.

17 MR. CORBETT: Thank you, Judge.

18 MR. BRIDGES: Thank you, Your Honor.

19 (Whereupon, the trial commences on
20 Tuesday, June 20th 2017, at 9:30 a.m.)

21 THE COURT: Is there anything we need to
22 address before the the jury comes in?

23 MR. CORBETT: On your left hand side of
24 your monitor, I believe it is.

25 THE COURT: Yes, sir.

1 MR. CORBETT: There should be a button
2 near the top right that says reject.

3 THE COURT: Yes, sir.

4 MR. CORBETT: If you would press that
5 button for me please, sir.

6 THE COURT: It's blinking red.

7 Mr. CORBETT: I just wanted to make sure
8 we turned off all the monitors. And, Judge, those
9 monitors will remain off until the item is actually
10 admitted into evidence and accepted.

11 THE COURT: Are we therefore ready?

12 MR. CORBETT: The State is ready Your
13 Honor.

14 MR. BRIDGES: The defense is ready, Your
15 Honor.

16 THE COURT: Yes, sir. If you would bring
17 them in.

18 (Whereupon, the following takes place
19 within the presence of the jury.)

20 THE COURT: Sir, will you go ahead and
21 administer the oath, please to them.

22 (Whereupon, the jury is sworn.)

23 THE COURT: Ladies and gentlemen of the
24 jury, we are getting ready to start a criminal trial
25 here today. The lawyers will have what we call

1 opening statements, which are not evidence. And
2 then the trial will progress from that point
3 forward. We may take breaks from here, from time to
4 time for legal matters and for other reasons. At
5 no time until you are instructed to do so, should
6 you attempt or even engage in any negotiations,
7 deliberations, consideration, or conversations about
8 this trial or the evidence. And as far as a foreperson
9 from yesterday, Ms. Lybrand.

10 MS. LYBRAND: Yes.

11 THE COURT: Would you please, ma'am, serve
12 as the foreperson of the jury. And, Mr. Bailiff,
13 where does the foreperson normally sit in this jury
14 box.

15 THE CLERK: Your Honor, they normally
16 would sit in the first seat right there.

17 THE COURT: If you all will simply trade
18 places, please.

19 THE CLERK: Like I say, it's up to your
20 discretion. They can stay where they are at, or
21 however you want to do.

22 THE COURT: Well just for the sake of
23 knowing, you know. In some of these other counties,
24 they all stay in the same seat from here on out. Do
25 you all do that here?

1 THE CLERK: Yes, sir.

2 THE COURT: Let me ask you all, please,
3 when return from breaks and so forth, sit where
4 you're now for the sake of orderliness. Gentleman.

5 MR. CORBETT: Thank you, Your Honor. May
6 it please the court. Madam Forelady, Ladies and
7 Gentlemen, good morning. I want to talk to you
8 about some serious matters. Before I get into
9 serious matters, I want to tell you that many years
10 ago, I was in a class, and someone said, I can't
11 hear what you're saying because you walk around so
12 much. So after that, I started putting this lecturn
13 right in the middle, and I had to train myself to
14 always kept a hand on it, so that I don't end up
15 wandering around the courtroom while I'm trying to
16 talk to you.

17 On to serious matters. The morning of
18 September 26th 2014, Mr. Aycock was at his home.
19 And as his fairly normal practice he had some help
20 coming in, helping with housecleaning. And on that
21 particular morning, it started off like many other
22 mornings, where Sabrina McWilliams came to his house
23 for what he believed to be -- to provide some
24 housecleaning services. Little did he know that not
25 long after that, he would be injured in a very, very

1 frightening manner. Because what happened was, he
2 was hit in the head with a hammer. He was attacked.
3 In his own home, attacked. Now when we go through a
4 case like this, and I make a statement to you, you
5 know that that's not evidence. I'm Jason Corbett
6 standing here telling you that. But where is the
7 evidence of that going to come from. Right here.
8 It's going to come from this witness chair. It's
9 going to come from exhibits that you get to see.
10 Items of evidence. And that's what you will have to
11 base your decision on. And I will tell you that
12 this case is a little bit out of the ordinary.
13 Because you will see that Sabrina McWilliams trial
14 for conspiracy. She is on trial for burglary in the
15 first degree. And she is trial for attempted armed
16 robbery.

17 Now what if I were to tell that the
18 person who hit Mr. Aycock in the head with a hammer
19 was not Sabrina McWilliams. Is your first thought,
20 then why I am sitting here. What if I were to tell
21 you that it wasn't Sabrina McWilliams who attempted
22 to take property from Mr. Aycock. You would say why
23 I am sitting here. That brings us back around to
24 this notion of conspiracy and parties to the crime.
25 Now ultimately the judge will charge you on law at

1 the conclusion of the case. And you are bound by
2 your oath to accept that law from him. Why is that
3 the case, because if I got up here and made
4 something up, you can't do it that way. You have to
5 go with the law as the court charges it. But I will
6 do my best to accurately convey to you why this is
7 an important point in this trial. A conspiracy is
8 when two or more people plan to commit a crime
9 together. That's what a conspiracy is.

10 Now if a person commits a crime with your
11 assistance, you're an aider and abettor, and you are
12 part of the crime. A simple way of saying it is,
13 the hand of one is the hand of all. So for example,
14 if you and another person get together and plan to
15 rob somebody, and over the course of that, you text
16 each other with a plan, where the texting is almost
17 happening in real time to the crime, and if you are
18 present when the crime is committed, and then you
19 attempt to cover up the crime, that makes you guilty
20 of the crime. You plan it, you set it up, you told
21 them to come in the house, and you are there when it
22 happens, and then you try to cover it up. That
23 makes you part of the crime. Your hand is in it
24 just as much as the held the hammer.

25 And that's what this is case is about. It

1 about setting up someone to be robbed. It is about
2 having no dis -- it is about complete disregard for
3 their safety, and their well being. It is about
4 encouraging the use of an instrument to injure them,
5 because you want the medicine. That you would be a
6 part of knocking somebody in the head with a hammer
7 because you want their medicine. That's what this
8 case is about. You know when I stand up here and I
9 have been doing this for a number of years, and
10 sometimes people say well, Jason why did they do it.
11 And I have got to tell you, through the years this
12 is what I have come up with. I said, guys, there's
13 evil in the world. There's evil intent in the
14 world. And it doesn't have an explanation. It just
15 is. Can I explain to you why people do mean things.
16 Can I explain to you why people do dastardly deeds.
17 Cowardly acts. Can I explain to you why people act
18 with complete disregard for a person's life over
19 pills. I can't explain that. I can tell you that
20 it happens, but I can't explain it. So on that day
21 Mr. Aycock in his house, minding his own business is
22 set up. He is set up to be robbed.

23 Ladies and gentlemen, as we go through
24 this trial, remember I said it's a little bit out of
25 the ordinary. What I anticipate and expect to

1 happen is that the person who actually hit
2 Mr. Aycock in the head with a hammer, will be on
3 that witness stand to tell you how it came about
4 that day. And will you be taking their word for it.
5 To some extent, yes. But in this day and age, those
6 cell phones hold a lot of information. And when you
7 start texting your devious plans, it's not that hard
8 to leave a trail behind. And you will get to see
9 that evidence in this courtroom.

10 Ladies and gentlemen, at the end of the
11 day after you've heard the evidence, what I'm going
12 to do is stand up here and ask you to convict
13 somebody. And you may be thinking at this moment,
14 really, I've got to convict somebody. I have to say
15 the word, guilty. If that's what the evidence
16 shows, that's what your oath requires. A true
17 verdict you will render according to the evidence.
18 That's the oath that you took just a few moments ago
19 when you became jurors in this case. A true verdict
20 according to the evidence. And that's all any of us
21 can ever ask of you. Thank you.

22 MR. BRIDGES: Thank you, Your Honor. Good
23 morning, Ladies and Gentlemen of the jury.

24 THE JURY: Good morning.

25 MR. BRIDGES: First, I'd like to extend my

1 gratitude for your service today. I know jury duty
2 is often the last thing you want to do, but it is
3 essential to our society that we have fair jury
4 trials, and we really could not be here. I greatly
5 appreciate for your time and attention this week.

6 Now in all criminal trials, it's important
7 to note, the State has the burden of proving each
8 element of everything that the defendant is charged
9 with. That means that my job as defense attorney is
10 not to prove Sabrina McWilliams is innocent, or she,
11 it's not on her to prove her innocence at all. It's
12 on State to prove each element of what she's charged
13 with first degree burglary, conspiracy, the
14 attempted armed robbery beyond a reasonable doubt.
15 Now I submit to you as you hear, and as you look at
16 the evidence, there is much, this is much reason to
17 doubt that Sabrina McWilliams was guilty of any
18 offense. There's a lot of things that aren't in
19 dispute in this case. The solicitor mentioned that
20 Ms. McWilliams didn't -- it's undisputed that she
21 did not attack Dr. Aycock with that day. Nobody is
22 saying that she was the one that held the hammer.
23 So it's not disputed that she remained on the scene.
24 She rendered aid to Dr. Aycock, and that she talked
25 to law enforcement that day, and that she cooperated

1 with law enforcement. And this is not the behavior
2 of the person who is engaged in conspiracy or a,
3 you know, any attempt to rob the doctor that day.

4 And as the solicitor said, most of this
5 rests upon you believing the person who admitted to
6 hitting Dr. Aycock that day, Ms. Whitnii Milhorn,
7 who had already pled guilty, and received a reduced
8 charge in exchange for her assistance in this case.
9 So anything she says, I want you to keep in mind
10 that she got a deal out of this, and that it was
11 beneficial to her to cooperate and say what she said
12 to law enforcement. And there's also a third person
13 that you're probably not going to hear much from the
14 State, and was actually it was very important to
15 hear in this case. And this third person, Matthew
16 Brogdon, who was originally charged. You might have
17 heard the indictment read that he was considered an
18 accessory in the case at one point. He was
19 Ms. Milhorn's boyfriend at the time. And I would
20 say a lot of what you would see in these messages
21 has to do with the fact that I think Ms. Milhorn was
22 trying to cover up his level of involvement. That
23 he was in fact, deeply involved in this robbery, and
24 she wanted to protect him. And she conveniently had
25 Ms. McWilliams to pin a lot of this stuff on.

1 Now as far as the text messages go, there
2 is, you know, a lot that can gleamed from text
3 messages. But they're also disjoint of any kind of
4 technical verification that you're won't see a print
5 out of a phone record saying message was sent to
6 this person at this time. You might see screen
7 shots of text message of maybe the phone itself, but
8 you're not going to see any representative of the
9 phone company, or any kind of technical expert
10 verify that this message was sent to this person at
11 this time.

12 What the State says, you're going to have
13 to take Whitnii Milhorn's for it. Whitnii Milhorn
14 has got a lot to benefit by saying that those text
15 messages went to Sabrina McWilliams. So again, I
16 thank you for your time and attention. And at the
17 conclusion of this trial you will see that the State
18 has not met their burden, and that there are many,
19 many holes in this case they're trying to pin on
20 Ms. McWilliams. And at the end of the day, the
21 State won't be able to prove their case. Thank you.

22 THE COURT: Mr. Corbett.

23 MR. CORBETT: Thank Your Honor. The State
24 would call George Aycock to the stand.

25 George Calhoun Aycock, being first duly

1 sworn, testified as follows: is

2 THE CLERK: State your name for the
3 record, and spell your last name, please.

4 A. George Calhoun Aycock, Jr. Last name is
5 A-Y-C-O-C-K.

6 Direct Examination by Mr. Corbett:

7 Q. Mr. Aycock, good morning. Now if you
8 would, please, tell us where you live.

9 A. [REDACTED] Lakewood Drive in Lakewood, Sumter,
10 Sout Carolina.

11 Q. And is that here in Sumter County?

12 A. Yes, it is.

13 Q. Now just for a little bit of context, I'm
14 going to ask it this. When you said, Lakewood, I
15 live down Clarendon Way, so I travel 15 every day.
16 So if I'm heading down 15 South where it turns from
17 I guess two lanes to four lanes, and I pass the Food
18 Lion and the Shrine Club, I keep on going down a few
19 miles, is that correct?

20 A. Correct.

21 Q. I pass the new Tanner's on the left, the
22 Sportsman's Corner on the right, and then the
23 entrance to Lakewood is just past that, is that
24 correct?

25 A. That's correct.

George Aycock-Direct by Corbett

1 Q. Where the four lines are on Highway 15.

2 A. Right.

3 Q. I just want to make sure we were talking
4 about the same area. Now, Mr. Aycock, do you recall
5 the morning of September 26th of 2014?

6 A. I do.

7 Q. Were you home that day?

8 A. I was.

9 Q. Now let me back up just a moment there and
10 ask you, do you know a Sabrina McWilliams?

11 A. I do.

12 Q. And how do you know her?

13 A. She had started working for me a couple of
14 weeks prior to that, as my maid and house cleaner.

15 Q. So she had been to your house before.

16 A. Correct.

17 Q. What is your estimate on how many times
18 before?

19 A. Seven or eight times.

20 Q. And did she have basically access to most
21 of your house?

22 A. She did.

23 Q. And she would just come there to do house
24 work, is that correct?

25 A. That's correct.

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1 Q. Now would you be home on these occasions?

2 A. Yes.

3 Q. Were there ever occasions where you
4 weren't there?

5 A. There might be. I don't recall during her
6 time that I ever left.

7 Q. So typically you were there at the house.

8 A. Yes, sir.

9 Q. Is that right?

10 A. Yes, sir.

11 Q. Now in this particular instance, do you
12 remember the time of day that it happened?

13 A. Yes.

14 Q. Just generally is what I am asking.

15 A. In the morning.

16 Q. In the morning time. So she came to your
17 house that morning, is that correct?

18 A. Correct.

19 Q. And if you would please, tell us what
20 happened that day.

21 A. She came to work. The house was open, so
22 she came in.

23 Q. Pull that microphone a little closer to
24 you. One of the reasons I stand back here is, I
25 want you have the mind set of trying to talk to me

George Aycock-Direct by Corbett

1 down here so we can hear you.

2 A. And so she came on in, and announced
3 herself. And I was upstairs in my office doing some
4 work on the computer. I don't know, 30, 45 minutes
5 later she called down and said the vacuum cleaner,
6 wouldn't work, which I thought was odd, because it
7 was new. And she asked me to come down and help
8 her. I go downstairs and make a left turn into the
9 kitchen towards the vacuum cleaner, and I was
10 rushing so I didn't realize. And suddenly, I felt a
11 big hit to my head, and went to the ground. And
12 then all of a sudden there's this person on top of
13 me, hitting me in the head several times.

14 Eventually I get her or him or whoever at
15 the time, the person on the ground, and take a
16 hammer from them, which I assume that's what they
17 hit me with. And at that time, I asked her what in
18 the heck is she doing. And she ran out the front
19 door. Or he or the person did.

20 Q. So you didn't know who it was that hit
21 you.

22 A. No, at the time I thought it was a guy.

23 Q. How were they dressed?

24 A. Well they had black and white pants on. A
25 hoody, and it was kind of pulled over their face, so

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1 I couldn't really see them. They looked like a guy.

2 Q. Mr. Aycock, I am going to show you and I
3 want you to be careful handling it. It looks like
4 it may have some blood residue on it. I'm going to
5 show you what's been marked for identification as
6 No. 37, and ask if you recognize this.

7 A. That's a hammer of mine.

8 Q. To your knowledge, was that the one that
9 you took from the assailant?

10 A. Yes.

11 Q. And do you remember, was this hammer still
12 at your house?

13 A. Yes. I had used it earlier that morning
14 in the bathroom.

15 Q. After you were assaulted, where was that
16 hammer?

17 A. In my hand.

18 Q. And did you turn it over to the police?

19 A. Correct.

20 MR. CORBETT: Your Honor, at this time we
21 would offer hammer marked as State's 37, as Exhibit
22 37.

23 THE COURT: Sir?

24 MR. BRIDGES: No objection.

25 THE COURT: In.

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1 (Hammer marked State's Exhibit No. 37 into
2 evidence.)

3 (Photo marked State's 32 for Id.)

4 Q. Now, Mr. Aycock, I am going to show you
5 what's been marked as State's Exhibit No. 32 for
6 identification, and ask if you can look at that
7 sheet of photographs and tell us what we're looking
8 at.

9 A. Well the top right is my house in front.
10 I don't know what this is on the left. These were
11 my pants that I had on when I was attacked. And
12 that's a part of my dresser.

13 Q. Now I am going to show you, and I am going
14 to come back to 32 in a moment, but I am going to
15 show you what's been marked as for identification as
16 State's Exhibit 33, and ask if you can identify that
17 series of four photographs.

18 A. Yeah, I do.

19 Q. Tell us what we're looking at there.

20 A. The top left is a picture of my right
21 side with blood all over me, where I was cut in the
22 head pretty badly. The bottom left is my front
23 door. This is my front door. The top right is the
24 pictures of the vacuum cleaner. And in my family
25 room where we finished up wiping up the blood on the

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1 floor. And down at the bottom is a back view of my
2 head with blood all in my hair. And yeah, that's
3 Sabrina right there in the picture.

4 MR. BRIDGES: No objection.

5 MR. CORBETT: Your Honor, at this time we
6 would offer State's 33 into evidence.

7 THE COURT: It's in.

8 (Photograph of four marked State's Exhibit
9 No. 33 into evidence.)

10 MR. CORBETT: Your Honor, if I may please
11 have access to the screens.

12 Q. Now, Mr. Aycock, are you able to see that
13 picture on your screen?

14 A. No. It's just a picture of me.

15 Q. Judge, if I may see If I can.

16 A. There's a picture.

17 Q. Very good. Now what is that a --
18 now, Mr. Aycock, tell us what we're looking at in
19 this top picture.

20 A. That's a picture of my right side with
21 blood all over me.

22 Q. Those marks in your hair and on your face,
23 that's blood?

24 A. Yes, sir.

25 Q. And this photograph here.

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1 A. My front door.

2 Q. That's your address there in---

3 A. Correct.

4 Q. ---in Lakewood.

5 A. Correct. That's the one of the family
6 room and the floor, where there's blood all over the
7 floor where we ended up fighting or tussling
8 whatever. And that's the back of my head with some
9 blood in my hair. And the top left there is Sabrina
10 McWilliams.

11 Q. If you would take a moment to look at
12 these next three sheets. And let me first ask if
13 you can identify them.

14 A. These are pictures of me, so far as I see,
15 and my scalp with blood in it, all in my hair.
16 Several more pictures of me. A picture with a
17 hammer on the floor. A picture where my hand was
18 bruised. Blood on my pants. There is some blood on
19 the Sabrina's arm, I think. And blood on some
20 pants.

21 Q. Now do those pictures and for that matter,
22 the previous one I showed you, do they accurately
23 reflect your condition on the morning of September
24 26th 2014, after you were assaulted?

25 A. Pretty much, yeah.

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1 MR. CORBETT: Your Honor, at this time, we
2 would offer State's 34, 35 and 36 into evidence.

3 THE COURT: Any objection?

4 MR. BRIDGES: None, Your Honor.

5 THE COURT: They're in.

6 (Photographs marked State's Exhibit Nos.
7 34-36 into evidence.)

8 Q. Mr. Aycock, I know these are going to be a
9 little repetitious, but tell us what we're looking
10 at here.

11 A. That's a picture of my scalp with hair and
12 blood all in it.

13 Q. How about this bottom picture.

14 A. That's a side view, the same thing. Blood
15 on my neck, face, hair. There was a lot of
16 bleeding.

17 Mr. CORBETT: And, Judge, that was Exhibit
18 34 we were referring to.

19 THE COURT: Thank you, sir.

20 Q. I am now going to refer to Exhibit 35.

21 A. That's a picture, a front view of me, with
22 blood all over me. And my hammer. More pictures of
23 my hair and blood. My face with blood on the side,
24 the right side.

25 Q. And I apologize for the repetition, but I

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1 just wanted to make sure we covered it. Do you know
2 what this picture is?

3 A. Yeah, that's some blood on my hand. Or
4 Sabrina's. I can't tell whose hand.

5 Q. Now in this picture, what do we see in
6 this one?

7 A. I just see some blood on some pants.

8 Q. Do you know if they were your pants or
9 somebody else's?

10 A. I had shorts on.

11 Q. And those are long pants?

12 A. Right.

13 Q. And who was the only other person there?

14 A. Sabrina. This is kind of bright, and I
15 can't see real well. But there is some blood on the
16 long pants again. That would be Sabrina's pants.
17 And that's Sabrina's arm with blood on it.

18 Q. Now, Mr. Aycock, I sort of stopped you
19 there in midstream to look at some of the
20 photographs of the aftermath that day. You were
21 describing when you were assaulted with the hammer,
22 that you got the hammer from the assailant.

23 A. Correct.

24 Q. And did you hit them?

25 A. Lightly, one time.

George Aycock-Direct by Corbett

1 Q. And what happened after that?

2 A. That's when I asked the person what in the
3 heck were they doing, and they ran out of the house,
4 the front door.

5 Q. At that point and time, did the person get
6 anything?

7 A. No.

8 Q. Didn't take anything from your person.

9 A. No.

10 Q. And I believe you've already testified to
11 this, but that person you didn't know.

12 A. No.

13 Q. And I apologize for it being a silly
14 sounding question, but they didn't have consent to
15 come in your house and hit you with a hammer.

16 A. Absolutely not.

17 Q. After the person fled, what happened next?

18 A. Well I realized how -- that I was bleeding
19 a lot, and I asked Sabrina to get a towel. And
20 eventually got some ice out of the refrigerator, so
21 I could put on there to stop the bleeding, and I was
22 holding pressure to it. And I had her call the
23 police.

24 Q. So the two of you remained there until the
25 police arrive, is that correct?

George Aycock-Direct by Corbett

1 A. Correct.

2 Q. Now, Mr. Aycock, did you have any
3 prescription medication in your house at this time?

4 A. I did.

5 Q. What type of medication do you have in
6 your house?

7 A. I had strong pain medicine.

8 Q. Do you remember what that was called?

9 A. Oxycontin.

10 Q. Now with regard to the medication that you
11 kept in your house, had you become concerned about
12 the security of that?

13 A. I had. Because shortly after Sabrina
14 started working for me, pain---

15 MR. BRIDGES: Objection. Speculation.
16 Relevance about Sabrina -- no medication was taken
17 from him during this robbery. And I would object to
18 this.

19 THE COURT: Mr. Corbett, what was your
20 question again, sir?

21 MR. CORBETT: Had he become about -- had
22 he become concerned about the security of his
23 medication.

24 THE COURT: I will allow that in, sir.

25 A. And, yes. Right after Sabrina started

George Aycock-Direct by Corbett

1 working for me, 90 pills went missing. So I moved
2 them from the original place, and had them up in my
3 study.

4 Q. Now you indicated that during the initial
5 assault that nothing was taken from you, is that
6 correct?

7 A. Correct.

8 Q. Now on this particular day, did you have
9 any of your medication on your person?

10 A. I did. I keep a small bottle of medicine
11 with me, so if I'm not at home, I have access to it.
12 I had three neck surgeries, and that's why I am on
13 this medicine.

14 Q. I'm sorry, you said three neck surgeries?

15 A. And one back surgery.

16 Q. So the day that you were hit, you were
17 injured by virtue of your scalp being cut open?

18 A. Correct.

19 Q. Now did you go to the hospital?

20 A. No, I didn't.

21 Q. But it was bleeding rather severely.

22 A. Yeah, it was.

23 Q. Now you formerly practiced medicine, is
24 that correct?

25 A. Correct.

George Aycock-Direct by Corbett

1 Q. So you were able to render some aid to
2 yourself.

3 A. Yes, I was able to stop the bleeding
4 eventually.

5 Q. Now do you know an individual named
6 Whitnii Milhorn?

7 A. I do now.

8 Q. At the time did you?

9 A. No.

10 Q. You did not know the person.

11 A. No.

12 Q. Now, Mr. Aycock, I'm going to show you
13 what's been previously marked for identification as
14 Stated Exhibit 38, and you may or may not recognize
15 that. Do you recognize it?

16 A. I do. That's an ice pick I had.

17 Q. That's from your residence as well.

18 A. Correct.

19 Q. Was it taken by the police as part of
20 their investigation?

21 A. It was.

22 MR. BRIDGES: No objection, Your Honor.

23 (Ice pick marked State's Exhibit No. 38
24 into evidence.)

25 Q. Now I want you to look at that for a

George Aycock-Cross by Bridges

1 moment. You had indicated after the assault,
2 Ms. McWilliams stayed at the residence.

3 A. She did.

4 Q. Was it her or you that called 911?

5 A. She did.

6 Q. So she called 911, and helped you get
7 cleaned up from the bleeding.

8 A. Correct.

9 MR. CORBETT: Mr. Aycock, please answer
10 questions Mr. Bridges may have for you.

11 THE COURT: Mr. Bridges, sir.

12 MR. BRIDGES: Thank you, Your Honor.

13 Cross Examination by Mr. Bridges:

14 Q. Good morning, Mr. Aycock. You have been a
15 doctor for a number of years..

16 A. I was.

17 Q. How long did you practice medicine?

18 A. Since 1978.

19 Q. When did you stop practicing medicine?

20 A. About eight or nine years ago.

21 Q. Was it around 2009?

22 A. That's correct.

23 Q. Was there anything that caused you to lose
24 your license, or to prevent you from practicing
25 medicine?

George Aycock-Cross by Bridges

1 A. Yeah---

2 MR. CORBETT: Your Honor, may we approach?

3 THE COURT: Yes.

4 (Whereupon, the attorneys approach and
5 confer with judge.)

6 Q. In 2009, when you stopped practicing
7 medicine, was there an administrative or legal
8 reason that prevented you from practicing medicine?

9 A. No, I resigned my license. I turned it
10 in.

11 Q. Did at any point did you lose your ability
12 to prescribe medicine, or your ability---

13 A. No.

14 Q. ---write a prescription for controlled
15 substances?

16 A. Only after I turned my license in.

17 Q. Were you ever subject to an DEA
18 investigation?

19 A. I was.

20 Q. And were there findings that you should
21 not allowed to prescribe medicine after that?

22 A. No. Their findings was that I was
23 prescribing incorrectly narcotic medication, which
24 was wrong.

25 Q. And did these types of medicine include

George Aycock-Cross by Bridges

1 Oxycontin and Roxicodone?

2 A. It included everything of controlled.

3 Q. Were you ever convicted of any crimes
4 involving the dispensing of controlled substances?

5 A. I was.

6 Q. And were these federal or state crimes?

7 A. Federal.

8 Q. Were you ever convicted of aiding and
9 abetting in the unlawful distribution of a
10 controlled substance?

11 A. That was the charge. I don't know the
12 exact charge.

13 Q. But you did -- did you serve any time in
14 federal prison?

15 A. Eight and a half months.

16 Q. Did you have probation after that?

17 A. Three years.

18 Q. And when you a doctor in Sumter, did you
19 ever see patients in your house?

20 A. When I was opening up a pain management
21 office for a month or two I did.

22 Q. And then that was the residence that this
23 incident occurred in.

24 A. Uh-huh. (Affirmative.)

25 THE COURT: Doctor, is that yes or no?

George Aycock-Cross by Bridges

1 A. Yes. I am sorry.

2 Q. And your practice is primarily concerned
3 with pain management?

4 A. This practice was.

5 Q. Your practice in Sumter.

6 A. Right.

7 Q. And are typical pain medicines just for
8 the purpose of the jury, Oxycontin and Roxicodone,
9 are those often used in pain---

10 A. It's a variety of different things, from
11 muscle relaxers to controlled management pain, to
12 milder pain medicine, to a stronger. It just
13 depends on the situation.

14 Q. And you had a some quantity of this
15 medication in your house. Let's go to the incident
16 of September 2014. Now you had some medications in
17 your house then.

18 A. I did.

19 Q. But they're all under your prescription,
20 or prescribed to you.

21 A. By a physician.

22 Q. By a physician, yes, sir. Now you said
23 Sabrina started working for you in August about.

24 A. It had been two or three weeks before the
25 incident occurred.

George Aycock-Cross by Bridges

1 Q. And so and she had been over to your house
2 about seven times?

3 A. Roughly.

4 Q. Do you -- did you give her a key?

5 A. No.

6 Q. Did she -- did she just announce her
7 presence when she came over?

8 A. Right.

9 Q. Did you tell her -- did you guys work out
10 ahead of time when she would come over, or would she
11 just kind of come over?

12 A. A lot of times she popped in, unexpected.

13 Q. But you never told her to go away, or this
14 is a bad time.

15 A. No.

16 Q. So when she showed up and said she wanted
17 to clean, you let her in.

18 A. Yes.

19 Q. And that day on the 26th, she announced
20 her presence and she said---

21 A. Yes.

22 Q. ---she was coming over. And you let her
23 in.

24 A. Yes.

25 Q. And she had your permission to be there.

George Aycock-Cross by Bridges

1 A. Yes.

2 Q. Now let's go to, may I approach, Your
3 Honor?

4 THE COURT: Yes, sir.

5 Q. And this is marked as State's Exhibit 36.
6 There is blood, and you indicated that was on maybe
7 Sabrina's pants and her arm?

8 A. Correct.

9 Q. Was that because she hit you with
10 anything?

11 A. No.

12 Q. Was that because she assisted you in
13 treating your wound?

14 A. Yes.

15 Q. So in no way did she attack you that day
16 in any kind of way.

17 A. No.

18 Q. When the police arrived, you described the
19 suspect originally as a male?

20 A. Correct.

21 Q. Did you really get a good look at who it
22 was?

23 A. I didn't see their face.

24 Q. And I believe you told us you've got --
25 you did hit the suspect once with a hammer.

George Aycock-Cross by Bridges

1 A. Correct.

2 Q. At any point was the ice -- was an ice
3 pick involved or used in any way?

4 A. No.

5 Q. Were you aware of anybody else being in
6 your house that day?

7 A. Not before I was hit.

8 Q. Would you typically interact with Sabrina
9 when she was cleaning your house?

10 A. Yes.

11 Q. So you would talk to her.

12 A. Yes.

13 Q. Would she call you -- would she ask you
14 certain questions about things to clean, or certain
15 ways that you wanted things cleaned?

16 A. Yes.

17 Q. So it was not unusual for her to call you
18 and talk to her about something she was doing in
19 your house.

20 A. No, it was just unusual that the vacuum
21 cleaner was broken.

22 Q. So would she bring -- were those yours
23 supplies, or were those her supplies?

24 A. My supplies.

25 Q. Your supplies. And before that day, you

George Aycock-Cross by Bridges

1 had never -- you had never heard the name Whitnii
2 Milhorn or seen it Whitnii Milhorn.

3 A. No.

4 Q. Have you ever heard the name Mat Brogdon?
5 Matthew Brogdon?

6 A. Not before that.

7 Q. And whoever attacked you, they ran out the
8 front door?

9 A. Correct.

10 Q. And they didn't say anything.

11 A. No, sir.

12 Q. And you -- but Sabrina stayed with you
13 until the police showed up.

14 A. She did.

15 Q. And when she left did she like, she didn't
16 run or anything. She calmly just kind of left as
17 she normally does at the end?

18 A. I think she had someone pick her up.

19 Q. She had someone pick her up.

20 A. Yeah.

21 Q. And this was after the police had showed
22 up to talk to you?

23 A. Yes.

24 Q. Did you see her talk to the police?

25 A. Yeah, we were in the kitchen.

George Aycock-Redirect by Corbett

1 MR. BRIDGES: Thank you Mr. Aycock. No
2 further questions.

3 A. Thank you, sir.

4 THE COURT: Mr. Corbett.

5 MR. CORBETT: Briefly, Your Honor.

6 Redirect Examination by Mr. Corbett:

7 Q. Mr. Aycock, you were asked a moment ago,
8 did you see Ms. McWilliams speak to the police
9 officer. Did you hear anything that she said to the
10 police?

11 A. I did.

12 Q. Did she describe the assailant?

13 A. She did.

14 Q. Do you remember how she described the
15 assailant?

16 A. Similar to the way I did, as a Mexican or
17 Asian. Black hair, ponytail.

18 Q. So did she say anything additional? She
19 said Asian?

20 A. Asian or Mexican.

21 MR. CORBETT: Thank you. That's all that
22 I have.

23 THE COURT: Mr. Bridges.

24 MR. BRIDGES: No redirect. No recross,
25 Your Honor.

George Aycock-Redirect by Corbett

1 THE COURT: Okay, sir. Yes, sir.

2 MR. CORBETT: Your Honor, if it pleases
3 the court, the State intends to call Whitnii
4 Milhorn as the next witness. However, I do believe
5 there is a legal matter we need to address before
6 the court.

7 THE COURT: Sir, if you would take the
8 jury to the jury room while we review this legal
9 matter. Ladies and gentlemen, do not discuss this
10 case in any way, please. Thank you.

11 (Whereupon, the following takes place
12 outside the presence of the jury.)

13 THE COURT: Yes, sir.

14 MR. CORBETT: Judge, I just wanted to
15 alert the court, I was going to put Whitnii Milhorn
16 on the stand, and ask her what if anything happened
17 that day. She is currently in the Department of
18 Corrections. My experience has been, it's a little
19 bit of a wild card of how someone is going to react
20 in the courtroom when they get here from the
21 Department of Corrections. But I do intend to
22 introduce a number of exhibits through her.

23 THE COURT: Yes, sir.

24 MR. CORBETT: Screen shots of a phone, as
25 well as, the telephone. But I believe Mr. Bridges

George Aycock-Redirect by Corbett

1 had indicated some reservations.

2 THE COURT: Mr. Bridges.

3 MR. BRIDGES: He has screen shots of text
4 messages that are -- that Ms. Milhorn will testify
5 were from Sabrina McWilliams. I am going to object
6 to all of them overall, that they're not supported
7 by any kind of technical documentation or any kind
8 of technical witness, or call log showing that this
9 message was sent from this number or what time.
10 It's just screen shots from the phone, which were
11 handed over by Milhorn to Detective Dubose. So I
12 would say that there is an authentication issue.
13 And possibly also a prejudicial issue in that it
14 could have been manipulated by Milhorn before it was
15 turned over to Detective Dubose.

16 THE COURT: Yes, sir, any response?

17 MR. CORBETT: Judge, at this point, I
18 don't believe -- I believe the objection is moot for
19 this reason. The screen shots contain, we allege,
20 are from Whitnii Milhorn's phone. On the screen it
21 says, Sabrina. And they're dated and time. If we
22 had somebody from the phone company here, he's not
23 going to tell us anything other than the information
24 on the screen as it is. Now with regard to whether
25 Whitnii Milhorn went back in and manipulated these

George Aycock-Redirect by Corbett

1 messages, that's an issue for the jury. That's the
2 issue of credibility of the witness, not whether or
3 not it's admissible. It goes to weight, not
4 admissibility.

5 THE COURT: Well let me tell you all about
6 family court and about the cell phone. They are the
7 vein of existence of many people. And I dealt with
8 that a lot in family court. I can take my cell
9 phone today, and put somebody in the contacts, and
10 go under a different name. And that person can text
11 me back under that fictitious name, and that's as
12 good as it gets. It's hard to know who that person
13 is. So my point is this, and I would agree with the
14 State. You can bring somebody here from Verizon or
15 ALTEL or whatever those companies are; that they
16 possess records doesn't mean that that record is
17 more accurate as to who did the actual testing.

18 So at this point, I would respectfully
19 overrule your motion. At this point, I do find that
20 it might be a little premature, so you might want to
21 bring it up again later.

22 MR. BRIDGES: Yeah, and there is specific
23 relevancy ones.

24 THE COURT: I understand.

25 MR. BRIDGES: Depending on which ones he

George Aycock-Redirect by Corbett

1 wants to introduce.

2 THE COURT: I understand that.

3 MR. BRIDGES: Thank you, Your Honor.

4 THE COURT: Is there anything else we need
5 to do before we call this witness?

6 MR. CORBETT: Judge, if I may go down and
7 ask SCDC about Whitnii Milhorn briefly.

8 THE COURT: Let me ask you this question
9 now. We've been in here since roughly
10 10:00 o'clock. Do you all need a break right now?

11 MR. CORBETT: Judge, I could use about two
12 minutes to run down the hall.

13 THE COURT: Sir, bring the jury back in at
14 say 11:00 o'clock, because I've got two phone calls
15 I do have to return. So let's make it date certain,
16 date and time certain at 11:00 o'clock.

17 (Whereupon, court takes a short recess.)

18 THE COURT: Are we ready, gentlemen, to
19 resume?

20 MR. CORBETT: The State's ready, Your
21 Honor.

22 THE COURT: Mr. Bridges.

23 MR. BRIDGES: Nothing, Your Honor.

24 THE COURT: Sir, if you would just bring
25 the jury in.

George Aycock-Redirect by Corbett

1 MR. CORBETT: I'm sorry, Judge, before we
2 bring the jury in, may we address a matter to the
3 court?

4 THE COURT: Yes, sir.

5 MR. CORBETT: Mr. Bridges has indicated to
6 me that he is going to object to some of text
7 messages between who we allege is Ms. Milhorn and
8 Ms. McWilliams.

9 THE COURT: Yes, sir.

10 MR. CORBETT: The State alleges that the
11 text messages are relevant, because in the text
12 messages we argue that they're seeking out
13 medication or pain pills. And the chain -- the text
14 chain actually begins back on September 3rd. And
15 there's continuous, not continuous, but there's
16 regular communication between we allege Ms. Milhorn
17 and Ms. McWilliams up to the 26th.

18 THE COURT: Is that right, Mr. Bridges?

19 MR. BRIDGES: My objection to those -- to
20 most of those earlier ones would be, it's too remote
21 in time in relevance to this case. And it was also
22 mentioned there was some other injuries, and other
23 issues and other people. I think that might confuse
24 the jury. This case isn't about anybody selling
25 narcotics to anybody. It's about what happened at

George Aycock-Redirect by Corbett

1 Dr. Aycock's house. And that doesn't even get
2 closer to the offense. So I would say, probably the
3 first, you know, the ones from early September until
4 about the day before the 26th, I would say are not
5 relevant for purposes of this.

6 THE COURT: Do you want me to rule right
7 now, or during testimony?

8 MR. CORBETT: Judge, it doesn't matter to
9 me either way. I was just---

10 THE COURT: Yes, sir.

11 MR. CORBETT: ---wanting to alert the
12 court to it.

13 THE COURT: I would rather do it then,
14 because I don't know what the questions are right
15 now. Are we ready, gentlemen?

16 MR. BRIDGES: Yes, sir.

17 THE COURT: You may bring the jury in.

18 (Whereupon, the following takes place
19 within the presence of the jury.)

20 THE COURT: Proceed, Gentlemen.

21 MR. CORBETT: Thank you, Your Honor. The
22 State would call Whitnii Milhorn to the stand.

23 Whitnii Milhorn, being first duly sworn,
24 testified as follows:

25 THE CLERK: State your name for the

Whitnii Milhorn-Direct by Corbett

1 record, and spell your last name and speak into the
2 mike.

3 A. Whitnii Milhorn. M-I-L-H-O-R-N.

4 THE COURT: Proceed, sir.

5 MR. CORBETT: Thank Your Honor.

6 Direct Examination by Mr. Corbett:

7 Q. Ms. Milhorn, good morning.

8 A. Good morning.

9 Q. Ms. Milhorn, do you know who I am?

10 A. Yes.

11 Q. Is it fair to say that I am not one of
12 your most favorite people?

13 A. Right.

14 Q. As a matter of fact, I was the prosecutor
15 at your plea hearing.

16 A. Yes.

17 Q. Is that correct?

18 A. Yes.

19 Q. Are you currently serving time at the
20 Department of Corrections?

21 A. I am.

22 Q. What's that for?

23 A. This case.

24 Q. When you say this case, what does that
25 mean for me, please, ma'am.

Whitnii Milhorn-Direct by Corbett

1 A. What is my charge?

2 Q. Yes, ma'am.

3 A. Strong armed robbery.

4 Q. Now you came in and you pled guilty, and
5 received a lesser offense, is that correct?

6 A. Yes.

7 Q. But you didn't have a trial. You pled
8 guilty.

9 A. Right.

10 Q. Now if you would, please, I want to take
11 you back to September 26th of 2014.

12 A. Okay.

13 Q. Do you know Sabrina McWilliams?

14 A. Yes.

15 Q. Did you know her then?

16 A. Yes.

17 Q. Do you know George Aycock?

18 A. No.

19 Q. Now on that September 26, 2014, did you
20 have occasion to be involved in an assault on an
21 individual? Did you have occasion to be involved in
22 an assault---

23 A. Yes.

24 Q. ---on an individual, is that correct? /

25 A. Yes.

Whitnii Milhorn-Direct by Corbett

1 Q. As a matter of fact, you took a hammer and
2 hit a man in the head.

3 A. Yes.

4 Q. And you're serving time for that.

5 A. Yes.

6 Q. You've been here, and you've taken your
7 medicine so to speak.

8 A. Yes.

9 Q. Tell us that came about.

10 A. I was going to go help her clean house,
11 which was what I was supposed to be doing.

12 Q. Let me stop you there for a moment. And I
13 apologize for interruption, but in my line of work
14 you have to be very specific. You said her..

15 A. Sabrina.

16 Q. Sabrina who?

17 A. McWilliams.

18 Q. Sabrina McWilliams. Please continue.

19 A. And we went to clean a house. And I
20 don't -- I mean, I don't know. I went to clean the
21 house. And started cleaning the house, and I guess
22 she was doing other things. Then it was after we
23 got there, she decided that she couldn't find his
24 pills, so she wanted to rob him. And that's all
25 this came up.

Whitnii Milhorn-Direct by Corbett

1 Q. How did the two of you communicate
2 concerning the robbery?

3 A. Well I was cleaning, and she was doing
4 other stuff. So she would text me.

5 Q. Texting you.

6 A. Uh-huh. (Affirmative.)

7 Q. Now I am going to show you what has been
8 marked for identification as State's No. 39, and I
9 am going to ask first of all, not to remove anything
10 from the phone. But first of all, ask if you can
11 identify it.

12 A. Yeah, that's my phone.

13 Q. Here I'll let you hold it. Is that your
14 phone?

15 A. Yes.

16 Q. Is that the phone that you would had with
17 you on the September 26h 2014?

18 A. Yes.

19 Q. Is that the phone that the text messages
20 you would have received and sent from?

21 A. Yes.

22 Q. Now at some point and time after this
23 incident, you were interviewed by law enforcement,
24 is that correct?

25 A. Yes.

Whitnii Milhorn-Direct by Corbett

1 Q. Do you remember who interviewed you?

2 A. Wayne Dubose.

3 Q. This detective here?

4 A. Yes.

5 Q. I'm sorry, this investigator here, Wayne
6 Dubose?

7 A. Yes.

8 Q. Was it at that interview that you showed
9 Investigator Dubose the telephone?

10 A. I think so. I don't know.

11 Q. Now do you recall if at some point during
12 that period of time, he take screen shots of your
13 phone?

14 A. I don't remember, but I mean....

15 Q. I am going to ask you to do this for me,
16 please. If you would, please, go to your contacts.
17 Do you have a contact for a Sabrina McWilliams?

18 A. Yes.

19 Q. And is it listed in your phone?

20 A. Yes.

21 Q. How is it listed in your phone?

22 A. Sabrina.

23 Q. Now if your phone is anything like mine,
24 it's usually got a name attached to the contact, is
25 that correct?

Whitnii Milhorn-Direct by Corbett

1 A. Yes.

2 Q. Does it show -- and, Judge, is it all

3 right if I approach, so I can see.

4 THE COURT: Yes, sir.

5 Q. On your phone, if you touch the contact,

6 does it gave you additional information?

7 A. Yes.

8 Q. Does it include a phone number?

9 A. Two.

10 Q. Tell me those phone numbers out loud,

11 please.

12 A. [REDACTED]----

13 Q. I'm sorry, slow down for me.

14 A. I'm sorry.

15 Q. [REDACTED].

16 A. [REDACTED].

17 Q. [REDACTED].

18 A. Thirty-three.

19 Q. 33.

20 A. Eight two.

21 Q. 82. [REDACTED]-3382. Is that correct?

22 A. Yes.

23 Q. Is there an additional number?

24 A. Yes. [REDACTED].

25 Q. [REDACTED].

Whitnii Milhorn-Direct by Corbett

1 A. [REDACTED].

2 Q. [REDACTED].

3 A. 3769.

4 Q. 3769. Let me repeat that back, please.

5 [REDACTED]-3769.

6 A. Yes.

7 Q. And you said that was tagged in your phone

8 as home?

9 A. Yes.

10 Q. And how was the other one noted?

11 A. Mobile.

12 Q. Mobile. And that was the [REDACTED]-3382

13 number.

14 A. Yes.

15 Q. Ms. Milhorn, I'm sorry, bear with me just

16 one minute, please. Now within your telephone does

17 it contain any records of text messages between you

18 and Sabrina McWilliams?

19 A. Yes.

20 Q. How do you go to that screen? Now are

21 those the text messages listed under Sabrina?

22 A. Yes.

23 Q. If would scroll back to near the beginning

24 of those please.

25 A. All of them?

Whitnii Milhorn-Direct by Corbett

1 Q. Well go back to near the beginning of
2 September, please, ma'am. Are they dated?

3 A. Yes.

4 Q. And if you locate September 3, in the
5 afternoon, we can stop there.

6 MR. BRIDGES: Objection, Your Honor. I'd
7 submit as previous relevance.

8 THE COURT: Mr. Corbett, anything?

9 MR. CORBETT: Judge, if I may create a
10 little more foundation before---

11 THE COURT: Yes, sir.

12 MR. CORBETT: ---admitting anything.

13 Q. Were you able to go back that far?

14 A. Yes.

15 Q. If you would, take a moment and scroll
16 through those messages and look at them, because I
17 am going to show you some photographs in a moment,
18 and I'm going to ask if they match up.

19 A. Okay.

20 Q. And I don't want you to get too many pages
21 in your mind, so we can stop at any point and I can
22 let you compare it to this. I am going to show you
23 what's been marked State's Exhibit for
24 identification as 4, for Id. as 5, for Id. as 6, for
25 Id. as 7, and for Id., as 8. And ask if those are

/

Whitnii Milhorn-Direct by Corbett

1 copies of what is on your phone.

2 A. Yes. Look at all of them?

3 Q. Well I just -- I want you to be sure that
4 what I'm showing you is what is off of your phone.

5 A. Yes. The same thing.

6 Q. And I recognize this is going to be
7 somewhat tedious, but I am going to show you another
8 batch, and ask you to continue scrolling with me.
9 First of all, to accurately make sure they match. I
10 am going to show you State's Exhibits, and all these
11 for identification. Nine, ten and 11, 12, and 13.
12 I will limit it to that group.

13 A. Are they in order?

14 Q. I'm double checking.

15 A. Yes.

16 (Text Messages marked State's 9-13 for
17 Id.)

18 MR. CORBETT: For identification State's
19 14, 15, 16, 17, and 18. If you would verify those
20 for me, please.

21 A. Yes.

22 (Text messages marked State's 14-18 for
23 ID.)

24 Q. And continuing on with State's
25 identification 19, 20, 21, 22, and 23.

Whitnii Milhorn-Direct by Corbett

1 (Text messages marked State's 19-23 for

2 ID.)

3 A. Yes.

4 Q. State's for ID for 24, 25, 26, 27 and 28.

5 (Text messages marked 24-28 for Id.)

6 A. Yup.

7 Q. And for ID State's 29, 30 and 31.

8 A. Yup.

9 (Text Messages marked State's 29-31 for

10 ID.)

11 MR. CORBETT: Your Honor, at this time the
12 State would offer into evidence, State's No. 39, the
13 telephone of Whitnii Milhorn.

14 MR. BRIDGES: The telephone, no objection
15 other than I previously stated.

16 THE COURT: Yes, sir, I understand.
17 Telephone is in.

18 (cell phone is marked State's Exhibit No.
19 39 into evidence.)

20 Q. Now, Ms. Milhorn, the phone messages that
21 I had you check against your phone, from the phone
22 against the photographs, those are text
23 conversations between you and who?

24 A. Sabrina.

25 Q. How long have you known Sabrina

Whitnii Milhorn-Direct by Corbett

1 McWilliams?

2 A. I don't know, maybe a little bit more than
3 six months.

4 Q. Six months or so. And do your text
5 messages actually extend back further than the
6 photographs that we looked at?

7 A. That's a new phone, so I don't remember
8 where I got it.

9 Q. So they---

10 A. They don't go back further. That was the
11 beginning of it.

12 Q. That was the beginning of them there. So
13 we started I believe on or about September 3, and
14 came forward.

15 A. I think so.

16 Q. And now, Ms. Milhorn, you indicated that
17 you went to the house that morning, is that correct?

18 A. Yes.

19 Q. Mr. Aycock's house.

20 A. Yes.

21 Q. And do you remember how the house looked?

22 A. What do you mean?

23 Q. Well let me do this If I may. What has
24 been marked for identification as No. 32. Do you
25 recognize that location?

Whitnii Milhorn-Direct by Corbett

1 A. Yes.

2 Q. Oh, I'm sorry.

3 A. Yes.

4 Q. So that's the house?

5 A. Yes.

6 Q. Now I am going to show you what's been
7 admitted into evidence as Sate's 33, and State's No.
8 35. With regard to 33, if you would please, ma'am,
9 look at the bottom right photographs.

10 A. Uh-huh. (affirmative.)

11 Q. And you see a male in the picture. Do you
12 see an individual in the background?

13 A. Yes.

14 Q. Who is that?

15 A. Sabrina.

16 Q. Sabrina who?

17 A. McWilliams.

18 Q. Is she the person that you went to the
19 house with that day?

20 A. Yes.

21 MR. CORBETT: Judge, if I may have the
22 screen, please.

23 Q. And that's the individual you've
24 identified as Sabrina McWilliams?

25 A. Yes.

Whitnii Milhorn-Direct by Corbett

1 Q. And I am also going to refer you, not as
2 good of a picture, but 35 the top right picture, do
3 you recognize the individual in the background?

4 A. Yes, that's her.

5 Q. That's basically the same picture?

6 A. Yes.

7 Q. That's her in the photograph?

8 A. Yes.

9 Q. Now you've indicated that that was a new
10 phone, and that you had been texting Ms. McWilliams
11 for some time, is that correct?

12 A. Yes.

13 Q. What were the nature of your text
14 messages?

15 MR. BRIDGES: Objection, Your Honor.
16 Relevance. He needs to specify which text.

17 THE COURT: Any reply if you want to,
18 Mr. Corbett.

19 MR. CORBETT: Judge, perhaps I could ask
20 the question a little more directly, and then pause
21 a moment to determine if Mr. Bridges still has an
22 objection.

23 THE COURT: Yes, sir.

24 Q. Ms. Milhorn, in your text exchange
25 messages with Ms. McWilliams, do a number of them

Whitnii Milhorn-Direct by Corbett

1 include a desire to locate or find prescription pain
2 medication?

3 A. Yes.

4 MR. BRIDGES: Object to relevance on that.

5 THE COURT: I'm going to allow it.

6 Overruled. Respectfully, sir.

7 Q. Is it fair to say that you had a problem
8 with prescription pain pills?

9 A. Yes. That's, some of the text messages
10 were about rehab numbers.

11 Q: I'm sorry.

12 A. Some of the text messages were about
13 rehab numbers for me.

14 Q. So you were struggling with the some pain
15 medication dependence.

16 A. Uh-huh. (Affirmative.) Both of us were.

17 MR. BRIDGES: Objection, Your Honor.
18 Speculation. She hasn't been qualified as an
19 expert.

20 THE COURT: Well she can answer for
21 herself. I am not so sure she can answer for
22 Sabrina. But yeah, about that, Mr. Corbett, I
23 overrule that. I simply strike it.

24 MR. CORBETT: Judge, if I may, I'll ask
25 the question a different way. Ms. McWilliams, if

Whitnii Milhorn-Direct by Corbett

1 you would please pause before answering.

2 Q. Over the course of your relationship with
3 Ms. McWilliams, did you ever see her personally seek
4 out or obtain prescription pain medicine?

5 A. Yes.

6 Q. Do a number of your texts refer to that?

7 A. Yes.

8 Q. Now on, if we jump forward to
9 September 26th of 2014, the day the two of you were
10 at Mr. Aycock's house, what were you trying to find
11 at his house?

12 A. She was trying to find pills.

13 Q. Did you take anything from him?

14 A. No.

15 Q. Was the purpose of the assault on
16 Mr. Aycock to get him under control, so that you
17 could take pain pills for him?

18 A. She said they were in his pocket.

19 Q. She said they were in his pocket.

20 A. Uh-huh. (Affirmative.)

21 Q. Did you get anything out of his pocket?

22 A. No.

23 Q. Ms. McWilliams, if I'm -- excuse me,
24 Ms. Milhorn, if I may, I am going to set your phone
25 here. And, Judge, I am going offer into evidence

Whitnii Milhorn-Direct by Corbett

1 State's Exhibit No. 4. If i could have a moment
2 with counsel.

3 MR. BRIDGES: I object to relevance on
4 this.

5 MR. CORBETT: Do I need to hand up State's
6 4?

7 THE COURT: Yes, because I'm not sure. I
8 have an idea of what we're talking about.

9 THE COURT: Overruled in.

10 (Text message marked as State's Exhibit
11 No. 4 into evidence.)

12 Q. Ms. Milhorn, I am going to show you what
13 has been admitted as State's No. 4, a text screen
14 shot, and coloring is a little bit difficult for me,
15 so I may get you to use your phone. Now on your
16 phone, ma'am, will you please scroll back to the
17 beginning of your text chain? And in particular,
18 I'm looking for the date of September 3, at
19 2:44 p.m.

20 A. Okay.

21 Q. Now it appears to me that there is some
22 text boxes that begin on left hand side of the
23 screen. And enters first among them are text boxes
24 that are closer to the right hand side of the
25 screen. Is that correct?

Whitnii Milhorn-Direct by Corbett

1 A. Yes.

2 Q. The ones on what I call the left, appear
3 to be blue?

4 A. Yes.

5 Q. And the ones on the right are perhaps
6 maybe more green?

7 A. Yes.

8 Q. May I approach and just look at your phone
9 so I can kind of -- I can't see the color well on my
10 copy. Now are you the -- you are sending messages
11 from this phone, is that correct?

12 A. Yes.

13 Q. Are you the blue or the green?

14 A. The green.

15 Q. So the blue on the left is incoming
16 messages?

17 A. Yes.

18 Q. And at the top of the screen, does it
19 indicate which phone it's coming from?

20 A. No. I mean it's just a little arrow -- an
21 arrow little thing to the left and the right.

22 Q. Well I'm talking about at the very top.

23 A. Oh, yes.

24 Q. And kind of on my picture it appears to be
25 a white or a gray bar?

Whitnii Milhorn-Direct by Corbett

1 A. Yes.

2 Q. And who is that from?

3 A. Sabrina.

4 Q. And when we say Sabrina, who are talking
5 about?

6 A. Sabrina McWilliams.

7 Q. So she sends you a text, is that correct?

8 A. Yes.

9 Q. And what does it say?

10 A. She had some pills. She needed to sell
11 them.

12 Q. If you would please, read it for as it's
13 on the screen.

14 A. I have 15 OP 40's. Do you know anyone who
15 will buy them.

16 Q. Now what are OP 40's.

17 A. Pain pills.

18 Q. What do you respond?

19 A. No. How did you get them.

20 Q. And the text back to you.

21 A. My grandma give them to me to sell. Laugh
22 out loud.

23 Q. That's what LOL means?

24 A. Yes.

25 Q. And by the way, I'm pretty sure I knew

Whitnii Milhorn-Direct by Corbett

1 that, but I just wanted to verify. Your response
2 then is ha, ha?

3 A. Yes.

4 Q. What's the next box?

5 A. Hey, I need money. I don't take pills, so
6 I figured I would sell them.

7 Q. And you respond.

8 A. Yes.

9 Q. Continue with those messages.

10 A. Just got to find someone. Can you call
11 around. I only want eight dollars and they're
12 normally 15 or 20.

13 Q. Now I'm having to flip over to pick up a
14 continuation of the messaging.

15 MR. BRIDGES: I am going to restate my
16 previous objection.

17 THE COURT: Yes, sir.

18 Q. So now we're jumping forward a couple of
19 days, is that right?

20 A. Yes.

21 Q. I believe to September 6th?

22 A. Yes.

23 Q. And you send Sabrina a text.

24 A. Yes.

25 Q. Really need to talk to you. If you can

Whitnii Milhorn-Direct by Corbett

1 call me back.

2 A. Yes.

3 Q. She responds.

4 A. Just got home, give me a minute. It goes
5 straight to voice mail.

6 Q. The next message I believe is on
7 September 9th?

8 A. Yes.

9 Q. Is that an income -- the first one there,
10 is that incoming or outgoing?

11 A. Incoming.

12 Q. And what does it say?

13 A. Are you leaving today.

14 Q. And do you respond?

15 A. No. What's the number to other one. I
16 want to so bad, but I am terrified.

17 Q. Was there some plan for you to leave town
18 or go somewhere?

19 A. Yeah, I was going to rehab.

20 MR. CORBETT: Judge, next we would offer
21 into evidence State's, previously marked as No. 5.

22 MR. BRIDGES: Relevance as to the
23 authenticity. Same objection, Your Honor.

24 THE COURT: Same response. Overruled.

25 (Text message marked State's Exhibit No. 5

Whitnii Milhorn-Direct by Corbett

1 into evidence.)

2 Q. Now I believe on this page we've seen the
3 previous message. It duplicated itself. I am so
4 bad, but I'm terrified. At the top of this -- I'm
5 sorry, are you able to see it on the screen?

6 A. Yes.

7 Q. That's the last one you read for us, is
8 that correct?

9 A. Yes.

10 Q. Now on 9/9 there is I believe a blue
11 message, incoming. What does that one say?

12 A. That was later on that day.

13 Q. And what does it say?

14 A. It says, hold on, I just woke up.

15 Q. Your response.

16 A. I'm so fucking sick, I can't handle this.

17 Q. And is this when you were having some
18 problems with the pain pills?

19 A. Yes.

20 Q. And if we jump down, we see a reference to
21 what's that?

22 A. That is, I believe that's the rehab she
23 went to. But it's a number to a rehab.

24 Q. And it says Bruce Hall?

25 A. Yes.

Whitnii Milhorn-Direct by Corbett

1 Q. What's your response?

2 A. What time do I call.

3 Q. And you received a reply?

4 A. Anytime. They interview over the phone.

5 Q. If you would please continue there for us.

6 A. After five even. And she texted me back,

7 yup.

8 Q. What is your next message?

9 A. Did you sell all those OP's.

10 Q. And the response?

11 A. Yup, I will have some more tomorrow.

12 Q. What do you indicate next?

13 A. I am about to die.

14 Q. And her response?

15 A. I can get you a 10 milligram of ten to get

16 you through the night, Hon.

17 Q. And your response?

18 A. How much is that.

19 MR. CORBETT: Your Honor, we would offer

20 State's Exhibit No. 6.

21 MR. BRIDGES: I continue to renew my

22 objections, Your Honor.

23 THE COURT: Same reply. Same response.

24 Overruled.

25 (Text message marked State's Exhibit No. 6

Whitnii Milhorn-Direct by Corbett

1 into evidence.)

2 Q. And what's the response there that you

3 send, or I'm sorry, that you received?

4 A. I have one hidden. I found it the other

5 day. You can have it, but I can't drive.

6 Q. And your response?

7 A. OMG thank you. Can I come get it now.

8 Q. And what's Sabrina's reply?

9 A. Yes. Just act like you're coming to
10 visit.

11 Q. And our reply.

12 A. Okay.

13 Q. And what's the next message?

14 A. It's another phone number. I think it's
15 to a different rehab.

16 Q. And then you send a message that says.

17 A. I can't crush this, can I.

18 Q. Is that just a different method of taking
19 the medication?

20 A. Yes.

21 Q. And what's the response?

22 A. I don't know.

23 MR. CORBETT: The State would offer

24 No. 7.

25 MR. BRIDGES: Previous objections, Your

Whitnii Milhorn-Direct by Corbett

1 Honor.

2 THE COURT: And same reply. Overruled.

3 (Text message marked State's Exhibit No. 7
4 into evidence.)

5 Q. Now---

6 A. It's not in order.

7 Q. I am going to show you what's been
8 admitted as No. 6. And then No. 7. If there is a
9 gap let me know.

10 A. This is -- this was next.

11 Q. I'm sorry. And let's see, what do you
12 indicate there in your next message?

13 A. No, it's a gel.

14 Q. And your response?

15 A. Sorry, it's all I have.

16 Q. Continue with your reply.

17 A. Oh, it's okay. I appreciate it.

18 Q. And then there is a question there about
19 asking somebody's name.

20 A. What is Blake's last name. Someone asked
21 me today, and I couldn't remember.

22 Q. You indicate that you -- IDK, I'm
23 assuming is, I don't know.

24 A. Yes.

25 Q. And then LOL, which is laugh out loud, me

Whitnii Milhorn-Direct by Corbett

1 neither?

2 A. Right.

3 Q. Now on this page, I am looking at one from
4 September 10, 5:36. I believe that's an incoming
5 message.

6 A. Yes.

7 Q. And what do you say?

8 A. Did you find a de-tox.

9 Q. And your replied.

10 A. They are running my medicaid, and I am
11 sick again.

12 Q. And what are the replies.

13 A. Okay, good deal. Hopefully you will know
14 soon. I'm sorry, Babe, I don't have anything else.
15 I was going to get you a few Dr. Aycock's today, but
16 there were only four in the bottle.

17 Q. So Dr. Aycock is in that message.

18 A. Yes.

19 MR. CORBETT: And, Your Honor, we intend
20 to offer State's 8.

21 MR. BRIDGES: Same objection.

22 THE COURT: Overruled.

23 (Text message marked State's Exhibit No. 8
24 into evidence.)

25 Q. I'm sorry, before I got to No. 8, I

Whitnii Milhorn-Direct by Corbett

1 believe I forgot the back side of No. 7. Actually
2 it says there. What does it say---

3 A. That's the same one you just did.

4 Q. ---there were only four in the bottle?

5 A. Yes.

6 Q. And what's your response?

7 A. Damn.

8 Q. Then my next one is a little bit blurry.

9 It appears that it may be, have they decided to take
10 you yet?

11 A. Yes.

12 Q. Do you see that on your phone?

13 A. Yes.

14 Q. What's the date of that one?

15 A. 9/11/14.

16 Q. 9/11? And what's the next incoming
17 message?

18 A. After that one?

19 Q. Yes, ma'am.

20 A. Have you talked to Blake.

21 Q. And your reply.

22 A. Two days ago, why.

23 Q. And what's the next incoming?

24 A. He's not answering his phone, and I had
25 someone who wanted to buy from him today. Will you

Whitnii Milhorn-Direct by Corbett

1 try him.

2 Q. And then the incoming.

3 A. Please.

4 Q. And then your reply.

5 A. I did.

6 Q. I'm moving on to State's No. 8. And I
7 believe the top bar I did is the one we previously
8 looked at a moment ago.

9 A. Yes.

10 Q. If you would, your next incoming.

11 A. Did he answer.

12 Q. And your reply.

13 A. No.

14 Q. Next incoming.

15 A. WTF.

16 Q. What the F?

17 A. Yes.

18 Q. Then your next one out.

19 A. Jim might have the phone at work.

20 Q. And then the next incoming.

21 A. True. I just expected to hear from him
22 today. He calls me ever Tuesday to see if I know
23 anyone.

24 Q. And the next incoming.

25 A. I need money. I shot myself in the foot

Whitnii Milhorn-Direct by Corbett

1 with a damn BB gun, and they only gave me Norcos.

2 Q. And the next incoming.

3 A. And this bitch hurts.

4 Q. And I believe you reply at this one.

5 A. Oh, boy, so you're having to take meds
6 now. Blake just said he is about to call you.

7 Q. Reply.

8 A. Okay, yeah, unfortunately.

9 Q. And what's the next incoming?

10 A. Do you know anybody that buy Vicodin.

11 Q. And what's the next incoming?

12 A. I have someone, but I have no ride and
13 can't drive.

14 Q. And I believe you have the reply there.

15 A. Yes. No, I am in excruciating pain. I
16 had my wisdom tooth cut out yesterday, and my entire
17 face and jaw is swollen almost shut. I cried all
18 night in my sleep Gary said. This is the worse pain
19 ever.

20 Q. And actually I'm going to switch to
21 State's No. 9, because I believe it is cut off on my
22 copy.

23 MR. BRIDGES: Same objection. And I'd
24 also have a hearsay objection to something that the
25 third party have said. And it is down here at the

Whitnii Milhorn-Direct by Corbett

1 bottom is where this is showing. Is what a third
2 party is doing. I would -- in addition to the
3 relevance and authentication.

4 THE COURT: What about the third party
5 matter, Mr. Corbett?

6 MR. CORBETT: Bear with me one moment,
7 please, Judge. I believe it runs over. Judge, I
8 don't think that applies here, because it is
9 Ms. Milhorn having a text conversation with Ms.
10 McWilliams, and it's what Ms. McWilliams says about
11 a third party, not a third party speaking.

12 THE COURT: Overruled.

13 (Text message marked State's Exhibit No. 9
14 into evidence.)

15 Q. Ms. Milhorn, I hand you what is State's
16 No. 9. And I believe we may have to back up just a
17 little bit at the top of my State's No. 9. I
18 believe it's your message that starts with, no, I am
19 in excruciating pain.

20 A. Yes.

21 Q. I'm sorry, would you read that for us
22 again, please.

23 A. No, and I'm in excruciating pain. I had
24 my wisdom tooth cut out yesterday, and my entire
25 face and jaw is swollen almost shut. I cried all

Whitnii Milhorn-Direct by Corbett

1 night in sleep Gary said. This is the worse pain
2 ever.

3 Q. So at some point in these conversations
4 you had some dental work done?

5 A. Yes.

6 Q. And what is the reply?

7 A. They didn't they give you anything.

8 Q. And your response.

9 A. PERC 5.

10 Q. What does PERC 5 mean?

11 A. That's Percocet.

12 Q. And what's the next text message you
13 received?

14 A. Yeah, that's what they gave me for my foot
15 is Vicodin.

16 Q. And the next receipt.

17 A. I'm having surgery Monday.

18 Q. And you replied?

19 A. For what. How did you do it?

20 Q. And what's the next incoming?

21 A. I accidentally shot myself in the foot,
22 and they have to get the bullet out.

23 MR. BRIDGES: Same objections, Your Honor.

24 THE COURT: Same response. Overruled.

25 Q. Ms. Milhorn, we're continuing with the

Whitnii Milhorn-Direct by Corbett

1 text exchange.

2 A. I think there's one that we skipped over
3 to.

4 Q. Thank you, ma'am. I am going back up to
5 No. 9. Now the incoming text there at the top,
6 what is that?

7 A. I accidentally shot myself in the foot and
8 they had to get the bullet out.

9 Q. And your response?

10 A. With what, and how did that happen.

11 Q. And then the---

12 A. With a BB gun on Monday, trying to shoot
13 at a feral dog that was attacking my little puppy.

14 Q. And then replied.

15 A. Oh, shit, I bet you screaming scared them
16 off.

17 Q. And then the reply back to you.

18 A. Oh, yeah, it hurts like hell.

19 Q. Now it looks like the next one is on 9/18.

20 A. Yes.

21 Q. Is that correct?

22 A. Yes.

23 Q. And that's an outgoing message from you?

24 A. Yes.

25 Q. Which is?

Whitnii Milhorn-Direct by Corbett

1 A. How do you feel about having to take pain
2 medicine again?

3 Q. And the response.

4 A. Not happy, but I'm talking them as
5 prescribed. And CJ is holding them so I don't take
6 more. So far so good. They actually help with pain
7 now.

8 Q. At this point. I am going to transition
9 to State's No. 10. And I believe the top one is the
10 one you just read us.

11 A. Yes.

12 Q. And you respond.

13 A. Good what did CJ say about it.

14 Q. And her response.

15 A. He is being supportive.

16 Q. And then you send out.

17 A. Good.

18 Q. Then the next incoming message I believe
19 is 9/18.

20 A. Yes. We had them put up in my room, and
21 my damn stepdaughter Spring, stole half of my
22 fucking bottle. And now I can only take one every
23 6 hours, or I won't have enough to last me until the
24 weekend.

25 Q. And then do you reply to that?

Whitnii Milhorn-Direct by Corbett

1 A. Yes.

2 Q. I'm sorry, bear with me one moment. It
3 transitions over to my next page, I believe. There
4 we go. And what was your reply?

5 A. What? How many did she take, and is she
6 still there.

7 Q. And the response?

8 A. Yes, I can't prove it yet. I had 18. I
9 have a total of six. There are only six left.

10 Q. And you replied?

11 A. Damn, did you ask them both. They are VIC
12 5's.

13 Q. Now what is VIC 5?

14 A. Vicodin.

15 Q. Vicodin 5.

16 A. Yes.

17 Q. And the response.

18 A. PERC 5's.

19 Q. And then another response to you.

20 A. I know my doctor didn't. She will always
21 ask me if she -- I mean if she needs something. I
22 think that meant daughter.

23 Q. Daughter. And then your reply.

24 A. Oh, damn, what did her friend say.

25 Q. And then the message you received.

Whitnii Milhorn-Direct by Corbett

1 A. She helped me go through Tricia's stuff
2 last night, but I haven't been able to look on her
3 purse yet. If I find them, I'll have her ass locked
4 up.

5 MR. BRIDGES: Same objections, Your Honor.

6 THE COURT: Overruled.

7 (Text message marked State's No. 10 into
8 evidence.)

9 Q. Ms. Milhorn, we're now looking at State's
10 11. I believe you've already referenced the first
11 box.

12 A. Yes.

13 Q. And what's -- the next one is an incoming.

14 A. Yes.

15 Q. And what is that?

16 A. She acted as if she had no idea what I was
17 talking about.

18 Q. And then you replied.

19 A. I am sure she already took them.

20 Q. And then Sabrina's reply.

21 A. Probably. That's all right though. I
22 know she has a warrant in Tennessee. And I've got a
23 good mind to make the fucking call.

24 Q. And then you reply.

25 A. Damn, that's fucked up. She took your

Whitnii Milhorn-Direct by Corbett

1 medicine. What did your daughter say. I can't
2 blame you. She didn't care about you, why should
3 you care about her. I mean you let her live in
4 your home. Probably been feeding her and
5 everything.

6 Q. And the rely back to you.

7 A. Exactly. My daughter is pissed,
8 especially since she knows I'm in pain.

9 Q. And you responded back.

10 A. When is she supposed to leave.

11 Q. And the incoming text is.

12 A. Sunday.

13 Q. And again.

14 A. Thank God she is leaving. This is not
15 Motel 6.

16 Q. And your reply.

17 A. Laugh out loud. I know that's right.

18 MR. BRIDGES: Same objections, Your Honor.

19 THE COURT: Same reply. Overruled.

20 (Text Message marked State's Exhibit No.
21 11 marked into evidence.)

22 MR. CORBETT: Judge, I'm now referring to
23 State's No. 12.

24 Q. Now this one begins with, I believe, a
25 carry over from the previous message.

Whitnii Milhorn-Direct by Corbett

1 A. Yes.

2 Q. Is that right? And then the next message
3 going out is yours.

4 A. Yes.

5 Q. And do you see the date on that one?

6 A. 9/19.

7 Q. And what's your outgoing message?

8 A. You still have some hydros.

9 Q. What are hydros?

10 A. Vicodin.

11 Q. And what's the response?

12 A. I have them, but my husband has them.

13 Q. And then there's another incoming
14 response.

15 A. Do you know anyone that has any 30's, I'm
16 in mortal pain.

17 Q. And then you replied.

18 A. Damn, I wish you would have told me an
19 hour ago. I just sold the last 30 to my home boy
20 had.

21 Q. Now I believe on the next page, the top
22 box is the one we just looked at.

23 A. Yes.

24 Q. And then there's an incoming from
25 September 21st.

Whitnii Milhorn-Direct by Corbett

1 A. I have been trying to call you like five
2 times.

3 Q. Another incoming.

4 A. I don't know anyone. I feel like I'm
5 going to die.

6 Q. And what's your reply?

7 A. What's up. Sorry my mouth hurts still
8 from getting that wisdom tooth pulled. I think I
9 have a dry socket. But this shit is no joke. I
10 feel like a big baby. I have been crying all damn
11 day. I can't even talk, drink or anything. Shit, I
12 can't even breath too hard or sniff. I'm so sorry
13 you're in so much pain. What time is your surgery
14 tomorrow.

15 Q. And I am sorry, bear with me one moment.
16 Because I think you may have rolled over on my next
17 page.

18 MR. BRIDGES: I renew my objections, Your
19 Honor.

20 THE COURT: Overruled.

21 MR. CORBETT: Judge, now I'm referring to
22 State's 13.

23 (Text message marked State's Exhibit No.
24 13 into evidence.)

25 Q. And I believe the top box is the one we

Whitnii Milhorn-Direct by Corbett

1 just previously read.

2 A. Yes.

3 Q. And then the reply.

4 A. It's at 11. You don't know anyone. I'm
5 in so much pain. Damn, my foot is literally
6 blistered up to my ankle.

7 Q. And your reply.

8 A. How are feeling today. And how did the
9 surgery go.

10 Q. I'm sorry, actually that jumped forward a
11 little bit, did it not? Your next message is
12 September 22.

13 A. Yes.

14 Q. And I believe the top box is the one you
15 just read.

16 A. Yes.

17 Q. And the reply comes in at 9:22. I'm
18 sorry, September 22.

19 A. It went good. Just really sore. He did
20 an ankle block. So it's still pretty numb right
21 now. It just burns a little bit.

22 Q. Now does the next message jump to
23 September 23?

24 A. Yes.

25 Q. That's incoming.

Whitnii Milhorn-Direct by Corbett

1 A. Yes.

2 Q. What's that message?

3 A. The numbness has completely worn off.

4 This thing hurts.

5 Q. Your reply.

6 A. Do you need something.

7 Q. What's the response back?

8 A. I am completely broke. I wish. Damn

9 Vicodin does nothing.

10 MR. CORBETT: Judge, just to be clear.

11 THE COURT: Yes, sir.

12 MR. CORBETT: Judge, as I've approached

13 Mr. Bridges with each one, he's interposed his same

14 objection.

15 THE COURT: Yes, sir.

16 MR. CORBETT: And then I've referred to as

17 the exhibit. But, Judge, in case I haven't done so

18 clearly on the record, I'm offering all of these

19 into evidence.

20 THE COURT: Yes, sir.

21 MR. CORBETT: And, Judge, State's No. 4 so

22 far, through 13.

23 (Text Messages marked State's Exhibit Nos.

24 4-13 into evidence.)

25 MR. BRIDGES: I restate my objections,

Whitnii Milhorn-Direct by Corbett

1 Your Honor.

2 THE COURT: Sir?

3 MR. BRIDGES: I restate my objection.

4 THE COURT: Yes, sir. Noted and
5 overruled.

6 MR. CORBETT: Judge, State's Exhibit No.
7 14 now in evidence.

8 (Text message marked State's Exhibit No.
9 14 into evidence.)

10 Q. And I believe that the top box is a carry
11 over from the previous page.

12 A. Yes.

13 Q. And the next message is incoming, is that
14 correct?

15 A. Yes.

16 Q. And what is that?

17 A. I won't have any money until Friday when I
18 clean Dr. Aycock's house.

19 Q. Your response.

20 A. How are you going to do that.

21 Q. And then the reply back to you.

22 A. No clue, but I have to. It's just going
23 to take me longer than usual.

24 Q. And the next incoming.

25 A. I can't afford to be fired.

Whitnii Milhorn-Direct by Corbett

1 Q. And the next incoming.

2 A. And I'm hoping I can borrow a few of his
3 pills if I can last that long.

4 Q. And you replied.

5 A. You can take me, and I'll do it while you
6 wait.

7 Q. And what's the reply.

8 A. You can come help me. Can you drive. We
9 have to be there at nine.

10 Q. And the word help there is quotation
11 marks?

12 A. Yes.

13 Q. And as we back up just a little bit, just
14 like the word hoping is in quotation marks?

15 A. Yes.

16 Q. And you responded?

17 A. Yes.

18 Q. And then the incoming text message next
19 is.

20 A. Can you be here at 8:30 Friday morning,
21 and we can go. It's not a lot of cleaning, because
22 I've been making sure it's all done. Just wiping
23 down the bathrooms, sweep, mop, vacuum the living
24 room and the bedroom.

25 Q. You reply.

Whitnii Milhorn-Direct by Corbett

1 A. Yes, ma'am.

2 Q. The next incoming.

3 A. Do you have anything now.

4 Q. What does that mean?

5 A. She wanted some pills.

6 Q. And your reply.

7 A. Not yet.

8 Q. And I believe the next one actually runs
9 over to my next page, so bear with me a moment,
10 please.

11 MR. CORBETT: Your honor, the State would
12 offer into evidence, State's Exhibit No. 15.

13 MR. BRIDGES: I renew my objection.
14 Hearsay objection.

15 THE COURT: Yes, sir. Overruled.

16 (Text message marked State's Exhibit No.
17 15 into evidence.)

18 Q. And the next incoming message there.

19 A. I'll gladly reimburse you on Friday, if
20 you can possibly get some me a 30. We can get some
21 of those, the OP 40's, and PERC's.

22 Q. Now just so we're all clear. Can you get
23 me a 30. What does that mean?

24 A. A rock of Codone of 30 milligrams.

25 Q. And later on it says OP 40's and PERC's?

Whitnii Milhorn-Direct by Corbett

1 A. Yes.

2 Q. What are---

3 A. Yes.

4 Q. ---we talking about?

5 A. Oxycontin 40's and Percocet.

6 Q. And then the next incoming.

7 A. And if you talk to Cody, don't tell him
8 I'm home. I owe him some money, and I can't get it
9 to give it to him right now. Please, I'm going to
10 pay him. Just can't go anyplace, and I have to go
11 in the bank to get the money.

12 Q. And then your response.

13 A. I ain't heard from Cody in a month. He's
14 been locked up.

15 Q. And the next incoming to you.

16 A. He's out now and says I still own him
17 money. I don't remember getting anything from him
18 though, but my memory isn't that good anyway. I
19 just don't have any way to get any money right now,
20 and I don't have an ATM card.

21 Q. I'm sorry, I almost jumped ahead. Going
22 to the next screen, you're reply.

23 A. Damn how much did he say.

24 Q. And the incoming?

25 A. \$90.

Whitnii Milhorn-Direct by Corbett

1 Q. And the next incoming.

2 A. I didn't know he went to jail. What was
3 he in for.

4 Q. And you replied.

5 A. He failed a drug test for drug court.

6 Q. And the next incoming.

7 A. I didn't even know he actually did drugs.

8 Q. There's incoming.

9 A. I know Blake had some 30's for 25, but I
10 don't even have a dollar on me.

11 MR. CORBETT: Your Honor, we would offer
12 State's No. 16.

13 MR. BRIDGES: Restate my objections, Your
14 Honor.

15 THE COURT: Same response. Overruled.

16 (Text message marked State's Exhibit No.
17 16 into evidence.)

18 Q. And I believe this top box we just read.

19 A. Yes.

20 Q. And then your next outgoing is.

21 A. Right now I don't have any pills or any
22 money.

23 Q. And the next incoming.

24 A. Blake has the Roxi, see if you can help
25 him sell some for 28, so I can get one. I'll give

Whitnii Milhorn-Direct by Corbett

1 you some of these Vicodin's.

2 Q. What does the Roxi mean?

3 A. Roxicodone.

4 Q. A pain pill?

5 A. Yes.

6 Q. And your response.

7 A. I don't know anyone who wants them, and I
8 can't take Vicodin.

9 / Q. And the incoming.

10 A. Crap.

11 Q. And then another incoming.

12 A. Let me ask around, you know more people
13 than me.

14 Q. And then your next message out.

15 A. What's a good price for OP 60's.

16 Q. Now I'm sorry, I have to keep asking. But
17 OP 60's is?

18 A. Oxycontin.

19 Q. Oxycontin. And the reply.

20 A. \$20.

21 Q. Then you send a text out.

22 A. Can you steal any of them.

23 Q. And your incoming message.

24 A. Tracy will normally buy them, but I'll ask
25 around.

Whitnii Milhorn-Direct by Corbett

1 Q. Now I believe on the next bar is September
2 24th of 14 at about 6:25.

3 A. Are you still going with me on Friday
4 morning.

5 Q. And your response.

6 A. Yes.

7 Q. And then the next incoming.

8 A. Do you have something.

9 MR. CORBETT: Your Honor, I would offer
10 State's 17.

11 MR. BRIDGES: Restate my objection.

12 THE COURT: Same. Overruled, sir.

13 (Text message marked State's Exhibit No.
14 17 into evidence.)

15 Q. And I believe the top box is from carry
16 over from the previous screen.

17 A. Yes.

18 Q. And then your response.

19 A. No, not in two days.

20 Q. And the next incoming.

21 A. I am hurting like crazy.

22 Q. Your response?

23 A. Me too.

24 Q. The next incoming.

25 A. I cannot wait until tomorrow.

Whitnii Milhorn-Direct by Corbett

1 Q. And it looks like the next one is the
2 under the September 25th date.

3 A. Yes.

4 Q. That's an incoming, is that correct?

5 A. Yes.

6 Q. What does it say?

7 A. I wish I could go this afternoon when I
8 knew he was back from his doctor, but that would
9 look suspicious.

10 Q. Your response.

11 A. Yes.

12 Q. What did you take that box to mean.

13 A. What?

14 Q. I wish I could go this afternoon.

15 A. I don't know. I mean, I know she wanted,
16 I guess because he was getting back from his doctor,
17 I don't know. But at the time I didn't.

18 Q. It looks like it's cut off there so let me
19 flip over, and we'll pick up the next incoming box.
20 What's the incoming.

21 A. I have to go to Dr. Aycock's house around
22 five. He has a wall that his granddaughter drew on
23 and this stuff, and have to get it off. It has to
24 sit for 12 to 18 hours to get the paint off.

25 Q. And your reply.

Whitnii Milhorn-Direct by Corbett

1 A. So you want to go then.

2 Q. Then the incoming.

3 A. I have to go spray that wall down. CJ is
4 going to drive me over, and I'll let you know as
5 soon as I get back. We still have to be there at
6 8:30 in the morning to clean.

7 Q. The next box.

8 A. I'll grab a few tonight, and we will get
9 more tomorrow. I don't want him to be suspicious.

10 Q. Now I'll grab a few tonight and we'll get
11 more tomorrow. What did you take that to mean?

12 A. That she was getting pills from him.

13 MR. CORBETT: Your Honor, the State would
14 offer No. 18.

15 MR. BRIDGES: Restate my objection.

16 THE COURT: Overruled.

17 (Text message marked State's Exhibit no:
18 18 into evidence.)

19 Q. And I believe that top box we had
20 previously read.

21 A. Yes.

22 Q. Your response?

23 A. Okay.

24 Q. Then I believe the next one looks like,
25 September 25th at 5:07.

Whitnii Milhorn-Direct by Corbett

- 1 A. Yeah, it's the same day. It's later on.
- 2 Q. And what's the incoming?
- 3 A. How far are you from me.
- 4 Q. Your response.
- 5 A. Where are you.
- 6 Q. And the incoming.
- 7 A. At home. CJ is not here with my truck,
- 8 and I told Dr. Aycock I would be there shortly after
- 9 five to spray that wall.
- 10 Q. And your response?
- 11 A. I can't do shit.
- 12 Q. And the incoming.
- 13 A. Why.
- 14 Q. And then your outgoing message.
- 15 A. Mat's girlfriend just pulled up, and
- 16 fucking hit me before I could do shit.
- 17 Q. And let me pause for a moment. That's
- 18 some unrelated altercation---
- 19 A. Yes.
- 20 Q. ---you were involved in?
- 21 A. Yes.
- 22 Q. And the response.
- 23 A. Uh-oh.
- 24 Q. And then you replied back.
- 25 A. Her ass is mine.

Whitnii Milhorn-Direct by Corbett

1 Q. And the next incoming was.

2 A. Don't go to jail, it's not worth it.

3 Q. But that was unrelated to the---

4 A. Yes.

5 Q. ---case we are here about today.

6 A. Yes.

7 Q. Then you have an outgoing.

8 A. When are you going.

9 Q. And then another outgoing.

10 A. Did you already go.

11 Q. Bear with me, because I believe my next

12 one is cut off at the bottom of the page.

13 MR. CORBETT: Your Honor, the State offers

14 No. 19.

15 MR. BRIDGES: Restate my objection.

16 THE COURT: Yes, sir. Overruled.

17 (Text message marked State's Exhibit No.

18 19 into evidence.)

19 Q. And what's the incoming text there?

20 A. Yeah, and he hid them, but not in the
21 usual place, and I'm dying.

22 Q. You replied.

23 A. What do you mean he hid them. Have you
24 taken any of them.

25 Q. And the reply.

Whitnii Milhorn-Direct by Corbett

1 A. No, but they aren't where I saw them
2 before.

3 Q. Now we jump to the I believe, the bottom
4 two on the screen. Those are incomings, is that
5 correct?

6 A. Yes.

7 Q. And what are those?

8 A. We need two of us over there tomorrow,
9 that way one of us can distract him while I look
10 upstairs. I am broke, and I am going to be sick
11 again.

12 Q. One of us can distract him while I look
13 upstairs. What do you take that to mean?

14 A. I guess I didn't pay too much attention to
15 it.

16 Q. What does that mean to you?

17 A. Well now that I read it, I'm seeing
18 something different than I did before.

19 Q. What is the next incoming?

20 A. Can you go with me in the morning.

21 Q. And your reply.

22 A. Yes.

23 Q. And then what's the next incoming?

24 A. Okay. Can you be here at 7:15. I want
25 to show up earlier. I have keys to his house, and I

Whitnii Milhorn-Direct by Corbett

1 wish what time he went to bed.

2 Q. So she indicates that she has keys to his
3 house.

4 A. Yes.

5 Q. Your response.

6 A. Yes, ma'am.

7 Q. Now that was September 25th at
8 approximately 9:25 p.m.?

9 A. Yes.

10 Q. What's the next message outgoing dated?

11 A. 9/26.

12 Q. At what time?

13 A. 7:40 in the morning.

14 Q. And your message out is what?

15 A. On the way, sorry I overslept.

16 Q. SO OTW means on the way?

17 A. Yes.

18 MR. CORBETT: Your Honor, the State would
19 offer No. 20.

20 MR. BRIDGES: Restate my objection.

21 THE COURT: Yes, sir. Overruled.

22 (Text message marked State's Exhibit No.
23 20 into evidence.)

24 Q. Now I believe the OTW, I'm sorry I
25 overslept is a carry over?

Whitnii Milhorn-Direct by Corbett

- 1 A. Yes.
- 2 Q. And what's the response you get back.
- 3 A. So do I. I don't feel good at all.
- 4 Q. And your reply.
- 5 A. Me either.
- 6 Q. And then what's the next message?
- 7 A. How far away are you.
- 8 Q. And your reply.
- 9 A. Three minutes.
- 10 Q. And the reply from Sabrina.
- 11 A. Okay.
- 12 Q. And what's the next message?
- 13 A. Good.
- 14 Q. And that's incoming?
- 15 A. Yes.
- 16 Q. Now I believe the good is the carry over
- 17 from the ones we just read.
- 18 A. Yes.
- 19 Q. Is that correct?
- 20 A. Yes.
- 21 Q. Now what is your reply there?
- 22 A. No.
- 23 Q. What does that mean?
- 24 A. I guess it wasn't good.
- 25 Q. And what's your next message out?

Whitnii Milhorn-Direct by Corbett

1 A. I'm in the bathroom by this garage now.

2 Q. You're in the bathroom by the garage now.

3 Where was that?

4 A. Right by the garage door.

5 Q. What house?

6 A. At Dr. Aycock's house.

7 Q. The picture I showed you earlier. That

8 house.

9 A. Yes.

10 Q. So it's the morning of September 26th

11 2014, and you're in the bathroom by the garage.

12 A. Yes.

13 Q. Now there's another message from you.

14 A. Yes.

15 Q. What does it say?

16 A. I'm outside. Make him go lay down.

17 Because I'm already sick too.

18 Q. And the next message your yours.

19 A. Yes.

20 Q. And what does it say?

21 A. Come get me. The front door.

22 Q. Now and the next message is yours.

23 A. Yes.

24 Q. And what does it say?

25 A. To get him outside and ask him about

Whitnii Milhorn-Direct by Corbett

1 raking the yard or something, and let me go through
2 the garage.

3 Q. And what's your next message?

4 A. Text me when he's coming back in.

5 Q. Now why did you want to get him outside?

6 A. Because that's when she decided that she
7 couldn't find the pills, so she wanted me to look
8 for them.

9 MR. CORBETT: Your Honor, the State would
10 offer No. 21.

11 MR. BRIDGES: Restate my objection.

12 THE COURT: Same overruled.

13 (Text message marked State's Exhibit No.
14 21 into evidence.)

15 MR. CORBETT: And mine's a little blurry
16 on this one. But I believe the top box you just
17 read. Or the top two.

18 A. Yes.

19 Q. And what's the reply?

20 A. He's in the bathroom trying to fix the
21 water. Come on.

22 Q. And your reply.

23 A. Where.

24 Q. And then the message back to you.

25 A. Upstairs again. He's downstairs with me.

Whitnii Milhorn-Direct by Corbett

- 1 Q. And your next reply.
- 2 A. He won't hear me.
- 3 Q. That was a question?
- 4 A. Yes.
- 5 Q. And then what's your next message?
- 6 A. Come in where. Talk or keep him in there.
- 7 Q. What do you mean by talk?
- 8 A. Because she was not responding to me.
- 9 Q. And then she relies back.
- 10 A. I am. Hurry though before I decide to
- 11 stab him with the scissors.
- 12 Q. I'm sorry, what was that last one?
- 13 A. Hurry though before I decide to stab him
- 14 with scissors.
- 15 Q. What's your reply?
- 16 A. Nothing. I need down.
- 17 Q. What does that mean?
- 18 A. That there's nothing up here.
- 19 Q. Now when you sent the text, keep him in
- 20 there, where were you?
- 21 A. I think I was upstairs.
- 22 Q. Now how did you get in the house?
- 23 A. With Sabrina.
- 24 Q. I'm sorry.
- 25 A. In the front door.

Whitnii Milhorn-Direct by Corbett

1 Q. Say again.

2 A. In the front door with Sabrina.

3 Q. She let you in the house.

4 A. Yes.

5 Q. So she knew it was you in the house.

6 A. Yeah, I was cleaning the house.

7 Q. And then what's the next box incoming?

8 A. Get out.

9 Q. And the next one.

10 A. Where are you.

11 MR. CORBETT: Your Honor, the State would

12 offer No. 22.

13 MR. BRIDGES: Restate my objection.

14 THE COURT: Overruled.

15 (Text message marked State's Exhibit No.

16 22 into evidence.)

17 Q. Now I believe we've already looked at the

18 top two, is that correct?

19 A. Yes.

20 Q. And the next one is an incoming message.

21 A. Yes.

22 Q. And what is it?

23 A. They're in his goddamn pocket.

24 Q. And what are we talking about, when you

25 say they are?

Whitnii Milhorn-Direct by Corbett

1 A. The pills.

2 Q. What's your next reply?

3 A. The front door.

4 Q. And you rely or I'm sorry, you send out
5 another text.

6 A. God come to the front.

7 Q. What does that mean?

8 A. Because I wanted to talk to her.

9 Q. And then you've got another incoming
10 message.

11 A. He's in the bathroom, perfect time.

12 Q. Perfect time for what?

13 A. For me to do what she wanted me to do.

14 Q. What did she want you to do?

15 A. Well she wanted me to hit him with a golf
16 club.

17 Q. Hit him with a golf club.

18 A. Yes.

19 Q. Did any point and time did Sabrina
20 McWilliams mention or say anything about an ice
21 pick?

22 A. Yes, she had an ice pick and a pillow
23 case.

24 Q. Did you see the ice pick?

25 A. Yes.

Whitnii Milhorn-Direct by Corbett

1 Q. I want to show you what's been marked as
2 State's 38, and you if that looks familiar.

3 A. Yes.

4 Q. What is that?

5 A. The ice pike.

6 Q. The one Sabrina McWilliams had?

7 A. Yes.

8 Q. Did she say or suggest to you anything to
9 do with the ice pick?

10 A. Yes.

11 Q. And what was that?

12 A. Hold it to his neck, because he had just
13 had surgery.

14 Q. Hold it to his neck, because he had just
15 had surgery.

16 A. Yes.

17 Q. Now when you say hold it to his neck, are
18 we talking about?

19 A. I guess to scare him, I don't know.

20 Q. Hold it to his neck, or stab him with it,
21 or what?

22 A. No, she didn't say stab him with it.

23 Q. So she responds, he's in the bathroom.
24 Perfect time. Your response.

25 A. Fuck it. I am just going in the back

Whitnii Milhorn-Direct by Corbett

1 door. Keep him close.

2 Q. Now I believe the top two boxes we've
3 already looked at. The next incoming is.

4 A. He's out, what are we going to do.

5 Q. You respond.

6 A. Keep him by the back stairs.

7 Q. And then the incoming is.

8 A. Okay.

9 Q. Your response.

10 A. Hurry.

11 Q. The next incoming.

12 A. Where are you.

13 Q. And you reply.

14 A. Garage.

15 Q. And then Sabrina sends to you.

16 A. You need to surprise him coming out of the
17 bathroom.

18 Q. What does that mean? You need to surprise
19 him coming out of the bathroom?

20 A. I mean, she wanted me to come from behind
21 him.

22 Q. And do what?

23 A. Hit him.

24 MR. CORBETT: Your Honor, State's No. 23
25 offered in to evidence.

Whitnii Milhorn-Direct by Corbett

1 MR. BRIDGES: Restate my previous
2 objection.

3 THE COURT: Yes, sir. Overruled.

4 (Text message marked State's Exhibit no.
5 23 into evidence.)

6 Q. I believe the top two boxes we've already
7 looked at. What's your next reply?

8 A. Bring it.

9 Q. What does that mean?

10 A. I think that's when she handed me the
11 hammer.

12 Q. Now it looks like there is a break there
13 to 9:26 at approximately 10:34.

14 A. Yes.

15 Q. And I'm sorry, bear with me one moment.
16 So then you have an incoming message from Sabrina at
17 10:34.

18 A. Yes.

19 Q. And what does it say?

20 A. What happened.

21 Q. Then you have another incoming message
22 from Sabrina at 12:57.

23 A. Yes.

24 Q. And what does sit say?

25 A. You are good. Described you as male and

Whitnii Milhorn-Direct by Corbett

1 Asian. Call you when I can.

2 Q. So Sabrina is telling you that she
3 described you as male and Asian.

4 A. Yes.

5 Q. And what's the next incoming?

6 A. Call me from my home phone.

7 Q. And what's the next incoming?

8 A. Come. CJ will be home in 10 minutes.

9 Q. Now the next incoming is.

10 A. Ten dollars under the ashtray on the front
11 porch. I have to go -- go get in the shower. I
12 just threw everything I've eaten today.

13 Q. Tell me what the \$10 under the ashtray
14 means.

15 A. Well my intentions were to go to the house
16 and clean the house. And she was supposed to split
17 the money with me. So she was giving me \$10 I
18 think, to get gas.

19 Q. And then you responded.

20 A. Damn. Okay, I'm on the way. Thank you.

21 Q. Her response.

22 A. You're welcome.

23 Q. And then.

24 A. You didn't come.

25 Q. And your response was.

Whitnii Milhorn-Direct by Corbett

1 A. No, we didn't have enough gas.

2 MR. CORBETT: Your Honor, State's No. 24
3 offered into evidence.

4 MR. BRIDGES: Restate my objection.

5 (Text message marked State's Exhibit No.
6 24 into evidence.)

7 MR. CORBETT: Judge, I'm going to show
8 counsel 25 that we're offering in to evidence.

9 MR. BRIDGES: Restate my objection.

10 THE COURT: Overruled both.

11 (Text message marked State's Exhibit No.
12 2r into evidence.)

13 Q. Ms. Milhorn, I am going to show you
14 State's No. 24. And what I'm basically doing here
15 is, I just want to maintain the chain of continuity
16 until I get to a couple of pages over, but I didn't
17 want to leave anything out. And I believe the top
18 box is the carry over that we just read?

19 A. Yes.

20 Q. And then what's the response?

21 A. I have no car or I would bring it to you.
22 Are you still with Mat. Did you find some money for
23 gas.

24 Q. And you replied.

25 A. No, not yet. Why.

Whitnii Milhorn-Direct by Corbett

1 Q. Then the incoming message to you.

2 A. Look I'll hold on to this \$10 until you
3 can get by here.

4 Q. And you replied.

5 A. Okay, thank you.

6 Q. And then the next message on the 29th.

7 A. So what's going on, I haven't heard from
8 you at all.

9 Q. And the reply.

10 A. I've been sick as a damn dog. My foot is
11 infected. I ended up in the, I think she meant to
12 say the ER Saturday night. And Sunday morning I
13 happened to get antibody, IV.

14 Q. Next incoming.

15 A. I got some 5 milligram Oxycodone they gave
16 me, and I go back to the doctor tomorrow. And they
17 have to do another surgery.

18 Q. Then there's another incoming.

19 A. How many PERC's do you have.

20 Q. And your response.

21 A. 50.

22 Q. And then the next incoming?

23 A. Did you call Blake, he might buy some.

24 Q. And then top box we just addressed?

25 A. Yes.

Whitnii Milhorn-Direct by Corbett

1 Q. So your next one is.

2 A. Yeah, he wanted to pay \$7.

3 Q. Incoming.

4 A. Yeah, he always tries that crap, but he
5 won't go down 50 cent on his stuff.

6 Q. Your reply.

7 A. Exactly.

8 Q. Next box.

9 A. I have a PBY I can ask for you right now.
10 I'm hurting so bad, I just want a hot bath and my
11 bed. Really hope that I don't have to have another
12 surgery.

13 Q. Your rely.

14 A. Damn, why another one.

15 Q. And then the incoming.

16 A. My foot is infected.

17 Q. The next message.

18 A. They don't how much tissue damage there is
19 until he looks at it tomorrow.

20 Q. Then there's a couple of more incomings.

21 A. If they don't give me anything tomorrow,
22 have you still got them. I may want a few. Have
23 you talked to Tracy.

24 Q. Your response.

25 A. Fuck no. She thinks I've got her friend's

Whitnii Milhorn-Direct by Corbett

1 25 pills, but Justin did it.

2 Q. And I believe my next one is cut off, so
3 bear with me just a moment. Judge, we're going to
4 offer into State's 26 and State's 27.

5 THE COURT: All right, sir.

6 MR. BRIDGES: Restate my objection to
7 both.

8 THE COURT: Both overruled. Thank you.

9 (Text messages marked State's Exhibit Nos.
10 26 and 27 into evidence.)

11 Q. And I believe the next box on your phone
12 would be the one starting with really.

13 A. Really, I hadn't heard that. But I also
14 don't talk to her much at all.

15 Q. That's an incoming message,---

16 A. Yes.

17 Q. Correct? From Sabrina?

18 A. Yes. I'll talk to you when you have time.

19 Q. Your response.

20 A. At the dentist.

21 Q. And then your next reply.

22 A. What's up.

23 Q. And what's your next incoming.

24 A. I saw where you called. I'm at the
25 hospital. What's up.

Whitnii Milhorn-Direct by Corbett

1 Q. And your response.

2 A. What did you need to talk to me about.

3 Q. And the reply.

4 A. The police came and talked to me. They
5 think I had something to do with whoever hurt
6 Dr. Aycock. I told them I didn't see anyone, and it
7 looked like an Asian or a Hispanic man. They asked
8 me who dropped me off that morning, and I told them
9 my friend Whitnii, and then you left.

10 Q. And then the next incoming.

11 A. I'll call you as soon as I leave the
12 hospital. I told them I was trying---

13 Q. Bear with me one moment. I'm now
14 referring to State's No. 27. The next one you say
15 is an incoming.

16 A. Yes.

17 Q. Go ahead.

18 A. I told them I was trying to get the vacuum
19 to work and called Dr. Aycock downstairs, and was
20 walking across the living room floor when I heard a
21 scuffle behind me. I turned around and he was
22 wrestling on the floor, and someone was hitting him
23 with something. I screamed, and they ran out the
24 door and I called the police. It looked like an
25 Asian or Hispanic male with a black covering over

Whitnii Milhorn-Direct by Corbett

1 his face. All I could see was his eyes. Dr. Aycock
2 said the same thing as far as I know.

3 Q. Now in that message, that's Sabrina
4 McWilliams telling the police that it looked like an
5 Asian or Hispanic male.

6 A. Yes.

7 Q. But she knew all along it was you.

8 A. Yes.

9 Q. You referenced this earlier, but I may not
10 have done a good job of asking the question. You
11 indicated the two of you were texting.

12 A. Yes.

13 Q. That day. Did at any point in that
14 morning, you all had a face to face conversation?

15 A. Yes. We were together all morning.

16 Q. So you spoke direct communication and,
17 because you had mentioned something about, she had
18 said something to you about a golf club.

19 A. Yes.

20 Q. What did she say about the golf club?

21 A. That she wanted to hit him with it.

22 Q. And then also pulled out the ice pick?

23 A. Yes.

24 Mr. CORBETT: Bear with me one moment
25 please.

Whitnii Milhorn-Direct by Corbett

1 Q. And then it changes over, and there's
2 another incoming message?

3 A. Yes.

4 Q. And what is that?

5 A. Cody keeps saying I owe him money. Do you
6 think he is callous enough to do something like
7 this.

8 Q. And what's, something like what?

9 A. I don't know.

10 Q. And what's the next incoming?

11 A. And what do you have a bench warrant for.

12 Q. And the next incoming.

13 A. He told me he wanted to talk to you to
14 confirm when your boyfriend dropped me off, that's
15 all.

16 Q. What's that in reference to?

17 A. Wayne Dubose called my phone.

18 Q. And the next incoming.

19 A. Daddy just dropped me back off at home. I
20 tried to call you from home, call the house.

21 MR. CORBETT: Judge, the State would offer
22 28 and 29.

23 MR. BRIDGES: Restate my objection.

24 THE COURT: Both overruled.

25 (Text messages marked State's Exhibit No.

Whitnii Milhorn-Direct by Corbett

1 28 and 29 into evidence.)

2 Q. And I believe we've already read the top
3 box, is that correct?

4 A. Yes.

5 Q. What's the next incoming?

6 A. Please, I really need to talk to you.

7 Please call me at home.

8 Q. Next incoming.

9 A. Whitnii, I really talk to you.

10 Investigator Dubose asked me to come back up there.

11 Have you talked to him.

12 Q. Your rely.

13 A. Hold on.

14 Q. Then I believe the next outgoing is yours.

15 A. Why the fuck is Tracy putting my name in
16 it, when all I did was drop you off. You told me
17 that your cousin picked you up.

18 Q. And then the reply.

19 A. Tracy ended up picking me up because my
20 cousin was going to be an hour. Investigator Dubose
21 talked to her yesterday. I'm assuming to verify
22 that. And I have no idea what she said. They
23 haven't told me anything. I haven't talked to her
24 at all.

25 Q. And then the next outgoing is from you.

Whitnii Milhorn-Direct by Corbett

1 I'm sorry hold on I'll -- this is on the next page.

2 I'm Now referring to State's 29.

3 A. Well from what I was told, Tracy got them
4 to pick her up, and she gave them a statement
5 verifying your alibi. And they are saying the young
6 man broke in and beat you all. I dropped you off.
7 I don't understand.

8 Q. And then the next incoming message.

9 A. The only thing I told them was you all
10 dropped me off in the exact statement I gave you
11 earlier. Nothing more or less. I did not talk to
12 Tracy while in the car at all, nor did I talk to her
13 when she dropped me off. I have not talked to her
14 since yesterday.

15 Q. And your reply.

16 A. He told me to come in tomorrow to talk to
17 him again.

18 Q. And then the next incoming.

19 A. I haven't. Are you going. I have going
20 back and forth between doctors because of this
21 infection in this foot. All he told me was he
22 needed to confirm that you and your boyfriend
23 dropped me off and left, which is what happened.

24 Q. And then you replied.

25 A. Okay well he acts like I ain't going to

Whitnii Milhorn-Direct by Corbett

1 believe him when I do come.

2 Q. And then the next message.

3 A. Because of the bench warrant.

4 Q. And bear with me one moment. Bear with me
5 one moment, it runs over to the next page.

6 MR. CORBETT: Your Honor, the State offers
7 into State's 30 and 31.

8 MR. BRIDGES: My final reinstatement.

9 THE COURT: Yes, sir. overruled.

10 (Text messages marked State's Exhibit Nos.
11 30 and 31 into evidence.)

12 Q. And I believe the top box we've already
13 read because of the bench warrant.

14 A. Yes.

15 Q. And then you replied.

16 A. I didn't even know I had a bench warrant.
17 He said it's a city warrant and he didn't even see
18 that I had it.

19 Q. And then the next reply.

20 A. And I have no idea. I told him exactly
21 the same thing Dr. Aycock did..

22 Q. Your -- the next one is your response, is
23 that correct?

24 A. Yes.

25 Q. Read that please.

Whitnii Milhorn-Direct by Corbett

1 A. I am just paranoid. I mean neither me or
2 Mat have a license, and they could charge us.
3 Charge whoever was driving with DUS. And both of us
4 are on our third DUS.

5 Q. Then the next rely.

6 A. And who is going to drive you up there.

7 Q. And then you said.

8 A. I don't know yet. I'm not driving myself
9 for sure.

10 Q. Then the next one is.

11 A. From her.

12 Q. And it says what?

13 A. Does Mat have a license.

14 Q. And you responded.

15 A. No, I just said neither of us do. We're
16 both on our third DUS.

17 Q. And then the incoming.

18 A. Oh sorry, I missed that part. Trying to
19 get the baby down.

20 Q. And then the next incoming.

21 A. What time do you have to be there in the
22 morning, or are you still going.

23 Q. Now, Ms. Milhorn, I acknowledge that that
24 was a rather tedious process, but I wanted to get in
25 the full measure of that conversation. You have

Whitnii Milhorn-Direct by Corbett

1 been texting Sabrina McWilliams beginning back in
2 early September, is that correct?

3 A. Yes.

4 Q. As we've seen there.

5 A. Yes.

6 Q. And you knew those text messages to be
7 from Sabrina McWilliams.

8 A. Yes.

9 Q. And the context of all of those messages
10 are that they're from Sabrina McWilliams.

11 A. Yes.

12 Q. Now you indicated that you went to the
13 house with her that day?

14 A. Yes.

15 Q. How did you all get there?

16 A. In Mat's truck.

17 Q. Mat's truck.

18 A. Yes.

19 Q. And who went inside the house?

20 A. Me and Sabrina.

21 Q. Just the two of you.

22 A. Yes.

23 Q. No one else.

24 A. No.

25 Q. This wasn't a situation where Sabrina

Whitnii Milhorn-Direct by Corbett

1 stayed home, and you and Mat went there.

2 A. No.

3 Q. So you all are in the house, and you're
4 texting, is that correct?

5 A. Yes.

6 Q. But you're also interacting with each
7 other face to face?

8 A. Yes.

9 Q. Now at this point and time, are you all
10 trying to stay out of the sight of Dr. Aycok?

11 A. She just said that he was upstairs. He
12 stayed up there the rest of the time.

13 Q. And then at some point she had texted you.
14 I want to kind of go back to this point about,
15 Surprise him when he's coming out of the bathroom.

16 A. Yes.

17 Q. What were you supposed to do?

18 A. I guess hit him.

19 Q. With what?

20 A. When the text message was in there?

21 Q. Yes, ma'am.

22 A. With the hammer that she handed me, I
23 guess.

24 Q. She handed you the hammer?

25 A. Yes.

Whitnii Milhorn-Direct by Corbett

1 Q. Sabrina McWilliams what I had previously
2 showed you as an exhibit, that's what she handed to
3 you?

4 A. Yes.

5 Q. And handed it to you for what purpose?

6 A. To hit him with it.

7 Q. I'm -- what I am asking is, it wasn't
8 handed to you to fix something, to drive a nail in.

9 A. No.

10 Q. It was given to you with the express
11 purpose of hitting Dr. Aycock.

12 A. Yes.

13 MR. CORBETT: Your Honor, bear with me one
14 moment, please.

15 Q. Now the telephone that you have there,
16 during the course of me showing you the text
17 messages on the screen, you were looking at them on
18 your phone?

19 A. Yes.

20 Q. So you never erased them.

21 A. No.

22 Q. Did the police seize that telephone from
23 you?

24 A. Yes.

25 Q. Now there's some references in the text

Whitnii Milhorn-Direct by Corbett

1 messages to you having to go down and talk to the
2 police officers.

3 A. Yes.

4 Q. Is that correct?

5 A. Yes.

6 Q. You had already indicated that you spoke
7 with Detective -- excuse me, Investigator Dubose.
8 Is that when he seized your telephone?

9 A. Yes. When he arrested me, he took it.

10 Q. So you were arrested, and your phone was
11 taken.

12 A. Yes.

13 Q. Now prior to him taking the phone, did you
14 go through the phone with him and show him the text
15 messages?

16 A. Yes.

17 Q. And I am sorry I jumped around a little
18 bit. If we go back to the morning of the 26th, you
19 said Mat dropped you off?

20 A. Yes.

21 Q. Was he driving?

22 A. I was driving, then he drove off.

23 Q. And it was you and Sabrina who got out of
24 the truck?

25 A. Yes.

Whitnii Milhorn-Direct by Corbett

1 Q. Anybody else?

2 A. No.

3 Q. How did you leave the scene?

4 A. He picked us up. He picked me back up.

5 Q. Picked you up.

6 A. Yes.

7 Q. Now did you have any type of agreement or
8 arrangement with Mr. Aycock to work in his house?

9 A. No, I was just trying to help her.

10 Q. So he wouldn't have known that you were
11 even in the house.

12 A. I thought he knew, but he didn't.

13 Q. Why are you having to text her about, I'm
14 in the bathroom by the garage. Come to the door,
15 and that sort of thing?

16 A. Well at one point, I was cleaning. Like I
17 said. So we were in different parts of the house,
18 and I was assuming that's what she was doing, but
19 that wasn't what she was doing.

20 Q. Now when you got into the altercation with
21 Dr. Aycock, I'm sorry, let me say, bumped. When you
22 hit him in the head with the hammer, were you behind
23 him?

24 A. Yes.

25 Q. Did a struggle come after that?

Whitnii Milhorn-Direct by Corbett

- 1 A. Yes.
- 2 Q. Did you get hit with a hammer?
- 3 A. Yes.
- 4 Q. What did you do after that?
- 5 A. I left.
- 6 Q. Now when you say left, what do you mean
- 7 left?
- 8 A. I got my purse and left.
- 9 Q. Did you run out of the house or?
- 10 A. Yes.
- 11 Q. So ran out of the house.
- 12 A. Yes.
- 13 Q. What were you wearing?
- 14 A. I think pajama pants and a jacket.
- 15 Q. What kind of jacket?
- 16 A. I think it was North Face jacket.
- 17 Q. Did you have something over your head?
- 18 A. No.
- 19 Q. Nothing over your head. Not a hood---
- 20 A. No.
- 21 Q. ---or anything on your head.
- 22 A. No.
- 23 Q. You're not a male.
- 24 A. No.
- 25 Q. And you're not Asian.

Whitnii Milhorn-Direct by Corbett

1 A. No.

2 Q. Where was Sabrina McWilliams during the
3 scuffle?

4 A. Watching.

5 Q. She was watching.

6 A. Yes.

7 Q. Did she intervene in any way?

8 A. No.

9 Q. And there's no question that she knew you
10 were the other person in the house.

11 A. No.

12 Q. And I'm sorry by saying no, when you say
13 no, you mean she knew.

14 A. She knew.

15 Q. Who put this together?

16 A. Sabrina.

17 Q. You weren't the mastermind here.

18 A. No, it wasn't even my intention to do any
19 of that. It was my intention to go clean the house
20 to help her.

21 Q. And to get pills.

22 A. Well I didn't know how she was getting
23 them. If she was taking them or what.

24 Q. Well in the text messages she references
25 getting pills from Dr. Aycock, right?

Whitnii Milhorn-Direct by Corbett

1 A. Yeah. But I didn't know she was getting
2 them. If he was giving them to her, or if she was
3 just getting them, I didn't know.

4 Q. Now while the two of you all are in the
5 house, are you all both looking for these pills?

6 A. I was cleaning.

7 Q. You were cleaning, and she was looking.

8 A. Yes.

9 Q. And who says they're in his GD pocket?

10 A. She did.

11 Q. That was hers.

12 A. Yes.

13 Q. So she trying to get ahold of the pills.

14 A. Yes.

15 Q. Where did she get the hammer?

16 A. I don't know.

17 Q. Had you ever been in that house before?

18 A. No.

19 Q. Ms. Milhorn, you appeared in court and you
20 admitted to your involvement in this, and received a
21 sentence,---

22 A. Yes.

23 Q. ---is that correct? And you are currently
24 serving time for that.

25 A. Yes.

Whitnii Milhorn-Direct by Corbett

1 Q. If you know, if you don't, that's fine.

2 If you know, do you know how the police knew to
3 interview you?

4 A. I assume Sabrina.

5 MR. CORBETT: Ms. Milhorn, please answer
6 any questions Mr. Bridges may have for you.

7 MR. BRIDGES: May I approach? Mr. Corbett
8 and I?

9 THE COURT: Yes, sir.

10 (Whereupon, attorneys approach and confer
11 with judge.)

12 THE COURT: Ladies and gentlemen of the
13 jury, we're at the point now where the defense
14 attorney gets to ask questions. However mindful
15 that it may take awhile to do that, because we've
16 been at it for an over an hour and half maybe more,
17 on the front end of this. So we're going to take a
18 break now for dinner, lunch or whatever you want to
19 call it. Be back here, if you will be back here
20 please, jurors, at 2:15. Do not discuss this case
21 with anybody. If anybody approaches you wanting to
22 talk about this case, let me know. Please don't
23 even think about this case until the appropriate
24 time. And you now are released for that.

25 (Whereupon, jurors go to lunch at 12:40

1 p.m.)

2 (Whereupon, the following takes place
3 outside the presence of the jury.)

4 THE COURT: Anything else, gentlemen,
5 before we break for dinner?

6 MR. CORBETT: Nothing from the State, Your
7 Honor.

8 THE COURT: Now, ma'am, I know you are in
9 custody, but you are not to talk to anybody about
10 this case, especially not your lawyer. Now your
11 lawyer knows that, but for the record, I'm saying
12 that all right. Thank you all. And to you fine
13 officers at SCDC I know you all need to be back
14 wherever you have to go. However it's my policy
15 that the jury comes first and they are getting
16 hungry and tired. So if you all will just bear with
17 me. Thank you.

18 (Whereupon, the court breaks for lunch at
19 12:46 p.m.)

20 THE COURT: Is there anything from the
21 State before we bring the jury in?

22 MR. CORBETT: Nothing from the State, Your
23 Honor.

24 MR. BRIDGES: I've been told that my
25 client has---

1 THE COURT: What now?

2 MR. BRIDGES: I was told and it's
3 unverified, that my client has warrants for her in
4 Tennessee. Now it does not appear she's in custody
5 there. I will just put it on the record for
6 purposes of her nonappearance.

7 THE COURT: Sure, it's on it.

8 MR. BRIDGES: And I will inform the court
9 if she is in custody at any point, when I found out
10 about it.

11 THE COURT: Are you ready to proceed,
12 gentlemen?

13 MR. CORBETT: The State is ready, Your
14 Honor.

15 MR. BRIDGES: The defendant is ready, Your
16 Honor.

17 THE COURT: You may bring the jury.

18 (Whereupon, the following takes place
19 within the presence of the jury.)

20 THE COURT: Ma'am, if you would come and
21 join us please. Now, ma'am, you are still under
22 oath.

23 THE COURT: Proceed sir.

24 Cross Examination by Mr. Bridges:

25 Q. Good afternoon, Ms. Milhorn.

1 A. Good afternoon.

2 Q. So on September 26th, Sabrina, you claim
3 that Sabrina contacted you about cleaning
4 Dr. Aycock's house.

5 A. Yes.

6 Q. And you're under the impression that you
7 were going to go in there and clean.

8 A. Yes.

9 Q. Did you ever mention to anyone that you
10 had been there before to clean that house?

11 A. I've been there with her, but I've never
12 been in the house.

13 Q. So you've been like outside the house?

14 A. Yes.

15 Q. You've given her a ride before.

16 A. Yes.

17 Q. Now was there a third person in the car
18 that day?

19 A. Yes.

20 Q. Is it Matthew Brogdon?

21 A. Yes.

22 Q. Was Matthew Brogdon your boyfriend at the
23 time?

24 A. Yes.

25 Q. How long were you guys together for?

Whitnii Milhorn-Cross by Bridges

1 A. A couple of months.

2 Q: And was there some kind of issue? I
3 believe there was reference in one of the text
4 messages that said somebody came and hit you
5 involving Mat?

6 A. Yes, it was his live in girlfriend.

7 Q. So he was seeing you too.

8 A. Yes.

9 Q. So you get to Dr. Aycock's house, and then
10 you recognize it, because you've before there
11 before.

12 A. Yes.

13 Q. And you come to -- and so Sabrina comes in
14 through the front door, and then you follow her.

15 A. Yes.

16 Q. And does she announce that she's here to
17 clean?

18 A. No.

19 Q. But she comes in, and Dr. Aycock doesn't
20 say anything.

21 A. No.

22 Q. And you didn't actually hear from
23 Dr. Aycock at any of the time you were there.

24 A. He was upstairs.

25 Q. The whole time.

Whitnii Milhorn-Cross by Bridges

- 1 A. Yup. Until---
- 2 Q. Did you go upstairs?
- 3 A. ---he came downstairs. Yes.
- 4 Q. You did, you went upstairs.
- 5 A. Yes.
- 6 Q. Did you encounter him.
- 7 A. No, he went in his bathroom or something.
- 8 Q. And according to what you testified
- 9 earlier, were you moving throughout the house---
- 10 A. Yes.
- 11 Q. ---during the process?
- 12 A. Yes.
- 13 Q. And Sabrina was as well?
- 14 A. Yes.
- 15 Q. And during none of that time did you
- 16 encounter Dr. Aycock.
- 17 A. No.
- 18 Q. You didn't really know his whereabouts.
- 19 A. No.
- 20 Q. And you said that -- and then started
- 21 cleaning. Did you start cleaning at that point?
- 22 A. Yes, when we first got there.
- 23 Q. What rooms did you clean?
- 24 A. The wall that she said she wanted to spray
- 25 down. I scrubbed that wall. I cleaned his bathroom

Whitnii Milhorn-Cross by Bridges

1 and his bedroom. I didn't vacuum it though. And
2 the kitchen.

3 Q. And did Matthew Brogdon come with you?

4 A. No.

5 Q. Did he wait in the car or?

6 A. No, he went somewhere else.

7 Q. Do you know his whereabouts during this
8 time?

9 A. No. It was a friend's house, but I don't
10 know who or where it was.

11 Q. You don't know how far away.

12 A. I wasn't that far away. But...

13 Q. And then you testified that some time
14 during this, you and Sabrina started talking about
15 trying to find the pills.

16 A. Yes.

17 Q. Was there any discussion prior to entering
18 the house in the car about trying to find pills that
19 day?

20 A. No, not before we got there.

21 Q. SO it wasn't until after you got in the
22 house and started cleaning, that that was the first
23 time that you heard this.

24 A. Yes, she said she couldn't find where his
25 pills were.

Whitnii Milhorn-Cross by Bridges

1 Q. So you didn't know how she was obtaining
2 or if she obtained pills at all before?

3 A. Yes, I didn't know if he give him to her
4 or what. I never asked.

5 Q. And then at some point you testified that
6 Sabrina started telling you that you needed to
7 strike Dr. Aycock---

8 A. Yes.

9 Q. ---with some kind of item? And you said
10 at first it was a golf club.

11 A. Yes.

12 Q. Did you see any golf clubs?

13 A. Yes, there were some in his house.

14 Q. Were they like -- were they in any rooms
15 that had been cleaned?

16 A. I don't remember.

17 Q. And did you see, and you said she also
18 mentioned an ice pick?

19 A. Yes.

20 Q. But had you seen an ice pick?

21 A. Yes, it was on the counter with a pillow
22 case.

23 Q. But those were never touched by you,---

24 A. No.

25 Q. ---or used by you or anything.

Whitnii Milhorn-Cross by Bridges

1 A. No.

2 Q. And so then you eventually, and oh, she
3 also -- you testified that she told you she might
4 stab him with the scissors?

5 A. Yes.

6 Q. Did you see any scissors?

7 A. I wasn't paying attention. At that point,
8 I was in back room.

9 Q. And when he came to any room that you were
10 using---

11 A. I mean, there was stuff on the kitchen
12 counter, but....

13 Q. But you couldn't really tell.

14 A. And on the dining room table.

15 Q. But you couldn't really tell.

16 A. I wasn't looking for a pair of scissors,
17 no.

18 Q. And then you ultimately hit him.

19 A. Yes.

20 Q. And did she make you?

21 A. No. I was under the impression that we
22 weren't leaving until something happened.

23 Q. But did she say that?

24 A. No, it was kind of, she said we were
25 already there, we were already doing it, so it was

Whitnii Milhorn-Cross by Bridges

1 going to happen.

2 Q. Did she threaten you if you wouldn't do
3 it?

4 A. Yes, and my thing was, if she didn't stab
5 him with scissors, then what?

6 Q. So she threatened you with the scissors.

7 A. No, she didn't threaten me with the
8 scissors. I didn't know what she was going to do.

9 Q. But did she specifically say what she was
10 going to do?

11 A. She didn't specifically say what she was
12 going to do.

13 Q. And she didn't say that if you didn't do
14 this, she was going to do something to you.

15 A. Not in so many words, no. But....

16 Q. But you're -- but she -- you claim she
17 handed you the hammer.

18 A. She was very adamant. Very adamant.

19 Q. And you claim that she handed you the
20 hammer.

21 A. Yes.

22 Q. And then you went, and you're the one that
23 actually hit Dr. Aycock.

24 A. Yes.

25 Q. And she did not struck Dr. Aycock.

Whitnii Milhorn-Cross by Bridges

1 A. No.

2 Q. So you---

3 A. But she got him downstairs.

4 Q. And you claim that this was all her idea,
5 and you came in there just to clean the house.

6 A. Yeah, I was trying to do her a favor.

7 Q. And why did you complete this? Like if
8 this was actually a plot by her, why did you
9 actually do the assault?

10 A. I don't know, I felt kind of stuck at
11 first. And then my thing was, if she didn't stab
12 him with scissors, I said, what are you doing to do
13 if you kill him. She said. I'll figure that out
14 then. And I didn't -- I don't want to spend the
15 rest of my life in prison.

16 Q. But you didn't -- I mean, you didn't have
17 any control over what she was going to do.

18 A. But I'm there. So...

19 Q. But you drove -- or Matthew drove you
20 both.

21 A. Yeah, she couldn't drive.

22 Q. So you weren't depending on her to get a
23 ride out of there.

24 A. No.

25 Q. So you could have left at any time.

Whitnii Milhorn-Cross by Bridges

1 A. I don't know.

2 Q. But you weren't depending on her for a
3 ride then.

4 A. It was kind of -- I mean, I was there with
5 her, that's it.

6 Q. Well then you contacted Matthew.

7 A. Right.

8 Q. And that's how you left or that's -- he
9 picked you up after you left the house.

10 A. Yes.

11 Q. And you left the house when she was still
12 there.

13 A. Yes. And I had to wait on him to come get
14 me.

15 Q. And did Dr. Aycock when you were
16 struggling, did he hit you with the hammer too?

17 A. Yes.

18 Q. Did it leave any kind of injuries?

19 A. I think I had a big knot on me head or
20 something.

21 Q. You had a big knot.

22 A. Yes.

23 Q. And do you recall this is marked as
24 State's Exhibit 1 for Id. only. On October 2nd,
25 talking to investigator Dubose?

Whitnii Milhorn-Cross by Bridges

1 A. Yes.

2 Q. And you started making a statement, it
3 shows an incomplete statement, Correct?

4 A. Yes.

5 Q. Did you bring your phone with you when you
6 talked to Investigator Dubose?

7 A. When he arrested me, my phone was with we,
8 he took it, yes.

9 Q. He was with you and he took it.

10 A. Yes.

11 Q. But that was the first time that he had
12 seen the phone. He didn't come get it from to house
13 or anything like that.

14 A. When I got arrested, yes. It was taken
15 with me in the car, and he got it then.

16 Q. But you brought it to the police. Well
17 when you went and talked with him, you had it on
18 you.

19 A. I didn't go talk to him. He come and
20 arrested me.

21 Q. He got you, but you had it on you.

22 A. Yes.

23 Q. And you showed it to him. And you went
24 through all these texts. Sort of like you did with
25 the solicitor.

Whitnii Milhorn-Cross by Bridges

1 A. Yes.

2 Q. Yes. And that was you who showed that he
3 didn't make you say, okay, show me what's on this
4 phone.

5 A. No.

6 Q. And is that partially because in that
7 first, the first time you talked to Investigator
8 Dubose, you didn't tell him that you -- that you are
9 the one that hit Dr. Aycock.

10 A. The first time I talked to him was when I
11 got arrested. And I was, probably didn't even know
12 where I was at, much less anything that was going
13 on.

14 Q. So you maintained that you were very
15 intoxicated.

16 A. Yes.

17 Q. So you recall telling him that you first
18 weren't in the house at all that day?

19 A. I don't remember anything from that day.

20 Q. Anything.

21 A. Nothing.

22 Q. But you do remember giving him you phone,
23 and him going through the phone.

24 A. The phone, I don't remember talking, but I
25 know that's how he got the phone.

Whitnii Milhorn-Cross by Bridges

1 Q. And then you don't remember telling him
2 that Matthew Brogdon had nothing do with this.

3 A. Yes.

4 Q. You do remember saying that.

5 A. Yes.

6 Q. And then the next -- and then you were
7 arrested after this.

8 A. Yes.

9 Q. And did you spend the day in jail or?

10 A. No, I never got out.

11 Q. And then the next day you gave another
12 statement, correct?

13 A. Yes.

14 Q. And this was a written one.

15 A. Yes.

16 MR. BRIDGES: And this, may I approach,
17 Your Honor?

18 A. Yes.

19 (Statement Marked Defendant's 2 for Id.)

20 Q. And this is marked as Defendant's Exhibit
21 2. And is this your handwriting on this miranda
22 waiver?

23 A. Yes.

24 Q. And this writing right here.

25 A. Yes.

Whitnii Milhorn-Cross by Bridges

1 Q. And then this statement, that's where you
2 wrote to kind of what she essentially testified to,
3 to the solicitor that you initially went in the
4 house to clean, and then eventually this plot
5 somehow happened for Dr. Aycock to get attacked, and
6 you ultimately him hit. Is that essentially what
7 statement says?

8 A. Yes.

9 Q. And this was after you had been arrested
10 for awhile?

11 A. Yes.

12 Q. Now what were you initially charged with?
13 Do you remember what you were charged with?

14 A. Yes. Do you mean the first thing?

15 Q. Yeah, before you were actually sentenced
16 on. Not actually what you pled guilty to, but what
17 were you charged with?

18 A. Burglary first, armed robbery, conspiracy
19 to commit armed robbery.

20 Q. And you ended up pleaded guilty to what?

21 A. Strong armed robbery.

22 Q. Strong armed. And that is different from
23 armed robbery, is it not?

24 A. Yes.

25 Q. Is that a less serious offense, isn't it?

Whitnii Milhorn-Cross by Bridges

1 A. Yes.

2 MR. BRIDGES: Let me, may I approach, Your
3 Honor?

4 THE COURT: Yes, sir.

5 Q. This is a just your profile from the
6 Department of Corrections website. Does it say your
7 projected release date is November 2018?

8 A. Yes.

9 Q. And were you aware of that prior to me
10 showing you this?

11 A. It just changed. I just got a new job.

12 Q. And what was your sentence?

13 A. Eight years.

14 Q. Eight years. And you don't have to serve
15 the full extent of that eight years, do you?

16 A. No.

17 Q. And it was your understanding that the
18 sentence you got by pleading guilty, is
19 substantially less than you could have faced.

20 A. Yes.

21 Q. And during your guilty plea, did you have
22 to give any kind of accounts of what happened that
23 day?

24 A. Yes.

25 Q. Did you implicate Ms. Sabrina as similar

Whitnii Milhorn-Cross by Bridges

1 as having done today?

2 A. Yes.

3 Q. And it's your understanding that do you
4 know if Matthew ever got in any trouble over this?

5 A. I don't know.

6 Q. And you haven't had any contact with him.

7 A. I would assume so. I talk to him his mom
8 all the time, but I don't talk to him.

9 Q. And so that first day that you got
10 arrested, you don't really remember much about
11 anything except---

12 A. Some stuff, just not a whole lot.

13 Q. And it was only you and Sabrina that were
14 in the house that day.

15 A. Yes.

16 Q. So Matthew did not enter the house.

17 A. No.

18 Q. But he did pick you up after you left
19 Dr. Aycock's house.

20 A. Yes.

21 Q. Was he -- was this like right outside the
22 house, or did you have go down the road some?

23 A. It was like a little bit down the road.

24 MR. BRIDGES: Thank you, no further
25 questions.

Whitnii Milhorn-Redirect by Corbett

1 THE COURT: Mr. Corbett.

2 MR. CORBETT: One moment please. Your

3 Honor.

4 THE COURT: Yes, sir.

5 Redirect Examination by Mr. Corbett:

6 Q. Ms. Milhorn, I just briefly wanted to ask

7 a follow up question to the issue of your guilty

8 plea. You pled to a lesser included offense.

9 A. Yes.

10 Q. And received an 8-year sentence.

11 A. Yes.

12 Q. Is that correct?

13 A. Yes.

14 Q. And as a part of your 8-year-sentence, you

15 actually waived any parole.

16 A. Yes.

17 Q. So you've got to max out your eight years.

18 A. Yes.

19 MR. CORBETT: That's all I have. Thank

20 you.

21 THE COURT: Mr. Bridges.

22 Recross Examination by Mr. Bridges:

23 Q. But that doesn't mean you're going to

24 serve the eight years, day for day.

25 A. Right.

Whitnii Milhorn-Recross by Bridges

1 Q. It's just your parole eligibility is a
2 little bit later.

3 A. I don't know. Whenever you get the
4 sentencing, you don't ever do the full day for day.
5 You're nonviolent or violent.

6 Q. And you were originally charged with a
7 violent crime?

8 A. Yes.

9 Q. But you plead guilty to a nonviolent
10 offense.

11 A. Yes. It's considered a violent offense,
12 but it's a nonviolent crime. But I don't know how
13 that works but...

14 Q. But this allowed you an earlier release
15 date.

16 A. Earlier than what?

17 Q. If you had pled guilty to the original
18 offenses.

19 A. Yes.

20 MR. BRIDGES: Thank you. No further
21 questions.

22 THE COURT: Mr. Corbett.

23 MR. CORBETT: Nothing, Your Honor.

24 THE COURT: You may step down.

25 MR. CORBETT: Judge, from the State's

Whitnii Milhorn-Recross by Bridges

1 perspective, we do not anticipate recalling
2 Ms. Milhorn.

3 THE COURT: Okay.

4 MR. CORBETT: I did not know what the
5 court's pleasure was, but I do know that they've got
6 a little bit of a lengthy trip to make---

7 THE COURT: Sure.

8 MR. CORBETT: ---this afternoon.

9 THE COURT: Mr. Bridges.

10 MR. BRIDGES: I do not object to her being
11 excused.

12 THE COURT: To you two from SCDC, I truly
13 appreciate your help. I really do. Have a good
14 day. Thank you. Who's next?

15 MR. CORBETT: Yes, sir, Your Honor. The
16 State would call Investigator Wayne Dubose.

17 Investigator Wayne Dubose, being first
18 duly sworn, testified as follows.

19 THE CLERK: State your name for the
20 record, and spell your last name please.

21 A. Wayne Dubose. D-U-B-O-S-E.

22 Direct Examination by Mr. Corbett:

23 Q. Investigator Dubose, good afternoon.

24 A. Good afternoon.

25 Q. Bear me with a moment, while I ask you

Investigator Dubose-Direct by Corbett

1 some obvious questions. By whom are you employed?

2 A. Sumter County Sheriff's Office.

3 Q. And how long have you been with the Sumter
4 County Sheriff's office?

5 A. I've been with the sheriff's office for
6 20 years.

7 Q. And were you with the sheriff's office
8 back in September of 2014?

9 A. Yes, sir, I was.

10 Q. In what capacity?

11 A. As a criminal investigator.

12 Q. Now just by a little bit of context, in 20
13 years have to had different jobs with the sheriff's
14 department?

15 A. Yes, sir. I've been through patrol,
16 family court, courtroom warrants, narcotics, K-9,
17 and now criminal investigations.

18 Q. Now if you would please, I am going to
19 turn your attention to September 26th of 2014. And
20 perhaps a day or two later. When did you first
21 become involved in this case?

22 A. I was assigned the case on the 29th, which
23 was just a few days later. When I came back, that
24 case was assigned to me to work.

25 Q. Now let me ask the question this way in

Investigator Dubose-Direct by Corbett

1 case the folks may not understand it. When you say
2 assigned to you, what does mean?

3 A. What happens is if you call the police,
4 they come out and they take an incident report..
5 Depending on the type of crime that's been
6 committed, the case may get worked by the patrol
7 officer, if not, it gets passed on to an
8 investigator. And then the investigator picks the
9 case up, and they work it from there. Since this
10 was a serious crime, a violent crime, it was passed
11 on. It was assigned to me on the 29th to work.

12 Q. Now when you received the file on the
13 29th, and let me ask you, did you make a report in
14 connection with this?

15 A. There was an incident report. The initial
16 incident report was done by patrol, and then I made
17 a case file which actually puts everything together.

18 Q. And did you actually prepare a written
19 report of your own?

20 A. I did.

21 Q. And do you have that with you?

22 A. I do.

23 Q. And do you on occasion, use that writing
24 to refresh your recollection of events and dates?

25 A. Yes, sir, I do.

Investigator Dubose-Direct by Corbett

1 Q. Now if would please, sort of, you picked
2 the file up on the 29th. Kind of walk us through
3 what you did.

4 A. I got assigned the case on the 29th. That
5 day I made contact with Mr. Aycock, which he was the
6 victim. Myself and another investigator,
7 Investigator Wadsworth, made contact with
8 Mr. Aycock. Went to his residence, talked to him,
9 get some other details about what occurred. I also
10 wanted him to give me a written statement. Maybe he
11 remembered something else. Maybe something else
12 occurred. But I went there to interview him, and to
13 get him to document in writing what occurred that
14 day.

15 Q. Would you consider that standard operating
16 procedure for you?

17 A. It is.

18 Q. So you talked with Mr. Aycock. What did
19 you all do next?

20 A. I obtained a written statement from
21 Mr. Aycock. Also listed in the incident report was
22 a witness, Sabrina McWilliams. She was the only
23 other person at the residence other than the alleged
24 suspect. And so at that time I wanted to make
25 contact with her, and get her to put in writing

Investigator Dubose-Direct by Corbett

1 basically what she witnessed. Get her to give me a
2 statement while it was fresh in her mind. I didn't
3 know how long this case was going to draw out. And
4 it could have drawn out weeks, months, years before
5 we identified somebody.

6 So I went ahead and tried to make contact
7 with her to get a written statement of the details
8 that she saw that day.

9 Q. And how did you make contact with
10 Ms. McWilliams, or did -- or I'm sorry, let me ask
11 it this way. Did you make contact with
12 Ms. McWilliams?

13 A. I did make contact with Ms. McWilliams by
14 phone. I asked her to come to the sheriff's office
15 and gave a statement. She advised that she couldn't
16 come to the sheriff's office. So me and another
17 investigator actually went to her residence.

18 Q. Do you recall, or do your notes reflect
19 the date that you went her residence?

20 A. I went to her residence on September 30th,
21 the day after I spoke to Mr. Aycock.

22 Q. Now when you went to her residence on
23 September 30th, and at that point and time, what did
24 you consider her status in the case?

25 A. She was one of my main witnesses.

Investigator Dubose-Direct by Corbett

1 Q. So at point you considered her a witness.

2 A. That's correct.

3 Q. Is that correct? Now when you arrived --
4 when you arrived at her residence, did you ask her
5 to provide a statement?

6 A. I did. We arrived at her residence on
7 the 30th. We actually started filling out the
8 paperwork, the form, about 10:30 a.m. So I'll say
9 we got there about 10:15 or so a.m. that morning.

10 Q. And now did she ultimately provide you
11 with a written statement?

12 A. She did.

13 Q. And was that statement signed by her?

14 A. It was. This is actually her written
15 statement that she gave.

16 Q. Let me stop you for just a moment.
17 You're referring to a document that is noted as
18 State's Exhibit No. 2 for identification only at
19 this point.

20 A. Yes, sir. This is a---

21 Q. Now bear with me one moment, I want to ask
22 you a question about that. Now at the time that
23 statement was given to you, was Ms. McWilliams under
24 arrest?

25 A. She was not. She was a witness.

Investigator Dubose-Direct by Corbett

1 Q. She was a witness.

2 A. That's right.

3 Q. So at this point, she wasn't in custody.

4 You hadn't read her her rights, put handcuffs on
5 her, or anything of that nature.

6 A. No, sir. I was just getting details about
7 what she saw the the day that this incident
8 occurred.

9 Q. And did she in fact provide you with a
10 written statement?

11 A. She did.

12 MR. CORBETT: Your Honor, we are going to
13 offer State's Exhibit No. 2.

14 THE COURT: Yes, sir.

15 MR. BRIDGES: I restate my Jackson v.
16 Denno objection.

17 THE COURT: Yes, sir. And, Mr. Corbett,
18 you asked yesterday as I recall, right?

19 MR. CORBETT: That's correct, Judge. It's
20 the same one from yesterday.

21 (Voluntary Statement marked State's
22 Exhibit No. 2 into evidence.)

23 Q. Now, Investigator Dubose, take a look at
24 this copy marked, and check to see in your file if
25 you have a copy of that as well.

Investigator Dubose-Direct by Corbett

1 A. I do.

2 Q. Please take a moment to make sure your
3 copy is the same as mine. None of your personal
4 notes, or that they aren't different in any way.

5 A. No, sir. It's the same. It's just a
6 photocopy.

7 Q. Investigator Dubose, the glare on mine is
8 pretty bad. Judge, If I may have the video screen.
9 Now, Investigator Dubose, my copy has a bad glare on
10 it. So if you would, please, well let me start with
11 a few questions first. Here at the top portion of
12 the form where it contains the name, etc.

13 A. Yes, sir.

14 Q. Did you fill that out?

15 A. I filled out the bottom portion.

16 Ms. McWilliams filled out her name, her age, her
17 date of birth, her social security number, her
18 address. And two contact numbers, a home number,
19 and a cell phone number. She put her on the page as
20 home maker. And then if you drop down just a little
21 bit, I noted the date and time under the location.
22 And then I signed my name and Investigator
23 Wadsworth.

24 Q. Now at this point when she completes the
25 top portion, she is filling out a voluntary

Investigator Dubose-Direct by Corbett

1 statement.

2 A. That's correct.

3 Q. As it's noted on the top of the form, is
4 that correct?

5 A. That's correct.

6 Q. And does she fill in her phone number?

7 A. She does.

8 Q. And what number does she put in?

9 A. She put her home number as [REDACTED]-3769. And
10 she also put her cell phone number as [REDACTED]-3382,
11 which was the number she provided on the incident
12 report. That's the number I contacted her at that
13 morning.

14 Q. I'm sorry if I misunderstood you. Did you
15 say [REDACTED] or [REDACTED]?

16 A. I've got [REDACTED]-3382.

17 Q. [REDACTED]-3382.

18 A. Yes, sir.

19 Q. And that's what she wrote of her own
20 accord.

21 A. Yes, sir.

22 Q. Now at this point, you asked her to write
23 a statement of what she observed that day, is that
24 correct?

25 A. That's correct.

Investigator Dubose-Direct by Corbett

1 Q. If you would please, publish this
2 statement for us.

3 A. After she fills out the top portion,
4 there is a portion that says: I, Sabrina A.
5 McWilliams, and she printed her name. I understand
6 I do not have to say anything. I volunteer the
7 following information from my own free will, for
8 whatever purpose it may serve. I asked her if she
9 could or could not read. She said she could. So I
10 asked her to circle, I can read and write. And she
11 completed an associate's degree in college. After
12 that she wrote the following statement, which---

13 Q. Let me stop you there for just a moment.
14 Her handwriting or yours?

15 A. Hers.

16 Q. Very well. Please continue.

17 A. In her statement she says, I have been
18 working for a Dr. Aycock for a little over a month,
19 cleaning his home. I normally work every other
20 Wednesday. But due to surgery, I come on Friday
21 September 26, 2014. I already had cleaned his
22 bedroom, bathroom and most of the kitchen. I was in
23 the living room and had most of the kitchen. I was
24 in the living room and just plugged in the vacuum
25 cleaner. It would not come on. I called up to ask

Investigator Dubose-Direct by Corbett

1 to Dr. Aycock to come down and help me. He was
2 walking across the living room. I was walking
3 across the living room to turn on the light, and I
4 heard the commotion behind me, and Dr. Aycock
5 scream.

6 I turned around to see someone on top of
7 him with something in their hand. It appeared to a
8 Hispanic slash Asian, with a black hood covering his
9 face. He had black hair and ponytail. I could
10 see -- all I could see was his eyes. I screamed and
11 ran through the dining room to the kitchen to get to
12 the phone and call the police. He ran out the door,
13 and I noticed Dr. Aycock had a hammer in his hand.
14 I then went and got a towel, because he was bleeding
15 bad from the head. I helped him to the chair. And
16 helped him hold pressure until the police arrived.
17 He wanted to get his bloody clothes off. I helped
18 him change his shorts, underwear, and bloody shirt
19 right before the police got there.

20 I also gave him a cold bag of peas to put
21 on his head. At that time she initials at the
22 beginning of her statement and the end of her
23 statement, saying she gave that statement. And then
24 down at the bottom, she's also, this is a photocopy.
25 She gets the back copy. I get the original. It

Investigator Dubose-Direct by Corbett

1 says I have read each pages of this statement
2 consisting of one page. Each page which bears my
3 signature. And correction if any or my initials
4 will certify the facts contained herein, are true
5 and correct. Then I dated it, September 30th. And
6 we finished that statement at 10:51 a.m. She signs
7 her name as giving the statement. And I witness it
8 and also Investigator Wadsworth.

9 Q. And that's what has been mark as State's
10 Exhibit No. 2.

11 A. That's correct.

12 Q. Just to verify what you were reading from
13 is the same as this.

14 A. Yes, sir.

15 Q. Now at some point and time after that
16 statement, did you ask Ms. McWilliams for another
17 statement?

18 A. I did.

19 Q. How did that come about?

20 A. After she wrote this statement, reading
21 the incident report of what occurred, she was in the
22 residence. Dr. Aycock was in the residence.
23 Someone appears out of nowhere and slugs him with a
24 hammer, and runs out. It just didn't make sense.
25 And I told her it didn't make sense. So I get to

Investigator Dubose-Direct by Corbett

1 talking to her and ask her about how she got over
2 there. She told me that friend of hers took her
3 over there, and she named the lady as Tracy.

4 And so I asked her at that time, I said,
5 she's naming this person as taking her over there
6 with the lady still there. This is another
7 potential witness. So I asked her to, let's make
8 contact with Tracy. So she calls this lady Tracy on
9 her cell phone. We're sitting in her kitchen, at
10 her kitchen table. She calls this lady Tracy, and
11 if I recall Tracy said, when Tracy answers---

12 MR. BRIDGES: Objection, Your Honor.
13 Hearsay.

14 THE COURT: Mr. Corbett.

15 MR. CORBETT: I'm sorry, Judge, what was
16 the objection?

17 MR. BRIDGES: Hearsay.

18 THE COURT: What was the objection?

19 MR. BRIDGES: Hearsay. He asked what
20 Tracy told him on the phone. Tracy is a nonparty.

21 THE COURT: Sustained.

22 A. The lady answered and denied knowing who
23 Ms.----

24 Q. Well let he ask you the question this way
25 if I might. She gave you the name of who was

Investigator Dubose-Direct by Corbett

1 supposed to be a potential witness.

2 A. That's correct.

3 Q. Did you make contact with that person?

4 A. I did, off of her phone.

5 Q. And you talked with that person?

6 A. I did.

7 Q. After talking with that person, what did
8 do after that?

9 A. I got details about what that person knew.

10 Q. No, I mean, once that conversation was
11 done and over with, and how did you then proceed
12 with your questioning of Ms. McWilliams?

13 A. I went back to Ms. McWilliams and
14 basically I told her I didn't believe her. Her
15 story didn't make sense. And at that time, I told I
16 needed to get the truth. And I needed to get a
17 better statement detailing what occurred. At that
18 time I advised her of her rights with a miranda form
19 that we have.

20 Q. Now, Investigator Dubose, I have just
21 handed you what's been marked as State's Exhibit No.
22 1. Can you identify that document?

23 A. This is a miranda sheet we use. This is
24 your constitutional rights was read to you. And we
25 go through each one and initial saying that you

Investigator Dubose-Direct by Corbett

1 understand it. And then a second portion, waiver of
2 rights if you wish to talk to me. And what you'll
3 do is you'll sign waiving your rights.

4 Q. Do you have a copy of that document in
5 your file?

6 A. I do.

7 Q. If you would please, take a moment and
8 make sure yours is identical to my copy.

9 A. Yes, sir, it is.

10 Q. And did you go through each portion of
11 that statement with Ms. McWilliams and have her sign
12 it?

13 A. Yes.

14 Q. So she was advised of her rights, and then
15 voluntarily gave you an additional statement.

16 A. That's correct.

17 Q. And where were you when this statement
18 taken?

19 A. We were still in her residence at her
20 statement.

21 MR. BRIDGES: No objection.

22 MR. CORBETT: Your Honor, we'd offer
23 State's Exhibit No. 1 into evidence.

24 THE COURT: Yes, sir.

25 (Statement marked State's Exhibit No. 1

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1 into evidence.)

2 Q. Investigator Dubose, I am going to put my
3 on the display, and I'll have to try to figure out
4 how to control the glare. Now, investigator Dubose,
5 is it on your screen there as well.

6 A. It is.

7 Q. And as you can see, there's a pretty bad
8 glare on mine. But if would please, tell us what's
9 typed in the top of the form beneath the sheriff's
10 department logo.

11 A. Miranda Warning. Waiver of Rights.

12 Q. And If you -- and I know it's going to be
13 tedious, but I'm going to ask you to walk us through
14 this form, and tell us what's on it.

15 A. Let me go back. Just before I filled this
16 form out. After I told Ms. McWilliams that
17 I thought she was lying, I did inform her at that
18 time that we were -- that if I found out that she
19 was lying to us, interfering with the investigation,
20 she would be charged. At that time myself and
21 Investigator Wadsworth were preparing to leave her
22 house. We got out, and actually made it to the
23 front door. And she stopped us. And she said no,
24 sit down, I need to tell you the truth. So we go
25 back to her kitchen and sit down at her kitchen

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1 table. And then at that time, is when I go through
2 her rights with her.

3 Q. If you would please, walk us through this
4 form.

5 A. I advised her that I was going to read her
6 her rights, and I going to ask her to initial beside
7 the form. Put her initials that I read her the
8 rights, and understood them, and I would put my
9 initials to the left side as I read them to her.
10 You have the right to remain silent. Anything you
11 say can and will be used against you in a court law.

12 Q. Investigator Dubose, hold on one moment
13 for me please. I am going to improve mine a little
14 bit if I can. Please continue.

15 A. Go ahead.

16 Q. Yes, please continue.

17 A. You have a right to remain silent.
18 Anything you say can and will be used against you in
19 a court of law. You have a right to talk to an
20 attorney and have him or her present with you while
21 you are being questioned. If you cannot afford to
22 hire an lawyer, one will be appointed to represent
23 you for any questioning if you wish. You can decide
24 at any time to exercise these rights and not answer
25 any questions or make any statements. Then I skip

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1 down. And it says, I understand each of those
2 rights as read and explained to me by Investigator
3 Dubose of the Sumter County Sheriff's Office. And
4 we were at [REDACTED] Floyd Drive. And at time it was
5 10:53 a.m.

6 I would skip down to the waiver portion of
7 it. And I read that to her. Having been advised of
8 my rights, I fully understand my rights. I do wish
9 to answer questions at this time. I do not wish to
10 have an attorney present. My decision to answer
11 questions now without an attorney is made freely of
12 my own choice. No one has threatened me in any way
13 or promised me anything. At that time she would go
14 back, and she initialed beside 1 through 5. And
15 then down below, she signed that she understood
16 them, and I witnessed it. Then we moved down to the
17 waiver portion. She also signed saying that she
18 waived her rights. She did not want an attorney. I
19 signed it as a witness, so did Investigator
20 Wadsworth. And then I dated it as September 30th at
21 10:53 a.m.

22 Q. Now I am going to show you a document that
23 has been marked for identification as State's
24 Exhibit No. 3, and ask if you identify this
25 document.

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1 A. This would be the second statement that
2 she give us while we were at her house. It
3 consists of a page and a half.

4 Q. Now I want to ask you at this point,
5 Investigator Dubose, and I am going to come back to
6 this later. But at this point, had you seen any
7 text messages?

8 A. No.

9 Q. Now do you have a copy of that statement?

10 A. I do.

11 Q. If you would, please take a moment and
12 look at both pages and make sure that my copy is
13 identical to yours.

14 A. Yes, sir. It's a photocopy.

15 MR. BRIDGES: No objection, Your Honor.

16 THE COURT: Without objection.

17 (Two page document marked State's Exhibit
18 No. 3 into evidence.)

19 MR. CORBETT: Your Honor, State's three
20 now in evidence. Judge, it's a two page document
21 with a staple. For our purposes, I'm going to
22 remove the staple for the purposes of the projector.
23 And I'll restore that later. Investigator Dubose,
24 I'm struggling with mine a little bit with this
25 projector. Now if you would, please, tell us about

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1 this statement.

2 A. This is the same type form as the first
3 statement. It's a carbon copy. She gets the carbon
4 on the bottom, I get the top. She filled out the
5 entire top portion of this form. The only thing I
6 placed in was my name and date. And then she signed
7 this saying that she understood. She was giving
8 this statement freely and voluntarily. And then at
9 that time she was wrote her second statement.

10 Q. Now if you would please, publish this
11 second statement for us. And I'm sorry, let me stop
12 there for a moment. This was the statement that was
13 provided after she filled out her acknowledgment of
14 rights and agreed to give a statement.

15 A. That's right.

16 Q. Now before doing do, was she promised
17 anything?

18 A. She was promised that if she was
19 interfering with the investigation, she was going to
20 go to jail.

21 Q. Was she promised any type of benefit?

22 A. No, sir.

23 Q. Was she threatened in any manner?

24 A. No, sir.

25 Q. Coerced?

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1 A. No, sir.

2 Q. Did you or the other investigator do
3 anything out of the way improper, unethical, illegal
4 or immoral?

5 A. No, sir.

6 Q. Tell us about, if you would please,
7 publish the second statement.

8 A. The second statement she writes, I was
9 taken over to Dr. Aycock's by Whitnii Milhorn and
10 her boyfriend Mat. On the way over, they kept
11 talking about how he was a doctor and how they could
12 rob them. I kept telling them he was retired. And
13 he didn't have pills or write scripts anymore. When
14 he keep insisting that she could help me clean, I
15 told her I would be fine. They dropped me off at
16 Mat's white four-door truck, and Whitnii walked to
17 the door with me, and still asking me if I wanted
18 help. I told her I was fine. She said her and Mat
19 were going to find some money and some pills.

20 I finished cleaning the master bedroom,
21 master bath, hallway and most of the kitchen. I
22 spent about 30 minutes in the back room scrubbing
23 paint off the wall. I got the vacuum out of the
24 living room and plugged it in. It didn't turn on
25 the first time, so I asked Dr. Aycock to come down

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1 and help me. I was walking across the living room.
2 I turned the light on when I heard a scuffle behind
3 me. I turned and saw someone attacking him. The
4 person had a black hair and a ponytail. A black
5 hoody covering half their face. A black and
6 white -- black and white pants. This is the same
7 thing Whitnii was wearing when she dropped me off.
8 I screamed and took off through the dining room, to
9 the kitchen and dialed 911. I got Dr. Aycock a
10 towel off the bedroom floor, because his head was
11 pouring blood. I did not see which door she ran out
12 of. I got another towel, a bag of peas for his
13 head, and helped him change his bloody clothes.

14 The police and CSI units arrived. His
15 glasses were on the floor in the living room. I
16 started looking for his medication after everyone
17 left, and it was under his shirt.

18 Q. Hold on one moment for me, please.

19 A. It was under his shirt on the floor. I
20 handed him the bottle, closed. She put that in
21 parenthesis. I stayed with him while he took a
22 shower and got cleaned up. And we looked at his
23 injury. He refused to go to the hospital. I did
24 not initially tell the investigator who I thought it
25 was, because I was in fear for my life. These

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1 people have made threats against others before. My
2 friend Tracy picked me up from Dr. Aycock's, along
3 with a girl named Nicky and her husband. And a guy
4 I didn't know in a blue car.

5 We got to my house, Tracy and Nicky used
6 my restroom and left. Whitnii did text me and call
7 me several times while I was there, asking if I knew
8 where any pills were. And I did not answer her text
9 or call. And then she signs it. And she also signs
10 the front sheet.

11 Q. So she says, I didn't make any texts or
12 calls in that statement.

13 A. That's correct.

14 Q. Now, investigator Dubose, I'm going to
15 show you want's previously been admitted as States's
16 Exhibit No. 33. It's a series of four pictures. If
17 you would please, look at the bottom right of that
18 picture.

19 A. Yes, sir.

20 Q. How many people are in that picture?

21 A. Two.

22 Q. And who are they?

23 A. The victim, Mr. Aycock, and Sabrina
24 McWilliams who's sitting across from him.

25 Q. That's the person that you interviewed.

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1 A. Yes.

2 Q. The person who gave you these statements.

3 A. Yes, sir.

4 Q. Investigator Dubose, what date is this?

5 A. That I took the statement from her. It

6 was---

7 Q. Yes.

8 A. ---September 30th.

9 Q. September 30th. So at that point she is
10 not placed under arrest, is that correct?

11 A. She's not.

12 Q. So you and other detective leave.

13 A. That's correct.

14 Q. And by the way, you indicated Investigator
15 Wadsworth went with you.

16 A. That's right.

17 Q. Is she still with your department?

18 A. She is, no, she's not with our department.
19 She's with another department now.

20 Q. And what's the next input or next status
21 that you had for this case?

22 A. I tried to make contact with Ms. Milhorn.
23 I actually had a phone number for her. I tried to
24 contact her. I contacted her and identified myself,
25 who I was, and she hung up on me. So I sent her a

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1 text message saying that I need her to come talk to
2 me. She ended up, I believe she called me back. I
3 believe and said she had a bench warrant for driving
4 under suspension, so she didn't want to come up
5 there. And I told her it was important, she was
6 involved in this case, I need to talk to her. And
7 then I didn't talk to her. That was same day that
8 that I took the statement from Ms. McWilliams.

9 Q. The same day you took the statement from
10 Ms. McWilliams.

11 A. That's correct. The 30th.

12 Q. What's your next activity on the case?

13 A. On the October 1st, we received a phone
14 call from Ms. McWilliams. She stated that she had
15 got a threatening text message, and she said it was
16 from Ms. Milhorn basically threatening her life. So
17 myself and Investigator Wadsworth on October 1st, we
18 go back to Ms. McWilliams house to see this message.
19 She had erased it. She didn't have the message. So
20 at that time, I said, well let's, I had already
21 talked to Ms. Milhorn. She had hung up on me, and
22 wouldn't talk to me again. So I went ahead and
23 started having Ms. McWilliams trying to call
24 Ms. Milhorn to see if we could maybe get her to talk
25 about the incidents over a telephone recorded

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1 conversation.

2 Q. And what date is that?

3 A. October 1st.

4 Q. October 1st. So upon Ms McWilliams'
5 request, you go back to her residence.

6 A. That's correct.

7 Q. Is that correct? What happens there?

8 A. We make several phone calls to
9 Ms. Milhorn, she never answers. At some point she
10 does call back, and she has a conversation with
11 Ms. McWilliams. The extent of that conversation was
12 them talking. Ms. Milhorn said some things in the
13 conversation that led me to believe a little bit
14 more that they both were involved. So at that after
15 we left there, I went ahead and obtained, I believe
16 I signed warrants for that day on Ms. Milhorn. At
17 that time, I thought Ms. McWilliams was kind of
18 cooperating, because she hadn't told us all the
19 truth, but she had started opening up a little bit.

20 So I went ahead and went and got the
21 warrants on Ms. Milhorn. And I'm not sure if I got
22 the warrants on Ms. McWilliams yet. But I did tell
23 her that she was probably going to be charged in it.
24 And at that time, we got the warrants and started
25 actively looking for Ms. Milhorn.

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1 Q. Now this is October 1st?

2 A. That's correct.

3 Q. And at some point and time, do you make
4 personal contract with Ms. Milhorn?

5 A. October 2nd.

6 Q. How did that come about?

7 A. We got a phone call from someone that told
8 us she was heading to her residence off of
9 Livingwood Drive. Once units went out there and we
10 called her, she was actually in the the front yard.
11 When we pulled up, she ran inside. She did have an
12 active bench warrant at the time, so we arrested
13 her. I put her in my vehicle, and we immediately
14 carried her to the sheriff's office. She had her
15 cell phone with her, so I went and took her cell
16 phone at that time. Went to the sheriff's office,
17 put her in the interview room. And then she was
18 mirandized also. And we talked to her about the
19 incident.

20 MR. CORBETT: Bear with me one moment,
21 please. Mr. Bridges, you had previously marked a
22 document for identification No. 2, that being a
23 miranda form. May I use your copy?

24 MR. BRIDGES: I don't object.

25 MR. CORBETT: And, Judge, for purposes of

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1 the record, I'm going to ask the court reporter to
2 put a State's sticker on it. And I do acknowledge
3 that Mr. Bridges sticker is for Id. only.

4 THE COURT: Yes, sir.

5 (Miranda Form marked State's Exhibit No 40
6 for Id. only.)

7 Q. Investigator Dubose, I am going to show
8 you what's been marked as State's Exhibit No. 40,
9 and ask if you can identify that document.

10 A. This is a miranda form that I read to
11 Ms. Milhorn. But this is the next, this is third.
12 This is the day after she was arrested. There is
13 another one for the 2nd, when she was brought to the
14 sheriff's office.

15 Q. Thank you. I'm sorry I missed that. So
16 there's two separate forms.

17 A. That's correct. When she was brought to
18 the sheriff's office on October 2nd, the day that
19 she was arrested, another form such as this was
20 filled out. It was actually, she waived her rights
21 at that time. And she actually did that at 5 p.m.

22 Q. Now did you have occasion to interview
23 Ms. Milhorn?

24 A. That day on the 2nd.

25 Q. On the 2nd.

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1 A. Yes, sir.

2 Q. Now is that the date when you first
3 learned of of the text messages?

4 A. That is.

5 Q. Explain to us sort of how that came about.
6 First of all, do you mind producing the miranda
7 form?

8 A. This is the one for the 2nd.

9 Q. For the 2nd. Are you okay if I mark this
10 one and make you another copy?

11 A. That's good. I have another copy also in
12 the another file.

13 MR. CORBETT: May I have this one marked
14 as well, please, ma'am.

15 MR. BRIDGES: No objections, Your Honor.

16 MR. CORBETT: Your Honor, in that case,
17 this would come in as State's 41. And, Judge, while
18 I'm at it, I'll ask Mr. Bridges with regard to
19 State's 40.

20 MR. BRIDGES: No objection, Your Honor.

21 (Miranda Form marked State's Exhibit No.
22 41 for Id. only.)

23 Q. And, Investigator Dubose, I'm sorry, I've
24 marked them a little bit out of order. Forty-one
25 pertains to October 2nd. If you would, please, tell

Investigator Dubose-Direct by Corbett

1 us about that interview on October 2nd. Now not
2 what Ms. Milhorn said, but sort of what you did, and
3 what was taking place in the interview room.

4 A. She was arrested on the bench warrants.
5 She was taken to the sheriff's office, went into the
6 interview room. And I told her I wanted to talk to
7 her about this case. And I advised her of her
8 rights with this form, which she -- we went through
9 and she signed and she waived her rights.

10 Q. And over the course of that interview, you
11 were asking her questions?

12 A. I was asking her specific questions about
13 what occurred that day.

14 Q. Did you ultimately advise her of how you
15 came up with her name as part of this investigation?

16 A. I did. I told her that Ms. McWilliams had
17 implicated her in carrying them over. Carrying her
18 over there.

19 Q. And in response to that revelation, what
20 did Ms. Milhorn do?

21 A. She denied that she did anything. She
22 said she was over there cleaning, but she denied
23 knowing anything about the assault until much later
24 afterwards.

25 Q. Now ultimate -- through the course of that

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1 interview, what you're telling us is that she
2 initially denied any involvement.

3 A. That's right. I believe we might have
4 been in there for about an hour or 45 minutes, and
5 she denied it.

6 Q. Now ultimately, what was sort of the
7 turning point of that interview?

8 A. I produced Ms. McWilliams statement that
9 she had written us on the 30th, where she was
10 implicating Ms. Milhorn there, wearing the same
11 clothes, and I started confronting her about that
12 statement. Once she realized that Ms. McWilliams
13 had turned on her, she said wait a minute now,
14 where's my phone. I had her phone in my notebook,
15 because I was going to put it into evidence and get
16 a search warrant for the phone at that time. She
17 said give me my phone, I've got a message to show
18 you. So at that time, I showed her, gave her her
19 phone. And she opened it up, and then she started
20 producing all kind of text messages between her and
21 Ms. McWilliams.

22 Q. Now I'm going to show you, it's a large
23 stack. It runs from State's No. 4 all the way to
24 State's No. 30. Take a moment, please, sir, and
25 just look through those and make sure they're all --

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1 that you recognize those.

2 A. I do. I actually photographed these.

3 Q. That was going to be my next question.

4 Where did the photographs come from?

5 A. I'm the one who we actually got consent
6 from Ms. Milhorn to go through her phone. We also
7 obtained a search warrant.

8 Q. Let me ask you, how did you photograph
9 them?

10 A. I just pulled the phone up, and took my
11 ~~camera and took pictures of them.~~

12 Q. So like when I forward a picture, I use
13 my camera to take a picture of what's on your
14 camera.

15 A. That's right. I just put my phone down,
16 and took my camera and just took. Because you can
17 still see the outlay of the phone and what's behind
18 that. That's how I took all the photos. We just
19 went through the entire phone messages.

20 Q. Now what date did you obtain these
21 messages? Or I think a better way of saying is,
22 what date did you photograph those?

23 A. I think I got my search warrant a couple
24 of days later. Let me find the search warrant.

25 Q. Well I'm sorry. I may, perhaps I asked it

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1 in an incorrect way. Let me ask, what date did you
2 first see these?

3 A. The 2nd. October 2nd. It was the date
4 that Ms. Milhorn was arrested.

5 Q. So you actually took time on October 2nd
6 to read through these.

7 A. Yeah, me and her both. She wanted to see
8 what Ms. McWilliams had sent her.

9 Q. Now with regard to Ms. McWilliams'
10 statements that had previously been written, were
11 those statements consistent with the text messages?

12 A. They were. Well, somewhat.

13 Q. Somewhat.

14 A. Somewhat. Ms. McWilliams puts Ms. Milhorn
15 there. The text messages puts Ms. Milhorn there.
16 But the text messages also put Ms. McWilliams
17 knowing exactly what was happening. I refer to it
18 as like listening to a football game. It was play
19 by play. If you read those messages, you can tell
20 exactly, almost picture what's going on when you
21 read those messages.

22 Q. And in either of her statements, she never
23 said that she had texted Ms. Milhorn, hurry up, or
24 I'll stab him with the scissors.

25 A. Ms. McWilliams?

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1 Q. I'm sorry, Ms. McWilliams.

2 A. No.

3 Q. She never said anything about that text.

4 A. No. She in her statement she actually
5 writes that she didn't answer any of texts. But
6 it's clear in there that she responded.

7 Q. In either of her statements did she say
8 anything about, I told Whitnii to surprise him when
9 he came out of the bathroom?

10 A. Never.

11 Q. Now, Investigator Dubose, I am going quite
12 frankly, if somebody did this to me, I would panic.
13 But I am going to show you this phone, and ask if
14 you are able to locate the contacts on that phone.

15 A. That's the contact and the---

16 MR. CORBETT: I'm sorry, Investigator
17 Dubose. And, Judge, I'm sorry. We're referring to
18 State's No. 39. Are you able to find a Sabrina in
19 contacts?

20 A. I am.

21 Q. And if you locate Sabrina in contacts, are
22 you able to see what phone number is attached to it?

23 A. There are two phone numbers attached. And
24 both, the first phone number is the cell phone
25 number. Mobile number is [REDACTED]-3382. Which

Investigator Dubose-Direct by Corbett

1 Ms. McWilliams put down as her cell phone number.

2 Q. Well I'm sorry. Let me do it this way.

3 Let me show you State's Exhibit No. 2 and 3. And I

4 believe you've already testified to this. But it

5 was Ms. McWilliams who filled out the top portion?

6 A. Yes, sir.

7 Q. And compare the phone numbers that she

8 wrote in on her statement to the ones in the contact

9 pages.

10 A. Both statements that she filled out as her

11 phone number to contact Ms. Milhorn's phone. Her

12 mobile number is the same number. And then also

13 home number in Ms. Milhorn's phone is the same as

14 the home number that Ms. McWilliams put down for

15 her, and that's [REDACTED]-3769.

16 Q. And the mobile number.

17 A. [REDACTED]-3382. And the mobile number is

18 the number that we contacted her on to, was

19 originally how I talked to her.

20 Q. When you called Ms. McWilliams---

21 A. That's right, to ask her to come the

22 sheriff's office.

23 Q. That was the same phone number.

24 A. That's the same phone number listed in the

25 incident report for her also.

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1 Q. Now upon reviewing the text messages, what
2 was the next step in your investigation?

3 A. Ms. Milhorn was taken to the jail on bench
4 warrants. I went ahead and got warrants on her at
5 that time for her involvement in this case, the
6 burglary, conspiracy, and the armed robbery.

7 I went back out the following day to serve
8 her those warrants. That would have been on the
9 3rd. October the 3rd. I went to the jail to serve
10 her. At that time when I got out there, I told her
11 I had the warrants for her. What her charges were.
12 And we sat down, and I asked her if she wanted to
13 talk to me, that would have been the time. And she
14 said she did want to talk to me. And then we did
15 another miranda form. I went through that form with
16 her on the 3rd. And she provided me a written
17 statement.

18 Q. Very well. Now at this point Ms. Milhorn
19 has been served with arrest warrants, is that
20 correct?

21 A. That's correct.

22 Q. Ms. McWilliams, is she ultimately served
23 with arrest warrants?

24 A. Later she is, yeah.

25 Q. Do you know of the proximate date or

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1 proximate about she would have been arrested?

2 A. Ms. McWilliams?

3 Q. Yes.

4 A. Her warrants were signed on October 3rd
5 also when I got Ms. Milhorn's, and I do not have the
6 exact date that she was arrested.

7 Q. But it was sometime after October 3rd?

8 A. It was. Actually she was arrested the
9 next date on October the 4th.

10 Q. At that point, is your file basically
11 closed?

12 A. No, because we still had a third
13 individual the Milhorn's boyfriend, Matthew.

14 Q. That's Matthew Brogdon?

15 A. That's correct.

16 Q. And to your knowledge, is his case still
17 pending?

18 A. It is.

19 Q. Investigator Dubose, did I miss any
20 portion of your investigation?

21 A. I don't think.

22 MR. CORBETT: Very good. Please answer
23 any questions that Mr. Bridges may have.

24 THE COURT: Mr. Bridges.

25 MR. CORBETT: And, Judge, if I may could

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1 Mr. Bridges and I approach about scheduling matter?

2 THE COURT: Sure.

3 MR. CORBETT: Nothing substantiative.

4 (Whereupon, attorneys confer with Judge at
5 the bench.)

6 THE COURT: Folks, we have been in my hear
7 by my watch, 70 minutes. Let us now take a break
8 until 3:45. Please do not discuss this case. No
9 deliberations, no discussions, please. Thank you.
10 I know you have done this before, sir, you don't
11 talk to anybody.

12 A. Yes, sir.

13 THE COURT: Anybody. Thank you all.

14 (Whereupon, the following takes place
15 outside the presence of the jury.)

16 THE COURT: This is cross. We are going
17 to be here probably going to be here past 4 o'clock.
18 So you need to think about the rest of the day. How
19 you're going to do that okay. I don't want them
20 here after 5 o'clock. Okay.

21 MR. CORBETT: Yes, sir.

22 THE COURT: Okay.

23 MR. CORBETT: Yes, sir.

24 (Whereupon, the court breaks.)

25 MR. CORBETT: If we resume after

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1 Mr. Bridges finishes his cross, we are going to be
2 getting probably past 4:00 o'clock. At that point
3 in my mind, it's practically impossible to argue and
4 charge, because that process will take an hour.

5 THE COURT: I mean, you've got him on the
6 witness list. Are you---

7 MR. CORBETT: Judge, I'm not going to call
8 a bunch of witnesses. But here's what I would like
9 to do, if the court will allow me. Once
10 Investigator Dubose is finished, I would like break
11 for the day.

12 THE COURT: I agree.

13 MR. CORBETT: I believe at that point, I
14 may very well rest in the morning, because most of
15 my witnesses would be duplicative of what we have
16 heard. And tomorrow morning then and I want to
17 speak to Mr. Bridges, but if his client is in fact
18 planning on being here on Wednesday, that resolves
19 his problem.

20 THE COURT: Yes, sir.

21 MR. CORBETT: If not, I rest on the
22 record. He rests, and we start into argument and
23 charge fresh in the morning.

24 THE COURT: What do you think,
25 Mr. Bridges?

1 MR. BRIDGES: Yeah, I am in agreement with
2 that. Just in case to give me one last shot before
3 I rest. If she shows up.

4 THE COURT: Well I mean if we start right
5 now on the closing and the charge, that would be an
6 unwise thing to do. And I've learned for all those
7 years in Family Court, if you start a brand new
8 witness at 4:00 o'clock that's always going to be
9 short, you'll be there past 5:00 o'clock.

10 MR. CORBETT: And, Judge, once that
11 happens, people start worrying about to getting to
12 daycare and everything else, and everybody loses
13 interest in it.

14 THE COURT: I've never been a trial that
15 was shorter than we thought it would be.

16 MR. BRIDGES: Yes, sir.

17 THE COURT: They always exponentially
18 expand. All right, sir. If you would bring them
19 in.

20 (Whereupon, the following takes place
21 within the presence of the jury.)

22 THE COURT: Mr. Bridges.

23 MR. BRIDGES: Thank you, Your Honor.

24 Cross Examination by Mr. Bridges:

25 Q. Good afternoon, Investigator Dubose.

1 A. Good afternoon.

2 Q. So you first took on the case on September
3 29th, correct?

4 A. That's correct.

5 Q. And you spoke with George Aycock that day,
6 correct?

7 A. That's correct.

8 Q. And did he, he described a, what he
9 believed to be was a male person that attacked him
10 when you talked to him the first time?

11 A. He did. He believed it to be a male.

12 Q. And did he say he had -- his face was
13 covered?

14 A. I believe he stated it was a male. I
15 don't think in his statement he recalled the face
16 being covered.

17 Q. He didn't indicate the face was covered.

18 A. Yes.

19 Q. And then you talked to -- Ms. McWilliams
20 is listed as a witness initially.

21 A. That's correct. She was present that day.

22 Q. The initial reports listed that she was
23 cooperative when the police showed up, and that she,
24 you know, she was basically on the scene when the
25 initial -- you know, when the first responders came.

Investigator Dubose-Cross by Bridges

1 A. That's correct.

2 Q. And then you spoke with her in her home
3 after speaking with Mr. Aycock.

4 A. That's correct. I spoke to her on the
5 30th.

6 Q. And then she initially didn't mention
7 anything about Ms. Milhorn or Mr. Brogdon in the
8 first statement.

9 A. No, sir, not in the beginning.

10 Q. But then she did describe, you know, in
11 detail that Ms. Milhorn and Mr. Brogdon were
12 involved.

13 A. In her statement that's correct.

14 Q. Did she mention that she was getting
15 threats or that she felt threatened by Ms. Milhorn
16 and potentially Mr. Brogdon?

17 A. I believe in her statement she said that
18 they had threatened other people maybe.

19 Q. But after that day, she called you and
20 said she was getting more specific threats to her.

21 A. That's right, on the 1st.

22 Q. So it was next day essentially.

23 A. That's correct.

24 Q. And that's what lead you to Ms. Milhorn
25 is that she mentioned she was there. And then

Investigator Dubose-Cross by Bridges

1 you -- that's when you reached out to Ms. Milhorn.

2 A. Well on the 30th when we went to interview
3 her originally, during her second statement, that's
4 when she brought Ms. Milhorn up. So that's when we
5 started -- actually that day when I left
6 Ms. McWilliams' house, I made contact with
7 Ms. Milhorn on the phone. And then the following
8 day, the 1st, is when Ms. McWilliams contacted us
9 back and said she had received a threatening phone
10 call.

11 Q. And then it was next day that Ms. Milhorn
12 was arrested.

13 A. On the 2nd, that's right.

14 Q. And she had other outstanding warrants?

15 A. She had a warrant for a DUS. A bench
16 warrant.

17 Q. And that's driving under suspension.

18 A. That's right.

19 Q. And then she spoke with you at the police
20 headquarters or at the jail?

21 A. That same day we took her to the sheriff's
22 office, and recorded the interview. And that's
23 where the initial statement occurred.

24 Q. And her cell phone was on her person the
25 whole time?

Investigator Dubose-Cross by Bridges

1 A. No, when she was arrested on Livingwood, I
2 take her cell phone, because I had planned on
3 getting a search warrant for it. Transported her
4 to the sheriff's office. And then I still had the
5 phone. And during the interview, once I basically
6 let her know what Ms. McWilliams had said, that's
7 when she insisted on showing me the text messages on
8 her phone.

9 Q. And she did that on the own volition,
10 though. You didn't say show me these text messages.

11 A. She said where is my phone, I've got some
12 text messages to show you.

13 Q. And she was as Mr. Corbett had pointed
14 out, she signed a miranda waiver that day on the
15 2nd.

16 A. Yes, sir.

17 Q. And did she basically attest that she knew
18 what she was doing? Does the waiver basically stand
19 for the fact that she, you know, is conscious of her
20 own words and actions that day?

21 A. She did. She gave me the generic version
22 that everyone else gave in the beginning. So she
23 knew what she was doing, and then she changed. She
24 also gave us a consent to search the phone that day.
25 She signed that.

Investigator Dubose-Cross by Bridges

1 Q. And signed and you explained the consent
2 to search for her? To her?

3 A. I did. We went through it, and she signed
4 it that she understood it. But then I still went
5 and got a search warrant just in case.

6 Q. Did she appear intoxicated during the
7 process?

8 A. Not during the interview. I mean she was
9 very talkative. She was upset, but I didn't
10 think -- feel like she was intoxicated.

11 Q. I mean it's typical for people to be upset
12 during these types of interrogations. But you
13 didn't suspect that she was purposely intoxicated or
14 unaware of what she doing.

15 A. She hadn't been drinking. She didn't
16 smell of alcohol or anything like that. If she had
17 anything in her system, I couldn't tell that. But
18 she acted just generally upset.

19 Q. And that first day on the 2nd, I mean, she
20 never -- first she didn't admit to be being in the
21 house.

22 A. The first statement.

23 Q. Yes. On October 2nd.

24 A. Yeah, she admitted to being there. She
25 said she was cleaning the house, but she doesn't

Investigator Dubose-Cross by Bridges

1 admit anything about the assault.

2 Q. And did she mention that she had
3 previously cleaned the house before? I know it had
4 been a while.

5 A. I don't think she -- I think she said she
6 had been over to the house, but not cleaning the
7 house.

8 Q. But not.

9 A. That's right.

10 Q. But then she was familiar with Mr. Aycock.

11 A. I believe. Yeah, I believe that's right.

12 Q. And then she reiterated that her intention
13 when she entered the house was to clean.

14 A. She said she was cleaning, yes.

15 Q. And she expected to be paid I guess a
16 percentage or what Ms. McWilliams was being paid
17 that day.

18 A. In her original statement?

19 Q. Yes.

20 A. She didn't say anything about payment.
21 She just said she was helping to clean the house is
22 what the first part of her story was.

23 Q. And did she mention Matthew Brogdon being
24 involved at all that first day on the 2nd?

25 A. I think toward the end she did. That's

Investigator Dubose-Cross by Bridges

1 when she started -- she did, because she -- when we
2 had the messages, we went through the messages. But
3 toward the end of that, she did start implicating
4 Mr. Brogdon in that first interview.

5 Q. But did she initially say that he had
6 nothing to do with it when you first asked her about
7 it?

8 A. That's right.

9 Q. Now her phone, she went through those
10 messages with you in person.

11 A. Yeah, when I actually was going through,
12 I told her I didn't believe. And I went through --
13 started to go Ms. McWilliams' statement where she
14 implicated her. Once she saw the statement, she
15 realized that Ms. McWilliams had told on her. She
16 said, now where is my phone. Give me my phone,
17 I've got some text messages to show you.

18 Q. And then later on a search warrant was
19 obtained for this phone.

20 A. I actually looked at it while we were out.
21 I got the search warrant the same day, and
22 photographed the messages the same day.

23 Q. And was a call log ever pulled from that
24 phone?

25 A. It was, but that was not photographed. We

Investigator Dubose-Cross by Bridges

1 had the phone. Some other call logs were still
2 there.

3 Q. But no records were ever subpoenaed from
4 the phone company or anything like that.

5 A. No, sir.

6 Q. And Ms. McWilliams' phone was never
7 obtained.

8 A. When we went to speak to Ms. McWilliams,
9 she'd erased everything.

10 Q. But I mean, you guys never actually had
11 the phone in your possession.

12 A. No.

13 Q. So it was checked to see if it matched up
14 to this.

15 A. No, sir.

16 Q. Now during the first interrogation on
17 October 2nd, did she, did you make her aware of what
18 she was going to be charged with?

19 MR. CORBETT: Judge, I'm sorry, if I may.
20 When he said interrogation on the 2nd, are we
21 speaking of Milhorn or McWilliams?

22 MR. BRIDGES: Milhorn.

23 THE COURT: Proceed, sir.

24 Q. Did you inform Ms. Milhorn about what she
25 was potentially facing?

Investigator Dubose-Cross by Bridges

1 A. I think I may have went through what the
2 charges were possibly going to be and what she was
3 involved in. But yeah, I do believe I made her
4 aware of the seriousness of it.

5 Q. And did you mention any possible
6 punishments at that time for some of the charges?

7 A. I do believe I told her what the possible
8 punishment was also.

9 Q. Was the punishment for first degree
10 burglary mentioned?

11 A. That's right.

12 Q. What is the punishment for first degree
13 burglary?

14 A. 30 years.

15 Q. But there is a mandatory minimum as well.

16 A. For burglary?

17 Q. First degree burglary, yes, sir.

18 A. I'm not sure exactly what it is off the
19 top of my head.

20 Q. But---

21 MR. CORBETT: Judge, I object to the line
22 of questioning. It's an effort to put sentencing
23 in before the jury, which is not proper.

24 MR. BRIDGES: I would then it just goes to
25 the basis of her plea bargain and would affect the

Investigator Dubose-Cross by Bridges

1 credibility of the witness.

2 THE COURT: I'm going to sustain it, sir.

3 Q. So you talked to her about what she was
4 facing. And then the first time she never -- she
5 didn't finish the statement. I think she had an
6 incomplete statement.

7 A. She actually -- we went through the entire
8 story. She brought out the text messages. We spent
9 some time going through those. And at that time, I
10 asked her to write a statement, just as I did
11 everybody else. And she -- I believe she got
12 through a couple of lines, and then she said she
13 didn't want to write anymore. So I stopped and gave
14 her her copy, and I took a copy.

15 Q. And that day she refused to say that
16 attacked Mr. Aycock with a hammer.

17 A. What was that?

18 Q. The first time you questioned her, she
19 refused to say that she directly attacked
20 Mr. Aycock.

21 A. In the first part of the interview. But
22 when we got to the end, she admitted it.

23 Q. She didn't write -- she didn't attest to
24 that statement that day.

25 A. She didn't write a statement, but then she

Investigator Dubose-Cross by Bridges

1 did tell me that she was the one that assaulted him.

2 She didn't write it. She didn't put into writing on

3 the 2nd. She put it in writing on the 3rd.

4 Q. And on the 3rd, was there any more

5 questions asked of her, or did she just basically

6 just fill out the statement?

7 A. I took the warrants out to her, served the

8 warrants on her, and was reading the warrants to

9 her. And I asked her at that time if she wanted to

10 talk to me about the case, that it was going to be

11 her last opportunity. And she said she did, so I

12 went ahead and mirandized her. And that's when she

13 gave me her written statement on the 3rd.

14 Q. And did you -- and she gave the consent to

15 search on the phone on the 2nd.

16 A. Yes.

17 Q. As she was being arrested.

18 A. That's right.

19 Q. And you documented those screen shots

20 yourself.

21 A. I did. I actually after I took her to

22 jail, signed the -- or typed up the search warrant

23 and got it signed. Went and got a judge to sign it,

24 and I actually photographed them that day. I had

25 the search warrant in the file.

Investigator Dubose-Redirect by Corbett

1 Q. And then did you later try to contact
2 Matthew Brogdon?

3 A. I did, and he ended up contacting me back.

4 Q. Were you able to ever interview him in
5 person?

6 A. He wouldn't talk to me.

7 Q. And did you do any follow up interviews of
8 Mr. Aycock, or it's just the one time on the 29th?

9 Q. I had some contact with him afterward at
10 bond hearings and things such as that. But, other
11 than what he had already given me, no.

12 MR. BRIDGES: Thank you, Mr. Dubose. No
13 further questions.

14 THE COURT: Mr. Corbett.

15 MR. CORBETT: Briefly Your Honor.

16 Redirect Examination by Mr. Corbett:

17 Q. She, Ms. McWilliams contacted you on the
18 1st, and said she had gotten a threatening message
19 or someone had called her?

20 A. That's correct.

21 Q. Was it anything in writing that you were
22 able to see, or it's just what she said?

23 A. Just what she told us.

24 Q. Now I want to be careful. You were asked
25 about Ms. McWilliams' phone. Was it a case that you

Investigator Dubose-Redirect by Corbett

1 all didn't see it, or was it a case where you saw,
2 but it had been erased?

3 A. We went out. And we actually went out on
4 the 1st, I asked about it. And one of the reasons
5 she didn't save, or I forgot what she came up with.
6 But she said she didn't have the message. She told
7 us what it was. And that's when we insisted, okay,
8 well let's call Ms. Milhorn and make contact with
9 her. And that's when we started trying to make the
10 phone calls on the 1st.

11 Q. No, I was trying to clear up a question
12 that you were asked about. Did you all ever get,
13 seize, Ms. McWilliams' phone?

14 A. We did not. After we left the house that
15 day, the day that I got Ms. Milhorn, arrested her on
16 the 2nd, on the 3rd, when I went and signed
17 Ms. Milhorn's warrants, I tried to, I had this new
18 information. I went ahead and got the warrants on
19 Ms. McWilliams, and I could never make any contact
20 with her that day. And I believe she had an
21 attorney come turn herself in on the 4th, I believe.

22 Q. Now you were asked a couple of questions
23 about Ms. Milhorn's statement, is that correct?

24 A. Yes, sir.

25 MR. CORBETT: And, Judge, at this point if

Investigator Dubose-Redirect by Corbett

1 I may make a brief explanation before I mark this.
2 Counsel for defendant had originally put up the
3 miranda form along with the statement. I had
4 separated the miranda form off, remarked it as a
5 State's Exhibit, and had it admitted.

6 THE COURT: Yes, sir.

7 MR. CORBETT: So at this point, I am going
8 to ask the court reporter to put a State's sticker
9 on the three page statement.

10 THE COURT: Mr. Bridges.

11 MR. BRIDGES: No objections, Your Honor.

12 (Three page statement marked State's
13 Exhibit No. 42 for Id.)

14 Q. Investigator Dubose, is that the statement
15 that you were referencing?

16 A. For a Ms. Milhorn on October the 3rd, this
17 is a statement I took from her.

18 MR. CORBETT: Your Honor, we would offer
19 this as State's 42.

20 THE COURT: All right, sir.

21 (Three page statement marked State's
22 Exhibit No. 42 into evidence.)

23 Q. You were asked a little bit about the
24 interview with Ms. Milhorn, and I apologize if I'm
25 reploting ground here. But that was at the

Investigator Dubose-Redirect by Corbett

1 sheriff's department?

2 A. That's correct.

3 Q. And I believe you indicated in your answer
4 that that was a recorded interview?

5 A. It was audio and video.

6 Q. And do you have a copy of that?

7 A. We do.

8 MR. CORBETT: Judge, if I may confer with
9 counsel. I think technically that may not be
10 admissible, so I will get his input. And, Judge,
11 perhaps a better way for me to say it is, I would
12 offer it and determine if counsel had any objection.

13 MR. BRIDGES: I don't have an objection to
14 the -- can you play the video, or are you trying
15 to---

16 MR. CORBETT: If you object to it, I will
17 withdraw.

18 MR. BRIDES: I do not object to the video
19 of Ms. Milhorn's interview.

20 MR. CORBETT: Do you have that with you?

21 A. That's the video of the interview.

22 MR. CORBETT: Judge, If I may pause for a
23 moment to have that marked.

24 THE COURT: Yes, sir.

25 (Video of interview marked State's Exhibit

Investigator Dubose-Recross by Bridges

1 No. 43 for Id.)

2 MR. CORBETT: Judge, the video now entered
3 as State's 43. Judge, If I may, I've watched the
4 video. It's every bit as tedious of the multiple
5 pages that I did earlier today.

6 THE COURT: Yes, sir.

7 MR. CORBETT: So I am going to publish
8 that to the jury at this point and time.

9 THE COURT: All right, sir.

10 MR. CORBETT: Investigator Dubose, thank
11 you. That's all I have.

12 MR. BRIDGES: Thank you, Your Honor.

13 Recross Examination by Mr. Bridges:

14 Q. Investigator Dubose, when you spoke to
15 Sabrina on the 30th, you were at her house for quite
16 a long time especially for, when the second, when
17 she did her second statement.

18 A. We did. I think we got about there about
19 10:15 that morning. We took the first, we actually
20 went through the statement with her. She told it to
21 us. Told us the story. We talked. And then she
22 put that statement in writing. After she wrote that
23 statement, we got up to leave. I take that back.
24 Before we left, that's when I had her call the Tracy
25 girl. So there was a period of time that me and

Investigator Dubose-Recross by Bridges

1 Tracy were talking on the phone. I talked to her
2 outside. I came back in. That's when I basically
3 told her I didn't believe what she telling us. We
4 got up to leave. While we were leaving, she stopped
5 us and said, no, sit back down I need to talk to
6 you, to tell you the truth.

7 So she then goes through and she tells us
8 the entire story again, but then she starts adding
9 some more of the truthful parts. And then she
10 writes that statement.

11 Q. And that statement ends at like 3, like
12 4:30.

13 A. 4:30 would have actually been when she
14 finished. So we'd been leaving about 4:30.

15 Q. So that was over 5 hours.

16 A. That's correct.

17 Q. And then real quickly about Ms. Milhorn's,
18 and I'm not going to request to play the video. But
19 did Ms. Milhorn have any kind of, did you know of
20 any kind of injuries on her face that day?

21 A. She had, I believe she had a knot on her
22 head. She said that she had been hit with the
23 hammer. And I believe she did have a knot on her
24 head that I recall. But no physical injuries that
25 you can see.

Investigator Dubose-Recross by Bridges

1 Q. But she did say that she got hit by the
2 hammer.

3 A. Yes, sir. she did.

4 MR. BRIDGES: No further questions.

5 MR. CORBETT: Judge, that's all we have of
6 this witness.

7 THE COURT: You may step down. To the
8 jury, I tell you that we are stopping now for today.
9 So you'll be home well before 5 o'clock unless you
10 live a long way off. So do not discuss this
11 directly or indirectly with yourselves or among
12 yourselves or with any other person. And we will
13 resume at what 9:30 in morning, gentlemen?

14 MR. CORBETT: That's suitable to the
15 State, Your Honor.

16 THE COURT: 9:30 in the morning. Thank
17 all so much.

18 (Whereupon, At 4:13 p.m. jury is dismissed
19 for the day.)

20 THE COURT: Gentlemen, anything before we
21 leave?

22 MR. CORBETT: Nothing from the State, Your
23 Honor.

24 MR. BRIDGES: Nothing from defense, Your
25 Honor.

1 THE COURT: Have a good evening. See you
2 at 9:30.

3 MR. CORBETT: And, Judge, at some point
4 tomorrow, I would request a charge to the jury of
5 accomplice liability or the hand of one is the hand
6 of all.

7 THE COURT: That's fine. See you all
8 tomorrow.

9 (Whereupon, the trial commences on
10 Wednesday June 20th 2017 at 9:30 a.m.)

11 (Whereupon, the following takes place
12 outside the presence of the judge.)

13 THE COURT: Mr. Bridges, anything from
14 you, sir?

15 MR. BRIDGES: No, Your Honor.

16 MR. CORBETT: Judge, I do have one brief
17 housekeeping matter, if I may.

18 THE COURT: Yes, sir.

19 MR. CORBETT: Yesterday I was publishing
20 text messages to the jury. There is one that I did
21 not publish to the jury, but was included in my
22 items admitted into evidence. It is State's No. 31.
23 We briefly discussed with Your Honor in chambers why
24 there was a potential issue regarding some of the
25 wording. And I believe with consent of defense

1 counsel, at this time, I'd like to withdraw State's
2 31 from evidence.

3 (Text message marked for 31 Id. only.)

4 THE COURT: Does that suit you, sir?

5 MR. BRIDGES: Yes, sir.

6 THE COURT: It is out. Now, Mr. Bridges,
7 while the jury is out, let's talk about this. Does
8 your client intent to take the stand or not?

9 MR. BRIDGES: No, she informs she does
10 not.

11 THE COURT: Does not. Ma'am, would you
12 stand up for me let me ask you some questions. Do
13 you know you have a right to offer testimony?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Do you also have the right
16 not to offer testimony?

17 THE DEFENDANT: Yes.

18 THE COURT: And if you don't offer any
19 testimony or take the stand, I will inform the jury
20 not to hold that against you, do you understand?

21 THE DEFENDANT: Yes.

22 THE COURT: You have the right to remain
23 silent throughout this entire trial or the balance
24 of it. Do you understand that?

25 THE DEFENDANT: Yes.

1 THE COURT: Is it your choice not to take
2 the stand?

3 THE DEFENDANT: Yes.

4 THE COURT: Have you talked to your lawyer
5 about that?

6 THE DEFENDANT: Yes.

7 THE COURT: If you change your mind at any
8 time, your lawyer will let us know. Any other
9 comments, Mr. Bridges, or suggestions I need to make
10 to her, sir?

11 MR. BRIDGES: No, Your Honor, I believe
12 that is accurate.

13 THE COURT: From the State?

14 MR. CORBETT: Nothing further, Judge.

15 THE COURT: Now the State is getting
16 ready to rest, is that right?

17 MR. CORBETT: That is correct, Judge.
18 When the jury comes in, the State will rest.

19 THE COURT: Mr. Bridges, are you all going
20 to put up any evidence?

21 MR. BRIDGES: No, Your Honor. I will make
22 some motions, but no evidence.

23 THE COURT: Well, sir, I guess you better
24 just bring them on in for just a few minutes then.

25 (State's No. 31 for ID only.)

1 (Whereupon, the following takes place
2 within the presence of the jury.)

3 THE COURT: Anything from the State?

4 MR. CORBETT: Your Honor, at this time,
5 the State rests.

6 THE COURT: Mr. Bridges?

7 MR. BRIDGES: Your Honor, I have some
8 matters of law, to take up.

9 THE COURT: Are you offering? Hold on,
10 just stop. To the jury, I tell you and I promise
11 you, you're not mere Yoyo or a pawn to play with.
12 None of what we do here is the scripted. None of
13 it. It happens minute by minute. And it is truly
14 real time what happens. Now I need to ask this
15 kind bailiff to take you back to your room so I can
16 hear some legal motions in this case. So please,
17 bear with me, and I thank you for your patience.

18 (Whereupon, the following takes place
19 outside the presence of the jury.)

20 THE COURT: Yes, sir.

21 MR. BRIDGES: Thank you, Your Honor. I
22 make a motion for a directed verdict. On the first
23 degree burglary charge, the burglary statute has two
24 main elements, an entry into a home without consent
25 and with the intent to commit a crime. As it comes

1 to Ms. Sabrina McWilliams, it's undisputed kind of
2 by anybody that she had consent to be in the home
3 that day. Dr. Aycock even testified that she
4 regularly came in the house, and said she had
5 permission to be there that day. And as far as to
6 Ms. Milhorn, even if she didn't have consent to be
7 there, if her testimony, she repeatedly said that
8 she -- that she -- her intention in the house was to
9 clean. When she got to the house, it was to clean.
10 It was to clean only. She did not mention anything
11 about committing crimes until she was inside the
12 house.

13 So even under a hand of one. Hand of all
14 theory, I don't see how they meet the elements for
15 here for either Milhorn or McWilliams. McWilliams
16 certainly without dispute had consent to be there.
17 And Milhorn repeatedly affirmed to me and the
18 solicitor and Mr. Dubose in her statements, that her
19 original intent to go to the house was to clean, and
20 then later criminal activity came about.

21 THE COURT: The State.

22 MR. CORBETT: Thank, Your Honor. With
23 regard to the charge of the burglary in the first
24 degree, as Mr. Bridges stated, entering the dwelling
25 without consent to commit a crime therein. Judge,

1 also the element of it that makes it burglary in the
2 first degree, is that causing physical injury to a
3 party who is not part of the crime. And, Judge,
4 it's -- this is a little bit nuance as compared to
5 what the court would normally hear. Because
6 Mr. Bridges states that Ms. McWilliams had consent
7 to be in the residence. However, that's not the
8 end of the analysis. Your Honor, we believe from
9 the State's perspective that the analysis has to
10 include the accomplice liability theory.

11 In other words, that you enter the house
12 with consent, however you were a party to, an aider
13 and abettor of another party coming into the house
14 that did not have consent. Now, we can argue sort
15 of some of the details about whether there was an
16 intent to a crime therein. However, we're assuming
17 that the jury is going to buy all of Ms. Milhorn's
18 testimony to the exclusion of the text messages.
19 And what I mean by that is, in the text messages
20 there is reference to, I'll get you some pills from
21 Dr. Aycock's house. We'll get -- when I go spray
22 down the wall, I'll try to get you some. I'll
23 reimburse you Friday. We can get some OP 40's. So
24 there is constant talk in these text messages about
25 stealing medication.

1 Now in this particular case, if you enter
2 the house without consent with the intent to commit
3 a crime therein, if you have already talked about
4 stealing medicine, that is burglary in the first
5 degree. It is not solely tied to the assault and
6 the attempted armed robbery.

7 And, Judge, if I, may on that point, and,
8 Judge, I am referring to State's Exhibit No. 14.
9 Whereas, according to the testimony presented by the
10 State, Ms. McWilliams' texts, do you have anything
11 now. Ms. Milhorn replies not yet. Moving to
12 State's 15, Ms. McWilliams' text message reads, I'll
13 glady reimburse you on Friday if you could possibly
14 get me a 30. We can get some of those. The OP 40's
15 and the PERC's. Judge, we believe that a fair
16 reading of context of these messages; is that,
17 getting the OP 40's means getting them from Dr.
18 Aycock.

19 Let me to go to State's 14 again.
20 Ms. McWilliams' text, I am completely broke. I
21 wish, damn, Vicodin does nothing. I won't have any
22 money until Friday when I clean Dr. Aycock's house.
23 How are you going to do that. No clue, but I have
24 to. It's just going to take me longer than usual.
25 I can't afford to be fired. I am hoping in

1 quotation marks, "I can borrow a few of his pills if
2 I can last that long." Then in the next outgoing
3 message from Ms. McWilliams, you can come quote,
4 "Help me at the house." Which we believe a fair
5 reading of those text messages is, that this is a
6 plan to steal medication from Dr. Aycock.

7 THE COURT: A full reply, sir, on the
8 motion. Is that your full response to his motion?

9 MR. CORBETT: And, Judge, the only other
10 thing that I would note to the court is, the fair
11 inference from the evidence in the record also is
12 that it was not a consensual entry. Bear with me
13 one minute, please, Judge. Where Ms. Milhorn texts,
14 and I'm referring to State's Exhibit 20, come get me
15 front door. So, Your Honor, we believe a fair
16 reading is that this was a plan for Ms. McWilliams
17 to allow Ms. Milhorn into the house for the purpose
18 of robbery.

19 THE COURT: Mr. Bridges, any quick reply?

20 MR. BRIDGES: Yes, Your Honor. The text
21 messages all the origin about getting pills from
22 Dr. Aycock's house came from according to Milhorn,
23 came from McWilliams. And this was somebody that
24 had consent to entry. So even if she had unlawful
25 intention for entry that day her -- she had

1 unquestionably she had consent to enter. And
2 Milhorn testified repeatedly that she didn't know
3 how she was getting this medication. She didn't
4 know by what means it was going to be employed until
5 she got in the house, and was told then according to
6 her, that this plot came about. So I would again
7 say that the State's theory, which would rise on her
8 credibility of both of these text messages, and on
9 what she said, she repeatedly said she did not have
10 any intentions to commit a crime until after she was
11 in the house.

12 And as far as Ms. McWilliams' consent to
13 enter, that's unquestionable.

14 THE COURT: Considering this motion in the
15 light most favorable to the nonmoving party, I find
16 that I would respectfully deny it, sir. Any other
17 motions?

18 MR. BRIDGES: Two directed verdict motions
19 of conspiracy and the attempted armed robbery
20 charge. Just under Rule 19 again. It's all on the
21 text messages that were not -- it's my contention
22 were not authenticated. And the testimony that was
23 based on those text messages.

24 THE COURT: Mr. Corbett, anything?

25 MR. CORBETT: No, sir, Your Honor.

1 THE COURT: I'll respectfully deny those
2 under the same analysis mentioned earlier. Anything
3 else, Mr. Bridges?

4 MR. BRIDGES: No, Your Honor.

5 THE COURT: Now, folks, we now are you
6 ready to argue. You're not putting on a case, is
7 that right?

8 MR. BRIDGES: No, Your Honor. I am going
9 to rest. I just had to do that afterwards.

10 THE COURT: I understand. Are you all
11 then ready to argue, or do you need time to think
12 about it a few minutes?

13 MR. CORBETT: The State's ready, Your
14 Honor.

15 THE COURT: Are you ready, Mr. Bridges?
16 If you need some time, tell me. We sort of might be
17 a little bit ahead. If you need some time, tell me.

18 MR. BRIDGES: Would you go into the charge
19 right after the argument, or would we break after
20 closing?

21 THE COURT: Well after you argue, I would
22 like for you all to review it first, if you have any
23 exceptions to it. And then I will charge them.

24 MR. BRIDGES: And I'm ready to argue.
25 It's just for my client's purposes, she would want

1 some time to break before the charge.

2 THE COURT: Does that suit you,

3 Mr. Corbett?

4 MR. CORBETT: Yes, sir, Your Honor.

5 THE COURT: So you all are ready now?

6 MR. CORBETT: Yes, sir, Your Honor.

7 THE COURT: You may bring the jury.

8 (Whereupon, the following takes place
9 within the presence of the jury.)

10 THE COURT: Ladies and gentlemen of the
11 jury, we are now ready to hear from the attorneys in
12 their closing arguments. Gentleman.

13 MR. CORBETT: Thank you, Your Honor. May
14 it Please the Court.

15 MR. BRIDGES: Do I need to rest on the
16 record, Your Honor?

17 THE COURT: Yes, sir, you do. Thank you.

18 MR. BRIDGES: The defense rests, Your
19 Honor.

20 THE COURT: Proceed sir.

21 MR. CORBETT: Ladies and gentlemen, good
22 morning.

23 THE JURY: Good morning.

24 MR. CORBETT: You know, I often tell
25 people that in my job, there are three human

1 emotions that we deal. And maybe not all, but a
2 vast majority of our cases. And oftentimes it comes
3 down to drugs, money or sex. And in this
4 particular case, there's two of the three, drugs and
5 money. And we saw that throughout the evidence.
6 Now this is a time for me to talk to you about what
7 I believe the evidence shows. And that's what I
8 want to do. However, I do I want to admit to you
9 that I am going to do my best to accurately reflect
10 what you have heard since I guess mostly Tuesday.
11 It started Monday. But it's up to you, the 12 of
12 you in your collective memory, to determine the
13 facts of the case. So that is up to you. It is
14 also up to the judge to charge you on the law of the
15 case. The reason I say that is, I'm going to talk
16 about the law a little bit. But I do want to be
17 fair with you in that ultimately it comes from the
18 judge.

19 So ultimately I'm going to talk about the
20 facts of the case, and about some of the statutes
21 that are involved. Also in my chance to comment on
22 the evidence in the case, it also gives me a chance
23 to some extent to apologize a little bit for rather
24 tedious having to enter each of the text messages.
25 But we had to do that, and I'm going to get kind of

1 why we had to go through each one individually and
2 quite frankly, eat up a lot of your time doing it.
3 So let's start with the law.

4 Now Ms. McWilliams is charged with
5 conspiracy. You've heard that word a long time,
6 for a long time. But very few people have the
7 opportunity to actually have it defined for them.
8 But a simple explanation: A conspiracy is when two
9 or more people get together and decide to commit a
10 crime. That's what it means. It's really that
11 simple. Conspiracy is a charge separate and apart
12 from other charges.

13 Now Ms. McWilliams is also charged with
14 burglary in the first degree. Burglary in the
15 first degree is: Enters a dwelling without consent
16 with intent to commit a crime therein, and either is
17 armed with a deadly weapon or causes physical injury
18 to a person who is not a participant in the crime.
19 In a little bit I am going to tell you that having
20 your skull cut open with a hammer is a physical
21 injury. Now the other charge is attempted armed
22 robbery. And that is, and within the statute it
23 describes, pistol, dirk, sling shot, metal knuckles,
24 razor or other deadly weapon. Or other deadly
25 weapon. There are some things that in their day to

1 day usage, aren't really considered deadly weapons.
2 But, if you swing it hard enough to open up
3 somebody's scalp, it becomes a deadly weapon. Or
4 other deadly weapon. It's do you choose you use it
5 that way.

6 Now those are the three statutes that you
7 will be involved in, you'll be looking at in the
8 course of this trial. Now let's talk about the
9 evidence and how it applies to these. Now
10 Dr. Aycock took the witness stand. He told you that
11 he was home that morning. And Ms. McWilliams who
12 had been cleaning his house for some period of time,
13 came in. Was about to clean the house. He came
14 downstairs later, and he was hit in the head and got
15 into a struggle. You remember that testimony.

16 Now did Dr. Aycock come in here and say,
17 oh, it was her. He said, I don't know who hit me.
18 He didn't make up a story. He knew who was charged.
19 He knows that part now, but he didn't say that. As
20 a matter of fact I thought it was a guy at first. I
21 don't know who hit me, but I was hit in the head, I
22 believe. I don't remember exactly, but I think he
23 said more than once. And then I got the hammer from
24 them and hit them one time, then they fled from the
25 scene. That's what he said. A victim in his own

1 house. But he doesn't see a whole lot, so he can't
2 tell us a great deal. Ms. McWilliams was in the
3 house. And the testimony was that she stayed there
4 until the police got there.

5 So my suspension is, and by the way, what
6 I am going to do now is difficult. Because
7 Mr. Bridges gets to come up and comment on his view
8 of the evidence. So I have to sort of talk about
9 what I think he's going to talk about, which can be
10 a little bit odd. But my suspension is that he may
11 come up here and go, oh, Sabrina McWilliams is
12 innocent. She stayed there and held a towel to his
13 head. She didn't have anything to do with this.
14 She was known to Dr. Aycock. She couldn't flee at
15 that point. She had to stick around and create a
16 cover story. That's what that was. If you are
17 unknown to the victim, you can take off. But if
18 you're known to the victim, you have to come there,
19 and you've got to make up a lie to cover your
20 tracks. So that's what's going on here.

21 Then Whittni Milhorn got on the stand, and
22 she testified. And I will tell you all, that's
23 always a little uncertainty for us when someone
24 comes over from the Department of Corrections. You
25 kind of have to ask yourself, if it was just Whitnii

1 Milhorn, would we have believed her, if it was just
2 her word. But there was more than just her word.
3 There were the text messages. Now I will tell you,
4 I have been doing this for a long time. And anytime
5 you get co-defendants in a case, two people charged
6 with the same thing, everybody wants to minimize
7 their involvement. They want to put it off on the
8 other person, and come up with a, I wasn't there, or
9 I was made to go, or I didn't know it was going to
10 go down like that, or any of these kinds of things.
11 So once the house of cards starts to crumble,
12 everybody starts trying to minimize what their
13 involvement in it is.

14 But Whittni Milhorn, she did get on the
15 witness stand. And do you remember what I did. Do
16 you recognize this. That's my cell phone, which may
17 not at this point, have any battery, but we'll have
18 to power that up. As you all have seen, I am not
19 very good on technology equipment. But I had her
20 going through the phone. Going through the text
21 messages. This is the part you all remember goes
22 exceedingly slow. There was a reason that I took up
23 so much of your time with these text messages.
24 Because when you get text messages, what's the other
25 part of you going to say. Oh, I didn't send the

1 text messages. Cousin Bobby borrowed my phone that
2 day. Aunt Susie had my phone that day. I didn't
3 know anything about those text messages. Because
4 that's how it works. People when they get red handed
5 with a message on their phone, they have to come up
6 with a reason why it wasn't their phone. My
7 suspicion is, that Mr. Bridges will want to stand up
8 here and tell you that wasn't her phone, how do you
9 know she sent those text messages. Context.
10 Context. Do you remember and I'm going to jump
11 forward and then come back a little bit. Remember
12 when Investigator Dubose was talking about taking
13 the statement and she wrote her phone number on the
14 top of this statement. And then he opened up that
15 phone and it was the same phone number. And it went
16 all the way back to September 3. All the way back
17 to September 3. Now let me ask yourself, are the
18 context of the messages consistent all the way
19 through. September 3, I have 15 OP 40's. Do you
20 know anyone who will buy them. The first message on
21 that phone from Sabrina McWilliams. I had to ask
22 what OP 40 's were, remember. Those are pain pills.
23 Do you know anybody who will buy them. Remember
24 when I said, drugs and money. Just checked off the
25 money box.

1 If I need money, I don't take pills, I
2 figured I could sell them. Right here on the text
3 message. That was State's Exhibit No. 4. State's
4 Exhibit No. 5. This is Ms. Milhorn. I'm so F'ing
5 sick. I'll use the abbreviation. I'm so F'ing
6 sick, I can't handle this. We just checked the drug
7 box. That's September 9th. Here's Ms. Milhorn.
8 Did you sell those OP's. Yes, we'll hopefully have
9 some tomorrow. I'm about to die. I can get you a
10 10 milligram to get you through the night, Hon.

11 State's No. 7. Messages from Ms.
12 McWilliams. Now again, think about the context of
13 this, because she's getting ready to mention
14 Dr. Aycock. If it wasn't her on the phone, how
15 would they know that. How can you come in here and
16 say, oh, maybe that wasn't me using my own phone
17 talking about the guy that I work for. No, the
18 context tells you clearly, I was going to give you a
19 few Dr. Aycock's today, but there only four in the
20 bottle. September 10. Ms. McWilliams, I need
21 money. I shot myself in the foot with the damn BB
22 gun. They only gave me Norco, and this bitch hurts.
23 Please forgive excuse my language. I'm reading it
24 as it's here. Oh, boy, so you're having to take
25 meds now. Blake just said that he's about to call

1 you. Ms. McWilliams, do you know anyone that buy
2 Vicodin. I have someone, but I have no ride and
3 can't drive. Ms. Milhorn talks about being in pain
4 from her tooth.

5 Ms. McWilliams from September 21. Do you
6 know anyone that has any 30's, I am in mortal pain.
7 Ms. Milhorn responded, damn, wish you would have
8 told me an hour ago. I just sold the last 30 my
9 home boy had. Ms. McWilliams, do you know anyone, I
10 feel like I am going to die. Now they have both
11 checked off the money and the drug box.

12 Ms. McWilliams, they did an ankle block so it is
13 still pretty numb right now. Just burns a little
14 bit. I am reading from September 23 of 2014.

15 Ms. McWilliams, the numbness is completely worn off
16 now. This thing hurts. Ms. Milhorn responds, do
17 you need something. Ms. McWilliams, I am
18 completely broke. I wish, damn, Vicodin does
19 nothing.

20 Ms. McWilliams from September 23. I won't
21 have any money until Friday when I clean
22 Dr. Aycock's house. Of course that is going to take
23 a while. This is Ms. McWilliams in that same text
24 exchange writing to Whitnii Milhorn. I am in
25 quotation marks, "I am hoping I can borrow a few of

1 his pills if I can last that long." You know if
2 you're sending a text message, sometimes people are
3 using their thumbs. Some folks use both thumbs or
4 finger. Why do take the time to put the word,
5 hoping, in quotation marks. Is hoping I can borrow,
6 mean I am going to steal some of Dr. Aycock's pills.
7 Next Ms. Milhorn, you can take me and I'll do it
8 while you wait. Then the reply or Ms. McWilliams
9 sends back, you can come help me.

10 Why would you take the time to put the
11 word help, in quotation marks. Can you drive, we
12 have be there at nine. The context of all of this
13 is, we're going to go to his house and get his pain
14 pills. Can you help me. State's Exhibit no. 15, a
15 continuance of the message. Ms. McWilliams sends to
16 Ms. Milhorn, do you have anything now. The
17 response, not yet. Going to State's 15, this is
18 Ms. McWilliams reply to a not yet. I'll gladly
19 reimburse you on Friday if you can possibly get me a
20 30. We can get some of those, the OP 40's and
21 PERC's. Where are they going to be Friday.
22 Dr. Aycock's house. Again the context of all of
23 this.

24 And continuing on, even in State's 16,
25 where Ms. Milhorn is asking what's a good price for

1 OP 60's. Ms. McWilliams responds \$20. Ms. Milhorn
2 says, can you sell any of them. She responds back,
3 try a person who will normally buy them. Are you
4 still going with me on Friday morning. Milhorn
5 responds, yes. September 25, Ms. McWilliams, do you
6 have anything. Milhorn, no, not in two days.
7 McWilliams, I am hurting like crazy. Milhorn, me
8 too. McWilliams, I cannot wait until tomorrow.
9 McWilliams, 9/25/14 at 10:11 in the morning. I wish
10 I could go this afternoon when I knew he was back
11 from his doctor, but that would look suspicious.
12 Milhorn replies, yeah.

13 The day before they're already thinking,
14 actually some days before, they've already started
15 talking about taking his pain medicine. Ms.
16 McWilliams, I have to go spray that wall down. CJ
17 is going to drive me over there, and I'll let you
18 know when I get -- as soon as I get back. We still
19 have to be there at 8:30 in the morning to clean.
20 Ms. McWilliams, I'll grab a few tonight, and we will
21 get more tomorrow. We just checked the conspiracy
22 box. I'll grab a few tonight if you'll get more
23 tomorrow. McWilliams then says, I don't want him to
24 be suspicious. 9/25 of 14, 7:17 p.m. And I am
25 looking at State's Exhibit No. 18. Milhorn asks,

1 did you already go. Ms. McWilliams responds, yeah,
2 and he hid them not in the usual place, and I'm
3 dying. Milhorn, what do you mean, he hide them.
4 Have you taken any of them. McWilliams, no, but
5 they aren't where I saw them before. 9/25 of 14 at
6 7:51 in the evening. McWilliams writes to Milhorn,
7 we need two of us over there tomorrow that way one
8 of us can distract him while I look upstairs.

9 Now that gets us to the planning and
10 leading up to this. And what you begin to see in
11 those text messages is a sense of desperation.
12 People who are hooked on medication and are now
13 willing to do whatever they have to do to get it.
14 That's the lead up to it. It truly gets frightening
15 on the following day. I am now looking at State's
16 Exhibit No. 24. And by the way, folks, these are
17 exhibits that have been admitted into evidence, and
18 they will available to you in the jury room. 9/26
19 of 14, the messaging starts, it actually starts at
20 7:40, I believe. And I want to jump over to
21 9:24 a.m. It comes down, I am in the bathroom by
22 the garage now. This is Milhorn. I am outside,
23 make him go lay down. We've got to find something.
24 I'm already sick too. And then Milhorn says, come
25 get me, front door.

1 Now I need to pause for a moment and talk
2 about the charge of burglary, because this is an
3 important distinction. And it's a little bit out of
4 the ordinary, so that's why I want to spend some
5 time. Sabrina McWilliams had permission to go in to
6 that house. So my suspicion is, that the defense
7 will want to argue to you, she can't be guilty of
8 burglary, because she had permission to go into the
9 house. But it doesn't end there. The burglary is
10 letting in the other person so that the crime can be
11 committed. That's the burglary. That is the hand
12 of one is the hand of all. For example, if my
13 friend invites me into his house and I'm over there.
14 And perhaps he says, you know what, I need to leave
15 a for a little while. I'll be back in a couple of
16 hours. And he leaves and I call up some people and
17 I said, hey, you all he's gone. Get over here and
18 burglarize his house. I don't get a free pass if I
19 set my buddy up to be robbed. I don't get to go,
20 oh, I just called him up and told him he was out,
21 and that I would be here to open the door. That's
22 all I did. No, that is aiding and abetting and
23 participating in burglary. It is two distinct
24 things. Her entry into the house, it may have been
25 legal when she did it, but as soon as let in Whitnii

1 Milhorn to rob the medicine, I'm sorry, steal the
2 medicine, that is the burglary. And that is the
3 essence of this notion of the hand of one is the
4 hands of all. Come get me, front door.

5 Milhorn, get him outside and ask him about
6 raking the yard or something, and let me go in
7 through the garage. Milhorn, text me when he's
8 coming back in. McWilliams, he's in his bathroom
9 trying to fix the water. Come on. Come on.
10 Telling Milhorn to come in the house to steal from
11 him. Milhorn replies where. McWilliams, upstairs
12 again. Then the next message from McWilliams, he's
13 downstairs with me. Milhorn says, he won't hear me?
14 Question mark. Come in where? Question mark.
15 Talk. Keep him in there. McWilliams, I am. Hurry
16 though. And the next one is absolutely chilling.
17 Before I decide to stab him with the scissors.

18 Now if somebody stands up here and says,
19 well how could they prove to you that that was
20 McWilliams on the phone. Because she's in the
21 house. Who else was in the house. Dr. Aycock has
22 already testified she was in the house. She
23 admitted she was in the house. And she's describing
24 events happening in the house. Milhorn replies,
25 nothing I need down. McWilliams, get out.

1 McWilliams, where are you? With a question mark.
2 Now if you want to know if there was an intent to
3 commit a crime, let's look at McWilliams' next
4 statement. And you all please forgive my language,
5 but I want to read it as it's on that screen. They
6 are in his goddamn pocket. What's in his pocket?
7 The medicine, the pain pills. She's going to come
8 in here and tell you she's an innocent bystander? I
9 gave him some cold peas to put on his head. That's
10 a lie. That is a cover up lie. They are in his
11 goddamn pocket.

12 Milhorn, front door. Milhorn, I think she
13 may have meant good, but she wrote God. Milhorn,
14 come to the front door. McWilliams, he's in the
15 bathroom, perfect time. Milhorn and again, folks,
16 you all please don't hold against me the language,
17 but I want to quote it as it's here. Fuck it, I'm
18 coming in the back door, keep him close.
19 McWilliams, he's out, what are we going to do.
20 Milhorn, keep him by the back stairs. McWilliams,
21 okay. Milhorn, hurry. McWilliams, where are you.
22 Milhorn, garage. Perhaps the second most chilling
23 one I read. I am looking at State's Exhibit 22 and
24 it extends over to State's Exhibit No. 23. You need
25 to surprise him coming out of the bathroom. Why is

1 that so important? Because if you were trying to
2 distract him and grab a pill bottle over the counter
3 and run, that's one thing. If you walk into this
4 courtroom or somebody on your behalf stands in front
5 of you and says, oh, she didn't know it was going to
6 go down like that. She thought we were just going
7 to grab some pills and leave.

8 You can't make that claim but also text,
9 you need to surprise him coming out of the bathroom.
10 That is a confrontation. That is putting somebody
11 up to a confrontation. And why is that important.
12 Because you can be guilty of attempted armed robbery
13 without actually hitting the person if you're
14 telling the person to do it. If you're giving them
15 a play by play. He's in the bathroom, you can
16 surprise him.

17 In my opening statements, I used the word
18 dastardly. Dastardly is a cowardly act. And here
19 is a man who is not in great health, has had several
20 surgeries, and they're planning on surprising him
21 when he comes out of the bathroom. Now at this
22 point, they've left the scene. Ms. McWilliams stays
23 at the scene, and plays the part of the victim.
24 I'll use the quotation marks here. Victim. Sabrina
25 is interviewed by the police. Remember that part.

1 Went and got peas for him. Cold peas to put on his
2 head. Helped him change his clothes. Like I said,
3 she had to. Was it analogous to me in my mind. To
4 me it's analogous to hiring a hit man. If you hired
5 a hit man, you'd be right there at it. You could
6 tell the police, oh, I came home and found my loved
7 one dead. Knowing all the whole time that you're
8 the one who put it in motion. That's what she did.
9 She was making up a cover story.

10 Now remember I keep coming back to this
11 point because I'm afraid somebody is going to say,
12 oh, how do we know it was her. Well let's look at
13 9/26 at 12:57 in the afternoon. You are good.
14 Described you as male Asian. Call you when I can.
15 Folks, when remember in my opening when I said if
16 you plan it, if you're present for it, and help to
17 make it happen and then cover it up, it makes you as
18 guilty as the person who did the hitting. There's
19 the cover up right there. A few minutes before
20 1 o'clock on the day it happened. You are good,
21 called you an Asian and a male.

22 I'm getting a sense that I'm once again
23 taking up too much time with the text messages, and
24 I don't want to bore you. The aftermath of those
25 are available for you to see. It even continues on.

1 Now I'm not read all of them, because there are some
2 messages in there about, oh, I talked to
3 investigator Dubose, told him this. The problem is,
4 she'd already talked to Investigator Dubose at that
5 point. So the stories are already coming unraveled.
6 But those are the text messages up until the time
7 the crime was committed and it ended.

8 So then Investigator Dubose gets involved.
9 And he begins his investigation. Do you remember
10 what he told you from the witness stand. Went to
11 her house the next day, because as far as I knew,
12 she was a witness in the case. Asked her to give me
13 a statement. Asked for statement. Put it in
14 writing what she told the police when they got
15 there. I've been working for Dr. Aycock a little
16 over a month cleaning his home.

17 So if there's any questions about who was
18 sending those text messages in early September about
19 getting pills from Dr. Aycock's house. Been working
20 at his house over a month. I normally work every
21 other Wednesday, but due to surgery I came on Friday
22 September 26th 2014. I had already cleaned his
23 bedroom, bathroom and most of the kitchen. I was in
24 the living room and had just plugged in the vacuum
25 cleaner, and it would not come on. I called up to

1 ask Dr. Aycock to come down and help me. He was
2 walking across the living room to turn on the light
3 when I heard commotion behind me, and Dr. Aycock
4 scream. I turned around to see someone on top of
5 him with something in his hand. It appeared to be
6 a Hispanic slash Asian with a black hood covering
7 his face. He had black hair and a ponytail. And
8 all I could see was his eyes. I screamed and ran to
9 the dining room to the kitchen to get the phone and
10 call the police. He ran out the door. I noticed
11 Dr. Aycock had a hammer in his hand then -- hand
12 then. I went and got a towel because he was
13 bleeding bad from the head. I helped him to the
14 chair, and helped him hold pressure until the police
15 arrived. He wanted to get his bloody clothes off,
16 and I helped him change his shorts, underwear, and
17 bloody shirt right before the police got there. I
18 also got him a cold bag of peas to put on his head.
19 That was the statement she gave. Which by the text
20 messages, we know was a lie. It just does not add
21 up with the text messages.

22 And by the way, and I'm sorry. I may have
23 gone a little -- should have gone a little bit
24 further on the text messages. Because there's
25 another one after the ones I read, and you all can

1 look through them, and correct me if I'm wrong.
2 But you're good, I told the same thing that
3 Dr. Aycock did as far as I know. A lie. What does
4 Investigator Dubose say next. That ain't making
5 sense. Something ain't right. Now why would he say
6 that. Because he's been a police officer for 20
7 years, and he's heard a lot of nonsense in 20 years.
8 So what does he do. I need to read you your rights.
9 This isn't adding up. Let me advise you of your
10 rights. Because this is what's going to happen. If
11 I find out this isn't right, I'm coming back. Woe,
12 woe wait a minute. Wait a minute. Because what's
13 happening now, the story is falling apart. The
14 house of cards is collapsing. It's time for me to
15 try to minimize my involvement. Let me give you a
16 statement: I was taking over to Dr. Aycock's by
17 Whitnii Milhorn and her boyfriend Mat. On the way
18 over, they kept talking about how he was a doctor,
19 and how they could rob him. I kept telling them he
20 was retired and didn't have pills, or write scripts
21 anymore. Whitnii kept insisting she could help me
22 clean, and I told her I would be fine.

23 Does that match up to the text messages?
24 Not even close. They dropped me off in Mat's white
25 four-door truck, and Whitnii walked to the door

1 with me, still asking If I wanted help. I told her
2 I was fine. She said her and Mat were going to find
3 some money and some pills. I finished cleaning the
4 mat -- MB, the M bath, and the hallway and most of
5 the kitchen. I spent about 30 minutes in the back
6 room scrubbing paint off the wall. I got the vacuum
7 out to the living room and plugged it in. It didn't
8 turn on the first time, so I asked Dr. Aycock to
9 come help me. I was walking across the living to
10 turn on the light when I heard scuffle behind me,
11 and turned around and saw someone attacking. The
12 person had black hair and a ponytail, a black hoody
13 covering half his face, and black and white pants.
14 This is the same thing Whitnii was wearing when she
15 dropped me off. I screamed and took off running
16 through the dining room to the kitchen, and dialed
17 911.

18 I got Dr. Aycock the towel off the bedroom
19 floor, because his head was pouring blood. I did
20 not see which door she ran out of. I got another
21 towel and a bag of peas for his head, and helped him
22 change his bloody clothes. The police and CSI units
23 arrived. His glasses were on the floor in the
24 living room. He started looking for his medicine
25 after everyone left, and it was under his shirt on

1 the floor. I handed him the bottle, closed. I
2 stayed with him while he took a shower and got
3 cleaned up, and we looked at his injury. He refused
4 to go to the hospital. I did not initially tell the
5 investigator who I thought it was, because I was in
6 fear for my life. These people have made threats
7 against others before.

8 My friend Tracy picked me up from
9 Dr. Aycock's along with a girl named Nicky and her
10 husband, and a guy I didn't know, in a blue car.
11 When we got to my house, Tracy and Nicky used my
12 restroom and left. Whitnii did text me and called
13 me several times while I was there, asking if I knew
14 where any pills were, and I did not answer her texts
15 and calls. I did not answer her texts and calls.
16 Those messages continued for me more and pages.
17 Another lie in that statement. But see once the
18 house of cards starts falling, you've got to kind of
19 try and cover your tracks. I was trying to cover
20 for all us, but now it's time to cover for Me. Well
21 Whitnii dropped me off, and the person in the house
22 had on the same kind of clothes. That's right,
23 because Mat and her were talking about robbing him.

24 Investigator Dubose takes this
25 information. He makes contact with Whitnii Milhorn.

1 Now there's a video placed into evidence that I did
2 not play, because of its length. It will be
3 available to you. But through the lengthy part of
4 that investigation, Whitnii Milhorn is upset being
5 accused of this crime. And remember Investigator
6 Dubose said to her, or said, told you from the
7 stand. I showed her McWilliams' statement. And
8 that's when she said, where's my phone. I need for
9 you to see the text messages. And that's what you
10 have here, the text messages. That phone, the text
11 messages, will be available for you. It's been
12 admitted in to evidence.

13 So where does that leave us now. Oh by
14 the way, Milhorn in her statement even mentions a
15 couple of other efforts, gathering another weapon,
16 golf club, ice pick. An ice pick was found in the
17 house. It says that McWilliams is the one who
18 handed me the hammer. Now was Milhorn wanting to
19 minimize her involvement? Initially was. But she
20 was caught red handed in the text messages too.
21 What did she tell you from the stand. I came in
22 here. I stood up and pled guilty and got my time.
23 Now a couple of things that I want to touch on that
24 I think are obvious, but I still need to mention.

25 As we've talked about when we're talking

1 about burglary, for it to be burglary first degree,
2 it has to be the entering without consent with the
3 intent to commit a crime therein. And during the
4 course of that the nonperson not participating in
5 the crime is ended. So what we have is, we have
6 Whitnii Milhorn coming in without consent. We see
7 that in the text messages. The front door, come and
8 get me. Intent to commit a crime therein. We can
9 get some OP 40's Friday. It's clear from those text
10 messages, they were wanting to steal medicine from
11 him. Because remember, the pill was in his pocket.
12 And an entry to a nonparticipant. These were on the
13 projector, but they weren't very clear. I apologize
14 for the quality of that. But that's Dr. Aycock with
15 the blood coming out of his head. So he was
16 injured. Attempted armed robbery. Dr. Aycock said
17 in the initial assault nothing was taken from him.
18 That's why it's called attempted armed robbery. Why
19 is it armed? Because a weapon was used. A hammer.

20 Ladies and gentlemen, these materials will
21 be available to you. A hammer, ice pick. There's
22 the charger cord for the phone. Text messages.
23 Hurry up and do it before I stab him with the
24 scissors. Surprise him when he comes out of the
25 bathroom. Ladies and gentlemen, do I wish people

1 didn't do bad things? Yes. Do I wish I would have
2 to go to find another job because people would quit
3 committing crimes? Yes. That's not the world we
4 live in. People commit crimes. Sometimes they do
5 it for money. Sometimes they do it for drugs. And
6 it's serious business. And you might think, uh,
7 Dr. Aycock is here today. What if that hammer blow
8 had been a little harder? What if he would have
9 started bleeding in his brain? What if he had gone
10 to the hospital in a coma, and get unhooked from the
11 machine a week or two later? He was hit in the head
12 with a hammer in his own his home. It might not be
13 a pleasant task, folks, but you took an oath to well
14 and truly try the facts of the case. And I believe
15 that the facts of the case show that Sabrina
16 McWilliams was a party to both of these crimes and a
17 party to the conspiracy. And for people like me who
18 stand up here, sometimes we don't know when to stop
19 talking, because we get emotional about it.

20 And we get fired up about it. And we sit
21 there and think, doggone it, you ought to be safe in
22 your own home. In your own house. And no matter
23 what your past was, no matters what problems you had
24 eight or ten years ago, that doesn't mean you don't
25 get to be a victim. None of us are perfect. It

1 doesn't matter what happened ten years ago. He
2 didn't deserve to get knocked in the head with a
3 hammer and get robbed, or try to rob him. That kind
4 of action, that kind of behavior requires
5 accountability. And in a court of law, that
6 accountability is a guilty verdict. Thank you.

7 THE COURT: Mr. Bridges.

8 MR. BRIDGES: Thank you, Your Honor.
9 Ladies and gentlemen, at the beginning of this case,
10 I told you that the court had the burden of proving
11 each one of these charges beyond a reasonable doubt.
12 And I'm about to go through each one of these
13 charges and show what the State has to prove beyond
14 a reasonable doubt and what the evidence that came
15 in this courtroom today shows. And you will see on
16 each of these charges, the State has not met that
17 burden.

18 Well lets start with the first degree
19 burglary. Now there are some facts about that, that
20 are in dispute, and there are some that are not in
21 dispute. The big thing that was not in dispute,
22 Sabrina McWilliams had every right to be there.
23 She has full consent that day. Dr. Aycock said yes,
24 she was cleaning my house that day. She fully had
25 my permission. She comes over all the time.

1 Apparently she could just open the door, and he was
2 fine with her being there. So there's no dispute at
3 all about her entry into the house, because it was
4 completely with Dr. Aycock's consent.

5 Now the whole State's theory on the arrest
6 on Ms. Milhorn, that Sabrina is liable for Whitnii
7 Milhorn's actions because they were acting in
8 common with the same objective. Well even if you
9 take Ms. Milhorn's story that was in these text
10 messages and that was in her testimony, that still
11 is not enough to meet the elements of burglary,
12 because there's two things: You have enter a house
13 without consent and with the intent to commit a
14 crime. She repeatedly testified to me, the
15 solicitor, and to Investigator Dubose, that her
16 intentions that day were to clean. She was going to
17 do this to clean. She repeated that over and over
18 again. She said this idea -- this idea to rob, the
19 doctor did not come back down until she was in the
20 house.

21 The State right there does not for either
22 co-defendant they can't meet elements. So they
23 have not proved there was any kind of burglary that
24 day, because Sabrina had complete consent to be
25 there. And even if Ms. Milhorn's story is to be

1 believed, she didn't have intent to commit a crime.
2 And also from what these messages show, there was
3 apparently all these movements throughout the house.
4 She was in all these different rooms. She went to,
5 you know, being in and out of the house at various
6 points, and Sabrina was going all around. In all
7 that happened, I don't know how Dr. Aycock even
8 isn't aware of her presence. Isn't there some kind
9 of confrontation. But yet, even if these text
10 messages are to be believed, and I will get to the
11 credibility of these text messages when we talk
12 about the conspiracy charge. The State hasn't
13 proven burglary here. Because again, Sabrina had
14 full consent to be there. And even if -- even if
15 what Milhorn said even if you believe that, she
16 didn't have any intent to commit a crime while she
17 was there.

18 Now we go to the charge of attempted armed
19 robbery. Now this again is the facts that aren't in
20 dispute. It's not in dispute that Sabrina did not
21 hit or attack Dr. Aycock in any way. In fact as the
22 pictures show, and as the testimony reveals, she was
23 there with him after he was injured. And all the
24 testimony says that she helped treat his injuries.
25 She actually called the police upon his

1 instructions. And I would submit to you that it's
2 not certainly the behavior of somebody that was
3 trying to rob Dr. Aycock.

4 Now the State's theory is, well of course,
5 she didn't do it, but Whitnii Milhorn did this under
6 her direction and coercion. Now there's still a lot
7 of doubts there, because she said that, I had asked
8 Whitnii, did Sabrina make you do this. Did Sabrina
9 threaten you in any way. Did you feel threatened to
10 leave. And she couldn't give me the answer to that.
11 She couldn't give me the answer to why she did it.
12 If she was concerned for her safety about Sabrina
13 using scissors or an ice pick or something. Why
14 would she then hit -- think she could rectify things
15 by using a hammer instead, I don't know. But that
16 does not make any sense. And she -- and there's no
17 text messages about the hammer. And it's just her
18 word saying that Sabrina handed her this hammer, put
19 her up to this.

20 And additionally Dr. Aycock's testimony to
21 this court, he had nothing to do with these text
22 messages. He's not even an alleged party to having
23 sent or having discussed any of this. He said he
24 thought the person that attacked him was a man. And
25 there was, there is another male involved in this

1 case, and that is Matthew Brogdon. And that is --
2 was the boyfriend of Whitnii Milhorn at the time,
3 because she testified, gave him a ride there, and
4 picked her up when she ran out of the house and was
5 in somehow in close vicinity, but not in the house
6 while this occurred. And she also testified that
7 she initially tried not to get his name in this at
8 all. She was trying to protect him.

9 So it's clear that his involvement was
10 something that she didn't want anybody to find out.
11 And that he might have been involved in this to a
12 much greater level.

13 MR. CORBETT: Your Honor, interpose an
14 objection. May we approach?

15 THE COURT: Yes, sir.

16 (Whereupon, the attorneys approach the
17 bench and confer with judge.)

18 THE COURT: We'll put that on the record
19 later. Proceed sir.

20 MR. BRIDGES: But of the State, all the
21 physical evidence here, points to Whitnii Milhorn
22 committing this crime. And she admitted to doing
23 it. She pled guilty to doing it. And the reason
24 that Sabrina McWilliams is here is because of these
25 text messages and because of her testimony. And as

1 Ms. Milhorn admitted to when I questioned her, she
2 received guilt in this. She was charged. She was
3 originally charged with the same charges that
4 Ms. McWilliams is charged with, the first degree
5 burglary and the attempted armed robbery. And she
6 pled it down to common law or strong armed robbery,
7 which is a lesser offense.

8 And as you'll see if you watch the video
9 of her first interview with Investigator Dubose, he
10 tells her, he brings her up to what she is facing.
11 He repeats it. He keeps repeating it. And then she
12 kind of slowly, with that with the statement, she
13 kind of slowly decides to then pull out the phone.
14 Now this is where we get to the phone and the
15 validity of these text messages, and everything that
16 the State's theory is kind of based on.

17 Now it's not very high tech. Anybody with
18 a cell phone and any kind of cell phone plan, can
19 print a log of their text messages, a log of their
20 calls, and which number what sent to which number
21 and what time this occurred. And this is something
22 that doesn't require a whole lot of technology or an
23 expert or anything. And the State could have easily
24 to verify these messages from Sabrina, could have
25 easily, you know, subpoenaed those records, or she

1 might have since she just handed her phone over, she
2 might have given it to them. They also could have
3 done that because they had it. They said they had
4 Sabrina's phone numbers. And I mean it seems like
5 she talked to Investigator Dubose on the phone.
6 They could have pulled that further too. If they
7 would have said well you're trying to cover this up,
8 you're trying to delete this, they could have had
9 all that in here today to show you those records,
10 and show you that, yes, these messages were sent at
11 this time, at this phone, and this number. And we
12 can prove with these records. They don't do that.
13 All they have is the phone and the messages on that
14 phone that they got from Ms. Milhorn. Somebody that
15 gave -- that gave the phone with her consent, gave
16 him the phone. And we don't know what if there is,
17 he said that this was a play by play of what
18 happened. We don't know the whole picture if that's
19 a play by play of what happened. Because we don't
20 know if she deleted some messages, if she changed
21 the name of the contacts. What, you know, what
22 happened to these messages. Because they came from
23 her to Investigator Dubose after she knew she was
24 the target of investigation.

25 So do these messages complete a complete

1 picture, or do we know if there was things deleted
2 or changed, we don't know that. And I would say
3 that that puts the whole text messages and the whole
4 charge of conspiracy into question. And also the
5 thing mentioned about the text messages are, the
6 solicitor went on a great length about how there's
7 these messages about them trying to obtain
8 prescription drugs from various people, and people
9 unrelated to this case.

10 Well there's no drug -- this isn't --
11 there's not a drug charge in this case. Ms. --
12 Sabrina isn't facing any possession of a controlled
13 substance or selling a controlled substance or
14 anything like that. So and Ms. Milhorn testified
15 that she didn't know how she -- how these pills were
16 obtained or anything like that. She said she just
17 came in there to clean, and that there would be
18 money. I think she would -- I think she was hoping
19 Sabrina would split her pay completely with her.
20 But the mention of these other, them looking for
21 prescription drugs, and them mentioning these
22 prescription drugs, that has nothing to do with what
23 happened that day on the 26th. These are separate
24 transactions. And again this isn't the case,
25 nobody is charged with the possession of controlled

1 substances.

2 Now Dr. Aycock testified that he thought
3 that Sabrina was taking pills from him for several
4 weeks before. Well he didn't fire her. He didn't
5 confront her with this information. And he's
6 actually the only one in this case that had the drug
7 conviction. And he, you know, and I'm -- and so I
8 would say that that kind of affects his ability to
9 have control over his medicine, or did he account of
10 what was going on in his house anyway. And so when
11 those facts combined with the fact that the State
12 has not verified the authenticity of these text
13 messages, and they do not provide call logs to back
14 it up. The fact that Sabrina was -- it's undisputed
15 that she had consent to be in the house. She was
16 on -- she was there the whole time, and she helped
17 treat Dr. Aycock. She did not -- it's uncontested
18 that she tried to assault Dr. Aycock in any way.
19 And the fact that she cooperated with law
20 enforcement afterwards, is important too. There's
21 the -- the State points out that well she initially
22 didn't give, you know, a first statement. She gave
23 another statement later. Well she said she was
24 threatened. And again, you can see evidence or lack
25 of evidence if she was receiving threatening

1 messages, if they had the call log. Because she
2 said was feeling threatened by Milhorn. And the
3 State could have shown that well, you know, well she
4 deleted all that or she never got that, if they had
5 called her. And they did not. So how do we know if
6 like if they made a big example over the text
7 messages that where she said described you as Asian
8 and male. Well that occurs two hours after the last
9 text message. How do we know there's not a whole
10 string of messages in there for Milhorn saying you
11 better tell the police this, or I'll come after you.
12 Because we don't know that, because those gaps
13 cannot be -- those gaps are not backed up by any
14 kind of call out technical documents.

15 So in conclusion, on all three charges, on
16 first degree burglary, the State has not met the
17 burden of proving that Sabrina entered the house
18 without consent with an attempt to commit a crime.
19 She unquestionably had consent. And their theory is
20 that Ms. Milhorn didn't have consent. Even if she
21 didn't have consent, she repeatedly testified that
22 there was no intent to commit a crime until she got
23 there. She repeatedly testified she did not hear or
24 start doing anything in this plot to get -- to
25 attack Dr. Aycock until she got in the house.

1 And on the armed robbery and the
2 conspiracy, again there's a heavily, heavily based
3 on the credibility of the text messages, and the
4 witness who got a deal for her cooperation who pled
5 to a reduced charge. And as far as what was
6 actually found on the scene on there, Sabrina again
7 stayed on the scene. She rendered aid to
8 Dr. Aycock. She helped him out. She called the
9 police under his direction. So for those reasons, I
10 submit the State has not met their burden, and she
11 should be found not guilty on all counts. Thank
12 you.

13 THE COURT: Madam forelady, I've got some
14 matters to take up with these lawyers here about
15 what instructions to give you later. And So I'll
16 ask the bailiffs to take you to your room. Now, the
17 first thing I do want you to do is to consider
18 whether or not you want to be fed here, or wait. I
19 don't know how long the rest of this trial is going
20 to take. I don't know. It's not scripted, as I
21 said.

22 So for the first order of duty when you
23 all get in there, for you all to decide if you want
24 Mr. Campbell's office to obtain some food for you.
25 And, Mr. Campbell, why don't you give them a choice,

1 if they do, tell them where it will come from.

2 THE CLERK: Sure. You've got the choices
3 of KFC or Little Caesars pizza. A good healthy
4 lunch.

5 THE COURT: Do you just want them to knock
6 on the door and let you know when they decide that
7 issue there?

8 THE CLERK: Yes.

9 (Whereupon, the following takes place
10 outside the presence of the jury.)

11 THE COURT: Gentlemen, I'm going to start
12 putting my charge together. If there is a
13 particular charge or do you want to renew it later
14 to see what you think of this?

15 MR. CORBETT: Judge, I think the only
16 issue that I can remember being outstanding was,
17 Mr. Bridges' request that you charge the lesser
18 included offense of common law robbery.

19 THE COURT: Yes, sir. Have you thought
20 about that anymore? What's your position on that?

21 MR. CORBETT: Judge, quickly frankly, I
22 don't have any objection.

23 THE COURT: I'll do that. I'll go work on
24 that. You all stand at ease, and we'll be back
25 shortly.

1 MR. CORBETT: Can I ask this question?

2 Ms. McWilliams was not present for first two days of
3 trial.

4 THE COURT: Yes, sir.

5 MR. CORBETT: She is now present, and we
6 are nearing the conclusion. Judge, do we need to
7 address her custody status?

8 THE COURT: She does not leave this
9 courthouse.)

10 THE DEFENDANT: I'm not going to, Judge.

11 THE COURT: No, ma'am, I'm talking now.

12 You don't leave the courtroom.

13 THE DEFENDANT: All right.

14 THE CLERK: They are going to do KFC, and
15 they want all types.

16 THE COURT: We will be back at 1:30.

17 (Whereupon, the court breaks for lunch.)

18 THE COURT: All right, sir.

19 MR. BRIDGES: Judge, at the conclusion of
20 the charge, I would just renew my my directed
21 verdict motion.

22 THE COURT: Yes, sir.

23 MR. CORBETT: And, Judge, at the
24 conclusion of the legal charge, we would also ask
25 the court to inform the jury that if they want to

1 see any of the video or cell phone, if they would
2 send a note out, and we will arrange that.

3 THE COURT: Please remind me.

4 MR. CORBETT: Yes, sir.

5 THE COURT: I found this conspiracy charge
6 lying on my desk separate from the rest of it. Did
7 you all want that in or out?

8 MR. BRIDGES: And I think it was not
9 included in the original.

10 THE COURT: You may bring the jury.

11 (Whereupon, the following takes place
12 within the presence of the jury.)

13 THE COURT: Ladies and gentlemen of the
14 jury, at the end of trial, I am required to read to
15 you the law as it applies to this case. I didn't
16 write this. It's written by another person,
17 therefore, if I stumble and slide here and there,
18 it's not my style of writing, so bear with me.

19 The defendant in this case has pled not
20 guilty to the indictment. And that plea puts the
21 burden on the State of South Carolina to prove the
22 defendant guilty. A person charged with committing
23 a criminal offense in South Carolina is never
24 required to prove herself innocent. I charge you
25 that it is an important rule of the law that the

1 defendant in a criminal trial no matter what the
2 seriousness of the charge may be, will always be
3 presumed to be innocent of the crime for which the
4 indictment was issued unless guilt has been proven
5 by evidence satisfying you of that guilt beyond a
6 reasonable doubt. This presumption of innocence
7 does not end when you begin your deliberations but
8 it accompanies the defendant throughout the trial
9 until you reach a verdict of guilt based on evidence
10 satisfying you of that guilt beyond a reasonable
11 doubt.

12 The presumption of innocence is like a
13 robe of righteousness placed about the shoulders of
14 the defendant, which remains with the defendant
15 until it has been stripped from the defendant by
16 evidence satisfying you of the defendant's guilt
17 beyond a reasonable doubt. The presumption of
18 innocence is not mere legal theory. It is not just
19 a legal phrase. It is a substantial right to which
20 every defendant is entitled unless you the jury are
21 satisfied from the evidence of the defendant's guilt
22 and of that guilt beyond a reasonable doubt. What
23 is reasonable doubt in the law. A reasonable doubt
24 is the kind of doubt that would cause a reasonable
25 person to hesitate to act.

1 The State has the burden of proving the
2 defendant guilty beyond a reasonable doubt. Some of
3 you may have served as jurors in civil cases where
4 you were told that it is only necessary to prove
5 that a fact is more likely true than not true; such
6 as, by the greater weight or preponderance of the
7 evidence. In criminal cases, the State's proof must
8 be more powerful than that. It must be beyond a
9 reasonable doubt. Prove beyond a reasonable doubt
10 is proof that leaves you firmly convinced of the
11 defendant's guilt. There are very few things in the
12 world that we know with absolute certainty, and in
13 criminal cases the law does not require proof that
14 overcomes every possible doubt. If based on your
15 consideration of the evidence you are firmly
16 convinced that the defendant is guilty of the crime
17 charged, you must find the defendant guilty. If on
18 the other hand you think there is a real possibility
19 that the defendant is not guilty, you must give the
20 defendant the benefit of the doubt and find her not
21 guilty.

22 The defendant is charged with first degree
23 burglary. The State must first prove beyond a
24 reasonable doubt that the defendant entered a
25 dwelling without consent. A dwelling is any

1 building or portion of a building in which a person
2 ordinarily sleeps. A building constructed as a
3 dwelling that has never been occupied cannot be
4 considered a dwelling for purposes for a burglary.
5 But a building is a dwelling even if the residents
6 are temporarily absent from a building. In order
7 to prove that the defendant entered the dwelling the
8 State does not have to show that the defendant --
9 the defendant's entire body entered the dwelling.
10 The smallest entry is sufficient. It may be any
11 part of body; such as, a hand or a foot or even an
12 instrument; such as, a hook or other instrument. If
13 a person enters a building by using deception,
14 artifice, trick or a misrepresentation to get
15 consent to enter this building, that entry is
16 without consent.

17 Next the State must prove beyond a
18 reasonable doubt that the defendant intended to
19 commit a crime, either a felony or a misdemeanor at
20 the time of the entry. A mere entry into a dwelling
21 without consent is not burglary if the intent to
22 commit a crime is formed after the entry, it is not
23 burglary. On the other hand, if the defendant
24 intended to commit a crime at the time of entry, it
25 is a burglary even if the intent was abandoned after

1 the entry. It does not matter that the intended
2 crime was not completed. Intent may be shown by
3 acts and conduct of the defendant and other
4 circumstances from which you may naturally and
5 reasonably infer intent.

6 Finally the State must prove beyond a
7 reasonable doubt that when entering while in the
8 dwelling or when fleeing, the defendant or an
9 accomplice was armed with a deadly weapon or
10 explosive. A deadly weapon is any article,
11 instrument or substance which is likely to cause
12 death or great bodily harm. Whether an instrument
13 has been used as a deadly weapon depends on the
14 facts and circumstances of each case. The following
15 are examples of instruments which may be deadly
16 weapons: A pistol, a shotgun, a rifle, a dirk, a
17 dagger, a knife, a slingshot, metal knuckles, a
18 razor, gasoline, a firebomb or Molotov cocktail and
19 lighter fluid. A gun may be a deadly weapon even if
20 it is not operating. Ordinary objects may become
21 deadly weapons when the facts show that they have
22 been used to inflict seriously body harm or death.
23 When entering while in the dwelling or when fleeing
24 the defendant or an accomplice causes physical
25 injury to anyone not participating in the crime.

1 When entering while in the dwelling or when fleeing
2 the defendant or an accomplice used or threatened to
3 use a dangerous object.

4 The defendant is charged with attempted
5 armed robbery. In order to prove this offense, the
6 State must first prove beyond a reasonable doubt
7 that the defendant attempted to take personal
8 property from the person or presence of another
9 person. Property is in the presence of person if it
10 is within the person's reach, inspection,
11 observation or control, so that the person could if
12 not overcome with violence or prevented by fear,
13 keep possession of the property.

14 Finally the State must prove the taking.
15 The attempt to take and carry away the property must
16 have been done with violence, or by putting the
17 owner of the property in fear of violence. Finally,
18 the State must prove beyond a reasonable doubt that
19 the defendant was armed with a deadly weapon during
20 the robbery. A deadly weapon is any article,
21 instrument or substance which is likely to cause
22 death or great bodily harm. Whether an instrument
23 has been used as a deadly weapon depends on the
24 facts and circumstances of each case.

25 As to attempted robbery, if you find that

1 the State has failed to prove that the defendant was
2 armed with a deadly weapon, you may then consider
3 whether the State has proved beyond a reasonable
4 doubt that the defendant committed attempted
5 robbery. In order to prove attempted robbery, the
6 State must prove beyond a reasonable doubt, all of
7 the elements that I have just explained except that
8 the defendant was not armed with a deadly weapon.

9 In order to prove attempted robbery, the
10 State must prove beyond a reasonable doubt that the
11 defendant attempted to take the personal property
12 from the person or presence of another person
13 without that person's consent. The property was in
14 the possession or presence of a person if it is
15 within the person's reach, inspection, observation
16 or control so that the person could if not overcome
17 with violence or prevented by fear, retain
18 possession of the property. The intent in taking
19 and carrying away of the property must have been
20 done with a violence -- with violence or by
21 putting the owner of the property in fear of
22 violence.

23 The defendant is charged with conspiracy.
24 The State must prove beyond a reasonable doubt that
25 the defendant committed with one or more person's

1 for the purpose of committing an unlawful act, or of
2 committing a lawful act by unlawful means. There
3 must be a mutual understanding, agreement, or a
4 common intention and plan. Mere passive knowledge
5 of or consent to the criminal conduct of the another
6 person is not enough to make a person a conspirator.
7 There must be guilty knowledge and participation.
8 Similarly, the mere fact that the defendant may have
9 associated with another person or met with another
10 person and discussed common aims and interests does
11 not necessarily establish proof of the existence of
12 a conspiracy, or that the defendant was involved in
13 a conspiracy.

14 On the other hand, it is not necessary
15 that the agreement be a formal one, that it be in
16 writing, that the person's hold a meeting and
17 expressly state the terms of the common plan. Or
18 that the agreement be stated in words between them.
19 The agreement of a criminal conspiracy may come into
20 being through an implied mutual understanding. The
21 willful, intentional and knowing adoption by two or
22 more persons of a common plan is sufficient. No
23 overt acts need to be shown to establish a
24 conspiracy. A conspiracy may be shown by
25 circumstantial evidence, and the conduct of the

1 parties. In order to convict the defendant of
2 conspiracy, the State must proof beyond a reasonable
3 doubt not only that the defendant knew of the
4 unlawful conduct, but that the defendant agreed to
5 combine with the other person or persons for the
6 purpose of accomplishing the unlawful conduct.

7 In order to establish criminal liability,
8 criminal intent is required; for example, the mental
9 state is required to be proven by the State for a
10 particular crime might be for purpose, intent,
11 knowledge, recklessness, or criminal negligence.
12 Criminal intent must be proven by the State beyond a
13 reasonable doubt. Criminal intent is always a
14 matter that must be determined by the jury from the
15 circumstances surrounding the situation. There is
16 no way to prove intent to a mathematical certainty.
17 There is no way medical science can dissect a
18 person's brain and determine what the person had in
19 mind. So the law says that criminal intent may be
20 inferred from the situations shown to have existed.
21 This is how you make a determination of whether or
22 not the element requiring intent was present. It is
23 not necessary to establish intent by direct and
24 positive evidence, but intent may be established by
25 inference in the same way as any other fact by

1 taking into consideration, the acts of the parties
2 and all of the facts and circumstances of the case.

3 Criminal intent is a mental state, a
4 conscious wrongdoing. It is up to you to determine
5 what the defendant intended to do based on the
6 circumstances shown to have existed. Criminal
7 intent can arise from action or a failure to act.
8 It may arise from negligence, recklessness or an
9 indifference to duty or to consequences as
10 considered by the law to be the equivalent of
11 criminal intent. A person who is present at the
12 scene of the crime and intentionally or through
13 common plan, aided, abetted or assisted in the
14 commission of that crime through some overt act is
15 guilty as an accomplice. To be liable as an
16 accomplice the defendant must have knowledge of the
17 principal's criminal conduct. Mere presence at the
18 scene of the crime is not sufficient to establish
19 guilt as an accomplice. Intentionally means
20 willfully intending the result which actually occurs
21 not accidentally or involuntarily.

22 I instruct you and emphasize that the fact
23 that the defendant did not testify is not a factor
24 to be considered by you in any way in your
25 deliberations and in your consideration on the

1 question of the guilt or the innocence of the
2 defendant. It must not be considered by you in any
3 manner whatsoever. A defendant has the
4 constitutional right to remain silent, and the
5 assertion of this right must not be considered by
6 you in your deliberations. I repeat, under your
7 oath you are to draw no conclusion whatever from the
8 fact that the defendant in this case did not
9 testify. The fact that this defendant did not
10 testify should not even be discussed in the jury
11 room. The burden of proof as I have stated to you,
12 is on the State. The defendant is not required to
13 prove her innocence. The burden of proof remains on
14 the State to prove guilt beyond a reasonable doubt.

15 A crime is committed by two or more people
16 who are acting together in committing a crime. The
17 act of one is the act of all. A person who joins
18 with another to commit an unlawful act is criminally
19 responsible for everything done by the other person,
20 which happens as a probable or natural consequence
21 of the acts done in carrying out the common plan or
22 purpose. For example, two people can be guilty of
23 killing of another person when only one of the two
24 had a gun. There was only one bullet, and only
25 one of the two fired the shot that caused the death.

1 If two or more people are together, acting together,
2 assisting each other in committing the offense, the
3 act of one is the act of all. Or as it sometimes
4 said, the hand of one is the hand of all. Prior
5 knowledge that a crime is going to be committed
6 without more is not sufficient to make a person
7 guilty of that crime. Mere knowledge that another
8 person is going to commit a crime even if the
9 defendant is present when the crime is committed, is
10 not sufficient to convict the defendant as a
11 principal. Guilt as a principal is shown by actual
12 or constructive presence at the scene as a result of
13 prior arrangement. Therefore, a finding of a prior
14 arranged plan or common scheme is necessary for a
15 finding of guilt as a principal. The State must
16 prove beyond a reasonable doubt by competent
17 evidence that the theory of the hand of one is the
18 hand of all.

19 A principal in a crime is the one who
20 actually commits the crime or who is present aiding,
21 abetting or assisting in committing the crime. When
22 a person does an act in the presence of another, and
23 with the assistance of another, the act is done by
24 both. Where two or more acting with a common plan
25 or intent are present at the commission of a crime,

1 it does not matter who actually commits the crime,
2 all are guilty. The hand of one, is the hand of
3 all.

4 May I speak to the lawyers outside?

5 (Whereupon, Judge confers with attorneys
6 outside of courtroom.)

7 THE COURT: Mr. Corbett, what is it now?
8 We have stricken burglary first degree. Is that the
9 charge to give, burglary first degree?

10 MR. CORBETT: That's correct, Judge.

11 THE COURT: It was crossed out, so I
12 didn't know. A person is guilty of burglary in the
13 first degree, if the person enters a dwelling
14 without consent and with the intent to commit a
15 crime in the dwelling, and either when in effecting
16 entry or while in the dwelling or in the immediate
17 flight, he or another participation -- participant
18 in the crime is armed with a deadly weapon or
19 explosive or causes physical injury to a person who
20 is not a participant in the crime, or uses or
21 threatens the use of a dangerous instrument.

22 There are two types of evidence which are
23 generally presented during a trial, direct evidence
24 and circumstantial evidence. Direct evidence
25 directly proves the existence of a fact and does not

1 require deduction. Circumstantial evidence is proof
2 of a chain of facts and circumstances indicating
3 the existence of a fact. Crimes may be proven by
4 circumstantial evidence. The law makes no
5 distinction between the weight or value to be given
6 to either direct or circumstantial evidence;
7 however, to the extent the State relies on
8 circumstantial evidence, all of the circumstances
9 must be consistent with each other and when taken
10 together point conclusively to the guilt of the
11 accused beyond a reasonable doubt. If these
12 circumstances merely portray the defendant's
13 behavior as suspicious, the proof has failed. The
14 State has the burden of proving the defendant guilty
15 beyond a reasonable doubt. This burden rests with
16 the State regardless of whether the State relies on
17 direct evidence, circumstantial evidence or some
18 combination of the two.

19 You must determine the credibility of
20 witnesses who have testified in this case.
21 Credibility simply means believability. It becomes
22 your duty as jurors to analyze and evaluate the
23 evidence and determine which evidence convinces you
24 of its truth. In determining the believability of a
25 witness who has testified in the case, you may one

1 witness over several witnesses, or several witnesses
2 over one witness. You may believe a part of the
3 testimony of a witness and reject the remaining part
4 of the testimony of that same witness. You may
5 believe the testimony of a witness in its entirety,
6 or reject the testimony of a witness in its
7 entirety. You may consider whether any witness has
8 exhibited to you any interest, bias, prejudice or
9 other motive in the case. You may also consider the
10 appearance and manner of the witness while on the
11 witness stand. There are several possible verdicts
12 in this case. They are as follows: on the charge
13 of attempted armed robbery, you may find the
14 defendant guilty or not guilty. In the event you
15 find the defendant not guilty of attempted armed
16 robbery, you may consider the lesser included
17 offense of strong or common law robbery.

18 The next charge to consider is criminal
19 conspiracy. You may find the defendant guilty or
20 not guilty of criminal conspiracy. The next charge
21 to consider is burglary in the first degree. You
22 may find the defendant guilty or not guilty of
23 burglary in the first degree.

24 Madam Forelady, I will send back to the
25 jury room shortly, a verdict form. Your verdict on

1 all charges must be unanimous. When you have
2 reached your verdict, Madam Forelady, you will check
3 the appropriate box and sign and date the verdict
4 form accordingly. I will ask that you now retire to
5 the jury room, and not discuss the case yet until
6 you are ordered or requested to do so. Thank you.

7 (Whereupon, the following takes place
8 outside the presence of the jury.)

9 THE COURT: Gentleman.

10 MR. CORBETT: No objection from the State,
11 Your Honor.

12 THE COURT: Mr. Bridges.

13 MR. BRIDGES: No objection from the
14 defense.

15 MR. CORBETT: Judge, if we may before you
16 send the verdict form back, if Mr. Bridges and I may
17 just verify the exhibits---

18 THE COURT: Sure.

19 MR. CORBETT: ---that are going back---

20 THE COURT: Yes, sir.

21 MR. CORBETT: ---to go back no verdict
22 form.

23 THE COURT: Yes, sir.

24 MR. BRIDGES: The phone is -- if they want
25 to view the phone, they should do it in here.

1 Because there's parts of that phone, you know, that
2 are related to the trial at all. And there's screen
3 shots of all the text messages. So I would say if
4 they just want to see it in the physical form, that
5 they would have to come in here and do it.

6 THE COURT: Mr. Corbett.

7 MR. CORBETT: Judge, I have objection to
8 that. Judge, if you want to bring them back in and
9 say, if you want to see the phone, you will need to
10 see it in the courtroom because a portion of -- not
11 everything on the phone was admitted into evidence,
12 so you can view it here. A video will also be sent
13 back. We'll make arrangements for you to view that
14 if you need to. Judge, I have no objection to that.

15 And, judge, if you want to do it in here,
16 or if you want to announce it at the door of the
17 jury room, either way is fine with me.

18 THE COURT: I'll do that.

19 MR. CORBETT: Judge, on second thought,
20 Judge, it needs to be on the record.

21 THE COURT: Bring them back in, sir. All
22 of them.

23 (Whereupon, the following takes place
24 within the presence of the jury.)

25 THE CLERK: Mr. King, his family his wife

1 is sick. They're planning on moving her from
2 Columbia to Charleston. He doesn't know whether
3 they are going to move her today or tomorrow. And
4 what he would like to do now is just make a phone
5 call to find out where they have moved his wife.
6 And she's still in Sumter or either they're going to
7 move her to Charleston.

8 MR. CORBETT: Judge, may I make a
9 suggestion from the State's perspective?

10 THE COURT: By all means.

11 MR. CORBETT: Judge, my suggestion would
12 be for a bailiff to remove the juror from the room.
13 Allow him to make the phone call, and then return
14 him to the jury room.

15 THE COURT: That's fine. And after you're
16 done, sir, you may bring them all back. All of them
17 together, so I can put on the record when I talk to
18 them about the testimony.

19 THE CLERK: Thank you, sir.

20 THE COURT: Did we get the call made?

21 THE CLERK: Yes, sir. It's taken care of.

22 MR. CORBETT: Judge, and the disk we
23 entered.

24 THE COURT: Where's the disk?

25 MR. CORBETT: It's in evidence as well.

1 If they need to see it, I can get those.

2 THE COURT: Remind me if I leave that out.

3 You may bring the jury.

4 (Whereupon, the following takes place
5 within the presence of the jury.)

6 THE COURT: Members of the jury, the
7 attorneys have mentioned, have requested that I talk
8 to you about the possible desire by all of you to
9 see the actual cell phone. And as I understand,
10 gentlemen, and correct me if I wrong, if they want
11 to have access to the actual telephone, you want
12 them in here when that happens, is that right?

13 MR. BRIDGES: Yes, Your Honor.

14 THE COURT: Is that right, Mr. Corbett?

15 MR. CORBETT: That's correct, Judge.

16 THE COURT: And what about the disk?

17 MR. CORBETT: Judge, just in terms of
18 setting it up to play back, it would probably be
19 better to do it in the courtroom as opposed to
20 trying to send back a password protected computer to
21 try to access it from that.

22 THE COURT: Now correct me if I'm wrong,
23 gentlemen, what's on the phone is also in paper
24 photograph form also, right?

25 MR. CORBETT: That is correct, Judge.

1 THE COURT: Anything else?

2 MR. CORBETT: Nothing from the State.

3 THE COURT: One more time, go back.

4 (Whereupon, the following takes place
5 outside the presence of the jury.)

6 THE COURT: Tell them they may begin
7 deliberations.

8 (Whereupon, the jury commences
9 deliberations at 2:21 p.m.)

10 MR. CORBETT: What is the custody status
11 of the defendant? The case is now with the jury.

12 THE COURT: Mr. Bridges.

13 MR. BRIDGES: I think my client would
14 actually like to speak to you about that, Judge.

15 THE COURT: No, I don't talk to the party.
16 I'm not talking to a party in the courtroom.

17 MR. BRIDGES: She keeps saying she wants
18 to go out and smoke a cigarette.

19 THE COURT: No, sir. There are restrooms
20 in the courthouse. And there is no smoking in this
21 courthouse.

22 MR. CORBETT: Judge, if I may.

23 THE COURT: Yes, sir.

24 MR. CORBETT: And I know this will make me
25 sound like a mean person in the room. But we would

1 ask that the defendant be taken into custody given
2 the seriousness of this case. Judge, our
3 information also is, that she is showing wanted out
4 of Tennessee on her NCIC printout. And we believe
5 that the better course of action would be to take
6 her into custody until the verdict is reached.

7 THE COURT: Mr. Bridges, anything on that,
8 sir? She was -- wasn't part of her bond initially
9 to be in court, appear in court?

10 MR. BRIDGES: Yes, Your Honor.

11 THE COURT: Place her in custody, please.
12 Thank you.

13 MR. CORBETT: Thank you, Judge.

14 (Whereupon, at 2:21 p.m. jury as a note.)

15 THE COURT: Mr. Corbett. and Mr. Bridges,
16 if you would step up here so I can show you a note
17 from the foreperson.

18 MR. CORBETT: Judge, may I suggest that
19 you mark that as a court's exhibit?

20 THE COURT: Yes, sir.

21 (Jury note marked Court's Exhibit No. 2
22 for Id.)

23 MR. CORBETT: Judge, do you want comment
24 from us on that.

25 THE COURT: Yes.

1 MR. CORBETT: Judge, in all my years doing
2 this, I've only seen one judge send the written
3 charges back to the jury room. As I stand here
4 right now, I cannot quote you any court rule or case
5 law concerning that. The more common practice that
6 I have seen is for judges to notify the jury that if
7 there's any portion or all of the charges that you
8 would like to be recharged on, I can bring you in
9 the courtroom and do that. Judge, quite frankly, I
10 do not have a preference either way, and would
11 consent to whichever way the court chooses.

12 THE COURT: Mr. Bridges, what do you
13 think, and then I'll tell you what I think.

14 MR. BRIDGES: I'm in agreement with
15 Mr. Corbett. Usually in a situations if they have a
16 question about a specific charge, they can come out
17 here and we can reread the charge.

18 THE COURT: The only thing that I will say
19 folks, is a lot of it as been crossed out. And if
20 I were to do that, I would want to tell them, that
21 that which has been crossed out or written through,
22 or stricken through or struck through, was not read
23 to them and is not part of the charge. That's my
24 only concern.

25 MR. CORBETT: Judge, may I reply?

1 THE COURT: Sure.

2 MR. CORBETT: Judge, in the event that the
3 court chooses to send back the written charges, I
4 think the better course of action may be to create a
5 clean copy. Judge, I think it's very hard to send
6 back material that's been lined out, and not
7 believe that somebody is not going to read it.

8 MR. BRIDGES: And I am in agreement with
9 that. Just a clean copy of the charge that was
10 read, I think, I would have no objection to that.

11 (Whereupon, at 2:45 p.m. jury as a note.)

12 THE COURT: And I am inclined to tell them
13 that I have charged them on this. If they want a
14 recharge on any and all of it, I'll be glad to do it
15 all at one time. If you will bring them in.

16 (Whereupon, the following takes place
17 within the presence of the jury.)

18 THE COURT: I have received a note from
19 the forelady of the jury indicating a request that
20 this court give you the written charges that I used,
21 that I read to you. I respectfully decline to do
22 so. There's several. The main reason being, there
23 are a lot of handwritten remarks on these. A lot of
24 it has been crossed out. I don't whether you would
25 disregard or consider. However in the alternative,

1 I will be happy, and I don't mind reading it all
2 over to you again, or any portions if you need them
3 during your deliberations. So let me know. Thank
4 you.

5 (Whereupon, the jury commences
6 deliberations at 2:47 p.m.)

7 (Whereupon, at 3:11 p.m. jury has note.)

8 THE COURT: We can do it and save further
9 delay. The question is, explain the difference
10 between attempted armed robbery versus strong armed
11 robbery. Is the word strong armed anywhere in this
12 charge?

13 MR. CORBETT: Judge, it's on the verdict
14 form. Judge,---

15 THE COURT: Well what in this charge would
16 tell them that it's strong armed?

17 MR. CORBETT: Judge, attempted robbery,
18 and strong armed robbery and common law robbery.
19 Common law and strong armed robbery are one in the
20 same.

21 THE COURT: You may bring the jury.

22 (Whereupon, the following takes place
23 within the presence of the jury.)

24 MR. CORBETT Judge, may we approach before
25 you address to jury?

1 THE COURT: Yes, sir.

2 (Whereupon, attorneys approach and confer
3 with judge.)

4 THE COURT: I received from the jury a
5 question: Explain the difference between attempted
6 armed robbery and strong armed robbery. I will now
7 endeavor to answer that question by reading you some
8 of what you've already heard. The defendant is
9 charged with attempted armed robbery. In order to
10 prove this offense, the State must first prove
11 beyond a reasonable doubt, that the defendant
12 attempted to take personal property from the person
13 or presence of another person. Property is in the
14 possession of a person if it is within the person's
15 reach, inspection, observation or control so that
16 the person could if not overcome with violence or
17 prevented by fear, keep possession of the property.
18 The attempted taking and carrying away of the
19 property must have been done with violence, or by
20 putting the owner of the property in fear of
21 violence.

22 Finally, the State must prove beyond a
23 reasonable doubt, that the defendant was armed with
24 a deadly weapon during a robbery. A deadly weapon
25 is any article, instrument or substance which is

1 likely to cause death or great bodily harm. Whether
2 an instrument has been used as a deadly weapon
3 depends on the facts and circumstance of each case.
4 The following are examples of instruments which may
5 be deadly weapons: a pistol, a shotgun, a rifle, a
6 dirk, a dagger, a knife, or slingshot, metal
7 knuckles, a razor, gasoline, a fire bomb or Molotov
8 cocktail and lighter fluid. A gun may be a deadly
9 weapon even if it is not operating.

10 Ordinary objects may become deadly weapons
11 when the facts show that they have been used to
12 inflict serious bodily harm or death.

13 Attempted robbery or common law robbery --
14 or common law robbery, strong armed robbery. If you
15 find the State has failed to prove that the
16 defendant was arm with a deadly weapon, you may then
17 consider whether the State has proved beyond a
18 reasonable doubt that the defendant committed
19 attempted armed robbery. In order to prove
20 attempted armed robbery -- I'm sorry, attempted
21 robbery, the State must prove beyond a reasonable
22 doubt all of the elements that I have just
23 explained, except that the defendant was not armed
24 with a deadly weapon.

25 In order to prove attempted robbery, the

1 State must prove beyond a reasonable that the
2 defendant attempted to take the personal property
3 from the person or presence of another person
4 without that person's consent. The property is in
5 the presence of a person if is within the person's
6 reach, inspection, observation or control, so that
7 the person could if not overcome with violence or
8 prevented by fear, retain possession of that
9 property. The attempted taking and carrying away of
10 the property must have been done with violence, or
11 putting the owner of the property in fear of the
12 violence.

13 Anything you wish to me to add, gentlemen?

14 MR. CORBETT: Judge, may we approach?

15 THE COURT: Yes, sir.

16 (Whereupon, the attorneys approach and
17 confer with judge.)

18 THE COURT: Ladies and gentlemen, these
19 fine lawyers have asked me to state this to you. In
20 an attempt to clear up any confusion about this
21 situation. So therefore I tell you that armed --
22 attempted robbery or common law robbery or strong
23 armed robbery, are all the same thing. Anything
24 else gentlemen?

25 MR. CORBETT: Nothing from the State, Your

1 Honor.

2 THE COURT: May you all please retire to
3 the jury room to deliberate. Thank you for your
4 questions.

5 (Whereupon, at 3:25 p.m. jury commences
6 deliberations.)

7 (Whereupon, At 3:40 p.m. jury reaches
8 verdict.)

9 THE COURT: You may bring the jury.

10 (Whereupon, the following takes place
11 within the presence of the jury.)

12 THE COURT: Madam Forelady, have you and
13 your jury reached a unanimous verdict?

14 THE FORELADY: Yes, Your Honor, we have.

15 THE COURT: Would you please hand it to
16 the bailiff then, please.

17 THE CLERK: May it please the court, Your
18 Honor. The State of South Carolina, County of
19 Sumter in the Court of General Sessions, Third
20 Judicial Circuit, 2014-GS-43-0438, State of South
21 Carolina versus Sabrina McWilliams. Attempted armed
22 robbery, we the jury unanimously find the defendant
23 guilty of attempted armed robbery. Strong arm
24 robbery, I believe, we the jury find the defendant
25 not guilty.

1 Criminal conspiracy, we the jury find the
2 defendant guilty of criminal conspiracy. Burglary
3 first degree, we the jury unanimously find the
4 defendant guilty of burglary in the first degree.
5 Signed by the foreperson Margaret Susan Lybrand.
6 Signed 6/21/17.

7 THE COURT: Anything from you,
8 Mr. Corbett?

9 MR. CORBETT: Nothing, from the State,
10 Your Honor.

11 THE COURT? Mr. Bridges.

12 MR. BRIDGES: I request 10 days.

13 THE COURT: Sir?

14 MR. BRIDGES: I just request ten days to
15 file an appeal, Your Honor.

16 THE COURT: Yes, sir. Madam Forelady, and
17 members of the jury, your service has concluded here
18 today. I do regret that we had so many stops and
19 goes episodes. As I told you, none of this is
20 scripted. It's not like television. This is a
21 real courtroom. So I thank you for your services.

22 (Whereupon, the jury panel is excused.)

23 MR. CORBETT: At the conclusion of any
24 case where there's a guilty verdict, we're never
25 exactly sure what the verdict is going to be. So we

1 need about and someone from my office has already
2 left to do the process. But we do need to present
3 the court with a couple of sentencing sheets.

4 THE COURT: Yes, sir.

5 MR. CORBETT: And we should have those
6 ready in about five minutes.

7 THE COURT: Take your time. You know
8 where to find me, sir. Thank you all.

9 MR. CORBETT: Judge, for each of the
10 charges---

11 THE COURT: Yes, sir.

12 MR. CORBETT: ---for which the defendant
13 was convicted, I also took the liberty of writing
14 the sentence ranges at the top of each one.

15 THE COURT: Mr. Bridges, what would you
16 like to say, sir?

17 MR. BRIDGES: Yes, Your Honor. Ms.
18 McWilliams is 39 years old. She, this would be her
19 first criminal, general sessions charge. As far as
20 I know, she does not have a criminal history. She
21 has a daughter and she has grandchildren?

22 THE DEFENDANT: Four.

23 MR. BRIDGES: She has four grandchildren.
24 She has a husband. She, between the incident in
25 this case, and this trial, she tells me that she has

1 done a rehab program, and that's she attempted to
2 get drug treatment. And she would like to address
3 her, if you would like to her from her.

4 THE COURT: Yes, sir, I will. Let me get
5 hear from Mr. Corbett first. Anything you would
6 like to say first?

7 MR. CORBETT: Your Honor, we don't have a
8 great deal to add. We think most of the
9 circumstances the court needs to consider came out
10 during the trial. Mr. Aycock did say to me. When I
11 asked him if he wanted to address Your Honor, he
12 said it was not necessary. What he conveyed to me
13 was, you know, not only was it a traumatic event, it
14 was a trauma event having to relieve it at trial.
15 And just it's scary when you trust someone to be in
16 your home, and this what happens to you.

17 THE COURT: Mr. Bridges.

18 MR. BRIDGES: Yes, Your Honor.

19 THE COURT: If she would like to speak or
20 anyone else?

21 THE DEFENDANT: Yes, I want to speak. A
22 year ago this July, I overdosed and admitted myself
23 into the hospital, and went to Florence Behavioral
24 Health, and have maintained my sobriety ever since.
25 I go to a group on Tuesday at the local church

1 called Celebrate Recovery, that helps keep me clean.

2 And the end of July, I will celebrate a year of

3 sobriety.

4 THE COURT: Anything else, ma'am?

5 Anything else, Mr. Bridges?

6 MR. BRIDGSE: Yeah, I just want to add to

7 continue her -- that she be put into the ATU

8 program. It's a drug program in SCDC. That will

9 continue her efforts. She's already started.

10 Because this is her first, she has not had a prior

11 record though, we would request that you consider

12 imposing the minimum sentence of first degree

13 burglary.

14 THE COURT: And what is this program you

15 want her in?

16 MR. BRIDGES: I believe it's called ATU.

17 It's in the system. It's in the department of

18 corrections. It's a drug treatment program.

19 THE COURT: ATU?

20 MR. BRIDGES: Yeah, I believe that is what

21 it is called.

22 MR. CORBETT: Judge, that is what it's

23 called. It stands for the addiction treatment unit.

24 MR. BRIDGES: And we'd also request that

25 all -- any -- that any sentences run concurrent with

1 these charges.

2 THE COURT: The sentence of the court,
3 which will be current sentences. On the charge of
4 attempted armed robbery, that carries a maximum of
5 20 years. She is sentenced to 15 years in prison.
6 On the charge of conspiracy 0 to 5 years, she is
7 sentenced to five years concurrent. And on the
8 charge of burglary, she is sentenced to ten years.
9 All of these are to run concurrent.

10 MR. CORBETT: Your Honor, if I may.

11 THE COURT: Yes, sir.

12 MR. CORBETT: And, Judge, I don't want to
13 sound like I am imposing on the court's discretion.
14 I believe that the burglary charge carries a
15 mandatory minimum of 15.

16 THE COURT: I am sorry, you are right. I
17 was in the mindset of a minimum there. Fifteen on
18 the burglary, five on the conspiracy, and 15 on the
19 robbery charge, to run concurrent. Thank you.

20 MR. CORBETT: Thank you, Judge.

21 THE COURT: Along with ATU treatment on
22 all charges. Thank you, Your Honor.

23 -----End of Requested Transcript of Record-----

24

25

1 C-E-R-T-I-F-I-C-A-T-E

2 I, Margaret T. Sullivan, Court

3 Reporter, for the Third Judicial Circuit of the

4 State of South Carolina, do hereby Certify that the

5 foregoing is a true, accurate and complete

6 Transcript of Record of the proceedings had and

7 evidence introduced in General Sessions Court, on

8 June 19th-21st 2017, in Sumter County, Sumter, South

9 Carolina.

10 I do further certify that I am neither

11 kin, counsel, nor interest to any party hereto.

12

13 8/6/17

Margaret T. Sullivan

14

Court Reporter

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23

24

25

5/6

07-21-2017

09:17:16 a.m.

WITNESSES

W. Dubose

Sumter County Sheriff

*T. Mims**Sumter Co. Sheriff*

ARREST WARRANT NUMBER

2014A4310100860

2014A4310100831

2014A4310100832

2014A4310100825

2014A4310100829

2014A4310100830

ACTION OF GRAND JURY

*True B:11**Cliff*

Foreperson of Grand Jury

Date:

5-17-15

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2015-GS-43-0438

The State of South Carolina

County of SUMTER

COURT OF GENERAL SESSIONS

MAY

TERM

2015

THE STATE

vs.

MATTHEW COREY BROGDON

SABRINA ANN MCWILLIAMS

WHITTNI NICOLE MILHORN

Indictment for

Accessory before the fact to a Felony

Criminal Conspiracy

Burglary, 1st Degree

Attempted Armed Robbery

Ernest A. Finney III

ERNEST A. FINNEY, III, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF SUMTER)

INDICTMENT FOR
Accessory before the fact to a Felony
Criminal Conspiracy
Burglary, 1st Degree
Attempted Armed Robbery

At a Court of General Sessions, convened on May 7, 2015 the Grand Jurors of
SUMTER County present upon their oath:

COUNT ONE
ACCESSORY AFTER THE FACT

That Matthew Corey Brogdon did in Sumter County on or about September 26, 2014, advised or agreed with or urged or hired or in some way aided, counseled or encouraged the principal felon to commit the felony of armed robbery, but was not present when the crime was committed, in violation of the Common Law and Section 16-01-0040, S. C. Code of Laws, 1976, as amended.

COUNT TWO
CRIMINAL CONSPIRACY

That Whittni Milhorn did in Sumter County on or about September 26, 2014 combine with Sabrina Ann McWilliams, and/or with other persons, for the purpose of accomplishing a criminal or unlawful object or an object that is neither criminal nor unlawful through criminal or unlawful means, to wit: attempted armed Robbery, in violation of Section 16-17-410, S. C. Code of Laws, 1976, as amended.

COUNT THREE
BURGLARY 1ST DEGREE

That Whittni Milhorn and Sabrina Ann McWilliams did in Sumter County on or about 2014-09-26, willfully and unlawfully attempt to enter the dwelling of located at [REDACTED] Lakewood Drive Sumter, SC, without consent and with the intent to commit a crime therein, and the defendant was armed with a deadly weapon (or caused physical injury to a person or threatened the use of or displayed what appeared to be a knife or firearm), in violation of the Common Law and Section 16-11-311, S. C. Code of Laws, 1976, as amended.

COUNT FOUR
ATTEMPTED ARMED ROBBERY

That Whittni Milhorn and Sabrina McWilliams did, along with co-defendants in Sumter County on or about September 26, 2014, while armed with a deadly weapon, attempt to take and carry away the personal property from or in the immediate presence of with intent to deprive him of possession by use of force, threats, or intimidation, in violation of Section 16-11-0330(B), S. C. Code of Laws, 1976, as amended.

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

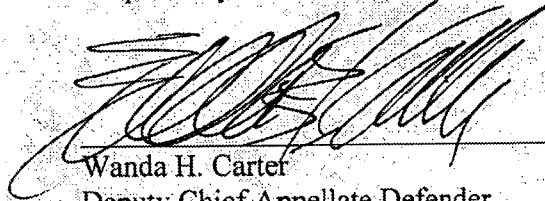
Solicitor

Ernest A. Finney III

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

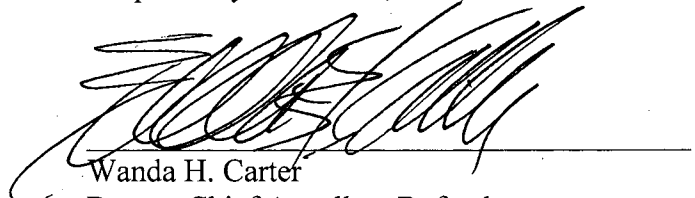
ATTORNEY FOR APPELLANT

This 14th day of March, 2018.

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 14th day of March, 2018.

RECEIVED
MAR 14 2018
SC Court of Appeals

RECEIVED
MAR 14 2018
SC Court of Appeals