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STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

 ORIGINAL

Appeal from Horry County

Honorable Larry B. Hyman, Circuit Court Judge

THE STATE,

v.

RESPONDENT,

**RECEIVED**  
FEB 06 2018  
SC Court of Appeals

CALVIN SOLOMON BARR

APPELLANT

APPELLATE CASE NO 2016-001367

SUPPLEMENTAL RECORD ON APPEAL

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1 THE COURT: Prepare a bench warrant.

2 MR. CARAKER: Yes, sir.

3 (WHEREUPON, the jury came into open court at  
4 approximately 6:18 p.m.)

5 THE COURT: All right. Mr. Foreperson, I got your  
6 note asking if we could give any clarification to the  
7 phrase, right to exercise dominion and control. And of  
8 course, I would refer you back to my charge. I think  
9 there's guidance in the charge that should help you.

10 But as additional clarification, I would tell you  
11 that the words in my charge should be given their  
12 ordinary meaning. I've tried to craft some definition  
13 of the key words, dominion and control, as they relate  
14 to my charge that may help you in that regard.

15 The word dominion as used in my charge means the  
16 power, authority or right to use or dispose of property  
17 or a thing. Control means to have power over the  
18 thing. I hope that that will help you in your  
19 deliberations. If you need further instructions, I'll  
20 be happy to give them to you. But I hope that will  
21 answer your questions.

22 Now, I'm going to ask Mr. Ropp to make an inquiry  
23 when you go back in as to dinner plans, we will  
24 certainly provide that. Mr. Ropp, would you take them  
25 back, and let me know what the jury would like for me

1 to do.

2 THE BAILIFF: Yes, sir.

3 (WHEREUPON, the jury exited the courtroom at  
4 6:20 p.m.)

5 THE COURT: Okay.

6 MR. AXELROD: Your Honor, may I put something on  
7 the record?

8 THE COURT: Yes.

9 MR. AXELROD: Your Honor, I want to preserve the  
10 record so my opinions -- I understand the Court's  
11 ruling, and just let the Court let me preserve this.  
12 Your Honor, I think based on the Heath case which is  
13 635 S.E. 2d 18, that the response to the question from  
14 the jury was improper. And I think it was actually  
15 prejudicial based on current case law. I'm just saying  
16 it, Your Honor, to preserve my record, sir.

17 THE COURT: All right, very well.

18 MR. AXELROD: Thank you, sir.

19 THE COURT: Okay. Mr. Caraker?

20 MR. CARAKER: Yes, sir.

21 THE COURT: Prepare a bench warrant for the  
22 Defendant.

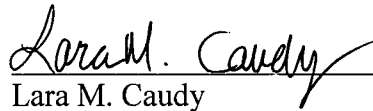
23 MR. CARAKER: I'm getting this down right now,  
24 Your Honor.

25 THE COURT: All right, thank you.

## CERTIFICATE OF COUNSEL FOR APPELLANT

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

Respectfully Submitted,



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This 6th day of February, 2018.

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