

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

 ORIGINAL

Appeal from Horry County

Honorable Brian M. Gibbons, Circuit Court Judge

RECEIVED
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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

KAYLA GAYLE WRIGHT,

APPELLANT

APPELLATE CASE NO. 2017-000091

RECORD ON APPEAL

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**THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:
STATE'S EXHIBIT #1 (CD OF INTERVIEW)**

1 State of South Carolina) Court of General Sessions
2 County of Horry) 2016-GS-26-03718
3) 2016-GS-26-03719

4 State of South Carolina)
5 vs.) Jackson v. Denno Hearing
6 Kayla Gayle Wright)

8 January 9, 2017
9 Conway, South Carolina

10
11 BEFORE:

12 Honorable Brian M. Gibbons, Judge.

13 APPEARANCES:

14 Martin Spratlin, Esq.
15 O'Bryan Martin, Esq.
16 Attorney for the State

17 Linda Burroughs, Esq.
18 Kia Wilson, Esq.
19 Attorneys for the Defendant

20
21
22
23
24 Teresa J. F. Bautz, RPR
25 Official Court Reporter

I N D E X

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
Terry Elliott				
Mr. Spratlin	XX	--	32	--
Ms. Burroughs	--	20	--	33
Ken Elliott				
Mr. Spratlin	34	--	--	--
Ms. Burroughs	--	36	--	--
Mercedes Gore				
Mr. Spratlin	39	--	--	--
Ms. Burroughs	--	41	--	--
Kayla Wright				
Ms. Burroughs	43	--	53	--
Mr. Spratlin	--	50	--	--

E X H I B I T S

NO.	DESCRIPTION	ID	EV
State's-1	CD of Interview	3	19
State's-2	Miranda Rights Form	3	16

Exhibits retained by Clerk of Court.

1 (The hearing commenced at approximately 1:26 p.m.)
2 (WHEREUPON, State's Exhibit Nos. 1 and 2 were
3 marked for identification only.)

4 THE COURT: All right. Good afternoon.

5 MS. BURROUGHS: Your Honor?

6 THE COURT: Yes, ma'am.

7 MS. BURROUGHS: It was my understanding we were
8 going to meet with you, so we let my client go to the
9 bathroom quickly. She'll be back in just a moment.

10 THE COURT: Okay. Sounds good. Y'all just let me
11 know when you're ready.

12 MR. SPRATLIN: Your Honor, I put a witness list up
13 at the bench for Your Honor.

14 THE COURT: Got any voir dire other than the
15 standard?

16 MR. SPRATLIN: No, sir, Your Honor.

17 THE COURT: Any other voir dire from the Defense?

18 MS. WILSON: Nothing, Your Honor.

19 THE COURT: Okay.

20 MS. BURROUGHS: Your Honor, if I may approach, I
21 have a witness list.

22 THE COURT: Okay.

23 (WHEREUPON, a brief recess was taken at 1:33 p.m.)

24 THE COURT: All right. Solicitor, you ready to
25 proceed on the matter for today?

1 MR. SPRATLIN: Yes, Your Honor.

2 THE COURT: Call the case.

3 MR. SPRATLIN: Thank you, Your Honor. State of
4 South Carolina, Horry County, versus Kayla Gail Wright,
5 charged in true billed indictment 2016-GS-26-0 -- let
6 me make sure I have the right number -- 3718, that's
7 burglary in the first degree. That case is ready for
8 trial.

9 Also, Your Honor, she is charged in indictment
10 2016-GS-26-03719 with grand larceny valued between two
11 and \$10,000. That case is also ready for trial. She
12 is represented on this case by attorney Linda Burroughs
13 and Ms. Kia Wilson. The State is represented by
14 Attorney Martin Spratlin and Mr. O'Bryan Martin. We
15 are called, the State is completely ready for trial in
16 this matter.

17 THE COURT: All right. Ms. Burroughs, you ready
18 to proceed to trial?

19 MS. BURROUGHS: Yes, Your Honor, we are.

20 THE COURT: And Ms. Wilson?

21 MS. WILSON: Yes, sir.

22 THE COURT: All right. And I believe the first
23 matter counsel had indicated to me, there was a
24 statement issue or a Jackson versus Denno issue?

25 MR. SPRATLIN: That's correct, Your Honor. There

TERRY ELLIOTT-DIRECT BY MR. SPRATLIN

1 is a statement from the Defendant that the State
2 intends to introduce at trial; thus, we would ask to
3 proceed on a Jackson v. Denno hearing.

4 THE COURT: All right. Counsel, are y'all ready
5 to proceed on that?

6 MS. WILSON: I believe we are, Your Honor.

7 MS. BURROUGHS: Yes, Your Honor.

8 THE COURT: All right. Call your witness.

9 MR. SPRATLIN: The State would call detective
10 Terry Elliott to the stand.

11 TERRY ELLIOTT, after being duly sworn, testified
12 as follows:

13 THE CLERK: Please be seated. State your full
14 name, and spell your last name for the Court.

15 THE WITNESS: Terry Elliott, E-L-L-I-O-T-T.

16 DIRECT EXAMINATION

17 BY MR. SPRATLIN:

18 Q Mr. Elliott -- oh.

19 MR. SPRATLIN: May I proceed, Your Honor?

20 THE COURT: Yeah, go ahead.

21 Q Mr. Elliott, where do you currently work?

22 A Horry County Police Department.

23 Q How long have you been with the Horry County
24 Police Department?

25 A 31 years.

1 Q All right. What is your current job at the police
2 department?

3 A I'm detective working in the criminal
4 investigations division.

5 Q What all does being a detective in the
6 investigations division entail?

7 A I work in the property crimes division that covers
8 burglaries and larcenies, any kind of cases that just
9 involves property.

10 Q And how long have you been in investigations?

11 A Approximately eight years.

12 Q Detective, what if anything was your involvement
13 in the case that we are here about today?

14 A I was assigned this case, a property crimes case.

15 Q All right. As being -- when you were assigned
16 this case, how did you come to be involved with this
17 case?

18 A My first involvement was -- I was not aware of it
19 at all -- I had got a call from one of our road
20 officers, Officer Canterbury.

21 Q Yes, sir.

22 A That there was a gentleman that he had just locked
23 up, Bradley Suggs, that said he had wanted to talk with
24 me, he had some information that I needed to know.

25 Q And did you have a chance to go speak with

TERRY ELLIOTT-DIRECT BY MR. SPRATLIN

7

1 Mr. Suggs?

2 A I did.

3 Q All right. And without telling the Court or
4 telling what he said, that would be hearsay, what was
5 the result of your conversation with Mr. Suggs?

6 A The results of conversation of learning of a
7 burglary that had occurred in the jurisdiction that I
8 work in in the West Precinct. And upon my arrival back
9 to the office, searching through our P-1 which is where
10 our cases are, finding the case that this individual
11 had told me about, and pulling it up and reading over
12 the report, everything that he told me was true that
13 had taken place, the items that stole out of the
14 residence had been went into and all.

15 Q Okay.

16 A And I proceeded from there to get probable cause
17 to obtain warrants.

18 Q Was the burglary that you were investigating at
19 this time, was that the burglary of Ms. Linda Bryant?

20 A That's correct.

21 Q And was that on or about April 16th, 2016, that
22 take burglary was done?

23 A That's correct.

24 Q All right. Now, you said you got warrants. Who
25 all did you get warrants for?

1 A I got warrants on Mr. -- all four Defendants in
2 the case.

3 Q Okay.

4 A You need me to call them or?

5 Q No, sir. Was Kayla Wright one of those four
6 Defendants?

7 A She was.

8 Q After getting a warrant for Ms. Wright, did you
9 have a chance to go try to speak with Ms. Wright?

10 A I did.

11 Q Where did you initially go to try to speak with
12 Ms. Wright?

13 A Columbus County Detention Center.

14 Q Columbus County; is that in North Carolina?

15 A Yes, sir, it is.

16 Q All right. How far is Columbus County from Horry
17 County?

18 A They join, just the state lane.

19 Q So right across the state line?

20 A Yes, sir.

21 Q Now, why was Ms. Wright in custody in Columbus
22 County; was it on these warrants?

23 A Yes, it was. I had listed her when I obtained the
24 warrants, I listed her NCIC. And when I got her NCIC,
25 I know the five detectives in Columbus County.

TERRY ELLIOTT-DIRECT BY MR. SPRATLIN

9

1 Detective Elliott in Columbus County that I had -- had
2 her NCIC, and see if he'd try to locate her for me.

3 Q Now, you said Detective Elliott in Columbus
4 County. Is that a different detective than you
5 obviously?

6 A It is. It's Detective Ken Elliott with the
7 Columbus County Sheriff's Department.

8 Q Okay, I just wanted to clear that up, make sure
9 there's no confusion on that. When you first went to
10 see Ms. Wright in Columbus County, was she willing to
11 speak with you?

12 A No, sir, she didn't.

13 Q Did she state why she wouldn't speak with you?

14 A If her boyfriend was going to find out what she
15 was going to tell me, she didn't want to talk with me.

16 Q All right. What did you do after she told you she
17 didn't want to talk to you?

18 A I come back to Horry County.

19 Q At some point did you get information that
20 Ms. Wright did want to talk to you?

21 A I did.

22 Q How did you get that information?

23 A Got that information from Detective Elliott.

24 Q Detective Ken Elliott?

25 A Detective Ken Elliott, I'm sorry.

1 Q All right.

2 A Columbus County.

3 Q All right. Once you got information that
4 Ms. Wright wanted to talk to you again, what did you
5 do?

6 A I just waited until Horry County -- our sheriff's
7 department transportation, they go pick them up and
8 bring them back -- I just waited till she could come
9 back to Horry County.

10 Q Okay. And did you have a chance to go talk with
11 Ms. Wright?

12 A I did.

13 Q And where did you go talk to her?

14 A At -- over at J. Reuben Long Detention Center.

15 Q And is that in Horry County?

16 A Yes, sir, it is.

17 Q And is that the Horry County detention center?

18 A Yes, sir.

19 Q When you went to talk to Ms. Wright, did she in
20 fact insinuated that she wished to talk to you?

21 A She did.

22 Q Do you remember what time of day it was that you
23 went to talk with Ms. Wright?

24 A Probably about after dinner or right before
25 dinner, I can't -- I don't remember exactly what time

TERRY ELLIOTT-DIRECT BY MR. SPRATLIN

11

1 it was.

2 Q All right. Is there anything that would refresh
3 your recollection?

4 A The Miranda rights form would because it's got the
5 date and time on it.

6 Q All right.

7 MR. SPRATLIN: Permission to approach the witness?

8 THE COURT: Yes, sir.

9 MR. SPRATLIN: Let the record reflect I'm showing
10 the detective what has been marked State's Exhibit No..
11 2 for identification purposes.

12 Q Please take a second to review that document,
13 detective.

14 A Yes, sir, this is the document.

15 Q Okay. Does that refresh your recollection as to
16 what time you went to interview Ms. Wright?

17 A It was at 2:25 p.m.

18 Q All right.

19 A On...

20 Q I'm sorry, when?

21 A On the 13th, May the 13th.

22 Q Of what year?

23 A 2016.

24 Q 2016, all right. Now, at this point in time, was
25 Ms. Wright in custody?

1 A She was.

2 Q Who all was present for the interview with
3 Ms. Wright?

4 A Myself and Ms. Wright and Detective Singleton.

5 Q Okay. In your conversations with Ms. Wright,
6 either both in Columbus County when she told you she
7 didn't want to speak with you and here in J. Reuben
8 Long, did she have trouble understanding you?

9 A No, sir.

10 Q Did her responses to your questions appear to be
11 appropriate?

12 A Yes, sir.

13 Q Did it appear that she understood English?

14 A Yes, sir.

15 Q Did it appear that she was proficient in English?

16 A Yes, sir.

17 Q Detective Elliott, I think you said you had been
18 with Horry County Police Department for 31 years; is
19 that correct?

20 A Yes, sir.

21 Q In your 31 years in law enforcement, have you had
22 the opportunity to come in contact with the people who
23 are under the influence of drugs or alcohol?

24 A Yes, sir.

25 Q What are some of the outward symptoms that people

TERRY ELLIOTT-DIRECT BY MR. SPRATLIN

13

1 under the influence of drugs or alcohol exhibit?

2 A Their speech is slurred, they can't comprehend
3 what you're telling them. You ask them questions, you
4 don't get -- you'll get an off-the-wall answer.

5 But Ms. Wright had been incarcerated in Columbus
6 County, and she shouldn't have had no rights to be able
7 to get to no drugs no way. But still you look at those
8 pieces of a person.

9 Q Did you notice anything about Ms. Wright that
10 caused you to think she was under the influence of
11 drugs or alcohol?

12 A I did not.

13 Q Did she appear to have any trouble staying awake
14 during your interview?

15 A No, sir.

16 Q Did she appear to be slurring her speech?

17 A No, sir.

18 Q Did she appear to be -- or have trouble focusing
19 on what you were saying?

20 A No, sir.

21 Q Did she exhibit any signs to you that caused you
22 to think she might be under the influence of drugs or
23 alcohol?

24 A No, sir.

25 Q Now, detective, did you or anyone in your presence

1 in any way threaten or coerce Ms. Wright into giving
2 this statement to you?

3 A No, sir.

4 Q Did you or anyone in your presence threaten her
5 with any sort of violence if she didn't cooperate?

6 A No, sir.

7 Q Did you or anyone in your presence threaten to
8 deprive her of any right or privilege she might have?

9 A No, sir.

10 Q Did you or anyone in your presence make any
11 promises of leniency in exchange for Ms. Wright
12 providing a statement?

13 A No, sir.

14 Q During the course of that interview and if you
15 remember, how long was the interview with Ms. Wright?

16 A I think approximately seven minutes.

17 Q All right. During that seven-minute interview,
18 did Ms. Wright ever ask for anything that wasn't
19 provided?

20 A No, sir.

21 Q Did she ever request to go to the restroom?

22 A No, sir.

23 Q Did she ever request food or water?

24 A No, sir.

25 Q Did she ever make any sort of request for anything

TERRY ELLIOTT-DIRECT BY MR. SPRATLIN

15

1 that was not given?

2 A No, sir.

3 Q Now, Detective Elliott, prior to beginning the
4 interview with Ms. Wright, did you provide her any
5 knowledge or information about her rights?

6 A I did.

7 Q All right. How did you prepare -- how did you
8 present those rights to her?

9 A I read this form (indicating).

10 Q Um-hum.

11 A And as I read each sentence, I had her to initial
12 at the end of each sentence.

13 Q All right. Let me ask you, detective, identify
14 again for the record what State's Exhibit No. 2 for
15 identification purposes is.

16 A This is the advisement of Miranda rights.

17 Q All right. Is that the same Miranda rights form
18 that you went over with the Defendant that day or an
19 identical copy?

20 A That's an identical copy of it.

21 Q All right. Have there been any material additions
22 or deletions to the form?

23 A There have not.

24 Q Is it a fair and accurate copy in every way of the
25 Miranda form that you went over the with Defendant?

1 A It is.

2 MR. SPRATLIN: Your Honor, at this time I would
3 tender State's Exhibit No. 2 into evidence.

4 THE COURT: Any objection?

5 MS. BURROUGHS: No objection, Your Honor.

6 THE COURT: Without objection admitted.

7 (WHEREUPON, State's Exhibit No. 2 was admitted in
8 evidence.)

9 Q Detective, if you would for the Court, please go
10 over the rights as you would have with Ms. Wright that
11 day.

12 A Just advised her that I'm getting ready to read
13 her her Miranda rights. You want me to reach each?

14 Q Yes, sir.

15 A Okay. Says, you have the right to remain silent.
16 Anything you say can and will be used against you in a
17 court of law. And at that point I would get her to put
18 her initials.

19 You have the right to talk to a lawyer and have
20 him present while you're being questioned. She
21 initials again. If you cannot afford to hire a lawyer,
22 one will be appointed to represent you before any
23 questioning if you so desire. And she initials again.

24 If you make a statement or answer any questions,
25 you have the right to stop at any time. She initials

TERRY ELLIOTT-DIRECT BY MR. SPRATLIN

17

1 again. And then in a block here it says, Do you
2 understand your rights as you have read them. And now,
3 she put her initials that she understood her rights.

4 Q And did she, in fact, sign that form at the bottom
5 as well?

6 A She, in fact, printed her name and signed her
7 name.

8 Q All right. Now, was that form presented to her at
9 the same time you read it so that she may read along?

10 A Yes, sir.

11 Q And did she insinuate to you by the signing of
12 that form, placing her initials on that form, that she
13 understood her rights?

14 A Yes, sir.

15 Q Let me ask you about those rights, detective. Did
16 Ms. Wright at any point during your interview at the J.
17 Reuben Long Detention Center state that she did not
18 wish to you speak to you?

19 A No, sir.

20 Q Did she ever in any way, shape or form invoke her
21 right to remain silent?

22 A No, sir.

23 Q Did Ms. Wright ever state that she wished to have
24 a lawyer?

25 A No, sir.

1 Q Did she ever request an attorney?

2 A No, sir.

3 Q Did she ever state to you that she would not talk
4 to you unless she had an attorney present?

5 A No, sir.

6 Q Did Ms. Wright do anything that day during that
7 seven-minute interview, before or after that
8 seven-minute interview, that caused you to believe that
9 she was invoking any of her rights that you went over
10 with her?

11 A No, sir.

12 Q Now, detective, was the interview with Ms. Wright,
13 was it recorded?

14 A Yes, sir.

15 Q Was it audio recorded or video and audio recorded?

16 A There was just audio recorded.

17 Q Okay.

18 MS. BURROUGHS: No objection.

19 THE COURT: Okay. No objection to it being
20 introduced?

21 MS. BURROUGHS: No objection to it being
22 introduced.

23 THE COURT: Let's go ahead and have him identify
24 it, and then we can play it.

25 MR. SPRATLIN: Yes, sir, Your Honor.

TERRY ELLIOTT-DIRECT BY MR. SPRATLIN

19

1 Q Detective Elliott, does that appear to be a copy
2 of the interview that you conducted with Ms. Wright on
3 the date in question?

4 A Yes, sir.

5 Q May 13th, 2016?

6 A It appears to be.

7 Q All right.

8 MR. SPRATLIN: Your Honor, with no objection from
9 the Defendant, the State would tender it into evidence
10 and ask to play it for the Court.

11 THE COURT: All right. Go ahead and publish it.
12 And it's admitted for the purpose of the record.

13 (WHEREUPON, State's Exhibit No. 1 was admitted in
14 evidence.)

15 (WHEREUPON, the video was played at 1:49 p.m.)

16 Q Detective Elliott, is that a full and accurate
17 copy of the interview with Kayla Wright from that date?

18 A Yes.

19 Q Did you or anyone else tell Ms. Wright what to say
20 during that interview?

21 A No, sir.

22 Q Did you ever tell her to accuse anyone else of
23 being involved in the crime?

24 A No, sir.

25 MR. SPRATLIN: Detective Elliott, I think that's

1 all the questions I have in regards to the Jackson
2 Denno hearing. Please answer any questions the Defense
3 counsel might have.

4 THE COURT: All right, thank you. Ms. Burroughs,
5 any questions?

6 MS. BURROUGHS: Thank you, Your Honor, if it
7 please the Court.

8 CROSS-EXAMINATION

9 BY MS. BURROUGHS:

10 Q Mr. Elliott, you went to North Carolina on the
11 first day that my client was arrested?

12 A I think so. I'm not sure, it was probably the
13 next day.

14 Q First or the second day?

15 A Yeah.

16 Q And do you always go to North Carolina when
17 there's arrests in North Carolina or has something to
18 do with an Horry County crime?

19 A I do.

20 Q You do. Isn't it true when you went to see her
21 that she didn't want to speak with you, so you told her
22 that how would she like to sit in jail for a few more
23 days, maybe nine days to be exact, for not speaking
24 with you and wasting your time?

25 A I don't think so.

TERRY ELLIOTT-CROSS BY MS. BURROUGHS

21

1 Q Were you -- I think you were aware that she had a
2 car accident and had injured herself and was in pain,
3 and she was here without her pain medication; were you
4 aware of that?

5 A I'm not -- I'm not aware of that.

6 Q And you didn't threaten to hold her there for nine
7 more days without her pain medication if she didn't
8 cooperate?

9 A No, ma'am. I don't have no control over that.

10 Q Do you have a recorded statement of that interview
11 with her?

12 A I don't.

13 Q Is it policy that you don't record statements when
14 you go and speak with defendants?

15 A I don't use the recording unless someone wants to
16 talk with me.

17 MS. BURROUGHS: Unless what, Your Honor? I'm
18 sorry.

19 THE WITNESS: Unless someone wants to speak with
20 me about the case, I don't usually record it.

21 Q You don't?

22 A You can't record every words you say to someone.

23 Q So when you go and interview somebody that's been
24 arrested for a crime, you don't usually record it?

25 A Not if they don't want to talk to me, I don't.

1 Q Are you aware that my client has a ninth grade
2 education, was home schooled and has no diploma?

3 A I am not.

4 Q You state that you thought she understood
5 everything that she was saying and everything that she
6 signed?

7 A Yes, I...

8 Q How can you be sure that she understood everything
9 that you were saying and her Miranda rights?

10 A Well, you can never be sure of anything. But as
11 sure as I can be, I was assured that she understood
12 when she signed those, when I read the rights to her,
13 yes. I was as sure as any reasonable person could have
14 been.

15 Q Did my client appear to be in pain --

16 A She did not.

17 Q -- while she was sitting there?

18 A She did not.

19 Q You can never be sure that a defendant understands
20 her rights, but you testified that she did. So if
21 you're not sure, how did you testify to that fact?

22 A I am sure that she understood.

23 Q You're sure?

24 A I am sure.

25 Q But you testified that she did, just that you were

TERRY ELLIOTT-CROSS BY MS. BURROUGHS

23

1 sure, not that she did understand, just that you were
2 sure?

3 A I was sure that she understood.

4 Q When someone is a resident in North Carolina and
5 you transfer them down here to Horry County, does it
6 usually take ten days or --

7 A Ma'am, I don't know. I don't have nothing to do.
8 That's sheriff's department transportates -- transports
9 our NCIC entries.

10 Q I'm sorry?

11 A I work with Horry County Police Department. Horry
12 County Sheriff's Department transports all prisoners.

13 Q But you've been with the department for 31 years?

14 A I have.

15 Q And you've done a lot of cases in those 31 years?

16 A I have.

17 Q And have you ever noted the amount of time that it
18 takes to get a defendant down from North Carolina since
19 it's just across the state line?

20 A I know they have a time span, but I don't know
21 what that time span is.

22 Q So you don't know that nine days, ten days is
23 normal?

24 A I do not know that.

25 Q So you don't think that that happened because you

1 threatened that to happen to her?

2 A Do what, now?

3 Q You don't think they kept her for ten days because
4 you threatened that they would keep her for ten days?

5 A No.

6 Q So you spoke to Kayla that day, and you spoke to
7 her multiple other times. You spoke to her before she
8 gave her statement when you brought her down to Horry
9 County. Is there -- did you tape those recordings or
10 those interviews?

11 This is not the interview, this is just her
12 recording that she did it, but -- or that she
13 participated in it, but I don't have any other
14 recordings. Was there any other recordings made of the
15 interviews that you did with my client?

16 A On those two times that I spoke with the Defendant
17 was the time at Columbus County Detention Center and
18 the one that's recorded here are the only two times I
19 spoke with the Defendant.

20 Q Right. But this was a confession, there was no
21 interview part. Did you record the interview part
22 before she proceeded to give the conversation?

23 A She wanted to talk with me.

24 Q But you spoke with her before you taped it?

25 Before you recorded this confession, did you speak with

TERRY ELLIOTT-CROSS BY MS. BURROUGHS

25

1 her?

2 A I'm sure I did.

3 Q And did you ask her some questions and clarify any
4 issues?

5 A I don't think so. I don't recollect because she
6 was -- she was just ready to talk.

7 Q When you brought her to Horry County, did you
8 play the --

9 A Ma'am, I didn't bring her to Horry County.

10 Q All right. When you interviewed her in Horry
11 County, excuse me, when you interviewed her in Horry
12 County, did you play the codefendant's statement for
13 her?

14 A No, I didn't.

15 Q She never heard the codefendant's statement?

16 A No.

17 Q Did you play it for her in North Carolina?

18 A No.

19 Q So to your knowledge she's never heard the
20 codefendant's statement?

21 A No, ma'am.

22 Q Are you aware that any other officer played the
23 codefendant's statement?

24 A I know no other officer had because I'm the only
25 one that's had it until it was turned into the

1 solicitor's office.

2 Q So you never let her hear Mr. Suggs' statement?

3 A That's right.

4 Q And when you left North Carolina after she refused
5 to signed a confession or even to speak with you in any
6 length, was your testimony, is it through that you
7 cursed her and told her she wasted your time --

8 A That is not true.

9 Q -- before you walked out of the room?

10 A That is not true.

11 Q That is not true?

12 A That is not true.

13 Q When you interviewed her here in Horry County, did
14 you prompt her to say anything that was in her
15 confession?

16 A I did not.

17 Q Any issues -- any of the statement, somebody was
18 prompting her about a crowbar, I'm not sure which
19 officer that was. Are there any other issues that you
20 prompted her about?

21 A No.

22 Q And did you threaten to hold her for 60 days if
23 she did not sign that confession once she got into
24 Horry County?

25 A No, ma'am, I did not.

TERRY ELLIOTT-CROSS BY MS. BURROUGHS

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1 Q You did not tell her if she did not sign a
2 confession, you would hold her for 60 days more in
3 Horry County?

4 A I did not.

5 MS. BURROUGHS: One moment, Your Honor.

6 THE WITNESS: Okay.

7 Q And while she was doing her confession, were you
8 doing hand gestures and indicating to her that she
9 needed to give more or coercing her or just indicating
10 that it wasn't enough or trying to get her to say more
11 on the tape than what she said?

12 A No, ma'am.

13 Q And she was arrested after she made the
14 confession, that's when the arrest warrant was served
15 on her?

16 A I'm not sure when the arrest warrant was --
17 normally, normally, I'm not sure, normally, the arrest
18 warrant is served to start with. But it could have
19 been after, but I'm pretty sure it was done before.

20 MS. BURROUGHS: Beg the Court's indulgence for a
21 moment, please, Your Honor.

22 Q Let's go back -- I'm sorry, let's go back to North
23 Carolina. And I just want to ask you one more time,
24 you were not aware that my client was in pain or that
25 she had a back injury and a bad car accident, so she

1 was in pain when she was sitting in there in the North
2 Carolina jail?

3 A Not that I remember.

4 Q Not that you remember. And let's go forward,
5 then, to the Horry County part. And who was it that
6 was -- who said and did the answer crowbar in her
7 confession when she said, they used something to break
8 in the door and she didn't know what it was, and
9 somebody said crowbar?

10 A That was me.

11 Q That was you?

12 A Because she was talking about a tool. And
13 normally -- you know, she's probably a lady, probably
14 don't know what a crowbar is, I said, is a crowbar what
15 you're talking about.

16 Q And were there any other times when you did that,
17 where you told her what words to say?

18 A Ma'am, I didn't tell her what words to say, I was
19 just --

20 Q Okay. She said that they pried the door open.
21 But then she said they did use a tool, and you supplied
22 that answer for her, the crowbar?

23 A I did.

24 MS. BURROUGHS: I'm sorry. Wanted to clarify
25 that, Your Honor.

TERRY ELLIOTT-CROSS BY MS. BURROUGHS

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1 Q And, Mr. Elliott, she said a tool was used, you
2 offered the answer crowbar, then she agreed with you
3 saying crowbar. And then she said it again when you
4 asked her to say it again. Is that correct, we just
5 heard it on the tape?

6 A That's correct, we just heard it.

7 Q She said tool.

8 MS. BURROUGHS: One more moment, Your Honor.

9 THE COURT: Okay.

10 Q And the investigation started because is it true
11 that you were investigating, is it Mr. Matt Stephens,
12 is that why this investigation started that involves my
13 client, Ms. Kayla Wright?

14 A No, ma'am.

15 Q It didn't. Are you aware that Mr. Matt Stephens
16 is her boyfriend, were you aware of that?

17 A I probably at the time was aware, but I learned
18 that during the investigation of this case.

19 Q But the focus of that investigation really the
20 whole time has been really Matt Stephens; is that
21 correct?

22 A No, ma'am.

23 MS. BURROUGHS: One more moment, Your Honor.

24 Q So you didn't want her to tell you that Matt was
25 involved in the incident, that wasn't why you were

1 getting her to confess?

2 A Ma'am, I work --

3 Q In the confession she didn't --

4 A -- I work burglary cases. I want to find out
5 everyone who was involved in them.

6 Q Right. In the confession she didn't list Matt,
7 and then she was asked later, where was Matt or when
8 did Matt come in the house or was Matt a part of it in
9 the confession.

10 A Run that back by me again. Let me get the
11 question right.

12 Q In the confession, when she first listed the
13 people who went in the house, Matt was not one of the
14 names that was listed, she did not say his name. She
15 said his name later after she was prompted by someone
16 to say -- I don't know who was prompting her, but she
17 was prompted by somebody to name -- to list Matt.

18 A I don't remember hearing that, I don't remember --
19 I don't recall telling anyone to mention someone.

20 MS. BURROUGHS: All right. One more question,
21 Your Honor.

22 Q Do you deny, then, asking my client for any
23 information concerning Matt Stephens --

24 A No, I did not.

25 Q -- while you were interviewing her?

TERRY ELLIOTT-CROSS BY MS. BURROUGHS

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1 A During the interview. I don't remember.

2 Q At any time, in North Carolina or in South
3 Carolina, or any time you were speaking with her.

4 A Yes, I have asked her about Matt.

5 Q You have?

6 A Because Matt's name come up from my very first --
7 the fellow I very first interviewed Matt's name came
8 up, why would I not ask her about Matt.

9 Q Because I thought you just said you didn't ask
10 about Matt, but now you're saying you did ask about
11 Matt. So you were --

12 A I don't know what you're trying to do, but Matt's
13 name come up and I mentioned Matt's name. Now, I ain't
14 told nobody to say Matt's name, that's what you're
15 trying to get me to say. I've told nobody to say
16 Matt's name.

17 THE COURT: Are we going to have any other
18 witnesses on this?

19 MR. SPRATLIN: Your Honor, we are going to have
20 two more witnesses.

21 THE COURT: All right. You know, the jury is
22 supposed to be up here at 2 o'clock, so how long we
23 going to do this?

24 MS. BURROUGHS: Your Honor, I can't think of
25 anything else.

1 Q Mr. Elliott, it's your testimony that you didn't
2 threaten my client, you didn't threaten her with more
3 jail time, you didn't know she was in pain, that her
4 pain medicine was being withheld, and you didn't know
5 she had a ninth grade education, so it's your testimony
6 you didn't know any of these things?

7 A All that is correct what you just said.

8 MS. BURROUGHS: Thank you, Your Honor.

9 THE COURT: All right. Any redirect?

10 MR. SPRATLIN: Real briefly, Your Honor.

11 THE COURT: All right.

12 REDIRECT EXAMINATION

13 BY MR. SPRATLIN:

14 Q Detective Elliott, did Ms. Wright ever ask you to
15 explain or clarify anything you said or read to her?

16 A No, she didn't.

17 Q Did she ever give you any indication that she
18 didn't understand what you were saying?

19 A None whatsoever.

20 Q Did Ms. Wright appear to be in any sort of
21 discomfort when you talked to her?

22 A She did not.

23 Q Did she appear to be screaming out in pain?

24 A No, sir.

25 Q Did she appear to be asking for any sort of pain

TERRY ELLIOTT-RE CROSS BY MS. BURROUGHS

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1 medication or any sort of medical assistance?

2 A No, sir.

3 Q Did you or anyone that you're aware ever threaten
4 to keep Ms. Wright or detain her from being brought
5 back to Horry County if she did not provide a statement
6 to you?

7 A No, sir.

8 Q Do you even have any control over when Ms. Wright
9 is transported from Columbus County to Horry County?

10 A I do not. I wish I did sometimes.

11 Q Who has custody -- who has control over that?

12 A The sheriff's department, transportation.

13 MR. SPRATLIN: Thank you, detective. That's all
14 the questions I have.

15 THE COURT: Any recross based upon that limited
16 redirect?

17 MS. BURROUGHS: Just one question, Your Honor.

18 THE COURT: Okay.

19 RE CROSS-EXAMINATION

20 BY MS. BURROUGHS:

21 Q Mr. Elliott, it's your testimony that you never
22 asked her what her educational background was, how far
23 she had gone or if she had a high school diploma?

24 A That's correct.

25 MS. BURROUGHS: Thank you.

1 THE COURT: All right. Thank you, sir, you may
2 step down.

3 (Witness excused.)

4 THE COURT: The State will call its next witness
5 as to the issue of voluntariness of the confession.

6 MR. SPRATLIN: Yes, sir. State would call
7 investigator Ken Elliott to the stand.

8 THE COURT: Excuse me, off the record.

9 (Discussion off the record.)

10 KEN ELLIOTT, after being duly sworn, testified as
11 follows:

12 THE CLERK: Please be seated. State your last
13 name and spell -- state your full name and spell your
14 last name for the Court, please.

15 THE WITNESS: Ken Elliott, E-L-L-I-O-T-T.

16 DIRECT EXAMINATION

17 BY MR. SPRATLIN:

18 Q All right. Mr. Elliott, where are you employed?

19 A Columbus County Sheriff's Office.

20 Q How long have you been working at the Columbus
21 County Sheriff's Office?

22 A Two years.

23 Q What's your job there?

24 A I'm a criminal investigator with the sheriff's
25 office.

KEN ELLIOTT-DIRECT BY MR. SPRATLIN

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1 Q All right. Now, are you any relation to Detective
2 Terry Elliott from Horry County?

3 A No.

4 Q Just a coincidence that both of y'all have the
5 same last name, Elliott?

6 A Yes.

7 Q All right. Did you have any involvement in the
8 apprehension of Ms. Kayla Wright on this charge?

9 A I did.

10 Q All right. What was your involvement?

11 A The area that I work butts up to the state line,
12 so Detective Elliott with Horry County and I have
13 interacted before in the past on other cases. And he
14 called me and told me that Kayla Wright, who lived in
15 the area right around Tabor City, North Carolina, had
16 warrants on her out of Horry County.

17 Q And did you help pick up Ms. Wright?

18 A I did, I went to her house.

19 Q All right. Did you go with Detective Elliott when
20 he went to speak with Ms. Wright the first time?

21 A I did.

22 Q Was she willing to speak with y'all at that point?

23 A No.

24 Q At some point did you contact Detective Elliott
25 and tell him that Ms. Wright wanted to talk?

1 A Yes, I did.

2 Q Why did you tell him that?

3 A I got a phone call from an individual who told me
4 that they were constantly in communication with
5 Ms. Wright, with Kayla Wright, and that she was asking
6 to see the Horry County detective.

7 Q And did you contact Detective Terry Elliott and
8 let him know that information?

9 A Yes, I did.

10 MR. SPRATLIN: Thank you, officer. That's all the
11 questions I have in regards to this hearing.

12 THE COURT: All right. Ms. Burroughs?

13 MS. BURROUGHS: Thank you, Your Honor, if it
14 please the Court.

15 THE COURT: Yes.

16 CROSS-EXAMINATION

17 BY MS. BURROUGHS:

18 Q Mr. Elliott, when you arrested Ms. Wright, were
19 you aware that she had been in a car accident and she
20 was on pain medication?

21 A No, ma'am.

22 Q And while she was sitting in your jail, did you
23 sometime become aware of the fact that she was without
24 her pain medication and prescription medicine for this
25 bad car accident that she was in when she was nine or

KEN ELLIOTT-CROSS BY MS. BURROUGHS

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1 ten?

2 A No, I did not.

3 Q She never asked you for any medicine or to have
4 someone bring her medicine to her?

5 A No.

6 Q Do you have any recordings of any of the
7 interviews with my client, Ms. Wright?

8 A I do not.

9 Q You do not.

10 MS. BURROUGHS: One moment, Your Honor.

11 THE COURT: Okay.

12 MS. BURROUGHS: One other question, Your Honor.

13 Q Mr. Elliott, did you call my client's sister, or
14 did my client's sister call you?

15 A She called me.

16 Q She called you?

17 A Yes.

18 Q And did my client's sister say that my client
19 wanted to speak to Mr. Elliott, the other Mr. Elliott?

20 A She said she wanted to speak to the investigator
21 in Horry County.

22 Q Investigator in Horry County?

23 A The detective in Horry County, is how she put it.

24 Q That's what the sister said?

25 A Um-hum.

1 Q But you never -- did my client ever tell you that?

2 A I went to the jail to inform her of how she needed
3 to do that, and they were in the process of
4 transferring her to Horry County. So I called
5 Detective Elliott and let him know that she was being
6 transferred and that she wanted to talk to him.

7 Q So you're talking about after my client had been
8 held for ten days in Columbus County?

9 A Yes.

10 Q So the first time that Detective Elliott from
11 Horry County came to North Carolina, was that at
12 anybody's behest, was that at my client's behest or
13 your behest or my client's sister's behest?

14 A When he called me and told me he had warrants on
15 her, he said to let him know when she was arrested so
16 he could come over. And he did.

17 Q Okay. So that was because he said to let him
18 know, and you let him know?

19 A Right.

20 MS. BURROUGHS: Thank you.

21 THE COURT: All right. Thank you, sir. You can
22 step down.

23 (Witness excused.)

24 THE COURT: Call your next witness.

25 MR. SPRATLIN: Your Honor, the State would last

MERCEDES GORE-DIRECT BY MR. SPRATLIN

1 call Ms. Mercedes Gore.

2 MS. BURROUGHS: Your Honor, we'd like to object to
3 this witness because she was added like 30 minutes ago
4 to the list. We had no chance to interview her or to
5 speak with her, we had no idea that she was even going
6 to be here.

7 MR. SPRATLIN: Your Honor, she was added to list,
8 but all discovery has been provided. She is here to
9 testify that the Defendant contacted her and asked her
10 to tell the police she wants to talk to her.

11 THE COURT: All right. Objection noted,
12 overruled.

13 MR. SPRATLIN: Thank you, Your Honor.

14 THE COURT: All right.

15 MERCEDES GORE, after being duly sworn, testified
16 as follows:

17 THE CLERK: Please be seated. State your full
18 name and spell your first name for the Court.

19 THE WITNESS: Mercedes Gore, M-E-R-C-E-D-E-S.

20 DIRECT EXAMINATION

21 BY MR. SPRATLIN:

22 Q Could you spell your last name, Ms. Gore.

23 A G-O-R-E.

24 Q Thank you.

25 MR. SPRATLIN: May it please the Court?

1 THE COURT: Yeah.

2 Q Ms. Gore, what relation if any are you to the
3 Defendant, Kayla Wright?

4 A That's my sister.

5 Q All right. Did you have a chance to speak with
6 your sister, Ms. Wright, while she was incarcerated up
7 in Columbus County?

8 A I did, the whole time she was there.

9 Q At any point did she ask or inform you that she
10 wished to speak with detectives investigating this
11 case?

12 A She did.

13 Q And what did you do with that information?

14 A I contacted Detective Ken Elliott from Columbus
15 County and asked him to let Ken Elliott from Horry
16 County know that as soon as she was transferred she
17 wanted to speak to him.

18 Q So you talked to Detective Elliott and also
19 talked -- and asked him to talk to the other Detective
20 Elliott?

21 A Um-hum.

22 MR. SPRATLIN: Thank you, Ms. Gore. No further
23 questions.

24 MS. BURROUGHS: Thank you, Your Honor, if it
25 please the Court.

MERCEDES GORE-CROSS BY MS. BURROUGHS

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1 THE COURT: Yes, ma'am.

2 CROSS-EXAMINATION

3 BY MS. BURROUGHS:

4 Q You just stated that you spoke with her the whole
5 time she was in North Carolina?

6 A Yes, ma'am.

7 Q How did you have access to my client the whole
8 time she was in North Carolina?

9 A She called me over the phone, and I went for
10 visitation on Thursday.

11 Q So you spoke with her twice while she was in North
12 Carolina. Isn't it true you are her half sister?

13 A Um-hum.

14 Q You're not full blood sisters, thank you. Isn't
15 it true that you informed my client that she needed to
16 speak with Mr. Elliott from Horry County, that it would
17 help her case if she would speak with him?

18 A I told her if she was truthful, that she would --
19 yeah.

20 Q So you told my client to --

21 A That she needed to do what was right.

22 Q -- agree to speak with Mr. Elliott?

23 A That she needed to do what was right which was --

24 Q But my client didn't call you to say --

25 THE COURT: Hang on, whoa, whoa.

1 MS. BURROUGHS: I'm sorry, Your Honor.

2 THE COURT: That's fine. Let's not -- she's
3 having a hard time when people talk over each other.
4 So just let her say her response, then you ask the
5 question, and vice versa, okay.

6 MS. BURROUGHS: Apologize.

7 THE COURT: Thank you, one at a time. Go ahead.

8 Q So isn't it true that you had asked my -- you told
9 my client it would be in her best interest to speak to
10 Mr. Elliott, she did not call you to tell you to
11 arrange that meeting?

12 A It was brought up in the conversation when we were
13 speaking.

14 Q But you told her she needed to speak to Mr.
15 Elliott?

16 A She also said it herself that she wanted to.

17 MS. BURROUGHS: No further questions, Your Honor.

18 MR. SPRATLIN: No redirect.

19 THE COURT: Thank you, ma'am. You can step down.
20 (Witness excused.)

21 THE COURT: Anything further from the State?

22 MR. SPRATLIN: The State would rest in regards to
23 the Jackson Denno hearing, Your Honor.

24 THE COURT: All right. As to the issue of the
25 statement, do you wish to introduce any evidence?

KAYLA G. WRIGHT-DIRECT BY MS. BURROUGHS

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1 MS. BURROUGHS: Yes, Your Honor.

2 THE COURT: Okay.

3 MS. BURROUGHS: I would like to call Ms. Kayla
4 Wright.

5 THE COURT: All right.

6 KAYLA GAIL WRIGHT, after being duly sworn,
7 testified as follows:

8 THE CLERK: Please be seated. State your full
9 name, and spell your last name --

10 THE WITNESS: Kayla Gail Wright, W-R-I-G-H-T.

11 THE CLERK: Sit down first.

12 COURT REPORTER: Can you say that again, please.

13 THE WITNESS: Kayla Gail Wright, W-R-I-G-H-T.

14 THE COURT: All right. This testimony is limited
15 only as to the issue of the statement, okay.

16 MS. BURROUGHS: Thank you, Your Honor. May it
17 please the Court?

18 THE COURT: Yes.

19 DIRECT EXAMINATION

20 BY MS. BURROUGHS:

21 Q Ms. Wright, you were arrested on 5/13/2016?

22 A Yes, ma'am.

23 Q When you were interviewed in your -- when you were
24 interviewed in North Carolina, did you make a statement
25 to the police?

1 A No, ma'am.

2 Q And did an Officer Elliott from Horry County come
3 up to there to ask you to make a statement?

4 A Yes, ma'am.

5 Q And was that the second day after you were
6 arrested?

7 A No. That was the first day.

8 Q The first day he was there?

9 A Yes, ma'am.

10 Q And when you refused to make the statement, what
11 did Mr. Elliott say to you -- Detective Elliott say to
12 you from Horry County?

13 A He said, how would you like to sit here for those
14 nine long days and be sick.

15 Q Did you tell Mr. Elliott that you were sick?

16 A He -- well --

17 Q Detective Elliott?

18 A He asked me if -- he said, aren't you on pain
19 medicine. And I said, yes, sir, I get it from my
20 doctor because where I broke my back. And then he
21 said, how would you like to sit here for those nine
22 long days and be sick. And that's whenever I told him
23 to get my lawyer.

24 Q So that was the end of that conversation, you made
25 no statement?

KAYLA G. WRIGHT-DIRECT BY MS. BURROUGHS

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1 A Yes, ma'am.

2 Q But he knew you were in pain, he knew you had a
3 prescription for pain medicine?

4 A Yes, ma'am.

5 Q And so at that time did Detective Elliott leave?

6 A Yeah.

7 Q And what did he say to you when he left?

8 A Thank you for wasting my time.

9 Q And did he curse you?

10 A No. He just...

11 Q All right. Then you were brought down to Horry
12 County?

13 A Yes, ma'am.

14 Q Ten days later?

15 A Yes, ma'am.

16 Q And at that time did you ask for Mr. -- for
17 Detective Elliott from Horry County to make a
18 statement?

19 A Ma'am?

20 Q Did you ask to see Detective Elliott from Horry
21 County to make a statement --

22 A No.

23 Q -- when you were brought to Horry County?

24 A No, ma'am. Whenever he got there he had to give
25 me my warrants, and that's whenever he got me there

1 talking to me.

2 Q Detective Elliott served your warrants on you?

3 A Yes, ma'am.

4 Q And did he speak with you before you gave your
5 statement?

6 A Yes, ma'am.

7 Q And how long did he speak with you before you gave
8 your statement?

9 A He talked to me for a little bit, not too long.
10 And then he wanted me to --

11 Q An estimate of time, ten minutes, an hour, two
12 hours?

13 A Yes, ma'am. Yes, ma'am.

14 Q Which one?

15 A Ten.

16 Q Ten minutes?

17 A Yes, ma'am.

18 Q And in that ten minutes did he threaten you in any
19 way?

20 A He told me that I needed to do what he wanted me
21 to do, or I was going to have to sit there for 60 days.

22 Q For 60 days?

23 A Yes, ma'am.

24 Q Six, zero. And what was your response to that?

25 A I was sick, I wanted to get helped.

KAYLA G. WRIGHT-DIRECT BY MS. BURROUGHS

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1 Q Did he offer you any of your medication, your
2 prescription medication?

3 A No, ma'am.

4 Q Did he say that he would withhold that medicine
5 for the 60 days?

6 A Yes, ma'am.

7 Q Before you gave your statement, were you coerced
8 in what to say?

9 A Yes, ma'am. I mean, he told me -- he told me what
10 to say, I mean.

11 Q Did you hear your codefendant's statement?

12 A Yes, ma'am.

13 Q Before you gave your statement?

14 A Yes, ma'am.

15 Q You heard his whole interview and his statement to
16 the police?

17 A Yes, ma'am.

18 Q And was that in Horry County?

19 A Yes, ma'am.

20 Q And was it Detective Elliott that played that
21 statement for you?

22 A Yes, ma'am.

23 MS. BURROUGHS: I'm sorry, Your Honor.

24 Q What is your education, please?

25 A I went to school until about ninth grade, and then

1 I had to get home schooled because I broke my back.

2 And I never finished.

3 Q You never finished, you don't have a high school
4 diploma?

5 A No, ma'am.

6 Q Did you ever get a GED?

7 A No, ma'am.

8 Q Did you understand the process that was going on?

9 A A little bit of it.

10 Q A little bit of it?

11 A Yeah.

12 Q Did you understand the seriousness of the arrest?

13 A Oh, yeah, I knew it was serious.

14 Q One moment, let's just go back one moment to your
15 sister. Did you call your sister at any time and tell
16 her that you wanted someone to bring Detective Elliott
17 from Horry County up there to talk to you --

18 A No, ma'am.

19 Q -- that you needed to speak with him?

20 A No, ma'am.

21 Q Wasn't it actually her suggestion that Detective
22 Elliott come up here, not your suggestion?

23 A Yes, ma'am. I mean, she was sitting there telling
24 me that it would be -- that I needed to talk to him and
25 stuff.

KAYLA G. WRIGHT-DIRECT BY MS. BURROUGHS

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1 Q And what was your response to that?

2 A That I didn't want to.

3 Q And how many times did you speak to Detective
4 Elliott from Horry County?

5 A All together I've spoke to him three times.

6 Q Three times?

7 A Yes, ma'am.

8 Q He served you warrants?

9 A Yes, ma'am.

10 Q And when you gave your statement, was he doing
11 hand motions and prompting you and --

12 A Yes, ma'am.

13 Q -- encouraging you on what to say in that
14 statement?

15 A Yes, ma'am.

16 Q Can you show the Court what he was doing.

17 A He was doing this (indicating).

18 Q And any other help with the statement, did he give
19 you any other help with the statement?

20 A I mean, he just kept doing that and like want me
21 to put Matt in it and basically telling me what to say
22 and stuff. So that's about it.

23 Q And when he did these hand motions, what do you
24 think that meant for you to do?

25 A Put Matt in it.

1 MS. BURROUGHS: I have no further questions, Your
2 Honor.

3 THE COURT: All right. Solicitor?

4 MR. SPRATLIN: Yes, sir, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. SPRATLIN:

7 Q You stated on direct examination that Detective
8 Terry Elliott served your warrants on you?

9 A Yes, sir.

10 Q Sure it wasn't Officer Sullivan with the Horry
11 County Sheriff's Office?

12 A No, sir. Terry's the one that handed me the
13 papers.

14 Q I'm sorry?

15 A Terry is the one that handed me the papers
16 whenever I got there and he came in.

17 Q So if an Officer Sullivan with the Horry County
18 Sheriff's Office did the return on the warrant, that
19 would be incorrect, it was actually Detective Elliott
20 who served you those warrants?

21 A Yes, sir.

22 Q Okay. You said that you talked to Detective
23 Elliott at the Horry County Police Department for
24 approximately ten minutes; right?

25 A Yes, sir.

KAYLA G. WRIGHT-CROSS BY MR. SPRATLIN

51

1 Q And you said during that time Detective Elliott
2 told you what to say; right?

3 A Yes, sir.

4 Q He threatened you to stay in there for 60
5 additional days?

6 A Yes, sir.

7 Q He told you you weren't going to get any pain
8 meds?

9 A No, he didn't -- I mean, I didn't ask for my pain
10 medicine. I didn't -- I couldn't get those.

11 Q Okay. And he played the codefendant's statement
12 for you?

13 A Yes, sir.

14 Q All in ten minutes?

15 A I don't know about what time, but I'm saying it's
16 around ten minutes or so.

17 Q Around ten minutes. So if the codefendant's
18 statement is 11 minutes or 12 minutes in and of itself,
19 that ten-minute timeframe is obviously not right?

20 A I'm saying I don't know exactly what time it is,
21 but it was around 10 to 20 minutes.

22 Q Okay. And you did talk to your sister while you
23 were in North Carolina, let's go and clarify that;
24 right?

25 A Yes, sir.

1 Q You talked to her on the phone?

2 A Yes, sir.

3 Q And she came and visited you?

4 A Yes, sir.

5 Q And you did talk about wanting to talk to the
6 detective?

7 A No, sir.

8 Q Okay. Now, you, yourself stated that you
9 understood how serious the charges were that you were
10 facing?

11 A Yes, sir.

12 Q You know that these charges are very serious?

13 A Yes, sir.

14 Q Most serious, in fact. And while you have a ninth
15 grade education, you can read and write?

16 A Yes, sir.

17 Q You do understand the English language?

18 A Yes, sir.

19 Q And you can understand the questions that I'm
20 asking now; correct?

21 A Yes, sir.

22 Q And you understood the questions that Detective
23 Elliott was asking then; didn't you?

24 A Yes, sir.

25 Q So you had no trouble understanding Detective

KAYLA G. WRIGHT-REDIRECT BY MS. BURROUGHS

1 Elliott?

2 A No, sir.

3 MR. SPRATLIN: Ms. Wright, that's all the
4 questions I have. Thank you.

5 THE COURT: Any redirect?

6 MS. BURROUGHS: Just one question, Your Honor.

7 REDIRECT EXAMINATION

8 BY MS. BURROUGHS:

9 Q When I asked you how long that Detective Elliott
10 in Horry County the interview lasted before you gave
11 your statement, you gave me an estimate. Obviously, it
12 was longer than ten minutes since you heard the
13 statement, so --

14 A It was...

15 Q Originally when I talked to you, you said 25, 30
16 minutes, whatever, so it changed. So would you say
17 that it was longer than that, longer than ten minutes?

18 A Yes, ma'am. It was something like that. I mean,
19 I can't remember, I was just ready to get out. Like I
20 knew that I was going to the judge the next morning
21 because he told me that I was going. And so I was
22 really excited, and I was just -- I was just ready to
23 go home.

24 Q You were upset and you were scared?

25 A Yes.

1 Q And in pain?

2 A Yes, ma'am.

3 MS. BURROUGHS: Thank you, Your Honor.

4 THE COURT: Thank you, ma'am. You can step down.

5 (Witness excused.)

6 THE COURT: Anything further on this issue from
7 the Defense --

8 MS. BURROUGHS: No, Your Honor.

9 THE COURT: -- other than argument? All right,
10 let's hear argument.

11 MR. SPRATLIN: Your Honor, the issue at this point
12 and stage is whether or not the statement was knowing
13 and voluntarily given, voluntarily given meaning that
14 the Defendant was not directly coerced or her will was
15 not overcome to provide that statement.

16 You've heard from Detective Elliott who states
17 that he did not threaten and no one in his presence
18 threatened in the Defendant in any way, shape or form
19 to provide that statement. Additionally, no promises
20 of leniency or hope of benefit was given to the
21 Defendant in exchange for that statement such to
22 overcome her free will.

23 As far as the knowingness of the statement, Your
24 Honor, she was advised of her Miranda rights. She was
25 read them, provided with a form which she initialed the

1 lines of and signed acknowledging that she understood
2 all of those rights, did not ask any questions and did
3 not assert any of those rights based upon the testimony
4 of Detective Elliott, the recorded interview that's
5 been played for the Court and the Defendant's own
6 testimony that she never says she asserted a right
7 during that interview.

8 Clearly, Your Honor, she was advised of her
9 Miranda rights, she voluntarily and knowingly waived
10 those rights, the right to an attorney, the right to
11 remain silent, and chose to speak to Detective Elliott.
12 This was done not through any kind of coercion or
13 promises of leniency on the part of the police
14 department.

15 Furthermore, Your Honor, to support this, when the
16 detective went up to Columbus County initially to speak
17 with her, she said no. And he honored that, he honored
18 that scrupulously, he left. He heard her say she
19 didn't want to talk, he left.

20 It was only after he had information given to him
21 through Detective Ken Elliott and also the Defendant's
22 own sister that he then went out and tried to talk with
23 her again. And she did, in fact, confirm the
24 conversations she had had with Detective Ken Elliott as
25 well as the sister and that she wanted to talk by

1 agreeing to communicate with him.

2 Your Honor, the statement was knowing and
3 voluntarily given with her being fully advised of her
4 Miranda rights as evidenced by the State. For that
5 reason we would ask that the statement be allowed to be
6 played for the jury. We think we have certainly met
7 the standard of preponderance of the evidence, I
8 believe it is at this point in time, for the jury to
9 hear the statement and make their own determination.

10 THE COURT: Thank you. Ms. Burroughs?

11 MS. BURROUGHS: Yes, Your Honor. Please the
12 Court?

13 THE COURT: Yes, ma'am.

14 MS. BURROUGHS: Your Honor, voluntariness doesn't
15 require that she assert her right to counsel, as the
16 State just suggested. It requires that the police not
17 threaten or coerce a statement from her.

18 Your Honor, my client has told me in every time
19 I've met with her and every interview I've had with her
20 that Detective Elliott did threaten her, he did tell
21 her she would sit up there for nine days, and indeed
22 she sat for ten. He did coerce her statement when she
23 got to Horry County by playing the codefendant's
24 statement and by telling her she'd sit there for 60
25 days.

1 He was aware of her medical problems, he was
2 aware. He didn't personally withhold her medicine, but
3 he was aware that she was in pain and she was not
4 getting her medicine. She's young, she's 21 years old,
5 she's -- she doesn't have a high school education.

6 And we're saying that the statement was threatened
7 and coerced, she was -- and it certainly wasn't
8 voluntary. She was threatened and coerced, and it was
9 not voluntary. And we ask that the statement be
10 suppressed and withheld from this hearing.

11 THE COURT: All right. Thank you. Of course in
12 assessing whether or not a Defendant's statement is
13 going to come into evidence, the Court has to have this
14 hearing as we just did, and the Court has to make
15 credibility findings. I have to determine the
16 credibility of the witnesses and of the evidence
17 presented before me as the gate keeper to see if the
18 jury is even going to be able to hear that.

19 Of course, the jury is the one who is going to
20 determine ultimately whether or not the statement was
21 voluntarily and knowingly made. But the issue at this
22 point in time is, is there enough evidence and
23 credibility of evidence that it even should get to the
24 jury.

25 And given that small threshold, at this point in

1 time I do find that there is enough evidence to allow
2 the statement to be presented to the jury for its
3 consideration as a whole based upon whatever evidence
4 is introduced in this case. So I am going to allow the
5 statement to be introduced in evidence. Okay. That's
6 the ruling of the Court.

7 (The hearing concluded at approximately 2:36 p.m.)

8 (End of Transcript of Record.)

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1 State of South Carolina) Court of General Sessions
2 County of Horry) 2016-GS-26-03718
3) 2016-GS-26-03719

4 State of South Carolina)
5)
6 vs.) Transcript of Record
7 Kayla Gayle Wright)

8
9 January 9-11, 2017
10 Conway, South Carolina

11 BEFORE:

12 Honorable Brian M. Gibbons, Judge.
13

14 APPEARANCES:

15 Martin Spratlin, Esq.
16 O'Bryan Martin, Esq.
17 Attorney for the State

18 Linda Burroughs, Esq.
19 Kia Wilson, Esq.
20 James Galmore, Esq.
21 Attorneys for the Defendant

22 Johnny Gardner, Esq.
23 Attorney for Codefendant
24 Bradley Suggs
25

Teresa J. F. Bautz, RPR
Official Court Reporter

		I N D E X			
	WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
1	Linda Bryant				
2	Mr. Spratlin	50	--	67	--
3	Ms. Burroughs	--	64	--	68
4	Tyler Papp				
5	Mr. Martin	71	--	--	--
6	Ms. Burroughs	--	77	--	--
7	Bradley O. Suggs				
8	Mr. Spratlin	81	--	97	--
9	Ms. Burroughs	--	93	--	99
10	Ken Elliott				
11	Mr. Martin	100	--	--	--
12	Ms. Burroughs	--	102	--	--
13	Terry Elliott				
14	Mr. Spratlin	106	--	134	--
15	Ms. Burroughs	--	124	--	137
16	Kayla Wright				
17	Ms. Burroughs	144	--	--	--
18	Mr. Spratlin	--	152	--	--
19	Sherry Caines				
20	Ms. Burroughs	172	--	--	--
21	Mr. Martin	--	175	--	--
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1 E X H I B I T S

2 NO.	DESCRIPTION	ID	EV
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5 Court's-1	Note from Jury	241	--

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23 Exhibits retained by Clerk of Court.

24

25

1 (WHEREUPON, the jury panel came into open court at
2 approximately 3:19 p.m.)

3 (WHEREUPON, State's Exhibit Nos. 1 and 2 were
4 marked for identification only.)

5 THE COURT: I'm so sorry for keeping you, I know
6 you're supposed to be in here at 2 o'clock. I
7 apologize. Get mad at me, don't get mad at the
8 lawyers. I promise you, we hadn't been sitting up here
9 twiddling our thumbs, we've been working to try and
10 make your time up here as limited as possible, okay.
11 So I promise you that's what we've been doing.

12 I am aware of what time it is, I'm also aware that
13 Clemson Tigers are playing for the national
14 championship tonight against Alabama. So I'm aware of
15 all those things, okay. And I promise you, we're going
16 to try to minimize any inconvenience to you. I know
17 y'all are thrilled to be here doing jury duty for Horry
18 County, and I know you've already been qualified. So
19 I'm not going to kind of go through the whole
20 rigamarole.

21 Let me briefly introduce myself to you. My name,
22 is Brian Gibbons, and I'm a circuit judge. But I'm
23 from Chester, South Carolina, right below Rock Hill,
24 right near Charlotte, okay. You may ask yourself,
25 well, why are you all the way over here holding court.

1 Well, circuit judges, we travel all over the State
2 holding court. That's part of our job to rotate from
3 judicial circuit to judicial circuit. It keeps us
4 fresh, it keeps lawyers fresh, and that's the way we do
5 it in South Carolina. So it's always my pleasure and
6 privilege to be over here in Horry County, and I look
7 forward to serving with you this week for this term of
8 court.

9 Now, this is a criminal term of court that I'm
10 presiding over, okay. That's what we call General
11 Sessions court in South Carolina. That's where the
12 State of South Carolina has charged someone with
13 committing a crime or crimes in the state of South
14 Carolina, okay. So at this point in time we're about
15 to begin a trial, and at this time I'm going to ask the
16 solicitor -- the solicitor is the person in South
17 Carolina who prosecutes cases, okay. They are called
18 district attorneys or DAs or state's attorneys or
19 prosecuting attorneys in other places. But in South
20 Carolina we call them solicitors, okay.

21 You have an elected solicitor for Horry and
22 Georgetown, and each solicitor -- that's the Fifteenth
23 Circuit -- each solicitor has assistant solicitors or
24 deputy solicitors who prosecute for them. We have one
25 of those here today, and at this point in time I'm

1 going to have the solicitor call this case for trial.
2 Solicitor.

3 MR. SPRATLIN: Thank you, Your Honor. This is the
4 matter of the State of South Carolina, County of Horry
5 versus Kayla Gayle Wright, charged in true billed
6 indictment 2016-GS-26-03718 with burglary in the first
7 degree. Also charged in indictment 2016-GS-26-03719
8 with grand larceny valued between two and \$10,000.

9 THE COURT: All right, thank you. So you heard
10 the State has just called to trial the case of the
11 State of South Carolina versus Kayla Gayle Wright. So
12 at this time I do have some more questions to ask to
13 determine who's going to be on the jury. So if all of
14 you, if you're able to, please stand at this time so I
15 can swear you in. All of you please raise your right
16 hand.

17 (WHEREUPON, all jurors were duly sworn.)

18 THE COURT: Thank you, you can all be seated.
19 Before we start going through the individual questions
20 I'm going to ask -- and this stage of the trial is
21 called voir dire, for those of you who want to know how
22 a trial is gone about. It's Latin for something, I
23 forget what it's Latin for, but basically it means
24 we're trying to find out more information about you so
25 that both the State and the Defense can try to pick who

1 Court. Do you want -- you agree to my assisting or you
2 feel there's a conflict?

3 THE DEFENDANT: Nu-uh.

4 THE COURT: All right, you got to answer me out
5 loud.

6 THE DEFENDANT: No, sir.

7 THE COURT: All right. Do you want Ms. Wilson to
8 assist Ms. Burroughs in representing you?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Okay. So you understand that even
11 though there appears to on its face, their office
12 represents a William Gaskins, Ms. Wilson has stated to
13 the Court she didn't know that and doesn't know
14 anything about Mr. Gaskins' defense, has never met
15 Mr. Gaskins, hasn't talked to Mr. Gaskins, and she is
16 simply helping Ms. Burroughs represent you to the best
17 of her ability. And are you -- do you want her to do
18 that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: What's that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Okay, thank you. All right. Anything
23 further from the Defense?

24 MS. BURROUGHS: Yes, Your Honor. I would like to
25 put on the record that Ms. Kayla Wright's been made an

1 offer at least three times before we arrived in court
2 today. And it was indicated that she could receive
3 drug court if she would cooperate, be a cooperating
4 witness. And she did turn that down. She has signed a
5 document here that I have in my hand saying that she
6 realizes what she did, and she chooses to have a trial
7 rather than take the offer of drug court.

8 And then she's been made two offers since that
9 time, and both of those offers, one of them was for
10 second-degree burglary and grand larceny, and that was
11 an offer of 15 years and five consecutive. And she's
12 turned those offers down twice. I just wanted to put
13 that on the record, Your Honor.

14 THE COURT: All right. And is that correct,
15 Ms. Wright?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Okay. And certainly and, you know,
18 nobody can force you to do something you don't want to
19 do. So, you know, if you don't want to plead guilty,
20 that's your prerogative. And, you know, you have the
21 right to not listen to your lawyers in regards to
22 whatever they are advising you.

23 But you also, it's sometimes in your best interest
24 to listen to your lawyers. Usually it is in your best
25 interest to listen to your lawyers. But ultimately,

1 it's your case; you understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Okay. So are you ready for trial,
4 Ms. Wright?

5 THE DEFENDANT: Yeah.

6 THE COURT: Okay. All right, anything further
7 from the Defense?

8 MS. BURROUGHS: Nothing, Your Honor.

9 THE COURT: All right. State ready?

10 MR. SPRATLIN: State's ready to proceed, Your
11 Honor.

12 THE COURT: Okay. If the jury's ready, let's
13 bring them on out.

14 (Discussion off the record.)

15 THE COURT: And I am aware of the recent opinion
16 in State versus Beatty, and I will refrain from saying
17 those magical words in my opening comments to the jury.
18 I know -- you lawyers know what I'm talking about?
19 Read his the last opinion filed in December, last
20 month, from our Supreme Court. Read specifically the
21 footnotes.

22 (WHEREUPON, the jury came into open court at
23 approximately 10:22 a.m.)

24 THE COURT: All right, all members of the jury are
25 present. Good morning, ladies and gentlemen. I hope

1 you had a wonderful night, I know some of you did more
2 than others. And it is a wonderful night regardless of
3 whether or not you're a Clemson fan, it's a wonderful
4 night for the State of South Carolina. And so
5 congratulations goes out to Clemson.

6 Having said that, we need to swear you in as the
7 trial jury in this case. So at this time I'm going to
8 call upon the clerk to do that. Madam clerk, if you'll
9 swear in the trial jury. All of y'all please stand.
10 All of you please raise your right hand as the clerk
11 administers the oath to you.

12 (WHEREUPON, all jurors were duly sworn.)

13 THE CLERK: If you agree with this statement,
14 please be seated.

15 THE COURT: All right, thank you. Thank you,
16 madam clerk. All right, ladies and gentlemen, let me
17 talk to you briefly before we actually begin the trial.
18 And I want to tell you, excuse me, that this trial is
19 probably going to be different from what you might
20 expect. Most people don't have the chance to attend
21 actual court sessions as you're doing now, much less
22 participate in them as you're doing now being on a
23 jury.

24 And those people tend to think that from watching
25 trials on TV or in movies or reading them in books,

1 that trials are always full of high drama, intense
2 action and riveting circumstances. Now, while all of
3 these things may be true at times, this trial, ladies
4 and gentlemen, is not for entertainment. This trial is
5 a fundamental part of our democracy in an effort to
6 make sure that justice is done between the parties
7 before the Court.

8 You know, making sure that justice is done can
9 often times be a slow, deliberate and repetitive
10 process, the opposite of what you may be expecting
11 based upon media and movies and reading books and such.
12 This courtroom, ladies and gentlemen, this beautiful
13 courtroom, is a place of honor, dedicated to the
14 protection and preservation of citizens' rights through
15 what many have called the greatest justice system ever
16 created.

17 Now, the attorneys appearing before you are
18 advocates for the parties they represent. The State of
19 South Carolina is represented by prosecuting attorneys
20 or what we call solicitors. And, of course, the
21 Defendant's represented by trial attorneys or defense
22 attorneys. But first and foremost, these lawyers are
23 officers of this court, sworn to uphold the integrity
24 and fairness of our judicial system and to help you
25 reach a verdict.

1 You should therefore expect the lawyers to be
2 professional, competent and ethical in the
3 representation of their client's interest. And
4 remember, you've just taken an oath to try this case
5 and to reach a verdict. And so you're also expected to
6 act the same way, okay. Thank you again for accepting
7 this important responsibility.

8 Let me tell you briefly how a trial proceeds.
9 First, the State's going to make an opening statement
10 to you. An opening statement is not evidence, it's
11 simply an outline that the lawyers will give you to
12 help you understand what they expect the evidence will
13 show. Now, the Defense could make an opening statement
14 if they want to, but they don't have to for reasons
15 that I will talk to you about later on.

16 Now, following opening statements, that's when
17 you'll enter the testimony and evidence phase of the
18 trial. The State goes first because they have the
19 burden of proof, okay. And this will consist of
20 testimony and evidence from various witnesses as well
21 as any physical exhibits which may come into evidence.

22 Following the completion of testimony and
23 evidence, the attorneys again will have an opportunity
24 to speak directly to you by what's called closing
25 arguments or closing statements to you. Again, these

1 statements or arguments are not evidence, it's simply
2 an opportunity for the lawyers to summarize the case
3 and the evidence from their respective points of view.

4 Now, following the closing statements, that's when
5 I will speak directly to you, and I will instruct you
6 on the law as it pertains to the issues which have
7 arisen in this case. And once I've completed my
8 instructions to you, ladies and gentlemen, that's the
9 first time you'll actually be able to discuss this case
10 amongst yourselves. Because you will have all the
11 facts as you find them to be, you'll have all of the
12 evidence, and you will have the law that you have to
13 use to apply to that evidence as you find the evidence
14 to be. And you do that to reach your verdict, okay.

15 Now, as you know, this is a criminal case which
16 has been brought by the State of South Carolina, who
17 has charged the Defendant, Kayla Gayle Wright, with
18 burglary in the first degree and grand larceny, value
19 over 2,000 but less than 10,000.

20 Now, the charges against the Defendant are
21 contained in these indictments. Now, again, ladies and
22 gentlemen, as I told you during voir dire yesterday,
23 these indictments aren't evidence of anything, they are
24 simply the description of the charges which have been
25 made against the Defendant by the State. That's a way

1 in which a case comes to court.

2 Now, the Defendant has pled not guilty to these
3 charges and is presumed innocent unless and until
4 proven guilty by the State beyond a reasonable doubt.
5 Now, I will further describe reasonable doubt you to
6 you in my closing instructions. But I will tell you at
7 this point a reasonable doubt is the kind of doubt that
8 would cause a reasonable person to hesitate to act.

9 Now, a Defendant has the right not to testify and
10 never has to prove innocence or present any evidence,
11 because the Defendant is always presumed innocent. The
12 burden of proof is always upon the State of South
13 Carolina. Now, ladies and gentlemen, your duty is to
14 decide from the evidence which has been presented what
15 the facts are. You and you alone are the judges of the
16 facts.

17 You will hear the evidence, decide what the facts
18 are, and then apply those facts to the law which I will
19 give to you. That's how it works. You're the judge of
20 the facts, I'm the judge of the law, okay. That's how
21 you reach a verdict. And in doing so, you must follow
22 that law whether you agree with it or not.

23 Please don't take anything that I may say or do
24 during the trial as indicating what you think I think
25 of the evidence or what you think I think your verdict

1 should be. That's solely for you to decide, okay.

2 Now, talking about the evidence, just like rules
3 which govern sports and other activities, we have
4 certain rules of court concerning evidence. And these
5 rules control what can come into evidence. And the
6 reason we have these rules is because you're the judges
7 of the facts. And so the lawyers, the Court, the
8 judge, we want you to have the best evidence possible,
9 okay, for you to make your decision. That's why we
10 have these rules.

11 So sometimes when a lawyer may ask a question or
12 offer something into evidence and the lawyer on the
13 other side thinks that it's not allowed by the rules of
14 evidence, that lawyer may object. You've seen that or
15 heard about an objection, okay.

16 Now, I will rule on the objection. If I overrule
17 the objection, if I say, objection overruled, that
18 means the question can be answered or the thing can
19 come into evidence. When I sustain an objection, when
20 I say, objection sustained, that means the question
21 can't be answered or the thing can't come into
22 evidence.

23 So whenever I sustain an objection or sustain
24 something not coming into evidence, you can't speculate
25 about what the answer would have been or what the thing

1 maybe would have shown, okay, because, again, it's not
2 in evidence. You can only consider what's in evidence,
3 okay.

4 Sometimes I will have the lawyers come up and
5 speak to me at the bench here so y'all won't have to
6 keep getting up and going back to your jury room. And
7 again, when we talk in secret, we're not trying to hide
8 anything from you, we just want to make sure you have
9 the best evidence possible. Don't speculate what we're
10 talking about because, again, you only go by the
11 evidence that you have that's been presented in front
12 of you through that witness stand and in court, okay.

13 Now, ladies and gentlemen, in deciding the facts
14 of this case, you may have to decide which witnesses to
15 believe and which witnesses not to believe. That's
16 called the credibility of witnesses. You know, as a
17 juror, you can believe everything a witness says, some
18 of it or none of it, okay. That's your role, that's
19 your power. Now, you're not going to be allowed to
20 take notes during the trial, so please pay very close
21 attention while the trial is going on, okay.

22 And at the end of the case, whenever you have
23 the -- all the evidence back with you in the jury room
24 and you start deliberating, you're not going to have a
25 written transcript of the trial -- my court reporter's

1 here to the left -- you're not going to have a written
2 transcript of the trial to consult. And it's very
3 costly and time consuming to have to go back and pull
4 up certain testimony. So please listen carefully as
5 the trial goes forward, okay.

6 Now, lastly, and until I advise you to start
7 talking about the case or beginning your deliberations,
8 you cannot and must not discuss this case with anyone,
9 including your fellow jurors, friends, family members
10 or anybody else involved in this case. I've already
11 told you yesterday, you know, don't go and Google,
12 don't go on Facebook, social media or try to do any
13 independent research about the people involved in this
14 case or the allegations made. Because your sworn duty
15 as a juror in this court is to render a verdict based
16 upon the evidence received only in this court, no
17 outside sources, okay.

18 So during the trial don't try to find out anything
19 that happens outside of court involved in this case.
20 If anybody attempts to talk with you about this case in
21 violation of these instructions, ladies and gentlemen,
22 please advise me immediately, and I promise you I'll
23 take care of that, okay.

24 It's important, ladies and gentlemen, lastly, that
25 you keep an open mind and not decide any issue in this

1 case until all of the evidence has been presented, the
2 parties have made their closing arguments to you, and I
3 have instructed you on the law in this case. It is
4 your solemn responsibility to determine the guilt or
5 innocence of the Defendant. And your verdict must be
6 based solely on the evidence as it is presented to you
7 during this trial and on the law as I instruct you
8 during and at the close of trial. Thank you again.

9 At this time we will move to opening statements.
10 Solicitor?

11 MR. SPRATLIN: May it please the Court.

12 THE COURT: Yes, sir.

13 MR. SPRATLIN: Good morning, ladies and gentlemen.
14 First thing I want to do is talk to you a little bit
15 about what opening statements are. The judge gave you
16 a really good idea of what you're going to see. I like
17 to think of it as the preview to a movie. It gives you
18 the high points of the movie, tells you what you're
19 going to be looking for, you know whether it's an
20 action movie, you know whether it's a drama, love
21 story, whatever it is, but it doesn't give you all the
22 details. All the details in this case comes from this
23 witness stand, and that's the evidence in the case.

24 One other thing the judge said that's really
25 important that I want to emphasize to you. Nothing I

1 say is evidence. If Ms. Burroughs chooses to make an
2 opening statement, nothing she says will be evidence.
3 The only evidence is from that witness stand.

4 Now, from what the judge just said, you're
5 probably aware of what kind of case this is. This is a
6 burglary case. It's a burglary and a grand larceny,
7 all from the same incident. Basically the Defendant,
8 Ms. Kayla Wright, seated next to her attorneys right
9 there, in the red shirt, is charged with breaking into
10 the home of a lady named Linda Bryant who happens to
11 actually be her grandmother.

12 And once breaking into the home, she's accused of
13 stealing several items from the home, including a flat
14 screen television, countless jewelry, a pistol and a
15 shot -- a rifle, excuse me, a rifle.

16 Now, one thing that's also important and one thing
17 you're going to hear throughout this trial is that she
18 is not charged alone in that. There's actually four
19 people charged, Ms. Wright being one of them. Another
20 individual, Matt Stevens, is also charged, her
21 boyfriend, and another individual named William
22 Gaskins, also known as Bug is his nickname, and some of
23 the witnesses may refer to him as such; and lastly, a
24 man named Bradley Suggs are all charged with committing
25 this crime along with Ms. Wright.

1 Now, burglary. Burglary is the entering of house
2 of another, the dwelling of another, that being
3 Mrs. Bryant, without the consent with the intent to
4 commit a crime therein.

5 What makes this a burglary first and why we are
6 here on a burglary first charge is because guns were
7 stolen. There's an enhancement when guns are stolen.
8 When you become armed, when you're armed during the
9 commission of a burglary or while fleeing the burglary
10 or during the burglary, that is taking possession of a
11 gun, it's burglary first. And that's why she is
12 charged with the burglary first degree.

13 The reason it is grand larceny is the value of the
14 property. If you stole something less than \$2,000,
15 that's considered petit larceny. But grand larceny is
16 anything between \$2,000 and \$10,000. And you're going
17 to hear from the victim in this case, Ms. Linda Bryant,
18 the Defendant's grandmother, that what was taken from
19 her home was in excess of \$2,000, the jewelry. The
20 cash alone was more than \$2,000.

21 Now, I mentioned codefendants. That's important
22 here because one thing you're not going to be asked to
23 do throughout this trial is piece meal what each
24 codefendant took from the house. Because, and you may
25 have heard this phrase before, under the law, the hand

1 of one is the hand of all. And it makes sense.

2 If you commit a crime with multiple other people,
3 anything they do, anything that they take, anything
4 that they -- anyone that they hurt, anyone that they
5 cause pain to, you're just as responsible as if you did
6 it. You're as criminally responsible as any of your
7 codefendants for any actions they did. And that just
8 makes sense, when you think about it.

9 For instance, if me and Mr. Martin, my co-counsel
10 here, decide to go rob a bank, and Mr. Martin goes in
11 with his gun and a letter saying, give me all the
12 money, and I simply stand at the door and act as a
13 lookout, I'm no less guilty than he is. If he shoots
14 somebody in that crime, I'm just as guilty as he is.
15 That just makes sense.

16 And so you don't need to divide it up, and you're
17 not going to be asked to think about what she take,
18 what he take, what did this person take. Rather, she
19 is responsible for everything any of those four people
20 took out of that house and for breaking into that
21 house.

22 Now, let me talk to you a little bit about,
23 because one thing I said earlier, all of the evidence
24 is going to come from that witness stand, so this gives
25 me a chance to kind of tell you a little bit about what

1 I think you're going to see from that witness stand.
2 And, again, if I say a witness is going to say this,
3 and the witness doesn't say that or says something
4 different or something else, you go with what the
5 witness says because that makes sense.

6 Nothing I say is evidence. The only evidence
7 comes from that witness stand. If I say the shirt was
8 red in my opening and the witness says the shirt was
9 blue, the evidence is the shirt was blue.

10 The evidence you're going to hear in this case
11 involved the date of April 16th, 2016, about little
12 under eight months ago, if my math is right.
13 April 16th, 2016 is not just another day for this
14 family. It was the actually the day of the victim's
15 daughter's wedding. Kayla Wright's mother was getting
16 married that day. Obviously the victim being the
17 mother of the bride was going to be present at the
18 wedding.

19 She knew that. She knew that because she called
20 her, called her earlier in the day under a ruse to say,
21 grandma, you going to be at the wedding. Yeah, I'm
22 going to be there, sweetheart. I'm probably going to
23 come too. She didn't come. She made sure grandma was
24 going to the wedding. And when grandma went to that
25 wedding, her and her three codefendants went, took a

1 crowbar, pried open grandma's door, went in and took
2 grandma's stuff.

3 Now, how do we know she did it? It's more than
4 just a phone call. See, that's where the three
5 witnesses sitting right there come in. Officer Tyler
6 Papp, seated to my far left, he was the responding
7 officer who went out to the scene that night, talked to
8 Linda Bryant, the victim in this case, saw the house,
9 saw the disarray, helped her through that difficult
10 initial stage filing the police report.

11 And Ms. Bryant, the victim, is going to tell you she
12 immediately when this happened thought of her
13 granddaughter and her boyfriend, Matt Stevens. So she
14 had a suspect already in mind as soon as they broke
15 into her house, so she knew. And she told Tyler Papp
16 that. And Officer Papp, that information eventually
17 got passed along to Investigator Terry Elliott, because
18 that's how it works and you're going to hear that. A
19 patrol officer goes to the scene.

20 Now, you might think that if you're the victim of
21 a crime that that officer is going to be with you
22 throughout the entire investigation of the crime. But
23 in truth that's not how it works. The patrol officer
24 goes, investigates, turns over whatever information he
25 gets to an investigator, a more experienced

1 investigator with 31 years experience in the police
2 department.

3 Now, Detective Elliott is going to tell you how he
4 kind of came into this case. He -- oh, and one thing I
5 want to clear up for you. There's actually going to be
6 two people named Detective Elliott in this case. I
7 know it sounds confusing. They are not related or at
8 least not -- they don't see each other at family
9 reunions. Maybe in the 1860s they were related, but
10 today they are far apart. One is from North Carolina,
11 Columbus County, Taber City area or right across the
12 border. The other is Horry County Police Officer Terry
13 Elliott, the man I referenced and said has 31 years
14 experience.

15 Officer Terry Elliott with the police department,
16 Horry County Police Department, speaks to a
17 codefendant, Bradley Suggs, based upon what Mr. Suggs
18 tells him, verifies that information with Tyler Papp's
19 report and gets an arrest warrant for Ms. Wright and
20 the other codefendants.

21 Once Ms. Wright is picked up by the other
22 Detective Elliott, the North Carolina Detective
23 Elliott, the Horry County detective goes to talk to
24 her. Initially, she says, I don't want to talk to you,
25 okay. She then is transported back on the warrant to

1 Horry County, which you have to be.

2 Detective Elliott from Horry County gets
3 information that she wants to talk. He goes and talks
4 to her. And you're going to hear from her own mouth on
5 a statement that's going to be played on this little
6 old boom box right here that she did it. That's right,
7 y'all, she gave a statement admitting to her
8 involvement in the crime.

9 None of the property was ever recovered. So based
10 upon the evidence presented here today, the
11 investigation of Detective Elliott, the statement of
12 the victim and how she knows she did it, her
13 granddaughter did it, you're going to be firmly
14 convinced that Ms. Wright broke into her grandmother's
15 house on April 16th, 2016, and that she did so. And
16 when she did so she took guns. And that is burglary
17 first.

18 And that's why at the end of the day, I should say
19 the end of this trial, I don't suspect it's going to
20 take much longer than a day, but at the end of this
21 trial I'll be back before you asking you to find her
22 guilty for all those reasons. Thank you.

23 THE COURT: All right, thank you, solicitor.
24 Ms. Burroughs?

25 MS. BURROUGHS: Thank you. If it please the

1 Court.

2 THE COURT: Yes, ma'am.

3 MS. BURROUGHS: Ladies and gentlemen, I'm Linda
4 Burroughs, and as you heard, I am representing Kayla
5 over here, along with Kia Wilson, she is my co-counsel.
6 And the State, as the judge told you, has the job to
7 prove beyond a reasonable doubt that my client did
8 commit these crimes. And he explained to you what
9 reasonable doubt is.

10 I'm not going to try the case in my opening
11 arguments. I'm just going to tell you that I trust you
12 to listen to the evidence and to deliberate. And I
13 feel that you'll deliver a fair decision according to
14 the evidence for my client. And I want to thank you
15 for your time and your sacrifice coming out here and
16 doing your civic duty.

17 I once used to be a juror and I enjoyed being a
18 juror. I don't know if all of y'all do, but I enjoyed
19 doing it, but I do want to thank you for your time.

20 THE COURT: Thank you, Ms. Burroughs. The State
21 ready to proceed with its first witness?

22 MR. SPRATLIN: Yes, Your Honor. The State would
23 call Ms. Linda Bryant.

24 LINDA BRYANT, after being duly sworn, testified as
25 follows:

1 THE CLERK: Please be seated. Please state your
2 full name, and spell your last name for the Court.

3 THE WITNESS: Linda Bryant, B-R-Y-A-N-T.

4 DIRECT EXAMINATION

5 BY MR. SPRATLIN:

6 Q Good morning, Ms. Bryant. Can you hear me okay?

7 A Yes.

8 Q Let me begin by asking some questions about you.
9 How old are you?

10 A 62.

11 Q Where do you currently live?

12 A In Green Sea.

13 Q All right. Would you mind giving the Court your
14 address.

15 A [REDACTED] Olive Drive, Green Sea, South Carolina.

16 Q How long have you lived off of Olive Drive?

17 A About 15 years.

18 Q What kind of home do you have on Olive Drive?

19 A Double wide.

20 Q Is that a double wide trailer?

21 A Yes, mobile home.

22 Q If you would, kind of tell me, how many rooms are
23 in that home you have?

24 A I have three bedrooms, a kitchen, a dining room, a
25 living room, foyer, utility room.

LINDA BRYANT-DIRECT BY MR. SPRATLIN

1 Q All right. Who all lives there with you, if
2 anyone?

3 A Myself and my great-grandson.

4 Q Your great-grandson?

5 A Yes.

6 Q All right. Before we get into that, let me ask
7 you, how many children do you have?

8 A Two.

9 Q Two. Are they boys or girls?

10 A Girls.

11 Q Girls. I guess they're women now; aren't they?

12 A I'm sorry?

13 Q They're women now --

14 A They are.

15 Q -- not girls anymore. How many grand kids do you
16 have?

17 A I have four grandchildren, three step
18 grandchildren and one great-grandchild.

19 Q All right. Now, is Kayla Wright seated over there
20 one of your grandchildren?

21 A Yes, she is.

22 Q Now, you mentioned that you have a
23 great-grandchild who lives with you. Is that Kayla's
24 child or one of your other grandchildren's?

25 A It's Kayla's.

- 1 Q What's his name?
- 2 A Ethan [REDACTED].
- 3 Q How old is he?
- 4 A He's four.
- 5 Q Four years old. And without telling us how he
- 6 came to live with you, when did he come to live with
- 7 you?
- 8 A I got him March the 30th, 2016.
- 9 Q March 30th, 2016. Besides Ethan, does anyone else
- 10 live with you?
- 11 A No, sir.
- 12 Q Let me ask you, back in April of 2016, was anybody
- 13 else living with you?
- 14 A No, sir.
- 15 Q Was Ethan still living there?
- 16 A Yes.
- 17 Q Now, Ms. Wright [sic], before April of 2016, when
- 18 was the last time that Kayla had been over at your
- 19 house?
- 20 A Please say that again.
- 21 Q Before April 2016, was Kayla ever over at your
- 22 house before then?
- 23 A She had come at Christmas. But I hadn't seen her
- 24 in about a year.
- 25 Q So she came at Christmas of 2015?

LINDA BRYANT-DIRECT BY MR. SPRATLIN

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1 A Yes.

2 Q Did she come anytime after Christmas?

3 A Yes.

4 Q When was that?

5 A Today, one year ago.

6 Q So January 2016. Was she alone or was she with
7 somebody?

8 A She was with Matt.

9 Q And by Matt, do you know Matt's last name?

10 A Stevens.

11 Q And is Matt Stevens one of the codefendants in
12 this case?

13 A Yes, he is.

14 Q All right. Now, Kayla didn't live with you or
15 stay at your house; did she?

16 A Two nights.

17 Q Two nights. And that was back in January?

18 A Yes.

19 Q Of 2016?

20 A Yes.

21 Q Okay. Now, Ms. Bryant, I want to ask you about
22 April 16 of 2016, the day your house was broken into.
23 What were you doing that day?

24 A That day I'm getting things ready, the children's
25 clothes and things ready for my daughter's wedding.

1 Q Now, that daughter who was getting married, was
2 that Kayla's mother or one of your -- your other
3 daughter?

4 A Kayla's mother.

5 Q All right. Did you have a chance to talk to Kayla
6 that day?

7 A I did.

8 Q Was that by phone or in person?

9 A By phone.

10 Q What was the substance of that conversation with
11 Kayla?

12 A She called me a little after one and asked me if I
13 was going to the wedding, I told her yes. And she told
14 me she was going to go and take her mother a present.
15 And I told her that would be real nice. And she told
16 me she would see me there, and that was it.

17 Q All right. Now, what time of day, if you recall,
18 did you leave for the wedding?

19 A 4 o'clock.

20 Q What time of day was the wedding?

21 A I'm sorry?

22 Q What time did the wedding start this evening?

23 A Five.

24 Q 5 o'clock. Did you see Kayla at the wedding?

25 A No.

1 Q Now, Ms. Bryant, what time did you get back home
2 from the wedding?

3 A 9:20.

4 Q What happened when you went in the house?

5 A Ethan was crying about his feet was hurting, he
6 had blisters on his toes. So I pulled his boots off in
7 the utility room. And I picked him up and got my
8 pocketbook, and I went walking through. When I got in
9 my bedroom, I went kind of tripping over things in the
10 floor. I got him on the bed, I was reaching for the
11 lamp to turn my light on, and there was wasn't one
12 there.

13 So I turned the ceiling fan light on. And then
14 that's when I seen everything all torn up. I called
15 911, and she told me to get the baby and get back out
16 the house.

17 Q Let me ask you, when you say all torn up, what do
18 you mean, what was the condition of the room?

19 A Everything on top of the highboy was thrown in the
20 floor which consisted of papers and all kind of mess.
21 Everything on the dresser and the entertainment center
22 and the nightstands were just knocked in the floor.
23 There was one drawer open that was at the very top,
24 highboy drawer.

25 Q Were there any other rooms in the house besides

1 that bedroom you went into that were destroyed or torn
2 up?

3 A The kitchen.

4 Q Now, you say that you called the police. What did
5 you do while the police were on their way?

6 A Sit in the car with the baby.

7 Q Now, do you remember which officer, if any, from
8 Horry County showed up?

9 A Officer Papp.

10 Q Papp.

11 A And there was someone else with him, I'm not sure
12 who he was.

13 Q Okay. After Officer Papp showed up, did you have
14 a chance to go through the house and see what if
15 anything was taken?

16 A While he was there I just sit in the chair for him
17 to do what he done. Later on as I was trying to put
18 things back in place, I found a rifle missing that I
19 didn't see when he was there. And that was about it,
20 other than what I told him --

21 Q Okay. Okay.

22 A -- that was gone.

23 Q Well, besides the rifle, the jury don't know yet,
24 but what else was taken from the house?

25 A That night?

LINDA BRYANT-DIRECT BY MR. SPRATLIN

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1 Q Yes.

2 A I had two lock boxes, little safes. And one of
3 them contained all my jewelry, \$2300, my titles, deed
4 to my land, receipts and things like that. The other
5 one contained about the same. It was just more or less
6 like insurance policies and things like that, important
7 papers.

8 Q Go ahead, Ms. Bryant. I'm sorry.

9 A I had a gun that was my deceased husband's that he
10 had got at a gun show, a Wild Bill Hitchcock Colt 22, I
11 think is what it's called. It was in a case, it had
12 never been shot. That was on top of the safes up under
13 the bed.

14 Q Now, let's just kind of clarify, you said how much
15 money or cash money was at actually taken that you
16 believe?

17 A \$2300.

18 Q All right. And you said that several pieces of
19 jewelry were stolen?

20 A Many pieces of jewelry were stolen.

21 Q How much jewelry did you have?

22 A Oh, gosh, I had beaucoup of diamonds, ruby and
23 diamond rings, I had blue topaz and diamond rings, and
24 I had all my husband's jewelry.

25 Q Where did you get all this jewelry from?

1 A Being married four times.

2 Q So you collected a lot of jewelry over those four
3 marriages?

4 A I have.

5 Q And would the value of the property, would it be
6 more than \$2,000?

7 A Yes, sir.

8 Q Now, let me ask you about the guns that were
9 taken. I know you mentioned the Colt 22 that was a
10 collector's gun?

11 A Yes.

12 Q Was it a working gun, or was it a real gun?

13 A Meaning was it real?

14 Q Yes..

15 A Yes.

16 Q So it could be fired?

17 A Yes.

18 Q Let me ask you about the rifle, was it able to be
19 fired?

20 A Yes.

21 Q Do you know, was the rifle loaded?

22 A Yes.

23 Q Now, you mentioned the kitchen. Was there
24 anything taken out of the kitchen?

25 A Not that I know of.

LINDA BRYANT-DIRECT BY MR. SPRATLIN

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1 Q What kind of condition was the kitchen in?

2 A All the food and everything that was in the
3 cabinets was just knocked out of them into the floor.

4 Q Let me back up for one second. The bedroom that
5 was damaged, was that your bedroom?

6 A Yes.

7 Q All right. What kind of condition were the other
8 bedrooms in the house in?

9 A Not touched.

10 Q Was any sort of electronics stolen from the house?

11 A Just a 32-inch flat screen TV out of the living
12 room.

13 Q Let me ask you about your great-grandchild Ethan,
14 his stuff, was any of this stuff taken?

15 A Not touched.

16 Q Now, Ms. Bryant, did you suspect -- when this
17 happened, did you have any idea who may have done it?

18 A I did.

19 Q Who?

20 A Kayla and Matt.

21 Q Okay. Why did you suspect that they did it?

22 A Because the night that they spent with me, she
23 asked me to show Matt the gun and my rings, and I did.

24 Q Was that back in January?

25 A Yes.

1 Q So Kayla knew where the stuff was?

2 A Yes. All of my grandchildren do and children.

3 Q Now, you said you not only showed it to her, who
4 else did you show it to in January?

5 A Matt.

6 Q Matt. And that's Matt Stevens, her boyfriend?

7 A Right.

8 Q Was there anything else that made you think that
9 Kayla and/or Matt may have been involved?

10 A For those two lock boxes and that gun to be gone
11 and other guns left behind that was right there at your
12 hands, I think if it was a thief that come in, he's
13 just going to gather up all of these electronic
14 PlayStation games, there was a DS laying right on the
15 floor, just so much that could have been taken.

16 Q But what was taken was the stuff that Kayla had
17 asked you to see back in January?

18 A Yes.

19 Q Was there anything about any damage to any other
20 property like your yard or anywhere like that which
21 kind of led you believe that Kayla and Matt may have
22 been involved?

23 A They drove a circle around in my yard.

24 Q Why does a circle in your yard make you think that
25 Kayla and Matt might have been involved?

LINDA BRYANT-DIRECT BY MR. SPRATLIN

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1 A Because there wasn't no reverse in Matt's white
2 truck.

3 Q So there was a truck that didn't have reverse?

4 A Yes.

5 Q Had that truck ever been at your yard before?

6 A Yes.

7 Q All right. And without the reverse, how was that
8 truck required to leave your yard?

9 A Circle in my yard.

10 Q Very similar to the circle that you saw here
11 today?

12 A Yes.

13 Q All right. Now, Ms. Wright -- I mean, Ms. Bryant,
14 excuse me, sorry about that -- after that night, when
15 is the next time that you saw Kayla?

16 A The next day.

17 Q Where did you see her at; was it your house or
18 somewhere else?

19 A At my house.

20 Q All right. Was there anything that happened
21 during that time that made you think Kayla may be
22 involved?

23 A Time she walked in the back door, she asked me
24 what was going on.

25 Q At that point could she -- in the back door could

1 she see any damage in the house?

2 A Oh, no.

3 Q Besides that, was there anything else that she did
4 or said that made you think she might be involved?

5 A Well, I found an old video camera laying on the
6 floor. So then she come in and she sit down. I held
7 the video camera up and I says, y'all left the most
8 important thing last night that you should have got.
9 She said, grandma, is Matt on that. I told her I
10 didn't know.

11 Q Was that video camera working, or was it a bluff?

12 A No, I don't know if it works.

13 Q But there wasn't any video on that camera?

14 A No.

15 Q All right. Did you ever mention or say anything
16 to Kayla about potentially not pressing charges against
17 her?

18 A I told her that day that if she'd bring all my
19 stuff back by 9 o'clock that night and a brand new flat
20 screen TV because I didn't want the old one that had
21 been thrown around the body of a truck, that I would
22 not press charges.

23 Q And what was her response?

24 A She went to texting. She text the whole time she
25 was there. And in a little bit she told her grandma

LINDA BRYANT-DIRECT BY MR. SPRATLIN

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1 that they had to go, she had to go and talk to Matt.

2 Q Ms. Bryant, your house, I know you mentioned that
3 it's in Green Sea on Olive Drive. That is, in fact,
4 Horry County; correct?

5 A Yes, it is.

6 Q And all the events you described regarding the
7 burglary, they occurred on or around April 16th, 2016?

8 A Yes, sir.

9 Q And if you could, last thing I'm going to ask you
10 is could you identify Kayla Wright, the Defendant, your
11 granddaughter, in the courtroom by pointing her out and
12 identifying what color shirt she is wearing.

13 A Red.

14 MR. SPRATLIN: Please let the record reflect the
15 witness has identified the Defendant.

16 THE COURT: Noted.

17 MR. SPRATLIN: Ms. Bryant, I appreciate your time.
18 Please answer any questions that Ms. Burroughs or
19 Ms. Wilson may have.

20 THE WITNESS: Yes.

21 THE COURT: All right. Defense witness.

22 MS. BURROUGHS: Thank you, judge. If it please
23 the Court.

24 THE COURT: Yes, ma'am.

25 CROSS-EXAMINATION

1 BY MS. BURROUGHS:

2 Q Ms. Bryant, you stated that you lived alone with
3 your grandson in your home?

4 A I do. I did.

5 Q Isn't it true that you had a boyfriend named
6 Michael that lived with you for about six years?

7 A I sure did. Until January the 19th, he had to
8 move in with his mother to take care of her.

9 Q So he was living with you at the time that my
10 client visited you?

11 A No.

12 Q He wasn't?

13 A January 19th he had to move in with his mother.

14 Q All right. And you had no reason to really tell
15 the police that when they came to investigate the
16 burglary, there was no evidence or any reason except
17 what you thought in your heart that my client was
18 involved in this burglary, there was no evidence?

19 A It's just what was taken.

20 Q Just what was taken. And let's go back to that
21 visit that she had with you. You stated that she asked
22 you to bring out the stuff and show it to her and Matt
23 Stevens. Isn't it true that you wanted to show your
24 granddaughter what you had, the items that you had and
25 you were just showing her what you had collected over

LINDA BRYANT-CROSS BY MS. BURROUGHS

1 the years from the different husbands and the guns and
2 the jewelry?

3 A My granddaughter well knew what I had for many
4 years.

5 Q Had she seen it before?

6 A Many times.

7 Q So you didn't offer to bring it out?

8 A No, I didn't.

9 Q Did you have any of that jewelry insured?

10 A No.

11 Q None was insured?

12 A Nothing.

13 Q By indicating that my client Kayla had something
14 to do with the burglary, is your attempt to try and
15 keep custody of your grandson?

16 A No.

17 MS. BURROUGHS: One moment, Your Honor.

18 THE COURT: All right.

19 Q So you never saw Kayla commit this burglary, you
20 never saw her in your home taking any items, you just
21 indicated to the police officer that you thought she
22 was involved?

23 A No, I didn't see her.

24 Q Pardon, you didn't see her?

25 A No.

1 Q Let's go to the phone call that my client made to
2 you the day of the wedding. Wasn't it true that she
3 called to speak with her son?

4 A No.

5 Q And that was the reason for her phone call?

6 A No. She didn't ask to speak to him.

7 Q She didn't call to speak to her son?

8 A No, she didn't.

9 Q Before you went to the wedding. And didn't she
10 question you on whether her stepsister, Ms. Mercedes
11 Gore, was going to be there at the wedding?

12 A She knew her sister would be at the wedding, she
13 was in the wedding.

14 Q And were you aware that they were not getting
15 along at that time, that Kayla and Mercedes were not
16 getting along at that time?

17 A I don't know.

18 Q On the value of the jewelry, are you guessing as
19 to the value, have you ever had it appraised? You
20 didn't have insurance on it, but have you ever had your
21 jewelry appraised?

22 A No, I've not.

23 Q No. Never had a jeweler tell you what it was
24 valued at?

25 A No. But I know what some of it costed.

LINDA BRYANT-REDIRECT BY MR. SPRATLIN

1 Q But you don't know the value is over 2,000 for
2 sure?

3 A I'm positive it's over 2,000.

4 Q That's just your opinion?

5 A No.

6 Q You don't have a -- it's a matter --

7 A It's a matter of --

8 MR. SPRATLIN: Objection, Your Honor. I'd ask
9 that she let my witness answer.

10 THE COURT: Yeah, yeah. Y'all quit talking over
11 each other. Go ahead, ma'am, what were you saying?

12 THE WITNESS: I know for a fact it's over \$2,000.
13 One ring costed more than that.

14 Q So that is your opinion?

15 A I guess it is.

16 MS. BURROUGHS: I don't have any further
17 questions, Your Honor.

18 THE COURT: Any redirect?

19 MR. SPRATLIN: Real briefly, Your Honor.

20 REDIRECT EXAMINATION

21 BY MR. SPRATLIN:

22 Q Ms. Bryant, when Ms. Burroughs was asking you
23 about the jewelry and its value, how much did all that
24 jewelry cost, if you know?

25 A I don't know how much it all costed.

1 Q Did it cost more than \$2,000 to purchase outright?

2 A One ring costed more than \$2,000.

3 Q Okay. And, again, how much cash was taken?

4 A 2300.

5 Q All right. Did you give anyone consent to go in
6 your house to take this stuff?

7 A No.

8 Q Kayla never had permission to go in your house
9 that day?

10 A No.

11 Q One question I forgot to ask you earlier, do you
12 know how they got entry into the house?

13 A The back door was pried open.

14 Q Were there marks on the door?

15 A Oh, yes.

16 MR. SPRATLIN: No further questions, Ms. Bryant.

17 THE COURT: Any recross based upon that redirect?

18 MS. BURROUGHS: Just one question, Your Honor.

19 THE COURT: All right.

20 RECROSS-EXAMINATION

21 BY MS. BURROUGHS:

22 Q Ms. Bryant, you testified when my client came to
23 see you the next day there was no way that she knew
24 anything had happened at your home. But you just
25 testified to the solicitor that the door, there was

LINDA BRYANT-RECROSS BY MS. BURROUGHS

1 several marks and it was very clearly that something
2 happened to the door.

3 So when she came in the back door to visit you, it
4 had to be obvious that something had happened at your
5 home?

6 A No. Because that door had been bent back that
7 night that it happened.

8 Q The repairs were done that night of the wedding?

9 A Bent back.

10 Q So there wasn't very much damage to the door?

11 A No. And there still aren't.

12 Q I'm sorry?

13 A The door is just like it is now the way it
14 happened that night where it was bent back, the metal
15 part. It's a metal back door.

16 Q So if it was repairable that night, there was no
17 serious damage to the door?

18 A Well, not no serious enough for me to run and put
19 another one up.

20 MS. BURROUGHS: Thank, Your Honor.

21 THE COURT: Thank you, ma'am. You can step down.

22 (Witness excused.)

23 THE COURT: Ladies and gentlemen, let's take a
24 brief mid morning recess. We'll get you back in here
25 in about ten minutes, okay. Don't talk about the case.

1 (WHEREUPON, the jury exited the courtroom at
2 11:08 a.m.)

3 THE COURT: Anything before we break?

4 MR. SPRATLIN: No, Your Honor. If I could have a
5 couple of minutes to run and try to find the Defense
6 attorney on the cooperating codefendant.

7 THE COURT: Okay.

8 MR. SPRATLIN: He should be down in family court.
9 I just need to let him know. He won't be our next
10 witness, but he'll be our witness after our next
11 witness.

12 THE COURT: Okay. Anything from the Defense
13 before we break?

14 MS. BURROUGHS: Nothing, Your Honor.

15 THE COURT: Okay. We're down for a little bit.

16 (WHEREUPON, a brief recess was taken at
17 11:09 a.m.)

18 THE COURT: We good, all right. Bring them in.

19 (WHEREUPON, the jury came into open court at
20 approximately 11:25 a.m.)

21 THE COURT: All right, all members of the jury are
22 present. Ladies and gentlemen, you may notice that
23 Ms. Wilson is no longer with us today. I was informed
24 during the break that her grandmother is gravely ill.
25 So she had to leave to attend a family matter. So

TYLER PAPP-DIRECT BY MR. MARTIN

1 Mr. Galmore, James Galmore -- am I saying it right?

2 MR. GALMORE: Yes, sir.

3 THE COURT: He is assisting trial counsel on the
4 defense table, so thank you so much.

5 All right. State can call its next witness.

6 MR. MARTIN: Yes, Your Honor. State calls Tyler
7 Papp to the stand.

8 THE COURT: Okay, sir.

9 TYLER PAPP, after being duly sworn, testified as
10 follows:

11 THE CLERK: Please state your full name and spell
12 your last name for the Court.

13 THE WITNESS: Name is Tyler Papp, P-A-P-P.

14 DIRECT EXAMINATION

15 BY MR. MARTIN:

16 Q Thank you, Officer Papp. Would you please tell
17 the jury where you're currently employed.

18 A Horry County Police Department.

19 Q How long have you been with them?

20 A I've been with Horry County Police about a year
21 now.

22 Q With Horry County, what exactly are your present
23 duties?

24 A I'm a patrol officer.

25 Q And as a patrol officer, that would entail you

1 doing?

2 A Responding to calls, basically 911 calls.

3 Anything that comes through dispatch gets sent to us.

4 Q Okay.

5 A And we are dispatched to it.

6 Q Were you employed in that position back on April
7 14th, 2016?

8 A Yes, sir.

9 Q And what exactly -- and did you have -- on that
10 date did you have occasion to become involved in this
11 case here today?

12 A Yes, sir.

13 Q How exactly did you become involved?

14 A I was dispatched to, I believe it's [REDACTED]
15 Olive Drive in Green Sea section of Horry County in
16 reference to a burglary.

17 Q Okay. And when you arrived at [REDACTED] Olive Drive
18 that night, what exactly did you see or find upon your
19 arrival there?

20 A As I was pulling in the driveway, it was the grass
21 was kind of damp, I noticed some tire marks turning
22 around in the driveway. Then I got out and spoke to
23 the victim, Ms. Bryant, who was in a vehicle parked in
24 the driveway and asked her what was going on. And she
25 said that she thought somebody had been in her house.

TYLER PAPP-DIRECT BY MR. MARTIN

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1 And we had -- at that point we went up to the back
2 door, and I noticed some pry marks around the back door
3 where the door had been, you know, pried open.

4 I went through and done a protective sweep of the
5 residence to clear it and make sure no one was inside
6 the home. And then we proceeded on with, you know,
7 getting information about the report.

8 Q Okay. And you say when you came in to the back of
9 the house, you noticed pry marks on the door?

10 A Yes, sir.

11 Q Okay. And when you went inside the house, what
12 exactly did you notice about or what did you find when
13 you went into the residence?

14 A As regarding the house, we went in the back door.
15 I believe there was a laundry room right there at
16 first, and then you kind of go to the right and there
17 are some back bedrooms. And then to the left is the
18 kitchen, living room, and then the master bedroom there
19 at the end of the house.

20 As we first went in, we took a right into the back
21 bedrooms. It was clear those bedrooms, everything
22 was -- those beds were made up and everything was in
23 place, looked like no one had been in there.

24 And then as we worked our way through the house,
25 we started noticing in the living room that there was

1 some stuff scattered around and in the bedroom where
2 most of the damage was and most the of the things were
3 missing out at that point.

4 Q And when you say the bedroom, you mean the master
5 bedroom in the house?

6 A Yes, sir.

7 Q Did you search the other bedrooms in the house as
8 well?

9 A Yes, sir.

10 Q Did anything appear to be messed up or taken out
11 of them?

12 A No, sir. Drawers were all -- a lot of times in
13 burglaries you'll see, it's pretty common to see
14 drawers ripped out of dressers and, you know, stuff
15 thrown off the top of dressers and things like. And in
16 that bedroom all the beds were made, the drawers were
17 pushed in neatly. You know, so everything seemed
18 pretty undisturbed back there.

19 Q So it appeared to you that the only place that had
20 been disturbed was essentially the master bedroom and
21 the kitchen area?

22 A Yes, sir.

23 Q And it was clear to you given -- was it clear to
24 you at that time that the house had been clearly
25 burglarized?

TYLER PAPP-DIRECT BY MR. MARTIN

1 A Yes, sir.

2 Q Okay. Once you had cleared the house and seen
3 that it had been burglarized, did you have an
4 opportunity to speak with the victim about what she
5 thought had occurred that evening?

6 A Yes, sir.

7 Q And did she tell you anything about who she
8 thought could have been responsible for --

9 MS. BURROUGHS: Objection, Your Honor. Hearsay.

10 THE COURT: Repeat the question.

11 MR. MARTIN: I was asking her if the victim
12 relayed to him what she thought, asking him if she
13 thought -- did he relay to the victim -- if the victim
14 relayed to him, I apologize.

15 THE COURT: Okay.

16 MR. MARTIN: If she had any idea who she thought
17 may have been responsible for what went on.

18 THE COURT: Objection overruled.

19 THE WITNESS: The victim did tell me that she
20 thought that her granddaughter and her boyfriend at the
21 time, or I don't know if they may still be together,
22 but her boyfriend was responsible for it because of a
23 phone call that she had received earlier that day.

24 Q What did she tell you about that phone call?

25 A There was a wedding, I guess, going on. And she

1 was saying that her granddaughter had called her
2 wanting to know if she was going to go to the wedding.
3 And she said, you know, obviously yes, I'm going to the
4 wedding, it's my daughter getting married. So she said
5 that she thought that they were setting her up to find
6 out if she was going to be home or not.

7 Q Okay. Did you then complete a report on that?

8 A Yes, sir.

9 Q Okay. And what did you do with the report once
10 you took the report from Ms. Bryant?

11 A All of our reports get sent to the supervisor of
12 investigations and later decide on whether they get
13 assigned or not or picked up by a detective.

14 Q Okay. And was that the extent of your
15 investigation?

16 A Yes, sir.

17 Q Okay.

18 MR. MARTIN: Thank you, officer, I have no further
19 questions. Please answer whatever questions Miss...

20 THE COURT: Ms. Burroughs?

21 MR. MARTIN: Sorry, Your Honor, one more question.

22 THE COURT: Yes, sir.

23 Q Officer Papp, you work in what section there in
24 Horry County?

25 A I work in sector 22 of the West Precinct.

TYLER PAPP-CROSS BY MS. BURROUGHS

1 Q Okay. So you patrol around that area a lot?

2 A Yes, sir.

3 Q In your patrols in the course of your duties since
4 this incident, have you had a chance to see Matt and
5 Kayla Wright together?

6 A Yes, sir. I've seen them around town a few times.

7 Q Okay. And that's after this incident?

8 A Yes, sir.

9 MS. BURROUGHS: Objection, Your Honor, relevancy.

10 THE COURT: Overruled.

11 MR. MARTIN: No further questions. Please answer
12 whatever Ms. Burroughs has to ask.

13 THE COURT: Ms. Burroughs?

14 MS. BURROUGHS: Thank you, Your Honor. If it
15 please the Court.

16 THE COURT: Yes.

17 CROSS-EXAMINATION

18 BY MS. BURROUGHS:

19 Q Mr. Papp, I believe the solicitor misstated the
20 date, I believe the date was April 16th, 2016. I think
21 he said April 14th. But anyway, let's put it on the
22 record, was the date April 16th, 2016?

23 A I believe it was, ma'am.

24 Q Thank you. How much damage was done to the back
25 door?

1 A There was, I mean, obvious pry marks around the
2 door. I'm not, you know, professional in estimating
3 damage to property.

4 Q Was it closed when you got there?

5 A Yes, ma'am.

6 Q Okay. There wasn't any fingerprints -- there
7 weren't any fingerprints found at the scene; were
8 there?

9 A I was unable to locate any usable latent prints at
10 the scene.

11 Q And there was no DNA obviously, no DNA found
12 either?

13 A I didn't test for DNA, ma'am.

14 Q Did you find anything that could connect Kayla to
15 these crimes?

16 A No, ma'am.

17 Q Did you think about calling SLED to do a DNA test
18 or to test for fingerprints or to follow through on any
19 of the evidence there?

20 A No, ma'am. We don't -- that's -- we don't call
21 SLED for -- to do fingerprints.

22 MS. BURROUGHS: One moment, Your Honor.

23 THE COURT: Okay.

24 Q Does Horry County have its own crime scene
25 investigation team that comes out to search for things

TYLER PAPP-CROSS BY MS. BURROUGHS

1 like that?

2 A Yes, ma'am. Most of the time they only respond to
3 violent crimes.

4 Q To violent crimes?

5 A Yes, ma'am.

6 Q So it is your testimony that you collected no
7 usable prints?

8 A Yes, ma'am.

9 Q To connect my client Kayla to the crime.

10 MS. BURROUGHS: Thank you, I have no further
11 questions, Your Honor.

12 THE COURT: Anything further?

13 MR. MARTIN: No redirect, Your Honor.

14 THE COURT: All right. Thank you, sir, you can
15 step down.

16 (Witness excused.)

17 MR. SPRATLIN: Your Honor, I am still trying to
18 locate the defense attorney on one of the codefendants.

19 THE COURT: Okay.

20 MR. SPRATLIN: Can we have a minute for me to just
21 check.

22 THE COURT: Okay. I think they may be here. If
23 you want to step outside in the hall.

24 MR. SPRATLIN: Yes, sir.

25 THE COURT: While we're waiting for that, I'm

1 Bradley Suggs to the stand.

2 BRADLEY SUGGS, after being duly sworn, testified
3 as follows:

4 THE CLERK: Please be seated. Please state your
5 full name, and spell your last name for the Court.

6 THE WITNESS: Bradley Owen Suggs, S-U-G-G-S.

7 DIRECT EXAMINATION

8 BY MR. SPRATLIN:

9 Q Good morning, Mr. Suggs. What is your date of
10 birth?

11 A [REDACTED] of 1980.

12 Q So how old does that make you now?

13 A 36.

14 Q 36. Do you know the Defendant, Ms. Kayla Wright?

15 A Yes, sir.

16 Q How long have you known her?

17 A Year or two, something like that.

18 Q Do you know her through anybody, or did you meet
19 her individually?

20 A I just know her from being around Tabor City.

21 Q All right. Let's jump right into it. Did you
22 have any involvement in a burglary of Ms. Linda
23 Bryant's house?

24 A Yes, sir.

25 Q On April 16th, 2016?

BRADLEY O. SUGGS-DIRECT BY MR. SPRATLIN

1 A Yes, sir.

2 Q Who helped you do that burglary?

3 A Kayla Wright and Bug. I don't know Bug's real
4 name.

5 Q Was anyone else involved with that?

6 A Yes, sir.

7 Q Who else?

8 A And the driver of the truck.

9 Q Who was that?

10 A Matthew Stevens.

11 Q All right. And you said Bug. You know Bug as
12 Bug?

13 A I just know him as Bug.

14 Q All right. Now, if you can, on that date, could
15 you tell me how you came to be involved in the burglary
16 of Ms. Bryant's house.

17 A I was told to go in there and just get some stuff
18 out the closet.

19 Q All right. Who were you told to do that by?

20 A Matt Stevens.

21 Q All right. What time did you initially go over to
22 the house?

23 A Earlier that morning.

24 Q And what was your job earlier in that morning?

25 A So I can scope out her house.

1 Q All right. And when you scoped out the house, how
2 long did you stay there?

3 A I don't know, roughly eight hours, I would
4 imagine.

5 Q And did you actually break in at that point, or
6 did you go somewhere else?

7 A I went somewhere else.

8 Q How did you get to wherever else you went?

9 A I was -- I walked down the road, and Matt picked
10 me up and took me back to his house in Green Sea.

11 Q Okay. When you went back to his house in Green
12 Sea, what did y'all do then?

13 A Switched vehicles and went to the Time Saver, and
14 went back that way.

15 Q All right. Who did you meet at the Time Saver?

16 A Bug, Bug and Kayla.

17 Q Bug and Kayla, all right. Now, when you said
18 y'all went back that way, was that back towards
19 Ms. Linda's place?

20 A Yes, sir.

21 Q I'm sorry, Ms. Linda Bryant's place. How were
22 y'all traveling; were y'all traveling in the same
23 vehicle, all traveling in separate vehicles?

24 A Started off in a van, and then we went in Bug's
25 truck.

BRADLEY O. SUGGS-DIRECT BY MR. SPRATLIN

1 Q What kind of truck Bug have?

2 A F-150 extended cab, extra base.

3 Q Is that Bug's truck, or did it belong to someone
4 else?

5 A It was Bug's truck, as far as I know.

6 Q Okay. Did Bug's truck have reverse?

7 A No, sir.

8 Q Had you ever seen Matt Stevens in that truck
9 before?

10 A Yes, sir.

11 Q Now, when you picked up Kayla and Bug at the Time
12 Saver, I believe you said, y'all headed over to
13 Ms. Linda's place, what was the plan?

14 A To go in her house and get two safes out of her
15 closet.

16 Q And you said you were travelling in a truck with
17 Bug, Kayla and yourself?

18 A Yes, sir.

19 Q When you got to the house, who all went in?

20 A Bug and Kayla.

21 Q And what did you do when they went in?

22 A Got out of the passenger seat and went to the
23 driver's seat and went down the road and waited on a
24 call.

25 Q And what did you do next?

- 1 A Came back and picked them up.
- 2 Q All right. When you came back, how did you come
3 around the house?
- 4 A Swung in the back yard.
- 5 Q All right. Did you drive in a circle, did you
6 drive straight in?
- 7 A I come in and made a circle.
- 8 Q How much stuff did they have when they came out of
9 the house?
- 10 A I seen two safes and a rifle.
- 11 Q When y'all left Ms. Linda's house, where did you
12 go?
- 13 A Took a right, went down to a dirt road.
- 14 Q And once you went down that dirt road, what did
15 y'all do?
- 16 A Approached, went to open the safes, stuff like
17 that.
- 18 Q What all was in there?
- 19 A Several things.
- 20 Q Was there any jewelry?
- 21 A Yes, sir. There was jewelry, a knife, a pistol.
- 22 Q Was there any money?
- 23 A Yes, sir.
- 24 Q Do you know what happened with that -- to all that
25 property?

BRADLEY O. SUGGS-DIRECT BY MR. SPRATLIN

1 A I have no clue.

2 Q Where did you go after y'all opened it up on that
3 dirt road?

4 A We went back to Matt's house in Green Sea. Or no,
5 excuse me, we went to Bug's house in the bottom.

6 Q Okay. What did y'all do at Bug's?

7 A Just basically sat there and spoke a few minutes
8 and left, went our separate ways.

9 Q Did you leave with anybody or did you leave
10 separately?

11 A I left with Matt.

12 Q All right. Where did y'all go after you left
13 Bug's?

14 A We went back home.

15 Q Did you ever see the property again?

16 A No, sir.

17 Q Now, Mr. Suggs, this isn't your first run-in with
18 the law; is it?

19 A No, sir.

20 Q You've been in trouble a lot?

21 A Yes, sir.

22 Q In fact, right now you're incarcerated up in North
23 Carolina; correct?

24 A Yes, sir.

25 Q And what are you incarcerated on?

1 A That is B and E, two B and E charges out of Tabor
2 City.

3 Q And B and E charge, does that stand for breaking
4 and entering?

5 A Yes, sir.

6 Q And obviously you're charged out of this too;
7 aren't you?

8 A Yes, sir.

9 Q Has anybody made you any promises to get you to
10 testify here today?

11 A No, sir.

12 Q Has anyone told you you're going to walk free or
13 get a lesser sentence?

14 A No, sir.

15 Q Are you testifying today and everything you
16 testify to the truth?

17 A Yes, sir.

18 Q And the whole truth?

19 A Yes, sir.

20 Q Nothing but the truth?

21 A Yes, sir.

22 Q If you know, how did they make entry into the
23 house, or do you know?

24 A I think it was a crowbar of some kind of prying
25 machine.

BRADLEY O. SUGGS-DIRECT BY MR. SPRATLIN

1 Q Okay. Some kind of prying tool?

2 A Yeah.

3 Q And they came out, they had a rifle?

4 A Yes, sir.

5 Q And you also said you saw a pistol?

6 A Yes, sir.

7 Q And once that property was over at Bug's house,
8 you never saw it again?

9 A No, sir.

10 Q To your knowledge, was it ever returned to the
11 victim or given back to her?

12 A I have no clue.

13 MR. SPRATLIN: Mr. Suggs, I appreciate your
14 testimony. Thank you. Please answer any questions
15 Ms. Linda Burroughs might have.

16 THE COURT: Ms. Burroughs, your witness.

17 MS. BURROUGHS: Thank you, Your Honor. We have a
18 matter of law that we need to take up before I question
19 this witness.

20 THE COURT: All right, thank you. Ladies and
21 gentlemen, if you'll please go back to the jury room, I
22 do have a matter of law I need to take up with the
23 lawyers. And don't discuss the case.

24 (WHEREUPON, the jury exited the courtroom at
25 11:43 a.m.)

1 THE COURT: All right. Bring them in.

2 MR. GARDNER: Judge, before they come in, could I
3 just put on the record that I'm here for the duration
4 of this testimony.

5 THE COURT: Yes, sir. Mr. Gardener is present for
6 this testimony.

7 MR. SPRATLIN: And Your Honor, Mr. Gardner was
8 present when the testimony began.

9 THE COURT: Yes, sir, and was present the whole
10 time.

11 MR. SPRATLIN: Yes, sir.

12 MS. BURROUGHS: Thank you.

13 (WHEREUPON, the jury came into open court at
14 approximately 11:52 a.m.)

15 THE COURT: All right. Thank you ladies and
16 gentlemen, and all members of the jury are present.
17 Ms. Burroughs, your witness.

18 MS. BURROUGHS: Thank you, Your Honor, if it
19 please the Court.

20 THE COURT: Yes.

21 CROSS-EXAMINATION

22 BY MS. BURROUGHS:

23 Q Mr. Suggs, it was your testimony to the solicitor
24 just a few moments ago that on your record you have two
25 B and E's, breaking and entering?

BRADLEY O. SUGGS-CROSS BY MS. BURROUGHS

1 A Yes, ma'am.

2 Q But isn't it true that your record is a lot more
3 extensive than that?

4 A Yes, ma'am.

5 Q In North Carolina, in October of 2012, you were
6 convicted of larceny?

7 A Yes, ma'am.

8 Q And in North Carolina, in August of 2014, you were
9 convicted of another B and E, or it might be one of the
10 ones that were included in the two B and E's, but of
11 breaking and entering?

12 A Yes, ma'am.

13 MS. BURROUGHS: Bear with me, Your Honor, there's
14 a lot of pages, I'm sorry.

15 THE COURT: Sure.

16 Q And February of 2014 in South Carolina, you were
17 convicted of shoplifting?

18 A Yes, ma'am.

19 Q And in South Carolina in March of 2014, you were
20 convicted of petit larceny and receiving stolen goods
21 2,000 or less?

22 A Yes, ma'am.

23 Q And in August of 2014, you were convicted again of
24 an enhanced shoplifting, which means you've done it
25 more than once?

1 A Yes, ma'am.

2 Q And in February of 2015 you were convicted of
3 assault and battery second degree and a grand larceny,
4 two to \$10,000?

5 A Yes, ma'am.

6 Q And you have this extensive record. Yet you sit
7 up there, and you're testifying that my client was
8 involved in this case and you want the jury to believe
9 you?

10 A Yes, ma'am.

11 Q Do you have any pictures of her committing this
12 crime?

13 A No, ma'am.

14 Q Do you have any fingerprints of her committing
15 that crime?

16 A No, ma'am.

17 Q And you're saying you just drove the getaway car,
18 you weren't involved?

19 A By me driving the getaway car made me involved
20 with it.

21 Q But you were involved. And were you in the home?

22 A No, ma'am.

23 Q So you didn't see my client in the home?

24 A No, ma'am.

25 Q Were you paid anything to testify to this crime?

BRADLEY O. SUGGS-CROSS BY MS. BURROUGHS

- 1 A No, ma'am.
- 2 Q Were you threatened in any way --
- 3 A No, ma'am.
- 4 Q -- to make this testimony? None of the
- 5 codefendants threatened you in any way?
- 6 A No, ma'am.
- 7 Q Do you have a drug problem, Mr. Suggs?
- 8 A Yes, ma'am.
- 9 Q Isn't it true one of the codefendants supplies you
- 10 drugs?
- 11 A Ma'am?
- 12 Q Does one of the codefendants, are they your drug
- 13 supplier?
- 14 A I wouldn't say drug supplier.
- 15 Q They supply drugs to you, give you drugs?
- 16 A Every now and again.
- 17 Q They give you drugs to help you commit crimes?
- 18 A No, ma'am.
- 19 Q They give you drugs to get you to testify falsely
- 20 against codefendants?
- 21 A No, ma'am.
- 22 Q Or to make up stories?
- 23 A No, ma'am.
- 24 Q Did anybody give you any drugs to make up this
- 25 story about my client, Kayla?

1 A No, ma'am.

2 Q Do you have the stolen items that were stolen from
3 the home?

4 A No, ma'am.

5 Q Do you know where they are?

6 A I have no idea.

7 Q To your knowledge, have they been recovered?

8 A To my knowledge, no, ma'am.

9 MS. BURROUGHS: One moment, Your Honor.

10 THE COURT: Okay.

11 (Discussion off the record.)

12 MS. BURROUGHS: All right. Thank you, Your Honor,
13 I have no further questions for this witness.

14 MR. SPRATLIN: Real briefly on redirect, Your
15 Honor.

16 THE COURT: Yes, sir.

17 REDIRECT EXAMINATION

18 BY MR. SPRATLIN:

19 Q Mr. Suggs.

20 A Yes, sir.

21 Q How do you know Kayla went in the house?

22 A I didn't actually see her go in. When we were all
23 there, I mean, I'm pretty sure she went in.

24 Q Okay. Did she come out with stuff?

25 A Yes, sir.

BRADLEY O. SUGGS-REDIRECT BY MR. SPRATLIN

1 Q Did she have it in her hands?

2 A Yes, sir.

3 Q She had possession of it?

4 A Yes, sir.

5 Q Did she walk up to the house with Bug?

6 A Yes, sir.

7 Q Did Bug have a crowbar?

8 A Yes, sir.

9 Q Was it more stuff than Bug could carry alone?

10 A Yes, sir.

11 Q Now, Ms. Burroughs asked about pictures, but when
12 you commit burglaries, do you normally take pictures of
13 yourself committing those burglaries?

14 A No, sir.

15 Q Which codefendant -- I think Ms. Burroughs said
16 that sometimes someone would give you drugs; which
17 codefendant is that?

18 A Matt Stevens.

19 Q Who's Matt Stevens' girlfriend?

20 A Kayla Wright.

21 Q Is Matt Stevens sitting in this court today?

22 A Yes, sir.

23 Q Is he sitting right behind Kayla?

24 A I'm not even going to look that way, but I know he
25 is.

1 MR. SPRATLIN: All right. Thank you, Mr. Suggs.
2 That's all the questions I have.

3 THE COURT: Any recross based upon that redirect?

4 MS. BURROUGHS: Please, Your Honor, very briefly.

5 RECROSS-EXAMINATION

6 BY MS. BURROUGHS:

7 Q So you saw Ms. Kayla, you saw Kayla with items in
8 her hands, but you didn't see her in the home, you
9 didn't see her in the home take the items?

10 A No, ma'am.

11 Q You just saw her outside of the home holding the
12 items?

13 A Yes, ma'am.

14 MS. BURROUGHS: Thank you.

15 THE COURT: All right. Thank you, sir. You may
16 step down.

17 (Witness excused.)

18 THE COURT: State call its next witness.

19 MR. MARTIN: Your Honor, the State would call
20 Detective Ken Elliott to the stand.

21 THE COURT: Okay.

22 KEN ELLIOTT, after being duly sworn, testified as
23 follows:

24 THE CLERK: Please be seated. Please state your
25 full name, and spell your last name for the Court.

KEN ELLIOTT-DIRECT BY MR. MARTIN

1 THE WITNESS: Ken Elliott, E-L-L-I-O-T-T.

2 DIRECT EXAMINATION

3 BY MR. MARTIN:

4 Q Thank you, Detective Elliott, for being here
5 today. Would you please tell the members of the jury
6 where you are currently employed at.

7 A I'm employed with Columbus County Sheriff's Office
8 in North Carolina.

9 Q How long have you been working there?

10 A I been with the sheriff's office in North Carolina
11 for two years.

12 Q And what exactly is your title and job description
13 there at that office?

14 A I'm an investigator in the criminal investigations
15 division.

16 Q Detective Elliott, if you would, tell the jury
17 what involvement you had in this case with the arrest
18 of Kayla Wright.

19 A Roughly about two weeks before, ten days before
20 she came into South Carolina on a extradition, I was
21 contacted by Detective Terry Elliott of the Horry
22 County Police Department. He told me he had warrants
23 on a Kayla Wright, stays in the rural area of Tabor
24 City, North Carolina. I went out to Kayla's house and
25 arrested her on those fugitive warrants and took her to

1 the Columbus County jail.

2 Q At the time that you arrested Kayla on these
3 warrants, did you then call and inform Detective
4 Elliott here from Horry County that she had in fact
5 been arrested?

6 A I did. I notified him we had her in custody.

7 Q And Detective Elliott, did he take any action in
8 response to that?

9 A Told me he would meet me at the sheriff's office
10 in Columbus County to talk to him.

11 Q When he met you at the sheriff's office, did you
12 and Detective Elliott from here in Horry County attempt
13 to speak with Ms. Wright?

14 A Yes, we did.

15 Q At that time, was Kayla willing to speak with you?

16 A No, she did not want to talk at that time.

17 Q At that time did you and Detective Elliott then
18 break off any contact with her?

19 A Yes, we did.

20 Q After Detective Elliott and you attempted to speak
21 with Kayla when she was arrested there in Columbus
22 County, did you then subsequently make a phone call to
23 Detective Elliott about this case?

24 A I did. Close somewhere the day before or the day
25 of she was being transferred from North Carolina to

KEN ELLIOTT-CROSS BY MS. BURROUGHS

1 South Carolina, I received information that Kayla had
2 contacted a family member and wanted to talk with
3 Detective Elliott from Horry County. And I made a
4 phone call to him after I called our jail and found out
5 she was being transferred at the same time, the same
6 day frame, and let him know that she was wanting to
7 talk to him.

8 MR. MARTIN: Okay. That's it, Detective Elliott,
9 thank you. Please answer any questions Ms. Burroughs
10 has for you.

11 THE COURT: Ms. Burroughs?

12 MS. BURROUGHS: Thank you, Your Honor, if it
13 please the Court.

14 CROSS-EXAMINATION

15 BY MS. BURROUGHS:

16 Q So you're here today to say that you were the
17 arresting officer on the fugitive warrants for Kayla?

18 A Yes.

19 Q And you're testifying that Detective Elliott from
20 Horry County came to North Carolina to speak with her,
21 and she said she wished -- she did not wish to speak
22 with him. And at that time didn't she ask for an
23 attorney?

24 A I don't remember exact language. She said she
25 didn't want to talk to us, and I turned and walked out

1 the room.

2 Q And that's the right of anybody that's arrested to
3 ask for an attorney; is it, is it not?

4 A Yes.

5 Q When she was brought down ten days later, is that
6 the normal amount of time when somebody is extradited
7 across the state line that's one county difference,
8 does it usually take ten days for extradition?

9 A It can take anywhere from one day to ten days
10 depending on how far they are travelling and who's
11 doing the -- what department is doing the transferring.
12 Some places take longer than others to arrange them.

13 MS. BURROUGHS: I have no further questions, Your
14 Honor.

15 THE COURT: All right. Thank you, sir. You may
16 step down.

17 (Witness excused.)

18 MR. SPRATLIN: Your Honor?

19 THE COURT: Yes. Do you have another question?

20 MR. SPRATLIN: No, Your Honor.

21 THE COURT: Okay, let me see the lawyers up here
22 real quick, scheduling reasons, because it's already
23 noon.

24 (WHEREUPON, a bench conference was held off the
25 record in the presence of the jury but out of the

TERRY ELLIOTT-DIRECT BY MR. SPRATLIN

1 MR. SPRATLIN: Thank you, Your Honor. The State
2 would call Detective Terry Elliott to the stand.

3 THE COURT: Okay, sir.

4 TERRY ELLIOTT, after being duly sworn, testified
5 as follows:

6 THE CLERK: Please be stated. Please state your
7 full name, and spell your last name for the Court.

8 THE WITNESS: Terry Elliott, E-L-L-I-O-T-T.

9 MR. SPRATLIN: May it please the Court.

10 THE COURT: Yes, sir.

11 DIRECT EXAMINATION

12 BY MR. SPRATLIN:

13 Q Good afternoon, Mr. Elliott, how are you?

14 A Fine.

15 Q Where are you currently employed?

16 A Horry County Police Department.

17 Q And how long have you worked with the Horry County
18 Police Department?

19 A 31 years.

20 Q Now, what is your current job assignment at the
21 police department?

22 A I work property crimes in the criminal
23 investigations division.

24 Q Are you a detective in that division?

25 A I am.

1 Q Detective Elliott, what does it entail being an
2 investigator in the property crimes division?

3 A We work burglaries, larcenies. Anything involving
4 property being stolen is what we work.

5 Q Were you the investigator assigned to the case,
6 Linda Bryant's house being broken into on April 16th,
7 2016?

8 A Yes, I was.

9 Q If you could, tell me how did you come to be
10 assigned to that case?

11 A Well, it's a little different than most cases was
12 assigned. I was working on something else, and I got a
13 call from an Horry County Officer Canterbury that he
14 had arrested a Bradley Suggs and that Bradley
15 specifically wanted to talk with me, he got some
16 information that I needed -- that I needed to know and
17 would help.

18 Q Did you go talk to Bradley Suggs?

19 A I did.

20 Q Now, without telling what he said because he's
21 already testified, based upon that did you -- were you
22 given any information regarding the burglary at
23 Ms. Bryant's house?

24 A Based upon what he told me, I was not aware of the
25 burglary to Ms. Bryant's house at that time. But I

TERRY ELLIOTT-DIRECT BY MR. SPRATLIN

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1 listened to everything he had to say. And when I got
2 through with the interview with him, I went back to the
3 police department, got on the computer and pulled up
4 this residence of Ms. Bryant's.

5 At the time I had not been aware -- we have a
6 certain time between the officer's initial report and
7 by the time it gets assigned to us and gets back to us.
8 And so it was in between this time that I got the call
9 that Bradley wanted to talk to me. And so I really
10 assigned the own case to me, and that's not unusual.
11 When we are working something and something comes up,
12 we will assign our own selves. We'll say to our
13 supervisor, hey, I'm working this case. And so that's
14 kind of how I come about having this case.

15 Q How did the information that you obtained during
16 your interview with Mr. Suggs compare to the
17 information contained in the police report?

18 A It was almost identical to how the -- well, it was
19 identical to how the house had been -- how the house
20 had been went into, the time it went into, date, time
21 that it went into. And everything that was taken was
22 identical to what the report said.

23 Q All right. Following your conversation with
24 Mr. Suggs, did you develop any suspects in this
25 burglary case in addition to Mr. Suggs?

1 A Besides him, I got three codefendants that was in
2 this case.

3 Q Who are those three codefendants?

4 A Codefendants are the Defendants here, Kayla
5 Wright, Matt Stevenson, a guy named Bug which is
6 Jeremy, Jeremy -- no, Willy Gaskin, I believe, Willy
7 Gaskin. And also -- I forgot.

8 Q Well, that's four, Mr. Suggs, Mr. Gaskins and you
9 said, Ms. Wright?

10 A Kayla Wright.

11 Q And you also said?

12 A Matt Stevens.

13 Q Matt Stevens.

14 A That's the four.

15 Q Yes, sir.

16 A I come up with those four --

17 Q All right.

18 A -- suspects.

19 Q I'm sorry?

20 A I come up with those four as suspects in this
21 case.

22 Q Okay. Now, in regards to Ms. Wright, the person
23 we're here about today's report, did you have a chance
24 to speak with her?

25 A I did.

TERRY ELLIOTT-DIRECT BY MR. SPRATLIN

1 Q Where did you first try to talk with her at?

2 A At first, I went to Columbus County Detention
3 Center where she had been picked up.

4 Q Columbus County, is that in North Carolina?

5 A That's in Whiteville, North Carolina.

6 Q All right. Is that kind of the Tabor City county?

7 A Tabor City is in Columbus County.

8 Q Okay.

9 A And Tabor City is right across the line from our
10 jurisdiction in the West Precinct where I work.

11 Q The officer in North Carolina who testified
12 earlier, Ken Elliott, first off, are y'all any
13 relation?

14 A No, sir. No.

15 Q What county does he work for?

16 A Columbus County.

17 Q Okay.

18 A Sheriff's Department.

19 Q Right. So you went and talked to try to talk to
20 Ms. Wright up in Columbus County. What was the result
21 of that initial interview?

22 A She didn't want to talk with me.

23 Q Okay.

24 A About this case.

25 Q Did she tell you why she didn't want to speak with

1 you?

2 A She said -- well, she wanted to know if what she
3 told me, if her boyfriend, Matt Stevens, would find
4 out. And I told her, you know, I'm not going to tell
5 him, but he's going to find out. And she said, well, I
6 don't want to talk with you, and so I left the room. I
7 mean, it was over then.

8 Q All right. Where did you go after you left
9 Columbus County, North Carolina?

10 A I come back to Horry County and resumed my normal
11 duties.

12 Q Now, let me ask you, procedurally speaking, when
13 someone is transferred from North Carolina to Horry
14 County, what involvement, if any, do you have in that
15 transport?

16 A I have none whatsoever.

17 Q Who does that?

18 A The sheriff does, sheriff's department, which they
19 have a transportation division that does that.

20 Q If you wanted to, could you make them stay longer
21 in jail in North Carolina?

22 A I have no control over that.

23 Q Okay. Now, did you have a chance to -- did you
24 get any information, again, about Ms. Wright wanting to
25 talk to you after you left North Carolina?

TERRY ELLIOTT-DIRECT BY MR. SPRATLIN

1 A Yes, I did. I received a call from Detective Ken
2 Elliott from Columbus County that they were at our
3 sheriff's department. I had no idea they were coming
4 to pick her up. He called -- you know, Columbus County
5 called me and said they getting ready to pick her up
6 and take her back to y'all's county and that she wants
7 to talk with me.

8 Q Okay. And did you go try to talk to Ms. Wright
9 again?

10 A Once she got into Horry County, I did.

11 Q Do you remember what day it was that you went and
12 tried to talk to her?

13 A I believe it was the 13th of May. I think that's
14 right.

15 Q Of 2016?

16 A Yes, sir, of this year.

17 Q Last year?

18 A Last year, 2016.

19 Q All right, I just want to make sure. So now, when
20 you went to talk to her, were you able to confirm that
21 she did in fact want to speak with you?

22 A I did. She told me she wanted to talk.

23 Q All right. And, now, where exactly did you go to
24 talk to her?

25 A In interview -- we have interview rooms at the

1 detention center where we talk with -- just interview
2 rooms that the police use, lawyers use, just everyone
3 uses.

4 Q All right. Who all was present for that
5 interview?

6 A Myself and Detective Matt Singleton that also is a
7 detective with the Horry County Police Department.
8 Usually when you go do the interview, you try to have
9 two, if possible.

10 Q All right. Do you remember what time of day it
11 was that you went to talk with Ms. Wright?

12 A It was after dinner. I'm thinking 2:30 or
13 something like that, somewhere in the neighborhood.

14 Q 2:30 in the afternoon?

15 A Yes, 2:30 p.m.

16 Q So by after dinner you mean lunch?

17 A Lunch.

18 Q Just trying to make sure we're all clear.

19 A It was 2:30 p.m., around 2:30 p.m.

20 Q All right. Now, Ms. Wright was obviously in
21 custody at this point; correct?

22 A She was.

23 Q When you were having conversations with Ms. Wright
24 before and during the interview with her, did she
25 appear to understand what you were saying?

TERRY ELLIOTT-DIRECT BY MR. SPRATLIN

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1 A She did.

2 Q Did she have any trouble understanding you?

3 A None whatsoever.

4 Q Did she ever say she had trouble understanding?

5 A No, sir.

6 Q Were her answers and her responses appropriate to
7 the questions or comments you were making?

8 A They were.

9 Q Did it appear that she spoke the English language?

10 A Yes.

11 Q Did she appear to be proficient at it?

12 A Yes, sir.

13 Q Now, Detective Elliott, you said you were in law
14 enforcement for, I believe, 31 years?

15 A That's correct.

16 Q At that time have you had the opportunity to come
17 in contact with individuals who are under the influence
18 of drugs or alcohol?

19 A I have.

20 Q What are some of the outward symptoms someone
21 under the influence of drugs or alcohol will display?

22 A They don't seem to be able to understand what
23 you're saying, their speech is slurred, they -- eyes
24 are red and they -- you know, they just be off balance
25 with -- on this date, Kayla gave none of those signs.

1 Q Kayla didn't appear to have trouble staying awake
2 during your time with her?

3 A She did not.

4 Q Did she appear to have any sort of slurring in her
5 speech?

6 A No, sir.

7 Q Did she appear to have trouble focusing on words
8 you were saying?

9 A None whatsoever.

10 Q Did she give you any signs that showed you that
11 she was under the influence of drugs or alcohol?

12 A No, sir.

13 Q Was there any other reason that you thought she
14 might not have been under the influence of drugs or
15 alcohol?

16 A Well, she had been incarcerated in Tabor -- in
17 Columbus County Detention Center for seven, eight or
18 nine days, I don't remember what it was, but for a
19 while. And our transportation officers picked her up
20 and brought her back. She would have had no way to get
21 any drugs or alcohol. But still, she had no appearance
22 to be doing that anyway.

23 Q Yes, sir. Now, detective, as far as the
24 voluntariness of Ms. Wright's statement to you, did you
25 or anyone in your presence threaten Ms. Wright in order

TERRY ELLIOTT-DIRECT BY MR. SPRATLIN

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1 to get her to cooperate with you?

2 A No, sir.

3 Q Did you threaten to take any right away from her?

4 A No, sir.

5 Q Did you threaten her with any sort of physical
6 violence or other kind of physical harm?

7 A No, I did not.

8 Q Did you threaten to take any privilege that she
9 had away from her?

10 A No.

11 Q Now, what about promises, detective, did you or
12 anyone in your presence prior to or during Ms. Wright's
13 statement to you make any promises to her in exchange
14 for providing that statement?

15 A No, sir.

16 Q Did she have the slightest hope of benefit when
17 she provided that statement to you?

18 A No, sir.

19 Q Now, detective, if you know, how long, about how
20 long was that interview?

21 A I think probably seven minutes.

22 Q Seven minutes. So during that seven-minute
23 interview, were there any times that Ms. Wright made
24 any requests for anything that wasn't provided?

25 A No.

1 Q Did she ever request water that wasn't provided?

2 A No.

3 Q Did she ever request to use the bathroom?

4 A No.

5 Q Did she ever request food that wasn't provided?

6 A No, sir.

7 Q Did she make any requests at all that were not
8 provided by law enforcement?

9 A No, sir.

10 Q Now, prior to the interview with Ms. Wright, did
11 you have a chance to go over her rights with her?

12 A I did.

13 Q Now, how do you present those rights to a
14 Defendant?

15 A I'd normally -- I'll read each sentence and get
16 them to initial at the end of each sentence. I stop at
17 each sentence, I don't read all of it, then hand them a
18 paper and say go initial all of them. I read one
19 sentence, usually I'll give them their one, and I'll
20 have a blank one to make sure I read it identical to
21 what it's supposed to be.

22 She reads her right or they read their rights, and
23 I ask them to initial that. And then I read the next
24 one, I ask them to initial it. I read the next one, I
25 think there's four or five of them.

TERRY ELLIOTT-DIRECT BY MR. SPRATLIN

1 Q Yes, detective. Do you hand them a form or
2 something like that; is that what you're describing?

3 A I do. I have -- we have a Miranda rights form.

4 MS. BURROUGHS: No objection, Your Honor.

5 THE COURT: Without objection.

6 MR. SPRATLIN: No objection to it being it
7 entered?

8 THE COURT: No objection?

9 MS. BURROUGHS: No objection to it being entered.

10 THE COURT: No objection to it being introduced
11 into evidence, then.

12 MR. SPRATLIN: Your Honor, I'd like to show the
13 witness what's been marked as State's Exhibit No. 2 for
14 identification purposes. And then I'll tender it just
15 as soon as he identifies it.

16 THE COURT: Go ahead.

17 Q Detective, do you recognize that document I just
18 handed you?

19 A I do.

20 Q What is it?

21 A It's a copy of the one that we done on 5/13 of
22 2016 at 2:25 p.m.

23 Q And who is the Defendant with which that form was
24 done?

25 A Kayla Wright, the Defendant.

1 Q Okay. And is that the Miranda form you spoke of
2 earlier?

3 A It's a copy of it.

4 Q And is it a fair and accurate copy in every way?

5 A It is.

6 Q Have there been any material additions or
7 deletions?

8 A They have not.

9 Q Is it in every way a fair and accurate copy of the
10 Miranda form?

11 A It is.

12 MR. SPRATLIN: Your Honor, I tender State's
13 Exhibit No. 2 into evidence.

14 THE COURT: Without objection introduced, then,
15 into evidence.

16 (WHEREUPON, State's Exhibit No. 2 was admitted in
17 evidence.)

18 Q Detective, if you could, I know it might be
19 difficult and the jury will get to see it in a second,
20 but how was that form presented to Ms. Wright again?

21 A Each sentence was read at the time.

22 Q And was she asked to do anything in regards to
23 each sentence as it was read? Was she asked to --

24 A She was asked to put her initials at the end of
25 each sentence.

TERRY ELLIOTT-DIRECT BY MR. SPRATLIN

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1 Q And was there -- was she asked to do anything
2 overall to signify that she understood those rights as
3 you read them?

4 A After the four lines were read, there's a block to
5 sign if you understand them rights. And she puts her
6 initials there, and then there's a -- when you do that
7 there's a place to print and sign your name. And she
8 printed.

9 Q She printed and signed?

10 A Yes, sir.

11 Q All right. Detective Elliott, for the jury's
12 edification, if you could, please read those rights to
13 the jury and to the Court, excuse me, as you read them
14 to Ms. Wright.

15 A You have the right to remain silent, anything you
16 say can and will be used against you in a court of law.
17 And at that time she was asked to initial it. You have
18 the right to talk with your lawyer and have him present
19 while you are being questioned. And, again, she was
20 asked to initial, which she did.

21 If you cannot afford to hire a lawyer, one will be
22 appointed to represent you for any question if you so
23 desire. She was asked to initial, which she did.

24 If you make a statement or answer any questions,
25 you have the right to stop at any time. And then again

1 same thing, she initialed it. And then we have a block
2 that, do you understand them rights as I've read them
3 to you. And there's a place she puts her initials in
4 yes or no, and she's put her initials in yes.

5 Q Thank you, detective. If you'll set that to the
6 side for a minute. Now, when going over those rights
7 with Ms. Wright, did she state or in any way insinuate
8 to you that she didn't understand those rights as you
9 read them?

10 A None whatsoever.

11 Q Did she ask you any questions about those rights?

12 A She did not.

13 Q Now, did Ms. Wright ever state at the second
14 interview at the J. Reuben Long Detention Center that
15 she didn't want to speak to you?

16 A No, sir.

17 Q Did she ever ask for an attorney?

18 A No, sir.

19 Q Did she ever tell you she wanted to stop talking
20 to you?

21 A No, sir.

22 Q Did she in any way, shape or form invoke any of
23 those rights as you read to her?

24 A No, sir.

25 Q Now, detective, when you talk with the suspects,

TERRY ELLIOTT-DIRECT BY MR. SPRATLIN

1 is it common to record the interview?

2 A It is.

3 Q And was this interview with Ms. Wright recorded?

4 A Yes, sir, it was.

5 Q Was it audio recorded or audio and video recorded?

6 A Just audio recorded.

7 Q Let me show you what's been marked State's Exhibit
8 No. 1 for ID.

9 MS. BURROUGHS: No objection, Your Honor.

10 THE COURT: All right.

11 Q Detective, would you please identify State's
12 Exhibit No. 1 for identification purposes.

13 A It appears to be a copy of the original interview
14 that I had done.

15 MR. SPRATLIN: Your Honor, I would tender that
16 into evidence as State's Exhibit 1.

17 THE COURT: Without objection, introduced as
18 State's Exhibit.

19 (WHEREUPON, State's Exhibit No. 1 was admitted in
20 evidence.)

21 Q Detective, have you had a chance to hear this
22 interview before?

23 A Yes, sir.

24 Q Is it a fair and accurate reflection of the
25 interview that you did with Ms. Wright on that date?

1 A It is.

2 Q In its entirety is it true and accurate to the
3 best of your knowledge?

4 A Yes, sir.

5 MR. SPRATLIN: Your Honor, I would ask to publish
6 to the jury State's Exhibit No. 1.

7 THE COURT: Permission to publish granted. Ladies
8 and gentlemen of the jury, at this point in time we're
9 going to put the disc into the boom box to have it
10 played for you. Listen very carefully.

11 (WHEREUPON, the video was played at 1:48 p.m.)

12 Q Detective Elliott, do you see the person that you
13 were having that conversation with here in the
14 courtroom today?

15 A I do.

16 Q Could you please point her out and identify an
17 article of clothing.

18 A The Defendant over there that's got the red
19 sweater.

20 MR. SPRATLIN: Let the record reflect the witness
21 has identified the Defendant, Kayla Wright.

22 THE COURT: All right, noted.

23 Q Now, detective, prior to this interview, had you
24 already had a conversation with the codefendant Bradley
25 Suggs?

TERRY ELLIOTT-CROSS BY MS. BURROUGHS

1 A I had.

2 Q And is that where you got the information that you
3 were kind of asking Ms. Wright about?

4 A Yes, sir.

5 Q Did you or anyone else in your presence tell
6 Ms. Wright what to say during that interview?

7 A No, sir.

8 Q Did you or anyone in your presence tell her to
9 identify her boyfriend, Matt Wright, as being -- Matt
10 Stevens, as being involved in that burglary?

11 A Yeah, I did not.

12 Q Did you or anyone else tell her in any way, shape
13 or form what the substance of the statement should be?

14 A No, sir.

15 MR. SPRATLIN: Thank you, detective. That's all
16 the questions I have. Please answer any questions
17 Ms. Burroughs may have.

18 THE COURT: All right.

19 MS. BURROUGHS: Thank you, Your Honor. If it
20 please the Court.

21 THE COURT: Yes, ma'am.

22 CROSS-EXAMINATION

23 BY MS. BURROUGHS:

24 Q Detective Elliott, did y'all determine what time
25 you thought the house was broken into?

1 A I think the officer got there about 9:20 or 9:30
2 or something. But I was not on the scene at the -- I
3 was not the officer, responding officer.

4 Q Thank you. Do you know why Suggs requested you,
5 why did he call the police department, or when he was
6 arrested why did he request to see you?

7 A I have no idea until I got there.

8 Q Did you have any previous connections with him,
9 any previous arrests of him?

10 A I didn't even know who he was until I walked in.

11 Q You didn't know who he was. And then when he came
12 up with these four suspects or the other three suspects
13 to go with him, do you know why he would suggest the
14 other three people?

15 A I have no --

16 Q Including Kayla?

17 A I have no idea.

18 Q Okay. You stated and testified that you were
19 called to North Carolina to respond to my client's
20 request to see you, or Ms. Kayla's request to see you.
21 But when you got there she wouldn't speak with you. At
22 that time she requested another attorney; didn't she?

23 A Not that I recall. She just didn't want to talk
24 with me. But I weren't -- she weren't -- I weren't
25 requested to go there, I went there on my own on the

TERRY ELLIOTT-CROSS BY MS. BURROUGHS

1 first initial --

2 Q On the first one you went there on your own?

3 A That's correct.

4 Q So it wasn't at her request?

5 A It was not at her request.

6 Q Okay. And when you got there, she refused to
7 speak with you?

8 A She didn't want to talk with me, and I left and
9 come back to Horry County and --

10 Q And she didn't ask for an attorney at that time?

11 A Not that I recall.

12 Q You didn't hear her ask for an attorney?

13 A Not that I recall.

14 Q And did you curse her when you left?

15 A No, ma'am, I did not.

16 Q Saying she had wasted your time?

17 A I don't recall that, but I know I didn't curse
18 her.

19 Q All right. And when you spoke with her before you
20 left, did you tell her -- did she let you know that she
21 was in pain because she had been in that car accident
22 and she was on pain medication for her back injury?
23 Did she let you know she was in pain?

24 A That's the first I've heard, other than yesterday,
25 that she had been in a wreck. And she was -- appeared

1 to be in no pain that day.

2 Q So it's your testimony you're not aware that she
3 was on pain medication for her back injuries?

4 A I was not aware she was on any kind of medication.

5 Q Did you threaten to hold her in North Carolina for
6 nine more days?

7 A I don't have control over our transportation
8 division.

9 Q Well, I didn't ask you if you had control. Did
10 you threaten to hold her there for nine more days?

11 A I don't recall.

12 Q You don't recall. And hold her there without her
13 pain medication. And she didn't appear to be
14 physically sick to you at that time?

15 A She did not.

16 Q And so you testified it was nine or ten days
17 before she was transferred down to Horry County?

18 A Normally it takes nine or ten days for our
19 transportation to get someone. I said from seven to
20 nine days, I believe was my exact words. But I have no
21 control over that.

22 Q And do you find it odd that she was held for the
23 amount of days that you threatened to hold her for?

24 A Well, sometime -- no, ma'am, because sometimes
25 they call and say if you don't come get them, we're

TERRY ELLIOTT-CROSS BY MS. BURROUGHS

1 going to release them. So that's not unusual to be
2 held. Sometimes you have to pick them up to go get
3 them, because they will release them if you don't pick
4 them up.

5 Q All right. When she arrived in Horry County, you
6 were then assigned the case or, as you said, you
7 assigned yourself the case?

8 A That's correct.

9 Q And you went to the jail about 2:30 on the 13th of
10 May? I think that's what you just testified. Yes,
11 sir. I have a copy of the Miranda rights that were
12 admitted into evidence. You stated that she understood
13 each and every one because she initialed each and every
14 one?

15 A She understood because she expressed to me that
16 she understood everything that I told her.

17 Q But you really have no way of knowing --

18 A She did initial these. I can't get in her mind,
19 ma'am, I don't know. And she appeared that she
20 understood all of it.

21 Q It appeared. Did she ask you any questions?

22 A I do not recall.

23 Q About the rights?

24 A Not that I recall, she didn't.

25 Q Did she ask for an attorney --

1 A She did not.

2 Q -- before you spoke with her?

3 A She did not.

4 Q Did she ask for an attorney before she made her
5 statement?

6 A She did not.

7 Q Are you aware that she has a ninth grade education
8 and she was home schooled?

9 A Just since yesterday. I didn't know until
10 yesterday that she had a ninth grade education.

11 Q And that she does not have a high school diploma
12 and not even a GED or a driver's license?

13 A I didn't realize that. I still don't know she
14 don't have a driver's license, but until yesterday I
15 wasn't aware that she had a ninth grade education. She
16 appears to have a lot more than a ninth grade
17 education.

18 Q But it's still your testimony that she understood
19 her rights even after the facts that I've just told
20 you. She had no high school diploma, ninth grade
21 education?

22 A There is no doubt in my mind that she understood
23 these rights.

24 Q Thank you. How long did you speak with her before
25 she made her statement on the tape?

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1 A I don't remember.

2 Q Did you let her hear Bradley Suggs' statement
3 before she made her statement on the tape?

4 A She heard no other statement. We never play other
5 statements before other defendants.

6 Q You did not let her hear Bradley Suggs' statement?

7 A That is correct, she did not hear Bradley Suggs'
8 statement.

9 Q Do you have a recording of the interview with her
10 before she made her statement, is there any recording
11 in existence?

12 A There's not a -- until I find -- until we find
13 someone wants to talk with us, we don't record. You
14 would be wasting all kinds of stuff. When someone
15 wants to talk, we record.

16 Q And before she made that statement, did you tell
17 her that if she didn't agree to make a statement that
18 you would hold her for 60 days and make sure she didn't
19 get a bond for 60 days?

20 A I did not.

21 Q 60 more days?

22 A I did not. And I don't have any control over
23 holding nobody nowhere.

24 Q And at that time were you aware that she was in
25 pain and physically ill?

1 A I was not.

2 Q She did not appear to be physically ill to you?

3 A She did not appear to be physically ill.

4 Q On the statement she said a tool was used, and
5 someone supplied the information or said that the tool
6 was a crowbar. Who was that; was that you or the other
7 officer?

8 A That was me.

9 Q That was you.

10 A I think.

11 Q You supplied the answer for her?

12 A I did. She was trying to come up with what it
13 was, and I said, you mean a crowbar. And then I
14 realized, you know, on the reports I said, well, I
15 shouldn't have said, you know, what it was.

16 Q Did you hear on the tape -- I was listening to it
17 again and I've heard it several times obviously -- that
18 her answer was, you could say that. Did you hear her
19 use that response to questions that you were asking on
20 the recorded statement?

21 A I don't remember none.

22 Q Those questions y'all were asking her to fill in
23 blanks and answer different questions, and she would
24 say, you could say that. But you don't remember
25 hearing her say that?

TERRY ELLIOTT-CROSS BY MS. BURROUGHS

1 A I don't recall that. Now, we just heard it.

2 Q All right.

3 MS. BURROUGHS: One moment, Your Honor.

4 THE COURT: Okay.

5 Q When Kayla said that she was afraid and she was
6 afraid for her life, and she was afraid that her
7 boyfriend would beat her or hurt her or hurt her
8 family, was that in response to a question that y'all
9 asked, or had y'all talked about that before you
10 started her statement? Why was that entered into on --

11 A Ma'am, I don't recall on the tape. I think she's
12 the one that mentioned she was scared. And, you know,
13 I can't tell what kind of fear she had.

14 Q Are you aware that my client has no record?

15 MR. SPRATLIN: Objection, Your Honor.

16 THE COURT: Sustained.

17 MS. BURROUGHS: Withdrawn. Court's indulgence,
18 one more moment, please.

19 THE COURT: Okay.

20 Q You're still investigating this?

21 A (Nodding affirmatively.)

22 Q When you were doing your investigation, did you
23 find any fingerprints, were there any fingerprints
24 found or submitted?

25 A Ma'am, I was not the responding officer.

1 Q Okay. Was anything ever recovered that was
2 stolen, any of the items ever recovered?

3 A No, ma'am.

4 Q To your knowledge?

5 A Not that I'm aware of.

6 Q And to your knowledge, were there ever any
7 fingerprints to your knowledge?

8 A To my knowledge, the officer, responding officer
9 said there were none, so there are none.

10 Q And thank you. Was her home ever searched?
11 You're aware she lives with Matt Stevens; was that home
12 ever searched searching for any of the items?

13 A It was not.

14 Q After the arrest?

15 A Not a search warrant.

16 Q After or before, no searches?

17 A After or before what?

18 Q Are you the lead detective in this case?

19 A I am. But you said after or before, what are you
20 referring to, after or before?

21 Q When you talked to Mr. -- who was -- when you
22 spoke to Mr. Suggs and he indicated that Kayla and two
23 other people were -- did you do any searches then and
24 were there any search warrants issued to search the
25 homes?

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1 A No, no. We have criteria for search warrants that
2 this didn't meet the criteria for a search warrant.

3 Q All right. And so after the arrest, were there
4 any searches done?

5 A There was no search done after the warrant because
6 it already had been too long.

7 Q And you are the lead detective?

8 A I am.

9 Q And so to this day there's been no search warrants
10 issued and nothing's been recovered?

11 A There have been no search warrants, and no
12 evidence had been recovered.

13 Q So the only connection that you have for this
14 crime for my client is the testimony of Bradley Suggs?

15 A That's correct. And of the Defendant herself.
16 That's all I have, that's everything.

17 Q But if it was coerced -- thank you.

18 MS. BURROUGHS: I have no further questions for
19 this witness.

20 THE COURT: Any redirect?

21 MR. SPRATLIN: Yes, sir, Your Honor.

22 REDIRECT EXAMINATION

23 BY MR. SPRATLIN:

24 Q Detective, one of the last things Ms. Burroughs
25 was just asking about is Kayla being afraid, and she

1 does say on the tape that she was scared. Who did she
2 say she was scared of?

3 A She said she's scared of Matt Stevens, her
4 boyfriend.

5 Q Who has she been walking around this courthouse
6 with since the beginning of this trial?

7 A Matt Stevens.

8 Q Regarding any sort of pain, were you aware at the
9 time of this interview that Ms. Wright was in any sort
10 of pain or discomfort?

11 A None whatsoever.

12 Q Did she give you any signs that she was in pain or
13 discomfort?

14 A No sign whatsoever.

15 Q Was she vomiting?

16 A No, sir.

17 Q Was she screaming out in agony?

18 A No, sir.

19 Q Was she squirming in her seat even?

20 A No, sir.

21 Q Did she do anything that led you to believe that
22 she was in intense pain or agony?

23 A None whatsoever.

24 Q Now, let's talk about understanding the rights. I
25 believe you said on cross-examination that you had no

TERRY ELLIOTT-REDIRECT BY MR. SPRATLIN

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1 doubt that Ms. Wright understood her rights. Did she
2 give you any indication that she didn't understand what
3 you were saying?

4 A No, sir.

5 Q Do you know for a fact that she only had a ninth
6 grade education, or are we just kind of going on what
7 Ms. Burroughs said there?

8 A Like I say, I didn't even know that until
9 yesterday. And then that's what she said.

10 Q Could Ms. Wright -- well, did Ms. Wright have any
11 trouble initialling on that form?

12 A No, sir.

13 Q Did she have any trouble printing her name?

14 A No, sir.

15 Q Did she have any trouble signing her name?

16 A She did not. I wish I had handwriting that good.

17 Q In fact, she signed her name in cursive; didn't
18 she?

19 A She did.

20 Q Did you have any indication during your interview
21 with Ms. Wright or at any time, just anytime you've
22 ever talked with Ms. Wright, that she was so ignorant
23 that she could not understand those rights that you
24 read to her?

25 A None whatsoever.

1 MR. SPRATLIN: Your Honor, I'd ask permission to
2 publish what has already been entered into evidence as
3 State's Exhibit No. 2 to the jury, the Miranda form.

4 THE COURT: All right, permission granted.

5 MR. SPRATLIN: And if you would, just take it and
6 pass it around. No further questions, Your Honor.

7 THE COURT: All right. Ms. Burroughs, any recross
8 based upon that limited redirect?

9 MS. BURROUGHS: Yes, Your Honor, just one or two
10 questions, please.

11 RECROSS-EXAMINATION

12 BY MS. BURROUGHS:

13 Q You stated you were with the police department 31
14 years, and you do a lot of these cases?

15 A That's correct.

16 Q When you interview someone, you ask their name and
17 their address, you never ask their education, that's
18 not one of the standard questions that anybody asks, I
19 mean, so you weren't aware?

20 A The only time I ask the age is when it appears
21 that this person might not have an education to where
22 they could understand. And I had no reason to believe
23 from her knowledge and understanding that she would
24 have any doubt whatsoever this side of heaven to
25 understand what I was asking her.

1 Q So it's your testimony it's not standard to ask
2 their birth date or their education when you arrest
3 someone and you're interviewing them for a crime?

4 A There is no place on that form to put that, so --

5 Q I'm not asking about that form, I'm asking in your
6 standard investigation.

7 MR. SPRATLIN: Objection, Your Honor, asked and
8 answered.

9 THE COURT: Sustained.

10 MS. BURROUGHS: No further questions, Your Honor.

11 THE COURT: All right, thank you. Thank you, sir,
12 you can step down.

13 (Witness excused.)

14 THE COURT: State can call its next witness.

15 MR. SPRATLIN: Your Honor, the State would rest at
16 this time.

17 THE COURT: The State rests. After y'all finish
18 passing around the document, ladies and gentlemen,
19 we're going to take a brief recess. I have some
20 matters of law to take up with the lawyers. And then
21 we'll get you back in here shortly after that.

22 (Discussion off the record.)

23 THE COURT: Scheduling wise, ladies and gentlemen,
24 I anticipate finishing in about an hour today. And
25 then reconvening tomorrow morning at ten to finish up

1 THE COURT: All right, thank you. And counsel,
2 anything y'all wish to add on that issue about her
3 testifying?

4 MS. BURROUGHS: None, Your Honor.

5 THE COURT: All right, thank you. Let's bring the
6 jury back in.

7 (WHEREUPON, the jury came into open court at
8 approximately 2:20 p.m.)

9 THE COURT: All members of the jury are present.
10 Thank you, ladies and gentlemen, for your patience.
11 The Defense may call its first witness.

12 MS. BURROUGHS: Thank you, Your Honor. If it
13 please the Court, we would like to call Ms. Kayla Gayle
14 Wright.

15 THE COURT: All right, ma'am.

16 KAYLA GAYLE WRIGHT, after being duly sworn,
17 testified as follows:

18 THE CLERK: Please be seated. Please state your
19 full name, and spell your last name for the Court.

20 THE DEFENDANT: Kayla Gayle Wright, W-R-I-G-H-T.

21 DIRECT EXAMINATION

22 BY MS. BURROUGHS:

23 Q Thank you, Ms. Wright. What is your address?

24 A [REDACTED] Kenny Jordan Road, Tabor City, North
25 Carolina.

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1 Q And how old are you?

2 A I'm 21.

3 Q 21 years old?

4 A Yes, ma'am.

5 Q What is your birthday?

6 A [REDACTED]/95.

7 Q So you have a birthday coming up here real soon?

8 A Yes, ma'am.

9 Q Do you have any children?

10 A Yes, ma'am. I got a little boy.

11 Q And his name is?

12 A Ethan.

13 Q What's his last name?

14 A [REDACTED]

15 Q And how old is he?

16 A He's four.

17 Q And how far did you go in school, what is your
18 education?

19 A I went to ninth grade. And then I had to get home
20 schooled because I broke my back whenever I was nine.
21 I couldn't sit in class no more.

22 Q How did you break your back?

23 A A car accident.

24 Q And did you ever go and get your GED?

25 A I went, but I didn't finish.

- 1 Q And do you have a driver's license?
- 2 A No, ma'am.
- 3 Q Ms. Kayla, do you have a criminal record --
- 4 A No, ma'am.
- 5 Q -- any convictions? You just heard the statement
- 6 that was made, a statement that you made, a recorded
- 7 statement?
- 8 A Yes, ma'am.
- 9 Q About an incident that happened at your grandma's
- 10 house?
- 11 A Yes, ma'am.
- 12 Q On April 16, 2016. Was this statement given by
- 13 you freely and voluntarily?
- 14 A I mean, he told me I was going to sit there for 60
- 15 days, and I was just trying to get out because I was
- 16 sick.
- 17 Q Who told you you would sit there for 60 days?
- 18 A Mr. Terry.
- 19 Q Mr. Terry?
- 20 A Elliott.
- 21 Q The investigator that's here that just testified?
- 22 A Yes, ma'am.
- 23 Q And was he aware that you were sick and that you
- 24 were on pain meds and you had been --
- 25 A Yes, ma'am, he --

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1 Q -- without your meds since your back injury?

2 A Yes, ma'am. He went to North Carolina where I
3 was, and whenever he was talking to me and stuff, he
4 got mad because I didn't want to talk with him and
5 stuff. And he told me, he was like, don't you get
6 medicine from the doctor. And I said, yes, sir. Or I
7 told him -- he asked me, was I on pain pills, and I
8 told him I get medicine from the doctor.

9 And whenever I said that or whenever he said, how
10 would you like to sit for nine long days and be sick.
11 And I said, well, I guess that's something I'll have to
12 do, get me my lawyer. And then he said, well, thank
13 you for wasting my time.

14 Q So at that time you did ask for an attorney?

15 A Yes, ma'am.

16 Q Were you given any pain medicine in North
17 Carolina?

18 A No, ma'am.

19 Q And how many days was it before you were
20 transferred to Horry County?

21 A Nine days.

22 Q Nine days. When you arrived in Horry County, then
23 Mr. Elliott came to see you again?

24 A Ma'am?

25 Q When you arrived in Horry County, then Detective

1 Elliott came to see you again?

2 A Yes, ma'am.

3 Q And did he discuss your case with you?

4 A Yes, ma'am.

5 Q About how long did he speak with you before you
6 gave your statement?

7 A About 20 minutes or so.

8 Q And in that 20 minutes, were you allowed to hear
9 the statement made by Mr. Suggs?

10 A Yes, ma'am.

11 Q And in it you heard Mr. Suggs state that you were
12 part of this?

13 A Yes, ma'am.

14 Q Of these crimes --

15 A Yes, ma'am.

16 Q -- at your grandmother's house? And then what
17 happened? When you made your statement, was it because
18 of this listening to Mr. Suggs incriminate you?

19 MR. SPRATLIN: Objection, Your Honor, leading.

20 THE COURT: Sustained.

21 MS. BURROUGHS: I'll withdraw that question.

22 Q When you made your statement, was it because you
23 felt threatened by Detective Elliott?

24 MR. SPRATLIN: Objection.

25 THE COURT: Sustained. Still leading,

1 Ms. Burroughs.

2 MS. BURROUGHS: I'm sorry.

3 Q Please tell the Court why you made the statement
4 after you heard the codefendant's statement, supposed,
5 alleged codefendant's statement.

6 A Say that again.

7 Q Why did you make your statement?

8 A Because I wanted to get out. He told me that was
9 the only way I was going to be able to get out.

10 Q And because you were in pain?

11 A Yes, ma'am.

12 Q When you were read your rights, did you understand
13 your rights?

14 A Ma'am?

15 Q Did you understand your rights that were read to
16 you where you initialed the rights?

17 A Yes, ma'am.

18 Q You understood each and every one of them?

19 A Yeah.

20 Q Did you request an attorney again when you arrived
21 in South Carolina?

22 A In South Carolina?

23 Q Did you ask for an attorney again?

24 A No. Because, I mean, what he was telling me and
25 stuff, and I was just trying to do what he wanted me to

1 do because I didn't want to get left there for 60 more
2 days. I just wanted to go home. I've never stayed in
3 jail like that before.

4 Q When you were giving your statement, you said a
5 tool was used to break into your grandmother's house?

6 A Yes, ma'am.

7 Q Did you at any time say crowbar before Detective
8 Elliott said crowbar?

9 A No, ma'am.

10 Q Was he in the background coercing you or egging
11 you on as you were giving your statement?

12 A Yes, ma'am.

13 Q On that actual date, isn't it true you were
14 nowhere near your grandmother's house?

15 A That's true.

16 Q And where were you on that actual date?

17 A At the bowling alley with --

18 Q What bowling alley?

19 A 701.

20 Q And where is that bowling alley located?

21 A If I'm not mistaken, it's in North Myrtle Beach.

22 Q The name of it is 701 Bowling Alley?

23 A Yes, ma'am.

24 Q And were there -- did you have friends and
25 witnesses there that saw you there?

KAYLA G. WRIGHT-DIRECT BY MS. BURROUGHS

1 A Yes, ma'am.

2 Q On that date?

3 A Yes, ma'am.

4 Q Let's backtrack for a minute. Did you call your
5 grandmother on the day of the incident, on the day that
6 her house was broken into?

7 A Yes, ma'am.

8 Q And that indeed was your mother's wedding date?

9 A Yes, ma'am.

10 Q And why did you call your grandmother that day?

11 A I called to talk to my little boy, but she said he
12 was asleep at the time and stuff. And she told me that
13 they were soon getting ready to go to the wedding, and
14 I told her I wanted to go and stuff. But I found out
15 my sister was going to be there, and I didn't want to
16 go. And we ended up having problems and stuff, so I
17 decided not to go.

18 Q So you and your sister were not getting along at
19 the time?

20 A No, ma'am.

21 Q And you didn't want to ruin your mother's wedding?

22 A Yes, ma'am.

23 Q So that's why you didn't go to the wedding?

24 A Yes, ma'am.

25 Q So instead you went to 701 Bowling Alley?

1 A Yes, ma'am.

2 Q And you actually have a friend here to testify
3 today?

4 A Yes, ma'am.

5 Q That you were there?

6 A Yes, ma'am.

7 MS. BURROUGHS: One moment, Your Honor.

8 THE COURT: Okay.

9 Q Approximately what time do you think you arrived
10 at the bowling alley?

11 A We arrived about -- we got there about before
12 three, and we didn't leave until about ten or 11.

13 Q 10 or 11 p.m.?

14 A Yes, ma'am.

15 Q On April 16, 2016?

16 A Yes, ma'am.

17 MS. BURROUGHS: Thank you, I have no further
18 questions. Answer anything that Mr. Spratlin or the
19 judge may have for you.

20 THE COURT: Solicitor?

21 MR. SPRATLIN: Yes, sir, Your Honor.

22 CROSS-EXAMINATION

23 BY MR. SPRATLIN:

24 Q Good afternoon, Ms. Wright. I have a quick
25 question for you about the auto accident that you say

1 you were involved in which caused you to be in pain.

2 That happened when you were, you said, nine years old?

3 A Yes, sir.

4 Q How old are you now?

5 A I'm 21.

6 Q 21. So 12 years ago?

7 A Yeah.

8 Q So this accident wasn't one that just happened
9 right before Detective Elliott started talking to you,
10 it was one that had been going on for 12 years?

11 A Yes, sir.

12 Q And you've been on pain medication for 12 years?

13 A Yes, sir.

14 Q What kind of pain medication?

15 A At the time I was on Oxycodone.

16 Q Oxycodone. And you've been on Oxycodone for 12
17 years?

18 A I was.

19 Q Was.

20 A No more.

21 Q No more. What do you do now?

22 A Nothing. Well, I'm on Suboxone, or I was before I
23 got laid up last night.

24 Q Okay. All right. So for 12 years you've been
25 taking opiate medication?

- 1 A Yes, sir.
- 2 Q Opiates is the same thing in heroin; correct?
- 3 A That I don't know.
- 4 Q Okay. You say you have a ninth grade education?
- 5 A Yes, sir.
- 6 Q But also you said you then were home schooled?
- 7 A Yes, sir.
- 8 Q Who home schooled you?
- 9 A My grandma Jackie.
- 10 Q What did your grandma Jackie do for a living, was
- 11 she a librarian?
- 12 A No. She owned her own home care business.
- 13 Q Own home care business. But she home schooled you
- 14 after ninth grade?
- 15 A Yes, sir.
- 16 Q Taught you how to read and write?
- 17 A Yes.
- 18 Q You can read and write?
- 19 A Yes, sir.
- 20 Q You can actually write in cursive?
- 21 A A little bit, not much.
- 22 Q Okay. But you signed your name in cursive?
- 23 A Yes.
- 24 Q You can sign your name in cursive. Have you ever
- 25 had a job?

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- 1 A Yes, sir.
- 2 Q Where at?
- 3 A At Burger King.
- 4 Q How long did you work at Burger King?
- 5 A About a year.
- 6 Q About a year. What job did you do at Burger King?
- 7 A At the cash register.
- 8 Q You worked at the cash register?
- 9 A Yes, sir.
- 10 Q So you were counting out change, giving people
- 11 change, taking money, talking to people?
- 12 A Yes, sir.
- 13 Q Interacting with people? All right. You don't
- 14 have any kind of mental disabilities or anything; do
- 15 you?
- 16 A No. It's just my back.
- 17 Q Okay. And, again, that's from a car accident that
- 18 was 12 years ago?
- 19 A Yes, sir.
- 20 Q Now, Ms. Bryant sitting here, she's your grandma?
- 21 A Yes, sir.
- 22 Q You've known her your whole life?
- 23 A Yes, sir.
- 24 Q Okay. And in January -- when did you start dating
- 25 Matt Stevens?

- 1 A Three years ago.
- 2 Q Three years ago. Does he live with you?
- 3 A Yes, sir.
- 4 Q Okay. Does he live anywhere else?
- 5 A No, sir.
- 6 Q All right. So three years ago you started dating
- 7 him. And in January of this past 2016, you and Matt
- 8 went over to your grandma's house; correct?
- 9 A When?
- 10 Q January of 2016, a year ago.
- 11 A No.
- 12 Q You say you never went over to your grandma's
- 13 house?
- 14 A I mean, we've been when we stay the night, but we
- 15 didn't go the 16th.
- 16 Q Okay. But you did go and stay the night over at
- 17 your grandmother's house in January?
- 18 A Yeah.
- 19 Q All right. And that night, your grandma did show
- 20 the diamond ring to you and Matt; didn't she?
- 21 A Yeah. She wanted to bring it out and show him.
- 22 She was proud of her stuff.
- 23 Q Just randomly. You didn't ask, didn't inquire,
- 24 didn't say --
- 25 A No.

KAYLA G. WRIGHT-CROSS BY MR. SPRATLIN

1 Q -- grandma, can he see the ring?

2 A No, I didn't.

3 Q She just went to her room, got the ring and
4 brought it out and showed a man she barely knows a
5 2,000 and some dollar ring?

6 A Yes, she did.

7 Q Okay. She also showed the gun; right?

8 A Yes, sir.

9 Q Now, your grandmother's house is real easy to see
10 which room she's going into; isn't it?

11 A What you mean?

12 Q Right? It's not like she would be going into one
13 of the other bedrooms if she went to get the ring, you
14 know where she's kept the ring; right?

15 A No, I didn't know exactly where.

16 Q But you saw her that day go to her bedroom to get
17 the ring?

18 A Right, I knew she went to her bedroom, yeah.

19 Q Okay. Not one of the other bedrooms; right?

20 A No.

21 Q Not your son's bedroom?

22 A No.

23 Q Not -- I'm sorry, was that a yes or a no?

24 A I said no.

25 Q No, not your son's bedroom. Not your son's

- 1 playroom?
- 2 A No.
- 3 Q Not the living room?
- 4 A No.
- 5 Q Not the dining room?
- 6 A No.
- 7 Q Her bedroom?
- 8 A Yes, sir.
- 9 Q And she just willy-nilly decided to bring these
- 10 items out and show them to you and Matt?
- 11 A Yes, sir.
- 12 Q And that happened in January?
- 13 A Yeah. It was before -- it was before Easter.
- 14 Because we stayed two nights with her to spend time
- 15 with her.
- 16 Q And that was when -- that was before she had full
- 17 custody of Ethan; right?
- 18 A She don't have full custody, she has temporary
- 19 custody.
- 20 Q That's where -- but she has custody of him?
- 21 A Yes.
- 22 Q He's living with her, sleeps with her?
- 23 A Yes.
- 24 Q Lays his head at her house every night?
- 25 A Yes.

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1 Q And that happened about two or three weeks before
2 this break-in; didn't it?

3 A Of the what's going on now, yes. I can't even go
4 see him.

5 Q Exactly. Two or three weeks before this break-in,
6 she gets temporary custody of your son?

7 A Yes, sir.

8 Q You say you tried to call her on the 16th and
9 tried to speak with Ethan, she wouldn't let you?

10 A No. She -- he was asleep. We were actually
11 getting along at that time.

12 Q Getting along at that time?

13 A Yes, we were getting along.

14 Q Now, how long had you lived with Matt?

15 A Three years.

16 Q Three years, whole three years. You've known him
17 three years, lived with him three years?

18 A Yes, sir.

19 Q All right. Was he Ethan's father?

20 A No. Ethan called him daddy, but he thought that
21 was his daddy.

22 Q So would Matt have been upset when she got
23 temporary custody of Ethan?

24 A No.

25 Q Were you upset when she got temporary custody of

1 Ethan?

2 A I mean, I cried, but there was nothing I could do
3 about it but go back to court like I did every time,
4 until I went to jail for this right here.

5 Q And you admit that you did call your grandmother
6 on April 16th, 2016?

7 A Yes, sir.

8 Q The day of your mother's wedding?

9 A Yes, sir, to talk to my son. But he was asleep.

10 Q And y'all did talk about going to your mother's
11 wedding; correct?

12 A Yes, sir.

13 Q You, in fact, told her you had a gift for your
14 mom; right?

15 A Yes, sir.

16 Q And you said you were going to bring that gift to
17 your mom's wedding; didn't you?

18 A I said I wanted to go. But when I found out my
19 sister was there, I didn't want to go because I was
20 scared we were going to have problems.

21 Q And that sister being Mercedes?

22 A Yes, sir.

23 Q Who, I think, Mr. Burroughs mentioned the name of
24 earlier. So you didn't go to your mother's wedding?

25 A No. We went to the bowling alley.

1 Q All right. And you say you were at the bowling
2 alley from three to eleven-ish?

3 A Yes, sir.

4 Q So eight hours?

5 A Yes, sir.

6 Q What were you doing at the bowling alley for eight
7 hours?

8 A We love to play pool, and we love to bowl and we
9 love to drink.

10 Q So you were drinking, playing pool and bowling for
11 eight hours?

12 A Yes, sir.

13 Q All day?

14 A Yes, sir. We usually do that a lot.

15 Q The entire time that your grandma was at that
16 wedding, you were at that billiards place playing
17 pool --

18 A Yes, sir, we --

19 Q -- or bowling or drinking?

20 A Yes, sir. We have pictures of it.

21 Q You have pictures?

22 A Yes, sir.

23 Q Where?

24 A It's at the house. Ms. Linda said it wasn't no
25 need to bring it, so I didn't bring them.

1 Q Now, you talked a whole lot about in that
2 statement, but you don't have any pictures here with
3 you today?

4 A No. They are at home. She told me not to bring
5 them.

6 Q Um-hum. Let's talk about that statement, your
7 statement that you gave to Detective Elliott. One
8 thing I haven't heard you say is that it's a lie.

9 A It is a lie.

10 Q It's a lie. Okay, I heard you say it was coerced,
11 that I didn't want to talk to him, that I wanted a
12 lawyer, I heard you say all that.

13 A Yeah.

14 Q But I never heard you on direct say that it was a
15 lie.

16 A It is a lie. I just wanted to get out, and I said
17 what he wanted me to say to get out.

18 Q So during that recorded interview that we all
19 heard here in court, Detective Elliott is telling you
20 exactly what to say?

21 A I told you.

22 Q How was he telling you what to say?

23 A What you mean, we talked before this interview and
24 stuff. And then when he started like putting the
25 recording out and stuff, he started like helping me

1 what to say and stuff. And then he would do his hands
2 like this (indicating), as I said yesterday, for me to
3 put Matt in.

4 Q So Detective Elliott gave you a script basically
5 of what to tell to him in that statement?

6 A Yes. I mean, he helped me, yes.

7 Q So all of those other questions that they're
8 asking, all those questions that you seem to be
9 searching the answer for, you really knew them, you're
10 just a great actress?

11 A No, I'm not saying I'm a great actress.

12 Q Okay. So on that recording when you seem to be
13 looking for the answer crowbar, trying to think of what
14 it is, and he does tell you crowbar?

15 A I know what a crowbar is.

16 Q Okay. But when you're trying to think of the
17 responses to his questions on that interview, that's
18 just you pretending not to know what the answer is,
19 because you said Detective Elliott told you what to
20 say?

21 A Yes.

22 Q Okay. Okay. So you're saying that you did not go
23 over to your grandmother's house on April 16th, 2016?

24 A No, sir, I didn't.

25 Q Didn't go anywhere near there?

- 1 A No, sir, I didn't.
- 2 Q Didn't meet up with Bug. Do you know Bug?
- 3 A Yeah.
- 4 Q You know Bug. His name is William Gaskins; all
- 5 right?
- 6 A Um-hum.
- 7 Q All right. You know Bradley Suggs?
- 8 A Um-hum.
- 9 COURT REPORTER: Is that yes, ma'am?
- 10 THE DEFENDANT: Yes. I mean, yes, sir. Sorry.
- 11 THE COURT: You got to say yes or no. "Nu-uh" and
- 12 "um-hum" doesn't look good on the transcript.
- 13 THE DEFENDANT: Yes, sir.
- 14 Q And you obviously know Matt Stevens?
- 15 A Yes, sir.
- 16 Q In fact, he's still your boyfriend to this day?
- 17 A Yes, sir.
- 18 Q Sitting there behind you?
- 19 A Yes, sir.
- 20 Q Giving you support?
- 21 A Yes, sir.
- 22 Q But you're saying that you did not go with those
- 23 three people over to your grandmother's house to commit
- 24 this burglary?
- 25 A No, sir.

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1 Q So Detective Elliott is trying to frame you for
2 this crime?

3 A He's been wanting Matt for a long time, yes.

4 Q Well, Matt's not on trial here, you are.

5 A No. But he will be, but -- or that's what they
6 think.

7 Q So what you're say is Detective Elliott is here
8 trying to try you for something you didn't do?

9 A Yes.

10 Q Okay. He is trying to frame you?

11 A Yes, sir.

12 Q Detective Ken Elliott in North Carolina, he's in
13 on it; isn't he?

14 A He was there whenever -- whenever Mr. Terry told
15 me that I was going to set there for nine days and be
16 sick.

17 Q So he's in on it, he's in on this cover-up?

18 A I don't know.

19 Q Okay. Your grandma, she's in on the cover-up too;
20 isn't she?

21 A That I don't know.

22 Q Okay. Well, let's talk about going back to your
23 grandma one time. Do you remember when your grandma
24 testified, you've been in here the whole time; right?

25 A Yes, sir.

1 Q Do you remember when she said you came over to the
2 house the next day?

3 A Yes, sir. I went to see my son. I went every
4 Sunday before this happened.

5 Q And do you remember her showing you a video
6 camera?

7 A Yes, sir.

8 Q And do you remember her saying, if you bring my
9 stuff back, I won't press charges?

10 A I don't have her stuff.

11 Q Okay.

12 A Because I didn't do it.

13 Q Did you tell her that?

14 A Yes.

15 Q You told her that?

16 A Yes.

17 Q That's what you said? So if she says you didn't
18 say that, she's lying?

19 A Yes.

20 Q Okay. So your grandmother is lying on you now.
21 And you didn't say when she offered that, let me talk
22 to Matt; did you, you're saying you didn't say that?

23 A I told her I had to call Matt. Because we were
24 playing -- I was playing with Ethan taking pictures and
25 stuff, and I was trying to find out if he was at home

1 yet.

2 Q So she told you, bring my stuff back and I won't
3 press charges, and then you say, I need to call Matt?

4 A No. That was like I told her that we didn't have
5 her stuff, that we didn't do it and stuff. And as I
6 was playing with Ethan and stuff, whenever Matt text me
7 and said he was on the way home, I called him to make
8 sure he was going home and asked him if he was going
9 anywhere else. And when told me no, that he was going
10 home to stay, I hung up the phone.

11 Q Okay. All right. What did you drink at the
12 bowling alley?

13 A Usually we'll get like a big thing of beer, and
14 sometimes we'll order shots.

15 Q How old were you at this time?

16 A I was 21.

17 Q What's your date of birth?

18 A [REDACTED]/95.

19 Q So you would have just turned 21?

20 A Yes, sir.

21 Q Okay. And so you went to the bowling alley, you
22 got a lot of beer, played pool, went bowling, and drank
23 beer for eight hours?

24 A Yes, sir.

25 Q The day that your mom's getting married?

- 1 A Yes, sir.
- 2 Q And you say there were a lot of people there?
- 3 A Yes, sir.
- 4 Q How many people were there?
- 5 A I mean, there was a lot.
- 6 Q Who all?
- 7 A I mean, me, Sherry, Patrick, Matt, Bug, Chris,
- 8 Jade -- no, no, Alex and Booty and Elena.
- 9 Q Okay. When Ms. Burroughs asked you there's going
- 10 to be someone to testify for you that you were there,
- 11 and it's just Sherry; isn't it?
- 12 A Yes, sir.
- 13 Q Nobody else?
- 14 A No, sir.
- 15 Q Don't have any videotape showing you're there?
- 16 A Nu-uh.
- 17 Q Don't have any pictures?
- 18 A Or no, sir. Yes, I got pictures, but they're just
- 19 not here today.
- 20 Q But they're not here?
- 21 A No, sir.
- 22 Q Darn the luck. Now, when Detective Elliott began
- 23 questioning you about this break-in at your
- 24 grandmother's house, you never told him that you were
- 25 at a bowling alley; did you?

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1 A Yes, I -- I mean, whenever he went to visit me in
2 North Carolina and stuff, I told him that we didn't do
3 it, that we were at the bowling alley.

4 Q Okay. Now, let's talk about that. You were
5 arrested in North Carolina. I think you said you were
6 there for nine days; is that right?

7 A Yes, sir.

8 Q So you were away from Matt Stevens for nine days?

9 A Yes, sir.

10 Q And in that nine days, after that nine days, you
11 come to Horry County, you sat down with Detective
12 Elliott, and you give a recorded statement; right?

13 A Yes, sir.

14 Q Okay. And you think the best way and the fastest
15 way for you to get out of jail is to confess to
16 burglary?

17 A He told me if I did that, the judge would work
18 with me and drop my bond lower because my family
19 couldn't really afford to get me out and stuff. And he
20 told me that it would help me.

21 Q That's a yes, you thought confessing to a burglary
22 was the fastest way to get out of jail?

23 A Yes, sir.

24 Q And on that recording you don't mention anything
25 about going bowling?

- 1 A No, because -- no, he told me not to.
- 2 Q But you don't, you don't mention a word about
- 3 bowling on that recording; did you?
- 4 A No. They told me not to.
- 5 Q Told you not to. Again, Detective Elliott is the
- 6 master mind behind all this; is that correct?
- 7 A Yes, sir.
- 8 Q Okay, all right. So nine days, ten days away from
- 9 your boyfriend, and you're admitting to a burglary at
- 10 your grandmother's house; right?
- 11 A Wasn't admitting to it.
- 12 Q You gave a recorded statement saying you committed
- 13 the burglary at your grandmother's?
- 14 A Yes. Just so I could get out of jail.
- 15 Q Just so you can get out of jail. Now, here you
- 16 are, boyfriend right behind you?
- 17 A Um-hum.
- 18 Q And suddenly, I didn't have nothing to do with no
- 19 burglary; right?
- 20 A I don't got nothing to do with it.
- 21 Q Nothing to do with it?
- 22 A No, I don't.
- 23 Q Okay. You don't think that Matt Stevens is going
- 24 to hurt you?
- 25 A No, I don't.

KAYLA G. WRIGHT-CROSS BY MR. SPRATLIN

1 Q You're not scared of him?

2 A No, I'm not.

3 Q No one threatened or coerced you into doing
4 anything in this case; did they?

5 A No, sir.

6 Q All right.

7 MR. SPRATLIN: Ms. Wright, I think that's all the
8 questions that I have. Please answer any questions and
9 follow up Ms. Burroughs may have.

10 THE COURT: All right. Any redirect, Ms.
11 Burroughs?

12 MS. BURROUGHS: No, Your Honor.

13 THE COURT: All right, thank you, ma'am. You can
14 step down.

15 (Witness excused.)

16 THE COURT: Defense will call its next witness.

17 MS. BURROUGHS: Thank you, Your Honor. If it
18 please the Court, Defense calls Sherry Caines.

19 THE COURT: All right. Ma'am.

20 SHERRY CAINES, after being duly sworn, testified
21 as follows:

22 THE CLERK: Please have a seat. State your full
23 name, and spell your last name for the Court.

24 THE WITNESS: Sherry Caines, C-A-I-N-E-S.

25 THE COURT: All right.

1 MS. BURROUGHS: Thank you, Your Honor.

2 DIRECT EXAMINATION

3 BY MS. BURROUGHS:

4 Q Ms. Caines, what is your address?

5 A [REDACTED] Hagan Road, Loris.

6 Q And do you know my client here, Kayla?

7 A Yes, I do.

8 Q And how long have you known her?

9 A I've known her all her life.

10 Q All her life?

11 A All her life.

12 Q And so are y'all close friends?

13 A Yes.

14 Q Do you often go out socially together?

15 A Yes.

16 Q And when you go out socially, who is usually part
17 of that group?

18 A Usually it's me, my husband, Kayla, my sons, Matt,
19 William which they call Bug. Usually they like odd and
20 end that if they find out we're going to shoot pool
21 because all the boys like to shoot pool, some more
22 might jump in and say, yeah, you know, we'll go. But
23 yeah, we'll go out socially shooting pool, bowling, out
24 to eat.

25 Q And where is your favorite place to shoot pool and

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1 bowling?

2 A We call it 701 Bowling in North Myrtle Beach.

3 Q In North Myrtle Beach?

4 A Um-hum.

5 Q And do you remember the date of April 16th, 2016?

6 A Yes, I do, um-hum.

7 Q And at that time, do you remember if Kayla and
8 Matt were there at the bowling alley?

9 A Yes, they were.

10 Q And do you remember what time they arrived or what
11 time you arrived?

12 A We arrived -- they were there, and we had called
13 them. We, me and my husband, had got there, it was a
14 little after 3 o'clock. Because we had left Wal-Mart
15 and called to see what they was doing because we was
16 already down there. And they was like, well, we're
17 here at the bowling alley. And I'm like, well, just
18 stay there and we'll go hang out there tonight.

19 Q And that was around three or 3:30?

20 A Yes.

21 Q And Kayla was there and Mr. Stevens was there?

22 A Yes.

23 Q And you and your husband came, and you had some
24 other friends there?

25 A Yes.

1 Q And do you recall how long that y'all stayed that
2 day?

3 A I can tell you, it was like I said, after
4 3 o'clock, I know, because we left Wal-Mart. And it
5 was, I'd say, a little bit before 11 o'clock when we
6 left.

7 Q So that's about eight hours, seven-and-a-half,
8 eight hours?

9 A Yes, um-hum, yes, ma'am.

10 Q Was that your normal?

11 A Yes.

12 Q Y'all stayed all day?

13 A Yes.

14 Q Because somebody like to play pool?

15 A Yes. And when you get to doing, you know,
16 shooting pool or any kind of games or something like
17 that, it would be like going out to the beach, time
18 flies by before you know it.

19 Q When you left the bowling alley, was Kayla still
20 there, or did y'all leave at the same time, or did they
21 leave before you left, or everybody left around
22 11 o'clock?

23 A Everybody left, started leaving at the same time
24 like back to back.

25 Q And that was around 11 o'clock?

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1 A Yeah, it was around 11 o'clock p.m.

2 MS. BURROUGHS: I have no further questions.

3 Answer anything that Mr. Spratlin or anything the judge
4 may have for you.

5 THE WITNESS: Okay, thank you.

6 THE COURT: Solicitor?

7 CROSS-EXAMINATION

8 BY MR. MARTIN:

9 Q Sherry?

10 A Sherry.

11 Q Sherry Caines; is that right?

12 A Caines.

13 Q All right. Now, you said that you and Kayla have
14 been friends her entire life?

15 A Um-hum.

16 Q Okay.

17 A Yes.

18 Q So that afternoon, I'm sorry, what was the date
19 again you said it was?

20 A It was April 16th.

21 Q April 16th.

22 A Yes.

23 Q Y'all went to the bowling alley at which time you
24 arrived at around 3 o'clock. But Kayla and Matt had
25 been there for some time before that?

1 A Yes. I arrived a little after 3 o'clock.

2 Q Okay. And then y'all proceeding for the next 11
3 hours to stay there and play pool and drink and
4 whatnot, then all decided to just go home after that?

5 A Yes. Because it was late then.

6 Q They were there with you the entire time?

7 A The entire time.

8 Q There were other people there that know Kayla and
9 know Matt, all friends?

10 A Yes.

11 Q Okay. Let me ask you a question. Is this the
12 first time, or isn't it true this is the first time
13 you've ever told anybody this story?

14 A I just found out about this a couple of weeks ago.
15 And Ms. Linda, I went with Kayla to Ms. Linda's office
16 to let her know I had went through my cameras, and it
17 was on my camera of the pictures of all of us that
18 night. And I even had the pictures. And Ms. Burroughs
19 can state, I had the pictures to show her, and it had
20 the time on it.

21 Q Well, again, I would ask what Mr. Spratlin did, do
22 you have the pictures with you here today?

23 A No. Because no one told me to bring them back.

24 Q So Kayla's on trial for first-degree burglary, you
25 are her alibi witness, and you and her both say you

SHERRY CAINES-CROSS BY MR. MARTIN

1 have pictures proving her alibi, yet neither of you
2 bring them to court to show anybody?

3 A That's true. But I was here yesterday and nobody
4 didn't call me up for a witness, either.

5 Q Let me ask you this, have you ever showed those
6 pictures to Detective Elliott?

7 A None of them has spoken with me.

8 Q Let me ask you this, what about Ken Elliott or
9 Officer Papp over here?

10 A No.

11 Q None of them?

12 A No.

13 Q You didn't think to call or pick up the phone and
14 call the police and say, hey, my friend who I've known
15 her entire life --

16 A Um-hum.

17 Q -- I've got proof she didn't do this? She was
18 arrested almost nine months ago, yet you've done
19 nothing since, let's see, last week?

20 A That's -- you're very true on that. And the
21 reason why is because when she knew she was coming up
22 for this, she hadn't even thought about if I had any
23 pictures on the phone or anything by anyone. And I
24 happened to be going through my cameras, and I happened
25 to find the pictures in my camera.

1 And I come forth to her lawyer to let her lawyer
2 know I had the pictures on my camera. If it will do
3 any good, I've got it.

4 Q So you didn't -- in all this time knowing Kayla,
5 being good friends with her, going out with her, being
6 with Matt, y'all go bowling, y'all spend 11 hours
7 together drinking, you've known her your entire life,
8 and she's been arrested nine months ago for this, she's
9 been sitting in jail along with Matt, along with Bug,
10 along with Bradley Suggs, all these people who you
11 claim to know, who you all, I'm assuming, knew were
12 arrested for this crime?

13 A Um-hum.

14 Q And you've done nothing to alert the police, to
15 alert me, Mr. Spratlin, anybody else, that they were
16 with you that night, that you had pictures of that
17 night?

18 A Well, for one thing, I would think that her lawyer
19 would want to get up with people and ask those people.

20 Q I would think that a friend would want to come
21 forward with an alibi --

22 A I didn't even know -- I'm sorry. But I didn't
23 even know how serious or anything was until she went to
24 telling me she was going to court. And I said, well, I
25 can look through my camera and see if I've got any

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1 pictures of any of us there at any time that will help
2 you.

3 Q Right.

4 A And that's what I done. I was here yesterday all
5 day. Nobody even offered to say can you come forward.

6 Q And you've had, again, nine months to come
7 forward. It's not anybody's responsibility, certainly
8 not the police's, to go and track you down when they
9 have no idea you even exist. If you've got evidence of
10 that alibi, then you failed to bring it forward. And I
11 suspect the truth of matter is that you --

12 MR. GALMORE: Objection, Your Honor.

13 MS. BURROUGHS: Your Honor, objection.

14 THE COURT: Overruled.

15 MS. BURROUGHS: Asked and answered.

16 THE COURT: Let him finish his question. Hang on,
17 finish your question, then I'll rule on the objection.

18 Q Isn't it true --

19 MR. MARTIN: I'll withdraw, Your Honor.

20 THE COURT: Okay.

21 Q Isn't it true the first time you came up with this
22 story was last week when Kayla found out she was going
23 to court and absolutely needed an alibi. And you
24 stepped in to provide one for her?

25 A Yes. When I found the pictures, I said I will be

1 good for --

2 Q Because you and Kayla were never at that bowling
3 alley together; were you?

4 A Yes, we were.

5 Q Because if you had been, you would have told
6 somebody to help your friend out; wouldn't you?

7 A We were there, and that's just point blank.

8 Q Yet you don't have the pictures here in court with
9 you today; do you?

10 A Not with me today.

11 Q And neither does Kayla; does she?

12 A But I had them yesterday.

13 MR. MARTIN: One second, Your Honor.

14 THE COURT: All right.

15 Q Let me ask you something else. You claim these
16 pictures are on a camera, your digital camera?

17 A It's a camera.

18 Q Is it not true that you can change the dates on
19 cameras?

20 A I've never.

21 Q Change the date stamp on a camera --

22 A I'm not good with computers and stuff, so
23 therefore I couldn't tell you. I've never changed it
24 on my camera. I've never had a reason to change the
25 date on pictures. I've had my grandson's birth and

SHERRY CAINES-CROSS BY MR. MARTIN

1 everything, so why would I want to change a date even
2 if I knew how.

3 Q I understand, I understand, it was just a
4 question. But, again, you don't have these pictures
5 here today to provide?

6 A No, I don't, not today.

7 MR. MARTIN: Thank you, Ms. Sherry, I appreciate
8 it.

9 THE WITNESS: Thank you.

10 THE COURT: Any redirect?

11 MS. BURROUGHS: None, Your Honor.

12 THE COURT: Thank you, ma'am. You can step down.
13 (Witness excused.)

14 THE COURT: Anything further from the Defense?

15 MS. BURROUGHS: The Defense rests, Your Honor.

16 THE COURT: Defense rests. Anything in reply from
17 the State?

18 MR. SPRATLIN: No, Your Honor.

19 THE COURT: All right, thank you. Ladies and
20 gentlemen of the jury, we have now completed the
21 testimony in the evidence phase of this trial. Due to
22 a prior commitment, as I indicated earlier, we will now
23 recess for today.

24 I want you back in your jury room tomorrow morning
25 at 10 a.m., so we can do closing arguments from the

1 (WHEREUPON, the jury came into open court at
2 approximately 10:23 a.m.)

3 THE COURT: All right. Good morning, ladies and
4 gentlemen. I hope you had a good evening, welcome
5 back. As I told you yesterday when we recessed, we
6 have completed testimony and evidence. The phase of
7 the trial we will now move into is closing arguments.

8 Remember when I told you at the very beginning,
9 closing arguments are the lawyers' chance to talk to
10 you directly and summarize the case as they see it from
11 their respective points of view. It's not evidence,
12 you've already heard the evidence, and that's the
13 evidence you'll consider when you start deliberating
14 the case. So at this time I'll hand it over to the
15 attorneys. Ms. Burroughs.

16 MS. BURROUGHS: Thank you, Your Honor, if it
17 please the Court.

18 Good morning. Ladies and gentlemen, I want to
19 thank you again for your attention, I thanked you at
20 the beginning. I know this hasn't been a real exciting
21 case, but it's been a real important case especially
22 for my client here. She's looking at a long prison
23 sentence if she's convicted of these two charges.

24 I want to talk to you a few minutes about the
25 evidence that's been presented and, as the judge said,

1 to give you my view of the case. And first the State
2 presented Kayla's grandma. And she testified that
3 Kayla and her boyfriend and her friends committed these
4 crimes, but she offered no evidence as to why she
5 thought this. She just told the police officer, the
6 responding officer, Officer Papp, that she thought
7 Kayla and her boyfriend and her friends were involved.

8 When Ms. Wright was on the stand, she testified
9 that she had temporary custody of Kayla's son. And it
10 was not brought into evidence why she has temporary
11 custody of Kayla's son, but she does. But why would a
12 grandma blame her granddaughter for a crime that she
13 didn't know that her granddaughter had committed?

14 You have to wonder about the reasons for that, and
15 could it be that she wanted to get permanent custody of
16 the grandson. Because as Kayla testified when she was
17 on the stand, since her arrest last May she has not
18 been able to visit with her son because there's a
19 restraining order attached to a victim, and she is
20 charged with committing the crime. So she has not been
21 able to visit with her son since last May, and this has
22 caused a lot of heartache for her.

23 But there was no evidence found that she committed
24 these crimes. Again, and I'll say this several times,
25 there were no fingerprints, there was no DNA, there was

1 none of the missing items were found in my client's
2 possession. There were no search warrants issued to
3 try and find the items that were missing.

4 Which brings me to one of the State's witnesses or
5 the only witness for the State, and that's Mr. Suggs'
6 testimony. And Mr. Suggs' testimony by his own
7 admission, he's a convicted felon. I went through his
8 convictions, the ones that were allowed by the judge,
9 and I'm going to go through them for you one more time
10 just to refresh your memory.

11 Mr. Suggs' convictions, North Carolina,
12 October 2012, larceny, that's a misdemeanor; North
13 Carolina, August 2014, breaking and entering, that was
14 a felony; North Carolina, February 2014, shoplifting,
15 that's a misdemeanor; South Carolina, February 2014, he
16 was busy in February, petit larceny misdemeanor; South
17 Carolina in February 2014, receiving stolen goods,
18 another misdemeanor; South Carolina, August 2014,
19 enhanced shoplifting.

20 That means once you've committed shoplifting and
21 you do it again, then they enhance it, then it becomes
22 a felony. That was a felony shoplifting.

23 February 2015 grand larceny, another felony, same
24 felony that he's charged with here in this case; an
25 assault and battery second, that's a misdemeanor.

1 So the ones that were entered in were misdemeanor,
2 felony, misdemeanor, misdemeanor, misdemeanor, felony,
3 felony, misdemeanor. Mr. Suggs on his own admission
4 said that he's charged with the same charges that my
5 client Kayla is charged with. But he also said he's
6 being held on a retainer for extradition to another
7 state for more charges. Those weren't mentioned, so we
8 don't know what those charges were. But he admitted it
9 on the stand.

10 It's been said that credibility is a fancy way of
11 saying believability. After hearing all of these
12 charges and everything how this man has lived his life,
13 and the State produced him as a witness, do you believe
14 the testimony of Mr. Suggs, or did he just make up this
15 story?

16 He testified that he was not going to receive
17 anything for his testimony. But we all know somebody
18 doesn't come or agree to be a witness unless something
19 is going to happen. Maybe nothing was offered at the
20 time or has been offered, but something, he's going to
21 get some kind of reward, something is going to happen
22 on his behalf for coming down here and testifying
23 against my client. We have to believe that something
24 is.

25 What evidence did he offer besides that? He

1 testified that he didn't go into the grandma's house,
2 and he did not see Kayla go into the grandma's house,
3 that she was merely present there. He said he saw
4 something in her hands, he didn't say what he saw in
5 her hands, but that she was present there.

6 Again, there were no fingerprints found, there was
7 no DNA found, and he did not testify that anybody was
8 wearing gloves. So why weren't there any fingerprints
9 found? Grandma testified that the house -- the master
10 bedroom was destroyed and the kitchen was destroyed and
11 the back door was destroyed. And Mr. Suggs talked
12 about there being four codefendants, somebody would
13 have to leave some fingerprints, you would think,
14 unless they were wearing gloves. But there was no
15 testimony about any gloves. So where were the
16 fingerprints in this crime?

17 Again, none of the stolen items have been found or
18 returned to Ms. Bryant. Under the testimony of Officer
19 Papp, again, he stated no fingerprints, no DNA was
20 found, and no experts were called in to try and find
21 these items. Why were no experts called in?

22 Detective Terry Elliott, he testified to the same
23 thing, there were no fingerprints, there was no DNA,
24 there were no experts called in and no items have been
25 recovered. And I asked him about any search warrants,

1 were there any search warrants issued. And he said no,
2 there were none issued, and he's the lead investigator,
3 and he didn't think any were necessary.

4 No mention was made of going to any pawn shops.
5 People steal items like this, TVs, jewelry, guns.
6 Where do they take these items to sell them, take them
7 to pawn shops. And I would guesstimate there's
8 probably 15 to 25 or 30 pawn shops in Horry County and
9 Columbus County, North Carolina. Not that I know
10 Columbus County that well, but I would assume it would
11 have as many pawn shops as any other county.

12 So even if I'm wrong with that, if it's a light
13 estimate, 10 or 12, I know 10 or 12 here in Horry
14 County. But none of the pawn shops were searched for
15 these items. Again, none of the items were returned,
16 none of the items were found, and they certainty
17 weren't found in my client's presence or in her home.
18 Her home was not searched. None of the codefendants'
19 homes were searched, none of the items were found.

20 It seems like after my client was arrested and the
21 other codefendants were arrested, the investigation
22 stopped, and they did no further investigation on this
23 crime. Was it based solely on my client's recorded
24 statement? And you heard the recorded statement. She
25 made a recorded statement, you heard it, they played it

1 right here. We believe and she testified that it was
2 not voluntary. She's young, she impressionable, she
3 was in pain. She asked for an attorney, she didn't get
4 an attorney. She was threatened with more jail time,
5 and she indeed did spend nine more days in North
6 Carolina.

7 Detective Elliott said he had nothing to do with
8 that, but my client testified that he said, how would
9 you like to spend nine more days. Is it a coincidence
10 that she spent nine more days in North Carolina before
11 she was brought down to Horry County?

12 And then in Horry County Detective Elliott was
13 called in, and she was made to listen to the tape from
14 the codefendant, or from Mr. Suggs. When she made her
15 statement, her statement matched almost immediately or
16 as closely as you can get to Mr. Suggs' statement that
17 he testified here. He used the same words.

18 And she is young, she's gullible, and if -- she
19 was threatened again, she said Detective Elliott
20 threatened her with 60 more days without a bond, 60
21 more days in jail, 60 more days without her pain
22 medicine. She was scared, she's young, she wanted out,
23 she would have signed anything. She would have signed
24 anything, she would have confessed to anything, and she
25 did, knowing that she had an alibi, knowing that she

1 was not there.

2 Kayla testified that she was in a bad car accident
3 when she was nine and she had back injuries, and I
4 don't know what other injuries she testified to, but
5 that she's been in a lot of pain. And she testified
6 she was taking a lot of pain medicine.

7 But since her arrest, she's not taking the pain
8 medicine, she testified to that. She came off the pain
9 medicine, she's trying to handle the pain on her own
10 and get her life straight. And try and get her child
11 back is what the aim is, to go on with her life and
12 become the mother to her son that she needs to be. She
13 is trying, she's still in pain. I don't know if you
14 watched her walk to the witness stand, but she does
15 walk very slowly and she walks a little hump -- a
16 little humped over.

17 So she refused to give a statement at first in
18 North Carolina, and she asked for an attorney. She was
19 told she would sit there for nine more days, she did
20 sit there for nine more days. She did not get an
21 attorney in North Carolina. She was brought down here,
22 and she was told that -- she told Detective Elliott
23 again that she needed her pain meds, she told him again
24 that she needed an attorney.

25 She made her statement, she did sign the waiver.

1 Are we sure that she understood? She said she
2 understood. But she has a ninth grade education, she
3 was home schooled. So we're not sure if anybody, how
4 can you be sure that she understood every word, or was
5 she just initialling it so that she could get out of
6 jail. So she could get this paperwork done, make the
7 statement and get out of jail, get to her pain meds,
8 get back to her life and get back to try and get
9 custody of her son.

10 Then she was scared, she was confused, she had
11 been threatened. She was in pain, she would have
12 signed anything, and she did sign that. She did make
13 that recorded statement, she did sign the documents.

14 Kayla testified on the day of the break-in that
15 she and her boyfriend and some of their friends were at
16 the 701 Bowling Center and that they got there between
17 three and 3:30, and they left about 11 o'clock that
18 night. She also brought in a witness, we brought in
19 Ms. Sherry, and she got on the stand.

20 And before she got on the stand, know that I told
21 her about making false testimony, know that I reminded
22 her of perjury. She volunteered the statement, she's
23 been here everyday, all three days, sitting right
24 behind my client, Kayla, and supporting her. She said
25 she was flipping through her phone, she found some

1 pictures.

2 Okay, we didn't bring the pictures in. The
3 solicitor slammed her, pounded her, why didn't she
4 bring the pictures. But they didn't bring any
5 pictures, where are their pictures? They didn't have
6 pictures of the crime scene, they didn't have pictures
7 of what's missing or what was supposedly the damage to
8 the house. Of course, they can't have a picture of
9 what's missing, but anyway, what damage happened to the
10 home, they didn't bring any pictures.

11 So again, there's no fingerprints, there's no DNA,
12 there's no search warrants. And they don't have any
13 pictures of anything that happened at the home. So
14 it's their job to produce the evidence, it's not our
15 job to produce the evidence.

16 We didn't produce the pictures, but we produced a
17 witness, a witness that testified, knowing that she
18 could be charged with perjury if she falsely testifies,
19 that she was there with my client and her boyfriend and
20 their friends from three to 3:30 to 11 o'clock on the
21 day, on the day that this break-in happened, which was
22 April 16th, 2016.

23 She has no reason to lie, the State had no --
24 offered no evidence why she would be lying or why she
25 would not be believable. And her testimony came in,

1 and one has to think that she was just there to support
2 my client and that she would have no reason to commit
3 perjury in supporting that client. I have great
4 friends, and I would not commit perjury to support any
5 of my friends.

6 So we've talked about what evidence was produced.
7 Evidence that was produced was testimony of a convicted
8 felon who stands to gain something from his testimony
9 and the recorded statement of a little girl that's
10 scared. She's 21, but I still call her a little girl.
11 She's definitely naive, she was scared, she was in
12 pain, she was threatened, she was coerced. And she has
13 a witness saying she wasn't even there.

14 So she did make the recorded statement. But
15 that's all they have, y'all. They don't have anything
16 else. There again, I'll say it one more time ad
17 nauseam, no fingerprints, no DNA, no search warrants,
18 nothing was recovered, they found nothing at her home.
19 All they have is the recorded statement of my scared
20 client. She is young, she's 21 years old. She's
21 looking at a long prison sentence.

22 I'm asking you to consider the evidence. I said
23 at the beginning I trusted you to consider the evidence
24 and to weigh it and to see if the State did indeed
25 carry their burden of guilty beyond a reasonable doubt.

1 And I would say to you they have not produced -- they
2 have not satisfied that burden. They have not done it
3 beyond a reasonable doubt. And I'm going to ask you to
4 come back with a verdict of not guilty. Thank you.

5 THE COURT: Thank you, Ms. Burroughs. Solicitor?

6 MR. SPRATLIN: Thank you, Your Honor. May it
7 please the Court.

8 THE COURT: Yes, sir.

9 MR. SPRATLIN: Good morning, y'all. Before I get
10 into the specific facts of this case, I need to talk to
11 y'all a little bit about the law that applies to every
12 case. Because in a minute the judge is going to charge
13 you on the law, but before I speak, I think it's
14 important that you understand a little bit about what
15 you're going to be asked to do.

16 This is a criminal case. What that means is that
17 the State has the burden of proof. The burden is on
18 myself, my co-counsel Mr. Martin, along with the police
19 officers and the State's witnesses to present you 12 --
20 sorry, the two alternates, y'all won't be involved in
21 the decision, but I'm still going to reference y'all --
22 all 14 of y'all, excuse me, in deciding whether or
23 not -- and we have to present enough to convince all 14
24 of you that the Defendant is guilty.

25 Now, we don't just have to show that she maybe did

1 it, we don't have to show that she probably did it or
2 that she might have done it. We have to show you all
3 that she did it such that you are convinced beyond a
4 reasonable doubt.

5 That's a phrase you probably heard in your life
6 before, watching television, watching Court TV,
7 watching Law and Order or something like that. But
8 what does that actually mean? Well, the judge is going
9 instruct you on that in a minute. And basically it is
10 lack of -- it is a belief that will make you hesitate
11 to act. You are so certain of her guilt that you don't
12 hesitate to act upon it. And additionally, it is a
13 belief and a belief in her guilt that leaves you firmly
14 and strongly convinced of her guilt, which you should
15 be after the evidence you've seen here.

16 The judge is also going to talk to you a little
17 bit about the difference between direct and
18 circumstance evidence. Now, circumstantial evidence
19 might be a phrase you've heard before in your life.
20 It's basically -- it's in contrast to direct evidence.
21 And the best way I can explain it to you, and the judge
22 will probably do a better job than me of this, is
23 direct evidence is I saw somebody do something or I did
24 something.

25 Circumstantial evidence would be nobody else could

1 have done it but this person based upon the
2 circumstances surrounding it. Here you actually have
3 both. You have direct evidence of her guilt, you have
4 her statement saying, I did it. You have Bradley Suggs
5 testifying saying, she did it with me and Matt Stevens
6 and some guy named Bug.

7 You have circumstantial evidence that she's the
8 one who called her grandma to make sure her grandma
9 wasn't going to be home. You have evidence that shows
10 that the tire tracks in the yard were consistent with a
11 truck that she was seen in with Matt Stevens before.

12 You have the fact that in January she asked her
13 grandma to show Matt Stevens the jewelry, to show Matt
14 Stevens the pistol, that four months later it's stolen
15 from her home. You have both in this case, both that
16 point conclusively to her guilt.

17 Now, specifically, what do you have to be
18 convinced of? This is kind of like if you can think
19 back to when you were in elementary school, and I know
20 for me the worst part of elementary school were the
21 math questions, the word problems where they gave you a
22 math formula and then asked you to basically interpret
23 that in a word problem.

24 Trials are kind of the reverse of that. You hear
25 all the facts, you hear the word problem, you hear all

1 the circumstances surrounding it, and then you're given
2 the formula that you have to decide whether or not it
3 fits. That is called the crimes that she is charged
4 with; the elements of the offense. She is charged with
5 two different crimes in this case, and you're going to
6 be asked to render a verdict on both of those charges.

7 Burglary in the first degree. Burglary in the
8 first degree is when a person enters a dwelling -- that
9 is a house, that is a home where someone lays their
10 head, home where someone sleeps, someone stays, someone
11 lives there; and you clearly heard that Ms. Bryant
12 lived at her house -- the dwelling of another --
13 Ms. Bryant's house -- with the intent to commit a crime
14 therein -- they pried open the door, went in there,
15 took stuff, clearly there was an intent to commit a
16 crime therein.

17 And what makes this a burglary first is they took
18 guns. Now, we don't have to necessarily show that
19 Kayla took the gun, had possession of a gun, grabbed a
20 gun, physically took it. Any participant in that
21 crime, Bug in this instance, if he took a gun, if Kayla
22 took the gun, if Kayla was holding it, if Bug was
23 holding the TV and Kayla was holding the gun, or Kayla
24 was holding the TV, Bug was holding the gun, doesn't
25 matter.

1 Criminally responsible for everything every
2 codefendant did in that house. One of them took the
3 gun, she's just as guilty as if she had it in her hand.
4 And it makes sense. Because if you take a gun, you
5 have that gun available to you, you have that gun
6 available to use offensively in someone's home or
7 defensively if someone comes home.

8 The larceny doesn't have quite the same complexity
9 that the burglary does. It's just the taking of
10 property of another, something every one of us can
11 understand. Someone takes your stuff, doesn't give it
12 back to you. What makes it grand larceny is the value
13 of it, more than \$2,000. You heard Ms. Bryant, stole
14 diamonds, diamonds that she accumulated over, I think
15 she said, four marriages.

16 Cash alone was more than \$2,000, let alone the
17 collector pistol which worked and was a firing gun as
18 well as the rifle that also worked and was actually
19 loaded, according to the victim in this case.

20 So now that you know what you're going to be asked
21 to find her guilty or not guilty of, let me talk to you
22 a little bit about some of the stuff Ms. Burroughs
23 said. One thing that -- one thing that's sometimes
24 difficult for jurors to grasp is that you are the judge
25 of credibility. You 12 people have to decide who to

1 believe, who not to believe, whether to believe
2 everything they say, whether you only believe part of
3 what they say.

4 That can sound like a daunting task. But when you
5 think about it, each and every one of you in your daily
6 life do that. An analogy I always like to use is if
7 you're at Best Buy looking at a television, and some
8 guy working on commission comes up to you and says, you
9 know what, that's the best TV we got, it's got the
10 internet, it's got Netflix, it's got all kinds of stuff
11 on it, greatest picture, best quality you're ever going
12 to see, you might be a little suspect of that.

13 Because what has he got to gain? He's getting
14 commission, that's what he's got. So you might be a
15 little suspect of that. But if you're in Best Buy
16 looking at that same TV, and there's another guy
17 looking at a DVD player over there who comes up to you
18 and says, that TV is in my house, it's great, I love
19 that TV, you're probably going to give him some
20 credibility on that.

21 Because he doesn't have anything to gain by
22 telling you what happened or what the situation is or
23 giving you the facts. That's how I suggest that you
24 judge credibility. And I'm going to talk in a minute
25 about all the witnesses that you heard and kind of go

1 through a little bit of them and why you should believe
2 them.

3 Another thing that the judge is going to talk to
4 about is intent. The State has to prove that the
5 Defendant intended to commit the crime.

6 I was a big fan of science fiction as a kid. If
7 you asked young Martin when I was six or seven years
8 old, how would we be telling whether someone intended
9 to commit a crime in 2017, I would tell you there would
10 be a machine that would scan their brain and say, yep,
11 right there, that's their criminal intent.

12 We're not there. The way you determine intent is
13 looking at the actions, looking at what that person
14 did, what that person said, what that person took, how
15 that person set the crime up. That's how you find that
16 she intended to commit the crime.

17 I mentioned in opening statement the phrase, hand
18 of one is hand of all. That kind of plays back in with
19 the burglary where I said she's criminally responsible
20 for everything anyone did in that crime. And she is.
21 Because under South Carolina law, the hand of one is
22 the hand of all. And you're going to hear that as
23 well.

24 Now, regarding the specific facts of the case that
25 have been presented from that witness stand, let me go

1 ahead and tell you. Y'all heard from Detective Terry
2 Elliott, you heard from the Defendant. The Defendant
3 says Terry Elliott is the master mind behind framing
4 her. If y'all as a jury looking for the facts of this
5 case decide that Terry Elliott is a master mind trying
6 to frame this girl and setting all these people up to
7 lie against her, then so be it.

8 But you all know that ain't what it is, that
9 doesn't make sense. Why would he do that? He's the
10 guy who, looking at the DVD, he's just there. He
11 doesn't have a dog in the fight, he doesn't have a
12 reason to try to get Kayla.

13 No, it doesn't show, the facts of this case do not
14 show that Terry Elliott is a master mind framing this
15 girl. They show that she went to her grandmother's
16 house and stole her grandmother's stuff. Why did she
17 do it? I can't tell you, I don't know. Maybe she just
18 wanted the money. Maybe she needed drugs, maybe Matt
19 said, let's do it. Maybe it was revenge because she
20 had temporary custody of her child.

21 I don't know why she did it, but I know she did
22 it. And so do you. Her grandmother knows she did it.
23 Her grandma knew she did it as soon as she came home.
24 Her grandmother saw the house, saw the condition of the
25 house, and she knew that she was set up. She knew why

1 Kayla called her, why Kayla asked her if she was going
2 to the wedding, why Kayla made sure she wouldn't be
3 home. She knew it.

4 She knew it when she saw what was taken, the stuff
5 that she'd showed in January to Kayla and Matt. She
6 knew when she saw the tire tracks in the -- excuse me,
7 the tire tracks in the yard consistent with that truck
8 that wouldn't go in reverse. She knew from where the
9 stuff was taken from. The house wasn't ransacked
10 everywhere, other rooms weren't touched. Her room was.
11 Who knew where that jewelry was located in that house,
12 who knew where the valuables were hidden? Kayla.

13 When Ms. Bryant wasn't that sure that night, she
14 confirmed it the next day. Kayla came over to visit
15 with her son. You heard Ms. Bryant talk about how
16 before Kayla even walked in the door, what happened,
17 grandma. And then you heard how Ms. Bryant did kind of
18 a little sneakiness of her own and said -- and pulled
19 out a broken camera and said, it's on camera, and what
20 was Kayla's response? It wasn't, what are you talking
21 about, grandma, it was, I got to go talk to Matt. Bye,
22 grandma.

23 Officer Papp. Ms. Burroughs has talked a whole
24 lot about fingerprints and DNA. Let me tell y'all,
25 this is a case -- this is a real criminal case. Now,

1 if y'all watch NCIS, if you watch CSI, if you watch,
2 well, Law and Order doesn't do it near as bad, but
3 those two shows, you might think every single case is
4 DNA or fingerprints. It's not.

5 Cases have been being prosecuted, cases have been
6 being investigated since the beginning of -- since the
7 country was formed 250 years ago at least, and DNA is
8 about 30 years old. And DNA doesn't tell us anything
9 in this case anyway, even if it was there. Because you
10 know what, she's been to her grandma's house, she's
11 been there. All DNA would ever tell you is she was at
12 the house. If we had her DNA, they'd be saying, well,
13 it doesn't show her anything, of course she's there.
14 If we had a fingerprint, of course she's there, she's
15 come in that door. It's there.

16 Don't need fingerprints. And the only reason they
17 are telling you to look for it is because they don't
18 want you to focus on what we do have. That's a defense
19 trick. Try to make all 12 of you, all 14 of you, think
20 about what we don't have so you don't look at what we
21 do have. Because that's your job as jurors to look at
22 the evidence that came from that witness stand.

23 Officer Papp confirms that there was a burglary,
24 pry marks on the door, forced entry made, house a mess,
25 other rooms untouched. That's why he testified, that's

1 why he was here. Just going to kind of go
2 chronologically in the witnesses you've heard.

3 Bradley Suggs, I don't want him over at my house
4 for dinner. He ain't a good man. He is what he is.
5 He's a thief, he's a burglar. Ms. Burroughs read off
6 his list of convictions. I wouldn't trust him as far
7 as I can throw him, unless I could verify what he said.

8 And we could verify and we did through the
9 testimony today verify what he said. He said the house
10 was broken into, pried open, pry marks on the door. He
11 says, me and Kayla go in. Kayla -- or he says, Kayla
12 and Bug go in. I turn around in the yard, consistent
13 with the tire marks in the yard. He says Kayla and Bug
14 go in, Kayla and Bug are with me, consistent with the
15 fact that Kayla set her grandmother up not to be there.

16 Now, sure, he may want something out of this, he
17 may be hoping that if he helps us, we'll help him, I
18 scratch your back, you scratch mine. But that doesn't
19 necessarily mean that he's just completely unreliable.
20 Now, if all he had, if it was just him sitting here
21 saying this, nothing else, not a single drop else, I
22 wouldn't be here. But what he says is confirmed. Even
23 the worst liar tells the truth about 90 percent of the
24 time.

25 And Ms. Burroughs said how he said he never saw

1 her go in the house. He didn't see her go in the
2 house, he saw her get out of the car with Bug, he saw
3 her walk towards the house with Bug, he saw her come
4 out carrying her grandma's stuff, more stuff than Bug
5 could ever carry out of the house. That's how he knows
6 she was in the house.

7 He is no priest. He's not even -- he probably
8 couldn't even work at a 7-Eleven or anywhere like that,
9 they do a background check and he would be
10 disqualified. But you know what, ladies and gentlemen,
11 you don't commit a burglary with a priest, you commit a
12 burglary with a burglar. And that's what he is, he's a
13 burglar. And she committed a burglary with him.

14 Ken Elliott, the detective from North Carolina, he
15 didn't give us a whole lot because he didn't have a
16 whole lot to provide. He's not the investigating
17 officer on the case, he's not even a member of the
18 Horry County Police Department where the crime
19 occurred.

20 But one of the most important things he provided
21 you was that Kayla wanted to talk with Terry Elliott,
22 she asked to talk to Terry Elliott -- Terry Elliott,
23 excuse me. And that's how Terry Elliott came to talk
24 to her again. He told you how the first time that he
25 came to North Carolina, Terry Elliott went and talked

1 with Ken Elliott, to Kayla, and Kayla said, I don't
2 want to talk to y'all. Okay, fine. Go back home.

3 He calls Terry Elliott and says, she wants to
4 talk. That's why Terry Elliott went out again. Not
5 because he had some grand conspiracy to coerce this
6 girl and teach her to lie and frame her. Rather he
7 thought she wanted to talk, help herself. And she did,
8 she did want to talk. You heard the statement. You
9 heard the interview.

10 You saw the Miranda form which the rights were
11 gone over with her, read to her, initialed by her,
12 signed by her. She knew what she was saying. She told
13 you on the stand that she was with Detective Elliott,
14 Terry Elliott, in Horry County for about 20 minutes.
15 And she wants you to believe in that 20 minutes Terry
16 Elliott threatened her, coerced her, read her her
17 rights, did the rights with her, did the form,
18 proceeded to go over exactly what she had to say, and
19 then record the statement.

20 You've heard that statement and you can hear it
21 again if you want, it can be played for you as many
22 times as you want to hear it. Do you think he's
23 telling her what to say, do you think he told her every
24 word to mention? He didn't. He asked her the
25 questions, she gave him the answers. The truth was in

1 her that day, the truth wasn't in her yesterday on that
2 stand.

3 Ms. Burroughs talked a whole lot about pain and
4 how Kayla was in agony and pain. You heard the
5 interview. Let's do it again if you want. Did she
6 sound like she is in intense pain, agony, screaming
7 out? No. She wasn't in pain, she wasn't in agony.
8 She was away from whatever influences she had and had a
9 clear state of mind to say, you know what, I'm going to
10 tell the truth. Didn't have it yesterday.

11 Ms. Burroughs talked a whole lot about how she has
12 a ninth grade education. Actually, she told you she
13 was home schooled since then. She didn't get her GED,
14 but she said she tried. She understood the questions I
15 asked, understood how to speak to me, understood how to
16 speak to Detective Elliott. She understood that she
17 didn't have to talk.

18 In fact, in North Carolina she told him she didn't
19 want to talk. So clearly she understood that she could
20 say, no, I don't want to talk to you. They told her
21 she could get a lawyer if she wanted one, she never
22 asked for one. She knew her rights, she waived those
23 rights and freely and voluntarily gave that statement.

24 Now, I've already talked a little bit about what
25 Kayla said. So I want to talk about her for a minute.

1 I don't know if y'all are, there's reasons to, maybe
2 you feel a little sympathy for her. There's a lot to
3 feel sympathy for, car accident at nine, ten years old,
4 12 years of taking pain pills, home schooled since the
5 ninth grade. Young girl sitting over there running
6 with the wrong crowd.

7 She even told you in the interview that she -- she
8 said she didn't want to break into grandma's house.
9 Told you she was high, wouldn't have done it if she
10 wasn't high. Well, first off, being high is no
11 defense. You can't just say, I was high, that's why I
12 did it. That's not a defense.

13 There are some reasons to feel sympathy for her,
14 but it doesn't change what she did. And the oath that
15 y'all took as jurors is to determine what she did, not
16 to say, I feel sorry for her so I ain't going to do
17 anything to her. That's not your job as jurors, that's
18 not a justice system that works. Your job as jurors is
19 to listen to the evidence that was presented and decide
20 if she committed the crime as charged, which clearly
21 she did in this case.

22 Now, it might be cold, but that's how the system
23 works, and that's what your oath as jurors are.
24 Sympathy doesn't play into it. But I'm also going to
25 say I don't think y'all should be feeling sympathy for

1 her. There's a lot of stuff that's wrong with that
2 girl's life. Because she is the one that set her
3 grandma up to be robbed. She's the one that set it up
4 in January, months before it happened.

5 The plan was April, or -- the plan may have been
6 formulated in April, but don't make any mistakes, when
7 she asked her grandma to show him those rings and to
8 show him that pistol, that's when the plan was
9 formulated. Didn't know when it was going to happen,
10 but knew it was going to happen. And her mother's
11 wedding day was the day she knew she wouldn't be there.

12 The alibi. Kayla testified that for, from
13 3 o'clock to 12 o'clock, give or take, nine hours,
14 she's at a bowling alley in North Myrtle Beach that
15 they said 701. I think they actually mean the 710
16 Bowling Alley. I think it's a play on seven ten split.
17 Wrong name of the bowling alley, first off. They --
18 she says she's there for nine hours getting drunk off
19 beer and shots, playing pool and bowling, nine hours.

20 About the consistency of at least two football
21 games, maybe another half a football game, she's there
22 drinking, partying, doing all that stuff, the day her
23 mom's getting married. That doesn't make a lot of
24 sense. Well, first off, it doesn't make a whole lot of
25 sense because we know where she really was.

1 Secondly, how could she know that she was just
2 there from three to nine -- or three to twelve, excuse
3 me. She says she has pictures that conclusively prove
4 that she was there. There's no pictures. And if there
5 were pictures, how could they prove that she was there
6 for nine hours, what kind of picture lasts for nine
7 hours?

8 That alibi is ridiculous, y'all. It's ridiculous
9 and it's not supported by the evidence that's been
10 presented. I don't know, maybe they went to the
11 bowling alley after they robbed grandma, I don't know.
12 Maybe that's where they went to celebrate, maybe that's
13 where they went to spend the money they got from
14 stealing -- from robbing grandma. Maybe that's how
15 they paid for the bowling games, the pool games, the
16 beer, the liquor, I don't know.

17 But I do know where they were at least for a
18 little bit of that time, they were breaking into
19 grandma's house. The alibi witness, the woman who's
20 known Kayla for as long as she's been alive, one of her
21 best friends on the face of this earth, comes here and
22 says, yeah, she was with me the whole time.

23 Never told that to anybody before, never called
24 Detective Elliott after her best friend, or friend, one
25 of her friends, I don't know if she's best friend or

1 not, close friend, gets locked up on a burglary charge,
2 doesn't call Detective Elliott, doesn't call Tyler Papp
3 who responded to the scene, doesn't call the State
4 who's prosecuting her, doesn't call anybody.

5 She tells the Defense attorney the week before
6 trial and tells that story for the first time to
7 anybody on the stand. Ms. Burroughs wants you to
8 think, why would she do that, why would this woman take
9 the stand and perjure herself. I don't know. Why
10 would Kayla break into her grandmother's house, why
11 would Bradley Suggs go along with it, why would anybody
12 in this case do anything they are doing? Think about
13 that, and that might give you a reason why she's doing
14 it.

15 One thing Ms. Burroughs said is that she -- which
16 was a little different than what the testimony of that
17 witness was -- and if I'm wrong on this, y'all all
18 watched it, if y'all remember this differently, so be
19 it -- but Ms. Burroughs said that she said it was on
20 her phone.

21 I didn't hear that it was on her phone, the
22 pictures were on her phone. I heard that the pictures
23 were on a digital camera. In fact, that's why, I
24 think, co-counsel here asked about changing the date on
25 the digital camera. Who -- when is the last time

1 someone has pulled out a picture in a bar -- this only
2 happened eight months ago -- when is the last time
3 someone takes out a digital camera in a bar and starts
4 taking pictures beginning at 3 o'clock and ending at
5 midnight. When has that ever happened?

6 Ms. Burroughs said she wouldn't sit here and she
7 wouldn't lie for anybody, she wouldn't perjure herself,
8 and I believe her a hundred percent. I don't think for
9 a minute Ms. Burroughs would get up here and lie for
10 anybody. I ain't so sure about that alibi witness,
11 though.

12 What makes the most sense? Does it make sense
13 that she's at the alley, the bowling alley, and that
14 Terry Elliott is master mind behind all of this setting
15 up to frame her, is that what makes sense, or does it
16 make sense that she robbed her grandma?

17 Because that's what happened, and that's what does
18 make sense out of this case. And that's what the
19 evidence here has shown you. And that is why you have
20 to return a verdict of guilty, because she did it.
21 Thank y'all.

22 THE COURT: Thank you, solicitor. Y'all need a
23 break, it's going to take me about 20 minutes to charge
24 you, or do y'all want to just stand up and stretch?
25 All right. You don't need a break?

1 JUROR #369: No. Can we listen to the video
2 again?

3 THE COURT: Oh, I'm going to let y'all do that.
4 I'm going to let you do that before we go back. All
5 right. You don't want to take a quick break, y'all
6 just want to stand up and stretch, and then we'll --

7 JUROR #369: Y'all want a break?

8 THE COURT: It's going to take me about 20
9 minutes.

10 JUROR #369: Break, all right, they need a break.

11 THE COURT: All right. We'll come back in here --
12 don't talk about the case, you hadn't heard from me
13 yet, all right. Don't even talk, don't even mention
14 it. All right, y'all go take a quick break and come on
15 back in here in about five, ten minutes.

16 (WHEREUPON, the jury exited the courtroom at
17 11:05 a.m.)

18 THE COURT: Is it self-explanatory to play that
19 boom box?

20 MR. SPRATLIN: Yes, sir, it's just your --

21 THE COURT: Just press play?

22 MR. SPRATLIN: Yeah. They should not have any
23 issue with it, if you want to send it back.

24 THE COURT: Okay.

25 MR. SPRATLIN: I have no objection.

1 THE COURT: Any objection to that going back for
2 them to play the audio CD, or you want them to hear it
3 out here?

4 MS. BURROUGHS: We'd rather listen to it out here,
5 Your Honor.

6 THE COURT: Okay. Y'all okay with them hearing it
7 before they go deliberate?

8 MS. BURROUGHS: Not a problem.

9 THE COURT: Okay.

10 MR. SPRATLIN: Your Honor, I'd actually -- I'd ask
11 that they go ahead and get charged, begin deliberations
12 and then -- because when they get charged, that may
13 answer whatever question.

14 THE COURT: I'm going to charge them. And then
15 before I send them to the jury room, I'm going to let
16 them listen to that.

17 MR. SPRATLIN: Yes, sir.

18 THE COURT: And then if they want to hear it
19 again, they can come back out.

20 MR. SPRATLIN: Yes, sir.

21 THE COURT: Okay.

22 MS. BURROUGHS: Thank you, judge.

23 THE COURT: All right. We're down for about five
24 or seven minutes.

25 (WHEREUPON, a brief recess was taken at

1 11:06 a.m.)

2 THE COURT: We ready?

3 MR. SPRATLIN: Yes, Your Honor. One matter. I
4 think the individual who asked to hear the recording
5 was actually one of the alternates.

6 THE COURT: Right.

7 MR. SPRATLIN: I'm not sure. So it might be to
8 inquire about the jury after if they still want to hear
9 it. It's seven minutes so we can just play it anyway.
10 Just I wanted to mention that to you.

11 THE COURT: Yeah, I picked up on that. I'm going
12 to release -- the alternates don't know they are going
13 to be released, you know. And so it's still at this
14 point in time he's a juror. He's entitled to hear
15 evidence. So until they go back to the deliberation
16 room, he's still involved.

17 So I'm going to go ahead for the purpose of making
18 the deliberations run smooth and to keep them from
19 going in and out, after I charge, for their benefit
20 we'll go ahead and play that.

21 MR. SPRATLIN: Yes, sir.

22 THE COURT: After that I'll tell them, if y'all
23 want to hear it again, let me know, we'll bring you out
24 here to play it again.

25 MR. SPRATLIN: Yes, sir.

1 THE COURT: And they can't discuss it out here
2 anyway. All right, y'all can bring them in.

3 Y'all want to look at the verdict form real quick.
4 Straightforward. Here's an extra copy for Linda to
5 look at.

6 MR. SPRATLIN: No problem, Your Honor.

7 THE COURT: Good.

8 MR. GALMORE: Yes, sir, that's good.

9 (WHEREUPON, the jury came into open court at
10 approximately 11:16 a.m.)

11 THE COURT: All right, all members of the jury are
12 present. Ladies and gentlemen, please pay close
13 attention to what I tell you, because now I'm going to
14 give you the law that you must use in determining your
15 verdict in this case.

16 Mr. Foreman and members of the jury, you have
17 heard the testimony, the evidence and the arguments of
18 counsel. I will now explain to you the law that
19 applies to this case. Under the constitutional laws of
20 South Carolina you, as you know, you are the finders of
21 facts in this case. I don't have the right to pass
22 upon the facts or even express any opinion that I might
23 have as to what I think they are. Because that's your
24 matter solely for you to determine.

25 Now, as jurors, then, it is your duty to determine

1 the effect, the value, the weight and the truth of the
2 evidence presented during this trial. Now, as the
3 trial judge, it's been my responsibility to preside
4 over the trial of this case and to rule upon the
5 admissibility of evidence offered during this trial.
6 You are to consider only the testimony which has been
7 presented from that witness stand together with any
8 exhibits which have been made part of the record.

9 I have the additional duty, as I'm doing now, to
10 charge you the law applicable to this case. And as the
11 presiding judge, I am the sole judge of the law of this
12 case. It is your duty as jurors to accept as correct
13 and to apply the law as I now state it to you and use
14 that to reach a verdict.

15 Now, the fact that I may instruct you on various
16 subjects in this case must not be taken by you as
17 indicating what you think my opinion of what you should
18 find the facts to be or what your verdict should be.
19 And, finally, ladies and gentlemen, I charge you that
20 you should not be concerned with what you think the law
21 ought to be but rather what I charge you the law is.

22 Now, the fact that the Defendant was arrested,
23 charged and indicted is not evidence in this case and
24 cannot be considered by you as evidence of guilt in
25 this case, nor does it create any presumption or

1 inference of guilt. The indictments which I've told
2 you are simply the formal written instruments which
3 contain a description of the charges made against the
4 Defendant. And indictment is merely the formal
5 document by which a case is brought into court.

6 Now, you are the judges, the sole judges of the
7 credibility, also called the believability, of the
8 witnesses who have testified and of the evidence which
9 has been presented during this trial. And in passing
10 upon credibility or believability, you could take into
11 consideration many things such as the demeanor or the
12 manner in which a witness testified.

13 You can consider whether or not a witness had
14 reason to be biassed or prejudiced for one side or the
15 other. You can consider whether or not a witness'
16 testimony was contradicted on the one hand or supported
17 or corroborated on the other hand. All of these things
18 you will consider bearing in mind that you should give
19 the Defendant the benefit of any reasonable doubt. It
20 becomes your duty as jurors to analyze and to evaluate
21 the evidence and determine that evidence which
22 convinces you of its truth.

23 Now, a person who has a past criminal record is
24 competent to testify during a trial. A past record
25 does not affect the ability of that witness to testify.

1 The past record may only be considered by you, if at
2 all, in determining the witness' believability.
3 Remember, you're the sole judges of the facts in the
4 case and of the believability of any and all of the
5 witnesses.

6 There are two types of evidence which are
7 generally presented during a trial, direct evidence and
8 circumstantial evidence. I'm going to give you some
9 law school definitions here, and then I'm going to
10 explain it to you, okay. Direct evidence directly
11 proves the existence of a fact and does not require
12 deduction. It's evidence which immediately establishes
13 the main fact sought to be proved, i.e., eyewitness
14 testimony, okay.

15 Circumstantial evidence is proof of a chain of
16 facts and circumstances which indicates the existence
17 of a fact. It's evidence which immediately establishes
18 collateral facts from which the main fact may be
19 inferred. Now, don't get all glossy eyed on me, I'm
20 going to explain it to you, what does that mean.

21 Now, if the State relies on circumstantial
22 evidence, all of the circumstances must be consistent
23 with each other, and when taken together the
24 circumstances point conclusively to the guilt of the
25 Defendant beyond a reasonable doubt. Circumstantial

1 evidence is based on inference and not on personal
2 knowledge or observation.

3 Let's think about circumstantial evidence this
4 way. We're in the winter season right now. Let's say
5 before you go to bed at night, you look outside and you
6 see brown grass on your front lawn, okay. You go to
7 bed, you wake up the next morning, and low and behold
8 it has snowed in Horry County, okay, and you see snow
9 and footprints on your front lawn.

10 Well, first you can infer that it snowed, and
11 secondly, you can infer that somebody was walking on
12 your lawn. See, these are things you can infer even
13 though you didn't see it happen, okay. That's
14 circumstantial evidence.

15 Now, the law makes absolutely no distinction
16 between the weight or value to be given to either
17 direct or circumstantial evidence, nor is there a
18 greater degree of certainty required of circumstantial
19 evidence than of direct evidence. You should weigh all
20 of the evidence in the case. And after weighing all of
21 that evidence, if you're not convinced of the guilt of
22 the Defendant beyond a reasonable doubt, you must find
23 the Defendant not guilty.

24 Now, as you know, the Defendant has pled not
25 guilty to the charges in the indictments, and that plea

1 has placed a burden of proof on the State to prove the
2 Defendant guilty. A person charged with committing a
3 criminal offense in South Carolina is never required to
4 prove himself innocent. I charge you, ladies and
5 gentlemen, that it is an important rule of law that a
6 Defendant in a criminal trial, no matter what the
7 seriousness of the charge may be, will always be
8 presumed to be not guilty of the crime which the
9 indictment was issued unless guilt has been proven by
10 evidence satisfying you, the jury, of that guilt beyond
11 a reasonable doubt.

12 Now, this presumption of innocence does not end
13 when you begin your deliberations, but it accompanies
14 the Defendant throughout the trial until you reach a
15 verdict. This presumption of innocence is like a robe
16 of righteousness placed about the shoulders of the
17 Defendant which remains with her until it has been
18 stripped from her by evidence satisfying you of the
19 Defendant's guilt beyond a reasonable doubt.

20 Now, presumption of innocence, ladies and
21 gentlemen, is not just mere legal theory, it's not just
22 a legal phrase that lawyers and judges use. It is a
23 substantial right to which every Defendant is entitled
24 unless you, the jury, are satisfied from the evidence
25 of the Defendant's guilt beyond a reasonable doubt.

1 Well, what is beyond a reasonable doubt? I've
2 said it 20 times, so what does that mean. A reasonable
3 doubt is a doubt which makes an honest, sincere,
4 conscientious juror in search of the truth to hesitate
5 to act. Proof beyond a reasonable doubt must therefore
6 be proof of such a convincing character that a
7 reasonable person would not hesitate to rely and act
8 upon it in the most important of his or her own
9 affairs.

10 Now, proof beyond a reasonable doubt can also be
11 described as proof that leaves you firmly convinced of
12 the Defendant's guilt. Now, there are very few things
13 that we know in this world with absolute certainty, and
14 in criminal cases the law does not require proof that
15 overcomes every possible doubt.

16 So if based upon your consideration of the
17 evidence you're firmly convinced that the Defendant is
18 guilty, then you must find her guilty. If, on the
19 other hand, you think there's a real possibility that
20 she's not guilty, then you must give her the benefit of
21 the doubt and find her not guilty.

22 Now, a statement alleged to have been made by the
23 Defendant has been admitted into evidence in this case.
24 Now, while the Court has determined that the statement
25 is admissible into evidence for you to consider, I

1 instruct you that you, ladies and gentlemen, make the
2 ultimate decision of whether or not the statement was
3 made by the Defendant voluntarily and of her own free
4 will.

5 This means that the statement was not caused by
6 pressure, force, fear, threats, coercion or
7 intimidation or by hope or a promise of leniency or
8 reward of any kind. In determining whether the
9 statement was voluntary, you should consider both the
10 characteristics of the Defendant and the details of the
11 questioning.

12 Now, some of the factors that you must consider
13 are the age of the Defendant, the Defendant's education
14 or lack thereof, the Defendant's mental ability or her
15 mental capacity, the Defendant's intelligence or IQ,
16 the Defendant's background, her environment, her place
17 and length of detention, the nature of questioning, the
18 advice or lack thereof to the Defendant of her
19 constitutional rights, included but not limited to her
20 right to remain silent, that any statement may be used
21 against her in a court of law, the right to have a
22 lawyer present, that if she could not afford a lawyer,
23 a lawyer would be appointed to represent her without
24 any cost, that she could stop making a statement at any
25 time.

1 And you must carefully consider all of the
2 surrounding circumstances before you give any weight to
3 an alleged statement. The State has the burden of
4 proving beyond a reasonable doubt that the alleged
5 statement was voluntary. If you determine it was, then
6 you may give the statement any further consideration
7 you deem proper and appropriate. You must decide what
8 weight, if any, should be given to the alleged
9 statement.

10 If you determine the alleged statement was not
11 freely and voluntarily given by the Defendant, you
12 should not consider the statement at all.

13 Let's talk about first-degree burglary. The
14 Defendant is charged with first-degree burglary. The
15 State must first prove beyond a reasonable doubt that
16 the Defendant entered a dwelling without consent. A
17 dwelling is any building or portion of a building in
18 which a person ordinarily sleeps.

19 In order to prove that the Defendant entered the
20 dwelling, the State does not have to show that the
21 Defendant's entire body entered the dwelling, the
22 smallest entry is sufficient. It may be any part of
23 the body such as a hand or foot or even an instrument
24 such as a hook or any other type of instrument.

25 In addition, the State does not have to prove that

1 force was used to gain entry. If a person enters a
2 building by using deception, artifice, trick or
3 misrepresentation to get consent to enter, that's also
4 an entry without consent.

5 Next, the State must prove beyond a reasonable
6 doubt that the Defendant intended to commit a crime,
7 intended to commit a crime at the time of entry. Now,
8 the mere entry into a dwelling without consent, that's
9 not burglary. If there is an intent to commit a crime
10 -- if the intent to commit a crime is formed after the
11 entry, it's not burglary.

12 On the other hand, if the Defendant intended to
13 commit a crime at the time of entry, it's burglary even
14 if the intent was abandoned after the entry. It does
15 not matter that the intended crime may have not been
16 completed. Intent, and I'm going to describe this
17 better for you here momentarily, intent can be shown by
18 acts and conduct of the Defendant and other
19 circumstances from which you may naturally and
20 reasonably infer intent.

21 And finally, for first-degree burglary, the State
22 must prove beyond a reasonable doubt that when entering
23 or while in the dwelling or when fleeing from the
24 dwelling the Defendant or an accomplice was armed or
25 displayed a deadly weapon.

1 Now, a deadly weapon is defined as any article,
2 instrument or substance which is likely to cause death
3 or great bodily harm. A pistol, a shotgun, a rifle or
4 a knife, those are all considered deadly weapons. A
5 gun can be considered a deadly weapon even if it's not
6 operating.

7 To be armed for the purposes of a first-degree
8 burglary, the Defendant or another participant in the
9 crime need only have physical control over a deadly
10 weapon such that the weapon is readily available to be
11 used either in effecting entry, while in the dwelling
12 or in the immediate flight therefrom.

13 It does not matter how the person acquired the
14 deadly weapon or for what purpose the person took
15 possession of the deadly weapon. A person can become
16 armed with a deadly weapon for the purposes of
17 first-degree burglary even when the weapon is the same
18 one taken during the commission of the burglary.
19 That's first-degree burglary.

20 Now, for grand larceny, the Defendant is also
21 charged with that, the State must prove beyond a
22 reasonable doubt that the Defendant took and carried
23 away the property of another against the will or
24 without the consent of that other person. The
25 slightest removal of property or the complete

1 possession of the property, even for an instant by the
2 Defendant, is enough to show a taking and carrying away
3 of property.

4 The State must also prove beyond a reasonable
5 doubt that the Defendant intended to permanently
6 deprive the owner of the property. And finally, the
7 State must prove that the value of the things taken was
8 \$2,000 or more.

9 Let's talk about intent for a little bit. In
10 order to establish criminal liability, criminal intent
11 is required. For example, the mental state required to
12 be proven by the State for a particular crime might be
13 purpose, intent, knowledge, recklessness or criminal
14 negligence. Criminal intent must be proven by the
15 State beyond a reasonable doubt. Criminal intent is
16 always a matter that must be determined by the jury
17 from the circumstances surrounding the situation.

18 Now, ladies and gentlemen, there's no way to prove
19 intent to a mathematical certainty. There's no way
20 that medical science can dissect a person's brain and
21 determine what the person had in mind. So the law says
22 criminal intent can be inferred from the circumstances
23 which have been shown to have existed. That's how you
24 make a determination of whether or not the element
25 requiring intent was present.

1 It's not necessary to establish intent by direct
2 and positive evidence, but intent can be established by
3 inference in the same way as any other fact, by taking
4 into consideration the acts of the parties and all the
5 facts and circumstances around the case. Criminal
6 intent is a mental state, a conscious wrongdoing. It's
7 up to you to determine what the Defendant intended to
8 do based upon the circumstances shown to have existed.

9 Now, let's talk about hand of one, hand of all.
10 And I'm almost done. If a crime is committed by two or
11 more people who are acting together in committing a
12 crime, the act of one is the act of all. A person who
13 joins with another to commit an unlawful act is
14 criminally responsible for everything done by the other
15 person which happens as a probable or natural
16 consequence of the acts done in carrying out the common
17 plan or purpose.

18 For example, two people could be guilty of killing
19 another person when only one of the two had a gun.
20 There was only one bullet, and only one of the two
21 fired the shot that caused the death. If two or more
22 people are together, acting together, assisting each in
23 committing the offense, the act of one is the act of
24 all, or as it's sometimes said, the hand of one is the
25 hand of all.

1 Now, prior knowledge that a crime is going to be
2 committed without more is not sufficient to make a
3 person guilty of that crime. Mere knowledge that
4 another person is going to commit a crime, even if the
5 Defendant is present when the crime is committed, is
6 not sufficient to convict the Defendant as a principal.
7 Guilt as a principal is shown by actual or constructive
8 presence at a scene as a result of a prior arrangement.

9 Therefore, a finding of a prior arranged plan or
10 common scheme is necessary for a finding of guilt as a
11 principal. The State must prove beyond a reasonable
12 doubt by competent evidence the theory of the hand of
13 one is the hand of all.

14 Now, a principal in a crime is the one who either
15 actually commits the crime or who's present aiding,
16 abetting or assisting in committing the crime. When a
17 person does an act in the presence of and with the
18 assistance of another, the act's done by both. Where
19 two or more who are acting with a common plan or intent
20 are present at the commission of a crime, it does not
21 matter who actually commits the crime, all are guilty.
22 The hand of one is the hand of all.

23 All right. Now, let me say something, ladies and
24 gentlemen, about your deliberations. The word
25 deliberation is defined as a careful consideration

1 weighing up with a view to a decision. The genius of
2 our jury system, ladies and gentlemen, is that it
3 allows 12 good people, both men and women, from
4 differing backgrounds, life experiences and
5 perspectives to consider the evidence, talk about it
6 and ultimately reach a verdict.

7 The task of a juror is called deliberations for a
8 reason. You, the jurors, are to consider the evidence
9 in this case carefully and deliberately. You are to
10 discuss it in a calm, thorough and courteous manner.
11 Remember, you're not partisans or advocates for one
12 side or the other, you are judges of the facts. Your
13 sole duty is to sort through the information that
14 you've received in this trial and find your verdict
15 from the evidence presented in this courtroom.

16 The supreme law of our land, the United States
17 Constitution, affords everyone a day in court and a
18 fair trial. So this case is very important to both
19 sides because it is their day.

20 I charge you to listen to the views of your fellow
21 jurors, carefully consider their viewpoints and
22 courteously discuss the evidence. Remember, you're
23 doing something deliberately, you're not in a big
24 hurry, and you're tasked with a duty of utmost
25 importance.

1 Now, in conclusion, you've been selected by both
2 the State and the Defense to be fair and impartial
3 jurors. It is your duty, then, and your deliberations
4 to determine the evidence in this case giving the
5 Defendant the benefit of every reasonable doubt on
6 these charges. And from the facts which you find to
7 be, you take and apply the law which I have just given
8 you and thus arrive at your verdict.

9 Now, I have told you the standards that you have
10 to apply to -- that you have to apply to the charges in
11 the indictments. You've heard the evidence and now
12 you've heard the law.

13 Whatever your verdict is as to the indictments,
14 guilty or not guilty, Mr. Foreman, you will indicate it
15 by marking the jury's decision in the appropriate blank
16 on the verdict form. So at the top is, on the charge
17 of burglary first degree, and it has the indictment
18 number, we the jury unanimously find the Defendant
19 Kayla Gayle Wright either guilty or not guilty. And
20 then on the charge of grand larceny, blah, blah, blah,
21 same thing. And then you will sign it, and it's
22 already dated January 11th for you down at the bottom,
23 okay.

24 Now, Mr. Foreman, you are not authorized to fill
25 out the verdict form or sign it until all 12 of you

1 agree as to what the verdict is. And although you're
2 the only one who can write on the verdict form and sign
3 it, it's not your verdict alone. Remember, it has to
4 be a unanimous verdict.

5 Now, ladies and gentlemen, before I send you to
6 your jury room, I will go ahead and play the CD back
7 over for all of you to consider. Of course, if you
8 want to hear it again during your deliberations, just
9 let the bailiff know and we'll bring you back out here
10 to listen to it again.

11 After you listen to that, y'all will go back to
12 your jury room, everybody except for my alternates.
13 Mr. Knight and Mr. Young, y'all will remain with me
14 here, because we're not going to need you anymore after
15 you listen to the CD, okay. And it will just be the
16 main 12 jurors, okay.

17 So at this time we'll go ahead and publish State's
18 Exhibit 1 or 2?

19 MR. SPRATLIN: I believe it is number one, Your
20 Honor.

21 THE COURT: Okay. Go ahead and publish that.

22 MR. GALMORE: Your Honor, may I just move the
23 podium out of the way?

24 THE COURT: Yes, absolutely, absolutely. After we
25 listen to that, ladies and gentlemen, you'll go back,

1 and then you'll get the -- I think there was only one
2 other item of evidence, you get that and the verdict
3 form. And then once you get those two things, that's
4 your signal to start talking about the case.

5 And you'll talk about it until you reach a
6 verdict. When you reach a verdict, you'll knock on the
7 door, let the bailiff know and we'll go from there. We
8 do have lunch for you. Lunch should be here, I think
9 he's coming in the building right now, so it should be
10 ready for you as soon as you get back there, okay.

11 (WHEREUPON, the video was played at 11:40 a.m.)

12 THE COURT: Thank you. Ladies and gentlemen of
13 the jury, you may retire to the jury room and begin
14 deliberations once you get the verdict form and the
15 other piece of evidence.

16 Mr. Knight and Mr. Young, if you'll both please
17 stay with me as the alternates. Alternates don't go
18 back there, y'all stay in here. Oh, there you are,
19 okay.

20 (WHEREUPON, the jury exited the courtroom at
21 11:47 a.m.)

22 THE COURT: All right, any exceptions to the
23 charge from the State?

24 MR. SPRATLIN: No, Your Honor.

25 THE COURT: From the Defense?

1 MS. BURROUGHS: None, Your Honor.

2 THE COURT: All right. Thank you all so much for
3 your service to the State of South Carolina and to
4 Horry County. Y'all are free to leave. Get your
5 lunch -- you make sure they get their lunch, and then
6 y'all can just -- y'all don't have to stick around if
7 you don't want. If you want to stick around and see
8 what it will be, you can but you have to sit out there.
9 All right, thank you very much.

10 Do you have any personal effects in the jury room?

11 JUROR #225: A cell phone.

12 JUROR #450: Cell phone.

13 THE COURT: All right. Y'all can't go back in
14 there, so just get somebody to get it for you. And
15 then they will give you your lunches as well, okay.

16 (WHEREUPON, the jury begins to deliberate at
17 11:49 a.m.)

18 THE COURT: Anything else for the good of the
19 cause?

20 MR. SPRATLIN: No, Your Honor.

21 THE COURT: All right. Y'all come check the
22 statement, the Miranda warning.

23 (WHEREUPON, Court's Exhibit No. 1 was marked for
24 identification only.)

25 THE COURT: We received several questions from the

1 jury, I'll read them verbatim. What was the date was
2 Bradley Suggs, arrested for this crime? What was the
3 date Kayla was arrested for this crime? Could we
4 please listen to Bradley Suggs' testimony again. Could
5 we please listen to Kayla Wright's testimony again.
6 Could we please listen to Linda Bryant's testimony
7 again.

8 Okay. For the first two, my response will be, you
9 are to consider only the evidence and testimony offered
10 from this witness stand. You're not to speculate about
11 anything that's not in evidence. Okay. That answers
12 the first two questions; y'all agree with that?

13 MR. GALMORE: Yes, sir.

14 MR. SPRATLIN: Yes, sir, Your Honor.

15 MR. MARTIN: Yes, Your Honor.

16 THE COURT: All right. As to the last three, it
17 sounds like the jury wants to rehear the entire trial.
18 I'm not inclined to do that, that's why I told them at
19 the very get-go to pay attention to what happens. And
20 if some of them have chosen for whatever reason not to
21 remember what was said, you know, that's our jury
22 system.

23 What do y'all say about that? I want to hear -- I
24 know what my feelings are, but I want to hear from
25 y'all before I decide what I'm going to do.

1 MR. SPRATLIN: Your Honor, the State's concern
2 would be that the jury has requested to rehear evidence
3 that has already been admitted. We would -- I
4 understand it might be an imposition, but we would ask
5 that the jury be allowed to hear what they requested.

6 THE COURT: Okay.

7 MR. SPRATLIN: Including the cross-examinations,
8 obviously.

9 THE COURT: All right.

10 MR. GALMORE: Your Honor, they want to listen to
11 testimony from three different witnesses. They've
12 already heard for the second time the statement, the
13 recorded statement. Perhaps we can ask the jury if
14 there's any particular part of that testimony or any
15 issue in particular that they want to hear, and we
16 could cue it up for them, just to save some time.

17 THE COURT: See, if I do that, you know, I'm kind
18 of intervening into the deliberation process, which I'm
19 loath to do. I mean, I think it's either an all or
20 nothing situation.

21 MR. GALMORE: In that case, Your Honor, they've
22 had ample opportunity to listen to each witness
23 testify. It's their duty to pay attention, and it's
24 their case, let them deliberate with what they have.

25 THE COURT: I agree with the Defense, that's what

1 we're going to do. Objection noted by the State. All
2 right, bring them out.

3 I mean, there were only what, six witnesses in the
4 trial. They want to hear half of them again, no, we
5 ain't doing that.

6 (WHEREUPON, the jury came into open court at
7 approximately 1:01 p.m.)

8 THE COURT: All right. All members of the jury
9 are present. Ladies and gentlemen of the jury, I've
10 received your note sent to me, and I'll respond as
11 follows.

12 The first question, what was the date Bradley
13 Suggs was arrested for this crime? My answer to this
14 question is, ladies and gentlemen of the jury, you have
15 heard the testimony and evidence given in this case.
16 Please do not speculate as to matters which are not
17 into evidence.

18 Next question, what was the date Kayla was
19 arrested? My answer to this response, ladies and
20 gentlemen of the jury, you have heard the evidence and
21 testimony in this trial. Please do not speculate about
22 matters not produced in evidence, okay.

23 Third question, could we please listen to Bradley
24 Suggs' testimony again. As I advised at the beginning
25 of the trial, and my response to this question is as

1 follows: At the end of the trial you will have to make
2 your decision based on the evidence presented. You
3 will not have a written transcript of the trial to
4 consult, and it is difficult and time consuming for the
5 court reporter to read back and play back lengthy
6 testimony. I urge you to pay close attention to the
7 testimony as it is given. So my response to that
8 question is no.

9 Next question, could we please listen to Kayla
10 Wright's testimony again. My charge to you is, as I
11 said during opening instructions, at the end of the
12 trial you will have to make your decision based on the
13 evidence presented. You will not have a written
14 transcript of the trial to consult, and it is difficult
15 and time consuming for the court reporter to read back
16 or play back lengthy testimony. I urge you to pay
17 close attention to the testimony as it is given.

18 Question, the last question, could we please
19 listen to Linda Bryant's testimony again. Again, I
20 will -- I don't have to read that again, you understand
21 what my response to it is, okay. So that's why I told
22 you to listen carefully during the trial, okay, go by
23 your memory. And go back into your deliberations and
24 continue to deliberate. Thank you very much.

25 (WHEREUPON, the jury exited the courtroom at

1 1:05 p.m.)

2 THE COURT: Anything further?

3 MR. SPRATLIN: No, Your Honor.

4 MS. BURROUGHS: Nothing, Your Honor.

5 THE COURT: All right. Still in recess. Y'all
6 stick around.

7 (WHEREUPON, the jury continues to deliberate at
8 1:05 p.m.)

9 THE COURT: All right. Thank you, be seated. All
10 right, it's my understanding we have a verdict. You
11 may bring the jury in.

12 (WHEREUPON, the jury came into open court at
13 approximately 2:06 p.m.)

14 THE COURT: All right. All members of the jury
15 are present. And, Mr. Foreman, it's my understanding
16 the jury has been able to reach a verdict?

17 JUROR #369: Yes, sir.

18 THE COURT: And is the verdict unanimous?

19 JUROR #369: Yes, sir.

20 THE COURT: And did you initial and sign or
21 whatever the verdict form?

22 JUROR #369: Yes, sir.

23 THE COURT: All right, if you'll hand the verdict
24 form to the bailiff there. Madam clerk, you may
25 publish the verdict.

1 THE CLERK: Indictment Nos. 2016-GS-26-03718 and
2 2016-GS-26-03719, the State of South Carolina, County
3 of Horry versus Kayla Gayle Wright, on the charge of
4 burglary first degree, Indictment No. 2016-GS-26-03718,
5 we, the jury, unanimously find the Defendant, Kayla
6 Gayle Wright, guilty.

7 On the charge of grand larceny, Indictment No.
8 2016-GS-26-03719, we, the jury, unanimously find the
9 Defendant, Kayla Gayle Wright, guilty.

10 Signed by foreperson Ken Sizemore, dated
11 January 11th, 2017. Ladies and gentlemen of the jury,
12 if this is your verdict, so signify by raising your
13 right hand.

14 (WHEREUPON, all jurors raised their right hands.)

15 THE CLERK: Thank you.

16 THE COURT: All right. The record will reflect
17 all jurors raised their right hands. Ladies and
18 gentlemen of the jury, I want to thank you so much for
19 your service to the State of South Carolina as well as
20 to Horry County. Your jury service has now ended for
21 the week. You do not have to report back later this
22 afternoon or tomorrow for that matter.

23 Again, thank you so much for you service. At this
24 time I'll ask you if you'll please retire back to your
25 jury room where I'll come and greet you in a moment and

1 MS. BURROUGHS: Thank you, Your Honor.

2 THE COURT: By the who?

3 MR. MARTIN: Defendant.

4 THE COURT: Well, they don't have to sign them.

5 All right, give me just a moment.

6 (WHEREUPON, a brief recess was taken at 2:10 p.m.)

7 THE COURT: All right. We'll proceed to
8 sentencing. I'll hear from the State first, then I'll
9 hear from the Defense as to any mitigation they wish to
10 offer.

11 MR. MARTIN: Thank you, Your Honor. You sat here
12 through the whole trial, you heard the facts of this
13 case. There's not much more to add. The State would
14 just ask that you sentence her appropriately under your
15 discretion. Thank you.

16 THE COURT: Thank you. Does the victim wish to
17 address the Court, Ms. Bryant?

18 MR. MARTIN: Ms. Bryant does not, Your Honor.

19 THE COURT: Okay. All right, yes, ma'am.

20 MS. BURROUGHS: Thank you, Your Honor, if it
21 please the Court. As the solicitor just stated, you
22 did sit through the trial, you did hear all that was
23 submitted. We would ask you to take into consideration
24 her age, her inexperience. She is 21, she doesn't have
25 a record. This is the first time she's really been in

1 trouble.

2 And this started out as an offer for drug court.
3 And it was turned town, and it was turned down three
4 times. Each time she said she wanted a trial. So I'm
5 not sure that she understands that if she had taken the
6 drug court, she wouldn't be looking at the sentence
7 that she's looking at now.

8 So I know the judges can, at your discretion, you
9 can give her anywhere from 15 years to life, but we
10 would ask you to give her the minimum, Your Honor,
11 taking everything into consideration and the minimum
12 for each charge, Your Honor. Thank you.

13 THE COURT: Thank you.

14 MS. BURROUGHS: Thank you.

15 THE COURT: Anything you wish to add, Mr. Galmore?

16 MR. GALMORE: No, sir.

17 THE COURT: Ms. Wright, anything you wish to say
18 to the Court at this time before I impose sentence?

19 THE DEFENDANT: No, sir.

20 THE COURT: Well, Ms. Wright, I do have a couple
21 things to say to you before I do impose sentence. I
22 just don't understand what was going through your mind
23 at that time, I don't. You know, I think it's clear to
24 me you conspired to get back at your grandma who just
25 took your baby from you. I mean, I think that's clear

1 from the record.

2 I mean, I thought your testimony was not credible
3 whatsoever. You know, and I just feel sorry for you.
4 I don't think you realize right now the trouble you're
5 facing. Do you realize I could sentence you to life in
6 prison?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: About the only good thing you got
9 going for you is you're 21 years old, going to be 22
10 next week. And you do have a child, although the
11 minimum sentence for this charge means you'll never see
12 your child graduate from high school. Did you realize
13 that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And for the life of me, I can't
16 understand why it appears you're trying to cover for
17 your boyfriend. I just -- I don't understand that at
18 all, will never understand that. Anyway, you'll have
19 22 years to think about it.

20 Sentence of the Court on Indictment 16-GS-26-3718
21 is that you be incarcerated in the South Carolina
22 Department of Corrections for a period of 22 years. As
23 to indictment 3719, the sentence of the Court is five
24 years, run that concurrent and you're given credit for
25 time served. Good luck to you, ma'am.

1 THE DEFENDANT: Thank you.

2 MS. BURROUGHS: Thank you, Your Honor.

3 THE COURT: All right. That concludes the trial
4 of this case. Ladies and gentlemen, thank you so much.

5 MR. SPRATLIN: Your Honor, may I approach.

6 (The hearing concluded at approximately 2:20 p.m.)

7 (End of Transcript of Record.)
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STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

IN THE COURT OF GENERAL SESSIONS
FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)

CASE No.: 2016-GS-26-03718

2016-GS-26-03719

V.)

KAYLA GAYLE WRIGHT,)
Defendant.)

ORDER FOR
REDUCTION OF SENTENCE
UNDER §17-25-65

FILED
HORRY COUNTY
2018 JAN 10 PM 2:55
RENEE N. ELYS
CLERK OF COURT
HORRY COUNTY

The State moved this Honorable Court under the provisions of S.C. Code of Laws §17-25-65 which allows the Court to reduce a Defendant's existing sentence based on providing substantial assistance to the State if certain criteria have been met.

A hearing on this matter was held before this Honorable Court on January 10, 2018. The Defendant, her attorney, from the South Carolina Commission of Indigent Defense and the 15th Circuit Solicitor's Office were present before the Court. The Court was informed of the details of the case, and the nature of the Defendant's assistance in the prosecution of her co-defendants.

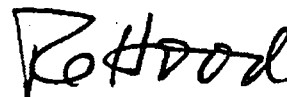
After hearing from the State and the Defendant, the Court finds the motion is proper under §17-25-65 (A)(1). The assistance provided, as well as this motion, were brought within one year of the Defendant's original sentencing. The Court finds that the information provided to law enforcement did rise to the level of substantial assistance in the prosecution of other Defendants in this criminal case.

THEREFORE, it is hereby ORDERED that the Defendant's sentence in the above referenced matters will be reduced from 22 years to 12 years for First Degree Burglary, and Grand Larceny. The Defendant is to be given credit for all time served and the sentences are to be served concurrently as originally ordered.

AND IT IS SO ORDERED

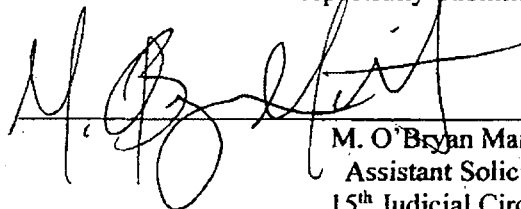
DATED: Jan 10, 18

Conway, South Carolina



THE HONORABLE ROBERT E. HOOD
PRESIDING JUDGE, 15th JUDICIAL CIRCUIT

Respectfully Submitted,



M. O'Bryan Martin
Assistant Solicitor
15th Judicial Circuit

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on August 11, 2016, the Grand Jurors of Horry County present upon their oath:

BURGLARY, FIRST DEGREE

CDR: 0079 16-11-0311

That Kayla Gayle Wright did in Horry County, on or about April 16, 2016 enter the dwelling of Linda Bryant without consent and with the intent to commit a crime therein and when in effecting entry or while in the dwelling or in immediate flight, was armed with a deadly weapon, he or another participant in the crime, in violation of Section 16-11-0311(A), 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.



JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

DOCKET NO. 2016-GS-26- 03718

WITNESSES

Terry Elliott Horry County Police Department

Dudley

The State of South Carolina

County of Horry

M. OBryan Martin

16H02484

COURT OF GENERAL SESSIONS

August, 2016 TERM

ARREST WARRANT NUMBER

2016A2610500169

CDR: 0079 16-11-0311

DOA: 5/13/2016

THE STATE

vs.

Kayla Gayle Wright
W/F

DOB: 
SSN: 

ATTORNEY: Linda Morris Burroughs

Indictment for

Burglary, First Degree

Jimmy A. Richardson, II, Solicitor

ORIGINAL

FILED
HORRY COUNTY

2016 AUG 15 AM 9:10

PLANE HUGGINS-WARD
CLERK OF COURT

DATE RECEIVED FROM

GRAND JURY

ACTION OF GRAND JURY

TRUE BILL

L. A. Harrington

Foreperson of Grand Jury
Date: AUG 11 2016

VERDICT

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)

COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on August 11, 2016, the Grand Jurors of Horry County present upon their oath:

GRAND LARCENY
(VALUE OVER \$2000 BUT LESS THAN \$10,000)

CDR: 3420 16-13-0030(B)(1)

That Kayla Gayle Wright did in Horry County on or about April 16, 2016, take and carry away the personal goods of Linda Bryant, valued at more than two thousand (\$2000.00) dollars but less than ten thousand (\$10,000.00) dollars, described as follows: flat screen tv, 2 small safes with \$2,300 inside, jewelry and a colt .22 pistol, with the intent to deprive the owner permanently of such property and to convert the goods to his/her own use, in violation of Section 16-13-0030(B)(1), 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.


JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

273

WITNESSES

Terry Elliott, Horry County Police Department

R. Sept

DOCKET NO. 2016-GS-26- 63719

The State of South Carolina

County of Horry

M: OBryan Martin

16H02484

COURT OF GENERAL SESSIONS

August, 2016 TERM

ARREST WARRANT NUMBER

2016A2610500174

CDR: 3420 16-13-0030(B)

DOA: 5/13/2016

ACTION OF GRAND JURY

TRUE BILL

L. Harris

Foreperson of Grand Jury

Date:

SEP 15 2016

VERDICT

Foreperson of Petit Jury

Date:

vs.

Kayla Gayle Wright

W/F

DOB:

SSN:

ATTORNEY: Linda Morris Burroughs

Indictment for

Grand Larceny

Jimmy A. Richardson, II, Solicitor

ORIGINAL

FILED
HORRY COUNTY

2016 SEP 19 AM 8:47

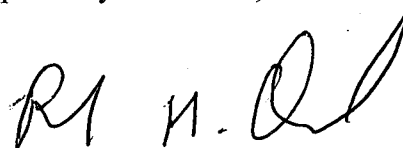
MELANIE HARRIS-WARD
CLERK OF COURT

DATE RECEIVED FROM
GRAND JURY

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,



Robert M. Dudek
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 4th day of September, 2018.

RECEIVED
SEP 04 2018
SC Court of Appeals