

STATE OF SOUTH CAROLINA

 ORIGINAL

In The Court of Appeals

APPEAL FROM YORK COUNTY

John C. Hayes, III, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CHARLES BRETT WALSHAW,

APPELLANT

RECORD ON APPEAL

DAYNE C. PHILLIPS
Appellate Defender

ALAN WILSON
Attorney General

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

JOHN W. MCINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General

Attorney for Appellant

MARK R. FARTHING
Assistant Attorney General
Office of the Attorney General
PO Box 11549
Columbia, SC 29211

(803) 734-3727

KEVIN S. BRACKETT
Solicitor, Sixteenth Judicial Circuit
Moss Justice Center
1675 York Highway, Ste. 1-A
York, SC 29745-7495
(803) 628-3020

Attorneys for Respondent

RECEIVED
SEP 10 2012
SC Court of Appeals

INDEX

INDEX.....i

TRANSCRIPT DATED April 11, 20111

OPENING STATEMENTS8

TESTIMONY

DEPUTY CHRISTOPHER WEST

 Direct Examination by Mr. Shifflett.....9

 Cross Examination by Ms. Inzerillo.....12

SARGENT MIKE RAMSEY

 Direct Examination by Mr. Shifflett.....13

 Cross Examination by Ms. Inzerillo.....17

ROBERT BRAKEFIELD

 Direct Examination by Mr. Shifflett.....21

 Cross Examination by Ms. Inzerillo.....23

TODD BLACKMON

 Direct Examination by Mr. Shifflett.....25

 Cross Examination by Ms. Inzerillo.....27

DEPUTY RACHAEL GLADDEN

 Direct Examination by Mr. Springs29

 Cross Examination by Ms. Inzerillo.....33

MONA MOSER

 Direct Examination by Mr. Shifflett.....36

 Cross Examination by Ms. Inzerillo.....40

DONNA CLADE

 Direct Examination by Mr. Shifflett.....42

 Cross Examination by Ms. Inzerillo.....48

MATTHEW NANCE

 Direct Examination by Mr. Springs50

 Cross Examination by Ms. Inzerillo.....55

 Redirect Examination by Mr. Springs.....65

ANDREW MEAD

 Direct Examination by Mr. Springs67

 Cross Examination by Ms. Inzerillo.....73

 Redirect Examination by Mr. Springs.....75

DETECTIVE PETE BRANHAM

 Direct Examination by Mr. Springs76

ANDREW MEAD

 Cross Examination by Ms. Inzerillo.....79

 Redirect Examination by Mr. Springs.....79

DETECTIVE PETE BRANHAM
Direct Examination by Mr. Springs80
Cross Examination by Ms. Inzerillo.....80
Redirect Examination by Mr. Springs.....86

KRISTINE KING
Direct Examination by Ms. Inzerillo88
Cross Examination by Mr. Springs89

STACY WALSHAW
Direct Examination by Ms. Inzerillo93
Cross Examination by Mr. Springs96

DWAYNE WALSHAW
Direct Examination by Ms. Inzerillo99
Cross Examination by Mr. Springs107

CHARGE BY THE COURT123

VERDICT138

SENTENCING141

INDICTMENTS148

SENTENCING SHEETS153

DEFENDANTS EXHIBITS #1158

COURTS EXHIBITS #1161

CERTIFICATE OF COUNSEL.....162

1 (ON THE RECORD MONDAY, APRIL 11, 2011 AT 2:00 PM.)

2 MR. SPRINGS: May it please the Court?

3 THE COURT: Yes, sir.

4 MR. SPRINGS: The next matter for this Honorable Court
5 is the trial in the case of the State of South Carolina
6 versus Charles Brett Walshaw. I believe I'm holding ten,
7 ten True Bill Indictments. The first is breaking into a
8 motor vehicle on 2010-GS-46-3517. Another breaking into a
9 motor vehicle on 3511; another breaking in on a motor
10 vehicle on 3510; another breaking into a motor vehicle on
11 3509; a petty larceny on 3521; another petty larceny on
12 3518; another petty larceny on 3516; a conspiracy on
13 3512; another petty larceny on 3508; another breaking
14 into a motor vehicle on 3520 and another breaking into a
15 motor vehicle on 3519. Mr. Walshaw is present here in the
16 courtroom represented by Melissa Inzerillo.

17 Ms. Inzerillo, how does he plead to all of those
18 charges?

19 MS. INZERILLO: Not guilty to all.

20 MR. SPRINGS: We are after a few pretrial matters,
21 Your Honor, ready to try this case. I will let Ms.
22 Inzerillo begin if she would like to be heard on pretrial
23 motions.

24 THE COURT: Strikes five and five?

25 MR. SPRINGS: Yes, sir.

1 represented by Mr. Springs and Mr. Shifflett.

2 (ATTORNEYS FOR THE STATE STOOD.)

3 THE COURT: Thank you, you can be seated. Mr. Walshaw
4 is charged with several charges. He is presumed innocent
5 of these charges and the State has to prove his guilt
6 beyond a reasonable doubt. I will tell you what the
7 charges are. Petty Larceny on June 7th, 2010; Breaking
8 into a Motor Vehicle on that date. A second Breaking into
9 a Motor Vehicle on that date, a Petty Larceny on June 7th
10 the same date. Another breaking into a motor vehicle on
11 that date. Another Petty Larceny on that date; a Criminal
12 Conspiracy on June 29th, 2010, a breaking into a Motor
13 Vehicle on June 29th of 2010. Another Petty Larceny on
14 June 7th, 2010, a Criminal Conspiracy on June 29th, 2010.
15 Another breaking into a Motor Vehicle on June 29th of 2010.
16 Another breaking into a Motor Vehicle on June 29th, 2010.
17 Another Breaking into a Motor Vehicle on June 29th, 2010
18 and finally a Petty Larceny on that date June 29th, 2010.

19 I need to ask you some questions somewhat similar to
20 those that Judge Alford deposed this morning. First are
21 any of you related by blood or marriage or are you a close
22 personal friend of Charles Brett Walshaw; if so, please
23 stand? No one stands.

24 Any of you know anything about this case? Have any of
25 you heard about it from any source whatsoever or have any

1 please stand the Clerk will administer the oath.

2 MADAME CLERK: Please raise your right hand.

3 (WHEREUPON: PETIT JURY SWORN AT
4 03:27 PM.)

5 THE COURT: Mr. Kimmel, I'm going to ask you move,
6 swap places with Mr. Mcrae and ask you to be the foreman of
7 this jury.

8 (JURORS EXCHANGE SEATS.)

9 THE COURT: You can be seated.

10 Members of the jury panel, I'm going to chat with you
11 just a minute and then I'll turn the case over to the
12 attorneys. They have a right but no obligation to come
13 before you and make what are called opening statements. At
14 this point they will not be arguing their case and they're
15 not witnesses so they will not be testifying. They will
16 simply be giving you an over view or outline of the trial.
17 Mr. Walshaw has as to these charges entered pleas of not
18 guilty. This places on the State the burden of proving his
19 guilt beyond a reasonable doubt before you can convict him
20 on one or more or all of the charges.

21 I have several jobs in this trial, one is that I'm the
22 logistic person, I sometimes call it the wagon master. I
23 am the one who makes sure we take breaks, make sure people
24 are seated in the right seats, those sort of mechanical
25 parts of the trial. My second job is that I am the ruler

1 on questions of the admissibility of evidence. If one side
2 believes certain evidence should be allowed into the record
3 for your consideration and the other based on some
4 evidentiary reason believes that evidence should not be
5 allowed it is up to me to rule on that and once I have
6 ruled the evidence in or out that rule is binding on the
7 parties.

8 You are the sole -- My second job is that, or my third
9 job actually is that I am the sole judge of the law in this
10 case. You must take accept and apply the law as I charge
11 it. This is true even if you think I charge the law in
12 error or even if you think the law should be different.
13 Your oath requires you to take accept and apply the law as
14 I charge it. You are not to infer from anything I have
15 said or done at any time as indicating an opinion of mine
16 on the facts. It is solely your job to examine the evidence
17 and to give to the evidence the effect the value the weight
18 and the truth you believe the evidence should have. In
19 doing this you may believe one witness as opposed to
20 several several witnesses as opposed to one. You may
21 believe all, part or none of a witnesses testimony. Use
22 your commons sense your sense of logic your sense of reason
23 use your experiences in life as you analyze the evidence.
24 As judges of the facts you must necessarily judge the
25 credibility that is the believability of the witnesses who

1 testify. In assessing believability use the things I just
2 talked about, use the things that you in your day to day
3 life find as being indicators of truthfulness. And you can
4 use certain evaluators, the witness's demeanor, how they
5 act on the stand, are they hesitant or straight forward, is
6 their testimony consistent or inconsistent, do they have
7 any bias or prejudice that is any reason to help or hurt
8 one side or the other. And you can consider the
9 opportunity a witness had to actually know those things to
10 which they testified. All these things you consider to
11 determine the true facts apply the law and you will be in a
12 position to return a verdict that speaks the truth.

13 You do not need to take notes. If you can't see cup
14 your ear -- I'm sorry, if you can't hear cup your ear or
15 give a voice raising gesture. If you can't see give a
16 nudging gesture and I will try to correct it because it's
17 not fair to ask you to resolve this matter then not give
18 you full opportunity to see and hear what you need to see
19 and hear. Do not make up your mind or discuss this case
20 until we reach the point of the trial where I instruct you
21 at the point to deliberate and return a unanimous verdict.
22 Prior to that time you are not equipped with all you need
23 to make a fair and reasonable decision. So do not try to
24 make up your mind or discuss the case among yourselves
25 until we reach that point. Do not allow anyone to discuss

1 the case with you outside the courtroom. If anyone tries
2 to discuss this case with you report that back to me
3 hopefully giving me that person's identity. Don't discuss
4 it, don't start a conversation about it and don't let
5 anyone to start a conversation with you about this case.
6 Do not let yourselves be exposed to any news coverage if
7 there is any. Don't read about it watch anything or listen
8 to anything that can remotely deal with this trial. Do not
9 do any independent research. Now we have access to the
10 world so don't go on line, don't use any kind of electronic
11 or any kind of other means to find out any information
12 about me or about the lawyers or about Mr. Walshaw or about
13 these charges. You must base your verdict solely on the
14 law and the evidence that is developed in the trial.

15 We take breaks about every hour and a half. I find
16 that's a good break time but any of you need a break at any
17 time simply raise your right hand and we'll take a break.
18 I assure you that if I need a break Im going to take one
19 and I will give you the same right. I extend that to
20 counsel and Mr. Walshaw. We want to move the case along
21 but we're not in such a hurry that we won't take a break if
22 we need to. I try to start around 9:30, this case will
23 obviously go into the morning. We try to stop around 5:30
24 or Six at the latest. So with all that said I will turn
25 the case over to the attorneys for their opening

1 statements.

2 MR. SPRINGS: Thank you, Judge Hayes. Let me get my
3 deputies and Mr. Blackmon to wait in the hall please.

4 (OFFICERS AND WITNESS LEAVE COURTROOM.)

5 MR. SPRINGS: This case is about that guy, Charles
6 Brett Walshaw, going on somebody else's property in the
7 middle of the night going into their cars and stealing
8 their stuff. Breaking into cars that's what this case is
9 about. We're going to show you that this guy Charles Brett
10 Walshaw and two of his little buddies Andrew Mead and Lucas
11 Nance went out and broke into these cars.

12 June 7th last year 2010 these three guys they go onto
13 the property of two ladies, two single ladies that live
14 together as room mates out in the county, Ms. Moser and Ms.
15 Clade, and between them they own three vehicles. And
16 Walshaw and his two buddies Nance and Mead go in those two
17 vehicles and they steal some stuff. The same night they go
18 to somebody else's house. They go to the house of Mr.
19 Brakefield in the green back there.

20 (INDICATING TO BACK OF COURTROOM.)

21 MR. SPRINGS: Mr. Brakefield owns a truck. They break
22 into his truck and they steal something that belongs to
23 him. One of his neighbors had a dog, the neighbors dog
24 started barking got the neighbor up and the neighbor went
25 out and heard the sound of people running and he got up and

1 Judge in his opening remarks to you advised you to look at
 2 indicators of credibility and I ask you to do the same
 3 thing. Because when you hear them take the stand you will
 4 see they are not credible. Mr. Walshaw's two man accusers
 5 are not credible because he was at home that night. He
 6 wasn't breaking into cars, he wasn't stealing stuff out of
 7 cars. You will hear that nothing was found on his person,
 8 at his house unlike Mr. Mead that they found stuff on his
 9 person and at his house. That's the case, ladies and
 10 gentlemen of the jury, it's a simple case. It's a simple
 11 case of not being where they said he was. It's a simple
 12 case because Mr. Walshaw was at home on both nights not
 13 breaking into cars, not stealing items out of those cars.
 14 Thank you.

15 THE COURT: Call your first witness.

16 MR. SHIFFLETT: The State would call as it's first
 17 witness Deputy West.

18 MADAME CLERK: Please raise your right hand and place
 19 your left on the Bible.

20 (WHEREUPON: DEPUTY
 21 CHRISTOPHER WEST, BEING FIRST CALLED AND DULY SWORN,
 22 TESTIFIED AS FOLLOWS:)

23 DIRECT EXAMINATION

24 DEPUTY CHRISTOPHER WEST BY MR. SHIFFLETT:

25 Q. Good afternoon, Deputy.

1 A. Good afternoon.

2 Q. Can I ask you a few questions today? Would you state
3 for the record your full name and experience?

4 A. Christopher Bret West. I'm a deputy with the York
5 County Sheriff's Office. Been there for approximately a
6 year.

7 Q. Deputy, were you on duty on June the 7th, 2010?

8 A. Yes, sir, I was.

9 Q. Did you make an investigation and take reports from
10 here in York County?

11 A. Yes, sir, I was.

12 Q. Now is that house and lot in fact in York County?

13 A. Yes, sir, it is.

14 Q. Deputy, did you meet with people that live there, Ms.
15 Moser and Ms. Clade?

16 A. Yes, sir, I did.

17 Q. Deputy, what sort of trouble did they report to you?

18 A. It was reported that three vehicles had been broken
19 into and things were taken out of the vehicles at their
20 residence in the drive way.

21 Q. What vehicles were those? Do you recall?

22 A. If I can look at my report that I've written to make
23 sure the vehicles that I've entered, make sure I say them
24 correctly. It's a 2005 Silver, Chevy, Cavalier. Also a
25 1995 White, Nissan, Maxima and a 1998 black, Ford, Ranger.

1 Q. The vehicles you just mentioned did you take a look at
2 them to see if they were damaged and if you could find any
3 other evidence?

4 A. Yes, sir, I did.

5 Q. Were they damaged?

6 A. No, sir, they were not damaged.

7 Q. Deputy, were there any testing for fingerprints done
8 at this time?

9 A. No, sir, there was not.

10 Q. Okay. Pursuant to your investigation had anything
11 been stolen out of these three vehicles?

12 A. Yes.

13 Q. Would you -- Do you have a recollection of what items
14 were stolen?

15 A. Yes, sir. I learned that a pack of Salem cigarettes
16 were taken from the vehicle. Also Thirty Nine Dollars in
17 change and money and -- If I can look back to my report.
18 Also one CD was taken from the vehicle.

19 Q. Okay. Now at that point in your investigation did you
20 have any leads or suspects?

21 A. No, sir, I did not.

22 Q. And were the vehicles damaged at this time?

23 A. No, sir, they were not damaged.

24 Q. Okay. Well I have one last question. Pursuant to
25 your investigation did you determine if things had in fact

1 been stolen out of the vehicles?

2 A. Yes, sir.

3 Q. Okay. Please answer any questions Defense counsel has
4 for you.

5 A. Yes, sir.

6 MS. INZERILLO: May it please the Court, Your Honor.

7 THE COURT: Yes, ma'am.

8 CROSS EXAMINATION

9 DEPUTY CHRISTOPHER WEST BY MS. INZERILLO:

10 Q. Deputy West, you were the responding officer to Gordon
11 Road on June 7th; is that right?

12 A. Yes, ma'am, that's correct.

13 Q. And that means essentially you're the first deputy
14 that comes on scene - - -

15 A. Yes.

16 Q. - - - when a call is place; is that correct?

17 A. Yes, ma'am.

18 Q. Okay. And you -- And I think you've been referencing
19 that you took a report in this case; - - -

20 A. Yes, ma'am, I did.

21 Q. - - - is that right? And according to your report I
22 believe that you responded to the house at 12:55 on that
23 day; is that right?

24 A. Yes, ma'am, I did.

25 Q. And your information was that the cars were broken

DEPUTY CHRISTOPHER WEST: CROSS EXAMINATION BY MS. INZERILLO
SERGEANT MIKE RAMSEY: DIRECT EXAMINATION BY MR. SHIFFLETT

39

1 into some time between 4:30 and Five o'clock that morning?

2 A. Yes, ma'am.

3 Q. Okay. And that would have been the same day that the
4 June 7th?

5 A. Yes, ma'am.

6 Q. Okay.

7 A. Correct.

8 Q. No further questions, Your Honor.

9 THE COURT: Any redirect?

10 MR. SHIFFLETT: Nothing further.

11 THE COURT: You can step down and be excused. We
12 appreciate your time. Thank you.

13 (WITNESS LEAVING WITNESS STAND.)

14 THE COURT: Call your next witness.

15 MR. SHIFFLETT: Sergeant Ramsey.

16 MADAME CLERK: Raise your right hand place your left
17 on the Bible.

18 (WHEREUPON: SERGEANT MIKE
19 RAMSEY, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS
20 FOLLOWS:)

21 DIRECT EXAMINATION

22 SERGEANT MIKE RAMSEY BY MR. SHIFFLETT:

23 Q. Good afternoon, Sergeant Ramsey.

24 A. Afternoon.

25 Q. Would you state for the record your full name and

1 experience, sir?

2 A. Michael Thomas Ramsey. I'm a patrol supervisor been
3 in law enforcement since November of 1998.

4 Q. Sir, were you on duty on June the 7th, 2010?

5 A. Yes, sir.

6 Q. Did you make an investigation and take reports from
7 here in York County?

8 A. Yes, sir, I did.

9 Q. Sergeant, is that house and lot in York, South
10 Carolina?

11 A. Yes, sir.

12 Q. Did you meet with the people who live at that address,
13 with the person that lives there at that address?

14 A. Yes, sir, I did.

15 Q. And who was that person?

16 A. Mr. Brakefield.

17 Q. Sergeant, what sort of trouble did he report to you?

18 A. A break in to his GMC pickup.

19 Q. Did you look at Mr. Brakefield's GMC truck to see if
20 it was damaged and what other evidence you might be able to
21 find?

22 A. Yes, sir, I did.

23 Q. Was it damaged?

24 A. There was damage to the passenger side seat. It
25 appeared to be a burn mark. And he reported that the cell

1 phone was stolen out of the vehicle.

2 Q. So pursuant to your investigation he did indicate that
3 something had been stolen out of the vehicle?

4 A. Yes, sir.

5 Q. Was the vehicle damaged?

6 A. Just the seat itself.

7 Q. Did you find any other clues pursuant to your
8 investigation?

9 A. During the investigation I located a cigarette butt on
10 the ground below the passenger side door.

11 Q. Were there any other witnesses who that you discovered
12 who could shed some light on the evidence?

13 A. Yes, sir, I did. While we were investigating that
14 some neighbors across the street directly across the street
15 from Mr. Brakefield had some items stolen from their
16 vehicles. They were not home I left a card. I also
17 learned that during the investigation that Mr. Blackmon had
18 noticed the previous night somebody had been around his
19 property.

20 Q. Okay. Pursuant to your investigation in the way of
21 suspects did you, who were you looking for, what sort of
22 individual or that you were looking for?

23 A. I learn that probably be looking for a younger person,
24 teenage adult, somebody that had a small dog with them.

25 Q. Did you have any indication as to what kind of small

1 dog that might have been?

2 A. The investigation uncovered that possibly a Yorkie
3 type dog.

4 Q. After talking to Mr. Blackmon did you locate any other
5 possible evidence?

6 A. Yes, sir, directly on the roadway on
7 above the residence of Mr. Blackmon there was a pack of
8 Newport cigarettes that were in the roadway that I
9 recovered and placed into evidence.

10 Q. Sir, thank you. Would you please --

11 I beg the Court's indulgence.

12 (PAUSE AT 02:51 PM.)

13 MR. SHIFFLETT: Just a few more questions to clarify.

14 You did speak to Mr. Blackmon who was the neighbor
15 across the street?

16 A. No, sir, Mr. Blackmon lives down the road on Chapman
17 Circle.

18 Q. Down the road?

19 A. Yes, sir. After I learned of the possibility of him
20 being a witness I went to speak with him. The neighbors
21 directly across the street they were not home at that point
22 in time. I left a card and was not contacted.

23 Q. And your conversations with Mr. Blackmon he was
24 speaking about events that had happened in what time frame?

25 A. Earlier that morning of June the 7th.

SERGEANT MIKE RAMSEY: DIRECT EXAMINATION BY MR. SHIFFLETT
CROSS EXAMINATION BY MS. INZERILLO

43

1 Q. So we're talking about the same night?

2 A. Yes, sir. It would have been on the same report and
3 date.

4 Q. Thank you, sir.

5 A. Yes, sir.

6 Q. Please answer any questions defense counsel has.

7 CROSS EXAMINATION

8 SERGEANT MIKE RAMSEY BY MS. INZERILLO:

9 Q. Is it Sergeant Ramsey?

10 A. Yes, ma'am.

11 Q. Okay. I just want to make sure I get that right.

12 Sergeant Ramsey, you reported to on
13 June 7th about some car break ins; is that right?

14 A. Yes, ma'am.

15 Q. Okay. And I believe you indicated you spoke to Mr.
16 Brakefield and Mr. Blackmon; is that right?

17 A. Yes, ma'am.

18 Q. All right. To make it simple let's start with Mr.
19 Brakefield.

20 A. Okay.

21 Q. You learn from him that his truck was broken into; is
22 that right?

23 A. Yes, ma'am.

24 Q. And he indicated that his truck was unlocked?

25 A. Yes, ma'am.

1 Q. And that happened some time between Four and 4:28 am;
2 is that right?

3 A. Yes, ma'am.

4 Q. Okay. Now he also showed you a cigarette butt on the
5 ground; is that right?

6 A. Yes, ma'am.

7 Q. And then a cigarette burn mark on the passenger seat?

8 A. Yes, ma'am.

9 Q. Okay. And the cigarette butt was also found on the
10 passenger side; is that right?

11 A. Yes, ma'am.

12 Q. Okay. And from looking at that you can glean that
13 that meant that the cigarette was probably lit while it was
14 in the car?

15 A. Yes, ma'am.

16 Q. Okay. And so you took that cigarette butt into
17 evidence?

18 A. Yes, ma'am.

19 Q. Is that right? Because as we've all seen smokers a
20 cigarette butt goes between the lips; is that right?

21 A. Uh-huh. Yes, ma'am.

22 Q. That means there could potentially be DNA on that
23 cigarette butt?

24 A. Yes, ma'am.

25 Q. Okay. So you collected that into evidence?

1 A. Yes, ma'am.

2 Q. Is that right? Okay. And you also took note of the
3 burn mark in the seat?

4 A. Yes, ma'am.

5 Q. Then you talked to Mr. Blackmon; is that right?

6 A. Yes, ma'am.

7 Q. Okay. And he indicated to you that he had seen a
8 Yorkie dog following somebody; is that right?

9 A. What appeared to be a Yorkie dog.

10 Q. Okay.

11 A. A Yorkie type.

12 Q. Like a little small poodle type dog?

13 A. Yes, ma'am.

14 Q. Okay. Were you aware at that point that a Yorkie type
15 dog follows Andrew Mead every where he goes?

16 A. I'm not sure who Andrew Mead is.

17 Q. Okay.

18 A. And no, ma'am.

19 Q. Okay. Now Mr. Blackmon also showed you a pack of
20 cigarettes in the road as well; is that right?

21 A. Yes, ma'am.

22 Q. Okay. And you also took those into evidence as well?

23 A. Yes, ma'am.

24 Q. And you took those into evidence because forensic
25 services might test them for DNA or prints or something

1 like that; is that right?

2 A. Yes, ma'am.

3 Q. Okay. And just so we can be clear; you were the first
4 responder to this scene; is that right?

5 A. Yes, ma'am.

6 Q. Okay. And what that means is when you go there you
7 essentially size up the scene; is that right?

8 A. Yes, ma'am.

9 Q. Try to determine if a crime had taken place.

10 A. Yes, ma'am.

11 Q. Right? To collect any evidence that could be used to
12 see if a crime had taken place; is that right?

13 A. Yes, ma'am.

14 Q. And based on what you find doing your report or
15 anything like that to document everything that you found.

16 A. Yes, ma'am.

17 Q. Okay. Now as first responder you also can call out
18 K 9 or forensic services or that type of thing. Right?

19 A. Yes, ma'am.

20 Q. Okay. But you didn't do that in this case; you just
21 collected the evidence to send along to them; - - -

22 A. That's correct.

23 Q. - - - is that right? Okay. And the evidence that you,
24 the things that you took into evidence as well as your
25 report you turned that in as part of the case file to be

1 sent to the detective - - -

2 A. Yes, ma'am.

3 Q. - - - that would be assigned to the case; is that
4 right?

5 A. Yes, ma'am.

6 Q. No further questions, Your Honor.

7 MR. SHIFFLETT: Nothing further, Your Honor.

8 THE COURT: You can step down and be excused. We
9 appreciate your time.

10 SERGEANT RAMSEY: Thank you, Your Honor.

11 (WITNESS LEAVING WITNESS STAND.)

12 THE COURT: Call your next witness.

13 MR. SHIFFLETT: The State calls Robert Brakefield.

14 MADAME CLERK: Raise your right hand place your left
15 hand on the Bible.

16 (WHEREUPON: ROBERT BRAKEFIELD,
17 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

18 MADAME COURT REPORTER: Mr. Brakefield, keep your
19 voice up loud and clear so that last juror over there in
20 that box can hear every word you say, Okay?

21 MR. BRAKEFIELD: Yes, ma'am.

22 MADAME COURT REPORTER: Thank you.

23 DIRECT EXAMINATION

24 ROBERT BRAKEFIELD BY MR. SHIFFLETT:

25 Q. Good afternoon, Mr. Brakefield.

1 A. Good afternoon.

2 Q. For the record would you state your full name and
3 address please.

4 A. Yes. Robert Gregory Brakefield, I live at
5

6 Q. Mr. Brakefield, did you own a GMC pickup truck on the
7 night of June the 6th and the early morning of June 7,
8 2010?

9 A. Yes, sir.

10 Q. Now as it parked at your residence at Chapman
11 Circle that night and morning?

12 A. Yes, sir.

13 Q. When you parked it and left it for the night were all
14 the doors and windows closed?

15 A. Yes, sir.

16 Q. Okay. Do you remember if the truck was locked?

17 A. It was not locked.

18 Q. Okay. The next morning June the 7th last year was
19 there sort of problems related to your truck?

20 A. Yes. My wife went out and noticed that she had left
21 her cell phone in my truck and that it was missing.

22 Q. Okay. Was the truck damaged?

23 A. We after we got in there and looked the passenger side
24 seat had a cigarette burn through the seat.

25 Q. Okay. And where was it; where was the burn?

ROBERT BRAKEFIELD: DIRECT EXAMINATION BY MR. SHIFFLETT
CROSS EXAMINATION BY MS. INZERILLO

49

1 A. It was in the passenger seat.

2 Q. Okay. Where was the cigarette butt located when you
3 first saw it?

4 A. The cigarette butt was right outside the passenger
5 door.

6 Q. Mr. Brakefield, did you give anyone permission to
7 break into your truck and take your cell phone?

8 A. No, sir, I did not.

9 Q. One last question. Have you ever gotten your cell
10 phone back?

11 A. No, sir..

12 Q. Thank you, Mr. Brakefield, will you please answer any
13 questions from the defense?

14 A. Yes, sir.

15 CROSS EXAMINATION

16 ROBERT BRAKEFIELD BY MS. INZERILLO:

17 Q. Hello, Mr. Brakefield.

18 A. How are you?

19 Q. I'm fine, how are you? You called the police at
20 Eleven o'clock in the morning on June, the day of June 7th;
21 is that right?

22 A. My wife did yes.

23 Q. Your wife did?

24 A. Yes.

25 Q. Okay. And you or she told the police you thought your

1 truck had been broken into?

2 A. That's correct.

3 Q. All right. And you guys thought it happened some time
4 between Four and 4:28 am?

5 A. We weren't aware of the time. We just knew that the
6 truck had been entered.

7 Q. Okay. And I think you had said earlier that the truck
8 was unlocked; - - -

9 A. That's correct.

10 Q. - - - is that correct? Okay. Now you noticed that
11 the cigarette butt was found beside the passenger side
12 door; is that right?

13 A. That's correct.

14 Q. And you were the one that pointed it out to Sergeant
15 Ramsey?

16 A. That is correct.

17 Q. Okay. And that then inside on that same side of your
18 truck was a cigarette burn; - - -

19 A. That's correct.

20 Q. - - - is that right? Okay. And that cigarette burn,
21 cigarette butt didn't belong to you?

22 A. That is correct.

23 Q. All right. And did you see the officer take that into
24 evidence when you pointed it out?

25 A. Yes I did.

1 Q. Okay. You didn't see who if anyone had broken into
2 your truck; - - -

3 A. No I did not.

4 Q. - - - is that correct? Okay.

5 No further questions, Your Honor.

6 THE COURT: Redirect?

7 MR. SHIFFLETT: Nothing further.

8 THE COURT: You can step down and be excused.

9 Appreciate your time.

10 MR. BRAKEFIELD: Thank you.

11 THE COURT: Call your next witness.

12 MR. SHIFFLETT: Step around and be sworn.

13 MADAME CLERK: Please raise your right hand place your
14 left hand on the Bible.

15 (WHEREUPON: TODD BLACKMON,
16 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:

17 DIRECT EXAMINATION

18 TODD BLACKMON BY MR. SHIFFLETT:

19 Q. Good afternoon, Mr. Blackmon. Can you speak up as
20 loud as possible for the court reporter?

21 A. Sure.

22 Q. Can you state your full name and address for the
23 record?

24 A. Todd Blackmon,

25 Q. Mr. Blackmon, where were you on the evening and early

1 morning of June 7th, 2010?

2 A. I was at my residence.

3 Q. Mr. Blackmon, did anything out of the ordinary happen
4 that evening or early morning?

5 A. Yes. Around 4:15, 4:20 in the morning -- I have a dog
6 that lives in my garage, the dog started barking, an irate
7 bark where I knew something was wrong, immediately jumped
8 up out of the bed, went to the garage opened up the doors
9 and as the garage doors was coming on I was flipping on the
10 outside lights and could see a set of feet running past the
11 lower part of my garage door.

12 Q. And you had the light on; is that correct?

13 A. Yes I had indoor lights for the garage and an exterior
14 light on from the garage as well.

15 Q. Okay. And what, you saw an individual's feet running
16 away?

17 A. Yes. The individual running by my door and there was
18 a little, like a little Yorkie dog running behind the
19 individual.

20 Q. Okay. And what did you do after you saw the
21 individuals running away?

22 A. As the garage door continued to come up I went outside
23 of my garage just to see if there was anyone else there or
24 what was going on. And I looked and the individuals was
25 running down my driveway and I could tell that he had left

TODD BLACKMON: DIRECT EXAMINATION BY MR. SHIFFLETT
CROSS EXAMINATION BY MS. INZERILLO

53

1 my driveway and kind of ran back up the road. But it was
2 dark so I couldn't see him but I could definitely see the
3 legs as he went past the garage.

4 Q. Okay. And if not at that time or any other time did
5 you find anything in the area where you observed those
6 individuals?

7 A. At that time I did not. Now the next morning whenever
8 I left to go to work as I was leaving out of my driveway I
9 was kind of looking around with everything that just
10 happened a few hours earlier and I did notice a pack of
11 cigarettes laying in the road at the edge of the road a
12 little bit past my house in which I notified Officer Ramsey
13 when he came by to do the report of those being there.

14 Q. That's all I have. Thank you, sir. Will you please
15 answer any questions the defense counsel may have.

16 CROSS EXAMINATION

17 TODD BLACKMON BY MS. INZERILLO:

18 Q. How are you?

19 A. Doing good. How are you?

20 Q. Good. Mr. Blackmon, you I think you indicated that
21 your dog woke you up about 4:20; is that right?

22 A. That is correct.

23 Q. Okay. And as soon as your dog started barking you
24 immediately went to see why he or she was barking.

25 A. Correct.

1 Q. Okay. And then you tried to see who was there and
2 didn't; is that right?

3 A. I could not. All I saw was a set of feet as my garage
4 door was coming up.

5 Q. Okay. And then later on when you were going to work
6 that's when you noticed the cigarette pack in the road?

7 A. That is correct.

8 Q. And you thought that was a little bit unusual so you
9 pointed it out to Sergeant Ramsey?

10 A. Correct.

11 Q. Okay. And you saw Sergeant Ramsey take that into
12 evidence since you had pointed that out?

13 A. I did not see Officer Ramsey specifically take that
14 into evidence. It was up where you could not see it from
15 my residence. I pointed up to it and he said that he would
16 run by there and collect that on his way out.

17 Q. All right. Thank you very much.

18 MR. SHIFFLETT: Nothing further.

19 THE COURT: You can step down and be excused. We
20 appreciate your time.

21 MR. BLACKMON: Thank you.

22 (WITNESS LEAVING WITNESS STAND.)

23 THE COURT: Call your next witness.

24 MR. SPRINGS: May we approach, Judge Hayes?

25 THE COURT: Yes, sir.

DEPUTY RACHAEL GLADDEN: DIRECT EXAMINATION BY MR. SPRINGS

57

1 (DEFENDANT ENTERING COURTROOM.)

2 THE COURT: All right, bring 'em in.

3 (JURY REENTERS COURTROOM AT 09:45 AM.)

4 THE COURT: Good morning.

5 Call your next witness.

6 MR. SPRINGS: We call Deputy Rachael Gladden.

7 Deputy Gladden, come over here to the Holy Bible the

8 Clerk will swear you in there.

9 MADAME CLERK: Please raise your right hand place your
10 left hand on the Bible.

11 (WHEREUPON: DEPUTY RACHAEL
12 GLADDEN, BEING CALLED AND DULY SWORN, TESTIFIED AS
13 FOLLOWS:)

14 DIRECT EXAMINATION

15 DEPUTY RACHAEL GLADDEN BY MR. SPRINGS:

16 Q. Ms. Gladden there is a handheld microphone over there
17 by you. We had some soft spoken folks yesterday, so we're
18 gonna amplify our witnesses today. So if you would, hold
19 that up towards your mouth, and first of all tell us your
20 name.

21 A. Deputy Rachael Gladden.

22 Q. Who do you work for?

23 A. York County Sheriff's Office.

24 Q. All right. And are you a sworn law enforcement
25 officer, a Deputy Sheriff?

1 A. Yes, I am.

2 Q. Were you on duty on June 29th of last year, 2010?

3 A. Yes.

4 Q. And did you make an investigation and take some
5 reports out of here in York County?

6 A. Yes, I did.

7 Q. And is that address and the lot it sits on all inside
8 York County?

9 A. Yes.

10 Q. And did you meet the people that lived there, Ms.
11 Moser and Ms. Clade?

12 A. Yes.

13 Q. And what kind of trouble were they reporting to you?
14 What was the problem out there?

15 A. They had three cars broken in to.

16 Q. Okay. And can you tell us what time - give us a brief
17 description of the make of the cars, the three cars.

18 A. A Nissan Maxima, a Ford Ranger and a Chevrolet
19 Cavalier.

20 Q. Okay. Did you look at these cars yourself?

21 A. Yes.

22 Q. Were they broken, damaged, windows broken out,
23 anything like that?

24 A. No.

25 Q. Okay. Pursuant to what you learned -- pursuant to

1 your investigation, had the cars been locked?

2 A. No.

3 Q. And were they checked for fingerprints?

4 A. Yes.

5 Q. Were any identifiable good fingerprints lifted?

6 A. No.

7 Q. Pursuant to what you learned today, do you think
8 they'd taken out, stolen from inside the cars?

9 A. Yes.

10 Q. Okay. Now, did you call some sort of specialized unit
11 to help you? Did you call a specialized officer out?

12 A. Yes.

13 Q. And what kind of specialty was it that came out to
14 help you?

15 A. A member of the K9 unit.

16 Q. The dog, the tracking dog. Is that correct?

17 A. Yes.

18 Q. And did the K9 officer take his dog and start
19 tracking?

20 A. Yes.

21 Q. And did the track lead somewhere?

22 A. Yes, it did.

23 Q. Did it lead to an address?

24 A. Yes.

25 Q. And what was the address?

1 A. Let me check my report for accuracy. I want to make
2 sure I give you the correct address.

3 Q. I do want it accurate, please ma'am. Check it.

4 A.

5 Q. Okay. Whose house was that? Who was the homeowner?

6 A. Thelma Thompson.

7 Q. Okay. And did you talk to her? Don't tell us what
8 she said. Just tell us did you talk Thelma Thompson.

9 A. Yes, I did.

10 Q. And did she tell you some things?

11 A. She did, yes.

12 Q. And after talking to her at that point in your
13 investigation with what you'd seen, with what was going on
14 with this were there some people you wanted to find that
15 you were very interested in?

16 A. Yes.

17 Q. What are the names of the people you were very
18 interested in at that point?

19 A. Mr. Mead, Mr. Nance and Mr. Walshaw.

20 Q. Okay. We're talking Charles Brett Walshaw?

21 A. Yes.

22 Q. Okay. And a little later in the investigation did a
23 detective get involved, a Detective Brown?

24 A. Yes.

25 Q. Okay. Detective Gladden, please answer any question

1 the defense attorney has for you. Thank you now.

2 CROSS EXAMINATION

3 DEPUTY RACHAEL GLADDEN BY MS. INZERILLO:

4 Q. Good morning, Detective Gladden.

5 A. Good morning.

6 Q. Okay. You responded to after a call that
7 some cars were broken in to. Is that right?

8 A. Yes.

9 Q. And that was on June 29th. Right?

10 A. Yes.

11 Q. Okay. And you met with Ms. Clade and Ms. Moser. Is
12 that right?

13 A. Yes.

14 Q. And they told you they thought their cars were broken
15 in to sometime between twelve a.m. and five a.m. that same
16 evening. Is that right?

17 A. Let me check my report. I want to be accurate about
18 that.

19 Q. Okay.

20 A. Yes. That is correct.

21 Q. Okay. And according to that same report, it was
22 reported at 6:05 that same morning. Is that right?

23 A. Yes.

24 Q. So you were on scene probably around the hour mark
25 after they thought it had happened.

1 A. Yes.

2 Q. Okay. And as you indicated to -- with the State's
3 questioning, that you called for the K9 to come out. Is
4 that right?

5 A. Yes. I did.

6 Q. Okay. And it tracked to Right?

7 A. Yes.

8 Q. All right. And that's Andrew Mead's grandmother's
9 house. Right?

10 A. That's correct.

11 Q. Okay. And I know you reviewed this, but you actually
12 have the -- at least one of the cars tested for prints. Is
13 that right?

14 A. Yes. That's correct.

15 Q. Okay. And those prints you turned in to evidence. Is
16 that right?

17 A. Yes.

18 Q. Okay. Because you're not on the FSU, is that right?
19 The forensic services unit.

20 A. Correct.

21 Q. Okay. So you did what you were supposed to do in
22 being the initial responder in actually taking the prints
23 and turning it in for someone else to take a look at.

24 A. Yes.

25 Q. Let's see here. Now, you also, during the -- your

1 part of the investigation not only were looking for Mr.
2 Walshaw, Mr. Mead and Mr. Nance, but you also took
3 statements. Is that right? Or witness statements that
4 were given.

5 A. Yes.

6 Q. Okay. And those statements that you witnessed, they
7 wrote out the statements. Is that right?

8 A. Yes.

9 Q. Okay. You didn't write it out for them.

10 A. No.

11 Q. Okay. And you told them how important it was to say
12 the truth in everything they knew. Is that right?

13 A. I don't really believe that statement.

14 Q. Okay. But you didn't tell them what to say.

15 A. No.

16 Q. All right. And you used a standard voluntary
17 statement form. Is that right?

18 A. Yes.

19 Q. Okay. Now, the statement that you took was taken at
20 9:58 a.m. on June 29th. Is that right?

21 A. I'm not sure of the time, but yes, that was the
22 correct date.

23 Q. Okay. And he gave another statement that same date.
24 Is that right?

25 A. He provided me with one statement.

1 Q. One statement. Okay. And you witnessed that one
2 statement. Is that right?

3 A. Yes.

4 MS. INZERILLO: No further questions, Your Honor.

5 THE COURT: Redirect?

6 MR. SPRINGS: Nothing further. May Deputy Gladden go
7 back to work, Your Honor?

8 THE COURT: She may be excused. Thank you.

9 MR. SPRINGS: Thank you, Detective.

10 THE COURT: You may call your next witness.

11 MR. SPRINGS: The State calls Mona Moser.

12 (WHEREUPON; MONA MOSER, BEING

13 FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:

14 DIRECT EXAMINATION

15 MONA MOSER BY MR. SHIFFLETT:

16 Q. Ms. Moser, if you wouldn't mind, could you use the
17 mic?

18 A. Yes.

19 Q. Good morning.

20 A. Good morning.

21 Q. Ms. Moser, could you state for the record and for the
22 jury your full name and address, please?

23 A. Mona Moser.

24 Q. I'm gonna ask you a few questions pertaining to your
25 cars and the events happened on June 7th and June 29th. Do

1 you own a 2005 Chevy Cavalier car?

2 A. Yes.

3 Q. Okay. Where was your 2005 Cavalier parked the night
4 of June the 6th going into the early morning of June the
5 7th of last year?

6 A. In my driveway.

7 Q. When you parked your car there did you close the
8 window and the doors of the car?

9 A. Yes, I did.

10 Q. Okay. Do you remember if you locked the car?

11 A. No.

12 Q. Okay. The next day, June 7th, did you notice any
13 problems concerning your Cavalier car?

14 A. Yes, I did.

15 Q. What sort of problems?

16 A. Immediately I opened the door, I realized that there
17 were some things missing out my car.

18 Q. What things were missing?

19 A. I always kept change in my console and I had a stack
20 of CDs on the front seat. They were gone.

21 Q. Did you notice any damage to the car?

22 A. Nothing at first. No.

23 Q. Okay. Now, this question is important. To remove
24 those things from your Cavalier car, would someone have had
25 to open the door to get them out?

1 A. Yes.

2 Q. Okay. Did any -- did you give anyone permission to
3 break in to your car and open your Cavalier and take those
4 things?

5 A. Absolutely not.

6 Q. Did you call the police and make a report about this?

7 A. Yes, I did.

8 Q. Have you gotten any of that property back?

9 A. No, sir.

10 Q. Okay. Let's move on to June 29th. I want to ask you
11 about this particular date. Was your Chevrolet car parked
12 at your residence, June 29 last year?

13 A. Yes.

14 Q. Okay. Whereabouts was your Cavalier parked at your
15 residence the night of June 29 going in to the early
16 morning of June -- I'm sorry June 28 going into the early
17 morning of June 29?

18 A. In my driveway.

19 Q. When you parked your Cavalier, did you get -- again,
20 did you close the windows and the doors?

21 A. Yes.

22 Q. Okay. On June 29 last year, was there any problem
23 concerning your Cavalier car?

24 A. Yes.

25 Q. What sort of problem?

1 A. It obviously had been ransacked. I had some personal
2 papers in the back seat paper clipped together. And they
3 were strewn up and down the driveway. And I could tell
4 that the trunk had been jimmied. The trunk door was ajar.

5 Q. Okay. Anything that was taken from your car?

6 A. Yes.

7 Q. Such as?

8 A. More CD's, a jack, a first aid kit, different little
9 odds and ends, a name tag for work. I think there were a
10 few tools taken. I had some loose screw drivers and
11 wrenches, things of that nature.

12 Q. Okay. Was the car damaged?

13 A. It -- obviously they had tried to get in. I don't
14 have electric door locks and you can see where they had run
15 a clothes hanger or something down the door to pop the door
16 lock open.

17 Q. Ma'am, have you gotten any of the items back that were
18 stolen that night?

19 A. The empty box that the first-aid was in.

20 Q. All right. Was this break in reported to the police?

21 A. Yes, it was.

22 Q. One last question, Ma'am. Had you given anyone
23 permission to break in to your Cavalier that night and take
24 your property?

25 A. No. I did not.

1 Q. Thank you. That's all the questions I have for her.
2 Would you please answer any question from defense counsel.

3 CROSS EXAMINATION

4 MONA MOSER BY MS. INZERILLO:

5 Q. Good morning, Ms. Moser.

6 A. Good morning.

7 Q. You own the Chevy Cavalier that's at that house. Is
8 that correct?

9 A. Correct.

10 Q. Okay. And with you, that car was broken in twice. Is
11 that right?

12 A. Yes.

13 Q. Okay. Once on June 7th between -- sometime between
14 4:30 and five in the morning. Is that correct?

15 A. Correct.

16 Q. Okay. And then again June 29th, sometime between
17 midnight and five a.m. that morning.

18 A. Correct.

19 Q. And on June 29th you reported that pretty much about
20 an hour -- as soon as you noticed it, but it was within an
21 hour.

22 A. Correct.

23 Q. And the Deputy came --

24 A. Yes.

25 Q. -- out fairly quickly. All right. The -- and I think

1 you said there was no electric locks or anything on your
2 car. Is that right?

3 A. Correct.

4 Q. So there's no remote entry that you'll push a button
5 and everything comes on.

6 A. No. No.

7 Q. So in order to get into your car you have to touch the
8 door -- the door knob -- the door handle.

9 A. Yes.

10 Q. And so from -- and you explained that to the Deputy
11 that came out. Is that right?

12 A. Correct.

13 Q. Okay. Now, that is the case on both dates. I mean,
14 nothing was changed on the car in that respect between June
15 7th and June 29th. Is that right?

16 A. Correct.

17 Q. All right. When the officer came out June 7th, no one
18 dusted that door handle for prints. Is that right?

19 A. I don't recall.

20 Q. Okay. But they did on June 29th.

21 A. Yes, they did.

22 Q. Okay. I have no further questions. Thank you.

23 MR. SPRINGS: No further questions. Thank you.

24 THE COURT: You may step down and be excused. We
25 appreciate your testimony. Are we ready?

1 MR. SPRINGS: The State calls Ms. Donna Clade.

2 (WHEREUPON: DONNA CLADE, BEING
3 FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

4 DIRECT EXAMINATION

5 DONNA CLADE BY MR. SHIFFLETT:

6 Q. Good morning, Ms. Clade.

7 A. Good morning.

8 Q. I'd like to ask you a few questions today. Would you
9 state your full name and address for the record.

10 A. Donna Marie Clade. Rock Hill.

11 Q. Ms. Clade, do you own a 1995 Nissan Maxima?

12 A. Yes.

13 Q. My first questions are gonna pertain to the June 7
14 break-ins. Where was your '95 Nissan Maxima parked the
15 night of June the 6th going into the early morning of June
16 7, 2010?

17 A. In the driveway.

18 Q. And when you parked your car there, did you close the
19 windows and the doors?

20 A. Yes.

21 Q. Okay. Do you remember if you locked the car?

22 A. I didn't lock it.

23 Q. The next day, June the 7th, do you notice -- did you
24 notice any problems concerning your Nissan car?

25 A. Yes.

1 Q. Was something missing?

2 A. Yes.

3 Q. Okay. What had been removed from the car?

4 A. Change, CD's, tools, just various items.

5 Q. Did you notice any damage to the car?

6 A. No.

7 Q. To remove the items that you just mentioned from your
8 car, would someone have had to open the door to be able to
9 get inside?

10 A. Yes.

11 Q. Okay. Did you give anybody permission to break in to
12 your car and remove those items?

13 A. No.

14 Q. Ma'am, did you call the police or did anyone call the
15 police and report this?

16 A. Yes.

17 Q. Okay. Have you gotten any of that property back?

18 A. No.

19 Q. Okay. Another vehicle -- do you own a 1998 Ford
20 Ranger?

21 A. Yes.

22 Q. Okay. Where was your '98 Ford Ranger on the same
23 evening?

24 A. In the driveway.

25 Q. When you parked the Ranger there, do you remember if

1 all the doors and windows were closed?

2 A. Yes.

3 Q. Did you close them?

4 A. Yes.

5 Q. Did you lock them? The doors?

6 A. No.

7 Q. Okay. And the next day, June 7th, did you notice any
8 problems concerning your Ford Ranger?

9 A. Yes.

10 Q. What sort of problems?

11 A. Change missing, various items missing on the 7th
12 inside of the truck.

13 Q. Was it damaged?

14 A. No.

15 Q. Again, so to remove those items from that vehicle,
16 would someone had to have opened the door to get inside?

17 A. Yes.

18 Q. Did you give anybody permission to do that?

19 A. No.

20 Q. Did you call and report this to police?

21 A. On the 7th, Ms. Moser called.

22 Q. Okay. Have you gotten any of that property back?

23 A. No.

24 Q. All right. We're gonna move on to June the 29th. Was
25 your Nissan Maxima parked at your residence,

1 , on June 29 last year?

2 A. Yes.

3 Q. Whereabouts was the Nissan parked at your residence
4 the same night and morning?

5 A. In the driveway.

6 Q. Did you close all the windows and doors in that
7 vehicle?

8 A. Yes.

9 Q. You sure?

10 A. Absolutely positive.

11 Q. On June 29 of last year, were there any problems
12 concerning your Nissan?

13 A. Yes.

14 Q. Had anything been taken that night?

15 A. Yes.

16 Q. What sort of items -- what items were taken?

17 A. Again, change, various tools, my EpiPens, and other
18 miscellaneous items.

19 Q. Was there any damage to the car?

20 A. No.

21 Q. Okay. Have you gotten back any of the items that were
22 stolen that evening?

23 A. On the 29th, yes.

24 Q. Okay. Did -- was this break-in reported to the
25 police?

1 A. On the 29th, yes.

2 Q. Okay. And did you give anyone permission to break in
3 to your car and take your property?

4 A. Absolutely not.

5 Q. Okay. What about the Ford Ranger? Was it parked at
6 your house -- or your address, the same
7 time frame?

8 A. Yes.

9 Q. Okay. June the 28th?

10 A. Yes.

11 Q. Okay. Where on your property was your Ranger parked?

12 A. In the driveway.

13 Q. When you parked the ranger there, did you close all
14 the windows and the doors?

15 A. Yes.

16 Q. Did you lock it?

17 A. No.

18 Q. Okay. The next day did you notice any problems
19 concerning the Ranger?

20 A. Yes.

21 Q. Was there anything missing?

22 A. Yes.

23 Q. Okay. What all was taken from the Ranger?

24 A. Keys, keys to my storage building, cell phones, tools,
25 change, possibly another EpiPen. I'm not sure. I keep a

1 lot of those.

2 Q. Was it damaged?

3 A. No.

4 Q. Okay. Did you give anybody permission to break in to
5 your car?

6 A. No.

7 Q. Did you report this to the police?

8 A. Yes.

9 Q. Have you ever gotten any of that property back?

10 A. Well the same, EpiPens. I got those back and a little
11 bit of change.

12 Q. Okay. How many cell phones are we talking that were
13 missing?

14 A. I have a lot of cell phones. Probably there was four
15 of my older cell phones in my vehicles at that time.

16 Q. Okay. And just for clarity, I'm not really sure how I
17 understand exactly, what is an EpiPen?

18 A. I'm allergic to bees, spiders, ants and I have to
19 carry these shots with me. Basically if I don't have them
20 I could die if I don't have the shots. And because I am so
21 allergic, sometimes one shot is not a sufficient amount to
22 keep me alive 'til I can get medical attention.

23 Q. Okay. I don't have any more questions. But would you
24 please answer any questions the defense counsel may have.

25 Thank you.

1 CROSS EXAMINATION

2 DONNA CLADE BY MS. INZERILLO:

3 Q. Good morning, Ms. Clade. I think we've pretty much
4 established you have a car and a truck. Right?

5 A. Yes.

6 Q. Okay. And the car is a Maxima and the truck is Ford
7 Ranger.

8 A. Correct.

9 Q. Okay.

10 A. Yes.

11 Q. And you had both of those automobiles, the truck and
12 the car broken into on June 7th and June 29th.

13 A. Correct.

14 Q. Is that right? Okay. And on June 7th you reported
15 that it happened sometime between 4:30 and five that
16 morning.17 A I guess. I don't remember exactly the time that I
18 gave them.19 Q. Okay. Do you remember calling the police about 12:55
20 that same day?21 A. I didn't call the police. Ms. Moser called the
22 police.23 Q. Ms. Moser did? Okay. But it was reported the same
24 day.

25 A. Correct.

DONNA CLADE: CROSS EXAMINATION BY MS. INZERILLO

77

1 Q. Okay. And on that day, the officer that came out
2 didn't test anything for -- either your truck or your car
3 for prints. Is that right?

4 A. No. Not that day.

5 Q. Okay. And is your car similar to Ms. Moser's in that
6 you have to touch it in order to open the door, or is there
7 a remote entry?

8 A. No. You have to touch it.

9 Q. Okay. Now, they did test your Maxima on June 29th.
10 Is that right?

11 A. Correct.

12 Q. Okay. And on June 29th you reported that it happened
13 sometime between midnight and five o'clock that morning.
14 Is that right?

15 A. Correct.

16 Q. And it was reported, I think again by Ms. Moser, at
17 about 6:05 --

18 A. No. That was me.

19 Q. That was you.

20 A. I called.

21 Q. Wonderful. Okay. So about an hour later you called
22 them.

23 A. I don't remember the time, but I know I was the one
24 that called it in.

25 Q. That you called it in. No further questions. Thank

1 you.

2 THE COURT: You may step down and be excused. Ms.
3 Clade, we do appreciate your time.

4 A. Thank you.

5 (WITNESS LEAVING WITNESS STAND.)

6 THE COURT: Call you next witness.

7 MR. SPRINGS: Your Honor, my next witness had to run
8 to the rest room. If we could pause for a couple minutes
9 or so.

10 THE COURT: We will.

11 (WHEREUPON: MATTHEW LUCAS NANCE,
12 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

13 DIRECT EXAMINATION

14 MATTHEW NANCE BY MR. SPRINGS:

15 Q. Mr. Nance, you have a very soft voice. So I want you
16 to take that handheld mic right there. Do you see it?

17 (SOLICITOR INDICATING TO MIC.)

18 Q. And kind of hold up close to your mouth. There you
19 go. Tell us your name, sir.

20 A. My name is Matthew Nance.

21 Q. Is your first name Lucas?

22 A. Yes, sir.

23 Q. Lucas Matthew Nance. Mr. Nance, do you remember
24 talking to some police detectives on June 29th of last
25 year, and writing out some statements for them?

1 A. Yes, sir.

2 Q. I want to ask you about the things that were going on
3 the night before when you met with those police detectives
4 and wrote some statements for them, early morning hours,
5 actually, that same night, June 29th. Who were you with in
6 the early morning hours of darkness on June 29th?

7 A. Brett Walshaw and Andrew Mead.

8 Q. Okay. And Brett Walshaw's first name is Charles?

9 A. Yes, sir.

10 Q. And did you and Brett Walshaw and Andrew Mead break
11 into some vehicles that night?

12 A. Yes, sir.

13 Q. June 29th?

14 A. Yes, sir.

15 Q. Did you have any idea as to whether Brett Walshaw had
16 broken into the same vehicles before that night of June
17 29th?

18 A. Yes, sir. I had been knowing of a CD and a little bit
19 of money were stolen from before.

20 Q. Okay. And the cars that you, Brett Walshaw and Andrew
21 Mead broke into on that early morning, June 29th, do you
22 remember what road those cars were on? The name of he
23 road?

24 A. Grove Road.

25 Q. And a house -- were they parked at a house?

1 A. Yes, sir.

2 Q. The house on Gordon Road where the vehicles were
3 parked and got broken into on June 29th, who actually went
4 into the vehicles and took the stuff out?

5 A. Brett Walshaw and Andrew Mead.

6 Q. And what was your role? What were you doing while
7 they were breaking into cars?

8 A. I was basically the watch out -- watching out for the,
9 like neighbors or the police to come up.

10 Q. Okay. And so who carried away the things that got
11 taken out of the vehicles?

12 A. Brett and Andrew.

13 Q. And Andrew Mead, where was he living back then?

14 A. Right next door.

15 Q. Okay. And what had you guys been doing over there
16 earlier that evening?

17 A. We were sitting out -- outside around a bonfire.

18 Q. After they broke into the cars and you were the
19 lookout for the police and the neighbors, did you go back
20 to Andrew Mead's house to the bonfire, or somewhere else?

21 A. Yes, sir. I went and sat by the bonfire for maybe a
22 hour or so and then went back to Brett's.

23 Q. Okay. Where were you living back when this happened
24 on June 29th?

25 A. Well I was staying at -- I was living with my mom

1 technically, but I was staying at Brett's house a lot.

2 Q. At Brett Walshaw's?

3 A. Yes, sir.

4 Q. Okay. That house, does it have a burglar alarm?

5 A. Yes, sir.

6 Q. Did Brett Walshaw know much about the burglar alarm?

7 A. Yes, sir. We used to sneak out the window.

8 Q. How would you sneak out a window of a house with a
9 burglar alarm?

10 A. Well, he was -- he knew how to -- either he could
11 press the button -- the buttons on it to unlock it, or it --
12 -- but it wasn't attached to the window.

13 Q. Okay. The night you broke in to these cars with Brett
14 Walshaw, how did you get back into his house if it had a
15 burglar alarm?

16 A. Well it was -- see that night, there was a sliding
17 glass door and they knew we was out earlier. But we ended
18 up staying out too late. But we got back through a sliding
19 glass door.

20 Q. Did the burglar alarm go off?

21 A. No, sir. I don't think it was activated.

22 Q. What kind of work does Brett Walshaw's dad do?

23 A. He works for Vault. I think he does the security
24 alarms and burglar alarms and stuff like that.

25 Q. Charles Brett Walshaw, how would you describe his dog?

1 Does he have a dog?

2 A. Yes, sir.

3 Q. What's the dog's name?

4 A. Mini pup.

5 Q. About how big -- about how big a dog is it?

6 A. About this big (indicating), like that. About that
7 long.

8 Q. Okay. Okay. Does the dog -- does the dog go places
9 with Brett Walshaw?

10 A. Yes, sir. The dog follows everybody. Follows all
11 around.

12 Q. Okay. Okay. Listen, have you pled guilty to your
13 role in breaking into cars?

14 A. Yes, sir.

15 Q. And are you on probation for that?

16 A. Yes, sir.

17 Q. When you talked to the police back on June 29th, did
18 you make -- did they make you any promises?

19 A. No, sir.

20 Q. Did they cut you any deals?

21 A. No, sir.

22 Q. Are you telling the truth here today?

23 A. Yes, sir.

24 Q. Thank you, Mr. Nance. Please answer any questions
25 the defense attorney may ask.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CROSS EXAMINATION

MATTHEW NANCE BY MS. INZERILLO:

Q. Good morning, Mr. Nance.

A. Good morning.

Q. So, I just want to make sure I'm understanding this right. Today your story is that Brett and Andrew broke into the cars on June 29th and you were the lookout. Is that right?

A. Yes, ma'am.

Q. Okay. But when you first talked with police on June 29th, that's not what you told them. Isn't that right?

A. Yes, ma'am.

Q. You gave them a statement. Is that right?

MR. SPRINGS: I'm, I'm sorry. I'm confused. Is he agreeing with her or not agreeing with her? Could we get some clarification?

A. No. I was, I was with him and I did break in to the -
- like, I was look out. We all three went and I was watching out for the neighbors, Ms. Moser and Ms. Clade. I was watching out for the neighbors while they broke into the vehicles.

Q. But you didn't tell the police that.

A. No, ma'am.

Q. Okay. All right. And when you talked to the police on June 29th, you wrote out your statement. Is that right?

1 A. Yes, ma'am.

2 Q. Nobody wrote it out for you.

3 A. No, ma'am.

4 Q. Right? And on the statement that you signed, at the
5 bottom it says I'm signing my name in the space below to
6 show that it is my statement and it is the truth. Isn't
7 that right?

8 A. Yes, ma'am.

9 Q. Okay. Do you remember signing that statement
10 underneath that line?

11 A. No, ma'am. I -- the next -- the next morning we was
12 all messed up, like, on pills.

13 Q. Okay. So you were high when you gave this statement.

14 A. Yes, ma'am.

15 Q. Okay. You didn't tell the police you were high when
16 you gave this statement?

17 A. No, ma'am.

18 Q. Okay.

19 MS. INZERILLO: Your Honor, may I approach the witness?

20 THE COURT: (AFFIRMATIVE RESPONSE.)

21 MS. INZERILLO: Thank you.

22 Q. There you go. I'm showing you a copy of the first
23 statement you gave at 9:58 that morning.

24 A. Yes, ma'am.

25 Q. Is that right?

1 A. Yes, ma'am.

2 Q. Okay. And at 9:58 that morning, you were high on
3 pills when you talked to the police.

4 A. Yes, ma'am.

5 Q. Is that right? In nowhere in that statement does it
6 say, Mr. Officer don't talk to me. I don't know what I'm
7 talking about. I took a lot of pills.

8 A. No, ma'am.

9 Q. Okay. But what that statement does say is that you
10 told the police that you guys were at the bonfire that
11 night. Right?

12 A. Yes, ma'am.

13 Q. And that bonfire was at Andrew's grandma's house.

14 A. Yes, ma'am.

15 Q. Okay. And in that statement you say Andrew walked
16 away, came back half an hour later with three cell phones
17 and a pair of sunglasses.

18 A. Andrew and Brett did. Yes, ma'am.

19 Q. All right. That statement says Andrew.

20 A. That says Andrew. Yes, ma'am.

21 Q. Okay. Now, then the statement continues and says
22 Andrew wanted you and Brett to go with them. Is that
23 right?

24 A. That's right.

25 Q. Okay. Let me -- correct me if I say something wrong

1 because that's your writing. All right? And you further
2 tell the police you ran up to him in a field telling him
3 not to do anything stupid. Isn't that right?

4 A. Yes, ma'am.

5 Q. Okay. And then you and Brett left the bonfire and you
6 went back to Brett's house and went to sleep.

7 A. Yes, ma'am.

8 Q. Okay. Then you gave another statement about twenty
9 minutes later. Is that right?

10 A. Yes, ma'am.

11 MS. INZERILLO: May I approach, Your Honor?

12 Q. I may gotta hold that microphone. So I'm gonna take
13 the first statement from you and show you the second
14 statement that's timed at 10:16 in the morning. Do you see
15 that?

16 A. Yes, ma'am.

17 Q. Okay. Were you still high on pills when you were
18 talking to police?

19 A. No, ma'am.

20 Q. Okay. So in that twenty minute period all the effects
21 of the pills came off?

22 A. Yes, ma'am. I was -- Yes, ma'am.

23 Q. Okay. Now, in that statement you tell them you and
24 Brett and Andrew went to a car about one a.m. Is that
25 right?

1 A. Yes, ma'am.

2 Q. Okay. And today you told Mr. Springs and this jury
3 that when you and Brett returned to the house you didn't
4 think the alarm was activated yet; is that right?

5 A. Yes, ma'am.

6 Q. Okay. And you also again say Andrew broke into the
7 car in that statement; is that right?

8 A. No, ma'am. It says he -- it was meant for him and
9 Andrew -- Brett, Brett Walshaw and Andrew.

10 Q. Okay. But it says he.

11 A. Yes, ma'am.

12 Q. That he had broke into the car.

13 A. Yes, ma'am.

14 Q. Okay. And that's when he brought back a couple of
15 cell phones and sun glasses.

16 A. Yes, ma'am.

17 Q. Right? Doesn't say they. It says he.

18 A. Yes, ma'am.

19 Q. Right? You also told the police that he wanted to go
20 back and get some more but you didn't want to go.

21 A. Yes, ma'am.

22 Q. Is that right? All right. And again, you wrote all
23 of this down in that statement.

24 A. Yes, ma'am.

25 Q. Okay. The deputy didn't write it for you?

1 A. No.

2 Q. Right? The detectives didn't write it for you?

3 A. No.

4 Q. Then four hours later, you gave a third statement. Is
5 that right?

6 A. Yes, ma'am.

7 Q. Okay. And again, I'm gonna switch out one you've got
8 for this one.

9 MS. INZERILLO: May I approach the witness, Your Honor?

10 My apologies.

11 Q. Now, by this time, the deputy, the female deputy has
12 left. Right? And there's a detective in the room with
13 you.

14 A. Yes, ma'am.

15 Q. Is that right? And the detective signed the statement
16 at the bottom. Is that right?

17 A. Yes, ma'am.

18 Q. And this form, just like the last statement and the
19 first statement, all have the same line about signing my
20 name in the space below to show that it is my statement and
21 it is the truth. Isn't that right?

22 A. Yes, ma'am.

23 Q. Okay. Now, by this time you had talked to the
24 detective before you gave the statement?

25 A. Yes, ma'am.

1 Q. Okay. And again, this statement is in your
2 handwriting. Is that right?

3 A. Yes, ma'am.

4 Q. And again, you wrote out a different version of
5 events. Right?

6 A. Yes, ma'am.

7 Q. In this version, you say you and Andrew went to break
8 into a car. Is that right?

9 A. Me, Andrew and Brett. Yes, ma'am.

10 Q. All right. It says me and Andrew.

11 A. It says -- I'm not trying to sound unknown, but it
12 says we went to break into a car and it was all Andrew's
13 idea. So we go, Andrew does it and comes back -- and gets
14 some stuff and he comes back. Then he wants to go to a
15 building. I followed Andrew to the building. I walked in
16 for a minute then I left, using his phone to find mine.

17 And I was --

18 Q. Okay. Let's take it line by line. Okay? Because I
19 know you know what it says, but I don't know that the jury
20 knows what it says. Okay? So correct me if I'm telling
21 you something that's not written in your statement. Okay?

22 A. Yes, ma'am.

23 Q. Now you say it was all Andrew's idea. Right?

24 A. Yes, ma'am.

25 Q. Okay. That Andrew does it and gets some stuff out of

1 the car. Is that what it says?

2 A. Yes, ma'am.

3 Q. Okay. And then y'all come back to the bonfire. Is
4 that right?

5 A. Yes, ma'am.

6 Q. And then in that statement, you said you wanted to go
7 to a building and you followed Andrew to the building.

8 A. Andrew and Brett.

9 Q. Okay. But it says Andrew.

10 A. Yes, ma'am. But it was, it was Andrew and Brett.

11 Q. I know today it's Andrew and Brett, but at the time on
12 the 29th --

13 MR. SPRINGS: Objection. It's argumentative, Your
14 Honor. He's telling her.

15 THE COURT: Yeah. It's rather argumentative. You
16 present all that to the jury at a certain time.

17 Q. In that statement it says Andrew; is that right?

18 A. Yes, ma'am.

19 Q. Okay. Now, then you say you went for a minute and
20 then left using his cell phone to find yours. Is that
21 right?

22 A. Yes, ma'am.

23 Q. Because then you went back to Brett's.

24 A. Yes, ma'am.

25 Q. Is that right. Okay. And you're describing the night

1 of June the 29th, which is the night of the bonfire.

2 A. Yes, ma'am.

3 Q. Is that correct? Okay. Now, in all of these
4 statements, Mr. Nance, you actually never tell the police
5 that you broke into any of these cars; is that right? You
6 tell the police that it was Andrew. Andrew went to do it.

7 A. Yes but I was there, I was there when it happened.

8 Q. And that you didn't do it; is that right?

9 A. Yes, ma'am.

10 Q. Okay. I mean in fairness to you in these statements,
11 you don't say you went and broke into a car; is that right?

12 A. Yes, ma'am.

13 Q. Now you knew -- Well let me back up. You were charged
14 with crimes connected to this case; is that right?

15 A. Yes, ma'am.

16 Q. You were charged with breaking into Ms. Moser and Ms.
17 Clade's cars; is that right?

18 A. Yes, ma'am.

19 Q. You were charged with breaking into the cars on
20 is that right?

21 A. Yes, ma'am.

22 Q. And actually you were charged with the breaking into
23 those cars on June 7th and June 29th; is that right?

24 A. Yes, ma'am.

25 Q. Okay. So you knew that that meant you could go to

1 prison.

2 A. Yes, ma'am.

3 Q. And that you could go to prison if all of those
4 charges were stacked on each other for up to twenty-five
5 years; is that right?

6 A. Yes, ma'am.

7 Q. And you didn't want to go to prison did you?

8 A. No, ma'am.

9 Q. You'd never been to prison?

10 A. No, ma'am.

11 Q. And to not go to prison you were offered a deal; is
12 that right?

13 A. Yes, ma'am.

14 Q. Okay. And your deal was for probation; is that
15 correct?

16 A. Yes, ma'am.

17 Q. And what probation is is a way for you to stay in the
18 community and not go to prison.

19 A. Yes, ma'am.

20 Q. Okay. And a condition of that probation was that you
21 had to come in here today and testify against Brett
22 Walshaw; - - -

23 A. Yes, ma'am.

24 Q. - - - is that right? Because if you don't do that,
25 then that could violate your probation. Right?

1 A. Yes, ma'am.

2 Q. And that means you could go to prison.

3 A. Yes, ma'am.

4 Q. Okay. Now, in addition with this deal in your
5 agreement to testify, you also got some charges dismissed.
6 Is that right?

7 A. Yes, ma'am.

8 Q. Okay.

9 MS. INZERILLO: Your Honor, I have no further
10 questions.

11 THE COURT: Redirect?

12 MR. SPRINGS: Yes, Your Honor.

13 REDIRECT EXAMINATION

14 MATTHEW NANCE BY MR. SPRINGS:

15 Q. Mr. Nance, was your deal to testify, or to testify
16 truthfully under oath?

17 A. Testify truthfully under oath.

18 Q. And have you testified truthfully?

19 A. Yes, ma'am (sic). Yes, sir.

20 Q. Do you have any grime or grudge against Charles Brett
21 Walshaw, or you just simply told it the way it is?

22 A. No, sir. Can I --can I say something? Like, can I
23 talk? Or, go ahead. Go ahead.

24 Q. You can go.

25 A. I want to say that, like, the night this stuff

1 happened I was -- I had a lot -- all this stuff happened
2 and there was noth - I did not do -- I did not break into
3 any cars. I was there when it happened. I knew what was
4 going on. And I was basically the look out, but I -- I --
5 I guess I'm just -- go ahead.

6 Q. Well, you're doing fine. Are you nervous?

7 A. Yeah. Yes, sir.

8 Q. All right. That's all I need.

9 THE COURT: Re-cross?

10 MS. INZERILLO: No, Your Honor.

11 THE COURT: Mr. Nance, you may be excused. We
12 appreciate your time.

13 MR. SPRINGS: Lay that -- lay that on that black bag
14 there. You're welcome to go home.

15 (WITNESS LEAVING WITNESS STAND.)

16 MR. SPRINGS: Your Honor, may he -- he may go home?

17 THE COURT: Yes.

18 MR. SPRINGS: Would you ask Detective Branham to come
19 in. He's in the second vestibule waiting room.

20 MS. INZERILLO: Your Honor. I don't mean to interrupt,
21 but may we take a short break for a few minutes?

22 THE COURT: All right. We'll take a break.

23 Let the jury go to the jury room first.

24 (JURY EXITS COURTROOM AT 10:29 AM.)

25 THE COURT: We'll take about a ten minute break. Now

1 (WITNESS ENTERING COURTROOM WITH SHACKLES ON.)

2 MADAME CLERK: Raise your right hand and place your
3 left hand on the Bible.

4 THE COURT: The other way. Place your left hand on the
5 Bible and raise your right.

6 (WHEREUPON: ANDREW MEAD,
7 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

8 MR. SPRINGS: I'm sorry, I couldn't hear you.

9 THE COURT: Hear him say what?

10 MR. SPRINGS: Did you say yes? Okay.

11 Come on up here, Mr. Mead. Watch this step right
12 here.

13 (WITNESS CRYING.)

14 DIRECT EXAMINATION

15 ANDREW MEAD BY MR. SPRINGS:

16 Q. Do you want some water?

17 A. (NEGATIVE RESPONSE.)

18 Q. Sir, tell us your name please. What's your name?

19 A. Andrew Mead.

20 Q. Mr. Mead, you're wearing --

21 A. Sir?

22 Q. You're wearing pink. Where'd you come from today?

23 A. Long View.

24 Q. Is that the drug rehab facility?

25 A. (WITNESS NODS IN THE AFFIRMATIVE.)

1 Q. Okay. Do you have a drug problem?

2 A. (WITNESS NODS IN THE AFFIRMATIVE.)

3 THE COURT: You need to answer verbally if you can.

4 A. Yes, sir.

5 Q. This lady is running a tape recorder so you have to
6 say things so that the tape recorder picks it up.

7 Mr. Mead, do you remember talking to the police
8 detectives on June 30th of last year, and writing out some
9 statements for them. Do you recall that?

10 (WITNESS CRYING.)

11 Q. Do you remember talking to the detectives and writing
12 out statements for them?

13 A. Yes, sir.

14 Q. I want to ask you about the things that happened the
15 night before you met with the detectives and wrote the
16 statements for them. As it happened on the early morning
17 in the hours of darkness on June 29th, who were you hanging
18 out with then? Who were your friends?

19 A. Matt Nance. Matt Nance.

20 Q. Okay. And who else? Were you with anybody else in
21 the early morning hours of darkness on June 29th of last
22 year?

23 A. Brett Walshaw.

24 Q. And were some cars -- vehicles broken into that night?

25 A. Sir?

1 Q. Were some vehicles broken into that night? The early
2 morning hours of darkness of June 29th of last year.

3 A. Yes, sir.

4 Q. Where were you living back then? Who were you living
5 with?

6 A. Sir?

7 Q. Who were you living with back then, back June 29th of
8 last year? Where was your stuff?

9 A. I stayed with my grandmother.

10 Q. Okay. What road did she live on?

11 A.

12 Q. Okay. Are her neighbors Ms. Clade and Ms. Moser?

13 A. Yes, sir.

14 Q. Were Ms. Moser and Ms. Clade's cars broken into that
15 night, early morning June 29th last year?

16 A. Yes, sir.

17 Q. Whose idea was it to break into their cars?

18 A. It was mi -- mine.

19 Q. Okay. And who went over there to break into the cars?

20 A. I did.

21 Q. And who else?

22 A. Matt Nance.

23 Q. And who else? Do you want some water? Who else was
24 with you when you broke into the cars?

25 A. Brett.

1 Q. Brett Walshaw? Are you talking about Brett Walshaw?

2 A. Yes, sir.

3 Q. Okay. Mr. Mead, you're emotional and upset. Why?

4 Why are you upset? Well let me ask you a different

5 question. Have you pled guilty yourself for breaking into
6 these cars?

7 A. Yes, sir.

8 Q. So why are you upset today?

9 A. Cause I'm in here.

10 Q. Okay. Was Brett Walshaw a friend of yours?

11 A. Yes, sir.

12 Q. Okay. Is it fun to testify truthfully against a
13 friend?

14 A. Sir?

15 Q. Is it fun to testify truthfully against a friend who
16 was with you breaking in to cars? It's no fun is it?

17 A. No, sir.

18 Q. Will you tell the truth here today?

19 A. Yes, sir.

20 Q. Okay. So you -- I want to get it straight, Matthew
21 Nance and Brett Walshaw, you went over to Ms. Clade and Ms.
22 Moser's house early morning June 29th and you broke into
23 their cars? I don't want to put words in your mouth. Is
24 that what you just said? This is the State's Exhibit for
25 identification. Earlier you said you did write some

1 statements for the police, Mr. Mead. This has been
2 identify -- identified as States Exhibit One. Just for
3 identification, just so you and I can talk about it. Is
4 that your handwriting on the paper there?

5 A. Yes, sir.

6 Q. Okay. All right. Would you read what you told the
7 police back on June 30th of last year? Would you rather I
8 read it to you?

9 A. On the night before last, me, Matthew Nance, went to
10 my neighbor's house behind my house, and I stole some
11 change out of one -- the vehicle. Three cars were broken
12 in to. I only broke into one.

13 Q. Le -- let me -- let me take a look at it. Let's see.
14 On the night before last, me and Matthew Nance -- it says
15 Brett Walshaw there, doesn't it?

16 A. Yes, sir.

17 Q. Are -- are you gonna testify truthfully today?

18 A. Yes, sir.

19 Q. Does it say you and Matthew Nance and Brett Walshaw
20 went to the neighbor's house and broke into the cars?

21 A. Yes, sir.

22 Q. A couple of weeks before on June 7th early morning
23 hours, did you break into some cars?

24 A. Sir?

25 Q. A couple of weeks before this, this June 29th break

ANDREW MEAD: CROSS EXAMINATION BY MS. INZERILLO

102

1 A. Brett Walshaw.

2 Q. What was the name of Brett Walshaw's dog that was
3 there with you?

4 A. Sir?

5 Q. Do you know the name of Brett Walshaw's little dog
6 that he had?

7 A. Mini pup.

8 Q. Mr. Mead, have you told the truth here today?

9 A. Yes, sir.

10 Q. The defense attorney's gonna ask you some questions
11 now, Mr. Mead.

12 CROSS EXAMINATION

13 ANDREW MEAD BY MS. INZERILLO:

14 Q. Good morning, Andrew.

15 A. Good morning.

16 Q. Do you need a minute? Do you need some water?

17 A. (WITNESS RESPONDS NEGATIVE.)

18 Q. Andrew, You are here today because you have a deal
19 with the State. Is that right?

20 A. Yes, ma'am.

21 Q. Okay. And the deal that you made with the State is
22 that you have to come in here and testify against Brett
23 Walshaw. Is that right?

24 A. Yes, ma'am.

25 Q. Okay. And if you don't testify against Brett Walshaw,

1 then that would violate the probation sentence that you
2 were given. Is that right?

3 A. Yes, ma'am.

4 Q. And if you violate that probation sentence, that means
5 you could go to prison.

6 A. Yes, ma'am.

7 Q. Is it fair to say that if you sat on the stand and you
8 said it was only you and Matt Nance that broke into those
9 cars that night, you would be afraid you would go to
10 prison?

11 A. Yes, ma'am.

12 Q. Is that the truth?

13 A. Yes -- what?

14 Q. You and Matt Nance broke into those cars?

15 A. I mean, yes, ma'am. But Brett Walshaw was...

16 Q. Andrew, I'm just gonna ask you one more question.
17 Okay?

18 May I approach the witness, Your Honor?

19 Q. I'm gonna show you this statement that Mr. Spring
20 showed you. Okay? Were you under the influence of pills
21 when you gave this statement to the police?

22 A. Yes, ma'am.

23 Q. Okay. Were you under the influence of pills when you
24 gave the other statement to the police?

25 A. Yes, ma'am.

1 A. I was still under the influence from the 29th.

2 Q. Well, let's see. State's Exhibit One says you gave
3 that statement at two o'clock in the afternoon on June
4 30th, the next day. You're still intoxicated the next day?
5 And this one is at 1:30 in the afternoon on June 30th the
6 next day.

7 A. Yes, sir.

8 Q. Is what you said in these statements the truth? Let's
9 clear it up.

10 A. Yes. Yes, sir.

11 Q. Okay. What you said about June 29th, Brett Walshaw
12 being with you, breaking into cars. Is that the truth?

13 A. Yes, sir.

14 Q. What you said about June 7th with Brett Walshaw being
15 with you breaking into cars, is that the truth?

16 A. Yes, sir.

17 MR. SPRINGS: Your Honor, we move State's Exhibit One
18 and Two into evidence.

19 MS. INZERILLO: No objection.

20 THE COURT: In without objection.

21 (WHEREUPON: STATE'S EXHIBIT NUMBER ONE AND TWO,
22 IDENTIFIED AND MARKED, ENTERED INTO EVIDENCE.)

23 Q. And when you pled guilty October 28th of last year,
24 you gave a statement then, did you not, Mr. Mead?

25 A. Sir?

1 Q. When you pled guilty -- when you -- you and your
2 attorney pled guilty to your involvement in these break-
3 ins, you gave a statement then. Do you remember that?

4 A. No, sir.

5 Q. Okay. Let me show you this one. After I show it to
6 Ms. Inzerillo.

7 (DOCUMENTS SHOWN TO DEFENSE ATTORNEY.)

8 Q. Actually, we're -- we won't beat a dead horse.
9 Nothing further, Your Honor.

10 THE COURT: Ms. Inzerillo?

11 MS. INZERILLO: No further questions, Your Honor.

12 THE COURT: All right. You can step down. Thank you.

13 MR. SPRINGS: Now watch that step when you come down.

14 A lot of people have tripped. There you go.

15 (WITNESS LEAVING WITNESS STAND.)

16 MR. SPRINGS: Deputy, will you take him back please?

17 THE COURT: Call your next witness.

18 MR. SPRINGS: We call Detective Branham.

19 (WHEREUPON: DETECTIVE PETE
20 BRANHAM BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS
21 FOLLOWS:)

22 DIRECT EXAMINATION

23 DETECTIVE PETE BRANHAM BY MR. SPRINGS:

24 Q. Detective, what's your name, sir?

25 A. Pete Branham.

1 Q. And what do you do for a living?

2 A. I'm a detective with the York County Sheriff's Office.

3 Q. How many years total have you been in law enforcement?

4 A. Over fifteen years.

5 Q. Did you assist the patrol deputy with the
6 investigation of some car break-ins that happened on June
7 7th and June 29th?

8 A. I did.

9 Q. Did you interview suspects?

10 A. I did.

11 Q. Did you interview Lucas Matthew Nance?

12 A. Yes, sir. I did.

13 Q. Did he talk to you? Tell us what he said. Did he talk
14 to you?

15 A. Mr. Nance, yes sir.

16 Q. Did he give you statements?

17 A. Yes, sir.

18 Q. Did you have any kind of deals with him when he gave
19 his statements?

20 A. No, sir.

21 Q. Where was he, what location, when you interviewed him
22 about this?

23 A. He was at Brett Walshaw's residence.

24 Q. Was he living there? Do you know?

25 A. At the time he stated he was living there.

1 Q. Okay. Did you interview Andrew Mead?

2 A. Yes, sir.

3 Q. And did he talk to you?

4 A. He did.

5 Q. Did he give you some written statements?

6 A. He did.

7 Q. Did he actually give you these- State's Exhibit One
8 and Two?

9 (SOLICITOR INDICATING TO EXHIBITS.)

10 Q. Did he give you officers, you and your partner, that
11 statement?

12 A. Yes, he did.

13 Q. Your partner is Johnny Martin?

14 A. That's correct.

15 Q. Just lay them down right there. Did you make him any
16 promises or have any deals with Mead when he told you what
17 had happened?

18 A. No, we did not.

19 Q. Where was he when you interviewed him?

20 A. He was at the York County Detention Center.

21 Q. Was he in jail?

22 A. Yes, sir.

23 Q. And did you actually meet up with Charles Brett
24 Walshaw face to face?

25 A. Yes, we did.

ANDREW MEAD: CROSS EXAMINATION BY MS. INZERILLO
REDIRECT EXAMINATION BY MR. SPRINGS

104

1 Q. Okay. So this is -- but this is your handwriting; is
2 that right?

3 A. Yes, ma'am.

4 Q. But you don't remember exactly what you had written?

5 A. No, ma'am.

6 MS. INZERILLO: Your Honor, I have no further
7 questions.

8 THE COURT: Redirect?

9 MR. SPRINGS: Yes, Your Honor. Okay. Would you
10 mark this for ID?

11 (WHEREUPON: STATE'S EXHIBIT NUMBER TWO PREMARKED FOR
12 IDENTIFICATION.)

13 REDIRECT EXAMINATION

14 ANDREW MEAD BY MR. SPRINGS

15 Q. Now we talked about State's Exhibit One, where you
16 talked about happened the early morning of June 29th. Is
17 this your statement where you talk about what you and Nance
18 and Brett Walshaw did on June 7th? State's Exhibit two, is
19 that your statement for the June 7th?

20 A. Yes, sir.

21 Q. Okay. And you were in jail when you gave these
22 statements, were you not?

23 A. Yes, sir.

24 Q. Wha - what -- what kind of dope do they give you over
25 at the jail to keep you intoxicated so you can't --

1 Q. But you had met Mr. Walshaw before.

2 A. Yes.

3 Q. You'd known him from something.

4 A. Yes.

5 Q. Point him out, please, if you see him in this room.

6 A. He's right there.

7 (WITNESS POINTS TO DEFENDANT.)

8 Q. Okay. Let the record he pointed at the defendant,

9 Charles Brett Walshaw.

10 Detective, thank you. If you would, please answer any
11 questions the defense attorney may have.

12 CROSS EXAMINATION

13 DETECTIVE PETE BRANHAM BY MS. INZERILLO:

14 Q. Good morning, Detective.

15 A. Good morning.

16 Q. Okay. Your role as a detective is to essentially come
17 on board in a case when further investigation is needed.

18 Is, that correct?

19 A. At sometimes yes. That's correct.

20 Q. Okay. So for example, in this case, the responding
21 deputies actually went to the scene, collected evidence and
22 talked to the victims at the scene and then they gave all
23 that stuff -- put that in file. And that was handed over
24 to you. Is that correct?

25 A. That's -- that's correct, yes.

1 Q. Okay. And at the point that you had gotten it, they
2 had determined that more investigation was needed. Is that
3 correct?

4 A. That -- that's correct.

5 Q. Because that's essentially what you -- you're the guy
6 that comes in and really looks at the entire case, puts all
7 the pieces together and then goes from there. Is that
8 right?

9 A. That's correct.

10 Q. Okay. And especially in this case where you have some
11 incidents with some responding officers on one day, and
12 then some different victims, some different responding
13 officers and different evidence taken on another day.

14 A. That's correct.

15 Q. Is that right. Okay. So all that stuff sort of lands
16 on your desk for your review.

17 A. That's correct.

18 Q. Okay. So -- I know this might be a little bit
19 obvious, but just to make sure we're clear, you weren't at
20 the scenes on June 7th or June 29th talking to those
21 victims?

22 A. Oh. Did I talk to the victims or at the scene?

23 Q. Both.

24 A. Okay. The June 7th case, no I was not. Neither did I
25 talk to the victims.

1 Q. Okay.

2 A. June 29th we actually did go to the residence, but I
3 did not speak to the victims.

4 Q. Good. Okay. So you went to which residence?

5 A. To Mr. Walshaw's residence.

6 Q. Mr. Walshaw's residence. And I believe you indicated
7 that was to speak with Mr. Nance.

8 A. And Mr. Walshaw. Yes. Correct.

9 Q. And as the detective gave you this information, then
10 you reviewed the reports that were generated in this case
11 from the responding officers. Is that right?

12 A. That day, or later on?

13 Q. During the course of your investigation.

14 A. Yes.

15 Q. You reviewed any information of any evidence that was
16 recovered by any responding officer.

17 A. That's correct.

18 Q. Okay. You reviewed any information on any witnesses
19 or potential witnesses.

20 A. That's correct.

21 Q. And you reviewed all of these, again, during the
22 course of your investigation.

23 A. That's correct.

24 Q. So at this point you knew that none of the victims
25 could identify or had seen whoever had broken into the

1 cars.

2 A. That's correct.

3 Q. Okay. And you had -- you knew that there was a
4 fingerprint taken, but at that point you didn't know if it
5 would match anybody.

6 A. That's correct.

7 Q. Okay. And with the cigarette butt that was recovered,
8 you didn't know if that would yield any DNA evidence or
9 anything like that.

10 A. That's correct.

11 Q. Okay. Now, were you aware at that point that some
12 money missing from Ms. Clade's vehicle had been found in
13 Andrew's pocket?

14 A. Was I aware of that?

15 MR. SPRINGS: She's offering facts that have not been
16 put into evidence, Your Honor. That's improper.

17 THE COURT: I'll overrule the objection. You can
18 answer that.

19 Q. I'm sorry.

20 A. Say that again, please.

21 Q. Were you aware at that point that Mr. -- that money
22 taken from Ms. Clade's car was -- had been found in -- in
23 Andrew's pocket?

24 A. I -- I -- I don't remember.

25 Q. Okay. Were you aware at that point that some of the

1 stuff that was stolen was found at Andrew's grandmother's
2 house?

3 A. In that location, yes. I do remember that.

4 Q. Okay. And I -- I know Mr. Springs asked you this, but
5 you did take statements from Mr. Mead and Mr. Nance. Is
6 that right?

7 A. That's correct.

8 Q. And I think I should --

9 MS. INZERILLO: May I approach the witness, Your
10 Honor?

11 Q. What's been marked as State's one and two, were you
12 present when these statements were taken?

13 A. Yes, I was.

14 Q. Okay. And they're witnessed by, it looks like
15 Detective John Martin.

16 A. That's correct.

17 Q. And he is your partner?

18 A. That's correct.

19 Q. Okay. But you -- Detective Branham is listed as the
20 lead investigator on this case.

21 A. That's correct.

22 Q. Okay. And the statement -- you witnessed Mr. Nance's
23 statement as well. Is that right?

24 A. That's correct.

25 Q. The statement that was given at 2:51 p.m.

1 stuff that was stolen was found at Andrew's grandmother's
2 house?

3 A. In that location, yes. I do remember that.

4 Q. Okay. And I -- I know Mr. Springs asked you this, but
5 you did take statements from Mr. Mead and Mr. Nance. Is
6 that right?

7 A. That's correct.

8 Q. And I think I should --

9 MS. INZERILLO: May I approach the witness, Your
10 Honor?

11 Q. What's been marked as State's one and two, were you
12 present when these statements were taken?

13 A. Yes, I was.

14 Q. Okay. And they're witnessed by, it looks like
15 Detective John Martin.

16 A. That's correct.

17 Q. And he is your partner?

18 A. That's correct.

19 Q. Okay. But you -- Detective Branham is listed as the
20 lead investigator on this case.

21 A. That's correct.

22 Q. Okay. And the statement -- you witnessed Mr. Nance's
23 statement as well. Is that right?

24 A. That's correct.

25 Q. The statement that was given at 2:51 p.m.

1 A. Mr. Nance's statement? I'd have to see it to verify
2 that.

3 MS. INZERILLO: May I approach the witness, Your
4 Honor?

5 Q. Just review this. I believe that's Detective Martin's
6 signature as well.

7 A. Yes. That's correct.

8 Q. And you were -- I think I asked you this, but you were
9 present when this was taken. Is that right?

10 A. Yes. I was. Yes, ma'am.

11 Q. Okay. And this statement is in his handwriting. Is
12 that right?

13 A. Yes. Yes, ma'am.

14 Q. This is not your handwriting?

15 A. No, ma'am.

16 Q. Okay. And it's not Detective Martin's handwriting?

17 A. No, ma'am.

18 MS. INZERILLO: Your Honor, I have no further
19 questions.

20 MR. SPRINGS: I have just one.

21 REDIRECT EXAMINATION

22 DETECTIVE PETE BRANHAM BY MR. SPRINGS:

23 Q. Ms. Inzerillo ask you about those statements. Did
24 Andrew Mead appear to you to be under the influence of
25 drugs when he gave his statement?

1 A. He did not.

2 Q. That's all.

3 THE COURT: All right. You may step down. Thank you.

4 (WITNESS LEAVING WITNESS STAND.)

5 THE COURT: Call your next witness.

6 MR. SPRINGS: Your Honor, the State does rest.

7 Thank you, Detective.

8 THE COURT: Members of the jury panel, the State is
9 resting, that means it has presented its case. Under
10 certain circumstances it may have a right to later present
11 evidence but you've heard the State's case. At this point
12 I have to take up some legal matters outside your presence,
13 so I'm going to let you go to the jury room just for a
14 short period of time. Thank you.

15 (JURY EXITS COURTROOM AT 11:15 AM.)

16 THE COURT: Anything from the State?

17 MR. SPRINGS: No, sir.

18 THE COURT: Ms. Inzerillo?

19 MS. INZERILLO: Your Honor, at this time for the
20 record we would renew all previous motions and renew our
21 motion for a directed verdict.

22 THE COURT: All right. Motion for a directed verdict
23 is denied. There is ample evidence from which a jury can
24 conclude that the State has carried the burden of proof.

25 Now, Mr. Walshaw, can you hear me?

1 on the Bible. The other one.

2 (WHEREUPON: KRISTINE KING,
3 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

4 MADAME COURT REPORTER: Ms. King, will you take that
5 mic please, and use it. I don't know how loud you are, but
6 you need to speak loud enough so that last juror in that
7 jury box can hear you.

8 DIRECT EXAMINATION

9 KRISTINE KING BY MS. INZERILLO:

10 Q. Good morning.

11 A. Good morning.

12 Q. Can you tell the Jury what your name is?

13 A. Kristine King.

14 Q. Kristine, do you remember where you were on June 29th
15 of last year?

16 A. Yes. I was in my friend's yard at the bonfire.

17 Q. Okay. And who was your friend?

18 A. Lynn Sears.

19 Q. Okay. And do you remember what road that was on?

20 A. I don't know what the road was called.

21 Q. Do you remember who was at the bonfire?

22 A. Yes. Me, Lynn Sears, Brett Walshaw, Matt and Andrew.

23 Q. Okay. And do you know Matt and Andrew's last names?

24 A. No.

25 Q. Do you remember if Andrew was there the whole time?

KRISTINE KING: DIRECT EXAMINATION BY MS. INZERILLO
CROSS EXAMINATION BY MR. SPRINGS

120

1 A. He was. But then he left with -- him and Matt left
2 and they came back.

3 Q. Okay. Did Brett ever leave the -- with Andrew?

4 A. No, ma'am.

5 Q. Okay. Did Brett ever leave the bonfire?

6 A. No.

7 Q. Do you remember -- well did Brett ever leave the
8 bonfire to go home?

9 A. Yes.

10 Q. Okay. And do you remember what time that was?

11 A. Eleven o'clock.

12 Q. Okay. And why do you remember that time?

13 A. Because me and my friend went in at the same time when
14 he left. Because his mom texted and told him to come home.
15 Me and my friend went in at the same time and looked at the
16 clock because we was about to eat.

17 Q. Okay. I have no further questions.

18 CROSS EXAMINATION

19 KRISTINE KING BY MR. SPRINGS:

20 Q. So, Ms. King, you and your friend -- and who was your
21 friend that left at eleven o'clock?

22 A. Lynn Sears.

23 Q. Lynn Sears. You left at eleven o'clock at night?

24 A. Yes, sir.

25 Q. Okay. When you went home did you go to bed?

1 A. We went in to eat.

2 Q. Where? Where did you go to eat?

3 A. Her house.

4 Q. Okay. Where is her house? What road is it?

5 A. I'm not sure what her road is called.

6 Q. What part of the County was it?

7 A. She lives in York.

8 Q. Over here? This one on the door? This little quaint
9 little town?

10 A. I'm not sure what the road's called she lives on. We
11 were in her yard.

12 Q. Okay. But you had to get in a car to leave the
13 bonfire. You had to get in a car and drive?

14 A. No.

15 Q. You walked?

16 A. Yes. It was in her yard.

17 Q. Okay. In Lynn Sears' yard?

18 A. Yes, sir.

19 Q. It wasn't in Velma Thompson's yard out on

20 A. No. It was in her yard.

21 Q. Do you know who Velma Thompson is?

22 A. No.

23 Q. Have you ever met Andrew Mead's granny -- grandmother?

24 A. No. No, sir.

25 Q. How well did you know Andrew Mead back on June 29th?

1 A. I know him -- probably I've known him for not a long
2 time.

3 Q. Okay. Back on June 29th how long had you known him?

4 A. I don't really -- like known him maybe a month.

5 Q. Back on June 29th of last year, you'd known him about
6 a month? You have to spe -- they're running a tape
7 recorder so you have to say something.

8 A. Yes

9 Q. Okay. Had you ever been to Andrew's house where he
10 was living back on June 29th of last year?

11 A. No.

12 Q. Okay. And you knew where -- did you -- did you know
13 where he lived last year?

14 A. Yes.

15 Q. Was the bonfire where he lived last year on June 29th?

16 A. Yeah. I was near his house.

17 Q. Okay. And that was Lynn Sears' house as well.

18 A. No. They live in two different houses, but it was in
19 her yard. But they lived beside each other.

20 Q. Okay. Okay. I'm getting the picture. So Andrew
21 lived in this house and the bon -- and Lynn lived in a
22 house next -- kinda next door?

23 A. Yes, sir.

24 Q. And the bonfire was like between the two?

25 A. Yes, sir.

1 Q. Okay. Okay. He left at eleven?

2 A. Yes, sir.

3 Q. And you went to Lynn's house?

4 A. Lynn Sears' house. Yes.

5 Q. Okay. And you said you got something to eat at
6 eleven?

7 A. Yes, sir.

8 Q. In her house?

9 A. In her house.

10 Q. Okay. When did you lay your head down to go to sleep?

11 A. About twelve.

12 Q. Okay. And when did you get up in the morning?

13 A. I'm really not sure. I don't know what time I woke
14 up.

15 Q. Was the sun up?

16 A. Yes.

17 Q. Okay. All right. So between the time you went to bed
18 at midnight on June 29th, and when you got up, the sun was
19 up the next day, you were at Lynn Sears' house.

20 A. Yes, sir.

21 Q. You had no idea what Brett Walshaw was doing between
22 midnight when you laid your head down to go to sleep, and
23 sun up when you got up. Do you?

24 A. I know he went home.

25 Q. At eleven o'clock?

KRISTINE KING: CROSS EXAMINATION BY MR. SPRINGS
STACY WALSHAW: DIRECT EXAMINATION BY MS. INZERILLO

124

1 A. Yes, sir.

2 Q. Okay. Do you know what he was doing between midnight,
3 when you laid your head down to go to sleep, and sun up --
4 sun's up the next morning when you got up.

5 A. No, sir.

6 Q. Okay. Thank you.

7 MS. INZERILLO: Nothing further.

8 THE COURT: You may step down, Ms. King. We appreciate
9 your time.

10 (WITNESS LEAVING WITNESS STAND.)

11 THE COURT: Call your next witness.

12 MS. INZERILLO: Your Honor, the Defense calls Stacy
13 Walshaw to the stand.

14 (WHEREUPON: STACY WALSHAW,
15 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

16 MADAME COURT REPORTER: Mr. Walshaw, if you don't
17 mind, take that mic and speak up please, sir, so the jury
18 can hear you.

19 DIRECT EXAMINATION

20 STACY WALSHAW BY MS. INZERILLO:

21 Q. Can you state your name for the Jury please?

22 A. Stacy Walshaw.

23 Q. And Stacy, can you spell your first name?

24 A. Of course. S-T-A-C-Y.

25 Q. And Stacy, do you know Brett Walshaw?

1 A. Yes, ma'am.

2 Q. How do you know him?

3 A. Twenty years, maybe 18. Brother.

4 Q. Do you remember where you were on June 29th of last
5 year?

6 A. Yes, ma'am. I do. It was my birthday. His birthday
7 is June 28th. Mine is 29th. So I was with my family. You
8 want to know where I was at during the day, or at the
9 night?

10 Q. Did you -- well let me ask you this. Did you see
11 Brett that evening?

12 A. Yes, ma'am.

13 Q. Okay. Do you remember what time you saw him?

14 A. I spent the day with him up until about between nine
15 and ten o'clock. I had to work the next morning and he
16 wanted to hang out with his friends. Mom gave him
17 permission to -- to do so. And I went -- I went to bed --
18 well he was ordered to be in at eleven, which he was.
19 Because he came in loud. Him and Matt come in and cut the
20 TV on and woke me up. And I repeatedly fussed at them to
21 hush. I even throw -- I threw some objects at Matt telling
22 him to hush.

23 Q. Okay. And how do you know it was eleven o'clock?

24 A. Because when they woke me up I immediately looked at
25 my phone to see what time it was. It's just a habit. I -

1 - my phone is my alarm clock and everything. I wake up to
2 it vibrating. I mean, I wake up like a mouse.

3 Q. Now, in your -- were you staying at your parents'
4 house that night?

5 A. Yes, ma'am.

6 Q. Does your parents' house have an alarm system?

7 A. Yes, ma'am. Me and my father installed it.

8 Q. Okay. Is your alarm system a loud alarm system or is
9 it a silent alarm system?

10 A. It's very loud.

11 Q. Okay. So if that alarm system had gone off that
12 night, would you have heard it?

13 A. Yes, ma'am. The whole neighborhood would.

14 Q. Okay. So when do you think you fell back asleep?

15 A. Roughly when they went to sleep I was able to finally
16 go to sleep. After that. And a few shoes were being
17 thrown.

18 Q. Okay. Did you see Brett the next morning?

19 A. Yes.

20 Q. Okay.

21 A. I woke up to Andrew running through the house. I knew
22 something was wrong. I mean --

23 Q. Okay. Let me stop you there.

24 A. Okay.

25 Q. Don't say what Andrew said. You saw Andrew come into

1 the house?

2 A. Yes, ma'am.

3 Q. Okay. And do you know Andrew's last name?

4 A. Mead.

5 Q. Okay. What did Andrew look like when he came to your
6 house?

7 A. Bug-eyed. Just -- he couldn't -- he couldn't talk.

8 He was scared to death. Didn't know what was going on.

9 And Brett and Matt were exactly where they were when I went
10 to sleep.

11 Q. Okay. All right. I don't have any further questions.
12 Mr. Springs is gonna ask you some questions.

13 CROSS EXAMINATION

14 STACY WALSHAW BY MR. SPRINGS:

15 Q. So what time did you finally get to sleep with all the
16 shoe throwing ended, Mr. Walshaw?

17 A. Between Twelve and One o'clock, sir.

18 Q. Do you -- Have you have your own bedroom, sir?

19 A. No, sir. I stayed in his bedroom. I gave my bedroom
20 to my sister and shortly after that happened, I -- I moved
21 out.

22 Q. Shortly after this June 29th that we're talking about?

23 A. Yes, sir. Mom started getting stricter on the rules
24 and told me I couldn't even go outside when I wanted to.

25 And I'm an adult, and so I -- I left and got my own place.

1 Q. Okay. So this night we've been talking about with
2 the shoe throwing, did you have your own bedroom?

3 A. No, sir.

4 Q. And where were you sleeping?

5 A. I -- He had two beds in his room. Matt slept on the
6 floor and he slept on his bed and I slept on the bed on the
7 other side.

8 Q. All right. And had you been drinking anything that
9 night?

10 A. No, sir. I had to work that morning.

11 Q. What kind of work were you doing?

12 A. I drill water values.

13 Q. And you worked that day June 29th?

14 A. I finally got to work after all the bus and bus. I
15 was -- I was late, but I think I made it to work around
16 Eleven o'clock.

17 Q. That day?

18 A. Yes, sir.

19 Q. What time did you get off work?

20 A. I -- With the road drilling business, sir, it varies.
21 I get off anywhere between Four and Six o'clock. Sometimes
22 later.

23 Q. So that day, what time did you get off?

24 A. Sir, I couldn't tell you that.

25 Q. But you could for sure tell us that it was Eleven

1 o'clock when your brother came in?

2 A. Yes, sir.

3 Q. No doubt about that?

4 A. No, sir.

5 Q. Okay.

6 A. In fact, I think it was about 11:02. It was right on
7 the dot.

8 Q. Okay. And what time did you get off work that day?

9 A. Sir, I couldn't tell you.

10 Q. Okay. Do you love your brother?

11 A. Very much so.

12 Q. Thank you very much.

13 MS. INZERILLO: Nothing further, Your Honor.

14 THE COURT: You can step down and be excused. We
15 appreciate your time.

16 A. Thank you, sir.

17 (WITNESS LEAVING WITNESS STAND.)

18 MS. INZERILLO: Your Honor, at this time, the Defense
19 calls Dwayne Walshaw to the stand.

20 (WHEREUPON: DWAYNE WALSHAW,
21 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

22 MADAME COURT REPORTER: Mr. Walshaw, just keep your
23 voice up so the jury can hear your responses, sir.

24 A. Yes, ma'am.

25 MADAME COURT REPORTER: Thank you.

1 DIRECT EXAMINATION

2 DWAYNE WALSHAW BY MS. INZERILLO:

3 Q. Mr. Walshaw, can you tell the jury your name?

4 A. My name is Dwayne Walshaw.

5 Q. Okay. Do you know Brett Walshaw?

6 A. Yes, ma'am. I do. He's my son.

7 Q. Okay. On -- during the month of June in 2010, did
8 Brett live in your house?

9 A. Yes, ma'am.

10 Q. Okay. Do you remember if Brett was home during the
11 evening of June 7th?

12 A. Yes, ma'am. I do.

13 Q. Okay. And was he at home?

14 A. Yes, ma'am. He was.

15 Q. Okay. Do you remember if Brett was home during the
16 evening of June 29th, 2010?

17 A. Yes, ma'am.

18 Q. Okay. And was he at home?

19 A. Yes, ma'am.

20 Q. All right. Did he leave at any point during those two
21 nights?

22 A. No, ma'am.

23 Q. Now obviously, over the course of those two nights,
24 you were asleep. Is that right?

25 A. Yes, ma'am.

1 Q. Okay. How do you know that Brett didn't leave the
2 house on either one of those two nights?

3 A. Because we have an alarm system in our house.

4 Q. Okay. Let's talk about that alarm system. Okay? Is
5 it a loud alarm or is it a silent alarm?

6 A. It's an audible alarm. It's inside and outside.

7 Q. Okay. And is it loud enough to wake you up if it's
8 triggered?

9 A. Yes, ma'am.

10 Q. Okay. Is it an alarm system that has a code to it?

11 A. Yes, ma'am. It does.

12 Q. Okay. Does Brett have that code?

13 A. No, ma'am. He does not.

14 Q. So if he were to leave the house on either one of
15 those nights, he'd have to trip the alarm to leave?

16 A. Yes, ma'am. He would.

17 Q. And on either one of those nights, June 7th or June
18 29th, was the alarm tripped?

19 A. No, ma'am. It wasn't.

20 Q. All right. Now, Mr. Walshaw, in addition to being
21 Brett's dad, do you also work for the alarm company that
22 installed your alarm?

23 A. Yes.

24 Q. Okay. And can you tell the Jury briefly what your job
25 is with that alarm company?

1 A. I am over the North Carolina and South Carolina alarm
2 installation and manage that group of installs.

3 Q. So, is it fair to say you know your way around the
4 alarm system that's in your house?

5 A. Yes, ma'am.

6 Q. Okay. Were you the one that installed your alarm?

7 A. Yes, ma'am. Most of our systems that we put in a lot
8 of times are also being used as training tools before we
9 actually deploy them out in the field.

10 Q. Okay. Is there a way with your alarm system to run a
11 report to check the activity?

12 A. Yes, there was.

13 Q. Okay. Do you know how to run that report?

14 A. Yes, ma'am. I do.

15 Q. All right. And did you run a report about -- from
16 your alarm system?

17 A. Yes, ma'am. I did.

18 Q. Okay. Do you have a copy of that with you?

19 A. Yes, ma'am. I do.

20 Q. All right.

21 (WITNESS GATHERS ITEM FOR MS. INZERILLO)

22 Q. Now you were the person that ran this report; is that
23 right?

24 A. Yes, ma'am.

25 Q. And I can see you're pulling it out of your pocket;

1 is that right?

2 A. Yes, ma'am.

3 Q. All right. And so has it been in your home since
4 you'd run the report?

5 A. Yes, ma'am.

6 (WHEREUPON: DEFENDANT'S EXHIBIT NUMBER ONE PREMARKED
7 FOR IDENTIFICATION.)

8 MS. INZERILLO: Your Honor, may I approach?

9 THE COURT: Yes.

10 Q. Mr. Walshaw, I'm gonna give this paper back to you.
11 That's now marked as Defense Exhibit One. Can you tell the
12 Jury what Defense Exhibit One is?

13 A. This is a systems bank log on the alarm system. It's
14 even driven. Meaning that any time anything is -- whether
15 it's armed or disarmed or triggered, it goes straight to a
16 log that the alarm records. And it is atomically enrolled
17 into the system. And then we can take this report and
18 print it to see exactly. Such as what user would have
19 disarmed the system or what time the alarm was, what
20 something was violated, etcetera, etcetera.

21 Q. And that -- Defense Exhibit One is the report that you
22 ran from your alarm system; is that right?

23 A. Yes, ma'am.

24 Q. And as, I believe you answered this earlier, you had
25 to pull that report since you ran it?

1 A. Yes, ma'am.

2 Q. You didn't alter or amend anything in the report?

3 A. No, ma'am.

4 Q. Okay.

5 MS. INZERILLO: Your Honor, at this time I'm going to
6 ask that Defense Exhibit one be entered into evidence.

7 MR. SPRINGS: No objection.

8 (WHEREUPON: DEFENDANT'S EXHIBIT NUMBER ONE IDENTIFIED
9 AND MARKED, ENTERED INTO EVIDENCE.)

10 Q. All right. Mr. Walshaw, I'm gonna have you kinda walk
11 us through that report. Okay?

12 A. Okay.

13 Q. Let's turn to the entry for June 6th, 2010. Do you
14 see that on your report?

15 A. I'm sorry. What day was that?

16 Q. June 6th.

17 A. June 6th? Yes, ma'am. I see it.

18 Q. Okay. Is there an entry for 10:32 p.m.?

19 A. Yes, ma'am.

20 Q. Okay. Can you tell the Jury what that -- that entry
21 denotes to you?

22 A. When it's -- it says user -- closing user 97. That
23 means that the system was on one of two ways. It was
24 either on by actually hitting the armed button. Or it was
25 armed by the system knowing that it was to auto on at that

1 time. In this case, since it is exactly at 10:32, that was
2 the auto on.

3 Q. Okay. So what that means is, sort of, everyday
4 language, that means your alarm system automatically came
5 on at 10:32?

6 A. Yes. That way no one forgets to arm it.

7 Q. Okay. So that means anytime after 10:32 you would
8 have to either manually disarm it or it would be triggered
9 if someone went into the house?

10 A. Yes, ma'am.

11 Q. Okay. Now, that is the night going into the morning
12 of June 7th. Is that right? So it was activated at 10:32
13 that night.

14 A. Right. And deactivated at 5:30 a.m. --

15 Q. On June 7th.

16 A. On -- on -- actually that would be June 8th. Correct?
17 That morning --

18 Q. I'm looking at June 7th.

19 A. Okay. June 7th, it looks -- the system was
20 deactivated at 5:30 a.m. on June 7th. The system was
21 reactivated at 10:32 p.m.

22 Q. Okay. Let's talk about the time period between June
23 6th at 10:32 and June 7th at 5:30 a.m. That essentially
24 means your alarm was on continuously from 10:32 that
25 evening all the way to the next morning at 5:30 in the

1 morning.

2 A. Yes, ma'am.

3 Q. Is that right? Okay. And at 5:30 in the morning does
4 it automatically shut itself off or do you have to shut it
5 off?

6 A. It automatically shuts itself off unless we happen to
7 get up earlier.

8 Q. Okay. And on the line for June 7th 5:30 a.m., where
9 it says opening use 97, does that denote to you what you
10 indicated about user 97 being it automatically shuts itself
11 off.

12 A. Automatically disarmed.

13 Q. Okay. So this report for the evening of June 6th into
14 June 7th tells you it was never tripped. Never turned on.

15 A. No, ma'am.

16 Q. Okay. Now, let's go -- well, actually you mentioned
17 June 7th it was rearmed again at 10:32. Is that right?

18 A. Yes, ma'am.

19 Q. So that means that it was unarmed throughout the day
20 and it rearmed itself at 10:32 that night.

21 A. Yes, ma'am.

22 Q. And then the next morning June 8th again it was
23 deactivated at 5:30 a.m.

24 A. Yes, ma'am.

25 Q. Okay. Now, I'm gonna turn your attention to June

1 29th. Do you see an entry for that?

2 A. Yes, ma'am.

3 Q. Okay. Can you tell the Jury when the alarm activated
4 June 26th to June 27th?

5 A. June twenty...?

6 Q. Right. That evening of June 27th.

7 A. June 27th, the alarm was deactivated at 5:32 -- 5:30
8 a.m.

9 Q. Okay. And then was it activated the evening before?

10 A. The evening before, it was activated at 10:32.

11 Q. Okay. And again turning to the notations on those two
12 lines does that tell you as well that automatically
13 activated and automatically deactivated?

14 A. Yes, ma'am.

15 Q. Okay. Did those entries tell you that it was
16 triggered at any point during this evening at that time?

17 A. No, ma'am.

18 Q. Okay. And again, had Brett left the house during that
19 time it would have been triggered. Is that right?

20 A. That's correct.

21 Q. Because again, on June -- on that evening, at twelve
22 he did not have the code to the alarm.

23 A. Correct.

24 Q. All right. Did you see Andrew Mead the morning of
25 June 29th at your house?

WAYNE WALSHAW: DIRECT EXAMINATION BY MS. INZERILLO
CROSS EXAMINATION BY MR. SPRINGS

138

1 A. Yes, ma'am.

2 Q. Okay. Without saying anything he said, can you tell
3 the Jury what he looked like?

4 A. He looked rough.

5 Q. Okay. Can you describe him to them?

6 A. As far as his physical destrip - description?

7 Q. Right.

8 A. Andrew is about five foot six, five foot seven.

9 Weighs about 110, maybe 115. Has curly hair. Sometimes
10 wears glasses, sometimes doesn't.

11 Q. Okay. Did he have any look that day? Did he look
12 unusual to you?

13 A. Yes, he did.

14 Q. Okay. Can you describe his demeanor?

15 A. He looked lost.

16 Q. Okay. All right. I have no further questions.

17 CROSS EXAMINATION

18 DWAYNE WALSHAW BY MR. SPRINGS:

19 Q. Good afternoon, Mr. Walshaw.

20 A. Good afternoon.

21 Q. Now, how many bedrooms does your house have?

22 A. My bedroom has three houses. I have three -- three
23 rooms, I'm sorry.

24 Q. That's all right. Let's start with the first one --
25 bedroom.

1 A. Okay.

2 Q. Your bedroom. Who all sleeps in your bedroom?

3 A. My wife and I.

4 Q. Okay. And the second bedroom. Pick any one.

5 A. Would be my daughter.

6 Q. Okay. And the third. Who sleeps in that room?

7 A. That would be Brett.

8 Q. Okay. And was that the situation back June 7th of
9 last year and June 29th of last year?

10 A. It's been that way ever since we moved in other than
11 when my oldest son was living there.

12 Q. Okay. All right. And you installed your burglar
13 alarm. Didn't you?

14 A. Yes, sir. I did.

15 Q. You and your wife were good enough to let Matt Nance
16 stay over at your house a good bit back then.

17 A. Yes, ma'am. He -- yes, sir. He had actually -- I
18 think had been thrown out by his mother and had no place to
19 stay.

20 Q. So back -- back in June of last year, you let him
21 spend the night over there?

22 A. Yes, sir.

23 Q. And how about Andrew Mead? Did he spend the night
24 over there?

25 A. No. Andrew did not.

1 Q. Okay. Now, you said you saw him that morn -- Andrew
2 Mead the morning of June 29th and he looked strange.

3 A. Yes.

4 Q. Had he spent the night that night?

5 A. No, sir.

6 Q. How do you know?

7 A. Because when we called Brett and Brett was in the
8 house, also the other boy.

9 Q. Nance?

10 A. Nance.

11 Q. Matt Nance. Okay. The one that stayed at your house
12 a lot.

13 A. Right. He was there. And I think the system was
14 physically armed at that time.

15 Q. All right. What time -- what time of day or night now
16 are we talking? You said the system was physically armed?

17 A. The system was physically armed at that period. When
18 he let them stay out a little bit later, the system was
19 physically armed on June 29th at 11:17. My wife sent them
20 a text at 11:00 to, excuse the term, but with children, to
21 get your butt in the house now.

22 Q. Okay. Well you're talking about the next day. The
23 boys already have gone. We've been talking about bad
24 things -- breaking in to cars that happened in the early
25 morning hours of June 29th. Two, three, four, five in the

1 morning on June 29th. Now you're talking about eleven
2 o'clock the next day.

3 A. No. I'm talking about 11:17 p.m. according to this
4 report.

5 Q. Of which day. What's the date?

6 A. Of June 29th.

7 Q. That's the night of June 29th.

8 A. Uh-huh.

9 Q. Is that in p.m.?

10 A. Yes. It says p.m.

11 Q. Okay. The cars got broken into four and five a.m.

12 A. A.m.

13 Q. So you're talking about something that happened the
14 next night.

15 A. Okay.

16 Q. So let's -- let's go back.

17 A. All right. Then let's go to June 28th.

18 Q. There you go. There you go. That -- that night, or
19 going into the early morning of June 29th, did Andrew Mead
20 spend the night?

21 A. No.

22 Q. Okay. He didn't spend the night in Brett's room?

23 A. No.

24 Q. Did Matt Nance spend the night?

25 A. Yes.

1 Q. How do you know?

2 A. Matt was in there when he was called to come in to the
3 house.

4 Q. And when was -- when was he called in to the house?

5 A. They were told to be in the house by midnight.

6 Q. How do you know?

7 A. Again, my wife texts them when they're outside and
8 when she's ready to go to bed, she wants to go to sleep,
9 she'll send them a text.

10 Q. Just a minute -- but a minute ago you said that was
11 the situation for the next -- the next day, which is
12 irrelevant.

13 A. Right. On June 28th, the system was armed at 12:02
14 a.m.

15 Q. Okay. But if somebody disables some of the sensors it
16 doesn't matter whether the system's armed or just on rest.

17 A. You mean disabled how?

18 Q. I mean bypass the trip, fool it.

19 A. That's not possible.

20 Q. Not possible?

21 A. No, it's not.

22 Q. Couldn't possibly bypass your trigger?

23 A. You can bypass it. Yes. But you have to have the
24 code to the system in order to be able to bypass it.

25 Q. Okay. Let's see...

1 A. And a magnet and a magnet cancel each other out.

2 Q. Now, so, you're saying Brett was in your house the
3 night of June 29th?

4 A. Yes.

5 Q. Early morning of June 29th?

6 A. Yes.

7 Q. So he couldn't have been breaking into cars --

8 A. No.

9 Q. -- about four or five in the morning.

10 A. No.

11 Q. Oh, okay. So, when did you first tell the police that
12 he couldn't have possibly done that because he was with you
13 in your house? What was the first time you told them?

14 A. The officers actually didn't even ask to speak to me.

15 Q. When did you call them and say (thump) there's stuff
16 in that?

17 A. I was not allowed to talk. The only person I've
18 talked to is -- is Brett's lawyer.

19 Q. Okay. You weren't allowed to call the police and say
20 you've made a tragic mistake? My son was in the house,
21 because I have a burglar alarm that couldn't possibly --

22 A. No. Actually I wanted to take it up with your office,
23 but I wasn't allowed.

24 Q. Who -- who said you couldn't take it up with my
25 office?

1 A. Your supervisor.

2 Q. Who would that be?

3 A. Mr. -- whose office are you with?

4 Q. I'm with the Solicitor's office.

5 A. Yes. And who's your boss?

6 Q. The elected Solicitor is Kevin Brackett.

7 A. Thank you. I talk -- I called Mr. Brackett.

8 Q. You did?

9 A. Yes. I did.

10 Q. What did he say?

11 A. His secretary told me that I was not allowed to
12 discuss the case.

13 Q. Okay. So you called the police to tell there's --
14 that a mistake was made. When did you call the police to
15 tell them you had evidence you knew that he couldn't have
16 been breaking into cars June 29th? When did you call the
17 police?

18 A. As far as we understood, I didn't even realize he was
19 gonna be charged until later. After later, then we took it
20 up with Melissa. There was no reason for me to call the
21 police. Melissa took -- took care of it.

22 Q. There was no reason to tell the police?

23 A. As far as I knew. I had had an attorney. Or Brett
24 had an attorney. Is there a particular reason why I should
25 have called the police?

1 Q. Well, telling this Jury today he was in your house and
2 he couldn't have broken into cars.

3 A. That's correct.

4 Q. They just might have wanted to know that. And telling
5 the Jury today you have an absolutely fool proof alarm
6 system. And even though you're down the hall in your
7 bedroom, you were sure he couldn't have been sneaking out.

8 A. That's correct. That's correct. Matter of fact, the
9 police didn't even speak to us. My house wasn't searched.
10 There was nothing. There was no contact from the police.
11 Police did not investigate us. The police did not come and
12 investigate anything in my yard or anything on my premises.

13 Q. Are you disappointed?

14 A. Yeah. Quite.

15 Q. Okay. But the police did come over to your house.

16 A. They came over and questioned the two children.

17 Q. Were you there?

18 A. Yes, I was, on my -- as I was getting ready for work.

19 Q. Okay. And you told them then that the burglar alarm
20 was on and it's fool proof. So your son Brett couldn't
21 have done this. You told them this?

22 A. They herded both of the kids into the back of the cars
23 one at a time.

24 Q. Okay. And you told the police then that it couldn't
25 have happened that way because you have a fool proof

1 burglar alarm --

2 A. I told the female officer that it was not my son.

3 Q. You told her all about the burglar alarm?

4 A. No. I didn't bring up the burglar alarm.

5 Q. Well why not?

6 A. They were police. They were conducting their own
7 investigation.

8 Q. Okay.

9 A. They didn't ask me anything. They asked me if I knew
10 anything about it.

11 Q. And you told them about the burglar alarm and Brett
12 couldn't have gotten out because he was kept in the house
13 by the burglar alarm. When stopped you told them that?

14 A. It's very well possible. I don't recall.

15 Q. Who helped you install the burglar alarm, Mr. Walshaw?

16 A. No one.

17 Q. You did it all by yourself?

18 A. Yes, I did.

19 Q. Your son Stacy didn't help you?

20 A. Stacy does help me on jobs.

21 Q. Your son Brett didn't help you?

22 A. No. I -- I've tried using Brett before to help me
23 doing construction that's the way I teach my stuff, like my
24 son. And we sent Brett under the house to pull the wires,
25 to pull them up to the panel and then by the time we got

1 down there they were such a knotted mess I realized that
2 that was not a good idea. And I have not used Brett since.

3 Q. Thank you, Mr. Walshaw.

4 MS. INZERILLO: Just one more thing, Your Honor.

5 Mr. Walshaw, can you leave that report with the Court
6 Reporter?

7 MADAME COURT REPORTER: I got it.

8 MS. INZERILLO: Thank you, Your Honor.

9 THE COURT: Is that it?

10 MS. INZERILLO: Yes, Your Honor.

11 THE COURT: All right. You can step down and be
12 excused. We appreciate your time.

13 MR. DWAYNE WALSHAW: Thank you, sir.

14 (WITNESS LEAVING WITNESS STAND.)

15 THE COURT: All right. Call your next witness.

16 MS. INZERILLO: Your Honor, at this time the Defense
17 rest.

18 THE COURT: Anything in reply?

19 MR. SPRINGS: No, sir.

20 THE COURT: All right. Members of the jury panel, you
21 have now heard the evidence, received the exhibits, the
22 next stage will be the attorneys closing arguments and then
23 my charge on the law. We will wait to do that after lunch.
24 It's ten after Twelve, we're not going to start back until
25 Two. We have some legal matters to take up and also there

1 is only one place to eat that you can walk to here, every
2 place else you have to get in and drive to so you can take
3 about an hour and a half. We will take a little extra time
4 today since I have to go over some matters with the
5 attorneys. So please be back by Two o'clock we'll try to
6 start as promptly thereafter as we can. Keep in mind that
7 you are not yet in a position to make up your mind you are
8 not yet in a position to discuss the case and remember what
9 I told you about not letting anyone talk to you about the
10 case. Have a pleasant lunch and we'll see you back at Two
11 o'clock.

12 (JURY LEAVES COURTROOM AT 12:11 PM.)

13 THE COURT: All right. Anything from the State?

14 MR. SPRINGS: Nothing from the State.

15 THE COURT: Ms. Inzerillo.

16 MS. INZERILLO: Your Honor, just briefly. I do have
17 two request to charge. The first is a prior inconsistent
18 statement, I have one I can hand up to the Court, I'm not
19 sure if the Court has a standard one.

20 THE COURT: Why don't you hand it up.

21 MS. INZERILLO: Okay. And my second one, Your Honor,
22 is just a charge on alibi and I believe the Court has a
23 standard one on that.

24 THE COURT: Mr. Springs, you want to comment on either
25 one of those request?

1 MR. SPRINGS: I just got one.

2 THE COURT: Well she said alibi.

3 MR. SPRINGS: Okay.

4 THE COURT: And she's asking me to use the standard
5 alibi.

6 MR. SPRINGS: You've got a standard charge that, this
7 isn't bad but I prefer you just use your standard charge.
8 I think its more than applicable.

9 THE COURT: Well make sure you look at that second
10 paragraph. They hand this one up quite frequently and I
11 believe and I'll look again over lunch at State versus
12 Copeland - -

13 MR. SPRINGS: I don't think Copeland says that and I
14 think this - -

15 THE COURT: Well that's why I'm gonna look at Copeland
16 but they hand this up with regularity and I want to make
17 sure that you looked at the second paragraph because that's
18 not in my standard.

19 MR. SPRINGS: I hadn't and I'm sorry I think it's a
20 comment on the facts by the Court. I don't like any of it
21 and I'd like for you to use your standard.

22 THE COURT: Well I'm gonna look at -- This isn't
23 foreign to me this is a regular one I get but I'll take a
24 look and we'll decide. See you all, let's try to be back
25 about ten till Two.

1 Has the Solicitor and Mr. Dest issued watches yet?

2 MS. INZERILLO: I'm sorry.

3 THE COURT: Have you all been issued watches?

4 MR. SPRINGS: I've got a watch.

5 MS. INZERILLO: I have one.

6 THE COURT: See you at ten till Two then. I take it
7 back. I've got a watch but I've been told I have a
8 conference call at Two. So let's just be back at Two.

9 (COURT IN LUNCH RECESS AT 12:15 PM.)

10 (COURT RECONVENES AT 02:10 PM.)

11 THE COURT: Thank you. Take your seats.

12 MS. INZERILLO: Your Honor, may we approach?

13 THE COURT: Yes.

14 (BENCH CONFERENCE AT 02:10 PM OFF THE RECORD.)

15 THE COURT: I looked at the Copeland Case and it does
16 say what Ms. Inzerillo wants it to say.

17 (DEFENDANT ENTERING COURTROOM.)

18 THE COURT: All right is the State ready?

19 MR. SPRINGS: The State's ready.

20 THE COURT: Defense ready?

21 MS. INZERILLO: Yes, Your Honor, if I could very
22 briefly. For the record the, a note has come out of the
23 jury room I'm not sure from who indicating a -- that they
24 noticed there was no testimony about - -

25 THE COURT: Well you say they.

1 MS. INZERILLO: I'm sorry.

2 THE COURT: They. Let me caution the way we use our
3 words.

4 MS. INZERILLO: The note indicated that, which I think
5 has been made a Court's Exhibit, - - -

6 THE COURT: It has.

7 MS. INZERILLO: - - - that there was no testimony
8 about whether the windows fell under the alarm system of
9 the house and that generally were the doors fall under an
10 alarm system and I'm sort of synopsisizing that. Your
11 Honor, my only concern at this point is it's not signed by
12 any particular juror or a number of jurors but my concern
13 now is despite the Court's admonition to the jury to not
14 discuss the case beforehand but there has been some thought
15 of that coming out of the jury room and we would just ask
16 that at least the Foreman be brought out to determine how
17 he received the note or if he wrote the note or if there
18 has been any discussion up until this point about any of
19 the facts in the case.

20 THE COURT: Mr. Springs, you have any comment on it?

21 MR. SPRINGS: I do not, Your Honor. I leave it in the
22 Court's good judgment.

23 THE COURT: I don't, I did not take the note to be an
24 assessment based on discussion but rather one person's
25 concern and so I'm not going to go into whether they've

1 discussed the case or not.

2 You ready to argue?

3 MR. SPRINGS: The State's ready.

4 THE COURT: State waive opening?

5 MR. SPRINGS: The State does waive opening.

6 THE COURT: All right. You ready to go?

7 MS. INZERILLO: Yes, Your Honor.

8 THE COURT: All right. Bring in the jury.

9 (JURY REENTERS COURTROOM AT 02:13 PM.)

10 THE COURT: Before we get started, Mr. Foreman, I
11 received a note from the jury, I presume that was just a
12 note from an individual and not collective since the jury
13 is not supposed to discuss the case. Is that correct?

14 MR. FOREMAN: Yes.

15 THE COURT: Okay. Well I figured that.

16 In any event the record is closed so what the evidence
17 is what the evidence is and so you will have to base your
18 verdict on the evidence and the law as developed to this
19 point and the arguments that are to follow and the charge
20 that would follow that. So please pay attention to the
21 attorneys as they make their closing arguments. The
22 Defendant's attorney, Ms. Inzerillo, will go first followed
23 by Mr. Springs or Mr. Shifflett on behalf of the State and
24 then I will charge you the law that you are to apply.

25 Ms. Inzerillo.

1 (BENCH CONFERENCE OFF THE RECORD AT 02:44 PM.)

2 THE COURT: Let me let the jury go to the jury room.
3 Don't start deliberating yet you haven't heard my charge on
4 the law. I have a little matter to take up with the
5 attorneys.

6 (JURY EXITS COURTROOM AT 02:45 PM.)

7 THE COURT: The issue at this point is while preparing
8 my charge I noticed that both the criminal conspiracies are
9 alleged to have occurred on June 29th, 2010. I am told
10 it's not the intent they were supposed to be conspiracy
11 apparently the 7th and the 10th. I call that to the
12 attention of counsel and I'll turn it over to them for
13 comment.

14 Mr. Springs.

15 MR. SPRINGS: I would respectfully ask that one of
16 those be dismissed either by the court or by the State and
17 the jury instructed that there is only one conspiracy and
18 that's the 29th. The other one has been dismissed.

19 THE COURT: Which one?

20 MR. SPRINGS: Actually because they are identically
21 worded - -

22 THE COURT: Well no they're associated with different
23 warrants.

24 MR. SPRINGS: I will have to find out, that's correct.

25 THE COURT: Do we send in the 29th and it's the

CHARGE BY THE COURT

169

1 warrant on the 7th.

2 MR. SPRINGS: You're quite right, sir. Well I see
3 that it's not J155592 so let me find one that is.

4 THE COURT: Try 155582.

5 THE COURT: It is.

6 THE COURT: That's June 29th?

7 MR. SPRINGS: That is the good one for the 29th.

8 THE COURT: So you're going to nol pros THE other one?

9 MR. SPRINGS: I will nol pros THE other one.

10 THE COURT: Well let's don't worry about all of that
11 right now, I'm gonna hand it back to the Clerk.

12 All right any comments, Ms. Inzerillo?

13 MS. INZERILLO: No, Your Honor.

14 THE COURT: Bring the jury back in.

15 MR. SPRINGS: My apologies for that typographical
16 error.

17 (JURY REENTERS COURTROOM AT 02:48 PM.)

18 THE COURT: All right. Members of the jury panel, I
19 appreciate your attention you've given the witnesses and
20 the attorneys and myself to this point. I am now going to
21 charge you the law which you are to apply to the facts as
22 you determine them to be in this case.

23 There are five charges of Petty Larceny, four from
24 June 7th and one from June 29th and they all allege that at
25 that time certain goods were taken from the victims who are

1 named in the indictments. Now these indictments that you
2 will have in the jury room with you are not evidence. They
3 are simply the paperwork by way of which these cases are
4 processed through our court system and they will be where,
5 Mr. Foreman, I will tell you later the unanimous verdict of
6 the jury will be enrolled. There are seven breaking into
7 motor vehicles four from June 29th, three from June 7th.
8 Again this they are not evidence they are simply the
9 paperwork and the charges and they allege that Mr. Walshaw
10 committed these offenses with others as to the automobiles,
11 motor vehicles, listed in the indictment on those dates.

12 There is only one charge of criminal conspiracy at
13 this point. That is that Mr. Walshaw did with Mr. Mead and
14 Mr. Nance commit the crime of breaking and entering a motor
15 vehicle in confederation and conspiracy on June 29th 2010
16 so there is only one conspiracy charge. Now the fact that
17 Mr. Walshaw was arrested and the fact that he has been
18 charged the fact that he has been indicted the fact that he
19 is on trial is not evidence. That is simply the way our
20 system works. An individual who is thought to have
21 committed an offense is arrested, indicted, tried, and it's
22 up to the jury to determine whether or not the State has
23 proven that person's guilt beyond a reasonable doubt. Now
24 even though there are a number of charges you look at each
25 one separately. Your verdict does not have to be the same

CHARGE BY THE COURT

171

1 on all; you have to analyze each based on the facts and the
2 law and determine whether or not Mr. Walshaw has been
3 proven guilty beyond a reasonable doubt as to a particular
4 indictment, so you will look at each individually. Mr.
5 Walshaw is under the laws of our state and our country
6 presumed innocent of the charge, all these charges, his
7 plea of innocence places on the State the burden of proof.
8 That is the burden of proving his guilt beyond a reasonable
9 doubt. Any person charged with an offense in South
10 Carolina is presumed innocent of the charge against them
11 and this presumption of innocence is not just a legal
12 theory or a legal phrase it is a substantial right. The
13 presumption of innocence attaches to an individual at the
14 time they are arrested remains with them as their case is
15 processed through our court system, remains with them
16 throughout the trial. In fact the presumption of innocence
17 in Mr. Walshaw's favor is with him as he sits there at this
18 time. And in fact the presumption of innocence remains
19 with him as you deliberate. The presumption of innocence
20 is removed if and when and only if and when you as the
21 trial jury determine that the State has convinced you of
22 his guilt as to a particular charge beyond a reasonable
23 doubt. Now the State is not required to prove his guilt
24 beyond all or beyond every doubt but beyond a reasonable
25 doubt. Our courts have described a reasonable doubt as the

1 kind of doubt that would cause a reasonable person to
2 hesitate to act. Proof beyond a reasonable doubt is proof
3 that leaves you firmly convinced of someone's guilt. There
4 are of course very few things in our world that we know
5 with absolute certainty and that's not required in a case
6 such as this. If based on your consideration of the
7 evidence you are firmly convinced that Mr. Walshaw is
8 guilty of one or more of the offenses with which he is
9 charged you would find him guilty. On the other hand if
10 you think there is a real possibility he is not guilty as
11 to one or more of the charges you would give him the
12 benefit of that doubt and find him not guilty. He is
13 entitled to the benefit of any reasonable doubt that you
14 have as to any issue in this case.

15 I remind you that I am the sole judge of the law in
16 this case and you must take and accept and apply the law as
17 I charge it. I remind you this is true even if you think
18 I charge the law in error or even if you think the law
19 should be different. Your oath requires you to take accept
20 and apply the law as I charge it. You are not to infer
21 from anything I have said or done or anything I now say or
22 do as indicating an opinion of mine on the facts. Our law
23 does not allow a trial judge to formulate or express to a
24 jury any opinion on the facts that is solely your job. As
25 the trial jury in this case it is solely up to you to

CHARGE BY THE COURT

173

1 examine the evidence give to the evidence the effect to
2 evaluate the truth you believe it should have. In doing
3 this you may believe one witness as opposed to several,
4 several witnesses as opposed to one, you may believe all,
5 part or none of a witness's testimony. Use your common
6 sense your sense of logic your sense of reason use your
7 experiences in life as you analyze the evidence. As judges
8 of the facts your assessing must judge the credibility that
9 is the believability of the witnesses who have testified.
10 In assessing believability use those things I have just
11 discussed, use those things that you in your day to day
12 life find to be indicative to truthfulness in an
13 individual. And you can use certain evaluators, a
14 witness's demeanor, how they act on the stand, are they
15 hesitant or straight forward in responding to questions.
16 You can look at any bias or prejudice a witness may have;
17 that is whether they wish to help or hurt one side or the
18 other. You can consider the opportunity a witness had to
19 know those things about which the witness testifies. And
20 you can look at consistencies or inconsistencies in a
21 witness's testimony. If you find that a witness has made a
22 prior statement which is not consistent with their present
23 testimony you may use this evidence of the prior
24 inconsistent statement to decide whether to believe the
25 witness. You may also use evidence of an earlier

1 contradicted statement to determine the truth of those
2 statements. It is up to you to decide whether to believe
3 an earlier statement or the statements given at trial. If
4 a witness is shown to have knowingly testified untruthfully
5 concerning any material matter you may consider this to
6 determine whether to trust the witness's testimony as to
7 other matters. You may reject all of a witness's testimony
8 or give all or part whatever weight you believe it should
9 have. I instruct and emphasize that the fact that Mr.
10 Walshaw exercised his constitutional right to remain silent
11 that cannot be used against him in any fashion whatsoever.
12 You cannot discuss with him -- You cannot discuss among
13 yourselves or use in your own mind the fact that he chose
14 to exercise his constitutional right to remain silent. I
15 remind you he is presumed innocent of these charges it is
16 not incumbent upon him to prove his innocence the State
17 must prove his guilt beyond a reasonable doubt. The fact
18 that he exercised the right to remain silent cannot even be
19 mentioned by you or factored into your own deliberations.
20 It's not to be used against him in any way whatsoever.

21 Now in cases such as this there are two types of
22 evidence that are generally presented direct and
23 circumstantial evidence. Direct evidence is the testimony
24 of an individual who claims to have actual knowledge of the
25 fact such as an eye witness. Direct evidence is evidence

CHARGE BY THE COURT

1 which immediately establishes the main facts sought to be
 2 proven. Circumstantial evidence is proof of a chain of
 3 facts and circumstances which indicate the existence of a
 4 fact. Circumstantial evidence is evidence which
 5 immediately establishes collateral facts from which the
 6 main fact may be inferred. Circumstantial evidence is
 7 based on inference and not on personal knowledge or
 8 observation. Our law makes absolutely no distinction
 9 between the weight or value to be given to either direct or
 10 circumstantial evidence. Nor is a greater degree of
 11 certainty required of circumstantial evidence than it is of
 12 direct evidence. What you should do is weigh all of the
 13 evidence in the case. After weighing all of the evidence
 14 if you are not convinced of Mr. Walshaw's guilt as to one
 15 or more of the offenses you would find him not guilty. Mr.
 16 Walshaw is charged with breaking into motor vehicles. In
 17 order to prove this the State must prove beyond a
 18 reasonable doubt that he broke or attempted to break into a
 19 motor vehicle or it's compartment with the intent to steal
 20 the vehicle of something of value from the vehicle.
 21 Breaking is any act of physical force however slight by
 22 which the obstruction to enter is forcibly removed.
 23 Breaking does not need to be by means of great force
 24 because any force which is necessary to make an opening is
 25 sufficient. For example, this is example only, if the car

1 door is closed even though it's not locked the opening of
2 the door constitute a breaking. Intent means intending the
3 result which actually occurs. Something that is
4 intentional is not accidental or involuntary. Intent may
5 be shown by acts and conduct of a defendant and from other
6 circumstances which you may naturally and reasonably infer
7 intent. The State must prove breaking into a motor vehicle
8 beyond a reasonable doubt before you can convict Mr.
9 Walshaw of one or more of those offenses.

10 He is also charged with larceny, petty larceny. The
11 State must prove beyond a reasonable doubt that Mr. Walshaw
12 took and carried away the property of another against that
13 person's will or without their consent. The slightest
14 removal of property or the complete possession of the
15 property even for an instant by the defendant is enough to
16 show a taking and carrying away the property. The State
17 must prove beyond a reasonable doubt that the defendant
18 intended to permanently deprive the owner of the property.
19 Petty larceny is larceny that involves items of a certain
20 value and in this case those items value to be such that if
21 he were guilty of larceny, petty larceny, that is what he
22 is charged.

23 He is also charged with conspiracy. The State must
24 prove beyond a reasonable doubt that Mr. Walshaw combined
25 with one or more other persons for the purpose of

CHARGE BY THE COURT

177

1 committing an unlawful act or committing an unlawful act by
2 unlawful means. It must be a mutual understanding an
3 agreement or common intention and plan. Mere passive
4 knowledge of or consent to the criminal conduct of another
5 is not alone enough to make a person a conspirator. For
6 one to be a conspirator they must be guilty of knowledge
7 and participation. It is not necessary that any agreement
8 be formed and it's not necessary to be in writing or that
9 individuals holding meeting or expressly state terms of any
10 common plan or scheme. The agreement of criminal
11 conspiracy may come into being through an implied mutual
12 understanding. The wilful intentional and knowing adoption
13 of two or more persons of a common plan or scheme is
14 sufficient. A conspiracy may be shown by circumstantial
15 evidence and the conduct of the parties alleged to have
16 committed a conspiracy. In order to convict Mr. Walshaw of
17 conspiracy the State must prove beyond a reasonable doubt
18 not only that he knew of unlawful conduct but he agreed and
19 combined with other individuals for the purpose of
20 accomplishing unlawful conduct.

21 A person who is present at the scene of a crime and
22 intentionally or through a common plan aided, abetted or
23 assisted in the commission of that crime through some overt
24 act is guilty as an accomplice. To be liable as an
25 accomplice a defendant must have knowledge of the principle

1 criminal's conduct. Mere presence at the scene of a crime
2 is not alone sufficient to establish guilt as an
3 accomplice. Again intentional means expecting the result
4 not accidental or involuntary. In South Carolina we have a
5 concept called the hand of one is the hand of all. That
6 provides that if a crime is committed by two or more people
7 who are acting together to commit a crime is the act of one
8 is the act of all. A person who joins with another to
9 commit an unlawful act is criminally responsible for
10 everything done by that other person which happens as a
11 natural or probable consequence of the act done in carrying
12 out the common plan and scheme. If two or more people are
13 together acting together assisting each other in committing
14 an offense the act of one is the act of all; the hand of
15 one is the hand of all.

16 A principle is one who is shown by actual or
17 constructive -- actively or constructively be present at
18 the scene as a result of some prior arrangement therefore a
19 finding of a prior arrangement plan of common scheme is
20 necessary to find an individual guilty as a principle. The
21 State must prove beyond a reasonable doubt by competent
22 evidence this theory that the hand of one is the hand of
23 all.

24 I remind you that the mere presence at the scene where
25 a crime is committed is alone insufficient to convict one

CHARGE BY THE COURT

179

1 of a conspiracy or of being an accomplice or being viable
2 under the theory of the hand of one is the hand of all.

3 Mr. Walshaw has raised a defense called alibi. In
4 order to establish this defense it must be shown that Mr.
5 Walshaw was in another specific place at the time the crime
6 was committed and that it was impossible for him to have
7 been at the scene of the crime. Mere denial of being
8 present at the scene in and of itself does not constitute
9 an alibi. There is no burden on Mr. Walshaw to prove an
10 alibi. The burden is on the State to prove beyond a
11 reasonable doubt that Mr. Walshaw was actually present at
12 the scene of the crime, actually participated in a crime
13 and was not somewhere else. In other words the State has
14 the burden of disproving Mr. Walshaw's alibi.

15 Now your verdicts must be unanimous all twelve jurors
16 must agree. Your verdicts cannot be based on passion,
17 sympathy, public opinion, matters outside the record. If
18 you have questions while you're deliberating write them
19 down and send them out. Just knock on the door and give
20 them to the bailiff I will respond it may be that I can
21 write an answer on the note. If I send the note back in
22 please keep it and turn it in with the exhibits because it
23 has to be part of the record. It may be that I'll have to
24 bring you back in and correct or answer any questions you
25 have here in the courtroom. In South Carolina we do not

1 send a written charge in with the jury. If you wish for me
2 to go over any part or all of the law which I charge let me
3 know I will bring you back here in the open court and
4 recharge you any part or all of the law. When you've
5 reached a verdict knock on the door tell the bailiff the
6 bailiff will let me know I perhaps will be doing some other
7 work but we will send for you as promptly as we can.

8 When you first go into the jury room do not begin your
9 deliberations because I have to go over my charge with the
10 attorneys. If I have made a mistake I will have to correct
11 it. If I have not I will bring you back in and do that
12 promptly. If I have not made a mistake the bailiff will
13 bring you the exhibits these indictments and tell you to
14 start deliberating but do not start deliberating. Don't
15 get too comfortable until that time.

16 Ms. Adams, you will stay in as the alternate and not
17 participate any further so when the jury goes out in just a
18 moment just remain here and I will chat with you.

19 Mr. Foreman, on the backs of the indictments you will
20 see in the bottom left hand corner the word verdict. The
21 four lines, the bottom line is for your signature, the
22 place for the date below there today is the 12th. On one
23 of the other three lines you will write the jury's
24 unanimous verdict. If that verdict as to a particular
25 indictment is that the State has failed to carry it's

1 burden of proof and has not proven beyond a reasonable
2 doubt Mr. Walshaw guilty of a particular indictment you
3 will write the two words not guilty and of course sign. On
4 the other hand if the State has proven to your satisfaction
5 unanimously of Mr. Walshaw's guilt to one or more of the
6 indictments you would as to those indictments or that
7 indictment write the word guilty and of course sign. So
8 I'm going to let you go to the jury room at this time but
9 don't start deliberating until you hear from me further.

10 (JURY EXITS COURTROOM AT 03:06 PM.)

11 THE COURT: I'll be with you in just one minute.

12 Anything from the State?

13 MR. SPRINGS: No, sir.

14 THE COURT: The Defense?

15 MS. INZERILLO: No, Your Honor.

16 THE COURT: All right. If you will check the exhibits
17 and the indictments we will send them in and the bailiff
18 can tell them to start deliberating.

19 Ms. Adams, you are to call back after -- Call back
20 tonight after Seven and you will receive instructions. It
21 may be to call back it may be to return at a certain time.
22 Thank you for your help.

23 (ALTERNATE JUROR DISMISSED AT 03:07 PM.)

24 THE COURT: I will let you all do that and we'll take
25 a break and hear back from the Solicitor how we stand as to

1 what next to do. And I appreciate all of counsel's
2 courtesies during the trial.

3 (DEFENDANT ESCORTED FROM COURTROOM TO HOLDING CELL.)

4 (COURT IN RECESS AT 03:07 PM.)

5 (JURY NOTE RECEIVED AT 04:12 PM.)

6 (COURT RE-ADJOURNED AT 04:30 PM.)

7 THE COURT: Thank you, take your seats.

8 Do you need your client in on this one?

9 MS. INZERILLO: Yes, sir.

10 THE COURT: Okay.

11 (DEFENDANT ENTERING COURTROOM.)

12 THE COURT: We've gotten another note from the jury it
13 states, "Is the date June 29th on this indictment correct
14 or should it be June the 7th?" And that is the indictment
15 2010-3514. I went over this in chambers and it appears
16 that this deals with Mr. Brakefield's GMC pickup and as I
17 recall and was informed in chambers that that occurred on
18 the 7th as opposed to the 29th.

19 Is that correct, Mr. Springs?

20 MR. SPRINGS: That is quite correct, Your Honor. It
21 should be -- The indictment should read June 7th, that's
22 what the evidence was and we move to conform the
23 indictment, to amend the indictment to conform to the
24 evidence which is June the 7th. I make that motion at this
25 time to change June 29th on the indictment to June 7th.

1 MS. INZERILLO: Your Honor, we would object to that
2 amendment. That amendment obviously at this point all the
3 testimony has been taken, all the arguments have been made,
4 the jury has already begun deliberating, and so I believe
5 the case needs to stay as it has been. They have the
6 evidence to consider and in this case that's the indictment
7 they've been presented with and at this point I oppose any
8 amendment.

9 THE COURT: Well I'm going to allow the amendment
10 because based on the testimony I think the testimony was
11 the truck was broken into only once and that was on the
12 first event. So I have written, I have changed the 29th to
13 the 7th and written on the note the indictment is corrected
14 by me. And send it back in.

15 MR. SPRINGS: Thank you, Your Honor.

16 THE COURT: Anything else before we, anything else at
17 this time?

18 MR. SPRINGS: I'm looking at the indictment copies I'm
19 hoping the rest of them are all correct. Nothing else - -

20 THE COURT: Anything else, Ms. Inzerillo?

21 MS. INZERILLO: No.

22 THE COURT: All right. We'll be at ease again. We'll
23 wait until we hear from the next typo.

24 (WHEREUPON: COURT'S EXHIBIT NUMBER ONE AND TWO
25 IDENTIFIED AND MARKED, ENTERED INTO EVIDENCE.)

1 (DEFENDANT ESCORTED FROM COURTROOM TO HOLDING CELL.)

2 (COURT IN RECESS AT 04:43 PM.)

3 (COURT RE-ADJOURNED AT 05:30 PM.)

4 THE COURT: Thank you, take your seat. We'll get Mr.
5 Walshaw out. We understand we have verdicts. I don't know
6 which one of the clerks is excited about reading - -

7 (DEFENDANT ENTERING COURTROOM.)

8 THE COURT: All right we have Mr. Walshaw present and
9 counsel. We received a note that says we have reached a
10 verdict. I will make it a part of the record.

11 Bring the jury in.

12 (JURY REENTERS COURTROOM AT 05:31 PM.)

13 THE COURT: Mr. Foreman, I understand the jury has
14 reached a verdict.

15 MR. FOREMAN: Yes, sir, Your Honor, we have.

16 THE COURT: If you will hand them up to the bailiff.

17 (VERDICTS RECEIVED BY THE COURT.)

18 THE COURT: Madame Clerk.

19 MADAME CLERK: Indictment 2010-GS-46-3511 the State
20 versus Charles Brett Walshaw indictment for B&E Auto
21 verdict not guilty signed by the Foreperson dated today's
22 date.

23 Indictment 2010-GS-46-3510 the State versus Charles
24 Brett Walshaw indictment for Breaking into a Motor Vehicle
25 verdict not guilty signed by the Foreperson dated today's

1 date.

2 Indictment 2010_GS-46-3516 the State versus Charles
3 Brett Walshaw indictment for Petty Larceny verdict not
4 guilty signed by the Foreperson dated today's date.

5 Indictment 2010-GS-46-3518 the State of South versus
6 Charles Brett Walshaw indictment for Petty Larceny verdict
7 not guilty signed by the Foreperson dated today's date.

8 Indictment 2010-GS-46-3521 the State of South versus
9 Charles Brett Walshaw indictment for Petty Larceny verdict
10 not guilty signed by the Foreperson dated today's date.

11 Indictment 2010-GS-46-3517 the State of South versus
12 Charles Brett Walshaw indictment for Breaking into a Motor
13 Vehicle verdict not guilty signed by the Foreperson dated
14 today's date.

15 Indictment 2010-GS-46-3520 the State of South versus
16 Charles Brett Walshaw indictment for Breaking into a Motor
17 Vehicle verdict not guilty signed by the Foreperson dated
18 today's date.

19 Indictment 2010-GS-46-3519 the State of South versus
20 Charles Brett Walshaw indictment for Breaking in a Motor
21 Vehicle verdict not guilty signed by the Foreperson dated
22 today's date.

23 Indictment 2010-GS-46-3513 the State versus Charles
24 Brett Walshaw indictment for Petty Larceny verdict not
25 guilty signed by the Foreperson dated today's date.

1 Indictment 2010-GS-46-3514 the State versus Charles
2 Brett Walshaw indictment for Breaking in a Motor Vehicle
3 verdict not guilty signed by the Foreperson dated today's
4 date.

5 Indictment 2010-GS-46-3509 the State versus Charles
6 Brett Walshaw indictment for Breaking in a Motor Vehicle
7 verdict guilty signed by the Foreperson dated today's date.

8 Indictment 2010-GS-46-3508 the State versus Charles
9 Brett Walshaw indictment for Petty Larceny verdict guilty
10 signed by the Foreperson dated today's date.

11 Indictment 2010_GS-46-3512 the State versus Charles
12 Brett Walshaw indictment for Criminal Conspiracy verdict
13 guilty signed by the Foreperson dated today's date.

14 Ladies and gentlemen of the jury, if this be your
15 verdict so say you all by raising your right hand.

16 (JURORS COMPLIED.)

17 Let the record show all juror's affirmed this verdict.

18 THE COURT: Anything from the State before the jury is
19 dismissed?

20 MR. SPRINGS: No, sir.

21 THE COURT: Ms. Inzerillo anything?

22 MS. INZERILLO: Not at this time, Your Honor.

23 THE COURT: All right. Members of the jury panel we
24 appreciate your help. This is going to be, Judge Alford
25 has finished a trial and this is the only trial we've got

SENTENCING

187

1 scheduled this week. We had several others they've already
2 pled guilty and been sentenced. SO for the rest of the
3 week we'll be doing pleas, probation matters, bond
4 hearings, motions, matters that do not need the assistance
5 of a jury. So this will conclude your work for the week.
6 You will be mailed a very generous check garnered from your
7 tax payments. We do appreciate your help. Thank you very
8 very much.

9 (JURY EXITS COURTROOM AT 05:36 PM.)

10 THE COURT: Anything else, Ms. Inzerillo, THE jury has
11 been dismissed?

12 MS. INZERILLO: Yes, Your Honor. At this time we move
13 for a new trial in this case. We renew all the previous
14 motions and objections.

15 THE COURT: All right. Those motions are denied. The
16 jury worked very diligently, there is evidence from which
17 it easily supports the jury's verdict.

18 All right. Bring Mr. Walshaw around for sentencing
19 and I need to go over the record again and hear from
20 anybody on his behalf.

21 MS. INZERILLO: Your Honor, may I confer with his
22 family?

23 THE COURT: Yes, ma'am.

24 (PAUSE.)

25 THE COURT: Bring Mr. Walshaw around and Mr. Solicitor

SENTENCING

188

1 come around.

2 (DEFENDANT APPROACHES BENCH FOR SENTENCING AT 05:38
3 PM..)

4 THE COURT: Sentencing sheets?

5 I'll be glad to hear from the State first and then Ms.
6 Inzerillo on Mr. Walshaw's behalf.

7 MR. SPRINGS: I do want to read his prior record.

8 His record, Your Honor, as I understand it is a
9 shoplifting conviction in 2009; a breaking into a motor
10 vehicle in 2009, he's on probation for that '09. Now a
11 second count of breaking into a motor vehicle in 2009; a
12 grand larceny in 2009 and a second degree burglary in 2009.
13 That is his prior record as I understand it.

14 THE COURT: Before we get to that, Mr. Walshaw, you
15 are on probation it looks like you had been served with a
16 probation citation back in August of last year alleging
17 that you had violated a probationary sentence that was
18 imposed by myself back on September 10th 2009 for burglary,
19 grand larceny, breaking into a motor vehicle. I gave you
20 Youthful Offender not to exceed six years that was
21 suspended to five years probation. Is that correct?

22 MR. WALSHAW: Yes, sir.

23 THE COURT: The citation alleges that back in August
24 you violated that by being arrested for the charges for
25 which you've just been tried for and committed you've been

SENTENCING

189

1 convicted of those charges. You also admitted to using
2 marijuana in violating the advice and instructions of your
3 agent. Are those things true?

4 MR. WALSHAW: No, sir. I had to go to court for that.
5 I did pass that. The line showed up. She said it was too
6 faded so she made me go to rehab and I passed all my drug
7 test and got out. I still haven't went to court for that.

8 THE COURT: On probation for what?

9 MR. WALSHAW: The marijuana. They told me I had to go
10 to court and I just got out of rehab for all that. She
11 made me go to rehab and I passed the drug test.

12 THE COURT: I don't understand.

13 MS. INZERILLO: I think he's trying to explain that is
14 an allegation he's never been to court for.

15 THE COURT: All right. Have you served with the
16 citation about these charges for today?

17 PROBATION AGENT: No, sir.

18 THE COURT: You are going to be served with this
19 citation indicating your being convicted of the charges
20 today you're also in violation.

21 (DEFENDANT SERVED PROBATION CITATION BY PROBATION
22 AGENT.)

23 PROBATION AGENT: He'S been served, Your Honor.

24 THE COURT: You have been served with the citation
25 indicating you have now entered a plea but you're having

1 been convicted of this charge or set of charges constitute
2 a violation of your probationary sentence and of course you
3 have been convicted for that. Correct?

4 MR. WALSHAW: Yes, sir.

5 THE COURT: I find that is a substantial violation. I
6 be glad now to hear from your attorney and then from you.

7 MS. INZERILLO: Thank you, Your Honor, may it please
8 the court. Just briefly, Your Honor. As Mr. Walshaw did
9 convey there is a notation on the citation by a positive
10 drug test. I spoke with Mr. Brett Walshaw as well as
11 Dwayne Walshaw his father - -

12 THE COURT: I'm not worried about -- Just don't worry
13 about the marijuana. He's just he was on breaking and
14 entering that's enough.

15 MS. INZERILLO: Your Honor, I would point out I won't
16 rehash the case; obviously Your Honor heard our alibi
17 defense in that case. I will say that while Mr. Walshaw
18 has been on probation he has been reporting he has been in
19 school and continued with his education. I know that's
20 what Your Honor wanted him to do to get his high school
21 diploma. He's informed by his family this is their last
22 week they're currently in discussions with probation
23 because as of right now he has the grades to pass but
24 because he was having to report to probation every week or
25 every other week they've actually failed him due to

SENTENCING

191

1 unexcused absences and they've been trying to get work with
2 probation to get the necessary paperwork to take to school
3 so he can possibly be reenrolled and complete his high
4 school diploma. He will graduate this year. Other than
5 that other than having to miss school. His family has
6 informed me he has to report to probation at 11:30 on
7 Thursday's so that necessitates him missing several classes
8 throughout the day. Other than that, Your Honor, he was on
9 track to graduate. In an attempt to comply with the
10 orders, You Honor, the requirement that he do complete a
11 high school diploma. As he indicated. But Your Honor,
12 we've, I spoken with his father initially when THE first
13 case came down he was interested in having Brett enter THE
14 military that would still be his wish. I think it was a
15 problem of miscommunication and what happened is
16 essentially a YOA was and instead of entering the military
17 I'm stuck with spoke with Mr. Walshaw again last week he
18 just got out of Voc Rehab and was trying to get Brett
19 Walshaw into Voc Rehab so was concerned with him completing
20 his high school diploma. Your Honor, we would ask knowing
21 that this will violate his probation we would ask either
22 for Your Honor to impose the YOA or as the Court would
23 desire run any of these sentences concurrent in this case.
24 Mr. Walshaw he did serve some time in this case prior to
25 bonding out. He thinks it may have been two months but I

1 have to apologize to the Court I don't have that number
2 with me. And of course he's been incarcerated for the
3 duration of this trial as well.

4 THE COURT: All right anybody else want to say
5 anything on his behalf?

6 MS. INZERILLO: I do not believe so, Your Honor, I'm
7 not sure. If you've taken notice of who's been here his
8 mother she has been here, been hard for her to sit through
9 this so she's been in and out. His father and brother who
10 you saw testify as well as other friends have, family
11 members have been here they do show their support they
12 don't wish to address the court.

13 THE COURT: All right, Mr. Walshaw, be glad to hear
14 from you.

15 MR. WALSHAW: Sir?

16 THE COURT: Anything you want to say?

17 MR. WALSHAW: No, sir.

18 THE COURT: All right, I'm going to revoke your
19 probationary sentence and have you serve that Youthful
20 Offender Sentence. On the breaking into to a motor vehicle
21 that's five years. That's consecutive to the Youthful
22 Offender Sentence. On your criminal conspiracy that's for
23 five years suspended to five years probation consecutive to
24 the five years on your breaking and entering automobile.
25 And on the petty larceny that's thirty days and that's

SENTENCING

193

1 suspended. Thank you.

2 MR. SPRINGS: Thank you, Your Honor. I believe that
3 concludes everything for today and we'll start back at Ten
4 in the morning.

5 PROBATION AGENT: Your Honor, Mr. Walshaw had some
6 restitution.

7 THE COURT: Convert it to civil judgment.

8 PROBATION AGENT: Yes, sir.

9 COURT ADJOURNED AT 05:50 PM.)

10 -- END OF TRANSCRIPT OF RECORD IN THE MATTER OF STATE
11 VERSUS CHARLES BRETT WALSHAW CASE NO. 2010-GS-46-03508;
12 03509;03510;03511;03512;03513;03514;03516;03517;03518;03519
13 ;03520;03521. --

14

15

16

17

18

19

20

21

22

23

24

25

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

WITNESSES

SO/Martin

**The State of South Carolina
County of York**

Defendant

COURT OF GENERAL SESSIONS

I hereby appear in my own proper person and plead guilty to the within indictment or to

October 14, Term 2010

ARREST WARRANT NUMBER

55578

THE STATE

Defendant

vs.

Witness:

C.C.C. PLS. AND G.S.

ACTION OF GRAND JURY

CHARLES BRETT WALSHAW

TRUE BILL

Person of Grand Jury
Date: 10-14-10

VERDICT

Indictment for

PETIT LARCENY

SC Code: 16-13-30
CDR Code: 480

Person of Petit Jury
Date:

WITNESSES

/ Martin

ARREST WARRANT NUMBER

579

ACTION OF GRAND JURY

TRUE BILL

Person of Grand Jury

10-14-10

VERDICT

Guilty

Person of Petit Jury

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

October 14, Term 2010

THE STATE

vs.

CHARLES BRETT WALSHAW

Indictment for

BREAKING INTO MOTOR VEHICLE

SC Code: 16-13-160(A)(1)
CDR Code: 258

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF YORK

IDENTIFIED TRUE COPY

2011 APR 15 AM 11:17

At a Court of General Sessions, convened on October 14, 2010, the Grand Jurors of York County present upon their oath

GAYMOND SAMPSON
CLERK OF COURT
YORK COUNTY, SC

BREAKING INTO MOTOR VEHICLE

The Defendant, Charles Brett Walshaw, did in York County, South Carolina, on or about June 29, 2010, while acting in concert with Andrew Mead and/or Lucas Nance, break into a Chevrolet Cavalier motor vehicle belonging to Mona Moser, at

Rock Hill, South Carolina, with the intent to steal the vehicle or steal anything of value from the vehicle. All in violation of Section 16-13-160(A)(1) of the Code of Laws of South Carolina, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

E B Sprague IV
ASSISTANT SOLICITOR

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

WITNESSES

D / Martin

The State of South Carolina
County of York

Defendant

COURT OF GENERAL SESSIONS

October 14, Term 2010

I hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

1582

THE STATE

vs.

Defendant

Witness:

C.C.C. PLS. AND G.S.

ACTION OF GRAND JURY

CHARLES BRETT WALSHAW

TRUE BILL

[Signature]
Person of Grand Jury 10-14-10

Indictment for

VERDICT

Guilty

CRIMINAL CONSPIRACY

[Signature]
Person of Petit Jury

SC Code: 16-17-410
CDR Code: 049

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF YORK)

CERTIFIED TRUE COPY

At a Court of General Sessions, convened on October 14, 2010, the Grand Jurors of York County present upon their oath:

SEP 15 AM 11:18
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

CRIMINAL CONSPIRACY

The Defendant, Charles Brett Walshaw, did in York County, South Carolina, on or about June 29, 2010, willfully, knowingly, and feloniously unite, combine, conspire, confederate, agree or have tacit understanding with Andrew Mead and/or Lucas Nance, for the purpose of committing the crimes of breaking and entering an automobile and larceny. All in violation of Section 16-17-410, Code of Laws of South Carolina, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

E B Sprague

ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

153

COUNTY OF York
STATE VS. Charles Brett Walshaw
AKA:
Race: W Sex: M Age: 18
DOB: SS#:
Address:
City, State, Zip: Rock Hill, SC
DL#: SID#:

INDICTMENT/CASE#: 2010GS4603508
A/W#: J155578
Date of Offense: 6/29/2010
S.C. Code § : 16-13-30
CDR Code #: 2367 480 MB

ORIGINAL

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was TO: PETTY LARCENY, 3RD OR MORE PROPERTY OFFENSE

CONVICTED OF or PLEADS

in violation of § 16-13-30 of the S.C. Code of Laws, bearing CDR Code # 2367-480 MB
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Springs, E.B. Defendant. Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 30 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 26-13-135

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114(BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCJA Surcharge) \$5, § 44-53-450(C) (Conditional Discharge) \$350, 3% to County (if paid in installments) \$, TOTAL \$170

Clerk of Court/ Deputy Clerk David Hamilton
Court Reporter: Wanda Nelson

Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

Conditional Discharge, § 44-53-450(C) requires \$350 be paid to the Clerk prior to case disposition
Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge Judge Code: Sentence Date: 4-12-11

CERTIFIED TRUE COPY
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC
2011 APR 18 11:09 AM

COUNTY OF York)
 STATE VS.)
 Charles Brett Walshaw)
 AKA:)
 Race: W Sex: M Age: 18)
 DOB: SS#:)
 Address:)
 City, State, Zip: Rock Hill, SC)
 DL#: SID#:)

INDICTMENT/CASE#: 2010GS4603509
 A/W#: J155579
 Date of Offense: 6/29/2010
 S.C. Code: § 16-13-160
 CDR Code #: 0258
 APR 15 AM 11:17

RECEIVED

SENTENCE SHEET
 DAVID HAMILTON
 CLERK OF COURT
 YORK COUNTY, SC

*CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: BREAKING INTO MOTOR VEHICLE

in violation of § 16-13-160 of the S.C. Code of Laws, bearing CDR Code # 0258
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)
 The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.
 AR MORTW 13568
 Springs, E.S. SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 5 days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.
 CONCURRENT or CONSECUTIVE to sentence on: 09-05-3651; 3648; 3649; 3650
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
 Total: \$ _____ plus 20% fee: \$ _____
 Payment Terms: _____
 Set by SCDPPPS _____

PTUP: _____ days/hours Public Service Employment
 Obtain GED
 Attend Voc. Rehab. or Job Corp. _____
 May serve W/E beginning _____
 Substance Abuse Counseling
 Random Drug/Alcohol testing
 Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____
 \$ _____ paid to Public Defender Fund.
 Other: _____

Recipient: _____		
*Fine: _____	\$	
§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5
§ 44-53-450(C) (Conditional Discharge)	\$350	\$
3% to County (if paid in installments)	\$	\$
TOTAL	\$	\$ 130

Conditional Discharge, § 44-53-450(C) requires \$350 be paid to the Clerk prior to case disposition
 Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge John Hamilton
 Judge Code: 2049
 Sentence Date: 4-12-11

Clerk of Court/ Deputy Clerk David Hamilton
 Court Reporter: Wanda Nelson
 SCCA/217 (06/2010)

C COUNTY OF York)
STATE VS.)
Charles Brett Walshaw)
AKA:)
Race: W Sex: Age: 18)
DOB: SS#:)

INDICTMENT/CASE#: 2010GS4603512 155
A/W#: J155582
Date of Offense: 6/29/2010
S.C. Code §: 16-17-0410
CDR Code #: 0049

ORIGINAL

DB

Address: _____
City, State, Zip: Rock Hill, SC
DL#: _____ SID#: _____

2011 APR 15 AM 11:18

SENTENCE SHEET

#2

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: CRIMINAL CONSPIRACY

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

CONVICTED OF or PLEADS

in violation of § 16-17-0410 of the S.C. Code of Laws, bearing CDR Code # 0049
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: David Hamilton 13568
Springs, E.B. SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 5 days/months/years or under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 5

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 2010-GS-46-03509
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
 Set by SCDPPPS _____

PTUP _____ days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: _____

Recipient: _____
*Fine: _____ \$
§ 14-1-206 (Assessments 107.5 %) \$
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100
§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$
§ 56-5-2995 (DUI Assessment) \$12 \$
§ 56-1-286 (DUI Breath Test) \$25 \$
Proviso 47.9 (Public Def/Prob) \$500 \$
§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25
§ 14-1-213 (Drug Court Surcharge) \$150 \$
§ 50-21-114(BUI Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$
Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5
§ 44-53-450(C) (Conditional Discharge) \$350 \$
3% to County (if paid in installments) \$
TOTAL \$ 130

Conditional Discharge, § 44-53-450(C) requires \$350 be paid to the Clerk prior to case disposition
 Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk David Hamilton
Court Reporter: Wanda Nelson

Presiding Judge John H. Hazel
Judge Code: 2049
Sentence Date: 4-12-11

156 COUNTY OF York
STATE VS.
Andrew Mark Mead
AKA:
Race: W Sex: M Age: 17
DOB: SS#:
Address:
City, State, Zip: Rock Hill, SC
DL#: SID#:

INDICTMENT/CASE#: 2010GS4603483
A/W#: J155567
Date of Offense: 6/7/2010
S.C. Code §: 16-13-0160
CDR Code #: 0258

SENTENCE SHEET

ORIGINAL

CONVICTED OF or PLEADS

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was TO: BREAKING INTO MOTOR VEHICLE

in violation of § 16-13-0160 of the S.C. Code of Laws, bearing CDR Code # 0258
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, A.M. Negotiated Sentence, Recommendation by the State.

ATTORNEY: Springs, E.B. SC Bar# 13568 Andrew Mead Defendant Attorney for Defendant SC Bar# 7850

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of days/months/years or under the Youthful Offender Act not to exceed 5 years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for 3

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 2010-65-460 3481 and 3474
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 113 days 133
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ 892.59 plus 20% fee: \$
Payment Terms: Joint + Several with Walshaw + Nance
Set by SCDPPPS see attached schedule

Recipient:
*Fine:
§ 14-1-206 (Assessments 107.5 %)
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100 -
§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$
§ 56-5-2995 (DUI Assessment) \$12 \$
§ 56-1-286 (DUI Breath Test) \$25 \$
Proviso 47.9 (Public Def/Prob) \$500 \$
§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25 -
§ 14-1-213 (Drug Court Surcharge) \$150 \$
§ 50-21-114(BUI Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$
Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5 -
§ 44-53-450(C) (Conditional Discharge) \$350 \$
3% to County (if paid in installments) \$
TOTAL \$130 -

Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning
\$ paid to Public Defender Fund
Other: Must testify truthfully as a term of probation against codefendants Charles Brett Walshaw and Lucas Nance
Conditional Discharge, § 44-53-450(C) requires \$350 be paid to the Clerk prior to case disposition
Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Dawn Hamelto
Court Reporter: Wade Nelson

Presiding Judge
Judge Code: 2153
Sentence Date: 10-23-10

C STATE OF SOUTH CAROLINA)
 COUNTY OF York)
 STATE VS.)
 Andrew Mark Mead)
 AKA:)
 Race: W Sex: M Age: 17)
 DOB: SS#:)
 Address:)
 City, State, Zip: Rock Hill, SC)
 DL#: SID#:)
 *CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was
 TO: PETTY LARCENY

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2010GS4603482
 A/W#: J155566
 Date of Offense: 6/7/2010
 S.C. Code § : 16-13-30
 CDR Code #: 480

SENTENCE SHEET

ORIGINAL

CONVICTED OF or PLEADS

in violation of § 16-13-30 of the S.C. Code of Laws, bearing CDR Code # 480
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45
 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)
 The plea is: Without Negotiations or Recommendation, A.M. Negotiated Sentence, Recommendation by the State.

ATTORNEY: L.B. Sprague 13568 Andrew Mead L.H. Blumly 7850
 Springs, E.B. SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
 for a determinate term of Time Served 113 days/months/years or under the Youthful Offender Act not to exceed — years
 and/or to pay a fine of \$ —; provided that upon the service of — days/months/years and/or payment
 of \$ —; plus costs and assessments as applicable*; the balance is suspended with probation for —

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 2010 6346 3481
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
 by the State Department of Corrections. 113 days 113
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
 Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP —
 Total: \$ — plus 20% fee: \$ — — days/hours Public Service Employment
 Payment Terms: —
 Set by SCDPPPS —

Recipient:		
*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100 -
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25 -
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5 -
§ 44-53-450(C) (Conditional Discharge)	\$350	\$
1% to County (if paid in installments)		\$
TOTAL		\$ 130

Obtain GED
 Attend Voc. Rehab. or Job Corp. —
 May serve W/E beginning —
 Substance Abuse Counseling
 Random Drug/Alcohol testing
 Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ — beginning —
 \$ — paid to Public Defender Fund
 Other: —

Conditional Discharge, § 44-53-450(C) requires
 \$350 be paid to the Clerk prior to case disposition
 Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk
 during probation.

Clerk of Court/ Deputy Clerk David Horn, Jr.
 Court Reporter: Wanda Wilson

Presiding Judge [Signature]
 Judge Code: 2158
 Sentence Date: —

Friday, July 23, 2010

Event log

DEFENDANT'S EXHIBIT
 1-12-11
 NO. 7
 Wayne Walshaw

9:08:41 AM

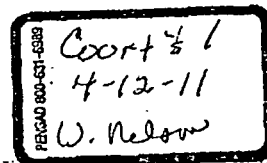
Customer Dwayne, Walshaw Account number 02
 Address _____ Panel type NX-8 V2
Rock Hill, SC Panel phone _____
 Contact phone _____

Date	Time	Partition	Event	Description
Unknown! 0,2010	12:00:00 AM	1	Alarm Zone 1	BACK DOOR
Unknown! 12,2010	4:16:00 PM	System (Service)	* Over current Device 0	
Unknown! 12,2010	4:16:00 PM	System (Service)	* Over current restore Device 0	
Unknown! 12,2010	5:00:00 PM	System (Service)	Expander trouble Device 76	
Unknown! 12,2010	5:00:00 PM	System (Service)	Expander trouble Device 192	
Unknown! 12,2010	5:01:00 PM	System (Service)	Expander trouble restore Device 192	
Feb 5,2010	1:00:00 PM	System	* Start program	
Feb 5,2010	1:00:00 PM	System	* End program	
Feb 5,2010	1:00:00 PM	System	* Enrolled device Device 76	
Feb 5,2010	1:00:00 PM	System	* Enrolled device Device 192	
Feb 5,2010	1:01:00 PM	1	Duress <i>Radio</i>	
Feb 17,2010	2:02:00 PM	System	* Start program	
Feb 17,2010	2:02:00 PM	System	* End program	
Feb 17,2010	2:02:00 PM	System	* Enrolled device Device 76	
Feb 17,2010	2:02:00 PM	System	* Enrolled device Device 192	
Apr 0,2010	12:16:00 AM	System (Service)	Expander trouble restore Device 76	
Apr 0,2010	1:44:00 AM	System	* Clock set	
Apr 0,2010	4:16:00 PM	System	* Start program	
Apr 0,2010	4:16:00 PM	System	* End program	
Apr 0,2010	5:00:00 PM	System	* Enrolled device Device 76	
Apr 0,2010	5:00:00 PM	System	* Enrolled device Device 192	
Apr 0,2010	5:01:00 PM	System	* Clock set	
Apr 0,2010	5:18:00 PM	System	* Clock set	
May 16,2010	10:01:00 PM	1	* Closing User 98	<i>Stay</i>
May 16,2010	10:01:00 PM	1	* Bypass Zone 4	MOTIONS
May 16,2010	10:13:00 PM	1	* Opening User 1	Dwayne & Barbara
May 16,2010	10:13:00 PM	1	* Bypass restore Zone 4	MOTIONS
May 16,2010	10:18:00 PM	System	* Clock set	
May 31,2010	4:20:00 PM	System	* Clock set	
May 31,2010	5:19:00 PM	System	* Start program	
May 31,2010	5:19:00 PM	System	* End program	
May 31,2010	5:20:00 PM	System	* Enrolled device Device 76	
May 31,2010	5:20:00 PM	System	* Enrolled device Device 192	
May 31,2010	6:07:00 PM	System (Service)	AC fail Device 0	
May 31,2010	6:36:00 PM	System (Service)	AC restore Device 0	
May 31,2010	10:32:00 PM	1	* Closing User 97	<i>System & Ex</i>
Jun 1,2010	5:30:00 AM	1	* Opening User 97	
Jun 1,2010	10:32:00 PM	1	* Closing User 97	
Jun 2,2010	5:30:00 AM	1	* Opening User 97	
Jun 2,2010	10:32:00 PM	1	* Closing User 97	
Jun 3,2010	5:30:00 AM	1	* Opening User 97	
Jun 3,2010	10:32:00 PM	1	* Closing User 97	
Jun 4,2010	5:30:00 AM	1	* Opening User 97	
Jun 4,2010	10:32:00 PM	1	* Closing User 97	
Jun 5,2010	5:30:00 AM	1	* Opening User 97	
Jun 5,2010	10:32:00 PM	1	* Closing User 97	
Jun 6,2010	5:30:00 AM	1	* Opening User 97	
Jun 6,2010	10:32:00 PM	1	* Closing User 97	
Jun 7,2010	5:30:00 AM	1	* Opening User 97	
Jun 7,2010	10:32:00 PM	1	* Closing User 97	
Jun 8,2010	5:30:00 AM	1	* Opening User 97	

Date	Time	Partition	Event	Description
Jun 8,2010	10:32:00 PM	1	* Closing User 97	
Jun 9,2010	5:30:00 AM	1	* Opening User 97	
Jun 9,2010	10:32:00 PM	1	* Closing User 97	
Jun 10,2010	5:30:00 AM	1	* Opening User 97	
Jun 10,2010	10:32:00 PM	1	* Closing User 97	
Jun 11,2010	5:30:00 AM	1	* Opening User 97	
Jun 11,2010	10:32:00 PM	1	* Closing User 97	
Jun 12,2010	5:30:00 AM	1	* Opening User 97	
Jun 12,2010	10:32:00 PM	1	* Closing User 97	
Jun 12,2010	10:35:00 PM	1	* Opening User 1	Dwayne & Barbara
Jun 12,2010	11:22:00 PM	1	* Closing User 97	
Jun 13,2010	5:30:00 AM	1	* Opening User 97	
Jun 13,2010	10:32:00 PM	1	* Closing User 97	
Jun 14,2010	5:30:00 AM	1	* Opening User 97	
Jun 14,2010	10:32:00 PM	1	* Closing User 97	
Jun 15,2010	5:30:00 AM	1	* Opening User 97	
Jun 15,2010	10:32:00 PM	1	* Closing User 97	
Jun 16,2010	5:30:00 AM	1	* Opening User 97	
Jun 16,2010	10:32:00 PM	1	* Closing User 97	
Jun 17,2010	5:30:00 AM	1	* Opening User 97	
Jun 17,2010	10:32:00 PM	1	* Closing User 97	
Jun 18,2010	5:30:00 AM	1	* Opening User 97	
Jun 18,2010	10:32:00 PM	1	* Closing User 97	
Jun 18,2010	11:06:00 PM	1	* Opening User 1	Dwayne & Barbara
Jun 18,2010	11:53:00 PM	1	* Closing User 97	
Jun 19,2010	5:30:00 AM	1	* Opening User 97	
Jun 19,2010	11:17:00 PM	1	* Closing User 97	
Jun 20,2010	5:30:00 AM	1	* Opening User 97	
Jun 20,2010	11:18:00 PM	1	* Closing User 97	
Jun 21,2010	5:30:00 AM	1	* Opening User 97	
Jun 21,2010	10:32:00 PM	1	* Closing User 97	
Jun 22,2010	5:30:00 AM	1	* Opening User 97	
Jun 22,2010	10:32:00 PM	1	* Closing User 97	
Jun 23,2010	5:30:00 AM	1	* Opening User 97	
Jun 23,2010	10:32:00 PM	1	* Closing User 97	
Jun 24,2010	5:30:00 AM	1	* Opening User 97	
Jun 24,2010	10:32:00 PM	1	* Closing User 97	
Jun 25,2010	5:30:00 AM	1	* Opening User 97	
Jun 25,2010	10:32:00 PM	1	* Closing User 97	
Jun 26,2010	5:30:00 AM	1	* Opening User 97	
Jun 26,2010	10:32:00 PM	1	* Closing User 97	
Jun 27,2010	5:30:00 AM	1	* Opening User 97	
Jun 28,2010	12:02:00 AM	1	* Closing User 97	
Jun 28,2010	5:30:00 AM	1	* Opening User 97	
Jun 28,2010	8:45:00 AM	1	* Closing User 98	
Jun 28,2010	8:45:00 AM	1	* Bypass Zone 4	MOTIONS
Jun 29,2010	5:30:00 AM	1	* Opening User 97	
Jun 29,2010	5:30:00 AM	1	* Bypass restore Zone 4	MOTIONS
Jun 29,2010	11:17:00 PM	1	* Closing User 97	
Jun 30,2010	5:30:00 AM	1	* Opening User 97	
Jun 30,2010	10:32:00 PM	1	* Closing User 97	
Jul 1,2010	5:30:00 AM	1	* Opening User 97	
Jul 1,2010	10:32:00 PM	1	* Closing User 97	
Jul 2,2010	5:30:00 AM	1	* Opening User 97	
Jul 2,2010	10:32:00 PM	1	* Closing User 97	
Jul 3,2010	5:30:00 AM	1	* Opening User 97	
Jul 3,2010	10:32:00 PM	1	* Closing User 97	
Jul 4,2010	5:30:00 AM	1	* Opening User 97	
Jul 4,2010	10:32:00 PM	1	* Closing User 97	
Jul 5,2010	5:30:00 AM	1	* Opening User 97	

Date	Time	Partition	Event	Description
Jul 5,2010	10:32:00 PM	1	* Closing User 97	
Jul 6,2010	5:30:00 AM	1	* Opening User 97	
Jul 6,2010	10:32:00 PM	1	* Closing User 97	
Jul 7,2010	5:30:00 AM	1	* Opening User 97	
Jul 7,2010	10:32:00 PM	1	* Closing User 97	
Jul 8,2010	5:30:00 AM	1	* Opening User 97	
Jul 8,2010	10:32:00 PM	1	* Closing User 97	
Jul 9,2010	5:30:00 AM	1	* Opening User 97	
Jul 9,2010	10:32:00 PM	1	* Closing User 97	
Jul 10,2010	5:30:00 AM	1	* Opening User 97	
Jul 10,2010	8:03:00 AM	System (Service)	AC fail Device 0	
Jul 10,2010	12:00:00 PM	System (Service)	AC restore Device 0	
Jul 10,2010	10:32:00 PM	1	* Closing User 97	
Jul 11,2010	5:30:00 AM	1	* Opening User 97	
Jul 11,2010	10:31:00 PM	1	* Closing User 98	
Jul 11,2010	10:31:00 PM	1	* Bypass Zone 4	MOTIONS
Jul 12,2010	5:30:00 AM	1	* Opening User 97	
Jul 12,2010	5:30:00 AM	1	* Bypass restore Zone 4	MOTIONS
Jul 12,2010	10:30:00 PM	System (Service)	AC fail Device 0	
Jul 12,2010	10:31:00 PM	1	* Closing User 1	Dwayne & Barbara
Jul 12,2010	10:31:00 PM	1	* Bypass Zone 4	MOTIONS
Jul 12,2010	10:36:00 PM	System (Service)	AC restore Device 0	
Jul 13,2010	5:30:00 AM	1	* Opening User 97	
Jul 13,2010	5:30:00 AM	1	* Bypass restore Zone 4	MOTIONS
Jul 13,2010	8:11:00 AM	System (Service)	AC fail Device 0	
Jul 13,2010	11:02:00 AM	System	* Start program	
Jul 13,2010	11:02:00 AM	System	* End program	
Jul 13,2010	11:03:00 AM	System	* Enrolled device Device 76	
Jul 13,2010	11:03:00 AM	System	* Enrolled device Device 192	
Jul 13,2010	2:24:00 PM	System	* Clock set	
Jul 13,2010	2:25:00 PM	System	* Start program	
Jul 13,2010	2:25:00 PM	System	* End program	
Jul 13,2010	2:26:00 PM	System	* Enrolled device Device 76	
Jul 13,2010	2:26:00 PM	System	* Enrolled device Device 192	
Jul 13,2010	2:28:00 PM	System (Service)	AC restore Device 0	

THERE HAS BEEN NO TESTIMONY
ABOUT WHETHER THE ALARM SYSTEM
COVERED THE WINDOWS AS WELL
AS THE DOORS — NOW ALARM SYSTEMS
COVER ONLY THE DOORS WHEN IN
THE "STAY AT HOME" MODE —




**THIS PAGE INADVERTENTLY
LEFT BLANK**

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 August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

September 10th, 2012

to 

Dayne C. Phillips
Appellate Defender

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

ATTORNEY FOR APPELLANT