

ORIGINAL

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

**APPEAL FROM LAURENS COUNTY
Court of General Sessions**

Honorable Robert Addy, Jr., Circuit Court Judge

Case No.10-GS-30-1929

State of South Carolina Respondent,

vs

Richard Brandon Lewis Appellant

SUPPLEMENTAL RECORD ON APPEAL

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1 did not understand why she was there but it appeared to
2 have been a statement having guilt behind it.

3 THE COURT: I will instruct the jury to disregard
4 that. Mr. Wise, I really appreciate your indication that
5 there is no jury instruction which would successfully
6 undue the prejudice. However, I am more than happy to
7 give any curative instruction despite your objection, any
8 curative instruction that you would like for me to give to
9 the jury in an effort--

10 MR. WISE: It is in an area in which he is
11 unqualified to give an opinion.

12 THE COURT: Would you care, Mr. Wise, for me to
13 reiterate this is an area solely or an area solely for the
14 jurys province or just leave that alone.

15 MR. WISE: I think that is the only way you can do in
16 the scenario which he is unqualified to give an opinion.

17 THE COURT: You do or do not want me to say something
18 to the effect that this is solely for you the jury.

19 MR. WISE: I do want you to say that. I still think
20 that even with that it is not, it can't be cured.

21 THE COURT: I understand that.

22 MR. WISE: I don't know what else you can say beyond
23 that.

24 THE COURT: I appreciate your position. Your motion
25 for a mistrial is denied. We will get the jury back in.

1 A No, sir.

2 Q Thank you.

3 THE COURT: Thank you, you can step down.

4 MR. WISE: Officer Moody.

5 THE COURT: You are still under oath from last week,
6 okay, sir.

7 MR. MOODY: Yes, sir.

8 THE COURT: Now, ladies and gentlemen, you have
9 previously heard evidence of a statement given to this
10 officer by one of the individuals involved in this
11 particular case. Again, at the time the testimony was
12 given about these statements, at the time these statements
13 were first elicited and you first heard them the rules of
14 evidence prohibited introduction of the entire statement
15 until later in the trial. We have now reached that
16 portion of the trial where it is proper to introduce the
17 full statement and allow you to hear the full statement.
18 Again, I am telling you this because I don't want you to
19 have the impression that anyone was attempting to keep the
20 full statement out, it was simply that the rules of
21 evidence prohibited the introduction of the full statement
22 earlier in the trial. Mr. Wise you may continue.

23 DIRECT EXAMINATION

24 By Mr. Wise:

25 Q I am going to hand you defendant's exhibit 2 which is

1 a statement by Richard Brandon Lewis and ask you if you
2 recognize that?

3 A I do.

4 Q Did you obtain that statement?

5 A I did.

6 Q Did you type that statement up?

7 A I did.

8 Q Did you type that statement up based upon your
9 conversation with Mr. Lewis?

10 A That is correct.

11 Q And in that statement did Mr. Lewis make any comments
12 about Ashley Hepburn?

13 A Yes, he did.

14 Q And what did he say in that statement?

15 A He stated that, Ashley got Owen to brush his teeth
16 and then put Audrina in her crib. Ashley then went to bed
17 with Owen and I went to the living room to watch TV. I
18 watched the football game and then around 11:00 in the
19 p.m. I went to check on Audrina. When I went to check on
20 her at that point Audrina was fine laying in the crib. I
21 started watching TV again and then around 12:45 in the
22 a.m. I heard Audrina crying in her room. I then heard
23 some loud footsteps coming from the back of the house
24 where Ashley and Owen were located at. Audrina then
25 started crying even louder as if she was being shaken.

1 Q And that was the statement that he gave at 11:56 that
2 morning?

3 A That's correct.

4 Q Who was present when that statement was given?

5 A Deputy Judy Stiles.

6 Q And I believe he had been previously, are you aware
7 of whether or not he had been talking to his grandmother
8 previously?

9 A I am not aware of that.

10 Q Who did you give that statement to after you got it?

11 A I don't recall who exactly at that time.

12 Q Do you know if you gave it to Officer Plaxico?

13 A I don't recall that.

14 Q Thank you.

15 THE COURT: Ms. Mayes.

16 MS. MAYES: This statement is in evidence, Your
17 Honor?

18 THE COURT: It is.

19 MR. WISE: It is.

20 CROSS-EXAMINATION

21 By Ms. Mayes:

22 Q Good morning. The second statement that was given by
23 Brandon Lewis, that was at 11:56 a.m, correct?

24 A That is correct.

25 Q And at one point do you recall if you came in to