

 ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM RICHLAND COUNTY

R. Knox McMahon, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

v.

TYRIS BERNARD GLOVER,

APPELLANT

APPELLATE CASE NO. 2012-211983

SUPPLEMENTAL RECORD ON APPEAL

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- 1 Q Was this the same day as the burglary?
- 2 A Yes.
- 3 Q And about how much longer?
- 4 A It was about -- the burglary if I remember correctly it
5 was about at 7:20 is what they have it listed. I was
6 in route to work. I report to work at 8:30. So, it
7 would have been 8:15.
- 8 Q Okay.
- 9 A Between 8:15 and 8:30.
- 10 Q Can you describe the physical surroundings when you
11 made contact with the defendant.
- 12 A There was I believe a Corporal Bowman who just pulled
13 up, several officers on the scene. The defendant was
14 on the scene in the back of the parole car and it was
15 on the side of the road.
- 16 Q Okay. Did Mr. Glover appear to be coherent or under
17 the influence of any drugs or alcohol?
- 18 A No.
- 19 Q Okay. Can you tell me about how long you spoke with
20 Mr. Glover?
- 21 A Very briefly. It was not even really -- I wouldn't
22 consider it a conversation.
- 23 Q How long had he been detained when you made contact
24 with him?
- 25 A I'm in the sure.

1 THE WITNESS: Bernetha Gleen.

2 DIRECT EXAMINATION

3 BY MS. GARFIELD:

4 Q Ms. Gleen, where are you employed?

5 A Orangeburg County Clerk of Courts Office.

6 Q And what are your duties with Clerk of Courts Office in
7 Orangeburg County?

8 A I am the general sessions criminal court clerk and one
9 of the records custodians.

10 Q And how long have you been in that capacity?

11 A For two years.

12 Q And what are your duties?

13 A Basically we are -- we keep the records for all of our
14 cases that come through our courts.

15 Q What type of -- criminal records?

16 A Criminal records, I'm sorry.

17 Q Did you bring with you today what's been marked as
18 State's Exhibit Number 32?

19 A Yes, I did.

20 Q And can you identify that exhibit for the jury?

21 A This exhibit is a copy of a conviction for the
22 defendant from our, from out, courts.

23 Q And particularly what defendant was charged on that
24 document?

25 A Mr. Tyris Glover.

1 Q And do you know what charge?

2 A Burglary.

3 Q And that was in Orangeburg County?

4 A Yes, it was.

5 Q In what year?

6 A I don't have my glasses.

7 Q Oh.

8 A Looks like 1988, 89.

9 MS. GARFIELD: Your Honor, at this time I'd like
10 to move this exhibit into evidence.

11 THE COURT: May I see it please?

12 MS. GARFIELD: Yes, sir.

13 THE COURT: Thank you, solicitor.

14 All right, Mr --

15 MR. COOPER: May I see it, Your Honor?

16 THE COURT: Yes, certainly.

17 MR. COOPER: All right.

18 MS. GARFIELD: Thank you. Admitted, Your Honor..

19 MR. COOPER: No objection.

20 THE COURT: All right. State's 32 is in evidence
21 without objection.

22 (State's Exhibit 32 admitted
23 into evidence.)

24 BY MS. GARFIELD:

25 Q Thank you. No further questions at this time.

1 THE COURT: Thank you.

2 Mr. Cooper.

3 MR. COOPER: I have no questions, Your Honor.

4 THE COURT: Thank you. Thank you, madam clerk,
5 for being with us today and being patient.

6 THE WITNESS: Thank you.

7 THE COURT: Appreciate it very much.

8 All right. You may call your next witness,
9 solicitor.

10 This witness may be excused? Any objection?

11 MR. MACNEALY: None, Your Honor.

12 THE COURT: Thank you.

13 THE WITNESS: Thank you.

14 MS. GARFIELD: State calls Jim Truitt.

15 THE COURT: All right. Mr. Truitt.

16 THEREUPON,

17 JIM TRUITT,

18 after having been duly sworn, testified as follows:

19 THE CLERK: Thank you. Have a seat in the witness
20 stand please. State your name for the record.

21 THE WITNESS: James Truitt, T-R-U-I-T-T.

22 DIRECT EXAMINATION

23 BY MS. GARFIELD:

24 Q Mr. Truitt, where are you employed?

25 A Clerk of Court Richland County.

1 Q And are you a custodian of records for criminal records
2 in Richland County?

3 A Yes.

4 Q And specifically that includes general sessions
5 charges?

6 A Yes.

7 Q I'm going to hand you what's been marked as State's
8 Exhibit Number 33, can you identify this document?

9 A It's a copy of a sentence sheet here for Richland
10 County.

11 Q Is that a conviction for a criminal charge?

12 A Yes, it is.

13 Q And what type of conviction?

14 A Burglary third.

15 Q And who would the defendant be?

16 A It's Tyris Glover.

17 Q And what's his date of birth?

18 A

19 Q And when was that conviction made in Richland County?

20 A 8/6/08.

21 MS. GARFIELD: Your Honor, at this time I would
22 like to introduce State's Exhibit Number 33 into evidence.

23 THE COURT: Did you show it to Mr. Cooper and I
24 would like to see it, solicitor.

25 MS. GARFIELD: Yes, sir.

1 MR. COOPER: Yes. Thank you, Judge. All right.

2 MS. GARFIELD: Thank you.

3 (State's Exhibit 33 admitted
4 into evidence.)

5 THE COURT: All right. And, solicitor, will you
6 just clarify burglary third as being third degree and not
7 third offense?

8 MS. GARFIELD: Yes.

9 THE COURT: Will you just clarify.

10 MS. GARFIELD: Absolutely.

11 THE COURT: Do you have any objection, Mr. Cooper?

12 MR. COOPER: I do not, Your Honor.

13 THE COURT: All right.

14 BY MS. GARFIELD:

15 Q Mr. Truitt, are you familiar with the different levels
16 of burglary?

17 A Yes.

18 Q And what conviction is reflected in that document?

19 A Burglary in the third degree.

20 Q And does third degree mean third offense?

21 A No.

22 Q Do you know what third degree means?

23 A It's a lesser offense if I'm correct.

24 Q Then a burglary first or second?

25 A Yes.

1 TYRIS GLOVER,
2 after having been duly sworn, testified as follows:

3 THE CLERK: Thank you.

4 BY THE COURT:

5 Q All right. Speak up for me so I can hear you and if
6 you don't understand my questions, Mr. Glover, please
7 let me know. I need to go over some things with you.
8 I do this with everyone that's on trial and I need your
9 responses to be under oath that's why I had the clerk
10 place you under oath.

11 Do you understand?

12 A Yes, sir.

13 Q Tell me your full name?

14 A Tyris Bernard glover.

15 Q And how old are you, Mr. Glover?

16 A 45.

17 Q Say it again?

18 A 45.

19 Q All right. And how much education do you have?

20 A I graduate from high school.

21 Q We've reached the stage of trial where the state has
22 rested and your side of the defense now has the
23 opportunity to present evidence for the jury to
24 consider. Do you understand where we're at in this
25 trial?

1 THE COURT: And what is that record?

2 MS. GARFIELD: Judge, we believe the convictions
3 that we would be able to use in the last ten years would be
4 auto breaking, receiving stolen goods, another auto
5 breaking, a property third the -- another auto breaking,
6 another property third and obviously the burglaries have
7 already been submitted.

8 BY THE COURT:

9 Q All right. So, you have two prior burglaries, two auto
10 breaking, two receiving stolen goods and two property
11 third offenses?

12 A Yes, sir.

13 Q For which there are convictions?

14 A Yes, sir.

15 Q These are within the last ten years?

16 A Yes, sir.

17 THE COURT: All right. Do you agree with that
18 record, Mr. Macnealy?

19 MR. MACNEALY: Yes, that sounds accurate, Your
20 Honor.

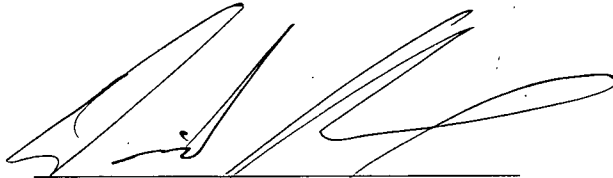
21 BY THE COURT:

22 Q All right. And what that means is if you were to
23 testify the prosecutor could ask you whether or not you
24 had been convicted of those offenses. They can't ask
25 you about the facts of the prior offenses but they can

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."

August 7, 2013



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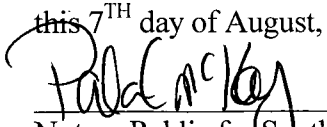
APPELLATE CASE NO. 2012-211983

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Julie Kate Keeney, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 7th day of August, 2013.


Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 7TH day of August, 2013.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: July 24, 2022.