

ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM AIKEN COUNTY

Doyet A. Early, III, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

HORACE LEE GLOVER, JR.,

APPELLANT

APPELLATE CASE NO. 2013-002016

RECORD ON APPEAL

DAVID ALEXANDER
Appellate Defender

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

Attorney for Appellant

ALAN WILSON
Attorney General

JOHN W. MCINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General
Office of the Attorney General
PO Box 11549
Columbia, SC 29211

(803) 734-3727

J. STROM THURMOND, JR.
Solicitor, Second Judicial Circuit
Post Office Box 3368
Aiken, SC 29802-3368
(803) 642-1557

Attorneys for Respondent

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2 COUNTY OF AIKEN

CIRCUIT COURT
2013-GS-02-00625

3
4 STATE OF SOUTH CAROLINA,

5 -vs-

TRANSCRIPT OF RECORD

6 HORACE LEE GLOVER, JR.,
7 Defendant.

8
9 Heard on Tuesday, September 10 &
10 Thursday, September 12, 2013
11 Aiken, South Carolina

12 BEFORE:

13 THE HONORABLE DOYET A. EARLY, III
14 AND A JURY

15 APPEARANCES:

16 Counsel on Behalf of the State:

17 Virginia Lauren Sheftall, Esq.
18 Jeffrey Alan Slocum, Jr., Esq.

19 Counsel on Behalf of the Defendant:

20 C. David Hayes, Esq.
21 Michael D. Routzong, Esq.

22
23 Cheri L. Young, RPR
24 Official Court Reporter
25 P O Box 5232
Aiken, SC 29804-5232

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SELECTION OF THE JURY

1 ON TUESDAY, SEPTEMBER 10, 2013 AT 10:48 A.M.:

2 THE COURT: Please call your first case.

3 MS. SHEFTALL: Thank you, Your Honor.

4 The State calls the case of the State versus Horace
5 Lee Glover, Jr., on Indictment Number 2013-GS-02-00625.

6 It's been true billed by the grand jury. It's an
7 indictment for criminal domestic violence.

8 THE COURT: Ladies and gentlemen of the jury panel,
9 we're going to draw the jury in the case of the State
10 versus Horace Lee Glover, Jr.

11 Mr. Glover, would you please stand and face the jury
12 panel?

13 THE DEFENDANT: (Complies.)

14 THE COURT: Thank you. You may be seated.

15 Mr. Glover has been indicted by the Aiken County Grand
16 Jury. Do not place any emphasis on the fact that he's
17 been indicted. The indictment is simply a document, a
18 legal document which causes this case to come into the
19 courtroom. It's not evidence in the case. It's simply
20 the allegations.

21 He has pled not guilty to these allegations and
22 obviously by pleading not guilty he has the constitutional
23 presumption of innocence. And the State of South Carolina
24 must prove each and every element of the indictment to a
25 jury beyond a reasonable doubt.

SELECTION OF THE JURY

1 So let me ask you some questions about the case and
2 then we will strike the jury.

3 Is Ms. Vanessa Brown in the courtroom? Ms. Brown
4 here?

5 MS. SHEFTALL: No, Your Honor. She's not.

6 THE COURT: Thank you. All right.

7 The Defendant is Horace Glover, Jr. The alleged
8 victim is Vanessa Brown. V-A-N-E-S-S-A Brown.

9 Has any member of the jury panel now or in the past
10 been related by blood or marriage to Mr. Horace Glover or
11 Vanessa Brown or do you now or have you in the past had a
12 close personal or social relationship with either the
13 alleged victim, Vanessa Brown, or the Defendant, Horace
14 Glover? Please stand. Horace Glover, Jr.

15 I am informed that the potential witnesses in the
16 trial of the case are as follows. And if you are in the
17 courtroom, please stand.

18 Sergeant Aaron Dobbs of the Aiken Department of Public
19 Safety.

20 Chris Walker, Aiken Department of Public Safety.

21 Rodney Cue, C-U-E, Aiken Department of Public Safety.

22 Natalie Moore.

23 L-A-M-Y-R-O-N, Lamyron Jenkins.

24 Remeka Gomillion. That's G-O-M-I-L-L-I-O-N.

25 And, Ricky Harden, Jr., and Tyrik, T-Y-R-I-C-K

SELECTION OF THE JURY

1 (verbatim) Bright.

2 Any member of the jury panel related by blood or
3 marriage now or in the past, or do you now or have you in
4 the past had a close personal or social relationship with
5 any of the particular witnesses in the trial of the case?
6 If so, please stand.

7 Ladies and gentlemen, the State of South Carolina will
8 be represented by members of the solicitor's office.
9 Please stand and identify yourself.

10 MS. SHEFTALL: Good morning. I'm Virginia Sheftall
11 with the solicitor's office. This is Jay Slocum with the
12 solicitor's office.

13 THE COURT: The Defendant will be represented by
14 Mr. David Hayes. Mr. Hayes?

15 MR. HAYES: I'm David Hayes of the Aiken County Public
16 Defenders Office. Mr. Michael Routzong of the Aiken
17 County Public Defenders Office.

18 MR. ROUTZONG: (Stands.)

19 THE COURT: Ladies and gentlemen, any member of the
20 panel now or in the past have had legal services performed
21 by any of the four lawyers? If so, please stand.

22 Any member of the jury panel related by blood or
23 marriage now or in the past or have you now or in the past
24 had a close personal or social relationship with any of
25 the lawyers? If so, please stand.

SELECTION OF THE JURY

1 Ladies and gentlemen, the allegations in this case and
2 these are simply allegations, it's not evidence in the
3 case, but it's alleged -- of course, the State has to
4 prove these allegations, but it is alleged that here in
5 Aiken County on January 29 of this year, 2013, that Horace
6 Lee Glover, Jr. caused physical harm to one Vanessa Brown
7 who at that time was a household member or a family
8 member.

9 Criminal domestic violence case, alleging violence to
10 a household member or family member. Horace Lee Glover
11 Jr. allegedly caused physical harm to Vanessa Brown.

12 Does anybody know anything about this case? Read
13 anything about it? Anybody discussed it with you, talked
14 to you about it, seen anything on the TV, radio,
15 newspaper; know anything about the case?

16 Ladies and gentlemen, the way the system works is that
17 we basically have two judges in the case. My position
18 makes me the judge of the law. I instruct or tell you
19 what the law is.

20 And also my other responsibility is to rule on the
21 admissibility of evidence in the case. The lawyers have
22 to ask questions and present evidence to comply with our
23 rules of evidence and our rules of criminal procedure.

24 The other judge in the case is the judge of the
25 facts. And that judge is comprised of 12 members of the

SELECTION OF THE JURY

1 jury panel collectively acting as one. And if this case
2 is like the literally thousands I've tried over my career
3 as a lawyer and judge, you will hear different versions of
4 the facts.

5 One person may say it's nighttime, one person may say
6 it's daytime. One person may say it's green, one person
7 may say it's red. We tried a case in Columbia last week.
8 The facts were just as opposite as they could be. That's
9 not unusual.

10 So we have to have a judge of the facts. And that
11 judge is you. And the way the system works is we select
12 12 jurors and you listen to the evidence. The fact that
13 it may be different still makes it admissible, but you
14 have to determine what the true facts are and apply it to
15 the law as I give it to you at the conclusion of the
16 case.

17 And the way you do that is that you judge the
18 credibility of the various witnesses who testify in the
19 case. And that simply means you try to determine who's
20 telling the truth. You judge their believability.

21 And you use your ordinary common sense that you have
22 used all of your life in determining whether or not
23 someone's telling the truth. Once you determine what the
24 true facts are, then you're in a position to render a
25 verdict.

SELECTION OF THE JURY

1 That is a very important civic duty that we all have
2 as citizens of the United States because that's how we
3 resolve disputes. If someone is accused of a crime and
4 they plead not guilty, then we let 12 citizens make that
5 decision, not some dictator or firing squad or some
6 arbitrary tribunal. It's the best system of justice in
7 the world.

8 Now my question is this: Do I have any member of the
9 jury panel who is unable to perform that civic duty? Is
10 anybody unable because of personal beliefs, religious
11 beliefs, political beliefs, any kind of belief, that
12 you're unable to sit and determine what the true facts are
13 and apply it to the law as I give it to you? I need to
14 know now.

15 Does any member of the jury panel know of any reason
16 whatsoever why he or she should not serve as a juror in
17 this case with particular emphasis being placed on your
18 ability to be fair and impartial both to the State and to
19 the Defendant here today? If so, please stand.

20 THE JUROR: Your Honor, I do have a question.

21 THE COURT: Well, hold on. Hold on.

22 THE BAILIFF: Stand up.

23 THE COURT: Stand up.

24 THE JUROR: Yes, sir.

25 THE COURT: And let me see you up here.

SELECTION OF THE JURY

1 THE JUROR: Oh, okay.

2 THE COURT: I don't know what your question is.

3 (Juror approaches.)

4 THE COURT: I have a great law clerk who can normally
5 tell me what the questions are, but she's not that good
6 today. Your name?

7 (Juror conferring with Judge, out of range of court
8 reporter's hearing.)

9 THE COURT: If you disagree with what I say, you have
10 to accept what I say.

11 THE JUROR: Okay. Just wanted to make sure.

12 THE COURT: Why? Do you have some weird philosophy
13 about the constitution?

14 THE JUROR: I don't have a philosophy but everybody
15 has their own interpretation.

16 THE COURT: That's true.

17 THE JUROR: I wanted to make sure how as a juror I
18 should act.

19 THE COURT: You'll have some constitutional principles
20 such as the presumption of innocence and reasonable doubt
21 and those sort of things, but I'll tell you what the law
22 is. In this case it's a criminal domestic violence. It's
23 pretty straight forward. You can do that; can't you?

24 THE JUROR: Absolutely.

25 THE COURT: Thank you for asking. You're Number 77?

SELECTION OF THE JURY

1 THE JUROR: Number 33, sir.

2 THE COURT: Thirty-three. I didn't have my glasses
3 on.

4 Any member of the jury panel, you or your immediate
5 family have ever been the victim of a violent crime? If
6 so, please stand.

7 Yes, sir. My mental health worker -- former
8 corrections officer. Your name and number again?

9 THE JUROR: Rodney Mathews, Juror 117.

10 THE COURT: Just give me a real general description of
11 what happened.

12 THE JUROR: My car was stolen with me in it at a red
13 light in Clearwater, South Carolina, at gunpoint.

14 THE COURT: Thank you. And the fact that you were
15 involved in that, would that in any way keep you from
16 being fair and impartial in the trial of this case?

17 THE JUROR: No.

18 THE COURT: Thank you. You may be seated. Yes, sir?

19 THE JUROR: Juror Number 92, Bobby Jackson. I had a
20 first cousin that was killed and cut into pieces. I
21 really don't want to go into details.

22 THE COURT: I understand. The fact that your family
23 and you had to go through that unfortunate situation,
24 would that in any way keep you from being fair?

25 THE JUROR: I think it would.

SELECTION OF THE JURY

1 THE COURT: What's your number?

2 MR. HAYES: Ninety-two.

3 THE COURT: All right. Excuse 92 for this trial. You
4 may be seated. You got to stay with me.

5 Now, ma'am, in the black and white check, your name
6 and number?

7 THE JUROR: Jessica Welman, Number 188. My niece was
8 violently raped.

9 THE COURT: The fact that you had a family member who
10 experienced a very unfortunate event, would that in any
11 way keep you, ma'am, from being able to determine what the
12 true facts are in this case?

13 THE JUROR: Yes, sir.

14 THE COURT: You would be prejudiced?

15 THE JUROR: (Nods head.)

16 THE COURT: You can't leave now, but you don't think
17 you can serve as a juror?

18 THE JUROR: (Shakes head.)

19 THE COURT: What number are you?

20 THE JUROR: One eighty-eight.

21 THE COURT: Excuse her from the trial of this case,
22 not the rest. Yes, sir, your name?

23 THE JUROR: Juror 134. And my daughter about 10 years
24 ago, she was -- the same thing as (indicating).

25 THE COURT: Would you be able to serve as a juror in

SELECTION OF THE JURY

1 the trial of this case and be fair and impartial?

2 THE JUROR: I could on this one.

3 THE COURT: Thank you. You may stay with us. Yes,
4 sir, in the blue shirt.

5 THE JUROR: Yes, sir. I'm Juror Number 78, Vernon
6 Gullledge. I was assault by my daughter about two years
7 ago. She was locked up several days and spent some time
8 over at Aurora Pavilion.

9 THE COURT: The fact that you experienced that, sir,
10 would that in any way keep you from being able to do your
11 civic duty and determine what the true facts are in this
12 case?

13 THE JUROR: No, sir.

14 THE COURT: Thank you. You may be seated. Yes, sir,
15 your name? That just stood up.

16 THE JUROR: Raymond Stratton, Juror 171. I'm a victim
17 of criminal domestic violence. Charges are still pending
18 but it would not affect my ability to serve.

19 THE COURT: Thank you. You may be seated.

20 Do I have any member of the jury panel who you or your
21 immediate family is employed with law enforcement or the
22 solicitor's office or the FBI, or State Law Enforcement,
23 SLED or AG, Attorney General's Office? If so, please
24 stand.

25 Yes, ma'am, your name?

SELECTION OF THE JURY

1 THE JUROR: Tamara Feagin, Number 61.

2 THE COURT: And you have somebody with the Aiken
3 County Sheriff's Department?

4 THE JUROR: My brother's a sergeant.

5 THE COURT: Who?

6 THE JUROR: My brother is a sergeant for the sheriff's
7 department.

8 THE COURT: Is this a sheriff's department case,
9 gentlemen? Ladies?

10 MS. SHEFTALL: No, Your Honor.

11 THE COURT: Aiken County. Department of Public
12 Safety. The fact that you have a relative in law
13 enforcement, ma'am, would that in any way keep you from
14 being fair and impartial in the trial of the case?

15 THE JUROR: No, sir.

16 THE COURT: Thank you. You may be seated. Yes, sir?

17 THE JUROR: Jamey D. Bledsoe, Juror Number 15. I work
18 with Aiken Public Safety.

19 THE COURT: What do you do for them?

20 THE JUROR: Traffic maintenance division. But I do
21 affiliate with them, I'm with the officers that work with
22 --

23 THE COURT: With Aiken Department of Public Safety?

24 THE JUROR: Yes, sir. I am employed with Aiken Public
25 Safety.

SELECTION OF THE JURY

1 THE COURT: You get your paycheck from them?

2 THE JUROR: Yes, sir.

3 THE COURT: We have three witnesses from the Aiken
4 Department of Public Safety. I'm not going to ask you to
5 serve --

6 THE JUROR: Okay.

7 THE COURT: -- with your fellow workers testifying.
8 Your number again?

9 THE JUROR: Juror Number 15.

10 THE COURT: Thank you. Fifteen is excused. Yes, sir,
11 Doctor?

12 THE JUROR: Yes. I'm 103, Daniel Kleven. I used to
13 work for the medical examiner's office in North Carolina.

14 THE COURT: That would not excuse you in the trial of
15 this case.

16 Any member of the jury panel a member of or a
17 contributor to an organization with its main emphasis on
18 the enforcement of laws such as SADD, that's Students
19 Against Drunk Drivers, MADD, Mothers Against Drunk
20 Drivers, CAVE, Citizens Against Violent Crimes? Anybody a
21 member of those organizations? If so, please stand.

22 Last call. Does anybody know of any reason, as I
23 asked you a while ago, that you should not serve as a
24 juror in the trial of this case? Please stand.

25 Any additional questions by the State?

SELECTION OF THE JURY

1 MS. SHEFTALL: Nothing from the State.

2 THE COURT: By the Defendant?

3 MR. HAYES: Your Honor, I'd ask specifically if they'd
4 been a witness or was a victim of a CDV, specifically.

5 THE COURT: I've already asked them about a violent
6 crime. That encompasses that. You're protected.

7 We have five and five; is that correct, ladies? Give
8 me a jury panel of five and five and two alternates.

9 All right. Ladies and gentlemen, the way we'll draw
10 the jury, if we were trying a wreck case or a medical
11 malpractice or a legal malpractice or whatever on the
12 civil side, at this time we would put 20 names on a piece
13 of paper and the plaintiff bringing the lawsuit would have
14 four strikes. The person being sued, the defendant, would
15 have four strikes. So 20 less eight would be 12 jurors.

16 We do it a little different in general sessions court.
17 Ms. Goddard will now put in the computer and it will
18 randomly select you from the panel. And as your name is
19 randomly selected, she will call your name and number. If
20 you would please come forward and stand right here between
21 the tables where the two lawyers are, groups of lawyers
22 are.

23 The State has five strikes, the Defendant has five
24 strikes. And they can strike you for most any reason,
25 within reason, and the lawyers know what the rules are.

SELECTION OF THE JURY

1 But don't get offended if you get struck. So we'll go
2 through that situation till we get 12 people. So if you
3 get struck and you have to go back to your seat, don't get
4 upset and cry. That just means you don't have to serve.

5 Then you'll be lucky and you can go buy a lottery
6 ticket this afternoon and you'll be in good shape. Just
7 kidding. We have to have a little levity every now and
8 then.

9 So we will now get the list and we should be out of
10 here in about 10 minutes if the computer works. And I'm
11 getting a puzzled look from my computer operator. Are you
12 good to go?

13 THE CLERK: We're getting there.

14 THE COURT: I feel so much better. I've been informed
15 that we are getting there.

16 THE CLERK: This is her first time drawing, Judge.

17 THE COURT: She's doing a good job. Everybody
18 comfortable? I don't want to open the flood gates but if
19 there's anybody uncomfortable, there's a bathroom right
20 here. (Pause.)

21 As your name is called, please come forward and stand
22 right here. And we will draw the jury in the first case.

23 THE CLERK: As I call your name, please come forward
24 to the bench, turn and face the rear.

25 Juror Number 69, Fay Geldart.

SELECTION OF THE JURY

1 (White female comes forward.)

2 THE CLERK: What say you for State?

3 MS. SHEFTALL: Please present Ms. Geldart.

4 THE CLERK: What say you for defense?

5 MR. HAYES: Please seat the juror.

6 THE CLERK: Have a seat in the jury box to your left,
7 please, ma'am.

8 THE BAILIFF: Over here.

9 THE COURT: If you have personal belongings,
10 pocketbook or whatever, please bring them with you in case
11 you're selected so you don't have to go back.

12 THE CLERK: Juror Number 14, Yuliya Blackburn.

13 (White female comes forward.)

14 THE CLERK: What say you for the State?

15 MS. SHEFTALL: Please present Ms. Blackburn.

16 THE CLERK: What say you for the defense?

17 MR. HAYES: Please excuse this juror.

18 THE CLERK: Return to your seat, please, ma'am.

19 Juror number 10, Michael Barrett.

20 (White male comes forward.)

21 THE CLERK: What say you for the State?

22 MS. SHEFTALL: Please present Mr. Barrett.

23 THE CLERK: What say you for the defense?

24 MR. HAYES: Please seat the juror.

25 THE CLERK: Have a seat in the jury box to your left,

SELECTION OF THE JURY

1 please, sir.

2 Juror Number 34, David Charlesworth.

3 (White male comes forward.)

4 MR. HAYES: What was the number?

5 THE CLERK: Thirty-four. What say you for the State?

6 MS. SHEFTALL: Please present Mr. Charlesworth.

7 THE CLERK: What say you for the defense?

8 MR. HAYES: Please seat the juror.

9 THE CLERK: Have a seat in the jury box to your left,
10 please, sir.

11 Juror number 98, Chad Kanagy.

12 (White male comes forward.)

13 THE CLERK: What say you for the State?

14 MS. SHEFTALL: Please present Mr. Kanagy.

15 THE CLERK: What say you for the defense?

16 MR. HAYES: Please seat the juror.

17 THE CLERK: Have a seat in the jury box, please, sir.

18 Juror Number 196, Donna Wilson.

19 (White female comes forward.)

20 THE CLERK: What say you for the State?

21 MS. SHEFTALL: Please present Ms. Wilson.

22 THE CLERK: What say you for the defense?

23 MR. HAYES: Please seat the juror.

24 THE CLERK: Have a seat in the jury box, please,

25 ma'am.

SELECTION OF THE JURY

1 Juror Number 26, Judy Buff.

2 (White female comes forward.)

3 THE CLERK: What say you for the State?

4 MS. SHEFTALL: Please excuse Ms. Buff.

5 THE CLERK: Return to your seat, please, ma'am.

6 Juror Number 100, Dana Key.

7 (White female comes forward.)

8 THE CLERK: What say you for the State?

9 MS. SHEFTALL: Please present Ms. Key.

10 THE CLERK: What say you for the defense?

11 MR. HAYES: Please seat the juror.

12 THE CLERK: Have a seat in the jury box to your left,
13 please, ma'am.

14 Juror Number 33, John Chambers.

15 (White male comes forward.)

16 THE CLERK: What say you for the State?

17 MS. SHEFTALL: Please excuse Mr. Chambers.

18 THE CLERK: Return to your seat, please, sir.

19 Juror Number 130, Timothy Moore.

20 (White male comes forward.)

21 THE CLERK: What say you for the State?

22 MS. SHEFTALL: Please present Mr. Moore.

23 THE CLERK: What say you for the defense?

24 MR. HAYES: Please excuse this juror.

25 THE CLERK: Return to your seat, please, sir.

SELECTION OF THE JURY

1 Juror Number 78, Vernon Gullledge.

2 (White male come forward.)

3 THE CLERK: What say you for the State?

4 MS. SHEFTALL: Please present Mr. Gullledge.

5 THE CLERK: What say you for the defense?

6 MR. HAYES: Please excuse this juror.

7 THE CLERK: Return to your seat, please, sir.

8 State has exhausted two strikes, defense three.

9 Juror Number 16, Bernard Blocker.

10 (Black male comes forward.)

11 THE CLERK: What say you for the State?

12 MS. SHEFTALL: Please excuse Mr. Blocker.

13 THE CLERK: Return to your seat, please, sir.

14 Juror Number 39, Lilia Collins.

15 (Hispanic female comes forward.)

16 THE CLERK: What say you for the State?

17 MS. SHEFTALL: Please present Ms. Collins.

18 THE CLERK: What say you for the defense?

19 MR. HAYES: Please seat the juror.

20 THE CLERK: Have a seat in the jury box to your left,
21 please, ma'am.

22 Juror Number Nine, Mitchell Barefield.

23 (White male comes forward.)

24 THE CLERK: What say you for the State?

25 MS. SHEFTALL: Please present Mr. Barefield.

SELECTION OF THE JURY

1 THE CLERK: What say you for the defense?

2 MR. HAYES: Please seat the juror.

3 THE CLERK: Have a seat in the jury box to your left,
4 please, sir.

5 Juror Number 173, David Swearingen.

6 (White male comes forward.)

7 THE CLERK: What say you for the State?

8 MS. SHEFTALL: Please excuse Mr. Swearingen.

9 THE CLERK: Return to your seat, please, sir.

10 Juror Number Five, Angela Ard.

11 The State has exhausted four strikes, the defense
12 three.

13 (White female comes forward.)

14 THE CLERK: What say you for the State?

15 MS. SHEFTALL: Please present Ms. Ard.

16 THE CLERK: What say you for the defense?

17 MR. HAYES: Please seat the juror.

18 THE CLERK: Have a seat in the jury box to your left,
19 please, ma'am.

20 Juror Number 142, William Pond.

21 (White male comes forward.)

22 THE CLERK: What say you for the State?

23 MS. SHEFTALL: Please present Mr. Pond.

24 THE CLERK: What say you for the defense?

25 MR. HAYES: Please seat the juror.

SELECTION OF THE JURY

1 THE CLERK: Have a seat in the jury box to your left,
2 please, sir.

3 Juror Number 38, Bruce Cobb.

4 (White male comes forward.)

5 THE CLERK: What say you for the State?

6 MS. SHEFTALL: Please present Mr. Cobb.

7 THE CLERK: What say you for the defense?

8 MR. HAYES: Please seat the juror.

9 THE CLERK: Have a seat in the jury box to your left,
10 please, sir.

11 Juror Number 200, Robert Zipfel.

12 (White male comes forward.)

13 THE CLERK: What say you for the State?

14 MS. SHEFTALL: Please present Mr. Zipfel.

15 THE CLERK: What say you for the defense?

16 MR. HAYES: Please excuse this juror.

17 THE CLERK: Return to your seat, please, sir.

18 Juror Number 99, John Kelly.

19 (White male comes forward.)

20 THE CLERK: The State has exhausted four strikes, the
21 defense four.

22 What say you for the State?

23 MS. SHEFTALL: Please present Mr. Kelly.

24 THE CLERK: What say you for the defense?

25 MR. HAYES: Please seat the juror.

SELECTION OF THE JURY

1 THE CLERK: Have a seat in the jury box to your left,
2 please, sir.

3 THE COURT: Have two alternates, two and one.

4 THE CLERK: Yes, sir.

5 Juror Number 146, Anthony Quick.

6 (White male comes forward.)

7 THE CLERK: What say you for the State?

8 MS. SHEFTALL: Please present Mr. Quick.

9 THE CLERK: What say you for the defense?

10 MR. HAYES: Please seat the juror.

11 THE CLERK: Have a seat in the jury box, please, sir.
12 Second alternate?

13 THE COURT: Yes, ma'am.

14 THE CLERK: Juror Number 19, Arthur Boyce.

15 (Black male comes forward.)

16 THE CLERK: What say you for the State?

17 MS. SHEFTALL: Please present Mr. Boyce.

18 THE CLERK: What say you for the defense?

19 MR. HAYES: Please seat the juror.

20 THE CLERK: Have a seat in the jury box, please, sir.

21 THE COURT: Any motions by the State or the Defendant
22 in connection with the selection of the jury?

23 MS. SHEFTALL: Nothing from the State, Your Honor.

24 MR. HAYES: Nothing from the defense, Your Honor.

25 THE COURT: All right. Ladies and gentlemen, those of

1 you who were not drawn, I am going to excuse you now for
2 the balance of the day.

3 After six o'clock this afternoon, please call back.
4 The number is on your jury information sheet. If you do
5 not have the number, one of the bailiffs will be glad to
6 provide it to you as you leave. Please call back after
7 six. There will be instructions for the jury panel, jury
8 panel. So it will either be come in the morning or call
9 back at another time.

10 I want to do that so I don't make you just coming
11 back, coming back, and coming back. We'll try to run it
12 efficiently so it will not interfere with your daily
13 activities. You're excused now. Call back after six for
14 instructions. For everyone else, remain seated, please.
15 Jury, you're excused to go.

16 (Jury panel exits courtroom at 11:20 a.m.)

17 THE COURT: Is 9:30 an imposition tomorrow morning?
18 Too early? Too late? 9:30?

19 THE JURY (COLLECTIVELY): (Heads nod.)

20 THE COURT: We will start right at 9:30 in the
21 morning. I will have you coffee before you start. Just,
22 you can't bring it out here so come a little bit early.
23 Ms. Barbara will show you where to report at 9:30. But I
24 would like for you also to call back after six tonight,
25 see if there's any change in this particular trial.

1 You've been designated as panel one. Total jury panel
2 and then the jury already picked as panel one. Different
3 from them. So, just call back after six. If something
4 happens, I don't want you coming back if you don't need
5 to.

6 Please don't discuss the case. Don't let anybody
7 discuss it with you. And I'll see you back early in the
8 morning at 9:30. We'll be good to go.

9 Thank you. Ms. Barbara, show them out.

10 (Jury panel exits courtroom at 11:21 a.m.)

11 END OF DAY'S PROCEEDINGS: 11:21 A.M.

JUDGE'S INTRODUCTORY COMMENTS TO THE JURY

1 ON THURSDAY, SEPTEMBER 12, 2013 AT 9:22 A.M.:

2 THE COURT: Solicitor, are y'all ready to proceed?
3 Mr. Hayes, are you ready?

4 MR. HAYES: I am, Your Honor.

5 THE COURT: Bring the jury in, please.

6 (Jury enters courtroom at 9:22 a.m.)

7 THE COURT: Good morning. Did I tell y'all nine or
8 9:30?

9 THE JURY (COLLECTIVELY): Nine.

10 THE COURT: I hate it when I'm late. Gracious me.
11 Y'all have to fine me.

12 First thing we have to do is please stand and raise
13 your right hand to be sworn for this case.

14 (Jury impaneled.)

15 THE CLERK: Thank you. You may be seated.

16 THE COURT: Good morning. Ladies and gentlemen, we
17 are about to start the trial of the case of the State of
18 South Carolina versus Horace Lee Glover, Jr.

19 Mr. Glover has been indicted by the Aiken County Grand
20 Jury. This is the indictment (displaying). As I've told
21 you, that's simply the charging document by way this case
22 comes into the courtroom. It is not evidence in the
23 case. It is simply allegations.

24 The State of South Carolina has the burden of proving
25 these allegations to you beyond a reasonable doubt. And

JUDGE'S INTRODUCTORY COMMENTS TO THE JURY

1 Mr. Glover has pled not guilty to the charges. And by
2 pleading not guilty he has the constitutional presumption
3 of being innocent unless the State is able to prove his
4 guilt to you beyond a reasonable doubt.

5 Now the way we'll go this morning is that in just a
6 few minutes, because the State has the burden of proof
7 they present their case first. And then following the
8 case, the State's case the Defendant has the right to
9 offer his defense. And then the State, sometimes but not
10 very often, would have the opportunity to put up some
11 reply testimony.

12 Before the State calls their first witness the
13 solicitor will make an opening statement followed by an
14 opening statement from the Defendant's lawyer. Please
15 bear in mind that opening statements is not evidence in
16 the trial of the case. It is simply what the lawyers
17 contend they will show you what their positions are. Sort
18 of a road map as to what they will show during the trial
19 of the case.

20 Then you will hear the evidence. And of course from
21 the evidence you will determine what the true facts are.
22 You're the finders of the facts, judges of the facts.
23 You'll take those true facts and you apply it to the law
24 as I give it to you at the conclusion of the case and then
25 you'll be in a position to render a verdict.

JUDGE'S INTRODUCTORY COMMENTS TO THE JURY

1 After all of the evidence is in, the lawyers will make
2 their final argument. Once that is done I will charge or
3 instruct you on the law and then it will be up to you to
4 deliberate and render your decision in the case.

5 I try to run an efficient courtroom even though I'm
6 late this morning. I am never late. I thought 9:30 that
7 we were starting. My apologies. But we'll run an
8 efficient courtroom. We're going to run until about
9 eleven o'clock this morning, take about a 15-minute
10 break. We'll see where we stand at that time. More than
11 likely I will order you some lunch in so we can just work
12 straight on through. I think we can finish this case
13 today. It's not a very long case. Not very many -- how
14 many witnesses? Just a handful?

15 MS. SHEFTALL: Just four, Your Honor.

16 THE COURT: It's not very many. It will be a short
17 case.

18 Even though we're trying to be efficient and move
19 along, do not get uncomfortable. If at any time you need
20 to use the restroom or you want a drink of water or a cup
21 of coffee or whatever, you just need to stretch, raise
22 your hand and let me know. Please don't get
23 uncomfortable.

24 When we do take breaks, I will ask that you do not
25 discuss the case. Do not start any deliberations until

OPENING STATEMENTS ON BEHALF OF THE STATE

1 all the evidence is in.

2 I will ask that when we take our first break that you
3 select a foreperson from the 12 of you, the 12 regular
4 jurors. The spokesperson is simply someone who heads up
5 the deliberations, advises me of any concerns that you may
6 have.

7 So we're going to start right now. The opening
8 statements will be made. Once that is done, we'll start
9 with the testimony and move along in an efficient manner.

10 Any objection to my openings remarks by the State?

11 MS. SHEFTALL: None, Your Honor.

12 THE COURT: Mr. Hayes?

13 MR. HAYES: No, sir.

14 THE COURT: You may make your opening statement.

15 MS. SHEFTALL: Thank you, Your Honor.

16 THE COURT: Hold on one second. We got all the
17 witnesses sequestered except for the investigating
18 officers?

19 MS. SHEFTALL: Yes, sir.

20 (People exit courtroom.)

21 MS. SHEFTALL: Thank you, Your Honor. May it please
22 the Court.

23 THE COURT: Yes, ma'am.

24 MS. SHEFTALL: Mr. Hayes.

25 Ladies and gentlemen of the jury, good morning.

OPENING STATEMENTS ON BEHALF OF THE STATE

1 Criminal domestic violence is why we're all here today.
2 Violence being the key word. The case you're going to
3 hear today is not a happy story of a cohesive family. The
4 good news for you folks is that this is going to be a
5 brief trial.

6 Through the State's witnesses you're going to hear the
7 story of the events that took place at some apartments on
8 Colleton Street (sic) right here in Aiken in the wee
9 morning hours of January 29th of this year, 2013.

10 You're going to hear from a young man who called
11 9-1-1, Larry Spencer. He's going to tell you what he saw,
12 what he heard outside his apartment window, and why he
13 called the police.

14 You're going to hear from the two responding officers
15 with Aiken Department of Public Safety, Sergeant Aaron
16 Dobbs and Officer Christopher Walker. They're going to
17 tell you how they came to be at those apartments on
18 Colleton Street, what their investigation revealed at
19 those apartments, and subsequently how they located and
20 arrested the Defendant.

21 You're also going to hear from another eyewitness to
22 the events of that night, Ms. Natalie Moore. She's going
23 to tell you what she saw and heard transpire between the
24 victim and the Defendant, and what she did as a result of
25 that.

OPENING STATEMENTS ON BEHALF OF THE STATE

1 The person you're not going to hear from this morning
2 is the victim, Vanessa Brown. She's not here and she has
3 her reasons for that.

4 But, ladies and gentlemen, this case is the State of
5 South Carolina versus Horace Lee Glover, Jr. It is not
6 Vanessa Brown versus Horace Glover. The State is
7 prosecuting Mr. Glover for the crime of criminal domestic
8 violence. And the State has the burden to prove to you
9 beyond a reasonable doubt that Mr. Glover did in fact
10 commit the crime of criminal domestic violence.

11 What is the crime of criminal domestic violence, CDV
12 for short? Our legislature tells us that it is the
13 unlawful physical abuse caused, or attempt to cause it, to
14 a household member. And they have specifically defined
15 household member as three categories of a relationship
16 between the victim and the Defendant. And only those
17 three categories.

18 If the relationship between the victim and the
19 Defendant doesn't fall within one of these three
20 categories, the Defendant cannot be prosecuted for CDV.
21 Those three categories: Spouses and former spouses;
22 unmarried people who live together, or formerly lived
23 together; and unmarried people who have a child or
24 children in common.

25 And that's it. And that's significant. The South

OPENING STATEMENTS ON BEHALF OF THE STATE

1 Carolina Legislature decided that a crime that's committed
2 between two people sharing this type of relationship is
3 different from the crime that would be two unrelated
4 people in a bar fight, for example. And they did that for
5 a reason.

6 The burden of proof is a phrase that you're going to
7 hear a lot today. At the end of the trial Judge Early is
8 going to tell you exactly what that means. But
9 essentially it boils down to this: Mr. Slocum and I must
10 present evidence to you to prove to you beyond a
11 reasonable doubt that what we allege Mr. Glover did in the
12 wee morning hours of January 29th of this year, that that
13 is what you are convinced of.

14 So, presenting evidence. There's two main categories
15 of evidence. There's direct evidence and there's
16 circumstantial evidence.

17 Direct evidence is evidence of a fact that you can
18 see, hear, smell, taste, feel, experience directly.
19 Circumstantial evidence is evidence of a fact that proves
20 another fact. It's the logical and reasonable conclusion
21 to be drawn.

22 Let me give you an example. You're sitting right now
23 in a room with no windows to the outside. You cannot
24 directly experience from where you're sitting what the
25 weather is like outside. But let's say that three people

OPENING STATEMENTS ON BEHALF OF THE DEFENDANT

1 walk through that door. The first two are holding
2 umbrellas and they're wet. The second (verbatim) person
3 doesn't have an umbrella but his clothes are wet. His
4 hair is wet. His shoes are wet.

5 You can't directly experience what the weather is
6 doing outside, but based on the fact of those two wet
7 umbrellas and the man with no umbrella and his clothes and
8 shoes and hair are wet, the logical and reasonable
9 conclusion is that it's raining outside. That's
10 circumstantial evidence.

11 The State in this case has all direct evidence. The
12 people who are going to take that stand today for the
13 State experienced firsthand the events that took place in
14 the early morning of January 29th, 2013.

15 Now if at the close of all the evidence you're
16 convinced beyond a reasonable doubt, you're firmly
17 convinced that the events that the State alleges occurred
18 as we say they occurred, in other words, if you are firmly
19 convinced that Mr. Glover did in fact commit the crime of
20 criminal domestic violence against Ms. Vanessa Brown, then
21 I ask that you return a verdict of guilty.

22 Thank you.

23 MR. HAYES: Your Honor. Ladies and gentlemen. I
24 don't have to prove a thing to you. There's nothing, no
25 burden that's been placed on me or my client. The State

OPENING STATEMENTS ON BEHALF OF THE DEFENDANT

1 has to carry this burden.

2 As of right now he sits with a shield over him.
3 Innocent until proven. And that proving part is what the
4 State has to do. They have to prove to you beyond a
5 reasonable doubt that he did this crime.

6 Now, when you were being picked for the jury, when you
7 were in here on Tuesday, the Judge said a statement that
8 is so very true. The facts that you hear in cases in
9 trial are night and day and from one end of the spectrum
10 to the other. The State's going to be on one side. The
11 defense is going to be on the other.

12 And in very rare occasions do I actually get to tell
13 you a story that I believe is going to happen in the
14 opening before it even happens. But today I believe I am
15 able to do that. And the story I'm going to tell is
16 Mr. Glover's. And the story starts out with Mr. Glover
17 and Mr. Tyrik Bright, who I believe you're going to hear
18 from, walk into a store. If you're familiar with Aiken,
19 Colleton Avenue runs parallel to South Boundary. There
20 are side streets that cut back and forth in little
21 blocks.

22 As you start getting toward the Governor of Aiken
23 Park, one of the streets is Lock Lane. Lock Lane. You
24 can walk across Park Avenue, walk across Richland and go
25 to Greg's Gas Plus and you can walk back. After being at

OPENING STATEMENTS ON BEHALF OF THE DEFENDANT

1 his house for a little bit of time, they had drank some
2 beers as well as everybody else at the house. And they
3 were getting low. They decided they were going to get up
4 and walk to the store because Greg's Gas Plus is 24
5 hours.

6 Halfway down the street they bump into a Mr. Ricky
7 Harden. Now Mr. Ricky Harden says, hey, you guys, where
8 are y'all going. We're going to the store. Let's get a
9 beer. Okay. So they walk over there to Greg's Gas Plus
10 and they're going to get their beer. They get their
11 beers. As they're coming back across the Department of
12 Health parking lot the phone rings. Mr. Tyrik Bright. In
13 that conversation he learns that there's been a fight. In
14 that fight Ms. Brown had been beaten up by Tyrik's, as he
15 puts it, old lady.

16 Now, I'm going to tell you the way he puts it, please
17 don't take offense, old lady. That's their term and I'm
18 going to use it. So they hurry up and when they get back
19 they find that she had knots on her head. Mr. Glover, not
20 using the best of judgment says, look at the knots on your
21 head, what happened. You got beat down. I got to go put
22 this beer up.

23 At that point though, she's yelling at him. That did
24 not sit well with her. Should have been on her side.
25 Should have been supporting her. But instead he picked a

OPENING STATEMENTS ON BEHALF OF THE DEFENDANT

1 road, I'm going to pick on you. Well, maybe it was
2 alcohol, maybe it was immaturity.

3 Walks inside. Puts the beer up. Starts coming back
4 out. And you're going to hear from them that he was
5 coming out. They call it mushing or a face palm, like a
6 basketball into his face, when she approached him. And he
7 sidesteps her and said, somebody get her. And walks off.

8 And in the meantime Mr. Harden, Mr. Glover and
9 Mr. Bright stand off to the side between these apartment
10 buildings. It's like a little alley. If you walk down
11 that alley you will go from Colleton Avenue into Lock
12 Lane. Right there in the back yard is his mother-in-
13 law's. That's where she lives. Right there in the back.

14 He stands between the two buildings and they smoke a
15 cigarette. They have their little conversation about
16 what's going to happen, what's going on. And they see the
17 police come. That's when Mr. Harden says, whoo, getting
18 hot here, I'm leaving. Mr. Bright hangs out and ends up
19 leaving later. Mr. Glover smokes a cigarette and gets
20 arrested.

21 Now, I have named three people. Two of the three
22 witnesses that I'm calling, one of them Mr. Glover, one is
23 Mr. Tyrik Bright. And when you see Mr. Bright, he is in
24 prison. I'm going to ask him about it. He does have a
25 record.

OPENING STATEMENTS ON BEHALF OF THE DEFENDANT

1 But he's here today to testify for his friend. And
2 what I ask you is not to hold any of that against him but
3 to listen to everything they all have to say. Make sure
4 you hear them through to the very end of this. As the
5 Judge says, no deliberations, please don't judge until it
6 is time to do so.

7 And at the end of that, I think what you're going to
8 find is that the State cannot carry that burden. That,
9 the stories both are very plausible. And as the State
10 just told you, the lady who supposedly got the beat-down
11 is not here to tell you what happened to her. Thank you.

12 THE COURT: You may call your first witness.

13 MS. SHEFTALL: Your Honor, may we approach?

14 THE COURT: You got that name? Hand it to me. Which
15 one is it, the last one?

16 MS. SHEFTALL: Yes, sir.

17 THE COURT: Ladies and gentlemen, yesterday when we
18 picked the jury I had a list of witnesses. One name was
19 inadvertently left off. Let me ask you if any of you are
20 related by blood or marriage or do you now or have you in
21 the past had a close personal or social relationship with
22 Lawrence Spencer, S-P-E-N-C-E-R.

23 No one has. So, you're good to go. You may call your
24 first witness.

25 MS. SHEFTALL: Thank you, Your Honor. The State calls

LAWRENCE SPENCER - DIRECT

1 Lawrence Spencer.

2 LAWRENCE SPENCER, having been duly sworn, was examined
3 and testified as follows:

4 THE COURT: Get your hands out of your pockets,
5 please. Come right up here.

6 THE CLERK: Have a seat on the witness box. State
7 your full name for the Court and spell your last.

8 THE WITNESS: Okay.

9 THE COURT: Good morning. How are you today?

10 THE WITNESS: Doing all right.

11 THE COURT: Speak up loud so that last person over
12 there can hear you. Have a seat. Thank you.

13 DIRECT EXAMINATION

14 BY MS. SHEFTALL:

15 Q. If you'll state your name for the record and spell
16 your last name, please.

17 A. Lawrence Spencer, S-P-E-N-C-E-R.

18 Q. What do you go by?

19 A. Larry.

20 Q. Larry, how old are you?

21 A. Twenty-one -- 22.

22 Q. And do you work?

23 A. Yes.

24 Q. Where do you work?

25 A. Academy Sports.

LAWRENCE SPENCER - DIRECT

1 Q. How long have you lived in Aiken?

2 A. I'd say about 10 years.

3 Q. Where were you living on January 29th of this year?

4 A. Colleton Avenue.

5 Q. Do you know the address?

6 A. Colleton Avenue.

7 Q. The apartment number?

8 A.

9 Q. How did you become involved in this case?

10 A. I was a witness.

11 Q. Tell me how, tell me how that started.

12 A. Well, I mean, I was in the house asleep.

13 Q. What time was it?

14 A. It was, it was kind of late. I'd say, I want to say
15 somewhere around 11 o'clock, 12 o'clock.

16 Q. Okay. What happened in your sleep?

17 A. I heard two people arguing outside. I went to look
18 outside and --

19 Q. What did you see?

20 A. I saw two people like this, you know, just arguing
21 back and forth. And then it was this guy was just beating
22 this lady, like, defenseless, like she was a man. So I
23 decided to call the cops.

24 Q. Tell me about -- describe the man for me. Black?

25 White --

LAWRENCE SPENCER - DIRECT

- 1 A. Black. About six --
- 2 Q. The woman --
- 3 A. -- six, six-one.
- 4 Q. -- black woman?
- 5 A. Yes.
- 6 Q. Tell me -- you said he was beating up on her. Is that
- 7 what you said?
- 8 A. Like -- yes, ma'am.
- 9 Q. Describe where she was, where the black woman was that
- 10 you saw. Was she standing up?
- 11 A. Yes. They were both standing up outside but then
- 12 shortly after that she kind of fell to the ground.
- 13 Q. Okay. And what was the man doing?
- 14 A. Beating her. I mean, that's the only way I could
- 15 describe it.
- 16 Q. With what?
- 17 A. His fists. Like, it was pretty bad.
- 18 Q. What did you do after you saw that?
- 19 A. After I saw that I walked back inside and I proceeded
- 20 to call the cops.
- 21 Q. Can you -- about how far away from the man and the
- 22 woman were you from your apartment window?
- 23 A. I'd say about, I'd say about 30 feet.
- 24 Q. And how were you able to see them?
- 25 A. It was actually like two streetlights in the courtyard

LAWRENCE SPENCER - DIRECT

1 where they're at and they're like right under the second
2 one. So it was like, it was obvious who it was.

3 Q. All right. All right. Larry, I'm going to show you
4 what's been previously marked for identification as
5 State's Exhibit One. Do you recognize this?

6 A. Yes, ma'am.

7 Q. And how do you recognize it?

8 A. It's my initials right there.

9 Q. Okay.

10 THE COURT: I'm sorry. What did you say?

11 THE WITNESS: My initials.

12 THE COURT: Your initials?

13 THE WITNESS: Yes, sir.

14 THE COURT: Okay. Speak up distinctly and loudly,
15 please.

16 BY MS. SHEFTALL:

17 Q. How did your initials get on that disk?

18 A. I listened to it.

19 Q. What is on that disk?

20 A. The call I made that night.

21 Q. And when did you listen to the disk, to what's on that
22 disk?

23 A. Excuse me?

24 Q. When did you listen to that disk for the first time?

25 A. Yesterday? No.

LAWRENCE SPENCER - DIRECT

1 Q. And when did you write your initials on it?

2 A. Same day.

3 Q. Okay. Is it a full and accurate recording of the call
4 that you made to 9-1-1 that night?

5 A. Yes.

6 MS. SHEFTALL: Your Honor, at this time the State
7 would move Exhibit One into evidence.

8 THE COURT: Any objection?

9 MR. HAYES: No, sir.

10 THE COURT: Without objection, introduced into
11 evidence.

12 (State's Exhibit No. 1, CD containing 9-1-1 call, was
13 received into evidence.)

14 THE COURT: Do you wish to play it?

15 MS. SHEFTALL: Your Honor, in a minute.

16 THE COURT: That will be fine.

17 BY MS. SHEFTALL:

18 Q. Larry, I'm now going to show you what's been
19 previously marked for identification as State's Exhibits
20 Two and Three. What are these?

21 A. These are the Colleton Apartments, where I used to
22 stay at.

23 Q. And how do you recognize them?

24 A. I used -- because I used to live here, so ...

25 Q. Is that a fair and accurate depiction --

LAWRENCE SPENCER - DIRECT

1 A. Uh-huh.

2 Q. -- of the view from your apartment, how the apartment
3 looked --

4 A. Yes, ma'am.

5 Q. -- in January of this year?

6 A. Yes, sir.

7 Q. Do you notice any changes or alterations, deletions,
8 anything about them?

9 A. No, ma'am.

10 MS. SHEFTALL: Your Honor, the State would move
11 Exhibits Two and Three into evidence.

12 THE COURT: Any objection?

13 MR. HAYES: No objection.

14 THE COURT: Without objection.

15 (State's Exhibit Nos. 2 and 3, photographs, were
16 received into evidence.)

17 MS. SHEFTALL: Your Honor, permission to publish
18 Exhibit One to the jury?

19 THE COURT: Yes, ma'am.

20 (Exhibit No. 1, 9-1-1 call, was played for the jury.)

21 BY MS. SHEFTALL:

22 Q. Larry, on exhibit -- State's Exhibit Three that is
23 into evidence, I'm going to give you my pen and if you
24 will put your initials by your apartment, by the window
25 that you were standing inside of when you made that phone

LAWRENCE SPENCER - DIRECT

1 call.

2 A. This one (complying). That one.

3 Q. All right. You can write it on that white part right
4 there so we can make sure we see them.

5 A. (Complying.)

6 Q. That's perfect, yeah. Thank you.

7 And if you will put an X where you saw the man beating
8 up the woman.

9 A. (Complying.) Right here.

10 Q. Thank you.

11 Your Honor, Permission to publish State's Exhibits Two
12 and Three?

13 THE COURT: Yes, ma'am.

14 MS. SHEFTALL: Permission for the witness to step down
15 and testify to their content?

16 THE COURT: Yes, ma'am.

17 BY MS. SHEFTALL:

18 Q. Larry, if you'll come down here. Stand right here.

19 A. (Complying.)

20 Q. Make sure that you face the jury so they can hear
21 you. What I'm going to ask you to do -- all right.

22 Is this the same picture that you just drew on for me?

23 A. Yes, it is.

24 Q. State's Exhibit Three. Okay. Will you please point
25 with your finger where you put your initials on this

LAWRENCE SPENCER - DIRECT

1 picture?

2 A. Right here.

3 Q. And where did you put the X to represent where the man
4 was beating up on her?

5 A. It was right here.

6 Q. So this is your apartment?

7 A. Yes, ma'am.

8 Q. All right. And this is where they were?

9 A. (Nods head.)

10 Q. And this is the light post that you referenced that
11 was shining on them?

12 A. Yes, ma'am.

13 Q. And you estimate that distance to be about 30 feet?

14 A. Yes, ma'am.

15 Q. Thank you. Larry, you can have a seat right back up
16 there. Thank you.

17 A. (Returns to witness stand.)

18 Q. Did you have a visual -- were you able to see the man
19 and the woman the whole time?

20 A. Yes, ma'am.

21 Q. At any time -- strike that.

22 Were you able to see who the man was that was beating
23 up on the woman that night?

24 A. Yes, ma'am.

25 Q. Do you see that man in the courtroom today?

LAWRENCE SPENCER - CROSS

1 A. Yes, ma'am.

2 Q. Can you please describe to the jury what that man is
3 wearing?

4 A. A red plaid shirt.

5 MS. SHEFTALL: Your Honor, please let the record
6 reflect the witness has identified the Defendant.

7 THE COURT: Yes, ma'am.

8 BY MS. SHEFTALL:

9 Q. Larry, how sure are you that it was Horace Glover --

10 A. One hundred percent.

11 Q. -- that was beating up on the woman?

12 A. One hundred percent.

13 Q. I'm sorry?

14 A. One hundred percent.

15 Q. Thank you, Larry. No further questions.

16 THE COURT: Thank you.

17 MS. SHEFTALL: Please answer any questions Mr. Hayes
18 has for you.

19 THE WITNESS: Yes, ma'am.

20 THE COURT: Mr. Hayes?

21 CROSS-EXAMINATION

22 BY MR. HAYES:

23 Q. Mr. Spencer; right?

24 A. Yes, sir.

25 Q. Mr. Spencer, how are you doing this morning?

LAWRENCE SPENCER - CROSS

- 1 A. I'm doing fine.
- 2 Q. Now this was at 1:30 at night?
- 3 A. Say around that range. Around 12, one o'clock. I'm
- 4 not sure.
- 5 Q. You were tired?
- 6 A. Yes, sir.
- 7 Q. You were sleeping?
- 8 A. Yes, sir.
- 9 Q. And you were woken up by a commotion?
- 10 A. Yes, sir.
- 11 Q. You looked out the window and you saw the fight?
- 12 A. Yes, sir.
- 13 Q. And then you called 9-1-1?
- 14 A. Yes, sir.
- 15 Q. Did you talk to the police when they arrived?
- 16 A. No, sir; I didn't. When they arrived they went
- 17 straight to his house.
- 18 Q. Okay. When was the first time you were approached
- 19 about this case?
- 20 A. I would say Tuesday of this week.
- 21 Q. Do you still live in that apartment complex?
- 22 A. No, sir.
- 23 Q. And at 1:30 at night, it's dark; right?
- 24 A. Yes, sir.
- 25 Q. Did you know Mr. Glover?

LAWRENCE SPENCER - CROSS

- 1 A. Yes, sir; I did.
- 2 Q. Did y'all hang out?
- 3 A. Sometimes he and I went out, but not really.
- 4 Q. What do you mean by sometimes?
- 5 A. Well, like acquaintances. Not really like best
- 6 friends.
- 7 Q. So you're not best friends. You're not going to
- 8 Thanksgiving dinner together?
- 9 A. No, sir.
- 10 Q. You're not going to Christmas dinner together?
- 11 A. No, sir.
- 12 Q. Your girlfriend and him and his are not going to eat
- 13 dinner?
- 14 A. No, sir.
- 15 Q. So you all don't hang out. You see each other in
- 16 passing?
- 17 A. Yes, sir.
- 18 Q. Once in a while?
- 19 A. Yes, sir.
- 20 MR. HAYES: Beg the Court's indulgence. (Pause.)
- 21 BY MR. HAYES:
- 22 Q. Mr. Smith (sic), you just listened to the 9-1-1 phone
- 23 call?
- 24 A. Yes, sir.
- 25 Q. You're saying you know Mr. Glover. Why didn't you

1 tell us who it was in the 9-1-1 call?

2 A. I wasn't asked who it was on the 9-1-1 call.

3 Q. The 9-1-1 call lady specifically asked you was it a
4 man and a female. You're saying you know him by name.

5 A. Uh-huh.

6 Q. I'm asking you: Why did you not tell her then who it
7 was?

8 A. She asked me to give a description. I told -- she
9 asked was it white male or black male. I told her exactly
10 what she asked me, so.

11 Q. Right.

12 A. I was just answering the question.

13 Q. You're saying that you know him by name. After giving
14 that description, why would you not give her his name?

15 MS. SHEFTALL: Your Honor, I object. Asked and
16 answered.

17 THE COURT: Sustained. You've asked it, that's the
18 third time.

19 MR. HAYES: Thank you, Your Honor. Nothing further.

20 THE COURT: You may step -- I'm sorry. Anything on
21 redirect? Anything?

22 MS. SHEFTALL: No, Your Honor, nothing on redirect.

23 THE COURT: Mr. Spencer, you may step down. May he be
24 excused?

25 MR. HAYES: Yes, sir.

AARON ISAIAH DOBBS - DIRECT

1 MS. SHEFTALL: That's fine with the State.

2 THE COURT: Next witness, please.

3 MR. SLOCUM: The State calls Sergeant Aaron Dobbs with
4 Aiken Department of Public Safety.

5 THE COURT: Come around, Sergeant, please.

6 AARON ISAIAH DOBBS, having been duly sworn, was
7 examined and testified as follows:

8 THE CLERK: Please have a seat on the witness box.
9 State your full name for the Court and spell your last.

10 THE WITNESS: Aaron Isaiah Dobbs, D-O-B-B-S.

11 DIRECT EXAMINATION

12 BY MR. SLOCUM:

13 Q. Good morning, Sergeant Dobbs.

14 A. Yes, sir. Good morning.

15 Q. Where do you currently work?

16 A. For Aiken Department of Public Safety.

17 Q. And how long have you been employed by Aiken
18 Department of Public Safety?

19 A. Ten years and six months, seven months.

20 Q. And has your entire 10 years been with the Aiken
21 Department of Public Safety in law enforcement?

22 A. The first two as a cadet, as a part-time fire fighter
23 while I was going, in college. In 2005 I got hired on as
24 a public safety officer and went through the South
25 Carolina Criminal Justice Academy.

AARON ISAIAH DOBBS - DIRECT

1 Q. It would be fair to say you've been in law enforcement
2 12 years?

3 A. No. Eight.

4 Q. 18?

5 A. Eight.

6 Q. I'm sorry. I'm not a math guy. I apologize for that.

7 What are your job duties and responsibilities for
8 Aiken Department of Public Safety?

9 A. We investigate crimes, enforce traffic laws and also
10 respond to fires and backup fire department is our primary
11 duties.

12 Q. Were you working on January 29th of 2013?

13 A. Yes, sir.

14 Q. And how did you become involved in this case?

15 A. I heard, I was actually a field training officer. We
16 were working on the north side of town. I heard them
17 dispatch a call to the central beat which is from Park
18 Avenue to East Pine Log and east of Whiskey Road pretty
19 much.

20 I knew the central beat call which is Officer Smith
21 was a good ways away. We were only about two blocks
22 away. I figured we'd get there quicker. The call was for
23 a woman being assaulted.

24 We arrived on the scene to Colleton Apartments.

25 Observed a -- the call came in as being in a apartment in

AARON ISAIAH DOBBS - DIRECT

1 the far back on the left side. Arrived on scene. The
2 lights were on, the door was open. And a woman actually
3 waved us back, to come back to that apartment.

4 Q. These apartments that you responded to, were they in
5 the city limits of Aiken?

6 A. Yes, sir.

7 Q. And what did you encounter once you arrived at 1622
8 Colleton?

9 A. Arrived on scene. There was a -- observed Ms. Brown,
10 the victim. She had three, three or four knots on her
11 forehead. There was another female that was there.

12 Ms. Brown told us that she had been assaulted --

13 MR. HAYES: Objection. Hearsay.

14 THE COURT: Hold on. You can't testify to what she
15 said.

16 THE WITNESS: Okay. The witness that was there also
17 told us that --

18 MR. HAYES: Objection.

19 THE COURT: No, no, no.

20 BY MR. SLOCUM:

21 Q. Sergeant Dobbs, who was at the scene when you got
22 there?

23 A. Who was at the scene?

24 Q. What individual was there?

25 A. I believe her name was Ms. Moore.

AARON ISAIAH DOBBS - DIRECT

1 Q. Okay.

2 A. She --

3 Q. You said the victim and Ms. Moore?

4 A. And there was also -- after we had been there for a
5 while, Ms. Brown told us, we had to go check on her infant
6 child that was in one --

7 MR. HAYES: Objection. I think he said she told him.
8 I'm having a little bit of a hard time hearing him.

9 THE COURT: Hold on. What did you just say?

10 THE WITNESS: She told us she had to go check on her
11 infant child.

12 THE COURT: You can't testify about what the victim
13 said. Okay? It's hearsay.

14 BY MR. SLOCUM:

15 Q. Sergeant Dobbs, moving forward.

16 A. Yes, sir.

17 Q. Can you walk us through what you did in terms of your
18 investigation at Colleton Avenue?

19 A. All right. We arrived on scene, spoke with the
20 witness, the victim, the witness. We took pictures of the
21 victim's injuries. We tried to get her to go to the
22 hospital. While we were there she changed her baby's
23 diaper that was in the bedroom to the right. On the way
24 -- sorry.

25 We also got statements from both the witness and the

AARON ISAAH DOBBS - DIRECT

1 victim.

2 Q. Okay. Did you ever come to find out through your
3 investigation who the baby belonged to?

4 A. Yes, sir. It belonged to Ms. Brown and Mr. Glover.

5 MR. HAYES: Judge, I object. That's speculation.

6 THE COURT: Overruled.

7 BY MR. SLOCUM:

8 Q. And when you say Mr. Glover, who do you mean?

9 A. Horace Glover.

10 Q. Is Horace Glover in the courtroom today?

11 A. Yes, sir.

12 Q. Can you please point him out?

13 A. He's sitting over there with the burgundy plaid shirt
14 on and, like, khaki pants.

15 MR. SLOCUM: Thank you. Your Honor, may the record
16 reflect he's pointed out the Defendant.

17 Q. So you took two statements that day; correct?

18 A. Yes, sir.

19 Q. And as a result of these statements, what did you do?

20 A. Advised the officers that were in the area who we were
21 looking for. And we were, actually were going to go ahead
22 and do the report and try to secure a warrant for
23 Mr. Glover's arrest.

24 After we left the scene Officer, Officer Walker told
25 us he located --

AARON ISAIAH DOBBS - DIRECT

1 THE COURT: No, sir. Don't say what somebody told
2 you.

3 THE WITNESS: Okay. Responded back to the area. Some
4 of the officers had located Mr. Glover. He was giving
5 them another name of Roderyk --

6 MR. HAYES: Objection.

7 THE COURT: Just what you know of your own knowledge,
8 sir.

9 THE WITNESS: Okay. I asked him who he was once I got
10 on the scene. He told me his name was Roderyk.

11 BY MR. SLOCUM:

12 Q. Sergeant Dobbs, were you given a suspect?

13 A. Yes, sir.

14 Q. Based on what information?

15 A. Based on --

16 Q. Not what anybody told you. Just through the course of
17 your investigation, were you given a suspect's name?

18 A. Yes.

19 Q. What was that suspect's name?

20 A. Horace Glover.

21 Q. Was Horace Glover still at the scene?

22 A. No, sir.

23 Q. And was he subsequently located?

24 A. Yes, sir.

25 Q. Do you know where he was located?

AARON ISAIAH DOBBS - DIRECT

1 A. / I believe it's Lock Lane. I'd have to look. I know
2 it's the next street over.

3 THE COURT: You can look at your report if you got it
4 right there to refresh your memory. Do you got it with
5 you?

6 THE WITNESS: I don't have the report.

7 THE COURT: You got his report?

8 BY MR. SLOCUM:

9 Q. How close to the incident location did you locate
10 Mr. Glover?

11 A. It was about a block away. I believe the house
12 actually backs up -- the house he was located in backs up
13 to the apartments.'

14 MR. SLOCUM: Your Honor, may I approach?

15 THE COURT: You may.

16 BY MR. SLOCUM:

17 Q. Corporal (verbatim) Dobbs, I'm handing you a copy of
18 your report from January 29th, 2013. And if you could,
19 the street name on the fourth paragraph, what does that
20 say?

21 A. Lock Lane.

22 Q. Lock Lane. And where is Lock Lane in relation to the
23 incident location?

24 A. It's the first street, just west of the apartment
25 complex.

AARON ISAIAH DOBBS - DIRECT

1 Q. Is it in walking distance?

2 A. Yes, sir.

3 Q. Did you personally observe any physical injury to the
4 victim, Ms. Brown?

5 A. Yes, sir.

6 Q. And I believe you testified pictures were taken; is
7 that correct?

8 A. Yes, sir. Yes, sir.

9 Q. Sergeant Dobbs, I'm showing you what's been previously
10 marked for identification purposes as State's Exhibits
11 Five and Six. Do you recognize those?

12 A. Yes, sir. That's Ms. Brown with the injuries to her
13 forehead.

14 Q. Are those pictures of how Ms. Brown looked in the
15 early morning hours of January 29th, 2013?

16 A. Yes, sir.

17 Q. Have those pictures been altered, changed, anything
18 done to them differently from that morning?

19 A. No, sir.

20 MR. SLOCUM: Your Honor, at this time the State would
21 move State's Exhibits Five and Six into the record.

22 THE COURT: Any objection?

23 MR. HAYES: No objection.

24 THE COURT: Without objection.

25 (State's Exhibit Nos. 5 and 6, photographs, were

AARON ISIAAH DOBBS - CROSS

1 received into evidence.)

2 BY MR. SLOCUM:

3 Q. After you located Mr. Glover --

4 A. Yes, sir.

5 Q. -- what did you do?

6 A. He continued to give me the name of Roderyk.

7 Q. No, no, no. Don't tell me what he said. What did you
8 do?

9 A. All right. We placed him under arrest for providing
10 false info and secured a warrant for criminal domestic
11 violence after we got, looked at his criminal history.

12 Q. He was charged with CDV?

13 A. Yes, sir.

14 Q. Criminal domestic violence?

15 A. Yes, sir.

16 Q. From the incident on January 29th, 2013; correct?

17 A. Yes, sir.

18 MR. SLOCUM: Begging the Court's indulgence, Your
19 Honor. (Pause.)

20 That's all the questions I have, Sergeant Dobbs.
21 Please answer any Mr. Hayes may have for you.

22 THE WITNESS: Yes, sir.

23 CROSS-EXAMINATION

24 BY MR. HAYES:

25 Q. Sergeant Dobbs, how are you doing today?

CHRISTOPHER WALKER - DIRECT

1 A. Pretty good.

2 Q. You didn't hear or see the fight?

3 A. No, sir.

4 Q. You responded because there was a phone call that we
5 just heard from 9-1-1?

6 A. Yes, sir.

7 Q. And that was to dispatch?

8 A. Yes, sir.

9 Q. And as part of that, that's when you arrived and then
10 you talked to individuals who were at that house; right?

11 A. Yes, sir.

12 MR. HAYES: Okay. Nothing further, Your Honor.

13 THE COURT: Redirect, Mr. Slocum, if any?

14 MR. SLOCUM: Nothing from the State, Your Honor.

15 THE COURT: You may step down. May he be released
16 from his subpoena?

17 MR. SLOCUM: He may.

18 THE COURT: Thank you. Next witness.

19 MR. SLOCUM: State calls Officer Christopher Walker
20 with Aiken Department of Public Safety.

21 CHRISTOPHER WALKER, having been duly sworn, was
22 examined and testified as follows:

23 THE CLERK: Please have a seat in the witness box.
24 State your full name for the Court and spell your last.

25 THE WITNESS: Christopher Walker, W-A-L-K-E-R.

CHRISTOPHER WALKER - DIRECT

DIRECT EXAMINATION

BY MR. SLOCUM:

Q. Officer Walker, good morning, sir.

A. Good morning. How are you?

Q. Doing well. Thank you.

Where do you work, Officer?

A. I work for Aiken Department of Public Safety.

Q. And how long have you been with Aiken Department of Public Safety?

A. Since December 27th of 2007.

Q. And has your tenure in law enforcement always been with Aiken Department of Public Safety?

A. Yes, sir.

Q. What are your job responsibilities and duties?

A. I'm assigned to the patrol division. Currently work on A Shift. We, we're responsible for responding to crime, crimes in progress, calls to service fire and police situations.

Q. Were you working with public safety on January 29th, 2013?

A. I was.

Q. And how did you become involved in this case?

A. I was working the area where the call was dispatched. I was actually training an officer at the time. And we like to expose them to as much as possible, so that's why

CHRISTOPHER WALKER - DIRECT

1 we responded to the scene.

2 Q. You said dispatch gave you the call, or how does it
3 work?

4 A. The dispatcher gives the B car or the car who is
5 assigned to that area the call. And then the other cars
6 around that area can choose to respond if the call
7 requires a backup officer or further assistance.

8 Q. And did you respond to 1622 Colleton Avenue?

9 A. I did.

10 Q. Is that within the city limits of Aiken?

11 A. It is.

12 Q. What did you encounter when you got there?

13 A. We walked to the back of the, back left of the
14 apartment complex and observed Officer Dobbs on the scene
15 with his, the officer he was training.

16 Went into the apartment and saw the victim and another
17 witness giving Officer Dobbs a description or an account
18 of the events that occurred.

19 Q. After that, can you walk us through your
20 investigation, what you did?

21 A. Sure. We, we were in the apartment for a little while
22 while statements were being received from both the victim
23 and the witness. Officer Dobbs was going to take pictures
24 of the injuries to the victim. I went to my patrol car,
25 retrieved my camera, brought it back to Officer Dobbs. He

CHRISTOPHER WALKER - DIRECT

1 did photograph the victim and her injuries. Obtained
2 information on the suspect.

3 And from there we, we also had information of the
4 direction he fled. So we walked out of the apartment into
5 that direction and started searching the area, surrounding
6 area for the suspect.

7 Q. You said pictures were taken. I want to show you
8 State's Exhibits Five and Six that have been entered into
9 evidence. Can you tell us what that is?

10 A. These are pictures of the victim from that night.

11 Q. Did you observe her personally that night?

12 A. I did.

13 Q. Is this how she looked on January 29th, 2013?

14 A. That is.

15 Q. You said you were given a description of the suspect?

16 A. Yes, sir.

17 Q. What does that mean?

18 A. He was identified by name, first of all. Through my
19 experience in law enforcement being in the Aiken area,
20 encountering the Defendant --

21 MR. HAYES: Objection.

22 THE COURT: Whoa. Just this case at hand.

23 BY MR. SLOCUM:

24 Q. Tell us what you did after you got that name. Or,
25 what name was that? Excuse me.

CHRISTOPHER WALKER - DIRECT

1 A. Horace Glover.

2 Q. What did you do after you get the name of Horace
3 Glover?

4 A. We then searched the surrounding area for him.

5 Q. And did you say earlier that you got a general
6 direction of where he fled?

7 A. Yes.

8 Q. Did you go -- did you follow that general direction?

9 A. I did. It was --

10 Q. What happened after that?

11 A. It was -- from the apartment if you, you would travel
12 south through the apartment complex and then turn right in
13 between two of the apartment buildings, there is a path
14 that meanders its way back toward Lock Lane which is west
15 of the apartment complex. And that's the direction that
16 we were provided with. I did --

17 Q. What happened after that?

18 A. I did look in that area behind all the apartment
19 buildings and into a yard where the path led to and
20 located the Defendant hiding in a van in a driveway of a
21 residence.

22 THE COURT: I'm sorry. I didn't hear you. He was
23 where?

24 THE WITNESS: He was in a van.

25 THE COURT: Hiding in a van?

CHRISTOPHER WALKER - DIRECT

1 THE WITNESS: Yes, sir.

2 BY MR. SLOCUM:

3 Q. What drew your attention to the van?

4 A. Just checking my surroundings with my flashlight as
5 I'm walking around. And I could see his, his knees, his
6 legs. They were sticking up. And he was laying in
7 between the seats of the van.

8 Q. In between what seats?

9 A. The -- I guess the passenger compartment seats and the
10 rear of the van.

11 Q. You didn't pass Horace Glover smoking a cigarette
12 outside?

13 A. No. He was in a van.

14 Q. Officer Walker, I want to show you what's been
15 previously marked for identification purposes as State's
16 Exhibit Four. Do you recognize this picture?

17 A. I do.

18 Q. And what is it?

19 A. It's an aerial view of the incident location at 1622
20 Colleton Avenue.

21 Q. Does it fairly and accurately depict that incident
22 location on January 29th, 2013?

23 A. It does.

24 Q. Has it been changed, altered or deleted in any way
25 since the last time you saw it?

CHRISTOPHER WALKER - DIRECT

1 A. No, sir.

2 MR. SLOCUM: At this time the State would move to
3 enter State's Exhibit Four into evidence.

4 THE COURT: Any objection?

5 MR. HAYES: No objection.

6 THE COURT: Without objection.

7 (State's Exhibit No. 4, aerial map, received into
8 evidence.)

9 BY MR. SLOCUM:

10 Q. Officer Walker, would you please take my pen and kind
11 of trace out your steps where you started from --

12 A. Sure.

13 Q. -- after you got the suspect where you looked and
14 where you ultimately found him in that van? Would you
15 please explain how you're indicating it on that piece of
16 paper?

17 A. Sure. I'm labeling the roadways, Colleton Avenue and
18 Lock Lane, placing an X where the incident location was,
19 and just drawing a dotted line where, the path I took to
20 where the suspect was located which will be indicated by a
21 rectangle signifying the van.

22 MR. SLOCUM: Your Honor, permission to publish Exhibit
23 Four to the Jury?

24 THE COURT: Yes, sir.

25 MR. SLOCUM: Your Honor, may Officer Walker step

CHRISTOPHER WALKER - DIRECT

1 down?

2 THE COURT: He may.

3 BY MR. SLOCUM:

4 Q. Officer Walker, is this the same picture that you were
5 just looking at, State's Exhibit Four?

6 A. It is.

7 Q. And could you please show for the jury, point out,
8 where you wrote on that map, where you started and where
9 you ended up?

10 A. Sure. Once we -- this is Colleton Avenue. Parked
11 patrol vehicles here. Incident location was here, north
12 end of the apartment complex. I traveled south through
13 the complex and in between the apartment buildings, and
14 here in a westward direction. And then traveled through a
15 path that you can't see because of the tree canopies here,
16 but there's a path that leads back to this residence where
17 the van was located in the driveway, about in that area.

18 Q. What road is this?

19 A. That's Lock Lane.

20 Q. You didn't see somebody smoking a cigarette here?

21 A. No.

22 Q. You didn't see Mr. Glover smoking a cigarette?

23 A. No, I did not.

24 Q. You can step back up there. Thank you.

25 A. (Complying).

CHRISTOPHER WALKER - DIRECT

1 Q. Officer Walker, do you see the man in the courtroom
2 you found hiding in that van last night (sic)?

3 A. I do.

4 Q. What injuries if any did you notice to him?

5 A. He did not appear to have any injuries at all.

6 Q. What injuries if any did he complain about?

7 A. He didn't complain of any injuries.

8 Q. What did you do after you found him?

9 A. I asked him -- ordered him to get out of the van
10 and --

11 Q. Don't tell me what he said. Just tell me what you
12 did.

13 A. I ordered him out of the van and placed him into
14 investigative detention.

15 Q. Was he arrested?

16 A. He was arrested that night.

17 Q. Based on the incidents from the 29th of this year, in
18 January?

19 A. Correct.

20 Q. Did you notice anybody else at that incident location?

21 A. There were, there were several people there on the
22 scene that night. I saw an individual by the name of
23 Tyrik Bright who was on scene.

24 Q. Did Tyrik Bright give you a statement that night?

25 A. No, nothing.

CHRISTOPHER WALKER - CROSS

1 Q. Has he given you a statement since January 29th till
2 today?

3 A. No.

4 MR. SLOCUM: That's all the questions I have. Please
5 answer any Mr. Hayes may have for you.

6 THE COURT: Mr. Hayes?

7 CROSS-EXAMINATION

8 BY MR. HAYES:

9 Q. Mr. Walker, I didn't catch your title.

10 A. Master public safety officer.

11 Q. Master Public Safety Officer Walker, how are you doing
12 today?

13 A. Doing well.

14 Q. What kind of call was it you were going to?

15 A. I believe it was a fight in progress.

16 Q. A fight in progress?

17 A. Yeah.

18 Q. Okay. Now you said you saw Tyrik Bright there?

19 A. I did.

20 Q. You did?

21 A. Yes.

22 Q. And the State just asked if you had gotten any
23 statements from him. You couldn't have; could you?

24 A. He didn't give me any statements.

25 Q. And he's in prison right now, too; isn't he?

CHRISTOPHER WALKER - REDIRECT

1 A. He is in prison.

2 Q. So, you're not going to prison to talk to him; are
3 you?

4 A. No.

5 Q. Okay. I just wanted to make sure that was clear. Now
6 you were responding to a fight in progress?

7 A. Correct.

8 Q. When you got there, you didn't see a fight; did you?

9 A. No, I was -- I was the second arriving officer. There
10 was no fight at the time.

11 Q. Okay. So all you know is what somebody told you?

12 A. Correct.

13 MR. HAYES: Thank you. Nothing further, Your Honor.

14 THE COURT: Redirect, if any?

15 REDIRECT EXAMINATION

16 BY MR. SLOCUM:

17 Q. Have you responded to fights in progress and CDVs in
18 your tenure other than on January 29th, 2013?

19 MR. HAYES: Objection.

20 THE COURT: Sustained. That goes beyond the cross.

21 BY MR. SLOCUM:

22 Q. Are fights always in progress when you arrive?

23 MR. HAYES: Objection.

24 THE COURT: Overruled.

25 THE WITNESS: No, sir.

NATALIE MOORE - DIRECT

1 MR. SLOCUM: No further questions.

2 THE COURT: You may step down. May he be excused?

3 MR. SLOCUM: He may, Your Honor.

4 THE COURT: Next witness.

5 MS. SHEFTALL: The State calls Natalie Moore.

6 THE COURT: Moore?

7 MS. SHEFTALL: Yes, Your Honor.

8 THE COURT: Ms. Moore, if you'd please come right up
9 here and place your left hand on the Bible and raise your
10 right.

11 NATALIE MOORE, having been duly sworn, was examined
12 and testified as follows:

13 THE CLERK: Please have a seat on the witness box.
14 State your full name for the Court and spell your last.

15 THE COURT: Right around here, Ms. Moore. Watch those
16 steps for me. Have a seat. How are you today?

17 THE WITNESS: Fine.

18 THE COURT: Let me pull this chair up for you. Let
19 you get right in there close.

20 THE WITNESS: Okay.

21 THE COURT: Ms. Moore, the guy in the far back over
22 there has to be able to hear you talk so speak up for me.

23 Your witness.

24 MS. SHEFTALL: Thank you, Your Honor.

25

NATALIE MOORE - DIRECT

DIRECT EXAMINATION

BY MS. SHEFTALL:

Q. Ms. Moore, if you'll say your name for the record and spell your last name, please?

A. Natalie Moore, M-O-O-R-E.

Q. Thank you. Ms. Moore, where were you in the early morning hours of January 29th, 2013?

A. I was at my friend's house, Lamyron Jenkins.

Q. Where does Lamyron Jenkins live?

A. 1622 Colleton Avenue, Apartment 3B.

THE COURT: Ms. Moore, I'm sorry. What's the friend's name?

THE WITNESS: Lamyron Jenkins.

THE COURT: Lamyron Jenkins?

THE WITNESS: Uh-huh.

THE COURT: Thank you.

BY MS. SHEFTALL:

Q. You said you were in his apartment?

A. Yes, ma'am.

Q. What happened next?

A. Later on that day, I don't know what Horace and -- Horace Glover and Vanessa Brown was feuding about, but there was --

MR. HAYES: Objection. She's speculating.

BY MS. SHEFTALL:

NATALIE MOORE - DIRECT

1 Q. Tell us what you heard.

2 A. Well, I heard Vanessa Brown saying, stop it, get off
3 me, stop, get off me, stop, get off me.

4 Q. What did you do?

5 A. Well, I got up from the bed and I went and put some
6 clothes on and went out the door.

7 Q. Where did you go?

8 A. I seen Horace Glover hitting --

9 Q. Where did you go? Where did you see Horace Glover?

10 A. At Vanessa Brown's. I don't know whose apartment,
11 either Horace Glover or Vanessa Brown's apartment outside.

12 Q. And said you heard Ms. Brown?

13 A. Uh-huh. Yelling.

14 Q. Saying?

15 A. Stop it. Leave me alone.

16 MR. HAYES: Objection. Hearsay.

17 THE COURT: Sustained. You can't testify about what
18 Ms. Brown said.

19 BY MS. SHEFTALL:

20 Q. What did you see when you got outside?

21 A. Well, when I came outside I saw Horace Glover hitting
22 Vanessa Brown.

23 Q. How? How was he hitting her?

24 A. He was upper cutting her and I was, like, y'all stop,
25 y'all stop. And he was just steady hitting her. And so I

NATALIE MOORE - DIRECT

1 was like, oh my God, so...

2 Q. Okay. Describe for the jury Horace's demeanor at the
3 time.

4 MR. HAYES: Objection. She would be speculating to
5 his demeanor.

6 THE COURT: You can describe how he looked. How about
7 that?

8 THE WITNESS: Well, I don't know. He looked like he
9 was hot to me. I don't know, but he was --

10 THE COURT: Don't speculate, ma'am. If you know he
11 was -- I mean, just tell us how he looked not -- okay?

12 THE WITNESS: Okay.

13 THE COURT: Describe how he looked.

14 THE WITNESS: When I seen him earlier he didn't look
15 how as he looked when I seen him when him and Ms. Brown
16 was in the feud, in the commotion.

17 BY MS. SHEFTALL:

18 Q. Okay. What is the nature of Horace's relationship
19 with Vanessa Brown?

20 MR. HAYES: Objection. I don't know see how she would
21 know this.

22 THE COURT: Well, she may know it. If you know it.

23 THE WITNESS: He's her wife -- I mean, her husband.

24 Sorry.

25 BY MS. SHEFTALL:

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- 1 Q. Do you know if they have any children together?
- 2 A. Yes, ma'am.
- 3 Q. Do you know how many?
- 4 A. They have nine.
- 5 Q. Okay. You just told the jury that you saw Horace
- 6 Glover punching Ms. Brown?
- 7 A. Yes, ma'am.
- 8 Q. All right. How many times did you see him punch her?
- 9 A. Well, four. Four.
- 10 Q. Was it an open fist? Closed fist? How was it?
- 11 A. It was like, he was just hitting her like this
- 12 (indicating). I was, like, y'all stop, y'all stop, y'all
- 13 stop.
- 14 Q. With a closed fist?
- 15 A. Yes, ma'am.
- 16 Q. Where on Ms. Brown's body was Horace punching her?
- 17 A. In her face.
- 18 Q. What happened next?
- 19 A. I grabbed Ms. Brown's hand. I said, let's go to your
- 20 mom's house. And as we was walking down the sidewalk, I
- 21 guess he got upset because I was taking her to her mom
- 22 house but he grabbed her and I was like, y'all c'mon now.
- 23 I said, y'all stop, y'all stop. So they ended up back in
- 24 the house.
- 25 Q. What did you see once they got back inside the house?

NATALIE MOORE - DIRECT

1 A. Somehow Ms. Brown fell and he kicked her in the face.
2 And after he kicked her in the face he was like, Treesie
3 move. And I was like, Horace, I said, y'all need to stop.

4 Q. I'm sorry, Ms. Moore. Who is Treesie?

5 A. That's me. That's my nickname. Sorry.

6 Q. That's okay. Go ahead?

7 A. He was saying, he said, Treesie move. And I was, like
8 no, I said, because y'all need to stop. This doesn't make
9 any sense.

10 Q. Where were you at this point?

11 A. I was standing next to Mrs. Brown.

12 Q. Inside the apartment --

13 A. Yes, ma'am.

14 Q. -- as well? Okay. Please continue. I'm sorry.

15 A. And the table she had, it had a glass top but I think
16 she took it out because the glass top was still at the
17 house but the table, he threw it. And I said, Horace, I
18 said, you need to calm down. And the next thing you know,
19 I look up and here come a chair. A chair come. I said,
20 Horace, y'all need to stop. I said, what is this all
21 about.

22 Q. What happened to the table and chair? Where did they
23 go when he threw them?

24 A. Well, I know they hit Mrs. Brown. And I told her to
25 lay there because a little while after, I don't know who

NATALIE MOORE - DIRECT

1 called the cops but they called the cops. And the cops
2 were pulling up. So I said, well, the cops is here. So
3 just stay there.

4 And when I said the cops here, Horace Glover just shot
5 out (gestures). I said, well, okay. So when they did
6 find him --

7 Q. Tell me what you mean by shot out.

8 A. He, he ran. He ran. When he knew the cops was
9 outside, he ran.

10 Q. Okay. Was anyone else -- who else was around if
11 anyone?

12 A. His cousin, Deucie, and --

13 Q. Let me stop you right there.

14 A. -- and Tyrik.

15 Q. Is that -- do you know Deucie's real name?

16 A. No, ma'am.

17 Q. Please continue. Anyone else around?

18 A. And it was Tyrik or something.

19 Q. Do you know Tyrik's last name?

20 A. No, ma'am.

21 Q. Did anyone say anything? Was anyone else saying
22 anything?

23 A. They was trying to tell Horace Glover to calm down.

24 Q. Who was?

25 A. You know, his cousin Deucie. I think that's his

NATALIE MOORE - DIRECT

1 name. Deucie. He was saying, Horace, calm down, you're
2 going to go to jail. Calm down. Calm down.

3 It was just -- so a little while after, you know, he
4 kept telling him to calm down, he calmed down. That was
5 right before the cops came.

6 Q. Okay. And you testified, I believe, that you heard --
7 you saw the blue lights, you knew that the cops were --

8 A. Yes, ma'am.

9 Q. -- on the scene and you said --

10 A. I told -- I asked Vanessa, I said, just lay there
11 because the cops here.

12 Q. And you just told the jury that Horace shot out --

13 A. Uh-huh.

14 Q. -- at that point?

15 A. He ran through the path.

16 Q. What path is that?

17 A. If you come out Horace Glover's house, it's a path
18 right there next to the apartments. And it leads to
19 Mrs. Brown's mom's house.

20 Q. Do you know what street Mrs. Brown's mother's house is
21 on?

22 A. No, ma'am.

23 Q. Okay. What was the nature of your relationship with
24 Ms. Brown at the time that this happened in January of
25 this year?

NATALIE MOORE - DIRECT

1 A. We were the best of friends.

2 Q. Ms. Moore, I'd like to show you what's been previously
3 entered into evidence as State's Exhibit Five. Who is in
4 this picture?

5 A. That is Mrs. Brown, Vanessa Brown.

6 Q. And can you describe her forehead to me?

7 A. She has --

8 MR. HAYES: Your Honor, I'm going to object. This is
9 getting cumulative.

10 THE COURT: Cumulative?

11 MR. HAYES: Yes, sir.

12 THE COURT: Overruled.

13 BY MS. SHEFTALL:

14 Q. Go ahead. Answer the question.

15 THE WITNESS: She had knots on her head.

16 THE COURT: I'm sorry. I couldn't hear you.

17 THE WITNESS: She had knots on her head.

18 BY MS. SHEFTALL:

19 Q. Is that how Vanessa Brown looks normally?

20 A. No, ma'am.

21 Q. Thank you. Beg the Court's indulgence. (Pause.)

22 Ms. Moore, you told me the address of the apartment
23 was Colleton Street; is that right?

24 A. Yes, ma'am. It was Colleton Avenue.

25 Q. Colleton Avenue. I apologize.

NATALIE MOORE - CROSS

1 A. That's okay.

2 Q. What city is that in?

3 A. Aiken, South Carolina.

4 Q. Do you know what county that's in?

5 A. Aiken.

6 Q. Thank you.

7 A. Uh-huh.

8 MS. SHEFTALL: No further questions.

9 THE COURT: Thank you. Mr. Hayes?

10 CROSS-EXAMINATION

11 BY MR. HAYES:

12 Q. How are you doing, Ms. Moore?

13 A. Fine, thanks.

14 Q. Ms. Moore, you just testified he was upper cutting
15 her?

16 A. Yes, ma'am -- yes, sir.

17 Q. Like a boxer?

18 A. Yes, sir.

19 Q. And then you also just told this Court and the jury
20 that when the police came you were still on the scene?

21 A. Yes, sir.

22 Q. And that Horace shot out of that house, ran over to
23 the, to his mother-in-law's house. This is Ms. Vanessa
24 Brown's, the alleged victim in this case's mother; right?

25 A. No, he didn't run to her house. What happened was he

NATALIE MOORE - CROSS

1 ran -- see, if you go pass Vanessa mother house, you're
2 going to end up on another road.

3 Q. That's Lock Lane?

4 A. Yeah.

5 Q. May I approach?

6 This is State's Exhibit Number Four. It's the aerial
7 of the photograph. I want to get you to look at it.

8 Could you point out Ms. Brown's mother's house? Do you
9 recognize it in there?

10 A. Let me see. This is her house right here.

11 Q. That little white house next to the apartment complex?

12 A. Uh-huh. See --

13 Q. And that's --

14 A. -- if you come from Mr. Glover's house, you go through
15 there. That's a pathway right there. And you're going to
16 end up in Mrs. Brown's mom's back 'yard. And if you come
17 through there, you'll end up on this road.

18 Q. That's Lock Lane?

19 A. Yes, sir.

20 Q. Okay. Thank you.

21 A. Uh-huh.

22 Q. Now you also just told the Court here today that he
23 had a glass table?

24 A. Uh-huh. See, but -- no. The table, you could take
25 the glass out from the bottom. You could take the glass

NATALIE MOORE - CROSS

1 out from the bottom.

2 Q. But he ended up throwing that table?

3 A. Yes, sir.

4 Q. And a chair?

5 A. Yes, sir.

6 Q. And hitting her?

7 A. Yes, sir.

8 Q. All right. And you said he kicked her in the face?

9 A. Uh-huh. When she fell he kicked her in the face.

10 Q. Okay. Now do you remember writing a statement on the
11 29th to the police?

12 A. Yes, sir.

13 Q. Isn't it true that in that statement you said that you
14 ran over to get her mother?

15 A. Uh-huh. Uh-huh.

16 THE COURT: Yes or no.

17 THE WITNESS: Yes, sir.

18 BY MR. HAYES:

19 Q. And then when the police got there, so did her mother?

20 A. Uh-huh.

21 THE COURT: Yes or no.

22 THE WITNESS: Yes, sir.

23 THE COURT: I'm sorry. She has to take everything
24 down. It's hard to take uh-huh.

25 THE WITNESS: Okay. I'm sorry.

NATALIE MOORE - CROSS

1 BY MR. HAYES:

2 Q. You also in this statement said that you heard
3 Ms. Vanessa saying, stop bitch?

4 A. Uh-huh.

5 Q. And that statement you're alleging to Mr. Glover?

6 A. Yes, sir.

7 Q. Now, how long have you known Ms. Brown?

8 A. I can't even remember. It's been years.

9 Q. You're best of best friends?

10 A. Yes, sir.

11 Q. What's your relationship with, like with Mr. Glover?

12 A. I don't get along with Mr. Glover at all.

13 Q. Why is that?

14 A. Because I don't like the way he treat Mrs. Brown.

15 Q. Isn't it true, too, that he didn't get -- he had a
16 fight with your boyfriend?

17 A. What?

18 Q. Years ago.

19 MS. SHEFTALL: Objection, Your Honor. That's
20 irrelevant.

21 MR. HAYES: Judge, it would go to prejudice.

22 THE COURT: I understand. You can answer that.

23 THE WITNESS: No, sir.

24 MR. HAYES: I beg the Court's indulgence.

25 (Conferring with Mr. Routzong.) Nothing further.

1 THE COURT: Anything on redirect?

2 MS. SHEFTALL: Yes, Your Honor. Briefly.

3 REDIRECT EXAMINATION

4 BY MS. SHEFTALL:

5 Q. Ms. Moore, Mr. Hayes just asked you if in your
6 statement you wrote that you heard Vanessa yelling, stop
7 bitch?

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

9 Q. Did you also write in your statement he was yelling,
10 where your mouth at bitch?

11 A. Yeah. Yes, ma'am.

12 Q. Who said that? Who's he in that statement?

13 A. Horace Glover said that.

14 Q. Who was he talking to?

15 A. To Mrs. Brown.

16 MS. SHEFTALL: Thank you, Your Honor. No further
17 questions.

18 THE COURT: You may step down. She's released from
19 the subpoena. You may -- you're dismissed if you'd like.
20 Next witness, please, ma'am.

21 MS. SHEFTALL: Your Honor, the State rests.

22 THE COURT: Thank you.

23 (Off-the-record discussion.)

24 THE COURT: Well, we didn't make it till 11 o'clock.
25 I have to spend just a few minutes with the lawyers

1 dealing with -- before the defense starts to testify.

2 We're going to probably be, my best guess, wrapping it
3 up around 12. Would you like for me to order you some
4 sandwiches? Gosh, we can't walk up to the Bowery anymore;
5 can we?

6 THE BAILIFF: No, sir.

7 THE COURT: Order your lunch in, so when we get ready
8 to deliberate it will be here. Or, would you just rather
9 me send you out somewhere to lunch? Or, would you rather
10 go out to lunch on your own and come back? Where are we
11 ordering now that the Bowery closed?

12 THE BAILIFF: I'm not sure. I think they were looking
13 at Stoplight Deli.

14 THE COURT: Stoplight Deli. Just --

15 THE BAILIFF: We can get some menus. Do you want us
16 to try to get Stoplight menus?

17 THE COURT: Stoplight Deli. That's a good deli.
18 Order you some sandwiches.

19 Please get me a foreperson. And then we'll start back
20 in about, probably about 10 minutes. Is that quick enough
21 to order? I won't start without y'all. I promise.

22 All right. Everybody else remain seated. Thank you.

23 (Jury exits courtroom at 10:39 a.m.)

24 THE COURT: Mr. Hayes, any motions?

25 MR. HAYES: Judge, at this time the defense, taking

1 the facts most favorable to the State, would move for a
2 directed verdict based on the fact that all information
3 and testimony that's come in has been through third
4 parties.

5 THE COURT: Through what?

6 MR. HAYES: Been through third parties. The victim
7 herself is not here today to testify. And all of this
8 information is from a third party individual. And taken
9 all together, no reasonable jury at this time could find
10 that there is enough evidence to convict Mr. Glover.

11 THE COURT: Respectfully denied.

12 Obviously I'm concerned about the existence of the
13 evidence, not the weight of the evidence. You've got
14 Ms. Moore who in great detail described the beating that
15 your client allegedly gave to the victim.

16 Mr. Spencer likewise testified about it, his
17 eyewitness account.

18 Then obviously you've got Officer Walker finding your
19 client hid in a van in the direction the other witnesses
20 said he went.

21 So there's ample evidence in the record to support a
22 verdict if the jury believes it.

23 Respectfully denied. Anything else?

24 MR. HAYES: Judge, I'd ask for about five minutes for
25 a restroom break.

1 THE COURT: Well, just, hang tight. Are you okay for
2 a couple, three minutes before you go?

3 MR. HAYES: Yes, sir.

4 THE COURT: Mr. Glover, would you please stand and
5 raise your right hand?

6 (Defendant placed under oath.)

7 THE COURT: You can be seated.

8 Mr. Glover, we've reached the stage of the trial now
9 where obviously you can present your side of the case, the
10 defense, your defense.

11 You can obviously call witnesses. You can introduce
12 relevant exhibits. And you can even testify in your own
13 defense. In other words, you can take the witness stand
14 and give your side of the story.

15 Now if you do that you'll be subjected to cross-
16 examination by the solicitor's office. And, ma'am, lady,
17 sir, does he have a record that would allow impeachment?
18 I'm taking to y'all.

19 MS. SHEFTALL: I apologize, Your Honor.

20 THE COURT: Ma'am?

21 MS. SHEFTALL: I apologize, Your Honor.

22 THE COURT: I need to know the answer to my question.

23 MR. SLOCUM: Your Honor --

24 THE COURT: You weren't listening. All right.

25 My question is: Does he have a record that would

1 allow him to be impeached on his record?

2 MR. SLOCUM: Yes, sir, Your Honor. The Defendant
3 within the last 10 years has crimes of moral turpitude.

4 THE COURT: What are they?

5 MR. SLOCUM: Three counts of giving false information,
6 nine counts of fraudulent check.

7 THE COURT: All right. Mr. Hayes, do you agree that
8 those would be crimes or prior convictions that would be,
9 could be used for impeachment purposes?

10 MR. HAYES: I do.

11 THE COURT: All right. Mr. Glover, you have a number
12 of prior convictions that under our rules of evidence
13 could be used against you strictly for impeachment
14 purposes, not for the purpose of convicting you of this
15 crime but simply to allow the State to challenge your
16 believability. That's what impeachment means.

17 So if you take the witness stand, your prior record
18 will come out to be used if the jury sees fit to judge
19 your believability.

20 Do you understand that?

21 THE DEFENDANT: (Nods head.)

22 THE COURT: Now, on the other side of the coin, you
23 have the constitutional protection, you have the right to
24 remain silent. Nobody can make you testify in a criminal
25 trial where you're accused of a crime.

1 And if you choose to exercise your constitutional
2 right to remain silent, I will tell the jury in no
3 uncertain terms that they cannot hold that against you in
4 any manner whatsoever and that absolutely no inferences
5 can be drawn from the fact that you did not testify.

6 You have the right to remain silent and I will further
7 tell them that they could not even talk about the fact
8 that you didn't testify and they could not consider it
9 when they deliberated whether or not you were guilty or
10 not guilty. Do you understand that?

11 THE DEFENDANT: (Nods head.) Yes, sir.

12 THE COURT: Speak up.

13 THE DEFENDANT: Yes, sir.

14 THE COURT: All right. Do you have any questions you
15 want to ask me or your lawyers about your right to remain
16 silent?

17 MR. HAYES: Do you have any questions?

18 THE DEFENDANT: No, sir.

19 THE COURT: I need to know whether or not you --

20 MR. HAYES: I'm sorry, Judge. He wants me to answer a
21 question.

22 (Defendant conferring with Mr. Hayes.)

23 MR. HAYES: Thank you, Your Honor.

24 THE COURT: Do you wish to testify?

25 THE DEFENDANT: Yes, sir.

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1 THE COURT: Okay. So you know you'll be
2 cross-examined and your record can come out. Do you
3 understand all of that?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: All right. We'll take about a five-minute
6 bathroom break and we'll get started right back up with
7 your three witnesses.

8 MR. SLOCUM: Thank you, Your Honor.

9 (Break taken at 10:44 a.m. until 10:51 a.m.)

10 THE COURT: Mr. Hayes, are you ready to proceed?

11 MR. HAYES: I am, Your Honor.

12 (Jury enters courtroom at 10:57 a.m.)

13 THE COURT: Y'all get your orders placed? Everything
14 good to go?

15 THE JURY (COLLECTIVELY): Yes.

16 THE COURT: Mr. Hayes, you may call your first
17 witness.

18 MR. HAYES: The defense would call Horace Glover.

19 THE COURT: Mr. Glover, come around please.

20 HORACE LEE GLOVER, JR., having been duly sworn, was
21 examined and testified as follows:

22 THE CLERK: Please have a seat on the witness box.
23 State your full name for the Court and spell your last.

24 THE DEFENDANT: My name is Horace Glover, G-L-O-V-E-R.

25 THE COURT: Your witness.

HORACE LEE GLOVER, JR. - DIRECT

DIRECT EXAMINATION

BY MR. HAYES:

Q. Mr. Glover, how are you doing this evening --

A. All right.

Q. -- afternoon? Mr. Glover, I just want to start on January 29th. You remember that night?

A. Yes, sir.

THE COURT: Speak up.

THE DEFENDANT: Yes, sir.

BY MR. HAYES:

Q. Do you see there's a little pyramid there? If you can kind of get a little close to it, it's a little microphone. It will help broadcast it. And these ladies and gentlemen over here have to hear you as well as this fine lady here.

A. Yes, sir.

Q. Do you remember the 29th of January?

A. Yes, sir.

Q. Okay. On January 29th in the evening hours, what were you doing?

A. Me and Tyrik was sitting in the yard. We were drinking a couple beers.

THE COURT: Sir, you're going to have to speak up. My jurors cannot hear you.

THE DEFENDANT: Okay. Me and Tyrik was sitting in the

HORACE LEE GLOVER, JR. - DIRECT

1 yard drinking a couple beers.

2 BY MR. HAYES:

3 Q. Okay. And how long were you sitting in your yard
4 drinking a couple beers?

5 A. About an hour, hour and a half. Something like -- no,
6 longer than that.

7 THE COURT: Speak up, please. They can't hear you.

8 THE DEFENDANT: About an hour, hour and a half. And
9 so we was sitting there about an hour, hour and a half and
10 we decided we'd go to the store.

11 BY MR. HAYES:

12 Q. Okay. Now, when you went to the store, what was the
13 direction that you took? How did you go from your place
14 to the store?

15 A. Me and Tyrik walked, we walked down the sidewalk. We
16 ran into Rick. Ricky was coming down the road. He asked
17 us where we were going. We said we were going to the
18 store. We went around the corner, got on Lock Lane. And
19 we went, when you go on Lock Lane, you know, there's a
20 railroad track right there. So we crossed the railroad
21 track, go across to the unemployment office and Gas Plus
22 sit right there in front of the unemployment office.

23 Q. Okay. So you went to the Greg's Gas Plus on Richland
24 Avenue?

25 A. Yes, sir.

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1 Q. Okay. You, Mr. Harden, Ricky Harden and Tyrik Bright?

2 A. Yes, sir. Yes.

3 Q. What do you do when you were at the gas station?

4 A. I got three Busch Light 24-ounce cans and we started
5 walking back to the house.

6 Q. Okay. On the way back to the house, what happened?

7 A. Tyrik got a phone call from Remeka.

8 Q. Who is Remeka?

9 A. That's Tyrik's girlfriend.

10 Q. Okay. Through that phone call, not telling me what
11 anybody said, what did you learn?

12 A. I learned that Vanessa Brown and Remeka had been
13 fighting.

14 Q. Okay. What did you do after that?

15 A. I was like, ohhh. So we walked on back to the house,
16 to the apartment. And we cut back through to my mother-
17 in-law yard to get to the apartment. And when we came
18 out, Vanessa was standing out in front of the yard. She
19 was going hysterical and cussing me out. I -- when I
20 walked up on it, I was like, man, you know what, you got
21 into a fight. Look at the --

22 THE COURT: I can't understand that.

23 BY MR. HAYES:

24 Q. You got to slow down. Remember what we talked about.

25 I want you to slow down. Take a deep breath every once in

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1 a while. I know you're nervous and I know you speak low
2 normally. You got to speak up. Make it come from down in
3 here (indicating).

4 A. I said, man, I said, look at the knot. I said, look
5 at the knot on your head. What you and Remeka doing
6 fighting.

7 Q. So you asked her about the fight?

8 A. Uh-huh.

9 Q. What did you do next?

10 A. I walked in the apartment, put my beer in the freezer.
11 And I came back out and I sat -- when I came back out she
12 walked up on me and she mushed me --

13 Q. All right.

14 A. -- you know.

15 Q. When you say mushed you, please explain that term.
16 What exactly does that mean?

17 A. She took the palm of her hand and pushed me in my face
18 like that (indicating).

19 Q. All right.

20 A. Always on some -- okay. Gotcha.

21 Q. Not anything that she said; okay?

22 A. Uh-huh.

23 Q. Where were you at when she pushed you in the face?

24 A. I was coming out the door.

25 Q. And that was coming back out from putting the beer up?

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1 A. Yes, sir.

2 Q. When she did that, what did you do?

3 A. I just said, go ahead, man. Hey man, somebody giving,
4 you know, go ahead. And I just walked off. Me and Tyrik
5 and Ricky walked over there by the apartment.

6 It's, if you know the apartment we got these little
7 lane. They like apart.

8 Q. I want to stop you. Okay?

9 A. Uh-huh.

10 Q. Tell me, what was her state at that time? What did
11 she appear to you?

12 A. Oh, she was angry, mad.

13 Q. Had she been drinking, too?

14 A. Yeah, a lot.

15 Q. What is her state of mind when she's drinking?

16 MR. SLOCUM: Your Honor, I would object to that
17 question.

18 MR. HAYES: I'll withdraw that.

19 THE COURT: Thank you.

20 BY MR. HAYES:

21 Q. How does she act when she drinks?

22 MR. SLOCUM: Your Honor, I would object to that
23 question as well.

24 THE COURT: Overruled.

25 THE DEFENDANT: She accuses me of everything, you

HORACE LEE GLOVER, JR. - DIRECT

1 know.

2 BY MR. HAYES:

3 Q. So she comes out and she pushes you in the face and
4 you sidestep her?

5 A. Yes, sir.

6 Q. And you said you, Ricky and Tyrik walked down. Where
7 did you go?

8 A. It's a little -- before we get to that path to go to
9 my mother-in-law yard, we stood right there and we was --
10 I was smoking a cigarette and we talking. And they like,
11 man, you know, just like, man, you know what I'm saying,
12 what they doing fighting, you know.

13 Q. All right.

14 A. And --

15 Q. At some point during that time, did the police come?

16 A. Yes.

17 Q. All right. What did Ricky do?

18 A. Ricky, when they came he was, like, man, I'm gone. So
19 he walked on the sidewalk. And I went on to my mother-in-
20 law house. Tyrik stayed out there. I went --

21 Q. Okay. Now, I'm going to show you State's Exhibit
22 Four. May I approach?

23 THE COURT: You may.

24 BY MR. HAYES:

25 Q. Do you see your mother-in-law's house on there?

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1 A. Yeah. The house is right -- it's, yeah. I see it
2 right here.

3 Q. Okay. You walked down the sidewalk?

4 A. (Nods head.)

5 Q. And you were going there. Did you see anybody?

6 A. When I was going to the store?

7 Q. No. When you were going to your mother-in-law's
8 house.

9 A. No. I didn't go down the sidewalk when I was going to
10 my mother-in-law house. When the police came I cut
11 through this path. I cut through this path and went to my
12 mother-in-law yard.

13 Q. And that's Vanessa's mom?

14 A. Yes, ma'am -- I mean, yes, sir.

15 Q. Did you see anybody as you were going through the
16 path?

17 A. No, I ain't seen nobody, sir.

18 Q. Where were you going?

19 A. Was going to my mother-in-law house.

20 Q. Okay. What were you going to do there?

21 A. I was going to sit there until when the police leave
22 because I had a family court warrant on me. And I ain't
23 want to get arrested for it.

24 Q. Now, I know the State's going to bring it up, too.

25 And I told the jury about it. You've got multiple false

HORACE LEE GLOVER, JR. - DIRECT

1 information to police?

2 A. Yes.

3 Q. I believe there's three of them. One of them was from
4 this incident. And that's because you had that bench
5 warrant?

6 A. Yes, sir.

7 Q. And you also -- are you the same Horace Glover that
8 has nine fraudulent checks?

9 A. Yes, sir.

10 Q. Okay. Now, when the police came up, what happened?

11 A. He didn't say nothing. He just said, put your hands
12 behind your back, Mr. Glover. And I said, for what. He
13 say, you know what, you know for what, and you're under
14 arrest.

15 Q. So he arrested you?

16 A. Yes, sir.

17 Q. Beg the Court's indulgence. (Pause.)

18 You heard testimony you were laying in a van. Were
19 you in the van?

20 A. I was in the van. I was sitting there with the door
21 open. I was smoking a cigarette, yes.

22 Q. All right. You also heard testimony from Natalie
23 Moore. She said she don't like you. Can you tell us why
24 you believe she don't like you?

25 THE COURT: He can't -- go ahead.

HORACE LEE GLOVER, JR. - DIRECT

1 THE DEFENDANT: Her friend, Lamyron Jenkins, a long
2 time ago, I was locked up in 2000 and he was messing with
3 my wife and me and him got into --

4 MS. SHEFTALL: Your Honor, I object.

5 THE DEFENDANT: Me and him got into an altercation.

6 THE COURT: Whoa. Hold on. You got an objection?

7 MS. SHEFTALL: This is irrelevant.

8 MR. HAYES: Judge.

9 THE COURT: I don't know. I'll let you answer that.

10 THE DEFENDANT: And me and him got in an altercation
11 but that was it. Me -- as years went on, me and him
12 became close friends. Close.

13 When I moved out there, she didn't know me at first
14 until when my cousin gave her my name. And that's when
15 she just made perfect clear, well, I don't like you and --

16 Q. Okay.

17 A. -- it was about that.

18 Q. Have you and her ever got along?

19 A. No. She, she done tried to fight me two, three
20 times. I don't want to fight her.

21 Q. That's fine. Thank you, Mr. Glover. Please answer
22 anything that the State has.

23 THE COURT: All right. Who's going to cross-examine?
24 Mr. Slocum?

25

HORACE LEE GLOVER, JR. - CROSS

CROSS-EXAMINATION

BY MR. SLOCUM:

Q. Mr. Glover, good morning.

A. Hey, how are you doing?

Q. You told law enforcement that night what you just told us today; right?

A. Yeah.

Q. You told them that you didn't have anything to do with this CDV?

A. I didn't do nothing.

Q. You went to the store?

A. Yeah.

Q. You told them that all that night?

A. Yeah.

Q. You gave them a statement?

A. No.

MR. HAYES: Judge, I object. He has a right to remain silent.

THE COURT: He does.

BY MR. SLOCUM:

Q. Mr. Glover, are you the same Horace Lee Glover that's been convicted of giving false information December 19th, 2007?

A. Yes.

MR. HAYES: Object. That's asked and answered.

HORACE LEE GLOVER, JR. - CROSS

1 THE COURT: He's on cross-examination.

2 BY MR. SLOCUM:

3 Q. Are you the same Horace Glover that was convicted on
4 January 6, 2009 for giving false information?

5 A. Yes, sir.

6 Q. And the same Horace Glover who was convicted February
7 9th of this year for giving false information from January
8 29th, 2013?

9 A. Yes, sir.

10 Q. Now is it common to make fun of Ms. Brown when she has
11 welts on her forehead?

12 A. I really, like, man -- she -- if you knew Ms. Brown,
13 you would have knew because Ms. Brown --

14 Q. Is it common for you to make fun of her, is the
15 question I asked.

16 A. Yeah. We always -- she makes fun of me. I makes fun
17 of her.

18 Q. Do you make fun of her for having welts on her
19 forehead, Mr. Glover?

20 A. Yes.

21 Q. You just told Mr. Hayes that you went, you left the
22 scene when you saw cops coming. You went to your mother-
23 in-law's house?

24 A. Yes.

25 Q. But that's not true because you went to a van, you hid

HORACE LEE GLOVER, JR. - CROSS

1 in the van.

2 A. My mother-in-law got a gold van. I went and sat there
3 in the van. I lit a cigarette and I was smoking it when
4 they came up. The reason I left the scene is because I
5 had a warrant for family court.

6 Q. Did you go to the house or to the van?

7 A. I went to the house and then I went to the van, sat
8 down in the van.

9 Q. What officer did you deal with that night? Who was
10 it?

11 A. Walker.

12 Q. Beg the Court's indulgence, Your Honor?

13 (Pause.)

14 The last question you answered for Mr. Hayes was, she
15 and I were trying to get in a fight. She was getting into
16 a fight or trying to fight me. Who did you mean by that?

17 A. Latreese. Well, y'all don't know her by Latreese but
18 Natalie Moore. Several times she wanted to fight me about
19 Lamyrone Jenkins. Ain't nobody going to mess with -- I
20 never said I want to fight her, but she always -- and one
21 day I was out there one night and she just bust out the
22 house. Wouldn't let me put my shoes on and just run up on
23 me wanting to fight. So then --

24 MR. SLOCUM: That's all the questions I have, Your
25 Honor.

RICKY HARDEN, JR. - DIRECT

1 THE COURT: Thank you. Anything on redirect?

2 MR. HAYES: No, sir.

3 THE COURT: Thank you. You may step down. Call your
4 next witness.

5 MR. HAYES: The defense would call Mr. Ricky Harden,
6 Jr.

7 THE COURT: Mr. Ricky Harden, Jr. Come around,
8 Mr. Harden. Right here.

9 RICKY HARDEN, JR., having been duly sworn, was
10 examined and testified as follows:

11 THE CLERK: Please have a seat on the witness box.
12 State your full name for the Court and spell your last.

13 THE WITNESS: Ricky Harden, Jr.

14 DIRECT EXAMINATION

15 BY MR. HAYES:

16 Q. Spell your last name, please.

17 A. H-A-R-D-E-N.

18 Q. How are you doing, Mr. Harden?

19 A. All right.

20 Q. Mr. Harden, do you remember January 29th, 2013?

21 A. Yes, sir.

22 Q. All right. What happened that night?

23 A. I met up with Tyrik and Mr. Glover on their way from
24 the Gas Plus, from the store.

25 THE COURT: On the way from where?

RICKY HARDEN, JR. - DIRECT

1 THE WITNESS: The store, Gas Plus. Greg's Gas Plus.

2 BY MR. HAYES:

3 Q. Did you go to the store with them?

4 A. No, sir. They were already on their way back when I
5 met up with them.

6 Q. When you were with them, where did you go then? Where
7 did you go from? When they were coming back, where did
8 you all go?

9 A. We were going to Mr. Glover's house.

10 Q. When you got to Mr. Glover's house, what did you see?

11 A. We walked through the path and got out there, his wife
12 was standing outside bruised up, knocked up. And she
13 just, hysterically just went to arguing with Mr. Glover.

14 Q. What did Mr. Glover do?

15 A. He walked in the house. They put the beer down.

16 Q. All right. Did he come back out?

17 A. Yes, sir.

18 Q. What happened when he came back out?

19 A. When he got -- she met him halfway when she was coming
20 out. And she mushed him in his face.

21 Q. All right.

22 A. Pushed him in the face.

23 Q. Explain what you mean by mush or pushed in the face.

24 A. She just mushed him in the face.. Pushed him backwards
25 in his face.

RICKY HARDEN, JR. - DIRECT

1 Q. What did Mr. Glover do?

2 A. He just walked past her and, pushed her to the side
3 and walked past her, telling whoever was out there
4 somebody, get this girl, somebody get this girl.

5 THE COURT: Somebody get this, what?

6 THE WITNESS: This girl.

7 THE COURT: This girl?

8 THE WITNESS: Yes, sir.

9 BY MR. HAYES:

10 Q. All right. Did you and Mr. Glover and Mr. Tyrik
11 Bright ever meet back up?

12 A. No, sir. I mean, we were standing beside -- after we
13 walked down, I was already standing down where they was
14 coming towards. And we was just standing right there
15 talking beside the apartment.

16 Q. Okay. How long did you stay there?

17 A. Not too long. Might have been five minutes after that
18 I was, I left. I walked off.

19 Q. You walked off when you saw the police?

20 A. Yes, sir. When they were coming up I left.

21 Q. At any time did you see Mr. Glover strike or hit
22 Ms. Vanessa Brown?

23 A. No, sir.

24 MR. HAYES: Beg the Court's indulgence. (Pause.)

25 Nothing further.

RICKY HARDEN, JR. - REDIRECT

1 THE COURT: Cross?

2 MR. HAYES: Please answer any questions from the
3 State.

4 MS. SHEFTALL: Thank you, Your Honor.

5 CROSS-EXAMINATION

6 BY MS. SHEFTALL:

7 Q. Mr. Harden, people call you Deucie; don't they?

8 A. No, ma'am.

9 Q. Because you're a junior?

10 A. No, ma'am.

11 THE COURT: I can't hear you, sir.

12 THE WITNESS: No, ma'am.

13 BY MS. SHEFTALL:

14 Q. You didn't talk to law enforcement on the night of
15 January 29th; did you?

16 A. No, sir -- no, ma'am.

17 Q. You didn't tell law enforcement the story that you
18 just told the jury; did you?

19 A. No, ma'am.

20 Q. And then the, almost eight months since the incident
21 you haven't tried to help your friend, Horace Glover, by
22 telling law enforcement this story; have you?

23 A. No, sir -- no, ma'am.

24 Q. And when Mr. Hayes was asking you questions, was it
25 your testimony that you did not go to the store with

RICKY HARDEN, JR. - REDIRECT

1 Horace Glover and Tyrik Bright, that you met them on the
2 way back?

3 A. Yes, ma'am.

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

5 THE COURT: Thank you. Anything on redirect?

6 REDIRECT EXAMINATION

7 BY MR. HAYES:

8 Q. Mr. Harden, do you know who Deucie is?

9 A. Yes, sir.

10 Q. Who is Deucie?

11 A. That's Mr. Horace's -- that's my cousin also.

12 Q. Well, what's his real name?

13 A. Anthony.

14 Q. Anthony what?

15 A. I don't know.

16 THE COURT: That's your cousin, you say?

17 THE WITNESS: Yes, sir.

18 THE COURT: You don't know his name?

19 THE WITNESS: No, sir. Not his last name.

20 BY MR. HAYES:

21 Q. Now I actually contacted you last week or early this
22 week --

23 A. Yes, sir.

24 Q. -- in regards to Mr. Glover testifying today?

25 THE COURT: All right. You may step down. Next

TYRIK GERARD BRIGHT - DIRECT

1 witness?

2 MR. HAYES: Defense would call Mr. Tyrik Bright.

3 THE COURT: Come around, sir, please

4 TYRIK GERARD BRIGHT, having been duly sworn, was
5 examined and testified as follows:

6 THE CLERK: Please have a seat in the witness box.
7 State your full name for the Court and spell your last.

8 THE WITNESS: Tyrik Gerard Bright.

9 DIRECT EXAMINATION

10 BY MR. HAYES:

11 Q. Spell your last name.

12 A. Oh. Tyrik Gerard Bright, B-R-I-G-H-T.

13 Q. Mr. Bright, how are you doing?

14 A. All right.

15 THE COURT: Speak up please, Mr. Bright.

16 THE WITNESS: Yes, sir.

17 BY MR. HAYES:

18 Q. You're currently in the South Carolina Department of
19 Corrections?

20 A. Yes, sir.

21 Q. And you're there because of burglaries and drug
22 charges?

23 A. Yes, sir.

24 Q. When were you originally arrested?

25 A. February the 25th.

TYRIK GERARD BRIGHT - DIRECT

- 1 Q. Of this year?
- 2 A. Yes, sir.
- 3 Q. We actually went to trial a couple months ago; right?
- 4 A. Yes, sir.
- 5 Q. And you've remained incarcerated ever since?
- 6 A. Yes, sir.
- 7 Q. Mr. Bright, do you remember January 29th?
- 8 A. Yes, sir.
- 9 Q. You were out then; right?
- 10 A. Yes, sir.
- 11 Q. Okay. What happened that night?
- 12 A. I was at Colleton Court with my friend, Horace Glover.
- 13 Q. Okay.
- 14 A. We was out there just, you know, chilling out.
- 15 Q. Were you drinking beer?
- 16 A. Yeah, we were drinking.
- 17 Q. Listening to music?
- 18 A. Yeah. We left to go get more beer.
- 19 Q. Okay. How did you go when you left? How did you
- 20 leave? What was the path that you took?
- 21 A. Oh. It was behind the apartments and you go through
- 22 Vanessa's mama's yard and then you get to the road and you
- 23 go straight across the tracks to the store.
- 24 Q. Okay. What did you get at the store?
- 25 A. Some more beer.

TYRIK GERARD BRIGHT - DIRECT

1 Q. Okay. When you were coming back, what happened?

2 A. We was coming back and we get to the path, we hear a
3 whole bunch of commotion. So, you know, we go out there
4 and we get out there. Everybody arguing, you know, it's a
5 big argument out there. So I stepped to the side. I
6 ain't want to go toward the argument but it was at his
7 house with his old -- with his girlfriend.

8 So, I -- everybody over there trying to calm her down.

9 Q. Okay.

10 A. So we go over there.

11 Q. Let me slow you down. Did you get a phone call on the
12 way back?

13 A. Huh?

14 Q. Did you get a phone call on the way back? When you
15 were coming back from the store.

16 A. Oh, yeah.

17 Q. Who called you?

18 A. My girlfriend.

19 Q. And that -- what's her name?

20 A. Remeka Gomillion.

21 THE COURT: Her name is what? What's her name?

22 THE WITNESS: Remeka.

23 MS. SHEFTALL: Your Honor, I object to this.

24 THE COURT: He hasn't said anything yet and you can't
25 object until he does.

TYRIK GERARD BRIGHT - DIRECT

1 MR. HAYES: May I approach?

2 THE COURT: Yes.

3 BY MR. HAYES:

4 Q. Mr. Bright, I'm going to show you a photograph and I
5 want to ask if you recognize it.

6 A. Yes, sir.

7 Q. Who's in that photograph?

8 A. My girlfriend.

9 MS. SHEFTALL: Your Honor, I object to that photo.

10 THE COURT: How is that relevant, a picture of his
11 girlfriend?

12 MR. HAYES: Judge, this is the woman that we're
13 alleging that was in the fight, his girlfriend.

14 THE COURT: Go ahead.

15 MS. SHEFTALL: Your Honor, may we approach?

16 (Off-the-record discussion.)

17 THE COURT: Go ahead. Move along.

18 BY MR. HAYES:

19 Q. Mr. Bright, who is the person in the picture?

20 A. That's my girlfriend, Ms. Gomillion.

21 Q. Is that what she looked like on or about January?

22 A. Yes, sir.

23 MR. HAYES: Judge, at this time I would like to mark
24 and introduce as evidence, Defense One.

25 THE COURT: Objection?

TYRIK GERARD BRIGHT - DIRECT

1 MS. SHEFTALL: Yes, Your Honor. I object to the
2 relevance and --

3 THE COURT: Overruled.

4 MR. HAYES: Judge, I'd ask for permission to publish?

5 THE COURT: You may.

6 (Defendant's Exhibit No. 1, photograph, was marked and
7 received into evidence.)

8 BY MR. HAYES:

9 Q. Mr. Bright, how big is your girlfriend?

10 A. She's about, about 200 and some change.

11 THE COURT: 200 and change?

12 THE WITNESS: Yeah.

13 THE COURT: I'm having a hard time. I'm sitting right
14 here and they got to hear way over there.

15 BY MR. HAYES:

16 Q. Speak up.

17 A. I mean, over 200 pounds.

18 Q. How tall is she?

19 A. About six, about five-nine, six.

20 Q. Five-nine or six foot?

21 A. Yes, sir.

22 Q. Now, you got this phone call and there was a fight?

23 A. Yes, sir.

24 Q. And y'all get back to the apartment complex. What did
25 you see at the apartment?

TYRIK GERARD BRIGHT - DIRECT

1 A. I seen the whole -- everybody was out there like they
2 trying to calm, calm everything down. Calm people down.
3 And I see Vanessa, she out there. She going crazy and he
4 trying, the only person that really could stop them is
5 Mr. Glover because that's his girlfriend.

6 But I wanted to tell him just leave it alone because I
7 know how she git.

8 Q. Okay.

9 A. But he went over there to stop them, you know, and was
10 just telling her to chill out and go in the house, you
11 know.. And he was over there. Everybody was trying to
12 calm her down. That was the only thing that had been
13 going on. It wasn't no fighting or none of that.

14 Q. So you never saw a fight?

15 A. No. Only thing that was going on when we got there
16 was a bunch of arguing, a bunch of commotion. Like people
17 trying to calm that stuff down.

18 Q. Okay. What did Ms. Vanessa Brown look like when you
19 got there? Did you see her?

20 A. A little bit but she, you could tell she'd been
21 fighting. You could tell something had to happen. And I
22 was telling Mr. Glover, I was like, just leave them alone,
23 you know, stand over here with me. But he wanted -- they
24 got kids. So, before I knew it the police was coming.

25 Q. All right. What did you do when the police came?

TYRIK GERARD BRIGHT - DIRECT

1 A. We just, we was leaving because I ain't want, me,
2 myself, I ain't, I ain't going to sit here and say I'm a
3 good guy, you know. So we was just trying to get away
4 from all that, you know what I'm saying. I wanted to
5 leave because I know the police once they come out they
6 were going to try to search, you know, we'd been drinking.

7 Q. You ended up talking to the police, though; didn't
8 you?

9 A. Yeah, because they stopped me, because I was about to
10 go back through the path but they stopped me.

11 Q. That's the same path that Mr. Glover took?

12 A. Yeah.

13 Q. Where did that path go?

14 A. To Vanessa mama yard.

15 Q. So you didn't go with him to her yard?

16 A. No, because we had -- we wanted -- he hadn't left
17 before.

18 Q. Okay.

19 A. Because he had told me, he said, she beat her up. He
20 told me that she had called the police, you know what I'm
21 saying. The police come, you know what I'm saying, man,
22 I'm going to go. So, when he left I start leaving, too,
23 but they was coming down a back road behind the
24 apartment. They rode in --

25 Q. All right.

TYRIK GERARD BRIGHT - CROSS

1 A. -- and they stopped me.

2 MR. HAYES: Thank you, Mr. Bright. I beg the Court's
3 indulgence. (Pause.)

4 Nothing further. Thank you. Answer any questions the
5 State may have.

6 THE COURT: Cross?

7 MS. SHEFTALL: Thank you, Your Honor.

8 CROSS-EXAMINATION

9 BY MS. SHEFTALL:

10 Q. Mr. Bright?

11 A. Yes, ma'am.

12 Q. Are you the same Tyrik Gerard Bright who pled guilty
13 to breaking into a motor vehicle in June of 2004?

14 A. Yes, ma'am.

15 Q. Are you the same Tyrik Bright who pled guilty to
16 breaking into a motor vehicle in June of 2005?

17 A. Yes, ma'am.

18 Q. The same Tyrik Bright who pled guilty to burglary in
19 the second degree in June of 2005?

20 A. Yes, ma'am.

21 Q. The same Tyrik Bright who pled guilty to burglary in
22 the third degree in April of 2007?

23 A. Yes, ma'am.

24 Q. The same Tyrik Bright who pled guilty to a property
25 offense in April of 2007?

TYRIK GERARD BRIGHT - CROSS

1 A. Yes, ma'am.

2 Q. The same Tyrik Bright who pled guilty to burglary in
3 June of 2013?

4 A. Yes, ma'am.

5 Q. The same Tyrik Bright who pled guilty to possession of
6 cocaine in July of 2013?

7 A. Yes, ma'am.

8 Q. And the same Tyrik Bright who pled guilty to burglary
9 in the third degree in July of 2013?

10 A. I didn't plead guilty to it. The second, the
11 second -- the first, the first burglary in 2013 because it
12 was the second degree. I went to trial and I was found
13 guilty.

14 Q. So you were found guilty by a jury?

15 A. Yes, ma'am.

16 Q. You told Mr. Hayes that law enforcement stopped you on
17 the night of January 29th?

18 A. Yes, ma'am.

19 Q. But you didn't talk to them; did you?

20 A. Yeah, I talked to them.

21 Q. You didn't tell them what you just told this jury; did
22 you?

23 A. They didn't ask me none of that. The only thing they
24 asked me was they searched me down and she was trying to
25 tell them that she, she was telling the police something

TYRIK GERARD BRIGHT - CROSS

1 about --

2 THE COURT: Who is she? Hold on.

3 THE WITNESS: Ms. Vanessa.

4 THE COURT: You can't testify about what she said.

5 THE WITNESS: Well, I mean, I'm just stating why they
6 stopped me. They thought I was Mr. Glover. They thought
7 I was him, because, I guess they used to coming out there
8 because she called the polices or whatever, you know what
9 I'm saying. They thought that I was the person that she
10 was calling the police on.

11 BY MS. SHEFTALL:

12 Q. But you didn't tell them what you just told this jury;
13 did you?

14 A. Tell them what?

15 Q. That you were going to the store with Horace Glover
16 for beer?

17 A. Yeah, we had been to the store and came back.

18 Q. You didn't tell them about the fight between your
19 girlfriend and Vanessa Brown?

20 A. They didn't, they didn't ask me that. The only thing
21 they asked me was who I was. They took me to the front
22 and when they showed me to the, whoever called, they told
23 them that I'm not that person that they was looking for
24 that they called the police on. So they let me go. They
25 didn't ask me nothing else.

TYRIK GERARD BRIGHT - CROSS

1 Q. You know they arrested Horace Glover that night?

2 A. I left. I left that night. I came back the next
3 day. That's when I found out that he was in jail.

4 Q. And then eight months approximately since that night,
5 you haven't tried to help your friend who you're saying --

6 A. Yeah.

7 Q. -- was wrongly accused --

8 A. I came --

9 Q. -- by giving a statement to law enforcement?

10 A. I came the second day and I told, I asked her why did
11 she do that. And she said --

12 THE COURT: No, sir. You can't testify about what she
13 said. Now I told you that twice.

14 THE WITNESS: I mean --

15 THE COURT: Well, I mean it too.

16 THE WITNESS: She asked me what --

17 THE COURT: Sir. You got to comply with our rules
18 here in this courtroom. Thank you.

19 THE WITNESS: Well, yeah, I did try to help out, you
20 know, help my friend because I knew he didn't do what was
21 said done. You know, and that was wrong on my behalf --
22 on her behalf, you know. So I did try to come over there
23 and straighten things out, ask why things are happening
24 like that.

25 BY MS. SHEFTALL:

TYRIK GERARD BRIGHT - CROSS

1 Q. But you never gave a statement to law enforcement?

2 A. No.

3 Q. And no one's heard this story until today?

4 A. No, they never, they never, they never asked, they
5 never asked me that.

6 Q. And you never thought it was important enough to help
7 your friend who you're saying was wrongfully accused to go
8 and do it yourself?

9 A. Because I'm thinking, I'm thinking nothing -- see,
10 this happened before with, with, with his girl. She does,
11 she does that and then she --

12 MR. HAYES: Judge.

13 THE COURT: Hold on. Hold on. We're not concerned
14 about what happened before. We're talking about what
15 happened in January.

16 THE WITNESS: I mean, I was -- I mean -- I mean, it's
17 hard to explain what's going on with, with, with that, you
18 know.

19 BY MS. SHEFTALL:

20 Q. But you haven't talked to law enforcement about what
21 happened that night since then?

22 THE COURT: That's a simple yes or no. Have you or
23 have you not?

24 THE WITNESS: No.

25 THE COURT: Thank you. Next question.

1 MS. SHEFTALL: No further questions, Your Honor.

2 THE COURT: Anything 'on redirect?

3 REDIRECT EXAMINATION

4 BY MR. HAYES:

5 Q. Mr. Bright, while you were in the Aiken County jail I
6 came and talked to you about Mr. Glover?

7 THE WITNESS: Yes, sir.

8 MR. HAYES: Thank you. Nothing further.

9 THE COURT: Thank you. You may step down. I can't
10 release you though. You go back to -- we got SCDC here?

11 THE OFFICER: No, sir. We'll contact them.

12 THE COURT: Thank you, ma'am. Next witness, please.

13 MR. HAYES: Your Honor, the defense would rest.

14 THE COURT: Anything in reply?

15 MS. SHEFTALL: No, Your Honor.

16 THE COURT: All right. Y'all ready to do your
17 arguments?

18 MR. HAYES: I am.

19 THE COURT: Any motions?

20 MR. HAYES: I would.

21 THE COURT: Can we do those nunc pro tunc?

22 MR. HAYES: We may.

23 THE COURT: Are y'all ready to proceed with the
24 arguments?

25 MR. HAYES: If it please the Court.

CLOSING ARGUMENT ON BEHALF OF THE DEFENDANT

1 Ladies and gentlemen, as I told in the very beginning
2 it's going to be night and day from what you're going to
3 hear from one side of the table and what you're going to
4 hear from the other side.

5 But the story is this, from Mr. Glover's point of
6 view. He was hanging out with his friends, listening to
7 music, drinking a few beers. This is 1:30 at night. They
8 decide they're going to go get some more beer and they go
9 walking.

10 What you heard today from the stand was that
11 Mr. Glover, Mr. Harden and Mr. Bright went to the store.
12 Mr. Harden says he met up with them after, on the way
13 back.

14 They bought some beer and on the way back home
15 Mr. Bright gets a phone call. And in that phone call is
16 Mr. Bright's girlfriend informing him that there's a fight
17 between him and Mr. Glover's wife.

18 And they head on back. All three say that when they
19 got back they see knots on her head. She was looking like
20 she was fighting. And Mr. Glover, not being as smart as
21 to the decision that he makes, picks on her for having
22 gotten beat down by a six-foot woman that weighs over 200
23 pounds.

24 You hear from the State's witness, Ms. Natalie Moore.
25 What she saw is upper cuts. That's to a jaw. If anybody

CLOSING ARGUMENT ON BEHALF OF THE DEFENDANT

1 has ever watched boxing, you're going for the chin to
2 knock somebody out when you're upper cutting. That does
3 not cause knots to the head.

4 Mr. Bright, Mr. Harden and Mr. Glover tell you that he
5 sidesteps her and she's going off on him for not taking up
6 for her and puts the beer in the refrigerator or the
7 freezer. When he comes out she comes up and palms his
8 face like a basketball and pushes him back. He sidesteps
9 her and asks for somebody to get her, she's intoxicated,
10 to get away from her.

11 And he goes down and he talks to Mr. Bright and
12 Mr. Harden until the police come, and smokes a cigarette.

13 Now, Ms. Natalie Moore says she's in the bed and she's
14 being awoken up by all this commotion. And she goes
15 outside and she sees Mr. Glover beating on this Vanessa
16 Brown. And that she's saying that she sees him stomping
17 her head into the ground as she fell in the house.

18 Look at the photographs. Does that look like
19 somebody's been stomped? There's no cuts. No blood.
20 There's knots on the head. Looks like she's been punched
21 on the top of the head. And I would argue that's
22 consistent with what we're saying here today, that
23 Ms. Gomillion gave her a beat down.

24 Also she testified that he threw a table with a glass
25 top and a chair. Tell me in the heat of an argument,

CLOSING ARGUMENT ON BEHALF OF THE DEFENDANT

1 you're going to say, you know what, hold on a second. I'm
2 going to throw this table at you. Let me take this glass
3 off and set it aside and I'm going to hit you with this
4 table. I don't want to break the glass though because
5 we're going to eat our dinner on it later.

6 You don't do that. If you're going to throw a table
7 at somebody, you throw it glass and all, if there's that
8 kind of commotion, if you're kicking somebody in the face
9 and stomping them when they're down.

10 I submit to you that didn't happen. She's lying. And
11 I tell you why she's lying. She told you: I don't like
12 him; don't get along with him; and I don't care, I don't
13 like him.

14 Mr. Glover told you they never got along. He had
15 issues with her boyfriend. And that was way back. When
16 she did find out who he was, when he moved into that area,
17 it caused problems.

18 Now, something I want to pose to you is something
19 that's baffled me as well as my colleague. Why would a
20 woman who is getting beat by a man holler, stop bitch.
21 That makes no sense. Some other derogatory terms can come
22 to mind, but why would a woman tell a man, stop bitch. I
23 would say this. The reason she heard that is because she
24 was fighting another woman. You had two women fighting
25 and they were calling each other bitch. That's why.

CLOSING ARGUMENT ON BEHALF OF THE DEFENDANT

1 That's what she heard. That's why he wrote it in her
2 report or her statement.

3 Another thing is this. You're watching your neighbor
4 get beat down by her husband, you're going to go into her
5 house? C'mon, c'mon, stop, stop. No. She isn't going
6 into her house when he's beating her down. She might be
7 next. She might have got clubbed with a chair or beaten
8 with a table. This doesn't make sense. In her statement
9 she writes she goes and get the grandmother, the mother-
10 in-law of Mr. Glover because he's beating her daughter
11 down.

12 But yet she tells you from the stand today she was
13 there. She's telling the police, stay down, stay down.
14 It will be okay. Tell the police what happened. That
15 don't make sense. That don't even add up to what she said
16 in her statement.

17 And think about this, ladies and gentlemen. If you're
18 beating on your spouse, who is going to their mother-in-
19 law's house? I might go to my mom and dad's house. I
20 sure as hell ain't going to my wife's mama. She'll beat
21 me down. She's not going to take up for me. She's not
22 going to stand up for that. That makes no sense.

23 There's a lot of questions here and it does not make
24 sense when you add it all together.

25 Mr. Bright, he's got a record. He's in prison.

CLOSING ARGUMENT ON BEHALF OF THE DEFENDANT

1 What's he got? He ain't got a dog in the fight. He's not
2 getting out.

3 Mr. Harden, he ain't got a dog in this fight. Why
4 would -- who's got a motive to lie? That's the question I
5 want you to ask yourselves. Who made it very clear that
6 they did not like people. Certain people. My client.
7 Then what's the motive? That I don't necessarily know,
8 but I do say that that throws reasonable doubt into this
9 whole thing.

10 And, ladies and gentlemen, as the jury, you have to
11 find beyond a reasonable doubt. You have to go back there
12 and believe he beat her. If you cannot do that, you got
13 to find him innocent or not guilty.

14 I propose this, the jury cannot carry this burden and
15 get y'all over that hurdle, once y'all listened to the law
16 as the Judge will give it to you here today and explains
17 what reasonable doubt is and y'all decide what the true
18 facts are. Because he's going tell you, you can believe
19 everything one witness said, nothing one witness said, you
20 can believe bits and pieces of each witness. And then you
21 decide what the true facts are that way. And then you
22 apply that story to the law as he gives it to you and
23 render your verdict.

24 And, ladies and gentlemen, when you do that I believe
25 you're going to find him not guilty.

CLOSING ARGUMENT ON BEHALF OF THE STATE

1 MS. SHEFTALL: Thank you, Your Honor. Mr. Hayes.

2 Ladies and gentlemen, it seems like about the only
3 thing that we agree on is that you've heard very different
4 stories here today. You heard very different stories from
5 the three people who testified for the defense than what
6 the three people who testified for the State said.

7 You're here because we need your common sense. We
8 need you to use that common sense to determine who you
9 believe is telling the truth.

10 So let's pretend for a minute that you all believe the
11 story that the Defendant and his witnesses have told you.
12 If you believe that, there's some other things that you
13 have to also believe. You have to believe that everything
14 that Larry Spencer told you was a lie. You have to
15 believe that Larry Spencer called 9-1-1 and made up a
16 story. You have to believe everything Natalie Moore said
17 was a lie. That those two people put their hand on the
18 Bible and then got up there and made up a story. You have
19 to believe that Natalie Moore lied to Sergeant Dobbs and
20 that she lied to Officer Walker if you believe the
21 Defendant's story.

22 But that's not all you have to go on. Think about the
23 witnesses that you've heard from today. Who has a motive
24 to lie? Whose stories don't match up? The Defendant told
25 you that on the way to the gas station to buy beer that he

CLOSING ARGUMENT ON BEHALF OF THE STATE

1 and Tyrik met up with Ricky Harden. Ricky Harden said
2 that he met up with Horace and Tyrik on the way back from
3 the store and he didn't go to the store with them.

4 He also, Mr. Harden also sat up there and told you
5 that he doesn't go by the nickname Deucie, that that's his
6 cousin Anthony, but he can't remember his cousin's last
7 name.

8 Who has nothing to lose by lying under oath? I submit
9 to you that it's the witness that's going back to the
10 Department of Corrections this afternoon. As Mr. Hayes
11 said and as I said in my opening statement, the burden is
12 on the State to prove to you that the Defendant did commit
13 the crime that we've accused him of. The elements of
14 those -- of that crime is criminal domestic violence, like
15 I told you in opening statements, physical injury caused
16 by the Defendant, the accused, to a household member.

17 So let's take them one by one.

18 Physical injury. You heard from Larry Spencer that he
19 saw a man that he identified as Horace Glover punching a
20 woman on the ground. I believe his words were, like a
21 man. Like you would hit a man.

22 You heard from Natalie Moore who testified in detail
23 about the physical injury that she saw Mr. Glover inflict
24 on Ms. Brown.

25 Mr. Hayes would have you believe that this was some

CLOSING ARGUMENT ON BEHALF OF THE STATE

1 sort of evenly-matched fight, this was an upper cut like
2 two boxers in a ring who are of equal weight and stature.

3 You don't necessarily hit someone on the jaw with an
4 upper cut if they're already on the ground. And kicking
5 someone in the face, I submit to you, can most definitely
6 cause welts the size of golf balls on someone's forehead.
7 You heard from law enforcement. They saw those injuries
8 firsthand. Through their training they conducted an
9 investigation that led them to believe that Horace Glover
10 was the one that inflicted those injuries on Ms. Brown.

11 So we're getting into the second element caused by the
12 Defendant. All of our witnesses, all of the State's
13 witnesses testified that the injuries that Ms. Brown had
14 were caused by Mr. Glover.

15 The only other element is household member. All of
16 the witnesses testified, I believe, that Mr. Glover and
17 Ms. Brown are married and they have nine children
18 together. The youngest one was present during this
19 incident. One month old at the time.

20 But the Judge is going to tell you, he's going to
21 explain to you what beyond a reasonable doubt means. I
22 tried to boil it down for you in opening. There's a lot
23 of different ways to say it. Firmly convinced. The kind
24 of doubt that would make a reasonable person hesitate to
25 act. It's reasonable. The 14 -- 12 of you are here

JURY CHARGE

1 because we need you to apply your common sense and figure
2 out what's reasonable.

3 The State does not have a burden to prove to you
4 beyond all doubt that Horace Glover inflicted physical
5 injury on Vanessa Brown. Not all doubt. Reasonable
6 doubt. That means what's reasonable. What's logical.
7 What facts fit with your common sense.

8 When you go back to that jury room, I ask that you
9 talk about the different stories that you've heard today,
10 the various facts. They are far apart. What makes sense
11 to you? What doesn't make sense to you? Who do you
12 believe?

13 I appreciate all of your close attention and you
14 taking the time to be here. And I believe that after you
15 go back to that deliberation room and you review the
16 evidence that's been presented, I believe that you will
17 come to the only logical, reasonable conclusion. And
18 that's a verdict of guilty for Horace Glover.

19 Thank you.

20 THE COURT: Mr. Foreman, ladies and gentlemen my
21 charge is about 10 minutes. Everybody okay? You got
22 somebody to come in?

23 (Pause. People entering courtroom.)

24 THE COURT: Close the door, please.

25

JURY CHARGE

JUDGE'S CHARGE TO THE JURY

1 THE COURT: Mr. Foreman, ladies and gentlemen of the
2 jury. Please remember, once again, in this case the
3 Defendant was indicted for criminal domestic violence.
4 And I remind you that the fact that he was arrested,
5 charged and indicted is not evidence in the case and
6 cannot be considered by you as evidence in the case of
7 guilt, nor does it create any presumption or inference of
8 guilt.
9

10 The indictment is simply the legal formal document
11 which contains the charges, and it brings this case into
12 the courtroom.

13 And obviously to the indictment and the charges of
14 criminal domestic violence, the Defendant has pled not
15 guilty to the charges. And a plea of not guilty puts the
16 burden on the State of South Carolina to prove the
17 Defendant guilty beyond a reasonable doubt.

18 A person charged with committing a criminal offense in
19 our state is never required to prove himself innocent. I
20 charge you that it is an important constitutional rule of
21 law that a defendant in a criminal trial will always be
22 presumed to be innocent of the crime for which the
23 indictment was issued unless guilt has been proven by
24 evidence satisfying you of that guilt beyond a reasonable
25 doubt.

JURY CHARGE

1 Now the presumption of innocence does not end when you
2 start your deliberations but it stays with the Defendant
3 throughout the trial until you reach a verdict of guilt
4 based on evidence satisfying you of that guilt beyond a
5 reasonable doubt.

6 I charge you that the presumption of innocence is not
7 a mere legal theory or phrase but it is a substantial
8 constitutional right to which every defendant is entitled
9 unless you the jury are satisfied of evidence of the
10 Defendant's guilt beyond a reasonable doubt.

11 Now what is a reasonable doubt? Our Supreme Court has
12 defined it using different phrases but there are two main
13 definitions of reasonable doubt. The first one's very
14 simple. A reasonable doubt is the kind of doubt that
15 would cause a reasonable person to hesitate to act. It's
16 the kind of doubt that would cause a reasonable person to
17 hesitate to act.

18 Now, proof beyond a reasonable doubt is also proof
19 that leaves you firmly convinced of the Defendant's guilt.
20 There are very few things in the world that we know with
21 absolute certainty. And in criminal cases the law does
22 not require proof that overcomes every possible doubt. If
23 based on your consideration of the evidence you are firmly
24 convinced that the Defendant is guilty of the crime
25 charged, then you must find him guilty.

JURY CHARGE

1 However, on the other hand, if you think there's a
2 real possibility that he is not guilty, you must give him
3 the benefit of the doubt and find him not guilty.

4 So there are two definitions. Reasonable doubt is the
5 kind of the doubt that would cause a reasonable person to
6 hesitate to act. And the other is that it must, you must
7 be firmly convinced of the Defendant's guilt.

8 That's basic reasonable doubt definitions.

9 Let me remind you, I've told you when we drew the jury
10 on Tuesday that you and I have different functions to
11 perform. My job is to instruct and charge you the law and
12 to rule on the admissibility of evidence. Your job,
13 obviously the most important job, you're the judges of the
14 facts in the case. So you determine what the true facts
15 are in the case.

16 So if at any time during the trial of the case I
17 looked like I had some opinion about the facts, I've
18 raised my eyebrows or smiled or frowned or acted
19 aggravated or happy or whatever -- I sit up here day in
20 and day out all over the state trying cases. And I have
21 absolutely no right to have an opinion about the facts.
22 So if I have done anything that you think I may have an
23 opinion, set that aside. I can't have an opinion. As a
24 matter of fact, that is your job and your job solely. The
25 12 of you, collectively acting as one, you are the judges

JURY CHARGE

1 of the facts in the case.

2 And this case is like 99.9 percent of all the cases
3 that I try. We have a dispute. And I've been doing it a
4 long time, 30 years as a lawyer and nine years as a judge,
5 and tried literally thousands of cases. It's not unusual,
6 it is the norm to get two sets of facts like you have in
7 this case. And when you have two sets of facts or two
8 versions of the facts, obviously you being the finders of
9 the facts, you have to determine the credibility of the
10 witnesses who have testified in the case.

11 Credibility simply means believability. Who do you
12 believe. It becomes your duty as jurors to analyze and to
13 evaluate the evidence and determine which evidence
14 convinces you of its truth.

15 And there are some road maps to use in determining the
16 credibility or believability of witnesses. Number one,
17 the best road map is to use your every day, ordinary
18 common sense. Y'all have all dealt with wives, husbands,
19 children, employees, employers, friends. You know how to
20 judge somebody if they're telling the truth. Use that
21 good, ordinary, common sense in determining what the true
22 facts are in this case.

23 In determining the credibility of the witnesses who
24 have testified, you can believe one witness over several,
25 several over one. You can disbelieve everything a witness

JURY CHARGE

1 says. You can believe a portion of what he or she says
2 and disregard the rest. So use your common sense to
3 determine what is and are the true facts in the case.

4 You may consider whether any witness has exhibited to
5 you any interest, bias, prejudice, or other motive in the
6 case and you may even consider the appearance and manner
7 of a witness while on the witness stand.

8 You have heard one of the witnesses who testified had
9 a past criminal record. A person who has a past criminal
10 record is competent to testify in a trial. A past record
11 does not affect the ability of that witness to testify,
12 but the past record may only be considered by you, if at
13 all, in determining his believability.

14 So he's competent to testify but you can use that past
15 record if you choose to judge his credibility or
16 believability. Just remember, you're the sole judges of
17 the facts and the believability of the witnesses who have
18 testified.

19 Also in this case the Defendant testified. And the
20 Defendant has a prior record. He has prior convictions of
21 crime other than the one for which he is on trial for now.
22 This evidence of prior crimes may be considered by you if
23 you conclude that it's true, only in deciding whether the
24 Defendant's testimony is believable and for no other
25 purpose. You cannot consider his prior record as any

JURY CHARGE

1 evidence of the Defendant's guilt of the charge we're
2 trying here today. So you can use that prior record if
3 you choose in judging his credibility, but you can't use
4 the prior record in determining whether he's guilty or not
5 guilty of the charge. Just use it in determining
6 credibility or believability if you choose.

7 Now, Mr. Foreman, ladies and gentlemen, that's sort of
8 general propositions of law that I charge in all criminal
9 cases.

10 Let's turn to the charge in this case. The indictment
11 charges the Defendant with a violation of Section
12 16-25-20(A). That's the criminal domestic violence
13 statute. It's codified in our code of laws. He's charged
14 with criminal domestic violence. The State must prove
15 beyond a reasonable doubt that the Defendant caused
16 physical harm or injury to a member of the Defendant's own
17 household.

18 Pretty simple. The State must prove beyond a
19 reasonable doubt that the Defendant caused physical harm
20 or injury to a member of the Defendant's own household.

21 A household member is a spouse, a parent or child is
22 not applicable here, or a person with whom the Defendant
23 has a child in common, and/or a person of the opposite sex
24 with whom the Defendant is living or has lived in the
25 past.

JURY CHARGE

1 So the State must prove beyond a reasonable doubt that
2 he caused physical harm or injury to a household member.
3 Household member is a spouse, someone that they've had
4 children together, or live in the same household together.

5 Now, you will have a verdict form in the jury room.
6 Very simple; not guilty or guilty. Don't put any emphasis
7 on the way I've got them on there. I had to put one
8 before the other so I just put not guilty or guilty.

9 Your decision has to be unanimous. All 12 of you must
10 unanimously agree as to what the decision is. And,
11 please, obviously this is -- you're here to decide this
12 case based solely on the evidence and the law as I've
13 given it to you. You have no friends to reward or enemies
14 to punish. I mean, base it solely on what you determine
15 the true facts are, and those facts applied to the law.

16 Once you have reached a verdict, knock on the door and
17 let us know, sign it, and we'll receive you back in the
18 courtroom.

19 I think your meal should be here in 10 or 15 minutes.
20 You can deliberate while you're eating. You can take a
21 break while you're eating. Y'all are in charge. Do it
22 however you want to, but you have to stay together. So
23 once I send you back there to start deliberating, I can't
24 let you go unless it's an absolute necessity.

25 If you have a question, just write it out on a piece

JURY CHARGE

1 of paper. Ms. Barbara or one of the bailiffs will hand it
2 to me. Sometimes I can answer it, sometimes I can't, it
3 just depends on what the question is.

4 So I'm going to let you go back to your jury room
5 now. I ask that you do not start yet deliberating.
6 Please separate the two alternates. Let them have their
7 lunch. I have to ask the lawyers if I've left anything
8 out. Then I have to gather the exhibits along with the
9 verdict form. That should come on back to you in just a
10 few minutes. Once you receive that in the jury room you
11 can start your deliberations. Let me know if you have any
12 questions.

13 THE BAILIFF: Okay.

14 (Jury exits courtroom at 11:59 a.m.)

15 THE COURT: Any objections, requested additions or
16 deletions to the charge by the State?

17 MS. SHEFTALL: Nothing from the State, Your Honor.

18 THE COURT: By the Defendant?

19 MR. HAYES: No, sir.

20 Do you want to do the nunc pro tunc at this time or do
21 you want to do it later?

22 THE COURT: We can do it -- well -- we can do it right
23 now.

24 MR. HAYES: Judge, at this time the defense would move
25 for a directed verdict. Taking the evidence most

1 favorable to the State, Judge, I would argue twofold.
2 One, that the victim is not here to question. And that
3 the State fails to be able to meet the definition of
4 household member without hearsay evidence. And as well as
5 all prior objections and motions that were made.

6 THE COURT: Thank you. Respectfully denied.

7 There's evidence in the record to support a verdict if
8 the jury believes it. Obviously they either believe the
9 State's side or they believe your side. They're 180
10 degrees apart.

11 MR. HAYES: Judge, I would ask the Court I did not
12 catch what the foreperson's name was.

13 THE COURT: Neither did I. Why?

14 MR. HAYES: I was just asked by the clerk of court.

15 THE CLERK: I just asked did he know who it was.

16 THE COURT: You can ask me. You don't have to ask
17 him. We'll find out.

18 MR. HAYES: I don't recall ever --

19 THE COURT: I don't know that you need to know.

20 MR. HAYES: Yes, sir.

21 THE COURT: I mean, we'll give it to the clerk so they
22 can get everything done. Anything else?

23 MS. SHEFTALL: No, Your Honor.

24 THE COURT: The Defendant's in custody. We will stand
25 at ease until we receive a verdict. Please come up and

1 review the exhibits and the verdict form, and I will send
2 it back to the jury.

3 (Attorneys comply.)

4 THE COURT: Mr. Weeks, if you'll gather all the people
5 in the bench trial case, we will conclude that.

6 (Off-the-record discussion.)

7 THE COURT: Let the record reflect that both sides,
8 State and Defendant, have reviewed the verdict form and
9 evidence. And all is in order.

10 Is that correct, gentlemen?

11 MR. SLOCUM: That's correct, Your Honor.

12 MR. HAYES: Yes, sir.

13 THE COURT: As soon as the smoker gets back, tell them
14 they can start deliberating. You got the alternates
15 separated?

16 THE BAILIFF: Yes, sir.

17 (Deliberations commenced at 12:06 p.m., other matters
18 were heard by the Court. At 12:46 p.m., the trial
19 resumed:)

20 THE COURT: I had a note from the jury. They wanted
21 to have the 9-1-1 tape replayed. They're coming out to
22 listen to that now. But also I shared with both defense
23 and prosecutor, they asked for a copy of the police
24 report. My note back to them was that I could not give it
25 to them. It was not in evidence. Bring them in, please.

1 (Jury enters courtroom at 12:46 p.m.)

2 THE COURT: Does it have a transcript with it or just
3 the audio?

4 MS. SHEFTALL: There's no transcript with it.

5 THE COURT: Mr. Foreman, I understand you would like
6 to rehear the 9-1-1 tape; is that correct?

7 FOREPERSON OF THE JURY: That is correct.

8 THE COURT: I apologize. We were trying to conclude
9 that nonjury trial. I had to do some sentencing.

10 It was hard for me to sort of hear it when it played.
11 So what we'll do is play it and if you want us to play it
12 more than once, just tell us.

13 FOREPERSON OF THE JURY: Okay. Thank you.

14 THE COURT: Is that fair?

15 FOREPERSON OF THE JURY: Yes.

16 (9-1-1 tape played for the jury.)

17 THE COURT: That's it. Do you want to listen to it
18 again?

19 FOREPERSON OF THE JURY: Does anybody need to hear it
20 again?

21 A JUROR: I don't think you can understand it.

22 FOREPERSON OF THE JURY: I'm sorry?

23 A JUROR: I don't think I could understand if you
24 played it again.

25 THE COURT: I'll be glad to play it again.

1 FOREPERSON OF THE JURY: Play it one more time.

2 THE COURT: I think the first part's a little more
3 understandable than the last part.

4 MS. SHEFTALL: Your Honor, we'll be happy to send a
5 laptop back there with a disk.

6 THE COURT: That's fine.

7 MR. HAYES: As long as it's a clean computer, I'm
8 fine.

9 THE COURT: I don't know if you take a laptop back
10 there and listen to it all you want to, I don't know if
11 it's --

12 FOREPERSON OF THE JURY: I think one more time here
13 would be fine.

14 THE COURT: Thank you, sir.

15 (9-1-1 call played again for the jury.)

16 THE COURT: It's here if you need it again, or I can
17 send it back with you.

18 I've already fussed at the restaurant. They should
19 have been here 30 minutes ago.

20 FOREPERSON OF THE JURY: Thank you.

21 THE COURT: Thank you, sir.

22 (Jury exits courtroom at 12:52 p.m.)

23 (Thereafter, other matters were heard by the Court.)

24 (Notes from the jury were marked as Court's Exhibit
25 Nos. 1, 2 and 3.)

VERDICT & SENTENCING

1 (The trial resumed at 2:35 p.m.:)

2 THE COURT: Mr. Hayes, we got a verdict. Where is
3 your client?

4 MR. HAYES: Yes, sir.

5 (Pause. Defendant enters courtroom.)

6 THE COURT: State ready to receive the verdict?

7 MS. SHEFTALL: Yes, sir, Your Honor.

8 THE COURT: Defense ready?

9 MR. HAYES: Yes, sir.

10 THE COURT: Bring the jury in, please.

11 (Jury enters courtroom at 2:38 p.m.)

12 THE COURT: Mr. Foreman, have y'all reached a
13 verdict?

14 FOREPERSON OF THE JURY: Yes, we have, Your Honor.

15 THE COURT: Pass it to Mr. Mert, please.

16 THE CLERK: Your Honor, the State of South Carolina
17 versus Horace Lee Glover, Jr., Indictment Number
18 2013-GS-02-00625, as to the offense of criminal domestic
19 violence, we the jury find the Defendant guilty. We
20 unanimously agree. John Kelly?

21 FOREPERSON OF THE JURY: Yes, ma'am.

22 THE CLERK: September 12th, 2013. If this is still
23 your verdict please indicate by the raising of your right
24 hand and saying I do or we do.

25 THE JURY: (Complying in unison.)

VERDICT & SENTENCING

1 THE COURT: Let the record reflect all raised their
2 hand. Anything for the jury before I release them?

3 MS. SHEFTALL: Nothing from the State, Your Honor.

4 THE COURT: By the defense?

5 MR. HAYES: No, sir.

6 THE COURT: Thank you. Mr. Foreman, ladies and
7 gentlemen, that obviously concludes your service this
8 week.

9 We thank you. We can't run criminal court without
10 having jurors ready, willing and able to serve. We have
11 literally hundreds of cases, probably thousands of cases
12 on the dockets. We run criminal court two or three weeks
13 a month. There will be another judge in here Monday
14 holding criminal court. It's just, we can get rid of a
15 bunch and we have just that many more.

16 So we can't do it without jurors. And, you know, if
17 we didn't have jurors, people just wouldn't, we couldn't
18 bring them to answer the charges. So we thank you and
19 y'all have done a wonderful job.

20 I know some of you have some connections with the
21 legal system. You're with Terry Richardson's office?

22 THE JUROR: My husband.

23 THE COURT: Your husband.

24 THE JUROR: My husband's an attorney.

25 THE COURT: I will be with them Monday in Pickens

VERDICT & SENTENCING

1 County, not your husband but, yeah, some of them.

2 THE JUROR: Uh-huh.

3 THE COURT: Y'all have been wonderful. I thank you.

4 Sorry lunch was late today. We used to just send
5 everybody to the Bowery. Then they closed it. We got to
6 get that straightened out, but thank you. You've done a
7 great job.

8 We'll send a check to you. If anyone needs a work
9 excuse, step right back into the jury room. Ladies, y'all
10 handle that if anybody needs a work excuse.

11 But I thank you very much and that will conclude your
12 duties and have a wonderful weekend.

13 (Jury exits courtroom at 2:42 p.m.)

14 THE COURT: While the State's getting the sentence
15 sheets ready, let's continue on with the probation
16 violations.

17 (Thereafter, other matters were heard by the Court.

18 At 2:48 p.m., the trial continued:)

19 THE COURT: Is he going to sign the sentencing sheet?

20 MR. HAYES: He says he's not. Do you want to or not?

21 THE DEFENDANT: I can.

22 THE COURT: It would be nice.

23 THE DEFENDANT: What's the difference?

24 THE COURT: It doesn't make any difference. You don't
25 have to sign it. I'll just put on here refused to sign.

VERDICT & SENTENCING

1 How about that?

2 THE DEFENDANT: No, I'll sign it.

3 THE COURT: Well then, sign it.

4 (Document handed back to the Defendant, signed,
5 returned to Judge.)

6 THE COURT: Ms. Sheftall, what is his record, please?
7 I know he's got three false statements to police officers
8 and a handful of forgeries. Is that what it was?

9 MS. SHEFTALL: Yes, Your Honor.

10 THE DEFENDANT: Fraudulent check.

11 THE COURT: Sir?

12 THE DEFENDANT: I was going to tell you, fraudulent
13 check.

14 THE COURT: Thank you for telling me. Yes, ma'am,
15 tell me.

16 MS. SHEFTALL: Yes, Your Honor.

17 There's false information from 2003, 2007, 2009. And
18 then one that he pled guilty to from the jail in
19 connection with the CDV.

20 He also has a PWID cocaine from April of 2002. CDV
21 first from May of 2002.

22 THE COURT: Hold on. CDV first, May.

23 MS. SHEFTALL: Of 2002.

24 THE COURT: 2002?

25 MS. SHEFTALL: Yes, Your Honor.

VERDICT & SENTENCING

1 THE COURT: Same victim?

2 MS. SHEFTALL: Yes, Your Honor.

3 CDV second conviction in September of 2004.

4 Arrest for CDV third. That was remanded for a plea to
5 a CDV first in November of '09. Same victim.

6 An arrest for CDV third. That was remanded for a plea
7 to a first in September of 2010.

8 Nine counts of fraudulent check convictions from May
9 of 2010.

10 And then his guilty verdict today.

11 THE COURT: Mr. Hayes?

12 MR. HAYES: May it please the Court.

13 Your Honor, Mr. Glover is 36 years of age. Long-time
14 resident of Aiken. He's currently working or was working
15 at Final Choice Landscaping.

16 By profession he was a house framer, however the
17 individual he was working with that framed the houses,
18 when the economy took a downturn, just quit. So he went
19 to work at Aiken Car Express washing cars for seven years
20 and recently found the landscaping job.

21 He attended Aiken High School up through the 10th
22 grade. He has done some vocational training at multiple
23 different intervals. The last time was in 2010.

24 He and Ms. Brown do have a number of children, nine of
25 them, who about two years ago were taken away from them

VERDICT & SENTENCING

1 when she stabbed him eight, nine times. The charge was
2 ultimately dismissed.

3 Judge, this relationship has been volatile, Judge, it
4 sounds like, for a long time. I think drinking and maybe
5 some drug use involved with it doesn't help the situation.

6 I know from -- since this time he was incarcerated on
7 the 29th of January. And we did a PR bond on the 13th of
8 May. And he did a total of 105 days in the county jail.

9 During that time she did come by the office and wrote
10 a statement that wasn't helpful one way or the other. My
11 understanding was, is that they were not having any
12 contact. She told him she was in the Upstate.

13 In meeting with Mr. Glover who's been here every day
14 this week and on a PR bond, he informed me that at some
15 time in the past couple months they were back together for
16 a short period of time talking. And she stabbed him in
17 his side. And she went -- he went to the hospital or the
18 doctor to get some antibiotics and he does not want to
19 prosecute her for any of those charges.

20 However in the last, since that incident they haven't
21 had any contact and he doesn't know where she's at now.

22 Judge, I understand that we were found guilty. I do
23 believe I need to address a motion for a new trial at this
24 time based on the facts that were presented to the jury
25 that no reasonable jury could have found that he was

VERDICT & SENTENCING

1 guilty of this charge, as well as to inform the Court that
2 we would maintain our innocence.

3 And we would ask the Court to consider the facts that
4 you did hear here today and structure a sentence so that
5 he could get out and help support his children. His
6 mother-in-law has all of the children at this time. And
7 she is up in age and is taking care of them the best she
8 can. And his whole concern throughout this whole thing
9 was his children and trying to support them.

10 THE COURT: As to your motion for a new trial, I
11 respectfully deny the same for the same reasons I denied
12 the motions for a directed verdict.

13 Obviously it was jury opinion. It was 180 degrees
14 apart on the testimony. The jury chose not to believe
15 your client and chose to believe the State's witnesses.
16 It was a jury factual issue the whole way through.

17 So, respectfully denied.

18 Anything you want to tell me, sir?

19 THE DEFENDANT: Yes, sir.

20 MR. HAYES: Speak up. Be clear.

21 THE DEFENDANT: I, I take care of my kids. My mother-
22 in-law, she's there by herself to take care of the kids.
23 And I'm, I work and I help her out a lot, you know, with
24 financial and everything like that.

25 THE COURT: I know, but you've been -- you and this

VERDICT & SENTENCING

1 woman, I mean, y'all beat and beat and beat and stabbed.

2 One, two, three, four, this is the fifth time.

3 THE DEFENDANT: Yes, sir. It's been an alcohol
4 problem with her -- with both of us, but I'm a good
5 person, sir.

6 THE COURT: I didn't say you weren't a good person.
7 Listen, you can be a good person that has a problem. I
8 didn't say you were a bad person.

9 THE DEFENDANT: And I love my wife.

10 THE COURT: I'm sure you do.

11 THE DEFENDANT: I'm not a violent person. It's just
12 that she calls them, they come. And on the CDVs, I plead
13 out, trying to, you know, just get back to the family and
14 go home. And I just, I just say I got fed up with it. I
15 wanted to try to win. That's it. That's why I took a
16 trial.

17 THE COURT: All right. THE SENTENCE OF THE COURT YOU
18 BE COMMITTED TO THE STATE DEPARTMENT OF CORRECTIONS FOR
19 FIVE YEARS.

20 Good luck to you.

21 MS. SHEFTALL: Thank you, Your Honor.

22 MR. HAYES: Thank you, Judge.

23 THE COURT: Give him credit for his time served.

24 END OF CASE: 2:55 p.m.

25 ***

VERDICT & SENTENCING

1 CERTIFICATE OF REPORTER

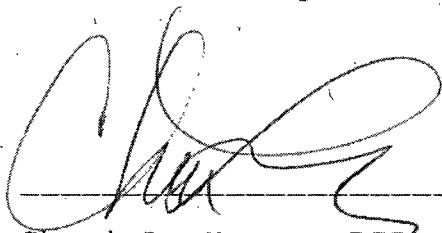
2 STATE OF SOUTH CAROLINA)

3 COUNTY OF AIKEN)

4 I, Cheri L. Young, Registered Professional Reporter
5 and official Court Reporter for the State of South
6 Carolina, Second Circuit-At Large, do hereby certify that
7 the foregoing proceedings were written stenographically by
8 me using computer-aided translation; further, that the
9 foregoing is a true, accurate and complete record, to the
10 best of my skill and ability, of all the proceedings had
11 and evidence introduced in the hearing of the captioned
12 case, relative to appeal, in the Court of General Sessions
13 for Aiken County, on the 10th and 12th days of September,
14 2013.

15 I do further certify that I am neither of kin,
16 counsel, nor interest to any party hereto.

17 I have hereunder set my hand this Monday the 2nd day
18 of December, 2013.

19
20
21 
22 Cheri L. Young, RPR
23 Official Court Reporter
24
25

WITNESSES

Aiken Department Of Public Safety

Aaron I Dobbs

Law Enforcement Case #: 13-19828

VLS

ARREST WARRANT NUMBER

FILED 4 Apr 1 2013

2013A0220100093

Liz Adair
CCCP & GS
Shannon D. Rosen Prantley
Deputy Clerk

ACTION OF GRAND JURY

True Bill

Ronnie M. Hall

Foreperson of Grand Jury

Date: April 4, 2013

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2013GS0200625

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

APRIL TERM 2013

THE STATE

vs.

HORACE LEE GLOVER, JR.

CDR #: 3055

Indictment for

CRIMINAL DOMESTIC VIOLENCE

§ 16-25-0020(A)

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Clerk of Court of Common Pleas and General Sessions for the County of Aiken, South Carolina, do hereby certify that a true and correct copy of the within has been filed in my office this

2013

Shannon D. Rosen Prantley
CCCP & G.A. Aiken County
Deputy Clerk

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

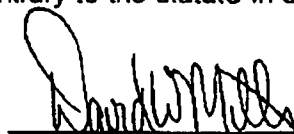
INDICTMENT FOR
CRIMINAL DOMESTIC VIOLENCE

§ 16-25-0020(A)

At a Court of General Sessions, convened on April 15, 2013, the Grand Jurors of Aiken County present upon their oath:

That HORACE LEE GLOVER, JR. did in Aiken County on or about January 29, 2013, commit the crime of Criminal Domestic Violence in that the defendant did cause physical harm to Vanessa Brown, a family or household member, or did offer or attempt to cause physical harm to Vanessa Brown with apparent present ability under circumstances reasonably creating fear of imminent peril. Said defendant having been convicted of Criminal Domestic Violence or Criminal Domestic Violence of a High and Aggravated nature on two or more prior occasions within a period of ten years including and immediately preceding the foregoing date. All in violation of Section 16-25-20 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.



J. STROM THURMOND, SOLICITOR

2013A0220100093

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

City of Aiken

13-19828

THE STATE

against

Horace Lee Glover, Jr.

Address

Phone

SSN

Sex M Race: B Height 5 11 Weight: 170DL State: SC DL #: _____DOB _____ Agency ORI # SC0020100Prosecuting Agency: Aiken Public SafetyProsecuting Officer: Aaron Isaiah DobbsOffense CRIMINAL DOMESTIC VIOLENCE 3RD & SUOffense Code 0685Code/Ordinance Sec. 16-25-220This warrant is **CERTIFIED FOR SERVICE** in the☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be
dealt with according to the law

(L.S.)

Signature of Judge

Date

RETURN

A copy of this arrest warrant was delivered to

defendant

on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Aiken Municipal Court

251 Laurens St., N.W.

Aiken, SC 29801

ORIGINAL

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

City of Aiken

Personally appeared before me the affiant Aaron Isaiah Dobbs who

being duly sworn deposes and says that defendant

did within this county and state on 01/29/2013

State of South Carolina (or ordinance of

in the following particulars

☐ County/ ☒ Municipality of City of Aiken

violate the criminal laws of the

DESCRIPTION OF OFFENSE:

CRIMINAL DOMESTIC VIOLENCE 3RD & SUBSEQUENT

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts

Upon information and belief, the defendant did on 01/29/2013 commit the offense of criminal domestic violence 3RD. The defendant did unlawfully cause physical harm or injury to Vanessa Brown, by striking her with a closed fist in her forehead and kicking her causing swelling to her forehead, and a bruise to her lip. The defendant and Ms. Brown do have nine children together. The defendant has had prior convictions in 2004, 2009, and 2010. This incident occurred at 1622 Colleton Ave Apt 4A, which is within the City Limits of Aiken. This incident is in violation of SC Code of Laws as amended.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

City of Aiken

Affiant's Address 251 LAURENS STAIKEN, SC 29801-Affiant's Telephone (803)642-7620

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on 01/29/2013 defendant Horace Lee Glover, Jr.

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of City of Aiken as set forth below

DESCRIPTION OF OFFENSE:

CRIMINAL DOMESTIC VIOLENCE 3RD & SUBSEQUENT

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 01/29/2013

(L.S.)

Signature of Issuing Judge

Judge Code 003Judge's Address 251 Laurens St NwAiken, SC 29801-Judge's Telephone (803)642-7620 x 0000

Issuing Court

☐ Magistrate☒ Municipal☐ Circuit

ORIGINAL

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Aiken

VS.

Horace Lee Glover Jr.

AKA:

Race: Black Sex: M Age: 36

SS#:

Address:

City, State, Zip:

DL#: SID#: SC01335854

*CDL Yes ☐ No ☒ CMV Yes ☐ No ☒ Hazmat Yes ☐ No ☒

In disposition of the said indictment comes now the Defendant who was

TO: Domestic / Criminal Domestic Violence; 3rd offense and subsequent within 10 years; or 2 prior convictions of any combination o

in violation of § 16-25-0020(A) of the S.C. Code of Laws, bearing CDR Code # 3055

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The 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:

Sheftall, Virginia Lauren

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:☒ 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

Recipient:

*Fine:	\$	
§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$ 100.00 am
§ 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	\$ 25.00
§ 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 (SCCA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)	\$	\$ 3.90
TOTAL	\$	\$ 133.90

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

155

INDICTMENT/CASE#: 2013GS0200625

A/W#: 2013A0220100093

Date of Offense: 1/29/2013

S.C. Code § : 16-25-0020(A)

CDR Code #: 3055

SENTENCE SHEET

1-5 years

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-25-0020(A) of the S.C. Code of Laws, bearing CDR Code # 3055

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

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SC Bar#

Defendant

Attorney for Defendant

SC Bar#

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Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

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3% to County (if paid in installments)	\$	\$ 3.90
TOTAL	\$	\$ 133.90

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

_____ days/hours Public Service Employment

Obtain GED

Attend Court Rehab Job Corp.

I, Liz Godard, Clerk of Court of Common Pleas and General

Sessions for Aiken County, South Carolina do hereby certify

Substance Abuse Counseling a true and correct copy of the

Random Drug/Alcohol testing original documents which have been filed in my office this

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ beginning

\$ _____ paid to Public Defender Fund

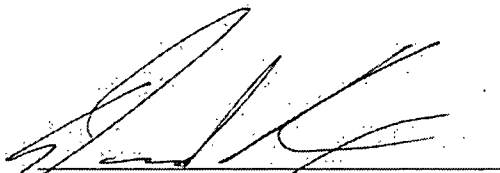
Other: C.C.C.P. & G.A., Aiken County, S.C.

Deputy Clerk

CERTIFICATE OF COUNSEL FOR APPELLANT

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

June 6th, 2014.


David Alexander
Appellate Defender

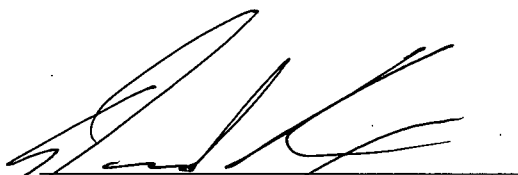
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

CERTIFICATE OF COUNSEL FOR APPELLANT

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June 6th, 2014.


David Alexander
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

STATE OF SOUTH CAROLINA

ORIGINAL

IN THE COURT OF APPEALS

Appeal from Aiken County

Doyet A. Early, III, Circuit Court Judge

THE STATE,

V.

HORACE LEE GLOVER, JR.,

APPELLANT

APPELLATE CASE NO. 2013-002016

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Salley W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 and Mr. Horace Lee Glover, Jr., at Ridgeland Correctional Institution, P.O. Box 2039, Ridgeland, SC 29936 this 6th day of June, 2014.

Brandon Hall
Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 6th day of June, 2014.

Rhonda Denesie Foxworth
Notary Public for South Carolina
My Commission Expires: October 17, 2021