

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Pickens County

Perry H. Gravely, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ANGELA D. BREWER,

APPELLANT

APPELLATE CASE NO. 2017-002563

RECORD ON APPEAL

RECEIVED
MAY 30 2019
SC Court of Appeals

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBIT # 17 (VIDEO); STATE’S EXHIBIT # 18 (VIDEO)**

1 MR. DEJONG: Nothing from the Defense, Your Honor.

2 THE COURT: All right. Bring the jury in.

3 (WHEREUPON, the jury came into open court at
4 approximately 1:42 p.m.)

5 THE COURT: All right. I have received a note from
6 you, Madam Forelady. It says, We request to have the
7 charge regarding reasonable doubt and extreme indifference
8 to human life explained or written, signed by the
9 Foreperson.

10 So my -- based on your request, I'm going to read the
11 entire section on reasonable doubt and the part where
12 extreme indifference was defined. All right. But based
13 on what you said, I'm not going to do any more than that.

14 FURTHER CHARGE ON THE LAW

15 THE COURT: So reasonable doubt. The State has the
16 burden of proving the Defendant guilty beyond a reasonable
17 doubt. Some of you may have served as jurors in civil
18 cases where you were told it is only necessary to prove
19 that a fact is more likely true than not true, such as the
20 greater weight or preponderance of the evidence. In
21 criminal cases, the State's proof must be more powerful
22 than that. It must be beyond a reasonable doubt.

23 Reasonable doubt is the kind of doubt that would make
24 a reasonable person hesitate to act. Proof beyond a
25 reasonable doubt is proof that leaves you firmly convinced

1 of the Defendant's guilt. There are very few things in
2 this world that we know with absolute certainty. And in
3 criminal cases, the law does not require proof that
4 overcomes every possible doubt.

5 If based on your consideration of the evidence, you
6 are firmly convinced that the Defendant is guilty of the
7 crime charged, you must find the Defendant guilty. If, on
8 the other hand, you think there's a real possibility that
9 the Defendant is not guilty, you must give the Defendant
10 the benefit of the doubt and find her not guilty.

11 Facts and circumstances that merely place upon the
12 Defendant a grave suspicion of the crime charged or that
13 merely raise a speculation or conjecture of the
14 Defendant's guilt are not sufficient to authorize a
15 conviction of the accused.

16 Now, as part of the charge for -- under the
17 substantive law for homicide by child abuse, the State
18 must, also, prove beyond a reasonable doubt that the death
19 occurred under circumstances showing an extreme
20 indifference to human life. An extreme indifference is
21 defined as a mental state akin to intent characterized by
22 a deliberate act culminating in death.

23 All right. That is the charge that I presented to
24 y'all earlier. And that's the charges that you have
25 requested.

1 All right. If you will continue -- go back to your
2 jury room and continue deliberations and let me know if
3 you have any additional questions.

4 (WHEREUPON, the jury was excused from open court at
5 approximately 1:45 p.m.)

6 THE COURT: All right. Any objections or exceptions.
7 on behalf of the State?

8 MS. HINTON: No, Your Honor.

9 THE COURT: On behalf of the Defendant?

10 MR. DEJONG: None on behalf of Ms. Brewer.

11 THE COURT: All right. We'll be at ease on this case
12 until we get any additional information from the jury.

13 All right. We'll be down until 2:30.

14 (WHEREUPON, the proceedings were recessed at
15 approximately 1:45 p.m.)

16 THE COURT: I understand we have a verdict.
17 Anything before we bring the jury in from the State?

18 MS. HINTON: No, Your Honor.

19 THE COURT: From the Defendant?

20 MR. DEJONG: Nothing from the Defense.

21 THE COURT: Bring the jury in.

22 (WHEREUPON, the jury came into open court at
23 approximately 2:13 p.m.)

24 THE COURT: All right. Madam Forelady, I understand
25 that you have reached a verdict.

1 JUROR #208, SARAH WILLIAMS: Yes, sir.

2 THE COURT: All right. If you'll hand it to the
3 Clerk.

4 It looks like it's in proper form.

5 If you'll publish the jury -- the verdict.

6 VERDICT

7 THE CLERK: In the case of the State of South
8 Carolina v. Angela Denise Brewer, as to the charge of
9 homicide by child abuse, indictment number
10 2016-GS-39-2265, we, the jury, unanimously find the
11 Defendant, Angela Denise Brewer, guilty.

12 If this is your verdict and still your verdict,
13 please, raise your right hand.

14 (WHEREUPON, all jurors raised their right hand.)

15 THE CLERK: Thank you.

16 THE COURT: All right. Anything from the jury from
17 the State before we release them?

18 MS. HINTON: No, Your Honor.

19 THE COURT: Anything from the Defendant?

20 MR. DEJONG: Not on behalf of Ms. Brewer, Your Honor.

21 THE COURT: Ladies and gentlemen, I want to thank you
22 for your service this week. I know this has been a long
23 case. But I appreciate your serious consideration and
24 your attention throughout.

25 This will end your jury service for the week and for

1 The young lady seated beside her, I should know --

2 Your daughter?

3 UNIDENTIFIED FEMALE: (Unidentified female nodded.)

4 MR. DEJONG: That is the good friend's daughter. And
5 then the husband of this lady sitting behind -- his name
6 eludes me right now.

7 And, in that regard, Your Honor, I will share with
8 you that Ms. Brewer has been a very pleasant client. She
9 has been a very cooperative client with me. I wish all of
10 my clients were as cooperative as she has been. Not only
11 did she cooperate, Your Honor, she would call me from time
12 to time just to check on her case if she hadn't heard from
13 me. So she has throughout this entire thing -- it's been
14 an ordeal for everybody. And she's been extremely
15 cooperative and extremely interested in her case, Your
16 Honor.

17 Do you want to say anything?

18 THE COURT: Ms. Brewer, do you want to say anything?

19 DEFENDANT BREWER: My life ended on October 17th,
20 2014. It hasn't been nothing since. I've just got to
21 depend on God to get me through this.

22 SENTENCING

23 THE COURT: Well, I realize this is a very tragic
24 situation for everybody that has been even remotely
25 involved in this case. And I know there's really nothing

1 that I can do that is going to change any of that.

2 I think that based on what I've heard that the
3 minimum is sufficient for this. So the sentence of the
4 Court is 20 years. And then credit for the 1,093 days.

5 Good luck to you, Ms. Brewer.

6 *****END OF TRANSCRIPT OF RECORD*****

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STATE'S EXHIBIT

12/18/17

2

YOUR RIGHTS

SHERIFF'S OFFICE
PICKENS, SC

DATE 12/18/2017

TIME 11:46 AM

AA Before we ask you any questions, you must understand your rights. ✓

AA You have the right to remain silent. ✓

AA Anything you say can be used against you in court. ✓

AA You have the right to talk to a lawyer for advice before we ask you any questions and to have him/her with you during questioning. ✓

AA If you have no money to pay a lawyer's fee, the court will appoint one to represent you without cost if you wish. ✓

AA If you decide to answer questions without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at anytime until you talk to a lawyer. ✓

WAIVER OF RIGHTS

AA I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me. ✓

Signed Angela Hancock

Time 11:51

Witness Rita Burgess

Witness Ch. Cauter

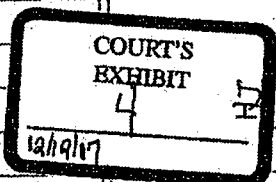
12/13/17 5:55pm

We, the jury, would like to
view State's Exhibits 16, 17 & 18.

Given the time of day, we
ask to ^{adjourn} ~~adjourn~~ today and
begin our deliberation again
in the morning. We would like
to begin tomorrow at 10am, if
possible

Thank you,

Sarah L. Williams
Sarah L. Williams
Foreperson of Jury



Response:
We will need to show videos
in the courtroom and need
to call the FBI - FBI 110. Person Grady

12/14/17 10:21am

To clarify timelines and
ensure we have an accurate
account, we request to
take notes during the
viewing of State's Exhibits
16, 17 + 18.

Thank you,

Sarah Williams
Sarah L. Williams
Foreperson of the Jury

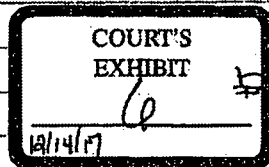


12/14/17 10:25am

We request to have the written instructions and charge given to the jury at the conclusion of court yesterday prior to deliberation.

Thank You,

Sarah Williams
Sarah L. Williams
Foreperson of Jury

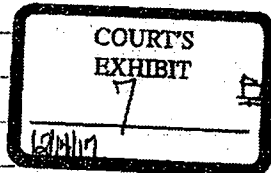


12/14/17 1:17pm

We request to have the
charge regarding reasonable
doubt and extreme indifference
to human life explained or
written.

Thank you,

Sarah Williams
Sarah L. Williams
Fore Person of Jury



WITNESSES

Rita Garner Burgess

Pickens County Sheriff's Office

12/18/2014

ARREST WARRANT NUMBER

2014A3910300534

TRUE BILL ACTION OF GRAND JURY

Date:  OCT 11 2016

Paul J...
Foreperson of Grand Jury

VERDICT

Guilty

Sarah Williams
Foreperson of Petit Jury
Date: 12-14-2017

DOCKET NO. 2016-GS-39-*2265*
WDR

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

OCT 11 2016 TERM 2016

THE STATE

vs.

ANGELA DENISE BREWER

Indictment for

2356

HOMICIDE BY CHILD ABUSE

VIOLATION § 16-03-0085

STATE OF SOUTH CAROLINA

COUNTY OF 514 Pickens
STATE VS.

Angela Denise Brewer

AKA:

Race: WHITE Sex: F Age: 46

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: Easley, SC 29642

DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was
TO: Murder / Homicide By Child Abuse (20y To

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016GS3902265

A/W#: 2014A3910300534

Date of Offense: 10/17/2014

S.C. Code § : 16-03-0085

CDR Code #: 2356

SENTENCE SHEET

20-LIFE

CONVICTED OF or PLEADS

in violation of § 16-03-0085 of the S.C. Code of Laws, bearing CDR Code # 2356

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:
Brandi Batson
Hinton, Brandi Batson

77844
SC Bar#

Defendant

DEJONG, JOHN W.

01620
SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 20 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. 1093 days

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 (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 \$ _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso 61.6 (Public Def/Probation) \$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 \$ _____

3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk: Handel P. Welborn, Jr.

Court Reporter: Hollie Jenkins

SCCA/217 (07/2016)

PTUP _____

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

Appointed PD or appointed other counsel,

Proviso 61.6 requires \$500 be paid to Clerk

during probation and shall be collected before

any other fees.

Presiding Judge Mary H. [Signature]

Judge Code: 2756

Sentence Date: 12/14/17

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Susan B. Hackett
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 30th day of May, 2019.

RECEIVED
MAY 30 2019
SC Court of Appeals