

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenwood County

Honorable Jocelyn J. Newman, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JOHN FITZGERALD ANDERSON,

APPELLANT

APPELLATE CASE NO 2018-001596

RECORD ON APPEAL

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT

STATE’S EXHIBIT NO. 11 (DASH CAMERA RECORDING)

State of South Carolina	)	Court of General Sessions
	)	Eighth Judicial Circuit
County of Greenwood	)	Case No. 2018-GS-24-00269
	)	Case No. 2018-GS-24-00270
	)	Case No. 2018-GS-24-00271
	)	Case No. 2018-GS-24-00272
	)	Case No. 2018-GS-24-00273
	)	
	)	
State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Transcript of Record
	)	
	)	
John Fitzgerald Anderson,	)	
	)	
Defendant.	)	
	)	

August 20-22, 2018
Greenwood, South Carolina

B E F O R E:

The Honorable Jocelyn Newman, Judge; and a jury

A P P E A R A N C E S:

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Tara Thomson Scott

Transcribed by:
Krystal J. Smith
Circuit Court Reporter

1 AUGUST 20, 2018

2 (WHEREUPON, the proceedings began at 10:05 a.m.)

3 THE COURT: Are we ready on this?

4 MR. YATES: Yes, Your Honor.

5 Judge, stands before you is John -- is John Fitzgerald
6 Anderson. He's pleading guilty to fail to stop for a blue
7 light and also driving under suspension, third or subsequent
8 offense.

9 He is on trial or he is up for trial today on these two
10 charges, plus exploitation of a vulnerable adult,
11 trespassing, and receiving stolen goods, third or subsequent
12 offense. He's opted to plead to these first two charges.

13 Fail to stop carries up to three years, 90 days to three
14 years, and the other up to 90 days.

15 THE COURT: All right. All right. Sir, you represent
16 Mr. Anderson?

17 MR. FEDALEI: That's correct, Your Honor.

18 THE COURT: Have you explained to him the charges
19 against him, the possible punishment for each, and his
20 constitutional rights?

21 MR. FEDALEI: I have.

22 THE COURT: To the two charges, does he want to plead
23 guilty or not guilty?

24 MR. FEDALEI: Guilty, Your Honor.

25 THE COURT: Do you agree with his decision to plead

1 guilty?

2 MR. FEDALEI: I do.

3 THE COURT: Do you believe that if required to do so,
4 the State could prove him guilty of each of these offenses
5 beyond a reasonable doubt?

6 MR. FEDALEI: I do.

7 THE COURT: Has Mr. Anderson been sworn? Please swear
8 Mr. Anderson.

9 THE CLERK: Raise your right hand. Do you swear or
10 affirm the testimony you are about to give this Court will be
11 the truth, the whole truth, and nothing but the truth, so
12 help you God?

13 THE DEFENDANT: I do.

14 THE COURT: All right. Sir, are you John Fitzgerald
15 Anderson?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Mr. Anderson, are you currently under the
18 influence of --

19 THE DEFENDANT: No, ma'am.

20 THE COURT: -- alcohol or drugs?

21 THE DEFENDANT: No, ma'am.

22 THE COURT: Have you had any in the past 24 hours?

23 THE DEFENDANT: No, ma'am.

24 THE COURT: Do you take any medication?

25 THE DEFENDANT: No, ma'am.

1 THE COURT: Are you aware of any physical, mental or
2 emotional condition you have that would prevent you from
3 understanding what you're doing?

4 THE DEFENDANT: No, ma'am.

5 THE COURT: You clearly understand what you're doing
6 here?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: You're here to plead guilty to driving under
9 suspension and failure to stop for a blue light; is that
10 correct?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: All right. Solicitor, let me hear the
13 facts.

14 MR. BROWN: Thank you, Your Honor.

15 On or about June 28th, 2017, around 10:27 in the morning,
16 officers responded to [REDACTED] Nation Road in reference to a
17 missing person, Ms. Bertha Lee Robinson, a lady that is 89
18 years old and has dementia.

19 Officers spoke with the caregiver, Cindy Adams. She
20 stated that she came -- Ms. Adams came over to check on
21 Bertha Robinson, who suffers from dementia. She stated that
22 the last time she saw Bertha was yesterday around four
23 o'clock in the afternoon.

24 Officers were notified or officers were told at that
25 time that Mr. Anderson had come on Ms. Bertha's front porch

1 that morning. He was captured by a video camera on the front
2 porch around 8:45 in the -- in the morning. Then officers
3 were notified that Ms. Bertha had just taken out \$300 from
4 First Citizens Bank in Ware Shoals, and Mr. Anderson had
5 driven Ms. Robinson to First Citizens Bank. He was driving a
6 Santa Fe, a Hyundai Santa Fe.

7 One of the officers left [REDACTED] Nation Road to proceed
8 back into Ware Shoals, where he did see the vehicle in the
9 city of Ware Shoals. He began following Mr. Anderson, and
10 the entire time Mr. Anderson speeds up.

11 Mr. Urban Mitchell, the officer in this case who began
12 pursuit, turned on his blue lights, siren -- this is all
13 captured by in-car video -- and followed Mr. Anderson all the
14 way back out to Nation Road outside of Ware Shoals, where Mr.
15 Anderson the entire time was passing cars, double yellow
16 lines, driving at high speeds, and then ultimately wrecked
17 the vehicle after turning.

18 He couldn't make the turn. The tire hit the curb and
19 fell off, the front right tire, where then he came to a stop.
20 He then exited the vehicle, threw his hat on the ground, hit
21 his hood, and then did proceed to get on the ground at
22 arrest. Ms. Robinson was in the car the entire time in the
23 passenger seat and, again, this is all captured on video.

24 The driving under suspension -- Mr. Anderson did have
25 two prior DUS's, at least two prior driving under

1 suspensions, and so this is a third or subsequent offense.

2 THE COURT: And what's the penalty on the third?

3 MR. BROWN: Up to 90 days.

4 THE COURT: Okay. All right. Is what he said correct?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: To the charge of failure to stop for a blue
7 light, do you plead guilty or not guilty?

8 THE DEFENDANT: Guilty, Your Honor.

9 THE COURT: And to the charge of driving under
10 suspension, third offense?

11 THE DEFENDANT: Guilty, Your Honor.

12 THE COURT: Okay. Are you guilty of both offenses?

13 THE DEFENDANT: Yes, ma'am, I am.

14 THE COURT: Has anyone promised you anything, threatened
15 you, coerced you, or mistreated you to force you to plead
16 guilty?

17 THE DEFENDANT: No, ma'am.

18 THE COURT: Are you pleading guilty of your own free
19 will and accord?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: Is it your decision to plead guilty?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: Are you pleading guilty because you are
24 guilty?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: Do you understand that, by pleading guilty,
2 you're giving up your right to remain silent?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: Do you understand you're also giving up your
5 right to have a jury trial?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: And you're giving up your right to require
8 that the State prove that you're guilty of each of these
9 offenses beyond a reasonable doubt?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: We are about to have a jury trial on some
12 more charges for you and --

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: -- these can be tried as well, if you
15 choose.

16 THE DEFENDANT: No, ma'am.

17 THE COURT: Do you want a jury trial on these charges?

18 THE DEFENDANT: No, ma'am. I'm guilty.

19 THE COURT: Okay. Are you satisfied with your attorney?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: Has he done everything you've asked him to
22 do?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: Have you had enough time to talk to him?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: Have you understood your talks with him?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: Do you need any more time to talk to him?

4 THE DEFENDANT: No, ma'am.

5 THE COURT: Do you have any complaints about him
6 whatsoever?

7 THE DEFENDANT: No, ma'am.

8 THE COURT: Do you understand the charge of driving
9 under suspension, third offense, carries a penalty of up to
10 90 days in jail?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: And the charge of failure to stop for a blue
13 light is a minimum of 90 days and a maximum of three years.
14 Do you understand that?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: So knowing that you could go to prison for
17 these charges for three years and 90 days, do you still want
18 to plead guilty?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: Are you sure?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: Have you understood all of my questions?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: Have you been truthful in your responses to
25 me?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: Do you have any questions about what you're
3 doing here?

4 THE DEFENDANT: No, ma'am.

5 THE COURT: All right. I find there is a substantial
6 factual basis for Mr. Anderson's plea. That he has made the
7 plea freely and voluntarily, knowingly and intelligently,
8 with the advice of competent counsel with whom he says he is
9 satisfied, and I will accept his plea.

10 Mr. Anderson, if you choose to do so, you have 10 days
11 from today's date to file notice of intent to appeal. Do you
12 understand?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: All right. I am going to hold sentencing on
15 this until after the jury returns a verdict in the trial.

16 MR. BROWN: Thank you, Judge.

17 MR. FEDALEI: Thank you, Your Honor. There's one thing
18 we'd like to put on the record.

19 THE COURT: Yes, sir.

20 MR. FEDALEI: In pleading to the fail to stop and the
21 DUS, Mr. Anderson -- he goes by Gerald, his middle name --
22 made a mistake that I've seen lots of other people do, which
23 is kind of add the fail to stop to a DUS charge, knowing that
24 you're going to get arrested for driving under suspension.

25 You take off and people don't realize how much bigger

1 the consequence is for that. That's a mistake he's made.
2 He's always been willing to admit to those charges from the
3 very first day he came to court over a year ago or about a
4 year ago.

5 THE COURT: Okay. Good enough. We will revisit this at
6 the end of the trial.

7 MR. BROWN: Thank you, Judge.

8 MR. FEDALEI: Thank you, Your Honor.

9 THE COURT: Thank you.

10 (WHEREUPON, there was a break in the proceedings from
11 10:12 a.m. until 10:35 a.m., during which time the
12 general jury qualification was held.)

13 (WHEREUPON, the proceedings resumed at 10:35 a.m.)

14 THE COURT: All right. Ladies and gentlemen, we are
15 ready to select a jury for the first case that is up for
16 trial this week. I'll ask the solicitor to call the case.

17 MR. BROWN: Thank you, Your Honor. May it please the
18 Court.

19 Your Honor, this is the State of South Carolina versus
20 John Fitzgerald Anderson. The first indictment is South
21 Carolina versus John Anderson, 2018-GS-24-0918, exploitation
22 of a vulnerable adult. Unlawful entry on another person's
23 lands, Indictment 2018-GS-24-273. The last one is receiving
24 stolen goods, Indictment 2018-GS-24-272. The State is ready
25 to proceed.

1 THE COURT: All right. Thank you.

2 All right. Ladies and gentlemen, as you heard from the
3 solicitor, we are ready to begin the trial of the case of the
4 State of South Carolina versus John Fitzgerald Anderson.

5 As the solicitor has told you, Mr. Anderson is charged
6 with -- in three indictments with the crimes of receiving
7 stolen goods, exploitation of a vulnerable adult, and
8 unlawful entry on another's lands after notice. These
9 incidents allegedly occurred between January 1st, 2017, and
10 June 28th, 2017, here in Greenwood County.

11 So the first question is whether any member of the jury
12 panel knows anything about these allegations or thinks they
13 know anything about the allegations. The alleged victim in
14 the crime is Ms. Bertha Robinson.

15 So if any member of -- of the jury panel knows anything
16 or thinks they know anything about these allegations against
17 Mr. Fitzgerald, please stand at this time.

18 (WHEREUPON, there was no response.)

19 THE COURT: Okay. The -- in criminal cases, the
20 prosecution of those crimes is handled by the county
21 Solicitor's Office. It's similar to a District Attorney's
22 Office. In this case, the Greenwood County Solicitor's
23 Office, you have Assistant Solicitor Yates Brown, Jr., and --

24 MS. SUMNER: Anna Sumner, Your Honor.

25 THE COURT: Ms. Sumner. If y'all would stand and face

1 the other one.

2 But, Your Honor, we also made an argument that Juror
3 Number 59, which is a DSS employee, was -- should be struck
4 for cause, and that's based off the fact that -- that her --
5 that I believe DSS -- at least one of the witnesses here is
6 going to testify that they contacted DSS concerning that.

7 The doctor who is going to come in is going to say that
8 they contacted them, and we would have struck them. We
9 believe that they should be struck for cause, in addition to
10 the argument that we should have had more strikes to strike
11 her.

12 THE COURT: Okay. I don't know whether any witness from
13 DSS will testify in this case. Certainly, I have the list of
14 witnesses, but I don't know where they all work.

15 But the victim's name was read to the jury. No one,
16 including the challenged juror, said that they were familiar
17 with that name or knew Ms. Robinson and, therefore, the Court
18 can't presume that, you know, she would have some bias or
19 prejudice, but certainly if the name was not familiar to her,
20 then, you know, I don't know how there could be any bias or
21 prejudice based on the fact that she works at such a large
22 state organization.

23 MR. SHAFFER: Thank you, Your Honor.

24 We would just ask that in order to -- we don't want to
25 jog her memory. So we would ask to suppress the fact that

1 the doctor called DSS based on that because, essentially, I
2 don't want her to jog her memory and go, oh, yeah, this was a
3 case that came through our office or something like that
4 because she lives in Greenwood. This was reported to
5 Greenwood DSS.

6 What I don't want to happen is her memory to get jogged
7 for some reason. So we would ask that the Court suppress the
8 doctor from stating that she actually called DSS.

9 MR. BROWN: I don't plan on asking her that.

10 THE COURT: I mean to the --

11 MR. BROWN: I don't plan on going down that road right
12 now.

13 THE COURT: He doesn't plan to do it, but to the extent
14 that it may come up, that motion to suppress is denied.

15 MR. SHAFFER: Thank you, Your Honor.

16 THE COURT: Anything else before we get started?

17 MR. SHAFFER: Yes, Your Honor. I have several matters.
18 Do you want to -- do you want to discuss them -- I mean I
19 have probably ten different matters I was going to bring up
20 on the record. If the Court would prefer, I mean whatever
21 the Courts prefers on timing. I don't know if you want to
22 keep the jury back there or do it and send them to lunch.

23 THE COURT: It depends on what the ten matters are.

24 MR. SHAFFER: There's --

25 THE COURT: And I'm confused because we met in chambers

1 and -- and at that point we had zero matters and now we have
2 ten.

3 MR. SHAFFER: Oh, no, Your Honor. I had brought up some
4 of these in chambers. Some of these are matters that I need
5 to put on the record that we talked about in chambers.

6 THE COURT: Before the jury is sworn?

7 MR. SHAFFER: Well, I mean --

8 THE COURT: Or are those matters that we discussed would
9 come up throughout the course of the trial with
10 contemporaneous objections?

11 MR. SHAFFER: And, Your Honor, there are additional
12 matters as well, and also the question about the -- a
13 question about the video as well. I haven't seen the
14 redacted copy of the video yet.

15 THE COURT: Nor have I, and they don't intend to
16 introduce it at this time. I don't know that that's a
17 pretrial matter. Maybe it needs to happen before it is
18 offered to the jury, but as we discussed, it will be
19 redacted. You will have an opportunity to review it. That
20 may change the scope of your objections once it is redacted,
21 and we can address it at that time before it is offered to
22 the jury.

23 MR. SHAFFER: And that's fine, as long as I'm allowed
24 the chance to make these arguments outside the presence of
25 the jury because there are matters that I think they are

1 going to bring up in their opening -- I mean their opening
2 statement as well, which I would like to make at least a
3 record that I'm objecting to those ahead of time before they
4 come up in their opening statement.

5 THE COURT: What do you know that he's going to say that
6 you're objecting to right now?

7 MR. SHAFFER: I don't know for a fact, but I would
8 suspect he's going to mention the drug -- drugs that are
9 sitting on the table or the needles that are sitting on the
10 table right there, the jewelry that's sitting on the table
11 right there, the keys to the Jaguar that's sitting on the
12 table right there, and the box and the video, Your Honor. I
13 think that he's going to probably talk about all of it.

14 MR. BROWN: Judge, one thing is he's already pled guilty
15 to fail to stop. I think he's waived that argument at trial
16 about the fail to stop as part of the actual flight of -- our
17 theory of the flight of the exploitation or of that crime,
18 and it's also showing the whole case. We are planning on
19 talking about the fail to stop and the items that were
20 recovered from the vehicle after that arrest.

21 MR. SHAFFER: Your Honor --

22 MR. BROWN: Withstanding the drug -- the needles. We
23 are not going into the needles that were recovered from the
24 car.

25 THE COURT: Okay.

1 MR. SHAFFER: And, Your Honor, there are -- on the
2 failure to stop video, the thing is is that there's still an
3 issue about whether or not it's unduly prejudicial to allow
4 the video in, which we can take up later, but, Your Honor, I
5 mean whenever you're talking about that, if he promises the
6 video beforehand, it's actually someone putting the statement
7 about a situation and later the video is suppressed and, Your
8 Honor, so I think that it's necessary to make that
9 determination.

10 Also, the other problem here is that I don't think
11 they're ever going to be able to establish that the -- the
12 jewelry, which I discussed pretrial, that there's a lack of
13 knowledge and it would be hearsay. It would also be
14 confrontation clause violation to allow the -- them to
15 mention that the items they are claiming are stolen are
16 actually stolen. We don't have the owner of those items
17 here.

18 So what -- what we are going to have is the State
19 getting up there in opening statement and saying we recovered
20 all these stolen goods and putting in the mind of the jury
21 that they're actually stolen. That's hearsay in our opinion.
22 That's the reason that we would like it addressed pretrial
23 because of the fact that, essentially, they are going to get
24 up there and talk about something that -- that we don't think
25 they can establish through a witness that is actually

1 admissible based off of Rule 602.

2 And so they are -- what's going to happen is they are
3 going to talk about it. If the Court waits until during the
4 trial to admit it, the damage is already done. I mean the
5 jury has already heard that he had stolen property in his
6 car, and it is going to serve to confuse the jury at that
7 point.

8 THE COURT: Okay.

9 MR. SHAFFER: There is -- there may be -- I need to look
10 over my list as well, Your Honor.

11 THE COURT: Okay. I don't know what his opening
12 statement is going to be, but certainly opening statements
13 are not evidence. That is the same as him standing up and
14 saying that this defendant murdered the victim and, of
15 course, you don't think that they can establish that they
16 did. That's why there is a trial. It's simply an opening
17 statement. So --

18 MR. SHAFFER: Your Honor, if it's inadmissible based off
19 of 602, then it's inadmissible. It should be -- if there's
20 an objection to it under 403.

21 THE COURT: I've not ruled anything inadmissible under
22 602. I understand that's your argument, but that's not the
23 ruling of the Court.

24 MR. SHAFFER: And I -- I understand that, Your Honor.
25 That's why I'm asking the Court to actually make that ruling

1 before they get up there and give prejudicial -- potentially
2 prejudicial inadmissible statements during opening. That's
3 why I'm asking the Court to make the ruling now before we
4 actually go up.

5 THE COURT: That would require the Court to preview the
6 witness's testimony, and I simply don't think that's
7 necessary. I mean either they'll lay a foundation or they
8 won't. It will be admissible or it isn't. I don't know at
9 this time, and I'm not going to preview the witness's
10 testimony in its entirety. So your objection is overruled.

11 MR. SHAFFER: Your Honor, we talked in chambers. I
12 believe that they are not going to bring up anything outside
13 of the indictment range as prior bad acts is our
14 understanding of it. Is that correct?

15 MR. BROWN: We are bringing up the medical first time --
16 Dr. Stone is going to testify that she believes she was a
17 vulnerable adult from November of 2016, but any bank records,
18 any specific numbers or anything like that, we are not going
19 into until after January 1, '17.

20 MR. SHAFFER: Your Honor, there is also information that
21 may come up about Ms. Robinson actually being hurt in the
22 accident. We would suppress that. We would move to suppress
23 that under 403.

24 THE COURT: Should a question be asked that elicits that
25 testimony, you may make a contemporaneous objection and the

1 Court will rule within the context of the testimony at that
2 time.

3 MR. SHAFFER: Thank you, Your Honor.

4 Can we be preserved under our 403 objections for the
5 purposes of their opening statement or do you want us to
6 actually do that during those to preserve it? I mean if
7 they're making their opening statement, I think technically
8 we are preserved if we're raising it pretrial. I think
9 that's the case law, but I always ask, especially whenever a
10 judge is asking me to make a contemporaneous objection.

11 THE COURT: Yeah. It's not a matter of my preference.
12 I'm sure you will do what you need to do to protect your
13 client's interest and appellate rights. It's not a matter of
14 the Court's preference.

15 MR. SHAFFER: And, Your Honor, I'm not sure if I
16 discussed sequestration.

17 THE COURT: What about it?

18 MR. SHAFFER: We would ask that the witnesses be
19 sequestered in this case.

20 THE COURT: What says the State about sequestration of
21 witnesses?

22 MR. BROWN: Judge, our lead investigator, Ronnie Powell,
23 is here and we request that he be in the courtroom. Family
24 member Anthony Gilmore is down here, but we plan to -- we can
25 keep him sequestered up until the time he testifies.

1 Everybody else will be sequestered.

2 THE COURT: Okay. Easy enough.

3 MR. SHAFFER: Thank you.

4 And, Your Honor, there is also an issue about a trespass
5 notice that was actually issued after the -- the arrest of my
6 client.

7 THE COURT: I'm sorry. There's an issue about what?

8 MR. SHAFFER: A trespass notice that was issued after
9 the arrest of my client. We move to -- move to suppress that
10 under hearsay and confrontation, and we would ask that the
11 State not be allowed to bring it up during their opening.

12 MR. BROWN: I'm -- Judge, I'm trying to understand the
13 objection. I don't want to argue the case here.

14 Mr. Anderson was told not to be around the property
15 prior to his arrest, and he was clearly there that day. So
16 we would be arguing as part of the trespass, which is the
17 minor charge in the grand scheme of things, but I think
18 that's part of the facts that we plan to present and is
19 appropriate for opening statement.

20 THE COURT: When was the trespass notice issued?

21 MR. BROWN: The actual written trespass notice was given
22 to Mr. Anderson after he was arrested on the day of arrest.
23 But Mr. Powell, along with the caregiver, will -- it's my
24 understanding their testimony will be that they told Mr.
25 Anderson to stay off the property, and trespassing signs were

1 placed on the property about a month earlier.

2 MR. SHAFFER: And, Your Honor, the only thing I'm
3 talking about is the actual written document. We believe
4 that it's unduly prejudicial. It's also -- it can't possibly
5 be admissible given the fact that she's not here. I don't
6 think how -- I couldn't imagine how they ever get a signed
7 document from her, you know, even though she's not here.

8 So we would ask that they not be allowed to bring it up
9 during their opening that there is that document.

10 THE COURT: That motion is denied.

11 MR. SHAFFER: Okay. And, Your Honor, just so we're
12 clear, I mean the 403 objections related to the jewelry, the
13 keys, and I mean the video is the video, but related to the
14 jewelry and the keys and the trespass notice, you are
15 allowing the State to present those into evidence -- I mean
16 not present those into evidence. Sorry.

17 Reference those during their opening statement before --
18 essentially, you are ruling that they are not 403; correct?
19 I mean that they're not suppressed under 403? Is that the
20 Court's ruling?

21 THE COURT: I've not suppressed any evidence at this
22 point.

23 MR. SHAFFER: Okay.

24 THE COURT: All right. Anything from the State?

25 MR. BROWN: Just a quick bathroom break before we start.

1 THE COURT: Absolutely.

2 MS. SUMNER: Thank you.

3 THE COURT: Absolutely. Okay. Let's take five minutes,
4 seven minutes or whatever.

5 (WHEREUPON, there was a break in the proceedings from
6 11:51 a.m. until 12:00 p.m., after which the proceedings
7 resumed as follows.)

8 MR. BROWN: This is a Court's exhibit, the unredacted.

9 (WHEREUPON, the video was marked as Court's Exhibit
10 Number 1.)

11 MR. BROWN: Judge, before we get started on that, we are
12 still working on the redacted portion. I will call another
13 officer out of order and then present the video after lunch,
14 and that way we will have opportunity for everybody to review
15 it --

16 THE COURT: Okay.

17 MR. BROWN: -- before I publish it. The first officer
18 will be Ronnie Powell when we get to it.

19 THE COURT: All right. All right. Everybody ready?
20 Let's bring the jury.

21 (WHEREUPON, the jury entered the courtroom at 12:01
22 p.m.)

23 THE COURT: All right. Ladies and gentlemen, the case
24 we are about to try is the State of South Carolina versus
25 John Fitzgerald Anderson.

1 Before we begin the trial, I am going to place you under
2 oath. Once again, this oath is more specific to your duties
3 as jurors in this case. If you would, stand and please raise
4 your right hand.

5 (WHEREUPON, the jurors complied.)

6 THE COURT: Do you solemnly swear or affirm that you
7 shall well and truly try and true deliverance make between
8 the State of South Carolina and the defendant at bar, whom
9 you shall have in charge, and a true verdict give according
10 to the law and evidence? If so, say I will.

11 THE JURORS: I will.

12 THE COURT: You may be seated.

13 (WHEREUPON, the jury complied.)

14 THE COURT: All right. Ladies and gentlemen, before we
15 begin this trial, I want to tell you that this trial will
16 probably be different from what you might expect. Many
17 people do not have the chance to attend actual court
18 sessions, as you are doing now, and may think from watching
19 television or movies or reading books that trials are always
20 full of high drama, intense action, and riveting
21 circumstances.

22 While all of these things may be true at times, this
23 trial is not for entertainment. It is a fundamental part of
24 our democracy. It's an effort to make sure that justice is
25 done between the parties before the Court. Making sure that

1 justice is done is often slow, deliberate, and repetitive,
2 the opposite of what you may have seen on television or in
3 movies or read in books.

4 This courtroom is a place of honor dedicated to the
5 protection and preservation of citizens' rights through what
6 many have called the greatest justice system ever created.
7 The attorneys appearing before you are advocates for the
8 parties they represent, but, first and foremost, they are
9 officers of the Court, sworn to uphold the integrity and
10 fairness of our judicial system and to help you in searching
11 for the truth and determining the evidence. You should
12 expect them to be professional, competent, and ethical in the
13 representation of their clients' interest.

14 Remember that you have just taken an oath to try this
15 case and reach a fair and just verdict, and you are also
16 expected to be professional, reasonable, and ethical. Thank
17 you for accepting your important responsibility of jury
18 service and for your contribution today to our justice
19 system.

20 What I will now say is intended to serve as an
21 introduction to the trial of the case. These remarks are not
22 a charge of the law. I will instruct you on the law
23 applicable to the case at the end of the trial before you
24 retire to consider your verdict. This is merely an
25 explanation of the procedure that we will follow in the trial

1 of the case so that you may better understand what may be
2 happening.

3 The defendant is charged in three indictments with the
4 crimes of unlawful entry on another's lands after notice,
5 exploitation of a vulnerable adult, and receiving stolen
6 goods. The elements of those crimes will be explained to you
7 at a later time, but the indictments are simply the charges
8 by which the case is brought to court, and they are not in
9 any sense evidence of the allegations they contain.

10 The defendant has pled not guilty to each of these
11 indictments. The State, therefore, has the burden of proving
12 each of the elements of each of the indictments beyond a
13 reasonable doubt, and it will be your duty, ladies and
14 gentlemen, to decide whether the State has met that burden.

15 Your purpose as jurors is to determine the facts. You
16 are the sole judges of the facts. If at any time I make any
17 comment regarding the facts, you must disregard it. You are
18 to determine the facts from the testimony you hear and the
19 other evidence introduced in court. It is up to you to
20 determine the inferences which you feel may properly be drawn
21 from the evidence.

22 It is especially important that you perform your duty of
23 determining the facts diligently and conscientiously because,
24 ordinarily, there is no way to correct an erroneous
25 determination of the facts by a jury.

1 On the other hand and with equal emphasis, the same
2 judge -- the same law that makes you the judges of the facts
3 makes me the judge of the law. The law as given to you by
4 the Court is the only law you may consider. You must accept
5 it and follow it, even though you may disagree with it.

6 I cannot tell you what the facts are and you cannot
7 disagree with me about what the law is or what the law should
8 be. It is your job to take the law as I give it to you and
9 to apply it to the facts as you find them from the testimony
10 of the witnesses and any other evidence that is introduced.
11 After doing that, you will render your verdict under the
12 solemn oath that you just took as jurors.

13 Until I advise you to begin your deliberations, you must
14 not discuss the case with anyone, including your fellow
15 jurors, friends, family members, and anyone involved in the
16 case. This includes discussions face to face and those by
17 telephone, email, text, blogs, or any other method of
18 communication, including social media. After the case is
19 submitted to you, you must discuss it only in the jury room
20 with your fellow jurors.

21 The attorneys and parties in this case have been advised
22 that they are not to talk to you at all. So if you see
23 anyone involved in the case and they don't even say hello to
24 you, they are not being unfriendly. They are simply
25 following my instructions.

1 During the trial, do not read, listen to, or watch any
2 news reports about the case. This includes anything in the
3 newspapers or on the Internet, radio or television. You must
4 not consider anything that you have read or heard about the
5 case outside of the courtroom, whether before or during the
6 trial.

7 It is important that you keep an open mind and not
8 decide any issue in the case until all of the evidence has
9 been presented, the parties have made their closing argument,
10 and I have instructed you on the law applicable to the case.
11 It is your solemn responsibility to determine the guilt or
12 innocence of the defendant, and your verdict must be based
13 solely on the evidence as it is presented to you during this
14 trial and on the law as I instruct you during and at the
15 close of the trial.

16 Now, in just a moment, the solicitor will make what is
17 called an opening statement in which the solicitor will
18 explain to you the issues in the case or at least what the
19 solicitor thinks the issues are in the case. The attorney
20 for the defendant may also make an opening statement,
21 although he is not required to do so.

22 What the attorneys tell you during their opening
23 statements is not evidence in this case. It is only their
24 contention as to what the issues are. The evidence in this
25 case will be presented to you by the testimony of sworn

1 witnesses from this witness stand and by exhibits that may be
2 introduced into evidence.

3 Now, from time to time during the trial, you may hear
4 one of the lawyers say something like, Your Honor, I have a
5 question of law or a matter of law to discuss or, Your Honor,
6 may we approach the bench or I myself might sometimes find it
7 necessary to excuse you from the courtroom for a short while
8 so that the attorneys and I can discuss a matter of law.

9 The reason for this is because you are the judges of the
10 facts and sometimes when I am discussing matters of law with
11 the attorneys, it may be necessary for me to make some
12 comment about the facts in connection with a ruling as to
13 whether some particular law applies or doesn't apply.
14 Because I am not supposed to tell you what I think the facts
15 are, I will excuse you from the courtroom for a short while
16 so I can have these discussions so that you will in no way be
17 influenced by any comment that I make or anything that I say
18 or do in connection with the facts.

19 In determining what the facts are in this case, you must
20 decide whether or not the testimony of the witnesses is
21 believable. It will be my responsibility to rule as a matter
22 of law as to whether certain testimony is admissible or not,
23 but once the testimony is admitted, whether or not you
24 believe it is solely for you to determine.

25 In deciding whether to believe a witness, you have the

1 right to consider the interest of any witness, the bias of
2 the witness, the prejudice of any witness, the opportunity
3 for the witness to have seen the matters and things about --
4 about which the witness may testify, and the way the witness
5 acts on the witness stand.

6 You have a right to consider anything that is in the
7 record that will help you to evaluate the testimony of the
8 witnesses. That means that it is your duty to pay close
9 attention to these witnesses, to observe them, to listen to
10 them, and to pay close attention to the attorneys and to the
11 Court.

12 Do not let your thoughts wander, but give strict
13 attention to the testimony in this case so that at the end of
14 all the testimony, after the arguments of counsel and the
15 charge on the law by the Court, you will then be in a
16 position to determine what the facts are and to apply the law
17 to those facts and thus render a true and just verdict.

18 It will be the foreperson's added duty to preside in the
19 jury room and be the spokesperson here in court, but I will
20 give you further instructions about that at a later time,
21 including who the foreperson is.

22 Now, in order to preserve everyone's rights, I will give
23 both the State and the defendant an opportunity to object to
24 anything that I have said.

25 Any objections from the State?

1 MR. BROWN: None from the State.

2 THE COURT: From the defense?

3 MR. SHAFFER: Your Honor, may we approach?

4 THE COURT: Yes.

5 (WHEREUPON, a bench conference was held in the presence
6 of the jury but out of the hearing of the jury off the
7 record, after which the proceedings resumed as follows.)

8 THE COURT: All right. Folks, we will now begin the
9 trial of the case. I will call on the solicitor --

10 MS. SUMNER: Your Honor, may it please the Court.

11 THE COURT: -- Ms. Sumner --

12 MS. SUMNER: Thank you, Your Honor.

13 THE COURT: -- to make her opening statement.

14 OPENING STATEMENT ON BEHALF OF THE STATE

15 MS. SUMNER: Ladies and gentlemen, good morning. As you
16 heard the judge introduce me earlier, my name is Anna Sumner.
17 I'm an attorney at the Solicitor's Office here in Greenwood
18 County.

19 Seated at counsel table with me is Yates Brown. He is
20 also another attorney in our office. He works for the
21 solicitor here in Greenwood.

22 Why are we here today? All right, folks. The gentleman
23 seated over here in the pale blue shirt and the jacket on --
24 his name is John Fitzgerald Anderson. He is charged with
25 exploitation of a vulnerable adult, unlawful entry onto

1 lands, essentially trespass, and he is also charged with
2 receiving stolen goods. Okay? So those are the three things
3 at issue here today.

4 Now, I am going to give you tons of roadmap this
5 morning. All right?

6 But first, I'm going to tell you about generally what
7 are the facts we're working with in this case. Next, I am
8 going to tell you how we plan to show those to you. What
9 evidence are you going to get to hear? Lastly, I am going to
10 briefly go over the law with you. Okay? So you kind of know
11 what to expect as it goes as to what the law is.

12 Now, fact wise, we are dealing with a very elderly
13 victim in this case. Her name is Bertha Lee Robinson. She
14 was born [REDACTED], 1927. She is elderly, older. You are
15 going to hear she could not be here with us because of the
16 state of her health. All right?

17 Now, you are also going to get to hear from her primary
18 care physician, Dr. Stone. Dr. Stone is going to tell you
19 that back in 2016, Ms. Robinson has been diagnosed with
20 dementia. Okay? Something we're all familiar with and has
21 become a common diagnosis these days. Something that we --
22 you know, you're going to hear from Dr. Stone about when
23 someone becomes elderly, that this diagnosis is something she
24 deals with. All right? So you've got Ms. Robinson, this
25 lady with dementia.

1 Now, you are also going to hear Ms. Robinson -- she's a
2 widow. Her husband passed. Lucky though, her husband saved
3 throughout their lifetime, thousands -- tens of thousands of
4 dollars that these people saved for her to have later on in
5 her life. You are also going to hear they don't have much
6 family close by. She's got family out of state that were
7 trying to care for her from a distance. All right?

8 You are also going to hear that these folks start to
9 notice that there's money missing. The accounts are being
10 depleted. There are investments being cashed in. They are
11 disappearing.

12 Now, you are also going to hear that this situation
13 turns into the family getting a power of attorney so that
14 they can manage her bank accounts, affairs, things like that,
15 in May of 2017. You're also -- also going to hear this
16 situation escalates greatly on June 28th of 2017.

17 Law enforcement is going to respond out to Ware Shoals,
18 the area Ms. Robinson lived in, Nation Road, up 25 N., right
19 there by the Burger King that you're all familiar with, that
20 area of the county.

21 The situation escalates because on June 28th, law
22 enforcement, who had already been involved, family had
23 already been talking to them about concerns, the case was
24 already being investigated at that point, get a phone call.
25 Ms. Robinson had been at First Citizens Bank, where her

1 checking account was, with this gentleman, John Fitzgerald
2 Anderson. Also, the family couldn't find her at the house,
3 which is why all of this gets started that day. At this
4 point, she's got caregivers that deal with her.

5 There's \$300 taken out of the account at First Citizens
6 in Ware Shoals on June 28th. Law enforcement gets called.
7 They head out that direction. You are going to get to see
8 law enforcement attempt to stop this gentleman. He doesn't
9 stop. He tried to evade police.

10 It ends in a car accident. It ends with Ms. Robinson
11 seated in the front seat of this vehicle that has fled the
12 First Citizens in Ware Shoals with Mr. Anderson driving that
13 vehicle.

14 Also, once law enforcement gets to the wreck, gets him
15 stopped, you are going to see that they pull some items out
16 of the back seat of the vehicle. There is going to be a bag
17 seated right up here, a handy bag. Within that bag are going
18 to be several items, ladies and gentlemen. There's going to
19 be some jewelry. There's going to be some car keys.

20 And previously, there's been some items reported stolen
21 out of Ms. Robinson's home. All right? Including these
22 Jaguar keys and some of these other items. Okay? This is
23 located in the backseat of this vehicle being driven by Mr.
24 Anderson when it comes to a stop at that wreck.

25 All right. Ladies and gentlemen, so who are you going

1 to get to hear from? You're going to hear from law
2 enforcement. You are going to hear from Inv. Powell. He's
3 seated right back here. He's the chief detective on this
4 case for the Greenwood County Sheriff's Department.

5 You are going to get to hear from Deputy Mitchell. He
6 is the one that pursued Mr. Anderson that day back on June
7 28th.

8 You are going to hear from Robin Stone, as I mentioned.
9 Dr. Stone is going to talk to you about the state of affairs
10 of this lady, her health, diagnoses, all of those concerns
11 that are going to be key.

12 You're also going to get to hear from -- I told you
13 about there are caregivers in the home. All right? You are
14 going to get to hear about that, the type of aid this woman
15 needed at this point in her life as a result of these health
16 problems she had. All right?

17 Now, you are also going to get to hear from several
18 individuals about the bank accounts of Ms. Robinson, multiple
19 accounts, multiple investments. Particularly, there will be
20 a recording that deals with an investment she had at John
21 Hancock.

22 I was not particularly familiar with that. Wells Fargo,
23 United Community Bank, those are banks we all hear often. We
24 are familiar with those banks.

25 John Hancock -- you are going to hear a recording -- is

1 an investment firm where she had an account there. The money
2 was taken out. You are going to get to hear that that was
3 taken out via phone call involving Mr. Anderson. All right?

4 That is primarily who you are going to hear from in this
5 case. You are going to hear it from right up here at the
6 witness stand. All right?

7 I urge each of you please throughout the course of this
8 trial pay close attention to the evidence presented to you
9 and what you hear from that witness stand. All right?

10 As the judge told you, you all are the judges of the
11 facts. All right? There's no better person in Greenwood
12 County who can do that job than you all. That is your job
13 here today.

14 Now, as far as the law, again, we are dealing with three
15 charges. One thing I did want to go ahead and mention to
16 you. Vulnerable adult. Exploitation of a vulnerable adult.
17 Who is a vulnerable adult in this state?

18 The statute makes it very clear. A vulnerable adult
19 means a person 18 years of age or older who has a physical or
20 mental condition which substantially impairs the person from
21 adequately providing for his or her own care or protection.
22 This includes a person who is impaired in the ability to
23 adequately provide for the person's own care or protection
24 because of the infirmity of aging, including but not limited
25 to organic brain damage, advanced age, physical, mental or

1 emotional dysfunction. A resident of a facility is a
2 vulnerable adult.

3 Okay? So that's what the law defines for us is what a
4 vulnerable state is -- adult is in the state of South
5 Carolina.

6 Ladies and gentlemen, you all have probably all heard
7 about reasonable doubt as well. Okay? In order to convict
8 Mr. Anderson, you have to find beyond a reasonable doubt that
9 he did this. Keep in mind that is not without all doubt.
10 That is not without any doubt. That is not without any
11 feasible possible doubt. All right?

12 Ladies and gentlemen, the analogy that makes sense to me
13 that I like to use is that if I'm at a four-way stop, I am
14 going to stop. I'm going to look left and right. I'm even
15 going to look in front of me. I am going to make sure that
16 all directions are clear.

17 In this case, I would ask you to please -- like, I urge
18 you to take into account all of the evidence we have here.
19 All right? Once you have reviewed it all, I am going to ask
20 you at the end of this case to proceed through that
21 intersection and as we're here today that you find Mr.
22 Anderson guilty of these crimes that he is charged with.

23 Thank you for your time and attention.

24 THE COURT: All right. Yes, sir?

25 MR. FEDALEI: Thank you. May it please the Court.

OPENING STATEMENT ON BEHALF OF THE DEFENDANT

MR. FEDALEI: Good morning, everyone. I am going to make a fairly simple but very important point by telling you all a little bit about my grandmother or, as I know her, Grammy.

Grammy is our family matriarch. She was my last surviving grandparent. She's my dad's mom. She was a very strong, caring person. I don't know if I know of anyone that I've met in my life that has displayed more compassion and love towards other people.

She was the oldest of five children growing up in Philadelphia. Unfortunately for them, her father passed away when she was very young. So she grew up basically raising four younger siblings because their mom did not deal well with that loss.

But fortunately, there was a neighbor of theirs who lived across the street with an Italian boy about her age that had a better family life, and they would go kind of take refuge with him when things weren't good at home. That boy she would grow up to marry. That was my grandfather.

Fast-forward. Once they get married, my grandfather served for his entire career in the U.S. Army. So he was there for his entire career. He eventually worked his way up to the rank of colonel. And Grammy spent most of the '60s and '70s kind of living a typical suburban housewife kind of

1 lifestyle. She'd be entertaining, making big meals, cooking
2 for these parties of other army officers.

3 But once my grandfather was deployed to Vietnam, he was
4 exposed to Agent Orange, which is an herbicide they used in
5 Vietnam that made a lot of soldiers sick. When he came home,
6 he died shortly after. So she had to deal with that loss.
7 That was about the time that my dad was in college.

8 She never remarried, but she did live and have a sister
9 that lived with her for the rest of her life. So she always
10 had somebody who was there for her. Even as she got older
11 and older, she had somebody that was there for her day to
12 day.

13 Now, as things move along, my dad grows up and he joins
14 the Army. He marries my mom and they start their family off
15 the right way, with me. But at that time of change and great
16 increased responsibility, things weren't always easy for
17 them, and Grammy was like the glue that held our family
18 together, that made sure that everyone accepted their
19 responsibility, that they dealt with change well, as they
20 kind of entered this new phase of being a new family.

21 She also did things like cared for me for months on end
22 when my little sister had a complicated birth, and we -- I
23 became extra close with her because, you know, obviously, I
24 reminded her of her only child, which was my dad.

25 But eventually, she had her own battle to fight. About

1 the time I was in college, she was diagnosed with breast
2 cancer. She fought really hard. She fought breast cancer
3 for over six years. She went through grueling chemotherapy.
4 I had never seen somebody that was so strong and vibrant kind
5 of become so depleted and weak like that made her.

6 But she fought and she fought and eventually she got
7 into remission. It's kind of a very distinct memory for me.
8 It's the only time I've kind of seen my dad break down was
9 when he thought he was writing his last Mother's Day card to
10 her.

11 So she got into remission and things were going fine.
12 She continued to live her life. She recovered. She grew her
13 hair back. Until it wasn't. The cancer came back and by
14 then it had metastasized, meaning it had spread to most of
15 her vital organs, and that was pretty much the end of the
16 line.

17 We knew she wasn't doing chemo again. So that was
18 pretty much it. Our goal then was to make her as happy and
19 as comfortable as we possibly could for those last few weeks.

20 I had just started law school. I was in my first month
21 at USC. I had gotten accepted to kind of fancier law schools
22 up north, but because of Grammy's health and a few other
23 things, it sort of helped my decision to stay in state and
24 stay at USC. And when we got this news in August of 2012, it
25 was a no-brainer. I was going to be there for Grammy.

1 At that point, she was so weak. She was in so much
2 pain. She basically was at that home kind of assigned to bed
3 rest. She was barely herself anymore, but I got to be there
4 for the last few days when she was still lucid, when she was
5 awake, when she could talk to me. I got to tell her how much
6 I loved her. I got to tell her how thankful I was that she
7 had been in my life.

8 And all the little things that we did for her at the
9 end, whether it was giving her little sips of water, trying
10 to move her around her bed, even treating her bedsores, not
11 stuff that is pleasant or fun or glorious, but there was
12 nothing more important to me to be able to care for somebody
13 who had cared for me and my family for her entire life. And
14 that was the most important thing was that I got to be there
15 for her.

16 When she passed away, it was with her sisters, one of
17 whom had grown up to be a nun, praying by her side, and she
18 was eventually buried next to my grandfather in Arlington
19 National Cemetery.

20 I tell you all that because as a family, we were lucky
21 enough to always make sure that Grammy had somebody there for
22 her, that she was never alone, whether it was dealing with
23 the passing of her husband, getting bad news about her
24 health. Whatever the case may be, she was never truly alone.

25 She was never longing for somebody that could be there

1 to help her, and that's irreplaceable. Nothing can beat
2 being there for somebody, especially somebody that you care
3 about. That's the main thing that I want you to remember,
4 the importance of being there.

5 So with that said, let's clear up a few things about the
6 case before we kind of get into hearing the witnesses and you
7 guys get to hear the evidence.

8 Ms. Robinson or Ms. Bertha, as people like to call her,
9 was withdrawing a lot of money from her bank accounts. Why
10 and where the money went, nobody knows.

11 Mr. Anderson or Gerald, as everyone calls him, as Ms.
12 Bertha knew him, was there for her. He also didn't stop for
13 the police when he was pulled over. He has already admitted
14 to that. He's pled guilty because he was guilty. Because
15 he's the kind of person that when he's guilty of something,
16 he'll admit to it and, when he's not, he won't, just like
17 many of us might handle the same situation.

18 But one thing that nobody can take away is that Gerald,
19 who knew Ms. Bertha as his mom's friend, as a neighbor of
20 his, was there for her when she needed him. When she needed
21 help and her family lived out of state, she called Gerald.

22 Ms. Bertha has lived a very long life. She's survived
23 the death of her own husband a few years ago and, like we
24 said, her family lives out of state and she is now fighting a
25 terminal illness of her own.

INV. RONNIE POWELL - DIRECT BY MR. BROWN

1 You've also heard what the State is accusing Gerald of,
2 and it's a pretty terrible thing for anyone to be accused of,
3 but with him facing that charge and being here today, I can't
4 help but be reminded of a phrase that my dad has always told
5 me, which is that no good deed goes unpunished. And now he
6 sits before you in the courtroom as an innocent man.

7 Thank you.

8 THE COURT: All right. The State may call their first
9 witness.

10 MR. BROWN: The State calls Ronnie Powell.

11 THE CLERK: Do you swear or affirm the testimony you
12 give this Court will be the truth, the whole truth, and
13 nothing but the truth, so help you God?

14 THE WITNESS: I do.

15 THE BAILIFF: Watch your step. Speak into the
16 microphone.

17 THE WITNESS: Yes, sir.

18 RONNIE POWELL, being first
19 duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. BROWN:

22 Q: Good afternoon, Officer Powell.

23 A: Good afternoon.

24 Q: Officer Powell, where do you work?

25 A: I'm employed with the Greenwood County Sheriff's Office.

INV. RONNIE POWELL - DIRECT BY MR. BROWN

1 Q: And how long have you been with the Greenwood County
2 Sheriff's Office?

3 A: I started in 2011; so about seven years.

4 Q: Prior to 2011, where were you employed?

5 A: I was active duty in the National Guard full-time, AGR.
6 I retired and moved to the Sheriff's Office after that
7 service.

8 Q: How long were you in the National Guard?

9 A: Twenty-two years.

10 Q: And before that, were you military?

11 A: I started when I was 17, whenever I could sign the
12 papers.

13 Q: After you retired from the Army National Guard and
14 before you went to the Sheriff's Office, did you have other
15 training?

16 A: I was -- as my duties of the ending National Guard, I
17 was actually assigned to a narcotics task force. So I really
18 worked with law enforcement throughout my career doing
19 intelligence gathering, that type of work, not in a law
20 enforcement capacity but in a military support capacity to
21 law enforcement.

22 Q: And after retiring, you made a smooth transition into
23 the Greenwood County Sheriff's Office?

24 A: Yes, sir. I was actually assigned to Greenwood County,
25 the narcotics division of the Sheriff's Office.

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1 Q: Yes, sir.

2 A: And that's where I retired. And during my time that I
3 was on terminal leave, I actually went to the Academy.

4 Q: And back in 2017 when this case arose, what -- what
5 division in the Sheriff's Office were you employed?

6 A: I was actually assigned to the investigation division at
7 that time.

8 Q: And jumping ahead or moving along to this case, Mr.
9 Powell -- Inv. Powell, did you receive a phone call or become
10 aware of an incident with Bertha Lee Robinson?

11 A: Yes, sir. I was -- like I say, I was assigned to
12 investigations at that time. A family member filed a report
13 of some improprieties, of some financial stuff with the --
14 with a relative -- I think it'll be testified today -- he
15 identified. As they live out of state, they --

16 Q: Let me -- let me just make clear, the relative, Mr.
17 Anthony Gilmore, is a nephew?

18 A: Yes, sir. Mr. Gilmore filed the report.

19 Q: Reporting that his -- his aunt, Bertha Lee Robinson, had
20 some issues of money missing; is that correct?

21 A: Yes, sir. There was some -- there were issues of
22 possible money missing and they were not aware, and it had
23 become a potential health situation that they were following
24 up on and discovered these items and the situation.

25 Q: When Mr. Gilmore called, was that May 30th, 2016?

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1 A: Yes. I believe that's the date he filed the report with
2 the Sheriff's Office.

3 Q: And on the day he filed the report on May 30th, 2016, how
4 old was Ms. Robinson?

5 A: When she -- when he filed the report, Ms. Bertha was 89
6 years old at that time.

7 Q: Ms. Bertha lived where?

8 A: She lived on Nation Road. I believe her address is [REDACTED]
9 Nation Road.

10 Q: Is that in Greenwood County, South Carolina?

11 A: Yes, sir. It's actually a Hodges address, but it's in
12 Greenwood County. Sorry for the glasses.

13 Q: That's okay. Whatever you need to see.

14 Now, Mr. Powell, on that initial report May 30th and then
15 May 31st when you began your investigation, you mentioned that
16 money was missing from Ms. Bertha's -- Ms. Bertha Robinson.
17 Was there anything else reported missing?

18 A: He reported that --

19 MR. FEDALEI: Objection, Your Honor. It's hearsay.

20 THE COURT: Overruled.

21 BY MR. BROWN:

22 A: At the time of report, Mr. Gilmore, just from his --

23 MR. FEDALEI: Objection, Your Honor. We also have one
24 under confrontation.

25 THE COURT: I'm sorry?

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1 MR. FEDALEI: For confrontation. Confrontation clause.

2 THE COURT: The objection is overruled.

3 BY MR. BROWN:

4 Q: Again, Mr. Powell, was there anything else other than
5 money being -- that Ms. Robinson was missing out of her bank
6 accounts, anything else reported to you for investigative
7 purposes that was missing from Ms. Robinson?

8 A: As I say, in the initial report filed by Mr. Gilmore, he
9 listed several items in that report, and it's a generic list
10 of some -- he listed some -- of course, he said the money.
11 He listed a pair of Jaguar keys and a box that contained
12 numerous keys, some miscellaneous jewelry and coins, and, of
13 course, you've mentioned the money.

14 I'm not sure if he was unaware -- he was aware of what
15 actually belonged in the house at that time, but those are
16 just a few items that he initially said that they were for
17 sure missing. I believe the keys were brought because they
18 -- the key -- the vehicles were on the property and they
19 didn't have any way to access the vehicles or move them or
20 make sure that they were operational. So that brought it to
21 their attention.

22 Q: And when we talk about money missing, what type of
23 money? Like, how much in the initial report?

24 A: Initially, he said \$100,000 was missing.

25 Q: Now --

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1 A: And I had no idea how -- what he knew at that time. He
2 knew more than I did. I was from the outside looking in.

3 Q: And with this information, you -- you began your -- your
4 investigation?

5 A: Yes, sir. He -- at that time, I believe he had access
6 to some bank accounts that were -- so he provided that
7 information, which gave me a point. As I said, I had no idea
8 what type of activity had been going on. So he provided me
9 with the basic bank account records at that time so that I
10 could really start the investigation to see what was going
11 on.

12 Q: And during your investigation, did you become aware of
13 John Fitzgerald Anderson?

14 A: Yes, sir. That was the name that was initially given
15 even in the initial report of a potential suspect. Mr.
16 Anderson lived pretty much directly across --

17 MR. FEDALEI: Objection, Your Honor. This is hearsay
18 again, and confrontation.

19 THE COURT: Overruled.

20 BY MR. BROWN:

21 Q: Is John Fitzgerald Anderson in the courtroom here today?

22 A: Yes, sir.

23 Q: And wearing a sports coat and blue shirt?

24 A: Yes, sir.

25 Q: Now, where in relation did Mr. Anderson live to Ms.

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1 Bertha Robinson?

2 A: He lived pretty much directly across the street. I
3 would say probably 300 -- 400 yards from her residence.

4 Q: And who did he live with?

5 A: I believe he lives with his brother. I'm not sure his
6 name.

7 Q: A family member?

8 A: Another family member.

9 Q: Now, after you became involved May 30th to May 31st with
10 the Sheriff's Office, had you made -- did you make any
11 encounters with Mr. Anderson?

12 A: Yes, sir. I initially tried to make contact with Mr.
13 Anderson at the house. He was not there. I was able to
14 obtain a telephone number for him. He and I spoke on the
15 phone.

16 One of the items that was -- that were brought forward
17 was a tractor that was used to mow the lawn there that they
18 didn't have -- they didn't have any knowledge of where it
19 was, and there was a -- some information that Mr. Anderson
20 may know where it's at, that somebody may have borrowed it or
21 something to that effect.

22 So I contacted him to question him about that. He said,
23 yes, he did know where the tractor was and he would try to
24 get it back to the residence.

25 Q: Did that tractor ever reappear?

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1 A: Yes, sir. It got brought back, I believe, that evening
2 or the next day, but it actually got brought back to Mr.
3 Anderson's home. After that -- after it got back, he
4 contacted me and told me that it was there, but for some
5 reason, whatever, he had lost the key to it prior -- after --
6 or after it got to his home. So he couldn't get it back over
7 to Ms. Bertha's house.

8 I instructed him then that -- that I needed to get the
9 tractor back to the rightful owner, Ms. Robinson, get it back
10 to her house and that he needed to stay away from that -- the
11 property. That he did not need to go back over there anymore
12 once he got the tractor back over there.

13 Q: And that was -- you told him directly that he did not
14 need to go back over to [REDACTED] Nation Road?

15 A: Yes, sir.

16 Q: The home of Bertha Robinson?

17 A: Yes, sir.

18 Q: Initially, when you talked with the niece and nephew,
19 the family members of Ms. Bertha Robinson, did you also
20 instruct them to place no trespassing signs around the
21 property?

22 A: Yes, sir. There was -- at the time, I had not made
23 contact with him; so I had not actually written a trespass
24 notice or there was no kind of orders for him to stay away,
25 and I advised them as the state of South Carolina, if you

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1 post your property as no trespassing, then that's as good as
2 being put on notice of not to come to the property.

3 Q: In addition to that, you also told him directly to stay
4 off the property?

5 A: Yes, sir.

6 Q: Prior to June 28th, 2017?

7 A: Yes, sir.

8 Q: After -- or during the month of June, did you also
9 become aware that Ms. Cindy Adams, the home health care
10 nurse, began taking some care of Ms. Bertha Robinson? Was
11 that made aware to you?

12 A: Yes. The family hired Ms. Cindy after -- after all this
13 was -- was found out and, as I say, they live out of state.
14 So somebody was going to have to care for her here in South
15 Carolina if they were all going to be going back home. So
16 they employed her agency -- I'm not sure the name of their
17 agency -- to care for Ms. Bertha, whatever schedule that they
18 had for her. There was some serious health issues and safety
19 issues with her.

20 Q: Yes, sir. Moving forward to -- moving forward to the
21 actual date of June 28th, 2017, Inv. Powell, were you
22 contacted that day by Cindy Adams in relation to Ms. Bertha
23 Robinson?

24 A: Yes, sir. Ms. Robinson's -- I'm sorry. Ms. Cindy's
25 employee of hers went to the residence to care for Ms. Bertha

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1 and realized that she was not there. She contacted me
2 immediately and advised me that she wasn't there. She had
3 already contacted 9-1-1. So I went ahead and responded along
4 with an officer that were -- that were placed on that call.

5 I got to the house. You know, obviously, we had tried
6 to locate in the area around the house. We didn't know if
7 she had walked off. We didn't know what was going on there.

8 As I arrived, I got a notification. I think Ms. Cindy
9 got a notification from the family because of the fact that
10 they were at that point able to monitor her financial
11 activities.

12 MR. FEDALEI: Objection, Your Honor.

13 THE COURT: Sustained.

14 BY MR. BROWN:

15 Q: During your investigation that day, did you learn that
16 Ms. Robinson was in the town of Ware Shoals?

17 A: Yes, sir. I was advised by Ms. Cindy that -- that she
18 was in Ware Shoals, South Carolina.

19 Q: And when you went to Ms. Bertha's house at [REDACTED] Nation
20 Road, Ms. Robinson's vehicle was in the yard?

21 A: I believe that there was -- I believe her truck was
22 there. There's a truck. It's orange. I believe that it was
23 there, but the other vehicles -- I didn't see any other
24 vehicles there other than the caregiver's vehicle.

25 Q: So after getting there and Ms. Robinson was not at her

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1 house, what other officer arrived at Ms. Bertha's house?

2 A: I believe Mr. Urban Mitchell was dispatched to this
3 call.

4 Q: And you and Mr. Mitchell were at Ms. Bertha Robinson's
5 house initially?

6 A: Initially, yes, sir. We responded there.

7 Q: And this is -- this is in the morning hours; is that
8 correct?

9 A: Yes.

10 Q: After learning that Ms. Robinson could possibly be in
11 the town of Ware Shoals, what did you do and what did you
12 instruct Mr. Mitchell to do?

13 A: I advised him to -- to respond to Ware Shoals and patrol
14 the area and attempt to locate -- at that time; we knew the
15 vehicle. There was a camera system on the residence that the
16 family could monitor. They saw where Mr. Anderson was at the
17 house that morning on video; so we knew who she potentially
18 could be with. Advised him of the type of vehicle that he
19 drives, to look out for that vehicle, just patrol the Ware
20 Shoals area.

21 Q: And that vehicle to be on the lookout for was a -- was
22 it a red Hyundai Santa Fe?

23 A: Yes.

24 Q: That's a small SUV?

25 A: Uh-huh.

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1 Q: And did Officer Mitchell -- he did, in fact, go to Ware
2 Shoals?

3 A: Yes, he did.

4 Q: While Mr. -- or Officer Mitchell went to Ware Shoals,
5 you stayed at the house?

6 A: Yes.

7 Q: At any time after that, did you get any other calls as
8 it relates to Ms. Robinson and Mr. Anderson and the red
9 Hyundai Santa Fe?

10 A: I was notified by Deputy -- Deputy Mitchell that he had,
11 in fact, located it and began to follow it and was in pursuit
12 of it, and I immediately left from that -- from the residence
13 and began toward Ware Shoals.

14 Q: On 25 North?

15 A: Yes, sir. Nation Road, took a right toward the Burger
16 King toward Ware Shoals.

17 Q: And once you got on 25 North, did you, in fact, see the
18 vehicle and Officer -- or Deputy Mitchell pursuing that
19 vehicle?

20 A: Yes, sir. At that point, I -- I stopped my vehicle and
21 turned and followed in the pursuit.

22 Q: They are actually coming 25 South --

23 A: They were coming --

24 Q: -- past you; is that correct?

25 A: They are coming from Ware Shoals. I see them come out

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1 of the Ware Shoals intersection onto 25 at a high rate of
2 speed, and I'm in the, I guess, northbound lane going toward
3 Ware Shoals. So I'm in the other lane and they passed me
4 going southbound.

5 Q: You said at a high rate of speed?

6 A: Yes, sir.

7 Q: After they passed you, where did the vehicle ultimately
8 come to a resting spot?

9 A: It attempted to turn past the Burger King. It turns
10 back onto Nation Road right there. They attempted to make
11 that turn. Due to his driving or speed or vehicle ability,
12 he was not able to make the sharp turn, hit the curb, and
13 ended up along the fence on the right-hand side of the
14 roadway.

15 Q: Did the car sustain any damage?

16 A: Yes, sir. I believe it -- it damaged the front right
17 tire where it hit the curb. I think the tire came off and
18 separated from the vehicle.

19 Q: Once the car came to a stop, Mr. Anderson was placed
20 under arrest; is that correct?

21 A: Yes, sir.

22 Q: Where was Ms. Bertha Robinson?

23 A: She was still sitting in the passenger seat in the front
24 seat of the vehicle.

25 Q: What was her condition based on what you observed?

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1 A: She was shaken up, a little bit of shortness of breath.
2 I don't -- she acted like she was just not really aware of
3 what was going on, was unsure of what was happening.

4 Q: During that traffic stop and ultimately taking care of
5 Ms. Robinson and Mr. Anderson, was EMS called to the scene?

6 A: Yes, sir.

7 Q: Did Ms. Cindy Adams and other caregivers with Cindy
8 Adams' company -- did they also appear?

9 A: Yes, sir. They were on scene.

10 Q: Once you got everyone separated and Ms. Bertha being
11 taken to be checked out and Mr. Anderson being taken to check
12 out, did you search the vehicle and find what you believed to
13 be items taken from Ms. Bertha Robinson?

14 A: Yes, sir.

15 Q: And just now, I want to --

16 MR. FEDALEI: Objection, Your Honor.

17 THE COURT: Objection to what?

18 MR. FEDALEI: Under South Carolina Rules of Evidence 401
19 and 403.

20 THE COURT: To what?

21 MR. FEDALEI: To what? Oh, to reference to the goods in
22 the car.

23 THE COURT: Overruled.

24 (WHEREUPON, there was a pause in the proceedings for the
25 item to be marked, after which the proceedings resumed

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1 as follows.)

2 MR. FEDALEI: Objection, Your Honor. May we approach?

3 MR. BROWN: I haven't said anything.

4 THE COURT: He hasn't done anything. I'm not sure what
5 you're objecting to. Y'all can come on. Come on.

6 (WHEREUPON, a bench conference was held in the presence
7 of the jury but out of the hearing of the jury off the
8 record, after which the proceedings resumed as follows.)

9 THE COURT: To the extent that there was an objection,
10 it is overruled. Continue.

11 MR. BROWN: Thank you, Judge.

12 BY MR. BROWN:

13 Q: Inv. Powell, I'm going to show you what's been marked
14 for identification purposes only at this time as State's
15 Number 1. What is that?

16 A: It appears to be a first-year kit -- a first-aid kit
17 from a Hyundai Motor America.

18 Q: And in more detail, a first-aid kit to a Hyundai Santa
19 Fe?

20 A: Yes. I'm sorry.

21 Q: Thanks.

22 A: It's a Hyundai Santa Fe first-aid kit.

23 Q: Now, Inv. Powell, where was that first-aid kit found?

24 A: This was located in the backseat of the -- of the Santa
25 Fe.

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1 Q: And again, where was Ms. Bertha Robinson sitting in that
2 vehicle?

3 A: Ms. Robinson was sitting in the passenger front seat.

4 Q: The front seat? This was behind?

5 A: This would be in the -- in the backseat area. There was
6 a lot of stuff in the vehicle. It was pretty much kind of in
7 the center of the -- of the -- of the vehicle. There was
8 other items in there.

9 Q: But just for identification purposes right now, this
10 first-aid kit contained -- what did it contain?

11 A: Once I opened the first-aid kit, it contained a set of
12 keys that went to a Jaguar, which from my knowledge of what
13 was previously missing from the residence --

14 MR. FEDALEI: Objection, Your Honor. We renew our
15 previous objections.

16 THE COURT: Overruled.

17 BY MR. BROWN:

18 A: When I observed the keys for the -- for the Jaguar that
19 were in there, not a normal set of keys that you would see
20 everywhere from a Jaguar, I knew from a previous report that
21 that was some item that was missing from the house. So that
22 immediately made me think that these are potentially the keys
23 to that -- to that vehicle that we were looking for.

24 Q: Were there other items in that bag also?

25 A: Yes. I think there was some more sets of keys in there.

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1 Let me open it. There's at least one other set of keys that
2 were in there. She has several vehicles. And some jewelry
3 items. Let me see. I'm unsure -- like I say, I didn't have
4 a lot of description on any kind of jewelry that she may
5 possess, just miscellaneous jewelry.

6 Q: As documented in the previous incident report on May
7 30th?

8 A: Yes, sir.

9 Q: Okay.

10 MR. FEDALEI: Objection, Your Honor. Hearsay and
11 confrontation.

12 THE COURT: Overruled.

13 BY MR. BROWN:

14 Q: And when arresting Mr. Anderson, did Mr. Anderson have
15 any -- anything located in his pockets?

16 A: Yes, sir. I believe he had an amount of cash, U.S.
17 currency, in his pocket.

18 Q: Do you remember how much exactly it was?

19 A: I don't remember.

20 Q: Did you, in fact, collect the cash that was in Mr.
21 Anderson's pocket and place it into evidence?

22 A: Yes, I did. It was -- it was collected or taken from
23 him after -- pursuant to arrest. Like I said, I don't
24 remember exactly what it was, how much it was.

25 Q: Would you like to count it?

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- 1 A: If you'd like.
- 2 Q: I'll show you what's been marked as State's ID Number 2.
- 3 A: 249.
- 4 Q: Inv. Powell, after you -- after you collected these
- 5 items, the Santa Fe -- Hyundai Santa Fe first-aid kit with
- 6 the items that were previously mentioned and also the cash
- 7 that was taken from Mr. Anderson's front pocket, did you
- 8 seize these items as evidence or as potential evidence in
- 9 this case?
- 10 A: Yes, sir. The money specifically because of the
- 11 knowledge that I knew how much money was removed from the
- 12 account, and it matched similarly to that amount. I wasn't
- 13 sure if they had went anywhere and spent any other money at
- 14 that time. So I secured that amount. It was potentially the
- 15 amount that she would have withdrawn from the account.
- 16 Q: And once you collect these bits of evidence, after you
- 17 left the scene that day, what did you do with these items?
- 18 A: Those items were placed into an evidence locker at the
- 19 Greenwood County Sheriff's Office and held until this day.
- 20 Q: And as part of your investigation as the lead
- 21 investigator on this case, was it your duty -- did you
- 22 collect a lot of bank records, videos, statements, and all
- 23 that for court for future reference?
- 24 A: Yes.
- 25 Q: And now, going back, you mentioned during -- after

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1 speaking with the niece and nephew initially on May 30th and
2 May 31st, 2017, that you did go back and look at other bank
3 records and investments. One in particular, did you look
4 into investment with John Hancock located out of Boston,
5 Massachusetts?

6 A: Yes, sir. I believe Mr. Gilmore at some point
7 discovered that there was an account that she had, and he
8 actually took it upon himself to contact them to find out,
9 you know, the status of this account, and they advised him
10 that the account had been closed at some point and -- but
11 there was a recording of the transaction, but they would need
12 to contact law enforcement to be able to obtain that
13 recording. He couldn't -- they couldn't present it to him.

14 Q: And that's where you came in and were able to obtain
15 that?

16 A: Yes, sir. He notified me of that and I contacted them
17 and requested a copy of the -- of the recording. That's
18 pretty much standard for any transaction like that.

19 Q: And again, just to be on the safe side, the bank in Ware
20 Shoals where Ms. Bertha withdrew the \$300 that day, is that
21 in Greenwood County?

22 A: Yes. It's in -- it's in Greenwood County.

23 Q: Ware Shoals?

24 A: It's in Ware Shoals, but Greenwood County.

25 Q: [REDACTED] Nation Road is in Greenwood County, South Carolina?

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1 A: Her address?

2 Q: Yes, sir.

3 A: Yes. Her address is, yeah, [REDACTED]. Yes, sir.

4 MR. BROWN: No more questions of this officer.

5 THE COURT: All right. Ladies and gentlemen, we are now
6 going to take a break for lunch.

7 During the break, do not discuss the case amongst
8 yourselves or with anybody else. Don't do any research about
9 the case. Don't try to make any contact with any witness,
10 attorney, anyone else involved in the case. Don't go by the
11 incident location or anything like that. Just go eat some
12 lunch and -- and pretend you're not on jury duty for a
13 second.

14 So I want you to be back in your jury room at 2:30.
15 I'll see you then.

16 THE BAILIFF: Come this way, please. If you need to get
17 anything out of the jury room, you can get it.

18 (WHEREUPON, the jury exited the courtroom at 1:00 p.m.)

19 THE COURT: All right. You may step down. Don't
20 discuss your testimony with anybody over the lunch break.

21 Before we leave for lunch though, Mr. Shaffer, I'm sure
22 you have some things you want to put on the record.

23 MR. SHAFFER: Yes, Your Honor. Let me put on there your
24 original instruction and the opening statement. I think that
25 we had made a statement about the "seek the truth" language

1 and perhaps it's possible I misheard you, Your Honor.
2 Obviously, the Court didn't think that you had said that. I
3 thought that you actually had, but we've made that objection
4 and we also renewed our request to limit the opening
5 statement, which I believe was overruled.

6 THE COURT: That was overruled. I may have told you
7 incorrectly about the preliminary charge to the jury. I
8 don't recall having said search for the truth, but I
9 certainly did say render a true and just verdict. I do
10 recall that. So at least to that extent, it didn't occur to
11 me that that's one of those phrases, but that's why I wanted
12 you to have the opportunity to put that on the record.

13 MR. SHAFFER: At this point, we'll actually waive it.

14 THE COURT: All right.

15 MR. SHAFFER: Because there's no -- as to that, Your
16 Honor, because at this point --

17 THE COURT: Okay. Good enough.

18 Now, yes, sir?

19 MR. BROWN: Judge, we are still working on the redaction
20 and so, hopefully, we will have that shortly and let -- let
21 defense have an opportunity to hear that and, Your Honor, if
22 you would like to hear it or watch it as well, we will have
23 that available before 2:30.

24 THE COURT: I only need to watch it if Mr. Shaffer is
25 going to have additional objections.

1 MR. SHAFFER: We'll take a look at it first, but I
2 imagine we will.

3 But, Your Honor, also, there is a matter. There was a
4 Whitney Jones, who is my client's girlfriend allegedly, I
5 believe. She was arrested. She ended up giving a statement.
6 She's here to testify for the State.

7 She was actually arrested, I think, for assaulting my
8 client, but I'm not a hundred percent sure. There was an
9 incident report we requested pursuant to Brady. That
10 incident report -- I think that their -- the State's position
11 was it was expunged.

12 Therefore, I would need the Court to order them to
13 produce the incident report. I think it's Brady material and
14 we should be allowed to see the incident report with the
15 allegations about maybe this witness is going to testify
16 assaulting my client.

17 THE COURT: Yes, sir?

18 MR. BROWN: Judge, we do plan -- we do plan to call
19 witness Whitney Jones, who on our understanding and based on
20 what we've been told lived with Mr. Anderson. They dated for
21 a while.

22 In the actual video, the fail to stop, the officer,
23 Urban Mitchell, makes a note of it that they did go out and
24 arrest Whitney Jones about a week prior to the fail to stop
25 for assault. Mr. Shaffer asked for that incident report.

1 It's my understanding we went back and looked and it's not in
2 the clerk of court's records. It's actually been expunged.

3 So with that, we are kind of teetering on -- I think we
4 could be open to criminal liability, as well as the Sheriff's
5 Office and anybody else after something has been expunged.
6 It's the same thing as somebody going to PTI.

7 So just as a precautionary measure, we'd ask, Your
8 Honor, if you do find it Brady, we can get that for them, but
9 I do believe it's going to be redacted. The only way I think
10 they'll find it is through John Anderson's name being on the
11 incident report. But as it is as being expunged, I believe
12 the case was dismissed at the magistrate level.

13 MR. SHAFFER: Your Honor, obviously, it's due process
14 rights trumps the statute -- state statutory right about
15 whether or not something that's expunged can be given over.
16 They still are in possession of it. It's Brady material
17 based off the fact that, immediately after her arrest, she
18 actually gave a statement against my client related to that.
19 It is our contention or possibly our contention that the
20 facts leading to her arrest may have been biased or may have
21 been a motivation for her actually to do it.

22 In the event that the Court doesn't actually produce the
23 document, we would ask that it be made a sealed Court's
24 exhibit so that it can be preserved for appellate review.

25 THE COURT: Yes, that incident report should be turned

1 over. At least, my reading of the statute provides for that.

2 MR. BROWN: And I don't think it would be an issue to

3 get it very quickly.

4 THE COURT: Okay. I will see you all back at 2:15.

5 Okay?

6 MR. BROWN: Thank you, Judge.

7 (WHEREUPON, there was a break in the proceedings from

8 1:10 p.m. until 2:28 p.m., after which the proceedings

9 resumed as follows.)

10 THE COURT: All right, folks. Do we have anything that

11 we need to talk about before the jury comes? I had asked you

12 to come back at 2:15 because I thought the video would be

13 ready, but since it's not --

14 MR. BROWN: Judge, it's not ready yet. I've not gotten

15 it. In the meantime, instead of holding up just for that

16 witness, we are going to move on to other witnesses we have

17 here and then we'll always come back to that later.

18 THE COURT: Okay.

19 MR. BROWN: So --

20 THE COURT: That's fine. So --

21 MR. BROWN: Judge, I think I heard the bailiffs say they

22 are still waiting on maybe two more jurors.

23 THE BAILIFF: Two.

24 THE COURT: Okay.

25 MR. BROWN: Other than that, we have nothing further to

INV. RONNIE POWELL - CROSS BY MR. FEDALEI

1 say.

2 (WHEREUPON, there was a pause in the proceedings, after
3 which the proceedings resumed as follows.)

4 THE BAILIFF: All jurors are present, Your Honor.

5 THE COURT: Oh, thank you. We are ready for them. You
6 can bring the jury.

7 (WHEREUPON, the jury entered the courtroom at 2:32 p.m.)

8 THE COURT: All right. I hope you all enjoyed your
9 lunch. We are ready to resume the trial of the case. I will
10 call Inv. Powell back up to the witness stand.

11 I will remind you that you are still under oath.

12 THE WITNESS: Okay.

13 THE COURT: And we are ready for cross-examination.

14 CROSS-EXAMINATION

15 BY MR. FEDALEI:

16 Q: Inv. Powell --

17 A: Yes, sir.

18 Q: Good afternoon.

19 A: Good afternoon.

20 Q: This case was first assigned to you based on a report
21 from another officer?

22 A: Yes, sir.

23 Q: That was Derrick Smith?

24 A: Yes, sir. I believe Derrick was the -- Mr. Smith was
25 the reporting officer.

INV. RONNIE POWELL - CROSS BY MR. FEDALEI

- 1 Q: And he had taken that report on May 30th?
- 2 A: Yes, sir.
- 3 Q: It was assigned to you the next day?
- 4 A: Yes, sir.
- 5 Q: And the person who made that initial report with him was
- 6 Anthony Gilmore?
- 7 A: Yes, sir.
- 8 Q: Mr. Gilmore does not live in South Carolina?
- 9 A: No, sir.
- 10 Q: So that report was given over the phone?
- 11 A: I'm not -- it doesn't notate in the report how it was
- 12 given.
- 13 Q: Okay.
- 14 A: Family members were in -- were in town. His niece,
- 15 Terraine, was here. I'm assuming that he was here. It
- 16 doesn't dictate which way it was given.
- 17 Q: Okay. You just don't know?
- 18 A: So I don't know if it was here or not.
- 19 Q: Okay. When the case was assigned to you, had you ever
- 20 had contact with Anthony Gilmore before?
- 21 A: No.
- 22 Q: Had you ever had contact with Bertha Robinson?
- 23 A: No.
- 24 Q: With Gerald Anderson?
- 25 A: No.

INV. RONNIE POWELL - CROSS BY MR. FEDALEI

1 Q: With Terraine Singletary?

2 A: No.

3 Q: Had you ever spoken for this case to Whitney Jones
4 before?

5 A: No.

6 Q: And at the time that you got the report, you didn't have
7 any description of the items that were supposedly taken?

8 A: Just the -- the vague report that I had mentioned the
9 four items that -- that he was able to -- like I say, I
10 didn't know --

11 Q: Right.

12 A: -- if he knew what was missing from the house because
13 he's not been there, but he knows because of the keys were
14 obviously a reason they couldn't move the car. They didn't
15 have access to it. So those were things that were obvious to
16 him, and I guess he could see some type of jewelry that may
17 not have been in the same place.

18 Q: But you didn't have a description of it or what it
19 looked like?

20 A: Not a specific description of it.

21 Q: Okay. And you're not even sure if Mr. Gilmore had
22 personal knowledge about what the jewelry looked like?

23 A: He didn't provide any, if he did.

24 Q: Okay. Let's talk about police reports, like the one you
25 were referencing.

INV. RONNIE POWELL - CROSS BY MR. FEDALEI

- 1 A: Okay.
- 2 Q: These are something that you -- as a law enforcement
3 officer, you're trained to make reports? They teach you this
4 at the Criminal Justice Academy?
- 5 A: (No verbal response.)
- 6 Q: Can you answer out loud for me?
- 7 A: Oh, yes, sir.
- 8 Q: Okay.
- 9 A: Somewhat, anyway. I think that's one of those tasks, as
10 anything else, that's a given task.
- 11 Q: Right. It comes with the job; right?
- 12 A: Writing a report is basically an English 101 class.
- 13 Q: Gotcha. So everyone is trained in it, but you also know
14 that those are important documents?
- 15 A: Yes, sir.
- 16 Q: They frequently determine the outcome of cases or
17 charges that are brought?
- 18 A: Yes, sir.
- 19 Q: Because people rely on them, whether it's, you know,
20 lawyers, victims and their families or other law enforcement?
- 21 A: Right.
- 22 Q: Such as yourself getting this report from Officer Smith?
- 23 A: Right.
- 24 Q: So as always, to the best of your ability, you are very
25 thorough whenever you create a report to document whatever is

INV. RONNIE POWELL - CROSS BY MR. FEDALEI

1 relevant to the case and make sure you include whatever you
2 need?

3 A: Right. Like I say, I didn't write this initial report.

4 Q: Right. But you got it. So from May 31st on, it was your
5 -- it was basically your case; right?

6 A: Right.

7 Q: So including all the investigating you did?

8 A: Right.

9 Q: But you didn't document that you had talked to Gerald
10 Anderson?

11 A: Not in the -- in a report. Like I say, it was nothing
12 that was specifically talked about as far as I didn't ask him
13 anything that was relevant to it. I didn't even know if he
14 was -- what kind of -- what his involvement was at that time.

15 Q: Uh-huh.

16 A: I was trying to get this resolved and start -- you know,
17 he was willing to talk to me; so he answered the questions I
18 had and admitted that he would help me out to try to take
19 care of the situation.

20 Q: Okay. So you didn't -- you didn't document the fact
21 that you talked to him at all, let alone the fact that you
22 told him to stay away from the house?

23 A: At that time, no, I did not. At that time, I didn't
24 think it was relevant, me actually documenting that I told
25 him that.

INV. RONNIE POWELL - CROSS BY MR. FEDALEI

- 1 Q: Uh-huh.
- 2 A: You know, like I said, I would suspect at some point I
- 3 was going to do it officially, but I did tell him to stay
- 4 away and the next time that I would make contact with him, I
- 5 would attempt to do this at the family's request to tell him
- 6 to stay away from her and here's a document.
- 7 Q: Okay. All right. Fine enough. So you did talk to him
- 8 about this tractor?
- 9 A: At the time.
- 10 Q: And he told you that he would help you get it back?
- 11 A: He did.
- 12 Q: And you got it back?
- 13 A: Yes.
- 14 Q: Okay.
- 15 A: Like I say --
- 16 Q: So he followed up on what he told you he would do?
- 17 A: Like I say, he got the tractor back to his house. It
- 18 took him -- he come up with the story he lost the keys to it.
- 19 Some -- eventually, he got it back over to the house and they
- 20 were -- they were happy that they got the tractor back.
- 21 Q: And he communicated with you along the way to facilitate
- 22 that?
- 23 A: Right. For those -- those few days, yeah.
- 24 Q: Uh-huh.
- 25 A: It was not easy to get in contact with him because he

INV. RONNIE POWELL - CROSS BY MR. FEDALEI

1 was mobile. He was never at home when I went. It was very
2 hard to get my hands on him and face to face with him.

3 Q: Uh-huh. During that time you talked to him, the same
4 conversation where you say that you told him not to go back
5 to the house, you also told him that people were kind of
6 looking at him related to possible charges?

7 A: I probably told him that I was looking at him on
8 possible charges.

9 Q: Uh-huh.

10 A: And it would be in his best interest not to go back to
11 the house.

12 Q: Right.

13 A: Because he was claiming that he was -- obviously, I
14 don't know what you're talking about. I'm innocent. I'm
15 just a caregiver for her. I take care of her. I didn't do
16 anything wrong. I told him with that being said, this is
17 what I'm looking to. It's in your best interest not to come
18 back over there.

19 Q: Gotcha. And at the time he told you about a relative of
20 Ms. Robinson named Jason Singletary?

21 A: I don't recall. Possibly. I don't recall.

22 Q: Okay. Did he tell you about anyone else that he thought
23 might be helpful?

24 A: As far as?

25 Q: To you in investigating this case.

INV. RONNIE POWELL - CROSS BY MR. FEDALEI.

1 A: He may have mentioned a family member. That might be
2 who you're referring to.

3 Q: Uh-huh.

4 A: But as I recall, I looked and there was no other reports
5 or allegations of any other family member being reported of
6 having any involvement with this that hadn't been reported to
7 the Sheriff's Office.

8 Q: Okay. So it was not anything that made it into a report
9 that you made?

10 A: Right.

11 Q: Not anything that you followed up on further from there?

12 A: And then during my investigation, I never saw any
13 relation to this person that he spoke of. That name never
14 came back up. So it really was not of any significance to
15 me. It didn't ring a bell to me or anything.

16 Q: Okay. Let's -- let's skip forward to when you were
17 getting evidence out of the car --

18 A: Okay.

19 Q: -- on the date of Mr. Anderson's arrest. You found this
20 stuff that you suspected might be stolen. You don't have a
21 description of it; so you're not a hundred percent sure?

22 A: Right.

23 Q: But it was in the backseat?

24 A: Right.

25 Q: No one else was sitting in the backseat?

INV. RONNIE POWELL - CROSS BY MR. FEDALEI

- 1 A: No.
- 2 Q: There were two people in the car. They were both
- 3 sitting in the front seat?
- 4 A: Right.
- 5 Q: Front seats?
- 6 A: Yeah.
- 7 Q: So when you got the stuff out of the car, you found some
- 8 jewelry, but again, you didn't have a description of it,
- 9 you're not sure if this is the same jewelry, if this is
- 10 related, if it belongs to Ms. Robinson, any of that?
- 11 A: Right. I had no idea, no description. The only thing
- 12 that I saw that was the Jaguar key.
- 13 Q: Uh-huh.
- 14 A: The Jaguar key obviously jogged my memory of, hey, they
- 15 were missing a Jaguar key. Perhaps this other stuff is also
- 16 the jewelry that he had, but never a description --
- 17 Q: Right.
- 18 A: -- of what the --
- 19 Q: So the key is a little bit different from the rest of
- 20 the jewelry?
- 21 A: The key was something. I mean that's almost like a
- 22 serial number. I'm missing a key.
- 23 Q: Uh-huh.
- 24 A: Who owns a Jaguar? I don't know anybody that owns a
- 25 Jaguar, but her.

INV. RONNIE POWELL - CROSS BY MR. FEDALEI

- 1 Q: Right.
- 2 A: And he just happens to have one in his possession. So,
- 3 a Jaguar key. Hey, maybe this is some other items that I
- 4 should look at.
- 5 Q: Uh-huh. So that's kind of one thing in your mind, but
- 6 the jewelry is kind of a different story because it's a
- 7 little --
- 8 A: Yeah.
- 9 Q: -- less --
- 10 A: I didn't have a good description.
- 11 Q: Uh-huh.
- 12 A: I just -- like I say, I just assumed that possibly
- 13 they're related.
- 14 Q: Okay. The jewelry that you did find, it wasn't the
- 15 nicest jewelry in the world?
- 16 A: No. It seemed to be costume jewelry, just various
- 17 jewelry. I don't know of any value. It never was really
- 18 valued.
- 19 Q: Uh-huh.
- 20 A: Or anything.
- 21 Q: But at least --
- 22 A: Specifically.
- 23 Q: Yeah. At least in your opinion, it wasn't worth very
- 24 much?
- 25 A: It wasn't worth very much monetarily. It might have

INV. RONNIE POWELL - CROSS BY MR. FEDALEI

1 been worth -- it might have been priceless to them because a
2 lot of jewelry is that way.

3 Q: Sure. If it was --

4 A: Priceless to them.

5 Q: If it belonged to somebody else and then --

6 A: If it belonged to some family member or something. So
7 whether it was insignificant to me, it's usually significant
8 to the people that lose it or it's stolen from them.

9 Q: But it's probably not the kind of stuff that you would
10 take if you wanted to get rich off of taking things from
11 people?

12 A: That jewelry?

13 Q: Right.

14 A: That jewelry, probably not. I don't know what was taken
15 previously. I usually assume when I find stuff like that in
16 a case that these are the things that turned out to be
17 invaluable or if they were taken as gold and they took them
18 to the store and had somebody look at it and they said that
19 ain't gold, it's just --

20 Q: Okay.

21 A: -- junk. So --

22 Q: But at least as far as monetary value, you're not
23 thinking that?

24 A: I don't think that was worth anything.

25 Q: Okay. And when you pulled the jewelry out of the car,

INV. RONNIE POWELL - CROSS BY MR. FEDALEI

1 you didn't check it for, like, anything like fingerprints or
2 DNA, like on the earrings or anything like that?

3 A: No. I'd say I just -- like I say, I saw the Jaguar key.
4 I think they were missing another key to another vehicle.

5 Q: Uh-huh.

6 A: So I just put those two together and said, listen, this
7 is probably significant. I brought it over to the -- the
8 in-car camera was already running at that time from -- from
9 the incident and I laid it in front of the camera so that it
10 could be seen and documented of what it looked like and where
11 it came from.

12 Q: Okay. A few weeks prior to that day, you had an
13 interview with Whitney Jones?

14 A: Right.

15 Q: Who was John Anderson's girlfriend?

16 A: From what I understood.

17 Q: Or at least that's -- yeah, that was your understanding?

18 A: I thought they got a -- she was in -- she was in jail on
19 other charges.

20 Q: Uh-huh.

21 A: And from what I remember, I was thinking it was a CDV
22 between the two of them two, which, you know, a CDV obviously
23 means that maybe there was some relation. There's some
24 relationship previously to them.

25 Q: Right.

INV. RONNIE POWELL - CROSS BY MR. FEDALEI

1 A: And she was actually the suspect of hitting him with an
2 object of some sort.

3 Q: Uh-huh. Like an ashtray?

4 A: Yeah.

5 Q: You interviewed her on June 14th?

6 A: I don't know the date, but yes, I did interview her.

7 Q: Okay. That's the same day she was arrested?

8 A: Okay.

9 Q: And she was charged with assault and battery?

10 A: Okay.

11 Q: Even though you suspected it could have been domestic
12 violence?

13 A: It could be.

14 Q: If they lived together, it might have been?

15 A: It may have been. I think the incident location was at
16 her house. It's a possibility it was just a simple assault.

17 Q: But John Anderson was the victim?

18 A: Yes.

19 Q: So she was accused of attacking John?

20 A: Right.

21 Q: And she thought at the time that you interviewed her
22 that John was the one that called the police on her?

23 A: I don't -- I don't recall if she knew who called the
24 police. There was a -- apparently, there was a big
25 disturbance at the residence. That's her family's house.

INV. RONNIE POWELL - CROSS BY MR. FEDALEI

1 There was a big disturbance there.

2 I don't know if she suspected he called the police. I
3 don't know who she suspected. I just knew that I was -- I
4 was looking at her as a possible being a company of Mr.
5 Anderson that might have seen or heard something of this
6 activity that was going on with Ms. Robinson. So her getting
7 arrested gave me the opportunity that she was in jail, I
8 could go back there and talk to her --

9 Q: Right.

10 A: -- and ask her would you like to talk to me, and she
11 agreed to.

12 Q: So she was of interest to you as a witness in this case
13 you were investigating?

14 A: Right.

15 Q: And it just so happened she wound up in the jail; so she
16 was easy to find?

17 A: She was easy to find.

18 Q: She was also on parole at the time?

19 A: I don't know.

20 Q: Okay.

21 A: I'm not aware of her -- of her parole status.

22 Q: Well, for people on parole, if they get a new charge,
23 that usually means they go back to prison?

24 A: That's not generally how it happens, but --

25 Q: Okay.

INV. RONNIE POWELL - CROSS BY MR. FEDALEI

1 A: -- if you say so.

2 Q: Okay.

3 A: Generally, they don't get anything. Probation looks at
4 them and -- and takes what they're actually charged with and
5 either --

6 Q: So maybe it depends on the charge?

7 A: Slaps them on the wrist and says don't get in trouble
8 again.

9 Q: Uh-huh. Okay.

10 A: Theoretically, yes, I think that's probably how it
11 should work, but that's generally not how it works.

12 Q: And because you were interested in her as a witness, you
13 were looking for her to write a statement that helped you
14 resolve your case?

15 A: I was hoping that she had seen or heard something or
16 knew something about the case, yes.

17 Q: And she had this new charge while on parole?

18 A: Yeah. She was -- she was charged again. Like I said,
19 I'm not -- I'm not familiar with her parole status.

20 Q: And if she wrote a statement that helped you out, you
21 might be able to help her?

22 A: She was charged. There was another victim in the case.
23 There is not a lot I can do with cases that don't involve
24 property crime. If it's an assault against somebody else,
25 we've got another witness or another victim in the case, you

INV. RONNIE POWELL - CROSS BY MR. FEDALEI

1 know, and law enforcement generally don't have the leeway to
2 simply dismiss those kind of charges.

3 Q: But she did write a statement that was helpful to you?

4 A: She wrote a statement that corroborated some information
5 that I suspected, yes.

6 Q: So it was helpful?

7 A: It was helpful.

8 Q: And her case was never prosecuted?

9 A: I'm not familiar with what the -- what the outcome of
10 her case was.

11 Q: It was dismissed.

12 A: Okay. That's --

13 Q: And that record was expunged, like it never happened.

14 A: Possibly. Like I say, I'm not familiar. I was not the
15 arresting officer or prosecuting officer on that case; so I'm
16 not familiar with what -- what happened.

17 MR. FEDALEI: Thank you. No further questions.

18 THE COURT: Any redirect?

19 MR. BROWN: Just briefly, Your Honor.

20 REDIRECT EXAMINATION

21 BY MR. BROWN:

22 Q: Just to start back up with what Mr. Fedalei was asking
23 you regarding Whitney Jones, this happened June 14th, 2017.

24 Down at the bottom of that where it mentioned John Anderson's
25 name, what does that report say?

INV. RONNIE POWELL - REDIRECT BY MR. BROWN

1 A: It says John refused to provide details on the incident.
2 Is that what you're referring to?
3 Q: Yes. And then lastly in the report, the last line?
4 A: Is John did state that all he remembers was is that he
5 was standing in the kitchen and then he woke up on the floor.
6 Q: Did John help out any on that case? Give any type of
7 statement regarding Whitney Jones according to that record?
8 A: No, sir.
9 Q: But you didn't -- you didn't have anything else -- any
10 other knowledge of this other than what's in the report?
11 A: And I had not read the report. I simply knew that she
12 had been arrested. I had no actual information on the -- on
13 the case itself.
14 Q: But in the report, Mr. Anderson didn't provide any help
15 or acted like he wasn't even a victim?
16 A: According to that report, yes, he didn't. He didn't
17 assist him or didn't provide any information.
18 Q: I think Mr. Fedalei asked, I believe, the fact that Mr.
19 Anderson was the caller who called 9-1-1. This is a CAD
20 report. Does that refresh your memory or can you tell who
21 actually made the call --
22 A: This is --
23 Q: -- regarding that incident?
24 A: Let me read here. According to this, the caller from
25 CAD is Wanda Davis.

INV. RONNIE POWELL - REDIRECT BY MR. BROWN

1 Q: No John Anderson?

2 A: No, sir.

3 Q: Okay. To move on from that, Mr. Fedalei asked you part
4 of being a law enforcement officer and investigator is to
5 gather documents, collect evidence; is that correct?

6 A: Yes, sir.

7 Q: In fact, you did collect a number of items, telephone
8 calls made to John Hancock; is that correct?

9 A: Yes, sir.

10 Q: And then you've heard that call?

11 A: Yes, sir.

12 Q: And who was on that telephone call?

13 A: It appears to be identified voices as Mr. Anderson and
14 Ms. Bertha Robinson.

15 Q: And by speaking with John Anderson previously and then
16 listening to that telephone call to John Hancock, can you
17 recognize his voice as being John Anderson?

18 A: He actually identifies himself to the operator as John
19 Anderson.

20 Q: And regardless of him identifying himself as John
21 Anderson, does it sound like John Anderson?

22 A: Yes, sir.

23 Q: And that telephone call was made around January 30th,
24 2017?

25 A: I'm not sure on the date.

INV. RONNIE POWELL - REDIRECT BY MR. BROWN

1 Q: You're not sure? But you can recognize that as being
2 John Anderson's voice?

3 A: Yes, sir.

4 Q: As part of the notation of items that were missing from
5 Ms. Robinson's house on May 30th -- May 31st, again, one of
6 the main items that jumped out at you was a Jaguar key?

7 A: Yes, sir.

8 Q: And you ultimately found a Jaguar key?

9 A: Yes, sir.

10 Q: The jewelry that was missing?

11 A: Yes. Various -- various jewelry is how it was
12 described.

13 Q: And jewelry was found in his --

14 A: Along with the key in the vehicle.

15 Q: With the key in his vehicle?

16 A: In his possession.

17 MR. BROWN: I don't believe I have any other questions.

18 THE COURT: Anything further of this witness?

19 MR. FEDALEI: Very briefly, Your Honor.

20 RECROSS-EXAMINATION

21 BY MR. FEDALEI:

22 Q: Talking about the -- going back to the family member
23 that John told you about that you said you didn't find
24 anything further on, you said you didn't find any previous
25 reports with law enforcement; right?

INV. RONNIE POWELL - RECROSS BY MR. FEDALEI

- 1 A: With his -- with his name on it. Yeah.
- 2 Q: Okay. But you didn't call the bank about that name?
- 3 A: Well, I -- I subpoenaed records as part of this, and
- 4 that name never -- never came up as -- as a person of
- 5 interest in this.
- 6 Q: Okay. But the records you subpoenaed -- they were just,
- 7 like, bank records?
- 8 A: Right.
- 9 Q: They weren't records including anything related to
- 10 suspected -- suspicious activity or anything like that?
- 11 A: Like what do you -- what kind of --
- 12 Q: I mean that they may be two different records that you
- 13 could have requested. They could be the normal bank records.
- 14 They could be anything the bank had on file related to
- 15 suspicious activity.
- 16 A: General -- I mean, yes, I could, but generally, those
- 17 records are not records that they -- a suspicious activity
- 18 record is not something that they put out to the public.
- 19 It's a -- it's a very classified item that banks keep very
- 20 close secure. So it's not something that they readily
- 21 provide.
- 22 Q: Right. You would've had to ask for that specifically --
- 23 A: Right.
- 24 Q: -- if you wanted to get it?
- 25 A: Specifically.

INV. RONNIE POWELL - RECROSS BY MR. FEDALEI

1 Q: Okay. And did you ask anyone else in the family about
2 this person? About Jason?

3 A: No. I don't -- I don't recall asking anybody
4 specifically about this specific person. Like I say, just
5 tell me what's happening and let the -- let the evidence fall
6 where it is.

7 Q: Okay. And one last question. The Jaguar key that you
8 recovered -- did you ever try that or have anyone else try it
9 on the car to see if it worked?

10 A: I'm not sure if they went back to -- to the house to try
11 it. They may have. It's been sold since then; so I'm not
12 sure if they did. I requested that the family make contact
13 with us.

14 At that point, Ms. Bertha was in a position where I
15 think she went directly to a home after the -- after the
16 incident happened. So I can't say if they ever actually
17 tried the key in the ignition or not.

18 Q: Okay.

19 MR. FEDALEI: Thank you.

20 THE COURT: All right. You can step down.

21 THE BAILIFF: Watch your step, sir. Thank you.

22 THE COURT: Okay.

23 MR. BROWN: The State calls Anthony Gilmore.

24 THE CLERK: Place your left hand on the Bible and raise
25 your right hand. Do you swear or affirm the testimony you

ANTHONY GILMORE - DIRECT BY MR. BROWN

1 are about to give to this Court will be the truth, the whole
2 truth, and nothing but the truth, so help you God?

3 THE WITNESS: So help me God.

4 ANTHONY GILMORE, being first
5 duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. BROWN:

8 Q: Good afternoon, Mr. Gilmore.

9 A: Good afternoon.

10 Q: Mr. Gilmore, how are you related to Ms. Bertha Robinson?

11 A: I am her nephew.

12 Q: And nephew on -- how is it?

13 A: Her brother is my father.

14 Q: And, Mr. Gilmore, where do you live?

15 A: I live in Bowie, Maryland.

16 Q: And that would be close to where?

17 A: Close to Washington, D.C.

18 Q: Just across the river?

19 A: Yeah.

20 Q: And, Mr. Gilmore, what is your occupation?

21 A: I am a teacher, 12th grade this year, and also a pastor
22 of a church.

23 Q: How long have you been a pastor?

24 A: Over 25 years.

25 Q: How long have you been a teacher?

ANTHONY GILMORE - DIRECT BY MR. BROWN

- 1 A: Over 25 years.
- 2 Q: When do you begin school? When do you begin the new
3 school year?
- 4 A: Thursday.
- 5 Q: Thursday coming?
- 6 A: Yes.
- 7 Q: Mr. Gilmore, have you ever lived in South Carolina?
- 8 A: I have never lived in South Carolina.
- 9 Q: And do you have a sister?
- 10 A: I do have a sister.
- 11 Q: What's her name?
- 12 A: Her name is Terraine Singletary.
- 13 Q: And where does she live?
- 14 A: She lives in New York City. Brooklyn, New York.
- 15 Q: Ms. Bertha, your aunt -- when did she move to Greenwood,
16 South Carolina, more specifically, Ware Shoals?
- 17 A: As far as I can remember, it would probably be like the
18 late '80s or early '90s.
- 19 Q: And she moved here with her husband?
- 20 A: Yes. She moved here with her husband.
- 21 Q: What was his name?
- 22 A: His name was R.L. Robinson.
- 23 Q: Now, when they moved down to South Carolina, why did
24 they move down here?
- 25 A: I think for retirement.

ANTHONY GILMORE - DIRECT BY MR. BROWN

- 1 Q: Retirement?
- 2 A: Yes.
- 3 Q: And where did your uncle retire from? Where did he
- 4 work?
- 5 A: He worked for the Metropolitan Transportation System in
- 6 the subways.
- 7 Q: In New York City?
- 8 A: In New York City, yes.
- 9 Q: And where did Ms. Bertha Robinson work?
- 10 A: She worked for a data collection service for New York
- 11 City also.
- 12 Q: And both retired from --
- 13 A: Yes.
- 14 Q: -- New York?
- 15 A: Yes, they did.
- 16 Q: Both drew a pension?
- 17 A: Yes, they did.
- 18 Q: While they worked, saved up a good chunk of change?
- 19 A: Yes.
- 20 Q: To retire on?
- 21 A: To retire on.
- 22 Q: How long ago did your uncle pass away?
- 23 A: I don't know the exact date, but I think it was in -- in
- 24 the '90s.
- 25 Q: It's been several years?

ANTHONY GILMORE - DIRECT BY MR. BROWN

1 A: It's been several years, yeah.

2 Q: And did Ms. Bertha, your aunt, and your uncle -- did
3 they ever have any children?

4 A: They never had any children.

5 Q: Would you say that you and your sister were the closest
6 relatives to Ms. Bertha?

7 A: Yes.

8 Q: All right. You all were living -- being so far away,
9 you're living your own life and having to take care of
10 matters in New York and Maryland?

11 A: Yes, sir.

12 MR. SHAFFER: Objection. Leading.

13 THE COURT: Sustained.

14 BY MR. BROWN:

15 Q: Now, Mr. Gilmore, leading up to June 28th, 2017, did you
16 and Terraine -- most specifically, just answer what you knew.
17 What was Ms. Bertha's mental state?

18 A: She was showing signs of dementia, forgetting things,
19 leading up to that time.

20 Q: She -- did she periodically go to the doctor here in
21 Greenwood?

22 A: Yes. We had to -- we had to take her to the doctor
23 because many times she wouldn't remember from one incident to
24 the next.

25 Q: And specifically, May 30th, 2017, did you and your sister

ANTHONY GILMORE - DIRECT BY MR. BROWN

1 come down to Ms. Bertha's home?

2 A: We did, yes.

3 Q: So you were physically in Greenwood County on May 30th,
4 2017?

5 A: Yes.

6 Q: And actually, before that, was Terraine down here a
7 couple days earlier?

8 A: Terraine was here earlier, yes.

9 Q: And ultimately, during that visit with you and Terraine,
10 was a power of attorney drafted for you and Terraine to be
11 able to manage her bank accounts?

12 A: Yes. Yes, it was because she was not paying -- her
13 bills were not being paid and so her lights and stuff would
14 be turned off, her phone. So we had -- we got the power of
15 attorney to try to help her.

16 Q: And actually, her -- these -- the power bill, the
17 satellite bill, her cable company, the mandatory bills she
18 had -- were those automated drafts?

19 A: Yes. We put everything on automated draft, yes.

20 Q: And other than paying those bills, in your view and your
21 view of her records, did you see anything abnormal when you
22 came to visit about her bank statements?

23 A: Yes. When we put everything on -- when we went to her
24 bank earlier, she had plenty of money in the bank account
25 that would have covered her bills for the length of time that

ANTHONY GILMORE - DIRECT BY MR. BROWN

1 we could figure, but we did notice when we came then that her
2 bank accounts had been depleted and her automatic payments
3 were being rejected because there was no money in it.

4 Q: Overdraft?

5 A: Overdraft. Yes.

6 Q: And again, that would be May 30th, 2017?

7 A: (No verbal answer.)

8 Q: When you were down that May 30th, did you contact the
9 Sheriff's Department?

10 A: I did at that, yes.

11 Q: Did you, in fact, make a report of items missing from
12 Ms. Bertha's home?

13 A: I did at that.

14 Q: While you were that, were you -- were you just
15 essentially doing an inventory of her house?

16 A: Yes.

17 MR. SHAFFER: Objection, Your Honor. Leading.

18 THE COURT: Sustained.

19 BY MR. BROWN:

20 Q: How did you become aware of items missing from her
21 house?

22 A: We became aware of items missing from her house because
23 as mostly Terraine was working in the house, things that were
24 there were gone.

25 MR. SHAFFER: Objection, Your Honor. May we approach?

ANTHONY GILMORE - DIRECT BY MR. BROWN

1 THE COURT: What is your objection?

2 MR. SHAFFER: Hearsay. 602 as well. He's talking about
3 what Terraine did.

4 THE COURT: Come here. Come.

5 (WHEREUPON, a bench conference was held in the presence
6 of the jury but out of the hearing of the jury off the
7 record, after which the proceedings resumed as follows.)

8 THE COURT: Objection sustained.

9 BY MR. BROWN:

10 Q: Mr. Gilmore, when you made the call to law enforcement,
11 what did you report missing from what you know was around the
12 house?

13 A: From what we noticed around the house, there was a
14 television missing that had been in the house for the longest
15 time. There was jewelry missing and other -- other items.

16 Q: In the -- in reading the report, did you make a call
17 saying that car keys were missing?

18 A: Yes.

19 Q: And what kind of car keys?

20 A: Jaguar car keys were missing.

21 Q: And did Ms. Bertha own a Jaguar?

22 A: Yes, she did.

23 Q: While you were in Greenwood County May 30th, 2017, did
24 you contact or become in contact with Ms. Cindy Adams?

25 A: I did. We -- yes.

ANTHONY GILMORE - DIRECT BY MR. BROWN

1 Q: And who is Ms. Cindy Adams?

2 A: Cindy Adams is a proprietor of a business entitled Need
3 Someone To, who is a person that we were looking to hire to
4 give my aunt assistance day to day because we felt it was
5 unsafe for her to be by herself anymore.

6 Q: In your interaction with your aunt, Ms. Bertha Robinson,
7 did you believe that -- did you believe she was unsafe?

8 A: Yes.

9 Q: When did -- so after May 30th, 2017, when did Ms. Adams
10 become involved in taking care of your aunt?

11 A: We actually hired her in -- in July of that year.

12 Q: In July or June?

13 A: June. I'm sorry.

14 Q: In June of 2017, prior to this incident where Ms. Bertha
15 was in a car with Mr. Anderson?

16 A: Yes.

17 Q: And leading up to when you were down in Greenwood, were
18 there any security cameras placed on Ms. Robinson's home?

19 A: Yes. We placed security cameras through ADT Security.

20 Q: And where was one of the cameras located?

21 A: Right at the front door.

22 Q: Mr. Gilmore, on June 28th, 2017, the day your aunt was in
23 a car accident with Mr. Anderson, did you notify Ms. Adams or
24 law enforcement of somebody being on her porch?

25 A: Yes, I did.

ANTHONY GILMORE - DIRECT BY MR. BROWN

- 1 Q: And how did you know that they were on the front porch?
- 2 A: Because on my phone I have the ADT link and anytime
- 3 anyone came to her door, I would get a ping that would let me
- 4 know that someone was at her door. And I looked and saw that
- 5 Mr. Anderson was at her door and I called immediately because
- 6 he was not supposed to be on the premises at all.
- 7 Q: And is that Mr. Anderson you saw on the video cameras
- 8 here in the courtroom today?
- 9 A: Yes, he is.
- 10 Q: What's he wearing?
- 11 A: He's wearing a black jacket and it looks like a light
- 12 blue or grayish-colored shirt.
- 13 Q: I'm going to show you what's been marked for
- 14 identification purposes as State's Number 3. Take a look at
- 15 that photograph. What is that?
- 16 A: That is my Aunt Bertha's residence, and that is Mr.
- 17 Anderson at her front door.
- 18 Q: What date does that say and what time?
- 19 A: It says June 28th at 8:45 a.m.
- 20 Q: That's June 28th, 2017?
- 21 A: 2017, yes.
- 22 Q: At 8:45 a.m.?
- 23 A: Yes.
- 24 Q: Was Mr. Anderson supposed to be at her house?
- 25 A: He was not supposed to be at her house.

ANTHONY GILMORE - DIRECT BY MR. BROWN

1 MR. BROWN: Your Honor, the State would move State's
2 Number 3 in as evidence at this time.

3 THE COURT: Any --

4 MR. SHAFFER: No objection.

5 THE COURT: It's admitted without objection.

6 (WHEREUPON, State's Exhibit Number 3, a photograph, was
7 admitted into evidence.)

8 BY MR. BROWN:

9 Q: Again, that's June 28th, 2017, Mr. Anderson?

10 A: Yes.

11 Q: Now, Mr. Gilmore, that day, were you in contact with law
12 enforcement from Maryland?

13 A: Yes, I was.

14 Q: Once you notified them that Mr. Anderson was at her
15 front door, what else did you become aware of that occurred
16 later on that morning?

17 A: Later that morning, I became aware of the fact that she
18 was at the bank making a withdrawal with Mr. Anderson.

19 Q: And again, had you notified the bank to let them know of
20 any withdrawals or were you notified by the bank?

21 A: I was notified by the bank.

22 Q: That these withdrawals were taking place?

23 A: Yes.

24 Q: Now, after this day, Mr. Anderson was arrested, but
25 eventually, did Ms. -- did Ms. Bertha -- was she able to stay

ANTHONY GILMORE - DIRECT BY MR. BROWN

1 at her house?

2 A: No. She wasn't able to stay at her house anymore
3 because, one, all of her monies had been removed from her
4 various accounts, and so she had to go into assisted living.
5 We had to put her into an assisted living place. We were
6 forced to sell her properties in order to gather enough money
7 to take care of her in an assisted living facility.

8 Q: When you first hired Ms. Adams, how were you able to pay
9 for her at the beginning?

10 A: We had to pay Ms. Adams for every hour that she was
11 there with my aunt, and she was there -- her company was
12 there 24 hours a day.

13 Q: Essentially, after the 28th --

14 A: After.

15 Q: -- but before, they were there a couple hours a day?

16 A: A couple hours a day before the 28th.

17 Q: In selling her property, did you sell her house?

18 A: We had to sell the house, yes.

19 Q: Did you have to ultimately sell her Jaguar?

20 A: We had to sell her Jaguar.

21 Q: Who did you actually sell the Jaguar to?

22 A: I forgot the person's name.

23 Q: Did you actually sell it -- did you sell it to Ms.
24 Adams?

25 A: Ms. Adams became a conduit between getting rid of the

ANTHONY GILMORE - DIRECT BY MR. BROWN

1 stuff for my aunt, helping us to move the stuff out.

2 Q: But with regard to the Jaguar, did you ultimately sell
3 that to Ms. Adams as part of the payment for taking care of
4 your aunt?

5 A: Yes. Part of the payment, yes.

6 Q: When you were down on May 30th -- let me back up and
7 change this question. Were there no trespassing signs around
8 your aunt's house?

9 A: Yes. We were advised by Detective Powell to put
10 trespassing signs around the property. They were placed in
11 the four corners of the property at that time.

12 Q: And did you put those up?

13 A: I put those up myself, yes.

14 Q: You put those up when you were down May 30th --

15 A: Yes, sir.

16 Q: -- for a couple days? How many acres of land did Ms.
17 Bertha have that you ultimately sold?

18 A: About 18 acres.

19 Q: Mr. Gilmore --

20 A: Yes.

21 Q: Where is your aunt now?

22 A: She's -- she's in a nursing home right now in hospice
23 care.

24 Q: And based on your understanding, has her dementia taken
25 --

ANTHONY GILMORE - DIRECT BY MR. BROWN

1 A: It has taken a turn for the worse, yes.

2 Q: Let me show you what's been marked State's Number 1.

3 MR. SHAFFER: Your Honor, we have a matter of law.

4 THE COURT: Not -- not at this time.

5 MR. SHAFFER: All right.

6 BY MR. BROWN:

7 Q: Mr. Gilmore, you ultimately -- you testified that you
8 made a report of items missing from Ms. Bertha's house. Do
9 you recognize any items located in that Hyundai first-aid kit
10 that you recognize?

11 A: The only -- these are the Jaguar keys. I recognize
12 those. The rest of the jewelry -- I mean she had a lot of --
13 she had a lot of jewelry around the house. I don't recognize
14 each individual piece.

15 Q: Where was -- where did she keep her jewelry?

16 A: Sometimes under the bed, you know. She would have it in
17 little bowls and stuff like that.

18 Q: But out here you definitely -- wouldn't definitely
19 recognize?

20 A: I recognize the Jaguar keys.

21 Q: Now, Mr. Gilmore, on previous visits, you stated where
22 she would keep some of her jewelry?

23 A: Uh-huh.

24 Q: On May 30th, 2017, when you came down, was any of that
25 jewelry there?

ANTHONY GILMORE - DIRECT BY MR. BROWN

1 A: I believe it was all there, yes.

2 Q: Was it at her house or was it missing?

3 A: On May 30th, some was there.

4 Q: Some was there and then others were missing?

5 A: Yes.

6 Q: And when you inventoried the house, was the Jaguar --

7 MR. SHAFFER: Objection, Your Honor.

8 BY MR. BROWN:

9 Q: I'm asking was the Jaguar key in the house?

10 A: No.

11 MR. SHAFFER: Withdrawn.

12 BY MR. BROWN:

13 Q: What was your answer to that?

14 A: No.

15 MR. BROWN: Your Honor, at this time, I would move

16 State's Number 1 in as evidence.

17 THE COURT: Any objection?

18 MR. SHAFFER: 401 and 403 of the South Carolina Rules of

19 Evidence.

20 THE COURT: It's admitted over the defendant's

21 objection.

22 (WHEREUPON, State's Exhibit Number 1, Hyundai Santa Fe

23 first aid kit containing items, was admitted into

24 evidence.)

25 BY MR. BROWN:

ANTHONY GILMORE - DIRECT BY MR. BROWN

1 Q: Mr. Gilmore, are you -- do you readily stay in touch
2 with your sister, Terraine?

3 A: Yes.

4 Q: What's her health condition like right now?

5 A: Right now, she's been diagnosed with a blood clot in her
6 leg.

7 Q: And is she able to travel?

8 A: No. They -- they advised against travel right now.

9 Q: What about your brother-in-law?

10 A: My brother-in-law, her husband, has many conditions,
11 prostate cancer. He has diabetes and other conditions going
12 on with his body.

13 Q: Just a few last questions. Mr. Gilmore, when you came
14 down, were you familiar with different accounts that your
15 aunt had?

16 A: Yes.

17 Q: Were you familiar that she had a John Hancock account?

18 A: Yes.

19 Q: Were you the person that led Mr. Powell to understand
20 that there -- to check into these accounts?

21 A: Yes. I asked him to.

22 MR. BROWN: No further questions.

23 THE COURT: Cross-examination.

24 CROSS-EXAMINATION

25 BY MR. SHAFFER:

ANTHONY GILMORE - CROSS BY MR. SHAFFER

1 Q: Mr. Gilmore --

2 A: Yes.

3 Q: I'm going to ask you some questions initially about, I
4 guess, your trips down here, down to South Carolina. It's
5 fair to say that you were down here sometime in July last
6 year; right?

7 A: Yes.

8 Q: And before that, it was on May 30th; right?

9 A: It was May 30th and June 21st, yes.

10 Q: Okay. So you were down here on May 30th. You came down
11 here to get the power of attorney signed; right?

12 A: Yes.

13 Q: Were you power of attorney before this?

14 A: No.

15 Q: Okay. But you had been monitoring her accounts before
16 this; right?

17 A: Yes.

18 Q: So it's fair to say that since her husband passed away,
19 you were helping to look after her; right?

20 A: Moderately.

21 Q: As much as possible?

22 A: Yes.

23 Q: You also have a church?

24 A: Yes.

25 Q: And you also have a school?

ANTHONY GILMORE - CROSS BY MR. SHAFFER

- 1 A: Yes.
- 2 Q: Okay. Now -- so going back before May 30th of 2017, when
- 3 was the last time you had been there?
- 4 A: It was in 2016 we had come down.
- 5 Q: Okay.
- 6 A: So it was about a year.
- 7 Q: Do you know if it was one or two times down there?
- 8 A: That we came down before? For me, it was one time.
- 9 Terraine, it was two times.
- 10 Q: Okay. And you had come down -- had you come down in
- 11 2015?
- 12 A: We came down in 2015.
- 13 Q: Had you come down in 2014?
- 14 A: No.
- 15 Q: Okay. So 2015 and 2016 and, obviously, in 2017 you came
- 16 down. When you came down, would you sometimes drive her
- 17 cars?
- 18 A: No.
- 19 Q: You never drove any of her cars?
- 20 A: No. Not unless I was with her.
- 21 Q: You never drove the Jaguar?
- 22 A: No.
- 23 Q: Have you ever driven the Jaguar even when you were with
- 24 her?
- 25 A: She took the Jaguar out one time, I think, when I was

ANTHONY GILMORE - CROSS BY MR. SHAFFER

1 with her.

2 Q: Okay. Were you driving or was she?

3 A: She was driving.

4 Q: But you had never actually gotten a chance to drive the
5 Jag?

6 A: No.

7 Q: Now, how -- how are you familiar with the Jaguar's keys?
8 You said you -- those look like her keys?

9 A: Yeah.

10 Q: How do you know they were her keys?

11 A: Because she used to keep the keys in the -- in the
12 little container.

13 Q: When would that have been?

14 A: Date-wise you mean?

15 Q: Yeah. Like, when -- when prior to May --

16 A: I think '16. In '16 or so.

17 Q: In '16, you saw them?

18 A: Uh-huh.

19 Q: And you're sure it's the same key you see here?

20 A: I believe it's the same key, yes.

21 Q: Okay. It has a little Jaguar symbol on it?

22 A: Uh-huh.

23 Q: Okay. Now, I'm opening up State's Exhibit 1 and handing
24 it to you.

25 MR. SHAFFER: I should probably get some gloves on.

ANTHONY GILMORE - CROSS BY MR. SHAFFER

1 (WHEREUPON, there was a pause in the proceedings, after
2 which the proceedings resumed as follows.)

3 BY MR. SHAFFER:

4 Q: Prior to coming down today, did the police ever show
5 this to you or ask you about the contents of it?

6 A: Prior to today, they did show me that.

7 Q: Okay. Now, I'm showing you the -- the Jaguar keys.
8 These are the keys that you are pretty certain are hers;
9 right?

10 A: Yeah. I'm pretty certain, yeah, those are.

11 Q: But the rest of this stuff in here is jewelry; right?

12 A: Yes.

13 Q: But you can't necessarily identify any individual piece
14 of her jewelry, can you?

15 A: No. Huh-uh.

16 Q: But you're saying in '16 she would have taken this key
17 and would have been able to drive the car with it?

18 A: I believe so, yes.

19 Q: Okay. And it had, in fact, been --

20 A: Okay. Sorry.

21 Q: Oh, it's okay. Go ahead. I'm sorry.

22 A: Excuse me.

23 Q: And it had, in fact, been -- prior to now, it would have
24 been at least two years since 2016 when you saw those keys;
25 right?

ANTHONY GILMORE - CROSS BY MR. SHAFFER

1 A: Yeah.

2 Q: Okay. Now, I'm going to talk to you a little bit about
3 the trespassing signs. You had testified that Gerald or John
4 Anderson wasn't supposed to be at your house -- at her house;
5 right?

6 A: The trespassing sign -- I was told to put them up so
7 that nobody was supposed to trespass on there.

8 Q: Okay. So no one was supposed to trespass based off the
9 signs; right?

10 A: Right. That's what I was told.

11 Q: And I'm asking you of your own personal knowledge had
12 you ever told -- personally told him not to -- to come to the
13 property?

14 A: Personally, no. The detective was supposed to tell him
15 that.

16 Q: Okay. But you never told him?

17 A: I never told him about it, no.

18 Q: And your --

19 A: I turned it over to the authorities.

20 Q: I see. And you have a power of attorney; right?

21 A: I do.

22 Q: And Ms. Singletary is a power of attorney; right?

23 A: Yes. We have two power of attorney.

24 Q: Are you familiar with Jason Singletary?

25 A: Jason Singletary?

ANTHONY GILMORE - CROSS BY MR. SHAFFER

- 1 A: Yeah.
- 2 Q: There is no -- there is no Jason Singletary.
- 3 Q: You have no Jason Singletary?
- 4 A: Huh-uh.
- 5 Q: Okay. You had mentioned there was a TV missing. Is
- 6 that fair to say?
- 7 A: Yes.
- 8 Q: When did that go missing?
- 9 A: As far as -- as far as -- you say I can't say what
- 10 Terraine said, but as far as --
- 11 Q: Well, I'm only asking you what you know personally.
- 12 A: Yeah. When she -- when she told me it was missing,
- 13 that's when --
- 14 Q: And --
- 15 A: Yeah.
- 16 Q: So you are relying on her?
- 17 A: Right.
- 18 Q: Okay. And you were relying on somebody else whenever
- 19 you said that the Jaguar keys are missing; right?
- 20 A: No.
- 21 Q: Because you had seen those actually?
- 22 A: Yes.
- 23 Q: In the cup?
- 24 A: Yes.
- 25 Q: Jaguar keys with a little Jaguar emblem on it?

ANTHONY GILMORE - CROSS BY MR. SHAFFER

1 A: I believe so, yes.

2 Q: Okay. Now, the Jaguar -- do you know how many miles
3 were on that car?

4 A: I did not know.

5 Q: It was in good condition though?

6 A: It was in good condition. Well, pretty good condition.
7 When it got sold, they had to all be -- they had to all be
8 fixed.

9 Q: It had low miles though; right?

10 A: Low mileage, but damage to the body frames, body
11 conditions.

12 Q: Okay. The Jaguar had damage to it?

13 A: Yes, it did.

14 Q: Where did it have damage to it?

15 A: In the front-end.

16 Q: And you said that Ms. Adams was a conduit for selling
17 all of the property?

18 A: She was a conduit for selling the cars, and she helped
19 with the -- with the farming equipment. That was an auction.
20 We sold the property through an auction place.

21 Q: Okay. And Ms. -- Ms. Adams had been there -- well, what
22 time -- when did you actually get -- when did she actually go
23 into the skilled care facility?

24 A: June -- oh, when my aunt went into skilled care?

25 Q: Yeah.

ANTHONY GILMORE - CROSS BY MR. SHAFFER

1 A: That wasn't until -- I'm going to say July, July
2 something, July 11th maybe, 12th, something like that.

3 Q: And you're -- you're going off your best recollection?

4 A: Yeah, my best recollection. Yeah, I don't have dates in
5 my head. I'm sorry. Because it was, you know, a back and
6 forth kind of thing, yeah.

7 Q: Ms. Adams would probably know more about that; right?

8 A: Yeah. She probably could give you exact dates, yeah.

9 Q: But Ms. Adams took care of her up until the point she
10 went to the --

11 A: Every day, yes.

12 Q: Okay. And you said she was a conduit for selling cars.

13 She actually purchased the Jaguar; right?

14 A: I believe so, yes.

15 Q: Do you know how much she purchased it for?

16 A: I don't have the numbers in front of me.

17 Q: You don't know?

18 A: It's on the -- it's on the --

19 Q: It would be something we could ask her about?

20 A: You could ask her because she could read direct numbers,
21 yes.

22 Q: All right.

23 MR. SHAFFER: Court's indulgence.

24 THE COURT: Yes, sir.

25 BY MR. SHAFFER:

ANTHONY GILMORE - CROSS BY MR. SHAFFER

1 Q: I've just got a couple more questions for you. You said
2 that you didn't know Jason Singletary. Does Terraine have
3 any relatives that lives in Brantley?

4 A: Terraine has -- we have Gilmores that live in Brantley.

5 Q: Okay. Okay. Is one of their names Jason?

6 A: Yes.

7 Q: So there is a Jason Gilmore?

8 A: I think his last name is Gilmore, yes.

9 Q: Okay. How old is he? Rough guess.

10 A: Thirty, maybe.

11 Q: Okay.

12 MR. SHAFFER: That's all the questions I have.

13 THE WITNESS: Okay.

14 MR. SHAFFER: Thank you very much.

15 THE COURT: Any redirect?

16 MR. BROWN: Just one question.

17 REDIRECT EXAMINATION

18 BY MR. BROWN:

19 Q: Is State's evidence Number 3 Jason Gilmore or Jason
20 Singletary?

21 A: No, it is not.

22 Q: Who is that?

23 A: That is Mr. Anderson.

24 Q: And on June 28th, 2017?

25 A: That was him at that door.

ANTHONY GILMORE - RECROSS BY MR. SHAFFER

1 MR. BROWN: No further questions.

2 THE COURT: Anything further for this witness?

3 MR. SHAFFER: Just one or two for clarification.

4 RECROSS-EXAMINATION

5 BY MR. SHAFFER:

6 Q: Now, those cameras -- they captured my client coming
7 over there on June 28th at 8:45 and 10 seconds --

8 A: Uh-huh.

9 Q: -- at those cameras?

10 A: That's what it says, yes.

11 Q: They were -- they were installed, like, in May or June;
12 right?

13 A: The cameras were installed earlier than that.

14 Q: Oh, they were?

15 A: Yes.

16 Q: Did you have access to the cameras before that?

17 A: We did.

18 Q: Okay. Did you monitor the cameras before that?

19 A: We did.

20 Q: Do you have any pictures of the cameras before that?

21 A: After ADT dismembered the system, those pictures went
22 away.

23 Q: Okay. But you tried to get them?

24 A: No. I asked them about them and they said once, you
25 know, the app was closed, then it's hard to get them.

ANTHONY GILMORE - RECROSS BY MR. SHAFFER

1 Q: Okay.

2 A: Yeah. I mean I'm sure you, being a lawyer, if you
3 wanted to, you could probably subpoena them or something.

4 Q: Well, you being the owner of the account, it seems like
5 AT&T [sic] would have given them to you if they had them;
6 right?

7 A: I didn't have any reason to get any more pictures than
8 that.

9 Q: But did you monitor -- how long had you been monitoring
10 her front door?

11 A: Well, I would say about -- we put the cameras in in '16,
12 I think it was. So we were trying to monitor from that point
13 forward.

14 Q: Okay.

15 A: Whenever we put the cameras in.

16 Q: Do you know every person who has come to her front door?

17 A: Do I know every person that's come to her front door?
18 Yes, because not too many people came to her front door.

19 Q: Okay. Who all came to her front door since 2016? Do
20 you know?

21 A: I mean I don't understand. I don't understand the
22 question.

23 Q: It's fair to say that you probably couldn't remember
24 every single person who came there?

25 A: There weren't that many people that came to her front

ANTHONY GILMORE - RECROSS BY MR. SHAFFER

1 door.

2 Q: Could you remember every time that John Anderson came to
3 her front door?

4 A: I can't tell you every date that he came, but I can tell
5 you that when the camera was working -- because there was an
6 incident where the cameras were removed and we had to get new
7 cameras put in. I can tell you that every incident that he
8 came to the door, I could recognize him as the one to the
9 door.

10 Q: Okay.

11 A: That I can tell you with a certainty.

12 Q: Was he always alone or did he come with other people?

13 A: Most of the time, he was alone.

14 Q: Okay. Did he ever come with a female?

15 A: I can't -- I don't remember.

16 Q: Okay.

17 MR. SHAFFER: No further questions.

18 THE COURT: Okay. Thank you. You can step down.

19 THE WITNESS: Thank you so much.

20 THE COURT: Call your next witness.

21 MR. BROWN: The State calls Cindy Adams.

22 THE COURT: Actually --

23 THE FOREMAN: Can we have a break? We need a break.

24 THE COURT: Okay. Actually, let -- yeah. Before we
25 begin with Ms. Adams, I'm going to excuse you to your jury

1 room for a break.

2 And I meant to ask. I know that someone is a mom that
3 needs some -- okay -- a break. If you get to the point where
4 I've not taken a break and you need one, just raise your hand
5 and let me know, but I try to take breaks every hour to hour
6 and a half or so. But if we get to the point where you think
7 you need one, just let me know.

8 But we will take a break right now. I'll excuse you to
9 your jury room for about ten minutes. Do not discuss the
10 case amongst yourselves.

11 (WHEREUPON, the jury exited the courtroom at 3:33 p.m.)

12 THE COURT: All right. Let's all break for about ten
13 minutes.

14 (WHEREUPON, there was a break in the proceedings from
15 3:33 p.m. until 3:51 p.m., after which the proceedings
16 resumed as follows.)

17 THE COURT: Yes, sir?

18 MR. SHAFFER: I was going to go ahead and put on the
19 record the fact that my -- my intent was to object to the
20 jewelry, which is what we did pre -- we talked about
21 pretrial. I think that Mr. Gilmore sort of established that
22 he was not able to identify the jewelry. Therefore, I think
23 it's -- there is essentially no probative value to it. I
24 think that it's probably very prejudicial at that point. He
25 said there was jewelry missing, but he can't necessarily ID

1 this jewelry.

2 So we would -- we would object to it under Rule 403. We
3 also don't think he can establish personal knowledge as to
4 the fact that it was actually stolen because he can't ID it.
5 Also, you know, he wasn't actually living there at the time.
6 So I don't think he can establish personal knowledge that the
7 keys were stolen either, but certainly not that the jewelry
8 was when he can't even identify it.

9 And we don't think it's relevant and I think it falls
10 under Rule 403, Your Honor.

11 THE COURT: All right. There was testimony from Inv.
12 Powell that jewelry was reported stolen. Certainly, this --
13 I mean the investigator doesn't know the specifics of the
14 jewelry, but this jewelry was found in the same place in a
15 closed first aid kit with the key that was identified. The
16 investigator testified that this jewelry was taken from the
17 defendant's vehicle.

18 You know, you might have an excellent jury argument, but
19 your objection to its admission is overruled.

20 MR. SHAFFER: Thank you, Your Honor.

21 THE COURT: All right. Are we otherwise ready?

22 MR. BROWN: Yes, Your Honor.

23 THE COURT: Okay. Bring the jury.

24 (WHEREUPON, the jury entered the courtroom at 3:53 p.m.)

25 THE COURT: All right. Solicitor, if you will, recall

CINDY ADAMS - DIRECT BY MR. BROWN

1 your next witness.

2 MR. BROWN: Thank you, Your Honor. The State calls
3 Cindy Adams.

4 THE CLERK: If you'd place your left hand on the Bible
5 and raise your right hand. Do you swear or affirm the
6 testimony you are about to give this Court will be the truth,
7 the whole truth, and nothing but the truth, so help you God?

8 THE WITNESS: I do.

9 CINDY ADAMS, being first duly
10 sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. BROWN:

13 Q: Good afternoon, Ms. Adams.

14 A: Good afternoon.

15 Q: Ms. Adams, where are you employed?

16 A: I -- with a nursing agency. I own a nursing agency.

17 Q: What is the name of your nursing agency?

18 A: I Need Someone To, Inc.

19 Q: How long have you had your nursing agency?

20 A: Twelve and a half years.

21 Q: And prior to opening or owning a nursing agency, were
22 you in the field of nursing?

23 A: I was with Greenville County as an ALS/ACLS paramedic.

24 Q: And since you've opened up your nursing facility, do
25 y'all have accreditations or approvals by different national

CINDY ADAMS - DIRECT BY MR. BROWN

1 groups, certifications?

2 A: Yes. Alzheimer's Association. We have continuing
3 education online training classes. Most of all of my
4 employees are either -- at least a CNA. I have all the way
5 up to an RN.

6 Q: And for those of us that may not know the acronyms, what
7 is a CNA?

8 A: A certified nurse's aide.

9 Q: And then they also have what? Some of your other nurses
10 have what?

11 A: I have an LPN and RN, that sort of thing, yes. Uh-huh.

12 Q: That's a registered nurse?

13 A: Yes. Uh-huh.

14 Q: Ms. Adams, when did you become involved with the care of
15 Bertha Robinson?

16 A: June the 20th of 2017.

17 Q: And when you became involved, who did you talk with in
18 order to be hired to care for Bertha Robinson?

19 A: Well, Self Regional is the one that called me to start
20 with. Their social worker called me to start with and
21 directed me to get in touch with the nephew, which was Mr.
22 Anthony Gilmore.

23 Q: Is Mr. Gilmore here in the courtroom?

24 A: He is, sir. He's right there in the blue-and-white
25 striped shirt.

CINDY ADAMS - DIRECT BY MR. BROWN

1 Q: And on June 20th, the day -- 2017, the day you became
2 involved, did you meet with Mr. Gilmore?

3 A: I did, sir. And I also met with his sister.

4 Q: And where did this meeting occur?

5 A: At Mr. -- excuse me. At Mrs. Bertha Robinson's home.

6 Q: And where is that home located?

7 A: On Nation Road.

8 Q: What county is that in?

9 A: Greenwood County.

10 Q: Was Ms. Bertha at that home?

11 A: Yes, sir, she was.

12 Q: On June 20th, 2017, did you have the opportunity to visit
13 with Ms. Bertha to learn a little bit -- learn a little about
14 her?

15 A: Yes, sir. We sat at the dining room table and, you
16 know, had a lengthy conversation.

17 Q: During this conversation, did you develop a plan to take
18 care of Ms. Bertha?

19 A: Yes, sir. Yes, sir. That was basically the purpose of
20 my visit, to figure out what problems we had and how to solve
21 them.

22 Q: And after that meeting, did you become employed by Mr.
23 Gilmore and Ms. Singletary?

24 A: Yes, sir, I did.

25 Q: And initially, how many days or how many hours a day

CINDY ADAMS - DIRECT BY MR. BROWN

1 were you going to check on Ms. Robinson or one of your
2 employees?

3 A: That was supposed to have been every day for about an
4 hour and a half or two hours.

5 Q: And during this time, when did you actually begin -- you
6 or your employees begin actual care of Ms. Robinson?

7 A: On June the 23rd, 2017.

8 Q: During your initial intake or interview with Mr. Gilmore
9 and Ms. Robinson and Ms. Singletary, did you learn of Mr.
10 Anderson?

11 A: Yes, sir, I did. The very first time that I ever met
12 any of them, I knew that he was one of the people on the list
13 that was not to be allowed back on the property.

14 Q: Did you actually document this in your records?

15 A: Yes, sir, I did.

16 Q: Between the dates of June 20th, 2017, and June 28th of
17 2017, when the fail to stop and the car accident occurred,
18 did you have a conversation with Mr. Anderson?

19 A: I did.

20 Q: Where did that occur?

21 A: I think it was on her front porch. One of my employees
22 was already there, called me that Mr. Anderson had stepped
23 onto the porch, and I went and explained you're not supposed
24 to be on this property, please leave.

25 Q: You told that to him face to face?

CINDY ADAMS - DIRECT BY MR. BROWN

1 A: Yes, I did. Yes.

2 Q: And that was before June 28th, 2017?

3 A: Yes, sir. Uh-huh.

4 Q: When you approached that property June 20th, were there
5 no trespassing signs up around the property?

6 A: No, but they were up a couple of days later. That's
7 what the police had advised.

8 Q: And Mr. -- who put those up?

9 A: Mr. Gilmore and one of his friends, of which I forget
10 his name.

11 Q: But these signs were up before June 28th?

12 A: Oh, yes, sir. They were up probably June the 21st, no
13 later than June 22nd, I think.

14 Q: During your initial care for Ms. Robinson in the house,
15 while you were there or your employees were there, what were
16 some of the things that you noticed about Ms. Robinson, about
17 the keep of her house?

18 A: It was a disaster. It was -- it was typical for
19 dementia patients. They'll drag things out of a dresser
20 drawer and then they have no clue why. They -- she was
21 actually plugging up the toilet because she was throwing
22 food. Instead of eating the food, she was putting the food
23 in the toilet.

24 Q: What was the temperature of her house?

25 A: On several occasions, it was above 90 degrees. She had

CINDY ADAMS - DIRECT BY MR. BROWN

1 yanked the selector knob. She would use the selector knob
2 with the air conditioning control. She would turn it on to
3 heat and run it all the way up.

4 And so I took a piece of clear tape. These are tricks
5 of the trade that you learn when you've had experience with
6 dementia patients, which we've had a lot. You use clear tape
7 and put basically the selector knob where you want it to stay
8 and then put clear tape over it, hoping that they don't see
9 the tape.

10 Q: When you or your employees would show up at the house
11 after Ms. Robinson put the heat on 90, where would she be?

12 A: She'd be sitting on the front porch.

13 Q: Did Ms. Robinson have a dog?

14 A: Yeah. Her name was Baby.

15 Q: Where would the dog be?

16 A: In the house.

17 Q: During those -- those days between June 23rd and June
18 28th that you began -- you and your employees began taking
19 care of Ms. Robinson, could she take care of herself?

20 A: No, sir. We had to take -- they had taken -- the
21 family, Mr. Gilmore and Ms. Terraine Singletary, had taken
22 the knobs off of the oven and the stove because she would
23 leave burners on. We slid the stove out and just simply
24 unplugged it and then slid it back into place. She was not
25 cognitive of -- did I eat today, did I take my medication

CINDY ADAMS - DIRECT BY MR. BROWN

1 today, that sort of thing. She'd walk around in the same
2 clothes for four or five days.

3 Q: And when you became involved, would you or your
4 employees make sure she changed her clothes and had proper
5 hygiene?

6 A: Of course. Yes, sir. We were trying to -- you know, we
7 would, you know, try and get her into a tub or something as
8 often as we could. Sometimes, you know, you can't force them
9 to do it, but they are pretty good at what they do. So yes.

10 Q: And on June 26th, 2017, did you have the opportunity --
11 would you ever take Ms. Robinson to the doctor?

12 A: I'm the one that normally does that, and I did take her
13 to see Dr. Robin Stone that day.

14 Q: Is that her family practitioner?

15 A: Yes, sir. And from what I was able to glean, that's
16 been her family doctor for quite a few years.

17 Q: And you had actually taken her -- or did you take her on
18 June 26th, 2017?

19 A: Yes, sir, I did.

20 Q: And Dr. Stone will be here tomorrow, but after that
21 visit, was additional care recommended for Ms. Robinson?

22 A: Yes. That particular day, Dr. Stone instructed me or
23 basically explained it to me that in her opinion -- in her
24 medical opinion that she was a vulnerable adult and did not
25 need to be left, you know, to her own devices, and that she

CINDY ADAMS - DIRECT BY MR. BROWN

1 was going to notify the family.

2 Q: Now, moving forward to June 28th, 2017, I'm going to show
3 you what's in evidence as State's Number 3. Do you recognize
4 this photograph?

5 A: Yes. Uh-huh. Sure. That's Mr. Anderson standing at
6 her front door.

7 Q: Is Mr. Anderson in the courtroom today?

8 A: He is. He's the gentleman with the white hair, but at
9 that time it was very curly. It wasn't, you know, like he's
10 wearing it now.

11 Q: Now, this is June 28th, 2017?

12 A: That's what the top piece says there.

13 Q: And this would have been -- was this after you
14 instructed him to stay off the property?

15 A: Absolutely. Uh-huh.

16 Q: That day after you received notification of this
17 photograph, what did you do?

18 A: That particular day, I had an employee going into the
19 home. She was supposed to have been there about 10:30, I
20 think. I can look at my notes if you need me to, but that
21 particular day, I got a call from Mr. Gilmore's sister,
22 Terraine Singletary, who resides in New York City, that the
23 bank had called, that they were at the bank. My employee let
24 me know that Ms. Bertha was gone and I'm, like, what do you
25 mean gone. I didn't know what she meant by, you know, gone.

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1 And she said, well, she's not here, and I said what do you
2 mean she's not here.

3 Well, in the same time frame, I was actually in the
4 shower when that call came through, and Mr. Gilmore -- I mean
5 Terraine Singletary hit me and told me that they were at the
6 bank and he was trying to get her to withdraw money. That's
7 what the bank had called and said.

8 MR. FEDALEI: Objection, Your Honor. It's hearsay.

9 THE COURT: Sustained.

10 BY MR. BROWN:

11 Q: After you got the notice that Ms. Bertha was missing --

12 A: Uh-huh..

13 Q: Was law enforcement contacted?

14 A: Oh, I called Ronnie Powell right there. I called Ronnie
15 Powell while I was still in the shower.

16 Q: And ultimately, did you end up driving to [REDACTED] Nation
17 Road, Ms. Bertha's address?

18 A: No. Because before I could even get there, they had
19 been involved in a motor vehicle accident.

20 Q: And did you go to that location?

21 A: I certainly did. Ronnie Powell called me and said, you
22 know; where are you, and I said I am in the process of
23 heading to her home and he said, well, they've been involved
24 in a motor vehicle accident, and I said where's the address.
25 He told me, and that's where I went.

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1 Q: After you got to the location of the -- of the car
2 accident there at the corner of Nation Road and 25 next to
3 the Burger King, is that where -- is that where it took
4 place?

5 A: Yes, sir. It was right there on -- yeah.

6 Q: What did you do with Ms. Robinson?

7 A: She was still in the car and I went around. I ran
8 across the road and went around the car to the passenger side
9 of the car because the car was slid over in a ditch, a little
10 ditch-looking thing there, and I went around on that side of
11 the car to ascertain whether or not she was injured.

12 Q: After assessing Ms. Robinson, did you -- in fact, did
13 you take her to the hospital?

14 A: I certainly did. Yes, sir.

15 Q: After June 28th, after this that occurred and Ms.
16 Robinson became in your custody after the 28th, how did her
17 care continue?

18 A: We were there then. After we got her out of the
19 hospital, the emergency room that day, we -- she was
20 constantly -- one of my staff or myself were constantly with
21 her from that point until we actually moved her into Ashley
22 Place down in Greenwood.

23 Q: Constantly in care? Is that 24-hour care?

24 A: Twenty-four hour a day, seven days a week.

25 Q: As part of your care for Ms. Robinson, Mr. Gilmore and

CINDY ADAMS - DIRECT BY MR. BROWN

1 Ms. Singletary -- where do they live?

2 A: Mr. Gilmore lives in northern Maryland and Ms. Terraine
3 Singletary lives in New York City.

4 Q: And with them living out of town, did you -- what did
5 you do to help them out?

6 A: Well, I gave them constant updates and let them know
7 what was going on with her and what appointments we had where
8 and what that doctor had said and forwarded any information
9 to them that they needed as far as her care was concerned or
10 any particular situation that might have been going on.

11 Q: Did you assist in helping get the house auctioned or to
12 sell the vehicles?

13 A: Yes, sir, I did. We -- I -- they asked me to contact --
14 if I knew an auctioneer and I said I do. I know one. So I
15 contacted Mr. Johnny King.

16 Q: And with regard to the Jaguar, did -- to your knowledge,
17 do you know if Ms. Bertha Robinson owned a Jaguar?

18 A: Yes. She owned four cars.

19 Q: What kind of cars were they?

20 A: She owned a 2000 Jaguar. She owned a Chevy Colorado,
21 which is a smaller pickup truck. I'm not really sure the
22 year of that one. She owned a Mustang and a Buick
23 Roadmaster.

24 Q: And what happened to those vehicles?

25 A: Basically, they were sold to offset part of the -- well,

CINDY ADAMS - DIRECT BY MR. BROWN

1 the cost of her care.

2 Q: And specifically, the Jaguar?

3 A: As it sat, it was trashed out. The headliner was gone.
4 The motor had three injection coils that were bad in it. The
5 transmission was slipping. I have a friend of mine that's --
6 a very dear friend of mine that's a mechanic and he also
7 specializes in Jaguars, and I had him come and look at the
8 car because we couldn't even get it cranked that particular
9 day.

10 So I had him come and look at the car, and he told me as
11 it sits, it's worth nothing, and I said, well, how much is it
12 going to cost to fix it, and he told me because I just -- it
13 was just a shame.

14 But anyway, I ended up crediting them for -- the car as
15 it sat was worth right at about \$1,000 and I credited them
16 \$2,500 off of the total bill, and I had my Jaguar guy see if
17 he couldn't fix it because they weren't going to get anything
18 for it the way it was sitting.

19 Q: So essentially, you bought it?

20 A: Essentially, I bought it, yes.

21 Q: I'm going to show you what's already been placed into
22 evidence as State's Number 1.

23 A: Sure.

24 Q: Do you see anything you recognize in that Hyundai case?

25 A: Am I allowed to touch it?

CINDY ADAMS - DIRECT BY MR. BROWN

1 Q: Yes, ma'am.

2 A: Okay.

3 MR. SHAFFER: We have gloves.

4 MR. BROWN: We have gloves?

5 MR. SHAFFER: Yeah. I mean it's been in evidence. So
6 everyone else has touched it with gloves. Can she wear
7 gloves?

8 MR. BROWN: Well, if you insist.

9 MR. SHAFFER: I don't want her -- because there's --

10 THE COURT: Come here.

11 (WHEREUPON, a bench conference was held in the presence
12 of the jury but out of the hearing of the jury off the
13 record, after which the proceedings resumed as follows.)

14 THE COURT: You don't need gloves unless you're more
15 comfortable wearing them.

16 THE WITNESS: No, ma'am. Thank you.

17 THE COURT: Okay.

18 THE WITNESS: They don't fit my fingers very well.

19 THE COURT: Y'all may proceed.

20 THE WITNESS: Thank you.

21 BY MR. BROWN:

22 A: Well, this is an identical replica to the key that I
23 have, and the fob is an identical -- I don't have this on --
24 on it. I don't have that part of it, but I have this and the
25 fob. There were two of them for the same car. And this

CINDY ADAMS - DIRECT BY MR. BROWN

1 looks like some of the same jewelry that we would find in her
2 home.

3 Q: You can't say for certain that's her jewelry?

4 A: Well, it was stuff just like it. Yeah, it was hers.
5 Yeah.

6 Q: With that, all of this, one thing sticks out to you?

7 A: Well, the key is an identical match to mine, yeah. It's
8 a 2000 S-type.

9 Q: Ms. Adams --

10 A: Yes.

11 Q: As part of your care for Ms. Robinson -- I think I might
12 have already asked you this, but could she care for herself?

13 A: No. No, sir. No, sir.

14 Q: Was she easily confused?

15 A: Extremely confused, yes.

16 MR. BROWN: No further questions.

17 THE COURT: Cross-examination.

18 CROSS-EXAMINATION

19 BY MR. FEDALEI:

20 Q: Good afternoon, Ms. Adams.

21 A: Hi.

22 Q: You run -- well, you called it a nursing agency?

23 A: Yes, sir. What is your name, sir?

24 Q: My name is Chris Fedalei. We actually spoke on the
25 phone the other day.

CINDY ADAMS - CROSS BY MR. FEDALEI

1 A: Thank you.

2 Q: And you said that you employ with your nursing agency
3 people who have nursing certifications?

4 A: They have everything from personal care aide up to an
5 RN, yes.

6 Q: Okay. Does your company provide medical care?

7 A: No.

8 Q: Okay. But in the regular course of your business, your
9 caretakers will take notes, like when they visit a patient of
10 yours? There you go.

11 A: Yes, sir.

12 Q: I want to ask you about a couple of the notes that your
13 caretakers made --

14 A: Sure.

15 Q: -- in regards to Ms. Robinson..

16 A: Uh-huh.

17 Q: On July 3rd, 2017, which would have been just a few days
18 after Mr. Anderson was arrested, one of your caretakers was
19 at the house with her and Ms. Robinson got a call that her
20 pension check came in from the post office?

21 A: Yes.

22 Q: They went to the post office to get the check, the
23 caretaker and Ms. Robinson that is?

24 A: No. I went.

25 Q: You went with Ms. Robinson?

CINDY ADAMS - CROSS BY MR. FEDALEI

- 1 A: Yes, I did.
- 2 Q: Okay. So you and Ms. Robinson went?
- 3 A: And my caretaker. Uh-huh.
- 4 Q: Okay. So the three of you?
- 5 A: The three of us got in the car and went to the post
- 6 office.
- 7 Q: Okay. And from the post office, y'all went to the bank
- 8 to deposit the pension check?
- 9 A: Yes, we did. We went to First Citizens to deposit it.
- 10 Q: And at the time, Ms. Robinson wanted to get some money
- 11 out?
- 12 A: Yes, she did.
- 13 Q: But you or your caretaker would not let her do that?
- 14 A: I did not allow her because the family had instructed me
- 15 not to allow her to get any more money out because she was
- 16 already, I think, close to a negative balance.
- 17 Q: Uh-huh. And I believe it also mentions that she would
- 18 keep losing money?
- 19 A: Yes. Yeah. There were other times we had gone in the
- 20 home and she was -- had found money she had stuffed somewhere
- 21 and she would be counting it and had no clue where it came
- 22 from.
- 23 Q: Okay.
- 24 A: Or what she was supposed to be doing with it, yeah.
- 25 Q: A significant amount of money?

CINDY ADAMS - CROSS BY MR. FEDALEI

1 A: As in which? The pension check or --

2 Q: That she would find in the house.

3 A: No. No. I'm talking -- I think one particular day
4 there -- she might have found \$21 and there was some ones.
5 You know how ones wad up.

6 Q: Uh-huh.

7 A: And apparently, she thought she had hit the jackpot and
8 it was about \$21, yes.

9 Q: So not uncommon for her to lose money and then find
10 money later? It kind of seems like it cycles through?

11 A: Well, no. If she didn't have it, of course, you know,
12 she couldn't lose it, which was why they instructed me not to
13 allow her to get any more money out of the bank.

14 Q: Right. Even though she wanted to? So again --

15 A: Well, there again, she didn't know what she was doing.
16 She was completely confused about -- she did not need any
17 money because everything had been taken care of for her.

18 Q: Uh-huh. But she knew she was at the bank?

19 A: She's -- we went in there and deposited the check.

20 Q: So she knew a little bit about what was going on?

21 A: Well, I think she might've recognized the bank. She had
22 just been there four or five days before, I believe.

23 Q: And she knew it was her pension check?

24 A: I don't know if she was aware that it was her pension
25 check or not.

CINDY ADAMS - CROSS BY MR. FEDALEI

- 1 Q: Well, she knew that it was her money?
- 2 A: She knew that she had had a check in her hand that was
- 3 supposed to have been for her.
- 4 Q: Uh-huh.
- 5 A: Yes.
- 6 Q: But when she wanted to get her money out, as the family
- 7 instructed, you stopped her from doing that?
- 8 A: Of course.
- 9 Q: The next day, July 4th, your caretaker notes that Ms.
- 10 Bertha wasn't feeling so well, that she was very hot and very
- 11 cold?
- 12 A: Yes. I need to find it.
- 13 Q: It's in -- I don't know if you've been able to locate
- 14 it, but it's the note that looks like this.
- 15 A: Sure. I've got the books full of them.
- 16 Q: Okay.
- 17 A: The dates.
- 18 Q: On that date, Ms. Bertha complains to the caretaker that
- 19 we -- being your caretaker writing about the business -- said
- 20 that they treat her like she's crazy?
- 21 A: Well, that would have been her impression.
- 22 Q: Right. Of course, that was her --
- 23 A: Uh-huh.
- 24 Q: That was her statement. And that caretaker told her
- 25 that she was not crazy?

CINDY ADAMS - CROSS BY MR. FEDALEI

1 A: Correct. Dementia is not crazy. That's a totally
2 different ballpark you're in.

3 Q: Uh-huh. But Ms. Bertha seemed to feel that way? She
4 felt like she was being treated like she was crazy?

5 A: No. This had nothing to do with my caretakers. This --
6 well, that's what she says was that we treated her like she
7 was crazy, but that's not -- it didn't have anything to do
8 with my caretakers.

9 It was because she would be trying to get on the phone
10 and talking to other people, and she couldn't understand what
11 they were saying to her. She would get on the phone and talk
12 with Terraine and be crying and all because either (a) I
13 couldn't have money or I don't know what I'm doing here or
14 some sort of thing, yes.

15 Q: Okay. Skipping forward a few days to the 14th of July,
16 there's another note that indicates that sometimes Ms. Bertha
17 remembers things, sometimes she doesn't?

18 A: Uh-huh. Right here.

19 Q: Uh-huh. So the nurse's impression was that sometimes --
20 sometimes she does remember stuff, sometimes she doesn't?

21 A: Correct.

22 Q: It goes in and out?

23 A: Well, for the most -- see, we had just recently started
24 her on Aricept.

25 Q: So maybe the medication was helping her?

CINDY ADAMS - CROSS BY MR. FEDALEI

- 1 A: Hopefully. That's our hope with every dementia patient
2 anywhere is that we can find a medication combination that
3 will help them.
- 4 Q: Sure. The note also says that she acts like Baby is the
5 only friend in the world she has?
- 6 A: She was getting depressed at this moment in time because
7 I believe she -- Terraine and Anthony had already come into
8 town and had let her know that we were going to have to put
9 her in a facility and, you know, she had lived there for
10 years and didn't really want to go.
- 11 Q: Yeah. So she didn't like that?
- 12 A: Well, would you?
- 13 Q: I know I wouldn't.
- 14 A: Okay.
- 15 Q: But it was -- Ms. Bertha also made it clear that was not
16 her wish?
- 17 A: Correct.
- 18 Q: This was a decision that sort of the family made over
19 her wishes because they felt it was for her own good?
- 20 A: Well, you would have to ask Mr. Gilmore that one.
- 21 Q: Certainly. But Ms. Bertha made it clear that personally
22 to her she did not want to go? She did not want to be put in
23 a home?
- 24 A: Correct. Yes.
- 25 Q: Okay. One more note I want to ask you about.

CINDY ADAMS - CROSS BY MR. FEDALEI

1 A: Sure.

2 Q: This would be from July 20th. On the 20th, the caretaker
3 writes that Ms. Bertha was talking about some of what's
4 referred to as the incident with somebody named Freddie
5 Jackson?

6 A: Right. I was not there. I was on the phone, but I
7 wasn't present for that particular episode.

8 Q: They said that she was getting upset talking about it?

9 A: Okay. Describe who they is.

10 Q: They would be -- I guess Keandra [ph] is the author of
11 this note.

12 A: Keandra.

13 Q: Keandra?

14 A: Uh-huh.

15 Q: Excuse me.

16 A: Uh-huh.

17 Q: She writes, quote, Ms. Bertha got really upset talking
18 to him?

19 A: Right. Apparently, there had been a gentleman at her
20 home, and I don't know who Mr. Jackson is. I never -- to my
21 knowledge never met the man. There was a gentleman there one
22 day and I had called the police because it was an
23 unidentified truck in her driveway.

24 Q: Okay.

25 A: But I don't --

CINDY ADAMS - CROSS BY MR. FEDALEI

- 1 Q: But a different day?
- 2 A: I guess. And I don't know who Mr. Jackson is. I just
- 3 know that he was there for the wrong reasons apparently.
- 4 Q: Uh-huh.
- 5 A: From what my caregiver was able to relate to me, as well
- 6 as my office manager had gone by there.
- 7 Q: Because the caretaker asked Mr. Jackson to leave?
- 8 A: Uh-huh.
- 9 Q: And they tried to get Ms. Bertha inside?
- 10 A: Yes.
- 11 Q: But Ms. Bertha kept walking out to talk to Mr. Jackson?
- 12 A: Correct. That's what I was able to piece together by
- 13 reading. Plus, they had me -- they had me on the telephone.
- 14 And she also -- if you -- now that you've brought this up,
- 15 she also said that they were going to kill her. Not my
- 16 caregivers. She was in reference to the neighbors.
- 17 Q: She also said she didn't want anything to do with what
- 18 happened?
- 19 A: Um --
- 20 Q: At the top of that page?
- 21 A: That -- what she's in reference to, from what I was able
- 22 to piece together because I was on the telephone, she -- in
- 23 other words, from what I was able to piece together, Mr.
- 24 Jackson was having some sort of difficult conversation with
- 25 her about either things that had gone missing around the home

CINDY ADAMS - CROSS BY MR. FEDALEI

1 that the police were investigating, lawnmowers and all sorts
2 of things that had already gone missing, and that was -- she
3 was trying to -- her wish -- her statement at that point was
4 I don't want to have anything to do with this, and that's
5 when she went on later to say she was afraid they were going
6 to kill her. And we had witnessed that statement from her
7 before.

8 Q: And again, you don't know who Mr. Jackson is?

9 A: I don't remember ever meeting the man. There was a lot
10 of activity. There were a lot of people not hanging around
11 there anymore, but there were just a lot of people that were
12 there.

13 Q: Uh-huh.

14 A: And I -- you know, they are coming and going, coming and
15 going kind of thing. So as far as if you -- if he were in
16 here, I couldn't pick him out. So there, yeah. I don't
17 know.

18 Q: Gotcha. All right. Well, you are a small business
19 owner; right?

20 A: I'm afraid so, yes.

21 Q: And as a business, you have to bill your clients?

22 A: I have a lot of them. Yes, sir.

23 Q: And you billed Terraine and Anthony under Ms. Bertha's
24 account?

25 A: I didn't understand anything that you just said.

CINDY ADAMS - CROSS BY MR. FEDALEI

1 Q: You billed Terraine and Anthony, her powers of attorney,
2 her closest kin? You sent the bill to them for her account?

3 A: Yes. Yeah. There was an accounting of what every hour.
4 You know, in other words, it's all in my QuickBooks, I
5 believe, that we've already submitted to y'all.

6 Q: And they got a little bit behind on their payments with
7 you?

8 A: Well, there was not -- there were -- there were several
9 times that Anthony gave me, like, \$400, but it was my
10 understanding at the beginning they were going to try and
11 work out whatever they could because they did not realize
12 that she was in the state of dementia that she was in because
13 that's the thing about dementia patients. You can live in
14 another state and call them two or three times a week and
15 they're good, but that's for ten minutes. It's the rest of
16 the time that you have no clue what they're doing. Yeah.

17 Q: Uh-huh. So it's kind of like a layperson, somebody that
18 didn't know a lot about dementia, they could have a
19 conversation or a brief interaction with somebody and they
20 might not even know?

21 A: Who? The layperson or the person --

22 Q: Yeah. The layperson. Like a neighbor or anyone else
23 could have a conversation or a relative on the phone.

24 A: Usually, if you're around -- in other words, if you --
25 if you had longer than a ten-minute conversation with Ms.

CINDY ADAMS - CROSS BY MR. FEDALEI

1 Bertha, you would have understood that there was definitely
2 something wrong. Her short-term memory was, you know,
3 sometimes there, sometimes not.

4 But as far as her family understanding that she really
5 had dementia to the point that it required medication, I'm
6 certain that they didn't have any idea of it until they were
7 down and made arrangements for us to be coming and going and
8 the doctor had a conversation with them.

9 Q: Uh-huh. So I'm not sure exactly who was paying the
10 bills -- we will just say for Ms. Bertha's account. You sent
11 them an invoice, a little over \$8,000 that they had owed you
12 at the time?

13 A: That may well be, yes, in my paperwork.

14 Q: Okay. And to defray some of that cost --

15 A: Uh-huh.

16 Q: To offset it, you were kind enough to credit them for
17 the Jaguar?

18 A: Actually, the bill was 20-something thousand dollars and
19 so they left the cars so that we could find buyers for the
20 cars. And the only one that did not get sold was the Jaguar
21 because it was in such bad mechanical shape.

22 And I did. I credited them because I have a friend of
23 mine that is a very dear friend that he's also a mechanic and
24 he likes to piddle with Jaguars, and he looked at the car and
25 said it's going to require a lot of work, but I think this is

CINDY ADAMS - CROSS BY MR. FEDALEI

- 1 what we can do.
- 2 Q: What's the name of your friend that knows about Jaguars?
- 3 A: Brent Allen.
- 4 Q: Brent Allen?
- 5 A: Yes.
- 6 Q: Is he -- is he a Greenwood resident as well?
- 7 A: He lives -- actually, I believe he lives over toward --
- 8 they just recently moved; so I'm not really sure. I think he
- 9 lives somewhere near Cross Hill.
- 10 Q: Okay. I'm marking Defense's Exhibit 1. Is this that
- 11 Jaguar?
- 12 A: Yes, sir. And it's actually sitting in my yard and
- 13 that's a private driveway. So --
- 14 Q: And that's -- that's where this picture was taken? In
- 15 your driveway?
- 16 A: Yes. I recognize it. The grass needs to be cut.
- 17 Q: All right. You said the Jaguar, according to your
- 18 friend Brent, had some mechanical issues?
- 19 A: Yes, sir.
- 20 Q: But the mileage is pretty low on it?
- 21 A: Well, it took us a day or two to get the thing even
- 22 cranked because it was -- had been sitting apparently. Well,
- 23 it hadn't been sitting that long. What it was was the keys
- 24 were mixed up.
- 25 Q: Uh-huh. So there was an issue -- you weren't sure which

CINDY ADAMS - CROSS BY MR. FEDALEI

1 -- you had multiple sets of keys?

2 A: No. Well, we had a lot of sets of keys that were to
3 different buildings, outbuildings, tractors, lawnmowers, all
4 sorts of things, and the only key that was left that I could
5 find that was a Jaguar was identical to the one that was in
6 the -- wherever it went.

7 Q: Uh-huh. In the case?

8 A: And we actually had to jump it off and do a lot of other
9 things, and that was the key that actually was -- had the
10 chip in it that was the correct chip to crank the car.

11 Q: And where did you get that key?

12 A: Terraine and Anthony had found another pile of keys
13 somewhere when we were moving everything out of the house. I
14 don't know where they found the key.

15 Q: Okay. And again, the Jaguar did not have a lot of miles
16 on it? It had some mechanical issues, but --

17 A: Right.

18 Q: -- it hadn't been used a whole lot?

19 A: Right.

20 Q: And the --

21 A: Well, I don't know how often it had been used. I had
22 never seen the car until that particular day that we were
23 trying to get them cranked. The other cars were sitting out
24 in the yard, but I had not even seen that one.

25 Q: And the amount that you credited them for the car, for

CINDY ADAMS - CROSS BY MR. FEDALEI

1 the Jaguar that you now own, was --

2 A: Was \$2,500.

3 Q: -- \$2,500?

4 A: Yes. It's in my memos that y'all have.

5 Q: Let's talk about one other thing. You indicated in your
6 testimony before that you think you recognize some of the
7 objects in the case that you -- that Mr. Brown showed you?

8 A: We saw -- basically, there was stuff just like that and
9 probably some of those same pieces that had been in her home.

10 Q: But you -- of course, you did not go to Ms. Robinson's
11 home until June 20th?

12 A: 20th. Uh-huh.

13 Q: And the only time Mr. Anderson came by after that was on
14 the 28th?

15 A: I don't know how many times he had been by there, but
16 I'm sure -- no, because -- no, no. Huh-uh. No. I -- my
17 employee called me that he was standing on their front porch,
18 and that was about June the 21st or June the 22nd.

19 Q: Okay. But he didn't enter the home? He came on the
20 porch?

21 A: Well, I don't know, but I do know that they said that he
22 had been in the home before..

23 Q: Okay. But you have no knowledge of him being in the
24 home after June 20th up until the 28th?

25 A: My crew was not there around-the-clock until the 28th.

CINDY ADAMS - CROSS BY MR. FEDALEI

1 So what they did at night and what happened at night, it
2 would set his alarms off on the ADT, and they could actually
3 -- he could actually see -- Mr. Anthony -- Mr. Anthony
4 Gilmore could actually see and get pictures of people that
5 were on the porch or had tried to go in and out of the house.

6 Q: So he at least would have known?

7 A: I don't know. There were times that the ADT system was
8 actually off-line or not working. There were times the
9 camera had been taken. We knew about that because there was
10 one of the times -- and if you want me to take time to find
11 it, I can, but one of my employees found one of the windows
12 that was open in the house and it was not even showing on the
13 ADT system.

14 Q: All right. Thank you.

15 MR. FEDALEI: I beg the Court's indulgence.

16 THE COURT: Yes, sir.

17 BY MR. FEDALEI:

18 Q: Could you give us any idea of when that day was that you
19 found the open window?

20 A: Yeah. I'll sit here and read them and find it for you.

21 Q: Do you have a -- I mean even without necessarily finding
22 the specific piece of paper --

23 A: Uh-huh.

24 Q: Do you have a ballpark as to what month it might have
25 been in?

CINDY ADAMS - CROSS BY MR. FEDALEI

1 A: Well, we were only there for about 40 days from June the
2 23rd until July the --

3 Q: And is it your belief that the open window was found
4 between the 20th and the 28th? Or after the 28th?

5 A: I can't tell you what my belief is. If you'll give me
6 time --

7 Q: Okay.

8 A: -- I'll read these notes and tell you.

9 Q: Fair enough.

10 THE WITNESS: I apologize, Your Honor.

11 THE COURT: No. It's fine.

12 MR. FEDALEI: Your Honor, may we approach you briefly?

13 THE COURT: Sure.

14 (WHEREUPON, a bench conference was held in the presence
15 of the jury but out of the hearing of the jury off the
16 record, after which the proceedings resumed as follows.)

17 THE WITNESS: I'm sorry. I forgot your name again, but
18 anyway --

19 MR. FEDALEI: You can just call me Chris.

20 THE WITNESS: Mr. Chris.

21 BY MR. FEDALEI:

22 A: It's right here on the 4th. I called Anthony about alarm
23 system not working correctly and being off-line. So that
24 would have occurred on the 4th of July. It's right here.

25 And one of my CNAs was there. She called me. It states

CINDY ADAMS - CROSS BY MR. FEDALEI

1 so in the note. She called me and said she would call Ms.
2 Robinson's -- that I would call Ms. Robinson's nephew and let
3 him know that the alarm system is not working right. Washed
4 the dishes. She went on about everything that she did.
5 There was a -- the window was -- there was a window open in
6 the room that Baby lays on the bed in. Noticed on the ADT
7 box that it was not showing that the window was open. So
8 henceforth, had there been an alert or an alarm, nobody would
9 have known it.

10 Q: Okay.

11 MR. FEDALEI: Thank you. Well, Court's indulgence one
12 more time.

13 THE COURT: Yes, sir.

14 BY MR. FEDALEI:

15 Q: July 4th is the date you said; right?

16 A: It's right here in the notes, yes.

17 Q: Okay. And, of course, Mr. Anderson wasn't around on
18 July 4th?

19 A: I have no idea where Mr. Anderson was. You might want
20 to ask him.

21 Q: He had been arrested; right?

22 A: That could well have been. And I don't know how long
23 the window had been up.

24 Q: Did you go to Mr. Anderson's initial bond setting?

25 A: Yes, I did.

CINDY ADAMS - CROSS BY MR. FEDALEI

1 Q: And I believe you made a note saying that he wasn't
2 going anywhere anytime soon?

3 A: Well, I would certainly hope not.

4 Q: But that's a note you had written?

5 A: Of course.

6 Q: So maybe five days after his arrest, you --

7 A: Well --

8 Q: -- might have figured that he wasn't -- he was still in
9 jail?

10 A: Hopefully so, yes. I also had to call the police during
11 that period of time actually on the 4th because the fireworks
12 outside -- they were shooting fireworks at her house.

13 Q: Okay. Thank you.

14 A: Uh-huh.

15 THE COURT: Redirect?

16 MR. BROWN: Just briefly, Your Honor.

17 REDIRECT EXAMINATION

18 BY MR. BROWN:

19 Q: Ms. Adams, on July 4th, 2017 --

20 A: Yes, sir.

21 Q: Your nurses in your company had 24-hour care of Ms.
22 Bertha?

23 A: Yes, we did. We had had care ever since I brought her
24 home from the hospital from the 28th, June 28th of '17.

25 Q: Yes, ma'am.

CINDY ADAMS - REDIRECT BY MR. BROWN

1 A: I'm sorry.

2 Q: And during your time of seeing and taking care of Ms.

3 Bertha from the 23rd of June until this happened on June 28th

4 --

5 A: Yes, sir.

6 Q: -- and even after that, did Ms. Bertha have hoards of
7 cash around her house?

8 A: No. Gosh, no. No, not that we ever saw. Like I said,
9 she found an old purse or something and had \$21 in it and
10 thought she had hit a jackpot. So, yeah.

11 Q: And in order to sell the house for auction, did you and
12 your nurses go through it and clean it out?

13 A: We did, along with the help of the auctioneer that Mr.
14 Gilmore was actually able to locate. It was -- I forget the
15 name of the company, but we all got together and cleaned it
16 up and cleaned it out, yes.

17 Q: And during that time, was cash found? Like, hoards of
18 cash? Thousands of dollars?

19 A: No, sir. Absolutely not. No.

20 Q: Were there any new holes in the backyard around the
21 property where Ms. Bertha might have hidden the -- hidden
22 this cash?

23 A: Well, no, sir. Not that I can see, no. No, sir. I
24 never saw anything that looked like any of the grounds had
25 been disturbed other than there were, you know, dead

CINDY ADAMS - REDIRECT BY MR. BROWN

1 fireworks laying all over.

2 Q: I'm not going to ask you how much cash was -- was taken
3 out through that time period. We have other people to do
4 that. But you didn't see other cash around her property when
5 you --

6 A: No, sir.

7 Q: -- cared for her?

8 A: Absolutely not, no, no, no. In fact, I was going and
9 buying whatever she needed and would just send them the bill.

10 Q: Food?

11 A: Food, cleaning utensils. There's a whole list of things
12 in here that -- you know, that we had purchased. The things
13 that you normally would need for a home to operate, toilet
14 paper, things like that.

15 MR. BROWN: No further questions.

16 THE COURT: Anything further from this witness?

17 MR. FEDALEI: Nothing further from this witness.

18 THE COURT: Okay. Thank you, ma'am. You may step down.

19 THE WITNESS: Thank you. I'll try not to fall on you.

20 THE COURT: Call your next witness.

21 MS. SUMNER: Your Honor, the State calls Melissa

22 Condrey.

23 (WHEREUPON, there was a pause in the proceedings until
24 the witness entered the courtroom, after which the
25 proceedings resumed as follows.)

MELISSA CONDREY - DIRECT BY MS. SUMNER

1 THE CLERK: Place your left hand on the Bible and raise
2 your right hand. Do you swear or affirm the testimony you
3 are about to give this Court will be the truth, the whole
4 truth, and nothing but the truth, so help you God?

5 THE WITNESS: I do.

6 MELISSA CONDREY, being first duly
7 sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MS. SUMNER:

10 Q: Good afternoon, Ms. Condrey.

11 A: Hi.

12 Q: Where are you employed?

13 A: United Community Bank.

14 Q: And what is your position with them?

15 A: I'm a branch manager.

16 Q: And as part of being a branch manager, are you
17 considered a records custodian?

18 A: Yes.

19 Q: Also, could you tell us the duties of a branch manager?

20 A: Managing the accounts, making sure that all the papers
21 are filed, everything is per regulation.

22 Q: Okay. Was Bertha L. Robinson a customer of United
23 Community Bank?

24 A: Yes.

25 Q: And did she have a savings account with you all?

MELISSA CONDREY - DIRECT BY MS. SUMNER

- 1 A: Yes.
- 2 Q: What is the number of that account?
- 3 A: [REDACTED] 1795.
- 4 Q: Can you tell us what the balance on that account would
- 5 have been on January 1st of 2017 to December 31st, '16.
- 6 A: \$59,402.30.
- 7 Q: Okay. So that would have been the balance of that
- 8 account beginning of 2017?
- 9 A: Yes.
- 10 Q: Okay. Can you tell us following that balance, so within
- 11 January of 2017, were there any withdrawals from that
- 12 account?
- 13 A: Yes.
- 14 Q: How many withdrawals?
- 15 A: Four withdrawals.
- 16 Q: And can you tell the jury the dates and the amount of
- 17 the withdrawals on that account?
- 18 A: January 6th of 2017, there was a withdrawal of 5,200. On
- 19 January 11th of 2017, there was a withdrawal of 2,600. And on
- 20 January 19th, 2017, there was a withdrawal of 7,500. And then
- 21 on January 20th, 2017, there was a closing withdrawal of
- 22 \$44,102.30.
- 23 Q: Okay. So what was the total amount of withdrawal debits
- 24 taken from that account throughout January of 2017?
- 25 A: \$59,402.30.

MELISSA CONDREY - DIRECT BY MS. SUMNER

1 Q: And again, that last withdrawal, the 44,000 and some
2 change, was a closing withdrawal on that account?

3 A: Yes.

4 MS. SUMNER: Your Honor, may I approach the witness?

5 THE COURT: Yes.

6 BY MS. SUMNER:

7 Q: Ms. Condrey, does this look familiar to you?

8 A: Yes.

9 Q: Okay. And what is this?

10 A: That's one of our bank statements.

11 Q: Okay.

12 MS. SUMNER: Madam Court Reporter, can I mark this? We
13 are at State's 4.

14 (WHEREUPON, the bank statement was marked for
15 identification as State's Exhibit Number 4.)

16 BY MS. SUMNER:

17 Q: And for which account is this statement for?

18 A: It's for the account of Bertha L. Robertson.

19 Q: Robinson?

20 A: Robinson. It's account number [REDACTED] 1795.

21 Q: And for what time period is that statement?

22 A: For January -- from December 31st, 2016, to 3/31/2017.

23 Q: So this would cover all of the --

24 A: Yes.

25 Q: -- activity on the account we just discussed?

MELISSA CONDREY - DIRECT BY MS. SUMNER

1 A: Yes.

2 Q: And is this a true and accurate depiction of the
3 activity on this account?

4 A: Yes.

5 MS. SUMNER: Your Honor, at this time, the State would
6 move State's 4 into evidence.

7 THE COURT: Any objection?

8 MR. SHAFFER: No objection, Your Honor.

9 MR. FEDALEI: None from us, Your Honor.

10 THE COURT: It's admitted without objection.

11 (WHEREUPON, State's Exhibit Number 4, bank statement,
12 was admitted into evidence.)

13 MS. SUMNER: Your Honor, at this time, the State has no
14 further questions for this witness.

15 THE COURT: Any cross-examination?

16 CROSS-EXAMINATION

17 BY MR. FEDALEI:

18 Q: Good afternoon.

19 A: Hi.

20 Q: You said there was a closing withdrawal?

21 A: Yes.

22 Q: On what date was that?

23 A: The closing withdrawal is on January 20th, 2017.

24 Q: And was that closed out as a check?

25 A: It's a withdrawal. I don't -- it doesn't show me how it

MELISSA CONDREY - CROSS BY MR. FEDALEI

1 was withdrawn. It was just a closing withdrawal. It could
2 have been a savings withdrawal or a savings coupon that she
3 did in the branch.

4 Q: But it was withdrawn by Bertha Robinson?

5 A: Yes.

6 Q: And we don't know what form that came in?

7 A: No. That was not requested. I have no idea.

8 Q: Okay.

9 MR. FEDALEI: Thank you. No further questions.

10 THE COURT: Any redirect?

11 MS. SUMNER: No, Your Honor.

12 THE COURT: Okay. Thank you. You may step down.

13 MR. BROWN: Judge, may we approach a moment?

14 THE COURT: Yes.

15 (WHEREUPON, a bench conference was held in the presence
16 of the jury but out of the hearing of the jury off the
17 record, after which the proceedings resumed as follows.)

18 THE COURT: All right. The State can call its next
19 witness.

20 MS. SUMNER: Thank you, Your Honor. The State calls
21 Brianna Robinson to the stand.

22 (WHEREUPON, there was a pause in the proceedings until
23 the witness entered the courtroom, after which the
24 proceedings resumed as follows.)

25 THE CLERK: Please place your left hand on the Bible and

BRIANNA ROBINSON - DIRECT BY MS. SUMNER

1 raise your right hand. Do you swear or affirm the testimony
2 you are about to give to this Court will be the truth, the
3 whole truth, and nothing but the truth, so help you God?

4 THE WITNESS: Yes.

5 BRIANNA ROBINSON, being first
6 duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MS. SUMNER:

9 Q: Good afternoon, Ms. Robinson.

10 A: Good afternoon.

11 Q: Where are you employed?

12 A: First Citizens Bank.

13 Q: And what is your job there?

14 A: It is basically a teller.

15 Q: Okay. So you are essentially a bank teller for them?

16 A: Yes.

17 Q: Now, which branch of First Citizens do you work at?

18 A: Ware Shoals.

19 Q: Okay. How long have you been there?

20 A: For about two years.

21 Q: So were you working back on June 28th of 2017?

22 A: Yes.

23 Q: Now, over the course of your time as a bank teller for
24 First Citizens out in Ware Shoals, did you ever encounter the
25 customer Bertha Robinson?

BRIANNA ROBINSON - DIRECT BY MS. SUMNER

1 A: Yes.

2 Q: How many times would you say? More than ten? Less than
3 ten? How many times did you encounter this lady?

4 A: Probably more than ten.

5 Q: Did she always come in by herself?

6 A: Not all of the time.

7 Q: So you did see other individuals come in the bank with
8 her?

9 A: Correct.

10 Q: Can you describe these other individuals to us?

11 A: I believe one is her niece and another male. So . . .

12 Q: Are you familiar with a John Anderson at all?

13 A: Yes.

14 Q: Okay. Did you ever see Mr. Anderson come in the bank
15 with her?

16 A: Maybe once or twice.

17 Q: Now, on June 28th, were you, in fact, the teller that she
18 withdrew money from that day?

19 A: I believe so.

20 Q: And why do you believe so?

21 A: Because she would usually come to me, you know, a
22 majority of the time.

23 Q: Did you all have a relationship? A customer/bank teller
24 relationship where you knew each other?

25 A: Like, from a customer/teller standpoint, yes.

BRIANNA ROBINSON - DIRECT BY MS. SUMNER

1 Q: Did you ever have any concerns about Ms. Robinson and
2 her activity at the bank?

3 A: Somewhat, but, you know, I never really, like, delve
4 into detail about other people's financial things. She
5 wanted something, it was there available; so, you know, I
6 would just give it to her because I can't tell her no.

7 Q: Do you by chance see Mr. Anderson here in the courtroom
8 today?

9 A: Yes.

10 Q: Can you point him out for us?

11 A: He's right there.

12 Q: What is he wearing?

13 A: He's wearing a suit, blue shirt.

14 Q: Does he have the whitish hair?

15 A: Yes.

16 Q: Okay. And is this the gentleman, in fact, that would
17 come with her to the bank on some occasions at First
18 Citizens?

19 A: Sometimes.

20 Q: Okay.

21 MS. SUMNER: Thank you.

22 THE WITNESS: You're welcome.

23 THE COURT: Cross-examination?

24 MR. SHAFFER: Yes, Your Honor.

25 CROSS-EXAMINATION

BRIANNA ROBINSON - CROSS BY MR. SHAFFER

1 BY MR. SHAFFER:

2 Q: Ms. Robinson?

3 A: Hi.

4 Q: Hi. How are you doing today?

5 A: I'm all right. How are you?

6 Q: I'm doing all right.

7 You are no relation to Bertha Robinson, are you?

8 A: No.

9 Q: I just wanted to check and make sure. So she would
10 normally come to you whenever she went to the bank; right?

11 A: Most of the time, yes.

12 Q: And you said that you've seen her with John Anderson
13 maybe once or twice?

14 A: Once or twice.

15 Q: Okay. Did she ever come in alone?

16 A: Yes.

17 Q: Did she ever make withdrawals when she came in alone?

18 A: Yes.

19 Q: Did -- is there some sort of teller code that you have
20 that would -- that would show up on her bank statement as you
21 being the teller?

22 A: I don't believe so.

23 Q: Okay. But you would say a majority of the time when you
24 were there, she would come to you; right?

25 A: Uh-huh.

BRIANNA ROBINSON - CROSS BY MR. SHAFFER

- 1 Q: She liked you?
- 2 A: I mean mostly she would come to whoever is available
- 3 basically, but she would come to me.
- 4 Q: Okay. She came to the bank in 2017 pretty frequently?
- 5 A: Yes.
- 6 Q: Withdrew large sums of cash pretty frequently?
- 7 A: Yes.
- 8 Q: And by pretty frequently, say more than once a week? Is
- 9 that fair to say?
- 10 A: Yes.
- 11 Q: And during that period in 2017 when she was withdrawing
- 12 large sums of cash more than once a week, during that period
- 13 you only saw John Anderson maybe once or twice with her?
- 14 A: It would just be like -- I want to say, like, every blue
- 15 moon.
- 16 Q: Okay.
- 17 A: No. He would kind of help her. Like, what I perceived
- 18 would be like he would, like, help her basically. So I asked
- 19 her once, like, you know, how do you know Mr. Anderson. Oh,
- 20 he's just, you know, a friend. I'm like, okay, cool.
- 21 Somebody actually trying to help her, you know. Because I
- 22 didn't know what her situation was. I'm like, okay, cool,
- 23 that's nice, you know.
- 24 Q: Okay. And so the once or twice you saw him, you
- 25 perceived him as trying to help her; right?

BRIANNA ROBINSON - CROSS BY MR. SHAFFER

1 A: Yeah.

2 Q: He didn't, like, fill out forms for her, did she -- did
3 he?

4 A: No.

5 Q: She did that herself?

6 A: She did that or I would help her because sometimes she
7 would, you know, put stuff in the wrong place. So I'm like,
8 okay, Ms. Bertha, you know, what --

9 Q: Okay.

10 A: What do you want to do today? You know, I'd try to help
11 her out.

12 Q: Did you ever see him sign for her?

13 A: No.

14 Q: She signed for herself; right?

15 A: Yes.

16 Q: Pretty distinctive handwriting?

17 A: Yes.

18 MR. SHAFFER: No further questions. Thank you very
19 much.

20 THE COURT: Any redirect?

21 MS. SUMNER: Briefly, Your Honor.

22 REDIRECT EXAMINATION

23 BY MS. SUMNER:

24 Q: Did you always see who drove Ms. Bertha to the bank?

25 A: No. Because I was on the inside. It's, like, you know,

BRIANNA ROBINSON - REDIRECT BY MS. SUMNER

1 you have the drive through and you can see who is coming out,
2 but I couldn't really, you know, see who is coming in or
3 leaving out. So I just see people coming inside the bank.

4 Q: Okay.

5 A: I wouldn't pay attention outside. Sorry.

6 THE COURT: Okay. Thank you, ma'am. You may step down.

7 THE WITNESS: Yes, ma'am.

8 THE COURT: Now, ladies and gentlemen, typically the way
9 the trial happens is that the State puts on their entire
10 case. After that, you hear from the defense, whatever
11 witnesses they have, if they choose to call any.

12 But in this case, we are going to take a witness out of
13 order, and I tell you that just so that you understand that
14 this is the defendant now calling a witness just because of
15 timing issues and travel plans and things like that. They
16 would like to get this witness done.

17 So the defendant -- we are not finished with the State's
18 case, but the defendant is now going to call a witness on the
19 defendant's behalf, after which we will resume with the State
20 presenting their case.

21 So, Mr. Shaffer, you may call your witness.

22 MR. SHAFFER: Yes. The defense would actually call
23 Anthony Gilmore.

24 THE COURT: Mr. Gilmore, come back around, please.

25 THE WITNESS: Do I need to --

ANTHONY GILMORE - DIRECT BY MR. SHAFFER

1 THE COURT: You can come straight up here. You are
2 still under oath.

3 THE WITNESS: Thank you.

4 ANTHONY GILMORE, being
5 previously duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. SHAFFER:

8 Q: Mr. Gilmore, I promise I'm going to be real short. It's
9 five o'clock and you have to leave tomorrow.

10 A: Yes.

11 Q: So tell me something. You saw -- you had a camera
12 working. The camera was working between the time Ms. Adams
13 started working for you and 6/28; right?

14 A: I believe so, yes.

15 Q: Okay. And you would have seen everyone who came through
16 the door during that time period; right?

17 A: Yes. If the camera picked it up --

18 Q: Okay.

19 A: -- and it dinged me, yes.

20 Q: Did you ever see anyone, specifically Mr. Anderson, walk
21 through that door carrying a bag full of jewelry?

22 A: No. But there's plenty of times that the back door had
23 been opened and there's no camera on the back door.

24 Q: Okay.

25 A: And so, no, I had never saw him with the jewelry in his

ANTHONY GILMORE - DIRECT BY MR. SHAFFER

1 hand, no.

2 Q: On the 21st, I believe, maybe it's the 24th, did you see

3 Mr. Anderson come up to the front porch?

4 A: The 24th?

5 Q: Yeah. Or the 21st. Did he come up to the front porch?

6 A: Gosh. I'm not sure.

7 Q: Okay. You don't remember, do you?

8 A: I don't remember if he came up on the 21st.

9 Q: Okay. Do you recall him coming at any point during the

10 time Cindy Adams or any of her people were there between the

11 time they started and the 28th? Obviously, he came on the

12 28th. We've got a picture of that.

13 A: Right. Yes. He -- the day that -- I believe the day --

14 I'm not sure of the exact date, but I believe the day that

15 the aide that was working there said that he had come, that

16 that was on the camera too, but I don't have a picture of it

17 or anything.

18 Q: Okay. Do you know what date that was?

19 A: It was in that week though.

20 Q: Okay. Did he have a bag full of jewelry with him?

21 A: I can't tell you. I don't know. I mean even if you

22 look at that picture, you can't see what's in his hand.

23 Q: Okay.

24 A: I mean there were times when he came with food in his

25 hand, you know, to deliver food to her, you know, or at least

ANTHONY GILMORE - DIRECT BY MR. SHAFFER

1 I'd say what looked like a plate. I don't know what was in
2 it because I'm all the way in Maryland.

3 Q: Fair enough.

4 A: Okay.

5 Q: But you personally can't ID any of this; right?

6 A: Only the keys.

7 Q: Only the keys? Thank you.

8 THE COURT: Any --

9 MR. BROWN: No cross.

10 THE COURT: All right. Thank you.

11 THE WITNESS: Thank you.

12 THE COURT: You may step down.

13 THE WITNESS: Thank you.

14 (WHEREUPON, a bench conference was held in the presence
15 of the jury but out of the hearing of the jury off the
16 record, after which the proceedings resumed as follows.)

17 THE COURT: All right. The State may proceed.

18 MR. BROWN: Thank you, Your Honor.

19 Your Honor, at this time, the State would move audio --
20 audio recording of Mr. John Fitzgerald Anderson calling John
21 Hancock. The date is January 30th, 2017.

22 THE COURT: Any objection from the defense?

23 MR. SHAFFER: No objection, Your Honor.

24 THE COURT: So that would be --

25 THE COURT REPORTER: State's 5.

1 THE COURT: State's 5 is admitted without objection.

2 (WHEREUPON, State's Exhibit Number 5, audio recording,
3 was admitted into evidence.)

4 (WHEREUPON, State's Exhibit Number 5, audio recording,
5 was played in open court. NOT TRANSCRIBED HEREIN. When
6 the recording ended, the proceedings resumed as
7 follows.)

8 MR. BROWN: Your Honor, that's the end of that
9 statement, and that would be -- if I failed to move that in,
10 that would be State's Number --

11 THE COURT REPORTER: 5.

12 MR. BROWN: -- 5 in evidence.

13 THE COURT: Admitted without objection. Okay. All
14 right.

15 Now, ladies and gentlemen, I think that's enough for
16 today. I'll have you come back to your jury room at 9:30
17 tomorrow morning.

18 Do not discuss the case amongst yourselves or with
19 anyone else. Don't do any research about the case. Don't
20 post on Facebook that you're on jury duty even because then
21 people will comment and ask questions and you're not
22 permitted to answer them. So don't Snapchat it or Instagram
23 it or whatever other things people do.

24 Just have a good night and be back in your jury room at
25 9:30 tomorrow morning.

1 THE BAILIFF: Come this way, please.

2 (WHEREUPON, the jury exited the courtroom at 5:16 p.m.)

3 THE COURT: All right. See you all at 9:30.

4 MR. BROWN: Thank you, Judge.

5 THE COURT: 9:30.

6 MS. SUMNER: Thank you.

7 (WHEREUPON, the proceedings adjourned for the day at
8 5:16 p.m.)

9 AUGUST 21, 2018

10 (WHEREUPON, the proceedings resumed at 9:30 a.m.)

11 THE COURT: Okay. Yes, sir? Good morning.

12 MR. BROWN: Judge, just for housekeeping matters, with
13 regard to the State's Number 5 that we entered yesterday, the
14 John Hancock telephone recording, prior to trial the State
15 and Mr. Shaffer, representing the defense -- we talked about
16 the need of having to bring down a custodian of records to
17 get this in. They did email and say they were going to
18 object, which they did object.

19 To a certain extent --

20 MR. SHAFFER: I don't think we objected to it.

21 THE COURT: They did not object to that.

22 MR. SHAFFER: We planned on objecting to it though.

23 MR. BROWN: Either way, I just want to make this a
24 Court's exhibit as laying the foundation, if you see fit. I
25 just want to put that on the record just to make sure

1 everything is preserved.

2 MR. SHAFFER: And I -- and I'm fine with it.

3 MR. BROWN: If they stipulate to the foundation on that.

4 MR. SHAFFER: Okay. I'm fine with that. All we did was
5 black out the part that I said I was going to object with
6 what part I was going to object to because I didn't make the
7 objections.

8 THE COURT: Okay. Make that a Court's exhibit.

9 (WHEREUPON, the email was marked as Court's Exhibit
10 Number 2.)

11 MR. BROWN: Judge, the next issue we had is we have
12 redacted the in-car camera from the fail to stop. The total
13 time of that video is around 54 minutes. We've redacted from
14 the point of -- so 5:06 all the way to 39:30 we've redacted
15 out. The first five minutes and five seconds we plan to play
16 with audio and then after that silence it so nothing is heard
17 discussed about what's going on.

18 Mr. Anderson was arrested. I never heard Miranda. Just
19 to be on the safe side, I don't think anything was actually
20 drawn out of him or a statement given, but just to be on the
21 safe side to get this in to minimize any objections, we've
22 agreed to silence that video.

23 THE COURT: Okay.

24 MR. BROWN: After 5:05.

25 MR. SHAFFER: And, Your Honor, related to that video, I

1 think that the only parts that probably are actually relevant
2 are between 6:08 and 6:15, and then 15:04 to 16:40. I think
3 the rest of it is probably not relevant.

4 I think that the video showing the chase in the first
5 five or five and a half minutes or so is unduly prejudicial.
6 I think that certainly they can bring up evidence of flight,
7 which they have, but that being said that the actual watching
8 of the video is unduly prejudicial of the actual chase.

9 Also, you know, if the Court is inclined to allow them
10 to do it, I don't see where audio on the chase is necessary.
11 I don't think the audio at all is relevant throughout the
12 time period, but certainly I think that the audio probably is
13 not -- I mean there's really no reason to play audio during
14 half of it and then mute it whenever.

15 There's really nothing relevant in the first half and,
16 obviously, the Court is going to have to -- I mean you're
17 probably going to have to view the video to understand what
18 I'm saying here, but there's nothing really said other than
19 the cops ordering him to get on the ground and saying are you
20 all right, people. That's the only thing that's really said.
21 The rest of it is just the sound of the motor from the car in
22 the chase.

23 THE COURT: How is that prejudicial?

24 MR. SHAFFER: I think that it's prejudicial because it's
25 -- well, first I don't think that it's relevant. I also

1 think it's unduly prejudicial because it looks like, you
2 know, with the -- with the motor running -- and it's not
3 necessarily when the motor is running.

4 At one point, they say, Gerald, what are you doing?
5 Okay? And what -- and the thing is is that he doesn't really
6 respond or doesn't respond. He's in custody at that point.
7 And he -- he -- I believe he actually does respond, which
8 isn't going to be admissible because of the fact that he
9 wasn't under Miranda at that point. They were asking him
10 questions about it whenever he wasn't under Miranda, but it
11 leaves the impression that there is something to hide, that
12 he actually did make a statement. So to some degree, it's
13 actually a comment on his right to remain silent whenever
14 you're asking him open-ended questions that you would expect
15 someone to answer and then muting it right at that point.

16 So I think the Court would have to look at it to see
17 what we're -- what I'm talking about, but what -- whenever
18 you mute the -- mute the document right after he asks some
19 questions of the guy, it looks like he has something to hide,
20 but he's -- and he's exercising his right to remain silent.
21 So I think that that would be a problem with -- with muting
22 it at that point.

23 THE COURT: All right. Let me hear from the State.
24 Should it not be muted before the question is asked?

25 MR. BROWN: I would be glad to mute it before that and

1 that would cut it out, but anything -- with regard to the
2 chase, he's already pled to it. It was mentioned in his
3 opening statement about the chase, that he admits to what
4 he's guilty of. It is evidence of flight. She's in the car.
5 It's part of the whole case.

6 If the defense would prefer us not to mute it after the
7 redacted part, we'd be glad to play that. I know that they'd
8 have objections to that. So we are trying to meet them in
9 the middle here, and I would be glad to re-watch it.

10 And I think that if Mr. Shaffer would give me that
11 timestamp right before that question of "Gerald, what are you
12 doing?"

13 MR. SHAFFER: I actually didn't -- that's the only one I
14 didn't write down. I'm sorry.

15 MR. BROWN: I can mute it right before that.

16 THE COURT: Right. Because --

17 MR. BROWN: That would save that.

18 THE COURT: And I would agree that that would be some
19 commentary on his right to remain silent. Take the question
20 out too so that --

21 MR. BROWN: Yes, Your Honor.

22 THE COURT: -- they don't know that a question was even
23 asked of him.

24 MR. BROWN: I can get that right now, if you -- do you
25 care to watch it now or -- it's only the first couple

1 minutes, but I can figure it out real quick.

2 MR. SHAFFER: Your Honor, there is also a -- there's
3 also a period. The timestamps are 10:58 to 11:34 and then
4 again about 13:15 to 13:32.

5 During those -- those time periods, basically -- and
6 I'll give you a little back story. His sister showed up at
7 the scene. Okay? So his sister is there at the scene.
8 There is supposedly an ID that belongs to his sister inside
9 the car. This has not been charged. This is not anything
10 else.

11 But what happens is the cops are showing her the ID that
12 belongs to her and then she takes it, and I think that it's
13 404(b), 403, and probably not all that relevant. I mean
14 there's -- it's basically people standing around for -- and
15 probably the Court should see it, but it's basically people
16 standing around. Nothing relevant is happening anytime
17 around then. It's just people standing around on the side of
18 the road, and then them showing her the ID.

19 I mean certainly the part where they pull the other
20 stuff out of the car that's already been admitted into
21 evidence, without waiving our objection to that evidence, I
22 would say that that is relevant, Your Honor. I mean I admit
23 that that part is relevant, but the part where they're
24 pulling other stuff that's unrelated, that's an uncharged
25 thing, an ID that's given to the sister, I don't think that's

1 relevant, and 403 as well, Your Honor.

2 MR. BROWN: Judge, without the volume, I think it's
3 assuming a whole lot. You can't tell what it is. They are
4 handing something to an onlooker, but during this whole time,
5 they're searching the vehicle. And right after that is when
6 they actually pull out the jewelry and the keys from the car.

7 So it's all tied in together.. They are searching this
8 vehicle during that time. Without the volume, you can't hear
9 what the -- what the -- what the sister is saying. Now, that
10 would be prejudicial if you heard that, what she says, but we
11 -- that's the reason -- one of the reasons why we agreed to
12 mute it because I would agree that is prejudicial for what
13 she says.

14 THE COURT: Okay. What are your other objections, Mr.
15 Shaffer?

16 MR. SHAFFER: Your Honor, other than the ones I -- I
17 believe I've already put them all on the record related to
18 the ID, the 404(b), the 403, and that it's not actually
19 relevant. And then, you know, obviously, the 403 related to
20 the car search.

21 THE COURT: I mean are there other specific time frames
22 on the video?

23 MR. SHAFFER: No, Your Honor. I mean I will say that
24 the remainder of the video, probably there's a lot of dead
25 time that really isn't all that relevant, but I mean I'm not

1 -- there's nothing prejudicial that comes in during that time
2 period except the time periods I mentioned.

3 THE COURT: Okay. I think I need to watch the video, at
4 least the first -- well, we agree on the beginning of it;
5 right? So maybe we can start it around the five-minute mark?

6 MR. BROWN: Yes, ma'am.

7 MR. SHAFFER: And, Your Honor, we object to the actual
8 chase, but --

9 THE COURT: Right.

10 MR. SHAFFER: And I --

11 THE COURT: That --

12 MR. SHAFFER: So just for the record to make things
13 clean, you probably need to watch the whole thing.

14 MR. BROWN: Judge, I am going to fast forward to the
15 part.

16 (WHEREUPON, the video was played for the Court. During
17 the playing of the video, the following colloquy took
18 place.)

19 MR. BROWN: Judge, I will -- at the 3:30 mark, I will
20 mute it.

21 (WHEREUPON, the video continued playing.)

22 MR. BROWN: Judge, right there is where he says it. So
23 right before that, I will mute it.

24 (WHEREUPON, the video continued playing.)

25 MR. BROWN: Going forward, it would be before the

1 "Gerald, what are you doing?" Everything after that will be
2 muted.

3 THE COURT: Okay. Can you move the volume bar where I
4 can see the time?

5 MR. BROWN: Judge, obviously, that's where we redacted
6 out that big chunk.

7 THE COURT: I'm sorry. When you say redact out --

8 MR. BROWN: We took out --

9 THE COURT: You removed the --

10 MR. BROWN: I've removed -- it removes from 5:05 to
11 39:30. So there is a big chunk that has been taken out
12 already.

13 THE COURT: Oh, okay. So the timestamps on this are
14 different --

15 MR. BROWN: Are --

16 THE COURT: -- than the ones --

17 MR. BROWN: I think he was referring to --

18 MR. SHAFFER: I was using the redacted copy, Your Honor.

19 MR. BROWN: The redacted copy.

20 THE COURT: Oh, okay.

21 MR. SHAFFER: So it was my -- the timestamps I just
22 referenced are the correct ones as to this disk.

23 THE COURT: Okay. So this is sort of the beginning of
24 one of your objections?

25 MR. SHAFFER: That's correct. No. The beginning is

1 actually --

2 THE COURT: Didn't you say 6:08?

3 MR. SHAFFER: Oh, I was saying 6:08 to 6:15 is relevant.

4 I agree that 6:08 to 6:15 is relevant to it.

5 MR. BROWN: Judge, I'll pause it briefly.

6 THE COURT: Oh, that's what you agreed to. Okay.

7 (WHEREUPON, the video resumed playing.)

8 MR. BROWN: What about this part?

9 MR. SHAFFER: I'm fine with it until 10:58.

10 THE COURT: 10:58 is correct. So let's skip to about
11 the ten-minute mark.

12 (WHEREUPON, there was a pause in the colloquy as the
13 videotape continued playing. When the videotape ended,
14 the proceedings resumed as follows.)

15 MR. SHAFFER: And, Your Honor, the only other thing was
16 they actually skipped ahead throughout the chase. You only
17 saw part of the chase, which is part of what I was objecting
18 to.

19 THE COURT: So they redacted it?

20 MR. SHAFFER: No, no. They skipped ahead.

21 MR. BROWN: I skipped ahead because I thought he said
22 let's get to the point where we need to.

23 MR. SHAFFER: And the first five minutes are actually
24 part of the chase, which I was objecting to.

25 THE COURT: Right. I understand that.

1 MR. SHAFFER: Okay.

2 THE COURT: Okay. I didn't think I needed to --

3 MR. SHAFFER: Okay.

4 THE COURT: -- view that.

5 So let me hear again from the State why those last two
6 portions of the video that were objected to need to be
7 included. That is the 10:58 through 11:54 and then the 13:15
8 to 13:32. That's where the ID of -- whose ID is it?

9 MR. BROWN: It's actually his sister's ID.

10 THE COURT: Okay. Why that needs to be included.

11 MR. BROWN: Showing that they are -- they are searching
12 the front of the car and searching the backseat of the car.
13 It's part of their search of the vehicle.

14 I think by taking out the audio, it cuts out the
15 prejudicial impact. I agree if that was played, she would be
16 calling her brother a sorry sucker for taking her ID, but I
17 think that is remedied by taking out that volume or that
18 audio, but it clearly shows and it's probative to the fact
19 that officers are searching this vehicle where they find the
20 goods of Ms. Bertha are in the backseat, and it just shows
21 the whole totality of the search.

22 And I think -- I think the search -- the jury needs to
23 see that to see where it was all found.

24 And the first -- the other timestamp -- I'm trying to
25 remember what the timestamp was.

1 THE COURT: I think he just objected to the beginning of
2 it, the chase itself.

3 MR. BROWN: Judge, I think that's just self-explanatory.
4 It's evidence of flight and it shows -- I mean the whole
5 thing. He's already actually pled to that part as well.

6 THE COURT: Right. The objection is overruled as to the
7 first five minutes, the chase itself. The defendant's
8 objection though is sustained as to the other two portions,
9 10:58 to 11:54 and 13:15 to 13:32.

10 I understand the State's position, but having watched
11 the video, I don't know that that's probative of anything.
12 At best, it may raise questions in the minds of the jury as
13 to whose ID, is it an ID, what -- you know, questions along
14 those lines that are not --

15 MR. BROWN: Judge, if -- should -- I know the sister is
16 on the witness list, the defense witness list. Should she
17 testify, depending on what she testifies to, I would possibly
18 cross her on that.

19 THE COURT: It depends on how that comes out.

20 MR. BROWN: Yes, Your Honor.

21 MR. BROWN: So it's 10:58 to 11:54 and 13:15 to what
22 time?

23 THE COURT: 13:32.

24 MR. BROWN: Judge, I don't know if I can get that
25 redacted, like actually taken out of the disk. I can stop,

1 fast-forward, if that would --

2 THE COURT: Y'all don't have an IT person that can --

3 MR. BROWN: We do, but it took an awfully long time to
4 get it done last night.

5 THE COURT: Okay.

6 MR. SHAFFER: Your Honor, I don't really have a problem
7 with doing that as long as we make sure that there's no
8 commentary on it and we make sure that the jury doesn't get
9 it back there where they can actually see it.

10 THE COURT: So that's the thing.

11 MR. BROWN: One thing -- Judge, one thing I can do is I
12 can turn the screen off, then go over there and then pause it
13 again and start it back up, turn the screen back on, play it
14 that way.

15 THE COURT: Right. But what is admitted into evidence
16 --

17 MR. BROWN: Okay.

18 THE COURT: -- needs to be --

19 MR. BROWN: Right.

20 THE COURT: -- the admissible portion. So the disk
21 itself needs to be fixed. I mean that may give you some time
22 to get it fixed because, you know, we can substitute -- you
23 can play it for the jury in the fashion that you're
24 describing, but the final exhibit needs to be --

25 MR. BROWN: Perfect.

1 THE COURT: -- the react -- redacted video.

2 MR. BROWN: With redaction.

3 THE COURT: Right.

4 MR. BROWN: We can do that. Let me just make sure I'm
5 telling him right. It's 10:58 to 11:54 and 13:50 to 13:32.

6 THE COURT: I believe so. Yes. And when you --

7 MR. BROWN: Actually, give me that. Let me make a copy
8 of that because I need to have the timestamps.

9 THE COURT: So when you will offer that into evidence,
10 you know, we can --

11 MR. BROWN: Substitute.

12 THE COURT: -- substitute it later and you can play it
13 for the jury as we've discussed, but for purposes of the
14 record, we will make sure that the final exhibit --

15 MR. BROWN: Yes, Your Honor.

16 THE COURT: -- at the close of the trial is the proper
17 one.

18 MR. BROWN: Exactly.

19 MR. SHAFFER: And, Your Honor, if you would like, in
20 preparation for making the arguments, my co-counsel actually
21 burned the original redacted version, which was what he gave
22 me this morning. If you want to make that a Court's exhibit,
23 you can. I don't know if it messes up timestamps otherwise.

24 THE COURT: I have no need to make it a Court's exhibit.

25 MR. BROWN: I do have the original unredacted in-car

1 that I will move to make a Court's Exhibit 1, just so we have
2 the whole -- the whole video and then show them the redaction
3 later on, the complete redaction. Do you see fit in doing
4 that?

5 THE COURT: Didn't you consent to the initial redaction?

6 MR. BROWN: I did.

7 THE COURT: So I don't know why the --

8 MR. BROWN: Okay.

9 THE COURT: -- whole video is necessary. You might want
10 to make the original redacted version a Court's exhibit, the
11 one that we just watched.

12 MR. BROWN: Okay.

13 THE COURT: Because you disagree with the additional
14 redactions, but since the State has consented to those, I
15 don't think that's necessary.

16 (WHEREUPON, the original redacted in-car video was
17 marked as Court's Exhibit Number 1.)

18 (WHEREUPON, the second redacted in-car video was marked
19 as State's Exhibit Number 11.)

20 (WHEREUPON, there was a pause in the proceedings, after
21 which the proceedings resumed as follows.)

22 THE COURT: All right. Let's bring the jury.

23 (WHEREUPON, the jury entered the courtroom at 10:03
24 a.m.)

25 THE COURT: All right. Good morning, folks.

URBAN MITCHELL JR. - DIRECT BY MR. BROWN

1 THE JURORS: Good morning.

2 THE COURT: I hope you had a good night. I was reminded
3 that I have not named the jury foreperson, and that will be
4 Juror Number 98, Mr. McCarty.

5 THE FOREMAN: Yes, ma'am.

6 THE COURT: Okay. All right. I thought that was you.
7 So it will be your responsibility to preside over the
8 deliberations in the jury room, write the verdict, et cetera,
9 but we'll talk more about that at the end of the trial.

10 We are still on the State's case. I invite you to pay
11 attention to the State, and I'm calling the solicitor to call
12 his next witness.

13 MR. BROWN: Thank you, Judge. The State calls Urban
14 Mitchell.

15 THE CLERK: Do you swear or affirm the testimony you are
16 about to give this Court will be the truth, the whole truth,
17 and nothing but the truth, so help you God?

18 THE WITNESS: I do.

19 URBAN MITCHELL, JR., being
20 first duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MR. BROWN:

23 Q: Good morning, Officer Mitchell.

24 A: Good morning.

25 Q: Deputy Mitchell, where do you work?

URBAN MITCHELL JR. - DIRECT BY MR. BROWN

1 A: Greenwood Sheriff's Office.

2 Q: How long have you been with the Greenwood Sheriff's
3 Office?

4 A: Eight years.

5 Q: And what is your position?

6 A: Deputy sheriff.

7 Q: Are you on the road?

8 A: Yes, sir.

9 Q: Were you working on the road back on June 28th, 2017?

10 A: Yes, sir.

11 Q: Do you remember getting a call to [REDACTED] Nation Road?

12 A: Yes, sir.

13 Q: Tell me about that?

14 A: I responded to a call coming out about a missing person.
15 I was told that Inv. Powell was also in route to the
16 location. That a subject by the name of John Anderson had --
17 was out and about with Ms. Robinson at the time. He had
18 knowledge that there was supposed to be a bank withdrawal in
19 the town of Ware Shoals and that he was possibly driving a
20 red car.

21 Gave out a BOLO to Ware Shoals to be on the lookout, and
22 I was also going to be in route to the town to look for the
23 car as well. Spotted the car coming out of a gas station.
24 Tried to catch up to the vehicle. He gave pursuit towards --
- 25 back towards Nation Road, and Mr. Anderson ended up wrecking

URBAN MITCHELL JR. - DIRECT BY MR. BROWN

1 the vehicle. He jumped out of the driver's seat, complied
2 with all orders, and found Ms. Robinson in the vehicle.

3 Q: Now, during your pursuit, was this captured on in-car
4 video?

5 A: Yes, it was.

6 Q: Do you remember which gas station it was in Ware Shoals?

7 A: The one in the middle of town. I believe it's called
8 the One-Stop.

9 Q: The One-Stop? Ultimately, after arresting Mr. Anderson,
10 did you and Mr. Powell -- did you end up searching the
11 vehicle?

12 A: We did.

13 Q: I'm going to show you what's been marked State's
14 Evidence Number 1. Do you recognize this?

15 A: Yes, sir.

16 Q: And what is that?

17 A: The blue bag that we found in the vehicle that contained
18 items of Ms. Robinson.

19 Q: Now, in addition to finding items in the car, did you
20 ultimately check Mr. Anderson's pockets for anything?

21 A: Yes.

22 Q: I'm going to show you what's been previously marked -- I
23 am going to show you State's Evidence -- or State's 2. Do
24 you recognize --

25 A: Yes, sir.

URBAN MITCHELL JR. - DIRECT BY MR. BROWN

1 Q: -- this money? How much money did you take out of Mr.
2 Anderson's pocket?

3 A: A little over \$200.

4 Q: Did you count for certain how much it was on that?

5 A: 249.

6 Q: And that came out of Mr. Anderson's pocket?

7 A: Yes, it did.

8 MR. BROWN: Your Honor, at this time, the State would
9 move in State's Number 2 as evidence.

10 THE COURT: Any objection?

11 MR. SHAFFER: No objection.

12 THE COURT: It's admitted without objection.

13 (WHEREUPON, State's Exhibit Number 2, currency totaling
14 \$249, was admitted in evidence.)

15 BY MR. BROWN:

16 Q: And again, during this pursuit, it was captured on your
17 in-car video?

18 A: Yes, sir.

19 Q: And have you had a chance to review your in-car video or
20 do you remember what --

21 A: Yes, sir.

22 MR. BROWN: Your Honor, at this time, we would move
23 State's Number 11 in as discussed into evidence.

24 THE COURT: Subject to the provisions stated before and
25 over the defense's objection.

URBAN MITCHELL JR. - DIRECT BY MR. BROWN

1 (WHEREUPON, State's Exhibit Number 11, in-car video, was
2 admitted into evidence.)

3 (WHEREUPON, State's Exhibit Number 11, in-car video, was
4 played in open court. NOT TRANSCRIBED HEREIN.)

5 BY MR. BROWN:

6 Q: Mr. Mitchell, I'm going to pause that right there.

7 Where was Ms. Bertha located in the vehicle?

8 A: Front passenger seat.

9 Q: In this video, is Ms. Bertha about to -- is she going to
10 walk in front of the camera?

11 A: I believe so.

12 (WHEREUPON, the video resumed playing.)

13 BY MR. BROWN:

14 Q: Is that Ms. Robinson in the hat?

15 A: Yes.

16 MR. BROWN: I'm going to stop it right there.

17 BY MR. BROWN:

18 Q: Deputy Mitchell, what was that that -- that Inv. Powell
19 gave you? Was that --

20 A: I believe that was the cash.

21 Q: Was that the pocketbook? Ms. Bertha's pocketbook?

22 Would you like to see it again?

23 A: Yeah.

24 (WHEREUPON, the video resumed playing.)

25 (WHEREUPON, at the end of the video, the proceedings

URBAN MITCHELL JR. - DIRECT BY MR. BROWN

1 resumed as follows.)

2 BY MR. BROWN:

3 Q: Deputy Mitchell, after the end of this video, did you
4 end up going to the hospital?

5 A: Yes.

6 Q: Other than this pursuit of Mr. Anderson -- is the man
7 that was driving that vehicle in the courtroom today?

8 A: Yes, sir.

9 Q: Can you identify him for me?

10 A: The gentleman right there in the middle.

11 Q: Other than June 28th, 2017, and your involvement in this
12 pursuit and searching the vehicle, did you have anything else
13 to do with this investigation?

14 A: In this investigation, no, sir.

15 MR. BROWN: No further questions. Please answer
16 anything the defense might have.

17 THE COURT: Cross-examination.

18 CROSS-EXAMINATION

19 BY MR. FEDALEI:

20 Q: Good morning, Officer Mitchell.

21 A: Good morning.

22 Q: You just testified that you didn't have any additional
23 involvement in this investigation?

24 A: Correct.

25 Q: So you didn't have any knowledge about what items, if

URBAN MITCHELL JR. - CROSS BY MR. FEDALEI

- 1 any, had been reported stolen?
- 2 A: No, sir.
- 3 Q: You didn't know what they looked like or what the items
4 were?
- 5 A: No, sir.
- 6 Q: But you also testified that you found items that
7 belonged to Ms. Robinson?
- 8 A: Correct.
- 9 Q: You also found a pocketbook of hers in the car?
- 10 A: Yes.
- 11 Q: But you didn't think that was stolen either?
- 12 A: I wasn't -- I wasn't aware of anything that was stolen
13 at the time.
- 14 Q: Where did you find it in the car?
- 15 A: I'm not sure exactly the location. I can't recall.
- 16 Q: Okay. You responded to a different call on June 14th of
17 that year about a civil disturbance?
- 18 A: Yes.
- 19 Q: Where you were responding to a subject by the name of
20 Whitney Jones?
- 21 A: Yes, sir.
- 22 Q: And your response to that call resulted in her being
23 arrested?
- 24 A: Yes, sir.
- 25 Q: Back on June 28th, 2017, once he got out of the car, Mr.

URBAN MITCHELL JR. - CROSS BY MR. FEDALEI

1 Anderson complied with all of your instructions?

2 A: Yes, sir.

3 MR. FEDALEI: Court's indulgence for one minute.

4 THE COURT: Yes, sir.

5 BY MR. FEDALEI:

6 Q: And you are aware that Mr. Anderson has already pled

7 guilty to his fail to stop charge?

8 A: Yes.

9 Q: And his driving under suspension charge?

10 A: Yes.

11 MR. FEDALEI: No further questions. Thank you.

12 THE COURT: Any redirect?

13 MR. BROWN: Just a little bit of follow-up.

14 REDIRECT EXAMINATION

15 BY MR. BROWN:

16 Q: The pocketbook belonging to Ms. Anderson -- or Ms.

17 Robinson -- did you actually find that or was that Ronnie

18 Powell? Without looking at the video again --

19 A: I can't recall.

20 Q: Now, State's Evidence Number 1 -- where did you find

21 that?

22 A: That was in a book bag in the vehicle.

23 Q: A book bag in the vehicle?

24 A: Yes.

25 Q: Was that in the backseat of the vehicle?

URBAN MITCHELL JR. - REDIRECT BY MR. BROWN

- 1 A: Yes.
- 2 Q: Mr. Fedalei asked you about an incident that occurred on
- 3 June 14th, 2017, roughly 14 days before this incident,
- 4 regarding Whitney Jones. Do you remember that?
- 5 A: Yes, sir.
- 6 Q: Did it also have something to do with John Anderson?
- 7 A: Yes, sir.
- 8 Q: Did you draft up an incident report on that?
- 9 A: I did.
- 10 Q: The second to last line that's in your incident report?
- 11 A: John refused to provide details on the incident.
- 12 Q: The last line on the second page of the report?
- 13 A: John did state that all he remembers was that he was
- 14 standing in the kitchen and he woke up on the floor.
- 15 Q: As part of your response out to -- to this call at [REDACTED]
- 16 Andrews Chapel Road, even with Mr. Anderson's responses to
- 17 those questions, what did you end up doing?
- 18 A: Arresting Ms. Jones.
- 19 Q: What did you charge her with?
- 20 A: Assault and battery.
- 21 Q: Is that a 30-day misdemeanor?
- 22 A: Yes, sir.
- 23 Q: The whole time, did Mr. Anderson comply with anything or
- 24 give you any help?
- 25 A: He refused to cooperate with the investigation.

BRIDGETTE WOOD - DIRECT BY MS. SUMNER

1 MR. BROWN: No further questions.

2 THE COURT: Anything further from this witness, Mr.

3 Fedalei?

4 MR. FEDALEI: I don't think so, Your Honor.

5 THE COURT: Okay. Thank you, sir. You may step down.

6 THE WITNESS: Thank you.

7 MS. SUMNER: The State calls Ms. Bridgette Wood to the
8 stand, please.

9 (WHEREUPON, there was a pause in the proceedings until
10 the witness entered the courtroom, after which the
11 proceedings resumed as follows.)

12 THE CLERK: Place your left hand on the Bible and raise
13 your right hand. Do you swear or affirm the testimony you're
14 about to give this Court will be the truth, the whole truth,
15 and nothing but the truth, so help you God?

16 THE WITNESS: I swear the testimony is true.

17 BRIDGETTE WOOD, being first
18 duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MS. SUMNER:

21 Q: Good morning, Ms. Wood.

22 A: Good morning.

23 Q: Where are you employed?

24 A: Wells Fargo Bank, Greenwood, South Carolina.

25 Q: So that is a branch here in Greenwood?

BRIDGETTE WOOD - DIRECT BY MS. SUMNER

1 A: Yes, ma'am.

2 Q: What is your job title there?

3 A: I'm the branch manager.

4 Q: How long have you been employed with Wells Fargo?

5 A: Ten years.

6 Q: I'm just going to get this microphone a little bit

7 closer to you.

8 A: Ten years.

9 Q: Can you explain to the jury some of your job duties as
10 branch manager?

11 A: My job duties are responsible for a little bit of
12 everything. I manage the branch as far as staffing, making
13 sure that we stay in compliance, manage fraud risk, just a
14 whole wide range of things.

15 Q: All right. And as a part of your job duty, are you
16 considered a records custodian for Wells Fargo?

17 A: I'm not at liberty really to say.

18 Q: Okay. But as part of your job is maintaining records?

19 A: Yes. We do have records that we maintain we have to
20 keep for several years.

21 Q: Okay. Are you familiar with Bertha Robinson being a
22 customer of Wells Fargo?

23 A: I am familiar with the name.

24 Q: Okay. And just to make things clear, you had no
25 personal dealings with Ms. Robinson in your branch; is that

BRIDGETTE WOOD - DIRECT BY MS. SUMNER

1 correct?

2 A: Not that I can recall.

3 Q: But you are aware that she did have accounts with Wells
4 Fargo?

5 A: Based off the records that I saw, yes, ma'am.

6 Q: Okay. All right. And speaking of the records that you
7 have, are you aware that she had an account with Wells Fargo
8 back in January of 2017?

9 A: Based off the statements that I have here, it does show
10 that she did have an account --

11 Q: What type of --

12 A: -- in 2017..

13 Q: Excuse me for interrupting you. If you'll say that
14 again so the --

15 A: Based off the records I have here, the Wells Fargo
16 documents, it does show that she had a money market savings
17 account in 2017.

18 Q: And what is the account number?

19 A: [REDACTED] 3233.

20 Q: And what was the balance on that account back on January
21 the 24th of 2017?

22 A: The beginning balance on January 24th was \$32.24.

23 Q: And then can you walk the jury through the activity on
24 her account from January 25th of 2017 through February 22nd of
25 2017?

BRIDGETTE WOOD - DIRECT BY MS. SUMNER

1 A: Can you repeat that? January 25th through --

2 Q: Yes, ma'am. It's January, the statement for January 25th
3 of 2017 through February 22nd.

4 A: Okay. There was some activity. There was a deposit
5 made for \$15,213.07, and then there were some withdrawals
6 made between 2/7 and 2/21 totaling \$9,800.

7 MR. SHAFFER: Your Honor, we will probably stipulate to
8 the admissibility of the business record, if that might save
9 some time.

10 MS. SUMNER: Absolutely. At this time, the State would
11 enter into evidence what has been pre-marked as State's 6.

12 MR. SHAFFER: Yeah. We'll just stipulate to it.

13 THE COURT: Okay. It's admitted without objection.

14 (WHEREUPON, State's Exhibit Number 6, bank records, was
15 admitted in evidence.)

16 BY MS. SUMNER:

17 Q: We are going to keep walking through those a little bit,
18 Ms. Wood. So if you can say again, the activity on the
19 account from January 25th through February 22nd, you mentioned
20 a deposit?

21 A: Yes, ma'am.

22 Q: And what is the amount of that deposit?

23 A: It was 15,213.07.

24 Q: And I believe you mentioned there was a withdrawal
25 amount totaling 9,800?

BRIDGETTE WOOD - DIRECT BY MS. SUMNER

1 A: That is correct, based on what the statement says.

2 Q: Okay. So what was the balance at the end of that
3 statement period?

4 A: \$5,445.42, as of February 22nd.

5 Q: Okay. And let's fast forward to the next monthly
6 statement from February 23rd to March 21st of '17. Were there
7 any withdrawals during that time period?

8 A: Yes. From February 22nd -- from February -- from March
9 the 6th through the next statement, there were two withdrawals
10 totaling \$2,800 and \$1,200.

11 Q: All right. And what was the balance at the end of that
12 statement after those withdrawals?

13 A: The ending balance as of March the 21st was 4,845.53.

14 Q: Okay. And let's just fast-forward to the last statement
15 we have here today. The balance on that account as of May
16 19th?

17 A: The balance as of May 19th was \$35.58.

18 Q: All right. Thank you.

19 A: You're welcome.

20 MS. SUMNER: Your Honor, may I approach the witness?

21 THE COURT: Yes.

22 MR. SHAFFER: We will stipulate to that document as
23 well, Your Honor.

24 BY MS. SUMNER:

25 Q: Does this look familiar to you?

BRIDGETTE WOOD - DIRECT BY MS. SUMNER

1 A: This looks like a check that was presented to Wells
2 Fargo for deposit.

3 Q: And can you tell us where that check came from?

4 A: It looks like it was received from John Hancock
5 Investments.

6 Q: And the date on that check?

7 A: January 31st, 2017.

8 Q: And then the amount of the check?

9 A: \$15,213.07.

10 MS. SUMNER: Your Honor, at this time, the State would
11 enter -- I believe this is going to be State's 7 into
12 evidence.

13 THE COURT: Without objection.

14 (WHEREUPON, State's Exhibit Number 7, bank records, was
15 admitted into evidence.)

16 MS. SUMNER: Ms. Wood, please answer any questions
17 defense may have for you.

18 THE COURT: Mr. Shaffer?

19 MR. SHAFFER: Court's indulgence a second. I need to
20 review this really quickly.

21 CROSS-EXAMINATION

22 BY MR. SHAFFER:

23 Q: All right. I'm going to ask you three questions and I'm
24 going to reference those questions later; so I want you to
25 remember them. Okay? Is that fair?

BRIDGETTE WOOD - CROSS BY MR. SHAFFER

1 A: Fair.

2 Q: Okay. First of all, the first question I'm going to ask
3 is do you know -- have you ever seen John Anderson before?
4 Do you know him?

5 A: I recognize his face, but I can't recall.

6 Q: Okay. The next question is can you say whether or not
7 John Anderson was with Ms. Robinson during a deposit?

8 A: I couldn't answer that question.

9 Q: Can you say who was with her during a deposit?

10 A: I'm not at liberty to say or answer that question.

11 Q: Okay. And would you be able to answer that question if
12 you were at liberty to say?

13 A: I'm here to verify Wells Fargo documents today.

14 Q: Okay. Have you or have you not -- or do you of your own
15 personal knowledge have any knowledge of who was with Ms.
16 Robinson whenever she made withdrawals?

17 A: I'm here to answer questions about the documents that
18 I've been provided today..

19 Q: And you have to answer. That's the thing.

20 A: I've been advised that I'm here to verify Wells Fargo
21 documents.

22 THE COURT: I'm going to instruct you to answer the
23 question. I know that there are certain things that you came
24 to speak about and others that you didn't. He just wants to
25 know if you know, not telling him who was with her, but do

BRIDGETTE WOOD - CROSS BY MR. SHAFFER

1 you know?

2 THE WITNESS: Do I know who was with Ms. Robinson?

3 THE COURT: Yeah.

4 THE WITNESS: No, I don't.

5 MR. SHAFFER: Okay.

6 BY MR. SHAFFER:

7 Q: So I counted about eight or so withdrawals during that
8 time period. You couldn't answer any of those three
9 questions for any of those withdrawals, could you?

10 A: No, sir.

11 Q: Okay.

12 MR. SHAFFER: No further questions. Thank you very
13 much.

14 THE WITNESS: You're welcome.

15 THE COURT: Any redirect?

16 MS. SUMNER: No, Your Honor.

17 THE COURT: Okay. Thank you.

18 THE WITNESS: You're welcome.

19 THE COURT: Call your next witness.

20 MS. SUMNER: Your Honor, the State calls Whitney Jones.

21 I believe she's taking a comfort break before she comes to
22 the stand.

23 THE COURT: Understood. Perhaps we should all take a
24 comfort break since she is. All right?

25 MS. SUMNER: Yes.

1 THE COURT: Yeah. Let's take a short -- well, no, if
2 she's ready, come on.

3 MS. SUMNER: She's ready. Okay.

4 THE COURT: Come on.

5 MS. SUMNER: Ms. Jones, you can come on out.

6 THE COURT: Do you need a break? Do y'all need a break?

7 THE FOREMAN: We need a break.

8 THE COURT: Okay. That's fine. We will take a break.
9 About ten minutes. I'll excuse you to your jury room. Do
10 not discuss the case. We'll have you back shortly.

11 (WHEREUPON, the jury exited the courtroom at 10:43 a.m.)

12 THE COURT: Yeah. We'll be at ease for about ten
13 minutes.

14 (WHEREUPON, there was a break in the proceedings from
15 10:43 a.m. until 10:55 a.m., after which the proceedings
16 resumed as follows.)

17 THE COURT: All right. Let's bring the jury in.

18 (WHEREUPON, the jury entered the courtroom at 10:55
19 a.m.)

20 THE COURT: All right. The State can recall its next
21 witness.

22 MS. SUMNER: The State calls Whitney Jones.

23 THE COURT: Ms. Jones, please come around and I'm going
24 to have you pause right here. Place your left hand on the
25 Bible and raise your right hand. Do you swear or affirm the

WHITNI JONES - DIRECT BY MS. SUMNER

1 testimony you give this Court will be the truth, the whole
2 truth, and nothing but the truth?

3 THE WITNESS: Yes, ma'am.

4 THE COURT: Okay. Come on around and up to the witness
5 stand here.

6 WHITNI JONES, being first duly
7 sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MS. SUMNER:

10 Q: Good morning. Will you state your name for the record?

11 A: Whitney Jones.

12 Q: And how old are you, Ms. Jones?

13 A: I'm 22.

14 Q: Where are you from?

15 A: I'm from Greenwood.

16 Q: This is where you grew up?

17 A: Yes, ma'am, it is.

18 Q: Where do you currently reside?

19 A: Right now?

20 Q: Yes.

21 A: I'm at SCDC, Camille Griffin Graham.

22 Q: And how long have you been down at -- let's back up.

23 What does SCDC stand for?

24 A: South Carolina Department of Corrections.

25 Q: And how long have you been there?

WHITNI JONES - DIRECT BY MS. SUMNER

1 A: I've been there for -- October 10th will be a year.

2 Q: Okay. So you went in on October 10th of 2017?

3 A: Yes, ma'am.

4 Q: And why are you down there?

5 A: Right now, I'm there for violating parole.

6 Q: Is this your first time at the Department of
7 Corrections?

8 A: No, ma'am, it's not.

9 Q: Can you walk the jury through just a timeline of how you
10 ended up at the Department of Corrections?

11 A: The first time, I was charged with child neglect and
12 burglary, and I just couldn't stay clean. I have a drug
13 problem and right now I'm in ATU, and I graduate September
14 19th, but just couldn't stay clean of drugs.

15 Q: Okay. So you -- am I correct that you went to SCDC, got
16 out, and ended up going back in?

17 A: Yes, ma'am. It was, like, within a year and a half I
18 was out.

19 Q: Okay. And just so the jury knows, what does ATU stand
20 for?

21 A: Addiction Treatment Unit.

22 Q: And just to be clear with everyone, do you have any
23 pending charges at the moment?

24 A: Yes, ma'am, I do.

25 Q: And what are those?

WHITNI JONES - DIRECT BY MS. SUMNER

1 A: Distribution of meth, controlled substance, and
2 possession.

3 Q: And was anything promised to you by anyone in connection
4 with the case you're here about today?

5 A: Yes. Yes, it was by Ronnie Powell and Chad Cox.

6 Q: And what was that?

7 A: That they would be taken [sic] care of and dropped.

8 Q: But your charges are still pending; is that correct?

9 A: Yes, ma'am.

10 Q: All right. And just to be clear, the assault and
11 battery that's pending --

12 A: The assault and battery isn't.

13 Q: Did you at one point have an assault and battery?

14 A: Yes, ma'am.

15 Q: Okay. Who was the alleged victim of that?

16 A: Gerald Anderson.

17 Q: Is that still pending?

18 A: No, ma'am. It was dropped because he didn't -- he said
19 -- he didn't go to court or whatever.

20 Q: Okay. So that was dismissed? It's no longer pending,
21 that assault and battery?

22 A: Yes, ma'am.

23 Q: Okay. Now, speaking of Mr. Anderson, how do you know
24 him?

25 A: I met him a couple years ago at a friend's house and he

WHITNI JONES - DIRECT BY MS. SUMNER

1 was just there and I mean I was talking to him and he seemed
2 like a good person I mean, and then a couple years later we
3 just met back up on Facebook.

4 Q: And did you all start seeing each other more?

5 A: Well, when I got out of prison the first time, I was
6 staying in Columbia or whatever, and then I came back to
7 Greenwood and I was there for a period of time and then,
8 yeah, we met up and we were just hanging around each other.

9 Q: At some point, did you live with Mr. Anderson?

10 A: Yes, ma'am, I did.

11 Q: For about how long did you live with him?

12 A: I can't really remember because, you know, like, I was
13 -- I was out there on drugs. I really was and I really have
14 a bad memory, but maybe a couple weeks, months back and
15 forth.

16 Q: Okay. And do you see him here in the courtroom today?

17 A: Yes, ma'am, I do.

18 Q: Can you point him out for the jury?

19 A: (No verbal response.)

20 Q: What is he wearing?

21 A: He is wearing a white shirt and a grayish suit.

22 Q: Now, while you -- while you were residing with Mr.

23 Anderson, did you learn about a person named Bertha Robinson?

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

25 Q: And where did she live in relation to Mr. Anderson's

WHITNI JONES - DIRECT BY MS. SUMNER

- 1 house?
- 2 A: Down the street on, like, the left, across the road.
- 3 Q: Could you see her house from his?
- 4 A: Uh-huh. Yes, ma'am.
- 5 Q: And in the course of living with Mr. Anderson, did you
- 6 meet Ms. Robinson?
- 7 A: Yes, ma'am.
- 8 Q: Did you ever go over to her home?
- 9 A: Yeah. I never went inside though.
- 10 Q: But you did go to her house?
- 11 A: Like, I would be in the car or something. Yes, ma'am.
- 12 Q: Now, while you were living with Mr. Anderson, were you
- 13 working?
- 14 A: Yes, ma'am. I was working at Burger King.
- 15 Q: Would that be the Burger King just right up the road?
- 16 A: Yes, ma'am.
- 17 Q: While you were living with Mr. Anderson, did you by
- 18 chance ever receive money from him?
- 19 A: I did.
- 20 Q: Can you tell us about that?
- 21 A: Maybe, you know, a few hundred dollars here and there.
- 22 Yeah.
- 23 Q: Would you ask for it or would he just give it to you?
- 24 Can you give us a little bit more information about how that
- 25 would occur?

WHITNI JONES - DIRECT BY MS. SUMNER

- 1 A: I would need it and then sometimes he would just give it
2 to me.
- 3 Q: And also, did he ever help you with paying for your drug
4 recovery?
- 5 A: He did.
- 6 Q: And what did he do in regards to that?
- 7 A: I went to Salvation Oaks. It was a 28-day -- no. I'm
8 sorry. It was a four-month program, and I was there for,
9 like, three and a half months and then I left, like, two
10 weeks before I graduated. It was -- I think it was, like,
11 \$1,200 for the first 28 days or something like that.
- 12 Q: Okay. Now, you said when you all were living together,
13 you were working at Burger King; correct?
- 14 A: For a little while.
- 15 Q: Was Mr. Anderson working during the time period?
- 16 A: I thought he was. You know, he told me that, you know,
17 he was always working on a project or whatever, and he would
18 always be on the laptop and stuff. So I thought he was
19 working.
- 20 Q: Did he ever show you work he was doing?
- 21 A: One morning, he showed me some kind of page or something
22 of what I guess he used to do or something like that.
- 23 Q: Now, as far as Mr. Anderson, did you ever see him with
24 money?
- 25 A: Yes, ma'am.

WHITNI JONES - DIRECT BY MS. SUMNER

1 Q: Can you tell the jury about that?

2 A: It was maybe -- I mean he had money. I mean just a
3 thousand dollars or so at a time.

4 Q: And would you actually see those on him or in his house?

5 A: Yes, ma'am.

6 Q: Would it be hundreds or thousands?

7 A: It would be a couple stacks, thousands.

8 Q: Okay. And when you say stacks, you do mean thousands?

9 A: Yes, ma'am. Maybe \$2,000, maybe three.

10 Q: Did someone come to his house and give him this money?

11 Did you have any understanding of where this money was coming
12 from?

13 A: I mean I thought he had his own banking account. I mean
14 I thought it was his own money. And I guess he was going to
15 the bank or wherever. He never told me where he was going
16 and I never really asked.

17 Q: So were there times when he would leave the house and
18 leave you there?

19 A: Yes, ma'am.

20 Q: Did you see where he would go?

21 A: Down the road and then back and then I don't know.

22 Sometimes he'd be gone 30 minutes, sometimes he'd be gone a
23 couple hours.

24 Q: And would he drive a vehicle presumably when he would
25 leave the house?

WHITNI JONES - DIRECT BY MS. SUMNER

- 1 A: Yes, ma'am.
- 2 Q: Did he have his own vehicle?
- 3 A: No, ma'am.
- 4 Q: What would he be driving?
- 5 A: The red Mustang or the truck.
- 6 Q: When you say a red Mustang or truck, were those his
- 7 vehicles?
- 8 A: No, ma'am. They was Bertha's. Ms. Robinson's.
- 9 Q: What vehicle did you know Ms. Robinson to have?
- 10 A: There were four of them: the Jaguar, the Buick, and the
- 11 truck, and then the red Mustang.
- 12 Q: Out of those four vehicles you just mentioned, which
- 13 ones did you see Mr. Anderson driving?
- 14 A: The most?
- 15 Q: Or did you see him drive all four of them at some point?
- 16 A: Yes, ma'am.
- 17 Q: Which one did he drive the most?
- 18 A: Usually -- well, it was the truck at first and then the
- 19 red Mustang.
- 20 Q: Would he park those at Ms. Robinson's when not driving
- 21 them or at his own residence?
- 22 A: His house.
- 23 Q: Did you ever see him leave his house and go to Ms.
- 24 Bertha's?
- 25 A: Yes, ma'am. He used to cook her food and take her food

WHITNI JONES - DIRECT BY MS. SUMNER

1 and, you know, help her out, I guess, around the house or
2 something.

3 Q: Did you ever see him come back with money after going to
4 Ms. Bertha's?

5 A: I don't -- yes, ma'am.

6 Q: You did?

7 A: Yes, ma'am.

8 Q: And this would be one of those instances when he had
9 thousands in his pocket?

10 A: I mean, yeah, but I don't know where he was getting it
11 from, you know.

12 Q: You just know he left and he would come back with money;
13 is that correct?

14 A: Yes, ma'am.

15 Q: Did you ever see Ms. Bertha in the car with Mr.
16 Anderson?

17 A: One time I have, yes, ma'am.

18 Q: And were you in the car with them?

19 A: Yes, ma'am, I was.

20 Q: Okay. So one time you did go somewhere all three of you
21 went?

22 A: Yeah, and that was to court down to Ware Shoals.

23 Q: Okay. All right.

24 MS. SUMNER: Please answer any questions the defense has
25 for you, Ms. Jones.

WHITNI JONES - CROSS BY MR. SHAFFER

1 THE WITNESS: Yes.

2 THE COURT: Mr. Shaffer?

3 CROSS-EXAMINATION

4 BY MR. SHAFFER:

5 Q: All right, Ms. Jones. I am going to take you back and
6 ask you initially some questions about the day you were
7 arrested for assaulting John.

8 A: Yes, sir.

9 Q: Now, that day -- prior to that day, no police officer
10 had questioned you about Ms. Robinson; right?

11 A: No, sir.

12 Q: So you were taken to the Sheriff's Department; right?

13 A: Uh-huh.

14 Q: Right across the street back there?

15 A: Yes, sir.

16 Q: You were in a room back there?

17 A: (No verbal response.)

18 Q: Is that a yes?

19 A: Yes, sir.

20 Q: They -- they bring you in the room and Ronnie Powell is
21 there; right?

22 A: Well, I went to D Block or whatever and then he came
23 back.

24 Q: Okay. So they took you to booking first; right?

25 A: Yeah.

WHITNI JONES - CROSS BY MR. SHAFFER

- 1 Q: Then they took you to D Block; right?
- 2 A: (No verbal response.)
- 3 Q: Then they brought you up to a room to talk with Ronnie
- 4 Powell; right?
- 5 A: Uh-huh.
- 6 Q: But was that the classroom?
- 7 A: Yes, sir.
- 8 Q: Okay. And was Chad Cox there too?
- 9 A: Not at first.
- 10 Q: Okay. But Ronnie Powell was there first; right?
- 11 A: Uh-huh.
- 12 Q: And at this point, you were under the impression that
- 13 John had called the cops on you; right?
- 14 A: Yes, sir. I thought he did.
- 15 Q: That hurt you, didn't it?
- 16 A: Yeah.
- 17 Q: Because you and Mr. Anderson were involved; right?
- 18 A: What do you mean involved?
- 19 Q: Y'all were romantic?
- 20 A: Yeah.
- 21 Q: And you called him Gerald; right?
- 22 A: Yes, sir.
- 23 Q: So I am going to call him Gerald, hopefully. You were
- 24 talking to Gerald; right?
- 25 A: Yes, sir.

WHITNI JONES - CROSS BY MR. SHAFFER

- 1 Q: That's the name he normally went by; right?
- 2 A: (No verbal response.)
- 3 Q: So you were hurt because you thought Gerald called the
- 4 cops on you; right?
- 5 A: I did.
- 6 Q: And had you arrested; right?
- 7 A: Yes, sir.
- 8 Q: And you were scared too; right?
- 9 A: Not -- not scared. I was just hurt.
- 10 Q: You were hurt?
- 11 A: Yeah. I wasn't scared at all.
- 12 Q: So you had -- you are on parole?
- 13 A: Yeah.
- 14 Q: You had a pending charge from -- for possession or --
- 15 excuse me -- distribution of methamphetamine from August of
- 16 2016?
- 17 A: Yes, sir.
- 18 Q: And you had been on parole at that time; right?
- 19 A: (No verbal response.)
- 20 Q: And that charge was pending; right?
- 21 A: I was on parole and caught those three charges.
- 22 Q: Okay. So the first charge was the distribution of
- 23 methamphetamine; correct?
- 24 A: Uh-huh.
- 25 Q: And that charge carries up to 15 years; correct?

WHITNI JONES - CROSS BY MR. SHAFFER

- 1 A: Yes, sir.
- 2 Q: Okay. And then you had also had two other charges;
- 3 correct?
- 4 A: Possession and controlled substance.
- 5 Q: Possession and controlled substance, which carried two
- 6 and three years?
- 7 A: Yes, sir.
- 8 Q: And the possession is possession of meth; right?
- 9 A: Uh-huh.
- 10 Q: And those were from November?
- 11 A: Yes, sir.
- 12 Q: And at that time, you had picked up a fourth charge
- 13 while on parole?
- 14 A: Yes, sir.
- 15 Q: You had already been to prison?
- 16 A: (No verbal response.)
- 17 Q: Is that a yes?
- 18 A: Yes, sir.
- 19 Q: Okay. Prison is not a fun place to be, is it?
- 20 A: No.
- 21 Q: You didn't want to go back to prison, did you?
- 22 A: I mean honestly, it really didn't matter at the time the
- 23 way I was living.
- 24 Q: So you wanted to go back to prison?
- 25 A: Yeah. I mean it wouldn't have bothered me. It would've

WHITNI JONES - CROSS BY MR. SHAFFER

1 been better than the way I was living. Yes, sir.

2 Q: Okay. So you were in there talking to Ronnie Powell,
3 and they say that they're going to help you out?

4 A: Yeah, they said that.

5 Q: Ronnie said that? That man right back there?

6 A: Uh-huh.

7 Q: Chad Cox said that?

8 A: Yes, sir.

9 Q: And they started telling you about their suspicions
10 about Gerald; right?

11 A: (No verbal response.)

12 THE COURT: You need to answer yes or no.

13 BY MR. SHAFFER:

14 A: No, sir. I mean they just came back and got me to write
15 the statement because they kept harassing me.

16 Q: They kept harassing you?

17 A: Yeah. And they wouldn't let me alone; so I finally
18 wrote the statement.

19 Q: They were questioning you about their suspicions about
20 Gerald; right?

21 A: Yes, sir.

22 Q: And they were telling you stuff they knew -- they
23 claimed they knew about Gerald; right?

24 A: Yes, sir.

25 Q: So you wrote a statement; right?

WHITNI JONES - CROSS BY MR. SHAFFER

- 1 A: Yes, sir.
- 2 Q: And that statement is -- contains stuff that they
- 3 already knew; right?
- 4 A: Yes, sir.
- 5 Q: So you confirmed their suspicions; right?
- 6 A: Yes, sir.
- 7 Q: And in exchange for confirming their suspicions, you
- 8 were told that they wouldn't -- they would take care of the
- 9 zero to 15-year charge, the zero to 3-year charge, and the
- 10 zero to 2-year charge; correct?
- 11 A: Yes, sir.
- 12 Q: And at this time, you were also hurt; right?
- 13 A: Yes, sir.
- 14 Q: You were hurt because you thought you had been betrayed
- 15 by Gerald?
- 16 A: Yes, sir.
- 17 Q: And that's why you wrote the statement?
- 18 A: I wrote the statement because it was the truth and then
- 19 I had no other choice I mean.
- 20 Q: They kept harassing you?
- 21 A: Yes, sir.
- 22 Q: But you also got something out of it; right?
- 23 A: Did I get something out of it?
- 24 Q: Yeah.
- 25 A: I was supposed to get something out of it. My charges

WHITNI JONES - CROSS BY MR. SHAFFER

1 are still pending.

2 Q: Okay. You don't think they are going to take care of
3 your charges after this trial?

4 A: Honestly, I don't know.

5 Q: But they promised you they'd take care of them; right?

6 A: Yes, sir.

7 Q: Two cops promised you they'd take care of them; right?

8 A: Yes, sir.

9 Q: At the time this happened, Chad Cox was the narcotics
10 investigator?

11 A: Yes, sir.

12 Q: For Greenwood County?

13 A: Yes, sir.

14 Q: You said that you saw Gerald with large amounts of
15 money?

16 A: Yes, sir.

17 Q: And you also thought he was working?

18 A: Yes, sir, I did.

19 Q: You've never seen Bertha hand him any money, have you?

20 A: No, ma'am. No, sir. I'm sorry.

21 Q: Okay.

22 A: I'm so nervous.

23 Q: You also testified that -- well, let's talk about this.

24 Let's talk a little bit more about your timeline. You were

25 -- on January 1st of 2017, you were living with Gerald;

WHITNI JONES - CROSS BY MR. SHAFFER

1 correct?

2 A: Well, I went to the rehab and I was there for, like,
3 three and a half months, I think.

4 Q: It's fair to say that you were living at the rehab from
5 January 7th until the end of April?

6 A: Yes, sir.

7 Q: Is that about right?

8 A: Yes, sir.

9 Q: I'm showing you what's been marked Plaintiff's Exhibit 2
10 for the purposes of identification.

11 A: Okay.

12 Q: Excuse me. Defendant's Exhibit 2 for the purposes of
13 identification. Does that document appear to be part of your
14 record from Salvation Oaks?

15 A: Yes, sir.

16 Q: Does that refresh your recollection as to exactly when
17 you were at Salvation Oaks?

18 A: I know -- I know when I was at Salvation Oaks.

19 Q: Okay. When were you -- specific dates, when were you at
20 Salvation Oaks?

21 A: I went January 7th.

22 Q: January 7th?

23 A: And I left -- I don't remember the exact day I left, but
24 I know I had, like, three weeks before I graduated.

25 Q: Do you believe that April 8th would have been the date

WHITNI JONES - CROSS BY MR. SHAFFER

1 you left?

2 A: Probably.

3 Q: Okay. Now, if you could --

4 MR. SHAFFER: Your Honor, I would ask permission for the
5 witness to step down.

6 THE COURT: Absolutely. Just make sure you speak
7 loudly, Ms. Jones, while you're down there.

8 BY MR. SHAFFER:

9 Q: I'm going to hand you a marker and what I'd like you to
10 do -- there's a calendar of part of January of -- or I mean
11 -- excuse me -- part of 2017. If you can, mark off the dates
12 that you were actually in Salvation Oaks? Just X them out.

13 You can draw a line through them.

14 A: I'm going to draw a line through.

15 Q: That's fine.

16 A: All this:

17 Q: So you -- essentially, you're saying you were in
18 Salvation Oaks all of January, all of February, all of March,
19 and part of April?

20 A: Yes, sir.

21 Q: Okay. You can step -- actually, if you wouldn't mind --
22 well, on this calendar -- afterwards, after you got out of
23 Salvation Oaks, where were you living at?

24 A: I was back and forth between my daddy's house and
25 Gerald's house.

WHITNI JONES - CROSS BY MR. SHAFFER

1 Q: Okay. So you went back and forth?

2 A: Yes, sir.

3 Q: Do you know how long you spent at Gerald's versus your
4 dad's?

5 A: A couple days back and forth.

6 Q: Okay. Can you mark out the days that you were at your
7 dad's?

8 A: No, sir, I can't.

9 Q: Okay. You don't remember specifically which days you
10 were with your dad and which days you were living with
11 Gerald; right?

12 A: No, sir.

13 Q: Okay. Fair enough.

14 A: And then I actually got pregnant during this time. I
15 was out of rehab and had an ectopic pregnancy, and then I
16 overdosed. So I can't remember.

17 Q: Okay. Fair enough. Now, if you could -- if you could,
18 write your name on that sheet of paper.

19 A: You want my whole name? My middle name too?

20 Q: You can just put Whitney Jones or you can --

21 A: Okay.

22 Q: -- put your whole name, whatever you like.

23 (WHEREUPON, the witness complied.)

24 MR. SHAFFER: Okay. Your Honor, at this time, I'd like
25 to move this into evidence as Defendant's Exhibit 3.

WHITNI JONES - CROSS BY MR. SHAFFER

1 MS. SUMNER: Without objection.

2 THE COURT: It's admitted without objection.

3 (WHEREUPON, Defendant's Exhibit Number 3, calendar page,
4 was admitted into evidence.)

5 MR. SHAFFER: If you wouldn't mind, step back up.

6 (WHEREUPON, the witness complied.)

7 BY MR. SHAFFER:

8 Q: And you testified that the time periods when you saw him
9 with a lot of money were when you were living with him;
10 correct?

11 A: Could you repeat that? Sorry.

12 Q: When you saw Gerald with a lot of money is when you were
13 living with him; correct?

14 A: I mean not really. Because if he had money, I was with
15 him, and if he didn't have money, I was still with him.

16 Q: Okay. And I'm not asking you whether or not you were
17 with him or not. I'm asking you this. The State asked you
18 several questions about you seeing Gerald with large sums of
19 money, several stacks you said; right?

20 A: Sometimes, and sometimes he would have less.

21 Q: Okay. And those times that you saw him with that money,
22 you were living with him; correct?

23 A: Yes, sir.

24 Q: Okay. It wasn't when you were in Salvation Oaks;
25 correct?

WHITNI JONES - CROSS BY MR. SHAFFER

- 1 A: No, sir.
- 2 Q: Okay. I'm going to talk to you a little bit about the
- 3 Jaguar.
- 4 A: Uh-huh.
- 5 Q: I am going to show you Defendant's Exhibit 1, which has
- 6 already been admitted into evidence. That appears to be Ms.
- 7 Robinson's Jaguar; right?
- 8 A: Yes, sir.
- 9 Q: Okay. And you said -- you testified that you saw -- you
- 10 had seen Gerald drive that car before; right?
- 11 A: Yes, sir.
- 12 Q: But there was a time period that he stopped driving that
- 13 car; correct?
- 14 A: Yes, sir.
- 15 Q: There was a time when they lost the keys; correct?
- 16 A: Yes, sir.
- 17 Q: So they lost the keys and then they stopped driving the
- 18 Jaguar; correct?
- 19 A: Yes, sir.
- 20 Q: And the Jaguar sat at Bertha's house; right?
- 21 A: Yes, sir. From what I know of.
- 22 Q: Sat in her garage?
- 23 A: I never saw it.
- 24 Q: Okay. But you said that -- you told us that the -- the
- 25 car sat; right?

WHITNI JONES - CROSS BY MR. SHAFFER

1 A: Yes, sir.

2 Q: You said that they lost the keys and the car sat?

3 A: That's my knowledge.

4 Q: Okay.

5 MR. SHAFFER: Court's indulgence.

6 THE COURT: Yes, sir.

7 BY MR. SHAFFER:

8 Q: I'm showing you State's Exhibit 1. Now, if you could,
9 could you look through this? Could you look through State's
10 Exhibit 1 and see if you recognize anything inside of it?

11 A: Recognize what? As in I mean what?

12 Q: Anything that's inside of it?

13 A: Like the --

14 Q: Have you ever seen any of it before?

15 A: I mean I -- yes, sir.

16 Q: You have seen some of it before?

17 A: I mean I don't know if it's the same exact stuff, but
18 yes, sir.

19 Q: Where have you seen that before?

20 A: I mean just laying in the room or something.

21 Q: Where do you mean in the room?

22 A: Like, in a drawer or something.

23 Q: Where at?

24 A: In one of the bedrooms.

25 Q: At what house?

WHITNI JONES - CROSS BY MR. SHAFFER

1 A: Gerald's.

2 Q: So you've seen that jewelry in a drawer at Gerald's
3 house?

4 A: I mean I don't know if it's the same stuff. I don't
5 know.

6 Q: Does it look familiar though?

7 A: Kind of, sort of.

8 Q: Okay. So some of this jewelry looks familiar?

9 A: I don't know.

10 Q: When would you have seen it at Gerald's house?

11 Approximately when?

12 A: I don't -- that's not the same stuff. I don't think
13 I've seen it there at his house.

14 Q: Okay. But it looks somewhat familiar; correct?

15 A: Somewhat.

16 Q: And you've seen jewelry laying in a drawer at Gerald's
17 house; right?

18 A: Yeah. But his niece or something used to stay in the
19 back bedroom though, and there was all kind of girl stuff
20 back there.

21 Q: Okay.

22 MR. SHAFFER: Court's indulgence.

23 THE COURT: Yes, sir.

24 BY MR. SHAFFER:

25 Q: When you say Gerald's house, that used to be his mom's

WHITNI JONES - CROSS BY MR. SHAFFER

1 house; right?

2 A: Well, when I first started going over there, his mom
3 lived there.

4 Q: Okay.

5 A: Yeah.

6 Q: So his mother lived there too?

7 A: Yes, sir.

8 Q: Do you recall breaking a watch that belonged to Gerald?

9 A: No, sir.

10 Q: Okay. Do you recall him breaking a watch that belonged
11 to him?

12 A: No, sir.

13 Q: That drawer that you saw some of the stuff in, was it --
14 it was in Gerald's room; right? Or was it in his mother's
15 room?

16 A: I think his mother's room.

17 Q: Okay. So some of this stuff you may have seen in a
18 drawer in his mother's room?

19 A: Yes. Yes, sir.

20 Q: Okay. You said that his mother lived there whenever
21 y'all first -- you first started going over there; right?

22 A: Yes, sir.

23 Q: But later on, his mother stop living there towards the
24 end; right?

25 A: Yes, sir.

WHITNI JONES - CROSS BY MR. SHAFFER

- 1 MR. SHAFFER: Court's indulgence.
- 2 BY MR. SHAFFER:
- 3 Q: Now, Ms. Jones, the -- you testified that Gerald didn't
- 4 have a car; right?
- 5 A: No, sir.
- 6 Q: But he did have a Hyundai Santa Fe; right?
- 7 A: Oh, yes, sir.
- 8 Q: That was his; right?
- 9 A: From what I know of, yes, sir.
- 10 Q: A red little SUV?
- 11 A: I forgot about that car.
- 12 Q: Okay. So the Hyundai was his car; correct?
- 13 A: That red Jeep?
- 14 Q: Yeah.
- 15 A: Yeah. Yes, sir.
- 16 Q: Now, you said that he would go over and sometimes bring
- 17 food for Ms. Robinson; right?
- 18 A: Yes, sir.
- 19 Q: And sometimes she would actually come over there;
- 20 correct?
- 21 A: Yes, sir.
- 22 Q: And sometimes she would show up unannounced; right?
- 23 A: Yes, sir.
- 24 Q: And sometimes she would call him; correct?
- 25 A: Yes, sir.

WHITNI JONES - CROSS BY MR. SHAFFER

1 Q: If she needed help with something, she'd call him;
2 right?

3 A: Yes, sir.

4 Q: If she needed someone to drive her somewhere, she'd call
5 him; right?

6 A: Yes, sir.

7 Q: If she drove somewhere and had some problem, she'd call
8 him to come get her; right?

9 A: Yes, sir.

10 Q: And that actually happened; right?

11 A: Yeah.

12 Q: She would drive -- she would drive herself sometimes?

13 A: She'd get lost.

14 Q: And would get lost and call him?

15 A: Yes, sir.

16 Q: And related to Gerald taking money from Ms. Robinson,
17 you never saw that happen, did you?

18 A: No, sir, I did not.

19 Q: And you never heard anything about him doing it from
20 him, did you?

21 A: No, sir.

22 Q: You, of your own personal knowledge, don't know anything
23 about that, do you?

24 A: No, sir. I thought he was working.

25 MR. SHAFFER: Thank you. No further questions.

WHITNI JONES - REDIRECT BY MS. SUMNER

1 THE COURT: Any redirect?

2 MS. SUMNER: Yes, Your Honor, briefly.

3 REDIRECT EXAMINATION

4 BY MS. SUMNER:

5 Q: Ms. Jones, you testified that at one point he stopped
6 driving that Jaguar; is that correct?

7 A: Yes, ma'am.

8 Q: What did he start driving?

9 A: What did he start driving after that?

10 Q: Yes, ma'am.

11 A: The Mustang.

12 Q: And who did that Mustang belong to?

13 A: Bertha Robinson.

14 Q: Now, before you went into Salvation Oaks, you lived with
15 Mr. Gerald some then; correct?

16 A: Yes, ma'am.

17 Q: And then after Salvation Oaks, you also lived with him
18 some; is that correct?

19 A: Well, stayed, yes, ma'am.

20 Q: Okay. And when you say stayed, again, that was a couple
21 days --

22 A: Back and forth.

23 Q: -- there and a couple days at your dad's; is that
24 correct?

25 A: Yes, ma'am.

DR. ROBIN STONE - DIRECT BY MR. BROWN

1 MS. SUMNER: That's all from the State.

2 THE COURT: Mr. Shaffer, anything further?

3 MR. SHAFFER: No further questions, Your Honor.

4 THE COURT: Okay. Thank you. You may step down.

5 THE WITNESS: Leave that right there?

6 THE COURT: Yes. Thank you. Call your next witness.

7 MR. BROWN: The State calls Dr. Stone.

8 (WHEREUPON, there was a pause in the proceedings until
9 the witness entered the courtroom, after which the
10 proceedings resumed as follows.)...

11 THE CLERK: Place your left hand on the Bible and raise
12 your right hand, please. Do you swear or affirm the
13 testimony you're about to give this Court will be the truth,
14 the whole truth, and nothing but the truth, so help you God?

15 THE WITNESS: I do..

16 DR. ROBIN STONE, being first
17 duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. BROWN:

20 Q: Good morning, Dr. Stone.

21 A: Good morning.

22 Q: Dr. Stone, where do you work?

23 A: I'm sorry?

24 Q: Where do you work?

25 A: Self Medical Group, North Greenwood office.

DR. ROBIN STONE - DIRECT BY MR. BROWN

1 Q: And you say North Greenwood office?

2 A: Uh-huh.

3 Q: Where is that located?

4 A: In Hodges, across from Park Seed up on Cokesbury Road.

5 Q: Before we get started with why you are actually here,

6 can you tell us a little bit about your educational

7 background?

8 A: How far back do you want me to start? I grew up in

9 Georgia, went to high school there. Went to college at

10 Samford University, which is in Birmingham, South --

11 Birmingham, Alabama. And the medical school at the Medical

12 College of Georgia in Augusta, and then did my residency

13 program here at Self Regional from 1990 to '93, and then

14 started practice where I am now and have been there for 28

15 years this month.

16 Q: And what --

17 A: Twenty-five years. Sorry.

18 Q: What is your practice?

19 A: Family medicine.

20 Q: And being a medical doctor in family medicine, do you

21 see a wide range of diagnoses or issues with patients?

22 A: Yes.

23 MR. FEDALEI: Your Honor, we will stipulate to her being

24 a family practice doctor.

25 THE COURT: Expert?

DR. ROBIN STONE - DIRECT BY MR. BROWN

1 MR. FEDALEI: Expert. Excuse me. Expert in family
2 practices.

3 THE COURT: Are you tendering her as an expert?

4 MR. BROWN: I will be. Yes, Your Honor.

5 THE COURT: Go ahead.

6 MR. BROWN: And I will get a little bit farther in about
7 diagnoses of dementia and Alzheimer's and things of that
8 nature.

9 THE COURT: Okay. Let me go ahead and tell the jury.

10 The State is going to offer Dr. Stone as an expert. The
11 defense has made no objection to that.

12 Ordinarily, witnesses are not permitted to testify about
13 their opinions about certain matters. They usually have to
14 testify as to what they saw, smelled, touched, heard,
15 observed on their own, but when a person is qualified by
16 virtue of their education and experience in some expertise,
17 they are permitted to give you their opinions, as well as the
18 information they relied on to form their opinions.

19 However, just because this witness is an expert, you
20 need not by virtue of her expertise accept her testimony as
21 it is. You are to give it the weight and credibility that
22 you would any other witness and evaluate her testimony as you
23 would for any other witness.

24 She will be offered as an expert in the area of?

25 MR. BROWN: She will be offered as an expert in the area

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1 of general family medicine, diagnosis of dementia or
2 Alzheimer's.

3 THE COURT: Okay. And she will be permitted to offer
4 you her opinions regarding the same.

5 You may continue, Mr. Brown.

6 MR. BROWN: Thank you, Your Honor.

7 BY MR. BROWN:

8 Q: Dr. Stone, you said you've been in the office, the North
9 Greenwood office, for 28 years?

10 A: Twenty-five. Sorry.

11 Q: Twenty-five?

12 A: I miscalculated.

13 Q: So 25 years? And during your time as a family
14 practitioner, have you had the occurrence or the account to
15 treat patients with dementia?

16 A: Yes.

17 Q: What is dementia?

18 A: Dementia is a broad category of memory loss basically,
19 and it can be caused by multiple things. Most people hear of
20 Alzheimer's disease as memory loss. It can be caused by
21 strokes. It can be caused from other underlying medical
22 problems, but dementia is probably more of the broader
23 category with some specifics under it, where people can't
24 remember, they can't make decisions for themselves. Short-
25 term memory typically is what is first to go.

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1 Q: And, Dr. Stone, did you have the occasion -- did you
2 have a patient by the name of Bertha Robinson?

3 A: I did.

4 Q: And can you tell me Bertha Robinson's date of birth?

5 A: I've got some chart stuff here, if I can look at those.
6 If I can find it on here. [REDACTED]/1927.

7 Q: And when did you begin actually treating or caring for
8 Ms. Robinson as a patient?

9 A: She has been a patient of our office for a long time.
10 My partner, Dr. Fowler, first saw her and then when he
11 retired, the nurse practitioner and PA took over, and then I
12 think I started seeing her more. November of 2016, I
13 believe, was the first time I really started getting into the
14 diagnosis and seeing her continuously.

15 Q: And I'll direct your attention to -- to the November --
16 I believe November 4th of -- really, November 17th, 2016. And
17 on November 17th, 2016, did you, in fact, see Ms. Bertha Lee
18 Robinson as a patient at your office?

19 A: I did.

20 Q: Dr. Stone, based on your notes of seeing Ms. Robinson,
21 did you document her living condition or who she lived with?

22 A: She lived alone.

23 Q: And her psychiatric behavior, the notations, what did
24 you document regarding her memory or her psychiatric
25 behavior?

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1 A: Okay. Under the neurologic exam, I said she is alert.
2 She was oriented to her person, who she was, where she was,
3 and what the date was, but she got very confused. After the
4 medical assistant put her in the room, she stuck her head out
5 several times wanting to know what she was doing there, could
6 she leave yet, even though she had not seen me.

7 She was a little obsessed on a garage door opener that
8 she thought she had lost. She felt like she had to go home
9 and get it.

10 She answered most of my questions once I talked to her,
11 but she just seemed a little bit off. She couldn't carry on
12 a continuous conversation. She kept getting distracted. She
13 would go back to this garage door opener that she was, like I
14 said, kind of obsessed with. She was worried about it,
15 couldn't get into her house without it.

16 Q: And this was November 16th, 2016? Or November 17th,
17 2016?

18 A: Yes.

19 Q: Who accompanied Ms. Robinson to that office visit?

20 A: I think she was there by herself that day.

21 Q: Dr. Stone, I'm going to the bottom of page 5.

22 A: She was there. In my summary, I was concerned about her
23 confusion; so I called her niece, who was her power of
24 attorney at the time or the main caregiver who lived in New
25 York, and I talked to her about the confusion and

DR. ROBIN STONE - DIRECT BY MR. BROWN

1 disorientation.

2 This was, again, the first time I had really seen her as
3 an ongoing patient. So I'd seen her maybe once or twice
4 before for kind of an acute illness, like her ears were
5 stopped up or something, and so I talked to the niece about
6 her -- about Ms. Robinson living by herself. Made sure the
7 niece was aware of my concerns and thought that something
8 else needed to be done or put in place to help take care of
9 Ms. Robinson.

10 Q: Dr. Stone, on the date of November 17th or November 17th,
11 2016, after meeting with Ms. Bertha Robinson, would you
12 classify her as a vulnerable adult?

13 A: Yes.

14 Q: And what was your -- in describing her as a vulnerable
15 adult, how would you define that?

16 A: A vulnerable adult to me is someone who could be taken
17 advantage of, who didn't have the mental facilities to make
18 decisions for herself, who was getting confused, somebody
19 that could be taken advantage of basically.

20 Q: And then after seeing her, you did encourage further
21 arrangements be made?

22 A: Yes. I was concerned about her eating. She was very
23 thin. She had lost some weight. I didn't know about her
24 financial affairs or anything of her home life at that time.
25 The only one that we had contact with was the niece, again

DR. ROBIN STONE - DIRECT BY MR. BROWN

1 who lived out of town. She said she did not have anyone else
2 here in town that was a family member that could take care of
3 her.

4 Q: Fast-forward. I believe the next time you actually saw
5 Ms. Robinson was on May 24th, 2017?

6 A: Yes.

7 Q: And in your notation, you say her daughter came from New
8 York. Is that actually a niece?

9 A: Her niece. Uh-huh.

10 Q: And what did -- what was your notations on Ms. Robinson
11 at that time and some of her psychiatric behavioral issues?

12 A: She was very unsteady on her feet. She had actually
13 been falling frequently. She was hallucinating. She had
14 been hearing some music that was not there. She would tell
15 her niece I hear this music. The niece knew that there was
16 no music there. She had not -- she had fallen several times,
17 but they didn't think she had hit your head. The niece was
18 concerned about her behavior, and that's why she was there.

19 Q: And in your report, did you specifically mention her
20 dementia is getting worse?

21 A: Yes. And because of that, I wanted -- because of her
22 lack of balance, her hallucinations, progressive dementia, we
23 went ahead and ordered some other tests.

24 Q: In addition, with her hallucinations and dementia, was
25 she also nervous and anxious?

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1 A: Yes.

2 Q: As part of ordering those tests, did any other type of
3 -- any type of brain disorder or any type of findings come
4 about from those tests for Ms. Robinson?

5 A: Yes. Her MRI showed that she had a type of aneurysm in
6 her carotid artery. We referred her to a neurosurgeon who
7 looked at her and actually referred her for a second opinion,
8 but because of her age and her dementia, they didn't feel
9 like surgery was necessary. It was more risk than benefit,
10 but that was not what was causing her underlying problems.
11 It was more of an incidental finding.

12 Q: And the underlying problems were caused by her dementia?

13 A: Yes.

14 Q: The next time you saw Ms. Robinson was June 26th, 2017?

15 A: Yes.

16 Q: What -- what was your observations and your notes from
17 that meeting with Ms. Robinson?

18 A: Let's see. I think that was actually the first time
19 that another caregiver was with her and --

20 Q: That caregiver was Cindy Adams?

21 A: Yes. She was there for follow-up of her dementia. When
22 I had seen her the time previous, her niece was with her.
23 She was not with her this time. There was concern about her
24 memory. She's not remembering to eat, drink, or take care of
25 herself at home. The niece tried to put some things in

DR. ROBIN STONE - DIRECT BY MR. BROWN

1 place, and they have a caregiver coming and a social worker
2 who is getting involved to look and see what was going on in
3 the home situation.

4 Q: In your notes, you specifically said she's not safe to
5 be on her own?

6 A: That's correct. It said she couldn't remember her keys.
7 She could not remember to lock the doors. She could not
8 remember to bathe, to dress, to eat.

9 Q: That time, were you so uncomfortable that you reached
10 out -- you were going to contact another agency to have her
11 placed in assisted living for further care?

12 MR. FEDALEI: Objection, Your Honor. May we approach?

13 THE COURT: Yes.

14 (WHEREUPON, a bench conference was held in the presence
15 of the jury but out of the hearing of the jury off the
16 record, after which the proceedings resumed as follows.)

17 THE COURT: The objection is sustained. Counsel, move
18 on.

19 MR. BROWN: I'll withdraw that question.

20 BY MR. BROWN:

21 Q: Again, Dr. Stone, at that time, from the -- from the
22 date of November 17th, 2016, when you first classified her or
23 considered her a vulnerable adult, had her dementia
24 progressed tremendously?

25 A: Yes. When I saw her on that last visit you mentioned, I

DR. ROBIN STONE - DIRECT BY MR. BROWN

1 talked with Cindy. I was concerned about where she was
2 living and, that evening, I did make a call.

3 Q: And I'll stop you there on the -- but further diagnosis,
4 you said late onset of -- what would you classify that?
5 Dementia, but you said Alzheimer's disease?

6 A: Uh-huh. Yes, sir.

7 Q: And at the time you saw her, June 26th, 2017, she was 89
8 years of age?

9 A: Yes.

10 MR. BROWN: No further questions.

11 THE COURT: Cross-examination.

12 CROSS-EXAMINATION

13 BY MR. FEDALEI:

14 Q: Good morning, Dr. Stone.

15 A: Good morning.

16 Q: You testified before that Bertha Robinson had been a
17 patient of your practice for a few years going back?

18 A: Yes, sir.

19 Q: Before you first got to actually talk to her?

20 A: Yes.

21 Q: And your practice kept records of those visits?

22 A: Yes.

23 Q: As you always do?

24 A: Yes.

25 Q: But you testified that you first saw her on -- in

DR. ROBIN STONE - CROSS BY MR. FEDALEI

1 November of 2016?

2 A: When I went back and saw some other records, I think
3 I've seen her for an earache prior to that.

4 Q: Uh-huh.

5 A: I only went back maybe two years. And I may have seen
6 her at some point prior to that, but I didn't look at those
7 records.

8 Q: Okay. Well, that's what I was going to ask you about
9 because when you electronically sign off on medical records,
10 it means that you've reviewed them; correct?

11 A: Yes.

12 Q: And you electronically signed off on records going back
13 from April of 2015?

14 A: Yes. Our nurse practitioner, I believe, was seeing her
15 mainly and I co-signed with my nurse practitioner.

16 Q: Okay. But you had gotten a chance to review those --

17 A: Yes.

18 Q: -- before you signed off on them? At that time in April
19 of 2015, Ms. Robinson was expressing signs of anxiety from
20 living alone?

21 A: Yes.

22 Q: She also told you that she has a friend who comes over
23 and checks on her?

24 A: Yes.

25 Q: She also complained of being depressed since her husband

DR. ROBIN STONE - CROSS BY MR. FEDALEI

1 had passed away?

2 A: Yes.

3 Q: And you recommended counseling for her, but she never
4 followed up on that? Or I guess the nurse practitioner did
5 --

6 A: The nurse practitioner did, yes.

7 Q: -- talk to her?

8 A: Yes. What date are you looking at? I'm sorry. What
9 note?

10 Q: That would have been April 2nd, 2015.

11 A: Okay.

12 Q: Going forward to the next note from July 2nd, 2015 --

13 A: Okay.

14 Q: At that time -- so this would have been the nurse
15 practitioner seeing Ms. Bertha again, but it also has your
16 electronic signature?

17 A: That's correct, yes.

18 Q: Just like before?

19 A: Yes.

20 Q: And at that time, she was accompanied by a neighbor
21 named Gerald who looks after the patient?

22 A: That's correct.

23 Q: But Ms. Bertha was also still complaining about
24 depression since the death of her husband?

25 A: Yes.

DR. ROBIN STONE - CROSS BY MR. FEDALEI

1 Q: And being alone --

2 A: Yes.

3 Q: -- at home? And you gave the same recommendation to
4 attend counseling, but she did not go?

5 A: Right. We also made recommendations for medication. We
6 had given her medicines before, but she refused to take them.
7 She was not compliant with her medications and was not
8 compliant with follow-up.

9 Q: So she just never took the medicine she was prescribed?

10 A: Right.

11 Q: And that was consistent throughout the entire time that
12 you treated her?

13 A: As far back as I can see with my notes, yes.

14 Q: I want to ask you some questions about dementia just in
15 general.

16 A: Okay.

17 Q: Dementia is a progressive disease?

18 A: Correct.

19 Q: Meaning that it kind of starts mild and gets worse over
20 time?

21 A: Yes.

22 Q: And it's also a disease where people or patients have
23 moments that are better than others?

24 A: Correct.

25 Q: Where they can kind of one day or one hour to the next,

DR. ROBIN STONE - CROSS BY MR. FEDALEI

1 one day time seem okay, seem normal, but then you could have
2 a conversation with them and you would know something was not
3 right?

4 A: Correct.

5 Q: So it's -- in your -- in your professional opinion, it's
6 completely possible that a layperson could have a
7 conversation with Ms. Bertha and not really know that
8 something was off with her, depending I guess on when -- when
9 they actually talk to her?

10 A: When they talk to her and how far her disease had
11 progressed, yes.

12 Q: And you had mentioned some kind of assistance for Ms.
13 Bertha due to her living situation to the family going well
14 back into your treatment of her?

15 A: Yes.

16 Q: At least back to 2016?

17 A: Yes.

18 Q: And the family didn't act on that?

19 A: I'm not sure what all the family did. When I saw her,
20 she was still in her home.

21 Q: Okay. But the next time you saw her, she was still
22 living alone?

23 A: Yes.

24 Q: Even getting up until May of 2017?

25 A: I believe so.

DR. ROBIN STONE - CROSS BY MR. FEDALEI

1 Q: She was still living alone without any assistance?

2 A: I'm not sure exactly the date that the home health
3 agency started helping her.

4 Q: You just -- well, for your knowledge, you knew that by
5 the 26th of June, they had gotten somebody to help her?

6 A: Yes.

7 Q: But up until then, none of your prior visits had the
8 family gotten any assistance for Ms. Bertha?

9 A: The niece had been with her a couple of visits and would
10 come down and check on her.

11 Q: But she lived out of state; correct?

12 A: She did.

13 Q: And they didn't -- in the meantime, they hadn't hired
14 somebody to go look on her -- after her?

15 A: Not that I'm aware of.

16 MR. FEDALEI: Court's indulgence one moment.

17 THE COURT: Yes, sir.

18 BY MR. FEDALEI:

19 Q: So going back to that July 2015 visit, that was with
20 your nurse practitioner? You did not actually speak with
21 Bertha --

22 A: No.

23 Q: -- that day? You did not get to meet the person named
24 Gerald that took her to the office?

25 A: No.

DR. ROBIN STONE - CROSS BY MR. FEDALEI

1 Q: And when you had your more recent visit with her on June
2 26th, 2017, at that time, her caregiver was taking -- doing
3 most of the talking for her by then?

4 A: I asked Ms. Bertha all questions.

5 Q: Okay.

6 A: And if she could not answer them, then Cindy would
7 answer them for her, yes.

8 Q: Okay. So -- but most of the information came from Cindy
9 at that point?

10 A: A lot of it probably did, yes.

11 MR. FEDALEI: No further questions.

12 THE COURT: Redirect?

13 REDIRECT EXAMINATION

14 BY MR. BROWN:

15 Q: Dr. Stone, why would a lot of the information have to
16 come from Ms. Adams?

17 A: Because Ms. Bertha couldn't answer it. She would repeat
18 herself multiple times or she didn't know the answer or she
19 was very confused.

20 Q: Mr. Fedalei brought up records going back to April 2nd,
21 2015, and July 2nd, 2015. I know you were not the doctor that
22 saw Ms. Bertha Robinson at that time, but going back to the
23 April 2nd, 2015, encounter date, what's the first sentence
24 under the history of present illness?

25 A: April 2nd? Patient is here for follow-up of edema and

DR. ROBIN STONE - REDIRECT BY MR. BROWN

1 confusion.

2 Q: April 2nd, 2015?

3 A: Yes.

4 Q: Active problems on the second page, page 205, again
5 lists confusion and depression?

6 A: Yes.

7 Q: And neurological -- did she have issues there too? I am
8 looking above the active problems.

9 A: Oh, okay. Sorry.

10 Q: Under neurological.

11 A: Yes. Typical to walking.

12 Q: That's April 2nd, 2015?

13 A: Correct.

14 Q: Fast-forward to July 2nd, 2015, and again, Dr. Stone, I
15 know you're not the person who saw Ms. Robinson that day.
16 Again, what's the first line in this record on issue of
17 present illness?

18 A: I'm sorry. Tell me the date again. July 2nd?

19 Q: July 2nd, 2015.

20 A: Okay. Edema, unsteady gait, and confusion.

21 Q: It is documented the patient is here with Gerald?

22 A: Yes.

23 Q: And active problem is again confusion and depression?

24 A: Yes.

25 Q: That's July 2nd, 2015?

DR. ROBIN STONE - REDIRECT BY MR. BROWN

1 A: Yes.

2 Q: Dr. Stone, if somebody is around Ms. Robinson -- from
3 the time you saw her November 16th, 2017, up through June 26th
4 of 2017, if somebody spent time around her, in your opinion,
5 would they or should have known?

6 A: Yes.

7 MR. BROWN: No further questions.

8 THE COURT: Anything further, Mr. Fedalei?

9 MR. FEDALEI: Nothing from us, Your Honor.

10 THE COURT: Okay. Thank you. You may step down.

11 THE WITNESS: Thank you.

12 THE COURT: Y'all approach briefly?

13 (WHEREUPON, a bench conference was held in the presence
14 of the jury but out of the hearing of the jury off the
15 record, after which the proceedings resumed as follows.)

16 THE COURT: All right. Folks, we are going to take
17 another short break. I will excuse you to your jury room.
18 Do not discuss the case amongst yourselves. We will have you
19 back in about ten minutes.

20 (WHEREUPON, the jury exited the courtroom at 12:01 p.m.)

21 THE COURT: All right. We will be at ease for ten
22 minutes.

23 (WHEREUPON, there was a break in the proceedings from
24 12:01 p.m. until 12:13 p.m., after which the proceedings
25 resumed as follows.)

1 MR. SHAFFER: This is it from the State. We have
2 several witnesses. Unfortunately, they are all scheduled for
3 tomorrow. There's one that I could possibly get here today.
4 Obviously, the defendant as well is a possible witness, but
5 we're not going to call him until the very end, if we call
6 him.

7 The witness that I may be able to get today is a lawyer
8 in town, but I don't know if the Court actually wants to do
9 that, given the time.

10 THE COURT: Right. We'll not do that. We are going to
11 let the State rest. I will advise Mr. Anderson of his
12 rights, you know, regarding testifying. I will hear whatever
13 motions y'all have and I guess we will call it a day at that
14 point and start fresh in the morning with the defendant's
15 case.

16 MR. BROWN: Judge, I do have the redacted version 2. I
17 want to look at it and let Mr. Shaffer look at it too before
18 we substitute it in or actually add it in to the record.

19 THE COURT: Okay. Perfect. All right. Let's bring the
20 jury.

21 (WHEREUPON, the jury entered the courtroom at 12:14
22 p.m.)

23 THE COURT: All right. Welcome back, folks. The State
24 can call their next witness.

25 MS. SUMNER: The State calls Jennifer Barrett.

JENNIFER BARRETT - DIRECT BY MS. SUMNER

1 THE CLERK: Please place your left hand on the Bible and
2 raise your right hand. Do you swear or affirm the testimony
3 you're about to give this Court will be the truth, the whole
4 truth, and nothing but the truth, so help you God?

5 THE WITNESS: Yes, I do.

6 JENNIFER BARRETT, being first
7 duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MS. SUMNER:

10 Q: Will you introduce yourself to the jury?

11 A: Hi. My name is Jennifer Barrett.

12 Q: Where are you employed?

13 A: First Citizens Bank.

14 Q: What is your position with them?

15 A: Branch manager.

16 Q: How long have you been working for First Citizens?

17 A: July was three years.

18 Q: What are some of your duties as the branch manager?

19 A: Customer service, lending, maintaining records.

20 Q: And this is the branch out in Ware Shoals, South
21 Carolina?

22 A: It is.

23 Q: Throughout the course of being branch manager, did you
24 come in contact with a Bertha Robinson?

25 A: I was not branch manager at the time, but yes, I'm

JENNIFER BARRETT - DIRECT BY MS. SUMNER

1 familiar with her.

2 Q: She was a customer of your branch?

3 A: Yes, ma'am.

4 Q: What accounts did Ms. Robinson have with First Citizens?

5 A: What I can recall is a CD, a savings, and a checking

6 account.

7 Q: Would she come to the bank by herself?

8 A: Sometimes. Sometimes, she was not by herself. She

9 would have Mr. Anderson with her.

10 Q: If you could just speak up a little bit --

11 A: Sorry.

12 Q: -- into that microphone.

13 A: Sometimes alone and sometimes she would come with Mr.

14 Anderson.

15 Q: So you would see Mr. Anderson with her at the bank?

16 A: Yes, ma'am.

17 Q: Would he come inside with her?

18 A: Sometimes, he did. Sometimes, he didn't.

19 Q: So there were times, just to make sure I understand,

20 that you would see him in the bank with her and other times

21 he would remain outside the bank?

22 A: Yes.

23 Q: Now, over the course of your employment with First

24 Citizens, have you personally had any encounters with Mr.

25 Anderson?

JENNIFER BARRETT - DIRECT BY MS. SUMNER

1 A: Yes.

2 Q: What were the nature of those encounters?

3 A: He talked a lot and tried to get us to give information
4 on her account. She was always with him, but, of course, we
5 don't discuss that information with someone who's not on the
6 account.

7 Q: Did you develop a concern about Ms. Robinson's accounts?

8 A: Yes.

9 Q: What was the nature of that concern?

10 A: We were afraid that the money was not being used for
11 what she thought it was being used for.

12 Q: And what made you think that?

13 A: Just the amount of money that she was taking out of the
14 account.

15 Q: How did you respond to that concern?

16 A: We contacted our financial crimes investigative unit
17 within First Citizens.

18 Q: And is that standard with your corporate compliance
19 policies?

20 A: Yes.

21 Q: Now, specifically in regards to her account, do you have
22 the account number for the certificate of deposit that she
23 kept with First Citizens?

24 A: I'm sorry. Yes.

25 Q: Okay. What is the number on that account?

JENNIFER BARRETT - DIRECT BY MS. SUMNER

- 1 A: [REDACTED] 3086.
- 2 Q: And again, whose name is on that account?
- 3 A: Just Bertha Robinson.
- 4 Q: All right. Looking at the records of that CD -- I'm
- 5 going to call it the CD. On January 17th of '17, what was the
- 6 balance on that account?
- 7 A: \$3,878.91. Actually, I'm sorry. I gave -- yes,
- 8 3,878.91.
- 9 Q: Okay. Now, as far as -- were there any withdrawals on
- 10 that account following that January date?
- 11 A: In May, May 2nd.
- 12 Q: And what is the amount of the withdrawals that were done
- 13 in May on that account?
- 14 A: \$1,000 on May 2nd, \$300 on May 10th, \$600 on May 11th,
- 15 \$500 on May 12th, \$350 on May 16th, \$350 on May 18th, \$300 on
- 16 May 19th, \$200 on May 22nd, and that's all.
- 17 Q: That was the last withdrawal; correct?
- 18 A: Uh-huh.
- 19 Q: So what was the standing balance on that account
- 20 following May of '17?
- 21 A: May 26th of '17, the balance was \$278.91.
- 22 Q: All right. Now, Ms. Robinson also had a checking
- 23 account with First Citizens; is that correct?
- 24 A: Yes, ma'am.
- 25 Q: And my understanding is she had two separate checking

JENNIFER BARRETT - DIRECT BY MS. SUMNER

1 accounts; is that correct?

2 A: I do not recall. I know she had one. I can't remember
3 if she had two.

4 Q: Okay. What is the account number on the checking
5 account?

6 A: The account she had at that time?

7 Q: Back in January of '17.

8 A: I'm sorry. Bear with me. Okay. It was [REDACTED] 0109.

9 Q: And again, whose name is on that account?

10 A: Bertha Robinson.

11 Q: And what was the balance on that account as of February
12 14th, 2017?

13 A: The beginning balance was \$278.02. Is that what you're
14 asking me for?

15 Q: Yes, ma'am.

16 A: Okay.

17 Q: And what was -- well, the beginning balance, what would
18 the date of that been?

19 A: That would have been on January 18th. The statement runs
20 from the middle of January to the middle of February.

21 Q: Okay. So for that particular statement, can you tell
22 the jury what would be the starting balance and the activity
23 on the account and then the ending balance?

24 A: The beginning balance was \$278.02. There were three
25 deposits, one in the amount of \$36, one in the amount of

JENNIFER BARRETT - DIRECT BY MS. SUMNER

1 \$41,638.16, and another deposit for the amount of \$2,464.14,
2 and then another deposit of \$1,163.

3 Q: And the last deposit you just mentioned --

4 A: Uh-huh.

5 Q: What type of deposit was that?

6 A: That was her Social Security deposit.

7 Q: Okay. And then as far as withdrawals that month, can
8 you tell the jury what those were?

9 A: Her Town of -- her utility bill was \$33.54. Her --

10 Q: And you can just list just the name of the utility
11 companies is fine.

12 A: Okay. Town of Ware Shoals was \$33.54. DirecTV was
13 \$181.41. There was a debit of \$411.55. Duke Power was
14 \$252.93. Duke Power it looks like maybe for an additional
15 place. I'm not sure. It's a different account number for
16 \$10.58. CenturyLink for \$63.03. ADT Security for \$56.39.
17 Verizon alarm was for \$24.79.

18 Q: I'm going to stop you right there, Ms. Barrett.

19 A: Okay.

20 Q: When you look through her account statements, those
21 debits that you just listed off -- do those appear to be
22 recurring utility bills that used to be coming out each
23 statement?

24 A: Yes, ma'am.

25 Q: Okay. Now, as far as any other withdrawal that month,

JENNIFER BARRETT - DIRECT BY MS. SUMNER

1 are there any other withdrawals?

2 A: There were two withdrawals made, one on February 2nd for
3 \$6,200 and another withdrawal on February 3rd for \$300.

4 Q: And then moving to the next statement on February 15th of
5 '17 to March 14th of '17, if you could just tell us the
6 starting balance and the ending balance and the total
7 withdrawal amount?

8 A: Okay. The beginning balance was \$38,045.44. The total
9 deposits were \$1,163.33, and the total withdrawals -- there
10 were checks in the amount of \$18,350 and other debits in the
11 amount of \$330.74.

12 Q: So what did that bring her balance to in March? And
13 that's the same statement.

14 A: \$20,528.03.

15 Q: All right. And let's just fast forward to the next
16 monthly statement and, on this one, just tell us as of April
17 14th what was the balance on that account?

18 A: So the beginning balance on April 15th or the ending on
19 April 14th?

20 Q: Just the ending on April 14th, what the account was down
21 to?

22 A: \$2,312.77.

23 Q: And does that statement also reflect total check
24 withdrawal of 19 grand?

25 A: Yes, ma'am.

JENNIFER BARRETT - DIRECT BY MS. SUMNER

1 Q: And again, on that statement, it appears the same
2 utilities came out as well?

3 A: Yes, ma'am.

4 Q: All right. Let's fast-forward then to the next
5 statement, the April 15th of '17 through May 12th of '17.

6 A: The beginning balance was \$2,312.77, and there was one
7 deposit in the amount of \$3,393.51. Two other credits in the
8 amount of \$1,163.33, eleven checks that were debited in the
9 amount of -- a total amount of \$6,250, and other debits in
10 the amount of \$518.76, bringing her ending balance to
11 \$100.85.

12 Q: So am I correct in stating that back on February 14th of
13 '17, the balance on that account was approximately 38,000 and
14 then by May of 2017 it was down to \$100?

15 A: Yes, ma'am.

16 Q: And did this checking account actually become inactive
17 and a second one was opened in May of '17?

18 A: I don't recall the exact date that the new account was
19 opened, but yes.

20 Q: Okay.

21 A: There was a new account opened.

22 Q: And as far as the new account, whose name was on the new
23 account that was opened in the summer of '17?

24 A: It was Bertha Robinson and Terraine -- I cannot remember
25 her full name, but it was her niece.

JENNIFER BARRETT - DIRECT BY MS. SUMNER

1 Q: Would it be Terraine Singletary?

2 A: Yes.

3 Q: And did they actually come into the bank to open that
4 new account?

5 A: They did.

6 Q: So you had the chance of meeting Ms. Singletary at that
7 point?

8 A: Yes.

9 Q: And at that point, did she have a power of attorney when
10 she opened that account?

11 A: Yes, ma'am.

12 Q: And do you have the records in front of you on that
13 account?

14 A: Yes. I do. I do. Uh-huh.

15 Q: What is the period for the first statement you have on
16 that account?

17 A: June 2nd through June 14th of 2017.

18 Q: Okay. And on that statement, were there any withdrawals
19 other than the standard utilities coming out?

20 A: No, ma'am.

21 Q: All right. Let's fast-forward then do the next
22 statement, June 15th of '17 through July '17.

23 A: Okay.

24 Q: On that particular statement, were there any withdrawals
25 on the account other than utilities?

JENNIFER BARRETT - DIRECT BY MS. SUMNER

1 A: Yes.

2 Q: Can you tell the jury what those were?

3 A: On June 28th, there was a withdrawal of \$300. On July
4 13th, there was a debit for \$5.15. On July 13th as well,
5 there was another withdrawal for \$50, another withdrawal for
6 \$221, and the same day, July 13th, another withdrawal for
7 \$100.

8 Q: Okay. Let's back up though to the June 28th withdrawal.

9 A: Okay.

10 Q: What was the amount of that withdrawal?

11 A: \$300.

12 MS. SUMNER: Your Honor, permission to approach this
13 witness?

14 THE COURT: Yes, ma'am.

15 BY MS. SUMNER:

16 Q: Ms. Barrett, is this familiar to you?

17 A: Yes, ma'am.

18 Q: What is that?

19 A: It's a withdrawal slip.

20 Q: And what date is that withdrawal for?

21 A: June 28th of 2017.

22 Q: And would that be for this checking account we're
23 discussing?

24 A: Yes, ma'am.

25 Q: And what is the amount of that withdrawal?

JENNIFER BARRETT - DIRECT BY MS. SUMNER

- 1 A: \$300.
- 2 Q: On June 28th, 2017, was that Ms. Robinson's last visit to
- 3 your branch?
- 4 A: I believe so. I don't -- I don't recall seeing her
- 5 after that.
- 6 Q: And on that particular day, did you speak with her?
- 7 A: I don't think so. No, ma'am.
- 8 Q: Was there some activity at the bank that day that
- 9 alerted you all?
- 10 A: As far as?
- 11 Q: Her transaction that day. Was there anything that
- 12 concerned you or anyone else that works at that branch?
- 13 A: Not that I know of. I did not process the transaction.
- 14 No, I don't know.
- 15 Q: Was there anyone with her at the bank that day?
- 16 A: Yes.
- 17 Q: Who was that?
- 18 A: Mr. Anderson.
- 19 Q: Did he actually come in the bank with her?
- 20 A: No, ma'am.
- 21 Q: Where was he then when you saw him?
- 22 A: He was in the car and they -- you have to pull through
- 23 our drive-through to leave the parking lot, and he was in the
- 24 car.
- 25 Q: Would you be able to recognize Mr. Anderson?

JENNIFER BARRETT - DIRECT BY MS. SUMNER

1 A: Yes, ma'am.

2 Q: Do you see him here in the courtroom today?

3 A: Yes, ma'am.

4 Q: Can you point him out for us?

5 A: He's wearing the green suit.

6 MS. SUMNER: Court's indulgence one moment.

7 If we can mark this as State's -- I believe we are up to
8 13 now for identification purposes.

9 MR. SHAFFER: Your Honor, we have no objection to the
10 pictures. You can go ahead and move it in to save some time.

11 MS. SUMNER: And actually, at this time, Your Honor, the
12 State would like to just go ahead and admit the picture, as
13 well as State's -- State's 8, 9, and 10. I believe that is
14 also going to be without objection from the defense.

15 MR. SHAFFER: That's correct, Your Honor.

16 MS. SUMNER: And lastly, this would be State's 12.

17 THE COURT: So State's 8, 9, 10, and 12 are admitted
18 without objection.

19 (WHEREUPON, State's Exhibit Number 8, bank records,
20 State's Exhibit Number 9, bank records, State's Exhibit
21 Number 10, bank records, and State's Exhibit Number 12,
22 photograph, were admitted into evidence.)

23 MS. SUMNER: Thank you, Your Honor. And just for the
24 record, 8, 9, and 10 are the records just discussed with the
25 witness.

JENNIFER BARRETT - DIRECT BY MS. SUMNER

1 BY MS. SUMNER:

2 Q: Ms. Barrett, do you recognize this?

3 A: I do.

4 Q: What is that?

5 A: It's inside our branch.

6 Q: So you -- tell us about your security system as far as
7 cameras.

8 A: We have cameras, and I don't think at the time we had
9 the TVs in the -- in the lobby that show what's reflected on
10 the cameras, though we do now. But I -- in fact, I know we
11 did not have them at the time she was there.

12 Q: But did you have cameras back on June 28th of '17, some
13 type of cameras put up?

14 A: Yes. We've always had a camera system.

15 Q: And what angle is that picture taken from?

16 A: Behind the teller line.

17 Q: And is that, in fact, Ms. Robinson standing at the
18 teller line?

19 A: Yes.

20 Q: And what date would that have been reflected on that?

21 A: June 28th, 2017.

22 Q: All right.

23 MS. SUMNER: Your Honor, State's 12 was already
24 admitted.

25 BY MS. SUMNER:

JENNIFER BARRETT - DIRECT BY MS. SUMNER

1 Q: Now, Ms. Barrett, you previously stated that you had
2 become familiar with Mr. Anderson due to Ms. Robinson's
3 dealings in the bank; correct?

4 A: Yes, ma'am.

5 Q: Did you ever see them arguing?

6 A: Yes, ma'am.

7 Q: Tell us about that?

8 A: We had a customer that walked into the branch and said
9 there may be an older lady out in the parking lot that needed
10 some help, and when we looked out the window, it was -- it
11 was Bertha and Mr. Anderson.

12 Q: And what was going on?

13 A: They -- before we could even get outside, they
14 reconciled and got in the truck and left.

15 MS. SUMNER: Ms. Barrett, please answer any questions
16 the defense may have for you.

17 THE WITNESS: Okay.

18 THE COURT: Cross-examination.

19 MR. FEDALEI: We are having marked withdrawal and
20 deposit slips from during the time period discussed for these
21 accounts. Marked as -- I think we are at Defense Exhibit 4.

22 CROSS-EXAMINATION

23 BY MR. FEDALEI:

24 Q: Good afternoon, Ms. Barrett.

25 A: Hey.

JENNIFER BARRETT - CROSS BY MR. FEDALEI

1 MR. FEDALEI: May I approach the witness, Your Honor?

2 THE COURT: Yes, sir.

3 BY MR. FEDALEI:

4 Q: Do these appear to be deposit and withdrawal slips from
5 the accounts that you just discussed with Ms. Sumner?

6 A: Yes.

7 Q: Feel free to look. Now, I know you're not a handwriting
8 expert, but do those signatures appear to be similar to the
9 signature on the slip that Ms. Sumner handed you?

10 A: Yes.

11 Q: That would be the signature of Bertha Robinson?

12 A: Yes, sir.

13 Q: You said that when Ms. Bertha would come to the bank,
14 sometimes she would be alone, sometimes she would have
15 someone else with her?

16 A: Yes.

17 Q: And that at least on one occasion you saw her come with
18 Mr. Anderson?

19 A: More than one occasion, yes.

20 Q: Did you ever see her come to the bank with anyone else?

21 A: No, I did not.

22 Q: Not with her niece?

23 A: I'm sorry. Yes, with her niece when she opened the
24 account.

25 Q: Okay. But not since then?

JENNIFER BARRETT - CROSS BY MR. FEDALEI

1 A: No.

2 Q: She didn't come with her nephew?

3 A: No. I've never met her nephew.

4 Q: Okay. And on those withdrawals that were made,
5 obviously the signature is -- well, at least to the best of
6 your knowledge, is Ms. Bertha's. Does -- is there any
7 indication what the money was going to?

8 A: We asked her several times and, if it was going to taxes
9 or insurance, we would make a cashier's check payable to
10 whoever it was being sent to, but most of the time she
11 wouldn't tell us. She just said she needed the money.

12 Q: She just wanted the money out?

13 A: Uh-huh.

14 MR. FEDALEI: Court's indulgence a moment.

15 BY MR. FEDALEI:

16 Q: And you were still working at First Citizens in Ware
17 Shoals in July of 2017?

18 A: Yes.

19 Q: Did Ms. Bertha ever come in with a caregiver?

20 A: I never saw her, but I can't attest to that because I
21 never saw her with a caregiver.

22 Q: Okay. You don't -- do you recall ever seeing Ms. Bertha
23 in the bank in July of 2017?

24 A: I remember seeing her. I can't attest to what days it
25 was or what month.

JENNIFER BARRETT - CROSS BY MR. FEDALEI

1 Q: Were you the manager at the time or were you still a
2 teller?

3 A: I was -- actually, I was a part-time teller and part-
4 time -- the position was an SSR-3 and I was -- I didn't
5 become manager until May of this year.

6 Q: Okay. What does SSR-3 mean?

7 A: Sales and service rep 3.

8 Q: Okay.

9 A: It covers the teller line during lunches and then is in
10 an office for the rest of the day.

11 Q: Gotcha.

12 MR. FEDALEI: No further questions. Thank you.

13 THE COURT: Any redirect?

14 MS. SUMNER: No, Your Honor.

15 THE COURT: Okay. Thank you, ma'am.

16 THE WITNESS: Thank you.

17 THE COURT: You may step down.

18 MR. BROWN: Judge, at this time, the State rests.

19 THE COURT: All right. Ladies and gentlemen of the
20 jury, you have heard all of the testimony that you are going
21 to hear from the State. What remains is for the defendant to
22 put up its witnesses, if it chooses to do so.

23 There are certain matters of law which I must take up
24 outside of your presence, but in addition to that, we were
25 going to quit early for today anyway because of some prior

1 commitments that I have.

2 So at this time, I am going to excuse you for the day.

3 Do not discuss the case amongst yourselves or with anyone

4 else. Don't do any research about the case.

5 Be back in your jury room tomorrow morning at 9:30.

6 Have a good night.

7 THE BAILIFF: Come this way, please.

8 (WHEREUPON, the jury exited the courtroom at 12:42 p.m.)

9 THE COURT: All right. Mr. Shaffer or Mr. Fedalei?

10 MR. SHAFFER: Yes, Your Honor. We're moving for a
11 directed verdict as to all the charges, but the first one
12 I'll address is the possession of stolen goods.

13 Your Honor, I think that there is no one -- no competent
14 witness and no competent evidence saying that those -- those
15 items were actually stolen. Nobody has affirmatively
16 identified them as being stolen. It is merely people saying
17 that they look like the items that would have been there.

18 The only person that possibly came close to identifying
19 or who actually identified something was Anthony Gilmore, and
20 he said that the keys looked like it. But even then, we have
21 a situation where we have somebody who lives out of state
22 who, by his own admission, had not been there in the year of
23 2017. He had not been at the place anywhere near the year of
24 2017. He's not in a position to be able to -- to actually
25 speak on that issue.

1 And I had already handed the Court pretrial or at least
2 handed the clerk pretrial -- and I'm not sure if you actually
3 had a chance to look at it, but a copy of Rule 602, which
4 obviously the witness has to have personal knowledge in order
5 to testify.

6 I also gave the Court a copy of United States v. Goad.
7 It's G-o-a-d, and it's a United States District Court case
8 out of Kansas, and the cite on that is 739 F.Supp. 1459.
9 It's a 1990 case.

10 THE COURT: What binding authority does that have on
11 this Court?

12 MR. SHAFFER: It's not binding authority. It's
13 persuasive, Your Honor.

14 THE COURT: Okay.

15 MR. SHAFFER: Then I also gave the Court -- and all of
16 these are persuasive authority because I don't think that
17 anything really factually similar has been decided in South
18 Carolina since the Rules of Evidence have been put in place.

19 But there's also United States v. Burroughs, a Fourth
20 Circuit case, and that's 418 F.2d 677. That's a 1969 federal
21 -- federal case.

22 I also handed up or gave an unpublished opinion. It's
23 an out-of-state unpublished opinion though, Your Honor. I am
24 aware of the prohibition about citing in-state published
25 opinions in the courts of this state, but I handed a very

1 factually similar case out of Wisconsin. It's Wisconsin v.
2 Wamser.

3 It's a 2014 opinion, and in that case what they had is
4 essentially a burglary where -- where you had a power of
5 attorney or a power of attorney identified herself, but she
6 hadn't lived at the property for some time, and it's similar
7 to Mr. -- Mr. Gilmore. You know, she didn't really know what
8 was happening with the property; so she lacked sufficient
9 knowledge to say it was actually stolen in the course of this
10 particular burglary that the man had to pay restitution on.
11 And I guess the -- it's a Court of Appeals opinion from
12 Wisconsin Court of Appeals from December 23rd, 2014.

13 We would argue that essentially no witness here has
14 actually said that these items were stolen. They were
15 reported stolen, but being reported stolen and being actually
16 stolen are two different things, which I think that the
17 Fourth Circuit case pretty clearly delineates.

18 Your Honor, I would say that that would be our basis for
19 the directed verdict as to the possession of stolen goods
20 charge.

21 THE COURT: Okay. Well, as you've indicated, none of
22 this that you've handed me is binding authority on this case
23 in this -- on this Court, and even the decision that you
24 believe to be factually similar may, in fact, be similar as
25 to the underlying facts, but the opinion of the Court is

1 regarding an amount of restitution to be paid to the victim.
2 Notably in this case, the defendant's burglary conviction was
3 not overturned.

4 And so as to any discussion of 602, that has to do only
5 with the Court determining an amount of restitution to be
6 paid after conviction for the crime and some restitution was
7 required, but apparently an incorrect standard for
8 determining the amount of restitution was used.

9 There is certainly evidence that exists in the record
10 from which the jury could determine that Mr. Anderson is
11 guilty of the crime alleged. Therefore, your motion for a
12 directed verdict as to that charge is respectfully denied.

13 MR. SHAFFER: Thank you, Your Honor.

14 As to the vulnerable adult charge, Your Honor, we are
15 also moving for a directed verdict on that charge and,
16 essentially, our argument is that this entire time, you know,
17 no one said that he actually forced her to do anything,
18 merely that she was withdrawing money. And some of that
19 money -- and the only money that they can really put in his
20 hands would be the money that came on the day that he was
21 arrested, but no one has said that he actually received any
22 of the money.

23 No one has made any comment about, you know, that he did
24 something nefarious to get the money. Other than the fact
25 that maybe she was a vulnerable adult and, you know, merely

1 receiving money from her wouldn't be illegal, Your Honor. I
2 would submit that because merely receiving the \$240 or \$300
3 or whatever they want to say was in her hands, I don't think
4 that that merely receiving that money is illegal. If it was,
5 then a whole bunch of other people in this case would be
6 prosecuted who got paid by her.

7 So I would ask that the Court grant a directed verdict
8 because there's no evidence he did anything nefarious or did
9 anything fraudulent to actually receive the money.

10 THE COURT: There is evidence in the record from which a
11 jury could conclude that Mr. Anderson is guilty of that
12 charge. Exploitation of a vulnerable adult need not require
13 proof of duress or force, but where a person is a vulnerable
14 adult by way of age or infirmity or medical condition or
15 otherwise and a person improperly or unlawfully or in some
16 unauthorized fashion uses their funds or property or some
17 other asset I suppose, then they can be convicted of
18 exploitation of a vulnerable adult.

19 He need not have held a gun to her head to do it and, in
20 fact, that is rarely the case. It would, in fact, be along
21 the lines of an armed robbery and not exploitation if that
22 had been done.

23 So duress or force is not required, and your motion for
24 directed verdict as to that charge is respectfully denied as
25 well.

1 MR. SHAFFER: And, Your Honor, I'm certainly not
2 arguing. I just want to make sure that whenever I said
3 fraudulent intent, what I actually meant was that it's our
4 position that there's not any evidence that he did anything
5 unlawful or improper to obtain the money, and that's what I
6 meant by fraudulent intent, Your Honor.

7 THE COURT: I understand.

8 MR. SHAFFER: I figured you did.

9 THE COURT: The Court disagrees though.

10 MR. SHAFFER: Thank you.

11 THE COURT: Continue.

12 MR. SHAFFER: We are also moving for a directed verdict
13 as to the charge of kidnapping -- I mean not kidnapping.
14 Sorry. Trespassing, Your Honor. The trespassing charge --
15 we're moving for a directed verdict on that.

16 Your Honor, the only indication that he was told not to
17 was by someone who didn't have the authority to actually tell
18 him, which would be the officer. The officer -- just because
19 a cop says you shouldn't be around here and you need to stay
20 away from here doesn't mean that it's trespassing if you go
21 back.

22 I would submit that that -- that that should be a
23 directed verdict, Your Honor.

24 THE COURT: I actually would agree with you as to that
25 portion of it. However, Mr. Gilmore testified that signs

1 were placed at the four corners of the property and, by
2 virtue of the statute, in fact, those are -- those notices
3 would be constructive or those signs would be constructive
4 notice that a person making entry is not welcome there.

5 Therefore, I think the evidence exists in that regard
6 from which a jury could conclude that Mr. Anderson is guilty
7 of unlawful entry on another's land after notice.

8 So perhaps not when the investigator told him not to
9 come by. He's not a tenant, resident, owner of that
10 property. Once the signs were posted there, any entry after
11 that would have -- could have been -- would have been
12 unlawful. So that motion for directed verdict is denied as
13 well.

14 MR. SHAFFER: Thank you, Your Honor.

15 Your Honor, at this time, we'd like to -- if the Court
16 is inclined to advise him of his rights, we'd also like a
17 determination of what they -- what the Court would allow in
18 for the purposes of impeachment pursuant to 609.

19 THE COURT: All right. If we could place Mr. Anderson
20 under oath?

21 THE DEFENDANT: Should I come over here?

22 THE COURT: You can stay there.

23 THE CLERK: Raise your right hand. Do you swear or
24 affirm the testimony you're about to give is the truth, the
25 whole truth, and nothing but the truth, so help you God?

1 THE DEFENDANT: Yes, I do.

2 THE COURT: All right. Mr. Anderson, at this time, I'm
3 going to explain to you certain of your rights. If you do
4 not understand anything I say, please let me know.

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: If you want me to explain anything in more
7 detail, please let me know. Do you understand?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: We have now reached the stage of the trial
10 where you may present your defense.

11 You have the right to claim the protections given to you
12 by the Fifth Amendment to the Constitution of the United
13 States. This amendment states in part that no person shall
14 be compelled in any criminal case to be a witness against
15 himself. This means that you cannot be required to testify
16 in this case. You have the right to testify on your own
17 behalf. However, no one can make you testify. This is a
18 personal right and no one can waive this right except for
19 you.

20 If you decide to testify, you will be subject to the
21 same rules that govern other witnesses, and you may be
22 examined and cross-examined on any relevant issue in this
23 case. In addition, if you have any convictions involving
24 dishonesty or false statement or for crimes punishable by
25 imprisonment for more than one year and this Court determines

1 that the probative value of admitting this evidence outweighs
2 its prejudicial effect to you, the solicitor will be able to
3 introduce your record to attack your credibility.

4 If you decide to testify, this decision on your part
5 must be freely, voluntarily, and intelligently made with
6 knowledge of the protections given to you by the Fifth
7 Amendment and the consequences of your decision to testify.

8 If you decide not to testify, I will instruct the jurors
9 that they cannot give the fact that you did not testify any
10 consideration whatsoever and that there is to be absolutely
11 no prejudice to you because you did not testify.

12 It is left entirely up to you whether or not to testify.
13 You may talk with your attorney, your family and friends, or
14 anyone else, but the final decision will be left entirely up
15 to you.

16 Do you understand what I have explained to you?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: Do you have any questions about what I have
19 explained to you?

20 THE DEFENDANT: No, ma'am.

21 THE COURT: Okay. And at this point, because we are
22 going to finish up for the day, I will give you overnight to
23 make that decision as to whether you choose to testify. You
24 should speak to your lawyer, family, friends, as I said,
25 whoever you need to speak to to make that determination.

1 Also, apparently, we are going to talk about your
2 criminal record and what can be introduced by the solicitor
3 and what cannot in just a moment here. So that will, of
4 course, I'm sure factor into your decision as to whether to
5 testify.

6 You may have a seat.

7 THE DEFENDANT: Thank you, Your Honor.

8 THE COURT: All right. Let's talk about Mr. Anderson's
9 record, if any.

10 MR. BROWN: Yes, Your Honor. The State -- we have
11 acquired certified convictions, several convictions for Mr.
12 Gerald Anderson.

13 The most recent was from August 13th of this year. He
14 pled guilty to a fraudulent check, possibly I think two
15 fraudulent checks on that day.

16 But there is criminal history. In 1987, he had a fraud
17 check. Fraud check in '89. Three fraud checks and then an
18 additional three fraud checks in '89. Fraud check in 1990.
19 An additional -- or fail to appear in 1990, but I know I'm
20 not going to be able to get into that. Fraud check in '91.

21 There's an embezzlement charge in 1995. Disposition
22 date was '98 out of North Carolina.

23 There's a trespassing in 1997. Shoplifting in 1999.
24 Other charges in 2015.

25 THE COURT: I'm sorry. What was 2015?

1 MR. BROWN: 2015 were traffic violations. I'm not going
2 to ask on that.

3 It looks like that would be the extent of his record.
4 It's mostly fraud checks and embezzlement, shoplifting,
5 anything with dishonesty.

6 MR. SHAFFER: Your Honor, first of all, we would not --
7 those are -- I think that the August 13th bad check certainly
8 he can get into. The remainder of that I believe was outside
9 the ten-year window under 609(b).

10 Moreover, we were never given advance written notice,
11 which is required by the rule, to get past that ten-year
12 window. Like, no one has ever sent us anything saying we're
13 actually going to try to introduce these, which is required
14 by 609(b), Your Honor.

15 MR. BROWN: Judge, as part of discovery, they have a
16 copy of his criminal history.

17 MR. SHAFFER: Your Honor, they -- the rule specifically
18 states -- however, evidence of a conviction more than ten
19 years old as calculated herein is not admissible unless the
20 proponent gives the adverse party sufficient advance written
21 notice of an intent to use such evidence to provide the
22 adverse party a fair opportunity to contest the use of such
23 evidence.

24 Your Honor, obviously, we are here at trial. Merely
25 handing over the -- the -- you know, his criminal record

1 isn't advance notice that they actually intend on using it
2 because they don't intend on using a lot of what is in his
3 criminal record.

4 Your Honor, if that was the case, then that -- that
5 would not be necessary because as Rule 5 requires in every
6 criminal prosecution that they actually hand over that, his
7 prior criminal record. So, Your Honor, I would submit that
8 by virtue of the lack of notice, in and of itself, is
9 sufficient. Even if that wasn't sufficient, I think that the
10 Colt [ph] factors would warrant you not actually admitting
11 those prior bad acts.

12 THE COURT: Anything else from the State on that issue?

13 MR. BROWN: Judge, it would be our position that they
14 were already given notice by giving them the record,
15 sufficient notice I think prior to him deciding. I'm letting
16 him know on the record that he -- that we intend to, if
17 allowed by Your Honor, to use these prior fraud checks dating
18 back prior to ten years before he's actually taking the
19 stand, but I would -- I would submit that handing over the
20 criminal history is part of notice, but, Judge, whatever you
21 decide on this, we do have others that are within a week time
22 period.

23 THE COURT: All right. Pursuant to the 609, the 2018
24 fraudulent check convictions are admissible. The remainder
25 of what you've listed to me is not. It is outside the ten-

1 year window, and you must give specific written notice.

2 Because it's more than ten years old, if you intend to
3 use those things, you must give specific written notice.
4 Otherwise, they look at the record and say, oh, well, we
5 don't need to look at anything beyond ten years ago and they
6 analyze that.

7 And I agree with Mr. Shaffer. That, in fact, is why
8 that's included in the rule.

9 MR. BROWN: Yes, Your Honor.

10 THE COURT: Anything else?

11 MR. SHAFFER: Nothing further, Your Honor.

12 THE COURT: How many witnesses do y'all have maybe?

13 MR. SHAFFER: At the most, four, but probably three.

14 THE COURT: Okay.

15 MR. SHAFFER: Excuse me, Your Honor. At the most, five,
16 but probably three.

17 THE COURT: Okay. So there is a real possibility we
18 finish this tomorrow. Do y'all have any proposed jury
19 charges? Not that you know of yet; right? Does the -- does
20 the State have any?

21 MR. BROWN: Judge, I can work on that. I'm not sure
22 what your standard charges are. I will submit something this
23 afternoon to you on jury charges that we want to ask for in
24 this.

25 Judge, I just want to be clear. There are three

1 fraudulent checks from convictions that he pled guilty to
2 earlier this month.

3 THE COURT: August 13th?

4 MR. FEDALEI: August 13th.

5 MR. SHAFFER: That's correct.

6 MR. BROWN: August 13th.

7 THE COURT: Okay. I mean I can give you a general
8 outline of what I intend to charge.

9 We begin with just the standard preliminary charge about
10 their duties as judges of the facts.

11 Then the fact that he was charged, arrested, and
12 indicted is not evidence against him.

13 Each indictment charges a separate and distinct offense
14 for which they must find him guilty or not guilty separately
15 and not as a whole.

16 He is entitled to the presumption of innocence.

17 There is a definition of reasonable doubt, definition of
18 direct and circumstantial evidence, discussion of the
19 credibility of witnesses, a charge on expert witnesses giving
20 opinion testimony, criminal intent.

21 Perhaps the election of the defendant not to testify,
22 depending on what his choice is tomorrow.

23 And then the statutory definitions of exploitation of a
24 vulnerable adult, what the crime is within the definitions of
25 exploitation and the definitions of vulnerable adult.

1 Receiving stolen goods is pretty short.

2 Entry -- unlawful entry on another's land after notice
3 from the statute, and that's pretty much it..

4 A conclusion that their verdict must be unanimous. No
5 friends to reward; no enemies to punish, et cetera.

6 And I do give them a copy of the charge in the jury
7 room.

8 MR. BROWN: Yes, ma'am. With the definition of proof
9 beyond a reasonable doubt, do you use the language out of
10 Victor v. Nebraska, firmly convinced?

11 THE COURT: Yes. I don't know. I can't find it, but
12 firmly convinced of the defendant's guilt, yes.

13 MR. BROWN: Okay.

14 THE COURT: But if there is a real possibility that he's
15 not guilty, you must give him the benefit of the doubt and
16 find him not guilty.

17 MR. BROWN: Yes, Your Honor. I think that's it.

18 I do have a -- I know you have a copy of Section 43-35-
19 85, the exploitation. I think number three is exploitation
20 and what it means and then a vulnerable adult, which I think
21 you already alluded to. That defines it.

22 THE COURT: I think from Subsection 85, I've only taken
23 the language that says it is, you know, unlawful to exploit,
24 whatever, and then the definitions come from Subsection 10 of
25 that title.

1 MR. BROWN: That's right. And I'm just looking
2 specifically at 85(d), which a person knowingly and willfully
3 exploits a vulnerable adult, and then exploitation is what I
4 understand.

5 THE COURT: Give me the code section again.

6 MR. BROWN: 43-35-85(d), and then the exploitation. I
7 might have copied and pasted that. I don't know. As Your
8 Honor said, I believe it's 10 with exploitation and what it
9 means.

10 THE COURT: Yes.

11 MR. BROWN: The definition. That would be (b) and (c).

12 THE COURT: I've included (b) and (c). I removed (a).

13 MR. BROWN: That's what I was looking at too. And then
14 I believe going on down to -- I have down vulnerable adult.
15 I think it's a paragraph on what that means.

16 THE COURT: Yes. That's what I have.

17 And so the only thing I took from Subsection 85, if I
18 took anything from there, is an introductory sentence that
19 says -- yeah, it's not even from the code section, but the
20 State must prove beyond a reasonable doubt that the defendant
21 knowingly and willfully exploited a vulnerable adult. Then I
22 defined exploitation and then I defined vulnerable adult.

23 MR. BROWN: That's fine.

24 THE COURT: Okay. All right.

25 If y'all want anything other than that, because I do

1 give the jury a copy of the charge, I need it first thing
2 tomorrow so that it can be incorporated in and printed out
3 and ready to go.

4 And anything else?

5 MR. BROWN: Judge, outside of this case, we are looking
6 to possibly call a second case this week. And just to
7 determine scheduling regarding State versus William Crump --
8 I believe Bill Yarborough represents Mr. Crump. He's
9 mentioned to our office that he has a federal hearing at one
10 o'clock. I would hope that he might have an associate who
11 could cover that for him in the event we might be able to
12 pick a jury on the second case, which we don't anticipate
13 lasting very long. We could fit it in before the end of the
14 week.

15 THE COURT: Okay. Do you know how long that case will
16 last?

17 MS. SUMNER: I just say a day to a day and a half. I
18 did have the thought possibly scheduling wise because he has
19 that one o'clock hearing tomorrow that we could pick a jury
20 early tomorrow morning on that, and then wrap this up. Just
21 a thought I had as a possibility since we know he'll be out
22 of pocket tomorrow afternoon.

23 THE COURT: Let's just start that one Thursday morning.

24 MS. SUMNER: All right. I'll let Mr. Yarborough know.

25 THE COURT: Yeah, 9:30 Thursday morning, which means we

1 are going to finish this one tomorrow.

2 MR. SHAFFER: It won't take long.

3 MR. FEDALEI: Yeah, we don't anticipate that taking
4 long.

5 THE COURT: Okay. All right. So yeah, you can tell him
6 and we'll have jury -- the jurors come back at 9:30 Thursday.
7 They are supposed to call back tonight. So -- okay, 9:30
8 Thursday.

9 I will see you all at 9:30 tomorrow to finish this case,
10 and we will go from there.

11 MR. BROWN: Thank you, Judge.

12 MS. SUMNER: Thank you.

13 THE COURT: Thank you.

14 MR. FEDALEI: Thank you, Your Honor.

15 (WHEREUPON, the proceedings adjourned for the day at
16 1:09 p.m.)

17 AUGUST 22, 2018

18 (WHEREUPON, the proceedings resumed at 9:42 a.m.)

19 THE COURT: All right. Good morning. Have a seat.
20 Good morning.

21 Why am I not surprised? What's up, Mr. Shaffer?

22 MR. SHAFFER: Your Honor, we have a witness coming in.
23 He is coming in at ten o'clock. He is an auto mechanic and
24 he is working today. He owns an auto shop in town, and he
25 happens to be wearing shorts. Can he come in and testify in

1 shorts or do we have to find him clothing to wear that are
2 pants?

3 THE COURT: Is he wearing, like, a mechanic's shirt? I
4 mean that's what he wears to work?

5 MR. SHAFFER: Yeah. He's wearing -- he's wearing a T-
6 shirt with -- I believe it's a logo of his company. That's
7 what the other people in his office were wearing. And then
8 he's wearing shorts.

9 THE COURT: That's fine.

10 MR. SHAFFER: Okay. Thank you, Your Honor.

11 THE COURT: Okay. Well, that was easy. I expected so
12 much more from Mr. Shaffer.

13 All right. Are we otherwise ready to begin?

14 MR. FEDALEI: Yes, Your Honor. I believe so.

15 THE COURT: Is the State ready?

16 MS. SUMNER: Yes, Your Honor.

17 THE COURT: All right. Bring the jury.

18 (WHEREUPON, the jury entered the courtroom at 9:43 a.m.)

19 THE COURT: All right. Good morning.

20 THE JURORS: Good morning.

21 THE COURT: I hope you enjoyed your afternoon off. I
22 hope -- I hope that we are going to finish this case today.

23 As I told you yesterday, you've heard all of the State's
24 case, as far as I know, unless they have some rebuttal at the
25 end, but they have presented all of their evidence in their

AARON TAYLOR - DIRECT BY MR. SHAFFER

1 case in chief and it is now time for the defense to present
2 their witnesses.

3 So I will invite you to give them your very close
4 attention, and I will call on Mr. Shaffer and Mr. Fedalei.
5 Call your first witness.

6 MR. SHAFFER: Thank you, Your Honor. The defense calls
7 Aaron Taylor.

8 THE CLERK: Do you swear or affirm the testimony you are
9 about to give this Court will be the truth, the whole truth,
10 and nothing but the truth, so help you God?

11 THE WITNESS: I do.

12 THE BAILIFF: Good morning.

13 THE WITNESS: Good morning.

14 AARON TAYLOR, being first duly
15 sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. SHAFFER:

18 Q: Good morning, Mr. Taylor.

19 A: Good morning.

20 Q: Where are you from?

21 A: From Greenwood.

22 Q: And what do you do?

23 A: I am a -- an attorney in private practice here in
24 Greenwood.

25 Q: Okay. Tell us a little bit about your experience?

AARON TAYLOR - DIRECT BY MR. SHAFFER

1 A: I have been a member of the South Carolina Bar since
2 2009, and I was a prosecutor until 2015. And since then,
3 I've had my own practice, just a solo practice doing all
4 sorts of things.

5 Q: Okay. And you were a prosecutor here?

6 A: Yes.

7 Q: And you actually used to work for these people; right?

8 A: I know all of them.

9 Q: Okay. Now, in 2015, you said you went into private
10 practice?

11 A: That's correct. I believe it was late February of 2015.

12 Q: Did you specialize in any particular area?

13 A: I did not. We are in Greenwood; so it's kind of hard to
14 specialize, but so I get to meet all sorts of people and do
15 pretty much any kind of law you can think of.

16 Q: Okay. And some of that includes estate planning?

17 A: That's correct.

18 Q: Now, I'm going to ask you specifically about some work
19 you did for Bertha Robinson.

20 A: Okay.

21 Q: You represented her or you did some work for her; right?

22 A: I did.

23 Q: What all did you do for her?

24 A: So in April of 2015, she came to me with her nephew and
25 niece, and they came in and said, you know, she doesn't have

AARON TAYLOR - DIRECT BY MR. SHAFFER

1 any really family members here in Greenwood. I believe one
2 of them lives in New York City. The other one lives in
3 Maryland.

4 And so, you know, we needed to get a will and a
5 healthcare power of attorney, and that's basically -- the
6 easiest way to explain it is kind of pull the plug kind of
7 thing, you know, if you're in a coma, that sort of thing.
8 And then also I did a little bit for her house and went ahead
9 and transferred her home into her niece's name, but she would
10 be allowed to live there for the rest of her life.

11 So basically just get -- you know, she's elderly. She's
12 80-something years old. Get all that squared away.

13 Q: Okay.

14 A: And then again in 2017, they came back and saw me. It
15 was almost two years later. It was May of 2017, and they
16 asked for me to do what's called a durable power of attorney,
17 and that's a little more -- I don't know if serious is the
18 right word, but it's actually filed here in court and it gave
19 them both the ability to do anything they needed to do
20 financially. So buy and sell property, take out loans, sell
21 stuff, whether it's a car, her house, whatever it may be,
22 access to her bank accounts, but it would have to be for her
23 own good. So this is all to help her. This is nothing
24 unusual about it.

25 Q: Okay. Now, I'm going to show you what's previously been

AARON TAYLOR - DIRECT BY MR. SHAFFER

1 marked Defendant's Exhibit 6. Can you tell us what that is?

2 A: Yes. This is the durable power of attorney that I
3 prepared for Ms. Robinson in May of 2017.

4 Q: Okay. And that document was actually filed; right?

5 A: It is. At the top, if you notice, it's got the clocked-
6 in area from the Clerk of Court and it says when I did it,
7 the book and page number, all that, and then it even has my
8 name on there as the person who filed it on her behalf.

9 Q: Okay. And that's a true and accurate depiction of the
10 document you filed for her?

11 A: That's correct. Nothing has been changed on it.

12 Q: Okay.

13 MR. SHAFFER: At this time, I would like to move
14 Defendant's Exhibit 6 into evidence.

15 MR. BROWN: Without objection.

16 THE COURT: It's admitted without objection.

17 (WHEREUPON, Defendant's Exhibit Number 6, power of
18 attorney, was admitted into evidence.)

19 BY MR. SHAFFER:

20 Q: Now, with durable powers of attorney, there are
21 different levels of -- well, in order to enter into a durable
22 power of attorney, what sort of mental state do you have to
23 be in?

24 A: I think, you know, that you've got to know, first, what
25 you're doing. So in other words, what this document is and

AARON TAYLOR - DIRECT BY MR. SHAFFER

1 what's the purpose of it, and understand the implications of
2 it. I mean you're giving, in this case, two people, even
3 though they are her relatives, a lot of power. I mean to do
4 a whole lot of stuff. I mean, again, show up to a bank and
5 act as if they're that person. So had to understand that,
6 and then also who the people that she's giving this power to.

7 And before I even go into any of that, I asked her --
8 you know, and this goes for a 30-year-old healthy person all
9 the way to, you know, whoever, a 100-year-old person, elderly
10 person like Ms. Robinson -- is what's today's date? Do you
11 know where you are? And it's not to insult them. It's just
12 to make sure they know what's going on.

13 And I always even ask things like so who do you have
14 with you here and, oh, okay, how are they related, and I
15 already knew Ms. Robinson, but I did it again and said, well,
16 do you understand what you're doing here? This is a big
17 deal. And it's not to talk them out of it. It's just to
18 make sure they know what's going on and understand where they
19 are and what they're doing and who they are.

20 So that's the kind of things I ask really anybody, but I
21 know I had notes on that where I asked Ms. Robinson both
22 times I met with her.

23 Q: Okay. And this happened on May 30th; is that correct?

24 A: Actually, she signed it on May 26th.

25 Q: May 26th?

AARON TAYLOR - DIRECT BY MR. SHAFFER

1 A: And it was filed on the 31st. So I don't know if that
2 was one of those that we just didn't make it over to the
3 courthouse for a couple days or what the deal was. I'm not
4 really sure, to be honest with you.

5 Q: And that was in 2017?

6 A: That's correct.

7 Q: Okay. So --

8 MR. SHAFFER: Your Honor, I'd like to publish
9 Defendant's Exhibit 6 to the jury.

10 THE COURT: Yes, sir.

11 BY MR. SHAFFER:

12 Q: Now, you had asked her questions about whether she
13 understood those documents?

14 A: That's correct.

15 Q: And at the time she signed it, did she appear to
16 understand the document?

17 A: She did. I have several notes, and I'll just -- I have
18 notes, like, in there that she's very alert, funny. She'd
19 always hug me. She knew the date, knew what she was doing,
20 knew my name. I said -- you know, I always -- and again, I
21 don't want to insult somebody, but you'd be surprised. I've
22 had some before not even know who I am, and that raises a red
23 flag. She knew my name, knew what she was doing there, et
24 cetera. So I felt good about her mental capacity at the time
25 she was visiting with me.

AARON TAYLOR - DIRECT BY MR. SHAFFER

1 Q: So at the time on the 26th, you felt good enough that she
2 understood it in order to get her to sign it; right?

3 A: That's correct.

4 Q: Had you had concerns, would she -- would you have
5 allowed her to sign it?

6 A: I would not have allowed her to do so. I would have
7 told them you need to call and set up an appointment with the
8 probate court and try to get a guardian and conservatorship
9 set up and you can go from there, which is a lot more hassle,
10 but it's for people that aren't competent. So . . .

11 Q: Okay. So if you thought she wasn't competent, even if
12 it was in her best interest, you wouldn't have allowed them
13 -- her to sign it?

14 A: Correct.

15 Q: Okay.

16 MR. SHAFFER: No further questions.

17 THE COURT: Cross-examination.

18 MR. BROWN: Yes, Your Honor.

19 CROSS-EXAMINATION

20 BY MR. BROWN:

21 Q: Good morning, Mr. Taylor.

22 A: Good morning.

23 Q: Mr. Taylor, just so everybody knows, we did work
24 together in the Solicitor's Office?

25 A: We did.

AARON TAYLOR - CROSS BY MR. BROWN

- 1 Q: From 2009 to 2015?
- 2 A: We did.
- 3 Q: Took the bar together?
- 4 A: We did.
- 5 Q: Mr. Taylor, Ms. Bertha Robinson -- do you remember how
6 old she was when she came in?
- 7 A: I do. I went back and looked, and she was born [REDACTED]
8 [REDACTED] of 1927. So at the time I met with her, she would have
9 been --
- 10 Q: Eighty-nine years old?
- 11 A: Right. I was about to say almost 90 years old, yeah.
- 12 Q: Mr. Taylor, did -- were you aware that Ms. -- Ms. Bertha
13 Robinson had met with Dr. Stone or had been seen by Dr. Stone
14 previously?
- 15 A: I did not know that.
- 16 Q: Did you know of any diagnosis that Dr. Stone put in Ms.
17 Bertha's file about dementia?
- 18 A: I did not.
- 19 Q: On this particular day, how long did you meet with Ms.
20 Robinson?
- 21 A: Are you talking about in 2015 or '17?
- 22 Q: '17.
- 23 A: Okay. On something like this, probably for -- I don't
24 have the exact time when she left, but those are usually 20
25 to 30 minutes, something like that, just to, you know, talk

AARON TAYLOR - CROSS BY MR. BROWN

1 about the form and get her to sign it, and then discuss a
2 little more and then they kind of leave at that point.

3 Q: A 20- to 30-minute encounter with Ms. Robinson?

4 A: At the most, yes.

5 Q: And she was there with somebody familiar with her, her
6 niece?

7 A: Yes. Her name is Terraine -- that's T-e-r-r-a-i-n-e --
8 Singletary. And I had met -- that's who was one of the two
9 people that came back in 2015 as well and I had dealt with
10 several times, and they were mostly over the phone though.

11 Q: In questions you had asked Ms. Robinson that particular
12 day, do you know where you are and who is with her, some of
13 those?

14 A: Yeah. Basically, what's your date of birth, why are you
15 here, do you understand what you're signing, and to be -- to
16 be honest, she may not have known that the title of that
17 document was durable power of attorney, but she understood
18 I'm giving my niece and nephew the ability to do all those
19 financial things for me.

20 Q: When talking with Ms. Bertha and Terraine Singletary,
21 why did they come on that particular day?

22 MR. SHAFFER: Objection, Your Honor. Speculation.

23 THE COURT: Sustained.

24 BY MR. SHAFFER:

25 Q: But on May 26th, 2017, Terraine Singletary brought her

AARON TAYLOR - CROSS BY MR. BROWN

1 aunt in to have a power of attorney done?

2 A: And actually, it was not only her. It was Mr. Gilmore
3 as well. They both drove from or flew down from Brooklyn and
4 the other was from Maryland. So they both came down, and
5 they usually came together. Sometimes, they would, you know,
6 obviously, call me separately because they're not in the same
7 state, but on that date, they were both there.

8 Q: Did you meet with Ms. Robinson the following day on the
9 27th or the 28th?

10 A: I don't remember. I don't have any notes or anything on
11 my calendar for that.

12 Q: So you don't know if she would remember meeting with you
13 the previous day?

14 A: I don't.

15 Q: Mr. Shaffer asked you about your dealings with Ms.
16 Robinson. You mentioned you drafted a will for her. When
17 was that will drafted?

18 A: That was in April of 2015. I believe it was April 8th of
19 2015.

20 Q: And in that will, did Bertha Lee Robinson mention John
21 Fitzgerald Anderson's name anywhere?

22 A: I have -- his name was not mentioned in any of my notes
23 at all from April of 2015, and his name is not anywhere in
24 the document or that will that you just mentioned.

25 Q: Who did -- who did you -- who did you document Ms.

AARON TAYLOR - CROSS BY MR. BROWN

1 Bertha Robinson wanting to leave the Jaguar to?

2 A: That was to her nephew, Anthony Gilmore.

3 Q: She specifically listed the Jaguar to Anthony Gilmore?

4 A: It says that, yep. And my notes reference that as well.

5 Q: She wanted to leave \$20,000 to a Florence Deloris
6 Andrews?

7 A: That's correct.

8 Q: And then leave her residual estate to Anthony Gilmore
9 and Terraine Singletary in equal shares?

10 A: Right. And that basically means whatever was left to
11 those two in equal shares, yep.

12 Q: No John Anderson?

13 A: No John Anderson.

14 Q: In addition to doing a will that day, what did Ms.
15 Bertha do with her homestead, her actual house and the
16 acreage itself?

17 A: What she did, for those not familiar with it, she went
18 ahead and deeded the property. So gave the property to her
19 niece, but kept a life estate. So in other words, that means
20 she gets to live there the rest of her life. Her taxes don't
21 change. Nobody can kick her out, but when she passes away,
22 it automatically goes to Ms. Singletary and you don't have to
23 go through probate.

24 So it's just a convenience. It's a very nice thing. It
25 protects everybody, and that's what she did the same date

AARON TAYLOR - CROSS BY MR. BROWN

1 that, you know, they met with me on the 8th of April, 2015.

2 Q: Mr. Taylor, would -- on that particular day, you said
3 you met with her 20 to 30 minutes?

4 A: Uh-huh.

5 Q: In your office?

6 A: Yes.

7 Q: Are you an expert on dementia or Alzheimer's disease?

8 A: I have no training or education in psychiatrics or
9 psychology or anything like that, no.

10 Q: Would you have heard the diagnosis of Dr. Stone?

11 A: Yes.

12 Q: Regarding that?

13 A: Yes.

14 MR. BROWN: No further questions.

15 THE COURT: Mr. Shaffer?

16 REDIRECT EXAMINATION

17 BY MR. SHAFFER:

18 Q: And I understand that you're not a psychiatrist. I'm
19 not a psychiatrist either. You were a lawyer doing criminal
20 work for six years?

21 A: As a prosecutor, yes.

22 Q: So you at least have some experience with people with
23 mental illness; right?

24 A: I do.

25 Q: And you wouldn't have allowed her to -- you wouldn't

AARON TAYLOR - REDIRECT BY MR. SHAFFER

1 have allowed her to actually sign these documents if you
2 thought that there was a real risk that she was incompetent?

3 A: That's true.

4 Q: And I know that you -- you worked previously with the
5 Solicitor's Office for a couple -- until 2015; right?

6 A: Yes.

7 Q: You were actually the deputy solicitor; right?

8 A: That wasn't my title, but that was pretty much what I
9 did at the time, yes.

10 Q: Okay. And you actually still represent Mr. Stumbo, the
11 elected solicitor, in civil cases; right?

12 A: So I do in forfeiture cases, and that is a civil matter.
13 Correct.

14 Q: All right.

15 A: So not prosecuting.

16 Q: Not prosecution?

17 A: Sure.

18 Q: And Mr. Stumbo, obviously, is the elected solicitor;
19 right?

20 A: Correct. Yes.

21 MR. SHAFFER: No further questions.

22 THE COURT: Anything further from this witness, Mr.
23 Brown?

24 MR. BROWN: Just one follow-up question.

25 RECROSS-EXAMINATION

AARON TAYLOR - RECROSS BY MR. BROWN

1 BY MR. BROWN:

2 Q: In addition with the power of attorney you did on May of
3 2017, did names of power of attorney really change from the
4 names of the healthcare power of attorney or the names that
5 were in the will that you had previously done?

6 A: No, they are the same two people.

7 Q: So previously, you were already familiar with who Ms.
8 Bertha Robinson wished her property to and wanted control of
9 her affairs?

10 A: Those are the only two people I ever dealt with, so yes.

11 MR. BROWN: No further questions.

12 THE COURT: Okay. Thank you, sir. You may step down.

13 THE WITNESS: Thank you, Judge.

14 THE BAILIFF: Watch your step.

15 THE WITNESS: Yep.

16 THE COURT: Call your next witness.

17 MR. SHAFFER: Your Honor, I believe our next witness is
18 actually outside.

19 (WHEREUPON, there was a pause in the proceedings, after
20 which the proceedings resumed as follows.)

21 MS. SUMNER: Your Honor, may we approach again?

22 THE COURT: Yes.

23 (WHEREUPON, a bench conference was held in the presence
24 of the jury but out of the hearing of the jury off the
25 record, after which the proceedings resumed as follows.)

THOMAS CHANDLER - DIRECT BY MR. SHAFFER

1 MR. SHAFFER: The defendant would call Thomas Chandler.

2 THE CLERK: Please place your left hand on the Bible and
3 raise your right hand. Do you swear or affirm the testimony
4 you are about to give to this Court will be the truth, the
5 whole truth, and nothing but the truth, so help you God?

6 THE WITNESS: I do.

7 THE BAILIFF: This way, sir.

8 THOMAS CHANDLER, being first
9 duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MR. SHAFFER:

12 Q: What is your name, sir?

13 A: It's Thomas Chandler.

14 Q: Could you spell your last name?

15 A: C-h-a-n-d-l-e-r.

16 Q: Where do you work, sir?

17 A: Professional Automotive Services.

18 THE COURT: And where is that located?

19 THE WITNESS: It's located at 564 Beaudrot Road in
20 Greenwood.

21 THE COURT: Okay. Ladies and gentlemen of the jury,
22 this is a bit unusual procedure-wise, but we did not have
23 this witness's name on Monday when we were asking you
24 questions about whether you knew any of the potential
25 witnesses.

THOMAS CHANDLER - DIRECT BY MR. SHAFFER

1 Now that he is here, we know his name, and he's right
2 close to you and you can see his face, I need to know whether
3 any member of the jury panel knows Mr. Chandler, whether you
4 are related by blood, connected by marriage, have any close
5 personal relationship with Mr. Chandler or have had any
6 business dealings with Mr. Chandler or anyone at Professional
7 Automotive Services. If so, raise your hand.

8 (WHEREUPON, there was no response.)

9 THE COURT: Okay. Thank you.

10 You may proceed, Mr. Shaffer.

11 MR. SHAFFER: Thank you, Your Honor.

12 BY MR. SHAFFER:

13 Q: Now, with Professional Automotive Services, what is your
14 title there?

15 A: I'm the president.

16 Q: Okay. And part of being president includes keeping
17 records?

18 A: Yes, sir.

19 Q: Do you keep records on cars that you do service on?

20 A: Yes, sir.

21 Q: I'm going to ask you specifically about a record from
22 December of 2014.

23 A: Okay.

24 Q: Okay. Did a customer named Bertha Robinson bring in a
25 Jaguar?

THOMAS CHANDLER - DIRECT BY MR. SHAFFER

1 A: She did.

2 Q: Okay. And what service was done to that Jaguar?

3 A: There was a list of services done.

4 Q: Okay.

5 A: I would, you know, almost need the invoice in front of
6 me to name every one of them.

7 Q: Okay. And I may refresh your recollection.

8 (WHEREUPON, there was a pause in the proceedings, after
9 which the proceedings resumed as follows.)

10 BY MR. SHAFFER:

11 Q: I'm showing you what's been marked Defendant's Exhibit 7
12 for the purposes of identification.

13 A: Okay.

14 Q: Um --

15 A: You should read out what we did or --

16 Q: You don't have to read it. Just look over it.

17 A: Uh-huh.

18 Q: See if it refreshes your recollection as to what
19 services would have been done.

20 A: Okay. Yeah, I mean it looks like the -- the car
21 probably had been sitting. So the customer brought it in to
22 us for us to get back running. We towed it in.

23 There were several things wrong with the automobile, but
24 we did have to pump out the gas tank, refill it, fuel filter,
25 had to put in new pumps as well. A new battery, and we also

THOMAS CHANDLER - DIRECT BY MR. SHAFFER

1 had to remove the key and have it recoded, the locks on it
2 and all that as well. And then had to fill it back up with
3 fuel. So . . .

4 Q: Okay. So -- and the -- do you do the work of recoding
5 the key in-house?

6 A: No, sir, we do not.

7 Q: It would have been a locksmith?

8 A: Yes. It would have been Greenwood Locksmith that would
9 have come to our site. They have a mobile locksmith.

10 Q: Okay. But that work would have been done on a 2002
11 Jaguar or 2000 Jaguar?

12 A: Yes.

13 Q: Okay. And that was Bertha Robinson's car; right?

14 A: Yes, it was.

15 MR. SHAFFER: No further questions.

16 THE COURT: Cross-examination.

17 CROSS-EXAMINATION

18 BY MR. BROWN:

19 Q: Let me take a look at that list. Mr. Chandler, when did
20 -- did you actually service this vehicle? What was the date
21 that it was brought in?

22 A: It was brought in on December the 17th, 2014.

23 Q: And who did it belong to?

24 A: The name of the person who brought it in is Bertha
25 Robinson.

THOMAS CHANDLER - CROSS BY MR. BROWN

- 1 Q: It was a 2000 Jaguar?
- 2 A: According to that, yes, sir.
- 3 Q: What was the mileage on that car?
- 4 A: According to what we have here, it's 33,892 miles.
- 5 Q: For a 2000 Jaguar, would you consider that low mileage
- 6 for that car?
- 7 A: For it to be 14 years old, yes, sir.
- 8 Q: And you had to replace the battery?
- 9 A: Yes, sir.
- 10 Q: And after it left your possession, it was running again?
- 11 A: Yeah.
- 12 Q: In 2014?
- 13 A: Yeah.
- 14 Q: Did you actually do the work on this car?
- 15 A: Me?
- 16 Q: Yes.
- 17 A: No, sir.
- 18 Q: So you never saw the Jaguar or the keys or anything like
- 19 that?
- 20 A: Oh, I'm sure I saw it, but, you know, again, we have --
- 21 I have service advisors and technicians --
- 22 Q: Yes, sir.
- 23 A: -- who do all that stuff.
- 24 Q: Yes, sir. There's no doubt this Jaguar belonged to
- 25 Bertha Robinson?

THOMAS CHANDLER - CROSS BY MR. BROWN

1 A: Well, we don't run a -- you know, a state VIN lookup on
2 each car.

3 Q: But she brought it in?

4 A: Yes.

5 Q: She paid for the repairs?

6 A: As far as I know, she did.

7 MR. BROWN: No further questions.

8 THE COURT: Anything further?

9 MR. SHAFFER: No, Your Honor.

10 THE COURT: Okay. Thank you. You may step down.

11 THE BAILIFF: Watch your step, sir.

12 THE WITNESS: Have a good one.

13 THE BAILIFF: Thank you.

14 THE COURT: Call your next witness.

15 MR. FEDALEI: The defense calls Sharon Crabbe.

16 MR. SHAFFER: Who?

17 MR. FEDALEI: Ms. Crabbe.

18 (WHEREUPON, there was a pause in the proceedings until
19 the witness entered the courtroom, after which the
20 proceedings resumed as follows.)

21 THE CLERK: Please place your left hand on the Bible and
22 raise your right hand. Do you swear or affirm the testimony
23 you are about to give this Court will be the truth, the whole
24 truth, and nothing but the truth, so help you God?

25 THE WITNESS: I do.

SHARON CRABBE - DIRECT BY MR. FEDALEI

1 THE BAILIFF: Good morning.

2 THE WITNESS: Good morning.

3 SHARON CRABBE, being first
4 duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. FEDALEI:

7 Q: Good morning, Ms. Crabbe.

8 A: Good morning.

9 THE COURT: Would -- would you spell your last name,
10 please?

11 THE WITNESS: C-r-a-b-b-e.

12 THE COURT: Thank you.

13 BY MR. FEDALEI:

14 Q: Could you tell us where you are employed?

15 A: First Citizens Bank.

16 Q: And what is your position there?

17 A: I'm the manager of financial crimes.

18 Q: What are some of the responsibilities that are covered
19 by your position?

20 A: I'm a manager. I manage a group of analysts, but I'm
21 also an investigator. I investigate primarily external or
22 customer-related fraud, such as identity theft, check fraud,
23 elder abuse.

24 Q: So if there is suspicious activity on a customer's
25 account, you would be one of the people that could look into

SHARON CRABBE - DIRECT BY MR. FEDALEI

1 that?

2 A: Yes.

3 Q: You were contacted about suspicious activity in the fall
4 of 2016?

5 A: Yes.

6 Q: For a customer by the name of Bertha Robinson?

7 A: Yes.

8 Q: And you were the person that investigated that report?

9 A: Yes.

10 Q: In the course of your investigation, you talked to Ms.
11 Robinson?

12 A: Yes.

13 Q: On the phone?

14 A: Yes.

15 Q: And she told you how she was feeling at the time?

16 A: She did, yes.

17 Q: She told you that she is aware that older people can be
18 taken advantage of?

19 MS. SUMNER: Objection.

20 THE COURT: Sustained.

21 MR. FEDALEI: Your Honor, it's a present -- present
22 sense impression.

23 THE COURT: Objection sustained: Move on.

24 MR. FEDALEI: Okay.

25 BY MR. FEDALEI:

SHARON CRABBE - DIRECT BY MR. FEDALEI

1 Q: Based on that conversation, you decided that there was
2 not -- that further investigation was not warranted?

3 A: That's correct.

4 Q: And as a result of that conversation, you concluded the
5 investigation?

6 A: Yes, that's correct.

7 Q: Were you concerned about the security of her account
8 after that conversation?

9 A: No, I was not.

10 Q: You were emailed again in January about this same
11 customer, Bertha Robinson?

12 A: Yes, I was.

13 Q: And you followed up on that email?

14 A: Yes.

15 Q: And based on your follow-up to that --

16 MS. SUMNER: Objection.

17 THE COURT: What's your objection?

18 MS. SUMNER: Still leading, Your Honor.

19 THE COURT: Oh, absolutely sustained.

20 MR. FEDALEI: Okay.

21 BY MR. FEDALEI:

22 Q: And based on -- and after looking into that, you decided
23 that further investigation was not warranted?

24 MS. SUMNER: Your Honor, objection.

25 THE COURT: Sustained.

SHARON CRABBE - DIRECT BY MR. FEDALEI

1 BY MR. FEDALEI:

2 Q: And again, you were -- how much experience do you have
3 as an investigator?

4 A: I've been in fraud investigations for 19 years.

5 Q: So you've investigated lots of suspicious activity --

6 A: Yes.

7 Q: -- on customer accounts?

8 A: Yes, I have.

9 Q: Have you been with First Citizens for all 19 of those
10 years?

11 A: Twenty-two years.

12 Q: Twenty-two years? So you've dealt with older people
13 before?

14 A: I have, yes.

15 Q: Where there may have been suspicious activity, people
16 were doubting if they were fully aware of what was going on?

17 A: Yes. That was one of my responsibilities.

18 Q: But again, that conversation you had with Ms. Robinson
19 alleviated those concerns?

20 A: It did, yes.

21 MR. FEDALEI: Thank you.

22 THE COURT: Cross-examination. Oh, I'm sorry.

23 MR. FEDALEI: I'm sorry. Court's indulgence.

24 BY MR. FEDALEI:

25 Q: Okay. Going back to the emails you exchanged in

SHARON CRABBE - DIRECT BY MR. FEDALEI

1 January, what did you do in response to that?

2 A: We -- I provided the local branch in Ware Shoals my --
3 well, I asked them to provide Mr. Anderson my name and phone
4 number to contact if he had concerns about, I guess, the
5 interaction that he had had at the office, and then we also
6 placed notes on Ms. Robinson's accounts or profile with First
7 Citizens in the event that they were to visit another
8 location or any calls were to be made inquiring about the
9 account.

10 Q: Okay.

11 MR. FEDALEI: Your Honor, we need to approach briefly.

12 THE COURT: Okay.

13 (WHEREUPON, a bench conference was held in the presence
14 of the jury but out of the hearing of the jury off the
15 record, after which the proceedings resumed as follows.)

16 MR. FEDALEI: Please answer any questions the State may
17 have for you.

18 THE COURT: Ms. Sumner?

19 MS. SUMNER: Thank you, Your Honor.

20 CROSS-EXAMINATION

21 BY MS. SUMNER:

22 Q: Ms. Crabbe, am I correct that you made a phone call to
23 Ms. Robinson?

24 A: I did.

25 Q: And when was that phone call?

SHARON CRABBE -CROSS BY MS. SUMNER

- 1 A: It was in October of 2016.
- 2 Q: Was that after the first report to you of suspicious
3 activity?
- 4 A: Yes.
- 5 Q: How long did that phone call last?
- 6 A: I would say maybe about five minutes tops.
- 7 Q: Did you ever meet Ms. Robinson in person?
- 8 A: No, I did not.
- 9 Q: Did you ever meet Mr. Anderson in person?
- 10 A: No, I did not.
- 11 Q: Did you ever discuss the suspicious activity with Ms.
12 Robinson's doctor, Dr. Stone?
- 13 A: No, I have not. I would not be allowed to.
- 14 Q: Were you aware of Ms. Robinson's diagnosis?
- 15 A: I was not.
- 16 Q: And how many times were you contacted about this?
- 17 A: Twice.
- 18 Q: And nothing was done to stop it?
- 19 A: I -- I wouldn't say that. I mean we -- I had a
20 conversation with Ms. Robinson initially, and then we did
21 place some alerts on Ms. -- or notes on Ms. Robinson's
22 profile in the -- I guess out of concern that the -- there
23 may be calls made to inquire about the accounts without Ms.
24 Robinson's knowledge.
- 25 Q: And this activity continued?

SHARON CRABBE - CROSS BY MS. SUMNER

1 A: Not to my knowledge. I -- I was not informed if the
2 activity had continued.

3 Q: Do you recall how many times you received emails of
4 concerns about this account?

5 A: I know I received several in October of 2016, and then
6 there were some email exchanges in January of 2017.

7 Q: Okay. So you were contacted multiple times?

8 A: Yes. Contacted once and then there was kind of back and
9 forth correspondence. But as far as contact goes, it was
10 twice.

11 Q: So after the October, the initial email to you with
12 concerns, this activity did continue on her accounts?

13 A: Yes.

14 Q: Based on the emails you received?

15 A: The -- yes.

16 Q: And, Ms. Crabbe, one last question. A part of your
17 solution, if I'm understanding correctly, was to give Mr.
18 Anderson your contact information?

19 A: That's correct.

20 Q: All right.

21 MS. SUMNER: Nothing further.

22 THE COURT: Anything further from this witness? Any
23 redirect?

24 MR. FEDALEI: Yes. Very briefly.

25 REDIRECT EXAMINATION

SHARON CRABBE - REDIRECT BY MR. FEDALEI

1 BY MR. FEDALEI:

2 Q: After the conversation you had with Ms. Robinson, you
3 informed the branch that contacted you that you could not --
4 First Citizens could not prevent Ms. Robinson from accessing
5 her own money?

6 A: That's correct.

7 MR. FEDALEI: Thank you.

8 MS. SUMNER: Nothing further from the State, Your Honor.

9 THE COURT: Okay. Thank you. You may step down.

10 THE BAILIFF: Watch your step.

11 THE COURT: Call your next witness.

12 MR. SHAFFER: And, Your Honor, at this time, can we
13 approach --

14 THE COURT: Yes.

15 MR. SHAFFER: -- with the State?

16 (WHEREUPON, a bench conference was held in the presence
17 of the jury but out of the hearing of the jury off the
18 record, after which the proceedings resumed as follows.)

19 THE COURT: All right. Ladies and gentlemen, let's take
20 a nice morning break. I will send you to your jury room for
21 just a short while. Do not discuss the case amongst
22 yourselves. We will see you back shortly.

23 (WHEREUPON, the jury exited the courtroom at 10:23 a.m.)

24 THE COURT: All right. Let's take a break.

25 MS. SUMNER: All right.

1 MR. SHAFFER: And, Your Honor, if there's appropriate
2 time, just let me know about Ms. Crabbe. It will be, like,
3 three questions, I believe.

4 THE COURT: I mean we could do it now, but your client
5 has a right to be here and he's walked out. So --

6 MR. SHAFFER: He's in the bathroom. I can go get him.

7 THE COURT: I mean he's in the bathroom, then he's in
8 the bathroom.

9 MR. SHAFFER: We'll just proffer.

10 THE COURT: Yes, sir.

11 MS. SUMNER: Your Honor, I would like to put something
12 on the record before we do this.

13 I may mis-recall the transcript, but I was objecting to
14 the questions being leading. I don't -- I don't remember
15 them asking her what did Ms. Robinson say. I only recall
16 leading questions was the objection, not a hearsay objection,
17 for the record.

18 THE COURT: Right. Which is why I am unsure why this
19 needs to be proffered. The question could have been asked in
20 a different fashion, but on direct examination, you simply
21 can't lead the witness like that.

22 MR. FEDALEI: That might have been due to me mishearing
23 Ms. Sumner because I did not hear correctly. And I don't
24 believe it was established on the record what aspect was
25 leading -- was, you know, objectionable about leading

1 questions.

2 THE COURT: Okay. Well, stand up when you speak, but
3 also, she need not state the reason for her objection. It's
4 not necessary.

5 MS. SUMNER: And, Your Honor, I did articulate leading.
6 I never articulated hearsay one time during my objections.

7 THE COURT: Right.

8 MR. FEDALEI: Correct. And I acknowledge I may have
9 misheard.

10 THE COURT: Well, whether she did or didn't is
11 unnecessary. It was a leading question. It was an
12 objectionable question, and the objection was sustained. You
13 can make whatever proffer you like.

14 Mr. Shaffer, do you just want to make the argument or --

15 MR. SHAFFER: If the Court will allow me to.

16 THE COURT: I mean, -- you know.

17 MR. SHAFFER: I mean, Your Honor, basically, the way I
18 heard it was that the -- the State did make a leading
19 objection first, but then made another objection and the
20 State just said objection and the Court said sustained. That
21 was my recollection of the ruling on it, which means we were
22 in the position that we were thinking that the objection was
23 to hearsay because the objection -- I mean because Your Honor
24 just basically said sustained. You didn't put a ruling on
25 the record, Your Honor.

1 THE COURT: Right. I can't control anyone's perceptions
2 or thinking or what you glean from anything that is said by
3 the Court or anyone else. A question or response may be
4 objectionable for one reason, multiple reasons, or no reason.

5 MR. SHAFFER: We would just --

6 THE COURT: But counsel need not state the reason for
7 their objection and, even when a reason is stated, they may
8 be incorrect in their reasoning but correct that the question
9 is objectionable.

10 So it was a leading question. The leading questioning
11 had been going on for quite a period of time. It was at that
12 point that -- that the assistant solicitor chose to step in
13 and object. It was appropriate.

14 It would've been appropriate before then, at least in
15 this Court's view, and so the objection was sustained. I
16 mean whatever counsel's impression was is wholly beyond my
17 control.

18 MR. SHAFFER: I would agree with you, Your Honor. The
19 one thing that, based off of that, based off of our
20 misunderstanding of what the objection is, we would like to
21 recall Ms. Crabbe to the stand.

22 THE COURT: You want to recall the same witness?

23 What's the State's position?

24 Calling her as a witness for the jury to hear?

25 MR. SHAFFER: Yes, Your Honor. We have not actually

1 closed our case; so we would like the opportunity to recall
2 her as a witness.

3 THE COURT: What's the State's position?

4 MS. SUMNER: Your Honor, they had a chance in redirect
5 to ask her more questions. At that point, they had the
6 opportunity to address any questions with her they had.

7 Also, I believe I am incorrect in this, but the
8 transcript will obviously be clear. I do not recall them
9 ever asking her the question, "What did Ms. Robinson say on
10 that phone call?"

11 They had ample opportunity to ask that question at that
12 point. They had two opportunities to do that.

13 And I also recall at some point in the record not only
14 did I object -- I mean I objected. I said they are still
15 leading. That would be the State's position on this issue.

16 THE COURT: I mean you can't just recall the same
17 witness over and over again and say and another thing and
18 another thing and I forgot to ask them this. You could call
19 the same witness in perpetuity every time you remembered a
20 question that you should have asked them.

21 MR. SHAFFER: Then, Your Honor, we would like to
22 actually call a further witness for the purposes of that,
23 Your Honor. So --

24 THE COURT: Sure.

25 MR. SHAFFER: And for the purposes of the original

1 thing. And obviously, the transcript is clear. I just don't
2 think -- I think that the second objection was just objection
3 and then the Court ruling on it, which was the basis of Mr.
4 Fedalei not -- not going further and asking her questions
5 about what Ms. Robinson actually said.

6 THE COURT: All right. You can proffer --

7 MR. SHAFFER: Thank you.

8 THE COURT: -- whatever you would like to proffer, but
9 anytime there is a question about why an objection was
10 sustained, the Court will entertain any question about the
11 reasoning, but as an attorney questioning a witness, you
12 know, once there is an objection, you need to think on your
13 feet and figure out how to rephrase and begin a line of
14 questioning that is not objectionable.

15 MR. SHAFFER: Yes, Your Honor.

16 THE COURT: You know, whether it's a leading and you're
17 saying is it true that blah, blah, blah, and that objection
18 is sustained because it's leading or for some other reason,
19 then you regroup and you say, oh, wait, let me just ask them
20 did -- you know, what happened or something, a nonleading
21 question.

22 That's just your responsibility as an attorney and the
23 way that you are to practice. You regroup and you think on
24 your feet and you figure out how to rephrase your question in
25 a non-objectionable fashion.

SHARON CRABBE - PROFFERED DIRECT BY MR. FEDALEI

1 But I mean I'm happy for you to make whatever proffer
2 you'd like.

3 (WHEREUPON, the witness, Sharon Crabbe, retook the
4 witness stand.)

5 PROFFERED DIRECT EXAMINATION

6 BY MR. FEDALEI:

7 Q: Okay. Ms. Crabbe, going back to the conversation you
8 had with Miss Bertha in the fall of 2016 --

9 A: Uh-huh.

10 Q: You told her about the concerns that the local branch
11 had about her?

12 A: Yes, I did.

13 Q: And what did she say to you about -- what the line of
14 questioning you were getting into?

15 A: She initially told me that it was her money and she
16 could do whatever she wanted with it. It was not our
17 business what she did with the money.

18 And then after pressing her further, expressing that we
19 were just concerned, she then told me that she knows what
20 we're concerned about, that there are -- you know, that there
21 are people who target the elderly, that this is not what's
22 happening. We have no reason to be concerned. She
23 appreciates it, but that she was using money for her own use
24 and there was no reason for us to be concerned.

25 MR. FEDALEI: Thank you.

1 THE COURT: Okay. You may step down.

2 THE WITNESS: Thank you.

3 THE BAILIFF: Watch your step.

4 THE WITNESS: Thank you.

5 THE COURT: All right. Mr. -- yes, sir?

6 MR. SHAFFER: Your Honor, I believe that the jury should
7 have heard that based off of the fact that he actually argued
8 that it was present sense impression, and then the Court
9 actually overruled the -- overruled him on that. He said --
10 Judge, it's our position it's a present sense impression, and
11 the Court's response was overruled.

12 Therefore, I think that based off of that, this jury
13 should be allowed to hear this.

14 THE COURT: I understand that was your position then,
15 it's your position now, and the Court's position remains the
16 same.

17 MR. SHAFFER: Thank you, Your Honor. And in that too,
18 in not allowing them to hear that at all, you're against the
19 recalling the witness; correct?

20 THE COURT: I'm sorry?

21 MR. SHAFFER: That's -- that's to both -- I guess the
22 effect of it is the same, whether it's to my first motion,
23 which was to allow her to testify to that, or to the position
24 that we should be allowed to recall her. You are denying
25 both of those; correct?

1 THE COURT: If you were going to recall her to present
2 that that I have already sustained an objection to, then why
3 would you recall her?

4 MR. SHAFFER: And, Your Honor, that's fine. Your Honor,
5 if the Court's position is -- if the Court's ruling is that
6 that's not appropriate and I can't do that, then we're not
7 going to do that.

8 It's just -- you know, I initially had made one motion,
9 which was to allow us to actually -- or Mr. Fedalei did based
10 off of the fact that it was present sense impression to do
11 that.

12 Then I asked afterwards -- sort of in the middle of my
13 argument, I had asked that the Court allow us to recall the
14 witness, and the Court said in the Court's discretion that
15 that's not appropriate at this time.

16 THE COURT: Do you intend to recall her to ask her what
17 you just asked her?

18 MR. SHAFFER: Yes, Your Honor. That would be our
19 position. We would recall her to ask her what we just asked
20 her.

21 THE COURT: Right. And that's what I've already
22 determined was inadmissible. I feel like you are asking the
23 same question over and over again.

24 MR. SHAFFER: Okay. And I apologize. If it's
25 inadmissible and we can't recall her, then I'll just sit down

1 and be quiet.

2 THE COURT: Okay.

3 MR. SHAFFER: Okay.

4 THE COURT: All right. Now, Mr. Anderson, have you had
5 the opportunity to discuss with your lawyer, family, friends,
6 and whoever else you wanted to talk to about your decision as
7 to whether you should testify?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: Do you have any questions about anything
10 that I explained to you yesterday or anything that you
11 thought of overnight?

12 THE DEFENDANT: No, ma'am.

13 THE COURT: Okay. And as you heard yesterday, I have
14 ruled that the State can bring up evidence of your three
15 fraudulent check convictions from the year -- from this year,
16 2018, should you choose to testify, but as you heard
17 yesterday, the remainder of your criminal history cannot be
18 brought up. I just wanted to make that clear since --

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: -- part of our discussion was -- and one of
21 your considerations was that the State can use criminal
22 convictions against you. Do you have any questions about any
23 of that?

24 THE DEFENDANT: No, ma'am.

25 THE COURT: Do you need any more time to talk to anybody

1 as to whether you should testify?

2 THE DEFENDANT: No, ma'am.

3 THE COURT: Okay. Do you wish to testify?

4 THE DEFENDANT: No, ma'am.

5 THE COURT: Okay. Thank you. You may have a seat.

6 Are there additional defense witnesses?

7 MR. FEDALEI: No, Your Honor.

8 THE COURT: Okay. So you rest at this point?

9 MR. SHAFFER: Yes, Your Honor.

10 THE COURT: I will hear motions.

11 MR. SHAFFER: Your Honor, obviously, we will rest upon
12 the jury after -- afterwards as well, but we are renewing our
13 motions for directed verdict based off the same basis as
14 before. We don't think that there is sufficient evidence for
15 any of -- any of the charges to go forward.

16 So it's essentially the same argument as before, Your
17 Honor.

18 THE COURT: And for the same reasons, those motions for
19 directed verdict are respectfully denied.

20 MR. SHAFFER: Your Honor, I did email the Court a
21 potential jury charge. It's -- it's the language from a case
22 called State v. Green. We would like that included.

23 THE COURT: Have you given that language to the State?

24 MR. SHAFFER: Yes. I copied them on the email. It's
25 basically a good character charge.

1 THE COURT: What says the State?

2 THE LAW CLERK: Green?

3 THE COURT: State v. Green, yes. Green. G-r-e-e-n.

4 MR. BROWN: Judge, if I'm looking at just the one line
5 that he submitted, I believe, let's say, evidence of good
6 character and good reputation may in and of itself create a
7 doubt as to guilt, I think this is commenting on the facts.
8 I don't really remember much good character being brought out
9 in the transcript provided witnesses.

10 So it would be the State's position that this is not
11 appropriate to go in the jury charge.

12 THE COURT: Mr. Shaffer?

13 MR. SHAFFER: Your Honor?

14 THE COURT: Refresh my recollection as to what evidence
15 of good character there is.

16 MR. SHAFFER: Your Honor, there -- there was evidence of
17 good character coming out through Whitney Jones. I believe
18 she said something to the effect of that he was a good person
19 and that he used to bring her food. She -- she specifically
20 made a comment as to his character in there, I believe. At
21 least that's my recollection of it, Your Honor.

22 There's also -- the charge obviously was what the State
23 said, but just because this isn't official, I wanted to read
24 it in the record. What I had requested was:

25 Evidence of good character and good reputation may in

1 and of itself create doubt as to guilt and should be
2 considered by the jury, along with all other evidence, in
3 determining the guilt or innocence of the defendant.

4 We just believe that that's probably good law and should
5 be included.

6 THE COURT: Is that the only requested jury charge from
7 the defense?

8 MR. SHAFFER: Yes, Your Honor.

9 THE COURT: Is there any additional language requested
10 by the State?

11 MR. BROWN: I cannot think of anything other than what
12 we talked about yesterday.

13 THE COURT: Okay.

14 MR. BROWN: Judge, right now we're kind of doing a
15 little research on that case.

16 THE COURT: As am I.

17 Madam Clerk?

18 THE CLERK: Yes, ma'am.

19 THE COURT: If we want to order lunch for the jury, how
20 long will that take?

21 (WHEREUPON, a bench conference was held off the record
22 with the clerk, after which the proceedings resumed as
23 follows.)

24 THE COURT: Let's go back on the record. Yes?

25 MS. SUMNER: Your Honor, if I may speak to this issue,

1 more recently in State v. Lee-Grigg -- that's going to be 374
2 S.C. 388. That's a 2007 case.

3 In this particular case, the Court of Appeals does say
4 that in this forgery case the charge should have been
5 allowed. The facts are a little different. Specifically,
6 there is a witness who takes the stand, I believe by the
7 defense.

8 That witness is asked specifically -- it's quoted within
9 that case.

10 Do you have an opinion as to this particular defendant's
11 truth or veracity?

12 Yes, I do.

13 They go on to say that she's a straightforward person in
14 the community of integrity and honesty. A little different
15 here where we possibly have witnesses that were presented in
16 the State's case that said, you know, bringing food, things
17 of that nature.

18 Also, the Court of Appeals goes on to say in this 2007
19 case that not allowing it in the forgery where the question
20 about integrity being straightforward, which does directly
21 relate to forgery, is harmless error.

22 So the position of the State would be there is not
23 enough in evidence at this point commenting on character that
24 this charge would be permissible.

25 MR. SHAFFER: I would respectfully argue that the State

1 is applying the lowest (inaudible).

2 THE COURT: Okay. Got it.

3 (WHEREUPON, there was a pause in the proceedings, after
4 which the proceedings resumed as follows.)

5 THE COURT: I'm not going to charge the requested
6 language. My recollection of the testimony in the notes and
7 counsel's recollection of Ms. Jones's testimony was simply
8 that Mr. Anderson took meals to Ms. Bertha, I think is what
9 she said, to the victim. And she would call him for help and
10 he would stop by. He would go to her house and she would
11 sometimes stop by his house.

12 I don't know that that is evidence of good character. I
13 don't think that that qualifies. Even if the jury were to
14 believe that, that's not in the realm of what we typically
15 think of as good character. Had she said he is a wonderful
16 guy, he would never do that, or I've always known him to be
17 honest, or something commenting on a character trait, then I
18 would explore this further.

19 I don't -- I still don't know whether I would charge it
20 because I have not read the cases in full, but to the extent
21 that it could apply, it does not apply in this case.

22 And I know you want to say something else, but you do
23 know that once the Court has ruled, counsel shall not argue
24 an issue further. And every time I make a decision, you pop
25 up out of the chair to say some more stuff. You've already

1 made your argument. I've made my decision.

2 MR. SHAFFER: I have a different --

3 THE COURT: You have a different perspective I know.

4 That's why you --

5 MR. SHAFFER: And, Your Honor, I'm not arguing. I'm
6 just saying my recollection was not what the Court said
7 counsel's recollection was. I'm just making that point. I'm
8 just -- I'm not going to argue the case any further or the
9 issue.

10 THE COURT: Was your recollection that she said he's
11 always truthful or that he would never do something like
12 that?

13 MR. SHAFFER: I think my recollection was at one point
14 she said he's a good person.

15 MR. FEDALEI: It was in response to the question about
16 how they initially met, when she first met him.

17 THE COURT: Okay. I think generally being a good person
18 and that mentioned in the context of all of the other
19 testimony is not really a comment on his character. A
20 character trait is what the law contemplates and, therefore,
21 the language does not apply and will not be charged in this
22 case.

23 How long do y'all think y'all will take in closing?

24 THE DEFENDANT: I have a question.

25 THE COURT: Ask him and he will ask me.

1 MR. SHAFFER: He wants to go to the bathroom.

2 THE COURT: Oh, yes. Okay.

3 MR. SHAFFER: Sorry.

4 THE COURT: Yeah, let's take a break. We can be off the
5 record.

6 THE DEFENDANT: I'm sorry.

7 THE COURT: No. Go for it. Go ahead.

8 About how long do you think y'all will take? This is
9 off the record.

10 (WHEREUPON, there was a pause in the proceedings, after
11 which the proceedings resumed as follows.)

12 THE COURT: All right. So we are going to -- oh. Let's
13 bring them in and let -- well, he's in the restroom. As soon
14 as he comes back from the restroom, we'll let you rest on the
15 record. I mean you've rested on the record. In front of the
16 jury is what I mean.

17 And then send them back out for another break, during
18 which time we can see about lunch, whatever information you
19 need for lunch and, like, plan to have it here, like, 12:30-
20 ish, 12:45.

21 MR. BROWN: Just a housekeeping matter?

22 THE COURT: Sure.

23 MR. BROWN: We did supplement the video of the traffic
24 stop. It's labeled John Anderson redact completion per our
25 stipulations and rulings. And that would be State's evidence

1 11, and defense does have a copy of that.

2 So I think we're --

3 THE COURT: Perfect.

4 MR. BROWN: We're good to go on that.

5 THE COURT: Okay. Let's bring the jury, please.

6 MR. SHAFFER: And, Your Honor, just we were fine with
7 that. I think that the audio --

8 THE COURT: If you're fine with it, then we're good.

9 MR. SHAFFER: Can I finish that?

10 THE COURT: No.

11 (WHEREUPON, the jury entered the courtroom at 11:07
12 a.m.)

13 THE COURT: All right, folks. Does the defense have
14 additional witnesses?

15 MR. SHAFFER: No, Your Honor. The defense rests.

16 THE COURT: Okay. Ladies and gentlemen, that means you
17 have heard all of the evidence and testimony you're going to
18 hear in this case. All that remains is the closing arguments
19 of counsel and my charge to you on the law.

20 We have a couple little housekeeping matters that we
21 need to take care of before that can happen. I have got to
22 print some things and all of that.

23 But because it is just after 11, we are going to take
24 just a short break. I won't keep you back there too long,
25 but once the arguments are done and I've charged you on the

1 law, it will then begin -- it will be time for you to begin
2 deliberating. So we are going to have some lunch brought in
3 for you.

4 So during this break while I am getting myself together
5 and things printed, the clerk is going to step back there and
6 see about your lunch orders so that we can have the lunch
7 here at about the time -- we are trying to time it right, but
8 so that you will have some food, you know, right when you get
9 back to start deliberating.

10 So I will excuse you from the courtroom at this time.

11 (WHEREUPON, the jury exited the courtroom at 11:09 a.m.)

12 THE COURT: What else did you have, Mr. Shaffer?

13 MR. SHAFFER: Your Honor, the only thing I was going to
14 say is that we were fine with the audio being on the document
15 -- I mean on the CD, but it's our understanding that if they
16 need to play it, we are going to bring them back out here and
17 then mute it again --

18 THE COURT: Okay.

19 MR. SHAFFER: -- at the right time.

20 THE COURT: Okay. Good enough.

21 All right. We will be at ease for just a few minutes
22 while I get the jury charge printed and the verdict form
23 printed and then we will be back in five or ten minutes.

24 (WHEREUPON, there was a break in the proceedings from
25 11:10 a.m. until 11:34 a.m., after which the proceedings

1 resumed as follows.)

2 (WHEREUPON, the jury entered the courtroom at 11:34
3 a.m.)

4 THE COURT: All right, folks. As I told you, all that
5 remains is the closing arguments of counsel and my charge on
6 the law to you. I invite you to pay close attention. Give
7 the attorneys your undivided attention at this time, and then
8 you will hear from me last, after which you will go and
9 deliberate.

10 Mr. Brown?

11 MR. BROWN: May it please the Court.

12 THE COURT: Yes, sir.

13 MR. BROWN: Thank you, Your Honor.

14 CLOSING ARGUMENT ON BEHALF OF THE STATE

15 MR. BROWN: Ladies and gentlemen, this case is about the
16 lady on the screen there, Bertha Lee Robinson. She was 89
17 years of age after that wreck and after she was riding in a
18 vehicle with John Fitzgerald Anderson, who you saw.

19 He was driving at outrageous speeds, passing cars,
20 passing buses, and ultimately wrecking that vehicle, popping
21 the front right tire off of it, and resting in that location.
22 An 89-year-old woman who needed help from her caregiver to
23 walk across the street, needs help from her caregivers to
24 bathe herself, feed herself, take medication, and turn the
25 air conditioning on in her house.

1 As I appreciate Mr. Fedalei's opening statement and his
2 grandfather's service to our country and his grandmother,
3 it's not about Mr. Fedalei. It is not about his grandmother.
4 It's not about his grandfather, although I do appreciate his
5 service, and I'm sure they were fine people and grandparents.
6 It's about Bertha Robinson.

7 Bertha Robinson, as you heard, worked in New York City.
8 She compiled data. She retired from that job. Her husband
9 was in the transit authority in New York. Builds up a
10 pension, builds up a savings account, had CDs, had multiple
11 bank accounts. As of June 28th, 2017, gone. Why? It's that
12 man.

13 Even after the end of May, May 26th, 2017, when Terraine
14 and Anthony came down, they knew her bank accounts were off,
15 what did they do? Even when she's already been diagnosed
16 with dementia, she may have had a good moment, made that
17 power of attorney. They were lucky enough to be able to do
18 that.

19 Why? It got him off of that power where he could go up
20 there and it's their names on that account again.

21 What was the purpose of that? So when John Anderson
22 came back around her house and took her to that bank again,
23 they would be notified.

24 And after June 30th -- or February -- or not February,
25 but May 30th, after Mr. Gilmore contacted law enforcement and

1 said all the money is gone, the Jaguar key, the jewelry, the
2 coins, the investigation began, Ronnie Powell told him to
3 stay away.

4 Mr. Gilmore posted signs up around the property. Stay
5 off the property. We'll get into more of that in a little
6 bit and what that is part of the statute and what you have to
7 do to put notice of staying off the property. He posted the
8 property. He put cameras up.

9 Why? To make sure he didn't come back around to take
10 her money.

11 Even after these people told him to stay away, even
12 after Cindy Adams, who got involved late in this progression,
13 June 20th, and then began her care on the 23rd, even after
14 Cindy Adams, he came back up there and tried to get back in
15 the house, she said get off this property. You are not
16 supposed to be here.

17 But he couldn't leave it alone. Ms. Bertha was his
18 piggy bank. He couldn't leave it alone.

19 And you can see on June 28th, 2017, there he is. Mr.
20 Anthony Gilmore got the notification he's back for more.
21 Where does he go? He takes her to the bank. He sends her
22 in, takes out her money, goes to the gas station. We don't
23 know what he does with the other money, but on his pocket --
24 or in his pocket is \$249 of the \$300 Ms. Bertha had just
25 withdrawn.

1 It's not in her pocket. It's not in her purse. It's
2 not in her seat. It's in his pocket.

3 What did Dr. Stone say? I don't think there's any
4 question, any doubt of the mental state of Ms. Robinson. Dr.
5 Stone says she started seeing her back in November of 2016.
6 She lived alone. Her psychological -- psychological notes --
7 obsessed with garage door. Seemed off.. She didn't know
8 she'd been checked out of there. She hadn't been. She
9 thought she already had.

10 At that time, Dr. Stone's diagnosis. She's a vulnerable
11 adult. I asked her, "What is a vulnerable adult?" It's
12 somebody that can be taken advantage of real easy. November
13 of 2016.

14 The indictment for the exploitation of a vulnerable
15 adult is from January 1, 2017, to June 28th, 2017. So that
16 whole time period, she's already been deemed a vulnerable
17 adult by her family practitioner.

18 You heard from the bank tellers that actually saw her
19 when she came in and saw him come in with her. They were
20 alarmed. They went up the corporate ladder. Unfortunately,
21 nothing was done, but they went up the corporate ladder.

22 They saw him come in with her. They saw her come in
23 with him out in the parking lot. Jennifer Barrett says she
24 saw him in the car with her arguing with her.

25 So finishing up, Dr. Stone, May 24th, 2017, what does she

1 say? She's hearing music in her ears, she's falling a lot,
2 progressive dementia, very nervous and anxious is what the
3 notes say.

4 An MRI suggests she's had an aneurysm. Surgery is not
5 an option. She is well advanced in age. She is 89 years
6 old. She's now 90.

7 Then on June 26th, Cindy Adams, her new caregiver, takes
8 her to Dr. Stone. They agree. Diagnosis is late onset
9 Alzheimer's disease and dementia.

10 I asked the question of Dr. Stone. If somebody spent
11 any kind of time with her, would you be able to tell this
12 woman had dementia or had issues? Before I could even finish
13 my sentence, yes.

14 What's he been doing the whole time? You can tell from
15 that audio recording from John Hancock.

16 (WHEREUPON, a portion of State's Exhibit Number 5 was
17 played in open court, after which the proceedings
18 resumed as follows.)

19 MR. BROWN: January 30th, 2017, when he's in a room with
20 her and he has to tell her his name. He has to tell her his
21 name. A man they've already lost \$70,000. They are trying
22 to find this check. Cash out this \$15,000 check from John
23 Hancock. We've driven to Greenville already to the store.
24 They can't help me. Let me get my hands on it. Can I
25 overnight it? Can I overnight it to the house? Impatience.

1 Getting his hands on her money. A woman that can't even say
2 his name, but he tells her in the back.

3 Unfortunately, it was cashed out, \$15,213.07. You are
4 going to have this check, but what happened over this time
5 frame? Let's just go into all of the accounts.

6 Wells Fargo, First Citizens, United Community Bank. On
7 January 1, 2017, to June 28, 2017, \$116,000 -- \$602 --
8 \$116,602 was taken out of her accounts. So on June 28th,
9 after being told not to come back around, had to get 300 more
10 dollars and then risked her life by driving around and
11 wrecking that car with an 89-year-old woman.

12 Anthony Gilmore. You heard Anthony Gilmore and Terraine
13 Singletary are her only kin. She didn't have children. They
14 live in Maryland. They live in New York. It's hard to get
15 down here. He is a schoolteacher and pastor. They both have
16 families to take care of and they tried to get down here.

17 What was reported missing on May 30th, 2017? Bertha's
18 jewelry, Jaguar keys. Jaguar keys in his car in the backseat
19 in a book bag, not in Ms. Bertha's possession, but his
20 possession.

21 I explained to you to pay for her debts, pay for her
22 care, but Anthony, as you heard from Mr. Taylor, he was going
23 to get that Jaguar as being left by Ms. Robinson, had to sell
24 it. Ms. Adams bought it, offsetting the bill that was owed
25 to her for her care.

1 What did Ms. Adams say? It looks like the same key that
2 I now have possession of for that Jaguar.

3 The defense even brought up a witness, Mr. Thomas
4 Chandler, who owns Professional Automotive. He knows Ms.
5 Bertha brought in a Jaguar. There's no question she owned a
6 Jaguar. There's no question this was her key. There's no
7 question it was in his possession.

8 He knew. He knew it was being investigated by Ronnie
9 Powell. He knew items were missing. He'd already talked to
10 them. Possession of stolen property.

11 I'll touch on the no trespass signs that Mr. Gilmore
12 posted. He said he posted them on all four corners of the
13 property. I'll read you the statute here in a few moments,
14 but just remember that. Remember what Mr. Gilmore said about
15 posting those signs out in the open for all to see on all
16 four corners of that property.

17 Ronnie Powell began investigating on May 30th, documented
18 what was stolen, talked to John Anderson, collected items or
19 collected the audiotape you just heard from John Hancock,
20 responded out there that day to her house and noticed that
21 she was gone. He made the arrest. You saw him collect these
22 items on the dash cam.

23 If there's any doubt in your mind about whether or not
24 Ms. Bertha was a vulnerable adult, what did Cindy Adams say?
25 Her company is accredited by the Alzheimer's -- Alzheimer's

1 Foundation. They deal with this a lot.

2 Heat turned up multiple times. Had to turn it back down
3 and put tape on it. She forgets to turn down the heat and
4 has to sit on the porch, leaving your dog, Baby, penned up.
5 The house in disrepair, they had to go clean it. They had to
6 feed her. They had to bathe her.

7 You can tell from the video, Cindy, after getting
8 called, I'm sure her heart skipped a beat trying to find out
9 where her patient was. She quickly got out there. Took her
10 to the hospital to get her checked out that day.

11 Urban Mitchell. She said Urban Mitchell has got good
12 driving skills. He kept up with that car flying out of Ware
13 Shoals. We've got it all on camera so you can see it. You
14 can see he got out of the car.

15 (WHEREUPON, State's Exhibit Number 11 was played in open
16 court.)

17 MR. BROWN: You can see the red car now. The red
18 Hyundai Santa Fe.

19 (WHEREUPON, the video was stopped and the proceedings
20 resumed as follows.)

21 MR. BROWN: Then we know he took that \$300 out and ran.
22 Why? Because he knew he had been caught. She's in the car
23 with him. He ran. Risked her life and risked everybody
24 else's life on the road. Finally wrecked the car.

25 What else did you find out about the guy?

1 Whitni Jones. You saw her. She's got her own issues up
2 here. She's in an orange jumpsuit. She's -- she knows she's
3 got drug issues.

4 What did she say? She lived with him the first part of
5 January a couple days. When she got out of rehab, lived with
6 him a little bit longer.

7 What would she see? He'd always have money in his
8 pocket. When he'd get low, he'd disappear for 30 minutes, an
9 hour. He'd come back with stacks of cash. Stacks of cash.
10 When I asked how much, hundreds? Thousands? Thousands.

11 You'll have the bank records. You can see what has been
12 deducted out all these times.

13 Lastly, we'll talk about witnesses you heard. And this
14 follows up to Jennifer Barrett, First Citizens manager. She
15 and others saw him regularly come in and were alarmed by it,
16 contacted up.

17 Sharon Crabbe came up here. She said she talked to her
18 for five minutes over the phone back in October of 2016.

19 Then the tellers again notified her in January. She
20 told the tellers give John Anderson my telephone number and
21 see if he'll call me.

22 Folks, you can take that for what it is to show that
23 they investigated this. I'm not going to comment on that
24 anymore.

25 The tellers saw her every day, remembered what was

1 happening. You saw multiple witnesses.

2 The law in this case. It's a burden of proof. It
3 always is that the State has to prove to you beyond a
4 reasonable doubt that the defendant did commit the offenses
5 that he's charged with. That the indictments that are
6 presented before you, that we prove every element of those
7 indictments, every element of the case. It's a burden we
8 welcome.

9 We go to the law first. John Fitzgerald Anderson is
10 charged with exploitation of a vulnerable adult. What is
11 that?

12 The judge is going to give you the law here momentarily.
13 If I say something that differs from what the judge says
14 later, you disregard what I say and you follow her. She is
15 the judge. She gives you the law. I think I'm pretty close
16 on it.

17 Exploitation of a vulnerable adult. A person who
18 knowingly and willfully exploits a vulnerable adult.

19 What is exploitation? An improper, unlawful or
20 unauthorized use of the funds, assets, property, power of
21 attorney, guardianship or conservatorship of a vulnerable
22 adult by a person for profit or advantage of that person or
23 another person.

24 Sound familiar? Causing a vulnerable adult to purchase
25 goods or services for the profit or advantage of the seller

1 or another person through undue influence, harassment,
2 duress, force, coercion, swindling by overreaching, cheating
3 or defrauding a vulnerable adult through cunning larcenous
4 devices that delude a vulnerable adult and cause him or her
5 to lose money or other property.

6 Vulnerable adult is defined as a person 18 years of age
7 or older who has a physical or mental condition which
8 substantially impairs a person from adequately providing for
9 her own care or protection. This includes a person who is
10 impaired in the ability to adequately provide for a person's
11 own care or protection caused by infirmities of aging,
12 including but not limited to, again, brain damage, aneurysm,
13 advanced age -- 89 years old -- and physical or mental or
14 emotional dysfunction -- dementia, Alzheimer's, anxiety, and
15 depression.

16 That's your statute. Those are the elements. You heard
17 from Dr. Stone and everybody else up on the stand that Bertha
18 Robinson fit that to a T. You have the other evidence of at
19 least on June 28th, 2017, that he has her money in his pocket,
20 that he has her Jaguar key in his car.

21 Go back farther than that and you've got a John Hancock
22 audio that talks about a whole heck of a lot more money than
23 \$300 -- 15,000. And you see and you heard from the bank
24 tellers of all the times he came in with her. None of that
25 money is in her house. She's not bought anything with that

1 money. It's not buried in the backyard. It vanished out of
2 her possession and went to his.

3 What else is he charged with? Entry into another's
4 property. Unlawful entry into another's property is any
5 other lands of another after notice from the owner or tenant
6 prohibiting such entry.

7 When any owner or tenant of any land shall post a notice
8 in four conspicuous places on the border of such land
9 prohibiting entry thereon, the proof of the posting shall be
10 deemed and taken as notice conclusive against the person
11 making entry. As we said, when a person trespasses.

12 You heard Anthony Gilmore say when he was down there May
13 30th, 2017, he and Terraine were checking on his aunt to get
14 everything in order to hopefully stop this exploitation. He
15 posted the property in an effort to keep people off, but you
16 know for certain that on June 28th after the posting, John
17 Anderson is back on that property, as documented by this
18 photograph.

19 The last charge, receiving stolen goods or other
20 property, receiving or possessing property represented by law
21 enforcement as stolen. The statute is it's unlawful for a
22 person to buy, receive or possess stolen goods, chattels, or
23 other property the person knows or has reason to believe that
24 property is stolen.

25 It was reported stolen May 30th, Jaguar keys, jewelry.

1 May 30th, 2017. Ronnie Powell was talking to him, as
2 testified to. He's investigating. He was even talking about
3 a John Deere tractor. He knows he's being investigated.
4 Property stolen, property missing, and it's in his possession
5 on June 28th.

6 Folks, that's evidence on all three of those charges.
7 Every one of those elements, the boxes have been checked.
8 He's guilty of all of them.

9 What's the burden of proof? Proof to you beyond a
10 reasonable doubt.

11 What is that? It's proof that leaves you firmly
12 convinced of the defendant's guilt. It does not mean beyond
13 all doubt. It does not mean beyond any and every doubt.
14 It's you're firmly convinced. Firmly convinced that John
15 Fitzgerald Anderson did exploit Ms. Bertha Robinson, was in
16 possession of the jewelry and Jaguar key, and did enter her
17 property after notice.

18 That's the burden of proof. I submit to you we've met
19 it.

20 At the end of Mr. Fedalei's opening statement, he said
21 no good deed goes unpunished. Frankly, I can't think of a
22 good deed he did. That saying does not belong in this case.
23 He left the woman with dementia and Alzheimer's who had built
24 up over her life money to live safer on, provide for her care
25 as she aged, penniless.

1 We've met the burden. Find him guilty.

2 THE COURT: Mr. Fedalei.

3 MR. FEDALEI: Thank you, Your Honor. May it please the
4 Court.

5 THE COURT: Yes, sir.

6 CLOSING ARGUMENT ON BEHALF OF THE DEFENDANT

7 MR. FEDALEI: We talked at the very beginning of this
8 case about how important it is to be there. That's why you
9 heard the whole story about my grandmother. And the point
10 was that it's in contrast to Ms. Robinson's situation because
11 she didn't always have someone that was there for her.

12 At this point, you got to hear from a lot of people over
13 the course of this trial, but there's one person you have not
14 got to hear from, and that's Ms. Bertha Robinson. We know
15 that Ms. Robinson was living alone in a house by herself out
16 in the country, and we know she didn't have any family who
17 lived in state. Ms. Robinson was alone. I don't know what
18 that's like.

19 But Ms. Robinson needed somebody to care for her, but
20 also to care about her. The person that was there for her,
21 the person that cared for her and cared about her was John
22 Anderson, her neighbor just down the street. I think you
23 heard it's across the way to the left down the road. You can
24 see her house from his house.

25 I need to correct myself a little bit because it's not

1 John's house.. It's his mom's house, which is how he met Ms.
2 Robinson because of his mom's friendship with her.

3 We also know from what you've heard that Ms. Robinson
4 was a smart, independent lady. You heard from Aaron Taylor
5 about how Ms. Robinson was funny, sweet. She'd always give
6 him a hug when he saw her, and how he made sure before he
7 would let her sign an important document, like a durable
8 power of attorney giving the rights to all of your property
9 over to somebody else -- think about how important that is,
10 think about signing your property over to someone else
11 completely, giving them complete control.

12 He made sure before he would let Ms. Robinson do that
13 that she was in the right frame of mind, that she had the
14 capacity to make that decision. Now, that's about the
15 biggest decision you can make, and Mr. Taylor did his job.

16 He's a smart guy. He's not a doctor, but he's about as
17 -- he's been in the position before in which he had to look
18 at people and decide if they were in the right frame of mind.
19 From his experience as a prosecutor, his experience as a
20 practicing attorney, that's a part of his job to make sure
21 people have that capacity. And at the end of May in 2017,
22 Ms. Robinson had that capacity.

23 We also know that Ms. Robinson really, really, really
24 did not want to get put in a home. We know from the
25 caregivers hired by Cindy Adams that Ms. Robinson became very

1 upset at the idea of living in a home. And we know that even
2 after John was arrested, even after John is out of the
3 picture, that she still is aware enough to be frustrated at
4 the fact that people treat her like she's crazy, to act like
5 she has no autonomy left, no freedom at all.

6 Again, I don't know what it's like to be treated that
7 way. I hope that I never do.

8 The other thing that really bothers me about this is
9 that in a case like this where it's so important what the
10 dynamic was between John Anderson and Ms. Robinson that
11 nobody asked Ms. Robinson. Hey, what's going on with this
12 guy, your next-door neighbor? Does he help you out? Is he
13 taking your money? Is he mistreating you?

14 Nobody asked her. That would be the first thing I would
15 want to know if I was investigating this. Let's talk to the
16 person who actually might -- who is in the center of this,
17 knows more than anyone else about this. No one bothered.

18 The one person who did bother was Sharon Crabbe, the
19 fraud investigator for First Citizens. She also did her job.
20 When there was suspicious activity reported on that account,
21 she called Ms. Robinson and she had that conversation with
22 her.

23 You heard Sharon Crabbe talk about how she has decades
24 of experience as a fraud investigator for First Citizens.
25 And over that long career, she's investigated many different

1 cases that involved very similar situations, and her concerns
2 were fully alleviated after that conversation that she had
3 with Ms. Robinson. She did her job. She made sure that she
4 was protecting Ms. Robinson.

5 Here's what we do know. We know that Ms. Robinson would
6 call John to talk. We know that she would go over to his
7 house sometimes. Sometimes she would call in advance;
8 sometimes she'd just show up. We know that John took her
9 food, that he hand-delivered food to Ms. Robinson.

10 We know, as you heard from Whitney Jones, that Ms.
11 Robinson would even -- when she was in trouble, when she
12 needed help, the person she would call was John Anderson.
13 You heard about the specific occasion where she drove herself
14 into Greenwood and, yes, she was still driving at the time.
15 She got herself lost.

16 Maybe safe to say she wasn't the most tech savvy. She
17 probably didn't whip out her phone and use GPS to get home,
18 but she did know the phone number to John Anderson, and
19 that's who she called to help her out. That's who came and
20 got her and took her home and made sure that she was safe.

21 We know that John took her to the doctor's office
22 because you heard Dr. Stone talk about the neighbor, Gerald,
23 who looks after her, who takes care of the patient. That he
24 would take her to the doctor.

25 And yes, we know that sometimes he went to the bank with

1 her. You heard Brianna Robinson, the teller at the bank, the
2 one who dealt with Ms. Robinson face-to-face, who had that
3 interaction with her. You heard her talk about John never
4 signed a form. He never told Ms. Robinson what to do. He
5 was just there to make sure that what she wanted happened.
6 That what she wanted to happen happened. You even heard the
7 teller say sometimes Ms. Robinson would mess things up and I,
8 in my job, would say, "Okay, Ms. Robinson, what do you want
9 to do? I'll make it happen for you."

10 She was practically relieved. She said she thought it
11 was nice that somebody was actually there to help her out,
12 somebody who otherwise did not have someone to be there for
13 her.

14 Even after they arrested John and put him in jail, you
15 heard about Ms. Robinson still wanted to go to the bank and
16 get money out. You heard about how she got her pension check
17 in the mail and she wanted to go to the bank. She wanted to
18 get cash out.

19 John is not around. John is not there looking over her
20 shoulder. She's at the bank with Cindy Adams and another
21 caretaker. The only reason she didn't get that money out was
22 because they stopped her.

23 So we know that Ms. Robinson's desire to get money out
24 doesn't really have anything to do with whether John is there
25 or not. She likes to have her money, and that's her money.

1 Think about it. What do you save up money your whole
2 life for? You don't get to take it with you when you pass.
3 When you have money saved up and you're in old age and you
4 know that things might be going downhill for you, what are
5 you going to do with your money? Are you going to let it
6 sit? Maybe you want to use it. Maybe that's the time you
7 actually saved that money for.

8 I also need to point out that we did not get to hear
9 from Ms. Robinson's relative who was here the most. That
10 would be Terraine Singletary. You heard at the very
11 beginning of the case that she's having, I guess, some
12 medical issues that prevented her from being here, but it's a
13 real shame y'all didn't get to hear from her because she was
14 here as a relative more than anyone else.

15 You heard Mr. Gilmore talk about, well, he was here in
16 May of 2017, and it had been a year before he was back in
17 South Carolina before then, but Terraine was the one that
18 came down more often. She was the person that actually went
19 to the doctor's office as well with Ms. Robinson on different
20 occasions.

21 You also heard Brianna Robinson, the bank teller again,
22 talk about that Ms. Robinson, Bertha that is, would sometimes
23 come in with a female relative or a male relative as well,
24 but we don't get to hear anything about Terraine or rather
25 from Terraine, and that's a shame. I wish you all had that

1 information.

2 Talking about the stolen jewelry, that jewelry is in
3 evidence. Y'all will get a chance to look at it. We know
4 that nobody can identify that jewelry.

5 Ronnie Powell called it costume jewelry, and you'll get
6 to see it when you inspect it. This is not -- this is not
7 hundreds of thousands of dollars of jewelry, and I'm not a
8 jeweler so I don't know how exactly it's worth, but I know
9 the stuff in there is broken and I know it doesn't look very
10 nice and I know it's chipped and cracked and this is not a
11 big payload as far as jewelry goes. And I think when you
12 hear the officer who actually investigated the case call it
13 costume jewelry, that really tells you something.

14 Cindy Adams testified that she thought it was Ms.
15 Robinson's, but Cindy didn't even know Ms. Robinson until
16 June 20th. That's when she showed up on the scene. By then,
17 the jewelry had already been reported missing, supposedly, by
18 Mr. Gilmore. So she has no idea. We know that.

19 We also heard Whitney say, who came the closest to
20 identifying it and who was honest enough to say, well, it
21 looks very similar to something else I saw -- that she saw
22 and thought she recognized it from a drawer in John's
23 mother's house.

24 And, of course, Anthony didn't really know. Mr. Gilmore
25 didn't really know what the jewelry looked like. He said,

1 oh, well, you know, she said some jewelry was missing, but he
2 can't pick it up and be, like, yeah, this is my mom's
3 necklace. I saw her wearing this on her birthday or
4 whatever. He doesn't know.

5 And to be fair to him, I wouldn't know either. If
6 somebody took my mom's jewelry or something, I wouldn't be
7 able to say this is that piece, this is that piece, this is
8 that piece. So nobody can really tell you if this is stolen
9 jewelry or what it is and, certainly, it ain't worth much.

10 Let's go on to the other, the big-ticket item, the
11 Jaguar keys. Ronnie Powell said the key is like a serial
12 number. The key fits the lock, the key works, you know that
13 it's worth something. How much is a key that doesn't work?
14 How much is that worth? Not much.

15 We heard Mr. Chandler from Professional Automotive
16 Services, who actually serviced the car in 2014. He
17 testified that they recoded the key. Now, again, the key is
18 in evidence. Y'all get to see it. It's got that little
19 clicker, the remote on it. It's electronic, but it uses a
20 code. And if the key gets recoded, that's only worth the
21 plastic and metal it's made of.

22 The other thing too is that there's no mystery where the
23 Jaguar is. It's no mystery where the key is. Anyone that
24 cared enough and bothered enough to test the key could walk
25 up to that car, turn the key, see if it works, but they

1 didn't and they're not going to. Why? Because it's not
2 going to work. It's the old key. It's the junk key, and it
3 was found in a box with a bunch of other junk.

4 You also heard from Mr. Chandler that this was a low-
5 mileage Jaguar and, after they serviced it in 2014, it was
6 running fine. They did a lot of work to it. It had been
7 sitting for I think he said -- it's a 2000 Jaguar and they
8 serviced it in 2014, so 14 years and it had 30-something
9 thousand miles on it. That's pretty low mileage. That car
10 had not been driven much.

11 Yet three years later, apparently, it wouldn't run at
12 all, according to Cindy Adams' friend who knows a lot about
13 jaguars. He was not here to testify.

14 We also know that at the time the family owed Cindy
15 Adams a lot of money, and we know that for a low-mileage
16 Jaguar, she credited them \$2,500. We know where the Jaguar
17 is. You know that at least at one point it was sitting in
18 her driveway. The key is right there. She's got the keys to
19 it.

20 Even more so than the junk jewelry, even more so than
21 the old useless key, the money. The money is the biggest
22 thing in this case; right? John Anderson supposedly took
23 \$112,000 from this lady, and there's no doubt, just like I
24 told y'all at the beginning, that Ms. Robinson was
25 withdrawing a lot of money, her money.

1 And the bank followed up and nobody found anything
2 untoward about what she was doing, aside from the fact that
3 she was getting a lot of money. That may have raised a red
4 flag, but I don't tell people how to use their money. Even
5 the bank doesn't tell you how to spend your money.

6 The law says that John Anderson must have benefited from
7 this money, that he must've gotten something out of this,
8 that he must have been able to use it. Yet you have a guy
9 who was living at his mom's house with other relatives who
10 has to borrow cars to get to run errands. Does that sound
11 like somebody who got \$100,000 in six months?

12 The only person who said that John had any kind of money
13 was Whitney Jones, the person that lived with him for maybe a
14 total of a few weeks in 2017. She said that he would have
15 cash in his hand, but she has no idea how he got that money.

16 She said that he was on a laptop all day and that she
17 assumed that he was working, and there's no evidence to
18 contradict that. There's no evidence to show that Ms. Bertha
19 gave him any of that money. There's no evidence to show that
20 these stacks of cash came from her or anything that was
21 illegal, unduly influential, untoward.

22 Not to mention the fact -- and I'll just say this almost
23 as an aside. Mr. Shaffer and I work for the Public
24 Defender's Office. John --

25 MR. BROWN: Objection, Your Honor. That's not relevant.

1 THE COURT: Sustained.

2 MR. FEDALEI: It doesn't --

3 THE COURT: Sustained.

4 MR. FEDALEI: Okay.

5 You may be thinking, okay, then, well, if he had money
6 before, but now he doesn't, what changed? Well, he got
7 arrested. He sat in jail for 93 days.

8 Every one of you has worked a job before and you
9 certainly know that most jobs won't let you disappear for 93
10 days and you would be able to keep working, let alone having
11 a pending charge like this that sounds so terrible hanging
12 over you. That changed his circumstance a lot.

13 MR. BROWN: Judge, these are facts not in evidence.

14 THE COURT: Sustained. Move on.

15 MR. FEDALEI: Let's talk about the John Hancock tape.

16 You all heard it with your own ears. You heard John Anderson
17 identify himself as John Anderson. You heard him have an
18 extended conversation with a representative from John
19 Hancock. You heard him say I'm here with Ms. Robinson. You
20 heard him tell the account representative she's an older
21 lady. I'm here helping her out.

22 Now, is John Anderson some kind of evil genius that
23 swindled hundreds of thousands of dollars from an old lady
24 without anyone detecting it and then got on a call that he
25 knew that was recorded, identified himself, and said I'm here

1 to help her cash out her stocks? Which one is it?

2 Maybe the simpler explanation is the true one, that he
3 was just trying to help her out and that's what Ms. Robinson
4 wanted. And he made sure to say his name was John, even
5 though he normally goes by Gerald, just to make sure
6 everything was aboveboard. He made sure that everything was
7 right with the account. He made sure that Ms. Bertha is
8 getting her money. He even tried to see if he can just get
9 it -- if the money can just go directly to her account.

10 There's no element of, oh, can you write the check out
11 to somebody else? Can you cut a little piece off for her
12 friend who is helping her out? No. That money goes straight
13 to Ms. Bertha and it gets deposited in her bank account. You
14 will get to see that. So which is it?

15 And again, she's in her late 80s. She's living by
16 herself. She doesn't have direct kin of her own. She
17 doesn't have a son or daughter. She's not going to take that
18 stock with her.

19 One question that I think would be -- would certainly
20 make sense for y'all to be wondering about is, okay, what's
21 the deal with the chase then? Why would somebody who wasn't
22 doing anything wrong run from the police?

23 Well, you also heard and I told you at the beginning
24 that John Anderson took responsibility for making that
25 decision. That he owned up to it. It was a stupid decision.

1 He accepted responsibility for it and he admitted to it, like
2 he should do, but there's a big difference between admitting
3 something you did and something you didn't do, which is why
4 you all have been here this week.

5 Now, something that is very, very, very important that
6 we all need to understand is what reasonable doubt means.
7 The reason we have such a high standard is to protect all of
8 us because we have a system where it's better that we need to
9 be sure before we convict people beyond a reasonable doubt.

10 And it's not just that one of you has to be sure beyond
11 a reasonable doubt. It's not that three -- that four -- that
12 five -- a majority -- even if eleven of you are convinced
13 beyond a reasonable doubt. Each and every one of you, all
14 twelve of you, must be convinced beyond a reasonable doubt
15 that he's guilty of these charges. Otherwise, you can't
16 convict. That's not how our system works.

17 The State has to prove these cases to you beyond a
18 reasonable doubt. If they are asking you to fill in the
19 blanks, if they are asking you to connect the dots for them,
20 it's not good enough.

21 And that's exactly what they're asking you to do. They
22 want to tell you guys that John Anderson received stolen
23 goods, that he had stolen property in his car that didn't
24 belong to him, yet nobody can really describe what was
25 stolen.

1 Mr. Gilmore made the report, supposedly. I mean it's on
2 the report, but he can't identify any of the jewelry. Again,
3 you will get to see the jewelry.

4 Nobody can tell you if this key is useful for anything
5 beyond maybe scratching lottery tickets. Nobody can tell
6 you, hey, this was Bertha's jewelry. We know because we saw
7 her wearing it. We know because it was her favorite piece.
8 Nobody knows that.

9 And nobody knows whether the stuff that was missing from
10 her house or whether the stuff that's in this bag is
11 connected at all. All I can tell you for sure is that a
12 bunch of what I would call junk was found in this bag, and
13 y'all get to see it for yourself.

14 But if you have to fill in the blanks for the State,
15 connect the dots to say, well, you know, some people reported
16 jewelry stolen and then there was also jewelry found, so it
17 must've been that same jewelry, that's connecting the dots
18 for them. That's not holding them to their burden. That's
19 why it's not good enough to convict him of receiving stolen
20 goods.

21 They also want to say that John trespassed on Bertha's
22 land. Trespassed after notice. Now, you heard the only way
23 notice would've been established would have been by those
24 signs that Mr. Gilmore put on the property; right?

25 Well, let's also be realistic. Your next-door neighbor

1 has been somebody for years. You'll hang out together. You
2 run errands together. You take this person food. One day
3 there is a no trespassing sign in the yard. Are you never
4 going to talk to them again? Are you never going to stop by
5 and say hey? Ring the doorbell?

6 And if an officer tells you, well, I think you should
7 kind of stay away from this person, that's not the same thing
8 as being put on trespass notice. The only way notice
9 would've come would have been from those signs, and you all
10 have to make a decision about whether that's enough to keep
11 somebody that knew this lady for years -- to put them on
12 notice that they should know better than to go on the
13 property.

14 Again, if you have to connect the dots for the State, if
15 you have to fill in the blank and say, well, he should have
16 put two and two together, that's not good enough. It's not
17 good enough to convict.

18 Probably most importantly, the State wants to tell you
19 that John Anderson exploited Ms. Bertha Robinson, a
20 vulnerable adult, but they can't show that Ms. Bertha was
21 doing anything she wouldn't have done otherwise. They can't
22 show you that she was getting out money because John got her
23 to do it. They can't show you that he was unduly influencing
24 her, that he was using her weakness against her. Again, even
25 when John was out of the picture, Ms. Bertha was still

1 wanting to go to the bank and get cash out.

2 John Anderson certainly wasn't living large. He wasn't
3 buying anything expensive. He wasn't going on big vacations.

4 MR. BROWN: Judge --

5 MR. FEDALEI: You don't have anything about that.

6 MR. BROWN: That is not in evidence.

7 THE COURT: Sustained.

8 MR. FEDALEI: So where is the benefit? Where did this
9 money help him out?

10 They can't show you where this money went at all. They
11 can't show you that Ms. Bertha wasn't just getting it and
12 spending it on her own. They can't show you that somebody
13 else was taking advantage of you her. They can't show you
14 that she was getting it out and stashing it somewhere. You
15 just don't know. And if they can't connect the money to John
16 Anderson, if they can't put it in his hand, it's not good
17 enough.

18 Now, you may be thinking, okay, but the day in the car,
19 he had cash on him. She had just gotten out \$300. Again,
20 there has to be something wrong with him having the money and
21 you have to, of course, believe that that is the same money
22 that she just got out, that it wasn't money he had anyways.

23 Again, trying to connect the dots, trying to make you
24 guys do that little last piece of work that the State has not
25 proven. Don't let them get away with it.

1 This system is set up to protect all of us, to protect
2 our constitutional rights, to protect us from the State using
3 its power to prosecute and accuse us. That's why your duty
4 as jurors is so important. It's why we have the rules set as
5 we do.

6 Ladies and gentlemen, it's not a crime to be there for
7 someone. John was there for Ms. Bertha. They can't show
8 that anything about that was manipulative, was untoward, was
9 exploitive. You can't connect the dots for the State and, if
10 they ask you to, you can politely say no. That's why you
11 must vote to find John Anderson not guilty of these charges.
12 Thank you.

13 THE COURT: Mr. Brown.

14 MR. BROWN: Thank you, Judge.

15 CLOSING ARGUMENT ON BEHALF OF THE STATE

16 MR. BROWN: I'm going to start off by saying use your
17 common sense. You can bring that in here. You don't have to
18 leave it at the door. You all have life experiences. Use
19 your common sense.

20 Mr. Fedalei was saying if we can't put the points
21 together. The judge is going to instruct you about
22 circumstantial evidence versus direct evidence, and you can
23 definitely take one instance and another and if it points to
24 a conclusion, evidence is indirect evidence for proof of a
25 chain of facts or circumstances that tend to point to one

1 fact. Direct evidence would be you see him on the porch, you
2 see him driving that car, you see him in possession of that
3 jewelry. The judge is going to instruct you that you can use
4 both circumstantial and direct..

5 So when he says we can't use different points to add up,
6 you listen to what the judge says about that. She'll
7 instruct you.

8 Mr. Fedalei says that the family wasn't there to protect
9 her. The family wasn't there to take care of her, but John
10 Anderson did all of this stuff. He brought her food. Folks,
11 that's a wolf in sheep's clothing..

12 Again, exploitation, swindling by overreaching, cheating
13 or defrauding a vulnerable adult using cunning arts or
14 devices to delude a vulnerable adult and cause him or her to
15 lose money or property.

16 I'm just going to hit on a few points.

17 The John Hancock recording. Y'all heard it. He had to
18 tell her John Anderson.

19 One thing Mr. Fedalei talks about is you can't take it
20 with you. You can't take that stock with you. You can't.
21 That's why Mr. Aaron Taylor drafted a will a couple years
22 ago, and John Anderson's name wasn't in it. It was for
23 Terraine and Anthony.

24 No, I'm just a friend helping her out, trying to wrap up
25 a few things. What? I'm just somebody here to take her

1 money. Somebody that's got dementia.

2 Mr. Fedalei also said that she called John Anderson when
3 she went to Greenwood and couldn't find her way back. Folks,
4 she got lost. She's been here since the '80s, as Mr. Gilmore
5 said, and she got lost. Why? She's got dementia.

6 Another point. Mr. Fedalei said you can't take it with
7 you, talking about the money in the account. Well, does that
8 leave it open for free reign for Mr. Anderson to get a hold
9 of it? No.

10 And then Terraine and Anthony, as willed by her a few
11 years earlier. Sounds like, okay, she's not going to be
12 around much longer. John gets to have it. No, it doesn't
13 work that way.

14 Let's get to that jewelry. People sat up here. It
15 ain't worth much, junk jewelry, costume jewelry, not very
16 nice jewelry. Ladies and gentlemen, that was her jewelry. I
17 don't care how much it costs. It was hers. It was not his.
18 It was hers.

19 There's no dollar amount associated with this. It's
20 actually receiving stolen goods, \$2,000 or less. It could
21 have been a penny. It wasn't his. You can say it's junk
22 jewelry, it ain't worth much, costume jewelry, but it was
23 important to her. It's not his.

24 There's no question associated to that that the Jaguar
25 key was hers. It belonged to that Jaguar that Anthony was

1 going to get, but then had to sell to offset her bills
2 because all the money was taken. That Cindy Adams says
3 matches the exact same key that she's got and she's driving
4 it.

5 Circumstantial evidence. You can use it.

6 I could stand up here all day and go over each thing
7 that Mr. Fedalei said, but I don't need to. Y'all have
8 common sense. Y'all saw what happened. You heard from the
9 tellers. You heard from Cindy Adams. You saw for yourself
10 what this guy did when he got caught. Yeah, \$116,000 and six
11 -- \$116,602 was not in her house. It's not buried in the
12 backyard. I don't know what he did with it.

13 But you know the money he took out that day where it
14 was, in his pocket, and even if you don't want to find that
15 he took \$116,000, on June 28th, 2017, there's no doubt that
16 that money is in his pocket. He had just left that bank with
17 her in the car.

18 That's exploitation of a vulnerable adult. This is
19 receiving goods belonging to somebody else. And this is
20 somebody coming on the property, unlawfully entering
21 somebody's property after being noticed.

22 That's direct evidence, that's direct evidence being in
23 there, and you heard his phone call with John Hancock, and
24 you can add up all the others.

25 Mr. Fedalei said don't let the State get away with it.

1 Turn that. Don't let him get away with it. Find him guilty.

2 CHARGE ON THE LAW

3 THE COURT: All right. Ladies and gentlemen, I will now
4 charge you on the law that applies to this case.

5 I remind you that during this trial, you and I have
6 certain duties to perform. As the trial judge, it is my
7 responsibility to preside over the trial of this case, and I
8 also have the duty to rule on the admissibility of evidence
9 offered during this trial.

10 You are to consider only the evidence before you. If
11 there was any testimony ordered stricken from the record
12 during this trial, you must disregard that testimony. You
13 are to consider only the testimony which has been presented
14 from the witness stand, any exhibits which have been made a
15 part of the record in this case, and any stipulations of the
16 parties.

17 I have the additional duty to charge you the law
18 applicable to this case. It is your duty as jurors to accept
19 and apply the law as I now state it to you. If you think you
20 have any idea as to what the law is or what the law ought to
21 be and it does not agree with what I tell you the law is, you
22 must forget that idea because you are sworn to accept the law
23 and apply the law exactly as I state it to you.

24 In every case tried in this court before a jury, the
25 jury becomes the sole and exclusive judge of the facts. A

1 trial judge cannot comment on or make any statement about the
2 facts in a case. Since you are the sole judges of the facts,
3 do not think by anything that I have said during the trial
4 that I have any opinion about the facts in this case. The
5 law does not allow me to have an opinion about the facts.

6 The indictments charge the defendant with exploitation
7 of a vulnerable adult, receiving stolen goods valued less
8 than \$2,000, and unlawful entry on another's land after
9 notice.

10 I remind you that the fact that the defendant was
11 arrested, charged, and indicted is not evidence in this case
12 and cannot be considered by you as evidence of guilt in this
13 case, nor does it create any presumption or inference of
14 guilt. Those documents are simply the formal written
15 instruments which contain the charges made against the
16 defendant. They are the formal documents by which this case
17 is brought into court.

18 The indictments in this case allege several different
19 offenses against the defendant. The charges are exploitation
20 of a vulnerable adult, receiving stolen goods valued less
21 than \$2,000, and unlawful entry on another's land after
22 notice.

23 Each indictment charges a separate and distinct
24 offense. You must decide each indictment separately on the
25 evidence and law applicable to it, uninfluenced by your

1 decision as to any other indictment.

2 The defendant may be convicted or acquitted on any or
3 all of the offenses charged. You will be asked to write a
4 separate verdict of guilty or not guilty for each indictment.

5 The defendant has pled not guilty to each of these
6 indictments, and that plea puts the burden on the State to
7 prove the defendant guilty of each of the indictments.

8 A person charged with committing a criminal offense in
9 South Carolina is never required to prove himself innocent.
10 I charge you that it is an important rule of the law that the
11 defendant in a criminal trial, no matter what the seriousness
12 of the charge may be, will always be presumed to be innocent
13 of the crime for which the indictment was issued unless guilt
14 has been proven by evidence satisfying you of that guilt
15 beyond a reasonable doubt.

16 This presumption of innocence does not end when you
17 begin with your deliberations, but it accompanies the
18 defendant throughout the trial until you reach a verdict of
19 guilt based on evidence satisfying you of that guilt beyond a
20 reasonable doubt.

21 The presumption of innocence is like a robe of
22 righteousness placed about the shoulders of the defendant
23 which remains with the defendant until it has been stripped
24 from the defendant by evidence satisfying you of the
25 defendant's guilt beyond a reasonable doubt.

1 The presumption of innocence is not a mere legal
2 theory. It is not just a legal phrase. It is a substantial
3 right to which every defendant is entitled unless you, the
4 jury, are satisfied from the evidence of the defendant's
5 guilt beyond a reasonable doubt.

6 What is a reasonable doubt in the law? A reasonable
7 doubt is the kind of doubt that would cause a reasonable
8 person to hesitate to act. The State has the burden of
9 proving the defendant guilty beyond a reasonable doubt.

10 Now, some of you may have served as jurors in civil
11 cases where you were told that it is only necessary to prove
12 that a fact is more likely true than not true, such as by the
13 greater weight or the preponderance of the evidence.

14 In criminal cases, the State's proof must be more
15 powerful than that. It must be beyond a reasonable doubt.
16 Proof beyond a reasonable doubt is proof that leaves you
17 firmly convinced of the defendant's guilt.

18 There are very few things in this world that we know
19 with absolute certainty, and criminal -- and in criminal
20 cases, the law does not require proof that overcomes every
21 possible doubt. If, based on your consideration of the
22 evidence, you are firmly convinced that the defendant is
23 guilty of the crime charged, you must find the defendant
24 guilty. If, on the other hand, you think that there is a
25 real possibility that the defendant is not guilty, you must

1 give the defendant the benefit of the doubt and find him not
2 guilty.

3 There are two types of evidence which are generally
4 presented during a trial: direct evidence and circumstantial
5 evidence.

6 Direct evidence is the testimony of a person who claims
7 to have actual knowledge of a fact, such as an
8 eyewitness. It is evidence which immediately establishes the
9 main fact to be proved.

10 Circumstantial evidence is proof of a chain of facts and
11 circumstances indicating the existence of a fact. It is
12 evidence which immediately establishes collateral facts from
13 which the main fact may be inferred. Circumstantial evidence
14 is based on inference and not on personal knowledge or
15 observation.

16 For example, direct evidence that it snowed would be you
17 standing in the snow and observing that it snowed or a
18 witness testifying to you that they were standing watching
19 the snowflakes fall.

20 On the other hand, if you pull up to work in the
21 morning, it is not snowing, you park your car, you go inside
22 and, when you come outside, your car is covered with snow,
23 the ground is covered with snow, it is cold outside, and
24 other similar factors, that would be circumstantial evidence
25 that it snowed while you were inside.

1 The law makes absolutely no distinction between the
2 weight or value to be given to either direct or
3 circumstantial evidence, nor is a greater degree of certainty
4 required of circumstantial evidence than of direct
5 evidence. You should weigh all of the evidence in the case
6 and, after doing so, if you are not convinced of the guilt of
7 the defendant beyond a reasonable doubt, you must find the
8 defendant not guilty.

9 Necessarily, you must determine the credibility of
10 witnesses who have testified in this case. Credibility
11 simply means believability. It becomes your duty as jurors
12 to analyze and evaluate the evidence and to determine which
13 evidence convinces you of its truth.

14 In determining the believability of witnesses who have
15 testified in this case, you may believe one witness over
16 several witnesses or several witnesses over one witness. You
17 may believe a part of the testimony of a witness and reject
18 the remaining part of the testimony of that same
19 witness. You may believe the testimony of a witness in its
20 entirety or reject the testimony of a witness in its
21 entirety.

22 You may consider whether any witness has exhibited to
23 you any interest, bias, prejudice, or other motive in this
24 case. You may also consider the appearance and manner of a
25 witness while on the witness stand.

1 The rules of evidence ordinarily do not permit witnesses
2 to testify as to their opinions or conclusions. An exception
3 to this rule exists for witnesses we call expert
4 witnesses. A witness who by education and experience has
5 become expert in some art, science, profession, or calling
6 may state an opinion as to relevant and material matter in
7 which the witness claims to be an expert and may also state
8 the reasons for the opinion.

9 You should consider any expert opinion received in
10 evidence in this case and, like any other evidence, give it
11 the weight you think it deserves. If you decide that the
12 opinion of an expert witness is not based on sufficient
13 education and experience, or if you conclude that the reasons
14 given in support of the opinion are not sound or that the
15 opinion is outweighed by other evidence, you may disregard
16 the opinion entirely.

17 An expert witness's testimony is to be given no greater
18 weight than that of other witnesses simply because the
19 witness is an expert. Further, you are not required to
20 accept an expert's opinion even though it is not
21 contradicted.

22 In order to establish criminal liability, criminal
23 intent is required. For example, the mental state required
24 to be proven by the State for a particular crime might be
25 purpose, intent, knowledge, recklessness, or criminal

1 negligence. Criminal intent must be proven by the State
2 beyond a reasonable doubt. Criminal intent is always a
3 matter that must be determined by the jury from the
4 circumstances surrounding the situation.

5 There is no way to prove intent to a mathematical
6 certainty. There is no way medical science can dissect a
7 person's brain and determine what the person had in mind, so
8 the law says that criminal intent may be inferred from the
9 circumstances shown to have existed. This is how you make a
10 determination of whether or not the element requiring intent
11 was present.

12 It is not necessary to establish intent by direct and
13 positive evidence, but intent may be established by inference
14 in the same way as any other fact by taking into
15 consideration the acts of the parties and all of the facts
16 and circumstances of the case.

17 Criminal intent is a mental state, a conscious
18 wrongdoing. It is up to you to determine what the defendant
19 intended to do based on the circumstances shown to have
20 existed.

21 I instruct you and emphasize to you that the fact that
22 the defendant did not testify is not a factor to be
23 considered by you in any way in your deliberation and in your
24 consideration on the question of the guilt or the innocence
25 of the defendant. It must not be considered by you in any

1 manner whatsoever. A defendant has the constitutional right
2 to remain silent, and the assertion of this right must not be
3 considered by you in your deliberations..

4 I repeat, under your oath, you are to draw no conclusion
5 whatsoever from the fact that the defendant in this case did
6 not testify. The fact that this defendant did not testify
7 should not even be discussed in the jury room.

8 The burden of proof, as I have stated to you, is on the
9 State. The defendant is not required to prove his
10 innocence. Rather, the burden of proof remains on the State
11 to prove guilt beyond a reasonable doubt.

12 The defendant is charged with exploitation of a
13 vulnerable adult. The State must, therefore, prove beyond a
14 reasonable doubt that the defendant knowingly and willfully
15 exploited a vulnerable adult.

16 Exploitation means an improper, unlawful, or
17 unauthorized use of the funds, assets, property, power of
18 attorney, guardianship, or conservatorship of a vulnerable
19 adult by a person for the profit or advantage of that person
20 or of another person; or causing a vulnerable adult to
21 purchase goods or services for the profit or advantage of the
22 seller or another person through undue influence, harassment,
23 duress, force, coercion or swindling by overreaching,
24 cheating or defrauding the vulnerable adult through cunning
25 arts or devices that delude the vulnerable adult and cause

1 her to lose money or other property.

2 Vulnerable adult means a person eighteen years of age or
3 older who has a physical or mental condition which
4 substantially impairs the person from adequately providing
5 for his or her own care or protection. This includes a person
6 who is impaired by the ability -- I'm sorry. This includes a
7 person who is impaired in the ability to adequately provide
8 for the person's own care or protection because of the
9 infirmities of aging, including, but not limited to, organic
10 brain damage, advanced age, and physical, mental, or
11 emotional dysfunction.

12 The defendant is also charged with receiving stolen
13 goods valued less than \$2,000. To prove that the defendant
14 is guilty of this offense, the State must prove beyond a
15 reasonable doubt that the defendant bought, received, or
16 possessed goods, chattels or other property that the
17 defendant knew, or had reason to believe, that the property
18 was stolen, and that the property had some value less than
19 \$2,000.

20 Whether the defendant knew or had reason to believe that
21 the property was stolen may be shown by direct or
22 circumstantial evidence. The State may prove that the
23 defendant knew, or had reason to believe, that the property
24 was stolen by showing that the defendant knew facts that
25 would make a reasonable person believe that the property was

1 stolen.

2 Finally, the defendant is charged with unlawful entry
3 on another's land after notice. The State must prove beyond
4 a reasonable doubt that the defendant entered upon the land
5 of another, either after notice from the owner or tenant
6 prohibiting such entry or after the owner or tenant of the
7 land posted a notice in four conspicuous places on the
8 borders of such land prohibiting entry thereon.

9 Now, Mr. Foreperson and members of the jury, I am
10 required to charge you the law as I have done through these
11 instructions to help guide you -- to help guide you to a just
12 and lawful verdict. Whether some of these instructions apply
13 will depend upon what you find to be the facts.

14 The fact that I have instructed you on various subjects
15 in this case must not be considered as indicating an opinion
16 of this Court as to what you should find to be the facts or
17 what your verdict should be.

18 Now, you have been chosen and sworn to give the parties
19 in this case a fair and impartial trial. When you have done
20 so, you will have complied with your oath, and no one will
21 have a right to criticize your verdict.

22 You must not be influenced by opinions you may have
23 heard outside of the courtroom but rather must base your
24 verdict solely on the testimony of the sworn witnesses who
25 took the stand, the exhibits received into evidence, and the

1 law which I have stated. You should not be swayed by
2 caprice, passion, prejudice, or improper sympathy for or
3 against anyone in this case. Remember, you have no friends
4 to reward or enemies to punish, and all parties are entitled
5 to a fair and impartial trial.

6 It is your duty as jurors to consult with one another
7 and to deliberate in an effort to reach an agreement. Each
8 of you must decide this case for yourself, but only after
9 impartial consideration of all of the evidence with your
10 fellow jurors. In the course of your deliberations, do not
11 hesitate to re-examine your own views and change your opinion
12 if you become convinced it is erroneous.

13 However, do not surrender your honest conviction as to
14 the weight or effect of the evidence solely because of the
15 opinion of your fellow jurors or for the mere purpose of
16 returning a verdict. As I stated earlier, you are judges --
17 judges of the facts. Your verdict must represent the
18 considered judgment of each juror. In other words, your
19 verdict must be unanimous.

20 There are two possible verdicts which you may find for
21 each indictment in this case: guilty or not guilty. There is
22 no significance whatsoever in the order in which I state
23 these possible verdicts. It is simply that one must be
24 stated first.

25 Now, you may have noticed that I have read these

1 instructions. I did so to give you the law as accurately as
2 possible. I will give you a copy of these instructions to
3 have in the jury room. You may refer to these instructions
4 to assist in your deliberations, but you must consider these
5 instructions as a whole and may not follow some and ignore
6 others.

7 Mr. Foreperson, it will be your added duty to preside
8 over the deliberations of the jury. If, during your
9 deliberations, you should desire to communicate with the
10 Court, please reduce your message or question to writing
11 signed by the foreperson and the foreperson only, and pass
12 the note to the bailiff, who will bring it to my attention.

13 I will then respond as promptly as possible, either in
14 writing or by having you return to the courtroom. I caution
15 you, however, with regard to any message or question you
16 might send, that you should never state or specify your
17 numerical division at the time.

18 Now, you have heard the evidence, and you have heard the
19 law. Whatever your verdict, Mr. Foreperson, you will
20 indicate it on each indictment and then sign and date your
21 verdict.

22 And I'll show you the -- the description of the crime
23 charged is on one side of the indictment. And on the other
24 side, there is a space in the bottom left corner where you
25 will write in your verdict, guilty or not guilty, sign --

1 signed by the foreperson and dated.

2 Now, remember that although the foreperson is the only
3 juror who writes the verdict, it is not his alone. The
4 verdict must be unanimous. Mr. Foreperson, you are not
5 authorized to write the verdict until all of you have agreed
6 on the verdict.

7 Now, ladies and gentlemen, I'm going to send you to your
8 jury room, but do not begin your deliberations in this case
9 until you have received a copy of the jury charge, the
10 indictments, and the exhibits.

11 Once you receive these things, that will be your signal
12 to begin your deliberations. Once you begin your
13 deliberations, you will deliberate until you have reached a
14 verdict, at which time you will knock on the door, advise the
15 bailiff, and we will bring you out to receive your verdict.

16 In addition, your lunch should be here.

17 THE CLERK: It's here.

18 THE COURT: It's here. Okay. So how you choose to
19 deliberate is up to you. If you want to talk while eating,
20 if you want to take a few minutes to allow everyone to eat
21 first, you know, it's completely up to you.

22 I'm going to have a short chat with the attorneys
23 outside of your presence, but as soon as the bailiff brings
24 you this notebook that has the jury instructions and the
25 indictments and the exhibits, you can begin deliberating.

1 Retire to your jury room. Thank you.

2 (WHEREUPON, the jury exited the courtroom at 1:03 p.m.)

3 THE COURT: Any objections or exceptions to the jury
4 charge?

5 MR. BROWN: None from the State, Your Honor.

6 MR. SHAFFER: Yeah. I would like to renew the good
7 character request.

8 Your Honor, also, I -- and this is on me. I -- I had
9 thought that the language in State v. Logan was standard now
10 for direct versus circumstantial evidence. It apparently --
11 I reread the case while you were doing the charge and it says
12 upon request of the attorney.

13 I thought it was standard. That's the reason I didn't
14 bring it up beforehand. We'd just request that the State v.
15 Logan language involving evidence of good -- I mean -- sorry.

16 To the extent that the State relies on circumstantial
17 evidence, all of the circumstances must be consistent with
18 each other and when taken together point conclusively to the
19 guilt of the accused beyond a reasonable doubt. If these
20 circumstances merely portray the defendant's behavior as
21 suspicious, the proof has failed.

22 That's State v. Logan from 2013 and, Your Honor, I
23 really thought it was standard. It just -- it actually --
24 but the case law said -- or the case -- Logan says upon
25 request. So we would request it now. Hopefully, it's not

1 too late.

2 THE COURT: I believe it is too late. Upon request
3 would be during the charge conference, but the charge
4 conference is complete.

5 MR. SHAFFER: And obviously denying the good character.

6 THE COURT: Yes, sir.

7 MR. SHAFFER: Okay. Thank you, Your Honor.

8 THE COURT: All right. Y'all check evidence.

9 (WHEREUPON, there was a pause in the proceedings to
10 check evidence, after which the proceedings resumed as
11 follows.)

12 (WHEREUPON, the alternate juror was brought into the
13 courtroom.)

14 THE COURT: All right. We're going to go back on the
15 record real quick.

16 I just wanted to dismiss you. You are our alternate,
17 and we had you just in case the other twelve didn't make it,
18 but since they all made it to the finish line or close to to
19 begin the deliberations, then your service is not needed.

20 But we thank you for being here and thank you for being
21 attentive, and I hope you enjoy your lunch.

22 THE ALTERNATE JUROR: Oh, yeah. Thank you.

23 THE COURT: You are welcome to hang out as long as you
24 want.

25 THE COURT REPORTER: On the record?

1 THE COURT: Yeah, we are on the record.

2 You're welcome to hang out as long as you want. Who
3 knows how long a jury takes to deliberate, but I'm actually
4 going to officially release you from jury duty for the week.

5 THE ALTERNATE JUROR: Oh, really?

6 THE COURT: So yeah, because we're starting another
7 trial tomorrow, but she can be done. You can take her name
8 out.

9 Unless you just want to be involved.

10 THE ALTERNATE JUROR: Can I ask you a question?

11 THE COURT: Yeah.

12 THE ALTERNATE JUROR: Okay.

13 THE COURT: No, you can. We can go off the record.

14 (WHEREUPON, the alternate juror was released.)

15 (WHEREUPON, jury deliberations began at 1:34 p.m.)

16 (WHEREUPON, the proceedings resumed at 3:10 p.m.)

17 THE COURT: All right. We have a jury question.

18 The note reads:

19 Is the hands of one or the hands of all in
20 possession of property in the car, even if one is a
21 vulnerable adult?

22 So I need to respond to this in some way. I just want
23 your thoughts on a proposed response.

24 From the State?

25 MR. BROWN: I'm not even sure where they're getting the

1 law of hands of one/hands of all in this case. I would
2 propose a response the hand of one/hand of all is not part of
3 the law in this case.

4 Somebody is obviously bringing in an outside source on
5 that law or heard it somewhere, but --

6 MR. FEDALEI: And, Your Honor, what I would say about it
7 is if there's a question about who is in possession of it at
8 the time and that needs to be clarified for the jury, then
9 maybe an instruction on what constructive possession is.

10 MR. SHAFFER: And, Your Honor, we're not -- we're not
11 going to ask for a constructive possession argument. We'd
12 oppose that.

13 THE COURT: I'm sorry. I'm confused now. Y'all need to
14 talk to one another.

15 MR. SHAFFER: Yes, Your Honor.

16 THE COURT: And get on the same page.

17 MR. SHAFFER: Obviously, I was running over from across
18 the street.

19 Your Honor, if anything, maybe a mere presence charge,
20 but we are not -- I don't think the Court needs to do
21 anything additional, to be honest with you. I think maybe
22 just tell the jury that they have the law and facts necessary
23 to decide the case.

24 MR. BROWN: If mere presence is added, then constructive
25 possession, but I don't think either one at this time should

1 be added. They have the law as Your Honor has read to them.
2 Hand of one/hand of all is not submitted to them for their
3 review and their application of the facts.

4 MR. SHAFFER: We would agree, Your Honor, that nothing
5 else is necessary.

6 THE COURT: Tell me again what you think the response
7 should be, Mr. Shaffer.

8 MR. SHAFFER: That you have all the facts and law
9 necessary to decide this case.

10 THE COURT: My written response is:

11 You have in your possession all relevant law which
12 may apply to the facts in this case. Therefore, I
13 cannot provide you with additional instruction on
14 this issue.

15 We will mark this Court's -- whatever number it is -- 3?

16 THE COURT REPORTER: Yes.

17 THE COURT: Before it goes back.

18 (WHEREUPON, the jury note was marked as Court's Exhibit
19 Number 3.)

20 THE COURT: All right. We will be at ease.

21 (WHEREUPON, there was a break in the proceedings from
22 3:15 p.m. until 4:25 p.m., after which the proceedings
23 resumed as follows.)

24 THE COURT: We have another note.

25 Can we have a printout of what exactly was

1 considered stolen property relating to the
2 receiving stolen goods charge?

3 My response is that they have all the physical evidence
4 in the jury room. As to any evidence presented by testimony,
5 you should rely on your memory, but if necessary, we can
6 replay a portion of the audio recording of the witness's
7 testimony if you tell us which witness and the subject of the
8 it.

9 MS. SUMNER: Your penmanship -- I think it really is
10 perfect.

11 THE COURT: Thank you.

12 MS. SUMNER: Look at that. Straight lines.

13 THE COURT: Okay.

14 (WHEREUPON, the jury note was marked as Court's Exhibit
15 Number 4.)

16 THE COURT: Hang out in case they do want to hear
17 something, but I imagine they will write back if they want to
18 rehear some testimony.

19 (WHEREUPON, there was a break in the proceedings from
20 4:29 p.m. until 4:46 p.m., after which the proceedings
21 resumed as follows.)

22 THE COURT: Ready? All right. Bring the jury.

23 (WHEREUPON, the jury entered the courtroom at 4:46 p.m.)

24 THE COURT: All right, folks. You have requested to
25 rehear the testimony of Ronnie Powell. The court reporter

1 has looked through the records. It appears that testimony
2 lasted about 30 minutes.

3 And so I don't know whether you need to hear all 30
4 minutes of it and I don't -- you don't have to tell me that,
5 but you know, Mr. Foreman, based on your discussions I would
6 assume, what you all are looking for in that testimony.

7 So we will begin to play it. If we get to the point
8 where you think you have heard what you were looking for or
9 what the jury needs to hear, then if you'll just raise your
10 hand and we can stop it at that point. We can listen to the
11 entire 30 minutes if you want, but if it's not necessary, you
12 can just throw a hand up and let us know.

13 Okay? All right.

14 Madam Court Reporter?

15 (WHEREUPON, a recording of a portion of the testimony of
16 Officer Ronnie Powell was played in open court from 4:48
17 p.m. until 4:58 p.m., which included testimony as
18 presented herein from page 69, line 22, through page 77,
19 line 13, at which time the recording was stopped.)

20 THE FOREMAN: That's fine.

21 THE COURT: That's sufficient?

22 THE FOREMAN: Yes, ma'am.

23 THE COURT: Okay. Thank you. You may return to your
24 jury room to deliberate.

25 (WHEREUPON, the jury exited the courtroom at 4:58 p.m.)

1 to resume deliberations.)

2 THE COURT: All right. We are again at ease while we
3 wait for the jury.

4 (WHEREUPON, there was a break in the proceedings from
5 4:58 p.m. until 5:01 p.m., after which the proceedings
6 resumed as follows.)

7 THE COURT: Grab your folks. We have a verdict.

8 (WHEREUPON, there was a pause in the proceedings, after
9 which the proceedings resumed as follows.)

10 THE COURT: All right. Are we all ready?

11 MR. BROWN: Yes, Your Honor.

12 THE COURT: Okay. Bring the jury.

13 (WHEREUPON, the jury entered the courtroom at 5:04 p.m.)

14 THE COURT: All right. Mr. Foreman, I understand you
15 have reached -- the jury has reached a verdict?

16 THE FOREMAN: Yes, ma'am.

17 THE COURT: Is it unanimous?

18 THE FOREMAN: Yes, ma'am.

19 THE COURT: For each verdict as to each of the three
20 counts is unanimous; correct?

21 THE FOREMAN: Yes, ma'am.

22 THE COURT: Okay. If you would, hand those indictments
23 to the bailiff.

24 (WHEREUPON, the foreman complied.)

25 THE COURT: Okay. Have the clerk publish the verdict.

VERDICT

THE CLERK: The State of South Carolina, County of Greenwood, in the Court of General Sessions. The State versus John Fitzgerald Anderson.

Indictment for unlawful entry on another's land, the verdict is guilty.

The indictment for exploitation of a vulnerable adult, the verdict is also guilty.

And the indictment for receiving stolen goods, the verdict is guilty.

All are signed by foreperson, Daniel McCarty.

Ladies and gentlemen of the jury, if this is still your verdict, will you please raise your right hand?

(WHEREUPON, all jurors complied.)

THE CLERK: All jurors have raised their right hand.

THE COURT: Okay. Anything further before the jury is released from the State?

MR. BROWN: Not from the state, Your Honor.

THE COURT: From the defendant?

MR. SHAFFER: Nothing, Your Honor.

THE COURT: Okay. Ladies and gentlemen, thank you for your service here this week.

Actually, do we have -- I know we have a -- need a panel tomorrow. Do we need them in the panel?

(WHEREUPON, a bench conference was held with the clerk

1 little housekeeping to do with the attorneys here, some
2 motions to hear, and there will also be sentencing on the
3 three charges.

4 You know, in some states, they postpone sentencing for
5 weeks or months or, you know, some lengthy period of time.
6 In South Carolina, we don't generally do that. The defendant
7 is generally sentenced immediately.

8 So after I hear a couple things from the attorneys, I
9 will impose sentence on Mr. Anderson for these charges. So
10 you are welcome to stay if you are interested in the
11 sentence, but you are absolutely free to go at this time,
12 unless the clerk --

13 Do you have something for them?

14 THE CLERK: I'll go out there if they need something.

15 THE COURT: Okay. So she is going to meet you outside
16 with whatever paperwork she has. As soon as you are done
17 with her and you give the bailiff your juror tags, if you are
18 interested in the verdict, you can come on back in the
19 courtroom. We'll be right here. You won't disturb us and
20 you can have a seat back out there in the gallery.

21 Okay. Thank you for your service.

22 (WHEREUPON, the jury was released and exited the
23 courtroom at 5:07 p.m.)

24 THE COURT: Mr. Brown, are you getting sentencing sheets
25 together?

1 MR. BROWN: Yes, Your Honor.

2 THE COURT: Okay.

3 MR. BROWN: One more to go.

4 THE COURT: While one of you is doing that, let me hear
5 from Mr. Shaffer. The other -- I guess Ms. Sumner can be
6 sort of clued into Mr. Shaffer's arguments.

7 Yes, sir?

8 MR. SHAFFER: Thank you, Your Honor. We are moving for
9 a new trial on all of the charges.

10 Specifically relating to the receiving stolen goods
11 charge, I would point out -- I would like to point out to the
12 Court that essentially the testimony that they immediately
13 came back with a verdict that they wanted to hear was Mr.
14 Powell -- Inv. Powell recounting what Officer Smith had in a
15 report from a -- from a power of attorney.

16 So Anthony Gilmore tells Officer Smith something, which
17 is then attested to -- testified to by Ronnie Powell. This
18 is clearly hearsay, Your Honor; so we would actually move for
19 a new trial specifically related to that.

20 We'd also move for a new trial based off of all the
21 arguments made before and on the receiving stolen goods,
22 also, he was in a car with the -- with her. I don't think
23 that there's sufficient evidence as well.

24 We'd basically renew all of our previous requests,
25 including our request to charge, both of our two requests to

1 charge that we had made, the one that I made afterwards on
2 the Logan language, then State v. Green language.

3 Your Honor, I think that based off of those that a new
4 trial should be granted in this case.

5 THE COURT: Okay. For the reasons stated before as to
6 all other grounds for a new trial, the motion is respectfully
7 denied.

8 As to the objection for Inv. Powell's testimony,
9 frankly, I think it's questionable whether it even is
10 hearsay. It's not necessarily offered for the truth of the
11 matter asserted in that his testimony was that certain things
12 were reported stolen. That is not to say that they were, in
13 fact, stolen, but as a matter of procedure, that's just how
14 it happens.

15 I mean the -- but -- and so beyond whether it is
16 hearsay, even if it is, there is an exception for that. It's
17 permissible hearsay. His testimony was not that another
18 officer told him that someone told him. The testimony was
19 that it was reported to him from the nephew that certain
20 items were stolen. Officer Smith --

21 I'm talking, please.

22 MR. SHAFFER: Okay.

23 THE COURT: That Officer Smith -- yeah, there was no
24 testimony regarding Officer Smith telling him. But even if
25 there was, that is simply how police department's function.

1 If they could never rely on hearsay, no crime would ever be
2 solved ever in the history of the world because very rarely
3 do police officers witness the crime. They are by virtue of
4 the profession relying on another person's statement to be
5 able to do their job.

6 So your objections are noted for the record, but the
7 motion for a new trial is respectfully denied.

8 Any other motions?

9 MR. SHAFFER: No, Your Honor, not at this time.

10 THE COURT: Okay. Do you have the sentencing sheets
11 prepared, Mr. Brown?

12 MR. BROWN: Yes, Your Honor.

13 THE COURT: I also need -- he's pled to two other
14 charges. I need the sentencing sheets for those.

15 MR. BROWN: Judge, may I approach?

16 THE COURT: Yes, sir.

17 MR. BROWN: Judge, on the first three pages, I'm handing
18 you the sentencing sheets completed. And then I do have
19 certified convictions, three from fraudulent checks that he
20 entered into last week, plus the embezzlement charge out of
21 the state of North Carolina and the fraudulent check of 1987
22 that would also be used.

23 THE COURT: I am still going to want you to read his
24 entire --

25 MR. BROWN: Yes, Your Honor.

1 THE COURT: -- criminal history into the record.

2 MR. BROWN: Absolutely.

3 THE COURT: All right. Let me hear first from the
4 State.

5 MR. BROWN: Thank you, Your Honor.

6 Judge, you've heard all the facts in this case for the
7 most part. The indictment goes from January 1st, 2017, up
8 through June 28th, 2017. There was money that was missing
9 prior to this as well totaling up to \$250,000.

10 After talking with Ms. Cindy Adams and also Anthony
11 Gilmore and Terraine Singletary, Ms. Robinson has been or is
12 in hospice care in Greenville. She is septic. The dementia
13 has wholly taken her mind and they don't expect her to live
14 very much longer.

15 Would we would have liked for her to be able to know
16 that -- that he's answering for exploiting her? We
17 definitely would, but I'm glad the family was able to come
18 down and take part of it, to know that people in South
19 Carolina are standing up for not only children but also our
20 vulnerable adults, that this type of thing can't go on.

21 Somebody that works so long, so hard, she and her
22 husband, to set up a nest egg, to set up money to set aside
23 for their retirement. It was totally depleted in months by a
24 man that was sitting across the road acting in disguise of
25 someone helping her, all the while exploiting every penny she

1 had. And then on top of that, risking her life and risking
2 everybody else's life on the road, as you see in the video,
3 passing buses, passing other vehicles, and ultimately
4 wrecking after his front tire falls off.

5 And I think the actions that speak the loudest of Mr.
6 Anderson, how he reacted when he got out of that vehicle by
7 slamming his hat on the ground and hitting the car because he
8 was frustrated that he got caught. Not that he was sorry for
9 what he did, but he's frustrated he got caught.

10 And with these charges and his record that I'm about to
11 read out, he deserves a lot of time on this from the State's
12 view. Money is not going to make her whole. He's not going
13 to pay it back. There's no telling what the habits are Mr.
14 Anderson has or who he paid that money to, but it's gone.
15 The family knows that and would like for him to answer for
16 what he did, and the only form of an answer for that is jail
17 time.

18 So with that, his record goes back to 1987 with fraud
19 check, fraud check in 1989, fraud check or three additional
20 fraud checks in 1989, fraudulent check in 1990, an additional
21 fraud check in 1990 out of Greenville, failure to appear in
22 1990, two additional fraud checks in 1991 out of Greenville
23 County, South Carolina.

24 Driving under suspension in 1991, an embezzlement charge
25 out of North Carolina in 1998, open container in 2017,

1 fraudulent check 2017, a trespassing in 1997, and I apologize
2 I'm going back because his criminal history is somewhat
3 jumbled.

4 Shoplifting in 1999, DUS in 2015, failure to maintain
5 proof of insurance, other vehicle issues.

6 And, Your Honor, I actually prosecuted him in Abbeville
7 for a DUS and a fail to stop. We worked it out as a DUS a
8 couple years ago.

9 In all, he's got a history of fraud checks,
10 embezzlement, now exploitation. He does have a pending
11 charge that I'm aware of in Anderson. It is out of Honea
12 Path, where I think it's a banking or financial institutional
13 fraud that's pending in Anderson, all the while he's been out
14 on bond on this charge, in addition to these new fraud check
15 cases that came through our office he pled to August 13th of
16 this year, last week.

17 So in all, I believe you've seen the type of person Mr.
18 Anderson is, and I trust that you will sentence accordingly.

19 THE COURT: From the defense, Mr. Fedalei?

20 MR. FEDALEI: Thank you, Your Honor.

21 Mr. Anderson has been joined in the courtroom this week
22 by his family. He is currently joined by two of his sisters,
23 who you see seated in the courtroom.

24 John is one of a big family. He comes from 13 children,
25 11 of whom are surviving, and he has a pretty large family of

1 his own. He has four of his own children, including seven
2 grandchildren.

3 We know that the last person he was on the phone with
4 before he came back in to hear the verdict was his son. So
5 those are children and grandchildren that he maintains a
6 close relationship with.

7 I think, if nothing else, we've established that there
8 was a -- you know, this was not an all-take relationship with
9 him and Miss Bertha. We know that the jury found him guilty
10 of the charge, of course, but this was not -- it is not that
11 John never showed an act of kindness towards her and never
12 had any feelings of compassion towards her or anything like
13 that. There's certainly much more to that dynamic than just
14 the verdict would read.

15 Mr. Anderson has never been to prison before. We ask
16 that you take that into consideration when deciding a
17 sentence.

18 You heard about recently I think bad check charges that
19 he pled guilty to. That he -- you know, we've established I
20 think also that it's been a difficult financial time for John
21 since his arrest and how disruptive that was to his work
22 life, and he tried to make payments on that, but it didn't
23 work out. So he pled guilty and took responsibility for it.

24 He also took responsibility for his fail to stop charge
25 and the DUS charge, not -- you know, not making the State

1 prove and not spending the Court's time to have to prove
2 those charges. He admitted to what he felt he was truly
3 guilty of.

4 As far as that goes, everything on his record recently,
5 in the past ten years at least, include very small charges
6 like the driving under suspension, registration charges. I
7 think there might be a paraphernalia charge on there.

8 Aside from that, you have to go all the way back to 1999
9 to find the last time that he got in trouble. So this is not
10 -- he's not somebody that's constantly getting himself in
11 trouble, constantly breaking the law.

12 We ask the Court to take all those things in
13 consideration, that you show mercy in sentencing Mr.
14 Anderson, and certainly, this is not the position he wanted
15 to be in and not the position he wanted to put any other
16 people involved in, but he's accepting the ruling of the
17 jury.

18 THE COURT: Mr. Anderson, is there anything you want to
19 say?

20 THE DEFENDANT: Yes, Your Honor. First, I want to say
21 thank you to the jury. They granted their verdict.

22 You know, I could have went to prison. I could have did
23 this already. I mean they offered me three years and I
24 turned it down because of the fact that I took responsibility
25 of what I felt I was guilty for immediately, and I told him

1 that all along. I spent three months in jail for that. And
2 they came to me and they offered me three years if I would
3 plead guilty to the exploitation charge and plead guilty to
4 the stolen good charge. I turned it down.

5 When I pled guilty earlier this week --

6 THE COURT: Talk to me.

7 THE DEFENDANT: I pled guilty earlier this week. I knew
8 that that charge carried three years and I could have -- I
9 could have very easily walked away with all this and taken
10 the same three years that they, you know, had been offering
11 me for the last year that I refused.

12 The reason I refused, you've got to stand for something.
13 The only thing I have is my morals and my ethics. Yes, I did
14 things 20 years ago when I was, you know, much younger that I
15 regret. I've worked hard to get past that over the last 20
16 years.

17 I came back to South Carolina after being gone to take
18 care of my mother, who had been in the hospital for eight
19 months, who died three times, who I still look after and take
20 care of. My brother moved in with me after his wife died and
21 I take care of him. He's legally blind.

22 I looked after Ms. Robinson. I could have got on the
23 stand. I looked after -- looked after Ms. Robinson because
24 she was a friend of my mom and lonely, and I would feed my
25 mom because she's in end-stage renal failure and going to

1 dialysis. So I cook for her and she would say, please, take
2 Ms. Robinson a meal too. So twice a day, I would take her a
3 meal and we slowly became friends.

4 And yes, the John Hancock thing, that was a call that
5 was made. The reason that call was made is because she had
6 said something was going on and that she needed my help. So
7 I tried to help her. I notified her family of that. Okay?
8 And told them, and I was the one who suggested Aaron Taylor
9 put together the will for her because he had did -- now,
10 Judge Clark had did some things for me and my family. So I
11 suggested they go see him. That's why they put the initial
12 will together. Okay?

13 I told her I didn't want anything from her. Okay? They
14 talked about me not being in the will. I kept her family
15 informed on what was going on with her because I felt there
16 was something wrong.

17 And the reason I would not take a deal on the -- on the
18 charges is because I did not do it. I mean if I would have
19 did it, I would have gladly stood before you and pleaded
20 guilty because I've been told a long time you must accept
21 responsibility for the things you do, and that's what I tried
22 to do.

23 But I did not accept responsibility for something I felt
24 I did not do. Now, yes, there are things that went on. At
25 times, Ms. Robinson did things for me and at times I did

1 things for her. I did a lot of things for her.

2 THE COURT: What did she do for you?

3 THE DEFENDANT: Well, she would come over there and look
4 after my mom if I needed to go somewhere. Yes, I used her
5 car occasionally when my car was broken. You know, one time
6 I came to court on a charge. She came to court with me.
7 Okay? And actually spoke up on my behalf.

8 And that day, I regret that day. Every single day I
9 regret that day. I've been in my own prison for the last 14
10 months. Okay? Because you know what? People walk around
11 and my name was ruined. My reputation was ruined. I
12 couldn't get a job anywhere. My business was ruined. I had
13 my own company for the last twelve years. Okay? It was
14 ruined. Okay?

15 And the three check charges, you know how they came
16 about? I received -- I closed a deal with a client. Okay?
17 I received a check. I went and deposited that check. Okay?
18 The client found out I had these pending charges and said we
19 cannot take a chance on you doing our business because of the
20 fact that what if something happened and you go to jail and
21 you won't be around to do it.

22 I worked with companies that were negotiating new labor
23 contracts and so I provided security and temporary labor to
24 them. So they said, well, this is six or seven months out.
25 How do we know you're going to be around? And so they said

1 we can't do business with you.

2 So they canceled the -- they canceled the check. When
3 they canceled the check, it caused the three checks that I
4 wrote to bounce. As soon as I found out about them, I called
5 the -- I called and they said -- I said -- you know, and I
6 made payments to them. I made a payment to them. They
7 rejected the payment.

8 And then they found out I had the warrant. As soon as I
9 found out I had a warrant, I called the police department and
10 turned myself in. They didn't have to come get me. I turned
11 myself in, and then they gave me a bond and I went to court.

12 And because I did write the checks -- okay? Even though
13 they were out of my company, I could have fought it, but I
14 wrote them and they were returned, not because I was trying
15 to do something wrong or evil. It was that these
16 circumstances that I've been under for the last -- since June
17 has really prohibited me from doing it.

18 Every month, they told me I was coming to court. So if
19 I tried to find a job, I really couldn't take something
20 because I couldn't commit to it. You know, I recently got a
21 job somewhere here in Greenwood and then I had to back down
22 from it because they said, okay, you're coming to court
23 again. That's been five months in a row. Every month, I'm
24 first up. Every month, I'm first up and every month I show
25 up, you know, because I took responsibility for what I did.

1 I hate --

2 THE COURT: Where's Ms. Bertha's money?

3 THE DEFENDANT: I didn't take her money, Your Honor.

4 THE COURT: Where is it?

5 THE DEFENDANT: Your Honor, I don't know.

6 THE COURT: You spent all this time with her. You took
7 her to the bank to withdraw money, money, money, money, and
8 you have no idea where it is? Did you see her buy anything?

9 THE DEFENDANT: Well, she -- I had an air conditioning
10 problem at her house that she did some work on. I replaced
11 the floors in her house once. I know she was helping her
12 niece out because she told me she was. Okay?

13 And I mean I wasn't with her all the time. I mean I was
14 looking after my mother too. So as the -- as the lady said,
15 she said I came in occasionally with her. I did. I admit
16 that, but I mean I'm as shocked as anybody about the amount
17 of money because I was not involved in her finances. That's
18 why I wouldn't go in the bank with her. Only when she'd
19 asked me to go in with her when she thought she had a problem
20 is I would go in with her, you know, and the reason is
21 because I told her that her family needs to be involved in
22 her finances. And I would call her niece about that.

23 And so, you know, all I can tell you is that, you know,
24 I'm as shocked as anybody with the -- with the amount because
25 she didn't tell me everything that she was doing. You know,

1 I would take her meals. I would sit down and talk with her.
2 You know, if she needed me to help her with something, she
3 would call me. I would cut her grass. I mean whatever she
4 needed my help with, I would do it.

5 THE COURT: Did she give you any money for anything?

6 THE DEFENDANT: She helped me out one time when I went
7 to court. She loaned me the money, but I paid her the money
8 back. And that was right here in Greenwood County. Okay?
9 And she stood up and talked to the judge.

10 THE COURT: So she went through \$250,000 and you have no
11 idea where any of that money went?

12 THE DEFENDANT: Your Honor, if I -- if I did, I would --
13 I would've pleaded guilty to it.

14 THE COURT: I'm not even asking that. I'm asking --
15 listen, if my parents spent \$250,000, I'd see boxes from
16 Amazon on the front porch, I'd see a new car in the driveway,
17 I'd see my sibling leaving with a wad a cash in their pocket
18 or something.

19 I'd have some idea as to where all of this money went in
20 a short period of time. People spend money on something, if
21 they spend it themselves.

22 THE DEFENDANT: Your Honor -- okay, I'm sorry. Your
23 Honor, you know, I mean first of all, she wasn't my parent.
24 She was my neighbor and yes, I went over and helped her out,
25 but you know what? I don't know what she did with all her

1 money. I didn't -- I didn't ask her.

2 THE COURT: Okay.

3 THE DEFENDANT: I mean I --

4 THE COURT: I'm just asking. Yes, sir?

5 MR. BROWN: Judge, just one thing. He said I offered
6 three years. There was a conference with Judge Addy. Judge
7 Addy threw that out there. I wouldn't oppose it, but he
8 never wanted to plead to the exploitation. And when he says
9 he's got to stand for something, I do too, and that's for Ms.
10 Robinson..

11 THE COURT: All right. Anything further from anyone?

12 MR. FEDALEI: Nothing further from us, Your Honor.

13 THE COURT: All right. Mr. Anderson, it's great that
14 you pled guilty to the charges of driving under suspension
15 and failure to stop for a blue light, but it's typically easy
16 to take responsibility for something when it is crystal clear
17 on videotape. I mean you could've pled not guilty, but
18 there's a video of you fleeing from the police.

19 And whether while driving that vehicle you had a
20 driver's license -- a valid driver's license or not, whether
21 it was suspended is simply a matter of public record. So
22 sure, you took responsibility when you were caught red-
23 handed.

24 Fraudulent checks are quite similar, actually. Either
25 you wrote the check or you didn't. You made good on it or

1 you didn't. And so when you plead guilty to those, those are
2 sort of no-brainers.

3 So I don't put much weight on the fact that you take
4 responsibility for those things. It's a great thing.
5 Absolutely. But I don't think there's much you could have
6 done to dodge it when you're recorded on videotape having
7 done it.

8 Also, I don't doubt that you took meals to Ms. Bertha,
9 you drove her some places, and things like that. It may at
10 some point have been out of the kindness of your heart, but I
11 don't even know that.

12 What I know is that had you had no relationship with
13 her, it would have been very difficult to get her money,
14 similar to the way a victim -- a child victim, a minor child,
15 is groomed when certain crimes are committed against them.
16 Certainly, you have to gain a person's trust and access to
17 them before you can commit a crime like this.

18 So it may have been nice to bring her a plate of food,
19 but I suspect you were gaining her trust and learning about
20 her financial position in order that you could subsequently
21 avail yourself of her hard-earned assets, and it really is
22 similar to having a victim who is a child because of her
23 mental state, her dementia, her confusion.

24 She wanted to rely on somebody. She needed somebody,
25 particularly knowing that she has no family in the area, no

1 immediate family living. Her only two relatives being at
2 minimum 600 miles away, she was probably happy to see you and
3 hoped that you were, in fact, helping her, when
4 unfortunately, you were helping yourself and probably hoping
5 that you wouldn't get caught because she didn't know any
6 better.

7 And that's a despicable thing, and this isn't your first
8 financial crime and really, frankly, with bad checks,
9 fraudulent check charges, being charged with the crime of
10 uttering a fraudulent check, you are given the opportunity to
11 pay the check before there is any prosecution, before there
12 is any conviction. You get notice.

13 THE DEFENDANT: I did have --

14 THE COURT: And an opportunity to make good on the check
15 every single time. It is required by the law.

16 So these -- one, two -- six, seven -- nine -- at least
17 twelve -- thirteen fraudulent checks, that is thirteen times
18 that you wrote a check, made a financial promise, did not
19 make good on it, were given a subsequent ten-day opportunity
20 to make good on it, and still didn't and were ultimately
21 convicted of it.

22 There is also a conviction for embezzlement and,
23 frankly, outside of the financial aspects of this case, it is
24 equally despicable that you would disregard the safety of the
25 community and of law enforcement by running from the police.

1 When they turn their blue lights on, you put your foot
2 on the brake and stop because you are not only endangering
3 yourself, you are endangering them. You were endangering Ms.
4 Bertha, who was already victimized, and that is equally
5 despicable.

6 SENTENCES

7 THE COURT: Therefore, on the charge of unlawful entry
8 on another's lands after notice, the sentence is that you be
9 committed to the State Department of Corrections for 30 days.

10 On the charge of driving under suspension, third
11 offense, 90 days.

12 On the charge for -- of failure to stop for a blue
13 light, the sentence is three years.

14 On the charge of exploitation of a vulnerable adult, the
15 sentence is five years.

16 And on the charge of receiving stolen goods, the
17 sentence is ten years.

18 All sentences to run concurrent. You will get credit
19 for the time that you have served.

20 I hope this is your last victim, sir.

21 MR. BROWN: Thank you, Your Honor.

22 THE COURT: Thank you.

23 MR. SHAFFER: Thank you, Your Honor.

24 THE COURT: And with that, court is adjourned. We will
25 resume at 9:30 tomorrow with the next trial.

1 MS. SUMNER: Yes, Your Honor.

2 THE COURT: Okay.

3 (WHEREUPON, the proceedings ended.)

4

5 --- END REQUESTED TRANSCRIPT ---

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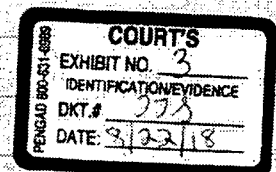
24

25

Is the hands of one or the
hands of all in possession
of property on the car,
even if one is a vulnerable
adult?

You have in your possession all relevant law which
may apply to the facts in this case. Therefore, I
cannot provide you with additional instruction on
this issue.

Jailyn Yemmen



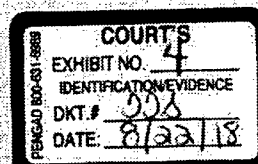
Can we have a print out
of what exactly was considered
stolen property?

Relating to the Receiving
Stolen goods charge.

physical

You have all of the evidence in the jury room. As to any
evidence presented by witness testimony, you should rely
on your memories. If necessary, we can replay a portion
of the audio recording of a witness's testimony if you
indicate the witness's name and subject of the testimony

Jocelyn Yelmen



WITNESSES

Ronnie Powell
Greenwood County Sheriff's Department

WARRANT NUMBER

4102P0422390

TRUE BILL

Julie Wideman
Foreman of the Grand Jury
Date: 3-9-18

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

March Term, 2018
Indictment #2018GS24- 0269

THE STATE

vs.
JOHN FITZGERALD ANDERSON

INDICTMENT FOR

Fail To Stop For A Blue Light
SC Code: § 56-05-0750

CDR: 0065

I hereby waive presentment to the Grand Jury.

Defendant:

Witness:

THE STATE OF SOUTH CAROLINA

INDICTMENT FOR

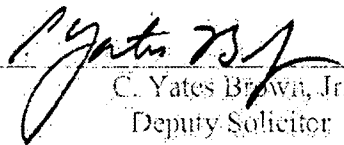
COUNTY OF GREENWOOD

Fail To Stop For A Blue Light
§56-05-0750

— At a Court of General Sessions, convened on the 9th day of March, 2018, the Grand Jurors of Greenwood County present upon their oath:

The defendant, John Fitzgerald Anderson, did on or about June 28, 2017 in Greenwood County, while driving on a road, street, or highway of the state, fail to stop when signaled by a law enforcement vehicle by means of a siren or flashing light, all in violation of Section 56-05-0750, Code of Laws of South Carolina (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.


C. Yates Brown, Jr.
Deputy Solicitor

WITNESSES

Ronnie Powell
Greenwood County Sheriff's Department

WARRANT NUMBER

4102P0422394

TRUE BILL

Juli Wideman

Foreman of the Grand Jury

Date: 3-9-18

VERDICT

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

March Term, 2018

Indictment #2018GS24- 0270

THE STATE

vs.

JOHN FITZGERALD ANDERSON

INDICTMENT FOR

Driving Under Suspension
SC Code: § 56-01-0460(A)(1)(c)

CDR 3798

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

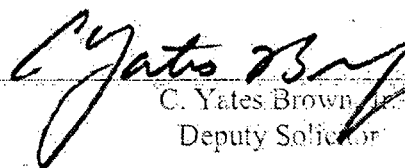
INDICTMENT FOR

Driving Under Suspension
§56-01-0460(A)(1)(c)

At a Court of General Sessions, convened on the 9th day of March, 2018, the Grand Jurors of Greenwood County present upon their oath:

The defendant, John Fitzgerald Anderson, did on or about June 28, 2017 in Greenwood County, operate a motor vehicle on a public highway of this State when his or her license to drive was canceled, suspended, or revoked. All in violation of §56-01-0460(A)(1)(c), Code of Laws of South Carolina, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.



C. Yates Brown
Deputy Solicitor

WITNESSES

Rennie Powell
Greenwood County Sheriff's Department

WARRANT NUMBER

2017A2410200682

TRUE BILL

Jenni Wideman

Foreman of the Grand Jury

Date: *3-9-18*

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

March Term, 2018
Indictment #2018GS24- *0271*

THE STATE

vs.

JOHN FITZGERALD ANDERSON

INDICTMENT FOR

Exploitation Of Vulnerable Adult
SC Code: § 43-35-0085

CDJR 2657

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

*Holle Prosegr
Went forward on other
indictments*

*C. J. Prosegr
Deputy Sheriff
8/24/18*

THE STATE OF SOUTH CAROLINA

INDICTMENT FOR

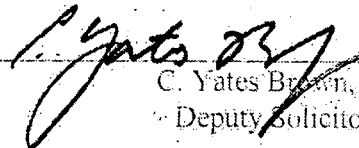
COUNTY OF GREENWOOD

Exploitation Of Vulnerable Adult
§43-35-0085

At a Court of General Sessions, convened on the 9th day of March, 2018, the Grand Jurors of Greenwood County present upon their oath:

That John Fitzgerald Anderson, on or about on or about June 28, 2017, in Greenwood County, did willfully and unlawfully abuse, neglect, and/or exploit a vulnerable adult, a person eighteen years of age or older who has a physical or mental condition which substantially impairs the person from adequately providing for her own care or protection, one Bertha Robinson, in violation of the provisions of Section 43-35-0085 of the South Carolina Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.



C. Yates Brown, Jr.
Deputy Solicitor

WITNESSES

Ronnie Powell
Greenwood County Sheriff's Department

WARRANT NUMBER

2017A2410200683

TRUE BILL

Julie Wideman

Foreman of the Grand Jury

Date: *3-9-18*

VERDICT

Guilty

Daniel [Signature]
Foreman
8/22/18

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

March Term, 2018
Indictment #2018GS24- *0272*

THE STATE

vs.

JOHN FITZGERALD ANDERSON

INDICTMENT FOR

Receiving Stolen Goods
Third or Subsequent Property Crime
SC Code: § 16-13-0180(A) and 16-1-57

CDR: 3598

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

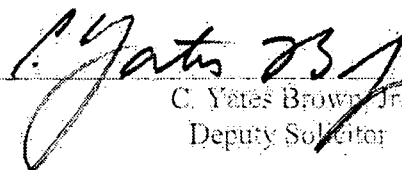
INDICTMENT FOR

Receiving Stolen Good
Third or Subsequent Property Crime
§16-13-0180(A) and 16-1-57

At a Court of General Sessions, convened on the 9th day of March, 2018, the Grand Jurors of Greenwood County present upon their oath:

The defendant, John Fagan'd Anderson, did on or about June 28, 2017, in Greenwood County, South Carolina, buy, receive, or possess stolen goods, chattels, or other property with a value of two thousand dollars (\$2,000) or less and knew or had reason to believe the goods, chattels, or property was stolen, all in violation of Section 16-13-0180(A) and 16-1-57, Code of Laws of South Carolina (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.


C. Yates Brown, Jr.
Deputy Solicitor

WITNESSES

Ronnie Powell
Greenwood County Sheriff's Department

WARRANT NUMBER

2017A2410200684

TRUE BILL

Julie Wideman

Foreman of the Grand Jury

Date: *3-9-18*

VERDICT

Guilty

[Signature]
Foreman

8/22/18

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

March Term, 2018
Indictment #2018GS24- *0273*

THE STATE

vs.

JOHN FITZGERALD ANDERSON

INDICTMENT FOR

Unlawful Entry On Another's Lands After Notice
SC Code: § 16-11-0600

CDR: 2320

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

THE STATE OF SOUTH CAROLINA

INDICTMENT FOR

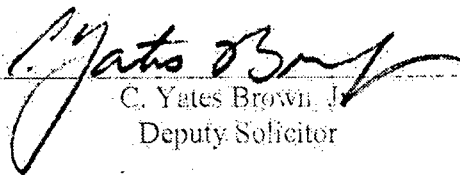
COUNTY OF GREENWOOD

Unlawful Entry On Another's Lands After Notice
§16-11-0600

At a Court of General Sessions, convened on the 9th day of March, 2018, the Grand Jurors of Greenwood County present upon their oath:

The defendant, John Fitzgerald Anderson, in Greenwood County, South Carolina, on or about on or about June 28, 2017 did unlawfully enter upon the lands of another where any horse, mule, cow, hog or any other livestock is pastured, or any other lands of another, after notice from the owner or tenant prohibiting such entry. All in violation of §16-11-0600, of the South Carolina Code of Laws as amended.

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.



C. Yates Brown, Jr.
Deputy Solicitor

STATE **416** NORTH CAROLINACOUNTY OF **GREENWOOD**

STATE VS.

JOHN FITZGERALD ANDERSON

AKA:

Race: White Sex: **M** Age: **33**DOB: **1964** SS#: **[REDACTED]**Address: **[REDACTED] Nation Road**City, State, Zip: **Hodges, SC 29653**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: **Fail To Stop For A Blue Light - 90d471 - 3711**In violation of § **56-05-0750** of the S.C. Code of Laws, bearing CDR Code # **0065**

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: **2018GS24-0269**A/W: **4102P0422390**Date of Offense: **06/28/2017**S.C. Code §: **56-05-0750**CDR Code #: **0065**

SENTENCE SHEET

☐ CONVICTED OF or **PLEADS**☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (def.'s initials)The pleas is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

C. Yates Brown, Jr., Deputy Solicitor 78607 SC Bar # **[REDACTED]**Defendant **[REDACTED]**Attorney for Defendant **[REDACTED]** 102239 SC Bar # **[REDACTED]**

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
 for a determinate term of **3** days/month/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 Service standard conditions of probation, which
 are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: **2018GS2400272**☒ 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 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

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Ordered ☐ PTUP _____
day/s/hours Public Service EmploymentObtain GED ☐☐ Set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$ _____

§14-1-206 (Assessments 107.5%) \$ _____

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ _____

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____

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

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

Proviso (Public Def/Prob) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ **25-**

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ \$ **75**TOTAL \$ **25.75**Clerk of Court/Deputy Clerk: **Charity Copeland**Court Reporter: **T50**

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 requires \$500 be paid to Clerk during probation and shall be collected before any other fee.

Presiding Judge: **Joelyn Fairman**Judge Code: **2757**Sentence Date: **8-20-18**

22

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS **4157**COUNTY OF **GREENWOOD**

STATE VS.

JOHN FITZGERALD ANDERSON

AKA:

Race: White Sex: M Age: 53DOB: 1/1964 SS#: [REDACTED]Address: Nation RoadCity, State, Zip: Hodges, SC 29653DL# [REDACTED] SID# [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☐ CONVICTED OF or☒ PLEADSTO: Driving Under SuspensionIn violation of § 56-01-0460(A)(1)(c) of the S.C. Code of Laws, bearing CDR Code # 3798

SENTENCE SHEET

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (def.'s initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

C. Yates Brown, Jr., Deputy Solicitor 78607
SC Bar #

Defendant

Attorney for Defendant 102239
SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
 for a determinate term of 90 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 Service standard conditions of probation, which
 are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2018GS2400272☒ 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 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 HearingTotal: \$ plus 20% fee: \$ Payment Terms: ☐ Ordered PTUP: days/hours Public Service EmploymentObtain GED ☐☐ Set by: SCDPPPS: Recipient: *Fine: \$ §14-1-206 (Assessments 107.5%) \$ §14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ §56-5-2995 (DUI Assessment) \$12 \$ §56-1-286 (DUI Breath Test) \$25 \$ Proviso (Public Def/Prob) \$500 \$ §14-1-212 (Law Enforce. Funding) \$25 \$ 25§14-1-213 (Drug Court Surcharge) \$150 \$ §50-21-114 (BUI Breath Test Fee) \$50 \$ §56-5-2942(J) (Vehicle Assessment) \$40/ea \$ 3% to County (if paid in installments) \$ 3.75TOTAL \$ 128.75Clerk of Court/Deputy Clerk: Charity CopelandCourt Reporter: T ScottAttend 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 FundOther: ☐ Appointed PD or appointed other counsel,

Proviso requires \$500 be paid to Clerk

during probation and shall be collected before

any other fees

Presiding Judge: Joseph GunnarJudge Code: 2157Sentence Date: 8-20-18

COUNTY OF GREENWOOD
STATE VS.

JOHN FITZGERALD ANDERSON

AKA: _____
Race: White Sex: M Age: 53
DOB: 1964 SS#: _____
Address: Nation Road
City, State, Zip: Hodges, SC 29653
DL# _____ SID# _____

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Receiving Stolen Goods, Third or Subsequent Property Crime

In violation of § 16-13-0180(A) and 16-1-57 of the S.C. Code of Laws, bearing CDR Code # 3598

INDICTMENT/CASE#: 2018GS24-0272
A/W: 2017A2410200683
Date of Offense: 06/28/2017
S.C. Code §: 16-13-180(B)
CDR Code #: 3744

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As indicted. ☐ Lesser Included Offense. ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials):
The plea is: ☒ Without Negotiations or Recommendation. ☐ Negotiated Sentence. ☐ Recommendation by the State.

ATTEST: C. Yates 78607 Defendant 102239
C. Yates Brown, Jr., Deputy Solicitor SC Bar # Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
for a determinate term of 10 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 Service standard conditions of probation, which
are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: August 22, 2018

☒ 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 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 PTUP
Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment
Payment Terms: _____ Obtain GED ☐

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$ _____
§14-1-206 (Assessments 107.5%) \$ _____
§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100
§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____
§56-5-2995 (DUI Assessment) \$12 \$ _____
§56-1-286 (DUI Breath Test) \$25 \$ _____
Proviso (Public Def/Prob.) \$500 \$ _____
§14-1-212 (Law Enforce. Funding) \$25 \$ 25
§14-1-213 (Drug Court Surcharge) \$150 \$ _____
§50-21-114 (BUI Breath Test Fee) \$50 \$ _____
§56-5-2942(I) (Vehicle Assessment) \$40/ea \$ _____
3% to County (if paid in installments) \$ \$ 3.75
TOTAL \$ 128.75

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 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Clerk of Court/Deputy Clerk: Christy Poland
Court Reporter: T Scott

Presiding Judge: Jacques Yerman
Judge Code: 2757
Sentence Date: August 22, 2018

COUNTY OF **GREENWOOD**

STATE VS.

JOHN FITZGERALD ANDERSON

AKA:

Race: **White**Sex: **M**Age: **53**DOB: **1964**SS#: **[REDACTED]**Address: **Nation Road**City, State, Zip: **Hodges, SC 29653**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: **Unlawful Entry On Another's Lands After Notice****0-30 days**In violation of § **16-11-0600** of the S.C. Code of Laws, bearing CDR Code # **2320**INDICTMENT/CASE#: **2018GS24-0273**A/W: **2017A2410200684**Date of Offense: **06/28/2017**S.C. Code §: **16-11-0600**CDR Code #: **2320**

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (def.'s initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

C. Bates Brown, Jr., Deputy Solicitor**78607**
SC Bar #

Defendant

Attorney for Defendant

102239
SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of **30 days** months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: **August 22, 2018 (2018GS2400272)**☒ 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 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 PTUP _____

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: _____ Obtain GED ☐☐ Set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$ _____

§14-1-206 (Assessments 107.5%) \$ _____

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ **100**

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____

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

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

Proviso (Public Def/Prob) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ **25**

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ **3.75**TOTAL \$ **128.75**Clerk of Court/Deputy Clerk: **Charles Opeland**Court Reporter: **T. Scott**

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 requires \$500 be paid to Clerk

during probation and shall be collected before

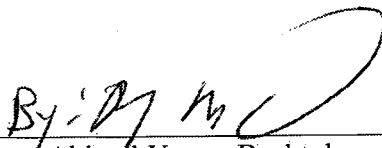
any other fees

Presiding Judge: **Judith Newman**Judge Code: **2150**Sentence Date: **August 22, 2018**

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,



Mary Abigail Young Bechtol
Segui Law Firm PC

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

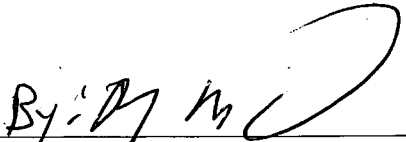
ATTORNEY FOR APPELLANT

This 28th day of October, 2019.

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,

By: 

Mary Abigail Young Bechtol
Segui Law Firm PC

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

ATTORNEY FOR APPELLANT

This 28th day of October, 2019.

RECEIVED

OCT 28 2019

SC Court of Appeals