

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County

Honorable Perry H. Gravely, Circuit Court Judge

THE STATE,

RECEIVED
OCT 25 2018
SC Court of Appeals

RESPONDENT,

V.

CHRISTIAN ARENSON SCOWCROFT,

APPELLANT

APPELLATE CASE NO 2017-001859

RECORD ON APPEAL

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STATE'S EXHIBIT #15 (PHOTOGRAPH)

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STATE'S EXHIBIT #20 (CD INTERVIEW OF DEFENDANT)

State of South Carolina,)
)
 v.) Case No. 17-GS-23-1278
)
 Christian Arenson Scowcroft,)
)
 Defendant.)

TRANSCRIPT OF JURY TRIAL

The within JURY TRIAL in the above-captioned matter was held on August 23-24, 2017, before The Honorable Perry H. Gravely in Courtroom 6 of the Greenville County Courthouse, Greenville, South Carolina, attended by counsel as follows:

APPEARANCES:

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Qualification and Selection of Jury

1 First of all let me give you a very brief
2 synopsis of what the charges are. I want to
3 say right upfront that the fact that somebody
4 is charged with a crime does not mean that
5 they are guilty. They are presumed innocent.
6 I'll expand further on the presumption of
7 innocence once the jury is selected.

8 These are merely the indictments, the
9 papers that bring these charges before the
10 court. Mr. Scowcroft has pled not guilty to
11 these charges.

12 The first charge is burglary, first
13 degree, and then a grand larceny, which
14 involves a matter on August 16th, 2016, on
15 Alex Court in connection with the dwelling
16 of Mr. Harrison Golson.

17 First of all, I need to make sure -- is
18 anyone related by blood or marriage, is a
19 close personal friend, has any business
20 relationship with the defendant -- if the
21 Defendant could stand, Mr. Scowcroft.

22 DEFENDANT: (Complies).

23 THE COURT: Thank you. Is anybody
24 related by blood or marriage, is a close
25 personal friend or has a business relationship

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1 is an early lunch. I call this a school
2 lunch, an 11:30 lunch.

3 (JURY OUT @ 11:35 A.M.)

4 THE COURT: All right, I will be glad
5 to hear from the State.

6 SOLICITOR FOWLER: Yes, sir, Judge. We
7 would like to go ahead and do a *Jackson v.*
8 *Denno* Motion.

9 THE COURT: All right.

10 SOLICITOR FOWLER: Your Honor, the
11 State calls Deputy Robert Grubbs.

12 (WITNESS TAKES STAND)

13 ROBERT GRUBBS, having been sworn to tell
14 the truth, and nothing but the truth,
15 testified as follows:

16 DIRECT EXAMINATION

17 BY SOLICITOR FOWLER:

18 Q. Deputy Grubbs, how long have you
19 been with the Sheriff's Office?

20 A. Seven years now.

21 Q. And what is your role there?

22 A. Property crimes investigator.

23 Q. Were you doing that back in August
24 of 2016?

25 A. Yes, sir, I was.

1 Q. Did you in fact investigate this
2 case that we are here today for?

3 A. Yes, I did.

4 Q. Did y'all come to find the Defendant
5 as a suspect in that case?

6 A. Yes, sir.

7 Q. Did you attempt to reach out to that
8 defendant and talk to him?

9 A. Yes, sir. Had a good telephone
10 number, called him and, uh, asked him to come
11 to my office.

12 Q. Were you able to speak to him on the
13 phone?

14 A. I was.

15 Q. Did you leave a business card for
16 him or anything like that?

17 A. I did. I think at one point I left
18 a business card for him on his car at his
19 apartment.

20 Q. Did he respond after that?

21 A. He responded, to my recollection,
22 several days later. He got in contact with
23 me and came to meet with me, I think, on
24 August 19th.

25 Q. So y'all set up a time to meet.

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1 A. (Affirmative nod).

2 Q. You -- he waited several days after
3 the initial contact to get in touch with you?

4 A. That's correct.

5 Q. So it's fair to say that he wasn't
6 in custody at that point?

7 A. No, sir.

8 Q. So he came freely, voluntarily to
9 that meeting?

10 A. Yes, sir.

11 Q. There was no threat of arrest or
12 anything like that?

13 A. No, sir.

14 Q. Let's talk about that meeting.
15 Where did this meeting take place?

16 A. It took place at the Sheriff's
17 Office, Northern Area Command, at 4900 Old
18 Buncombe Road.

19 Q. Who was present at this meeting?

20 A. Myself, Mr. Scowcroft and
21 Investigator Brochin.

22 Q. Okay. And when he walked in, was he
23 in handcuffs or anything like that?

24 A. No, sir.

25 Q. Did you tell him he was in hand-

1 cuffs?

2 A. No, sir.

3 Q. Could you describe the room? Were
4 there bars or anything like that?

5 A. No, this was a regular office
6 converted to an interview room. It has a
7 camera and audio recording equipment. A
8 standard interview room. That's about it.

9 Q. Okay. But just to be safe, pretty
10 prior to this interview, did you advise him
11 of his *Miranda* rights?

12 A. Yes, sir. I pulled out a
13 departmental waiver of rights form. I read
14 the form to him, gave him an opportunity to
15 read it. So -- (pause).

16 Q. Is this a copy of that form?

17 A. Yes, sir.

18 Q. Can you tell me whose name is signed
19 at the bottom of that form?

20 A. (Upon review), Chris Scowcroft.

21 Q. That is the defendant, correct?

22 A. Yes, sir.

23 Q. How far in school did he tell you
24 that he went, how far does this form say that
25 he went?

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1 A. Bachelor of Science, Electrical
2 Engineering.

3 Q. So he has college degree, so it is
4 safe to say that he can read and write?

5 A. Yes, sir.

6 Q. Did you have any doubt at all that
7 he understood what was going on?

8 A. No, sir.

9 Q. Do you have doubts that he under-
10 stood his rights?

11 A. No, sir, no doubt.

12 Q. Okay. In fact, at some point during
13 that interview, he sort of made an intimation
14 that he may have wanted a lawyer. Correct?

15 A. Yes, sir.

16 Q. Did y'all stop the interview at that
17 point?

18 A. Correct.

19 Q. But then he decided that he wanted
20 to keep going?

21 A. Correct.

22 Q. Did you advise him that y'all could
23 stop at any time?

24 A. Yes, sir. That was advised on the
25 form.

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1 Q. Okay. And at the end of that
2 interview, he was in fact placed under
3 arrest; was he not?

4 A. Yes, sir.

5 Q. Okay.

6 SOLICITOR FOWLER: That's all that I've
7 got, Judge.

8 CROSS EXAMINATION

9 BY RANDY CHAMBERS:

10 Q. Had you already secured an arrest
11 warrant for him before he came in to talk to
12 you?

13 A. Yes, sir, I had.

14 Q. So you were just waiting for him to
15 come and you were going to arrest him,
16 regardless of what he said that day?

17 A. Correct.

18 RANDY CHAMBERS: That's all the
19 questions that I have.

20 THE COURT: May I see that?

21 SOLICITOR FOWLER: Yes, sir. I'd like
22 to mark this as a Court's Exhibit right now.

23 THE COURT: This is the Waiver of
24 Rights that you're referring to, to be marked
25 as Court's Exhibit 1.

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1 SOLICITOR FOWLER: Yes, sir.

2 (SO ENTERED AS COURT'S EXHIBIT 1)

3 THE COURT: Anything else of this
4 witness?

5 SOLICITOR FOWLER: No, Judge.

6 (WITNESS STEPS DOWN)

7 SOLICITOR FOWLER: Judge, at this time
8 I'd ask that the Defendant's statement, as
9 made to Deputy Grubbs, be deemed as
10 admissible into evidence by the terms of
11 *Jackson v. Denno*.

12 THE COURT: What was the statement?

13 SOLICITOR FOWLER: He gives a fairly --
14 he gives about a thirty-minute -- he tried --
15 he essentially attempts to explain where he
16 was the day of the crime and how he came in
17 possession of this stuff.

18 THE COURT: Mr. Chambers?

19 RANDY CHAMBERS: Your Honor, I
20 appreciate that summary but we don't know
21 what the statement is.

22 THE COURT: Right.

23 SOLICITOR FOWLER: We provided it in
24 discovery, Judge.

25 THE COURT: Well, I know but that's not

1 something that I -- isn't that something that
2 I should be looking at?

3 SOLICITOR FOWLER: We could play it for
4 you. It's a recorded interview.

5 RANDY CHAMBERS: I think that there is
6 a written version of it, a written version of
7 the statement, or at least a summary of it.

8 SOLICITOR FOWLER: Well, it is in his
9 report which was also provided to you in
10 discovery?

11 RANDY CHAMBERS: I'll put it to you
12 this way, Your Honor. From my standpoint,
13 as long as it is what is on the video and
14 they're not seeking to get any other
15 statements in, I don't -- obviously the Court
16 will make the decision, but if it is that
17 then I don't think that we have an issue with
18 it.

19 THE COURT: So you're saying that you
20 looked at the video and if it is what is on
21 the video, then you don't have any issue with
22 it?

23 RANDY CHAMBERS: That's correct.

24 THE COURT: Yeah, I just don't have a
25 good handle on what statements that you're

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1 talking about, so ---

2 SOLICITOR FOWLER: Well, this statement
3 -- now, we do intend to produce other
4 statements, Judge. This one is 'what did you
5 provide to the authorities', which is what my
6 understanding of *Jackson v Denno* covers. If
7 you're in custody, then *Miranda* applies. If
8 it does -- if *Miranda* was properly given and
9 properly waived.

10 He did make a statement to the clerk at
11 the gun store that ---

12 THE COURT: All right.. This has
13 nothing to do with ---

14 SOLICITOR FOWLER: Has nothing to do
15 with that.

16 THE COURT: Okay. I guess -- so what
17 I'm hearing is that everything that is
18 related to the interview in this room that
19 Officer Grubbs testified about, you do not
20 have any issue with those as far as *Jackson*
21 *v. Denno*?

22 RANDY CHAMBERS: No, Your Honor.

23 THE COURT: You're not requesting the
24 Court review the summary or anything like
25 that?

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1 RANDY CHAMBERS: No.

2 THE COURT: I think based on that, then
3 I'm going to find that you've met *Jackson v.*
4 *Denno* and I will allow it in for that
5 purpose. We can address it as it comes in.
6 Anything else?

7 RANDY CHAMBERS: The only other thing,
8 Your Honor, is that I'd ask that my client be
9 allowed to remain out on bond during our
10 breaks and overnight, if necessary. He's
11 never failed to show up for court.

12 SOLICITOR FOWLER: I have no problem
13 with that, Judge. He's exactly right.

14 THE COURT: I will allow him to remain
15 on bond through lunch and then I will address
16 that issue later today. He can remain on
17 bond until the conclusion of today.

18 At 1:15 be ready to go. I told this jury
19 to be back at 1:15, so let's be ready to go
20 at 1:15.

21 SOLICITOR FOWLER: Absolutely.

22 (LUNCH RECESS)

23 (DEFENDANT PRESENT)

24 THE COURT: Juror Number 17, Shirley
25 Bowdoin, advised -- explain exactly what she

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1 told me.

2 BAILIFF: She told another fellow,
3 who told me, that she just discovered that
4 her sister -- or just remembered, that she
5 didn't think about it earlier, that her
6 sister works for the Sheriff's Department.

7 THE COURT: What do y'all want to do
8 about that?

9 SOLICITOR FOWLER: I mean, you know, --
10 I certainly understand if you have a problem
11 with it.

12 RANDY CHAMBERS: Well, I do from the
13 standpoint that I had ten strikes and I
14 probably would have used one of them on her.

15 THE COURT: Well, we have two ways to
16 handle it. We can either have her out here
17 and ask her -- go that way. Or we have two
18 alternates and we can just agree to seat one
19 of the alternates.

20 RANDY CHAMBERS: I would say have her
21 relieved and put one of the alternates on the
22 jury.

23 THE COURT: Do y'all have a problem
24 with that?

25 SOLICITOR FOWLER: (Negative gesture),

1 I'm okay with that, Judge.

2 THE COURT: All right. Bring Ms.
3 Bowdoin out and I'll -- you know, what we're
4 supposed to do for an alternate is draw from
5 a hat.

6 RANDY CHAMBERS: Oh, okay.

7 THE COURT: We can let the clerk draw
8 it.

9 (JUROR NUMBER 17 ENTERS COURTROOM)

10 THE COURT: You are Ms. Bowdoin; right?

11 JUROR NUMBER 17: Yes, sir.

12 THE COURT: You indicated that your
13 sister -- that you just didn't realize the
14 connection or something but that your sister
15 works in the Sheriff's Department. Is that
16 correct?

17 JUROR NUMBER 17: Yes, sir.

18 THE COURT: That's why we have
19 Alternates. We realize that sometimes it
20 happens, so we're going to pull one of the
21 Alternates in. The parties have agreed that
22 we can use one of the Alternates, so we can
23 dismiss you from this case.

24 JUROR NUMBER 17: You go so fast on them
25 questions and then I wondered, 'what about my

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1 sister working' ---

2 THE COURT: That's good.

3 JUROR NUMBER 17: Okay.

4 THE COURT: No problem, we're just
5 going to move one of the Alternates in.
6 You still will call back after 6:00 tonight
7 to see if we have another one.

8 JUROR NUMBER 17: Okay.

9 THE COURT: The Clerk will draw.

10 CLERK: Juror Number 109, Shantel
11 Parks.

12 THE COURT: All right. Please tell Ms.
13 Parks that she will be a part of the regular
14 jury. Are y'all ready to bring the jury in?
15 Are you ready for opening statements?

16 SOLICITOR FOWLER: Ready, Your Honor.

17 RANDY CHAMBERS: Yes, sir.

18 THE COURT: Bring in the jury.

19 (JURY IN @ 1:25 P.M.)

20 THE COURT: Ladies and gentlemen, y'all
21 are shy one now because one of the jurors
22 realized that there may be a potential
23 conflict. So under our process, Ms. Parks,
24 you are now part of the regular jury. Ms.
25 Akers, you are still an Alternate. You

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Opening Statement by Solicitor for the State

1 haven't been "promoted" but Ms. Parks has.

2 We are now ready for opening statements/
3 summaries by the attorneys. Please devote
4 your attention to them at this point. Mr.
5 Fowler?

6 SOLICITOR FOWLER: Yes, sir. Good
7 afternoon, ladies and gentlemen, my name is
8 Brann Fowler. As I said earlier, I'm an
9 assistant solicitor with the Greenville
10 County Solicitor's Office. That means today
11 that my job is to prove to you all beyond a
12 reasonable doubt that the Defendant,
13 Christian Scowcroft, committed two crimes:

14 First, burglary in the first degree;

15 Second, grand larceny.

16 Now, in opening statements I like to give
17 jurors a very brief summation of where I
18 think that this trial is going to go.

19 We will show that the defendant and the
20 victim knew each other.

21 We will show that the defendant knew
22 where the victim lived.

23 We will show that the defendant knew when
24 the victim would and would not be home.

25 We will show that the defendant knew that

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Opening Statement by Solicitor for the State

1 even though the victim had a fairly good-
2 sized dog that he would keep it locked up if
3 he wasn't home.

4 We will show that the defendant knew
5 about valuables that the victim had inside
6 his house.

7 We will further show that a neighbor
8 spotted a similar looking person to the
9 defendant at the scene of the crime at the
10 time of the crime.

11 We will also show that that same
12 neighbor, though he initially misidentified
13 the vehicle, later identified the defendant's
14 vehicle at the scene of the crime at the time
15 of the crime.

16 We will also show through photographic
17 evidence that the defendant sold the very
18 same items which were stolen from the
19 victim's house almost immediately after they
20 were taken, at two different stores very near
21 the defendant's residence.

22 We will also show the defendant had
23 recently lost a job, needed money.

24 And, finally, ladies and gentlemen,
25 you'll get to hear from the defendant himself

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Opening Statement by Mr. Chambers for Defense

1 through his statement that he gave to police
2 where he lies almost continually.

3 At the end of this presentation of
4 evidence, I feel confident that you will
5 agree with the State that the defendant is
6 guilty on all counts.

7 Thank you very much. I look forward to
8 working with you.

9 THE COURT: Mr. Chambers?

10 RANDY CHAMBERS: Yes, sir, Your Honor,
11 may it please the Court. Mister Solicitor.
12 Ladies and gentlemen of the jury.

13 As he was introduced to you earlier, this
14 is Christian Scowcroft sitting over here. He
15 is a lifelong residence of this area, a
16 Citadel grad, an engineer. He now works as a
17 purchasing manager for Green River Log Homes.

18 He finds himself today in a situation
19 that, frankly, he never thought that he would
20 be in. He finds himself sitting here
21 referred to as the defendant. He's on trial.
22 He's on trial for a very serious offense,
23 burglary first. Also grand larceny. So the
24 stakes are very high for him here today. But
25 I will tell you that as terrible a situation

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Opening Statement by Mr. Chambers for Defense

1 as that is for him to find himself in, and as
2 unlikely as he could ever have believed that
3 he would find himself here, he's been looking
4 forward to this day because these charges
5 have been hanging heavy over his head this
6 entire time. Finally, because you good folks
7 have interrupted your lives and you've come
8 here pursuant to your jury summons, this case
9 is going to be decided.

10 Now, the Solicitor gave you a little bit
11 of a roadmap about where he expects this case
12 to go. You've been told a couple of times
13 now that the burden is squarely on the
14 Solicitor. They have to prove their case,
15 each and every element of every offense
16 beyond a reasonable doubt.

17 It's not like if we were here on a Common
18 Pleas case, a civil case, which also involves
19 serious matters. But there the jury would be
20 looking for the greater weight of the
21 evidence. If you have a scale that we could
22 look at, you'd have to be able to say that
23 there's just enough evidence to tilt it ever
24 so slightly in their favor.

25 There are other tribunals, such as

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1 arbitration and things like that, where a
2 person bringing a case has to prove their
3 case by clear and convincing evidence; which
4 is obviously a high standard, higher than a
5 preponderance of the evidence standard.

6 Here in this court, it's the only court
7 where somebody can walk out of here with a
8 criminal record and can be deprived of their
9 freedom. That is where we have the greatest
10 burden for the prosecutor, and that is prove
11 that convinces you beyond a reasonable doubt.

12 It's kind of hard to quantify that. I
13 think His Honor will tell you that it has to
14 be evidence that leaves you firmly convinced
15 -- that's just another way of saying that you
16 have to be absolutely sure.

17 It is not proof beyond the shadow of a
18 doubt. There are not many things that we
19 know of in life that can be proven beyond the
20 shadow of a doubt.

21 It has to be true enough to you as you
22 hear the evidence in this case that you don't
23 go home and say, 'I wonder if I got that
24 right.' It has to be substantial enough
25 proof that if you had to bet something in

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1 your life, something that was personal to
2 you, on the outcome in that case would you
3 feel comfortable in doing that based on what
4 you've heard.

5 If you are left with any doubt, the
6 benefit of that doubt has to go to the
7 defendant in this case -- or the accused,
8 which is probably a better way to put it,
9 because all we have are accusations.

10 Now, the Solicitor told you where he
11 intends to go with the case. There are
12 certainly inferences that can be drawn from
13 this case as you go through it. Perhaps it
14 supports their side, but does it support it
15 beyond a reasonable doubt?

16 Here are some things that will become
17 abundantly clear to you as we go through
18 this:

19 There was another person that was a
20 likely suspect in this case that was never
21 investigated. His name is Britain Donahue.
22 He was a roommate of Christian Scowcroft.
23 You'll hear more about that as the evidence
24 unfolds.

25 You are also going to hear that there was

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1 absolutely no physical evidence that would
2 establish that Christian Scowcroft broke into
3 the alleged victim's home in this case -- and
4 I won't say the 'alleged victim' because he
5 did have some items stolen from him. We
6 contend that it was not by Christian
7 Scowcroft.

8 But there is no physical evidence.
9 You're not going to find any fingerprints,
10 any DNA, anything like that that was found
11 in the house. There are no eyewitnesses.
12 There are no witnesses that saw him go in or
13 out of that house at any point.

14 There was a description that you'll hear
15 of a "tall, shaggy-haired male driving a red
16 car." Yes, Christian Scowcroft had a red car
17 but he is not, never has been, a tall,
18 shaggy-haired individual. That is important
19 as you see the evidence unfold in this case.

20 You will hear and it is true that he went
21 and pawned some items at a couple of
22 different stores. They are going to present
23 evidence of that. He had possession at some
24 point of goods that had been stolen from Mr.
25 Golson's home, but he got those because they

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1 were left at his house by Britain Donahue.

2 We believe that is what the evidence in
3 this case is going to show. We really
4 appreciate you being here, folks. It is easy
5 to make an accusation against someone but at
6 some point you've got to prove it. In this
7 case, you've got to prove it beyond a
8 reasonable doubt.

9 Trial by jury is one of the bedrocks of
10 our republic, of our democracy, because it
11 is a check on government power. It is
12 guaranteed in the ten amendments, the
13 original ten amendments to the Bill of
14 Rights. It is guaranteed, trial by jury.
15 John Adams even went so far as to say that
16 it is the very heart and lungs of liberty.
17 That's absolutely true, for all the reason
18 that I have already talked about.

19 Now, it is just human nature that --
20 you are of different ages, you come from
21 different walks of life. Each and every one
22 of you has an unique perspective. Some of
23 you are shy, some of you are very outgoing.
24 There is one thing that you need to know as
25 you're sitting here today. None of you is

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Testimony of Harrison Golson - Direct Examination

1 any more or less important than the other
2 person. You have to reach an unanimous
3 decision when all is said and done.

4 I've been doing this for a while and
5 there is nothing that gives me greater
6 comfort than trial by jury, because that is
7 where justice happens. It happens in your
8 hands, folks.

9 Our position is very clear, he did not
10 commit the crimes that he is accused of and
11 they can't prove he did beyond a reasonable
12 doubt.

13 We appreciate you being here and we look
14 forward to hearing this case. Thank you.

15 THE COURT: All right. State, call your
16 first witness.

17 SOLICITOR FOWLER: Yes, sir, Judge.
18 The State calls Harrison Golson.

19 (WITNESS TAKES STAND)

20 HARRISON GOLSON, having been sworn to
21 tell the truth, and nothing but the truth,
22 testified as follows:

23 DIRECT EXAMINATION

24 BY SOLICITOR FOWLER:

25 Q. Mr. Golson, where do you live?

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Testimony of Harrison Golson - Direct Examination

1 A. [REDACTED] Alex Court.

2 Q. How long have you lived there?

3 A. Since March 3rd, 2015.

4 Q. Okay. Is that located in Greenville
5 County?

6 A. Yes.

7 Q. So you were living there in August
8 2016?

9 A. Yes, sir.

10 Q. What do you do for a living?

11 A. I am an engineering manager for
12 AT&T.

13 Q. How long have you worked for them?

14 A. Since June 1st, 2015.

15 Q. Do you know Christian Scowcroft?

16 A. Yes.

17 Q. Do you see him in the room here
18 today?

19 A. Yes, sir.

20 Q. For the record, could you point him
21 out and say what color shirt that he is
22 wearing?

23 A. (Indicating), white shirt.

24 Q. All right, Mr. Golson. Let's talk
25 about the -- let's talk about y'all's

1 relationship. How did you know him?

2 A. We worked together at AT&T.

3 Q. When you say that you worked
4 together, what does that mean?

5 A. He was a new hire, I tried to help
6 train him. Stuff like that.

7 Q. Okay. During the course of that
8 did he ever go to your house?

9 A. Yes.

10 Q. So he knew where your house was?

11 A. Yes.

12 Q. What did he go to your house for?

13 A. Help me move a piece of furniture.

14 Q. So he was inside your house?

15 A. Yes.

16 Q. So he saw inside your house?

17 A. Right.

18 Q. Do you have a dog?

19 A. I do.

20 Q. What kind of dog is it?

21 A. German Wirehaired Pointer.

22 Q. How much does he weigh?

23 A. About seventy-five pounds.

24 Q. Does he bark when people come up to
25 the house?

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Testimony of Harrison Golson - Direct Examination

1 A. Yes.

2 Q. What do you do with him when you're
3 not home?

4 A. Lock him up.

5 Q. The day that Christian came to your
6 house, did you lock him up?

7 A. I did.

8 Q. About when was that in relation to
9 the events of August 16th?

10 A. Two to four months.

11 Q. Prior?

12 A. Yes.

13 Q. So somewhere between April and June?

14 A. Right.

15 Q. And this event happened in August?

16 A. That's right.

17 Q. Did you keep pretty much the same
18 schedule?

19 A. Every day.

20 Q. Every day?

21 A. (Affirmative nod).

22 Q. What kind of schedule did that look
23 like?

24 A. Leave at 6:45 a.m., get to work at
25 7:00; leave work at 11:00, home by 11:15 for

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1 lunch, an hour lunch and then go back.

2 Q. Every single day?

3 A. Every single day, (affirmative nod).

4 Q. And you were doing that when you
5 were training Mr. Scowcroft?

6 A. Yes.

7 Q. How long was Mr. Scowcroft -- how
8 long were you training him?

9 A. Couple months.

10 Q. So for several months you ---

11 A. Right.

12 Q. He was with you every day?

13 A. (Affirmative nod).

14 Q. Day in and day out?

15 A. (Affirmative nod).

16 Q. Okay. Was he still working for AT&T
17 at the time that this crime happened?

18 A. No, sir.

19 Q. How long before that did he leave?

20 A. July 20th.

21 Q. So just a little bit less than a
22 month prior?

23 A. Correct.

24 Q. Was there any kind of ill will?

25 What was that about?

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1 A. I don't know.

2 Q. So let's talk about the events of
3 August 16th, 2016. What time did you leave
4 your house that morning?

5 A. 6:45.

6 Q. And what time did you get home for
7 lunch?

8 A. 11:15.

9 Q. Okay. When you got back in the
10 house, what did you see?

11 A. Opened up the front door, saw the
12 back door was open. Saw the lock on the
13 floor. I reached for my gun in the closet
14 and it was gone. Got the dog out, checked
15 the house to make sure that nobody was there.
16 Called the police.

17 Q. Did you notice some items had gone
18 missing in addition to that gun?

19 A. Not at first.

20 Q. But eventually you did?

21 A. Right.

22 Q. What all was missing out of your
23 house?

24 A. Two guns, accessories for those;
25 video games, PlayStation.

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Testimony of Harrison Golson - Direct Examination

1 Q. Did you tell the police about that?

2 A. I did.

3 Q. Did you file an insurance claim?

4 A. I did.

5 Q. Did you file a claim both for the
6 damage to your house and for the things that
7 had gone missing?

8 A. I did.

9 Q. I'm going to show you what has been
10 premarked as State's Exhibits 1 through 9.

11 A. Okay.

12 Q. Before we show them to the jury or
13 before you tell them what it is, just look at
14 them and tell me if you recognize them.

15 Okay?

16 A. (Upon review), yes.

17 Q. All right.

18 SOLICITOR FOWLER: Judge, at this time
19 the State would move to enter into evidence
20 what has been premarked as State's Exhibits
21 1 through 7, pictures of rifles and
22 PlayStations stolen out of the house. And
23 State's Exhibits 8 and 9, two insurance
24 documents regarding the things taken and
25 damage done to the house.

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1 THE COURT: Any objection?

2 RANDY CHAMBERS: No objection to the
3 pictures, Your Honor. I am not sure as to
4 the relevance of the insurance claim.

5 SOLICITOR FOWLER: The idea is that
6 part of the element of grand larceny is value
7 and it shows the evaluation the insurance
8 company put on it.

9 RANDY CHAMBERS: No objection, Your
10 Honor.

11 THE COURT: So 1 through?

12 SOLICITOR FOWLER: State's Exhibits 1
13 through 7 are pictures.

14 THE COURT: What are they? I've got a
15 list here. Are you talking about 1 through 9
16 or 1 through 10?

17 SOLICITOR FOWLER: I'm entering 1
18 through 9.

19 THE COURT: Okay, so 1 through 9 are in
20 without objection.

21 SOLICITOR FOWLER: Okay.

22 (SO ENTERED AS STATE'S EXHIBITS 1-9)

23 DIRECT EXAMINATION CONTINUED

24 BY SOLICITOR FOWLER:

25 Q. Mr. Golson, could you tell me what

1 that is right there? State's Exhibit 9?

2 A. This is a detailed statement from
3 the insurance company on the appraisal of the
4 items taken.

5 Q. What is the total value that the
6 insurance company assigned those items?

7 A. \$3,171.

8 Q. If you could tell me what those all
9 are?

10 A. Those are all pictures of a rifle.

11 Q. Is that your rifle?

12 A. It is.

13 Q. That is the one that went missing
14 from your house that day? Correct?

15 A. It is, (affirmative nod).

16 Q. If you could, tell me what these
17 three things are.

18 COURT REPORTER: Exhibit numbers?

19 SOLICITOR FOWLER: Exhibits 1, 2, 3.

20 WITNESS: Those are pictures of the
21 PlayStation and the game inside.

22 DIRECT EXAMINATION CONTINUED

23 BY SOLICITOR FOWLER:

24 Q. The same ones taken from your house?

25 A. That's correct.

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1 Q. Was that game inside your Play-
2 Station when he took it from your house?

3 A. Yes, sir.

4 Q. What model PlayStation is that?

5 A. PlayStation 2.

6 Q. Two?

7 A. PlayStation 3.

8 Q. Okay. And what kind of rifle was
9 that?

10 A. Remington Model 700, .270

11 Q. Did it have a scope on it?

12 A. Yes, sir.

13 Q. All right. So you come home, you
14 find your house has been broken into?

15 A. (Affirmative nod).

16 Q. You find your stuff missing.

17 A. (Affirmative nod).

18 Q. You call the police?

19 A. (Affirmative nod).

20 Q. Did you have any idea about who
21 could have done this?

22 A. No idea.

23 Q. You didn't tell the police that --
24 about anybody?

25 A. Later I did.

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Testimony of Harrison Golson - Cross Examination

1 Q. Who was that?

2 A. Chris.

3 Q. What kind of car does the defendant
4 drive?

5 A. A red Volkswagen Jetta, Passat.

6 Q. A car -- Volvo (sic)?

7 A. Yeah.

8 Q. You don't have anything personal
9 against the defendant?

10 A. No, sir.

11 Q. He didn't owe you money or anything
12 like that?

13 A. No, sir.

14 SOLICITOR FOWLER: That's all that I've
15 got. If you would, please answer any
16 questions that the defense attorney might
17 have.

18 THE COURT: Cross-examination.

19 CROSS EXAMINATION

20 BY RANDY CHAMBERS:

21 Q. You weren't home for this, you
22 didn't witness anything; is that correct?

23 A. That's correct.

24 Q. You just came in in the aftermath of
25 what happened?

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1 A. That's correct.

2 Q. The items that were taken, where
3 were they inside the home?

4 A. Downstairs. Living room, closet,
5 dining room, all one room.

6 Q. You had things in a closet, you had
7 things in the dining room. Were these things
8 put away or were they just sitting out in the
9 open?

10 A. The guns were in the closet.

11 Q. Where is the closet located?

12 A. Downstairs as you walk in the door.

13 Q. And the guns were a Remington .270;
14 is that correct?

15 A. Yes.

16 Q. And you had a scope?

17 A. (Affirmative nod).

18 Q. Was the scope actually on the rifle?

19 A. Yes, sir.

20 Q. And then you had a Browning .12
21 gauge; correct?

22 A. Yes, sir.

23 Q. Was that a single shot or an
24 automatic?

25 A. Automatic.

1 Q. And I believe that you had it in a
2 camouflaged-colored gun bag; correct?

3 A. Right.

4 Q. And then there was the PlayStation 3
5 and various games? Right?

6 A. One game.

7 Q. Other than those things that I just
8 named, was anything else stolen?

9 A. Other than that, no.

10 Q. You said that there were accessories
11 that went with the guns?

12 A. Both guns were in cases, both guns
13 had slings, one had a scope on it.

14 Q. And were all those items recovered?

15 A. No.

16 Q. The shotgun was not recovered?

17 A. No, sir. That's correct.

18 Q. And were all of the items, the
19 ancillary items that went with the guns and
20 things, were all those things recovered?

21 A. Not the shotgun. And the case for
22 the rifle is still missing.

23 Q. So your only interaction with
24 Christian then is that the two of you worked
25 together at AT&T?

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Testimony of Harrison Golson - Cross Examination

1 A. That's correct..

2 Q. You weren't social friends?

3 A. No.

4 Q. No real interaction outside of work?

5 A. No.

6 Q. You just sat close together at work?

7 A. Correct.

8 Q. And he had been to your house one
9 time?

10 A. That's right.

11 Q. And that was at your request to help
12 move a piece of furniture?

13 A. That's correct.

14 Q. Do you recall that he had another
15 person with him when he came to your office,
16 that was seated out in his vehicle?

17 A. No, sir.

18 Q. You don't recall that?

19 A. No, sir.

20 Q. So the only time that he went in
21 your house, Christian, was when you moved the
22 table.

23 A. (Affirmative nod).

24 Q. And where did you move the table to?

25 A. To the garage where the dog was.

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1 Q. Was this a table that you were
2 bringing into the house or where you simply
3 moving it from the house to the garage?

4 A. Bringing it into the house. It
5 wasn't a table, it was a cabinet.

6 Q. A cabinet?

7 A. (Affirmative nod).

8 Q. So he didn't even have to go into
9 the house then?

10 A. We did.

11 Q. You went through the house to get to
12 the garage?

13 A. Yes.

14 Q. With the cabinet?

15 A. No. We went through the house to
16 get to the garage, to open the door, to bring
17 it ---

18 Q. Oh, okay. So y'all -- so he got
19 there, the two of you walked through the
20 room, into the garage, opened the door, then
21 moved the cabinet in there?

22 A. Correct.

23 Q. Then you said 'thanks a lot for
24 coming' and he went home?

25 A. That's correct.

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Testimony of Harrison Golson - Redirect Examination

1 Q. And he was driving -- you said it
2 was either a Passat or a Jetta, you just know
3 that it was a red car?

4 A. A red Volkswagen car, (affirmative
5 nod).

6 Q. Christian is about 5'10", right?

7 A. Sure.

8 Q. A little bit taller than you?

9 A. Sure.

10 Q. He's always worn his hair in a well-
11 groomed manner, right?

12 A. As far as I know.

13 RANDY CHAMBERS: Thank you very much.

14 THE COURT: Redirect?

15 SOLICITOR FOWLER: Just very quickly.

16 REDIRECT EXAMINATION

17 BY SOLICITOR FOWLER:

18 Q. So that happened -- about how long
19 in total was Mr. Scowcroft at your house that
20 day?

21 A. I don't know. Fifteen, twenty
22 minutes maybe.

23 Q. The shotgun that went missing, what
24 color was it?

25 A. It was camouflage.

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Testimony of Michael Nascarello - Direct Examination

1 Q. So the case and the shotgun were
2 both camouflage?

3 A. Right. Yes.

4 SOLICITOR FOWLER: Judge, that's all that
5 I've got for this witness.

6 THE COURT: You may step down.

7 (WITNESS STEPS DOWN)

8 THE COURT: Please call your next
9 witness.

10 SOLICITOR FOWLER: Your Honor, the State
11 calls Michael Nascarello.

12 (WITNESS TAKES STAND)

13 MICHAEL NASCARELLO, having been sworn
14 to tell the truth, and nothing but the truth,
15 testified as follows:

16 DIRECT EXAMINATION

17 BY SOLICITOR FOWLER:

18 Q. Mr. Nascarello, where do you live?

19 A. I live on Alex Court, two houses
20 down from Harrison.

21 Q. Could you describe Alex Court for
22 us, could you describe that street?

23 A. Yes, it's a cul-de-sac that
24 intersects perpendicular to another cul-de-
25 sac.

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Testimony of Michael Nascarello - Direct Examination

1 Q. How many people live on your end of
2 the cul-de-sac?

3 A. There's five or six houses on Alex
4 Court, so there's probably seven or eight
5 people that live there.

6 Q. What do you do for a living?

7 A. I am in engineering technology
8 sales.

9 Q. And you -- do you pretty well know
10 everybody that lives on your end of the cul-
11 de-sac?

12 A. Yes.

13 Q. You were living there in August
14 2016?

15 A. Correct.

16 Q. And you know pretty much what kind
17 of vehicles that they drive?

18 A. Yes.

19 Q. Now, on August 16th, were you home?

20 A. Yeah, I was working from home that
21 day.

22 Q. So you were home that morning?

23 A. Yes.

24 Q. Did you see a car that you didn't
25 recognize that morning?

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Testimony of Michael Nascarello - Direct Examination

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1 A. I did.

2 Q. What kind of car was that?

3 A. It was a red sedan.

4 Q. And did you give a description to
5 the police of what kind of car you thought
6 that it was?

7 A. I did.

8 Q. What did you tell them?

9 A. I told them that it was a red
10 Pontiac Sunfire.

11 Q. But later the police showed you
12 another car, is that right?

13 A. That's right.

14 Q. And did you decide that one was the
15 right one and changed your ---

16 A. Yeah, kinda backtracked.

17 Q. Because you just saw the actual car?

18 A. Sure.

19 Q. I am going to hand you what has been
20 premarked as State's Exhibits 10 and 11, two
21 pictures of a car.

22 A. Okay.

23 Q. Is this the car that you -- that red
24 car right there, is that the car that you
25 saw?

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1 A. Um-humm.

2 COURT REPORTER: Is that a "yes"?

3 WITNESS: Yes.

4 THE COURT: Any objection?

5 RANDY CHAMBERS: No, Your Honor.

6 THE COURT: So ten and eleven are in
7 without objection.

8 (SO ENTERED AS STATE'S EXHIBIT 10)

9 (SO ENTERED AS STATE'S EXHIBIT 11)

10 DIRECT EXAMINATION CONTINUED

11 BY SOLICITOR FOWLER:

12 Q. Now, just to be clear, you said that
13 you're an engineering software salesman;
14 correct?

15 A. Correct.

16 Q. What kind of engineering software is
17 it?

18 A. 3D, CAD software. I don't know how
19 much detail you need.

20 Q. Doesn't have anything to do with
21 cars, does it?

22 A. Correct.

23 Q. You're not a mechanic, are you?

24 A. I am not.

25 Q. Are you a particular car guy? Are

1 you into cars?

2 A. Not really. Everyone else seems to
3 be.

4 Q. Okay. So you just threw it out that
5 it might be a Pontiac?

6 A. Yeah.

7 Q. Now, like you said, you're a
8 salesman. Do you have any kind of training
9 in observation or anything like that?

10 A. No.

11 Q. You're not a reserves sheriff's
12 deputy or anything like that, are you?

13 A. No.

14 Q. Are you on the Neighborhood Watch or
15 anything like that?

16 A. No.

17 Q. So you were just a guy working from
18 home?

19 A. Yeah. Wrong place at wrong time, I
20 guess.

21 Q. So you'd been looking out your
22 window?

23 A. Yes.

24 Q. And what did you see when you looked
25 out your window?

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Testimony of Michael Nascarello - Direct Examination

1 A. Well, I saw the red car parked out
2 in front of my house right on the curb.

3 Q. And you said that you were two doors
4 down from Mr. Golson?

5 A. Correct.

6 Q. Did you think that was unusual?

7 A. Not particularly. We tend to have
8 visitors come in and out of the neighborhood,
9 but I'd never seen that car before.

10 Q. But you didn't write it down in your
11 diary or anything like that, did you?

12 A. No, it did not seem memorable at the
13 time.

14 Q. Did you see anybody that morning?

15 A. Yeah, briefly.

16 Q. Was it a man or a woman?

17 A. It was a man.

18 Q. Was he tall or short?

19 A. Average. Lanky.

20 Q. The next question was going to be
21 skinny or fat? So we'd say skinny, I guess?

22 A. Yeah.

23 Q. What race was he?

24 A. He was white.

25 Q. Do you remember anything about the

1 clothing that he was wearing or anything like
2 that?

3 A. No, I didn't really get that much
4 detail on him.

5 Q. And you didn't see him going into
6 the house or anything like that, did you?

7 A. No, I'd seen somebody get back into
8 the car.

9 Q. So you just saw them get in the car?

10 A. Yes.

11 Q. Do you remember what seat of the
12 car, was it the driver's seat or the
13 passenger's seat?

14 A. Driver's seat.

15 Q. Was this all one view out the
16 window, you saw this guy come and get in that
17 car -- or was this two separate views, you
18 saw the car and then you saw him?

19 A. Well, I looked out and I -- I'd got
20 up to, you know, go get a glass of water or
21 something and I seen the red car when I went
22 to sit back down. I got up for some other
23 reason, again, and I seen somebody get back
24 in the car.

25 Q. So the extent of your observations

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1 as a regular, untrained guy is that you saw a
2 somewhat skinny, average build white guy get
3 into a red sedan?

4 A. Right.

5 Q. That was pretty much it?

6 A. Yeah.

7 Q. Didn't -- it wasn't anything super
8 memorable for you, was it?

9 A. Not at all.

10 Q. At least not until all this started?

11 A. Right.

12 Q. Okay. So now it's fair to say that
13 some of your observation may have been not
14 spot-on; right?

15 A. Right.

16 Q. Let me ask you this, does the
17 defendant seated at the table right here look
18 similar to the person you saw that morning?

19 A. Could be.

20 Q. And did you tell the police about
21 this?

22 A. I did. I was visited by an
23 investigator that same day.

24 Q. That's all that I've got. Please
25 answer any questions that the defense

1 attorney might have.

2 A. Okay.

3 THE COURT: Cross-examination.

4 RANDY CHAMBERS: Yes, sir.

5 CROSS-EXAMINATION

6 BY RANDY CHAMBERS:

7 Q. So as I understand, you were in your
8 home which is two doors down from Mr.
9 Golson's home?

10 A. Correct.

11 Q. And if you could -- I know this is a
12 cul-de-sac.

13 A. (Affirmative nod).

14 Q. Describe as best you can where the
15 houses are located and how close they are,
16 those sorts of things?

17 A. Sure. In our cul-de-sac it's got a
18 round. Mr. Golson's house is right at the
19 top of the round. Then there is one house
20 here and I'm about ninety degrees separated
21 from him.

22 Q. Each house has it's own driveway?

23 A. Yes.

24 Q. And each house has it's own garage?

25 A. That's right.

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1 Q. And there is no sidewalk, probably;
2 right?

3 A. There's a limited sidewalk.

4 Q. But you can park on the street and
5 people do?

6 A. Sure.

7 Q. And you weren't on the Neighborhood
8 Watch or anything, you were just there
9 working?

10 A. Right.

11 Q. And you happened to look out the
12 window and you saw a red car?

13 A. Yes.

14 Q. You didn't think anything about it
15 at the time, did you?

16 A. Didn't find it unusual. Like I
17 said, there's visitors coming in and out of
18 the neighborhood from time to time...

19 Q. You just really got concerned about
20 it when you heard about that your neighbor
21 two doors down had been burglarized?

22 A. Yes.

23 Q. And if you were to walk, say, from
24 the front of Mr. Golson's house to where that
25 car was parked, how far would that be?

1 A. Probably from the front door to the
2 car fifty to a hundred steps.

3 Q. And it would require going onto this
4 little bit of sidewalk that you were talking
5 about?

6 A. No, you'd just cut straight through
7 the cul-de-sac to get there.

8 Q. Would you -- but you would have to
9 walk in front of at least one other house?
10 Was it parked in front of your house?

11 A. It was, (affirmative nod).

12 Q. So it was directly in front of your
13 house?

14 A. (Affirmative nod).

15 Q. So he would have had to walk in
16 front of another house and then to your house
17 to get into the car, whoever the person
18 driving that car was?

19 A. That's right.

20 Q. And you actually saw the person get
21 into the driver's seat of the car?

22 A. Like I said, only briefly and
23 vaguely.

24 Q. Do you remember telling the police
25 that it was, as you've already said, a

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Testimony of Michael Nascarello - Cross Examination

1 Pontiac Sunfire?

2 A. That's right.

3 Q. And you say now that's wrong?

4 A. Um-humm.

5 COURT REPORTER: Is that a "yes?"

6 WITNESS: Yes.

7 CROSS EXAMINATION CONTINUED

8 BY RANDY CHAMBERS:

9 Q. That's a pretty specific car, a red
10 Pontiac Sunfire. We don't see a lot of Sun-
11 fires out on the road, do we?

12 A. That's correct.

13 Q. Yet that was the car that you called
14 to mind, a Pontiac Sunfire?

15 A. That's right.

16 Q. But then when the police showed you
17 these pictures of the Volkswagen, you said
18 'oh, that's the car.'

19 A. (Affirmative nod).

20 Q. So it was only after the police came
21 and said, 'hey, we're investigating this and
22 we'd like for you to look at this' did you
23 say, 'yeah, that's the car that I saw'?

24 A. (Affirmative nod).

25 Q. Now, the person that you saw getting

1 in this car, did you see them carrying any
2 rifles, shotguns, any kind of PlayStation,
3 any kind of bag or box or anything that would
4 have had those items in them?

5 A. I can't say that I specifically
6 remember that.

7 Q. So if that were the car that the
8 person who broke into the house actually came
9 and went in, then that person would have had
10 to walk from the front of the house where
11 these items were located inside at least
12 fifty to a hundred steps in front of a couple
13 different houses to get into that car.
14 Right?

15 A. Yes.

16 Q. And this was in broad daylight?

17 A. Yes.

18 Q. For anybody in the neighborhood to
19 see?

20 A. (Affirmative nod).

21 Q. And, yet, you didn't see that.
22 Right?

23 A. I did not.

24 Q. You saw a guy get into the car that
25 you originally thought was a red Pontiac

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1 Sunfire, who may look like my client but who,
2 then again, may not. Right?

3 A.. That's right.

4 Q. Thank you.

5 THE COURT: Redirect?

6 SOLICITOR FOWLER: Just real quick.

7 REDIRECT EXAMINATION

8 BY SOLICITOR FOWLER:

9 Q. Your house -- where exactly where
10 you working in your house?

11 A. Within the house?

12 Q. Right.

13 A. I was located on the couch, which is
14 in front of the window that faces the cul-de-
15 sac.

16 Q. Did you see this from the couch?

17 A. I saw it when getting back to the
18 couch, my couch is -- has my back to that
19 window.

20 Q. So you were doing something else and
21 in those brief few moments when you happened
22 to be up moving around, doing something else,
23 you saw this?

24 A. Right.

25 Q. Were there any other cars parking on

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Testimony of Steve Keys - Direct Examination

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1 that cul-de-sac that morning?

2 A. Not that I can recall.

3 SOLICITOR FOWLER: That's all that I've
4 got.

5 THE COURT: Thank you. You may step
6 down.

7 (WITNESS STEPS DOWN)

8 THE COURT: Please call your next
9 witness.

10 SOLICITOR FOWLER: The State calls Steve
11 Keys, Your Honor.

12 (WITNESS TAKES STAND)

13 MICHAEL STEVEN KEYS, having been sworn
14 to tell the truth, and nothing but the truth,
15 testified as follows:

16 DIRECT EXAMINATION

17 BY SOLICITOR FOWLER:

18 Q. Mr. Keys, do you own Traders Gun
19 store?

20 A. No, sir.

21 Q. You do not?

22 A. No, sir.

23 Q. Did you used to own it?

24 A. No, sir.

25 Q. Did you used to manage it?

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1 A. No, sir, but I worked there for
2 quite a while.

3 Q. So when you were working there, were
4 you aware of the system that they have for
5 keeping receipts?

6 A. Yes, sir.

7 Q I am going to show you what has been
8 premarked as State's Exhibit 13. Can you
9 tell me if that is one of those receipts?

10 A. (Upon review), yes, sir.

11 SOLICITOR FOWLER: Your Honor, the
12 State would move to enter State's Exhibit 13,
13 a receipt from Traders Gun store.

14 RANDY CHAMBERS: No objection.

15 THE COURT: Exhibit 13 is in without
16 objection.

17 (SO ENTERED AS STATE'S EXHIBIT 13)

18 DIRECT EXAMINATION CONTINUED

19 BY SOLICITOR FOWLER:

20 Q. Could you tell me what y'all do with
21 these receipts?

22 A. We hang onto them, seems like
23 indefinitely.

24 Q. What kind of information is on
25 there?

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1 A. A person's name, address, type of
2 weapon that they are selling, the serial
3 number, caliber.

4 Q. Let me stop you there. Does it show
5 the date and time as well?

6 A. Yes, sir. Date, time, driver's
7 license number.

8 Q. What date and time does this receipt
9 show?

10 A. This one is 0816, 2016, at 1348.

11 Q. For the nonmilitary in the room,
12 what does 1348 translate to?

13 A. That would be 1:48, sir.

14 Q. In the p.m.?

15 A. Yes, sir.

16 Q. What kind of firearm does that show
17 being sold?

18 A. That's a Remington 700, .270
19 Winchester bolt-action.

20 Q. Does it have the serial number for
21 that firearm?

22 A. It does.

23 Q. Can you tell me, does that match --
24 I'm going to show you State's Exhibit 4. Can
25 you tell me, does that match the serial

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1 number on that rifle?

2 A. (Upon review), yes, sir, it does.

3 Q. Same rifle?

4 A. Absolutely.

5 Q. Who sold that rifle?

6 A. Christian Scowcroft. I don't know
7 if I pronounced his name right.

8 Q. Could you spell his last name for
9 us?

10 A. S-c-o-w-c-r-o-f-t.

11 Q. Okay. So that piece of paper shows
12 us that this defendant right here took the
13 rifle that was in Harrison Golson's house and
14 sold it to y'all. Correct?

15 A. I don't know where it came from but
16 yes, sir, he did sell it to us.

17 Q. And that sale took place at 1:48 in
18 the afternoon?

19 A. Absolutely.

20 Q. Correct?

21 A. Yes, sir.

22 Q. And how much money did he make off
23 of it?

24 A. We paid him \$300

25 Q. When y'all do -- when y'all buy a

1 gun, do you run any kind of check on it, or
2 anything like that?

3 A. No, sir. We do after the fact.
4 We send it in the next day to the Sheriff's
5 Department, we do that at the close of
6 business.

7 Q. You wait until the end of the day
8 and you send all the guns bought that day,
9 you send that information to the Sheriff's
10 Office.

11 A. Yes, sir.

12 Q. And whose signature is that right
13 there?

14 A. That's my signature.

15 Q. What does that mean, that you signed
16 it?

17 A. That means that he has sold us the
18 weapon and I paid him for it.

19 SOLICITOR FOWLER: That's all that I've
20 got, Judge.

21 THE COURT: Cross-examination?

22 CROSS EXAMINATION

23 BY RANDY CHAMBERS:

24 Q. So if somebody comes in,
25 specifically in this case, to sell a weapon,

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1 they have to produce a photo ID; is that
2 right?

3 A. Yes, sir.

4 Q. You wouldn't buy it from them if
5 they didn't produce a photo ID?

6 A. Absolutely.

7 Q. And Mr. Scowcroft did that in this
8 case?

9 A. Yes, sir.

10 Q. Did he appear to be trying to
11 disguise his identity or anything while he
12 was there?

13 A. Not that I can remember.

14 Q. Obviously you didn't think that
15 there was anything suspicious about him or
16 about this transaction?

17 A. No, sir.

18 Q. He did everything that you asked him
19 to do?

20 A. (Affirmative nod).

21 Q. And you paid him \$300 for the rifle?

22 A. Yes, sir.

23 RANDY CHAMBERS: Thank you very much.

24 THE COURT: Redirect?

25 SOLICITOR FOWLER: Just very briefly.

1 REDIRECT EXAMINATION

2 BY SOLICITOR FOWLER:

3 Q. Mr. Keys, is the man that y'all
4 bought that rifle from that day in the
5 courtroom today?

6 A. Yes, sir. Right over here,
7 (indicating).

8 Q. That's him sitting at the defense
9 table?

10 A. Yes, sir.

11 Q. And I assume that it is not Mr.
12 Chambers, correct?

13 A. Yes, sir.

14 Q. And when y'all sell these guns to
15 people, they sign forms as well?

16 A. Absolutely. Yes, sir.

17 SOLICITOR FOWLER: That's all that I've
18 got, Judge.

19 THE COURT: You may step down.

20 (WITNESS STEPS DOWN)

21 THE COURT: Call your next witness.

22 SOLICITOR FOWLER: Your Honor, the
23 State calls George Nannarello.

24 (WITNESS TAKES STAND)

25 GEORGE NANNARELLO, having been sworn to

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1 tell the truth, and nothing but the truth,
2 testified as follows:

3 DIRECT EXAMINATION

4 BY SOLICITOR FOWLER:

5 Q. Mr. Nannarello, back in August of
6 2016, were you working at Traders Gun store?

7 A. Yes, sir.

8 Q. Do you remember a fellow coming in
9 and selling y'all a rifle?

10 A. Yes.

11 Q. I'm sure there were a lot of them,
12 but do you remember a guy coming in and sell-
13 ing you a Remington 700?

14 A. Well, Steve handled that.

15 Q. But you had worked there during that
16 timeframe, correct?

17 A. Yes, sir.

18 Q. Same deal?

19 A. (Affirmative nod).

20 Q. Do you remember a few days after
21 that if somebody came in trying to sell a
22 shotgun to you?

23 A. Yes, sir.

24 Q. And what happened when he tried to
25 sell the shotgun to you?

1 A. Well, he came in with the shotgun,
2 a Browning shotgun and it had a wire tie
3 through the action. He said that he'd bought
4 the shotgun at the gun show and he wanted to
5 sell it.

6 Q. Okay.

7 A. So I started -- I got a price on it,
8 as I recall, and started the transaction.
9 When I went to put him in the computer, his
10 name came up and that's when -- his name
11 looked familiar to me, so I went and looked
12 at this Remington that you talked about, that
13 the police had come in and said was a stolen
14 gun. It wasn't long before then that we'd
15 pulled -- I did all the computer work at the
16 time, so I'd pulled the paperwork and had it
17 attached to the rifle. So I went and checked
18 the rifle and the name matched. I told him
19 that we couldn't buy the shotgun because the
20 rifle he'd sold us had come up as a stolen
21 gun.

22 Q. Just to be clear, the name that had
23 popped up, what name was it?

24 A. I've forgotten now the name.

25 Q. But it was same name as had sold you

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1 the ---

2 A. It was an unusual name, so when I
3 saw it again it had stuck in my memory.

4 Q. And it was the same name as the
5 person who had sold you this Remington rifle?

6 A. The same name as on the Remington,
7 yes, sir.

8 Q. What name was it that had sold that
9 Remington to you?

10 A. Christian Scowcroft.

11 Q. And this has -- I mean, this has his
12 address, his phone number, -- correct?

13 A. Yes, sir.

14 Q. So he comes in trying to sell y'all
15 a shotgun.

16 A. (Affirmative nod).

17 Q. Do you remember what color that
18 shotgun was?

19 A. Camouflage.

20 Q. All right. Do you remember, you
21 know, pretty much basically -- what did you
22 tell him when his name popped up attached to
23 that stolen gun?

24 A. I told him that we couldn't buy the
25 shotgun because the Remington that he'd sold

1 us had come up as a stolen gun.

2 Q. And how did he respond to that?

3 What did he said?

4 A. He said that the Remington and the
5 Browning had been in his safe for years.

6 Q. Well, now, you just told us that he
7 showed up with a wire tag through it. Right?

8 A. Yes, sir, with a wire tag like the
9 police put on it at the gun shows.

10 Q. Have you ever bought a gun at a gun
11 show?

12 A. Yes, sir, I have.

13 Q. Did you leave the wire tie on it for
14 years?

15 A. No, sir. No, sir.

16 Q. Okay. So it wouldn't make a whole
17 lot of sense for him to have a wire tie in it
18 and to have had it in his safe for years;
19 right?

20 A. No, sir. It didn't make it -- when
21 he said that he'd bought it at a gun show,
22 the wire tag made me think that he'd just
23 come from a gun show with it.

24 Q. Wait a minute now. He told you that
25 he'd bought it at the gun show.

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1 A. (Affirmative nod).

2 Q. Then when you said, 'hold on now,
3 you sold me a stolen rifle a couple of weeks
4 ago', he said that 'I've had that rifle and
5 this shotgun in my safe for years.'

6 A. Right.

7 Q. So he told you two separate stories
8 right then?

9 A. Yes, sir.

10 Q. And both of those things can't be
11 true. Right?

12 A. I wouldn't think so.

13 Q. Okay. Now, did he say anything
14 about the rifle -- well, I guess he said that
15 he'd had it in his safe for years.

16 A. Well, he didn't say anything about
17 the rifle until I told him that the rifle
18 that he'd sold us had come up on the stolen
19 list.

20 Q. Okay. So is the guy who tried to
21 sell you that shotgun, is he in the room
22 today?

23 A. To be honest, it's been so long that
24 I wouldn't recognize him.

25 Q. But you know that it was the same

1 name as the person that sold you that rifle?

2 A. It was the same name; yes, sir.

3 Q. What name was that?

4 A. Scowcroft.

5 Q. So just to be clear, he came in and
6 initially said, 'I just bought this shotgun
7 at a gun show.' Right?

8 A. Yes, sir.

9 Q. And these wire ties, can you tell
10 us about those real quick? What do you mean
11 'wire ties'.

12 A. Those plastic things that
13 electrician bundle wires with, like a zip
14 tie.

15 Q. So it's a zip tie?

16 A. (Affirmative nod).

17 Q. Does it have any kind of special
18 seal or anything on it?

19 A. Meaning?

20 Q. A seal?

21 A. (Negative gesture).

22 Q. So it's just a zip tie through the
23 gun?

24 A. Yes, sir.

25 Q. Have you ever bought a zip tie

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Testimony of George Nannarello - Direct Examination

1 before?

2 A. Yes, sir.

3 Q. So you can get ahold of a zip tie,
4 right?

5 A. Yes, sir.

6 Q. And you can zip it through a gun,
7 right?

8 A. Yes, sir.

9 Q. At a gun show, don't they have
10 separate rules for buying a gun at a gun
11 show? Different from buying guns at a gun
12 store?

13 A. Well, at the gun shows you can buy
14 from individuals or from a business. If it
15 is a licensed firearms dealer, it's just like
16 buying in a store. But if you buy from an
17 individual, you just give them the money and
18 take the gun.

19 Q. And they don't run any kind of check
20 or anything?

21 A. That's correct.

22 Q. Okay. That's all that I've got.
23 Please answer any questions that Mr. Chambers
24 might have.

25 THE COURT: Cross-examination.

1 CROSS EXAMINATION

2 BY RANDY CHAMBERS:

3 Q. Mr. Nannarello, so the day that you
4 said that this person came in with a shotgun
5 was not the same day as the rifle; correct?

6 A. That's correct.

7 Q. The rifle was on August 16th, is that
8 correct?

9 A. I would have to look at the receipt.

10 Q. (Tenders).

11 A. (Upon review), that's correct.

12 Q. August 16th?

13 A. (Affirmative nod).

14 Q. So the rifle came in on August 16th?

15 A. (Affirmative nod).

16 Q. So when you say a couple of days
17 later, do you literally mean two or do you
18 mean three, or how many days later?

19 A. I couldn't tell you, sir.

20 Q. And other than your recollection
21 there is no record of this, right?

22 A. Of him coming in with the shotgun?

23 Q. Yes, sir.

24 A. That's correct.

25 Q. And you said that the person that

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1 came in had the shotgun that had this serial
2 number on it. Was it in a case?

3 A. No, sir, it was just the shotgun.

4 Q. So just the shotgun?

5 A. (Affirmative nod).

6 Q. There was no camou(flage) case on
7 it?

8 A. No, sir.

9 Q. And you said that it had one of
10 these wire tags on it, consistent with having
11 been at a gun show?

12 A. Yes, sir.

13 Q. And you're familiar with gun shows?

14 A. Yes, sir.

15 Q. So you have seen that before and you
16 recognized it as something that had some from
17 a gun show?

18 A. Well, you know, the wire tie gave me
19 that idea.

20 Q. So when this person, whoever it was,
21 came in and presented this shotgun with the
22 wire tie on it and said that they just bought
23 it at the gun show, that was consistent with
24 your experience?

25 A. Yes, sir.

1 Q. So that would ring true then, if
2 somebody said, 'I got this at a gun show' and
3 in fact based on your experience it looked
4 like something that had come from a gun show?

5 A. Yes, sir.

6 Q. Do you happen to know if there was
7 a gun show that started on the 18th here in
8 Greenville?

9 A. There was a gun show in town at that
10 time.

11 Q. And if a person had a shotgun --
12 let's just say for argument's sake that they
13 went to a gun show and have a stolen gun,
14 they could just freely sell that shotgun to
15 anybody there, individual to individual.
16 Correct?

17 A. Yes, sir.

18 Q. I mean, there wouldn't be any kind
19 of check or anything that would go on?

20 A. That's correct.

21 Q. There wouldn't be any record of the
22 transaction.

23 A. That's correct.

24 Q. So if I had a stolen shotgun and I
25 went to a gun show, that would probably be

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1 the best place to sell it. Right?

2 A. Yes, sir.

3 Q. In fact, that probably would be the
4 best place to sell the Remington .270 that
5 was pawned to you just a couple of days
6 before. Right?

7 A. Well, if there was a gun show at
8 that time.

9 Q. Because you could sell it, probably
10 get more for it and there would be no record
11 of the transaction. Right?

12 A. That's right.

13 Q. And persons familiar with a gun show
14 would know that?

15 A. Yes, sir.

16 Q. Now, you say that this person -- you
17 say that you can't identify him here today,
18 but you say that it was Christian Scowcroft?

19 A. (No verbal response).

20 Q. You didn't remember the name
21 independently just a few moments ago. Right?

22 A. That's correct.

23 Q. You just remembered that it was an
24 unusual name. Right?

25 A. The only reason that I recognized it

1 at all was because I'd just recently put it
2 on that Remington.

3 Q. Yeah.

4 A. I had just pulled that paperwork.

5 Q. Right. And so you recollect now
6 that this person also said that they'd had
7 those guns in a safe for years. Right?

8 A. That's correct.

9 Q. Yet it did look like a gun that had
10 come from a gun show?

11 A. Yes, sir.

12 Q. A place where that gun could readily
13 have been sold to anybody there, with no
14 transaction record?

15 A. Yes, sir.

16 Q. Thank you.

17 THE COURT: Redirect?

18 SOLICITOR FOWLER: Yes, Judge.

19 REDIRECT EXAMINATION

20 BY SOLICITOR FOWLER:

21 Q. So just to be clear, that gun show
22 was August 8th?

23 A. Correct.

24 Q. Or ---

25 A. It was on the same day.

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1 Q. Same day as the shotgun came in and
2 he tried to sell it?

3 A. Yes, sir.

4 Q. Now, did it make a whole lot of
5 sense to you for somebody to have bought a
6 gun at the gun show and then to immediately
7 sell it at your gun store?

8 RANDY CHAMBERS: Objection, Your Honor.
9 Speculation.

10 THE COURT: Sustained.

11 REDIRECT EXAMINATION CONTINUED

12 BY SOLICITOR FOWLER:

13 Q. If it might help refresh your
14 recollection a little bit, I've got here your
15 statement that you made on September 9th to
16 Investigator Grubbs of the Greenville County
17 Sheriff's Office. If you could read ---

18 COURT REPORTER: Would you like to mark
19 it as an exhibit?

20 SOLICITOR FOWLER: (Tenders).

21 COURT REPORTER: State's Exhibit 14 for
22 identification.

23 SOLICITOR FOWLER: She is just marking
24 it for identification.

25 RANDY CHAMBERS: Your Honor, I don't

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1 object to him reading that. He hasn't asked
2 any question of whether this is -- if there
3 is any recollection on the witness' part of
4 what he wants to ask him about. In other
5 words, -- it's not clear what it is that he
6 wants him to recollect.

7 THE COURT: You're also on redirect.

8 SOLICITOR FOWLER: It seems to me that
9 when he was on cross that he was trying to
10 say, 'well, you didn't have any memory of
11 this until you saw this receipt.' And from
12 what I've got here, it says something a
13 little different.

14 RANDY CHAMBERS: Well, then he should
15 ask him about that. That would be my
16 position, Your Honor.

17 THE COURT: All right.

18 SOLICITOR FOWLER: And that's why I
19 am trying to show him his statement, so that
20 he can remember it from a year ago.

21 THE COURT: Okay.

22 REDIRECT EXAMINATION CONTINUED

23 BY SOLICITOR FOWLER:

24 Q. Just read that silently to yourself,
25 please, real quick.

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1 A. (Review).

2 Q. Now, does that help you remember
3 more accurately what happened? Because it's
4 been about a year. Right?

5 A. Oh, yes, sir.

6 Q. Now, when you typed his name in the
7 computer, did you remember his name?

8 A. Yes, sir.

9 Q. Did you remember the name as someone
10 who had done another transaction with you
11 guys?

12 A. Yes, sir.

13 Q. What transaction was that?

14 A. That was the Remington 700.

15 Q. So when he came in and you entered
16 his name, you remembered him as the person
17 who had sold the Remington 700 a couple of
18 days earlier. Correct?

19 A. Mainly I remembered pulling the
20 paperwork and attaching it to the Remington
21 700 because it was reported as a stolen gun.

22 Q. Okay.

23 A. I didn't remember the transaction, I
24 just remembered pulling the paperwork and
25 attaching it to the gun that we had bought.

1 Q. All right.

2 SOLICITOR FOWLER: That's all that I've
3 got, Judge.

4 RECROSS EXAMINATION

5 BY RANDY CHAMBERS:

6 Q. So in other words, you didn't
7 remember the person. You just recognized the
8 name?

9 A. I remembered the name.

10 Q. But you weren't even part of that
11 original transaction other than you did the
12 ---

13 A. I put it in the computer. Right.

14 Q. Thank you.

15 THE COURT: You may step down.

16 (WITNESS STEPS DOWN)

17 THE COURT: All right, let's take our
18 afternoon break. We've been going for about
19 an hour, an hour and a half.

20 Again, as I told you before, remember
21 that it is not permissible to discuss the
22 case in any way. So go back to your jury
23 room and we will have you back out in just a
24 few minutes.

25 (JURY OUT @ 2:20 P.M.)

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1 THE COURT: We will be at-ease for
2 about ten minutes.

3 SOLICITOR FOWLER: All right, Judge.

4 (BRIEF RECESS)

5 (DEFENDANT PRESENT)

6 BAILIFF: (Bench Conference, off
7 record).

8 THE COURT: Do you remember her
9 number?

10 BAILIFF: Juror 97.

11 THE COURT: Juror Number 97, Michelle
12 Maynard. The bailiff has indicated that one
13 of the jurors disclosed that she was
14 apparently the piano teacher to one of the
15 witnesses. I'm just going to bring her out
16 and ask her if she can still be fair and
17 impartial.

18 SOLICITOR FOWLER: Judge, I assume that
19 she is talking about -- he's from Mississippi
20 and the other guy is from Florida, so they're
21 not from Greenville.

22 THE COURT: Okay.

23 SOLICITOR FOWLER: You know, so --
24 (pause).

25 THE COURT: Ask her to come out. I

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1 just want to put it on the record.

2 (JUROR NUMBER 97 ENTERS COURTROOM)

3 THE COURT: I just needed to ask you a
4 question on the record. You are Ms. Maynard?

5 JUROR NUMBER 97: Yes.

6 THE COURT: The bailiff indicated that
7 you said that you thought that you knew one of
8 the witnesses.

9 JUROR NUMBER 97: It's been years,
10 probably ten or twelve years. I taught piano
11 lessons to Steve Keys' daughter.

12 THE COURT: Okay. Do you think that
13 would in any way -- could you still be fair
14 and impartial in the trial of this matter?

15 JUROR NUMBER 97: Yes.

16 THE COURT: Any other questions from
17 the defendant or ---

18 RANDY CHAMBERS: (Negative gesture).

19 SOLICITOR FOWLER: None from the State.

20 THE COURT: Thank you. We just had to
21 clarify all that. Thank you. We will have
22 you all back out here in a minute.

23 (JUROR NUMBER 97 EXITS COURTROOM)

24 THE COURT: If they are ready, we can
25 bring in the full jury. Is everybody ready

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1 for the jury?

2 RANDY CHAMBERS: We are, Your Honor.

3 SOLICITOR FOWLER: Go ahead and start
4 marking these for me.

5 COURT REPORTER: Certainly. State's
6 Exhibits 15 and 16 are now premarked for
7 identification.

8 (JURY IN @ 3:27 P.M.)

9 THE COURT: Ladies and gentlemen, thank
10 you again for your patience. It turned out to
11 be a longer break than expected, but sometimes
12 you end up being the only judge in the
13 courthouse and you get pulled away on all
14 kinds of matters.

15 Anyway, I appreciate your patience. We
16 are now ready to continue with the State's
17 case.

18 Mr. Fowler, you may call your next
19 witness.

20 SOLICITOR FOWLER: Yes, sir, Judge. Uh,
21 the State of South Carolina calls Brent Boone.

22 (WITNESS TAKES STAND)

23 BRENT BOONE, having been sworn to tell
24 the truth, and nothing but the truth,
25 testified as follows:

DIRECT EXAMINATION

BY SOLICITOR FOWLER:

Q. Mr. Boone, where do you work?

A. At the GameStop in Taylors on Wade Hampton.

Q. So right off Highway 29?

A. Yes, sir.

Q. How long have you worked there?

A. It'll be ten years this Sunday. In that specific location, about four years.

Q. Okay. What is your official title?

A. Store Leader.

Q. So you were working there in August of 2016?

A. Yes, sir.

Q. Do y'all maintain a security camera?

A. We do. It's a DVR multiple camera system there with digital live feed.

Q. Okay. So does that play -- can you watch those tapes anywhere in the store?

A. There's a unit in the back with a small monitor. You can access certain time-frames if you put in the right parameters, but even while you're accessing that it is still recording.

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Testimony of Brent Boone - Direct Examination

1 Q. Does that recording make a fair and
2 accurate depiction of the scene in the store
3 at the time which it records?

4 A. It does, (affirmative nod). Yes, it
5 has multiple cameras and it does -- the back
6 of the store, the front of the store, multiple
7 cameras, (affirmative nod).

8 Q. Do you remember some deputies come
9 to your store back in August of 2016?

10 A. Yes, at that time. There's been
11 quite a few over the years. Yes.

12 Q. Do you remember showing them that
13 closed-circuit TV?

14 A. Yes, on the back monitor, we just
15 pulled up the still off the video. We can
16 also burn DVRs of the -- you know, the events
17 that you need, the timeframes and stuff like
18 that. That was just a still off the monitor.

19 Q. Okay. And just a -- without telling
20 them what this shows, are these pictures fair
21 and accurate depictions of what was on that
22 monitor when you showed it to the deputies?

23 A. Yes, sir.

24 Q. Okay.

25 SOLICITOR FOWLER: Your Honor, the State

1 would move to enter into evidence State's
2 Exhibits 15 and 16, which are both pictures
3 from the GameStop security footage.

4 RANDY CHAMBERS: No objection, Your
5 Honor.

6 THE COURT: In without objection.

7 (SO ENTERED AS STATE'S EXHIBIT 15)

8 (SO ENTERED AS STATE'S EXHIBIT 16)

9 DIRECT EXAMINATION CONTINUED

10 BY SOLICITOR FOWLER:

11 Q. We are waiting for the camera
12 (projector) to warm up. Where was this
13 picture taken in the store?

14 A. That was hidden in the height strip
15 by the door.

16 Q. So this is basically as you're
17 walking out the door?

18 A. Yes, sir.

19 Q. Okay, (projector displaying), there
20 we go. Is this that picture that I just
21 showed you?

22 A. Yes, sir.

23 Q. Is this the other one?

24 A. Yes, sir.

25 Q. Now, it's a little bit hard to tell

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1 in this light, but could you just read the
2 date and time off the bottom of that, please.

3 A. It's fuzzy -- August 16th, 2016 at
4 1328.

5 Q. 1328, that is military time; isn't
6 it?

7 A. Yes, sir.

8 Q. 1328 in -- for the nonmilitary?

9 A. 1:28.

10 Q. Both of these picture were
11 approximately the same time?

12 A. Yes, sir.

13 Q. And just real quick, how would you
14 describe the haircut of the guy in this
15 picture? Would you say that it is close-
16 cropped or long or medium or ---

17 RANDY CHAMBERS: Your Honor, I object.

18 THE COURT: Yes?

19 RANDY CHAMBERS: I think the photo
20 speaks for itself.

21 THE COURT: I agree. Sustained.

22 SOLICITOR FOWLER: That's all that I have
23 of this witness. If you will, answer any
24 questions that the defense attorney might
25 have.

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1 RANDY CHAMBERS: No questions, Your
2 Honor.

3 THE COURT: Thank you, you may step
4 down.

5 (WITNESS STEPS DOWN)

6 SOLICITOR FOWLER: The State calls
7 Michael Ladson.

8 THE COURT: Okay.

9 SOLICITOR FOWLER: And if you could mark
10 these.

11 COURT REPORTER: State's Exhibits 17
12 and 18 premarked for identification.

13 (WITNESS TAKES STAND)

14 MICHAEL LADSON, having been sworn to tell
15 the truth, and nothing but the truth,
16 testified as follows:

17 DIRECT EXAMINATION

18 BY SOLICITOR FOWLER:

19 Q. Mr. Ladson, where do you work?

20 A. I work for GameStop.

21 Q. Which GameStop in particular?

22 A. It's the GameStop in Taylors, South
23 Carolina, Wade Hampton Boulevard.

24 Q. Right off Wade Hampton. Correct?

25 A. Yes, sir.

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Testimony of Michael Ladson - Direct Examination

1 Q. You work with Brent? At the same
2 store?

3 A. Yes, we do.

4 Q. How long have you worked there?

5 A. I've been employed there for about
6 ten years.

7 Q. Do y'all buy and sell videogames and
8 consoles, stuff like that?

9 A. Yes, sir.

10 Q. So y'all buy and sell PlayStations,
11 correct?

12 A. Yes, sir.

13 Q. Okay. When you buy something from
14 somebody, do you print a receipt for the
15 transaction?

16 A. Yes, sir, we do.

17 Q. What information is typically on
18 those receipts?

19 A. For like the customer receipt it
20 would be what was traded in, the value for it,
21 uh, I guess like the information of the
22 customer: name, height, weight, stuff like
23 that.

24 Q. Without telling the jury, can you
25 tell us what this is right here?

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Testimony of Michael Ladson - Direct Examination

1 A. This?

2 Q. Just this whole document?

3 A. That is a GameStop receipt.

4 Q. Okay. What transaction does that
5 receipt show?

6 A. A trade-in of a PlayStation 3 and a
7 game done by Christian Scowcroft.

8 Q. Can you spell that last name for us,
9 off of there? D

10 A. S-c-o-w-c-r-o-f-t.

11 Q. Who handled that transaction in the
12 store, does it show that?

13 A. Yes, that would be Michael Ladson.

14 Q. So this receipt shows that somebody
15 named Christian Scowcroft, who was a white
16 male, came in and sold you a PlayStation 3 and
17 a video game. Correct?

18 A. That is correct.

19 Q. Does it show the time on that
20 receipt?

21 A. It does. It shows 1:14 on August
22 16th, 2016.

23 Q. Now I want to show you another
24 GameStop document. This is State's Exhibit
25 18. The last one was 17. Could you just tell

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Testimony of Michael Ladson - Cross Examination

1 us real quick, what does this show?

2 A. This shows the items that were
3 traded in, the controller, the system and the
4 game confiscation.

5 Q. Who does it show as the -- I believe,
6 that it shows an officer's name right there,
7 does it not?

8 A. Officer Grubbs.

9 SOLICITOR FOWLER: Your Honor, the State
10 would move to enter as evidence State's
11 Exhibits 17 and 18, GameStop receipts.

12 THE COURT: Any objection?

13 RANDY CHAMBERS: No objection.

14 THE COURT: So entered without
15 objection.

16 (SO ENTERED AS STATE'S EXHIBIT 17)

17 (SO ENTERED AS STATE'S EXHIBIT 18)

18 SOLICITOR FOWLER: Judge, that's all that
19 I have for this witness. If you would, please
20 answer any questions that Mr. Chambers might
21 have for you.

22 THE COURT: Cross-examination

23 CROSS EXAMINATION

24 BY RANDY CHAMBERS:

25 Q. Good afternoon, Mr. Ladson.

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Testimony of Michael Ladson - Cross Examination

1 A. Hello.

2 Q. So if I had a PlayStation 3 and
3 maybe some games and I wanted to sell them to
4 you. If I came in, you would ask me for ID?

5 A. Yes, sir.

6 Q. Is that something that you're
7 required to do by management? They tell you
8 that if somebody is selling something, they
9 want to know who that person is?

10 A. Yes, it's required by -- I think
11 it's some kind of law, but yes.

12 Q. So that day Christian Scowcroft, or
13 at least somebody who represented himself to
14 be Christian Scowcroft, came in and sold you
15 the items that you just described and which
16 are listed on that receipt?

17 A. Yes, sir.

18 Q. And you checked his ID against the
19 person's who was presenting the ID, correct?

20 A. Yes, sir.

21 Q. If it had been somebody other than
22 Christian Scowcroft, if the ID had been off,
23 you would not have gone through with the
24 transaction. Correct?

25 A. That is true.

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Testimony of Michael Ladson - Cross Examination

1 Q. Okay. So the person presenting that
2 would have the opportunity, I guess, when you
3 asked them for their ID to say, 'Oh, no, I
4 didn't know I was going to have to do that'
5 and they could have left?

6 A. Yes.

7 Q. And you would never have known who
8 that person was?

9 A. That's true.

10 Q. But in order for them to sell those
11 items, they're telling you who they are and
12 they are presenting proof that that is who
13 they are?

14 A. Yes, sir.

15 Q. Then you write that down?

16 A. I type it in the computer, yes.

17 Q. Do you know if there is a reporting
18 system, that you have to report these sales so
19 they can later be accessed by law enforcement
20 and people like that?

21 A. I believe that at the end of -- that
22 every night they do a form for that, that
23 everything goes out to law enforcement and
24 everything.

25 Q. So if law enforcement did come back

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Testimony of Robert Grubbs - Direct Examination

1 later and they -- they got these items? I
2 think that they reimburse GameStop for what
3 you paid for the Guitar Hero and PlayStation
4 3?

5 A. Yes, sir.

6 Q. How much was that amount, do you
7 recall?

8 A. I don't remember the exact value at
9 the time -- maybe ---

10 Q. \$54.20? Does that sound right?

11 A. That would be correct, I believe.

12 Q. So that's what the GameStop paid for
13 the PlayStation 3 console and the Guitar Hero
14 game, total?

15 A. Yes, sir.

16 Q. Thank you.

17 THE COURT: Redirect?

18 SOLICITOR FOWLER: No, Judge.

19 THE COURT: You may step down.

20 (WITNESS STEPS DOWN)

21 THE COURT: Call your next witness.

22 SOLICITOR FOWLER: The State calls
23 Detective Grubbs.

24 (WITNESS TAKES STAND)

25 ROBERT GRUBBS, having been sworn to tell

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Testimony of Robert Grubbs - Direct Examination

1 the truth, and nothing but the truth,
2 testified as follows:

3 DIRECT EXAMINATION

4 BY SOLICITOR FOWLER:

5 Q. Deputy Grubbs, where do you work?

6 A. Greenville County Sheriff's Office.

7 Q. How long have you been there?

8 A. Seven years.

9 Q. What is your role with the
10 Greenville County Sheriff's Office?

11 A. I am an investigator with the
12 property crimes unit.

13 Q. In that role, did you investigate
14 the crime involving Harrison Golson as the
15 victim?

16 A. Yes, sir, I did.

17 Q. Do you remember the date that that
18 crime took place?

19 A. I believe that it was August 16th,
20 2016.

21 Q. Do you remember pretty much what was
22 stolen?

23 A. I do.

24 Q. What was that?

25 A. I believe that there was a Remington

1 .270 rifle, a Browning shotgun, a PlayStation,
2 the PlayStation controller and games that go
3 along with that.

4 Q. Okay. When someone comes to you and
5 there's been stolen property is there is any
6 kind of program or anything that y'all can
7 punch that into and try to find it?

8 A. Yes, sir. The Greenville County
9 Sheriff's Office utilizes what is called Leads
10 Online. Most if not all local pawn shops,
11 gold retailers submit reports online of what
12 they buy, within a few days it's entered, and
13 law enforcement can search that database for
14 information on what has been entered in.

15 Q. And does that database search by
16 serial number?

17 A. You can search by serial number, you
18 can search by name, search several different
19 ways.

20 Q. Did you have serial numbers for the
21 items stolen?

22 A. I believe that I did for the rifle.

23 Q. So you placed in the serial number
24 for the rifle and did it pop up somewhere?

25 A. Yes, sir. When I typed in the

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Testimony of Robert Grubbs - Direct Examination

1 serial number given to me for the rifle, it
2 came back that Christian Scowcroft had pawned
3 it at Traders Gun Shop.

4 Q. Now, were you able to find that
5 PlayStation?

6 A. Yes, sir, I did.

7 Q. How did you find that PlayStation?

8 A. With the hit for the rifle, I in
9 turn searched the name of Christian Scowcroft
10 and found, same day, that he'd pawned the
11 PlayStation a short distance away at the Game
12 Stop.

13 Q. Did you get an address for Mr.
14 Scowcroft?

15 A. I did.

16 Q. Did you go by that address?

17 A. Yes, sir.

18 Q. You obviously had the address of the
19 incident?

20 A. Correct.

21 Q. And you had the address for the
22 GameStop and the gun shop?

23 A. Yes.

24 Q. Without showing this to the jury and
25 telling them what it is, can you tell me if

1 this accurately depicts that part of
2 Greenville?

3 A. Yes, sir, it does.

4 SOLICITOR FOWLER: Your Honor, the State
5 would move to enter into evidence a map of the
6 Highway 29 area as Exhibit 19.

7 RANDY CHAMBERS: No objection, Your
8 Honor.

9 THE COURT: So entered without
10 objection, Exhibit 19.

11 (SO ENTERED AS STATE'S EXHIBIT 19)

12 DIRECT EXAMINATION CONTINUED

13 BY SOLICITOR FOWLER:

14 Q. You may want to come around here if
15 that's all right, so we can kind of put this
16 together.

17 A. (Leaves witness stand).

18 Q. You can hold that. Right here, what
19 is this?

20 A. That is the location of the victim's
21 residence.

22 Q. So that is where the victim leaves?

23 A. Yes, sir.

24 THE COURT: Make sure that you speak up
25 so that the court reporter can hear.

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Testimony of Robert Grubbs - Direct Examination

1 WITNESS: Yes, sir.

2 SOLICITOR FOWLER: What he is pointing to
3 is the victim's residence.

4 DIRECT EXAMINATION CONTINUED

5 BY SOLICITOR FOWLER:

6 Q. What is this right here?

7 A. That would be the GameStop on Wade
8 Hampton.

9 Q. That is where you found the
10 PlayStation?

11 A. Yes, sir.

12 Q. What is this right here?

13 A. That's Traders Gun Shop on Wade
14 Hampton.

15 Q. Down here by you, right there, what
16 is that last one?

17 A. That was Christian Scowcroft's
18 residence at that time.

19 Q. This is Highway 29?

20 A. Yes, sir. In red is Highway 29.

21 Q. So there really is no great distance
22 between any of these locations?

23 A. No, sir.

24 Q. In fact, this GameStop and the gun
25 store are really pretty close to the

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Testimony of Robert Grubbs - Direct Examination

1 defendant's house?

2 A. Yes, sir.

3 Q. Now, were y'all able to get in touch
4 with the defendant?

5 A. Yes, sir, I was.

6 Q. How were you able to get in touch
7 with him?

8 A. One day, and I can't remember the
9 date, I rode by his apartment. Found his
10 vehicle by the registration and tag. Nobody
11 would come to the door, so I put one of my
12 business cards under his windshield wiper, I
13 believe, and wrote on it "please give me a
14 call."

15 Q. So he called you?

16 A. Yes, sir.

17 Q. And y'all set up a meeting?

18 A. Yes, sir.

19 Q. Okay. Now, at that meeting y'all
20 talked about this?

21 A. Yes, sir.

22 Q. Did y'all make a recording of that
23 meeting?

24 A. Yes, sir.

25 Q. Okay. Do you remember coming to my

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Testimony of Robert Grubbs - Direct Examination

1 office and reviewing that recording with me?

2 A. Yes, sir.

3 Q. Are those your initials right there?

4 A. Yes, sir.

5 Q. What date does that show?

6 A. 6-21-2017.

7 Q. So when you reviewed that video with
8 me, did it fair and accurately portray the
9 scene that day?

10 A. Yes, sir.

11 SOLICITOR FOWLER: Your Honor, the State
12 would move to enter into evidence State's
13 Exhibit 20, a recording of the defendant's
14 interview.

15 THE COURT: Objection?

16 RANDY CHAMBERS: No objection, Your
17 Honor.

18 THE COURT: So entered as State's
19 Exhibit 20.

20 (SO ENTERED AS STATE'S EXHIBIT 20)

21 DIRECT EXAMINATION CONTINUED

22 BY SOLICITOR FOWLER:

23 Q. Detective Grubbs, I am going to play
24 that interview for us right now.

25 A. Okay.

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1 THE COURT: How long is this?

2 SOLICITOR FOWLER: It's about thirty
3 minutes.

4 THE COURT: Everybody good for thirty
5 minutes? (Multiple jurors nod affirmatively).

6 DIRECT EXAMINATION CONTINUED

7 BY SOLICITOR FOWLER:

8 Q. (State's Exhibit 20 published).

9 All right. Okay, Detective Grubbs, so --
10 let's backtrack on that a little bit. First
11 of all, using evidence that you gathered
12 throughout the investigation, about what time
13 did you discern that this burglary took place?

14 A. It had to be sometime between 6:45
15 and 11:50 a.m., that would have been when Mr.
16 Golson left for work and right about 11:50
17 when he returned home from work for lunch.

18 Q. That was on August 16th?

19 A. That's right.

20 Q. So we know that this house was
21 broken into sometime in the morning of August
22 16th?

23 A. Yes, sir.

24 Q. Looking at State's Exhibit 17, what
25 does that show?

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1 A. This is the receipt -- I believe
2 that it is the receipt from Game Stop dated
3 August 16th, 2016, at 1:14 p.m. -- 1314 for us.

4 Q. So we know that the PlayStation was
5 sold at 1:14 in the afternoon on August 16th?

6 A. Yes, sir.

7 Q. Correct?

8 A. Yes, sir.

9 Q. Looking at State's Exhibit 13, what
10 time did that transaction take place?

11 A. This transaction shows 1348, 1:48
12 p.m.

13 Q. Okay. On August 16th again?

14 A. Yes, sir, August 16th.

15 Q. So we know that on the morning of
16 the 16th, Mr. Golson's house got broken in?

17 A. Yes, sir.

18 Q. And we know that at 1:14 p.m., Mr.
19 Golson's PlayStation was sold at that
20 GameStop?

21 A. Yes, sir.

22 Q. And we know that at 1:48 p.m. that
23 Mr. Golson's rifle was sold at Trader's Gun
24 store. Correct?

25 A. Yes, sir.

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1 Q. Now, let's unpack Mr. Scowcroft.
2 Did he tell you where he had been around this
3 time for a while?

4 A. Yes, sir, he told me that he was at
5 the lake.

6 Q. Okay. Did he -- how long had he
7 been at the lake, going camping?

8 A. To my recollection he said a couple
9 of weeks.

10 Q. Several weeks, he'd been at the
11 lake?

12 A. Yes, sir.

13 Q. Now, he said that he'd kicked his
14 roommate out. Right?

15 A. Yes, sir.

16 Q. Now, he seemed to say that he --
17 that he kicked his roommate out when he left
18 for the lake, is that correct?

19 A. That's what I gathered. Yes, sir.

20 Q. Now, his roommate, he thought -- he
21 had suspicions was stealing from him?

22 A. That's what I gathered from the
23 interview. Yes, sir.

24 Q. Just to be clear, he told you that
25 his roommate, that he thought had robbed from

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1 him, he kicks him out of his house and makes
2 him homeless. Then leaves him in his house
3 with all of his stuff ---

4 RANDY CHAMBERS: Your Honor, he is
5 leading his witness.

6 THE COURT: Sustained.

7 SOLICITOR FOWLER: Okay.

8 DIRECT EXAMINATION CONTINUED

9 BY SOLICITOR FOWLER:

10 Q. So now let's talk about his time-
11 line on the, uh, day in question. So now --
12 I think that he gave you a few different
13 stories. What day did he say -- how soon
14 after getting home from the lake did he say
15 that he sold these guns?

16 A. Seems to be that he sold -- very
17 soon, because he didn't want the guns in his
18 residence.

19 Q. At one point he said that it had
20 been a couple of days, didn't he?

21 A. I believe so, yes, sir.

22 Q. Okay. He said that he came home and
23 thought that these were his old roommate's
24 guns. Right?

25 A. Yes, sir.

1 Q. And how did you get -- how did he
2 communicate with his roommate to see if it was
3 okay to sell his guns?

4 A. I believe that he said SnapChat.

5 Q. Okay. For those of us who are not
6 super social media savvy, does SnapChat retain
7 their stuff?

8 A. I believe that it dissipates after a
9 certain period of time. I am not sure of the
10 timeframe but it does go away.

11 Q. So through a media that disappears,
12 he communicate with him and he told him that
13 it was okay to sell these things?

14 A. Yes, sir.

15 Q. Okay. Now, did he give you a
16 timeframe of about when he thought that he'd
17 got home?

18 A. After lunch.

19 Q. So we know that he sold the Play-
20 Station at 1:14. So if he gets home after
21 lunch, -- so -- so he says that he comes home,
22 finds this PlayStation and pretty well
23 immediately gets rid of them?

24 A. Yes, sir.

25 Q. After he initially said, 'I waited a

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1 couple days to check with my roommate and he
2 said that it was okay.'

3 A. Yes, sir.

4 Q. Did he say anything about selling a
5 PlayStation that day?

6 A. I believe that there was another
7 part of that interview.

8 RANDY CHAMBERS: Objection, Your Honor.

9 THE COURT: Y'all come up.

10 (OFF RECORD BENCH CONFERENCE)

11 THE COURT: Sustained. Strike that.

12 Ladies and gentlemen, I've asked -- I've
13 granted the Motion to strike whatever that
14 answer was, and you are to disregard that in
15 your deliberations.

16 DIRECT EXAMINATION CONTINUED

17 BY SOLICITOR FOWLER:

18 Q. But he basically tried to say that
19 his buddy, Britain, had given him this stuff?

20 RANDY CHAMBERS: Objection! Leading,
21 Your Honor.

22 THE COURT: Sustained.

23 DIRECT EXAMINATION CONTINUED

24 BY SOLICITOR FOWLER:

25 Q. Were you able to get ahold of

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1 Britain?

2 A. I was not.

3 Q. Did you look for him?

4 A. I did.

5 Q. Where did you look for him?

6 A. At one point I spoke to a lawyer
7 named Derrick Chapman. I believe Mr.
8 Scowcroft's girlfriend, right around that time
9 or either right before, and she didn't have a
10 good phone number for him but she was able to
11 provide me with a name, Tneal (phonetic), who
12 might know something about him. I wasn't able
13 to get a last name for her, nor was I able to
14 get a phone number.

15 Q. So y'all weren't able to find him?

16 A. No, sir.

17 Q. It was basically a dead end?

18 A. Yes, sir.

19 SOLICITOR FOWLER: That's all that
20 I've got. Please answer any questions that
21 Mr. Chambers might have.

22 THE COURT: Cross-examination.

23 CROSS EXAMINATION

24 BY RANDY CHAMBERS:

25 Q. Were you the lead investigator on

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1 this case?

2 A. Yes, sir.

3 Q. You were not the one who initially
4 reported when there was the burglary reported;
5 is that correct?

6 A. Correct, I did not take the initial
7 report.

8 Q. Did you actually -- the day of the
9 16th, did you actually go out to Mr. Golson's
10 home and meet with him?

11 A. No, sir.

12 Q. That was another officer?

13 A. Yes, sir.

14 Q. Who was that?

15 A. I believe that was Deputy Skinner.

16 Q. Did you talk to Deputy Skinner, read
17 his report, or how did you get up to speed on
18 what he had?

19 A. Deputy Skinner called me and let me
20 know what was going on, because that's my area
21 that I investigate. I did eventually get a
22 copy of the report as the case was assigned to
23 me.

24 Q. The interview that we just saw
25 occurred on the 26th, is that correct?

1 A. (Affirmative nod), I believe that it
2 was the 26th.

3 Q. And the burglary and grand larceny
4 occurred on August the 16th?

5 A. Yes, sir.

6 Q. So ten days apart?

7 A. Yes, sir.

8 Q. And you had requested that Christian
9 come down and speak to you and he agreed to do
10 that?

11 A. Yes, sir.

12 Q. So he came down there on his own?

13 A. Yes, sir.

14 Q. Prior to that you had already gone
15 out and purchased, gotten back the items from
16 GameStop and the rifle; is that correct?

17 A. I believe that was after the
18 interview.

19 Q. After the interview?

20 A. Yes, sir.

21 Q. So you didn't get those until later?

22 A. I went to both locations and I
23 verified the serial numbers that was given in
24 the report to make sure those were the correct
25 items that the victim was missing.

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1 Q. Okay. But you had done that before
2 the interview?

3 A. Yes, sir.

4 Q. You had also obtained a search
5 warrant prior to this interview, is that
6 correct?

7 A. That is not correct.

8 Q. You didn't get a search warrant on
9 the 25th?

10 A. I'd have to look, but I don't think
11 so.

12 Q. Did you, along with other officers,
13 execute a search warrant on the 26th?

14 A. Yes. Yes, sir.

15 Q. That was the day that Christian
16 Scowcroft came in for the interview?

17 A. Yes, sir.

18 Q. Also the day that he was arrested?

19 A. Yes, sir.

20 Q. And you had actually secured an
21 arrest warrant before he came down there for
22 the interview, is that correct?

23 A. Yes, sir.

24 Q. So you had already made a deter-
25 mination based on everything that you had up

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1 to that point that you were charging him with
2 burglary first degree and grand larceny?

3 A. Yes, sir.

4 Q. So there was really nothing that he
5 could have done that day that was going to
6 change your mind?

7 A. No.

8 Q. But you read him his rights and then
9 asked him if he wanted to talk to you.
10 Correct?

11 A. Yes, sir.

12 Q. In fact, he did?

13 A. Yes, sir.

14 Q. And when he came down there, of
15 course he didn't know that you had an arrest
16 warrant for him; did he?

17 A. No, he did not.

18 Q. He just -- did he know specifically
19 why you wanted to talk to him?

20 A. Not that I know of. He didn't
21 indicate that he had anything specifically
22 that he wanted to talk to me about.

23 Q. Did you tell him what you wanted to
24 talk about?

25 A. I believe in the first part of the

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1 interview that the reason why I wanted to
2 speak to him was because Harrison's house had
3 been broken into.

4 Q. Was that on the phone before he came
5 down?

6 A. That was during the actual
7 interview.

8 Q. In order to get him to come down,
9 what had you told him?

10 A. I told him that I needed to talk to
11 him about a case.

12 Q. You didn't say any more than that?

13 A. Not that I can recall.

14 Q. So when he showed up, I guess that
15 he was in the dark about what he was going to
16 talk to you about?

17 A. Yes, sir.

18 Q. And you indicated to him that
19 somebody had specifically picked out his
20 Volkswagen, correct?

21 A. Maybe not specifically his Volks-
22 wagen. I may have said a car that looked like
23 his.

24 Q. So you didn't tell him, 'Look, we've
25 got your car identified. We know your car was

1 there.'

2 A. I don't think that I told him that
3 specifically.

4 Q. You weren't out there at the scene
5 but you read the report and went through it?
6 The indication was initially that there was a
7 red Pontiac Sunfire?

8 A. Yes, sir.

9 Q. You were aware of that?

10 A. Yes, sir, I read the report.

11 Q. But this was not a red Pontiac
12 Sunfire?

13 A. (No verbal response).

14 Q. This is a red VW?

15 A. Correct, that's a red Volkswagen.

16 Q. Of course -- but you did indicate to
17 him that a red Volkswagen is what they'd seen
18 out there?

19 A. I think I did.

20 Q. Do you also recall the description
21 being given of a lanky person with shaggy hair
22 as being the person that was seen out there
23 with that red ---

24 A. I do.

25 Q. Getting into that red car?

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1 A. Yes, sir.

2 Q. Christian had pretty close-cropped
3 hair on that day when he came in and talked to
4 you?

5 A. He did.

6 Q. You'd almost called it a crew cut;
7 right?

8 A. Yes, sir.

9 Q. Certainly not a shaggy haircut?

10 A. That's correct.

11 Q. So as the lead investigator, there
12 is no physical evidence, fingerprints, DNA
13 or anything like that that has Christian
14 Scowcroft at Mr. Golson's home?

15 A. Physical evidence at his home,
16 (negative gesture); no, sir.

17 Q. And there really is no eyewitness
18 that can say that he was there or that can say
19 for sure that his car was there that day.
20 Correct?

21 A. That's correct.

22 Q. And it is a fact that the car that
23 was parked on the street was actually parked
24 a couple of houses down from the home that was
25 broke into?

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1 A. That's correct.

2 Q. So you can't say for sure that the
3 red car that was parked on the street was
4 actually the car that was used in conjunction
5 with that burglary, can you?

6 A. I can't say that it was the same
7 one.

8 Q. What you know for sure is that
9 Christian Scowcroft sold the rifle and sold
10 the PlayStation that day at Traders and at
11 GameStop?

12 A. Yes, sir.

13 Q. And we know for a fact that he did
14 that?

15 A. Yes, sir.

16 Q. There were items that were stolen
17 that were never recovered. Correct?

18 A. That's right.

19 Q. Not just the shotgun. There were
20 other things that were not recovered?

21 A. Yes, sir.

22 Q. And you did execute a search warrant
23 that day at Christian Scowcroft's home.
24 Correct?

25 A. That's correct.

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1 Q. You took, I believe, his computer
2 but you didn't find any other stolen items at
3 the house, did you?

4 A. No, sir, I did not.

5 Q. And you did a thorough search of the
6 home?

7 A. Yes, sir.

8 Q. That would have been the same day
9 that he was arrested?

10 A. On the 26th.

11 Q. Did you ever recover any of those
12 other items from any other place?

13 A. No. No, sir.

14 Q. And you were never able to find
15 Britain Donahue?

16 A. No, sir.

17 Q. And the timeframe that this burglary
18 occurred, if it happened that day, would have
19 been sometime between 6:45 and 11:50.

20 A. Yes, sir.

21 Q. It would have had to have been
22 between those two times?

23 A. Yes, sir.

24 Q. That's all the questions that I
25 have. Thank you.

1 THE COURT: Redirect?

2 SOLICITOR FOWLER: Yes, Judge, just real
3 briefly.

4 REDIRECT EXAMINATION

5 BY SOLICITOR FOWLER:

6 Q. When y'all served that search
7 warrant on the defendant's house, what all did
8 you pick up?

9 A. Computer tower and I think -- I
10 can't remember if I got any documents of
11 Britain's just to show that he didn't live
12 there.

13 Q. Uh-huh.

14 A. The only thing I can remember for
15 sure is the computer tower.

16 Q. Did the defendant have a cell phone
17 when y'all arrested him?

18 A. He did.

19 Q. He had that in his possession when
20 you arrested him?

21 A. Yes, sir.

22 Q. Y'all seized that?

23 A. Yes, sir.

24 SOLICITOR FOWLER: That's all that I
25 have, Judge.

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1 THE COURT: You may step down.

2 (WITNESS STEPS DOWN)

3 SOLICITOR FOWLER: The State calls
4 Britain Donahue.

5 (WITNESS TAKES STAND)

6 BRITAIN DONAHUE, having been sworn to
7 tell the truth, and nothing but the truth,
8 testified as follows:

9 DIRECT EXAMINATION

10 BY SOLICITOR FOWLER:

11 Q. Mr. Donahue, where did you grow up?

12 A. New Hampshire.

13 Q. New Hampshire?

14 A. (Affirmative nod).

15 Q. When did you move down here?

16 A. 2004.

17 Q. Do you know Christian Scowcroft?

18 A. Yes, sir, I do.

19 Q. Is that him seated right there?

20 A. Yes, sir.

21 Q. Can you tell us what color tie that
22 he is wearing?

23 A. Maroon with maybe black.

24 Q. Did you ever live with him?

25 A. Yes, sir, I did.

1 Q. When did you live with him?

2 A. Probably about a year and a half ago
3 for about a six- to eight-month period of
4 time.

5 Q. Could you give us like a start date
6 month and an end date month?

7 A. Honestly I really couldn't. I mean,
8 sometime around -- I want to say February or
9 March.

10 Q. Of what year?

11 A. 2016.

12 Q. Until?

13 A. Until about -- I'd say June or
14 August. It was -- it wasn't -- right around
15 August probably.

16 Q. So you lived with him for about six
17 months, from February to August in 2016?

18 A. Um-humm.

19 Q. Okay. Do you know Harrison Golson?

20 A. No.

21 Q. Can you pick him out in this room?

22 A. No.

23 Q. You don't know where he lives?

24 A. No, sir.

25 Q. You've never been to his house?

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1 A. No, sir.

2 Q. You never helped Britain move a
3 piece of furniture -- excuse me. You never
4 helped Christian Scowcroft move a piece of
5 furniture one day at someone's house?

6 A. No, sir.

7 Q. Have you ever owned a gun?

8 A. No, sir.

9 Q. Did your dad ever own a gun?

10 A. Yes, sir, my dad was a Marine.

11 Q. There you go. Did you ever give a
12 gun to Mr. Scowcroft?

13 A. No, sir.

14 Q. Did you ever give him anything?

15 A. No.

16 Q. Can you tell us about the end of
17 y'all rooming together, how did that go?

18 A. It was a rough patch. I was going
19 through a lot of stuff at work. He actually
20 originally reached out and helped me because
21 I didn't have a place to live. Like I say, it
22 was a rough patch. We didn't see eye-to-eye
23 on roommate things. Then I met a girl and
24 started staying over there more often.

25 Q. Okay. So you don't really have

1 anything against you?

2 A. No.

3 Q. It wasn't like he kicked you out?

4 A. No.

5 Q. It was more that you moved in with
6 your girlfriend?

7 A. (Affirmative nod).

8 SOLICITOR FOWLER: That's all that I've
9 got. Please answer any questions that defense
10 counsel might have.

11 CROSS EXAMINATION

12 BY RANDY CHAMBERS:

13 Q. When did you first become aware of
14 this case at all?

15 A. I believe about a month after it
16 happened.

17 Q. Did you leave town back on August
18 the 16th?

19 A. No.

20 Q. Where were you?

21 A. I was over by Furman Place
22 Apartments.

23 Q. You still had things at Christian's
24 apartment, though; right?

25 A. Yes, sir.

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Testimony of Britain Donahur - Direct Examination

1 Q. A lot of things?

2 A. I mean, I really don't have a lot
3 anyway.

4 Q. But you had personal possession
5 still at his house?

6 A. Some clothes. I mean, not things
7 that were immediately important to me.

8 Q. But you had a closet that still had
9 some things in there. Right?

10 A. I had what?

11 Q. You had a closet where you had some
12 things stored in there?

13 A. Yes, sir.

14 Q. So you hadn't really moved out at
15 that point?

16 A. I mean, I was in the process. No, I
17 wouldn't say that I had fully moved out.

18 Q. But there was nothing there that you
19 say that you are saying that you really cared
20 about?

21 A. I mean, there wasn't anything that I
22 needed to have over at my girlfriend's house
23 at the time. With everything going on between
24 me and him, I didn't know whether I was going
25 to be out of there or not.

1 Q. I thought you said that there wasn't
2 anything going on. I thought you said that
3 everything was fine.

4 A. So I actually said that toward the
5 end of our relationship as roommates that it
6 was kind of a rough patch.

7 Q. Was it partly a rough patch because
8 you were using drugs on a regular basis and he
9 told you not to do that.

10 SOLICITOR FOWLER: Objection, Your Honor.

11 RANDY CHAMBERS: He brought up the
12 "rough patch."

13 THE COURT: Overruled.

14 CROSS EXAMINATION CONTINUED

15 BY RANDY CHAMBERS:

16 Q. And he told you not to do that?

17 A. No, it was not.

18 Q. Was part of the reason that, uh, you
19 were doing things that he disapproved of and
20 he told you that he disapproved of those?

21 A. No.

22 Q. So you're saying that none of that
23 happened and you just kind of eased your way
24 on out?

25 A. No. I was working a completely

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1 different schedule. I was going out after I
2 got off work, you know, at 2:30 in the morning
3 -- because I worked at a bar. So by the time
4 I got home and sometimes I'd have a friend
5 over, a female, and I also played late night
6 video games online, so it was just that the
7 schedules didn't clash (sic) together and it
8 was more disagreement than agreement.

9 Q. Now, when the police -- did you ever
10 talk to the police about this case?

11 A. No.

12 Q. So the prosecutor found you and had
13 you come in to testify today? Right?

14 A. I was informed that, uh, uh, I was
15 being blamed for a certain -- for certain
16 things going on in this case and it would help
17 my personal life to come in here and state
18 that none of this was -- had anything to do
19 with me. None of it's mine. It's not. I'm
20 not trying to get caught up in this mess.

21 Q. So you were not aware that when
22 Investigator Grubbs, for example, says that
23 they were making efforts to try to find you?
24 You were not aware of that?

25 A. No, I had no idea why anybody would

1 try to reach out to me until I got a message
2 from Mr. Graham Buckner.

3 Q. So was Brann Fowler the one that
4 told you that somebody was trying to blame
5 this on you?

6 A. No. It wasn't so much that he was
7 trying to blame it on me, it was that the case
8 was going on and he was alerting me of it and
9 -- he didn't know if I knew anything about it.

10 Q. I want you to correct me if I am
11 getting this wrong. I'm going to ask you, did
12 you tell me a few minutes ago that when you
13 first heard about it was when somebody -- was
14 because somebody was blaming this crime on you
15 and you wanted to come forward to set the
16 record straight. Right?

17 A. Yes, sir.

18 Q. So it was Mr. Fowler then ---

19 A. No, sir.

20 Q. --- that told you that?

21 A. No, sir.

22 Q. Well, who told you? You said that
23 you didn't know anything about it until he
24 contacted you?

25 A. We have a lot of the same mutual

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Testimony of Britain Donahur - Direct Examination

1 friends, me and Christian.

2 Q. So you're saying that some friends
3 contacted you?

4 A. Yes, some of his friends. Yes.

5 Q. Yet you didn't come forward on your
6 own to call the police up and tell them what
7 you knew about this?

8 A. Well, I mean, why would I get myself
9 involved unless I needed to when it had
10 nothing to do with me?

11 Q. But you said that you got the word
12 that somebody was trying to blame you for a
13 crime that you didn't commit?

14 A. Right. But I didn't give it no
15 attention because I didn't do it.

16 Q. So you decided to come in after the
17 prosecutor called you and you're armed with
18 the knowledge that somebody has accused you of
19 stealing something?

20 A. Well, when I think a lawyer calls
21 you that you need to take it more seriously
22 and pay that more attention than when you hear
23 some rumor from friends.

24 Q. So you knew coming into this then
25 that this was going to be your opportunity to

1 say, 'Hey, I didn't do this. He's trying to
2 blame it on me but I didn't do it.'

3 A. It's not so much my opportunity to
4 prove myself but it is my opportunity to clear
5 my name when my name shouldn't be involved
6 anyways.

7 Q. Do you remember what you were doing
8 back on August 16th, that day?

9 A. August 16th?

10 Q. Yeah, August 16th, 2016. That's the
11 day that this burglary was supposed to have
12 occurred. What were you doing that day?

13 A. Probably hanging out with my
14 girlfriend. I didn't have a job at the time.

15 Q. Okay. And you were aware that --
16 you had been staying at your girlfriend's how
17 long?

18 A. It wasn't too long, probably a
19 month or a month or a half.

20 Q. Okay. So there was that much time
21 then that you weren't there at the house or
22 the apartment?

23 A. Yeah. I -- I may have occasionally
24 stopped by to get clothes or whatever. I had
25 clothes there. It was kind of a predicament,

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Testimony of Britain Donahur - Direct Examination

1 that I didn't know if I was going to still be
2 living there or not. So I'd stop by and get
3 clothes. You know, maybe once a week or once
4 every other week.

5 Q. And Christian would very often spend
6 time at -- his parents had a place at the
7 lake? Or his dad had a place at the lake. He
8 would stay there sometimes.

9 A. Sure. I didn't know what he was
10 doing during the day. It wasn't like I kept
11 tabs on him.

12 Q. But he wasn't there these times when
13 you were dropping by?

14 A. No, but there were some times when
15 he was there.

16 Q. But there were times when he was not
17 there?

18 A. I'd say more times not than when he
19 was there.

20 Q. But you said that you'd been out of
21 the house for a month to a month and a half.

22 A. Right.

23 Q. So what was the last time that you
24 think that you stopped by there in August?

25 A. I am not sure.

1 Q. You don't know?

2 A. I am not sure. That was a long time
3 ago and it wasn't really important until a few
4 weeks ago.

5 Q. So you don't know during this time
6 where Christian would have been but you say
7 that you were staying with your girlfriend?

8 A. Yes, sir.

9 Q. You don't know where you were that
10 day?

11 A. Not exactly on that day. No, sir.

12 Q. You very often drove Christian's red
13 VW, didn't you?

14 A. No, I did not.

15 Q. He'd allow you frequently to use his
16 car?

17 A. No.

18 Q. You're saying that is completely not
19 true?

20 A. I think there was one occasion when
21 he was too drunk to drive that I drove.

22 Q. He also had a truck, did he not?

23 A. I never knew anything about a
24 truck.

25 Q. And he had more than one cell phone.

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1 Right?

2 A. (No verbal response).

3 Q. He had a work cell phone and then he
4 had another cell phone?

5 A. That is correct. Yes.

6 Q. Have you ever used Christian's cell
7 phone, for example?

8 A. No. I had my own cell phone.

9 Q. Have you ever used social media?

10 A. Yes, sir, I do.

11 Q. Do you use SnapChat?

12 A. Yes, sir, I do.

13 Q. Do you communicate with friends on
14 SnapChat?

15 A. Yes, sir.

16 Q. Do you do that frequently?

17 A. Not as much as texting.

18 Q. Have you SnapChatted with Christian?

19 A. On occasion back when we were
20 roommates and hanging out all the time.

21 That's a normal thing to do.

22 Q. So your entry into this whole thing
23 was when you were told -- how long ago were
24 you told, by the way, by these mutual friends
25 that Christian was trying to blame you for

1 something that you didn't do?

2 A. I honestly couldn't tell you. Like
3 I say, it was a month or two after he got
4 arrested that I heard about it.

5 Q. You really don't remember it?

6 A. No, I really don't.

7 Q. But you knew him well enough to call
8 him up and say, 'Dude, what are you doing?'
9 Did you do that?

10 A. When did I call him up and ask that?

11 Q. Did you call him at any point and
12 say, 'why are you saying these things about
13 me' or 'are you saying these things about me'?

14 A. No. Because I took good advice from
15 my dad's lawyer, who said what is the point of
16 getting involved unless you really need to. I
17 mean, this is -- this is kinda ridiculous that
18 my name is even brought into this when I was
19 out of the equation and I'm not even -- not
20 even, like, sure why you're cross-examining me
21 or questioning me like this.

22 Q. Because that's my job.

23 A. Okay.

24 Q. You've not always had your hair cut
25 short like that, have you?

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1 A. I just actually -- I've had long
2 hair. I got a haircut yesterday.

3 Q. Yeah, you used to wear it in a long
4 haircut.

5 A. Not "long" long. Probably back when
6 I was with him and I was working at the
7 coliseum, yeah.

8 Q. Somebody would call it a shaggy hair
9 style?

10 A. I -- (pause) -- not so much.

11 Q. How long was it?

12 A. It was like an inch and a half to
13 two inches. I have thick hair so it was
14 shaggy, I guess.

15 Q. Thank you.

16 A. Yes, sir.

17 THE COURT: Redirect?

18 SOLICITOR FOWLER: Just real briefly.

19 REDIRECT EXAMINATION

20 BY SOLICITOR FOWLER:

21 Q. Just to be clear, y'all had each
22 other's phones. Correct?

23 A. Um-humm, (affirmative nod).

24 Q. Okay. In August of 2016, do you
25 know if Christian was working?

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1 A. No, he wasn't.

2 Q. So if he wasn't working, would he
3 have had a work phone?

4 A. I don't know why he would. The work
5 phone was more or less in the beginning of the
6 relationship because that's when he was
7 working for AT&T.

8 Q. Right.

9 SOLICITOR FOWLER: That's all that I've
10 got, Judge.

11 THE COURT: Thank you. You may step
12 down.

13 (WITNESS STEPS DOWN)

14 SOLICITOR FOWLER: May we approach on
15 some scheduling stuff?

16 THE COURT: That's fine.

17 (OFF RECORD BENCH CONFERENCE)

18 THE COURT: Ladies and gentlemen, it's
19 ten of 5:00. This is a good breaking point.
20 I am sure that you all will agree with me.
21 We're going to start back in the morning and
22 continue with the case.

23 I am going to ask that you do one thing
24 before you leave. All right? I should have
25 gotten y'all to do this earlier. Y'all need

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1 to select a foreperson from the main twelve.
2 You need to write that on a note and give the
3 note to the bailiff. Once you do that, you
4 can leave.

5 The foreperson is just a person that is
6 to communicate with the court and to lead
7 discussions when you begin deliberations. So
8 if you will, go back and decide who you want
9 to be the foreperson. Give that information
10 to the bailiff.

11 Let me give you my four little warnings:
12 Do not discuss the case amongst yourself,
13 with family members or anyone. That is not
14 appropriate at all.

15 Do not do any type of research.

16 Do not pay any attention to any media.

17 Finally, if anybody should contact you
18 other than the clerk's office, then let the
19 bailiffs know.

20 Let's start at 9:00 o'clock. Will that
21 be okay with you all? ((No verbal response
22 from jurors). Okay.

23 Select your foreperson, give a note to
24 the bailiff, have a good evening, see you in
25 the morning.

1 (JURY OUT @ 4:50 P.M.)

2 THE COURT: Anything before we break?

3 SOLICITOR FOWLER: No, Judge.

4 THE COURT: Anything from the
5 defendant?

6 RANDY CHAMBERS: Your Honor, may my
7 client, as we talked about earlier, remain on
8 bond? He's never failed to show up for court.
9 He will be here. He knows that if he doesn't
10 come that the trial will continue without him.

11 THE COURT: Does the State have a
12 position on that?

13 SOLICITOR FOWLER: I mean, Judge, you
14 know, I am not going to dispute that he has a
15 good record of showing up.

16 THE COURT: This is a serious charge.
17 He is looking at some serious time. I'm going
18 to make him stay with the County tonight.

19 (DEFENDANT IN CUSTODY)

20 THE COURT: Let me have any jury
21 charges that you want. Be here a little early
22 in the morning if we need to discuss those.
23 See you at 9:00 in the morning.

24 (COURT IN RECESS)

25 (TRANSCRIPT CONTINUED NEXT PAGE)

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1
2 AUGUST 24, 2017

9:00 A.M.

3
4 (DEFENDANT PRESENT)

5 THE COURT: Let the record reflect that
6 the defendant is present. Good morning, Mr.
7 Scowcroft.

8 Is there anything that we need to address
9 before the jury comes in?

10 SOLICITOR FOWLER: Nothing from the
11 State, Judge.

12 RANDY CHAMBERS: No, sir.

13 THE COURT: All right, bring in the
14 jury.

15 (JURY IN @ 9:10 A.M.)

16 THE COURT: Good morning, ladies and
17 gentlemen. I hope that you had a good
18 evening. We are now ready to continue with
19 the State's case. Mr. Fowler, you may call
20 your first witness.

21 SOLICITOR FOWLER: Thank you, Judge.
22 The State of South Carolina calls Mr. Michael
23 Bryan.

24 (WITNESS TAKES STAND)

25 MICHAEL BRYAN, having been sworn to tell

1 the truth, and nothing but the truth,
2 testified as follows:

3 DIRECT EXAMINATION

4 BY SOLICITOR FOWLER:

5 Q. Deputy Bryan, you work for the
6 Greenville County Sheriff's Office; is that
7 correct?

8 A. Yes, sir.

9 Q. What exactly do you do for them?

10 A. I'm with the ICACU, Internet Crimes
11 Against Children Unit.

12 Q. Okay.

13 A. Forensic examiner.

14 Q. So a forensic examiner, can you tell
15 us what that means?

16 A. Yes, we use certain procedures to
17 analyze computers, cell phones, hard drives,
18 SD cards, CDs. Analyze the data on those
19 devices to see what is captured and what is
20 kept in those devices.

21 Q. So you can look at somebody's
22 computer and tell basically what they've been
23 looking at on their computer?

24 A. Yes, sir. Well, there's -- we will
25 be able to read the records off of the

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1 computer. Yes, sir.

2 Q. Did you execute a search warrant on
3 a hard drive back in September of 2016?

4 A. Yes, it was provided by Investigator
5 Grubbs.

6 Q. And it is your understanding that
7 hard drive came from a search warrant that
8 Officer Grubbs executed on Mr. Scowcroft's
9 house. Correct?

10 A. That's correct, it came out of the
11 computer seized there.

12 Q. I am going to show you some
13 documents. Before you tell the jury about
14 them, just tell me if you recognize them.

15 A. (Upon review), yes, I recognize
16 these.

17 Q. Are these the results from that
18 search?

19 A. Yes, sir.

20 Q. I am going to put them up here on
21 the screen so that the jurors can see them.

22 RANDY CHAMBERS: I've seen them.

23 THE COURT: Any objection?

24 RANDY CHAMBERS: No objection.

25 SOLICITOR FOWLER: Judge, I move to enter

1 the evidence as State's Exhibits 21 and 22,
2 23, the resulting search documents from the
3 defendant's computer.

4 THE COURT: It's my understanding that
5 there is no objection.

6 RANDY CHAMBERS: That's correct.

7 THE COURT: They are in without
8 objection.

9 (SO ENTERED AS STATE'S EXHIBIT 21)

10 (SO ENTERED AS STATE'S EXHIBIT 22)

11 (SO ENTERED AS STATE'S EXHIBIT 23)

12 DIRECT EXAMINATION CONTINUED

13 BY SOLICITOR FOWLER:

14 Q. We were waiting for the projector to
15 warm up but I'll just have you read it for the
16 jury. Okay?

17 A. Okay.

18 Q. Handing you what has been marked as
19 State's Exhibit 21, could you tell me what
20 this is right here, this highlighted line?

21 A. Yes. To give some context for the
22 jury, we use a program called Magnet Forensics
23 AXIOM. AXIOM looks through the hard drive and
24 then parses out data in a readable format. So
25 the particulars on Exhibit 21 is a breakdown

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1 of the different artifacts, pieces of evidence
2 in different categories. This particular one
3 covers the web browser Chrome, specifically
4 the web history that the artifacts had come
5 from. There is a lot of different artifacts
6 that can come from a web browser but this is
7 kind of what you'd see if you hit the search
8 bar to see what you had typed in previously.

9 All this indicates is that on August 16,
10 2016, at 3:13 and 35 seconds, p.m., there was
11 a search for a -- a web visit to
12 www.deweyspawn.com/contact us, which is their
13 contact page.

14 Q. Going through, could you -- these
15 next three, can you tell us what those are.

16 A. So on 8/16 at 3:37 in the afternoon,
17 there is a web visit to www.TradersGunStore.
18 com, which is an index page for the Traders
19 Gun Store website.

20 The next one is a web visit to the main
21 home page of www.TradersGunStore.com, also at
22 3:16.

23 Then there is a Google search that
24 happened at 3:15 where the person searched in
25 Google for Gun Broker, Greenville South

1 Carolina. That is *Google.com* and then some
2 kind of search terms after that. You can make
3 out Gun Broker, Greenville South Carolina in
4 the search field.

5 Q. So this computer was searching gun
6 shops and gun stores in Greenville, South
7 Carolina on the afternoon of August 16th; is
8 that right?

9 A. That's correct.

10 Q. Continuing on, could you tell us
11 what that search right there is for?

12 A. It's a search, same thing. The user
13 typed into the *Google* search bar "Remington
14 Model 700 .270", meaning the caliber.

15 Q. A Remington 700 .270 will match --
16 let me show you what has been entered into
17 evidence as State's Exhibit 5.

18 RANDY CHAMBERS: Your Honor, I don't
19 think that this witness -- that there was been
20 a foundation laid to compare what was in a
21 search history to that picture.

22 THE COURT: Does it have it on there?

23 SOLICITOR FOWLER: We can find one that
24 says Remington Model 700.

25 THE COURT: I don't believe he is

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1 competent unless you can find that.

2 DIRECT EXAMINATION CONTINUED

3 BY SOLICITOR FOWLER:

4 Q. What does that say right there, on
5 State's Exhibit 4?

6 A. State's Exhibit 4, this is a
7 photograph of a Remington, Model 700 rifle.

8 Q. Thank you. That is the same rifle
9 that was search for in this *Google* search.
10 Correct?

11 A. Yes, it was the term "Remington 700
12 .270" was searched.

13 Q. Okay. Now, continuing on, could you
14 tell me what this is right here and the time
15 that that was?

16 A. Yes, sir. August 16th, 2016 at 9:23
17 a.m., there is a Gmail -- a visit to a Gmail
18 account and the inbox where that Gmail was
19 viewed, that e-mail was titled "Wells Fargo
20 Transfer Canceled due to Insufficient Funds"
21 under the e-mail account of Christian
22 Scowcroft@gmail.com

23 Q. And if you could tell us this last
24 highlighted thing right here, or the next to
25 the last rather?

1 A. There is another Gmail e-mail that
2 was viewed on a Facebook account. The
3 Facebook account is a visit to an individual's
4 Facebook page. So the Facebook page was
5 Harrison.Golson -- which would be the URL of the
6 person's Facebook page.

7 Q. What time did that take place?

8 A. That took place on August 16th, 2016,
9 at 1:13:50 a.m.

10 Q. So from looking at this, you can
11 tell that the night of the 15th, going into the
12 16th that someone looked at Harrison Golson's
13 Facebook page on this computer?

14 A. That's correct.

15 Q. And you can tell that on the morning
16 of the 16th, at approximately 9:30, a Gmail
17 account shows -- what account received that e-
18 mail?

19 A. The e-mail account that received the
20 e-mail was Christian.Scowcroft@gmail.com

21 Q. So at 9:30 in the morning, a Gmail
22 account titled Christian.Scowcroft@gmail.com
23 received notice that a transfer was canceled
24 due to insufficient funds. Is that correct?

25 A. That's correct.

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1 Q. Then throughout the afternoon on
2 August 16th there were several searches for gun
3 stores. Correct?

4 A. That's correct.

5 Q. And there was a search for the exact
6 same rifle, that Remington 700 .270, that was
7 sold; correct?

8 A. That's correct.

9 Q. Now, there are two more things that
10 will be quicker. I am handing you what has
11 been premarked as State's Exhibit 22. Can you
12 tell me what you can discern from that high-
13 lighted portion?

14 A. This is just another artifact that
15 gives us where on a computer that natural
16 artifact came from? This is from the browser;
17 but this information was pulled from the user,
18 Cassius, a local *Google Chrome* user default.
19 The important part there is that it shows the
20 user was activating -- that was using the
21 computer at the time, and that user was
22 Cassius.

23 Q. And this, can you tell us what that
24 shows?

25 A. Yes, this is an image ---

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Testimony of Michael Bryan - Direct Examination

1 Q. State's Exhibit 23?

2 A. Yes, State's Exhibit 23 -- like I
3 said before, there are a number of artifacts
4 that were pulled -- including artifacts about
5 the Windows registry and the, uh, Windows --
6 how you log in Windows and things like that.
7 In one of those folders is the data for when
8 you log onto your computer. It has all the
9 data about your account, your screen name,
10 what your real name is, if you have a
11 password.

12 So what we know from this screen shot
13 here is that the user name Cassius, that the
14 full name associated with that account is
15 Christian Scowcroft; that -- that that
16 account is password protected on the
17 computer. It's right here, Password
18 Required. It is marked True. It's true --
19 and False meaning that there is no password.
20 True means that there is a password.

21 Q. So putting all this together, you'd
22 have to provide a password to be able to log
23 into this computer under the account of
24 Cassius?

25 A. Yes.

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Testimony of Michael Bryan - Cross Examination

1 Q. What human being's name is
2 associated with the account of Cassius?

3 A. Christian Scowcroft.

4 Q. Was the Cassius account looking at
5 these web searches?

6 A. Yes.

7 SOLICITOR FOWLER: That's all that I've
8 got. Please answer any questions that
9 defense counsel might have.

10 CROSS EXAMINATION

11 BY RANDY CHAMBERS:

12 Q. So everything that you just went
13 over comes from the date of August 16th?

14 A. Yes, sir.

15 Q. And there's a bunch of highlights on
16 here. I guess the Solicitor added those.
17 You didn't put those on your report, did you?

18 A. No, sir.

19 Q. Those are all the things that he
20 wants you to focus on as you testify; right?

21 A. As to the questions that he asked.
22 Yes, sir.

23 Q. But there are many other things that
24 aren't highlighted that would represent
25 searches done that day as well. Correct?

1 A. Yes, sir. His entire web history is
2 there.

3 Q. Yes. So anything that would have
4 been done that day on that computer is going
5 to be on here?

6 A. Yes, sir. I did not exclude
7 anything.

8 Q. I understand. And what you can tell
9 is that that is what took place on that
10 particular computer's hard drive. Correct?

11 A. Yes, sir. As the user was using it,
12 it was recorded on the hard drive.

13 Q. That's exactly right. But there is
14 no way to know for sure who was using the
15 computer at a given time. Correct?

16 A. I could not tell you the person who
17 was sitting behind the computer.

18 Q. You can't say who would be using the
19 computer regardless of where they were
20 sitting?

21 A. I can say that the person using the
22 computer would have had Mr. Scowcroft's
23 password and would have had his password to
24 his Gmail account.

25 Q. Somebody like a roommate?

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Testimony of Dan Kelly - Direct Examination

1 A. (No verbal response).

2 Q. That's okay. You don't have to
3 answer. Thank you.

4 THE COURT: Redirect?

5 SOLICITOR FOWLER: No, Judge. We
6 would ask that this witness be excused.

7 THE COURT: You may step down.

8 (WITNESS STEPS DOWN)

9 THE COURT: You may call your next
10 witness.

11 SOLICITOR FOWLER: Judge, the State's
12 last witness is Sergeant Dan Kelly.

13 (WITNESS TAKES STAND)

14 DANIEL KELLY, having been sworn to tell
15 the truth, and nothing but the truth,
16 testified as follows:

17 DIRECT EXAMINATION

18 BY SOLICITOR FOWLER:

19 Q. Sergeant Kelly, where do you work?

20 A. Greenville County Sheriff's Office.

21 Q. What do you do for them?

22 A. I am a sergeant over the technical
23 services unit.

24 Q. Could you explain some of the sort
25 of stuff that a technical services unit does?

1 A. Probably shorter to tell you what we
2 don't do. We do -- we take care of a lot of
3 the technical issues at the Sheriff's Office.
4 We handle the website, we handle video
5 analysis -- we pull videos for homicides,
6 robberies, things of that nature. We also
7 work with cell phone data. That's some of
8 the things that we do there.

9 Q. With regards to cell phone data,
10 what kind of training or education have you
11 had with looking at cell phone data?

12 A. The program that we use is a program
13 called GeoTime, and it's a call records pull,
14 which is the second part of that software.
15 We've had training, online training, right
16 around twenty hours. Then they've come to
17 Greenville and trained us on how to use that
18 for several days. They are coming back
19 again. You have to have extensive knowledge
20 in Microsoft Excel, PowerPoint, PDF
21 conversion and also the analysis of the cell
22 phone call records from the phone companies.

23 Q. So you were taught a course on how
24 to interpret and use this data?

25 A. Correct.

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Testimony of Dan Kelly - Direct Examination

1 Q. To remain qualified you have to
2 continually remain educated and updated.
3 Correct?

4 A. Yes, sir.

5 Q. Now, have you ever been qualified as
6 an expert with regards to interpreting cell
7 phone data for South Carolina?

8 A. Yes, sir.

9 Q. Where was that?

10 A. In the Eighth Circuit. I'm trying
11 to remember. I think that it was last year
12 or the beginning of this year. Last year.

13 SOLICITOR FOWLER: Judge, we would ask
14 that this witness be qualified as an expert
15 with regard to using GeoTime computer program
16 to interpret cell phone data?

17 THE COURT: Any *voir dire*, or do you
18 have an objection?

19 RANDY CHAMBERS: No, Your Honor

20 THE COURT: All right. GeoTime data?

21 SOLICITOR FOWLER: Using GeoTime to
22 interpret cell phone data.

23 THE COURT: All right, I will allow
24 that. Ladies and gentlemen, normally a
25 person cannot testify outside the realm of

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Testimony of Dan Kelly - Direct Examination

1 their -- outside of what they have observed,
2 tasted, their direct knowledge.

3 When somebody is qualified as an expert,
4 they can testify in the field in which they
5 are qualified. In this particular case, I
6 have granted the State's Motion that he be
7 qualified as an expert using GeoTime to
8 interpret cell phone data.

9 Now, that doesn't mean that you have to
10 accept his testimony outright. You are still
11 to consider it and give it the weight that
12 you feel is appropriate during your
13 deliberations.

14 DIRECT EXAMINATION CONTINUED

15 BY SOLICITOR FOWLER:

16 Q. All right. Officer Kelly, can you
17 explain this GeoTime and what it tells you?

18 A. The GeoTime is a way to look at the
19 phone detail records that are obtained from a
20 phone company, for example Verizon or Sprint,
21 any of the phone companies. The best way to
22 describe it that is a kind of huge coin
23 sorter for data. You dump a big pile of
24 coins into a coin sorter and it spits them
25 out in a nice even stack, easy to see, easy

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1 to use format. That is exactly what it does
2 but with call records, phone records as to
3 dates, times. This program actually puts it
4 on a map so that you can see it as to place
5 and time.

6 Q. Now I want to show you what has been
7 premarked as State's Exhibit 24. Is that one
8 of those maps?

9 A. That's correct.

10 Q. What does that map tell you?

11 A. This is a map of the cell phone
12 records for this case on the dates of August
13 11th through the 16th -- sorry, April -- no,
14 August. Sorry.

15 Q. August 11th, 2016, where was that
16 cell phone hitting?

17 A. The cell phone was hitting a tower
18 right around Old Spartanburg Road, Kimberly
19 Road, Cunningham Road, that community in
20 there.

21 Q. Okay. Now I'm going to show you a
22 map that has already been entered into
23 evidence. Can you see it from over there?

24 A. Yes.

25 Q. Can you show us on this map where

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1 approximately that cell phone was located?

2 A. Right in this area right here.

3 Q. That is where the tower is, correct?

4 A. Yes, that is the closest tower.

5 Q. So that is the tower that the ---

6 A. That is the tower that the cell
7 phone was hitting off of at the time of those
8 calls.

9 Q. Thank you. Now, Sergeant Kelly, do
10 you know of any lakes over that way?

11 A. I don't know of any lakes over
12 there.

13 Q. Lake Keowee and Lake Hartwell, they
14 are fairly nearby to Greenville; correct?

15 A. (Affirmative nod).

16 Q. But there are plenty of cell phone
17 towers between Lake Keowee and Lake Hartwell
18 and that tower?

19 A. Oh, yes, sir.

20 Q. So if that cell phone was at Lake
21 Hartwell or Lake Keowee and if it had been
22 used, it would have been a different cell
23 phone tower; is that correct?

24 A. That's correct.

25 Q. So we can safely say that when that

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1 cell phone was used on those days it was
2 nowhere near a lake?

3 A. That's correct.

4 Q. That's all that I've got. Please
5 answer any questions that defense counsel may
6 have.

7 THE COURT: Cross-examine?

8 CROSS EXAMINATION

9 BY RANDY CHAMBERS:

10 Q. That's just the location of the cell
11 phone, correct?

12 A. Yes, sir.

13 Q. You don't know who had possession of
14 the cell phone?

15 A. No, sir.

16 Q. Thank you.

17 THE COURT: Redirect?

18 SOLICITOR FOWLER: That's all that I
19 have, Judge.

20 THE COURT: You may step down.

21 (WITNESS STEPS DOWN)

22 THE COURT: You may call your next
23 witness.

24 SOLICITOR FOWLER: Your Honor, at this
25 time the State rests.

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1 THE COURT: Ladies and gentlemen, the
2 State has rested and that means that he has
3 put forth all of the evidence in his case in
4 chief. At this time we need to take a break
5 because there are things that I need to go
6 over with the attorneys.

7 So this will be your morning break. You
8 may go back to your jury room. Please do not
9 discuss the case, this is not that time yet.
10 Please retire back there and we will bring
11 you back out as soon as possible.

12 (JURY OUT @ 9:40 A.M.)

13 THE COURT: Any Motions?

14 RANDY CHAMBERS: I make a Motion as to
15 directed verdict as to both indictments, Your
16 Honor.

17 THE COURT: All right. Be glad to hear
18 from you on those?

19 RANDY CHAMBERS: Your Honor, I would
20 just say that there is no physical evidence
21 of any kind and I would say that there is no
22 evidence of any other kind that rises to any
23 remote standard that the solicitor has to
24 meet at this point considering all of the
25 evidence in the light most favorable to the

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1 Solicitor. Certainly on the burglary, that
2 he entered that home unlawfully or otherwise
3 on the day that this crime was supposed to
4 have been committed. Likewise, as to the
5 grand larceny, I think at best they could
6 prove receiving stolen goods and, so, based
7 on that we ask for a directed verdict.

8 THE COURT: Mr. Fowler?

9 SOLICITOR FOWLER: Judge, I would say
10 that we have more than met our burden at this
11 point.

12 We've got a neighbor who identified the
13 defendant's car as being at the scene of the
14 crime.

15 We have got the defendant selling the
16 property taken from the victim's house almost
17 immediately after this happened.

18 Further, we've got -- you know, the
19 defendant gave very inconsistent stories
20 about how he came to have this stuff.

21 I think that we've borne that verdict
22 past a scintilla of evidence.

23 THE COURT: In looking at *State v.*
24 *Rogers*, it clearly states that if there is
25 any direct evidence or if there is

1 substantial circumstantial evidence that
2 reasonably tends to prove the defendant's
3 guilt that it is then a jury question.

4 I think that there is a host of
5 circumstantial evidence that meets that
6 standard, so I think it is a question for
7 the jury and I deny your Motion.

8 Anything else?

9 SOLICITOR FOWLER: No, sir.

10 THE COURT: Do you plan on presenting
11 anything?

12 RANDY CHAMBERS: I do.

13 THE COURT: Do we need to have a
14 discussion with your client?

15 RANDY CHAMBERS: I think just for the
16 record that we would need to go over his
17 rights with him.

18 THE COURT: Is he going to testify or
19 do you have another witness?

20 RANDY CHAMBERS: He is going to
21 testify and we do have another witness.

22 THE COURT: Let's take a short break
23 and then we will -- be right back.

24 THE COURT: Mr. Scowcroft, my under-
25 standing from your attorney is that you plan

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1 to testify.

2 DEFENDANT: Yes, sir.

3 THE COURT: I want to go over your
4 rights with you. First of all, if you will
5 raise your right hand.

6 DEFENDANT: (Complies).

7 THE COURT: Do you solemnly swear to
8 tell the truth, the whole truth and nothing
9 but the truth?

10 DEFENDANT: I do, Your Honor.

11 THE COURT: Based on what I have heard
12 so far there is no criminal record on
13 anything?

14 SOLICITOR FOWLER: No, Judge.

15 THE COURT: The reason that I ask that
16 is because that could be used to cross-
17 examine you if you had a criminal record, but
18 from what I understand there is none to
19 cross-examine you on.

20 First of all you have a right, of course,
21 to testify on your behalf. I also want to be
22 sure that you understand that you also have a
23 right to remain silent. You are not required
24 to testify, you cannot be made to testify.
25 That is totally up to you, totally your

1 decision after consultation with your
2 attorney.

3 Now, you realize that if you decide that
4 it is in your best interest not to testify,
5 the jury cannot use that against you in any
6 way. I would instruct them that they are not
7 to consider that because the State would
8 still have the burden of proof. I just need
9 to make sure that you understand that right.
10 Do you understand that right?

11 DEFENDANT: Yes, sir.

12 THE COURT: Do you need any additional
13 time to talk with your attorney? We're going
14 to take a break here and you can talk to him
15 more. But do you need any time to talk with
16 your attorney any more about whether or not
17 you wish to testify? Well, we're going to
18 take a break anyway, so I'll ask you that.

19 Those are your rights. When we come back
20 on the record after the break, I'll ask you
21 if you have made a decision whether or not
22 you wish to testify. All right?

23 DEFENDANT: Yes, sir.

24 THE COURT: You need five minutes, or
25 do you need ten?

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1 RANDY CHAMBERS: Let's take ten.

2 THE COURT: Ten minutes. We'll be at-
3 ease.

4 (BRIEF RECESS)

5 (DEFENDANT PRESENT)

6 THE COURT: Does your client wish to
7 testify?

8 RANDY CHAMBERS: He does, Your Honor.

9 THE COURT: All right. Mr. Scowcroft,
10 if you could please stand.

11 DEFENDANT: (Complies).

12 THE COURT: We discussed your rights,
13 and you understand your rights?

14 DEFENDANT: Yes, Your Honor.

15 THE COURT: After you've had a further
16 chance to discuss with your attorney, do you
17 have any questions?

18 DEFENDANT: No, Your Honor.

19 THE COURT: Do you wish to testify?

20 DEFENDANT: Yes, I do, Your Honor.

21 THE COURT: All right. Do you have any
22 questions of the court?

23 DEFENDANT: No, sir, Your Honor.

24 THE COURT: Any additional questions of
25 Mr. Chambers?

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1 DEFENDANT: No, Your Honor.

2 THE COURT: All right. Are we ready to
3 bring the jury in?

4 RANDY CHAMBERS: Yes, Your Honor.

5 THE COURT: Bring in our jury.

6 (JURY IN @ 10:05 A.M.)

7 THE COURT: Thank you, ladies and
8 gentlemen. We are now ready to proceed with
9 the trial. The State has rested their case.
10 Mr. Chambers, do you wish to call any
11 witnesses?

12 RANDY CHAMBERS: Yes, Your Honor. I
13 would call Christian Scowcroft.

14 (WITNESS TAKES STAND)

15 CHRISTIAN SCOWCROFT, having been sworn to
16 tell the truth, and nothing but the truth,
17 testified as follows:

18 DIRECT EXAMINATION

19 BY RANDY CHAMBERS:

20 Q. Christian, please keep your voice
21 up. I need you to pull that microphone over
22 so that everybody will be able to hear what
23 you have to say. Okay?

24 A. Yes, sir.

25 Q. First I want to ask you some

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1 questions about yourself. Where are you
2 from?

3 A. I am from the Upstate here in South
4 Carolina. I was born in Anderson.

5 Q. Pretty much lived here your whole
6 life?

7 A. Yes, sir, I've lived here my entire
8 life.

9 Q. Did you graduate from college?

10 A. Yes, sir, I did. I went to The
11 Citadel.

12 Q. What year did you graduate?

13 A. 2013.

14 Q. And did you go to work after you
15 graduated from college?

16 A. I did. I was in the Army for two
17 years.

18 Q. What did you do in the Army?

19 A. I was an Apache pilot and a United
20 States Army officer.

21 Q. Were you discharged with an
22 honorable discharge?

23 A. That's correct.

24 Q. What did you do when you got out?

25 A. I went to work for an engineering

1 company called TA Solutions doing controls
2 and automation engineering.

3 Q. Was that the sort of training that
4 you had?

5 A. Yes, sir.

6 Q. I didn't mean to cut you off. You
7 were talking about being an engineer.

8 A. I did that for a short while and
9 then I moved to AT&T Operations.

10 Q. Is that where you had been working
11 prior to August 16th?

12 A. Yes, sir.

13 Q. Were you working there then?

14 A. I actually was. I was still
15 employed there. I was on paid vacation from
16 Brian Oakley. I had four weeks.

17 Q. Did you go back to work with them
18 after that?

19 A. I did not.

20 Q. Why not?

21 A. I had been asked to leave due to
22 excessive absences, lateness really. It was
23 kind of shameful for me in a way. I'd never
24 been late. You know, the military taught me
25 that. But I'd been late quite often, in the

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1 last month or so in working at this job and,
2 uh, couldn't really recover from that.

3 Q. Are you working now?

4 A. I am.

5 Q. Where do you work now?

6 A. I work for Green River Log Cabins.
7 I am the purchasing manager for their entire
8 materials acquisition department.

9 Q. How long have you been working that
10 job?

11 A. Since April, April the 24th I
12 believe.

13 Q. When you were with AT&T, did you
14 work with Harrison Golson?

15 A. I did.

16 Q. Did you get to know him?

17 A. A little bit, not very well. We
18 went out to lunch several times, did that
19 occasionally.

20 Q. Were you social friends, did you see
21 each other after work?

22 A. No, not really. I can't recall when
23 we did anything outside of lunch.

24 Q. Did you have any interaction with
25 him outside of work?

1 A. No, sir.

2 Q. And we heard some testimony that you
3 helped him move a dresser or a cabinet or
4 something, did you do that?

5 A. Yes, sir, I did.

6 Q. Tell us approximately when that was
7 -- you know, just tell us about how that
8 happened and what you did.

9 A. I believe that it was in the
10 springtime, probably in June or maybe shortly
11 before that. I had been asked by Harrison
12 approximately around lunchtime that same day
13 about if I could spare a few minutes after
14 work. We got off around 4:00 o'clock.
15 Basically he told me that he had a piece of
16 furniture in the back of his truck that he
17 needed to get put in his house. So we came
18 to his house, I got picked up by a buddy at
19 work and he drove me to Harrison's house. He
20 actually took my car from work often and --
21 would take it downtown. We got to Harrison's
22 house. Harrison had it in the back of the
23 truck and we just put it in the garage. It
24 took five seconds, I wasn't there more than a
25 minute and then we left that day.

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1 Q. Did you go inside his house?

2 A. I did not.

3 Q. You went into the garage?

4 A. Just in the garage. Harrison had
5 gone in through the house to open the garage
6 door. He explained that he had a large dog
7 and that he had put it inside and that the
8 garage door couldn't be opened otherwise.

9 Q. So you just took it out of the truck
10 and put it in the garage?

11 A. That's correct.

12 Q. Then you went home?

13 A. Yes.

14 Q. How did you get home?

15 A. Britain was still driving me. He
16 never got out of the car. He was pretty shy
17 about that and I was embarrassed about it in
18 a way, so I would often ask him not to.

19 Q. Now, when did you find out about
20 Harrison Golson's home being broken in and
21 things being taken?

22 A. I guess I kinda figured it out when
23 I went through my interrogation by the police
24 officers. At first I thought that they just
25 needed some help, but kind of came to that

1 conclusion there.

2 Q. When was that? August 26th?

3 A. I believe so. Yes, sir.

4 Q. Had they contacted you prior to that
5 to ask you to come down there?

6 A. They had. They left me a voice
7 mail.

8 Q. When was that, do you recall?

9 A. I think that it was the same day or
10 the day before actually, within a day or two.

11 Q. Did you get back with them?

12 A. I did. I immediately called them
13 back. I got a voicemail and asked him what
14 was going on, if I could still be of
15 assistance, did they still need to speak with
16 me. They said yes, so -- I'd gone from my
17 home to meet with them and had called them
18 several times on the way to try and -- I
19 actually came downtown here and ended
20 straight up to the jail. I wasn't clear
21 where they were supposed to meet me. I'd
22 call them but they wouldn't answer, so I -- I
23 finally got ahold of them and they said to
24 come to the Northern Area Command, so that is
25 where I met them.

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1 Q. Where is the Northern Area Command?
2 Where did you go?

3 A. I can't remember exactly where it is
4 right now. It's in their part of the city.
5 I believe it's over on the far side of town.

6 Q. It's not at the Law Enforcement
7 Center downtown?

8 A. That's correct.

9 Q. When you went in there for that
10 interview, did you have any idea why you were
11 there?

12 A. None at all, sir.

13 Q. Now let's back up a little bit.
14 Let's go back to August 16th, the day that all
15 of this transpired. The first thing that
16 morning, the morning of August 16th, just kind
17 of walk us through your day. What did you do
18 that day?

19 A. Actually August 16th was kind of
20 interesting, kind of unique in a way. I'd
21 been out with a girl, Erica. We had gone up
22 to the lake that evening, the night before.
23 I'd left very early that morning to go pick
24 up a girl, a friend of hers so that we could
25 all three go and we never came back. But the

1 trick of it was that her friend was a mess
2 downtown, needed help. When we did, I'd left
3 the door unlocked to my house, my keys on the
4 table, my phone sitting there too. It was
5 Erica that got me out of the house that
6 night, and we went up to the lake house. We
7 spent the night there. Then I mowed the lawn
8 and we came back that day. I think it was
9 around 12:00, we'd just stopped to eat lunch.
10 Then around 1:00 o'clock, you know, we'd got
11 back to the house and been cleaning up.

12 Q. You have -- or you had a red
13 Volkswagen Jetta; right?

14 A. Yes. Yes, sir.

15 Q. Were you driving it at the lake?

16 A. No, sir, I was not.

17 Q. What were you driving?

18 A. We were in Erica's car that day. It
19 was -- she was -- I was trying to explain
20 this to the investigator. I was so confused
21 by the past week or so, and I was shell-
22 shocked when I was there. I was terrified, I
23 was mortified.

24 It was the day that we got up there and
25 we took the jet ski, taking it out of the

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1 water and winterized it or if it was before
2 that when I went to mow the law and -- I was
3 just confused.

4 Q. So Erica takes you home?

5 A. Yes, shortly after 12:00, maybe
6 before 1:00 sometime.

7 Q. Start there and take us through the
8 rest of your day.

9 A. So on the way home form the lake,
10 Erica had been pushing me to, arguing with me
11 about moving in, making room for her and all
12 of this. So -- our big argument was over
13 what to do with all the extra junk that we
14 had.

15 Q. What extra junk?

16 A. So -- most of my closet space was
17 occupied by Britain's stuff. A lot of it was
18 -- a lot of it was, you know, now mine and I
19 didn't know what to do with it. I'm, you
20 know, very, vary cautious around people's
21 thing. I am very polite and respect their
22 privacy. I didn't want to, you know, get
23 into his things. I didn't want to get into
24 his things at all. But the fact of the
25 matter is that it'd been weeks since I'd

1 heard form him and even longer since I'd
2 asked him to come and get it.

3 Q. So Britain was living with you but
4 he wasn't staying there at the time?

5 A. He'd come by, stay for a couple of
6 nights, a couple of days and then leave
7 again. That inconsistency, especially
8 conjoined with using my house key and my
9 vehicle, because a huge, huge liability. I
10 was terrified as to what he might be doing.

11 Q. What worried you so much about
12 Britain?

13 A. It wasn't -- at first he was very,
14 very, very trustworthy. I was able to give
15 him a house key, I was able to let him use my
16 phone, my car. I was able to take him out
17 with friends, family, be around people and
18 nothing would be abnormal. But then as time
19 went on, I guess that he became a little bit
20 more himself and more comfortable with, you
21 know, -- give him an inch and he'd take a
22 mile. So he would be gone all night in my
23 vehicle and I wouldn't know where he was or
24 what he was up to. He wouldn't get my
25 vehicle back on time.

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1 Q. So the two of you started to -- it
2 appears at least that he started to irritate
3 you. Did you irritate him?

4 A. I don't know if I irritated him or
5 not. I hope that I didn't. I hope that I
6 was polite in what I was telling him. But
7 basically I told him that his erratic
8 schedule and unpredictable behavior had, you
9 know, caused me to be late to work by him not
10 even having my car home on time.

11 Q. During this time had you been
12 staying at your apartment or had you been
13 staying somewhere else? What had you been
14 doing at that point in time?

15 A. I stayed at the apartment most of
16 the time, but lots of times I'd go up to the
17 lake house to help them get prepared for
18 moving out. We'd tried to sell the house
19 last summer and we'd actually had a deal come
20 through on it and it was about to close, so
21 we were packing and moving everything around.
22 All of the furniture was about to be moved
23 out. The deal fell through, so we ended up
24 not selling. We ended up keeping the house,
25 we still possess it today.

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1 Q. Who owns that house?

2 A. It is my dad's place.

3 Q. Where is it located? You keep
4 saying lake ---

5 A. My dad's place.

6 Q. Where is it located?

7 A. Lake Keowee.

8 Q. Is that in Pickens or Oconee County?

9 A. Pickens.

10 Q. So you came back from the lake that
11 morning?

12 A. (Affirmative nod).

13 Q. Then?

14 A. So Erica and I argued about ---

15 Q. Had you already told Britain at that
16 point to move out?

17 A. Yes, multiple times.

18 Q. Did you see any indication that he
19 had been moving out, that any of his stuff
20 was gone?

21 A. Bits and pieces of it that I knew he
22 had had there were gone -- his baseball card
23 collection. But it looked like pretty much
24 most of it was still there.

25 Q. Did you talk to him that day?

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1 A. I called him and called and had
2 never got a response. I had asked, texted
3 him to see if he was going to come by. Erica
4 called him as well and -- finally, you know,
5 we started pulling things out and started
6 sending it to SnapChat, SnapChat, SnapChat of
7 all the things that he left at the house that
8 weren't mine.

9 Q. Did you get any response from him?

10 A. I finally got a response from him
11 after, you know, a couple of pictures that
12 had went out of, you know, 'stop, leave me
13 alone.' Then 'Go ahead and get rid of it, I
14 don't want it. I don't want anything to do
15 with you anymore.'

16 I think that was latent hostility from
17 the last argument that we'd had. It seemed
18 to me that he was just ready to go our
19 separate ways.

20 Q. So what did you go after that?

21 A. So Erica I boxed and bagged up
22 everything that was in that closet, most of
23 his possessions that were ---

24 Q. What was his closet located?

25 A. Immediately to the right as you go

1 in the front door.

2 Q. Was this a closet that had been
3 designated for his use or for you?

4 A. I asked him to, you know, by all
5 means keep everything together, don't spread
6 it all out across the apartment. He was
7 pretty much just couch surfing, so I gave him
8 a space for his things. You know?

9 Q. And what sort of things did you find
10 in there?

11 A. Clothing, a lot of clothing. His
12 baseball card collection, some electronics,
13 some speakers, a laptop. There were hard
14 drives, the portable kind. I found two empty
15 rifle cases and then two rifle cases that
16 clearly contained weapons here, all four I
17 was completely unaware of were even there. I
18 couldn't keep -- I don't like the fact that
19 he kept a firearm in my home and I didn't
20 know about it.

21 Q. Why not?

22 A. It's a security thing. I was in the
23 military and we were always very secure with
24 our weapons. When you're in the Army, you
25 clear the chamber when you walk on base.

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1 And, you know, you remove your weapon and you
2 turn it in to the quartermaster, your armor.
3 It's then tagged and bagged out. This was an
4 unsecured weapon with ammunition in the case,
5 left laying in my apartment and I didn't even
6 know that it was there. I feel like that is
7 a very, very dangerous thing for anyone to
8 have laying around.

9 Q. About what time was it when you
10 started going through this stuff, do you
11 know?

12 A. Before 1:00, around 12:30. It was
13 right when we got back. We were both
14 determined when we got out of the car that we
15 were done with this, 'okay, lets get him out
16 of here.' She wanted to go ahead and move on
17 it. So we went in and started going.

18 Erica took all the clothes and everything
19 and I took all the electronics and the two
20 firearms that were still there.

21 Q. Then what did you do?

22 A. Kind of just -- shortly before
23 leaving we looked at where we were going to
24 go. She was going to take it to Plato's
25 Closet and then to Goodwill. I was going to

1 go to a gun shop and a GameStop.

2 Q. So you formulated, between the two
3 of you, you sort of planned that you were
4 going to go sell this items?

5 A. That's correct.

6 Q. What made you decide to do it right
7 then?

8 A. We'd been talking about it for such
9 a long time. In a small way, it was very --
10 she kinda of had gotten me excited about the
11 thought, the prospect of her coming to live
12 with me.

13 Q. What made you decide that day that
14 you were going to sell those things? Did you
15 try to get back in touch with Britain and
16 say, 'hey, you've got a couple of weapons
17 here and..' ---

18 A. It was closure from him too, in a
19 way. He finally responded and said that he
20 didn't want to have nothing to do with it,
21 he didn't care if I sold it. He hadn't ever
22 paid me any money for rent though he'd
23 promised it over and over and over. I hadn't
24 really asked him for it but he kept swearing
25 that it was coming and -- I never stuck him

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1 with it, I never made him hold up his end of
2 the bargain to it.

3 Q. You indicated when the police called
4 you that you got online and did a search for
5 gun stores in the area. Tell us about that.

6 A. I actually got on the computer and
7 did a search for a number of things. You
8 know, number one was whether these guns were
9 registered to somebody and if they were was
10 there some way to get them back to those
11 people. The other thing was that if there
12 was gun stores nearby where I could take them
13 to get them appraised, looked at and figure
14 out -- then if everything was, you know, if
15 my car had been broken into and was that
16 covered by insurance.

17 Q. So tell the jury what you did -- you
18 said that you decided where you were going to
19 go and what you were going to do as far as
20 the clothes, these weapons and games and
21 everything. Tell the jury what you did.

22 A. So I went to GameStop first and told
23 them where I had gotten this PlayStation
24 from, just basically handed it over in a box
25 and said, 'hey, my roommate left this at my

1 place, can you give me anything for it.'

2 They looked it over, said that it was in good
3 condition and, no problem, they took it. So
4 I said 'okay.'

5 I went down the street and --

6 Q. How much did you get for it?

7 A. Nothing really. Fifty bucks, maybe.

8 Q. Okay.

9 A. Then I went right across the street
10 to Traders Gun Shop because it was very close
11 to my house and very close to -- on the same
12 circuit where I was already going running
13 errands.

14 I went straight in the front door. I was
15 trying to hide anything from anyone. I was
16 still wearing a Citadel shirt, had -- you
17 know, it wasn't -- there wasn't anything but
18 it was just like a daily errand for me. I
19 didn't think twice about what we were doing.

20 I walked in, took this rifle to the
21 Traders Gun Shop and asked them to look over
22 it, appraise it for me and tell me if was
23 worth anything. I wasn't very familiar with
24 that particular brand of hunting rifle, I'd
25 never had one like that.

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1 They took it, looked at it, took it apart
2 and everything, said that it was in good
3 condition and, uh, you gave me an offer of
4 cash for it. I said sure. I didn't want to
5 pawn it or, you know, make a big deal out of
6 or even argue with them. It wasn't about the
7 money. The money thing at that point, at
8 all.

9 Q. So how much did you get?

10 A. It was about \$300.

11 Q. You said that there was another
12 weapon.

13 A. (Affirmative nod).

14 Q. What was it?

15 A. It was a camouflage shotgun. I had,
16 asked them about it that day, you know, when
17 I went in Traders. Had said that there is
18 another gun, a shotgun, that I didn't bring
19 it because I didn't think that it was worth
20 selling or anything. I couldn't really tell.
21 They said that they could appraise it if I
22 brought it back in but that there was a gun
23 and knife show coming up and that I should go
24 check that out. That's actually what I ended
25 up doing.

1 Q. Where was this gun and knife show?

2 A. At the Palmetto Expo Center.

3 Q. Is that the one right off of
4 Pleasantburg?

5 A. Yes, sir.

6 Q. Close to the Krispy Kreme over
7 there?

8 A. Yes, sir.

9 Q. All right. So did you take the
10 shotgun there?

11 A. I did.

12 Q. What day?

13 A. I am not sure. It was after I'd
14 gone into Traders the first time.

15 Q. Did you -- was it later the same
16 day, a day later or two days later?

17 A. Two days later, on the 18th.

18 Q. So what did you do when you got to
19 the gun show?

20 A. Spent a whole lot of time kind of
21 exploring. I'd never been to one before, it
22 was actually pretty cool. I got to look at
23 a bunch of old military paraphernalia, old
24 weapons and, you know, cool historic
25 artifacts; knives, things like that.

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1 Actually I took the weapon inside. As
2 was the custom there, you get it checked on
3 the way in the door. I carried it around
4 plain as day all day long and, you know, was
5 -- hadn't even asked anyone to look at it
6 yet. A guy came up to me, asked me about it
7 and made me an offer on it. I think he
8 offered me a hundred fifty bucks for it or
9 something like that.

10 Q. Did you sell it?

11 A. I did.

12 Q. Was there ever a time when you went
13 into Traders with the shotgun and some sort
14 of tag on it from a gun show? Did you do
15 that?

16 A. No, I did not.

17 Q. Did you ever take that shotgun
18 inside Traders?

19 A. I did not.

20 Q. You only asked about the shotgun
21 when you were at Traders?

22 A. I did, at Traders.

23 Q. And that was back on the 16th when
24 you sold the rifle?

25 A. Um-humm.

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1 COURT REPORTER: Was that a "yes"?

2 DEFENDANT: Yes, ma'am.

3 DIRECT EXAMINATION CONTINUED

4 BY RANDY CHAMBERS:

5 Q. So you sold the shotgun that day at
6 the gun show?

7 A. Yes.

8 Q. What did you do after that?

9 A. Erica and I had been working on
10 finding me a new job, so I was on -- I was
11 on the way out the door with AT&T and had
12 almost used up all of my four weeks vacation.
13 I was working with Telex, trying to contract
14 with them.

15 Q. Were you having financial
16 difficulties at the time?

17 A. Not at all. The insufficient funds
18 that we saw up in my e-mail -- first of all,
19 I don't know how that e-mail got read. I
20 wasn't home at the time.

21 Second of all, the insufficient funds was
22 like a huge problem coming from Wells Fargo
23 at the time. I had transferred all of my
24 funds from my saving account at the time and
25 was getting my ROTH IRA dumped into my

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1 checking. I had pulled everything out of my
2 AT&T funds, pretty much, because I was
3 leaving the company. So my ROTH IRA was
4 about to be deposited and that's what I was
5 waiting for. That was almost \$4,000.

6 Q. Did -- if you had been desperate,
7 was there anyone that you could have borrowed
8 money from or gotten money from?

9 A. Sure. My family has always, always
10 been extremely helpful and willing to step in
11 and take care of me. They've always --
12 especially in financial situations. It's
13 only happened once before. I was down in
14 Charleston while working to pay bills and
15 also going to school at The Citadel, I had a
16 truck payment, insurance payment and they
17 said that they would help me then. It would
18 have been nothing to have asked them for help
19 at all if it was a problem.

20 Q. Did you have to ask them for money?
21 Did you need money from them?

22 A. No, I did not.

23 Q. Did you hear from Britain any more
24 after you sold his weapons and the game?

25 A. No. And it scared me in a way how

1 he kind of ghosted out. It was terrifying
2 for me to think that this guy who lived for
3 almost six months like he did, who had been
4 so close with me, such a big part of my life
5 and then just disappear off the face of the
6 earth. He vanished.

7 Q. Did you think -- I mean, what did
8 you do with the rest of his stuff?

9 A. A lot of it I actually stored in the
10 apartment aside from the clothes and, you
11 know, the game system. You know, I left
12 everything else of his there. I knew that he
13 still had an apartment key so he could still
14 come back and get it.

15 Q. You're not in that apartment any
16 more?

17 A. I am not. I actually lost my
18 apartment, my car, everything that I owned,
19 all of my possessions. Most of my family and
20 friends have turned their back on me ever
21 since.

22 Q. Okay. Are you and Erica still
23 together?

24 A. No. It kinda hurts me in a way to
25 think about Erica. In hindsight it's painful

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1 because she had came to the jail after I was
2 arrested. I'd went to talk to the cops, she
3 knew that I was going -- I knew that I was
4 going with the best of intentions but she
5 didn't know what was going on. So I went in
6 and then when I got arrested, they took my
7 house keys. She needed a house key to get to
8 her things, because she moved into my
9 apartment before I lost my apartment. So she
10 came to the jail and got my house keys signed
11 out, went back to my apartment and cleaned it
12 out.

13 Q. Have you seen or talked to her
14 since?

15 A. I have not.

16 Q. So when you went in to talk to the
17 police on the 26th, it was in response to
18 their call?

19 A. It was.

20 Q. And you've already stated, I
21 believe, that you didn't know why you were
22 going down there?

23 A. That's correct.

24 Q. Do you remember approximately what
25 the officer said to you when you talked to

1 him on the phone?

2 A. I'd asked him what was going on and
3 -- if it was something that I could do over
4 the phone. He said no, that I didn't to come
5 on. I asked him did I have any warrants, was
6 this something going on with me or was this
7 relating to something else. 'Can you give me
8 a heads up or anything? How can I assist you
9 with them?' He said 'no, just come in, we
10 need to ask you some questions.'

11 So I went in, expecting to be helpful
12 and, you know, a law-abiding citizen,
13 something that may be able to take corrective
14 action on what was going on.

15 Q. Did -- was there any discussion --
16 we saw a video of you being questioned. Was
17 there any discussion with the police prior to
18 the camera being turned on?

19 A. Not that I can recall, sir.

20 Q. And they went over your rights with
21 you, as we saw?

22 A. They did. But they -- I don't know
23 if it is relevant but they did go over my
24 rights but I am not sure that I was aware of
25 what I was doing at that time. That it was a

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1 statement, an official statement. You know,
2 by passing all of my rights -- I don't want
3 to say that I was tricked because they did
4 state what was going on but at the same time,
5 I thought that I was going to help them and
6 not because they were questioning me. It
7 became very clear after the fact that it was
8 very, very much directed towards me.

9 Q. Did you answer their questions to
10 the best of your ability?

11 A. I did. I was terrified.

12 Q. Did you answer their questions
13 honestly?

14 A. I did. I don't believe that I made
15 any incorrect statement in regards to what
16 was going on. It was a traumatic and
17 terrifying experience because -- it -- it
18 wasn't even my actions that they were
19 speaking about and I couldn't explain it, I
20 didn't know about it.

21 Q. They told you that it was Harrison
22 Golson's things that had been taken?

23 Q. When they mentioned Harrison's name,
24 I was shocked and mortified, just -- just --
25 I felt so bad for him that he had been

1 affected by this person that I had brought
2 into my life. It was the conclusion all
3 wrapped into one, the realization just struck
4 me that I'd brought it -- I hated that the
5 sanctity of his home had been violated and
6 that -- that it was because of somebody that
7 I'd known, that I had brought into his life
8 somehow.

9 Q. Would you acknowledge that it seems
10 like it was a huge coincidence that a person
11 that you used to work with, that their house
12 is burglarized and you end up selling that
13 property. Do you see how that looks bad?

14 A. I do. I think that there is an
15 explanation for it, in a very straightforward
16 manner actually. Britain, when he was
17 leaving, wanted to know why he had to leave.
18 He demanded to know why I was asking him to
19 get out.

20 I basically told him that he'd caused me
21 to be late at work so many times that I
22 couldn't recover from it with the company.
23 That because of that one of my coworkers had
24 been reporting on it to my boss. I had no
25 animosity towards Harrison for having spoken

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1 with our boss about this at all. Harrison
2 and I actually spoke about it and Harrison
3 had said that he had no animosity towards me,
4 so there was no conflict about it between he
5 and I.

6 But in Britain's mind, I think that he
7 directly related him having to leave and
8 losing his free ride with me with Harrison,
9 because Harrison had told on me.

10 Q. Is that just you speculating?

11 A. Not at all. In fact, he directly
12 stated to me many times when we argued about,
13 after I had asked him to leave, you know,
14 'Well, why is this guy tattling on you? Why
15 is he reporting to your boss on you? Don't
16 you have time clocks for that?'

17 I didn't -- I thought that it was petty.
18 I didn't take it seriously. But Britain did.

19 Q. After you moved that furniture that
20 day, did you ever go back to Harrison
21 Golson's house?

22 A. I did not.

23 Q. Were you ever in his neighborhood at
24 all on the 16th?

25 A. I was not.

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1 Q. Do you know if your red car was in
2 his neighborhood on the 16th? Do you know for
3 a fact that your car was in his neighbor-
4 hood?

5 A. I do not know for a fact.

6 Q. Do you know anything firsthand about
7 the break-in at Harrison Golson's house on
8 August the 16th?

9 A. I do not.

10 Q. Did you in any way conspire with
11 Britain to go over there and break in and
12 steal things from Harrison Golson's house?

13 A. I most certainly did not.

14 Q. Were you aware when you went to sell
15 those items that they belonged to Harrison
16 Golson?

17 A. I had no idea.

18 Q. Are you -- did you do the things
19 that you are accused of doing in this case?

20 A. Absolutely not.

21 Q. That's all the questions that I have
22 for you. Please answer any questions that
23 the Solicitor has.

24 A. Yes, sir.

25 THE COURT: Cross-examine.

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1 SOLICITOR FOWLER: Yes, sir, Judge.

2 CROSS EXAMINATION

3 BY SOLICITOR FOWLER:

4 Q. All right, Mr. Scowcroft. Just real
5 quickly on some background stuff. So you
6 grew up in Anderson?

7 A. I did. I was born in Anderson.

8 Q. Where did you go to high school?

9 A. Riverside High School.

10 Q. That's in Greenville, isn't it?

11 A. Yes.

12 Q. So I guess y'all moved over here for
13 you to be in high school. I mean, I don't
14 understand how you could go to Riverside ---

15 A. Yes, sir.

16 Q. So you graduated, obviously?

17 A. Yes, sir.

18 Q. And then you went to The Citadel.

19 Correct?

20 A. Yes, sir.

21 Q. What year did you graduate from high
22 school?

23 A. '09, sir.

24 Q. So you graduated from The Citadel in
25 2013?

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1 A. That's correct, sir.

2 Q. Then you were commissioned in the
3 Army?

4 A. Yes, sir.

5 Q. Did you do regular Army or the
6 National Guard?

7 A. I went regular Army first, then
8 transferred to National Guard.

9 Q. The South Carolina National Guard?

10 A. Yes, sir.

11 Q. I'm an infantry officer with the
12 South Carolina National Guard. You were an
13 Apache pilot, you said?

14 A. Yes, sir.

15 Q. Okay. How many Apaches do we have
16 in the South Carolina Army National Guard?

17 A. Twenty-four, sir.

18 Q. Okay. And how long is flight
19 school?

20 A. About a year and a half.

21 Q. So flight school is about a year and
22 a half.

23 A. Yes, sir.

24 Q. Is there any other training that you
25 have to do?

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1 A. BOLC.

2 Q. BOLC. Isn't there something called
3 the SEAR course?

4 A. Yes, sir.

5 Q. How long is SEAR school?

6 A. Thirty days.

7 Q. So we've got a year and seven months
8 of school?

9 A. Yes, sir.

10 Q. How long is your BOLC?

11 A. It was, I think, six to eight weeks.
12 I don't remember -- I'm really not sure. I
13 don't recall.

14 Q. So we'll call that another month to
15 two months. So you figure that you've got a
16 month and ---

17 A. Some of those overlapped, sir.

18 Q. Did they? Really?

19 A. Yes, sir.

20 Q. How is that?

21 A. BOLC in the Army is considered part
22 of the year and a half training in flight
23 school.

24 Q. Because my understanding is that you
25 went to BOLC, which is like in San Antonio or

1 somewhere like that.

2 A. That's correct, sir.

3 Q. But the flight school is at Fort
4 Rucker?

5 A. It is at Fort Rucker.

6 Q. Okay. Well, I'm talking about a
7 Black Hawk pilot, and that might be different
8 since he's a medevac guy.

9 Okay. So, regardless, at least a year
10 and seven months?

11 A. Yes, sir.

12 Q. Correct?

13 A. Yes, sir.

14 Q. Then you had to transfer from
15 regular Army to the National Guard?

16 A. I did at school.

17 Q. So you did that at school, so you
18 didn't commission in the regular Army?

19 A. I did.

20 Q. So you commissioned into the regular
21 Army?

22 A. I did.

23 Q. You were a commissioned United
24 States Army officer and then you ended up in
25 the South Carolina National Guard?

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1 A. Yes, sir, to get the Apache slot for
2 that. I asked for it.

3 Q. How long did that process take?

4 A. It didn't take any time at all. It
5 was initiated my senior year and was done
6 right after I commissioned, really.

7 Q. So you commissioned in the regular
8 Army and then a few days later you are in the
9 Guard?

10 A. Yes, sir.

11 Q. That's the fastest military maneuver
12 that I've heard of. Now, let me ask you
13 this. When was your BOLC date?

14 A. We started BOLC, I believe, August
15 of the same year.

16 Q. Okay.

17 A. So I had two months.

18 Q. So you started BOLC, which we are
19 calling flight school the same thing. You
20 started SEAR school August 2013, we're
21 saying?

22 A. Yes, sir.

23 Q. So you would have gotten out of that
24 August 2015?

25 A. August 2015, yes.

1 Q. So we're saying a year or so
2 training and then about three months before
3 you -- I assume that you commissioned in May.
4 Right?

5 A. That's right.

6 Q. Those added together make about a
7 year and ten months. Right?

8 A. Yes, sir.

9 Q. Okay. So now you say that you were
10 in the military for two years?

11 A. I was probably -- if you want to get
12 technical about it, sir, I was in the
13 military for much, much longer than that.

14 Q. As an ROTC cadet?

15 A. Yes, sir.

16 Q. But you were a commission United
17 States Army officer for two years?

18 A. Right. I basic while I was
19 enlisted.

20 Q. Yeah, I did too. So about a year
21 and ten months of that ten years was your
22 initial training.

23 A. Yes, sir.

24 Q. So did you graduate flight school?

25 A. I did not, didn't finish.

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1 Q. So saying that you were an Apache
2 pilot is a bit of a stretch; right?

3 A. I can fly an Apache, yes, sir.

4 Q. But did you ever fly an Apache with
5 the Guard?

6 A. I did.

7 Q. Did you ever go to a drill?

8 A. I did.

9 Q. As an Apache pilot?

10 A. Yes, sir.

11 Q. And you flew an Apache?

12 A. Yes, sir.

13 Q. Well, why did they -- why did you
14 get out then?

15 A. They were actually downsizing our
16 units. They couldn't afford at the time to
17 send me back through Black Hawk training and
18 they were transferring all of our Apache
19 Lieber models to a different Guard unit and I
20 couldn't go back through training.

21 Q. So they just let you out of the
22 Army?

23 A. Yes. Major Leihouse (phonetic) said
24 that the four of us that he let go, we all
25 got honorable discharges and he said that we

1 were four million dollar mistakes and they
2 couldn't afford to keep us and re-train us.

3 Q. Okay. So basically you might have
4 made it one or two months in the Guard before
5 you were out, after you were done with BOLC
6 and flight school?

7 A. That's correct.

8 Q. Okay. All right. So now moving on
9 -- forgive me, but I was trying to take notes
10 as you were taking. You used to work at
11 AT&T?

12 A. Yes, sir.

13 Q. What timeframe did you work there?

14 A. I was direct hired on with AT&T as a
15 network operations engineer in February of
16 2016.

17 Q. So February of '16?

18 A. Yes, sir.

19 Q. All right. And why were you let go
20 from them?

21 A. I was asked to leave the company --
22 I think that it was the first week of August
23 when Brian Oakley and I had our meeting.

24 Q. So you made it about six months
25 there?

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1 A. (Affirmative nod).

2 Q. And you said that you were let go
3 because you were having a hard time showing
4 up for work?

5 A. Yes, sir.

6 Q. And how did -- I guess Brian Oakley
7 was your big boss. How did he find out about
8 it?

9 A. Uh, at first it was brought to his
10 attention, I think, by Harrison Golson.
11 Scott Trayling (phonetic) told me that it was
12 something that he'd discussed with Brian
13 Oakley about.

14 Q. So Harrison Golson, the victim in
15 this crime is the guy that got you fired?

16 A. I would say it initiated it that
17 way. I didn't directly relate it to
18 Harrison. In fact it actually more
19 embarrassing for me because I was late.
20 It had nothing to do with what Harrison had
21 said.

22 Brian Oakley began monitoring my
23 attendance, basically. The first three
24 months that I worked there was perfect
25 attendance and then after that it had become

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1 unstable.

2 Q. So now let's talk about a little bit
3 more. When you let go, I guess that you had
4 some vacation days built up?

5 A. Yes, sir.

6 Q. And they were cashing out your
7 vacation days?

8 A. Yes, sir.

9 Q. As one does?

10 A. (Affirmative nod).

11 Q. Now, you mentioned that you -- you
12 said that you weren't in financial distress
13 at the time?

14 A. Yes, sir.

15 Q. But you cashed out an IRA?

16 A. Yes, sir.

17 Q. Now, for those of us who are
18 financial wizards, could you explain what
19 IRAs are typically used for?

20 A. It is retirement funds, sir.

21 Q. But you are retired, are you?

22 A. That's right. I took a huge tax hit
23 when I cashed it out.

24 Q. That's what I was about to say. You
25 took a pretty good penalty for that.

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1 Correct?

2 A. Yes, sir.

3 Q. It probably would have been a lot
4 more prudent if you weren't in financial
5 trouble to leave that and let it grow; right?

6 A. I was told by Brian Oakley that it
7 would not be accessible after a certain
8 period of time because I'd left the company.

9 Q. Okay. Now, I've got another
10 question for you. You were obviously
11 ultimately arrested on this charges, weren't
12 you?

13 A. Yes, I was.

14 Q. You were offered a bond, correct?

15 A. Yes, sir, I believe so.

16 Q. And you said that your parents would
17 help you out at the drop of a hat, that money
18 is not a problem. Do you remember how much
19 the bond was?

20 A. I believe that it was \$40,000.

21 Q. Typically how a bond works, that's
22 money that -- you put up a portion of that
23 and if you don't show up for court, they
24 collect the rest of it from you. Right?

25 A. I believe so, sir.

1 Q. Do you know how much of that \$40,000
2 that you would have had to put up to get out
3 of jail?

4 A. I really am not sure, sir.

5 Q. Would you -- what if I told you that
6 it was ten percent?

7 A. (No verbal response).

8 Q. They didn't explain this to you when
9 you were put in jail, how much money that
10 you'd have to put up to get out?

11 A. No, sir, I didn't actually really
12 ask about the bond. There were some people
13 in the jail who were convinced that if you
14 bond out and pay your way out to get out of
15 jail, that that makes you look guilty.

16 I actually didn't bond out or pay my out
17 because it was something that would
18 incriminate me in a way, make it look like I
19 was trying to run.

20 Q. But you ultimately bonded out?

21 A. (No verbal response).

22 Q. You're not in jail right now?

23 A. On a personal recognizance bond.

24 Q. Right. Okay. So you, on point of
25 principle, sat in jail on a bond that would

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1 have taken \$4,000 to get you out; right?

2 A. Yes, sir.

3 Q. How long did you sit in jail for?

4 A. Sixty days, almost.

5 Q. Almost sixty days?

6 A. (Affirmative nod).

7 Q. Almost two months. Golly. And how
8 much was that IRA cashed out for? I think
9 you said earlier?

10 A. Close to \$4,000.

11 Q. Man, that would have gotten you out
12 of jail?

13 A. It would have, yes, sir.

14 Q. Okay. Now, this Wells Fargo e-mail
15 that we saw, you don't dispute that was to
16 your e-mail account. Correct?

17 A. Correct, I think it was.

18 Q. And you bank with Wells Fargo,
19 correct?

20 A. Yes, sir.

21 Q. Okay. So explain to me again how an
22 e-mail saying that you had insufficient funds
23 doesn't mean that you were out of money?

24 A. So there were two accounts that were
25 linked, my checking account with my bank

1 account. My checking account has things
2 charged to it like Netflix, Spotify, and
3 things of that nature. My saving account has
4 my savings and nothing charges to it, it
5 actually accumulates interest over a period
6 of time.

7 Q. Okay. So these two accounts are
8 linked.

9 A. (Affirmative nod).

10 Q. I guess what you're telling me is
11 that you think that it was maybe an automatic
12 charge to your checking account that didn't
13 go through?

14 A. Yes, sir.

15 Q. Okay. Well, I want to direct your
16 attention back to what has been entered as
17 State's Exhibit 21. Could you read to me
18 what that says?

19 A. (Reading): "Wells Fargo transfer
20 canceled due to insufficient funds."

21 Q. Now it says "transfer", not
22 "transaction." Correct?

23 A. That's correct, sir.

24 Q. Those are two different things,
25 right?

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1 A. Yes, sir.

2 Q. Okay. All right, Mr. Scowcroft.

3 Let's see here, let's talk about your day
4 around August 15th and 16th, 2016. Now, you
5 said that you had gone downtown the night
6 before, right?

7 A. (Affirmative nod).

8 Q. Is that right?

9 A. Yes, sir.

10 Q. The 15th?

11 A. Yes, sir.

12 Q. And that was with your then girl-
13 friend, Erica?

14 A. Yes, sir.

15 Q. Where did y'all go?

16 A. She had me go downtown to meet, uh,
17 -- I went with her actually, we drove in her
18 car to go pick up this girl, Taylor, from
19 near Ink & Ivy.

20 Q. Okay, which is right there at the
21 corner across from ---

22 A. Across the street almost,
23 (affirmative nod).

24 Q. Yeah.

25 A. We couldn't find Taylor and we were

1 down there for a while searching until well
2 after midnight actually, trying to get ahold
3 of her, trying to get her to answer her
4 phone. I mean, she was intoxicated, sick.
5 She was a mess.

6 So we picked up Taylor and we were going
7 to stay here, but Erica and I had already
8 been planning on going to the lake house and
9 spending the night there. I knew that I had
10 to get the lawn mowed and get the jet ski
11 pulled, put in the water. So we were going
12 to go on to the lake house. We took Taylor
13 with us. We made a nice night of it
14 actually.

15 Q. Good. So then you -- so you and
16 Erica went to the lake house?

17 A. (Affirmative nod).

18 Q. Then you got up the next day and you
19 did some yard chores around the lake house?

20 A. (Affirmative nod). We were up early
21 too. We've got a small lawn there. It's got
22 a bunch of hills on it, but we just -- I
23 mowed the lawn about 7:00 a.m. and then we
24 came back to town. We stopped for lunch at
25 Aaron's Gas Station.

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1 Q. Wait a minute now. What time did
2 you leave Greenville the night of the 15th?

3 A. Uh, sometime after 12:00, before
4 1:00. The bars hadn't closed yet.

5 Q. So y'all leave Greenville, let's
6 say, at 12:30. You took Taylor home, right?

7 A. No, we took her with us.

8 Q. So she was at the lake with you?

9 A. (Affirmative nod).

10 Q. There were two people at the lake?

11 A. (No verbal response).

12 Q. Okay. So how -- how long is the
13 drive from downtown Greenville to your lake
14 house?

15 A. About forty-five minutes.

16 Q. So if you leave here at 12:30, that
17 puts you there at 1:15; right?

18 A. Um-humm, (affirmative nod).

19 Q. Now, let's say that you go to bed
20 about 1:30. You said that you woke up --
21 that you started mowing the lawn about 7:00,
22 right?

23 A. Yes, sir.

24 Q. So you presumably didn't wake up
25 pushing the lawnmower. So let's say that you

1 woke up about 6:30.

2 A. Sure. As the sun comes up.

3 Q. So you slept about five hours that
4 night.

5 A. Yes, sir.

6 Q. A light sleeper. So you, Erica and
7 Taylor were over there and you'd already
8 planned on taking your girlfriend there, but
9 you had to go pick up her drunk friend, who
10 was a mess, downtown. You just loaded her up
11 and brought her along for a romantic night
12 too.

13 A. We were actually planning on
14 dropping her off at home but I couldn't get
15 her to wake up to tell me where she lived.
16 So Erica got her to wake up and asked her if
17 it was okay if we just brought her with us.
18 It wasn't supposed to be for a romantic
19 night, but we made it into one.

20 Q. So you were able to wake her up and
21 say, 'hey, do you want to go to the lake
22 house with us' in the middle of the night
23 'when you're hammer drunk', but not 'hey,
24 what is your address?'

25 A. Yeah, 'hey, where is your home, I

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1 want to take you home.'

2 Q. Yeah.

3 A. She wasn't really responsive.

4 Q. She couldn't communicate that well?

5 A. Right.

6 Q. But she could communicate well
7 enough that she wanted to go to the lake
8 house?

9 A. I think she just said 'yeah, that's
10 fine' I'm not really sure. Erica just
11 really tried to nurse her, I guess, in a way.

12 Q. Erica didn't know where she lived?

13 A. No, sir.

14 Q. But Erica was friends enough with
15 her that she didn't want to let her take a
16 taxi or an Uber or something back?

17 A. I think that she was kinda playing
18 den mother, in a way, trying to take care of
19 a friend.

20 Q. Erica was just being a nice girl.
21 Right?

22 A. Right.

23 Q. But she doesn't know here this
24 friend lives, right? If she had to ask her
25 for her address, evidently. Right?

1 A. Yes, sir.

2 Q. So y'all are all at the lake. You
3 start cutting grass about 7:00 o'clock. What
4 time did you finish that?

5 A. I think I finished cutting the grass
6 about 9:00 or 10:00, ate breakfast and then
7 we started to headed out.

8 Q. So you all ate breakfast over there
9 after you'd cut the grass?

10 A. Yes, sir.

11 Q. Okay. So you finished cutting the
12 grass, you said, about 9:00 or 10:00?

13 A. Yes, sir.

14 Q. So let's say 9:30. You eat
15 breakfast, how long did that take?

16 A. An hour, hour and a half.

17 Q. Okay, let's say an hour and a half.
18 That puts us at 11:00, right?

19 A. Yes, sir.

20 Q. So now you said that it's forty-five
21 minutes back to Greenville?

22 A. Yes, sir.

23 Q. Now, you're back in Greenville and
24 it's about 12:15; correct?

25 A. Yes, sir.

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1 Q. Okay. Did y'all drop Taylor off at
2 this point?

3 A. Yes, sir, we did.

4 Q. Where did you drop her off at?

5 A. At someone house on Wade Hampton.

6 Q. On Wade Hampton?

7 A. Yes, sir.

8 Q. So near your house?

9 A. No, sir, it was further up than
10 that. It was farther towards Spartanburg,
11 over near Greer.

12 Q. So you had to drive all the way from
13 Lake Keowee, where your lake house is on, --
14 is it Lake Keowee?

15 A. Yes, sir.

16 Q. Let me get this straight. So you
17 leave the lake house at 10:30, is that right?

18 A. Yes, sir, maybe a little after that.

19 Q. Well, then let's start with 11:00.

20 I don't want to put words in your mouth.

21 A. Yeah.

22 Q. Let's say 11:00. Are we agreeing on
23 11:00?

24 A. Maybe 10:30. I can't remember
25 exactly, sir.

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1 Q. 10:30 to 11:00, you leave Lake
2 Keowee and you drive to Greer to drop this
3 girl off?

4 A. Yes, sir.

5 Q. That is longer than forty-five
6 minutes. That's -- how long is that?

7 A. More like an hour.

8 Q. So now we're at noon.

9 A. It wasn't all the way to Greer
10 either, sir.

11 Q. Okay.

12 A. Lee Road Baptist Church.

13 Q. I think I know where that is. So
14 it's an hour to noon, and you've got to drive
15 back from Greer to your house. Correct?

16 A. From Lee Road Baptist Church to my
17 house is maybe five minutes, maybe ten.

18 Q. So we'll call it noon, then we're
19 back at your house. We show up and Britain's
20 stuff is still there. Right?

21 A. Yes, sir.

22 Q. And y'all -- it was a lot of stuff,
23 wasn't it?

24 A. A whole closet full.

25 Q. A whole closet full and, I mean,

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1 there's guns, there are gun cases, there's
2 clothes, I think you said a high school
3 diploma, a baseball card collection. I mean,
4 there's all kinds of stuff.

5 A. Yes, sir.

6 Q. Okay. Was there a PlayStation in
7 there?

8 A. There was, sir. There were two of
9 them.

10 Q. Two?

11 A. (Affirmative nod).

12 Q. All right.

13 A. An older one and a newer one.

14 Q. All right. So there's a new
15 PlayStation, an old PlayStation, clothes,
16 guns, diploma, cases, -- how big is this
17 closet?

18 A. It's pretty big, walk-in.

19 Q. So it's -- you know, it's -- give me
20 a foot-by-foot guess?

21 A. A guess is seven feet deep and, you
22 know, five feet wide.

23 Q. So it's a room almost.

24 A. Almost.

25 Q. So y'all are going through this room

1 full of stuff and you realize that it's all
2 Britain's, right?

3 A. Yes, sir.

4 Q. Now, I assume that you're calling
5 him. You said that. Right? That you were
6 trying to get ahold of him?

7 A. Yes, sir.

8 Q. So he hadn't responded to phone
9 calls, right?

10 A. That's right.

11 Q. Did you try text messages?

12 A. We tried texting him.

13 Q. And he didn't respond to your text
14 messages? Right?

15 A. That's right, sir.

16 Q. Then you started sending SnapChat
17 of, I assume, snarky jabs that 'we're looking
18 at all of your stuff here, dude.'

19 A. Not really. It was more to put
20 emphasis on some of the valuables that he'd
21 left there, to make him realize that he still
22 had some things that he might be missing.

23 Q. Right. So -- to make him realize
24 how valuable this stuff was, you decided to
25 send it through messages that ---

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1 A. 'Hey, you left this here.' 'Do you
2 remember having this here?' 'You left this
3 here.' It wasn't toward any ill effect at
4 all, and he didn't take it that way either.

5 Q. Okay. So what I am getting at is
6 that we've gone through three forms of
7 communication.

8 A. Right.

9 Q. If we were working our PACE plan,
10 we'd be on our contingent.

11 A. Yes, sir.

12 Q. So now we're on our third form of
13 communication and you've presumably gone
14 through this room full of stuff. How much
15 time has passed?

16 A. It took about thirty minutes, sir.

17 Q. So now we're like 12:30?

18 A. Yes, sir.

19 Q. I think a minute ago that you said
20 that y'all had boxed and bagged all of that
21 stuff.

22 A. Most of it was already boxed and
23 bagged. We just sort of went through it and
24 sorted it out.

25 Q. So it was boxed and bagged. You

1 unpacked it to see what was in it, is that
2 what you're telling me?

3 A. No, sir. Open the bag, see what's
4 in it, close it back.

5 Q. So y'all finished packing it all up.
6 How long did that take?

7 A. Not all that long. I mean, all we
8 did was open the door, walk inside, start
9 pulling things out to -- it wasn't a big
10 process in any way.

11 What is this? Clothing.

12 What is this? Electronics.

13 What is this? A gun.

14 What is this? A box of old high school
15 pictures.

16 What is this? A high school diploma.

17 It doesn't take five minutes to empty out
18 a bunch of stuff out of a closet, especially
19 when your conclusion has already been
20 established that you're going to get rid of
21 it.

22 Q. Okay. So you had already decided,
23 'I am chunking this stuff', basically?

24 A. Yes, sir.

25 Q. So why were you telling Britain that

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1 'it's all here.'

2 A. It was a last attempt to get him to
3 come by.

4 Q. One last stab?

5 A. (Affirmative nod).

6 Q. Okay. So we'll put it at 12:35 that
7 we have finished going through all this stuff
8 in this room and we've found all this stuff
9 and we have -- have you heard from Britain by
10 this point?

11 A. He did Snap back and -- I think the
12 reason for that was that the cell phone that
13 he did have only had internet connection. He
14 never had actual service. That might be why
15 none of our phone calls or text messages
16 would get responses. He did that a lot,
17 actually. He used the WiFi at my apartment
18 all the time, that's the only way that he
19 communicated, basically Messenger and
20 SnapChat really.

21 Q. Well, if the only way that he
22 communicated was through Facebook Messenger
23 and SnapChat, as you just told us. You knew
24 that because he'd lived at your house and
25 used your WiFi. So why were you trying to

1 call him and text him?

2 A. Because he often would go get a
3 refill card and would have service.

4 Q. So did he often only use the cell
5 phone or -- I mean often only use internet?

6 A. Until he ran out, (affirmative nod).

7 Q. Okay. So it's about 12:35. We've
8 got through this stuff. We've gotten a
9 response from Britain, 'take it, get rid of
10 it, I don't want it.'

11 A. Basically, (affirmative nod).

12 Q. So what did you decide to do with
13 it?

14 A. Honestly Erica pointed out that a
15 lot of it would be valuable to sell. I
16 didn't -- I knew that it would be because
17 there were, obviously, weapons involved but I
18 didn't think that it would be that important.
19 I said that we should just toss most of it in
20 the dumpster or put it in a box outside the
21 front door. The box outside the front door
22 was a legal thing because that's what you
23 have to do if you're trying to evict someone.
24 You just get everything legally accessible,
25 hold it for twenty-four hours, and then you

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1 can get rid of it. Erica said that, you
2 know, since he had already said, since he'd
3 given up his claim to it, that we were okay
4 to just pretty much get rid of it, do with it
5 as we please. I felt like, you know, that we
6 should just go ahead and sell it to get rid
7 of it, especially the valuable things. You
8 can't just throw away a shotgun. You can't
9 just throw it in the garbage. There has to
10 be some sort of accountability on it.

11 Q. I would agree. So how long did it
12 take y'all to decide to sell the stuff then?

13 A. No time at all.

14 Q. Okay.

15 A. As I said we have already come to
16 the conclusion that we were getting rid of
17 it, we were done with it.

18 Q. Okay. So what time did you leave
19 your house to sell the stuff?

20 A. I left the house around 12:00,
21 12:30, 12:45.

22 Q. So 12:40'ish you leave your house.

23 A. (Affirmative nod).

24 Q. You don't deny that you sold this
25 gun to Traders, right?

1 A. That's right.

2 Q. And you don't deny that you sold
3 this PlayStation to GameStop?

4 A. That's correct, sir. I was under
5 the impression that it had come from
6 Britain's dad, that the PlayStation had been
7 Britain's.

8 Q. Is Erica still with you at this
9 point?

10 A. No, she is not.

11 Q. Where did she go?

12 A. I have no idea. She came and signed
13 my keys out of jail. My stepmom ran into her
14 at my apartment, then she -- she basically
15 called her out on having ransacked the place
16 and taking all my belongings, my TV, my Blu-
17 ray's. Erica said that she would come back
18 and ---

19 Q. I want to get to that in just a
20 second but just a minute ago you said that,
21 uh, that y'all had sort of divided and
22 conquered there. Just a minute ago on the
23 stand you said that Erica took this stuff and
24 sold it at Plato's Closet. The clothes.
25 Right?

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1 A. That was the clothes, (affirmative
2 nod).

3 Q. So that is where she was when you
4 were selling the gun and PlayStation?

5 A. Correct.

6 Q. She was selling the clothes at
7 Plato's Closet.

8 A. Right. Yes, sir.

9 Q. Okay. So with -- again, within
10 forty-five minutes of Britain relinquishing
11 control of this stuff, you sold it?

12 A. I'm not sure that it was that short
13 of a time window. Because if Harrison got up
14 and went to work at 6:00 in the morning, like
15 he did, he ---

16 Q. No, I'm talking about from when
17 Britain told you that you could sell it?

18 A. Oh, then -- yeah. It was --
19 Britain said to go ahead and get rid of it,
20 so we did. But that was already, I think,
21 pretty much established between Erica and I
22 that we wanted to get rid of it.

23 Q. Okay. So now on the 16th Britain
24 hadn't been at your house, had he?

25 A. I don't know if he was or not that

1 morning or that night before.

2 Q. Okay. Let's see here. Now, when
3 was the last time that you were at your house
4 before y'all went through his closet and
5 stuff?

6 A. Before that, late evening maybe
7 10:00 or 11:00 at night.

8 Q. On the 15th?

9 A. I think so.

10 Q. The day before?

11 A. Yes, sir.

12 Q. Okay.

13 A. It might have been later than that.
14 I just know that the bars hadn't closed yet.

15 Q. So y'all left from your house to go
16 pick this girl up at a bar?

17 A. Yes.

18 Q. Okay.

19 A. I had to absolutely go -- I had to
20 go to the lake house, had to get that done.
21 My stepmother had already asked me to do it
22 the last week, had asked me several times.

23 Q. I gotcha. Now, do you often buy and
24 sell stuff?

25 A. You know. Often, I don't think so.

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1 You know, I know people who do buy and sell a
2 lot. I know people who make a business out
3 of it.

4 Q. Um-humm.

5 A. I've met some people's moms who are
6 really, really good at arts and crafts and
7 sell stuff, buy stuff and sell it.

8 Q. I mean, this wasn't the first time
9 that you'd sold something; right?

10 A. Anything like this? Yeah, I think
11 it was.

12 Q. Really?

13 A. I think so.

14 Q. You've never sold a gun before?

15 A. I have.

16 Q. Oh, okay. So when you said that it
17 was the first time you'd ever sold something
18 like this?

19 A. In this manner, coming where it came
20 from.

21 Q. So I want you to be clear with me
22 now. Have you ever sold a gun before?

23 A. I have.

24 Q. Had you ever sold a gun to Traders
25 before?

1 A. I have.

2 Q. Okay. So saying it was the first
3 time that you'd done something like that,
4 that was just not accurate?

5 A. That's correct, sir, but before that
6 I don't think that I ever had.

7 Q. Okay. Now, you are an educated man.
8 What did you major in at The Citadel?

9 A. Electrical Engineering.

10 Q. Electrical Engineering?

11 A. (Affirmative nod).

12 Q. Okay. You've worked in the business
13 world for a little while and you've told us
14 that you've sold some stuff before. Now, it
15 is reasonable that you'd want to get the best
16 price for your stuff. Right?

17 A. If that is what I was worried about,
18 yes, sir. I don't think that I haggled with
19 them at all, though. It wasn't really a big
20 deal to let it go for whatever it was that
21 they offered.

22 Q. Okay. You just wanted to get rid of
23 it?

24 A. Yes, sir.

25 Q. But it would make sense that if you

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1 were -- let's say, for example, that you sold
2 this gun to Traders, this rifle. And if you
3 were thinking about selling that shotgun
4 there, you might want to research -- since
5 you sold that gun so quickly because you just
6 wanted to get rid of it.

7 A. Right.

8 Q. You might want to check and make
9 sure that you got a good deal for it. Right?

10 A. Yes, sir.

11 Q. Before you go sell that shotgun?

12 A. I would say so. Yes, sir.

13 Q. It would make sense to check prices
14 and to check the market. Right?

15 A. Yes, sir.

16 Q. Okay. All right. Now, let's talk
17 about your relationship with Britain. When
18 did he move in with you?

19 A. I believe that it was the end of
20 February, first of March.

21 Q. How did y'all meet?

22 A. There was a -- he was a friend of a
23 friend -- it was in high school that I ran
24 him at the coliseum playing pool with a
25 league. He was Nat's former roommate.

1 Q. I'm sorry?

2 A. I was going to say that Nat
3 introduced me to him saying that, you know,
4 'this guy is actually looking for a place.'

5 Q. So you met him playing pool?

6 A. Yes, sir.

7 Q. Do you play pool regularly?

8 A. I did. Used to, for a couple of
9 months.

10 Q. I think that you said that you were
11 in some kind of a league?

12 A. Yes, sir.

13 Q. Can you explain that to us?

14 A. It's a league, the American Pool
15 Players Association. Basically we meet
16 Tuesdays and Thursdays. You don't have to
17 come to every one, but it teaches you how to
18 play eight-ball and nine-ball.

19 Q. Okay. All right. So, now he moves
20 in with you like in February or March,
21 something like that. Was he your first ever
22 roommate?

23 A. No, sir.

24 Q. You had lived with other people
25 before?

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1 A. I'd had other roommates before, down
2 in Charleston and -- (affirmative nod).

3 Q. Not counting The Citadel?

4 A. Yes, sir.

5 Q. Did you give any of them the keys to
6 your car?

7 A. My buddy from The Citadel that I
8 lived with for two years in Charleston
9 afterwards, (affirmative nod), and had an
10 apartment with, he drove my car all the time.

11 Q. Well, wait a minute. I thought for
12 the two years after The Citadel that you were
13 off in flight school, BOLC and all that.

14 A. No, sir, not directly after Army
15 training, not directly after The Citadel.
16 During Army training, (negative gesture).
17 After I got back from that.

18 Q. Oh, okay, so after you get back from
19 BOLC?

20 A. I went from BOLA, Advanced and all
21 during flight school up to when I moved back
22 to Charleston.

23 Q. Okay. So you let this guy drive
24 your car?

25 A. Yes.

1 Q. Did he let you drive his car?

2 A. Yes, he did. He had a nice Jeep.

3 Q. And y'all just drove each other's
4 vehicle?

5 A. Depending on what we were doing.

6 If we were going to the beach, I'd drive
7 his Jeep.

8 If he needed to borrow my car for
9 something less important ---

10 Q. I might be asking a stupid question
11 here. Let me clarify myself. Y'all,
12 independently of each other, would just drive
13 each other's vehicles?

14 A. No, sir.

15 Q. Okay.

16 A. If we were doing something together,
17 it wasn't a big deal.

18 Q. Made sense. Right?

19 A. Because he had a car, so did I. In
20 this case with Britain, he didn't have a
21 vehicle.

22 Q. So part of the perk for Britain
23 living there was that he just got to drive
24 your car whenever he wanted to.

25 A. He did. Well, it wasn't that way at

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1 first. It wasn't like I just walked in, met
2 this guy and handed him my keys. It wasn't
3 like that at all. I rode with him several
4 times to make sure that he was a good driver.
5 And, you know, spent a little bit of time
6 getting to him very well. He never once gave
7 me any idea of being a bad driver, of being
8 unreliable or being untrustworthy. It wasn't
9 an issue until later on.

10 Q. Okay. Did he pay rent?

11 A. I asked him about it. I never asked
12 him a specific net amount to pay every month.
13 You know? It was my understanding that he
14 was having a hard time, that he was having a
15 hard time getting on his feet. So in working
16 at the Coliseum, I could see where the
17 strange hours and minimal pay would make that
18 difficult. So I was kinda giving him a
19 chance to build up some money, build up a
20 rapport at work, to have something good
21 going.

22 Q. So just out of the goodness of your
23 heart, you've got him on a pay-as-you-can
24 schedule with access to your own car, you're
25 paying utilities, ---

1 A. After several months when he was
2 there he would take my car to work when he
3 went in the evening. I get home at 4:00 or
4 4:30. He'd get up and he'd go to work at
5 like 5:00 or 6:00 in the evening, so it
6 worked out.

7 Q. Okay.

8 A. Then he'd get off at like 2:00 in
9 the morning, which I was not going to come
10 pick him up from -- I'd tried that several
11 times and basically it just made me stay up
12 really late and I was tired the next morning.
13 But I was trying to accommodate him because,
14 you know, it seemed like he needed a hand, he
15 needed help.

16 Q. So this guy, you put a roof over his
17 head, you know, water in the sink, everything
18 but food in his belly -- gave him use of your
19 car and all that. He went with you to
20 Harrison's house to move the couch?

21 A. He picked me up at work that day.
22 He also acted like a chauffeur. In a way it
23 was a joke. But he'd do that all the time.

24 I'd called him, tried to get ahold of
25 him, sent him a message on Facebook Messenger

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1 from my work and told him, 'Hey, I've got to
2 go help a guy move some furniture after work,
3 you want to just meet me here?' He drove my
4 car down to work that day and picked me up.

5 Q. How did you get to work that
6 morning, if he had your car?

7 A. Because he dropped me off, because
8 he was just coming back in.

9 Q. Okay. What time did you go to work
10 in the mornings, normally?

11 A. At 6:00.

12 Q. And what time did he get off,
13 normally?

14 A. At 2:00.

15 Q. And what time would he get home?

16 A. About 2:30 to 3:00, he would
17 occasionally go out to a couple of bars that
18 stayed open after. That was when -- one of
19 the concerns that I first had, was that he
20 wasn't coming straight home after work.

21 Q. So he gets back at like 2:00 or 3:00
22 o'clock in the morning. If he didn't get
23 back at 2:00 or 3:00 in the morning, it was
24 because he was out drinking at a late-night
25 bar. Correct?

1 A. That's correct.

2 Q. Okay. But, uh, he still wakes up
3 the next morning to drive you to work?

4 A. He never went to sleep.

5 Q. Never slept?

6 A. Didn't consider him, but was one of
7 the big alarms that it raised for me.

8 Q. We need to have him studied, folks.
9 Your roommate, unlike every other human
10 being, doesn't have to sleep.

11 RANDY CHAMBERS: Your Honor, at this
12 point I am going to object to the sarcastic
13 comments.

14 THE COURT: Sustained.

15 DIRECT EXAMINATION CONTINUED

16 BY SOLICITOR FOWLER:

17 Q. So your roommate basically drove the
18 car back to your house?

19 A. Yes.

20 Q. Okay. Now, why were you going to
21 help Harrison move this furniture?

22 A. Harrison asked me that day and I --
23 Britain had asked me if he could keep the car
24 so that he could go do something that day. I
25 don't recall what actually. It was uncommon

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1 for him to actually take me to work in the
2 morning. He often asked and I usually just
3 said no. But this particular day I'd given
4 him permission to keep the it, so he dropped
5 me off. Then Harrison asked me to help him
6 move something after work, so I needed him to
7 come back and get me.

8 Q. I gotcha. What exactly were y'all
9 moving? Do you remember?

10 A. It looked like a display case of
11 some kind, a glass display case. Dresser
12 size.

13 Q. So how big are we talking?

14 A. Seven feet tall, maybe three or four
15 feet wide with glass panels.

16 Q. And what was it made out of?

17 A. Wood and glass.

18 Q. Okay. Do you know how much -- do
19 you remember if it was heavy? Do you know
20 how much it weighed?

21 A. I don't remember.

22 Q. But it was definitely a two-person
23 job?

24 A. For sure.

25 Q. Would it have been helpful to have a

1 third person there?

2 A. Probably not. More cumbersome than
3 heavy. All we did was slide it out of the
4 back of his truck to the ground, walked it
5 into the garage and left it there.

6 Q. Okay. So this whole time Britain is
7 just sitting in the car watching?

8 A. Running it, (affirmative nod). Yes.

9 Q. He was sitting in the car with the
10 car running?

11 A. Yes. Harrison said at work that it
12 wouldn't take but a second. I didn't think
13 anything of it.

14 Q. Okay. And this is about the time
15 that y'all's relationship had gone south, I
16 believe is what you said?

17 A. Not quite yet. I had become
18 suspicious of him at this point. This was
19 over the summer, June or maybe before.

20 Q. Okay.

21 A. It wasn't until July or maybe August
22 where he had become almost hostile a lot of
23 the time, bringing people around, had become
24 more unpredictable. He'd actually lost his
25 job, been fired from the coliseum, the month

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1 before.

2 Q. Okay. So what was he doing that was
3 bothering you?

4 A. It was the people that he brought
5 with him back to the house. I wasn't there
6 most of the day. I had to get up to go to
7 work at 6:00. He'd come back around 5:00,
8 maybe 4:30, sometimes even sooner if he got
9 off earlier.

10 But there was a bucket by the front door
11 that was full of cigarette butts where some-
12 body had been out there smoking. I don't
13 smoke cigarettes. So somebody hanging out by
14 the front door, smoking cigarettes.

15 Then I walk in the house and there's --
16 the kitchen was a wreck, the house was a
17 wreck, stuff everywhere. Cups, plates --
18 more than just one person, because they
19 weren't there the day before. So who has he
20 had over while I was gone? And what have
21 they been doing? It was alarming because it
22 was -- it was that way for a couple of weeks,
23 then all of a sudden these people were
24 actually there when I get home. They're, you
25 know, tattooed, long hair, beards, no

1 haircuts, stains on their clothes. They
2 looked like very, very hard people. People
3 that might not have my best interests -- I
4 mean, I might be judging here in a way. They
5 weren't the savory crowd that you'd go to
6 Sunday brunch with.

7 Q. I believe your words were that you
8 ultimately became terrified. Right?

9 A. Well, yeah. I hated the fact that
10 he had so much, I guess, leverage in my life.
11 I'd given him a house key, you know, a car
12 key. You've only got -- he got the car key
13 from me, but then I found out that he'd been
14 breaking into my car before -- or someone had
15 been breaking into my car, where they knew
16 that they could pull the door away from the
17 actual weather-stripping, stick something
18 down in there and press the unlock button.
19 There is chipped paint all down the side of
20 the vehicle from it.

21 That's the main reason I don't wear my
22 class ring anymore. I used to wear a big
23 'ole hunk of gold Citadel class ring with '13
24 on it and that -- I took it off and put it in
25 my cup holder one day, to reach under the

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1 hood of the car because my ring couldn't get
2 through the cracks. It sat in there. He
3 mentioned it a couple of times.

4 Then the day that I came back with Erica
5 and we went in the house, I found my car keys
6 laying on the desk next to my phone where I'd
7 left them but the car was in a different
8 parking spot.

9 Q. You'd given him permission to drive
10 the car, though; right?

11 A. Yes, but this was after I'd asked
12 him to leave.

13 Q. Oh, okay.

14 A. So he had come back to the house and
15 had been in there.

16 Q. Okay. So you were terrified of him?

17 A. I mean, him and some of the cronies
18 that he had.

19 Q. So terrified, in fact, that you left
20 him your car keys and your house keys.

21 A. He still had a house key.

22 Q. He still had a house key?

23 A. That I had given him from a long
24 time ago.

25 Q. Okay.

1 A. And he took my car keys off of my
2 desk.

3 Q. Was there just one set of car keys?

4 A. Only one. It was a programmed one.

5 Q. So he's got the only set of car keys
6 that you've got at this point?

7 A. Yes.

8 Q. And he's got a key to your house?

9 A. This is all conjecture at this point
10 that he still had the key to the house, but
11 the car key was on the desk where I'd left
12 them, right next to my phone, that night that
13 Erica and I left to go pick up Taylor.

14 Q. Okay. So he didn't have a set of
15 car keys?

16 A. I don't believe so, unless he had
17 some made.

18 Q. He did have a house key?

19 A. He did have a house key.

20 Q. So you are scared of this guy, so
21 you don't ask for a key back to the house?

22 A. I did.

23 Q. So you did ask for your key back?

24 A. (Affirmative nod), ---

25 Q. And he refused?

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1 A. --- and he just never responded.

2 Q. Okay. The night that you all went
3 to go to get this girl from downtown, you and
4 Erica started out at your house; right?

5 A. We were, (affirmative nod).

6 Q. You started out from your house,
7 right?

8 A. Yes.

9 Q. Did you leave your car keys there?

10 A. I did, and my phone.

11 Q. You left your car keys and your
12 phone?

13 A. Yes, sir.

14 Q. Even though y'all were planning on
15 going to the lake?

16 A. Yes, sir. It wasn't until -- we
17 were planning on coming back to the
18 apartment, and we -- we also didn't plan on
19 being out that late. And we were already
20 downtown and it's much closer from downtown
21 to just go through the far side and up to the
22 lake. It's a thirty-minute drive.

23 Q. How far is it from downtown to your
24 house?

25 A. Fifteen minutes, depending on

1 traffic.

2 Q. Okay. Did you -- do you often leave
3 your house without your car keys and your
4 cell phone?

5 A. No.

6 Q. Had you ever done that before?

7 A. Maybe a couple of times, running a
8 quick errand. It's kinda hard to leave your
9 house without your keys.

10 Q. I would tend to agree with you.
11 Okay. Now, let's talk about this interview
12 that you gave to the police. Now, just a
13 minute ago -- well, before we get there.

14 After you were arrested, Erica had left
15 some stuff in your house. Right?

16 A. Yes, she had.

17 Q. And before you were able to get out
18 of jail, she came and cleared the stuff out?

19 A. I signed my keys out to her.

20 Q. She took the keys and -- did she
21 clear all of her stuff out, or ---

22 A. She cleared all of her things out
23 and a bunch of mine.

24 Q. So she stole from you today?

25 A. Yes, sir, in a very blatant obvious

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1 way. My stepmom actually caught her in
2 person.

3 Q. So your girlfriend robbed you and
4 your roommate robbed Harrison Golson, is that
5 what you're telling us?

6 A. My girlfriend, Erica, had been
7 introduced to me by my roommate. I didn't
8 know Erica. It was mid-July when she kinda
9 showed up in the picture and was very, very,
10 very, very enthusiastic, Britain was anyway,
11 about me hanging out with Erica, getting to
12 know her. He kinda brought her around.

13 Q. So the guy that you were living with
14 and the girl that you were dating, I mean,
15 you're just saying -- I mean, that is bad
16 luck.

17 A. It was a horrible, horrible judge of
18 character.

19 Q. Okay. And -- now, moving on to the
20 interview. Just a minute ago you said that
21 you had no incorrect statements in that
22 interview.

23 A. I don't believe that I made any
24 false statements in that interview.

25 Q. So when you were speaking in that

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1 interview, you were speaking as honestly and
2 as completely as you could?

3 A. At the time, (affirmative nod). I
4 believe that I was.

5 Q. Were you scared of the police?

6 A. Terrified.

7 Q. That's understandable. Now, when
8 you were talking to them, you told them that
9 you thought that you had suspicions that
10 maybe Britain had taken this stuff. Right?

11 A. That was the conclusion that I
12 arrived at.

13 Q. Now, you told them that you had been
14 to the lake, right?

15 A. I did.

16 Q. And they asked if there was any way
17 that you could prove that, right?

18 A. Right.

19 Q. And y'all went back and forth over
20 that, didn't you?

21 A. We did.

22 Q. You couldn't think of anything?

23 A. I didn't want to involve anyone that
24 wasn't already involved. Turned out for good
25 reason, she not only refused to come to the

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1 police and give me a statement but kind of
2 disappeared off the face of the earth; kind
3 of like Britain did shortly afterwards.

4 Q. But you had two people down there at
5 the lake with you, right?

6 A. Right.

7 Q. And you didn't know that she wasn't
8 going to make a statement at that point.
9 Right?

10 A. That's correct.

11 Q. So at the time that the police asked
12 you if there was anybody that could vouch for
13 you and you didn't have anything to say, you
14 either forgot that you'd just spent the night
15 with two women, after picking one up from
16 downtown, or you hadn't come to that
17 conclusion. Which one is it?

18 A. It wasn't that I had forgotten that
19 I had spent the night with two women. That's
20 pretty hard to forget. It was more of the
21 fact that I didn't want to involve Erica in
22 anything that I had going on with me. I
23 didn't think that it was relevant or fair to
24 drag her into that. And I didn't think that
25 she would be willing to say anything to the

1 police.

2 Q. But she was your girlfriend, was she
3 not?

4 A. Right.

5 Q. I mean, you'd just done her a favor
6 by picking up her friend downtown. Right?

7 A. True.

8 Q. And she was there with the two of
9 you, right?

10 A. True.

11 Q. But when the police asked you if
12 there was anybody there that could prove that
13 you were at the lake, you just kept your
14 mouth shut?

15 A. The police had already been so
16 dishonest with me at this point that I don't
17 feel like it would have been fair to involve
18 another person in what was going on. I
19 didn't want to drag anybody into this,
20 because they'd had to lie to me to get me
21 there.

22 Q. Okay. So instead of proving your-
23 self innocent, you just kept your mouth shut?

24 A. (No verbal response).

25 Q. Right?

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1 A. I guess.

2 Q. So now in the interview, you said
3 that you -- you sold the clothing at Plato's
4 Closet. Just a minute ago, you said that
5 Erica did. Which one was it?

6 A. Same thing I was just talking about,
7 I didn't want to include someone and I just
8 left her out.

9 Q. We're still protecting Erica at this
10 point?

11 A. I guess. I hate that -- I guess
12 that was dishonest in a way. I am very, very
13 dishonest in a way. It was me that gave
14 Erica permission to sell them, so in a way it
15 is true but, at the same time, I didn't take
16 her over there.

17 Q. Okay. Just a second -- okay. So
18 in that interview, you fairly quickly put it
19 together that they thought that you'd broke
20 into Harrison's house. Right?

21 A. Yes.

22 Q. I think you said to them, 'Is there
23 anything that I can do?' You know, 'I'd be
24 happy to give him the money back for the
25 guns.'

- 1 A. I hate that it happened to Harrison
2 especially since it had such a big impact on
3 his life. It was a breach of security for
4 his home and -- I wanted to make reparation
5 to him. I wanted to fix it. I wanted to
6 help him. I wanted to apologize to him for
7 having brought this person around. I can't
8 imagine how I would feel if it happened to
9 me. I can't imagine how he must have felt
10 when he got home and found this. I --
11 (pause). I wanted to do anything that I
12 could and that's why I went to the cops to
13 begin with.
- 14 Q. Right. But, uh, I mean you wanted
15 to help him out.
- 16 A. (Affirmative nod).
- 17 Q. But they arrested you. Right?
- 18 A. (Affirmative nod), on the spot.
- 19 Q. Yeah. It was pretty clear that they
20 thought that you did it. Right?
- 21 A. (Affirmative nod), before I even got
22 there.
- 23 Q. Yeah. So they're investigating a
24 false lead according to you. Right?
- 25 A. Yes.

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1 Q. You didn't want to throw them off
2 that trail?

3 A. (No verbal response).

4 Q. You didn't want to tell them that
5 you had two witnesses that could tell them
6 that your story checked out?

7 A. At the time I didn't think about it
8 like that.

9 Q. Okay, let's see here. Now, you
10 know, you said that they were dishonest with
11 you. And you said that they tricked you,
12 that they lied to you and all that. Right?

13 A. Pretty much.

14 Q. You said earlier when Mr. Chambers
15 asked you that they gave you your *Miranda*
16 statement.

17 A. Right.

18 Q. Your *Miranda* rights. Correct?

19 A. Yes.

20 Q. But I believe you said that wasn't
21 really relevant here?

22 A. I was confused by it to begin with
23 because I thought that I was going through
24 and answering some questions with them. I
25 didn't know that I was being interrogated.

1 They wasn't very clear about it. I'd asked
2 them if it had anything to do with me and
3 they'd told me that they didn't have any
4 warrants out for me, that it didn't have
5 anything to do with me, that they weren't
6 going to arrest me. You know, that I just
7 need to come talk to them. Those were all
8 direct statements.

9 Q. But they advised you of those
10 rights, those *Miranda* rights?

11 A. They put them on a piece of paper
12 and told me to read them.

13 Q. You're a college graduate and ---

14 A. I am.

15 Q. --- you can read and write?

16 A. Yes, sir.

17 Q. Have you ever seen a television show
18 with police ---

19 A. I have.

20 Q. So you understand -- you got it?
21 You understood it?

22 A. Right.

23 Q. And part of the way through the
24 interview, they said "we don't believe you";
25 didn't they?

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1 A. Yes, sir.

2 Q. So at that point that was a pretty
3 good clue that you might be in trouble,
4 wasn't it?

5 A. It was. I still didn't understand
6 that I was being charged with anything or had
7 any inclination of me even being a suspect
8 yet. They didn't make that clear until the
9 very end.

10 Q. I think at one point that Deputy
11 Grubbs said, "I think you did it. In fact, I
12 know that you did it." Isn't that true?

13 A. That's true that he said that, yes.

14 Q. So anyway ---

15 A. It was not true, though.

16 Q. And at one point you said, "Hey,
17 look. If y'all think that I did it, I think
18 I need a lawyer here."

19 A. Yes, sir. That was the cop shows
20 talking. That was the cop shows talking at
21 that point.

22 Q. And they stopped questioning you,
23 didn't they?

24 A. He did, (affirmative nod), for a
25 short period of time.

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1 Q. Then you say, "Well, but if y'all
2 think I did it, I'm just curious to know what
3 you think." Did you say that?

4 A. I said something to that effect. I
5 wanted to know why they thought I did it.

6 Q. Right. And then he said, "Well, do
7 you want to keep talking to me or do you want
8 a lawyer?"

9 A. Well, my intention was to help out
10 in any way that I could. So still at this
11 point I didn't realize that I was a suspect.

12 Q. This was after they say, "I know you
13 did it."

14 A. Well, it was after he says he thinks
15 I did it.

16 Q. But you didn't know you were a
17 suspect yet?

18 A. No, not formally. No. I thought
19 like they had to try you and then, you know,
20 that you're being charge with blah-blah-blah.
21 I didn't realize that they could just get a
22 little bit in it and they wanted me to
23 confess to something that I hadn't done.

24 Q. Well, what I am getting at is that
25 when they said 'do you want a lawyer' that

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1 you said 'yeah, I think so.' They stopped.
2 Then you said 'well, I am just 'curious' and
3 y'all kinda kept going. Then he said, 'do
4 you want a lawyer or do you want to talk to
5 me?'

6 A. I said that I wanted a lawyer and
7 'I want to know why you think I would do
8 anything like -- why you think I'm guilty --
9 why you think that I did this.'

10 Q. Right. I think at one point in that
11 interview that you said when you found those
12 guns that you thought that was suspicious.
13 Right?

14 A. Yes.

15 Q. That that seemed odd to you?

16 A. It did, especially -- that he had
17 them in my apartment, especially without me
18 knowing about it.

19 Q. Did you ever know Britain to hunt or
20 shoot or anything like that?

21 A. He talked about it all the time,
22 talked about it with his dad.

23 Q. Did he?

24 A. I never really knew him to go do it.

25 Q. All right. So -- let's see. Now,

1 at another point in there, you tried to
2 connect Britain with Harrison. Because your
3 theory was that Britain had stole these guns
4 from Harrison. Right?

5 A. That's correct.

6 Q. Now, I think you said that, you know
7 -- again, I wrote this down and I want you to
8 correct me -- and we can play the video if we
9 need to. But I think you said, "How he got
10 to Harrison, I don't know. That beats me."

11 A. I didn't know how he figured out
12 where he lived. I couldn't put it together.
13 It took a long time to finally piece two and
14 two together. I finally remembered that he'd
15 rode with me that day. Then I had a business
16 car of Harrison's on my table and he might
17 have -- on the desk at home, next to my
18 computer.

19 More importantly, I didn't immediately
20 associate the fact that Britain was so mad
21 about having to get out of my apartment and
22 associate that back with Harrison reporting
23 me at work, causing me to lose my job.

24 Q. So it wasn't until later that you
25 were able to remember that Britain in fact

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1 had been at Harrison's house?

2 A. No. It wasn't until much, much
3 later that I was able to remember that he had
4 been at Harrison's house. It was long after
5 I was in jail, been able to sit down and talk
6 to people that I recalled that.

7 Q. Okay. Now, -- so your computer,
8 let's talk about that. Does it have a
9 password on it?

10 A. It does but it remains unlocked as
11 long as the program is open.

12 Q. It just stays unlocked?

13 A. (Affirmative nod).

14 Q. Now, Harrison and Britain had never
15 met; is that right?

16 A. That's correct.

17 Q. Okay. Do you leave your FaceBook
18 logged in?

19 A. I do.

20 Q. You do?

21 A. I leave my FaceBook logged in, I
22 leave my Gmail open, they are all automatic
23 log-ins whenever you open the program. I
24 think most people do that.

25 Q. Okay. So you leave your e-mail and

1 your FaceBook all open?

2 A. (Affirmative nod).

3 Q. With this roommate that you're
4 terrified of?

5 A. That's correct.

6 Q. Okay. So you don't dispute now that
7 at 1:00 in the morning the night before this
8 house was broken into that somebody looked at
9 Harrison Golson's FaceBook profile; right?

10 A. I wouldn't know anything about it.

11 Q. Well, you agree that this is what
12 this shows. Correct?

13 A. I agree that that piece of paper
14 shows that. I don't know who did it.

15 Q. Okay. But Britain and Harrison
16 didn't know each other?

17 A. Britain knew all about Harrison from
18 me having talked about him.

19 Q. But he'd never met him?

20 A. He had never met him.

21 Q. As far as you know, they weren't
22 FaceBook friends?

23 A. I know that they aren't FaceBook
24 friends.

25 Q. But someone was on that computer

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1 looking at Harrison's FaceBook?

2 A. Sure.

3 Q. Okay.

4 A. That's what it says.

5 Q. So, now, Britain, your theory is,
6 broke into Harrison's house; right? Correct?

7 A. I think so.

8 Q. And your theory is that he was able
9 to remember from driving over there and
10 sitting in the parking lot a little bit month
11 prior -- and your theory is that he did it,
12 why?

13 A. Because Harrison was the one who
14 initiated the things that made him have to
15 get out of my apartment.

16 Q. Okay.

17 A. So he lost his home because of what
18 Harrison started.

19 Q. So he lost his home because of
20 Harrison?

21 A. And he was incredibly upset with me,
22 my boss, Harrison and anyone else involved in
23 the whole thing of me leaving AT&T. It was
24 all our fault, you know.

25 Q. Um-humm.

1 A. My patience at this point had ran
2 out with him as well, and my goodwill.

3 Q. So when he left your house, when he
4 was done living with you, where did he go
5 live?

6 A. I don't know. I know that he had
7 brought a girl around a good bit. So I can't
8 really confirm where he was staying but I
9 assume that it was with his girlfriend.

10 Q. Well, to back up, you said that he
11 had been fired from his job?

12 A. Month before.

13 Q. As far as you know, he still wasn't
14 working?

15 A. That's correct.

16 Q. So he probably needed money?

17 A. I am sure that he did.

18 Q. If he needed money, he might be
19 desperate enough to break in somebody's
20 house. Right?

21 A. Possibly.

22 Q. Perhaps to steal things to then sell
23 for money?

24 A. I assume so.

25 Q. Now, if -- a key part of selling

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1 something for money is that you've got to
2 have it. Right?

3 A. Yes, sir.

4 Q. So he was mad at you for kicking him
5 out. Right?

6 A. Yes, sir.

7 Q. And he was mad at Harrison for
8 starting the chain of events that led to him
9 getting kicked out?

10 A. Yes, sir. I assume so.

11 Q. And he's essentially homeless at
12 this point and unemployed. Right?

13 A. Yes, sir.

14 Q. So your theory is that he broke into
15 Harrison's house because he was mad at him,
16 that he then took all these valuable items,
17 that he left them at your house and told you
18 to 'go ahead and sell them, don't worry about
19 me.'

20 A That's a theory.

21 Q. All right. Okay. In the interview
22 with the police, I think you told them that
23 you'd been late for weeks. Right?

24 A. Yes.

25 Q. But you told us today that it was

1 just overnight and like a half day?

2 A. I had been going back and forth ever
3 since I got that paid vacation started.

4 Q. Okay. Well, how were you going back
5 and forth all the time.

6 A. Take my car.

7 Q. Drive your car?

8 A. Most of the time. Yes, sir.

9 Q. Did you take your phone with you?

10 A. Sometimes.

11 Q. Some of the time?

12 A. I had a work phone as well.

13 Q. But I thought that you weren't
14 working at that point?

15 A. I was still under their employment
16 at the time.

17 Q. So they didn't take your phone back
18 from you?

19 A. I didn't go in and sign my leave
20 paperwork and turn in my phone or my login or
21 my passkey for the building until long after
22 this.

23 Q. Okay.

24 A. I finished my four weeks vacation,
25 my three weeks vacation.

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1 Q. So you had a work phone and your
2 private phone. Right?

3 A. Yes, sir.

4 Q. Who did you call on your work phone?

5 A. Anyone from work mostly.

6 Occasionally a few friends and family.

7 Q. Did you -- you know, I'm assuming
8 that you just had people's numbers saved.

9 You don't memorize phone numbers, do you?

10 A. I do some.

11 Q. Oh, you do?

12 A. Some, (affirmative nod).

13 Q. Were you allowed to download apps
14 and, you know, stuff like that on your work
15 phone?

16 A. Yeah.

17 Q. So you were allowed to do whatever
18 you wanted on that work phone?

19 A. Pretty much, (affirmative nod).

20 Q. To the point that you basically just
21 didn't need a personal cell phone?

22 A. Yes, sir.

23 Q. And so from -- looking at this
24 chart, we can discern that on these days when
25 you were away after being fired from your

1 job, you still had that work phone?

2 A. I think it's a big assumption to say
3 that I had my work phone with me. I didn't
4 always leave my phone behind.

5 Q. Well, we just heard from Sergeant
6 Kelly that these things show when it's
7 bouncing off a cell phone tower.

8 A. That's correct.

9 Q. So are you telling me that's not
10 accurate?

11 A. It might be accurate. I think it
12 is.

13 Q. You think it's accurate?

14 A. Especially when -- I assume that it
15 is.

16 Q. So if this is accurate, this shows
17 your cell phone being at your house from
18 August 11th through August 16th. Correct?

19 A. Sure.

20 Q. So if you had gone to the lake
21 during that timeframe, according to that, you
22 didn't have your personal cell phone on you?

23 A. That's possible. I am not really
24 sure that it was during that timeframe that I
25 went to the lake. I am sure that it was long

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1 before that. The first week of August.

2 Q. So it looks like -- you told the
3 deputies that it has been weeks you'd been to
4 the lake, prior to that. So it was a little
5 squishy on that?

6 A. (No verbal response).

7 Q. It might have been weeks, it might
8 have been days, a week, a day, might have
9 been back and forth?

10 A. It definitely was back and forth.
11 I'd go, then drive back from the lake house
12 on the weekend, or go up there on weekends or
13 even during the week.

14 Q. Okay.

15 A. A forty-five minute drive, that's
16 not a bad drive at all.

17 Q. Okay. What day did you leave work?
18 What day was your last day?

19 A. I am not sure. I really don't
20 remember the day that I signed the paperwork
21 with Brian Oakley. He allowed me to finish
22 up the paid vacation that I took.

23 Q. Right, but you were on vacation.
24 You weren't -- when was your last day in the
25 office?

1 A. The 20th, I think.

2 Q. Of July?

3 A. Of August.

4 Q. August?

5 A. Yes, sir.

6 Q. So now you were still working for
7 them when all of this happened?

8 A. I was still getting paid. I was not
9 working actively every day.

10 Q. To be clear, your last day in the
11 office was August 20th?

12 A. That's correct.

13 Q. Okay. But, now, in your police
14 interview I think you said that you had
15 already been done working. Earlier you said
16 that you had already been done working with
17 them and that that was why you were going to
18 go down to the lake.

19 A. Yes, I was done working with them.
20 Because I wasn't going in the office anymore,
21 I kinda considered that to be done with them.

22 Q. I agree. But your last day in the
23 office was August 20th?

24 A. That's when I went and turned in ---

25 Q. All your stuff?

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1 A. Yeah.

2 Q. Were you ever escorted out of the
3 office?

4 A. No. I don't think so.

5 Q. Okay.

6 A. I left of my own volition.

7 Q. You didn't have anybody walk with
8 you out?

9 A. I don't think so.

10 Q. Okay.

11 SOLICITOR FOWLER: That's all that I have
12 got.

13 THE COURT: Redirect?

14 RANDY CHAMBERS: No redirect, Your
15 Honor.

16 THE COURT: You may step down.

17 (WITNESS STEPS DOWN)

18 THE COURT: We've been going an hour
19 and a half, so we will take a short break.

20 Please do not discuss the case in any
21 way. We will have you back out here in just
22 a few minutes.

23 (JURY OUT @ 11:35 A. M.)

24 THE COURT: Just for scheduling
25 purposes, do you have one more witness; is

1 that correct?

2 RANDY CHAMBERS: Actually, Your Honor,
3 that's it.

4 THE COURT: Okay. Sorry, I should have
5 let you do that.

6 SOLICITOR FOWLER: We're done, Judge.
7 We are ready to go ahead and start closing
8 arguments?

9 THE COURT: Well, let's go ahead and
10 let everybody take a break. Then we can
11 discuss charges and we can get started before
12 lunch, if y'all want to?

13 SOLICITOR FOWLER: That's good.

14 THE COURT: You might want to go ahead
15 and get the jurors menus.

16 CLERK: Yes, sir.

17 (BRIEF RECESS)

18 (IN CHAMBERS CHARGE CONFERENCE)

19 (DEFENDANT PRESENT)

20 THE COURT: Y'all can look over that
21 (verdict form). We also discussed jury
22 charges and -- are there any issues that you
23 want to put on the record for the jury
24 charges?

25 RANDY CHAMBERS: No, Your Honor.

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Charge Conference

1 THE COURT: Now I will be glad to hear
2 any Motions since the State has rested.

3 RANDY CHAMBERS: Yes, Your Honor. I
4 would just renew our directed verdict Motion
5 now that we've completed our case. I guess I
6 need to say officially on the record that the
7 defense rests.

8 THE COURT: Okay. I think as far as
9 the standard which I need to review this
10 matter, that there is substantial
11 circumstantial evidence that could lead to
12 the defendant's guilt. I think that's the
13 jury question, so I deny your Motion.

14 Anything else from the State?

15 SOLICITOR FOWLER: No, Judge.

16 THE COURT: All right. And what I will
17 do is I -- when they come back here, I will
18 give them a little brief thing about that
19 y'all are going to do closing arguments.
20 That they've ordered lunch, so we will argue,
21 charge and then they can begin their
22 deliberations.

23 So if they're ready, bring them on.

24 (JURY IN @ 11:50 A.M.)

25 THE COURT: All right, ladies and

1 gentlemen. We've got a lot of things that
2 happened while y'all were gone.

3 One is that when we took the break the
4 defense rested. They rested on the record,
5 which means that they have put forth all the
6 evidence that they plan to put forth.

7 The State has the right to have rebuttal
8 but they also have rested their case.

9 That is the end of all the evidence which
10 will apply to this case.

11 So therefore we had to have a few minutes
12 to go over the charge to make sure that the
13 charge that I am going to give you -- to make
14 sure that we have all the issues covered
15 there. That is why we went ahead and got
16 your orders for lunch. I think you have
17 already done that. What happens is -- that
18 usually takes about an hour.

19 So what is going to happen is that we're
20 going to have closing arguments and then I
21 will give you the charge on the law. Then
22 you can get back there and start your
23 deliberations; and your lunch should be
24 there. We're trying to be as efficient as
25 possible.

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Closing Argument by Solicitor for the State

1 Right now we're at the closing argument
2 stage. This is the summary by the attorneys.
3 This is not evidence. The evidence that you
4 will need to consider is the documents placed
5 in the record and the testimony of the
6 witnesses.

7 At this point I would ask that you direct
8 your attention to the attorneys. Solicitor?

9 SOLICITOR FOWLER: Ladies and gentlemen,
10 the truth has an amazing consistency, while
11 lies tend to get overly complicated.

12 Now, by my last count, we heard at least
13 three stories from Mr. Scowcroft as to how he
14 came to have Mr. Golson's stuff.

15 We heard, 'I got these guns at a gun
16 show.'

17 We heard, 'I've had these guns in a gun
18 safe for years.'

19 We heard, 'My roommate must have stolen
20 them, and he give them to me.'

21 Now, folks, you heard from the defendant
22 just a few minutes ago when he said, "I am a
23 very, very dishonest person." That's almost
24 all you need to hear from him, because that's
25 the only thing that he's told you that I'd

1 say it the truth. He is a very, very
2 dishonest person.

3 The reason we have three separate stories
4 about this is because he had lied so much
5 that he couldn't keep his stories straight in
6 his own head.

7 Well, you know, he said that he got these
8 guns at a gun show. Well, that rifle went
9 missing the same day that it was sold.

10 Then he said that 'I've had these guns in
11 a gun safe for years.' Again, the rifle went
12 missing the same day that it was sold.

13 Then he goes to the police -- and this is
14 when we first hear about Britain. Even to
15 himself he said that these guns seemed
16 suspicious -- 'I don't know, it was a weird
17 situation.'

18 Then when we asked him how Britain would
19 have known about Harrison, to go break in his
20 house, he says 'how he met Harrison, I don't
21 know, that beats me.' Folks, he doesn't even
22 believe his own lies.

23 You know, let's talk about that
24 interview. Almost immediately he says,
25 'Harrison doesn't think that I broke into his

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Closing Argument by Solicitor for the State

1 house, 'does he?' Then he goes, 'Tell me that
2 it wasn't a shotgun and a rifle. Was it?'
3 And of course it was, ladies and gentlemen.

4 That is when he goes into putting this
5 all on Britain. This roommate who he just
6 kicked out of his house, that he just made
7 homeless, that he testified that he was
8 terrified from, but after doing all this he
9 didn't change his locks, he didn't make him
10 give back his key. No. He left and went to
11 the lake and left his car keys and his cell
12 phone in his house.

13 Then this terrifying and sketchy,
14 questionable guy, when he gets some guns, he
15 doesn't say, 'Man, this is weird. I've never
16 seen him with a gun before. I probably ought
17 to go to the police about this.' He just
18 immediately sells them.

19 Ladies and gentlemen, I would submit to
20 you that he lied about being at the lake just
21 like he lied about getting this guns from
22 Britain.

23 There's essentially two choices for you
24 in this case. You can believe that out of
25 all the houses in Greenville County that

1 Harrison Golson's happened to be broken into.
2 That out of all the people in Greenville
3 County, that the person who broke into this
4 house happened to know the defendant. That
5 out of all the other people in Greenville
6 County that the defendant happened to be
7 essentially fired by that victim. That is
8 Option A.

9 Now, Option B, you can believe that
10 Christian Scowcroft, who had just been fired,
11 who had just cashed out his vacation, just
12 cashed out his IRA, who was essentially out
13 of money broke into this guy's house when he
14 knew he wouldn't be home, took some stuff
15 from him and immediately sold it.

16 One of those makes sense. One of them
17 doesn't, especially when we apply some facts
18 that we know are true.

19 We know that the defendant knew the
20 victim.

21 We know that the defendant had been to
22 the victim's house.

23 We know that the defendant knew when the
24 victim wouldn't be home.

25 We know that the defendant knew that even

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Closing Argument by Solicitor for the State

1 though the victim had a big 'ole German
2 Wirehair Pointer that dog would be locked up
3 when he wasn't home.

4 We know that the defendant knew what kind
5 of money the victim made.

6 We know that the defendant immediately
7 sold those items.

8 When we take this information, folks, and
9 we lay it against the stories told, there is
10 only one that makes sense. That is that when
11 Christian Scowcroft was selling this
12 PlayStation the reason that he had was
13 because he had just stolen it that morning.

14 Now, when Mr. Chambers and I finish with
15 our closing arguments, the judge is going to
16 give you what is called the charge on the
17 law. That is essentially an instruction on
18 what the law is and how you are to apply it
19 in this situation.

20 He is going to tell you that grand
21 larceny is the taking of the good of another
22 with the intent to deprive them of the use,
23 and the value is over \$2,000. We know that
24 by selling these things that Mr. Scowcroft
25 certainly intended to deprive their lawful

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Closing Argument by Solicitor for the State

1 owner of their use. We know by the insurance
2 valuation that their value was over \$2,000.

3 That, ladies and gentlemen, is grand larceny.

4 The Judge is also going to charge you on
5 burglary in the first degree. He is going to
6 tell you that a defendant is guilty of
7 burglary in the first degree when they enter
8 the dwelling of another with the intent to
9 commit a crime therein, and during the course
10 of that entry -- whether when they are
11 entering the house, when they are inside the
12 house or whether it's when they are fleeing
13 the house. That, ladies and gentlemen, that
14 is burglary in the first degree.

15 Mr. Scowcroft kicked in the victim's back
16 door. He gathered up as much stuff as he
17 could, to include two firearms. That
18 firearms, ladies and gentlemen, are deadly
19 weapons. When he did that, he became armed.
20 That is burglary in the first degree.

21 Now, the Judge is also going to charge
22 you on the burden of proof that the State
23 carries in every General Sessions case. Mr.
24 Chambers is exactly right that the burden of
25 proof beyond a reasonable doubt is the

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Closing Argument by Solicitor for the State

1 highest burden of proof that any party in any
2 court in all the country carries. We welcome
3 that burden, ladies and gentlemen, because
4 these are very serious issues that we deal
5 with up here in General Sessions court.

6 However, I think that Mr. Chambers and I
7 might disagree a little bit on what the exact
8 definition of what "beyond a reasonable
9 doubt" is. I imagine most of you have
10 probably heard that phrase before, however
11 most of you have probably not heard the legal
12 definition of it. As many judges define
13 beyond a reasonable doubt, they will say that
14 it is doubt that will cause a reasonable man
15 to hesitate to act.

16 That does not mean no doubt. That does
17 not mean beyond all doubt. That does not
18 mean beyond the shadow of a doubt. What that
19 means, ladies and gentlemen, is that as best
20 you can gather -- this is an example that I
21 like to you. Probably some of you own your
22 own home. When you were looking to buy that
23 house, you probably looked at a couple of
24 other houses. You may have gone to a few
25 banks and compared mortgages, rates. Then

1 you weighed the plus and minuses of all this
2 information. Ultimately, after hesitating to
3 act, you made a decision. Now, you may still
4 today harbor some doubt as to whether that
5 decision was the right decision. However, by
6 weighing the evidence, hesitating to act and
7 coming to a conclusion, I would put to you
8 that that decision was beyond a reasonable
9 doubt.

10 So that is what I want you to go here
11 today, folks. I want you to go back in your
12 jury room and I want you to apply your good
13 common sense in life, which is why we have
14 juries in this country, to these facts and
15 this information.

16 Now, I want you to come back with the
17 only verdict that this evidence allows, and
18 that is that the Defendant is guilty on all
19 counts. Thank you very much. It's been a
20 pleasure working with you.

21 THE COURT: Mr. Chambers.

22 RANDY CHAMBERS: May it please the
23 Court, Your Honor. Solicitor. Ladies and
24 gentlemen.

25 We have come to the end. This is the

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Closing Argument by Mr. Chambers for Defense

1 last chance that I'll get to talk to you.
2 The Solicitor will get to get up in a few
3 minutes and dispute anything that I've said.
4 I don't get to do that, and that's because he
5 has the burden of proof.

6 Through this you've heard a lot about
7 Christian Scowcroft who is seated here beside
8 me throughout this, referred to as the
9 Defendant. You got to hear from him on a
10 couple of different occasions.

11 As I told you at the outset, he finds
12 himself in a position that I guarantee you
13 that he never thought that he would be in,
14 that his family never thought that they would
15 see him in; that's sitting here in court,
16 accused of committing a violent felony,
17 burglary first, breaking into someone's home
18 armed with a deadly weapon and with grand
19 larceny.

20 He has dealt with finding himself in that
21 position as best he could. Every time that
22 he has been called upon to answer questions
23 about that, he's done that.

24 Now, the Solicitor started out telling
25 you that Christian has told three different

1 stories in this case. That's not true. You
2 heard the evidence. You've been able to
3 watch the video that was taken by the police.
4 You got to watch him testify. That's just
5 simply not true. He's tried at every turn to
6 tell them as honestly as he could what
7 happened.

8 From the outset -- and there is no way to
9 deny that this is an incredible coincidence
10 of things coming together. It makes the
11 situation sort of all that more desperate for
12 Christian, I guess, as he sits there and
13 ponders how it is that he got into this
14 situation and why he is here.

15 After this, this is, as you've heard, the
16 first -- no criminal record, college
17 graduate, working at a good job, had his own
18 apartment. He seemed to have things going
19 for him and here he is accused of this
20 violent felony.

21 Now, what do we know about August 16th?

22 We know that Harrison Golson went to work
23 about 6:45 in the morning, as he said he does
24 every day like clockwork. Then he comes home
25 around 11:15. At some point that day he was

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Closing Argument by Mr. Chambers for Defense

1 robbed. Somebody had gotten into his
2 apartment, entered his home and took things
3 from him.

4 We have a description of somebody who not
5 from that neighborhood, somebody who was out
6 there in close proximity to that house in the
7 right timeframe.

8 We know that there was a red car. Well,
9 there are a lot of red cars in the world.
10 Mr. Nascarello, who was the neighbor who came
11 forward, indicated that it was a Pontiac
12 Sunfire, a very specific car -- not one that
13 would automatically come to mind. He looked
14 at it and he said that it was a Pontiac
15 Sunfire.

16 Later the police showed him the car that
17 belonged to Christian and he said, 'oh,
18 that's it, that's the car that I saw.'

19 Well, you can look at a Jetta and you can
20 sort of ponder if a Pontiac Sunfire -- I
21 don't know. I don't know if the person in
22 that red car had anything to do with this or
23 not. I know that Mr. Nascarello was just
24 coming forward, being a good neighbor.

25 But there is one thing that stands out

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1 about that. If that was the car that was
2 used -- and we certainly can't say that it
3 was not. The person that was driving that
4 car, we know, was a lanky -- Mr. Nascarello's
5 words -- shaggy-haired white guy. Well, you
6 might be able to say that Christian is lanky,
7 maybe. I usually consider that to be
8 somebody who is fairly tall and thin. But he
9 certainly would not be described as somebody
10 who had shaggy hair; not today but, more
11 importantly, back then. You have -- you saw
12 him when they were interviewing him at the
13 Sheriff's Office. You see him here.

14 Who did have shaggy hair? Well, remember
15 when Britain Donahue came in and I asked him,
16 I said 'you have a fairly short hair cut
17 today, you don't normally wear it that way.'
18 He said no, 'it is usually longer.' I asked
19 if people could describe it as shaggy and he
20 said yeah, I guess, because of how thick and
21 everything that it is that it looks shaggy.

22 So I would submit to you, folks, that if
23 there was anybody out there in a red car that
24 it wasn't Christian Scowcroft. It could very
25 well have been Britain Donahue. It could

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1 very well have been Britain Donahue.

2 Britain, remember, had been -- he denied
3 -- here's something -- and I'm going to stop
4 just a moment to cover that a little bit, and
5 I'll expand on that a little bit more just a
6 little bit later. You know, the police in
7 this case didn't do any follow up relative to
8 Britain Donahue. Remember before Christian
9 ever went down there to talk to them, they
10 had an arrest warrant and they were in the
11 process of getting a search warrant for his
12 home. That is a fact, so they knew that when
13 he came down there that they were going to
14 arrest him. They didn't do any follow up of
15 any kind to talk to Britain Donahue. Not
16 even after he talked about Britain Donahue
17 with them, they never did any follow up.

18 He said that the police never contacted
19 him, never talked to him -- ever. In fact,
20 the only reason that he showed up in this
21 courtroom was because the Solicitor was able
22 to find him. Apparently he wasn't very hard
23 to find. He said that he'd never left
24 Greenville. He comes in because, lo and
25 behold, the Solicitor told him that 'somebody

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1 is accusing you of committing a burglary.'
2 Well, of course he's now going to come in and
3 give a self-serving statement saying 'I
4 didn't have anything to do with it. I've
5 never been over to Mr. Golson's house. I
6 don't know anything about it.'

7 But we do know that he was living there.
8 We do know that he still had stuff there.
9 All of that corroborates everything that
10 Christian told you.

11 You have to remember, folks, that this
12 was a case where a door was kicked in, things
13 were taken from that house and it -- it would
14 be either someone looking through the house,
15 or they knew where they were going. Neither
16 of these guys really knew anything about the
17 inside of the house because the only reason
18 that Christian had ever been over there was
19 to help move this item into the garage. Mr.
20 Golson said, 'I believe that he walked
21 through the house.' Maybe he did but
22 Christian doesn't remember it that way.
23 Christian remembers that they just got out,
24 got it out of the truck and moved it directly
25 into the garage, which makes a lot of sense.

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1 I'm not trying to say that Mr. Golson is not
2 telling the truth. I am just saying that as
3 you go back and try to remember things that
4 you don't get everything right.

5 So, yeah, he had been out to the house
6 but Britain Donahue had been out there also.
7 He's the shaggy-haired guy. He fits the
8 description of the person that was actually
9 seen out there.

10 There were no fingerprints. They looked
11 for fingerprints but they said that they
12 didn't get any.

13 There was no DNA.

14 There was absolutely no physical evidence
15 of any kind that put Christian Scowcroft in
16 Mr. Golson's house. None.

17 So when you're thinking about this
18 burglary that requires an unlawful entry by
19 Christian Scowcroft, there is no evidence.
20 There is not eyewitness that saw Christian
21 Scowcroft. The only eyewitness saw a shaggy-
22 haired lanky individual. Again, no physical
23 evidence. I want to keep reploughing that
24 same ground because that's important, that's
25 extremely important because the solicitor

1 will tell you that you can convict somebody
2 on circumstantial evidence. To have
3 circumstantial evidence you have to be able
4 to exclude all other theories of what might
5 have been. There is certainly a reasonable
6 theory in this case that this shaggy-haired
7 individual getting in the red car, who didn't
8 belong in that neighborhood, is the one that
9 went in that house. That could very well be
10 Britain Donahue. But you know what? We will
11 never really know because the police didn't
12 follow up on that.

13 What they did do was, based on the fact
14 -- and Mr. Golson said, 'I know a guy who has
15 a red car' and he mentioned Christian
16 Scowcroft. Lo and behold, his bad luck,
17 Christian had actually sold some items and
18 they started working backwards at that point.

19 Ten days after this happened, that is
20 when they had Christian come in to talk to
21 them. They knew then that they had an arrest
22 warrant and they were going to arrest him.
23 They could have very easily have placed him
24 under arrest when he got there. But they did
25 mislead him. Now, I am not saying that they

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1 broke any rules. Police are allowed to
2 mislead, to a certain extent. I'm not saying
3 that there was really anything improper about
4 that interrogation.

5 But I want you to consider that here is
6 somebody who by their own admission, by his
7 admission, didn't really know when he got
8 down there why he was coming. They said, 'we
9 want to talk to you, we want you to help us
10 clear something up.' They didn't say that
11 'we want to arrest you when we get you here.'
12 They got him started talking. They even said
13 at one point, 'just as a formality, because
14 you might become a suspect we want you to
15 read your rights over.' They downplayed it
16 as much as they could because they were
17 trying to disarm him. They wanted him to
18 talk.

19 So he starts talking, telling them what
20 he knows. That's when they unload on him,
21 'We think you did this. We don't believe
22 anything that you're telling us.' They
23 didn't shake him. He continued to talk to
24 them, he continued to answer their questions
25 best as he could, trying to work backwards.

1 And I think it is easy for any of us to
2 imagine how scared somebody is in that
3 situation. Here's somebody who has never
4 been through anything like that, never had to
5 go down and be interrogated by the police,
6 didn't know that is what he was going down
7 there for. Then all of a sudden he is hit
8 with this. You start working it out, like,
9 you know, what happened?

10 Now, they're going to say that he made up
11 an excuse by talking about Britain Donahue,
12 that he made it up to try and save himself.
13 The fact of the matter is, folks, and I'm
14 just going to keep going back to it, we have
15 a description that fits Britain Donahue. We
16 do. We have that.

17 This is the person who had access to
18 everything that Christian Scowcroft had. And
19 that is not unusual. Most of us, at least
20 when we were younger, in college, shortly
21 after college or whatever, we had roommates.
22 I know I did. I ended up having falling outs
23 with every one of them. That's on me,
24 because I am hard to live with. But that's
25 just how it goes. We've all probably had

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1 some experience with that. That is what
2 started happening between these two. You get
3 to the point where you just don't want to
4 talk to the other person. You want to avoid
5 them as much as possible and you just try and
6 get rid of them. That is what was going on
7 here.

8 He came back from the lake and he found
9 all of this. He thought that he was going to
10 be gone but all that stuff was there and he
11 set about getting rid of it. I'm not going
12 to rehash all of that. I'm not going to go
13 back through it. You heard it and you get to
14 be the judge.

15 Here's the thing. He didn't have to talk
16 to the police. He had an absolute right not
17 to you. And he certainly didn't have to get
18 up there and take the witness stand and be
19 subjected to all the questions that he was
20 asked, the sarcasm and everything else. He
21 did that and he answered those questions as
22 truthfully and honestly as he could.

23 So now you get to go back, deliberate and
24 make a decision in this case.

25 We talked in the outset about this

1 "beyond a reasonable doubt." There is not a
2 great definition, every judge has a little
3 bit different one. The solicitor is right
4 that is it the kind of doubt that is going to
5 cause you to hesitate to act. Now, I would
6 say to you that the example that he gave is
7 not a good example. Truthfully, if you have
8 nagging doubts, that is reasonable doubt by
9 definition. For you to be firmly convinced,
10 in other words for you to be definitely sure,
11 they have to erase these doubts from your
12 mind.

13 'Do I believe that with no physical
14 evidence in this case, with no eyewitness, do
15 I believe Christian Scowcroft went into that
16 house beyond a reasonable doubt? Or do I
17 believe that it is just as likely that
18 Britain Donahue, his roommate, somebody who
19 fits the description that a person saw went
20 into that house?' If he didn't go in that
21 house, if he wasn't there, he didn't have
22 anything to do with it. He could not have
23 gone in somebody's house unauthorized, armed
24 on the way out, with the rifles that were
25 there.' Reasonable doubt.

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1 Now, he did sell those items and he
2 explained all that to you. But I would say
3 to you that that is even further proof of
4 what he is telling you. He walked in to that
5 store, and he didn't know that he was doing
6 anything that would get him in trouble.
7 Think about it. He told you that he sold one
8 gun at a gun show. You heard from the police
9 and everybody else that knows anything about
10 gun shows -- well, he is just a guy from
11 Traders who said that you can go sell a gun
12 as an individual at a gun show and you don't
13 have to have any record of that transaction.
14 You don't have to have ID or anything else.
15 That's absolutely true. There is a lot of
16 discussion when anybody wants to start
17 talking about gun control about the so-called
18 gun show problem. That's exactly what it is.
19 One individual can sell to another individual
20 without any kind of record. A perfect place
21 to sell a stolen gun.

22 But when you walk into Traders to sell
23 something, you have to produce a driver's
24 license, which he did. He's on video. He
25 knows when he walked in there that he's on

1 video, that they have cameras on him. He's
2 not stupid. He knows that he is handing them
3 his driver's license. He knows that there is
4 a record of this transaction. He's certainly
5 smart enough to know that if he has something
6 that is stolen that it is going to easily
7 traced back to him.

8 If he didn't know that before he walked
9 in there, the minute that they asked him for
10 ID he would say 'uh-uh, I don't want a record
11 of this because I just stole it.' No, folks.
12 He didn't have any reason to be worried about
13 it. He hadn't stolen anything.

14 The same thing at the GameStop. All of
15 these things are in close proximity to one
16 another, they're all kind of out Taylors way.
17 He goes in the GameStop, same thing: ID. The
18 whole transaction as recorded with his
19 identification.

20 Again, you could go to the jockey lot and
21 sell that stuff on a Saturday and there is no
22 record of it at all. In fact, I think a lot
23 of that goes on at the jockey lots.

24 But he presented ID because he didn't
25 have any reason to believe that he was doing

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1 anything wrong. A person with a guilty state
2 of mind is the only person who would lie and
3 make things up, would not present their
4 driver's license, they would not let that be
5 recorded.

6 Bottom line, there are too many other
7 ways that he could have gotten rid of that
8 stuff if he had stolen it.

9 He didn't even know that anybody knew
10 anything about it. It's not like he had any
11 way of thinking that he needed to go get rid
12 of this stuff in a hurry. The solicitor
13 seems to think that he was in such financial
14 straits that he desperately needed this \$350
15 that he got from this stuff.

16 First, \$350 is not a great deal of money.
17 It's certainly not a great deal of money such
18 that you'd risk what has happened to
19 Christian Scowcroft in this case, that you
20 would go and expose yourself -- that's the
21 kind of thing that drug addicts do, somebody
22 who is that desperate for money. They don't
23 care if they have to show their ID because
24 all they want to do is get drugs or
25 something. That clearly is not Christian

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1 Scowcroft. There was no reason for him to
2 have done that. He didn't.

3 Now, I could stand up here for the rest
4 of the day, folks, and I could go over
5 things. They're going to talk about his
6 internet searches and he told the police all
7 that. He told them that 'I got online that
8 day, I was looking for a place to go sell the
9 guns.' He answered every question they had
10 the best that he could. Even today as the
11 solicitor goes through it and he is talking
12 about this story with Britain Donahue, I
13 would submit to you that he is just trying
14 his best to resurrect what happened to try
15 and explain -- because as he said that he
16 really doesn't feel bad about it. He really
17 does, that somebody that he worked with, that
18 their home was broken into and things were
19 stolen and that it was probably broken into
20 by his roommate. It was probably his
21 roommate that did it.

22 You've heard it all. Most importantly,
23 you got to hear from Christian himself. He
24 looked you in the eye and answered not only
25 questions from me but questions from them.

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1 After all of that there are questions
2 that still remain and there is plenty of
3 doubt that falls on Christian's side of the
4 ledger. I am not going to rehash all of it.
5 You're smart people You heard it. You know
6 that there is a lack of evidence.

7 You know that their basis for relying on
8 this coincident of him having known the
9 person who was burglarized that day and that
10 he ended up with the property, at worst what
11 you could say is that they've been able to
12 prove receiving stolen goods. He did have
13 stolen goods in his possession. He didn't
14 know that they were stolen. That is not what
15 he is charged with. He's charged with
16 burglary first, breaking into the house,
17 taking those items. And he's charged with
18 grand larceny, actually stealing those items.

19 As I said before, you're going to go back
20 there and deliberate. You can ask each other
21 questions, go over the evidence in this case.
22 You are to ferret out your decision in this
23 case, keeping always in mind this whole
24 concept of beyond a reasonable doubt. I know
25 from my experience that you are going to hold

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1 the State to their burden. You are going to
2 come back with a Not Guilty verdict because
3 that's the correct verdict, because there is
4 doubt in this case, because this is a serious
5 matter, because this is something that
6 deserves sober reflection and deliberation.

7 I told you at the beginning that our
8 founding fathers had great faith in the jury
9 system. I join them in that. I've been
10 doing this a long time and I think this is
11 the fairest way to hold the government
12 accountable. Yes, hold people accountable
13 and punish them for things that they have
14 done but not when there is this much doubt.

15 Now I have to do the hardest thing that I
16 ever have to do in a trial, do sit down. I
17 do that realizing that I am Christian's
18 advocate here. He has relied on me to
19 present his case in as effective a manner as
20 is possible so that you can learn the truth.
21 We have endeavored to do that. I know when I
22 sit down, even later on, I'm going to say 'I
23 wish I have done this or wish I had done
24 that.'

25 Worst yet, I have to listen to the

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Replay Argument by Solicitor for the State

1 solicitor get up and respond to what I've
2 said. Again, he has the -- he has the burden
3 in this case. But no matter what he says, he
4 can't change the fact that there is no
5 physical evidence, that there was no follow
6 up with Britain Donahue. Imagine if Britain
7 Donahue had had to sit down on camera and
8 been interrogated by those two officers the
9 way that he was, the way that Christian was.
10 He never had to do that because they never
11 bothered to find him. It was easy enough to
12 find him that the solicitor could do it in
13 time to say, 'hey, I need you to come in
14 because this guy is saying you committed this
15 crime.' Keep that in mind. They can't erase
16 those things.

17 I can tell you that Christian has been
18 looking forward to this day, the day that he
19 gets to get up on that witness stand and tell
20 his side of the story and then wait for your
21 verdict.

22 We appreciate your patience, we look
23 forward to receiving your verdict.

24 THE COURT: Brief reply?

25 SOLICITOR FOWLER: Yes, just very

1 briefly. Ladies and gentlemen, I appreciate
2 Mr. Chambers' argument, I appreciate what he
3 is doing on behalf of his client. However, I
4 think that there is a pretty big "but" here.
5 Perhaps he twisted the facts so that they are
6 a little bit more advantageous to him.

7 Yesterday you heard Britain Donahue, out
8 of his own mouth, say 'I'd heard that I was
9 -- you know, that my name had been drug into
10 this back when it first happened, back last
11 August. I called my dad and his lawyer back
12 in New Hampshire to ask him what to do.'
13 That lawyer advised him to stay out of it.

14 Britain is not charged with anything in
15 this case. He doesn't live with Christian
16 anymore, he has nothing to do with him. He's
17 got nothing to gain from this. He had to
18 miss work, just like all you good people, to
19 come here and testify, deal with all this and
20 subject himself to cross examination.,

21 Further, I would say that the police did
22 plenty of follow up to track down Britain.
23 They, in fact, called Ms. Erica Chapman, who
24 was supposedly part of the *ménage trois* at
25 the lake with ---

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Replay Argument by Solicitor for the State

1 RANDY CHAMBERS: Objection, Your Honor.

2 THE COURT: Yeah. That's not ---

3 SOLICITOR FOWLER: They talked with
4 Erica Chapman, who supposedly was at the lake
5 with Christian the night before. She said,
6 'I don't have his number but here's a number
7 to him.' You know what she didn't say,
8 folks? She didn't say, 'Well, I'd been to
9 the lake with Christian.'

10 Further, we heard from Mr. Harrison
11 Golson yesterday morning, or afternoon
12 rather. There was only one person at his
13 house helping him move that furniture, and
14 it was Christian Scowcroft.

15 I'd put to you that every time that I've
16 moved a piece of furniture, if I had an able-
17 bodied young man sitting there in the car,
18 I'd have him out helping.

19 I am not going to talk on and on about
20 the definition of "shaggy." But I'd say that
21 on August 16th, that the picture that we have
22 of Mr. Scowcroft, his hair looked a little
23 bit longer than it did ten days later in that
24 interview. Ten days is plenty of time to go
25 get yourself a haircut.

1 Now, in that interview, Mr. Chambers said
2 that any misstatements that Christian made
3 was because he was scared, that he was scared
4 of the police and that's a reasonable thing.
5 However, just this very same day Christian
6 got up and he said -- well, first, he said
7 that he didn't say anything inaccurate in
8 that interview. Then he said that he was
9 poised and collected enough to keep his get-
10 out-of-jail free card out of the dirt.

11 And, now, as to him providing his
12 identification and his name at the sale of
13 these guns, this is -- this is a defense that
14 I've heard a time or two before. I like to
15 call it the "bad criminal defense", that that
16 was so stupid that there is no way that
17 anybody would have done that if they really
18 thought that what they were doing was
19 illegal. Well, ladies and gentlemen, I will
20 tell that in South Carolina we don't give
21 credit for being a criminal.

22 Now, finally, you know, Mr. Chambers is
23 exactly right. I wish that the neighbor had
24 been rock solid in his identification. I
25 wish that we had some fingerprints or some

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Replay Argument by Solicitor for the State

1 blood or some kind of really good, hard
2 physical evidence. A camera. Something at
3 the scene of the crime. But I'll put to you
4 that most of the time that you just don't
5 have that kind of stuff, folks. And if we
6 had that in every case, we wouldn't need
7 juries. In fact, the cases that have that,
8 they aren't resolved in a courtroom with a
9 jury. They're resolved right down there in
10 Courtroom 8 with a plea.

11 I want you to remember the logic of what
12 Mr. Chambers is asking you to believe. He is
13 asking you to believe that this Britain guy
14 who supposedly may have knew Harrison, who
15 had just been kicked out of Christian's
16 house, went and broke in Harrison's house.
17 Even though he is homeless and out of work
18 takes these valuable items and leaves them
19 for the guy who just made him homeless.
20 Ladies and gentlemen, that doesn't make
21 sense.

22 I am confident that you will agree with
23 the state that Mr. Scowcroft is absolutely
24 guilty of both of these crimes.

25 Thank you. I look forward to your

1 verdict.

2 THE COURT: Ladies and gentlemen, it is
3 now my opportunity to charge you on the law.

4 As I previously indicated to you, the
5 indictment in this matter charge the
6 Defendant with burglary in the first degree
7 and grand larceny. As I told you at the very
8 beginning and I now remind you, the fact that
9 the Defendant was arrested, charged and
10 indicted is not evidence in this case. It
11 cannot be considered by you in any way. Nor
12 does it create any presumption or inference
13 of guilt. These documents are simply the
14 formal written charges that brings this
15 matter before the Court.

16 The Defendant has pled not guilty to
17 these charges. That plea puts the burden of
18 proof on the State as to all elements of the
19 charge, as to each charge. That burden, that
20 I will go over in a few minutes, is by beyond
21 a reasonable doubt.

22 A crime charged with committing a
23 criminal offense in this State is never
24 required to prove themselves innocent. I
25 charge you that it is an important rule of

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Court's Charge on the Law

1 law in a criminal trial that a defendant, no
2 matter what the seriousness of the charge,
3 will always be presumed innocent of that
4 crime for which the indictment was issued
5 unless guilt has been proven by evidence
6 satisfying you, the jury, beyond a reasonable
7 doubt.

8 This presumption of innocence does not
9 end when you begin your deliberations but it
10 accompanies the defendant throughout the
11 trial until you've reached a verdict of guilt
12 based on the evidence satisfying you of that
13 guilt beyond a reasonable doubt.

14 The presumption of innocence is like a
15 robe of righteousness placed about the
16 shoulders of a defendant, which remains with
17 the defendant until it has been stripped from
18 the defendant by the evidence satisfying you,
19 the jury, of the defendant's beyond a
20 reasonable doubt.

21 This presumption of innocence is not a
22 mere legal theory. It is not a mere legal
23 phrase. It is a substantial Constitutional
24 right which we base our criminal system on,
25 which every defendant is entitled to unless

1 you the jury are satisfied of his guilt
2 beyond a reasonable doubt.

3 All right. We have used the phrase
4 "reasonable doubt" many times. You've heard
5 it throughout and you've probably heard it in
6 your lifetime several times before. So what
7 is reasonable doubt? Reasonable doubt is the
8 kind of doubt that would cause a reasonable
9 person to hesitate -- that would cause a
10 reasonable person to hesitate to act.

11 Proof beyond a reasonable doubt is proof
12 that leaves you firmly convinced of the
13 defendant's guilt. There are very few things
14 that we know in this world with absolute
15 certainty. In a criminal case the law does
16 not require proof that overcomes every
17 possible doubt.

18 If based on your consideration of the
19 evidence you are firmly convinced that the
20 defendant is guilty of the crimes charged,
21 you must find the defendant guilty of these
22 charges.

23 If, on the other hand, you find that
24 there is a reasonable possibility that the
25 defendant is not guilty, you must give the

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Court's Charge on the Law

1 defendant the benefit of that doubt and find
2 that the State did not meet its burden and
3 find the defendant not guilty.

4 As I indicated when we began this trial,
5 you and I have two separate and distinct
6 roles in this matter. As the trial judge, it
7 is my responsibility to preside over the
8 trial, rule on the evidence and determine the
9 law to charge you.

10 Your role is to consider only the
11 competent evidence presented and produced
12 before you. If there was any testimony or
13 questions which were stricken from the record
14 during the trial of this case, then you are
15 to disregard that testimony. You are only to
16 consider the testimony which has been
17 presented from the witness stand and the
18 exhibits which have been made a part of the
19 record and any stipulations of counsel.

20 I have the additional duty to charge you
21 the law which applies in this matter. I am
22 the sole judge of the law.

23 It is your duty to accept this law. You
24 may have your ideas of what the law should
25 be, what you thought it is or what you think

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1 it should be but you're to disregard that
2 because the law that you're to apply in your
3 deliberations is the law that I'm giving you
4 now.

5 In every case tried in this court before
6 a jury you're the sole and exclusive judge of
7 the facts. As the trial judge, I cannot
8 infer or intimate any opinion as to the
9 facts. The law does not allow me to have an
10 opinion as to the facts. If there is
11 anything that I've said or did that makes you
12 believe that I have an opinion as to the
13 facts of this case, you are to disregard that
14 because that is your duty. It is your
15 responsibility to determine what the facts
16 are. This is a matter solely for you to
17 determine.

18 As jurors, it is your duty to determine
19 the effect, the value, the weight and the
20 truth of the evidence presented during the
21 trial.

22 Now, I should have talked about this in
23 the beginning but I didn't, so I want to
24 address note taking. This is something --
25 again, it's up to the judge to allow you to

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1 take notes or to not take notes. I noticed
2 that there was at least one person taking
3 notes, and that's fine because I did not
4 instruct you on that. But some people are
5 better note takers than others. Just because
6 somebody may have notes, that's not to be
7 given any greater weight than the
8 recollection of other juror. The
9 recollection of individuals should be
10 considered just as reliable as the notes
11 taken.

12 I know when I was in school I was a
13 horrible note taker, but I could remember
14 things. So, you know, again, those notes --
15 if you took notes, those are to be used only
16 by yourself. Those are not the actual
17 record. Please keep that in mind as you join
18 in the deliberations.

19 Now, there's two types of evidence.
20 There is direct and circumstantial evidence.

21 Direct evidence is the testimony of a
22 person who claims to have actual knowledge
23 of a fact, such as an eyewitness. It is
24 evidence which immediately establishes the
25 main fact to be proved.

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1 Circumstantial evidence is proof of a
2 chain of facts and circumstances that prove
3 the existence of a fact. It is evidence
4 which immediately establishes collateral
5 facts from which the main fact can e
6 inferred.

7 Circumstantial evidence is based on
8 inference and not on personal knowledge or
9 observations.

10 The law makes absolutely no distinction
11 between the weight or value to be given to
12 either direct or circumstantial evidence.
13 Nor is there a greater degree of certainty
14 required of circumstantial evidence than of
15 direct evidence.

16 You should weigh all the evidence in the
17 case and after weighing all the evidence, if
18 you're convinced of the guilt of the
19 defendant, you must find the defendant
20 guilty.

21 A good way to think about it is an
22 illustration. That is that if you come home
23 one evening and just as you get out of your
24 car it starts raining. Well, you have direct
25 evidence that it is raining. But if you go

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1 inside and you come back out thirty minutes,
2 later and clouds are dark, your car is wet,
3 the grass is wet and there's this little
4 puddle of water, well, you don't have direct
5 evidence that you saw it raining but you can
6 infer from these other facts that it did
7 rain. That's kind of the difference between
8 direct and circumstantial evidence.

9 Also -- let me also touch on the fact
10 about expert witnesses. I believe that there
11 was one individual classified or qualified as
12 an expert witness. Normally, as I told you
13 at the time, a person cannot testify beyond
14 anything that they have observed, smelled,
15 eyewitness type information unless somebody
16 is qualified to give an opinion based on
17 their training, their background and
18 expertise in their field. Experts may
19 testify as to their opinion about matters.

20 But just because a person is qualified
21 as an expert does not mean that you have to
22 accept that fact even though it may not be
23 contradicted. You are to give an expert's
24 testimony the same weight as you do any other
25 witness.

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1 One of the things that you also must
2 determine in your deliberations is the
3 credibility of witnesses who have testified.
4 Credibility simply means believability.

5 It becomes your duty as jurors to
6 determine and evaluate the evidence and
7 determine which evidence convinces you of its
8 truth.

9 In determining the believability of
10 witnesses who have testified in this case,
11 you may believe one witness over several
12 witnesses or several witnesses over one
13 witness.

14 You may believe a part of a witness'
15 testimony and reject the remaining testimony
16 of that same witness. You may believe the
17 testimony of a witness in its entirety or you
18 may reject it in its entirety.

19 You may consider whether any witness has
20 exhibited to you any bias, prejudice or other
21 motive in the case.

22 You may also consider the appearance and
23 the manner of the witness while on the
24 witness stand.

25 In other words, you are to use your

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1 collective common sense to weigh, just like
2 everything else, to weigh the evidence and
3 give it the weight that you feel it deserves.

4 There has been evidence presented that
5 the witness (sic) made prior statements which
6 were not consistent with his present
7 testimony. You may use this evidence to
8 decide whether to believe the witness.

9 You may also use evidence of the earlier
10 contradictory statements to determine the
11 truth of those statements. It is up to you
12 to decide whether to believe the earlier
13 statements or the testimony given in trial.

14 If a witness is shown to have knowingly
15 testified untruthfully concerning a matter,
16 you may consider this in determining whether
17 to trust the witness' testimony as to other
18 matters. You may reject all testimony of
19 that witness or give all or part of the
20 testimony the weight which you think that it
21 deserves.

22 A statement also was presented that was
23 made by the defendant, admitted into evidence
24 in this case. The Court has determined that
25 this statement was admissible. I instruct

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1 you that you make the ultimate decision of
2 whether or not the defendant made the
3 statement. If the defendant did make the
4 statement, you must determine whether the
5 statement was made by the defendant
6 voluntarily and of his free will. This means
7 that the statement was not caused by
8 pressure, force, fear, threats, coercion or
9 by intimidation or by hope or promise of
10 leniency or reward of any kind.

11 In determining whether the statement was
12 voluntary, you should consider both the
13 characteristics of the defendant and the
14 details of the questioning. Some of the
15 factors that you consider in making this
16 determination are the age of the defendant,
17 the defendant's education or lack of
18 education, the defendant's mental ability or
19 capacity, the defendant's IQ or intelligence,
20 the defendant's background and environment,
21 the place and length of detention, the nature
22 of the questioning and the advice, or lack
23 thereof, to the defendant of his
24 Constitutional rights, including but not
25 limited to:

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1 The right to remain silent.

2 That any statement can be used
3 against him in a court of law.

4 The right to have a lawyer present.
5 If he should not be able to afford a lawyer
6 that one will be appointed to represent him
7 free of charge.

8 That he can stop making the state-
9 ment at any time.

10 You must carefully consider all of the
11 surrounding circumstances before you give any
12 weight to such an alleged statement.

13 The State has the burden of proving
14 beyond a reasonable doubt that the alleged
15 statement was voluntary. If you determine
16 that it was, you may give the statement any
17 further consideration that you deem proper.
18 You must decide what weight, if any, must be
19 given to the alleged statement. If you
20 determine that the alleged statement was not
21 the free and voluntary statement of the
22 defendant, you should not consider this
23 statement at all.

24 Now, in a criminal matter one of the
25 things that you must look to the State to

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1 prove as one of the elements is intent. In
2 order to establish criminal liability,
3 criminal intent is required. For example,
4 the mental state required to be proven by the
5 State for intent to commit a particular crime
6 might be purpose, intent, knowledge,
7 recklessness or negligence. Criminal intent
8 must be proven by the State beyond a
9 reasonable doubt.

10 Criminal intent is always a matter that
11 must be determined by the jury from the
12 circumstances surrounding the situation.

13 There is no way to prove intent to a
14 mathematical certainty. There is no way that
15 medical science can dissect a person's brain
16 and determine what the person had in mind, so
17 the law says that criminal intent must be
18 inferred by the circumstances shown to have
19 existed. This is how you make a
20 determination of whether or not the element
21 requiring intent was present.

22 It's not necessary to establish intent by
23 direct and positive evidence but intent may
24 be established by inference in the same way
25 as any other fact by taking into

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1 consideration the acts of the parties and all
2 the facts and circumstances of the case.

3 Criminal intent is a mental state, a
4 conscious wrongdoing. It's up to you to
5 determine what the defendant intended to do
6 based on the circumstances shown to have
7 existed at the time.

8 Criminal intent can arise from action or
9 failure to act. It may arise from
10 negligence, recklessness or any indifference
11 to duty or to the consequence considered by
12 the law to be the equivalent of criminal
13 intent.

14 All right, let me have -- now I am going
15 to get into the substantive law of the
16 charges themselves and the elements of the
17 charges that the State must prove.

18 First is a charge of burglary first
19 degree. This is defined by our State
20 statute. The defendant is charged with first
21 degree burglary. The State must prove,
22 beyond a reasonable doubt, that the defendant
23 entered a dwelling without consent. That's
24 one of the elements.

25 A dwelling is any building or portion of

1 a building in which a person ordinarily
2 sleeps. A building constructed as a dwelling
3 that has never been occupied cannot be
4 considered a dwelling. But a building is a
5 dwelling even if the residents are
6 temporarily absent from the building.
7 The State does not have to prove that force
8 was used to gain entry.

9 That is the first element, entry into a
10 dwelling.

11 Next, the State must prove beyond a
12 reasonable doubt that the defendant intended
13 to commit a crime, either a felony or a
14 misdemeanor, at the time of the entry. The
15 mere entry into a dwelling without consent
16 is not burglary. If the intent to commit a
17 crime is formed after the entry, it is not
18 burglary. On the other hand, if the
19 defendant intended to commit a crime at the
20 time of the entry it is a burglary even if
21 the intent was abandoned after the entry.
22 It does not matter that the intended crime
23 was not completed.

24 Intent may be shown by acts and conduct
25 of the defendant and other circumstances from

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1 which you may naturally and reasonably infer.

2 The third element of the crime of
3 burglary first -- you have the entering of a
4 dwelling, intent to commit a crime and,
5 finally, the State must prove beyond a
6 reasonable doubt that while entering or while
7 in the dwelling or when fleeing that the
8 defendant was armed with a deadly weapon.

9 A deadly weapon is any article,
10 instrument or substance which is likely to
11 cause death or great bodily harm. Whether an
12 instrument has been used as a deadly weapon
13 depends on the facts and circumstances of
14 each case.

15 A gun may be a deadly weapon even if it
16 is not operable. A person is considered
17 armed with a deadly weapon if he had physical
18 control over the deadly weapon in effecting
19 entry of or while in the dwelling or in the
20 immediate flight therefrom such that the
21 weapon is readily available for the person to
22 use.

23 So there's the three elements for
24 burglary first: entering a dwelling without
25 consent with the intent to crime while armed

1 with a deadly weapon. The State must prove
2 all three elements beyond a reasonable doubt.

3 The second charge in this matter is grand
4 larceny, which is also defined by statute.
5 The State must prove beyond a reasonable
6 doubt that the defendant took and carried
7 away the property of another against the will
8 or without the consent of that other person.

9 The slightest removal of property or the
10 complete possession of the property, even for
11 an instance, by the defendant is enough to
12 show a taking and carrying away.

13 The State must also prove beyond a
14 reasonable doubt that the defendant intended
15 to permanently deprive the owner of the
16 property.

17 So the taking of someone's property
18 without their consent.

19 The final element of grand larceny is the
20 State must prove that the value of the
21 property taken was more than \$2,000.

22 All right. Now, Mr. Foreman, -- please
23 hand this to the foreman.

24 BAILIFF: (Complies).

25 THE COURT: I am going to go through

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1 the verdict form with you. You will have it
2 in your jury room.

3 First of all, the top part of this is
4 just the indictment number and it has the
5 caption. As I told you, you're to disregard
6 the fact that this individual was charged.
7 That is not to be considered as evidence.

8 The verdict form has two questions,
9 because you have two charges: burglary first
10 and grand larceny.

11 As to the first charge, that is
12 Indictment 17-GS-23-1278 for burglary first
13 degree it says, "We, the jury, find the
14 Defendant, Christian Scowcroft, ..." -- then
15 you check one. I had to put your choices in
16 some order, so there is no meaning behind one
17 choice being first or second, guilty or not
18 guilty.

19 If you find that the State did not meet
20 their burden, then you would check Not Guilty
21 as to burglary first.

22 If you find that the State did meet their
23 burden, upon your deliberations, you would
24 check Guilty as to burglary first.

25 Then you go to item two, same indictment.

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1 number, for grand larceny. "We, the jury,
2 find the Defendant, Christian Scowcroft,..."
3 -- and you check one, guilty or not guilty.

4 Then you, as the foreperson, sign saying
5 that you certify this as the unanimous
6 decision of the jury, then date it.

7 Once you have completed your verdict, you
8 will indicate to the -- the bailiff will show
9 you what you need to do as far as flipping a
10 switch so that the light comes in and we know
11 that you've reached a verdict or that you may
12 have a question.

13 Let me tell you a little bit about your
14 deliberations. First of all, a verdict must
15 be a unanimous decision. That means that all
16 twelve of you must decide and agree on each
17 of the charges.

18 Your verdict cannot be based on sympathy,
19 passion, prejudice, emotion or any other
20 consideration which is not in evidence.

21 Once you have reached your verdict, you
22 -- again, the bailiff will show you what you
23 need to do.

24 In the process of your deliberations, if
25 you have a question, what you will need to

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1 do, Mr. Foreman, is that you'll have pen and
2 paper back there. You will write a note to
3 me, sign it, date it at the bottom. Give
4 that to the bailiff, and the bailiff will
5 bring that to me. I will review your
6 question and decide how to respond. A lot of
7 times I can respond by just writing on the
8 note. Sometimes it will be necessary to
9 return you to the jury room and if that is
10 the case, we will do.

11 A lot of question that comes into play,
12 in both civil and criminal cases, is 'can we
13 see such and such.' I will tell you right
14 now that the only evidence which you can
15 consider is the evidence which has been
16 entered. If something was not presented,
17 then that is not something that you can
18 consider in your deliberations. So that is
19 a question commonly asked, to see some
20 additional matters but we cannot produce
21 anything that was not entered during the
22 trial..

23 So I'm sending you back to your jury
24 room. Do not begin your deliberations yet.
25 I have to talk to the attorneys to make sure

1 that I covered all the law, that I didn't
2 misstate something. If I have misstated
3 something or there is something I left out,
4 then I'd have to bring you back in here and
5 tell you -- I won't go over the whole thing,
6 don't worry. But I'd recharge you on
7 anything that I may have misspoke about and
8 anything that I missed.

9 If there are no issues that I need to
10 bring you back on, the signal for you to
11 begin your deliberations is when receive the
12 exhibits and the verdict form. He will
13 exchange that for the Alternate.

14 Unfortunately the Alternate cannot be
15 involved in deliberation. I don't want you
16 to think that that means that you were not
17 important in this process. As you saw, we
18 had to seat one Alternate. Frequently
19 somebody gets sick or has some emergency and
20 they cannot continue, so it's very important
21 that we have alternates. Your role here has
22 been extremely important and I don't want --
23 unfortunately you cannot be in the room, you
24 cannot be involved in deliberations of the
25 matter. So when the exhibits and the verdict

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1 form come to the jury room, please step out.
2 I will be with you shortly to tell you how
3 long we might need for you to remain. Should
4 it become necessary to return the jury for
5 further instruction on the law or any
6 correction, then you will return with the
7 jury for that.

8 Go back but don't begin deliberations
9 until you receive the evidence and the
10 verdict form and the Alternate has stepped
11 out of the room.

12 Your lunch should be here shortly.

13 (JURY OUT @ 1:00 P.M.)

14 THE COURT: Any exceptions or additions
15 from the State?

16 SOLICITOR FOWLER: No, Judge.

17 THE COURT: Any exceptions or additions
18 from the defendant?

19 RANDY CHAMBERS: No, Your Honor.

20 THE COURT: Please get with Ms.
21 Garrison (court reporter) and review the
22 evidence.

23 (COUNSEL APPROVAL OF EXHIBITS)

24 (JURY IN DELIBERATION @ 1:04 P.M.)

25 (NOTIFIED OF JURY QUESTION @ 2:45 P.M.)

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1 (DEFENDANT PRESENT)

2 THE COURT: I have a note from the
3 jury asking for a recharge on the burglary,
4 so I will give them the same charge on first
5 degree burglary as I did before. Does
6 anybody want to see the note or have any
7 comments?

8 SOLICITOR FOWLER: That's good,
9 Judge.

10 RANDY CHAMBERS: That seems appropriate
11 to me, Judge.

12 THE COURT: All right, please bring in
13 the jury.

14 COURT REPORTER: Court's Exhibit 2.

15 (JURY IN @ 2:55 P.M.)

16 THE COURT: Mr. Foreman, I have
17 received a note that says, "Please repeat
18 terms for burglary first degree", signed by
19 the foreman.

20 I gather from that that you want me to
21 repeat the charge just on the elements for
22 burglary first degree.

23 FOREMAN: Yes, sir.

24 THE COURT: Okay. All right. So first
25 degree burglary. The State must first prove

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1 that beyond a reasonable doubt that the
2 defendant entered a dwelling without consent.

3 A dwelling is any building or portion of
4 a building in which a person ordinarily
5 sleeps. A building constructed as a dwelling
6 that has never been occupied cannot be
7 considered a dwelling. But a building is a
8 dwelling even if the residents are
9 temporarily absent from the building.
10 The State does not have to prove that force
11 was used to gain entry.

12 That is the first element, entry into a
13 dwelling.

14 Next, the State must prove beyond a
15 reasonable doubt that the defendant intended
16 to commit a crime, either a felony or a
17 misdemeanor, at the time of the entry. The
18 mere entry into a dwelling without consent
19 is not burglary. If the intent to commit a
20 crime is formed after the entry, it is not
21 burglary. On the other hand, if the
22 defendant intended to commit a crime at the
23 time of the entry it is a burglary even if
24 the intent was abandoned after the entry.
25 It does not matter that the intended crime

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1 was not completed.

2 Intent may be shown by acts and conduct
3 of the defendant and other circumstances from
4 which you may naturally and reasonably infer.

5 The third element of the crime of
6 burglary first -- you have the entering of a
7 dwelling, intent to commit a crime and,
8 finally, the State must prove beyond a
9 reasonable doubt that while entering or while
10 in the dwelling or when fleeing that the
11 defendant was armed with a deadly weapon.

12 A deadly weapon is any article,
13 instrument or substance which is likely to
14 cause death or great bodily harm. Whether an
15 instrument has been used as a deadly weapon
16 depends on the facts and circumstances of
17 each case.

18 A gun may be a deadly weapon even if it
19 is not operable. A person is considered
20 armed with a deadly weapon if he had physical
21 control over the deadly weapon in effecting
22 entry of or while in the dwelling or in the
23 immediate flight therefrom such that the
24 weapon is readily available for the person to
25 use.

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1 So there's the three elements for
2 burglary first: entering a dwelling without
3 consent with the intent to crime while armed
4 with a deadly weapon. The State must prove
5 all three elements beyond a reasonable doubt.

6 Is that what you needed?

7 FOREMAN: I believe so, sir.

8 THE COURT: Then you may go back and
9 continue your deliberations.

10 (JURY OUT @ 2:59 P.M.)

11 THE COURT: Any exception of objection
12 from the State?

13 SOLICITOR FOWLER: No, Judge.

14 THE COURT: From the defense?

15 RANDY CHAMBERS: No, Your Honor.

16 THE COURT: We will be at-ease until we
17 hear from the jury. Please stay close by.

18 SOLICITOR FOWLER: Yes, Judge.

19 (NOTIFIED of VERDICT @ 3:20 P.M.)

20 (DEFENDANT PRESENT)

21 THE COURT: I've been notified that the
22 jury has reached a verdict. I am sure that
23 everybody is aware that you are to maintain
24 composure when the verdict is read. No one
25 is to react whatever the verdict is. If

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1 anyone cannot control their behavior, you
2 will be removed from the courthouse and I
3 will deal with that after we receive the
4 verdict. Bring the jury in.

5 (JURY IN @ 3:25 P.M.)

6 THE COURT: Mr. Foreman, I understand
7 that the jury has reached a verdict. Please
8 pass the verdict form to the bailiff.

9 FOREMAN: (Complies)

10 BAILIFF: (Tenders form to Judge).

11 THE COURT: (Upon review), it appears
12 that the verdict form has been properly
13 complete. Please publish the verdict.

14 CLERK: In the case of 17-GS-23-1278,
15 the State of South Carolina versus Christian
16 Scowcroft, (reading): "As to Indictment 17-
17 GS-23-1278, for burglary in the first degree,
18 we find the Defendant, Christian Scowcroft,
19 Guilty."

20 Number two, as to Indictment 17-GS-23-
21 1278 for grand larceny, "We, the jury, find
22 the Defendant, Christian Scowcroft, Guilty."

23 This is signed by our foreperson.

24 Ladies and gentlemen, if you agree that
25 this is the verdict that you reached in your

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1 deliberations, please raise your right hand.

2 (UNANIMOUS RESPONSE BY JURORS)

3 THE COURT: Anything from the jury,
4 from the State?

5 SOLICITOR FOWLER: No, Judge.

6 THE COURT: Anything from the jury from
7 the defendant?

8 RANDY CHAMBERS: No, Your Honor.

9 THE COURT: Ladies and gentlemen, thank
10 you for your service in this matter. At this
11 time you can retire back to your jury room.
12 That ends your services for this week. I do
13 appreciate your service. I will step back in
14 just a few minutes and answer any questions
15 that you might have. Thank you.

16 (JURY DISMISSED/EXITS COURTROOM)

17 THE COURT: Anything from the
18 Defendant?

19 RANDY CHAMBERS: Your Honor, I make a
20 Motion for a new trial.

21 THE COURT: All right. I think that
22 the discussion that we had at the directed
23 verdict stage, uh, I believe that based on
24 circumstantial evidence that it was
25 appropriately a jury trial. I am not aware

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1 of any basis for a new trial. So I deny your
2 Motion.

3 RANDY CHAMBERS: Do you want us to step
4 forward, Judge?

5 THE COURT: Please. Do you have the
6 sentencing sheet?

7 SOLICITOR FOWLER: Yes, Judge.

8 There's a restitution Order there as well.

9 THE COURT: For the record, this is the
10 State versus Christian Scowcroft.

11 As indicated by the verdicts, Mr.
12 Scowcroft, the jury has found you guilty on
13 both charges: burglary in the first degree
14 and grand larceny.

15 I will be glad to hear from you, Mr.
16 Chambers. But, as you know, my hands are
17 kinda tied in this matter.

18 RANDY CHAMBERS: They are, Your Honor.
19 I -- you know, I -- I looked to see if I
20 could come up with any authority for reducing
21 the fifteen-year sentence in this case. I
22 don't have any authority. I know that a very
23 long time ago when I was still working in the
24 Solicitor's Office, back in the '90s, that we
25 had a case in front of Judge Peeples, and

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Jury Trial of August 23-24, 2017

Verdict and Sentence

1 Judge Peeples suspended a fifteen-year
2 sentence down to something less on burglary
3 first. I didn't question him as a
4 prosecutor. I don't know if he could do that
5 or not. If there is any way that that could
6 be done, this would certainly be an
7 appropriate case for it.

8 You've heard everything about my client.
9 You know, no criminal record. Citadel grad.
10 Engineering, working white-collar
11 professional type jobs. He -- I have
12 something from his employer now that he is
13 in charge of a \$3.2 Million dollar enterprise
14 that there with the purchasing and things
15 that he does. He's not somebody that, I
16 think in his wildest imagination, ever
17 thought he would be going to prison,
18 especially for fifteen years.

19 Beyond that, I don't know what I could
20 say. I know from our conversations off the
21 bench that you are very sympathetic to the
22 situation, and I just ask you to do --
23 whatever you can do.

24 THE COURT: All right. Mr. Scowcroft,
25 based on -- again, the jury finding you

1 guilty, there isn't -- it sounds like if
2 you're guilty of this, as the jury has
3 indicated, it appears that this is just a
4 blip in your life, not consistent with
5 anything that I've heard here.

6 But, you know, -- and I'll be glad to
7 hear from you but your attorney -- that's why
8 we took that break yesterday because this
9 charge has a mandatory minimum. I'm not
10 going to tell you that I agree with that,
11 especially under this circumstances, at all.
12 But that's what the law is.

13 I want to give you an opportunity to tell
14 me anything that you want to tell me. I'm
15 just telling you know that my hands are kinda
16 tied on this.

17 If there is anything that you want to
18 tell me, I'll be glad to listen to you.

19 DEFENDANT: Your Honor, I'm just
20 ashamed that I found myself in this
21 situation, involved with these kinds of
22 people. I wish that I could do more to
23 overcome some of the things that I ran into,
24 the person that I was living with, that I
25 brought him into my life, my family's lives.

State of South Carolina v. Christian Arenson Scowcroft
Case No. 17-GS-23-01278
Jury Trial of August 23-24, 2017
Verdict and Sentence

357

1 People that I love have been affected by him,
2 by this.

3 I'm sorry for Harrison and what happened
4 to him. I'm sorry for the people that have
5 been affected by this.

6 I just -- I don't understand how I could
7 live a life of leadership and of exemplary
8 behavior, being everything that I wanted to
9 do, and more, to do so well at what I've
10 done, tried to be such a good example for
11 everyone and then have something that is
12 questionable, at best, not even set in stone,
13 to come back to ruin it all and change
14 everything. It's purely from the effect of
15 happenstance. There is no -- there is
16 nothing concrete to it.

17 THE COURT: I appreciate where you're
18 coming from. Anything else?

19 RANDY CHAMBERS: No, Your Honor.

20 THE COURT: Anything else from the
21 State?

22 SOLICITOR FOWLER: No, Judge.

23 THE COURT: I think he has sixty days
24 in jail. The mandatory minimum is fifteen
25 years, so the sentence of the court is

State of South Carolina v. Christian Arenson Scowcroft

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Case No. 17-GS-23-01278

Jury Trial of August 23-24, 2017

Verdict and Sentence

1 fifteen (15) years with credit for sixty days
2 served.

3 On the grand larceny, that's one year
4 with credit for time served.

5 Sentences are to run concurrent.

6 Restitution per the Order.

7 Good luck to you, Mr. Scowcroft.

8 (TRIAL CONCLUDED)

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I further certify that I am neither kin nor counsel to any of the parties and have no interest in the outcome of this action.

Deborah Garrison

Greenville, South Carolina
November 25, 2017

WITNESSES

R Grubbs

Greenville County Sheriffs Office

8/26/2016

ARREST WARRANT NUMBER

2016A2330208100, 2016A2330208101

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

VERDICT

Burgary - Guilty

Grand Larceny - Guilty

Foreperson of Petit Jury

Date: 9-24-17

DOCKET NO. 2017-GS-23-

AOF

001278

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

February

TERM 2017

THE STATE

vs.

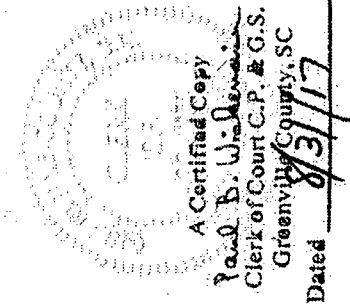
CHRISTIAN ARENSON SCOWCROFT

Indictment for

0079/3420

BURGLARY FIRST DEGREE
AND GRAND LARCENY

VIOLATION § 16-11-0311 and §16-13-0030



STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)

INDICTMENT FOR
 BURGLARY FIRST DEGREE AND GRAND LARCENY

At a Court of General Sessions, convened on **FEB 21 2017**
 County present upon their oath:

the Grand Jurors of Greenville

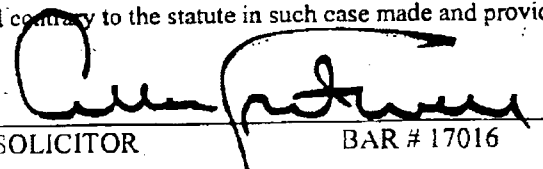
COUNT I - BURGLARY FIRST DEGREE

That CHRISTIAN ARENSON SCOWCROFT did in Greenville County, on or about the 16th day of August 2016, willfully and unlawfully enter the dwelling of HARRISON GOLSON located at ■ Alex Court, Greenville, SC, without consent and with the intent to commit a crime therein, and the burglary was accompanied by circumstances of aggravation, to wit: defendant did become armed with a deadly weapon upon entering the dwelling. This is in violation of §16-11-0311 of the South Carolina Code of Laws (1976) as amended.

COUNT II - GRAND LARCENY

That CHRISTIAN ARENSON SCOWCROFT did in Greenville County, on or about the 16th day of August, 2016, feloniously take and carry away the personal property of HARRISON GOLSON to wit: a shotgun, rifle and scope, gaming system with games and controllers, with a total value of more than Two Thousand Dollars with the intent to deprive the owner permanently of such property. This is in violation of §16-13-0030 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 case made and provided.


 SOLICITOR

BAR # 17016

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
STATE VS.

Christian Arenson Scowcroft

AKA:

Race: WHITE Sex: M Age: 26

DOB: 1-1991 SS#

Address: Cunningham Rd

City, State, Zip: Taylors, SC 29687

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Burglary, First Degree

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2017GS2301278

A/W#: 2016A2330208100

Date of Offense: 8/16/2016

S.C. Code §: 16-11-0311

CDR Code #: 0079

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

Fowler, Brann

102029

SC Bar#

Defendant

CHAMBERS, RANDALL

65302

SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,for a determinate term of 15 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 formonths/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 8/24/17☒ 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. 60 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☒ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☒ Ordered

Total: \$ 1354.20 plus 20% fee: 40.63s 1394.83

Payment Terms:

☐ Set by SCDPPS Per Order

Recipient:

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100 \$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100 \$
§ 56-5-2995 (DUI Assessment)	\$12 \$
§ 56-1-286 (DUI Breath Test)	\$25 \$
Proviso 61.6 (Public Def/Probation)	\$500 \$
§ 14-1-212 (Law Enforce. Funding)	\$25 \$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150 \$
§ 50-21-114(BUI Breath Test Fee)	\$50 \$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ca \$
3% to County (if paid in installments)	\$ 3.75

TOTAL:

\$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (07/2016)

PTUP

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel,
Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Presiding Judge

Judge Code:

Sentence Date:

2755

3/24/17

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Greenville
STATE VS.

INDICTMENT/CASE#: 2017GS2301278

Christian Arenson Scowcroft

A/W#: 2016A2330208101

AKA:

Date of Offense: 8/16/2016

Race: WHITE Sex: M Age: 26

S.C. Code § : 16-13-0030(B)

DOB: 1991 SS#: [REDACTED]

CDR Code #: 3420

Address: Cunningham Rd

City, State, Zip: Taylors, SC 29687

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: Larceny/Grand Larceny

SENTENCE SHEET

Randy
8-51

☐ CONVICTED OF or ☐ PLEADS

in violation of § 16-13-0030(B) of the S.C. Code of Laws, bearing CDR Code # 3420
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)

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

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

ATTEST: [Signature] 102029 65302
Fowler, Brann SC Bar# Defendant CHAMBERS, RANDALL SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 1 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 8/24/17
☒ 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. [Signature]

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: \$
§ 14-1-206 (Assessments 107.5%) \$
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$100.00
§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$
§ 56-5-2995 (DUI Assessment) \$12 \$
§ 56-1-286 (DUI Breath Test) \$25 \$
Proviso 61.6 (Public Def/Probation) \$500 \$
§ 14-1-212 (Law Enforce. Funding) \$25 \$25.00
§ 14-1-213 (Drug Court Surcharge) \$150 \$
§ 50-21-114(BUI Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$
3% to County (if paid in installments) \$3.75

TOTAL \$128.75

Clerk of Court/ Deputy Clerk [Signature]

Court Reporter: [Signature]

SCCA/217 (07/2016)

PTUP _____

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Presiding Judge [Signature]

Judge Code: 2755

Sentence Date: 8/24/17

CERTIFICATE OF COUNSEL FOR APPELLANT

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

Respectfully Submitted,



Kathrine H. Hudgins
Appellate Defender

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

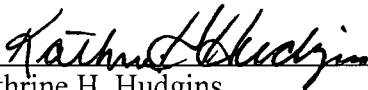
ATTORNEY FOR APPELLANT

This 25th day of October, 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,


Kathrine H. Hudgins
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 25th day of October, 2018.

RECEIVED
OCT 25 2018
SC Court of Appeals