

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Oconee County

Honorable R. Scott Sprouse, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

MICHAEL LEE TROTTER,

APPELLANT

APPELLATE CASE NO. 2019-000378

RECORD ON APPEAL

RECEIVED  
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SC Court of Appeals

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**THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:**

**STATE'S EXHIBIT #1 (DVD OF BODY CAM FOOTAGE)**

1 State of South Carolina  
 2 County of Oconee In the Court of General Sessions

3  
 4 State of South Carolina, )  
 5 )  
 6 ) 2019-GS-37-00266  
 7 ) 2018-GS-37-466, 467, 468  
 8 -vs- )  
 9 ) October 18, 2018  
 10 )  
 11 ) Michael Lee Trotter, )  
 12 ) Transcript of Record  
 13 ) Motions: Bond reduction  
 14 ) and Speedy Trial  
 15 ) Transcript of Record  
 16 )  
 17 )  
 18 )  
 19 )  
 20 )  
 21 )  
 22 )  
 23 )  
 24 )  
 25 )

12 B E F O R E:  
 13 The Honorable R. Scott Sprouse, Judge

15 A P P E A R A N C E S:  
 16 Jason Alderman, Esquire  
 17 Tenth Circuit Solicitor's Office  
 18 Attorney for the State  
 19 W. Wilson Burr, Esquire  
 20 Attorney for Defendant

22 Reported by:  
 23 Diane L. Marcengill, RPR, CRR, CRC  
 24 Circuit Court Reporter

1 (WHEREUPON, court convened with all parties  
2 present and the following proceedings were had  
3 commencing at 3:14 p.m.)

4 MR. ALDERMAN: Judge, this is Michael Trotter here  
5 on warrants 2017A3710100163, 162, 164, 167, 168. This  
6 is defense motion for bond reduction and speedy trial.

7 Bond is currently set in the aggregate of  
8 \$130,000.

9 THE COURT: Do we have an incident report? What's  
10 he charged with?

11 MR. ALDERMAN: I have a packet. There are  
12 actually three different incidences over a span of  
13 about five months.

14 MR. BURR: May it please the Court, Your Honor,  
15 it's my understanding he's made bond on all charges but  
16 the last two, a receiving stolen merchandise and a  
17 theft of a trailer. I'm sorry, obtaining signature  
18 under false pretenses.

19 THE COURT: It's \$130,000 total?

20 MR. BURR: It's 30,000 is posted. The last two,  
21 he got two \$50,000 bonds on the last two charges. That  
22 100,000 is what's holding him now.

23 (Pause in proceedings.)

24 THE COURT: I have reviewed the statutory  
25 materials and the defendant's motion.

1           Mr. Alderman, be happy to hear from you for the  
2 State.

3           MR. ALDERMAN: Yes, Your Honor. We believe the  
4 bond is appropriately set. Your Honor has had a chance  
5 to review his prolific criminal history. So we're  
6 concerned, obviously, with safety to the community,  
7 also the rate at which these three cases came together.

8           He, in September, was in possession of a stolen  
9 trailer. Two months later, after having been arrested  
10 and bonded out, he steals another trailer. And then  
11 two weeks later, this latest incident for which the  
12 high bonds were set, and I think that gives you some  
13 insight into why it was set in that way, and I believe  
14 that was appropriate.

15           THE COURT: All right.

16           Do any of the victims wish to address the Court?

17           MR. ALDERMAN: No, Your Honor.

18           THE COURT: All right.

19           Mr. Burr.

20           MR. BURR: May it please the, Court, Your Honor, I  
21 have only had Mr. Trotter's case less than a month.  
22 His family came in and retained me. I may be only  
23 assigned to two of the cases, the last two, but I  
24 agreed to represent him on all cases since I discovered  
25 the numerous warrants. And it just came to my

1 attention standing here, all these warrants are  
2 numbered right in order, but yet he was arrested four  
3 different times. They would serve a warrant, he would  
4 get out, make a bond, they would serve a warrant. That  
5 happened to him four different times. So it's only the  
6 last two. That's when they went to 50,000. They  
7 weren't all new crimes.

8 He's been in jail since last December. And part  
9 of my purpose today is to set the groundwork on a  
10 speedy trial. No SLED involved in this one. No lab  
11 work to be done. He's accused of property crimes.

12 I would ask the Court that the prosecution be  
13 instructed to set this thing for trial sometime soon or  
14 release him.

15 Also, Your Honor, when they arrested him last  
16 time, they confiscated his mother's car. I bet you I  
17 have got a dozen calls in to Officer Owens, McMahan,  
18 e-mails to Captain Reed, and for some reason, I think  
19 it's just harassment, they will not release his car to  
20 his mother. Her car. Not his; it's her car.

21 THE COURT: Mr. Alderman, when do you plan on  
22 calling this for trial?

23 MR. ALDERMAN: Judge, I suspect that we could be  
24 prepared to call one of these cases -- obviously, we  
25 can't roll them all together, but call one of these

1 cases within, say, three terms of court.

2 THE COURT: Could you be ready by December 10th?

3 MR. ALDERMAN: Judge, I would want to have a  
4 little bit of time to make sure I can contact all the  
5 witnesses and make sure to get everything in order.  
6 From our end, that notwithstanding, I believe we could.

7 THE COURT: Okay. All right.

8 Mr. Burr, I'm going to order this: Your request  
9 will be denied at this point, but if the case isn't  
10 resolved by January 1st, then you can revisit your  
11 motion.

12 MR. BURR: Thank you, Your Honor. It may be a  
13 little unorthodox, but would you have the prosecutor  
14 contact the sheriff's office in reference to releasing  
15 the mother's car? Because they are being totally  
16 unresponsive to me.

17 THE COURT: Is that car being held for any purpose  
18 for the case?

19 MR. ALDERMAN: Judge, I'd have to look into that.

20 THE COURT: Call them and find out what's going on  
21 with the car. If it's being held for evidence,  
22 certainly that needs to continue, but if they have  
23 determined that it's not evidence in the criminal case,  
24 then you need to talk to them about that.

25 MR. ALDERMAN: I'll look into it, Judge.

1 (WHEREUPON, proceedings concluded at 3:23 p.m.)

2 \*\*\*END OF REQUESTED TRANSCRIPT OF RECORD\*\*\*

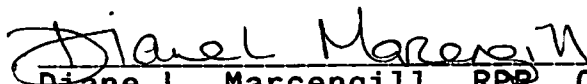
3  
4 Certificate of Reporter

5  
6 I, Diane L. Marcengill, Official Court Reporter  
7 for the Tenth Judicial Circuit of the State of South  
8 Carolina, do hereby certify that the foregoing is a  
9 true, accurate, and complete transcript of record of a  
10 portion of the proceedings had and evidence introduced  
11 in the trial of the captioned case, relative to appeal,  
12 in the Circuit Court for Oconee County, South Carolina,  
13 on the 18th day of October 2018.

14 This transcript may contain quoted material. Such  
15 material is reproduced as read by the speaker.

16 I do further certify that I am neither of kin, counsel,  
17 nor interest to any party hereto.

18 June 24, 2019

19  
20   
21 Diane L. Marcengill, RPR, CRR, CRC  
22 Circuit Court Reporter  
23  
24  
25

STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA, )  
 )  
 PLAINTIFF, )  
 )  
 )  
 -VS- )  
 )  
 MICHAEL LEE TROTTER, )  
 )  
 DEFENDANT. )  
 \_\_\_\_\_ )

2018-GS-37-00466 - 00468  
2019-GS-37-00266

TRANSCRIPT OF RECORD

FEBRUARY 25 - 26, 2019  
WALHALLA, SOUTH CAROLINA

BEFORE:

THE HONORABLE R. SCOTT SPROUSE

APPEARANCES:

ATTORNEY FOR PLAINTIFF:

JASON ALDERMAN  
ASSISTANT SOLICITOR

ATTORNEY FOR DEFENDANT:

WILSON BURR, ESQ.

SUSAN W. HUDGINS  
CIRCUIT COURT REPORTER

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EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVIDENCE</u>
S-1	DVD (NOT TRANSCRIBED)-----	27	

TRIAL TYPE : Criminal  
PANEL ID : 18GS466-468/19-  
COURTROOM CTRM

DESCRIPTION : STATE OF SC V. MICHAEL LEE TROTT Trial

NAME	JUROR NBR	RACE	SEX	ST/PLTFF	DEF	CRT	REMARKS
<del>1</del> DX1 Hester, Natalie N	69	W	F	( )	( )	( )	WF
<del>2</del> Jefferson, Sonja M	83	W	F	( )	( )	( )	WF
DX3 Harpest, Todd R	65	W	M	( )	( )	( )	WM
DX4 Mccalister, Susan C	107	W	F	( )	( )	( )	WF
5X 5 Flournoy, Glenn S	46	W	M	( )	( )	( )	WM
DX 6 Nalley, Michael P	122	W	M	( )	( )	( )	WM
DX 7 Bright, Susan Q	20	W	F	( )	( )	( )	WF
<del>8</del> Pearson, Joe D	127	W	M	( )	( )	( )	WM
<del>9</del> Simpson, Tracy E	149	W	M	( )	( )	( )	WM
<del>10</del> Hunter, Rodney E	80	B	M	( )	( )	( )	BM
DX11 Gantt, Thomas M	51	W	M	( )	( )	( )	WM
<del>12</del> Helms, Jason A	67	W	M	( )	( )	( )	WM
<del>13</del> Blackwell, Victor R	14	W	M	( )	( )	( )	WM
<del>14</del> Patterson, Kayshia M	126	B	F	( )	( )	( )	BF
DX 15 Franks, William R U	47	W	M	( )	( )	( )	WM
DX 16 Rogers, Luke T	137	W	M	( )	( )	( )	WM
<del>17</del> Dickerson, Michael G	41	W	M	( )	( )	( )	WM
DX 18 Burdette, Joseph B	23	W	M	( )	( )	( )	WM
DX19 Busha, Sandra S	24	W	F	( )	( )	( )	WF
DX 20 Clark, Larry S	34	W	M	( )	( )	( )	WM
5X 21 Roach, Samantha N	135	W	F	( )	( )	( )	WF
DX 22 Moore, Janelle G	116	W	F	( )	( )	( )	WF
<del>23</del> VanDerToom, Deborah	163	W	F	( )	( )	( )	WF
<del>24</del> Allen, Kimberly M	3	W	F	( )	( )	( )	WF

NAME	JUROR NBR	RACE	SEX	ST/PLTFF	DEF	CRT	REMARKS
X25 Smith, Austin R	150	W	M	( )	( )	( )	WM
<del>26 Moore, James M</del>	115	W	M	( )	( )	( )	WM
<del>27 Carroll, Logan N</del>	27	W	F	( )	( )	( )	WF
X28 Alig, Vincent S	2	W	M	( )	( )	( )	WM
<del>29 Gambrell, Gail W</del> (A)	50	W	F	( )	( )	( )	WF
30 Wilhelm, Dawn L	175	W	F	( )	( )	( )	
31 Taylor, Debra A	153	W	F	( )	( )	( )	
32 Gonzalez, Gregorio Jr	53	H	M	( )	( )	( )	

Total Number of Jurors: 32

\*\* END OF REPORT \*\*

1 Monday, February 25, 2019:

2 **THE COURT:** All right. Are we ready to draw our jury  
3 on our second case?

4 **MR. ALDERMAN:** Yes, Your Honor.

5 **MR. BURR:** Yes, Your Honor.

6 **THE COURT:** All right. Do we have the indictment?

7 **MR. BURR:** Your Honor, may we approach?

8 **THE COURT:** Yes, sir.

9 (Whereupon a bench conference was held off the record)

10 (Whereupon the bench conference was ended)

11 **THE COURT:** All right. Is the State ready to call the  
12 second case?

13 **MR. ALDERMAN:** Yes, Your Honor. May it please the  
14 Court? Call the State of South Carolina versus Michael Lee  
15 Trotter on indictments 2018-GS-37-00466, 467, 468 as well as  
16 2019-GS-37-00266. The charges are petty larceny, grand  
17 larceny, possession of tools used in the commission of a  
18 crime and burglary in the second degree, violent.

19 **THE COURT:** Okay. Ladies and gentlemen, as you've  
20 heard, this is the case of the State versus Michael Lee  
21 Trotter. The solicitor's announced the indictment number  
22 and the charges.

23 As I stated in the first case that we selected, the  
24 indictments are simply the documents through which the case  
25 is brought to court. They do not constitute evidence of the

1 charges made against the Defendant.

2 The Defendant has pled not guilty to the charges.  
3 Therefore, the State has the burden of proving the Defendant  
4 guilty beyond a reasonable doubt. And if you are called to  
5 serve on the jury, you will determine whether or not the  
6 State has met their burden of proof.

7 Like we did in the first case, I'm going to ask you  
8 some questions about this particular case to ensure that  
9 both the Defense and the State receive a fair and impartial  
10 jury to hear and determine the facts of this case. So the  
11 first order of business, I'd like each attorney to introduce  
12 themselves and any persons that may be assisting in the  
13 prosecution and the defense of the case.

14 **MR. BURR:** Thank you, Your Honor. Ladies and  
15 gentlemen, I'm Wilson Burr. I'm a member of the local Bar.  
16 I have the pleasure of representing Michael Trotter in this  
17 case.

18 **MR. ALDERMAN:** Ladies and gentlemen, my name is Jason  
19 Alderman. I'm an assistant solicitor here in Oconee County  
20 serving your elected Solicitor, Mr. David Wagner. Assisting  
21 me in the prosecution today is Master Patrol Deputy Justin  
22 Pelfrey. Thank you.

23 **THE COURT:** Is there any member of the jury panel  
24 related by blood or marriage or has a close personal or  
25 social relationship with one of the attorneys or a witness

1 for the Prosecution or the Defense that have been  
2 introduced?

3 (No response)

4 **THE COURT:** Okay. There are none.

5 Is there any member of the jury panel ever been  
6 represented by one of these attorneys, a law firm that they  
7 may have been involved with or have one of these attorneys  
8 or their law firm represented someone against you in court?  
9 If so, please stand.

10 (No response)

11 **THE COURT:** There are none.

12 Now the following is a list of potential witnesses that  
13 have been submitted. Justin Pelfrey, Oconee County  
14 Sheriff's Office, Scott Jake Spence, Oconee County Sheriff's  
15 Office, Barry Owens, Oconee County Sheriff's Office, Ariel  
16 Roach, Roderick Moon, Laura Lusk, Richard Mull, Thomas  
17 Garren, Beverley Whitfield, Frankie Gray. Is any member of  
18 the jury panel related by blood or marriage or has a close  
19 personal or social relationship with any of these potential  
20 witnesses? If so, please stand. Yes, sir.

21 **JUROR:** May I approach?

22 **THE COURT:** Yes, sir.

23 (Whereupon a bench conference was held on the record  
24 with the juror)

25 **THE COURT:** What's your number?

1           **JUROR:** 47, sir.

2           **THE COURT:** All right, Mr. Franks.

3           **MR. FRANKS:** I'm a paramedic with the system. It's not  
4 that I have a social interaction, but I know Barry Owens on  
5 a professional level.

6           **THE COURT:** Do you feel that you could be fair and  
7 impartial if called to serve?

8           **MR. FRANKS:** Absolutely.

9           **THE COURT:** All right. Thank you, sir. You can take  
10 your seat.

11           (Whereupon the bench conference was ended)

12           **THE COURT:** Any further?

13           (No response)

14           **THE COURT:** Has any member of the jury panel, family  
15 member or close friend been prosecuted by the Tenth Circuit  
16 Solicitor's Office?

17           (No response)

18           **THE COURT:** There are none.

19           Has any member of the jury panel, family member or  
20 close friend been accused of or prosecuted for burglary,  
21 larceny or possession of burglary tools?

22           (No response)

23           **THE COURT:** There are none.

24           These incidents are alleged to have occurred on  
25 November 27th, 28th, 2017 in Oconee County, and September

1 27th, 2017 in Oconee County. Does any member of the jury  
2 panel have any prior knowledge from any source about the  
3 facts of this case? If so, please stand.

4 (No response)

5 **THE COURT:** There are none.

6 Does any member of the jury panel know of any other  
7 reason why he or she could not be fair and impartial if  
8 called to serve?

9 (No response)

10 **THE COURT:** Okay. There are none.

11 Any further voir dire questions from the State?

12 **MR. ALDERMAN:** None from the State, Your Honor.

13 **THE COURT:** Any further questions from the Defense?

14 **MR. BURR:** Your Honor, can I have the jury question if  
15 they have been a victim of ---

16 **THE COURT:** Okay. Has any member of the jury panel or  
17 a member of your family been a victim of a burglary, larceny  
18 or possession of burglary tools? If so, please stand. All  
19 right. Yes, sir, your number?

20 **JUROR:** Number 2, Vincent Alig.

21 **THE COURT:** All right. Mr. Alig, let me -- let me --  
22 I'm going to come forward.

23 (Whereupon a bench conference was held on the record  
24 with jurors)

25 **THE COURT:** All right. Mr. Alig, when was this?

1           **MR. ALIG:** It was about 1979. My car was broken into  
2 and everything was stolen out of my car.

3           **THE COURT:** All right. With that knowledge do you feel  
4 you could be fair and impartial?

5           **MR. ALIG:** Yes.

6           **THE COURT:** All right. Thank you, sir. You can take  
7 your seat.

8           **MR. ALIG:** All right.

9           **THE COURT:** All right. What's your number?

10          **JUROR:** 51, sir.

11          **THE COURT:** 51. Mr. Gantt?

12          **MR. GANTT:** Yes, sir.

13          **THE COURT:** And what was your situation, Mr. Gantt?

14          **MR. GANTT:** A young man stole property from me. The  
15 police department recovered it. He ultimately ended up  
16 standing trial and was sentenced.

17          **THE COURT:** How long ago was that?

18          **MR. GANTT:** It's been at least three years, maybe four  
19 years ago. I forget the time.

20          **THE COURT:** With that knowledge do you feel you could  
21 be fair and impartial?

22          **MR. GANTT:** Yes, I could.

23          **THE COURT:** All right. Thank you, sir. You can be  
24 seated.

25          Yes, ma'am, your number?

1           **JUROR:** 20. Susan Bright.

2           **THE COURT:** Ms. Bright?

3           **MS. BRIGHT:** Yes. My house was broken into about two  
4 years ago. It was -- the person was scared off by a dog,  
5 but not really burglarized, but ...

6           **THE COURT:** With that knowledge do you feel you could  
7 be fair and impartial?

8           **MS. BRIGHT:** Yes.

9           **THE COURT:** All right. Thank you, ma'am. You can be  
10 seated.

11           Your number?

12           **JUROR:** 65.

13           **THE COURT:** Mr. Harpest, what's your situation?

14           **MR. HARPEST:** Well, I don't know if I should bring it  
15 up or not, but my dad was the mayor for the community I was  
16 in and caught a criminal in our garage trying to steal my  
17 dad's tools.

18           **THE COURT:** How long ago was that?

19           **MR. HARPEST:** Oh, boy. I was 17, 18. So -- I saw the  
20 guy and ran after him, but I don't know ---

21           **THE COURT:** How old are you now?

22           **MR. HARPEST:** Fifty-five.

23           **THE COURT:** So it's been 40 ---

24           **MR. HARPEST:** Oh, yeah.

25           **THE COURT:** With that knowledge do you feel you could

1 be fair and impartial?

2 **MR. HARPEST:** Yeah. If he's guilty, he's guilty, if  
3 he's not, he's not.

4 **THE COURT:** Okay. Thank you, sir.

5 What's your number?

6 **JUROR:** 23.

7 **THE COURT:** All right. Mr. Burdette, what's your  
8 situation?

9 **MR. BURDETTE:** Two different occasions we've had stuff  
10 stolen from our house. We had a landscaping trailer broke  
11 into, a big enclosed trailer, everything stolen, uncovered a  
12 lawnmower. And then most recently, about five months ago,  
13 we had a trailer stole from our shop, logging chains cut,  
14 some damage done to the property.

15 **THE COURT:** And is that case still pending?

16 **MR. BURDETTE:** Yeah, that was never recovered.

17 **THE COURT:** Okay. So there's no charge pending against  
18 anyone?

19 **MR. BURDETTE:** Uh-uh (negative).

20 **THE COURT:** With that knowledge do you feel that you  
21 could be fair and impartial if called to serve?

22 **MR. BURDETTE:** Yeah.

23 **THE COURT:** All right. Thank you, sir. You can be  
24 seated.

25 Yes, ma'am.

**JURY SELECTION**

1           **JUROR:** 116, Janelle Moore.

2           **THE COURT:** Ms. Moore, what's your situation?

3           **MS. MOORE:** My car was stolen from the parking lot  
4 where I worked many years ago. And my house was broken  
5 into, also many years ago.

6           **THE COURT:** And with that knowledge do you feel you  
7 could be fair and impartial?

8           **MS. MOORE:** Yes, sir.

9           **THE COURT:** Okay. Thank you, ma'am. You can be  
10 seated.

11           (Whereupon the bench conference was ended)

12           **THE COURT:** Any further?

13           (No response)

14           **THE COURT:** All right. Are we ready?

15           **MR. ALDERMAN:** Ready, Your Honor.

16           **MR. BURR:** Yes, sir.

17           **THE COURT:** All right. Madam Clerk, draw us a list.

18           **MADAM CLERK:** Ladies and gentlemen, as I call your  
19 name, if you would, please come forward, come up through the  
20 gate, up to the bar, turn and face the gallery, and, again,  
21 bringing your personal belongings with you.

22           Number 69, Natalie Hester.

23           (Whereupon juror 69, Natalie Hester, a white female,  
24 came forward)

25           **MADAM CLERK:** What says the State?

JURY SELECTION

1           **MR. ALDERMAN:** Please present the juror.

2           **MADAM CLERK:** What says the Defense?

3           **MR. BURR:** Please excuse this juror.

4           **MADAM CLERK:** Ma'am, you have been excused from this  
5 case. You may be seated.  
6           Number 83, Sonja Jefferson.  
7           (Whereupon juror 83, Sonja Jefferson, a white female,  
8 came forward)

9           **MADAM CLERK:** What says the State?

10          **MR. ALDERMAN:** Please present the juror.

11          **MADAM CLERK:** What says the Defense?

12          **MR. BURR:** Please swear this juror.

13          **MADAM CLERK:** Ma'am, if you would, please take a seat  
14 in the jury box.  
15          Number 65, Todd Harpest.  
16          (Whereupon juror 65, Todd Harpest, a white male, came  
17 forward)

18          **MADAM CLERK:** What says the State?

19          **MR. ALDERMAN:** Please present the juror.

20          **MADAM CLERK:** What says the Defense?

21          **MR. BURR:** Please excuse this juror.

22          **MADAM CLERK:** Sir, you have been excused from this  
23 case. You may be seated.  
24          Number 107, Susan McCalister.  
25          (Whereupon juror 107, Susan McCalister, a white female,

JURY SELECTION

1 came forward)

2 **MADAM CLERK:** What says the State?

3 **MR. ALDERMAN:** Please present this juror.

4 **MADAM CLERK:** What says the Defense?

5 **MR. BURR:** Please excuse this juror.

6 **MADAM CLERK:** Sir -- ma'am, you have been excused from  
7 this case. You may be seated.

8 Number 46, Glenn Flournoy.

9 (Whereupon juror 46, Glenn Flournoy, a white male, came  
10 forward)

11 **MADAM CLERK:** What says the State?

12 **MR. ALDERMAN:** Please excuse the juror.

13 **MADAM CLERK:** Sir, you have been excused from this  
14 case. You may be seated.

15 Number 122, Michael Nalley.

16 (Whereupon juror 122, Michael Nalley, a white male,  
17 came forward)

18 **MADAM CLERK:** What says the State?

19 **MR. ALDERMAN:** Please present the juror.

20 **MADAM CLERK:** What says the Defense?

21 **MR. BURR:** Please excuse this juror.

22 **MADAM CLERK:** Sir, you have been excused from this  
23 case. You may be seated.

24 Number 20, Susan Bright.

25 (Whereupon juror 20, Susan Bright, a white female, came

JURY SELECTION

17

1 forward)

2 **MADAM CLERK:** What says the State?

3 **MR. ALDERMAN:** Please present the juror.

4 **MADAM CLERK:** What says the Defense?

5 **MR. BURR:** Please excuse this juror.

6 **MADAM CLERK:** Ma'am, you have been excused from this  
7 case. You may be seated.  
8 Number 127, Joe Pearson.  
9 (Whereupon juror 127, Joe Pearson, a white male, came  
10 forward)

11 **MADAM CLERK:** What says the State?

12 **MR. ALDERMAN:** Please present the juror.

13 **MADAM CLERK:** What says the Defense?

14 **MR. BURR:** Please swear the juror.

15 **MADAM CLERK:** Sir, if you would, please take a seat in  
16 the jury box.  
17 Number 149, Tracy Simpson.  
18 (Whereupon juror 149, Tracy Simpson, a white male, came  
19 forward)

20 **MADAM CLERK:** What says the State?

21 **MR. ALDERMAN:** Please present the juror.

22 **MADAM CLERK:** What says the Defense?

23 **MR. BURR:** Please swear this juror.

24 **MADAM CLERK:** Sir, if you would, please take a seat in  
25 the jury box.

JURY SELECTION

1           Number 80, Rodney Hunter.

2           (Whereupon juror 80, Rodney Hunter, a black male, came  
3 forward)

4           **MADAM CLERK:** What says the State?

5           **MR. ALDERMAN:** Please present the juror.

6           **MADAM CLERK:** What says the Defense?

7           **MR. BURR:** Please swear this juror.

8           **MADAM CLERK:** Sir, if you would, please take a seat in  
9 the jury box.

10          Number 51, Thomas Gantt.

11          (Whereupon juror 51, Thomas Gantt, a white male, came  
12 forward)

13          **MADAM CLERK:** What says the State?

14          **MR. ALDERMAN:** Please present the juror.

15          **MADAM CLERK:** What says the Defense?

16          **MR. BURR:** Please excuse this juror.

17          **MADAM CLERK:** Sir, you have been excused from this  
18 case. You may be seated.

19          Number 67, Jason Helms.

20          (Whereupon juror 67, Jason Helms, a white male, came  
21 forward)

22          **MADAM CLERK:** What says the State?

23          **MR. ALDERMAN:** Please present the juror.

24          **MADAM CLERK:** What says the Defense?

25          **MR. BURR:** Please swear this juror.

JURY SELECTION

19

1           **MADAM CLERK:** Sir, if you would, please take a seat in  
2 the jury box.

3           Number 14, Victor Blackwell.

4           (Whereupon juror 14, Victor Blackwell, a white male,  
5 came forward)

6           **MADAM CLERK:** What says the State?

7           **MR. ALDERMAN:** Please present the juror.

8           **MADAM CLERK:** What says the Defense?

9           **MR. BURR:** Please swear this juror.

10          **MADAM CLERK:** Sir, if you would, please take a seat in  
11 the jury box.

12          Number 126, Kayshia Patterson.

13          (Whereupon juror 126, Kayshia Patterson, a black  
14 female, came forward)

15          **MADAM CLERK:** What says the State?

16          **MR. ALDERMAN:** Please present the juror.

17          **MADAM CLERK:** What says the Defense?

18          **MR. BURR:** Please swear this juror.

19          **MADAM CLERK:** Ma'am, if you would, please take a seat  
20 in the jury box.

21          Number 47, William Franks.

22          (Whereupon juror 47, William Franks, a white male, came  
23 forward)

24          **MADAM CLERK:** What says the State?

25          **MR. ALDERMAN:** Please present the juror.

JURY SELECTION

1           **MADAM CLERK:** What says the Defense?

2           **MR. BURR:** Please excuse this juror.

3           **MADAM CLERK:** Sir, you have been excused from this  
4 case. You may be seated.

5           Number 137, Luke Rogers.

6           (Whereupon juror 137, Luke Rogers, a white male, came  
7 forward)

8           **MADAM CLERK:** What says the State?

9           **MR. ALDERMAN:** Please excuse this juror.

10          **MADAM CLERK:** Sir, you have been excused from this  
11 case. You may be seated.

12          Number 41, Michael Dickerson.

13          (Whereupon juror 41, Michael Dickerson, a white male,  
14 came forward)

15          **MADAM CLERK:** What says the State?

16          **MR. ALDERMAN:** Please present the juror.

17          **MADAM CLERK:** What says the Defense?

18          **MR. BURR:** Please swear the juror.

19          **MADAM CLERK:** Sir, if you would, please take a seat in  
20 the jury box.

21          Number 23, Joseph Burdette.

22          (Whereupon juror 23, Joseph Burdette, a white male,  
23 came forward)

24          **MADAM CLERK:** What says the State?

25          **MR. ALDERMAN:** Please present the juror.

JURY SELECTION

21

- 1           **MADAM CLERK:** What says the Defense?
- 2           **MR. BURR:** Please excuse this juror.
- 3           **MADAM CLERK:** Sir, you have been excused from this
- 4 case. You may be seated.
- 5           Number 24, Sandra Busha.
- 6           (Whereupon juror 24, Sandra Busha, a white female, came
- 7 forward)
- 8           **MADAM CLERK:** What says the State?
- 9           **MR. ALDERMAN:** Please present the juror.
- 10          **MADAM CLERK:** What says the Defense?
- 11          **MR. BURR:** Please excuse this juror.
- 12          **MADAM CLERK:** Ma'am, you have been excused from this
- 13 case. You may be seated.
- 14          Number 34, Larry Clark.
- 15          (Whereupon juror 34, Larry Clark, a white male, came
- 16 forward)
- 17          **MADAM CLERK:** What says the State?
- 18          **MR. ALDERMAN:** Please excuse this juror.
- 19          **MADAM CLERK:** Sir, you have been excused from this
- 20 case. You may be seated.
- 21          Number 135, Samantha Roach.
- 22          (Whereupon juror 135, Samantha Roach, a white female,
- 23 came forward)
- 24          **MADAM CLERK:** What says the State?
- 25          **MR. ALDERMAN:** Please excuse the juror.

JURY SELECTION

1           **MADAM CLERK:** Ma'am, you have been excused from this  
2 case. You may be seated.

3           Number 116, Janelle Moore.

4           (Whereupon juror 116, Janelle Moore, a white female,  
5 came forward)

6           **MADAM CLERK:** What says the State?

7           **MR. ALDERMAN:** Please present the juror.

8           **MADAM CLERK:** What says the Defense?

9           **MR. BURR:** Please excuse this juror.

10          **MADAM CLERK:** Ma'am, you have been excused from this  
11 case. You may be seated.

12          Number 163, Deborah Van Der Toorn.

13          (Whereupon juror 163, Deborah Van Der Toorn, a white  
14 female, came forward)

15          **MADAM CLERK:** What says the State?

16          **MR. ALDERMAN:** Please present the juror.

17          **MADAM CLERK:** What says the Defense ---

18          **MR. BURR:** Please ---

19          **MADAM CLERK:** --- for cause?

20          **MR. BURR:** Please swear the juror.

21          **MADAM CLERK:** Ma'am, if you would, please take a seat  
22 in the jury box.

23          Number 3, Kimberly Allen.

24          (Whereupon juror 3, Kimberly Allen, a white female,  
25 came forward)

JURY SELECTION

23

1           **MADAM CLERK:** What says the State?

2           **MR. ALDERMAN:** Please present the juror.

3           **MADAM CLERK:** What says the Defense for cause?

4           **MR. BURR:** Please swear the juror.

5           **MADAM CLERK:** Ma'am, if you would, please take a seat  
6 in the jury box.

7           Number 25, I mean, 150, Austin Smith.

8           (Whereupon juror 150, Austin Smith, a white male, came  
9 forward)

10          **MADAM CLERK:** What says the State?

11          **MR. ALDERMAN:** Please excuse this juror.

12          **MADAM CLERK:** Sir, you have been excused from this  
13 case. You may be seated.

14          Number 115, James Moore.

15          (Whereupon juror 115, James Moore, a white male, came  
16 forward)

17          **MADAM CLERK:** What says the State for cause?

18          **MR. ALDERMAN:** Please present the juror.

19          **MADAM CLERK:** What says the Defense for cause?

20          **MR. BURR:** Please swear the juror.

21          **MADAM CLERK:** Sir, if you would, please take a seat in  
22 the jury box.

23          Number 27, Logan Carroll.

24          (Whereupon juror 27, Logan Carroll, a white female,  
25 came forward)

JURY SELECTION

1           **MADAM CLERK:** What says the State for cause?

2           **MR. ALDERMAN:** Please present the juror.

3           **MADAM CLERK:** What says the Defense for cause?

4           **MR. BURR:** Please swear the juror.

5           **MADAM CLERK:** Ma'am, if you would, please take a seat  
6 in the jury box.

7           This will be for our alternate. Number 2, Vincent  
8 Alig.

9           (Whereupon juror 2, Vincent Alig, a white male, came  
10 forward)

11          **MADAM CLERK:** What says the State?

12          **MR. ALDERMAN:** Please excuse this juror.

13          **MADAM CLERK:** Sir, you have been excused from this  
14 case. You may be seated.

15          Number 50, Gail Gambrell.

16          **MR. BURR:** 50?

17          **MADAM CLERK:** 50, yes, sir.

18          (Whereupon juror 50, Gail Gambrell, a white female,  
19 came forward)

20          **MADAM CLERK:** What says the State for cause?

21          **MR. ALDERMAN:** Please present the juror.

22          **MADAM CLERK:** What says the Defense?

23          **MR. BURR:** Please swear the juror.

24          **MADAM CLERK:** Ma'am, if you would, please take a seat  
25 in the jury box.

JURY SELECTION

25

1           **THE COURT:** All right. Are there any motions or  
2 exceptions to the selection of the jury from the State?

3           **MR. ALDERMAN:** None from the State, Your Honor.

4           **THE COURT:** Are there any motions or exceptions to the  
5 selection of the jury from the Defense?

6           **MR. BURR:** None from the Defense, Your Honor.

7           **THE COURT:** Okay. Counsel approach.

8           (Whereupon a bench conference was held off the record  
9 in the presence of the jury, but out of their hearing)

10          (Whereupon the bench conference was ended)

11          **THE COURT:** All right. Ladies and gentlemen of the  
12 jury, this case is number two. You saw the first jury get  
13 selected. And we're going to start that trial today. And  
14 that will take us today and tomorrow. So this case will  
15 start at 9:00 Wednesday morning, okay? So be in the jury  
16 room shortly before 9:00 Wednesday morning here.

17          Now, do not attempt to research the case or find out  
18 about it from any source, okay? It's very important that  
19 you not have any prior knowledge about the case. So do not  
20 discuss this case with any third parties. And we will see  
21 you on Wednesday morning. So, Madam Bailiff, would you ...

22          (Whereupon the jury exited the courtroom at 11:46 am)

23          **THE COURT:** All right. Ladies and gentlemen in the  
24 remainder of the jury pool, this will conclude your service  
25 for today and tomorrow. Now, what I want you to do is

1 tomorrow night after 6:00 call the number, and there'll be a  
2 message on the answering machine giving you further  
3 instructions.

4 So we've selected two juries, but you're not off the  
5 hook yet. You may have -- you may have some more business  
6 to attend to. But thank you for coming this morning. And  
7 call that number tomorrow night after 6:00. So you're free  
8 to go.

9 (Whereupon the remaining jury pool exited the courtroom  
10 at 11:48 am)

11 **THE COURT:** All right. Mr. Alderman, does the State  
12 have any objection to Mr. Trotter's bond remaining in effect  
13 during the trial?

14 **MR. ALDERMAN:** No, Your Honor.

15 **THE COURT:** Okay. Mr. Burr, your client's on a  
16 monitor? Is that the -- you told me at the bench?

17 **MR. BURR:** Yes, Your Honor.

18 **THE COURT:** Okay. Well, bond would stay in effect  
19 under the same conditions. So we'll be in recess. And this  
20 case will start at 9:00 Wednesday morning.

21 **MR. ALDERMAN:** Thank you, Judge.

22 **MR. BURR:** Thank you, Your Honor.

23 (Whereupon court was in recess at 11:49 am)

JUSTIN PELFREY - DIRECT EXAMINATION BY MR. ALDERMAN

27

1 Tuesday, February 26, 2019:

2 (Whereupon State's exhibit 1 was marked for  
3 identification)

4 (Whereupon court reconvened at 2:02 pm)

5 **THE COURT:** All right. Mr. Alderman, announce the  
6 case.

7 **MR. ALDERMAN:** Judge, we're here on indictments 2018-  
8 GS-37-466, 467, 468 and 2019-GS-37-266, State of South  
9 Carolina versus Michael Lee Trotter. And this is the  
10 State's Jackson v. Denno hearing.

11 **THE COURT:** All right. Call your first witness.

12 **MR. ALDERMAN:** Yes, Your Honor. The State calls Deputy  
13 Pelfrey to the stand.

14 **MADAM CLERK:** Sir, if you would, please come forward to  
15 be sworn. If you'll place your left hand on the Bible and  
16 raise your right hand.

17 **Justin Pelfrey, being**  
18 duly sworn testified as follows;

19 **MADAM CLERK:** Please be seated.

20 **THE COURT:** Yes, sir.

21 Direct Examination by Mr. Alderman:

22 Q. And, Deputy Pelfrey, where are you employed?

23 A. The Oconee County Sheriff's Office.

24 Q. And how long have you been there?

25 A. Approximately six years.

JUSTIN PELFREY - DIRECT EXAMINATION BY MR. ALDERMAN

1 Q. And your duties from day-to-day at the Sheriff's  
2 Office, what are they?

3 A. Respond to calls for service, investigate crimes and  
4 build a partnership with the community.

5 Q. Were you on duty on the day of November 28th, 2017?

6 A. Yes.

7 Q. And on that day did you respond to a call about stolen  
8 trailers?

9 A. Yes.

10 Q. All right. And did you encounter the Defendant, Mr.  
11 Trotter, while investigating a case of stolen trailers at  
12 [REDACTED] Road?

13 A. I did.

14 Q. And did you talk to the Defendant ---

15 A. Yes, sir.

16 Q. --- at the scene?

17 A. Yes, sir.

18 Q. And when you talked to him was he in investigative  
19 detention?

20 A. He was.

21 Q. All right. Was he handcuffed?

22 A. He was.

23 Q. Was it a patrol car or was he outside where you found  
24 him?

25 A. Initially he was outside where I found him.

JUSTIN PELFREY - DIRECT EXAMINATION BY MR. ALDERMAN

29

1 Q. And then later in the patrol car?

2 A. Yes, sir.

3 Q. Okay. When you talked to the Defendant did he appear  
4 intoxicated in any way that you could discern in any way  
5 that would prevent him from understanding what was going on?

6 A. No, sir.

7 Q. All right. Did you make any threats or coerce him in  
8 any way to get him to talk to you?

9 A. No, sir.

10 Q. All right. Did you or anyone else at the scene attempt  
11 to intimidate the Defendant in any way?

12 A. No, sir.

13 Q. Who else was at the scene?

14 A. Myself, Deputy Spence, the Defendant Michael Trotter,  
15 and Ariel Roach.

16 Q. All right. And did you Mirandize the Defendant?

17 A. I did.

18 Q. All right. Did he make statements prior to your  
19 Mirandizing him?

20 A. He did.

21 Q. Did he make additional statements thereafter?

22 A. Yes, sir.

23 Q. And were all of the statements freely and voluntarily  
24 made?

25 A. Yes, sir.

JUSTIN PELFREY - DIRECT EXAMINATION BY MR. ALDERMAN

30

1 Q. When you talked with him were you wearing a body  
2 camera?

3 A. I was.

4 Q. Was it operational?

5 A. It was.

6 Q. And, Deputy Pelfrey, we have placed a disk into this  
7 computer. Did you have a chance to review that disk before  
8 we did that?

9 A. I did.

10 Q. And was it your disk from your body camera on that day?

11 A. It was.

12 Q. And did it appear to be a fair and accurate  
13 representation when you reviewed it prior to today?

14 A. Yes, sir.

15 Q. Altered or tampered with in any way?

16 A. No.

17 **MR. ALDERMAN:** Your Honor, at this time we would like  
18 to play that video, which has all the pertinent statements  
19 on it.

20 **THE COURT:** All right.

21 **MR. ALDERMAN:** And I believe the audio starts at the 30  
22 second mark.

23 (Whereupon State's exhibit 1, DVD, was played for the  
24 Court)

25 (Whereupon the DVD was stopped)

JUSTIN PELFREY - DIRECT EXAMINATION BY MR. ALDERMAN

31

1 Direct Examination by Mr. Alderman Continued:

2 Q. Deputy Pelfrey, after that exchange did you also ask  
3 the Defendant what shoe size he wears?

4 A. I did.

5 Q. And did he respond?

6 A. He did.

7 **MR. ALDERMAN:** Judge, that's the scope of the  
8 statements we would seek to admit. I have them sort of  
9 individually sketched out if you would like to go over them  
10 one at a time.

11 **THE COURT:** All right. Mr. Burr, any cross-examination  
12 of the witness?

13 **MR. BURR:** No, Your Honor.

14 **THE COURT:** Okay. So you're seeking to admit this  
15 video, body-cam video in its entirety?

16 **MR. ALDERMAN:** Your Honor, just the portion that we've  
17 shown. Mr. Burr and I have discussed the rest of the video  
18 and most of it's irrelevant. And a lot of it, I think,  
19 would be inadmissible because of discussions with Mr.  
20 Trotter.

21 **THE COURT:** So I see down here it's an hour and 49  
22 minutes.

23 **MR. ALDERMAN:** Yes, sir.

24 **THE COURT:** So y'all -- the two of you have honed that  
25 down to the relevant portions?

1           **MR. ALDERMAN:** I believe so, Your Honor. I ---

2           **THE COURT:** Is that correct, Mr. Burr?

3           **MR. BURR:** Yes, Your Honor. The rest of it, the law  
4 enforcement officials making statements, that should not be  
5 allowed. And there's nothing I don't think that's really  
6 relevant beyond this point.

7           **THE COURT:** Okay.

8           **MR. ALDERMAN:** I think we can agree on that, Judge.

9           **THE COURT:** Okay. All right. Well, I will -- after  
10 hearing the testimony I find it is a custodial statement,  
11 but after holding a Jackson v. Denno hearing I will find  
12 that it is admissible, but just the portions that the two of  
13 you have designated.

14           Can you redact the rest of it because there's a problem  
15 that I see if you send this back and it's a disk. We need  
16 just the portions of it. We don't need a jury being able to  
17 view portions that are not ---

18           **MR. ALDERMAN:** I could see if we could make a new disk  
19 that would have just that portion. But I think the other  
20 officer might need to just show this in court if the jury  
21 needs to view it again to have them view it out here.  
22 Whichever Your Honor would like us to do. We can certainly  
23 attempt to make a new disk.

24           **THE COURT:** How would you like to do it, Mr. Burr?

25           **MR. BURR:** I think either option is fine. But if it

1 may -- if it please the Court, I do object to the portion  
2 prior to the rights advisement.

3 **THE COURT:** Oh, from -- oh, okay. Okay. From the time  
4 where he says investigative detention up to ---

5 **MR. ALDERMAN:** I have it at ---

6 **THE COURT:** --- 12:43 when Miranda is given. I believe  
7 it was 12 ...

8 **MR. ALDERMAN:** Judge, I have it at seven minutes and  
9 six seconds where Miranda was given to the Defendant.

10 **THE COURT:** Okay. What are you -- I'm looking at the  
11 -- the time on ---

12 **MR. ALDERMAN:** Bottom left, Your Honor.

13 **THE COURT:** Oh, okay. I'm looking at the top. I'm  
14 looking at the camera at the top. Could we -- could you go  
15 back?

16 **MR. ALDERMAN:** Yes, sir.

17 **THE COURT:** I want to make sure I have the -- go back  
18 to the point where -- all right. Start ---

19 (Whereupon the DVD was started)

20 **THE COURT:** All right. Stop -- so that ---

21 (Whereupon the DVD was stopped)

22 **THE COURT:** That would -- from the -- he did make --  
23 there was a question about the trailer. So, Mr. Burr, I  
24 will grant that motion for anything that was asked of him  
25 from the time the officer says you are in investigative

1 detention up to the Miranda warning, when it begins, as you  
2 just showed me.

3 **MR. ALDERMAN:** And, Judge, to get just a little farther  
4 into that. I have the first questions about the trailer --  
5 it starts with the deputy saying I need to ask you about  
6 this trailer and then a few follow-up questions. Prior to  
7 that I have a minute to 2:35. He makes a statement, I'm not  
8 supposed to be here. I mean, I don't have permission to be  
9 here.

10 That was not responsive to any question that was asked  
11 of him. In fact, he was the one asking the questions. He  
12 says, why am I in handcuffs? The deputies say, you're  
13 trespassing. We need to get in touch with the owner and see  
14 if you have permission to be here. No question asked of him  
15 to that point. And spontaneously he says, I know I don't  
16 have permission to be here. And we would seek to have that  
17 admitted.

18 **THE COURT:** And what specific time on there is that ---

19 **MR. ALDERMAN:** Yes, Your Honor.

20 (Whereupon the DVD was played for the Court)

21 (Whereupon the DVD was stopped)

22 **THE COURT:** He's not in handcuffs at that ---

23 **MR. ALDERMAN:** No, Your Honor.

24 **THE COURT:** --- point. Okay.

25 **MR. ALDERMAN:** So at 2:35 or between 2:35 and 3:45, I

1 apologize, Your Honor. From 3:45 to 7:06, that being from  
2 the point he says, I need to ask you about this trailer and  
3 he's in handcuffs to the point he actually reads his Miranda  
4 warnings, I think we would agree that that should be  
5 redacted.

6 **THE COURT:** Yeah, once he's actually put in detention.

7 **MR. ALDERMAN:** Yes, Your Honor.

8 **THE COURT:** Okay. You agree with that, Mr. Burr?

9 **MR. BURR:** Yeah, they've already told him he was in  
10 investigative detention. A few seconds prior ---

11 **THE COURT:** Okay. From the time the handcuffs get put  
12 on, he's in custody for purposes of this. So anything from  
13 that point up until the 7:06 mark when the Miranda warnings  
14 are given needs to be redacted.

15 **MR. ALDERMAN:** Yes, Your Honor.

16 **THE COURT:** Okay. So the two of you work together on  
17 that disk and figure out -- make sure that that's taken out  
18 of the exhibit.

19 **MR. ALDERMAN:** Yes, Your Honor. The only other issue,  
20 Judge, that I would bring the Court's attention is that it's  
21 our understanding that the Defendant has pled guilty to  
22 trespassing as a result of this event.

23 And we would ask that he be estopped from taking any  
24 position contrary to that at trial saying that, perhaps, he  
25 did have permission to be there, that he didn't know that he

1 couldn't be there. Obviously he's made statements contrary  
2 to that in this video, but by virtue of collateral estoppel,  
3 having pled guilty to the crime of trespassing arising out  
4 of this event, we would ask that he not be allowed to take  
5 the contrary position at trial.

6 **THE COURT:** All right. Mr. Burr.

7 **MR. BURR:** May it please the Court, Your Honor? That  
8 was one of my six questions to the Court. I may or had  
9 planned to possibly ask the Court to take judicial notice of  
10 his guilty plea. So I'm certainly not arguing that he  
11 didn't plea guilty. I'll agree with it and may actually  
12 want the Court to ---

13 **THE COURT:** Well, ---

14 **MR. BURR:** --- verify it.

15 **THE COURT:** --- if that's -- if that's stipulated to by  
16 the Defense, then it doesn't sound like that's an issue.

17 **MR. BURR:** No.

18 **MR. ALDERMAN:** Thank you, Judge.

19 **THE COURT:** Okay.

20 **MR. BURR:** Your Honor, there's several -- I would make  
21 a motion that all of the indictments be redacted, all the  
22 larcenies, petty larceny, grand larceny. They all discuss  
23 his priors. Vaguely mentioned that in jury selection, but I  
24 think that would be inappropriate to have prior convictions  
25 for larceny listed.

1           **THE COURT:** Okay. I was not planning on reading the  
2 indictment to the jury unless -- now, let me hear from you,  
3 Mr. Alderman. What ---

4           **MR. ALDERMAN:** Judge, we have no objection to that  
5 where it says third and subsequent property crime as a  
6 function of the indictment. We would certainly agree that  
7 that would be improper to send that to the jury.

8           **THE COURT:** Okay. So that'd be -- that's not  
9 contested?

10          **MR. ALDERMAN:** Yes.

11          **MR. BURR:** One step further, Your Honor, that all  
12 witnesses be instructed to not discuss any additional  
13 crimes, any uncharged misconduct as to this trial. There  
14 are other pending charges.

15          **MR. ALDERMAN:** And, Judge, we have no objection to  
16 that. We would touch on the fact that he has been charged  
17 with burglary, second degree, violent. On the basis of  
18 prior convictions, of course, we would seek to admit  
19 evidence of those, the two prior convictions for burglary.

20          **THE COURT:** Those -- if those are being used as  
21 elements of the offense, then the State's entitled to  
22 present evidence to that effect.

23          **MR. BURR:** We would stipulate to the prior convictions,  
24 but we don't want the jury being told about them.

25          **MR. ALDERMAN:** Your Honor, it's the State's position,

1 and I believe there's case law to back this up, that the  
2 State cannot be compelled to stipulate.

3 **THE COURT:** That is correct. If it's an element of the  
4 offense, the State cannot be compelled to accept the  
5 stipulation.

6 **MR. BURR:** We would also move to have all potential  
7 witnesses sequestered.

8 **THE COURT:** I do that as a matter of course at the  
9 request of either party.

10 **MR. BURR:** Your Honor, we would also ask that these  
11 charges be severed. The burglary and the grand larceny are  
12 separate charges. The dates of the indictment are actually  
13 different, the elements, the witnesses.

14 In fact, there was no mention of a burglary until, I  
15 think, the 18th of this month is when the indictment -- it  
16 was signed on the 11th of this month. This case was already  
17 on the docket when they got the indictment for the burglary,  
18 served a week later on the Defendant. So not only is it a  
19 separate charge, I think it should be washed completely. It  
20 was done in anticipation of just trying to make this case  
21 look more egregious to the jury.

22 **MR. ALDERMAN:** Judge, we had conversations, Mr. Burr  
23 and I, that if Mr. Trotter were not inclined to plead that  
24 if the facts supported the charge of burglary and at that  
25 point we would pursue that charge. I sent Mr. Burr, before

1 the case was on the docket, a draft of the indictment we  
2 intended to submit to the grand jury so that there was fair  
3 warning.

4 And, Judge, I think it would be -- it would be  
5 impossible to separate the two factually. There's just no  
6 way to present the burglary without presenting why the  
7 police are there recovering the stolen trailers. It's the  
8 whole premise upon which they come to the scene that day.

9 I think it would be factually -- it would be impossible  
10 to separate the two, Your Honor. And the witnesses are, in  
11 fact, all the same. Save the two victims, one of the  
12 larceny, one of the burglary, all the other witnesses are  
13 the same.

14 **THE COURT:** All right. I'll deny your motion on that.

15 **MR. BURR:** One other issue, Your Honor. On the witness  
16 list, Barry Owens, Investigator Barry Owens is listed. I  
17 don't see him anywhere in any of the discovery that I've  
18 been provided. As a matter of -- out of caution I'd like to  
19 discuss that now and make sure ---

20 **MR. ALDERMAN:** Sure. Judge, Barry Owens is the  
21 investigator the case was assigned to, however, the case was  
22 wrapped up sort of all that day. And so there was no  
23 follow-up investigation. That's why Barry Owens has no  
24 supplemental reports that we could offer to Mr. Burr.

25 I'd placed him on the witness list because he is the

1 investigator, but as a practical matter I don't see where I  
2 would -- I would be calling him.

3 **THE COURT:** Okay. Does that answer your concerns, ---

4 **MR. BURR:** Yes, Your Honor, it does.

5 **THE COURT:** --- Mr. Burr?

6 **MR. BURR:** The only other possible issue, I was also  
7 provided a video where Mr. Moon, the victim of the stolen  
8 trailers, was interviewed. I don't know if that's -- you  
9 plan to use that or ---

10 **MR. ALDERMAN:** Judge, we may seek to admit that. Of  
11 course, we intend to have Mr. Moon testify as well so that  
12 the video would not simply be hearsay. There are several  
13 instances that I think Mr. Burr and I can agree on where Mr.  
14 Moon refers to Mr. Trotters past criminal history. Of  
15 course, we would consent to redacting anything ---

16 **THE COURT:** Well, let me ask you, if he's going to  
17 testify, what's the purpose of the video?

18 **MR. ALDERMAN:** Well, Judge, there's a certain  
19 continuity, I think, that comes with showing all of the  
20 videos. There's a scene one where the deputy goes out to  
21 respond to Mr. Moon. There's a second scene where a  
22 separate call brings him to Mr. Trotter's house on a shots  
23 fired call. And then this third video that you've seen  
24 here, I just think it's a more complete picture. You can  
25 see firsthand everything the deputy did that day.

1           **THE COURT:** Well, I'm not going to make any ruling on  
2 that at this point. There'll have to be foundation --  
3 there'll have to have some way of getting that admissible.  
4 Certainly if it's just being offered as cumulative to  
5 bolster the witness' testimony, it would not be admissible,  
6 but there may be some way for you to get it in. And I'll  
7 reserve judgment on that until we get to that point in the  
8 trial.

9           **MR. ALDERMAN:** Thank you, Judge.

10          **MR. BURR:** Thank you, Your Honor. That's the end of my  
11 motions.

12          **MR. ALDERMAN:** Mine as well.

13          **THE COURT:** Okay. We will proceed in the morning.  
14 Well, let me -- let's just review for the record what we've  
15 done here today. All right.

16          You have the body-cam video that will be shown or  
17 admitted as set forth from the time that the handcuffs were  
18 put on to the 7:06 point. From the handcuffs to the 7:06  
19 point will be redacted since that was custodial prior to  
20 Miranda. And then it will be cut off at the 12 or what was  
21 the time that it was going to be cut off?

22          **MR. ALDERMAN:** 14:20, Your Honor, ---

23          **THE COURT:** 14 ---

24          **MR. ALDERMAN:** --- was the point where the car door  
25 shut.

1           **THE COURT:** Car door shut, 14:20. All right. Then we  
2 will have the witnesses sequestered. Your chief  
3 prosecutorial officer will be allowed to sit at the table  
4 with you.

5           **MR. ALDERMAN:** Thank you.

6           **THE COURT:** Then we still have the issue of the video  
7 of one of the victims. Just making my notes here. Anything  
8 further?

9           **MR. ALDERMAN:** Judge, there was one other statement, I  
10 think, that came out in testimony, but we didn't get to in  
11 the video simply because it's far down the line in the  
12 video. But the deputy does ask the Defendant what size shoe  
13 he wears, and he responds. And we would seek to admit that  
14 as well.

15           **THE COURT:** That's post Miranda?

16           **MR. ALDERMAN:** Yes, Your Honor.

17           **THE COURT:** Okay. Any objection to that, Mr. Burr?

18           **MR. BURR:** Your Honor, I don't remember that on the  
19 video. But give me an opportunity to go back to review that  
20 this evening, and if there is a problem, we can discuss it

21 ---

22           **THE COURT:** Yes, sir.

23           **MR. ALDERMAN:** I do have the time marked, Your Honor,  
24 if you'd like me to play it now ---

25           **THE COURT:** If you can pinpoint it right now and let

1 Mr. Burr see it.

2 (Whereupon the DVD was played)

3 (Whereupon the DVD was stopped)

4 **THE COURT:** Okay. That is at the ...

5 **MR. ALDERMAN:** I have it beginning at 36:12, what size  
6 shoe do you wear? And the answer is 16 4E.

7 **THE COURT:** 36:12, okay. All right. Mr. Burr.

8 **MR. BURR:** I have no objection, Your Honor.

9 **THE COURT:** Okay. All right.

10 **MR. BURR:** Your Honor, we also have instructing the  
11 witnesses not to discuss any other charges.

12 **THE COURT:** The stipulation about the trespass ---

13 **MR. ALDERMAN:** Yes, Your Honor.

14 **THE COURT:** --- plea. Okay.

15 **MR. BURR:** And severing the charges, which I was  
16 overruled on.

17 **THE COURT:** Yes. Okay. Anything further before we go  
18 off the record?

19 **MR. ALDERMAN:** No, Your Honor, not from the State.

20 **MR. BURR:** Nothing from the Defense, Your Honor.

21 **THE COURT:** All right. We'll go off the record. We'll  
22 start the trial at 9:00 tomorrow morning.

23 **MR. ALDERMAN:** Thank you, Judge.

24 (Hearing Ended at 2:37 pm)

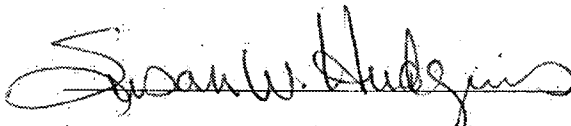
25 (End of Requested Transcript of Record)

## Certificate of Reporter

I, the undersigned, Susan W. Hudgins, Official Court Reporter for the Tenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial/hearing of the captioned case, relative to appeal, in the Circuit Court for Oconee County, South Carolina, on the 25th - 26th day of February 2019.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

August 2, 2019

  
Circuit Court Reporter

State vs. Michael Lee Trotter 2018-GS-37-466, 467 & 468; 2019-GS-37-266 February 27, 2019

1 State of South Carolina  
2 County of Oconee In the Court of General Sessions

3  
4 State of South Carolina, )  
5 ) 2018-GS-37-466, 467, 468  
6 -vs- ) 2019-GS-37-266  
7 Michael Lee Trotter, ) February 27, 2019  
8 )  
9 Defendant. ) Transcript of Record  
----- )

11 B E F O R E:

12 The Honorable R. Scott Sprouse, Judge;  
13 and a jury.

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

15 Jason Alderman, Esquire  
16 Tenth Circuit Solicitor's Office  
17 Attorney for the State

18 W. Wilson Burr, Esquire  
19 Attorney for Defendant

21  
22 Reported by:  
23 Diane L. Marcengill, RPR, CRR, CRC  
24 Circuit Court Reporter  
25

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22	2	Photo		29
	3	Photo		29
23	4	Photo		29
	5	Photo		29
24	6	Photo		29
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1	10	Photo	86
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4	16	Photo	50
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5	18	Photo	50
	19	Photo	50
6	20	Photo	50
	21	Photo	50
7	22	Photo	50
	23	Photo	50
8	24	Photo	50
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14 For the Defendant:

15	Marked	Description	I.D.	Admitted
16		None offered.		

17  
18  
19  
20  
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22  
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24  
25

*State vs. Michael Lee Trotter 2018-GS-37-466, 467 & 468; 2019-GS-37-266 February 27, 2019*

1 WALHALLA, SOUTH CAROLINA; WEDNESDAY, FEBRUARY 27, 2019

2 (WHEREUPON, court convened with all parties  
3 present and the following proceedings were had  
4 commencing at 9:35 a.m.)

5 THE COURT: Let's go on the record.

6 Is there anything from either party before we  
7 bring our jury in?

8 MR. ALDERMAN: Not from the State.

9 MR. BURR: Your Honor, I'd like to renew my  
10 objections for the record so I don't have to pop up  
11 during the trial.

12 I objected to the mentioning of the previous  
13 convictions. I think those are strictly an  
14 enhancement, not an element. You ruled on it  
15 yesterday. But just for the record, I do have a  
16 concern, and we discussed it, and I think it's been  
17 taken care of.

18 One of the sentencing sheets has information that  
19 should not be used, and it hadn't been redacted yet,  
20 but Mr. Alderman assures me it is going to be redacted  
21 before we present it to the Court.

22 MR. ALDERMAN: Judge, our plan would be to present  
23 the entire unredacted document to the witness so they  
24 can properly identify the document, and then, of  
25 course, before it's presented to the jury, Mr. Burr and

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1 I redact any information the jury should not see --  
2 particularly the sentencing order from Georgia has  
3 Counts I through XIII and, obviously, that's more  
4 information than the jury needs. We would intend to  
5 redact everything except for "plea," "guilty," "name,"  
6 "date," and "burglary."

7 THE COURT: All right. Lay your foundation to the  
8 document. Do not show that to the jury until Mr. Burr  
9 has had an opportunity to look at it and the  
10 information you just mentioned is redacted from the  
11 document.

12 MR. ALDERMAN: Yes, your Honor.

13 THE COURT: Don't put it on that projector until  
14 it is admitted as a redacted document.

15 MR. ALDERMAN: Yes, your Honor. It would be my  
16 plan to simply show it, have it identified, and to have  
17 them confirm that the defendant was previously  
18 convicted of the crime and then not show it.

19 MR. BURR: One other issue we have got. I would  
20 ask to have all witnesses sequestered. Mr. Alderman  
21 has brought to my attention this morning that at least  
22 two of them are listed as victims, so he would like to  
23 have them --

24 THE COURT: Well, the victims have a right to see  
25 the proceedings. And as I mentioned yesterday, the

*State vs. Michael Lee Trotter 2018-GS-37-466, 467 & 468; 2019-GS-37-266 February 27, 2019*

1 chief prosecutorial officer is allowed to sit at the  
2 table with the solicitor, but all other witnesses would  
3 be sequestered.

4 MR. BURR: Thank you, your Honor.

5 MR. ALDERMAN: Thank you, Judge.

6 (WHEREUPON, the jury entered open court at  
7 9:45 a.m.)

8 THE COURT: All right. Good morning, ladies and  
9 gentlemen. We are ready to proceed with the case.

10 Now, let me remind you, we had to delay the  
11 proceedings this morning because we had a couple of you  
12 that were late. It's very important that we be  
13 punctual because, as you can see, there is a lot of  
14 people in this courtroom -- the lawyers, the parties,  
15 the court staff, and your fellow jurors. It's not fair  
16 to any of them if we have to delay the proceedings  
17 because somebody is not on time. So please be punctual  
18 when we take other breaks. And, for instance, when we  
19 go to lunch today, we need to make sure we're back at  
20 the designated time.

21 Madam Clerk, would you swear our jury.

22 THE CLERK: Yes, sir.

23 (WHEREUPON, the jury was impaneled.)

24 THE COURT: Ladies and gentlemen, before we start,  
25 let me explain our roles in this trial.

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1 I am the judge of the law. You are the judges of  
2 the facts. You must apply the law as I give it to you  
3 to the facts that you hear from the evidence.

4 Evidence is the sworn testimony from the witness  
5 stand and any exhibits that are admitted into evidence.  
6 You and you alone determine the credibility of  
7 witnesses and how much weight to give their testimony.

8 Each attorney will have the opportunity to give an  
9 opening statement to you to outline their positions and  
10 the evidence that they intend to present to support  
11 their claims. The attorneys will also have the  
12 opportunity to make closing arguments to you after the  
13 testimony has concluded. Keep in mind that the  
14 statements of the attorneys are not evidence but merely  
15 tools that they use to help you understand their  
16 respective positions.

17 The State has the burden of proof in this trial.  
18 It must prove beyond a reasonable doubt that the  
19 defendant is guilty of the offenses charged. If the  
20 State fails to meet that burden, then you must find the  
21 defendant not guilty. If, on the other hand, the State  
22 does prove its case beyond a reasonable doubt, then you  
23 must find the defendant guilty.

24 The defendant is presumed innocent and has no  
25 burden of proof in the trial. I'm going to talk to you

*State vs. Michael Lee Trotter 2018-GS-37-466, 467 & 468; 2019-GS-37-266 February 27, 2019*

1 in more detail at the end, but I'm going to give you a  
2 preliminary definition of a reasonable doubt.

3 A reasonable doubt is defined as a doubt that  
4 would cause a reasonable person to hesitate to act.

5 A few more things. This is not an endurance  
6 contest. We will take breaks as we go along. If you  
7 get in distress and desperately need a break, the  
8 bailiff is here to help you. Let the bailiff know, and  
9 they will let me know, and I'll do my best to  
10 accommodate you.

11 Now, I mentioned this yesterday before I -- or  
12 Monday before I dismissed you. There are three things  
13 that you can't do while you serve as a juror.

14 The first is you cannot conduct independent  
15 investigation on either the law or the facts; you  
16 cannot discuss this case with third parties, and you  
17 cannot deliberate amongst yourselves until I instruct  
18 you to do so at the end.

19 So with that in mind, you are to decide the case  
20 on the evidence that's presented during the trial and  
21 not until all of the evidence is in.

22 Now, the last thing I want to point out to you is  
23 that attorneys are going to ask questions. They're  
24 going to put things into evidence. Sometimes there are  
25 objections during the course of a trial. One attorney

*Opening by the State*  
*State vs. Michael Lee Trotter* 2018-GS-37-466, 467 & 468; 2019-GS-37-266 February 27, 2019

1 may object to something that the other attorney is  
2 asking for, a piece of evidence. I'm going to have to  
3 make a ruling on that objection. That should not be  
4 interpreted to mean that the Court favors one side or  
5 the other. It simply means that I am ensuring that  
6 each side receives a fair trial in accordance with the  
7 rules and the law.

8 And with that in mind, there may be times we have  
9 to send you out of the room into the jury room so that  
10 we can take up a matter of law outside of your  
11 presence. That's not to hide things from you. Again,  
12 it's just to ensure that each side receives a fair  
13 trial.

14 So with those preliminary instructions, we're  
15 going to proceed to the first stage of the trial, which  
16 is the opportunity the attorneys have to speak to you  
17 in opening statements.

18 So, Mr. Alderman.

19 MR. ALDERMAN: Thank you, your Honor. May it  
20 please the Court, Mr. Burr.

21 Ladies and gentlemen, the facts of the case are  
22 these: On November 28th, 2017, Mr. Roderick Moon  
23 pulled into the parking lot of his shop over on [REDACTED]  
24 Road, not too far from here. Mr. Moon is a local small  
25 business owner. He owns a company called Universal

1 Services 101. He provides services ranging from  
2 construction site cleanup to landscaping to residential  
3 trash pickup.

4 And at his shop there on [REDACTED] Road, he keeps all  
5 the equipment he needs to do his work. He has his  
6 trucks there, his trailers, his tools, and other  
7 equipment.

8 As Mr. Moon pulled in to his shop that morning, he  
9 noticed something was wrong. He got there about 6  
10 o'clock in the morning or so. He had left about 5:00  
11 or 6 o'clock the evening before. When he left,  
12 everything was fine.

13 When he showed up that morning, he noticed that  
14 two of his trailers were missing -- one open utility  
15 trailer, one enclosed trailer. And where the trailers  
16 should have been were cut pieces of locks and drag  
17 marks where someone had pulled the trailers out and  
18 essentially driven over the cinder blocks in front of  
19 the tires to hold the trailers in place.

20 So Mr. Moon did what any reasonable person would  
21 do in these circumstances, and he called the police.

22 Now, that morning, Master Patrol Deputy Justin  
23 Pelfrey, seated here, he was on call and responded to  
24 the scene. He spoke to the victim. He took pictures,  
25 and he did what any law enforcement officer would do in

1 that situation. He asked the victim, "Do you have any  
2 idea who might have done this?"

3 And Mr. Moon said, "You know, now that you mention  
4 it, Matthew Trotter -- Michael Trotter" -- he said,  
5 "Michael Trotter worked for me a few weeks ago for one  
6 day. He was supposed to bring back his employment  
7 information the next day. He never showed up, doesn't  
8 answer my calls anymore, but I noticed over the last  
9 couple weeks, he's been driving back and forth past my  
10 shop. In hindsight, it makes me suspicious."

11 Now, later that morning, shortly thereafter,  
12 Deputy Pelfrey gets a second call, unrelated call of  
13 shots fired in the area of [REDACTED] Road, which  
14 just happened to be the residence of Michael Trotter,  
15 seated here.

16 Of course, he responded. He investigated, talked  
17 to the neighbors. He found no one hurt and no other  
18 obvious signs of crime being committed, and he left.  
19 But before he left, he noticed the defendant's Jeep  
20 parked in his driveway.

21 He walked around the Jeep, and he looked through  
22 the back window, and he saw something that caught his  
23 eye. He saw a pair of bolt cutters.

24 Now, you think back to the locks being cut, the  
25 victim mentioning Mr. Trotter's name, and he said,

*Opening by the State*

*State vs. Michael Lee Trotter 2018-GS-37-466, 467 & 468; 2019-GS-37-266 February 27, 2019*

1 "Well, that's interesting," and he took a picture  
2 before he left of the bolt cutters in the back of  
3 Mr. Trotter's vehicle.

4 Now, later on that morning, he received another  
5 call, and this call was a tip that trailers had been  
6 seen coming and going from [REDACTED] Road,  
7 which was a vacant house at the time. It just so  
8 happens that that house is right next door to the  
9 defendant, Michael Trotter's, house.

10 So Deputy Pelfrey calls for backup. Two units go  
11 out there to respond and to investigate. They pull up  
12 at the vacant house, and as soon as they arrive, they  
13 see three trailers -- one enclosed utility trailer with  
14 "Universal Services" written on the side of it that's  
15 been trucked away into a building that's had the lock  
16 pulled off.

17 There is another enclosed trailer underneath of a  
18 carport, and there's yet another open utility trailer.

19 The deputies pull up, and who do they see standing  
20 in front of the trailers but the defendant,  
21 Mr. Trotter. In addition to that, they see the  
22 defendant's green Jeep backed up to the trailer under  
23 the carport, and he and his girlfriend at the time  
24 appeared to be changing a ball hitch on the back of his  
25 car.

1 Now, of course, the deputies speak with  
2 Mr. Trotter, and he has an interesting story. He says,  
3 "I don't know about these trailers. I've never been in  
4 these buildings. I don't know anything about anything.  
5 I'm just here to steal a ball hitch off one of these  
6 trailers."

7 Now, at the scene, the defendant's girlfriend  
8 parrots back the same thing, "I don't know anything  
9 about anything. He was just here, stealing a ball  
10 hitch." She was standing next to him when he made that  
11 statement. She just repeated the same thing when she  
12 was asked the question.

13 Later, outside of the presence of the defendant,  
14 she tells a more complete story. She tells that that  
15 night Mr. Trotter was out. She doesn't know where.  
16 The next morning, he said, I need you to come help me  
17 get rid of some trailers that they drove from his house  
18 right next door to where those trailers were.

19 And at the time the deputies pulled up, he was  
20 changing a ball hitch so that he could hook up that  
21 trailer that he was backed up to with his vehicle.

22 You will also hear that the other two trailers had  
23 a different size receiver. So the trailer he was  
24 backed up to, he would have had to have changed the  
25 ball to hitch up that trailer and pull it away, just

*Opening by the State*  
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1 like she said he planned to do.

2 Now, the deputies look over the scene. They see  
3 cut locks around the trailers, cut locks from the  
4 outside of the building. They find cut locks from off  
5 of the Universal Services trailer inside the building  
6 where the trailer is backed up.

7 And then they look in the back of the defendant's  
8 vehicle, and there they find the same bolt cutters that  
9 the deputy had seen previously, but they also found an  
10 angle grinder, a hand-held tool with a cutting disc  
11 used for cutting metal. And that becomes important  
12 because it appears that one of the locks was cut with  
13 an angle grinder, and it was an enclosed lock that's  
14 made to be more secure so you can't get bolt cutters on  
15 it. In order to cut it off, you have to use a tool  
16 like that, and that appears to be exactly what  
17 happened. Again, those tools found in the back of  
18 Mr. Trotter's car backed up to that very same trailer.

19 The deputies, of course, look inside the building  
20 where the trailer was hidden. And next to that  
21 trailer, they find a makeshift rack and spray paint  
22 cans lined up, ready to go, next to the trailer that  
23 has the very identifiable "Universal Services" written  
24 all over it. Inside of that same building are  
25 makeshift curtains only on the windows facing towards

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1 the road so that somebody couldn't see in, see  
2 "Universal Services" written on the side of the trailer  
3 or see people painting that trailer.

4 And then, finally, Deputy Pelfrey, who wears a  
5 size 12 shoe, was standing inside the building  
6 collecting evidence, and he looks down and he says,  
7 "That's a giant footprint." Deputy Pelfrey, with his  
8 size 12 shoe, looked at the footprint and said, "Well,  
9 that's much longer, much wider than mine."

10 The Deputy is still on the scene, says,  
11 "Mr. Trotter, what size shoe do you wear?" And he  
12 says, "I wear a size 16EEEE," E being wide, EEEE being  
13 four times wide. Again, inside of a building he claims  
14 he doesn't know anything about, around a trailer he's  
15 never seen, a place he says he's never been.

16 Ladies and gentlemen, those are the facts of the  
17 case, the evidence that will be presented, and is based  
18 on that evidence, and at the end of the trial, we'll  
19 ask you to find the defendant guilty.

20 You're going to hear a great deal about the law  
21 from the judge, so I won't spend too much time on that  
22 now, but I do think it's helpful to give you sort of a  
23 primer on the elements of the charges against the  
24 defendant so that as you listen to the testimony, you  
25 can think about how the evidence and the elements of

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1 the crime sort of dovetail together.

2 So the first charge is petty larceny. Second  
3 charge is grand larceny. Larceny is pretty intuitive.  
4 It's what you would naturally think of as stealing.  
5 You take something that belongs to someone else, you  
6 move it from one place to another, and you do it with  
7 the intent to deprive the owner of the thing and make  
8 it your own. "Make it your own" could mean keeping it,  
9 selling it, trading it, giving it away, but otherwise  
10 using it for your own purposes.

11 The difference between the petty larceny and the  
12 grand larceny is just the value of the thing. The open  
13 utility trailer is valued at less than \$2,000. Petty  
14 larceny.

15 Anything above \$2,000 would be grand larceny. The  
16 enclosed trailer and its contents are valued at more  
17 than \$2,000 in this case, and that's why the two  
18 charges -- petty larceny, grand larceny.

19 The other charge -- one of the other charges is  
20 possession of tools used in the commission of a crime.  
21 That's another one that's pretty intuitive. It's not  
22 that the tools themselves are illegal in any way. The  
23 bolt cutters and the angle grinder, of course, any one  
24 of us could run to Home Depot and buy those things.  
25 But when you use those things to accomplish a crime,

1 having the tools becomes a crime.

2 So in this case, if you find that the defendant  
3 used those tools to cut those chains and cut those  
4 locks, then he would be guilty of possession of tools  
5 used in the commission of a crime.

6 The last charge is burglary in the second degree.  
7 Now, this one has a few more moving parts. Burglary is  
8 entering a building without the consent of the owner  
9 with the intent to commit a crime. That's burglary  
10 generally.

11 So "entering" can be any part of the person, any  
12 tool under their control crosses from the outside to  
13 the inside under the roof. "Building" can be any  
14 structure used for storage, shelter, or otherwise. Any  
15 structure. It can be a carport with walls, it can be a  
16 pole barn with a dirt floor, it can be an enclosed  
17 metal building with a concrete slab. Any of those  
18 things can be a building.

19 And then, of course, the "intent to commit a  
20 crime." That can be any crime from stealing a ball  
21 hitch to hiding an enclosed trailer.

22 Now, burglary in the second degree is all of those  
23 things plus one more thing. To charge burglary in the  
24 second degree, there has to be an aggravating factor,  
25 one of a number of other things. So if a person enters

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1 a building without consent with intent to commit a  
2 crime and they do it in the nighttime, that's burglary  
3 in the second degree because of the nighttime.

4 If they enter a building without consent with the  
5 intent to commit a crime and they do it with a weapon  
6 or they do it and they hurt someone inside the  
7 building, that would be burglary in the second degree.

8 If they enter a building without consent with  
9 intent to commit a crime and they have a prior history  
10 that includes two or more convictions for burglary,  
11 then that would elevate the crime to burglary in the  
12 second degree.

13 And, ladies and gentlemen, that is the case here,  
14 the case before you today. The defendant is charged  
15 with entering a building without consent with the  
16 intent to commit a crime and has a record of two or  
17 more burglaries.

18 The other two concepts I'll touch on briefly are  
19 the presumption of innocence and reasonable doubt.

20 As the judge told you, as the defendant sits here,  
21 he's presumed to be innocent as every defendant is  
22 until you, the jury, find beyond a reasonable doubt  
23 that he did commit the crimes he's charged with today.

24 Beyond a reasonable doubt is a high standard, of  
25 course, but it doesn't mean the elimination of any and

1 all doubt. It doesn't mean you had to be there and see  
2 it for yourself. It doesn't mean you have to eliminate  
3 all possibilities. It just asks the question: Are you  
4 firmly convinced? Are you firmly convinced? When you  
5 apply your own common sense, your own life experiences  
6 you would do anything else, when you hear the evidence,  
7 are you convinced?

8 Ladies and gentlemen, after your deliberations, I  
9 believe that you will be firmly convinced that the  
10 defendant, Michael Trotter, on November 28, 2017, did  
11 in fact steal those trailers, that he hid them away in  
12 that building that he had no right to enter; he's  
13 guilty of burglary, larceny, and possession of the  
14 tools that he used to steal those trailers.

15 I thank you very much for your attention. Please  
16 give your attention to Mr. Burr.

17 MR. BURR: May it please the Court, your Honor?

18 THE COURT: Mr. Burr..

19 MR. BURR: Good morning, ladies and gentlemen.  
20 Mr. Alderman just told most of my case, but we do have  
21 a very different opinion of what's happening here. We  
22 have a different opinion regarding the fighting and  
23 screaming, whatever.

24 This is the most civil proceeding you will ever  
25 see. Everybody has a job, on this side of the bar, has

1 a job, knows their job.

2 The court reporter here, she takes down every word  
3 that's being said. If we are both talking at one time,  
4 she couldn't do that.

5 The clerk's office keeps up with the records.  
6 They're the one that called you in here. They're the  
7 one that will send you the large check when it's all  
8 over.

9 The prosecution, his job is pretty obvious, and I  
10 refer to him as "solicitor," "prosecutor,"  
11 "government." All the same thing.

12 Law enforcement, their job is to investigate this  
13 stuff.

14 I am challenging what they did. There was no  
15 investigation whatsoever in this case. This case was  
16 open and closed in a matter of minutes. And that's --  
17 it's important you know who I am. I'll take 30 seconds  
18 to tell you.

19 I used to be in law enforcement for seven years.  
20 I was also assistant solicitor. So I've been on both  
21 sides, and I take it very seriously. I'm not  
22 individually attacking these people. It's the results  
23 they came to.

24 Mr. Trotter, this is the most important day of his  
25 life. This thing took off, just took a life of its own

1 without them ever getting his side of what was going  
2 on.

3 The prosecutor made a Freudian slip a while ago.  
4 I don't know if he even caught it. He said "Matthew  
5 Trotter." There are four Trotter boys. Matthew and  
6 Michael are both 6-9. And I think when Mr. Moon  
7 testifies, this whole thing started, somebody put the  
8 name Michael in there, and they just closed the case.

9 Mr. Moon was not talking about Michael. Matthew  
10 was working for him. Matthew is very distinctive  
11 looking, and I think Mr. Moon is going to tell you they  
12 never showed him a picture. Matthew has tattoos up to  
13 his neck. They just -- they went with the first thing.

14 Michael did have a record. He's an easy target.  
15 He was trespassing. I'm going to ask the judge to give  
16 you instructions on that. Last March he went to court  
17 and pled guilty to trespassing. Got his sentence on  
18 trespassing. He did it.

19 The prior crimes that he was involved in, when you  
20 get those sentence sheets, you look on there, you will  
21 see the way it was resolved -- guilty plea, guilty  
22 plea. First time in his life that he's called and  
23 said, "I didn't do that one."

24 You will see a video, and you will see him very  
25 adamantly, "It may have been somebody else. It wasn't

1 me. I wasn't here for the trailers."

2 You can see pictures. And if you look closely at  
3 the back of his car early in the morning, he has a ball  
4 on the back of his Jeep. And they're talking about  
5 stealing a ball from the trailer. People know trailers  
6 don't come with a ball. The ball is on the back of the  
7 car, not on the trailer. So -- and there's never been  
8 a report of a stolen ball.

9 The trailer that was sitting under that shed has  
10 never been reported stolen. As far as I know, it's  
11 still sitting down at the county sheriff's office.  
12 They just assumed the two trailers that Mr. Moon --  
13 there's no doubt his trailers were stolen. He was out  
14 working, trying to make a living, came to work, his  
15 trailers were gone. They're -- at that location, those  
16 are not the ones that Michael was even close to.

17 So if you listen to all this stuff, you listen to  
18 the testimony, you listen to the instructions of the  
19 judge and you vote your conscience; nobody is going to  
20 have any reason to ever doubt or criticize you for what  
21 you do. You will come back with the right answer.

22 Thank you.

23 THE COURT: All right.

24 Mr. Alderman, call your first witness.

25 MR. ALDERMAN: Yes, your Honor. The State calls

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1 Mr. Roderick Moon.

2 Roderick Merton Moon,

3 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

4 DIRECT EXAMINATION

5 BY MR. ALDERMAN:

6 Q Mr. Moon, thank you for being here today.

7 Would you give us your full name for the record  
8 and spell your last name.

9 A Roderick Merton Moon, M-o-o-n.

10 Q And, Mr. Moon, what do you do for a living these  
11 days?

12 A I own a post-construction cleanup business,  
13 landscaping business, a sanitation business, a pressure  
14 washing business.

15 Q What do you call that business?

16 A Universal Services 101.

17 Q And, Mr. Moon, do you remember calling the  
18 sheriff's department on November 28, 2017?

19 A Yes, sir.

20 Q Why did you call them?

21 A Because once I arrived at my shop, I had noticed  
22 that my trailers was missing, so...

23 Q When is the last time you saw those trailers where  
24 they were supposed to be?

25 A The day -- I mean, the day before when I had left.

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1 the shop.

2 Q Could you describe for trailers for us?

3 A One was an enclosed trailer that's white, 6 by 12.  
4 It's got "Universal Services 101" on the side with  
5 logos.

6 Then also I had a black open trailer, the same  
7 size. And, you know, it was just solid black. It's a  
8 utility trailer.

9 Q Anything unique about that utility trailer?

10 A Other than, you know, one side of it -- it has two  
11 sides to it to where you can let the back down, and  
12 then you can also let the side down on the right-hand  
13 side of it.

14 Q So like a regular, open black utility trailer, but  
15 it's got two ramps?

16 A Yes, exactly.

17 Q The enclosed trailer, was there anything of value  
18 inside of that trailer?

19 A There were two pressure washers. One was a Dewalt  
20 3800 PSI, and the other was a 3200 PSI Dewalt, and some  
21 other little accessories as far as with the pressure  
22 washer.

23 Q Did you ever get those back?

24 A No, sir.

25 Q Did you ever get the trailers back?

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1 A Yes, sir.

2 Q When did you get those back?

3 A Like maybe three, four days. They had called me  
4 to come down to the --

5 Q Did they call you that day?

6 A Yeah. Well, the officers?

7 Q Uh-huh.

8 A Yeah, they called me that day to let me know that  
9 they did receive my trailers.

10 Q And do you remember the value of the trailers,  
11 about what you paid for them or what they were worth?

12 A The enclosed trailer cost me, at the time, it was  
13 like 3,800, something like that. And then the open  
14 trailer was like 20- -- I want to say 24-, 2,500,  
15 something to that nature, like that.

16 Q Okay.

17 A The open trailer.

18 Q And the value of the things inside the enclosed  
19 trailer?

20 A The pressure washers, it was around about -- I  
21 know the 3800 -- I got them from Home Depot. The 3800  
22 PSI, they run anywhere from like 8-, \$900 before taxes.  
23 And then the 3200 PSI is like 5-, \$600 before taxes.

24 Q Were the trailers secured in some way?

25 A Yes, sir. There was chains.

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1 Q Tell me about that. Were they chained each  
2 individually? Were they chained together?

3 A Chained together.

4 Q Was there a lock on the chain?

5 A Yeah, with a lock on the chain, chained together.

6 Q So if they were chained up, how did the trailers  
7 get stolen?

8 A Someone cut them off.

9 Q Did you see anything there at the scene that made  
10 you believe that someone had cut it?

11 A Yeah. I seen fragments of the locks that was cut,  
12 and, you know, pretty much that was the only thing that  
13 I seen to know that, you know, they had been cut.

14 THE COURT: Mr. Moon, let me get you to speak into  
15 that microphone. I'm having a hard time hearing you.

16 THE WITNESS: Yes, sir.

17 THE COURT: Thank you.

18 BY MR. ALDERMAN:

19 Q Now, Mr. Moon, do you know the defendant, Michael  
20 Trotter?

21 A Yes, sir.

22 Q How do you know him?

23 A Well, I had employed him for, like, one day, and  
24 we was working at the August Smith building in  
25 Spartanburg doing post-construction cleanup on it. And

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1 he's supposed to return back, because we worked that  
2 weekend. It was on a Saturday that we did go down  
3 there. So we were going to return back that Sunday,  
4 but he never showed up.

5 Q So would he have been a regular W-2'd employee?

6 A Yes, yes. He was a good worker, you know.

7 Q I mean, did he fill out any sort of paperwork with  
8 you or anything?

9 A No, sir. Didn't have time. Because nine times  
10 out of ten, a lot of times, you know, I deal with  
11 people to the fact that me being from my background and  
12 stuff like that, you know. But also, too, I deal with  
13 a lot of people to give them a second chance.  
14 Sometimes they come, they work one day or something  
15 like that, and they never return. And, you know, it's  
16 just always something.

17 Q So how long after he worked for you did your  
18 trailers go missing?

19 A I would say probably about maybe -- maybe a week  
20 and a half, two weeks, something like that.

21 Q Did you see him at any point between him working  
22 for you and your trailers going missing?

23 A When he came back to get the money that I owed  
24 him.

25 Q Did you notice him driving past your shop or

1 anything of that nature?

2 A I mean, I done seen the vehicle, yes, sir.

3 Q And did you tell the deputies that that morning?

4 A Well, I actually just told -- I mean, I actually  
5 told, "Yeah, I seen the vehicle," but I actually just  
6 told, you know, as far as me wondering who possibly did  
7 it, you know, I told them.

8 Q So if I understand you, the deputies asked you if  
9 you had any idea who might have done it, and what did  
10 you tell them?

11 A I told them Michael Trotter, I thought.

12 MR. ALDERMAN: Permission to approach the witness,  
13 your Honor?

14 THE COURT: Yes, sir.

15 BY MR. ALDERMAN:

16 Q Mr. Moon, I'm going to show you some pictures and  
17 have you take a look at them and tell me what you see.  
18 Or, rather, tell me if you recognize these.

19 A Yes, sir, I recognize this. That. Yes, sir.

20 Q Have you had a chance to review those pictures  
21 before today?

22 A Yes, sir.

23 Q And are they a fair and accurate representation of  
24 the scene that day?

25 A Yes, sir.

1 Q As you look at these pictures, does it look like  
2 they have been altered or changed or manipulated in any  
3 way?

4 A No, sir.

5 MR. ALDERMAN: Your Honor, at this time we'd move  
6 State's Exhibits 2 through 7 into evidence.

7 THE COURT: Has Mr. Burr received a copy of these?

8 MR. ALDERMAN: Your Honor, Mr. Burr has reviewed  
9 all the pictures beforehand, and he has received  
10 copies.

11 THE COURT: So State's 2 through 7, Mr. Burr, any  
12 objection?

13 MR. BURR: No objection, your Honor.

14 THE COURT: State's Exhibits 2 through 7 would be  
15 admitted without objection.

16 (WHEREUPON, State's Exhibit Numbers 2 through 7  
17 were admitted into evidence.)

18 MR. ALDERMAN: At this time, we'd like to publish  
19 these to the jury.

20 THE COURT: Yes, sir. Just state the exhibit  
21 number when you're referring to it.

22 MR. ALDERMAN: Yes, your Honor.

23 BY MR. ALDERMAN:

24 Q Mr. Moon, I'm going to show you these pictures and  
25 just have you explain to the jury what we're looking at

1 here.

2 Okay. This is State's Exhibit 2.

3 A That's a vehicle, one of my -- I mean, that's a  
4 vehicle of mine. Both of them are my vehicles, but  
5 that's a car trailer that, you know, and equipment  
6 trailer that I used, but I had a car on it at the time.

7 Also, that's a picture of a sand spot right there  
8 with a tire track, which I had pointed out to the  
9 officer myself because, as I arrived at my shop that  
10 morning, you know, I kind of like did a  
11 semi-investigation due to the fact that I felt that  
12 someone coming back twice -- I mean, they either had to  
13 have two trucks to get two trailers or either you had  
14 to come back twice to get the trailers. So, therefore,  
15 I felt like they did not go a long distance, so it had  
16 to be within that area, you know, or some time, you  
17 know, just for them to drop one off and come back and  
18 get another one, you know.

19 So, therefore, you know, I did, at the time,  
20 conduct my own investigation as far as riding around or  
21 whatever, you know, just to see if I knew in the area,  
22 because I am well known in the area. And also, too,  
23 you know, I'm close to a certain area, you know, where  
24 a lot of activities goes on. So that right there is,  
25 you know, one of the things that I had did is point out

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1 to the deputy as far as the way that the tire tracks  
2 was angled to some of the trailers.

3 Q Tell me what was back here next to the trailer  
4 with the car on it.

5 A Two of my missing trailers.

6 Q So that's where the trailers would have been  
7 parked?

8 A Yes, sir.

9 Q I'm going to show you State's Exhibit 3. You have  
10 already sort of touched on this, but I just want to  
11 show it again.

12 Tell us what we're looking at there.

13 A That's the tire track that I had pointed out,  
14 because none of my vehicles, even my cars, my other  
15 vans, my trash truck, none of them has tire tracks to  
16 that.

17 And as I had left that evening, there was, you  
18 know -- I mean, it didn't dawn on me then, but at the  
19 same time, though, as I looked at the angle and things  
20 of that nature, I was kind of like, as I told them, you  
21 know, whoever it is, they had to have tire tracks, you  
22 know, to that nature.

23 Q When you talk about the angle, what do you mean?

24 A Because if you look at it, it's kind of like -- I  
25 mean, it would take -- someone would have to -- the

1 angle is like if they were backing it up.

2 Q So you mean the angle the car would have taken to  
3 back into the trailer?

4 A Yes, sir.

5 Q State's Exhibit 4.

6 What are we looking at here?

7 A Again, that's -- to the right of that, that's my  
8 trash truck. But, again, that's a cinder block to  
9 where I do put in between the tires and stuff of that  
10 nature so therefore it wouldn't back down. This was an  
11 embankment behind there. So you can see, if you look  
12 at the other trailer, also a brick up under that other  
13 trailer to where I stop them from rolling or something  
14 to that nature.

15 Q So that mark, the mark here on the right-hand side  
16 of the picture, that was not there when you left the  
17 night before?

18 A No. No, sir.

19 Q Okay. State's Exhibit 5.

20 What are we looking at here?

21 A Them was locks, pieces of fragments of the locks  
22 that was cut from the trailer, yes, sir.

23 Q Okay. State's 6?

24 A Other fragments of the locks that was cut.

25 Q And 7?

1 A A block that was up under the tires and stuff, you  
2 know.

3 Q Mr. Moon, just so we're clear, the man you know to  
4 be Michael Trotter, the man who worked for you for one  
5 day, the man who you were thinking of when you told the  
6 police that name, is that the defendant here today?

7 A Yes, sir.

8 Q Thank you, Mr. Moon.

9 Please answer any questions Mr. Burr may have for  
10 you.

11 MR. BURR: May it please the Court, your Honor?

12 THE COURT: Yes, sir.

13 CROSS-EXAMINATION

14 BY MR. BURR:

15 Q Mr. Moon, I'm not questioning anything you  
16 testified to as far as your property values, anything  
17 else.

18 You said -- how long has this been, a year and a  
19 half --

20 A Yes, sir.

21 Q -- a year since this happened?

22 Would you explain to the jury, your business is  
23 not real easy to find, is it?

24 A No, sir.

25 Q Would you explain --

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1 A What you mean?

2 Q You have to come off the road, take a right and  
3 turn around a set of warehouses --

4 A Yes, sir.

5 Q -- and then back down. So it's kind of hard to  
6 see your equipment from the road?

7 A No, it's not hard. It's right off the side of the  
8 road.

9 Q Do you recall me coming out and talking to you two  
10 weeks ago?

11 A Yes, sir.

12 Q And I showed you the picture of Matthew Trotter,  
13 and you said that was the person that had worked for  
14 you and you thought stole your trailers?

15 A You had came to me. I was sitting in my car when  
16 you pulled down there, and you flashed that picture,  
17 said, "Who's that?" And you said, "Is that Matthew  
18 Trotter?" or something like that, and I was like,  
19 "Yeah."

20 And you said that -- I said -- I said, "Yeah."  
21 You said, "Did he work for you?" And I said, "Yeah."

22 Q Yeah. And I showed it to you a second time, and I  
23 says, "Is there any doubt" --

24 A You didn't show it to me no second time.

25 Q Well, I had it in my hand. I said, "Is there any

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1 doubt in your mind that this is the person that worked  
2 for you?"

3 A You didn't say that. You said -- no, you just  
4 pulled it out and you said, "All right."

5 Q The person that worked for you, do you recall the  
6 tattoos on his neck?

7 A I just noticed tattoos, I mean, yeah. I just  
8 noticed tattoos on him, I mean, whatever. I mean, I'm  
9 not looking at them like that.

10 Q Tattoos on a full neck is pretty conspicuous.

11 A I mean, I understand that, but, I mean, I can't  
12 just say I recall that.

13 Q But you told me that there was no doubt in your  
14 mind --

15 A I didn't say there was no doubt. I didn't even  
16 know who you was until you pulled up, and then you just  
17 said that his mother or somebody said they worked for  
18 you, and I'm like, "Yeah." Then you flashed a picture  
19 and said, "Is this the guy?" I was like, "Yeah," or  
20 whatever, and you pulled off. You said, "All right."

21 Q Mr. Moon, I did introduce myself to you, did I  
22 not?

23 A Yeah, you did, and you also said --

24 Q Told you who I was, told you what I was there  
25 for --

1 A Yes, sir.

2 Q -- showed you the booking picture, and you said  
3 that was the person who worked for you?

4 A Yeah, I mean --

5 Q Have you looked at Michael Trotter today?

6 A Yeah, I done looked at him.

7 Q Under oath, you're saying that is the same person  
8 that worked for you and not Matthew Trotter?

9 A Yes.

10 Q Well, that's -- that's not what you told me two  
11 weeks ago.

12 MR. ALDERMAN: Objection, your Honor. We're  
13 getting argumentative and asked and answered,  
14 repeatedly.

15 MR. BURR: I'll withdraw it.

16 THE COURT: The question is withdrawn.

17 BY MR. BURR:

18 Q When you hired a Mr. Trotter, did you get any  
19 information on him at all?

20 A I mean, other than his name? You know, like I  
21 said, I hire different people all the time or whatever.  
22 I'm just like that, you know. A person, I can see them  
23 walking down the street or something like that. If  
24 they need some work or whatever, because I know what it  
25 is and how it is, you know. So when he approached me,

1 I told him to come back the next day. The next morning  
2 he was there. You know, we all got in the van, and we  
3 went to Spartanburg.

4 Q Do you recall what kind of vehicle Mr. Trotter was  
5 driving?

6 A I know that morning he was -- if I ain't mistaken,  
7 I think he was there in a Jeep, because he was already  
8 there. And my reason for wanting to hire him is  
9 because he had a license.

10 And also, too, the day that he did come back to  
11 get his money, he was in a Jeep, so, you know.

12 Q You say he had a driver's license?

13 A He said he had a license.

14 Q And you verified the name on the license?

15 A No, I didn't. He was supposed to be bringing the  
16 documents back, but he never did come back.

17 Q So you never saw anything with his name on it?

18 A No, sir.

19 Q How tall was he?

20 A Tall. I mean, once I got there the first day when  
21 he came and asked me about a job, I was like -- I  
22 noticed that, you know, he was a tall individual. I  
23 said he was a big guy.

24 Q Did you guys know anybody else in common? Was  
25 anybody else on your crew that vouched for him or --

1 A No, no.

2 MR. BURR: I have no further questions, your  
3 Honor.

4 THE COURT: Any redirect?

5 MR. ALDERMAN: Briefly, your Honor.

6 REDIRECT EXAMINATION

7 BY MR. ALDERMAN:

8 Q Mr. Moon, is that the guy that worked for you?

9 A Yes, sir.

10 MR. ALDERMAN: No further questions.

11 MR. BURR: Stand up so he can see you.

12 (Defendant stands up.)

13 BY MR. ALDERMAN:

14 Q Is that still the guy that worked for you?

15 A I don't -- I mean -- I mean -- I mean, yeah.

16 MR. ALDERMAN: No further questions, your Honor.

17 THE COURT: All right. Anything further from this  
18 witness?

19 MR. BURR: Nothing further.

20 MR. ALDERMAN: No, your Honor. Ask for him to be  
21 excused.

22 THE COURT: Thank you, Mr. Moon. You can step  
23 down.

24 MR. ALDERMAN: And, Judge, may the witness be  
25 released?

1 THE COURT: Any objection to this witness being  
2 excused?

3 MR. BURR: I want him subject to recall. Release  
4 him now but subject to recall.

5 THE COURT: All right. Subject to recall.

6 Mr. Moon, you can leave.

7 MR. ALDERMAN: Next, your Honor, the State would  
8 call Laura Lusk to the stand.

9 LAURA REESE LUSK,  
10 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

11 DIRECT EXAMINATION

12 BY MR. ALDERMAN:

13 Q How are you this morning, Ms. Lusk?

14 A I'm well. And you, sir?

15 Q Doing well. Thank you.

16 Would you give us your full name and spell your  
17 last name for the record, please.

18 A Laura Reese Lusk, L-u-s-k.

19 Q And, Ms. Lusk, where do you work?

20 A I work at Clemson Area Transit for the City of  
21 Clemson.

22 Q And where do you live?

23 A Westminster, South Carolina.

24 Q And where did you live before that, in 2017?

25 A [REDACTED] Road in Seneca.

1 Q So in November of 2017, were you still living at

2 [REDACTED]?

3 A No, sir.

4 Q Was anybody living in the house at that time?

5 A No, sir.

6 Q What was going on with the house? Why wasn't  
7 anybody living there?

8 A The house was vacant because my father, who I  
9 lived on the property with at the time, passed away of  
10 pancreatic cancer. And when he died, I did not have  
11 the money to keep up the place, so it was vacant  
12 because we had to move because the bank was essentially  
13 going to repossess it.

14 Q And was it your understanding that the bank did  
15 eventually sell it in December of that year?

16 A Yes, sir.

17 Q Ms. Lusk, do you know the defendant, Mr. Trotter?

18 A No, sir.

19 Q Did you ever give him permission to be on the  
20 property?

21 A No, sir.

22 Q Did you give him permission to be in that house?

23 A No, sir.

24 Q Did you give him permission to be in that metal  
25 enclosed building?

1 A No, sir.

2 Q How about under the carport next to that building?

3 A No, sir, not at all.

4 Q Did you ever give him permission to hide a trailer  
5 there?

6 A No, sir.

7 Q How about an Ariel Roach? Do you know that name  
8 or know that person?

9 A No, sir, I do not.

10 Q So would you have given her permission to do any  
11 of those things or be on that property?

12 A No, sir.

13 Q Thank you, ma'am. Please answer any questions  
14 Mr. Burr may have for you.

15 MR. BURR: May it please the Court, your Honor?

16 THE COURT: Yes, sir.

17 CROSS-EXAMINATION

18 BY MR. BURR:

19 Q Ma'am, you don't have any knowledge about any  
20 trailers that were stored out on your property, do you?

21 A No, sir.

22 Q And you have never reported any thefts from your  
23 property?

24 A No, sir, because once I left there, I never  
25 returned because it was no longer my property.

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1 Q Correct. How long was the property in that state  
2 of being -- the ownership of the bank and before you  
3 guys actually deeded it to somebody else?

4 A I left in April of 2017. My dad passed away in  
5 December of 2016. I left in April of '17, and then I  
6 believe the bank purchased it in December of '17.

7 Q And so you never filed any complaint for  
8 burglaries or larcenies or trespass or anything?

9 A No, sir, because once I left there, I never  
10 returned.

11 Q Okay. Thank you, ma'am.

12 A Yes, sir.

13 THE COURT: Anything further from this witness?

14 MR. ALDERMAN: No, your Honor.

15 THE COURT: Thank you, ma'am. You can step down.

16 MR. ALDERMAN: We'd ask that she be released as  
17 well.

18 THE COURT: Any objection?

19 MR. BURR: No objection, your Honor.

20 THE COURT: Ma'am, you are released. Thank you.

21 MR. ALDERMAN: Next, your Honor, the State would  
22 call Mr. Frankie Gray to the stand.

23 HUGH FRANKIE GRAY,

24 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

25 DIRECT EXAMINATION

1 BY MR. ALDERMAN:

2 Q Mr. Gray, thank you for being here today.

3 If you would, please give us your full name and  
4 spell your last name for the record.

5 A Hugh Frankie Gray, H-u-g-h, F-r-a-n-k-i-e,  
6 G-r-a-y.

7 Q And where are you employed?

8 A Hart County Clerk of Superior Court Office.

9 Q And what is your position there?

10 A I am the Clerk of Superior Court.

11 Q Thanks for making the drive over this morning.

12 A Yes, sir.

13 Q So your duties as a clerk of court, do they  
14 include maintaining records of court proceedings?

15 A Yes, sir.

16 Q So if a person were to be convicted of a crime in  
17 Hart County, Georgia, your office would create and  
18 preserve an official record?

19 A Yes, sir.

20 MR. ALDERMAN: Your Honor, permission to approach  
21 the witness?

22 THE COURT: Yes, sir.

23 BY MR. ALDERMAN:

24 Q Mr. Gray, I'm going to approach you with a  
25 document previously marked as State's Exhibit 32. If

1 you would, look over this document and tell me if you  
2 recognize it.

3 A I do.

4 Q What is that document?

5 A It is an amended final disposition in the Superior  
6 Court of Hart County, Georgia.

7 Q In what kind of a proceeding, criminal or civil?

8 A Criminal proceeding.

9 Q And can you confirm just for the record that that  
10 did come from your office, Hart County, Georgia?

11 A It did. I looked on the back of the second page,  
12 and it has our certified stamp, and it was signed on  
13 the 15th day of February 2019. Tammy Floyd, she is a  
14 deputy clerk that works for me.

15 Q All right. Is it fair to say that if a person was  
16 convicted of a crime, this is the kind of document that  
17 would be generated?

18 A This is the document that is generated in the  
19 Northern Judicial Circuit, which is Hart County.

20 Q What is the name of the defendant on that  
21 document?

22 A Michael Trotter.

23 Q And as you look at that official court document  
24 with Michael Trotter's name on it, do you see where he  
25 was convicted for the crime of burglary?

1 A I do, Count II.

2 MR. ALDERMAN: Your Honor, at this time, I would  
3 seek to move State's 32 into evidence.

4 THE COURT: Has Mr. Burr reviewed the document?

5 MR. BURR: I have seen it, have no objection.

6 THE COURT: Okay. This is State's?

7 MR. ALDERMAN: 32, your Honor.

8 THE COURT: State's Exhibit 32 would be admitted  
9 without objection.

10 (WHEREUPON, State's Exhibit Number 32 was admitted  
11 into evidence.)

12 MR. ALDERMAN: Thank you. Please answer any  
13 questions Mr. Burr may have for you.

14 MR. BURR: I have no questions.

15 THE COURT: Anything further for this witness?

16 MR. ALDERMAN: No, your Honor, and we would ask  
17 that he be released.

18 THE COURT: Thank you, sir. You are released.

19 Ladies and gentlemen, we're going to take our  
20 first break.

21 (WHEREUPON, the jury exited the courtroom at  
22 10:33 a.m.)

23 (WHEREUPON, a recess was taken from 10:33 a.m. to  
24 10:56 a.m.)

25 (WHEREUPON, the jury entered open court at

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1 10:56 a.m.)

2 THE COURT: All right.

3 Mr. Alderman, call your next witness.

4 MR. ALDERMAN: Thank you, your Honor.

5 The State would call Deputy Spence to the stand.

6 SCOTT JACOB SPENCE,

7 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

8 DIRECT EXAMINATION

9 BY MR. ALDERMAN:

10 Q Deputy Spence, if you would, please give us your  
11 full name and spell your last name.

12 A My name is Scott Jacob Spence. My last name is  
13 spelled S-p-e-n-c-e.

14 Q And where are you employed?

15 A The Oconee County Sheriff's Office.

16 Q And how long have you been with the sheriff's  
17 office?

18 A Just over two years.

19 Q And what are your duties there from day to day?

20 A Routine patrol, answering calls for service,  
21 traffic stops, stuff like that.

22 Q Were you on duty on November 28th of 2017?

23 A Yes, sir.

24 Q While on duty that day, did you respond to a  
25 vacant house at [REDACTED] Road in Seneca?

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1 A Yes, sir, I did.

2 Q What were you doing there?

3 A We were responding, myself and Deputy Pelfrey, to  
4 look for some possible stolen trailers.

5 Q So were you the primary, or were you backing up  
6 Deputy Pelfrey?

7 A I was not the primary. Deputy Pelfrey had called  
8 me and asked me to assist him basically for officer  
9 safety purposes.

10 Q And what did you see when you arrived?

11 A We saw a standalone garage with the door open.  
12 There was a trailer inside that. We saw a carport that  
13 had no walls with a vehicle backed up to it and an  
14 enclosed trailer under that. That's what we initially  
15 saw immediately.

16 Q Did you see any people?

17 A Yes. After several moments, we saw who we  
18 identified as Michael Trotter to walk out from behind  
19 the Jeep. It was sitting there in front of the  
20 carport.

21 Q Was anyone else there?

22 A Yes. There was a female there as well. Ariel  
23 Roach, I believe it was.

24 Q Did the defendant live at that house, just to be  
25 clear?

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1 A No, sir.

2 Q Where did he live relative to that house?

3 A Approximately 200 yards away. I would be unable  
4 to give the direction but within earshot.

5 Q So front door to front door, maybe 200 yards?

6 A Very approximately, but yes.

7 Q Were you able to determine whether the defendant  
8 had permission to be on the property?

9 A He did not have permission to be on the property.

10 Q Did you see any signs of forced entry into the  
11 enclosed building?

12 A Yes, there was. If I remember, there was at least  
13 one cut padlock on the ground there directly in front  
14 of the enclosed garage.

15 Q And which trailer was inside that enclosed garage?

16 A It was a large enclosed trailer, utility trailer,  
17 that was inside the garage.

18 Q Did it have any distinctive marks, anything  
19 written on the side of it?

20 A I believe it said "Universal Services 101" or  
21 something to that -- "Universal Services," something to  
22 that extent.

23 Q Did you and Deputy Pelfrey take pictures of the  
24 scene that day?

25 A Yes. It was quite a few.

1 MR. ALDERMAN: Your Honor, permission to approach  
2 the witness?

3 THE COURT: Yes, sir.

4 MR. ALDERMAN: And, Judge, Mr. Burr has reviewed  
5 these prior to my showing them to the witness.

6 Q If you would, just take a look at each of these  
7 pictures and tell me if you recognize them.

8 And for the record, this is previously marked as  
9 State's 11 through 30.

10 A Yes, I do recognize those.

11 Q Did you have a chance to review them before today?

12 A Yes, I did.

13 Q And are they a fair and accurate representation of  
14 the scene as you remember it that day?

15 A Yes.

16 Q And after looking at these pictures, does it  
17 appear that any of them have been changed, altered,  
18 manipulated in any way that you can discern?

19 A No, sir, not at all.

20 MR. ALDERMAN: At this time, we would move State's  
21 11 through 30 into evidence.

22 THE COURT: Any objection?

23 MR. BURR: Your Honor, I have reviewed them and  
24 have no objection.

25 THE COURT: All right. State's Exhibit 11 through

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1 30 will be admitted without objection.

2 (WHEREUPON, State's Exhibit Numbers 11 through 30  
3 were admitted into evidence.)

4 MR. ALDERMAN: Judge, at this time we would seek  
5 to publish these for the jury.

6 THE COURT: Yes, sir.

7 BY MR. ALDERMAN:

8 Q Deputy Spence, I'm just going to show you these in  
9 order, and if you would, just explain to the jury what  
10 we're looking at so they can have a better  
11 understanding of the scene.

12 So starting with State's 11, what are we looking  
13 at there?

14 A That's our view when we first pulled up and parked  
15 our patrol cars. That's the enclosed building I spoke  
16 of as well as the Jeep, which is backed up to a carport  
17 which has no walls. It's just a normal carport.

18 Q State's 12?

19 A That's just a closer shot, but it does show -- you  
20 can see the carport there kind of in the upper left.  
21 You can see the corner of the carport.

22 Q So this area here that I'm pointing to, is that  
23 the carport?

24 A Yes.

25 Q State's 13?

1 A That's a different angle showing two of the  
2 trailers, the two enclosed trailers, and the one inside  
3 the building is the one that says -- has the Universal  
4 Services logo and a couple other statements on it.

5 Q Moving on to State's 14, what are we looking at  
6 here?

7 A That's a picture of the front of the enclosed  
8 building, and it's kind of small, but middle left  
9 there, you can see the top of a padlock that has been  
10 cut.

11 Q Is that this area here?

12 A Yes, correct.

13 Q State's 15?

14 A That's a more close-up shot in front of the same  
15 area, just closer up. And then that's the bottom of  
16 the padlock.

17 Q And then 16?

18 A Again, same area, just the top of the padlock  
19 again cut off.

20 Q State's 17?

21 A I don't recall exactly where that was, but I can  
22 say that's consistent with a lock that would be on the  
23 front of the building, a storage container, something  
24 like that.

25 Q State's 18?

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1 A That's the trailer that was inside the enclosed  
2 building.

3 Q State's 19?

4 A That's a picture of the side of the trailer with  
5 the logo of Universal Services.

6 Q And State's 20?

7 A The focus of that picture is the spray paint there  
8 that appeared to be coordinated to paint the trailer,  
9 as was our belief.

10 Q State's 21?

11 A That's a different angle of the carport. There it  
12 shows the vehicle that we had initially seen backed up  
13 to the enclosed trailer that I described as being under  
14 the carport. And you can now also see the third  
15 trailer to the left. That is just a normal unenclosed  
16 utility trailer.

17 Q This area to the left here?

18 A Yes.

19 Q State's 22?

20 A That's a close-up picture of the Jeep backed up to  
21 the trailer that I described as being under the carport  
22 with the -- I guess you would call it the tailgate of  
23 the Jeep being open.

24 Q 23?

25 A That's a different angle showing the proximity of

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1 the Jeep to the trailer.

2 Q State's 24?

3 A That's a picture of the back of the Jeep being  
4 open backed up to that trailer again under the carport  
5 as I described with various tools laid out as far as  
6 filling -- as well as filling the trunk that we  
7 believed could possibly be used for altering the  
8 hitches and the trailer in some sort of way.

9 Q And State's 25?

10 A That's a different angle just again showing the  
11 proximity, showing how close the vehicle was to that  
12 trailer.

13 Q Now, as we look here, you mentioned earlier that  
14 when you pulled up, the defendant walked from behind  
15 his vehicle; is that correct?

16 A Yeah, that's correct.

17 Q So in this -- fair to say in this area?

18 A Correct, yeah.

19 Q In State's 25?

20 A Yes. Mr. Trotter was not initially visible, as I  
21 recall, and he walked out from behind the tailgate  
22 there, around the tailgate, and approached us at our  
23 patrol vehicles, which were in the driveway where the  
24 first picture was taken.

25 Q Would you describe this area as underneath the

1 roof of that building?

2 A Yes. I believe it would be almost impossible to  
3 walk around that without walking under the carport, at  
4 least, you know, with some inches.

5 Q State's 26?

6 A That's just a different angle. That's from the  
7 very far corner showing the unenclosed utility trailer,  
8 then the rest of the items we have already seen.

9 Q State's 27?

10 A That's a padlock, I guess you would call it, but  
11 it's typically used for storage containers and things  
12 that, when they're attached to either the storage  
13 container or possibly on an enclosed trailer, it could  
14 be used, and it leaves very little room for the -- for  
15 bolt cutters to get in there. It's just an extra --  
16 they're a little more expensive, but it's an extra  
17 safety measure so that people can't break into storage  
18 containers and that sort of thing.

19 Q So, essentially, would you describe it as a  
20 theft-resistant lock; is that fair?

21 A Yeah. It just leaves less room to cut. So it's  
22 not as easy to use bolt cutters. It's very difficult  
23 to use bolt cutters to cut one of those.

24 Q State's 28?

25 A I don't recall exactly what that picture was from.

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1 It appears to be one of the utility trailers, one of  
2 the enclosed trailers, but I don't recall exactly  
3 which.

4 Q Deputy, if you would, take a look at these marks  
5 and these marks here.

6 A Yes.

7 Q Would those be consistent with a bolt cutter  
8 removing a lock from that latch, or would you expect  
9 that to be something else?

10 A No. Yeah, if you were going to use bolt cutters,  
11 I don't think you would be causing all that damage,  
12 especially in that pattern as it is. That probably  
13 would be more consistent with a disc grinder, something  
14 that you would use to basically saw through a padlock  
15 or something like that, and in turn, it would hit the  
16 metal there on the latch and cause it to be cut in that  
17 fashion.

18 Q State's 29?

19 A That is a disc grinder that we located at the  
20 scene in very close proximity to the vehicle.

21 Q And State's 30?

22 A Those are bolt cutters also found at the scene.

23 Q Thank you, Deputy Spence. If you would, please  
24 answer any questions that Mr. Burr may have for you.

25 MR. BURR: May it please the Court, your Honor?

1 THE COURT: Yes, sir.

2 CROSS-EXAMINATION

3 BY MR. BURR:

4 Q Officer, you guys were responding to a complaint  
5 of arguing, loud voices or whatever in that area,  
6 correct?

7 A No, sir, not correct.

8 Q What were you responding to?

9 A I had received a call from Deputy Pelfrey stating  
10 that he suspected there was -- he had gotten a tip --

11 Q He suspected. Did you guys have a complaint from  
12 anybody about anything going on on that property other  
13 than the loud voices that was reported?

14 A All I can testify to is that he had received a tip  
15 that there was possibly stolen trailers at that  
16 property.

17 Q A tip. A tip from whom?

18 A Honestly, I don't even recall.

19 Q Both of you arrived at the same time?

20 A Yes. Yes.

21 Q Okay. And all the pictures you just saw, there is  
22 a white trailer under a garage with the Jeep somewhere  
23 nearby, tools on the ground?

24 A Correct.

25 Q There's been no report of that property as stolen,

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1 is there?

2 A I don't fully understand your question.

3 Q Do you have any evidence that the trailer that was  
4 under that shed, that open shed, any evidence that that  
5 trailer was stolen?

6 A I'll be honest. I was fairly uninvolved with the  
7 theft of the trailers, the reporting of all that. I  
8 received a call from Deputy Pelfrey to go respond to  
9 this scene.

10 Q To your knowledge, there was no complaint about  
11 that trailer being stolen? To this day, there's no  
12 complaint about that trailer being stolen?

13 A I do believe there was a complaint about the  
14 trailer --

15 Q Don't believe. Either you know there was a  
16 complaint or there wasn't.

17 MR. ALDERMAN: Objection, your Honor. The witness  
18 has answered the question. He says he doesn't have any  
19 knowledge, and we're going down a hole here,  
20 information he can't give.

21 MR. BURR: That's what I'm waiting for, him to  
22 tell me he doesn't have knowledge.

23 THE COURT: Answer the question and move on.

24 THE WITNESS: Deputy Pelfrey, early in the day,  
25 had taken a report for stolen trailers from Universal

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1 Services. So the one that said "Universal Services"  
2 all over it, I assume that was the one --

3 BY MR. BURR:

4 Q Nobody had seen those at that point until you got  
5 out there?

6 A I don't understand, "nobody had seen." I don't  
7 understand the question.

8 Q I agree with you there is a report Mr. Moon had  
9 trailers stolen. That's on the other side of town.  
10 And then later on, when you guys got out there, you  
11 found two of his trailers?

12 A Correct.

13 Q But the trailer that you're seeing all of those  
14 pictures of was not one of his trailers?

15 A Yeah. I'm sorry, I didn't understand. Correct.  
16 To the best of my knowledge, that was not one of  
17 Mr. Moon's trailers, correct.

18 Q Right. And there's been no complaint about a  
19 stolen trailer hitch, trailer ball?

20 A Not to my knowledge, no, sir.

21 Q And you don't get a trailer ball off the trailer,  
22 do you?

23 A I don't fully understand what you're asking.

24 Q You understand the concept, a trailer has a  
25 coupling on the top?

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1 A Correct.

2 Q And it attaches to the ball that's normally  
3 attached to --

4 A The vehicle.

5 Q -- the vehicle?

6 A Yes, sir.

7 Q Right. So there's no way -- you don't normally  
8 steal a ball from the trailer?

9 A Yeah. Correct, yes.

10 Q You saw pictures. There was a grinder, there was  
11 bolt cutters, there were two trailers that were stolen.  
12 Did anybody take the time to fingerprint anything?

13 A I don't believe so. I know I didn't, and I don't  
14 believe Deputy Pelfrey did, no.

15 Q Was the stuff even confiscated, put into evidence?  
16 The grinder, was that taken into evidence or was it --

17 A Not to my knowledge. I know I didn't take it.

18 Q All right. So the only charge that you knew of at  
19 the time was a trespass charge?

20 A Essentially, at the initial encounter, yes, we  
21 knew he was trespassing.

22 Q And that wasn't based on a complaint; that was  
23 based on you guys showing up, seeing a trespass sign,  
24 and arresting Mr. Trotter?

25 A I'm sorry. Can you repeat the question?

*Beverly Whitfield - Direct*

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1 Q The trespass charge that was made wasn't based on  
2 a complainant calling saying, "Somebody is trespassing  
3 on my property"?

4 A Correct, yes. We did not receive a call from a  
5 complainant.

6 Q And the shed that you saw that had no door on it.  
7 You don't have any evidence or any knowledge that  
8 Mr. Trotter ever went in there or had anything to do  
9 with that?

10 A Well, I can't say no because he walked around his  
11 tailgate, and I believe he would have passed --

12 Q That was around the side of the other building.  
13 I'm talking about the shed that had the stolen trailer  
14 in it.

15 A Oh, the enclosed?

16 Q Right.

17 A I personally do not have any proof that  
18 Mr. Trotter was in there, no, sir.

19 Q And you have no evidence that he was attempting to  
20 commit any kind of crime under that open trailer --  
21 open shed with a trailer in it?

22 A Well, he was backed up to it with his vehicle,  
23 but, you know --

24 Q But it wasn't a stolen trailer. So what was the  
25 crime being committed?

*Beverly Whitfield - Direct*  
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1 A Okay. Valid point.

2 Q Okay.

3 MR. BURR: I have no further questions.

4 Thank you.

5 MR. ALDERMAN: Judge, may we approach briefly?

6 THE COURT: Yes.

7 (WHEREUPON, a bench conference was held off the  
8 record in the presence of the jury, but out of the  
9 hearing of the jury.)

10 MR. ALDERMAN: Your Honor, the State has no  
11 further questions. I would ask this witness be  
12 released.

13 THE COURT: Mr. Burr, any objection?

14 MR. BURR: No objection, your Honor.

15 THE COURT: Thank you, Officer. You are released.

16 MR. ALDERMAN: Your Honor, at this time the State  
17 would call Beverly Whitfield to the stand.

18 **BEVERLY WHITFIELD,**

19 **BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:**

20 **DIRECT EXAMINATION**

21 **BY MR. ALDERMAN:**

22 Q Ms. Whitfield, I appreciate you coming all the way  
23 from the first floor to be with us today.

24 If you would, please give us your name and spell  
25 your last name for the record.

*Beverly Whitfield - Cross*  
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1 A Yes. Beverly Whitfield, W-h-i-t-f-i-e-l-d.

2 Q And, again for the record, where are you employed?

3 A Okay. I am the Clerk of Court for Oconee County.

4 I've been in the clerk's office 34 years, been the

5 clerk 11.

6 Q And do your duties as clerk include maintaining

7 court records for the county?

8 A Yes, sir.

9 MR. ALDERMAN: Judge, permission to approach the  
10 witness?

11 THE COURT: Yes, sir.

12 BY MR. ALDERMAN:

13 Q Ms. Whitfield, I'm going to approach you with what  
14 has been previously marked as State's Exhibit 33. If  
15 you would, just review that for a moment.

16 And, Ms. Whitfield, can you confirm that that  
17 document came from your office?

18 A Yes, sir. It's a copy of a sentence sheet from  
19 his file.

20 Q And how do you know it came from your office?

21 A Well, it's been certified by one of my clerks, and  
22 all records are kept in my office.

23 Q And who is listed as the defendant on that  
24 document?

25 A Michael Lee Trotter.

Ariel Nicole Roach - Direct  
State vs. Michael Lee Trotter 2018-GS-37-466, 467 & 468; 2019-GS-37-266 February 27, 2019

1 Q And backing up, in case I forgot to ask, what  
2 exactly is that document? What's the nature of the  
3 document?

4 A This is a sentence sheet showing where he came to  
5 court and was sentenced.

6 Q Of what charge was Mr. Trotter convicted?

7 A This one says burglary second.

8 Q And what's the date on that?

9 A The date on it is June the 19th of 2002.

10 Q Thank you very much.

11 MR. ALDERMAN: Your Honor, at this time we would  
12 seek to admit State's 33 into evidence.

13 MR. BURR: I renew the objections that your Honor  
14 ruled on yesterday.

15 THE COURT: Yes, sir. Noted for the record, and  
16 it will be admitted as State's Number 33.

17 (WHEREUPON, State's Exhibit Number 33 was admitted  
18 into evidence.)

19 MR. ALDERMAN: And, Ms. Whitfield, please answer  
20 any questions that Mr. Burr may have for you.

21 THE COURT: Mr. Burr, any questions?

22 MR. BURR: One question.

23 CROSS-EXAMINATION

24 BY MR. BURR:

25 Q Do you still have the document?

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1 A. No, sir. It's up there.

2 MR. BURR: May I approach, your Honor?

3 THE COURT: Yes, sir.

4 BY MR. BURR:

5 Q Ma'am, can you look at that document and tell how  
6 that conviction was obtained? Was that a guilty plea?

7 A There is usually a box up here. Let's see. Yes,  
8 sir, it was.

9 Q Thank you, ma'am.

10 MR BURR: No further questions, your Honor.

11 THE COURT: Anything further from this witness?

12 MR. ALDERMAN: None from the State.

13 THE COURT: Thank you, Madam Clerk. You may step  
14 down.

15 MR. ALDERMAN: Judge, if we may approach one more  
16 time.

17 THE COURT: Yes, sir.

18 (WHEREUPON, a bench conference was held off the  
19 record in the presence of the jury, but out of the  
20 hearing of the jury.)

21 MR. ALDERMAN: Thank you, your Honor. Next the  
22 State would call Ms. Ariel Roach to the stand.

23 ARIEL NICOLE ROACH,

24 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

25 DIRECT EXAMINATION

*Ariel Nicole Roach - Direct*  
*State vs. Michael Lee Trotter 2018-GS-37-466, 467 & 468; 2019-GS-37-266 February 27, 2019*

1 BY MR. ALDERMAN:

2 Q Ms. Roach, if you would, state your name for the  
3 record.

4 A Ariel Nicole Roach.

5 Q Could you spell your last name.

6 A R-o-a-c-h.

7 Q How old are you, Ms. Roach?

8 A I'm 27.

9 Q Do you go to school or do you work anywhere?

10 A I go to Ken Shuler Cosmetology. I'm a full-time  
11 student.

12 Q Do you know the defendant, Michael Trotter?

13 A Yes, sir.

14 Q How do you know him?

15 A Me and him dated for about a year.

16 Q Were you dating in November of 2017?

17 A Yes.

18 Q Where were you living at the time?

19 A I was staying with him and my mom.

20 Q So splitting time between mom's house and  
21 Mr. Trotter's house?

22 A (Nodding.)

23 Q Okay. Do you recall how you came to be in contact  
24 with the deputies on November 28, 2017?

25 A I was at a house that was seized, seized property.

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1 Q And was that -- where was that relative to  
2 Mr. Trotter's house where you stayed sometimes?

3 A Well, I think they had a meeting, like, property  
4 line. Like it was just --

5 Q So share a property line? Fair to say they're  
6 next door?

7 A Yeah.

8 Q Okay. Do you remember the night before that,  
9 before that incident, where you came in contact with  
10 the deputies?

11 A I don't -- I don't know if I was at his house or  
12 my mom's house.

13 Q But that morning, did you go or were you at  
14 Michael's house at some point?

15 A Yeah. I got with him at some point if I didn't  
16 stay. I'm not sure.

17 Q So at some point you are at Michael's house. You  
18 end up next door. Whose idea was it to go over there?

19 A I mean, well, we just went there. Maybe Michael  
20 said, "Let's go," or maybe we just walked. I'm not  
21 sure. I stayed high back then. Like, I'm sober now.  
22 I live a whole different life.

23 Q And what did he say you were going over there to  
24 do?

25 A We -- I -- I can't really recollect. I mean, I

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1 can't say for sure. I don't want to say something I  
2 don't know.

3 Q Ms. Roach, do you remember meeting with me in my  
4 office and discussing this case recently?

5 A Yeah.

6 Q Do you remember what you said then?

7 A Uh-huh.

8 Q Okay. So let me ask again: What did Michael say  
9 you two were going over there to do?

10 A I'm assuming -- can I state something?

11 Q Please.

12 A Okay. You tell me that we're backed up to this  
13 trailer like we're about to put one on, and you tell me  
14 you have my footsteps going into the building. I  
15 stayed high back then. That's part of my life that I  
16 don't live no more, so I'm trying to recollect in my  
17 mind what could have possibly or could be the right  
18 thing that had went on.

19 So I'm telling y'all, because you're like, "Well,  
20 it's hard for me to think that you don't remember." So  
21 you're telling me what evidence you have. So I'm like,  
22 "Okay. Well, if you're saying we're backed to a  
23 trailer, maybe we was up there to take the trailers off  
24 the property." I'm not sure, but if that's what you're  
25 saying. If you're saying my footprints are in the

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1 building, maybe I was in the building. I'm not sure.

2 If you saw my footprints -- I'm not calling you a liar,

3 but, I mean.

4 Q Do you know who owned that property?

5 A No, sir. Never heard -- it's always been empty as

6 long as I've seen it.

7 Q Fair to say that you didn't have permission from

8 anybody to be there?

9 A I mean, it's fair to say that.

10 Q Okay. Now, Ms. Roach, there at the scene, what

11 did you tell the deputies you were there to do?

12 A I really don't remember.

13 Q So do you remember telling them that Mr. Trotter

14 was there to steal a ball hitch and that you didn't

15 know anything about anything else?

16 A No, I don't remember. I'm not going to say I'm

17 calling you a liar, but I don't remember anything.

18 Q Ms. Roach, are you scared of Mr. Trotter?

19 A I mean, we have had a bad past, but I just -- we

20 have had a bad past, but this part of my life is over,

21 and I'm pregnant, and it stresses me out above and

22 beyond. Like I don't --

23 Q It's fair to say you don't want to be here today?

24 A Yeah, I don't want to be here.

25 Q All right. Would it also be fair to say that you

*Ariel Nicole Roach - Cross*  
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1 met in our office and told us what happened that day,  
2 and as you sit here today you're --

3 A I mean --

4 Q -- scared to say any more?

5 A No. I mean, what I told y'all is what that --  
6 because ya'll told me, "Okay. Y'all was backed up to  
7 the trailer, and I got your footprints in this building  
8 on a property that y'all are not supposed to be on.  
9 Tell me the best of your knowledge what you think y'all  
10 were doing."

11 To my knowledge, you want me to -- in my mind, I'm  
12 piecing all the things that could have been the  
13 definite thing that could happen. I'm not sure. I'm  
14 not sure of any of it. But if you're saying we're  
15 backed up to a trailer, maybe we was there to get a  
16 trailer off the property. I can't remember, obviously,  
17 because there was needles there. I was shot up on  
18 dope. I was very high.

19 But I'm just trying to piece together what y'all  
20 want to know so I can get on through and get on with my  
21 life. Like, I'm missing a day of school today I  
22 shouldn't even be missing.

23 Q Ms. Roach, I appreciate you being here today. If  
24 you will answer any questions Mr. Burr may have for  
25 you.

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1 MR. BURR: May it please the Court, your Honor?

2 THE COURT: Yes, sir.

3 CROSS-EXAMINATION

4 BY MR. BURR:

5 Q Ms. Roach, it's obvious this is very stressful for  
6 you, and I don't mean to add to your stress.

7 You were in fact pregnant last year and lost a  
8 baby?

9 A Yes.

10 Q You were pregnant by Mr. Trotter?

11 A Yeah.

12 Q And you're concerned the stress is bothering you  
13 now.

14 Back in November of 2017 -- and I guess you're  
15 repeating yourself -- you were doing a lot of drugs  
16 back then?

17 A Yes, sir, very -- I stayed very high.

18 Q And you were charged with trespass?

19 A Uh-huh.

20 Q Pled guilty to the trespass.

21 When you were called in by the prosecutor, did you  
22 voluntarily come in to them and approach them and say,  
23 "Hey, let me tell you what happened"?

24 A No.

25 Q When they brought you -- how did you go about

*Ariel Nicole Roach - Cross*  
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1 getting to their office? Who came and got you?

2 A They came to my papa's house to bring, I guess, a  
3 paper where I was subpoenaed, and I was not there. So  
4 they had been calling my cell phone. And I'm in  
5 Greenville all week. So I called, and they said,  
6 "Well, you need to meet me at the courthouse." So I  
7 did. And they took me back in the room, and they said,  
8 "Let me ask you a few questions," and I said, "Okay."

9 Q Who was in that room?

10 A Jason and that guy back there in the red top.

11 Q One of their investigators?

12 A Yeah.

13 Q How many times did they talk to you?

14 A I met with them once, and I talked to Jason on and  
15 off the phone. I would call him, be like, you know, "I  
16 don't think this is necessary. I really don't want to  
17 go," and he would say, "Well, you know, I need you  
18 there." And he said, "This is what I'm going to be  
19 asking you."

20 Q Did you feel that you were forced to come in and  
21 testify today?

22 A I mean, I feel like I don't want to be here, and  
23 if I wasn't, y'all was going to put me in jail, and if  
24 it was just a fine --

25 Q Wait a minute. Don't say "y'all was going to put

1 me in jail."

2 A I mean, the cops, I mean, if I'm subpoenaed. But,  
3 definitely, I would not have come in if I would have  
4 got in no trouble for not coming. I would not be here.

5 Q Did he more or less tell you what had happened out  
6 at that property in November?

7 A They told me that, you know, "We have you backed  
8 up to the trailer, and we have your footprints." Like  
9 I'm telling you, in my mind, I'm trying to regulate the  
10 most reasonable thing that could have been going on.  
11 Because I stayed -- like, I really honestly don't know.  
12 I know I was there, that's it.

13 Q Did you feel a lot of pressure to come in and  
14 testify to this today?

15 A Yeah.

16 MR. BARR: No further questions, your Honor.

17 THE COURT: Any redirect?

18 MR. ALDERMAN: Briefly, your Honor.

19 REDIRECT EXAMINATION

20 BY MR. ALDERMAN:

21 Q Ms. Roach, do you recall when you first met with  
22 myself and the investigator from our office, the first  
23 question I asked you being, "Can you tell me what  
24 happened that day"?

25 A I said we was at the property --

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1 MR. BARR: Objection, your Honor. He's going  
2 beyond cross-examination.

3 MR. ALDERMAN: Judge --

4 THE COURT: You asked about the questioning. I'm  
5 going to allow the question.

6 BY MR. ALDERMAN:

7 Q So, again, Ms. Roach, do you remember me asking,  
8 the first question I asked you being, "Can you tell me  
9 what happened that day?" And you answered --

10 A I said me and Michael was at the property, there  
11 was some trailers there, and that y'all came and we  
12 went to jail.

13 MR. ALDERMAN: Thank you, ma'am.

14 THE WITNESS: You're welcome.

15 THE COURT: All right. Anything further?

16 MR. BARR: Nothing, your Honor.

17 MR. ALDERMAN: Nothing from the State.

18 THE COURT: Thank you, ma'am. You may step down.

19 THE WITNESS: Thank you.

20 MR. ALDERMAN: Your Honor, next the State would  
21 call Deputy Pelfrey to the stand.

22 JUSTIN ALLEN PELFREY,

23 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

24 DIRECT EXAMINATION

25 BY MR. ALDERMAN:

*Justin Allen Pelfrey - Direct*  
*State vs. Michael Lee Trotter 2018-GS-37-466, 467 & 468; 2019-GS-37-266 February 27, 2019*

1 Q Deputy Pelfrey, if you would, give us your full  
2 name and spell your last name for the record.

3 A My name is Deputy Justin Allen Pelfrey,  
4 P-e-l-f-r-e-y.

5 Q And, Deputy, where are you employed?

6 A Oconee County Sheriff's Office.

7 Q How long have you been there?

8 A Approximately six years.

9 Q And your duties from day to day with the sheriff's  
10 office?

11 A Respond to calls for service, investigate various  
12 crimes, try to build up a partnership with the  
13 community.

14 Q Were you on duty November 28th of 2017?

15 A I was.

16 Q Did you respond to a call at [REDACTED] Road in  
17 Seneca sometime that morning?

18 A Yes, sir.

19 Q And what was the nature of the call?

20 A I received a call from Mr. Moon in reference to he  
21 arrived at his place of work, noticed that two trailers  
22 had gone missing.

23 Q All right. And when you arrived, did you see any  
24 physical evidence that suggested something had been  
25 stolen?

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1 A Yes, sir. Mr. Moon verified that he did have  
2 chains on the trailers kind of binding them together.  
3 We did find a cut lock and a chain kind of pushed to  
4 the side. Also there was a fresh pile of sand in the  
5 middle of the parking lot that Mr. Moon stated he had  
6 put there the previous day with a fresh tire mark that  
7 Mr. Moon stated was none of his vehicles.

8 Q And did he describe the missing trailers to you?

9 A He did.

10 Q And did he give you approximate values, what they  
11 may be worth?

12 A Yes, sir.

13 Q And when you talked to him, did he have any idea  
14 who might have taken his trailers?

15 A Yes, sir. When I asked him who he suspected of  
16 taking the trailers, he mentioned Michael Trotter.

17 Q And what happened next?

18 A While taking the report from Mr. Moon, dispatch  
19 gave another deputy a call for shots fired in the area  
20 of [REDACTED] Road. That was the same address  
21 Michael Trotter was staying at, so I left the scene  
22 with Mr. Moon to back up the officer responding.

23 Q And what did you see when you got there?

24 A While en route to the call, going down [REDACTED]  
25 [REDACTED] Road, which turns into [REDACTED], I passed a

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1 vehicle with Michael Trotter's mother in there. I  
2 asked her about, you know, what was going on down  
3 there, if anybody had been shot or if there was  
4 shooting down there. She did indicate that nothing had  
5 not happened, so I continued to investigate, went down  
6 to the road -- or to the residence.

7 Q So you go down to the Trotter residence. What did  
8 you see when you got there?

9 A I saw a vehicle that Michael Trotter usually  
10 drives parked in the driveway, and I attempted to make  
11 contact at the front door, back door, but nobody -- I  
12 was unable to make contact with anyone.

13 MR. ALDERMAN: Permission to approach the witness,  
14 your Honor?

15 THE COURT: Yes, sir.

16 BY MR. ALDERMAN:

17 Q Deputy Pelfrey, I'm approaching you with what has  
18 been previously marked as State's Exhibit 8 and 9.

19 If you would just look those over for a minute and  
20 tell me: Do you recognize those pictures?

21 A I do.

22 Q Who took those pictures?

23 A I did.

24 Q And are they a fair and accurate representation of  
25 the scene that day?

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1 A They are.

2 Q Altered or changed in any way that you can tell?

3 A No, sir.

4 Q All right.

5 MR. ALDERMAN: Your Honor, at this time we'd move  
6 State's 8 and 9 into evidence.

7 THE COURT: Any objection?

8 MR. BURR: I have reviewed them and have no  
9 objection, your Honor.

10 THE COURT: So State's Number 8 and 9 would be  
11 admitted without objection.

12 (WHEREUPON, State's Exhibit Numbers 8 and 9 were  
13 admitted into evidence.)

14 MR. ALDERMAN: Permission to publish to the jury?

15 THE COURT: Yes, sir.

16 BY MR. ALDERMAN:

17 Q Deputy, I'm showing you -- now I'm showing you  
18 what's been admitted as State's 8. Tell me what we're  
19 looking at here.

20 A That would be the address [REDACTED] Road.  
21 The Jeep is the vehicle that Michael Trotter usually  
22 drives.

23 Q While you were there, did you look around the Jeep  
24 or in the Jeep?

25 A I did look through the back glass of the Jeep

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1 while on scene.

2 Q What did you see there?

3 A I saw a pair of bolt cutters and the bottom end of  
4 an angle grinder.

5 Q Was there any reason that would have stuck out in  
6 your mind or been suspicious to you?

7 A Because Mr. Moon had mentioned Michael Trotter was  
8 a suspect and he had those tools in his vehicle, it did  
9 seem a little suspicious to have those tools.

10 Q Showing you State's Exhibit 9. What are we  
11 looking at here?

12 A In the right of the screen, that's the bolt  
13 cutters I saw. That battery at the bottom, that  
14 connects to an angle grinder.

15 Q So fair to say that while you're there  
16 investigating a call of shots fired, that you're still  
17 investigating the trailer incident as well?

18 A Yes.

19 Q Being they involved the same person potentially?

20 A Yes, sir.

21 Q Did you talk to anyone else in the area about the  
22 shots fired call or trailers or anything else before  
23 you left?

24 A Yes, sir. I made contact with the original  
25 complainant, Mr. Mull, I believe it was, and asked him

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1 what he had seen or observed. I also asked him  
2 questions pertaining to had he seen any trailers in the  
3 area.

4 Q And did that turn up any information?

5 A He didn't have any more information to provide on  
6 the shots fired call, and he -- at that time he did not  
7 say anything about any trailers.

8 Q So what did you do next?

9 A I cleared the scene as unfounded.

10 Q What happened next?

11 A Couple hours later, received a call from Mr. Mull  
12 again in regards to he had spoken with, I believe it  
13 was his brother, about some trailers that had been seen  
14 going in a vacant property at [REDACTED] Road.

15 Q So what did you do based on that tip?

16 A I called for backup, called Deputy Spence, told  
17 him that I needed his assistance, going to investigate  
18 whether these trailers were possibly the stolen  
19 trailers or what they were doing on the property.

20 Q So this property that you're going to, how far  
21 away from Mr. Trotter's house, the house that you were  
22 just at previously, how far away were those two?

23 A I'd say between 2- and 300 yards.

24 Q Was there anything between the two houses, or did  
25 they share a property line that can you tell?

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1 A It appeared they shared a property line. It was a  
2 wooded area between the two.

3 Q Okay. Can you see any of the outbuildings or the  
4 home at this unoccupied residence from the road?

5 A No.

6 Q So woods in between the two?

7 A Yes, sir.

8 Q So if I understand your testimony, at this point  
9 the victim has reported two trailers stolen, he  
10 suspects the defendant, you get a tip a trailer was  
11 towed to a property directly next to the defendant's  
12 home, you pull up to investigate. And what did you see  
13 when you got there?

14 A When we arrived on scene, we saw the garage-style  
15 building with one of the garage doors open. We saw a  
16 vehicle, Michael Trotter's vehicle, parked just to the  
17 side of that, backed up to another trailer.

18 Q And what was the defendant doing when you first  
19 saw him?

20 A He was between the back of his vehicle and the  
21 trailer under the covering, appeared like he was low to  
22 the ground, messing with something.

23 Q So you and Deputy Spence are there together. Do  
24 you recall what was -- if you're walking side-by-side  
25 or if you were in front and Spence behind -- the

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1 situation there?

2 A I was in front of Deputy Spence.

3 Q Coming up the driveway towards the carport?

4 A Yes.

5 Q So as you round the enclosed building, is it fair  
6 to say you would have been the first to see Mr. Trotter  
7 or see behind that car?

8 A Yes, sir.

9 Q Just to remind the jury, I'm going to show you  
10 what's been marked as State's 22. The area between the  
11 Jeep and the trailer, is that the area that you're  
12 talking about where Mr. Trotter was?

13 A Yes, sir.

14 Q And State's 25. Is this, again, the area where  
15 you saw Mr. Trotter?

16 A Yes, sir.

17 Q Is it fair to say that if Mr. Trotter is behind  
18 his vehicle --

19 MR. BURR: Objection, your Honor. He's leading  
20 the witness.

21 THE COURT: Rephrase your question.

22 BY MR. ALDERMAN:

23 Q All right. Deputy Pelfrey, tell us again where  
24 you saw Mr. Trotter.

25 A He was between the area of the Jeep and the

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1 trailer, right around that area of the hitch that's  
2 missing the ball.

3 Q Would you say that Mr. Trotter is a big fella?

4 A Yes, sir.

5 Q If Mr. Trotter is standing behind his vehicle, is  
6 he under the roof of the carport or is he outside of  
7 it?

8 A He would have been under the roof of the carport.

9 Q Did you speak to the defendant at all while you  
10 were there?

11 A I did.

12 Q Did you ask him if he had permission to be there?

13 A I did.

14 Q What did he say?

15 A He said he did not have permission to be there.

16 Q Did you ask him what he was doing there?

17 A I did.

18 Q What did he say?

19 A He said he was there to steal a ball hitch.

20 Q There to steal a ball hitch?

21 A Right.

22 Q Was he working on a hitch or anything else that  
23 you could see behind his vehicle?

24 A Yes. The ball from his vehicle was missing. It  
25 appeared he was trying to change one.

1 Q How many trailers did you find on the property?

2 A Three trailers.

3 Q Did you recognize any of those trailers belonging  
4 to Mr. Moon?

5 A Yes. The one trailer that was inside the enclosed  
6 building with the "Universal Services," I recognized  
7 that as being Mr. Moon's as well as the utility trailer  
8 with the two ramps.

9 Q Did you ask the defendant if he knew anything  
10 about the stolen trailers?

11 A I did.

12 Q What did he say?

13 A He said he didn't know anything about the  
14 trailers.

15 Q Just out of curiosity, with regard to the trailers  
16 and the receivers, what size were the hitches on  
17 Mr. Moon's two trailers?

18 A I believe they were two-inch.

19 Q And the trailer that Mr. Trotter was backed up to  
20 at the time, what size was that?

21 A It was a 2 and 5/16ths.

22 Q Is it fair to say if you have a two-inch ball on  
23 your vehicle and you wanted to tow that 2 and 5/16-inch  
24 trailer receiver, you would have to have a different  
25 ball?

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1 A To do it safely, yes.

2 Q So after you secure the suspects, what do you do  
3 next?

4 A After I placed Mr. Trotter under investigative  
5 detention for trespassing, I told both subjects their  
6 Miranda rights, began to question them about the  
7 incident.

8 After he confirmed that, you know, he didn't have  
9 permission to be there and he had the intent to steal  
10 the items, secured them in the back of my vehicle and  
11 continued to investigate, document with pictures.

12 Q Did you see any signs of forced entry to the  
13 building or the enclosed trailers?

14 A I did. The enclosed building had a lock laying in  
15 front of it with cut marks on it, as well as the  
16 trailer latch, and cut lock there as well.

17 Q Did you find any tools in the defendant's  
18 possession that might be used to cut locks?

19 A Yes. We did find the bolt cutters which I had  
20 previously seen and the angle grinder.

21 Q So you had taken a picture of that previously at  
22 Mr. Trotter's residence, and you're saying that you saw  
23 those same tools there at the vacant lot a few hours  
24 later?

25 A Yes, sir.

1 Q Where were those tools when you saw them?

2 A They were out like they were being used behind the  
3 vehicle.

4 Q When you looked at those locks, did it appear to  
5 you that one had been destroyed with something other  
6 than a bolt cutter?

7 A Yes. The one that appeared to be the anti-theft  
8 lock did have a clean cut, which appeared to be more  
9 consistent with an angle grinder.

10 Q Showing you State's 27, is this the lock you're  
11 talking about?

12 A Yes, sir.

13 Q State's 28, what are we looking at here?

14 A That would be the latch of the enclosed trailer  
15 and the cuts on the side and bottom of the latch.  
16 Appeared to be consistent with an angle grinder as  
17 well.

18 Q Did you find any cut locks inside the enclosed  
19 building?

20 A Yes, sir.

21 Q And what else did you find inside the building,  
22 just anything of note?

23 A There was a shoe print inside the enclosed  
24 building. It was a rather large shoe print. Also  
25 found some paint cans kind of that didn't have any dust

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1 on them. Looked like they had just been placed there  
2 right beside the trailer.

3 Q I'm approaching you with what's been previously  
4 marked as State's Exhibit 10. If you would just look  
5 that over and tell me if you recognize it.

6 A Yes.

7 Q Did you take that picture?

8 A I did.

9 Q Is it a fair and accurate representation of the  
10 scene that day?

11 A It is.

12 Q Altered or tampered in any way?

13 A No.

14 MR. ALDERMAN: Your Honor, at this time, we would  
15 seek to admit State's 10 and publish to the jury.

16 THE COURT: Any objection?

17 MR. BURR: No objection.

18 THE COURT: All right. State's Exhibit 10 would  
19 be admitted without objection.

20 (WHEREUPON, State's Exhibit Number 10 was admitted  
21 into evidence.)

22 BY MR. ALDERMAN:

23 Q What are we looking at here?

24 A That would be inside the enclosed building. There  
25 is a shoe print with another smaller shoe print beside

1 it.

2 Q So is this the large shoe print that you're  
3 talking about?

4 A Yes, sir.

5 Q And what is this?

6 A It appears to be a smaller-sized shoe print.

7 Q And, admittedly, Deputy, I don't have anything in  
8 this picture for scale, but you took this picture, did  
9 you not?

10 A Yes.

11 Q What size shoe do you wear?

12 A Size 12.

13 Q So as you stood there with your size 12 and looked  
14 at that shoe, did it seem larger than yours?

15 A It was much larger than mine.

16 Q Did you ask the defendant what size shoe he wears?

17 A I did.

18 Q And what did he say?

19 A He said he wore a size 16 4e.

20 Q I'm sorry?

21 A Size 16 4e.

22 Q 4e.

23 Now, going back to the picture you took at the  
24 scene of Mr. Moon's shop, the tire track in the sand,  
25 did you take a picture at the scene where you recovered

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1 the trailers that seemed to be the same or similar tire  
2 mark?

3 A I did.

4 MR. BURR: Your Honor, I would object. This  
5 witness is not qualified as an expert in tire marks.  
6 The jury will have the pictures. They can make their  
7 own conclusion.

8 THE COURT: Counsel, approach.

9 (WHEREUPON, a bench conference was held off the  
10 record in the presence of the jury, but out of the  
11 hearing of the jury.)

12 BY MR. ALDERMAN:

13 Q Deputy, I'm approaching you with what has been  
14 previously marked as State's 31. If you would give  
15 that a look.

16 Do you recognize it?

17 A I do.

18 Q How is it that you recognize it?

19 A That's a picture we took of the back of the  
20 vehicle and kind of zoomed in on the tire.

21 Q It's a fair and accurate representation of the  
22 scene that day?

23 A Yes, sir.

24 Q Altered or changed in any way?

25 A No.

1 MR. ALDERMAN: Judge, at this time, we would move  
2 State's 31 into evidence.

3 THE COURT: Any objection?

4 MR. BURR: No objection.

5 THE COURT: So State's Exhibit Number 31 would be  
6 admitted without objection.

7 (WHEREUPON, State's Exhibit Number 31 was admitted  
8 into evidence.)

9 MR. ALDERMAN: And, at this time, we would like to  
10 publish State's 31 to the jury.

11 THE COURT: Yes, sir.

12 BY MR. ALDERMAN:

13 Q Deputy, can you tell us again, what is this a  
14 picture of?

15 A It is the back of Mr. Trotter's vehicle, a Jeep,  
16 and driver's side tire.

17 Q And why did you take that picture?

18 A Since we had had a fresh tire track at the scene  
19 where the trailers had been taken, I wanted to take the  
20 picture to see if it was consistent with the track we  
21 had found.

22 Q And then showing you State's 3, is that the  
23 picture of the sand that you took?

24 A That is.

25 Q All right. And you would admit, would you not,

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1 that you're not an expert in tire comparisons?

2 A I'm not an expert.

3 Q Nevertheless, you took those pictures, as you  
4 testified, to see if they were consistent with one  
5 another?

6 A Yes, sir.

7 Q And, Deputy, does the sheriff's office provide you  
8 with body cameras?

9 A They do.

10 Q And were you wearing a body camera that day?

11 A I was.

12 Q Was it operational?

13 A Yes, sir.

14 MR. ALDERMAN: Deputy, I'm approaching you with  
15 what's been previously marked as State's 1.

16 What is this?

17 A This is a copy of my AXON video where we came in  
18 contact with Mr. Trotter.

19 Q How is it that you recognize it?

20 A It's got my signature on it.

21 Q Did you have a chance to review it before today?

22 A I did.

23 Q And was it a fair and accurate representation of  
24 the scene that day?

25 A Yes, sir.

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1 Q And have the contents been changed or altered in  
2 any way that you can discern?

3 A No.

4 MR. ALDERMAN: Your Honor, the State would seek to  
5 admit State's Exhibit Number 1.

6 THE COURT: Any objection?

7 MR. BURR: Your Honor, we have been provided a  
8 copy, and we have no objection within the parameters of  
9 what we discussed yesterday.

10 THE COURT: Okay. So State's Exhibit Number 1  
11 would be admitted without objection in the form that  
12 it's in.

13 (WHEREUPON, State's Exhibit Number 1 was admitted  
14 into evidence.)

15 MR. ALDERMAN: Your Honor, at this time, the State  
16 would seek to publish to the jury that portion that  
17 Mr. Burr and I have agreed is relevant.

18 THE COURT: Yes, sir.

19 (State's 1 being playing for the jury.)

20 MR. ALDERMAN: Judge, now we're just redacting the  
21 audio as we agreed.

22 MR. ALDERMAN: Judge, Mr. Burr and I have agreed  
23 to restart at 7:06.

24 (State's 1 resumed playing for the jury.)

25 BY MR. ALDERMAN:

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1 Q So, Deputy, at that point you had arrested  
2 Mr. Trotter for trespassing; is that right?

3 A Yes.

4 Q And you also had suspicions about the stolen  
5 trailers?

6 A Yes.

7 Q Was he subsequently charged with those crimes?

8 A Yes.

9 Q Thank you, Deputy. If you would answer any  
10 questions Mr. Burr may have for you.

11 MR. BURR: Your Honor, I'd ask the Court to take  
12 judicial notice that Michael did enter a plea to that  
13 trespass charge last March.

14 THE COURT: The stipulation is noted for the  
15 record.

16 MR. BURR: Thank you, your Honor.

17 CROSS-EXAMINATION

18 BY MR. BURR:

19 Q Deputy, I could barely understand you a while ago.

20 At one point you said something about a vehicle  
21 matched what Michael usually drove.

22 Did I understand you correctly?

23 A The green Jeep is the vehicle Michael usually  
24 drove.

25 Q So were you familiar with Michael before you

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1 started this investigation?

2 A Somewhat familiar, yes, sir.

3 Q You also made a big deal and you took pictures of  
4 a shoe print in the building, big ol' size 16,  
5 whatever. Was Michael barefoot when you arrested him?

6 A No, sir.

7 Q Did you ever stop to think and take a picture of  
8 the shoe he was wearing?

9 A I did. I -- later on in the video, I asked him  
10 what size shoe he wears; he tells me. I attempted to  
11 take a picture, but his foot fell asleep and he said he  
12 couldn't move it.

13 Q So you did not take a picture of it?

14 A No.

15 Q You discussed the grinder, bolt cutters, all kind  
16 of equipment. Did you take fingerprints off of  
17 anything at all?

18 A We did request evidence come out, but I do not  
19 believe any prints were --

20 Q No?

21 A No prints were collected, no, sir.

22 Q On your report, when you went to check on  
23 Mr. Moon's complaint, it says you arrived on scene at  
24 7:01. It says you closed that investigation at 7:29.

25 Is that accurate, 28 minutes? Did you -- and here

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1 Michael is telling you that it wasn't him; he never  
2 worked there. Did you bother to take a picture over  
3 and show it to Mr. Moon?

4 A I did not bring a picture to Mr. Moon.

5 Q When you arrested Michael, did you confiscate his  
6 wallet?

7 A It would have been placed with his property.

8 Q Did you do any records check? Did you see whether  
9 Michael had, at that time had a current driver's  
10 license?

11 A I did not check. He wasn't driving. I didn't  
12 check his driver's license.

13 Q Exactly what investigation did you do before  
14 charging Michael with the grand larceny and petty  
15 larceny?

16 A As far as just on scene documenting pictures, his  
17 admission that he had been there with the intent to  
18 commit a crime. That pretty much closed the  
19 investigation for burglary tools and trespassing.

20 Q In your report you said you ran the VIN or  
21 identification on the trailer -- I call it the  
22 trailer -- in question. Not the one from the Moons --  
23 or Mr. Moon, but that was never reported stolen, was  
24 it?

25 A The white -- the one he was backed up to?

1 Q Yeah.

2 A No, not to my knowledge.

3 Q And there was never any report that it was stolen,  
4 trailer hitch, trailer ball, anything?

5 A No, not to my knowledge.

6 Q Do you recall looking at the pictures -- you went  
7 to Michael and his mother's house earlier that morning  
8 before you went to the property here; is that correct?

9 A Yes, sir.

10 Q You took a picture of the back of his car?

11 A Yes, sir.

12 Q And the trailer ball was on the back of his car at  
13 that point?

14 A I'd have to review the picture again, but...

15 Q Is that clear enough for you?

16 A Yes, sir.

17 Q There is a trailer ball on the back of his car, is  
18 there not?

19 A Yes, sir.

20 THE COURT: What exhibit number is that?

21 MR. BURR: That's Exhibit Number 8, State's  
22 Exhibit 8.

23 Q And what was the approximate time that you visited  
24 the house?

25 A It would have been shortly after leaving

1 Mr. Moon's. That's the reason I left.

2 Q And you later got a complaint of voices or two  
3 people arguing?

4 A That was when I initially responded to that, the  
5 shots fired area.

6 Q And when you talked to the two, the complainant  
7 that made the complaint about the voices, arguing or  
8 whatever, they told you they had seen two cars speeding  
9 out of the area?

10 A That's what I said in my report, yes, sir.

11 Q I'm sorry?

12 A If that's what my report said --

13 Q Yeah, black Durango and black SUV.

14 A Okay.

15 Q So there was somebody else in this area other than  
16 Michael that morning, correct?

17 A Yes, sir.

18 Q Did you ever determine who those people were?

19 A I did not.

20 Q Or what the argument was about?

21 A No, sir.

22 Q Deputy, you don't have any evidence whatsoever  
23 that Michael stole those trailers, do you?

24 A There is physical evidence that he had tools and  
25 made the cut on the lock of the trailer.

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1 Q You didn't do any investigation to try to connect  
2 his tools with any cut locks; you don't -- can you  
3 tell, the locks were found on the scene when you came  
4 in and arrested Michael, do you know how long those  
5 locks had been laying there?

6 A No to my -- no, I do not.

7 Q Do you know if those locks had anything to do with  
8 the trailers that were there?

9 A Mr. Moon did say that one of them had a lock on  
10 it, and that would appear to be --

11 Q But you have nothing whatsoever that ties Michael  
12 to those stolen trailers?

13 A They were parked right next to his house. He was  
14 out with them.

15 Q He wasn't the only person living in the house,  
16 though, was he?

17 A He was the only person we found backed up to a  
18 trailer on the same area the two stolen trailers were  
19 with Ms. Roach.

20 Q But the one he was backed up to wasn't a stolen  
21 trailer?

22 A No.

23 Q It was not?

24 A It was not.

25 Q So you had nothing showing -- touching him

1 connected to either the utility trailer or the  
2 Universal Business trailer?

3 A As far as him taking them?

4 Q Any fingerprints, any witnesses, anything that  
5 would show Michael connected to those trailers.

6 A There was no physical evidence obtained other than  
7 the tire tracks seemed consistent with the vehicle he  
8 commonly drives.

9 Q Which tire tracks?

10 A The one in the sand and the picture of the tire.

11 Q And I think on close examination, those really  
12 don't match up. But even if they did, how many similar  
13 tires are there to the ones that was on the back of the  
14 Jeep?

15 A I couldn't say.

16 Q So you have no way of knowing whether it was -- if  
17 that would conclude that was the same one?

18 A I couldn't be a hundred percent --

19 Q And I wouldn't be able to look at that and say  
20 what I think it is, but there's nothing that says it  
21 was Michael's car.

22 One other question: Did you verify who that Jeep  
23 is registered to?

24 A I know it was not registered to Mr. Trotter.

25 Q Was not. So you don't know who could have been

1 driving it previously?

2 A I was not there all night, so no, I don't know who  
3 it could have been.

4 Q So on scene, the only thing you arrested him for  
5 was trespass?

6 A At that time, yes.

7 Q And as to the charge of burglary, what information  
8 do you have on that?

9 A The trailer was on the -- under the carport next  
10 to the enclosed one. He was under that building  
11 whenever I made contact with him, and he told me he had  
12 the intent to steal something while under there.

13 Q This is November of 2017.

14 A Uh-huh.

15 Q He was first told about a burglary charge ten days  
16 ago. You never got a warrant for it, did you?

17 A I did not obtain the warrants.

18 Q Did you testify before the grand jury?

19 A No, sir.

20 Q Do you know who did?

21 A I'm not sure, sir.

22 Q Are you aware of the fact that it was done this  
23 month?

24 A I was aware that he was charged with burglary,  
25 but --

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1 Q In anticipation of this trial?

2 A I'm -- I don't know all the facts about that, sir.

3 Q Okay.

4 MR. BURR: I have no further questions, your  
5 Honor. Thank you.

6 THE COURT: Any redirect?

7 MR. ALDERMAN: Briefly, your Honor.

8 REDIRECT EXAMINATION

9 BY MR. ALDERMAN:

10 Q So if I understood, you asked Mr. Trotter what  
11 size shoe he wore, and you asked him to show you the  
12 bottom of his shoe; is that right?

13 A Yes, sir.

14 Q And he said what?

15 A He said his foot had fallen asleep and he couldn't  
16 move it.

17 Q So you asked to see the bottom of his shoe to  
18 compare to a print you found, and he said that his legs  
19 quit working and wouldn't show you the bottom of his  
20 foot?

21 A Yes.

22 Q Mr. Burr touched on the notes indicating that your  
23 first investigation was closed in 26 minutes. Was that  
24 approximately how long you were on scene with Mr. Moon?

25 A Yes. That would have been from when I was

1 dispatched.

2 Q So fair to say that, not as Mr. Burr might have  
3 attempted to suggest, you didn't wrap up your  
4 investigation at that point; you simply left the scene?

5 A Yes, sir.

6 Q Now, with regard to the burglary, the carport is a  
7 building, is it not?

8 A Yes, sir.

9 Q Mr. Trotter inside of it?

10 A Yes, sir.

11 Q Did he tell you that he had the intent to commit a  
12 crime?

13 A Yes, sir.

14 Q Did he tell you that he didn't have permission to  
15 be there?

16 A Yes, sir.

17 Q Fair to say that, regardless of whether he stole  
18 the trailers, if we just flat-out want to believe  
19 everything that he said and our own eyes, he was under  
20 that building with the intent to commit a crime by his  
21 own words without the consent of the owner?

22 A Yes, sir.

23 Q As to evidence of the larcenies, Mr. Moon reported  
24 to you that his trailers were stolen, and they were  
25 chained up last time he saw them; is that right?

1 A Yes, sir.

2 Q And did you find evidence that a chain had been  
3 cut?

4 A Yes.

5 Q What name did Mr. Moon give you as a possible  
6 suspect?

7 A Michael Trotter.

8 Q Did you find the trailers that day?

9 A I did.

10 Q Who was standing next to them?

11 A Michael Trotter.

12 Q And did Mr. Trotter have any tools that might  
13 possibly be used to cut a chain?

14 A Yes, sir. He had bolt cutters and angle grinder.

15 MR. ALDERMAN: Your Honor, I have no further  
16 questions at this time.

17 THE COURT: Anything --

18 MR. BURR: Yes, your Honor.

19 RECCROSS-EXAMINATION

20 BY MR. BURR:

21 Q You're saying that Mr. Trotter's foot fell asleep  
22 so you couldn't take a picture of it. You had this big  
23 guy in handcuffs, put him in the back of your car, but  
24 you couldn't get his shoe off?

25 A Couldn't get his shoe off, sir?

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1 Q Yeah.

2 A I did not try to jerk his foot while he was in  
3 handcuffs, no, sir.

4 Q Did you transport him to the county detention?

5 A Deputy Spence did.

6 Q So if you guys had been willing to do your job,  
7 you could have gotten a picture of his shoe; is that  
8 correct?

9 A If I would have remembered to take a picture, yes,  
10 sir.

11 Q And if you would have remembered to do prints, you  
12 could have?

13 A We did request it.

14 Q When you talked to Mr. Moon initially, when he  
15 first called in his complaint, he said the suspect was  
16 a Trotter?

17 A He mentioned Michael Trotter.

18 Q After you mentioned Michael Trotter?

19 A No. He mentioned Michael Trotter before I did.

20 MR. BURR: No further questions, your Honor.

21 THE COURT: All right.

22 Thank you, Officer. You can step down.

23 MR. ALDERMAN: Your Honor, at this time the State  
24 rests.

25 THE COURT: All right. Madam Bailiff, would you

1 take our jury to the jury room. Hold them in the jury  
2 room for just one second while we deal with something.  
3 I'm probably going to send them on to lunch. Hold them  
4 for just a minute, and I'll send word.

5 (WHEREUPON, the jury exited open court at  
6 12:26 p.m.)

7 THE COURT: The State has rested.

8 Any motions?

9 MR. BURR: Your Honor, we'd ask for a motion for  
10 directed verdict. There's not sufficient evidence to  
11 show that Mr. Trotter was even involved in the burglary  
12 or the larcenies at all. There's nothing connecting  
13 him personally.

14 THE COURT: Thank you, Mr. Burr.

15 Mr. Alderman, anything for the record?

16 MR. ALDERMAN: Your Honor, we believe the evidence  
17 speaks for itself. There is evidence in the record,  
18 and, of course, we're concerned with the presence of  
19 the evidence and not its weight. With that in mind, in  
20 the light most favorable to the State, we'd ask you to  
21 send this to the jury for a verdict.

22 THE COURT: The ruling on a motion for directed  
23 verdict, the Court is concerned with evidence or  
24 nonexistence of evidence, not the weight.

25 I find the State has produced some evidence to

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1 support the charges; therefore, I would deny your  
2 motion at this time.

3 Madam Bailiff, you can go ahead and tell the jury  
4 to go to lunch, and they will need -- we're going to  
5 resume at 2:00 o'clock, so they need to be in the jury  
6 room before 2:00 o'clock and -- bring them back in  
7 here.

8 (WHEREUPON, the jury entered open court at  
9 12:28 p.m.)

10 THE COURT: Ladies and gentlemen, the State has  
11 rested. Now, I'm going to send you to lunch at this  
12 point. We're going to resume the trial at 2:00  
13 o'clock, but I want you in the jury room at about 1:45  
14 because you have one order of business. I want you to  
15 elect a foreperson. This will be the presiding juror  
16 over your deliberations at the end.

17 So be in the jury room at 1:45, and go ahead and  
18 elect a foreperson. You will write that juror's name  
19 and number on a sheet of paper, and let the bailiff  
20 know when you have done that.

21 So I hope everyone has a good lunch, and we'll see  
22 you back at 1:45.

23 (WHEREUPON, the jury exited open court at  
24 12:29 p.m.)

25 THE COURT: All right.

1 Mr. Burr, would you have Mr. Trotter stand,  
2 please.

3 Madam Clerk, would you put Mr. Trotter under oath.  
4 (WHEREUPON, the defendant was sworn.)

5 THE COURT: Mr. Trotter, at this time I'm going to  
6 explain to you some of your rights. If you do not  
7 understand anything that I say, please let me know and  
8 then I will explain it in more detail. If you answer  
9 the question, we'll assume that you understood the  
10 question.

11 Do you understand?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: We have reached the stage in the trial  
14 where you may present your defense. You have the right  
15 to claim protections given to you by the Fifth  
16 Amendment to the Constitution of the United States.  
17 This amendment states in part: No person shall be  
18 compelled in any criminal case to be a witness against  
19 himself. This means that you cannot be required to  
20 testify in this case.

21 On the other hand, you have the right to testify  
22 on your own behalf if you choose to do so. However, no  
23 one can make you testify. This is a personal right,  
24 and no one can waive this right except you.

25 If you decide to testify, you will be subject to

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1 the same rules that govern other witnesses, and you may  
2 be examined and cross-examined on any relevant issue in  
3 this case.

4 In addition, if you have any convictions involving  
5 dishonesty or false statements or for crimes punishable  
6 by imprisonment for more than one year and this Court  
7 determines that the probative value of admitting this  
8 evidence outweighs its prejudicial effect to you, the  
9 solicitor will be able to introduce your record to  
10 attack your credibility.

11 If you decide to testify, this decision on your  
12 part must be freely, voluntarily and intelligently made  
13 with knowledge of the protections given to you by the  
14 Fifth Amendment and the consequences of your decision  
15 to testify.

16 If you decide not to testify, I will instruct the  
17 jurors that they cannot give the fact that you did not  
18 testify any consideration whatsoever and that there is  
19 to be absolutely no prejudice to you because you did  
20 not testify.

21 It is left entirely up to you whether or not to  
22 testify. You may talk to your attorney, your family,  
23 friends, or anyone else, but the final decision will be  
24 left entirely up to you.

25 Do you understand what I've explained to you?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Do you have any questions about what  
3 I've explained to you?

4 THE DEFENDANT: No, sir.

5 THE COURT: All right. We'll go off the record.

6 And, Mr. Burr, you can talk to your client over  
7 lunch about this, and when we come back, you can tell  
8 me what his decision is.

9 Mr. Alderman, I didn't ask you this at the  
10 beginning: Does the State have any objection to  
11 Mr. Trotter's bond remaining in effect during the  
12 trial?

13 MR. ALDERMAN: No, your Honor. As long as he's  
14 compliant with his monitor.

15 THE COURT: Well, he showed up for court this  
16 morning.

17 Mr. Trotter, your bond is still in effect, so you  
18 have to come back after lunch.

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Okay. We'll be in recess until 2:00  
21 o'clock.

22 MR. ALDERMAN: Thank you, Judge.

23 (Lunch recess taken from 12:32 p.m. to 2:00 p.m.)

24 THE COURT: Let's go on the record.

25 Mr. Burr, have you been able to confer with your

1 client?

2 MR. BURR: I have, your Honor. Mr. Trotter is not  
3 going to testify.

4 THE COURT: Is that correct, Mr. Trotter?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Thank you.

7 Do you anticipate calling any other witnesses?

8 MR. BURR: No, sir. Defense would rest. I would  
9 renew my motion for directed verdict.

10 THE COURT: That's so noted for the record.

11 So, if the defense is going to rest, let's go  
12 ahead and talk about charges.

13 I have my general charge about the  
14 responsibilities of the judge and jury, charge on  
15 direct and circumstantial evidence, charge on  
16 credibility of witnesses, reasonable doubt, presumption  
17 of innocence, criminal intent, charge, arrest,  
18 indictment not being evidence, and then we have the  
19 statutes which -- let's do this. I'm going to have my  
20 law clerk print these out and let the two of you look  
21 at them and also print out the verdict form.

22 MR. BURR: Your Honor, I think I'm familiar with  
23 your general instructions. Mere presence, I would also  
24 request that.

25 THE COURT: Mere presence, okay.

1 Are you requesting identification as well?

2 MR. BURR: Yes, your Honor.

3 THE COURT: And failure of the defendant to  
4 testify. And also, since a statement of the defendant  
5 was admitted, I'm going to give the charge on statement  
6 of the defendant.

7 So he's going to print these statutes,  
8 case-specific charges, and the verdict form for you.

9 (Pause in proceedings.)

10 THE COURT: Have the attorneys had the opportunity  
11 to review the charges?

12 MR. ALDERMAN: We have.

13 MR. BURR: Only -- is this all of the  
14 instructions, or have you got your standard  
15 instructions?

16 THE COURT: If you'd like to see the standard,  
17 which each of you has heard before.

18 MR. BURR: I've heard them.

19 THE COURT: But the ones that are added to this  
20 case are mere presence, the statutes, and then the  
21 definition of larceny.

22 MR. ALDERMAN: No exceptions or objections from  
23 the State, your Honor.

24 MR. BURR: No objections. Thank you, your Honor.

25 THE COURT: Okay. And we will -- we don't know

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1 who the foreperson is, so my clerk is going to add that  
2 person's name to the bottom of the verdict form before  
3 it's submitted.

4 MR. BURR: Very well.

5 THE COURT: Okay?

6 If there's nothing further, let's get our jury.

7 The State will close in full, and then the defense  
8 gets last argument.

9 MR. BURR: Yes, your Honor.

10 (WHEREUPON, the jury entered open court at  
11 2:13 p.m.)

12 THE COURT: All right.

13 Mr. Foreman, I have the note that you have been  
14 elected. You will preside over the deliberations at  
15 the end. And if you go -- for any reason we have to  
16 send you out and you come back in, you will always sit  
17 where you are right now.

18 Now, there is a request from the jury that the  
19 attorneys speak up. Apparently there's been some  
20 problems. I noticed one witness was not speaking into  
21 the microphone. So if the attorneys could make an  
22 effort to articulate clearly so the jury can hear.

23 All right. The State has rested.

24 Mr. Burr?

25 MR. BURR: Defense rests, your Honor.

1 THE COURT: All right. Ladies and gentlemen, the  
2 defense has rested as well, so, therefore, the  
3 evidentiary stage of the trial is concluded.

4 The next stage of the trial will be closing  
5 arguments in which each attorney will have the  
6 opportunity to make an argument to you outlining their  
7 positions. The State will be first, then the defense.

8 Mr. Alderman.

9 MR. ALDERMAN: Thank you, your Honor.

10 Ladies and gentlemen, I want to thank you again  
11 for being attentive and patient with us, particularly  
12 with low talking. I will try to speak up.

13 We've already gone over the charges and the  
14 elements of the crimes pretty significantly at the  
15 beginning of the trial. The judge will give you  
16 additional instructions on that, so I'm going to leave  
17 that alone for now and try not to take up too much more  
18 of your time, but I would like to review the evidence  
19 with you.

20 Going back to the beginning, Mr. Moon's trailers  
21 are stolen, the locks and chains cut. Mr. Moon says,  
22 "I think Michael Trotter might have done it. His name  
23 comes to mind. I hadn't seen him in a couple weeks  
24 after he disappeared from the job sort of mysteriously,  
25 but he's driven back and forth a couple times. Might

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1 be him."

2 A short time after that, the trailers turn up  
3 200 yards away from Michael Trotter's house, right  
4 there, vacant house sharing a property line.

5 Coincidence? Not only that, but Michael Trotter is  
6 found standing next to those same trailers.

7 Let's stop right there and just consider the  
8 astronomical odds in a county with, what,  
9 80,000-some-odd people, that one man would say, "I  
10 think maybe Michael Trotter did it," and that same  
11 morning Michael Trotter be found randomly standing next  
12 to those same trailers that are hidden right next to  
13 his house.

14 But, of course, that's not all the evidence  
15 against him. The locks and chains on Mr. Moon's  
16 trailers are cut, maybe with bolt cutters, maybe with  
17 an angle grinder. The trailers themselves, the  
18 enclosed trailers, have locks cut off of them, one  
19 pretty clearly with an angle grinder. And what do we  
20 find there in Michael Trotter's vehicle but both bolt  
21 cutters and an angle grinder. Just another  
22 coincidence?

23 Consider the tire tracks. And I want to come back  
24 and touch on something that Mr. Burr said as one of the  
25 maybe few things that we agreed on today. He said that

1 there must be more than one set of those tires in the  
2 world.

3       Again, I agree. There must be thousands, maybe  
4 millions of those tires in the world. But how many  
5 were found backed up to those same stolen trailers that  
6 same day? Just one set. Of all the thousands and  
7 millions of these tires that might be in the world,  
8 just one set, found right there that same morning. And  
9 whose tires are those? Michael Trotter's. Another  
10 random coincidence?

11       Consider the shoe print. And I'll agree with you  
12 that it would be great to have a comparison picture of  
13 the bottom of Michael Trotter's shoe so we can show you  
14 both of them.

15       But let's just consider the size of the shoe as  
16 the deputy described it. How many people in the world  
17 running around with a shoe, a foot that big? Maybe  
18 thousands, maybe millions, sure, but how many were  
19 standing right there that day? Michael Trotter, with  
20 his size 16 4e shoe.

21       And when the officer tries to follow up and says,  
22 "Mr. Trotter, I need to see the bottom of your foot."  
23 What does he say? "My legs don't work. Can't do it."  
24 Do you believe that?

25       Ladies and gentlemen, there is a point where you

1 just can't dismiss all of that evidence. You can't  
2 just call it all coincidence and dismiss it all under  
3 the guise of reasonable doubt. There comes a point  
4 where dismissing all of that evidence is unreasonable.

5 But just for the sake of argument, let's believe  
6 it. Let's believe everything he said and you saw on  
7 that video and nothing else. Despite all of that  
8 evidence, let's just believe it. He was under the  
9 carport when the deputy pulled up. He said, "I don't  
10 have any consent to be here. I'm not allowed to be  
11 here." Owner of the house said, "I never heard of this  
12 guy. Certainly didn't tell him he could be there."

13 But he's inside that building. And if you believe  
14 him, if you choose to believe him, he was there with,  
15 his words, the intent to steal a ball hitch. He's  
16 entered a building. He's done it without the consent  
17 with the intent to commit a crime, and, as he's charged  
18 with burglary in the second degree and we have proven  
19 to you today, he has two or more prior convictions for  
20 burglary.

21 Ladies and gentlemen, that is burglary second  
22 degree cut and dried. Dismiss everything else if you  
23 want to. I submit to you that there is more than  
24 enough evidence to convict him of all of these crimes,  
25 but if nothing else, burglary in the second degree is

1 undeniable.

2 And, ladies and gentlemen, I will not take up any  
3 more of your time. I thank you again. I ask you to  
4 give your attention to Mr. Burr.

5 MR. BURR: Ladies and gentlemen, thank you for  
6 your attention today. This thing has really gone  
7 faster than I had expected. One reason we didn't  
8 challenge -- the defense didn't challenge a lot of the  
9 witnesses, majority of them were just custodial,  
10 administrative. There's no good in asking a lot of  
11 crazy questions about who owns the property or who's  
12 the clerk of court. So we just kind of breezed right  
13 through that, maybe a little too fast.

14 But I told you in opening this morning, one of my  
15 two complaints, there was zero investigation. Nothing  
16 was done. Not a fingerprint was taken, which they said  
17 they had all the equipment there. They had the soles,  
18 slippers, whatever. Not a single thing.

19 The shoe. He wouldn't show them his shoe. When  
20 people are arrested and they take them to jail, they  
21 take DNA, they take blood. They get the evidence they  
22 want. An investigation is done. It's there. He said  
23 he wouldn't show the foot is a little bit ridiculous,  
24 and it gets to how hard they were trying.

25 As soon as the crimes, the trailers were reported

1 stolen, the name Trotter popped up. The officer said  
2 he was familiar with the Trotter name. They just  
3 zeroed in on Michael. End of story. They didn't try  
4 to find anybody else who may have done it.

5 And as far as the building, the house where -- I  
6 won't say abandoned -- nobody had lived there a long  
7 time, a lot of people in and out, we have no way of  
8 knowing how many people were coming and going. You did  
9 see Michael and he said, "Yes, I don't have permission  
10 to be here." And the judge said, yes, that he pled  
11 guilty to that. They told him, "You're charged with  
12 trespass," a year ago. He went ahead and pled guilty  
13 to it.

14 The most -- well, one of the most amazing things  
15 is he said he admitted to stealing a trailer ball.  
16 Well, if you paid attention to the tape, when he was  
17 getting in the police car, he said, "Mom, that was my  
18 trailer ball." He wasn't stealing anything. And if  
19 you know anything about trailers, the ball doesn't come  
20 on the trailer. The ball would be on your car.

21 Why is that such a big deal? The prosecutor just  
22 told you the judge is going to tell you the elements of  
23 burglary. It has to be in a dwelling or a building  
24 with the intent to commit a crime therein. They need  
25 this stolen ball to make their burglary. If somebody

1 has got a garage and you just walk in, look around  
2 looking for somebody, that's not a burglary. You have  
3 got to have the intent when you go in to commit a  
4 crime.

5 That was not the case here. They are pressing so  
6 hard on this ball just to get this burglary conviction.  
7 And it doesn't make sense. The pushing is just  
8 ridiculous.

9 When Ms. Roach came in, I'm not sure how much  
10 credit you gave her testimony one way or the other, but  
11 she was pretty clear that she had been pressured a lot  
12 to come in here and had been kind of told that was  
13 expected of her.

14 That goes back to my thing of power of the  
15 government. Once they zero in on you, they can  
16 pressure you and force you to do stuff. Which is not  
17 what it's all about. It should have been a proper  
18 investigation, and then the guilty party -- you  
19 wouldn't even have to pass all these questions. You  
20 would know.

21 I've also got to get to Mr. Moon. He told you I  
22 went to see him weeks ago. He identified somebody  
23 completely different. Came in today, changed his  
24 story. I have no idea what happened the past two  
25 weeks, why he would have changed from what he said at

1 the one time, and all of a sudden -- there again, a lot  
2 of Trotters, and I mentioned that to him, and he said  
3 yeah, but today he changed his story on me.

4 The judge is going to give you very in-depth  
5 instructions on the law. I told you, you hear the  
6 facts, and the judge tells you the law, you tie them  
7 together.

8 The only thing that I want to really emphasize is  
9 this "beyond a reasonable doubt." You hear it on  
10 television. You hear about it all the time. "Beyond a  
11 reasonable doubt" is truly a term of art. If you've  
12 ever dealt with the criminal justice system, if the  
13 cops get a warrant for something, then he's got to have  
14 probable cause. That's not very much. That's just a  
15 little bit of evidence.

16 If you have ever been involved in a civil matter,  
17 then it's a preponderance of the evidence. That's  
18 50/50. Anything over 50/50, then that's preponderance  
19 of the evidence.

20 But our constitution is very clear, helps protect  
21 people's freedom. Beyond a reasonable doubt is way  
22 over here. It's the end of things. You have got to go  
23 through every element.

24 The judge is going to tell you all the charges,  
25 all the elements, and you have to ask yourselves: Is

1 there any doubt that any one of those is not met?

2 So, the judge, as we've already discussed the  
3 instructions, he will do a great job telling you what  
4 the law is. It would be a waste of my time telling the  
5 12 of you sitting here and probably smarter than me  
6 between the collection of the 12 of you. You will come  
7 to the right conclusion. You will say this was no  
8 investigation and a hard pressed prosecution and  
9 Michael Trotter is not guilty. Thank you.

10 THE COURT: Ladies and gentlemen, we have come to  
11 the point in the trial where I instruct you on the law.  
12 My instructions will be somewhat lengthy. They will be  
13 in three parts.

14 First, the instructions on general rules that  
15 define and control the jury's duties. Second,  
16 instructions that state the rules of law that you must  
17 apply, what the State must prove to make its case.  
18 Lastly, some rules for your deliberations.

19 The general rules begin with your duties as  
20 jurors. It is your duty to find the facts from all of  
21 the evidence in the case. To those facts you must  
22 apply the law as I give it to you, not what you think  
23 the law should be but what it is. And you must not be  
24 influenced by any personal likes or dislike, opinions,  
25 prejudices or undue sympathy. This means you must

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1 decide the case solely on the evidence before you in  
2 accordance with the law, the very thing you took an  
3 oath to do at the beginning of the trial.

4       It is your responsibility and yours alone to  
5 determine the facts of this case. I would therefore  
6 charge you that if, during the course of this trial or  
7 during this charge, you have been given or left with  
8 the impression or feeling that I have a personal  
9 feeling about the facts of this case or that I favor  
10 one side or the other, I would specifically instruct  
11 you to disregard that impression. Under our  
12 constitution, I am not allowed to have an opinion about  
13 the facts of the case.

14       You should not be influenced by any objections or  
15 the Court's ruling on them. You and you alone are the  
16 judges of the facts. You determine the facts by  
17 evaluating or weighing the evidence that you've heard  
18 during the trial.

19       What is evidence? Evidence is the sworn testimony  
20 from the witnesses and any exhibits that have been  
21 entered into evidence. The statements by the attorneys  
22 are not evidence. What they have said in opening  
23 statements and closing arguments and at other times is  
24 intended to help you interpret the evidence, but it is  
25 not evidence.

1           There are two types of evidence which are  
2 generally presented during a trial -- direct evidence  
3 and circumstantial evidence. Direct evidence directly  
4 proves the existence of a fact and does not require  
5 deduction. Circumstantial evidence is proof of a chain  
6 of facts and circumstances indicating the existence of  
7 a fact.

8           Crimes may be proven by circumstantial evidence.  
9 The law makes no distinction between the weight or  
10 value to be given to either direct or circumstantial  
11 evidence. However, to the extent the State relies on  
12 circumstantial evidence, all the circumstances must be  
13 consistent with each other, and when taken together,  
14 point conclusively to the guilt of the accused beyond a  
15 reasonable doubt. If the circumstances merely portray  
16 the defendant's behavior as suspicious, the proof has  
17 failed.

18           The State has the burden of proving the defendant  
19 guilty beyond a reasonable doubt. The burden rests  
20 with the State regardless of whether the State relies  
21 on direct evidence, circumstantial evidence, or some  
22 combination of the two.

23           As the judges of the facts, you are the sole  
24 judges of the credibility, that is the believability,  
25 of the witnesses who have testified in this case.

1           In determining the credibility, you may take into  
2 consideration many things such as the appearance and  
3 manner of the witness on the stand, sometimes referred  
4 to as the demeanor of the witness; was the witness able  
5 to see, hear or know about the things that were  
6 testified; how well was the witness able to recall and  
7 describe those things; did the witness have a cause or  
8 reason to be biased or prejudiced in favor of the  
9 testimony he or she gave; how reasonable was the  
10 witness' testimony considered in the light of all the  
11 evidence in the case; was the witness' testimony  
12 contradicted by what the witness had said or done at  
13 another time or by the testimony of other witnesses or  
14 by other evidence? These are some of the factors you  
15 may consider in deciding whether to believe testimony.

16           As jurors, you have the right to believe all of  
17 the testimony of a witness or none of the testimony of  
18 a witness. You have a right to believe a portion of  
19 the testimony of a witness and discard the rest. You  
20 may believe the testimony of one witness over the many  
21 or the many over the one. Most certainly, you do not  
22 determine the matter of credibility by simply counting  
23 up the number of witnesses who may have testified on  
24 behalf of the parties in the case.

25           What is a reasonable doubt in the law? A

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1 reasonable doubt is the kind of doubt that would cause  
2 a reasonable person to hesitate to act. Some of you  
3 may have served as jurors in civil cases where you were  
4 told that it is only necessary to prove that a fact is  
5 more likely true than not true, such as by the greater  
6 weight or preponderance of the evidence.

7 In criminal cases, the State's proof must be more  
8 powerful than that. It must be beyond a reasonable  
9 doubt. Proof beyond a reasonable doubt is proof that  
10 leaves you firmly convinced of the defendant's guilt.  
11 There are very few things in this world that we know  
12 with absolute certainty, and in criminal cases, the law  
13 does not require proof that overcomes every possible  
14 doubt.

15 If, based on your consideration of the evidence,  
16 you are firmly convinced of the defendant's guilt, you  
17 must find the defendant guilty. If, on the other hand,  
18 you think that there is a real possibility that the  
19 defendant is not guilty, you must give the defendant  
20 the benefit of the doubt and find him not guilty.

21 A reasonable doubt may arise from the evidence or  
22 from a lack of evidence. The defendant is entitled to  
23 every reasonable doubt that may arise in the case. If  
24 upon any issue of fact essential to a conviction and a  
25 verdict of guilty of an offense, if you have any

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1 reasonable doubt as to how that issue should be  
2 resolved, it is your duty to resolve that doubt in  
3 favor of the defendant.

4 Suspicion, however strong, is not enough to  
5 sustain a conviction. The evidence presented by the  
6 State must be substantial evidence that tends to prove  
7 the guilt of the defendant beyond a reasonable doubt.

8 The defendant has pled not guilty to these  
9 indictments, and that plea puts the burden on the State  
10 to prove the defendant guilty. A person charged with  
11 committing a criminal offense is never required to  
12 prove himself innocent. I charge you that it is an  
13 important rule of the law that a defendant in a  
14 criminal trial, no matter what the seriousness of the  
15 charge may be, will always be presumed innocent of the  
16 crime for which the indictment was issued unless guilt  
17 has been proven by evidence satisfying you of that  
18 guilt beyond a reasonable doubt.

19 The presumption of innocence does not end when you  
20 begin your deliberations, but it accompanies the  
21 defendant throughout the trial until you reach a  
22 verdict of guilt based on evidence satisfying you of  
23 that guilt beyond a reasonable doubt.

24 The presumption of innocence is like a robe of  
25 righteousness placed about the shoulders of the

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1 defendant, and it remains with the defendant until it  
2 has been stripped from the defendant by evidence  
3 satisfying you of the defendant's guilt beyond a  
4 reasonable doubt.

5 The presumption of innocence is not mere legal  
6 theory. It is not just a legal phrase. It is a  
7 substantial right to which every defendant is entitled  
8 unless you, the jury, are satisfied from the evidence  
9 that the defendant is guilty beyond a reasonable doubt.

10 A statement alleged to have been made by the  
11 defendant has been admitted into evidence in this case.  
12 While the Court has determined that the statement is  
13 admissible, I instruct you that you make the ultimate  
14 decision of whether or not the defendant made the  
15 statement.

16 If the defendant did make the statement, you must  
17 determine whether the statement was made by the  
18 defendant voluntarily and of his own free will. This  
19 means that the statement was not caused by pressure,  
20 force, fear, threats, coercion, or intimidation or by  
21 hope or a promise of leniency or a reward of any kind.  
22 In determining whether the statement was voluntary, you  
23 should consider both the characteristics of the  
24 defendant and details of the questioning.

25 Some of the factors that you must consider are the

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1 age of the defendant, defendant's education or lack of  
2 education, the defendant's mental ability or capacity,  
3 the defendant's IQ or intelligence, the defendant's  
4 background and environment, the place and length of  
5 detention, the nature of questioning, the advice or  
6 lack thereof to the defendant of his constitutional  
7 rights including but not limited to the right to remain  
8 silent, that any statement would be used against him in  
9 a court of law, the right to have a lawyer present,  
10 that if he could not afford a lawyer, a lawyer would be  
11 appointed to represent him without any cost, and that  
12 he could stop making the statement at any time. You  
13 must carefully consider all the surrounding  
14 circumstances before you give any weight to an alleged  
15 statement.

16 The State has the burden of proving beyond a  
17 reasonable doubt that the alleged statement was  
18 voluntary. If you determine it was, you may give the  
19 statement any further consideration that you deem  
20 proper. You must decide what weight, if any, should be  
21 given to the alleged statement. If you determine that  
22 the alleged statement was not free and voluntary, you  
23 should not consider the statement at all.

24 In order to establish criminal liability, criminal  
25 intent is required. For example, the mental state

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1 required to be proven by the State for a particular  
2 crime might be purpose, intent, knowledge, recklessness  
3 or criminal negligence. Criminal intent must be proven  
4 by the State beyond a reasonable doubt.

5 Criminal intent is always a matter that must be  
6 determined by the jury from the circumstances shown to  
7 surround the situation. There is no way to prove  
8 intent to a mathematical certainty. There is no way  
9 medical science can dissect a person's brain and  
10 determine what that person had in mind, so the law says  
11 criminal intent can be inferred from the circumstances  
12 shown to have existed. This is how you make a  
13 determination of whether or not the element requiring  
14 intent was present.

15 It is not necessary to establish intent by direct  
16 and positive evidence, but intent may be established by  
17 inference in the same way as any other fact, by taking  
18 into consideration the acts of the parties and all the  
19 facts and circumstances of the case.

20 Criminal intent is a mental state, a conscious  
21 wrongdoing. It is up to you to determine what the  
22 defendant intended to do based on the circumstances  
23 shown to have existed. Criminal intent can arise from  
24 action or a failure to act. It may arise from  
25 negligence, recklessness or an indifference to duty or

1 to consequences that is considered by the law to be the  
2 equivalent of criminal intent.

3 An issue in this case is the identification of the  
4 defendant as the person who committed the crime  
5 charged. The State has the burden of proving identity  
6 beyond a reasonable doubt. You must be satisfied  
7 beyond a reasonable doubt the accuracy of the  
8 identification of the defendant before you may convict  
9 the defendant.

10 Identification testimony is an expression or a  
11 belief or impression by a witness. You must determine  
12 the accuracy of the identification of the defendant.  
13 You must consider the believability of each  
14 identification witness in the same way as any other  
15 witness.

16 You may consider whether the witness had the  
17 opportunity to observe the offender at the time of the  
18 offense. This will be affected by things like how long  
19 or short a time was available, how far or close the  
20 witness was, the lighting conditions, and whether the  
21 witness had the chance to see or know the person in the  
22 past.

23 Once again, I instruct you the burden of proof on  
24 the State extends to every element of the crime  
25 charged, and this specifically includes the burden of

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1 proving beyond a reasonable doubt the identity of the  
2 defendant as the person who committed the crime. If,  
3 after examining the testimony, you have a reasonable  
4 doubt as to the accuracy of the identification, you  
5 must find the defendant not guilty.

6 I instruct you and emphasize that the fact that  
7 the defendant did not testify in this case is not a  
8 factor to be considered by you in any way in your  
9 deliberations and in your consideration on the  
10 questions of guilt or innocence of the defendant. It  
11 must not be considered by you in any manner whatsoever.

12 A defendant has the constitutional right to remain  
13 silent, and the assertion of this right must not be  
14 considered by you in your deliberations. I repeat,  
15 under your oath you are to draw no conclusion  
16 whatsoever from the fact that the defendant in this  
17 case did not testify. The fact that this defendant did  
18 not testify should not even be discussed in the jury  
19 room.

20 The burden of proof, as I have stated to you, is  
21 on the State. The defendant is not required to prove  
22 his innocence. The burden of proof remains on the  
23 State to prove guilt beyond a reasonable doubt.

24 The indictments in this case charge the defendant  
25 with burglary second degree, grand larceny, petty

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1 larceny, and possession of tools used in the commission  
2 of a crime. I remind you that the fact that the  
3 defendant was arrested, charged and indicted in this  
4 case is not evidence in this case and cannot be  
5 considered by you as evidence of guilt in this case,  
6 nor does it create any presumption or inference of  
7 guilt. These documents are simply the formal written  
8 instruments which contain the charges made against the  
9 defendant. They are the formal documents by which the  
10 cases are brought to court.

11 Now, ladies and gentlemen, the defendant's  
12 charges, I'm going to go down each charge separately.

13 The defendant is charged with burglary second  
14 degree. A person is guilty of burglary in the second  
15 degree if a person enters a building without consent  
16 and with the intent to commit a crime therein.

17 And the aggravating factor alleged in this case,  
18 the burglary is committed by a person with a prior  
19 record of two or more convictions for burglary or  
20 housebreaking or a combination of both.

21 He's also charged with grand larceny. Grand  
22 larceny is the larceny of goods, chattels, instruments  
23 or other personalty, value in excess of \$2,000.

24 Petty larceny or simple larceny is defined as  
25 simple larceny of any article of goods, choses in

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1 action, bank bills, bills receivable, chattels, or  
2 other article of personalty of which by law larceny may  
3 be committed, or of any fixture, part or product of the  
4 soil severed from the soil by an unlawful act, or has a  
5 value of \$2,000 or less. That's petty larceny.

6 Now, larceny itself is defined as the slightest  
7 removal of property or the complete possession of  
8 property, even for an instant, by the defendant to show  
9 a taking and carrying away of the property. The State  
10 must also prove beyond a reasonable doubt that the  
11 defendant intended to permanently deprive the owner of  
12 the property.

13 So that is the definition of larceny.

14 Grand larceny and petty larceny are separated by  
15 the value, but that is a general definition of larceny  
16 that I just gave you.

17 Now, the last indictment is for possession of  
18 tools used in the commission of a crime. It is  
19 unlawful for a person to make or mend, cause to be made  
20 or mend, or have in his possession any engine, machine,  
21 tool, false key, picklock, bit, nippers,  
22 nitroglycerine, dynamite cap, coil or fuse, steel  
23 wedge, drill, tap-pin, or other implement or thing  
24 adapted, designed or commonly used for the commission  
25 of burglary, larceny, safecracking or other crime under

1 circumstances evincing an intent to use, employ, or  
2 allow the same to be used or employed in the commission  
3 of a crime, or knowing that the same are intended to be  
4 so used.

5        Mere presence at the scene is not sufficient to  
6 prove someone guilty of a crime. A defendant's  
7 presence where a crime is being committed or mere  
8 association with the person who commits a crime does  
9 not make a defendant an accomplice or an aider and  
10 abettor of the person committing the crime. The burden  
11 is on the State to prove every element of the crime  
12 charged.

13        If you find, after reviewing all the evidence,  
14 that the State has proved the defendant was only  
15 present at the scene of a crime, and that they have not  
16 proved beyond a reasonable doubt any other  
17 participation in the crime, then you must find the  
18 defendant not guilty. The law is that proof of -- at  
19 the scene of -- proof of presence at the scene of a  
20 crime is not sufficient to find a person guilty.

21        Ladies and gentlemen, we're almost to the point  
22 where I send you to the jury room to begin your  
23 deliberations. This has been a long instruction on the  
24 law, but I want to leave you with some final thoughts.

25        You were chosen as jurors in this case because

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1 both sides believed that you could be fair and  
2 impartial in deciding the case.

3 I instruct you to make use of your life  
4 experiences, your good common sense, and your sense of  
5 logic and reason in evaluating the evidence in this  
6 case. You are not partisans or advocates for either  
7 side. You have no friends to reward nor any enemies to  
8 punish. You are the judges of the facts. Your sole  
9 interest is to determine whether the State has proven  
10 beyond a reasonable doubt that the defendant is guilty  
11 of the crimes charged.

12 Be courteous with one another. Listen to the  
13 views of your fellow jurors. Take the amount of time  
14 necessary for you to thoroughly evaluate the evidence  
15 in the case. This case is important to both sides, as  
16 this is their day in court.

17 Now, Mr. Foreman, I'm going to go over the verdict  
18 form with you. The verdict form is a two-page verdict  
19 form. It is separated by indictment, and the first  
20 one, it says: We, the jury, unanimously find on  
21 Indictment Number 2018-GS-37-466 that the defendant,  
22 Michael Lee Trotter, is, and it gives you two options.  
23 The first is not guilty of possession of tools used in  
24 the commission of a crime or the second one is guilty  
25 of possession of tools used in the commission of a

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1 crime. You will make your decision on that indictment  
2 and check the appropriate box.

3 The second one is grand larceny, gives you the  
4 same options: Not guilty of grand larceny or guilty of  
5 grand larceny. Again, you will check the appropriate  
6 box.

7 The second page has the same charges for petty  
8 larceny: Not guilty of petty larceny or guilty of  
9 petty larceny. Once you have decided, you will check  
10 the appropriate box.

11 And the last one, burglary in the second degree,  
12 same choices: Not guilty of burglary in the second  
13 degree or guilty of burglary in the second degree.  
14 Again, you will check the appropriate box.

15 Once you have reached a decision and checked the  
16 boxes of whatever the jury decides, you will sign it  
17 above your name on the second page. It's got your name  
18 with "Foreman" and you will date it. You will knock on  
19 the door and let the bailiff know. Your verdict on  
20 each charge has to be unanimous.

21 So I'm going to send you to the jury room right  
22 now. Do not begin your deliberations until I send this  
23 verdict form back with the exhibits.

24 So, Madam Bailiff, would you take the jury to the  
25 jury room.

1 (WHEREUPON, the jury exited open court at  
2 2:46 p.m.)

3 THE COURT: All right. Any exceptions to my  
4 charges from the State?

5 MR. ALDERMAN: None from the State.

6 THE COURT: Any exceptions to my charges from the  
7 defense?

8 MR. BURR: None from the defense, your Honor.

9 THE COURT: Okay. I'd like the attorneys to come  
10 forward, count the exhibits, make sure they're all  
11 there, and then when we make sure they're all there,  
12 we'll send the verdict form back.

13 MR. ALDERMAN: Your Honor, since we have agreed  
14 that if they want to see the video again, we're only  
15 going to play it out here, can we keep the disc out  
16 here? I don't know that they have anything they could  
17 play it on back there.

18 They do?

19 THE COURT: Well, since you didn't redact and make  
20 a new disc, there are things on that disc that y'all  
21 have stipulated the jury should not be shown.

22 MR. ALDERMAN: Yes, your Honor.

23 THE COURT: So I don't know --

24 MR. ALDERMAN: I'd suggest we keep the disc out  
25 here.

1 THE COURT: Let's just do that and inform them, if  
2 they wish to watch that, because you're going to have  
3 to operate it manually since we don't have a disc with  
4 the redacted version on it.

5 MR. ALDERMAN: Yes, your Honor.

6 THE COURT: You and Mr. Burr can --

7 MR. BURR: We're in agreement on that. I hate  
8 bringing it to their attention.

9 THE COURT: I don't want them playing the  
10 unredacted.

11 Madam Bailiff, you can inform the jury of that, if  
12 they wish to watch Exhibit 1, we'll bring them back in  
13 the courtroom so they can do that. Okay? Tell them  
14 they may begin their deliberations. Bring the  
15 alternate back out here.

16 (Alternate juror entered the courtroom.)

17 THE COURT: Madam Alternate, thank you for your  
18 service. Since the rest of the jury made it to the end  
19 of the trial, this concludes your service for this  
20 case. But you're not out of the woods yet. Everybody  
21 is coming back at 9:30 in the morning.

22 ALTERNATE JUROR: So I need to come back at 9:30  
23 in the morning?

24 THE COURT: Yes, ma'am. The whole jury panel will  
25 be back at 9:30 in the morning.

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1 ALTERNATE JUROR: Okay.

2 THE COURT: Thank you.

3 ALTERNATE JUROR: Thank you.

4 (WHEREUPON, court in recess, pending verdict, from  
5 2:51 p.m. until 3:44 p.m.)

6 THE COURT: Let's go on the record.

7 We have a question from the jury. The message  
8 says: Is the petty larceny charge only for the utility  
9 trailer, or would it include the ball hitch the  
10 defendant admitted to getting in the video?

11 Now, my intent here is to just read the  
12 indictment, redacting the portion that we haven't  
13 submitted because it says, "Petty larceny third or  
14 subsequent property crime. The defendant, Michael Lee  
15 Trotter, did on or about November 27, 2017, in Oconee  
16 County feloniously take and carry away the personal  
17 property of Roderick Merton Moon located at [REDACTED]  
18 Road, Seneca, to wit, a black 6-by-12 trailer with a  
19 value of \$2,000 or less with the intent to permanently  
20 deprive the owner of such property," and not read the  
21 rest of the indictment.

22 MR. BURR: The first part, were you going to  
23 redact the part where you said --

24 THE COURT: I'm just going to say "petty larceny"  
25 and redact the "third or subsequent property crime."

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1           The last sentence talks about the enhancement, and  
2 I just won't read the last sentence.

3           Do either attorney have any objection to handling  
4 it that way?

5           MR. ALDERMAN: Not from the State.

6           MR. BURR: Not from the defense.

7           THE COURT: Let's get our jury.

8           (WHEREUPON, the jury entered open court at  
9 3:46 p.m.)

10          THE COURT: All right. Mr. Foreman, I have  
11 received your question about the petty larceny charge,  
12 and what I'm going to do is just read to you the  
13 indictment, the pertinent portions regarding your  
14 question.

15          So this is Indictment 2018-GS-37-468, petty  
16 larceny, and this is what the indictment alleges: The  
17 defendant, Michael Lee Trotter, did on or about  
18 November 27, 2017, in Oconee County, South Carolina  
19 feloniously take and carry away the personal property  
20 of Roderick Merton Moon located at [REDACTED] Road,  
21 Seneca, to wit, a black 6-by-12 enclosed trailer with a  
22 total value of \$2,000 or less with the intent to  
23 deprive the owner permanently of such property.

24          That's what has been alleged in the indictment.  
25 So with that, I will ask you to return to the jury room

1 and resume your deliberations.

2 (WHEREUPON, the jury exited open court at  
3 3:47 p.m.)

4 THE COURT: Anything from the State before we go  
5 off the record?

6 MR. ALDERMAN: No, your Honor.

7 THE COURT: Anything from the defense?

8 MR. BURR: Not from the defense.

9 THE COURT: We'll go back in recess.

10 (WHEREUPON, court takes up other matters, pending  
11 verdict, from 3:48 p.m. until 4:22 p.m.)

12 THE COURT: We have received another note from the  
13 foreman, says: May we please view the video again? We  
14 do not need to see the redacted audio portion, and it  
15 can be fast-forwarded through, if possible.

16 Then there is a question: Why was Ms. Roach's  
17 audio redacted? Would it be possible to pause the  
18 video when the defendant is placed in the car to see if  
19 the bottom of the shoe is visible?

20 Now, on the "why was Ms. Roach's audio redacted,"  
21 I'll give my standard response that the Court cannot  
22 comment on the evidence that is before the Court.

23 Now, certainly, if you want to stand there and  
24 fast-forward through the redacted portions, either one  
25 of you can -- I mean, it's your exhibit, Mr. Alderman.

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1 But you have got the times. It appears that can be  
2 done fairly easily.

3 MR. ALDERMAN: Yes, your Honor.

4 MR. BURR: Is it just the very end of it that  
5 they're interested in or --

6 THE COURT: They asked to see the video again.

7 MR. BURR: Okay.

8 THE COURT: But they want -- when you played it  
9 the first time, you played the video and redacted the  
10 audio, and they want the video portion where the audio  
11 is redacted to be fast-forwarded through because that's  
12 not useful to them.

13 But would it be possible to pause the video when  
14 the defendant is placed in the car? I don't know what  
15 moment that is, but you can sort of react as that comes  
16 up. And, certainly, they have a right to stop the  
17 video and look at it because it's a piece of evidence.

18 MR. ALDERMAN: Yes, your Honor.

19 THE COURT: Mr. Burr, do you remember -- the video  
20 ends at what?

21 MR. ALDERMAN: Stopped it at mark 14:20. That's  
22 when the door shuts behind him.

23 THE COURT: So somewhere around 14:10 or 14:15,  
24 somewhere in there.

25 MR. BURR: I've got 14:20.

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1 MR. ALDERMAN: I think, as a practical matter,  
2 Judge, we're not going to be able to show them what  
3 they want to see because I don't believe it's there,  
4 but we can stop it at that point so they can see it's  
5 not there.

6 THE COURT: Just play it to the end if it's not  
7 there.

8 Let's get them back in here, and we'll replay the  
9 video.

10 (WHEREUPON, the jury entered open court at  
11 4:25 p.m.)

12 THE COURT: Mr. Foreman, I have received your  
13 question, and I have instructed the attorneys to play  
14 the video, which would be State's Exhibit Number 1,  
15 again and fast-forward through the redacted portions  
16 that you indicate you don't need to see.

17 As to your other question, the Court cannot  
18 comment on the evidence in the case. It would be  
19 improper for the Court to comment on the facts of the  
20 case, so you will have to base your decision on the  
21 evidence that's in the -- the exhibits that are in  
22 evidence at this point with the testimony that you  
23 heard.

24 So, Mr. Alderman.

25 MR. ALDERMAN: Yes, your Honor.

Verdict

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1 (State's Exhibit 1 being played for the jury from  
2 4:26 p.m. to 4:38 p.m.)

3 THE COURT: Okay. Ladies and gentlemen, that's  
4 the end of the video. I had the solicitor pause it at  
5 various points at the end, but with that, I'm going to  
6 have you return to your jury room and resume your  
7 deliberations.

8 (WHEREUPON, the jury exited open court at  
9 4:38 p.m.)

10 THE COURT: Anything for the record before we go  
11 back into recess for the State?

12 MR. ALDERMAN: Nothing from the State.

13 THE COURT: How about the defense?

14 MR. BURR: Not from the defense.

15 THE COURT: All right. We'll go back into recess  
16 while they deliberate.

17 (WHEREUPON, court in recess, pending verdict, from  
18 4:38 p.m. until 5:06 p.m.)

19 THE COURT: Let's go on the record. I have been  
20 informed that we have a verdict.

21 Anything before we bring the jury back?

22 MR. ALDERMAN: Not from the State.

23 MR. BURR: Not from the defense.

24 THE COURT: All right.

25 Madam Bailiff, would you get our jury, please.

## Verdict

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1 (WHEREUPON, the jury entered open court at  
2 5:07 p.m.)

3 THE COURT: All right. Mr. Foreman, has the jury  
4 reached a verdict?

5 JURY FOREMAN: We have.

6 THE COURT: Would you hand that to the bailiff,  
7 please, sir.

8 Madam Clerk, would you publish the verdict.

9 THE CLERK: Yes, sir.

10 In the matter of the State of South Carolina  
11 versus Michael Lee Trotter, on Indictment Number  
12 2018-GS-37-466, possession of tools used in the  
13 commission of a crime, we, the jury, unanimously find  
14 that the defendant, Michael Lee Trotter, is guilty of  
15 possession of tools used in the commission of a crime.

16 On Indictment Number 2018-GS-37-467, grand  
17 larceny, we, the jury, unanimously find that the  
18 defendant, Michael Lee Trotter, is guilty of grand  
19 larceny.

20 On Indictment Number 2018-GS-37-468, petty  
21 larceny, we, the jury, unanimously find that the  
22 defendant, Michael Lee Trotter, is guilty of petty  
23 larceny.

24 On Indictment Number 2019-GS-37-266, burglary in  
25 the second degree, we, the jury, unanimously find that

Verdict

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1 the defendant, Michael Lee Trotter, is guilty of  
2 burglary in the second degree.

3 Ladies and gentlemen of the jury, if this was your  
4 verdict and remains your verdict, please indicate so by  
5 raising your right hand.

6 Let the record reflect that all members of the  
7 jury have affirmed their verdict.

8 THE COURT: Anything from the State before I  
9 release the jury?

10 MR. ALDERMAN: No, your Honor.

11 THE COURT: Anything from the defense?

12 MR. BURR: Defense requests individual polling of  
13 the jury.

14 THE COURT: All right.

15 Madam Clerk, the defense has requested individual  
16 polling of the jury, so please proceed.

17 THE CLERK: Juror Number 83, if you would affirm  
18 your verdict.

19 JUROR NO. 83: Guilty.

20 THE COURT: Number 127, if you would, please,  
21 affirm your verdict.

22 JUROR NO. 127: Guilty..

23 THE COURT: Number 149, if you would, please,  
24 affirm your verdict.

25 JUROR NO. 149: Guilty.

## Verdict

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1 THE CLERK: Number 80, if you would, please,  
2 affirm your verdict.

3 JUROR NO. 80: Guilty.

4 THE COURT: Number 67, if you would, please,  
5 affirm your verdict.

6 JUROR NO. 67: Guilty.

7 THE CLERK: Number 14, if you would, please,  
8 affirm your verdict.

9 JUROR NO. 14: Guilty.

10 THE CLERK: Number 126, if you would, please,  
11 affirm your verdict.

12 JUROR NO. 126: Guilty.

13 THE CLERK: Number 41, if you would, please,  
14 affirm your verdict.

15 JUROR NO. 41: Guilty.

16 THE CLERK: Number 163, if you would, please,  
17 affirm your verdict.

18 JUROR NO. 163: Guilty.

19 THE CLERK: Number 3, if you would, please, affirm  
20 your verdict.

21 JUROR NO. 3: Guilty.

22 THE CLERK: Number 115, if you would, please,  
23 affirm your verdict.

24 JUROR NO. 15: Guilty.

25 THE CLERK: And number -- excuse me, Number 27, if

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1 you would, please, affirm your verdict.

2 JUROR NO. 27: Guilty.

3 THE CLERK: Thank you.

4 THE COURT: Let the record reflect all jurors have  
5 individually affirmed their verdict.

6 Ladies and gentlemen, thank you for your service  
7 in this case. We are having the entire pool come back  
8 at 9:30 in the morning, so you are now dismissed, and  
9 we'll see you at 9:30 in the morning. Thank you for  
10 your service.

11 (WHEREUPON, the jury exited open court at  
12 5:10 p.m.)

13 THE COURT: Okay. We'll take just a brief recess  
14 to allow each attorney to gather their thoughts and  
15 anything they would like to present for sentencing. So  
16 we'll just take just a few minutes.

17 Let me see the young man with the 403.

18 (WHEREUPON, a recess was taken from 5:11 p.m. to  
19 5:20 p.m.)

20 THE COURT: Let's go back on the record.

21 Mr. Burr, would you and your client come forward.

22 Do you have the sentencing sheet prepared?

23 MR. ALDERMAN: Yes, your Honor.

24 THE COURT: Hand those up, please.

25 All right. Now, what we'll do, I want to hear

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1 from the State, anything you would like to present.

2 Is Mr. Moon coming back, the victim?

3 MR. ALDERMAN: No, your Honor.

4 THE COURT: Okay. I know he was here earlier and  
5 we excused him.

6 We'll hear from the State, then I'm going to turn  
7 it over to you, Mr. Burr, and anything you would like  
8 to present or your client would like to present, I'll  
9 be happy to hear it.

10 MR. ALDERMAN: Thank you, your Honor. May it  
11 please the Court, I will start by presenting  
12 Mr. Trotter's record: 2002, burglary third degree  
13 second offense; same year, burglary third degree second  
14 offense, burglary third degree second offense, burglary  
15 third degree second offense, manufacturing controlled  
16 substances, burglary second degree violent, burglary  
17 second degree nonviolent, burglary third degree second  
18 offense, burglary third degree second offense, burglary  
19 third degree second offense, burglary third degree  
20 second offense, grand larceny, burglary third degree  
21 second offense, burglary third degree second offense,  
22 malicious injury to property.

23 Moving on to 2007: Grand larceny, assault and  
24 battery; 2009, use of vehicle without permission; 2010,  
25 DUS; 2012, petty larceny; 2017, driving under

*Sentence*

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1 suspension; 2017, trespassing.

2 That is the extent of the South Carolina record.

3 Moving on to the Georgia record: 2012, burglary,  
4 theft by taking, theft by taking, criminal damage to  
5 property second degree, criminal trespass, entering an  
6 automobile or other vehicle with intent to commit a  
7 crime, theft by taking, theft by taking, theft by  
8 taking, theft by taking, theft by taking, theft by  
9 taking, theft by taking, theft by taking, criminal  
10 damage to property second degree, criminal damage to  
11 property second degree, willful obstruction of law  
12 enforcement officers, criminal damage to property  
13 second degree, willful obstruction of law enforcement  
14 officers, willful obstruction of law enforcement  
15 officers, and willful obstruction of law enforcement  
16 officers.

17 That appears to be the extent of the record. The  
18 record, obviously, speaks for itself, Judge.

19 It's the State's position that Mr. Trotter, for  
20 the entirety of his adult life, has been a criminal or  
21 been in prison for being a criminal. Virtually every  
22 one of the charges we just read represents a victim,  
23 Judge. These are all property crimes -- burglaries,  
24 assault and batteries. Every one of them has a victim  
25 who has a name, who was minding their own business

*Sentence*

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1 before Mr. Trotter came into their life, just like the  
2 victims in this case.

3 Mr. Trotter also has other pending cases, all of  
4 them involving the same general criminal activity,  
5 stolen trailers and the like, pending with our office  
6 at the moment.

7 Judge, it's not often that we make a  
8 recommendation like this, but we think it's appropriate  
9 in this case. We would ask for the maximum sentence on  
10 the burglary, and we would ask for a consecutive  
11 sentence on all the other charges to run together  
12 concurrently.

13 As it stands, your Honor, you have it in your  
14 power to sentence the defendant to 40 years on the  
15 totality of the charges. We believe that a 25-year  
16 sentence is appropriate.

17 THE COURT: Anyone else that you would like to  
18 present on behalf of the State?

19 MR. ALDERMAN: No, your Honor.

20 THE COURT: Thank you, Mr. Alderman.

21 All right, Mr. Burr.

22 MR. BURR: Your Honor, Mr. Trotter's family is  
23 here, and they do want to speak. I asked them to  
24 combine it into one person, so I think his mother would  
25 like to address the Court.

*Sentence*

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1 MS. TROTTER: I'm very nervous. Your Honor, I  
2 want to beg of you to please have mercy when you  
3 sentence him. This crime happened a year and a half  
4 ago. He has been off drugs ever since. He has helped  
5 me so much, and, your Honor, I need him home.

6 Look at his children that have come for support.  
7 And the ones that didn't come, wanted to come. They  
8 need their father home. Please give him a chance to  
9 make amends and do what's right for himself and his  
10 family. I beg this of you.

11 And understand that a lot of those crimes were  
12 plea deals that they just poured on him. He didn't do  
13 all them crimes.

14 THE COURT: Thank you, ma'am.

15 MR. BURR: May it please the Court, your Honor?

16 Your Honor, I've been working with Michael about  
17 six months now. We've really kind of established a  
18 rapport. I feel a lot of responsibility. I have had  
19 from three different sources -- and I'm not challenging  
20 the verdict. The verdict is the verdict, and we accept  
21 that.

22 But I did have from three sources that he had  
23 never worked for Mr. Moon, which is why I went out to  
24 interview Mr. Moon. And he confirmed through a series  
25 of pictures that he had never seen Michael, and it was

*Sentence**State vs. Michael Lee Trotter 2018-GS-37-466, 467 & 468; 2019-GS-37-266 February 27, 2019*

1 his brother Matthew.

2 That being said, in the way of mitigation, when  
3 Michael was in prison, he took his first shot of speed  
4 or meth while he was in prison. Like his mother says,  
5 now he has changed so much. Of course, he was  
6 incarcerated, but he really has. I've seen such a  
7 change in him. I think that he is clean and sober.

8 With rehab, he would have a chance to change his  
9 life. He has a sincere desire to change his life.  
10 Like I said, he has spent 14 months in pretrial  
11 confinement. Whatever sentence he gets, I would ask it  
12 be suspended and reduced down, give him credit for his  
13 time served and whatever, probation, as your Honor sees  
14 fit, make that contingent upon successful completion of  
15 a long-term drug treatment program.

16 THE COURT: Do you know how many days --

17 MR. BARR: 144 days. He's also been on an ankle  
18 monitor 14 days. If not, house arrest --

19 THE DEFENDANT: 460 days.

20 MR. BARR: 460 days. And I'm not sure if you want  
21 to give the 14 days because he wasn't on house arrest,  
22 but he was on a monitor.

23 THE COURT: All right. Thank you, Mr. Burr.

24 MR. BARR: All right.

25 THE COURT: Is there anything you would like to

*Sentence*

*State vs. Michael Lee Trotter 2018-GS-37-466, 467 & 468; 2019-GS-37-266 February 27, 2019*

1 tell me, Mr. Trotter?

2 THE DEFENDANT: I'm sorry. I mean, like he said,  
3 I've been strung out most of my life. I've been strung  
4 out. Drug addict. The first time in my life I'm clean  
5 and sober. I mean, I owe this man a thanks. Really, I  
6 do. If he wouldn't have locked me up, I wouldn't be  
7 clean and sober now. I hate what my family has to go  
8 through just to get me motivated, but I'm sorry. I  
9 really, I am.

10 THE COURT: Thank you, Mr. Trotter.

11 All right. I heard the testimony in the case.

12 Mr. Trotter, I've heard your record, and it looks  
13 like from the time you were 18 years old, you have been  
14 either in jail or awaiting trial.

15 THE DEFENDANT: Yes, sir. I did my first shot of  
16 dope at 17 years old at Huber Correctional Institute.

17 THE COURT: I see your record, and I understand  
18 that drugs do that to you. And it's the human wreckage  
19 that I see that comes into this courtroom, what  
20 Mr. Burr sees, what Mr. Alderman sees. Drugs are a  
21 terrible thing, and they destroy lives.

22 I can see you and see you've got a family that  
23 loves you. You have got intelligence, but drugs have  
24 wrecked you. Now, the question is, you have exposed  
25 yourself to 40 years in prison.

Sentence

State vs. Michael Lee Trotter 2018-GS-37-466, 467 & 468; 2019-GS-37-266 February 27, 2019

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Which, at your age -- you're, what,  
3 34 years old?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: What's that going to do to your life?

6 THE DEFENDANT: It's going to ruin it.

7 THE COURT: You won't have a life.

8 THE DEFENDANT: It's over with.

9 THE COURT: But, on the other hand, with all these  
10 burglary convictions and all this record, this is --  
11 you have gone off into territory that is significant.

12 This is the sentence we're going to do.

13 On 2019-GS-37-266, the defendant will be confined  
14 to the Department of Corrections for a term of  
15 15 years. He gets credit for 460 days time served.

16 Then on 467 and 468 indictments, he'd have ten  
17 years on each concurrent.

18 And then on 2018-GS-37-466, five years concurrent.

19 So, Mr. Trotter, I've tried to fashion a sentence  
20 that punishes you, which, with your record, has to  
21 happen. But I've tried to fashion something that's  
22 going to give you a chance to have a life when you get  
23 out. So take advantage of the resources that are  
24 available to you in the Department of Corrections and  
25 go down a different path when you get out. Good luck

*State vs. Michael Lee Trotter 2018-GS-37-466, 467 & 468; 2019-GS-37-266 February 27, 2019*

1 to you.

2 MR. BURR: Thank you, your Honor.

3 MR. ALDERMAN: Thank you.

4 (WHEREUPON, proceedings concluded at 5:32 p.m.)

5 \*\*\*END OF REQUESTED TRANSCRIPT OF RECORD\*\*\*

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Certificate of Reporter

I, Diane L. Marcengill, Official Court Reporter for the Tenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of a portion of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Oconee County, South Carolina, on the 27th day of February 2019.

This transcript may contain quoted material. Such material is reproduced as read by the speaker.

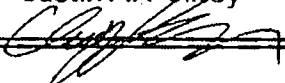
I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

June 24, 2019

  
Diane L. Marcengill, RPR, CRR, CRC  
Circuit Court Reporter

WITNESSES

Oconee Co Sheriff's Dept.  
Justin A. Pelfrey

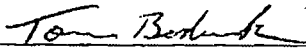


ARREST WARRANT NUMBER

Direct

ACTION OF GRAND JURY

TRUE BILL



Foreperson of Grand Jury  
Date:

FEB 11 2019

VERDICT

Foreperson of Grand Jury  
Date:

DOCKET NO. 2019-GS-37-00266

The State of South Carolina  
County of Oconee

FILED OCONEE, SC  
BEVERLY H. WITFIELD  
CLERK OF COURT

2019 FEB 11 P 2:09

COURT OF GENERAL SESSIONS

FEB 11 2019, TERM

THE STATE

VS.

MICHAEL LEE TROTTER

INDICTMENT FOR

BURGLARY, SECOND DEGREE,  
(VIOLENT)

SC Code: § 16-11-0312(B)  
CDR Code: 0086

JCA

RECEIVED  
CLERK OF COURT  
OCONEE COUNTY  
SOUTH CAROLINA  
FEB 11 2019

JB  
207  
23

STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE

## INDICTMENT

At a Court of General Sessions, convened on FEB 11 2019, the  
Grand Jurors of Oconee County present upon their oath:

**BURGLARY, SECOND DEGREE, (VIOLENT)**

The defendant, Michael Lee Trotter, did on or about November 28, 2017 in Oconee County, enter a building at [REDACTED] Road, without consent and with intent to commit a crime therein. The defendant has been convicted of two or more convictions for burglary or housebreaking or a combination of both. All in violation of 16-11-0312(B), Code of Laws of South Carolina, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



---

JASON ALDERMAN  
ASSISTANT SOLICITOR

**WITNESSES**

Oconee Co Sheriff's Dept.

Justin A. Pelfrey



**ARREST WARRANT NUMBER**

2017A3710100162

**ACTION OF GRAND JURY**

**TRUE BILL**

Foreperson of Grand Jury  
Date:

MAR 19 2010

**VERDICT**

Foreperson of Grand Jury  
Date:

DOCKET NO. 2018-GS-37- 004666

**The State of South Carolina**

**County of Oconee**

**COURT OF GENERAL SESSIONS**

MAR 19 2018 , TERM

**THE STATE**

**VS.**

**MICHAEL LEE TROTTER**

**INDICTMENT FOR**

**POSSESSION OF TOOLS USED IN THE  
COMMISSION OF A CRIME**

SC Code: § 16-11-0020  
CDR Code: 0124

JCA

STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE

## INDICTMENT

At a Court of General Sessions, convened on MAR 19 2018, the  
Grand Jurors of Oconee County present upon their oath:

**POSSESSION OF TOOLS USED IN THE COMMISSION OF A CRIME**

The defendant, Michael Lee Trotter, did in Oconee County, on or about November 28, 2017, make or mend, cause to be made or mended, or have in his possession any engine, machine, tool, false key, picklock, bit, nippers, nitroglycerine, dynamite cap, coil or fuse, steel wedge, drill, tap pin, or other implement or thing adapted, designed, or commonly used for the commission of burglary, larceny, safecracking, or other crime, under circumstances evincing an intent to use, employ, or allow the same to be used or employed in the commission of a crime, or knowing that the same are intended to be so used. The defendant was found at [REDACTED] Road, Seneca. This is in violation of §16-11-20 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.



JASON ALDERMAN  
ASSISTANT SOLICITOR

**WITNESSES**

Oconee Co Sheriff's Dept.

Justin A. Pelfrey



**ARREST WARRANT NUMBER**

2017A3710100163

**ACTION OF GRAND JURY**

**TRUE BILL**

Foreperson of Grand Jury

Date:

MAR 19 2018

**VERDICT**

Foreperson of Grand Jury

Date:

DOCKET NO. 2018-GS-37-00467

**The State of South Carolina**

**County of Oconee**

**COURT OF GENERAL SESSIONS**

**MAR 19 2018**, TERM

**THE STATE**

**VS.**

**MICHAEL LEE TROTTER**

**INDICTMENT FOR**

**GRAND LARCENY, THIRD OR  
SUBSEQUENT PROPERTY CRIME**

SC Code: § 16-13-0030(B) and 16-1-57  
CDR Code: 3587

JCA

STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE

INDICTMENT

At a Court of General Sessions, convened on MAR 19 2018, the  
Grand Jurors of Oconee County present upon their oath:

**GRAND LARCENY, THIRD OR SUBSEQUENT PROPERTY CRIME**

The defendant, Michael Lee Trotter, did on or about November 27 - 28, 2017 in Oconee County, South Carolina, feloniously take and carry away a white 6X10 enclosed trailer, valued at or more than Two Thousand Dollars but less than Ten Thousand Dollars, belonging to Roderick Merton Moon, located at [REDACTED] Road, Seneca, with intent to deprive the owner permanently of such property. The defendant has been convicted of two or more offenses where the penalty is contingent upon the value of the property. All in violation of 16-13-0030(B) and 16-1-57, Code of Laws of South Carolina, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
\_\_\_\_\_  
JASON ALDERMAN  
ASSISTANT SOLICITOR

**WITNESSES**

Oconee Co Sheriff's Dept.  
Justin A. Pelfrey



**ARREST WARRANT NUMBER**

2017A3710100164

**ACTION OF GRAND JURY**

**TRUE BILL**

  
Foreperson of Grand Jury  
Date:

MAR 19 2018

**VERDICT**

Foreperson of Grand Jury  
Date:

DOCKET NO. 2018-GS-37- 00468

The State of South Carolina  
County of Oconee

**COURT OF GENERAL SESSIONS**

MAR 19 2018 , TERM

THE STATE

VS.

MICHAEL LEE TROTTER

**INDICTMENT FOR**

**PETIT LARCENY, THIRD OR  
SUBSEQUENT PROPERTY CRIME**

SC Code: § 16-13-0030(A) and 16-1-57  
CDR Code: 3596

JCA

STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE

## INDICTMENT

At a Court of General Sessions, convened on MAR 19 2018, the  
Grand Jurors of Oconee County present upon their oath:

**PETIT LARCENY, THIRD OR SUBSEQUENT PROPERTY CRIME**

The defendant, Michael Lee Trotter, did on or about November 27, 2017, in Oconee County, South Carolina, feloniously take and carry away the personal property of Roderick Merton Moon, located at [REDACTED] Road, Seneca, to wit: a black 6X12 enclosed trailer, with a total value of Two Thousand Dollars or less with the intent to deprive the owner permanently of such property. Said Defendant has two or more prior convictions in which the term of imprisonment is contingent upon the value of property involved. This is in violation of 16-13-30(A) (Enhancement per 16-1-57) 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.

  
\_\_\_\_\_  
JASON ALDERMAN  
ASSISTANT SOLICITOR

0-15

COUNTY OF OCONEE  
STATE VS.

MICHAEL LEE TROTTER

AKA: Michael Trotter  
Race: White Sex: M Age: 34  
DOB: [REDACTED] SS#: [REDACTED]  
Address: [REDACTED]  
City, State, Zip: Seneca, SC 29678  
DL# [REDACTED] SID# [REDACTED]

INDICTMENT/CASE#: 2019GS3700266  
AAW: 2019GS3700266  
Date of Offense: 11/27/2017  
S.C. Code §: 16-11-0312(B)  
CDR Code #: 0086

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: Burglary, Second Degree, (Violent)

In violation of § 16-11-0312(B) of the S.C. Code of Laws, bearing CDR Code # 0086

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  §17-25-45  
(CSC w/minor 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

The charge is:  As indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (def.'s initials)  
The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST:

[Signature] 100529 Jason Alderman, Assistant Solicitor SC Bar # Defendant [Signature] 1046 Attorney for Defendant 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 for \_\_\_\_\_  
months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which  
are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SC  
Department of Corrections 460 Days 7 1/2

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic  
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered PTUP \_\_\_\_\_  
Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_ days/hours Public Service Employment

Payment Terms: \_\_\_\_\_ Obtain GED

Set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

*Fine:		\$	
§14-1-206 (Assessments 107.5%)		\$	
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$	100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$	
§56-5-2995 (DUI Assessment)	\$12	\$	
§56-1-286 (DUI Breath Test)	\$25	\$	
Proviso (Public Def/Prob)	\$500	\$	
§14-1-212 (Law Enforce. Funding)	\$25	\$	25.00
§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: Beverly H. Whitfield  
Court Reporter: Diane Marengill  
SCCA/217 (04/2018)

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: \_\_\_\_\_  
CERTIFIED TRUE COPY  
FEB 28 2019  
CLERK OF COURT  
OCONEE COUNTY, SC

Appointed PD or appointed other counsel;  
Proviso requires \$500 be paid to Clerk  
during probation and shall be collected before any  
other fees.

Presiding Judge: [Signature]  
Judge Code: 2752  
Sentence Date: 2-27-19

216

COUNTY OF ~~BERGEN~~ **CONEE**  
STATE VS.

**MICHAEL LEE TROTTER**

AKA: Michael Trotter  
Race: White Sex: M Age: 34  
DOB: [redacted] SS#: [redacted]  
Address: [redacted] Dr  
City, State, Zip: Seneca, SC 29678  
DL# [redacted] SID# [redacted]

INDICTMENT/CASE#: 2018GS3700466  
AAW: 2017A3710100162  
Date of Offense: 11/27/2017  
S.C. Code §: 16-11-0020  
CDR Code #: 0124

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: Possession of Tools Used in the Commission of a Crime

In violation of § 16-11-0020 of the S.C. Code of Laws, bearing CDR Code # 0124

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  §17-25-45  
(CSC w/minor 1<sup>st</sup> or CSC w/minor 3rd)

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentation to Grand Jury. (def.'s initials)  
The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST:

[Signature] 100529 Jason Alderman, Assistant Solicitor SC Bar # Defendant  
[Signature] Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the  State Department of Corrections  County Detention Center,  
for a determinate term of 5 days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years  
and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and or payment  
of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_  
months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which  
are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SC  
Department of Corrections Y60 Days T/S

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, It is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic  
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered PTUP \_\_\_\_\_  
Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_ days/hours Public Service Employment

Payment Terms: \_\_\_\_\_ Obtain GED

Set by SCDPPPS \_\_\_\_\_

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

prmts. of \$ \_\_\_\_\_ Beginning \_\_\_\_\_

\$ \_\_\_\_\_ Paid to Public Defender Fund

Other: \_\_\_\_\_

CERTIFIED TRUE COPY

FEB 28 2019

CLERK OF COURT

Appointed PD or appointed other \_\_\_\_\_

Proviso requires \$500 be paid to Clerk

during probation and shall be collected before any

other fees.

Presiding Judge: [Signature]

Judge Code: 2752

Sentence Date: 2-27-19

Clerk of Court/Deputy Clerk: Beverly H. Whitfield  
Court Reporter: Diane Marcengill  
SCCA/217 (04/2018)

0-14

COUNTY OF OCONEE

STATE VS.

MICHAEL LEE TROTTER

AKA: Michael Trotter

Race: White Sex: M Age: 34

DOB: [redacted] SS#: [redacted]

Address: [redacted] Dr

City, State, Zip: Seneca, SC 29678

DL# [redacted] SID# [redacted]

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

INDICTMENT/CASE#: 2018GS3700467  
AW#: 2017A3710100163  
Date of Offense: 11/27/2017  
S.C. Code §: 16-13-0030(B) and 16-1-57  
CDR Code #: 3587

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: Grand Larceny, Third or Subsequent Property Crime

In violation of § 16-13-0030(B) and 16-1-57 of the S.C. Code of Laws, bearing CDR Code # 3587

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  §17-25-45  
(CSC w/minor 1st or CSC w/minor 3rd)

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

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

ATTEST:

Jason Alderman, Assistant Solicitor SC Bar # 100529 Defendant Attorney for Defendant SC Bar # 1046

WHEREFORE, the Defendant is committed to the  State Department of Corrections  County Detention Center, for a determinate term of 10 days/months/years or  under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and or payment of \$; plus costs and assessments as applicable; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on:  
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SC Department of Corrections 460 Days TIS  
 The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered PTUP days/hours Public Service Employment  
Total: \$ plus 20% fee: \$ Obtain GED

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 (Public Def/Prob)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$	\$ 3.75

TOTAL \$ 128.75

Clerk of Court/Deputy Clerk: Beverly H. Whitfield  
Court Reporter: Diane Marcengillo

SCCA/217 (04/2018)

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: CERTIFIED TRUE COPY  
FEB 28 2018  
CLERK OF COURT  
OCONEE COUNTY, SC

Appointed PD or appointed Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge: [Signature]  
Judge Code: 2752  
Sentence Date: 2-27-17

218  
COUNTY OF OCONEE  
STATE VS.

0-10

MICHAEL LEE TROTTER

AKA: Michael Trotter  
Race: White Sex: M Age: 34  
DOB: [redacted] SS#: [redacted]  
Address: [redacted] Dr  
City, State, Zip: Seneca, SC 29678  
DL# [redacted] SID# [redacted]

INDICTMENT/CASE#: 2018GS3700468  
AW#: 2017A3710100164  
Date of Offense: 11/27/2017  
S.C. Code §: 16-13-0030(A) and 16-1-57  
CDR Code #: 3596

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the said Indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: Petit Larceny, Third or Subsequent Property Crime

In violation of § 16-13-0030(A) and 16-1-57 of the S.C. Code of Laws, bearing CDR Code # 3596

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  §17-25-45  
(CSC w/minor 1<sup>st</sup> or CSC w/minor 3rd)

The charge is:  As indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (def.'s initials)  
The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST:

[Signature] 100529 Jason Alderman, Assistant Solicitor SC Bar # Defendant Attorney for Defendant [Signature] 1046 SC Bar #

WHEREFORE, the Defendant is committed to the  State Department of Corrections  County Detention Center,  
for a determinate term of 10 days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years  
and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and or payment  
of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_  
months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which  
are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SC  
Department of Corrections 460 Days TIS

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic  
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered PTUP \_\_\_\_\_  
Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_ days/hours Public Service Employment

Payment Terms: \_\_\_\_\_ Obtain GED

Set by SCDPPPS \_\_\_\_\_ Attend Voc. Rehab. Or Job Corp. \_\_\_\_\_

Recipient: \_\_\_\_\_ May serve W/E beginning \_\_\_\_\_

\*Fine: \_\_\_\_\_ \$ \_\_\_\_\_ Substance Abuse Counseling

§14-1-206 (Assessments 107.5%) \$ \_\_\_\_\_ Random Drug/Alcohol Testing

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00 Fine may be pd. in equal consecutive weekly/monthly

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ \_\_\_\_\_ pmts. of \$ \_\_\_\_\_ Beginning \_\_\_\_\_

§56-5-2995 (DUI Assessment) \$12 \$ \_\_\_\_\_ \$ \_\_\_\_\_ Paid to Public Defender Fund

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

Proviso (Public Def/Prob) \$500 \$ \_\_\_\_\_

§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§14-1-213 (Drug Court Surcharge) \$150 \$ \_\_\_\_\_

§50-21-114 (BUI Breath Test Fee) \$50 \$ \_\_\_\_\_

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ \_\_\_\_\_

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

TOTAL \$ 128.75

Clerk of Court/Deputy Clerk: Beverly H. Whitfield  
Court Reporter: Diane Marcengill

SCCA/217 (04/2018)

Other: \_\_\_\_\_  
CERTIFIED TRUE COPY  
FEB 28 2019  
CLERK OF COURT  
OCONEE COUNTY, SC  
 Appointed PD or appointed other counsel;  
Proviso requires \$500 be paid to Clerk  
during probation and shall be collected before any  
other fees.  
Presiding Judge: [Signature]  
Judge Code: 2752  
Sentence Date: 2-27-19

## 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 3<sup>rd</sup> day of February, 2020.

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SC Court of Appeals