

**ORIGINAL**

**STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

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Appeal from Colleton County  
The Honorable Perry M. Buckner, Circuit Court Judge  
Appellate Case No. 2018-001216

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THE STATE,

Respondent,

vs.

ANDRE NICHOLAS CRAWFORD,

Appellant.

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**SUPPLEMENTAL RECORD ON APPEAL**

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**RECEIVED**

MAR 18 2020

SC Court of Appeals

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## DIRECT EXAMINATION OF BRIAN VARNADOE BY MS. LEGETTE

1 chose just to let his client testify, which was  
2 contradicted by the testimony of Officer Varnadoe.

3 I make all of my findings by a preponderance of  
4 the evidence and I, therefore, find that the statements  
5 are admissible into evidence in the trial of this case.

6 Now, Mr. Walker has alluded to me that he has  
7 other objections connected to an obstruction of justice  
8 warrant. Obviously, I haven't heard the evidence in  
9 this case. And I am more than willing to listen to  
10 Mr. Walker's objection at the appropriate time, and, if  
11 necessary, outside the presence of the jury as to any  
12 such objection.

13 You will have to alert me at the appropriate time  
14 that you wish to raise that issue, which I do not think  
15 is necessarily proper for a Jackson Denno voluntariness  
16 hearing, which we've conducted today.

17 Solicitor, I have grave concerns about State's  
18 Exhibit 31. You did an excellent job of putting the  
19 transcript on State's Exhibit 33, but the audio quality  
20 of State's Exhibit 31, everyone around me from the  
21 bailiffs, my law clerk, the court reporter, myself,  
22 have had a difficult time understanding all of the  
23 audio portion of State's Exhibit 31. You have advised  
24 me that you intend to have a transcript made of State's  
25 Exhibit 31. I will expect you to provide that

## DIRECT EXAMINATION OF BRIAN VARNADOE BY MS. LEGETTE

1 transcript to me because I'll have to reserve my ruling  
2 based on what I understood State's Exhibit 31 to  
3 portray today. If that transcript is different, I will  
4 reserve the right to change my ruling once I review the  
5 transcript. Because I'm basing it on what I understood  
6 it to be, but the audio quality was so difficult, I  
7 need to see the transcript to see whether or not that  
8 changes my ruling in any fashion. I'll expect to you  
9 provide such to me before you introduce any statement  
10 in the trial of this case. Do you understand?

11 MS. LEGETTE: Yes, Your Honor.

12 THE COURT: Very well. This concludes the Jackson  
13 Denno hearing. Is there anything else on the record  
14 outside the presence of the jury from the State before  
15 we adjourn for the evening?

16 MS. LEGETTE: Not from the State, Your Honor.

17 THE COURT: From the Defendant?

18 MR. WALKER: No, not at this time.

19 THE COURT: All right. Now, I'm going to ask you  
20 and remind you that we are starting at 9:00 a.m. And  
21 I'm also telling the witnesses. You make sure that you  
22 have told your witnesses tonight that you're going to  
23 call. Because we're going to start at 9:00, not 9:05,  
24 not 9:01, 9:00 a.m. in the morning. I expect Mr.  
25 Walker and Ms. Dovell to be present. The Defendant

## RE-CROSS EXAMINATION OF KIRT WALLACE BY MR. WALKER

1 lunch, because I'm going to order out for the jury, but  
2 I'm going to try to get their lunch here after they  
3 start their deliberations rather than stop for lunch  
4 because we have a court reporter shortage and I need to  
5 finish this trial while I'm certain that I have a court  
6 reporter, which I made counsel aware of throughout the  
7 trial of this case, even though I've gotten different  
8 answers as to how long the case will take.

9 I am also aware that there is now a transcript of  
10 the interview conducted by law enforcement with the  
11 Defendant, and that interview was conducted on May  
12 31st, 2016. That transcript was prepared overnight and  
13 handed to me today. A copy has been given to  
14 Mr. Walker and to the Solicitor. It was a transcript  
15 of the interview, and it's signed by Beverly Cook,  
16 notary public, that she transcribed the audio interview  
17 with Andre Crawford.

18 Now, I have reviewed that transcript and in the  
19 event the Solicitor is going to elicit that audio  
20 interview, I'm going to require the Solicitor and  
21 counsel for the Defendant to meet and then they will  
22 advise me in the morning, because I'm going to have  
23 them here at 8:30 in the morning to meet with me, as to  
24 whether or not they can agree on using the transcript  
25 because of the poor quality of the audio which was

## RE-CROSS EXAMINATION OF KIRT WALLACE BY MR. WALKER

1           demonstrated during the Jackson Denno hearing in  
2           connection with this case.

3                   Does the State have -- and I'll rule on that  
4           matter in the morning after you've had a chance to both  
5           review it. Does the State have any requests to charge?  
6           Because we're not going to have any break tomorrow,  
7           we're working straight through.

8                   MS. LEGETTE: I can email them, Your Honor.

9                   THE COURT: No, ma'am, you're not going to email  
10          them. You're going to hand them to me and give a copy  
11          to opposing counsel. It is now 5:40 and you've got one  
12          hour. Because we'll be working tonight and I expect  
13          you to have already handed them up.

14                   Does the Defendant have any request to charge?

15                   MR. WALKER: The Court's standard charge, failure  
16          to testify.

17                   THE COURT: If the Defendant -- and I will go into  
18          that with the Defendant tomorrow. And if the Defendant  
19          does elect not to testify, I will certainly charge  
20          that.

21                   Anything else?

22                   MR. WALKER: Perhaps, voluntary, but I haven't  
23          made that decision, yet, Your Honor.

24                   THE COURT: Well, obviously, there will have to be  
25          evidence to support such a charge. And at this point,

## RE CROSS EXAMINATION OF KIRT WALLACE BY MR. WALKER

1 I realize that it's premature to speculate on what I  
2 might hear tomorrow, but I will certainly consider it  
3 if that's your request after I have heard all of the  
4 evidence.

5 And I expect any requests to charge that you know  
6 of, Mr. Walker, you give it to the Solicitor. You have  
7 one hour from right now for any requests to charge. If  
8 something comes up tomorrow that is completely  
9 unexpected, I'll understand that late. Otherwise,  
10 you're not waiting until the end of this trial because  
11 we'll be working on the charge tonight after you've  
12 gone home.

13 I expect the two of you to meet about the  
14 transcript and to be in my chambers at 8:30 in the  
15 morning to discuss it. This court is in recess until  
16 9:00 a.m. tomorrow morning.

17 (Trial continues on 6-20-2018.)

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19  
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21  
22  
23  
24  
25

## RE CROSS EXAMINATION OF KIRT WALLACE BY MR. WALKER

1           In the Court of General Sessions for the  
2           State of South Carolina, County of Walterboro

3

4

5           Case No.: 2016GS1500481

6           State of South Carolina,

7                     Plaintiff(s),

8           vs.

9           **Transcript of Record**

10          Andre Crawford,

11                     Defendant(s).

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June 20, 2018

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Walterboro, South Carolina

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22

23          BEFORE:

24                     The Honorable Perry N. Buckner

25

## 6-20-2018 PROCEEDINGS

1                   6-20-2018 PROCEEDINGS

2                   THE COURT: I'm being asked a lot of questions. I  
3 wanted to start at 9:00 this morning and I'm already  
4 running behind because the lawyers and I had to meet  
5 over a transcript of the interview with Mr. Crawford on  
6 May 31st, 2016. The lawyers have agreed on redacting  
7 the transcript now, but it took a while. I'm told that  
8 the audio quality of the video is better than it was  
9 when it was played for me in the Jackson Denno hearing,  
10 so, we're going to play it for the jury. We're also  
11 going to provide -- Mr. Utsey is outside of the  
12 courtroom now, at my request and he's completing the  
13 redactions.

14                  Now, I've also been over my entire proposed charge  
15 with counsel. It's my intention -- because I'm not  
16 sure what's going to happen tomorrow with the court  
17 reporter. I'm hoping I get to keep Mona, but Court  
18 Administration, for some reason, won't give us an  
19 answer.

20                  So, because I need to have a court reporter finish  
21 this trial, I've got to work straight through. When I  
22 bring the jury back, I'm going to tell the jury that  
23 we're going to try to finish the trial, which means  
24 they're going to eat a late lunch. I'm talking about  
25 it could be as late as 2:30 or 3:00. Because if we

## RE CROSS EXAMINATION OF BRUCE MARTIN BY MR. WALKER

1           Please do not discuss the case. You have not  
2           heard all of the evidence in the case, so it would be  
3           premature for you to discuss it amongst yourself. I  
4           know that I have a smoker on the jury and I'll let the  
5           smoker go outside with the bailiff, if you like. No  
6           smoking permitted in the courthouse.

7           I'll be back with you just as soon as I've heard  
8           that everyone has had a chance to take a break. Thank  
9           you. You may retire to your jury room.

10          Everyone else remain seated while the jury is  
11          leaving.

12          (The jury exits the courtroom at 11:07 a.m.)

13          THE COURT: Counsel, approach.

14          (Off-the-record discussion held.)

15          THE COURT: Thank you. Please be seated.

16          You don't need to go get her. She knows to be in  
17          here. Take a seat.

18          Tell Tameaka if she's outside to come on in and  
19          take a seat. I want to go over the record.

20          Ceth's present, we'll start. During the break and  
21          during the course of testimony this morning, Counsel  
22          has now agreed on a redacted transcription of the audio  
23          interview of Andre Crawford dated May 31st, 2016.  
24          Mr. Walker and his cocounsel have reviewed it. They  
25          consent to the jury being provided the redacted copy,

## RE CROSS EXAMINATION OF BRUCE MARTIN BY MR. WALKER

1           which Mr. Utsey worked on while we were taking  
2           testimony in this case. So, not only will they hear,  
3           hopefully, a better audio version on the video than was  
4           demonstrated during the Jackson Denno hearing, they  
5           will each be given the redacted version of the  
6           transcript to utilize when it's produced.

7                     Come on up here, Tameaka, and take a seat.

8                     I have also been over my charge, as I stated  
9           earlier, with him. It's my intention to work straight  
10          through. I'm estimating that lunch will be served to  
11          the jury at 2:30. I hope I'm close on that, but I've  
12          gotten so many inconsistent estimates of how long  
13          people intend to take with witnesses that it's very  
14          difficult to plan the comfort of the jury and utilize  
15          the court reporter and try to adhere to the times that  
16          the lawyers have given me that things will take to try  
17          to estimate when I can do it. The jury has expressed a  
18          desire to work straight through, so I'm going to see  
19          that it's done.

20                    Have they all had a chance to use the restroom?

21                    THE BAILIFF: They're all ready to come back in.

22                    THE COURT: Bring us a jury.

23                    (The jury enters the courtroom at 11:22 a.m.)

24                    THE COURT: Is everybody okay? Don't hesitate if  
25          somebody needs something to let me know. That's what

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**CERTIFICATE OF COUNSEL**

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The undersigned hereby certifies that the Supplemental Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

BY: 

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March 18, 2020