

ORIGINAL

Volume II of II

STATE OF SOUTH CAROLINA

In The Court of Appeals

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FEB 22 2013

APPEAL FROM SPARTANBURG COUNTY

Roger L. Couch, Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

ANDREW BRENT SCOTT,

APPELLANT

APPELLATE CASE NO. 2012-212554

RECORD ON APPEAL

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*****TRIAL EXHIBIT 37 (Photo Lineup) IS BEING TRANSPORTED TO THE COURT**

1 state?

2 SOLICITOR ELLIS: Not from the State, Your Honor.

3 THE COURT: Any from the defense?

4 MS. JONES: No, sir, Your Honor.

5 THE COURT: I'll ask you to step forward and let's go
6 over the exhibits. Let's separate them so that we have the
7 ones that are going back to the jury separated.

8 (Pause.)

9 THE COURT: I'm going to ask the attorneys to approach
10 the bench once you get finished with that.

11 MS. JONES: Did Your Honor want us to approach?

12 THE COURT: Yes, I want to ask you a question.

13 (WHEREUPON, a bench conference was held at this time.)

14 THE COURT: And on the form I'm just gonna leave it, if
15 they find him guilty of armed robbery, then they would have
16 to decide Count Two. If they find him -- I'm not gonna put
17 a verdict. If they find him not guilty of armed robbery,
18 then there would be no possibility of the charge.

19 SOLICITOR ELLIS: Yes, sir.

20 THE COURT: You agree?

21 MS. JONES: Yes, sir, Your Honor.

22 THE COURT: All right.

23 (Pause.)

24 THE COURT: All right. Like to take a look at it just
25 to be sure?

1 (Pause.)

2 THE COURT: Any objection from the State?

3 SOLICITOR ELLIS: No, sir.

4 THE COURT: Defense?

5 MR. JONES: No, sir.

6 THE COURT: All right. Bring the jury back.

7 (WHEREUPON, the following takes place within the
8 presence of the jury.)

9 THE COURT: All right. The record will reflect the
10 jury has returned.

11 Mr. Bailiff, if you'll pass this form over to Mr. Reid
12 for me.

13 (Foreman complies.)

14 THE COURT: Thank you.

15 Mr. Reid, I'm handing you the verdict form at this
16 time. Let me go over it with you briefly.

17 At the top of the page you'll see it states the county
18 and state and the Court that we're in. Right below that it
19 has the caption, what we call the caption, the State of
20 South Carolina versus Mr. Scott. Over the right indicates
21 it is a verdict form.

22 Now, there are four questions on this verdict form.
23 The first two questions have to do with the offenses of
24 assault and battery in the first degree and the offense of
25 kidnapping. The third question has to do with the offense

1 of armed robbery, and the fourth question has to do with use
2 of a, of a weapon in the commission of a violent crime.

3 Each of those questions has a choice, has two choices,
4 either guilty or not guilty, and let me caution the jury.
5 Please don't take from the order that I've placed those
6 choices on the form to somehow indicate that I might have a
7 preference.

8 I can assure you I've been doing this for about eight
9 years now and every verdict form I've ever done has the same
10 order of the verdict choices. So, it doesn't indicate any
11 preference on my part. That's the way it is on the computer
12 that we use and we always have those same choices.

13 But you would put either a check or an X on the line
14 beside the appropriate verdict once a unanimous verdict's
15 been reached on each question presented. I will point out
16 to you, the fourth question you will not answer that
17 question should the jury find the defendant not guilty of
18 the offense of armed robbery. Because if you find the
19 defendant not guilty of the offense of armed robbery, then
20 the state would not have shown that he was guilty of a
21 violent crime. So, therefore, there would be no verdict as
22 to the use of a weapon during the commission of a violent
23 crime.

24 So, you'll answer the first three questions. Should
25 you find the defendant guilty of armed robbery, you would

1 then answer the fourth question as to whether or not there
2 was a possession of a deadly weapon or in the commission of
3 a violent crime, possession of a weapon during the
4 commission of a violent crime.

5 Now, I'm going to send the indictment back with those,
6 that form. You have the right to review the indictments as
7 to each charge. Also we're sending all the evidence back
8 with you to the jury. You have the right to review that
9 evidence also during your deliberations.

10 Now, at this point in time I am going to inform you, I
11 know it's about 15 minutes after 12:00. I will tell you
12 that during your deliberations, the county does provide a
13 meal if that's necessary.

14 So, Mr. Foreman, if jury feels like you'd like to order
15 lunch if you think your deliberations are gonna take that
16 long, then let the bailiff know. I will send a clerk's
17 representative into the jury room to take your order for
18 lunch.

19 Please, while that person is in the jury room if that
20 becomes necessary, stop your deliberations. Don't discuss
21 the case until that person has taken your order and left the
22 room. Then you can resume your deliberations once they
23 leave. I do not want you to discuss the case in any manner
24 whatsoever while the clerk's representative is in the jury
25 room.

1 So, again, stop the deliberations if that becomes
2 necessary, and resume them when that person is left.

3 It takes about an hour to an hour and 15 minutes for us
4 to put in an order for lunch, have a sheriff's deputy pick
5 it up, and bring it here to the courthouse. So, if you
6 decide you want to order the lunch, let us know in that and
7 I'll just make you aware it's gonna take that long for us to
8 get it here. But certainly, if you're in your
9 deliberations, you're entitled to receive a meal during
10 those times. We're not gonna starve you while you're in
11 deliberations.

12 All right. At this time I'm going to ask that the jury
13 retire to the jury room to begin your deliberations.

14 Sir, you're the alternate. If you would, please remain
15 seated.

16 You may step back to the jury room and begin your
17 deliberations.

18 Thank you.

19 (WHEREUPON, the following takes place outside the
20 presence of the jury.)

21 THE COURT: Here's the indictments, and, if you would,
22 get the exhibits.

23 (WHEREUPON, the alternate juror was dismissed at this
24 time.)

25 THE COURT: Is there any objections to my final

1 instructions to the jury from the state?

2 SOLICITOR ELLIS: No, sir, Your Honor.

3 THE COURT: Any from the defense?

4 MS. JONES: No, sir, Your Honor.

5 THE COURT: All right. We'll be in recess until such
6 time as a verdict is reached.

7 Defendant remains in custody.

8 Thank you.

9 SOLICITOR ELLIS: Thank you, Your Honor.

10 (WHEREUPON, the jury began deliberations at 12:16 and
11 returned with a question at 1:45.)

12 THE COURT: All right. I have received an inquiry from
13 the jury, and they're asking what is the definition of
14 beyond a reasonable doubt. I intend to recharge the jury
15 concerning the presumption of innocence, innocence as well
16 as the definition of reasonable doubt.

17 Any objection to my proceeding in that fashion, Mr.
18 Ellis?

19 SOLICITOR ELLIS: No, sir, Your Honor.

20 MS. JONES: No, sir, Your Honor.

21 THE COURT: All right. Let's bring the jury in.

22 (WHEREUPON, the following takes place within the
23 presence of the jury.)

24 THE COURT: All right. The jury has returned to the
25 courtroom.

1 I've received a question from the jury and the question
2 is what is the definition, definition of beyond a reasonable
3 doubt.

4 Ladies and gentlemen, I explained to you that the
5 defendant, in this case, has pled not guilty to the
6 indictments that are before the Court. That plea places the
7 burden of proof upon the State. The burden of proof, in
8 this case, is that the state prove the defendant's guilt
9 beyond a reasonable doubt.

10 Now, a person charged with the commission of a crime,
11 no matter what the seriousness of that crime might be, is
12 never required to prove himself innocent of that charge.
13 It's an important rule of law that a defendant, in a
14 criminal trial, no matter what the seriousness of the crime
15 is, is always presumed to be innocent of the crime for which
16 the indictment has been issued unless guilt has been shown
17 or proven by evidence that satisfies you of that guilt
18 beyond a reasonable doubt.

19 The presumption of innocence doesn't end when you begin
20 your deliberations. It accompanies the defendant throughout
21 the proceedings and into your deliberations. The
22 presumption of innocence is been described like the robe
23 that I wear into the courtroom. It remains about the
24 defendant's shoulders throughout the proceedings and into
25 your deliberations. It remains about the defendant's

1 shoulders until such time as it has been stripped or taken
2 from him by proof that satisfies you of the defendant's
3 guilt beyond a reasonable doubt.

4 The presumption of innocence is not a legal theory and
5 it's not just a legal phrase. Its a substantial right that
6 all defendants are entitled to unless you, the jury, are
7 satisfied, from the evidence, of the defendant's guilt
8 beyond a reasonable doubt.

9 Now, the legal definition of reasonable doubt is that
10 kind of doubt that would cause a reasonable person to
11 hesitate to act, and the State has the burden of proving the
12 defendant guilty beyond a reasonable doubt.

13 Now, some of you may have been involved in civil cases
14 before, and I explained that civil cases, the standard of
15 proof is by the greater weight or the preponderance of the
16 evidence. That's the scales of justice tilting ever so
17 slightly either in, either in favor of or against a
18 defendant or a plaintiff in a civil case.

19 Now, in a criminal case, the State's proof must be more
20 powerful than that. It must be proof beyond a reasonable
21 doubt. I will tell you that proof beyond a reasonable doubt
22 is that kind of proof that would leave you firmly convinced
23 of the defendant's guilt.

24 Now, I'll tell you, there's very few things that go on
25 in this world, in human discourse, that can be proven beyond

1 any doubt whatsoever. That's not the burden to which the
2 State is placed. The State does not have to prove its case
3 beyond any doubt whatsoever.

4 Now, I will tell you that if you are based -- if, based
5 upon your consideration of the evidence, if you are firmly
6 convinced that the defendant is guilty of the crime charged,
7 then you must find the defendant guilty, and, again, that
8 proof must be beyond a reasonable doubt. However, on the
9 other hand, if you think there is a real possibility that
10 the defendant is not guilty, then you must give the
11 defendant the benefit of this doubt and find the defendant
12 not guilty.

13 Now, that's the charge that I've given and I always
14 give on reasonable doubt.

15 Mr. Foreman, do you think that responds to the
16 question?

17 FOREMAN: Yes, sir.

18 THE COURT: All right. Then I'll ask the jury to
19 return to the jury room. Continue your deliberations.

20 Thank you very much.

21 (WHEREUPON, the following takes place outside the
22 presence of the jury.)

23 THE COURT: Any objection to the charge from the State?

24 SOLICITOR ELLIS: No, sir, Your Honor.

25 THE COURT: Any from the defense?

1 MS. JONES: No, sir, Your Honor.

2 THE COURT: All right. Then I will have the question
3 marked as an exhibit for the Court.

4 (WHEREUPON, the note from the jury was marked as
5 Court's Exhibit No. 1 for identification purposes only at
6 this time.)

7 THE COURT: We'll remain in recess until a verdict is
8 reached.

9 SOLICITOR ELLIS: Thank you, judge.

10 (WHEREUPON, the jury began deliberations again at 1:49
11 and returned with a verdict at 2:21.)

12 THE COURT: All right. I'm informed we have a verdict.
13 Is the State ready to receive the verdict?

14 SOLICITOR ELLIS: Yes, sir, Your Honor.

15 THE COURT: Defense ready to receive the verdict?

16 MS. JONES: Yes, sir.

17 THE COURT: Bring the jury in.

18 (WHEREUPON, the following takes place within the
19 presence of the jury.)

20 THE COURT: All right. The record will reflect the
21 jury has returned to the courtroom.

22 I understand a verdict has been reached.

23 Is that correct, sir?

24 FOREMAN: Yes.

25 THE COURT: Pass the form to the bailiff for me.

1 (Foreman complies.)

2 THE COURT: Thank you.

3 Madam Clerk, I'll ask that you please publish the
4 verdict.

5 CLERK: Yes, sir.

6 In the Court of General Sessions, State of South
7 Carolina versus Andrew Brent Scott, as to Indictment Number
8 2010-GS-42-6835 for the offense of assault and battery in
9 the first degree, we, the jury, unanimously find the
10 defendant, Andrew Brent Scott, guilty.

11 As to Indictment Number 2010-GS-42-6836, for the
12 offense of kidnapping, we, the jury, unanimously find the
13 defendant, Andrew Brent Scott, guilty.

14 As to Count One of Indictment Number 2010-GS-42-6837,
15 for the offense of armed robbery, we, the jury, unanimously
16 find the defendant, Andrew Brent Scott, guilty.

17 If you find the defendant guilty of armed robbery, how
18 do you find the defendant with regards to Count Two of
19 Indictment Number 2010-GS-42-6837, for the offense of a
20 possession of a weapon during the commission of a violent
21 crime, guilty.

22 This is signed by the foreperson and dated today's
23 date.

24 Ladies and gentlemen of the jury, if this is your
25 verdict and still your verdict, please raise your

1 right-hand.

2 (WHEREUPON, all jurors raise their right-hands at this
3 time.)

4 THE COURT: Thank you.

5 CLERK: So say you-all.

6 THE COURT: Anything further from the State before I
7 release the jury?

8 SOLICITOR ELLIS: No, sir, Your Honor.

9 THE COURT: Anything further from the defense before I
10 release the jury?

11 MS. JONES: Your Honor, on behalf of Mr. Scott we would
12 request polling, polling.

13 THE COURT: All right. Madam Clerk, please proceed
14 with the polling.

15 (WHEREUPON, the jury panel was polled and all jurors
16 responded affirmatively that this was and is still their
17 verdict.)

18 CLERK: Your Honor, the jury has been polled.

19 THE COURT: Thank you, Madam Clerk.

20 Anything further from the defense before I release the
21 jury?

22 MS. JONES: No, sir, Your Honor.

23 THE COURT: All right.

24 (WHEREUPON, the jury was dismissed at this time.)

25 THE COURT: Pass the sentencing sheets up please.

1 All right. Mr. Andrew Brent Scott, having been found
2 guilty by a jury of your peers for the offense of assault
3 and battery in the first degree, kidnapping, possession of a
4 weapon during a violent crime, and armed robbery, at this
5 time I'll be happy to hear from you and your attorney
6 concerning sentencing in this matter.

7 Ms. Jones.

8 MS. JONES: Your Honor, as you know from the trial of
9 this case, Mr. Scott is 51 years of age. He, he is
10 originally a resident of the Columbia area. He is got
11 extended family there including five brothers. One of his
12 brothers, Mr. Melvin Scott, is present in the courtroom. I
13 believe, at the appropriate time, he'd like to make a brief
14 statement.

15 Mr. Scott is in the auto industry having retired from
16 the Department of Corrections. His wife is also present,
17 the sister-in-law of Mr. Scott obviously, and Ms. Copeland,
18 who you heard from in the trial, is, continues to be
19 present.

20 On behalf of Ms. Copeland, I asked her if she wanted to
21 speak. She didn't think emotionally she could speak. She
22 was, would merely ask for mercy.

23 But by way of background, Your Honor, I was appointed
24 by the Court, by Your Honor, in November to represent
25 Mr. Scott. He had been in jail since the night of this

1 event at the time of his arrest that we heard about at some
2 detail during the trial. There have been a couple of other
3 attorneys ahead of me in representation.

4 But as Your Honor knows, I got him in early November.
5 I've had a cordial relationship with Mr. Scott, and we were
6 able to freely share information at, adequately in order for
7 me to prepare for this trial. I, I experienced -- I don't
8 know the nature of what the problems were that he
9 experienced with other attorneys. But we have had no, no
10 problems whatsoever in our dealings.

11 Your Honor, he has a grown child that has two children
12 making him a grandfather of two. I believe the children are
13 four and five. He also has a young child that is five years
14 of age that lives here in Spartanburg.

15 He has been in jail, as I say, continuously since this
16 occurred. My approximation or my quick calculation was 578
17 days cause it is 20 months. It's over a year.

18 THE COURT: Any objection to him receiving that credit
19 thus far?

20 SOLICITOR ELLIS: No, sir.

21 THE COURT: 578 you said?

22 MS. JONES: Yes, sir, and---

23 THE COURT: Thank you.

24 MS. JONES: ---Your Honor, he is aware, as I am aware,
25 that the statute for the possession of a weapon during the

1 commission of a violent crime does allow for consecutive
2 time, but I think that is discretionary with the Court. I
3 would ask Your Honor to be as merciful as Your Honor can be
4 in light of his age of 51. We -- and, Your Honor, he, he
5 does indicate to me he'd like to make a comment to the
6 Court. I think, at this point, I'd ask Your Honor to hear
7 from his brother briefly.

8 THE COURT: All right. Come forward, sir.

9 MR. SCOTT: Good afternoon, Your Honor.

10 THE COURT: Good afternoon.

11 Your name is?

12 MR. SCOTT: My name is Melvin Scott. I'm the older
13 brother of the defendant, Andrew Scott.

14 THE COURT: Yes, sir, be happy to hear from you.

15 MR. SCOTT: Yes, sir, first and foremost, like to take
16 a second and offer the plaintiff and her family my deepest
17 apology on behalf of my family.

18 THE COURT: You need, you need to address the Court.
19 You can say it, but you have to say it to me.

20 MR. SCOTT: Okay. Like to offer her our deepest
21 apology from myself and my family, members that wasn't able
22 to make it today, and also would like the Court, to ask the
23 Court to please have mercy on him in the sentencing phase of
24 this, and hopefully we can get it resolved and move on, Your
25 Honor.

1 THE COURT: Thank you, sir.

2 MR. SCOTT: Thank you.

3 THE COURT: Appreciate you being here today.

4 MR. SCOTT: Thank you.

5 THE COURT: Any other members of the family wish to
6 speak?

7 MS. JONES: No, sir, Your Honor.

8 THE COURT: All right. Sir, Mr. Scott, your
9 opportunity to speak to the Court.

10 Is there anything you'd like to say to me?

11 DEFENDANT: Yes, sir. Thank you very much, sir.

12 THE COURT: Yes, sir.

13 DEFENDANT: First and foremost, I would just like to
14 thank Ms. Jones for her unwavering call of duty in
15 representing me as such a late of time. Of course, I think
16 her scope of previously, you know, that I didn't have
17 private attorney, and, of course, it didn't go as well, but
18 it was unfortunate for me.

19 I, I have been in the community for a very long time,
20 sir. I haven't had, been fortunate enough to meet a lot of
21 people. But I was fortunate enough to meet my co-workers,
22 you know, at all stores here and even in Mr. Johnson's
23 second business. And it was some, some of those that I've
24 heard about that I never met, sir.

25 And for those of those employees that I've never met

1 who said they have had an encounter with me, and I just want
2 to be apologetic to them, you know, and, and as having been
3 too many people that I've met that I've been employed with
4 over the years, and I've retired off a job in 2001 with
5 Sears as an analyst, and having been too many people that
6 I've worked that I haven't had a recall.

7 So, if there's someone that I've offended in my way of
8 life which as far as employment or just in, in my path of
9 living I want to apologize to them, sir.

10 THE COURT: Okay.

11 DEFENDANT: Yes, sir, and I also want the Court also.
12 And in light of that, I ask of you, the State to, you know,
13 to have mercy on me. You know, I -- matter of fact, I have
14 a birthday Monday, and have a son that was born on my
15 birthday. He'll be five Monday also. I don't know. May
16 see him again and I may not. But just have mercy on me,
17 sir.

18 THE COURT: Thank you.

19 DEFENDANT: Thank you.

20 THE COURT: I'll hear from the State.

21 Prior record for this individual?

22 SOLICITOR ELLIS: Yes, sir, Your Honor.

23 1979, privily stealing, forgery.

24 1980, purse snatching.

25 1983, possession of marijuana.

1 1990, eight counts fraudulent check.
2 1991, five counts fraudulent check.
3 1992, fraudulent check.
4 1993, receiving stolen goods.
5 1994, burglary third degree, criminal domestic
6 violence.
7 1995, two counts employment security fraud.
8 1998, receiving stolen goods, fraudulent check.
9 In 2000, harassment.
10 2003, credit card theft, credit card fraud.
11 2004, receiving stolen goods, five counts fraudulent
12 check.
13 2009, five counts fraudulent check, shoplifting, third
14 or subsequent property offense.
15 THE COURT: All right. The victim, Ms. Jackson, do you
16 wish to be heard at this time?
17 MS. JACKSON: Yes.
18 THE COURT: Be happy to hear from you, ma'am.
19 MS. JACKSON: Can you hear me?
20 THE COURT: Yes, ma'am.
21 MS. JACKSON: Okay. Well, Your Honor, first I would
22 like to tell Mr. Scott and his family that I have forgiven
23 Mr. Scott for what he done to me in September of 2010. But
24 I have not forgot what he done to me. It changed my life a
25 lot.

1 I -- after that incident, I didn't sleep at night. I
2 had to sleep in the daytime. I was scared to sleep at
3 night. I'm scared for people to approach me after -- I'm
4 from a very small community and I never thought anything
5 like that would happen to me. So, it -- I wonder why, on
6 that day that he come in there, and just not leave and had
7 the intent of harming me when I had done nothing to him, and
8 I didn't intend to do nothing to him.

9 So, why did he want to do something to me?

10 But I have forgiven him for what he's done, and just --
11 now I just hope I can put this all behind me, and I let his
12 family know that I'm not mad, that I have, like I say, I
13 have forgiven him, but I can't, I can't forget what he done
14 to me.

15 THE COURT: Thank you, ma'am.

16 Anything further from the State?

17 SOLICITOR ELLIS: No, sir, Your Honor.

18 (Pause.)

19 THE COURT: Mr. Scott?

20 DEFENDANT: Yes, sir.

21 THE COURT: The evidence that was presented during your
22 trial would indicate to me that this was not an act of
23 desperation. You had a home that you were living in. You
24 had a place to put your head. You had food on your table.
25 Perhaps it was an act of revenge for a firing. I'm not sure

1 why, but obviously some preparation went into it.

2 The testimony, uncontroverted testimony, was that you
3 had, in fact, sought the assistance of someone else in
4 carrying out this adventure.

5 To go into a business such as that, armed with weapons,
6 we could of very easily been here on a murder case as well.

7 When people -- when guns are introduced into those
8 situations, knives are introduced into those situations,
9 quite often it ends in tragic events. Thank goodness that
10 didn't happen in this case. But it wasn't because of your
11 actions it didn't happen.

12 There was a lady there who resisted, who fought, took
13 her opportunity to escape, and was able to get away from
14 that situation. Not everyone is so successful in those
15 situations as she was.

16 The evidence was overwhelming, in the Court's opinion,
17 of your guilt, and in listening to the record that I've
18 listened to, this is been a -- I guess criminal activity has
19 been something that you've been engaged in for decades.
20 This didn't start with this event.

21 So, taking those factors into consideration, the
22 seriousness of the crime, the effect it would have on the
23 victim is also been taken into consideration, as to the
24 kidnapping and armed robbery, the Sentences are
25 concurrently, and the Sentences are 30 years with time

1 served.

2 The use of a weapon in the commission of a violent
3 crime is five years running consecutively.

4 The assault and battery is ten years run concurrently.

5 I've given you credit for the time that your lawyer has
6 requested.

7 Good luck to you, sir.

8 DEFENDANT: Thank you, sir.

9 THE COURT: Thank you.

10 SOLICITOR ELLIS: Thank you, Your Honor.

11

12 * * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

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C E R T I F I C A T E

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I, Pamela E. Green, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 24th, 25th and 26th day of April, 2012.

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

July 16th, 2012



PAMELA E. GREEN, Court Reporter

WITNESSES

Chesnee Police Department

D. R. Tappell

ARREST WARRANT NUMBER

M750366

Page of 2
11/07/2010

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date: NOV 24 2010

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

10-GS-42-6835

The State of South Carolina

County of Spartanburg

Trey Gowdy, Solicitor

COURT OF GENERAL SESSIONS

NOV 29 2010

TERM

THE STATE
vs.

Andrew Brent Scott

Indictment for
ASSAULT AND BATTERY
FIRST DEGREE

SC Code: 16-3-600
CDR Code: 3412
Class FEL-E

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

NOV 24 2010

At a Court of General Sessions, convened on _____ the

Grand Jurors of Spartanburg County present upon their oath:

ASSAULT AND BATTERY FIRST DEGREE

That Andrew Brent Scott did in Spartanburg County on or about September 28, 2010 commit an act causing an unlawful injury to Bridgette Jackson, and the act:

- (1) involved nonconsensual touching of the private parts of an adult with lewd and lascivious intent, or
- (2) occurred during the commission of a robbery, burglary, kidnapping, or theft, or
- (3) involves an offer or attempt to injure another person with the present ability to do so, and the act is accomplished by means likely to produce death or great bodily injury, or occurred during the commission of a robbery, burglary, kidnapping, or theft,

all in violation of § 16-3-600, *THE 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.


 ASSISTANT SOLICITOR

525

WITNESSES

Chesnee Police Department

D. R. Tappett

DOCKET NO. - **10-GS-42-6836**

The State of South Carolina

County of Spartanburg

Trey Gowdy, Solicitor

COURT OF GENERAL SESSIONS

NOV 24 2010

TERM

ARREST WARRANT NUMBER

M750367

Page

11/07/2011

ACTION OF GRAND JURY

True Bill

THE STATE

VS.

Andrew Brent Scott

Foreperson of Grand Jury

Date: NOV 24 2010

VERDICT

Indictment for

KIDNAPPING

SC Code: 16-03-910

CDR Code: 0095

Class FEL-A

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

NOV 24 2010

At a Court of General Sessions, convened on _____ the
Grand Jurors of Spartanburg County present upon their oath:

KIDNAPPING

The Defendant, Andrew Brent Scott, did in Spartanburg County, on or about September 28, 2010, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away the victim, Bridgette Jackson, without authority of law, all in violation of Section 16-3-910, 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.



ASSISTANT SOLICITOR

WITNESSES

Chesnee Police Department

D. R. Foy

ARREST WARRANT NUMBER

M750368 - Count One
Direct Indictment - Count Two

Page

11/07/2011

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date: NOV 24 2010

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. -

10-GS-42-6837

The State of South Carolina

County of Spartanburg

Trey Gowdy, Solicitor

COURT OF GENERAL SESSIONS

NOV 24 2010

TERM

**THE STATE
vs.**

Andrew Brent Scott

Indictment for

**ARMED ROBBERY AND POSSESSION
OF WEAPON DURING COMMISSION
OF A VIOLENT CRIME**

SC Code: 16-11-330 (A); 16-23-490

CDR Code: 139; 549

Class: FEL/A; FEL/F

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on NOV 24 2010 the Grand
 Jurors of Spartanburg County present upon their oath:

COUNT ONE - ARMED ROBBERY

That Andrew Brent Scott did in Spartanburg County on or about September 28, 2010, while armed with one or more deadly weapons, to wit: a knife and/or a firearm, feloniously take property and/or currency from the person or presence of Bridgette Jackson, to wit: U.S. Currency from The Money Tree, by means of force, violence, and/or intimidation with the intent to deprive the owner permanently of such property, in violation of §16-11-330 (A), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

**COUNT TWO – POSSESSION OF WEAPON DURING
 COMMISSION OF A VIOLENT CRIME**

That Andrew Brent Scott did in Spartanburg County on or about September 28, 2010 possess or visibly display a firearm and/or visibly display a knife and/or visibly display what appeared to be a firearm during the commission of a violent crime, to wit: ARMED ROBBERY, in violation of Code § 16-23-490, *THE 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.


 ASSISTANT SOLICITOR



Chesnee Police Department

201 West Cherokee Street
Chesnee, South Carolina 29323
Phone 864-461-2225

AFFIDAVIT FOR PHOTO LINEUP

I, Bridgette Jackson, HAVE VIEWED THE LINEUP PROVIDED BY THE
CHESNEE POLICE DEPARTMENT AND HAVE POSITIVELY IDENTIFIED THE
SUBJECT IN QUESTION AS NUMBER 5.

SUBJECT: ~~Alexander Brent Scott~~

AFPIANT: Stephanie Gault Bridgette Jackson

WITNESS: Stephanie Gault

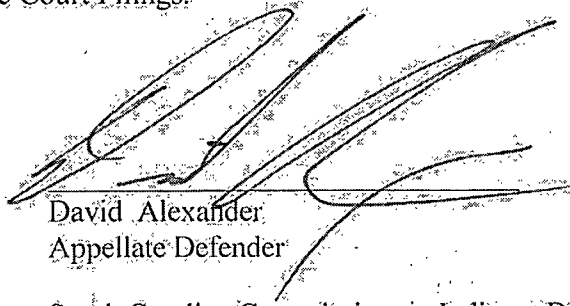
DATE: 0127110



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 August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

February 22, 2013



David Alexander
Appellate Defender

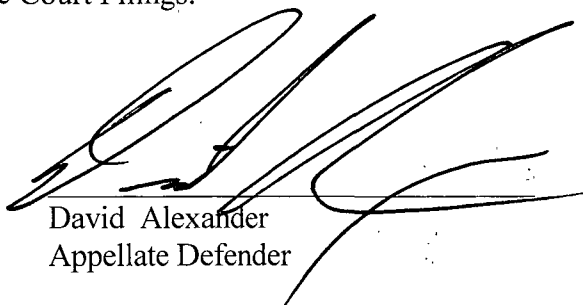
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

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 August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

February 22, 2013

A handwritten signature in black ink, appearing to read "David Alexander", is written over a horizontal line. The signature is stylized and extends to the right of the line.

David Alexander
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT