

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Colleton County

Honorable Carmen T. Mullen, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CHRISTOPHER CARL SAUNDERS,

APPELLANT

APPELLATE CASE NO 2020-000408

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INDEX

INDEX	i
TRANSCRIPT OF TRIAL HELD FEBRUARY 18-19, 2020.....	1
OPENING STATEMENT BY MR. UTSEY.....	63
OPENING STATEMENT BY MR. MATHEWS	68
TESTIMONY	
ANGELA STALLINGS	70
STENCIL WHITE	74
CARLA SHIVER.....	92
ANTHONY COX	109
BLAINE HARRISON	128
CHRISTOPHER SAUNDERS	134
DONNA SAUNDERS	136
CLOSING ARGUMENT BY MR. UTSEY.....	145
CLOSING ARGUMENT BY MR. MATHEWS.....	155
VERDICT	172
SENTENCING	176
INDICTMENT.....	179
CERTIFICATE OF COUNSEL	179

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF SOUTH CAROLINA)
) IN THE COURT OF
COUNTY OF COLLETON) GENERAL SESSIONS

THE STATE,)
 Plaintiffs,)
 Vs.) CASE NO. 2019-GS-15-148
CHRISTOPHER SAUNDERS,)
Defendant.)

FEBRUARY 18-19, 2020
WALTERBORO, SOUTH CAROLINA

HONORABLE CARMEN T. MULLEN, JUDGE

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	<u>I N D E X</u>			
	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u> <u>RE CROSS</u>
1				
2	WITNESS			
3	OPENING STATEMENTS			
4	Mr. Utsey	63		
5	Mr. Mathews		68	
6	ANGELA STALLINGS			
7	Mr. Utsey	70		
8	STENCIL WHITE			
9	Mr. Utsey	74		90
10	Mr. Mathews		85	91
11	CARLA SHIVER			
12	Mr. Utsey	92		107
13	Mr. Mathews		105	
14	ANTHONY COX			
15	Mr. Utsey	109		122
16	Mr. Mathews		120	
17	BLAINE HARRISON			
18	Mr. Utsey	128		
19	Mr. Mathews		131	
20	CHRISTOPHER SAUNDERS			
21	The Court	134		
22	DONNA SAUNDERS			
23	Mr. Mathews	136		
24	Mr. Utsey		140	
25				

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CLOSING ARGUMENTS

Mr. Utsey	145	156
Mr. Mathews	150	

JURY CHARGE

The Court	157	
-----------	-----	--

VERDICT

The Court	172	
-----------	-----	--

SENTENCING

The Court	176	
Certificate of Reporter	178	

E X H I B I T S				
<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EX</u>	
1				
2				
3	C-1	Jury note	170	170
4	S-1	(CD) 911 call		73
5	S-2	(DVD) Body Cam		82
6	S-3	Photo		79
7	S-4	Photo		79
8	S-5	Photo		79
9	S-6	Photo		79
10	S-7	Photo		79
11	S-8	Photo		79
12	S-9	Photo		79
13	S-10	Photo		79
14	S-11	Photo		79
15	S-12	Photo		79
16	S-13	Photo		79
17	S-14	Photo		79
18	S-15	Photo		79
19	S-16	Photo		79
20	S-17	Photo		79
21	S-18	Photo		79
22	D-1	Photo	106	109
23	D-2	Photo	106	109
24				
25				

1 THE COURT: Good morning, ladies and gentlemen.

2 THE JURORS: Good morning.

3 THE COURT: It is a pleasure to see you all. My
4 name is Carmen Mullen. I am one of two judges here in
5 the Fourteenth Judicial Circuit. Judge Buckner's
6 chambers is here, as you know. And my chambers is based
7 out of Beaufort, but we are both in charge of the
8 Fourteenth Circuit which includes not only Colleton
9 County, but also Beaufort, Jasper, Hampton, and
10 Allendale counties.

11 Ladies and gentlemen, it is my pleasure this week to
12 be holding a term of criminal court here in Colleton
13 County. And I will tell you, ladies and gentlemen, that
14 when I begin a term of court, there are a number of
15 cases on my roster. Through other means, they are
16 disposed of. But at this time, what I intend to do this
17 morning, ladies and gentlemen, is pull two juries.

18 The first jury, that case is expected to begin
19 today. And after a short break, and we hope that it
20 will run and be finished by tomorrow afternoon or so.

21 The second jury, ladies and gentlemen, that we're
22 going to pull after I pull them today, I'm going to
23 excuse them and I hope to bring them back on Thursday
24 morning. That is my goal as of right now. Although, I
25 will tell you right now, things change, ladies and

1 gentlemen. So I just want to make sure you understand
2 that.

3 Also, I will tell you that we will be done on
4 Friday, ladies and gentlemen. So if anyone has any
5 weekend plans that they are concerned about or travels,
6 you will be done, ladies and gentlemen, so I don't want
7 you concerned about that. All right.

8 Ladies and gentlemen, I do need to emphasize that I
9 do need jurors here to be able to choose these juries.
10 As you understand, this is a random process and no one
11 in this room can do their job without you here as jurors
12 willing to serve and decide these matters for us. All
13 right.

14 So with that said, ladies and gentlemen, the clerk
15 of court, Ms. Grant, has told me that she has sworn you
16 in as jurors, so I'm going to go through and ask general
17 qualification questions for jury service.

18 Ladies and gentlemen, if there is a question I ask
19 and you need to respond, I need you to simply stand,
20 give me your name and juror number, and we have a
21 microphone back here, ladies and gentlemen, if I can't
22 hear you and respond to the question.

23 I will tell you that Becky Hill right here is taking
24 down everything that is being said by anyone in this
25 courtroom, so forgive me if I ask you to speak up, it

1 just means that either she or I can't hear you. And
2 everyone needs to here what you have to say and wants to
3 hear what you have to say. All right.

4 So with that said, ladies and gentlemen, we'll go
5 ahead and begin our questioning.

6 Is there anyone here, ladies and gentlemen, that is
7 not a citizen of the United States? If so, please
8 stand.

9 (No response)

10 Is there anyone here who is not a resident and
11 citizen of Colleton County, South Carolina? If so,
12 please stand.

13 (No one is standing)

14 THE COURT: Is there any member of the jury panel
15 who is unable read, write, speak, or understand the
16 English language? If so, please stand.

17 (No one is standing)

18 THE COURT: And if you can't understand the English
19 language, I have know idea how you are suppose to answer
20 that question, but I'm required to ask it.

21 (Laughter)

22 THE COURT: Ladies and gentlemen, does anyone here
23 who is unable because of mental or physical problems to
24 render efficient jury service and you brought with you a
25 doctor's note? If so, please stand.

1 (No one is standing)

2 THE COURT: Ladies and gentlemen, I also want to
3 tell you how I run my courtroom just so you'll know what
4 to expect if you are chosen on one of these two juries.
5 What we're going to do, ladies and gentlemen, is
6 typically we're going to start at 9:30 in the morning
7 and we're going to run until our morning break which is
8 roughly 11 o'clock. At that time, if you're a juror,
9 you are going to be sent back to your jury room and you
10 are going to have coke and coffee and candy, whatever
11 you need to keep going.

12 Ladies and gentlemen, we typically take an hour,
13 hour and 15 minute lunch break where you are going to be
14 free to go about your business and go grab a bite to eat
15 and then we'll come back, like I said, an hour, hour and
16 15 minutes later. We then typically run until our 3
17 o'clock break where, again, you will go back to your
18 jury room, go get whatever you need, and then we're
19 going to run, ladies and gentlemen, and I don't know
20 exactly until what time. It's typically 5 o'clock-ish,
21 I have to say. It really depends on how the witnesses
22 break down.

23 If there is a natural break or they don't have a
24 witness that can come until the next day, we may break
25 early. We may run just a little bit later than that,

1 ladies and gentlemen, if we've got a witness here that
2 we would like to finish up. It really that is dictated
3 by the jury. If you are tired and ready to go, we will
4 break.

5 Ladies and gentlemen, this question is for people
6 that have a medical condition or problem where they
7 simply cannot sit in that box for about an hour, hour
8 and 15 minutes at a time. And I will tell you, ladies
9 and gentlemen, if I have anyone who has back issues or
10 leg issues or maybe is diabetic, I don't want you
11 concerned. We have candy. We have juice to keep you
12 going. If you need to stand up and take a stretch, we
13 can take a stretch every minute if you want to. I'll
14 just tend to kind of put you in the back.

15 But, ladies and gentlemen, this is literally for
16 people who cannot sit in the jury box for an hour at a
17 time. But if anyone is in that position, if so, please
18 stand.

19 (No one is standing)

20 THE COURT: Very good. Ladies and gentlemen, is any
21 member of the jury panel been convicted by guilty plea
22 or trial in a State or Federal Court's record of a crime
23 punishable by imprisonment for more than one year and
24 your civil rights have not been restored by pardon or
25 amnesty? If so, please stand.

1 (No one is standing)

2 THE COURT: Is any member of the jury panel a clerk
3 or a deputy clerk of court? Constable? Sheriff or
4 other commissioned law enforcement officer? Probate
5 judge? County commissioner? Magistrate or other county
6 officer or employed within the walls of any courthouse?
7 If so, please stand.

8 (No one is standing)

9 THE COURT: Is there any member of this jury panel
10 who has previously served on jury duty up here in
11 circuit court, not city court or magistrate's court or
12 federal court during the last calendar year? If so,
13 please stand.

14 Yes, sir. Give me your name, sir?

15 MR. NETTLES: Kevin Nettles.

16 THE COURT: And do you know your number? It should
17 be on your badge.

18 MR. NETTLES: Number 131.

19 THE COURT: Number 31. Where did you serve in the
20 last year?

21 MR. NETTLES: Right here.

22 THE COURT: Right here?

23 MR. NETTLES: Yes.

24 THE COURT: Did you get qualified as a juror?

25 MR. NETTLES: I got dismissed.

1 THE COURT: You got dismissed. But do you know if
2 you were qualified at the beginning?

3 MR. NETTLES: I was in this process right here.

4 THE COURT: You were in this process. Okay.

5 Ms. Grant, can you look him up?

6 THE CLERK: Yes, we can.

7 THE COURT: Sir, what I'm going to do is this: I'm
8 going to have your name looked up. If I can excuse you,
9 I will. But right now I'm just going to ask that you
10 sit tight until we can verify that. Okay?

11 MR. NETTLES: Yes, ma'am.

12 THE COURT: But I appreciate it, sir. Thank you.

13 Ladies and gentlemen, do I have anyone on this jury
14 panel that has served as a member of the Colleton County
15 grand jury during the past several years? If so, please
16 stand.

17 (No one is standing)

18 THE COURT: Ladies and gentlemen, we now move to
19 what are called jury exemptions. State law provides for
20 several exemptions to jury service. An exemption does
21 not mean you are not qualified to serve; it means you
22 may choose not to serve. However, ladies and gentlemen,
23 if you are willing to stay with us we'd appreciate you
24 being here and your being willing to serve.

25 Do I have anyone here who is 65 years of age or

1 older who does not wish to serve with me this week? If
2 so, please stand.

3 (No one is standing)

4 THE COURT: Another exemption concerns prior jury
5 service. No person is required to serve as a juror more
6 often than once every three calendar years. Therefore,
7 do I have anyone who has served on jury duty during the
8 last two years who does not wish to serve with me this
9 week? If so, please stand.

10 Mr. Nettles, sir, I have that you served back in
11 October, so I'm happy to go ahead an excuse you if you
12 would like me to.

13 MR. NETTLES: Yes, ma'am.

14 THE COURT: Thank you, sir. You are excused. Just
15 make sure you give your badge to the deputies. Okay?

16 MR. NETTLES: Yes, ma'am.

17 THE COURT: Thank you, sir. I appreciate it.

18 MR. NETTLES: Yes, ma'am. Thank you very much.

19 Y'all have a blessed day.

20 THE COURT: You too.

21 Ladies and gentlemen, those of you that have served
22 as grand jurors in the last five calendar years may also
23 be excused from jury service.

24 Do I have anyone who has served on our grand jury
25 who does not wish to serve with me this week? If so,

1 please stand.

2 (No one is standing)

3 THE COURT: The next exemption deals with those who
4 either have legal custody of young children. And I
5 respectfully ask that you listen carefully to this
6 question, it has four parts, all of which must apply for
7 you to be able to claim this jury exemption.

8 You may be exempted from jury service if you have a
9 small child or small children under the age of seven and
10 you have the legal custody of that child or children.
11 You have the principal care, custody, and control of
12 that child or children. And, lastly, you are unable to
13 make arrangements for the adequate care of your child or
14 children while performing jury duty.

15 Ladies and gentlemen, if all of these requirements
16 apply to you then you may be exempted on this basis.
17 However, ladies and gentlemen, if you take your children
18 to daycare or to school and then go on to work yourself,
19 it's expected that you can do the same thing here during
20 jury duty. My biggest concern though, ladies and
21 gentlemen, is if you do have children that have to be
22 picked up at a concern time, I need to know that.
23 Because I can't stop in the middle of a trial, ladies
24 and gentlemen, for you to be able to go pick up
25 children.

1 So do I have anyone that meets this exemption? If
2 so, please stand.

3 Ma'am, I'm going to start with you. Give me your
4 juror number and your name?

5 MS. GOODING: 67. It's Mary Gooding.

6 THE COURT: Ms. Gooding, how many children do you
7 have?

8 MS. GOODING: One under the age of seven.

9 THE COURT: You have one under the age of seven. Do
10 you stay home with that child?

11 MS. GOODING: No, I work.

12 THE COURT: Okay. You work. So what time would you
13 have to be able to pick up a child or meet the child?

14 MS. GOODING: Six p.m. in Summerville.

15 THE COURT: In Summerville. All right.

16 Ms. Gooding, I'm going to make a note of that, but I
17 appreciate you letting me know. If you get chosen on
18 one of these two juries, will you remind the bailiff
19 again and I will make sure you get there. How long does
20 it take you to drive from here?

21 MS. GOODING: Forty-five minutes.

22 THE COURT: Pardon?

23 MS. GOODING: Forty-five minutes.

24 THE COURT: Forty-five minutes or so. Okay. I'm
25 going to make a note on it right now, but I appreciate

1 it and if you get chosen we'll make sure you get there.

2 Okay. Thank you. I appreciate it.

3 Yes.

4 MS. PEEPLES: Catherine Peeples.

5 THE COURT: What is your number, ma'am?

6 MS. PEEPLES: 135.

7 THE COURT: All right. Give me one minute to find
8 you. Yes, Ms. Peoples, how many children do you have?

9 MS. PEEPLES: One under seven.

10 THE COURT: All right. Do you stay at home with
11 that child?

12 MS. PEEPLES: Yes -- well, she goes to school, but I
13 have to pick her up at 2:15.

14 THE COURT: Do you have anyone else that can pick
15 her up today and tomorrow if you got chosen as a juror?

16 MS. PEEPLES: Probably.

17 THE COURT: Probably. Well, this is what I'm going
18 to do, if it's okay with you; I would love to be able to
19 -- you're either going to get chosen potentially as a
20 juror for today and tomorrow or for Thursday and Friday.
21 Is one easier for you to find coverage than another if
22 someone has to pick up that child?

23 MS. PEEPLES: Say that again?

24 THE COURT: Okay. If you tried to get someone to
25 pick up your child from school, is it easier for you to

1 find someone to pick them up today, which is Tuesday and
2 Wednesday, or would it be easier for you to have someone
3 pick up your child Thursday and Friday?

4 MS. PEEPLES: Thursday and Friday.

5 THE COURT: Thursday and Friday. All right. This
6 is what I'm going to do, Ms. Peoples; I would like you
7 to stay with us. As far as this first jury I'm going to
8 pick, you don't need to respond to any questions because
9 I'll make sure that you are covered and you will be
10 excused for today and tomorrow. But I do want you
11 subject to the other jury if there is time and you can
12 find arrangements to have your child picked up. Okay?

13 MS. PEEPLES: Thank you.

14 THE COURT: I appreciate it. And thank you for
15 staying with us. Okay.

16 Anyone else?

17 (No response)

18 THE COURT: Ladies and gentlemen, do I have anyone
19 here who is the primary caretaker of a person who is
20 either elderly or has a significant special need that it
21 is very difficult for you to find coverage for those
22 persons if you're here performing jury duty?

23 I don't know anyone, ladies and gentlemen, to go
24 unattended, but I understand that many of us have to
25 take care of elderly family members or family members

1 with special needs and that is what you do as your
2 primary, I don't want to call it occupation because it's
3 probably your love, but I want to make sure that
4 everyone is covered.

5 I saw one hand I know. So if you would stand and
6 give me your name and number, please.

7 MS. BELL: Cindy Bell, number 12.

8 THE COURT: Yes, ma'am. Who do you take care of?

9 MS. BELL: I help care for my granddaughter. She
10 has a rare genetic disorder. So I don't work during the
11 day, my daughter is a full-time nursing student. So
12 that way if something happens and she's sick, her class
13 meets Monday and Tuesday, I have them both weeks, so
14 just kind of depends.

15 THE COURT: Okay. Let me ask you this, is she in
16 school today?

17 MS. BELL: She is in school today. My daughter did
18 call me this morning, she wanted me to keep an eye on
19 her, but I told her I had to come here, so she took her
20 to school.

21 THE COURT: Okay. So is she usually with you after
22 school or what do you do as far as --

23 MS. BELL: We have a nurse that comes at 1:30, but I
24 normally get her off the bus on Wednesday's because she
25 doesn't work on Wednesday's.

1 THE COURT: Okay. Let me ask you this: If I
2 protected you for today and tomorrow, would you be able
3 to and be subject to being a juror on the case on
4 Thursday and Friday? Is that acceptable to you?
5 Because you don't quite exactly meet the definition
6 that's the problem I have.

7 MS. BELL: Yes, ma'am. I mean, I can try. You said
8 sometimes you just don't ever know.

9 THE COURT: I understand. How old is she?

10 MS. BELL: She is 10.

11 THE COURT: Good. That's wonderful. All right. So
12 I'm just going to put you for subject for the trial on
13 Thursday and Friday. Okay.

14 Yes. Please stand.

15 MS. DOUGLAS: Hi, I'm Tristen Douglas. My number is
16 45. I am a behavioral therapist technician. I work
17 with autistic children. Today and Wednesday would be
18 hard for jury duty for me finding coverage for those two
19 days on short notice. So I just wanted to let you know.

20 THE COURT: So Tuesday and Wednesday, today and
21 tomorrow are tough for you?

22 MS. DOUGLAS: Yes.

23 THE COURT: Could I make you just subject for
24 Thursday and Friday?

25 MS. DOUGLAS: Yes.

1 THE COURT: Let me go ahead and just make that note.
2 Okay. Thank you.

3 MS. DOUGLAS: You're welcome.

4 THE COURT: Yes. I see a hand way in the back.
5 Sir, your name and number, if you would, please?

6 MR. GUZMAN: My name is Augusto Guzman and I'm
7 number 70. And I have an appointment tomorrow at 9:30

8 --

9 THE COURT: Tomorrow morning at 9:30?

10 MR. GUZMAN: Yes.

11 THE COURT: Sir, give me your number again?

12 MR. GUZMAN: 70.

13 THE COURT: Number 7.

14 THE CLERK: 70.

15 THE COURT: 70. I apologize, sir. All right. Sir,
16 I'm just going to make you subject then for the second
17 case on Thursday and Friday so you can make sure you
18 make your appointment, okay. I appreciate it.

19 Yes.

20 MS. BROWN: My name is Jakema Brown and I am juror
21 number 26.

22 THE COURT: Yes, ma'am.

23 MS. BROWN: I have a son that's in college in Due
24 West. He is scheduled for an MRI on Thursday, so would
25 I be able to serve today and tomorrow instead of

1 Thursday and Friday?

2 THE COURT: Absolutely. I'll make you subject for
3 today just Tuesday and Wednesday, okay?

4 MS. BROWN: Thank you.

5 THE COURT: I appreciate it. Okay.

6 Anyone else? Yes, sir.

7 MR. PINCKNEY: My juror number is 139.

8 THE COURT: Yes, sir.

9 MR. PINCKNEY: I have a VA appointment on Thursday
10 morning at 8.

11 THE COURT: Okay.

12 MR. PINCKNEY: For a physical and blood testing.

13 THE COURT: All right. Sir, I will just make you
14 subject to the case that's going to be tried today and
15 tomorrow. Okay?

16 MR. PINCKNEY: All right.

17 THE COURT: Thank you. Anybody else?

18 (No response)

19 THE COURT: All right. The next exemption involves
20 those of you who may be attending school at this time or
21 working in some capacity with a school. Now, if this
22 exemption applies to you and you wish to be exempted, we
23 will just transfer your jury service to a term of court
24 which will not conflict with your school
25 responsibilities.

1 In other words, spring break, summer break, the
2 holiday break, ladies and gentlemen. Therefore, does
3 anyone on this jury panel who is a full-time student,
4 school teacher, school crossing guard, school bus
5 driver, or who serves in any other school related
6 function who is unable to serve on jury duty this week
7 as a result of your school involvement? If so, please
8 stand.

9 (No one is standing)

10 THE COURT: Does anyone here who is employed with
11 the Department of Corrections at a penitentiary? If so,
12 please stand.

13 (No one is standing)

14 THE COURT: Is there any juror who performs services
15 or a business, commercial or agricultural enterprise
16 which are so essential to the operation of that
17 enterprise or business that if you're required to
18 perform jury duty here this week, that business or
19 enterprise would have to close its doors or stop
20 functioning?

21 Ladies and gentlemen, general inconvenience is not
22 enough. But I understand this could have been the
23 absolute worst week in all 52 of the year that you were
24 summoned for jury duty. If you have a prepaid vacation
25 and have to leave at a certain time, let me know, I want

1 to make sure you make that.

2 Also, if you have something at work that is
3 outstanding either a work trip or something that you
4 absolutely cannot miss this week, I need to know about
5 that right now to see if I can work around it. If not,
6 I can entertain a transfer. Although, ladies and
7 gentlemen, I have to tell you that if I transfer you
8 from this week's term of court into another one, we're
9 only permitted to transfer you one time. So the next
10 time you are kind of stuck. All right.

11 So do I have anyone that wants to talk to me about a
12 potential transfer because of any work duties or work
13 responsibilities or something in particular that you
14 have going on this week that really conflicts with your
15 service here? If so, please stand.

16 Yes, ma'am. Give me your name and juror number?

17 MS. GIVENS: Jacqueline Givens, juror number 65.

18 THE COURT: Yes, ma'am.

19 MS. GIVENS: I have a job function on Thursday, so
20 if I can, I can serve on Tuesday and Wednesday.

21 THE COURT: Absolutely. I will go ahead and do
22 that. We'll put you on for just Tuesday and Wednesday.
23 Thank you.

24 Anyone else?

25 (No response)

1 THE COURT: Ladies and gentlemen, that concludes the
2 statutory list of qualifications and exemptions for jury
3 service. Now, it may be that if you're qualified to
4 serve and no exemption applies to you, however again,
5 this is the absolute worst week in all of the 52 that
6 you could have been assigned. Again, ladies and
7 gentlemen, I can consider a transfer. But I will tell
8 you that my intent is to be able to pull two juries this
9 morning. And my hope in doing that is that you only end
10 up, if you get chosen, serving on one of those two
11 jurors -- juries.

12 Sometimes you have a person who sits on more than
13 one jury during a week. But I'm hopeful, ladies and
14 gentlemen, that I have enough people that I can pull
15 from the entire panel this morning so you would only
16 serve on one of these two juries.

17 Do I have anyone, ladies and gentlemen, who needs to
18 speak with me regarding jury service? Because after
19 this, I'm going to find you all qualified and I am going
20 to ask you questions specific to both of these trials.

21 Do I have anyone here who would like to speak with
22 me?

23 Yes, ma'am. Do you want to approach or do you feel
24 comfortable standing there?

25 MS. AVERY: I'm fine.

1 THE COURT: Okay. Give me your name and juror
2 number?

3 MS. AVERY: Kristian Avery. But they've got it
4 under Moore.

5 THE COURT: Okay. Do you know your number?

6 MS. AVERY: 125.

7 THE COURT: I've got it right here. Okay. Yes,
8 ma'am?

9 MS. AVERY: I am literally the only front desk clerk
10 at Econo Lodge and they have no idea how to use the
11 computer. However, transferring would really not help
12 because they don't plan on hiring anyone else.

13 THE COURT: Okay.

14 MS. AVERY: So I'm not sure how I'm suppose to do
15 the work at the hotel with no phone or anything allowed
16 in the courtroom.

17 THE COURT: Right. You can't have a phone in the
18 courtroom.

19 MS. AVERY: Yeah.

20 THE COURT: Well, the Econo Lodge needs to hire some
21 more people that could actually do the computer.

22 MS. AVERY: Yes, ma'am, they do.

23 THE COURT: So, ma'am, let me tell you this: I need
24 to keep you because if you're saying they have no intent
25 of hiring anyone else -- let's do this: I actually

1 think this is a good week for you to serve because it's
2 already a short week to start with. Monday is out of
3 the way. If you get chosen on one of these two juries,
4 you're only going to be out for two days. Okay. So I
5 think it's really probably a good idea and a short week
6 for you.

7 I will tell you this: The reason why we don't allow
8 cell phones in the courthouses is because there's so
9 much information you can get off of a smart phone, we
10 don't want anyone tempted. But what I can do is this:
11 During breaks, if you do get chosen on one of these two
12 juries, I can have you call in. I know that's probably
13 not super convenient for you because they will probably
14 have questions coming this way, that I can't help. But
15 I can certainly on every break get you to a phone and --
16 where you can call in and see if anything is needed.
17 Okay?

18 MS. GIVENS: All right. Thanks.

19 THE COURT: All right. I appreciate your
20 willingness to stay with us. Thank you.

21 Anyone else?

22 (No response)

23 THE COURT: Ladies and gentlemen, does anyone else
24 need to talk to me in regards to your service? Because,
25 again, after this, I'm going to find you qualified to

1 serve. And, Mr. Utsey, can you go ahead and bring up
2 what you've got for me?

3 MR. UTSEY: Yes, Your Honor.

4 MR. MATHEWS: Can I approach, Your Honor?

5 THE COURT: Yes, sir.

6 Ladies and gentlemen, there's a couple of people
7 that I need to bring up to talk to you very briefly. To
8 begin with, can I have juror number 7 come up and see
9 me. Mr. Bazzle. Is Mr. Bazzle here? And the attorneys
10 are welcome to come.

11 What is your Social.

12 MR. BAZZLE: xxx-xx-4948.

13 (Inaudible)

14 THE COURT: Thank you, sir. All right. Number 7 is
15 excused.

16 Juror number 18. Number 18, Ms. Bolling. It's nice
17 to meet you. How are you?

18 (Inaudible)

19 THE COURT: Okay.

20 (Inaudible)

21 THE COURT: Thank you. Number 18 is excused. Juror
22 number 202. Good morning, sir.

23 Let me ask you, what is your date of birth?

24 MR. WIRSCHING: 9/13/1966.

25 THE COURT: And what is your social?

1 (Inaudible)

2 THE COURT: I'm going to go ahead and excuse you.

3 You are excused. Okay?

4 MR. WIRSCHING: All right.

5 THE COURT: Thank you, sir. I appreciate it. Okay.

6 Can I see juror number 70?

7 THE CLERK: So is he excused?

8 THE COURT: Yes, I'm sorry. He is.

9 Can I see juror number 70, Mr. Guzman.

10 (Inaudible)

11 THE COURT: I'm going to protect you for tomorrow.

12 No worries. You're going to be fine. Okay?

13 MR. GUZMAN: Okay.

14 THE COURT: If you get chosen, it will only be for
15 Thursday and Friday. Okay?

16 MR. GUZMAN: Okay.

17 THE COURT: Thank you, sir.

18 MR. GUZMAN: Thank you.

19 THE COURT: I appreciate it. All right. Okay. And
20 also juror number 166, Mr. Snead.

21 (Inaudible)

22 THE COURT: Where were you last stationed?

23 MR. SNEAD: I was in the Marine Corp. I was
24 stationed in Beaufort.

25 THE COURT: Okay.

1 (Inaudible)

2 MR. SNEAD: I've lived here most of my life. Other
3 than when I was active duty.

4 THE COURT: Okay. Very good. All right, sir. I
5 just wanted a little more information. I appreciate
6 that. Thank you.

7 Anyone else?

8 (No response)

9 THE COURT: All right. Ladies and gentlemen, I find
10 this panel qualified. Unless anyone needs a break, I
11 would like to go ahead and ask questions in regards to
12 the first case that we're going to try here this week.
13 It's the case that's expected to begin today and run for
14 today and tomorrow.

15 Does anyone need a break? Don't be shy. Yes. We
16 have one person. All right. This is what we're going
17 to do, ladies and gentlemen. We're going to take about
18 a five minute break. Which means, unless you need to
19 refresh yourself, don't leave. Okay? But you are
20 welcome to step out and refresh yourself, get back as
21 soon as possible, ladies and gentlemen. My goal is
22 this: For this first jury, once I pick it, I am going
23 to send you all to lunch so you can grab a bite to eat
24 and come back and we can begin our trial.

25 For the second jury that's chosen, naturally, I'm

1 going to send you home for the day. Okay? So that's my
2 goal here. I have a few more questions before lunchtime
3 if I can. Okay.

4 If anyone does start feeling hungry or have a
5 problem, let me know, I've got crackers and snacks back
6 in chambers, so I'm happy to give y'all that. Okay.
7 Five minutes, ladies and gentlemen. Thank you.

8 (There was a short break taken)

9 THE COURT: All right. We're still waiting on one.
10 Ladies and gentlemen, this just shows you the importance
11 of everyone being on time if you get chosen as one of
12 these jurors. One of the things you're going to hear me
13 repeatedly say is, please, when we tell you what time to
14 be back, be here, because I can't start until every last
15 person is here. So, thank you. I appreciate it. No
16 worries at all. You are fine.

17 All right. Ladies and gentlemen, I'm going to go
18 ahead and ask the Assistant Solicitor to call the first
19 case that we intend on trying here today.

20 Mr. Utsey, whenever you are ready, sir.

21 MR. UTSEY: Thank you, Your Honor. May it please
22 the Court.

23 THE COURT: Yes, sir.

24 MR. UTSEY: The State calls Christopher Saunders.
25 And I believe you have the file, Your Honor, with the

1 indictment number.

2 THE COURT: I do, sir.

3 MR. UTSEY: May I approach?

4 THE COURT: You may, sir.

5 MR. UTSEY: Thank you, Judge.

6 THE COURT: Thank you.

7 MR. UTSEY: State calls Christopher Saunders under
8 Indictment Number 2019-GS-15-00148. He is charged with
9 Burglary in the First Degree.

10 THE COURT: Thank you, sir.

11 MR. UTSEY: Yes, ma'am.

12 THE COURT: All right. Ladies and gentlemen, if you
13 would give me your attention. We are about to commence
14 the trial of a case entitled, The State of South
15 Carolina verses Christopher Saunders, who is charged in
16 the bill of indictment by the grand jury of Colleton
17 County with the offense of burglary in the first degree.

18 Ladies and gentlemen, I am going to begin by asking
19 the State to introduce themselves and who is at counsel
20 table with them and then we'll go ahead and go to the
21 Defense. Mr. Utsey?

22 MR. UTSEY: Thank you, Your Honor. My name is Ceth
23 Utsey. I work for the solicitor's office right here in
24 Colleton County. This is Katherine Orville. She is
25 also an attorney with our office. She works with me in

1 Colleton County. And this is Mr. Stencil White who is
2 the case officer of the case. Thank you.

3 THE COURT: Thank you. Mr. Mathews?

4 MR. MATHEWS: Thank you, Your Honor. I'm Dave
5 Mathews. I work with the public defender's office with
6 Ms. Dovell who will also be here representing our
7 client, Christopher Saunders.

8 THE COURT: Thank you.

9 Ladies and gentlemen, if you would give me your
10 attention. At the oath you took earlier, if any of
11 these questions apply to you, I need you to respond. Do
12 just like you did before, simply stand and give me your
13 name and juror number and then go ahead and tell me what
14 you need to tell me.

15 Ladies and gentlemen, is there any member of the
16 jury panel who is related by blood or connected by
17 marriage with the Defendant, Mr. Christopher Saunders?
18 If so, please stand.

19 (No response)

20 THE COURT: Is there any member of the jury panel
21 that is a close personal friend or share a special
22 relationship or have a professional relationship with
23 the Defendant, Mr. Christopher Saunders? If so, please
24 stand.

25 (No response)

1 THE COURT: Ladies and gentlemen, you have been
2 introduced to the attorneys trying this case. My
3 question again is, is anyone related by blood, connected
4 by marriage to any of the attorneys trying this case?
5 If so, please stand.

6 (No response)

7 THE COURT: Is anyone here a close personal friend
8 or have a special relationship or have worked at the
9 offices of either of these attorneys or have ever been
10 represented by them or prosecuted by them? If so,
11 please stand.

12 (No response)

13 THE COURT: Ladies and gentlemen, the allegations in
14 this case, and they are just that, only allegations. Is
15 that on January 14th of 2019 at 430 at Carolina Circle
16 in Walterboro in Colleton County did a burglary
17 allegedly occurred.

18 Ladies and gentlemen, before me is a list of
19 potential witnesses in this case. If any of those
20 people are here, I'm going to ask that you stand, face
21 the panel. My question to you, ladies and gentlemen, is
22 going to be this: Are you related by blood, connected
23 by marriage, have a special relationship or have a
24 special friendship with these witnesses such that it
25 would affect your ability to be fair and impartial and

1 to judge these witnesses? So, ladies and gentlemen, the
2 first of course is our case officer Stencil White with
3 the Colleton County Sheriff's Office? Thank you, sir.
4 Angela Stallings with the Colleton County Sheriff's
5 Office? Carla Shiver of Walterboro, South Carolina?
6 Anthony Cox of Walterboro, South Carolina? Clarissa
7 Kessler with the Colleton County Sheriff's Office?
8 Blaine Harrison with the Colleton County Fire-Rescue?
9 Christopher Saunders, of course, the Defendant of
10 Walterboro? Todd Land of Walterboro, South Carolina?
11 Donna Saunders of Walterboro, South Carolina? Shernell
12 Grant of Colleton County 911? Abby Mulay of MUSC?
13 Sheresa Christopher also at MUSC?

14 Ladies and gentlemen, again, the question is, is
15 anyone related by blood, connected by marriage, have a
16 close personal relationship or special friendship or a
17 professional relationship with any of these potential
18 witnesses in this case? If so, please stand.

19 (No response)

20 THE COURT: Ladies and gentlemen, I know I told you
21 very little about this case. I told you that it's an
22 alleged burglary that allegedly occurred during the
23 nighttime at 430 Carolina Circle in Walterboro which is
24 located in Colleton County.

25 Ladies and gentlemen, does anyone have any

1 independent knowledge about this case or know anything
2 about this case other than what you've heard here in
3 this courtroom? If so, please stand.

4 (No response)

5 THE COURT: Ladies and gentlemen, is there anything
6 based on the nature of the charge, that being of
7 burglary, that would make it difficult for you to be
8 fair and impartial in the trial of this case? If so,
9 please stand.

10 (No response)

11 THE COURT: Ladies and gentlemen, is there any
12 member of the jury panel who is a member of or
13 contributor to any group which has as its primary
14 concerns of promotion of law enforcement or victim's
15 rights? These groups will include, but not limited to,
16 groups such as Citizens Against Violent Crime known as
17 CAVC or MADD, Mothers Against Drunk Driving or SADD,
18 Students Against Drunk Driving? Again, ladies and
19 gentlemen, is anyone a member of or contributor to any
20 of these types of groups?

21 (No response)

22 THE COURT: Also, ladies and gentlemen, do I have
23 anyone who is a member of or contributor to the local
24 sheriff's office, the local police department or any
25 national police or law enforcement agency? If so,

1 please stand.

2 (No response)

3 THE COURT: Ladies and gentlemen, again, I want to
4 make sure that no one here or any of your immediate
5 family members have ever been prosecuted by or defended
6 by any of the attorneys trying this case? If so, please
7 stand.

8 (No response)

9 THE COURT: Ladies and gentlemen, are any member of
10 this jury panel -- excuse me. Is any member of this
11 juror panel conscience of any interest, any bias, or any
12 prejudice for or against the Defendant, Mr. Christopher
13 Saunders? If so, please stand.

14 (No response)

15 THE COURT: Ladies and gentlemen, does anyone know
16 of any reason why you cannot be fair and impartial in
17 the trial of this case? If so, please stand.

18 (No response)

19 THE COURT: Is there anything further requested from
20 this jury from the State?

21 MR. UTSEY: No, Your Honor.

22 THE COURT: From the Defense?

23 MR. MATHEWS: No, Your Honor.

24 THE COURT: Thank you. Ladies and gentlemen, what
25 is happening is this: Those of you that have been

1 qualified to potentially try this first case on Tuesday
2 and Wednesday, your names are being placed into a
3 computer list. It is going to randomly draft a list.

4 What is going to happen is, when your name is
5 called, you're going to come forward right in front of
6 this microphone right here. You're going to turn around
7 and stand and face the jury panel. You don't have to do
8 or say anything, ladies and gentlemen. Each side gets
9 an opportunity to accept you as a juror or excuse you as
10 a juror. Each side is allowed a certain number of
11 strikes. So I just want to make sure you all understand
12 something.

13 So when your name is called, make sure you bring all
14 your belongings. Because if you are chosen as a juror,
15 you're going to go straight over to your jury box.
16 Okay. All right. And how long is that going to take?
17 Just a couple of minutes?

18 THE CLERK: Yes.

19 THE COURT: All right. Ladies and gentlemen, I know
20 it's kind of complicated protecting some of you for
21 Tuesday and Wednesday and some of you for Thursday and
22 Friday. So bear with us.

23 All right. Ladies and gentlemen, as the clerk calls
24 your name, again, come up to right in front of the bar
25 here, turn around, just face the panel again. You don't

1 have to do or say anything. Okay.

2 THE CLERK: Felicia W. Medard, juror number 120.

3 What says the State?

4 MR. UTSEY: Please present this juror.

5 THE CLERK: What says the Defendant?

6 MR. MATHEWS: Please swear the juror.

7 THE COURT: Come take a seat over here, ma'am.

8 THE CLERK: Number 145, Shakara R. Robinson. What
9 say ye for the State?

10 MR. UTSEY: Please present this juror.

11 THE CLERK: What say ye for the Defendant?

12 MR. MATHEWS: Please swear the juror.

13 THE CLERK: Number 129, Eanos H. Nettles Jr. What
14 say ye for the State?

15 MR. UTSEY: Please present this juror.

16 THE CLERK: What say ye for the Defendant?

17 MR. MATHEWS: Please swear the juror.

18 THE CLERK: Number 14, Barbara G. Benton. What say
19 ye for the State?

20 MR. UTSEY: Please excuse the juror.

21 THE CLERK: You may stand back.

22 Number 107, Dallas A. Lyons. What say ye for the
23 State?

24 MR. UTSEY: Please present this juror.

25 THE CLERK: What say ye for the Defendant?

1 MR. MATHEWS: Please swear the juror.

2 THE CLERK: Please have a seat in the jury box.

3 Number 65, Jacqueline H. Givens. What say ye for
4 the State.

5 MR. UTSEY: Please present this juror.

6 THE COURT: What say ye for the Defendant?

7 MR. MATHEWS: Please swear the juror.

8 THE CLERK: Please have a seat in the jury box.

9 Number 167, John T. Soprano Jr. What say ye for the
10 State.

11 MR. UTSEY: Please excuse this juror.

12 THE CLERK: Please have a seat back there.

13 166, William W. Snead. What say ye for the State?

14 MR. UTSEY: Please present this juror.

15 THE CLERK: What say ye for the Defendant?

16 MR. MATHEWS: Please excuse the juror from the trial
17 in this case.

18 THE CLERK: Please have a seat back there.

19 Number 125, Kristian M. Moore-Avery. What say ye
20 for the State?

21 MR. UTSEY: Please present this juror.

22 THE CLERK: What say ye for the Defendant?

23 MR. MATHEWS: Please swear the juror.

24 THE CLERK: Please have a seat in the jury box.

25 Number 8, Don M. Beach. What say ye for the State?

1 MR. UTSEY: Please present this juror.

2 THE CLERK: What say ye for the Defendant?

3 MR. MATHEWS: Please excuse the juror from the trial
4 in this case.

5 THE CLERK: Number 101, Georgie N. Kilgus. What say
6 ye for the State?

7 MR. UTSEY: Please present this juror.

8 THE CLERK: What say ye for the Defendant?

9 MR. MATHEWS: Please swear the juror.

10 THE CLERK: You may have a seat in the jury box.
11 Number 10, Sydney R. Beach. What say ye for the
12 State?

13 MR. UTSEY: Please present this juror.

14 THE CLERK: What say ye for the Defendant?

15 MR. MATHEWS: Please swear the juror.

16 THE CLERK: Please have a seat in the jury box.

17 Number 26, Jakema L. Brown. What say ye for the
18 State?

19 MR. UTSEY: Please present this juror.

20 THE CLERK: What say ye for the Defendant?

21 MR. MATHEWS: Please swear the juror.

22 THE CLERK: Please have a seat in the jury box.

23 Number 205, Roger W. Woodhull. What say ye for the
24 State?

25 MR. UTSEY: Please present this juror.

1 THE CLERK: What say ye for the Defendant?

2 MR. MATHEWS: Please excuse the juror from the trial
3 in this case.

4 THE CLERK: Number 118, Ira K. McNeil. What say ye
5 for the State?

6 MR. UTSEY: Please excuse the juror.

7 THE CLERK: 181, Caprice Walker. What say ye for
8 the State?

9 MR. UTSEY: Please present this juror.

10 THE CLERK: What say ye for the Defendant?

11 MR. MATHEWS: Please swear the juror.

12 THE CLERK: Please have a seat in the jury box.

13 Number 24, Deasya K. Brown. What say ye for the
14 State?

15 MR. UTSEY: Please present this juror.

16 THE CLERK: What say ye for the Defendant?

17 MR. MATHEWS: Please swear the juror.

18 THE CLERK: Please have a seat in the jury box.

19 Number 117, Helene L. McMillan. What say ye for the
20 State?

21 MR. UTSEY: Please present this juror.

22 THE CLERK: What say ye for the Defendant?

23 MR. MATHEWS: Please excuse the juror from the trial
24 of this case.

25 THE CLERK: 141, Melissa G. Polk. What say ye for

1 the State?

2 MR. UTSEY: Please present this juror.

3 THE CLERK: What say ye for the Defendant?

4 MR. MATHEWS: Please excuse the juror from the trial
5 of this case.

6 THE CLERK: Number 27, Sherlene G. Brown. What say
7 ye for the State?

8 MR. UTSEY: Please present this juror.

9 THE CLERK: What say ye for the Defendant?

10 MR. MATHEWS: Please excuse the juror from the trial
11 of this case.

12 THE CLERK: Number 161, Tony J. Simmons. What say
13 ye for the State?

14 MR. UTSEY: Please excuse this juror.

15 THE CLERK: Number 59, Debra A. Galik. What say ye
16 for the State?

17 MR. UTSEY: Please seat the juror.

18 THE CLERK: What say ye for the Defendant?

19 MR. MATHEWS: Please excuse the juror from the trial
20 of this case.

21 THE CLERK: Number 163 Dennesa R. Smith. What say
22 ye for the State?

23 MR. UTSEY: Please seat the juror.

24 THE CLERK: What say ye for the Defendant?

25 MR. MATHEWS: Please excuse the juror from the trial

1 of this case.

2 THE CLERK: Number 184, Barbara B. Washington. What
3 say ye for the State?

4 MR. UTSEY: Please seat this juror.

5 THE CLERK: What say ye for the Defendant?

6 MR. MATHEWS: Please swear the juror.

7 THE CLERK: Please have a seat in the jury box.

8 Judge, that is your 12 jurors.

9 THE COURT: Let's go ahead and pull one alternate.

10 THE CLERK: Number 171, Madalyn J. Stone. What say
11 ye for the State?

12 MR. UTSEY: Please seat this juror.

13 THE CLERK: What say ye for the Defendant?

14 MR. MATHEWS: Please excuse the juror from the trial
15 of this case.

16 THE CLERK: Number 98, Katherine M. Judy. What say
17 ye for the State?

18 MR. UTSEY: Please seat this juror.

19 THE CLERK: What say ye for the Defendant?

20 MR. MATHEWS: Please excuse the juror from the trial
21 of this case.

22 THE CLERK: Number 185, Brenda L. Washington. What
23 say ye for the State?

24 MR. UTSEY: Please excuse this juror.

25 THE CLERK: Number 89, Jonathan L. Humphries. Does

1 the State have any strike or problems?

2 MR. UTSEY: No.

3 THE CLERK: Does the Defendant have any strikes or
4 problems?

5 MR. MATHEWS: Please swear the juror.

6 THE CLERK: Please have a seat in the jury box.

7 THE COURT: Is there any matters we need to take up
8 regarding the jury selection process, from the State?

9 MR. UTSEY: No, Your Honor.

10 THE COURT: From the Defense?

11 MR. MATHEWS: No, Your Honor.

12 THE COURT: All right. Ladies and gentlemen,
13 welcome. As you know, you are my jury for the trial of
14 this first case and we appreciate your service here. If
15 you all will just sit tight for a quick moment, if
16 you're fine with that.

17 Ladies and gentlemen back here, I'm going to ask
18 that you excuse yourself from the courtroom just very
19 shortly. Ms. Grant, where should they go?

20 THE CLERK: Hallway.

21 THE COURT: Hallway. All right. Ladies and
22 gentlemen, I apologize, but I have to ask you to step
23 out. Although, I do have -- correct me if I'm wrong,
24 Mr. Pinckney. Mr. Pinckney, I protected you for the
25 rest of the week; right?

1 (No response)

2 THE COURT: Did I protect you for the rest of the
3 week for Thursday and Friday?

4 MR. PINCKNEY: Yes, ma'am.

5 THE COURT: I'm going to go ahead and excuse you
6 right now, sir. Okay?

7 MR. PINCKNEY: All right.

8 THE COURT: Thank you. And, also, Ms. Givens.

9 THE CLERK: She's on the jury.

10 THE COURT: You're on my jury. So was it okay that
11 she was working? She said she was fine to work.

12 THE CLERK: Until the 20th.

13 THE COURT: You were able to work on Tuesday and
14 Wednesday?

15 THE CLERK: Right.

16 THE COURT: Okay. Sorry, I had it just the
17 opposite. Okay.

18 Ladies and gentlemen, does anyone here that I
19 excused or protected for the end of the week? If so,
20 please stand.

21 Give me again your number, ma'am?

22 MS. DOUGLAS: 45.

23 THE COURT: 45. All right. Ma'am, I'm going to go
24 ahead and excuse you. Thank you. Sir -- or, ma'am, I'm
25 sorry. Give me your number again.

1 MS. DOUGLAS: 45.

2 THE COURT: 145?

3 THE CLERK: 45.

4 THE COURT: Oh, 45. Okay. Hold on a second. I'm
5 sorry. Yes, ma'am, I'll go ahead and excuse you as
6 well. Thank you. All right.

7 Again, ladies and gentlemen, I'm going to have ask
8 all of you that are subject to the trial of the next
9 case to step out in the hallway just for about five
10 minutes. We're going to bring you right back in. If
11 you need to refresh yourself, you are welcome to. Okay.
12 Thank you.

13 (The rest of the jurors left the courtroom)

14 THE COURT: Can I see the attorneys very quickly.

15 (Off the record)

16 THE COURT: All right. Ladies and gentlemen, again,
17 welcome. As you understand, you're my jury for the
18 trial of this case. I am going to go ahead and send you
19 to lunch right now. I'm going to tell you, it's going
20 to be a longer lunch break. For the simple fact that I
21 have to pull another jury and then there are some
22 pretrial matters I need to take up with these lawyers to
23 streamline the case for you.

24 So, ladies and gentlemen, what I'm going to do is
25 ask you to be back in your jury room at 2:30 when we are

1 going to begin the trial of this case. But before we do
2 that, there's a few things I need to tell you. And you
3 are going to hear me say this every time I either send
4 you back to the jury room or we part for the afternoon
5 or evening or you go outside.

6 Ladies and gentlemen, you are not to bring any cell
7 phones back to the courtroom. As you heard me say
8 earlier, you can get so much information off of a smart
9 phone, but we don't want you tempted in any way; so I
10 ask that you leave them back in your car, ladies and
11 gentlemen. At the end of the day, obviously, you can
12 get them back.

13 If for any reason you need a phone while you're
14 performing jury duty, simply ask the deputy and he will
15 bring you to a phone. All right. Also, if you're
16 concerned about anyone reaching you here emergently
17 while you're performing jury duty, just tell them to
18 call the clerk of court's office here. Tell them your
19 name and that you're a juror and I assure you they will
20 immediately find me and I will find you. Okay.

21 Also, ladies and gentlemen, I don't think there's
22 going to be anything in the newspaper or the news or the
23 radio about this case, but I'm required to tell you out
24 of an abundance of caution, you are not to watch,
25 listen, see anything about this case. You are not to do

1 any independent research. Which means no online
2 searches. You're going to have everything you need to
3 decide the facts of this case here in this courtroom.
4 And it would be inappropriate for you to be influenced
5 by any outside source. So we just tell you not to do
6 any research. Don't do any looking.

7 Also, ladies and gentlemen, I want you to know that
8 the attorneys, the witnesses in this case, the parties
9 have been instructed that when coming and going from the
10 courthouse, if they happen to run into you or see you,
11 they are not to speak to you. And the reason why is
12 even just an innocent conversation that looks like it's
13 going to keep raining outside today is going to be
14 caught on camera, it will be reported back to me and
15 then I'll have to ask you about it. So out of abundance
16 of caution, I just tell you don't speak to them and they
17 know not to speak to you. So, please, when you pass
18 them in the hall and they don't even say hi, don't be
19 offended. They are just following my orders. All
20 right.

21 Also, ladies and gentlemen, over the lunch hour, if
22 you talk to a family member or friend, a work colleague,
23 or someone along those lines, the only thing you are
24 permitted to say is that you have been chosen as a juror
25 in the trial of a criminal case. You can't say the

1 lawyers involved, the charges, any of the parties
2 involved, or any of the witnesses. And the reason is
3 this: Someone is going to try to tell you something
4 about something when they know nothing about this case.
5 And, again, I wouldn't want you to be influenced in any
6 way. So the only thing you're permitted to say when you
7 go home tonight or run into someone is you've been
8 chosen as a juror. All right. And that is simply it.

9 Ladies and gentlemen, the last thing I need you to
10 do for me is, when you go back to your jury room, we're
11 going to show you where you're going to report back to
12 at 2:30. I need you to elect a foreperson. A
13 foreperson doesn't have anymore say than anyone else.
14 They're simply the person at the end of the trial that
15 makes sure everyone is contributing to the
16 deliberations. And they're also the person that's going
17 to sign the verdict form and do the check marks and sign
18 your name to it. Okay. So I need you to elect that
19 person.

20 Ladies and gentlemen, when you come back into the
21 courtroom, I know it's really cold right now, we're
22 going to try to get it better by the time you come back
23 at 2:30. But I'm hoping if you have, maybe a jacket or
24 something in the car, bring it back in with you, ladies
25 and gentlemen. I don't know, do we have any blankets

1 here or anything to keep us warm?

2 THE CLERK: We don't. I can just turn it up.

3 THE COURT: We're just going to make it hotter, so
4 it will be fine, ladies and gentlemen. We'll do our
5 best to make sure you're comfortable.

6 I also need to tell you, the deputies, the bailiffs,
7 everyone in this courthouse is here to help you. If you
8 need anything, you simply ask and we will take care of
9 you. I can tell you that right now I intend to run
10 until roughly 5 o'clock on this trial today. And I want
11 to make sure that's acceptable to everyone here. I want
12 to make sure, did I have someone who is driving to
13 Summerville on this jury?

14 No. Okay.

15 If anyone needs to be out of here before 5 o'clock
16 because you have to drive and get children or do
17 something, ladies and gentlemen, simply give that note
18 to the deputy when he takes you back in there and I'll
19 get you out of here. So I know you didn't know what to
20 expect when you came this morning. And I know you
21 certainly didn't recognize or realize that you would be
22 sitting on the jury. Okay.

23 Everyone fine?

24 (No response)

25 THE COURT: Go grab a bite to eat. I look forward

1 to seeing y'all back at 2:30. Thank you.

2 (The jury left the courtroom)

3 THE COURT: All right. Are we okay to be at ease in
4 this case while we pull the next jury?

5 MR. UTSEY: Yes, Your Honor.

6 THE COURT: As far as pretrials are concerned, how
7 long do you think they're going to take?

8 MR. UTSEY: It shouldn't take long, Your Honor. I
9 don't think very long, Your Honor.

10 THE COURT: So what time do you think, if this jury
11 is going to be back at 2:30, when would you all like to
12 reconvene?

13 MR. UTSEY: 2 o'clock.

14 THE COURT: Is that okay with you?

15 MR. MATHEWS: That will be fine, Your Honor.

16 THE COURT: Perfect. So let's all reconvene in this
17 case at 2 o'clock and we'll go straight into the
18 pretrial.

19 MR. UTSEY: Yes, ma'am.

20 THE COURT: And go straight into openings. Okay?

21 MR. UTSEY: Yes, ma'am. Thank you, Judge.

22 THE COURT: Okay.

23 (Lunch break)

24 THE COURT: All right. Let's take care of any
25 pretrial matters. I know we all said it was pretty

1 quick.

2 MR. MATHEWS: Yes, ma'am. I think that -- I've got
3 a motion to quash the indictment which just -- I think
4 that, I frankly -- and it's related to actually, I'm now
5 going to object to Ceth's -- Mr. Utsey's charge on the
6 explanation of intent. Because I think it's burden
7 shifting.

8 THE COURT: Okay. We're not going to do that right
9 now. We don't need to talk about that. What we need to
10 take care of right now is whether or not you have a
11 problem with the indictment and any other pretrial
12 motions. We don't need to get into anything as far as
13 charges right now.

14 MR. MATHEWS: Okay. Well, they were related which
15 is why I mentioned it. You know, Mr. Saunders was
16 evaluated. And during the evaluation, he was found not
17 competent, but the -- they will find that it was
18 voluntary intoxication which is why they didn't make any
19 finding in the competency.

20 My motion to quash is based on the idea that this is
21 -- this -- I know that the law of voluntary intoxication
22 and the law of intent in burglaries specific intent in
23 cases like burglaries, South Carolina's view on things
24 is different from in other states.

25 I suppose I'm just looking at saying in this

1 particular case, particularly when we're looking at an
2 explanation as to what intent may be, we have evidence
3 that there is no criminal intent and on that basis I
4 would move to quash.

5 THE COURT: All right. Well, is there any
6 deficiency in the indictment? Because I saw the word
7 "intent" and I know they don't have to put anything more
8 than that in.

9 MR. MATHEWS: No, ma'am.

10 THE COURT: So this is not a --

11 MR. MATHEWS: No. There's no deficiency in the
12 indictment on its face.

13 THE COURT: Okay. So there's no reason for falsely
14 indictment. Would you tell me your facts of the case?
15 And you said he was voluntarily intoxicated?

16 MR. MATHEWS: Well, no, I don't think we're going to
17 argue that. And I don't think that we're going to put
18 up evidence in that regard. If Mr. Utsey wants to, he
19 may. My argument is simply that the State is not going
20 to be able to prove criminal intent. Based on the body
21 cam, based on things that happened at the scene that
22 there was --

23 THE COURT: Did he just go into the wrong house? Or
24 --

25 MR. MATHEWS: He -- because the Defendant does

1 haven't to prove anything and the State does, I'll leave
2 it up to them to prove why he was in there as far as
3 that goes. There is -- funny thing in the -- the body
4 cam says he said he was in the CIA and he was chasing
5 somebody and somebody threw a brick at him and things
6 that objectively look difficult to believe; objectively.
7 I wasn't there. I don't know what happened. I don't
8 know what happened beforehand. Mr. Cox and Ms. Shiver
9 showed up after they heard a loud crash at their front
10 door at night. Mr. Cox came out first and said he saw
11 Mr. Saunders standing by his TV.

12 Chris lives in the same neighborhood, maybe 2/10 of
13 a mile away, just around the corner. And, anyway,
14 Mr. Cox heard a crash. He came out. Instead of running
15 off, he says that Mr. Saunders came up to him and tried
16 to grab his stomach. Mr. Cox wrestled him to the ground
17 and held him there while his wife called 911.

18 Mr. -- Officer White appeared on the scene with his
19 body cam and his body cam captures pretty much what all
20 is there. And you see, before the sound is turned on,
21 you see Mr. Saunders on the ground. You know, there's
22 glass all over the place. There's a paving tile or
23 something like that toward the back of the room. And
24 Ms. Shiver is, you know, pacing around and walks --
25 walks the officer in. And, you know, that's pretty much

1 it.

2 THE COURT: Did they know the Defendant?

3 MR. MATHEWS: Pardon me.

4 THE COURT: Did they know the Defendant? You said
5 they lived 2/10 of a mile from each other.

6 MR. MATHEWS: I think that they lived very close,
7 but I don't know that they knew each other. I think
8 they knew of each other. They weren't friends or
9 anything like that. But I don't think that -- I mean,
10 they didn't socialize. There wasn't any -- there wasn't
11 any reason for him to be there other than he said that
12 -- and there's more stuff in the report, but that won't
13 be in evidence. Some of those things won't be in
14 evidence. I mean, the people breaking into his car and
15 things like that, I don't expect they'll present any
16 testimony on that. Just -- and leave it to the State to
17 prove their -- to make their burden of proof on intent.

18 THE COURT: Okay. Well, help me. I don't quite
19 understand. No one gave me a copy of the body cam, so I
20 don't know what his state of mind was.

21 MR. UTSEY: I believe Mr. Mathews has agreed to the
22 body cam, Your Honor, so that's why I did not give you a
23 copy.

24 THE COURT: Okay.

25 MR. UTSEY: As far as the intent element goes,

1 Judge, it was 11:45 that night. He threw a brick
2 through the front door of his window. It's one of those
3 doors where it's got like an oval glass in the front of
4 it. He threw a brick through the glass. Glass
5 shattered everywhere. Anthony Cox, husband of Carla
6 Shiver, runs down the hallway; sees Chris Saunders
7 standing over his TV; and then he yells get the F out of
8 my house. Chris Saunders then picks up the computer
9 chair and runs at Anthony Cox.

10 THE COURT: You said he runs at Anthony Cox?

11 MR. UTSEY: Yes.

12 THE COURT: Okay.

13 MR. UTSEY: And then they started to fight in the
14 living room. Anthony Cox held Chris Saunders down for
15 like over 10 minutes until Mr. White got there.
16 Mr. White then arrested Mr. Saunders inside of the
17 house. They do not know each other. I mean, that's
18 pretty much it, Judge.

19 THE COURT: Can I have a copy of the mental health
20 evaluation?

21 MR. UTSEY: Yes, ma'am. Absolutely.

22 THE COURT: I know it was attached, but I want -- if
23 anybody has a hard copy of it.

24 MR. UTSEY: May I approach, Your Honor?

25 THE COURT: Sure. Okay. And while we're doing

1 that, let's go through -- is there a motion to sequester
2 witnesses in this case, Mr. Mathews?

3 MR. MATHEWS: No, ma'am. I thought about it and I
4 don't think any -- I don't think that there's much
5 testimony that's going to be bolstered by anybody
6 else's.

7 THE COURT: Okay. Do we need to settle his prior
8 record?

9 MR. MATHEWS: He's got a pointing a firearm. That's
10 the only thing I see that would be admissible. They can
11 testify about.

12 THE COURT: Okay. And were there some pictures or
13 photographs or something on there you can agree on?

14 MR. MATHEWS: We have agreed to all the pictures and
15 the body cam and the 911 call, Judge. I mean, we agree
16 with that.

17 THE COURT: Okay. So it sounds to me like you have
18 no outstanding issues then. I think everyone is just
19 ready to go; is that correct?

20 MR. UTSEY: Yes, ma'am. That's correct, Judge.

21 THE COURT: Okay. If you don't mind, I'm going to
22 -- as we start, I know the jury isn't all back yet, but
23 I'm going to just review this MUSC report again.

24 Deputy, will you let me know when all the jurors are
25 back?

1 THE DEPUTY: All the jury is in, Judge.

2 THE COURT: Thank you. All right. Is the State
3 ready?

4 MR. UTSEY: Yes, Your Honor.

5 THE COURT: Defense ready?

6 MR. MATHEWS: Yes, ma'am.

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

8 Madam Clerk, will you swear them in when they first come
9 in before I talk to them briefly.

10 THE CLERK: Yes, ma'am.

11 (The jury entered the courtroom)

12 THE COURT: Welcome back, ladies and gentlemen. At
13 this time, what we're going to do is go ahead and have
14 you sworn in as the jury for the trial of this case.
15 I'm going to make a few brief opening comments and then
16 the lawyers are each going to make an opening statement.

17 I can tell you that I've been kind of reverberating
18 a little bit. Is it better on or -- with the microphone
19 off, is there a difference for you all? Are you okay?

20 (No response)

21 THE COURT: All right. If there is anything in the
22 way or if it starts to reverberate, someone waive at me,
23 please. Okay. I'm sure the lawyers will do the same.

24 So at this time, Madam Clerk, if you would all
25 please stand. Raise your right hand. And if you accept

1 the juror oath, say, I do and be seated. All right.

2 (WHEREUPON, the jury was sworn in)

3 THE COURT: Please be seated. Ladies and gentlemen,
4 I will tell you that already did remove one member of
5 your jury, so my first alternate, you are now a formal
6 member of the jury. Who was my first alternate? Yes,
7 sir. So now you're an official member of this jury.
8 Okay.

9 Ladies and gentlemen, what I am now going to say to
10 you is intended to serve as an introduction to the trial
11 of this case. These remarks are not a charge on the
12 law. I'm going to charge you on the law that's
13 applicable to this case at the end of the trial. This
14 is simply an explanation of the procedure that we're
15 going to follow so you can better understand what's
16 happening.

17 Now, ladies and gentlemen, the Defendant in this
18 case, Mr. Saunders, is charged by an indictment filed in
19 this court with the offense of burglary in the first
20 degree. The elements of which I will explain to you at
21 the end of the trial.

22 Now, ladies and gentlemen, an indictment is simply
23 the charge by which a case is brought into the courtroom
24 and it is not in any sense evidence of any of the
25 allegations that it entails or contains.

1 Now, ladies and gentlemen, the Defendant,
2 Mr. Saunders, in this case has pled not guilty to this
3 indictment. The State, therefore, has the burden of
4 proving each of the elements of the indictment beyond a
5 reasonable doubt. And it's your duty, ladies and
6 gentlemen of the jury, to determine whether or not the
7 State has met that burden.

8 Now, your purpose as jurors is to find and determine
9 the facts. You the jury are the sole judge of all facts
10 in this case. If at any time I make a comment regarding
11 the facts of this case, you must disregard it. And you
12 are to determine the facts in this case, ladies and
13 gentlemen, from the testimony that's presented here from
14 the witness stand as well as any other evidence
15 introduced into this case.

16 Ladies and gentlemen, please understand that it is
17 specially important that you perform your duty of
18 determining the facts diligently and conscientiously.
19 Because ordinarily there is no way to correct an
20 erroneous determination of the facts by a jury.

21 Now, on the other hand, and with equal emphasis, the
22 same law that makes you the jury the judge of the facts,
23 makes me the judge of the law. The law as given by the
24 Court is the only law you may consider. I cannot tell
25 you what the facts are and you cannot disagree with me

1 about what the law is or what you think the law ought to
2 be. Your job at the end of this trial is going to take
3 the facts as you find them and apply to it the law as I
4 give it to you and from there render a verdict.

5 Now, ladies and gentlemen, until I advise you to
6 begin your deliberations, you must not discuss this case
7 with anyone. And that includes each other, ladies and
8 gentlemen, or any other friends, family members, or
9 anyone that's involved in this case.

10 I remind you again, the attorneys, the parties, the
11 witnesses have been instructed not to speak to you in
12 coming and going from the courthouse. And I remind you
13 that they are simply following my orders.

14 And I also need to remind you again and you're going
15 to hear me say this when we break tonight, is that you
16 are not to read, listen to, or watch anything about this
17 case or do any independent research in regards to this
18 case.

19 Please understand that it is important that you keep
20 an opened mind and not decide any issue in this case
21 until all the evidence has been presented. The parties
22 have made their closing arguments and I've instructed
23 you on the law that's applicable to this case.

24 Ladies and gentlemen, in just a moment the
25 Solicitor, Mr. Utsey, is going to make what is called an

1 opening statement. In which he's going to explain to
2 you the issues in this case from what he believes the
3 issues are in this case. And then Mr. Mathews is also
4 going to make an opening statement, but he's not
5 required to do so.

6 Please understand what these lawyers tell you in
7 their opening statements is not evidence in this case.
8 Again, it's only their contention. It's what they
9 believe the evidence is going to show.

10 Again, ladies and gentlemen, the evidence comes from
11 the witness stand. And as well as any other evidence
12 that's introduced.

13 Now, I want you to know that from time to time
14 during the trial of this case, you may hear the lawyers
15 say something like, Your Honor, there's a matter of law
16 we need to take up and you may see me motion them up to
17 the bench or talk to them to the side or I may even send
18 you out to your jury room. I want you to understand
19 something, we're not hiding anything from you.

20 Oftentimes when I have to rule as a matter of law
21 whether or not certain testimony or evidence is admitted
22 because I would never want anything I do or say to
23 influence you in your determination of the facts. Out
24 of an abundance of caution we just do it outside your
25 presence.

1 Now, in determining what the true facts are in this
2 case, you must decide whether or not the testimony of
3 the witnesses is believable. It's my responsible to
4 rule as a matter of law whether or not certain testimony
5 is admitted. But once it is admitted, whether or not
6 you believe it is for you to determine.

7 In deciding whether to believe a witness, you have
8 the right to consider the interest of any witness. The
9 bias of any witness. The prejudice of any witness. And
10 you can look at the opportunity that witness had to have
11 seen the matters and things about which the witness may
12 testify. And you can also look at the way the witness
13 acts on the witness stand.

14 Ladies and gentlemen, you have the right to consider
15 anything that is in the record that will help you
16 evaluate the testimony of the witness. Therefore,
17 ladies and gentlemen, I ask that you pay close
18 attention. Listen to the witnesses. Listen to the
19 attorneys. So at the very end of this case you can
20 accurately remember the testimony that was given. All
21 right.

22 Ladies and gentlemen, at this point, I am not going
23 to permit you to take notes. I don't think it would
24 help you at this point. If at any point that you would
25 like to take notes or I think it would aid you in some

1 way, please, just let me know and we'll pass out pens
2 and paper to everybody. All right.

3 So at this time, ladies and gentlemen, we're going
4 to go ahead and begin the trial of this case.

5 Okay. I apologize. Sir, I made a mistake. It was
6 actually in the second trial that I picked that I had to
7 excuse a juror. It wasn't in this case, so my law clerk
8 just reminded me. Laura Wilkes-D'Amato, she is a lawyer
9 and she is in fact my lawyer. And she just reminded me
10 that I had to excuse a chosen juror in the other jury
11 that I pulled. So I apologize. You're still out here,
12 thank you, and I just appreciate your willingness to
13 serve.

14 At this time, we're going to go ahead and begin with
15 the trial of this case. Any exceptions or additions
16 from the State?

17 MR. UTSEY: No, Your Honor.

18 THE COURT: From the Defense?

19 MR. MATHEWS: No, Your Honor.

20 THE COURT: All right. Ladies and gentlemen, we're
21 going to start the trial.

22 MR. UTSEY: May it please the Court, Your Honor.

23 THE COURT: Yes, sir.

24 MR. UTSEY: Thank you.

25 OPENING STATEMENT BY MR. UTSEY:

OPENING STATEMENT BY MR. UTSEY

1 MR. UTSEY: Good afternoon, y'all. On the night of
2 January 14, 2019, a little over a year ago now, Carla
3 Shiver was going to pick up her husband, Anthony Cox.
4 She was going to pick him up from work. He worked late
5 that night because he works at a Walmart. And she was
6 going to pick him up, it was after 10 p.m. She picked
7 him up from work that night. They came home. And I
8 don't know the exact time it was; it's hard to get, you
9 know, the exact time from people, but after 10 p.m. they
10 got home.

11 They came home. They went into their house. They
12 started watching TV. They watched TV for a few minutes
13 and then went to sleep. Before they went to sleep, they
14 locked all their doors just like most people do.
15 Because everybody knows when we lock our doors that's
16 when we feel the most safe that's when we're going to
17 sleep. They went to sleep, y'all, and they woke up to a
18 nightmare at the hands of Christopher Saunders sitting
19 right over there.

20 Anthony Cox and Carla Shiver were in their bed
21 sleeping. Husband and wife, sleeping together like they
22 had done many times before. And all of a sudden they
23 were in their bed asleep and heard a crash in the living
24 room. Anthony Cox, the husband of Carla Shiver, wakes
25 up; goes down the hallway and sees a stranger,

OPENING STATEMENT BY MR. UTSEY

1 Christopher Saunders, standing in his living room with
2 glass shattered from the front door.

3 Anthony Cox and Christopher Saunders began fighting
4 each other in the living room. Anthony Cox holds him
5 down for over 10 minutes until Stencil White shows up to
6 a wrestling in the living room.

7 Those are the basic facts, y'all. And how y'all are
8 going to hear them is through witnesses, of course. So
9 the first witness I'm going to call is Angela Stallings
10 with the Colleton County Sheriff's Office. She's
11 sitting right over there. And what I'm going to do
12 through her is, y'all are going to hear the 911 call
13 when Carla Shiver, the wife of Anthony Cox, calls 911,
14 y'all are going to hear that call.

15 And I want y'all just to listen to it. I mean,
16 sheer panic in her voice when a stranger is inside her
17 house fighting her husband in the living room.

18 The next person I'm going to call is Stencil White.
19 And y'all are going to hear from Mr. White about, you
20 know, what he saw when he came to the residence; how he
21 helped out Carla Shiver and Anthony Cox; basically how
22 he did his job. And y'all are going to see his body cam
23 that he was wearing that night.

24 Y'all are also going to hear from Blaine Harrison
25 who is a paramedic with the Colleton County Fire-Rescue.

OPENING STATEMENT BY MR. UTSEY

1 He came to Anthony Cox and Carla Shiver's house that
2 night to look at the wounds of Anthony Cox from fighting
3 with Christopher Saunders.

4 And the most two important people y'all are going to
5 hear from is, obviously, Carla Shiver and Anthony Cox.
6 Because they are the ones that were there. No one else
7 was there but them. And y'all are going to hear from
8 both of them. And, obviously, they are clearly the two
9 most important witnesses as to what happened in their
10 own house.

11 So I want y'all to pay special attention to their
12 testimony. Because their testimony is -- I mean, that's
13 make it or break it, y'all. Their testimony is what
14 really -- I mean, the crucial part of the testimony.

15 So I've charged -- I charged Christopher Saunders
16 with burglary in the first degree. And what that means
17 is, I have to basically prove four things in order to
18 prove him guilty of burglary first degree. So the four
19 things I have to prove are, number one, that he entered
20 the house of another person. Or in this case, that he
21 enters the house of Carla Shiver and Anthony Cox.

22 Number two, did he enter the house without consent.
23 He did not have consent of Carla Shiver and Anthony Cox
24 when he entered the house.

25 Number three, that he did it at nighttime.

1 And the fourth element is that he had the intent to
2 commit a crime therein. Which means he had the intent
3 to commit a crime in the house. Those are the four
4 things I have to prove.

5 The last one, the intent, I just want y'all to use
6 y'all's common sense. He broke into a house. Broke the
7 front door. I just want y'all to use y'all's common
8 sense on whether he had the intent to commit a crime in
9 the house.

10 And last thought, it's my job as a prosecutor for
11 the State to prove all these elements to y'all beyond
12 any reasonable doubt. And -- or beyond a reasonable
13 doubt. And what that basically means is, y'all just
14 have to be firmly convinced that Christopher Saunders
15 went into that house that night without consent of Carla
16 Shiver and Anthony Cox; that it was at nighttime; and
17 that he had the intent to commit a crime.

18 And I feel certain after y'all listening to all the
19 testimony from the witnesses, reviewing all the
20 evidence, the body cams, the 911 calls, and I really
21 want y'all to pay attention to those because, of course,
22 those were recorded when it was happening. I feel that
23 you will find Christopher Saunders guilty of burglary in
24 the first degree. Thank y'all.

25 MR. MATHEWS: May it please the Court.

OPENING STATEMENT BY MR. MATHEWS

1 THE COURT: Yes, sir.

2 OPENING STATEMENT BY MR. MATHEWS:

3 MR. MATHEWS: Ladies and gentlemen of the jury, I'm
4 Dave Mathews, I introduced myself earlier; and that's my
5 client, Christopher Saunders, right there with Helen
6 Dovell also with the public defender's office. And
7 Mr. Utsey and I agree about one thing for sure, you
8 should use your common sense.

9 The State is going to have, I think, a very easy
10 time proving three of the elements of that case. But
11 they have to prove beyond a reasonable doubt four
12 elements. One of the things that they are not going to
13 be able to prove, I think, is the evidence will reveal
14 is that Mr. Saunders had the intent to commit a crime.

15 One of the reasons why something happening at night
16 is particularly egregious is because entering into the
17 shroud of darkness, a shroud is something that covers
18 something else up. But from your common sense that you
19 listen, you'll actually hear from Officer White's body
20 cam, you'll hear Ms. Shiver say a couple of things that
21 tell a lot. I believe the evidence will show that she
22 said, I don't understand why he rolled up here. There's
23 a car out front; obviously, somebody was home. And then
24 instead of sneaking in under the shroud of darkness, the
25 door was smashed. A loud crash. This is not somebody

1 sneaking.

2 I think the evidence will show she said, gosh, when
3 I walked out there she went to get her purse to check
4 her ID to give to Officer White. I believe the evidence
5 will show that she says, my purse was right there. I'm
6 surprised he didn't take anything.

7 And I believe the evidence will show that when
8 Mr. Saunders -- when Chris was in the house when Anthony
9 Cox came out, if you're caught in the middle of
10 something, you run. Your common sense would indicate
11 that something's not right because he ran toward Mr. Cox
12 not away from him. Okay. Why? That's going to be the
13 big question there. And that's what the State has to
14 prove. They have to prove the intent to commit a crime.
15 And this I don't think they will be able to do.

16 You'll hear different things out there. I think
17 you'll hear Officer White refer to somebody being a
18 10-68. That's police code and he'll explain to you what
19 10-68 is. What 68 is. I think he uses that phrase a
20 couple of times. Once in front of the EMS guy and then
21 once -- well, twice to the EMS guy that was out there.
22 And you'll have a chance -- one other person you'll get
23 to hear from, from the video is Mr. Saunders; right?
24 That would also be an important piece of evidence. How
25 was he acting? Is he acting like a person acting

1 follows:

2 THE CLERK: Have a seat and state your name for the
3 record and spell your last.

4 MS. STALLINGS: Angela Stallings, S-T-A-L-L-I-N-G-S.

5 MR. UTSEY: Thank you, Your Honor.

6 DIRECT EXAMINATION BY MR. UTSEY:

7 Q Good afternoon, Ms. Stallings.

8 A Good afternoon.

9 Q Can you tell me where you currently work?

10 A The Colleton County Sheriff's Office.

11 Q How long have you worked for the Colleton County
12 Sheriff's Office?

13 A Currently, the last five years.

14 Q Tell me your position for the Colleton County
15 Sheriff's Office?

16 A My duties have recently changed. I'm a captain
17 with the sheriff's office, but I am currently over the
18 administrative services within the department and one of
19 those divisions includes the 911 center.

20 Q Okay. And tell me some of your duties of keeping
21 up with the 911 center?

22 A In Colleton County, the sheriff's office is
23 responsible for every single 911 call that comes into
24 the county. Even though we work for the sheriff's
25 office, we actually dispatch for seven agencies within

1 our county. We are responsible for the Colleton County
2 Sheriff's Office, Colleton County Fire-Rescue,
3 Walterboro Police Department, Walterboro Fire
4 Department, Edisto Police Department, Edisto Fire
5 Department, and Cottageville Police Department.

6 So anytime a 911 call comes in for service, the
7 dispatchers are required to ask a series of questions
8 try and determine what the current emergency is at that
9 time and then dispatch the appropriate agency or
10 agencies to that specific call.

11 Q And as the captain over dispatch, are you also
12 considered the records custodian?

13 A I am.

14 Q And were you the custodian of records on January
15 14, 2019?

16 A I was.

17 Q And are you familiar with the 911 calls that came
18 in on January 14, 2019?

19 A Yes, sir.

20 Q And did I ask you to review those calls?

21 A You did.

22 Q And when someone calls 911, are the calls recorded
23 right then when the call's coming in?

24 A Yes, they are recorded as the call is live.

25 Q Okay.

1 MR. UTSEY: Your Honor, may I approach?

2 THE COURT: You may.

3 MR. UTSEY: Your Honor, I am handing Ms. Stallings
4 what has been premarked as State's Exhibit Number 1.

5 Q Ms. Stallings, do you recognize that?

6 A I do.

7 Q And can you tell me what it is?

8 A It is the 911 call for this incident.

9 Q Okay. Is that 911 call a fair and accurate
10 reflection of the 911 call that occurred on January 14,
11 2019, around 11:46 p.m.?

12 A Yes, sir, it is.

13 MR. UTSEY: Your Honor, at this time, I would like
14 to offer State's Exhibit Number 1 into evidence.

15 MR. MATHEWS: Without objection, Your Honor.

16 THE COURT: Without objection.

17 (WHEREUPON, State's Exhibit Number 1 was entered)

18 MR. UTSEY: May I publish to the jury, Your Honor?

19 THE COURT: You may, sir.

20 (Playing the 911 call to the jury)

21 MR. UTSEY: Your Honor, I have no further questions
22 for Ms. Stallings.

23 THE COURT: Okay. Mr. Mathews?

24 MR. MATHEWS: No questions, Your Honor.

25 THE COURT: All right. Any objection to

STENCIL WHITE - DIRECT EXAMINATION BY MR. UTSEY

1 Ms. Stallings being excused?

2 MR. UTSEY: No, Your Honor.

3 THE COURT: You're excused. Thank you.

4 Call your next witness.

5 MR. UTSEY: Yes, Your Honor. The State calls

6 Stencil White.

7 STENCIL WHITE,

8 being first duly sworn, was examined and testified as

9 follows:

10 THE CLERK: Thank you. State your name for the
11 record.

12 MR. WHITE: My name is Stencil White. Last name,
13 W-H-I-T-E.

14 DIRECT EXAMINATION BY MR. UTSEY:

15 Q Mr. White, will you tell us who you work for,
16 please?

17 A I work for to Colleton County Sheriff's Office.

18 Q How long have you worked for the Colleton County
19 Sheriff's Office?

20 A Approximately 28 years.

21 Q Twenty-eight years?

22 A Yes, sir.

23 Q What was your position with the Colleton County
24 Sheriff's Office on January 14, 2019?

25 A I was a road supervisor. Assistant road

1 supervisor.

2 Q And can you tell me some of your duties as a road
3 supervisor?

4 A My duties are to help out the deputies who are
5 answering calls for services. And I also answer calls
6 for services myself.

7 Q And were you working on the night of January 14,
8 2019?

9 A I was.

10 Q Can you tell us what happened that night around
11 11:45 p.m.?

12 A Around 11:45 I received a call from dispatch
13 advising me there was a burglary in progress at [REDACTED]
14 Carolina Circle.

15 Q Where? I'm sorry to interrupt you. But tell me
16 where [REDACTED] Carolina Circle is? Is that in the City of
17 Walterboro?

18 A Yes, sir. It is.

19 Q And is that in Colleton County?

20 A It's in Colleton County. Yes, sir.

21 Q I'm sorry to interrupt. Go ahead, Mr. White.

22 A So I was on another call and I left that call to go
23 to this address. When I got there was a lady waiving me
24 out in front of [REDACTED] Carolina Circle. As I got out of
25 the car, I was approaching the residence, I noticed that

1 the door -- window of the door was broken. As I entered
2 the residence, I saw a gentleman -- well, two gentlemen
3 lying down on the floor and they were -- one was pinning
4 the other one down. He said that this gentleman is the
5 one that had just broken into my house.

6 At that point, I put the handcuffs on him, had him
7 sit down, then I began to take pictures of everything
8 that was damaged in the residence.

9 Q Okay. And where did you actually handcuff
10 Christopher Saunders?

11 A In the living room of that residence.

12 Q Okay. And do you recognize the man that you
13 handcuffed in that living room? Is he in the courtroom
14 today?

15 A Yes, sir. He is.

16 Q Can you point him out for me?

17 A Right there.

18 Q And can you tell me what he is wearing?

19 A Blue shirt.

20 MR. UTSEY: Your Honor, please let the record
21 reflect that Mr. White has identified Christopher
22 Saunders.

23 THE COURT: Yes, sir.

24 Q All right. Describe the main entrance to the jury.
25 Tell me what kind of shape the house was in when you

1 walked in.

2 A When I walked through the door, the first thing I
3 saw was, like I said, the window to the door was glass.
4 It was sort of like an oval shape. And as I looked
5 through the window, on the ground -- on the floor in the
6 house, there was glass everywhere and there was like a
7 piece of a block that was on the floor. Then I walked
8 into the door.

9 As I came in, that's when I saw the two gentlemen
10 on the floor. And while I was there, after I cuffed
11 him, I started to take pictures of what was, you know,
12 what the residence looked like at the time. And then I
13 asked the gentleman what took place. And he said that
14 -- he said that the gentleman that was on the floor,
15 that I just arrested, he was standing over his TV. And
16 then he charged him when he came from down the hall
17 after he heard the loud noise.

18 And they began to fight in the living room. And
19 both of them got cut from the glass that was on the
20 floor. So you're going to see photos with blood on them
21 and everything where they were tussling around on the
22 floor itself.

23 MR. UTSEY: May I approach Mr. White, Your Honor?

24 THE COURT: You may, sir.

25 MR. UTSEY: Your Honor, please let the record

1 reflect that I am handing Mr. White what has been
2 premarked as State's Exhibit Number 3 through 11.

3 Q Mr. White, can you take a look at those for me and
4 tell me if you recognize those?

5 THE COURT: Do you need to take a look at them, Mr.
6 Mathews?

7 MR. UTSEY: I apologize, Your Honor.

8 THE COURT: That's okay. He's going to grab those
9 back from you, sir.

10 A I'm so sorry.

11 MR. MATHEWS: Without objection.

12 THE COURT: Thank you.

13 MR. UTSEY: May I approach, Your Honor?

14 THE COURT: You may.

15 Q Mr. White, can you take a look at those and tell me
16 if you recognize those?

17 A Yes, sir. I do.

18 Q And how do you recognize them?

19 A These are the photos that I took.

20 Q Those are the photos that you took on the night of
21 January 14, 2019?

22 A Yes, sir.

23 Q Are they a fair and accurate depiction of the
24 photos you took that night?

25 A Yes, sir. They are.

1 MR. UTSEY: Your Honor, at this time, the State
2 would ask that the photos that have been premarked as
3 State's Exhibit 3 through 11 be entered into evidence.

4 THE COURT: Any objection?

5 MR. MATHEWS: No objection, Your Honor.

6 THE COURT: Without objection they are in evidence.

7 (WHEREUPON, State's Exhibit Numbers 3 through 11
8 were entered)

9 MR. UTSEY: May I publish these to the jury, Your
10 Honor?

11 THE COURT: You may, sir.

12 (Publishing the photos to the jury)

13 Q All right. Mr. White, I'm going to get you to go
14 through these with me.

15 All right. Mr. White, I'm showing you what has
16 been marked as State's Exhibit Number 3, can you tell me
17 what this is a photo of?

18 A That is a photo of Mr. Saunders sitting in the
19 living room after I placed the handcuffs on him.

20 Q All right. I'm showing you what has been marked as
21 State's Exhibit Number 4, can you tell me what this is a
22 photo of?

23 A That is the walkway as you are approaching the
24 residence where the door is. Where that block came
25 from.

1 Q So where is this located -- is it located right in
2 front of the porch?

3 A Correct. Right in front of the porch as you go
4 into the door.

5 Q I'm going to show you what has been premarked as
6 State's Exhibit Number 5.

7 A That is the door to the residence where the brick
8 was thrown.

9 Q Can you describe -- I mean, can you describe a
10 little bit more about what that door was like?

11 A Yeah. What happened and what I was told that, he
12 threw the block through that oval shape window right
13 there causing the window to break so he can get in and
14 there's glass on the floor from the window.

15 Q All right. I'm going to show you what has been
16 marked as State's Exhibit Number 6.

17 A That is the concrete block that went into the
18 residence.

19 Q And where is that block in the residence?

20 A It's in the living room on the floor. Right by the
21 door.

22 Q Going to show you what has been marked as State's
23 Exhibit Number 7.

24 A That is the -- if you look down to the bottom,
25 almost to the bottom right there, that's the piece of

1 that block and that's the blood from where they were
2 wrestling.

3 Q I'm going to show you what has been marked as
4 State's Exhibit Number 8.

5 A That is pointing back towards the door. And you
6 can see all the glass on the floor right there.

7 Q State's Exhibit Number 9?

8 A That is the door itself.

9 Q State's Exhibit Number 10?

10 A That is the blood on the floor when -- also when
11 they were wrestling. And that's the little chair that
12 was by the television.

13 Q And State's Exhibit Number 11?

14 A That is Mr. Cox.

15 MR. UTSEY: May I approach, Your Honor?

16 THE COURT: You may.

17 Q All right. Mr. White, were you also wearing a body
18 camera that night?

19 A Yes, sir, I was.

20 MR. UTSEY: May I approach Mr. White, Your Honor?

21 THE COURT: You may.

22 MR. UTSEY: I am handing Mr. White what has been
23 premarked as State's Exhibit Number 2.

24 Q Mr. White, can you tell me what that is?

25 A This is a video copy of my body cam.

1 Q Okay. And tell me how you recognize it as a video
2 copy of your body camera?

3 A I put my initials on it.

4 Q Perfect. And did I ask you to review that disc
5 before I handed it to you today?

6 A Yes, sir.

7 Q And is it a fair and accurate depiction of what
8 occurred on January 14, 2019, from your body camera?

9 A Yes, sir, it is.

10 MR. UTSEY: Your Honor, at this time, the State
11 would ask to admit State's Exhibit Number 2 into
12 evidence.

13 THE COURT: Any objection?

14 MR. MATHEWS: No objection.

15 THE COURT: Without objection. Are you going to
16 publish now?

17 MR. UTSEY: Yes, Your Honor.

18 (WHEREUPON, State's Exhibit Number 2 was entered)

19 THE COURT: Do you mind if we just take a very quick
20 break.

21 MR. UTSEY: Not at all, Your Honor.

22 THE COURT: It's all right with y'all?

23 MR. UTSEY: Yes, ma'am.

24 THE COURT: Ladies and gentlemen of the jury, we're
25 going to take a very brief break. Do not discuss this

1 case, it would be inappropriate to do so; you haven't
2 heard all the evidence. We'll get back to you, ladies
3 and gentlemen. And when you come right back out, we'll
4 get it published for you. Okay. Y'all are excused back
5 to your jury room.

6 (The jury left the courtroom)

7 THE COURT: All right. I have a real quick matter.
8 Corporal, you are free to step down just don't talk
9 about your testimony, okay?

10 A Yes, ma'am.

11 THE COURT: We'll be at ease for five minutes.
12 Okay.

13 (There was a short break taken)

14 (The jury came back into the courtroom)

15 THE COURT: Welcome back, ladies and gentlemen.
16 Before we start back up again, who is your foreperson?

17 MR. NETTLES: That would be me.

18 THE COURT: Very good. Thank you, sir. I
19 appreciate your willingness to serve. All right. Let's
20 go ahead and continue.

21 MR. UTSEY: Thank you, Your Honor.

22 MS. HILL: What is your name?

23 MR. NETTLES: Eanos Nettles.

24 THE COURT: Thank you, sir. There is no audio;
25 correct?

1 MR. UTSEY: For the first 59 seconds, Judge.

2 THE COURT: Okay. For the first 59 seconds there is
3 no audio.

4 (Playing the body camera)

5 Q All right. Mr. White, I noticed when you were
6 speaking to someone with Colleton County Fire-Rescue in
7 that video, you said that Christopher Saunders is 6-8;
8 correct?

9 A 10-68.

10 Q Can you tell me what that means?

11 A 10-68 for us is if someone is acting strangely,
12 most people think you're mental. But then he was saying
13 some things that weren't true. Like he knew me; don't
14 know who that guy is. He said something about my
15 career; still don't know who this guy is. But he was
16 spurting off stuff, so I wanted to make sure that when
17 EMS comes, they are aware that, you know, he's acting
18 out or acting strangely. So they are to be careful with
19 him in dealing with him.

20 Q Okay. So that's just code for you telling EMS that
21 they need to check him out; correct?

22 A Correct.

23 MR. UTSEY: I have no further questions. Actually,
24 Your Honor, may I have the Court's indulgence just one
25 second, Judge?

STENCIL WHITE - CROSS EXAMINATION BY MR. MATHEWS

1 (No response)

2 MR. UTSEY: I have no further questions, Your Honor.

3 THE COURT: Okay.

4 MR. MATHEWS: May it please the Court.

5 THE COURT: Yes, sir.

6 CROSS EXAMINATION BY MR. MATHEWS:

7 Q Officer White, 10-68 means he's a mental patient?
8 Crazy?

9 A That's what the code says.

10 Q Code says he's crazy?

11 A The code says when you dealing with a mental
12 subject, we call it 68. 10-68. When someone is acting
13 strangely regardless if they're mental or not, we use
14 that same code.

15 Q Right. And the fact that he said he was working
16 for the CIA, would that have also influenced your
17 decision to use that phrase?

18 A It wasn't just that. It was a combination of
19 things that he was saying. Which made me think that,
20 you know, something's wrong with this guy.

21 Q And as y'all are rolling off, the last thing he's
22 telling you is he said he was knocked through the door;
23 right?

24 A I'm sorry.

25 Q He said he was knocked through the door and then he

1 got hit in the head with a brick? As he's rolling off,
2 the last thing in that body cam he was telling you.

3 A From what I saw in the video what he was -- and I
4 heard what he was saying --

5 Q Right.

6 A -- he said that in the car. Yes.

7 Q Yeah. He said that in the car. And he said he was
8 working for the CIA and investigating this guy for
9 bringing in drugs for the last six months?

10 A He said that prior to being placed in the back of
11 the car.

12 Q Right. But one of the first things he said was he
13 worked for the CIA?

14 A Yes, that's one of the things he said.

15 Q Right. And he doesn't work for the CIA?

16 A I don't think so.

17 Q Okay. And you mentioned this, I think, on one
18 occasion too, you had mentioned you had talked to a
19 junior high -- a middle school class?

20 A Oh, yeah. When I work in school, I'm an SRO which
21 is a school resource officer. And we do what we call
22 law related education. That means when I go to the
23 school, you know, when we were growing up or people like
24 my age, we didn't have law enforcement in the school, so
25 I have to explain to them why you have law enforcement

1 in the school. What our job is compared to what the
2 administration of the school is. So I teach what we
3 call law related education. Yes, sir.

4 Q Okay. That's an important thing. Thank you for
5 your service there.

6 In fact, one of the things you've gotten a call,
7 the last term of court, back in January; right? While
8 you were in Mr. McClendon's third period class; right?

9 A Right. I was teaching a class at the time when I
10 got the phone call.

11 Q Okay. And you told the class that you had to
12 respond because this guy said he was in the CIA?

13 A No. I didn't say that.

14 Q You didn't say that in Mr. McClendon's third period
15 class at the middle school?

16 A When I was in Mr. McClendon's third period
17 classroom, we were talking about -- because I just
18 remember why we were down there -- okay -- when I go to
19 school, I kind of talk to the kids about what my job is.
20 So along with my job is, a kid asked me, have I ever
21 gotten shot at. Which the answer is, "Yes." And I
22 brought something up on the video -- not the video, but
23 the internet which shows where I was in Beaufort at the
24 time when I got shot -- not shot, but shot at. And
25 that's when I got the phone call from the solicitor and

1 I said, oh, hold on a second. Talk to the solicitor.

2 And I said, oh, I got a case pertaining to somebody that
3 broke into a house.

4 Q Okay.

5 A Yes.

6 Q And you know that Chris Saunders's son was in that
7 class?

8 A No, sir, I didn't know it until you told me.

9 Q Okay. And, obviously, the EMS guy -- you mentioned
10 again -- you mentioned inside the house that he was 68?

11 A Yeah.

12 Q And Ms. Shiver thought that you said he was 68
13 years old?

14 A Correct.

15 Q But that's not what you were saying?

16 A No.

17 Q Okay.

18 A I just reminding them about that.

19 Q Yeah. Now, he said that, that somebody had knocked
20 him through the door, did you find any articles of
21 clothing or anything on the outside in the yard?

22 A No, sir.

23 Q You did not?

24 A No, sir.

25 Q Did you call a detective to come out and look at

1 the scene?

2 A I called them on the phone and explained to them
3 what I had.

4 Q Okay. To your knowledge, somebody went out and
5 investigated and took pictures of the scene and all that
6 stuff as well as you; right?

7 A Probably did, yes, sir.

8 Q Okay. All right. And you rolled up and you saw
9 the blue car in the driveway?

10 A Yes, sir, it was in the driveway.

11 Q So Mr. Cox is in Ms. Shiver's car?

12 A Yes, sir. It was there.

13 Q Okay. And so it was obvious that it was -- was
14 that -- had they left it parked there? Was it where
15 they left it parked? Or did they move it at some point?

16 A I don't have a clue. I know I just saw the car
17 parked there.

18 Q All right. So to be clear, Mr. Saunders never said
19 he threw the brick through the door? That's just the
20 most logical thing.

21 A I never heard of him throwing the brick.

22 Q So when you say nobody saw that as far as that
23 goes, it's just the thing that made most sense?

24 A Yes, sir.

25 Q Okay. And he said that somebody threw him through

1 the door and threw a brick at him?

2 A I'm sorry.

3 Q And Mr. Saunders said that somebody threw him
4 through the door and somebody threw a brick at him and
5 hit him in the back of the head?

6 A I don't remember that. I don't recall that.

7 Q Well, I mean, he just told the EMT guy for doing
8 his job?

9 A You said that somebody hit him in the head with a
10 brick?

11 Q Right.

12 A But he never said somebody threw him through the
13 door.

14 Q I thought that was the last thing -- I don't want
15 to argue, but I think it was the last thing in the
16 video, but whatever it said, it said; right?

17 A Yes, sir.

18 Q All right. That may be all.

19 MR. MATHEWS: I have no further questions, Your
20 Honor.

21 THE COURT: Yes, sir.

22 MR. UTSEY: Very briefly, Your Honor.

23 THE COURT: Okay.

24 REDIRECT EXAMINATION BY MR. UTSEY:

25 Q Mr. White, are you a doctor?

1 A No, sir, I'm not.

2 Q So you're not diagnosing Christopher Saunders with
3 any kind of medical condition, anything like that?

4 A No, sir.

5 Q When you say 6-8 to someone, does that mean they're
6 automatically not guilty of any crime they committed?

7 A No, sir.

8 Q Thank you sir.

9 MR. UTSEY: No further questions.

10 MR. MATHEWS: I just have one brief redirect
11 [verbatim], Your Honor, if I may.

12 THE COURT: Sure.

13 RECROSS EXAMINATION BY MR. MATHEWS:

14 Q Ms. Shivers said nothing was missing from the
15 house; right?

16 A Yes, sir.

17 Q Okay. Nothing was stolen and her purse was right
18 next to the door; right?

19 A I remember that, yes, sir.

20 Q Okay. And she said, I wonder why he didn't take
21 this. It was right there. Something to that effect;
22 right?

23 A Yes. Yes, sir.

24 Q Okay. And -- that's it.

25 MR. MATHEWS: Nothing further.

1 THE COURT: Okay. Anything further?

2 MR. UTSEY: No, Your Honor.

3 THE COURT: Any objection to Corporal White stepping
4 down?

5 MR. MATHEWS: No, Your Honor.

6 MR. UTSEY: No, Your Honor.

7 THE COURT: You can step down, sir. Thank you.
8 Call your next witness.

9 MR. UTSEY: Yes, Your Honor.

10 State calls Carla Shiver.

11 THE COURT: Okay.

12 CARLA SHIVER,

13 being first duly sworn, was examined and testified as
14 follows:

15 THE CLERK: Please take the stand. Spell your last
16 name for the record.

17 MS. SHIVER: My last name is Shiver, S-H-I-V-E-R.

18 DIRECT EXAMINATION BY MR. UTSEY:

19 Q Ms. Shiver, can you tell us where your from,
20 please?

21 A I'm from Charleston, South Carolina.

22 Q Okay. And when did you move to Walterboro, South
23 Carolina?

24 A Approximately three and a half years ago.

25 Q And can you tell me where you live in Walterboro?

1 A I live at [REDACTED] Carolina Circle.

2 Q Okay. And just -- what county is that in?

3 A Colleton.

4 Q Okay. And who are you married to?

5 A Anthony Cox.

6 Q And how long have y'all been married?

7 A About two and a half years.

8 Q Do y'all live in that house together?

9 A Yes.

10 Q Okay. Is that y'all's permanent residence?

11 A Yes.

12 Q Okay. Y'all pretty much stay there every night?

13 A Yes.

14 Q Okay. I'm going to show you something real quick.

15 MR. UTSEY: May I approach, Your Honor?

16 THE COURT: You may.

17 MR. UTSEY: Your Honor, I am handing Ms. Shiver
18 State's Exhibit -- what has been premarked as State's
19 Exhibit Number 12.

20 Q Ms. Shiver, can you tell me if you recognize that?

21 A Yes. That's my house and my car.

22 Q Okay. Is that a fair and accurate depiction of
23 your house and your car?

24 A Yes.

25 MR. UTSEY: Your Honor, at this time, the State

1 would like to admit what has been premarked as State's
2 Exhibit Number 12 into evidence.

3 MR. MATHEWS: Without objection, Your Honor.

4 THE COURT: Without objection.

5 MR. UTSEY: Thank you, Your Honor.

6 (WHEREUPON, State's Exhibit Number 12 was entered)

7 MR. UTSEY: May I approach?

8 THE COURT: You may.

9 Q I am going to show this picture real quick,
10 Ms. Shiver.

11 All right. Ms. Shiver, can you just describe the
12 picture for the jury, please?

13 A That's my house to the left and my car.

14 Q Okay. And that's your front porch on the left?

15 A Yes.

16 Q Okay.

17 MR. UTSEY: Thank you, Your Honor.

18 Q All right. Ms. Shiver, I'm going to turn your
19 attention to the day of January 14, 2019.

20 A Okay.

21 Q Let's go to that night. Can you tell me what you
22 were doing that night and kind of explain the situation.
23 We'll go from start to finish. So tell me what you were
24 doing say around 9, 10 o'clock that night?

25 A I went to pick my husband up from work around 9:50.

1 We came back around 10:15.

2 Q Okay. And where does he work?

3 A He works at Walmart.

4 Q Okay. So you went to pick your husband up at work
5 from Walmart and what time around about did you get back
6 to the house?

7 A Around 10:15, 10:20.

8 Q Okay. And what did y'all do when you got back to
9 the house?

10 A Watched television.

11 Q Okay. And, I mean, y'all do that a lot of nights?

12 A Yeah.

13 Q Watch TV and then -- okay. So tell me how long did
14 y'all watch television for?

15 A About almost an hour. Something like that.

16 Q Okay. And then what did y'all do after y'all
17 watched television?

18 A Went to sleep.

19 Q Did you have the doors locked in the house?

20 A Yes.

21 Q Do you lock the doors every night?

22 A Yes.

23 Q Does your front door have just a single like door
24 handle lock? Explain the lock, I guess.

25 A The door I had at the time did have a dead bolt and

1 regular lock.

2 Q Okay. And you locked both of them; correct?

3 A Yes.

4 Q All right. So y'all went to sleep. And tell me
5 where y'all, I guess, kind of bedroom is in y'all's
6 house?

7 A It's in the back right corner of the house.

8 Q So do you have to walk down the hallway to get to
9 your bedroom?

10 A Yes.

11 Q All right. So what time did you roughly about go
12 to sleep?

13 A Around 11:15, 11:20.

14 Q Okay. Were any lights on in the house?

15 A No.

16 Q So there were no lights on in the house?

17 A No.

18 Q Okay. Explain to me what happened I guess about 20
19 or 30 minutes later.

20 A I heard a loud crash. And we both got up. And so
21 my husband got up and went down the hall. I stayed in
22 the room.

23 Q What did you think it was at first when you heard
24 the crash?

25 A I thought it was a cat knocking over the

1 television.

2 Q Okay. So you stayed in the room and your husband
3 went down the hallway; correct?

4 A Right. Because I had to get dressed just in case
5 it wasn't that. So I got dressed and then got a
6 pocketknife. Put it in my pocket because I heard my
7 husband yelling and I heard another voice yelling. And
8 then I went down the hallway.

9 Q Did you recognize that voice?

10 A No.

11 Q You had never heard that voice?

12 A No.

13 Q All right. So you went down the hallway and tell
14 me what you saw.

15 A I saw my husband holding down a man I'd never seen
16 before on the ground.

17 Q Okay. And I guess tell us how you felt during that
18 moment, Carla?

19 A I was shocked.

20 Q Okay.

21 A Shocked more than anything.

22 Q Is -- so the first thing you did was call 911?

23 A Yes.

24 Q All right.

25 A And then I went and switched out my knife and got a

1 butcher knife instead of a pocketknife.

2 Q Okay. And where did you get the butcher knife
3 from?

4 A Kitchen. The kitchen is right there next to the
5 living room.

6 Q Okay. And so you stood there on the phone with 911
7 holding a butcher knife in your hand; correct?

8 A Yes, the whole time.

9 Q Did the man on your living room floor ever speak to
10 you?

11 A Yes. We started yelling at each other. Yelling
12 back and forth.

13 Q Okay. And y'all were yelling back and forth the
14 whole time you were on with 911?

15 A Yes.

16 Q Okay. How long did you stand there with the
17 butcher knife, I guess, watching your husband on top of
18 Christopher Saunders?

19 A Took about 15 minutes.

20 Q Okay.

21 A Before the police got there. Maybe 20.

22 Q And tell me -- all right. During that 15 minutes,
23 just explain to me what were you looking at during that
24 15 minutes?

25 A Mainly I was looking at him holding him down. And

1 then about two times I went outside to see if the police
2 were there yet.

3 Q Okay.

4 A But most of the time I just stood right next to
5 them the whole time.

6 Q Okay. And describe how the condition of the room
7 was for me.

8 A There was glass everywhere. There was blood
9 everywhere. The patio brick was on the ground. It was
10 just a big mess. There was clothes on the ground.

11 Q Tell me where the brick was.

12 A Right in front of the television. In front of the
13 entertainment center.

14 Q So the brick was in your house; correct?

15 A Yes.

16 Q And there was also glass in your house?

17 A Yes, it was everywhere.

18 Q And where was the glass from?

19 A It was from the front door.

20 Q Okay. All right. So you said you waited about 15
21 minutes until the police got there?

22 A Yes.

23 Q Tell me what happened when the police got there.

24 A I was kind of like -- the policeman got the -- got
25 him from under my husband. My husband had him held

1 down.

2 Q Okay.

3 A And put him in handcuffs and took him out to his
4 SUV

5 Q Okay. All right. Ms. Shiver, I'm going to show
6 you what has been marked as -- premarked as State's
7 Exhibits 13 through 17.

8 MR. UTSEY: Your Honor, may I approach?

9 THE COURT: You may.

10 Q Take a look at these -- at those photos,
11 Ms. Shiver, and tell me, do you recognize those photos?

12 A Yes.

13 Q How do you recognize those photos?

14 A This is my front door.

15 Q Okay. And can you go through all of them and see
16 if you recognize them?

17 A Yes. I recognize that. This is blood on the
18 ground. This is the front porch where the glass from
19 the front door is. This is the front door that was
20 busted open. This is glass from the front door. His
21 clothes. And the patio brick he used to bust open the
22 door.

23 Q And I'm going to go through -- I'm going to go
24 through them with you when we put it up on the screen,
25 Ms. Shiver, in a second. I just want you to go through

1 them yourself and see if you recognize them.

2 A And I recognize this, that's my husband's leg.

3 Q Okay. Is that a fair and accurate reflection of
4 the scene that night in your husband's --

5 A Yes.

6 MR. UTSEY: Your Honor, at this time, the State
7 would like to admit what has been premarked as State's
8 Exhibits 13 through 17 into evidence.

9 THE COURT: Any objection?

10 MR. MATHEWS: No objection, Your Honor.

11 THE COURT: Without objection.

12 MR. UTSEY: Thank you. May I approach?

13 THE COURT: You may. And you may publish them.

14 (WHEREUPON, State's Exhibit Numbers 13 through 17
15 were entered)

16 MR. UTSEY: Thank you, Your Honor.

17 Q All right. Ms. Shiver, I'm showing you State's
18 Exhibit Number 13; can you describe that for me?

19 A Yeah. That's the front door that he busted
20 through. And that's the glass on the ground from it.

21 Q Okay. And I am now showing you State's Exhibit
22 Number 14; can you tell me what that is?

23 A Yeah. That's my living room floor with blood all
24 over it.

25 Q All right. State's Exhibit Number 15?

1 A That's my front door again that got busted open.

2 Q Okay. State's Exhibit Number 16?

3 A That's my living room floor. That's his clothes.

4 And that is a patio brick he used to break through the
5 door. And that's the entertainment center right there.

6 Q Okay.

7 A And the glass on the ground.

8 Q Okay. This is the entertainment center?

9 A Yes.

10 Q Okay. And what is that piece of camo right there?

11 A That's his clothing. The Defendant's.

12 Q All right. State's Exhibit Number 17, can you tell
13 me what that is?

14 A That's my husband's leg from having cuts from
15 glass.

16 Q Okay.

17 MR. UTSEY: May I approach Ms. Shiver, Your Honor?

18 THE COURT: You may.

19 (WHEREUPON, State's Exhibit Number 18 was marked)

20 MR. UTSEY: Your Honor, I'm handing Ms. Shiver what
21 has been premarked as State's Exhibit Number 18.

22 Q Ms. Shiver, do you recognize that?

23 A Yes.

24 Q How do you recognize that picture?

25 A That's where the patio brick used to be that he

1 took to bust through the front door.

2 Q Is that a fair and accurate depiction of the patio
3 brick in front of your house?

4 A Yes, that's where it use to be. Yes.

5 MR. UTSEY: Your Honor, at this time, State would
6 like to admit what has been premarked as State's Exhibit
7 Number 18 into evidence.

8 MR. MATHEWS: Without objection.

9 THE COURT: Thank you. Without objection.

10 (WHEREUPON, State's Exhibit Number 18 was entered)

11 MR. UTSEY: May I approach, Your Honor?

12 THE COURT: You may.

13 MR. UTSEY: May I publish, Your Honor?

14 THE COURT: You may.

15 Q All right, Ms. Shiver --

16 A That's where the patio brick used to be that he
17 used to bust through the front door.

18 Q Okay. And is that the spot where the patio brick
19 was taken from?

20 A Yes.

21 Q Okay. And your front door is right up here;
22 correct?

23 A Yes.

24 Q All right. Ms. Shiver, can you point to the person
25 that was in your house that night?

1 A He's right there.

2 Q Can you tell me what he's wearing?

3 A He's wearing a blue shirt.

4 MR. UTSEY: Your Honor, please let the record
5 reflect that the witness has identified the Defendant,
6 Christopher Saunders.

7 THE COURT: Yes, sir.

8 Q Did you ever give Mr. Saunders, who is sitting
9 right over there, did you ever give him consent to come
10 into your house?

11 A No.

12 Q Had you ever met Mr. Saunders?

13 A Not before that night no.

14 Q Do you consider your house at night when you're
15 going to sleep safe?

16 A Not any more.

17 Q Before this did you consider it safe?

18 A Yes, I did.

19 Q Have you replaced your front door?

20 A Yes.

21 Q And did you get the same front door with the glass
22 in it or did you get a front door with just wood in it?

23 A Just wood.

24 Q Okay.

25 MR. UTSEY: May I have the Court's indulgence, Your

1 Honor?

2 THE COURT: You may.

3 MR. UTSEY: I have no further questions at this
4 time, Judge.

5 THE COURT: Mr. Mathews?

6 MR. MATHEWS: May it please the Court.

7 THE COURT: Yes, sir.

8 CROSS EXAMINATION BY MR. MATHEWS:

9 Q Ms. Shiver, you said a number of times that he
10 threw the brick and all that. I guess that's a fair
11 assumption, but you didn't see anybody do that; right?

12 A No, because I was asleep.

13 Q Right. You were asleep and then you heard a loud
14 noise and you woke up?

15 A Right.

16 Q So nobody saw who threw the brick, but it makes
17 sense that he would have; right?

18 A Right. Because it wasn't there before we went to
19 sleep.

20 Q I understand. And I think you told Officer White
21 when he arrived that you were surprised because your car
22 was right out front; right?

23 A Right. I was surprised that someone would break in
24 because my car was out front.

25 Q Right. Because obviously somebody was home; right?

1 A Uh-huh.

2 Q Is that the act of a rational person?

3 A No.

4 Q No. And your -- I think you told Officer White
5 that your purse was like right next to the door?

6 A Yes. But the way the door was opened you couldn't
7 see it.

8 Q I see. Okay. All right. And you found, I think,
9 a jacket and a visor in your front yard; is that true?

10 A No. They were in the woods behind the house. It
11 was a campsite I found behind the house.

12 Q Okay. So there was somebody there, but no
13 indication that belonged to Mr. Saunders; right?

14 A Well, I don't have any proof of it, no.

15 Q Okay. All right.

16 MR. MATHEWS: May I approach the witness, Your
17 Honor?

18 THE COURT: You may.

19 (WHEREUPON, Defendant's Exhibit Numbers 1 and 2 were
20 marked)

21 Q Ms. Shiver, I'm handing you what has been marked as
22 Defendant's Exhibits 1 and 2 and ask if you are able to
23 identify those.

24 A Yes.

25 Q What are those?

1 A This is a jacket that we found in the woods. The
2 same thing I was just talking about the campsite. And
3 this is a visor. It actually has a light -- this is
4 actually in our front yard.

5 Q Okay. And later on you threw that visor over by
6 the jacket or at least in the woods?

7 A No. We gave it to the police.

8 Q You gave it to the police?

9 A Yes.

10 Q Okay.

11 MR. MATHEWS: May I have the Court's indulgence for
12 just one moment?

13 THE COURT: Yes, sir.

14 MR. MATHEWS: No further questions, Your Honor.

15 THE COURT: Thank you.

16 MR. UTSEY: Very briefly, Your Honor.

17 THE COURT: Yes, sir.

18 REDIRECT EXAMINATION BY MR. UTSEY:

19 Q Ms. Shiver, when you heard the crash in the living
20 room, how many seconds do you think it took Anthony Cox
21 to get to the living room?

22 A Probably 10 or 15. Because we have, you know, we
23 were waking up.

24 Q Okay. How many seconds did it take you to get to
25 the living room?

1 A Probably 20 or 25. Because I had to get dressed.

2 Q It can be just an estimate.

3 A Yes, something like that.

4 Q And who did you see in the living room when you
5 went in the living room?

6 A I saw him being held down by my husband.

7 Q Okay. And Mr. Mathews asked you, does a rational
8 person do this; is that correct?

9 A Correct.

10 Q Does also a person committing a crime break into
11 people's houses?

12 A Can you repeat that?

13 Q Does a person that's going to commit a crime break
14 into people's houses?

15 A Yes.

16 MR. UTSEY: No further questions.

17 MR. MATHEWS: Your Honor, I did not introduce those
18 into evidence. I'd like to do that at this time.

19 MR. UTSEY: I haven't seen them, Your Honor.

20 MR. MATHEWS: I'm sorry, Your Honor. Let me show
21 them to Mr. Utsey and then I'll --

22 THE COURT: Okay.

23 MR. UTSEY: I have no objection, Your Honor.

24 THE COURT: Okay, they're in evidence. They are
25 Defense's, what? 1 and 2?

1 MR. MATHEWS: Yes, ma'am.

2 (WHEREUPON, Defendant's Exhibit Numbers 1 and 2 were
3 entered)

4 MR. MATHEWS: And may I publish them at this time?
5 Not on that, I was just going to hand them to the jury.

6 THE COURT: Sure.

7 MR. MATHEWS: No further questions, Your Honor.

8 THE COURT: Okay. Anything further from this
9 witness?

10 MR. UTSEY: No, Your Honor.

11 THE COURT: Ms. Shiver, you may step down, ma'am.
12 Thank you.

13 MR. UTSEY: Your Honor, State calls Anthony Cox.
14 May I approach, Your Honor?

15 THE COURT: You may.

16 ANTHONY COX,
17 being first duly sworn, was examined and testified as
18 follows:

19 THE CLERK: Take a seat on the stand. Spell your
20 last name for the court reporter.

21 THE COURT: Sir, will you spell your last name for
22 the court reporter?

23 MR. COX: C-O-X.

24 THE COURT: Thank you, sir.

25 DIRECT EXAMINATION BY MR. UTSEY:

1 Q All right. Mr. Cox, can you tell me where you are
2 from?

3 A I'm from Long Island.

4 Q Okay. And when did you move down to South
5 Carolina?

6 A I moved down here in November 16.

7 Q November 16 of what year?

8 A 2000 --

9 Q Take your time. It's fine, Mr. Cox. You take your
10 time.

11 A Moved down here in 2016 of November.

12 Q Okay. Perfect. Tell me where you work.

13 A I work at McDonald's.

14 Q Okay. And what is your job for McDonald's?

15 A I'm maintenance.

16 Q Okay. And do you also work at another place?

17 A Yes, I do.

18 Q And where is that?

19 A Walmart.

20 Q And tell me what you do for Walmart.

21 A I'm a support manager.

22 Q Okay. Tell me -- all right. So where do you
23 currently live in Walterboro?

24 A I live at [REDACTED] Carolina Circle.

25 Q Okay. I know I just said it, but tell me what city

1 that's in?

2 A In Walterboro.

3 Q Okay. And what county is Walterboro in?

4 A In Colleton County.

5 Q Okay. How long have you lived in that house,
6 Mr. Cox?

7 A Three and a half years.

8 Q Okay. And who do you live in that house with?

9 A With Carla Shiver.

10 Q Okay. And what is Carla -- or Ms. Carla Shiver to
11 you?

12 A She's my wife.

13 Q Okay. And how long have y'all been married?

14 A About two and a half years.

15 Q Okay. All right. I'm going to talk about January
16 14, 2019, okay?

17 A Okay.

18 Q Tell me what you were doing that night, Mr. Cox.

19 A I just got off at work at 10.

20 Q Okay. And where were you working that night?

21 A At Walmart.

22 Q Okay. And did you drive down or tell me what
23 happened.

24 A My wife came to pick me up.

25 Q Okay. And where did y'all go when she picked you

1 up?

2 A Back home.

3 Q Okay. And what did y'all do once y'all got home?

4 A Sat down and watched TV.

5 Q Okay. And how long -- all right. Tell me a time
6 and it can be around about time, I just want you to tell
7 me the truth of what you think it is. Tell me the time
8 that y'all got home that night.

9 A About 10:15.

10 Q Okay. And how long did y'all watch TV for?

11 A To like 11:10.

12 Q Okay. So about an hour? Around about an hour?

13 A Yes.

14 Q All right. And tell me, what did y'all do when
15 y'all finished watching TV?

16 A Went in the room, fell asleep.

17 Q Okay. So y'all fell asleep. All right. So tell
18 me what happened -- y'all fell asleep. Tell me what
19 happened next.

20 A About -- we sure it was 12 o'clock.

21 Q Okay.

22 A We heard a crashing sound.

23 Q Okay. And this is around 12 a.m. at night;
24 correct?

25 A Yes.

1 Q Okay. Y'all heard a crashing sound, so tell me
2 what you did, Anthony.

3 A I got up, went down the hall to -- because sure my
4 cat that jumped off my arm in the living room --

5 Q So you followed your cat first; correct?

6 A Yes.

7 Q All right. So you go -- you said you got up and
8 you went down the hallway, tell me what happened when
9 you got into the living room.

10 A I looked over to -- seen a white guy over my TV.

11 Q Okay. And what was he doing over the TV?

12 A Hovering over my TV like he was going to mark it.

13 Q Okay. And then what did you do at that point?

14 A I looked, I told him to get the F out of the house.

15 Q Okay. And what did he do when you told him to get
16 the F out of the house, what did he do at that point?

17 A He picked up my computer chair and threw at me.
18 And then started charging me.

19 Q All right. So he threw the computer chair at you
20 and started charging you. Where, I guess, where did he
21 grab you when he charged you? Do you remember that,
22 Anthony?

23 A Around the waist, sir.

24 Q And then y'all started, I guess, tussling at that
25 point; is that correct?

1 A Yes.

2 Q Okay. And tell me what happened when y'all were in
3 the middle of all that?

4 A I took him down to the ground and held him down.
5 He started struggling. My knees got messed up because
6 there was glass on the ground.

7 Q Okay. And where was -- you said there was glass on
8 the ground, where was the glass from on the ground?

9 A The glass was from my door.

10 Q Okay.

11 A Because there was glass all over me.

12 Q All right. So y'all are on the ground, did you get
13 on top of him?

14 A That's to hold him down, sir.

15 Q Okay. And did you ever hurt him or, you know,
16 punch him to keep him from moving or something like
17 that?

18 A Yes, I did. Because when my wife came out of the
19 room, he started yelling at my wife saying he is CIA.
20 That he caught the person breaking into the house.

21 Q Okay. Did you ever see another person in the
22 house?

23 A No, I didn't, sir.

24 Q You just saw him standing over your TV like he was
25 going to steal it; correct?

1 A Yes, sir.

2 Q Tell me this, did you see -- I guess, how long did
3 you stay on top of Christopher Saunders?

4 A About 15 minutes, sir.

5 Q Okay. And when did you get off of him?

6 A When the cop came in the door.

7 Q And what did the cop do once he came in the door?

8 A He came up to him, turned the guy over to put
9 handcuffs on his back --

10 Q Okay.

11 A -- hand.

12 Q All right. And what injuries did you have,
13 Mr. Cox, as a result of fighting with Mr. Saunders?

14 A I got scars on my knee. Like a couple of lines.

15 Q Okay. Did you have to go to the hospital for those
16 injuries?

17 A No, sir.

18 Q Okay. Did a man from Colleton County Fire-Rescue,
19 a paramedic, come and check you out that night, Mr. Cox?

20 A Yes, he did, sir.

21 Q Okay. And what did he do for you when he came and
22 checked you out?

23 A He wrapped up my knee with bandage and wrapped
24 gauze pads around it.

25 Q Okay. Did you also see a brick laying in the

1 living room?

2 A Yes, I did, sir.

3 Q Can you point to the person in this room that was
4 in your house that night standing over your TV like they
5 were going to take it?

6 A Yes, sir. That guy right there.

7 Q And what -- tell me what he's wearing.

8 A He's wearing a blue button down top, sir.

9 MR. UTSEY: Your Honor, please let the record
10 reflect that Mr. Cox has identified the Defendant,
11 Christopher Saunders.

12 THE COURT: Yes, sir.

13 Q Have you ever seen Christopher Saunders before that
14 night?

15 A No, I haven't, sir.

16 Q Have you ever given consent to Christopher Saunders
17 to come in your house before that night?

18 A No, I haven't, sir.

19 Q Did y'all have y'all's doors locked that night?

20 A Yes, we did, sir.

21 Q Did you feel safe in your house before this
22 happened?

23 A Yes, I did, sir.

24 Q Do you feel safe now?

25 A No, I don't, sir.

1 MR. UTSEY: May I approach, Your Honor?

2 THE COURT: You may.

3 Q I'm going to get you to look at some photos for me
4 real quick, Mr. Cox.

5 A Okay, sir.

6 Q All right. Mr. Cox, I'm going to go through some
7 of these photos with you, okay?

8 A Okay, sir.

9 Q All right. Can you tell me what that is?

10 A That is by my TV stand, blood of my knee.

11 Q Okay. That's blood coming from your knee?

12 A Yes, it is, sir.

13 Q And that's as a result of you fighting with
14 Christopher Saunders; right?

15 A Yes, sir.

16 Q All right. I'm showing you what has been marked as
17 State's Exhibit Number 16. Can you describe the scene
18 for me there?

19 A Yes, sir. That is glass from my door where the
20 brick on the floor and a piece of his hoodie from his
21 jacket, sir.

22 Q Okay. And where, I guess if you can tell me,
23 Anthony, where were y'all fighting? Were y'all laying
24 down in the middle of all that right there fighting?

25 A Yes, we was, sir.

1 Q Okay. I'm going to point to it on here. And tell
2 me what's over here, right here, Anthony.

3 A Right there is between my TV and the door, sir.

4 Q Okay. So that's where you originally saw Chris
5 Saunders standing is beside your TV right there;
6 correct?

7 A Yes, sir.

8 Q Okay. And tell me what is this right here,
9 Anthony?

10 A That is the brick from my patio, walkway patio.

11 Q Okay. And when you heard that loud crash, when you
12 were in your bed that night, when you heard that loud
13 crash, how many seconds did it take you to get into the
14 living room?

15 A Took me about two to three minutes to get to my
16 living room.

17 Q Two to three minutes or seconds?

18 A Seconds, sir.

19 Q Okay. So it took you two to three seconds to get
20 to your living room; correct?

21 A Yes.

22 Q And who was standing in your living room at that
23 time?

24 A Christopher Saunders, sir.

25 Q Okay. And there was nobody else in your house in

1 your living room; correct?

2 A No, sir.

3 Q Did you ever see anybody outside? Did you happen
4 to see anybody outside?

5 A No, I didn't, sir.

6 Q Okay. Mr. Cox, can you tell me what this is?

7 A That is my knee.

8 Q Okay. And how did you get those injuries, Mr. Cox?

9 A From Christopher Saunders struggling to get out.

10 Q Okay. I'm showing you now what has been marked as
11 State's Exhibit Number 13. Can you tell me what that
12 is, Mr. Cox?

13 A Yes. That's my door with the broken glass from the
14 ornament.

15 Q Okay. And in the middle of your door, the entire
16 glass was broken out; is that correct?

17 A Yes, it was, sir.

18 Q Okay.

19 MR. UTSEY: May I approach Mr. Mathews, Your Honor?

20 THE COURT: You may.

21 MR. UTSEY: May I have the Court's indulgence, Your
22 Honor?

23 THE COURT: Yes, sir.

24 MR. UTSEY: I have no further questions at this
25 time, Judge.

1 THE COURT: Okay.

2 MR. MATHEWS: Please the Court.

3 THE COURT: Yes, sir.

4 CROSS EXAMINATION BY MR. MATHEWS:

5 Q Mr. Cox, when you first heard that noise you said
6 that you thought it was your cat?

7 A Yes, I did, sir.

8 Q Okay. And is this something you discussed with
9 Carla? Did you both say, I think that must be the cat?

10 A Yes, sir.

11 Q Yes?

12 A Yes.

13 Q Okay. And your bedroom is down the hall from the
14 living room; is that right?

15 A Yes, it is, sir.

16 Q Okay. After you and Carla said that must be the
17 cat, did you turn on a light?

18 A Yes, sir.

19 Q I'm sorry?

20 A Yes, sir.

21 Q Yes? Okay. And you turned on a light in your
22 bedroom; right?

23 A Yes.

24 Q And when you walked out into the hall, did you turn
25 on a light in the hall also?

1 A Yes, I did, sir.

2 Q Okay. Otherwise you wouldn't have been able to
3 identify Mr. Saunders; right?

4 A Yes, sir.

5 Q Okay. So you talked about it, you turn on a light
6 in the bedroom, you turn on a light in the hall, and you
7 came out and Mr. Saunders was still there?

8 A Yes, sir.

9 Q Okay. At that point, you told him to get out?

10 A Yes, I did, sir.

11 Q Okay. And he was there after you turned on two
12 different lights and he was still there when you walked
13 out?

14 A Yes, he was, sir.

15 Q Okay. And when you figured you would catch -- see
16 somebody like that -- you say that, did you expect him
17 to run out when you said, get out?

18 A I was kind of hoping, sir.

19 Q Okay. But he didn't?

20 A No, he didn't, sir.

21 Q Okay. And so two lights didn't scare him away and
22 your telling him to leave didn't scare him away and, in
23 fact, he came and grabbed your stomach?

24 A Yes, after he threw the chair at me, sir.

25 Q Threw the chair at you and then grabbed your

1 stomach?

2 A Yes.

3 Q Okay. All right.

4 MR. MATHEWS: I don't have anything further, Your
5 Honor.

6 MR. UTSEY: Just a couple of questions, Judge.

7 THE COURT: Yes, sir.

8 REDIRECT EXAMINATION BY MR. UTSEY:

9 Q Mr. Cox, you said that you were hoping he would run
10 when you say get the F out of my house?

11 A Yes, I did, sir.

12 Q Why were you hoping that he would run?

13 A Where he would get out, sir.

14 Q Okay. Were you scared?

15 A Yes, I was, sir.

16 MR. UTSEY: I have no further questions, Your Honor.

17 THE COURT: Anything further, Mr. Mathews?

18 MR. MATHEWS: No, ma'am.

19 THE COURT: All right. Any objection to Mr. Cox
20 stepping down?

21 MR. UTSEY: No, Your Honor.

22 THE COURT: You may step down, sir. Thank you.

23 And, ladies and gentlemen, I think this is a good
24 time to break for the evening. I need to tell you, you
25 are not to discuss this with anyone. Including each

1 other or anyone when you go home. You have not heard
2 all the evidence in this case.

3 Ladies and gentlemen, I would like to start at 9:30
4 in the morning if that's acceptable for everyone; is
5 that fine? All right. I can tell you this, you will
6 finish this case tomorrow, ladies and gentlemen. Get a
7 good night's sleep and look forward to seeing y'all at
8 9:30. If anyone runs into any kind of trouble in the
9 morning as far as car trouble or anything along those
10 lines, call into the Clerk of Court's Office, we can
11 give you a ride and make sure you're okay. Okay?

12 Don't do any independent research. We're going to
13 grab those from you. Thank you. I appreciate it.
14 9:30. Very good. I'll see you tomorrow morning.

15 (The jury left the courtroom)

16 THE COURT: All right. If y'all can be here at 9:15
17 in the morning --

18 MR. UTSEY: Yes, ma'am.

19 THE COURT: -- where we can take up any matters we
20 need to at that point.

21 MR. MATHEWS: Yes, Your Honor.

22 (Court was adjourned until 9:30 on 2/19/2020)

23

24

25

1 MR. MATHEWS: Actually, that reminds me, Your Honor.
2 Mr. Cox did ask him to leave and he did not leave. So I
3 think that opens the door for a charge on trespassing.

4 THE COURT: All right. Respectfully, again, I
5 appreciate that. Obviously, the determination is
6 whether or not the lesser included offense is completely
7 subsumed in these -- all the elements minus one of the
8 greater offense. In this case, it's not a lesser
9 included of first degree burglary.

10 Particularly, it states, burglary in the first
11 degree applies only to a dwelling and also there was a
12 request to leave which you did say that he made that
13 request to leave. Although, my understanding is -- when
14 did he request him to leave? They were already
15 wrestling and he had him pinned.

16 MR. MATHEWS: Well, this is my recollection of
17 Mr. Cox's testimony. He said that he and his wife heard
18 a noise, they thought it was the cat. He turned on his
19 bedroom light, walked in the hall, turned on the hall
20 light, walked out there, and saw him standing by his TV,
21 and said get the F out of my house.

22 And at that point, instead of leaving, he pushed the
23 chair at him and ran at him and grabbed his stomach and
24 then they started wrestling.

25 THE COURT: Okay. All right. I still don't think

1 that's appropriate in this case. I think it's burglary
2 first or, you know, no. So -- and I'm going to charge
3 intent. And, obviously, there has to be criminal intent
4 to be able to find him guilty.

5 MR. MATHEWS: And, Your Honor, one other thing on
6 the intent thing, I mentioned it in passing. I think
7 that, and I've wrestled a little with this too and tried
8 and to -- and couch some of my argument on the basis
9 that you would charge what Mr. Utsey requested.

10 However, in terms of drawing an inference of theft in
11 going into the house, or I don't -- use the phrase, I
12 think maybe it's inference, I don't know. I think that
13 is burden shifting. And I think that, that implies that
14 the Defendant has to prove something which he does not.

15 And so I would object to the charge on inferring
16 intent from the entry at night because I believe it's
17 burden shifting.

18 THE COURT: Okay. Well, respectfully, I don't think
19 it's burden shifting, but let me pull up the portion of
20 it. I think what we did is we merged part of what was
21 in the bench book on intent with what Mr. Utsey was
22 requesting. Okay.

23 So the portion of what we talk about intent, it
24 says, "The State must prove beyond a reasonable doubt
25 that the Defendant intended to commit a crime, either a

1 felony or a misdemeanor, at the time of the entry. The
2 mere entry into a dwelling without consent is not
3 burglary. If the intent to commit a crime is formed
4 after the entry, it is not burglary. On the other hand,
5 if a Defendant intended to commit a crime at the time of
6 entry, it is a burglary even if the intent was abandoned
7 after the entry. It does not matter that the intended
8 crime was not completed.

9 Intent may be shown by acts and conduct of a
10 Defendant and other circumstances from which you may
11 naturally and reasonably infer intent. For one person
12 to the property of another in the nighttime, an
13 inference may be drawn so that the intent to commit a
14 larceny.

15 A reasonable mind recognizes that people do not
16 usually break into the entry of a building of another
17 under the shroud of darkness with innocent intent and of
18 the most usual intent is to steal. Direct evidence to
19 prove intent is not necessary. Proof of intent is not a
20 precise process.

21 The inference is granted in human experience which
22 justifies the assumption that the unlawful entry was not
23 purposeless and the absence of other proof indicates
24 that was the most likely purpose."

25 MR. MATHEWS: Your Honor, it also -- Ms. Dovell

1 reminds me of a case that came out that I said -- but I
2 don't think I have about it also sounds like it may be a
3 comment on facts. And a mentioning of a possible motive
4 of theft may be a common known of facts.

5 In the context of use of a weapon inferring malice
6 from the use of a weapon.

7 THE COURT: Right. Yeah. And, I'm sorry, I know
8 the case that you're talking about. In that case,
9 though, they don't allow the inference when there is a
10 defenseless selfless act. It's not across the board a
11 denial of the inference. It's when there is any
12 self-defense.

13 Let me tell you, I do -- I hear you, Ms. Dovell,
14 about whether or not this is getting a little close to
15 the facts in this case. I think I'm going to take out
16 the portion...

17 All right. Well, if the jury is here, let's go
18 ahead and bring them out. Let's begin with the last
19 witness and then we'll take a break and then I'll talk
20 to you, Mr. Mathews, what I need to know prior to that
21 portion of it. Okay?

22 MR. MATHEWS: Thank you, Your Honor.

23 THE COURT: I appreciate it. All right. Thank
24 y'all. All right. Let's bring the jury out.

25 (The jury enters the courtroom)

BLAINE HARRISON - DIRECT EXAMINATION BY MR. UTSEY

1 THE COURT: Good morning, ladies and gentlemen.

2 THE JURORS: Good morning.

3 THE COURT: It's good to see you all. Thank you for
4 being prompt. At this time, we're going to go ahead and
5 continue with the State's case. Mr. Utsey?

6 MR. UTSEY: Thank you, Your Honor.

7 State calls Blaine Harrison.

8 BLAINE HARRISON,

9 being first duly sworn, was examined and testified as
10 follows:

11 THE CLERK: Please have a seat on the witness stand.
12 After you're seated, state your name for the record,
13 please.

14 MR. HARRISON: My name is Blaine Harrison.

15 MR. UTSEY: Thank you, Your Honor.

16 DIRECT EXAMINATION BY MR. UTSEY:

17 Q Mr. Harrison, would you tell us who you work for?

18 A I work for Colleton County Fire-Rescue.

19 Q And how long have you worked for Colleton County
20 Fire-Rescue?

21 A Twenty-six years.

22 Q Okay. And what is your position with Colleton
23 County Fire-Rescue?

24 A I'm a captain paramedic.

25 Q And can you tell me the duties of the paramedics?

1 A A paramedic responds to emergency calls regarding
2 response area. They proceed ALS services. Start
3 administering medication to the trauma patients.

4 Q Okay. And as far as rank goes on the ambulance, is
5 the paramedic the highest graded or the highest rank
6 person on the ambulance?

7 A They are guys that are provider, yes.

8 Q Okay. All right. I'm going to turn your attention
9 to the night of January 14, 2019. Were you working on
10 that night?

11 A Yes, I was.

12 Q Okay. And tell me what the -- I guess, tell me
13 what happened that night.

14 A We were dispatched to -- I'm not sure of the
15 address, but Carolina Circle for an assault.

16 Q And tell me where Carolina Circle is?

17 A It's off of Jeffries Highway in Walterboro.

18 Q Okay. And what county is that in?

19 A Colleton County.

20 Q All right. And tell me what happened during that
21 series of events?

22 A I arrived on the scene. I met with Officer White
23 in the front yard. He said the victim was inside of the
24 residence. We went inside and saw the victim. He
25 presented in his -- he was in his underwear. He had

1 blood over his legs. There was glass all over the
2 floor. We had to step on it when we walked in.
3 Basically, he had lacerations on his feet and his legs
4 and we cleaned and bandaged him. Asked if he wanted to
5 go to the hospital. He declined to go to the hospital
6 for any further treatment.

7 And once we finished with him, we signed refusal
8 paperwork stating that he did not want to go with us.
9 He then came outside and checked on Mr. Saunders in the
10 car.

11 Q Okay.

12 A And he stood up outside of the car. He stated
13 somebody was hit in the head with a brick. I believe is
14 what he said. We shined a light in his head and I
15 didn't see any swelling, any bleeding, lacerations, or
16 anything like that.

17 Q Okay. And do you see Mr. Saunders in the courtroom
18 today?

19 A Yes, I do.

20 Q Can you point him out for me?

21 A He is sitting right over there.

22 Q Okay. And as far as -- how was Mr. Saunders acting
23 that night?

24 A He was acting erratic. He was agitated.

25 Q Okay.

1 A When we arrived, we walked past him in the truck
2 and he was beating his head on the window and yelling.
3 I couldn't understand what he was saying when he was
4 yelling, but he was yelling loud. And he just beating
5 his head on the window and you could tell he was
6 agitated.

7 Q Okay. Do you know the reason he was doing that?

8 A No, I do not.

9 Q Okay. Could there be a number of reasons he could
10 have been acting that way?

11 A It could have been a psychological issue. It could
12 have been drug induced. It could have been a myriad of
13 things.

14 Q Okay. But you do not know why he was acting like
15 that?

16 A No, I do not.

17 MR. UTSEY: May I have the Court's indulgence, Your
18 Honor?

19 THE COURT: You may.

20 MR. UTSEY: I have no further questions, Your Honor.

21 MR. MATHEWS: May it please the Court.

22 THE COURT: Yes, sir.

23 CROSS EXAMINATION BY MR. MATHEWS:

24 Q How are you this morning?

25 A Good.

1 Q Thank you for your service. So when you talked to
2 Officer White, he told you in fact that Mr. Saunders was
3 68?

4 A I believe that was on the body cam, yes.

5 Q Okay. You reviewed the body cam this morning?

6 A No. It was over a month ago since I looked.

7 Q Okay. The last term of court?

8 A Yes.

9 Q Okay. And he said -- what is 68?

10 A 68 is a psychotic patient.

11 Q Okay.

12 MR. MATHEWS: Nothing further, Your Honor.

13 MR. UTSEY: I have no further questions, Your Honor.
14 May he be excused?

15 THE COURT: Any objection to him being excused?

16 MR. MATHEWS: No objection.

17 MR. UTSEY: Your Honor, the State rests.

18 THE COURT: All right. Ladies and gentlemen, at
19 this time the State has rested their case. There is a
20 matter of law I need to take up with the attorneys. I'm
21 going to send you back to your jury room very shortly
22 and I will bring you right back.

23 Again, ladies and gentlemen, do not discuss this
24 case. It would be inappropriate to do so. Okay. Thank
25 you.

1 (The jury left the courtroom)

2 THE COURT: All right. Any motions?

3 MR. MATHEWS: Yes, ma'am. I'd argue that the
4 evidence taken in like most favorable to the State does
5 not prove -- in short of proving the case because it
6 doesn't prove the element of criminal intent.

7 THE COURT: Mr. Utsey?

8 MR. UTSEY: Your Honor, I would say that Mr. Cox's
9 testimony that he was inside the house with his arms
10 around the TV proves the element of intent. There's a
11 lot more that proves it to you, Judge, but all of it
12 together proves intent. And Mr. Cox's testimony
13 specifically proves that he had the intent to commit a
14 crime in the house.

15 MR. MATHEWS: Your Honor, briefly, if I may respond.
16 I don't recall any testimony that said his arms were
17 around the TV. I think he said he was around the TV or
18 near the TV, but I don't recall any testimony that he
19 was around the TV -- his arms around the TV.

20 MR. UTSEY: Your Honor, he was on the stand and he
21 specifically did like this with his arms. (Indicating)

22 THE COURT: Okay. Respectively, taking the evidence
23 in the like most favorable to the State, I do think
24 there is some evidence which this jury can determine
25 that Mr. Saunders is guilty of burglary in the first

1 degree and I'm going to send it to the jury.

2 At this time, I am going to go through Mr. Saunders'
3 rights with him. If you would please stand, sir, and
4 raise your right hand.

5 CHRISTOPHER SAUNDERS,
6 being first duly sworn, was examined and testified as
7 follows:

8 EXAMINATION BY THE COURT:

9 THE COURT: Sir, at this time -- you can put your
10 hand down. At this time, I'm going to explain to you
11 certain rights you have. If there's anything you don't
12 understand, please ask me to repeat it or rephrase it.
13 Do you understand that?

14 A Yes, ma'am.

15 THE COURT: All right. We've now reached the stage
16 in this trial where you and your attorneys may present
17 your defense. You have the right to claim the
18 protections that are given to you by the Fifth Amendment
19 to the Constitution of the United States which states in
20 part, that no person shall be compelled in any criminal
21 case to be a witness against himself. This means that
22 you cannot be required to testify in this case, sir.

23 And if you choose not to, then my jury charge, I'll
24 instruct this jury that are not even to discuss the fact
25 that you didn't testify in a jury room. And the reason

1 is, is because you are not required to prove yourself
2 innocent. The burden is on the State to prove your
3 guilt beyond a reasonable doubt.

4 However, sir, you also do have the right to testify
5 on your own behalf if you choose to. Please understand
6 though, that if you choose to testify, this is a
7 personal right and it is one that only you can waive.

8 Although, I expect you to talk to Mr. Mathews and
9 Ms. Dovell about whether or not you should testify in
10 this case, please understand that this is a decision you
11 must make at this time. Do you understand that?

12 A Yes, ma'am.

13 THE COURT: Sir, do you want to testify in this
14 case?

15 A No, ma'am.

16 THE COURT: All right. And is that your decision?

17 A Yes, ma'am.

18 THE COURT: All right, sir. I appreciate that. I
19 think you are intelligently and knowingly making that
20 decision, sir, so you may go ahead and be seated.

21 At this time, you said -- I know you're going to put
22 up his wife; is that correct?

23 MR. MATHEWS: Yes, ma'am.

24 THE COURT: Is there anyone else or just his wife?

25 MR. MATHEWS: No, ma'am, just that.

1 THE COURT: Okay. Well, what I suggest we do then
2 is let's go ahead and bring the jury out. Let's go
3 ahead and put up his wife and then you'll go ahead and
4 rest as well. And then provided there's no rebuttal
5 witnesses, we'll just go -- we'll take another break,
6 obviously, and then we'll go straight into arguing the
7 charge, okay?

8 MR. UTSEY: Yes, ma'am. Thank you, Your Honor.

9 THE COURT: All right. Thank you. Let's bring the
10 jury back out.

11 (The jury entered the courtroom)

12 THE COURT: Welcome back ladies and gentlemen. All
13 right. Mr. Mathews?

14 MR. MATHEWS: May it please the Court.

15 THE COURT: Yes, sir.

16 MR. MATHEWS: Defense calls Donna Saunders.

17 THE COURT: Come forward, please, ma'am, and be
18 sworn.

19 DONNA SAUNDERS,
20 being first duly sworn, was examined and testified as
21 follows:

22 THE CLERK: Please have a seat on the witness stand
23 and state your name for the record after you're seated.

24 MS. SAUNDERS: My name is Donna Saunders.

25 DIRECT EXAMINATION BY MR. MATHEWS:

1 Q Donna, where are you from originally?

2 A Born in New York.

3 Q Okay. And how long have you lived in Colleton
4 County?

5 A Ever since I was three. So -- and I'm 41 now. So
6 been quite a while.

7 Q Quite a while. Okay. All of your adult life and
8 most of your childhood?

9 A Yes.

10 Q All right. And are you married to Christopher
11 Saunders?

12 A I am.

13 Q How long have y'all been married?

14 A Nine years.

15 Q And you live in -- what subdivision do you live in?

16 A I'm still in the same subdivision; however, not the
17 same house. My mom lives in the same subdivision.

18 Q What subdivision is that?

19 A Carolina Circle.

20 Q Carolina Circle?

21 A Uh-huh.

22 Q Okay. Carolina Circle. You have heard of Anthony
23 Cox and Carla Shiver; right?

24 A Yes.

25 Q Okay. And where do they live compared to you?

1 A Just around the corner. Carolina Circle goes in a
2 circle and we lived on one side and just around the
3 corner they lived.

4 Q Okay. So like less than a quarter mile?

5 A Yes.

6 Q Okay. Do you have -- in January of last year, did
7 -- what address were you living at?

8 A [REDACTED] Carolina Circle.

9 Q Around the corner like you said. Did you have any
10 TVs?

11 A Yes.

12 Q How many?

13 A Four.

14 Q Okay. Where were the four TVs located?

15 A There is one in my bedroom.

16 Q How big is that?

17 A 50 inch.

18 Q 50 inch. Okay.

19 A One in the living room.

20 Q Okay.

21 A Which is also a 50 inch. 32 inch in my son's room.
22 And then we have one in storage.

23 Q One in storage?

24 A One in the storage shed which he called his man
25 cave.

1 Q His man cave?

2 A His man cave.

3 Q Okay. So you had lots of TVs?

4 A Yes.

5 Q Okay. The 50 inch TVs, were those wall mounted
6 flat screens?

7 A The one in the bedroom was wall mounted which is
8 way too big.

9 Q All right. Do you remember the evening of January
10 14th going into the 15th?

11 A I work nightshift. I got off work that morning.

12 Q Where do you work?

13 A At the Ramada Inn.

14 Q How long have you been working at the Ramada Inn?

15 A About two and a half years.

16 Q Okay. Go ahead.

17 A I ran some errands that day because I didn't have
18 to work that night.

19 Q Do you normally work nightshift?

20 A Yes, I work nothing but nightshifts right now.

21 Q So you were use to sleeping during the day?

22 A Yes. Now, at that time, they had me on second
23 shift here and there, but right now it is all
24 nightshifts.

25 Q Okay. So go ahead.

1 A All right. I got off work, I had to run some
2 errands, pay some bills. I went to my mom's for a
3 little while. Got home about 3 o'clock. He was kicked
4 back in the recliner. Looked like he was asleep. I
5 went into the bedroom to go to sleep.

6 Q Okay. Slow down. You ran some errands, you came
7 about 3 p.m.?

8 A About 3 P. M.

9 Q Okay. And Chris was asleep in the chair?

10 A Yes.

11 Q Okay. And what did you do next?

12 A I went into my bedroom to lay down to go to sleep.

13 Q All right. What's the next thing that you
14 remember?

15 A I got up at midnight. He was gone and the truck
16 was gone.

17 Q Okay. All right.

18 MR. MATHEWS: Nothing further.

19 THE COURT: Mr. Utsey?

20 MR. UTSEY: Thank you, Your Honor. May it please
21 the Court.

22 THE COURT: Yes.

23 CROSS EXAMINATION BY MR. UTSEY:

24 Q Ms. Saunders, do you know if Mr. Saunders, your
25 husband, was on any type of drugs that day?

1 A He was on medications prescribed by the doctor.

2 Yes.

3 Q So he didn't take any other drugs that you know of?

4 A No, not to my knowledge.

5 Q Okay. And you said the last time you saw him was
6 at 3 p.m.; correct?

7 A Yes. Around about.

8 Q Okay. And you were not with him when he was found
9 inside of the house of Anthony Cox and Carla Shiver;
10 correct?

11 A No.

12 Q So you don't know why he threw a brick through the
13 front door and went in the house?

14 A No, I don't know for sure. But I assume that he
15 was not in his right mind.

16 Q Okay. But you hadn't been with him since 3 p.m.
17 that day; correct?

18 A Correct.

19 Q And you know it occurred around 11:45 p.m., 12 a.m.
20 that night; correct?

21 A That's what I hear.

22 Q Okay.

23 MR. UTSEY: May I have the Court's indulgence, Your
24 Honor?

25 THE COURT: You may.

1 MR. UTSEY: I have no further questions, Your Honor.

2 THE COURT: Anything further, Mr. Mathews?

3 MR. MATHEWS: May I have a moment, Your Honor?

4 THE COURT: Yes.

5 MR. MATHEWS: No further questions, Your Honor.

6 THE COURT: All right. You may step down, ma'am.

7 Thank you.

8 Anything further from the Defense?

9 MR. MATHEWS: The Defense rests.

10 THE COURT: Ladies and gentlemen, at this time, the
11 Defense also rests their case. There is another matter
12 of law I need to take up with the attorneys. I'm going
13 to send you back to your jury room.

14 Ladies and gentlemen, what we have left to do is
15 hear the closing arguments from the lawyers and I need
16 to charge you on the law that is applicable to this
17 case. And that is exactly what we're going to do when
18 we bring you right back out. Okay. Thank you.

19 (The jury left the courtroom)

20 THE COURT: Okay. I'm just going to read you the
21 whole intent portion of the burglary first just so you
22 all will know exactly what I'm going to state. It goes:

23 "The State must prove beyond a reasonable doubt that
24 the Defendant intended to commit a felony or a
25 misdemeanor at the time of entry. Mere entry into a

1 dwelling without consent is not burglary. If the intent
2 to commit a crime is formed after the entry, it is not
3 burglary. On the other hand, if the Defendant intended
4 to commit a crime at the time of entry, it is a burglary
5 even if the intent was abandoned after the entry. It
6 does not matter that the intended crime was not
7 completed.

8 Criminal intent is always a matter that must be
9 determined by the jury from the circumstances
10 surrounding the situation. Criminal intent is a mental
11 state, a conscious wrongdoing. It is up to you to
12 determine what the Defendant intended to do based on the
13 circumstances shown to have existed.

14 There is no way to prove intent to a mathematical
15 certainty. There is no way medical science can dissect
16 a person's brain and determine what the person had in
17 mind, so the law says that criminal intent may be
18 inferred from the circumstances shown to have existed.
19 This is how you make a determination of whether or not
20 the element requiring intent was present.

21 Intent may be shown by acts and conduct of a
22 Defendant and other circumstances from which you may
23 naturally and reasonably infer intent. Direct evidence
24 to prove intent is not necessary. Proof of intent is
25 not a precise process. Again, criminal intent must be

1 proven by the State beyond a reasonable doubt."

2 All right. And then it goes on to talk about the
3 Defendant obviously had to go during the nighttime.
4 That is what I'm going to charge.

5 Was there anything else specifically that y'all were
6 concerned about in this case? Obviously, other than to
7 bring your objection or your request for a trespassing
8 charge as well. Which, again, I deny for the record.

9 MR. MATHEWS: That's it, Your Honor. That sums it
10 up nicely.

11 THE COURT: Okay. Very good. Anything else from
12 the State?

13 MR. UTSEY: No, Your Honor.

14 THE COURT: Okay. All right. Y'all want to take
15 five minutes? Ten minutes? We'll back and do closings;
16 is that okay?

17 MR. UTSEY: I'm ready.

18 MR. MATHEWS: I'm ready.

19 THE COURT: Thank y'all. Okay. Well, do you want
20 five minutes? Becky says she's ready, so let's go.

21 (The jury entered the courtroom)

22 THE COURT: At this time we're going to hear the
23 closing arguments from the lawyers and then I'm going to
24 charge you on the law that is applicable to this case.
25 Mr. Utsey?

1 MR. UTSEY: Thank you, Your Honor. May it please
2 the Court.

3 THE COURT: Yes, sir.

4 CLOSING ARGUMENT BY MR. UTSEY:

5 MR. UTSEY: All right. Good morning, y'all. I told
6 y'all at the beginning of this case that Carla Shiver
7 and Anthony Cox, seated right over there, that they came
8 home that night, they went in there house, they locked
9 the doors, they went to sleep like they do every night,
10 and they woke up to a nightmare. And that nightmare was
11 Anthony Cox walking out in his living room, seeing Chris
12 Saunders standing by his TV -- over his TV, according to
13 Anthony Cox, like this. And then Chris Saunders ran at
14 Anthony Cox. Threw a computer chair at him and he
15 fought off a stranger in his own living room while Carla
16 is standing there with a butcher knife for protection.
17 That's the nightmare they were living that night.

18 And I charged Christopher Saunders with burglary
19 first degree. So the main issue in this case is, did
20 Chris Saunders commit burg first. So the issue is, did
21 Christopher Saunders enter a house without consent at
22 nighttime and with the intent to commit a crime in that
23 house? That's the issue.

24 So I'm going to go -- and Judge Mullen is going to
25 tell you when she's explaining the law to y'all that the

1 four elements of breaking in like that. A person enters
2 a dwelling without consent at nighttime would be an
3 attempt to commit a crime there in the house.

4 So the first thing I have to prove is a person
5 enters a dwelling. So a person, I can prove who the
6 person is that entered the house. Because I have proof
7 identification. I have to prove that, that man sitting
8 over there, at that table in that blue shirt came in to
9 the house. That's the first thing I have to prove.

10 How do we know that? Well, we know that from the
11 testimony of Anthony Cox and Carla Shiver when they were
12 sitting up on the stand, they both identified
13 Christopher Saunders as being the man in their house.
14 If that's not enough, y'all also saw the body cam of the
15 officer when he went into the house and it clearly shows
16 Christopher Saunders in the house.

17 The officer also took a picture of Christopher
18 Saunders in the house. So we know that was him clearly
19 in the house. All right. So the second thing I have to
20 prove is -- well, the first element is a person enters
21 into a dwelling. So I have to prove that it was a
22 dwelling. That it was a house. So how do we know it
23 was a dwelling or a house? I asked Carla Shiver and
24 Anthony Cox if they lived in that -- if they lived
25 there. They said, yes, this is our permanent residence.

1 We stay there every night. So the first element a
2 person enters into a dwelling is done. I've met that.

3 Second element. Went in without consent. I asked
4 Carla Shiver and Anthony Cox specifically the question,
5 did you give him consent to enter your house? They both
6 said, no. They both said that Christopher Saunders was
7 a stranger to them. So that element is done. That's
8 checked.

9 Three, at nighttime. This is also easy, y'all.
10 Three, obviously, Carla Shiver called 911 that night
11 around 11:45 p.m. They said they were both asleep that
12 night. They got home from work after 10 p.m. Not only
13 that, but the officer's body cam shows y'all when he was
14 walking into the house and outside of the house that it
15 was nighttime outside. So the third element at
16 nighttime is met.

17 Fourth element. The intent to commit a crime
18 therein. Fourth element, there is a number of factors
19 that go towards intent. And I want to start with this.
20 This picture of the front yard and this is the front
21 yard, y'all. I'm sorry, Your Honor. I know it's small.
22 This is the front yard of where the walkway was coming
23 into their house. The brick is missing. That's the
24 first thing that goes toward intent. Christopher
25 Saunders picked up a brick.

1 Second thing that goes towards intent. He threw the
2 brick through the front door, through the window in the
3 front door. This is intent to commit a crime in the
4 house. So he picked up a brick and threw it through the
5 front door. And here is also a picture of the glass all
6 over the floor from this brick that he threw through the
7 front door.

8 The third thing that goes to intent is when Anthony
9 Cox walked down that hallway and saw Christopher
10 Saunders, Anthony Cox showed y'all on the stand, he said
11 -- I said where was Christopher Saunders? He said,
12 standing by the TV. He said, how was he? [Verbatim].
13 He was like that like he was going to pick it up.
14 Anthony Cox testified to that. If y'all believe Anthony
15 Cox, that's enough.

16 He threw a brick through the front door of a house.
17 This is a home invasion at night. And then when he gets
18 caught in the act, Anthony Sanders [verbatim] comes
19 around the corner, catches him red-handed. He then runs
20 -- Christopher Saunders then runs at Anthony Cox and
21 tries to fight him. Threw a computer chair at him and
22 tried to fight him.

23 Another thing that goes towards intent is Carla
24 Shiver and Anthony Cox also testified that all the
25 lights were off in the house. That tells me Christopher

1 Saunders saw that house, all the lights were off, so he
2 grabbed a brick and threw it through the front door and
3 went inside. He was going to steal something.

4 Y'all, that's the evidence to me that shows that he
5 had the intent to go in that house and he knew what he
6 was doing. He had a plan and he did it. When he got
7 caught, he started screaming CIA and that someone else
8 did it. That Anthony Cox never saw anybody else. This
9 was after he got caught red-handed in the living room.
10 And Anthony Cox held him down until the cops got there
11 which never happens.

12 There are -- there are a lot of things he did that
13 made sense. He knew where he was that night. Because
14 if you remember the body camera, he told the officer
15 where he lived. He said, I live down the street or I
16 lived over there. So that tells me he knew exactly
17 where he was when he went into that house.

18 He also made sense when he decided to pick up the
19 brick. He made that decision to do that. He made that
20 decision to throw the brick through the front door of
21 the house. He made the decision to go inside the house.
22 He made the decision to stand over the TV. He made the
23 decision to commit burglary in the first degree, y'all.
24 He got caught red-handed. His plan did not go according
25 to what he wanted.

CLOSING ARGUMENT BY MR. MATHEWS

1 This is a simple case, y'all. He went into a house,
2 he got caught. Carla Shiver called 911 in a panic if
3 y'all remember the 911 call. Because her and
4 Christopher Sanders were cussing back and forth at each
5 other the entire time. And she was scared.

6 I asked Anthony Cox if he was scared. He said, yes,
7 I was scared. They were living a nightmare. And I feel
8 certain that listening to the witnesses, y'all,
9 reviewing the body cam, that 911 call, that Christopher
10 Saunders, y'all will be firmly convinced that he
11 committed burglary in the first degree. Thank y'all.

12 THE COURT: Mr. Mathews.

13 MR. MATHEWS: Thank you, Your Honor.

14 CLOSING ARGUMENT BY MR. MATHEWS:

15 MR. MATHEWS: Mr. Foreman, ladies and gentlemen of
16 the jury, there are a few problems with what Mr. Utsey
17 said. Absolutely, they proved the heck out of some of
18 the elements of this case. Absolutely, they did. But
19 the testimony pretty much uncontradicted and didn't hear
20 anything that contradicted it is that Chris was 68. The
21 EMS guy said that -- Mr. Harrison said that he would say
22 that -- admitted he was psychotic. I don't know about
23 all that, but he clearly didn't know. He was just
24 agitated. I don't know if he said disoriented, but
25 clearly he didn't know what was going on.

1 As far as there being a plan and painting Chris
2 Saunders as -- this is all about intent. Painting him
3 to somebody that's calculating is almost as crazy as
4 Mr. Saunders was that night. Mr. Cox -- Ms. Shiver said
5 that -- Ms. Shiver said she went and picked up Anthony,
6 her husband, at work. That's a half an hour gone. You
7 live in the same neighborhood. You're casing the joint.
8 Just wait until they leave. They do the same thing
9 every day. There's a half an hour of it right there.
10 When she goes to pick him up from work every day where
11 there's nobody in the house.

12 You saw from the body cam that Ms. Shiver said, you
13 know, the car is right out there. He's got to know
14 somebody's home. It's right there in the body cam. Its
15 right there. Got to know somebody's home. This is not
16 a rational act.

17 And when you talk about -- when you talk about
18 somebody at nighttime in aggravated circumstances that
19 makes burglary as big a deal as it is, and it's a very,
20 very important case to Mr. Saunders and to the State.
21 So it's an important thing that y'all are doing. Very
22 important.

23 The thing that makes nighttime so bad is because
24 it's under -- you're hidden; right? And you're trying
25 to avoid detection. That's the whole point of it.

1 That's the whole point of it is that you don't want to
2 be detected. But somebody, now in the body cam, he
3 seems to say that somebody else threw a brick at him and
4 hit him in the head. That clearly cannot have been the
5 case. Cannot have been the case because the EMT looked
6 at him and said there's no blood, there's no swelling,
7 there's nothing back there. He did take a shot to the
8 back of the head as you can see from the body cam.
9 Mr. Cox hit him. Which, you break into my house I'm
10 going to hit you too. But that doesn't mean, and
11 whatever happened, and I feel sorry for Mr. Cox and
12 Ms. Shiver that said that somebody tried to break in
13 their house a couple of years before and I feel sorry
14 for them. But that doesn't turn a -- an unwanted entry
15 into a burglary.

16 What turns an unwanted entry into burglary is the
17 intent to commit a crime. And you do get that from the
18 circumstances. You know, there is some evidence that
19 somebody else had been around there. There's a jacket.
20 And I think Ms. Shiver said that somebody had made a
21 camp or something out there. Wouldn't have been
22 Mr. Saunders because he lived a quarter mile away. Less
23 than a quarter mile away. Just around the corner. So
24 he didn't have to have any camp.

25 But there was a jacket. You'll see that in there.

1 And there was a visor out there in the front yard. So
2 maybe somebody was there at some point. I don't know.
3 I mean, that doesn't make a person appear, but if you're
4 not in your right mind maybe you see that and you think
5 you see somebody. I don't know. See, that's the
6 problem. It is almost impossible to prove you didn't do
7 something. That's why the State has the burden of
8 proving each element of the case. In every case. Every
9 element beyond a reasonable doubt.

10 Is it likely that somebody threw a brick at
11 Mr. Saunders? No. I think we can give that one to the
12 State. They've proved it. But when you get down to
13 intent, the circumstances do not add up to any rational
14 intent to do something. You throwing a brick through a
15 -- a pavement stone through a window and it makes a loud
16 crash. If you're trying to sneak in, you don't do
17 something that makes a loud crash. That's crazy. That
18 draws your attention.

19 And Mr. Cox and Ms. Shiver talked about it. They
20 said -- they both -- they talked about -- Mr. Cox said
21 they were -- they heard the noise, Ms. Shiver in the
22 body cam said that she thought it was the cat. Mr. Cox
23 said in his testimony that they thought it was the cat
24 and they talked about it. Do you think that's the cat?
25 They got up. He got up. He turned on the light in the

1 bedroom.

2 Now, you know, it's down the hall, but if you're in
3 this house sneaking around under the shroud of darkness,
4 if you're doing that and you see a light come on, what
5 do you do? You run. That's what rational people do.
6 That's what sane people do.

7 He turned on that one light. That didn't chase him
8 off. He turns on the light, walks down the hall, he
9 turns on the light in the hall. The second light turned
10 on. That didn't do anything. And he gets there and
11 says, hey, get out of my house. A sane person if you
12 get past the couple of lights and, originally, Mr. Cox
13 said it was two to three minutes before Mr. Utsey said,
14 no. No. You meant seconds; right? But initially said
15 two to three minutes; right? And Ms. Shiver had
16 testified, she came -- you see her body cam -- the body
17 cam with her in it, I mean, she's dressed.

18 And so the time she has time to come out, she's
19 dressed. He wasn't. So he walked right out. But she
20 responded when she heard the other voice. And at that
21 point she was already dressed. Okay.

22 So two lights come on, he's in there, you know,
23 obviously, his wife said they got four TVs, two 50 inch
24 big screen TVs in the house, they don't need a TV. I
25 don't know why he's in there. I mean, he said he was

1 working with the CIA. Clearly, he didn't work for the
2 CIA. That's crazy. That's 68.

3 I know that Ms. Saunders said that she works -- she
4 works every day too. And she works at the Ramada and
5 she goes to work every day. She comes back and because
6 she normally works at night, she comes home, Chris is
7 asleep on the chair. He is prescribed some medicine.
8 There's no indication that, that was the cause of
9 anything. That we've nothing from the stand that
10 suggests that. But she did say that she assumed that he
11 wasn't in his right mind.

12 And that's what the evidence suggests he wasn't in
13 his right mind. The EMT, Blaine Harrison, said the same
14 thing. He was agitated and he wasn't in his right mind.
15 So he didn't have any business being in there and that's
16 wrong. But it wasn't burglary because there was not --
17 the State has not proved beyond a reasonable doubt that
18 Chris Saunders entered that place with the intent to
19 commit a crime. The evidence suggests that he was not
20 in his right mind.

21 I would ask you to go back, consider it, and look at
22 the body cams if you need to. Look at whatever evidence
23 you need to, to come to a full and fair decision. And
24 when you do, I'm confident that you will decide the
25 State has not met its burden of proof and find Chris

CLOSING ARGUMENT BY MR. UTSEY

1 Saunders not guilty. Thank you.

2 MR. UTSEY: Thank you, Your Honor.

3 THE COURT: Yes, sir.

4 CLOSING ARGUMENT BY MR. UTSEY:

5 MR. UTSEY: Y'all heard Mr. Mathews said -- kept
6 saying we can assume that he was -- that he had
7 something mental going on. We do not know that. What
8 we do know is that he picked up a brick from the outside
9 of the sidewalk, through a brick through a front door,
10 and got caught in the house. Caught in the house. In
11 Anthony Cox in Carla Shiver's house. Standing over a
12 TV. He did this at 11:45 at night.

13 All the lights go off in that house. And
14 Mr. Mathews said, when a person -- would a sane person
15 throw a brick through a window to try to make a loud
16 noise? A person would throw a brick through the window
17 that was trying to commit a crime in a house, I can tell
18 you that. A person would throw a brick through a window
19 that was trying to go in to take something. One hundred
20 percent on that. And go in the house and get caught.

21 I just want y'all to use y'all's common sense. He
22 was caught in the house, standing over a TV, and then
23 fought Anthony Cox in the house and got caught and held
24 there until the cops got there. Thank y'all.

25 JURY CHARGE BY THE COURT:

JURY CHARGE BY THE COURT

1 THE COURT: Mr. Foreperson, members of the jury, you
2 have followed very patiently and listened very
3 attentively to the presentation of the evidence in this
4 case, and I want to thank you for that. It now becomes
5 the duty of the trial judge under the Constitution of
6 this State to charge and instruct you on the law that's
7 applicable to this case, and it's your duty as jurors to
8 accept the law as I will now state it to you. As
9 jurors, it is your exclusive duty to decide all the
10 issues of fact in this case. Both the State and the
11 Defendant have a right to expect that you will carefully
12 consider and evaluate the evidence and apply the law of
13 the case to the evidence. And by doing that, both the
14 State and the Defendant, Mr. Saunders, will receive a
15 fair and impartial trial in this matter.

16 Now, the State of South Carolina, by the Bill of
17 Indictment -- of the -- by the Bill of Indictment in
18 this case, charges the Defendant, Christopher Saunders,
19 with the offense of Burglary in the 1st Degree.

20 Now, I remind you the fact the Defendant was
21 arrested, charged and indicted in this case is not
22 evidence in this case and cannot be considered by you as
23 evidence of guilt in this case, nor does it create any
24 presumption or inference of guilt.

25 An indictment is simply the formal written

JURY CHARGE BY THE COURT

1 instrument which contains the charge that's made against
2 the Defendant. It's the formal document by which the
3 case is brought into the courtroom.

4 Now, the Defendant in this case, Mr. Saunders, has
5 pled not guilty to this indictment, and that plea puts
6 the burden on the State to prove the Defendant guilty
7 beyond a reasonable doubt. Ladies and gentlemen, a
8 person charged with committing a criminal offense in
9 South Carolina is never required to prove himself
10 innocent.

11 I charge you that it's an important rule of law that
12 a Defendant in a criminal trial, no matter what the
13 seriousness of the charge may be, will always be
14 presumed innocent of the crime for which an indictment
15 was issued unless guilt has been proven by evidence
16 satisfying you, the jury, of that guilt beyond a
17 reasonable doubt. This presumption of innocence does
18 not end when you begin your deliberations, but it
19 accompanies the Defendant throughout the trial until you
20 reach a verdict of guilt based on evidence satisfying
21 you of that guilt beyond a reasonable doubt.

22 The presumption of innocence is like a robe of
23 righteousness that's placed about the shoulders of the
24 Defendant and it remains with the Defendant until it has
25 been stripped away by evidence satisfying you, the jury,

JURY CHARGE BY THE COURT

1 of the Defendant's guilt beyond a reasonable doubt.

2 The presumption of innocence is not a mere legal
3 theory. It's not just a legal phrase we use. It is a
4 substantial right to which every Defendant is entitled
5 unless you, the jury, are satisfied, from the evidence
6 of the Defendant's guilt beyond a reasonable doubt.

7 So, what is a reasonable doubt in the law? A
8 reasonable doubt is the kind of doubt that would cause a
9 reasonable person to hesitate to act in their most
10 important decisions.

11 The State has the burden of proving the Defendant
12 guilty beyond a reasonable doubt. And, again, the term
13 reasonable doubt must be given its plain and ordinary
14 meaning. However, again, to the extent I may define it
15 for you, a reasonable doubt is the kind of doubt that
16 would cause a reasonable person to hesitate to act in
17 the most important of their personal decisions. The
18 Defendant is entitled to every reasonable doubt arising
19 in this case. If, upon any issue of fact essential to a
20 conviction, you have a reasonable doubt as to how that
21 issue should be resolved, you must resolve that
22 reasonable doubt in favor of the Defendant.

23 Now, some of you may have served as jurors in civil
24 cases, where you were told it is only necessary to prove
25 that a fact is more likely true than not true, and

JURY CHARGE BY THE COURT

1 that's what we call the greater weight or by the
2 preponderance of the evidence. In criminal cases, the
3 State's proof must be more powerful than that. It must
4 be beyond a reasonable doubt.

5 Suspicion, no matter how strong, is insufficient to
6 convict a person charged with a crime. That the facts
7 and circumstances presented may seem suspicious and the
8 Defendant's guilt may seem probable, this is not
9 sufficient in the law to convict.

10 Proof beyond a reasonable doubt is proof that leaves
11 you firmly convinced of the Defendant's guilt. Now,
12 there are very few things in this world that we know
13 with absolute certainty, and in criminal cases the law
14 does not require proof that overcomes every possible
15 doubt. If, based on your consideration of the evidence,
16 you are firmly convinced the Defendant is guilty of the
17 crime charged, you must find the Defendant guilty. If,
18 on the other hand, you think there is a real possibility
19 that the Defendant is not guilty, you must give the
20 Defendant the benefit of the doubt and find him not
21 guilty.

22 Now, I remind you that, during this trial, you and I
23 have certain duties to perform. As the judge, it's my
24 responsibility to rule over -- or to preside over the
25 trial of this case, and I also have the duty to rule on

JURY CHARGE BY THE COURT

1 the admissibility of evidence that was offered during
2 this trial. You are to consider only the competent
3 evidence before you. You are to consider only the
4 testimony which was presented from the witness stand as
5 well as any other exhibits which have been made a part
6 of the record in this case.

7 I have the additional duty to charge you the law
8 that's applicable to this case. I am the sole judge of
9 the law, and it is your duty as jurors to apply the law
10 as I now state it to you. If you have any idea as to
11 what the law is or what you think the law ought to be
12 and it does not agree with what I now tell you the law
13 is, you must abandon this idea because you are sworn to
14 accept the law and apply the law exactly as I state it
15 to you.

16 In every case tried in this Court before a jury, the
17 jury becomes the sole and exclusive judge of the facts.
18 A trial judge cannot intimate, comment on, or make any
19 statement to a trial jury about the facts in a case.
20 And since you, the jury, are the sole judge of the facts
21 in this case, you are not to infer from what I said
22 during the progress of this trial in ruling upon the
23 admissibility of evidence, or otherwise, or anything
24 that I say now to you during the course of this
25 instruction that I have an opinion about the facts in

JURY CHARGE BY THE COURT

1 this case. The law does not allow me to have an opinion
2 about the facts in this case. This is a matter solely
3 for you, the jury, to determine.

4 Now, there are two types of evidence which are
5 generally presented in a trial: direct evidence and
6 circumstantial evidence. Direct evidence is the
7 testimony of a person who claims to have actual
8 knowledge of a fact, such as an eyewitness. It is
9 evidence which immediately establishes a main fact to be
10 proved. Circumstantial evidence is proof of a chain of
11 facts and circumstances indicating the existence of a
12 fact. It is evidence which immediately establishes
13 collateral facts from which the main fact may be
14 inferred. Circumstantial evidence is based on inference
15 and not on personal knowledge or observation.

16 Crimes may be proven by circumstantial evidence.
17 The law makes no distinction between the weight or value
18 to be given to either direct or circumstantial evidence.
19 However, to the extent the State relies on
20 circumstantial evidence, all of the circumstances must
21 be consistent with each other, and when taken together,
22 point conclusively to the guilt of the accused beyond a
23 reasonable doubt. If these circumstances merely portray
24 the Defendant's behavior as suspicious, the proof has
25 failed.

1 The State has the burden of proving the Defendant
2 guilty beyond a reasonable doubt. And this burden rests
3 with the State regardless of whether the State relies on
4 direct evidence, circumstantial evidence, or some
5 combination of the two.

6 Now, as a jury, it is your duty to determine the
7 credibility of witnesses who have testified in this
8 case. And credibility simply means believability. It's
9 your duty as jurors to analyze and to evaluate the
10 evidence and determine which evidence convinces you of
11 its truth.

12 In determining the believability of witnesses who
13 have testified in this case, you may believe one witness
14 over several witnesses or several witnesses over one
15 witness. You may believe a part of the testimony of a
16 witness and reject the remaining part of the testimony
17 of that same witness. You may believe the testimony of
18 a witness in its entirety or reject the testimony of a
19 witness in its entirety. You may consider whether any
20 witness exhibited to you any interest, bias, prejudice,
21 or other motive in this case. You may also consider the
22 appearance and manner of a witness while on the witness
23 stand.

24 Now, I instruct you and emphasize that the fact the
25 Defendant did not testify is not a factor to be

JURY CHARGE BY THE COURT

1 considered by you in any way in your deliberation and in
2 your consideration on the question of the guilt or
3 innocence of the Defendant. It must not be considered
4 by you in any manner whatsoever. A Defendant has the
5 constitutional right to remain silent, and the assertion
6 of this right must not be considered by you in your
7 deliberations. I repeat, under your oath, you are to
8 draw no conclusion whatsoever from the fact that the
9 Defendant in this case did not testify. The fact that
10 this Defendant did not testify should not even be
11 discussed in the jury room. The burden of proof, as
12 I've stated to you, is on the State. The Defendant is
13 not required to prove his innocence. And the burden of
14 proof remains on the State to prove guilt beyond a
15 reasonable doubt.

16 Now, in this case, ladies and gentlemen, the
17 Defendant is charged with burglary in the first degree.

18 And to prove burglary in the first degree, first,
19 the State must prove beyond a reasonable doubt that the
20 Defendant entered a dwelling without consent. A
21 dwelling is any building or portion of a building in
22 which a person ordinarily sleeps. In order to prove
23 that the Defendant entered the dwelling, the State does
24 not have to show that the Defendant's entire body
25 entered the dwelling. The smallest entry is sufficient.

1 It may be any part of the body, such as a hand or foot,
2 or even an instrument, such as a hook. In addition, the
3 State does not have to prove that force was used to gain
4 entry. If a person enters a building by use of
5 deception, artifice, trick, or misrepresentation to get
6 consent to enter, this is an entry without consent.

7 Next, the State must prove beyond a reasonable doubt
8 that the Defendant intended to commit a crime, either a
9 felony or a misdemeanor, at the time of entry. The mere
10 entry into a dwelling without consent is not burglary.
11 If the intent to commit a crime is formed after the
12 entry, it is not burglary. On the other hand, if a
13 Defendant intended to commit a crime at the time of the
14 entry, it is a burglary even if the intent was abandoned
15 after the entry. It does not matter that the intended
16 crime was not completed.

17 Criminal intent is always a matter that must be
18 determined by the jury from the circumstances
19 surrounding the situation. Criminal intent is a mental
20 is state, a conscious wrongdoing. It is up to you to
21 determine what the Defendant intended to do based on the
22 circumstances shown to have existed.

23 There is no way to prove intent to a mathematical
24 certainty. There is no way medical science can dissect
25 a person's brain and determine what the person had in

JURY CHARGE BY THE COURT

1 mind, so the law says that criminal intent may be
2 inferred from the circumstances shown to have existed.
3 This is how you make a determination of whether or not
4 the element requiring intent was present.

5 Intent may be shown by acts and conduct of a
6 Defendant and other circumstances from which you may
7 naturally and reasonably infer intent. The inference is
8 grounded in human experience. Direct evidence to prove
9 intent is not necessary. Proof of intent is not a
10 precise process. Again, ladies and gentlemen, criminal
11 intent must be proven by the State beyond a reasonable
12 doubt.

13 And, finally, ladies and gentlemen, to prove
14 burglary in the first degree, the State must prove
15 beyond a reasonable doubt that the Defendant entered or
16 remained in the dwelling in the nighttime. Nighttime is
17 the period between sunset and sunrise during which there
18 is not enough daylight to recognize a person's face,
19 except by artificial light or moonlight.

20 Mr. Foreperson, members of the jury, as you retire
21 to begin your deliberations in this case, I wish to
22 express the hope that each of you are mindful of the
23 importance of your responsibility here today. You are
24 not called upon very often to serve as jurors, and the
25 proper performance of that duty requires each of you to

JURY CHARGE BY THE COURT

1 reach the height of freeing your mind of all improper
2 influences.

3 So, please don't get the idea that I'm trying to
4 intimate to you how I think you should decide this case.
5 As I've already told you, under the laws of this State,
6 you, the jury, are the sole judge of all facts. And it
7 would be highly improper for me to influence you in your
8 performance of that duty.

9 But, ladies and gentlemen, I am concerned as the
10 presiding officer that I am -- that you -- the verdict
11 you bring back would be a result of you going back into
12 your jury room and confining your consideration to the
13 evidence and the law that you've heard here in this
14 courtroom, weighing it fairly and impartially, as I have
15 ever confidence you will. Ladies and gentlemen, you owe
16 no support or sympathy to anyone.

17 Mr. Foreperson, I remind you, your verdict must be
18 unanimous. It must be the verdict of all 12 jurors.

19 And to that end, my law clerk has prepared a verdict
20 form that has simply one question in this case. It has
21 the case caption, "The State of South Carolina verses
22 Christopher Saunders" and the indictment number. And it
23 states: "As to the charge of burglary in the first
24 degree, we find the Defendant Christopher Saunders
25 either guilty or not guilty."

JURY CHARGE BY THE COURT

1 Ladies and gentlemen, please don't infer the order
2 that I put guilty or not guilty, every trial we just
3 reverse them. Under that, Mr. Foreperson, there's a
4 place for you to sign your name and date the verdict
5 form.

6 When you have received a unanimous verdict, I need
7 you to knock on your jury room door and we're going to
8 accept you back into the courtroom.

9 I will tell you, ladies and gentlemen, that while
10 you have seen Becky Hill, the court reporter, taking
11 down everything that's being said, there is no printed
12 transcript. If there is testimony that you want heard
13 played back, what I can do is bring you back into the
14 jury room and we can play the back up audiotape. The
15 only thing I need to tell you, ladies and gentlemen, is
16 that if you ask for a certain witness's testimony, I am
17 required to play that witness's entire testimony. In
18 other words, the direct, the cross examination, the
19 redirect, the recross.

20 All right. Also, ladies and gentlemen, there were
21 some videos in this case. If you would like to see a
22 video played back, what I can do, again, is bring you
23 back in the courtroom and you just tell me what you want
24 played and I will play that back for you. All right.

25 Mr. Foreperson, for the very last time, I'm going to

JURY CHARGE BY THE COURT

1 tell you go back to your jury room and I'm going to tell
2 you not to discuss this case. If there's something
3 further in the law that the lawyers want me to instruct
4 you, I'll bring you back in and instruct you further.
5 If not, you're going to receive my charge that I just
6 read to you, as well as the verdict form, and all the
7 other evidence that was entered into this case.

8 Lastly, I will also tell you that if you don't have
9 a piece of evidence or something that you're looking for
10 back there, you're not entitled to it, ladies and
11 gentlemen. So don't bother writing me a note because,
12 again, you have everything you need and you are entitled
13 to what has been presented that you have here in this
14 courtroom that has been entered into evidence.

15 All right. So with that said, I'm going to send you
16 back to your jury room. Again, don't discuss this case,
17 sir, until you receive the verdict form and also the
18 charge and the other evidence. Okay. Thank you.

19 (The jury left the courtroom)

20 THE COURT: Any exceptions or additions from the
21 State?

22 MR. UTSEY: No, Your Honor.

23 THE COURT: From the Defense?

24 MR. MATHEWS: No, ma'am.

25 THE COURT: Okay. All right. I'm going to go ahead

1 and release the alternate. Thank you. I didn't lose
2 anyone, so at this time, I'm going to go ahead and
3 excuse you. I will tell you, sir, that at this time you
4 are permitted to discuss this case when you go home.
5 And sometimes the attorneys or investigator may want to
6 talk to you about it. Of course, you are free to if you
7 want to, but certainly you don't have to. If anyone
8 asks you a question and you're not interested, just say,
9 no, thank you, and they will not persist, I assure you.
10 All right. At this time, I am going to go ahead and
11 release you for the remainder of the week. If you need
12 a work excuse, you can go downstairs to Ms. Grant's
13 office and they'll give you one. But after that, thank
14 you. We appreciate you were involved in the case with
15 us. Thank you, sir.

16 (The alternate left the courtroom)

17 THE COURT: We'll just be at ease.

18 (Off the record)

19 (WHEREUPON, Court's Exhibit Number 1 was marked and
20 entered)

21 THE COURT: All right. Who has the note?

22 MS. HILL: I do.

23 THE COURT: All right. Let's bring them in.

24 (The jury entered the courtroom)

25 THE COURT: All right. Mr. Foreperson, you all sent

1 me a note that says you'd like to watch the body video
2 cam ones again; is that correct?

3 MR. FOREPERSON: Correct.

4 THE COURT: All right, sir. We're going to play it
5 for you. And if it's easier, you all are welcome, if
6 anyone wants to shift down. I don't know. Kind of
7 being crammed in this corner is difficult for you, but
8 you're welcome to shift down if you'd like. Or if
9 you're okay, you can stay. However you want to do it.
10 Okay.

11 If I remember correctly, about the first 50 seconds
12 there was no audio; correct?

13 MR. UTSEY: For the first 59 seconds, Your Honor.

14 THE COURT: First 59 seconds. Thank you.

15 (Playing the video body cam)

16 THE COURT: Mr. Foreperson, is that what you wanted
17 to see?

18 MR. FOREMAN: Yes, ma'am.

19 THE COURT: All right. Ladies and gentlemen, go
20 back to your jury room and continue your deliberation.
21 Thank you.

22 (The jury left the courtroom)

23 THE COURT: All right. We'll be at ease until we
24 hear back from the jury. Okay.

25 MR. UTSEY: Yes, ma'am.

VERDICT

1 (Off the record)

2 (The jury entered the courtroom at 12:45 p.m.)

3 THE CLERK: Mr. Foreman, have you reached a verdict?

4 MR. FOREPERSON: Yes, we have.

5 THE COURT: All right. If y'all would, please rise.

6 "In the case of the State of South Carolina verses

7 Christopher Saunders, as to the charge of Burglary in

8 the First Degree, we find the Defendant Mr. Chris

9 Saunders guilty." Signed by our foreperson and dated.

10 You may be seated. Ladies and gentlemen, if this is
11 your verdict, will you please indicate by raising your
12 right hand.

13 (The jurors complied)

14 THE COURT: Thank you. You may put them down.

15 Would like me to individually poll this jury?

16 MR. MATHEWS: I saw no need, Your Honor. I don't
17 see any need.

18 THE COURT: Okay. All right. Is there anything
19 further required from this jury? From anyone?

20 MR. MATHEWS: No, ma'am.

21 MR. UTSEY: No, ma'am.

22 THE COURT: All right. Thank you. Ladies and
23 gentlemen, I want to thank you for resolving this case.
24 As I know you understood I pulled a second jury to be
25 begin a trial tomorrow that's going to last two days.

1 So that's what we're going to be doing here for the rest
2 of the week.

3 I will tell you at this time, I am going to go ahead
4 and release you. I will sentence Mr. Saunders first,
5 though. If you would like to stay, you are welcome to.
6 If not, you certainly don't have to. Also, I need to
7 tell you that you are at this time permitted to discuss
8 the case when you go home or talk to people. Sometimes
9 the attorneys or investigator may want to ask you what
10 your thoughts are. You are not required to talk to
11 anyone, ladies and gentlemen. But if you choose to you
12 may. I want you to know that.

13 You also more than earned your jury exemption for
14 the next three years, ladies and gentlemen. So we
15 appreciate it. And at this time, if you need a work
16 excuse, just go down to Ms. Grant's office downstairs,
17 the Clerk of Court's Office and they'll give you a work
18 excuse. All right.

19 So, ladies and gentlemen, I'm going to go ahead and
20 excuse you. If you wish to stay for the sentencing,
21 again, you are welcome to. But if not, now is the time
22 to go ahead and excuse you. Okay.

23 (The jurors who wanted to stay, stayed)

24 THE COURT: So we're just getting the sentence
25 sheet; is that correct?

1 MR. UTSEY: Yes, Your Honor.

2 THE COURT: Okay. He doesn't need to sign anything
3 anyway; correct?

4 MR. UTSEY: He does not need to sign a sentencing
5 sheet, Your Honor.

6 THE COURT: We'll go ahead and hear some mitigation.
7 And if anyone like to speak on his behalf, you all are
8 welcome to stay right there. He doesn't need to come up
9 to the bar for now. He's fine and you can stand back
10 there as well.

11 MR. MATHEWS: Your Honor, you have from the pretrial
12 motions a copy of the psychological report.
13 Unfortunately, in South Carolina while voluntary
14 intoxication is such that it is not a mitigating -- I
15 mean, that may have been mitigating factors perhaps, but
16 it is not. It could not have resulted in somehow of a
17 not guilty on that.

18 But from the psychological report, you see that he
19 thought he was working for the CIA at the time the
20 psychologist -- psychiatrist had tested, found that he
21 did not know what he was doing at this time; however, it
22 was brought about by a combination of alcohol that he
23 had and the oxycodone that he was prescribed for a back
24 injury he had surgery for 10 years or so for.

25 His wife is here and has been by his side. They do

1 have a son in middle school. We would -- unfortunately,
2 had to hear about his father in the classroom.

3 I understand that the law provides for a minimum
4 sentence that because he's convicted of first degree
5 burglary, Mr. Saunders can get no less than 15 years and
6 that's the nature of it.

7 I don't think that just based on the facts,
8 certainly, it's a bad thing that happened to Ms. Shiver
9 and Mr. Cox. This does not -- but in terms of
10 Mr. Saunders's criminal responsibility, I'd ask though,
11 Judge, to look at the minimum 15 year, day for day
12 sentence that he's going to get. No parole. And, of
13 course, he has been in jail now since that night.

14 I don't know whether his wife would like to be
15 heard.

16 THE COURT: Yes, ma'am. I'm happy to hear from you.
17 Now would be the time. Yes, ma'am.

18 MS. SAUNDERS: As he said, we have a 14-year old son
19 who I feel really needs him right now. Also, my husband
20 has been on pain medication for many years to keep
21 going. He got on opiates. And everybody in this
22 country knows what opiates are doing.

23 There were times I wasn't sure whether he was, you
24 know, even breathing or something when I walked in the
25 door and checked. But he obviously had a problem with

SENTENCE OF THE COURT

1 opiates. And I'm glad he's not dead. I'm sorry this
2 happened and I hate it for them. I really do. But I'm
3 asking for the most lenient sentence.

4 THE COURT: Thank you.

5 MR. MATHEWS: That's essentially it. I'd like to
6 just point out that this was -- there was a genuine
7 material fact at issue. And because of that, we want
8 the Court to appreciate that Mr. Saunders was not trying
9 to waist anybody's time. And just ask for the minimum,
10 Your Honor.

11 THE COURT: All right. Well, I think importantly,
12 in reviewing the mental health reports from Dr. Mulay,
13 she states that obviously he has a number of substance
14 abuse disorders relating to opioids, alcohol,
15 anxiolytics, cannabis, cocaine, inhalants, sedatives and
16 upper hallucinogenics, as well as depressive disorder
17 and other specified trauma. I did see in the background
18 that he did suffer from various types of childhood
19 trauma. Which is significant.

20 However, she went on to opine that voluntary
21 intoxication is not sufficient to vacate an ability for
22 his actions. And she also went on to state that she
23 didn't believe that he was experiencing any significant
24 symptoms of an organic medical issue or any previous
25 psychotic disorder at the time of the offenses. That

SENTENCE OF THE COURT

1 would significantly impair his ability to appreciate the
2 moral and legal wrongfulness of his ability to conform
3 his conduct on the day of the offense.

4 These cases are hard. Because I know that had this
5 opinion been different there could have potentially been
6 a guilty but mentally ill or other type of defenses in
7 this case that I know just wasn't available to you based
8 on this. Which is why I assume you didn't raise it.

9 Unfortunately, it is what it is. We all know what
10 the mandatory minimum is on burglary in the first
11 degree. So, respectfully, I'm going to give him a
12 sentence of 15 years. I will give him credit for the
13 time that he's served. I'm also going to allow him that
14 you get ATU treatment for alcohol and drug while you're
15 there. And I am also going to, if your lawyers want to
16 write that you get, you know, mental health treatment as
17 well, unless you don't want me to place that on here,
18 Mr. Mathews.

19 MR. MATHEWS: Thank you, Your Honor. That would be
20 good.

21 MR. UTSEY: May I approach with the sentencing
22 sheet, Your Honor.

23 THE COURT: Good luck to you, sir. And good luck to
24 your wife and family.

25 MR. MATHEWS: Thank you, Your Honor.

1 (Court was adjourned)

2 - - -END OF REQUESTED TRANSCRIPT OF RECORD- - -

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)

COUNTY OF COLLETON)

I, REBECCA M. HILL, Official Court Reporter for the Fourteenth 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 the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Colleton County, South Carolina, on the 18-19th of February, 2020.

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

(This transcript was transcribed from the record taken by Rebecca M. Hill)

May 19, 2020

Katherine A. Spires

Katherine A. Spires

Registered Professional Reporter

WITNESSES

CCSO

Margie Lee Calhoun

CKET NO. 2019GS1500148

er being fully advised as to ¹⁷⁹
legal rights, I hereby waive
presentation to the Grand Jury.

The State of South Carolina

County of Colleton

Defendant

COURT OF GENERAL SESSIONS

April Term 2019

I
hereby appear in my own proper
person and plead guilty to the within
indictment or to

THE STATE

vs.

Christopher Carl Saunders

ARREST WARRANT NUMBER

2019A1510100033

Indictment For

Burglary, 1st Degree

SC Code: 16-11-311(A)(3)

CDR Code: 0079

ACTION OF GRAND JURY

True Bill

Defendant

Jameli

Foreperson of Grand Jury

Date: *4/25/19 Danny DRAIN*

Witness:

VERDICT

Guilty

C.C.C. PLS. and G.S.

Earl H. [Signature]

Foreperson of Petit Jury

Date:

INDICT

COLLETON COUNTY
GENERAL SESSIONS COURT
2019 APR 25 PM 3:34

180
STATE OF SOUTH CAROLINA)
)
COUNTY OF COLLETON)

INDICTMENT
2019GS1500148

At a Court of General Sessions, convened on April 25, 2019, the Grand Jurors of Colleton County present upon their oath:

Burglary, 1st Degree

That in Colleton County, South Carolina, on or about January 14, 2019, the Defendant, Christopher Carl Saunders, did enter a dwelling without consent and with intent to commit a crime therein and the entering or remaining occurred in the nighttime, all in violation of Section 16-11-311(A)(3), et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

YIP, COLLETON, SC
2019 APR 25 10:00 AM
2019

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

s/Taylor D. Gilliam

Taylor D. Gilliam
Appellate Defender

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

ATTORNEY FOR APPELLANT

RECEIVED

Dec 01 2020

SC Court of Appeals

This 1st day of December, 2020.