

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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**Dec 09 2020**

Appeal from Newberry County

**SC Court of Appeals**

Honorable Donald B. Hocker, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

STERLING MAYBIN,

APPELLANT

APPELLATE CASE NO. 2019-001543

RECORD ON APPEAL

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**THE FOLLOWING DOCUMENTS ARE ON FILE WITH THIS COURT:**

**STATE’S EXHIBIT #1 (DVD), STATE’S EXHIBIT #2 (DVD), AND STATE’S EXHIBIT  
#3 (DVD)**



State of South Carolina            )  
  ) Court of General Sessions  
County of Newberry                )

2019-GS-30-00429-00433

State of South Carolina            )  
  ) vs.            ) Transcript of Record  
  )  
  )  
Sterling Maybin                    )  
  ) Defendant     )

August 26th - 28th, 2019  
Newberry, South Carolina

B E F O R E:

Honorable Donald B. Hocker, Judge

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

Dale Scott, Deputy Solicitor  
Taylor Daniel, Assistant Solicitor  
Attorneys for the State

Charles Verner, Public Defender  
Attorney for the Defendant

Joy E. Holston  
Official Court Reporter

I N D E X   O F   W I T N E S S E S

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(DW) - Denotes Defense Witness  
(SW) - Denotes State's Witness

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20	Photo		X	111
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22	Photo		X	111
23	Photo		X	111
24	Photo		X	111
25	Photo		X	111

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E X H I B I T S

State's

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Court's

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1 THE COURT: Let me see the lawyers for just a moment.  
2 (Whereupon, a bench conference was held in the  
3 presence of the jury panel but out of the hearing of  
4 the jury panel.)

5 THE COURT: All right, ladies and gentlemen, the  
6 first case that is being called for trial is the State of  
7 South Carolina versus Sterling Maybin. Mr. Maybin is  
8 seated next to his lawyer, Mr. Verner. Thank you. Now,  
9 Mr. Maybin has been indicted on five separate charges.  
10 Let me first explain to you, the fact that Mr. Maybin has  
11 been indicted, charged with a criminal offense, that is  
12 not proof whatsoever of any guilt on his part. The  
13 allegations in the indictment are just that, they are  
14 allegations. And it is up to the State of South Carolina  
15 to prove these allegations to you beyond a reasonable  
16 doubt standard. So you cannot hold that against Mr.  
17 Maybin, the fact that he has been indicted in this case.  
18 These indictments serve two purposes and two purposes  
19 only. The first purpose that it puts Mr. Maybin and his  
20 attorney on notice of the charge or charges that they  
21 intend, that the State intends to try him on. Okay. And  
22 secondly, it gets the case to where we are today for a  
23 trial, no other purpose. So don't consider these  
24 documents as proof of guilt whatsoever on Mr. Maybin's  
25 part. Okay. But I need to publish the indictments to you

1 so you will have an idea of what this case is about.

2 The first indictment which is 2019-GS-36-433. It is  
3 for burglary second degree, violent. And it is alleged,  
4 the indictment alleges the following. The Defendant,  
5 Sterling Maybin, did on or about April 21, 2019 to April  
6 24th of 2019 in Newberry County, South Carolina enter a  
7 building belonging to a Bessie Mathis without consent and  
8 with the intent to commit a crime therein. Okay.

9 The second, and that is in violation of section  
10 16-11-312, subsection b; codes of law for South Carolina.  
11 And the second indictment is also for burglary second  
12 degree, violent. And it states that Sterling Maybin, the  
13 Defendant, did on or about April 23, 2019 in Newberry  
14 County, South Carolina enter a building belonging to Larry  
15 Hazel without consent and with intent to commit a crime  
16 therein. The same statute involved there. And that is  
17 indictment 432.

18 Then I have before me three indictments for petty  
19 larceny. The first indictment which is 431 reads as  
20 follows. The Defendant, Sterling Maybin, did on or about  
21 April 24th of 2019 in Newberry County, South Carolina did  
22 feloniously take and carry away the personal property of  
23 Larry Hazel to wit: a yellow Mcculloch chainsaw with the  
24 total value of \$2,000.00 dollars or less with the intent  
25 to deprive the owner permanently of such property. That

1 is in violation of section 16-13-30, subsection a; and  
2 16-157 of the code of laws for south Carolina.

3 The next indictment for petty larceny which is  
4 indictment 430 reads as follows. The Defendant, Sterling  
5 Maybin, on or about April 23 of 2019 in Newberry county,  
6 South Carolina did feloniously take and carry away  
7 personal property of Larry Hazel to wit: miscellaneous  
8 tools and a Husquarvana push weed eater with the total  
9 value of \$2,000.00 dollars or less with the intent to  
10 deprive the owner permanently of such property. The same  
11 statute is involved in that.

12 And the last indictment which is 429 reads as  
13 follows. That the Defendant, Sterling Maybin, did on or  
14 about April 21, 2019 to April 24, 2019 in Newberry County,  
15 South Carolina did feloniously take and carry away the  
16 personal property of Bessie Mathis to wit: a Murray weed  
17 eater with the total value of \$2,000.00 dollars or less  
18 with the intent to deprive the owner permanently of such  
19 property. And the same two statutes involved there.

20 Now, I am going to ask you a series of questions that  
21 are specifically related to this case. And the same rules  
22 apply. Insofar as speaking with me privately, if I ask  
23 you a question that you are reluctant to respond to in  
24 front of everybody then I will give you an opportunity to  
25 speak with me privately in just a little bit. There may

1 even be a question or questions that I ask you that I  
2 specifically direct that you not respond to, respond to in  
3 front of everyone. Don't anticipate that but there may  
4 be. Any member of the jury panel related by blood or  
5 marriage, either now or formerly to either Sterling  
6 Maybin, Bessie Mathis or Larry Hazel. If so, please,  
7 stand.

8 (No response.)

9 THE COURT: Any member of the jury panel have or have  
10 in the past a close, personal or social relationship with  
11 either Sterling Maybin, Bessie Mathis or Larry Hazel. If  
12 so, please, stand.

13 (No response.)

14 THE COURT: I am going to read to you, for this next  
15 question, a list of potential witnesses. When I say  
16 potential they may or may not testify. I have already  
17 named Bessie Mathis and Larry Hazel. Officer Justin  
18 Weaver with the Newberry Police Department; Investigator  
19 Will Bouknight with the Newberry Police Department;  
20 Investigator Allison Moore with the Newberry Police  
21 Department; Captain Kevin Goodman with the Newberry Police  
22 Department; Chief Roy McClurkin with the Newberry Police  
23 Department and Officer Janson Bell with the Richland  
24 County Sheriff's Department. Any member of the jury panel  
25 related by blood or marriage either now or formerly, any

1 possible plea agreements. And we were at odds with what  
2 Mr. Maybin is requesting. His record, simply, I feel  
3 compelled as, and as a servant of this community to -- he  
4 is going to have to plea to the burglary. He wants to  
5 plead to the burglary as part of the deal. His record  
6 dictates that he faced the consequences of the burglary  
7 charge and I am not willing to drop that charge, simply  
8 put.

9 THE COURT: All right. Let's be at ease for just a  
10 moment. I want to give the jury a couple of more minutes  
11 to make sure they have got a Foreperson selected. So we  
12 will be at ease for just a minute.

13 (Whereupon, a short break was taken.)

14 THE COURT: Let's bring the jury in.

15 (Whereupon, the jury came into open court at  
16 approximately 12:15 p.m.)

17 THE COURT: Let the record the jury is back in. Mr.  
18 Fulmer, you have been selected by your fellow jurors being  
19 the Foreman of this jury.

20 FOREMAN: Yes, I have.

21 THE COURT: Okay, congratulations. All right. A  
22 couple of instructions before I let you go for the day.  
23 My instruction insofar as no discussion among yourselves  
24 also applies when you leave here and your family members,  
25 friends, neighbors, coworkers, whomever, you cannot

1 discuss this case with them either. You can tell them you  
2 have been selected on a jury but leave it at that. Also,  
3 if at any time during the course of this trial, during a  
4 lunch break, you were to go to a local restaurant here in  
5 town, leave your juror badge visible. And the reason for  
6 that is, if you are at a local restaurant and sitting  
7 right next to you, some of the lawyers or witnesses in the  
8 case and they don't recognize you being on the jury and  
9 they start talking about the case and you overhear it,  
10 that is not a good thing. So if they see the jury badge  
11 then they will know not to speak so loud to where you  
12 could hear them. Lastly, very, very important and I will  
13 go into more detail about this tomorrow. You may be very  
14 tempted for you to do some research into this case  
15 concerning the charges or the lawyers involved or the  
16 Defendant involved or witnesses, any related to this case.  
17 It may be very tempting for you to go on the internet,  
18 social media and try to uncover some information. Do not  
19 do that. Tomorrow I am going to give you, what I consider  
20 to be potentially tragic situation in a case that I tried  
21 about six months ago in Laurens where some jurors  
22 completely violated my instructions and, in fact, did some  
23 research. And that is not a good thing so please don't do  
24 that. After the case is over with you can do as much  
25 research as you want but not until this case is over with

1 because your decision that you reach in this case has to  
2 be based one-hundred percent on what is brought out in  
3 this courtroom. And if you are off doing research,  
4 getting information, that is information that is not  
5 coming out in the courtroom. So do not do it. What the  
6 law provides is that if jurors violate the Court's  
7 instruction that is contempt. And contempt powers of a  
8 Circuit Court Judge are unlimited which include fined,  
9 imprisonment or both. So don't do it, I am not making  
10 threats, I am just telling you what your role is, what you  
11 can do and not do. Okay. What, lastly, what I need you  
12 to do is call back after 6:00 o'clock this evening. On  
13 your card you have got a call-in number, okay. Just want  
14 to make sure we are still on go for tomorrow.

15 CLERK OF COURT: If we can just call them if  
16 something happens.

17 THE COURT: So, I am corrected. If something happens  
18 to where you don't have to come tomorrow you will be  
19 called so do not call that recording at least as far as  
20 today. With that said, have a good rest of the afternoon.  
21 9:30 in the morning and be prompt. Allow yourself enough  
22 time. Yes sir, Mr. Fulmer.

23 FOREMAN: May I approach?

24 THE COURT: You want to ask me something outside the  
25 presence of the other jurors?

1 FOREMAN: Yes, sir.

2 THE COURT: Okay, come on up here.

3 (Whereupon, a bench conference was held with the  
4 Court and the Foreman.)

5 THE COURT: Just have a seat and let me see the  
6 lawyers.

7 (Whereupon, a bench conference was held with the  
8 Court and the lawyers.)

9 THE COURT: Okay, ladies and gentlemen, you are free  
10 to go and if something were to develop we will call you.  
11 Get you a good nights rest and we will see you in the  
12 morning at 9:30. Have a good evening.

13 (Whereupon, the jury was excused from open court for  
14 the day.)

15 THE COURT: Let me put on the record that the, before  
16 I dismissed the jury the Foreman approached and indicated  
17 that the female alternate, I don't have her name, made  
18 some comment back in the jury room essentially to the  
19 extent that she felt like the Defendant was already  
20 guilty. As a result of that she is going to be called  
21 today and told not to come back. So she would not serve  
22 on this jury. Okay, Mr. Maybin, do you understand that?

23 MR. MAYBIN: Yes.

24 THE COURT: I could have brought her out and  
25 questioned her about it. I don't see how the Foreman

1 could have made that up, I am sure he was being honest  
2 with me in relaying that information. So I think the best  
3 way to handle it is, we are just going to tell her that  
4 she does not need to come back.

5 MR. SCOTT: Just so we are clear, I have that as  
6 alternate number 75, according to my records.

7 THE COURT: Is that correct?

8 CLERK OF COURT: Yes, sir.

9 THE COURT: Very good. Anything else we need to put  
10 on the record before we go ahead and adjourn for today?

11 MR. SCOTT: No, Your Honor.

12 MR. VERNER: Judge, on the larcenies and on the  
13 burglaries, my understanding on both that he is indicted  
14 for the larceny third offense. We would stipulate that  
15 the prerequisite convictions for the larceny, for the  
16 reason that would be, there would be no need for the State  
17 to introduce prior records.

18 MR. SCOTT: On the petty larceny we would never.

19 MR. VERNER: And likewise on the burglaries, that  
20 would be my understanding. If I am not wrong, is that the  
21 prior burglaries would enhance this to the burglary second  
22 violent. We would also stipulate the prerequisite  
23 burglaries for the purpose that the State would not need  
24 to offer evidence of prior burglaries, Your Honor.

25 THE COURT: Solicitor.

1 MR. SCOTT: I am going to look at the case law. I  
2 feel like there is--

3 THE COURT: There is some case law. On the  
4 burglaries, that is an element of the offense and I think  
5 we have dealt with that.

6 MR. VERNER: I acknowledge the case law is contrary  
7 to my position. That may or may not, I don't know that it  
8 is mandatory to let the State do it. But I understand the  
9 appellate court cases certainly offer the opportunity for  
10 the State to do it. That hopefully won't be the law  
11 forever. In case it changes I would like to have it out  
12 there that my client stipulated.

13 THE COURT: Okay. Right now and I do want to just  
14 review the case law. But right now I am going to allow  
15 the state to offer those as an element of the offense.  
16 But I do want to look at the case law just to make sure.

17 MR. SCOTT: I have got two citations for your Law  
18 Clerk.

19 THE COURT: Let me write those down. What are those,  
20 Solicitor.

21 MR. SCOTT: State v. Benton, B-E-N-T-O-N. 338 SC  
22 151.

23 THE COURT: Okay.

24 MR. SCOTT: And then I also have State v. Hamilton.

25 THE COURT: What is the last one?

1 MR. SCOTT: Hamilton.

2 THE COURT: Hamilton?

3 MR. SCOTT: 327 SC 440. But Benton would be the  
4 newer one, that is a 2000 case.

5 THE COURT: I just want to, it has been a while since  
6 I have dealt with that issue. I just want to read it  
7 again but I am most certain, as you are, Mr. Verner, that  
8 they would allow the State to bring it out solely as an  
9 element of the offense. I think it requires and I will  
10 have to look at this too, I think it requires some sort of  
11 limiting instruction from the Court concerning the jury's  
12 use of that information. All right. We will bring it  
13 back up in the morning. Do the lawyers need to see me  
14 about anything else?

15 MR. SCOTT: No, sir.

16 MR. VERNER: No, sir.

17 THE COURT: We will resume in the morning at 9:30.

18 (Whereupon, the trial will resume the next morning at  
19 9:30 a.m.)

20 August 27, 2019

21 THE COURT: We're on the record this morning.  
22 Gentlemen, anything we need to put on the record before we  
23 bring the jury out and get started with this case?

24 MR. SCOTT: Nothing from the State, Your Honor.

25 THE COURT: And from the Defense?

1 MR. VERNER: No, Your Honor.

2 THE COURT: Thank you very much. All right. Madam  
3 Bailiff, if you'll bring the jury out, please.

4 (Whereupon, the jury came into open court at  
5 approximately 10:15 a.m.)

6 THE COURT: Good morning, ladies and gentlemen.  
7 Thank you for your patience. We had some matters that we  
8 needed to deal with. So we try to -- to the best that we  
9 can, we try to minimize the amount of time that you are  
10 back in the jury room. Of course, before you begin your  
11 deliberations, we try to keep that at a minimum, but  
12 sometimes it's just necessary to deal with things coming  
13 throughout the trial or even other issues. And so, we  
14 thank you for your patience. The first item we need to  
15 tend to is you need to be sworn in as the trial jury in  
16 this case. Madam Clerk.

17 MADAM CLERK: Yes, sir.

18 (WHEREUPON, the jury was sworn at 10:17 a.m.)

19 THE COURT: Ladies and gentlemen, I'm going to give  
20 you or make some preliminary remarks before the lawyers  
21 engage in their opening arguments to you. Basically, how  
22 this case will go, the State will present their case  
23 first. They go first because they have the burden of  
24 proof in this matter. And then, the Defense, if it elects  
25 to, can put up a case. The Defense does not have to

1 because they have no burden of proof. And then, if the  
2 Defense does put up a case, then the State would have the  
3 right to put up any reply case to that. The lawyers then  
4 will make their closing arguments to you and then I will  
5 charge you the law on the case. Now, it's real important,  
6 ladies and gentlemen, that you be very attentive  
7 throughout this trial, be alert throughout this trial. I  
8 do not permit note taking. Some Judges do, but I don't  
9 permit note taking because I have found that jurors are  
10 more -- pay more attention to the actual note taking than  
11 they are listening to the testimony from the witness stand  
12 or any comments or arguments made by the lawyers in this  
13 case. So be very attentive and be very alert so that when  
14 I do give you the case to begin your deliberations, then  
15 collectively you'll have a really good memory of what all  
16 has been brought out in this case. And the reason why is  
17 to have a good memory of what has been brought out in this  
18 case is because you are the sole judge of the facts in  
19 this case. I am the sole Judge of the law. I decide what  
20 law applies to this case and I'll explain all that to you  
21 at the end of the case, but you are the sole judge of the  
22 facts in this case. So in order to properly judge what  
23 the facts are in this case, you have to be attentive,  
24 alert and have a good memory. Okay. Now, as I mentioned  
25 to you yesterday, these indictments are not evidence

1     whatsoever. The fact that the Defendant was arrested and  
2     indicted in this case is not proof whatsoever. It just  
3     puts them on notice of what the charges are, gets us into  
4     the court today, where we are today. And as I also stated  
5     yesterday, the State and the State alone has the burden of  
6     proof in this case to prove these crimes to you beyond a  
7     responsible doubt. As Mr. Maybin sits before you today,  
8     he is presumed innocent. That presumption of innocence  
9     began when he was arrested and that presumption of  
10    innocence will remain with him unless you, at the end of  
11    this case, decide that the State has met their burden of  
12    proof. I've already mentioned to you that we will try to  
13    keep at a minimum the amount of time that you have to  
14    spend back in the jury room. The candy that is back in  
15    the dish, that's compliments of the Judge. So, you know,  
16    if that can help a little bit while you're back there  
17    waiting on us, then I hope that it does. It's all sugar  
18    free and I've had some jurors say, why can't you give us  
19    some sugar candy, you know, but I feel like sugar free is  
20    probably for some of those individuals who cannot have the  
21    sugar for whatever reason. So that's why it's sugar free.  
22    Now, I mentioned to you yesterday that the instructions  
23    with respect to no early discussion about this case among  
24    yourselves or with anybody that you come into contact with  
25    and absolutely no research into this case and I told you I

1 would tell you or give you a war story and I'll keep it  
2 short, but to make my point. I tried a very serious case  
3 in Laurens about six months ago and I instructed the jury  
4 not to do any research and several jurors disregarded my  
5 instruction and went on Google and found out some  
6 information on the Defendant that was completely  
7 inadmissible. In other words, it could not come in as  
8 evidence in the case. And if we had not learned of what  
9 had happened, and it was just by chance that I learned of  
10 what they had done, that individual who was on trial could  
11 have very well been convicted based upon inadmissible  
12 evidence, and what a tragedy that would have been if that  
13 would actually have happened. Well, of course, what I had  
14 to do is declare a mistrial because we could not go  
15 forward because of that and it's just because several  
16 jurors took it upon themselves to think, well, I don't  
17 care what the Judge has told us, I'm going to do what I  
18 want to anyways, and that is so sad. That is so sad. And  
19 so, that's why it is so important because I think, as I  
20 told you yesterday, your verdict can only be based  
21 one-hundred percent on what is brought out in this  
22 courtroom, by way of testimony, exhibits and my  
23 instruction on the law and it cannot be based on anything  
24 else. So lastly, ladies and gentlemen -- very, very  
25 important. Keep an open mind. Don't pass judgment early

1 on. Don't make any decisions early on. Keep an open mind  
2 until this entire case is presented to you. And I'm  
3 confident that we have 13 very reasonable, prudent,  
4 intelligent individuals sitting on this jury today and I  
5 thank you in advance for your jury service. Solicitor,  
6 are one of the Solicitor's ready to make their opening  
7 arguments?

8 MR. DANIEL: We are, Your Honor.

9 THE COURT: Okay. You may proceed.

10 MR. DANIEL: Thank you, Your Honor. May it please  
11 the court. Mr. Foreman, members of the jury, good  
12 morning. Just a refresher from yesterday, my name is  
13 Taylor Daniel. I'm one of the prosecutors assigned to  
14 this case and I'll be trying this case alongside Dale  
15 Scott, and as prosecutors our job is to present this case  
16 on behalf of the State of South Carolina -- present this  
17 criminal case on behalf of the State. And you might be  
18 familiar with this process, but if you're not, a crime was  
19 committed, a crime was reported to the police. The police  
20 got out there and they investigate and they develop a  
21 suspect and they make an arrest. So from the arrest, all  
22 the information and evidence has been forwarded to our  
23 office, to the Solicitor's Office, and our job is then to  
24 decide if there's enough evidence to proceed with a trial.  
25 So an individual who's charged with a crime, such as Mr.

1 Sterling Maybin, who's standing before you on trial, when  
2 his case comes up for trial he has the decision to enter a  
3 plea of guilty or not guilty and, obviously, it's a trial.  
4 He's entered a plea of not guilty. So a whole host of  
5 constitutional rights are then afforded to Mr. Maybin and  
6 first and foremost is a jury trial. So when he requested  
7 a jury trial, that's means 12 members of Newberry County,  
8 12 residents, get to decide his fate, get to decide guilt  
9 or innocence. And then, the burden is on us as the State  
10 to prove his guilt beyond a responsible doubt. So that's  
11 what's going on here today. Mr. Maybin has Mr. Charles  
12 Verner representing him. So he's afforded counsel, and  
13 His Honor is here to declare what evidence you guys get to  
14 hear. So His Honor is protecting the rights of all the  
15 parties involved and to make sure everyone follows the  
16 rules. So that's what we're going to do today because all  
17 we can do is present evidence from this witness box.  
18 That's the only thing you can consider, and what Mr.  
19 Maybin -- the crimes he's accused of and we're talking  
20 about, roughly, a 48 to 72 hour period and it's three  
21 different incidents of theft that we're dealing with.  
22 It's two victims of three different incidents where Mr.  
23 Maybin stole property from two members of the Newberry  
24 community. Two people who lawfully had these items in  
25 their possession. They paid for it and used their hard

1 earned money. Mr. Maybin went onto their property on  
2 several occasions and took all of it, and I'm talking weed  
3 eaters, chainsaws, some other miscellaneous tools that  
4 were out in the yard, and that's the case before you.  
5 He's charged with burglary and petty larceny, and the  
6 burglary comes in because some of these tools were stored  
7 in a structure where all the lawn equipment was. They  
8 were open air, had an awning, but a designated area where  
9 you put your lawn equipment. People store lawnmowers,  
10 weed eaters, chainsaws, et cetera. And so, he went  
11 underneath this little storage area and took property from  
12 Larry Hazel and Bessie Mathis and both of these  
13 individuals have a stable residence in Newberry -- the  
14 City of Newberry. And April 24th of this year, about four  
15 months ago, is when all of this comes to light and is  
16 reported to law enforcement, to the City of Newberry  
17 Police Department. And the reason it comes to light is  
18 because of technology. 21st century technology where  
19 people have these little trail cams, surveillance footage  
20 systems. Both of these victims in this case, Bessie and  
21 Larry, have this and that's how this crime was detected.  
22 They noticed items were missing, they checked their camera  
23 systems and saw an individual, and we believe it to be the  
24 same individual, Mr. Sterling Maybin, on camera taking  
25 items. And the first victim to report it to law

1 enforcement on April 24th that morning was Larry Hazel.  
2 He lives on Boundary Street. He noticed that a chainsaw  
3 was missing, checked his footage of -- the surveillance  
4 camera footage and sees an individual on that footage  
5 remove a chainsaw from his property right near his pickup  
6 truck and that was the morning of April 24th. That was a  
7 Wednesday. And this individual is a black male wearing a  
8 red stocking cap. He has on kind of a burgundy maroon  
9 colored type hoodie, wearing gloves and dark pants and  
10 dark shoes, and sees him take his chainsaw from his truck.  
11 And it's a motion sensor activated kind of camera, and  
12 they're becoming more popular and they're a great  
13 deterrent for crime. They really are. So that's one  
14 incident. So that's what prompts Larry Hazel to call the  
15 police that morning, that Wednesday morning on April 24th.  
16 So Officer Janson Bell who -- with the City of Newberry  
17 Police Department comes out there. He's now with the  
18 Sheriff's Office in Richland County. He's the officer  
19 that takes the report. Larry shows Officer Bell the  
20 footage. And so, that's when the police start to do their  
21 job. So they have the suspect caught on tape. The crime  
22 was committed on surveillance footage. So then, Officer  
23 Bell utilizes -- other people in the department help him  
24 ID this suspect, and at that point he passes off the  
25 surveillance footage, still shots and that kind of thing

1 of this individual and passes it on to his superiors. We  
2 have Lieutenant Allison Moore, we have Captain Kevin  
3 Goodman, and then we have the actual chief of police, Roy  
4 McClurkin, who all looked at this surveillance footage,  
5 and they're members of the community, as well, just  
6 because they work here. They're also, first and foremost,  
7 they're residents of this community. And so, they  
8 recognize the individual on tape and they recognize it to  
9 be Sterling Maybin. And so, that's initially how he's  
10 ID'd. Later on that same day, April 24th, Larry continues  
11 to review all of his surveillance footage and notices,  
12 actually, the day before the same individual wearing,  
13 essentially, the same clothing attire was on his property  
14 the day before, April 23rd. He didn't know that at first.  
15 He just thought it was the 24th when the chainsaw was  
16 taken. But he also goes back to the previous day and sees  
17 him go underneath this -- excuse me, this shed. This open  
18 air shed with a cover top, and that's when weed eaters and  
19 some other miscellaneous tools were taken. So he sees  
20 that individual wearing, essentially, the same clothing,  
21 the same build, everything. So it's the same guy as it  
22 was taking the chainsaw on the 24th. So, again, they ID'd  
23 that person as Sterling Maybin and they, also, again --  
24 now, I'm going back -- I'm sorry. It might be confusing,  
25 but I'm going to go back to the 24th. We have a second

1 victim, Bessie Mathis, who lives on Digby Avenue in the  
2 City of Newberry. She so happened to have one of these  
3 same surveillance camera systems. It was hooked to a tree  
4 on her property and she, again, has kind of the same open  
5 air, open bay garage where she kept lawn equipment. She  
6 kept a weed eater. She just so happened to notice that  
7 weed eater was missing, and this is just after Easter  
8 weekend. She checks her surveillance footage and there's  
9 a black male subject wearing the same jacket -- or not  
10 necessarily the same jacket, but similar attire. Similar  
11 clothing. I'm not going to say it's the exact same, but  
12 again, you can kind of tell by the build, the MO, just  
13 that he's targeting people who have lawn equipment  
14 outdoors, but this is the same person, too. The police  
15 reviews this surveillance footage once it's reported to  
16 them. So all of this is kind of going on, on the same  
17 day. It's all reported on the same day and Officer Janson  
18 Bell was the first responding officer to take the call  
19 when these reports were made. He actually locates  
20 Sterling Maybin that same day and he locates him in the  
21 vicinity. He's still in the jurisdiction of the City of  
22 Newberry, and Sterling has on the same clothes as what's  
23 depicted in Larry's surveillance footage when the chainsaw  
24 was taken on the 24th. He's still wearing -- he doesn't  
25 have the jacket on, but he's got a white T-shirt on,

1 wearing gloves, the same color pants, the same kind of  
2 shoes, and he also has a red stocking cap -- red stocking  
3 cap in his cargo pants pocket. And, again, in this  
4 surveillance footage, this individual has on a red  
5 stocking cap, wearing gloves, dark pants and shoes. It  
6 all matches. They don't recover any of the stolen  
7 property, but this is the guy. The police recognize that  
8 individual from the tape as Sterling Maybin. They catch  
9 him -- or they make contact with him later that day. He's  
10 wearing similar clothing. And that's the case, ladies and  
11 gentlemen. He's ID'd. Old fashioned -- I mean, besides  
12 the surveillance footage, it's basically just, I spotted  
13 him there from the surveillance, I see him out in the  
14 street wearing similar clothing, I recognize that to be  
15 Sterling Maybin and they make the arrest right then and  
16 there. There's really not much more to it than that.  
17 Technology solved this crime. And then, the police who  
18 just happened to know Sterling Maybin identified him from  
19 the video. So that's the evidence we're going to present  
20 to you. And so, these are the things you'll have to  
21 consider. And so, ultimately, we will be asking you to  
22 find Mr. Maybin guilty of going into two different  
23 out-buildings, so to speak. Two different open air sheds.  
24 And the law defines a building as a structure where goods  
25 are stored, and that's what a building is and that's where

1 he took the weed eaters from Larry and Bessie Mathis and  
2 also stole some other property on a separate occasion from  
3 Mr. Larry Hazel's house, the chainsaw. So all of these  
4 charges stem from those incidents I just described. We're  
5 just asking for a verdict that's consistent with the  
6 evidence and that speaks the truth and it's our contention  
7 that Mr. Maybin is the individual on the video and he is  
8 the individual responsible for unlawfully taking away  
9 these individuals property. Their hard earned property  
10 that they paid good money for and he had no right to be  
11 there on those particular dates and fortunately, the two  
12 victims in this case had surveillance footage because  
13 otherwise, I don't know if this crime would have ever been  
14 solved, but for technology. So that's the good news in a  
15 case like this. We're not asking you to pass judgment on  
16 anybody's character. We're just asking you to make a  
17 decision based on the evidence. We have no agenda here.  
18 It's nothing political. It's just a crime has been  
19 committed and we feel that we have enough evidence that  
20 will leave you firmly convinced of his guilt. And so, we  
21 ask you just to listen to the evidence, and we'll get to  
22 speak to you again at the conclusion of this case and we  
23 will ask that you return a verdict of guilty. Thank you.

24 THE COURT: All right. Solicitor, thank you. Mr.  
25 Verner.

1 MR. VERNER: May it please the Court, Your Honor.

2 THE COURT: Certainly.

3 MR. VERNER: Mr. Foreman and members of the jury,  
4 again, I'm Charles Verner. I'm from Newberry. I grew up  
5 on College Street, was born on College Street, and maybe  
6 I'm parochial. This is -- I don't understand why we're  
7 here. This is absolutely a gamey trial and it's because  
8 the Greenwood solicitors have come here and have chosen a  
9 kind of novel definition of guilt for you to decide and  
10 it's just gamesmanship, and maybe I'm parochial. Sterling  
11 admitted from the beginning, I stole this stuff. He is  
12 guilty of a felony larceny. You got me. From the very  
13 first day they got him, he said, yeah, I stole it. It's a  
14 felony larceny. We admit it. We're ready to move on.  
15 The Solicitor's Office -- and I'm a lawyer here in  
16 Newberry, I'm a Public Defender. When you look at  
17 Newberry Observer today, I've been told -- I haven't seen  
18 it, but last week was my 15th year of being a Public  
19 Defender in Newberry and this is an absolutely novel case  
20 to me where the Solicitor believes that outdoor storage  
21 carports -- they've got no walls, but they've got a roof  
22 and poles, constitutes a building for the purpose of these  
23 violent burglary statutes and it is my legal position they  
24 don't, that they're not buildings, they are not structures  
25 as we think of them. The legislature passes the laws and

1 when they write laws, they design laws to be written in  
2 the common language. You know, they used to write laws in  
3 Latin and nobody understood what they were except the  
4 people who wrote the laws, but they write laws in plain  
5 language so we understand what the rules are. A common  
6 person can read the laws and know what is forbidden. It  
7 says you cannot go in a building. A building is designed  
8 as a structure -- in this case, it's designed many ways.  
9 A house, it can be an RV that you live in, a building that  
10 they use to store goods in. Under the State's theory, if  
11 you find him guilty -- and I ask you not to find him  
12 guilty for just common sense reasons. I've been here 15  
13 years. I would not advise a client to plead guilty if  
14 this is a building, regardless of what the verdict is, I  
15 submit that it is not a building. This would mean, if I  
16 have a client that goes to Mollohan Park and steals  
17 something off one of those picnic tables where they have  
18 the outdoor cooking, they're going to charge him with  
19 burglary. This means that if somebody goes to the jockey  
20 lot and steals something that's for sale in one of those  
21 little buildings that's got no walls on it, but it's got a  
22 roof, they're going to charge him with burglary, violent  
23 burglary, and that is just preposterous for somebody here  
24 in Newberry. I have Googled, because we're entitled to  
25 know what the laws are in plain language. And I submit to

1 you, a building is a building. If it's a building,  
2 convict him. I have Googled a building -- and I'll print  
3 one out for you, but all I can do right now is take a  
4 screen shot of it. How does Google -- the Webster  
5 dictionary, how do they define building. A structure with  
6 a roof and walls such as a house, school, store or  
7 factory. Synonymous with structure, construction,  
8 edifice, erected, et cetera. Just going to an outdoor  
9 carport that's got no walls, no enclosures and taking  
10 something from there is a larceny. It is not a violent  
11 burglary and this is important because the Judge is going  
12 to charge you that when somebody commits a crime, they  
13 have to have the criminal knowledge that what they are  
14 doing is illegal. If a common person in Newberry believes  
15 that an outdoor structure with no walls, a carport, is a  
16 building, then I stand corrected. I just stand for the  
17 proposition that in Newberry, that is not a building.  
18 It's just not a building. They have overcharged him.  
19 This is just gamesmanship to put as many charges on  
20 somebody as they can. It's not fair. It's not right.

21 MR. DANIEL: Your Honor, that's not a proper argument  
22 and I would object to that.

23 THE COURT: Well, ladies and gentlemen, of course,  
24 opening arguments are not evidence. It's just what these  
25 lawyers believe the evidence will show and what they

1 believe this case is about. So you may proceed.

2 MR. VERNER: Thank you, Your Honor. That's not a  
3 building. That's not a building. That's not a verdict  
4 because that's not a building. You know who also agrees  
5 with me? The three officers back there who didn't charge  
6 him with burglary. I stand for the proposition that you  
7 do what is right, and a right verdict in this is guilty of  
8 felony larceny. An unjust verdict is guilty of burglary.  
9 It's just that simple. Thank you.

10 THE COURT: Thank you, Mr. Verner. I've got one  
11 little matter that I need to tend to, ladies and  
12 gentlemen. So I'm just going to ask that we go ahead and  
13 take -- maybe a little early morning break and let me tend  
14 to that and we'll get you back out. I don't mind, when  
15 you come back out, if you want to have a bottle of water  
16 with you or, I guess, there's coffee back there. I think  
17 there's some soft drinks. You know, if you want to bring  
18 a drink out -- don't bring any food out, but if you want  
19 to bring a drink out, that's perfectly fine with me.  
20 Okay. But if you'll go back in the jury room and let me  
21 tend to this other matter and we'll get you back out  
22 shortly. Thank you.

23 (Whereupon, the jury was excused from open court for  
24 a break.)

25 (Whereupon, a short break was taken.)

1 THE COURT: Solicitor, are you all ready?

2 MR. SCOTT: Yes. We are, Your Honor.

3 THE COURT: Okay. Thank you. Let's bring the jury  
4 out, please.

5 (Whereupon, the jury came into open court at  
6 approximately 11:10 a.m.)

7 THE COURT: Let the record reflect the jury is back  
8 in. That kind of threw me off there. We had two empty  
9 seats and --

10 JUROR: Looking for a warmer spot.

11 THE COURT: Well, unfortunately, you know, this  
12 afternoon it may be warm in here. So it kind of  
13 fluctuates back and forth. Solicitor, are you ready to  
14 call your first witness?

15 MR. SCOTT: I am, Your Honor.

16 THE COURT: Okay.

17 MR. SCOTT: The State calls Bessie Mathis.

18 Bessie Mathis, being  
19 first duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 By Mr. Scott:

22 A Bessie Mathis.

23 Q Hey, Ms. Mathis. Tell us your address. Where do you  
24 live?

25 A [REDACTED] Digby Avenue, Newberry, South Carolina, 29108.

1 Q That's in Newberry County, but, specifically, that's  
2 within the City of Newberry?

3 A Yes.

4 Q Okay. How long have you lived at that address?

5 A About 20 some years.

6 Q And you and I have met out there twice, have we not?

7 A Yes.

8 Q Is it fair to say you enjoy doing yard work?

9 A Yes.

10 Q Okay. And I recall, one day, it must have been close  
11 to 100 degrees. You were cutting the grass wearing a jump  
12 suit.

13 A Yes.

14 Q You spend a lot of time out in your yard?

15 A Yeah.

16 Q Okay. What is that? Is that your favorite pastime?

17 A Yes. Garden and flowers is my favorite pastime.

18 Q We've got -- this looks like a street view kind of  
19 image, but this is State's 25. What is that a picture of?

20 A That's a picture of the garage. My garage.

21 Q Okay. That's your property?

22 A Yeah. This is my property.

23 THE COURT: Ms. Mathis, will you put that microphone  
24 a little bit closer to you? Not real close, but a little  
25 bit closer.

1 THE WITNESS: That's good enough?

2 MADAM COURT REPORTER: I'm going to move it in just a  
3 little bit.

4 THE WITNESS: All right.

5 A Yes. That's my garage and my yard.

6 Q Okay. That building we're looking at there, what is  
7 -- what do you use that building for?

8 A I use it for a garage and a shed.

9 Q Okay. And what do you keep in there?

10 A Sometimes, as you can see, my truck, and most of the  
11 time, my lawnmowers and my other gardening and yard tools.

12 Q Okay. Lawnmower and what other kind of --

13 A Weed eater, pressure washer, riding mower and push  
14 mower.

15 Q Okay. Any tools or anything like that?

16 A Yeah. My son has his motorcycle back there and he  
17 have a whole lot of tools that -- you know, ratchet tools,  
18 a grinder and we also have all the stuff that you use for  
19 a yard like a chainsaw, a smaller chainsaw and stuff like  
20 that.

21 Q Okay. So mostly -- may I have that? Mostly, just  
22 vehicles, lawn tools and lawn equipment? Is that safe to  
23 say?

24 A Yes.

25 MR. SCOTT: The State offers State's Number 25.

1 MR. VERNER: Without objection.

2 THE COURT: All right. 25 into evidence for the  
3 State.

4 (Whereupon, State's Exhibit number 25 was admitted  
5 into evidence).

6 Q So if we're looking at that picture on the left, that  
7 building with the truck in it, that's the one you were  
8 just describing that you keep all your tools --

9 A Yeah.

10 Q -- and other goods in?

11 A Yeah.

12 Q And tell us, April of this year, did you find things  
13 you were looking for in there to be missing?

14 A Yes. I hadn't recognized it was missing. I was  
15 cutting the grass and my son came home from work and he  
16 was looking for something to work on his motorcycle and he  
17 stopped me from the lawnmower and he says, Mom, somebody's  
18 been stealing stuff. I said, boy, ain't nobody been  
19 stealing nothing. So then, I got off the lawnmower and  
20 looked under the garage and the shed and that's when I  
21 said, yes, it is. Both of my weed eaters was gone. Then,  
22 we looked around and different other stuff was gone. My  
23 chainsaw and grinder, tools is some of the stuff.

24 Q Do you have any idea, off the top of your head, who  
25 it would be?

1 A No.

2 Q Okay. So what did you and your son decide to do --  
3 well, first of all, I see the gates here. They're closed.  
4 Do you usually kind of try to lock those gates?

5 A No. But after the theft -- because the truck,  
6 sometimes, is parked and it's blocking the gate up on this  
7 (indicating). After the theft, I called the police and  
8 they advised me that it might be in my best interest, you  
9 know, to purchase a camera and I told my son, I said, I'm  
10 not going to buy no camera. I said, because they done  
11 stole everything they needed to steal. I said, they're  
12 not coming back. I got up the next morning. Our pressure  
13 washer was gone and some more items was gone. And so,  
14 then, that's when I said, enough is enough. So my son  
15 went and purchased a camera, he installed it, and then  
16 that's when I secured my gate. He bought some chain and  
17 some locks and locked each gate. And then, later on,  
18 after the camera, my son and I checked it every weekend.  
19 So at first, we didn't get nobody. Then, we checked it  
20 one weekend and -- he checked it and he said, Mama, we got  
21 somebody. So then, I went running upstairs and looked at  
22 it on the computer and there was an individual, you know.  
23 So then, I called the police and the police came and they  
24 looked at it.

25 Q This is -- what road is this we're looking at your

1 house and your storage building from? What road is this?

2 A Leita.

3 Q Say again.

4 A I'm on the corner of Digby and Leita.

5 Q Leita?

6 A Yeah.

7 Q Okay. And if we're looking at the storage building  
8 there, on the other side of it, is that where your camera  
9 was?

10 A Yeah. The camera was on -- in my yard on the other  
11 side of the --

12 Q Okay. So let me show you State's Number 4. Is that  
13 kind of the angle that your camera filmed towards?

14 A Yes. Yes. This gate here (indicating) is leading  
15 into my yard --

16 Q Right.

17 A -- and the camera is facing this gate right here  
18 (indicating).

19 Q State's Number 4 is kind of the opposite view of your  
20 storage building?

21 A Uh-huh (affirmative response).

22 Q That's looking at the building from the yard?

23 A Yeah.

24 MR. SCOTT: Okay. Your Honor, the State offers  
25 State's Number 4 for admission.

1 MR. VERNER: Without objection.

2 THE COURT: Without objection, 4 for the State into  
3 evidence.

4 (Whereupon, State's Exhibit number 4 was admitted  
5 into evidence).

6 Q So this is just the building from the yard looking  
7 out towards the road --

8 A Yeah.

9 Q So you said you found some footage. Did you -- you  
10 called the police the same day that you found the video  
11 footage --

12 A Yes.

13 Q -- of the person in your garage?

14 A Yes.

15 Q Bessie, this is State's Number 3. Do you recognize  
16 this?

17 A Yes.

18 Q How do you recognize this?

19 A I viewed that in the office and it was of my garage  
20 and shed and I initialed it because I recognize it, what I  
21 give the officer.

22 Q And this is the video that your camera --

23 A Yeah.

24 Q -- filmed?

25 A Picked up.

1 Q Okay. And could you tell, when you watched the  
2 video, about when it happened?

3 A No. Not really because I didn't have no date, but  
4 from the time -- it happened on the weekend -- Easter  
5 weekend up until that Wednesday when I called the officer.

6 Q Okay. So you reported it on April 24th?

7 A Yeah.

8 Q And Easter Sunday was April 21st?

9 A Right.

10 Q So you know it happened sometime --

11 A Sometime in between there.

12 Q Between Easter and the 24th?

13 A Yeah.

14 MR. SCOTT: Your Honor, the State's going to offer  
15 Number 3 -- State's 3 for admission into evidence and  
16 we're going to go ahead and publish it now.

17 MR. VERNER: That's the video?

18 MR. SCOTT: Yeah.

19 THE COURT: Any objection?

20 MR. VERNER: Without objection.

21 THE COURT: Without objection, number 3 into evidence  
22 for the State.

23 (Whereupon, State's Exhibit number 3 was admitted  
24 into evidence and published for the jury).

25 MR. SCOTT: It's broken up into five different clips.

1 Okay. Pause it real quick, Walter.

2 Q Bessie, do you want to -- I don't know if you want to  
3 stand over here and watch it because I've got it playing  
4 right here.

5 A Okay.

6 Q And speak up so everybody can hear you, if you choose  
7 to talk. This is the video camera up under the palm  
8 tree --

9 A It's under the palm tree.

10 Q -- and it's filming that side of your shed?

11 A Directly up under my shed.

12 Q Okay.

13 THE COURT: Solicitor, could she stand on your other  
14 side? It's a little closer to the Court reporter. Thank  
15 you.

16 MR. SCOTT: Okay. Walter, you can play it.

17 (Whereupon, State's Exhibit number 3 was published to  
18 the jury).

19 MR. SCOTT: That particular clip didn't catch  
20 anything. Next one.

21 Q Did you recognize this man?

22 A No.

23 Q Did you give this man consent to enter your building?

24 A No.

25 MR. SCOTT: Next.

1 Q So he is now inside of your building?

2 A Yes. He is.

3 MR. SCOTT: Next. Walter, can you back it up?  
4 There's some kind of icon that keeps showing up. It's  
5 blocking.

6 Q He's got a backpack. Was that your backpack?

7 A No.

8 Q Okay. He came with that backpack?

9 A Apparently, because it's not mine, but I know that's  
10 my weed eater because part of it is missing.

11 Q Okay. But we see him carrying off -- that was your  
12 weed eater?

13 A That's my weed eater.

14 Q And did you ever get that weed eater back?

15 A No.

16 MR. SCOTT: Let me see the last clip, Walter, please.  
17 Okay. That didn't catch anything either.

18 Q Okay. But the two videos where he's in -- that was  
19 what your game camera caught?

20 A Yeah.

21 Q Okay. You can take a seat. Okay. So what did you  
22 find to be missing besides the weed wacker?

23 A Well, some tools, the grinder and stuff like that.

24 Q Okay. But as far as the video capturing anything  
25 being stolen, the only thing the video captured was the

1 weed wacker being taken?

2 A The weed wacker, but, you know, the backpack was full  
3 and my son had some ratchet sets with a whole lot of  
4 wrenches because he works on his lawnmower. Not his  
5 lawnmower, but his motorcycle, up under there. So that's  
6 the stuff I'm missing and he can't find his socket  
7 wrenches and stuff. So -- but that weed eater is  
8 definitely mine.

9 Q Let me show you just another -- this is State's  
10 Number 9. Is that just another picture of the building?

11 A Yeah. Yes.

12 Q All right. And then, State's Number 5, why is that  
13 picture relevant?

14 A That's a picture of my building entrance from the  
15 road.

16 Q Okay. Is that the gate we first see him at?

17 A Yeah. I think from this picture here, that had to be  
18 the gate that he came across because that's entering into  
19 my garage from the road.

20 MR. SCOTT: Okay. The State, Your Honor, offers  
21 number 9 and number 5 for admission.

22 MR. VERNER: Again, without objection.

23 THE COURT: Without objection, 9 and 5 for the State  
24 into evidence.

25 (Whereupon, State's Exhibit numbers 5 and 9 were

1 admitted into evidence).

2 MR. SCOTT: Okay. Let me -- let's have Number 5,  
3 Walter, please.

4 (Whereupon, State's Exhibit number 5 was published to  
5 the jury).

6 Q So you were saying this gate, that was where -- when  
7 we first see him walk up to the building, that low portion  
8 of the gate is where he's standing?

9 A Uh-huh (affirmative response).

10 Q Okay. And let me ask, the weed wacker and the  
11 ratchet set that were missing, those were stored in that  
12 building?

13 A Yes.

14 Q Okay. Not on the outside of the building?

15 A No.

16 Q -- under the cover of the building? Okay. And was  
17 this the officer -- Officer Weaver, is he the one who came  
18 out --

19 A Yes.

20 Q -- and took your report?

21 A He's the officer that came out.

22 Q And you told him what had happened and showed him the  
23 video?

24 A Yes.

25 Q Did you give him a copy of the video?

1 A Yes. I did.

2 Q Why do you have this storage building? What's the  
3 purpose of it? To keep your tools and your lawn?

4 A To keep my garden tools, my yard tools and sometimes,  
5 when I don't fill it up, I park the truck up under there.  
6 But most of the time, we have, you know, stuff stored up  
7 under there like the weed eater and my riding lawn mower  
8 and my push mower and all the stuff -- my hose and  
9 shovels, everything that pertains to do yard work with.

10 Q For storage?

11 A Yeah. For storage.

12 Q And do these things that were taken have value to  
13 you?

14 A Yes.

15 Q Do you know about how much you had to pay to replace  
16 these items?

17 A Well, with the total items that was missing from my  
18 home, it would come to \$2,000.00 and something dollars.

19 Q And have you even been able to replace all of them?

20 A No.

21 MR. SCOTT: All right. Ms. Mathis, answer any  
22 questions Mr. Verner has for you, please.

23 CROSS-EXAMINATION

24 By Mr. Verner:

25 Q Good morning, Ms. Mathis.

1 A Good morning.

2 Q This is like a deer camera?

3 A Yeah.

4 Q Kind of like a box video?

5 A Yeah.

6 Q And you just mounted it on the tree?

7 A Yeah.

8 Q Okay. It stores the pictures of the video on like a  
9 little disc? A little small --

10 A A little small disc that you put into the computer.

11 Q So it doesn't report to you when something happens?

12 You have to kind of look through it every once in a while?

13 A Yeah. We make it a habit of trying to check it  
14 every -- at the end of the weekend.

15 Q If something sets it off, does it have like a  
16 blinking light?

17 A It'll have a red blinking light if you set it off.

18 Q So if you look at it and the light's not blinking,  
19 you know that nothing is really on it, but if the blinking  
20 light is on it, it means it captured something?

21 A Well, usually, I have noticed, when I go cross it,  
22 there's a blink. Like it'll catch me and it'll blink.

23 Q Okay. Well, I mean, it could be a lot of things, but  
24 typically --

25 A Yeah.

1 Q When it records, it starts blinking so you'll know  
2 later on to look at it?

3 A Uh-huh (affirmative response).

4 Q And then, if you don't see anything on it, you just  
5 kind of move on? You hit the button showing you checked  
6 it and it starts over, I guess?

7 A No. I just make it -- we make it a habit of just  
8 checking it every end of the week. Like from that week to  
9 the weekend.

10 Q Yes, ma'am. The stuff that was stolen out of your  
11 carport -- is it fair to say that some people call it a  
12 carport?

13 A Yeah. Some people call it a carport.

14 Q Okay. And you typically keep either your truck or  
15 your son's motorcycle or your outdoor tools out there?

16 A Yeah.

17 Q And you?

18 A But mostly, I keep my outdoor tools and my lawn mower  
19 because like I said, I fill it up and I can't get the  
20 truck up under there.

21 Q Pretty much anything that you keep outside that you  
22 don't want to get rained on directly?

23 A Yes.

24 Q Okay. Now, you've seen -- what we've played for the  
25 jury -- or what the Prosecutor and you played for the jury

1 just a second ago, is that all of the video from your deer  
2 camera?

3 A Yeah. That's all the video from my deer camera.

4 Q That you know of pertaining to this?

5 A Yeah.

6 Q And just so I -- what part of Newberry do you live  
7 in, again?

8 A I live in Digby Avenue --

9 Q Digby?

10 A -- over by the new tennis court they built.

11 Q Okay. So that's going towards the Oakland Mill?

12 A That's right.

13 Q Okay. And there used to be a baseball field there,  
14 but they put tennis courts?

15 A Yeah. In the park.

16 Q So it's over in the Oakland Mill area?

17 A Yes.

18 Q And on the video, what do you see clearly identified  
19 of yours that's been taken?

20 A The weed eater.

21 Q Okay. Without a doubt, you see the weed eater in the  
22 man's hand?

23 A Yes.

24 Q Okay. On the video, does it show him taking anything  
25 else out of there?

1 A No. But on the video that I watched, it shows him  
2 walking around up under my garage like he may be looking  
3 for something very comfortable and I can see him -- on the  
4 video, you can see him when he crossed the gate, which was  
5 locked with a chain, with my weed eater.

6 Q Now, I don't -- when these things -- when these deer  
7 cameras first start filming, do they just shoot like a  
8 five second clip or do they keep shooting as long as there  
9 is motion?

10 A Well, from the look of the video, I think it kept  
11 shooting as long as there was motion up under there.

12 Q As long as there's something in front of it?

13 A Yeah.

14 Q So it could be 20 seconds or 10 seconds --

15 A Yeah.

16 Q Just depending on how much movement it sees?

17 A Yeah.

18 Q Okay. It just doesn't do like five seconds at a time  
19 or anything?

20 A No. It don't seem to do that.

21 Q Okay. Do you keep anything that you sell? Do you  
22 sell anything out of that --

23 A No.

24 Q -- storage unit? Okay. Is it attached to your  
25 house at all?

1 A No.

2 Q Okay. It doesn't have doors, does it? I know you've  
3 got fences on both sides of it, but does it have doors?

4 A No. But it have gates, which I had chained up --

5 Q Right.

6 A -- after the theft.

7 Q Which is what we're looking at right now, Ms. Mathis?

8 A Yeah.

9 Q These -- by talking about the gate, you're talking  
10 about this fence?

11 A Yeah. That gates to the garage.

12 Q The chain link fence?

13 A I mean, the fence and the garage and the shed, it  
14 got --

15 Q Right. But that --

16 A Each one have a door to it.

17 Q It's got the gates?

18 A Yeah. The gates.

19 Q But that fence runs around your whole yard, right?

20 A Yeah.

21 Q Okay. And so, you know for a fact the man who took  
22 something, he took, at least, a weed eater that day,  
23 right?

24 A Yeah.

25 Q Can you see anything else taken? You know other

1 stuff was missing?

2 A I know other stuff was missing, but I couldn't see  
3 him picking it up, but I saw other stuff was missing  
4 and --

5 Q That's just my question.

6 A -- I could see him looking around, you know, but all  
7 I could see him with is the weed eater.

8 Q You clearly see him leaving with the weed eater?

9 A That's right.

10 Q Can you ballpark for me, Ms. Mathis -- I know you've  
11 got other stuff missing, too. Some other outdoor stuff  
12 that your son talked to you about?

13 A Uh-huh (affirmative response).

14 Q The ballpark -- what period of time do you think --  
15 when was the last time you think you would have been in  
16 the carport to have noticed that stuff? Over what period  
17 of time was it taken? Like within a matter of days or  
18 weeks?

19 A Well, the first time I had the theft, it was taken  
20 back to back. Like it was taken, maybe, on a Wednesday --  
21 or the last time, it was taken on a Thursday. He came  
22 back to back and got the pressure washer and that's when I  
23 cameraed up and after that, maybe, a week or so -- it  
24 might have been a couple of days or so. Nothing was  
25 missing, but then, you know, we kept looking at footage

1 and we could see animals in the yard and my son could see  
2 me walking through the yard. But this is the first time  
3 that we've seen somebody up under the -- in the yard up  
4 under the shed and garage.

5 Q And I think you told us when the pressure washer was  
6 taken, that's when you said, this is the last straw, I'm  
7 putting up -- I'm letting my son put up a deer camera?

8 A That's right.

9 Q But you don't know -- I understand that you clearly  
10 have suspicions, but do you know who stole your pressure  
11 washer?

12 A No. But I know who stole my weed eater. That person  
13 on the camera.

14 Q Right. And that leads you to think, he's probably  
15 also the same guy who took my pressure washer?

16 A Well, if he came and stole that time, I have -- I  
17 can't prove that he stole --

18 Q Right.

19 A -- the other two, but something led him back for the  
20 last theft.

21 Q I agree with you. It's reasonable -- a reasonable  
22 person would assume that somebody who took something from  
23 me the second time could have taken something from me the  
24 first time.

25 A That's right.

1 Q That's the first person I'd look at, right?

2 A Right.

3 Q But I'm just -- as far as who took your pressure  
4 washer and when, we really don't know?

5 A Well, whenever the police report -- I called the  
6 police the first time I had the theft. The first time I  
7 had the theft, I notified -- called the police department.

8 Q Right.

9 A It's been a while back. So I can't tell you what  
10 date, but if they have the police report, they know when  
11 the first theft occurred at my house. I called the police  
12 and now, I can't recall whether I called them the second  
13 time, but I know the second time, after the pressure  
14 washer was, I said, well, they keep coming back, I've got  
15 to do something. So that's when I purchased the camera.

16 Q Okay. How long do you think you had the camera  
17 before April 24th? How long had it been up there?

18 A Maybe, a couple of weeks.

19 Q Okay. So the pressure washer was taken a couple of  
20 weeks?

21 A Probably.

22 Q Possibly, a month?

23 A It might have been.

24 Q Okay. And that's when you had the other thefts?

25 A Uh-huh (affirmative response).

1 MADAM COURT REPORTER: Is that a yes?

2 THE WITNESS: Yes, ma'am.

3 MADAM COURT REPORTER: Is that a yes or a no?

4 THE WITNESS: Yes.

5 Q Okay. Well, I'm sorry you're here today, Ms. Mathis,  
6 for this, but we appreciate it. If the prosecutor has  
7 any.

8 MR. SCOTT: No, Your Honor. Thank you, Ms. Mathis.

9 THE COURT: You can step down, ma'am.

10 (Whereupon, the witness steps down from the witness  
11 stand).

12 THE COURT: Solicitor, your next witness.

13 MR. DANIEL: Your Honor, the State calls Officer  
14 Justin Weaver.

15 JUSTIN WEAVER, being  
16 first duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 By Mr. Daniel:

19 A My name is Justin Weaver.

20 Q You're Officer Justin Weaver with the City of  
21 Newberry Police Department, correct?

22 A Yes, sir.

23 Q How long have you been employed with that agency?

24 A Fourteen years.

25 Q Okay. All right. So four months ago, roughly, April

1 24th, were you on-duty that day?

2 A I was.

3 Q Did you have a chance to respond to a call that  
4 originated from [REDACTED] Digby Avenue?

5 A Yes, sir.

6 Q And what was the nature of that call?

7 A We received a call from Ms. Bessie Mathis about a  
8 theft from her garage.

9 Q And Bessie Mathis is the lady who just testified,  
10 correct?

11 A Yes, sir.

12 Q And what time did you arrive at her house that day?

13 A I arrived at her house at, approximately, 1:32 in the  
14 afternoon.

15 Q And the photos that were just admitted into evidence,  
16 you recognized all of those photos, correct?

17 A Yes, sir.

18 Q And what was reported stolen?

19 A I believe it was her weed eater and a battery  
20 charger.

21 Q And where, specifically, did -- where were these  
22 reported taken from on the premises?

23 A From Ms. Mathis' garage.

24 Q So they were stored underneath the garage?

25 A Yes, sir.

1 Q And we saw photos of that earlier, correct?

2 A Yes, sir.

3 Q Did you -- were there previous reports from that  
4 location of thefts?

5 A Yes, sir. I believe there were.

6 Q Okay. So you did have reports on-file where other  
7 thefts had been reported by Ms. Bessie Mathis?

8 A Yes, sir.

9 Q And so, about 1:00 p.m., you respond on April 24th.  
10 Did you have an idea of who the suspect was behind these  
11 thefts at that time?

12 A Not at that time. No, sir.

13 Q And did you review surveillance footage from Ms.  
14 Bessie Mathis' house?

15 A I did.

16 Q And that was the tape we just viewed, correct?

17 A Yes, sir.

18 Q And at the time, did you pass that information along  
19 to investigators?

20 A I believe the video was relayed to them later on that  
21 afternoon. Yes, sir.

22 Q Did you recognize that individual on the surveillance  
23 system?

24 A I did not, at the time I viewed it. No, sir.

25 Q Were other -- were you aware if any other members of

1 the police department were aware of who that individual  
2 was?

3 A I'm not sure.

4 Q That would have been passed along to investigators,  
5 correct?

6 A Yes, sir. Later that afternoon.

7 MR. DANIEL: Thank you, Officer. Nothing further.

8 THE COURT: Verner, any cross-examination?

9 MR. VERNER: Just a couple.

10 CROSS-EXAMINATION

11 By Mr. Verner:

12 Q The house is in the Oakland community?

13 A Yes, sir.

14 Q And is it fair to say that there's a lot of walk  
15 through traffic through Oakland?

16 A Yes, sir.

17 Q Okay. Because there are large apartment complexes  
18 between downtown Newberry and Oakland, right?

19 A There are some apartment complexes in the area. Yes,  
20 sir.

21 Q There's the Grant Housing Authority?

22 A Yes, sir.

23 Q And then, what's the apartment -- the little  
24 apartment complex behind the little gas station on Kendall  
25 Road?

1 A I believe you're referring to College Park  
2 Apartments.

3 Q College Park. And then, Nance Forest is kind of on  
4 the Western side?

5 A Yes, sir.

6 Q Okay. So it's fair to say that there's a good bit of  
7 traffic -- foot traffic and other traffic going through  
8 there from that part of town -- this part of town?

9 A Yes, sir.

10 MR. VERNER: Thank you, Officer Weaver.

11 THE COURT: Anything on redirect?

12 MR. DANIEL: No, Your Honor.

13 THE COURT: You can step down, sir. Thank you.

14 THE WITNESS: Thank you.

15 (Whereupon, the witness steps down from the witness  
16 stand).

17 THE COURT: Next witness.

18 MR. SCOTT: The State calls Larry Hazel.

19 LARRY HAZEL, being  
20 first duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 By Mr. Scott:

23 Q State your name.

24 A Larry Hazel.

25 Q Mr. Hazel, where do you live?

1 A [REDACTED] Boundary Street, Newberry.

2 Q Boundary Street?

3 A Boundary.

4 Q Okay. That's in Newberry County. Is that also  
5 within the city limits of Newberry?

6 A Right.

7 Q How long have you lived at that address?

8 MR. VERNER: Mr. Hazel's going to have to speak up a  
9 little bit. I can't hear.

10 MADAM COURT REPORTER: Just talk --

11 THE COURT: Make sure to speak up a little bit, sir.

12 THE WITNESS: Okay.

13 A I've lived there about 50 years.

14 Q Fifteen?

15 A Fifty.

16 Q Fifty years. Okay. Do you remember April 24th of  
17 this year?

18 A Yes. I do.

19 Q Okay. You heard Ms. Mathis testify. Did you have  
20 kind of a video surveillance system installed, as well?

21 A Yes. I do.

22 Q What made you put that up?

23 A Well, this has been going on for a while with me. I  
24 really got it -- I was ready to throw my hands up in the  
25 air and ready to give up on this and my wife talked me

1 into going to get a surveillance -- surveillance, I can't  
2 even say it, security. So I put it up as the last resort.  
3 And on that particular morning, I had got up, I had been  
4 sore because I've got a hip replacement, a bad disc, but I  
5 sat down and I fell asleep in the chair and when I awoke  
6 that morning, I said, I'm going to check my computer for  
7 any mail that I might have got. And as I checked it, I  
8 said, well, I'm going to check the camera, and that's when  
9 I seen the gentleman walking off with the chainsaw and we  
10 called the police force.

11 Q Okay. So what do you mean, you got the camera as a  
12 last resort? Had stuff been going missing for a while or  
13 something?

14 A It's been going on for a while.

15 Q Did you have any idea who was taking your stuff?

16 A I had no idea.

17 Q So the idea is, you're going to get a video camera to  
18 hopefully catch who's doing it?

19 A That was the idea.

20 Q And so, did you realize your chainsaw was missing  
21 before you watched the video or did you only discover it  
22 was missing after watching the video?

23 A Only discovered that one was missing after the video.

24 Q Okay. And could you tell -- April 24th is when you  
25 called the police, correct?

1 A Right.

2 Q Could you tell when that video was filmed of him  
3 taking the chainsaw?

4 A Yeah. We had video.

5 Q Okay. When was that video captured?

6 A That was that morning on the 24th. That particular  
7 one.

8 Q Okay. So that -- the first video of him taking the  
9 chainsaw happened that day on April 24th?

10 A Right.

11 Q Let me show you -- first of all, let me go through  
12 this. What is -- I've got State's 26, State's 6 and  
13 State's 7. First of all, in regard to State's 26, what is  
14 that a picture of?

15 A This is a picture of my house and the vehicle was in  
16 my storage building.

17 Q Okay. And that's looking at your house and the  
18 storage building from Boundary Road?

19 A From Boundary Street.

20 Q Okay. Boundary Street?

21 A Yeah. The road.

22 MR. SCOTT: All right. The State offers Number 26  
23 for admission.

24 MR. VERNER: Without objection.

25 THE COURT: Without objection, 26 for the State into

1 evidence.

2 (Whereupon, State's Exhibit number 26 was admitted  
3 into evidence).

4 Q Okay. Now, can you see from there, point to your  
5 house on here.

6 A Right here, (indicating).

7 Q All right. You're pointing to the house on the  
8 right, correct?

9 A Right.

10 Q All right. Just for the record, he's pointing to the  
11 home on the right that's identified as his home. All  
12 right. The storage building that you had different goods  
13 missing from, can you point to that building?

14 A That would be in this area right here, (indicating).

15 Q Okay. Let the record show, he's pointing to the  
16 white roofed building in between the two residences in the  
17 picture. Okay. State's Number 6 and 7. What are these  
18 pictures of?

19 A My storage building.

20 Q Okay. And these are just close up pictures of the  
21 structure you've identified in State's Number 26?

22 A Right.

23 MR. SCOTT: Your Honor, the State offers State's 6  
24 and 7 for admission.

25 MR. VERNER: Without objection to both.

1 THE COURT: All right. Without objection, 6 and 7  
2 for the State.

3 (Whereupon, State's Exhibit numbers 6 and 7 were  
4 admitted into evidence).

5 Q All right. This is State's Number 6. Okay.

6 MR. SCOTT: Can you blow that up a little bit,  
7 Walter?

8 Q Well, this is the storage building that you pointed  
9 out in the last picture?

10 A That's right.

11 Q All right. And what kind of goods do you store in  
12 this building?

13 A Well, I mean, all sorts of construction, masonry and  
14 small landscaping property. When I come in from the day,  
15 I usually -- sometimes, I unload the truck and I store  
16 some tools in there.

17 Q Okay. So tools, you said landscaping equipment and I  
18 see a boat in there.

19 A Yes.

20 Q What else? Tools, landscaping equipment and what  
21 other goods do you keep in there?

22 A Well, I've got tools that I work with on equipment  
23 and things like that. I have my Shop Vac, air compressor  
24 and just all sorts of tools. I mean, tools to work in the  
25 yard, I have lawnmowers, I have weed eaters, I have pick

1 shovels in there. Everything I work with. I have my  
2 masonry tools, I have my -- I have some battery operated  
3 tools that I work with.

4 Q Okay. Are these goods valuable to you?

5 A That's my living.

6 Q Okay. What do you do for a living?

7 A I do masonry and construction and things like that.  
8 I do some carpentry, small landscaping. I have a few  
9 yards that I cut.

10 Q Okay. So the goods you store in this building, you  
11 use as part of your profession?

12 A That's right.

13 MR. SCOTT: Let me see -- Walter, just publish  
14 State's Number 7 real quick.

15 (Whereupon, State's number 7 was published for the  
16 jury).

17 Q On State's 7 -- okay. This is just -- what is this?

18 A different angle of your building there?

19 A That's right.

20 Q It doesn't have walls on it, does it?

21 A No. It's next to my -- it's next to where my shed  
22 is. The wires and the air comes from my shed are all up  
23 in there.

24 Q Okay. But we're not saying this building has any  
25 walls, are we?

1 A No.

2 Q But we are saying that you store your goods in it?

3 A Right.

4 Q Okay. You can sit back up on the stand. Let me show  
5 you State's Number 1. Do you recognize this?

6 A Yes. This is a video with my initials on it.

7 Q Okay. And that's the video captured from which  
8 incident?

9 A This is on the 24th.

10 Q Okay. That's the first video you found of him taking  
11 the chainsaw, you mentioned?

12 A That's right.

13 MR. SCOTT: The State offers State's Number 1 for  
14 admission into evidence.

15 MR. VERNER: Without objection.

16 THE COURT: Without objection, 1 for the State.

17 (Whereupon, State's Exhibit number 1 was admitted  
18 into evidence).

19 MR. SCOTT: Go ahead and publish it.

20 (Whereupon, State's Exhibit number 1 was published  
21 for the jury).

22 Q All right. This individual, do you recognize this  
23 person?

24 A I didn't recognize him. No.

25 Q Okay. Did you give him consent to take your

1 chainsaw?

2 A No.

3 MR. SCOTT: Walter, go ahead and play Number 3 for us  
4 real quick).

5 (Whereupon, State's Exhibit number 3 was published  
6 for the jury).

7 MR. SCOTT: That's a duplicate, I think.

8 Q Okay. That particular angle -- this camera we're  
9 looking at, where is it mounted, Larry?

10 A This is inside of the shed itself.

11 Q Okay. That last angle we looked at was from inside  
12 the shed?

13 A Right.

14 Q Okay. And this is your boat that we see from the  
15 other pictures?

16 A Right.

17 MR. SCOTT: Pause it, Walter.

18 Q Okay. This is kind of a good angle. I see a  
19 trolling motor, a boat. What's some of the other goods  
20 you've got stored up under here?

21 A Well, I mean, I've just got to have for my work. I  
22 have got tools in this bucket, all up through here I have  
23 got tools laying there. This here is a bucket and it is  
24 full of tools, I work on my equipment. You can see my air  
25 compressor. Here is a bucket full of half inch drive

1 tools when I just want to work on my equipment. I've got  
2 some screws laying here. I've got -- it's not there now.  
3 I had a brand new Husqvarna sitting right here.

4 Q This building we're looking at here, this storage  
5 building, what is that?

6 A It's for my lawnmowers and things like that.

7 Q What that's building?

8 A It's just an added part of this. It's just a part of  
9 my shop. I store more tools in there and I have another  
10 air compressor inside of there, this one here. I'm  
11 working in there, working out.

12 Q All right. So you -- did you show -- I think his  
13 name is Janson Bell. He's the officer that came out to  
14 interview you. Is that right?

15 A Right.

16 Q And so, did you show him this video?

17 A Yes. I did.

18 Q All right. And then, did he leave after taking that  
19 report?

20 A He did leave. We went back in and checked our view  
21 to this computer -- I mean, to this surveillance and  
22 that's when we found -- I called him back and said we had  
23 something on the 23rd.

24 Q Okay. So he takes your report of the chainsaw  
25 incident on the 24th and he leaves to go back to the

1 station. After he left, you went back to check further  
2 videos and you found one from the 23rd, the day before?

3 A Right. The day before.

4 Q Okay. And what did you see on that video?

5 A I remember him taking the --

6 THE COURT: Solicitor, could you -- unless he needs  
7 to point at the pictured video, can he come back to the  
8 stand or he needs to speak up if you're going to stand  
9 away from the microphone.

10 A I remember him taking the -- on the 23rd, he took my  
11 half inch drive tools, which had a half inch impact in it  
12 and laid it down into the bucket. And, basically, I'd  
13 have to look at the video to remember. I'm nervous right  
14 now.

15 Q Well, how can I help you with that? Do you want some  
16 water or anything?

17 A I'm fine.

18 Q All right. Well, let me show you -- the video you're  
19 describing happened on April 23rd. Let me show you  
20 State's number 2, Larry. Do you recognize this?

21 A Yes.

22 Q What's that?

23 A That's the video from the 23rd and I've got my  
24 initials on it.

25 MR. SCOTT: The State offers State's number 2 for

1 admission into evidence, Your Honor.

2 MR. VERNER: Without objection.

3 THE COURT: Okay. Number 2 into evidence.

4 (Whereupon, State's Exhibit number 2 was admitted  
5 into evidence).

6 Q And it's broken up into a number of clips. Is that  
7 right?

8 A Right.

9 Q And so, do you recognize this person here? Is that  
10 somebody you gave consent to be on your property?

11 A No. It's not. At this point, he's checking my  
12 neighbor's house out.

13 Q That's your neighbor's home right there?

14 A Yeah.

15 MR. SCOTT: That's a duplicate. Next one, Walter,  
16 please.

17 A I do remember, on the 23rd is when he pushed my  
18 Husqvarna out of the front yard with my gas can.

19 Q What kind of Husqvarna?

20 A And tools.

21 Q You're talking about the push weed eater?

22 A It was a brand new one. I had just bought a brand  
23 new Husqvarna weed wacker, a push. You can see my  
24 Husqvarna on the end there.

25 Q Now, is he inside of your building or is he on the

1 outside of your building in this picture?

2 A He's inside of my building.

3 Q Did you give him consent to enter your building?

4 A No. I did not.

5 Q What is that bucket he's taking away? What's in  
6 there?

7 A That's my half inch drive set of sockets and my  
8 impact driver and I have a chisel hammer that I use for my  
9 masonry work in there. And I have some, I had one, in  
10 that particular bucket, I had one battery operated impact  
11 driver, Dewalt.

12 Q That bucket of tools that he took that day, did you  
13 ever get any of those back?

14 A No.

15 Q Did that chainsaw go missing, too?

16 A Yeah.

17 Q So two chainsaws, he got from you?

18 A All together, I had three chainsaws missing.

19 Q Okay. What is that he's in right there at the bottom  
20 right?

21 A That's my freezer.

22 Q Is that the Husqvarna weed wacker you were describing  
23 earlier?

24 A Yes, sir.

25 Q That backpack he's wearing, did he get that from you?

1 Is that backpack your property?

2 A No. No. The backpack isn't.

3 Q Okay. So he came with the backpack? He didn't get  
4 that from you?

5 A Right. He came with it.

6 Q Okay. You can have a seat. Mr. Hazel, you can have  
7 a seat back up there. Okay. So after you reviewed that,  
8 you called Officer Bell back out to the scene to show him  
9 that video, as well?

10 A Yes. I sure did.

11 Q And -- okay. Why do you have that storage building  
12 on your property? What's the purpose of it?

13 A Well, I need it when I come in from work to store my  
14 tools in there.

15 Q You store items that are valuable to you in that  
16 building?

17 A Yeah. Yes, sir.

18 Q Okay. So this video of him taking the chainsaw  
19 around the pickup truck was the 24th, and then those last  
20 series of videos we just watched was from April 23rd?

21 A That's right.

22 MR. SCOTT: All right. Answer any questions Mr.  
23 Verner has for you, please.

24 CROSS-EXAMINATION

25 By Mr. Verner:

1 Q Good morning, Mr. Hazel.

2 A How are you doing?

3 Q I think you told us you live on Boundary Street?

4 A Yes, sir.

5 Q Okay. I don't mean -- but just roughly, do you live  
6 near the Boundary Street school or in what general area?

7 A I am, between the two schools.

8 Q Between Boundary and Gallman?

9 A Right.

10 Q Okay. So is it just -- is it over the Drayton Street  
11 railroad tracks?

12 A Right. It's a little bridge over the railroad tracks  
13 on the left.

14 Q So I would have to pass what's now the Magistrate's  
15 Office, the Westview area, and go over that bridge and go  
16 over the railroad tracks?

17 A You'd have to cross Nance Street.

18 Q Okay. And then, it's just a couple of blocks --

19 A Right.

20 Q -- down that way? Okay. So it's closer to the old  
21 Gallman School than Boundary?

22 A Well, it's about a block. It would be the second  
23 house on the left as you're coming over the bridge.

24 Q And that -- sometimes, people in Newberry call that  
25 either West End or the Drayton Street area?

1 A Drayton is on down to the next red light.

2 Q Okay. Is it fair to say that the carport we're  
3 talking about has no walls?

4 A Correct.

5 Q Okay. I guess, do you use extension cords for the  
6 power, to get power in there?

7 A No.

8 Q How is it --

9 A I've got receptacles all the way around in the  
10 building.

11 Q And did you put those in?

12 A I had them put in.

13 Q Okay. And it's near what appears to be an enclosed  
14 storage shed?

15 A Do what now?

16 Q The carport's right next to -- within a couple of  
17 feet of another storage shed?

18 A Maybe, a foot. The doors opens up into the storage.

19 Q And you saw the video just like the rest of us a  
20 second ago, right?

21 A I'm sorry. I didn't understand you.

22 Q You, again, watched the video just a second ago, too.  
23 It appears that man attempted to try to get in your  
24 storage shed, too?

25 A Correct.

1 Q In fact, to me, it looks like he tried to put  
2 something in the deadbolt lock or something to jimmy the  
3 lock?

4 A Correct.

5 Q And then, he also -- you can see him looking through  
6 your window that you have in there?

7 A I saw that. Yeah.

8 Q Okay. But you keep that building locked, right?

9 A I do now.

10 Q Well, it appeared you did on that day, too, because  
11 you can see the man turning the lock.

12 A Yeah.

13 Q Okay. Well, was anything stolen out of that  
14 building?

15 A Not this time.

16 Q Okay. And you've told me -- or you told everybody  
17 that you've been having some thefts in your yard. You  
18 said it's been going on for long enough or some period of  
19 time?

20 A (Nods head.)

21 THE COURT: Verbal answer, please, sir.

22 A Yeah. For a month or so.

23 Q For a month or months or years?

24 A A couple of months.

25 Q Okay. Now, do you have two different video cameras?

1 Because we saw two -- one that was a video camera kind of  
2 pointing towards your neighbor's yard. And then, there's  
3 clearly a video camera underneath your shed.

4 A I had one security that has got three cameras.

5 Q Okay. So you've got three separate video cameras?

6 A Right.

7 Q Okay. In different locations?

8 A Right.

9 Q Okay. One of them points out towards your neighbor's  
10 driveway?

11 A Right.

12 Q One of them points almost straight down underneath  
13 your shed?

14 A Right.

15 Q And then, where's the third?

16 A It's not -- it wasn't on at the time. It's in the  
17 front yard.

18 Q So really, you've got two cameras for this particular  
19 part of your property?

20 A At that time, I had two working.

21 Q Okay. And unlike Ms. Mathis, these aren't like deer  
22 cameras. These are actually like Wifi cameras or  
23 something because they're sending videos to your computer?

24 A Right. It will, the telephone, too, but I don't -- I  
25 didn't have a Smartphone at the time.

1 Q But these are actually like little cameras you go and  
2 they'll send you videos directly to your Wifi or your  
3 computer. So these are -- okay, a different kind than Ms.  
4 Mathis talked about having? These aren't like deer  
5 cameras?

6 A No.

7 Q Okay. Do you keep -- and it's fair to say, like Ms.  
8 Mathis, what you keep under the carport are items you use  
9 outside for the most part?

10 A Right.

11 Q It appeared that that was a Jon boat or a fishing --

12 A No. It's a bass boat.

13 Q Okay. A fishing -- it's not a house boat, it's a  
14 fishing boat?

15 A Right.

16 Q Okay. And your carport is not attached to your  
17 house, right?

18 A No.

19 Q Okay. Do you keep any kind of goods that you sell  
20 underneath the carport?

21 A No.

22 Q I know you keep trade tools, but do you keep any kind  
23 of mercantile items that you sell underneath the --

24 A No.

25 Q Okay. And your house, as I remember it --

1 MR. VERNER: Can we have, Mr. Bentley, the photograph  
2 that we first saw of his house and the garage? That's  
3 possibly 26. No. The house --

4 MR. SCOTT: It's 26.

5 Q Okay. And if you need to step down and look at it --  
6 is this a picture that one of the police officers took or  
7 you took later on?

8 A This is a -- I believe the police officer took this  
9 one.

10 Q Okay. The same day?

11 A I don't know when.

12 Q Okay. Would he have been standing in the street to  
13 take this picture?

14 A There's a road that would be right here,  
15 (indicating).

16 Q Okay. So, I mean, whoever took this picture would be  
17 standing in the street looking towards your property?

18 A Yeah.

19 Q Okay. And you've also -- you've got porches that are  
20 covered too? You've got a roof over your porch?

21 A Do I have a roof over my porch?

22 Q I see you've got a front porch and a side porch.

23 A Yeah. I've got a roof over it.

24 Q Okay. They're open, but they do have roofs?

25 A Right.

1 Q And you keep items under the porch? You don't keep  
2 chairs or --

3 A That's just my wife's. Whatever she keeps under  
4 there.

5 MR. VERNER: Okay. Thank you, Mr. Hazel. You can  
6 sit down and I think that's it, but let me double check,  
7 Your Honor.

8 THE COURT: Sure. Take your time.

9 Q Watching the video that you have, Mr. Hazel, it  
10 appears that the guy clearly takes away your push weed  
11 eater?

12 A He did take it.

13 Q Okay. How much was that -- and you said it was  
14 fairly new, right?

15 A I'm sorry?

16 Q You said it was fairly new to you?

17 A Yeah.

18 Q Do you remember how much you paid for it?

19 A It was about \$300.00 bucks from Lowes.

20 Q Okay. And we know we can see him taking that bucket,  
21 the masonry bucket, the plastic bucket, in which you had a  
22 drill?

23 A It was an impact driver.

24 Q Which is like a drill?

25 A Well, it works off air. It takes the lugs off of

1 cars.

2 Q Okay. And does it come with like bits or separate  
3 pieces to it that you have to change out?

4 A You put the sockets on the end of it.

5 Q Okay. So it does come with sockets?

6 A Well, I had half-inch sockets in there, half-inch  
7 drive.

8 Q What's, roughly, the value of the driver and sockets,  
9 if I had to go to Lowes?

10 A Between \$400.00 and \$500.00 dollars.

11 Q Okay. And then, what else can you clearly see that  
12 was taken that day?

13 A I think back but my mind is going blank. But I had a  
14 DeWalt.

15 Q A DeWalt what?

16 A The little impact driver.

17 Q Also, the same kind of --

18 A It was in the bucket and I had the chisel hammer that  
19 I use in my masonry.

20 Q All total -- all the stuff that you know that was  
21 taken that day, what would be the value of it, roughly, if  
22 I had to go to Lowes and replace that stuff?

23 A Well, from what got gone that day, I'd say over  
24 \$2,000.00 dollars.

25 Q About \$2,000.00 or more?

1 A Over.

2 Q The big one would be the \$400.00 dollars for the bush  
3 hog and \$400 for the --

4 A Well, the DeWalt impact driver is \$300 bucks.

5 Q And there were two of them taken?

6 A I got them at Lowes.

7 Q There was two of them taken?

8 A No. That particular one in that bucket was the one  
9 that day.

10 Q And you told me it was worth about \$400.00 dollars?

11 A No, they are \$300.00.

12 Q \$300.00 and we know that --

13 A And the chisel hammer is probably about \$80 bucks.

14 Q Okay. So that's \$400, plus the \$400 for the -- and  
15 then, about \$1,000.00 worth of other small tools, right?

16 A Said, overall, it's over \$2,000.00. I don't know,  
17 roughly. I can add it all up for you.

18 Q But the two big items for you would be the --

19 A The two biggest items would be the Husqvarna, the  
20 impact driver and the DeWalt would probably cost the most.  
21 The tools itself, all of them together, would probably  
22 run, you know, over \$300 bucks.

23 Q Okay. So somewhere in the area, maybe, slightly  
24 lower or, maybe, slightly above, but in the \$2,000.00  
25 dollar estimate range?

1 A I believe it's over \$2,000.00.

2 MR. VERNER: Okay. Well, I'm sorry you're here  
3 today, but I appreciate you for answering. If he's got  
4 any followup questions.

5 THE COURT: Solicitor?

6 MR. SCOTT: No, Your Honor.

7 THE COURT: Thank you. You can step, sir.

8 (Whereupon, the witness stepped down from the witness  
9 stand).

10 THE COURT: Solicitor, your next witness, do you  
11 anticipate that witness being very long?

12 MR. SCOTT: No, sir.

13 THE COURT: Okay. Let's call one more witness, and  
14 then we'll break for lunch.

15 MR. DANIEL: Your Honor, the State calls Officer  
16 Janson Bell.

17 JANSON BELL, being  
18 first duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 By Mr. Daniel:

21 A My full name is Janson Bell.

22 Q Okay. And you're now Deputy Janson Bell with the  
23 Richland County Sheriff's Office, correct?

24 A Yes, sir.

25 Q When did you accept employment with that agency?

1 A June 10th of 2019. This year.

2 Q Okay. So prior to June 10th though, you were working  
3 at the City of Newberry Police Department, correct?

4 A That's correct.

5 Q Okay. And how long -- until you left in June, how  
6 long had you been with the City of Newberry Police  
7 Department?

8 A Close to three and a half years.

9 Q Okay. All right. So you would have been on-duty  
10 April 24th of this year, correct?

11 A That's correct.

12 Q All right. And were you working a morning shift?

13 A Yes, sir.

14 Q Okay. All right. So April 24th, that would have  
15 been a Wednesday. Is that right?

16 A Yes, sir.

17 Q Okay. And did you have an occasion to respond out to  
18 a call at [REDACTED] Boundary Street, a residence?

19 A That's correct. It's established within the city  
20 jurisdiction.

21 Q Okay. The City of Newberry in Newberry County and  
22 what was the nature of that call?

23 A It was a larceny call.

24 Q And who had reported this larceny or this theft?

25 A The victim, Mr. Larry Hazel.

1 Q Larry Hazel who just testified, correct?

2 A That's correct.

3 Q All right. And what did he have to report to you  
4 specifically?

5 A When I arrived on the scene, he advised me that the  
6 subject on camera that took his chainsaw, when I arrived  
7 there, which was positioned by his red Ford F-150.

8 Q Okay. So he tells you that he has surveillance  
9 footage of somebody taking a chainsaw that was located  
10 right next to his red F-150?

11 A That's correct.

12 Q So he showed you that surveillance footage?

13 A Yes, sir.

14 Q How did you view that surveillance footage?

15 A It was on his computer inside his house and we were  
16 able to review it.

17 Q Okay. And we've already played the video with Mr.  
18 Hazel. What kind of clothing description did this suspect  
19 have that took the chainsaw?

20 A The subject, he was wearing a red colored skull cap  
21 on top of his head. Like his head was covered at eye  
22 level. He also had on a burgundy hoodie or jacket and a  
23 white T-shirt underneath it. This subject also had on  
24 dark blue navy pants with cargo pockets on the side and he  
25 had on dark tennis shoes.

1 Q What about gloves?

2 A That's right. He also had on -- from where the  
3 camera was positioned, he had on light colored gloves.

4 Q And male or female?

5 A A male subject.

6 Q And race?

7 A Black male.

8 Q Height and weight, roughly?

9 A From the camera, he looked to be about six foot tall.  
10 Roughly, 175 to 195 pounds.

11 Q Okay. And did you personally identify this subject  
12 from this video footage?

13 A No, sir. What I did was, I took some still shots.  
14 This was when I first went there to the house to conduct  
15 this report. I took some still shots and sent them out to  
16 my superior officers that would have more years of  
17 experience here just to see if they can identify who he  
18 is.

19 Q Because you had only been working in the City of  
20 Newberry for about three years, correct?

21 A Yes, sir.

22 Q Okay. So you sent this -- these still shot images to  
23 your superiors?

24 A Yes, sir.

25 Q Who exactly did you send them to within your agency?

1 A I sent them to my lieutenant, Justin Weaver, and  
2 Chief Roy McClurkin.

3 Q Okay. And at that time, were they able to help you  
4 identify this individual?

5 A Yes, sir.

6 Q And were you given a name by any of your fellow  
7 officers?

8 A It was later on when I was able to really identify  
9 who he was, but, yes. They were able to provide a name.

10 Q Okay. And later on, what are you referring to by  
11 later on?

12 A Like within an hour or two.

13 Q Okay. So once they kind of passed these photos  
14 around within the agency, they were able to come up with a  
15 name for this individual on the tape?

16 A That's correct.

17 Q Okay. And what was the name of that individual?

18 A The Defendant, Sterling Maybin.

19 MR. DANIEL: And, Your Honor, let the record reflect  
20 Officer --

21 MR. VERNER: I would respectfully object because he's  
22 testifying to what other people have identified. It would  
23 be beyond his personal knowledge. So I think he can  
24 testify he sent everything out to be identified, but for  
25 him to base it on what other people have told him is --

1 THE COURT: Solicitor, do you intend to call these  
2 other officers who made the identification?

3 MR. DANIEL: Yes, Your Honor.

4 THE COURT: I would allow it in conditioned upon  
5 those officers testifying, but your point is correct.

6 MR. VERNER: Thank you.

7 Q Officer Bell -- all right. So at that point, that's  
8 around -- what time did you respond to Mr. Hazel's  
9 residence that morning?

10 A I was dispatched to his residence at the approximate  
11 time of 9:38 in the morning.

12 Q Okay. All right. And so, at that point, just a  
13 chainsaw was reported stolen by Mr. Hazel. Is that  
14 correct?

15 A Yes, sir.

16 MR. DANIEL: Okay. And -- beg the Court's  
17 indulgence.

18 Q All right. So at that point, you have the report and  
19 you have the physical description of the suspect from the  
20 video. Is that correct?

21 A Yes, sir.

22 Q Okay. And then, you forwarded these images from the  
23 surveillance footage to your superiors. Do you then leave  
24 the scene?

25 A Yes, sir. Then, I returned back about thirty minutes

1 later, after Mr. Hazel, he advised me that he had extra  
2 footage that he seen on the 23rd and wanted me to respond  
3 back out to look at that video as well.

4 Q Okay. So you were called back out there by Mr.  
5 Hazel. And, again, did this -- this surveillance footage,  
6 did it have specific time stamps and dates?

7 A Yes, sir. When I was reviewing them, at that  
8 particular time, yes. I don't know why it is not showing  
9 up here.

10 Q Okay. So the chainsaw, that occurred the day it was  
11 reported on April 24th. Is that correct?

12 A That's correct.

13 Q And then, you --

14 A At the time of 8:27 a.m. in the morning.

15 Q Okay. And what was the time stamp for when that --  
16 you said 8:27?

17 A Yes, sir.

18 Q April 24th is when the chainsaw --

19 A April 24th. Yes, sir.

20 Q Okay. And that's according to the time stamp that  
21 Mr. Hazel provided you?

22 A That was on the computer screen. Yes, sir.

23 Q Okay. And then, you vacate the scene, but only to  
24 return later when Mr. Hazel reported another incident?

25 A Yes, sir.

1 Q Okay. And tell us about -- approximately, what time  
2 did you respond back out to [REDACTED] Boundary Street?

3 A I responded back there around about 10:00, 10:08.

4 Q Okay. All right. What information did Mr. Hazel  
5 have at approximately 10:08?

6 A Basically, he just said that he was reviewing his  
7 camera footage and saw that the gentleman, as you can see  
8 in the video, return back and making several trips and  
9 taking miscellaneous tools and lawnmowers and things of  
10 that sort.

11 Q And that's the view -- that's the footage the jury  
12 previously saw?

13 A That's correct.

14 Q And this time, though, that the thefts occur, the  
15 property was underneath the open air storage shed?

16 A That's correct. The garage.

17 Q Okay. So all the thefts that Mr. Hazel reported the  
18 second time you returned, that all had to do with property  
19 that was underneath this storage shed. Is that correct?

20 A Yes, sir.

21 Q Okay. And what was reported taken from the storage  
22 shed?

23 A It was numerous things. What we can see from the  
24 camera footage is miscellaneous tools that were inside of  
25 buckets and, I guess, he had a chainsaw. The chainsaw

1 that was on the 24th and some saws and things of that  
2 sort.

3 Q Weed eater, hedge trimmer and things of that nature?

4 A Hedge trimmer, a push lawn mower.

5 Q So miscellaneous landscaping equipment?

6 A That's correct.

7 Q All right. And what was the time stamp for that  
8 particular footage of this second incident?

9 A Just give me a moment. Footage had been taken from  
10 the second incident on April 23rd. It started from 9:25  
11 a.m. and lasted until 12:30 p.m.

12 Q Okay. So this second incident that Mr. Hazel  
13 reported, this was ongoing? This was involving multiple  
14 trips by this individual going to and from the property.  
15 Is that right?

16 A That's correct.

17 Q Okay. And this was a three hour time period,  
18 roughly?

19 A Yes, sir.

20 Q Okay. And this individual, this appeared to be the  
21 same individual as was captured in surveillance from April  
22 24th?

23 A That's correct. The subject had on the same attire.

24 Q All right. Now, eventually, is it your testimony  
25 that the name Sterling Maybin was developed from this

1 surveillance footage?

2 A That's correct.

3 Q All right. So you all had -- did you have an APB or  
4 a be on the lookout for Sterling Maybin?

5 A No. The only information I put out is the photos  
6 that I sent to the higher ups.

7 Q But once the higher ups developed him or identified  
8 him as Sterling Maybin, did they -- were you all on the  
9 lookout for Sterling Maybin at that point?

10 A Yes, sir. We were on patrol. Yes.

11 Q All right. So you stayed on patrol after you went to  
12 Mr. Hazel's house twice?

13 A Yes, sir.

14 Q Okay. Did you have an occasion to make contact with  
15 this Sterling Maybin individual?

16 A Yes, sir. I did.

17 Q Approximately, when and where did you make contact --  
18 first make contact with Sterling Maybin?

19 A It was on Hillcrest. I don't remember the time. It  
20 was probably around about the afternoon time or 1:00  
21 o'clockish. It was around Hillcrest.

22 Q Is that near an apartment complex or what are you  
23 describing exactly?

24 A It's pretty much over here by Oakland side, pretty  
25 much near Digby and Leita. In that general area.

1 Q Okay. A residential area within the City of  
2 Newberry?

3 A That is correct. It was a residential area.

4 Q Okay. And this was around, approximately, what time?

5 A One o'clockish, I believe, 1:00 o'clock.

6 Q And this was on April 24th, correct?

7 A Yes, sir.

8 Q Okay. And I'm going to hand you what's been marked  
9 for ID purposes as State's 10, 11, 12, 13, 14, 15. That's  
10 10 through 15. Then, I have 16, 17, 18, 19, 20. Okay.  
11 It must actually just be 10 through 24. State's 10  
12 through 24. Do you recognize these photographs?

13 A Yes, sir. I took the pictures.

14 Q Okay. And what are those pictures of?

15 A It's the Defendant there, Sterling Maybin.

16 Q The Defendant, Sterling Maybin?

17 A Yes, sir.

18 Q And you took those pictures, you said, correct?

19 A Yes, sir.

20 Q And that's when you encountered Mr. Maybin in the  
21 Hillcrest area?

22 A Correct.

23 MR. DANIEL: Okay. Your Honor, I offer State's 10  
24 through 24 for admission into evidence.

25 MR. VERNER: Can I see them real quick?

1 THE COURT: Do you need to take a look at them, Mr.  
2 Verner?

3 MR. VERNER: Double check.

4 THE COURT: Sure.

5 MR. VERNER: Without objection.

6 THE COURT: Without objection, 10 through 24 into  
7 evidence for the State.

8 (Whereupon, State's Exhibit numbers 10 through 24  
9 were admitted into evidence).

10 Q All right. And those are pictures of Sterling Maybin  
11 from the Hillcrest area of the City of Newberry and that's  
12 the afternoon of April 24th, correct?

13 A Yes, sir.

14 Q And this is all after Larry Hazel had reported these  
15 incidents of theft at his residence, correct?

16 A Yes, sir.

17 Q All right. And I'll just start with Number 10 and  
18 we're going to publish these for the jury on the TV.

19 (Whereupon, State's Exhibit numbers 10 through 24  
20 were published for the jury).

21 Q Officer Bell, if you could, step down. All right.  
22 This is State's number 10. All right. And in this  
23 picture, that's Sterling Maybin, correct?

24 A Yes, sir.

25 Q Wearing a white T-shirt?

1 A Yes, sir.

2 Q All right. Let's go to number 11. All right.  
3 What's that?

4 A You can see the cargo pocket. Also, you can see  
5 there's a red skull cap in his cargo pocket on the right  
6 side.

7 Q Now, that is a skull cap or would some people  
8 describe it as a toboggan?

9 A Yeah.

10 Q And is that consistent with the red hat that the  
11 individual in Mr. Hazel's theft videos had on?

12 A Yes, sir. It was very consistent.

13 Q Okay. And these are dark in color cargo pants, navy  
14 blue?

15 A Yes, sir.

16 MR. DANIEL: Okay. Next picture, Walter.

17 Q Again, another picture of the red hat. All right.  
18 And Mr. Maybin -- these are gloves that Mr. Maybin had on.  
19 Is that correct?

20 A Yes, sir. They're white in color or gray in color  
21 gloves.

22 Q And the individual in both of Mr. Hazel's videos, is  
23 that individual wearing gloves?

24 A Yes, sir.

25 MR. SCOTT: Next picture, Walter.

1 Q Okay. And was Mr. Maybin on a bicycle? Is that Mr.  
2 Maybin's bicycle when you encountered him?

3 A Yes, sir. He was on a bike.

4 Q He was riding a bike when you first encountered him?

5 A Yes, sir.

6 MR. DANIEL: Okay. Next picture.

7 Q Another picture of the gloves, correct? All right.

8 Now, these are tennis shoes that Mr. Maybin had on?

9 A Yeah. Those are the shoes.

10 Q All right. Were you able to pause the video from Mr.  
11 Hazel's thefts and observe what type of tennis shoes or  
12 shoes this individual had on in the video?

13 A Yes, sir. Yes, sir.

14 Q And the shoes that Mr. Maybin had on when you first  
15 encountered him, were those shoes consistent with the  
16 shoes the individual was wearing in the videos?

17 A They were very consistent.

18 Q Same kind of color scheme?

19 A Same design. Everything. Yes, sir.

20 Q Okay. I see they're gray, but then, they have kind  
21 of black stripes throughout?

22 A Yes, sir.

23 MR. DANIEL: Next picture, Walter.

24 Q And did Mr. Maybin have a jacket with him when you  
25 first encountered him?

1 A I couldn't tell. He did have a book bag on the  
2 scene. It could have possibly been inside of the book  
3 bag.

4 MR. DANIEL: Okay. Next.

5 COURT REPORTER: I can't hear.

6 A I said -- yes, ma'am. I said he could have possibly  
7 had a jacket, but it was inside of his book bag. So I  
8 couldn't tell.

9 THE COURT: Please speak up loud so the court  
10 reporter can pick you up.

11 Q All right. And that's just another view of the  
12 shoes.

13 MR. DANIEL: All right. Next picture, please.

14 Q Okay. And Mr. Maybin's build. Again, is his build  
15 -- Mr. Maybin's build consistent with the individual  
16 captured on Mr. Hazel's two videos?

17 A Yes, sir.

18 MR. DANIEL: All right. Next picture.

19 Q Okay. You referenced a book bag earlier. Is that  
20 the book bag in this image that you referenced?

21 A That's correct. That's the book bag he had in his  
22 possession.

23 Q And then, what color --

24 MR. DANIEL: All right. Next picture, Walter. It's  
25 just another one of the shoes. Next one. Next one. That

1 seems to be 10, again. Is that 10 again, Walter? Okay.  
2 This is State's 22. We've got two more. All right. Next  
3 one, Walter.

4 Q All right. What kind of shoes are these? What kind  
5 of brand?

6 A Jordans. They're the Jordan brand.

7 Q Okay. They say number 23 on the back. Is that  
8 correct?

9 A Yes, sir.

10 Q Okay. To signify Michael Jordan's number.

11 MR. DANIEL: All right. And State's 24, Walter.

12 Q Okay. That's the book bag Mr. Maybin had in his  
13 possession?

14 A Yes, sir.

15 Q And the individual from Mr. Hazel's video, at some  
16 point, that individual did have a backpack, correct?

17 A That's correct.

18 Q A dark in color backpack?

19 A That's correct.

20 Q All right. So what items of clothing did Mr. Maybin  
21 have on that you saw firsthand that the individual  
22 appeared to have in those videos from Mr. Hazel's house?

23 MR. VERNER: Respectfully, asked and answered many  
24 times in the last -- and, of course, the jury's seen the  
25 video and the pictures.

1 THE COURT: Yeah. I think it's been asked and  
2 answered.

3 Q All right. Officer, you can have a seat. And there  
4 was a video taken from another victim, as well, correct?

5 A Say again.

6 Q Another victim had a surveillance footage of a theft?

7 A Yes, sir.

8 Q Okay. And was that Bessie Mathis?

9 A Yes, sir.

10 Q Okay. But that was Officer Weaver that took that  
11 report, correct?

12 A That's correct.

13 Q Okay. And, again, who identified Sterling Maybin  
14 from the surveillance footage? What officers?

15 A It was the Chief, Roy McClurkin; Kevin Goodman and  
16 Weaver.

17 MR. DANIEL: All right. Please, answer any questions  
18 the defense attorney has.

19 THE COURT: Cross-examination, Mr. Verner?

20 CROSS-EXAMINATION

21 By Mr. Verner:

22 Q Just out of curiosity, what happened with the book  
23 bag. Did you all take it into custody or search it or do  
24 you know?

25 A We were able to get a warrant on him. I think when

1 we apprehended him, it was --

2 Q Was he arrested when you stopped him after this?

3 A No, sir. It was a couple hours after that and he  
4 tried to take off on a bike, on a crossing area and he  
5 ditched his bicycle behind a house. So he could have  
6 ditched his book bag there.

7 Q But at this time, you had not put him under arrest?  
8 You were just trying to identify him?

9 A Me--

10 Q -- okay. And so, he was allowed -- he was given his  
11 book bag back and allowed to leave?

12 A That's correct.

13 Q Okay. And then, later on, an investigator or  
14 somebody beyond you made the decision to go ahead and get  
15 an arrest warrant for him?

16 A Yes, sir. Once he was properly identified.

17 MR. VERNER: Okay. Thank you, Officer Bell -- Deputy  
18 Bell.

19 THE COURT: Anything on redirect, Solicitor?

20 MR. DANIEL: No, Your Honor.

21 THE COURT: You can step down, sir.

22 THE WITNESS: Yes, sir.

23 (Whereupon, the witness stepped down from the witness  
24 stand).

25 THE COURT: All right. Mr. Foreman and ladies and

1 gentlemen of the jury, this would be a good time to break  
2 for lunch. I want you back at 2:15 and I'll remind you,  
3 if you do go to a public restaurant for lunch, just keep  
4 the juror badge visible and don't have any discussion with  
5 anyone about this case and we'll see you back at 2:15.

6 Have a good lunch.

7 (Whereupon, the jury was excused from open court for  
8 a lunch break.)

9 THE COURT: All right. We'll be in recess until  
10 2:15. Have a good lunch.

11 (Whereupon, a lunch break was held).

12 THE COURT: Let's bring the jury in.

13 (Whereupon, the jury came into open court at  
14 approximately 2:31 p.m.)

15 THE COURT: Let the record reflect the jury is back  
16 in. Good afternoon, ladies and gentlemen. I hope you had  
17 a good lunch break and I see some jackets and I hope  
18 everybody tried to stay as warm as possible. Solicitor,  
19 are you ready to call your next witness?

20 MR. SCOTT: Yes, sir, Your Honor. The State calls  
21 Investigator Allison Moore.

22 THE COURT: Come around, please, ma'am.

23 ALLISON MOORE, being  
24 first duly sworn, testified as follows:

25 DIRECT EXAMINATION

1 By Mr. Scott:

2 A My name is Allison Moore.

3 Q Detective Moore, what is your job with the police  
4 department in Newberry?

5 A I'm an investigator with the Newberry Police  
6 Department.

7 Q Okay. Do you remember April 24th of this year?

8 A Yes, sir.

9 Q And did you have an occasion to take the report of  
10 some burglaries and some larcenies that happened at Digby  
11 Avenue, and then another at Boundary Road?

12 A That's correct. Lieutenant Weaver and Corporal  
13 Janson Bell, at the time, brought it to my attention that  
14 they had a couple of reports of larcenies at those  
15 locations.

16 Q Okay. Were you made aware at that time that there  
17 were video surveillance --

18 A Yes.

19 Q -- capturing the suspect?

20 A Yes. I was.

21 Q Okay. And let's see. So Weaver did Ms. Bessie  
22 Mathis' case, is that your recollection?

23 A Yes, sir.

24 Q And then, Janson Bell handled Larry Hazel's break-in,  
25 is that what your understanding was?

1 A Yes, sir.

2 Q Okay. And then, both Weaver and Janson Bell, did  
3 they report to you --

4 A Did they --

5 Q -- their findings?

6 A Yes, sir. They brought their reports to me and they  
7 said that some items were missing underneath some  
8 buildings and structures and they said that they also had  
9 video surveillance at Mr. Hazel's and they also had some  
10 -- I guess, a digital SD card from Ms. Mathis.

11 Q Okay. At the time, were you able to review the  
12 videos?

13 A Yes, sir. I was.

14 Q Okay. And do you recall, at some point later that  
15 day, April 24th, Officer Janson Bell getting out with  
16 Sterling Maybin?

17 A Yes, sir. Corporal Bell called me and said that he  
18 had just gotten out with him and that he had taken  
19 photographs of him and he was bringing them to me for  
20 review.

21 Q Okay. And what was the purpose of getting out and  
22 taking pictures of Sterling Maybin?

23 A Because to Corporal Bell, he looked like the  
24 individual that was in the surveillance images at Mr.  
25 Hazel's house.

1 Q And that would be what we're talking about as State's  
2 10 through 24, the pictures that we produced earlier where  
3 he's out on the side of the road --

4 A Yes, sir.

5 Q -- taking pictures?

6 A Yes, sir.

7 Q Tell us why, at that time, was the decision not made  
8 to go ahead and arrest Mr. Maybin.

9 A Because it was still, basically, under investigation.  
10 We were still making sure that we were looking at the  
11 photos, looking at all of the video and looking at it,  
12 making sure that we had the right individual. And then,  
13 we obtained arrest warrants for his arrest.

14 Q Okay. Did you use Mr. Larry Hazel's video in order  
15 to try and identify the suspect?

16 A Yes, sir.

17 Q Okay. Was there one particular video that you were  
18 able to see his face clearly?

19 A Yes, sir. There was one video that I believe the  
20 jury's already seen where you can clearly see his face.

21 MR. SCOTT: Walter, I believe that's in, State's  
22 Number 2. Do you have that clip? Can you see, Allison?  
23 All right. You can go ahead and play --

24 (Whereupon, the video was played.)

25 Q Is this the clip right here?

1 A Yes, sir. It is.

2 Q That is a clip, State's Number 2, and I think it's  
3 labeled 1021. Okay. All right. You can have a seat.  
4 Investigator Moore, you watched that video and after  
5 watching, who did you determine the suspect to be?

6 A Sterling Maybin.

7 Q And did you review the video with anyone else in your  
8 office?

9 A Yes, sir. Captain Kevin Goodman and Chief Roy  
10 McClurkin.

11 Q Okay. And then, at what point was the decision made  
12 to arrest Mr. Maybin?

13 A After we had been in my office and we clearly  
14 established that this was Sterling Maybin. After looking  
15 at all the evidence in the case, we decided to go ahead  
16 and get a warrant on Mr. Maybin that day. And then, later  
17 on that afternoon, he was apprehended.

18 MR. SCOTT: Okay. Thank you.

19 THE COURT: Cross-examination, Mr. Verner?

20 MR. VERNER: I don't think, has he finished?

21 MR. SCOTT: I am, sorry, Your Honor, yes.

22 CROSS-EXAMINATION

23 By Mr. Verner:

24 Q Good afternoon, Detective Moore.

25 A Good morning or good afternoon. I'm sorry.

1 Q How many warrants did you obtain -- how many warrants  
2 for arrest did you -- basically, when the police sees a  
3 crime committed, in your own personal sight, you make an  
4 arrest right then without a warrant, right?

5 A Yes, sir. On misdemeanors, yes.

6 Q Okay. If you see somebody hit somebody out in the  
7 street or commit a crime right in front of your own  
8 personal -- you've got the authority to go ahead and make  
9 the arrest?

10 A That's correct.

11 Q But when you rely on -- investigating a case or what  
12 people tell you, at that point, if it's a felony, you have  
13 to get an arrest warrant in general?

14 A In general. Yeah. In general. Yeah. In cases like  
15 this, we want to make sure that we obtain the proper  
16 warrants on the proper person and put the right person in  
17 jail.

18 Q And an arrest warrant is the authority to put  
19 somebody in custody that's signed by the Magistrate Judge  
20 in Newberry?

21 A Yes sir or the Municipal Judge. Yes.

22 Q But it's largely prepared by the police department?

23 A That's correct.

24 Q And the allegations come -- usually come from the  
25 police department?

1 A Usually.

2 Q I guess, a victim can go in front of a Magistrate and  
3 try to swear a warrant?

4 A No, sir.

5 Q It would have to be the police officers?

6 A Yeah. That's correct, sir.

7 Q Okay. How many warrants did you obtain against  
8 Sterling Maybin?

9 A I obtained three of them.

10 Q And what were they for?

11 A They were all for larceny enhancement.

12 Q Okay. Felony larceny?

13 A Felony larceny. Yes.

14 Q And larceny is just the legal term for stealing?

15 A Yes, sir.

16 Q Okay. And you are not just a patrol officer, you're  
17 actually a detective?

18 A That's correct, sir.

19 Q Do you have a college degree?

20 A Yes, sir. I do.

21 Q Okay. Are you familiar with the general term, goods  
22 and services?

23 A In what sense, sir?

24 Q In just a common -- that's a phrase you've heard  
25 before, haven't you?

1 A Yes, sir.

2 Q And services are typically people who offer to do  
3 something for a price?

4 A Yes, sir.

5 Q Such as cut your lawn or paint your house?

6 A Yes, sir.

7 Q But it's something that's offered in exchange for  
8 being paid for it?

9 A Yes, sir.

10 Q And goods are typically items that are offered for  
11 sale in exchange for money?

12 A Yes, sir.

13 Q So goods would be bananas at a grocery store or nails  
14 in a hardware store or anything at Walmart?

15 A Yes, sir.

16 Q And that's not a fancy definition. That's just -- I  
17 mean, that's a fairly common understanding of goods and  
18 services?

19 A I would say, that's a common understanding.

20 MR. VERNER: Thank you, Detective.

21 THE WITNESS: Thank you.

22 THE COURT: Any followup?

23 MR. SCOTT: Just briefly.

24 REDIRECT EXAMINATION

25 By Mr. Scott:

1 Q Investigator Moore, do you have a law degree?

2 A No, sir.

3 Q Okay. Is it -- would you say it's common for you or  
4 another one of your investigators to come to my office and  
5 review a case with one of us to determine whether the  
6 charges are proper, whether they're improper or whether  
7 additional charges should be filed? Is that --

8 A Absolutely. We do that very frequently. We bring  
9 the cases forward and we get their judgment on further  
10 charges.

11 Q And sometimes, we'll tell you, do not make a charge?

12 A That's correct.

13 Q Sometimes, we'll tell you to make a different charge?

14 A Yes, sir.

15 Q And sometimes, we'll advise you to make other  
16 charges, additional charges. Is that safe to say?

17 A That's safe to say.

18 MR. SCOTT: All right. Thank you. No further  
19 questions.

20 MR. VERNER: No more.

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

22 THE WITNESS: Thank you, sir.

23 (Whereupon, the witness steps down from the witness  
24 stand).

25 THE COURT: Any other witnesses, Solicitor?

1 MR. DANIEL: Your Honor, the State calls Officer  
2 Kevin Goodman.

3 KEVIN GOODMAN, being  
4 first duly sworn, testified as follows

5 DIRECT EXAMINATION

6 By Mr. Daniel:

7 Q All right. You're Captain Kevin Goodman, correct?

8 A That's right.

9 Q City of Newberry Police Department?

10 A That's correct.

11 Q And you've been there at that agency for quite some  
12 time, is that right?

13 A Twenty-four years.

14 Q Twenty-four years. And how long have you been --  
15 you've been an investigator, too, for a long period of  
16 time, as well?

17 A I've been in the investigative division since 1999.

18 Q And as a captain, you don't investigate cases,  
19 necessarily, anymore?

20 A Not necessarily. I assist, if need be.

21 Q Okay. So you're kind of -- right now, you're in more  
22 of a supervisory capacity?

23 A That's right.

24 Q But you've spent years as an investigator in the  
25 investigative division and you're from Newberry. Is that

1 correct?

2 A That's right.

3 Q Were you born and raised here?

4 A Born and raised in Pomaria.

5 Q And your son, he is a good football player for  
6 Newberry High School?

7 A He's a football player at Coastal Carolina right now.

8 Q That's right. Okay. So you have roots in this  
9 community?

10 A That's right.

11 Q Okay. I want to go back to April 24th of this year.  
12 Did you have an occasion to become involved in this case  
13 involving Sterling Maybin?

14 A I did.

15 Q Did you have an occasion to review this surveillance  
16 footage that's been placed into evidence?

17 A Yes, sir. I did.

18 Q Okay. And what was your role in investigating this  
19 case?

20 A Merely, I was asked to look at the video that  
21 Lieutenant Moore had in her office to help identify the  
22 individual on the surveillance video and that's it.

23 Q So Lieutenant Moore was the actual investigator  
24 assigned to this case?

25 A Yes.

1 Q And she asked for your assistance in identifying the  
2 individual in this surveillance footage?

3 A That's right.

4 MR. DANIEL: And, Walter, I'm going to go to State's  
5 Number 2.

6 Q Was there any particular footage that had the best  
7 vantage point to where you could identify the suspect on  
8 the surveillance footage?

9 A Yes, sir. The one that was shown earlier where he's  
10 walking almost toward the camera, facing the camera.

11 MR. DANIEL: Okay. And, Walter, if you could, play  
12 State's Number 2 and, Officer Goodman, if you could --

13 THE WITNESS: Yes, sir.

14 (Whereupon, State's Exhibit number 2 was published  
15 for the jury).

16 Q All right. And if we paused it right there --

17 MR. DANIEL: If you could, go back, Walter. Pause  
18 it.

19 A Right here (indicating). Yes.

20 Q All right. Is that the particular image that  
21 captured the identity the best for you?

22 A Yes. It did.

23 Q And upon viewing that, were you able to determine who  
24 that individual was captured on tape?

25 A I was.

1 Q Okay. And who was that?

2 A Sterling Maybin.

3 Q And that's the individual on trial?

4 A That's right.

5 Q And how do you -- is Sterling Maybin -- to your  
6 knowledge, is he a resident of Newberry?

7 A Yes.

8 Q And you've known him for years?

9 A For years. Twenty, at least. Can I sit back down?

10 Q Yeah. You can sit down. And so, you're familiar  
11 with his appearance, how he walks -- the gait and how he  
12 walks and things like that?

13 A Yes.

14 Q Were other officers -- was there a consensus amongst  
15 the officers that this was Sterling Maybin besides your  
16 identification of him?

17 MR. VERNER: Respectfully, Your Honor, I do think  
18 that that would be inappropriate.

19 THE COURT: Right. Sustained. The other officers  
20 can testify.

21 Q The other officers did review this footage, correct?

22 A That's right. Yes, sir.

23 Q But you've known him for years as a resident of  
24 Newberry?

25 A Yes.

1 MR. DANIEL: That's all I have for you, Officer  
2 Goodman. Thank you.

3 THE WITNESS: Thank you.

4 THE COURT: Mr. Verner.

5 CROSS-EXAMINATION

6 By Mr. Verner:

7 Q Did you play with the Newberry Bulldogs?

8 A Did I play with them?

9 Q You said you were a high school football player?

10 A I was, but I played with Mid-Carolina. My son played  
11 with Newberry.

12 Q Mid-Carolina.

13 A Yes.

14 MR. VERNER: I think that's the only question I have  
15 for you, Captain.

16 THE COURT: Okay. All right. You can step down,  
17 sir. Thank you.

18 (Whereupon, the witness steps down from the witness  
19 stand).

20 MR. SCOTT: Chief McClurkin.

21 ROY MCCLURKIN, being  
22 first duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 By Mr. Scott:

25 A Roy McClurkin.

1 Q Chief, did you grow up in Newberry, too?

2 A I grew up in Whitmire.

3 Q Okay. In Newberry County?

4 A Yes.

5 Q How long have you known Sterling Maybin?

6 A Over 20 years.

7 Q Okay. Just being in the community, you've been  
8 around him and been knowing him for 20 something years?

9 A Yeah. I've been with the City of Newberry Police  
10 Department for 35 years.

11 Q Okay. And did they bring this video to you, too, on  
12 April 24th?

13 A I went down to Lieutenant Moore's office to view it.

14 Q Okay. And how long did it take you to make an ID on  
15 this case as far as who it was?

16 A Not very long. Just long enough to look at the  
17 video.

18 Q All right. And who did you determine the subject in  
19 the video to be?

20 A Sterling Maybin.

21 Q Okay. Was there any doubt?

22 A No, sir.

23 MR. SCOTT: Thank you. Answer any questions the  
24 Defense has.

25 MR. VERNER: I don't have any questions for the

1 Chief.

2 THE WITNESS: No football?

3 THE COURT: You can step down, sir. Thank you.

4 (Whereupon, the witness steps down from the witness  
5 stand).

6 THE COURT: Solicitor, any other witnesses for the  
7 State?

8 MR. DANIEL: One more, Your Honor, and that would be  
9 Investigator Walter Bentley.

10 THE COURT: Okay.

11 WALTER BENTLEY, being  
12 first duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 By Mr. Daniel:

15 Q You're Investigator Walter Bentley with the Eighth  
16 Circuit Solicitor's Office, correct?

17 A Correct.

18 Q So you work with our office in helping us to prepare  
19 cases for trial. Is that right?

20 A I do.

21 Q How long have you been with us?

22 A I've been with the Solicitor's Office since 2013.

23 Q And prior to that, you were a police officer,  
24 correct?

25 A Yes, sir. 1996 to 2013. I was a police officer for

1 a couple of those years and in the bulk of those years, I  
2 was an investigator for first, the Laurens County  
3 Sheriff's Office. And then, from 2000 to 2013, the  
4 Laurens Police Department.

5 Q And this is a burglary/larceny case. Did you  
6 investigate a lot of those cases in your law enforcement  
7 career?

8 A I did.

9 Q All right. So you've helped us prepare this case for  
10 trial, correct?

11 A Correct.

12 Q And as part of you investigative file, do you review  
13 an individual's criminal record?

14 A I do.

15 Q And in this particular incidence -- in this  
16 particular case, being a burglary case, is it relevant to  
17 review someone's criminal history?

18 A It is.

19 Q And why, for a burglary case, is that relevant?

20 A For certain numbers of convictions or prior  
21 convictions, it can enhance the charge that we use when we  
22 go to trial.

23 Q All right. And did you have an occasion to go  
24 through Sterling Maybin's criminal history?

25 A I did.

1 Q And did you find any convictions that would be  
2 specifically relevant --

3 MR. VERNER: Subject to my earlier point, Your Honor.

4 THE COURT: So noted on the record previously.

5 Q And, Investigator Bentley, did you find any  
6 convictions relevant to this burglary trial?

7 A I found two prior convictions for burglary.

8 Q Okay. And I'm going to hand you what's been marked  
9 for ID purposes as State's Number 30. Do you recognize  
10 these?

11 A I do.

12 Q What are we looking at?

13 A These are -- there's two documents here. Both of  
14 them are a part of State's Number 30. The first one is an  
15 indictment with a sentence written on it. It looks like  
16 the indictment was in 1992 for Sterling Maybin along with  
17 two other co-defendants for the crime of burglary. It's  
18 marked with a stamp on the back, which is from the Clerk  
19 of Court here in Newberry that certifies it as a true and  
20 accurate record. And on the back is -- this is where he  
21 was -- where Mr. Maybin was -- he either pled guilty or  
22 convicted, I can't tell from this, and was sentenced.

23 Q And is there another document along with that?

24 A There is. There's another document. This one is a  
25 2014 case. It looks like a 2015 indictment. It is also

1 for burglary. Also, stamped true and accurate by the  
2 Clerk of Court here in Newberry where Mr. Maybin pled  
3 guilty to a burglary of the third degree, second offense,  
4 here in Newberry County.

5 Q So what you just read out are court certified  
6 documents from the Newberry Clerk of Courts Office showing  
7 two convictions for burglary. Is that correct?

8 A That's correct.

9 Q One, in '92, and then one in 2015?

10 A Correct.

11 Q And how do we know that's the same Sterling Maybin as  
12 the one who's on trial today?

13 A On the newer conviction, it actually has his personal  
14 information, which I was able to verify and match personal  
15 information Mr. Maybin gave in this case. On the 1992  
16 case, I had to go a little further and check some public  
17 record databases and found, obviously, the name matches.  
18 But I also found that the year of birth matched, also.  
19 The date of birth matched. So I was able to verify both  
20 of these as being Mr. Maybin.

21 Q Okay. The '92 and 2015 convictions indicate the same  
22 date of birth for Sterling Maybin -- the same date of  
23 birth for this Sterling Maybin on trial?

24 A The same as Mr. Maybin sitting over there,  
25 (indicating).

1 MR. DANIEL: Okay. Your Honor, I'd offer State's  
2 Number 30 for admission into evidence.

3 THE COURT: Subject to what's already been --

4 MR. VERNER: Can I see it?

5 THE COURT: Sure.

6 MR. VERNER: Judge, the only thing I would say is  
7 one, I mean, the evidence is going to the jury  
8 uncontested. So I don't know that the document's really  
9 pertinent to them and the second one's got a sentence  
10 sheet, which is typically not added to an indictment.  
11 But, I mean, they're going unchallenged to the jury. I  
12 don't know that the jury needs the actual indictments in  
13 there.

14 THE COURT: All right. I will -- what I will do is,  
15 I will allow it into evidence, but -- to review them, to  
16 determine what part of the document, if any, would go to  
17 the jury. Okay? And ladies and gentlemen, let me explain  
18 to you something. Evidence of the Defendant's prior  
19 convictions can only be considered by you in determining  
20 whether or not the Defendant is guilty of one of the  
21 elements of the crime of burglary second, violent. It  
22 cannot and should not be considered by you as evidence of  
23 any bad character on the part of the Defendant or that the  
24 Defendant acted in accordance with any prior conduct.

25 (Whereupon, State's Exhibit number 30 was admitted

1 into evidence).

2 THE COURT: All right. You may proceed.

3 MR. DANIEL: Thank you, Your Honor.

4 Q All right, Investigator Bentley. So these are in  
5 evidence and it denotes a '92 and 2015 convictions for  
6 burglary?

7 A That's correct.

8 Q And that Sterling Maybin on both of those court  
9 records has a date of birth that's the same as the  
10 Sterling Maybin who's on trial today, correct?

11 A Correct.

12 Q And it's relevant to a burglary prosecution how,  
13 again?

14 A Because certain crimes, if you have multiple  
15 convictions, two or more, especially in burglary, it  
16 enhances the type of burglary charge that we can go to  
17 trial with.

18 Q Okay. So there's different degrees of burglary is  
19 what you're saying?

20 A Yes. It increases the degree.

21 Q So otherwise, it would be -- one degree of burglary  
22 can be elevated to another degree if they have two or more  
23 prior burglary convictions?

24 A That's correct.

25 Q So that's why it's relevant?

1 A Yes.

2 MR. DANIEL: Thank you, Investigator.

3 THE COURT: Solicitor, hand those to me so I'll  
4 remember to review them.

5 MR. VERNER: Can I look at them just one second?

6 THE COURT: Yeah. Just hand them to me whenever  
7 you're finished with them.

8 MR. DANIEL: And I'm sure we can stipulate to  
9 whatever--

10 CROSS-EXAMINATION

11 By Mr. Verner:

12 Q I'm just trying to clarify -- Walter, do you know if  
13 this is second degree or third degree burglary from 1992?

14 A I can look. There's a public index form on the table  
15 there, Charles. I think it's a third, if I'm not  
16 mistaken.

17 Q And then, this one's clearly third degree because of  
18 the sentence sheet?

19 A That's correct. I'd have to verify on the first one,  
20 but I'm looking on that sheet from the public index.

21 Q And third degree burglary is going into a shed or a  
22 non-occupied building or do you know?

23 A That's typically correct.

24 MR. VERNER: No more questions, Investigator.

25 THE COURT: Solicitor, anything to followup?

1 MR. DANIEL: No, sir, Your Honor.

2 THE COURT: You can step down, sir.

3 (Whereupon, the witness steps down from the witness  
4 stand).

5 THE COURT: Any other witnesses?

6 MR. SCOTT: The State rests, Your Honor.

7 THE COURT: Okay. The State has rested. Mr. Foreman  
8 and ladies and gentlemen of the jury, I'm going to ask you  
9 to go back to the jury room for a few minutes and I need  
10 to discuss some matters with the lawyers and we'll get you  
11 back out shortly. Okay.

12 (Whereupon, the jury was excused from open court.)

13 THE COURT: All right. Let's be at ease for just a  
14 moment. And then, we'll entertain Mr. Verner's motion for  
15 directed verdict. Everybody be at ease for just a little  
16 bit.

17 (Whereupon, a short break was taken.)

18 THE COURT: All right. Let's go back on the record.  
19 Mr. Verner, do you have any motions you want to place on  
20 the record at this time?

21 MR. VERNER: On the counts of the burglary, Your  
22 Honor, I do. On the directed verdict motions, the Court  
23 has seen the photographs and heard the testimony of the  
24 buildings, which are -- I characterize them as carpports,  
25 they are pole buildings. One more than the other, but

1 they both, essentially, have four poles and a roof type  
2 situation with no doors, they are outdoor. I submit they  
3 don't qualify as a building. I have submitted for -- I  
4 would call attention to the Court as consistent with my  
5 opening argument. The Webster definition of a building  
6 says it has some kind of enclosure. It's just a common  
7 definition that a structure with a roof and walls is the  
8 Webster definition of a building, such as a house, school,  
9 store, factory. The State is going to use the technical  
10 definition of structure, which is designed to store goods.

11 THE COURT: Right, under the statute.

12 MR. VERNER: Right.

13 THE COURT: Yeah.

14 MR. VERNER: Well, if the State is going to use the  
15 statutory definition as opposed to what is the common  
16 understanding of a building, there's been no testimony  
17 that goods are stored underneath buildings -- these  
18 structures. The goods also has a statutory definition,  
19 which is items that are held for sale. I'll call the  
20 Court to that definition.

21 THE COURT: Okay. All right. Where is goods defined  
22 in the statute?

23 MR. VERNER: Goods is defined in the UCC at several  
24 indications and in the UCC South Carolina argues the  
25 definition of goods is moveable property that is subject

1 to a contract, which, of course, is what UCC implies. But  
2 the legal definition, the Black's legal definition of  
3 goods, which I submit they're going to use -- if they're  
4 not going to use the statute to define goods, then perhaps  
5 they'll use the legal definition, which would be the  
6 Black's Law definition, which defines goods as chattels  
7 and the Court's aware that chattels are goods that are  
8 mercantile as opposed to personal property. It defines  
9 goods as commodities. I'm trying to find -- a good -- the  
10 standard Blackstone legal definition of goods are goods  
11 or items held for sale in the regular course of business.  
12 I think, to that extent, the statute contemplates that a  
13 warehouse would be a building for the purpose of the  
14 burglary statute. But that is a structure that is  
15 specifically held -- built to hold goods, a store  
16 warehouse, a factory warehouse. A carport which is open  
17 to the public -- well, open to access for multiple reasons  
18 does not qualify as a building, Judge. In this case, as I  
19 indicated, there's nothing that would prevent the State  
20 from charging somebody with burglary for going into  
21 Mollohan Park and taking items off the picnic table. That  
22 would be burglary. If they went in with the intent to  
23 take something off of a picnic table, that would be a  
24 burglary. If you went with the intent to shoplift from  
25 the flea market, that would be a burglary, which is an

1 open air. The State's definition, I just submit is, in  
2 congruence with the definition of a structure held to hold  
3 goods -- built to hold goods is a warehouse. And then, of  
4 course, there's the -- the only case I could find -- or  
5 the closest South Carolina Appellate Court case I could  
6 find is the Middleton case.

7 THE COURT: I'm familiar with that.

8 MR. VERNER: Middleton involved a crawlspace issue  
9 and I think it's important on several -- every time the  
10 Court said that this crawlspace would be encompassed in  
11 the burglary statute, it mentioned that it was enclosed.  
12 Not just by a roof, but enclosed on the sides.

13 THE COURT: Doesn't Middleton also cite the Black's  
14 Law Dictionary, which defines building as a structure  
15 designed for storage. The Middleton case, and also State  
16 versus Myers cites the same Black's Law Dictionary  
17 building structure designed for storage.

18 MR. VERNER: And maybe -- I assume that's correct  
19 since the Court brought it up, Your Honor, and obviously  
20 has it in front of the Court. The only argument I would  
21 add on to that is the code specifically says storage of  
22 goods. So while a building, in the commonsense, might be  
23 held for storage, under the burglary statute it  
24 specifically says storage of goods.

25 THE COURT: All right. Let me ask you this, Mr.

1 Verner. Let's say I were to use the phrase, stolen goods.  
2 All right. Just the normal everyday definition of stolen  
3 goods. Would you take the position that it would have to  
4 be items held for sale in order to qualify as being,  
5 "stolen goods."

6 MR. VERNER: In fairness, by common -- first  
7 interpretation, stolen goods would be anything stolen that  
8 somebody has on them. If I thought about defining it more  
9 specifically, I would say shoplifted or mercantile items  
10 that were stolen. The only -- again, the counter argument  
11 is if a term is used in a statute, then we should be able  
12 to look at the statute for a definition of it. And if  
13 it's ambiguous at all then, obviously, the burglary  
14 statute is a penal statute, which means if there is any  
15 doubt about the construction of it it has to be in favor  
16 of the Defendant's view of it. I would -- a layperson, I  
17 think, would think that stolen goods would be anything  
18 stolen that would be moved -- capable of being moved, Your  
19 Honor.

20 THE COURT: Well, you make some good arguments.  
21 Solicitor Scott, you appear to be deep in thought. What  
22 do you have to say?

23 MR. SCOTT: Just, I will start with the goods  
24 argument. That would indicate that -- typically, in these  
25 cases, as Mr. Verner's alluded to a number of times, we

1 have a shed or an outbuilding. Let's suppose we have a  
2 homeowner with a shed in the back portion of their  
3 property. You know, same kind of thing. It's enclosed.  
4 It's a traditional enclosed ceiling, four walls and a door  
5 and it's a homeowner storing their tools in it. Clearly,  
6 we wouldn't be arguing whether those goods were for sale.  
7 We'd say it's a burglary third and call it a day. I don't  
8 think we would have a directed verdict on that. So the  
9 argument that goods means items for sale would negate  
10 almost every burglary third of a building we have because  
11 typically, there's a homeowner with some personal property  
12 that they're storing in this outbuilding. I've got -- I'm  
13 happy to hand my copy up. I've got my Black's Law  
14 Dictionary here. I just looked up goods and it seems to  
15 define it as more of a traditional -- what Your Honor kind  
16 of had a good example, stolen goods, what you think about  
17 stolen goods. The Black's Law definition, in my  
18 definition I'm reading, tangible or moveable personal  
19 property other than money. Okay. And certainly, these  
20 items that Ms. Mathis and Mr. Hazel identified, they said  
21 they had certain value to them. They were their own  
22 personal property. So I don't think anywhere in the  
23 statute -- I've never heard the argument before that in  
24 order to be a building items for sale had to be stored in  
25 that building. Certainly, the statute does not make

1 mention of that. I believe that would be in the  
2 definition of building, that it would have to be items for  
3 sale are stored there. Let me address the structures in  
4 question being buildings. Certainly it's defined -- and  
5 we're just going to argue the plain meaning of -- the  
6 plain language of the statute. "Building, any structure  
7 where goods are stored." Those are the only two -- the  
8 only portion of that whole statute that we're arguing  
9 applies here. Certainly, this is a structure. Certainly,  
10 Ms. Mathis and Mr. Hazel have indicated that they store  
11 valuable personal belongings of theirs in these  
12 structures. I think it meets the statute definition of a  
13 building.

14 THE COURT: Okay.

15 MR. VERNER: Briefly, the legislature would have --  
16 if they meant something differently, they would have said  
17 where property is kept. If they didn't mean goods in the  
18 understood definition of goods, then the statute clearly  
19 would have said a building where property is kept if they  
20 meant non-mercantile property. I think they use goods for  
21 a reason.

22 MR. SCOTT: Your Honor, just briefly. We'll also  
23 note the petty larceny code section describes goods.

24 THE COURT: What, Solicitor? I'm sorry.

25 MR. SCOTT: Petty larceny, the definition is, "Simple

1 larceny of any article of goods." So, of course, we  
2 understand larceny not being theft of only items that were  
3 meant for sale. The same argument as being made here for  
4 a building, Your Honor.

5 THE COURT: Well, it's an interesting argument and  
6 the statute says any structure where goods are sold.  
7 Black's Law says, structure designed for storage in  
8 defining the word, building. And so, I think this --  
9 however close an issue this is, I think this carport, in  
10 this case, two carports, do qualify as a building under  
11 the statute of the Black's Law Dictionary. The State  
12 versus Middleton and the State versus Myers both quoted  
13 the Black's Law Dictionary and the definition of goods. I  
14 just don't see where goods are confined to items held for  
15 sale. When you look at Black's Law definition of goods  
16 being tangible and moveable for personal property. It's  
17 an interesting argument, Mr. Verner. You always -- you  
18 always come up with some good arguments. But I'm going to  
19 respectfully deny your motion for a directed verdict. I  
20 find that there's sufficient evidence to send this case to  
21 the jury.

22 MR. VERNER: Judge, just part and parcel of the -- if  
23 I had asked for a jury charge on a definition of goods, is  
24 the Court inclined to --

25 THE COURT: I'll be glad to, you know, take a close

1 look at anything that you want to offer the Court on jury  
2 charge. I'll be glad to look at -- as well, as the State.  
3 All right. While we're outside the presence of the jury,  
4 let me just give the -- go through the colloquy on the  
5 right to testify and give me just a moment to pull that  
6 up. Give me just a minute. And would you swear Mr.  
7 Maybin in, please, while I'm pulling this up.

8                                   STERLING MAYBIN, being  
9 first duly sworn, testified as follows:

10           THE COURT: All right. Mr. Maybin, at this time, I'm  
11 going to explain to you certain of your rights. If you do  
12 not understand anything I say, please let me know. If you  
13 want me to explain anything in more detail, please let me  
14 know that, as well. Do you understand, sir?

15           MR. MAYBIN: Yes, sir.

16           THE COURT: We've now reached the stage of the trial  
17 where you may present your defense. You have the right to  
18 claim the protections given to you by the Fifth Amendment  
19 to the Constitution of the United States. This amendment  
20 states, in part, "No person shall be compelled in any  
21 criminal case to be a witness against themselves." This  
22 means that you cannot be required to testify in this case.  
23 You have the right to testify on your behalf. However, no  
24 one can make you testify. This is a personal right. No  
25 one can waive this right except you, sir. If you decide

1 to testify, you'll be subject to the same rules that  
2 govern other witnesses and you may be examined or  
3 cross-examined on any relevant issue in this case. In  
4 addition, if you have any convictions involving dishonesty  
5 or false statement or for crimes punishable by  
6 imprisonment for more than one year and this Court  
7 determines that the probative value of admitting this  
8 evidence outweighs its prejudicial effect to you, the  
9 Solicitor would be able to introduce your record to attack  
10 your credibility. If you decide to testify, this decision  
11 on your part must be freely, voluntarily and intelligently  
12 made with knowledge of the protections given to you by the  
13 Fifth Amendment and the consequences of your decision to  
14 testify. If you decide not to testify, this also must be  
15 decided on your part freely, voluntarily and intelligently  
16 made, and if you decide not to testify I will instruct the  
17 jurors that they cannot give the fact that you did not  
18 testify any consideration whatsoever and there is to be  
19 absolutely no prejudice to you because you did not  
20 testify. This is left entirely up to you whether or not  
21 you testify. You have the right to talk with Mr. Verner  
22 and any family or friends or anyone else, but the final  
23 decision will be left up entirely to you. Have you  
24 understood what I've explained to you, sir?

25 MR. MAYBIN: Yes, sir.

1 THE COURT: Is that a yes?

2 MR. MAYBIN: Yes, sir.

3 THE COURT: And do you have any questions about what  
4 I've explained to you?

5 MR. MAYBIN: No, sir.

6 THE COURT: Have you made a decision as to whether or  
7 not you'll testify?

8 MR. MAYBIN: I'm not going to testify.

9 THE COURT: You're not going to testify --

10 MR. MAYBIN: No, sir.

11 THE COURT: Is that correct?

12 MR. MAYBIN: Yes, sir.

13 THE COURT: And is that decision not to testify, has  
14 that been made by you freely, voluntarily and  
15 intelligently? Is that decision made by you freely,  
16 voluntarily and intelligently?

17 MR. MAYBIN: Yes, sir.

18 THE COURT: Is that a yes, sir? I'm having a hard  
19 time hearing you.

20 MR. MAYBIN: Yes.

21 THE COURT: Okay. Thank you, sir. All right. You  
22 can step -- sit down. I'm thinking what we'll do -- it's  
23 already close to 3:00 o'clock and I need to work on the  
24 charge. So I'm going to send the Defendant -- the jury  
25 home and have them back at 9:30 in the morning. Does

1 anybody have any objection to that? And assuming, Mr.  
2 Verner, you're not going to put up a case, assuming that,  
3 then we can argue and charge in the morning. Does that  
4 suit everybody?

5 MR. SCOTT: Yes, sir.

6 THE COURT: Okay. Mr. Verner, does that suit you?

7 MR. VERNER: I think my client would prefer to get it  
8 done today, Your Honor, but I understand the Court's --

9 THE COURT: Well, I just -- I don't have a charge  
10 ready to present to you guys and you just mentioned that  
11 you wanted to submit something to me. So I'd like --

12 MR. VERNER: I did.

13 THE COURT: -- to spend this afternoon working on a  
14 charge and we'll have the jury back at 9:30 in the  
15 morning. Okay?

16 MR. VERNER: We don't have -- there will be no  
17 additional witnesses, so we would just--

18 THE COURT: -- okay. All right. What we'll do is  
19 when I bring the jury out, I'll just get you to rest. And  
20 then, we'll close the record in the case and then finish  
21 up tomorrow. Okay. Madam Bailiff, if you'll bring the  
22 jury out. And we'll talk about this exhibit, too, after  
23 we've finished with the jury.

24 (Whereupon, the jury came into open court at  
25 approximately 3:30 p.m.)

1 THE COURT: Let the record reflect the jury is back  
2 in. Mr. Verner, anything from you, sir?

3 MR. VERNER: Your Honor, if the State has rested,  
4 I'll renew my argument with the State to dismiss the  
5 burglary counts.

6 THE COURT: Okay. All right.

7 MR. VERNER: If that is denied, as I believe the  
8 Court has indicated it is, legally, then I think the jury  
9 has heard what they need to hear.

10 THE COURT: -- okay. All right. So the Defense  
11 rests?

12 MR. VERNER: The Defense rests and is prepared to  
13 argue.

14 THE COURT: Okay. All right. The evidentiary record  
15 in this case is now closed. Ladies and gentlemen, what  
16 we're going to do -- I'm going to go ahead and send you on  
17 home today. What we have left to do is the lawyers will  
18 make their closing arguments, and then I will charge you  
19 the law that applies to this case. I have not completed  
20 my charge yet. So I need some time to work on that. So  
21 I'm going to let you go on home and have you back here at  
22 9:30 in the morning and remember all of my instructions  
23 that I've given to you, they still apply, and we'll see  
24 you at 9:30 in the morning. Have a good afternoon and  
25 evening.

1 (Whereupon, the jury was excused from open court for  
2 the day.)

3 THE COURT: All right. We'll be in recess until 9:30  
4 in the morning. I'm going to be back here working on the  
5 charge. If you all want to get me anything to look at,  
6 try to do that this afternoon and we'll go from there.  
7 And then when I get a draft -- you all have tried enough  
8 cases with me. I'll get you a draft of my charge, let you  
9 look at it and we'll go from there. Okay?

10 MR. VERNER: The Court indicated he was going to make  
11 a decision about the indictments coming in?

12 THE COURT: Yeah. Because Exhibit 30 is, basically,  
13 sentencing sheets -- well, there is maybe one indictment.  
14 I'm just going to have this marked as a Court's exhibit.  
15 The evidence is already into the jury, uncontested, that  
16 Mr. Maybin had the two prior convictions, '92 and 2015,  
17 but I'll have this as a Court's exhibit.

18 (Whereupon, Court's Exhibit number 1 was marked for  
19 identification purposes).

20 (Whereupon, the trial will resume the next morning at  
21 9:30 a.m.)

22 August 28, 2019

23 THE COURT: Okay. We are back on the record. The  
24 Court has provided the attorneys with the proposed jury  
25 charge. And I am going to -- even though I gave a

1 limiting instruction to the jury concerning the prior  
2 convictions, I am going to include that in my charge. It  
3 may not actually be in the written charge, but it will be  
4 in the charge I give them. And then I think the State was  
5 okay with the remaining charge. Correct, Solicitor?

6 MR. SCOTT: Yes, sir.

7 THE COURT: Okay. And then, Mr. Verner, you had an  
8 objection to the charge concerning the definition of  
9 building.

10 MR. VERNER: Not so much an objection to your charge,  
11 Your Honor, so much, just a request to define -- give the  
12 legal definition of goods.

13 THE COURT: Right.

14 MR. VERNER: And before I start that, Your Honor, may  
15 I just to protect myself, the Defense has rested, I  
16 believe, yesterday --

17 THE COURT: Right.

18 MR. VERNER: -- and I'm just renewing my directed --

19 THE COURT: Sure.

20 MR. VERNER: -- verdict motions.

21 THE COURT: Sure.

22 MR. VERNER: I assume with the same visible chance of  
23 success as after the State has closed. But the --

24 THE COURT: I wouldn't necessarily say visible, but  
25 my ruling made yesterday will remain in effect.

1 MR. VERNER: Okay. Thank you, Your Honor. And so, I  
2 don't object to the Court's charge. I would just ask for  
3 goods to be defined for the jury, please.

4 THE COURT: Okay. And this will be in relationship  
5 to our discussion yesterday with respect to your motion  
6 for directed verdict and I'm not going to add anything to  
7 the charge as it relates to definition of goods.

8 MR. VERNER: And I think the Court indicated earlier  
9 that you'd just let me briefly put on the record?

10 THE COURT: Sure. Whatever you need to.

11 MR. VERNER: Are you ready now, Judge?

12 THE COURT: Yeah, go ahead. Let's get that on the  
13 record, and then we'll bring them out for closing  
14 arguments.

15 MR. VERNER: The definition of goods I am proposing,  
16 Your Honor, in Black's Law and other legal authorities is,  
17 "Goods are generally defined as a chattel, which is  
18 generally subject to sale." And because chattel is not a  
19 word that's regularly used anymore, I would just argue  
20 that personal property, which is generally subject to sale  
21 or property which is generally subject to sale. Of  
22 course, we talked about the Middleton case yesterday, Your  
23 Honor, where -- that's more of the enclosure issue. But  
24 just some places where the General Assembly has  
25 distinguished between goods and personal property, of

1 course, is in the arson and the defrauding insurer statute  
2 16-11-130 where the statute specifically indicates goods  
3 comma, wares, merchandise, all comma, and then for other  
4 chattels or personal property. So in the arson statute,  
5 goods and personal property are individually identified.  
6 In the malicious damage statute 16-11-510, "Personal  
7 property, comma, or goods and chattels of another."  
8 Again, that's a separate statute where the legislature was  
9 aware that personal property and goods are separate. The  
10 Heilker versus the Zoning Board of Beaufort case, which  
11 specifically talks about the storage of goods and goods  
12 are identified as mercantile or merchandise. And then,  
13 Your Honor, as far as the -- on the issue of whether an  
14 open air building can be -- and I know this is different  
15 than the goods issue, Judge. I just want to note that  
16 under 16-11-430, which is the defense of habitation  
17 statute -- and all of these statutes are in the same  
18 burglary articles or very close to it. The dwelling is  
19 defined as, "Can include anything with a roof over it."  
20 So there the legislature's clearly aware -- when they talk  
21 about persons that are entitled to defend their home, the  
22 legislature clearly distinguishes something that is open  
23 air but has a roof over it and they include that in the  
24 definition of what can be a dwelling. And then in the  
25 State versus Stone case, which is 250 South Carolina --

1 350 South Carolina 442, it was a 2002 case. Again, they  
2 talk about -- for the burglary statute, a porch -- for a  
3 porch being included in a burglary, the Court of Appeals  
4 noted that the porch was fully enclosed and appurtenant to  
5 the home. And, therefore, could be -- encompass a  
6 burglary conviction, which is consistent with Middleton's  
7 crawlspace has to be enclosed. State versus Stone, the  
8 porch has to be enclosed. And so, again, Your Honor,  
9 that's more on my motion for a directed verdict. But a  
10 reasonable person would not necessarily see a building --  
11 an open space as a -- I understand the Court's decision on  
12 that.

13 THE COURT: Right. And as I mentioned yesterday,  
14 Middleton does cite Black's Law Dictionary that says, "A  
15 building is any structure designed for storage." You  
16 know, I appreciate your efforts. I really do and, I  
17 guess, it's, you know, somewhat of a close issue. But I'm  
18 going to remain consistent with my ruling and the basis  
19 for my ruling yesterday. Okay. All right. Well, let's  
20 bring the jury out for closing and we'll probably take a  
21 short little break before -- between closing and charges.  
22 Okay.

23 (Whereupon, the jury came into open court at  
24 approximately 10:00 a.m.)

25 THE COURT: Let the record reflect the jury is back

1 in. Good morning, ladies and gentlemen.

2 THE JURY: Good morning.

3 THE COURT: You're doing well. It doesn't seem to be  
4 quite as chilly this morning as it was yesterday. So  
5 hopefully, it will remain that way. As I told you  
6 yesterday before we broke for the evening, what remains in  
7 this case, the lawyers will make their closing arguments,  
8 we'll take a little break, and then I will charge you the  
9 law applicable to this case. This is the last opportunity  
10 that these good lawyers have to advocate for their  
11 respective sides. So please give your undivided  
12 attention. Solicitor Scott, you ready, sir?

13 MR. SCOTT: Yes, Your Honor. May it please the  
14 Court.

15 THE COURT: Yes, sir.

16 MR. SCOTT: On April 24th of this year, that's when  
17 Bessie Mathis -- Bessie, raise your hand, and Larry Hazel,  
18 raise your hand. Two homeowners here in Newberry, live in  
19 the town limits, contributing members of your society,  
20 finally had enough when they found various goods that they  
21 kept in their buildings that turned up missing. Bessie,  
22 she talked about one of her favorite things to do is  
23 landscaping. I've been there. I'll tell you, it's  
24 meticulous. It's meticulously kept. You can tell the  
25 fruits of her labor. She spends a lot of time out there,

1 and in doing so she needs a lot of lawn equipment. And  
2 she did over time go on to find things missing. Likewise,  
3 Larry, as part of his job he needs these tools. And  
4 imagine the frustration going out there and looking for an  
5 impact driver, or whatever else he needs to do a job and  
6 it's just gone. And so, sadly, the reality nowadays and  
7 certainly for these two is that they have to spend money,  
8 that I'm sure they would have liked to have spent on other  
9 things, to purchase surveillance equipment and it paid  
10 off. April 24th is when they went to check the videos and  
11 that's when they see Sterling Maybin walking around the  
12 property like he's living there, like he owned the place,  
13 taking their stuff that they worked hard for, earned money  
14 and purchased. And then, just traipsing around their  
15 yards and their buildings taking at will. That's what the  
16 case is about. It's about productive members of society  
17 and takers. People who don't contribute that take from  
18 others. It's a burglary second degree, violent. That's  
19 how the statute reads. That's how the legislature has  
20 coded this section, 16-11-312. A person who's guilty of  
21 burglary in the second degree, the purpose -- the person  
22 enters a building without consent and with the intent to  
23 commit a crime inside. What takes it from being a  
24 burglary third up to a burglary second, violent, is that  
25 you have to have an aggravating factor. That can be it

1 happened at nighttime, somebody was injured during the  
2 burglary or it can be something like the person had two or  
3 more prior burglary convictions. You heard yesterday that  
4 Sterling Maybin has two prior burglary convictions.  
5 That's what makes it burglary second violent. That's what  
6 he's charged with. Just briefly I want to show you. It's  
7 complicated, but our General Assembly decided this is how  
8 we're going to categorize burglaries. You basically have  
9 four different flavors of burglary. Burglary first is  
10 the, I guess, what you probably are more familiar with.  
11 That's somebody breaking into your house, right, and what  
12 makes it burglary first is they go inside a dwelling, a  
13 home, and there's an aggravating factor. Again, that  
14 aggravating factor could be they're armed with a weapon,  
15 caused an injury to somebody in the home, it happened  
16 during the nighttime or they had two prior -- two or more  
17 prior convictions. Okay. So that's the burglary first.  
18 That's the kind we're all familiar with. The other kind  
19 of burglary into a dwelling is if they break in but don't  
20 have all these aggravating factors. Let's say they break  
21 in during the daytime, nobody's hurt and there's no  
22 evidence they were armed with a weapon and there's no  
23 proof that they have prior convictions. That would be  
24 called a burglary second, nonviolent. Okay. So  
25 dwellings, your home, that's one subset of burglaries.

1 Breaking into buildings, that's another set. Okay. He's  
2 been accused of breaking into a building. If you break  
3 into a shed at somebody's house and you don't have an  
4 aggravating factor, you break into somebody's outbuilding  
5 and you don't have one of these, they're not armed with a  
6 weapon, they don't cause injury, it doesn't happen at  
7 nighttime, they don't have any prior convictions, that's  
8 what's called a burglary third. Okay. Why he's got a  
9 burglary second violent is because of the two prior  
10 convictions. Does that make sense? So he's broken into a  
11 building and there's one aggravating factor. That's his  
12 two prior convictions. I just wanted to explain it to  
13 you. I'm certain Mr. Verner has a chance to explain how  
14 he understands burglary charges, but it doesn't  
15 necessarily have to mean somebody's breaking into your  
16 home. All right. I hope I've kind of explained that to  
17 you because what he's been accused of doing is breaking  
18 into these buildings. Let's see. I've got to cut it on  
19 first. Again, three elements to burglary second. Enter a  
20 building, which he did. You saw the pictures of Bessie  
21 Mathis' building and you saw the pictures of Larry Hazel's  
22 building. Clearly he entered. We've got him on video  
23 doing it, without consent. Each one of these homeowners  
24 has said, I don't know the guy, I certainly didn't allow  
25 him to go into my building, with the intent to commit a

1 crime therein. What crime did he intend to commit inside?  
2 Well, for Bessie Mathis, we've got him on camera stealing  
3 a weed wacker and a backpack full of whatever else.  
4 Probably her son's motorcycle tools. Larry's, we can see  
5 him taking chainsaws. We see him taking buckets of tools.  
6 By the way, that video, you all get to watch it as many  
7 times as you want, in case you want to watch it. That  
8 goes back into evidence with you guys. You can watch it  
9 some more if you want to. Okay. So you've got all those,  
10 but all we've got right there is a burglary third, what I  
11 showed you a minute ago. What bumps it up to what he's  
12 charged with, burglary second violent, two or more prior  
13 burglary convictions. Okay. All right. A building. We  
14 talked about that he's got to enter without consent into a  
15 building. What is a building? His defense attorney says  
16 that is not a building, that's not a building, that's not  
17 a building. Let me tell you, this Judge is going to read  
18 you this and I think he handed you back the jury charges.  
19 If you look at page six, this is what this Judge, on this  
20 bench, which you swore an oath to this Court and you're  
21 going to get charged on it, he's going to say, as the  
22 presiding Judge, I am the sole Judge of the law of this  
23 case and it is your duty as jurors to accept and apply the  
24 law as I now state it to you. If you already have an idea  
25 as to what the law is or what the law ought to be and it

1 does not agree with what I now tell you the law is, you  
2 must abandon this idea because you have sworn to accept  
3 the law and to apply the law exactly as I state it to you.  
4 What he's going to tell you a building is, it means any  
5 structure where goods are stored. This is the long  
6 version. "Any structure, vehicle, watercraft or aircraft  
7 where people assemble for purpose of business." That can  
8 be an office building. Government, that could be a Court  
9 House. Education, a school. Religion, a church, right?  
10 You can't break into a church. Entertainment, how about a  
11 movie theater. That would be a building for  
12 entertainment. Public transportation, how about the bus  
13 stop building downtown; or public use, that could be a  
14 public park or something with a building. What we have  
15 here though, we're not talking about a vehicle, watercraft  
16 or aircraft, and we're not talking about where people  
17 assemble for purpose of business, government, education,  
18 religion, entertainment, public transportation or public  
19 use. We're talking about where goods are stored. So a  
20 building means any structure where goods are stored. You  
21 saw the evidence. We've talked about all the goods that  
22 were stored and how they talked about over time how their  
23 things were missing left and right. So he got so  
24 frustrated, Larry Hazel said, my wife -- you know, she  
25 said we've got to get this camera. Can't afford it, but I

1 was tired of finding all this stuff missing, so I had to  
2 buy it. This is Bessie's building. Okay. Certainly this  
3 is a structure and certainly, and certainly she has goods  
4 stored in it. Used to have a lot more before they started  
5 showing up missing. She's done her best to kind of put  
6 gates up and lock them, but that's not going to stop  
7 somebody like Sterling Maybin. He's an opportunist. So  
8 when he sees something he can get for free, he's going to  
9 take it. He doesn't care how Bessie Mathis paid for it or  
10 how much she needs it. That doesn't bother him. So when  
11 she stores goods in here and he enters this building  
12 without consent and takes those goods when there's two  
13 prior burglary convictions, that is a burglary second  
14 violent. The charge you're going to be considering, a  
15 petty larceny. Okay. The petty larceny is actually  
16 taking the things from these buildings and leaving with  
17 them and never having returned them to her. So he's got  
18 petty larcenies from stealing her weed wacker and the  
19 burglary is entering into a building. That's Larry's  
20 building right there, (indicating). He was the one on  
21 Boundary Street, and this building sits off the road from  
22 Boundary. We've got that one picture where you can see it  
23 from the road, and Sterling really had to walk up through  
24 his yard and go through. I don't know. From watching  
25 that video, he really seems to have no concern of getting

1 caught or invading anybody else's property. That does not  
2 concern someone like Sterling Maybin. But if you look,  
3 here's the camera one that we see some of those angles  
4 from. The other one is -- it's somewhere back up in here  
5 in the ceiling portion of the building that showed the  
6 inside, but there you go. You've got a petty larceny in  
7 Larry Hazel's case because April 24th, that's when he  
8 takes the chainsaw. We can't really tell from the video  
9 whether it came from inside the building or he got it out  
10 the back of the truck. So all he's charged with for April  
11 24th is just a petty larceny for the chainsaw. But then  
12 what you'll recall is Janson Bell, when he came out -- the  
13 police officer who came out there when Larry called him on  
14 the 24th and showed him the video. Janson took the report  
15 and left and Larry said, hey, come back here. I watched  
16 some more video. It looks like the guy was here  
17 yesterday, as well, April 23rd, taking stuff. Those are  
18 the videos you saw on here where he's in there taking the  
19 buckets, messing around with the boat and generally,  
20 putting his nose in other people's property and looking  
21 around for something to take. April 23rd is when he had a  
22 burglary on Larry Hazel's property. That's when we found  
23 him on video going inside the building, and then we have  
24 him on video taking. He took the push weed eater and he  
25 took that bucket of tools. We have him on video doing

1 that. So in Larry Hazel's case, April 24th, just a petty  
2 larceny. April 23rd was a burglary plus a petty larceny.  
3 Does that make sense, we've got two petty larcenies, one  
4 burglary for Larry Hazel. For Bessie, one burglary and  
5 one petty larceny. ID, it sounded like they've all but  
6 conceded this is him, but just to show you. You know,  
7 it's tragic in a way that people have to have these  
8 cameras. I mean, if you can afford it, look what you can  
9 capture. I mean, this is Larry Hazel's house and here you  
10 have Sterling with his trademark red stocking cap, his Air  
11 Jordans, his backpack, the red hoodie. Remember when  
12 Janson stopped him later that day and got out with him.  
13 Look at those shoes. I remember those shoes. There he is  
14 wearing them when Janson gets out with him and the navy  
15 blue cargo pants. You know, there you go. There's him at  
16 the scene and there's him later on that day when Janson  
17 gets out with him. Every good burglar needs to come  
18 prepared. You need to have something to kind of cover up  
19 your face, your head. Gloves are good, too, because  
20 you're not going to leave fingerprints, right? You're not  
21 going to leave DNA. Sterling certainly knows how to  
22 prepare himself for a burglary. He's got it down. He's  
23 got the gloves on. He's not going to leave any  
24 fingerprints on that doorknob. Walter, will you click it?  
25 Gray gloves. Click it again. He's still wearing the

1 gloves when Janson gets out with him later that afternoon.  
2 I don't know why, but he's still wearing the gloves.  
3 Janson gets out with him. Keep going. He's got the  
4 backpack on that he was wearing earlier that day. They  
5 didn't search it because at that point they didn't have an  
6 arrest warrant in-hand. They wanted to go out and get it  
7 so they could arrest him later. They actually took these  
8 pictures of him and let him go. Keep going. Is that it?

9 MR. BENTLEY: That's it.

10 MR. SCOTT: Clearly, ID is not an issue. You have  
11 the video. There's a couple times he walks right toward  
12 the camera. His face, we can clearly see. We've got Roy,  
13 in law enforcement for 35 years in Newberry. Lifelong  
14 Newberry County resident. Chief Roy McClurkin looked at  
15 it and said one-hundred percent, Sterling Maybin. So  
16 that's the case. I mean, it's just two contributing  
17 members of this community who just -- they got tired of  
18 it. They got of tired of having their hard earned items  
19 taken right out from under them. I mean, you can put them  
20 in your storage buildings all you want. But, you know,  
21 Sterling Maybin's going to find them unless you capture  
22 him and put him on video of him taking. That's really  
23 what you've got to do with somebody like Sterling. Let's  
24 look at the case, and let's listen to the Judge's  
25 instructions. He can tell you what the law is. He's

1 going to remind you of your oath that you took to follow  
2 the law. You're the judge of the facts. Okay. The facts  
3 are, was that Sterling Maybin, number one, did he enter  
4 the building. Number two, did he have consent to enter.  
5 Did he commit a crime while he was in there, right. That  
6 is what you decide. He's going to instruct you the law,  
7 but that is a building. That is a structure where they  
8 stored their goods. So, you know, if the Defense attorney  
9 tries to convince you it's not a building, all you've got  
10 to do is read the Judge's instructions. Okay. If you're  
11 unclear on that, just read his instructions. That's it.  
12 I told them I'd only take about 20 minutes. I hadn't  
13 timed myself. Hopefully it was about that. You just need  
14 to be firmly convinced of his guilt. The Judge is going  
15 to tell you, you've got to decide this case beyond a  
16 reasonable doubt. I think all of this evidence is  
17 overwhelming to leave you firmly convinced. That's what  
18 I'm asking you to do. I'm going to ask you to find him  
19 guilty of taking Ms. Bessie Mathis' equipment, and then  
20 going into her building without consent. I want a charge  
21 of petty larceny for Ms. Bessie Mathis' trouble and  
22 burglary second for going into her building. For Mr.  
23 Hazel, I expect you to find him guilty of the burglary of  
24 his building and two petty larcenies. One from April 24th  
25 and one from April 23rd. Thank you guys for your

1 attention and, again, I ask you to be firmly convinced in  
2 the evidence that's presented and find him guilty of these  
3 charges. Thank you.

4 THE COURT: Solicitor, thank you. Mr. Verner, are  
5 you ready, sir?

6 MR. VERNER: May it please the Court, Your Honor.

7 THE COURT: Yes, sir.

8 MR. VERNER: Mr. Bentley, can you -- the definition  
9 of burglary, can you pull that up, where it talks about  
10 the -- where it lists -- maybe the one below that. Okay.  
11 Yeah. And while he's doing that, members of the jury,  
12 I've been a Public Defender for 15 years. I'm from  
13 Newberry. I'm fond -- I don't know Ms. Bessie Mathis. I  
14 don't know Larry Hazel personally. I'm fond of them as  
15 Newberry people. I'm from Newberry. I'm also not the  
16 type of person who's going to put my thumb on the scales  
17 to help them out, or to say I did you a solid. You took  
18 an oath. You owe a duty to the community of Newberry.  
19 Not to Larry Hazel. Not to Bessie Mathis. And I'm not  
20 saying they are not good people because they are. And  
21 this case is about Sterling Maybin. But for me, as a  
22 Public Defender, it is also about everybody in Newberry,  
23 and it just boils down, to me, a case of -- I think we've  
24 got to stand up to creative prosecution and just creative  
25 definitions of what the law is. And I understand the

1     zealousness and I appreciate the zealousness. I'm like  
2     anybody else. If you commit the crime, you need to be  
3     punished. I don't disagree with that. They've got him  
4     dead to rights. He admitted, he's the thief. He's the  
5     one who took it, but that's not -- nobody's -- that's not  
6     why we're here. Nobody's denying that. Why we're here is  
7     that the State insists that this is a burglary. We just  
8     do not believe it is. There's nobody in Newberry who  
9     reasonably believes that four poles and a roof constitutes  
10    a building. And I thought it was interesting when the  
11    Solicitor talks about, you know, this is the statute and  
12    how it defines buildings, and there's nobody after you  
13    today that would -- sometimes the juries tell me there's  
14    somebody in the Court of Appeals and there's somebody who  
15    will look and see what we did and they will fix it if we  
16    get it wrong. No. The Judge is going to tell you, that's  
17    not how the jury system works. If you rule that this a  
18    building, that is it. There is no calvary who's going to  
19    correct what you do here if you make an incorrect  
20    decision. Just -- I wasn't going to bring this up, but I  
21    just thought it was interesting where they talk about a  
22    building is any structure and they list them. A  
23    government building like the Court House, a school, a  
24    church, a movie theater. All of these buildings, what do  
25    they have all in common, they are enclosed. They have

1 walls. They have doors. What the legislature meant when  
2 they say a structure, where they store goods are  
3 warehouses, buildings that are designed to hold goods.  
4 That is what that is supposed to be. It is not supposed  
5 to be open carports. Mr. Bentley, can you pull the  
6 picture of Mr. Hazel's garage and the house from the  
7 street? The argument would just be, there's nobody in  
8 Newberry who looks at four poles and a roof and says that  
9 that is a building because if this here is a building --  
10 that's a roof and four poles (indicating). Somebody --  
11 I've got people who are going to be charged with burglary  
12 for going on somebody's porch. I don't see any legal  
13 difference between a roof and poles, roof and poles, and  
14 people going on porches, and that is a burglary. If I had  
15 clients go to Mollohan Park and steal something from the  
16 picnic tables -- do you all know the Mollohan Park?  
17 They're open buildings. They're open air buildings, but  
18 they've got roofs and I call them buildings, but they're  
19 not. There's nobody -- if you went to a picnic at  
20 Mollohan under the roof, nobody in Newberry says, I was  
21 inside. You weren't. You were in an open air building.  
22 There's nothing -- I just stand for the proposition that  
23 that's not a building. That porch is not a building.  
24 That side porch is not a building. That awning is not a  
25 building. The Mollohan picnic table is not a building.

1 What the State is doing is they've taken -- and the  
2 Prosecutor told you, but the thinking is, is just, you  
3 know, they're tired of it. So they're going to go ahead  
4 and slam the charges on somebody. And I'm not saying  
5 people don't -- he's clearly guilty of two or three  
6 felonious larcenies. No question about it. Is he guilty  
7 of a house-breaking, a burglary? No. That's just  
8 absolutely -- I submit to you, just legally just a  
9 spurious, ludicrous argument. The legislature meant  
10 warehouses. That's what a structure is, it houses goods.  
11 I'll be kind of interested -- what's the definition of  
12 goods? You don't think the legislature, in those law  
13 books or other books -- other things has defined goods?  
14 We all know what goods are. Goods and services are the  
15 property that is held out for sale. That is what people  
16 mean by goods. Now, they might use it off-hand now and  
17 then, but goods are merchandise or retail property. I  
18 mean, it's chattel that's designed to be sold as part of a  
19 contract. I am not trying to condone these larcenies and  
20 I'm not trying to weasel somebody out or bleeding hearts  
21 somebody out of punishment. I'm really not. I'm really  
22 trying to stand up for the proposition that the State  
23 needs to punish people for the charges and for the crimes  
24 that they committed. He's committed several counts of  
25 felonious larceny, unquestioned. The State's decided to

1 play hardball with him and they are just being creative in  
2 the definitions and I would ask you to say, no, because  
3 you are opening up bad doors for people and problems. At  
4 the end of the day -- you know, I try cases probably every  
5 month. The Prosecutors here try cases every month in  
6 Laurens and Newberry and Greenwood. When your verdict is  
7 over, we'll accept it. I've never second guessed a jury's  
8 verdict, because I've got a trial again next month, and  
9 you're under oath and I believe that you will do what you  
10 think is your honest best and nobody can second guess it,  
11 but I would ask you to consider what you're doing. It is  
12 just a simple, fundamental proposition. I like the  
13 victims in this case. I like Ms. Mathis, I like Mr.  
14 Shealy. I'm not willing to put my thumb on the scale to  
15 do somebody a solid and I'll ask that you not either. But  
16 the Judge has heard the case just like you have. I think  
17 the case is really easy for you to decide. Actually,  
18 nobody's disputed anything. We're disputing that open air  
19 sheds are buildings under the statute, that they're not  
20 warehouses. On the burglary counts -- on the burglary  
21 second violent counts -- and he does have two burglary  
22 third convictions in '92 and in 2015. He's got one in '92  
23 and one in 2015. He qualifies -- if you decide this is a  
24 burglary, it is a burglary violent, second degree. That's  
25 not the issue. The issue is whether an outdoor -- whether

1 a reasonable person in Newberry recognizes an outdoor  
2 awning as a building or a warehouse. I submit they're  
3 not. That's the verdict I -- I submit as far as the  
4 burglary counts go, I am not asking for a favor. I'm just  
5 asking that you all do what you know is right and that is  
6 to punish somebody for the crimes he's done. Thank you.

7 THE COURT: Thank you, Mr. Verner. Mr. Foreman,  
8 ladies and gentlemen of the jury, we're going to take a  
9 short break. And then I'll bring you back out and give  
10 you the final jury charge on the law. So if you'd go back  
11 to the jury room, don't begin your deliberations yet and  
12 we'll get you back out shortly.

13 (Whereupon, the jury was excused from open court for  
14 a break.)

15 THE COURT: Okay. We'll take a short little break.  
16 Do you all want to come up and take a look at the verdict  
17 form and make sure you're okay with it?

18 (Whereupon, a short break was taken.)

19 THE COURT: All right. Madam Bailiff, if you'll  
20 bring the jury out, please.

21 (Whereupon, the jury came into open court at  
22 approximately 10:40 a.m.)

23 THE COURT: Let the record reflect the jury is back  
24 in. Mr. Foreman, ladies and gentlemen of the jury, I now  
25 will charge you the law that applies to this case. You

1 must consider the charge as a whole and not focus on some  
2 portions to the exclusion of others. The indictments  
3 charge the Defendant with burglary second degree violent,  
4 two counts; petty larceny, three counts. I'll remind you,  
5 the fact that the Defendant was arrested, charged and  
6 indicted in this case is not evidence in this case and  
7 cannot be considered by you as evidence of guilt in this  
8 case, nor does it create any presumption or inference of  
9 guilt. These documents are simply the formal written  
10 instruments which contain the charges made against the  
11 Defendant. They are the formal documents by which this  
12 case is brought into this court. The indictments in this  
13 case allege five different offenses against the Defendant.  
14 The charges are, again, petty larceny, three counts;  
15 burglary second degree, violent, two counts. Each  
16 indictment charges a separate and distinct offense. You  
17 must decide each indictment separately on the evidence and  
18 the law applicable to it, uninfluenced by your decision as  
19 to any other indictment. The Defendant may be convicted  
20 or acquitted on any or all of the offenses charged.  
21 You'll be asked to write a separate verdict of guilty or  
22 not guilty for each indictment. I have a verdict form,  
23 Mr. Foreman, that at the end of my charge, I will show  
24 you. It's very easy to complete.

25 The Defendant has pled not guilty to these

1 indictments and that plea puts the burden on the State to  
2 prove the Defendant guilty. A person charged with  
3 committing a criminal offense in South Carolina is never  
4 required to prove himself innocent. I charge you that it  
5 is an important rule of the law that the Defendant in a  
6 criminal trial, no matter what the seriousness of the  
7 charges may be, will always be presumed innocent of the  
8 crime for which the indictment was issued unless guilt has  
9 been proven by evidence satisfying you of that guilt  
10 beyond a reasonable doubt. This presumption of innocence  
11 does not end when you begin your deliberations, but it  
12 accompanies the Defendant throughout the trial unless you  
13 reach a verdict of guilt based on evidence satisfying you  
14 of that guilt beyond a reasonable doubt. The presumption  
15 of innocence is like a robe of righteousness placed about  
16 the shoulders of the Defendant which remains with the  
17 Defendant until it has been stripped from the Defendant by  
18 evidence satisfying you of the Defendant's guilt beyond a  
19 reasonable doubt. This presumption of innocence is not  
20 merely a legal theory. It's not just a legal phrase. It  
21 is a substantial right to which every Defendant is  
22 entitled unless you, the jury, are satisfied from the  
23 evidence of the Defendant's guilt beyond a reasonable  
24 doubt.

25 Now, concerning reasonable doubt, some of you may

1 have served as jurors in civil cases where you were told  
2 that it is only necessary to prove that a fact is more  
3 likely true than not true, such as by the greater weight  
4 or the preponderance of the evidence. In criminal cases,  
5 the State's proof must be more powerful than that. It  
6 must be beyond a reasonable doubt. Proof beyond a  
7 reasonable doubt is proof that leaves you firmly convinced  
8 of the Defendant's guilt. Now, there are very few things  
9 in this world that we know with absolute certainty and in  
10 criminal cases, the law does not require proof that  
11 overcomes every possible doubt. If based on your  
12 consideration of the evidence you are firmly convinced  
13 that the Defendant is guilty of the crime charged, you  
14 must find the Defendant guilty. If on the other hand you  
15 think there's a real possibility that the Defendant is not  
16 guilty, you must give the Defendant the benefit of the  
17 doubt and find him not guilty.

18 I remind you that during this trial you and I have  
19 certain duties to perform. As a trial Judge it has been  
20 my responsibility to preside over the trial of this case  
21 and I also have the duty to rule on the admissibility of  
22 the evidence offered during this trial. You are to  
23 consider only the competent evidence before you. If there  
24 was any testimony ordered stricken from the record in this  
25 case during this trial, I don't believe that there was,

1 but if there was, you must disregard that testimony. You  
2 are to consider only the testimony which has been  
3 presented from the witness stand, any exhibits which have  
4 been made a part of the record in this case and any  
5 stipulations of counsel.

6 I have the additional duty to charge you the law that  
7 applies to this case. As the presiding Judge, I am the  
8 sole Judge of the law in this case. It is your duty as  
9 jurors to accept and apply the law as I now state it to  
10 you. If you already have any idea as to what the law is  
11 or what the law ought to be and it does not agree with  
12 what I now tell you the law is, you must abandon your idea  
13 because you are sworn to accept the law and apply the law  
14 exactly as I state it to you. In every case tried in this  
15 court before a jury, the jury becomes the sole and  
16 exclusive judge of the facts of the case. A trial Judge  
17 cannot intimate, state, comment on or make any statement  
18 to the trial jury about the facts of the case. Since you,  
19 the jury, are the sole judge of the facts of this case,  
20 you are not to infer from what I have said during the  
21 progress of this trial in ruling upon the admissibility of  
22 evidence or otherwise or anything that I say now during  
23 the course of this instruction to you that I had any  
24 opinion about the facts in this case. The law does not  
25 allow me to have an opinion about the facts in this case.

1 This is a matter solely for you, the jury, to determine.  
2 As jurors it is your duty to determine the effect, value,  
3 weight and truth of the evidence presented during this  
4 trial.

5 Now, Mr. Foreman, ladies and gentlemen of the jury,  
6 there are two types of evidence which are generally  
7 presented during a trial. That being direct evidence and  
8 circumstantial evidence. Direct evidence directly proves  
9 the existence of a fact and does not require deduction.  
10 Circumstantial evidence is proof of a chain of facts and  
11 circumstances indicating the existence of a fact. Crimes  
12 may be proven by circumstantial evidence. The law makes  
13 no distinction between the weight or value to be given to  
14 either direct or circumstantial evidence. However, to the  
15 extent the State relies on circumstantial evidence, all of  
16 the circumstances must be consistent with each other and  
17 when taken together point conclusively to the guilt of the  
18 accused beyond a reasonable doubt. If these circumstances  
19 merely portray the Defendant's behavior as suspicious, the  
20 proof has failed. The State has the burden of proving the  
21 Defendant guilty beyond a reasonable doubt. This burden  
22 rests with the State regardless of whether the State  
23 relies on direct evidence, circumstantial evidence or some  
24 combination of the two.

25 Necessarily, you must determine the credibility of

1 witnesses who have testified in this case. Credibility  
2 simply means believability. It becomes your duty as  
3 jurors to analyze it and evaluate the evidence in  
4 determining which evidence convinces you of its truth. In  
5 determining the believability of witnesses who have  
6 testified in this case, you may believe one witness over  
7 several witnesses or several witnesses over one witness.  
8 You may believe a part of the testimony of a witness and  
9 reject the remaining part of the testimony of that same  
10 witness. You may believe the testimony of a witness in  
11 its entirety or reject the testimony of a witness in its  
12 entirety. You may consider whether any witness has  
13 exhibited to you any interest, bias, prejudice or other  
14 motive in this case. You may also consider the appearance  
15 and manner of a witness while on the witness stand.

16 Mr. Foreman, ladies and gentlemen of the jury, I  
17 instruct you and emphasize the fact that the Defendant did  
18 not testify is not a factor to be considered by you in any  
19 way in your deliberations and in your consideration on the  
20 question of the guilt or innocence of the Defendant. It  
21 must not be considered by you in any manner whatsoever. A  
22 Defendant has the constitutional right to remain silent  
23 and that assertion of this right must not be considered by  
24 you in your deliberations. I repeat, under the oath that  
25 you took, you are to draw no conclusion whatsoever from

1 the fact that the Defendant in this case did not testify.  
2 The fact that this Defendant did not testify should not  
3 even be discussed in the jury room. The burden of proof,  
4 as I have stated to you several times, is on the State.  
5 The Defendant is not required to prove his innocence. The  
6 burden of proof remains on the State to prove guilt beyond  
7 a reasonable doubt.

8 Now, in order to establish criminal liability,  
9 criminal intent is required. For example, the mental  
10 state required to be proven by the State for a particular  
11 crime might be purpose, intent, knowledge, recklessness or  
12 criminal negligence. Criminal intent must be proven by  
13 the State beyond a reasonable doubt. Criminal intent is  
14 always a matter that must be considered by the jury from  
15 the circumstances surrounding the situation. Now, there's  
16 no way to prove intent to a mathematical certainty.  
17 There's no way medical science can dissect a person's  
18 brain and determine what the person had in mind. So the  
19 law says that criminal intent may be inferred from the  
20 circumstances shown to have existed. This is how you make  
21 a determination of whether or not the element requiring  
22 intent was present. It's not necessary to establish  
23 intent by direct and positive evidence, but intent may be  
24 established by the inference in the same way as any other  
25 fact by taking into consideration the acts of the parties

1 and all the facts and circumstances of the case. Criminal  
2 intent is a mental state. A conscious wrong. It's up to  
3 you to determine what the Defendant intended to do based  
4 on the circumstances shown to have existed.

5 Now, as I've already stated, the Defendant is charged  
6 with two counts of second degree burglary, violent. The  
7 State must first prove the following elements of the  
8 charge beyond a reasonable doubt. That the Defendant  
9 entered a building without consent with the intent to  
10 commit a crime therein and the Defendant has a prior  
11 record of two or more convictions of burglary or  
12 house-breaking or both. A building is any structure where  
13 goods are stored. As I instructed you yesterday, evidence  
14 of the Defendant's prior convictions should only be  
15 considered by you in determining whether or not the  
16 Defendant is guilty of one of those elements of the crime  
17 of burglary second, violent. It should not be considered  
18 by you as evidence of the Defendant's bad character or  
19 that the Defendant acted in accordance with prior conduct.  
20 The Defendant is also charged with three counts of petty  
21 larceny. The State must prove beyond a reasonable doubt  
22 that the Defendant took and carried away the property of  
23 another against the will or without the consent of the  
24 other person. The slightest removal of the property or  
25 the complete possession of the property, even for an

1 instance, by the Defendant is enough to show a taking and  
2 carrying away of the property. The State must also prove  
3 beyond a reasonable doubt that the Defendant intended to  
4 permanently deprive the owner of the property. And  
5 finally, the State must prove that the value of the  
6 property taken was \$2,000.00 dollars or less in value.

7 Now, Mr. Foreman, ladies and gentlemen of the jury,  
8 there are two possible verdicts for each indictment. Not  
9 guilty and guilty. Your verdict as to each indictment  
10 must be unanimous among the 12 of you and when a unanimous  
11 verdict is reached, you're to knock on the door and notify  
12 the Bailiff that a verdict has been reached. I'm going to  
13 come down and I'm going to show you the verdict form.  
14 Now, that was a lot that I just read to you. I understand  
15 that. You're going to be given a copy of this charge to  
16 take back to the jury room and use in whatever manner that  
17 you feel like is necessary, if any. Okay. Mr. Foreman,  
18 this is the verdict form. This is what you will complete  
19 and it breaks down each indictment, showing the charge and  
20 the person involved, and you will put your initials as to  
21 the verdict for each indictment. There's two pages. One  
22 indictment on the back. You place your initials on either  
23 guilty or not guilty as to each indictment and sign the  
24 second page. Okay. Now, here's what I want you to do. I  
25 want all 13 of you to go back in the jury room, but you're

1 not to begin your deliberations yet. I'm going to check  
2 with the lawyers and make sure that there are no additions  
3 or changes to my charge. I don't anticipate there being  
4 any, but I need to check with them first. And if there  
5 are none, then when the Bailiff hands you the verdict  
6 form, the copy of the charge and the exhibits, then that  
7 will be your cue for two things to happen. I need for the  
8 alternate to exit the jury room and come back here for  
9 further instructions, and then you can begin your  
10 deliberations, but don't start quite yet. So all 13 of  
11 you, go back in there.

12 (Whereupon, the jury was excused to the jury room.)

13 THE COURT: Does the State have any objections or  
14 exceptions to the Court's charge?

15 MR. SCOTT: No, Your Honor.

16 THE COURT: And other than what has been noted on the  
17 record, Mr. Verner, do you have any additional objections  
18 or exceptions to the charge?

19 MR. VERNER: Nothing beyond what we've already  
20 raised, Your Honor.

21 THE COURT: Thank you very much. All right. We will  
22 be off the record.

23 (Whereupon, the alternate juror was excused from the  
24 trial of the case.)

25 (Whereupon, the jury began deliberations at 10:58

1 a.m.)

2 THE COURT: All right, gentlemen. I understand the  
3 jury has reached a verdict in this case. I need to put on  
4 the record, the jury submitted a question to the Court  
5 asking for the definition of a building and I wrote on  
6 that note, "Please, refer to page 12 of the jury charge".  
7 And for whatever reason, the Foreman tore the note up.  
8 And so, it's in pieces. Just make sure that the record is  
9 complete. So we have the pieces of the note, but I'm  
10 putting it on the record, the fact that that note did  
11 exist.

12 (Whereupon, Court's Exhibit 2 was marked for  
13 identification only.)

14 MR. VERNER: So it did -- the note did reach the  
15 jury, then, at least the Foreman?

16 THE COURT: It did.

17 MR. VERNER: Then just on that, Your Honor. I had  
18 emailed -- I don't know if the clerk -- did you get my  
19 email? Are we able to print that out? This is a Court's  
20 Exhibit, Your Honor.

21 THE COURT: Sure.

22 MR. VERNER: I would offer as a Court's Exhibit my  
23 proposed--

24 THE COURT: -- right. And you had indicated, when we  
25 were discussing the jury question, that's what you wanted

1 and I indicated I was just going to refer them to the jury  
2 charge. But we can certainly print it out and have it  
3 marked as a Court's Exhibit.

4 (Whereupon, Court's Exhibit 3 was marked for  
5 identification only.)

6 MR. VERNER: Thank you, Judge.

7 THE COURT: No problem. All right. Let's bring the  
8 jury out, please, Madam Bailiff.

9 (Whereupon, the jury came into open court with a  
10 verdict at approximately 11:45 a.m.)

11 THE COURT: Let the record reflect the jury is back  
12 in. Mr. Foreman, without telling me what your verdict is,  
13 have you reached a unanimous verdict as to all five  
14 indictments?

15 THE FOREMAN: Yes, we did.

16 THE COURT: Okay. Would you hand the verdict form to  
17 Madam Bailiff. Okay. Madam Clerk, if you would publish  
18 the verdict. Mr. Maybin, if you'd please stand.

19 MADAM CLERK: The State of South Carolina versus  
20 Sterling Maybin. As to indictment 2019-GS-36-433, the  
21 charge of burglary degree, violent, Bessie Bookman, we,  
22 the jury, unanimously find the Defendant guilty.

23 As for indictment 2019-GS-36-429, the charge of petty  
24 larceny, Bessie Bookman, we, the jury, unanimously find  
25 the Defendant guilty.

1           As for indictment 2019-GS-36-432, the charge of  
2 burglary second, violent, Larry Hazel, we, the jury,  
3 unanimously find the Defendant guilty.

4           As for indictment 2019-GS-36-430, the charge of petty  
5 larceny, April 23rd, 2019, Larry Hazel, we, the jury  
6 unanimously find the Defendant guilty.

7           As for indictment 2019-431, the charge of petty  
8 larceny, April 24th, 2019, Larry Hazel, we, the jury,  
9 unanimously find the Defendant guilty.

10           Signed Douglas Fulmer, Foreperson. Ladies and  
11 gentlemen, if this is your verdict, please indicate by  
12 raising your right hand.

13           (Whereupon, the members of the jury raised their  
14 right hands).

15           THE COURT: Let the record reflect that all 12 hands  
16 were raised. Mr. Verner, do you request individual  
17 polling of this jury?

18           MR. VERNER: Yes, please.

19           THE COURT: Is that a yes?

20           MR. VERNER: I do.

21           THE COURT: Okay. All right. Madam Clerk.

22           MADAM CLERK: Yes, sir. As I call your name, please  
23 indicate. Sabrina M. Williams, is this your verdict and  
24 is still your verdict?

25           THE JUROR: Yes.

1           MADAM CLERK: John A. Bearden, is this your verdict  
2 and is still your verdict?

3           THE JUROR: Yes.

4           MADAM CLERK: Abraham Rikabi, is this your verdict  
5 and is still your verdict?

6           THE JUROR: Yes.

7           MADAM CLERK: Lisa Clark, is this your verdict and is  
8 still your verdict?

9           THE JUROR: Yes.

10          MADAM CLERK: Sharon Hunter, is this your verdict and  
11 is still your verdict?

12          THE JUROR: Yes.

13          MADAM CLERK: Latresa Wright, is this your verdict  
14 and is still your verdict?

15          THE JUROR: Yes.

16          MADAM CLERK: Ann Dominick, is this your verdict and  
17 is still your verdict?

18          THE JUROR: Yes.

19          MADAM CLERK: Krystal Nance, is this your verdict and  
20 is still your verdict?

21          THE JUROR: Yes.

22          MADAM CLERK: Lynn Yarborough, is this your verdict  
23 and is still your verdict?

24          THE JUROR: Yes.

25          MADAM CLERK: Scott Martin, is this your verdict and

1 is still your verdict?

2 THE JUROR: Yes.

3 MADAM CLERK: Douglass Fulmer, is this your verdict  
4 and is still your verdict?

5 THE JUROR: Yes.

6 MADAM CLERK: Patricia Cardenas, is this your verdict  
7 and is still your verdict?

8 THE JUROR: Yes.

9 THE COURT: Thank you, Madam Clerk. Mr. Foreman and  
10 ladies and gentlemen of the jury, I want to thank you for  
11 your jury service. The verdict that you reached in this  
12 case does not matter to me. What matters to me is that my  
13 jury performs its duties conscientiously and efficiently,  
14 that you were attentive throughout the trial, and you did  
15 all of those things and I appreciate that very much. I  
16 hope that you have found your experience with us  
17 educational. An experience that you've not had the  
18 opportunity to be a part of previously and that sometime  
19 down the road that you would like to maybe sit on another  
20 jury, whether it's in the criminal arena or in the civil  
21 arena. We will more than likely be calling another case  
22 for trial this week. However, we believe that we have  
23 enough in the remaining jury panel to not have you come  
24 back and be a part of that panel and possibly being  
25 selected again. So I'm going to excuse you and you are

1 good for the remainder of the week. I do like to shake  
2 the hands of my jury. So I'm going to come down as you  
3 exit. Mr. Foreman, the indictments in this case -- hang  
4 around and get with the Clerk because you'll need to sign  
5 the back of each indictment indicating the guilty verdict.  
6 So if you would hang around for a few minutes, but the  
7 others are free to go.

8 (Whereupon, the jury was excused from open court.)

9 THE COURT: Concerning sentencing, we can just do  
10 that later on because I've got a 12:00 o'clock matter. I  
11 think you all have got maybe a couple of pleas to put up.  
12 So we'll deal with your sentencing, Mr. Maybin, sometime  
13 before the end of the week. We can either do it this  
14 afternoon or tomorrow, but I'm going to go ahead and deal  
15 with my 12:00 o'clock, and then whatever pleas you all  
16 have up.

17 MR. SCOTT: Can I check with the victims just real  
18 quick to see if--

19 THE COURT: If you want to, because if they want to  
20 be back for the sentencing, just go ahead and get with Mr.  
21 Verner and decide on a day and time, whether it's this  
22 afternoon or tomorrow or whatever, so they'll know when to  
23 come back.

24 (Whereupon, a break was taken.)

25 THE COURT: All right, Solicitor.

1 THE COURT: All right. My. Maybin, come back up  
2 here. Mr. Verner. Let me make just a few comments, not  
3 very long. Mr. Maybin, the fact that you indicated some  
4 willingness to plea is of no consequence whatsoever. What  
5 is important to me is the fact that you are absolutely a  
6 menace on society. Looking at this record, it's terrible,  
7 it's absolutely terrible. And I appreciate Mr. Verner's  
8 comments. But quite honestly I don't really distinguish  
9 between going in someone's house or going out in their  
10 yard. You violated -- you violated their privacy and  
11 their right to have themselves and their property remain  
12 safe and you violated that, you violated it. So I really  
13 don't see much difference of going in a home or -- and  
14 stealing something or going in a carport and stealing  
15 something. I don't see much difference. You were in my  
16 court back in 2015, found guilty and sentenced and I think  
17 Solicitor Scott said that four months after being released  
18 from prison you're back out committing crimes. All right.  
19 On two petty larceny indictments, 429 and 430, it will be  
20 a 10 year consecutive so that makes it 20 years. And on  
21 the other petty larceny indictment, that will be a 10 year  
22 concurrent. And on the burglary second, each will be  
23 eight years concurrent. So you've got 20 years. Good  
24 luck to you.

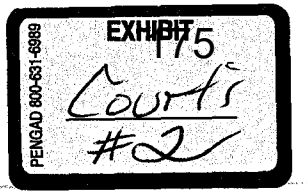
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(Whereupon, State's Exhibit numbers 8, 27, 28 and 29  
were marked for identification only.)

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





We need the definition of  
A building

Douglas Fisher

Please Refer  
to Page 12 of  
JURY Charge.

**WITNESSES**

*Richard Mercer*  
Newberry Police Department

**THE STATE OF SOUTH CAROLINA**

COUNTY OF NEWBERRY

I hereby waive presentment to the Grand Jury.

**COURT OF GENERAL SESSIONS**

July Term, 2019

Defendant

Indictment # 2019-GS-36-00429

Witness:

**WARRANT NUMBER**

2019A3620200080

**TRIAL BILL**

**THE STATE**

vs.  
STERLING MAYBIN

*Wade Parks*

Foreman of the Grand Jury

Date: *July 19, 2019*

**INDICTMENT FOR**

**VERDICT**

Petit Larceny

SC Code: § 16-13-0030(A)

CDR: 3596

*Shelly*

*Deanna Anderson*  
Foreman

*8-28-19*

**THE STATE OF SOUTH CAROLINA**

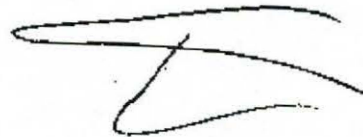
COUNTY OF NEWBERRY

**INDICTMENT FOR****Petit Larceny  
§16-13-0030(A)**

At a Court of General Sessions, convened on the 19th day of July, 2019, the Grand Jurors of Newberry County present upon their oath:

The defendant, Sterling Maybin, did on or about April 21, 2019 to April 24, 2019, in Newberry County, South Carolina, feloniously take and carry away the personal property of Bessie Mathis, to wit: Murray Weed Eater, with a total value of two thousand dollars (\$2,000) or less, with the intent to deprive the owner permanently of such property, and said defendant has been convicted of two or more offenses for which the term of imprisonment is contingent upon the value of the property involved. All in violation of 16-13-0030(A) and 16-1-57, Code of Laws of South Carolina, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.



---

Taylor Daniel  
Assistant Solicitor

**THE STATE OF SOUTH CAROLINA**

I hereby waive presentment to the Grand Jury.

COUNTY OF NEWBERRY

**WITNESSES**

*Richard Morris*  
Newberry Police Department

**COURT OF GENERAL SESSIONS**

Defendant

July Term, 2019

Indictment # 2019-GS-36-00430

**WARRANT NUMBER**

2019A3620200079

Witness:

**THE STATE**

vs.

STERLING MAYBIN

*Blake Dutton*

Foreman of the Grand Jury

Date: July 19, 2019

**INDICTMENT FOR**

**VERDICT**

Petit Larceny

SC Code: § 16-13-903c(A)

CDR: 3596

*Shirley*  
*Singha Tucker*  
Foreman  
8-28-19

**THE STATE OF SOUTH CAROLINA**

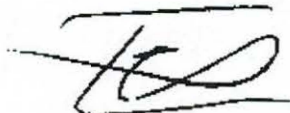
COUNTY OF NEWBERRY

**INDICTMENT FOR****Petit Larceny  
§16-13-0030(A)**

At a Court of General Sessions, convened on the 19th day of July, 2019, the Grand Jurors of Newberry County present upon their oath:

The defendant, Sterling Maybin, did on or about April 23, 2019, in Newberry County, South Carolina, feloniously take and carry away the personal property of Larry E. Hazel, to wit: miscellaneous tools and a Husqvarna push weed eater, with a total value of two thousand dollars (\$2,000) or less, with the intent to deprive the owner permanently of such property, and said defendant has been convicted of two or more offenses for which the term of imprisonment is contingent upon the value of the property involved. All in violation of 16-13-0030(A) and 16-1-57, Code of Laws of South Carolina, (1976, as amended).

**Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.**



---

Taylor Daniel  
Assistant Solicitor

**THE STATE OF SOUTH CAROLINA**

COUNTY OF NEWBERRY

I hereby waive presentment to the Grand Jury.

**WITNESSES**

*Richard Meers*  
Newberry Police Department

**COURT OF GENERAL SESSIONS**

July Term, 2019

Defendant

Indictment # 2019-GS-36-00431

**WARRANT NUMBER**

2019A3620200078

Witness:

**TRUR BILL**

**THE STATE**

vs.  
STERLING MAYBIN

*Wade Parker*  
Foreman of the Grand Jury

Date: July 19, 2019

**INDICTMENT FOR**

**VERDICT**

Petit Larceny

SC Code: § 16-13-0030(A)

CDR: 3596

*Scott*  
*Veronica Parker*  
Foreman  
8-25-19

**THE STATE OF SOUTH CAROLINA**

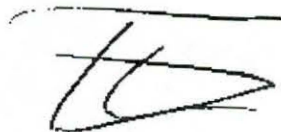
COUNTY OF NEWBERRY

**INDICTMENT FOR****Petit Larceny  
§16-13-0030(A)**

At a Court of General Sessions, convened on the 19th day of July, 2019, the Grand Jurors of Newberry County present upon their oath:

The defendant, Sterling Maybin, did on or about April 24, 2019, in Newberry County, South Carolina, feloniously take and carry away the personal property of Larry E. Hazel, to wit: a yellow McCullough chain saw, with a total value of two thousand dollars (\$2,000) or less, with the intent to deprive the owner permanently of such property, and said defendant has been convicted of two or more offenses for which the term of imprisonment is contingent upon the value of the property involved. All in violation of 16-13-0030(A) and 16-1-57, Code of Laws of South Carolina, (1976, as amended).

**Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.**



---

Taylor Daniel  
Assistant Solicitor

**THE STATE OF SOUTH CAROLINA**

COUNTY OF NEWBERRY

I hereby waive presentment to the Grand Jury.

**WITNESSES**

*Richard Mercer*  
Newberry Police Department

**COURT OF GENERAL SESSIONS**

Defendant

July Term, 2019

Indictment # 2019-GS-36-00432

**WARRANT NUMBER**  
Direct Indictment

Witness:

**ARON BELL**

**THE STATE**

VS.  
STERLING MAYBIN

*Wade Drake*

Foreman of the Grand Jury

Date: *July 19, 2019*

**INDICTMENT FOR**

**VERDICT**

Burglary, Second Degree, (Violent)

SC Code: § 16-11-0312(B)

*Guilty*

CDR: 0086

*Sanjiv Subramanian*  
Foreman  
*8-28-19*

**THE STATE OF SOUTH CAROLINA**

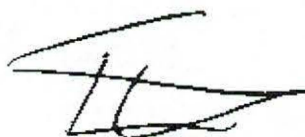
COUNTY OF NEWBERRY

**INDICTMENT FOR****Burglary, Second Degree, (Violent)  
§16-11-0312(B)**

At a Court of General Sessions, convened on the 19th day of July, 2019, the Grand Jurors of Newberry County present upon their oath:

The defendant, Sterling Maybin, did on or about April 23, 2019, in Newberry County, South Carolina, enter a building belonging to Larry Hazel without consent and with intent to commit a crime therein. The defendant has been convicted of two or more convictions for burglary or housebreaking or a combination of both. All in violation of 16-11-0312(B), Code of Laws of South Carolina (1976, as amended).

**Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.**



---

Taylor Daniel  
Assistant Solicitor

**WITNESSES**

*Richard Mervin*  
Newberry Police Department

**THE STATE OF SOUTH CAROLINA**

COUNTY OF NEWBERRY

I hereby waive presentment to the Grand Jury.

**COURT OF GENERAL SESSIONS**

July Term, 2019

Defendant

Indictment # 2019-CS-36-00433

**WARRANT NUMBER**  
Direct Indictment

**THE STATE**

Witness:

*AKIA HILL*  
*Wade Dyer*  
Foreman of the Grand Jury  
Date: *July 19, 2019*

vs.

**INDICTMENT FOR**

Burglary, Second Degree, (Violent)

SC Code: § 16-11-0312(B)

CDR: 0086

**VERDICT**

*Guilty*  
*Douglas Johnson*  
Foreman  
*8-28-19*

**THE STATE OF SOUTH CAROLINA**

COUNTY OF NEWBERRY

**INDICTMENT FOR****Burglary, Second Degree, (Violent)  
§16-11-0312(B)**

At a Court of General Sessions, convened on the 19th day of July, 2019, the Grand Jurors of Newberry County present upon their oath:

The defendant, Sterling Maybin, did on or about April 21, 2019 to April 24, 2019, in Newberry County, South Carolina, enter a building belonging to Bessie Mathis without consent and with intent to commit a crime therein. The defendant has been convicted of two or more convictions for burglary or housebreaking or a combination of both. All in violation of 16-11-0312(B), Code of Laws of South Carolina (1976, as amended).

**Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.**



---

Taylor Daniel  
Assistant Solicitor

## 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,

**RECEIVED**

**Dec 09 2020**

**SC Court of Appeals**



Sarah E. Shipe  
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 9th day of December, 2020.