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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Oconee County

Honorable R. Lawton McIntosh, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CALVIN CARROLL COCHRAN,

APPELLANT

APPELLATE CASE NO. 2020-001554

RECORD ON APPEAL

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JURY SELECTION

1

PROCEEDINGS

2

MR. STOLARSKI: This is the State versus Calvin Cochran, charged with failure to register as a sex offender. Indictment No. 2020GS3700445.

3

4

5

THE COURT: And would you pass that indictment forward, please?

6

7

All right. Ladies and gentlemen, we're about to begin the case by jury selection on the case of the State of South Carolina versus Calvin Carroll Cochran. Before we get to the actual process of selecting -- thank you.

10

11

12

Before we get to the actual process of selecting the jury, I need to ask you the same type of questions I asked you in the prior case. Again, I remind you that the fact that this person has been indicted and arrested is not evidence of his guilt. It's not any inference or presumption of his guilt that arises from this indictment, it's simply the mechanism which brings him before the Court for selection and a trial to determine guilt or innocence.

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With that being said, ladies and gentlemen, has any member of the jury panel ever been related by blood or marriage to Calvin Cochran?

22

23

24

Mr. Cochran, do you mind standing up and facing the jury gallery, please?

25

JURY SELECTION

1 here on time. I appreciate that very much. I know
2 this is a little unusual, having you sit in the cages
3 while you are in the jury box.

4 But let me go over a few remarks for you before we
5 get started, then I'll send you out. Once I do, I want
6 you to select a person from the primary jury who is
7 going to serve as the foreperson during this trial.

8 A foreperson is someone who will be in charge of
9 communicating with me if there's ever a need to. The
10 way we would communicate is simply write me a note.
11 Don't ask our bailiff, just write a note and hand it to
12 the bailiff and she will give it to me and we will
13 respond accordingly.

14 Our alternates may not serve as the foreperson,
15 but you get to vote on the foreperson. It doesn't have
16 to be unanimous, but by simple majority.

17 Also, the foreperson will be in charge of
18 presiding over deliberations at the end of the case,
19 when I tell you to begin your deliberation.

20 Ladies and gentlemen, we are about to begin the
21 case of the State of South Carolina versus Calvin
22 Carroll Cochran. I believe I told you in jury
23 selection that he had been indicted, charged for
24 violation of sex offender registry, for failing to
25 register.

JURY SELECTION

1 Ladies and gentlemen, I will remind you that this
2 is an indictment, it is simply the charging mechanism,
3 it doesn't raise any inference of his guilt or
4 presumption of his guilt. This gentleman has denied
5 his guilt, so he is presumed innocent. And that
6 presumption will remain with him throughout this trial
7 unless and until you determine that the State has
8 proven this case by proof beyond a reasonable doubt.
9 And I'll give you that in more detail as we go.

10 Now, Madam Clerk, would you mind swearing our
11 jury, please?

12 (Jury sworn.)

13 THE COURT: First of all, ladies and gentlemen,
14 let me say this to you: This is not going to be a long
15 trial, but it's an important trial, both to the State
16 and to this Defendant. So I'm going to ask you to pay
17 close attention, don't let your mind wander, if you
18 don't mind. Due to testimony, this is not -- I imagine
19 it probably won't take the day.

20 With that being said, I don't know if any of you
21 have sat on a jury before, or watched a jury trial. I
22 would suspect that everybody in here has watched on TV
23 something that purports to be a criminal trial. I want
24 to dispel you of any notions you may have about trials.
25 They are not like they are on TV. They are not in

JURY SELECTION

1 five-minute vignettes. They are slow; they're
2 deliberate; and they're very methodical. They are
3 certainly not entertainment, but they are a fundamental
4 part of our democracy.

5 These attorneys, like all attorneys when they're
6 sworn in to become an attorney, they take an oath to
7 zealously represent their client's interests in Court,
8 and I expect no less than these fine attorneys will do
9 that today. But they are also officers of this Court.

10 What that means is, you can expect that they will
11 be professional, confident, ethical to one other, to
12 myself, and to the witness who may appear before you in
13 this case.

14 Now, you just took an oath that you would be fair
15 and impartial to try and reach a verdict in this
16 matter. That means that we can expect of you that you
17 will be fair, that you will be impartial and ethical,
18 and you will follow the instructions that I give you
19 throughout the course of this trial.

20 What I tell you now is not the law that you will
21 be applying. I will give that to you at the end of all
22 the evidence, right before I tell you to go begin your
23 deliberations. This is merely a type of roadmap for
24 you so you understand where you are and what you are
25 doing, where we are in the trial at any given time.

JURY SELECTION

1 Is there any member of the jury panel that would
2 like to have a pad and pencil to take notes with during
3 this trial? If so, raise your hand.

4 I see one, two, three, four, five, six -- seven.
5 Would you make sure they have those. You don't need to
6 take them now, but Gail will get those for you when we
7 have a break. Okay?

8 Now, ladies and gentlemen, I will charge you the
9 elements of the allegations in this case at the end of
10 the case, as I told you. But in this case, as I told
11 you as well, this Defendant has said, "I'm not guilty."

12 That means that the burden is placed on the State
13 to prove each and every element of the charge against
14 him of this Defendant by proof beyond a reasonable
15 doubt.

16 At the end of the day, it will be your
17 responsibility and your job to determine whether or not
18 the State has met its burden of proof to establish its
19 case against the Defendant.

20 As a matter of fact, once a plea of not guilty is
21 entered, as this Defendant has done, he is presumed
22 innocent and he remains innocent throughout the trial
23 of this case unless and until you, in your
24 deliberations, find otherwise that the State has met
25 its burden of proof.

JURY SELECTION

1 So let me give you a quick definition of what a
2 reasonable doubt is, because the State has the burden
3 of proving his guilt by proof beyond a reasonable
4 doubt.

5 In this case reasonable doubt is the kind of doubt
6 that would cause a reasonable, sincere, and
7 conscientious person to hesitate to act in an important
8 matter in their own affairs.

9 Now, if you have ever been involved in a civil
10 case, the burden in that case is by what we would call
11 a "preponderance of the evidence," or it's just a
12 greater weight. If you imagine a set of scales, if
13 they tilt ever so slightly in favor of the person
14 having the burden of proof, then they would have met
15 their burden of proof.

16 In this case, beyond a reasonable doubt is a much
17 stronger burden of proof than a preponderance of the
18 evidence. Proof beyond a reasonable doubt is proof
19 that leaves you firmly convinced that the Defendant is
20 guilty. That being said, there are very few things in
21 this world that we know with absolute certainty, and
22 the law does not require the State overcome every doubt
23 that may occur in the case. At the end of the day,
24 when you begin your deliberations, if you are firmly
25 convinced of the Defendant's guilt, then it will be

JURY SELECTION

1 your duty to find him guilty.

2 On the other hand, if you think there is a real
3 possibility that the Defendant is not guilty, you must
4 give him the benefit of the doubt and find him not
5 guilty.

6 In law we refer to you as the "finders of facts."
7 In other words, you and you alone will determine what
8 the facts in the case will be, what your verdict is
9 going to be. No one has any right to invade your
10 province of being fact finders. I cannot, the attorney
11 for the State cannot, the attorney for the Defense
12 cannot. No one can. You and you alone will determine
13 what the facts are in this case and what your verdict
14 is going to be.

15 If I say or do anything or make a gesture
16 throughout this case that seems to indicate to you how
17 you are going to find facts or the verdict you are
18 going to reach, I'm going to ask you but also instruct
19 you to disregard it. I am not allowed by our state
20 Constitution to have an opinion or to express an
21 opinion on the facts of the case.

22 You and you alone determine what the facts are,
23 and you will determine what those facts are from the
24 testimony and evidence you hear from this witness
25 stand.

JURY SELECTION

1 In just a little bit, I'll tell you more about it
2 in a second, the State may stand up -- will stand up
3 and give you an opening statement. What he says is
4 only his contentions, it's not evidence in this case.
5 The only real evidence that you can consider as such
6 are responses to a witness who has been sworn in, and
7 also any exhibits that I allow into evidence in this
8 case. And that's the only true evidence. The
9 questions by these lawyers is not evidence. The
10 responses to those questions is evidence.

11 Now, the Defense may also get up and give you an
12 opening statement. Again, what he tells you, he likes
13 to do so, is not evidence. He is not required to give
14 you an opening statement because the burden in this
15 case remains on the State to prove this Defendant
16 guilty by proof beyond a reasonable doubt.

17 Now, ladies and gentlemen, the law that makes you
18 the sole judges of the facts in this case makes me the
19 sole judge of the law. I cannot invade your sole
20 province of being the fact finders; you cannot invade
21 my province of being the instructor on the law. You
22 must accept it as I give it to you.

23 You may not like it, you may think it should be
24 something other than what it is, but it would be a
25 dereliction of your sworn duty in this case not to

JURY SELECTION

1 follow the law as I give it to you. I will tell you,
2 if I make a legal error, there's a Court of Appeals and
3 a Supreme Court who will correct me quite promptly if I
4 do make a mistake.

5 Now, do not begin deliberations or talk about this
6 case until you are instructed to do so. Quite often I
7 will hear of jurors who are walking down the hall and
8 they'll say, did you hear this that just happened in
9 the Courtroom? Or what about this or what about that?
10 That is considered early deliberations. Do not discuss
11 this case until the very end. And I will make it
12 expressly clear to you, all right, now, you may go back
13 and talk about this case.

14 And the reason for that is we don't want you to
15 come to a premature conclusion about the facts in this
16 case until you have heard all the testimony and
17 received all the evidence, and I have instructed you on
18 the law that you will apply.

19 Also, during a break, or if for some reason we go
20 into tomorrow, do not read, hear, or see anything about
21 this case. I don't think it will be in the press, but
22 if it does, or it appears somehow, do not read it, hear
23 it, or listen to it, because we don't want you to be
24 affected by any outside sources that we can't control.

25 Also, ladies and gentlemen, please do not look up

JURY SELECTION

1 anything about this case or about any party here,
2 myself, and the attorneys or any issue in this case, or
3 issues that you think might be helpful. It'll be up to
4 the State to prove its case, it will be up to the
5 Defense to prove his defense, and it will be up to you
6 to determine whether or not the State has, in fact,
7 proven its case or not at the end of its case.

8 Now, in every trial, there are five phases. As I
9 told you, the State is going to give you an opening
10 statement, the Defense may give you an opening
11 statement. After opening statements there will be the
12 presentation of the evidence. The State will call its
13 witnesses. If the Defense has any, they will call
14 theirs.

15 After that the attorneys will give you their
16 closing statements, I'll then charge you on the law,
17 and then you will be told to begin your deliberations.
18 I tell you that so you kind of know where you are
19 throughout the course of these proceedings.

20 Now, ladies and gentlemen, part of the oath the
21 attorneys take is to make an objection any time he or
22 she sees something in the courtroom they feel like is
23 improper, they feel like there's improper evidence
24 being proffered for admission into evidence. The fact
25 that an attorney objects, and to the extent I'll let

JURY SELECTION

1 you stay in the courtroom and see my ruling on it, is
2 not to be considered by you in any form or fashion
3 during your deliberations.

4 In fact, whoever is the foreperson, once you
5 select yourselves your foreperson, it will be your job
6 to make sure that issue is not interjected into the
7 jurors' deliberations. Suffice it to say, ladies and
8 gentlemen, that is just a process that is followed in
9 any case. That is just a lawyer performing their
10 duties.

11 That being said, Mr. Stolarski, any additions or
12 exceptions to my opening statements?

13 MR. STOLARSKI: Nothing from the State, Your
14 Honor.

15 THE COURT: Mr. Holland?

16 MR. HOLLAND: No, Your Honor.

17 THE COURT: Thank you.

18 All right. Ladies and gentlemen, I'm going to ask
19 that you go back to your jury room.

20 Hang on. Let me see how we can do this -- we have
21 everybody in two different --

22 THE BAILIFF: Do you just want me to put them in
23 one room for now?

24 THE COURT: No, because we have two different
25 ones. We will let you all deliberate -- this is new

JURY SELECTION

1 for us, too.

2 Ms. Krein, number 94, you're the foreperson.

3 Okay? And I'm going to ask you, sir, that you switch
4 places with Ms. Krein.

5 THE JUROR: Y'all are in trouble.

6 THE COURT: And if you would use that seat each
7 time you come in and out of the courtroom, it will make
8 our lives a little easier. Alternates, if you will use
9 those. And the rest of you, you can sit wherever you
10 want, up and down to the foreperson's chair.

11 If you need anything, write it down, give it to
12 the bailiff, and she will bring it to me, and I will
13 respond accordingly. Okay?

14 Also, if I call the jury back to the courtroom
15 before your jurors are ready, just say, Look, we need
16 some more time. It's not a problem. This is certainly
17 not an endurance contest. Okay?

18 That being said, Mr. Stolarski, you ready for
19 opening statement?

20 MR. STOLARSKI: Yes, Your Honor.

21 THE COURT: Okay. Sir, if you would, remove your
22 mask so the jury can hear you while you are doing that.

23 MR. STOLARSKI: Thank you, sir. May it please the
24 Court.

25 THE COURT: Yes, sir.

OPENING STATEMENT BY THE STATE

1 OPENING STATEMENT BY THE STATE

2 THE COURT: As you heard today, the Defendant is
3 being charged with failure to register as a sex
4 offender. And what that means is that the Defendant,
5 one, is appropriately on the other registry, he has to
6 register. Two, that in December of 2019, he failed to
7 register. And three, that December was the proper time
8 for him to register. So this person has to register.
9 He had the duty to register, and he just doesn't do it.

10 This is an important case, but it's not a complex
11 case. In fact, I would argue that this case is very
12 simple, very straightforward.

13 But how are we going to prove it? Well, we are
14 going to prove it through the testimony of two
15 officers, Officer Pelfrey and Officer Winchester.
16 Officer Pelfrey is going to testify that on December
17 27th, 2019, he actually told the Defendant that he
18 needed to come up and register by the end of the month.
19 Gave him written and verbal notice of that fact.

20 Then Officer Winchester, here, handles the sex
21 offender registry, and she's going to tell you
22 basically that he didn't come up there and register,
23 and that he has to register with her.

24 I'm going to touch briefly on proof beyond a
25 reasonable doubt, as the Judge told you. I tend to

OPENING STATEMENT BY THE DEFENSE

1 focus on what proof constitutes proof beyond a
2 reasonable doubt, proof that leaves you firmly
3 convinced. By the end of State's evidence today you
4 guys are going to be firmly convinced that the
5 Defendant failed to register as a sex offender.

6 And that's pretty much how it is. Just pay
7 attention to anything the Defense might want to tell
8 you. Thank you very much.

9 THE COURT: Mr. Holland, do you wish to have an
10 opening statement?

11 MR. HOLLAND: Yes, Your Honor.

12 THE COURT: Okay. If you would remove your mask
13 as well, please.

14 MR. HOLLAND: Thank you, Your Honor. May it
15 please the Court?

16 THE COURT: Yes, sir.

17 OPENING STATEMENT BY THE DEFENSE

18 MR. HOLLAND: Ladies and gentlemen, good morning.
19 My name is Joseph Holland, I represent Mr. Cochran.

20 I just want to say we take this charge very
21 serious. We don't take it lightly at all. So I just
22 ask throughout this trial, please keep an open mind,
23 listen to all the testimony, and don't rush to judgment
24 based on what my client is charged with.

25 We intend to prove that he has dementia and that

OPENING STATEMENT BY THE DEFENSE

1 he cannot remember to register. So, again, just please
2 keep an open mind, don't pre-judge my client. Thank
3 you.

4 THE COURT: Call your first witness, please.

5 MR. STOLARSKI: Yes, sir. The State calls Officer
6 Pelfrey to the stand.

7 THE BAILIFF: Judge, I need to give them their
8 pads.

9 THE COURT: Okay. Thank you. Just one second,
10 please. Thank you for reminding me of that.

11 Madam Forelady, let me say something real quickly
12 about notes. Those of you who are taking notes, be
13 careful that you don't become so engaged in your note
14 taking that you don't watch the witness on the stand.

15 Part of which your job duty is to determine
16 credibility or believability of the testimony, so that
17 would include watching the witness's demeanor while
18 they are on the stand. And they may have a subtle
19 reaction, that if you are so engrossed in your notes
20 you may miss.

21 Also, at the end of the day I'll remind you just
22 because something appears in a note pad doesn't mean
23 that it trumps somebody's memory. Some people are
24 better note takers, some are better listeners. That is
25 why they are called deliberations.

DIRECT - JUSTIN PELFREY BY STOLARSKI

1 All right. Mr. Stolarski.

2 Thereupon,

3 JUSTIN PELFREY,

4 was called as a witness, having been first duly sworn,

5 was examined and testified as follows:

6 THE WITNESS: I do.

7 MR. STOLARSKI: May it please the Court.

8 THE COURT: Yes, sir.

9 DIRECT EXAMINATION

10 BY MR. STOLARSKI:

11 Q All right. Please introduce yourself to the jury.

12 A My name is Justin Pelfrey. I'm a deputy with the
13 Oconee County Sheriff's Office.

14 Q And how long have you been with the Sheriff's
15 Office?

16 A Approximately seven years.

17 Q And were you on duty on December 27th, 2019?

18 A I was.

19 Q All right. And what were your duties at that
20 time?

21 A That particular day, I was acting as a field
22 training officer for a deputy that was going through
23 training, responding to calls for service.

24 Q Okay. And did you have face-to-face contact with
25 Calvin Cochran on that day?

DIRECT - JUSTIN PELFREY BY STOLARSKI

1 A I did.

2 Q And how did you know it was Calvin Cochran?

3 A Ran his driver's license, matched his picture.

4 Q Okay. And is he here in the courtroom today?

5 A He is.

6 Q All right. Can you point him out to me?

7 A He is there.

8 Q Is he -- what color is his shirt?

9 A Blue.

10 MR. STOLARSKI: All right. Let the record reflect
11 that the witness has identified the --

12 THE COURT: So reflects.

13 BY MR. STOLARSKI:

14 Q Was the location that you had contact with him in,
15 was that in Oconee County?

16 A Yes, sir.

17 Q All right. And what did you say with him, to him,
18 in regards to the registry?

19 A I notified him that Sergeant Winchester of the
20 Sheriff's Department was trying to locate him so he could
21 register, and that he needed to meet with her before the end
22 of the year.

23 Q And did you tell him that verbally basically?

24 A I told him that verbally and had him sign a piece
25 of paper on a note I had written out.

DIRECT - JUSTIN PELFREY BY STOLARSKI

1 Q And did you offer the Defendant a ride to the
2 place of his choice at that time?

3 A I did.

4 Q And where did you end up taking him?

5 A To the hospital.

6 Q And was that hospital in Oconee County?

7 A Yes, sir.

8 Q And I'm going to show you what has been marked as
9 State's Exhibit No. 1.

10 What is this? And just, if you could stick
11 to the areas where it's relevant to this case, please.

12 A This is a note and paper that I gave to
13 Mr. Cochran that day.

14 Q And is that a little note that he has to go talk
15 to Ms. Winchester about the registry?

16 A Yes, by the 31st of December.

17 Q And is it a fair and accurate representation of
18 the subject matter therein?

19 A Yes, sir.

20 Q Any changes or alterations made, to the best of
21 your knowledge?

22 A No, sir.

23 MR. STOLARSKI: Your Honor, the State would like
24 to admit this as State's Exhibit 1.

25 THE COURT: Any objection, Mr. Holland?

DIRECT - JUSTIN PELFREY BY STOLARSKI

1 MR. HOLLAND: No, Your Honor.

2 *(Whereupon, State's Exhibit Nb(s). 1 marked for*
3 *identification and received in evidence.)*

4 MR. STOLARSKI: I would like to publish it for the
5 jury as well.

6 THE COURT: Yes, sir.

7 *(State's Exhibit Number 1 published to jury.)*

8 MR. STOLARSKI: Basically --

9 THE COURT: Hang on one second.

10 You need to speak up. And, Officer, would you
11 speak up as well. If you can't hear or see, raise your
12 hand. This is important.

13 Thank you, sir.

14 BY MR. STOLARSKI:

15 Q What does it say right here with regards to what
16 you gave him?

17 A To meet with Sergeant Winchester on the 31st of
18 December, 2019, between the hours of 9:00 a.m. and
19 12:00 p.m.

20 Q And just to go back over, did you ask him to go
21 meet with her in regards to the registry?

22 A I did.

23 Q And by the end of December basically?

24 A Yes.

25 Q And this is the written notice that you gave him a

CROSS - JUSTIN PELFREY BY HOLLAND

1 copy of?

2 A Yes, sir.

3 Q All right. And whose signature is this?

4 A That is Mr. Cochran's signature.

5 Q All right. And so he -- he signed it, saying that
6 he got it?

7 A Yes.

8 Q Okay. And what -- what day did he sign it?

9 A He signed it on the 27th of December, 2019.

10 Q Okay.

11 MR. STOLARSKI: No further questions for this
12 witness. Please answer any questions the Defense might
13 have for you.

14 THE COURT: Mr. Holland, any witnesses -- any
15 questions?

16 MR. HOLLAND: Yes, sir.

17 CROSS EXAMINATION

18 BY MR. HOLLAND:

19 Q Officer Pelfrey, was December 27th the only time
20 you met with Mr. Cochran about this?

21 A Yes, sir.

22 Q Did he seem confused or anything like that?

23 A He seemed to understand the other reason I was --
24 I was talking with him.

25 Q Did you think to go back again another day or give

DIRECT - KELLY WINSHESTER BY STOLARSKI

1 him another chance to register?

2 A I didn't really have a place to go back to, sir.

3 Q Why is that?

4 A He was placed on trespass notice from the address
5 that I located him at.

6 Q So after that day, he was homeless essentially;
7 correct?

8 A He had no fixed address.

9 MR. HOLLAND: Okay. All right. Thank you.
10 Nothing further, Your Honor.

11 THE COURT: Any redirect?

12 MR. STOLARSKI: Nothing from the State, Your
13 Honor.

14 THE COURT: May this witness be excused?

15 MR. STOLARSKI: Yes, Your Honor.

16 THE COURT: Any objections, Mr. Holland?

17 MR. HOLLAND: No, Your Honor.

18 THE COURT: All right. Officer, you are excused,
19 sir.

20 Call your next witness, please, sir.

21 MR. STOLARSKI: The State calls Officer Cochran to
22 the stand -- or I'm sorry, Officer Kelly to the stand.

23 Ther eupon,

24 KELLY WINCHESTER

25 was called as a witness, having been first duly sworn,

DIRECT - KELLY WINSHESTER BY STOLARSKI

1 was examined and testified as follows:

2 THE WITNESS: I do.

3 DIRECT EXAMINATION

4 BY MR. STOLARSKI:

5 Q Please introduce yourself to the jury.

6 A My name is Kelly Winchester.

7 Q And where are you currently employed?

8 A At the Oconee County Sheriff's Office.

9 Q All right. How long have you been there?

10 A Nine years.

11 Q And do you have any previous law enforcement
12 experience before that?

13 A Yes. I have a total of over 24 years now.

14 Q Okay. And what are your duties and
15 responsibilities with regards to the sex offender registry?

16 A I actually handle the sex offenders registry. I
17 am the -- my title is the Sex Offender Registrar, so I make
18 sure that they come in. I am the one that they see to get
19 their paperwork done and make sure that they complete what
20 is required by law.

21 Q And how long have you been doing that, over that
22 area?

23 A About seven and a half years.

24 Q And is that for the whole county or is that --

25 A It is for the whole county.

DIRECT - KELLY WINSHESTER BY STOLARSKI

1 Q All right. Without getting any into details, are
2 you familiar what the Defendant looks like?

3 A Yes, sir.

4 Q And how many times approximately have you seen him
5 before today?

6 A In person, approximately five.

7 Q And do you see him here in the courtroom today?

8 A Yes, sir, I do.

9 Q All right. Would you point him out for me?

10 A Right over there.

11 Q What color is his shirt?

12 A Blue.

13 MR. STOLARSKI: Let the record reflect that the
14 witness has identified the Defendant.

15 THE COURT: So reflect.

16 BY MR. STOLARSKI:

17 Q Is the Defendant, without getting into details, is
18 the Defendant properly on the sex offender registry?

19 A Yes, he is.

20 Q So he is required to register?

21 A Yes, sir, by law.

22 Q What county is he required to register in?

23 A The county that he resides in.

24 Q All right. And what county is that?

25 A Ocone.

DIRECT - KELLY WINSHESTER BY STOLARSKI

1 Q And does the Defendant have to notify the
2 Sheriff's Office whenever he changes address?

3 A Yes, sir. They have to by law notify within three
4 business days.

5 Q And does he have to change -- notify the Sheriff's
6 Office whenever he leaves the county?

7 A Yes.

8 Q And did the Defendant notify you of any change of
9 address or that he was leaving the county?

10 A No, sir.

11 Q And to the best of your knowledge, in the last
12 three years, has the Defendant lived anywhere other than
13 Oconee, South Carolina?

14 A No, sir.

15 Q Was the Defendant ever notified that he was on the
16 sex offender registry?

17 A Yes, sir.

18 Q And when did the Defendant originally register?

19 A He originally registered on May the 29th, 2018.

20 Q And without getting into any other details, when
21 did the Defendant last register?

22 A It was October the 11th, 2018.

23 Q Is the duty to register continuous? That is to
24 say, they have to re-register periodically?

25 A Yes, sir. In the state of South Carolina, the

DIRECT - KELLY WINSHESTER BY STOLARSKI

1 duty to register is lifetime.

2 Q And when person registers, are they given notice
3 as to the specifics and when they must re-register?

4 A Yes, sir, they are.

5 Q Okay. I'm going to show you what has been marked
6 as State's Exhibit No. 2. What is this?

7 A That is actually the State of South Carolina sex
8 offender registration offender information form. So that is
9 something that all of the offenders have to --

10 MR. HOLLAND: Objection, Your Honor.

11 THE COURT: Let's just state your objection.

12 MR. HOLLAND: Hearsay.

13 THE COURT: Overruled. Go ahead.

14 THE WITNESS: It is the packet of information that
15 all the offenders have to initial, initial and date
16 showing that they understand that their requirements
17 for registry, and they know when they are supposed to
18 return to re-register. And if not, you know, you take
19 a chance on having a warrant signed on them.

20 BY MR. STOLARSKI:

21 Q Okay. And fair and accurate representation of the
22 subject matter therein?

23 A Yes, sir.

24 Q Any changes or alterations, to the best of your
25 knowledge?

DIRECT - KELLY WINSHESTER BY STOLARSKI

1 A No, sir.

2 Q What is the date on that?

3 A It is October the 11th, 2018.

4 Q And is your office a government office? I know
5 this is a silly question, but --

6 A Yes.

7 Q All right. Is it kept in the regular course of
8 your business?

9 A Yes, it is.

10 Q All right.

11 MR. STOLARSKI: Your Honor, the State would move
12 to admit this as State's Exhibit No. 2.

13 THE COURT: Any other objections, Mr. Holland?

14 MR. HOLLAND: No, Your Honor.

15 THE COURT: All right. That is fine, admitted
16 over objection.

17 *(Whereupon, State's Exhibit Nb(s). 2 marked for*
18 *identification and received in evidence.)*

19 BY MR. STOLARSKI:

20 Q Now, if you can look on this; did you go over this
21 form with the Defendant?

22 A Yes.

23 Q On the date on that thing?

24 A Well, I would -- normally when someone first comes
25 in to register, their first time in, I explain the whole

DIRECT - KELLY WINSHESTER BY STOLARSKI

1 process, the packet of information, their requirements, and
2 everything. Even have them sit and read it before they
3 leave to make sure that they understand it and send them
4 home with a copy.

5 So after that, any subsequent times they come
6 in I ask them if they have any questions or need another
7 copy of anything, you know, like that. So to make sure that
8 they do what they are required to do.

9 Q Okay. And the first time you went over it with
10 him, what date was that?

11 A That would have been May the 29th, 2018.

12 Q May 2018. And then, when you went over it with
13 him, it was?

14 A October the 11th, 2018.

15 Q And that was the last time that he registered?

16 A Yes, sir.

17 Q And did he sign anything?

18 A Yes, sir. Yes, his initials, initial and date and
19 his signature is on Page 3.

20 Q Okay. All right. And just so we can see. And
21 I'll publish this for the jury, if that's all right.

22 Does this kind of just go over when a person
23 has to -- has to register?

24 A Uh-huh. (Indicating affirmatively.)

25 Q All right. And is this his signature right here?

DIRECT - KELLY WINSHESTER BY STOLARSKI

1 A That is his initials, yes.

2 Q Okay. And is this -- all those are his initials?

3 A Yes, sir.

4 Q And that is telling him basically the specifics of
5 when a person is required to re-register?

6 A That, and also their requirements as far as the
7 change of address, change of employment, anything like that.
8 It's giving them the time frame that they are supposed to do
9 it in by law.

10 Q So any kind of special conditions that would
11 require a person to re-register?

12 A Yes.

13 Q Okay. And I'm going to show you what's been
14 marked as State's Exhibit Number 3. What is this?

15 A It's a picture of Mr. Cochran on the last
16 registration, October the 11th, 2018.

17 Q All right. And how do you know?

18 A I took the picture.

19 Q You took the picture?

20 A I did.

21 Q Okay. All right. Fair and accurate
22 representation of the subject matter?

23 A Yes.

24 Q Yes. And any changes or alterations?

25 A No, sir.

DIRECT - KELLY WINSHESTER BY STOLARSKI

1 Q So this is the person that came in and registered,
2 basically?

3 A Yes, sir.

4 MR. STOLARSKI: Your Honor, I would like to move
5 to admit this as State's Exhibit 3.

6 THE COURT: Any objections?

7 MR. HOLLAND: No, Your Honor.

8 THE COURT: Admitted.

9 *(Whereupon, State's Exhibit Nb(s). 3 marked for*
10 *identification and received in evidence.)*

11 MR. STOLARSKI: And I would also like to publish
12 it for the jury, Your Honor.

13 (State's Exhibit Number 3 published to jury.)

14 BY MR. STOLARSKI:

15 Q And was the Defendant required to register on
16 December of 2019?

17 A Yes.

18 Q Did he have notice basically that he was required
19 to register?

20 A Yes.

21 Q All right. And did he -- did he register that
22 month, as he was required to?

23 A No.

24 Q And didn't come in at all, didn't register, didn't
25 do anything?

CROSS - KELLY WINCHESTER BY HOLLAND

1 A No.

2 MR. STOLARSKI: All right. Please answer any
3 questions that the Defense might have for you.

4 THE COURT: Cross examination.

5 MR. HOLLAND: Thank you, Your Honor.

6 CROSS EXAMINATION

7 BY MR. HOLLAND:

8 Q Ms. Winchester, you heard from Officer Pelfrey
9 that Mr. Cochran was homeless as of December 27th. Are
10 there any policies for individuals who are homeless or
11 suffer from disabilities to help them register?

12 A They have to -- if they're homeless, they just
13 have to let me know the area that I can find them. But they
14 are still -- in law, it says they have to actually show up
15 in person for their registration.

16 Q What if they don't have a car or access to
17 transportation?

18 A I have actually had people hitchhike or walk,
19 actually, just to make sure they got up there in the time
20 frame.

21 Q Okay. So there is no effort made to try to find
22 Mr. Cochran, knowing he's homeless and doesn't have a phone
23 or --

24 A Well, that is why we notify them when they are
25 supposed to be up there, because it's their duty to come up

REDIRECT - KELLY WINCHESTER BY STOLARSKI

1 there and make sure that their paperwork is done.

2 Q And are you aware of Mr. Cochran having any memory
3 issues?

4 A I am now. I was not, you know, up until a month
5 ago.

6 Q That's the first time you learned of that?

7 A Yes.

8 MR. HOLLAND: Nothing further, Your Honor.

9 THE COURT: Redirect.

10 REDIRECT EXAMINATION

11 BY MR. STOLARSKI:

12 Q Where is your office located?

13 A Down at the Sheriff's Office, at 300 South Church
14 Street.

15 Q Okay. And without getting into any details, is
16 there a time within that month of December 19th or December
17 2019 when the Defendant was physically around that area?

18 A Yes, sir.

19 Q All right. So, I mean, would it have been a
20 matter of walking distance for him to come in and register
21 at that time?

22 A Yes, sir.

23 Q In terms of -- in terms of forgetfulness, and
24 without getting into any other details, has the Defendant
25 ever expressed any resistance to you verbally, in terms of

RIGHTS GIVEN TO CALVIN COCHRAN BY THE COURT

1 whether he had to register?

2 A Yes. Yes.

3 Q Did he tell you basically that he didn't want to
4 or believed that he had to register?

5 A Right, that is true.

6 MR. STOLARSKI: Please answer any questions the
7 Defense might have.

8 THE COURT: All right. Thank you, ma'am. You may
9 step down.

10 Call your next witness, please, sir.

11 MR. STOLARSKI: Your Honor, at this point, the
12 State rests.

13 THE COURT: All right. Madam Forelady, the State
14 advises that they rest, which means they have presented
15 their case. I have some administrative matters to take
16 up. If you will go back with the bailiff, she will
17 take you to your jury room, if you don't mind.

18 (The jury exits the courtroom at 10:16 a.m.)

19 THE COURT: Any motions, Mr. Holland?

20 MR. HOLLAND: No, Your Honor.

21 THE COURT: Sir, would you stand up? Would you
22 raise your right hand?

23 **Thereupon,**

24 CALVIN COCHRAN

25 was called as a witness, having been first duly sworn,

RIGHTS GIVEN TO CALVIN COCHRAN BY THE COURT

1 was examined and testified as follows:

2 THE DEFENDANT: Yes, Your Honor, I do.

3 THE COURT: Okay. You can be seated.

4 Mr. Cochran, we have come to that point in the
5 trial where you have the right to present a defense.
6 You also have the right to claim protections that are
7 afforded to you by the fifth amendment to the United
8 States Constitution. And I'm sure Mr. Holland has
9 explained that to you, but I will do so for the record.
10 Okay?

11 In pertinent part, the fifth amendment says this.
12 It says, No person shall be compelled in any criminal
13 case to be a witness against themselves.

14 What that means, Mr. Cochran, I'm sure you
15 understand, but what it means is you can't be compelled
16 or made to get on the witness stand to testify. You
17 have a right to remain silent and not testify. The
18 State always has the burden of proving your guilt by
19 proof beyond a reasonable doubt, whether or not you do
20 take the stand. Okay, sir?

21 Now, if you wish to take the stand, you certainly
22 have a right to do so. You will be examined by
23 Mr. Holland, and you will be cross-examined by
24 Mr. Stolarski.

25 Mr. Stolarski, are there any prior criminal record

RIGHTS GIVEN TO CALVIN COCHRAN BY THE COURT

1 that you would seek to impeach him with?

2 MR. STOLARSKI: Not for just the sake of, Your
3 Honor.

4 THE COURT: You don't have anything you would seek
5 to impeach with from his criminal record?

6 MR. STOLARSKI: No, Your Honor.

7 THE COURT: So that would not be part of a cross-
8 examination.

9 However, I can assure you, because all cross
10 examination is meant to impeach you, to hurt your
11 credibility, and make the jury think you are not being
12 truthful. So you will be subjected to Mr. Stolarski's
13 cross examination. Do you understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Now, on the other hand, if you decide
16 that you do not want to testify, when we charge the
17 jury, when I charge the jury, I will tell them that
18 they may not and shall not, cannot consider your
19 failure to testify, as that is your constitutional
20 right under the United States Constitution, and because
21 the State has the burden of proving your guilt on proof
22 beyond a reasonable doubt.

23 Okay, sir. Now, the decision to testify or not to
24 testify usually is made in conjunction with
25 communications you may have with your attorney. But at

RIGHTS GIVEN TO CALVIN COCHRAN BY THE COURT

1 the end of the day it's a personal decision that only
2 you can make. You have to make it knowingly,
3 voluntarily, and intelligently, knowing your rights
4 under the fifth amendment, and also knowing the
5 consequences if you get up on the stand to testify.
6 Okay, sir.

7 Now, have you understood everything I have gone
8 over with you?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Do you have any questions of me?

11 THE DEFENDANT: No, sir.

12 THE COURT: Do you have any questions of your
13 attorney that you would like to ask him? You don't
14 have to ask him out loud, you can ask him
15 confidentially, if you like.

16 THE DEFENDANT: No, not at the moment, sir.

17 THE COURT: Mr. Holland, have you gone over with
18 Mr. Cochran whether or not he wishes to testify?

19 MR. HOLLAND: Yes, sir. Yes, I have, Your Honor.

20 THE COURT: Okay. And is he going to testify?

21 MR. HOLLAND: No.

22 THE COURT: Do you have any witnesses?

23 MR. HOLLAND: Yes, sir.

24 THE COURT: Okay. Who are you going to call?

25 MR. HOLLAND: Dr. Frierson.

DIRECT - DR. RICHARD FRIERSON BY HOLLAND

1 THE COURT: All right. Will you bring the jury
2 back?

3 Is Dr. Frierson here?

4 (Witness raises hand in audience.)

5 THE COURT: I have been staring at you all
6 morning. Sorry.

7 (The jury enters the courtroom.)

8 THE COURT: Mr. Holland, will you call your first
9 witness, please?

10 MR. HOLLAND: Yes, sir. The Defense calls Richard
11 Frierson.

12 **Thereupon,**

13 DR. RICHARD FRIERSON
14 was called as a witness, having been first duly sworn,
15 was examined and testified as follows:

16 THE WITNESS: I so affirm.

17 MR. HOLLAND: Thank you, Your Honor.

18 DIRECT EXAMINATION

19 BY MR. HOLLAND:

20 Q Dr. Frierson, would you state your full name for
21 the record, please?

22 A My name is Richard Lesesne Frierson.

23 Q And where do you work?

24 A I am a corporate pastor of psychiatry at the
25 University of South Carolina School of Medicine in Columbia.

DIRECT - DR. RICHARD FRIERSON BY HOLLAND

1 And we have a contract where I do court-ordered evaluations
2 for competency to stand trial and Defendant responsibility
3 for the Department of Mental Health.

4 Q How long have you had that job?

5 A I've been doing this work since 1993. I've been
6 employed directly by the University since 1999.

7 Q And where did you attend medical school?

8 A That was at the University of South Carolina
9 School of Medicine in Columbia.

10 Q What degrees do you possess?

11 A Well, first of all, I went to undergraduate school
12 at USC in Columbia. I have a Bachelor of Music degree, and
13 then went to medical school, finished in 1988. I have a
14 medical doctorate from USC School of Medicine. I completed
15 four years of residency training in general psychiatry at
16 William S. Hall Psychiatric Institute. And I completed a
17 one-year fellowship in forensic psychiatry at William S.
18 Hall Psychiatric Center.

19 Q And have you given any lectures on forensic
20 psychiatry?

21 A Yes, many.

22 Q Is that your specialty?

23 A Yes. I'm board certified by the American Board of
24 Psychiatry and Neurology in both general psychiatry and
25 forensic psychiatry.

DIRECT - DR. RICHARD FRIERSON BY HOLLAND

1 Q And do you have any publications or research on
2 that?

3 A Yes.

4 Q In your current position, do you still examine
5 patients, as you indicated?

6 A Yes.

7 Q Have you ever been qualified as a witness in
8 forensic psychiatry in a court of general sessions?

9 A I have.

10 Q Did you actually testify?

11 A Yes.

12 Q How many times?

13 A At this point, somewhere over 200.

14 MR. HOLLAND: Your Honor, at this time, the
15 Defense moves to have Dr. Frierson qualified as an
16 expert witness in forensic psychiatry.

17 MR. STOLARSKI: No objection, Your Honor.

18 THE COURT: All right. Ladies and gentlemen,
19 normally a witness is not allowed to give their
20 testimony in the courtroom. They have to testify what
21 they saw, they've heard, they felt, they smelled,
22 something along those lines, but they're not allowed to
23 give their opinion.

24 However, if because of their education or the
25 experience they have become qualified in an area that

DIRECT - DR. RICHARD FRIERSON BY HOLLAND

1 would be helpful to you, the jury, and upon that
2 qualification a person is allowed to give their
3 opinion. It is stipulated in this case that
4 Dr. Frierson is an expert in the field of forensic
5 psychiatry. He will be allowed to give his opinions in
6 that area and the bases for his opinions.

7 Expert testimony, ladies and gentlemen is just
8 like any other testimony you will hear in this case.
9 You may accept it, you may reject it, or give it as
10 much weight as you think it deserves.

11 All right. Mr. Holland.

12 MR. HOLLAND: Thank you, Your Honor.

13 BY MR. HOLLAND:

14 Q Dr. Frierson, do you recall evaluating
15 Mr. Cochran?

16 A Yes.

17 Q How many times?

18 A I have evaluated Mr. Cochran three times.

19 Q Will you please explain the methods you used to
20 evaluate him?

21 A Well, first of all, I only evaluate somebody that
22 the judge or court has ordered me to evaluate, so if there's
23 a court order. And in this case, I have done this on three
24 separate occasions.

25 The issues that I'm asked to look at, first

DIRECT - DR. RICHARD FRIERSON BY HOLLAND

1 of all, is he competent to stand trial? Does he understand
2 what is going on in court? Can he work with his attorney to
3 get through the legal process?

4 The other issue is his mental state at the
5 time of the alleged offense. Was he mentally ill at all or
6 have any mental defects and whether or not they contributed
7 at all to anything that happened.

8 So what we do is, we review the arrest
9 warrants, the police reports, any witness statements from
10 law enforcement or witnesses to crimes. We look at any
11 forensic evidence, the SLED or depending on the case. You
12 know, this is not a murder case where there's blood and guns
13 and all that kind of stuff, but, you know, we would look at
14 all that.

15 We also look at the history of the
16 Defendant's medical records. Does this person have a
17 history of psychiatry illness, hospitalizations, medical
18 problems? Then we take a social history from a family
19 member. We certainly don't believe everything a criminal
20 defendant says, so we contact someone to try to get
21 collateral information from people as to how this person
22 functions. And then a family member that knew their
23 childhood and past history.

24 Q And based on your most recent evaluation, were you
25 able to diagnose Mr. Cochran with anything?

DIRECT - DR. RICHARD FRIERSON BY HOLLAND

1 A Yes.

2 Q And what was that?

3 A Mr. Cochran has what is now referred to as major
4 neurocognitive disorder. And in fancy terms, that means
5 dementia. He has dementia. His mother had Alzheimer's
6 disease, he has an older brother with dementia. He displays
7 signs and symptoms of memory impairment, other cognitive
8 impairments, and he, on testing that we did, falls into the
9 category of dementia, as well as, you know, the brother said
10 his short-term memory is shot.

11 The nurse in the detention center says he has
12 memory problems. So these are all consistent with dementia
13 or what we now call major neurocognitive disorder.

14 Q Does your most recent diagnosis reflect the
15 deterioration of Mr. Cochran's memory?

16 A Yeah. It's sort of complicated.

17 I first saw him in 2018. And at that time he
18 had what we call mild neurocognitive disorder. He had some
19 memory problems, but they were not affecting day-to-day
20 living, and that is what we call mild.

21 And on testing, we give certain tests, most
22 of them have a maximum of 30 points. Initially he scored
23 26, which is not normal, but it's not in the range of
24 dementia. You have to score less than 25. So I diagnosed
25 him as mild neurocognitive disorder.

DIRECT - DR. RICHARD FRIERSON BY HOLLAND

1 However, the next time I saw him, which was
2 in 2019, December 2nd, it was clear that his memory problems
3 had progressed. He was given another cognitive test called
4 a MoCA, or Montreal Cognitive Assessment. This is the same
5 test you remember hearing about President Trump taking and
6 making a perfect score.

7 He, Mr. Cochran, scored at that time in 2019,
8 16 out of 30. He couldn't -- I actually have it in front of
9 me -- he couldn't draw a clock accurately, he couldn't copy
10 a Q. He couldn't remember five words after five minutes.
11 He had trouble with verbal fluency. We ask people to name
12 as many words as you can that start with the letter F in one
13 minute, and he couldn't name 11.

14 So, you know, it progressed at that point,
15 and we also had some evidence that he had to leave himself
16 notes to try to remember things. He lost his checkbook and
17 couldn't find it. There were other clinical signs of memory
18 impairment.

19 So in 2019, the diagnosis has changed from
20 minor neurocognitive disorder, or pre-dementia, to major
21 neurocognitive disorder, or dementia.

22 Then the last time I saw him, he actually
23 surprisedly did a little bit better on that MoCA test. He
24 scored a 22. Now, I'll just say people do better and worse
25 even in the course of a day, depending on how alert they

DIRECT - DR. RICHARD FRIERSON BY HOLLAND

1 are. It fluctuates a little bit.

2 But there was also some evidence in 2019.

3 Around 2020, the last time I saw him in October, of more
4 severe memory impairment than even the previous time.

5 For example, Mr. Cochran worked for 13 years
6 or more as an ophthalmic photographer. And what that means
7 is he worked at a doctor's office, an ophthalmologist. His
8 job was to take pictures of a retina. Use special equipment
9 to take pictures of a retina.

10 And when I was taking his history this time,
11 I said, Well, tell me again what you did, you know, for a
12 living, for work. He couldn't remember that. He couldn't
13 remember something that he did for a very long time.

14 Now, once I told him, I thought you were an
15 ophthalmic photographer, he goes, (snaps fingers), you know,
16 the bulb goes on. Oh, yeah, I used to take pictures of the
17 retina, I would look at the size of the macula, which is in
18 back of the retina. I looked at the blood vessels of
19 diabetics, pictures of them. So, you know, with a trigger,
20 he can remember.

21 But that is something that -- not to remember
22 something you did for 13 years initially, he could do that
23 before. So this is -- I think it is a progressive disorder.
24 Dementia gets worse over time. There are many types of
25 dementia, he probably has Alzheimer's given the family

DIRECT - DR. RICHARD FRIERSON BY HOLLAND

1 genetic history. So --

2 Q Well, can you please explain to the jury what
3 dementia does to the brain?

4 A Well, you can have a demented person with a normal
5 looking brain, you can have a demented person with a brain
6 that shows shrinkage or atrophy. But basically, dementia
7 just impairs someone's ability, first of all, memory.

8 Memory becomes -- initially it's impairment
9 of short-term memory. They might not remember what they did
10 yesterday, they might talk to family members and say
11 something they said 10, 15 minutes ago, not realize they've
12 already told the family member that.

13 Most of us who have family members that do it
14 to them, they say, Grandma is getting forgetful, what have
15 you. But then that progresses over time to they might
16 forget more important things. And then the severe form is
17 it progresses further. People get to the point they don't
18 remember or aren't able to recognize family members.

19 And I can see an elderly, severely demented
20 person that -- let's say it's your mother or your father and
21 they raised you your whole life, and they may not at the
22 very end stages recognize who you are. So it is a
23 progressive disease.

24 Q So based on your results, do you think
25 Mr. Cochran -- Mr. Cochran would have been criminally

DIRECT - DR. RICHARD FRIERSON BY HOLLAND

1 responsible for failing to register on or about
2 December 31st, 2019?

3 A Yes. It is my opinion that he knew -- would know
4 -- when it's still known it's wrong not to register. When
5 you ask him, are you required to register, you know, in the
6 interview, he goes, yes. So he knows that that is a
7 requirement.

8 Q He has to be asked about it, though, typically,
9 right?

10 A Yes.

11 Q Yeah. And so further, do you think he possessed
12 the sufficient capacity to conform his conduct to the
13 requirements of the law?

14 A No.

15 Q And what do you mean by that?

16 A Mr. Cochran, in my opinion, lacked the ability to
17 conform his conduct because he can't remember he's supposed
18 to register. Even if you tell him three days before, three
19 days later, that conversation might not have -- might as
20 well not have happened.

21 So his ability to remember to go register is
22 what is impaired. If you had gone to him right at that time
23 and say, Mr. Cochran, is it wrong not to register, I think
24 he would say yes. But he forgets that he's still supposed
25 to go register.

CROSS - DR. RICHARD FRIERSON BY STOLARSKI

1 Q So the visit from Officer Pelfrey on December 27th
2 would have done no good to --

3 A You know, that is short-term memory, two or three
4 days later. It's quite, you know, likely he would not
5 remember that.

6 Q So in your expert opinion, do you think
7 Mr. Cochran's dementia prevents him from registering?

8 A It prevents him from conforming his conduct. Now,
9 if a brother -- like previously, his brother would have
10 helped him go down there and register or reminded him, but
11 now his brother is more demented and not able to do that.
12 His ability to remember and do it on his own is what's
13 impaired.

14 Q Do you think Mr. Cochran is a danger to the
15 community, based on your evaluations?

16 A I wasn't asked specifically to render an opinion
17 about future dangerousness. I know that compared to most of
18 the people that I see, he's not been convicted of violent
19 offenses ever.

20 MR. HOLLAND: Thank you.

21 Nothing further, Your Honor.

22 THE COURT: Cross examination.

23 CROSS EXAMINATION

24 BY MR. STOLARSKI:

25 Q So basically you handle court-ordered evaluations;

CROSS - DR. RICHARD FRIERSON BY STOLARSKI

1 is that correct?

2 A Yes.

3 Q And, I mean, obviously, you have been doing this
4 for a long time. I think you said since, like, 1993?

5 A Yes. Too long.

6 Q Yeah, a long, long time.

7 So basically court-ordered evaluation, they
8 don't want to willingly do it, but they are ordered by the
9 court to do it?

10 A Yes.

11 Q All right. When you -- can you give me the dates
12 again when you evaluated him? Just the dates, if you could.

13 A The first time, the date was March 15th, 2018.
14 The second time was December 2nd, 2019. The third time, the
15 most recent time, was October 8th of 2020.

16 Q All right. And with regards to those last two
17 times that you evaluated him, did you ever ask him, like,
18 whether he knew he had to register and all that?

19 A Yes.

20 Q All right. Did he know that he had to register,
21 or how did that all go down, if you can just --

22 A He knows he has to register. He doesn't like it
23 and doesn't feel that he should have to register, but he
24 knows he has to register.

25 Q Okay. And when you say he doesn't like it and he

CROSS - DR. RICHARD FRIERSON BY STOLARSKI

1 doesn't feel like he should, did he ever express anything to
2 you about that, or what did he say about -- well, I'll
3 retract that.

4 The Defense mentioned danger to the
5 community. Can you expound on that specifically, what you
6 meant by it?

7 A All I'm saying is, you know, I was not asked to
8 say can I predict if he is going to be a danger tomorrow or
9 next week? I cannot. I don't have that ability. But I was
10 not asked to do that, so I cannot render an opinion on his
11 future dangerousness.

12 All I can say is, compared to most of the
13 people that I see, historically, he's not been convicted of
14 anything violent in the past. We don't have any history of
15 violent behavior.

16 Q All right.

17 MR. STOLARSKI: No further questions. Thank you
18 very much.

19 THE COURT: Redirect?

20 MR. HOLLAND: No, Your Honor.

21 THE COURT: May this witness be excused?

22 MR. HOLLAND: Yes, Your Honor.

23 THE COURT: Any objection, Mr. Stolarski?

24 MR. STOLARSKI: No, Your Honor.

25 THE COURT: Dr. Frierson, thank you.

CROSS - DR. RICHARD FRIERSON BY STOLARSKI

1 Call your next witness, please.

2 MR. HOLLAND: At this time, the Defense rests,
3 Your Honor.

4 THE COURT: All right. As before, ladies and
5 gentlemen, the Defense rests, which means they have
6 presented their case-in-chief.

7 Are you intending to have a reply?

8 MR. STOLARSKI: Yes, Your Honor.

9 THE COURT: You are?

10 MR. STOLARSKI: Yes, Your Honor.

11 THE COURT: Okay. Very good.

12 You can go back to your jury room. We have a
13 couple of matters to take up at this time.

14 (The jury exits the courtroom at 10:42 a.m.)

15 THE COURT: I assume that you would renew your
16 motions, Mr. Holland?

17 MR. HOLLAND: Yes, Your Honor.

18 THE COURT: Any additional motions at this point?

19 MR. HOLLAND: No.

20 THE COURT: Any motions from the Defense?

21 MR. STOLARSKI: Nothing from the State, Your
22 Honor.

23 THE COURT: All right. Who do you intend -- who
24 are you going to call in reply?

25 MR. STOLARSKI: Actually, I would call

CROSS - DR. RICHARD FRIERSON BY STOLARSKI

1 Ms. Whitfield, the Clerk, and this -- I don't
2 necessarily want to go down the line of this
3 questioning, if it gets suppressed.

4 THE COURT: I can't hear you.

5 MR. STOLARSKI: Oh, my apologies, sir.

6 I don't want to go down the line of questions on
7 this if it's going to get suppressed. I would be
8 admitting for basically absence of mistake or accident,
9 which is mistake or accident that he failed to
10 register. I would like to submit his prior failure to
11 register convictions.

12 There's a case law that is similarly on point. I
13 would like to give it to you. Basically, it would be
14 allowed in, as I see it.

15 THE COURT: Get your case -- how about you guys,
16 let us go back to my chambers. I got a couple matters
17 I want to go over with you anyway.

18 MR. HOLLAND: Yes, sir.

19 MR. STOLARSKI: Yes, sir.

20 (Off-the-record discussion held.)

21 THE COURT: All right. Mr. Stolarski, have you
22 determined whether or not you are going to have a
23 reply?

24 MR. STOLARSKI: Yes, Your Honor. We will call
25 Beverly Whitfield to the stand.

CROSS - DR. RICHARD FRIERSON BY STOLARSKI

1 THE COURT: And let me put this on the record so
2 everybody is clear. We went back to my chambers.
3 First, we were discussing defenses being raised by
4 Mr. Cochran.

5 Where is he, by the way? We need to get him back
6 in here.

7 (Defendant enters the courtroom.)

8 THE COURT: All right. Going back on the record.

9 We met in my chambers. Primarily we were
10 discussing the verdict form. Initially we were
11 affirming defenses raised by Mr. Holland, which include
12 guilty but mentally ill, but would not include not
13 guilty by way of insanity.

14 Is that a fair statement, Mr. Holland?

15 MR. HOLLAND: Yes, Your Honor.

16 THE COURT: So the verdict form, which y'all
17 didn't have, will reflect that alternative for the
18 jury, and I will -- I was just making notes on my
19 charge where I give the jury the charge of presumption
20 of innocence. At the end of that I include the options
21 under 172420. That would include the Defendant says
22 he's not guilty.

23 But as an alternative it says, If you do think
24 he's guilty, he is mentally ill as a defense, and give
25 that statute. I'll read the statutes since you have

CROSS - DR. RICHARD FRIERSON BY STOLARSKI

1 the burden of proof of that by preponderance of the
2 greater weight of the evidence. Okay.

3 Next was Mr. Stolarski was going to raise the
4 issue of Mr. Cochran's prior findings for failure to
5 register guilties. Not being found guilty, but failure
6 to register in the past. And it was pointed out that
7 it was -- what was that case name?

8 MR. STOLARSKI: State V Smith, Your Honor, and
9 Rule 404.

10 THE COURT: Sir?

11 MR. STOLARSKI: State V Smith, Your Honor, and
12 Rule 404.

13 THE COURT: All right. And it's the absence of
14 mistake. And absence of mistake, what else?

15 MR. STOLARSKI: Let me read you the actual
16 language, Your Honor.

17 Evidence of other crimes, wrongs, or acts are not
18 admissible proof of character of a person. But it may,
19 however, be admissible to show motive, identity, the
20 existence of a common scheme or plan, the absence of
21 mistake or accident or intent.

22 In this case I believe it would be absence of
23 mistake or accident, and also to show intent. Defense
24 is basically -- well, I won't get --

25 THE COURT: And I pointed out, I told Mr. Holland,

CROSS - DR. RICHARD FRIERSON BY STOLARSKI

1 most of his strenuous objection, I know he's going to
2 raise some more of it, but that I thought the testimony
3 elicited from Dr. Frierson was that the Defendant knew
4 what he was supposed to do. He was supposed to
5 register, but couldn't remember to register because of
6 his major neurocognitive deficits that he began to
7 experience in 2019, and as compared to mild
8 neurocognitive deficits in 2018, which would lend
9 itself that he wouldn't be able to register.

10 So I think that testimony makes -- you are
11 planning to show prior convictions for failure to
12 register for what years?

13 MR. STOLARSKI: 2019, Your Honor, and 2018,
14 9/10/2018, specifically; and 12/19/2019.

15 THE COURT: Okay. Now, I gave Mr. Holland a
16 little bit of time to formulate some objections to that
17 evidence because I -- personally I believe I thought it
18 was admissible and I didn't even think of 404 at the
19 time, but I think that would be another basis for it to
20 come in.

21 What would be your objection?

22 MR. HOLLAND: Your Honor, we object on 403, it's
23 prejudicial to Mr. Cochran. And the case Mr. Stolarski
24 is referring to, the absence of mistake -- or a mistake
25 or an accident, we are not putting that argument

DIRECT - BEVERLY WHITFIELD BY STOLARSKI

1 forward at all. We are just lacking, you know, or
2 arguing about lack of intent based on dementia.

3 THE COURT: All right. I'll note your objection.
4 I'm going to let it in. Okay.

5 All right. That being said, Mr. Stolarski, you
6 ready to do your reply?

7 MR. STOLARSKI: Yes, Your Honor.

8 THE COURT: Would you bring the jury in?

9 (The jury enters the courtroom at 11:20 a.m.)

10 THE COURT: All right. Mr. Stolarski and the
11 State is going to call a reply witness; is that
12 correct?

13 MR. STOLARSKI: Yes, Your Honor.

14 THE COURT: Call your witness, please.

15 MR. STOLARSKI: The State calls Beverly Whitfield
16 to the stand.

17 **Thereupon,**

18 BEVERLY WHITFIELD,
19 was called as a witness, having been first duly sworn,
20 was examined and testified as follows:

21 DIRECT EXAMINATION

22 BY MR. STOLARSKI:

23 Q Please introduce yourself to the jury.

24 A My name is Beverly Whitfield. I am your elected
25 Clerk of Court for Oconee County.

DIRECT - BEVERLY WHITFIELD BY STOLARSKI

1 Q And how long have you worked at the Clerk's
2 office?

3 A Been in the Clerk's Office 34 years, been Clerk of
4 Court for 12.

5 Q Okay. And what are the duties of the Clerk of
6 Court?

7 A You got all day?

8 Q Yeah, you can take that off, ma'am.

9 A Thank you. We're are keeper of the records. We
10 keep all records, general sessions, family court, common
11 pleas, judgments, anything that is going on, council
12 meetings, any kind of -- we are responsible for all records
13 as far back as the beginning of time.

14 Q That is a long time. Could you describe the
15 general process for how the records are kept, just for
16 criminal convictions?

17 A For criminal? Criminal records start out in
18 magistrate's court. Once someone is arrested, they go
19 through magistrate's court. They send them over to our
20 office for processing, where they are made file folders or
21 in what -- we've got case packets for them -- at which time
22 we add any kind of documents that come in until they come to
23 court.

24 Once they come to court, once court is over,
25 then we have their sentence sheets, their indictments or

DIRECT - BEVERLY WHITFIELD BY STOLARSKI

1 warrants, and we keep the originals forever.

2 Q And are the records of convictions, are those
3 public records?

4 A It is.

5 Q And your office is a public office?

6 A We are public. You do have to -- we have things
7 in place to keep them for safekeeping. But, yes, you can
8 come and look at them at any time.

9 Q I'm going to show you what has been marked as
10 State's Exhibit Number 4. Could you briefly tell me what
11 that is?

12 A This is a general sessions sentencing -- copy of a
13 general sessions sentencing sheet.

14 MR. HOLLAND: Your Honor, I would like to renew my
15 objection.

16 THE COURT: So noted. Thank you, sir.

17 THE WITNESS: Do you want me to continue?

18 BY MR. STOLARSKI:

19 Q Keep going.

20 A It's a conviction from December the 19th of 2019
21 for failure to register as a sex offender.

22 Q Okay. And how do you know that that is what it
23 is?

24 A Well, it is one of our court dockets. These are
25 statewide forms that are used. And besides that, it's got

DIRECT - BEVERLY WHITFIELD BY STOLARSKI

1 my name signed to it, and the Judge's.

2 Q And is this a public record kept by your office in
3 normal course of business?

4 A It is.

5 Q Fair and accurate representation of the subject
6 matter therein?

7 A It is.

8 Q And any changes or alterations, to the best of
9 your knowledge?

10 A None.

11 Q What is this little --

12 A If we ever give anybody who comes in a copy of an
13 order, whether it's for general sessions, common pleas,
14 family court, if you receive a copy of an order, we certify
15 that it is an original copy of a document that we have in
16 our office. And we do that to all orders.

17 Q Okay. And to be clear, the Defendant was
18 convicted of failure to register as a sex offender already
19 in 2019? December 19th, 2019?

20 A That's right. That's right.

21 Q Now, are you familiar with the layout --

22 THE COURT: Did you move those into evidence yet?

23 MR. STOLARSKI: Oh. Your Honor, I would like to
24 move these into evidence.

25 THE COURT: What numbers are those?

DIRECT - BEVERLY WHITFIELD BY STOLARSKI

1 MR. STOLARSKI: Number 4, Your Honor.

2 THE COURT: Okay. That would be subject to
3 objection, it's admitted.

4 *(Whereupon, State's Exhibit Nb(s). 4 marked for*
5 *identification and received in evidence.)*

6 MR. STOLARSKI: And I would like to publish it for
7 the jury, sir.

8 THE COURT: Yes.

9 (Exhibit Number 4 published to the jury.)

10 BY MR. STOLARSKI:

11 Q Can you see right here?

12 A Yes, sir.

13 Q Is that -- what's that little line say?

14 A That is the -- when a person comes to Court and
15 they plea, we have -- we get the attorney's signature, we
16 get the Solicitor's signature, and we also get the
17 Defendant's signature, if they plead guilty.

18 Q And what does that say up there?

19 A That is a -- usually a recommendation is put on
20 there by the Solicitor's Office.

21 Q And what is the date on it?

22 A 12/19/2019.

23 Q All right. And are you familiar with the layout
24 of the -- of the county, so to speak, the county offices?

25 A I am, yes, sir.

DIRECT - KELLY WINCHESTER BY STOLARSKI

1 Q Do you know where the Sheriff's Office is?

2 A Yes, sir.

3 Q Do you know where the jail is?

4 A Yes, sir.

5 Q Where are the jail and the Sheriff's Office
6 located relative to each other?

7 A They are side by side.

8 Q Okay.

9 MR. STOLARSKI: Please answer any question the
10 Defense might have for you.

11 THE WITNESS: Okay.

12 MR. HOLLAND: No questions, Your Honor.

13 THE COURT: Thank you. You may step down, Madam
14 Clerk.

15 THE WITNESS: Thank you.

16 MR. STOLARSKI: Your Honor, I would like call
17 Kelly Winchester as well, if that's all right.

18 THE COURT: I'm sorry?

19 MR. STOLARSKI: Your Honor, I'd like to call Kelly
20 Winchester as well, Your Honor, if that's all right.

21 THE COURT: All right. Come around. You are
22 still under oath.

23 THE WITNESS: Yes, sir.

24 Thereupon,

25 KELLY WINCHESTER

DIRECT - KELLY WINCHESTER BY STOLARSKI

1 was called as a witness, having been previously duly sworn,
2 was examined and testified as follows:

3 DIRECT EXAMINATION

4 BY MR. STOLARSKI:

5 Q Did you participate in a trial in 2018 for failure
6 to register as a sex offender?

7 A Yes, sir, I did.

8 Q Okay. What was the date of that?

9 A I believe it was December the 18th, 2018.

10 Q And what was the verdict on that?

11 A The judge found Mr. Cochran guilty of failure to
12 register.

13 Q And that was in 2018, you said?

14 A Yes, it was.

15 Q All right.

16 MR. STOLARSKI: Please answer any question the
17 Defense might have for you.

18 THE COURT: Cross examination.

19 MR. HOLLAND: No. No, Your Honor.

20 THE COURT: Thank you, ma'am. You may step down.

21 THE WITNESS: Thank you, sir.

22 THE COURT: Any additional witnesses?

23 MR. STOLARSKI: None from the State, Your Honor.

24 THE COURT: Very good.

25 All right. Madam Forelady, ladies and gentlemen

DIRECT - KELLY WINCHESTER BY STOLARSKI

1 of the jury, the State rests its reply, which means
2 that the presentation of evidence phase is concluded,
3 which is the second phase. I will go over with the
4 attorneys in just a minute the law that I intend to
5 charge, make sure that we are all in lock step with
6 what we need to tell you as to what the law is in this
7 case.

8 We will bring you back, the attorneys will give
9 you closing statements, and I'll charge you on the law,
10 and then you will be allowed to go out and begin your
11 deliberations, so you know where you are.

12 If you will go back to your respective jury rooms
13 right now, please.

14 (The jury exits the courtroom at 11:26 a.m.)

15 THE COURT: Mr. Holland, you didn't make a
16 directed verdict motion, did you, sir? Earlier, when I
17 said you renew your motions, you looked at me like I
18 was crazy.

19 MR. HOLLAND: No, I did not, Your Honor.

20 THE BAILIFF: Judge, he has just expressed to me,
21 a juror, that he is not clearly hearing what is being
22 said.

23 THE COURT: And who's that, the same guy?

24 THE BAILIFF: Yeah. Same guy. He said y'all need
25 to speak up.

DIRECT - KELLY WINCHESTER BY STOLARSKI

1 THE COURT: Got me. Y'all just have to speak up
2 real loud.

3 Mr. Stolarski, Austin -- I know both of y'all have
4 been with me before. I basically plagiarize Judge
5 Knowle's (phonetic) structure of his charge. I guess
6 you haven't been with him.

7 But basically, I have three parts to my charge.
8 The first part would be general rules that define and
9 control the juror's duties, which includes looking at
10 all the evidence. I tell them what is evidence and
11 what is not evidence. I give them the circumstantial
12 evidence charge from State versus Clarence Logan. I go
13 over credibility of the witnesses, expert testimony. I
14 tell them about -- or remind them about the
15 indictments. I go over the presumption of innocence.

16 I'm thinking, tell me your thoughts after the
17 presumption of innocence. I'm going to have ,The
18 Defendant maintains he's not guilty. But then I will
19 go over Sections 192420 at that stage. It seems to fit
20 there better. Is that all right with you?

21 MR. HOLLAND: Yes, Your Honor.

22 THE COURT: Sure?

23 MR. HOLLAND: Yes.

24 THE COURT: Okay. That's all right with you,
25 Mr. Stolarski?

DIRECT - KELLY WINCHESTER BY STOLARSKI

1 MR. STOLARSKI: Yes, Your Honor.

2 THE COURT: Okay. Then I go over reasonable
3 doubt. I think we are all in agreement, I do not
4 charge intent. Did you think so?

5 MR. STOLARSKI: Yes.

6 THE COURT: Is that your opinion as well?

7 MR. STOLARSKI: Yes, Your Honor.

8 THE COURT: Okay. I go over failure of the
9 Defendant to testify, and that would be the end of the
10 first aspect of my charge.

11 I gave you the charge on failure to register with
12 redactions to that on Page 2. We will delete out the
13 reference to the lewd act on a minor, and the last
14 sentence on Page 2 about two, three offenders.

15 I would then go over a few final points with the
16 jury about their deliberations. Then I'll go over the
17 verdict form.

18 Do you have a copy of the verdict form, each of
19 you?

20 MR. HOLLAND: I have one, Your Honor.

21 THE COURT: Do you have one, Mr. Stolarski?

22 MR. STOLARSKI: Yes, Your Honor.

23 THE COURT: Have y'all had a chance to look at it?

24 MR. STOLARSKI: Yes, Your Honor.

25 THE COURT: Do you have any objection to that?

DIRECT - KELLY WINCHESTER BY STOLARSKI

1 MR. HOLLAND: No, Your Honor.

2 THE COURT: Very good. All right. Do you need a
3 minute for you to get your head so you can do your
4 closings? Are you ready?

5 MR. HOLLAND: I'm ready.

6 MR. STOLARSKI: Yes, sir.

7 THE COURT: And you are going to require him to
8 open in full and then -- you will open in full, he will
9 go next, and then you will reply to his remarks. Okay?
10 Anybody have an objection to that procedure?

11 MR. HOLLAND: (Nods no.)

12 MR. STOLARSKI: (Nods no.)

13 THE COURT: Very good. All right. Bring the jury
14 in, please.

15 (The jury enters the courtroom at 11:31 a.m.)

16 THE COURT: We are going to move a juror to a
17 chair that is not enclosed because of hearing. Any
18 objection to that from the State?

19 MR. STOLARSKI: Not from the State.

20 THE COURT: From the Defense?

21 MR. HOLLAND: No, Your Honor.

22 (Pause.)

23 THE COURT: Okay. Thank you.

24 All right. Ladies and gentlemen, as I told you,
25 we are now entering the third phase, which will be

CLOSING ARGUMENT BY THE STATE

1 closing arguments.

2 That line-up will be that the State will open and
3 give you his closing argument in full. The Defense
4 will then give their closing arguments in full, and the
5 State, who has the burden of proof, then will have the
6 right to reply to Defense's closing argument.

7 Mr. Stolarski, Mr. Holland, are each of you ready
8 for your closing arguments?

9 MR. STOLARSKI: Yes, Your Honor.

10 MR. HOLLAND: Yes, Your Honor.

11 THE COURT: All right, sir. And remember to speak
12 loud enough because we have blinders for this jury.

13 MR. STOLARSKI: Yes, sir. May it please the
14 Court.

15 THE COURT: Yes, sir.

16 CLOSING ARGUMENT BY THE STATE

17 MR. STOLARSKI: I told you at the beginning of
18 this trial it was an important case. It is an
19 important case, but it wasn't a complex case. The
20 Defendant was properly on the sex offender registry.
21 You heard that from Ms. Winchester. He was one of her
22 people. He had to go in and register periodically. He
23 had to register in December, you heard that from
24 Ms. Winchester as well. That was that time when he had
25 to go in and register.

CLOSING ARGUMENT BY THE STATE

1 And they basically gave him a time period when he
2 could come in and sign up and do what he needed to do.
3 And for that time period, he didn't come in. He didn't
4 sign up. He didn't do what he needed to do. And that
5 is basically the end of it.

6 The Defense has made -- raised to you that he has
7 dementia, and that what their witnesses basically said
8 is that this person, while he is able to comprehend
9 what is going on, he was unable to conform his conduct
10 to the letter of the law. That is basically guilty but
11 mentally ill. Basically he has a mental impairment
12 that would prevent him from conforming.

13 But the thing on this guy is he -- he's -- he
14 refuses to register based on the evidence. He has
15 expressed to people he has come in contact with that he
16 doesn't feel like he should register. He doesn't want
17 to register. He even told the defense witness
18 basically that, you know, I don't want to register.
19 That is just kind of the bottom line. And he's failed
20 to register twice already in a running stream going
21 back to 2018.

22 This is not a person who keeps forgetting, this is
23 a person who just doesn't want to register. And as you
24 heard from the Clerk, the jail and the office where
25 he's supposed to register, they are right next door to

CLOSING ARGUMENT BY THE DEFENSE

1 each other. Once you get out, you can go in and
2 register to your heart's content.

3 The officer even, when he tracked him down, he
4 even offered him a ride wherever he wanted to go. You
5 can go in and go where you want to go. And the guy
6 didn't want to go register.

7 Now, you can't make him go, because that's
8 kidnapping. But he gave him the opportunity to go in
9 there and go register, and he didn't take it. I mean,
10 the Sheriff's Office is basically bending over
11 backwards to get this guy to come in and do what he
12 needs to do, and he's just flat out refusing.

13 So I don't know what to say other than I would ask
14 you to please find him guilty for failure to register.

15 Please pay attention to anything the Defense might
16 have to say to you.

17 MR. HOLLAND: Thank you, Your Honor. May it
18 please the court.

19 THE COURT: Sure.

20 CLOSING ARGUMENT BY THE DEFENSE

21 MR. HOLLAND: Ladies and gentlemen, good
22 afternoon.

23 You have heard from an expert in forensic
24 psychiatry that Mr. Cochran has dementia. That means
25 he cannot remember to register. Not that he's refusing

JURY CHARGE

1 to do it, he just can't do it.

2 And you heard from Dr. Frierson that Officer
3 Pelfrey made a visit on December 27th, and that would
4 be ineffective because within a few days Mr. Cochran
5 can't remember to register.

6 The State is not going to help him. They
7 mentioned something about hitchhiking. Is a
8 70-year-old man with dementia really going to hitchhike
9 to go to register? It seems kind of ludicrous.

10 But I just, you know, really want you to think
11 about the message you will be sending if you find him
12 guilty. You will be punishing him for having dementia.

13 The State wants you to punish him for having a
14 psychiatric disorder he can't help and he can't
15 control.

16 Don't punish Mr. Cochran because he has dementia.
17 Thank you.

18 THE COURT: Any reply from the State?

19 MR. STOLARSKI: Nothing from the State, Your
20 Honor.

JURY CHARGE

21 THE COURT: All right. Very good.

22 All right. Ladies and gentlemen, now that you
23 have heard all the testimony, the evidence in this
24 case, and that you've heard closing arguments by the
25

JURY CHARGE

1 attorneys, it becomes my job to charge you on the law.

2 Let me tell you right up front, that some of this
3 will be read to you. I apologize in advance, and I
4 don't like to have to read it to you, but they are very
5 important points. If I try to do it off the top of my
6 head, I'm afraid I'm going to misstate something. So
7 bear with me, if you can.

8 I anticipate that my charge will be in the
9 neighborhood of about 25, 30 minutes. Would any member
10 of the jury panel like to have a break before I go into
11 my charge, or would you like to go forward?

12 THE FORELADY: No, sir.

13 THE COURT: And can you hear me okay?

14 THE FORELADY: Yes, sir.

15 THE COURT: I know you can because I'm not one to
16 speak quietly. But if you don't, raise your hand.
17 Okay?

18 (No response.)

19 THE COURT: Now, ladies and gentlemen, my charge
20 to you is going to be in three different phases. The
21 first part will be the general rules that define and
22 control your duties as jurors. I'll then give you the
23 substantive law on failure to register. I'll then give
24 you some thoughts about your deliberations, and I'll go
25 over the verdict form with you, Madam Forelady, and

JURY CHARGE

1 then I'll excuse you to begin your deliberations.

2 Now, quite often I have juries after they are sent
3 back to begin their deliberations ask for additional
4 evidence to be presented. At this juncture, all the
5 evidence is in the record that is going to be in the
6 record. There will be no more evidence submitted to
7 you, the jury. You will just have to make a
8 determination as to whether or not the State has proven
9 its case based on the record that is before you.

10 Also, I am not allowed to interpret evidence for
11 you. That is for you and you alone. So I tell you
12 that in advance because I get asked regularly for
13 additional evidence, or to comment on certain facts
14 that I'm not allowed to do. Okay?

15 Now, ladies and gentlemen, as I told you, it's
16 your duty to find the facts from the evidence that has
17 been presented in this case. To those facts, you will
18 apply the law as I give it to you, and you must follow
19 the law as I give it to you. You may not be concerned
20 with what it should be, but only what it is.

21 Also, you are not to be influenced by any personal
22 likes, dislikes, opinions, prejudice, or undue
23 sympathy. You may have one side of this case or the
24 other.

25 That means that you will decide this case solely

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1 according to the evidence and according to the law as I
2 give it to you. If you recall when you took your oath,
3 you swore or affirmed to do just that.

4 Now, in following these instructions, it is
5 important that you listen and follow all of my
6 instructions to you. It's not allowable for you to
7 pick out certain parts of what my charge is and say we
8 agree with that, and so, therefore, we will follow
9 this, but not follow other parts. So they are all
10 equally important.

11 Now, ladies and gentlemen, if I have said or done
12 anything throughout the scope or course of this trial
13 that indicates to you the verdict you all are to reach
14 or the facts you are to find, I'm going to ask you, but
15 also instruct you, to disregard it. I have no opinion.
16 You and you alone will make that determination. And
17 you will do that by evaluating and weighing the
18 evidence that has been presented to you in this case.

19 Now, obviously, we say weighing the evidence. You
20 can't literally weigh evidence, but it is a mental
21 process that you go through in using your good common
22 sense and sound judgment. You go through and talk
23 about the evidence and hopefully reach a unanimous
24 decision.

25 Now, what is evidence and what is not evidence?

JURY CHARGE

1 The sworn testimony by the witnesses, whether it's on
2 direct or cross examination is evidence. The exhibits
3 I have allowed in this case is evidence, and that is
4 it. That is all the evidence that you have before you.

5 So what is not? First, the arguments and
6 statements by these attorneys. They are helpful, but
7 what they tell you is not evidence. They have not been
8 sworn. They have not been put up on the witness stand
9 and cross examined.

10 It's not to minimize what they say, but it's not
11 evidence. Their questions, likewise, were not
12 evidence. The objections that the attorneys raised in
13 this case are not evidence.

14 Madam Forelady, when you begin your deliberations,
15 if any of your jurors try to interject the fact that
16 there were objections in this case, it's your job to
17 make sure that's not part of the jury's deliberations.
18 Okay?

19 And, again, I'll remind you about the notes. Your
20 notes or the other jury members' notes don't trump
21 somebody's memory of a particular fact. Y'all just
22 have to hash that out in deliberating. Okay?

23 Now, in this state, ladies and gentlemen, there
24 are two types of evidence that's generally presented
25 during a trial. We have direct evidence, and we have

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1 circumstantial evidence.

2 Direct evidence is evidence that directly proves
3 the existence of a fact and does not require deduction.
4 For example, if an issue in a case was whether or not I
5 ran a stop sign, and my law clerk says, I saw him run
6 that stop sign, that would immediately establish that
7 fact. You don't have to infer or deduce anything from
8 that evidence. Okay? That is direct evidence.

9 Circumstantial evidence is also evidence that we
10 recognize in this state. Circumstantial evidence is
11 proof of a chain of facts and circumstances indicating
12 the existence of a fact. So if you want to -- it
13 requires that you deduct or infer a fact from the facts
14 presented.

15 For example, if you, each of you, were to go to
16 bed at night and have a clean sheet of snow in your
17 front yard, and you were to wake up in the morning and
18 see tracks through that snow, you can reasonably deduce
19 or infer that someone or something walked through your
20 yard during the night, although you did not actually
21 see it. That is circumstantial evidence.

22 Now, ladies and gentlemen, crimes may be proved by
23 circumstantial evidence, and the law makes no
24 distinction between the weight or value to be given
25 either direct evidence or circumstantial evidence.

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1 However, to the extent that the State relies on
2 circumstantial evidence, all of the circumstances must
3 be consistent with each other, and when taken together
4 point conclusively to the guilt of the accused beyond a
5 reasonable doubt.

6 If the circumstances merely portray the
7 Defendant's behavior as suspicious, then the State has
8 failed in its proof. The State has the burden of
9 proving the Defendant guilty by proof beyond a
10 reasonable doubt, whether or not it uses direct
11 evidence, circumstantial evidence, or a combination of
12 the two.

13 Now, deciding what the facts are in this case or
14 what the verdict is going to be, you will consider all
15 the testimony you heard. In doing this, you must
16 decide whether or not there is any testimony that you
17 wish to believe and also whether or not there's any
18 testimony you wish not to believe.

19 You collectively have a right to disbelieve all or
20 part of any witness's testimony that comes before you.
21 Meaning, you can believe some small aspect of a
22 witness's testimony or you can disregard their entire
23 testimony. That is solely up to you. And you may
24 believe it all, everybody's testimony. That is purely
25 your function.

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1 But in making this decision as to what we refer to
2 as the credibility of the witnesses, I'm going to give
3 you some factors that you may consider.

4 First, you may ask yourselves, was the witness
5 able to see or hear or know about things that was the
6 subject of their testimony? You can ask yourself how
7 well was the witness able to recall the subject of
8 their testimony? What was the witness's demeanor or
9 their manner while they were on the witness stand? How
10 did they act?

11 Also consider, you can ask yourself is there a
12 reason that a witness would want to give testimony that
13 would help or hurt one side of the case or the other,
14 or did they have any bias or prejudice for or against
15 one side of the case or the other?

16 You can consider how reasonable the witness's
17 testimony was in light of all the evidence, and whether
18 that witness's testimony had been contradicted by what
19 that witness said at the time, or by the other evidence
20 that's been presented in this case.

21 Now, Madam Forelady, those are just some of the
22 factors that your jury may consider in determining the
23 credibility of the testimony. You don't check your
24 common sense at the door once you are sworn in, and you
25 should not in this case. You should use those things

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1 in your day-to-day lives that you find indicative of
2 truthfulness or indicative of lack of truthfulness in
3 making this determination and credibility of witnesses.
4 But one thing you may not do is add up the number of
5 witnesses that appeared on behalf of the State or
6 appeared on behalf of the Defense in making this
7 determination.

8 You have also heard testimony from a person who
9 has been qualified as an expert. I remind you that
10 people, because of their education and experience, may
11 be qualified if their testimony may be helpful to you,
12 the jury, and they can give their opinions. But expert
13 testimony is to be considered by you like any other
14 testimony in this case. You may accept it, you may
15 reject it, but give it as much weight as you think it
16 deserves. Considering the witness's education,
17 experiences, the reasons given for their opinion and
18 all the other evidence in this case.

19 Ladies and gentlemen, for the last time, but it's
20 an important point, this is the indictment. This is
21 the charging mechanism by which Mr. Cochran was brought
22 before the Court. This document does not raise the
23 presumption of his guilt, does not raise an inference
24 of his guilt. This is simply a charging document. It
25 will not go back to you, Madam Forelady, with the other

JURY CHARGE

1 evidence in this case. But safe to say that is just
2 the device for which he's brought before the Court.

3 In fact, in this case the Defendant has said, I'm
4 not guilty. And that way, that plea places the burden
5 squarely on the State of South Carolina to prove his
6 guilt.

7 I will tell you that a person in this state who is
8 charged with committing a criminal offense is never,
9 never required to prove himself innocent, and I charge
10 you that it is an important rule of law that a
11 Defendant in a criminal trial, no matter what the
12 seriousness of the charge may be, will always be
13 presumed to be innocent of the crimes for which an
14 indictment has been issued unless guilt has been
15 established to your satisfaction by proof beyond a
16 reasonable doubt.

17 Now, ladies and gentlemen, this presumption of
18 innocence does not end when you begin your
19 deliberation, but it accompanies this Defendant
20 throughout the trial until and unless you, the jury,
21 reach a verdict of guilt based on evidence satisfying
22 you of guilt beyond a reasonable doubt.

23 It is said that the robe -- that the presumption
24 of innocence is like a robe of righteousness that hangs
25 around the shoulders of a defendant, where it remains

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1 until it has been stripped from his shoulders by
2 evidence satisfying you of guilt beyond a reasonable
3 doubt.

4 Now, the presumption of innocence, ladies and
5 gentlemen, is not a mere legal theory, it's not just a
6 nice legal phrase. It is a substantial right which
7 every defendant is entitled unless and until you, the
8 jury, determine his guilt by proof beyond a reasonable
9 doubt.

10 Now, in this case -- in this case, the Defendant
11 says, I'm not guilty. But as an alternative, the
12 Defendant says, if you think I'm guilty, he's raised
13 I'm guilty, but mentally ill. Okay.

14 In this state, a criminal defendant is guilty but
15 mentally ill, if at the time of the commission of the
16 act constituting the offense he had the capacity to
17 distinguish right from wrong, or to recognize his act
18 as being wrong, but because of mental disease or
19 defect. He lacks sufficient capacity to conform his
20 conduct to the requirements of the law.

21 In this case, ladies and gentlemen, the Defense
22 has raised guilty but mentally ill as an affirmative
23 defense in addition to saying, I'm not guilty. That
24 places the burden of establishing that defense by what
25 we call a preponderance of the evidence.

JURY CHARGE

1 You will remember at the beginning of this trial,
2 I showed you a set of scales. In this case, the State
3 has a burden of proof by proof beyond a reasonable
4 doubt. The Defense only has to meet a preponderance,
5 or the greater weight of the evidence.

6 So when you consider the affirmative defense of
7 guilty but mentally ill, you will remember or consider
8 a set of scales. And if that set of scales tips ever
9 so slightly in favor of this Defendant, then he would
10 have proven his defense of guilty but mentally ill.
11 Okay.

12 And if you need me to go over that as many times
13 as you need, I'll be glad to. Okay.

14 Now, that leads us to what is a reasonable doubt?
15 Ladies and gentlemen, a reasonable doubt is the kind of
16 doubt that would cause a reasonable and sincere and
17 conscious person to hesitate to act in an important
18 matter in their own affairs.

19 Proof beyond a reasonable doubt is proof that
20 leaves you firmly convinced of the Defendant's guilt.

21 Now, there are very few things in this world that
22 we know with absolute certainty. And in criminal cases
23 the law does not require the State to overcome every
24 possible doubt. If, based on your consideration of the
25 evidence, you are firmly convinced that the Defendant

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1 is guilty of the crimes for which he's been indicted,
2 then it will be your duty to find him guilty.

3 If you think that there's a real possibility that
4 he's not guilty, then it will be your duty to give him
5 the benefit of the doubt, and find him not guilty.

6 Reasonable doubt, ladies and gentlemen, may arise
7 from the evidence that has been presented, or it may
8 arise from the lack of evidence being presented. And I
9 further instruct you, ladies and gentlemen, that this
10 Defendant, like any defendant, is entitled to every
11 reasonable doubt that may arise in the case.

12 What that simply means is this: If upon any issue
13 of fact essential to a conviction and a verdict of
14 guilty, if you have any reasonable doubt as to how that
15 issue should be resolved, it is your duty to resolve it
16 in favor of the Defendant in this case.

17 Now, Madam Forelady, and ladies and gentlemen, the
18 fact that this Defendant did not testify shall not and
19 may not be any part of your deliberations. The fifth
20 amendment of our United States Constitution gives a
21 person a right not to testify. And it will be your
22 job, ladies and gentlemen, Madam Forelady, make sure
23 that that issue is not interjected into the
24 deliberations, or considered in any form or fashion.

25 The State, at all times, has the burden of proving

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1 this Defendant guilty by proof beyond a reasonable
2 doubt.

3 Now, that concludes the first aspect of my charge,
4 which is the longer aspect. The next is the
5 substantive law of failure to register as a sex
6 offender.

7 Can you still hear me okay?

8 Ladies and gentlemen, the Defendant is charged
9 with failing to register under the Sex Offender Act.
10 The State must prove beyond a reasonable doubt that the
11 Defendant was required to register under the act, and
12 that he failed to do so. Any person, regardless of
13 age, residing in the state of South Carolina, who is in
14 this state, who has been convicted of, adjudicated
15 delinquent for, pled guilty or nolo contendere to an
16 offense described below, or who has been convicted,
17 adjudicated delinquent, pled guilty or nolo contendere
18 or found not guilty by reason of insanity in any
19 comparable court in the United States or a foreign
20 country, or who has been convicted, adjudicated
21 delinquent, pled guilty or nolo contendere or found not
22 guilty by reason of insanity in the United States
23 federal courts of a similar offense, or who has been
24 convicted of, adjudicated delinquent for, pled guilty
25 or nolo contendere or found not guilty by reason of

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1 insanity to an offense for which the person was
2 required to register in the state where the conviction
3 or plea occurred, shall be required to register under
4 the sex offender registry.

5 A person who remains in this state for a total of
6 30 days during a 12-month period is a resident of this
7 state. A person who has been convicted of, pled guilty
8 or nolo contendere to or have been adjudicated
9 delinquent for a number of determinant offenses shall
10 be referred to as an offender, and must register under
11 the sex offender registry.

12 It is the duty of the offender to contact the
13 sheriff in order to register, to provide notification
14 of a change of permanent or temporary address, or
15 notification of change of employment, or in attendance,
16 enrollment, employment, volunteer status, intern
17 status, or vocation status at any public or private
18 school.

19 A person required to register is required to
20 register -- excuse me. A person required to register
21 is required to register bi-annually for life.

22 For purposes of this article, bi-annually means
23 each year during the month of his birthday, and again
24 during the sixth month following his birth month.

25 The person required to register shall register and

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1 must register at the Sheriff's Department in each
2 county where he resides on real property, is employed,
3 or attends any public or private school.

4 If a person required to register changes his
5 address within the same county, that person must send
6 written notice of the change of address to the sheriff
7 within three business days of establishing the new
8 residence.

9 If a person required to register owns or acquires
10 real property, or is employed within a county in this
11 state or attends, is enrolled, volunteers, interns, or
12 carries on a vocation at any public or private school,
13 he must register with the sheriff in each county where
14 the real property, employment, public or private school
15 is located within three business days of acquiring the
16 real property or attending the public or private
17 school.

18 I know that is kind of a mouthful, and I will go
19 over it as many times as you need me to. Okay.

20 Ladies and gentlemen, that is the law on failure
21 to register as a sex offender. So that leads me to the
22 final part of my charge to you, and that is simply some
23 points about your deliberations.

24 Ladies and gentlemen, when you go through the voir
25 dire process and go through qualification process, you

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1 either expressively or impliedly represented to these
2 attorneys and these parties and to this Court that you
3 could be fair and you could be impartial to both sides
4 of this case, and that is why you were selected.

5 That means you are not partisans or advocates for
6 one side of this case or the other, you are the judge
7 of the facts of this case, and that is simply it.

8 You have no one to award, no one to punish. When
9 you go back and begin your deliberations, use your
10 common sense, your sense of logic and reason, and go
11 through and talk about the evidence.

12 Deliberation is defined as this. It is a careful
13 consideration, weighing up with a view to a decision.
14 Now, regardless of what any of you may think about our
15 jury system, I would submit to you that the genius of
16 the system is that it allows 12 men and women such as
17 yourselves, that come from different backgrounds, that
18 have different life experiences and perspectives, to
19 listen to the testimony and evidence, to listen to the
20 law, to go back and talk about that, and to ultimately
21 reach a verdict in this case if you can.

22 You must consider all the evidence very carefully
23 and deliberately and discuss it amongst yourselves in a
24 calm, courteous manner. I'm going to ask and instruct
25 you to listen to everybody's views, consider

JURY CHARGE

1 everybody's points and points of view. They will let
2 you do the same, and walk through and talk about the
3 evidence and your points of view. And in doing so,
4 ladies and gentlemen, deliberately you are not to be in
5 a big hurry.

6 I know this was a relatively short case, but it is
7 an important case to both the State and to the
8 Defendant in this matter.

9 Now, in order for your verdict to stand, it will
10 have to be unanimously agreed upon by all 12 jurors.
11 That being said, each of you must decide this case for
12 yourself. You should only make your decision after you
13 have considered all the evidence, you have discussed it
14 fully with your fellow jurors, and listened to their
15 points of view. Do not be afraid to change your
16 opinion as to the weight of the evidence if your
17 deliberations convinces you that is the right thing to
18 do.

19 On the other hand, do not change your mind simply
20 to appease your fellow jurors to come to a unanimous
21 decision.

22 Now, Madam Forelady, if you have any questions, if
23 you would write those questions down, I will go over
24 them with the attorneys and we will respond
25 accordingly. There is no video in this case, there's

JURY CHARGE

1 only -- everything will go back to the jury. You will
2 not need to come back here to the courtroom.

3 Actually, Madam Clerk, we are going to clear the
4 courtroom and leave them here. Is that right?

5 THE CLERK: Yes, sir.

6 THE COURT: Okay. Let me go over the verdict form
7 with you, and then I am going to go over with the
8 attorneys whether or not they have any objections.
9 Okay.

10 Okay. The order in which your options appear has
11 no consequence. They have to appear in some order.
12 But your options are: (Reading verdict form.)

13 As the charge of failure to register, guilty or
14 not guilty.

15 The second option is (Reading verdict form to
16 forelady.)

17 The third option would be to find him guilty but
18 mentally ill. (Reading verdict form to forelady.)

19 Once you decide on these, you will check and fold
20 this over and sign it, crease it. Don't give it to the
21 bailiff, keep your hands on it, I'll get it from you in
22 court. Okay?

23 THE FORELADY: Yes, sir.

24 THE COURT: All right. Any additions or
25 exceptions from the State?

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1 MR. STOLARSKI: Nothing from the State, Your
2 Honor.

3 THE COURT: From the Defense?

4 MR. HOLLAND: No, Your Honor.

5 THE COURT: Gentlemen, how about gathering your
6 things, let's make sure that we have all the exhibits
7 accounted for, place them on the rail in front of the
8 jury, then I'll ask everyone to clear the courtroom
9 once that is done.

10 All right. Madam Forelady, Ms. Whitfield is on
11 her way up to get orders from y'all for lunch. She
12 will get that done, so don't begin your deliberations
13 until after that is done.

14 Our two alternates, I ask you to step back here
15 with me. Do you have any personal items you need to
16 get from the jury room?

17 THE ALTERNATES: No.

18 THE COURT: You can't play, but you get lunch,
19 too. You get to watch and not participate. Okay?

20 (The jury goes out at 12:04 p.m. to begin
21 deliberations.)

22 * * *

23 (Verdict reached at :30 p.m.)

24 THE COURT: Madam Forelady, my understanding is
25 the jury has reached a unanimous decision. Is that

JURY CHARGE

1 correct?

2 THE FORELADY: It is, Your Honor, yes.

3 THE COURT: Would you pass that verdict form
4 forward to our bailiff?

5 (Verdict form given to the Judge.)

6 THE COURT: Thank you.

7 THE CLERK: Indictment 2020GS37-445, the State of
8 South Carolina versus Calvin Cochran, failure to
9 register as a sex offender. As to the charge of
10 failure to register as a sex offender, Indictment
11 Number 2020GS37-445. We, the jury, unanimously find
12 the Defendant guilty.

13 Ladies and gentlemen of the jury, if this was your
14 verdict and is still your verdict, please signify by
15 raising your right hand.

16 (Jurors comply.)

17 THE CLERK: Let the record reflect that all 12
18 raised their hands.

19 THE COURT: Very good.

20 Madam Forelady, ladies and gentlemen, we are -- on
21 this side of the bench we are never concerned with what
22 your verdict form or your verdict is, but that you
23 follow the process. I have watched you variously
24 throughout this short trial, but you did just that.
25 You stayed engaged, stayed -- paid attention, even

JURY CHARGE

1 stayed focused through my charge, which can put a lot
2 of people asleep on a regular basis. I've seen it.

3 So we want to thank you for your jury service. We
4 are done with trials this week. You are somewhat of
5 guinea pigs, because we have been told from Columbia
6 that we need to open the jury trial process back up.
7 And so we were getting trials that just -- you were
8 just the guinea pigs, I hate to say. So I think all of
9 us are to some point.

10 Does anyone have any questions about anything or
11 any comments you would like to make?

12 Yes, sir.

13 JUROR: All I say is if you have further jury
14 trials, you need to get some way to get some sound back
15 in that corner.

16 THE COURT: That's the kind of thing I need to
17 know.

18 JUROR: Especially when the attorneys are talking
19 to somebody in the witness stand there. I could barely
20 hear.

21 THE COURT: Yeah, I was -- I held court down in
22 Kershaw County the other day -- we travel all over the
23 state -- and we tried putting them in the gallery back
24 here, and that was just awful. I mean, it was just no
25 good. I think another option would be that would help

JURY CHARGE

1 you out is to mic everybody up.

2 JUROR: Very good reception.

3 THE COURT: And that way -- because you can hear
4 me okay. I generally have -- my voice carries anyway.
5 But still, I think that is a great idea and I
6 appreciate you giving us that suggestion. We will
7 certainly take it to heart.

8 Anybody else have anything you would like to say
9 or add?

10 (No response.)

11 THE COURT: Well, you are excused for the week.
12 And you will be getting these -- we will get those
13 back.

14 You will be getting a letter in the mail from the
15 Clerk's Office for your employer if you need one. If
16 anyone needs one today, you can just step downstairs
17 and they will give you one.

18 I'm going to sentence him in just a minute. You
19 are more than welcome to stay. You are more than
20 welcome to leave. If you do leave, we will take you
21 out the back way and you'll be fine. Okay.

22 But thank you for your service.

23 Did you prepare any paperwork, Mr. Stolarski?

24 MR. STOLARSKI: Yes, sir, I did.

25 (The jury exits the courtroom at 1:40 p.m.)

JURY CHARGE

1 THE COURT: Please mark that as a Court's exhibit.

2 *(Whereupon, Court's Exhibit Nb(s). 1 marked for*
3 *identification and received in evidence.)*

4 THE COURT: All right. If you will come around.

5 No, I'm sorry. Come up here. Come on up,

6 Mr. Cochran.

7 This is -- what, his second or third? This is his
8 third?

9 MR. STOLARSKI: His third, Your Honor.

10 THE COURT: What is the mandatory -- it is a
11 mandatory sentence, right?

12 MR. STOLARSKI: Yes, Your Honor. Five years is
13 the sentence, it can be suspended by statute down to
14 three years.

15 THE COURT: Can be suspended down to three?

16 MR. STOLARSKI: Yes, sir. I actually have the
17 statute, if you would like to look at it.

18 THE COURT: Yeah, let me look at it.

19 MR. COCHRAN: Yes, sir.

20 THE COURT: I'm going to give you an opportunity
21 to speak if you'd like in just one second. Okay.

22 MR. COCHRAN: All right, sir.

23 THE COURT: Five suspended down to three would be
24 the best you can give, right?

25 MR. STOLARSKI: Yes, Your Honor.

JURY CHARGE

1 THE COURT: And no probation?

2 MR. STOLARSKI: I mean, I think if you suspended
3 the sentence, you should --

4 THE COURT: That, you read that to me. I can't
5 have a split sentence, or he can't just be sentenced to
6 probation period?

7 MR. STOLARSKI: I would read that as you can't
8 give him home incarceration, probation, for those three
9 years. And after that, I think you can do whatever you
10 wanted up to the five.

11 THE COURT: Okay. Have you read the statute?

12 MR. HOLLAND: Yes, Your Honor.

13 THE COURT: Do you agree with that interpretation?

14 MR. HOLLAND: Yes.

15 THE COURT: All right. Now, sir, I'm going to let
16 Mr. Holland speak for you first. I will suggest that
17 you talk to him before you speak so that you have all
18 the right to speak, if you want to as far as I'm
19 concerned. And let me tell you this.

20 MR. COCHRAN: Yes, sir.

21 THE COURT: You have ten days to appeal the jury's
22 verdict and my sentence. Okay?

23 MR. COCHRAN: All right, sir.

24 THE COURT: All right. Mr. Holland, glad to hear
25 from you.

JURY CHARGE

1 MR. HOLLAND: Yeah. Thank you, Your Honor.

2 We would just request that, you know, he receive
3 the maximum amount of suspension he can get, so two
4 years suspended. And, you know, as we discussed
5 earlier, it is unfortunate he had to register as a sex
6 offender in the first place, but he generally can't
7 remember to do it. Underlying offense did not involve
8 any sexual misconduct or anything close to that. He
9 was trying to get a young girl off his property and hit
10 her in the back.

11 THE COURT: That was the delinquency charge?

12 MR. HOLLAND: Yes, sir. Yes, Your Honor. Yeah.

13 And as part of the plea deal, he stipulated that
14 he needed to register for a lesser offense.

15 I think he was originally charged with criminal
16 sexual conduct.

17 THE COURT: All right. Does Mr. Cochran wish to
18 address the Court?

19 MR. HOLLAND: Yes, Your Honor, he does.

20 THE COURT: All right. Mr. Cochran, be glad to
21 hear from you.

22 MR. COCHRAN: All right, sir.

23 First of all, let me say I think there's been a
24 miscarriage of justice here because I did not do
25 anything to those young women. They just came up on my

JURY CHARGE

1 doggone deck when I was sitting there watching a movie.
2 An adult movie, yes, but I was just watching a movie.

3 It was end of July, so I had all my doors and
4 windows open, one of them just walked in. I turned her
5 around and the door popped her on the shoulder, to get
6 her out of my house, and then they all went away.

7 Then a few days later, police come and arrest me
8 for sexual assault, and I didn't do a thing. Not a
9 single, solitary thing. Just watched my movie.

10 THE COURT: Now, I'm not familiar with your case,
11 Mr. Cochran, but did you go to trial on that case or
12 did you plead guilty?

13 MR. COCHRAN: I went to a trial with a judge
14 over -- I don't know the name of the building, and I
15 pled guilty to something, but I don't remember what.

16 THE COURT: Well, here is the thing. As far as
17 I'm concerned, these statutes, these type of statutes
18 kind of tie a judge's hands because it's only limited
19 to certain -- and the only response I have to the
20 jury's guilty verdict is I have to sentence you to five
21 years. I can suspend it to three, which I'm going to
22 do, active. And I'm going to put you on probation for
23 two years. Okay?

24 MR. COCHRAN: All right, sir.

25 THE COURT: While you are on probation, once you

JURY CHARGE

1 get out --

2 MR. COCHRAN: Yes, sir.

3 THE COURT: -- I'm providing that you enroll in
4 mental health. Okay? And that you comply with
5 treatment. I think that would be helpful for you.

6 MR. COCHRAN: All right, sir.

7 THE COURT: But that's really the only benefit I
8 can give you is not making you go the full five.

9 MR. COCHRAN: Yes, sir.

10 THE COURT: And, you know, I'm sure Mr. Holland
11 will explain to you your appellate rights in full
12 detail, but that has to be filed in ten days, just so
13 you understand.

14 MR. COCHRAN: Well, like I say, this thing is a
15 miscarriage of justice. That is all. Because I didn't
16 do a thing. Not a thing. Not a single, solitary
17 thing. These girls, I just popped that little one on
18 the shoulder. That was it. And here I have been in
19 jail now for almost five years already for something I
20 didn't do.

21 THE COURT: I understand. I don't understand
22 quite frankly, but I understand your frustration.

23 Do you understand there is nothing I can do about
24 that?

25 MR. COCHRAN: Yes, sir, I understand that. I also

JURY CHARGE

1 understand that this justice system in South Carolina
2 needs to be re-adjusted somewhat to listen to a
3 Defendant before you listen to the prosecution. You
4 really need to, because there's a lot going on in this
5 state that shouldn't be happening.

6 THE COURT: All right, sir. I'm sorry for you.

7 Listen, you will have to report to law enforcement
8 and they are going to take you to the detention center
9 now.

10 MR. COCHRAN: All right, sir.

11 MR. HOLLAND: Thank you, Your Honor.

12 THE COURT: Thank you, guys.

13 MR. COCHRAN: Thank you, sir.

14 THE COURT: Take care. Good luck to you.

15 Oh, there she is.

16 Lindsey, are we going to do any pleas?

17 MS. SIMMONS: I didn't want to yell at you.

18 Judge, we have people divided up for morning and
19 afternoon, so I have about 20 coming in at 2:00. In
20 order to have them social distance, we do them in
21 shifts.

22 But of that 20, I don't know how many will flush
23 out. But I would say it'll take me until 2:30-ish to
24 get them all in and figured out.

25 I'll send your clerk an email when I'm ready, if

JURY CHARGE

1 that's okay with you.

2 THE COURT: Certainly. That's fine.

3 MS. SIMMONS: Thank you. I've got them all
4 downstairs, I'm going to see what we have.

5 THE COURT: Mr. Holland, is he entitled to any
6 credit?

7 MR. HOLLAND: Yes, sir. He is, Your Honor. He's
8 been in 309 days.

9 THE COURT: 309?

10 MR. HOLLAND: Yes, sir.

11 THE COURT: Well, that won't be so bad then.

12 Do they keep these guys in a different place than
13 just general population?

14 MR. HOLLAND: I'm sorry?

15 THE COURT: When he goes down to the Department of
16 Corrections, do they keep them in general population
17 or --

18 MR. HOLLAND: I think it depends on the prison
19 where they put them.

20 MS. SIMMONS: I would say there's a chance he'll
21 go into a hospital-like setting.

22 THE COURT: Anyway he's got 309 days credit.

23 (Trial concluded.)

24

25

STATE OF SOUTH CAROLINA)

)

)

)

COUNTY OF OCONEE)

TRESPASS NOTICE

Pursuant to S.C. Code of Laws, Section 16-11-620, Calvin Cochran

is hereby warned that (s)he is not to enter the premises or property of Glenda W Cochran

located at [redacted] Cedar Ln Seneca, S.C. 29678

This prohibition extends from the date of the receipt of this notice. Violators of Code Section 16-11-620 are subject to immediate arrest by any law enforcement officer.

Meet with SGT. Winchester on
12/31/19 between 9:00 am - 12:00 pm

Kelly Cochran
Processor/ Agent/ Representative

12-27-19
Date

X [Signature]

Witness:

Calvin Cochran

SUBJECT INFORMATION:

ADDRESS no fixed address

RACE W SEX m DOB [redacted] 1950

HGT. 5'11 WGT 165 EYE Blu HAIR Gray

State of South Carolina
SEX OFFENDER REGISTRATION
Offender Information Form

NOTICE OF SEX OFFENDER REGISTRY FORM

Pursuant to S.C. Code Ann. §23-3-430, "Any person, regardless of age, residing in the State of South Carolina, who has been convicted of, adjudicated delinquent for, pled guilty or nolo contendere to an offense described below, or who has been convicted, adjudicated delinquent, pled guilty or nolo contendere in any comparable court in the United States, or who has been convicted, adjudicated delinquent, pled guilty or nolo contendere in the United States federal courts of a similar offense, or who has been convicted of, adjudicated delinquent for, pled guilty or nolo contendere to an offense for which the person was required to register in the state where the conviction or plea occurred, shall be required to register pursuant to the provisions of this article. In addition, upon conviction, adjudication of delinquency, guilty plea, or plea of nolo contendere of a person of an offense not listed in this article, the presiding judge may order as a condition of sentencing that the person be included in the sex offender registry if good cause is shown by the solicitor."

All offenders must register bi-annually or quarterly for life depending upon his/her classification as a Tier II or Tier III offender (See Attachment "A").

I understand that I am required to register and I MUST:

 Present myself in person to register and re-register at the sheriff's office of my primary county of registration and provide information on any and all county or state locations where I reside, own real property, am employed, or attend, am enrolled, volunteer, intern, or carry on a vocation at any public or private school including but not limited to a secondary school, adult education school, college or university and any vocational, technical or occupational school within the prescribed time frames as set forth below:

- An offender being released from DOC or DJJ at the completion of their sentence, to an early release program, to extended work release, or upon parole or release to the custody of a parent, custodian, or guardian MUST register within one (1) business day of his/her release.
- An offender sentenced to probation or new resident of the state that are to be supervised by PPP MUST register within one (1) business day of his/her sentencing or establishing residency.
- An offender who is not under the jurisdiction of the DOC, PPP, or DJJ at the time of moving into the State of South Carolina MUST register within three (3) business days of establishing residency.

 Provide all information, as prescribed by SLED, in order to be considered registered. (For a complete list of information required see Attachment "B")

 Provide written notification in person within three (3) business days of establishing a new residence, or acquiring real property in the *same county*, to the sheriff's office of the offender's primary county of registration (S.C. Code Ann. §23-3-460(C))

 Provide written notification in person within three (3) business days of the change of his/her permanent or temporary address to a *new county* with the county sheriff in the new county and in person to the county sheriff in the previous county with whom he/she last registered. (S.C. Code Ann. §23-3-460(D))

 Provide written notification in person within three (3) business days of change of address to a *new jurisdiction* to the county sheriff with whom the person last registered. (S.C. Code Ann. §23-3-460(F))

 Comply with the new jurisdiction's registration requirements; Note: Under the Adam Walsh Child Protection and Safety Act of 2006, 18 United States Code 2250, if you travel to another jurisdiction and fail to register as required, you are also subject to federal prosecution that carries penalties of a fine and/or imprisonment up to ten years.

I attest that the information that I have provided and listed above is accurate so dated 10-11, 15

State of South Carolina
SEX OFFENDER REGISTRATION
Offender Information Form

 Provide written notification in person within three (3) business days to the sheriff of the county where he/she is employed, or attends, is enrolled, volunteers, interns, or carries on a vocation of *each change in* attendance, enrollment, volunteer status, intern status, employment or vocation status *at any public or private school*, including, but not limited to, a kindergarten, elementary school, middle school or junior high, high school, secondary school, adult education school, college or university, and any vocational, technical, or occupational school. (S.C. Code Ann. §23-3-460(E))

 Provide written notice in person of termination of employment or school affiliation within three (3) business days to the sheriff office in the offender's primary county of registration; this includes residents, non-resident school affiliation, and non-resident employment

 Understand that I may be required to register in any jurisdiction where I am employed, carry on a vocation, am a student, or temporarily visit. It is MY responsibility to check with the local law enforcement about registration requirements in that jurisdiction

 Notify the sheriff of my county of primary registration of any intention to move out of country or travel out of country twenty-one (21) days in advance of the date of departure. Provide all required information as prescribed by SLED and the Sex Offender Registration and Notification Act (SORNA)

 Re-register with the sheriff's office of my county of primary registration within three (3) business days of my return

 Understand I am prohibited from living in campus housing at a public institution of higher learning supported in whole or in part by the state. (S.C. Code Ann. §23-3-465)

 Understand if I am convicted of certain offenses against a minor, I am prohibited from living within one thousand feet of a school, daycare center, children's recreational facility, park or public playground. If I am living at a prohibited address, I may be ordered to leave within thirty days. (S.C. Code Ann. §23-3-535)

 Understand that failure to register or provide notification of change of address, telephone number (fixed location phone or cell phone), vehicle information, or notification of permanent or temporary changes in employment, or attendance, enrollment, employment, volunteer status, intern status, or vocation status at any public or private school is a crime. (S.C. Code Ann. §23-3-470 and SORNA §114)

 Understand that willfully giving false information or omitting required information when registering or re-registering is a crime. (S.C. Code Ann. §23-3-475)

 Understand that failing to provide internet account(s) or internet identifier(s) information, or failing to provide notification of change of my internet account(s) or internet identifier(s) is a crime. (S.C. Code Ann. §23-3-555(B)(3))

 Understand that knowingly and willfully giving false information regarding my internet account(s) or internet identifier(s) is a crime. (S.C. Code Ann §23-3-555(B)(3))

 Under penalty of perjury, I certify that to my knowledge all the information I have provided this agency is true and accurate.

I attest that the information that I have provided and listed above is accurate so dated 10-11-15

**State of South Carolina
SEX OFFENDER REGISTRATION
Offender Information Form**

Below is an outline indicating what months you will be required to register in the future. For instance, if you are required to register bi-annually and your birthday is in January, you will register in January and July. If you are required to register quarterly and your birthday is in January, you will register in January, April, July and October.

Birth Month	2nd Quarter	3rd Quarter	4th Quarter
January	April	July	October
February	May	August	November
March	June	September	December
April	July	October	January
May	August	November	February
June	September	December	March
July	October	January	April
August	November	February	May
September	December	March	June
October	January	April	July
November	February	May	August
December	March	June	September

MY NEXT REGISTRATION IS IN THE MONTH OF _____

FEBRUARY 2019
(TO BE COMPLETED BY SHERIFF'S OFFICE)

I understand that I am required to register pursuant to S.C. Code Ann. § 23-3-430 and that I have received notice of the registry conditions listed, both verbally and in writing. I understand that I must abide by the registry conditions set forth in Title 23, Chapter 3, Article 7. By initialing beside each condition, I indicate that I understand my responsibilities.

SECTION 23-3-470. Failure to register or provide required notifications; penalties. (A) It is the duty of the offender to contact the sheriff in order to register, provide notification of change of permanent or temporary address, or notification of change of employment, or in attendance, enrollment, employment, volunteer status, intern status, or vocation status at any public or private school, including, but not limited to, a kindergarten, elementary school, middle school or junior high, high school, secondary school, adult education school, college or university, and any vocational, technical, or occupational school. If an offender fails to register, provide notification of change of address, or notification of permanent or temporary change in employment, or attendance, enrollment, employment, volunteer status, intern status, or vocation status at any public or private school, as required by this article, he must be punished as provided in subsection (B). (B)(1) A person convicted for a first offense is guilty of a misdemeanor and may be fined not more than one thousand dollars, or imprisoned for not more than three hundred sixty-six days, or both. Notwithstanding the provisions of Sections 22-3-540, 22-3-545, 22-3-550, or any other provision of law, a first offense may be tried in magistrates court. (2) A person convicted for a second offense is guilty of a misdemeanor and must be imprisoned for a mandatory period of three hundred sixty-six days, no part of which shall be suspended nor probation granted. (3) A person convicted for a third or subsequent offense is guilty of a felony and must be imprisoned for a mandatory period of five years, three years of which shall not be suspended nor probation granted.

SECTION 23-3-475. Registering with false information; penalties. (A) Anyone who knowingly and wilfully gives false information when registering as an offender pursuant to this article shall be punished as provided in subsection (B). (B)(1) A person convicted for a first offense is guilty of a misdemeanor and may be fined not more than one thousand dollars, or imprisoned for not more than three hundred sixty-six days, or both. Notwithstanding the provisions of Sections 22-3-540, 22-3-545, 22-3-550, or any other provision of law, a first offense may be tried in magistrates court. (2) A person convicted for a second offense is guilty of a misdemeanor and must be imprisoned for a mandatory period of three hundred sixty-six days, no part of which shall be suspended nor probation granted. (3) A person convicted for a third or subsequent offense is guilty of a felony and must be imprisoned for a mandatory period of five years, three years of which shall not be suspended nor probation granted.

[Signature]
Signature of Offender

Cochran
Print Last Name

10-11-18
Date

SCDC/DJJ Number _____
[Signature]
Signature of Agency Employee

SID Number _____
WINCHESTER
Print Last Name

SRS/Reg/OCA _____
10-11-18
Date

Witness Signature

Witness (Print Name)


Date

I attest that the information that I have provided and listed above is accurate PA so dated 10-11-18

State of South Carolina
SEX OFFENDER REGISTRATION
Offender Information Form

Tier II Bi-Annual Registration:

- Engaging a Child for Sexual Performance (S.C. Code Ann. § 16-3-810);
- Producing, Directing, or Promoting Sexual Performance by a Child (S.C. Code Ann. § 16-3-820);
- Peeping, Voyeurism, or Aggravated Voyeurism (S.C. Code Ann. § 16-17-470);
- Violations of Article 3, Chapter 15 of Title 16 involving a minor including but not limited to S.C. Code Ann. § 16-15-305, 315, 325, 335, 342, 345, 355, 365, 375, 385, 387, 395, 405, 410, 415, and 425;
- A person, regardless of age, who has been convicted, adjudicated delinquent, pled guilty or nolo contendere in this State, or who has been convicted, adjudicated delinquent, pled guilty or nolo contendere in a comparable court in the United States, or who has been convicted, adjudicated delinquent, pled guilty or nolo contendere in the United States federal courts of indecent exposure or of a similar offense in other jurisdictions is required to register pursuant to the provisions of this article if the court makes a specific finding on the record that based on the circumstances of the case the convicted person should register as a sex offender;
- Kidnapping (S.C. Code Ann. § 16-3-910) of a person eighteen years of age or older except when the court makes a finding on the record that the offense did not include a criminal sexual offense or an attempted criminal sexual offense;
- Trafficking in persons (S.C. Code Ann. § 16-3-930) except when the court makes a finding on the record that the offense did not include a criminal sexual offense or an attempted criminal sexual offense; (residency restrictions if victim is a minor)
- Any other offense specified by Title I of the federal Adam Walsh Child Protection and Safety Act of 2006 (Pub. L. 109-248), the Sex Offender Registration and Notification Act (SORNA);
- Criminal Sexual Conduct with Minors, 3rd Degree, Lewd Act Victim Under 16, Actor Over 14 (S.C. Code Ann. § 16-3-655(C); (Victim under age of 13) or (involves sexual act per 18 USC § 2246 and victim is 13 to 15 years old);
- Sexual Intercourse with a Patient or Trainee (S.C. Code Ann. § 44-23-1150) (where misconduct involves sexual contact as defined therein by § 18 U.S.C. 2246 and the sexual contact is not of the naked genitalia and victim is 13-15 years old or the victim is 15-17 years old);
- Accessory before and after the fact to commit an offense enumerated in this item and as provided for in S.C. Code Ann. § 16-1-40;
- Attempt to commit an offense enumerated in item (2) as provided by S.C. Code Ann. § 16-1-80.

I attest that the information that I have provided and listed above is accurate  so dated 10-11, 18

State of South Carolina
SEX OFFENDER REGISTRATION
Offender Information Form

109


- Professional licenses;
- The name, address, and county of each institution of higher learning, including specific campus locations, if the offender is enrolled, employed, volunteers, interns, or carries on a vocation there;
- Full descriptions of all motor vehicles, trailers, mobile homes, or manufactured homes the offender lives in, to include vehicle identification number, license tag number, registration number, and a description including color scheme as well as the permanent or frequent location where they are kept;
- Full descriptions of all vessels, live-aboard vessels, or houseboats the offender owns, operates, or lives in to include hull identification number, manufacturer's serial number, name of the vessel, live-aboard vessel, or houseboat, registration number, and a description of the color scheme;
- Full descriptions of all aircraft the offender owns or operates, whether for work or personal use, to include tail number, manufacturer's serial number, model of any aircraft, and a description of the aircraft including color scheme and the permanent or frequent location where all aircraft are kept;
- Current photograph of offender;
- The text of the provision of law defining the criminal offense for which the offender is registered.

Campus Affiliation Information to be Collected

According to S.C. Code Ann. § 23-3-460, "A person required to register pursuant to this article and who is employed by, attends, is enrolled, volunteers, interns, or carries on a vocation at any public or private school, including, but not limited to, a kindergarten, elementary school, middle school or junior high, high school, secondary school, adult education school, college or university, and any vocational, technical, or occupational school, must provide written notice within three (3) business days of each change in attendance, enrollment, volunteer status, intern status, employment, or vocation status at any public or private school in this State."

According to S.C. Code Ann. § 23-3-465 "Any person required to register under this article is prohibited from living in campus student housing at a public institution of higher learning supported in whole or in part by the state".

- Verification of the offender's enrollment, employment, or vocation status at any public or private school, and any vocational, technical or occupational school, shall be completed by requesting an identification card verifying their status. Financial documents demonstrating that the offender has paid semester or quarterly fees will also be accepted.
- If the offender volunteers, interns, or carries on a vocation at any public or private school, and any vocational, technical or occupational school, a letter verifying the offender's duties and status will be necessary from the agency coordinating the offender's responsibilities.
- If offender's employment requires travel to more than one campus or school, then a letter will be required from the employer listing the specific institutions.
- The offender must provide written notice in person of termination of employment or school affiliation; this includes residents, non-resident school affiliation, and non-resident employment.

I attest that the information that I have provided and listed above is accurate  so dated 10-11-15


NSOR RECORD SECOND PARTY REVIEW
THIS FORM MUST BE COMPLETED FOR EACH ENTRY!

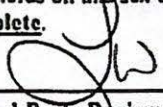
OFFENDER'S NAME: CALVIN CARROLL COCHRAN
 SID# SC01835016 FBI/UCN# 388893AD1 REG# 2302846
 ALT REG# _____ NIC# X943029462

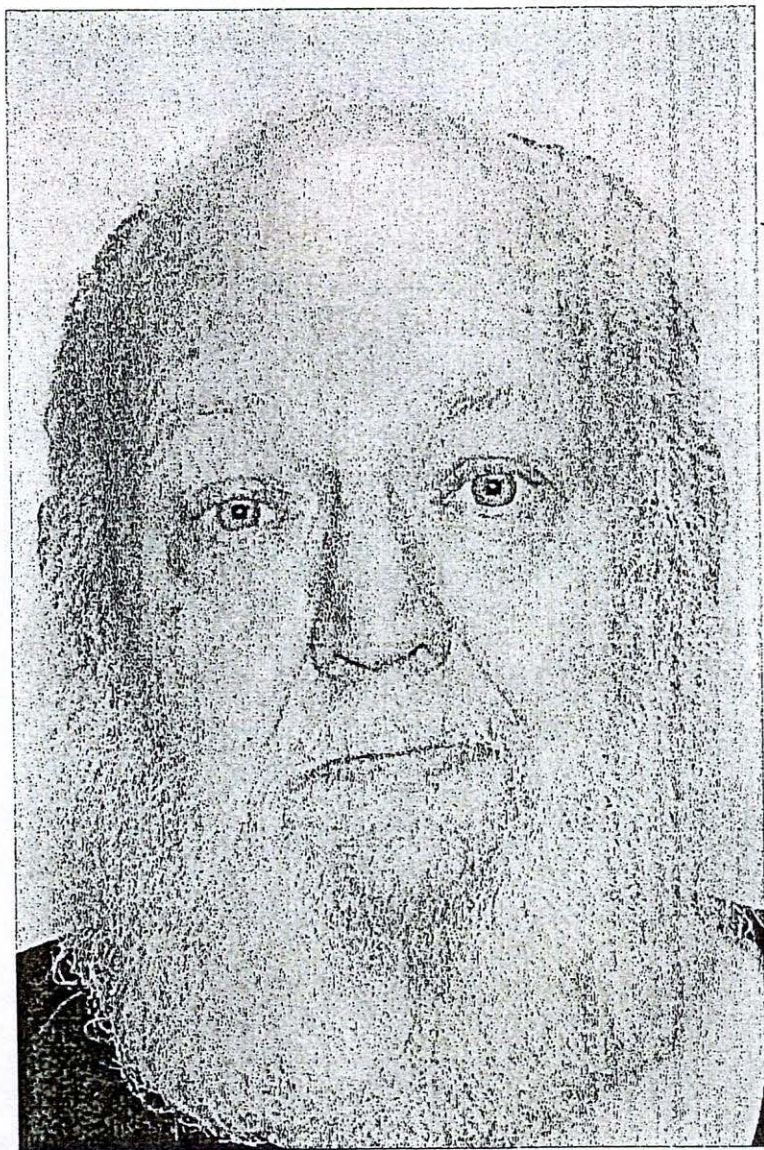
	<u>ACCURATE</u>	<u>COMPLETE</u>
OFFENDER INFORMATION (CURRENT PHOTO, NAME, SSN, DOB, POB, CITIZENSHIP, FBI/UCN, SID, OCA, ETC)	<input type="checkbox"/>	<input type="checkbox"/>
PHYSICAL DESCRIPTION (SEX, RACE, HGT, WGT, EYE COLOR, HAIR COLOR, SKIN TONE, ETC)	<input type="checkbox"/>	<input type="checkbox"/>
SCARS, MARKS, TATTOOS (INCL OTHER CHAR SUCH AS MEDICAL COND, DRUGS OF ABUSE, ART BODY PARTS)	<input type="checkbox"/>	<input type="checkbox"/>
FINGERPRINTS/PALM PRINTS (FULL SET OF PRINTS EVERY 3 YRS MIN, LOCATION OF PRINTS, FPC IF APPLICABLE)	<input type="checkbox"/>	<input type="checkbox"/>
DNA/DNA LOCATION (DATE COLLECTED AND LOCATION OF SAMPLE)	<input type="checkbox"/>	<input type="checkbox"/>
SUPPLEMENTAL IDENTIFIERS (ALIAS NAME, ALIAS DOB, ALIAS SSN, ETC)	<input type="checkbox"/>	<input type="checkbox"/>
COMPLETE ADDRESS(ES)/PHONE NUMBERS (PRIM RESIDENCE, SECONDARY, TEMPORARY, MAILING, CELL PH, HOME PH)	<input type="checkbox"/>	<input type="checkbox"/>
COMPLETE EMPLOYMENT/SCHOOL/VOLUNTEER INFORMATION	<input type="checkbox"/>	<input type="checkbox"/>
OFFENSE/VICTIM INFORMATION (COMM DATE, DOA, CONV DATE, VICTIM AGE, SEX, RACE, RELATIONSHIP)	<input type="checkbox"/>	<input type="checkbox"/>
NEXT OF KIN/ASSOCIATES	<input type="checkbox"/>	<input type="checkbox"/>
COMPLETE VEHICLE INFORMATION (AUTOMOBILE, BOAT, MOBILE HOMES, ATV, AIRCRAFT, OWNERSHIP/ACCESS)	<input type="checkbox"/>	<input type="checkbox"/>
INTERNET IDENTIFIERS (EMAIL, USER/SCREEN NAMES, ETC USED FOR SELF IDENTIFICATION ONLINE)	<input type="checkbox"/>	<input type="checkbox"/>
MISCELLANEOUS	<input type="checkbox"/>	<input type="checkbox"/>

ORIGINAL OPERATOR'S NAME:  DATE: 10/16/2018

NSOR ENTRY VERIFICATION

I, , attest that on 10/22, 2018, performed a second party review of all fields on this sex offender registration record, and the information required for these fields are accurate and complete.

Signature of Second Party Reviewer  10/22 2018
 (MM/DD) (CCYY)



6-11-18

STATE OF SOUTH CAROLINA

2nd; 366 days only

IN THE COURT OF GENERAL SESSIONS

COUNTY OF OCONEE
STATE VS.

first: 1yr max & 1 day max

INDICTMENT/CASE#: 2019 653701528

Time Served

A/W: 2019A3710400661
Date of Offense: 07/16/2019
S.C. Code §: 23-03-0470(A)
CDR Code #: 2607

CALVIN CARROLL COCHRAN

AKA: _____
Race: White Sex: M Age: 69
DOB: [redacted] SS#: [redacted]
Address: South Gate Drive
City, State, Zip: Seneca, SC 29678
DL# [redacted] SID# SC01835016

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Failure To Register As A Sex Offender

In violation of § 23-03-0470(A) of the S.C. Code of Laws, bearing CDR Code # 2607

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury. (def.'s initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

WES 102843 Defendant Attorney for Defendant 100657
William E Stolarski, Assistant Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,
for a determinate term of 182 days/months/years or under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which
are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: _____
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SC
Department of Corrections 182 days
 The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____
Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment
Payment Terms: _____ Obtain GED

Set by SCDPPPS _____
Attend Voc. Rehab. Or Job Corp. _____
May serve W/E beginning _____

Recipient: _____
*Fine: _____ \$ _____
§14-1-206 (Assessments 107.5%) \$ _____
§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00
§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____
§56-5-2995 (DUI Assessment) \$12 \$ _____
§56-1-286 (DUI Breath Test) \$25 \$ _____
Proviso (Public Def/Prob) \$500 \$ _____
§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00
§14-1-213 (Drug Court Surcharge) \$150 \$ _____
§50-21-114 (BUI Breath Test Fee) \$50 \$ _____
§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____
3% to County (if paid in installments) \$ \$ 3.75

TOTAL \$ 128.75

Clerk of Court/Deputy Clerk: Beverly H. Whitfield
Court Reporter: Diane Mancinger
SCCA/217 (04/2018)

Presiding Judge: [Signature]
Judge Code: 2131
Sentence Date: 12/19/19

CERTIFIED TRUE COPY
JAN 06 2020
CLERK OF COURT
OCONEE COUNTY, SC [Signature]

Appointed PD or appointed other counsel,
Proviso requires \$500 be paid to Clerk
during probation and shall be collected before any
other fees.

WITNESSES

Oconee Co Sheriff's Dept.
Kelly D. Winchester

ARREST WARRANT NUMBER

2020A37-10400023

ACTION OF GRAND JURY

TRUE BILL

For person of Grand Jury

Date:

JUN 15 2020

VERDICT

For person of Grand Jury
Date:

DOCKET NO. 2020-GS-37-00445

The State of South Carolina

County of Oconee

COURT OF GENERAL SESSIONS

JUN 15 2020

TERM

THE STATE

VS.

CALVIN CARROLL COCHRAN

INDICTMENT FOR

VIOLATION OF SEX OFFENDER
REGISTRY - FAIL TO REGISTER

SC Code: § 23-03-0470(A)

CDR Code: 2435

WES

SC Court of Appeals

NOV 23 2020

RECEIVED

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE

INDICTMENT

At a Court of General Sessions, convened on JUN 15 2020, the
Grand Jurors of Oconee County present upon their oath:

VIOLATION OF SEX OFFENDER REGISTRY- FAIL TO REGISTER

The defendant, Calvin Carroll Cochran, did on or about December 31, 2019, in Oconee County, South Carolina, fail to register; provide notification of change of permanent or temporary address; or notification of permanent or temporary change in employment; or in attendance, enrollment, employment, volunteer status, intern status, or vocation status at any public or private school. The defendant has had two or more prior convictions for this offense. All in violation of 23-03-0470(A) of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



WILLIAM E STOLARSKI
ASSISTANT SOLICITOR

 **SCANNED**

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,



Taylor D. Gilliam
Appellate Defender

RECEIVED

Dec 20 2021

SC Court of Appeals

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 20th day of December, 2021.