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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Aiken County

Honorable Clifton Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MICHAEL ANDRE WALCOTT,

APPELLANT

APPELLATE CASE NO. 2021-000738

RECORD ON APPEAL

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INDEX

INDEX i

TRIAL TRANSCRIPT DATED JUNE 21-22, 2021

DEFENSE MOTION TO RELIEVE COUNSEL AND TO CONTINUE 5

COLLOQUY WITH DEFENDANT 6

COURT'S DECISION DENYING MOTION TO RELIEVE COUNSEL 24

DEFENSE MOTION FOR FURTHER DISCOVERY 25

COURT'S DECISION DENYING MOTIONS FOR DISCOVERY AND FOR CONTINUANCE 25

DEFENSE MOTION FOR CONTINUANCE 32

COURT'S DECISION DENYING MOTION FOR CONTINUANCE 34

JURY QUALIFICATION 35

JURY INSTRUCTIONS 55

OPENING STATEMENT BY MS. SANDERLIN 59

OPENING STATEMENT BY MR. THOMPSON 66

TESTIMONY BY DEPUTY RICHARD OXENDINE
Direct Examination by Ms. Sanderlin 72

TESTIMONY BY TONY WILLIAMS
Direct Examination by Ms. Sanderlin 87
Cross Examination by Mr. Thompson 93

TESTIMONY BY CASSANDRA CANALES
Direct Examination by Mr. Grimes 95
Cross Examination by Mr. Thompson 96
Redirect Examination by Mr. Grimes 96

TESTIMONY BY INVESTIGATOR VIKTORIA LAGGER
Direct Examination by Mr. Grimes 98

STATE RESTS 104

DEFENSE MOTION FOR DIRECTED VERDICT 105

COURT'S DECISION DENYING MOTION.....107

COLLOQUY WITH DEFENDANT 108

DEFENDANT DECLINES TO TESTIFY 111

DISCUSSION OF JURY CHARGE 111

TESTIMONY BY VIKTORIA LAGGER
Direct Examination by Mr. Thompson.....120
Cross Examination by Mr. Grimes.....120

DEFENSE RESTS 121

CLOSING ARGUMENT BY MR. GRIMES.....121

CLOSING ARGUMENT BY MR. THOMPSON.....139

STATE'S REPLY BY MR. GRIMES 148

JURY CHARGE 149

DEFENSE RENEWS MOTION FOR DIRECTED VERDICT.....160

COURT'S DECISION DENYING MOTION.....161

VERDICT 162

DEFENSE MOTION FOR NEW TRIAL 163

COURT'S DECISION DENYING MOTION AND OTHER POSTTRIAL MOTIONS.....163

SENTENCING 181

LETTER TO AIKEN COUNTY CLERK OF COURT 184

INDICTMENTS AND SENTENCING SHEETS 185

CERTIFICATE OF COUNSEL 191

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	2021-GS-02-00642
COUNTY OF AIKEN	)	2021-GS-02-00643
	)	
	)	
	)	
	)	
	)	
STATE OF SOUTH CAROLINA,	)	
PLAINTIFF,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
MICHAEL A. WALCOTT,	)	
DEFENDANT.	)	
_____	)	

June 21 and 22, 2021
Aiken, South Carolina

B E F O R E:

THE HONORABLE CLIFTON NEWMAN, JUDGE, and a jury.

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from DCRP, Digital
Courtroom Recorder
Project

INDEX

(SW) - Denotes State's Witness
(DW) - Denotes Defense Witness
(IC) - Denotes In Camera

	PAGE
MONDAY, JUNE 21, 2021	
Pretrial Matters/Motions	4
Jury Qualificaton	35
Jury Selection	48
Jury Instructions	55
Opening Statement by Ms. Sanderlin	59
Opening Statement by Mr. Thompson	66
(SW) RICHARD OXENDINE:	
Direct Examination by Ms. Sanderlin	72
Tuesday, June 22, 2021	
(SW) TONY WILLIAMS:	
Direct Examination by Ms. Sanderlin	87
Cross-Examination by Mr. Thompson	93
(SW) CASSANDRA CANALES:	
Direct Examination by Mr. Grimes	95
Cross-Examination by Mr. Thompson	96
Redirect Examination by Mr. Grimes	97
(SW) VIKTORIA LAGGER:	
Direct Examination by Mr. Grimes	98
State Rests	104
Motion	105
Defendant's Advisement of Rights	108
Jury Charge Conference	111
(DW) VIKTORIA LAGGER:	
Direct Examination by Mr. Thompson	120
Cross-Examination by Mr. Grimes	120

INDEX (Continued)

(SW) - Denotes State's Witness
(DW) - Denotes Defense Witness
(IC) - Denotes In Camera

	PAGE
Defendant Rests	121
Closing Argument by Mr. Grimes	121
Closing Argument by Mr. Thompson	139
Rebuttal Closing Argument by Mr. Grimes	148
Charge on the Law	149
Motion	161
Verdict	162
Motion	163
Sentence	181
Certificate of Reporter	183

EXHIBITS

NO	DESCRIPTION	ID	EVD
	(State's Exhibits)		
1	Body-Worn Video	*	76
2	Photo of Georgia License	*	80
3	Photo of Social Security Card	*	82
4	DMV Records	*	99

*(Transcriber's Note: There is no indication in the record of when these exhibits were marked.)

P R O C E E D I N G S

MONDAY, JUNE 21, 2021

(WHEREUPON, proceedings commenced at 10:03 AM.)

THE COURT: Good morning. Yes, ma'am?

UNIDENTIFIED: We're going to start the day with a short trial roll call. The first trial up on the list is Michael Walcott being prosecuted by Sam Grimes and defended by Barry Thompson. He's in the back.

MR. THOMPSON: Your Honor, Mr. Walcott is locked up. We are prepared to proceed with trial. We do have ---

THE COURT: Are you going to wait until he comes out to say that?

MR. THOMPSON: Yes, sir.

THE COURT: He comes up.

MR. THOMPSON: Your Honor ---

THE COURT: Yes, sir.

MR. THOMPSON: --- defense is prepared to proceed with trial. We do have some pretrial motions that need to be heard probably before proceeding to the jury -- qualifications of the jury, most of which I do not join Mr. Walcott in. But Mr. Walcott does have some motions pretrial that need to be made.

THE COURT: Okay. Mr. Grimes?

MR. GRIMES: Your Honor, we're ready to go on two indictments, that's 2021-GS-02-00642 and 643. Those are

both indictments for identity fraud to elude detection by law enforcement. He is -- I think it was scheduled for today for trial by Your Honor a couple terms ago, and we're ready to proceed.

We would have one witness who would need to testify this afternoon, and I think three witnesses who we would like to call in the morning. Our total presentation testimony will probably be an hour.

THE COURT: All right. Mr. Walcott?

MR. THOMPSON: And, Your Honor, if I may sequentially kind of put some context with these, and I'll go ahead and let Mr. Walcott argue them.

His first motion is a motion to relieve counsel. There was a letter sent, I believe, to the Court via Mr. Walcott's mother saying that he believes that I need to be relieved of counsel based upon my friendship and potential relationship with Mr. James Snell, who is one of Mr. Walcott's other attorneys.

Factually, it is -- we don't go to each other's birthday parties or have dinner parties or anything, but factually, it is true that I do know Mr. Snell. He and I went to school together. And I generally like him, but I don't believe that that's a basis for a motion to relieve, and therefore, I do not join Mr. Walcott on this motion. And I will let him argue.

MR. WALCOTT: (Inaudible.)

THE COURT: You can pull your mask down when you talk.

DEFENDANT WALCOTT: Yeah. Can I have about 30 minutes so I can sort through the papers that I have?

THE COURT: Okay.

(Pause in proceedings.)

THE CLERK: You want me to swear Mr. Walcott?

THE COURT: Yes.

THE CLERK: Raise your right hand, please, sir.

(WHEREUPON, MICHAEL A. WALCOTT is duly sworn.)

THE CLERK: He's sworn, Your Honor.

THE COURT: All right. Yes, sir?

DEFENDANT WALCOTT: Good morning.

THE COURT: Good morning.

DEFENDANT WALCOTT: It would be the last term I was appointed Mr. Barry Thompson, and we had a brief conversation in the back without any indication of any kind of evidence. He was just told that there was a massive file that -- you know, a lot of information.

MR. THOMPSON: Hold on. We're doing one thing at a time. You need to talk about the motion to relieve counsel first.

DEFENDANT WALCOTT: It is.

From that day, basically, Mr. Thompson was just

trying to get an idea of where I was at with everything. He also mentioned his relationship with Mr. Robert Snell, my attorney that I relieved.

THE COURT: What kind of relationship did he mention?

DEFENDANT WALCOTT: That they went to school, they did intern, and his intention was to reach out to him to just get a little insight as to ---

MR. THOMPSON: Which is all factually true, Your Honor.

DEFENDANT WALCOTT: And none of it was with my permission. That aside ---

THE COURT: What do you mean?

DEFENDANT WALCOTT: I did not ask him to do that.

THE COURT: To do what?

DEFENDANT WALCOTT: To reach out to Mr. Snell. Because I -- I did not retain Mr. Snell for this matter. And I didn't see at that time with no information that -- this was like 45 minutes after you assigned him to me -- that there was a need to reach out to Mr. Snell.

THE COURT: You didn't think so. He thought so.

DEFENDANT WALCOTT: Excuse me?

THE COURT: You didn't think so, but he did.

DEFENDANT WALCOTT: Yes.

THE COURT: And he has his own mind.

DEFENDANT WALCOTT: Right.

So fast-forward, on the 30th of May, I believe it was around 10:30, 11:00, I was summoned to go see my lawyer. And we met. Unfortunately, it was a very dark day in my incarceration. It had already been torture. But that morning at about 9 a.m. there was a sewage backup, and by the point that he got there, I was already inhaling feces. And so around -- that happened. Since 9:00 we were locked in a room with the feces. And I was actually about to see Mr. Thompson at that time. He told me about the three charges and, you know, what my intentions.

And I said, "Sir, I'm dealing with a whole lot right now. So while it's fine you think that I'll be guilty on two of the three charges or whatever the case is, can you please deal with my medical issues?" And this is a copy of ---

MR. THOMPSON: I can hand up the medical record you're talking about.

DEFENDANT WALCOTT: That's not what -- can I finish, Your Honor?

THE COURT: Yes, sir.

DEFENDANT WALCOTT: Yeah. So at that point that's what I was dealing with. And I'm just going to enter this into the record on that day, what was going on.

Leading up to that day, on the 25th of May, I was awakened by Officers Brooks and Arthur that led me to be

in the back where people who have disciplinary actions are taken. Or that's how I was there for that day on the 30th.

All of this is related to my medical because a day before the 25th, I was issued Flexeril which has the effects of imparalyzing [sic] you, no coherence.

THE COURT: You said Flexeril?

DEFENDANT WALCOTT: Flexeril.

THE COURT: Has what affect?

DEFENDANT WALCOTT: Basically, it can give you numbness. You could be incoherent, sleep for ---

THE COURT: That's a pretty commonly prescribed medicine ---

DEFENDANT WALCOTT: Right. But this was the first time that ---

THE COURT: --- for very ---

DEFENDANT WALCOTT: Painful.

THE COURT: --- minor type pain, et cetera. It's not a -- it's not a -- something that they give you to paralyze you.

DEFENDANT WALCOTT: Well, it did, Your Honor.

THE COURT: What did it do to you?

DEFENDANT WALCOTT: I was incoherent. I was sleeping for about three hours at that point.

THE COURT: What day was that?

10

DEFENDANT WALCOTT: That was on the 25th of ---

THE COURT: 25th of May?

DEFENDANT WALCOTT: Yes.

THE COURT: All right.

DEFENDANT WALCOTT: And basically, I have it described here where my body was numb. I explained that to them. I asked for a nurse. They refused to give me a nurse. They milled me out to medical, took my blood pressure, oxygen, decided I was fine.

So at that point, I was tossed in the back, thrown on the floor. And I have two letters here that are -- my roommate.

THE COURT: Tossed on the floor by someone?

DEFENDANT WALCOTT: Two officers, Officer Arthur and -- and Brooks.

THE COURT: Why did they do that?

DEFENDANT WALCOTT: Because the nurse took my blood pressure and my oxygen, and she thought I was fine. Basically, I was faking. And at that point, I was dissipating -- originally it starts at count time I was sleeping. I couldn't wake up. The officer asked me a couple of times. According to what he says, I couldn't wake up.

When they snatched the covers off of me and started yanking my foot, shaking me as if it was an emergency,

that's when I started trying to respond. And they just went and got a wheelchair and wheeled me out of there. So all the way to the nurse, incoherent, not really knowing what's going on.

They took me to C floor, which is disciplinary area, tossed me on the floor on my mat, and that's where I was for 24 hours. And my witness is here and everybody else.

The next -- the next day, once I -- it wore up -- well, that happened in the morning, morning meds. At night, of course, I didn't know what was going on. I took the same meds again, and it furthered that. I ended up until like about 1:00 -- about 5:00 the next evening I tried to reach out to my family, let them know that I'm okay, I'm not sure what's going on, but I'm living.

At that time, they asked me if I was taking any medication. I told them. They looked it up. That's how I found out the side effects. Unfortunately, by that time, I had already taken it. So I was advised to just hurry up and try to get to bed.

I called the nurse, which is nurse Sherry, in -- nurse Sarah was on that night. I let her know.

THE COURT: What's the point of you explaining all of this?

DEFENDANT WALCOTT: Because I tried to explain this to Mr. Thompson.

12

MR. THOMPSON: You've already seen -- I've already transmitted this to you. That's the medical information.

Your Honor, with the Court's permission, I'd like to hand this up. This is medical records that were given to me by Mr. Walcott.

THE COURT: On what date?

MR. THOMPSON: Do you want a chance to look at -- this would have been given to me last Thursday, Your Honor.

THE COURT: Is this new information since the last time you were here presenting medical information?

DEFENDANT WALCOTT: It is, Your Honor.

So, I mean, there's been a few other things that has happened since then medically. I know that we're not here for that at this portion. And I would like to -- I do want to make that argument, but I would like to have some time ---

THE COURT: Make what argument?

DEFENDANT WALCOTT: Well --

MR. THOMPSON: Your Honor, in order to be of assistance to the Court, one of -- one of the motions that Mr. Walcott would like to make is a motion for continuance based on his belief that he has medical issues that prevent him from going forward for trial. I would tell the Court that I don't think I've had any trouble

communicating with him. I believe him to be lucid and coherent, and I don't have a basis to join with him in this motion. But he would like to move that the Court continue this matter and grant him a bond until such time he's able to seek further medical treatment. That's one of the motions he would like to make.

The other motion is he would like to make a motion to relieve counsel ---

DEFENDANT WALCOTT: Which is what we're still doing right now.

MR. THOMPSON: --- based on this relationship between me and Mr. Snell.

THE COURT: All right. Go ahead.

DEFENDANT WALCOTT: So on the 11th Mr. Thompson visited me with (indiscernible) -- I believe she is here. It was visible that he was upset because I believe I sent you a motion to relieve counsel, Your Honor. Do you have that?

THE COURT: I've seen it.

DEFENDANT WALCOTT: Okay. So he was visibly upset because of my June 2nd motion. And I told him it was based on their friendship, prior relationship and the fact that you reached out to him as you stated to me. I -- it was, I felt, against my privacy and my rights to -- you know, I just got rid of this attorney. I did not want to

14

move forward with Mr. Snell on these ---

THE COURT: Just got -- just got rid of him?

MR. THOMPSON: I don't believe that to be factually true, Your Honor.

DEFENDANT WALCOTT: As far as ---

THE COURT: This is not a joint discussion. I'm speaking to this defendant.

Yes.

DEFENDANT WALCOTT: I did not retain Mr. Snell.

THE COURT: You never retained anyone, did you?

DEFENDANT WALCOTT: No.

THE COURT: Who did you retain?

DEFENDANT WALCOTT: I haven't.

THE COURT: You haven't retained anyone.

DEFENDANT WALCOTT: No. I have not been able to.

THE COURT: Your lawyers have been appointed.

DEFENDANT WALCOTT: Excuse me?

THE COURT: Your lawyers are court-appointed or privately retained?

DEFENDANT WALCOTT: I didn't retain anyone.

But what I was saying is I did not retain Mr. Snell for this matter. So ---

THE COURT: Well, who did you retain for any matter?

DEFENDANT WALCOTT: I did not retain -- well, Mr. Snell has me on prior matters. I guess ---

THE COURT: You didn't -- you didn't hire him, did you?

DEFENDANT WALCOTT: I did.

THE COURT: You did. So you retained Mr. Snell for the ---

DEFENDANT WALCOTT: Yes. Since last year.

THE COURT: Okay. All right.

DEFENDANT WALCOTT: Right.

The point that I'm making is -- is that I didn't understand why Mr. Thompson needed to have several conversations with Mr. Snell about these matters.

So the -- so at that point ---

THE COURT: What does that have to do that affects his ability to properly represent you in this case?

DEFENDANT WALCOTT: None at all, Your Honor. The -- the -- I'm getting to those issues.

After the meeting, after expressing my intent with the three motions Mr. Thompson agreed on to, the first being my medical, I told him I would live in torture, and, like I said, as recently as June 17th there's been stuff going on.

And then he -- the fact that at this meeting he lamented about not having all of the files downloaded. That was the main point that brought me to this issue was he -- there was over 5,000 files that was sent to him, and

16

at that point, he lamented and told me that he couldn't even download them, that files were -- there was an error or corrupt or something to that effect. And I said to him at that point, I said, "When will I get a copy?" Because I know the last term, that was one of the motions, that I asked for a copy of my discovery because I am entitled to that under Rule 5 of the SC code as far as discovery and evidence. I'm at least able to see them, view them.

THE COURT: Have you received discovery?

MR. THOMPSON: Your Honor, yes. On -- from the moment that we started this file, I had filed a motion for discovery. There were technical issues from the solicitor's office about getting the data to me. On Tuesday -- on Monday I contacted Mr. Grimes's office and said, "Hey, I still don't have discovery yet. I really need this in order to proceed." That was on the 14th.

On the 15th I contacted Mr. Grimes again, and he and I discussed this. And they were finally able to get all of this data to me on -- at approximately lunch time on the 15th.

THE COURT: The 15th of May?

MR. THOMPSON: No, sir. 15th of June. It was over 5,000 files.

And so I contacted Mr. Grimes and I said, "Sam, there's no way I can possibly digest all this material

before we go to trial. But I also don't believe that you're going to go forward with 5,000 some odd pieces of evidence either. Can we get together and talk about what the evidence in this case actually is?" And so we did.

He and I got together on the afternoon of the 15th, and he presented me with eight items, four of which he intends to call live testimony from witnesses, and four of which were -- were physical items of evidence, one of which being the videotape.

And after our meeting, I sent an email to him that I would like to pass up a copy of to memorialize our conversation. I told him that I did not believe that a continuance was necessary assuming that I could rely on the fact that these eight items were the items that he -- the only items that he intended to proceed forward with the trial.

On that basis, I did not make a motion for continuance because my understanding is I believe this is the evidence that the State is going to seek to introduce, and upon this, I have been prepared and I'm ready to go forward for trial.

I met with Mr. Walcott the next day on the 16th. And on the 16th, I brought all of the physical pieces of evidence that are listed in this memo. I brought all of them with me and offered to give him a copy of them, which

18

he did not want. But I discussed the evidence with him, I discussed trial strategy with him, and I told him that I was ready to proceed forward to defend him at trial starting on the 21st based upon the limitation of scope of discovery contained in this note.

THE COURT: All right. Is the jury panel ready to come in for qualification?

THE CLERK: Has the second group checked in?

THE CLERK: They're being checked in presently.

THE CLERK: No more than five minutes.

THE COURT: All right.

Go ahead, Mr. Thompson.

MR. THOMPSON: Your Honor, I don't have anything further to add in terms of motions for continuance. As long as -- as long as Mr. Grimes is still prepared to go forward on these eight items, I'm prepared to go forward and defend Mr. Walcott.

THE COURT: Mr. Grimes?

MR. GRIMES: Judge, I just would like to maybe clarify one issue. Mr. Thompson indicated that there were some issues with receiving discovery from our office. All of this discovery has been on the cloud, and I think they had some difficulty downloading this stuff from the cloud. There are two other attorneys involved in this case. They are both associated with those cloud files. And those

discovery items have been on the cloud for some time before Mr. Thompson was involved on the case.

But -- so to the extent that maybe it sounded like we had delayed giving him the discovery, I want to say he was added to the cloud maybe the day he was appointed in this case but had some issues downloading items from the cloud. So I just wanted to clarify that. We didn't attempt to give him discovery in this case for the first time last week.

MR. THOMPSON: And I would -- I would agree with his characterization of this. I don't think there was any ill intent from their office anyway.

I would also -- the only other thing I'd like to add, because I believe Mr. Walcott just a minute ago was frustrated and told me that he did not believe I handed him all the papers that his friend had brought today, the only thing that I have not handed to him is this binder, and that's because it was ruled contraband by the lieutenant because of the metal brads inside that I was not able to give him, and I'll return that to his messenger.

THE COURT: All right. Mr. Walcott?

DEFENDANT WALCOTT: Yes. So we had a two-hour conversation, not just about medical issues but about the discovery. I told him that the last term I requested

20

discovery, and it's only fair to be able to mount a defense based on seeing that. And respectfully, like I said to him, you're representing me on three items. And there's a reason that Mr. Grimes sent you all of the discovery, because it's related. And I -- I do feel that I do have under Rule 5, that I have a right to have that information, at least be able to look it over.

The fact that ---

THE COURT: To look over what information?

DEFENDANT WALCOTT: The discovery. The whole discovery.

THE COURT: Is there any discovery outstanding?

MR. GRIMES: Judge, I think all of the discovery in this case existed and was -- was available to Mr. Snell for a long time before Mr. Thompson was ever involved. I don't know whether Mr. Snell gave it to the defendant or not. But I don't believe there's anything new that has existed since Mr. Thompson was available -- or appointed in this case.

MR. THOMPSON: Your Honor, there is a mountain of material that's related to -- to fraud related to vehicles and the sale of the vehicles which I do not believe is relevant in any way, shape or form to the trial today before Your Honor, which my understanding from the indictments is that this is a case of Mr. Walcott is

accused of giving false information to a police officer to try to avoid arrest at the time that they seek to -- that they seek to serve a warrant on him for his arrest. My understanding from Mr. Grimes is that his witnesses in this case aren't even going to discuss why the police were there to arrest Mr. Walcott. They're just going to talk about the actions of Mr. Walcott in trying to evade arrest. And that's the entire scope of the matter before us today.

THE COURT: All right. Go ahead, Mr. Walcott.

DEFENDANT WALCOTT: And, again, all of the discovery has to do with fraud and identity and all of that. So it is all related. And that was our discussion.

So bringing it down to eight or nine items is good, but as I said, that is we were debating that you're only representing me on three items, and I have a whole slew of items. And there is a reason that Mr. Grimes sent you all of that. And I am entitled to it.

THE COURT: But you -- you do not believe that Mr. Thompson should be discussing unrelated matters with Mr. -- the other lawyer here.

MR. THOMPSON: Mr. Snell, Your Honor.

THE COURT: Mr. Snell.

DEFENDANT WALCOTT: I don't know whether it was unrelated or related, Your Honor. I just felt like it

22

invaded my privacy because we are dealing on matters we don't even have the discovery that we're -- we're even talking about. It's one thing if he, with my permission, says, "Hey, do you mind if I talk to Snell to see how it affects him on his side of the thing?" all of which still falls back down to the fact that I don't have any of the discovery.

And to Mr. Grimes's point, Mr. Snell may have had all the discovery, but we're not dealing with those cases now, so there was no reason for him to give it to me.

THE COURT: Mr. Thompson says -- Mr. Thompson said he attempted to share with you ---

DEFENDANT WALCOTT: Yes. These items here.

THE COURT: --- discovery regarding this case.

DEFENDANT WALCOTT: To what they view as important, Your Honor.

THE COURT: But you refused to receive the discovery that he attempted to share with you regarding this charge, this case.

DEFENDANT WALCOTT: It wasn't a refusal, Your Honor.

THE COURT: What was it?

DEFENDANT WALCOTT: Because what he gave me, what he showed me was three pieces of evidence. And there's no background information, there's -- there's no -- nothing that says whether, for instance -- and I don't really want

to start the case, but our debate was about the Social Security card, whether it's fake or not, who was going to determine that.

THE COURT: All right. Well ---

DEFENDANT WALCOTT: And, I mean, there was just a lot more. And I don't know if -- but what he has there, there was no support for even bringing it down to these eight items. There's no support behind them. And -- and that was the reason why I needed to have all of the information to be able to sort through that.

THE COURT: Anything further on this issue of relief of counsel?

MR. THOMPSON: Your Honor, the only other thing I would add, and I would ask Mr. Grimes to chip in, but Mr. Grimes also represented to me that in his preparation of the discovery materials, that he was not aware of anything exculpatory in any of this material. And so I don't believe there's any exculpatory material to these particular charges.

MR. GRIMES: I don't find that there is.

THE COURT: Exculpatory as part of the material to his defense is the other part.

MR. THOMPSON: Yes.

THE COURT: Is there anything?

MR. THOMPSON: Nothing further from the defense, Your

24

Honor.

MR. GRIMES: I wouldn't know what their defense is, so, you know, he may need to prove that he's actually Andrew Orlando. I would assume that there are documents.

THE COURT: Final word, Mr. Walcott.

DEFENDANT WALCOTT: And that's my whole point, Your Honor, that we had this back-and-forth debate just like Mr. Grimes said. If I did want to prove that I was this or that or not any defense, I have no other information besides a copy of a license and a copy of a Social Security card. And I saw of a six minute video, three minutes and 46 seconds. And I asked on the 11th, I asked on the 24th, the last term, for all of the discovery.

THE COURT: All right. The motion to relieve counsel is denied and we're going to proceed with the trial. If you want Mr. Thompson to represent you, I'm denying your motion to be relieved. You have a constitutional right to represent yourself. If you want to represent yourself instead of having Mr. Thompson represent you, you can do that. Of course, if you decide that you want to represent yourself, Mr. Thompson will be required to stay as standby counsel to assist you if you have any legal questions. Both -- he can't represent you and you represent yourself. It's an either/or. If you decide you want to represent yourself, he will be there available to answer legal

questions that you might have regarding the procedure.

DEFENDANT WALCOTT: And if I am representing myself, Your Honor, I would still need the discovery. And that is my right.

THE COURT: And the Court is proceeding with the trial.

DEFENDANT WALCOTT: So I'm not entitled ---

THE COURT: I denied your motion for any further discovery.

MR. THOMPSON: And, Your Honor, for the record, also denying motions for continuance based on health issues ---

THE COURT: Yes.

MR. THOMPSON: --- and based on ---

THE COURT: Yes. I have addressed all these health issues many times before, and there's nothing new presented here today.

So motion for a continuance is likewise denied.

The jury is here. We're going to bring them in and qualify them at this time.

MR. GRIMES: Your Honor, may we have a quick restroom break before we ---

THE COURT: Yeah. Well, it will take them a while to get in here. I mean, there's about how many people? 42?

THE CLERK: No, sir. I think we've got 31.

THE COURT: All right. You have plenty of time by

26

the time 31 people get here.

MR. THOMPSON: And, Your Honor, for the record so that I'll know what to do, I would ask clarification on what he's going to ---

THE COURT: Well, you'll have a discussion with Mr. Walcott about that.

DEFENDANT WALCOTT: I would rather he just make the decision now and just sentence me.

THE COURT: We'll be at ease for a few minutes as the panel comes in.

(WHEREUPON, a recess is taken at 11:32 PM.)

MR. THOMPSON: --- up against the defendant is his identity is part of the element of the crime, in fact if not Andrew Orlando is an element of the crime for which he is now on trial, and I would ask that the Court, in its approach, not to comment on the factual matter before the jury. I would ask that the Court refer to him as the defendant, also known as Michael Walcott, also known as Andrew Orlando.

THE COURT: Well, I don't know if those names -- you'd have to ---

MR. THOMPSON: Yes, sir.

THE COURT: I'll introduce him in whatever way you want me to.

MR. THOMPSON: Your Honor, I believe that the

indictment ---

THE COURT: I don't have an indictment at this moment in time, so ---

MR. THOMPSON: Very fine, Your Honor. I can reserve this argument till ---

THE COURT: No. You can tell me what you want. I mean, but I'm telling you I don't have the indictment. The case hasn't been called.

UNIDENTIFIED: They're up there, Your Honor. I laid them up there along with the lists.

THE COURT: Oh, yeah. Okay. All right. Thank you.

MR. THOMPSON: Your Honor, my understanding is that the indictment is going to say that Mr. Michael Walcott represented himself as Andrew Orlando, and that that was, in fact, not true, which is why he is being accused of identity fraud in giving a false name in an attempt not to be arrested and not to be served a warrant.

THE COURT: So you want him to be introduced how?

MR. THOMPSON: The defendant, also known as Michael Walcott, also known as Andrew Orlando.

THE COURT: And what do you say to that, Mr. Grimes?

MR. GRIMES: Well, Your Honor, I think there is some legitimacy to the argument that he may be Andrew Orlando. We're alleging that he's Michael Walcott. If he's -- if he's -- the Court acknowledging that he could be Andrew

28

Orlando I think is commenting on the allegations.

MR. THOMPSON: And, Your Honor, I would have no objection to Your Honor referring to him as the defendant. Does anyone -- does any member of the jury panel know the defendant? I -- I have no objection to the Court not mentioning a name at all. I just -- I would argue that were the Court to refer to him by the name Michael Walcott in court, it is alleviating the prosecution from proving one of the elements of the crime, that is that, in fact, he is not Andrew Orlando.

MR. GRIMES: Judge, this is a new one for me. Maybe you can refer to him as the person alleged to be Michael Walcott.

MR. THOMPSON: And, Your Honor, I have no objection to that either.

THE COURT: All right. Well when the State calls the case, the State makes initial comment that the State calls the case of the State vs. Michael Andre Walcott. That's the indictment from the grand jury.

MR. THOMPSON: Yes, sir. And I believe that it is absolutely appropriate for Mr. Grimes, in his -- in his office as the prosecutor and the attorney for the State and the accuser in this matter, I believe it's absolutely appropriate for him to refer to my client as Mr. Walcott. I completely understand and believe it's absolutely

appropriate for the indictment, that the charging document, the charge against him is that he's Michael Walcott and that he's committed this crime. I would just ask that Your Honor, in qualifying the jury, doesn't, by the use of a particular name, come down on one side or the other on the factual issue of the identity of the defendant. That's my only argument, Your Honor.

MR. GRIMES: Your Honor, if I could make a suggestion. There are two names on their witness list. One is Michael Walcott, one is Andrew Orlando. It's probably relevant to ask the jury whether they know either Michael Walcott or Andrew Orlando. They're both real people. Andrew Orlando is not local, so I don't know that anybody would necessarily know him, but they may have encountered the defendant at a prior time under the alias of -- it may be that when Your Honor reads off the defense's names of Michael Walcott or Andrew Orlando, if the defendant wants to stand up or whatever he wants to do during that period of time, he can make that choice, I guess.

THE COURT: All right. We'll skirt around that issue as best we can.

MR. THOMPSON: I just want to make -- just bring to the Court's attention however the Court decides to handle that, I'm not (inaudible).

30

THE COURT: All right. So I take it that, having denied the motion to relieve counsel and motion for a continuance, Mr. Thompson, Mr. Defendant has decided for you to represent him?

MR. THOMPSON: Your Honor, the defendant has informed me that he would like for me to represent him at trial.

THE COURT: Is that correct, Mr. Defendant?

DEFENDANT WALCOTT: Yes, sir.

THE COURT: All right. So be it.

Okay. So what else? What else from the multitude here? Any other matters? issues? Ms. Steiner?

MS. STEINER: Your Honor, just for clarification, I would also like to select this afternoon the jury for Mr. Montry [phonetic].

THE COURT: No. I pick one jury at a time.

MS. STEINER: All right. Thank you, Your Honor.

MR. THOMPSON: Your Honor, are we at ease?

THE COURT: Yeah. The other group is going to be ready to come in in about five minutes.

(WHEREUPON, a recess is taken at 12:12 PM.)

THE COURT: All righty. We're about to break for one hour. Anything before we do so?

MR. GRIMES: Your Honor, we may have to deal with this later in the afternoon, but the State intends to move to strike Juror Number 49. We mentioned earlier today

that he's in PTI now. (Indiscernible) prosecuted him. Either now or when's appropriate, we intend to move to strike him for cause.

THE COURT: All right. Any objection to him being set aside based on him being on PTI with the solicitor's office?

MR. THOMPSON: No objection.

THE COURT: All right. He'll be removed from the list for cause.

Any other issues involving anything else that would delay jury selection?

MR. THOMPSON: Your Honor, the only other thing that I'm aware of that my client tells me he's having some pain issue and would like to be able to ---

THE COURT: Having some what?

MR. THOMPSON: He's having some pain issues.

THE COURT: Pain issues?

MR. THOMPSON: And would like to be able to possibly ---

THE COURT: Would like to what?

MR. THOMPSON: Would like to be able to possibly get some either pain medication, possibly sleep.

THE COURT: Lieutenant Callahan, you have some medicine for him or ---

LIEUTENANT CALLAHAN: I can't give him any

32

medication. We'd have to take him back to the jail.

THE COURT: All right. Well, we'll hopefully have him back at 2:30 if that's what the ---

LIEUTENANT CALLAHAN: Yes, sir.

THE COURT: --- the people decide to do for him.

MR. THOMPSON: Thank you.

THE COURT: All right. Very good.

(WHEREUPON, a recess is taken at 1:34 PM.)

THE COURT: All right. Mr. Thompson?

MR. THOMPSON: Your Honor, may it please the Court. During lunchtime my understanding was that my client was taken back to the jail and was looked at by the nurse at the jail. He informs me that he is feeling much, much worse, is having a hard time holding his head up, that he's having excruciating pain in his neck and some nerve pain and would ask, again, that the trial be continued to allow him to go to the hospital and get further medical treatment hopefully from a specialist. And I would invite the Court to question him as to some of the details.

THE COURT: The arrest date in this case is when, Mr. Grimes?

MR. GRIMES: February 22nd of 2020.

THE COURT: I think the continuance (indiscernible) February -- from the time of his arrest till now the defendant has registered health related complaints pretty

much at every hearing. And he may not be in the best of health, but those things were considered at all previous hearings by all judges including Judge Clyburn Pope, I believe. And Mr. Walcott has presented to me essentially the same medical records over a period of time. You know, I'm not a mind reader, not a doctor, but the business of the Court has to go on, and we'll proceed despite his complaints.

Sir? You don't want to be here for the trial?

DEFENDANT WALCOTT: I do not. I'm in excruciating pain. The same -- this is even longer than I was up (inaudible) hearing.

THE COURT: I can't hear anything you're saying.

MR. THOMPSON: Your Honor, he ---

DEFENDANT WALCOTT: This is the longest I've been awake and up within the last 14 months. I mean, the April 11th hearing, it was the same thing. My pain level is at a 9 right now, and I don't know what else to do. I urinated on myself earlier because I cannot control any of my nerves.

THE COURT: All right.

DEFENDANT WALCOTT: And I cannot (inaudible). I'm usually asleep by now. I sleep about five, six hours a day because of my pain, and there is no relief. It might have been (inaudible).

34

THE COURT: Anything further?

DEFENDANT WALCOTT: I would just like to be excused.

THE COURT: Mr. Grimes?

MR. GRIMES: Your Honor, I don't really have an opinion on whether he's going to be here for jury selection, but our first witness, as I've indicated to the Court, is leaving town tonight and will be out of town tomorrow. We intended to have him identify the defendant as the person who was arrested. Other than identifying this person, I don't really, I guess, have any opinion as to whether he's here for the trial or not.

THE COURT: Anything further, Mr. Thompson?

MR. THOMPSON: No, Your Honor.

THE COURT: We're going to proceed. We'll take breaks as is necessary, but we're going to proceed with the trial.

Bring the jury.

MR. THOMPSON: And, Your Honor, his question whether he could leave or not is no, he may not, correct?

THE COURT: Well, if you leave, the trial will continue in his absence because, obviously, he's not leaving the courthouse. He's going from here to just a few feet away.

MR. THOMPSON: Yes, sir.

(Pause in proceedings.)

MR. THOMPSON: Your Honor, as the jury is being seated, could we approach?

THE COURT: Yes.

(WHEREUPON, a bench conference was held which was not audio recorded; the jury panel entered the courtroom at 2:52 PM.)

THE COURT: Welcome back, ladies and gentlemen.

You may call your first case, Solicitor.

MR. GRIMES: The State calls indictments 2021-GS-02-00642 and 643, the State of South Carolina vs. Michael Walcott.

JURY QUALIFICATION

THE COURT: All right. Ladies and gentlemen, the State has called for trial indictments number ending in 642 and 643. Each indictment charges the defendant with identity fraud to avoid detection of law enforcement. He has pled not guilty to each of these charges. He's presumed to be not guilty of the charges. He cannot be found guilty unless the State presents evidence which convinces each and every juror of his guilt beyond a reasonable doubt. And that's why you're here for jury selection and to make the determination at the end of the process as to whether the State has met its burden of proof.

The defendant will stand and face the jury panel.

All right. Thank you.

If any of the jury knows Mr. -- knows the defendant, you're a friend, relative or associate of his, if so, please stand.

(No response.)

THE COURT: And no one is standing.

The offenses in the indictments allege that the offenses occurred on or about February 23, 2020. If any members of the jury panel knows anything or has heard anything about this case, if so, please stand.

(No response.)

THE COURT: The State is being prosecuted by the solicitor's office. If you'll identify yourself and anyone else you want to introduce, Mr. Grimes.

MR. GRIMES: My name is Sam Grimes. This is Brandy Sanderlin. She'll be working with me. And our investigator, Chris Walker.

THE COURT: And witnesses will be?

MR. GRIMES: The witnesses will be Cassandra Canales, Investigator Viktoria Lagger, Investigator Richard Oxendine, and Tony Williams.

THE COURT: All right. And any witnesses the defense would like to call the jury's attention to?

MR. THOMPSON: Your Honor, Michael Walcott and Anthony Orlando -- Andrew Orlando.

THE COURT: If any member of the jury panel is a friend, relative, associate or if you know any of the lawyers -- of course, I don't think I had you introduce yourselves.

MR. THOMPSON: I'm Barry Thompson, and I'm a defense (inaudible) here in Aiken County, and this is Mr. Will McKellar (inaudible).

THE COURT: If any member of the jury panel is a friend, relative, associate or if you know any of the lawyers or any of the witnesses whose names have been called, please stand.

(No response.)

THE COURT: If -- the offense alleges the crimes of identity fraud. Let's see. If any member of the jury panel has been a victim of identity theft or identity fraud, if so, please stand if you have been a victim of identity theft or identity fraud.

All right. If you'll tell us your juror number and tell me why you're standing.

JUROR NUMBER 131: 131, Ann Miller.

THE COURT: All right. 131.

JUROR NUMBER 131: Someone stole my Social Security number as well as my credit card numbers. They stole my identity.

THE COURT: All right. Thank you, Ms. Miller. And

do you believe that would affect your ability to be a fair and impartial juror in a case where it would be a similar crime is alleged?

JUROR NUMBER 131: Yes, I do.

THE COURT: All right. So we will not consider you for service on this case. Just stay with us, Ms. Miller.

Yes, sir?

JUROR NUMBER 30: Juror Number 30, Kevin Burke.

I had my credit card information stolen (inaudible).

THE COURT: And, Mr. Burke, do you think that would affect your ability to be a fair and impartial juror in this case?

JUROR NUMBER 30: (Inaudible.)

THE COURT: All right. And you can set aside what occurred to you and decide the case based on the evidence in this case?

JUROR NUMBER 30: Yes, Your Honor.

THE COURT: All right. Thank you, sir.

Yes, ma'am?

JUROR NUMBER 177: Julie St. Pierre, Juror Number 177.

I have had my identity stolen three times and (inaudible).

THE COURT: Okay. What's your juror number?

JUROR NUMBER 177: 177.

THE COURT: 177. And, ma'am, do you believe that would affect your ability to be a fair and impartial juror in this case?

JUROR NUMBER 177: I do.

THE COURT: You do. All right. We will not consider you for selection in this case, but stay with us.

Yes, ma'am?

JUROR NUMBER 55: Juror 55, Helen Drayton.

I am currently going through the process of clearing up my name from someone stealing my identity.

THE COURT: And, Ms. Drayton, do you believe that would affect your ability to be a fair and impartial juror in this case?

JUROR NUMBER 55: Yes, I do.

THE COURT: All right. Ms. Drayton, we will not consider you for selection in this case, but stay with us.

If any of you know of any reason why you cannot be a fair and impartial juror or any reason why you should not be picked to sit on this jury, if you know any reason whatsoever, we have -- we're going to pick 14 people, and we have 4, 8, 12, 20, 24, 28, 32, 36, 52 -- we have 52 people here. We're going to pick 14. If you know of any reason whatsoever -- and we don't necessarily stop at 5 p.m. like you might get off your job at 5:00. We go beyond 5:00 on some occasions. If you know of any reason

whatsoever why you should not be in the 14 who are picked, please stand.

Yes, ma'am? Tell us your juror number.

JUROR NUMBER 180: I don't remember I'm sorry.

THE COURT: We'll take your name.

JUROR NUMBER 180: Valerie Swygert.

THE COURT: Ms. Swygert.

JUROR NUMBER 180: The time may be an issue for me. I was told (indiscernible). I'm a horse trainer and I have eight horses at my house. I have no one to feed them, clean up after them, (inaudible) my job.

THE COURT: You need to tend to your horses.

JUROR NUMBER 180: Yes.

THE COURT: All right. And therefore, you do not believe you are available to give this case your full consideration and concentration.

JUROR NUMBER 180: When does the case start?

THE COURT: It started now. This is the start right now.

JUROR NUMBER 180: I -- I would -- I would need more notice to find somebody to hire to take over my job for me.

THE COURT: You did get notice of jury duty, didn't you?

JUROR NUMBER 180: I did. I didn't -- I didn't --

and I showed up to jury duty at 1:00. I did not understand that it meant that I need to be available all week.

THE COURT: All right. So we will not consider Ms. Swygert, Number 180, for the first case. The case number -- the next case is likely to be on Wednesday, so you'll need to be prepared at that time.

JUROR NUMBER 180: Okay.

THE COURT: All right. Thank you.

Anyone else?

And that's a very legitimate reason. I'm not being critical of anyone, but once a person is selected to be on the jury, they need to focus on being a juror and not on other things that they have to do rather than being a juror.

If you know of any reason why you should not be selected, please stand.

Yes, sir?

JUROR NUMBER 188: I'm Juror Number 188. My name is Victor Udom.

I would need to pick up my kids from day care, so ---

THE COURT: Pick up your kids from day care.

JUROR NUMBER 188: Yeah. So ---

THE COURT: At what time?

JUROR NUMBER 188: Well, usually 5:00 because my wife

works during the day, so ---

THE COURT: So you're unavailable. It's 3:00 now.

JUROR NUMBER 188: Well, I had to change the schedule because I was coming today. So -- but for the future ---

THE COURT: Well, are you going to be able to work it out or ---

JUROR NUMBER 188: Well, I can't answer that question right now.

THE COURT: Pardon?

JUROR NUMBER 188: Well, I can't really give you an answer to that right now.

THE COURT: Well, you've made arrangements for today, then tomorrow's another day. Can you make arrangements for tomorrow as well?

JUROR NUMBER 188: Well, I can as soon as I get home to figure out if she can take the time off, change my schedule.

THE COURT: All right. Well, stay with us. You're all right.

Anyone else?

(No response.)

THE COURT: You made arrangements for today. We may have to stop early tomorrow so that you can pick your child up.

Anyone else?

(No response.)

THE COURT: Any additional questions by the State or the defense?

MR. GRIMES: None from the State, Your Honor.

MR. THOMPSON: Your Honor, I would ask that the Court consider Defense Number 4.

THE COURT: Defense Number 4. I don't think I've seen any -- oh, I'm sorry. Voir Dire Number 4. Are you or any of your close friends or relatives police officers with Aiken County, with SLED, with any law-enforcement agency in the United States or any prosecuting agency in the United States including the circuit solicitor's office? If you are close friends or relatives of any law enforcement folks, please stand.

All right. And tell me your juror number and why you're standing.

UNIDENTIFIED JUROR: (Inaudible.) I'm close friends with the highway patrol of DOT -- DOT officer.

THE COURT: He's a highway patrolman.

UNIDENTIFIED JUROR: Highway patrolman, yeah.

THE COURT: And do you believe that would affect your ability to be a fair and impartial juror in this case?

UNIDENTIFIED JUROR: Yes.

THE COURT: You think it would? All right. I'll -- you may be seated.

Yes, ma'am?

JUROR NUMBER 179: I am Juror 179, Tracy Steelman. I am related to a police officer.

THE COURT: All right. And do you believe the fact that you're related to a police officer would affect your ability to be a fair and impartial juror?

JUROR NUMBER 179: (Inaudible.)

THE COURT: All right. Thank you. You can stay with us.

Yes, sir?

JUROR NUMBER 30: Juror Number 30, Kevin Burke. My son is scoutmaster and (inaudible) officer.

THE COURT: And do you believe that fact would affect your ability be fair and impartial?

JUROR NUMBER 30: I do not.

THE COURT: All right. Thank you.

Yes, sir?

JUROR NUMBER 16: Number 16, John Benton. My nephew is a police officer.

THE COURT: Which kind of police officer is he?

JUROR NUMBER 16: City police.

THE COURT: Here in Aiken?

JUROR NUMBER 16: North Charleston.

THE COURT: North Charleston. And would that fact affect your ability to be a fair

and impartial juror?

JUROR NUMBER 16: No.

THE COURT: All right. Thank you.

And behind you. Yes, ma'am?

JUROR NUMBER 171: I'm Juror Number 171, Eliana Sessions. My husband (inaudible).

THE COURT: Okay. You're very soft-spoken. But I believe I remembered you from this morning. Your husband, brother or someone ---

JUROR NUMBER 171: My husband is a police officer with the City of Aiken.

THE COURT: City of Aiken.

And would that fact affect your ability to be fair and impartial?

JUROR NUMBER 171: (Inaudible.) I do not believe so.

THE COURT: All right. Thank you. You can stay with us.

Yes, ma'am?

JUROR NUMBER 69: Juror 69, Terri Furtick.

I have a relative that's a police officer, and I'm friends with several police officers (inaudible).

THE COURT: All right. And would that affect your ability to be a fair and impartial juror?

JUROR NUMBER 69: I don't think so.

THE COURT: All right. Thank you.

And back to on the front row here, Mr. ---

UNIDENTIFIED: I apologize, but I didn't catch the last juror number.

THE COURT: Tell us your name and juror number, ma'am?

JUROR NUMBER 69: Me?

THE COURT: Yes.

JUROR NUMBER 69: Terri Furtick, Juror 69.

THE COURT: All right. Thank you.

And back to Mr. ---

JUROR NUMBER 195: Washington.

THE COURT: --- Washington. Yes, sir. You have a friend that's a ---

JUROR NUMBER 195: I'm close friends with a highway patrolman in Aiken.

THE COURT: All right. And you believe that would affect your ability to be a fair and impartial juror?

JUROR NUMBER 195: As far as my (inaudible).

THE COURT: Deciding your ability to be a fair and impartial juror as all jurors are required to be. Do you think that you will be biased as a juror because you have a friend who's a highway patrolman?

JUROR NUMBER 195: Yes, sir.

THE COURT: All right. We will not consider you for this case, but stay with us.

Any other voir dire by anyone else?

MR. THOMPSON: Your Honor, in the interest of full disclosure, I've discussed this with Mr. Grimes earlier, but I don't know but I may have been someone who went to church with Mr. Rumbaugh, Juror Number 169. And that would have been 20 or 30 years ago. But if you don't know ---

MR. GRIMES: We're good.

MR. THOMPSON: All right. We're fine. No worries.

THE COURT: You've forgotten all -- I mean, you don't know him, Mr. Rumbaugh?

JUROR NUMBER 169: We could have. I just don't remember.

THE COURT: I understand. This is a relatively small community.

If you know of any reason why you shouldn't be selected, please stand.

(No response.)

THE COURT: All right. Well, ladies and gentlemen, we will proceed with the jury selection.

The strikes are, Mr. Grimes?

MR. GRIMES: Five and five, Your Honor.

THE COURT: Is that your understanding, Mr. Thompson?

MR. THOMPSON: Yes, Your Honor.

THE COURT: All right. Strikes are five and five.

And, ladies and gentlemen, the way that the jurors are selected, the clerk randomly pulls the name of about 35 of you out through the computer, and we go in that order with each side striking five jurors from the list that they're presented with.

(Pause in proceedings.)

THE COURT: Are the parties ready to proceed?

MR. THOMPSON: Defense is ready.

MR. GRIMES: Yes, Your Honor.

THE COURT: All right. Madam Clerk, you may proceed.

JURY SELECTION

THE CLERK: All right. As I call your know name and juror number, please come up to the front and then turn around and face the back of the courtroom.

Juror Number 16, John Benton.

(WHEREUPON, John Benton, a white male, came forward.)

THE CLERK: What says the State?

MR. GRIMES: Please excuse the juror.

THE CLERK: You may return to your seat, sir.

Juror Number 35, Adam Celli.

(WHEREUPON, Adam Celli, a white male, came forward.)

THE CLERK: What says the State?

MR. GRIMES: Please present the juror.

THE CLERK: What says defense?

MR. THOMPSON: Please seat Mr. Celli.

THE CLERK: Thank you. If you'll just grab a piece of paper from our server.

Juror Number 93, Ashley Ivey.

(WHEREUPON, Ashley Ivey, a white female, came forward.)

THE CLERK: What says the State?

MR. GRIMES: Please present the juror.

THE CLERK: What says defense?

MR. THOMPSON: Please seat Ms. Ivey.

THE CLERK: Okay. If you'll just grab a sheet of paper from her.

Juror Number 169, Jamie Rumbaugh.

(WHEREUPON, Jamie Rumbaugh, a white male, came forward.)

THE CLERK: What says the State?

MR. GRIMES: Please present the juror.

THE CLERK: What says defense?

MR. THOMPSON: Please seat the juror.

THE CLERK: Just grab a sheet of paper.

Juror Number 96, Herbert James.

(WHEREUPON, Herbert James, a black male, came forward.)

THE CLERK: What says the State?

MR. GRIMES: Please present the juror.

THE CLERK: What says defense?

MR. THOMPSON: Please seat Mr. James.

THE CLERK: Just grab a sheet of paper from her.

Juror Number 200, Joseph Wright.

(WHEREUPON, Joseph Wright, a white male, came forward.)
THE CLERK: What says the State?
MR. GRIMES: Please present the juror.
THE CLERK: What says defense?
MR. THOMPSON: Please seat Mr. Wright.
THE CLERK: Juror Number 189, Vonda Valentine.
(WHEREUPON, Vonda Valentine, a black female, came forward.)
THE CLERK: What says the State?
MR. GRIMES: Please present the juror.
THE CLERK: What says defense?
MR. THOMPSON: Please seat Ms. Valentine.
THE CLERK: Just grab a sheet of paper from her.
Juror 78, Deborah Grubb.
(WHEREUPON, Deborah Grubb, a white female, came forward.)
THE CLERK: What says the State?
MR. GRIMES: Please present the juror.
THE CLERK: What says defense?
MR. THOMPSON: Please excuse Ms. Grubb.
THE CLERK: You may return to your seat.
Juror 125, Denise McGowan.
(WHEREUPON, Denise McGowan, a white female, came forward.)
THE CLERK: What says the State?
MR. GRIMES: Please present the juror.
THE CLERK: What says defense?

MR. THOMPSON: Please excuse this juror.
THE CLERK: Juror 38, Sama Claridy.
(WHEREUPON, Sama Claridy, a black female, came forward.)
THE CLERK: What says the State?
MR. GRIMES: Please present the juror.
THE CLERK: What says defense?
MR. THOMPSON: Please seat Ms. Claridy.
THE CLERK: All right. Just grab a sheet of paper from her, ma'am.
162, Whitney Ray.
(WHEREUPON, Whitney Ray, a white female, came forward.)
THE CLERK: What says the State?
MR. GRIMES: Please present the juror.
THE CLERK: What says defense?
MR. THOMPSON: Please seat the juror.
THE CLERK: Thank you.
17, Cynthia Berninger.
(WHEREUPON, Cynthia Berninger, a white female, came forward.)
THE CLERK: What says the State?
MR. GRIMES: Please present the juror.
THE CLERK: What says defense?
MR. THOMPSON: Please seat Ms. Berninger.
THE CLERK: Just give her a sheet of paper, please.
179, Tracy Steelman.

(WHEREUPON, Tracy Steelman, a white female, came forward.)
THE CLERK: What says the State?
MR. GRIMES: Please present the juror.
THE CLERK: What says defense?
MR. THOMPSON: Please excuse this juror.
THE CLERK: Ma'am, you may return to your seat.
Juror Number 58, William Epling.
(WHEREUPON, William Epling, a white male, came forward.)
THE CLERK: What says the State?
MR. GRIMES: Please present the juror.
THE CLERK: What says defense?
MR. THOMPSON: Please seat Mr. Epling.
THE CLERK: 168, Alexis Robinson.
(WHEREUPON, Alexis Robinson, a black female, came forward.)
THE CLERK: What says the State?
MR. GRIMES: Please present the juror.
THE CLERK: What says defense?
MR. THOMPSON: Please seat Ms. Robinson.
THE CLERK: Just grab a sheet of paper, please.
Juror Number 50, Robert Dixon.
(WHEREUPON, Robert Dixon, a white male, came forward.)
THE CLERK: What says the State?
MR. GRIMES: Please excuse the juror.
THE CLERK: You may return to your seat, sir.

Juror 118, Vinata Lokeshwar.

(WHEREUPON, Vinata Lokeshwar, an Asian female, came forward.)

THE CLERK: What says the State?

MR. GRIMES: Please present the juror.

THE CLERK: What says defense?

MR. THOMPSON: Please seat Ms. Lokeshwar.

THE CLERK: That's 12 jurors, Your Honor.

THE COURT: All right. Go with two alternates.

MR. THOMPSON: Beg the Court's indulgence. How many strikes?

THE COURT: One and two as to each alternate.

THE CLERK: Juror Number 9, Carrie Attaway.

(WHEREUPON, Carrie Attaway, a black female, came forward.)

THE CLERK: What says the State?

MR. GRIMES: Please present the juror.

THE CLERK: What says defense?

MR. THOMPSON: Please seat Ms. Attaway.

THE CLERK: Juror Number 141, Ranie Murrah.

(WHEREUPON, Ranie Murrah, a white female, came forward.)

THE CLERK: What says the State?

MR. GRIMES: Please present the juror.

THE CLERK: What says defense?

MR. THOMPSON: Please seat Ms. Murrah.

THE CLERK: Thank you. Just grab a sheet of paper.

That's the jury, Your Honor.

THE COURT: Are there any matters of law regarding the jury selection?

MR. GRIMES: None from the State.

MR. THOMPSON: Nothing from the defense, Your Honor.

THE COURT: Okay. Ladies and gentlemen, those of you with the lucky sheets of paper, you've been selected to be the jurors in the trial of this case.

Those of you who were not selected, you are all done for the day. We're going to excuse you all, and you do not need to be concerned about coming back tomorrow. But on Wednesday we may very well need you. You need to call in after 6 p.m. tomorrow, not before but after 6 p.m. for a message concerning when you are to return if you have to return.

Thank you very much. Have a good afternoon.

(WHEREUPON, the remaining jury panel exits the courtroom at 3:20 PM.)

THE COURT: If you've got that piece of paper, don't leave us.

Are you all ready to proceed with our opening statements?

MR. GRIMES: Yes, Your Honor. If we can have a five-minute break.

THE COURT: All right. In the interim, I'll give the

jury the introductory charge, and then we'll take a five-minute break.

So, ladies and gentlemen, if you all will stand to be sworn.

THE CLERK: Raise your right hand.

(WHEREUPON, the jury is duly sworn.)

THE CLERK: They've been sworn, Your Honor.

JURY INSTRUCTIONS

THE COURT: All right. And, ladies and gentlemen, you can stay where you are for the moment, but when you come back, we want everyone on this side when you come back after the break.

So you have now taken an oath to well and duly try this case and render a true verdict according to the law and according to the evidence so help you God. And if you hold true to that oath that you took to well and duly try this case and render a true verdict according to the law and the evidence, then you will have fulfilled your oath and requirement of jurors and no one will have any basis to complain about your verdict at the end of the case.

As indicated to you a few minutes ago, the defendant is charged with identity fraud to avoid detection of law enforcement. That case comes into court as a result of a true bill of indictments returned by the grand jury of Aiken County.

Now, the fact that someone has been indicted on a case does not mean that they are guilty. That's simply the paper that brings the case into court. The defendant is presumed to be not guilty of the charge. He cannot be found guilty unless the State presents evidence that convinces a jury of his guilt beyond a reasonable doubt.

So out of all the folks who were summoned here this morning, out of all the folks who live here in Aiken County, out of all the folks who live in the State of South Carolina, only the 12 of you who will deliberate on this case can decide whether the defendant is guilty or not guilty. And you're to do that by weighing and evaluating the credibility of the testimony presented, the evidence presented during the course of this trial. And only you can make that determination, so therefore, you play a pivotal and very essential role in the process.

Now, just as all of you can decide the facts of this case, that is, the guilt or innocence of the defendant based on the facts, as the presiding judge, I am the sole judge of the law of the case. You must accept as correct the law as I state it to you at this time during the trial and in greater detail at the end of the trial. And you are to determine the facts from the evidence offered and, to a great extent, from witnesses who will be sworn and who will take this witness stand and will testify and be

cross-examined.

In just a few minutes after this break, the State will make an opening statement concerning what the State believes the evidence will prove. The defense will have the same opportunity, though they're not obligated or bound to do so since the burden is on the State to prove guilt and it's not on the defendant to prove innocence.

So we will try to keep this case going without any undue delays, and we certainly appreciate your willingness to serve on this important matter.

So if you all will follow the bailiffs and go to the jury room. The important thing I wanted to say before you leave, however, is that once you're selected as a juror on the case, you're not allowed to discuss the case at all. You cannot discuss it with each other in or out of the courtroom, and especially when you go home, you can't go home and tell your spouse or significant others or get on the phone and start talking about this case that you're sitting on the jury on. You're to not engage in any form of premature deliberations which means you're to not discuss the case at all with anyone or allow anyone to discuss it in your presence until I tell you that it is time to do so. That will be after you've heard all of the testimony, received all of the evidence and received the instructions of law.

So with that, we will have you go to the jury room for hopefully a short break. Follow the bailiffs.

(WHEREUPON, the jury exits the courtroom at 3:26 PM.)

THE COURT: Okay. We'll take a break. Mr. Walcott can have a break. And we'll proceed in about eight minutes.

MR. GRIMES: Your Honor, just for scheduling purposes, we have one witness, our longest witness this afternoon. We have three very short witnesses that we have scheduled to come in the morning.

THE COURT: All right.

MR. GRIMES: And then ---

THE COURT: It will work out. You know, we can't control the times. We'll -- the clock will keep ticking regardless. All right.

(WHEREUPON, a recess is taken at 3:27 PM.)

THE COURT: Are we ready for the jury?

MR. GRIMES: Your Honor, our first witness is going to -- we're going to introduce a video through the first witness. There are two statements that we removed that the deputy said. We've already told defense counsel about it. I don't think they have any objections to it. I just wanted to put that on the record.

THE COURT: So you removed two statements?

MR. GRIMES: Of the deputy.

THE COURT: Okay.

MR. GRIMES: They were something, roughly essentially a question you've got some aliases, and you want to tell me what's going on. I don't think they have an objection to that, but we removed it. He's going to testify that this is a copy of his body camera video from that day, and I just want to make the record clear on that.

THE COURT: All right. Any questionable issues about that, Mr. Thompson?

MR. THOMPSON: Your Honor, my understanding is that the video is going to stop very shortly after Mr. Defendant is taken into custody, and I have no objections to the redacted video.

THE COURT: All right. You can bring the jury in.

(WHEREUPON, the jury entered the courtroom at 3:43 PM.)

THE COURT: All right. Welcome back.

Opening statements from the State.

OPENING STATEMENTS

MS. SANDERLIN: May it please the Court.

THE COURT: Yes, ma'am.

MS. SANDERLIN: Judge Newman, defense counsel, members of the jury, good afternoon. My name is Brandy Sanderlin, and I, along with my co-counsel, Sam Grimes, represents the State in today's case.

Our job is to prosecute crimes. You as jurors also

have a job today. Your job is to examine the evidence that we present, listen to the testimony from the witnesses, follow the judge's instructions, and ultimately render a verdict in this case. Your job is perhaps the most important piece of all of this.

Over the next day or two, my co-counsel and I will present several different witnesses as well as several pieces of evidence for you to consider. As you consider all of the evidence, I want you to think of it like a puzzle. Each witness that is presented will offer different pieces of information. Along with the evidence that we present, you will be able to put that together to see a clear picture of what really happened in this case.

In this case, the defendant seated over here has been charged with two counts of identity fraud to evade or avoid detection by law enforcement. The judge will explain what that means, but it's basically what it sounds like. The defendant is charged with presenting information belonging to someone else, Social Security identification, driver's license, in an effort to evade detection by law enforcement. So we must prove to you that the defendant used someone else's information in an effort to avoid that detection.

You will learn that on February 22, 2020, officers with the Aiken County Sheriff's Department were attempting

to perform a warrant service. That's a normal duty of their job. You will learn that one of those officers, Deputy Oxendine, responded to a call from dispatch that alerted him to the Ford dealership. Stokes Hodges is what it's referred to now. That's located at 1850 Jefferson Davis Highway in the Graniteville area of Aiken County.

Now, when Deputy Oxendine arrived there, he was given a little bit of information from the dispatcher. That information included a name Michael Walcott as well as a brief general description of the person he was looking for.

It's common in situations like this for law enforcement officers to be called to serve a warrant on someone, and Deputy Oxendine will kind of explain what that is and what that entails. Sometimes these tips come in from members of the community alerting law enforcement to a subject of an arrest warrant at a certain location so the officers can perform that duty.

So as I stated, Deputy Oxendine will tell you that he responded to that Ford dealership on February 22nd of 2020, and he was looking for Michael Walcott, a black male. Now, when he arrived on scene, he didn't have very much information to go on, so he did what he was trained to do. He tried to eliminate possible subjects. And in doing that, you will hear that the deputy encountered an

individual, a black male, and he asked him for his identification in an effort to exclude him from who he was looking for.

So Deputy Oxendine approached this black male and he asked for his name. The man gave the name of Drew. The officer asked whether he had any identification on him, and that man provided him with a Georgia driver's license that had the name of Andrew Orlando on it.

As officers often do, Deputy Oxendine ran that name and the driver's license number through dispatch. When he did that, he received a bit of confusing information. The information that was in the system stated that there was a link between the name of Michael Walcott and Andrew Orlando. In an effort to clear up that confusion, Deputy Oxendine did what any other officer would do. He tried to get more information on that. He asked the dispatcher for a photo or a Social Security number or anything else that would provide additional information to rule out the subject he was talking with.

While this conversation was going on with the dispatcher, the subject, Michael Walcott, offered to Deputy Oxendine that he had a Social Security card in his wallet, and he nodded his head in the direction of the wallet. Deputy Oxendine retrieved the wallet, he looked inside and there was a Social Security card in there. And

that Social Security card bore the name of Andrew Orlando. Because of all of the confusion, you will understand that Deputy Oxendine learned that there was a connection between Michael Walcott and Andrew Orlando.

Other witnesses in this case will be presented. One of those will be Tony Williams of the Social Security Administration. Mr. Williams will tell you that the name Andrew Orlando does belong to a real individual and that the Social Security number printed on this Social Security card that was retrieved in this case does belong to Andrew Orlando, but it does not belong to Michael Walcott.

After hearing from Mr. Williams, you will hear from another witness. Her name is Cassandra Canales. She will tell you that she has known the defendant personally for several years and that, over the course of those years, she has known him as Michael Walcott.

Finally, you will hear from Investigator Viktoria Lagger. She works for the Aiken County Sheriff's Department. She will tell you that she received a complaint about an individual by the name of Andrew Orlando. During the course of her investigation, she came to learn that the name Andrew Orlando and Michael Walcott were linked. Because a person cannot have two names, she took efforts to try to identify who was who. During the course of that investigation, she researched Andrew

Orlando, and she found that he was tied to an address in the State of New York.

You will hear from Investigator Lagger that she contacted New York Police Department and that they were able to go to that address she provided in New York, and they were able to locate the individual named Andrew Orlando.

You will also learn that Investigator Lagger received and reviewed information related to the name Michael Walcott. You will hear that some of the records that she received during the course of her investigation were South Carolina Department of Motor Vehicle records. One in particular was from 2014 when Michael Walcott applied for a South Carolina identification card. You will get to see that application. Investigator Lagger will show it to you and explain it to you. And you will see on that application that Michael Walcott listed his address as [redacted] in Aiken. And Investigator Lagger will tell you why [redacted] is important in this case.

Earlier I talked a little bit about how Mr. Grimes and I have a job to do. Part of that is making sure that you get to see all of the evidence and all of the witnesses related to this case.

As the State, we have the burden in today's case. We have to prove that the defendant is guilty of the crimes

charged beyond a reasonable doubt. And I want to take a minute to kind of describe what beyond a reasonable doubt is like.

Throughout the course of my speaking, I have talked to you a little bit about puzzles and puzzle pieces, and so I want for you to think again of a puzzle. Think of a puzzle that you are putting together piece by piece, but instead of having the box where you see the picture of what you're going to complete at the end, imagine that the box isn't there. You have no clue what you're going to see at the end. But as you start to work on the puzzle and put it together piece by piece, you start to get a clearer picture of what's going on. You start to see that there's an island, and on the center of that island there's a tall gray lady rising up. And on her head she has a crown and she's holding a torch.

Now, you don't need to see every last puzzle piece to be able to envision the Statue of Liberty in that scene. You don't need every last piece. If someone came up to you as you were working on that puzzle and said, "Oh, that's a beautiful farm scene there," you would know that that wasn't reasonable. A farm scene doesn't resemble the Statue of Liberty. That's what reasonable doubt is like.

Reasonable doubt is when you may not have every last piece of the puzzle, but you can reasonably figure out

what is going on and what is depicted. It doesn't mean that there are no doubts remaining. It doesn't mean that there are no what ifs. It doesn't mean beyond all doubt. It's just beyond a reasonable doubt.

So as we go through this case over the next day or two, I want you to kind of think about that. And as you hear the testimony and see the evidence that is presented, think about what is being shown and what the clear picture is. And after Mr. Grimes and I finish presenting our case using all of those pieces of evidence, I am confident that you will have a clear picture of what happened in this case and that you will return a verdict of guilty against the defendant on both charges of identity fraud to evade law enforcement.

Thank you.

THE COURT: For the defense.

MR. THOMPSON: May it please the Court.

THE COURT: Yes, sir.

MR. THOMPSON: Mr. Grimes, Ms. Sanderlin.

I'm Barry Thompson. I represent the defendant.

I really liked some of the thoughts that Ms. Sanderlin was bringing out, and I want to kind of camp out on some of those things for just a little bit.

One of the first things when she was opening up, she talked about people's jobs, what are the -- what are the

jobs. And I want to talk not just about your job, but kind of about everybody's jobs.

The judge is in complete and utter control of the courtroom. He is the absolute decider of what the law is in this case. He's the judge of the law. If I ever say something that's different from what the judge says, you should certainly believe what he said over what I say. His job is to be kind of a neutral referee, to make sure that everybody follows the rules. This is not the street. This is not some of the crazy things you see on the news around the world. You are not a lynch mob. This is a courtroom. It has rules. And the judge is here to make sure that the rules are followed.

The police have a job. Their job is to arrest and accuse. They go, they -- most of the time I think the police officers in Aiken County do a pretty fine job. Their job is to go out and, based on information that they get in the community, to go and investigate crimes and find out if there's somebody that needs to be arrested and accuse people that they arrest. And they take the accusations that they make, and they present those to a group of folks called the grand jury that creates these documents to get the case into the courtroom called an indictment. Their job is to arrest and accuse folks.

The solicitors, who I also think do a very fine job

in this county, their job is to accuse and to prosecute a case and to try to argue to you why someone who is arrested is, in fact, guilty of what they're accused of. I fully expect it. It shouldn't be a surprise or something strange for them to say he's guilty, he's guilty, he's guilty, he's guilty. That's part of their job.

But a defendant is not guilty because he's accused of things. He's not guilty because he's arrested. He's not guilty because the police have done all the proper paperwork to get a case into court. He's not guilty because the prosecutors say that he's guilty. He's guilty only unless and until the jury decides that they've gone, they've looked at the facts, they figured out what the facts have been proven in the courtroom, they've applied those facts to the law and decided, yes, this, in fact, does -- does equal up to this crime.

I think that the analogy she used about a puzzle, though, it is quite true that all crimes are made up of elements. They are pieces of facts that have to all fit together in order for something to be a crime. Okay. And I'll give you an example. A burglary is a breaking and entering of a place with the intent to commit a crime therein. Okay. So if somebody goes into a place, but when they went in, they didn't have the intent to commit a

burglary at the time that they went in, they might be capable of committing a whole lot of crimes inside that place, but burglary is not one of them because they didn't have the intent to commit the crime when they went in. Okay.

All the little pieces have to fit together in order for something to be a crime. Each crime has some specific elements or pieces that all have to be true in order for there to be a crime.

I think it's really dangerous and I would argue to you not the law for us to -- to visualize what your job is not to do as, hey, there's a fact over here and there's a fact over here and there's a fact over here and can we sort of guess what actually has happened, what actually the puzzle is. That is not the law. The law is that, on each and every element, the State has to prove those individual elements to you both individually and collectively beyond a reasonable doubt.

Now, I'm getting a little bit ahead of myself so I'll back up for just a second. I am the defense attorney. I am going to be arguing on behalf of the defendant. That's kind of my job. Just like they have a job, I've got a job to do. My job is to argue the defendant's case on his behalf and make sure that he gets treated fairly, that people follow the rules.

If, at the end of this case, you are clearly convinced that each and every element of the State's case has been proven beyond a reasonable doubt, then you should find him guilty. That's kind of surprising, huh?

On the other hand, if, at any point, you determine, either individually or collectively, that the State has not proven this case on each and every element beyond a reasonable doubt in a clear and convincing fashion, you should find him not guilty. Your job is not to come up with what do you think happened. You are the testers and deciders of whether something has been proven in the courtroom. Okay.

Pardon me. All right.

As you do your job, I will tell you and I'm quite certain that the judge is going to tell you this as well that it is an absolute bedrock principle of the American system of jurisprudence all the way back to when we started the country that a defendant is never, ever, ever to be assumed to be guilty. He is assumed innocent. Right this second there hasn't been anything happen in the courtroom. Right this second he's actually innocent. He's not guilty at this point in time. He's only guilty unless and until you decide, based on the evidence in the courtroom, that he's been proven guilty beyond a reasonable doubt. He does not have to prove anything

himself. He doesn't have to testify. He doesn't have to say anything. He doesn't even have to be here. The burden of proof is on the State.

Now, I'm sure they're going to bring forth witnesses, and I encourage you to pay attention to all the witnesses that are in the courtroom and ask yourself, okay, what -- based on the evidence that's presented in the courtroom -- and I'm going to assume that the evidence is credible. That part, by the way, is completely and utterly your purview. You have the right to believe a witness's testimony, to not believe a witness's testimony, to believe part of a witness's testimony, to not believe part of a witness's testimony. You get to decide what's credible and what's not credible. But you don't just get to make stuff up. Okay.

I am sure that there are going to be some witnesses in this courtroom that give very compelling testimony. There may be some of these witnesses I'm not going to even ask any questions of because I don't want to waste anybody's time.

At the end, though, I'm going to get the chance to come back before you, and we're going to talk about, okay, from what's happened in the courtroom, what's been proved and what's not been proved. Again, if they prove each one of the elements of this crime, you should find the

defendant guilty. If they don't, even if it's only one little element, you should find him not guilty.

And I look forward to talking to you. Thank you.

THE COURT: All right. Stand for just a moment before the first witness comes. Everybody stand, get a stretch.

All right. Your first witness.

MS. SANDERLIN: The State calls Deputy Oxendine to the stand.

THE COURT: Deputy Oxendine, go up to be sworn first.

THE CLERK: Put your left hand on the Bible and raise your right hand.

WHEREUPON,

RICHARD OXENDINE,

After having been duly sworn, testified as follows:

THE CLERK: Your Honor. He's been sworn.

You may have a seat in the witness box, stating your full name for the Court, spelling your last. Please watch your step.

THE WITNESS: My name is Richard Oxendine, R-I-C-H-A-R-D, last name O-X-E-N-D-I-N-E.

DIRECT EXAMINATION

BY MS. SANDERLIN:

Q Deputy Oxendine, where do you work?

A Aiken County Sheriff's Office.

Q And what is your role there?
A Currently I'm assigned to the Criminal Investigation Division as a general adult investigator.
Q Can you tell us what your typical duties are?
A I investigate anything from stolen golf carts all the way up to homicides.
Q And how long have you worked for the sheriff's office?
A I've been with the sheriff's office for approximately four years.
Q And what did you do before you were an investigator?
A I was a road patrol deputy.
Q During the course of your work with the sheriff's office, have you participated in warrant service?
A I have.
Q Can you give us a general idea of what that entails?
A So warrant services are generally some of our day-to-day operations. Many people, whether it's anonymous or citizen tips or even suspects themselves will call and say that they -- there's a person at an unknown -- or a known location that has a warrant. Sometimes we get a lot of information, sometimes we only get a little bit of information, but it's our job just to respond, figure that out and serve that warrant.
Q And can you explain to us what a warrant is?

A A warrant is a document signed by a judge who's found reason to sign it. It gives us the authority to make an arrest of whoever is named in that warrant.
Q Were you working on February 22nd of 2020?
A I was.
Q And can you describe what you were wearing that day?
A Aiken County Sheriff's Office uniform, similar to what you see with the deputies present in the courtroom.
Q Were you in a vehicle that day?
A I was.
Q And what was that?
A It was a Ford Explorer, white in color, marked with the sheriff's office stripings.
Q Were you involved in a warrant service on that day?
A I was.
Q And who was the subject of those warrants?
A Michael Walcott.
Q And where did you go to serve the warrants?
A The Ford dealership on Jefferson Davis Highway in Aiken County.
Q How do you get information about serving that warrant?
A We were dispatched to it through our communications center.
Q Can you tell us how you go about serving the warrants

on someone, what the process is?
A From the Communication Division to the end? So if someone calls and says that an individual is in the back row of the courtroom right now that has a warrant, we would respond, identify the individual and contain him until we can confirm the information that that is the individual on the warrant. They are then transported to Aiken County Sheriff's Office where we secure the actual hard copy of the warrant and then further take it to the jail where the warrant is served there.
Q You mentioned confirming that the individual was the person that was the subject of the warrant. How do you do that?
A We use identifiers such as name, race, ethnicity, date of birth, Social Security numbers, height, weight, anything from eye color, hair color, tattoos, addresses. What -- if there's ever any doubts that something might not match up or something's not right, we have that information available to us to fully identify that person.
Q Are you equipped with body-worn cameras for your job?
A I am.
Q And do you typically use them?
A I do.
Q Were you using yours on February 22, 2020?
A Yes, ma'am.

Q And was the camera activated and recording the events on that day?
A Yes, ma'am.
Q Did you submit that video from that body-worn camera as part of this case?
A I did.
MS. SANDERLIN: Approaching opposing counsel with what's been marked as State's Exhibit 1.
MR. THOMPSON: Your Honor, I've had a chance to review this. I have no objection.
THE COURT: All right. Is it being offered, and is it -- it is admitted without objection.
(WHEREUPON, State's Exhibit Number 1 was admitted into evidence.)
BY MS. SANDERLIN:
Q Do you recognize this?
A I do.
Q And are your initials on that?
A They are.
Q And when did you place your initials on that?
A Today.
Q And why did you do that?
A To confirm that this was my body camera video.
MS. SANDERLIN: Permission to publish to the jury, Your Honor.

THE COURT: You can.
BY MS. SANDERLIN:
Q Investigator Oxendine, I want to walk through the video with you, and I will pause it at certain intervals. If you need to step down to be able to see it, you may do so with the judge's permission.
A Yes, ma'am.
(WHEREUPON, State's Exhibit Number 1, a video, was played in open court.)
BY MS. SANDERLIN:
Q What are we seeing here?
A This is our initial arrival at the Ford dealership.
(WHEREUPON, State's Exhibit Number 1, a video, continues to play in open court.)
BY MS. SANDERLIN:
Q Can you explain what's going on here?
A So essentially, when we come into this building, this -- this scenario was a little bit special because there's so many ways in and out of this building. There's doors surrounding. So there's several deputies on scene, and we are essentially just canvassing the interior. This was the end of business day for the car dealership, and there were still several customers in there and employees and mechanics and such. So we're just working on trying to identify who called this in because we're trying to get

more information even at this point to who we're looking for.

Q And at this point, what information did you have for why you were there?

A A black male named Michael Walcott.

Q In the video, you were looking for a Mike. Who was that? Was that the Michael Walcott, the subject of the warrant?

A The caller that called us about the warrant when dispatch gave us -- when we asked who called it in, they said that it was called in by an individual named Mike and actually gave us a phone number to try to reach back out and get more information.

(WHEREUPON, States Exhibit Number 1, a video, continues to play in open court.)

BY MS. SANDERLIN:

Q So what are you doing at this point?

A I believe I just obtained his driver's license. The "boop" you hear is when I heard that they had associated the names through dispatch.

As I'm looking at the Georgia license he gave me, which -- so what I was trying to do is key up to notify my other units that were there that I possibly had him right here where we were at. It didn't go through. That's why you get a "boop" whenever somebody else is

talking or whatever. So the next key up is me saying, "11, come out here," who is one of the units that's on scene with me.

Q And when you said he provided you with a Georgia driver's license, who are you referring to?

A The defendant here in the courtroom.

Q And can you identify him by an article of clothing?

A The baby blue or white under shirt, blue vest. Is that what you asked? Yeah.

MS. SANDERLIN: Your Honor, the defendant has been identified as the subject in this case by the deputy that responded to the scene.

THE COURT: That's correct.

MS. SANDERLIN: Approaching opposing counsel with what's been previously marked as State's Exhibit 2.

BY MS. SANDERLIN:

Q Do you recognize this?

A I do.

Q And what is it?

A This is a Georgia driver's license that was provided to me by the defendant.

Q And does it appear to be a true and accurate copy?

A It does.

MS. SANDERLIN: Your Honor, at this time, the State moves to enter Exhibit 2 into evidence.

THE COURT: Any objection?
MR. THOMPSON: No objection.
THE COURT: It's admitted without objection.
(WHEREUPON, State's Exhibit Number 2 was admitted into evidence; State's Exhibit Number 1, a video, continues to play in open court.)
BY MS. SANDERLIN:
Q What are you doing right now?
A I've got this individual detained while I'm trying to confirm his identity in relation to the warrant we were there to serve.
Q Why are you doing that? Why are you trying to confirm his identity?
A To not take the wrong person to jail.
Q Why was that a concern in this case?
A It's always a concern to confirm a warrant. It's just one of the top -- you have to confirm that the individual you have in front of you is the one listed in the warrant. But it was especially difficult in this one due to the confusion with the birthdays and the names. So we were trying to take extra steps just so we without -- without a doubt knew that this was the individual on the warrant.
Q Who were you trying to confirm this with? Who were you seeking additional information?

A Our dispatcher.

(WHEREUPON, State's Exhibit Number 1, a video, continues to play in open court.)

BY MS. SANDERLIN:

Q What are you looking at here?

A That is his Social Security card that he relayed to me was in the wallet on top of the car.

Q And when you say he relayed to you, who are you referring?

A The defendant.

Q And how did he do that?

A By not -- kind of leaning towards -- whenever I mentioned on the radio that I was seeking a Social Security number, he kind of leaned towards his wallet and said something about a Social Security card being there.

MS. SANDERLIN: Approaching opposing counsel with what's been previously marked as State's Exhibit 3.

BY MS. SANDERLIN:

Q Do you recognize this?

A I do.

Q And what is it?

A It's a Social Security card.

Q And how do you recognize it?

A It's the one that was provided in the -- in this incident from the defendant.

Q And does it appear to be a true and accurate copy of that Social Security card?
A It does.
MS. SANDERLIN: Your Honor, at this time, the State would move to enter Exhibit 3 into evidence.
MR. THOMPSON: No objection.
THE COURT: It's admitted without objection.
(WHEREUPON, State's Exhibit Number 3 was admitted into evidence.)
MS. SANDERLIN: Permission to publish State's Exhibit 2 and 3, Your Honor.
THE COURT: You may.
BY MS. SANDERLIN:
Q Can you tell us what we're looking at here?
A This is a State of Georgia driver's license belonging to -- listed information of an Andrew Orlando.
Q And how did you get this driver's license?
A It was provided to me upon my request when I was trying to identify the individual in the vehicle.
Q When you received this driver's license, what did you do?
A I proceeded to run it about the same time that dispatch was relaying to another unit that the names Andrew Orlando and Michael Walcott were associated with each other.

MR. THOMPSON: Objection, Your Honor. Hearsay.
THE COURT: Response?
MS. SANDERLIN: We can rephrase the question, Your Honor.
THE COURT: Okay.
BY MS. SANDERLIN:
Q When you received his driver's license, how did you proceed from there?
A I ran the Georgia driver's license number through our communications center.
Q And is that something that you would typically do?
A It is.
Q And why would you do that?
A To confirm warrants and information and the authenticity of it.
Q And who did you determine was associated with the driver's license?
A Andrew Orlando.
Q Was Andrew Orlando the subject of the warrant you were trying to serve?
A No, ma'am.
Q I want to draw your attention to the other exhibit that I handed you. What is that?
A That is a Social Security card, appears to be assigned to an Andrew Orlando.

Q And how did you come to have this?
A During the time that I was trying to identify the individual I was with and ask for a Social Security number over the radio to have it confirmed, the defendant indicated that his Social Security card was in the wallet and motioned towards the wallet on top of the vehicle.
Q I want to go back to talking about one of your duties of warrant service. When you are tasked with serving a warrant, do you typically have that warrant in your possession at that time?
A No, ma'am.
Q How is the warrant served?
A Once the individual is located and the identity is confirmed, we have our dispatchers who have access to the warrants confirm that the hard copy, which is the actual warrant, is active and available. We detain the individual, arrest them, take them to our sheriff's office where we pick up the copy of the warrant. And then we transport them to the detention center where they are subsequently served with the warrant.
Q So it's possible that someone could be arrested on a warrant one day and then actually served with a warrant on a subsequent day?
A Correct. A lot of times in the evenings you may take somebody to jail, but depending on shift change or

anything that's going on, it may be several -- it can be any amount of time before they're actually booked and processed.

Q And for warrant service, are you usually involved in the case on which you're serving a warrant?

A No, ma'am.

Q Do you normally have information about any facts related to the case?

A Occasionally, if it's something like an armed and dangerous, you know, murderers or something like that, we may get a little bit of information. But a lot of times it's just a location and who we're looking for.

Q And what information did you have in this case?

A A black male named Michael Walcott at the Ford dealership.

MS. SANDERLIN: Beg the Court's indulgence, Your Honor.

BY MS. SANDERLIN:

Q Were you involved in transporting the defendant to the sheriff's office?

A I did not.

MS. SANDERLIN: No further questions for this witness at this time, Your Honor.

THE COURT: Mr. Thompson?

MR. THOMPSON: No questions, Your Honor.

THE COURT: All right. Thank you. You may step down.

Your next witness.

MR. GRIMES: Our further witnesses are scheduled for the morning.

THE COURT: All right. Ladies and gentlemen, that will be it for the day. We'll start back at 10:00 tomorrow morning.

Have a good evening. Please do not discuss the case. Please do not engage in any form of social media, research, newspaper exposure or anything regarding the case. We'll see you in the morning at 10:00.

(WHEREUPON, the jury exits the courtroom at 4:36 PM.)

THE COURT: Anything else for this day?

MR. GRIMES: Nothing from the State, Your Honor.

MR. THOMPSON: Nothing further from the defense, Your Honor.

THE COURT: All right. Okay. We'll see everyone tomorrow morning, 10:00 tomorrow morning.

(WHEREUPON, proceedings recessed at 4:37 PM.)

TUESDAY, JUNE 22, 2021

THE COURT: Ready for the jury?

MR. GRIMES: We are, Your Honor.

THE COURT: All right. Okay. You may bring the jury.

(WHEREUPON, the jury entered the courtroom at 10:07 AM.)

THE COURT: Good morning. Welcome back to Day Number 2.

You may proceed.

MS. SANDERLIN: The State calls Tony Williams to the stand.

THE CLERK: Raise your right hand.

WHEREUPON,

TONY WILLIAMS,

After having been duly sworn, testified as follows:

THE CLERK: Have a seat in the witness chair, watch your step, and state your full name when you're seated.

THE WITNESS: My name is Tony Williams.

DIRECT EXAMINATION

BY MS. SANDERLIN:

Q Good morning, Mr. Williams. Where do you work?

A I work for the Social Security Administration.

Q And what do you do there?

A I'm a public affairs specialist for the South Carolina area.

Q As part of your job, do you have access to Social Security information on individuals?
A I do.
Q Have you reviewed any document or information in preparation for your testimony today?
A I reviewed some of the documents that were emailed to me, yes.
Q Was one of those a Social Security card?
A Yes.
Q Mr. Williams, I want you to take a look at what has previously been admitted as State's Exhibit 3. Do you recognize that?
A Yes, I do.
Q And what is that?
A That's a Social Security card with a Social Security number on it.
Q Have you seen this card before, or a picture of this card?
A The picture of this card, yes.
Q What were you able to determine about this Social Security card?
A After reviewing the records, I was able to determine ---
MR. THOMPSON: Objection, Your Honor.
THE COURT: What's the basis for the objection?

MR. THOMPSON: I believe that this gentleman is about to be -- trying to testify about some hearsay concerning some documents from the Social Security Administration. I don't have any discovery listing any documents from the Social Security Administration.

THE COURT: All right. A response?

MS. SANDERLIN: Your Honor, Mr. Williams has testified that he works for the Social Security Administration, and that as part of that, he has information on Social Security numbers and names affiliated with Social Security.

THE COURT: Is that what he said?

MS. SANDERLIN: He said that he has access to Social Security information.

THE COURT: That's not what you just said.

MS. SANDERLIN: I apologize.

THE COURT: Pose some more questions to the witness. Pose some more questions to the witness.

BY MS. SANDERLIN:

Q As far as Social Security information that you have access to, what does that include?

A That includes Social Security information, the periods in which the card was initially assigned. We have access to benefits, personal information from -- from -- for any of the public relief. We have their Social

Security number.
Q As far as personal information, other than Social Security numbers, what else might that be?
A Date of birth, place of birth, the mother, father's name. That type of information.
Q Does the Social Security Administration maintain this information?
A Yes, we do.
Q And as someone employed by the Social Security Administration, do you have access to this information as part of your job?
A Yes, I do.
Q Were you able to determine anything about this Social Security number printed on this card?
MR. THOMPSON: Your Honor, I would renew my earlier objection. He would be a wonderful person to authenticate information and provide it to the Court, but we don't have the document, Your Honor.
THE COURT: Any response?
MS. SANDERLIN: Your Honor, the document that we have is the Social Security card. Mr. Williams has already indicated that he has seen and reviewed the Social Security card as part of this ---
THE COURT: Is that a Social Security card that you have in your -- that you've been given?

THE WITNESS: Yes, sir. It's a picture of a Social Security card.

THE COURT: From that picture, can you determine whether it is actually a copy of an authentic Social Security card or a card that would otherwise be issued by Social Security?

THE WITNESS: We've been able to determine that this is an actual Social Security card.

THE COURT: All right. I overrule the objection.

MS. SANDERLIN: Thank you, Your Honor.

BY MS. SANDERLIN:

Q And how were you able to determine that it is a valid Social Security card? What information did you use?

A Yes. On the back of the card there's a control number, and so that information was used by our central office, which is in Baltimore, to determine if the card is legitimate or not.

Q Were you able to determine whether the Social Security number printed on the face of that card was a validly issued Social Security number?

A Yes. It was validly -- validly issued.

Q Was there a name linked to that validly issued Social Security number?

A Yes.

Q And what name was that?

A Andrew Orlando.
Q Do you know anything about this case other than what you've testified to here today?
A No, I do not.
Q You don't know anything else about the circumstances surrounding this card other than what you've testified to here today?
A No, I do not.
Q Was the Social Security card that you reviewed in this case issue to the defendant, Michael Walcott?
MR. THOMPSON: Objection.
THE COURT: Basis for the objection?
MR. THOMPSON: Calls for speculation. He has testified that he is familiar with Mr. Andrew Orlando, any kind of pictures of Andrew Orlando, be able to recognize Andrew Orlando, vice versa also Michael Walcott.
THE COURT: I didn't get your objection. The basis for your objection, please.
MR. THOMPSON: Calls for speculation, Your Honor. I would ask that they lay a foundation before he identifies anybody.
THE COURT: Your response?
MS. SANDERLIN: Your Honor, Mr. Williams has already testified that the name ---
THE COURT: I've heard everything that he's

testified to. The response to the objection regarding speculation.

MS. SANDERLIN: Regarding speculation, if he has the information, he can state whatever that information ---

THE COURT: What is the question again?

MS. SANDERLIN: The question was whether he was able to determine whether that Social Security card was issued to the defendant.

THE COURT: I overrule the objection.

MS. SANDERLIN: Thank you, Your Honor.

THE COURT: No need to thank me. I overrule the objection.

BY MS. SANDERLIN:

Q Mr. Williams, were you able to determine whether that Social Security card was issued to the defendant in this case?

A The card was not issued to the defendant.

MS. SANDERLIN: Thank you. No further questions for this witness at this time, Your Honor.

THE COURT: Cross-examination.

CROSS EXAMINATION

BY MR. THOMPSON:

Q Sir, you don't know who this person is, right?

A No, I do not.

Q So when you say the card wasn't issue to the

defendant, you don't know who the defendant is, you can't say that the card wasn't issued to the defendant, correct?

A Well, I'm -- I'm able to determine when I reviewed the record who the card was issued based on the Social Security number and the name that's on -- on the card.

Q You were able to determine that the Social Security card was issued to Andrew Orlando, correct?

A Yes.

Q And if, in fact, this person was Andrew Orlando, then the card would have been issued to him, correct?

A Yes. If he's Andrew Orlando.

MR. THOMPSON: No further questions.

THE COURT: Any redirect?

MS. SANDERLIN: No, Your Honor.

THE COURT: Thank you. You may step down.

Next witness.

MR. GRIMES: The State calls Cassandra Canales.

THE CLERK: Raise your right hand.

WHEREUPON,

CASSANDRA CANALES,

After having been duly sworn, testified as follows:

THE CLERK: Have a seat in the witness chair, watch your step, and state your full name when you're seated.

THE WITNESS: My name is Cassandra Canales.

DIRECT EXAMINATION

BY MR. GRIMES:

Q Good morning, Ms. Canales.

A Good morning.

Q Where are you from?

A I'm from Aiken.

Q All right. I'm going to ask you to speak up just a little bit.

A Okay, okay.

Q And get a little closer to the microphone. You don't have to yell it.

A Okay.

Q As long as everybody can hear you.

A Okay. Can you hear me?

Q We can hear you better now.

A Okay.

Q You said you're from Aiken?

A Yes, sir.

Q All right. And are you familiar with the defendant seated over here?

A Yes, sir.

Q All right. And when I'm talking about the defendant, I'm talking about the person in the, I guess, white checkered shirt with the vest?

A Yes, sir.

Q All right. And how long have you known him?
A For about five years.
Q All right. Is his name Michael Walcott?
A Yes, sir.
Q And did you have a relationship with him during that five-year period?
A Yes, sir.
Q How would you describe that relationship?
A I was his girlfriend.
Q Okay. And how long of a period of time would you estimate that lasted?
A About two and a half to three years.
Q All right. And so in your relationship with him for that period of time, you know him to be Michael Walcott?
A Yes, sir.
Q All right. And in your relationship with him, did you meet other people -- did you meet his mom?
A Yes, sir.
MR. GRIMES: Okay. All right. No further questions.
THE COURT: Cross-examination.

CROSS EXAMINATION

BY MR. THOMPSON:
Q Ms. Canales, real briefly, you've known the defendant for about five years?
A Yes, sir.

Q So you haven't known him all his life?
A Correct.
Q The last five years, from the very beginning, in addition to using the name Michael Walcott, he also used the name Andrew Orlando; isn't that correct?
A Correct.
Q The entire time, he's been using both of these names interchangeably, correct?
A Yes.
Q And at no point in time have you ever seen any kind of ID, correct?
A I have not.
MR. THOMPSON: No further questions.
THE COURT: Redirect.

REDIRECT EXAMINATION

BY MR. GRIMES:
Q Why did you believe his name to be Michael Walcott?
A That's how he introduced himself to me.
Q And you have this relationship with him?
A Correct.
Q And what name did you use with him in this relationship?
A Michael, Michael Walcott.
MR. GRIMES: All right. No further questions.
THE COURT: Anything further?

MR. THOMPSON: Nothing further, Your Honor.
THE COURT: Thank you. You may step down.
THE WITNESS: Thank you.
THE COURT: You may call your next witness.
MR. GRIMES: The State calls Investigator Lagger.
THE CLERK: Raise your right hand.
WHEREUPON,
VICTORIA LAGGER,
After having been duly sworn, testified as follows:
THE CLERK: Have a seat in the witness chair, watch your step, and state your full name when you're seated.
THE WITNESS: Viktoria Lagger.
DIRECT EXAMINATION
BY MR. GRIMES:
Q Good morning, Investigator. Where do you work?
A I work for the Aiken County Sheriff's Office.
Q All right. And I called you investigator already, but what do you do there?
A I'm a criminal investigator.
Q All right. And how long have you been in law enforcement?
A 25 years.
Q And as part of your responsibilities, I guess, in your particular position, do you have experience investigating identities?

A Yes. It's one of my primary responsibilities.
Q All right. And you were involved in this case; is that correct?
A That is correct.
Q And as part of your work on this case, did you investigate the identity of the defendant?
A I did.
Q All right. And I'm going to show you State's Exhibit 4. What is that?
A This is the South Carolina Department of Motor Vehicles driver's license record for Michael Andre Walcott.
Q All right. Is that a document that you obtained in your investigation?
A It is.
MR. GRIMES: At this time, the State would move to introduce State's Exhibit 4 into evidence.
MR. THOMPSON: No objection.
THE COURT: It's admitted.
(WHEREUPON, State's Exhibit Number 4 was admitted into evidence.)
BY MR. GRIMES:
Q Does that have a photograph of Michael Walcott on it?
A It does.
Q All right. Is that the defendant?

A It is.
Q Does it have -- what's the most recent address listed on there?
A [redacted] in Aiken, South Carolina.
Q All right. And who owns the property at [redacted]?
A Julie Blair.
Q All right. And how is Julie Blair related to Michael Walcott?
A It's his mother.
Q So the defendant's mother owns the property listed as his address on those records?
A That is correct.
Q All right.
MR. THOMPSON: Your Honor, I would object.
THE COURT: To the questions she's already answered?
MR. THOMPSON: I withdraw.
BY MR. GRIMES:
Q As part of your investigation in this case, were you able to locate Andrew Orlando?
A Yes, I was.
Q And where is he?
A He is in New York.
Q All right. And what date of birth did you use to identify -- or to search for Andrew Orlando?

A I used the July [redacted], 1968.
Q I'm going to show you State's Exhibit 2. That's the driver's license photograph that we previously entered into evidence.
What date of birth is on that driver's license?
A July [redacted], 1968.
Q So that's the same date of birth that you used to locate Andrew Orlando?
A That is correct.
Q And were you able to get in touch with him?
A I did.
Q All right. How did you get in touch with him? Did you call -- did you call up there and he just answered the phone? Or ---
A No. I had difficulty in specifically locating him with all the information I had available to me. I reached out to the NYPD, had them physically locate him and then he called me.
Q And you spoke with him?
A I did.
Q You called NYPD for help. Was that because he was in trouble or anything? Or ---
A No.
MR. THOMPSON: Objection.
THE COURT: Basis for the objection?

MR. THOMPSON: For her to talk about what kind of trouble or nontrouble Andrew Orlando would be in.

THE COURT: The question was why did she contact the NYPD.

MR. THOMPSON: I believe the question was -- I apologize, Your Honor.

THE COURT: Pose the question.

BY MR. GRIMES:

Q You didn't contact NYPD because you thought they had him in custody, right?

A That is correct. That was for verification of his identity and to communicate with him as a victim of crime.

Q Okay. You weren't looking for him in a jail or anything.

A No, sir.

MR. THOMPSON: I withdraw the objection.

BY MR. GRIMES:

Q As part of your investigation into the identity of Michael Walcott, did you learn who he was married to?

MR. THOMPSON: Objection, Your Honor.

THE COURT: Objection is overruled.

THE WITNESS: Yes, I did. He was married to Christine Walcott.

BY MR. GRIMES:

Q This person right here?

A That is correct.
Q And you spoke with her?
A I have.
Q Is he currently married to her?
MR. THOMPSON: Objection, Your Honor. Hearsay.
THE COURT: If you know, you can answer.
THE WITNESS: No, he is not.
BY MR. GRIMES:
Q Did somebody tell you that he wasn't married to her?
MR. THOMPSON: Objection, Your Honor. Anything that anybody told her is hearsay.
THE COURT: All right. Sustained.
MR. GRIMES: Judge, I believe the answer to that question was going to be no.
THE COURT: You can't answer the question. I sustained the objection.
BY MR. GRIMES:
Q Do you know of his marriage status from your own personal knowledge?
A I do.
Q Okay. And how is that?
A I was present at the divorce hearing.
Q Is that -- did that happen recently?
A It did. It was on May 17th of this year.
Q And was that -- I guess would you describe that in

virtual court?
A It was in virtual court.
Q All right. And what happened at that divorce hearing?
A The divorce hearing was between Michael Walcott and Christine Walcott, and they were divorced.
Q And is the defendant the person that was divorced in that hearing?
A Yes, sir.
Q And you saw that?
A I did.
MR. GRIMES: No further questions, Your Honor.
THE COURT: Cross-examination.
MR. THOMPSON: No questions, Judge.
THE COURT: You may step down.
Next witness.
MR. GRIMES: Your Honor, the State rests.
THE COURT: Ladies and gentlemen, that is the State's case. We will take a break now and discuss some matters and we'll proceed shortly.
If you'll go to the jury room. Please do not discuss the case. When you return, Mr. -- sitting right on the -- right here with the brown shirt, I believe it's brown or black, what's your name, the front row? What's your name?
JUROR NUMBER 96: Herbert James.

THE COURT: Mr. James, I'm going to appoint you to serve as the foreperson of the jury. The foreperson serves as the spokesperson for the jury, presides over jury deliberations and completes the verdict form representing the unanimous verdict of the jury, and you sit in the foreperson's seat, which is where you're seated.

All right. So we'll resume shortly. If you'll all go to the jury room.

(WHEREUPON, the jury exits the courtroom at 10:34 AM.)

THE COURT: Any matters of law?

MR. THOMPSON: Your Honor, at this point, the State -- I'm sorry -- the defense would move for a directed verdict based on a failure of competent evidence to prove the State's case. Your Honor, the only -- I would submit to you that the only evidence tending to prove that Mr. Defendant is not Andrew Orlando is the testimony of the investigator as a witness to a divorce proceeding. We don't know the nature of the divorce proceeding, why the divorce proceeding happened. It very well could be that the divorce proceedings happening because this person's pretending to be Michael Walcott. And I know that -- I would therefore -- I would argue that there's a failure of competent evidence to prove the identity of the defendant, and therefore would ask a directed verdict be issued in

106

this matter.

THE COURT: State's response, Ms. Sanderlin?

MS. SANDERLIN: Your Honor, during the course of our presentation, we heard testimony that Deputy Oxendine was involved in warrant service on or about February 22nd of 2020 here within Aiken County. Deputy Oxendine testified that he was in uniform, that he was in a marked police car, and that he announced why he was there at that time, and that was to serve a warrant on an individual named Michael Walcott who was a black male.

Ultimately, Deputy Oxendine was provided with a driver's license from the State of Georgia bearing the name and birth date of Andrew Orlando. Additionally, he was provided a Social Security card by the defendant bearing the name and Social Security number of Andrew Orlando.

Mr. Williams from the Social Security Administration testified that that number was a validly issued Social Security number, and that that Social Security number was linked to the name Andrew Orlando.

Ms. Cassandra Canales testified that she had a personal relationship with the defendant. She has known him to be Michael Walcott. That is who he introduced himself to her as.

And finally, Investigator Lagger has testified that,

during the course of this investigation, she located and became familiar with an individual named Andrew Orlando who was determined to live in the State of New York. Additionally, she determined that this individual, the defendant, was Michael Walcott, that he was married to Christine Walcott and that she had information on that. Additionally, in her investigation, she reviewed South Carolina DMV records which were completed by a Michael Walcott. The address listed on those DMV records was [redacted] here in Aiken. She determined that that address belonged to -- or that property was owned by a Julie Blair who she determined was the mother of the defendant, Michael Walcott.

In viewing all of this evidence in the light most favorable to the State, which is the nonmoving party, we believe that a reasonable juror could find the defendant guilty based on all of this evidence, and for that reason we would ask that the motion for a directed verdict be denied.

THE COURT: Anything further?

MR. THOMPSON: Nothing further from the defense, Your Honor.

THE COURT: The motion is denied. The evidence taken in the light most favorable to the State could easily lead to the jury finding the defendant guilty.

108

Ready to proceed with the defense?

MR. THOMPSON: Your Honor, my client tells me that he would like a little bit more time to speak with Mr. McKellar and I about whether or not he's going to testify.

THE COURT: All right. Well, in the interim, I will discuss with Mr. Defendant his constitutional rights.

If you'll come forward at this time.

THE CLERK: Raise your right hand.

(WHEREUPON, MICHAEL A. WALCOTT is duly sworn.)

THE CLERK: He's sworn, Your Honor.

THE COURT: Sir, at this time I'm going to explain to you certain of your constitutional rights. And if you do not understand anything that I explain to you, I'll be happy to explain it to you under -- further.

You just took an oath that Mr. Hart did not indicate a name. Do you go by a name? Do you have a name?

DEFENDANT WALCOTT: Defendant.

THE COURT: Your name is Defendant. If your name is Defendant, your name is Defendant. I'm just asking the questions.

DEFENDANT WALCOTT: Yes.

THE COURT: What is your name?

DEFENDANT WALCOTT: The defendant.

THE COURT: Defendant is your name?

DEFENDANT WALCOTT: In this case.

THE COURT: In this case your name is Defendant.

All right. Well, Defendant, at this time I'm going to explain to you certain of your rights. And as I said, if you don't understand anything I explain, I will go in more details.

We've now reached the stage of the trial where you may present your defense. And you have the right to claim the protections given to you by the Fifth Amendment to the Constitution of the United States. This amendment states that no person shall be compelled in any criminal case to be a witness against himself. This means that you cannot be required to testify in this case. You do, however, have the right to testify if you want to. But no one can make you testify. Whether or not you testify is a personal right, and no one can waive this right except you. Do you understand?

DEFENDANT WALCOTT: Yes.

THE COURT: If you decide to testify, you'll be subject to the same rules that govern other witnesses, and you may be examined and cross-examined on any relevant issue in the case. In addition, if you have any convictions involving dishonesty or false statements or for crimes punishable by imprisonment for more than one year, and I determined the probative value of admitting

110

this evidence outweighs its prejudicial effect to you, the solicitor then will be able to introduce your record to attack your credibility.

If you decide to testify, this decision on your part must be a true voluntary and intelligent decision made by you with knowledge of the protections given to you by the Fifth Amendment and the consequences of your decision to testify. If you decide not to testify, I will instruct the jurors that they cannot give the fact that you did not testify any consideration whatsoever, and there is to be absolutely no prejudice to you because you did not testify. It is left entirely up to you whether or not you testify. You may talk with your lawyers, family, friends, anyone else you have at your disposal, but the final decision will be left entirely up to you.

Do you understand what I've explained?

DEFENDANT WALCOTT: Yes, sir.

THE COURT: Mr. Thompson indicated -- do you have any questions about what I explained?

DEFENDANT WALCOTT: No, Your Honor.

THE COURT: Mr. Thompson said you want to talk with them some more about whether or not you're going to testify?

DEFENDANT WALCOTT: Yes.

THE COURT: How much time do you need?

DEFENDANT WALCOTT: 20 minutes.

THE COURT: Ten minutes? All right. We'll take ten minutes for you to consult with counsel before proceeding.

MR. THOMPSON: Thank you, Your Honor.

(WHEREUPON, a recess is taken at 10:45 AM.)

THE COURT: Mr. Defendant, have you decided?

DEFENDANT WALCOTT: I'm not going to testify, Your Honor.

THE COURT: You will not testify. All right.

Mr. Grimes?

MR. GRIMES: Your Honor, have you had an opportunity to review our proposed charge in this case?

THE COURT: I did.

MR. THOMPSON: I have no objection to that charge, Your Honor.

THE COURT: Well, the request to charge basically copies the statute, which I don't give as a charge. And I would extract it from this statute. She's printing up three copies of what we have and have y'all take a look at it.

Ms. Lander, if you can print that out, we'll have it sent to you.

Basically, the -- I generally don't charge things that are irrelevant to the case such as the statute provides credit cards and all kinds of extra -- extra

112

things that may not be germane to the case. Of course, there also are cases that when you're giving examples, you should not give an example that comments on the facts of the case. It's kind of tricky how you do it.

Did you get the email from me?

UNIDENTIFIED: No, sir.

THE COURT: So it's Sherry Langley at Aiken County.

UNIDENTIFIED: Sc.gov.

(Pause in proceedings.)

THE COURT: Any other requested charges?

MR. THOMPSON: Nothing from the defense, Your Honor.

THE COURT: Regarding his identification, is that a requested charge or that's not an issue?

We have the entire charge we're going to send as well. That's just separate. We're going to send her also the full charge that you gave -- sent to me.

Mr. Grimes?

MR. GRIMES: Your Honor, can I see the proposed charge on identification?

THE COURT: Well, you can. My proposed charge on identification . . .

(Pause in proceedings.)

THE COURT: Here's a standard identification charge. And I've given y'all a copy of the identity fraud to avoid law enforcement.

Yes, sir?

MR. GRIMES: Your Honor, the identity as to the defendant being the perpetrator of the crime is not in question, to my knowledge. We had uncontradicted testimony that the defendant is the person who was arrested on video. Of course, there is the video also picking the defendant. I don't think the defense has called into question that person sitting at that table is the person who was arrested on February 22, 2020, which is what that charge is. The perpetrator of the crime is not in question. The name of the person who perpetrated the crime, you know, I think -- I don't know if it's in question as much as it is us being held to the burden of the actual physical body of the person who committed the crime, I don't think there's been any controversy of that.

THE COURT: Mr. Thompson?

MR. THOMPSON: Your Honor, whereas I think that there has been evidence presented that the jury might be able to determine the identity of the defendant, I would argue that the reverse is true, that they absolutely do have to identify the defendant as the person who committed the crime.

MR. GRIMES: Judge, I don't disagree with what Mr. Thompson was saying. I just -- that particular charge is in relation to an eyewitness saying that person sitting

114

at the table is the person who committed the burglary or the robbery or whatever. In this case, there hasn't been any conflict as to the person sitting at the table is the person that did this. I think that's what that charge speaks to. I don't disagree with Mr. Thompson that the name of the person sitting at that table is in controversy, but that charge doesn't go to identifying the name of the person sitting at the table. It just goes to the actual person sitting at a table.

THE COURT: All right. Yes, sir?

MR. THOMPSON: And, Your Honor with -- under due process with the State having the burden to prove each and every element of the crime, I would -- I would argue that this charge is appropriate because you have to prove the identity of the defendant.

THE COURT: Okay. I gave y'all my copy that I pulled from another case. Can I have that back? Let's see what it says. "An issue in this case is the identification of the defendant as the person who committed the crime charged. The State has the burden of proving identity beyond a reasonable doubt. You must be satisfied beyond a reasonable doubt of the accuracy of the identification of the defendant before you may convict the defendant." And then, "It's an expression of belief," et cetera, et cetera.

So the identification of the defendant as the person who is accused of committing a crime is -- is not in dispute or has not been challenged. It seems as if your defense, Mr. Thompson, is that there's no question that Officer Oxendine arrested this person at the dealership that night, and that that person claimed to be -- what's his name? The other name?

MR. THOMPSON: Andrew Orlando.

THE COURT: Orlando, but that somehow or another the State hasn't proved that it was illegal for him to have more than one identification.

MR. THOMPSON: I would -- I would agree with the Court that that is the better argument and one in which I intended to make. However, I do also believe that it is a matter of fact for the jury for them to also determine that Deputy Oxendine did, in fact, arrest the defendant.

THE COURT: Okay. So you think identity should be charged in every case.

MR. THOMPSON: Yes, sir.

THE COURT: So what if I just give the first paragraph of this rather than going into how long did you have to look at him and how far away and the lighting conditions and all that?

MR. THOMPSON: I have no objection.

THE COURT: If I just give the first sentence that

116

says, "An issue in the case is identification of the defendant as the person who committed the crime alleged. The State has the burden of proving identity beyond a reasonable doubt. You must be satisfied beyond a reasonable doubt of the accuracy of the defendant -- of the identification of the defendant before you may convict the defendant."

MR. THOMPSON: I have no objection.

THE COURT: What do you say, Mr. Grimes?

MR. GRIMES: I don't have an objection to that, that statement of law ---

THE COURT: Let's put a period on that, then.

MR. GRIMES: My only objection is I guess the first part of the first sentence where it says "at issue in this case" is the Court commenting on whether -- whether there is a dispute as to the identification of the defendant. And pretty much after "an issue in this case," I don't have any objection. In other words, I charge that just a statement on the law but not a comment that there is actually an issue as to this ---

THE COURT: So you want me to strike out the first three words, "An issue in this case is the identification," and just say, "The State has the burden of proving identity beyond a reasonable doubt. You must be satisfied beyond a reasonable doubt of the accuracy of

the identification of the defendant before you may convict the defendant."

MR. GRIMES: Yes, Your Honor.

THE COURT: All right. You don't want me to create it as an issue because you don't think it's an issue.

MR. GRIMES: Well, there's a distinction between "identity" and "identification," and that paragraph kind of conflicts it. His identity is in question, and I don't have any problem with the Court saying that there is an issue to that. The identification is uncontradicted. He is the person they arrested. So I don't -- I guess I don't want a comment from the Court as to what is in controversy.

But even if that paragraph where it says, you know, the person says the identification of the defendant, that's what they're referring to Deputy Oxendine's testimony that that's the person I took into custody. And in the second sentence it says the identity of the defendant we have to prove, I don't disagree with that. But they're actually two different -- in this case they're kind of two different concepts. They don't go together.

THE COURT: So why don't you rewrite that first paragraph. One, two, three, four, five -- it has five lines. So you give me your five lines from this that you

118

think accurately charges the jury on this issue.

Don't write on my copy of that.

MR. GRIMES: I won't write on it.

THE COURT: All right. We'll take a few minutes. Mr. McKellar or Mr. Thompson, y'all can weigh in on all that as well, whatever -- whatever is being written.

(WHEREUPON, a recess is taken at 11:16 AM.)

THE COURT: Mr. Grimes, what did you come up with?

MR. GRIMES: Your Honor, we have shown defense counsel essentially that kind of blends the first and second sentences together, changes the word "identity" to "identification" on the second sentence. And I think that just the uniqueness of this case, the fact that "identity" and "identification" aren't necessarily the same thing as they are in most cases, that distinction will probably suffice.

THE COURT: All right. What says the defense?

MR. THOMPSON: Nothing from the defense, Your Honor.

THE COURT: All right. I'll give this charge instead. And can I have my sheet back?

UNIDENTIFIED: It's right there, Your Honor.

THE COURT: Okay. Thank you.

In regarding the "identity fraud to avoid law enforcement officer" charge?

MR. GRIMES: Your Honor, I don't have an objection to that.

THE COURT: Mr. Thompson?

MR. THOMPSON: Nothing from the defense.

THE COURT: All right. Are y'all ready to argue?

MR. THOMPSON: Your Honor, the defense is prepared to go forward with its case in chief.

THE COURT: All right. Do you plan to call witnesses?

MR. THOMPSON: I do plan to call a witness.

THE COURT: All right. Bring the jury.

(WHEREUPON, the jury entered the courtroom at 11:31 AM.)

THE COURT: All right. Welcome back, Mr. Foreman, members of the jury.

You've heard the State's case. It's now the defense's turn.

You may proceed.

MR. THOMPSON: Your Honor, defense calls Investigator Viktoria Lagger.

THE COURT: All right. If you'll retake the stand. You're still under oath.

WHEREUPON,

VIKTORIA LAGGER,

After previously having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. THOMPSON:

Q Detective, during your presence at the family law proceeding related to defendant, you became aware the defendant was married to Ms. Dawn Rogers as Andrew Orlando, correct?

A Yes.

MR. THOMPSON: I have no further questions. Please answer any questions Mr. Grimes has.

THE COURT: Anything further?

CROSS EXAMINATION

BY MR. GRIMES:

Q The defendant wasn't married to Dawn Rogers -- well, when did this marriage end?

A The marriage, I believe it was 2014.

Q And did you speak to Dawn Rogers?

A I did.

Q Did they ever live together?

A No.

Q The defendant and Dawn Rogers never lived together?

A Not according to Dawn Rogers, no.

MR. GRIMES: No further questions, Your Honor.

THE COURT: Anything further?

MR. THOMPSON: Nothing further from the defense.

THE COURT: All right. Thank you. You may step

down.

Call your next witness.

MR. THOMPSON: Your Honor, the defense rests.

THE COURT: Ladies and gentlemen, that's the defense's case.

Any reply by the State?

MR. GRIMES: No, Your Honor.

THE COURT: All right. That means, ladies and gentlemen, you've heard all of the testimony, received all of the evidence. It's now time to hear the closing arguments from the State and the defense. First the State.

MR. GRIMES: Thank you, Your Honor. May it please the Court. Mr. Thompson.

MR. THOMPSON: Your Honor, I do have a very brief matter of law that I would like ---

THE COURT: All right. If y'all would come forward.

(WHEREUPON, a bench conference was held which was not audio recorded.)

CLOSING ARGUMENTS

MR. GRIMES: I told you my name yesterday, and I didn't actually get to talk to you yesterday, which is kind of disappointing. Usually, the thing we're most excited about when we present a case to a jury is to come in and tell them everything about it and what's going to

happen and where we're heading, what we're all here for. Yesterday Ms. Sanderlin got to tell you all that stuff and I didn't. So I'm a little jealous. We work on cases together when we come to trial, and we usually divide up kind of the responsibilities who's going to do which witness, and she got probably the longest witness, and she got to talk to you first. She really got a treat in this case.

But I've kind of been sitting over here excited to talk to you about this case. And it's not really in so much of a speech format. So when we come back at the end of the case, we're really talking to you about what all the evidence was in the trial. And we don't so much do that as a speech or kind of a -- I don't know, it's not just me talking. I'm going to go over each piece of evidence. We're going to go over all of the evidence, why we put it in trial, why it's important and why it proves the case. And so it's more of a discussion, only I'm the only person that gets to talk.

So -- but just kind of go back, you probably thought that you were going to be here longer than this. Most of the time we see TV and it seems like trials go on for days or weeks or months. We rarely have a case here that lasts more than two, maybe three days. This one probably, you know, if we had done it all in one day instead of picking

the jury and starting on the next day probably would have been a one-day trial.

And why is that? Well, you always have different types of evidence to prove your case. Sometimes we don't arrest a person right when a crime occurs. And we have to bring in witnesses that say, you know, I saw this person on this day, maybe we're going to have some DNA evidence or some forensic evidence that all those witnesses are going to come testify. In this case, everything happened on video. The defendant was taken into custody that night, and a lot of those steps that we had to take don't really -- don't really have a place in this trial. You know exactly what happened. There's not any question. It's on the video.

The defendant was there at the car dealership. The deputies showed up and they attempted to arrest Michael Walcott. They ultimately did, but he wanted to convince them that he wasn't Michael Walcott, that he was somebody else. And so that's what this trial is about.

And we're going to go over each piece of evidence and talk to you about why we put it in, and maybe some reasons that you haven't necessarily thought about up to this point that are important for you to consider that maybe you had -- you know what they are, but maybe you haven't thought about them in the big picture. So we're going to

do that.

But I did -- this case is a little unique because you know that the defendant is the person that was arrested, and you saw the crime happen, but we always end up in the situation where we're going to call witnesses to prove something. In this case, we called the witnesses to prove the identity of the defendant.

And so you think about, well, how are you going to prove somebody's identity? And a lot of times you just hand somebody a driver's license, it's got a picture on it, name, date of birth, that sort of stuff, and that's the person you're dealing with. Well, the driver's license that was handed to the police in this case isn't -- isn't Michael Walcott's. And it had a picture on it, but it wasn't accurate. Because the person on the driver's license is not Andrew Orlando, and the defendant's not Andrew Orlando.

And so you think about, well, how are you going to prove somebody's identity. And if you're not using a driver's license, what are you going to do? You're going to have to call people that know him. You're going to have to call people that know about him. And they're going to explain to you who he is and how they know. And that's what happened in this case.

So you think, well, that might be easy. Well, yes

and no. You tell somebody that you're this person, you tell somebody that you're that person. The name he gave to the police was Andrew Orlando. So they're starting from incorrect information and had to go backtrack and investigate and find, one, the actual Andrew Orlando, and then find out who he is, which is Michael Walcott, the person that they're there for in the first place.

And you think, well, why don't you just fingerprint him? Well, a fingerprint is an interesting thing. It's got -- you look at your finger, you've got some kind of what they call ridges and some swirls and kind of common knowledge that it's unique. But your name's not in there. So fingerprint doesn't really tell you much other than it's the same as another fingerprint. In other words, they can take a fingerprint and -- well, let's say this. The driver's license, that's Exhibit 2 -- the driver's license that's Exhibit 2, let's just say when he handed this to Deputy Oxendine he kind of, you know, has his thumb on it, but over there. They can take his fingerprint, and they can even fingerprint the driver's license. All it's really going to say is that he, this person is the person that handed that driver's license. So there isn't going to be a name associated with that fingerprint. That's just going to be that's the same fingerprint as the person who was holding that driver's

license.

I guess the purpose of kind of going through that is to explain to you why we called Cassandra Canales, why we called Investigator Lagger to explain to you how we know this is Michael Walcott.

And Exhibit 4 is South Carolina Department of Motor Vehicles official driver's license record. It's got a little certification at the bottom. It's got Michael Walcott. His picture's on there and his address. And then I guess it says page 1 of 2. It's actually the second page of this exhibit, has all his information filled out and his address. Well, that address is owned by his mom. And Investigator Lagger did that investigation. She did that work to find out who is this address. Well, it's the defendant's mom, Michael Walcott's mom. It's not Andrew Orlando's mom. It's Michael Walcott's mom. She owns a house. That's the address that he listed when he went to the DMV to get his driver's license with his picture.

I'll tell you that Tony Williams came here for the sole purpose to tell you that this is a valid Social Security number. It belongs to Andrew Orlando. Andrew Orlando is a real person, and this is his Social Security card. It's not the defendant's. So we know the defendant is not Andrew Orlando as the driver's license that he gave

the deputy.

And we know he is Michael Walcott because his girlfriend, Cassandra Canales, came and told you that she'd known him for however many years, he used both identities, but Michael Walcott was his name. That's who he is. He's married -- or he was married up until a month ago to Christine Walcott, and the divorce proceeding that Investigator Lagger witnessed was the divorce between the defendant, whom she saw, and his wife, Christine Walcott, the divorce proceeding between Michael Walcott and Christine Walcott.

So the purpose behind this evidence is to establish to you that he is Michael Walcott and he's not Andrew Orlando. And that's what I want you to have in mind when we review State's Exhibit 1, which is the video.

(WHEREUPON, a portion of State's Exhibit Number 1, a video, was played in open court.)

MR. GRIMES: Pause that for just a moment right here.

He's going to get out of this car and he goes into the dealership. And one of the things that he does, he's trying to find out who called for him to come out there. And he asks around. You can see that the person he's talking to doesn't know. And then he checks with the dispatch. He's got a radio, and he just checks with the dispatch about who called. They say a person named Mike

called, and then he's trying to locate Mike, the caller. He's not -- he's not on -- the Mike he's looking for when he's inside or asking about to talk to is the person that called 9-1-1, not Michael Walcott.

He told you when he got there he basically knew two things. He knew that the person that they're there to arrest is Michael Walcott, and that Michael Walcott is a black male. But he was trying to get, as you can hear on the video, a description, some more information so he can find out which person there is Michael Walcott.

I guess everybody kind of hears what a warrant or we hear a lot of talk about warrants. It's a directive to go arrest somebody from the Court. So he's there, and it's a directive to arrest a particular person. He is there to arrest Michael Walcott.

Now, it's important that, as he stated, to identify the person that he's arresting. You will hear in just a few minutes the first person he asked for an identification from actually happens to be the defendant, but he's really just trying to identify the people that are there that could be Michael Walcott and eliminate the people who are not. So you're going to hear on this video in just a minute when he leaves inside of the dealership and goes outside, there's a car right there, somebody says we're trying to get these people out of here so that they

can go back to Georgia. That's the car that the defendant's in. And he approaches the passenger's side of that car, and he asked the defendant, you know, he had some -- you have an ID. He actually asked him more than one time before he gets the ID. But he asked him, "Do you have some ID?" And he says while they're there, "We're here for warrant service."

And he told them -- he told the person he was talking to that all we've got was a black male. That's not all he had. He actually had it was a black male whose name was Michael Walcott. But you can imagine him not wanting to tell the person whom he's trying to identify what the identity is that he's looking for, you know. So he doesn't necessarily want to walk up to Michael Walcott and say, "I'm trying to identify you. I'm looking for Michael Walcott. What's your name?" you know. A little bit of a surprise there would be helpful. So he just tells them, "What we have is a black male." But he actually has it's a black male whose name is Michael Walcott. You're going to hear that in a minute, and it -- and it can sound kind of -- kind of confusing, but there's a purpose behind it, and that's where he goes.

Go ahead.

(WHEREUPON, a portion of State's Exhibit Number 1, a video, is played in open court.)

MR. GRIMES: So he walks up to the car. The defendant's in the passenger's seat. And he asks, "What's your name?"

The defendant says, "Drew." He said, "What" -- the defendant said, "What's going on?"

And he said, "We're here for a warrant service."

And as I told you before, he didn't want to tell him the name of the person that he was looking for because he hasn't yet identified this person. So he just tells him, "All we've got is a black male," and he asked him for his driver's license. I think there's a little more conversation. He's going to ask for his driver's license again.

And what you're going to see here in a minute is that he gives him the driver's license, and the officer calls in the driver's license. This is what he handed him. This is the driver's license that he handed him. Okay. This is State's Exhibit 2.

After he gets this driver's license, you're going to hear over the radio an association between Andrew Orlando -- the name Andrew Orlando and Michael Walcott. So he's there to serve this warrant for Michael Walcott. He calls it in. You're going to hear the name "Andrew Orlando" come over the radio. And that's about the time that the officers get this driver's license from the defendant

saying he's Andrew Orlando.

So what does he do? He detains him in an effort to identify him further. And you're going to see that right here.

After he detains him, he says -- he radios again and he says he wants to know what's the association. He says, "How am I going to identify this guy. Do you have a picture? Do you have his Social Security number." You hear him ask that to the dispatcher over the radio.

The defendant is standing there. He's in handcuffs, and another deputy has put this wallet on top of the hood of the car. You can see it. It's got a little clear thing in the front. And what's in that little clear pocket on the front of the wallet? This Social Security card, State's Exhibit 3.

This Social Security card is in that wallet. And when the defendant hears that the deputy is asking for a Social Security number, he kind of leans his head over and says, "That's my Social Security card right there." And you can see at the end of this video that that video [sic] is going to get that Social Security card out of the wallet.

(WHEREUPON, a portion of State's Exhibit No. 1, a video, is played in open court.)

MR. GRIMES: So it's a little -- it's a little quiet

on here, but you can watch this video as many times as you want. But right before this officer is pulling this Social Security card out, the defendant says, "That's my Social Security card right there." And that's State's Exhibit 3.

So the reason these are important is because identity fraud to avoid detection by law enforcement means that the defendant used the personal identifying information of another person to avoid identification by law enforcement. And so what personal identification, what is that? Well, it can be a driver's license number, it can be a date of birth, it can be a name that's used in conjunction with those, a Social Security number. And so what do we have on State's Exhibit 3? Social Security number of Andrew Orlando. That's personal identifying information.

And so if you use this to avoid detection by law enforcement, not necessarily for warrant service, but if it's used to avoid detection by law enforcement, that's a crime. That's what he's charged with.

What's on a driver's license? His driver's license number, date of birth, name, driver's license number, his personal identifying information, date of birth and then a name used in conjunction with any of those is personal identifying information. And so this is personal identifying information of another, of another person,

Andrew Orlando, used to avoid detection by law enforcement.

This is a simple case, and I kind of hesitate to talk to you about it a long time. I kind of have an obligation to go over all the evidence with you, and I'm going to do that. But just in this three-minute interaction between the defendant and the officer, you see that he gave this personal identifying information.

He's charged in two indictments. Just think of Exhibit 1 is one indictment, and Exhibit 3 is the other indictment. And so this is the personal identifying information that he gave him to avoid detection of his true identity, and this is the other personal identifying information that he gave him in an effort to avoid having the officer detect his true identity. And so this is one charge, this is the other charge. That's pretty easy when you think about it.

The -- well, why is that such a big deal? I mean, they got him. They found out who he was.

So Deputy Oxendine told you identifying is important. They don't want to arrest the wrong person. I mean, they are sent there with the directive to arrest a particular person. They don't want to let the right person go. They don't want to arrest the wrong person. He told you what happens after you -- after they do this warrant service.

He told you what happens. You go into handcuffs, somebody transports you to the sheriff's office, and you get a hard copy of the warrant, they take you to the jail. And sometime later, somebody comes and does what's called serving that warrant on you, reads it to you and you're in the jail. The wrong person could be in the jail. And don't want the right person to be off, gone, I mean, if it had worked.

It's like -- it's like I've been calling him Deputy Oxendine. He actually is promoted. He's investigator now, but he was a deputy at the time. What if it worked? They were identifying people for purposes of excluding them or letting them go. They just said, hey, this guy needs to go back to Georgia, you know. Can we check him out? And they were going to check him out, the very first person they did for the purpose of letting him go. And but for this information on the radio, maybe it would have worked.

It's kind of interesting the timing of everything that happens on this video. It kind of seems like -- I can't say for sure, but it kind of seems like he asked for the ID, he asked for the ID again. Of course, this microphone, you know, we can hear it, he can hear it so he knows what's going on. Maybe he actually handed him the driver's license just as the name "Andrew Orlando" comes

over the radio, right? So maybe he thought it might work, you know. I might be out of here. We don't -- we don't know. We can kind of look at it and see because he's got a little bit of a look of surprise.

And he hands him the driver's license, the name "Andrew Orlando" comes over the radio, they detain him, he asks for more information. You've got a picture, you've got a Social Security number. He's asking over the radio. And the defendant, he hears that, and he's thinking, well, maybe I still have a chance.

Maybe -- maybe -- you can almost hear the hesitation in the deputy's voice. He wants to know what's going on. He doesn't want to have the wrong person in handcuffs. And the defendant, you can almost see his thoughts on this video. He decides to take advantage of that, and he kind of doubles down, you know. He already handed him the driver's license for Andrew Orlando, and he's already heard that they've got it associated, and he kind of doubles down. And -- and really, without any prompting, he just says, "Hey, there's my Social Security card." It's like just -- just here's some more information that I'm not the person that you're looking for when, in fact, he's exactly the person that they were looking for.

That's why there's two indictments. That's why there's two charges. Because the first attempt, hey, I'm

Andrew Orlando. I'm not Michael Walcott. I'm not the person you're looking for. Here's a driver's license. And then the second attempt, here's the Social Security card. And it's got a Social Security number. It's got a name on it, Andrew Orlando. I'm not the person you're looking for. Fact is, Andrew Orlando lives in New York. The Andrew Orlando, Andrew Orlando that has this Social Security card -- or that would have this Social Security card, Andrew Orlando that has that date of birth, Investigator Lagger found him, she contacted him, he is there.

The defendant is not Andrew Orlando. All of the evidence supports that. He's definitively not Andrew Orlando. But he gave the personal identifying information of Andrew Orlando to escape detection by law enforcement.

You heard a little bit of information. He's definitely not Andrew Orlando. And I talked to you a little bit earlier about identifying the defendant, why this is not really helpful. So think about this was helpful, not necessarily on its face. I mean, it's got a name. This has a name. It has a picture. But it also has an address. And so you say, well, this has a picture on it, but it's not true. It's not -- that's not who he is. This also has an address.

What do we know about that address? That's the

defendant Michael Walcott's mom's house. That's the address on his South Carolina Department of Motor Vehicles records, the address that he put on there to identify himself to the Department of Motor Vehicles. He is Michael Walcott.

Cassandra Canales was in a relationship with him for years. She said that he is Michael Walcott, that he had used the identity of Andrew Orlando, but that he is Michael Walcott.

He was -- as Investigator Lagger said, he testified up until last month he was married to Christine Walcott. They were divorced in Family Court here. She was present for the Family Court hearing where the defendant, this person, Michael Walcott, showed up and was divorced from Christine Walcott. This person is Michael Walcott.

So I will kind of say in summation we had the burden to prove this case beyond a reasonable doubt. And what does that mean? It means you have to be firmly convinced that this person, Michael Walcott, used the personal identifying information of Andrew Orlando so the police wouldn't find out who he was. That's all it means. And we've done that.

There is probably going to be some discussion. I don't know. There could be some discussion of, well, maybe the defendant is Andrew Orlando, or the State didn't

prove to you that he's not Andrew Orlando. That's definitively proven he is not Andrew Orlando. Andrew Orlando exists, and he lives in New York. It's matched up by his date of birth information Viktoria Lagger found when she contacted him, and he exists. So he's not Andrew Orlando.

He is identified -- all these documents are Andrew Orlando and Michael Walcott. That's it. Michael Walcott is what's left. It's where his mom owns the house. It's where -- quite frankly, it's where everything leads back to: his marriage to Christine Walcott, there was some discussion about a marriage to Dawn Rogers. You don't really know much about that except for he never lived with her.

We heard from, I think, the defense's question for Cassandra Canales that he had used the name Andrew Orlando, and we know that, at some point in the past years ago, there was a marriage to Dawn Rogers, and we know they never lived together. But the person he was married to up until last month and was in a court proceeding as Michael Walcott is Christine Walcott.

The defendant is Michael Walcott. He used this personal identifying information of Andrew Orlando for the purposes of avoiding detection by law enforcement, and you should find him guilty.

THE COURT: Mr. Thompson?

MR. THOMPSON: Your Honor, may it please the Court. Mr. Grimes, Ms. Sanderlin.

We can say things over and over and over and over and over again. Doesn't necessarily make it true. What is true? If I were to use this driver's license to try and identify myself to a police officer, probably guilty of a crime. If I were to use this Social Security card, probably guilty of a crime. If Mr. Grimes was to use this, probably guilty of a crime. Unless, though, you can prove that the man's not Andrew Orlando, he's not necessarily guilty of a crime. Sorry. I get to talking (inaudible) all these names here, Andrew Orlando.

It's easy to do this case and talk about all this stuff if you assume that he's guilty and he's Michael Walcott. But that's the whole point of having a trial in the first place, because we can't assume who he is. So the question is not -- and I know it's going to be really, really, really, really hard for y'all not to go back in the back room and everybody, what do you think? What do you think happened? That's not the question. The question is what was proven in the courtroom.

I would agree with you that there's all kinds of other evidence when you get that would help us to answer this question. Fingerprints would have been good.

Mr. Grimes talked about how, well, you know, there's not any fingerprints we could compare to anybody. All right. DNA might have been good. Maybe there's not any kind of DNA to compare with anybody.

They keep talking about his mother. Why don't they call her as a witness? They know how to find his mother. They know where her address is. She's not -- her testimony is not part of this case.

Any of these people he's supposed to be married to, none of those people are witnesses in this case.

How about the person they claim is Andrew Orlando? He's not a witness in this case. We don't have any kind of statements from him, any kind of affidavits from him.

Instead, the actual evidence in this case is an officer who is just doing his job. He's -- y'all can watch the video till the cows come home. Basically, the officer's there, he's supposed to be arresting a guy named Michael Walcott. He starts talking with this guy who he's about to let go and he asked him, "Hey, man, what's your -- what's your -- can I see some identification from you?"

The guy gives him a driver's license and a Social Security card, ultimately, of Andrew Orlando. He identifies himself, "Hey, I'm Andrew Orlando."

And over the -- you'll hear this on the -- on the tape over the -- the speaker system of the car, the body

camera that's linked to the guy's radio. And it says, "Hey, yeah, and he's also known as Andrew Orlando." When he hears that, he's going to hook him up, because the officer, who is quite properly doing his job, doesn't really care if he's Michael Walcott or if he's Andrew Orlando. We're going to arrest this guy who has an alias. He's either one of these two people. We're going to arrest this guy, we're going to take him back to the jail and we'll sort it out later.

But just because the officer assumes that the guy is actually Michael Walcott pretending to be Andrew Orlando instead of really Andrew Orlando who has in the past pretended to be Michael Walcott and has a warrant for Michael Walcott. Just because he assumes he knows who the guy -- what the guy's identity is doesn't necessarily make it true.

And I would submit to you that that whole line of thinking doesn't nearly make as much sense as you would think it does at first blush. If you have two IDs, and he does, this person has an ID card as Michael Walcott, and he's got an ID card as Andrew Orlando. If he had a really good fake ID, would you go commit crimes in your own name and then pretend to be the fake ID? Or would you go commit crimes in the fake ID name and be yourself? That doesn't necessarily make any sense, but I'm going to let

y'all decide that.

The officer's testimony, I would submit to you, is very good evidence about the physical actions that happened in the case, but it's -- it's very unhelpful as testimony about who the guy actually is.

The Social Security guy gives wonderful testimony about how there is an actual Social Security number. This is a -- this is a valid Social Security number. There is an actual Social Security number, and it's associated in Social Security Administration records with Andrew Orlando. But he doesn't know who Andrew Orlando is. He doesn't know if it's this guy or if it's some other guy somewhere else. He doesn't know.

Again, I guess it's helpful to prove -- this is probably not a forgery in that this is an actual card that's in the case, but it doesn't prove the identity or the identification of who the defendant is. It's not really helpful for us with that.

The third person is Ms. Canales, the girlfriend, who, yes, she does come in and she says, "I know him as Michael Walcott." But she also says, "And I've known him as Andrew Orlando the entire time, too." The entire time she's known him, he's been using two names, and she's -- in her mind, she's his girlfriend. But, in fact, he's married to at least one other woman at the time, which may

or may not make her angry enough to be frustrated. She would have (inaudible).

But I would submit to you because she has known him by two names the entire time and has never seen -- I actually asked her if she's ever seen any kind of -- any kind of document, any kind of anything. She said no. So I would submit to you that her testimony as far as identifying him is probably not helpful either.

Investigator Lagger, her testimony does prove, I think, that there is at least one other person that she's talked to on the telephone with the name Andrew Orlando. This is a person who was found by the NYPD under circumstances that we don't know anything about. She's only talked to this person over the telephone. We don't know anything about how to judge his credibility. We don't know anything about how to judge what kind of biases he may have or not have. We don't have any idea about any of that.

Then there's these Family Court proceedings. Again, they say, well, he's -- he's been married at least one time to somebody that they apparently talked about during the Family Court proceeding that she watched. He'd been married at least one time to a girl as Andrew Orlando. The testimony was that there was -- information came out that maybe he had never lived with this girl. There's

also not any testimony that he had -- that he'd ever lived as Michael Walcott with the lady who's in the Family Court proceeding that she sat through. We don't have any idea. You can probably, based on your life experiences and based on your common sense, which you do not have to abandon when you come to the courtroom, you can probably assume that all of these ladies are probably furiously mad. But other than that, I would submit to you that none of this testimony is actually terribly conclusive to who this guy actually is and who he actually isn't.

And I'm going to say something odd that you probably wouldn't expect a defense attorney to say. If he, in fact, is Michael Walcott and presents this and this to the police officer so he won't be arrested, he's probably guilty of the crimes that he's charged with. On the other hand, again, it's kind of speculation. Mr. Grimes talks about how, well, you know, you see him, and he probably hears this stuff and he -- he thinks that maybe he might get away if he gives it -- there's an equally valid explanation for what he does in this video of the police officer says, "Hey, can I see some identification?" and he gives the guy identification. Well, no, that it's not really -- it's interesting. Mr. Grimes talked about, you know, there's this other guy who had -- who has the right to this Social Security card. The Social Security guy

says this is a valid Social Security card, and it's not in New York. It's with the defendant in Georgia.

So I would submit to you there's not enough evidence in this case to overcome a presumption of reasonable doubt, a presumption of innocence. There could have been. It's possible to prove this case beyond a reasonable doubt one way or the other, but at this point in the case, you're probably sitting there thinking to yourself, boy, I wish we knew such-and-such. Boy, I wish we knew thus and so. It would have been really nice if we had testimony about A, or B, or C. That's reasonable doubt. That's what that means. We can have fancy legal terms and legal words for it, but that thought, you know, he might be guilty, or he's even probably guilty but might not be, that's what reasonable doubt means. Okay.

And I know there are a lot of people out there nowadays that don't follow the rules and don't follow the law anymore, but you are a sworn jury. You're supposed to follow the law.

It drives me crazy sometimes some of the things that happen in court. I will tell you, I was in a case one time where there was a guy, he was accused of criminal sexual conduct, which means rape, okay. He was accused of criminal sexual conduct and he was accused of kidnapping, which means kind of holding somebody against their will,

and he was accused of possession of a weapon during a violent crime. And the testimony of the victim, the lady at trial, she said, "I was way over here. I was almost out the door. He was back in the living room, and he pulled out a gun and said, 'You better come back here or I'm going to shoot you.'" And so she comes back. According to her testimony, she comes back because he has a gun. And then the rest of the case end the rape and kidnapping.

The jury, when they went back in the back jury room and they deliberated, I'm not going to get into all the evidence in the case, but it was pretty clear that the guy didn't have a gun. There was no weapon. And the jury found him not guilty of possession of a weapon during a violent crime but guilty of all the rest of the stuff, which leaves me kind of scratching my head sitting back there thinking, okay, they didn't believe her testimony, but they found him guilty of the stuff anyway, which meant what they did was they went in the back and they kind of made up what they thought happened and then decided to convict him on the story that they came up with.

And I'm going to tell you right now, there's a lot of open questions in this case. You may be sitting there thinking to yourself, I wonder what Michael Walcott was wanted for? I wonder about this. I wonder about that. I

wonder about -- there may be all kind of things that you would think to yourself, hmm, you know, we should sit here and think about what do you think actually was going on. And what I'm going to tell you is this. As tempting as that might be, it's against the law. It's against the rules.

The rule is we're supposed to determine cases based on the evidence presented in the courtroom. Not on assumptions that people make, but on evidence that's proven in the courtroom. The State has the burden of proof on each and every element of the crime beyond a reasonable doubt. And I submit to you that this evidence doesn't get there.

The defendant doesn't have to testify. The judge is going to tell you this. I'll also do one further. He doesn't have to be a likable guy.

I have a daughter. I would tend to kind of look a little bit negatively toward somebody who has got a couple of different names that he goes by and has been married to a couple of different women under a couple different names and has a girlfriend while he's married and all that. I don't have to prove to you that he's a good guy or in kind of sterling, moral character. That's not -- again, not the question that we're answering today. The question is, is he guilty of this crime based on did the State bring

evidence in the courtroom sufficient to prove beyond a reasonable doubt that he's not, in fact, actually Andrew Orlando?

I'll go ahead and stop there. I just -- again, when you go back in the back to deliberate, it has to be evidence sufficient to overcome reasonable doubt, it has to be evidence that's only presented here in the courtroom, and the State has the burden of proof on it. And I would submit to you that they haven't met that, and you should find him not guilty.

THE COURT: Reply by the State.

MR. GRIMES: Mr. Thompson told you that you have to decide the case based on the evidence presented in the court. This is the evidence: two names, this name, Michael Walcott, his actual name, that person's name, and the identity he was using, Andrew Orlando. That's the evidence in this case.

He's talking about people that aren't here, some rape case that didn't happen in this courtroom.

He told you decide the case based on the evidence presented in this courtroom, which is that he was using these two names. One of them's his, one of them's not his. That's the evidence presented in this courtroom. Not of the names, not of the people, not anything else that he was talking about that's not here are unrelated to

this case. This is the evidence. He's not this person, not this person. He is this person.

And he did mention Ms. Canales's testimony that he was using both names. She did testify to that. She testified that he is Michael Walcott, and that he was using Andrew Orlando. That's her testimony. The only thing to contradict that -- in fact, I think Mr. Thompson's person asked her about using Andrew Orlando's identity, but she said he is Michael Walcott and he uses Andrew Orlando's identity, which is what he did on that night to escape detection by law enforcement.

Find him guilty.

CHARGE ON THE LAW

THE COURT: Mr. Foreman, members of the jury, you have heard the testimony, you've received all of the evidence and you have heard the arguments. I will now explain the law that applies to this case.

Under the Constitution and laws of South Carolina, you are the finders of the facts. I do not have the right to pass upon the facts or to express any opinion that I might have, because this is a matter solely for you the jury to determine. As jurors then, it is your duty to determine the effect, the value, the weight and the truth of the evidence presented during this trial.

As the trial judge, it's my responsibility to preside

over the trial and to rule upon the admissibility of the evidence offered. You are to consider only the testimony which has been presented together with any exhibits which have been made a part of the record.

I have the additional duty to charge you the law applicable to this case. As the presiding judge, I am the sole judge of the law, and it is your duty as jurors to accept as correct and apply the law as I now state it to you and then deliberate and reach a verdict.

Finally, I charge you in this regard that you should not be concerned with what you think the law ought to be, but rather what I tell you what the law is.

You are also the judges, the sole judges of the credibility, that is the believability of the witnesses who have testified and of the evidence which has been presented during this trial.

In evaluating credibility, you may take into consideration many things such as the demeanor or manner of testifying, whether the witness had reason to be biased or prejudiced, or whether the testimony of a witness was contradicted on the one hand, or supported and corroborated on the other hand. It becomes your duty as jurors to analyze and evaluate the evidence and determine that evidence which convinces you of its truth.

There are two types of evidence which are generally

presented during a trial: direct evidence and circumstantial evidence. Direct evidence directly proves the existence of a fact and does not require deduction. Circumstantial evidence is proof of a chain of facts and circumstances indicating the existence of a fact.

Crimes may be proven by circumstantial evidence. The law makes no distinction between the weight or value to be given either direct or circumstantial evidence. However, to the extent the State relies on circumstantial evidence, the circumstances must be consistent with each other, and when taken together, point conclusively to the guilt of the accused beyond a reasonable doubt. If these circumstances merely portray the behavior of the defendant as suspicious, the proof has failed.

The State has the burden of proving the defendant guilty beyond a reasonable doubt. This burden rests with the State regardless of whether the State relies on direct evidence, circumstantial evidence, or some combination of the two.

The fact that the defendant is charged and indicted is not evidence and cannot be considered as evidence of guilt, nor does it create any presumption or inference of guilt. The indictments are simply the formal written instruments which contains the charges made against the defendant. The indictments are the formal documents by

which this case is brought into court.

The defendant has pled not guilty to the charges alleged against him. The burden is on the State to prove the defendant guilty.

A person charged with committing a criminal offense in South Carolina is never required to prove himself innocent. I charge you that it is an important rule of the law that the defendant in a criminal trial, no matter the seriousness of the charge or charges, will always be presumed to be innocent of the crime for which the indictments were issued unless guilt has been proven by evidence satisfying you of that guilt beyond a reasonable doubt. This presumption of innocence does not end when you begin your deliberations, but it accompanies the defendant throughout the trial until you reach a verdict of guilt based on evidence satisfying you of that guilt beyond a reasonable doubt.

The presumption of innocence is like a robe of righteousness placed about the shoulders of the defendant which remains with the defendant until it has been stripped from the defendant by evidence satisfying you of the defendant's guilt beyond a reasonable doubt.

The presumption of innocence is not a mere legal theory. It's not just a legal phrase. It is a substantial right to which every defendant is entitled

unless you the jury are satisfied of the defendant's guilt beyond a reasonable doubt. The State must prove the defendant guilty beyond a reasonable doubt.

So what is a reasonable doubt in the law? A reasonable doubt is a doubt which causes an honest, sincere, conscientious juror to hesitate to act. Proof beyond a reasonable doubt must therefore be proof of such a convincing character that a reasonable person would not hesitate to rely and act upon it in the most important of his or her own affairs. Proof beyond a reasonable doubt can also be described as proof that leaves you firmly convinced of the defendant's guilt.

Now, there are very few things in this world that we know with absolute certainty, and in criminal cases, the law does not require proof that overcomes every possible doubt. If, based on your consideration of the evidence, you are firmly convinced that the defendant is guilty of the charge or charges against him, you must find him guilty. If, on the other hand, you think there's a real possibility that he's not guilty, you must then give him the benefit of the doubt and find him not guilty.

The defendant is charged with identity fraud to avoid law enforcement, two counts. The State must prove beyond a reasonable doubt that the defendant used identification information of another individual for the purpose of

avoiding identification by a law enforcement officer. Personal identifying information is defined as but is not limited to Social Security numbers, driver's license numbers, or state identification card numbers issued instead of a driver's license, dates of birth, and current or former names including first and last names, middle and last names, or first, middle and last names, but only when the names are used in combination with and linked to other identifying information.

I instruct you and emphasize the fact that the defendant did not testify is not a factor to be considered by you in any way in your deliberations and in your consideration on the question of the guilt or innocence of the defendant. It must not be considered by you in any manner whatsoever. A defendant has the constitutional right to remain silent, and the assertion of this right must not be considered by you in your deliberations. I repeat, under your oath, you are to draw no conclusion whatsoever from the fact that the defendant in this case did not testify. The fact that this defendant did not testify should not even be discussed in the jury room. The burden of proof, as I have stated to you, is on the State. The defendant is not required to prove his innocence. The burden of proof remains on the State to prove guilt beyond a reasonable doubt.

The State has the burden of proving identification of the defendant as the person who committed the crime charged. You must be satisfied beyond a reasonable doubt of the accuracy of the identification of the defendant before you may convict the defendant. And while arguments of counsel are a beneficial part of every trial, you should remember that the statements made by counsel are not evidence.

In presenting their arguments, counsel often refers to the evidence. However, you should base your verdicts on the evidence as you remember it. If there are any conflicts between the recollection of counsel about the evidence and your own recollection, you should rely on your own understanding of the evidence.

Now, Mr. Foreman and members of the jury, I'm required to charge you the law as I have done during these instructions now being given to help guide you to a just and lawful verdict. Whether some of these instructions apply will depend on what you find to be the facts. The facts -- the fact that I've instructed you on various subjects must not be considered as indicating an opinion of this court as to what you should find to be the facts or what your verdict should be.

Now, you've been chosen and sworn to give the parties a fair and impartial trial. When you have done so, you

will have complied with your oath, and no one will have a right to criticize your verdicts.

You must not be influenced by opinions or expressions of opinions you may have heard outside of the courtroom, but rather should base your verdicts solely on the testimony of the sworn witnesses who took the stand, the exhibits received into evidence, and the law which I have stated.

You should not be swayed by caprice, passion, prejudice or improper sympathy for or against anyone. Remember, you have no friends to reward or enemies to punish, and all parties are entitled to a fair and impartial trial.

It is your duty as jurors to consult with one another and to deliberate in an effort to reach an agreement. Each of you must decide this case for yourself, but only after impartial consideration of all of the evidence with your fellow jurors.

In the course of your deliberations, do not hesitate to re-examine your own views and change your opinion if you become convinced that it is erroneous. However, do not surrender your honest conviction as to the weight or effect of the evidence solely because of the opinion of your fellow jurors or for the mere purpose of returning a verdict. As I stated earlier, you are the judges, judges

of the facts. Your verdicts must represent the considered judgment of each juror. In other words, your verdicts must be unanimous.

You may have noticed that I've read these instructions. I do so to give you the law as accurately as possible. I will give you a copy of these instructions to have in the jury room. You may refer to these instructions to assist you in your deliberations. You must consider the instructions as a whole and may not follow some and ignore others.

And, Mr. Foreman, it will be your duty to preside over the deliberations of the jury. If, during your deliberations, you should desire to communicate with the Court, please reduce your message or question to writing, signed by your foreperson and the foreperson only, and pass the note to the bailiff who will bring it to my attention. I will then respond as promptly as possible either in writing or by having you return to the courtroom. I caution you, however, with regard to any message or question you might send that you should never state your numerical division at the time.

Now you've heard the evidence and you've heard the law. Whatever your verdicts, Mr. Foreman, you will indicate the verdicts on the back of the indictments and then sign and date the verdicts.

These are the indictments which you will have. There are two indictments. On the bottom right-hand portion, it says "verdict." As to each indictment you will write your verdict, write "not guilty" or "guilty," and date the verdict.

Now, remember that, although the foreperson is the only juror who writes the verdict -- the verdicts, it is not his alone. The verdicts must be unanimous. And, Mr. Foreman, you're not authorized to write the verdicts until all of you have agreed on the verdicts.

So now, ladies and gentlemen, I will send you to your jury room. We picked 14 jurors. We can only use 12 to deliberate. So out of the first 12 selected, if you cannot continue with deliberations, please raise your hand at this time if any of the first 12 cannot proceed.

(No response.)

THE COURT: No hands were raised.

So the first 12 jurors will go to the jury room and the two alternates, last two jurors selected, will remain with us after the deliberating panel goes to the jury room.

Of course, we've ordered lunch for you, and we'll get that out to the jury room. Is it here yet? Is lunch here? Well, whenever the lunch comes, it will be sent in to you. You can deliberate and eat or wait until --

whatever manner you handle that will be up to you all, but we'll retrieve the two lunches if the two alternates want to stick around and receive them if they're not here.

But go to the jury room but do not begin deliberating until you receive a copy of the jury charge, the indictments and exhibits. Once you receive these things, that will be your signal to begin your deliberations.

Once you begin deliberations, you will deliberate until you have reached a verdict on each indictment at which time you will knock on the door, advise the bailiff, and we will bring you out to receive your verdicts.

So please go to the jury room except for the final two jurors who were selected. I guess you know who you are, the final two. Who are the final two?

THE CLERK: Carrie Attaway and Ranie Murrah.

THE COURT: Attaway and who?

THE CLERK: Ranie Murrah.

THE COURT: And Ranie Murrah. You're the final two jurors. Attaway and Murrah, the other two, will remain while the others go.

(WHEREUPON, the jury exits the courtroom at 12:53 PM.)

THE COURT: Are there any additions or exceptions to the charge?

MR. GRIMES: Not from the State.

MR. THOMPSON: Nothing from the defense, Your Honor.

160

THE COURT: All right. Well, you all can review the exhibits, and here's the -- here's the charge. And we're going to have the bailiffs working on this part of it all? You all have jumped ship?

UNIDENTIFIED: (Inaudible.)

THE COURT: Well, just put it on top of the exhibits then. The bailiffs have to take it in.

Have we got a bailiff on duty, Ms. Selby?

MR. THOMPSON: Your Honor, I'm of the understanding that I'm protected on the record for renewal of a directed verdict motion.

THE COURT: Okay. We'll hear that on the record now that you are protected on the record.

MR. THOMPSON: Yes.

THE COURT: They can begin their deliberations.

(WHEREUPON, the jury begins deliberations at 12:54 PM.)

THE COURT: Okay. Any word on whether the food came or not? Food's here. So if you all will get the -- get the food out for the last two jurors. Hello. If you get alternates, give it to them, and they can go.

Thank you all very much. They'll bring your -- you didn't leave anything else in the jury room, did you? They'll bring that out, and you all can take it. And you all are good to go. We need you to call back in at 6:00 today, after 6:00 for the message for tomorrow for the

other jurors.

And with that, we'll be at ease and wait to hear from the jury after hearing from Mr. Thompson. Yes, sir.

MR. THOMPSON: Your Honor, I would just go ahead and renew my motion for a directed verdict at the close of the defense's case based on the aforementioned (inaudible).

THE COURT: All right. And that motion was made on the record at the end of the State's case and the reply or defendant's case, and the Court denies that motion for all the reasons stated at the end of the State's case.

MR. THOMPSON: Thank you, Your Honor.

MR. GRIMES: And I was going to add for the record Mr. Thompson and I reviewed the evidence prior to the bailiffs taking it back, and it was all present.

MR. THOMPSON: My understanding is that there is a laptop that has an ID that you log into as the jury, that they're not allowed to be able to see anything else on it, but they are able to play the video. And that's your understanding?

MR. GRIMES: That's correct.

THE COURT: All right. Thank you, all.

(WHEREUPON, a recess is taken at 12:56 PM.)

THE COURT: I heard there's a verdict. If there is, the jury can come in.

(WHEREUPON, the jury entered the courtroom at 2:05 PM.)

THE COURT: All right. Mr. Foreman, if you'll stand for me.

Have you reached a verdict?

JURY FOREPERSON: Yes we have, Your Honor.

THE COURT: Is it unanimous?

JURY FOREPERSON: Yes.

THE COURT: All right. If you'll pass it up to the bailiff. And you may be seated.

If the defendant will stand.

Mr. Clerk, you may publish the verdict -- verdicts.

VERDICT

THE CLERK: Your Honor, in the matter of indictment 2021-GS-02-00642, the State vs. Michael Andre Walcott, the verdict of the jury is guilty, signed the foreman of the grand [sic] jury.

In indictment 2021-GS-02-200643 [sic], the State vs. Michael Andre Walcott, the verdict is guilty, signed by the foreman of the jury.

Mr. Foreman and ladies and gentlemen of the jury, if this is your verdict, please raise your right hand.

All hands are raised, Your Honor.

THE COURT: All right. Thank you. The verdict appears to be unanimous.

Any individual polling requested?

MR. THOMPSON: Not from the defense, Your Honor.

THE COURT: All right. Are there any posttrial motions?

MR. McKELLAR: Your Honor, the defense moves for a new trial based upon -- based upon its grounds cited in its motion for a directed verdict.

THE COURT: All right. What says the State?

MR. GRIMES: We oppose the motion.

THE COURT: All right. Well, the evidence exists from which a jury could conclude that the defendant is guilty as charged. The jury has weighed the evidence, deliberated and found him guilty. And I support the jury's verdict 100 percent and deny the motion for a new trial, or any other posttrial motions.

All right. Thank you, all. Ladies and gentlemen, I want to thank you for your service on this case.

When a jury finds a person guilty, then it becomes my responsibility to impose a sentence. Most juries prefer to observe the sentencing proceedings. Though you do not have any role in the sentencing, most jurors like to stay and see what's what after they have found someone guilty, and that's what we're going to do right now.

First, we hear from the State.

MR. GRIMES: Your Honor, one, I'd like to get the paperwork; and, two, can I grab my file real quick before we do sentencing?

164

THE COURT: All right. How many miles away is it?
MR. GRIMES: It's downstairs.
THE COURT: All right. We'll be at ease, waiting for the solicitor to get his file.
(WHEREUPON, a recess is taken at 2:08 PM.)
THE COURT: All that's not your file in this case, is it?
MR. GRIMES: Judge, this is one of the files.
THE COURT: Okay. Here are the indictments on these two.
(Pause in proceedings.)
THE COURT: At this point, the solicitor is completing the -- has completed the sentencing sheet. There's a spot on there for the State to sign and the defense to sign acknowledging the fact that we're doing the sentencing. In some instances, defendants refuse to sign the sentencing sheet, particularly in murder cases or cases where they're too upset or distraught to do anything and they just don't want to sign it. So whether they do or don't, it's not a critical matter.
All right. Mr. Solicitor?
MR. GRIMES: Judge, this was a tricky case to try because, as you're aware from prior bond hearings, the defendant has more than 40 other charges besides these. I believe the date that he was arrested they were attempting

to serve 11 warrants, and then the next day he was served with a number of other warrants, roughly 20 total between those two days. And then subsequent to that, these charges were brought for the activity that happened, you know, in this trial. And then there were a number of other warrants that were also sought bringing the total to 40-plus warrants, charges for activity that the defendant was doing primarily in the identity of Andrew Orlando.

There were, as you know, a couple of basically different schemes, one of which was selling vehicles that didn't belong to him, completing that paperwork in the identity of Andrew Orlando such that the victims in those cases ended up paying money for vehicles that they didn't own, falsified paperwork to support the sale, and ultimately are just out money that they paid the defendant.

And then there were a number of instances where there were other schemes to defraud including to defraud a bank, to defraud other people who believed that they were in a relationship or engaged to the defendant in which money was taken from one in particular, a very significant amount of money taken from her, and through a scheme that ultimately resulted in tens of thousands of dollars in loss to her maybe -- well, over $100,000 loss to her from what we hear from her. He's not before you on those

166

indictments today.

I just want to express to Your Honor that this isn't necessarily in a vacuum. All of that part is to tell you kind of the breadth and depth that he was using this false identity to defraud people and avoid law enforcement. I believe -- and I'm going to ask Investigator Lagger to declare a petition. But I believe it's roughly 20 years or so that he's been using the identity of Andrew Orlando, who we mentioned in the trial is, you know, a real person. He's in New York, and has -- apparently, he's been living a cash-based lifestyle as a result. I guess he wouldn't have any credit. We've had -- we've got credit records from Andrew Orlando, Michael Walcott and bank account information.

This investigation took, I guess, until October of last year was when, I think, most of the reports were finalized. It began in July of 2019. And in July of 2019, Investigator Lagger began investigating the defendant, but as Andrew Orlando in relation to a single vehicle and the sale of that vehicle to the victim who basically informed Investigator Lagger that this vehicle kind of got repossessed by the defendant despite the fact he didn't own it, and she didn't think that was fair. And Investigator Lagger, to her credit, kept pulling the string and it kept unraveling.

But in July of 2019 when she began this investigation, my understanding is that she believed the defendant, she didn't have any reason to believe, I guess, that it wasn't Andrew Orlando. And in August and then at some point in September of 2019, Investigator Lagger, another investigator with the sheriff's office and our SLED agent, who -- DeQuawn Smith, I don't know if Your Honor is familiar with him or not, he's now, I think, our regional head, but he was in charge of automobile investigations with SLED. The three of them went to this building on Shiloh Heights. It's a mechanics garage. The defendant was there, and they were there for the purpose of investigating any potential stolen vehicles that were there. There was a number of vehicles there.

They spent well over an hour there, and their interactions with the defendant, for the most part, are on body camera. And as part of that, he introduced himself as Andrew Orlando and maintained, I guess, that he was Andrew Orlando throughout that time period that he was interacting with law enforcement. This is for more than an hour. And two investigators and a SLED agent are there, and apparently, he just had no problem at all, misrepresented his identity and maintaining it while they're there doing this investigation.

They checked, I don't know. How many cars do you

168

think were there?

INVESTIGATOR LAGGER: Probably 50, at least.

MR. GRIMES: They checked -- they went car by car to try to find out if they were stolen, what was going on with them. And all the while they were there and they're doing this, and they ended up doing him about paperwork. I guess it never occurred to him that he might want to tell them his real name.

After Investigator Lagger probably spent a significant amount of time -- it's not necessarily reflected in the testimony because of prejudice that could have come out during trial from it, but how long do you think you spent investigating his actual identity?

INVESTIGATOR LAGGER: Probably two or three months.

MR. GRIMES: I don't know if Your Honor heard that or not, but she said probably two or three months.

And so that interaction with law enforcement happened in September. When she was satisfied with his identity, she did charge him with a number of things. I think there was the 11 initial outstanding warrants. That's what was served with him on the video we watched.

And I kind of go through that for the purpose of telling you that that's the extent to which he was using this identity to avoid criminal liability for what he knew they were investigating and he knew that he was charged

with because they told him, "We're here to serve warrants on a Michael Walcott," or, "We're here to serve warrants." And he knew it was Michael Walcott because he heard it on the radio. He continued to maintain that he was Andrew Orlando for the purpose of escaping criminal liability.

So while this interaction -- I said during closing this interaction was relatively short. It wasn't short. It wasn't insignificant. And, quite frankly, this information, if they hadn't had -- when the deputy showed up to arrest him, he knew Michael Walcott, he didn't have Andrew Orlando. That information existed, but the deputy didn't have it. And up to this radio communication that happened that you can hear on the video, he probably would have looked at his driver's license and let the defendant go. They would -- they were talking to him for purposes of excluding him and letting him go.

The other lady in the car with him, and you don't see this part on the video because we stopped it, her name is Jodi Krueger. She's the person I talked to you about and referenced earlier. She's probably the victim with the most significant financial loss. And she's a doctor. She's in Georgia. And she'll come to court when her cases come to court.

But she owned the building that he was running the mechanic shop in. She -- she and him had a business

170

account for purposes of running his business. She didn't have anything to do with the business. He was running the business. But the two of them were in a relationship she believed for four years? five years?

INVESTIGATOR LAGGER: Four years.

MR. GRIMES: Four years.

And on that night just shortly after we stopped this video, she found out that the person that she was in this relationship with, his name was Michael Walcott and not Andrew Orlando.

After tens of thousands of dollars owed, I guess, bank loans for this business to operate, and however many years she had this relationship with the defendant, she learned, as I stated just shortly after this video stops, that all of that was false, fake, fraud, and that it was -- the defendant wasn't who she thought he was, who she invested her money with, her life with. And she wasn't the only one.

I would -- some of the other people involved with him, we don't have charges for that. Some of the stuff didn't involve Aiken County and involved victims that -- one in particular that didn't even -- wasn't interested. But -- and, again, those charges are pending.

I'm not asking Your Honor to sentence him on those charges, but those charges are what he was trying to get

away with when he tried to mislead the police about his identity. So it really is significant to this case and what his punishment in this case ought to be.

The other thing is, Andrew Orlando has suffered significantly. From what I understand, he has informed Investigator Lagger that -- well, actually, maybe you can explain it better to the judge, but when the defendant initially applied for a South Carolina driver's license in 2008, he used the information from Andrew Orlando. And he received a South Carolina driver's license in the name of Andrew Orlando. He doesn't have that anymore. He apparently used that to get a Georgia driver's license in the name Andrew Orlando. But when he initially got the one in South Carolina, you can't have a driver's license in more than one state, so they canceled the driver's license of the real Andrew Orlando in New York. And the real Andrew Orlando ended up being stopped by police; is that correct?

INVESTIGATOR LAGGER: He was involved in an accident.

MR. GRIMES: Explain it -- explain it to the Court.

INVESTIGATOR LAGGER: So the real Mr. Orlando was involved in a minor accident. So when the police arrived and checked his driver's license, he did not have good status on his driver's license. It wasn't valid. It was canceled, okay, because another driver's license had been

172

issued. And as a result of that, they also found that he had almost $2,000 in outstanding parking tickets and parking fines that the victim says were not his own. And during ---

THE COURT: Were they -- were they canceled here or in Georgia or ---

MR. GRIMES: The issuance of the driver's license in South Carolina automatically canceled his driver's license in New York.

THE COURT: The parking tickets were where?

INVESTIGATOR LAGGER: Were in New York. Because during that time period, Mr. Walcott has been all over the United States as Andrew Orlando, okay. So while he worked in New York, he operated as the driver. He drove a car, and he racked up all these parking tickets. So then the victim wound up getting arrested for a minor traffic accident. They checked his driver's license and wound up taking him into custody for the outstanding parking tickets. And then he couldn't get out of jail until he paid all the parking tickets. And, of course, his argument to the judge, well, but, Judge, it wasn't me. And how do you say that's not you? It's your identity.

MR. GRIMES: The Andrew Orlando in New York is a white male, and you wonder maybe how all this got confused. But apparently, the initial disclosure from New

York to South Carolina to issue a driver's license to the defendant doesn't disclose the race of the person that -- or have a picture. So that's how he got the driver's license. Of course, he got the Social Security card, the Social Security information.

And it's kind of just a years, years, years long use of this other identity. So at the point of the investigation, we actually got his -- his credit -- Michael Walcott's credit report to find out what -- why would you need this other ID.

There are, I think, most significantly was a vehicle that was purchased in 2014. I don't know that he made any payments on it, things like that. $90,000 loss on the credit report for that vehicle. I don't know if we ever found that vehicle.

Did you locate anything about that vehicle?

INVESTIGATOR LAGGER: I don't have that vehicle.

MR. GRIMES: Okay. Initially, I think maybe at the initial bond hearing, he -- the defendant attempted to use a medical condition as a -- I believe this was in front of Judge Clyburn Pope that he attempted to use a medical condition as a reason to get out of jail. And it appears he disclosed to the judge that he had had a -- some kind of heart surgery or heart treatment at the hospital. And it appeared, I think, in the credit report that was

174

actually in South Carolina but not in our jurisdiction, and that that medical treatment was obtained in South Carolina under the identity of Andrew Orlando. So whatever that hospital is, again, that's not in our jurisdiction, but it was initially Judge Clyburn Pope asked for (inaudible) any documents to support this medical condition. And they, I guess, declined to disclose that to the Court, and bond was denied.

But the defendant is facing ten years on each of these charges. They're not 85 percent charges. They're what we, I guess, commonly refer to as 55 percent charges.

I think, quite frankly, he's got a number of other -- obviously dozens of other charges he's going to have to deal with. But there really isn't any reason to -- there really isn't any mitigation for this. It's a -- it's a decades long stolen identity, and it's cost the victim, it's cost our state, and it's cost who knows -- who knows how many people that have even purchased things or lent money, even that aren't in Aiken County, across the country.

One of the things that he was initially charged with, and I don't know that -- I can't recall if there's an indictment for it or not, but one of the things, he was sued in Aiken County, and he was served by constables. And I believe at least once he represented himself as

Andrew Orlando in receiving service of a summons and complaint and didn't reply. So the -- you know, the people that were suing him, essentially they didn't get any relief at all because they got a declaratory -- or they got a judgment against somebody that's not even in South Carolina and doesn't know anything about this case. And another one, I believe he was sued as Andrew Orlando or Michael Walcott and actually filed a reply as Andrew Orlando.

These -- the use of this identification, I probably said it to Your Honor before, but I've never seen anything like it. I haven't seen identity fraud like this probably ever. And it's taken, I guess, more than a -- more than a year to do the investigation and just mountains of paperwork.

This is a -- this is a short case, and it is a difficult task to prove the name of somebody who has taken such -- such pains to make that difficult. And I do think it should be considered when Your Honor sentences the defendant.

We would ask for consecutive sentences. And . . .

THE COURT: What's on his rap sheet?

MR. GRIMES: Criminal domestic violence conviction. That's here in April of 2020. And I believe that's in relation to Christine Walcott. In Essex County, New

176

Jersey, he had a conviction for possession of MV parts, I'm guessing that's motor vehicle parts, with altered ID, and receiving stolen property. This is in, I believe, 2012.

And as Investigator Lagger has pointed out to me, that arrest was under the name Andrew Orlando. And, of course, that's not one of the biggest records we've seen. We had information about him being around the country.

I would not -- we would ask for consecutive sentences.

THE COURT: All right. Mr. Thompson?

MR. THOMPSON: Your Honor, may it please the Court. He has 487 days of time in the Aiken County detention center.

As Your Honor well knows, you appointed me to this case at his last bond hearing four weeks ago on just the charges that are before you today. I'm not appointed on any of the other charges.

Your Honor, I have been laser focused on just the matter before the Court today, and I would ask that, although it's apparent that he's been charged from here to next Sunday, that he has only been convicted on two charges, and I would ask that that be reflected in his sentence.

His conduct, while resulting in two charges, is

essentially one event. And I would ask that on that basis, that -- that he get a concurrent sentence. Only further I would ask for the Court's mercy in this matter.

He would ask that the Court consider a four-year concurrent sentence suspended.

THE COURT: All right. Mr. Walcott, what would you like to say?

DEFENDANT WALCOTT: Nothing, Your Honor.

THE COURT: Nothing?

DEFENDANT WALCOTT: Just at your mercy, and I would just ask for mercy because I don't have any substantial record.

THE COURT: You just ask for mercy because of what?

DEFENDANT WALCOTT: Not having a substantial record of any nature. And that's it.

THE COURT: Anything else, Mr. Thompson?

MR. THOMPSON: Nothing from the defense.

THE COURT: Mr. Grimes?

MR. GRIMES: Judge, at a previous court hearing here before Judge Clyburn Pope, he did identify himself as Michael Walcott. We tried to get that transcript, but the transcript request system, we never ended up even getting an estimate as to how much it would cost. We don't -- we don't have it. But that was in, I believe, May of this year.

178

THE COURT: Is there any doubt in your mind that your name is Michael Andre Walcott?

DEFENDANT WALCOTT: No doubt.

THE COURT: There's no doubt. You know your name, and it's Walcott.

DEFENDANT WALCOTT: Yeah.

THE COURT: Well, you know, the factors that go into sentencing, you know, that part of the person's criminal background or record of conviction is significant in considering, but then also the impact of the crime on victims and society at large is most critical as well. You know, I won't take into consideration the 40 -- how many pending charges?

MR. THOMPSON: I believe there's 50 some, that I know Mr. Snell represents him on 25.

MR. GRIMES: I have 47 in my head. (Inaudible) was off today, so more than 40.

THE COURT: So I won't consider those 40 something in sentencing you, but I have to consider the impact of the crime -- these crimes as it relates to all the other matters without sentencing you or attempting to sentence you, because those matters are not before me. But I have had the benefit of sitting and listening to your bond hearings and request for bonds probably, what, five or six, or many, many times. You started out with Judge

Clyburn Pope trying to get out of jail on bond because of health issues, and that was four hundred and some days ago.

MR. THOMPSON: 487.

THE COURT: 487. And then every month or so, you write me a letter, and we'd have another hearing, and you'd have another reason that you should be released on bond.

You're welcome to talk. I'm not trying to prevent you from speaking.

DEFENDANT WALCOTT: They are not really other reasons. They were just the same underlying pre-existing conditions, and the fact that I've since had neck pains that's been going on for about 14 months.

THE COURT: All right. And, of course, yesterday you said you took some Flexeril that caused you to -- caused you to what? To be delusional or ---

DEFENDANT WALCOTT: Well, that's the side effects, being incoherent.

THE COURT: Of course, 89 percent of other folks, they might take a muscle relaxant that helps them to relieve pain and that's it. They don't go in a state of delusion that would prevent them from appearing in court. So likewise, at all these hearings for bond and your explaining that you're on death's doorstep and, you know,

180

all these stacks of papers you gave me yesterday reciting all of the problems and issues, and I'm thinking of all of the -- all of the grief it sounds like you've given to people at the jail and them trying to address your -- all these complaints you register there and then try to use that to get out of jail here. And as I explained to you in a previous hearing, you know, jail, the jail has medical facilities.

Lieutenant Callahan, do you have -- who do you have over there at the jail to see people with medical complaints?

LIEUTENANT CALLAHAN: Well, we have a nurse 24 hours a day. We have a doctor that comes in once a week. He's on call 24 hours a day. (Inaudible) we have mental health. (Inaudible.)

THE COURT: Yeah. So every medical issue or complaint that you've had, there's someone at the jail to deal with it. And that's not my job to deal with you and your medical issues, but to deal with you and these crimes that you are now being convicted of.

And they are extremely, extremely serious crimes. When you're with two identities and you decide who you want to be on a given day for your own benefit, and the root of it all seems to be for fostering identity theft, that's -- that's most significant.

So I'm going to throw down the gauntlet on this based on what I know from this case and have gotten from you through these prior hearings that we've had, including, I think, with Judge Pope presenting medical records in the name of the other guy. What's his name? I keep forgetting.

MR. GRIMES: Andrew Orlando, Your Honor.

THE COURT: Orlando. You went in the hospital under Orlando's name? Yeah. And then you're going to try to use those records in effect to perpetrate a fraud upon the Court as a basis to give you a bond. I mean, you're so tangled into this web, you know, you've spun yourself into such a nut that -- well, you may never get out of it. But as far as the Court is concerned, you'll get to the end of it at some point in time. And you may have better luck with the next jury on the next case, but this one has found you guilty.

Anything else you want to tell me?

DEFENDANT WALCOTT: No, Your Honor.

SENTENCE

THE COURT: All right. Well, on Indictment Number 642, the sentence is ten years, which is the maximum sentence. On indictment number ending in 643, the sentence is five years. And that sentence will run consecutive to the sentence on ending in 642. You will be

given credit for 487 days.

MR. GRIMES: Thank you, Your Honor.

THE COURT: All right.

(WHEREUPON, proceedings concluded at 2:47 PM.)

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

I, CHERYL A. SMITH, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record, to the best of my ability based on the audio and notes provided, of the digitally recorded proceedings had from the DCRP, Digital Courtroom Recorder Project, and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Aiken County, South Carolina, on the 21st and 22nd day of June, 2021.

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

November 8, 2021

Cheryl A. Smith

Cheryl A. Smith, CVR-M
Court Reporter

1929 Alan Ave
Aiken, SC 29801
June 2, 2001

Aiken County Clerk of Court
Judicial Branch
Robert J. Harte

Dear Mr. Harte,

Subject: Michael Walcott
Doc# 2021GS0200643
Doc# 2021GS0200642
Doc# 2021GS0200645

Mr. Barry Thompson was appointed by the court as my legal counsel. There exists a Conflict of Interest, as Mr. Thompson is a close friend and classmate of Mr. James Snell Jr my attorney

Please relief counsel and reassign another for my representation

Thank You

Michael Walcott

Michael Walcott

Julie Blair (mom)
803-293-0441.

I have sent a copy of your letter to your attorney and solicitor.

FILED June 8 20 21
Robert J. Harte
C.C.P. & G.S.
Sherry L Langley SS
Deputy Clerk

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	**IDENTITY FRAUD TO AVOID DETECTION OF**
COUNTY OF AIKEN	)	**LAW ENFORCEMNET**
	)	
		§ 16-13-0510(C)

At a Court of General Sessions, convened on May 10, 2021, the Grand Jurors of Aiken County present upon their oath:

That **MICHAEL ANDRE WALCOTT** did in Aiken County on or about February 23, 2020, use the identifying information of Andrew Orlando for the purpose of obtaining employment or avoiding identification by a law enforcement officer, criminal justice agency, or another governmental agency, including, but not limited to, law enforcement, detention, and correctional agencies or facilities, by presenting a Georgia Driver's License issued in the name of Andrew Orlando, all in violation of §16-13-510 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.

Bill Weeks

BILL WEEKS, SOLICITOR

WITNESSES

Aiken County Sheriff

Viktoria Lagger

Law Enforcement Case #: 19-039436

SBG

ARREST WARRANT NUMBER

21-DI02-0010

Issued: May 6 20 21

Robert L. Kittle
C.C.P. & G.S.

PB
Paige Barnes
Deputy Clerk

ACTION OF GRAND JURY

True Bill

Rhonda Ward
Foreperson of Grand Jury
Date: May 6, 2021

VERDICT

Guilty - 6-22-2021

[illegible]
Foreperson of Petit Jury
Date: 6-22-2021

DOCKET NO. 2021GS0200642

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

MAY TERM 2021

THE STATE
vs.

MICHAEL ANDRE WALCOTT

CDR #: 3208

Indictment for

IDENTITY FRAUD TO AVOID DETECTION OF LAW ENFORCEMNET

§ 16-13-0510(C)

BILL WEEKS, SOLICITOR

0-10yrs and/or fine

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Michael Andre Walcott)
AKA:)
Race: Black Sex: M Age: 47)
DOB: [redacted]-1973 SS#: [redacted])
Address: P.O. Drawer 2247)
City,State,Zip: Aiken, SC 29802,)
DL#: [redacted] SID#: SC02391913)
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2021GS0200642
A/W#: 21-DI02-0010
Date of Offense: 2/23/2020
S.C. Code § : 16-13-0510(C)
CDR Code #: 3208

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: ID / Identity fraud to obtain employment

in violation of § 16-13-0510(C) of the S.C. Code of Laws, bearing CDR Code # 3208
☒ 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 Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:

Samuel Cris — Solicitor — 77509 SC Bar# — _____ Defendant — Attorney for Defendant — 72900 SC Bar#

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 10 ~~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 Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 2021GS0200643
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the SCDOC.
(487 days credit)
☐ The Defendant is to be placed on the 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**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
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/Probation)	$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

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender Fund
Other: _____

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

~~Clerk of Court~~/ Deputy Clerk Sonya L Johnson
Court Reporter: Digital Court Reporter
Presiding Judge C Newman
Judge Code: 2127
Sentence Date: June 22, 2021

SCCA/217 (04/2018)

1 cc to jail

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	**IDENTITY FRAUD TO AVOID DETECTION OF**
COUNTY OF AIKEN	)	**LAW ENFORCEMNET**
	)	§ 16-13-0510(C)

At a Court of General Sessions, convened on May 10, 2021, the Grand Jurors of Aiken County present upon their oath:

That **MICHAEL ANDRE WALCOTT** did in Aiken County on or about February 23, 2020, use the identifying information of Andrew Orlando for the purpose of obtaining employment or avoiding identification by a law enforcement officer, criminal justice agency, or another governmental agency, including, but not limited to, law enforcement, detention, and correctional agencies or facilities, by presenting a card bearing the social security number and name of Andrew Orlando, all in violation of §16-13-510 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.

Bill Weeks

BILL WEEKS, SOLICITOR

189

WITNESSES

Aiken County Sheriff

Viktoria Lagger

Law Enforcement Case #: 19-039436

SBG

ARREST WARRANT NUMBER

21-DI02-0011

Issued May 6 2021

Robert L. Kirkland
C.C.P. & G.S.

PB

Paige Barnes
Deputy Clerk

ACTION OF GRAND JURY

True Bill

Rhonda Wood

Foreperson of Grand Jury

Date: May 6, 2021

VERDICT

Guilty

Foreperson of Petit Jury

Date: 6-22-2021

DOCKET NO. 2021GS0200643

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

MAY TERM 2021

THE STATE
vs.

MICHAEL ANDRE WALCOTT

CDR #: 3208

Indictment for

IDENTITY FRAUD TO AVOID DETECTION OF LAW ENFORCEMNET
§ 16-13-0510(C)

BILL WEEKS, SOLICITOR

190 0-10yrs and/or fine

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Aiken)
STATE VS.)
Michael Andre Walcott)
AKA:)
Race: Black Sex: M Age: 47)
DOB: [redacted]1973 SS#: [redacted])
Address: P.O. Drawer 2247)
City,State,Zip: Aiken, SC 29802,)
DL#: [redacted] SID#: SC02391913)
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

INDICTMENT/CASE#: 2021GS0200643
A/W#: 21-DI02-0011
Date of Offense: 2/23/2020
S.C. Code § : 16-13-0510(C)
CDR Code #: 3208

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐PLEADS
TO: ID / Identity fraud to obtain employment

in violation of § 16-13-0510(C) of the S.C. Code of Laws, bearing CDR Code # 3208
☒ 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 Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:

Samuel Hines 77509 _____ Barrett Thayer II 72900
Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 5 ~~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 Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 2021-GS-02-00642
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the SCDOC.
(487 days credit)
☐ The Defendant is to be placed on the 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:

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☐ Set by SCDPPPS _____
_____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
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3% to County (if paid in installments)		$ 3.75
TOTAL		$ 128.75

~~Clerk of Court~~/ Deputy Clerk Jonya L Johnson
Court Reporter: Digital Court Reporter

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender Fund
Other: _____

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

Presiding Judge [signature]
Judge Code: 212
Sentence Date: June 22, 2021

SCCA/217 (04/2018)

1 CC to jail

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED
Apr 04 2022
SC Court of Appeals

Jessica M. Saxon
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 4th day of April, 2022.

RECEIVED
Apr 04 2022
SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Aiken County

Honorable Clifton Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

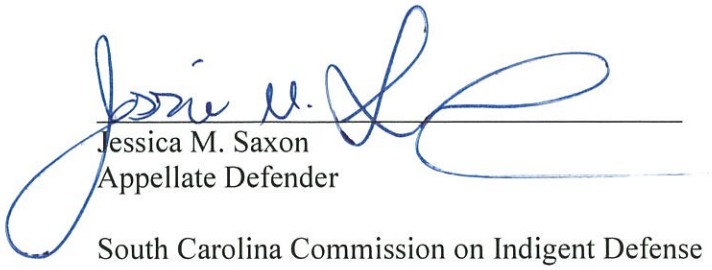
MICHAEL ANDRE WALCOTT,

APPELLANT

APPELLATE CASE NO. 2021-000738

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon William M. Blitch, Jr., Esquire, at the primary email address listed in the Attorney Information System (AIS), this 4th day of April, 2022.



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