

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Chesterfield County

Honorable Roger M. Young, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DAVID ANTONIO LITTLE, JR.

APPELLANT

APPELLATE CASE NO. 2021-000990

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In Circuit Court of the
Fourth Judicial Circuit
2021-GS-16-00603;00604;00605

THE STATE,

Plaintiff,

VS.

DAVID ANTONIO LITTLE, JR.,

Defendant.

Transcript of Record

Chesterfield, South Carolina
July 26-27, 2021

B E F O R E:

THE HONORABLE ROGER M. YOUNG

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

MR. KERNARD REDMOND, ESQUIRE
Attorney for Plaintiff

MS. TONYA COPELAND-LITTLE, ESQUIRE
Attorney for Defendant

Lisa Carter
Circuit Court Reporter

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1 Monday, July 26, 2021

2 _____(WHEREAS, this matter was scheduled for a trial, the
3 defendant appeared along with his attorney of record. The
4 proceedings began at 11:45 a.m.)

5 THE COURT: So you're David Antonio Little, Jr., is
6 that right? Are you Mr. Little?

7 MR. LITTLE: That's the name that was given to me,
8 yeah. Uh, uh. At birth, yeah. I didn't ask for the name
9 it was given to me.

10 THE COURT: Well, good. That's the way it worked
11 for all of us. So Ms. Copeland-Little your representing
12 Mr. David Little, are y'all ready to go forward?

13 MR. LITTLE: Are you ready?

14 MS. LITTLE: Yes, sir, I'm ready.

15 THE COURT: All right. Mr. Little, are you ready
16 to go forward with the trial?

17 MR. LITTLE: I'm ready. Are you?

18 THE COURT: I can't hear you, what?

19 MR. LITTLE: Are you ready?

20 THE COURT: I'm ready.

21 MR. LITTLE: You sure?

22 THE COURT: I am quite sure.

23 (Whereupon, the defendant is constantly talking in the
24 courtroom)

25 THE COURT: All right. Well, Mr. Little, you have

1 been indicted by the Chesterfield County Grand Jury for
2 three charges, it's assault, assaulting a police officer
3 while serving process or while resisting arrest in
4 violation of the South Carolina Code 16-9-320(b), each of
5 these charges carry up to ten years. Do you want to plead
6 guilty or not guilty to these charges?

7 MR. LITTLE: No, I don't want to plead. I'm not
8 pleading to nothing.

9 THE COURT: You're not pleading guilty?

10 MR. LITTLE: No.

11 THE COURT: Okay. Well, then, I'll enter a plea of
12 not guilty for you. We're getting ready to draw a jury.
13 We are gonna, we've already qualified the jury and we're
14 gonna bring now in some folks in which I will ask them some
15 questions which are specific to your case so that we can
16 determine whether or not we can get a jury of twelve people
17 plus an alternate who will sit and listen to the evidence
18 and determine whether or not the State can prove beyond a
19 reasonable doubt whether or not you're guilty of these
20 charges. You ready to proceed with trial now?

21 MR. LITTLE: Yeah, I'm supposed to pick jury, right?

22 THE COURT: Could you speak up?

23 MR. LITTLE: Don't I supposed to be people I want on
24 my jury? Don't I get to pick the people? The twelve? You
25 know, the twelve ---

1 THE COURT: You and your lawyer will consult with
2 them, you'll get -- the way it works ---

3 MR. LITTLE: You know ---

4 THE COURT: Listen to me, I'll explain. You asked
5 me a question and I'm gonna answer it. All right. We're
6 going to bring in a panel of people and I'm going to ask
7 them some questions. All right. After we asked the
8 questions, then you will get the opportunity to strike five
9 people from the jury and the State will get the opportunity
10 to strike five people from the jury and the first twelve
11 people that we get left will be the jury. All right. And
12 then we'll start the jury, and then we'll start the trial -
13 --

14 MR. LITTLE: Hey, sir? Hey, sir?

15 THE COURT: --- after lunch ---

16 MR. LITTLE: Hey, sir, ah, I didn't ask to go to
17 trial for this case.

18 THE COURT: Mmm, hmm.

19 MR. LITTLE: So I don't know how I ended up here. I
20 don't know what she's got going on, but I didn't ask go to
21 trial for this case. I asked to go to trial for the murder
22 charge that I was originally locked up on ---

23 THE COURT: Well ---

24 MR. LITTLE: --- originally arrested for.

25 THE COURT: Well, Judge Burch has determined that

1 this case is gonna go first.

2 MR. LITTLE: How can a judge ---

3 THE COURT: I'm from Charleston and I showed up
4 this week ---

5 MR. LITTLE: How can the judge make me go to trial?

6 THE COURT: Well, the simple fact of the matter is
7 if the State charges you with something, then they have to
8 give you your trial. You don't just sit in the jail house
9 forever.

10 MR. LITTLE: They supposed to give me a bond first.

11 THE COURT: Well, apparently they denied your bond.

12 MR. LITTLE: How? I wasn't even there.

13 THE COURT: I wasn't there.

14 MR. LITTLE: How did I get denied bond when I wasn't
15 even there?

16 THE COURT: Well, I don't know the answer to that
17 question ---

18 MR. LITTLE: I don't even need a bond. I am the
19 bond.

20 THE COURT: You didn't get a bond. So that's not
21 an issue before this court today ---

22 MR. LITTLE: I am the bond. You know, the lien on
23 my name, my number ---

24 THE COURT: You're not getting a bond. You're
25 getting a trial today.

1 MR. LITTLE: Was it a mock trial ---

2 THE COURT: Even if you -- even if you had a bond
3 once we start the trial your bond is revoked. All right.

4 MR. LITTLE: You say once we start -- once we start
5 trial my bond is revoked?

6 THE COURT: Correct.

7 MR. LITTLE: How?

8 THE COURT: Because you don't ---

9 MR. LITTLE: You have not offered me a bond.

10 THE COURT: I know. I am not -- had nothing to do
11 with that.

12 MR. LITTLE: When was my bond denied? Where is the
13 paperwork?

14 THE COURT: I don't know.

15 MR. LITTLE: Nobody knows, huh?

16 THE COURT: Well, it's probably with the clerk of
17 court's office.

18 MR. LITTLE: I need to see the paperwork, please.

19 THE COURT: Well, we're not going into that today.
20 What we're going to do is we're going to draw a jury ---

21 MR. LITTLE: Hold on! Hold on! Hold on! Sir, can I
22 ask you a question? What bank is representing you?

23 THE COURT: Is what?

24 MR. LITTLE: What bank? Bank? Federal banks? What
25 bank is representing you? What bank are ---

1 THE COURT: Banks don't represent people.

2 MR. LITTLE: --- you representing? What bank are
3 you representing? Wells Fargo?

4 THE COURT: No, I don't ---

5 MR. LITTLE: Sun Trust?

6 THE COURT: I'm not a lawyer.

7 MR. LITTLE: Founders?

8 THE COURT: I'm not a lawyer.

9 MR. LITTLE: Well, judge ---

10 THE COURT: Here's the deal ---

11 MR. LITTLE: You're a banking representative.
12 That's what you are.

13 THE COURT: Mr. Little, are you ready to go to
14 trial today?

15 MR. LITTLE: Are you ready?

16 THE COURT: I am perfectly ready and we're getting
17 ready to go. The question is, are you going to sit there
18 and be quiet or are you going to be put in another room and
19 just told what the outcome is?

20 MR. LITTLE: Ain't nobody gonna just tell me
21 nothing.

22 THE COURT: I intend to if you don't ---

23 MR. LITTLE: No white man can tell me nothing.

24 THE COURT: Well, you can do this the hard way ---

25 MR. LITTLE: Ain't no white man give me no ---

1 THE COURT: --- we can do it the hard way ---

2 MR. LITTLE: Well, you are unnaturalized. Read the
3 Declaration of Independence what it says about you and your
4 people. Y'all unnaturalized citizens. You are not
5 naturalized in this country. This is Al Morocco.

6 THE COURT: Okay.

7 MR. LITTLE: I know where I am. You're not a Moor.
8 You're not a Mason. If you're a Mason, you are a Mason.
9 You're not a free Mason. You will never be free.

10 THE COURT: So do you want to sit there with your
11 lawyer and participate in this trial or would you prefer to
12 be in another room?

13 MR. LITTLE: I don't want to participate in none of
14 this game, fictitious judicial branch. I'm not under no
15 jurisdiction or none of the stuff, incorporations, I'm not
16 under -- I'm not a slave. I'm not a Thirteenth Amendment
17 citizen. Do you understand?

18 THE COURT: No.

19 MR. LITTLE: I'm a free man. I am a private man.
20 Yeah.

21 THE COURT: You are ---

22 MR. LITTLE: I mind my business. I don't be
23 worrying about everybody else and what they doing.

24 THE COURT: You're a citizen of the United States -
25 --

1 MR. LITTLE: No, I'm not no citizen ---

2 THE COURT: --- and I'm going to provide you with a
3 trial ---

4 MR. LITTLE: I do not -- not to none of this stuff.
5 I'm not no citizen. I am a Moors American National.
6 Asiatics Indigenous Native to this land. You know the
7 native savage that you say we are in the Declaration of
8 Independence where all you white guys, you know, trying to
9 get free. You want to be national like us. That's why the
10 United States of America Corporation was created ---

11 THE COURT: All right.

12 MR. LITTLE: --- in fifty states.

13 THE COURT: Mr. Little, I'm gonna ask you one more
14 time, do you want to sit in here during your trial or do
15 you want to go and give up your right to participate in
16 your trial?

17 MR. LITTLE: Listen ---

18 THE COURT: Because if you continue to just rant on
19 ---

20 MR. LITTLE: I'm not ranting ---

21 THE COURT: --- you're not going to get to sit ---

22 MR. LITTLE: I'm telling the true facts ---

23 THE COURT: --- during your trial ---

24 MR. LITTLE: --- this is factual what I'm talking
25 about.

1 THE COURT: Do what?

2 MR. LITTLE: Facts. Are you recording? Are you
3 writing ---

4 THE COURT: She's recording everything. So the
5 question is do you want to sit there during your trial or
6 do you want to go into the other room ---

7 MR. LITTLE: No, I'm gonna sit right here ---

8 THE COURT: --- and not talk ---

9 MR. LITTLE: --- because I want to hear everything
10 that's being said.

11 THE COURT: All right. Well, then if you want to
12 sit and watch this trial you're gonna need to stop talking.
13 You talk through your lawyer during the trial. But you
14 don't just get to stand up and say whatever you comes to
15 your mind.

16 MR. LITTLE: I thought I was supposed to stand up
17 when the judge comes in. I'm supposed to stand up for you.

18 THE COURT: Do you want to participate in the
19 trial?

20 MR. LITTLE: Are you ready to participate?

21 THE COURT: I'm ready to go.

22 MR. LITTLE: Are you ready to do your job which
23 you're supposed to ---

24 THE COURT: I am doing my job.

25 MR. LITTLE: --- you have to break trees.

1 THE COURT: What?

2 MR. LITTLE: Huh? The trees! The trees! You've been
3 breaking trees.

4 THE COURT: I don't know what you're talking about.

5 MR. LITTLE: Oh, you don't know. Oh, okay.

6 THE COURT: All right. Here's the deal, I'm gonna
7 bring in, I'm gonna bring in some people and we're going to
8 go through this jury process. If your quiet and you sit
9 there and don't interrupt, then you'll get to participate
10 by sitting in this courtroom. If you're not, then I'm going
11 to have the sheriff's move you in the other room and we're
12 going to try you in your absence.

13 MR. LITTLE: So you're the boss?

14 THE COURT: What?

15 MR. LITTLE: You the boss?

16 THE COURT: I am.

17 MR. LITTLE: Oh, yeah. Who made you boss?

18 THE COURT: You'll get a chance to appeal if you
19 don't like anything that I've done when it's over with.

20 MR. LITTLE: Oh, okay.

21 THE COURT: So do you want to have a seat or do you
22 want to go on the other room?

23 (Whereupon, the defendant rambles on)

24 THE COURT: All right. So we're gonna do -- how
25 many people you got coming in? Are you combining them from

1 the two list?

2 THE CLERK: Yes, sir. That's what I'm gonna try to
3 do.

4 THE COURT: Okay. Are we ready? Bring them in.
5 (Whereupon, the jury enters the courtroom at 12:02 p.m.)

6 THE COURT: Do we have everybody in?

7 THE BAILIFF: Yes, sir.

8 THE COURT: Okay. All right. Well, welcome back
9 folks. We are now going to go in to the part of the trial
10 in which we go over some questions to determine whether or
11 not you know anything about this case or know anyone
12 involved in the case, know any of the lawyers or witnesses
13 such to the effect that it would affect your ability to be
14 fair and impartial in this case. It might be that you know
15 somebody involved in the case, but the question is really
16 is do you know them well enough that it would affect your
17 ability to be fair and impartial either for or against the
18 State, or for or against the defendant in this case.

19 Now, this is, as I told you, a criminal case and in
20 this case right here, the State of South Carolina has
21 charged Mr. David Antonio Little, Jr., with three counts of
22 assaulting a police officer while resisting arrest. He has
23 pled not guilty to these indictments. And so it becomes
24 incumbent upon the State to the twelve jurors that get
25 picked in this case that he is guilty beyond a reasonable

1 doubt. He does not have to prove that he is innocent. The
2 State has to prove that he is guilty. As I told you earlier
3 during this process you will listen to the evidence and you
4 will listen to the law that I charge you and you will apply
5 the law that applies to this type of case whether or not
6 you agree that it's the law or what you think it ought to
7 be or what you wish it might be, but under the oath that
8 you'll take that is the law that you are required to take.

9 Again, when somebody is charged with a crime in this
10 state, and in any state in the United States, he does not
11 have to prove, the defendant does not have to prove that he
12 is innocent. The State has to prove that he is guilty. So
13 this part that we're going through now is I'm going to
14 introduce you to the defendant and to the lawyers that are
15 involved in the case and then we will be calling out the
16 names of some people who might be called as witnesses in
17 this case and then ask you a few other questions generally
18 related to this type of case. And then we will draw a jury
19 with twelve jurors and one alternate. And then we'll start
20 the case after lunch.

21 **VOIR DIRE:**

22 So in South Carolina when the State brings a charge
23 against somebody the State, the solicitors are what, in a
24 lot of states, are called prosecuting attorneys, the
25 district attorneys, we call them solicitors in this State

1 and the solicitor in our judicial circuit, this is the
2 Fourth Judicial Circuit and Mr. Kernard Redmond is going to
3 be handling this case for the circuit solicitor. So Mr.
4 Redmond would you stand and face the jury panel there. Is
5 there any member of the jury panel who is related by blood
6 or marriage or acquainted in any way with Mr. Redmond or
7 either of the Fourth Judicial Circuit Solicitor or any of
8 the members of, or any of the people that work in the
9 solicitor's office, if so, would you please stand?

10 THE COURT: Okay. I find -- oh, yes, sir. You're
11 name and number?

12 POTENTIAL JUROR #20: Patrick Davis.

13 THE COURT: Number 20, okay. And what would you
14 like to tell me?

15 POTENTIAL JUROR #20: My son is married to Ms.
16 Lee's daughter, one of the solicitor's.

17 THE COURT: Okay. And would that affect your
18 ability to be fair and impartial in this case either for or
19 against the defense, or for or against the State?

20 POTENTIAL JUROR #20: No, sir.

21 THE COURT: Okay. Thank you. Anyone else?

22 (Whereupon, no one is standing)

23 THE COURT: All right. Now, the defendant in this
24 case is Mr. David Antonio Little, Jr., and he is
25 represented by Ms. Tonya Copeland-Little. Mr. Little,

1 would you stand and face the jury panel, please?

2 (Whereupon, the defendant complies)

3 THE COURT: This is Mr. David Antonio Little, Jr.,
4 is there any member of the jury panel who is related by
5 blood or marriage or acquainted with him in any way, if so,
6 would you please stand?

7 (Whereupon, no one is standing)

8 THE COURT: Okay. I find none. Is there any
9 member of the jury panel related by blood or marriage or
10 acquainted in any way with his lawyer, Ms. Tonya Copeland-
11 Little or perhaps you been represented by her or been
12 involved in a lawsuit or some legal action with her before,
13 if so, would you please stand?

14 (Whereupon, no one is standing)

15 THE COURT: Okay. I find none. I'm gonna call out
16 the names of some people who might be called as witnesses
17 in this case and when I call the names out would you please
18 stand if you related by blood or marriage or acquainted
19 with any of them, if so, would you please stand. That's
20 Sgt. Marcia Marine with the Chesterfield County Detention
21 Center.

22 (Whereupon, no one is standing)

23 THE COURT: Okay. I find none. Lieut. Marc Weiss,
24 W-e-i-s-s Charleston, excuse me, Chesterfield County
25 Sheriff's Office, if so, would please stand?

1 (Whereupon, no one is standing)

2 THE COURT: Okay. I find none. Jail Administrator
3 Sheila Buckman over at the Chesterfield County Detention
4 Center, if so, would you please stand?

5 (Whereupon, no one is standing)

6 THE COURT: Okay. I find none. Cpl. Clay Sikes,
7 S-I-k-e-s from the Chesterfield ---

8 MR. REDMOND: Your Honor, he is actually present in
9 the courtroom, um, Cpl. Sikes is present in the courtroom.

10 THE COURT: All right. That's him over there?

11 MR. REDMOND: As is Capt. Vaughn, he's also present
12 in the courtroom.

13 THE COURT: All right. Anybody related by blood or
14 marriage or acquainted in any way with Cpl. Sikes, if so,
15 would you please stand?

16 (Whereupon, no one is standing)

17 THE COURT: I find none. Capt. Spence Vaughn of
18 the Chesterfield County Sheriff's Office, the gentleman
19 back over there, anybody related by blood or marriage or
20 acquainted in any way with them, if so, would you please
21 stand?

22 MR. REDMOND: And, Your Honor, I did not realize that
23 Sgt. Marine and Administrator Buckman were actually present
24 in the courtroom during your query so I would just ask them
25 if you wanted them to stand and face the jury.

1 THE COURT: All right. Would y'all all stand?

2 (Whereupon, the witnesses comply)

3 THE COURT: Anybody -- turn around. Anybody
4 related by blood or marriage or acquainted in any way with
5 either of these two folks that works with Mr. Redmond, if
6 so, would you please stand?

7 (Whereupon, no one is standing)

8 THE COURT: All right. I find none. Thank you.
9 The three indictments, indictments 21-GS-13-0605; 21, or
10 2021-GS-13-0604; 2021-GS-13-0603, all three are for assault
11 while resisting arrest. And they allege that on or about
12 March 9, 2021 that Mr. Little while refusing to go back to
13 his cell after a verbal altercation with a jail cuff,
14 knowingly and willfully assaulted or wounded Capt. Spence
15 Vaughn, a law enforcement officer; Cpl. Clay Sikes a law
16 enforcement officer; or Lieut. Mark Weiss, a law
17 enforcement officer all with the Chesterfield County
18 Sheriff's Office, while said officer was attempting to
19 arrest the defendant who knew or reasonably should've known
20 this victim was a law enforcement officer in violation of
21 Section 16-9-320(b) of the South Carolina Code of Laws. Is
22 there any member of the jury panel who knows anything at
23 all about this case, if so, would you please stand?

24 (Whereupon, no one is standing)

25 THE COURT: Okay. I find none. Again, I want to

1 remind you that Mr. Little pled not guilty to each of these
2 charges. Again, he does not have to prove that he is
3 guilty of these charges or not guilty of these charges, the
4 State has to prove that he is guilty. He is under the eyes
5 of the law presumed to be not guilty of these charges and
6 throughout this trial he is presumed to be not guilty of
7 these charges and he doesn't have to prove anything. The
8 only thing that he has to do is show up for trial and he's
9 done that. All right. At this point, I don't know whether
10 or not he intends to testify and he doesn't have to tell me
11 at this point. If he doesn't testified then you're not
12 allowed to hold that against him while you are
13 deliberating. I bring this to your attention, again,
14 because this is a very important concept that we have under
15 our law. And that under the laws of South Carolina and
16 United States a defendant is never required to prove their
17 innocence. The State or the government has to prove they
18 are guilty. Is there any member of the jury panel that does
19 not feel like they could follow that instruction of the
20 law, if so, would you please stand?

21 (Whereupon, no one is standing)

22 THE COURT: Okay. I find none. Is there any
23 member of the jury panel have any immediate family members
24 that were ever arrested by the Chesterfield County
25 Sheriff's Office, if so, would you please stand?

1 (Whereupon, no one is standing)

2 THE COURT: Okay. I find none. Any member of the
3 jury panel either you or one of your immediate family
4 members ever been incarcerated at the Chesterfield County
5 Detention Center, if so, would you please stand?

6 (Whereupon, several jurors stand)

7 THE COURT: Yes, your name and number?

8 POTENTIAL JUROR #62: Brad Sellers. Number 62 ---

9 THE COURT: Drop your mask so we can hear you a
10 little bit better.

11 POTENTIAL JUROR #62: Brad sellers. Number 62.

12 THE COURT: And was it you or a family member?

13 POTENTIAL JUROR #62: A family member.

14 THE COURT: All right. Do you think that would
15 affect your ability to be fair and impartial in this case
16 either for or against the State, or for or against Mr.
17 Little?

18 POTENTIAL JUROR #62: No, sir.

19 THE COURT: Thank you. What was your number again?

20 POTENTIAL JUROR #62: Sixty-two.

21 THE COURT: Okay. Thank you. Oh, yes, your name
22 and number please?

23 POTENTIAL JUROR #13: Quashun Chambers. I think
24 it's number 16.

25 THE COURT: Sixteen, okay. And what would you like

1 to tell me?

2 POTENTIAL JUROR #13: A family member, my brother.

3 A family member was incarcerated, my brother.

4 THE COURT: Do you think that would affect your
5 ability to be fair and impartial in this case for or
6 against the State, or for or against Mr. Little?

7 POTENTIAL JUROR #13: No, sir.

8 THE COURT: Thank you. Anyone else?

9 (Whereupon, a juror stands)

10 THE COURT: Yes, your name and number?

11 POTENTIAL JUROR #48: Deandra Meadows. I don't
12 have my number.

13 THE COURT: Okay. I'll see if I can look it up.

14 THE CLERK: Forty-eight.

15 THE COURT: Forty-eight. Okay. And what would you
16 like to tell me?

17 POTENTIAL JUROR #48: A family member has been
18 arrested and incarcerated in Chesterfield County.

19 POTENTIAL JUROR #48: Would that affect your
20 ability to be fair and impartial in this case for or
21 against the State, or for or against Mr. Little?

22 POTENTIAL JUROR #48: No, sir.

23 THE COURT: All right. Anyone else?

24 (Whereupon, a juror stands)

25 THE COURT: Yes. Your name and number?

1 POTENTIAL JUROR #38: James Jackson. I don't have
2 my number, sir.

3 THE COURT: All right. What would you like to tell
4 me?

5 POTENTIAL JUROR #38: I was incarcerated back in
6 '97.

7 THE COURT: Okay. And would that affect your
8 ability to be fair and impartial in this case for or
9 against the State, or for or against Mr. Little?

10 POTENTIAL JUROR #38: I would have no bias.

11 THE COURT: I'm sorry.

12 POTENTIAL JUROR #38: I would have not bias.

13 THE COURT: You would have no bias? You'd be fine
14 with being a juror?

15 POTENTIAL JUROR #38: Yes, sir.

16 THE COURT: Okay. Thank you. Anyone else?

17 (Whereupon, no one is standing)

18 THE COURT: All right. Anybody have any personal
19 knowledge of this case either, or any knowledge of the case
20 either through personal knowledge, social, print or
21 broadcast media?

22 (Whereupon, no one is standing)

23 THE COURT: I find none. Any member of the jury
24 panel either you or any of your close personal friends or
25 family members ever been a victim of a crime, if so, would

1 you please stand?

2 (Whereupon, no one is standing)

3 THE COURT: Okay. I find none. Any member of the
4 jury panel either you or one of your immediate family
5 members or close personal friends ever worked for the
6 Fourth Circuit Solicitor's Office, if so, would you please
7 stand?

8 (Whereupon, no one is standing)

9 THE COURT: I find none. Any member of the jury
10 panel either you or one of your immediate family members or
11 close personal friends ever been represented by the Fourth
12 Circuit Solicitor's Office as a victim in a criminal case,
13 if so, would you please stand?

14 (Whereupon, no one is standing)

15 THE COURT: I find none. Any member of the jury
16 panel either you or one of your immediate family members
17 ever worked on a political campaign for the Fourth Circuit
18 Solicitor or donated money to the Fourth Circuit Solicitor
19 Political Campaign, if so, would you please stand?

20 (Whereupon, no one is standing)

21 THE COURT: I find none. Any member of the jury
22 panel ever been a member of or donated any money to any
23 victims rights organizations such as Mother's Against Drunk
24 Driving, Students Against Drunk Driving, CAVE, CADRE or
25 South Carolina Sheriff's Association, if so, would you

1 please stand?

2 (Whereupon, no one is standing)

3 THE COURT: I find none. I think I have covered
4 everything. Anything further from the State?

5 MR. REDMOND: Nothing further from the State, Your
6 Honor.

7 THE COURT: From the defense?

8 MS. LITTLE: No, sir.

9 THE COURT: Okay. All right. Now, the way we do
10 this in criminal court is a little bit different than the
11 way we do it in civil court. Civil court we run off a list
12 off a computer and go and send the lawyers off for a little
13 bit with their lists, but we don't do it that way in
14 criminal court. What we do in criminal court is the clerk
15 of court here will have a list printed out, she will call
16 your name and then you will come and stand about where that
17 lady is in the middle right there and you'll turn around
18 and face the back, or you'll actually come up here a little
19 bit closer to where the clerk of court is, excuse me, and
20 then each side will get the opportunity to decide whether
21 or not to put you on the jury or strike you from the jury.
22 It'll take us just a couple of minutes while the clerk's
23 office comes up with this list. Can I get -- can I see the
24 lawyers for just one second?

25 COURT REPORTER: Do you want this on the record?

1 THE COURT: Yeah.

2 (Whereupon, a bench conference was held on the record)

3 THE COURT: Did you have any challenges for cause?

4 MR. REDMOND: I did not.

5 THE COURT: Did you?

6 MS. LITTLE: No, sir.

7 THE COURT: The only thing ---

8 MS. LITTLE: The one that's married to Mary Thomas's
9 son, her daughter.

10 THE COURT: Yeah, I would hate to waste one of my
11 strikes on, on him?

12 THE COURT: Okay. So that was Number 20?

13 MS. LITTLE: Mmm, hmm.

14 THE COURT: Okay. I'll take him off.

15 MS. LITTLE: Thank you.

16 THE COURT: Madam, Clerk?

17 THE CLERK: Yes, sir.

18 THE COURT: Take Number 20 off. I'm striking him
19 for cause.

20 THE CLERK: Do you remember ---

21 THE COURT: Two, zero -- I do not remember the
22 name.

23 THE CLERK: That's fine. Okay. Thank you.

24 (Whereupon, the clerk prepares for jury selection)

25 THE COURT: Each side gets five strikes.

1 **Jury Selection:**

2 THE CLERK: Ladies and gentlemen of the jury, as I
3 call your name if you please come through the door, Mdm.
4 Bailiff is going to demonstrate, come through the door and
5 just come and stand right here, facing the two attorneys.
6 I'm going to ask the attorneys questions. You've got to
7 right to feel awkward and I'm going to ask attorney, the
8 solicitor a question and he's going to reply. And then I'm
9 going to ask the defense a question, she's going to reply.
10 And then depending on what she says you either return back
11 to your seat or you be seated in the attorney, excuse me,
12 in the jury panel. So if you bring your belongings with
13 you so that way if you get seated you'll have your
14 belongings. Okay. So the first one will be Glenda Chambers

15 THE COURT: Read the juror number out.

16 THE CLERK: Number 14. That will be on the 9:30.

17 (Whereupon, a black female comes forward)

18 THE CLERK: What says the State?

19 MR. REDMOND: Please present Ms. Chambers.

20 THE CLERK: What says the Defense?

21 MS. LITTLE: Please seat Ms. Chambers.

22 THE CLERK: Ms. Chambers, if you'll have a seat in
23 the jury box. Number 43, on the second jury panel is April
24 L. Marsh.

25 THE COURT: Say the number again?

1 THE CLERK: Forty-three, Your Honor.

2 (Whereupon, a black female comes forward)

3 THE CLERK: What says the State?

4 MR. REDMOND: Please present Ms. Marsh.

5 THE CLERK: What says the Defense?

6 MS. LITTLE: Please seat, please seat Ms. Marsh.

7 THE CLERK: Ms. Marsh, please have a seat in the
8 jury box please. Number 8 on the first jury panel, that
9 would be Christopher D. Blankenship.

10 (Whereupon, a white male comes forward)

11 THE CLERK: What says the State?

12 MR. REDMOND: Please present Mr. Blankenship.

13 THE CLERK: What says the Defense?

14 MR. REDMOND: Please excuse Mr. Blankenship.

15 THE CLERK: Mr. Blankenship, if you'll return back
16 to your seat please. Thank you. Number 66 on the second
17 jury, Jade Sowell.

18 MR. REDMOND: I don't think she -- I don't have her
19 responding ---

20 THE CLERK: I apologize. That's my error. One
21 moment, Your Honor, please.

22 (Whereupon, the clerk takes a moment to look over the jury
23 panel list)

24 THE CLERK: Number 68, Joshua T. Tarlton.

25 (Whereupon, a white male comes forward)

1 THE CLERK: What says the State?

2 MR. REDMOND: I beg the court's indulgence. Please
3 present Mr. Tarlton.

4 THE CLERK: What says the Defense?

5 MS. LITTLE: Please seat Mr. Tarlton.

6 THE CLERK: Mr. Tarlton, have a seat in the jury
7 box please. Number 71, Lexus Williams,
8 (Whereupon, a black female comes forward)

9 THE CLERK: What says the State?

10 MR. REDMOND: Please present Ms. Williams.

11 THE CLERK: What says the Defense?

12 MS. LITTLE: Please seat Ms. Williams.

13 THE CLERK: Ms. Williams, if you'll have a seat in
14 the jury box. Thank you. Number 3, Charles Allison,
15 (Whereupon, a black male comes forward)

16 THE CLERK: What says the State?

17 MR. REDMOND: Please present Mr. Allison.

18 THE CLERK: What says the Defense?

19 MS. LITTLE: Please seat Mr. Allison.

20 THE CLERK: Mr. Allison, please have a seat in the
21 jury box. Number 11, Justin Brown.

22 (Whereupon, a white male comes forward)

23 THE CLERK: What says the State?

24 MR. REDMOND: Please present Mr. Brown.

25 THE CLERK: What says the Defense?

1 MS. LITTLE: Please excuse Mr. Brown.

2 THE CLERK: Mr. Brown, you can return to your seat.

3 Number 8, Marvin Brigman.

4 (Whereupon, a white male comes forward)

5 THE CLERK: What says the State?

6 MR. REDMOND: Please present Mr. Brigman.

7 THE CLERK: What says the Defense?

8 MS. LITTLE: Please excuse Mr. Brigman.

9 THE CLERK: Mr. Brigman, you can return back to
10 your seat. Number 2, Gloria Anthony.

11 (Whereupon, a black female comes forward)

12 THE CLERK: What says the State?

13 MR. REDMOND: Please present Ms. Anthony.

14 THE CLERK: What says the Defense?

15 MS. LITTLE: Please seat Ms. Anthony.

16 THE CLERK: Ms. Anthony, you can have a seat in the
17 jury box please. Number 44, Nancy M. Marsh.

18 (Whereupon, a white female comes forward)

19 THE CLERK: What says the State?

20 MR. REDMOND: Please present Ms. Marsh.

21 THE CLERK: What says the Defense?

22 MS. LITTLE: Please seat Ms. Marsh.

23 THE CLERK: Ms. Marsh, you can have a seat in the
24 jury box please. Number 66, Justin Strong.

25 (Whereupon, a black male comes forward)

1 THE CLERK: What says the State?

2 MR. REDMOND: I beg the court's indulgence. Please
3 present Mr. Strong.

4 THE CLERK: What says the Defense?

5 MS. LITTLE: Please seat Mr. Strong.

6 THE CLERK: Mr. Strong, you can have a seat.
7 Number 30, James Holley.

8 (Whereupon, a white male comes forward)

9 THE CLERK: What says the State?

10 MR. REDMOND: Please present Mr. Holley.

11 THE CLERK: What says the Defense?

12 MS. LITTLE: Please excuse Mr. Holley.

13 THE CLERK: Mr. Holley, you can return back to your
14 seat. Number 70, Tiffany Wallace.

15 (Whereupon, a white female comes forward)

16 THE CLERK: What says the State?

17 MR. REDMOND: Please present Ms. Wallace.

18 THE CLERK: What says the Defense?

19 MS. LITTLE: Please excuse the juror.

20 THE CLERK: Ms. Copeland-Little, that's, um,
21 according to my records that's your last strike.

22 MS. LITTLE: Yes, ma'am.

23 THE CLERK: Thank you. Number 62, Bradley Sellers.

24 (Whereupon, a white male comes forward)

25 THE CLERK: What says the State?

1 MR. REDMOND: Please excuse Mr. Sellers from this
2 trial.

3 THE CLERK: Mr. Sellers, you can return to your
4 seat. Number 62, David Sherrod.

5 (Whereupon, a black male comes forward)

6 THE CLERK: What says the State?

7 MR. REDMOND: Please present Mr. Sherrod.

8 THE CLERK: Is there a cause for challenge?

9 MS. LITTLE: None.

10 THE CLERK: Please have a seat, Mr. Sherrod.
11 Number 39, Darren Laney.

12 (Whereupon, a white female comes forward)

13 THE CLERK: What says the State?

14 MR. REDMOND: Please present Ms. Laney.

15 THE CLERK: Is there a cause for challenge?

16 MS. LITTLE: No, ma'am.

17 THE CLERK: Please have a seat, Ms. Laney. Number
18 3, Michael Arant.

19 (Whereupon, a white male comes forward)

20 THE CLERK: What says the State?

21 MR. REDMOND: I beg the court's indulgence.

22 THE CLERK: Yes, sir.

23 MR. REDMOND: Please present Ms. Arant.

24 THE CLERK: Cause for challenge?

25 MS. LITTLE: No.

1 THE CLERK: You may have a seat, Mr. Arant, in the
2 jury box. Deandra Meadows, Number 48.

3 THE COURT: I'm sorry what was the number again?

4 THE CLERK: Number 48.

5 (Whereupon, a black female comes forward)

6 THE CLERK: What says the State?

7 MR. REDMOND: Please present Ms. Meadows.

8 THE CLERK: Any cause for challenge?

9 MS. LITTLE: No. No cause.

10 THE CLERK: You may have a seat.

11 THE COURT: All right. We're gonna draw one
12 alternate. The State gets one strike. Defendant gets two.

13 THE CLERK: Yes, sir. Number 68, Donna Teal.

14 (Whereupon, a white female comes forward)

15 THE CLERK: What says the State?

16 MR. REDMOND: Please present Ms. Teal.

17 THE CLERK: What says the Defense?

18 MS. LITTLE: Please excuse juror.

19 THE CLERK: Ms. Teal, you may return back to your
20 seat. Number 45, Vivian McBride.

21 (Whereupon, a black female comes forward)

22 THE CLERK: What says the State?

23 MR. REDMOND: Please present Ms. McBride.

24 THE CLERK: What says the Defense?

25 MS. LITTLE: Please seat Ms. McBride.

1 THE CLERK: Ms. McBride, you can have a seat in the
2 jury box please.

3 THE COURT: All right. Anything from the State?

4 MR. REDMOND: Yes, Your Honor, they will be.

5 THE COURT: Pardon?

6 MR. REDMOND: There will be a matter from the State,
7 Your Honor.

8 (Whereupon, a bench conference was held off the record)

9 THE COURT: Okay. Folks, you are our jury now and
10 we will start this case after lunch. I'm gonna send you
11 now with the bailiff and they will show you where the jury
12 room is and you will report back to that room when you come
13 back after lunch. You don't come right back in to here.
14 You go where they're going to take you and they'll show you
15 how to get back and forth and inside and outside of the
16 courtroom. It's 1 o'clock right now, if you would, be back
17 in the jury room there by 2:30.

18 Now, you can't begin deliberations or discussions or
19 discuss the case with anybody. I know you haven't heard
20 anything about it really other than I just told you a
21 little bit about the nature of the charges. But this is
22 kind of a standard instruction. The deal is, is, as I've
23 told you several times now, you're going to take an oath
24 before we start the trial that, basically, says I promise
25 I'll make my decision based on what I hear in the courtroom

1 and not around any outside influences. And so if you go
2 out and you start talking to people about it they're gonna
3 start talking about even though they don't know anything
4 about it. That's just human nature. That's not fair to any
5 of the parties or litigants. They're entitled to have their
6 trial based on what is heard in the courtroom. So don't
7 talk to anybody about the case. Don't talk to each other
8 either and I'll - this is a standard instruction I'll be
9 giving you, because until you've heard all of the evidence
10 you can't begin your deliberations. So just go and enjoy
11 your lunch. You can call your family and your work or
12 whoever and tell them you got picked for jury and then you
13 are going to be tied up for the rest of today. Probably
14 what we'll do is we'll start around 2:30 and go to about
15 five and then we'll pick up tomorrow morning around 9:30
16 and go until we're finished at that point. So that's the
17 plan. If you would just begin to follow the bailiff's.
18 They'll take you where you are and be back in the jury room
19 a little bit before 2:30 and, hopefully, we'll get started
20 not long after that.

21 Another thing that's kind of a standard instruction
22 these days is don't try to look up anything on the
23 Internet. Don't try to post anything on social media about
24 your jury experience during the trial. Once the trial is
25 over with, you can talk to whoever you want to, put

1 whatever you want to on Facebook, Instagram, Twitter, I
2 don't care what you do after the trial. But during the
3 trial don't put anything on social media or about your jury
4 experience while the trial is going on. Okay. So we'll
5 see you back this afternoon.

6 (Whereupon, the jury exits the courtroom at 1:04 p.m.)

7 THE COURT: Mr. Solicitor, let me see you for a
8 second. Talk to you about the other case.

9 (Whereupon, a bench conference was held off the record)

10 THE COURT: All right. Folks, what we're going to
11 do now with the rest of y'all is we're going to release you
12 for today and tomorrow and we will start the second case on
13 Wednesday morning. And so I'll need you to come back
14 Wednesday morning and we will draw a jury for that case
15 Wednesday morning before we began and then we'll just start
16 right after that. So y'all are free to go. You don't have
17 to call after 6 o'clock or anything -- well, actually, I
18 would prefer just in case something goes on with this
19 trial, you never know, just call after 6 o'clock and it
20 will tell you whether or not you need to report tomorrow or
21 it probably will just say call back after 6 o'clock on
22 Tuesday. But then Tuesday's will probably tell you to call
23 back or to report back on Wednesday. But that's the plan
24 for right now. Subject to change. So just call after 6
25 o'clock tonight and it will instruct you to report on

1 Tuesday or to call back after 6 o'clock on Tuesday or some
2 other time. So thank you for your patience today. You're
3 free to go. You're free to come back and watch a trial if
4 you want to, but you don't have to come back this
5 afternoon, just call after 6. Thank you for your patience.
6 See y'all on Wednesday.

7 (Whereupon, the jury panel exits the courtroom at 1:06
8 p.m.)

9 THE COURT: Okay. May I have your attention? So
10 we're going to take a break right now and we'll come back,
11 is there any pretrial motions?

12 MR. REDMOND: None from the State - - oh, nothing
13 other than the Blair Hearing.

14 MS. LITTLE: Blair Hearing.

15 MR. REDMOND: We've got Dr. Gaskins, Gaskins coming
16 in at 2 o'clock for the ---

17 THE COURT: Okay.

18 MR. REDMOND: --- Blair Hearing, but other than that,
19 that's all that we've got.

20 THE COURT: Okay. All right. I'll see y'all back
21 at a little after two then. So you can talk to the
22 defendant -- now, Mr. Little, I'm sorry, Mr. Little, can
23 you stand up just a second? You probably recalled hearing I
24 told the jury that in addition to a lot of other
25 presumptions and things like that I mentioned to them that

1 you do not have to testify if you don't want to ---

2 MR. LITTLE: I want to testify.

3 THE COURT: --- and if you don't want to testify I
4 will instruct them to not hold that against you.

5 MR. LITTLE: But I want to.

6 THE COURT: Okay. You don't have to decide that
7 right now. You can change your mind ---

8 MR. LITTLE: I'm letting you know ahead of time.

9 THE COURT: Just listen to me. Listen to me. All
10 right. You don't have to tell me. You can change your
11 mind no matter what ---

12 MR. LITTLE: I'm not changing my mind.

13 THE COURT: If you testify you will be allowed to
14 be cross-examined by the State and you'll have to answer
15 their questions truthfully.

16 MR. LITTLE: All right.

17 THE COURT: If you do not testify, again, I will
18 tell the jury they are not to hold that against you while
19 they are deliberating. That is a choice, it's a
20 constitutional right that you have and only you,
21 ultimately, make that decision ---

22 MR. LITTLE: And nobody ---

23 THE COURT: --- obviously it's something that you
24 will consult with your lawyer about. You don't have to
25 decide today. You can sleep on it overnight because I'm

1 sure we will just get through the State's portion of the
2 case today and finish it up tomorrow. I'm just saying that
3 for the purpose of letting you know that at some point
4 before the case ends you'll have to make that decision.
5 But I want you to be thinking about it and thinking about
6 it ---

7 MR. LITTLE: I don't need to think about it, sir.

8 THE COURT: --- long and hard because it's your
9 right, it's not your lawyers right, it's your's.

10 MR. LITTLE: My human rights ---

11 THE COURT: So you and I will have this
12 conversation again before it's over with, but I wanted to
13 make sure you understood that. Okay. We'll see y'all back
14 at 2 o'clock.

15 MR. REDMOND: Thank you, Your Honor.

16 (Whereupon, the court takes a lunch break at 1:07 p.m.)

17 (Whereupon, the court is back on the record at 2:15 p.m.)

18 **Blair Hearing:**

19 THE COURT: All right. Let the record reflect that
20 the defendant is in the courtroom. Ms. Little, do you want
21 to talk about a competency evaluation?

22 MR. REDMOND: Yes, Your Honor. We do have Dr.
23 Matthew Gaskins here and he conducted the forensic
24 evaluation back in June of this year and, Your Honor, the
25 State, after talking with the defense, they have requested

1 that we do conduct a full Blair Hearing, so Dr. Gaskin is
2 here to testify. If there is no objection I'll go ahead and
3 pass up what's been marked as State's Exhibit 1 for the
4 Blair Hearing only, that being Dr. Gaskins report.

5 (Whereupon, the Department of Mental Health Evaluation by
6 Dr. Gaskins has been marked and entered into evidence as
7 State's Exhibit No. 1)

8 THE COURT: All right. Where's he at?

9 MR. REDMOND: Dr. Gaskins?

10 THE COURT: Come on up.

11 (Whereupon, the defendant is rambling at the defense table)

12 THE CLERK: Do you solemnly swear or affirm to tell
13 the truth, the whole truth and nothing but the truth so
14 help you God?

15 DR. GASKINS: I do.

16 THE CLERK: Thank you. Please come to order.

17 MS. LITTLE: I'm sorry. He's missing some paperwork
18 that he thought he left right here so they're just checking
19 to see if it's, it's his legal ---

20 THE COURT: All right.

21 MS. LITTLE: They're just checking to see if it's in
22 that room, Your Honor.

23 (Whereupon, the jail staff checks on his paperwork)

24 MS. LITTLE: All right. We're ready.

25 THE COURT: Got your paperwork?

1 MS. LITTLE: Yes, sir.

2 THE COURT: Got it now? Okay.

3 MR. REDMOND: May it please, the Court, Your Honor?

4 DR. MATTHEW GASKINS, first being
5 duly sworn, testified as follows:

6 **Direct Examination by Mr. Redmond:**

7 Q. Dr. Gaskins, let's get into some background
8 information briefly, by whom are you employed?

9 A. I am employed by many people. I'm self-employed mostly
10 by having multiple contracts.

11 Q. And does one of those contracts include the Department
12 of Mental Health?

13 A. It does.

14 Q. And that specifically for forensic evaluations?

15 A. Yes.

16 Q. Okay. And let's talk about, when we're talking about
17 your background, let's talk about your educational
18 background. Could you give the court your educational
19 background please?

20 A. Yes. I received my Doctorate in Medicine from the
21 University of South Carolina School of Medicine in Columbia
22 South Carolina in 2010. After which I enrolled in the
23 General Psychiatry Training Program at Palmetto Health now
24 known as Prisma Health which is a four-year program in
25 General Psychiatry. During the last year of which I served

1 as the Chief Resident in General Psychiatry. Completed that
2 program in 2014. Then enrolled in a additional year of
3 training in Forensic Psychiatry at the same program. I'm
4 currently board-certified by the American Board of
5 Psychiatry and Neurology in both General Psychiatry and
6 Forensic Psychiatry. I've been practicing independently
7 since 2015 in both General Psychiatry and Clinical
8 Psychiatry and Forensic Psychiatry.

9 Q. And during that time have you been, have you testified
10 in court as an expert in the Field of Forensic Psychiatry?

11 A. Yes.

12 Q. And approximately, estimation, how often, how often
13 have you -- how many times did you testify as an expert?

14 A. More than thirty.

15 Q. Okay.

16 MR. REDMOND: Your Honor, at this time I would move
17 that Dr. Gaskin be qualified as an expert in the Field of
18 Forensic Psychiatry.

19 THE COURT: Any objection of the voir dire?

20 MS. LITTLE: No, Your Honor.

21 THE COURT: All right. He's qualified then.

22 Q. Now, let's turn your attention to 18th of June of this
23 year, I believe you conducted an evaluation of the
24 defendant, David Antonio Little, Jr.?

25 A. I did.

1 Q. Okay. And is this Mr. Little sitting at the defense
2 table?

3 A. Yes.

4 Q. Okay. Now, I guess, I guess I'm just gonna start with
5 the leading, did you formulate an opinion on whether or not
6 the defendant is competent to stand trial?

7 A. Yes.

8 Q. And what is that opinion?

9 A. My opinion is that he has the capacity to stand trial.

10 Q. Okay. Now, let's talk about what went into your
11 assessing that or making that conclusion. During the time
12 of the evaluation, could you tell us what, I guess, about
13 how long to the best that you can recall were you there in
14 the evaluation with the defendant?

15 A. So the evaluation of competency, let me just go
16 through ---

17 Q. Absolutely.

18 A. --- kind of how we do that ---

19 Q. Absolutely.

20 A. --- it may be better. We typically start by getting
21 all the information we can in advance. So that would
22 include the case files that we know the specific
23 allegations for an alleged offense, as well as any clinical
24 information that we might have which would be any medical
25 records, hospitalization, treatment records, that type of

1 thing. So we review all of the relevant medical records. We
2 try to reach out to at least one family member. In this
3 case it was Mr. Little's mother to provide some background
4 information. And then we conduct the in-person interview
5 portion of the evaluation. The interview is not the full
6 evaluation. That is just a portion of it.

7 Q. Understood. And so in this -- and is it reflected in
8 your report the items that you were able to review
9 beforehand?

10 A. Yes, listed in the sources of information.

11 Q. Now, and then after you had a chance to you that
12 information, did you, in fact, conduct an in-person
13 interview with the defendant?

14 A. I did.

15 Q. And about how long, to the best as you can recall, did
16 that take?

17 A. Based on my report I'm reviewing that says I
18 documented it that it last about an hour and ten minutes.

19 Q. Okay. Now, with the interview could you tell us, and
20 I'm going to word it like this, pertinent to the issue of
21 his competency, what took place in that interview that led
22 you to your conclusions?

23 A. So the way that we do the evaluation -- the way that I
24 do my interviews, I'll say, is I start with how a person is
25 doing now. Basically, how are you doing? Are you taking any

1 medicines? What's going on currently? To get an
2 understanding of how they physically doing at that time.
3 Then I go and get as much background as I can, any past
4 medical records, any kind of past medical history, family
5 medical history, social history where they grew up,
6 substance abuse history, that type of thing. Then I
7 conduct a mental status exam to see how they're thinking
8 and acting around during the interview itself, assessing
9 the memory, concentration, stuff like that. Once all that
10 is done, then, I go specifically into the competency
11 related questions which are more specific to the
12 allegations that a person might be facing and some of the
13 legal procedure that goes through with it. So that's the
14 overall of how I structure it.

15 Q. Okay.

16 A. And then I'll ask you to repeat the question again.

17 Q. Okay. And did you -- well, I'll just ask you this,
18 did you follow that structure in this interview with the
19 defendant?

20 A. Yes.

21 Q. Okay. And with that structure in place, what were
22 your findings, what information were you able - pertinent
23 to the issue of competency - what information were you able
24 to obtain from the defendant that allowed you to make your
25 conclusions?

1 A. Well, the biggest thing that I noticed throughout the
2 interview was that early in the interview and throughout
3 the majority of the interview he was more or less
4 appropriate even though he was evasive answering questions,
5 he did respond in an appropriate manner to them even though
6 they were somewhat evasive and not fully cooperative, but
7 he was, he was appropriate. Once we changed the subject to
8 the alleged allegations, the allegations against him he
9 became much more hostile and became pretty obstinate
10 throughout the whole thing.

11 (Whereupon, the defendant is rambling on over at defense
12 table)

13 THE COURT: Hold on! Mr. Little, Mr. Little, I
14 want you to stand up. Mr. Little, stand up. I want to talk
15 with you. Stand up.

16 (Whereupon, the defendant is rambling on over at defense
17 table)

18 MR. LITTLE: Can you asked me nicely?

19 THE COURT: No, I'm ordering you to stand up.

20 MR. LITTLE: You can't order me to do nothing.

21 THE COURT: Oh, yes I can.

22 MR. LITTLE: I'm not in contempt and you cannot hold
23 me in contempt of anything.

24 THE COURT: I'm trying to treat you with respect
25 and that's why I told you to stand up.

1 MR. LITTLE: Ask me?

2 THE COURT: Why don't you stand up?

3 MR. LITTLE: Ask me, can you please stand up?

4 THE COURT: No, we're not playing your game. All
5 right. Here's what I'm going to tell you ---

6 MR. LITTLE: I'm not playing games.

7 THE COURT: I'm not playing games.

8 MR. LITTLE: You playing the fucking games. You and
9 your people are playing. That's who is playing games.

10 THE COURT: All right.

11 MR. LITTLE: I'll show y'all who the fucking game
12 is. Who is a fucking game.

13 THE COURT: Well, here's the way this is going to
14 go, you're gonna sit there and you're going to be quiet ---

15 MR. LITTLE: I ain't doing ---

16 THE COURT: --- while the witnesses are testifying
17 ---

18 MR. LITTLE: I'll stand up when I wanna stand up.

19 THE COURT: All right.

20 MR. LITTLE: And I sit down when I want to sit down.
21 You don't tell me what to do ---

22 THE COURT: You might can, but here's what I'm
23 going to tell you when somebody is on the witness stand ---

24 MR. LITTLE: I know whatever. Whatever. Whatever.

25 THE COURT: When somebody is on the witness stand

1 you're going to sit there and be quiet.

2 MR. LITTLE: I ain't going to do nothing.

3 THE COURT: If you can't be quiet then I'm gonna
4 remove you and you will not be allowed to sit ---

5 MR. LITTLE: You gonna fuck off.

6 THE COURT: --- there during your trial.

7 MR. LITTLE: That's what the fuck you gonna do.

8 THE COURT: And if you cannot sit there during your
9 trial, then we'll try this case without you. But the
10 condition of you being allowed to participate in this trial
11 is you sitting there and being quiet. They will come a
12 time, as I've already told you, in which you will get to
13 testify if you want to. At that point, you can get up on
14 the stand and testify. But prior to that you don't get you
15 just make outburst and say whatever you want to during the
16 trial.

17 MR. LITTLE: Then tell him to stop lying. Tell him
18 to stop lying.

19 THE COURT: The way this process works is the
20 State's lawyer is asking him questions ---

21 MR. LITTLE: Why he always asking ---

22 THE COURT: --- and then your lawyer will get to
23 ask you, get to ask questions ---

24 MR. LITTLE: Why does he go first? Why the white
25 man go first?

1 THE COURT: But if you cannot sit there I'm telling
2 you I'm just going to order that you be removed from the
3 courtroom and we'll proceed without you.

4 MR. LITTLE: You can't proceed nothing ---

5 THE COURT: You were doing pretty good this
6 morning. You sat there for an hour and a half and you
7 showed me you could. But if you want to act up and not do
8 it, well that's on you. It doesn't matter to me because
9 we're going to go on with this trial whether you're in the
10 courtroom are not. I'm giving you the opportunity to play
11 by the rules and the rules say you have to sit there and
12 your lawyer will do the talking for you and there will be
13 an opportunity for you to talk.

14 THE COURT: Where is the policy? Where is it? I
15 would like to see it, the handwritten policy of the man-
16 made -- where's the statute law here? Where is the common
17 law and all your bull shit? Where is it? Where is the
18 law? Where is the law where it say I got to shut up that I
19 don't got freedom of speech? Where is it? Oh, look at
20 your clock, you're fucking watch.

21 THE COURT: So what's it gonna be? Are you going
22 to sit there and be quiet or are you going to go in the
23 other room?

24 MR. LITTLE: What you gonna do?

25 THE COURT: I'm going on with the trial.

1 MR. LITTLE: You'll ---

2 THE COURT: The question is whether or not you're
3 going to be involved or not?

4 THE COURT: I'll give you thirty seconds, you think
5 it over.

6 MR. LITTLE: I wear my watch on the right.

7 THE COURT: But in thirty seconds we're going to
8 start this hearing back or you're either going to be in the
9 room or you're not going to be in the room, the choice is
10 yours. But if you choose to stay you're going to be quiet.

11 MR. LITTLE: Okay. I'll be quiet. Just for right
12 now.

13 (Whereupon, the defendant is rambling on over at defense
14 table)

15 THE COURT: Okay. Your time is up. Are you going
16 to stay for the trial or are you gonna, want to go to the
17 other room?

18 (Whereupon, the defendant is rambling on over at defense
19 table)

20 THE COURT: What's it gonna be?

21 MR. LITTLE: I'm gonna listen to what you got the
22 same, buddy.

23 THE COURT: If you interrupt, you're leaving the
24 room. Do you understand that?

25 MR. LITTLE: Come on! Come on! Come on! Let's ---

1 THE COURT: You understand it?

2 MR. LITTLE: Come on let's play.

3 THE COURT: If you interrupt, you're leaving.

4 MR. LITTLE: Come on! Come on! Come on! Let's ---

5 THE COURT: You're not getting any more chances.

6 MR. LITTLE: Come on! Come on! Come on!

7 THE COURT: Go ahead, Mr. Solicitor.

8 MR. REDMOND: Thank you, Your Honor. May it please,
9 the court?

10 Q. I think it's -- we left off at the point of you were
11 discussing when it took a turn, how he was acting
12 inappropriate at certain times and then it took a turn.
13 Could you restate that since some time has passed since we
14 had, I guess, you answered that question. So, in essence,
15 what I'm asking you, you were talking about him being
16 appropriate at certain times and then there was a time when
17 it took a turn, could you explain that again please, sir?

18 A. Yes. As I was stating during the initial portion even
19 the middle portion of the interview he was appropriate,
20 evasive but appropriate throughout. But once we started
21 talking directly about the allegations against him and how
22 legal procedure would be handled in his case, he became
23 pretty obstinate and challenging throughout the interview.
24 And every time I would ask him a question he would,
25 typically, respond by repeating the answer to me or, excuse

1 me, repeating the question back to me and making sure,
2 asked me if I knew what it was. That was his most typical
3 response. Other times he would say that he, he could beat
4 me in games like chess and would challenge me in different
5 things and say that I couldn't beat him. I kept trying to
6 explain to him it wasn't a confrontational situation that I
7 was a neutral evaluator appointed by DMH not hired by the
8 solicitor's office and not hired by his defense attorney
9 that it was a neutral examination, but he remained hostile
10 to that idea.

11 Q. And based on the context of everything - but
12 especially because it was once you started discussing about
13 the case something that was directly affecting him, is that
14 the point that he turn hostile?

15 A. Yes. In particular, we were discussing the specific
16 allegations. Again, the point of the evaluation was not to
17 assess whether or not someone did a crime or didn't do a
18 crime ---

19 Q. Exactly.

20 A. --- it's just to assess the allegations themselves. So
21 when we first started down that road he was able to
22 appropriately identify his attorney. He identified his
23 charges. He mentioned the allegations and correctly
24 described them including the alleged victim. And then
25 whenever I ask him, started talking about potential

1 punishments that he could face just asking him what's the
2 punishment you could face if convicted is when he notably
3 changed into much more hostile and resistant to answering
4 any questions.

5 Q. And, and -- and I just ask you like this, did it
6 appear to you to being conscious, conscious pivoted
7 towards, in his hostility?

8 A. Yes.

9 Q. Okay. Now, as it relates to your evaluation, so, of
10 course, we talked about this pivot that he's taking, what
11 else took place in your evaluation, in your exchanges with
12 the defendant that ultimately lead you to conclude that he
13 was competent to stand trial?

14 A. Well, as I stated a second ago, he was able to
15 accurately, factually, and rashly describe the allegations
16 specifically against him. In the attempts to discuss does
17 he understand legal procedures is when he became hostile.
18 During discussion prior to going directly to the competency
19 stuff, for instance, when I asked him his previous arrest
20 history, he had referred to having a plea bargain in a
21 previous case.

22 Q. Mmm, hmm.

23 A. Or he accepted I believe it was an eight year sentence
24 where he's facing potential twenty. So when I got to the
25 point of asking him about plea bargaining, he kept just

1 repeatedly asking me to define it. And I said, well, you
2 know, you've described plea bargaining already so I think
3 you understand, I just want to make sure and, then he
4 started becoming increasingly hostile and started asking me
5 more direct questions about myself.

6 Q. Even though, and you testified he had already
7 addressed that issue previously, but then when you return
8 to that issue is when he pivoted towards hostility?

9 A. In discussing is passed charges and previous arrest he
10 demonstrated a pretty good understanding of legal
11 procedure. However, when we asked directly after for the
12 competency portion that's when he started having problems
13 with it. But he had already previously demonstrated that he
14 had at least some understanding.

15 Q. Now, when -- and I guess, in going through with the
16 evaluation as it relates to his capacity to stand trial,
17 did, did you continue your assessment despite him being
18 hostility and quite, and to be direct, how did that factor
19 into your decision to find that he has the capacity to
20 stand trial?

21 A. Well, the rhetoric that he was using was, was
22 suspicious for something that's called sovereign citizens
23 or, or, Moor Sovereign Citizens in his case. The case file
24 included multiple documents that were written by him that
25 appeared to be, basically, handwritten judge orders is what

1 they look like. They have a very similar layout and
2 everything. The terminology that's used throughout that
3 through those documents and that he started using in
4 discussions of his charges, were suspicious of this belief
5 system. For those that are not too familiar with it, the
6 short version of sovereign citizenry is that it's a belief
7 that they're not obliged to follow the laws of the United
8 States or South Carolina because they view these entities
9 as corporations rather than governments and, essentially,
10 assert that no corporation has the right to dictate what a
11 person can do. And it's very common practice when you're
12 working with sovereign citizens that they will ask you to
13 provide specific citations for even the most menial of
14 rules and this, the most mundane things that are procedures
15 to say, "Well, where's that written? Why do I have to
16 follow it?" And so once he kind of demonstrated that as his
17 philosophy that's where I believe his obstinacy was coming
18 from. Was a combination of some personality pathology and
19 this chosen belief system that he ascribes to.

20 Q. Now, I think because, you know, maintaining integrity
21 of the record in this matter, I think it behooves me to,
22 even though I'm loath to do so, to address the outburst
23 that we just had, I mean, because we're talking about his
24 capacity to stand trial, that trial is scheduled to
25 commence today. So was there anything in that outburst that

1 either changed or reinforced what you have testified to?

2 A. It was very similar to what I experienced in my
3 evaluation. And I wasn't here, of course, earlier in the
4 day when I understand that jury selection was done and the
5 comment by the judge was that, you know, he was able to sit
6 through that portion of it relatively okay. And then, now,
7 that we're discussing more serious matters an outburst
8 occurred. That's very, very similar to what happened during
9 my evaluation.

10 MR. REDMOND: I beg the court's indulgence, Your
11 Honor.

12 Q. And just to be clear, I know probably we've said it at
13 nausea, but last thing just to be clear, is it your -- was
14 it your opinion then and it is it still your opinion that
15 the defendant has the capacity to stand trial?

16 A. Yes.

17 MR. REDMOND: That'd be all the questions I have,
18 Your Honor. Please answer any question that Ms. Copeland-
19 Little may have.

20 MS. LITTLE: Thank you.

21 **Cross-Examination by Ms. Little:**

22 Q. Good afternoon, Dr. Gaskins. I just have a few
23 questions for you. Looking back at your report, do you
24 remember when you ask the defendant what the date was, do
25 you remember what his response was to that? It's on page

1 5.

2 A. Thank you. Yes. What I've written down there was, I'll
3 just read the quote, "he stated the date as June 18, 2018
4 or maybe '16, no one really knows what year it is, oh,
5 excuse me, what the year is".

6 Q. And so from his answer it did not appear that he knew
7 what year was, is that correct?

8 A. I don't think he was responding to the best of his
9 ability at that point. And in additionally, one of the, the
10 court believes that sovereign citizenry is that they do not
11 believe that the year of 2000 should be set. We are on the
12 year of 2021 and it's the accurate year because it's based
13 on the birth of Jesus Christ, is kinda how of the dating
14 calendar works. And so they don't believe that's accurately
15 described.

16 Q. Okay. Did, did you actually question him about the
17 role of different people in the courtroom? For example,
18 the role of the judge, the role of his attorney, the role
19 of the prosecutor?

20 A. We didn't get to that part.

21 Q. Okay. So your basis that he's competent to stand
22 trial and understand the proceedings and assist in his own
23 defense, you made that decision without knowing whether or
24 not he understands the role of the people in the courtroom?

25 A. He demonstrated understanding all of that through our

1 conversations leading up to it even though we never got to
2 actually asking it. We were unable to finish the interview
3 because he said that he, I'll find the quote for your real
4 quick, we were trying to to discuss some of the terms in
5 that document that I referenced and he became obstinate and
6 started refusing that he had, saying that, denying that he
7 was written some of those things. And I said, well, it
8 looks like things are written here and he said, well, I
9 never made those statements and I never said anything
10 earlier. I said that he had and he said well, how did I
11 know they were recordings. I said there not recordings,
12 but I heard you say it and the social worker sitting next
13 to us heard you say it. He responded with, "well, if you
14 said it then I did. You the boss. You the boss, right?"
15 Then later in the evaluation as we tried to understand more
16 of what was going on and he went further into sovereign
17 citizen rhetoric included that the United States is part of
18 Al Morocco. That the United States government is a
19 corporation. That people are born as debt citizens because
20 they're given a social security number to attribute them to
21 a debt society. When I was trying to confirm that with him
22 he started asking for my personal social security number. I
23 told him it would be provided and that's when he got upset
24 because I wouldn't answer any questions. And he stated,
25 "man, I don't want to fucking talk to you anymore." So we

1 ended the interview.

2 Q. Would you say that you were frustrated with him at
3 that point?

4 A. I think, yeah.

5 Q. And that was after an hour and ten minutes of
6 interviewing?

7 MR. LITTLE: It was probably twenty minutes, that's
8 it.

9 THE COURT: All right. Mr. Little, you keep
10 wanting to burst, say something ---

11 MR. LITTLE: I am. What am I supposed to say?

12 THE COURT: I told you before you get to sit and
13 listen and you get the opportunity to say something or you
14 don't. But you don't get to just say whatever you want to
15 when somebody else's testify.

16 MR. LITTLE: Making up bull shit, you know, bull
17 shit. The bull shit.

18 THE COURT: All right. Remove him from the
19 courtroom.

20 (Whereupon, the defendant was removed from the courtroom)

21 (Whereupon, the defendant is rambling as he is being
22 escorted out)

23 Q. Dr. Gaskins ---

24 MS. LITTLE: Are we ready -- I'm sorry, are we ready
25 to go forward?

1 THE COURT: You can continue.

2 Q. Okay.

3 THE COURT: I would like to just state for the
4 record that I believe he is capable of sitting there and
5 keeping his mouth shut and he just chooses not to and so
6 he's given up his right to be in here. I'll give him the
7 opportunity before we start the trial to come back and if
8 he's learned his lesson, but right now you can continue.

9 MS. LITTLE: Thank you, Your Honor.

10 Q. Do you recall at some point in the interview when he
11 told you that he was God or was sent by God or Allah the
12 true God?

13 A. He made reference to -- yes, I do. To answer your
14 question. And I think I documented it in the report. Let me
15 see if I can find it. If you have it right there ---

16 Q. I think it's on page 7 towards the bottom, "sent by
17 God, Allah, the true God". And you ask him "what purpose,
18 for what purses he was sent?" And he said, "to clean up my
19 revealing truth." In your opinion is a person that says
20 that they're sent by God does that make that person
21 delusional?

22 A. No. So to clarify a little bit about that. So the
23 difference between Moor Sovereign Citizenry and sovereign
24 citizens if there's a racism component to it. As was just
25 demonstrated by referring to Caucasians as pale and making

1 derogatory comments which he, of course, did during our
2 interview as well. That's part of the Moor Sovereign
3 Citizen beliefs that I referenced earlier. Again, that the
4 United States is actually Morocco and that pale people
5 wouldn't have, which is a term that he uses, have no right
6 to be here. So ascribing to that and saying that I have the
7 belief that I was sent by a law that is very shared among
8 sovereign citizenry. Let me define what delusion is real
9 quick so I can answer your question, does it sound
10 delusional? A delusion is a fixed false belief that falls
11 without, outside the cultural norms. So what does that
12 mean? Well, if there is a group of people that have a
13 chosen belief system that they shared and you can have a
14 sovereign citizen, for example, in South Carolina, in
15 Texas, North Carolina, and California, and asked them
16 similar questions, like what is a strawman? Is the United
17 States part of Al Morocco? Or are African-American are
18 people of darker complexion chosen by a law? They will all
19 say, yes, which makes it not of delusion. It's a shared
20 belief system. Similar to people, I think I referenced in
21 my report, if someone has the belief that the earth is flat
22 and then try to get out of a traffic ticket because all
23 radars are based on the curvature of the earth and say,
24 well, you can apply that because the earth is in flat.
25 Well, any traffic court would say that's wrong and then

1 just go ahead with that. It's a chosen belief system rather
2 than a delusion.

3 Q. And so -- is it your opinion with the belief system
4 such as my client exhibited, particularly, distrust and
5 dislike of pale or white people, do you believe that he
6 would be able to assist me, his attorney who happens to be
7 Caucasian, in his own defense?

8 A. I don't think -- I don't think he's prevented to by a
9 mental illness. I think if he has a racist attitude that's
10 on him. Similarly, if a Caucasian person was given an
11 African-American public defender, just because they have a
12 racist belief system doesn't mean they can't, it means
13 they're choosing not to.

14 Q. All right.

15 MS. LITTLE: I just beg the court's indulgence just
16 a moment.

17 Q. So just to be clear, is it your opinion that even
18 though -- I'm sorry, let me rephrase that. You're are a
19 trained Forensic Psychiatrist and after an hour and ten
20 minutes you were frustrated with him enough to end the
21 interview and walk out, correct?

22 A. Because of his personality and his chosen belief
23 system, yes, and his racism.

24 Q. Okay. But you still think that an attorney would be
25 able to meaningfully communicate with him and he would be

1 able to assist his attorney?

2 A. My personal opinion is that you are going to probably
3 have a hard time. My professional opinion it has nothing
4 to do with mental illness.

5 Q. And just one more question, is the, is the diagnosis
6 of, I'm sorry, is anti-social personality disorder, is that
7 a mental illness?

8 A. Yes.

9 Q. But you -- so you do believe he is mentally ill?

10 A. Anti-social personality disorder as most personality
11 disorder is defined by behavior. So I do believe he has a
12 predilection to have aggressive behaviors.

13 Q. All right.

14 MS. LITTLE: No further questions, Your Honor.
15 Thank you, doctor.

16 THE COURT: Redirect?

17 MR. REDMOND: Briefly.

18 **Redirect Examination by Mr. Redmond:**

19 Q. And I did forget to ask about the diagnosis that's on
20 me, I got distracted. But just to that end, just to be
21 clear on the record, anti-social personality disorder,
22 could you explain to the court what that is?

23 A. So, again, personality disorders in general are a way,
24 a pattern of behavior that the individual follows
25 throughout their lifetime. For anti-social personality

1 disorder, specifically, that pattern behavior is
2 characterized by the violation of and disregard for the
3 rights of others.

4 Q. And -- and, of course -- well, scratch that what I was
5 about to say. But does that diagnosis render, in and of
6 itself, render him incompetent in the like and the capacity
7 to stand trial?

8 A. No.

9 Q. Again, even with that disorder, you are able to make
10 conscious decisions and is it your opinion that this
11 defendant makes conscious decisions? And I word it like
12 this, let me rephrase, when I say conscious decisions, he
13 makes conscious decisions, I guess, depending on the
14 circumstances and what's being presented to him?

15 A. To my knowledge no one with a personality disorder has
16 been found incompetent solely based on a personality
17 disorder. That's the first part. The second part is, yes,
18 I think he has the ability to conform his behavior while
19 he's in the courtroom and participate with his attorney,
20 but he has to choose to do so.

21 MR. REDMOND: That'd be all the questions I have,
22 Your Honor.

23 THE COURT: Re-cross?

24 MS. LITTLE: I'm sorry, Your Honor?

25 THE COURT: Do you want to ask him anything else?

1 MS. LITTLE: Oh, no, sir.

2 THE COURT: You can step down. Thank you.

3 DR. GASKINS: Thank you.

4 MR. REDMOND: And we'd asked that Dr. Gaskins be
5 excused?

6 THE COURT: Sure. You're free to go.

7 DR. GASKINS: Thank you.

8 THE COURT: Do you have any other witnesses?

9 MR. REDMOND: That would be the State's proffer, Your
10 Honor.

11 THE COURT: Now, how about you, Ms. Little?

12 MS. LITTLE: No, Your Honor.

13 THE COURT: Did you want to go talk with him and
14 see if he wants to come back in and participate?

15 MS. LITTLE: Sir?

16 THE COURT: I'm prepared to give him a chance --
17 why don't you do this, tell him that the State's witness
18 opines that he is competent to stand trial. That is a good
19 thing for him as far as I'm concerned. And unless he wants
20 to come in here and convince me otherwise then we are
21 prepared to go and start the trial. But he will, if he
22 wants to come back in and participate in the trial, he will
23 need to sit there and let you do the talking and if he
24 cannot do that, then we're going to start the trial without
25 him. All right. So why don't we take a five minute break

1 while you go talk to him and tell him I'm willing to come
2 back and give him the opportunity to come back in and sit
3 under those conditions and you decide if you need to call
4 him to the stand during this testimony, or during this
5 phase of the trial and determine if he's competent. But the
6 State is trying to prove that he is competent and based on
7 what they've proven I'm saying that he is competent. Unless
8 he's wanting to prove that he is not competent, you know, I
9 don't really see the purpose in putting him up, but you
10 make that decision based on your conversation with him and
11 we'll take a five minute recess. You go talk with him. If
12 you need a little longer than five minutes just let me
13 know.

14 MS. LITTLE: Thank you, Your Honor.

15 (Whereupon, the court takes a short recess)

16 THE COURT: All right. Ms. Little, so did you have a
17 chance to talk to your client?

18 MS. LITTLE: Yes, sir, I did.

19 THE COURT: And what do you have to report?

20 MS. LITTLE: Your Honor, at this time I don't think
21 he's gonna be cooperative if he comes back in or, and he's
22 not receptive to answering any questions about his
23 competency.

24 THE COURT: Okay. So -- now, what is your position
25 on his competency ---

1 MS. LITTLE: I do not ---

2 THE COURT: --- and his ability to assist you?

3 MS. LITTLE: I do not personally think that he has
4 the ability to assist me in his defense.

5 THE COURT: For psychological reasons or behavioral
6 reasons?

7 MS. LITTLE: Well, I'm not, I'm not a psychiatrist
8 or a psychologist. I don't know what's wrong with him, Your
9 Honor. I guess he just has anti-social personality
10 disorder, but I just haven't been successful in getting him
11 to communicate with me in a meaningful way. But I
12 understand, you know, that the doctor think that's because
13 he chooses not to do so.

14 THE COURT: I guess that is the question, do you
15 feel like he is choosing to act out in the manner that he
16 does or is he incapable of conforming his behavior to what
17 it is expected of him to sit during the trial?

18 MS. LITTLE: I don't think he's capable of sitting
19 here quietly for the trial and I know ---

20 THE COURT: And why is that?

21 MS. LITTLE: Well, I know you couldn't hear him,
22 Your Honor, but he was talking and mumbling and singing the
23 whole time we were picking the jury a while ago. And I
24 find it very difficult to listen to the witness whose on
25 the stand or listening to what's going on around me while

1 he is talking, muttering, singing, making noises. So,
2 basically, that's my personal opinion is that he is not
3 able to control his behavior, but that's just my opinion,
4 judge.

5 THE COURT: Well, it's a very important opinion to
6 me in making my decision as to whether or not to go forward
7 with a trial or declare that he is not competent to stand
8 trial and go to, be locked up until he is capable of
9 standing trial. So I guess my -- here' my dilemma, I got an
10 expert witness, this is what he does, and he has testified
11 in his opinion that he is competent to stand trial and he
12 can assist you if he chooses to, basically, right? So if,
13 if I say well, he's competent to stand trial then we'll go
14 forward with the trial with or without him sitting beside
15 you. On the other hand, if you tell me, well, I really
16 don't believe he's capable of conforming his behavior
17 because he's mentally ill, then I've got to take that very
18 seriously which I do. If I send him off to Columbia with an
19 order that says hold him until you think he's capable of
20 standing trial and assisting his counsel. Well, I guess
21 they would find somebody else to do another evaluation, but
22 I'm really not sure whether or not that will be a different
23 outcome or not. I mean, according to this Dr. Gaskins was
24 the presiding examiner, a Marshall DeRosier was the second
25 examiner. I'm not exactly sure what role that second

1 examiner plays in his opinion but Dr. Gaskins is, was hired
2 by the Department of Mental Health to do this evaluation.
3 So if I send him back to the Department of Mental
4 Evaluation there gonna say, well, judge, we've already
5 given you our opinion and that is he is capable of standing
6 trial and they're just going to send him back to stand
7 trial. That's my dilemma.

8 MS. LITTLE: Well, judge ---

9 THE COURT: But I really do understand your
10 dilemma.

11 MS. LITTLE: Well, ---

12 THE COURT: And I'm trying to figure out what's the
13 way the go forward on this.

14 MS. LITTLE: Well, you know, judge, what I would
15 like to do at this time since we're still in the Blair
16 Hearing, it has not closed, I would like to call the
17 defendant to the stand to question him about his
18 competency.

19 THE COURT: Call who?

20 MR. REDMOND: The defendant.

21 MS. LITTLE: The defendant.

22 THE COURT: Okay. Well, let's bring him in.
23 (Whereupon, the defendant is escorted back in the
24 courtroom)

25 THE COURT: Carry Mr. Little over there to the

1 witness stand.

2 THE CLERK: Can I swear him in first, judge?

3 THE COURT: Sure.

4 THE CLERK: Mr. Little, if you would stop right
5 here at the Bible. I need to swear you in. Please place
6 your left hand ---

7 MS. LITTLE: I don't swear by that.

8 THE COURT: Just raise your right hand.

9 THE CLERK: Raise your right hand.

10 THE COURT: Do you affirm that you will tell the
11 truth?

12 MR. LITTLE: I tell the truth all the time even when
13 I lie. Like Malan, like what's his name, Mark Zuckerberg.
14 What his name is?

15 THE CLERK: Would you raise your right hand,
16 please?

17 MR. LITTLE: I'm gonna raise both of them.

18 THE CLERK: Okay. Do you affirm to tell the truth,
19 the whole truth, and nothing but the truth?

20 MR. LITTLE: Please don't shoot. I had my hands up.

21 THE COURT: Nobody is gonna shoot you. Do you
22 promise to tell the truth?

23 MR. LITTLE: Did you ask him to promise?

24 THE COURT: I'm asking you.

25 MR. LITTLE: But did you ask him?

1 THE COURT: He was sworn in. The clerk sworn him
2 in.

3 MR. LITTLE: Why ain't she swearing me in?

4 THE COURT: You just weren't paying attention.

5 THE CLERK: I'm trying to swear you in.

6 MR. LITTLE: I didn't see him put his hands up.

7 THE CLERK: He did.

8 MR. LITTLE: I didn't see him. Did you see him?

9 THE CLERK: Do you promise to tell the truth, the
10 whole truth, nothing but the truth so help you God?

11 MR. LITTLE: So help me God. So help me God.

12 THE COURT: Mr. Little?

13 MR. LITTLE: So help me God.

14 THE CLERK: Do you promise to tell the truth, sir?

15 MR. LITTLE: I promise to state my opinions and I
16 will state facts and I will let you know when I speak an
17 opinion and I will let you know when I am speaking a fact.
18 Is that good enough?

19 THE COURT: Let me tell you where we're at, all
20 right. You can put your hand down if you want. Now, we're
21 getting ready to start a trial. You're facing ten years on
22 three different counts. You could get up to thirty years
23 if you're convicted on all of them.

24 MR. LITTLE: How am I facing three different counts
25 when there's only two officers ---

1 THE COURT: You have a problem listening ---

2 MR. LITTLE: --- that I touched.

3 THE COURT: I'm trying to explain something that
4 would benefit you, all right. All you got to do is just
5 listen. You don't have to believe what I'm saying.

6 MR. LITTLE: Oh.

7 THE COURT: But just believe that it's my job to
8 make sure that you get a fair trial to the best of my
9 ability, all right. So there was a question raised as to
10 whether or not you are competent to stand trial and have
11 the ability to assist your lawyer. So we had an evaluation
12 done and Dr. Gaskins came in and he evaluated you and he
13 testified in his opinion you are competent and you are
14 capable of standing trial so that is to your benefit.

15 Now, your lawyer said she'd like to ask you a few
16 questions and I'm going to allow her to ask a few questions
17 if you want to testify. If you don't, then your options are
18 -- at that point, I have to make a decision as to whether
19 or not you are, in fact, competent to stand trial. If I
20 decide you are, then we'll go forward with the trial. You
21 can either sit over there and be quiet or you can go back
22 into the holding cell. It doesn't matter to me. However,
23 I've got to make a determination as to whether or not to go
24 forward with the trial or send you to the Department of
25 Mental Health until such time they believe that you're

1 capable of standing trial. So you can go to the Department
2 of Mental Health ---

3 MR. LITTLE: Yeah.

4 THE COURT: --- for a while.

5 MR. LITTLE: Man, I'll show my ass for`real.

6 THE COURT: I don't care what happens to you,
7 really.

8 MR. LITTLE: Oh, yeah, I bet you don't.

9 THE COURT: I really truly don't.

10 MR. LITTLE: I know you don't.

11 THE COURT: My concern is whether or not you get a
12 fair trial. What the outcome of the trial is irrelevant to
13 me whether or not you get a fair trial is relevant to me.
14 So do you want to participate in this trial? That's really
15 the question. Do you want to participate in this trial or
16 do you want to sit back in the holding cell while the rest
17 of us go on?

18 MR. LITTLE: You typing, right? Recording too,
19 right?

20 THE COURT: She's taking everything down. Answer
21 the question.

22 MR. LITTLE: Yes. Let's go on.

23 THE COURT: Do you want to go sit over there?

24 MR. LITTLE: Yes. Let's play.

25 THE COURT: Go ahead.

D. Little- Direct Examination by Ms. Little

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1 MR. LITTLE: I can stand or sit? What do you want
2 me to do?

3 THE COURT: Have a seat.

4 THE OFFICER: Just have a seat.

5 DAVID LITTLE, first being
6 duly sworn, testified as follows:

7 Direct Examination by Ms. Little:

8 Q. All right. David, I just want to ask you a few
9 questions. This won't take long, okay? I'm trying -- what
10 I'm trying to do is let the court see whether or not you
11 understand the proceedings against you and whether or not
12 you can assist me in this trial. So I wanted to ask you
13 first, what is the role of the judge in this trial?

14 A. To make sure is -- to make sure I get life.

15 (Whereupon, the defendant is laughing)

16 A. They want to hang me. That's what they been doing,
17 hangmaning us, me and my people. They been showing
18 favoritism to they people.

19 Q. What -- what you think the role of the prosecutor is,
20 Mr. Redmond?

21 A. To find me guilty. He's probably on my side, though.
22 He seemed like a good guy.

23 Q. What about the jury, do you know what their role is?

24 A. They just here. They probably don't even want to be
25 here. They get paid.

1 Q. What do they do here? What are they here for?

2 A. I guess to vote.

3 Q. To vote on what?

4 A. Everybody, everybody vote to say whether they think
5 I'm guilty or not and then, they put everything in the box,
6 you know, ---

7 Q. That's right.

8 A. --- you know, like they do with Donald Trump, with the
9 president, you know, they change the voting. They change
10 everything around.

11 Q. Well, the jury is, they're supposed to listen and vote
12 on whether or not your guilty so that's correct. And then,
13 me as your defense counsel, what is my role here today?

14 A. What's your role? Your role is to lie for me. You
15 supposed to lie.

16 Q. To lie for you?

17 A. Yes. The liar.

18 Q. Why do you say that?

19 A. The lawyers, the liar.

20 Q. You believe that all lawyers are liars?

21 A. Yes. Good paid liars.

22 Q. Okay. And do you know who I work for here today in
23 this courtroom?

24 A. You work for the government.

25 Q. No, I work for you, David. I'm your lawyer.

D. Little- Direct Examination by Ms. Little

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1 A. My mama only paid you \$40. The government probably
2 got more of - they probably paid you more. You got to --
3 you teach ---

4 Q. Do you understand that when you're in a courtroom you
5 have to sit quietly and you can't make outburst if you want
6 to stay in the courtroom?

7 A. No, I don't understand that. I stand over it.

8 Q. So if we let you stay in here today, if that the judge
9 lets you stay in, are you going to be able to sit quietly
10 and listen and help me defend your case?

11 A. Yes, I may. Yeah, I might can do that.

12 Q. All right.

13 MS. LITTLE: No further questions, Your Honor.

14 THE COURT: Okay. You can go back over there.

15 MR. LITTLE: Oh, I go back.

16 THE OFFICER: Yeah.

17 MR. LITTLE: I thought I was going to testify. That
18 ain't testifying. How come they wouldn't let me say what I
19 wanted to say.

20 THE COURT: Okay. Well, I find that the defendant
21 is competent to stand trial and can assist his lawyer if he
22 chooses to and he's capable of sitting there and conforming
23 his behavior to the expectations of the court. I'll just
24 say Mr. Little, I told you outburst won't be tolerated and
25 as long as you are respectful and sit there you can stay in

1 the courtroom. If you cannot sit there and continue to have
2 outburst like you did earlier, well, you've already seen
3 I've sent you out once and I'll send you out again. But
4 we're gonna go forward with the trial today. And we have a
5 process and we're going to bring the jury in, in a little
6 bit and I'll swear them in and then the State will begin
7 their case this afternoon. It's my experience it would
8 benefit you tremendously to be on your best behavior in
9 front of a jury. I've been doing this for eighteen years on
10 this level and I was a different kind of judge for seven
11 years before that. Juries are very good at coming up with
12 what is the truth. It's the best system we've got. If I
13 tell them that the State has the burden of proof and that
14 they have to prove that your guilty and that you're
15 innocent until proven guilty, they will do that and they
16 will hold the State to that. If you sit there and are on
17 your very best behavior that will benefit you. If you are
18 unable to do that it will not be in your best interest and
19 you will be acting against your own interest. So that would
20 be at my advice. I'm going to just be sure to tell you one
21 last time that as long as you are sitting there and not
22 causing outburst, then you can stay and participate in this
23 trial and observe. If you are unable to conform your
24 behavior to those expectations I can and will have you
25 removed from the courtroom. All right. So let's bring the

1 jury in.

2 (Whereupon, the jury enters the courtroom at 3:34 p.m.)

3 THE COURT: All right. Are you Deandra Meadows?

4 MS. MEADOWS: Yes, sir.

5 THE COURT: Okay. So you're the jury foreperson.

6 MS. MEADOWS: Yes, sir.

7 THE COURT: Congratulations. All right. Now, at
8 the end of the trial when you are conducting deliberations
9 you'll be the person in charge of that, making sure
10 everybody gets to have their say, and, ultimately, when you
11 take a vote your right down whatever the verdict is, okay.
12 If anybody has any questions during deliberations or during
13 the trial I preferred that they write that down, and give
14 it to you, and then you let the bailiff know that there's a
15 question to get to me, okay?

16 MS. MEADOWS: Okay.

17 THE COURT: Now, we're going to start this trial
18 here. We got a little bit of a late start but we are, you
19 know, trials affluent and they don't always -- it's hard to
20 predict how these things are going to go. So we're going to
21 start this afternoon. Probably go until around five, might
22 a little before, just depending on where we're are at a
23 break point. Then, we will resume tomorrow morning and I'm
24 certain we'll finish the trial tomorrow.

25 Now, I'm going to give you some instructions, go over

1 some things with you, but before I do that I need to be
2 sure to place you under oath. So if you would stand and
3 raise your right hand. Your clerk will administer your
4 oath of office to you.

5 THE CLERK: Do you solemnly swear or affirm that
6 you will well and truly try and true deliverance made
7 between the State of South Carolina and the defendant at
8 the bar and you shall have and charge and a true verdict
9 render according to law and the evidence so help you God?
10 If so say, I do.

11 (Whereupon, all jurors said I do.

12 THE CLERK: Thank you.

13 **Judge's Instructions:**

14 THE COURT: Okay. Now, some of the things I've
15 already mentioned more than once, but the reason I mention
16 them more than once is because they're important. All
17 right, this is the case of the State of South Carolina
18 versus David Antonio Little, Jr., and you met Mr. Little
19 earlier and I told you that he was charged with three
20 counts of assault while resisting arrest and read to you
21 what those charges are. Now, Mr. Little pled not guilty to
22 each of those charges and so it is incumbent upon the State
23 to now provide him with a trial and to try to convince
24 twelve of you unanimously that beyond a reasonable doubt
25 he's guilty of these charges. Each of these charges stand

1 separately on their own.

2 Indictments are just that. They're charges. They're
3 not evidence. I asked you earlier when we were qualifying
4 this morning did anybody serve on the grand jury. Well, the
5 grand jury is they meet to determine whether or not there
6 is sufficient evidence to charge somebody so they stand
7 trial. And these things, we have a long, long history. We
8 get a lot of our history from Old England and back in the
9 days, like, eighteen hundred years ago the, you know, we
10 had - they still have Kings in England, but back then the
11 Kings weren't quite the same as the Kings and Queens are
12 now. You know, a nice little old lady is the Queen
13 nowadays and she certainly seems like she's got the best
14 job in the whole world. But back in twelve hundred or eight
15 hundred years ago it was a pretty nasty British world and
16 if the King didn't like what you were doing, they would,
17 basically, just have somebody pull you off the street, pull
18 you into the courtroom, and give you a trial and you often
19 didn't know what the charge was. It was, that happened that
20 fast. And so over time they developed some things to
21 protect people's rights so that they just didn't get
22 snatched up off the street and you got put on trial and you
23 didn't even know what you were standing trial for. Part of
24 that process was developing what's called a grand jury.
25 And if the grand jury reviewed the case and determined that

1 there was enough evidence to say a crime probably got
2 committed and that a certain person, or persons should
3 stand trial for it, then they would issue these indictments
4 and they would have to stand trial. And a petit jury,
5 which is what y'all are, a little jury if you will, would
6 listen to the case and determine if, in fact, the State has
7 proven what got alleged earlier. So, in other words,
8 indictments are just allegations, all right. The standard
9 of proof for proving these at trial is a much higher
10 standard of proof than it was to get these indictments. The
11 sole purpose that indictment serves in today's real-world
12 is it gives this court jurisdiction to hear the case and it
13 lets the defendant know what he's to stand trial for. All
14 right.

15 So, Mr. Little, pled not guilty. And so we have
16 impaneled a jury, got you folks to come in and listen. And
17 so over the course of the next day or so the State will
18 attempt to prove that he is guilty of these charges beyond
19 a reasonable doubt. As I said more than one time and I'll
20 repeat it more than one time before we finish the trial,
21 Mr. Little is considered to be not guilty of these charges
22 and he doesn't have to prove that he's not guilty. The
23 State has to prove he's guilty. That's called a burden of
24 proof. They have the burden of proving he's guilty. He does
25 not have to prove that he is innocent. And that is a very

1 substantial right that we have in this country. He has it,
2 you have it, and I have it. And when we're on trial we
3 don't have to prove anything. We don't have to do anything
4 except show up for trial and he's done that. He doesn't
5 have to testify. He doesn't have to call any witnesses. He
6 can if he wants to, but he doesn't have to. And at this
7 stage in the trial he doesn't have to tell me whether or
8 not he wants to testify, he can wait until later. If he,
9 ultimately, decides to testify then he'll testify. If he
10 calls witnesses, he can call witnesses. But if he doesn't
11 you are not to hold that against him while you are
12 considering whatever the verdict is. Again, that's an
13 important constitutional right that we have in this
14 country. He has that. I have it. You have it. Okay.

15 So, now, I've talked about this burden of proof being
16 higher in a criminal case. In a criminal case like this the
17 State has to prove his guilt, the twelve of you, beyond a
18 reasonable, excuse me, yeah, beyond a reasonable doubt.
19 What does that mean? Because I'm sure you've heard it. You
20 probably saw it in a movie. You've read it in a book.
21 Somewhere along the line today is not the first time you've
22 ever prove beyond a reasonable doubt. Well, over time our
23 courts have said that means you have to be firmly convinced
24 of his guilt in order to convict him. All right. And if
25 you are not firmly convinced at the end of the day or at

1 the end of the trial that he's guilty of these charges then
2 you must acquit him or find him not guilty. All right.

3 Now, every single word that I just spoke to you was
4 English and you're probably, several of you, are still
5 going I heard it, but I don't really know what he means by
6 that. And it's real simple, a lot of us, including myself,
7 are visual learners. I need to see something in order to
8 believe it a lot of times. And so it might be helpful for
9 you to understand or you've seen the scale of justice, or
10 Lady Justice who standing out there with her hands like
11 this. The old-fashioned scales where they balance something
12 on one hand versus the other. All right, imagine that set
13 of scales. And at the beginning of the trial the scales or
14 even. And on the one side you have the State and the other
15 side you have the defendant. Those scales are even. The
16 State, in order to prove beyond a reasonable doubt, has to
17 tip the scales quite a bit in their favor in order to have
18 met that burden of proof beyond a reasonable doubt. At the
19 end of the trial, if you think those scales have not tipped
20 and you think they're even, maybe you even think they've
21 tipped in favor of Mr. Little, then the State hasn't met
22 its burden of proof. Don't get that confused. He doesn't
23 have to prove he's innocent. But the State does have to tip
24 those scales in his favor.

25 Now, let's contrast that with a civil case, all right?

1 Civil cases, you know, somebody has a wreck case or a
2 breach of contract, whatever it is, the burden of proof in
3 a civil case is not as great as it is in a criminal case.
4 In a civil case it's called a preponderance of the evidence
5 or we say it another way the greater weight of the evidence
6 or is whatever a person tried to prove more likely true
7 than not true. Kind of think of it in the terms of just
8 fifty percent plus just a little bit. So in a civil case,
9 you would have the scales being even and the party that
10 brought the lawsuit in the civil case is called the
11 plaintiff. The party that gets sued is called the
12 defendant. The plaintiff has the burden of proof in a civil
13 case. They have to tip those scales just a little bit and
14 they met the burden of proof in a civil case and they're
15 entitled to a verdict. But it's not the same in a criminal
16 case. It's a much higher burden of proof in a criminal
17 case. So maybe that helps you a little bit to understand
18 the seriousness of the charges and the weight that the
19 State has to come to court with, with their evidence.

20 So let's talk about the roles that everybody has in
21 the courtroom. You have a role. I have a role. Everybody in
22 the courtroom has a role. Your role is to be the finders of
23 the fact. The judges of the fact. You're gonna hear
24 evidence in this case. Some of it may conflict with other
25 evidence that you're going to hear in the case and it's up

1 to you to decide what evidence to believe. My job is not
2 that. My job is to preside over the trial. Make sure that
3 both sides get a fair trial. The State is entitled to a
4 fair trial. Mr. Little is entitled to a fair trial. That's,
5 that's my interest in the outcome is to make sure that both
6 sides get a fair trial. And then I also have a role at the
7 end of the trial, after you've heard all of the evidence,
8 to go over the law that applies to this kind of case and
9 tell you what it is and then you'll take the facts as you
10 find them and apply it to the law that I tell you it
11 applies and you'll retire and consider whatever your
12 verdict will be. Okay? So your role is the finders of the
13 fact. My role is the judge of the law. Part of my role is,
14 as I said, making sure that our rules and procedures get
15 followed, our rules of evidence get followed.

16 The rules and procedures are pretty straightforward.
17 The State because they have the burden of proof gets to put
18 up their case first. All right. So in a little bit the
19 State will call their first witness. They'll tell what they
20 heard, saw, touched, felt, smell, that sort of thing. And
21 then the, the State's lawyer, the solicitor, will get to
22 ask questions first, that's called a direct examination.
23 The defense lawyer will get to ask questions that's called
24 cross-examination. And then I usually allowed around a
25 follow-up question so we have redirect and then re-cross

1 and then we move onto the next witness. Okay.

2 So we start off -- and also one of my roles is to rule
3 on evidence that can come in during trial. We have, you
4 know, people to come up and they'll tell you what they saw
5 happened or what they heard or what they touched or what
6 they felt or what they smell. Maybe there will be a
7 photograph or a video or a document, those kind of things
8 are evidence. All right.

9 What the lawyers say is not evidence. Give you a good
10 example: when a witness gets on the witness stand and
11 testifies the lawyer will ask the question, that's not
12 evidence. But the answer to the question is evidence so
13 keep that in mind. And why that's important is this,
14 because you're gonna probably hear from the lawyers more
15 than you hear from anybody including me.

16 So in a minute before we bring the first witness the
17 lawyers get to stand up and make a brief opening statement
18 if they want to and kinda give you a little version or a
19 preview of the facts. They're not testifying. What they say
20 is not to be considered by you as evidence. Evidence again
21 is people getting on the witness stand telling you what
22 they saw, heard, touch, felt, smelt, documents,
23 photographs, videos that sort of thing. That's evidence.
24 Lawyer talk is not evidence, okay. So just keep that in
25 mind.

1 So the lawyers will have the opportunity to make an
2 opening statement. We'll go into the trial. You'll hear
3 from the State's witnesses. And then after you hear from
4 all of the State's evidence, then the defendant will have
5 the opportunity to present a defense if he wants to,
6 testified if he wants to, and again if he doesn't want to,
7 you're not to hold that against him while you're
8 deliberating. You're not even to talk about it in the
9 courtroom or in the jury room, okay.

10 Once we've heard all of the evidence the lawyers will
11 have an opportunity come back and make closing arguments in
12 which they review the evidence and then I'll be giving them
13 a little preview of the law ahead of time so they will know
14 what I'm gonna charge you. And then they'll be talking to
15 you attempting to persuade you to render a verdict in their
16 client's behalf. I'll then charge on what the law is and
17 then you will retire to consider what your verdicts will
18 be.

19 Here's an important thing I want you to remember, keep
20 an open mind. Until you've heard all of the evidence and
21 the law, it's not proper for you to begin your
22 deliberations. So it's just human nature. Certain things,
23 you know the old saying, nothing like making a good first
24 impression. Well, it's true. But how many times in life
25 have you had a first impression and then find out later

1 well, I've changed my mind because I heard something else
2 or after somebody asked some questions and you hear it a
3 different way or ask, you know, follow-up questions, if you
4 changed your mind. So if you, with the first witness, make
5 up your mind it's not fair to you, it's not fair to the
6 parties. So keep an open mind until you've heard all of the
7 evidence. That sounds like a really simple thing to do,
8 but it's hard in life and it's hard to do in the courtroom,
9 but that's what you need to do. It's the main reason why I
10 tell you every time we take a break don't talk about the
11 case with anyone especially yourselves because if you start
12 talking about it your mind starts get made up, all right.
13 So don't do it. You'll have plenty of time -- you can talk
14 to whoever you want to once the case is over with. But
15 while you are serving on this jury that's just one of those
16 things you can't talk about, okay.

17 So we are gonna now move to the opening statements and
18 the solicitor will have the opportunity to make his opening
19 statement first. So Mr. Solicitor, if you're ready you may
20 begin?

21 MR. REDMOND: Thank you, Your Honor.

22 Opening State- Mr. Redmond:

23 _____ May it please, the court? Ladies and gentlemen, my
24 name is Kernard Redmond. As you heard earlier I'm deputy
25 solicitor here. It's my pleasure to be here before you

1 today. I'd be remiss if I did not thank you for your
2 willingness to serve because as you see one of the things
3 I'll tell you is that I'm going to try to maintain that
4 social distance because when I'm talking, obviously, won't
5 have my mask on, but we live in challenging times. And I
6 acknowledge that and thank you for putting up with these
7 inconveniences to hear this very important case. It's going
8 to be a short case. Hopefully, we will wrap up our part of
9 the case before lunchtime tomorrow. So it's not going to be
10 a long drawn out case, but that is in no way indicative of
11 its importance.

12 As you heard the defendant is charged with three
13 counts of assaulting officers while resisting arrest. Now,
14 let's talk about, let's talk about the charges themselves.
15 This incident occurred at the detention center,
16 Chesterfield Detention Center on March 9th of this year
17 approximately 12:10 in the afternoon, right after lunch,
18 around lunchtime. And at that time you'll hear testimony
19 from the jail administrator, from the officer who actually,
20 the first officer, who encountered him at the desk. The
21 defendant failed to comply. He was being asked repeatedly
22 to leave and go back to his area, go back to his cell and
23 you'll hear testimony about that. He refused to comply. He
24 became irritable. And per protocol that officer, Sgt.
25 Marine, asked for assistance. That assistance came in the

1 form of Chesterfield County deputies. In particular, you'll
2 hear from Spence Vaughn, Capt. Vaughan. You'll hear from
3 Lieut. Mark Weiss and you will also hear from Cpl. Clay
4 Sikes. When they went to approach the defendant to get him
5 to go back to his cell, at that point, he became enraged
6 and he started his swinging with reckless abandon.

7 The thing here is we're not just gonna ask you to rely
8 on what we tell you happened because you'll be able to see
9 what happened. There is video at the jail that actually
10 shows the whole encounter. Now, the jail video does not
11 have audio. But later in the trial you'll hear from Cpl.
12 Sikes who actually had his body cam video on until the
13 altercation got to a certain point where it was
14 inadvertently knocked off. But you see what led up and what
15 transpired during this altercation. So when you put those
16 two things together you will see the jail surveillance
17 video. You'll see that and that's approximately, not quite
18 twenty minutes. I think approximately fifteen, twelve to
19 fifteen minutes as far as the jail video. But then you'll
20 also, like I said, fifty-four seconds of the video from
21 Clay Sikes body cam which will show what this defendant put
22 those deputies through.

23 The indictment specifically says to assault, beat, or
24 wound an officer. He did all three. As a matter of fact,
25 you'll hear testimony about the fact that he actually laid

1 hands on the three officers that we're talking about
2 inflicting an injury on Capt. Sikes, excuse me, on Capt
3 Vaughn, but I believe it was his left eye. And again you
4 will see this all transpire.

5 So why is this important? You know, one of my favorite
6 television shows is Law and Order. And, you know, he talks
7 about the law and then order. And here it's a little
8 different, obviously, but the two things are melted
9 together because let's think about this, this incident
10 happened at the jail. Of all the places we can imagine when
11 you got a confined space with people, most of the residents
12 there don't want to be there, there's automatic tension. So
13 you've got to maintain order. It is imperative. Not just
14 for the safety of the inmates, but for the safety of those
15 that work there. So the reason the law comes into play is
16 you folks right here. Because you will see what this
17 defendant does in violating the protocol and the policies
18 of the jail. So when that happens that is where the law,
19 the State of South Carolina comes in to enforce and impose
20 the appropriate outcomes.

21 We will be asking that the defendant be found guilty
22 of each of those three counts because he laid hands on all
23 three of those officers. And again you don't have to go by
24 what I'm telling you, you will see it.

25 Now, this is going to be a short trial and I'm not

1 gonna stay up here very long at this point in time, but let
2 me just give you somewhat of a preview of what we're going
3 to be dealing with here. As I indicated, hopefully, today
4 will get through a couple of witnesses. We'll at least be
5 able to show you the jail video and then tomorrow when we
6 conclude we'll have the officers that actually were
7 assaulted and you'll also see the body cam video. So we're
8 going to -- you're going to be able to hear from the
9 testimony. You're going to be able to see and you'll also
10 be able to hear, again, from the body cam video what
11 happened. And the thing about the body cam video and I
12 think you'll find it interesting is you'll see, you'll get
13 a better context of just how standoffish this defendant
14 was. One of the things about the jail video you can kinda
15 tell from body language. But when you can actually hear and
16 you can, you can hear and complete context of how he is,
17 basically, being the aggressor in all of this. And that
18 something else, let me back up that I failed to mention, in
19 this situation when you look, when you look and hear who
20 the aggressor was in the situation, the State would submit
21 there's no question who the aggressor was. That being Mr.
22 Little, himself. He was the one that instigated this entire
23 episode. The jailer, Sgt. Marine was absolutely within her
24 rights to ask for assistance given the circumstances. That
25 assistance came and I failed to mention the Chesterfield

1 County Detention Center is actually under the Offices of
2 the Chesterfield County Sheriff's Office. So it was
3 absolutely appropriate that the sheriff's office would
4 respond to the jail to try to get this defendant back into
5 his cell. A very simple request. He is at the Chesterfield
6 County Detention Center. He is supposed to follow the
7 rules. He has a cell that he is assigned to. Unfortunately,
8 he felt that he could take the law into his own hands but,
9 in essence, disregard the law entirely. And that's why he's
10 here today to be held accountable by you, ladies and
11 gentlemen.

12 So I thank you in advance for your attention and I'll
13 have an opportunity to speak to you more fully and
14 summarize the evidence that's been presented. Again, I
15 thank you for your time.

16 THE COURT: Ms. Little, you want to make an opening
17 now or do you want to reserve it for later?

18 MS. LITTLE: Your Honor, I'm gonna reserve my
19 opening at this time.

20 THE COURT: Okay. All right. Mr. Solicitor, call
21 your first witness.

22 MR. REDMOND: Your Honor, May it please, the court?

23 THE COURT: Yes.

24 MR. REDMOND: The State would call Jail
25 Administrator, Sheila Buckman.

1 THE CLERK: Would you please place your left in the
2 Bible and raise your right? Do you solemnly swear or
3 affirm to tell the truth, the whole truth, and nothing but
4 the truth so help you God?

5 MS. BUCKMAN: I do.

6 THE CLERK: Thank you. Please be seated.

7 SHEILA BUCKMAN, first being
8 duly sworn, testified as follows:

9 Direct Examination by Mr. Redmond:

10 Q. And could you state your name again for the record?

11 A. Sheila Buckman.

12 Q. All right. And by whom are you employed?

13 A. Chesterfield County Sheriff's Office.

14 Q. And in what capacity?

15 A. Jail Administrator.

16 Q. Okay. And how long have you served as a Jail
17 Administrator?

18 A. Eight years.

19 Q. Okay. And let's talk about your background in law
20 enforcement, specifically, in corrections. Could you give
21 us your career, I guess, go through and give us your
22 experience in that particular field?

23 A. Okay. I've been working in corrections since 1991.
24 I've worked for Chesterfield County, Marlboro County,
25 Florence County, both South Carolina and North Carolina

1 Department of Corrections and the Bureau of Prisons.

2 Q. Okay. So your entire career that been exactly thirty
3 years this year, has been in corrections?

4 A. Yes.

5 Q. And, of course, now you are the Jail Administrator at
6 the Chesterfield County Detention Center?

7 A. Yes.

8 Q. Now, in that role, do you have the opportunity I guess
9 to -- well, let me back up, is the jail equipped with a
10 surveillance, I say surveillance, with a video system to be
11 able to record certain parts of the jail ---

12 A. Yes.

13 Q. --- of the facility?

14 A. Yes.

15 Q. All right. Now, before we get into this particular
16 case, let's talk about protocol. Now, when one of your
17 employees, one of the detention officers has problems with
18 an inmate, what is the protocol to avoid escalating the
19 situation?

20 A. The protocol is to give the inmate directives to
21 follow and if the inmate fails to follow to call for
22 backup.

23 Q. Okay. And so if an inmate does fail to follow
24 commands, what can that backup take the form of, who is
25 usually contacted?

1 A. Usually, it's the sheriff department, but it can be
2 the Town of Chesterfield as well.

3 Q. Okay. Because -- does the jail sit in the town
4 limits?

5 A. Yes.

6 Q. Okay. So did you have a chance to review the
7 surveillance video in this situation?

8 A. I did.

9 Q. Okay. And I'm not going to ask you specific questions
10 on what's in the video, I'm just can ask you, generally --
11 well, did you also have the opportunity to speak with Sgt.
12 Marine and the officers that were involved?

13 A. I did.

14 Q. Now, let me back up a second, were you actually at the
15 jail at the time of this incident on March 9th?

16 A. I was not.

17 Q. Okay. And what were you doing at that time?

18 A. I was in a meeting at the sheriff's office.

19 Q. Okay. Now, were you present when the call came out
20 for assistance at the jail?

21 A. I was.

22 Q. Okay. And so were you aware that some of the deputies
23 did leave to go to assist at the jail?

24 A. Yes.

25 Q. All right. Now, once you had the chance to review the

1 video, talk with those involved, as it relates to the
2 protocol, do you believe that the protocol was followed?

3 A. I do.

4 Q. And again that's based on your talking with the people
5 involved and also seeing the video, did you have a chance
6 to see the video?

7 A. I saw -- I didn't see the entire video, but I saw most
8 of the video.

9 Q. Okay. Now, let me, speaking of the video, let me show
10 you what's been marked as State's 1.

11 MR. REDMOND: With permission to approach the
12 witness, Your Honor?

13 THE COURT: Sure.

14 Q. Now, that is a copy, but from the video that you've
15 seen and did you have a chance I think earlier today to see
16 a copy of the video?

17 A. I did.

18 Q. And is it true -- is it a true and accurate
19 representation of what's reflected in the video?

20 A. It is.

21 Q. Okay. Has it been altered in any way from what you
22 can tell?

23 A. No, sir.

24 Q. All right.

25 MR. REDMOND: Now, the State would move to introduce

1 State's 1 into evidence at this time. Not to publish just
2 to move it into evidence at this time. We'll publish with
3 another witness.

4 THE COURT: Any objection?

5 MS. LITTLE: No objection.

6 THE COURT: Admitted.

7 (Whereupon, the Jail Video has been marked and entered into
8 evidence as State's Exhibit No. 1)

9 Q. Now ---

10 (Whereupon, the defendant is rambling on over at defense
11 table)

12 Q. Now, when this -- when you had the chance to view the
13 video and talked with everyone involved, were you, without
14 getting into any details but, were you able to see that the
15 defendant was the person involved in the altercation?

16 A. Yes.

17 Q. And is that defendant the person that you see seated
18 at the defense table?

19 A. Yes.

20 Q. Okay.

21 MR. REDMOND: We'd asked that the record reflect that
22 she has identified the defendant as the person reflected on
23 that video.

24 (Whereupon, the defendant is rambling on over at defense
25 table)

1 THE COURT: All right. Mr. Little? Excuse me, let
2 me take the jury out just a minute.

3 (Whereupon, the jury exits the courtroom at 4:07 p.m.)

4 THE COURT: All right. Well, Mr. Little, you still
5 don't seem to be capable of sitting there and keeping your
6 mouth shut. You don't get to run commentary throughout the
7 trial and you are disrupting the trial so I'm going to
8 order that you be removed for the remainder of today.

9 (Whereupon, the defendant is rambling at defense table)

10 THE COURT: I'm listening. I can hear you all way
11 over here.

12 MR. LITTLE: She's not objecting. What am I
13 supposed to do? Not say nothing because she's not doing
14 her job. I want to stop for ineffective assistance of
15 counsel because she's not been doing her job.

16 THE COURT: Remove him from the courtroom.
17 (Whereupon, the defendant is rambling as he's leaving the
18 courtroom)

19 MR. LITTLE: She ain't been doing her job. She been
20 lying the whole time. This whole trial has been fucking,
21 fucking three days. I ain't know about the trial, three
22 days. What the fuck. She's been lying the whole time. I
23 don't do no lying. I'm gonna tell the truth, the whole
24 truth and nothing but truth so the truth is going to set me
25 free. Is the truth going to set you free? I doubt it.

S. Buckman- Direct Examination by Mr. Redmond

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1 Cameras don't lie. March 8th, that's when it happened. It
2 was two guys. Not three. Not four.

3 THE COURT: We don't have listen to this. Take
4 him.

5 MR. LITTLE: Yeah, yeah, take him. Take him. Take
6 him. You're a banker representative. You probably work
7 for Wells Fargo or Citibank. Probably Citibank. You
8 fucking cruddy cracker.

9 (Whereupon, the defendant is removed from the courtroom)

10 THE COURT: Okay. So you're ready to play the
11 video now?

12 MR. REDMOND: I'm actually going to play it with our
13 next witness. I was actually finishing up with Ms. Buckman
14 and then I was on call Sgt. Marine and play the video with
15 her.

16 THE COURT: Okay. How long is the video?

17 MR. REDMOND: It's about -- it's actually, it runs a
18 little fast. It's kind of weird, but I think from what
19 we're going to play is gonna end up being about twelve to,
20 between twelve to fifteen minutes.

21 THE COURT: Okay. All right. Well, do you have
22 any questions that you want to ask?

23 MS. LITTLE: Yeah.

24 THE COURT: All right. Let's bring the jury back
25 in.

1 (Whereupon, the jury enters the courtroom at 4:12 p.m.)

2 THE COURT: I'd just like the record to reflect
3 that the defendant continues to chatter away both
4 throughout the trial, to his lawyer, and outburst during
5 the lawyer for the State asking questions. He just doesn't
6 seem to be able to conform his behavior to his expectations
7 that I set for him. So I'll give him another opportunity
8 to come back tomorrow morning but right now we're just
9 going to move on without him today. He does all right for a
10 little bit and then he chooses not to.

11 (Whereupon, waiting for the jury to be seated after they
12 enter)

13 THE COURT: Okay. Folks, we're gonna resume now. I
14 had to have Mr. Little removed. He continues to disrupt
15 these proceedings and I'll give him the opportunity to come
16 back at a later time if he wishes to, but right now we're
17 going to move on with the State's examination. Most
18 importantly I want you to understand that you are to judge
19 Mr. Little's guilt or innocence on the charges, on the
20 evidence that is presented to you in this courtroom and not
21 by his conduct in the courtroom. All right. So, Mr.
22 Solicitor?

23 MR. REDMOND: Thank you, Your Honor. May it please,
24 the court? Actually, that'd be all the questions that I
25 have at this time. Please answer any questions that Ms.

1 Copeland-Little may have.

2 **Cross-Examination by Ms. Little:**

3 Q. Ms. Buckman, Assistant Solicitor Redmond asked you
4 about protocol ---

5 A. Mmm, hmm.

6 Q. --- at the jail, didn't he?

7 A. Yes, ma'am.

8 Q. Can you, can you tell me what is protocol when a
9 defendant is incarcerated, for example, is he allowed to
10 just walk freely around the jail?

11 A. No, ma'am.

12 Q. Okay. So you've watched this video?

13 A. Yes, ma'am.

14 Q. All right. At the beginning of the video what's the
15 defendant doing?

16 A. Walking to the booking desk.

17 Q. Okay. And he's not restrained or cuffed in any way,
18 is he?

19 A. No, ma'am, he's not.

20 Q. All right. Is that protocol?

21 A. No, ma'am, it's not.

22 Q. Okay. He didn't have on shackles?

23 A. He was not restrained.

24 Q. And so who is responsible for making sure the
25 defendant or any person at the jail is restrained?

1 A. The officers.

2 Q. And that would be which officer in this case?

3 A. It would be Officer McQueen.

4 Q. McQueen?

5 A. Yes, ma'am.

6 Q. Okay. Thank you.

7 MS. LITTLE: No further questions.

8 THE COURT: Redirect?

9 MR. REDMOND: No redirect, Your Honor.

10 THE COURT: You may step down. Thank you.

11 MR. REDMOND: The State would next call Sgt. Marcia
12 Marine.

13 THE CLERK: Do you solemnly swear or affirm to tell
14 the truth, the whole truth, and nothing but the truth so
15 help you God?

16 MS. MARINE: So help me God.

17 THE CLERK: Just have a seat.

18 MARCIA MARINE, first being
19 duly sworn, testified as follows:

20 **Direct Examination by Mr. Redmond:**

21 Q. Sgt. Marine, you can lower your mask and lean into the
22 microphone. Can you state your name for the record?

23 A. Marcia Marine.

24 Q. Okay. If you can step a little bit towards it and
25 speak a little bit louder. Could you state your name one

1 more time?

2 A. Marcia Marine.

3 Q. Okay. I'm going to ask you to speak as loud as you
4 can so that the last juror can actually hear. And if
5 anybody has any trouble they'll let us know, but speak as
6 loudly as you can. My whom are you employed Sgt. Marine?

7 A. By the Chesterfield Detention Center ---

8 Q. How long ---

9 A. --- and under the sheriff's department.

10 Q. Okay. I'm sorry.

11 A. Under the sheriff's department.

12 Q. All right. And how long have you been so employed?

13 A. I've been working for the detention center since
14 November of 2017.

15 Q. All right. And in what capacity are you employed with
16 the detention center?

17 A. I'm a detention officer.

18 Q. Okay. And you have obtained -- have you obtained the
19 rank of Sgt.?

20 A. Yes.

21 Q. Okay. Now, let's talk about March 9, 2021, do you
22 recall that day?

23 A. Yes.

24 Q. All right. And on that date did you have an encounter
25 with the defendant, David Little, Antonio Little, Jr.?

1 A. Yes.

2 Q. All right. Now, there was a question ask about him
3 being out and about without any restraints and whatnot, I
4 want you to clarify that. When you had your encounter
5 explained to us the initial encounter that you had with the
6 defendant that day?

7 A. On that day ---

8 Q. Let me just stop, did it happen around noon, a little
9 bit afternoon?

10 A. Yes.

11 Q. Okay. Go ahead. I'm sorry.

12 A. On that day inmate David Little said that he was ready
13 for his rec. I had told Officer McQueen ---

14 Q. Now, you said he's ready for his rec, what does that
15 mean?

16 A. He's ready to be at his one hour rec, you know, using
17 the phone and stuff like that.

18 Q. Recreational time?

19 A. Recreational.

20 Q. Okay. Go ahead. I'm sorry.

21 A. I told Officer McQueen to go ahead and give him his
22 rec in E Pod. But instead of inmate Little going to E Pod
23 he came straight to booking area ---

24 Q. Okay.

25 A. --- wants to use the phone.

1 Q. Now, what pod was he in?

2 A. He was in the med cell by himself.

3 Q. All right. And so he was going to E Pod, is that
4 where he was going to do his rec?

5 A. Yeah. Where there's a phone located at.

6 Q. Okay. But did he ever make it to E Pod?

7 A. No.

8 Q. Okay. Now, tell us, you were talking about him going
9 to the booking area, tell us about that?

10 A. When he came to booking he said he wasn't going to E
11 Pod, he wants to come up front and use this phone, the
12 booking phone.

13 Q. Okay. And did you allow him to do that?

14 A. Yes.

15 Q. So even though he was not complying with what he was
16 supposed to do, did you antagonize him in any way?

17 A. No.

18 Q. Okay. So you ---

19 A. I continued to -- I dialed the number for him and I
20 keep telling him it's time for you to go, but whoever he
21 was calling, he wasn't getting in touch. So he keep on
22 asking me to dial the number and I keep on doing it. So at
23 that point I, Lieut. Weiss was out there at the detention
24 center ---

25 Q. Is that Lieut. Marc Weiss?

1 A. Yes.

2 Q. Okay.

3 A. And I wrote on a piece of paper and gave it to Officer
4 Robinson stating that to tell him I needed help to put
5 inmate Little up in his cell.

6 Q. Okay. So, let me stop you there, just to be clear. So
7 you wrote a note?

8 A. Yes.

9 Q. Okay. You didn't say it -- did you not said out loud
10 because the defendant was right there?

11 A. Yes.

12 Q. Okay. So you wrote it on a note and gave it to
13 Robinson?

14 A. Yes.

15 Q. Okay. All right. So -- and continue, please.

16 A. Officer Robinson took the note to Lieut. Weiss and he
17 came up and asked what's going on.

18 Q. Lieut. Weiss?

19 A. Yes.

20 Q. Ask what was going on?

21 A. Yes.

22 Q. Okay.

23 A. But I couldn't tell him because inmate Little was
24 standing there. I know how he is. So I tried to whisper to
25 him, but he wasn't hearing what I was saying so I wrote it

1 on a piece of note saying he's not going up, you, get help
2 to come and put him up?

3 Q. All right. Let me stop you there. So just to be
4 clear, if this is the note that you wrote to Lieut. Weiss?

5 A. Mmm, hmm.

6 Q. And in that note were you asking for assistance?

7 A. Yes.

8 Q. And at that time were you asking for assistance from
9 just the two of them or were you asking for additional
10 assistance?

11 A. Additional assistance.

12 Q. Okay.

13 A. Because, um, ---

14 Q. Now, is this based on the circumstances going on?

15 A. Yes.

16 Q. All right. Now, please continue.

17 A. When I told him that, he was saying something to
18 Little about, you know, what's going on and Little started
19 to get agitated. And I said you can't handle him by
20 yourself, you know, to get help. In the meantime, the
21 kitchen supervisor came out and was in booking and inmate
22 Little started an altercation with him about the kitchen
23 food.

24 Q. Now, was this a verbal altercation? Was it verbal?

25 A. Verbal altercation ---

1 Q. Okay.

2 A. -- in an attempt to be physical where Lieut. Weiss and
3 Officer Robinson had to get in between.

4 Q. Okay.

5 A. Yes.

6 Q. And so go ahead and continue please.

7 A. Mmm, hmm. So after we get that under control, you
8 know, the sheriff's department arrives which is Capt.
9 Vaughn, Cpl. Sikes, and - came to the jail, I forgot
10 whoever the other person is.

11 Q. And I think would've it been -- do you recall Greg
12 Perry, Sgt. Greg Perry being there?

13 A. I think so.

14 Q. Okay. Let me go back for a minute, so the verbal
15 altercation, who initiated the verbal altercation with the
16 cook supervisor?

17 A. Inmate Little.

18 Q. Okay. So would it be, would it be fair to say that
19 his demeanor was getting more aggressive?

20 A. Yes.

21 Q. All right. And so now let's start back. So the
22 officers, the deputies get there, Sgt., excuse me, Lieut.
23 Weiss is already there.

24 A. Mmm, hmm.

25 Q. You got Sgt. Perry comes, Capt. Vaughn, and Cpl. Sikes

1 arrive to the jail?

2 A. Mmm, hmm.

3 Q. So now tell us what took place once they arrived?

4 A. Once they arrived they asked me, you know, what do I
5 want them to do? I said put him up. You know, so they
6 told David Little, you know, it's time for him to go back
7 in his cell and he's, he wasn't complying. He kept walking
8 away, not listening to them and they keep on, you know,
9 telling him it's time for him to go up on more than several
10 occasion. So finally when they decided to escort him to his
11 cell, you know, that's when he flips and starts swinging at
12 the officers then.

13 Q. And if they're not compliant, are they allowed to at
14 least try to get him, escort him to the jail?

15 A. Yes.

16 Q. Did you see the officer use any kind of excessive
17 force at all to try to get him to move to the cell?

18 A. No.

19 Q. Okay. So -- but once they go try to escort him to the
20 cell, again, tell us what took place?

21 A. He started swinging.

22 Q. Who started swinging?

23 A. Inmate David Little.

24 Q. All right. Did anybody swing on him before he started
25 swinging?

1 A. No, sir.

2 Q. Okay. And would you describe it as, was it just a,
3 you know, subtle punch or was it throwing hatemongers?

4 A. No, he was mad. It was crazy.

5 Q. Okay. So this starts, then tell us what you saw at
6 that point. So he starts wailing ---

7 A. Yes.

8 Q. --- for lack of a better term. So tell us what
9 happened?

10 A. When they were trying to escort him out the booking
11 area, out the holding cell area, he just started flipping
12 out, you know, started punching, you know. He alone took
13 three officers down.

14 Q. Okay. And were they able, finally able to get him
15 restrained?

16 A. Yes.

17 Q. And I failed to ask you this, is that melee, is that
18 visible on the jail video?

19 A. Yes.

20 Q. Can you see the melee on the jail video?

21 A. Mmm, hmm.

22 Q. All right. So -- but you were there, you saw it live?

23 A. Mmm, hmm.

24 Q. All right. So were they able to get him restrained?

25 A. Yes.

1 Q. And at the time they restrained him was he handcuffed?

2 A. Yeah, I think so.

3 Q. Okay. So they get him restrained finally, he gets
4 handcuffed and what happened? After he was restrained and
5 handcuffed tell us what took place?

6 A. They put him inside the holding cell, shower, um, cell
7 and closed the door.

8 Q. And after the door was closing, I think there's a part
9 where it's reflected in the video -- what -- how is it that
10 when an inmate is put into the cell and handcuffs, how are
11 their handcuffs removed once they're in the cell?

12 A. We have, um, on the door we have a flap that we open
13 up and asked them to put their hands out and remove the
14 handcuffs.

15 Q. And was he -- was that done?

16 A. Yes.

17 Q. So once he was in the cell, did he actually comply so
18 the handcuffs could be taken off?

19 A. Yes.

20 Q. Okay. But up until that time he wouldn't comply with
21 anything?

22 A. No.

23 Q. Up until that time he went comply with anything and
24 did he end up engaging, initiating a fight with at least
25 three officers?

1 A. Yeah.

2 Q. Were any of those officers injured?

3 A. Yes.

4 Q. All right. Tell us about that?

5 A. After the altercation, the fight, Capt. Vaughn was
6 bleeding above his forehead. We had to get the nurse to
7 look at it.

8 Q. Okay. So is there any doubt in your mind that
9 defendant, David Little initiated this altercation?

10 A. He initiated the whole thing.

11 Q. Okay. And did anybody do anything excessive or
12 aggressive towards him to justify his action?

13 A. No.

14 MR. REDMOND: That'd be all the questions I have --
15 oh, last thing. I say all the questions I have. I need to
16 play the video first. If the court would indulge me I'd
17 like to, I think we've got it set up so this won't waste
18 too much time. With the court's permission I'd like to
19 publish State's Exhibit No. 1?

20 THE COURT: All right. Are these folks on this end
21 able to see it?

22 MR. REDMOND: That's what -- I'm gonna move it over
23 and see ---

24 THE COURT: Oh, okay.

25 MR. REDMOND: And if I could with the court's

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1 permission, if I could lower the lights. Now, we had
2 actually intended on using the screen and hopefully
3 tomorrow we'll have the screen working where we can use it
4 with the individual officers, but this is the best we can
5 do right now. Is everybody able to see it?

6 (Whereupon, no juror responded)

7 MR. REDMOND: If we can go ahead with the court's
8 permission we'd like to go ahead and publish it.

9 (Whereupon, the video is played for the jury)

10 Q. While it's still playing I just want to ask, is that
11 Lieut. Weiss and I believe Robinson, is that them up there?

12 A. Yes.

13 Q. Okay. And is this, during the time, you're passing
14 the note?

15 A. Mmm, hmm.

16 Q. Okay.

17 COURT REPORTER: Is that a yes or a no?

18 A. Yes.

19 (Whereupon, the video is being played)

20 A. At that point Lieut. Weiss didn't really understand
21 what was going on and told Officer Robinson to take him
22 into the BA Room to explain what's going on, what I wanted
23 him to do.

24 Q. Okay.

25 A. Mmm, hmm.

1 COURT REPORTER: In the what room?

2 A. BA Room.

3 MR. REDMOND: Breathalyzer room.

4 A. The breathalyzer room.

5 (Whereupon, the video is being played)

6 Q. And during this time, is he still being non-compliant?

7 A. Yes, sir.

8 (Whereupon, the video is being played)

9 Q. Now, what is he doing here?

10 A. Looking inside the holding cell.

11 (Whereupon, the video is being played)

12 MR. REDMOND: For the record I am slowing it down.

13 It gives you the ability to slow it down so I'm slowing it
14 down.

15 (Whereupon, the video is being played)

16 Q. And is that Capt. Vaughn, the injury, putting the rag
17 over the injury, over his eye?

18 A. Yes, sir.

19 (Whereupon, the video is being played)

20 Q. And I think do you see Lieut. Weiss and Clay Sikes
21 both grabbing their heads as well?

22 A. Yes.

23 (Whereupon, the video is being played)

24 Q. And is this when he's having the handcuffs taken off
25 of him that you testified to?

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1 A. Yes, sir.

2 (Whereupon, the video is being played)

3 Q. Okay. Is that the nurse coming?

4 A. Yes, sir.

5 (Whereupon, the video is being played)

6 Q. And does this show her attending to Capt. Vaughn and
7 his injuries?

8 A. Yes, sir.

9 MR. REDMOND: Thank you, Sgt. Marine. That's all the
10 questions that I have. Please answer any questions that Ms.
11 Copeland-Little may have.

12 **Cross-Examination by Ms. Little:**

13 Q. Ms. Marine?

14 A. Mmm, hmm.

15 Q. When Mr. Little came up to where you were sitting at
16 the booking desk, did you realize that he was not
17 restrained in any way, could you tell?

18 A. No, not at that time.

19 Q. So you were looking at him and talking to him and
20 dialing the phone for him?

21 A. Mmm, hmm.

22 Q. But you couldn't tell that he didn't have on cuffs?

23 A. I was sitting down when he came straight into booking.

24 Q. Okay. And so it wasn't your responsibility to put
25 cuffs on him, was it? Was that somebody else's

1 responsibility?

2 A. I told my officer to go ahead and put him in E Pod for
3 his rec. I didn't know that she didn't put anything on
4 him.

5 Q. So let me ask you this, when you -- you saw -- were
6 you watching when all this was going on? I know you just
7 saw it on video, but were you actually watching what
8 happened that day?

9 A. Mmm, hmm.

10 Q. And ---

11 COURT REPORTER: Is that a yes or no?

12 A. Yes, ma'am.

13 Q. And did you -- when you -- did you hear those
14 officers, the responding officers, the sheriff deputies,
15 did you hear them tell Mr. Little to go back to his room?

16 A. When they entered into booking they asked me, you
17 know, what I want them to do I said I want him back in his
18 cell.

19 Q. Okay.

20 A. And they told him right there and then that, you know,
21 it's time for him to go up.

22 Q. They told him that it was time for him to go up?

23 A. Yes. You know, let's go.

24 Q. Okay. And up until that time everything was just
25 verbal, is that correct?

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1 A. Yeah. He kept walking away from them.

2 Q. Okay. And when you were watching and also when you
3 watched the video just now, did you see Deputy Vaughn
4 grabbed the defendant and shove him?

5 A. No. I know he hold him -- I know he hold him to
6 escort him back to his cell.

7 Q. You didn't see him shove the defendant?

8 A. No.

9 Q. Okay. Did you ever hear the officers tell the
10 defendant that they would place him under arrest?

11 A. No.

12 MR. REDMOND: No further questions.

13 THE COURT: Redirect?

14 MR. REDMOND: No redirect, Your Honor.

15 THE COURT: Okay. You can step down. Thank you.

16 All right, folks, this looks like a good place to break for
17 today. And so I gonna send you home with the instructions
18 to, again, don't talk to anybody about the case including
19 family members and other jury members, neighbors,
20 boyfriends, girlfriends. Don't try to post anything on the
21 Internet. Don't try to find out anything about the case. I
22 don't know if there's anything on the Internet about the
23 case, but, you know, just hold off on trying to find
24 anything on the Internet tonight. All right. I don't know
25 whether or not if there's any news coverage or anything but

1 when you get up in the morning and if you read the
2 newspaper, just don't read the newspaper tomorrow. And if
3 you do read the newspaper and you see something about the
4 case, well, just avert your gaze and go on to something
5 else. Because again it's important that you make your
6 decision based on what you hear in the courtroom and not
7 what other people think about it. Okay. So I'll send you
8 home. If you would be in the jury assembly room or back in
9 the jury room a little bit before 9:30 and, hopefully,
10 we'll get started right at 9:30. Thank you for your
11 patience today and we'll see you in the morning.

12 (Whereupon, the jury exits the courtroom at 4:40 p.m.)

13 THE COURT: Can I see -- I need the lawyers up here
14 for just a second.

15 (Whereupon, a bench conference was held off the record)

16 (Whereupon, the court has adjourned for the day at 4:43
17 p.m.)

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1 Tuesday, July 27, 2021

2 _____(WHEREAS, this matter was scheduled for a trial, the
3 defendant appeared along with his attorney of record. The
4 proceedings began at 9:57 a.m.)

5 THE COURT: All right. Is everybody here? Let the
6 record reflect that the defendant is in the courtroom. So,
7 Mr. Little, I see you're back. You're ready to participate
8 today and be quiet and sit there and I'll give you the
9 opportunity to testify later on if you want to, but you
10 understand the ground rules. You cannot be commenting and
11 running and talking while others people are talking,
12 especially when they're testifying. You understand that
13 now, right?

14 MR. LITTLE: Yeah, I understand it.

15 THE COURT: Good. All right. As long as we have an
16 understanding. Let's -- we got anything else before we
17 need to bring the jury in right now ---

18 MR. REDMOND: Nothing from the State

19 THE COURT: --- from the State?

20 MR. REDMOND: Nothing from the State.

21 THE COURT: From the defense?

22 MS. LITTLE: No, sir.

23 THE COURT: All right. Bring the jury back in.
24 (Whereupon, the jury enters the courtroom at 9:56 a.m.)

25 THE COURT: All right. Folks, welcome back. We're

1 going to resume now with the State calling the next
2 witness. Mr. Solicitor?

3 MR. REDMOND: Thank you, Your Honor. May it please,
4 the court? The State next call Lieut. Marc Weiss.

5 THE CLERK: Mr. Weiss, please stop right here and
6 raise your right hand. Do you solemnly swear or affirm to
7 tell the truth, the whole truth, nothing but the truth so
8 help you God?

9 MR. WEISS: I do.

10 THE CLERK: Thank you. Please have a seat.

11 MARC WEISS, first being
12 duly sworn, testified as follows:

13 **Direct Examination by Mr. Redmond:**

14 Q. Lieut. Weiss, by whom are you employed?

15 A. Chesterfield County Sheriff's Office.

16 Q. And how long have you been with the sheriff's office?

17 A. January 1, 2019.

18 Q. Okay. And that is not the extent of your law
19 enforcement experience, is it?

20 A. No, sir.

21 Q. And could you give us your law enforcement, your
22 background in law enforcement?

23 A. Yes, sir. I became a police officer in 2000. I got a
24 job at the Columbia Police Department in the mid 2000's. I
25 left briefly to teach college for some time and I came

1 back.

2 Q. And then prior to working with the Chesterfield County
3 Sheriff's Office where you employed?

4 A. I was at Northeastern Technical College and
5 Williamsburg Technical College.

6 Q. Okay. And so -- and what is your rank?

7 A. I'm a lieutenant.

8 Q. And in what capacity do you serve at the sheriff's
9 office?

10 A. I'm the training officer.

11 Q. Okay. And tell us about that, what does a training
12 officer do?

13 A. The training is, basically, the job that it ensures
14 one compliance with the South Carolina criminal Justice
15 Academy. I'm responsible for making sure everybody's
16 certifications are right. Making sure everybody has the
17 proper training with all the weapons and everything else
18 that we use. Pretty much anything that's training related
19 would fall under me.

20 Q. Now, let's move to March 9, 2021, this year, were you,
21 in fact, that the Chesterfield County Detention Center on
22 that date?

23 A. Yes, sir.

24 Q. Okay. And what were you doing the best that you can
25 recall?

1 A. I was putting a computer in for training purposes over
2 there so that the jail staff would have a computer to do
3 their training with, with the online classes with Covid and
4 everything else to make sure that they had the adequate
5 resources.

6 Q. And was your, was your work in that regard
7 interrupted, I guess, involving an interaction with the
8 defendant?

9 A. It initially, yes. We ---

10 Q. And let me back up. Let me get you to tell the jury
11 the events leading up to your interaction with the
12 defendant?

13 A. I was working on the computer in an office that was
14 adjacent to the booking area and what happened was I heard
15 a commotion outside of the room and I stepped out. And I
16 heard the defendant and I also heard the cook in a verbal,
17 just a verbal altercation. Well, as such time another
18 corrections or a detention officer and I were able to
19 separate the two and move the cook back into the kitchen
20 area. Then it was just verbal. There was nothing more to
21 that at that point, at that point time.

22 Q. Now, have you had a chance to look at the video from
23 the jail?

24 A. Yes, sir.

25 Q. And at that time, is there a way -- in other words --

1 well, let me just ask you point-blank, do you see that
2 altercation take place on the video?

3 A. The one -- the feed that I saw was not clear because
4 they were not close together so it doesn't really show a
5 whole lot on that one.

6 Q. Exactly. The one -- where was the cook located during
7 this verbal altercation?

8 A. The cook would have been back more towards the kitchen
9 and the defendant would've been by the booking desk. If I
10 had to estimate about twenty to twenty-five feet.

11 Q. Okay. All right. So just to clarify why you would
12 not have seen the cook on that video so moving on. So after
13 that, was that the extent of your interaction with the
14 defendant ---

15 A. No.

16 Q. --- or did it escalate?

17 A. It escalated.

18 Q. Okay. And take us through the process leading up to
19 that escalation?

20 A. So after, after the cook ends and I went back in there
21 to finish up the computer because I was just about done and
22 I figured that it was just going to be a couple more
23 minutes. And a note was brought to me by the same detention
24 officer that separated the cook. And I don't remember the
25 exact wording of it, but it says something to the effect of

1 "tell Weiss we need help."

2 Q. All right. And so what did you do upon getting that
3 note?

4 A. Well, I was kind of confused because at that point
5 everything had been calm out there. It had been quiet so I
6 was kind of confused at that point. So I did walk out there
7 and talk to Sgt. Marine who was the shift supervisor at the
8 detention center at the time.

9 Q. Okay. And after that discussion, what, what did you
10 realize was taking place after your discussion with her?

11 A. I saw the defendant on the phone and he was making
12 phone calls to who he said was an attorney and I don't
13 know, of course, who but I just, he said it was an
14 attorney. And he was, he was still relatively calm on the
15 phone. So I looked at the Sgt. and I looked at her like
16 with the note, like, what's going on? Because at that
17 point I was just really confused. And she held up a second
18 note and it said again, I don't have the exact wording
19 because I never got possession of this note back, but it
20 said something to the effect of "you can't handle him by
21 yourself, call help."

22 Q. Okay. So at that point what did you do?

23 A. I was a little bit insulted at first and then after
24 that I decided that I might need to just get on the command
25 staff. I didn't want to alert the defendant because if it

1 was true at that point I did not know him. So I didn't want
2 to alert him that I was getting help so I went on the, my
3 phone which is my county issued phone that was, the command
4 staff test which is all the lieutenants and above and I put
5 a message out there that, you know, I might need some
6 assistance over there. At that point, I still did not know
7 to the extent what was to take place or what even was going
8 on so I was still a little confused. So I sent out a
9 message. I don't remember what that message said, but I
10 sent out a message at some point about that.

11 Q. And would the command staff include, obviously, Capt.
12 Vaughn?

13 A. It would include Capt. Vaughn. Yes, sir.

14 Q. All right. So you put out that message, tell us what
15 happened next?

16 A. At that point I stalled and I had a very, very limited
17 brief interaction with the defendant who at that point was
18 still, he really wasn't giving anybody a hard time, he was
19 just kind of talking saying he wanted to speak to his
20 attorney which, you know, that point I'm just talking to
21 him and hanging out there waiting for everybody else to
22 come so we can put him back in his cell where he was
23 supposed to be.

24 Q. And let me stop you there, was it your understanding
25 based on the notes and interactions that he was not, he was

1 not willing to go back into his cell?

2 A. That's what I assume from the notes, yes.

3 Q. Yeah. Okay. And so -- but did you yourself take any
4 action to try, to try to get him in the cell or did you
5 adhere to what you had been warned about ---

6 A. I had adhere to because at that point I did not know -
7 I did not know him.

8 Q. Okay. So -- and I interrupted you so continue with
9 your interactions with the defendant leading up to other
10 officers arriving?

11 A. Pretty much, at that point, at that point that was
12 pretty much the extent of the conversation. It was very
13 brief and limited. He just said he wanted to speak to an
14 attorney. And I just kind of talked to him. I tried to
15 engage in a conversation and he really didn't want to talk
16 to me all that much which is understandable. I'm sort of
17 used to that in this profession.

18 Q. Okay. And let's talk about the engaging in
19 conversation. Were you trying to, I guess, diffuse a
20 possible situation?

21 A. I was trying to de-escalate at that point. I was just
22 trying to keep him calm because again I didn't know what
23 the note meant. I was extremely confused with it.

24 Q. All right. So were your efforts successful?

25 A. To the point that he and I had no physical

1 altercation, yes.

2 Q. All right. Was it successful in him going to his cell
3 voluntarily?

4 A. No.

5 Q. Okay. Was he -- do you recall anything that he was
6 saying or more importantly how he was acting? How he was,
7 saying leading up to the officers arrived?

8 A. He was extremely annoyed and he was talking about the
9 phone, having the wrong number and all that. But he wasn't
10 directing it at me. He was just more venting at that point.

11 Q. Okay. And so continue, so he's venting? He's unhappy
12 about something?

13 A. Mmm, hmm. Right.

14 Q. Would that be a fair comment?

15 A. Correct.

16 Q. All right.

17 A. And so on the video I'm standing there just kind of
18 stalling, waiting for more, because, again, I didn't want
19 to -- at one point I did walk near him and he, basically,
20 said something to the effect of "Don't touch me. Don't come
21 close to me." So at that point, I disengaged realizing that
22 I probably needed to wait for others to come.

23 Q. Okay. And did others arrive?

24 A. Yes.

25 Q. And tell us about that. Once the others arrived do

1 you recall who arrived?

2 A. Capt. Vaughn, Cpl. Sikes, and First Sgt. Greg Perry.

3 Q. Okay. So once they arrived tell us what took place?

4 A. So when they came in he was right at the booking desk
5 and there was no time for us to really come up with a plan.
6 It was just going to be impossible given the circumstances
7 of what we had. So he, Capt. Vaughn actually engaged in
8 conversation and, you know, I don't remember, I do not
9 remember exactly what was said at that point. But it was a
10 respectful conversation, to find out what was going on, why
11 Sgt. Marine said he needs to go back to his cell. And that
12 point, Capt. Vaughn grabbed him by the side of the arms to
13 escort him back to his cell ---

14 Q. And let me stop you there.

15 A. Yes, sir.

16 Q. Based on you being a training officer, did Capt.
17 Vaughn do anything inappropriate when dealing with a
18 disruptive or a inmate who is failing to comply with
19 instructions?

20 A. Absolutely not.

21 Q. Okay.

22 A. He did everything right because at that point we were
23 escorting him back to his cell.

24 Q. Okay. Go ahead.

25 A. So we went from the booking area, through a door, to a

1 room with four doors in it which is what I call the shower
2 room. I'm not sure the official name of it. But there's
3 the shower there and three, three other cells. And Capt.
4 Vaughn, when he brought him in that room I remember I went
5 around, I crossed over because my thought was to try to
6 grab his arm to put him in handcuffs. So while he had him
7 under control that way I could get him in handcuffs. At
8 some point, it all unfolded very, very quickly. I'm not
9 sure if the jury seen the video but it ensembled very, very
10 quickly. He broke, the defendant brought free and he
11 struck Capt. Vaughn in the eye and as he did that he
12 brought his other hand back and got me on the side of the
13 face. At which point, my face went into a shower door. And
14 while I was pretty much taken out and stunned by the door
15 and Capt. Vaughn was bleeding, and Cpl. Sikes came in with
16 a Taser, which again it's an appropriate use of force given
17 the circumstances, and the defendant went up and started
18 striking Cpl. Sikes.

19 Q. Okay. Were y'all able to finally get the defendant
20 detained?

21 A. Yes.

22 Q. And to the best that you can recall because you got
23 hit in the head?

24 A. Yes.

25 Q. So the best that you can recall -- and have you had a

1 chance to review the tape as well?

2 A. I have.

3 Q. So what do you recall taking place leading to him
4 finally being detained?

5 A. After, after I had hit the door and my memory is very
6 hazy for a couple of seconds after the shower door, but
7 Cpl. Sikes and Capt. Vaughn were able to take him to the
8 ground and handcuff him.

9 Q. Now, let me ask you a procedural question. Once he
10 broke loose and swung -- let me start off by asking this,
11 initially what was your intent, initially, as it relates to
12 the defendant? What was your aim with the defendant ---

13 A. Simply to take him back to his cell.

14 Q. All right. Once he broke free and started swinging,
15 did that intent, as a law enforcement officer as a deputy,
16 did that intent change?

17 A. Yes. He would've been under arrest after that first
18 punch.

19 Q. Okay. And, in fact, in the video was the defendant
20 ironically handcuffed by Capt. Vaughn?

21 A. Yes.

22 Q. Okay. So is that consistent with a person being
23 placed in custody under arrest?

24 A. Yes.

25 Q. So again to be clear, once he swung at that point was

1 your only goal to get him back in the cell or was it him,
2 or was this now a process of him being placed under arrest?

3 A. Well, you're talking after the first punch?

4 Q. After the swing -- after he got ---

5 A. That's an arrest at that point.

6 Q. Okay. And so during the course of trying to affect
7 that arrest, did he assault each of you?

8 A. Yes.

9 Q. Capt. Vaughn, yourself, and Cpl. Sikes?

10 A. Yes, sir.

11 Q. Okay. And is that the basis, obviously, for the
12 charges that we brought to trial?

13 A. Yes, sir.

14 Q. All right. Now, as a claiming, as a training
15 officer, excuse me, and having the chance to review the
16 video, the actions that were taken -- well, let me ask you
17 this, does the video and you've seen the video, did any, I
18 mean, was he the only one throwing punches? The defendant?

19 A. The defendant, initially, yes.

20 Q. Okay. Did anybody in the video, does anybody else
21 actually -- are y'all trying to restrain him or is anybody
22 punching back at him?

23 A. I -- the video doesn't show and my memory is hazy I
24 can't answer that, but the best of my recollection they
25 were just on the ground trying to restrain him.

1 Q. Exactly. Exactly. So -- well, I guess the video
2 shows this, do you recall at some point in the video each
3 of you, Capt. Vaughn, Cpl. Sikes and yourself, each, I
4 guess, back in the booking area, each of y'all holding your
5 heads from where y'all had been struck, do you recall
6 seeing that?

7 A. I recall Cpl. Sikes, and I probably did too as well on
8 the video, I recall it, but I don't remember it happening.
9 But in the video I saw it.

10 Q. So, I guess, in this encounter, would it be fair to
11 say that each of y'all suffered injuries as a result of
12 your encounter with the defendant?

13 A. Yes, sir.

14 Q. And based on what you reviewed and what's on the tape
15 and what you were able to recall from that time, did the
16 defendant suffer any injuries?

17 A. I don't recall.

18 Q. Okay. Now ---

19 A. I don't believe so, but I don't recall.

20 Q. Okay. And, of course, like I said that would all be
21 reflected in what we see on the video, on the videos. Now,
22 as the training officer and I started to ask you this
23 before and I cut away from it, but as the training officer,
24 you've seen the video and how everything transpired, is it
25 your testimony today as a training officer that what was

1 done was in accordance with the protocol and policies?

2 A. Everything that was done was within policy and
3 procedure and nobody violated the policy based upon that.
4 Everything was an appropriate use of force.

5 Q. And just to be clear, who initiated this whole
6 encounter?

7 A. The defendant.

8 Q. Okay. Who initiated the physical aspect of this? Who
9 started throwing punches?

10 A. The defendant.

11 Q. Okay.

12 MR. REDMOND: Now, that's all the questions I have
13 other than to show you the video. So if I could with the
14 court's indulgence, publish State's Exhibit Number 1. And
15 I'm not gonna play the whole video, but I want to start --
16 okay, let's just give it a second to warm up a little bit.
17 Okay. I'm gonna start it and can you see? Can everyone
18 see it?

19 (Whereupon, no response from the jury)

20 MR. REDMOND: All right. Now, I'm gonna stop it
21 right there.

22 Q. Is that you that just walked in behind, I guess,
23 that's Sgt. Marine?

24 A. Yes, sir.

25 Q. Okay. And so during this time could you describe

1 again what were you doing during this time? What was
2 taking place?

3 A. That, I believe and I'd have to look at the time, but
4 I believe that's when I was trying to figure out what was
5 going on exactly and without alerting.

6 Q. And, of course, in the video is it reflected that the
7 defendant is, obviously, still talking, moving around?

8 A. Yes, sir.

9 Q. Not happy about something?

10 A. Yes, sir.

11 (Whereupon, the video is being played)

12 Q. Okay. And is that you trying to engage the defendant?

13 A. Yes, sir. And this is when I'd walk away to try to,
14 at that point I was trying to come up with something else
15 to try to see if I could talk to him and everything else
16 then he disappeared, then everybody came in.

17 Q. And, of course, and I stopped it, but just a second
18 ago did you see where he was looking at other doors?

19 A. Yes, sir.

20 Q. And, in fact, the door on the upper, I guess, right
21 there in the upper middle of the first screen, is it clear
22 that there's actually somebody that's in that particular
23 cell?

24 A. That I cannot answer.

25 Q. Well, let me rewind it real quick.

M. Weiss- Direct Examination by Mr. Redmond

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1 A. I do see somebody through the window now, yes, sir.

2 Q. Okay.

3 A. Yes, sir.

4 Q. So again he was actually -- and based on your capacity
5 as a training officer, would it be fair to say that would
6 constitute a security risk?

7 A. Absolutely.

8 Q. Okay. And, of course, this is when the other officers
9 arrived. All right.

10 (Whereupon, the video is being played)

11 Q. Now, is that first lick, you saw when he -- is that
12 first lick when he struck Capt. Vaughn?

13 A. I believe -- yes. Because his other hand was on my
14 face at the time and he simultaneously punched Capt. Vaughn
15 with his right hand and with his left hand he got me in the
16 face.

17 Q. Okay. And is that what you see right now? Right now
18 his left hand is striking you?

19 A. Yes, sir.

20 Q. All right. Now, I'm going to slow it down.

21 (Whereupon, the video is being played)

22 Q. Now, is that when, is that part right there when you
23 bounced, is that when you had hit the door?

24 A. Yes, sir.

25 Q. All right. Let me ---

1 (Whereupon, the video is being played)

2 Q. All right. So, again, that's when you hit the door?

3 A. Yes, sir.

4 Q. Okay.

5 (Whereupon, the video is being played)

6 Q. Now, let me stop there. Now, which one is Cpl. Sikes?

7 A. He is the gentleman in the green that's by the door.

8 Q. Let me ask you a question, I hadn't asked before and
9 honestly I didn't think about it until just looking at
10 this, when you talk about taking -- are you familiar with
11 the terms offenses and defensive positions?

12 A. Yes, sir.

13 Q. Who would be taking, at this point, who appears to be
14 taking the more defensive positions?

15 A. Cpl. Sikes because he knows that Capt. Vaughn had just
16 got struck and I don't even remember that part of it
17 because that's when I hit the door ---

18 Q. You had already hit your head?

19 A. I don't remember that part of it right there at all.

20 Q. And what you see, and, again, based on your
21 experience, who is taking the more offensive position in
22 this encounter?

23 A. The defendant.

24 Q. Okay. Any doubt about that?

25 A. Not in my mind. No, sir.

1 (Whereupon, the video is being played)

2 Q. And is that him engaging Cpl. Sikes at this point in
3 time, now?

4 A. Yes, sir.

5 Q. Is that him looking like he's trying to get Cpl. Sikes
6 in a headline?

7 A. Yes, sir.

8 Q. And is that Sgt. Perry assisting Capt. Vaughn trying
9 to get the defendant off of Cpl. Sikes?

10 A. Yes, sir.

11 (Whereupon, the video is being played)

12 Q. And is this them still -- with what you're seeing them
13 as we're watching this in slow motion, is what transpired
14 -- again, have you seen anybody else throw a punch?

15 A. No, sir.

16 Q. And what you're seeing now is this in accordance with
17 policy in trying to apprehend, especially someone being as
18 aggressive as this defendant?

19 A. That is within policy. Yes, sir.

20 (Whereupon, the video is being played)

21 Q. And at this point does it appear that he has, at
22 least, been restrained enough for Capt. Vaughn to finally
23 be able to place him in cuffs?

24 A. Yes, sir. Because as soon as he was cuffed they were
25 off of him.

1 (Whereupon, the video is being played)

2 Q. Now, even at this point does it appear that he still
3 talking and mouthing off and, you know, still being
4 aggressive?

5 A. Yes, sir.

6 (Whereupon, the video is being played)

7 Q. And, of course, at this point is he finally in
8 custody?

9 A. He's in custody.

10 Q. Okay. Now, let's stop there. And you had hit your
11 head, but is that you that he is, basically, in your face
12 engaging in some sort of conversation?

13 A. Yes, sir. He got right up in my nose and I probably
14 shouldn't let him get that close, but I did. I remember the
15 spit was going from his mouth to mine.

16 Q. Do you recall what he was saying?

17 A. I -- I don't. I don't. I was -- there were parts that
18 we were watching this that I don't remember because of
19 hitting that door the way that I did, but I don't remember
20 what he said. I just remember that his face was up against
21 mine and I could feel ---

22 (Whereupon, the video is being played)

23 Q. And he's still talking to you?

24 A. He's still talking to me. Yes, sir.

25 Q. And at that point -- now, let's talk about that.

1 A. Okay.

2 Q. When you, when you used one arm to, I guess, push,
3 guide, however, you want to say it, back into the cell,
4 tell us about that encounter?

5 A. Okay. So at that point what happened was it was over.
6 We were putting him in the cell because right now we had
7 one, we had one deputy that was bleeding which was Capt.
8 Vaughn. We had Cpl. Sikes who was, who was just got done
9 being accosted. And at that point, I was still dazed. So he
10 was in my face and what happened was when he went in the
11 cell we were, I think we were expecting someone from the
12 detention center to shut that door and they didn't shut
13 that door. So he came back out and was still mouthing off
14 so I took my weak hand because I'm right-handed, I took my
15 weak hand on purpose because I, obviously, didn't want him
16 to know I wasn't trying to push him hard, but I just kind
17 of eased him back very likely into the cell so that way,
18 you know, he would go in there and we could lock the door
19 that way we wouldn't shut the door on him.

20 Q. And, in fact, was the door immediately shut after
21 that?

22 A. It did. Because if I remember right I think I said
23 somebody close that door or something to that affect. I
24 don't remember what I said. But I remember something about
25 that being said.

1 (Whereupon, the video is being played)

2 Q. And right there, do you remember when I'd ask you
3 about at some point each of you were holding your heads as
4 far as being dazed or injured in the encounter ---

5 A. Well, I know ---

6 Q. Do you see that?

7 A. I can testify Cpl. Sikes had cuts on his head that he
8 did not have before. Capt. Vaughn's eye was bleeding. But
9 I don't remember. I see in the video holding my head, but
10 I didn't recall doing it until I watched the video.

11 Q. Okay. Because you had gotten hit by that door?

12 A. Right.

13 (Whereupon, the video is being played)

14 Q. Let's see. All right.

15 MR. REDMOND: That's all the question that I have at
16 this time. Please answer any questions that Ms. Copeland-
17 Little might have.

18 MR. WEISS: I will. Thank you, sir.

19 **Cross-Examination by Ms. Little:**

20 Q. Good morning, Lieut. Weiss.

21 A. Good morning, ma'am.

22 Q. Just a couple of questions. When you first came out
23 into the booking area, did you personally ask Mr. Little to
24 go back to his cell?

25 A. Ma'am, just for clarification, are you talking about

M. Weiss- Redirect Examination by Mr. Redmond

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1 when he had the altercation with the cook, the first time?

2 Q. At any, at any point before this incident that we just
3 watched, did you ever ask Mr. Little to go back into his
4 cell?

5 A. I did not because I was unaware that was the problem
6 at the time.

7 Q. Okay. And did you ever tell Mr. Little that he was
8 under arrest?

9 A. I didn't. I didn't. I did not.

10 Q. Okay.

11 A. Not verbally.

12 Q. All right.

13 MS. LITTLE: No other questions. Thank you.

14 MR. REDMOND: Quick redirect.

15 **Redirect Examination by Mr. Redmond:**

16 A. Yes, sir.

17 Q. I slowed -- did I slow the video down that was being
18 played?

19 A. Yes, sir.

20 Q. When this all happened and when it went from getting
21 him into his cell to trying to get him in custody, was
22 there an opportunity to stop the action and say, oh, by the
23 way we're placing you under arrest?

24 A. No, sir. That video that you slow down was extremely
25 slow. This incident in full speed probably lasted fifteen

1 to twenty seconds, at the most, where there was no time to
2 do anything.

3 Q. But at the time were y'all trying to place him under
4 arrest once he started swinging?

5 A. Yes, sir.

6 MR. REDMOND: That'd be all the questions I have,
7 Your Honor.

8 THE COURT: Re-cross?

9 MS. LITTLE: No, sir.

10 THE COURT: You may step down.

11 MR. WEISS: Thank you, sir.

12 MR. REDMOND: The State would next call Capt. Spence
13 Vaughn.

14 THE CLERK: Place your left hand on the Bible. Do
15 you solemnly swear or affirm to tell the truth, the whole
16 truth and, nothing but the truth so help you God?

17 MR. VAUGHN: Yes, ma'am.

18 THE CLERK: Thank you, sir.

19 MR. REDMOND: May it please, the Court, Your Honor?

20 THE COURT: Go ahead.

21 SPENCE VAUGHN, first being
22 duly sworn, testified as follows:

23 **Direct Examination by Mr. Redmond:**

24 Q. Capt. Vaughn, I've already stated your title but,
25 could you tell us by whom you are employed?

S. Vaughn- Direct Examination by Mr. Redmond

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1 A. I'm employed with the Chesterfield County Sheriff's
2 Office.

3 Q. And in what capacity are you employed?

4 A. I'm a captain over uniform patrol.

5 Q. Okay. And how long have you been in law enforcement?

6 A. This is my twenty fifth year.

7 Q. Okay. And give us your background in law enforcement?

8 A. I've been with the sheriff's department since October
9 7, 1996.

10 Q. So your entire career has been serving with the
11 Chesterfield County Sheriff's Office?

12 A. I worked with the Town of Chesterfield probably two
13 months because at that time Sheriff Kenny Welch wasn't
14 hiring you uncertified. So I went to work with the Town of
15 Chesterfield until I transferred over to the sheriff's
16 department.

17 Q. So let me ask you this, on the 9th of March of this
18 year, did you have an encounter with the defendant, David
19 Antonio Little, Jr.?

20 A. Yes, sir, I did.

21 Q. And could you describe, before we get into the
22 encounter itself, can you describe to the best that you can
23 recall what you were doing prior to being called to the
24 detention center?

25 A. We was over at the sheriff's office. We had a meeting

1 earlier that day and I have an office there and I was at
2 the sheriff's office at my office.

3 Q. And so were you able to complete that meeting or was
4 there a, a call for help that you responded to?

5 A. There was a text messages sent out by Lieut. Marc
6 Weiss with them needing help at the jail and the sheriff
7 asked me if I would go over there and I left from the
8 sheriff's office and went straight over to the detention
9 center.

10 Q. And so once you got to the detention center, what --
11 tell us what happened? Were you briefed on what the
12 situation was?

13 A. Yeah. Cpl. Sikes was at the sheriff's office in
14 another building so he was leaving about the same time I
15 was leaving. We followed each other over there. We parked
16 over there on what you call the south side of the detention
17 center. Greg, First Sgt. Greg Perry, came over as well.
18 Started over into the sally port area and was met by Lieut.
19 Marc Weiss.

20 Q. Okay. And so did Lieut. Weiss -- let me ask you this,
21 once you met with him, tell us what were you informed was
22 taking place?

23 A. He told us that Mr. Little ---

24 MS. LITTLE: Objection. Hearsay.

25 MR. REDMOND: I'll rephrase.

1 Q. Were you briefed on what was happening?

2 A. Yes, sir, I was.

3 Q. And without saying what anybody said, what was your
4 take away as it related to what the problem was?

5 A. They had an issue with David Little that needed to be
6 resolved at the detention center.

7 Q. And did that issue involved him being non-compliant
8 with returning to his cell?

9 A. Yes, sir.

10 Q. And so to that end, tell us, then, once you get
11 involved tell us what took place?

12 A. When I walked in the detention facility through the
13 sally port door, Mr. Little was standing over there in the
14 little door area between the booking and the holding cell
15 area. He was not restraint. As a matter of fact, he was
16 within arms reach of the keys of the jail and leg irons and
17 handcuffs which things could be used as a weapon. So I
18 walked in. Seen him there. He became defiant. Was yelling
19 some things. And I walked up and grabbed him, spun him
20 around to escort him to his cell and then, of course, he
21 pulled away and that's when the assault occurred.

22 Q. So when he pulled away tell us about the assault?
23 When he pulled away what do you recall taking place?

24 A. Well, when I grabbed him to spin him around to escort
25 him with his arm behind his back to escort him to his cell,

1 he snatched away in a right direction, right hand
2 direction. As he swung around he made contact above my left
3 eye and it was an extremely hard contact. I probably had
4 never been hit so hard in my life. It stunned me for
5 second. I got my senses together and then I seen the
6 skirmish still going on so then I proceeded over to try to
7 render aid to get him under control and get him cuffed, to
8 try to get him to a safe area for us and him and anybody
9 else that's in the jail.

10 Q. Now, did he -- were you able to get him detained and
11 get him cuffed?

12 A. Yes, sir.

13 Q. And you tell us, at the beginning when you first
14 encountered him, what was your intention in a law
15 enforcement capacity?

16 A. Just to get control of him. Soft empty hand control,
17 you know, grab him, put his hand behind his back, and
18 escort him to his cell to be put back in his cell where he
19 was supposed to have been.

20 Q. All right. So did that intent -- but did that law
21 enforcement intent change at some point?

22 A. Yes. When he broke away, when he went to actively
23 resisting to get away, because he was under my control, and
24 when he swung with the intent to assault me, then it
25 translate into more of an escort control to an assault to

1 where you've got to put him back under arrest to get him
2 confined from continuing the assault or whatever other
3 charges may come after the fact.

4 Q. And did he continue to actively resist even you until
5 you were finally able to get him restraint?

6 A. Yes, sir.

7 Q. Okay. And were you involved even while he was
8 continuing to resist, were you involved in the actions to
9 try to bring him under control?

10 A. When we got him, when we got him down to the ground I
11 got him cuffed, I had blood leaking off my face. Once, I
12 got him up off the ground, I passed him off to somebody
13 else and then I walked through the door to the bathroom
14 area which would've been through that door, made a hard
15 right hand turn. I got some paper towels, you know, trying
16 to stop the bleeding. And then, eventually, the nurse came
17 out to check on everything and then I went to the doctor
18 and received four stitches.

19 Q. Now, you were -- were you the first person that he
20 hit?

21 A. Yes, sir.

22 Q. All right. Now, what I'm going to do and we've seen
23 the video in slow motion with Lieut. Weiss so I'm not going
24 to show you that. I'm going to do something a little
25 different. But, before I do that I forgot to ask you this,

1 was this a situation where you just patted it down and that
2 was the end of it or did you require further treatment?

3 A. No, I had for several months, like I said I've never
4 been hit so hard in my life, I had numbness in my top teeth
5 for probably three months and I, eventually, had to go to
6 the dentist to have some x-rays done because there's a
7 nerve that runs through your face, I didn't want my teeth
8 to die because if you'd damage that nerve your teeth could
9 die. So anyway, I had to do some follow-ups and eventually
10 the numbness finally went and I still have a little bit
11 which the doctor said it could take up to a year for that
12 to completely heal the process.

13 Q. And how many stitches did you have to have?

14 A. It was four.

15 Q. Four, okay. Now, I'm going to do something a little
16 different rather than replay the video because we've seen
17 it in slow motion twice. I'm gonna actually use myself as
18 a, I say guinea pig, but as a demonstration dummy, for
19 lack of a better term.

20 MR. REDMOND: If I could for the court's permission
21 for you to step down.

22 THE COURT: Go ahead.

23 Q. And I would assess the court reporter you're going to
24 be a good distance from the court reporter if you can come
25 on down about where I am. I'm going to actually have you

1 turn, if you talk, turn so that she can actually hear you
2 and pick up what you're saying, record what you're saying.

3 A. As I came into the booking area Mr. Little was sort of
4 at a bladed stance. And he was being defiant "don't put
5 your hands on me or whatever." I grabbed him by his arm,
6 spun him around, and grabbed him like this with the
7 intention to escort looking over his shoulder. And as that
8 was going on he broke loose with that right hand and spun
9 around.

10 (Whereupon, the deputy was demonstrating to the jury)

11 Q. All I did was grab his arm, spin him around, and like
12 that to escort him to his cell.

13 Q. And he broke away. And show us again how he broke
14 away so and I ---

15 A. He started, he started to break away as you can tell
16 in the video I'm trying to get back control over him. And
17 as he broke away he broke away from the right and swung and
18 hit me in the eye. And then I sort of went back, you know,
19 in staggering position until I got myself together and went
20 back over to where they were.

21 Q. And you had -- you can sit back down.

22 MR. REDMOND: Thank you. Thank you, Capt. Vaughn.

23 Q. Did you -- you had a chance to view the video and in
24 between the video and Clay Sikes body cam, what you
25 demonstrated is kind of cut off you can't see the whole

1 encounter which is why we had you demonstrate just now.

2 A. That's right.

3 Q. And is that reflective of how you attempted to --
4 well, let me back up, is that consistent with the policy
5 for someone who is being unruly and uncooperative?

6 A. Yes, sir. That's a common practice that we use whether
7 if somebody at the jail refusing or if we get a call where
8 somebody is refusing to leave the store and you've ask them
9 to leave. And, eventually, you're going to have to touch
10 them somehow, you know, putting their hands behind their
11 back to escort them out the store or wherever the case.
12 But it's what they call soft empty hand control.

13 Q. And at any point during this encounter did you
14 observe, and you've seen the video, from your recollection
15 and after observing the video, did you see any law
16 enforcement officers actually punch or assault the
17 defendant?

18 A. No, sir. There was no additional strikes, kicks,
19 punches, chokes. The minimum force was used to get that
20 under control. That's always our intention and that's what
21 we try to do.

22 Q. And, again, keep in mind he hits you, he punched you
23 and, I guess your training, is that pursuant to your
24 training as it relates to apprehending somebody even though
25 you had been punched?

S. Vaughn- Cross-Examination by Ms. Little

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1 A. Yes, sir. I can't, you know, because I get assaulted I
2 can't just go off crazy and tried to hurt somebody because
3 I'm held to a higher standard than a normal person. So in
4 my twenty-five years I'm not going to tarnish it over
5 getting hit in the eye.

6 Q. With that Capt. Vaughn, I thank you.

7 MR. REDMOND: And I have nothing further. Please
8 answer any questions that Ms. Copeland-Little has.

9 **Cross-Examination by Ms. Little:**

10 Q. Capt. Vaughn, do you recall when you first walked in
11 what you said to Mr. Little?

12 A. I walked in and told him he had to get in the cell or
13 something when I grabbed him.

14 Q. Okay. So you do -- do you recall asking him to go
15 back to his cell?

16 A. I don't recall if I said it or I told him you got to
17 go back to your cell or something, you know, there was,
18 there weren't a whole lot of reason to do a lot of talking.
19 He was in a place he wasn't supposed to be. He was in
20 close proximity of the keys to the jail ---

21 Q. Sir! Sir!

22 A. --- and the video indicated he was going back and
23 forth to additional cells.

24 Q. Sir, it's a yes or no question, did you ask him to go
25 back to his cell?

1 A. I don't recall if I did or not.

2 Q. And do you call ever telling Mr. Little that he was
3 under arrest?

4 A. No, ma'am, I didn't, but it was a fast fluid
5 situation.

6 Q. All right. Thank you, Capt. Vaughn.

7 MS. LITTLE: No further questions.

8 MR. REDMOND: Just one brief redirect.

9 **Redirect Examination by Ms. Redmond:**

10 Q. Based on the way that he was acting and what he was
11 saying was the defendant, did he appear to be in a position
12 where he was going to be compliant?

13 A. No, sir.

14 Q. Or was see in an aggressive posture ---

15 A. He was an aggressive posture. Time he seen us walking
16 towards him, don't you touch me, you know, just belligerent
17 talk.

18 MR. REDMOND: Thank you. I have no further
19 questions.

20 THE COURT: Re-cross?

21 MS. LITTLE: No, sir.

22 THE COURT: You may step down.

23 MR. REDMOND: Your Honor, the State would next call
24 Cpl. Clay Sikes.

25 THE CLERK: Place you left on the Bible and raise

1 your right. Do you solemnly swear or affirm to tell the
2 truth, the whole truth, nothing but the truth so help you
3 God?

4 MR. SIKES: I do.

5 MR. REDMOND: I beg the court's indulgence.

6 THE COURT: Before you start, Mr. Little, no
7 engaging with the deputy. Mr. Little, no more engaging with
8 the deputy. All right. Go ahead, Mr. Solicitor.

9 MR. REDMOND: Thank you, Your Honor. May it please,
10 the court?

11 CLAY SIKES, first being
12 duly sworn, testified as follows:

13 **Direct Examination by Mr. Redmond:**

14 Q. Cpl. Sikes, by whom are you employed?

15 A. Chesterfield County Sheriff's Office.

16 Q. And how long have you been employed with the sheriff's
17 office?

18 A. As a deputy since 2012.

19 Q. And could you give us your career in law enforcement?

20 A. I've been at the sheriff's office since 2012. I took
21 a break for almost a year and came back in 2016. Been a
22 road deputy ever since.

23 Q. All right. And so on the 9th of March, 2021, this
24 year, did you have the opportunity to respond to a
25 situation at the jail?

1 A. I did. I was at the sheriff's office eating lunch and
2 Chief Deputy Paige asked me, who was sitting beside me, ask
3 me to go over to the jail to assist with Mr. Little in
4 getting him back in the cell.

5 Q. Okay. And did you respond?

6 A. I did.

7 Q. Once you got there tell us what you observed, what you
8 encountered?

9 A. So whenever I got there, like Capt. Vaughn said, we
10 parked on the south side of the sally port, walked through
11 the sally port. Whenever we walked through the double
12 doors, of course, cut on my body camera as always I do. And
13 whenever we walked in he was standing there at the booking
14 area, again, at the doorway between the booking area and
15 the holding cell. And he was, I don't know exactly what he
16 was saying, but he was being non-compliant, very non-
17 compliant. And at that time I remember seeing Capt. Vaughn,
18 you know, began to escort him into the cell area, to the
19 med cell where he was supposed to be at and that's when
20 everything took place.

21 Q. Okay. Now, let's talk about everything that took
22 place.

23 A. Yes, sir.

24 Q. Describe once he -- obviously, Capt. Vaughn was not
25 able to get him to his cell without incident?

C. Sikes- Direct Examination by Mr. Redmond

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1 A. Yes, sir.

2 Q. So talk about the incident, once he broke away from
3 Capt. Vaughn what were your observations? What did you
4 experience?

5 A. So once he broke away from Capt. Vaughn, I remember
6 disengaging and I went for my Taser because that's the next
7 force of the continuum.

8 Q. Okay. Let me stop you there. So you went for your
9 Taser, so when you first encountered the defendant, what
10 was your law enforcement intention?

11 A. To escort him back to the cell to secure everything.

12 Q. Did that law enforcement intention change?

13 A. Yes, sir.

14 Q. And tell us about when it changed ---

15 A. So as soon as -- as soon as he broke away from Capt.
16 Vaughn and began swinging, it changed from escorting him
17 back to his cell to then, you know, placing him under
18 arrest, being detained, to be able to get everything under
19 control.

20 Q. Let's talk about the Taser because I interrupted you
21 at the point we talked about the Taser. What is the purpose
22 of the Taser?

23 A. The Taser is the next level of the force continuum.
24 First, you use soft empty hand control. If that doesn't
25 work then you go to the next step which would be the Taser.

1 I did deploy the Taser. I don't know if it had effect or
2 not after I did deployed the Taser.

3 Q. Okay. Did he continue to struggle?

4 A. Yes, sir.

5 Q. After you deployed the Taser?

6 A. Yes, sir. And I didn't get a chance to deploy the
7 Taser because I was struggling getting it out of the
8 holster, but after -- he struck me and after he struck me
9 then I was able to deploy the Taser and then after I
10 deployed it, it's like you came back and then we fell to
11 the ground that's when we were able to get him detained.

12 Q. Okay. Now, let's talk about your body cam, is this
13 reflected on your body cam video?

14 A. Yes, sir.

15 Q. At some point did you, and I think you even see where
16 you deployed the audio feature on your body cam?

17 A. Yes, sir.

18 Q. So at the beginning of the, you were arriving at the
19 jail and whatnot, is the audio available? Was the body cam
20 on?

21 A. There's a thirty second lapse there. So whenever you,
22 you double tap your cam, your body cam, there's thirty
23 seconds there with no audio because it pre-records in case
24 it catches anything prior to that. So you'll see me hit it
25 and then, after I hit it, you'll hear it beep and then, the

1 audio starts.

2 Q. Okay. So -- and now, does the, does the body cam
3 video through the entire incident to the point where he's
4 detained or does it actually get cut off?

5 A. No, sir. It gets cut off during, whenever we fall to
6 the ground during the

7 Q. In other words, did you intentionally cut it off ---

8 A. No.

9 Q. --- or it got cut off ---

10 A. No, sir, it got cut off.

11 Q. Okay.

12 A. I don't know how, but it did get cut off during the
13 struggle.

14 Q. During the struggle ---

15 A. Yes, sir.

16 Q. That's what I was trying to establish.

17 A. Yes, sir.

18 Q. During the struggle. And is that struggle, at least
19 the beginnings of that struggle, reflected on your body cam
20 video?

21 A. Yes, sir.

22 Q. Now, let's talk about, before we show the body cam
23 video, let's talk about any injuries that were inflicted
24 upon you. Again, tell us what happened as it relates to the
25 defendant striking you, did he actually strike you?

1 A. Yes, sir. He struck me on the left side above my eye.
2 I didn't know it at the time, but my I was getting, I
3 guess, you can say, hazy or whatnot and you'll see me on
4 the camera, on the footage, I wipe it and I look and there
5 is blood coming down.

6 Q. So did you, did you need medical attention? Did you
7 seek medical attention?

8 A. I did not. I went to the bathroom. After everything
9 was done, situated and we got him in the shower and that's
10 whenever I went to the bathroom, washed everything off,
11 went got some paper towel, and just applied pressure until
12 it stopped.

13 Q. Now, did you -- were you the one that actually, I
14 guess, downloaded your body cam video?

15 A. Yes, sir.

16 Q. Okay.

17 MR. REDMOND: And with the court's permission I would
18 like to approach with State's Exhibit Number 2.

19 Q. And State's Exhibit Number 2, have you had a chance to
20 review your body cam video?

21 A. I have.

22 Q. And is that -- and, again, is that, obviously, you
23 hadn't seen that yet, but is that -- did you download it on
24 a disk to turn into our office to supply to the defense?

25 A. Yes, sir, I did.

C. Sikes- Direct Examination by Mr. Redmond

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1 Q. Okay.

2 MR. REDMOND: We moved State's Exhibit Number 2 into
3 evidence at this time. That being the body cam video of
4 Cpl. Clay Sikes?

5 THE COURT: Any objection?

6 MS. LITTLE: No objection.

7 THE COURT: Admitted. You can publish.

8 (Whereupon, the Body Cam Video has been marked and entered
9 into evidence as State's Exhibit No. 2)

10 MR. REDMOND: With that the State would ask for
11 permission to publish the body cam video.

12 THE COURT: You may.

13 (Whereupon, the video is being played)

14 Q. Now, is this you arriving at the jail?

15 A. Yes, sir.

16 (Whereupon, the video is being played)

17 Q. Now, at this point is this when y'all are being
18 briefed by Lieut. Weiss about what's going on?

19 A. Yeah. Yes, sir.

20 (Whereupon, the video is being played)

21 Q. Is that the point where during the struggle it cut
22 off?

23 A. Yes, sir.

24 Q. The clicking that you hear, is that the Taser being
25 deployed?

1 A. Yes, sir.

2 (Whereupon, the video is being played)

3 Q. All right. So when you hear that, when somebody is
4 saying that, the defendant is saying that, at that point is
5 that a sign to you as a law enforcement officer that he's
6 non-compliant and prepared to be aggressive?

7 A. Yes, sir.

8 Q. Okay. And at that point is it, is it proper to, then,
9 try to return him where he supposed to be to maintain order
10 within the jail?

11 A. Yes, sir, it is.

12 Q. And did you all attempt to do that without using any
13 unnecessary force?

14 A. Yes, sir. As you see Capt. Vaughn tried to escort him
15 and then he broke away and started fighting.

16 (Whereupon, the video is being played)

17 Q. Now, we saw in your hand, I guess, the black object
18 right there in your hand.

19 A. That is my department issued Taser.

20 Q. That's the Taser, okay. I wanted to make sure that
21 nobody was confusing about what that was. And is that what
22 was making the clicking sounds when you ---

23 A. Yes, sir. It was making a arcing sound.

24 (Whereupon, the video is being played)

25 A. At that point, I was trying to deployed dry stun

1 again. I didn't know if the probes had made contact so I
2 went to a dry stun to try to just get some type of contact
3 on him to be able to get his hands behind his back to be
4 able to get him handcuffed.

5 Q. And then was he still continuing to resist and
6 struggle even ---

7 A. Yes, sir.

8 Q. --- during this time? Would you -- and in your
9 position here, were you trying to be -- well, let me back
10 up. Who was the aggressor in this situation?

11 A. Mr. Little.

12 Q. And, in fact, when he was coming at you were you
13 trying to engage him or were you taking a defensive
14 posture?

15 A. Whenever he engaged me?

16 Q. Yes. When he was going at you, when he was seeking to
17 engage you ---

18 A. I took a defensive posture.

19 Q. Okay. And at any time did you ever hit him?

20 A. No, sir.

21 Q. Did you observe anybody else hit the defendant?

22 A. No, sir.

23 MR. REDMOND: I beg the court's indulgence.

24 Q. And, again, injuries were inflicted upon you in this
25 whole incident as well?

1 A. Yes, sir. Above the left eye.

2 Q. So that would be, basically, three of y'all he injured
3 during this encounter?

4 A. Yes, sir.

5 Q. At the conclusion, I forgot to ask you this, at the
6 conclusion once you got him into custody, did he appear to
7 be injured at all?

8 A. No, sir.

9 MR. REDMOND: That'd be all the questions I have.
10 Please answer any questions that Ms. Copeland-Little may
11 have.

12 MS. LITTLE: No questions for this witness, Your
13 Honor.

14 THE COURT: All right. You may step down.

15 MR. REDMOND: Your Honor, Cpl. Sikes is our last
16 witness and I do have -- I'm confirming I have placed both
17 exhibits in evidence and with that, Your Honor, the State
18 would respectfully rest its case at this time.

19 THE COURT: All right. Folks, well, you have now
20 heard the State's evidence in the case and so we need to
21 take a break while we get ready for the next phase of the
22 trial so I'm going to send you back to the jury room. You
23 can use the restroom, stretch your legs, but do not begin
24 deliberations or discussions about the case with each other
25 and we'll see you in about ten or fifteen minutes. Okay.

1 (Whereupon, the jury exits the courtroom at 10:52 a.m.)

2 **Motions:**

3 THE COURT: All right. Any motions from the
4 defense? Do you have any motions?

5 MS. LITTLE: No, sir.

6 THE COURT: Okay.

7 MS. LITTLE: Oh, I'm sorry. Excuse me, Your Honor,
8 at this time I would move for a directed verdict of
9 acquittal based on failure of competent evidence tending to
10 prove my client's guilty.

11 THE COURT: Would the State like to respond?

12 MR. REDMOND: The State would simply say that based
13 on the standard, the scintilla standard, the State has
14 introduced more than a scintilla of evidence to allow the
15 jury to make a determination on each of these counts of the
16 indictment, each indictment, rather.

17 THE COURT: All right. Well, I agree I believe the
18 State has presented enough evidence to let the case go
19 forward and we will deny the defense motion.

20 THE COURT: Now, it comes to the time where we have
21 to make a determination as to whether or not the defense is
22 going to present a defense, calling other witnesses, and if
23 the defendant is going to testify. Ms. Little, what is the
24 defense's position on this?

25 MS. LITTLE: Your Honor, against my advice, Mr.

1 Little states that he wishes to testify.

2 THE COURT: Okay. Do you have any other witnesses
3 you intend to the other than the defendant?

4 MS. LITTLE: No, sir.

5 **Defendant's Rights:**

6 THE COURT: Okay. All right. Well, Mr. Little,
7 yesterday we talked and I told you there was going to
8 become this point in the trial where you had to make the
9 decision as to whether or not you wanted to testify and
10 present a defense and I told you, you didn't have to tell
11 me then what your decision was and I encouraged you to
12 think about it overnight and consult with your attorney.
13 The State has now presented all of their evidence and it is
14 your turn to decide whether or not you're going to present
15 a defense which would include you testifying. Your lawyer
16 said you don't have any witnesses call, but that you
17 indicated a desire to testify. It is, again, as I told you,
18 your decision and your decision alone as to whether or not
19 to testify. It's your constitutional right. If you testify
20 you'll be put under oath. You have to testify truthfully
21 and you be subject to cross-examination. Again, if you
22 decide you do not want to testify I will instruct the jury
23 that they're not to hold that against you while they are
24 deliberating the verdict. Have you made the decision as to
25 whether or not you want to testify?

1 MR. LITTLE: Sir, I would like -- I just want to go
2 home.

3 THE COURT: I can't hear you.

4 MR. LITTLE: I just want to go home to women ---

5 THE COURT: Could you stand up and speak louder? I
6 can't hear.

7 MR. LITTLE: My family, I want to go home to my
8 family. I want to go home to my family. Do you want to go
9 home to your family?

10 THE COURT: I just can't hear what you're saying.
11 Speak louder.

12 MR. LITTLE: I want to go home to my family.

13 THE COURT: You want to go home?

14 MR. LITTLE: Right.

15 THE COURT: Okay. Well, that depends on what the
16 verdict is going to be.

17 MR. LITTLE: I ain't got time to play games. I don't
18 play games. I don't mess with people. I mind my business.
19 I do this. I'm a private man. I am a free man. Free man,
20 yes. Free man, yes. I don't owe y'all nothing. I don't owe
21 your system -- I'm not under your jurisdiction, okay. None
22 of that. You will not put me under your dick, no. None of
23 that. I will drop my balls on this whole world. You
24 playing with me. I got -- 90 million on the Powerball. They
25 are ready. I know. They're ready to tear the fucking

1 place up because they tired. People are tired of the
2 y'all. Yes, they are. Tell me -- I'm not racist. But since
3 I've been in that jail I've been deprived by his people --
4 them people that look like him, them people that look like
5 her, all colors. It don't matter about no color. Color
6 don't mean nothing. It's about your heart. What type of
7 heart you got in your body. You know, the dirty hearts. I
8 don't play games. I don't mess with people. I mind my
9 business. They did to me -- they did to me -- they owed me
10 every penny, tax-exempt, because I am a native. Asiatics
11 Indigenous Native to this land. I want to go home to my
12 land. My grandfather, he was from Washington. He was a
13 great man. He made mistakes, man, but, you know, we all
14 make mistakes, ain't that right? We all make mistakes.
15 You're going to keep going left or you gonna go right or
16 you gonna go straight. Which way you want go? You know,
17 they say we're ordinary people, we don't know which way to
18 go, huh? I know what way to go. Sometimes I, you know, it
19 just don't make sense, but it makes sense to me, you know,
20 I feel like, you know, I should be able to get whatever
21 fuck I want in this world. If I want I should be able to go
22 get it. The Golden child. The Golden children, me and my
23 sister, she got a bad heart. She had -- probably something
24 that the hospital gave her. I know she and the guy were in
25 the pool together. He was fucking watching my mother,

1 Keith Thomas, playing with my fucking family, you know.
2 Excuse my french. Whoever Frenchman made this language. I
3 didn't create it. Y'all did. The law was left for me, my
4 people. It was left for us, not y'all. Y'all are
5 unnaturalized people in this land. Y'all have colonized
6 this land. Do you understand George Washington chopped the
7 cherry tree down. You know, the five-point stars Al
8 Morocco. King of Al Morocco. Well, maybe we can go on back
9 some more, some more, before that even came along, huh?
10 You know, three hundred men, three hundred men against all
11 those men and they won. We are the Muslims. They been
12 trying to come over here and clean this shit up. Bring the
13 Sharia law. The real Law. This fucking bull shit y'all
14 got going on. This weirdo shit. It's abominations. Yeah,
15 shake your head up there. Shake your fucking head. Stand
16 up and be a man. That's what you need to do be a fucking
17 man and - Stop lying. Y'all ain't no lying Kings. I'm
18 the only King, but they are plenty more. But you try to
19 make us out to be something that we're not. We are Kings
20 and Queens, God and Goddesses. A lot of, you know, just,
21 you know, you just want to play, play, play, play. And my
22 little nephew he just wants to play. He won't play. I
23 told him I said you are a King now. He said I'm a boy.
24 Pinocchio. Pinocchio. The wood. The wood. They chopping
25 down our trees. You know, the IRS is your friend. Oh, yes,

1 I know -- The left hand. The left hand. The Pope, you
2 know, he know. I'm gonna make him bow the fuck down and
3 kiss my feet. The Pope whatever he -- you understand what's
4 going on, man? You know, God created man. We showed y'all
5 how to get up off your hands and knees and walk. You know,
6 y'all was running around. Y'all was the savages and shit.
7 I was the beast. Y'all are good people. The Moors they
8 have original people, you know. Quiet down, talked to me
9 like I was a boy and I didn't know what the fuck was going
10 on, 1933, thirty-three, sixty-six, ninety-nine, you know,
11 one, two hundred, maybe three hundred of us. Jay Z, hurry
12 up. There's a whole lot of people waiting on me. They want
13 to see what I'm gonna do. What the fuck y'all gonna do?
14 Y'all want peace or y'all war? What y'all want to do? I
15 know what I want I want my fucking money, all of it and I
16 don't want none of your people following me. Don't
17 following me, you know.

18 (Whereupon, the defendant starts to sing)

19 MR. LITTLE: Anybody that plays with me and my
20 fucking sister, my aunts, my mama, oh, yeah, I can save my
21 mama too whatever the fuck she done got into, Keith Thomas,
22 yeah. Yeah, I know some people who want to kill his pussy
23 ass. All his shit him and Leviner done did and Wayne
24 Jordan too. Jordan? Wayne Jordan. All this slave things
25 and all that shit, don't apply to me.

1 THE COURT: All right. Well, Mr. Little, you
2 haven't answered my question yet.

3 (Whereupon, the defendant is rambling over at the defense
4 table)

5 THE COURT: So I know you've expressed your
6 philosophy, Mr. Little, if you can direct your attention
7 towards me. I've given you the opportunity to say your
8 peace.

9 MR. LITTLE: I'm saying my peace.

10 THE COURT: And you have, you know, spoken ---

11 MR. LITTLE: I just told you I want to go home to my
12 family. Before this happened to me I was minding my own
13 business, my business.

14 THE COURT: I understand. But, we're in a trial
15 now for you on these charges ---

16 MR. LITTLE: This is a mock trial.

17 THE COURT: --- and it's the opportunity ---

18 MR. LITTLE: You're mocking me is what you're doing.
19 You're trying to find out what I know.

20 THE COURT: Do what?

21 MR. LITTLE: It doesn't matter what I know, what do
22 you know? Do you know who you are? Do you know where you
23 come from?

24 THE COURT: I do.

25 MR. LITTLE: I know who I am. And I'm trying to give

1 you, I'm trying to give you a chance here because my people
2 they know who they are too and they not scared to die.

3 THE COURT: Well, I'm trying to give you the
4 opportunity to tell me if you plan to testify or not.

5 MR. LITTLE: We are the majority not the minorities.
6 Y'all are the minorities because y'all dying off slowly but
7 surely. So what y'all wanna do? You wanna go right or you
8 wanna keep going left? I don't care about religion. This
9 has nothing to do with what religion you say you are.
10 Ain't no fucking Jesus died -- ain't no man coming to die
11 for no peoples sins. No bearing of burdens will bear the
12 burden of another. Every man will be questioned and asked
13 what they did. Like my father, if you put in beside me,
14 he's going to be looking straight. He's not going to be
15 saying, son ---

16 (Whereupon, the defendants continues to ramble)

17 MR. LITTLE: No. No. He's only gonna worry about
18 him damn self. Like I'm gonna be worried about my damn
19 self. I hope y'all worry about y'all damn self and y'all
20 kids. You understand? This shit ain't no game. I'm not
21 playing nobody, nobody. R. Kelly

22 (Whereupon, the defendant starts singing)

23 THE COURT: All right. Well, I've had enough. I'm
24 going to ---

25 MR. LITTLE: I ain't ---

1 THE COURT: We're gonna take a break now so that
2 you can go back and use the restroom while we get ready to
3 go into the closing arguments. I gather you do not want to
4 testify.

5 MR. LITTLE: I'm not a European. You are the hybrid
6 European.

7 (Whereupon, the defendant rambles on at the defense table)

8 THE COURT: That's your opinion. But here's what
9 we're gonna do, I'm going to have the deputies take you
10 back to the cell and you can use the restroom and I'll let
11 you talk to your lawyer one last time. And if you decide
12 that you do not want to testify then we'll finish up. Go
13 ahead and take him on back.

14 (Whereupon, the defendant rambles on at the defense table)

15 THE COURT: Okay. Why don't y'all take a few
16 minutes to use the restroom and then we'll meet back in
17 chambers.

18 (Whereupon, the court takes a short recess at 11:22 a.m.)

19 (Whereupon, the court is back on the record at 11:31 a.m.)

20 MR. REDMOND: Go ahead and bring him out.

21 THE COURT: Are they bringing him in?

22 MS. LITTLE: I told them.

23 THE DEPUTY: He's using the bathroom, Your Honor.

24 (Whereupon, the deputies bring in the defendant)

25 MR. LITTLE: What do you want me to do? Do you want

1 me to stand up or do you want me to sit down? Huh? Judge?
2 Your Honor?

3 THE COURT: Well, I can hear you better if you're
4 standing.

5 MR. LITTLE: Okay. I'll stand up.

6 THE COURT: All right. We're at the final stage of
7 the trial now. I have deemed that you have waived your
8 right to testify.

9 MR. LITTLE: No, I didn't waive that.

10 THE COURT: And so I had your lawyer tell you ---

11 MR. LITTLE: I ain't waived nothing.

12 THE COURT: --- that we're now moving into the
13 final phase and if you wanted to sit and listen to closing
14 arguments you could ---

15 MR. LITTLE: I ain't waive nothing.

16 THE COURT: --- but you would have to, again, do
17 that quietly.

18 MR. LITTLE: Am I free to go?

19 THE COURT: She indicates that you have said you
20 would not be able to sit and behave ---

21 MR. LITTLE: Am I free to go, sir?

22 THE COURT: What?

23 MR. LITTLE: Am I free to go? Am I free to go home?

24 THE COURT: No, you're not.

25 MR. LITTLE: To South Carolina ---

1 THE COURT: You're not free to go home.

2 MR. LITTLE: I'm not free.

3 THE COURT: Not until we have a verdict and if the
4 jury sends you lose, well, then I don't have an -- if you
5 have other charges you'll have to -- you won't be able to
6 go home.

7 MR. LITTLE: Oh, I don't need a bond then. I
8 supposed done been got a bond for a murder charge.

9 THE COURT: Well, I don't think you're gonna get to
10 go home.

11 MR. LITTLE: I seen where this guy from Darlington
12 County, he got a bond in like two months, something like
13 that.

14 THE COURT: So are you going to be able to sit and
15 be quiet while we have closing arguments?

16 MR. LITTLE: I can do whatever you need me to do.
17 What you need me to do?

18 THE COURT: I what you to sit there and be quiet.

19 MR. LITTLE: All right. Hey, I'll sit down for you
20 this time.

21 THE COURT: You can stay as long as you're quiet.
22 If you're not quiet I'm gonna have you, we'll stop and
23 we'll escort you out. But as long as you sit there
24 quietly, you're welcome to stay. Okay.

25 MR. LITTLE: Thank you, sir.

1 THE COURT: All right. Thank you. Bring the jury
2 in.

3 (Whereupon, the jury enters the courtroom at 11:33 a.m.)

4 THE COURT: All right. Well, ladies and gentlemen,
5 we are now into the final phase of the jury trial and the
6 defense is not going to call any witnesses. And so as I
7 told you earlier he's not required to and you're not to
8 hold any of that against him while you are deliberating
9 your verdict. We'll have the closing arguments and then I
10 will charge you on the law. So we're going to have -- the
11 State has to open and close in full because the State (ph)
12 did not present any evidence so you will hear from the
13 State and then you will hear from the defense. All right.
14 So if you're ready you may begin.

15 MR. REDMOND: May it please, the court, Your Honor?
16 Ms. Cope-Little?

17 **Closing Arguments- Mr. Redmond:**

18 ____Ladies and gentlemen, I told you this would be a short
19 trial. And as I told you, initially, being a short is in no
20 way indicative of the importance of the case because we
21 talked about the law and order. And as I think as you see
22 this case is about order. Maintaining order. And I'll
23 talk about that in more detail.

24 But let me first, again, thank you for your
25 willingness to serve and during the course of this trial

1 for the attention that you paid. Again, these are very
2 difficult circumstances that we find ourselves in trying to
3 listen through plexiglass because of the - because normally
4 you see that there was a row that you would be sitting
5 where you would be able to see the witness easier, well,
6 some of you on the floor can't do that so that has
7 presented challenges. But despite all of that, you have
8 been very attentive because I can tell that you understand
9 the importance of this case and for that my sincerest
10 thanks.

11 The judge mentioned reasonable doubt when he gave you
12 instructions at the beginning of the trial and I'm going to
13 talk about that briefly and just to reiterate reasonable
14 doubt. We've heard it defined as the doubt that causes a
15 reasonable person to hesitate to act. Well, better put,
16 when I present a case because I have the burden of proof in
17 this case, in the situation, if you are firmly convinced of
18 the defendant's guilt, firmly convinced that he did, in
19 fact, assault these officers while he was resisting arrest,
20 then he must be found guilty. Firmly convinced. Because we
21 were not there.

22 Now, you see what happened. Fortunately, we have the
23 video and the body cam so you are able to see it. But,
24 again, we don't have to remove all doubt, we just to have
25 to remove enough doubt to leave you firmly convinced of the

1 defendant's guilt. I will submit to you that between the
2 testimony, between the jail video, and with the body cam
3 video the State has met and exceeded that burden.

4 Now, what are the charges? The charges here are that
5 the defendant assaulted three officers, Cpl. Sikes, Lieut.
6 Weiss, and Capt. Vaughn while he was resisting arrest. The
7 important thing for you to consider and one of the
8 questions that I asked continuously of each witness, was at
9 what point had this turned into an arrest situation? When
10 you look at the video it should seem obvious. But to make
11 sure the record is complete I had to get into that with
12 each witness and they told you the same thing. Initially,
13 their law enforcement intent was to get him back to his
14 cell. But he wasn't having that. And as a result of his
15 defiance it turned into a situation where to further his
16 non-compliance he assaulted them. Once he broke away and
17 started to swing it turned into an arrest situation. A
18 situation where he was being placed in custody. During the
19 course of that, and again, it's obvious, we played it, we
20 slowed it down, we stopped it, on the video that he had
21 assaulted these three officers and really inflicting
22 injuries on all three. Cut two of the officers, Cpl. Sikes
23 and Capt. Vaughn, and left Lieut. Weiss dazed when you see
24 he gets hit. So he inflicted damage on all of them, but
25 yet, he came out of it none of worse for wear under the

1 circumstance. Which again goes to show -- and let me stop
2 here and talk about law enforcement for a minute, if I may.
3 Because as a prosecutor I am not a member of law
4 enforcement. But my job is to present the cases that they
5 make. And if you'll just allow me to take a little sidestep
6 for a minute, this last year has been difficult. I mean, we
7 all see what's going on and it has been difficult for all
8 of us. I am proud to be a resident of Chesterfield County
9 and I am proud to have worked with these ladies and
10 gentlemen that you see here in the courtroom representing
11 law enforcement, the sheriff's office, and the other law
12 enforcement agencies in this county. And knowing how they
13 operate, you saw some of that on the video, not one punch.
14 I'm just going be honest, Your Honor, pardon my grammar.
15 If somebody hits me like that, the way I grew up, I'm gonna
16 knock the hell out of them. Pardon my French. But as you
17 heard Capt. Vaughn say because of his training, he was not
18 going to throw away that career to, in essence, strike back
19 at him. He understood and he told you this, last thing, and
20 that's when I knew it was time to sit down because I could
21 not have said it any better. He knew that he is held to a
22 higher standard. And that is why I am so proud to be here
23 in Chesterfield County representing the ladies and
24 gentlemen in law enforcement in trials that we conduct in
25 this county because that, I think, resignations and puts

1 into perfect - I couldn't have said it any better myself,
2 to be honest with you. I'm paid to talk. My job is to get
3 up here and talk. Sometimes I know when it's best to shut
4 up and let the other person who says it more eloquently,
5 let them have that moment. Capt. Vaughn nailed in that
6 moment. Wasn't anything else I needed to say.

7 So with that I tell you, now you know and understand
8 the context from a law enforcement standpoint how they
9 sought to do their job in that situation. They did not want
10 to have to engage this defendant. However, one of the other
11 things that becomes clear as you look at this, he wanted a
12 fight. He was dying for a fight. Who was the offensive
13 party in this? Who was on the offense? And who was actually
14 on the defense to try to avoid his wrath? This defendant
15 from the very beginning "I am the law." You heard that when
16 Cpl. Sikes cut on his mic, "I am the law." It tells you all
17 you need to know about his mindset in that moment. Context
18 is an important thing, ladies and gentlemen. When you're
19 going back to decide what your verdict should be placing
20 this in a context, he was not afraid of anything. Did you
21 see any fear on that man's face during this encounter? No.
22 It's not fear. He was looking for a fight. His whole role
23 was disruption.

24 I talked about law and order and I talked about order.
25 For the rule of law to work you must have order. For the

1 rule of law to work you must have order. And let's take
2 that a step further to the detention center. As I told you
3 in my opening, of all the places on this planet one where
4 there is a tinderbox waiting to explode, a power keg, is
5 the fact that you've got people who are there incarcerated,
6 many awaiting trial on whatever charges they have, but I
7 don't know of too many people that are happy to be there.
8 But they got to maintain order because if not, it could be
9 disastrous for other inmates. It could be disastrous for
10 the jail staff. We didn't get into it in depth in this
11 case, but to try to balance that, to try to adhere to a
12 person's rights to give them a certain amount of latitude
13 while at the same time making sure that you aren't putting
14 yourself in further danger. That's a fine line to have to
15 walk. We ask a lot of our law enforcement and a lot of our
16 corrections staff and sometimes we just need to take a
17 moment and acknowledge that. And despite the challenges
18 that they face on a daily basis not knowing whether they're
19 going to come home at night. I mean, think about it, when
20 there's a problem if something happened right now in this
21 building, a fire, somebody start shooting up the place,
22 what are we gonna do? We're gonna run and take cover.
23 What are they going to do? They going run to the danger to
24 try to eliminate the danger. Their role is to run into
25 danger. The same danger that we are trying to seek cover

1 from. It's okay to acknowledge that. It's okay to
2 acknowledge that our correction officers are dealing with
3 people on a daily, hourly, minute, basis who do not want to
4 be there. I would just ask you to take a moment and
5 understand just how gargantuan and task that is that we
6 place on them. And then to have this defendant, basically,
7 flog that and has he said, "I am the law." No. Ladies and
8 gentlemen, today you are the law. You are the ones who are
9 gonna be making the decision in this case. You're the one
10 who are going to be making the verdict in this case. And I
11 will submit to you that, one, I'm going to be very short
12 because one of the things as I said earlier I learned as
13 I've gotten older, is when to shut up. The video you've
14 seen it nausea. It speaks for itself. There isn't anything
15 else that I can say to add to what you've heard on the
16 video and what these officer testified to. I'd be a fool to
17 even try. The only thing I'm would tell you is to take
18 everything into consideration that you saw and heard and I
19 would submit to you that the verdict is obvious. That this
20 defendant is, in fact, guilty of assaulting Lieut. Marc
21 Weiss. He's guilty of assaulting Capt. Spence Vaughn. And
22 he is guilty of assaulting Cpl. Clay Sikes.

23 I thank you for your attention and we do look forward
24 to your verdict.

25 Thank you.

1 THE COURT: Ms. Little?

2 **Closing Arguments- Ms. Little:**

3 Good afternoon, still not afternoon yet, good morning.
4 I want to thank you all, also, for your attention today and
5 yesterday.

6 As the judge told you my client is innocent, is
7 presumed innocent until the State has prove him guilty
8 beyond a reasonable doubt. And I just want to call your
9 attention to a few things that I think may cause you to
10 have that reasonable doubt. And, again, if you do have a
11 reasonable doubt, the judge is going to instruct you that
12 you have to find my client not guilty.

13 Now, you heard Sgt. Marine testified that my client
14 David Little was given permission to use the phone that
15 day. So he did have a right to be where he was when all
16 this started. He was there with permission. You also heard,
17 completely against jail protocol, he was unrestrained. No
18 cuffs. No shackles. And ask yourself if they, if the
19 corrections officers had followed proper procedure and he
20 was restrained as he should have been, would we even be
21 here today?

22 You also heard the testimony from the deputies, not
23 one deputy testified that they actually ask Mr. Little to
24 go back to his cell. No deputy told him that he was under
25 arrest. And if he was under arrest what for? So he's not a

1 big man. There's three large officers coming towards him
2 and wouldn't a reasonable person feel threatened under
3 those circumstances?

4 Again, Mr. Little is exercising his right to a trial
5 which he has a right. We all have a right. He is innocent
6 until proven guilty. The jail followed, did not follow
7 protocol that day. And if they had we wouldn't even be here
8 today. So I'm going to ask you to take all this into
9 consideration during your deliberations and find Mr. Little
10 not guilty.

11 Thank you.

12 THE COURT: Can I see the two lawyers over here on
13 the sidebar for just a second.

14 (Whereupon, a bench conference was held off the record)

15 **Judge's Charge:**

16 THE COURT: Okay. Now, folks, we have heard all of
17 the evidence. You've heard the closing arguments and now it
18 is my duty to charge you on the law that applies to this
19 type of case. I'll tell you and I'll remind you, I talk
20 about how we have different roles in the trial at the
21 beginning. My job is the judge, we call it the judge of the
22 law, is to preside over the case and rule on admissibility
23 and make sure our procedures get filed or followed. You on
24 the other hand, consider only the evidence that was
25 presented to you in this courtroom that was either

1 presented from the witness stand or was in documents or
2 photographs or videos that you watched.

3 Now, I also have the additional duty of charging you
4 on the law that applies to this type of case and it's your
5 duty under the oath that you took at the beginning of the
6 trial to accept the law and apply the law as I now state it
7 to you. If you have some idea of what you think the law is
8 or what it ought to be and it does not agree with what I
9 now tell you what the law is, you must forget those ideas
10 because, again, it is your duty to accept the law and apply
11 it as I now state it to you.

12 You, alone, are the sole judges of the facts. I cannot
13 comment on or make any statement to you about how I might
14 feel about the facts of this case. You are not to infer
15 from anything that you think I may have said or done that I
16 have while in ruling on the case or any comments or
17 gestures that I might've made that I have some sort of
18 feeling about what you ought to view or ought to rule on
19 what the verdict is, the law does not permit me to have an
20 opinion about the outcome of this case. That is solely a
21 matter for you to decide. You, alone, determine the effect,
22 the weight, the value and the truth of the evidence that
23 was presented during this trial.

24 I want to, also, tell you and we talked about the
25 indictments in this case. There were three indictments all

1 for the charge of assault while resisting arrest. These
2 indictments as I told you at the beginning are simply the
3 charging instruments which let the defendant know what he
4 is charged with. Gives the court jurisdiction to hear the
5 case. Let's him know what he's to stand trial for. These
6 documents are not evidence. They're the only things that
7 will go back to you in the jury room that are not evidence
8 and the only reason why I'm sending it back is because on
9 the back of each of these three indictments, Madam Foreman,
10 you'll see a place where it says verdict. You write what
11 the verdict is. It will either be guilty or not guilty as
12 to each of these indictments and each of these indictments
13 stand alone. So the State has the burden of proving guilt
14 beyond a reasonable doubt as to each indictment. You will
15 write either guilty or not guilty and signed and dated.
16 Okay.

17 Now, again, the defendant pled not guilty to these
18 indictments and that put the burden on the State to prove
19 that he is guilty beyond a reasonable doubt. As I stated
20 earlier a person who is charged with a criminal offense in
21 South Carolina is never required to prove himself innocent.
22 This is an important rule of law in this country that a
23 defendant in a criminal trial will always be presumed to be
24 innocent of a crime for which he is indicted unless or
25 until his guilt has been proven by evidence satisfying you

1 of that guilt beyond a reasonable doubt.

2 This presumption of innocence is not just some legal
3 theory. It's not just a legal phrase. This is a substantial
4 constitutional right which every defendant is entitled.
5 This presumption of innocence accompanies the defendant
6 from the time he is charged throughout the trial and unless
7 or until you reach a verdict a guilt based upon evidence
8 satisfying you of that guilt beyond a reasonable doubt.

9 I also told you that the defendant is not required to
10 testify. He's not required to put up any evidence. And all
11 that he is required to do is to show up for trial and that
12 he did. This again is an important constitutional right
13 that he possesses and that you are not to hold that failure
14 to testify against him while you are deliberating the
15 verdict. You are not to even bring it up in your
16 deliberations. Do not consider it in any manner in your
17 deliberations. He is not required to testify. He's chosen
18 not to and that is not a factor at all in your
19 deliberations as to whether or not he's guilty of these
20 charges.

21 Now, we talked about this phrase reasonable doubt and
22 I talked to you a little bit about it before the trial
23 began and I want to go over it with you again. The State
24 has the burden of proving guilt beyond a reasonable doubt.
25 And as I told you some of you may have even served in a

1 jury trial where in a civil case where the, it's only
2 required to prove that a fact is more likely true than not
3 true such as the greater weight of the evidence or the
4 preponderance of the evidence. But in a criminal case like
5 this the State's proof must be more powerful than that. It
6 must be proof beyond a reasonable doubt.

7 Proof beyond a reasonable doubt is proof that leaves
8 you firmly convinced of the defendant's guilt. Reasonable
9 doubt has also been defined as the kind of doubt that will
10 cause a reasonable person to hesitate to act. There are
11 very few things in this world that we know with absolute
12 certainty and in criminal cases the law does not require
13 proof that overcomes every possible doubt. If based on your
14 consideration of the evidence you are firmly convinced that
15 the defendant is guilty of the crime charged then you must
16 find the defendant guilty. On the other hand, if you think
17 there is a real possibility that the defendant is not
18 guilty then you must give the defendant the benefit of the
19 doubt and find him not guilty.

20 During a criminal trial, or any trial for that matter,
21 there are two types of evidence that gets presented during
22 the trial. There is direct evidence and there's
23 circumstantial evidence.

24 A direct evidence directly proves the existence of a
25 fact. It doesn't require any deduction.

1 Circumstantial evidence is proof of a chain of facts
2 and circumstances that indicate existence of a fact. Crimes
3 must be proven or may be proven by circumstantial evidence.
4 And the law makes no distinction between the weight or
5 value to be given to either direct or circumstantial
6 evidence.

7 However, to the extent that the State relies on
8 circumstantial evidence all of the, all of the
9 circumstances must be consistent with each other and when
10 taken together point conclusively to the guilt of the
11 accused beyond a reasonable doubt. If the circumstances
12 merely portray the defendant's behavior suspicious then the
13 proof has failed.

14 The State has the burden of proving the defendant
15 guilty beyond a reasonable doubt and this burden rests with
16 the State regardless of whether or not the State relies on
17 direct evidence, circumstantial evidence or some
18 combination of the two.

19 As jurors you must also determine the credibility of
20 witnesses who testified. Credibility simply means
21 believability. It is your duty to analyze and to evaluate
22 the evidence and to determine which evidence convinces you
23 of its truth.

24 In determining the believability of witnesses who
25 testified in this case you can believe one witness over

1 several witnesses or several witnesses over one witness.
2 You can believe the testimony of a witness and its entirety
3 or you can reject the testimony of the witness and its
4 entirety. And you can believe part of a witness's testimony
5 and reject the remaining part of that same witness's
6 testimony. If you reject part of it you can still accept
7 the remainder of it. You may consider whether any witnesses
8 exhibited to you any interest, bias, prejudice, or other
9 motive in this case. And you may consider the appearance
10 and demeanor of a witness while on the witness stand.
11 You're not bound to decide the case based on the number of
12 witnesses that a side produces.

13 Now, as to the substantive charge the elements of
14 assault while resisting arrest, the defendant is charged
15 with assaulting, beating or wounding a police officer
16 serving, process or while resisting arrest in violation of
17 Section 16-9-320(b) of the South Carolina Code of Laws. The
18 State must prove beyond a reasonable doubt that one, the
19 defendant knowingly and willfully assaulted, beat or
20 wounded a law enforcement officer engaging in serving,
21 executing or attempting to serve or execute a legal writ or
22 process; or two, assaulted, beat, or wounded an officer
23 when the person is resisting an arrest being made by one
24 whom the person knows or reasonably should have known is a
25 law enforcement officer whether or not under process.

1 Now, in determining your verdict of guilty or not
2 guilty you may not consider any possible penalty for a
3 particular time. The punishment for a crime is a matter for
4 me to determine and should never be considered by you in
5 any way whatsoever in arriving at a verdict of guilty or
6 not guilty.

7 Finally, your verdict must be unanimous. In other
8 words, all twelve jurors must agree on the verdict.

9 So, Madam Foreman, I'm going to send you back now with
10 your jury. Do not begin your deliberations just yet. I have
11 to give the lawyers the opportunity to say if I misspoke
12 something so I can bring you back and correct it. Once we
13 get that cleared up, then I will send the verdict, or the
14 indictments back with you and that's, again, where you will
15 write down the verdict of guilty or not guilty. If you
16 would like to review the videos that came in, you just let
17 us know we will arrange that.

18 Now, the clerk has ordered you some lunch. I don't
19 know if it's here yet, but it's supposed to get here very
20 shortly if it hasn't already arrived. You can begin your
21 deliberations once I tell you, send back word, to begin
22 deliberations. You can wait on the food. You can eat while
23 you're deliberating or some combination of that. But
24 whatever you decide you must all twelve do the same thing.
25 So you can eat while you're deliberating, but if you decide

1 well, we want to stop, everybody has to stop deliberations,
2 okay. Nobody can go wandering off or anything like that.
3 You are a group now until you come up with the verdict.

4 So, again, go back. I'll -- do not begin your
5 deliberations until I send word back with the bailiff that
6 it's okay to begin deliberations. This just takes a
7 minute. Okay. Thank you. You can go back with the
8 bailiff. I'm also going to send you back a copy of the jury
9 instructions.

10 (Whereupon, the jury exits the courtroom at 12:01 p.m.)

11 THE COURT: Anything from the State?

12 MR. REDMOND: No exceptions from the State, Your
13 Honor.

14 THE COURT: Anything from the defense?

15 MS. LITTLE: No, sir.

16 THE COURT: Okay. All right. Did we have anything
17 other than the videos?

18 MR. REDMOND: Just the two videos.

19 THE COURT: Just those?

20 MS. LITTLE: Yes.

21 THE COURT: All right. Now, did their food get
22 here yet?

23 THE CLERK: Yes, sir.

24 THE COURT: Okay. So go ahead and give that to
25 them.

1 THE CLERK: It's already waiting on them.

2 THE COURT: Okay. Good. All right. Well, give
3 this to the bailiff and tell them they can begin their
4 deliberations then. Bring me the alternate.

5 MS. LITTLE: Is that the one added, you had added
6 the one about his right not to testify.

7 THE COURT: Oh, yes, it's in there. Here's a copy.
8 Here's a copy of it.

9 MS. LITTLE: Okay. Thank you.

10 THE COURT: Just for the record we had a very brief
11 charge conference over to the side. I realized that the
12 attorneys, we had not done that before we started. So when
13 I took a side bar conference after closing arguments, we
14 had a side bar and both charges, um, both attorneys agreed
15 that they had no problems with the jury charges that I read
16 to the jury. Okay.
17 And then we will await the verdict. You can take Mr.
18 Little on back.

19 (Whereupon, deliberations starts at 12:03 p.m.)

20 MR. REDMOND: Your Honor, may we approach?

21 THE COURT: You may.

22 (Whereupon, a bench conference was held off the record)

23 THE COURT: All right. You're Ms. McBride?

24 MS. McBRIDE: Yes, sir.

25 THE COURT: Okay. Well, Ms. McBride you are our

1 alternate and so once we have turned it over for them to
2 begin their deliberations, then you are finished for your
3 duties for this trial. Were you able to get her a
4 sandwich?

5 THE CLERK: She's going to go back and knock on the
6 door and they're going to cease what they're doing ---

7 THE COURT: Okay. You can get a sandwich. You
8 can't be in there and eat while there deliberating. But I
9 want to thank you for your service. I know it was not a
10 long trial but, you know, sometimes you get long ones and
11 sometimes you get short ones. This had some interesting
12 little twists and turns, I'm sure you picked up on it a
13 little bit here and there. But thank you so much for your
14 service and you're finished for the week so you don't have
15 to call after six or come back tomorrow or anything. Okay.

16 MS. McBRIDE: Okay. Thank you.

17 THE COURT: Thank you for your service.

18 MS. McBRIDE: You're welcome.

19 (Whereupon, the court goes back on the record due to the
20 jury having a question for the judge)

21 THE COURT: All right. The jury has sent back a
22 note that ask, Can you elaborate on what it means "A police
23 officer serving process? What does serving process mean?"
24 And I am responding, "serving process usually means
25 attempting to deliver legal notification of some court

1 action." I'm signing in it. Both parties agreed to that
2 answer. We'll send that back. Mark that as a Court
3 Exhibit.

4 (Whereupon, the Question from the Jury has been marked and
5 entered into evidence as Court's Exhibit No. 1)

6 (Whereupon, the jury is still out deliberating)

7 THE COURT: All right. I need the defendant back
8 in.

9 MS. LITTLE: I told them, judge.

10 (Whereupon, the defendant is escorted back in the
11 courtroom)

12 THE COURT: All right. Let the record reflect that
13 the defendant is in the courtroom. Mr. Little, I
14 understand the jury has reached a verdict so we're going to
15 bring the jury in and receive whatever the verdict is.
16 Whatever it may be I will tell you I won't tolerate any
17 kind of outburst. Whatever the verdict is we will accept
18 it. I'll escort the jury out and then we will move
19 accordingly from that point on. But I will expect you to
20 not have any outburst whether it goes in your favor or not.
21 Do you understand that?

22 MR. LITTLE: I understand.

23 THE COURT: All right. Let's bring the jury in.
24 (Whereupon, the jury enters the courtroom at 1:27 p.m.)

25 Verdict:

1 THE COURT: Madam Foreman, I understand the jury
2 has reached a verdict, is that correct?

3 THE FOREPERSON: Yes, sir.

4 THE COURT: Is it unanimous asked all three?

5 THE FOREPERSON: Yes, sir.

6 THE COURT: All right. Would you let me have that?
7 (Whereupon, the juror complies)

8 THE COURT: Thank you. The clerk will publish.

9 THE CLERK: Yes, sir. Docket number 2021-GS-13-
10 603, the State of South Carolina County of Chesterfield in
11 the Court of General Sessions, the State versus David
12 Antonio Little, Jr., indicted for assault on a police
13 officer. Verdict? Guilty. Docket number 2021-GS-13-603,
14 the State of South Carolina County of Chesterfield in the
15 Court of General Sessions, the State versus David Antonio
16 Little, Jr., indicted for assault on a police officer.
17 Verdict? Guilty.

18 Docket number 2021-GS-13-605, the State of South
19 Carolina County of Chesterfield in the Court of General
20 Sessions, the State versus David Antonio Little, Jr.,
21 indicted for assault on a police officer. Verdict? Guilty.

22 Madam Forelday, is this your verdict?

23 THE FOREPERSON: Yes, ma'am.

24 THE CLERK: Is it still your verdict on all three?

25 THE FOREPERSON: Yes, ma'am.

1 THE CLERK: So say you all, if so say yes?

2 (Whereupon, the jurors all indicate yes)

3 THE COURT: Do you wish to have the jury polled?

4 MS. LITTLE: No, sir.

5 THE COURT: Okay. All right. Well, thank you,
6 folks. I want to thank you for your service in this case.
7 It's not been a long case, but as you understood it was
8 important case. The folks of this County and of the State
9 and your appreciation for listening to the evidence and
10 deliberating for as long as you did shows that you took it
11 very, very seriously and that's all we can ask of our
12 citizens is to come and participate and take the job
13 seriously and that you, obviously, did. And for that
14 matter, I thank you for what you've done and helped move
15 this case along and to do your part in participating in
16 your government as I said. So hope you'll feel good about
17 the process. I hope that you feel like you've learned
18 something about the way we do things. It may not always
19 make sense until you've done it. But along the way I try to
20 explain what we can to the best of my ability and to the
21 times that I can.

22 Now, we're going to try one other case this week. I
23 talked with the clerk and at this point I'm not certain
24 that we have enough jurors left over from the pool to
25 exclude you from coming back tomorrow. So I think what I'm

1 going to ask is that y'all come back tomorrow morning at
2 9:30 so we can draw a jury for one more case. Because we
3 have to have a certain amount to have in the pool, once you
4 start striking out you gotta be able to have twelve jurors,
5 an alternate, each side gets five strikes. You got to end
6 up with roughly somewhere in the thirty-five neighborhood.
7 I'm not sure that we had a large enough pool to be able to
8 pull that off. So I'd hope to originally be able to tell
9 you this concludes your service for the week, but I'm going
10 to need to ask that you return tomorrow morning at 9:30 to
11 the jury assembly room and it's possible that one or two of
12 you, you know, might be back in for another case. It looks
13 like that's the way it's playing out at this point.

14 So I won't go into anything further because you,
15 perhaps, got to serve on another jury. But I want to thank
16 you for your service and you are now free to go for the
17 rest of the day. I have been telling you all along you
18 can't talk to anybody about the case, well, you're now free
19 to talk to anybody about the case if you want to, other
20 jury members, other members of the community, family
21 members, things like that. I would caution you, though,
22 that because you might serve on a jury again one more time
23 this week, be careful, just keep your comments, whatever
24 you talk to about the facts of this case and not the
25 process in general, because again that may affect what your

1 decision is if you have to be on another jury. But I
2 certainly thank you. And thank you so much for your
3 patience where we had to wait a little bit here and there
4 and I hope that you enjoyed the process most of all and got
5 something out of it.

6 So you're free to go. You can talk to anybody you
7 want to about the case. If later down the road, like, later
8 this week or next week, some time, you might hear from one
9 of the lawyers from either defense or the solicitor's
10 office and they may want to talk to you about the case and
11 that's perfectly fine. It helps them prepare for their next
12 case and you're doing nothing wrong by talking to them. But
13 if you don't want to talk to them just tell them that you
14 don't want to and they'll respect that. Okay. But you
15 won't be doing anything wrong if you talk to them about
16 this case, you know, after this week. Okay. Thank you. And
17 you're free to go for the rest of the day. Just report back
18 tomorrow morning at 9:30.

19 (Whereupon, the jury exits the courtroom at 1:30 p.m.)

20 THE COURT: All right. Is the jury out?

21 (Whereupon, the jury exits the courtroom)

22 **Sentencing:**

23 THE COURT: All right. Let's move into sentencing.
24 You have any motions that you want to make? Mr. Little, it
25 would be good for you to be quiet at this point because at

1 this point I'll have you bound and gagged if you don't want
2 to shut up.

3 MR. LITTLE: You'll have me what?

4 THE COURT: You heard me.

5 MR. LITTLE: You'll have me what?

6 THE COURT: Your trial is over with.

7 MR. LITTLE: You'll have me what?

8 THE COURT: You want to see if I'm serious about
9 it?

10 MR. LITTLE: You have me what? Bound and gagged like
11 a hog.

12 THE COURT: Do you want to see if I'm serious about
13 it.

14 MR. LITTLE: Y'all was fucking those pigs.

15 THE COURT: I'll give you this opportunity to be
16 quiet. Mr. Solicitor, what would you like to say?

17 MR. REDMOND: Yes, Your Honor. If it please, the
18 court? Your Honor, May I approach? Here are the
19 sentencing sheets. The defendant, as you can imagine, has
20 not signed the sentencing sheets. Ms. Coping-Little has
21 and so has the State and the State is ready to proceed to
22 sentencing.

23 THE COURT: All right.

24 MR. REDMOND: And given the circumstance I don't know
25 and I haven't ask Your Honor, in all honesty, but if

1 anybody, I think I see - if anybody wants to address the
2 court on the issue of sentencing because, of course, it
3 didn't come out in front of the jury during the trial, but
4 to say that he has been a handful would be an
5 understatement. In addition to the prior criminal history
6 I'll get into in a little while, I do want to make the
7 court aware of the fact that he is also been charged with
8 throwing bodily fluids on a corrections officer in the
9 last, think that was on the 16th of this month. Obviously,
10 he has not been tried and convicted on that. He's presumed
11 innocent until proven guilty. But this just shows that
12 there has been whole laundry list, I think, a laundry list
13 with this defendant and his activities.

14 So I don't know if anybody wants to address it. I can
15 tell the court that from the State standpoint, as it
16 relates to sentencing, I think you've seen and heard the
17 defendant and how he's acting. You heard from Dr. Gaskins,
18 this defendant is willfully acting this way. And part of
19 the reason for that is given his criminal history. And in
20 talking with some of the officers who had encountered him
21 even when he was being brought back from federal custody
22 within the last couple of years, none of this behavior had
23 exhibited itself. So with all that said, Your Honor, we
24 would yield to you in your discretion as it relates to
25 sentencing. But this is an individual that has made it

1 clear he does not care about authority. The disrespect he's
2 shown to the court. The disrespect he has shown to a
3 reporter who is entitled to be in here. The disrespect that
4 he's shown to members outside in the audience referring to
5 them derogatorily, I think that should, absolutely, factor
6 in to what sentence he should get. He -- what is it I
7 think, I forget, I think it was Maya Angelou who said that
8 "people tend to show you who they really are" he's showing
9 you who he is. He's showing you who he is.

10 MR. LITTLE: And who are you?

11 MR. REDMOND: And so with that said and I'm not going
12 to engage him ---

13 MR. LITTLE: You throw you dick out to a white
14 woman.

15 MR. REDMOND: I am not going engage him. But again
16 he's still showing you what he is.

17 THE COURT: You can stop there, Mr. Solicitor. Mr.
18 Little ---

19 MR. LITTLE: I'm just saying now. I'm just telling
20 the truth.

21 THE COURT: I'm telling you to be quiet. This is
22 your last chance.

23 MR. LITTLE: I don't want your woman. I don't want
24 it. I got my own. I got my own. I love them. They love
25 me. I don't want your woman.

1 THE COURT: Sit there quietly.

2 MR. LITTLE: I'm sitting, sir. He's just making
3 false allegations.

4 THE COURT: Take him out. Have you got something
5 to gag him with so he can't talk because I'm tired of
6 listening to him and he will not be quiet.

7 (Whereupon, the defendant is rambling as he leaves the
8 courtroom)

9 THE COURT: Well, I'll impose sentencing after a
10 little while. We'll give him a chance to see if he can
11 shut up. I would just like to make a few notes for the
12 record.

13 Throughout the trial, obviously, there's been a
14 question about whether or not he can control his conduct
15 and whether or not he was competent to stand trial. We
16 listen to Dr. Gaskin and gave his opinion that while he
17 does suffer from a personality disorder mental illness
18 classified as anti-social behavior, he, basically, has a
19 very difficult personality but in Dr. Gaskins opinion he
20 knows exactly what he's doing and that these rantings about
21 sovereign citizens are things that is capable of
22 controlling. I note throughout the trial I gave him a
23 number of warnings. I gave him quite a bit of lead way only
24 when he just insisted on continuing ignoring my admonitions
25 for him to keep quiet that I have him removed. Every time I

1 had him removed he was able to then come back and sit there
2 and be quiet many times for many minutes on into an hour at
3 a time he was able to sit there, be quiet. Beginning with
4 the jury selection on Monday he was, that's when I first
5 began to believe that the doctor was one hundred percent
6 correct in his assessment that he chose - he is capable of
7 conforming his conduct and that he was competent to stand
8 trial and assistance of counsel - he just chose not to
9 assist his counsel and despite her best efforts would often
10 try to disrupt her. But it wasn't that it was
11 uncontrollable on his part, it was, in fact, intentional on
12 his part. His lawyer did a remarkable job in trying to
13 represent him. And he simply showed that by his own
14 conduct. He could shut up, he just chose not to. And there
15 were opportunities like this morning he had promised that
16 he would shut up and behave during the trial and he did for
17 some point. But at some point during the testimony I
18 noticed that whenever the testimony became adverse to him
19 he would start getting agitated and he would start wanting
20 to act up and he often did that. I know there, at one
21 point, there was an officer who was standing by and he
22 seemed to want to direct his attention towards her. But
23 once I ordered him not and she sat down, well, he sat down
24 and quietly watched the trial. But there were times when he
25 just wanted to put on a show for us. Every time I noted

1 that, one time he wanted to play with cups and that was
2 fine. If he wanted to sit there and show the jury what he
3 thought he was contemptuous of their presence that's his
4 choice, I suppose. But there was every opportunity he had
5 to conform his conduct to what was expected and he often
6 did, but then decided he would need to show us he was
7 contemptuous of this court's proceedings and that he as he
8 stated in the video and by his conduct stated "he didn't
9 think he was subject to the law of the United States but
10 rather of his own law".

11 And so I gave him plenty of opportunities, but I am
12 going to, at this point, give him an opportunity to settle
13 down. He got a verdict that went against him. But we'll
14 give him a little bit of time before we impose sentence and
15 if he is unable to conform his conduct, which I have mixed
16 feelings about whether or not he will, but I'll give him
17 the opportunity to if he so chooses, bring him back in and
18 not have him gagged but if he has to show us that's the way
19 he wants it, then we might have to accommodate him on that.
20 For right now we'll just hold off sentencing until we give
21 him a few minutes to settle down.

22 MR. REDMOND: Yes, sir. Do you want me to wait until
23 that time to go through his prior criminal history?

24 THE COURT: Wait until he comes back.

25 MR. REDMOND: Yes, sir.

1 THE COURT: All right.

2 (Whereupon, the court process with the next case)

3 (Whereupon, the court is back on the record at 3:45 p.m.)

4 MR. REDMOND: May it please, the Court, Your Honor?

5 THE COURT: All right. Let the record reflect the
6 defendant is in the courtroom. All right. Go ahead, Mr.
7 Solicitor.

8 MR. REDMOND: Briefly, Your Honor, the last thing I
9 had was the defendant's prior criminal history. In 2007 it
10 looks like he got, it originally looks like trafficking in
11 heroin. Had to have been reduced because he got time
12 served. He pled guilty in September of 2007. In 2008,
13 September, 2008 he received six months on a possession of,
14 looks like, a possession of crack cocaine charge. Then he
15 did federal time starting in 2013, November, 2013, he got
16 sixty months on a conspiracy charge in Federal Court.

17 THE COURT: Ms. Little, do you want to say
18 anything?

19 MS. LITTLE: Thank you, Your Honor. May it please
20 the court? My client is thirty-one years old, Your Honor.
21 He was raised by his mother. I'm told by his family that he
22 did not, his father was not in his life while he was
23 growing up. Judge, he is a self-taught artist. A very
24 talented tattoo artist and he did work in that field prior
25 to his arrest. He does have two children. A five-year-old

1 daughter and a thirteen-year-old son. Your Honor, in
2 mitigation as the doctor testified he does suffer from a
3 mental illness which is the anti-social personality
4 disorder which I think contributed in a great deal to his
5 behavior in court. Respectfully, I would ask that you not -
6 - I'm sorry, Your Honor, I would respectfully ask that you
7 don't take the fact that he exercised his right to a trial
8 into consideration for sentencing and that you will
9 sentence him on his charges concurrently.

10 Thank you, Your Honor.

11 THE COURT: Mr. Little, do you want to say
12 anything?

13 MS. LITTLE: He does not, Your Honor.

14 THE COURT: All right. I'm going to sentence you
15 to ten (10) years in the Department of Corrections on each
16 of the charges. They'll run concurrent. You'll get credit
17 for time served. Good luck.

18 MR. REDMOND: Thank you, Your Honor.

19 MS. LITTLE: Thank you, Your Honor.

20 (Whereupon, court is adjourned for the day)

21
22
23
24
25



State of South Carolina
Department of Mental Health

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June 25, 2021

Kernard Redmond
Assistant Solicitor
PO Box 594
Chesterfield, SC 29709

Re: The State of South Carolina vs. Little, Jr., David
DMH #: 953-4345
Chesterfield County, Court of General Sessions

Dear Assistant Solicitor Redmond:

In accordance with the court order issued by the Honorable Paul M. Burch, a competency to stand trial evaluation was conducted by the South Carolina Department of Mental Health, pursuant to S.C. Code Ann. § 44-23-410 (1976).

Please see the attached report for the results of this evaluation.

This 2 page document is certified to be the original court-ordered evaluation report issued pursuant to S.C. Code Ann. § 44-23-410 (1976).

6/25/2021
Date

Kelly Gothard, Ph.D.
Director
Forensic Services
Department of Mental Health

cc: Tonya Copeland Little, Attorney at Law, 524 W. Carolina Avenue, Hartsville, SC 29550

KG/aw

A True Copy Attest
Christy D. Shaddy
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

MISSION STATEMENT
To support the recovery of people with mental illnesses.



CAPACITY TO STAND TRIAL EVALUATION
FORENSIC EVALUATION SERVICE
SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH (SCDMH)

DATE OF EVALUATION: June 18, 2021

DEFENDANT: David Antonio Little, Jr
DATE OF BIRTH: [REDACTED] 1990

PRESIDING EXAMINER: Matthew E. Gaskins, MD
Forensic Psychiatrist

SECOND EXAMINER: Marsha DeRosier, LISW-CP
Social Worker

OTHERS PRESENT: Tonya Little
Mr. Little's Attorney

DIAGNOSES: Antisocial Personality Disorder

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Christy S. Moody
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

OPINION REGARDING CAPACITY TO STAND TRIAL

It is opined that Mr. Little has the capacity to stand trial.

IDENTIFYING INFORMATION

Mr. Little was seen at Forensic Evaluation Service pursuant to a court order from the Chesterfield County Court of General Sessions. This court order requests an evaluation of the defendant's competency to stand trial pursuant to *State v. Blair*, 275 S.E. 529, 273 S.E. 2d 536 (1981) and S.C. Code Ann. §44-23-410 (1976). The defendant is currently charged with Murder, Possession of a Weapon During a Violent Crime, three counts of Assault, and Throwing Bodily Fluids. According to the amended court order, it was issued for the following reasons: "Defense Attorney has questions about Defendant's behavior."

STATEMENT OF NON-CONFIDENTIALITY

Prior to participating in the evaluation, the defendant was warned regarding the limitations of confidentiality. The defendant was informed that the evaluation was court ordered and was not for the purpose of providing treatment. The defendant was informed that the evaluators were employed by the South Carolina Department of Mental Health and were not paid by a defense attorney or the solicitor. The defendant was informed that after the evaluation a report would be submitted to the defense attorney, the solicitor, and the judge in this case. The defendant was also informed that the evaluators could be called to court

to testify at a hearing related to capacity to stand trial. Mr. Little expressed understanding of this information and agreed to participate in the evaluation.

SOURCES OF INFORMATION

1. Chesterfield County Court of General Sessions court order for this evaluation received by the SCDMH Forensic Evaluation Service on May 5, 2021 and amended version received June 4, 2021.
2. Arrest warrant 2021A1310100258 for Throwing Bodily Fluids.
3. Jail incident report and accompanying documents for incident number 0002154.
4. Arrest warrant 2021A1310100124 for Murder.
5. Arrest warrant 2021A1310100125 for Possession of Weapon During a Violent Crime.
6. Incident report and accompanying documents for case number 21-0550.
7. Arrest warrant 2021A1310100227 for Assault Police Officer While Resisting Arrest.
8. Arrest warrant 2021A1310100228 for Assault Police Officer While Resisting Arrest.
9. Arrest warrant 2021A1310100229 for Assault Police Officer While Resisting Arrest.
10. Incident report and accompanying documents for case number 21-0836.
11. Several handwritten documents believed to have been authored by Mr. Little.
12. Medical records from the Florence County Detention Center.
13. SCDMH Forensic Evaluation Service social work assessment.
14. One hour and 10-minute psychiatric interview conducted at Forensic Evaluation Service on June 18, 2021.

REVIEW OF AVAILABLE RECORDS

Letters and Documents Authored by Mr. Little

In the documents provided for review, Mr. Little makes references to being a Moorish Sovereign Citizen including referring to himself as a *strawman*; calling various government agencies *corporations*; claiming racial and religious discrimination; and citing various government, legal, and religious documents out of context.

Florence County Detention Center

Mr. Little has received general medical treatment in the detention center including for swollen ankles. A note dated April 1, 2021, states that he denies mental health disorder but cites a "report from the nurse at chesterfield [sic] county is that inmate experiences psychosis." A psychological progress note is dated April 28, 2021, describe Mr. Little as "Repeating phrases with rambling pattern." The note is completed by Edward Searce.

CHESTERFIELD COUNTY, SC
 COURT OF GENERAL SESSIONS
 CLERK OF COURT C.P. & G.S.

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PsyD. The records include suicide risk assessment forms. He is described as having a "delusional thought pattern" and being agitated.

The records also include disciplinary actions taking for charges including Tampering with or Destruction of any Electrical, Mechanical, Plumbing Locking Device or Fixture; Participating in any Disturbance which Disrupts the Ordinary Routine of the Institution; Misuse or Abuse of Authorized Medicines or Possession of Unauthorized Medication; Misuse of Authorized Services; Damage to or Destruction of Facility Property Over \$20.00; Out of Place; Bribing, Obstructing, Interfering with or Preventing any Staff from Carrying Out His/Her Duties; Failure to Comply with the Directions of an Officer; and Disorderly Conduct.

FORENSIC INTERVIEW

Clinical Presentation and Psychiatric History

At the outset of the evaluation, Mr. Little noticed the name *David Little* at the top of a legal pad. He stated, "That's not my name." He was informed it was written there because that is the name on the court order. He said his name is *David Antonio Little, Jr.*, and added, "I guess they must have charged the wrong man." He was asked what name he would prefer, and he replied, "Doesn't matter. Any." He reported the following information: He likely first saw a mental health provider at DJJ "due to family issues" since his father was not around. He does not recall any specific medication or treatment. He does not have mental health concerns. He has never experienced significant depressive, anxiety, suicidal thoughts, or psychotic symptoms. He "think[s] [he's] bipolar or some shit" because he "can go from zero to 100 real quick." This was clarified to refer to his being quick to anger and having aggressive behaviors if he believes he is being threatened or disrespected. He did not describe symptoms associated with hypomanic or manic episodes. Currently, he is "making it" in the detention center because he has "gotta be a man." He spends his time "just waiting" for the most part and has access to regular commissary. He is frustrated because he has not been allowed to have a bond.

Throughout the interview he repeatedly contradicted himself. For example, he said he used to make money by selling drugs but later said, "No, I don't sell no drugs." He stated he believes his civil rights had been violated because he was taken to the hospital and "given a shot in [his] butt" (referring to intramuscular medication). He said he does not know why he was given the injection. He stated he believes the "government, FBI, and all the alphabet groups" violated his civil rights based on this injection and his current charges. He also restated his beliefs that the US Government is a corporation and he is under no obligation to obey the government's rules.

Alcohol and Substance Use

Mr. Little reported he started smoking cannabis at 13 years old. He did not think it was a problem because "its just a plant" and believes it should not be illegal. He stated it had

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caused some problems with family, but he did not elaborate. He said he does not believe it has been a problem for him. He denied other illicit substance use.

Medical History

Mr. Little stated he does not have significant medical problems.

Family Medical History

Initially Mr. Little was evasive when asked about family medical problems stating, "I have a big family so probably all of them." He later reported his sister was diagnosed with myasthenia gravis requiring substantial treatment during her childhood.

Social History

Mr. Little stated he did not know where he was born because he does not remember that far back. He added his family tell him he was born in Darlington, SC. He said he did not have reason to doubt it but just that he did not know for himself and for all he knew he could have been born in Germany. When asked why *Germany*, he said he does not remember being born. He reported the following information: He was raised by his mother along with an older sister. They got along well but his sister was frequently sick due to her myasthenia gravis. At one point his sister was placed in foster care because someone lied on his mother's ability to care for the family. He did "alright" in school but was in trouble for rule violations. In the ninth grade he was expelled for fighting when he was "just defending someone else." He left school in the 11th grade before attending an online nonaccredited school with a religious focus. He made money by various means including selling drugs and working various short-term jobs before focusing on his tattoo business. He has been married "three times" but only once legally. He did not appreciate this distinction due to his antigovernment beliefs. He has three known children though he cannot be sure there are not others. He has been arrested multiple times for charges including Failure to Pay Child Support and Possession of Cocaine. His longest time in prison was an eight-year sentence for a drug charge. He took a plea bargain to avoid 20-year sentence at the recommendation of his mother.

Rita O'Neil, Mr. Little's mother, provided the following information during the social work assessment: Mr. Little met appropriate developmental milestones with the exception of toilet training which took until age six or seven. He was kicked out of high school due to aggressive behavior in the ninth grade and started going to DJJ as a teenager. He had no relationship with his father who left when Mr. Little was six years old. He got along well with his mother. There is mental illness on both sides of his family including individuals with depression and other unknown mental illnesses. He has five siblings including two paternal half-brothers and two paternal half-sisters. He grew up with his full biologic sister in his mother's house. He has worked various jobs but has become a good artist and tattoo artist. He has never been married. He has two children ages five and 14. He had a problem with smoking cannabis and does not have significant medical problems. He has reported believing people were after him and expressed sadness as

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trying to get his children back. There are times when he will have too much energy and cannot sit still. He has made racist statements about Caucasians. He has displayed anxiety and has had recent odd behaviors. He has made comments about Muslims and other religions. He has tried to speak to his mother about his beliefs regarding Moores. He has made statements about a "chip in his back" which is used to track him.

Mental Status Examination

On June 18, 2021, Mr. Little presented to the evaluation appropriately dressed. He was reasonably well groomed with appropriate hygiene. He made good eye contact and spoke with a normal rate, tone, and volume. Initially, Mr. Little was minimally cooperative and answered questions with vague but appropriate responses. As described below, he became uncooperative and hostile during discussion of legal terms and procedures. He was alert and oriented to person, place, and situation. He stated the date as June 18, "2018 or maybe 16, no one really knows what the year is." He was told that it is 2021 and he asked, "how can you know what year it is?" He was aware of current events and had an average fund of knowledge. He demonstrated an intact memory by providing biographical information, reporting recent events, registering three unrelated words, and recalling all three words after approximately five minutes of distraction. He had good concentration evidenced by attending to the evaluation, subtracting serial sevens from 100, and spelling a five-letter word correctly forwards and backwards. He demonstrated the ability to think abstractly by interpreting commonly used proverbs and grouping words into abstract categories. He described his mood as "I feel good" and was observed to have a congruent affect (observed expression of mood matched description). His affect notably became irritable in the discussion of his charges as outlined below. He denied current suicidal or homicidal ideations. He denied current auditory or visual hallucinations. He did not describe delusional thoughts. He had a linear and goal directed thought process.

DIAGNOSTIC IMPRESSION

It is opined to a reasonable degree of medical certainty that Mr. Little meets the diagnostic criteria for Antisocial Personality Disorder. This diagnosis is used when a person has a pervasive pattern of violation of and disregard for the rights of others. Specific antisocial personality traits evident in the available information include failure to conform to social norms with respect to lawful behaviors, impulsivity, aggressiveness, disregard for the safety of others, consistent irresponsibility, and lack of remorse.

He may also meet the diagnostic criteria for Cannabis Use Disorder based on his and his mother's reports that he smoked cannabis multiple times per day which led to psychosocial impairment. However, because he refused to answer further questions about "a plant," there is insufficient evidence to offer this diagnosis at this time.

The detention center providers describe him as having a delusional thought pattern. Mr. Little's writings and statements regarding the US government can seem delusional.

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 OCEAN SPRING COUNTY, SC

are not. A *delusion* is a fixed false belief outside of cultural norms that does not respond to information to the contrary. Mr. Little's beliefs are best described as those of the Moorish Sovereign Citizens who hold antigovernment and persecutory beliefs. The beliefs he professed are the same as others in these communities throughout the county demonstrating that they are not due to a mental illness, but a chosen belief system followed by a minority of people in the United States placing them within the cultural norm. Some of the notable but not all-inclusive points in his statements and documents which illustrate his beliefs in this movement include referring to people having "stock numbers," being "strawmen," referring to government agencies as *corporations*, referring to the United States as *Al Morocco* or *Morocco*, referring to criminal law as *commercial law*, and stating English is not his language (while speaking English) instead asserting his true language is Hebrew and Arabic without speaking a word in either language.

CONCLUSION REGARDING CAPACITY TO STAND TRIAL

The S.C. Code Ann. §44-23-410 states a defendant lacks capacity to stand trial if that defendant "lacks the capacity to understand the proceedings against him or to assist in his own defense as a result of a lack of mental capacity."

Mr. Little identified his attorney as "Tonya Little." He said he is not related to Ms. Little who shares the same last name. He reported meeting with his attorney prior to the evaluation. He stated he does not trust anyone but did not identify a reason he would distrust his attorney more than anyone else. When asked his current charges he said, "I got Assault and Battery on like four sheriffs, Murder, Assault with Weapon or something like that, and throwing bodily fluids on a CO." He said the Murder charge is because he is accused of killing his grandmother ("they say my grandmother the victim"). He correctly described the allegations against him. He said he could be "put in prison" if convicted. He would not answer questions regarding potential punishments beyond stating, "They can do what they want to do." He was asked if he could face one year, five years, 10 years, or life in prison if convicted. He answered, "you tell me." He was informed a Murder charge could carry life in prison without parole or even the death penalty. He said, "If you say so." When asked what he meant by this statement he replied, "I'm not property of no corporation." He stated the United States of America is a corporation and the judge in his case is a "commercial enforcer."

Mr. Little did not wish to discuss potential pleas available to him beyond stating that not guilty meant a person is "innocent." He was asked what else could he say when asked a for a plea and he reported he could "plea the Fifth" or "tell the judge to suck [his] dick." He described his previous conviction for drug possession when he agreed to eight years in prison to avoid a potential 20-year sentence. He added, "I'll never plead guilty again." He said rather he "did it or not" it would be better "to roll the dice."

Mr. Little essentially stopped answering questions regarding legal procedure and instead would ask the question back to the undersigned. For example, he was asked about a plea bargain, and he said, "You tell me if you know." He was reminded that he had

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CHESTERFIELD COUNTY, SC

Christy J. Hester

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previously described a plea bargain when discussing his arrest for cocaine possession when he agreed to plead guilty for eight years in prison instead of risk 20 years if convicted. He dismissed this observation by restating, "You tell me." He became increasingly argumentative during attempts to discuss procedure often contradicting himself. For example, at the outset of the evaluation, he said he wanted a bond but later said he did not need one because the charges are illegal. He said he objected to being asked definitions in English because it was not his language. He said his language is "Hebrew and Arabic." He then said it matters because of word entomology. When asked what it meant and how was it he could understand the evaluation up this point, he replied, "Man, you know the answer." He said his people live in this country that was colonized by "people who look like" the undersigned. He was asked if this meant *white* or *Caucasian*. He said, "You're not white. You're pale." He was asked if he meant the country was colonized by *pale people* and he said, "Yes." He was asked how he came to know this information and he reported it was the result of reading and discovery. He was asked what he read, and he said for the undersigned to "do some research." We attempted to discuss the information provided in the handwritten documents included in the file for this case. He was resistant to any discussion and would alternate between acknowledging he wrote the documents and deny the specific things written.

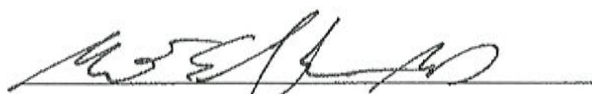
It was at this point his attorney arrived. He was asked about various terms in the documents which he refused to discuss. He was asked about his using the term *strawman* in some of the documents. He responded by saying he is not a strawman and that the undersigned was a strawman. He was asked what this meant, and he replied stating the undersigned knew what it meant. He used this response for multiple questions. He was reminded the purpose of the evaluation was to obtain his understanding rather than the understanding of the undersigned. This did not change the obstinance of his response style. He was asked about one of the written documents including the statutory definition of *Murder*. He was asked if that statute applied to his description of the allegations against him. Instead of answering, he claimed he did not make the previous statement. When he was reminded, he had made the statement that the Murder charge was based on his grandmother's death, he asked, "How do you know?" He then asked if there was a recording of his statement, and he was told no recording devices are used in these evaluations. He briefly argued before saying, "Well if you said it then I did. You the boss. You the boss, right?" He said that he was "sent by god, Allah, the true god." He was asked for what purpose was he sent, and he said, "To clean up... by revealing truth." He was asked what *truth* and he said a lot of truth. He gave an example of how the sun is getting closer to the Earth. He was asked how he knew it and he responded, "The sun is not going nowhere." With each statement he was asked to clarify what he meant to which he would respond with either evasiveness or irritation. He said, "I'm not the property of the American corporation, no state period." He was asked about his written statements which included the line that he was not a *citizen*. He said he is "not a Ci-Ti-Zen to nobody." He was asked about the statement about being a *debt man* as written in his documents. He said everyone is born as a *debt man* when they are born and provided a social security number which he also referred to as "a stock number" or "maybe a *lien*." He then asked the undersigned if he had a number. He asked this multiple times to which the undersigned informed him that the undersigned has a social

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JAMES H. HARRIS, SC
CHRISTY J. HARRIS

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security number. Mr. Little asked for the number which was not provided. He said, "America is always part of Al Morocco. Northern Africa or maybe southern Africa." Mr. Little continued to ask antagonistic questions regarding personal information of the undersigned. When he was told this information was not relevant to the evaluation and would not be provided, Mr. Little ended the interview by saying, "Man, I don't want to fucking talk to you anymore." After the interview, Mr. Little met with his attorney. During their meeting security staff observed Mr. Little expose himself to his attorney through the security camera system ending that interaction. He did not display signs or report symptoms of manic/hypomanic behavior which could attribute this behavior to a mental illness and likely the result of his personality pathology.

In summary, it is our opinion that Mr. Little has a sufficient factual and rational understanding of his current charges and has the capacity to assist his defense attorney in the preparation of a defense if he so chooses. He accurately named and described the specific allegations of his current charges. He recognized he could be sent to prison if convicted. In discussion he demonstrated understanding of common rules of criminal procedure referring to his past charges. However, when asked direct questions he largely refused to answer or returned with questions of his own. These responses are not believed to be due to a psychotic thought process. His belief system and personality will likely make it difficult to work with his attorney, but they are not due to a lack of mental capacity but rather a combination of a chosen belief system and obstinance. His beliefs regarding not being subject to the American or South Carolinian justice systems would be similar to a person who believes the Earth is flat challenging a speeding ticket because the speedometers are calibrated for a curved earth rather than a flat one. That assertion is objectively wrong but not due to a psychotic thought process. For these reasons, it is our opinion that Mr. Little has the capacity to stand trial pursuant to *State v. Blair*, 275 S.E. 529, 273 S.E. 2d 536 (1981) and S.C. Code Ann. §44-23-410 (1976).



Matthew E. Gaskins, MD

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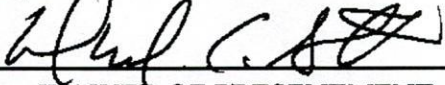
WITNESSES

Marc P Weiss

Chesterfield County Sheriff

Law Enforcement Case #:

401



WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

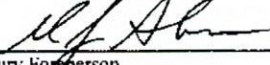
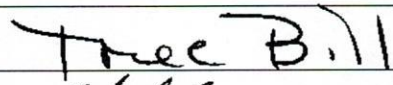
I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
2021A1310100227

ARRESTED ON: 2021-03-09

ACTION OF GRAND JURY



Grand Jury Foreperson

Date

6.10.21

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:

2021-GS-13-0603

The State of South Carolina

County of Chesterfield

2021 JUN 10 P 3:09

Christy R Gaddy
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

COURT OF GENERAL SESSIONS

Term:

June 2021

THE STATE

vs.

David Antonio Little Jr

INDICTMENT FOR

Assault, beat, or wound police officer
process or while resisting arrest

§16-09-0320(B)

CDR Code: 0256

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF CHESTERFIELD)

Assault, beat, or wound police officer serving
process or while resisting arrest

§16-09-0320(B)

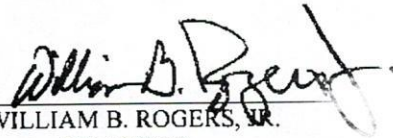
At a Court of General Sessions, convened on June 10, 2021, the Grand Jurors of Chesterfield County present upon their oath:

ASSAULT WHILE RESISTING ARREST

CDR: 0256 16-9-320(B)

That David Antonio Little, Jr., did in Chesterfield County on or about March 9, 2021, while refusing to go back to his cell after a verbal altercation with a jail cook, knowingly and willfully assault, beat or wound, Lt. Marc P Weiss, a law enforcement officer of the Chesterfield County Sheriff's Office, while said officer was attempting to arrest the defendant who knew or reasonably should have known the victim was a law enforcement officer, in violation of Section S. C. Code of Laws, 1976, as amended.

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


WILLIAM B. ROGERS, SR.
SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Chesterfield
 STATE VS.
David Antonio Little Jr
 AKA:
 Race: Black Sex: M Age: 31
 DOB: -1990 SS#: [REDACTED]
 Address: Winburn Street
 City, State, Zip: Patrick, SC 29584
 DL#: [REDACTED] SID#: [REDACTED]
 *CDL ☐ CMV ☐ Hazmat ☐

INDICTMENT/CASE#: 2021-GS-13-0603A/W#: 2021A1310100227Date of Offense: 3/9/2021S.C. Code § 16-09-0320(B)CDR Code #: 0256

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was

TO: Assault while Resisting Arrest☒ CONVICTED OF or PSin violation of § 16-9-320(8) of the S.C. Code of Laws, bearing CDR Code # 0256☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC

w/minor 1st or Lewd Act)

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: K. D. R. D. 06653

Thomas, Samuel

SC Bar#

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, ☐ County Detention
 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:☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.☐ 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 PTUP

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/ca	\$
3% to County (if paid in installments)		\$ 3.75
TOTAL		\$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter: Christy J. Hardy

SCCA/217 (04/2018)

_____ days/hours Public Service/employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

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 2134Judge Code: 7/27/21Sentence Date: 7/27/21

ARREST WARRANT

2021A1310100227

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Chesterfield

THE STATE
against

David Antonio Little, Jr

Address: Winburn St

Patrick, SC 29584-5009

Phone: SSN: Sex: M Race: B Height: 5 11 Weight: 175

DL State: SC DL #: DOB: 1990 Agency ORI #: SC0130000

Prosecuting Agency: Chesterfield County Sheriff

Prosecuting Officer: Marc P Weiss - S00208

Offense: Resisting / Assault, beat, or wound police officer
serving process or while resisting arrest

Offense Code: 0256

Code/Ordinance Sec: 16-09-0320(B)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant David A Little Jr
on Tues March 9, 2021Tray Ellerbe
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
200 West Main
P O Box 529
Chesterfield, SC 29709

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Chesterfield

Personally appeared before me the affiant Marc P Weiss

being duly sworn deposes and says that defendant David Antonio Little, Jr

did within this county and state on or about 3/9/2021

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Chesterfield

in the following particulars:

DESCRIPTION OF OFFENSE: Resisting / Assault, beat, or wound police officer serving process or while resisting arrest

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That on March 9, 2021, one David Antonio Little Jr. who is detained at Chesterfield County Detention Center refusing to go back to
his cell after a verbal altercation with a jail cook did knowingly and willfully assault Chesterfield County Sheriff's Office Lt. Marc
Weiss.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Chesterfield

Affiant's Address 203 Watson St.

Chesterfield, SC 29709

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 3/9/2021

defendant David Antonio Little, Jr

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Chesterfield

) as set forth below:

DESCRIPTION OF OFFENSE: Resisting / Assault, beat, or wound police officer serving process or while resisting arrest

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable
Sworn to and subscribed before me

on 3/9/2021

Signature of Issuing Judge

John A Davis

Judge Code: 7227

(L.S.)

Judge's Address 115 Green Street

Chesterfield, SC 29709

Judge's Telephone (843)623-9009

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

220

2021 MAR 29 A 0:25
CLERK OF COURT
CHESTERFIELD COUNTY

BAIL set by

Judge _____
on _____
Type and Amount: _____
Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____
Decision: _____

DISPOSITION before

Judge _____
on _____
by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)
Disposition: _____
Sentence: _____

JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS



WITNESSES

Marc P Weiss

Chesterfield County Sheriff

Law Enforcement Case #:

401

2021 JUN 10 P 3:09

Christy F. Gaddy
CLERK OF COURT

WAIVER OF PRESENTMENT CHESTERFIELD COUNTY, S.C.

After being fully advised as to my legal rights, I
hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and
plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
2021A1310100228

ARRESTED ON: 2021-03-09

ACTION OF GRAND JURY

True Bill

Grand Jury Foreperson

Date

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:

2021-GS-13-0604

The State of South Carolina

County of Chesterfield

COURT OF GENERAL SESSIONS

Term:
June 2021

THE STATE

vs.

David Antonio Little Jr

INDICTMENT FOR

Assault, beat, or wound police officer serving
process or while resisting arrest

§16-09-0320(B)

CDR Code: 0256

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF CHESTERFIELD)

Assault, beat, or wound police officer serving
process or while resisting arrest

§16-09-0320(B)

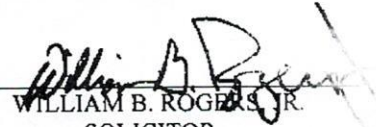
At a Court of General Sessions, convened on June 10, 2021, the Grand Jurors of Chesterfield County present upon their oath:

ASSAULT WHILE RESISTING ARREST

CDR: 0256 16-9-320(B)

That David Antonio Little, Jr., did in Chesterfield County on or about March 9, 2021, while refusing to go back to his cell after a verbal altercation with a jail cook, knowingly and willfully assault, beat or wound Cpl. Clay Sikes, a law enforcement officer of the Chesterfield County Sheriff's Office, while said officer was attempting to arrest the defendant, who knew or reasonably should have known the victim was a law enforcement officer, in violation of Section 16-9-320(B), S. C. Code of Laws, 1976, as amended.

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


WILLIAM B. ROGERS, JR.
SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Chesterfield

VS.

David Antonio Little Jr

AKA:

Race: Black Sex: M Age: 31

DOB: -1990 SS#:

Address: Winburn Street

City, State, Zip: Patrick, SC 29584

DL#: SID#:

*CDL ☐ CMV ☐ Hazmat ☐

In disposition of the said indictment comes now the Defendant who was

TO: Assault while Resisting Arrest

in violation of § 16-9-320(B) of the S.C. Code of Laws, bearing CDR Code #

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC

w/minor 1st or Lewd Act)

☐ §17-25-45The 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:

[Signature]

0166563

SC Bar#

Defendant

[Signature]

Attorney for Defendant

74928

SC Bar#

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections,☐ County Detention Center,

for a determinate term of 10 days/months/years

☐ 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:☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOP.☐ 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 PTUP

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

Clerk of Court/Deputy Clerk

Court Reporter:

SCCA/217 (04/2018)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2021-GS-13-0604

A/W#: 2021A1310100228

Date of Offense: 3/9/2021

S.C. Code § 16-09-0320(B)

CDR Code #: 0256

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

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

Judge Code:

Sentence Date:

2137

7/24/21

ARREST WARRANT

2021A1310100228

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Chesterfield

THE STATE
against

David Antonio Little, Jr

Address: Winburn St

Patrick, SC 29584-5009

Phone: SSN: Sex: M Race: B Height: 5 11 Weight: 175

DL State: SC DL #:

DOB: /1990 Agency ORI #: SC0130000

Prosecuting Agency: Chesterfield County Sheriff

Prosecuting Officer: Marc P Weiss - S00208

Offense: Resisting / Assault, beat, or wound police officer
serving process or while resisting arrest

Offense Code: 0256

Code/Ordinance Sec: 16-09-0320(B)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant on David A. Little Jr.
Tues March 9, 2021Tray Ellerbo
Signature of Constable Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
200 West Main
P O Box 529
Chesterfield, SC 29709

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Chesterfield

Personally appeared before me the affiant Marc P Weiss whobeing duly sworn deposes and says that defendant David Antonio Little, Jrdid within this county and state on or about 3/9/2021 violate the criminal laws of theState of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Chesterfield)

in the following particulars:

DESCRIPTION OF OFFENSE: Resisting / Assault, beat, or wound police officer serving process or while resisting arrest

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That on March 9, 2021, one David Antonio Little Jr. who is detained at Chesterfield County Denton Center refusing to go back to
his cell after a verbal altercation with a jail cook did knowingly and willfully assault Chesterfield County Sheriff's Office Cpl. Clay
Sikes.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Chesterfield

Affiant's Address 203 Watson St.
Chesterfield, SC 29709-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 3/9/2021 defendant David Antonio Little, Jr

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Chesterfield) as set forth below.

DESCRIPTION OF OFFENSE: Resisting / Assault, beat, or wound police officer serving process or while resisting arrest

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable
Sworn to and subscribed before meon 3/9/2021

Signature of Issuing Judge (L.S.)

John A Davis

Judge Code: 7227

Judge's Address 115 Green Street
Chesterfield, SC 29709-Judge's Telephone (843)623-9009Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

ORIGINAL

AFFIDAVIT

2021 MAR 29 A 10:26
CLERK OF COURT
CHESTERFIELD COUNTY, SC

225

BAIL set by

Judge _____
on _____
Type and Amount: _____
Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____
Decision: _____

DISPOSITION before

Judge _____
on _____
by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)
Disposition: _____
Sentence: _____

JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
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Name: _____
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Telephone: _____

Name: _____
Address: _____
Telephone: _____

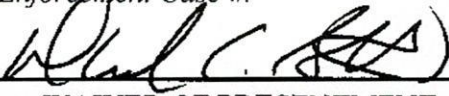
CODEFENDANTS



WITNESSES

Marc P Weiss

Chesterfield County Sheriff

Law Enforcement Case #:
401

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I
hereby waive presentment to the Grand Jury.

Defendant

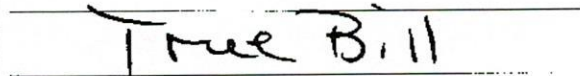
I hereby appear in my own proper person and
plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
2021A1310100229

ARRESTED ON: 2021-03-09

ACTION OF GRAND JURY



Grand Jury Foreperson

Date

6.10.21

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2021-GS-13-0605

The State of South Carolina

County of Chesterfield

2021 JUN 10 P 3 09

Christy R Gaddy
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

COURT OF GENERAL SESSIONS

Term:
June 2021

THE STATE

vs.

David Antonio Little Jr

INDICTMENT FOR

Assault, beat, or wound police officer in
process or while resisting arrest

§16-09-0320(B)

CDR Code: 0256

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF CHESTERFIELD)

Assault, beat, or wound police officer serving
process or while resisting arrest

§16-09-0320(B)

At a Court of General Sessions, convened on June 10, 2021, the Grand Jurors of Chesterfield County present upon their oath:

ASSAULT WHILE RESISTING ARREST

CDR: 0256 16-9-320(B)

That David Antonio Little, Jr., did in Chesterfield County on or about March 9, 2021, while refusing to go back to his cell after a verbal altercation with the jail cook, knowingly and willfully assault, beat or wound Capt. Spence Vaughn, a law enforcement officer of the Chesterfield County Sheriff's Office, while said officer was attempting to arrest the defendant, who knew or reasonably should have known the victim was a law enforcement officer, in violation of Section 16-9-320(B), S. C. Code of Laws, 1976, as amended.

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


WILLIAM B. ROGERS, JR.
SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Chesterfield
STATE VS.David Antonio Little Jr

AKA:

Race: Black Sex: M Age: 31DOB: 1990 SS#: [REDACTED]Address: Winburn StreetCity, State, Zip: Patrick, SC 29584DL#: [REDACTED] SID#: [REDACTED]*CDL ☐ CMV ☐ Hazmat ☐

In disposition of the said indictment comes now the Defendant who was

TO: Assault while Resisting Arrestin violation of § 16-9-320(B) of the S.C. Code of Laws, bearing CDR Code # 0256☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45

w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's choice)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the CourtATTEST: [Signature] 066583 [Signature] 0256

Thomas, Samuel

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 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: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOP.☐ 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

PTUP

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(I) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ 3.75\$ 128.75

TOTAL

Clerk of Court/ Deputy Clerk Christy J. MackeyCourt Reporter: Miss Carter

SCCA/217 (04/2018)

INDICTMENT/CASE#: 2021-GS-13-0605A/W#: 2021A1310100229Date of Offense: 3/9/2021S.C. Code § : 16-09-0320(B)CDR Code #: 0256

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

_____ days/hours Public Service Employment

Obtain GED ☐Attend Voc. Rehab. or Job Corp. ☐

May serve W/E beginning _____

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

Judge Code: 2134Sentence Date: 7/27/21

ARREST WARRANT

2021A1310100229

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Chesterfield

THE STATE
against

David Antonio Little, Jr

Address: Winburn St

Patrick, SC 29584-5009

Phone: SSN:
 Sex: M Race: B Height: 5 11 Weight: 175
 DL State: SC DL #:
 DOB: /1990 Agency ORI #: SC0130000

Prosecuting Agency: Chesterfield County Sheriff

Prosecuting Officer: Marc P Weiss - S00208

Offense: Resisting / Assault, beat, or wound police officer
serving process or while resisting arrest

Offense Code: 0256

Code/Ordinance Sec: 16-09-0320(B)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused
 is to be arrested and brought before me to be
 dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
 defendant David A Little Jr
 on Tues March 9, 2021

Troy Elverbe
 Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
 200 West Main
 P O Box 529
 Chesterfield, SC 29709

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Chesterfield

Personally appeared before me the affiant Marc P Weissbeing duly sworn deposes and says that defendant David Antonio Little, Jrdid within this county and state on or about 3/9/2021State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Chesterfield)

in the following particulars:

DESCRIPTION OF OFFENSE: Resisting / Assault, beat, or wound police officer serving process or while resisting arrest

I further state that there is probable cause to believe that the defendant named above did commit
 the crime set forth and that probable cause is based on the following facts:

That on March 9, 2021, one David Antonio Little Jr. who is detained at Chesterfield County Denton Center refusing to go back to
 his cell after a verbal altercation with a jail cook did knowingly and willfully assault Chesterfield County Sheriff's Office Capt.
 Spence Vaughn.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Chesterfield

Affiant's Address 203 Watson St.Chesterfield, SC 29709

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 3/9/2021defendant David Antonio Little, Jr

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Chesterfield) as set forth below.

DESCRIPTION OF OFFENSE: Resisting / Assault, beat, or wound police officer serving process or while resisting arrest

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
 her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
 soon thereafter as is practicable
 Sworn to and subscribed before me

on 3/9/2021

Signature of Issuing Judge

John A Davis

Judge Code: 7227

(L.S.)

Judge's Address 115 Green StreetChesterfield, SC 29709-Judge's Telephone (843)623-9009Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
 S.C. Attorney General
 April 21, 2003
 SCCA 518

230

2021 MAR 29 A 10:28
 CHIEF E. GADDY
 CLERK OF COURT
 CHESTERFIELD COUNTY, S.C.

BAIL set by

Judge _____
on _____
Type and Amount: _____
Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____
Decision: _____

DISPOSITION before

Judge _____
on _____
by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)
Disposition: _____
Sentence: _____

JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
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Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS

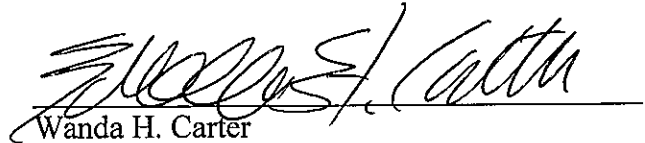


CERTIFICATE OF COUNSEL FOR APPELLANT

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."

RECEIVED**Aug 19 2022****SC Court of Appeals**

Respectfully Submitted,



Wanda H. Carter
Deputy Chief Appellate Defender

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

ATTORNEY FOR APPELLANT

This 19th day of August, 2022.