

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
Nov 10 2022
SC Court of Appeals

Appeal from Pickens County

Honorable G.D. Morgan, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

VICKI L. RODRIGUEZ,

APPELLANT.

APPELLATE CASE NO. 2022-000493

RECORD ON APPEAL

WANDA H. CARTER
Deputy Chief Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

WILLIAM M. BLITCH, JR.
Senior Assistant Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED APRIL 11-12, 2022	1
JURY VOIR DIRE	6
JURY SELECTION	12
PRE-TRIAL CONTINUANCE MOTION RE: UNLAWFUL WARRANT	24
COURT’S RULING	28
PRE-TRIAL MOTION TO QUASH INDICTMENT	34
COURT’S RULING	47
PRE-TRIAL TESTIMONY (IN-CAMERA) RE: WARRANT	
TAMMY ROBINSON	41
OPENING REMARKS BY THE COURT	57
OPENING STATEMENT BY THE SOLICITOR	66
OPENING STATEMENT BY DEFENSE COUNSEL	68
TRIAL TESTIMONY	
TORRANCE JACKSON	70
BRANDON FARRIS	86
JOEY WILLIAMSON	105
STATE RESTS	118
RENEWAL OF ALL MOTIONS AND DIRECTED VERDICT MOTION	118
COURT’S RULING	122
ADVICE OF RIGHTS	123
JURY CHARGE CONFERENCE	126
DEFENSE RESTS	132
RENEWAL OF ALL DEFENSE MOTIONS	132

CLOSING ARGUMENT BY SOLICITOR	133
CLOSING ARGUMENT BY DEFENSE COUNSEL	134
JURY CHARGE	138
JURY QUESTION.....	153
JURY NOTE.....	157
ADDITIONAL JURY CHARGE ON THE LAW.....	159
VERDICT	161
SENTENCING	167
INDICTMENT.....	170
STATE’S EXHIBIT NO. 1 (BENCH WARRANT)	172
CERTIFICATE OF COUNSEL	174

STATE OF SOUTH CAROLINA
COUNTY OF PICKENS

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA,)
)
PLAINTIFF,)
)
-VS-)
)
VICKI RODRIGUEZ,)
)
DEFENDANT.)
_____)

2020-GS-39-01026

TRANSCRIPT OF RECORD

APRIL 11, 2022
PICKENS, SOUTH CAROLINA

B E F O R E:

THE HONORABLE G. D. MORGAN, JR.

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

ATTORNEY FOR PLAINTIFF:

CLEBURNE FANT, IV, ASST. SOL.

ATTORNEY FOR DEFENDANT:

JOHN MAXWELL GRAVLEE, ASST. PUB. DEF.

SUSAN W. HUDGINS
CIRCUIT COURT REPORTER

INDEX

<u>WITNESS</u>	<u>PAGE NO.</u>
JURY QUALIFICATION -----	6
JURY SELECTION -----	12
DEFENDANT'S MOTIONS -----	22
TAMMY ROBINSON	
DIRECT BY MR. GRAVLEE -----	41
CROSS BY MR. FANT -----	44
REDIRECT BY MR. GRAVLEE -----	44
RECROSS BY MR. FANT -----	45
CERTIFICATE OF REPORTER -----	50

EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVIDENCE</u>
-----------	--------------------	-----------	-----------------

(No Exhibits Were Presented During This Portion of the
Hearing)

1 (Whereupon the jury pool was present in the courtroom)

2 **THE COURT:** All right, ladies and gentlemen, my name is
3 Judge Morgan. I'm a resident judge here in the Thirteenth
4 Circuit. And I want to welcome you. I know y'all've already
5 been welcomed. And I know you've been sitting out there for a
6 while. Let me just kind of give you an idea and tell you what
7 we've been doing. Your just sitting out here has not been in
8 vain.

9 Monday mornings, at the start of a term of court, there's
10 a lot of stuff going on, and because we had trials coming up,
11 and there's just a lot of things we have to do on Monday
12 mornings. And so we've been working this whole morning. And
13 we haven't just been sitting back drinking any coffee. And I
14 know y'all have been here as well.

15 We've got another trial already started, and the jury's
16 been picked for that trial. So what we're going to do here
17 this afternoon is we are going to pick a jury for the next
18 trial. And what we'll do with that one, we will start that
19 one in the morning.

20 So once I -- once we pick the jury for this upcoming
21 trial, I will excuse you until tomorrow morning. Those of you
22 who do not get picked are excused for the day as well and
23 probably will not need to call -- come in in the morning, but
24 we'll let you know. We'll have y'all call in tonight on the
25 number, 6:00, for further instructions to let you know whether

1 or not we need you in the morning or not.

2 As you've probably already been told, Judge Gravely, I
3 think, qualified y'all this morning, y'all have probably been
4 given an idea of what's going on this week. And so the two of
5 us are going to be the presiding judges this week.

6 And so we will start, like I say, we will pick a jury for
7 this upcoming case and then excuse you for the rest of the
8 day, everybody. And then, again, those of you who do not get
9 picked will then need to call in tonight. All right.

10 Lawyers, any voir dire, in addition?

11 **MR. GRAVLEE:** Yes, sir, Your Honor.

12 (Pause)

13 **THE COURT:** Everybody can hear me, can't you? Y'all can
14 hear me out there, can't you?

15 **JURY POOL:** (Affirmative nods).

16 (Whereupon a bench conference was held off the record, in
17 the presence of the jury pool, but out of their hearing)

18 **THE COURT:** All right. Anything else from the parties?

19 **MR. FANT:** Nothing from the State, Your Honor.

20 **THE COURT:** All right. Anything from the defendant?

21 **MR. GRAVLEE:** Nothing from the defense, Your Honor.

22 **THE COURT:** All right, ladies and gentlemen, we are about
23 to begin the trial of the State of South Carolina versus Vicki
24 Lynn Rodriguez. Ms. Rodriguez has been indicted for resisting
25 arrest with assault.

JURY QUALIFICATION

1 And the indictment alleges that Vicki Lynn Georgetti
2 Rodriguez did in Pickens County on or about the 6th day of
3 February 2020 knowingly and willfully and unlawfully assault,
4 beat or wound Jay Williamson at the Pickens County Sheriff's
5 Office while resisting an arrest by one who her -- whom she
6 knew or reasonably should have known was a law enforcement
7 officer, all in violation of 16-9-320(b).

8 Now, let me -- let me tell you this from the beginning,
9 ladies and gentlemen, this is only an indictment. This is not
10 evidence, that just because the defendant has been indicted
11 for a crime, this does not mean that this is to be considered
12 as evidence at all. This is simply the matter that the cases
13 are brought to court before you. All right.

14 I am going to ask a series of questions. I know you've
15 probably been asked some already this morning, but this will
16 be specific for this particular trial.

17 So has anyone ever been related by blood or marriage to
18 Vicki Lynn Georgetti Rodriguez? If so, please stand.

19 (No response)

20 **THE COURT:** Has anyone ever had a close personal or
21 social relationship with Vicki Lynn Georgetti Rodriguez?

22 (No response)

23 **THE COURT:** Counsel, do y'all have a witness list?

24 **MR. FANT:** Yes, Your Honor.

25 (Pause)

JURY QUALIFICATION

1 **THE COURT:** All right, ladies and gentlemen, the
2 following is a list of potential witnesses in this trial.
3 Torrance Jackson with the Pickens County Sheriff's Office,
4 Joey Williamson with the Pickens County Sheriff's Office, and
5 Brandon Faris with the Pickens County Sheriff's Office. Has
6 anyone in the jury panel ever been related by blood or
7 marriage to any of these potential witnesses that I have just
8 listed or has anyone ever had a close personal or social
9 relationship with any of those potential witnesses?

10 (No response)

11 **THE COURT:** All right. Counsel, if y'all would identify
12 yourself to the jury panel, please. I'll start with State,
13 Mr. Fant.

14 **MR. FANT:** Thank you, Your Honor. My name is Cleburne
15 Fant. And I am an assistant solicitor here in Pickens County.
16 It's the Thirteenth Judicial Circuit. So it's Greenville
17 County and Pickens that I am the prosecutor for.

18 **MR. GRAVLEE:** I'm Max Gravlee, defense attorney for Ms.
19 Rodriguez. No relation to the other Judge Gravely here in the
20 area. He spells it e-l-y, I'm l-e-e. We're very clear that
21 he doesn't claim me and I don't claim him.

22 (Laughter)

23 **MR. GRAVLEE:** Your Honor, I have defense potential
24 witness list as well.

25 **THE COURT:** Okay.

JURY QUALIFICATION

1 **MR. GRAVLEE:** It's been amended and shown to Mr. Cleburne
2 -- Mr. Fant.

3 **THE COURT:** All right. One additional witness other than
4 those named already is David Allison, probate judge here in
5 Pickens County.

6 So, again, has anyone ever been related by blood or
7 marriage to any of these witnesses I just listed or have a
8 close personal or social relationship with any of these
9 witnesses?

10 (No response)

11 **THE COURT:** All right. You heard the attorneys introduce
12 themselves to you. Has anyone ever been related by blood or
13 marriage or have you had a close personal or social
14 relationship with any of these attorneys in this case or
15 anyone in any potential law firm? If so, please stand.

16 (No response)

17 **THE COURT:** All right. Has any member of the jury panel
18 formed or expressed an opinion about any issue or matter
19 involved in this case?

20 (No response)

21 **THE COURT:** Is any member of the jury panel aware of any
22 bias or prejudice towards either the State or the defendant in
23 this case?

24 (No response)

25 **THE COURT:** Is there any member of the jury panel that

JURY QUALIFICATION

9

1 was a member of the grand jury, which issued the indictment in
2 this case? If so, please stand.

3 (No response)

4 **THE COURT:** Is there any member of the jury panel who is
5 a member of or contributor to any group which has as its
6 primary concern the promotion of law enforcement or victim's
7 rights? And these would include as an example MADD, Mothers
8 Against Drunk Drivers, CAV, which is Citizens Against Violent
9 Crime, SADD, which used to be Students Against Drunk Drivers.
10 Those are a few. Is anybody a member or contributor to any of
11 those organizations?

12 (No response)

13 **THE COURT:** Has any member of the jury panel or member of
14 their immediate family ever been a member of a law enforcement
15 agency or worked for a law enforcement agency? Yes, ma'am.
16 What's your name and number?

17 **JUROR:** Cheryl Turner, 159.

18 **THE COURT:** All right. Tell me about that. What's your
19 answer?

20 **MS. TURNER:** I used to work for the Greenville City
21 Police.

22 **THE COURT:** All right. And how long ago was that?

23 **MS. TURNER:** It was '86 to '93.

24 **THE COURT:** And what was your position with them?

25 **MS. TURNER:** Dispatcher.

JURY QUALIFICATION

1 **THE COURT:** All right. Thank you very much.

2 **JUROR:** 88, Eric Leopard. My wife was -- currently
3 employed with Anderson County Sheriff's Office.

4 **THE COURT:** All right. And what position is she there
5 with?

6 **MR. LEOPARD:** She was at the jail.

7 **THE COURT:** All right. Thank you. Anybody else?

8 (No response)

9 **THE COURT:** All right. To those two ladies and gentlemen
10 -- lady and gentleman, the fact that you have a relative or
11 have a relative that works for law enforcement or has ever
12 worked for law enforcement, could you be fair and impartial to
13 both the State and the defendant in this case?

14 **MS. TURNER:** Yes.

15 **MR. LEOPARD:** Absolutely.

16 **THE COURT:** All right. Does any member of the jury panel
17 or member of their immediate family have a close social,
18 church or business relationship with a member of a law
19 enforcement agency? So that's a little bit different than the
20 last one.

21 (No response)

22 **THE COURT:** All right. Is any member of the jury panel a
23 member of any political, religious, social, industrial,
24 fraternal, law enforcement or other organization whose beliefs
25 or teachings would prejudice him or her against either party

JURY QUALIFICATION

11

1 in this case? If so, please stand.

2 (No response)

3 **THE COURT:** Has any member of the jury panel or a member
4 of their immediate family ever been the complaining witness or
5 a victim in a violent crime or any other type crime involving
6 an injury to a person? If so, please stand.

7 (No response)

8 **THE COURT:** Has any member of the jury panel or a member
9 of their immediate family ever been the subject of or witness
10 to an arrest? If so, please stand.

11 (No response)

12 **THE COURT:** Has any member of the jury panel been a party
13 to a contested probate matter in the probate court? If so,
14 please stand.

15 (No response)

16 **THE COURT:** All right. Any additional questions from the
17 State?

18 **MR. FANT:** Nothing from the State, Your Honor.

19 **THE COURT:** All right. Any from the defendant?

20 **MR. GRAVLEE:** Nothing from the defense.

21 **THE COURT:** And let me just ask this last question,
22 ladies and gentlemen. Does any member of the jury panel know
23 of any reason whatsoever he or she should not serve as a juror
24 in this case with particular emphasis being placed on your
25 ability to be fair and impartial to both the State and the

JURY SELECTION

1 defendant?

2 (No response)

3 **THE COURT:** All right. Now, does the State have any
4 additional questions or the defendant?

5 **MR. FANT:** Not at this time, Your Honor.

6 **MR. GRAVLEE:** No, sir, Your Honor.

7 **THE COURT:** All right. Five and five. Any need for an
8 alternate?

9 **MR. GRAVLEE:** Maybe one.

10 **MR. FANT:** One.

11 **THE COURT:** One alternate.

12 (Pause)

13 **MADAM CLERK:** When I call your juror number and name,
14 please stand. Juror number 160, Kay Van Name. What says the
15 State?

16 (Whereupon juror number 160, Kay Van Name, a white
17 female, stood)

18 **MR. FANT:** Please present the juror.

19 **MADAM CLERK:** The defense?

20 **MR. GRAVLEE:** Please seat the juror.

21 **MADAM CLERK:** You may come up and have a seat in the jury
22 box.

23 Juror number 30, George Carlin, Jr.

24 (Whereupon juror number 30, George Carlin, Jr., a white
25 male, stood)

JURY SELECTION

13

1 **MADAM CLERK:** What says the State?

2 **MR. FANT:** Please present this juror.

3 **MADAM CLERK:** The defense?

4 **MR. GRAVLEE:** What number was that again?

5 **MADAM CLERK:** Juror number 30.

6 **MR. GRAVLEE:** Thank you.

7 **MADAM CLERK:** Mr. Carlin.

8 **MR. GRAVLEE:** Please seat this juror.

9 **MADAM CLERK:** You may come up and have a seat in the jury
10 box.

11 Juror number 98, Braden Mayo.

12 (Whereupon juror number 98, Braden Mayo, a white male,
13 stood)

14 **MADAM CLERK:** What says the State?

15 **MR. FANT:** Please present this juror.

16 **MADAM CLERK:** The defense?

17 **MR. GRAVLEE:** Please seat this juror.

18 **MADAM CLERK:** You may come up and have a seat in the jury
19 box.

20 Juror number 60, Mary Gillespie.

21 (Whereupon juror number 60, Mary Gillespie, a white
22 female, stood)

23 **MADAM CLERK:** What says the State?

24 **MR. FANT:** Please present this juror.

25 **MADAM CLERK:** The defense?

JURY SELECTION

1 **MR. GRAVLEE:** Please excuse this juror.

2 **MADAM CLERK:** You may have a seat.

3 Juror number 113, Felicia Oshields.

4 (Whereupon juror number 113, Felicia Oshields, a white
5 female, stood)

6 **MADAM CLERK:** What says the State?

7 **MR. FANT:** Please excuse this juror.

8 **MADAM CLERK:** You may have a seat.

9 Juror number 118, Gordon Patterson.

10 (Whereupon juror number 118, Gordon Patterson, a white
11 male, stood)

12 **MADAM CLERK:** What says the State?

13 **MR. FANT:** Please present this juror.

14 **MADAM CLERK:** The defense?

15 **MR. GRAVLEE:** Please seat this juror.

16 **MADAM CLERK:** You may come up and have a seat in the jury
17 box.

18 Juror number 163, Doris Von Kaenel.

19 (Whereupon juror number 163, Doris Von Kaenel, a white
20 female, stood)

21 **MADAM CLERK:** What says the State?

22 **MR. FANT:** Please present this juror.

23 **MADAM CLERK:** The defense?

24 **MR. GRAVLEE:** Please seat this juror.

25 **MADAM CLERK:** You may come up and have a seat in the jury

JURY SELECTION

15

1 box.

2 Juror number 19, Tammy Brazinski.

3 (Whereupon juror number 19, Tammy Brazinski, a white
4 female, stood)

5 **MADAM CLERK:** What says the State?

6 **MR. FANT:** Please present this juror.

7 **MADAM CLERK:** The defense?

8 **MR. GRAVLEE:** Please excuse this juror.

9 **MADAM CLERK:** You may have a seat.

10 Juror number 125, Flora Powell.

11 (Whereupon juror number 125, Flora Powell, a white
12 female, stood)

13 **MADAM CLERK:** What says the State?

14 **MR. FANT:** Please present this juror.

15 **MADAM CLERK:** The defense?

16 **MR. GRAVLEE:** Please excuse this juror.

17 **MADAM CLERK:** You may have a seat.

18 Juror number 50, Stephen Faust.

19 (Whereupon juror number 50, Stephen Faust, a white male,
20 stood)

21 **MADAM CLERK:** What says the State?

22 **MR. FANT:** Could you repeat the number?

23 **MADAM CLERK:** Juror number 50.

24 **MR. FANT:** Please present this juror.

25 **MADAM CLERK:** The defense?

JURY SELECTION

1 **MR. GRAVLEE:** Please seat this juror.

2 **MADAM CLERK:** You may come up and have a seat in the jury
3 box.

4 Juror number 7, Stefanie Beck.

5 (Whereupon juror number 7, Stefanie Beck, a white female,
6 stood)

7 **MADAM CLERK:** What says the State?

8 **MR. FANT:** Please present this juror.

9 **MADAM CLERK:** The defense?

10 **MR. GRAVLEE:** Please seat this juror.

11 **MADAM CLERK:** You may come up and have a seat in the jury
12 box.

13 Juror number 88, Eric Leopard.

14 (Whereupon juror number 88, Eric Leopard, a white male,
15 stood)

16 **MADAM CLERK:** What says the State?

17 **MR. FANT:** Please present this juror.

18 **MADAM CLERK:** The defense?

19 **MR. GRAVLEE:** Please excuse this juror.

20 **MADAM CLERK:** You may have a seat.

21 Juror number 128, William Raines.

22 (Whereupon juror number 128, William Raines, a white
23 male, stood)

24 **MADAM CLERK:** What says the State?

25 **MR. FANT:** Please excuse this juror.

JURY SELECTION

17

1 **MADAM CLERK:** You may have a seat.

2 Juror number 109, Villa Morgan.

3 (Whereupon juror number 109, Villa Morgan, a white
4 female, stood)

5 **MADAM CLERK:** What says the State?

6 **MR. FANT:** Please excuse this juror.

7 **MADAM CLERK:** You may have a seat. Juror number 135,
8 Alice Seabaugh.

9 (Whereupon juror number 135, Alice Seabaugh, a white
10 female, stood)

11 **MADAM CLERK:** What says the State?

12 **MR. FANT:** Please present this juror.

13 **MADAM CLERK:** The defense?

14 **MR. GRAVLEE:** Please seat this juror.

15 **MADAM CLERK:** You may come up and have a seat in the jury
16 box.

17 Juror number 4, Carol Ambrose.

18 (Whereupon juror number 4, Carol Ambrose, a white female,
19 stood)

20 **MADAM CLERK:** What says the State?

21 **MR. FANT:** Please excuse this juror.

22 **MADAM CLERK:** You may be seated.

23 Juror number 68, William Haney.

24 (Whereupon juror number 68, William Haney, a white male,
25 stood)

JURY SELECTION

1 **MADAM CLERK:** What says the State?

2 **MR. FANT:** Please present this juror.

3 **MADAM CLERK:** The defense?

4 **MR. GRAVLEE:** Please seat this juror.

5 **MADAM CLERK:** You may come up and have a seat in the jury
6 box.

7 Juror number 105, Anesha Metcalf.

8 (Whereupon juror number 105, Anesha Metcalf, a black
9 female, stood)

10 **MADAM CLERK:** What says the State?

11 **MR. FANT:** Please excuse this juror.

12 **MADAM CLERK:** You may have a seat.

13 Juror number 137, Kimberly Shelton.

14 (Whereupon juror number 137, Kimberly Shelton, a white
15 female, stood)

16 **MR. FANT:** Please present this juror.

17 **MADAM CLERK:** What says the defense?

18 **MR. GRAVLEE:** Please seat this juror.

19 **MADAM CLERK:** You may have a seat in the jury box.

20 Juror number 119, Lisa Pea.

21 (Whereupon juror number 119, Lisa Pea, a black female,
22 stood)

23 **MADAM CLERK:** What says the State?

24 **MR. FANT:** Please present this juror.

25 **MADAM CLERK:** And what says the defense?

JURY SELECTION

19

1 **MR. GRAVLEE:** Please seat this juror.

2 **MADAM CLERK:** You may come up and have a seat in the jury
3 box.

4 Juror number 65, Stephen Green.

5 (Whereupon juror number 65, Stephen Green, a white male,
6 stood)

7 **MADAM CLERK:** What says the State?

8 **MR. FANT:** Please present this juror.

9 **MADAM CLERK:** The defense?

10 **MR. GRAVLEE:** 75?

11 **MADAM CLERK:** 65.

12 **MR. GRAVLEE:** 65.

13 **MADAM CLERK:** Mr. Green.

14 **MR. GRAVLEE:** Please excuse this juror.

15 **MADAM CLERK:** You may have a seat.

16 Juror number 159, Cheryl Turner.

17 (Whereupon juror number 159, Cheryl Turner, a white
18 female, stood)

19 **MADAM CLERK:** What says the State?

20 **MR. FANT:** Please present this juror.

21 **MADAM CLERK:** And the defense?

22 **MR. GRAVLEE:** Please seat this juror.

23 **MADAM CLERK:** You may come up and have a seat in the jury
24 box.

25 And this will now be for the alternate. Juror number 78,

JURY SELECTION

1 Steven Irby.

2 (Whereupon juror number 78, Steven Irby, a white male,
3 stood)

4 **MADAM CLERK:** What says the State?

5 **MR. FANT:** Please present this juror.

6 **MADAM CLERK:** And the defense?

7 **MR. GRAVLEE:** Please seat this juror.

8 **MADAM CLERK:** You may come up and have a seat in the jury
9 box.

10 **THE COURT:** All right, ladies and gentlemen, you have
11 been selected for the trial that we are going to start in the
12 morning. And so I'm going to excuse you for the day.

13 And one thing I do want to ask you, when y'all come in
14 tomorrow morning if you would elect a foreperson to serve as
15 the foreperson on the jury. And that person does not have any
16 greater weight in voting or anything like that.

17 That foreperson is really to coordinate things and sort
18 of be a liaison with me in the event that y'all have any
19 questions that you would run it through the foreperson. So
20 I'll ask you when you come in in the morning if y'all would
21 just elect it among yourselves, of the 12 of you.

22 Now the alternate -- you'll be the alternate. You'll sit
23 in that chair each time. And we may or may not need you. But
24 you will be a vital role in the trial anyway. And there's a
25 chance that we'll need you, you just never know.

JURY SELECTION

21

1 So I'm going to excuse you for the day. Be back here at
2 9:30 in the morning. Although you haven't heard any facts
3 about the case yet, and don't know anything about it, but
4 please don't do any kind of research.

5 And I'm going to tell you through the trial -- this is
6 going to be a short trial. We will complete this trial
7 tomorrow. So it will be done fairly quickly. I anticipate we
8 will be done tomorrow. So I don't want to -- don't hold me to
9 that.

10 But I know you don't have any facts of the case yet, but
11 please don't discuss it. Don't do any research. And I know
12 that social media -- the tendency, we all do, to Google
13 something. You've heard some names here. So please don't do
14 that.

15 I ask you not to do that and request that you not do
16 that. Don't do any investigation on your own. And don't
17 discuss the case among yourselves until I tell you to go ahead
18 and deliberate and render a decision.

19 So I'm going to excuse you for today. Tomorrow morning
20 at 9:30. And we'll see you in the morning. And remember,
21 first thing in the morning when y'all get here, if y'all would
22 select a foreperson. Thank you.

23 (Whereupon the jury exited the courtroom at 1:06 pm)

24 **THE COURT:** All right, ladies and gentlemen, y'all have
25 not been selected for this jury or the one earlier. So y'all

DEFENDANT'S MOTIONS

22

1 are two and oh here.

2 I will ask you, if you would, to -- y'all are excused for
3 the day. We'll ask you, if you would, call back tonight after
4 6:00 the number that's on the card that you have been given.
5 And you will get some instructions whether you need to be back
6 tomorrow or not.

7 We are trying two cases here this week. We are back to
8 normal. You know, the last year and a half to two years we've
9 really been, because of COVID, on a limited kind of schedule
10 and only one trial at a time. So we are somewhat back to
11 normal and trying two cases together.

12 And this, as Judge Gravely probably told you, this is a
13 criminal week, so these are criminal trials. So I thank you
14 for your participation, thank you for being here today.
15 Please call back after six tonight, and you'll get further
16 instructions whether we need you tomorrow or not. So hope all
17 of you have a good night.

18 (Whereupon the remaining jurors exited the courtroom at
19 1:08 pm)

20 **THE COURT:** All right. Y'all want to look at the --
21 y'all going to look at the or listen to the tapes with popcorn
22 and ---

23 **MR. GRAVLEE:** Yes, sir, Your Honor.

24 **THE COURT:** All right. Why don't we, since we've excused
25 them for the day, how much time y'all want? I'll give you --

DEFENDANT'S MOTIONS

23

1 we've got time, so I'll -- when do you want to come back here?

2 2:30? 3:00? What ---

3 **MR. FANT:** Also, if you want to get back or something, we
4 can call you, if you want, so you don't have to hang out in
5 Pickens, both of y'all don't have to hang out in Pickens ---

6 **THE COURT:** Yeah, I'll -- well, I'll just -- I don't mind
7 hanging out here.

8 **MR. FANT:** Okay.

9 **THE COURT:** I'll just ---

10 **MR. GRAVLEE:** I have no clue -- any of the disks are.

11 **THE COURT:** There's no rush or anything. So y'all just
12 let me know. I'm going to be here. I'm not going to go --
13 I'm going to go eat lunch.

14 **MR. GRAVLEE:** Okay.

15 **THE COURT:** Y'all just let me know whatever because I'm
16 not going to leave, so I'll be here. So when y'all figure out
17 or have listened to it. And if we need to come back on and do
18 a motion, some motions, then we'll do that. So I'll be here.
19 Okay.

20 **MR. GRAVLEE:** Thank you, Judge.

21 **MR. FANT:** Thank you so much.

22 (Whereupon court was in recess at 1:10 pm)

23 (Whereupon court reconvened at 4:20 pm)

24 **THE COURT:** All right. We're here on the State of South
25 Carolina versus Vicki Rodriguez. I understand we've got a

DEFENDANT'S MOTIONS

24

1 couple of motions. I'll hear from you.

2 **MR. GRAVLEE:** Thank you, Your Honor. This is defense
3 counsel's motion. Max Gravlee on behalf of Ms. Rodriguez
4 here.

5 Your Honor, we have -- today there were some CDs that Ms.
6 Rodriguez had in her possession from a probate court hearing,
7 which is the underlying matter here and the basis for the
8 bench warrant and for what she's arrested.

9 Right now I'm not conceding the full validity of the
10 bench warrant until I can fully review these tapes that I have
11 that I received from my client today of trial here. But based
12 on my inability to do so, Your Honor, I'd ask for a
13 continuance to be able to check out the videos, see if there's
14 something that would differ or otherwise conflict with the
15 bench warrant that was issued in this case and the order from
16 the probate matter.

17 I have a duty to investigate for my client's defense on
18 those -- those transcripts. So I know Ms. Rodriguez has
19 requested more time to review it with me. I took her case
20 over when I started over there in January of this year.

21 But I have had conversations with her about the case and
22 about the defense. But based on the tapes that I'm still
23 looking over here, Your Honor, as well as the order that
24 myself and Assistant Solicitor Fant went to the probate court,
25 we were just made aware of this -- the order that essentially

DEFENDANT'S MOTIONS

25

1 is the basis for the bench warrant.

2 And trying to discuss that with my client right now until
3 I can fully apprise her of the basis of that order, and she
4 insists that she needs some more time to discuss the basis of
5 all of that and the order because as she claims there is more
6 -- more to it than meets the eye. So, Your Honor, I would
7 make that motion to continue.

8 I think it is within my client's best interest to -- us
9 to be able to fully review the rest of the tapes along with
10 the order. And, Your Honor, I think it would be appropriate
11 in this case.

12 **THE COURT:** All right. All right. Mr. Fant, what's the
13 State's position?

14 **MR. FANT:** Thank you, Your Honor. Cleburne Fant on
15 behalf of the State.

16 In regards to this motion, the State's position is that
17 this bench warrant that pursuant to Rule 5, discovery and the
18 civil contempt order that previously -- that is attached with
19 the bench warrant dated June 3rd from probate court is a valid
20 warrant and is a valid contempt order. We would state on the
21 record also that it has been turned over in adequate time,
22 that this new -- this new order that was looked at today in
23 probate confirms that that order was valid.

24 Again, in addition with this motion the State would like
25 to ask the Court to exclude any reference or mention at all

DEFENDANT'S MOTIONS

26

1 and just believes that it would be smoke and mirrors and cloud
2 up the jury -- just cloud them up, any reference to any type
3 of additional days or mentioning even whether it's on the
4 body-cam or different things of any type of just stay or time
5 limit or that defense because it is clear that there was a
6 valid bench warrant that was issued for that day for a sum of
7 money that was not turned over that day.

8 And that's -- the State's position would be that a
9 continuance not be granted, that we go forward and that the
10 defense be excluded from being able to reference any type of
11 stay or refer to that.

12 **THE COURT:** All right. What I want to -- first is deal
13 with the continuance. And then it sounds like it's a separate
14 motion to exclude prior to trial.

15 So on the continuance, as I understand the parties have
16 listened to most of the recordings. Is that correct? And let
17 me -- for the record, this is a -- these are recordings from a
18 hearing from Judge Allison in probate court, is that correct?

19 **MR. GRAVLEE:** That's correct, Your Honor.

20 I received them today. And upon listening to them,
21 immediately called Mr. Fant and had him come up to my office
22 and -- so we were able to listen to them. And he was made
23 aware of them as soon as I was or as, you know, listen to them
24 at the same time.

25 I know prior -- previously Mr. Propst had -- Chad Propst

DEFENDANT'S MOTIONS

27

1 had been Ms. Rodriguez's attorney at one point in time before
2 he left the public defender's office. And my understanding is
3 that the tapes had been brought by at some point in time, but
4 they're formatted in a particular way that is not allowed to
5 be transcribed without proper formatting.

6 I don't know what the programming type of -- is needed.
7 But I know that we had issues trying to watch those and
8 listening to them. So I've been listening to them. I plan on
9 continuing to listen to them tonight to see if there's any
10 discrepancy between what is the audio recording of that
11 probate hearing with Judge Allison concerning Ms. Rodriguez in
12 the matter of the State of Patricia Ann Georgetti and just to
13 be clear, Your Honor.

14 But the -- the videos or the -- I'm sorry. The recording
15 of that hearing was shared with Mr. Fant this morning and we
16 went over it together. And that's why I think we -- Ms.
17 Rodriguez would like some more time to be able to review that
18 with me coupled with the order that we both saw at the same
19 time today as well.

20 **THE COURT:** All right. And, again, as I understand it,
21 there were two recordings, is that correct? They're two ---

22 **MR. GRAVLEE:** Yes, sir, there are two disks.

23 **THE COURT:** All right. And y'all've looked at one of
24 them as we discussed prior to the hearing, getting on the
25 record. One I believe I heard you say was 15 minutes and one

DEFENDANT'S MOTIONS

28

1 was like an hour?

2 **MR. GRAVLEE:** Yes, sir. One is somewhere in the
3 neighborhood of 15 minutes. And the other one is above an
4 hour, hour and 15, hour and 20, maybe. So that the first one
5 is the one that I've not been able to completely listen to
6 prior to today.

7 **THE COURT:** Okay. I'm going to deny the motion. But,
8 obviously, it's 4:30, so you've listened to a little bit of
9 one of the tapes and still have some time to listen to the
10 others.

11 And as I also understand, there is a -- I was provided
12 prior to getting on the record here a copy of this bench
13 warrant that's been referenced. And so it does appear to be a
14 legitimate bench warrant that was issued by Judge Allison, is
15 that correct?

16 **MR. GRAVLEE:** Yes, Your Honor.

17 **THE COURT:** Okay. And there's no -- there's no dispute
18 as to that being a legitimate bench warrant, is that correct,
19 Mr. Gravlee?

20 **MR. GRAVLEE:** It appears so on its face, Your Honor. And
21 that is what I want to -- to fully investigate the recording
22 that I have to make sure that there isn't some discrepancy
23 where there's -- I doubt that it is, but, Your Honor, to check
24 it out I want to listen to it to make sure that there is not a
25 significant discrepancy to otherwise call that order into

DEFENDANT'S MOTIONS

29

1 question.

2 **THE COURT:** Right. Well, again, I'll allow you the
3 opportunity -- obviously you've got the tape. So you'll have
4 an opportunity to review those. So as far as that motion is
5 concerned, the motion's denied.

6 Now, Mr. Fant raised an issue about excluding any
7 potential evidence from the hearing itself. What is -- what's
8 your position on that? I assume -- and, Mr. Fant, you are
9 saying you want to exclude the evidence as to any issues
10 raised in the hearing? Is that your motion?

11 **MR. FANT:** Yes, sir. I mean, Your Honor, just any issues
12 as to the validity of the warrant or the defendant's
13 understanding of there being a stay or ...

14 **THE COURT:** Will she not, though, be able to at least
15 make as an argument and a defense that although there is a
16 lawful bench warrant that the State has put forward here, it
17 appears to be, what you had shown to me, to be a proper bench
18 warrant, wouldn't she be able to at least make that argument?
19 Is that not a question for the jury as far as a legitimate
20 defense whether it's strong or weak, whatever it is, would
21 that not be at least an issue that she'd be entitled to raise?

22 **MR. FANT:** Your Honor, if she was to take the stand and
23 go into that, that's, I guess, definitely something that
24 would, I mean, something that she could potentially testify to
25 that would of course open her up to cross-examination and ---

DEFENDANT'S MOTIONS

30

1 **THE COURT:** You might -- Mr. Gravlee, I'll hear from you.

2 **MR. GRAVLEE:** Thank you, Your Honor. I think that in
3 order to provide a complete, thorough and adequate defense of
4 Ms. Rodriguez that -- I think mental state's absolutely
5 something that I'll most likely argue on her behalf or could
6 argue on her behalf at least to a jury, Judge, as to the
7 circumstances of the arrest.

8 **THE COURT:** Let me ask you this, Mr. Fant. Wouldn't --
9 you know, the case law out there on some of these cases
10 normally involves for the most part at a traffic stop or a
11 plain view probable cause determination, and in those cases
12 the courts find or at least hold as a jury issue that the
13 defendant argues that there was an improbable cause and that
14 -- although that's not an issue in this particular case
15 because you've got a bench warrant. But it's somewhat
16 analogous in that the defendants in those case do -- cases
17 argue to the judge and to the jury that there is no probable
18 cause and, therefore, the underlying arrest was unlawful.
19 Can you -- can you make -- can you not make that argument
20 here from the defense side and say -- and whether the jury
21 believes it or not you've got strong evidence that it's a
22 bench warrant, and it overcomes that evidence, and that's a
23 strong piece of evidence, but does it not at least -- the
24 analysis behind those cases at least allow the defendant to
25 make the argument that whatever it is -- and I haven't heard

DEFENDANT'S MOTIONS

31

1 it yet, of course, but it sounds like from what the defense is
2 saying that she didn't -- she thought she had more time, she
3 believed that she had more time, and, therefore, -- again,
4 it's not a probable cause issue, but it's a somewhat analogous
5 argument at least she can make from an exclusion standpoint of
6 the evidence, it's something at least that she can make.
7 Would that not be at least something to argue to the jury?

8 Again, you've got a strong ---

9 **MR. FANT:** Yes.

10 **THE COURT:** --- you've got a bench warrant. And, you
11 know, the bench warrant is what it is.

12 **MR. FANT:** Your Honor, I would say the bench warrant --
13 reiterating your point, the bench warrant is what it is.

14 I would also argue that this validity and the face of the
15 warrant, that's a -- that's a legal argument. That's for you
16 to decide, not for the jury.

17 And if we start getting up here talking about the -- like
18 you talk about the different stay or the -- the warrant's
19 valid on its face, that's -- that's, I mean, it's there. So
20 it's just a legal argument that's not for the jury to get
21 clouded up into and to go back and forth on regarding this
22 other stuff.

23 **THE COURT:** Anything else, Mr. Gravlee?

24 **MR. GRAVLEE:** Your Honor, I would add that the -- any
25 kind of argument of understanding doesn't necessarily go to

DEFENDANT'S MOTIONS

1 the challenge of the -- whether the bench warrant was valid or
2 not. That very well may be a point that we concede. But the
3 -- as to what the circumstances were to adequately explain
4 that to the jury isn't necessarily an issue of law.

5 I'm not, you know, conceding nor am I, you know, claiming
6 that the bench warrant is valid or invalid at this time. But
7 after, you know, fully reviewing the rest of the recording
8 from that probate hearing tonight, I will have a little bit
9 better handle on that how to address it to a jury.

10 But absent some significant distinction, indifference
11 between a recording and the bench warrant and the order that
12 is concerning the rule to show cause and failure to comply,
13 absent some significant discrepancy there, Your Honor, I don't
14 know that I would have a good faith argument to argue that the
15 bench warrant was not valid. So my discussion or any
16 reference to Ms. Rodriguez's understanding isn't a -- isn't a
17 challenge to the bench warrant itself, but rather just to her
18 mental state at the time.

19 **THE COURT:** What her mental -- as to her understanding
20 would not be relevant, would it? I mean, the bench warrant is
21 -- if the bench warrant is valid, unless there's some issue
22 with the bench warrant, which I haven't heard, assuming the
23 bench warrant is valid, then her mental impressions would not
24 necessarily be relevant, would they?

25 **MR. GRAVLEE:** I think they would be, Your Honor. And I'm

DEFENDANT'S MOTIONS

33

1 -- because the statute does reflect that in the language in
2 the resisting. And I would make that -- potentially make that
3 argument on Ms. Rodriguez's behalf.

4 **THE COURT:** So your argument is that she didn't believe
5 that she had to owe the money by that Friday or pay that check
6 by Friday? And, therefore, she didn't think there was a
7 lawful bench warrant out there? Is that what you're arguing?

8 **MR. GRAVLEE:** No, sir, Your Honor.

9 And, you know, I think that would be an argument that I
10 would make later on in the trial. We can certainly address
11 that if there's a matter of law to take up outside the
12 presence of the jury. But as far as what I'd be arguing for
13 Ms. Rodriguez, I'd rather not reveal it right now at this time
14 ---

15 **THE COURT:** I understand.

16 **MR. GRAVLEE:** --- before the jury is sworn.

17 **THE COURT:** All right. Well, I don't know what --
18 apparently it's not all been listened to anyway. So I don't
19 know exactly what -- the evidence you're -- they're going to
20 put up anyway. So I'm going to have to just wait and see what
21 you're arguing, what the tapes are saying and what your
22 argument's going to be since you haven't finished listening to
23 the tape. I'm not going to make a ruling at this point. But,
24 you know, her mental impressions may be a different story.

25 If the record doesn't, I mean, if the record reflects

DEFENDANT'S MOTIONS

34

1 that she owed -- she had to pay that check on that Friday from
2 this recording, and it matches up with the bench warrant, you
3 know, I'm not sure what your argument would be there.

4 **MR. GRAVLEE:** Yes, sir.

5 **THE COURT:** All right. I believe there's another motion
6 that -- on the indictment. Is that what I understand?

7 **MR. GRAVLEE:** Yes, sir, Your Honor. And it's a motion to
8 quash based on the indictment, which is -- the indictment as
9 far as the true bill, I don't know that I received it from the
10 State. I called down to the clerk's office on Thursday, I
11 believe, and was emailed a copy of the true billed indictment
12 and only found out at that time that their -- the true billed
13 copy had been amended or altered with handwriting from a -- an
14 assistant, paralegal in the solicitor's office.

15 The original indictment that I had, just the pretrial
16 document, had the testifying officer. The witness was
17 Torrance Jackson. And it also had him listed as the victim as
18 well in this case, who was alleged to have been injured during
19 the -- during this incident.

20 He, I think, objectively by counsel was not injured in
21 any way. And so that amendment is not just a scrivener's
22 error, Your Honor, but potentially, you know, it calls into
23 question the validity of the true bill itself. The timing of
24 that amendment being a significant issue and trying to
25 determine when it may or may -- when it was altered in the

DEFENDANT'S MOTIONS

35

1 grand jury process and when it was presented.

2 I know that, Your Honor, in challenging the sufficiency
3 of this, need to do so before the jury is sworn, and why we're
4 addressing it now. We -- I did issue -- I have a subpoena and
5 served it for Ms. Tammy Robinson from the solicitor's office,
6 who I believe did the amendment there. And I would call her
7 to the stand just to ask a few questions.

8 **THE COURT:** Well, it looks like -- is that the initials
9 T.R. right there by Williamson's name?

10 **MR. GRAVLEE:** Yes, sir. It's my understanding that would
11 be -- that is the person who would have -- would have done the
12 amendment. And certainly not alleging anything, you know,
13 criminal on the part of Ms. Robinson or anything like that.
14 It's just the concern of the timing of it and when it was
15 done, whether it was before or after the presentment to the
16 grand jury.

17 **THE COURT:** And T.R. is -- who is T.R.?

18 **MR. GRAVLEE:** Ms. Tammy Robinson ---

19 **THE COURT:** Robinson? Okay. And she's in the
20 solicitor's office?

21 **MR. GRAVLEE:** Yes, sir.

22 **THE COURT:** Okay. Mr. Fant.

23 **MR. FANT:** So, Your Honor, the clerk's records are what
24 they have. That's -- they're valid.

25 And in regards to Mr. Gravlee's motion, first off I'd

DEFENDANT'S MOTIONS

36

1 like to address in the arrest warrant, that was -- I can't --
2 I don't have in front of me exactly the dates and times that
3 everything was exactly turned over to the public defender's
4 office. I can get those for further clarification.

5 But I do know -- and whether it was amended at that time
6 or not that back when originally it says in the arrest warrant
7 it specifically mentions Deputy Joey Williamson.

8 In regards to arguments I would argue that, I mean,
9 simply this situation is a scrivener's error and was done and
10 corrected prior to the grand jury receiving this indictment
11 and going forward on the indictment. And it should not be
12 quashed.

13 **THE COURT:** Well, what's -- how can we find out when this
14 was done? Would this -- is it Robinson? Robinson?

15 **MR. FANT:** Robinson. Yes, Your Honor.

16 **MR. GRAVLEE:** Yes, sir, Your Honor. And I was going --
17 at the appropriate time I could call Ms. Robinson to the
18 stand. It would not take very long at all.

19 **MR. FANT:** But the clerk is the custodial, I mean,
20 they're the custodian of records. And they -- their office is
21 not going to put forward an indictment that hasn't previously
22 been, I guess, corrected.

23 **THE COURT:** Well, I want to make sure that the date on
24 this -- the date of this amended indictment -- amendment on
25 the indictment was in the proper time-frame. I mean,

DEFENDANT'S MOTIONS

37

1 obviously it's been crossed through. The Terrence or Torrance
2 D. Jackson was crossed through and initialed J. Williamson was
3 marked and written above that with the initials T.R., which I
4 understand is now Ms. Robinson. I need -- we need to make
5 sure that this was done at the appropriate time and this was
6 not done afterwards.

7 Now, let me ask you this. You mentioned that the warrant
8 -- that Mr. Williamson has been named throughout -- is in the
9 file that was turned over to the defense.

10 **MR. FANT:** Yes, Your Honor.

11 **THE COURT:** Is there any -- Mr. Gravlee, is there any
12 argument or is there anything that you're aware of, at least
13 that Mr. Williamson was not mentioned anywhere? In other
14 words, was Mr. Williamson mentioned in the file to put you on
15 notice that Williamson was the one involved in this thing?
16 Obviously the indictment, as you know, is to make sure you --
17 that you can properly prepare for trial and that you're
18 dealing with the right indictment, and the right witnesses and
19 the right facts ---

20 **MR. GRAVLEE:** Yes, sir, Your Honor.

21 **THE COURT:** --- so you can prepare a defense. And so
22 was, as far as the file materials, initial J. Williamson in
23 the file materials that you received or that your office
24 received?

25 **MR. GRAVLEE:** So, Your Honor, essentially the argument is

DEFENDANT'S MOTIONS

38

1 pretty much two-fold. You've got a -- I think it's basically
2 to challenge the process if the county level grand jury for a
3 -- state charges where you have a situation where there is not
4 a record and so there is no transcript with which to cross or
5 impeach any particular witness that presented evidence to the
6 grand jury in securing the true bill which was done in this
7 case because of the lack of that record to do so.

8 And my understanding is in a state-wide grand jury case
9 there is -- it is a court of record. And I think that Ms.
10 Rodriguez similarly situated to a defendant, an individual
11 charged in a state-wide grand jury implicates the equal
12 protection clause where she is treated differently than
13 somebody else and doesn't have that opportunity to cross-
14 examine because of that lack of record.

15 At the same time it implicates the Sixth Amendment. I'd
16 say the second prong here, Your Honor, because she's got, you
17 know, the right to confront the accusers in her case and
18 without -- when you have an issue dealing with not necessarily
19 the notice. We're aware that she's on trial for resisting
20 with assault.

21 The issue's with the timing and validity of the warrant
22 of the true bill itself because there would be the simple
23 solution is if there is some error, then it would be that you
24 walk in the courthouse, amend the document itself or, you
25 know, have a superseding indictment that you have -- you file

DEFENDANT'S MOTIONS

39

1 later that you don't actually present it, and then there's not
2 the -- as it's been said, I'm not conceding there's a
3 scrivener's error here, I'm just -- the validity of the true
4 bill itself.

5 The -- without having the ability to tell when that was
6 done in the process, in the presentation of the case to the
7 grand jury is the issue. And I think -- I think that is
8 absolutely something that on behalf of Ms. Rodriguez needs to
9 be challenged here and put on the record.

10 **THE COURT:** All right. From the State's perspective, Mr.
11 Fant, when is it -- how can it be determined as to when this
12 change was made by Ms. Robinson?

13 **MR. FANT:** It's the State's opinion that this change was
14 made prior to it being presented to the grand jury.

15 **THE COURT:** Do we have any -- is there any evidence as to
16 the timeline as to when that was done with Ms. Robinson? Has
17 Ms. Robinson in the solicitor's office, I mean, ---

18 **MR. FANT:** I can ---

19 **THE COURT:** --- she is ---

20 **MR. FANT:** --- call Ms. Robinson ---

21 **THE COURT:** --- current employee?

22 **MR. FANT:** --- to testify as to that. And she is a
23 current employee. I guess I also could reach out to the
24 clerk's office and anybody who was there during that grand
25 jury proceeding and call them to describe as to when that was

DEFENDANT'S MOTIONS

40

1 done.

2 I know grand jury proceedings normally are confidential
3 and they're kept. So I want to be, just for the record, be
4 very careful about what we are going into in regards to what
5 was all said and what all was done during the grand -- during
6 grand jury proceedings because that is definitely protected.

7 But in regards to this indictment, it definitely, with
8 the clerk's office and with Ms. Robinson, show that this was
9 made prior to it being presented to the grand jury. And
10 throughout all discovery, I mean, the incident report, we're
11 talking about the arrest warrant, it all mentions the injury
12 that occurred to Mr. Williamson. The body-cams that were
13 turned over, it all goes back to his finger getting slammed in
14 the door in that assault.

15 So, I mean, I think this is just, I mean, this was not
16 brought up prior to this afternoon that this was going to be
17 brought up. It is definitely a delay tactic and another just
18 stall. But we are, I mean, ---

19 **THE COURT:** I'm not sure it's a delay -- he's
20 representing his client. I mean, ---

21 **MR. FANT:** Yes, Your Honor.

22 **THE COURT:** He's finding an appropriating or raising
23 appropriate issue on the indictment. All right.

24 Here's what I want to do is I want -- is Ms. Robinson an
25 employee of the solicitor's office?

TAMMY ROBINSON - DIRECT EXAMINATION BY MR. GRAVLEE

41

1 **MR. FANT:** Yes, Your Honor.

2 **THE COURT:** Okay. This is her right here?

3 **MR. GRAVLEE:** Yes, sir, Your Honor. And I understand
4 it's my duty to do so. I will not take very much time. But I
5 know -- I understand the burden is on me challenging the
6 indictment and the validity. And I do not intend on keeping
7 Ms. Robinson on the stand very long whatsoever.

8 **THE COURT:** All right. Well, I'll -- let's have Ms.
9 Robinson come up here and testify. And -- so we can hear
10 about it.

11 **MADAM CLERK:** Please raise your right hand.

12 **Tammy Robinson,** being duly
13 sworn testified as follows;

14 **MADAM CLERK:** Please have a seat. And state your full
15 name for the record.

16 **MS. ROBINSON:** My name is Tammy Robinson.

17 **THE COURT:** All right, Mr. Gravlee.

18 **MR. GRAVLEE:** Thank you, Your Honor. May it please the
19 Court?

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

21 **Q.** Ms. Robinson, are you aware of the indictment that we are
22 discussing?

23 **A.** I am.

24 **Q.** And you've seen the alteration?

25 **A.** Yes.

TAMMY ROBINSON - DIRECT EXAMINATION BY MR. GRAVLEE

42

1 **THE COURT:** For the record, I have it right here. I'm
2 going to hand it to Ms. Robinson. She's going to have it in
3 front of her. So I've got the indictment right there.

4 **MR. GRAVLEE:** Thank you, Your Honor.

5 Q. And are those your initials ---

6 A. They are.

7 Q. --- next to ---

8 A. Um-hum (affirmative).

9 Q. Okay. And from that particular day, you don't have any
10 notes or reports on the timing of it of when that amendment
11 was done?

12 A. This was done on the day of grand jury.

13 Q. Okay.

14 A. This would have been the only day this would have been
15 done.

16 Q. Okay. But the specific time during that day, would you
17 be able to testify to that?

18 A. The specific time that I did this?

19 Q. Yes, ma'am.

20 A. No.

21 Q. Okay. And the -- once it was -- when it was -- the time
22 during that day, you wouldn't know when it was submitted to
23 the grand jury?

24 A. Yes.

25 Q. Okay. And do you -- so do you know the time that Mr.

TAMMY ROBINSON - DIRECT EXAMINATION BY MR. GRAVLEE

43

1 Torrance Jackson would have testified as the witness in the
2 grand jury process?

3 A. I'm confused because Mr. Torrance Jackson wouldn't have
4 testified. He would not have presented this to the grand
5 jury. They have different officers to present.

6 Q. Would you mind looking at the -- what is the front of the
7 indictment in the case?

8 A. Um-hum (affirmative).

9 Q. And it lists the witnesses there.

10 A. That is the arresting officer.

11 Q. And is there any other witness aside from Torrance
12 Jackson ---

13 A. No.

14 Q. --- listed on there?

15 A. No.

16 Q. The -- and then on the true billed indictment, the
17 attorney in the solicitor's office that -- they sign off on
18 that indictment?

19 A. Um-hum (affirmative).

20 Q. That is after it has been true billed?

21 A. No.

22 Q. It's -- when it's -- before it's presented to be true
23 billed?

24 A. Yes. Yes.

25 Q. And -- but finally the -- there is no record or notes

TAMMY ROBINSON - CROSS-EXAMINATION BY MR. FANT

44

1 that you know of as to when and how it was -- as to when it
2 was signed or when it was amended by you?

3 A. It would have been the very day of grand jury. That is
4 the only day that I would have marked through that as such.
5 And it would have been brought to my attention that it was
6 wrong. And that's the reason I initialed it, is on grand jury
7 day I would have marked through and put the correct name and
8 initialed it.

9 **MR. GRAVLEE:** No further questions. Thank you.

10 **THE COURT:** Mr. Fant.

11 **Cross-Examination by Mr. Fant:**

12 Q. Ms. Robinson, this change was made prior to it being true
13 billed and indicted, ---

14 A. Yes.

15 Q. --- correct?

16 A. Yes.

17 Q. And just to go into your initialing process. And you say
18 that it was you that made that change and you do know that it
19 was done prior to it being true billed and indicted?

20 A. Yes.

21 **MR. FANT:** No further questions, Your Honor.

22 **THE COURT:** All right. Anything else, Mr. Gravlee?

23 **MR. GRAVLEE:** Just briefly, Your Honor.

24 **Redirect Examination by Mr. Gravlee:**

25 Q. The grand jury process, seeing as how there is not a

REDIRECT EXAMINATION BY MR. GRAVLEE

45

1 record of that, is there any -- not a transcript or recording,
2 is there anything else within your possession that would be
3 able to corroborate the timing which that was -- the amendment
4 was done?

5 A. No. I mean, there's -- I can go back and look in the
6 notes that I keep. I do keep notes each month of which
7 officer presents grand jury or which agency. But, I mean, as
8 far as me keeping the notes -- I do know the officer brought
9 it to my attention before it went into grand jury that it was
10 wrong.

11 Q. Okay. Thank you.

12 **MR. GRAVLEE:** No further questions.

13 **THE COURT:** All right. Anything else, Mr. Fant?

14 **MR. FANT:** Briefly, Your Honor.

15 **Recross-Examination by Mr. Fant:**

16 Q. Ms. Robinson, you are not in the room during grand jury?

17 A. No.

18 Q. So this all was done prior to the grand jury proceedings
19 even starting?

20 A. Yes.

21 Q. So the indictment that the grand jury received that then
22 became a custodial, I mean, it came within the custody of the
23 clerk's office or do you get that -- do you get that original
24 copy back to you after the grand jury proceedings?

25 A. No. No.

TAMMY ROBINSON - RECROSS EXAMINATION BY MR. FANT

1 Q. Does that copy go to the clerk's office?

2 A. The clerk's office, yes. I get copies.

3 Q. The only time that that change could have been done was
4 before it went in to grand jury?

5 A. Yes.

6 Q. And that's when -- your testimony today is is that that
7 change occurred before the grand jury proceedings took place?

8 A. Yes.

9 Q. Thank you.

10 **MR. FANT:** No further questions, Your Honor.

11 **THE COURT:** All right. Anything else, Mr. Gravlee?

12 **MR. GRAVLEE:** Nothing further from the defense, Your
13 Honor.

14 **THE COURT:** All right. You may step down. Thank you,
15 ma'am. All right. Any other argument on that, Mr. Gravlee?

16 **MR. GRAVLEE:** Yes, sir, Your Honor. Just renew the
17 arguments that I made earlier. And I appreciate Ms.
18 Robinson's testimony here today.

19 But due to the nature of the lack of record on the county
20 level grand jury, I don't have -- and Ms. Rodriguez does not
21 have the ability to potentially impeach any testimony whether
22 it's Ms. Robinson or anybody else in a similarly situated case
23 like we would if this were a state-wide grand jury proceeding
24 and being able to actually challenge the timing of that
25 amendment to the indictment here, which was true billed when

1 the alternative, Your Honor, was -- is a easy amendment if it
2 was in fact amended and then presented. But we don't know
3 because there's no record what was actually presented to the
4 grand jury ---

5 **THE COURT:** I believe, though, Ms. Robinson -- didn't she
6 testify that it was made before it was presented to the grand
7 jury, though?

8 **MR. GRAVLEE:** Yes, sir. She also testified that she was
9 not present during the testimony due to the secret nature of
10 it. We don't know what the officer in the case potentially
11 testified to, whether it was Mr. Jackson or somebody else.

12 So based on that, Your Honor, I would ask that the
13 indictment be quashed in this case because of that
14 discrepancy, the inability to challenge it. And, again,
15 renewing my argument as to the equal protection clause
16 implications and Sixth Amendment right to confront the
17 witnesses against Ms. Rodriguez.

18 **THE COURT:** All right. Thank you, Mr. Gravlee.

19 Based on the testimony from Ms. Robinson and arguments of
20 counsel, I'm going to deny the motion to quash. I think based
21 on the testimony the name change was made before it was
22 presented to the grand jury.

23 And I think in looking at that, the indictment as a whole
24 in addition to her testimony, it does provide the defense with
25 sufficient certainty to enable the defendant to be able to

1 prepare for the case and defend the charges against her. So I
2 deny the motion to quash the indictment. All right.

3 Anything -- other motions at this time?

4 **MR. FANT:** Nothing from the State, Your Honor.

5 **THE COURT:** All right. Anything from the defense?

6 **MR. GRAVLEE:** Your Honor, I think just a brief minute
7 with my client ---

8 **THE COURT:** Yeah, take your time, all you need.

9 (Pause)

10 **MR. GRAVLEE:** Your Honor, no further motions at this
11 time.

12 **THE COURT:** Okay. All right. So we've got the jury
13 coming back in at 9:30. If -- why don't we come at -- why
14 don't we come in at 9:15 just to kind of follow up on the
15 issue with the tapes since you will have read or listened to
16 them tonight if there are any other issues that you need to
17 address with me in the morning.

18 So why don't we just come in here at 9:15. And if you
19 need to address some issues at that point, then we can take
20 those up at that time before we get started.

21 **MR. GRAVLEE:** Thank you, Your Honor.

22 **THE COURT:** All right. Anything else before we adjourn?
23 Anything from the State?

24 **MR. FANT:** Nothing from the State.

25 **THE COURT:** All right. Anything from the defendant?

2 **THE COURT:** All right. Thank you both. And I'll see
3 y'all at 9:15 in the morning.

5 MR. FANT: Thank you.

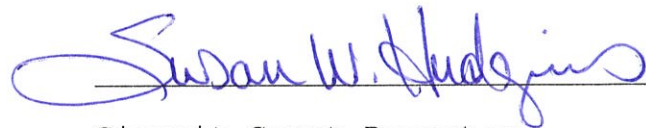
7 (End of Requested Transcript of Record)

Certificate of Reporter

I, the undersigned, Susan W. Hudgins, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial/hearing of the captioned case, relative to appeal, in the Circuit Court for Pickens County, South Carolina, on the 11th day of April 2022.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

June 18, 2022



Circuit Court Reporter

STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF PICKENS	)	2020-GS-39-01026
	)	
	)	
THE STATE	)	
	)	PLAINTIFF)
vs.	)	TRANSCRIPT OF RECORD
	)	
VICKI L. RODRIGUEZ	)	
	)	DEFENDANT)

April 12, 2022
 Pickens, South Carolina

B E F O R E:

THE HONORABLE G.D. MORGAN, JR., Judge; and a
 jury.

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

PATRICK C. FANT, IV, ESQ.
 Attorney for the State

J. MAX GRAVLEE, ESQ.
 Attorney for the Defendant

APRIL HERRON
 Official Court Reporter

INDEX OF WITNESSES

TORRANCE JACKSON

Direct By Mr. Fant	22
Cross By Mr. Gravlee	28
Redirect By Mr. Fant	35
Recross By Mr. Gravlee	36

BRANDON FARRIS

Direct By Mr. Fant	41
Cross By Mr. Gravlee	46
Redirect By Mr. Fant	48
Recross By Mr. Gravlee	48

JOEY WILLIAMSON

Direct By Mr. Fant	56
Cross By Mr. Gravlee	65

VICKI RODRIGUEZ

Examination By The Court	74
------------------------------------	----

VICKI RODRIGUEZ

Examination By The Court	80
------------------------------------	----

» > ○ < «

Opening Statement by Mr. Fant	17
Opening Statement by Mr. Gravlee	19
Closing Statement by Mr. Fant	84
Closing Statement by Mr. Gravlee	85
Jury Charge	89
Verdict	111
Sentencing	113
Certificate of Reporter	119

STATE EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
1	Bench Warrant	5	24
2	Body Cam	5	45
3	Photograph	5	61
4	CD	5	63

COURT EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
1	Note from Jury	104	
2	Note from Jury	109	

1 April 12, 2022

2 (WHEREUPON, State's Exhibits Nos. 1-4 were
3 marked for identification only.)

4 THE COURT: Good morning, I understand we're
5 waiting on one juror.

6 THE BAILIFF: Jury is here and ready, Your
7 Honor.

8 THE COURT: Okay, she's here. All right, sounds
9 like everyone is here. Anything anybody before we
10 bring the jury in?

11 Mr. Gravlee, did you have an opportunity to
12 listen to the rest of those tapes?

13 MR. GRAVLEE: I did, Your Honor. I listened to
14 it and believe it was about an hour and 20 minutes.
15 I was not able to gather anything from that
16 particular disk after listening to it that would be
17 relevant to the -- basically, the bench warrant would
18 be invalid or anything like that. So I acknowledge
19 that the bench warrant is legitimate as a service
20 process.

21 THE COURT: Okay.

22 MR. GRAVLEE: In this case. And the bench
23 warrant was valid. And The Judge had authority to do
24 so. My client disagrees with me on that point. But
25 we have discussed it, I shared with her my ethical

1 duties to the court, if I have any legal, sound legal
2 basis to find that that bench warrant is invalid.
3 And that the court didn't otherwise have the
4 authority to issue the bench warrant, after rules to
5 show cause and failure to comply, that I can't argue
6 otherwise. So we've have had a disagreement to that.
7 But I think we are on the same page as far as what I
8 can and can't do here in court today, Your Honor.

9 THE COURT: Okay.

10 All right, Mr. Fant, anything?

11 MR. FANT: Nothing from The State, Your Honor.

12 THE COURT: All right, anything else before we
13 bring them in?

14 MR. GRAVLEE: Your Honor, just a couple motions.
15 The -- I got a motion as to the resisting arrest
16 statute as applied in this case, Your Honor, to the
17 facts. The resisting statute is overly broad and it
18 is also vague as to what would constitute resisting
19 arrest, in this case. The -- it is not clear as to
20 what exactly her acts could be. And we will get into
21 those at trial, Your Honor. Or I'm happy to proffer
22 testimony as to the circumstances of how the
23 resisting arrest charge came about. But I think,
24 Your Honor, in this particular case, as applied, the
25 resisting arrest statute. But they are vague. I

1 think it should not apply. It is unconstitutional as
2 applied to the facts in this case.

3 THE COURT: All right.

4 Mr. Fant.

5 MR. FANT: Your Honor, The State's position that
6 this statute does apply. There was a lawful and
7 valid bench warrant that was executed for her arrest.
8 And when officers went to -- when they went to serve
9 that on her, she resisted arrest. She was clearly
10 told multiple times that she was under arrest. She
11 was clearly told that she was resisting arrest by not
12 letting them into the room. And then slammed the
13 door, wounding and assaulting Officer Williamson.
14 The statute, I think, clearly goes to that resisting
15 arrest with assault and should apply here.

16 THE COURT: All right, I reviewed the statute
17 thoroughly and also with case law involving the
18 statute. And I do not find that it is overly broad
19 and vague. I note your motion for the record but I
20 do not find that it is unconstitutional.

21 All right, next motion.

22 MR. GRAVLEE: Just a brief moment, Your Honor,
23 with my client.

24 THE COURT: All right.

25 MR. GRAVLEE: No other motions, Your Honor.

1 THE COURT: Okay, anything from The State before
2 we bring them in?

3 MR. FANT: Not from The State.

4 THE COURT: All right, let's bring them on in.

5 (WHEREUPON, the jury entered open court at
6 approximately 10:58 a.m.)

7 THE COURT: All right, good morning, ladies and
8 gentlemen. I believe we've got everybody here now.
9 We are ready to proceed. I understand Mr. Fowler,
10 you've been selected foreman.

11 MR. FOREMAN: Yes, sir.

12 THE COURT: You will occupy that seat going
13 forward. Each time you come in and out.

14 All right, let's go ahead and swear the jury.

15 THE CLERK: If you would please stand and raise
16 your right hand. After I read The Oath, please say,
17 I will.

18 (WHEREUPON, the jury was sworn.)

19 THE COURT: All right, ladies and gentlemen,
20 we're about to start the trial of this case. I'm
21 going to give some opening instructions to you. Let
22 me just kind of tell you from the outset that if any
23 of you have ever served on a jury before and but
24 those of you who haven't or those of you have not
25 done so recently, it's not what you see on TV. This

1 is not going to be -- it's going to be a quick trial,
2 I will tell you that. But it's not going to be over
3 in an hour and everything is done and accomplished in
4 an hour. And things that you see on TV are not
5 necessarily what happens in the real world. So what
6 you will see today is not like what you see on TV.
7 So please don't compare, well, I saw that on Law and
8 Order the other night, I don't know why they didn't
9 do it here. So this is a different -- this is the
10 real world. And so have some -- I ask you to have
11 some patience as we go through the process.

12 What I want to say now, instruct you, is we'll
13 serve really as a additional instruction to you of
14 what we're about to do in this case. But at the end
15 of the case I'll instruct you on what the law is.
16 But these are not a charge on the law in this case
17 and I'll again instruct you at the end of what the
18 law is in this case. Now, as you know yesterday I
19 read the indictment and The Defendant is charged by
20 the indictment in this case of resisting arrest with
21 assault that occurred on or about February the 6th,
22 2020, when the Indictment alleges that The Defendant
23 knowingly and willfully and unlawfully assaulted,
24 beat or wounded Jay Williamson with the Pickens
25 County Sheriff's Department. And at the end of the

1 case I'll explain to you the elements of this charge
2 before I let you retire to decide the case.

3 But the indictment, as I told you yesterday, is
4 simply the charge by which the case is brought into
5 court and it is not in any sense evidence of any of
6 the allegations in the case. The defendant has pled
7 not guilty to this indictment. And as a result, The
8 State, therefore, has the burden of proving each of
9 the elements of the indictment beyond a reasonable
10 doubt. And it will be your duty, ladies and
11 gentlemen, to decide whether The State has met that
12 burden. Your purpose, as jurors, is to find and
13 determine the facts. You are the sole judge of the
14 facts. And at any time I may make a comment through
15 this trial regarding the facts, you are to disregard
16 that. You are to determine the facts from the
17 testimony you hear and from any other evidence that
18 may be introduced into court. It is up to you to
19 determine the inferences which you feel may be
20 properly drawn from the evidence.

21 It is especially important that you perform the
22 duty of determining the facts diligently and
23 conscientiously. Because, ordinarily, there's no way
24 to correct an erroneous determination of the facts by
25 a jury. On the other hand, and with equal inferences

1 on the same law that makes you the judges of the
2 facts, makes me the judge of the law. The law as
3 given by The Court is the only law that you may
4 consider. You must accept and follow it even though
5 you may disagree with it. I cannot tell you what the
6 facts are and you cannot disagree with me about what
7 the law is or what the law should be. Your job is to
8 take the law as I give it to you and apply it to the
9 facts as you find them from the testimony of
10 witnesses and any other evidence that is introduced
11 in court here today.

12 After that, you will render your verdict. A
13 true and just verdict under the solemn oath that you
14 just took as jurors. Until I advise you to begin
15 deliberating, you must not discuss the case with
16 anyone, including your fellow jurors, any friends and
17 family. Again, I anticipate that we will be finish
18 with this case today. But just in case we don't for
19 some reason and you go home tonight, please don't
20 discuss it until I tell you to. And as I mentioned
21 to you yesterday, that would include any face-to-face
22 meetings with anybody or discussions with anybody,
23 emails, texts, blogs, anything on social media. You
24 may not use any computer or cell phone at any time
25 while here in the courtroom or during any of the

1 deliberations once you do get the case. And during
2 any breaks that we take today, of course, you will be
3 able to use it to check in, see if you need to do
4 something.

5 But you may not use any of these devices to send
6 megassess about this case. That includes any
7 information or inquiry about any parties or any of
8 the lawyers in the case or anything about the facts
9 in the case. That is off limits until you have
10 rendered a verdict and I have dismissed you from
11 court. Again, I think it's really just going to be a
12 day long case. But again, in the event that you do
13 go home, don't look at any news or TV or anything on
14 that. I don't think there's anything involved in
15 this case but please don't do that.

16 All right, after the case is submitted to you,
17 you must discuss it only in the jury room with your
18 fellow jurors. The attorneys and parties in this
19 case have been advised that they're not to talk to
20 you at all. So if you may go to lunch today and you
21 may run into them in the hallway and they don't
22 really acknowledge you, don't take that personally,
23 they are following my instructions because I told
24 them that they are not to have any communication with
25 you. And it goes both ways. So that's just part of

1 the system, we need to make sure that everything is
2 on the up and up. And I know everybody will be. But
3 I am required to tell you that and make sure. So
4 don't think if you see the lawyers and they don't
5 stop and speak to you or anything like that, don't
6 hold that against them.

7 All right, it's important that you keep an open
8 mind and not decide any issue in this case until all
9 the evidence has been presented. And the parties --
10 after the parties have made their closing arguments
11 and I have instructed you the law. It is your solemn
12 responsibility to determine the guilt or innocence of
13 The Defendant and your verdict must be based solely
14 on the evidence that's put before you in this trial.
15 And it must be unanimous. In just a moment, the
16 solicitor will make what's called an opening
17 statement. In which the solicitor will explain to
18 you the issues in the case. Or, at least, what the
19 solicitor thinks the issues are in this case. The
20 attorney or The Defendant may also make an opening
21 statement, although, he is not required to do so for
22 his client.

23 Whatever the attorneys tell you during the
24 opening statement is not evidence in the case. It's
25 only their contention as to what the issues are and

1 what the evidence will be. The evidence will be
2 presented to you through this witness stand right
3 here and any other exhibits that may be admitted into
4 evidence. From time to time you may hear one of the
5 lawyers say something like, look I got a question of
6 law, Your Honor, I'd like to discuss with you. That
7 may be a time where I may need to send you out.
8 There may also be some times where I try to avoid
9 that and try to keep things going. I may call the
10 lawyers up here and we may discuss it while you're
11 still here. Don't think we're trying to hide
12 anything from you. I'm just trying to kind of keep
13 it going sometimes instead of having to send you back
14 out and keep coming back in. Now, there may be times
15 I have to do that so I apologize. This is an
16 important day for the parties in this case, both The
17 State and The Defendant. And so I need to make sure
18 that everything is done properly and I rule
19 accordingly. So sometimes it may take some
20 discussions with the lawyers outside of your
21 presence. So if I do bring them up and we have a
22 sidebar, please don't take that personally as well.

23 In determining what the true facts are in this
24 case, which is your job in this trial, you must
25 decide whether or not the testimony of the witnesses

1 are believe or is believable. It will be my
2 responsibility to rule as a matter of law as to
3 whether certain testimony is admissible at all or
4 not. But once the testimony is admitted, whether or
5 not you believe it is solely for you to determine.
6 In deciding whether to believe a witness, you have
7 the right to consider the interest of any witness,
8 the bias of any witness, the prejudice of any
9 witness, the opportunity for the witness to have seen
10 the matters and things about which that witness may
11 testify. And the way the witness acts on the witness
12 stand. You have a right to consider anything that
13 isn't in the record that will help you evaluate the
14 testimony of the witnesses.

15 That means that it is your duty to pay close
16 attention to these witnesses, to observe the
17 witnesses, to listen to the witnesses and to pay
18 close attention to the attorneys and to The Court
19 during this trial. Don't let your thoughts wander
20 but give strict attention to the testimony. So that
21 at the end of this trial, after the arguments have
22 been made by the lawyers and my charges to you about
23 the law, you will then be in a position to determine
24 what the true facts are.

25 As I told you, Mr. Foreman, you will preside in

1 the jury room, just to coordinate once you do get the
2 case. And at the end of the trial, and I'll explain
3 this to you at the end of the trial, but you will
4 have the verdict form. That you -- once you, the
5 jury, reaches a verdict, that you will sign, knock on
6 the door and let the bailiff know that you have
7 reached a decision. Again, I will explain that to
8 you at the end of the trial.

9 And as I told you, the verdict in this case has
10 to be a unanimous verdict and The State has the
11 burden of proof beyond a reasonable doubt that The
12 Defendant is guilty.

13 All right, anything--

14 MR. FOREMAN: Can I ask a question?

15 THE COURT: Yes, sir.

16 MR. FOREMAN: I know earlier but during the
17 deliberations, the alternate juror is he silent
18 unless--

19 THE COURT: I'll handle all that.

20 MR. FOREMAN: Okay.

21 THE COURT: That's okay. That's okay.

22 All right, anything from The State?

23 MR. FANT: Nothing from The State.

24 THE COURT: Anything from The Defense?

25 MR. GRAVLEE: Nothing from The Defense, Your

1 Honor.

2 THE COURT: All right, recognize The State.

3 OPENING STATEMENT

4 MR. FANT: May it please the Court, Your Honor.

5 Ladies and gentlemen, good to see y'all again, I
6 met y'all yesterday. My name is Cleburne Fant, I'm a
7 assistant solicitor here in Pickens County. And
8 today is going to be my job to prove to you beyond a
9 reasonable doubt that The Defendant, Vicki Rodriguez,
10 resisted arrest with assault. I want to thank each
11 and everyone of y'all for being here. I know with
12 COVID times it's been kind of crazy. I'm glad that
13 we are back together and able to do this again. I
14 know the State of South Carolina, Judge, Defense
15 counsel and The Defendant, we know -- really
16 appreciate you being here today for this and serving
17 for us.

18 Now, in all criminal cases The State is required
19 to prove that The Defendant committed the crime
20 beyond a reasonable doubt. Beyond a reasonable doubt
21 leaves the jury firmly convinced that The Defendant
22 committed the crime for which she is on trial for.
23 This is not an impossible burden to overcome and The
24 State gladly accepts that burden to prove to you
25 beyond a reasonable doubt that she committed the

1 crime of resisting arrest with assault. Under South
2 Carolina law, it is unlawful for a person to assault,
3 beat or wound an officer while the accused was
4 resisting a lawful arrest.

5 In a little bit you're going to hear from --
6 testimony from some of the officers in this case.
7 And on February 6th of 2020, law enforcement went to
8 the Baymont Inn and Suites here in Easley. When they
9 went they went to serve a warrant, a bench warrant,
10 that was active and valid on Ms. Vicki Rodriguez.
11 They knocked and announced their presence at the
12 door. They figured out she was in the hotel room.
13 They told her she was under arrest and they asked for
14 her to come out. She refused to come out. Was then
15 told that she's resisting arrest. Continued to not
16 open the door. And, actually, slammed and physically
17 shut the door, wounding and assaulting Officer
18 Williamson.

19 MR. GRAVLEE: Your Honor, I'm going to object to
20 that statement.

21 THE COURT: What's the basis?

22 MR. GRAVLEE: Basically, as his particular
23 opinion and argument on the facts other than a
24 statement on generalities of the case here. I hate
25 to object in opening but I think that's over the line

1 a little bit.

2 THE COURT: Overruled.

3 MR. GRAVLEE: Thank you, Judge.

4 MR. FANT: Ladies and gentlemen, y'all are the
5 triers of facts and you brought with you the one best
6 tool. That's your common sense. I ask that you pay
7 careful attention to the witnesses, pay careful
8 attention to any type of evidence that's presented.
9 And that's when I get to talk to you in a little bit,
10 you find The Defendant guilty. Thank you.

11 THE COURT: All right, Mr. Gravlee.

12 OPENING STATEMENT

13 MR. GRAVLEE: Thank you, Your Honor, may it
14 please the Court.

15 Ladies and gentlemen, thank you for being here.
16 My name is Max Gravlee and this is my client,
17 Ms. Vicki Rodriguez. I am stronger and taller than
18 the two attorneys in the courtroom here today. We do
19 appreciate your time being here. And being able to
20 listen to the evidence that you will see, you will
21 hear from the stand, on the projector, from the
22 computers, from officers here. And I want you to
23 please keep in mind what The Judge explained to you
24 before opening statements here. That you need to
25 keep an open mind as to what it is. Because the

1 allegations are just what they are, they're
2 allegations that a crime was committed. What that
3 crime was, how it was committed, whether it was
4 committed, what was committed, is all up to you in
5 determining the facts of the case and weighing the
6 evidence. Listen to the evidence, listen to the
7 testimony and you can have that job with great civil
8 duty that you have as a jury. To weigh the evidence
9 and decide credibility here and what you should
10 believe and what you shouldn't believe. And The
11 Judge will tell you this all later.

12 But Ms. Rodriguez walked in this courtroom today
13 and she is presumed innocent beyond a reasonable
14 doubt. That presumption of innocence stays with her
15 throughout this entire trial. Only after
16 deliberations and only if back there, talking about
17 the case and deliberating, only then can ever the
18 presumption of innocence be removed from her. And
19 it's like a cloak that drapes her until such time as
20 there is any kind of verdict of guilty that that
21 presumption does not stay with her.

22 Now, that presumption is only overcome if you
23 find her guilty beyond a reasonable doubt. And
24 guilty beyond a reasonable doubt is the highest
25 burden of proof in the legal system. If you get in a

TORRANCE JACKSON-DIRECT BY MR. FANT

1 car wreck or something like that and you have a civil
2 trial, it is a lower standard of proof. Like, yeah
3 maybe, more likely than not. In a criminal trial, it
4 is guilty beyond a reasonable doubt. They have to
5 prove all of the elements of the charges -- of the
6 charge that is presented to you today. And only if
7 The State can meet that. I'm convinced that The
8 State will not be able to meet that burden of guilt
9 beyond a reasonable doubt. Once you hear the
10 evidence today, I ask you to keep an open mind while
11 you listen to that evidence. And hear that and
12 listen to the arguments. And at that point in time,
13 I ask and I believe that you will return a verdict of
14 not guilty. Thank you very much.

15 THE COURT: All right, State call its first
16 witness.

17 MR. FANT: Yes, Your Honor, The State would like
18 to call Officer Torrance Jackson.

19 THE CLERK: Please raise your right hand.

20 TORRANCE JACKSON, after being duly
21 sworn{,}testified as follows:{F}

22 THE CLERK: Thank you, please have a seat.
23 State your full name for the record.

24 THE WITNESS: Torrance Jackson.

25 DIRECT EXAMINATION

TORRANCE JACKSON-DIRECT BY MR. FANT

1 BY MR. FANT:

2 Q Good morning, Mr. Jackson.

3 A Good morning, sir.

4 Q Where do you currently work?

5 A Pickens County Sheriff's Office.

6 Q What's your position there?

7 A My current position there is transport officer.

8 Q At the time, what was your position there?

9 A I was part of the Pickens County Community
10 Action Team in reference to, I guess, you'd say warrants
11 division.

12 Q How long have you worked there?

13 A Seven years.

14 Q What's your title there?

15 A My title at the time or now?

16 Q Title at the time.

17 A Deputy first class.

18 Q What are some of your duties and -- what were,
19 at that time, some of your duties and responsibilities?

20 A My main duty was warrant service, which included
21 surveillance, research, anything that had to do with
22 apprehending wanted subjects on active warrants, bench
23 warrants.

24 Q Were you working on February 6th of 2020?

25 A Yes, sir.

TORRANCE JACKSON-DIRECT BY MR. FANT

1 Q Where were you working on February 6th?

2 A At that time, when I come into work, Lieutenant
3 Sullivan contacted me that there was a warrant that
4 himself and now Deputy Park was working on in reference to
5 Ms. Rodriguez. At that time, he gave me the warrant, it
6 was turned over to me to try to locate her.

7 Q As part of your duty, do you serve active bench
8 warrants?

9 A Yes, sir.

10 Q Would you explain some of that process?

11 A Again, it goes back to doing research, trying to
12 find addresses, persons maybe associated with the persons
13 that wanted. Surveillance on possible location finding
14 them. Then, at that time, getting together with the team
15 or others involved to serve the warrant.

16 Q Were you serving an active warrant that evening?

17 A Yes, sir.

18 Q Did you have a copy of the warrant that evening?

19 A Yes, sir, I had that in my hand.

20 Q Included with that was a copy of the contempt
21 order?

22 A That's correct, sir.

23 Q All right. I'm going to hand you State's
24 Exhibit 1 that's been premarked. It's a bench warrant and
25 a civil contempt order, I provided a copy to counsel. Do

TORRANCE JACKSON-DIRECT BY MR. FANT

1 you recognize that?

2 A Yes, sir.

3 Q How do you know what it is?

4 A It's actually labeled bench warrant, notarized
5 and signed by the Judge. That's, actually, only one I had
6 in hand that day.

7 Q So that's the same document you had on the sixth
8 of February?

9 A That's correct.

10 MR. FANT: At this time, The State would like to
11 seek to introduce State's Exhibit 1 into evidence.

12 THE COURT: All right, any objection from The
13 Defendant?

14 MR. GRAVLEE: Your Honor, I'd just like to
15 compare The State's Exhibit with this one.

16 THE COURT: All right.

17 MR. GRAVLEE: Real quickly. No objection, Your
18 Honor.

19 THE COURT: All right, State's Exhibit No. 1 is
20 admitted into evidence without objection.

21 (WHEREUPON, State's Exhibit No. 1 was admitted
22 into evidence.)

23 BY MR. FANT:

24 Q Officer Jackson, when you went to serve this
25 warrant, would you walk us through that process?

TORRANCE JACKSON-DIRECT BY MR. FANT

1 A Yes, sir. It first began, I contacted Master
2 Deputy Pickens with the U.S. Marshal Task Force, notified
3 him. I believe, he went over to Spartanburg County in
4 reference to and address that was possibly to try to
5 locate Ms. Rodriguez. At that time, I was setting up at
6 the address in Easley that we was told she was at to try
7 to see if her vehicle showed back up. I believe
8 Lieutenant Sullivan advised me that she was moving out.
9 So was trying to see if she was coming back. After a
10 while I was able to locate the vehicle that she was
11 driving. Or, actually, find out what kind of vehicle she
12 was driving, as well as a person who was associated with a
13 Mr. Lollis.

14 At that time, I did send a message to the
15 other Community Action Team for them to be on the lookout.
16 And then, at that time, I was notified by Deputy
17 Williamson that he had located both vehicles at the
18 Baymont Inn Motel in Easley, which is in Pickens County.

19 Q When you first went on scene, were you in a
20 unmarked car?

21 A That's correct.

22 Q What did you first do after you were told that
23 she was possibly there?

24 A I first went to the office, made contact with
25 the front desk clerk. I had a DMV picture of both

TORRANCE JACKSON-DIRECT BY MR. FANT

1 subjects. At which time I asked if they had seen them,
2 which they advised which room they were staying in. Then
3 I made contact with Deputy Williamson who was parked, you
4 could see the vehicles. And started surveilling the room.

5 Q Who all was on scene once you arrived?

6 A At first it was myself and Deputy Williamson,
7 Sergeant Farris also showed up.

8 Q What did you -- once you were at the room, what
9 all did you observe?

10 A The window to the room she was in, the curtain
11 was opened about that much. So we could observe her and
12 Mr. Lollis in the room. At that time, we then knocked and
13 announced our presence.

14 Q How did you know that you had -- you had that
15 warrant with you, correct?

16 A Yes, sir.

17 Q And the name on that warrant was? I can show it
18 to you.

19 A Vicki Lynn Rodriguez.

20 Q How did you know that was her?

21 A I pulled her ID, DMV access, at the time. I was
22 able to pull up her DMV picture and compared it to the
23 person we could clearly see her in the room.

24 Q And you said there was a little slit that you
25 could see through?

TORRANCE JACKSON-DIRECT BY MR. FANT

1 A Yes, sir.

2 Q Did you recognize and see the same individual
3 that's on that arrest warrant in the room?

4 A That's correct.

5 Q Do you see that individual in this courtroom
6 today?

7 A Yes, sir, I do.

8 Q Can you point her out?

9 A She's right there.

10 Q What's she wearing?

11 A She has on a black coat with a black and white
12 checkered, possibly, dress.

13 MR. FANT: Record reflect that the witness has
14 identified The Defendant.

15 BY MR. FANT:

16 Q During this incident were you wearing a body
17 cam?

18 A Yes, sir.

19 Q Was there any type of issue with your body cam?

20 A My body cam was running the entire time, as you
21 can see from the videos where it was showing the
22 recording. After the incident, after the arrest, when I
23 went to turn my body camera off, there's a button that you
24 push. It wouldn't go by itself so I had to turn the whole
25 thing off to get it to go off. At that time, I believe it

TORRANCE JACKSON-CROSS BY MR. GRAVLEE

1 erased all the camera footage I had, at that time.

2 Q Were there other officers wearing body cams?

3 A That's correct. Sergeant Farris and Deputy
4 First Class Williamson.

5 MR. FANT: No further questions.

6 THE COURT: Cross-examination.

7 MR. GRAVLEE: Thank you, Your Honor.

8 CROSS-EXAMINATION

9 BY MR. GRAVLEE:

10 Q So Deputy Jackson, how you doing?

11 A All right, sir. How you?

12 Q I'm doing good. So how long have you been a
13 deputy?

14 A Total 15 years.

15 Q Okay. Can you tell us a little bit about your
16 training, how you became a police officer?

17 A Yes, sir. I first started law enforcement
18 probation parole agent back in 2004 with the Richland
19 County Probation and Parole. At that time, I then went to
20 the Richland County Sheriff's Office, Springdale Police
21 Department before I came here. Prior to getting law
22 enforcement, of course, I went to the police academy for,
23 at that time, nine weeks. Continuous training throughout
24 and renewing certifications.

25 Q And that training that you have, I mean, how

TORRANCE JACKSON-CROSS BY MR. GRAVLEE

1 many hours of training have you had?

2 A It varies. There's certain trainings we have to
3 do every year, legal updates, online legal training,
4 driving training, ethics training. It's a bunch of
5 training we do throughout the year.

6 Q And you have training on policy?

7 A Yes, sir.

8 Q And whether it was Richland County?

9 A Yes, sir.

10 Q Pickens County?

11 A Yes, sir.

12 Q Training as to the warrant team serving
13 warrants?

14 A Yes, sir.

15 Q Training as to, what did you do with your car?

16 A Yes, sir.

17 Q What you can't do with your car?

18 A Right.

19 Q Your, you know, I guess use of force?

20 A Yes, sir.

21 Q And during this training and over the past 15
22 years, I suppose there's always been training on
23 deescalation?

24 A Yes, sir.

25 Q And how to try to defuse a situation?

TORRANCE JACKSON-CROSS BY MR. GRAVLEE

1 A Yes, sir.

2 Q And not escalate tempers?

3 A Yes, sir.

4 Q And with Pickens County Sheriff's Office, you
5 have a body camera policy?

6 A Yes, sir.

7 Q With that policy, you receive annual training;
8 is that correct?

9 A Yes, sir.

10 Q And you received it -- you had training that
11 year?

12 A Yes, sir.

13 Q Okay. You had training the year before that?

14 A Yes, sir.

15 Q Probably the year or two before that, whenever
16 the body cam started becoming --

17 A Yes, sir.

18 Q -- policy. So you had it on you that day?

19 A Yes, sir.

20 Q But it was, ultimately, deleted?

21 A Not by me.

22 Q Or doesn't exist?

23 A That's correct.

24 Q Okay. In the -- in that policy, you've got --
25 I'm referencing the body camera policy, do you have a copy

TORRANCE JACKSON-CROSS BY MR. GRAVLEE

1 of your body camera policy on you?

2 A Not with me, no, sir.

3 Q But you are familiar with it?

4 A Yes, sir.

5 Q Okay. That particular day, were you the
6 supervising officer in the arrest?

7 A I was not the supervisor, Sergeant Farris was on
8 the scene.

9 Q Okay. And was there any other supervisor that
10 would have been approving your incident reports that you
11 write up regarding what happened or anything like that?

12 A Our reports either, at that time, would have
13 been approved by either Corporal Baker or Sergeant Farris.

14 Q Okay. And have you reviewed your incident
15 report as well?

16 A Yes, sir.

17 Q In preparation for trial?

18 A Yes, sir.

19 Q Okay. And per the policy, there's some kind of
20 malfunction with your body camera, things go missing?

21 A Yes, sir.

22 Q Whatnot. You're supposed to immediately notify
23 your supervisor?

24 A That's correct.

25 Q Okay. Do you have a copy of your incident

TORRANCE JACKSON-CROSS BY MR. GRAVLEE

1 report with you?

2 A Yes, sir.

3 Q Can you point out in your incident report where
4 you note that your body camera was not functioning?

5 A No, sir.

6 Q Okay. Can you point out where you note that it
7 was -- it was missing?

8 A No, sir.

9 Q That it was inadvertently or otherwise missing?

10 A No, sir.

11 Q Okay. In that report, did you note that any
12 mention that you notified your supervisor?

13 A No, sir. He was on scene so I notified him
14 there.

15 Q But in the academy, you're trained to write
16 reports?

17 A Correct.

18 Q And you're trained to write those reports,
19 they're supposed to be complete?

20 A Yes, sir.

21 Q And thorough?

22 A Yes, sir.

23 Q And accurate?

24 A Yes, sir.

25 Q None of these issues are mentioned in the

TORRANCE JACKSON-CROSS BY MR. GRAVLEE

1 incident report?

2 A That's correct.

3 Q In your -- when you were at the scene, at the
4 hotel room.

5 A Yes, sir.

6 Q You're the one with the swipe card? You're the
7 officer that had the key card?

8 A Yes, sir.

9 Q Retrieved from the manager?

10 A Front desk.

11 Q Front desk?

12 A Yes, sir.

13 Q Okay. And, at that time, you had not as well
14 but before then there's no -- I mean, let me back up a
15 little bit. You talked about a little slit in the window?

16 A Yes, sir.

17 Q Were you told, when you initially arrived, that
18 Ms. Rodriguez -- was it your understanding that she may
19 not have been fully dressed and maybe even naked?

20 A When we knocked and announced, she stated that.

21 Q But you said you looked through the little slit?

22 A That's correct.

23 Q But your understanding, at that time, was that
24 she was, at least, initially, not clothed?

25 A She was dressed.

TORRANCE JACKSON-CROSS BY MR. GRAVLEE

1 Q Initially on -- when you arrived?

2 A Yes, sir.

3 Q And looked through the slit?

4 A Yes, sir. She had on a red shirt and, I
5 believe, blue jeans.

6 Q And presumably, if you had the body camera at
7 that time, that would have shown that as well?

8 A Well, I didn't fully stand in front of the
9 window, I peeked through so she can see me or to announce
10 my presence.

11 Q Okay.

12 Beg the Court's indulgence for just a
13 moment.

14 THE COURT: Okay.

15 BY MR. GRAVLEE:

16 Q So the camera footage that we don't have, that
17 footage and body cams in general and policies to have
18 those to protect yourself?

19 A That's correct.

20 Q They protect The Defendant in the case?

21 A That's correct.

22 Q It provides accountability?

23 A Yes, sir.

24 Q And objective evidence?

25 A That's correct.

TORRANCE JACKSON-REDIRECT BY MR. FANT

1 Q That secures a Defendant's right to evidence in
2 the case?

3 A That's correct.

4 Q The right to due process?

5 A Yes, sir.

6 Q But also, I mean, it shows and can backup your
7 side of the story and protect yourself?

8 A Yes, sir.

9 Q Okay. During your encounter?

10 A Yes, sir.

11 Q You mentioned that she shut the door, in your
12 incident report?

13 A Yes.

14 Q Okay. You didn't observe that? You didn't
15 observe her?

16 A No, sir, I was on the other side of the door. I
17 could hear her through the door. But not physically
18 seeing her, no.

19 MR. GRAVLEE: Thank you for your time.

20 THE WITNESS: Yes, sir.

21 MR. GRAVLEE: No further questions.

22 THE COURT: All right, any redirect?

23 MR. FANT: Briefly, Your Honor.

24 REDIRECT EXAMINATION

25

TORRANCE JACKSON-RECROSS BY MR. GRAVLEE

1 BY MR. FANT:

2 Q You weren't the only officer on scene that day,
3 were you?

4 A No, sir.

5 Q There were two other officers?

6 A That's correct.

7 Q They were wearing a body cam?

8 A Yes, sir.

9 Q They have footage of that?

10 A Yes, sir.

11 Q And they have footage of you there?

12 A Yes, sir.

13 Q You stated that you did recognize her voice and
14 observe her presence previously at the door, correct?

15 A That's correct, sir.

16 Q And during the time it slammed, you couldn't
17 exactly, from your angle, see but did you hear her voice
18 right then?

19 A Yes, sir.

20 MR. FANT: No further questions, Your Honor.

21 THE COURT: Any recross?

22 MR. GRAVLEE: Just briefly, Your Honor.

23 RECROSS-EXAMINATION

24 BY MR. GRAVLEE:

25 Q In that room, there wasn't one person, was

TORRANCE JACKSON-RECROSS BY MR. GRAVLEE

1 there?

2 A No, sir.

3 Q There were two?

4 A That's correct.

5 Q And you could hear his voice as well?

6 A Yes, sir.

7 MR. GRAVLEE: No further questions.

8 THE COURT: All right, thank you, master deputy,
9 you are excused. Just leave that right up there with
10 the court reporter.

11 THE WITNESS: Yes, sir.

12 THE COURT: Thank you.

13 Next witness.

14 MR. FANT: Your Honor, at this time, The State
15 calls Brandon Farris.

16 THE CLERK: Please raise your right hand.

17 BRANDON FARRIS, after being duly

18 sworn{,}testified as follows:{F}

19 THE CLERK: Thank you, you may have a seat and
20 please state your full name for the record.

21 THE WITNESS: Brandon Farris.

22 MR. FANT: Your Honor, I think we've got a legal
23 issue, briefly, that might be better to take up right
24 now.

25 THE COURT: All right, ladies and gentlemen, I'm

TORRANCE JACKSON-RECROSS BY MR. GRAVLEE

1 going to just excuse you for a little bit here while
2 I take up a matter with the lawyers.

3 (WHEREUPON, the jury left open court at
4 approximately 10:46 a.m.)

5 THE COURT: Yes, sir.

6 MR. GRAVLEE: Your Honor, I talked to Mr. Fant,
7 I believe he's -- I'll let him explain to you what he
8 intends to play on the body camera from Mr. Farris.
9 And how he wants to do that. Wanting to make sure I
10 didn't want to interrupt him during direct to address
11 and, you know, abruptly cut off the testimony when, I
12 think, there's a issue that we got to work out with
13 the camera. In terms of what he wants to play. And
14 to what point. But I'm not entirely sure what that
15 is.

16 THE COURT: All right. So there's an objection
17 to part of the body cam, is that what I'm hearing?

18 MR. GRAVLEE: I need him, Your Honor, to explain
19 exactly what he intends to play in the situation.

20 MR. FANT: Your Honor, I plan on cutting -- and
21 I can present all this right now so he can, actually,
22 see it.

23 THE COURT: How long we talking about?

24 MR. FANT: Cutting out a portion is a little
25 over a minute. And then to cut a remaining portion

TORRANCE JACKSON-RECROSS BY MR. GRAVLEE

1 of the video. If you want us to take a quick break,
2 I can run back and I can run him through that real
3 quickly and see if there's an agreed upon--

4 MR. GRAVLEE: Not entirely Mr. Fant's fault
5 here, I did too. We were going to earlier then the
6 plea that I was taking care of just before the trial
7 started was kind of how we were going to hash that
8 out.

9 THE COURT: All right. So let me ask you this,
10 would it help then just to take a short break to
11 allow y'all to look through and see if you can agree.

12 MR. GRAVLEE: Yes, sir, I believe so. And
13 probably whatever else--

14 MR. FANT: I'll go ahead and pull the other
15 video too and we can. . .

16 THE COURT: All right. So why don't we do that.
17 That will save time while -- we'll just let them sort
18 of be a morning break somewhat. So I'll let y'all
19 look through the video, see if you can come to some
20 agreement on something. And just let me know when
21 y'all are ready and I'll come back in.

22 MR. GRAVLEE: Thank you, Your Honor.

23 MR. FANT: Thanks.

24 THE COURT: Okay.

25 (WHEREUPON, a short break was taken.)

TORRANCE JACKSON-RECROSS BY MR. GRAVLEE

1 THE COURT: All right.

2 MR. FANT: So we have a timestamp at the bottom
3 left corner is the timestamps. We agreed to mute the
4 video at 10:03:39 through 10:03:35. And mute at
5 10:07:17 through 10:07:23. Then end the video at
6 10:13:28.

7 MR. GRAVLEE: And, Your Honor, those timestamps
8 are regarding the actual time of day, not the time of
9 the video, just to be clear.

10 Correct?

11 MR. FANT: Yes.

12 THE COURT: Did you need him to repeat some of
13 those?

14 THE LAW CLERK: Can you just repeat all of
15 those?

16 MR. FANT: Yeah, 10:03:39 through 10:03:35.
17 Then 10:07:17 through 10:07:23. Then we're going to
18 end the video at 10:13:28.

19 THE COURT: All right, everybody in agreement on
20 that?

21 MR. GRAVLEE: That's correct, Your Honor.

22 MR. FANT: Yes, Your Honor.

23 THE COURT: All right, both of y'all come up
24 here for a minute.

25 (WHEREUPON, an off-the-record bench conference

BRANDON FARRIS-DIRECT BY MR. FANT

1 was held.)

2 THE COURT: All right, anything before we bring
3 the jury back?

4 MR. FANT: Nothing from The State.

5 THE COURT: All right, let's bring them on back.

6 (WHEREUPON, the jury entered open court at
7 approximately 11:31 a.m.)

8 THE COURT: All right, ladies and gentlemen, I
9 want to apologize for keeping y'all back there.
10 Sometimes what we do is we can handle some things
11 that make it go a little bit more smoothly so next
12 time we won't have to send you back out. So that's
13 what took a little bit of extra time. So, hopefully,
14 that will run a little bit smoother next time. Thank
15 you and I apologize.

16 All right, you may resume.

17 DIRECT EXAMINATION

18 BY MR. FANT:

19 Q Please state your name for the record.

20 A Brandon Farris.

21 Q Where do you currently work?

22 A Pickens County Sheriff's Office.

23 Q What's your position there?

24 A I'm a sergeant with the Community Action Team.

25 Q How long have you worked there?

BRANDON FARRIS-DIRECT BY MR. FANT

1 A Twelve years.

2 Q What are some of your duties and
3 responsibilities?

4 A So as part of the Community Action Team, we,
5 basically, investigate complaints from the community,
6 suspicious activity complaints, narcotic complaints,
7 traffic complaints; as well as warrant searches.

8 Q Were you working on February 6, 2020?

9 A Yes, sir, I was.

10 Q Where were you working on February 6, 2020?

11 A I was, basically, working the entire county
12 investigating complaints, as well as I responded to assist
13 Deputy Jackson with the warrant service.

14 Q When you responded to assist him, who all was on
15 scene?

16 A Myself, Deputy Jackson and Deputy Williamson.

17 Q What did observe when you arrived at the Baymont
18 Inn?

19 A I observed Deputy Jackson at the door of the
20 room where he had located The Defendant, Ms. Rodriguez.
21 Announcing himself as the sheriff's office and telling her
22 to come out to the room.

23 Q Do you see the same individual that you observed
24 that day in the courtroom today?

25 A Yes, Ms. Rodriguez. She's wearing a black

BRANDON FARRIS-DIRECT BY MR. FANT

1 jacket and a checkered shirt.

2 Q Okay. And when you arrived on scene, from your
3 view, what did you observe through the hotel window?

4 A So I could see through a crack in the curtains
5 in the hotel window, I could see The Defendant pacing back
6 and forth, walking back and forth between the door and the
7 bathroom. There was another male subject that didn't have
8 a shirt on that was walking back and forth in front of the
9 bed. Between the bed and the window.

10 Q Did you -- where was the individual, the other
11 individual, located during the time of officer
12 Williamson's finger getting stuck?

13 A He was on the bed.

14 Q He was on the bed?

15 A Yes, sir.

16 Q And you can see that from your vantage point?

17 A I could see that he had walked back to the bed.

18 Q Okay. What did you see from your vantage point
19 when the door was slammed?

20 A So Ms. Rodriguez had been advised that she was
21 under arrest. Had been advised that she was resisting
22 arrest, at that point. Deputy Williamson was attempting
23 to manipulate the lock on the door because the security
24 latch was closed. As he was doing that, I observed
25 Ms. Rodriguez approach the door and then it was forcibly

BRANDON FARRIS-DIRECT BY MR. FANT

1 closed on Deputy Williamson's finger.

2 Q And during the incident were you wearing a body
3 cam?

4 A Yes, sir, I was.

5 Q What's the purpose of a body cam?

6 A Basically, to give a perspective, a recorded
7 perspective of what we see and hear.

8 Q Where's your body cam footage normally stored?

9 A On a server with the county.

10 Q I'm going to hand you what's been premarked as
11 State's Exhibit 2. Would you explain to the jury what
12 this is?

13 A This is a DVD recording of my body cam footage
14 from that incident.

15 Q How do you know that?

16 A I previously viewed it and I have initialed the
17 case here.

18 Q It is a fair and accurate description of the way
19 the events that happened on February 6th?

20 A Yes, sir.

21 Q Has it been altered or edited in anyway?

22 A No, sir.

23 MR. FANT: At this time, The State would seek to
24 introduce State's Exhibit 2 into evidence and publish
25 it to the jury.

BRANDON FARRIS-DIRECT BY MR. FANT

1 THE COURT: Any objection from The Defendant?

2 MR. GRAVLEE: None from The Defense, Your Honor.

3 THE COURT: All right, Exhibit No. 2 is admitted
4 into evidence -- State's Exhibit No. 2 is admitted
5 into evidence without objection.

6 (WHEREUPON, State's Exhibit No. 2 was admitted
7 into evidence.)

8 (WHEREUPON, State's Exhibit No. 2 was
9 published.)

10 BY MR. FANT:

11 Q Officer Farris, did you observe The Defendant
12 slam Officer Williamson's finger?

13 A Yes, sir.

14 Q You observed that and also had that on your body
15 cam?

16 A Yes, sir. And I think it's clear on body cam
17 once she approaches the door and closes forcefully.

18 Q Where was the other individual during this time?

19 A He was over to the right of the window on the
20 bed. Where he was seated when he was arrested, that's
21 where he was seated at the time.

22 Q And after y'all finally got in, where was that
23 individual?

24 A Seated on the bed as well.

25 Q That individual even noted that they did not

BRANDON FARRIS-CROSS BY MR. GRAVLEE

1 slam the door?

2 A Yes, he denied any actions that caused an
3 injury.

4 MR. FANT: No further questions, Your Honor.

5 THE COURT: Cross-examination.

6 MR. GRAVLEE: Thank you, Your Honor.

7 CROSS-EXAMINATION

8 BY MR. GRAVLEE:

9 Q Deputy Farris, in this particular case, you
10 were, I suppose, the supervising officer?

11 A Sure. I'm the supervisor of the unit.

12 Q Okay. And as a supervisor in the unit, it is
13 per the body cam policy, you're familiar with Pickens
14 County?

15 A Yes, sir.

16 Q Sheriff's office?

17 A Yes, sir.

18 Q That you're -- you would be notified if other
19 body cam was missing from somebody on the team?

20 A Yes, sir.

21 Q Okay. Do you have your incident report?

22 A I don't.

23 Q Okay. Do you recall not writing or mentioning
24 anything about the missing body camera from one third of
25 the team?

BRANDON FARRIS-CROSS BY MR. GRAVLEE

1 A No, that too's not in there.

2 Q Okay. And, in this particular situation, you
3 were by the window at one point in time?

4 A Yes, sir.

5 Q Okay. But you were not by the window the entire
6 time?

7 A Just during the incident in question.

8 Q Okay. And during that incident that we're
9 talking about here, it -- your body camera, you turned it
10 on. And do you recall when you turned that on? I guess,
11 in terms of your arrival?

12 A I think I turned it on right when I got there,
13 when I got out of the car, I believe.

14 Q So did you -- you arrived after, to the door,
15 after Deputy Jackson here?

16 A Yes.

17 Q Okay. And so he was first at the door?

18 A I believe so.

19 Q Okay.

20 Beg the Court's indulgence for just a
21 moment.

22 When you entered the hotel room, the
23 subject, the male subject, was not fully clothed?

24 A He had just pants on. He had jeans on, I
25 believe.

BRANDON FARRIS-RECROSS BY MR. GRAVLEE

1 Q Not fully clothed?

2 A Right, he did not have a shirt on.

3 MR. GRAVLEE: Okay, thank you. I have no
4 further questions.

5 THE COURT: Any redirect?

6 MR. FANT: Quickly, Your Honor.

7 REDIRECT EXAMINATION

8 BY MR. FANT:

9 Q From your vantage point you observed The
10 Defendant by the door, slam the door on Officer
11 Williamson's finger; correct?

12 A Yes, sir.

13 Q From your vantage point, at the beginning, when
14 you got there and came up, was The Defendant clothed?

15 A Yes.

16 MR. FANT: Nothing further, Your Honor.

17 THE COURT: Any recross?

18 MR. GRAVLEE: Briefly, Your Honor.

19 RECROSS-EXAMINATION

20 BY MR. GRAVLEE:

21 Q The first officer on the scene or at the door
22 was not you?

23 A No, sir.

24 Q And your body camera was not the first that
25 would have been able to see through that slit?

BRANDON FARRIS-RECROSS BY MR. GRAVLEE

1 A No, I don't think so.

2 Q So there's nothing caught on your body camera
3 where it would have helped see the initial contact when it
4 was made at the door of the hotel?

5 A You can see the initial contact on my body
6 camera, you just can't see what's inside the room during
7 the initial contact.

8 MR. GRAVLEE: Okay, thank you. No further
9 questions.

10 THE COURT: All right, anything else?

11 MR. FANT: Nothing, Your Honor.

12 THE COURT: All right, you may step down.

13 THE WITNESS: Thank you, sir.

14 THE COURT: All right, next witness.

15 MR. FANT: Your Honor, may we approach real
16 quick?

17 THE COURT: Yeah.

18 (WHEREUPON, an off-the-record bench conference
19 was held in the presence of the jury but out of
20 the hearing of the jury.)

21 THE COURT: All right, ladies and gentlemen,
22 we're going to take our lunch break now. We've got a
23 little work to do sort of over lunch with some
24 issues. So we're going to take care of that so we
25 don't take anymore time from y'all. So we're going

BRANDON FARRIS-RECROSS BY MR. GRAVLEE

1 to give you lunch now so if y'all would back here at
2 1:15. Then we will wrap up. I don't think we have a
3 whole lot left, have a couple more witnesses, maybe.
4 And we'll wrap it up and you'll probably get the case
5 this afternoon. So I'm going to excuse you for
6 lunch. Enjoy your lunch, come back here at 1:15.
7 And just remember, don't discuss the case among
8 yourselves yet until I tell you to this afternoon.
9 Hope you have a good lunch and I'll see you back here
10 at 1:15.

11 (WHEREUPON, the jury left open court at
12 approximately 12:02 p.m.)

13 THE COURT: All right, anything before we --
14 y'all going to take a look at -- you say we got
15 another body cam, is that right?

16 MR. FANT: Yes, Your Honor, that's it.

17 THE COURT: Okay. I'd appreciate that, if y'all
18 would take look at it.

19 MR. GRAVLEE: We will, Your Honor. Just a quick
20 motion to make sure that the witnesses are
21 sequestered during the break. The officers and
22 Deputy Williamson takes the stand.

23 THE COURT: All right. Yeah. We didn't have a
24 prior motion but you can make that motion at this
25 point.

BRANDON FARRIS-RECROSS BY MR. GRAVLEE

1 MR. GRAVLEE: Yes, sir, at this point.

2 THE COURT: And I'll grant that. So no
3 discussion, make sure the deputies don't discuss with
4 Deputy Williamson.

5 MR. GRAVLEE: I asked Deputy Williamson earlier
6 to do that to streamline it a little bit. He stepped
7 out upon request. But I just wanted to put it on the
8 record before break here.

9 THE COURT: Well, I feel confident they will not
10 discuss.

11 All right, anything else?

12 MR. FANT: Nothing, Your Honor, thank you.

13 THE COURT: All right, if there's a issue before
14 1:15, if you would let Ms. Outten know, and I'll come
15 in here early and handle whatever we've got to
16 handle.

17 MR. FANT: Definitely, Your Honor.

18 THE COURT: All right, see you at 1:15.

19 MR. GRAVLEE: Thank you, Judge.

20 MR. FANT: Thank you, Your Honor.

21 (WHEREUPON, a lunch break was taken.)

22 MR. GRAVLEE: Your Honor, I don't know where my
23 client is right now. I asked her to come back at
24 1:00, telling her that we would be going back at
25 1:15. I've walked around and I have not seen her.

BRANDON FARRIS-RECROSS BY MR. GRAVLEE

1 THE COURT: Okay. Have you tried to call her or
2 anything yet? Why don't you go out there and walk
3 around again and see if you can find her?

4 MR. GRAVLEE: I did just a second ago. Let me
5 see if -- Your Honor, I have called the number that I
6 have, no record -- I mean, I'm sorry, no answer on
7 that number. And I've called out in the hallway.
8 I've not seen her and we've asked front desk security
9 if they have seen her and she does not appear to be
10 in the courthouse. So, at this time, I don't know
11 where she is. I can proceed however Your Honor would
12 like to.

13 THE COURT: All right, anything from The State?

14 MR. FANT: Your Honor, at this time, I mean, I'd
15 just like to proceed in her absence.

16 THE COURT: All right, Mr. Gravlee, you have
17 made phone calls to her, no answer, no response?
18 You've looked around the courthouse, she's not around
19 the courthouse?

20 MR. GRAVLEE: That's correct, Your Honor.

21 THE COURT: All right, previously communicated
22 with you in the past or something?

23 MR. GRAVLEE: She has. We have spoken on the
24 phone, at length. And my office spoke with her on
25 the phone this morning to make sure she was on her

BRANDON FARRIS-RECROSS BY MR. GRAVLEE

1 way, when the time was getting tight earlier. And we
2 were able to get a hold of her at that point. I just
3 made a phone call back there, from a courthouse
4 phone, but did not get a hold of her there. So if we
5 need to, I suppose this far, this late stage of the
6 trial, proceed. She's had -- I've given her as much
7 notice and time as I can in this case. I wish she
8 was here but she's not.

9 THE COURT: All right. And as I understand, you
10 told her to be here at 1:00?

11 MR. GRAVLEE: Yes, sir, Your Honor.

12 THE COURT: It's 1:25 now. All right, here's
13 what I'm going to do, I'm going to give her five more
14 minutes. It's 1:25, so let's give her five more
15 minutes. And if she's not here in five minutes then
16 we'll proceed.

17 MR. GRAVLEE: Yes, sir, Your Honor, thank you.

18 THE COURT: All right.

19 MR. GRAVLEE: And to one more thing, I just
20 received a message from my office, made another
21 attempt to call her as well and no answer on that
22 occasion as well.

23 THE COURT: Okay. All right, we'll give her
24 five minutes. And if not, we'll then proceed.

25 MR. FANT: Your Honor, if you'd like, at this

BRANDON FARRIS-RECROSS BY MR. GRAVLEE

1 time, can we go ahead and note for the record the
2 redacted audio times?

3 THE COURT: Yeah, y'all got that worked out?

4 MR. GRAVLEE: Yes, sir, Your Honor.

5 THE COURT: All right.

6 MR. FANT: Your Honor, Defense, Max Gravlee, and
7 I have talked about the upcoming witness, discussed
8 that Officer Joey Williamson's body cam is going to
9 be seek to be introduced. In doing that, we have
10 agreed upon muting the audio at the times indicated
11 stamped at 8:59:38 through 8:59:43. From 9:00:45 to
12 9:00:47. From 9:04:22 through 9:04:29. And also we
13 discussed this. There is, I believe, it is a one hour
14 discrepancy just on the body cams. And there's no
15 objection back and forth. I just wanted that noted
16 for the record.

17 THE COURT: All right, Mr. Gravlee, was that
18 right?

19 MR. GRAVLEE: That's correct, Your Honor. The
20 body cams are clearly simultaneous in term of when
21 they're going. It's not an hour earlier, they're at
22 the same time. But just for record keeping purposes,
23 this particular video is, we've noted it at those
24 specific times of the 8:59 p.m. Instead of the prior
25 ones being 10 -- 10 o'clock hour.

BRANDON FARRIS-RECROSS BY MR. GRAVLEE

1 THE COURT: Okay. All right. Anything else
2 while we're waiting the next couple of minutes?

3 MR. FANT: Nothing from The State, Your Honor.

4 THE COURT: All right, we'll just wait a couple
5 of minutes and then we'll proceed.

6 MR. GRAVLEE: Nothing from The Defense, Your
7 Honor.

8 (WHEREUPON, a short break was taken.)

9 MR. GRAVLEE: Your Honor, may we approach?

10 THE COURT: Yeah.

11 (WHEREUPON, an off-the-record bench conference
12 was held.)

13 THE COURT: Ready to proceed?

14 MR. FANT: Your Honor, at this time, The State
15 would like to call its next witness.

16 THE COURT: Ms. Rodriguez, next time --

17 MS. RODRIGUEZ: I apologize.

18 THE COURT: -- when we say we need to be here in
19 here at 1:15 we start, that means to be in here at
20 1:15; do you understand?

21 MS. RODRIGUEZ: Absolutely.

22 THE COURT: Okay.

23 (WHEREUPON, the jury entered open court at
24 approximately 1:36 p.m.)

25 THE COURT: All right, good afternoon. Hope

JOEY WILLIAMSON-DIRECT BY MR. FANT

1 everybody had a good lunch. And we are ready to
2 continue on.

3 All right, call your next witness.

4 MR. FANT: May it please the Court. At this
5 time, The State would like to call Officer Joey
6 Williamson to that stand.

7 THE CLERK: Place your left hand on the Bible
8 raise your right hand.

9 JOEY WILLIAMSON, after being duly
10 sworn(,) testified as follows:{F}

11 THE CLERK: Thank you, please have a seat and
12 state your full name for the record.

13 THE WITNESS: Joey Williamson.

14 DIRECT EXAMINATION

15 BY MR. FANT:

16 Q Officer Williamson, where do you currently work?

17 A Pickens County Sheriff's Office.

18 Q And what's your position there?

19 A I'm on the Community Action Team.

20 Q How long have you worked there?

21 A Nine months and some change. Nine years and
22 some change, I'm sorry.

23 Q What is your title?

24 A I am deputy first class.

25 Q And what are some of your duties and

JOEY WILLIAMSON-DIRECT BY MR. FANT

1 responsibilities on the action team?

2 A On the action team we work street narcotic
3 issues, vehicle stops, drug complaints on houses, speeding
4 complaints, warrant services, bench warrants, active
5 arrest warrants, all those fun things.

6 THE COURT: Ladies and gentlemen, are y'all able
7 to hear him okay?

8 Just make sure you talk a little bit louder.

9 THE WITNESS: Yes, sir.

10 BY MR. FANT:

11 Q Were you working on February 6, 2020?

12 A I was.

13 Q Where were you working on February 6th?

14 A I was in the Easley area at The Pickens County
15 Sheriff's Office.

16 Q Were you serving warrants that night?

17 A We were. The best way to describe it is we do
18 what comes our way. So we go out and patrol and if we run
19 up on a car or if we get more information on a warrant or
20 a house, we go out and survey it and scope out and see
21 what we can figure out.

22 Q That night did you observe anything at the
23 Baymont Inn?

24 A I did. Officer Jackson give us some information
25 on a warrant he was trying to serve and I located the

JOEY WILLIAMSON-DIRECT BY MR. FANT

1 vehicle that belonged to some known parties there.

2 Q Okay. Did you notify Officer Torrance of that
3 vehicle?

4 A I did.

5 Q After confirmation of this vehicle, did you go
6 back to the Baymont Inn?

7 A I did.

8 Q Who all was on the scene when you returned?

9 A Deputy Jackson and I were there and then
10 Sergeant Farris showed up.

11 Q Okay. Did you explain what happened?

12 A Deputy Jackson made contact, initial contact,
13 with The Defendant, Ms. Rodriguez. Was trying to ask her
14 to come out of the hotel room. Which she refused.

15 Q Did you observe anything through the window?

16 A I did. I could see Ms. Rodriguez seemed
17 disheveled and running back and forth in the room. And
18 the other subject was sitting on the bed.

19 Q Did you tell The Defendant that she was under
20 arrest?

21 A I did.

22 Q So, at some point in time, you moved from where
23 you were looking in the window over to the door, correct?

24 A Yeah, Deputy Jackson got the key card and was
25 able to get the door opened just enough to where I can

JOEY WILLIAMSON-DIRECT BY MR. FANT

1 peer into it and look and see what was going on in there.

2 Just verbalize through the door that she was under arrest.

3 Q After telling her she was under arrest, did you
4 notify her that she was then resisting arrest because she
5 wasn't. . .

6 A I did. I told her that her continued actions
7 would be, at this point on, resisting said arrest.

8 Q At that point, when you were attempting to gain
9 access to the room, what happened?

10 A I was trying to -- didn't want to damage the
11 property of the hotel so I was trying to slide the card
12 through the little security lock there. And she come up,
13 forcefully slammed the door as my fingers were still in
14 the door jam.

15 Q So, previously, y'all were being patient with
16 her correct?

17 A Correct, very patient.

18 Q Y'all didn't break the door down?

19 A Correct.

20 Q And as you went to put your hand in there, what
21 happened.

22 A She forcefully slammed that door shut with my
23 finger still in it.

24 Q How did this injury affect you at the time?

25 A It was a lot of pain at first. Then it started

JOEY WILLIAMSON-DIRECT BY MR. FANT

1 to bleed. And then it started to swell up to the point
2 whereafter it was all said and done, I had to go to the
3 emergency room for them to drill a hole in the top to
4 relieve the blood pressure coming out of my finger.

5 Q You were pretty upset about this?

6 A It hurt a lot, it was extremely painful.

7 Q She didn't break your finger?

8 A No, just crushed it.

9 Q I'm going to hand you what's been marked as
10 State's Exhibit 3.

11 Showing it to Defense counsel.

12 This look familiar to you?

13 A It does.

14 Q How do you know what it is?

15 A It was a picture that I took of my finger after
16 we got her arrested and dropped off back at the office.

17 Q So you took that picture?

18 A I did.

19 Q Is it a picture of your finger?

20 A It is.

21 Q All right. Is it a fair and accurate
22 description of what your finger looked like after it was
23 slammed that evening?

24 A Yeah, it was swelling and painful.

25 MR. FANT: At this time, The State seeks to

JOEY WILLIAMSON-DIRECT BY MR. FANT

1 introduce State's Exhibit 4 [verbatim] into the
2 record and publish it to the jury.

3 THE COURT: All right. Any objection from The
4 Defendant?

5 MR. GRAVLEE: No objection, Your Honor.

6 THE COURT: All right, State's Exhibit No --
7 Is it four or three?

8 MR. FANT: State's Exhibit 3.

9 THE COURT: All right, State's Exhibit 3 is
10 entered into evidence without objection.

11 (WHEREUPON, State's Exhibit No. 3 was admitted
12 into evidence.)

13 MR. FANT: Your Honor, permission to approach
14 the jury and hand it to them so they can pass it
15 around?

16 THE COURT: Yeah.

17 BY MR. FANT:

18 Q Officer Williamson, during this incident, were
19 you wearing a body cam?

20 A Yes, I was.

21 Q What's the purpose of the body cam?

22 A Purpose of the body camera is to capture the
23 events as accurately as possible. And hold accountability
24 for all parties involved in incidents.

25 Q Where is your body cam normally stored?

JOEY WILLIAMSON-DIRECT BY MR. FANT

1 A Stored? Everything is downloaded back to --
2 there's a docking station back at the office where it's
3 downloaded and kept on sort of a server there.

4 Q All right. At this time, I'm going to hand you
5 what's been premarked as State's Exhibit 4. Do you know
6 what this is?

7 A I do.

8 Q Would you tell us?

9 A That's a burned copy of my body cam of the
10 incident.

11 Q How do you know that?

12 A Because I have viewed it myself and initialed it
13 myself.

14 Q It is a fair and accurate description of the
15 events as they occurred on February 6 of 2020?

16 A Yes, sir.

17 Q Has it been alternated or edited in any way?

18 A No.

19 MR. FANT: At this time, The State would seek to
20 introduce State's Exhibit 4 and publish it to the
21 jury.

22 THE COURT: Any objection from The Defense?

23 MR. GRAVLEE: No objection, Your Honor. Just
24 subject to the stipulations.

25 THE COURT: All right. State's Exhibit No. 4 is

JOEY WILLIAMSON-DIRECT BY MR. FANT

1 admitted into evidence without objection.

2 (WHEREUPON, State's Exhibit No. 4 was admitted
3 into evidence.)

4 THE COURT: Ladies and gentlemen, there were
5 some redactions. As you noticed, probably, on the
6 last one that we had, the parties have agreed to
7 certain things to redact out of there from a sound
8 aspect. I'm not sure if there's any video part of
9 it, just sound. So that's why you may hear some
10 times where there's no sound. So the parties have
11 agreed to redact those portions.

12 (WHEREUPON, State's Exhibit No. 4 was
13 published.)

14 BY MR. FANT:

15 Q Officer Williamson, you gave her more than
16 enough opportunities to open that door?

17 A We all did.

18 Q And, eventually, your finger was slammed when
19 you tried to get into that door?

20 A Yeah, I was trying to open it without damaging
21 the door. Just calmly as possible.

22 Q Once y'all finally got into that room, y'all
23 were polite and gentle with her while you were placing her
24 under arrest?

25 A Yes. We even told her, as you can tell, to calm

JOEY WILLIAMSON-DIRECT BY MR. FANT

1 down. Just to chill out. It was always -- every time we
2 tried talking to her it was always, even the other fella,
3 kept going up and up and up.

4 Q Saw on your body cam something about double
5 cuffs? Can you explain what that is?

6 A Double cuffs?

7 Q Yeah.

8 A If somebody has issues with putting their hands
9 behind their back, we try to alleviate some of that pain
10 by taking two sets of cuffs, putting them together, doing
11 it that way.

12 Q Do you have to double cuff somebody?

13 A Don't have to, no.

14 Q And it's not policy to double cuff somebody?

15 A Right, it's not policy, no.

16 Q But y'all give -- y'all doubled cuffed her?

17 A Yeah, we try to accommodate as best we can.

18 We're not. . .

19 Q After she slammed the door on your finger?

20 A I mean, I was upset.

21 MR. GRAVLEE: Objection, Your Honor.

22 THE COURT: What's the basis?

23 MR. GRAVLEE: Object to the phrasing.

24 THE COURT: Phrasing? Leading?

25 MR. GRAVLEE: Oh, yes, sir, he's leading. He's

JOEY WILLIAMSON-CROSS BY MR. GRAVLEE

1 saying that it is a fact.

2 THE COURT: Sustained.

3 MR. FANT: No further questions, Your Honor.

4 THE COURT: Cross-examination?

5 MR. GRAVLEE: Thank you, Your Honor.

6 CROSS-EXAMINATION

7 BY MR. GRAVLEE:

8 Q Deputy Williamson, during this encounter,
9 eventually, somebody opened the door from inside?

10 A Correct.

11 Q Okay. It wasn't ended up that it was busted
12 off, the door?

13 A Right.

14 Q The latch wasn't busted off?

15 A No.

16 Q Eventually, she did comply and once -- she did
17 comply?

18 A After a lot of negotiating.

19 Q Sure. Now, the -- when you went to cuff her,
20 there wasn't a struggle in that situation?

21 A There appeared to be a little bit of one. I was
22 focused on Mr. Lollis. But she didn't want to comply with
23 handcuffs.

24 Q And you mentioned Mr. Lollis earlier and you
25 said, you know, watch him, he's got some history.

JOEY WILLIAMSON-CROSS BY MR. GRAVLEE

1 A I was aware of some prior history with
2 Mr. Lollis and Easley Police Department.

3 Q Okay. Something regarding violence?

4 A Correct.

5 Q Okay. And in the -- on your -- on your camera,
6 you said you observed Mr. Lollis, who was sitting on the
7 bed the whole time?

8 A Yes.

9 Q Correct?

10 A Yes.

11 Q So he was sitting on the bed the whole time?

12 A From what I can see, yes.

13 Q Okay.

14 I would go -- Your Honor, I'm going to play
15 what is State's Exhibit 4. And this is Deputy
16 Williamson's body cam.

17 (WHEREUPON, State's Exhibit No. 4 was
18 published.)

19 BY MR. GRAVLEE:

20 Q All right. So and this is paused about a minute
21 and 45 into the action. About -- and in this, that you
22 can see on your body camera, was Mr. Lollis sitting on
23 that bed?

24 A In the body camera you can't see it but if you
25 eyeball him you can see it.

JOEY WILLIAMSON-CROSS BY MR. GRAVLEE

1 Q In this particular situation, when you're
2 looking through the slit, you see him sitting on that bed?

3 A No.

4 Q And then I'm going to fast forward to about 11
5 minutes and 20 seconds in. Eleven minutes, 29 seconds,
6 same body cam, position same in the doorway. At that
7 point in time, was Mr. Lollis sitting on the bed?

8 A Yes, he's sitting on the bed. But that's not
9 the same angle it was at before.

10 Q After both Mr. Lollis there and Ms. Rodriguez
11 were taken into custody, did you perform any interviews?

12 A No.

13 Q Okay. There's no questioning about the incident
14 of Mr. Lollis?

15 A No.

16 Q Of Ms. Rodriguez?

17 A No.

18 Q And before, going back to when the door was
19 eventually unlatched, before you were led into the room at
20 that point in time, Ms. Rodriguez had informed you that
21 she did have a Concealed Weapons Permit?

22 A That was one thing that she hollered at us, yes.

23 Q And at no point in time was a firearm used?

24 A No.

25 Q Threatened?

JOEY WILLIAMSON-CROSS BY MR. GRAVLEE

1 A No.

2 Q Brandished?

3 A No.

4 Q And not charged with any offense regarding--

5 A Correct.

6 Q Any firearm? Okay. Now, when you were -- you
7 and the other two deputies on the scene arrived, y'all
8 banged on the door, right?

9 A Yes.

10 Q In the camera footage that we have, do you
11 recall at what point in time that you actually advise that
12 she was under arrest?

13 A Not the exact minute. But when I -- on the body
14 camera, standing there in the in doorway and telling them
15 both they're under arrest.

16 Q Okay. All right. So both of them were placed
17 under arrest?

18 A Correct.

19 Q You didn't have to threaten a taser with
20 Ms. Rodriguez or pull out a taser, I should say?

21 A I did not.

22 Q Okay. But you did for Mr. Lollis?

23 A I did.

24 MR. GRAVLEE: No further questions. Thank you.

25 THE COURT: All right, any redirect?

JOEY WILLIAMSON-CROSS BY MR. GRAVLEE

1 MR. FANT: Nothing, Your Honor.

2 THE COURT: You may step down.

3 All right, next witness.

4 MR. FANT: Your Honor, at this time, The State
5 rests.

6 THE COURT: All right, ladies and gentlemen, The
7 State has rested and put in their evidence. I need
8 to take some matters up, I'm going to excuse you for
9 a little bit and I'll bring you back in. Please
10 don't discuss the case.

11 (WHEREUPON, the jury left open court at
12 approximately 2:11 p.m.)

13 THE COURT: All right, any motions?

14 MR. FANT: Not from The State.

15 THE COURT: The Defense?

16 MR. GRAVLEE: Your Honor, at this time, I would
17 move to renew all prior objections, including the
18 initial challenge to the indictment. The amendment
19 of which and my Constitutional arguments concerning
20 equal protection clause, similarly situated client
21 and grand jury -- Statewide Grand Jury proceeding,
22 with a court of record, and counting level grand jury
23 with no record. The due process implications of the
24 14th Amendment as applied to the states. And how the
25 situation created with the grand jury doesn't allow

JOEY WILLIAMSON-CROSS BY MR. GRAVLEE

1 for proper confrontation of the witnesses and the
2 grand jury. Again, implicating the Sixth Amendment
3 right. And Ms. Rodriguez has to cross-examine the
4 witnesses against her.

5 I also renew my objection to the statute as
6 applied, in the case, as being overly broad in that,
7 you know, the situation is when was the resisting?
8 When did it happen? You know, 20 seconds in, eight
9 minutes in? It is when she's verbally advised? And
10 because of the kind of arbitrary nature of when you
11 would say the resisting happened, in this case,
12 that's applied to Ms. Rodriguez. It's hard too --
13 difficult to pin down what the conduct is that she
14 makes it resisting at that time. If it's somebody
15 that would have been, you know, somebody super
16 impatient with law enforcement that says it once,
17 says, Open the door. Somebody says, No, they can
18 kick it in. Is that, you know, automatically
19 resisting at that point? Or just no response. Or
20 just failure to unlatch. It's arbitrary, in this
21 case, Judge. Difficult to defend in terms of timing
22 of it. And so again--

23 THE COURT: What is arbitrary about it?

24 MR. GRAVLEE: That it just says, you know,
25 knowingly, willfully resist arrest, Your Honor.

JOEY WILLIAMSON-CROSS BY MR. GRAVLEE

1 THE COURT: Well, you're not saying that the
2 statute has to, specifically, set out every possible,
3 potential fact scenario where resisting arrest could
4 occur; are you?

5 MR. GRAVLEE: No, sir, Your Honor. More of what
6 I'm saying is that the statute contemplates just
7 resisting in general. I think it's overly broad as
8 applied in this case. Because when it would be, you
9 know, deemed resisting is an issue that, in a
10 particular case, that I don't know that the resisting
11 statute applies. I think could be other ones that
12 would apply under laws that more generally address
13 it. But the resisting doesn't have any kind of time
14 limit. Just because, you know, one person could be
15 charged with it for resisting for, you know, five
16 seconds versus ten seconds versus 20 seconds. In
17 this particular case, I think that it's overbroad.

18 THE COURT: This one's not a five seconds or ten
19 seconds. From the video, it looks like about five
20 minutes. And they kept telling her, look you're
21 resisting arrest, you're resisting arrest. They were
22 pretty specific in there, you would agree with that;
23 wouldn't you?

24 MR. GRAVLEE: I would agree until the point of
25 it's about maybe two -- in between two and three

JOEY WILLIAMSON-CROSS BY MR. GRAVLEE

1 minutes, I believe, is when they say, You're under
2 arrest for resisting. That's when it's verbalized,
3 at that point. But when it -- you know, if that was
4 already, you know, contemplated being charged at that
5 time, I don't know.

6 THE COURT: Well, I don't think -- you're not
7 saying that they have to -- that law enforcement has
8 to tell somebody that they're resisting arrest. I
9 mean, they can be charged with resisting arrest
10 without being told that they are resisting arrest--

11 MR. GRAVLEE: Sure, if they don't ask.

12 THE COURT: I mean, they don't have to even
13 mention resisting arrest, do they? In fact, in this
14 case, they actually did. I think they went even more
15 so than they're required to do, they don't have to do
16 it. But, I think, you got about five minutes of the
17 video there showing that she was resisting arrest.
18 They continue to ask her and told her they had a
19 legitimate bench warrant. They showed it to her
20 through the crack of the door and, yet, she continued
21 to resist.

22 MR. GRAVLEE: And, Your Honor, I would simply
23 just point out that the warrant was shown but, I
24 think, that was about nine minutes into the video.
25 At what point in time, they actually showed it wasn't

JOEY WILLIAMSON-CROSS BY MR. GRAVLEE

1 slid under the door. She requested -- I'm not
2 alleging that Deputy Jackson had to slip it through a
3 mail slot or anything but that happened later. So
4 just, you know, whether it's 30 seconds or two
5 minutes, I'm just saying it's vague and should not be
6 applied in this case.

7 THE COURT: All right, Mr. Fant.

8 MR. FANT: Response. State would argue that the
9 resisting arrest assault statute does apply here and
10 it's not vague. That based on the video and
11 testimony here today, the ample time that was given,
12 the fact that law enforcement, actually, stated
13 you're under arrest, stated you're for the bench
14 warrant, stated you're resisting arrest. Later on
15 showed her that bench warrant, gave her a copy later
16 on. Your Honor, The State's position would be that
17 the resisting arrest with assault statute is not
18 vague and should be applied in this case.

19 THE COURT: All right, I'll note your motions,
20 Mr. Gravlee. And those motions are denied.

21 All right, any additional motions?

22 MR. GRAVLEE: Yes, sir, Your Honor. At this
23 time, I move for a directed verdict based on the,
24 essentially, that the allegations in this case -- I
25 can get into it in terms of the statute here but I

VICKI RODRIGUEZ-EXAMINATION BY THE COURT

1 don't think there's been evidence on each and every
2 element to submit it to the jury.

3 THE COURT: All right, I note your motions as
4 well. You know the standard for direct verdict as
5 long as there is evidence and I find that there is
6 evidence here. So your motion is denied.

7 All right, anything else?

8 MR. GRAVLEE: Nothing from The Defense, Your
9 Honor.

10 THE COURT: All right.

11 Anything from The state?

12 MR. FANT: Nothing, Your Honor.

13 THE COURT: All right.

14 EXAMINATION

15 BY THE COURT:

16 Q Ms. Rodriguez, we are at the stage of this trial
17 where The State has rested and I need to instruct you
18 concerning your right to testify or not. So I want you to
19 listen up, carefully, if you would, and listen to
20 everything I say. And if there are any questions that you
21 have, I want you to let me know. We've now reached the
22 stage, as I told you, where you may present your defense
23 in this case. You have the right to claim the protections
24 given to you by the Fifth Amendment of the United States
25 Constitution, which reads in part, No person shall be

VICKI RODRIGUEZ-EXAMINATION BY THE COURT

1 compelled in any criminal case to be a witness against
2 himself.

3 This means that you cannot be required to
4 testify in this case. You have the right to testify on
5 your own behalf. However, no one can make you testify in
6 this trial. This is a personal right and no one can waive
7 this right except you. If you decide to testify, you will
8 be subject to the same rules that govern any other witness
9 that may testify in this case. And that you may be
10 examined and cross-examined on any relevant issue in the
11 case. In addition, if you have any convictions involving
12 dishonesty or false statement or for crimes punishable by
13 imprisonment for more than one year and this Court
14 determines that the probative value of admitting that
15 evidence outweighs the prejudicial effect to you; the
16 solicitor will be able to introduce your record to attack
17 your credibility.

18 Mr. Fant, are there any convictions that
19 fit that category in this case?

20 MR. FANT: No, Your Honor.

21 THE COURT: All right.

22 BY THE COURT:

23 Q Ms. Rodriguez, if you decide to testify, this
24 decision on your part to testify must be freely and
25 voluntarily and intelligently made yourself. With

VICKI RODRIGUEZ-EXAMINATION BY THE COURT

1 knowledge of the protections given to you by the Fifth
2 Amendment and the consequences of your decision to
3 testify. If you do not decide to testify, I will instruct
4 the jury that they cannot give the fact that you did not
5 testify any consideration whatsoever. And that there is
6 to be absolutely no prejudice to you because you did not
7 testify. It is left entirely up to you whether or not you
8 testify. You may talk with your lawyer, your family,
9 friends, anyone else, but the final decision has to be
10 your decision and is left entirely up to you. Do you
11 understand everything that I have told you?

12 A (Ms. Rodriguez nods.)

13 Q Do you have any questions whatsoever? I need
14 you to answer verbally for the court reporter.

15 A Yes, sir.

16 Q So do you understand everything I have explained
17 to you?

18 A Yes, sir.

19 Q Do you have any questions whatsoever?

20 A Should I, maybe, ask my attorney?

21 Q I'm going to give you an opportunity to discuss
22 with your lawyer -- I'm going to step off the bench for a
23 few minutes. And I'm going to give you the opportunity to
24 speak with your lawyer while I'm off the bench. Then I
25 will come back on and I will have your decision at that

VICKI RODRIGUEZ-EXAMINATION BY THE COURT

1 time, okay?

2 A Yes, sir.

3 THE COURT: All right, we'll be in short recess.
4 While we are doing that, I've got a copy of the
5 potential charges.

6 MR. GRAVLEE: Thank you, Your Honor.

7 MR. FANT: Thanks, Your Honor.

8 (WHEREUPON, a short break was taken.)

9 MR. GRAVLEE: Your Honor, I just request some
10 brief additional language regarding intent.

11 THE COURT: Let me, for the record, I have given
12 both counsel my proposed requests to charge. Both
13 counsel have looked over them. And so I want to hear
14 from you, Mr. Gravlee.

15 MR. GRAVLEE: Thank you, Your Honor. I would
16 simply request that there be some addition of
17 language regarding specific intent in light of the
18 resisting statute. Including the element of knowing
19 and willful. And because of that, the knowing and
20 willful elements, I believe that those, necessarily,
21 involve A, a conscious wrongdoing with the intent to
22 commit the specific act that was committed. To
23 intend for that to result. I mean, I'm looking at
24 State v. King and it is a -- it is a case, Your
25 Honor, that is 422 S.C. 47 that does discuss

1 attempted murder and the mens rea for it. But does
2 also discuss the elements, you know, discussion on
3 knowing and willful matters.

4 But it also discusses the Sutton case where it
5 notes that, you know, specific intent means that The
6 Defendant consciously intended the completion of acts
7 comprising the -- and they insert the word,
8 attempted. But in Sutton, it just says the offense.
9 And, in this case, because of the elements in the
10 statute, I would request some sort of charge on that.

11 THE COURT: All right. What is it exactly
12 though -- what is not covered in the intent portion
13 of the charge that you want charged? What is it that
14 you want charged?

15 MR. GRAVLEE: That -- I would ask that The Court
16 find because of the knowing and willful elements,
17 that a resisting arrest with assault is a specific
18 intent crime.

19 THE COURT: All right.

20 Mr. Fant.

21 MR. FANT: Your Honor, The State would object to
22 Defense counsel's motion. The current charges
23 regarding intent that you have adequately covered the
24 resisting arrest with assault charge and have been
25 used in many countless other trials to describe

1 intent in jury instructions. And in addition,
2 counsel brought up the case regarding attempted
3 murder and murder that does not apply here, The State
4 vs. King case. And that we just stick with the
5 original charges that were presented to us and that
6 no additions need to be made.

7 THE COURT: Give me a minute, I'm going to look
8 at State v. King.

9 MR. FANT: Your Honor.

10 THE COURT: Yes, sir.

11 MR. FANT: State vs. King also deals with
12 attempted incomplete offenses and this is a completed
13 offense. Just like to bring attention to that as
14 well.

15 THE COURT: All right. I've looked at State vs.
16 King, Mr. Gravlee, as you correctly noted, is an
17 attempted murder case. And the gist of the appeal or
18 the gist of the opinion in that case is, in fact,
19 because it was an attempted murder case and the court
20 was -- the holding in that court, really, was
21 centered on the fact that it was an attempted murder
22 case; which was -- as it stated, Attempted murder
23 would require the specific intent to kill and the
24 specific intent is that The Defendant consciously
25 intended the completion of acts comprised in the

1 attempted offense.

2 I think that's different. I think as Mr. Fant
3 noted, this is a completed offense. And I think that
4 there is a difference in the analysis, as provided,
5 in State vs. King because it was an attempted murder
6 case. And the fact that, in this particular case, it
7 is a resisting arrest case; which did, in fact,
8 occur. So I will note your objection to the charge.
9 And I think the intent charge that I currently have
10 in my proposed charges is the appropriate charge and
11 covers the crime of resisting arrest with assault.

12 MR. GRAVLEE: Thank you, Your Honor.

13 THE COURT: All right, anything else on the
14 charges?

15 MR. FANT: Nothing from The State, Your Honor.
16 Just that we're not seeking a lesser included.

17 THE COURT: All right, that was my next any
18 thing. I understand neither party is seeking lesser
19 included of resisting arrest?

20 MR. GRAVLEE: That's correct, Your Honor.

21 THE COURT: All right.

22 EXAMINATION

23 BY THE COURT:

24 Q Ms. Rodriguez, what is your decision -- first of
25 all, have you had plenty of time to consider it and make a

VICKI RODRIGUEZ-EXAMINATION BY THE COURT

1 decision?

2 A Well, at my age, I don't know what plenty of
3 time really means. But I've had sufficient time to talk
4 to my attorney, yes.

5 Q Then let me rephrase that. Have you had
6 sufficient time to either discuss with your attorney
7 and/or make a decision in this case?

8 A Yes.

9 Q All right, what is your decision?

10 A I prefer not to speak in court, I don't do very
11 well.

12 Q Okay. And as I told you in my instruction to
13 you, that I will, specifically, charge the jury and tell
14 the jury that they are not to consider that against you;
15 do you understand that?

16 A I appreciate that.

17 THE COURT: Okay.

18 All right, anything else before we bring the
19 jury back in? If you are not -- I don't know if we
20 have any witnesses from the defense, call them back
21 in, call them back out for any motions after that?

22 MR. GRAVLEE: No, sir, Your Honor.

23 THE COURT: So you're not going to call any
24 witnesses?

25 MR. GRAVLEE: Not going to call any witnesses

VICKI RODRIGUEZ-EXAMINATION BY THE COURT

1 and don't have any evidence.

2 THE COURT: So you would, I assume, make the
3 same motions that you have made after The State's
4 case?

5 MR. GRAVLEE: I'm just going to renew all those
6 objections again, Your Honor, that feel accurately
7 stated, don't need to readdress every objection I
8 made before, just renew those.

9 THE COURT: All right. What I'll do from a
10 procedural standpoint, once you rest, I will then say
11 are there any motions and if you want to just say
12 that you are renewing all motions previously
13 submitted?

14 MR. GRAVLEE: Yes, sir, Your Honor, without any
15 witnesses or evidence submitted with those and we're
16 not putting up a defense. And The Defense would
17 rest.

18 THE COURT: All right. And I'll let you do that
19 in front of the jury as well.

20 All right, y'all ready to go? Once we do that,
21 you ready to go into closing?

22 MR. FANT: Yes, Your Honor.

23 MR. GRAVLEE: Yes, sir, Your Honor.

24 THE COURT: All right, let's bring them in.

25 Y'all good with the verdict form as well,

1 correct?

2 MR. GRAVLEE: Yes, sir.

3 MR. FANT: Yes, sir.

4 THE COURT: All right, we're going to make that
5 change, going to take the lesser included out.

6 (WHEREUPON, the jury entered open court at
7 approximately 2:49 p.m.)

8 THE COURT: All right. Ladies and gentlemen of
9 the jury, we're now ready for The Defense's case.

10 Mr. Gravlee, calling any witnesses for The
11 Defense?

12 MR. GRAVLEE: No witnesses, Your Honor.

13 THE COURT: All right, does the Defense rest?

14 MR. GRAVLEE: The Defense rests.

15 THE COURT: All right, any motions to take up?

16 MR. GRAVLEE: Your Honor, just renewing all
17 prior objections.

18 THE COURT: All motions are renewed and are
19 denied at this time.

20 All right, ladies and gentlemen, we are at the
21 time for closing arguments. All the evidence is in.
22 And now it's the closing arguments from the lawyers.
23 And I'll ask that you give attention as you have all
24 day today to the closing arguments.

25 Yes, sir.

1 CLOSING STATEMENT

2 MR. FANT: May it please the Court, Your Honor.

3 As I said earlier today, I get one last chance
4 to talk with y'all again face-to-face. I just want
5 to thank y'all not only today but also yesterday for
6 taking the time to come here. We really appreciate
7 it and it's doing your jury service here in Pickens
8 County that we all can do what we do because y'all
9 come here and sit in those seats and do this. So I
10 just really, really, really thank y'all for that. I
11 appreciate y'all for being attentive this entire
12 time. I appreciate y'all for looking and watching
13 the video and listening to the evidence.

14 As y'all deliberate back in the back that y'all
15 think about everyone that walked up there at sat on
16 that seat and talked. Y'all think about what they
17 said. And think about what you saw in the videos.
18 Throughout this entire trial process, The State has
19 put up witnesses and evidence to try to show you that
20 The Defendant was in a hotel room. Law enforcement
21 went to serve an active, valid warrant on that
22 Defendant. The Defendant did not open the door. The
23 Defendant resisted arrest after being told that she
24 was under arrest for the active, valid warrant. Then
25 after being told she was under arrest, being told she

1 resisted arrest, she then slammed the door shut and
2 wounded and assaulted a police officer, Police
3 Officer Williamson.

4 I ask that you deliberate, take the time to go
5 over any evidence that you need. And thank you,
6 again, for attentiveness and ask you find a verdict
7 of guilty. Thank you.

8 THE COURT: Mr. Gravlee.

9 MR. GRAVLEE: Thank you, Your Honor, may it
10 please the Court. And beg the Court's indulgence
11 just, briefly.

12 CLOSING STATEMENT

13 MR. GRAVLEE: Ladies and gentlemen, I'm going to
14 load this body camera that was Deputy Williamson's
15 body camera footage from where the point where he was
16 injured.

17 (WHEREUPON, a video was published.)

18 MR. GRAVLEE: Here it is again. Deputy
19 Williamson testified that he saw, he knew that
20 Ms. Rodriguez, you know, slammed the door. He's
21 saying through that -- that crack, that he could see
22 that it was her. You heard Deputy Farris earlier
23 remarking about his, if you remember, his description
24 of the gap in the curtain. It was about the size of
25 a cantaloupe, at least. What Deputy Farris can see,

1 which if you recall, the window slit was about the
2 size of a quarter, half dollar. But that's not the
3 important view. The view is whether or not, in this
4 particular scenario, that The Defendant, my client,
5 Ms. Rodriguez, intended to assault anybody in
6 shutting the door.

7 If anybody has any kids, we all fuss about don't
8 slam the door. It's not because we think that
9 they're going to harm their little brother, their
10 little sister, it's just, maybe, somebody gets hurt
11 because somebody gets the door -- their finger shut
12 in the door. It doesn't mean the older brother or
13 sister or the younger brother meant any harm but it
14 just happened. In this case, it isn't enough for
15 just an injury to happen. You're going to hear from
16 The Judge, he's going to charge you with the intent
17 in this case. Which is the essential element in this
18 trial that The State cannot prove beyond a reasonable
19 doubt. And it's The State's job to prove each and
20 every element of the offense beyond a reasonable
21 doubt.

22 The statute here, the law, 16-9-320 and the
23 Subjection is (b) and it's resisting with assault.
24 It's not enough just to resist. You have to assault.
25 And to assault, you have to intend that your actions

1 are going to injure or cause harm to the person that
2 is injured. The statute, specifically, says that a
3 person has to knowingly and willfully injure the
4 officer for it to constitute resisting arrest with
5 assault. Because in order to convict and find
6 Ms. Rodriguez guilty, you have to find that she had
7 the criminal intent to injure. Not resist, the
8 intent to injure.

9 Criminal intent, as you'll hear from the Judge,
10 is a mental state. It's a conscious wrongdoing that
11 the slamming, shutting, closing, however it's been
12 phrased, was done with the intent to injure somebody.
13 I submit to you that if Deputy Williamson can't see
14 her through the door, she can't see him. Mr. Lollis,
15 the other man in the room, can't see him. You heard
16 from Deputy Williamson that he was on the bed the
17 whole time. Mr. Lollis was on the bed. And you can
18 see he's there at one point. You can see Deputy
19 Farris' body cam, that he is walking around. And in
20 this situation, regardless of who may have shut the
21 door, somebody has to intend an injury here. And not
22 just somebody, it has to be Ms. Rodriguez, that she
23 had the criminal intent, a knowingly and willfully
24 committed assault. Not a door shut. Not what one
25 brother does to another when they're chasing around

1 the house. It is knowingly and willfully.

2 You get to go back to a jury deliberation room
3 and do what very few people get to. Actually sit
4 there and debate a case. We get to do this out here
5 everyday. But in there, it is a unique privilege and
6 something that without your help we can't secure a
7 fair trial. For the debate that you have. Not based
8 on feelings of, you know, kind of disrespect, any
9 kind of feelings of, you know, just based on your
10 feelings itself. It has to be based on the law. And
11 the law, in this case, is that it's knowingly and
12 willfully and you have to apply it to the facts of
13 this case.

14 I'm confident when you go back to the jury room
15 and you sit down and you can watch the same thing
16 that we've watched here, you can consider all the
17 evidence. There's absolutely zero chance that
18 anybody saw the other party through that door.
19 Whether it's Deputy Williamson seeing anybody else or
20 somebody else seeing Deputy Williamson. When you
21 shut a hotel room door, you know, we've all done it,
22 you can't do it with it pulled out. That's what
23 prevents it. You have to shut it to do so. So
24 before she does that, she has to shut it a little
25 bit. And that is the point right then, the door shut

1 and continued. He was caught in the door jam and he
2 is injured. But the intent to injure is what we're
3 considering here today. The willful and knowing
4 assault.

5 So I want you to, please, go back, consider the
6 evidence here and apply those in this situation. I'm
7 confident that when you do the deliberations, look at
8 the statute and listen to what The Judge has to tell
9 you, that The State has not met its burden. And
10 Ms. Rodriguez should be found not guilty. Thank you
11 for your time and Ms. Rodriguez thanks you for your
12 time, thank you.

13 JURY CHARGE

14 THE COURT: All right, ladies and gentlemen, you
15 have heard all the evidence and you've heard the
16 closing arguments of the attorneys in this case.
17 Now, it is my turn to give you the law, instruct you
18 on the law, and then I'll get you back and let you
19 deliberate the case. So if you would, please pay
20 attention to this last part. And again, I appreciate
21 you paying attention already. And, if you would,
22 give me just a little bit more attention.

23 All right, ladies and gentlemen, as you know,
24 the Indictment, in this case, charges The Defendant
25 with resisting arrest with assault. I remind you,

1 the fact that The Defendant was arrested, charged and
2 indicted, in this case, is not evidence and cannot be
3 considered by you as evidence of guilt, in this case.
4 Nor, does it create any presumption or inference of
5 guilt. This document is simply the formal written
6 instrument which contains the charge made against The
7 Defendant. It is the formal document by which this
8 case is brought into court.

9 As I told you this morning, and I'll remind you
10 now, that during the trial you have had certain
11 duties to perform, in this case. As the trial Judge,
12 it is my responsibility to preside over the trial of
13 this case. And I also have the duty to rule on the
14 admissibility of the evidence offered during this
15 trial. You are to consider only the competent
16 evidence before you. If there was any testimony
17 ordered stricken from the record, in this case,
18 during this trial, you must disregard that testimony.
19 I don't believe I have stricken any evidence in this
20 case. But you are only to consider the testimony,
21 what has been presented from this witness stand, any
22 exhibits which have been made a part of this record.

23 I have the additional duty to charge you the law
24 applicable to this case. As the presiding Judge, I
25 am the sole judge of the law and it is your duty, as

1 jurors, to accept and apply the law as I now state it
2 to you. If you already have an idea as to what the
3 law is or what the law ought to be and it does not
4 agree with what I now tell you the law is, you must
5 abandon this idea because you are sworn to accept the
6 law and apply the law exactly as I state it to you.
7 In every case tried in this court before a jury, the
8 jury becomes the sole and exclusive judges of the
9 facts. A trial Judge cannot state, comment on or
10 make any statement to a trial jury about the facts in
11 a case. Since you, the jury, are the sole judges of
12 the facts, in this case, you are not entitled to
13 infer what I have said during the process of this
14 trial, in ruling upon the admissibility of evidence
15 or otherwise. Or anything that I say now during the
16 course of this instruction to you that I have any
17 opinion about the facts in this case. The law
18 doesn't allow me to have an opinion in this case and
19 I don't. That matter is solely for all of you and it
20 is your duty to determine the effect, value and
21 weight of the evidence presented during the trial.

22 The Defendant has pled not guilty to this
23 indictment. And that plea puts the burden on The
24 State to prove The Defendant guilty. A person
25 charged with committing a criminal offense in South

1 Carolina is never required to prove herself innocent.
2 I charge you that it is an important rule of law that
3 The Defendant in a criminal trial, no matter what the
4 seriousness of the charge may be, will always be
5 presumed to be innocent of the crime for which the
6 indictment was issued, unless guilt has been proven
7 by evidence satisfying you of guilt beyond a
8 reasonable doubt. This presumption of innocence does
9 not end when you begin deliberations. But it
10 accompanies The Defendant throughout the trial until
11 you reach a verdict of guilt beyond a reasonable
12 doubt based on the evidence.

13 The presumption of innocence is like a robe of
14 righteousness placed about the shoulders of The
15 Defendant, which remains with The Defendant until it
16 has been stripped from The Defendant by evidence
17 satisfying you of The Defendant's guilt beyond a
18 reasonable doubt. The presumption of innocence is
19 not a mere legal theory. It is not just a legal
20 phrase. It is a substantial right to which every
21 defendant is entitled unless you, the jury, are
22 satisfied from the evidence of The Defendant's guilt
23 beyond a reasonable doubt. The State has the burden,
24 as I've said, of proving to you of guilt beyond a
25 reasonable doubt. Some of you may have served as

1 jurors in civil cases, where you were told that it's
2 only necessary to prove that the facts were more
3 likely than not. Or by the greater weight or the
4 preponderance of the evidence. Here in a criminal
5 trial it is different. It must be beyond a
6 reasonable doubt.

7 Proof beyond a reasonable doubt is proof that
8 leaves you firmly convinced of The Defendant's guilt.
9 There are very few things in this world that we know
10 with absolute certainty. And in criminal cases, the
11 law does not require proof that overcomes every
12 possible doubt. If, based on your consideration of
13 the evidence, you are firmly convinced that The
14 Defendant is guilty of the crime charged, you must
15 find The Defendant guilty. If on the other hand, you
16 think there is a real possibility that The Defendant
17 is not guilty, you must give The Defendant the
18 benefit of the doubt and find her not guilty.

19 The following things are not evidence and you
20 must not consider them as evidence in deciding the
21 facts of this case. Statements and arguments of the
22 attorneys is not evidence. Any questions and
23 objections of the attorneys is not evidence. Any
24 testimony that may have been disregarded. And again,
25 I don't believe there was any in this trial.

1 Additionally, there were certain redactions which
2 were made to some of the videos that were played
3 during the trial. These redactions were made
4 pursuant to an agreement by both attorneys.

5 There are two types of evidence which are
6 generally presented during a trial. And that's
7 direct evidence and circumstantial evidence. Direct
8 evidence directly proves the existence of a fact and
9 does not require deduction. Circumstantial evidence
10 is proof of a chain of facts and circumstances
11 indicating the existence of a fact. Crimes may be
12 proven by circumstantial evidence. The law makes no
13 distinction between the weight or value to be given
14 to either direct or circumstantial evidence.

15 However, to the extent The State relies on any
16 circumstantial evidence, all of the circumstances
17 must be consistent with each other. And when taken
18 together point conclusively to the guilt of the
19 accused beyond a reasonable doubt. If these
20 circumstances merely portray the Defendant's behavior
21 as suspicious, the prove has failed. The State has
22 the burden of proving The Defendant guilty beyond a
23 reasonable doubt. And this burden rests with The
24 State regardless of whether The State relies on
25 direct evidence, circumstantial evidence or some

1 combination of the two.

2 Necessarily, you must determine the credibility
3 of witnesses who have testified in this trial.
4 Credibility simply means believability. It becomes
5 your duty, as jurors, to analyze and to evaluate the
6 evidence. In determining the believability of
7 witnesses who have testified in this case, you may
8 believe one witness over several witnesses or several
9 witnesses over one. You may believe a part of the
10 testimony of a witness and reject the remaining part
11 of that same witness. You may believe the testimony
12 of a witness in its entirety or reject the testimony
13 of a witness in its entirety. You may consider
14 whether any witness has exhibited to you any
15 interest, bias, prejudice or other motive in this
16 case. You may also consider the appearance and
17 manner of a witness while on the witness stand.

18 I instruct you and emphasize that the fact that
19 The Defendant did not testify in this trial is not a
20 factor to be considered by you in any way in your
21 deliberations. And your consideration on the
22 question of guilt or innocence of The Defendant. It
23 must not be considered by you in any manner
24 whatsoever. A Defendant has the constitutional right
25 to remain silent. And the assertion of this right

1 must not be considered by you in your deliberations.

2 I repeat, under your oath that you took here this
3 morning, you are to draw no conclusion, whatsoever,
4 from the fact that the Defendant, in this case, did
5 not testify. The fact that The Defendant did not
6 testify should not even be discussed in the jury
7 room. The burden of proof, as I have stated to you,
8 is on The State. The Defendant is not required to
9 prove her innocence. The burden of proof remains on
10 The State to prove guilt beyond a reasonable doubt.

11 In order to establish criminal liability in
12 South Carolina, criminal intent is required. For
13 example, the mental state required to be proven by
14 The State for a particular crime, might be purpose,
15 intent, knowledge, recklessness or criminal
16 negligence. Criminal intent must be proven by The
17 State beyond a reasonable doubt. Criminal intent is
18 always a matter that must be determined by the jury
19 from the circumstances surrounding the situation.
20 There is no way to prove intent to a mathematical
21 certainty. There's no way medical science can
22 dissect a person's brain and determine what the
23 person had in mind. So the law says criminal intent
24 may be inferred from the circumstances shown to have
25 existed.

1 This is how you make a determination of whether
2 or not the element requiring intent was present. It
3 is not necessary to establish intent by direct and
4 positive evidence. But intent may be established by
5 inference in the same way as any other fact, by
6 taking into consideration the act of the parties and
7 all the facts and circumstances of the case.

8 Criminal intent is a mental state, a conscious
9 wrongdoing. It is up to you to determine what The
10 Defendant intended to do based on the circumstances
11 shown to have existed. Criminal intent can arise
12 from action or a failure to act. It may arise from
13 negligence, recklessness or a indifference to duty or
14 to consequences that is considered by the law to be
15 the equivalent of criminal intent.

16 The Defendant, in this case, is charged with
17 assaulting a law enforcement officer while resisting
18 a lawful arrest. The State must prove beyond a
19 reasonable doubt that The Defendant knowingly and
20 willfully assaulted, beat or wounded a law
21 enforcement officer, who was serving, executing or
22 attempting to serve or execute a legal writ or
23 process. Or that The Defendant assaulted, beat or
24 wounded an officer when The Defendant was resisting
25 an arrest made by a person The Defendant knew or

1 reasonably should have known was a law enforcement
2 officer. Knowingly means with knowledge.
3 Consciously done. Willfully means done
4 intentionally. And not done by accident.

5 An assault occurs when a person violently or
6 forcefully attempts to hurt or injure another person.
7 And has the present ability to complete the attempted
8 injury. An assault is the intentional creation of
9 fear of immediate bodily harm. It is not necessary
10 that the attempted injury or harm actually take
11 place. For example, if I walk up to you and we are
12 within arms reach, I draw back to hit you, that is an
13 assault. The battery is the unlawful touching of
14 another person by a person who has committed the
15 assault. An unlawful touching can be caused by a
16 part of the accused or by any object the accused puts
17 in motion. A battery is the completion of the
18 assault by using or applying force to another person.
19 However slight in a rude, angry or resentful manner
20 without legal justification for doing so. Using my
21 earlier example, if I carry through with -- or carry
22 through the assault by hitting you, then it is a
23 battery. A law enforcement officer means any dully
24 appointed or commissioned law enforcement officer of
25 the state, county or municipality.

1 I instruct you, ladies and gentlemen, that a
2 verdict, in this case, cannot be based upon sympathy,
3 passion, prejudice or emotion or some other
4 consideration not found in the evidence. Let me say
5 this about deliberations. Deliberation has been
6 defined as careful consideration, weighing up with a
7 view to decision. The genius of our jury system,
8 folks, is that it allows 12 good men and women, from
9 12 different backgrounds, life experiences and
10 perspectives to consider the evidence, to talk about
11 the evidence and then, ultimately, reach a verdict in
12 this case. We call them deliberations for a reason.
13 You are to consider the evidence in this case
14 carefully and deliberately. And discuss it in a
15 calm, thorough and courteous manner. Keep this in
16 mind. Remember, you are not advocates or partisans
17 at all in this case. You don't favor either side or
18 one side over the other. You are judges, in this
19 case. You are judges of the facts, in this case.

20 I urge you to listen to the view of all of your
21 fellow jurors. Consider other peoples points and
22 points of view. And talk through and discuss the
23 evidence. And remember, if are you doing something
24 deliberately, you are not in a big hurry. You should
25 not be in a hurry here in this case. As I told you,

1 this case is important to both parties in this trial.
2 And this is their only day in court. When you retire
3 to the jury room, you should discuss the case with
4 your fellow jurors to reach an agreement. And if you
5 can do so, that verdict must be unanimous. All 12 of
6 you must agree with the verdict.

7 And I tell you this, you must consider the
8 evidence and consider your decision for yourself.
9 But you should only do so after you have impartially
10 considered all of the evidence, discussed it fully
11 with your fellow jurors; and then listen to the views
12 of your fellow jurors. Don't be afraid to change
13 your position if the discussion persuades you that
14 you should. But do not come to a decision simply
15 because other jurors think it is right. It is
16 important that you attempt to reach a unanimous
17 verdict but, of course, only if each of you can do so
18 after having made your decision. Do not change an
19 honest belief about the weight and effect of the
20 evidence simply to reach a verdict. In other words,
21 do not change your opinion solely for the sake of
22 reaching a unanimous verdict.

23 All right, ladies and gentlemen --

24 Hand that to the Foreman, please.

25 Mr. Foreman, I'm going to show you a copy of the

1 verdict form, just kind of go over it with you. It's
2 fairly straightforward, very simple. You will see
3 it's just one question. It says, Please answer the
4 question below. As to the charge of resisting arrest
5 with assault, we, the jury, unanimously find The
6 Defendant, Vicki Lynn Georgette Rodriguez. And
7 you'll see two blanks there. One to check either
8 guilty or one to check not guilty. Let me tell you
9 this. It's not in order for -- any particular reason
10 that order is there. Simply one has to come before
11 the other. And so I chose just to put it that way.
12 That does not mean anything. So once you have
13 decided on a verdict, and it has to be unanimous,
14 then you will check that box. You will see you have
15 a place to sign right down there. Then knock on the
16 door and let The Bailiff know that you have reached a
17 verdict.

18 Now, if you have any questions whatsoever, if
19 you would, write it on a piece of paper. I think
20 there will be some paper in there. And if you've got
21 any questions, if you'd just write that on a piece of
22 paper, knock on the door, give it to The Bailiff,
23 then he will bring it out to me and I will make a
24 discussion on what I need to -- if I need to further
25 instruct you or how to answer that question, I will

1 discuss it with the attorneys. And I may just write
2 you a note back and give you my answer. Or I may
3 need to bring you out here and answer your question
4 out here. So I'll just -- if you do have any
5 questions, let's follow that process. And I may or
6 may not need to bring you out here. I am going to
7 excuse you for just a few minutes here. I have to
8 check with the lawyers to make sure I gave you the
9 right law, told you the right law. They will correct
10 me if did not give you the proper law. So I have to
11 go over the law with them. Make sure I did give you
12 the proper law. And then assuming we are ready for
13 you to deliberate, we will compile the evidence and
14 I'll have The Bailiff bring it in there to you. And
15 give you the go ahead to deliberate at that time.

16 I'm going to excuse all 13 of you right now.

17 I'm going to probably bring you back out here in
18 a minute. So if you would, go on back with everyone
19 right now. And then, I'll send for you when I need
20 to and that will be in a few minutes.

21 So again, please don't discuss the case yet
22 until you get the signal from The Bailiff and the
23 evidence will be presented to you. And he will tell
24 you that you are free to deliberate. I'll excuse you
25 now.

1 (WHEREUPON, the jury left open court at
2 approximately 3:24 p.m.)

3 THE COURT: All right, any exceptions from The
4 State?

5 MR. FANT: No, Your Honor.

6 THE COURT: All right, any exceptions from The
7 Defense?

8 MR. GRAVLEE: None from The Defense, Your Honor.

9 THE COURT: All right, make sure you got -- we
10 got all the exhibits there. I want to thank you both
11 for your trial today. Both of you did an excellent
12 job. Your clients should be very satisfied. So
13 thank you for your work.

14 MR. GRAVLEE: Thank you, Your Honor.

15 MR. FANT: Thank you, Your Honor.

16 THE COURT: When we get all these exhibits,
17 let's bring the alternate out. You can go ahead and
18 get him now. Get the alternate, go ahead and bring
19 the alternate out.

20 All right, thank you, sir, for your service in
21 this trial. As the alternate you're, unfortunately,
22 you don't get to sit on the deliberations but you do
23 provide an important service. Because a lot of
24 times, we need the alternate. So in this situation
25 we don't. It's a short trial, that's normally what

1 happens. So I'm going to excuse you for the day.
2 And ask that you call back in after 6:00. So if
3 you'd just call back in after 6:00. All right, thank
4 you, sir.

5 All right, everybody got the exhibits?
6 Everybody good with the exhibits?

7 MR. FANT: Yes, Your Honor.

8 THE COURT: All right. Send them back and tell
9 them they can start deliberating.

10 (WHEREUPON, deliberations began at approximately
11 3:27 p.m. And court was in recess awaiting a
12 verdict.)

13 (WHEREUPON, Court's Exhibit No. 1 was marked for
14 identification only.)

15 THE COURT: All right, y'all heard the question.
16 I'll hear from you. I guess, here's my indication,
17 what I'm -- I think what I suggest doing, what I want
18 to do, I think, is probably just make a copy of the
19 two charges. The resisting arrest charge on the
20 statute. Which has the definition of assault. And
21 the intent charge. The way the question's read, Can
22 we hear or see the definition of assault, in
23 particular, relating to recklessness versus intent.

24 So, I think, there's a little mixture of both in
25 there about intent and assault. Assault is in my

1 charge for resisting arrest. The term recklessness
2 and intent is in the intent charge. So, I think,
3 really what they're wanting and what I am inclined to
4 do is make a copy of the one page. Page and a half
5 of intent. And page and a half of the resisting
6 arrest and submitting it to them. Are there any
7 objections or?

8 MR. GRAVLEE: Your Honor, Max Gravlee for The
9 Defendant. The question seems related to just a
10 confusion of recklessness versus intent. And intent
11 part of the statute is willfully and knowingly.
12 Which is separate and distinct from the recklessness
13 statute. So I would just request a -- the
14 instruction on -- as the statute reads is willful and
15 knowingly. And not recklessness because that isn't
16 what the specific -- I mean, what the crime here is
17 required. It's not recklessly injured, it's
18 willfully and knowingly.

19 THE COURT: All right, Mr. Fant.

20 MR. FANT: Your Honor, I do not have any
21 objection if you -- giving them back the resisting
22 arrest with assault and also the jury instructions
23 regarding intent. I do think given the specific
24 verbiage on the resisting arrest with assault when it
25 talks, specifically, about assault and goes more into

1 kind of the use of other objects and recklessness.
2 And, I think, I maybe see kind of where the jury is
3 looking at that a little bit and thinking that you
4 submitting that to them would definitely help clarify
5 their question and issue that's surrounding this.

6 THE COURT: The way I interpret that question is
7 in essence, really, two parts. It's -- the first
8 part, Can we see or hear the definition of assault,
9 in particular, relating to recklessness versus
10 intent? And, I think, as I said, the resisting
11 arrest charge deals with the definition of assault.
12 The intent charge deals with intent. And also has
13 the word recklessness, which is what the jury has
14 indicated in their notes. And, I think, you know, as
15 jurors listen to the charges, sometimes the charges,
16 you know, overlap one another. And, I think, as a
17 whole what this question is they want the definition
18 of assault.

19 And again, when they say, In particular,
20 relating to recklessness versus intent.

21 Recklessness and intent are not in the charge
22 for assault but they are in the charge for intent.
23 So, I think, what I'm going to do is I note your
24 objection for it but I'm going to send in the charge
25 for intent because that does have intent and it also

1 has recklessness in there, which is in their
2 question. And then as well as the resisting arrest
3 charge, which is answering their question of the
4 definition of assault. Where that is defined in
5 resisting arrest. So I'm going to make a copy.

6 All right, anything from The State?

7 MR. FANT: Nothing, Your Honor.

8 THE COURT: Any additional objections from The
9 Defense?

10 MR. GRAVLEE: Just to be clear, Your Honor, I
11 would ask that the criminal intent portion be sent
12 back and not the portion discussing recklessness.
13 Just based on prior motions in line with that. But I
14 understand.

15 THE COURT: Well, on that, criminal intent
16 charge, in the charge it deals with recklessness. So
17 I don't think -- I mean, I don't think I can take out
18 a sentence of the charge there. And I'll read it for
19 the record. In order to establish criminal
20 liability, criminal intent is required. For example,
21 the mental state required to be proven by The State
22 for a particular crime might be purpose, intent,
23 knowledge, recklessness or criminal negligence.
24 Criminal intent must be proven by The State beyond a
25 reasonable doubt.

1 So I note your objection. I'm going to submit
2 the intent charge because they did, specifically,
3 admit -- inquire about intent and recklessness in the
4 question. And I'm going to submit the resisting
5 arrest.

6 MR. GRAVLEE: Thank you, Your Honor.

7 MR. FANT: Thank you, Your Honor.

8 THE COURT: Thank you.

9 All right, we got question number two. All
10 right. We would like to see the video of both body
11 cams at the point the door was closed on the
12 officer's finger.

13 Y'all got to play the portion --

14 (WHEREUPON, everyone was talking over one
15 another.)

16 THE COURT: -- I think both of the body cams
17 just a short place; is that correct?

18 MR. GRAVLEE: Yes, sir, Your Honor.

19 THE COURT: All right. All right, so what we'll
20 do -- if y'all can go ahead and get that sort of. . .

21 MR. FANT: Yeah, we need the disk, which is with
22 them.

23 THE COURT: All right. So y'all need some time?

24 MR. FANT: Quickly, just to get those snip-its
25 of exact time.

1 THE COURT: Yeah.

2 (WHEREUPON, Court's Exhibit No. 2 was marked for
3 identification only.)

4 MR. FANT: Does Your Honor have a preference on
5 which one you want to play first?

6 THE COURT: Y'all can agree on whichever one,
7 doesn't matter to me.

8 MR. FANT: Can we go on the record real quick?

9 THE COURT: Yeah, we're on.

10 MR. FANT: Oh, we're on?

11 THE COURT: Anytime we're talking, we're on.

12 MR. FANT: Your Honor, after the jury question,
13 the second question came out, counsel for The
14 Defense, Max Gravlee, and I have gone over both body
15 cam footages in regards to Officer Farris. We have
16 agreed on the time stamp of 4:24 to 4:43. In regards
17 to Officer Williamson's body cam, the stamps of 2:40
18 to 3:04.

19 THE COURT: All right, is that right,
20 Mr. Gravlee?

21 MR. GRAVLEE: They are. And those are
22 referencing the minutes of the actual body camera.

23 THE COURT: All right, we ready to go?

24 All right, let's bring them in.

25 (WHEREUPON, the jury entered open court at

1 approximately 4:11 p.m.)

2 THE COURT: All right, Mr. Foreman, I have been
3 given two questions. The first question was, Can we
4 hear or see the definition of assault, in particular,
5 relating to recklessness versus intent?

6 And what I'm going to do, I'm going to provide
7 you a copy of what I charged to you that you can take
8 back to the jury room. Which will be the definition
9 of intent and then the assault definition, which is
10 under resisting arrest.

11 And your second question, We would like to see
12 the video of both body cams, at the point the door
13 was closed on the officer's finger.

14 And we have gotten those videos from you and, I
15 believe, they have set it up and are you ready to go?

16 Mr. Fant, y'all ready to go?

17 MR. FANT: Yes, sir, Your Honor.

18 THE COURT: All right.

19 (WHEREUPON, the videos were published.)

20 THE COURT: All right, is that the part y'all
21 want to see? Okay. All right, I'm going to let you
22 retire and here's the --

23 Give that to them.

24 There's the part of my charge that I'll let you
25 take back to the jury room. Thank you.

1 (WHEREUPON, the jury left open court at
2 approximately 4:16 p.m.)

3 VERDICT

4 THE COURT: All right, I understand we've got a
5 verdict. Everybody here?

6 MR. FANT: Yes, Your Honor.

7 MR. GRAVLEE: Yes, sir, Your Honor.

8 THE COURT: All right. All right, anything
9 before we bring the jury back in?

10 MR. FANT: Nothing from The State.

11 THE COURT: Anything from The Defendant?

12 MR. GRAVLEE: Nothing from The Defendant, Your
13 Honor.

14 THE COURT: All right, let's bring them in.

15 (WHEREUPON, the jury entered open court at
16 approximately 4:54 p.m.)

17 THE COURT: All right, Mr. Foreman, I understand
18 that you, the jury, has reached a verdict; is that
19 correct?

20 MR. FOREMAN: We have, sir.

21 THE COURT: Has it been unanimous?

22 MR. FOREMAN: Yes, it has.

23 THE COURT: All right. If you'd hand it to The
24 Bailiff right here.

25 All right, please publish it.

1 THE CLERK: This is Indictment No.
2 2020-GS-39-1026, State of South Carolina vs. Vicki
3 Lynn Georgette Rodriguez, as to the charge of
4 resisting arrest with assault, we, the jury,
5 unanimously find The Defendant, Vicki Lynn Georgette
6 Rodriguez, guilty.

7 Is this your verdict and still your verdict? So
8 say you all by raising your right hand.

9 (WHEREUPON, all members of the jury raised their
10 right hand.)

11 THE CLERK: Thank you very much.

12 THE COURT: All right, thank you, ladies and
13 gentlemen of the jury.

14 First of all, anything from The State?

15 MR. FANT: Nothing from The State.

16 THE COURT: Anything from The Defendant?

17 MR. GRAVLEE: Nothing from The Defense, Your
18 Honor.

19 THE COURT: All right, thank you, ladies and
20 gentlemen for your service today in this trial. As I
21 understand, need you at two o'clock. Need you to
22 report back tomorrow afternoon at two o'clock. And
23 then you'll get further instructions from there.

24 Do they need to call in tonight, Pat, or just
25 come in tomorrow at 2:00; is that right?

1 THE CLERK: Yes, sir. And I need to get the
2 foreperson's signature on this.

3 THE COURT: All right. Y'all are excused for
4 the rest of the day until two o'clock tomorrow.

5 Mr. Foreman, need to get you to sign the
6 indictment here.

7 Thank you, again, for your service and we'll see
8 you back here at two o'clock tomorrow afternoon. All
9 right, y'all are excused.

10 (WHEREUPON, the jury left open court and was
11 excused at approximately 4:57 p.m.)

12 THE COURT: All right, short recess before
13 sentencing. Restroom break, I'll be right back.
14 Give you an opportunity to talk before sentencing.

15 (WHEREUPON, a short break was taken.)

16 SENTENCING

17 THE COURT: All right, I'll hear from The State
18 on sentencing.

19 MR. FANT: Your Honor, this charge does carry
20 zero to ten years. The previous offer in this case
21 before it was on the trial docket was probation. And
22 The State would just ask that if you impose a
23 sentence consistent with The Defendant's actions,
24 that would also deter resisting arrest and assault of
25 law enforcement in the future. And at the

1 appropriate time, Officer Williamson would like to
2 address The Court.

3 THE COURT: All right, I'll hear from him.

4 Yes, sir.

5 OFFICER WILLIAMSON: Yes, sir, I appreciate it.
6 This could have all been avoided very easily had she
7 just opened the door. And this was something that,
8 after I was injured, I had to deal with for several
9 months as the nail died and fell off and bleeding and
10 carrying on. It was just -- could have all been
11 avoided had she just complied originally. And I
12 appreciate your time.

13 THE COURT: All right, thank you.

14 Any days, any time, any credit?

15 MR. FANT: I believe it's 16 days. And that
16 was, I guess, for the contempt that she was brought
17 in on.

18 THE COURT: All right.

19 All right, Mr. Gravlee.

20 MR. GRAVLEE: Thank you, Your Honor, may it
21 please the Court. My understanding, at one point in
22 time, was the offer had been something closer to time
23 served when Mr. Propst originally represented her.
24 And not probation by the time I got to Pickens and
25 started representing Ms. Rodriguez. We had already

1 been on the trial docket. So my time with
2 Ms. Rodriguez has been simply spent preparing for the
3 trial.

4 Ms. Rodriguez, she's from Connecticut. She's
5 got no record, Your Honor. She, at the time, had --
6 was going through a, obviously, contentious probate
7 issue. Before the trial we're getting into trying to
8 figure out what was going on there. There's five
9 siblings in the process. There's the money involved
10 was significant that, obviously, tensions got high.
11 You know, I don't -- I don't believe that
12 Ms. Rodriguez, and she shared with me, that she never
13 intended to cause anyone harm. Or Mr. -- Deputy
14 Williamson, in the case. You know, should the door
15 had been opened earlier? Sure.

16 But she's got three kids, they all live here in
17 Easley, Your Honor. She's got a grandkid, a recently
18 born granddaughter. And since this occurred in
19 February of 2020, she's not gotten in anymore
20 trouble. No arrest or anything like that. Outside
21 of this particular situation that I really feel was
22 probate involved and family matters. So she's
23 originally from Connecticut, she was up there for a
24 long time, had a career. Then she was divorced
25 sometime in 2017 but it was rocky even years before

1 then. And I know that there were some issues there.

2 And then her mother passed away late October 2018.

3 I know that she does have rheumatoid arthritis,
4 which was part of the issue when she was complaining
5 of when she was being arrested. I just note that for
6 the record, Your Honor. But right now, Ms. Rodriguez
7 has spent time caring for her grandchild and with her
8 three kids, would like to continue doing so, Your
9 Honor. And, I think, a recommendation -- I mean, a
10 sentence, in this case, of something suspended that
11 if she were to in anyway violate that, then she would
12 be looking at more time. And she would understand
13 that. But because of no record, I do understand the
14 injury in this matter. But Ms. Rodriguez, I think,
15 will tell you all the same, that she has told me,
16 that she never intended to cause anybody harm on that
17 day.

18 THE COURT: All right, anything else from The
19 Defense?

20 MR. GRAVLEE: I believe that's it, Your Honor.

21 THE COURT: All right, anything else from The
22 State?

23 MR. GRAVLEE: Your Honor, I apologize. She did
24 want to just very briefly.

25 MS. RODRIGUEZ: If I may. I never intended to

1 hurt your finger. I'm sorry that you suffered pain
2 at my doing, if that's how you see it.

3 I did not ever mean to hurt anybody. I was
4 closing the door because I have -- I was closing the
5 door. It was very, very difficult. I beg them just
6 to do that. And that came.

7 THE COURT: All right, anything else?

8 MR. GRAVLEE: That's it from The Defense, Your
9 Honor.

10 THE COURT: Anything else from The State?

11 MR. FANT: Nothing from The State, Your Honor.

12 THE COURT: All right. First of all,
13 Ms. Rodriguez, I assume you understand that anytime
14 law enforcement request you to do anything and,
15 especially, in this case when there was a warrant,
16 that you are to comply with that; do you understand
17 that? Going forward do you understand? No matter
18 what you think, to do what you did was not right.
19 And I hope you have learned that lesson. You spent
20 16 days in jail, sounds like for the contempt.
21 Hopefully, that was a time of reflection. So again,
22 I hope this has taught you something that you have to
23 obey law enforcement. Do you understand that?

24 MS. RODRIGUEZ: Yes, sir, I always have.

25 THE COURT: It was 16 days, is that what you

1 said? She's been in 16 days?

2 MR. GRAVLEE: I do believe so, Your Honor. I'm
3 looking strictly from the notes on here, from my
4 case. But I do believe that would be for the
5 warrant. And if that -- with the warrant being
6 served, at that point in time, it would be running
7 together, at the time.

8 THE COURT: Okay. All right, under
9 2020-GS-39-1026, sentence of The Court will be a term
10 to three years with the Department of Corrections.
11 That's going to be suspended on time served. But
12 that is followed by two years of probation.

13 And, Ms. Rodriguez, this is an opportunity. But
14 if you mess up, I'm giving you two years on
15 probation, so if you mess up again, then you go to
16 prison for three years; do you understand that?

17 MS. RODRIGUEZ: I don't know what probation
18 involves but I understand your order, yes.

19 MR. GRAVLEE: And I will explain it to her, Your
20 Honor.

21 THE COURT: So any violation of this probation,
22 you face a potential of going to prison for three
23 years. I just tell you that and Mr. Gravlee will
24 explain that to you. Do you understand that?

25 MS. RODRIGUEZ: Yes, sir.

1 THE COURT: If you do mess up, that you go to
2 prison for three years. You've been in 16 days and,
3 I assume, you don't want to go in anymore. But
4 that's what probation is. And you will have two
5 years of that probation.

6 MS. RODRIGUEZ: Okay.

7 THE COURT: All right, anything else from the
8 parties?

9 MR. FANT: Nothing, Your Honor.

10 MR. GRAVLEE: Nothing from The Defense, Your
11 Honor.

12 THE COURT: All right, that's the sentence of
13 The Court. Court is adjourned.

14 MR. GRAVLEE: Thank you, Your Honor.

15 (WHEREUPON, the proceedings were concluded.)

16

17

18

19

20

21

22

23

24

25

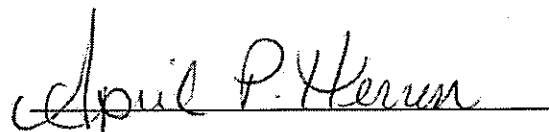
CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

I, APRIL P. HERRON, Official Court Reporter for
the Thirteenth Judicial Circuit of the State of South
Carolina, do hereby certify that the foregoing is a true,
accurate and complete Transcript of Record of the
proceedings had and evidence introduced in the trial of
the captioned case, relative to appeal, in the Court of
General Sessions for Pickens County, South Carolina, on
the 12th day of April, 2022.

I do further certify that I am neither of kin,
counsel nor interest to any party hereto.

August 9, 2022



APRIL P. HERRON, Court Reporter

WITNESSES

Torrance D Jackson

Pickens County Sheriff's Office

2/7/2020

ARREST WARRANT NUMBER

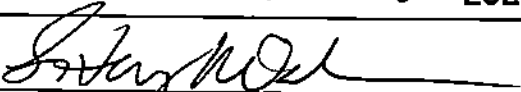
2020A3910100184

ACTION OF GRAND JURY

~~(TRUE BILL)~~

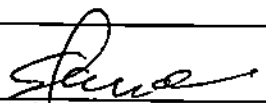
Date

JUN 09 2020


Foreperson of Grand Jury

VERDICT

Guilty


Foreperson of Petit Jury
Date: 4/12/22

DOCKET NO. 2020-GS-39-

CAW

10216

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

JUN 09 2020

TERM 2020

THE STATE

vs.

VICKI LYNN GEORGETTI RODRIGUEZ

Indictment for

0256

RESISTING ARREST WITH ASSAULT

VIOLATION § 16-09-0320(B)

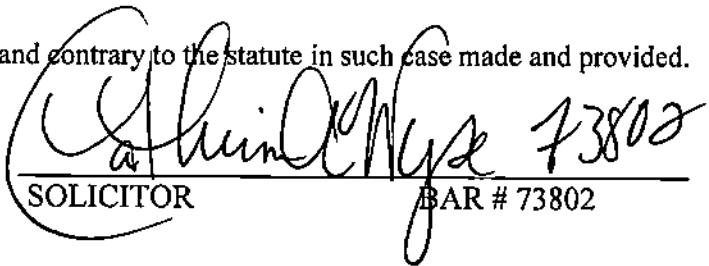
STATE OF SOUTH CAROLINA)
)
 COUNTY OF PICKENS)

INDICTMENT FOR
 RESISTING ARREST WITH ASSAULT

At a Court of General Sessions, convened on JUN 09 2020 the Grand Jurors of Pickens
 County present upon their oath:

That VICKI LYNN GEORGETTI RODRIGUEZ did in Pickens County, on or about the 6th day of February,
 2020, knowingly and willfully and unlawfully assault, beat or wound ^{J. Williamson} ~~Terrance D Jackson~~ with the Pickens
 County Sheriff's Office while resisting an arrest by one whom her knew or reasonably should have known was a
 law enforcement officer. This is in violation of §16-9-320(B) of the South Carolina Code of Laws (1976) as
 amended.

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


 SOLICITOR

73802
 BAR # 73802

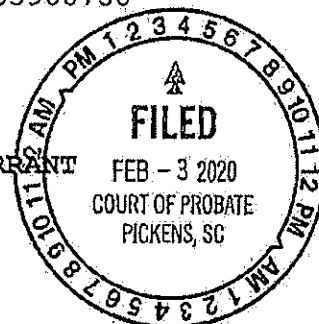
STATE OF SOUTH CAROLINA)
COUNTY OF PICKENS)

IN THE PROBATE COURT

CASE #2018ES3900758

IN THE MATTER OF:)
PATRICIA ANN FIORILLO GEORGETTI)
Decedent)
VICKI LYNN GEORGETTI RODRIGUEZ,)
Respondent)

BENCH WARRANT



To: All Sheriffs, Deputy Sheriffs, Constables and other Peace Officers of the State.

On February 3, 2020 Probate Court Judge, David K. Allison ordered a Bench Warrant be issued for the arrest of Vicki Lynn Georgetti Rodriguez for failure to comply with two previous Probate Court orders in the above estate.

THEREFORE,

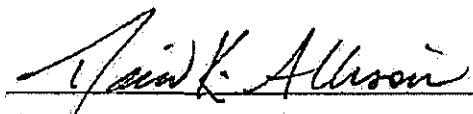
IT IS ORDERED that you make diligent search for Vicki Lynn Georgetti Rodriguez and take her to the Pickens County Detention Center, where she will be safely held until she may be brought before this Court, or otherwise discharged by due course of law.

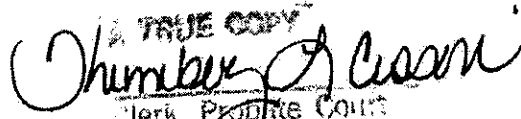
IT IS FURTHER ORDERED that the Pickens County Detention Center notify the Probate Court immediately, during the normal operating hours of the office of Probate Court, that Vicki Lynn Georgetti Rodriguez is in custody.

IT IS FURTHER ORDERED that it is unnecessary to bring Ms. Rodriguez back before the Probate Court before she begins serving her sentence of 30 days, such sentence to begin immediately.

IT IS SO ORDERED.

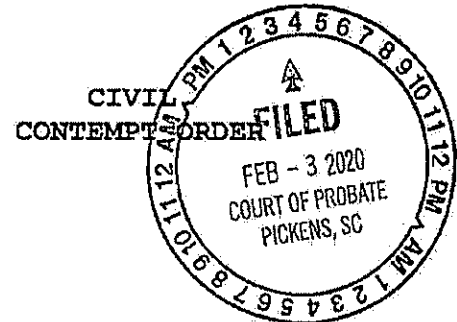
This 3RD day of
February, 2020.


Probate Judge, David K. Allison

TRUE COPY

Clerk, Probate Court
Pickens County, S. C.
APR - 5 2022

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS) #2018-ES-39-00-758

IN THE MATTER OF:)
Patricia Ann Fiorillo Georgetti,)
Deceased)
)
Vicki Lynn Georgetti Rodriguez,)
Previous Personal Representative)
.....)



 X The standard of Proof by clear and convincing evidence has been met.

 X The previous Personal Representative failed to comply with prior Court Order(s) in the following particulars:

Ms. Rodriguez has failed to turn over estate funds in the amount of \$255,005.59 to the current Personal Representative's attorney, Hunter Morris after this Court ordered same.

 X The Personal Representative is found in willful civil contempt of Court based upon the above and is sentenced to 30 days in the Pickens County Detention Center. A bench warrant shall hereby be issued.

 X The above sentence shall be served day for day without credit.

 X Additional Provisions:

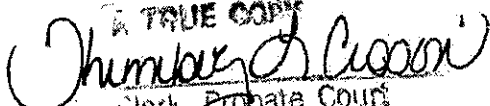
See attached personal information and addresses for Ms. Rodriguez.

IT IS SO ORDERED:


David K. Allison, Probate Judge

Pickens, South Carolina

Date: Feb. 3, 2020

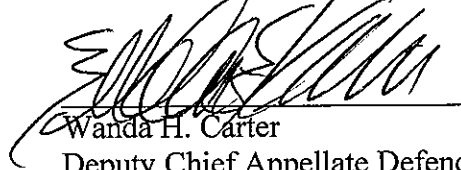

A TRUE COPY
Clerk, Probate Court
Pickens County, S. C.
APR - 5 2022

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."

This 10th day of November, 2022.

Respectfully Submitted,



Wanda H. Carter

Deputy Chief Appellate Defender

RECEIVED

Nov 10 2022

SC Court of Appeals

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

ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Nov 10 2022

SC Court of Appeals

Appeal from Pickens County

Honorable G.D. Morgan, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

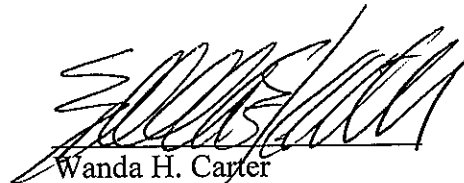
V.

VICKI L. RODRIGUEZ,

APPELLANT.

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above referenced case has been served upon William M. Blitch, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Vicki L. Rodriguez, at 315 N. Garrett St., Central, SC 29630, this 10th day of November, 2022.



Wanda H. Carter
Deputy Chief Appellate Defender

ATTORNEY FOR APPELLANT