

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Orangeburg County
Honorable Clifton Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MICHAEL DEANGLO CORBITT,

APPELLANT

APPELLATE CASE NO 2022-000361

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INDEX

INDEX	i
TRIAL TRANSCRIPT DATED MARCH 7-9, 2022.....	1
PRE-TRIAL MOTIONS (PRIOR BAD ACTS, OPINION TESTIMONY, POST ARREST SILENCE, AND WITNESS SEQUESTRATION	7
PRE-TRIAL TESTIMONY ON REJECTION OF PLEA OFFERS	
MICHAEL CORBITT	
Direct Examination by The Court.....	17
PRE-TRIAL MOTION ON IN-COURT IDENTIFICATION	23
OPENING REMARKS BY THE COURT	35
OPENING STATEMENT BY THE SOLICITOR.....	38
OPENING STATEMENT BY DEFENSE COUNSEL.....	44
TRIAL TESTIMONY	
KEANDRA NICKENS	
Direct Examination by Solicitor	47
Cross-Examination by the Defense.....	76
Re-Direct Examination by Solicitor.....	82
HUNTER JOHNS	
Direct Examination by Solicitor	86
OBJECTION (IDENTIFICATION TESTIMONY).....	89
TRIAL TESTIMONY (IN-CAMERA)	
HUNTER JOHNS	
Direct Examination by Solicitor	89
Cross-Examination by the Defense.....	93
RULING BY THE COURT.....	103

TRIAL TESTIMONY

HUNTER JOHNS

Direct Examination by Solicitor	106
Cross-Examination by the Defense.....	112

ERIC WALKER

Direct Examination by Solicitor	118
Cross-Examination by the Defense.....	122

MARY CADEY KEIGANS

Direct Examination by Solicitor	126
Voir Dire Cross-Examination by the Defense	129
Direct Examination by the Court	130
Cont'd Voir Dire Cross-Examination by the Defense	132

COLLOQUY REGARDING EXPERT TESTIMONY	133

RULING BY THE COURT.....	141

TRIAL TESTIMONY

MARY CADEY KEIGANS (CONT'D)

Direct Examination by Solicitor	141

OBJECTION (801(d)(1), SCRE).....	144

TRIAL TESTIMONY

MARY CADEY KEIGANS (CONT'D)

Direct Examination by Solicitor	147
Cross-Examination by the Defense.....	155

MICHAEL WILLIAMS

Direct Examination by Solicitor	158
Cross-Examination by the Defense.....	161

MARY FRANCIS O'GRADY

Direct Examination by Solicitor	162
Cross-Examination by the Defense.....	166

KIMBERLY PUGH

Direct Examination by Solicitor	166
Cross-Examination by the Defense.....	171

WILLIAM KETCHERSIDE	
Direct Examination by Solicitor	172
Cross-Examination by the Defense.....	175
Re-Direct Examination by Solicitor.....	177
TOM DARNELL	
Direct Examination by Solicitor	178
Cross-Examination by the Defense.....	187
RACHEL NGUYEN	
Direct Examination by Solicitor	188
Cross-Examination by the Defense.....	195
RYAN DEWANE	
Direct Examination by Solicitor	198
Cross-Examination by the Defense.....	211
Re-Direct Examination by Solicitor.....	212
JOHN STUKE	
Direct Examination by Solicitor	213
Cross-Examination by the Defense.....	225
STATE RESTS	227
MOTION FOR DIRECTED VERDICTS	228
RULING BY THE COURT.....	229
RENEWAL OF ALL MOTIONS.....	229
ADVICE OF RIGHTS	231
MOTION REGARDING CHILD COMPETENCY.....	236
IN-CAMERA HEARING	
AMIR G.	
Direct Examination by the Defense	239
Direct Examination by the Court	241
Re-Direct Examination by the Defense	243
RULING ON COMPETENCY.....	244
TRIAL TESTIMONY	
KASHAWN TYQUAN ROBINSON	

Direct Examination by the Defense	245
Cross-Examination by Solicitor.....	248
Re-Direct Examination by the Defense	252
 LAWANDA CORBITT	
Direct Examination by the Defense	253
 MICHAEL DEANGELO CORBITT	
Direct Examination by the Defense	257
 DEFENSE RESTS	261
 RENEWAL OF ALL MOTIONS	262
 RULING BY THE COURT.....	264
 QUESTION REGARDING DATE OF DEFENSE ATTORNEY’S REPRESENTATION.....	264
 STIPULATION ON DATE OF DEFENSE ATTORNEY’S REPRESENTATION	277
 STATE RESTS	278
 CLOSING ARGUMENT BY THE SOLICITOR	279
 CLOSING ARGUMENT BY DEFENSE COUNSEL	296
 CLOSING REPLY ARGUMENT BY THE SOLICITOR.....	304
 JURY CHARGE ON THE LAW	307
 VERDICT	327
 JURY POLL.....	328
 RENEWAL OF ALL MOTIONS.....	331
 RULING BY THE COURT.....	331
 SENTENCING	359
 INDICTMENTS	364
 CERTIFICATE OF COUNSEL	372

**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBIT NOS. 1-8, and 11-12 (PHOTOS)**

1 STATE OF SOUTH CAROLINA)
2) IN THE COURT OF
3 COUNTY OF ORANGEBURG) GENERAL SESSIONS
4
5 THE STATE,)
6 Plaintiffs,)
7 Vs.) CASE NO. 2019-GS-38-0483,
8 MICHAEL DEANGELO CORBITT,) 0484, 0485, 0486
9 Defendant.)

10
11 March 7-9, 2022

12 ORANGEBURG, SOUTH CAROLINA
13

14 HONORABLE CLIFTON NEWMAN, JUDGE

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17 W. PHILLIP GIESE, ESQUIRE

18 Attorneys for the Plaintiffs

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21 Attorneys for the Defendant
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23 KATHERINE A. SPIRES

24 REGISTERED PROFESSIONAL REPORTER
25

1		<u>I N D E X</u>		
2	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u> <u>RECROSS</u>
3	MICHAEL CORBITT			
4	The Court	91		
5	OPENING STATEMENTS			
6	Mr. Giese	112		
7	Mr. Turnblad	118		
8	KEANDRA NICKENS			
9	Ms. Hunter	121		156
10	Mr. Turnblad		150	
11	HUNTER JOHNS			
12	Ms. Hunter	159		179
13	Mr. Stevens		167	186
14	ERIC WALKER			
15	Ms. Hunter	191		
16	Mr. Stevens		196	
17	CADEY KEIGANS			
18	Ms. Hunter	200		215
19	Mr. Turnblad		229	
20	Voir Dire			
21	Mr. Turnblad		203	206
22	The Court		204	
23	MICHAEL WILLIAMS			
24	Mr. Giese	232		
25	Mr. Stevens		235	

1	MARY O'GRADY		
2	Mr. Giese	237	
3	Mr. Stevens		240
4	KIMBERLY PUGH		
5	Mr. Giese	241	
6	Mr. Stevens		245
7	WILLIAM KETCHERSIDE		
8	Mr. Giese	246	251
9	Mr. Stevens		249
10	TOM DARNELL		
11	Ms. Hunter	252	
12	Mr. Turnblad		261
13	RACHEL NGUYEN		
14	Ms. Hunter	262	
15	Mr. Turnblad		269
16	RYAN DEWANE		
17	Mr. Giese	272	286
18	Mr. Turnblad		285
19	JOHN STUKE		
20	Mr. Giese	286	
21	Mr. Turnblad		299
22	MICHAEL CORBITT		
23	The Court	305	
24			
25			

1	AMIR G.		
2	Mr. Turnblad	314	317
3	The Court		315
4	KASHAWN ROBINSON		
5	Mr. Turnblad	319	326
6	Ms. Hunter		322
7	LAWANDA CORBITT		
8	Mr. Turnblad	327	
9	MICHAEL CORBITT		
10	Mr. Turnblad	331	
11	CLOSING ARGUMENTS		
12	Ms. Hunter	353	378
13	Mr. Turnblad		370
14	JURY CHARGE		
15	The Court	381	
16	VERDICT	401	
17	SENTENCING	433	
18	Certificate of Reporter		437
19			
20			
21			
22			
23			
24			
25			

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EX.</u>
C-1	Defense Motion		129
S-1	Photo		139
S-2	Photo		139
S-3	Photo		139
S-4	Photo		139
S-5	Photo		139
S-6	Photo		139
S-7	Photo		297
S-8	Photo		297
S-9	Photo		297
S-11	Photo		129
S-12	Photo		129
S-13	Photo		129
S-14	CSC kit		225
S-15	Property transfer sheet		241
S-16	Buccal Swabs		248
S-17	Empty can w/straw		254
S-18	DNA swabs		255

1 THE COURT: Good morning, ladies and
2 gentlemen. I am Clifton Newman and I have been
3 assigned to hold court here in Orangeburg this week
4 and you all have been summoned for jury duty. In
5 order to serve on jury duty, you must be qualified
6 to serve. We will be selecting 16 people out of
7 the crew here. Here's somebody coming --

8 THE BAILIFF: Beg the Court's
9 indulgence. I have a gentleman in the men's
10 restroom and one is standing right there.

11 THE COURT: So we're going to select 16
12 of you to serve as jurors this week in a trial that
13 we will be selecting a jury on. The trial is
14 expected to last two, three days, I guess. If
15 you're not selected then you will be through with
16 jury duty for this year. And you may choose not to
17 serve two additional years, that is if you're
18 qualified to serve.

19 As part of the jury selection and
20 qualification process, it's necessary that an oath
21 be administered. So if you will stand at this time
22 and raise your right hand to accept the juror oath.

23 THE BAILIFF: Your Honor, please,
24 excuse me.

25 THE COURT: Yeah. They need to

1 (WHEREUPON, Court's Exhibit Number 1
2 was marked and entered)

3 MR. STEVENS: We just have a few, I
4 think, relatively quick pretrial motion matters to
5 handle before we bring the jury in and get rolling
6 with the opening statements of witnesses.

7 The first one we have, Judge, is just
8 asking for confirmation of the State with its
9 compliance for a *Brady* and *Collins* verses *Whitley*
10 in Rule 5. So if we could have it on the record,
11 we'd really appreciate that, Judge.

12 THE COURT: All right. Ms. Hunter?

13 MS. HUNTER: Yes, Your Honor. I
14 believe that we have complied with Rule 5. And I
15 know that Mr. Turnblad did not come to my office
16 and flip through my notebook to go through
17 everything. But I'm pretty sure that everything
18 I've gotten, I've handed over to Mr. Turnblad as
19 far as I know.

20 THE COURT: Do we have any statements
21 of the Defendant or anything of that nature?

22 MS. HUNTER: The Defendant didn't
23 actually give a statement, but he was arrested --
24 he, you know, Mirandized him that's on video and I
25 gave Mr. Turnblad a copy of that video. And the

1 fact that he understood his rights, but wanted a
2 lawyer and did not wish to speak to the police;
3 correct?

4 MR. TURNBLAD: That's correct.

5 THE COURT: So you don't plan to ask
6 about that?

7 MS. HUNTER: No, sir. We are not
8 asking for a *Denno* hearing today, Your Honor.

9 THE COURT: No, one of those postarrest
10 silence or asking for a lawyer, I forget the name
11 of that motion.

12 MR. STEVENS: Yes. My understanding is
13 that the government's not supposed to make any
14 comments on a person's exercise of the
15 Constitutional rights especially those touching
16 upon their exercise of their right to remain silent
17 or for an attorney. And I don't think that the
18 government is looking to do that in this case,
19 Judge.

20 THE COURT: Okay.

21 MS. HUNTER: The State is not, Your
22 Honor.

23 MR. STEVENS: State.

24 MS. HUNTER: I can't talk about the
25 rest of the government, I can tell you what I'm

1 going to do.

2 MR. STEVENS: All right. Next, Judge,
3 we respectfully we move to sequester witnesses
4 pursuant to Rule 615 of the rules of evidence.
5 Obviously, the State has its investigator here as
6 we have ours as well. But outside of that -- and I
7 believe the victim is present. But outside of
8 that, there are a couple other witnesses in the
9 case especially for the government. We're just
10 trying to ensure that there's no potential taint
11 across taint from what is said on the witness by
12 one to what could be heard in the courtroom by the
13 others while they're testifying.

14 THE COURT: Okay. What do you think
15 about that?

16 MS. HUNTER: Your Honor, just,
17 obviously, he covered this. The victim is allowed
18 to be in the courtroom and she's seated with her
19 mother and her mother is not on our witness list.

20 THE COURT: Okay.

21 MS. HUNTER: Would you like me to
22 introduce the victim, Your Honor?

23 THE COURT: Who's the mother and who's
24 the victim?

25 MS. HUNTER: This is Miss Keandra

1 Nickens, she is the victim. And that is her mother
2 Ms. Angela Nickens, Your Honor.

3 THE COURT: Okay. Very good. They
4 appear to be about the same age. I can't tell
5 who's who. All right. Very good.

6 MR. STEVENS: Thank you, Judge. Just a
7 couple other quick matters on this. First, Judge,
8 generally speaking we'd like to just kind of put
9 these out there so everybody, you know, we all know
10 the rules of evidence, we just want to make sure
11 they're all clear when we start. Because sometimes
12 when you get in the middle of the week of trial
13 things will roll along fast. But we just
14 respectfully request and move the Court prohibit
15 any 404(b) evidence or bad character evidence unless
16 and until we can actually have a proper in camera
17 hearing. So that way nothing can actually slip out
18 to the jury and we don't have to worry about trying
19 to un-ring a bell that just can't be un-rung.

20 THE COURT: Bad character evidence by
21 the State or by witnesses or by who?

22 MR. STEVENS: Correct. Any information
23 that obviously we're not looking to, you know, ask
24 for any questions that would bring out any prior
25 bad character evidence of our own client, Judge,

1 but we'd expect that the government's not looking
2 to do the same from its witnesses. However, if it
3 does have any potential 404(b) evidence it does
4 seek to submit or place in front of the jury, we'd
5 ask for an in camera hearing to be held at the
6 appropriate time, Judge.

7 THE COURT: Are you asking me to ask
8 the jury about anyone had any family members on
9 probation or parole, has the Defendant been on
10 probation or parole?

11 MR. STEVENS: My understanding is, no,
12 he has not. His only prior convictions to my
13 knowledge are actually exceptionally minor. So it
14 shouldn't be a problem. And my understanding is if
15 in the event later on if he did choose to testify
16 which obviously is solely in the client's
17 discretion, we'd probably have to have the 609 call
18 for factors hearing at the time to see what's
19 allowed and what's not for cross examination
20 purposes.

21 THE COURT: Okay. Y'all don't carry
22 any kind of law books around here for the judge?

23 MS. HUNTER: What kind of book are you
24 looking for, Your Honor?

25 THE COURT: The red and black book with

1 all the rules of evidence. Rules of criminal
2 procedure --

3 MR. TURNBLAD: Ralph King Anderson's
4 book?

5 THE COURT: No.

6 MS. HUNTER: I'm happy to go ask if
7 Judge Dickson's office has a book that you're
8 looking for that we don't have in our office.

9 THE COURT: I'll bring one from home
10 tomorrow after you first check back there.

11 MR. STEVENS: We do have a 2021 rules
12 of evidence for state courts of South Carolina --

13 THE COURT: We'll work through it.

14 MR. STEVENS: Yes, sir.

15 THE COURT: It's just normally they
16 have it on the bench for any judge to grab it and
17 cite a rule and I don't see any around here. Okay.
18 No problem.

19 MS. HUNTER: Some judges just flying by
20 the seat of their pants around here.

21 MR. STEVENS: So, next, along the
22 similar vein, Judge. We'd respectfully move to
23 prohibit opinion testimony from witnesses unless
24 and until they've actually been properly qualified
25 in the field for which they're attempting to give

1 opinion testimony. I think it's pursuant to 701,
2 702.

3 THE COURT: Say that one more time.

4 MR. STEVENS: Sorry, Judge. We'd
5 respectfully move to prohibit opinion testimony
6 unless and until the witness is properly qualified.
7 Pursuant to Rule 701 and 702 and the case law
8 therein attached.

9 THE COURT: All right. And what's the
10 State's response to that?

11 MS. HUNTER: Your Honor, we will ask
12 the Court to qualify anyone as an expert that we
13 feel is appropriate.

14 THE COURT: 701 deals with lay
15 witnesses, doesn't it?

16 MR. STEVENS: 701 is lay witnesses and
17 giving opinion testimony --

18 MS. HUNTER: I apologize. We don't
19 have any -- I don't intend to ask any lay witnesses
20 about opinion testimony.

21 THE COURT: Not only to opinion, but,
22 you know, a witness' perception of events and
23 things of that nature 701 covers.

24 MS. HUNTER: I guess, Your Honor, if
25 you're asking -- we are -- if this is going to be

1 an issue, the two gentlemen who drive by will
2 testify that they thought the victim was in
3 distress and that is the reason she stopped. So if
4 that is covered under what Mr. Stevens is talking
5 about then I guess we do need to have more of a
6 hearing on that matter.

7 THE COURT: Well, under 701, "If the
8 witness is not testifying as an expert, the
9 witness' testimony in the form of opinions or
10 inferences is limited to those opinions or
11 inferences which are rationally based on the
12 perception of the witness."

13 MR. STEVENS: Judge --

14 THE COURT: Or (b) clearful -- "are
15 helpful to a clear understanding of the witness'
16 testimony or a -- the determination of a fact in
17 issue, and (c) do not require special knowledge,
18 skill, experience, or training."

19 MS. HUNTER: I don't -- I believe that
20 anyone that is testifying it is common knowledge.
21 They would not require any special skill. They're
22 just using their common sense when they stop the
23 car, Your Honor.

24 THE COURT: All right. I don't get in
25 the practice of prescreening testimony to determine

1 | what the testimony is. I mean, that's the purpose
2 | of the trial.

3 | MR. STEVENS: Yes, sir.

4 | MS. HUNTER: Yes, sir.

5 | THE COURT: But I understand your
6 | motion, I just don't know how I could -- can rule
7 | in advance that a witness cannot testify based on a
8 | witness' perception of an event.

9 | MR. STEVENS: Well, typically when we
10 | see something like this come across, it's -- I'm
11 | not knocking law enforcement because typically it's
12 | a question asked of them during the trial and say,
13 | okay, well, based on your training and experience,
14 | well, as soon as you hear that that's out of 701
15 | and into 702 and they've not been qualified as an
16 | expert.

17 | And so when we look at the
18 | technicalities of the law that triggers the Court's
19 | gatekeeping duties pursuant to *Watson v. Ford* as
20 | well as other case law in South Carolina which
21 | essentially means we've got to stop things and then
22 | turn around and ask the jury to step out and go
23 | forward with, you know, hearing the qualifications.

24 | THE COURT: Is that *Watson v. Ford*?

25 | MR. STEVENS: Yes, sir. If you like, I

1 do have a copy of that motion. It does have some
2 of the case law we've discussed, Judge.

3 THE COURT: That's when you have the
4 mechanic giving expert testimony on the, I guess,
5 Ford Motor Company, I think.

6 MR. STEVENS: Yes, sir, that's right.

7 THE COURT: And that one was pretty
8 deep.

9 MR. STEVENS: Yes, sir. And not long
10 after they actually had a state general sessions
11 case along the same vein also citing *Watson v.*
12 *Ford*, the same proposition, Judge.

13 THE COURT: Okay. Very good.

14 MR. STEVENS: Thank you, Judge. My
15 last one before you before I turn it over to
16 Mr. Turnblad is going to be asking the Court
17 pursuant to *Missouri verses Frye* to place the prior
18 plea offer and Mr. Corbitt's rejection offer on the
19 record if we may.

20 THE COURT: All right. Let me ask the
21 -- somebody here. This mic, can y'all turn it on?

22 THE DEPUTY: It should be on, Your
23 Honor.

24 THE COURT: Very good. Okay. Has he
25 been sworn?

MICHAEL CORBITT - EXAMINATION BY THE COURT

1 MR. STEVENS: Not yet, sir.

2 THE COURT: Okay. If you would swear
3 him, please.

4 MICHAEL CORBITT,
5 being first duly sworn, was examined and testified
6 as follows:

7 EXAMINATION BY THE COURT:

8 THE COURT: State your name for me,
9 please.

10 A. Michael Deangelo Corbitt.

11 THE COURT: Michael Deangelo Corbitt.
12 And, Mr. Corbitt, you understand the nature of your
13 charges?

14 A. Yes, sir.

15 THE COURT: And what all are you
16 charged with?

17 A. CSC first, carjacking, assault and
18 battery first and kidnapping.

19 THE COURT: And do you understand what
20 those various charges are?

21 A. Yes, sir.

22 THE COURT: And has the State offered
23 you a plea bargain of some sort?

24 A. Yes, sir.

25 THE COURT: And what is the plea

MICHAEL CORBITT - EXAMINATION BY THE COURT

1 bargain they offered you?

2 A. For both, she tried to run both of my
3 cases together. This case and the murder case, 20
4 to 30 and I told her I wasn't going to take it.

5 THE COURT: And you understand that
6 murder carries a minimum of 30 years, a maximum of
7 life in prison?

8 A. Yes, sir.

9 THE COURT: And for these various
10 charges you're on trial here now, kidnapping
11 carries up to 30 years, CSC first degree 30 years,
12 assault and battery first degree; is that 10 years?

13 MR. STEVENS: Yes, sir.

14 THE COURT: And take or attempt a
15 vehicle -- take or attempt a vehicle from person by
16 force without great bodily harm; is that what y'all
17 call it?

18 MS. HUNTER: Carjacking is the way the
19 Statute's read, Your Honor. Is take or attempt to
20 take a vehicle by a person.

21 THE COURT: Without great bodily harm?

22 MS. HUNTER: Yes, sir, Your Honor.

23 THE COURT: And what's the maximum
24 penalty for that?

25 MS. HUNTER: Twenty years, Your Honor.

MICHAEL CORBITT - EXAMINATION BY THE COURT

1 THE COURT: Twenty years. So you have
2 20 years, 10 years at 30 years; and 30 years is 60
3 years; and 30 years is 90 years; plus 30 years to
4 life on all of your various charges. That's what
5 you face if you receive the maximum sentence on all
6 of these offenses; is that understanding?

7 A. How much time am I facing on these
8 offenses?

9 THE COURT: On these, kidnapping is 30
10 years, CSC first offense 30 years, that's 60.
11 Assault first degree is 10 years, that's 70 and
12 carjacking is 20 years, that equals 90 years.

13 A. Yes, sir, I understand.

14 THE COURT: You understand that?

15 A. Yes, sir.

16 THE COURT: Not that you would receive
17 the maximum sentence on all of this just the
18 maximum potential sentence?

19 A. I understand.

20 MS. HUNTER: And, Your Honor, we also
21 clarified that that carries mandatory sex offender
22 registry on CSC first and possibly on kidnapping.

23 THE COURT: And what he would plead
24 guilty to also carries a mandatory sex offender
25 registry?

MICHAEL CORBITT - EXAMINATION BY THE COURT

1 MS. HUNTER: No, Your Honor, we've
2 taken CSC off the table.

3 MR. STEVENS: Yes, Your Honor. As part
4 of the plea offer, my understanding is that the
5 criminal domestic conduct charge would be dismissed
6 by the government. And --

7 THE COURT: All right. And what's the
8 name of the public defender in Richland who love to
9 refer to the government?

10 MS. HUNTER: Stephen Christian?

11 THE COURT: I know he used to be a
12 police officer. Teaches at the Criminal Justice
13 Academy and all that.

14 MS. HUNTER: I'm not sure, Your Honor,
15 I can't remember.

16 THE COURT: Oh, boy. A short memory.

17 MS. HUNTER: Well, there are so many.

18 THE COURT: This is one who love to say
19 the government.

20 MS. HUNTER: Is it a male?

21 THE COURT: He's from Georgia, I
22 believe. He's a male, yes.

23 MS. HUNTER: And he's in private
24 practice now? Or still at the PD's office? Oh,
25 John Tate?

MICHAEL CORBITT - EXAMINATION BY THE COURT

1 THE COURT: Mr. Tate, yeah. He loved
2 to say government -- the government. Everything
3 was government. Now you switch to the state. You
4 distinguish the state from the government?

5 MS. HUNTER: I do, Your Honor.

6 MR. STEVENS: The state's a government,
7 Judge, just like all the other governments.

8 MS. HUNTER: If he referred to us as
9 the solicitor's office that would be preferable.

10 THE COURT: It's up to him.

11 MS. HUNTER: I know. I'm just here for
12 the name calling.

13 THE COURT: All right. So the
14 government has offered -- what is the government's
15 offer?

16 MS. HUNTER: The solicitor's office has
17 offered Mr. Corbitt to plead to voluntary
18 manslaughter that has to do with the other case
19 that he's represented by Joshua Koger.

20 THE COURT: Have you talked with
21 Mr. Koger about that?

22 A. Yes, sir.

23 THE COURT: Okay.

24 MS. HUNTER: Kidnapping, assault and
25 battery first degree, and carjacking and that was

MICHAEL CORBITT - EXAMINATION BY THE COURT

1 for a range of 20 to 30 years and no sex offender
2 registry, Your Honor.

3 THE COURT: And do you understand --

4 MS. HUNTER: Yeah, I mean, a range of
5 20 to 30.

6 THE COURT: And do you understand that
7 as being the plea offer that the State made?

8 A. Yes, sir.

9 THE COURT: And have you talked with
10 your lawyers about that?

11 A. Yes, sir.

12 THE COURT: And have you made up your
13 mind as to whether you want to plead guilty or have
14 a trial?

15 A. I want to have a trial.

16 THE COURT: All right. Very good.

17 MR. STEVENS: Thank you, Judge. Just
18 for one bit of clarification. My understand is
19 that he's also aware that more than one of the
20 charges here today are both violent and most
21 serious strikes under the three strikes law and two
22 strikes law. And that the charge of murder is also
23 a strike under the two strikes law and three
24 strikes law and that murder carries day for day not
25 just 85 percent.

MICHAEL CORBITT - EXAMINATION BY THE COURT

1 THE COURT: And you understand that?

2 A. Yes, sir.

3 THE COURT: All right.

4 MR. STEVENS: Thank you, Judge.

5 THE COURT: Very good.

6 MS. HUNTER: I guess and I know that
7 Mr. Turnblad has explained this to him the last
8 thing. Is that he could face life without the
9 possibility of parole if he was to lose this case
10 and go forward on the murder. That was the only
11 other thing, make sure he understands.

12 THE COURT: And you do understand that?

13 A. Yes, sir.

14 THE COURT: And do you have any charges
15 pending in any other county?

16 A. Just Orangeburg.

17 THE COURT: Okay. All right.

18 MR. STEVENS: Thank you, Judge. I'm
19 going to turn it over to Mr. Turnblad for the last
20 motion, Judge.

21 THE COURT: Okay.

22 MR. TURNBLAD: One final motion, Your
23 Honor. And we emailed this to you on Friday, it's
24 the Defense's motion to preclude in court
25 identification of the Defendant. Were y'all able

1 to review that?

2 THE COURT: By who?

3 MR. TURNBLAD: Mr. Hunter Johns and
4 Eric Walker. They are two independent witnesses.
5 They are not alleged victims in this case. They
6 allegedly drove up at the time near the tail end of
7 all this happening and witnessed some of the tail
8 end and then whoever was the perpetrator driving
9 off, Your Honor, they never made any previous
10 identifications. There wasn't ever a six pack
11 photo lineup. There wasn't a showup. There wasn't
12 a single photo. There wasn't any kind of lineup
13 done previously.

14 THE COURT: Are they here today?

15 MS. HUNTER: Yes, Your Honor, they both
16 are.

17 THE COURT: Are they -- do you
18 anticipate calling them as witnesses today?

19 MS. HUNTER: Yes, Your Honor. I would
20 like to do the first three witnesses. And they all
21 came from out-of-town, so.

22 THE COURT: Okay. Well, are we ready
23 to have a hearing on that?

24 MS. HUNTER: An in camera hearing?

25 THE COURT: Outside the presence of the

1 jury?

2 MS. HUNTER: Yes, Your Honor, we are
3 prepared to go forward. We -- the State's
4 position, Your Honor, is that because they were not
5 shown a photo lineup, there was no showup, that
6 what they're challenging would be more kin to a
7 *Neil v. Biggers* where there's unduly suggestive
8 police presence photo lineup shown and that that
9 does not apply to a witness who will make a first
10 time in court identification.

11 And, Your Honor, our position on that
12 is based on *State v. Lewis* which is a Supreme Court
13 of South Carolina case from 2005 and I have a copy
14 for the Court and a copy for Mr. Turnblad.

15 THE COURT: Okay.

16 MR. TURNBLAD: And, Your Honor, I have
17 the Defense's motion already marked as a court
18 exhibit, I'd like to make that a part of the court
19 record and I'll give that to Your Honor.

20 THE COURT: Okay.

21 MR. TURNBLAD: Do you have a copy of
22 ours?

23 MS. HUNTER: If you have it, I didn't
24 print it. I have read Mr. Turnblad's motion on the
25 this and all the cases they refer to, Your Honor,

1 all have to do with -- all have to do with out of
2 court photo lineups or showups which is not
3 applicable in this case.

4 THE COURT: Okay. So Mr. Lewis's case,
5 he and a codefendant were convicted of CSC first,
6 kidnapping, grand larceny, and armed robbery.
7 Sentence of 30 years. Court of Appeals affirmed in
8 part, reversed in part. Supreme Court now
9 affirming part and reversing part. The Court of
10 Appeals erred in affirming the trial court's
11 failure to suppress an in court identification is
12 one -- number one.

13 Two, did the Court of Appeals err by
14 holding the trial -- by holding the trial court
15 improperly disallow them to strike a juror, so.

16 As to the claim that the Court of
17 Appeals erred in affirming the trial court's
18 decision not to suppress an in court identification
19 or to require an in camera hearing prior to the in
20 court identification. And they're -- talked about
21 the facts that these folks from Virginia were
22 driving on Interstate 95 going to their home in
23 Florida and they stopped at a motel in Saint
24 George. And left to get some food and when they
25 got back, three black males were in the breezeway

1 of the motel. They thought they were guests. He
2 had a direct view of the men because of the
3 fluorescent lightning in the breezeway.

4 After taking the food to their hotel
5 room, they went to get drinks from the vending
6 machine. And as soon as he put the money in the
7 machine, the three men walked to him and placed a
8 gun to his head. Forced him into the motel room.
9 And before entering the room, the men turn him
10 around and Armstrong saw Washington holding the gun
11 to his head.

12 When he got in the room, the lights
13 were on. And Doe was just getting out of the
14 shower and only had a towel on and Lewis asked them
15 where the money and jewelry were. And while he was
16 digging in his duffel bag, Washington instructed
17 Lewis to turn off the lights. Before the lights
18 were turned off, Armstrong was able to see them for
19 a few minutes.

20 After they didn't find anything,
21 Washington pointed the gun at Armstrong's daughter
22 who was still asleep and said, you try anything,
23 she's gone. The men became angry when they
24 discovered the couple had only \$14.

25 At that point, Armstrong was taken into

1 the bathroom, placed on his knees, bending over
2 into the bathtub with the gun pointed at his head.
3 At first Lewis held Armstrong in the bathroom at
4 gunpoint. And then the third man, Shermane Elmore
5 switched to Lewis and they took turns forcing her,
6 and Doe testified that the two men took turns
7 forcing her to perform oral sex on them.

8 Washington then took Doe to the
9 bathroom, bent her over the toilet and raped her
10 while forcing Armstrong to watch. Then they got
11 the car keys and left saying, "Happy Father's Day."
12 And Doe was not able to give a description;
13 however, Armstrong told the police the men were
14 black males and gave a general description of the
15 height, facial hair and clothing.

16 A few days later, Shermane Elmore
17 informed the police he was the lookout during the
18 crimes. Elmore told the police that Washington and
19 Lewis were the ones who sexually assaulted Doe.
20 And he confirmed at trial that Elmore had no
21 involvement in the sexual assault.

22 At trial, Armstrong identified them as
23 the perpetrator stating he was 100 percent positive
24 of the identification. And that the crime they
25 committed stuck in his mind. Defense counsel

1 objected to the in court identification and
2 requested an in camera hearing to determine the
3 reliability of the identification. The judge
4 denied the request and ruled Armstrong could
5 identify the defendants even though Armstrong had
6 never previously identified them.

7 And the Court of Appeals held that
8 since they never previously identified them, no
9 hearing was necessary. Court further held that
10 reliability of the identification and questioned
11 and counsels was a question for the jury and that
12 counsel extensively cross examined Armstrong
13 regarding identification.

14 In his dissent, Judge Anderson concurred
15 in the result, but found that the trial circuit
16 court should have held an in camera hearing to
17 determine the reliability of the in court
18 identification. And the appeals court decision
19 represents the majority of you that *Neil* -- the
20 *Neil v. Biggers* analysis should not be extended to
21 protect criminal defendants against identification
22 that occur for the first time in court without a
23 pretrial identification.

24 And they talk about the *Neil v. Biggers*
25 factors and we conclude as a majority of courts

1 have that *Neil v. Biggers* does not apply to in
2 court identifications. And that the remedy for any
3 alleged suggestiveness of an in court
4 identification is cross examination. The US
5 Supreme Court has not extended its exclusionary
6 rule to in court identification procedures that are
7 suggestive because of the trial setting.

8 And they talk about a lot of other
9 cases. Is that the end of that or is there
10 something else somewhere else?

11 MS. HUNTER: Am I missing a page, Your
12 Honor.

13 THE COURT: I mean, where the ruling.
14 Page 3, is there a page 4?

15 MS. HUNTER: Yes, sir, there's a page 4
16 and 5.

17 THE COURT: You skipped that. You
18 didn't give me page 4.

19 MS. HUNTER: Page 4 did not print?

20 THE COURT: Let me borrow someone's
21 page 4.

22 MS. HUNTER: That's page 4.

23 THE COURT: All right. Let's see.
24 Accordingly -- well, it says, where witness first
25 identifies defendant at trial, the defense counsel

1 may test perceptions, memory, bias and all.
2 Accordingly, we conclude *Neil v. Biggers* does not
3 apply to a first time in court identification
4 because the judge is present and can adequately
5 address relevant problems. The jury is physically
6 present to witness -- to witness the identification
7 rather than merely hearing testimony about it.

8 And cross examination offers the
9 defendant an adequate safeguard or remedy against
10 suggestive examinations. Therefore, the Court of
11 Appeals properly concluded the trial court did not
12 err in denying Lewis's request for an in camera
13 hearing prior to the in court identification by
14 Armstrong. In any event, Armstrong's in court
15 identification of a strong detailed and clear and
16 would have survived an in camera hearing.

17 So do you have something else that kind
18 of disputes this?

19 MR. TURNBLAD: Well, Your Honor, if you
20 -- the whole facts of this case in the
21 identification or in the statements given by Hunter
22 Johns and Eric Walker, they say that the alleged
23 victim is Nickens told them that this is -- it was
24 Michael Corbitt. So they've already been tainted
25 because they were told ahead of time the name of

1 who the person is.

2 THE COURT: Told them while it was
3 happening?

4 MR. TURNBLAD: Immediately after it
5 happened. And our other issue, Your Honor, is that
6 he's -- I mean, with the exception of Your Honor
7 and but sitting up here in this area, he's the only
8 black male sitting here. I mean, I think it's
9 unduly suggestive, of course, they're going to --

10 THE COURT: Well, they're indicating
11 this case that the trial setting is not -- that it
12 does not give a basis to contest or claim a
13 suggestive if a person is identified in the trial
14 setting. I mean, what are these people going to
15 say that they could positively identify him? They
16 didn't take a look at him? They don't know? That
17 may be him?

18 MS. HUNTER: One of the witnesses, Your
19 Honor, will be able to testify that he approached
20 the vehicle and -- I mean, was within arms distance
21 of the Defendant and will be able to give somewhat
22 of a description of him. And I think that's all --

23 THE COURT: He can give a description,
24 can he say that this was the guy or no?

25 MS. HUNTER: And, Your Honor, he will

1 be able to testify that this was the person they
2 believe. But I believe that's all up for cross
3 examination for Mr. Turnblad --

4 THE COURT: I mean, that's one of them.

5 MS. HUNTER: -- in front of the jury.

6 THE COURT: That's what one of them
7 will say.

8 MS. HUNTER: Yes, Your Honor. The
9 other one will say that he -- unless he comes in
10 and says that he recognizes the Defendant, his
11 testimony would be that he was calling 9-1-1 when
12 the Defendant threw her out of the car, so he
13 wasn't the one that was at the door approaching.

14 THE COURT: Proceed to the testimony
15 before she asked the question, is this the guy,
16 then we can deal with it at that time if the
17 testimony moves in that direction. But just to
18 prescreen his testimony without knowing what he's
19 going to say, I mean, this is not -- we know if the
20 police does something, we can scrutinize it. But
21 lay witnesses I think a different rule applies.

22 MS. HUNTER: We will be asking
23 Mr. Johns to identify him in the courtroom. I will
24 not be asking Eric Walters to identify him.

25 THE COURT: Well, let's get the trial

1 started and then worry about that down the line,
2 you know, as we move toward that and see if it's
3 something that's going to be objectionable, you
4 have to object at that time.

5 MR. TURNBLAD: Okay. Can we note our
6 objection for the record now as well, Your Honor?

7 THE COURT: Your objection to what?

8 MR. TURNBLAD: All right. Thank you,
9 Your Honor.

10 THE COURT: Your objection to what?

11 MR. TURNBLAD: Our objection to not
12 having a pretrial in camera hearing.

13 THE COURT: Okay.

14 MR. TURNBLAD: And allowing the in
15 court identification.

16 THE COURT: The what?

17 MR. TURNBLAD: The in court
18 identification --

19 THE COURT: No, I'm not allowing
20 anything. That's the lawyering part. You have to
21 object if someone is doing something offensive.
22 But I'm not into having a trial outside of the
23 presence of the jury, a trial inside of the
24 presence of the jury, let's go with the trial and
25 we reach a point where -- we haven't done opening

1 statements yet, I don't know what the folks are
2 going to say. If she asks to identify him and you
3 object and if it appears to me I should then deal
4 with it outside the presence of the jury, I can do
5 it at that time.

6 MR. TURNBLAD: Very well. Thank you,
7 Your Honor.

8 MS. HUNTER: Yes, sir.

9 THE COURT: All right. What else?

10 MS. HUNTER: The State does not have
11 any pretrial motions if the Defense is finished.

12 MR. TURNBLAD: That's the conclusion of
13 our --

14 THE COURT: Well, let's bring the jury.
15 We'll take a two minute break and then bring the
16 jury in. A two minute break. Line them up and
17 have them ready in two minutes.

18 (WHEREUPON, there was a short break)

19 (WHEREUPON, the jury entered the
20 courtroom at 3:29 p.m.)

21 THE COURT: Welcome back, ladies and
22 gentlemen. If you all will stand to be sworn.

23 (WHEREUPON, the jury was sworn in)

24 THE COURT: All right. Ladies and
25 gentlemen, you have been selected and sworn to be

1 the jury in the trial of this case. Since you
2 received that juror summons some weeks ago, you've
3 responded to the summons by appearing this morning.
4 You've gone through the juror qualifications
5 process. You've been selected to be the jury in
6 this case. And now you've been sworn to well and
7 dually try the case and render a true verdict
8 according to the evidence and according to the law
9 so help you god. And if you hold true to that
10 oath, you will have complied -- in the end you
11 would have complied with your oath as a juror and
12 no one will have any right to complain about the
13 verdict that you render.

14 During jury selection, we indicated to
15 you that the Defendant has been indicted on a
16 serious -- series of criminal offenses including
17 kidnapping, criminal sexual conduct first degree,
18 an offense commonly referred to as carjacking and
19 assault and battery first degree. He's pled not
20 guilty to these charges and he is presumed to be
21 not guilty and he cannot be found guilty unless the
22 jury determines that his guilt has been proven by
23 evidence satisfying you of that guilt beyond a
24 reasonable doubt.

25 So out of all the folks who received

1 those juror summons, out of all the people who
2 showed up at the auditorium this morning, only the
3 12 of you will who will deliberate can determine
4 whether the State has met its burden of proof and
5 whether the Defendant is guilty or not guilty of
6 the crime or crimes charged.

7 And only you can make that decision.
8 Because jurors are the deciders of the facts of the
9 case. It will be your duty as jurors to listen to
10 the testimony and to determine the true facts of
11 this case and to -- or to determine the facts of
12 this case and to apply the law as I will give it to
13 you now during the trial and in more complete
14 details at the end of the trial.

15 As I mentioned earlier, you are not to
16 discuss the case with each other or allow anyone to
17 discuss it with you or in your presence. Later in
18 the process I will appoint one of you to serve as
19 foreperson of the jury and that person will have
20 the responsibility of being the spokesperson for
21 the jury and preside over the jury deliberations
22 and complete the verdict form representing the
23 unanimous verdict of the jury.

24 In just a moment, the State will make
25 an opening statement in which the State will

OPENING STATEMENT BY MR. GIESE

1 indicate what they believe the evidence will show.
2 The Defense then will have that same opportunity
3 and we will then beginning listening to the
4 testimony of the witnesses.

5 I look forward to working with you all
6 in this case. Opening statements?

7 MR. GIESE: May it please the Court,
8 Your Honor --

9 THE COURT: Yes.

10 MR. GIESE: -- and counsel.

11 OPENING STATEMENT BY MR. GIESE:

12 MR. GIESE: On September 23, 2018,
13 Keandra Nickens was terrorized by a man she was
14 seeing. He beat on her. He raped her. And he
15 kidnapped her. And this only stopped when two
16 innocent bystanders, Hunter Johns and Eric Walker
17 intervened. And after they intervened, he threw
18 her out of the vehicle and stole her car as well.
19 And that man that committed those offenses is none
20 other than Michael Corbitt seated at the defense
21 table over there.

22 We were introduced earlier this
23 morning, my name is Phil Giese with Catherine
24 Hunter, we represent the State of South Carolina in
25 prosecuting Michael Corbitt. Mr. Corbitt's charged

OPENING STATEMENT BY MR. GIESE

1 with four different offenses, criminal sexual
2 conduct in the first degree, kidnapping, assault
3 and battery in the first degree, and carjacking.
4 And it's the State's duty to prove all those crimes
5 beyond a reasonable doubt.

6 Judge Newman is the judge of the law.
7 He's going to instruct you on the law at the end of
8 this trial, but I kind of want to go through and
9 give you a preview of that so you know what to be
10 listening for as we get going this week.

11 In South Carolina in order to be guilty
12 of criminal sexual conduct in the first degree, the
13 State must prove beyond a reasonable doubt that
14 Mr. Corbitt committed a sexual battery upon the
15 victim, that she was subjected to sexual battery
16 under aggravated force or was subjected to forcible
17 confinement, kidnapping, robbery, extortion,
18 burglary or anything similar to that.

19 He's also charged with assault and
20 battery in the first degree. In South Carolina to
21 be guilty of that, the State must prove beyond a
22 reasonable doubt that the Defendant did offer or
23 attempt to injure another person with the present
24 ability to do so and the act was accomplished by
25 means likely to produce death or great bodily

OPENING STATEMENT BY MR. GIESE

1 injury or occurred during the commission of a
2 robbery, burglary, kidnapping, or theft.

3 Mr. Corbitt's also charged with
4 kidnapping. In South Carolina to be found guilty
5 of that, the State must prove beyond a reasonable
6 doubt that the Defendant did either one of these
7 things, seize, confine, kidnap, inveigle, decoy,
8 lure or carry away or abduct the victim by any
9 means and without the authority of law. Again,
10 State must prove that beyond a reasonable doubt.

11 As to the carjacking. In ordinary to
12 be guilty of that in South Carolina, the State must
13 prove that the Defendant did willfully and
14 unlawfully take or attempt to take a motor vehicle
15 from the victim by using force, violence or
16 intimidation while the victim's either in the car
17 or driving the car.

18 So as I mentioned, Judge Newman is the
19 judge of the law. He's going to instruct you on
20 that law at the end of this trial. But those are
21 the kind of things I want you to think about as you
22 hear the testimony this week.

23 As I said, it's the State's burden to
24 prove that Mr. Corbitt committed these offenses
25 beyond a reasonable doubt. That's a heavy burden,

OPENING STATEMENT BY MR. GIESE

1 but it's a burden the State gladly accepts in this
2 case.

3 You're going to hear a lot about
4 reasonable doubt this week or over the next couple
5 of days. I can tell you reasonable doubt is
6 defined as any doubt that would cause a reasonable
7 person to hesitate to act. It's not any doubt and
8 it's not all doubt, it's reasonable doubt.

9 Now at the end of this trial, Judge
10 Newman is going to instruct you that if you are
11 firmly convinced of Mr. Corbitt's guilt, it becomes
12 your duty as the jury to find him guilty.

13 So that's the preview of the law I
14 wanted to cover. So now I'll go into a little bit
15 of the facts that you're going to hear about this
16 week. As I mentioned, on September 23rd of 2018,
17 Keandra Nickens, she was in a vehicle with the
18 Defendant, Michael Corbitt, whom they were having a
19 relationship at that time.

20 While in the vehicle, Mr. Corbitt is
21 driving, Ms. Nickens is the passenger. While
22 they're coming back from Orangeburg through
23 Springfield which is a remote area of Orangeburg
24 County. On their way back, an argument starts over
25 Ms. Nickens' infidelity. At which point,

OPENING STATEMENT BY MR. GIESE

1 Mr. Corbitt turns it physical. He starts to
2 assault her. When they're in Springfield, they go
3 -- they first stop at his house or his mother's
4 house and then he ends up driving a short ways.
5 Starts beating on her some more. Pulls her out of
6 the vehicle and rapes her.

7 He sticks his finger in her vagina
8 without her consent and he sticks his penis in her
9 vagina without her consent. He's calling her a
10 whore. He's calling her a slut. He's threatening
11 her life. She's begging him to stop. He makes a
12 remark that he wants all the money back that he
13 spent on her. To which point, Ms. Nickens
14 convinces him to go with her to the Horizon gas
15 station in Springfield, not far from the incident
16 location, so she can find an ATM and get some money
17 out for him.

18 They get to the gas station. They both
19 get out of the vehicle. At that point, Ms. Nickens
20 sees an opportunity to escape. She hops back --
21 it's her vehicle, it's a push button start and the
22 key was left inside and she attempts to drive off.
23 At that point, Mr. Corbitt jumps on the hood of the
24 vehicle and eventually Ms. Nickens brings that
25 vehicle to a stop for his safety. And he climbs in

OPENING STATEMENT BY MR. GIESE

1 through the window and starts beating her some
2 more.

3 Again, she's screaming. She's in
4 distress. The two innocent bystanders, the good
5 samaritans in this case, Hunter Johns and Eric
6 Walker who you're going to hear from, they arrive,
7 they see a woman in distress in her vehicle and
8 it's a remote area of Orangeburg, they stop to help
9 her out.

10 Mr. Johns immediately runs to the
11 driver's side where Mr. Corbitt is on top of the
12 victim and attempts to break it up at which point
13 Ms. Nickens is essentially dumped out of the car
14 and Mr. Corbitt drives away in her vehicle.

15 So those are the -- that's just a brief
16 rundown of the facts you're going to hear about
17 this week. My words are not evidence. Ms.
18 Hunter's words are not evidence. Mr. Turnblad and
19 Mr. Stevens, their words are not evidence. The
20 only evidence for you to consider is the testimony
21 from the witness stand and the exhibits that are
22 entered in.

23 I'll tell the jurors all the time,
24 there's no class on how to be a good juror.
25 However, I can submit to you that you've been

OPENING STATEMENT BY MR. TURNBLAD

1 trained to be a juror every day of your life. How
2 you interact with people whether it's at school or
3 work or at home with your family, your friends. I
4 just ask that you keep your common sense. You
5 don't abandon that at the door when you come
6 through the metal detector. Keep your common
7 sense. Keep an open mind. Listen to the
8 testimony. And at the end of all that, the State's
9 going to ask that you return verdicts of guilty on
10 all these crimes against Mr. Corbitt. Thank you.

11 THE COURT: All right. By the Defense.
12 Yes, sir.

13 MR. TURNBLAD: May it please the Court.
14 OPENING STATEMENT BY MR. TURNBLAD:

15 MR. TURNBLAD: Michael Corbitt sitting
16 over here, he's not guilty. He's not guilty of
17 assault and battery. He's not guilty of
18 kidnapping. He's not guilty of criminal sexual
19 conduct and he is not guilty of carjacking. How do
20 we know this? Because he was somewhere else that
21 day. He was at home with his cousin, his nephew,
22 and for a time with his mother. He wasn't with
23 Keandra Nickens that morning. He couldn't have
24 been because he was at his home.

25 So why are we here today? Because the

OPENING STATEMENT BY MR. TURNBLAD

1 State wants you to solve this case for them. But
2 that's not your job. Your job is to listen to the
3 evidence, render a verdict, and we submit the only
4 verdict in this case is not guilty.

5 Michael Corbitt sits before you an
6 innocent man. He's always been innocent and he
7 remains innocent of these crimes. He is presumed
8 innocent right now. He is presumed innocent
9 throughout this trial. And he is presumed innocent
10 even in the jury room back there while you're
11 debating his faith. He bears no burden of proving
12 he is innocent. This is not his job or our jobs.
13 It's their job. In fact, the only burden in this
14 case is on the State. And they must prove every
15 element of every crime beyond a reasonable doubt.

16 So what is reasonable doubt. Simply
17 put, it's any doubt that causes you to hesitate to
18 act. Discrepancies in the evidence in this case
19 that's going to be presented, that's reasonable
20 doubt. During the course of this case you will
21 learn some of these discrepancies. You'll hear
22 that Keandra Nickens told two, maybe even three
23 different versions of what happened. She told two
24 different versions to the sheriff's department and
25 she told another story to the nurse at the Aiken

OPENING STATEMENT BY MR. TURNBLAD

1 Hospital and these discrepancies create doubt. As
2 to which story is accurate or any of these stories
3 is actually true.

4 You're also going to hear there's DNA
5 collected in this case. And most importantly, most
6 importantly, you'll hear that Michael's DNA wasn't
7 found anywhere. It wasn't found under Ms.
8 Nickens's fingernails. It wasn't found in her
9 vagina. It wasn't found on a can that's supposed
10 at the incident location. And it wasn't found on
11 her leg. Once again, it wasn't found anywhere.

12 You'll also hear that Ms. Nickens
13 continued to hang out with Michael. She continued
14 to hang out with him regularly for the next three
15 to four months after this allegedly happened. She
16 came over to his house regularly. She spent the
17 night with them. She was even there at Michael's
18 house when the police came to arrest him. Who
19 would continue to hang out and spend time with
20 someone who's supposedly committed these atrocities
21 to her? I submit to you it just does not make
22 sense.

23 There's a lot in this case that doesn't
24 make sense. And you'll hear a lot of that as this
25 case progresses. All we ask of you is to pay

KEANDRA NICKENS - DIRECT EXAMINATION BY MS. HUNTER

1 attention, listen to the witnesses that'll be
2 sitting up there, and after you do you will realize
3 that Michael Corbitt is not guilty and we ask you
4 to find him not guilty.

5 My name is Jason Turnblad, it's nice to
6 meet you. Along with Breen Stevens here we have
7 the pleasure of representing Michael Corbitt. It's
8 our pleasure to do so. We thank you for your time
9 and we ask that you pay close attention to what is
10 heard and most importantly to what you don't hear.
11 Thank you.

12 THE COURT: You may call your first
13 witness.

14 MS. HUNTER: Thank you, Your Honor, may
15 it please the Court. State calls Keandra Nickens.

16 KEANDRA NICKENS,
17 being first duly sworn, was examined and testified
18 as follows:

19 THE CLERK: Please state your first and
20 last name for the record.

21 MS. NICKENS: Keandra Nickens.

22 THE COURT: And, ma'am, you may remove
23 your mask.

24 DIRECT EXAMINATION BY MS. HUNTER:

25 Q. Ms. Nickens, can you tell the jury

KEANDRA NICKENS - DIRECT EXAMINATION BY MS. HUNTER

1 where you live?

2 A. In Blackville.

3 Q. And how long have you lived there?

4 A. Over ten years.

5 Q. Ms. Nickens, can you keep your voice
6 up, the volume up so all these jurors and the Judge
7 and the Defense can hear you, please?

8 A. Yes, ma'am. Over ten years.

9 THE COURT: Turn that -- the mic should
10 be turned toward her mouth or --

11 A. Over ten years. I'm sorry.

12 Q. All right. And, Ms. Nickens, do you
13 work?

14 A. Yes, ma'am, I do.

15 Q. What kind of work do you do?

16 A. I work at the Allendale/Barnwell
17 Disability Board. I'm a caregiver.

18 Q. Okay. And who are you a caregiver for?

19 A. It's eight guys there that stay at a
20 home and it's a 24 hour facility, so we take care
21 of them.

22 Q. Kind of like a group home?

23 A. Yes, ma'am.

24 Q. And, Ms. Nickens, I'm going to talk to
25 you about an incident that occurred on September

KEANDRA NICKENS - DIRECT EXAMINATION BY MS. HUNTER

1 23, 2018. Do you remember that day?

2 A. Yes, ma'am, I do.

3 Q. Can you -- I want you to tell the jury
4 about that day and walk them through it starting
5 with waking up in the morning and what you did.

6 A. That morning I woke up, brushed my
7 teeth. I met with this guy, his name was Johnny
8 Brown. I had consensual sex with him.

9 Q. And who is Johnny Brown --

10 MR. TURNBLAD: Objection, Your Honor.
11 I'm sorry. She was just doing a narrative and
12 wasn't responding to questions. That was my
13 objection.

14 THE COURT: Objection overruled.

15 MS. HUNTER: Thank you, Your Honor.

16 Q. I'm sorry. Can you tell the state --
17 you stated that that morning you met with Johnny
18 brown. Can you tell the jury who Johnny Brown is?

19 A. A guy that I was dating for a couple of
20 years. Also, we had consensual sex that day.

21 Q. You had consensual sex that morning --

22 A. Yes, ma'am.

23 Q. -- is that what you're saying? Okay.
24 And when you say you had consensual sex with him,
25 Ms. Nickens, did Mr. Brown use a condom?

KEANDRA NICKENS - DIRECT EXAMINATION BY MS. HUNTER

1 A. No, ma'am.

2 Q. Did Mr. Brown ejaculate inside of you?

3 A. Yes, ma'am.

4 Q. Okay. After you had consensual sex
5 with Mr. Brown -- Johnny Brown, what did you do?

6 A. I received a phone call. Mr. Corbitt
7 told me, you know, let's go eat breakfast. I told
8 him okay. Give me a second and let me get dressed
9 and I was coming.

10 Q. Okay. And how do you know Michael
11 Corbitt?

12 A. I was also dating him too.

13 Q. You were dating Mr. Corbitt as well?

14 A. Yes, ma'am.

15 Q. All right. How long did you meet
16 Mr. Corbitt?

17 A. At a get-together like a function, you
18 know, a group of people and it was like a house
19 party or something and we met there and we started
20 taking ever since.

21 Q. And whose house was that?

22 A. His name was Andre Gleaton.

23 Q. Who is Andre Gleaton?

24 A. His cousin.

25 Q. And when you say, "his cousin," you

KEANDRA NICKENS - DIRECT EXAMINATION BY MS. HUNTER

1 mean Mr. Corbitt's cousin?

2 A. Yes, ma'am.

3 Q. Okay. And so you said that Mr. Corbitt
4 called you. Did you go and meet up with him?

5 A. Yes, ma'am, I did. I picked him up.

6 Q. You picked him up. Where did you pick
7 him up from?

8 A. From his mom's house.

9 Q. Okay. And do you know where his mom
10 lives?

11 A. Yes, ma'am.

12 Q. Where -- can you tell the jury where
13 she lives?

14 A. In Springfield.

15 Q. In Springfield. And what were you and
16 Michael Corbitt going to do that day?

17 A. We were going to get some breakfast or
18 get something to eat.

19 Q. Go get something to eat. And where did
20 you guys go and get food?

21 A. We went to Orangeburg, we went to
22 Sonic.

23 Q. Okay. And whose car were you in?

24 A. In mine.

25 Q. What kind of car did you have?

KEANDRA NICKENS - DIRECT EXAMINATION BY MS. HUNTER

1 A. A black Altima.

2 Q. And who was driving that car?

3 A. He was driving it. And I was in the
4 passenger side.

5 Q. Okay. Was anybody else in the car with
6 you?

7 A. No, ma'am.

8 Q. Okay. Can you tell me what happened in
9 the car with Mr. Corbitt?

10 A. Yes, ma'am. We were on the way to
11 Orangeburg we were getting something eat. We made
12 it there to Sonic. We were in the drive-through.
13 He made a smart comment about, I guess this guy he
14 thought I was talking to or whatever, and he knew
15 him and he was like, well, if you're going to talk
16 to him you might as well let us run a train on you.
17 And I blew it off and I had an attitude and we got
18 the food and we went through the drive-through and
19 we left.

20 Q. Okay. And what did you guys do when
21 you left the Sonic drive-through?

22 A. We were on the way back to Springfield
23 so I could take him back home.

24 Q. Okay. And who was driving still?

25 A. He was driving.

KEANDRA NICKENS - DIRECT EXAMINATION BY MS. HUNTER

1 Q. Okay. So there was an argument over
2 you possibly seeing other guys?

3 A. Yes, ma'am.

4 MR. TURNBLAD: Objection. Leading.

5 THE COURT: Can't lead the witness.

6 MS. HUNTER: Yes, Your Honor.

7 Q. Where did you go when you came back
8 from Orangeburg?

9 A. We went back to Springfield.

10 Q. And where specifically did you go?

11 A. We went by the store. And then we left
12 the store and we going to go back to his house.

13 Q. Okay. And did you go to his house?

14 A. Yes, ma'am, we did eventually make it
15 there before the altercation.

16 Q. Did you -- on -- did anything happen on
17 the way back to his house?

18 A. Yes, ma'am. We -- I was in the car, I
19 was leaning I was kind of tired, I was sleeping and
20 he just ran -- he just hit me out of the blue. I
21 was like sleeping. I had my eyes closed and he
22 just hit me.

23 Q. And where did he hit you?

24 A. In my eye.

25 Q. In your eye? Is that what you said?

KEANDRA NICKENS - DIRECT EXAMINATION BY MS. HUNTER

1 A. In my face. Yes, ma'am.

2 Q. In your face and your eye. Okay. And
3 did he stop hitting you? Did --

4 A. No.

5 Q. I'm sorry keep going.

6 A. When he hit me, I kind of leaned over,
7 I was holding my face and I was crying and he was
8 like, shut up, it didn't hurt. And he grabbed me
9 by my hair and he was holding my hair the whole
10 time until we made it to his mother's house.

11 Q. And when you got to his mother's house,
12 what did you do?

13 A. We didn't stay there long. We never
14 got out the car. He just held my head down. He
15 was pulling my hair, he held my head down all the
16 way until we left out of his mother's yard.

17 Q. So you never got out of the car at his
18 mother's house?

19 A. No, ma'am.

20 Q. Okay. So he's still holding your hair
21 down and what did y'all do?

22 A. He turned around and we left. And he
23 took me down this road a little further down the
24 road from his house.

25 Q. Okay. I'm going to stop you for a

KEANDRA NICKENS - DIRECT EXAMINATION BY MS. HUNTER

1 second, Ms. Nickens, and I'm going to show you some
2 photos.

3 MS. HUNTER: Your Honor, I'm showing
4 Ms. Nickens what's been marked as State's Exhibit
5 11, 12, and 13. I've shown them to the Defense.

6 Q. Ms. Nickens, will you look at those and
7 tell me if you recognize them?

8 A. Yes, ma'am, I do.

9 Q. Ms. Nickens, you said that he took you
10 down a road, can you tell the jury what these
11 pictures are?

12 A. Those pictures are the pictures of the
13 road that he actually did take me down.

14 Q. And what is this near?

15 A. It's down the road from his house.

16 Q. When you say, "his house," you mean his
17 mother's house?

18 A. Yes, ma'am, his mother's house.

19 Q. Okay.

20 MS. HUNTER: Your Honor, we'd like to
21 admit 11 through 13 into evidence.

22 MR. TURNBLAD: No objection, Your
23 Honor.

24 THE COURT: They're admitted.

25 (WHEREUPON, State's Exhibit Numbers 11

KEANDRA NICKENS - DIRECT EXAMINATION BY MS. HUNTER

1 through 13 were entered)

2 MS. HUNTER: We're showing the jury
3 State's Exhibit 11.

4 Q. Ms. Nickens, can you tell the jury what
5 this is?

6 A. It's the road that he took me on.

7 Q. Okay. And when you got to that road,
8 what happened?

9 A. Well, he got me on the road. We went
10 for further down. He turned the car around and
11 then he put it in park and he got out of the
12 driver's seat and then he came to the passenger
13 side and he was trying to pull me out. I was
14 holding on to the steering wheel. Then he pulled
15 my hair and he eventually, you know, I eventually
16 let go of the steering wheel. And then he pulled
17 me out of the car. He started punching me and
18 choking me and hitting me and just screaming and
19 yelling at me and just telling me how he was going
20 to kill me.

21 Q. So after he got you out of the car and
22 on the ground, he was hitting you, choking you, and
23 telling you he would kill you, did he further
24 assault you in anyway? Do anything else?

25 A. Yes, ma'am. Then he proceeded to pull

KEANDRA NICKENS - DIRECT EXAMINATION BY MS. HUNTER

1 my pants down and he put his fingers inside of me
2 and then he put his penis inside of me. And I
3 remember saying, oh, god. And he was like, god
4 can't help you now.

5 Q. It's okay, you can take a break.

6 A. And I just thought of something quick.
7 I was like --

8 Q. Had he said anything else to you -- I'm
9 going to stop you right there. And said, oh, god.
10 Was he saying anything else to you?

11 A. Yes, ma'am. He was saying that he was
12 going to kill me. He told me to give him back
13 everything I ever gave -- that he ever did for me.
14 If he got my hair done. If he got my nails done.
15 He put gas in my car. If he ever fed me. He told
16 me he wanted all of his money back. Anything he
17 ever done for me.

18 Q. Okay. And you said that Mr. Corbitt
19 crawled on top of you and put his penis inside of
20 you. Did Mr. Corbitt ejaculate inside of you?

21 A. No, ma'am.

22 Q. He didn't. Okay. And -- and did you
23 respond to Mr. Corbitt over saying that he owed you
24 all this money back to you?

25 A. Yes, ma'am. I told him if I was off

KEANDRA NICKENS - DIRECT EXAMINATION BY MS. HUNTER

1 the road, because I was like take me to the ATM
2 machine, I'll get you your money. I'll get you --
3 I can get the money out the ATM machine I can give
4 it back to you.

5 Q. Okay. And what happened from there?

6 A. Then I was just laying on the ground
7 and I was crying and he was like, bitch, get up.
8 And I was just crying. I was laying on my back.
9 And I was still just laying there crying and he
10 grabbed me by my hair and he pulled me into the
11 car. And then he went to the driver's side and we
12 drove off and we went to the store.

13 Q. Okay. And what town was the store in?

14 A. It was still in Springfield.

15 Q. Okay. And what type of store was it?

16 A. It was a convenience store.

17 Q. Convenience store. Okay. And what
18 happened once you got back to the convenience
19 store?

20 A. I was like definitely getting the dirt
21 and stuff off of me. And I was trying to make
22 myself look presentable to walk into the store and
23 I convinced him to go in the store with me. And
24 when he got out of the passenger side -- I mean,
25 out of the driver's side, he walked around. And I

KEANDRA NICKENS - DIRECT EXAMINATION BY MS. HUNTER

1 | was out already, you know, getting out the car.

2 | And then as soon as he came around closer to me, I
3 | jumped back in the car and I locked the doors.

4 | Q. So you jump in and you locked the doors
5 | and where were the keys?

6 | A. They were in the car.

7 | Q. Okay. And what -- this was your car?

8 | A. Yes, ma'am.

9 | Q. And what type of car was it again?

10 | A. A black Altima. It was a push button.

11 | Q. Okay. It was a push button. And when
12 | you say it was a push button, are you talking about
13 | the remote start?

14 | A. Yes, ma'am. It just has like a little
15 | small key.

16 | Q. Okay. So you jumped back in the car
17 | and locked the doors. And did you stay in the
18 | passenger side, what did you do?

19 | A. No, ma'am. I jumped in the driver's
20 | seat. As soon as I jumped in, I locked the doors
21 | and then I hurried up and I crunk the car up and he
22 | jumped on top of the hood of the car. And I got
23 | scared and I just -- I drove off.

24 | Q. Okay. And so you drove off and was he
25 | still on the hood of the car at that time?

KEANDRA NICKENS - DIRECT EXAMINATION BY MS. HUNTER

1 A. Yes, ma'am.

2 Q. Okay. And tell us about driving off
3 with him on the hood.

4 A. He jumped on the hood of the car. I
5 made a right at the store. And it's like a back
6 road and it could bring you to the front road and
7 it will lead you to the bridges like you're leaving
8 out of Springfield.

9 Q. And when you leave out of Springfield
10 what town are you heading towards?

11 A. Blackville.

12 Q. Heading towards Blackville. All right.
13 If I told you that was Highway 3, would that be
14 correct?

15 A. Yes, ma'am.

16 Q. Okay. So you're driving with him on
17 the hood of the car and what happens?

18 A. I was going so fast, I was going maybe
19 55, 60 miles per hour, he was still holding on. I
20 was going over the bridge and I was going so fast
21 the car was jumping. And he was like lifting up
22 off of the car and I got scared. I didn't want to
23 run him over and hurt him, so I stopped the car.
24 And I told him to get off my car and I was
25 screaming and I cracked my window and I was yelling

KEANDRA NICKENS - DIRECT EXAMINATION BY MS. HUNTER

1 at him. And I, you know, was telling him to get
2 off my car, just get away from me. And he was
3 crying, whatever. He was, you know, believable and
4 then he just started reaching into my car in the
5 driver window. And I thought he was trying to hit
6 me, but the whole time, I think he was like letting
7 window -- he was letting my window down.

8 Q. And when you say he was trying to hit
9 you, what were you doing?

10 A. I was leaning over like this right -- I
11 was leaning over.

12 Q. Towards the window or away from the
13 window?

14 A. Away from the window.

15 Q. Okay. So he got his arm in the window
16 you're saying?

17 A. Yes, ma'am. And then he jumped through
18 the driver window and he just started punching me
19 in the face and fighting me again.

20 Q. Okay. And so when he was in the --
21 once he got back into the car, where was he seated
22 and where -- you were -- where were you and where
23 was he?

24 A. I was in the driver's seat, he was on
25 top of me facing towards me and he was fighting me.

KEANDRA NICKENS - DIRECT EXAMINATION BY MS. HUNTER

1 Q. He was fighting you. And tell the jury
2 sort of what you were trying to do at that point in
3 time since you were still in the driver's seat?

4 A. At that time, I was just -- I wanted
5 him to get away from him. I was trying to get
6 away, but he was just fighting me, so I started
7 initially fighting him back and defending myself.
8 The car was still in, you know, the car was still
9 on. I was still in drive and I wasn't in park.
10 And as he was still hitting me, the car was moving
11 and my foot hit the gas so when it hit the gas, it
12 accelerated and he flew into the wind -- I slammed
13 on brakes he flew into the windshield. And then he
14 came out of the windshield and he still was
15 fighting me. And he just started punching me in my
16 face and hitting me. Then he started biting me.
17 He kept trying to like sit on me and drive off in
18 the car.

19 And he started biting me on my hand and
20 he bit me on my legs. He was trying to get me to
21 like get off the brake and kept trying to put the
22 car in drive and I kept throwing it in park and I
23 kept switching legs so he would bite me on my legs
24 and on my hand.

25 Q. Okay. And while this assault was going

KEANDRA NICKENS - DIRECT EXAMINATION BY MS. HUNTER

1 on, was anybody else in the area?

2 A. No, ma'am, it was just us at first.

3 Q. Okay. And as the assault continued,
4 what did you continue doing?

5 A. I continued -- I was just like still
6 defending myself. And then just so happened I had
7 my hands and my legs out of the car and cars were
8 passing by and I started flagging anybody down. I
9 didn't care who it was. And I just was, you know,
10 flagging people down and eventually there was a car
11 that passed and they did stop. And another car,
12 they did stop.

13 And one guy got out of the car and he
14 was like, hey, what's going on or whatever. And I
15 was like, please, help me. He's trying to kill me
16 as he was still like, you know, hitting me and
17 still, you know, choking me and stuff. And he was
18 like, hey, what's going on and I was like, please,
19 help me, he's trying to kill me. And he told
20 Mr. Corbitt, he told them I was crazy. I was his
21 wife and I didn't take my medicine. And I begged
22 them, I was like, no, please don't leave me.
23 Please don't leave me, he's trying to kill me.

24 Q. And can you describe the two men who
25 stopped?

KEANDRA NICKENS - DIRECT EXAMINATION BY MS. HUNTER

1 A. It was two white guys. I don't know
2 them, but they stopped and they helped me. They
3 were in a white truck.

4 Q. And you didn't know them?

5 A. I didn't know them, no.

6 Q. Okay. And you said they approached,
7 did they -- did one of them approach the car, is
8 that what you're saying?

9 A. Yes, ma'am. One guy, he did approach
10 and asked what was going on. He was like arms
11 reach of me and he was like, hey, what's going on.

12 Q. Okay. And once he approached, what
13 happened next?

14 A. Mr. Corbitt, he grabbed me, he threw me
15 out of the car and then he just drove off and he
16 left me there.

17 Q. Okay. And so at this point in time
18 you're out of the car and Mr. Corbitt has driven
19 off in your vehicle?

20 A. Yes, ma'am.

21 Q. And were the two -- those two white
22 guys that stopped, were they still there?

23 A. Yes, ma'am.

24 Q. Okay. And what did they do?

25 A. They were calling the police and then

KEANDRA NICKENS - DIRECT EXAMINATION BY MS. HUNTER

1 they stayed with me until someone got there with
2 me.

3 Q. Okay. And when the police arrived, did
4 you tell them what happened?

5 A. Yes, ma'am.

6 Q. Did you tell them the entire story
7 about what happened?

8 A. No, ma'am, not at first.

9 Q. Okay. And did you tell them who it was
10 that assaulted you?

11 A. Yes, ma'am.

12 Q. And who did you say who assaulted --
13 who did you tell the police assaulted you?

14 A. Michael Corbitt.

15 Q. And did you tell the two guys that
16 stopped who assaulted you?

17 A. Yes, ma'am.

18 Q. And who did you tell them assaulted
19 you?

20 A. Michael Corbitt.

21 Q. Okay. And when the investigator
22 arrived, did he photograph your injuries?

23 A. Yes, ma'am, he did.

24 Q. Okay.

25 MS. HUNTER: Your Honor, I'd like to

KEANDRA NICKENS - DIRECT EXAMINATION BY MS. HUNTER

1 show Ms. Nickens what's been marked as State's
2 Exhibit 1 through -- 1 through 6, Your Honor.

3 THE COURT: Any objection?

4 MR. TURNBLAD: No objection, Your
5 Honor.

6 THE COURT: They're admitted.

7 (WHEREUPON, State's Exhibit Numbers 1
8 through 6 were entered)

9 Q. Ms. Nickens, do you recognize those
10 photos?

11 A. Yes, ma'am, I do.

12 Q. Let you look at all of them. All
13 right. Ms. Nickens, I'm going to get you to start
14 with the first.

15 MS. HUNTER: And, Your Honor, you
16 stated these have been admitted into evidence?

17 THE COURT: Yes.

18 MS. HUNTER: Thank you.

19 Q. All right. I'd like to show you what's
20 marked as State's Exhibit 1. Can you tell the jury
21 what that is?

22 A. That's my face.

23 Q. And when was that taken?

24 A. The day of the incident.

25 Q. Okay. And can you tell the jury the

KEANDRA NICKENS - DIRECT EXAMINATION BY MS. HUNTER

1 injuries that are noted in that?

2 A. A busted lip, a black eye, my hair was
3 pulled out, I had scratches and blood on my shirt.
4 My shirt was ripped.

5 Q. Okay. I'm going to show you what's
6 marked as State's Exhibit 2.

7 A. Bite marks.

8 Q. And what is that -- what is that
9 supposed to be a photo of?

10 A. A bite mark on my leg.

11 Q. Okay. And I might get you to point to
12 it on the screen because it's a little bit faded.

13 A. It's right there.

14 Q. Okay. Thank you, Ms. Nickens. And
15 where was that bite mark?

16 A. On my thigh.

17 Q. Thigh. And what's marked as State's
18 Exhibit Number 3.

19 A. A bite mark right there.

20 Q. Can you say that again a little bit
21 louder?

22 A. It's a bite mark on my hand right
23 there.

24 Q. And who bit you?

25 A. Michael Corbitt.

KEANDRA NICKENS - DIRECT EXAMINATION BY MS. HUNTER

1 Q. Okay. Show you State's Exhibit 4. Can
2 you tell the jury what this is a picture of?

3 A. My lip, busted lip.

4 Q. And what's on your shirt?

5 A. The blood.

6 Q. Okay. State's Exhibit 5?

7 A. Yes, ma'am. That's my black eye and
8 the scratches and the busted lip and my shirt torn.

9 Q. Okay. And State's Exhibit 6, Ms.
10 Nickens, can you tell the jury what that is?

11 A. That was my hair ripped out.

12 Q. Okay. Thank you, Ms. Nickens. All
13 right. Ms. Nickens, did you say that you told the
14 police what happened, but you didn't tell them the
15 entire story.

16 A. Yes, ma'am.

17 Q. Can you tell the jury why you didn't
18 tell Investigator Stuke -- Mr. John Stuke, that
19 man, the entire story that day -- the first day?

20 A. Yes, ma'am. I was embarrassed.

21 Q. Okay. And you said that Investigator
22 Stuke photographed your injuries. And then did you
23 go anywhere with Investigator Stuke that day?

24 A. Yes, ma'am.

25 Q. And where did you go?

KEANDRA NICKENS - DIRECT EXAMINATION BY MS. HUNTER

1 A. He took me back on the road previously.
2 And I had to show him where he took me, where he
3 assaulted me at.

4 Q. And did you tell -- take him part of
5 the route? The entire route?

6 A. I took him on the whole road and I
7 showed him everything, yes, ma'am.

8 Q. And you took him to -- did also take
9 him to the convenience store?

10 A. Yes, ma'am.

11 Q. I'm sorry. You can keep going.

12 A. We went to the back road down the road
13 from his house and I also took him to the
14 convenience store also.

15 Q. Okay. And when you got to the back
16 road and I'm going to show you again State's 11
17 through 13. Was there anything on the back road
18 that you recognized that you showed Investigator
19 Stuke?

20 A. Yes, ma'am.

21 Q. And what was it that you saw?

22 A. It was my energy drink.

23 Q. Okay.

24 MS. HUNTER: And can you scroll up to
25 the next photo?

KEANDRA NICKENS - DIRECT EXAMINATION BY MS. HUNTER

1 Q. And so that's the dirt road and --

2 A. Yes, ma'am. It's the dirt road.
3 That's where the energy drink that I was drinking,
4 the Monster drink.

5 Q. Monster Energy drink. And I think we
6 have a close-up of that State's Exhibit. Okay.
7 That was your drink?

8 A. Yes, ma'am, it was.

9 Q. And how do you know it was your drink?

10 A. I usually put a straw in it because I
11 don't like to drink around the rim because they're
12 not clean.

13 Q. Okay. Thank you. And that is -- that
14 was found where the sexual assault occurred?

15 A. Yes, ma'am.

16 Q. Thank you. After you took Investigator
17 Stuke around, did anybody come -- did any family
18 members or anyone come meet you?

19 A. Yes, my mom came.

20 Q. Your mom came. Okay. And who did you
21 leave with after you had told the police about the
22 physical assault?

23 A. I left with my mom.

24 Q. You left with your mom. And I guess --
25 well, let me back up. Did you write a statement

KEANDRA NICKENS - DIRECT EXAMINATION BY MS. HUNTER

1 for Investigator Stuke the day of the assault?

2 A. Yes, ma'am.

3 Q. But you didn't tell him the whole story
4 is that what you're saying?

5 A. No, ma'am, not at first.

6 Q. What part did you leave out?

7 A. I left out the sexual assault.

8 Q. And you said that -- you told the jury
9 that's because you were embarrassed?

10 A. Yes, ma'am.

11 Q. Okay. So you leave with your mom and
12 the next day -- or I guess, did you tell your mom
13 exactly what happened?

14 A. Yes, ma'am.

15 Q. And did you tell her the full story?

16 A. Yes, ma'am, I did tell her.

17 Q. Okay. And what did you go do the next
18 day?

19 A. I went to the hospital.

20 Q. You went to the hospital. And when you
21 got to the hospital, what did you go there for?

22 A. I had to tell them about the physical
23 abuse and then the sexual assault.

24 Q. The sexual assault. And once you were
25 at the hospital, who did you tell -- did you tell

KEANDRA NICKENS - DIRECT EXAMINATION BY MS. HUNTER

1 the nurse who assaulted you?

2 A. Yes, ma'am.

3 Q. And who did you tell her sexually and
4 physically assaulted you?

5 A. Michael Corbitt.

6 Q. Okay. And what did they do once you
7 told them you had been sexually assaulted?

8 A. They did a physical examination on me.

9 Q. A physical examination on you. And can
10 you talk about the physical exam that you undergo
11 when you go to the hospital for a rape exam?

12 A. Yes, ma'am. I had to go in there, get
13 undressed, put on a gown. She had to physically
14 touch me all over and basically they that had to
15 use swab kits and swab me in my vagina.

16 Q. Okay. And between the time you were
17 assaulted and going to the hospital the next day,
18 can you tell the jury about any hygiene that you
19 may have done? Did you shower? Did you go to the
20 bathroom? Did you brush your teeth? Tell the jury
21 about any of those things.

22 A. Yes, ma'am. After that, after the
23 assault, I went to my best friend's house and I
24 stayed at her house. And as soon as I got there,
25 you know, I told her what happened and she was, you

KEANDRA NICKENS - DIRECT EXAMINATION BY MS. HUNTER

1 know, helping me out. She was talking to me and I
2 took a shower there. I did. I washed there and I
3 stayed the night there and I took a shower. I peed
4 about maybe three or four times. Brushed my teeth
5 and that was pretty much it.

6 Q. Okay. And when you got to the
7 hospital, did you tell the sexual assault nurse all
8 those things?

9 A. Yes, ma'am.

10 Q. Okay. And were you wearing the same
11 clothes when you got to the hospital?

12 A. No, ma'am.

13 Q. So you had changed clothes. And did
14 you tell the sexual assault nurse who assaulted
15 you?

16 A. Yes, ma'am, I did tell her.

17 Q. And who did you tell her assaulted you?

18 A. I'll told her Michael Corbitt assaulted
19 me.

20 MR. TURNBLAD: Objection. Asked and
21 answered.

22 MS. HUNTER: I apologize.

23 Q. Did the sexual assault nurse ask you
24 questions about the -- did she ask you how he
25 assaulted you?

KEANDRA NICKENS - DIRECT EXAMINATION BY MS. HUNTER

1 A. Yes, ma'am, she did.

2 Q. And what did you tell her?

3 A. I had to tell her that he inserted his
4 fingers inside of me at first and then I had to
5 tell that he put his penis inside of me also.

6 Q. Okay. And did she ask you if Michael
7 Corbitt ejaculated inside of you?

8 A. Yes, ma'am, she did.

9 Q. And did he?

10 A. No, ma'am.

11 Q. Okay. Let me ask you this. Had you
12 ever had consensual sex with Michael Corbitt in the
13 past?

14 A. Yes, ma'am, I had.

15 Q. Do you know about how recent to this
16 assault you had consensual sex with him?

17 A. Like the day before.

18 Q. The day before you think. Okay. And
19 this assault that you reported on September 23rd,
20 was that consensual with Michael Corbitt?

21 A. No, ma'am.

22 Q. And I believe you stated earlier that
23 the morning of the assault you had consensual sex
24 with a man named Johnny Brown?

25 A. Yes, ma'am, I did.

KEANDRA NICKENS - DIRECT EXAMINATION BY MS. HUNTER

1 Q. Did you tell the police that you had
2 consensual sex with him?

3 A. Yes, ma'am.

4 Q. Okay. And can you describe Johnny
5 Brown to the jury? Give a physical description of
6 him.

7 A. Full beard, 6'2", about 190, 195, broad
8 shoulders, brown skin.

9 Q. Okay. And after you got the sexual
10 assault examination done at the hospital, did you
11 go back to the police?

12 A. Yes, ma'am, I had to tell them.

13 Q. And you had to tell them. And did you
14 give an audio/video recorded statement?

15 A. Yes, ma'am.

16 Q. And did you give them -- did you tell
17 Investigator Stuke the full story to include the
18 sexual assault?

19 A. Yes, ma'am.

20 Q. Did you also tell Investigator Stuke
21 that you had consensual sex with anybody else?

22 A. Yes, ma'am, I did.

23 Q. And who did you tell them that you had
24 sex with?

25 A. Consensual sex with Johnny Brown.

KEANDRA NICKENS - CROSS EXAMINATION BY MR. TURNBLAD

1 Q. With Johnny Brown. And when had you --
2 when did you tell him you had consensual sex with
3 him?

4 A. That day of or that morning.

5 Q. The morning of. Okay. Ms. Nickens,
6 can you identify the man who beat you and sexually
7 assaulted you and kidnapped you and took your car
8 -- stole your car on September 23, 2018?

9 A. Yes, ma'am. His name is Michael
10 Corbitt.

11 MS. HUNTER: Please let the record
12 reflect that she's identified the Defendant who is
13 sitting next to his attorney Breen Stevens in the
14 courtroom.

15 I don't have any further questions for
16 this witness, Your Honor.

17 Q. Please answer any questions the Defense
18 may have.

19 THE COURT: By the Defense?

20 CROSS EXAMINATION BY MR. TURNBLAD:

21 Q. Good afternoon. So this time when this
22 happened, you were dating two or three people, how
23 many people were you dating at this time?

24 A. Just two.

25 Q. Just two. And I know you told Stuke,

KEANDRA NICKENS - CROSS EXAMINATION BY MR. TURNBLAD

1 you weren't trying to be serious with Michael, were
2 you?

3 A. Yes, sir, I told him that.

4 Q. And you were trying to actually get
5 back together with Johnny Brown; right?

6 A. We were already talking.

7 Q. Okay. And do you think -- did Johnny
8 know about Michael?

9 MS. HUNTER: Objection. Relevancy.

10 THE COURT: What is the relevance?

11 MR. TURNBLAD: I'm just curious about
12 if they knew each other at all.

13 THE COURT: Other than being curious,
14 what's the relevance?

15 MR. TURNBLAD: I wanted to see if she
16 had any idea about the other guy's feelings in this
17 thing.

18 MS. HUNTER: Your Honor, she can't
19 testify to how the Defendant felt.

20 MR. TURNBLAD: I think it would go to
21 motivation to possibly blame Mr. Corbitt.

22 THE COURT: I sustain the objection.

23 Q. All right. So y'all were at the
24 Horizon gas station and that's when he got out of
25 the car supposedly?

KEANDRA NICKENS - CROSS EXAMINATION BY MR. TURNBLAD

1 A. Uh-huh.

2 Q. Okay.

3 MS. SPIRES: Is that a yes?

4 A. Yes.

5 Q. He gets out of the car, you're still
6 inside; is that correct?

7 A. Yes, ma'am -- I mean, yes, sir.

8 Q. Okay. And you lock him out of the car;
9 correct?

10 A. Yes, sir.

11 Q. And you were scared of him at this
12 time; correct?

13 A. Yes, sir.

14 Q. Okay. Did you have the windows rolled
15 up?

16 A. They were up.

17 Q. So is there anyway he could have gotten
18 to you at that time?

19 A. No.

20 Q. Okay. Did you think about sitting
21 there and calling 9-1-1, having the police come
22 there?

23 A. No. At the time I didn't have a phone.

24 Q. Okay. Did you maybe want to honk the
25 horn and get the attention of people inside the gas

KEANDRA NICKENS - CROSS EXAMINATION BY MR. TURNBLAD

1 station?

2 A. No, I just wanted to get away, I was
3 scared.

4 Q. Okay. And you drove through downtown
5 Springfield; right or that area?

6 A. Yes, sir.

7 Q. There's a Dollar General there; right?

8 A. Yes, sir.

9 Q. Okay. And --

10 A. I didn't go that way though.

11 Q. Okay. Which way did you go?

12 A. As soon as you get -- the parking lot
13 is right here, it's a back road right there, you
14 make a right and I made that right.

15 Q. But there's usually a lot of people at
16 that Dollar General typically, aren't there?

17 A. Well, where the store is and Dollar
18 General it's from here to over there -- like over
19 there.

20 Q. I know, I'm just asking there's usually
21 people at that store, aren't there?

22 A. Sometimes, yes, sir.

23 Q. Okay. So you could have driven there
24 to get help?

25 A. I could of. Possibly.

KEANDRA NICKENS - CROSS EXAMINATION BY MR. TURNBLAD

1 Q. Okay. Could you have driven to
2 Springfield Police Department?

3 A. I didn't know where the station was. I
4 really didn't even know they had one.

5 Q. Okay. But instead you drove to kind of
6 the middle of nowhere; right?

7 A. Uh-huh.

8 MS. SPIRES: Is that a yes?

9 A. Yes, sir.

10 Q. So instead of driving where there's
11 people that can help, you drove to the middle of
12 nowhere?

13 A. Yes, sir.

14 Q. Okay. And beside's the two guys that
15 came up later there's nobody out there to see
16 anything?

17 A. Yes, sir.

18 Q. Okay. After this is over -- I'm
19 assuming you were scared of Michael; right?

20 A. Yes, sir.

21 Q. Okay. But you kept going over to his
22 house, didn't you?

23 A. Yes, sir.

24 Q. You were even there the day he was
25 arrested, weren't you?

KEANDRA NICKENS - CROSS EXAMINATION BY MR. TURNBLAD

1 A. Yes, sir.

2 Q. And all those times you went over to
3 his house, did you ever call the police and tell
4 them he was home?

5 A. No, sir.

6 Q. So you never told them like this is
7 where he lives y'all can come arrest him?

8 A. No, sir.

9 Q. Okay. And did you speak up at his bond
10 hearing and say that you wanted to drop the
11 charges?

12 A. Yes, I did.

13 Q. Okay. And did you tell Michael's mom
14 you would straighten this out?

15 A. Yes, sir.

16 Q. And did you give his mom money to put
17 on his jail account?

18 A. Yes, sir.

19 Q. Okay. And did you even go over to the
20 jail and visit him sometime around Valentine's Day
21 in 2019?

22 A. Yes. Yes.

23 Q. Okay. So you went to visit him, you
24 went to hang out with him for about three months,
25 you kept spending time with him; right?

KEANDRA NICKENS - REDIRECT EXAMINATION BY MS. HUNTER

1 A. Yes, sir.

2 Q. Okay.

3 MR. TURNBLAD: No further questions,
4 Your Honor.

5 THE COURT: Redirect?

6 REDIRECT EXAMINATION BY MS. HUNTER:

7 Q. Ms. Nickens, can you kind of explain to
8 the jury the route you took when you left
9 Springfield and were heading back towards
10 Blackville?

11 A. Yes, ma'am. It was a back road like a
12 -- you make a right and you can make another left
13 and you go a little further up and you make another
14 right. And then you make another right and then it
15 takes you basically on like -- it's like a back and
16 forth -- it's like it takes you basically to the
17 main road all across the bridges.

18 Q. And going that way, did you pass any
19 stores?

20 A. No, ma'am, there's no stores back
21 there. It's just houses.

22 Q. Okay. Thank you. And I know that he
23 asked you did you drive to the middle of nowhere.
24 Would you describe pretty much everywhere in
25 Springfield to Blackville as the middle of nowhere?

KEANDRA NICKENS - REDIRECT EXAMINATION BY MS. HUNTER

1 A. Yes, ma'am.

2 Q. Okay. I know that Mr. Turnblad asked
3 you about your involvement with the Defendant after
4 the assault?

5 A. Yes, ma'am.

6 Q. Okay. Did you somewhat reconcile and
7 get back together with him a little bit?

8 A. Well, the smartest side of me, yes,
9 ma'am, I did.

10 Q. And do you know about how long?

11 A. A couple of months actually.

12 Q. Okay. And he also brought up the bond
13 court you wanted to drop the charges?

14 A. Yes, ma'am.

15 Q. Did you want -- did you tell the --
16 were you trying to drop charges because this didn't
17 happen?

18 A. No, ma'am, I didn't want to drop them
19 because it didn't happen.

20 Q. Why did you tell bond court that you
21 wanted to drop charges?

22 A. Because I was embarrassed and where I'm
23 from, like, you know, this whole courthouse
24 situation it just doesn't look good. I was
25 embarrassed. I didn't want everybody to see my

KEANDRA NICKENS - REDIRECT EXAMINATION BY MS. HUNTER

1 pictures and tell everybody that I was talking to
2 two guys at one time. I was just ashamed.

3 Q. Because Blackville and Springfield are
4 small towns?

5 A. Yes, ma'am.

6 Q. And so you were embarrassed. And
7 Mr. Turnblad also asked you about putting money on
8 -- giving money to him to put on his books. Did
9 anybody put any pressure on you to get you to do
10 that?

11 A. No, ma'am.

12 Q. Nobody put pressure on you. His mom
13 didn't ask you for the money for his books?

14 A. She said he really didn't have
15 anything, but she didn't really ask she just kind
16 of like threw it out there. And I kind of felt
17 bad, so I just give it to her.

18 Q. Okay. But the person who physically
19 assaulted you and sexually assaulted you, is he in
20 this courtroom today?

21 A. Yes, ma'am.

22 MR. TURNBLAD: Objection, Your Honor.
23 Asked and answered.

24 Q. And what is his name?

25 A. His name is Michael Corbitt.

HUNTER JOHNS - DIRECT EXAMINATION BY MS. HUNTER

1 MS. HUNTER: Thank you. I don't have
2 any further questions.

3 MR. TURNBLAD: Beyond the scope of
4 cross.

5 THE COURT: Pardon?

6 MR. TURNBLAD: I objected first to
7 asked and answered. And then my second objection
8 was beyond the scope of cross.

9 THE COURT: All right. I sustain that.
10 Do you have any additional questions?

11 MR. TURNBLAD: I move to strike that
12 last response.

13 THE COURT: I sustain the objection.
14 Any other questions?

15 MR. TURNBLAD: No, Your Honor.

16 THE COURT: Thank you, ma'am. You may
17 step down. Next witness?

18 MS. HUNTER: Yes, Your Honor. May I go
19 to the hall to call Hunter Johns?

20 THE COURT: Yes.

21 HUNTER JOHNS,
22 being first duly sworn, was examined and testified
23 as follows:

24 THE CLERK: Thank you. You may be
25 seated. Please state your first and last name for

HUNTER JOHNS - DIRECT EXAMINATION BY MS. HUNTER

1 the record.

2 MR. JOHNS: Hunter Johns.

3 DIRECT EXAMINATION BY MS. HUNTER:

4 Q. Mr. Johns, are you comfortable removing
5 your face mask?

6 A. I am.

7 Q. Thank you. Mr. Johns, will you tell
8 the jury where you live?

9 A. Lexington.

10 Q. What kind of work do you?

11 A. Construction.

12 Q. Mr. Johns, I want to talk to you about
13 an incident that occurred on September 23, 2018.
14 Do you remember what you were doing that day?

15 A. I do.

16 Q. Can you tell the jury what you were
17 doing?

18 A. I was on the way home from my buddy's
19 farm in Blackville, South Carolina on the way back
20 to Lexington.

21 Q. Okay. And do you know around what time
22 that was?

23 A. It was midday, after lunch. We got
24 done eating lunch, I believe. Sometime in the
25 middle of the day.

HUNTER JOHNS - DIRECT EXAMINATION BY MS. HUNTER

1 Q. And can you describe the whether that
2 day?

3 A. It was a clear, sunny day.

4 Q. A clear, sunny day. Okay. And who was
5 with you?

6 A. Eric Walker.

7 Q. And you said you guys were driving
8 back, who was driving?

9 A. I was driving my truck.

10 Q. Your truck. Did anything significant
11 happen on the way home?

12 A. Yes.

13 Q. Can you tell the jury about what
14 happened?

15 A. Yes. We were on, I believe, Highway 3
16 and I was going, you know, 55 or so and I saw a car
17 stopped in the opposite lane ahead of us, so I
18 slowed down and I saw a lady that was waiving her
19 hand out the window and yelling, please, help me!
20 Help me! Help me! So I stopped and put the truck
21 in park and jumped out and intervened and --

22 Q. And when you say you intervened, can
23 you kind of go into a little bit more detail about
24 that? Where were you? Where were they?

25 A. So I jumped out of the truck and she

HUNTER JOHNS - DIRECT EXAMINATION BY MS. HUNTER

1 was sitting in the driver's seat. And there was a
2 male that was beating her up and she had a bloody
3 lip and a bruised eye and all. And he was trying
4 to take over the car. He was punching her, you
5 know. They were just wrestling and fighting. So I
6 tried to -- I opened up the door and that's when he
7 yelled at me and said, leave me alone, this is my
8 wife or something like that. And I still, you know
9 opened up the door and he pushed her out and then
10 sped off.

11 Q. Okay. And he sped off. So when you
12 say that you opened up the door, so how close were
13 you to the man and woman in the car?

14 A. Arms length.

15 Q. Arms length. And were you able to get
16 a pretty good look at him?

17 A. Yes.

18 Q. Can you give me a description of him?

19 A. 5'10", maybe a little bit under 6',
20 black male, slender build, 160 or so.

21 Q. 160 or so. Okay.

22 A. Buzz cut, yeah, a low hair.

23 Q. Okay. And do you see that man in the
24 courtroom today?

25 A. I do.

HUNTER JOHNS - DIRECT EXAMINATION BY MS. HUNTER

1 Q. Can you point him out?

2 MR. STEVENS: Judge, at this time, we
3 object. We raise our previous pretrial motion.

4 THE COURT: All right. Now, ladies and
5 gentlemen, I'm going to have you go to the jury
6 room for a break. Please do not discuss the case.

7 (WHEREUPON, the jury left the courtroom
8 at 4:28 p.m.)

9 THE COURT: If you'll proceed with the
10 questioning of the witness.

11 MS. HUNTER: Yes, Your Honor.

12 CONTINUED QUESTIONING BY MS. HUNTER:

13 Q. I'm going to back up for a second,
14 Mr. Johns. How close were you to the people in the
15 car?

16 A. Arms length. I was -- I opened the
17 door while they were both in the driver's seat.

18 Q. Okay. And did you get a good look at
19 him?

20 A. I did.

21 Q. Okay. And is the man you saw in that
22 vehicle and assaulting the woman in the courtroom
23 today?

24 A. Yes.

25 Q. Can you point him out?

HUNTER JOHNS - DIRECT EXAMINATION BY MS. HUNTER

1 A. Yes.

2 MS. HUNTER: Let the record reflect
3 that he as identified the Defendant sitting next to
4 Mr. Stevens.

5 THE COURT: I see him pointing. I'm at
6 a different angle, I'm not sure.

7 A. Right here, gray shirt, black tie.

8 THE COURT: Okay. The record so
9 reflects.

10 MS. HUNTER: Thank you, Your Honor.
11 That's the extent of us asking about -- do you want
12 me to finish going through the questions with him?

13 THE COURT: I mean, the basis under
14 which he could identify him.

15 MS. HUNTER: Sure.

16 Q. Mr. Johns, can you talk about the
17 weather that day?

18 A. It was a sunny, clear day. Hot, I
19 believe. Yeah.

20 Q. And was it -- it was broad daylight at
21 this point in time?

22 A. It was, yeah.

23 Q. Okay. And can you give a general
24 description to discuss his height, weight, skin
25 tone, build?

HUNTER JOHNS - DIRECT EXAMINATION BY MS. HUNTER

1 A. Sure. Yeah.

2 Q. Maybe comparison to your size?

3 A. Right. I'd say under 6, you know, he
4 wasn't 6'2" or anything, he was 6' or so, maybe
5 5'10" or something. Maybe 160 or something, you
6 know, slender build, dark black male, early 20s
7 with a buzz cut, you know, an inch of hair.

8 MR. STEVENS: Judge, at this time, we'd
9 like to let the record reflect that the witness is
10 staring at the witness as he gives the description.

11 THE COURT: Pardon?

12 MR. STEVENS: Please let the record
13 reflect that the witness is staring at the
14 Defendant, excuse me, as he's actually giving his
15 description.

16 THE COURT: That will be cross
17 examination --

18 MR. STEVENS: In other words, he's
19 giving a description that he's seeing right before
20 him.

21 THE COURT: That would be cross
22 examination.

23 MR. STEVENS: It's about his demeanor
24 and how he's looking and I think the record needs
25 to reflect that as he's giving his testimony, sir.

HUNTER JOHNS - DIRECT EXAMINATION BY MS. HUNTER

1 THE COURT: No, the record will not so
2 reflect, not by me. You may proceed.

3 MS. HUNTER: Thank you, Your Honor.

4 Q. When -- you stated that he threw her
5 out of the car?

6 A. Uh-huh.

7 Q. And what did you do after -- what did
8 he do after he threw her out of the car?

9 A. He took control of the driver's seat --

10 THE COURT: Ms. Mubarak, back on the
11 question of the identification. Sir, you indicate
12 that you can identify the Defendant as the person
13 who was there that day?

14 A. Yes, sir.

15 THE COURT: And what's the basis for
16 your ability to make that identification?

17 A. It was not an every day occurrence for
18 me to run across something like that and I looked
19 him dead in the eyes and I won't forget, you know,
20 the look in his eye, you know. It was a life
21 changing thing I came across. And, you know, had
22 to intervene with and I saw -- I won't forget it.

23 THE COURT: Was this Defendant the
24 person who was there that day?

25 A. Yes, sir.

HUNTER JOHNS - CROSS EXAMINATION BY MR. STEVENS

1 THE COURT: All right. You don't have
2 to complete your examination, we're dealing with
3 the issue of identification right now.

4 MS. HUNTER: Yes, sir.

5 THE COURT: Do you have any other
6 questions regarding identification?

7 MS. HUNTER: No.

8 Q. Mr. Johns, did the police show you a
9 photo lineup?

10 A. No, ma'am.

11 Q. Did the police do a showup or a
12 drive-by, having had shown you this individual
13 before?

14 A. No, ma'am.

15 Q. Okay.

16 MS. HUNTER: I don't believe I have any
17 further questions.

18 THE COURT: Okay. Any cross
19 examination?

20 MR. STEVENS: Thank you, Judge. May it
21 please the Court.

22 THE COURT: Yes, sir.

23 CROSS EXAMINATION BY MR. STEVENS:

24 Q. How are you doing today, Mr. Johns?

25 A. Great, how are you?

HUNTER JOHNS - CROSS EXAMINATION BY MR. STEVENS

1 Q. I'm well, thank you for asking. Okay.
2 Just real quickly. Just so I understand it, you're
3 driving in your truck; right?

4 A. Uh-huh.

5 Q. Okay.

6 MS. SPIRES: Is that a yes or no?

7 A. Yes.

8 Q. And it might help if I take this off.
9 About 55 miles per hour you indicated?

10 A. Yes.

11 Q. Okay. And you saw hands out the
12 window?

13 A. Yes.

14 Q. Okay. And the car was a dark vehicle;
15 correct?

16 A. Yes, it was.

17 Q. It had tinted windows you said?

18 A. Yes.

19 Q. Okay. And I believe you actually gave
20 a statement to police after the incident; correct?

21 A. Yes.

22 Q. And in the statement you indicated
23 those windows were not only tinted, but the
24 driver's side window was at least halfway up;
25 right?

HUNTER JOHNS - CROSS EXAMINATION BY MR. STEVENS

1 A. I don't think it was halfway up. It
2 wasn't all the way rolled down though.

3 Q. Okay.

4 MR. STEVENS: The Court's indulgence.

5 Q. Would it help refresh your recollection
6 if you actually saw your own statement?

7 A. Sure. Yes.

8 Q. Thank you.

9 MR. STEVENS: May I approach the
10 witness?

11 THE COURT: Yes.

12 MR. STEVENS: Thank you.

13 Q. Tell me when you're ready, please.

14 A. I'm ready.

15 Q. So you agree that in the statement you
16 wrote to police about three years or so ago
17 indicates the window's about halfway down; right?

18 A. Right. Yes.

19 Q. Okay. I don't want you to make
20 anything up. I know it's been a long time, it's,
21 thank god why we've got statements; right?

22 A. Right.

23 Q. Okay. So, also in that statement you
24 gave, I guess, what limited description you told
25 police at the time; correct?

HUNTER JOHNS - CROSS EXAMINATION BY MR. STEVENS

1 A. Yes.

2 Q. Okay. And in that all it says is a
3 black male; correct?

4 A. Yes.

5 Q. Doesn't say height?

6 A. Nope.

7 Q. Doesn't say weight?

8 A. Nope.

9 Q. Doesn't say age?

10 A. Nope.

11 Q. Doesn't say glasses or no glasses?

12 A. Nope.

13 Q. Doesn't say anything other than black
14 male; correct?

15 A. Correct.

16 Q. Okay. Three years and change later on
17 you're here saying, giving a description height,
18 weight, et cetera; correct?

19 A. Yes.

20 Q. Okay. You we're looking at the guy
21 beforehand when you were actually giving your
22 description; right?

23 A. What's that?

24 Q. You were looking over in this direction
25 where he's sitting when you're giving a

HUNTER JOHNS - CROSS EXAMINATION BY MR. STEVENS

1 description?

2 A. I looked at him and pointed him out,
3 but I didn't look at him while I was giving my
4 description.

5 Q. So would it be fair to say today's your
6 first time again seeing this individual; correct?

7 A. Yes.

8 Q. And you'd agree that there's only one
9 black male sitting here at the Defense table;
10 correct?

11 A. Yes.

12 Q. Okay. And that Defense -- the person
13 who's actually the only person on trial today;
14 correct?

15 A. Yes.

16 Q. And the only person charged with this
17 current conduct; correct?

18 A. Yes.

19 Q. Okay. And also in your statement that
20 you gave the police, you told them how you learned
21 of Mr. Corbitt's name; correct?

22 A. Yes.

23 Q. And that's because the lady in the
24 case, Ms. Nickens?

25 A. Uh-huh.

HUNTER JOHNS - CROSS EXAMINATION BY MR. STEVENS

1 Q. Right? I hate to ask you to say yes or
2 no, okay. So I need --

3 A. Yes. Sorry.

4 Q. She's the one who told you the name;
5 correct?

6 A. Yes.

7 Q. And that's the name that you wrote in
8 there; right?

9 A. Yes.

10 Q. And without that you wouldn't have had
11 any identity whatsoever; correct?

12 A. Yes.

13 Q. Okay.

14 MR. STEVENS: Court's indulgence.

15 Q. Oh, just a real quick thing. I'm
16 sorry, we kind of stopped when the actual incident
17 when you driving on up. So you drove up, you said
18 you stopped the truck; correct?

19 A. Yes.

20 Q. Okay. You stopped the truck after the
21 car or before the car?

22 A. I believe it was after.

23 Q. Okay. Because you were going 55, it
24 was hard to stop --

25 A. I was going slow, but I looked to, you

HUNTER JOHNS - CROSS EXAMINATION BY MR. STEVENS

1 know, to see if there was actually something going
2 on or somebody was just waiving for no reason.

3 Q. People inside fussing; right?

4 A. Yes.

5 Q. Okay. Some people inside fussing;
6 right?

7 A. Right.

8 Q. Moving around; right?

9 A. Possibly. Yeah.

10 Q. I got you. So you get -- you stopped
11 the truck, put it in park so it wouldn't roll;
12 right?

13 A. Yes.

14 Q. Okay. And did you run to the car?

15 A. Yes.

16 Q. Okay. So you ran to the car because
17 you were concerned about the lady; right?

18 A. Yes.

19 Q. Okay. You get to the car and you hear
20 shouting; right?

21 A. Uh-huh.

22 Q. Okay. You reach for the door?

23 A. Yes.

24 Q. Okay. You open up the door?

25 A. Yes.

HUNTER JOHNS - CROSS EXAMINATION BY MR. STEVENS

1 Q. She comes tumbling on out; right?

2 A. Yes.

3 Q. And you're worried about the lady;
4 right?

5 A. I am, yes.

6 Q. Okay. You see her on the ground?

7 A. Yes.

8 Q. Okay. The door closes?

9 A. Yes.

10 Q. The door with the tinted window; right?
11 Okay. And then it peels off; right?

12 A. Yes.

13 Q. Thank you.

14 MR. STEVENS: No further questions at
15 this time.

16 THE COURT: All right. Any argument on
17 this issue by the Defense?

18 MR. STEVENS: Argument, Judge, yes,
19 sir. When we actually look at the scenario that
20 occurred, Judge, it's quite clear that it was
21 actually very, very fast in time. When we look at
22 focus, the focus in time, it was exactly what he
23 indicated on the lady. His concern was the woman.
24 It was opened, she came flying out on the ground,
25 closes, he's off and going. The only

1 identification that we have of --

2 THE COURT: Any of that fast as you
3 just described it?

4 MR. STEVENS: Well, at least relatively
5 so. Doesn't sound like anything prolonged here,
6 Judge. Long story short, Judge, the only
7 identification that he has of him is inside an
8 exceptionally dark vehicle with tinted windows
9 while people are moving all around inside fussing
10 as we said to the verb. And then lady comes out
11 and his focus is on the woman and she's down on the
12 ground, the door closes and the vehicle leaves.

13 Based on the description he gave to
14 police at the time of the incident, Judge, is what
15 -- that's what we have to go by. The thing that's
16 closest in time. It was a black male, that's all
17 we have. And when we actually look at what's going
18 on here today when he's the only person, the only
19 black male sitting at the Defense table for the
20 only person on trial today. It's inherently going
21 to cause irreparable harm. He's unduly prejudiced
22 by this matter accordingly, Judge, in court
23 identification should not be permitted whatsoever.
24 It meets both prongs for the *Biggers* --

25 THE COURT: Based on what authority --

1 legal authority?

2 MR. STEVENS: I think this actually
3 falls under *Biggers*, Judge. He was actually polled
4 and actually informed as far as whom and what it
5 was to expect. It's Mr. Corbitt. There's only one
6 Mr. Corbitt in the entire courtroom.

7 THE COURT: You said he made some kind
8 of -- I missed that part. He was told by whom?

9 MR. STEVENS: I'm sorry. His testimony
10 that reads from his previous statement to the
11 police that he was told by Ms. Nickens on the date
12 of the incident itself. That it was the only
13 Michael Corbitt that's in the courtroom today.

14 Accordingly, Judge, it's already
15 tainted when it comes to it and not only is it
16 tainted that's because the second prong of *Biggers*
17 yes, it would irreparably cause harm from this
18 identification.

19 THE COURT: What do you say about that,
20 Ms. Mubarak Hunter?

21 MS. HUNTER: Thank you, Your Honor. As
22 we argued during pretrial, *Biggers* deals with
23 unduly suggestive police showups, photo lineups.
24 Ms. Nickens does not work for the government as
25 Mr. Stevens likes to state. She is the victim in

1 the case. She -- even though she gave him a name,
2 that doesn't in any way affect the fact that he was
3 within arms length of the man. It was daylight.
4 He's able to give a description of what he looked
5 like. He has given us that description in the past
6 when we've interviewed him to talk to -- when we
7 talked to him said would you -- how would you be
8 able to describe him and he's been able to describe
9 him to us. And then he came in the courtroom today
10 and he was able to identify the Defendant. And I
11 think this is a question for the jury whether or
12 not they believe Mr. Johns.

13 THE COURT: All right. The case that
14 was handed up to me *State v. Gerrod Lewis*, the
15 court held the requirement that a court review the
16 totality of circumstances to determine whether an
17 identification is reliable does not apply to a
18 first time in court identification and remedy for
19 any alleged suggestiveness of the in court
20 identification is cross examination and argument.

21 So first of all, it's unnecessary to
22 have this hearing, but we've had the hearing out of
23 an abundance of caution. The witness testified
24 that he encountered the Defendant. He looked him
25 in the eyes. He was very close to him. He was

1 | able to identify him. And the fact of the
2 | girlfriend on the scene identifying him does not
3 | lessen his ability, but increases his ability
4 | regarding identification. It does not rise to the
5 | level of suggestiveness such as to preclude the
6 | identification. All of this goes to the weight
7 | that the jury should give this testimony, not the
8 | admissibility of it. And I would think that in the
9 | general scheme of things of this case, all of it is
10 | fairly irrelevant anyway.

11 | Since, you know, unless you claiming
12 | the Defendant was not there and not at the scene,
13 | you know, who knows. But we'll see how that plays
14 | out. But I overrule the objection.

15 | MR. STEVENS: Thank you, Judge. And,
16 | again, for purposes of preservation, we're not
17 | arguing against your ruling. We'd ask that the
18 | brief that we handed up that was previously marked
19 | --

20 | THE COURT: You can file anything you
21 | want to with the record. If you've submitted
22 | something, give it to the court reporter.

23 | MR. STEVENS: I believe we handed you a
24 | copy as well.

25 | THE COURT: Yes, sir.

HUNTER JOHNS - DIRECT EXAMINATION BY MS. HUNTER

1 MR. STEVENS: I believe that was on the
2 one that was premarked, Judge. We can mark another
3 if you like as Court's Exhibit 1. And, again, it
4 has both of our bases for it. One asking for a
5 *Biggers* hearing and the other asking to apply the
6 *Biggers* analysis on there. We recognize the
7 Court's ruling as denying both and we just --

8 THE COURT: It would really be
9 something that every time there is someone
10 identifying someone as being at a -- perpetrating a
11 crime that you have to have a hearing in advance to
12 determine whether that person, layperson has to
13 first have a hearing to determine whether or not
14 their ability to identify the person is tainted
15 based on the fact that they have not seen the
16 person since the date of the alleged crime. And I
17 don't think the law requires that in this case does
18 not require that. And so that's my ruling and
19 we'll press on. We'll take a two minute stretch
20 and move right along.

21 (WHEREUPON, there was a short break)

22 (WHEREUPON, the jury entered the
23 courtroom at 4:49 p.m.)

24 THE COURT: Okay. The jury is back,
25 objection overruled. You may proceed.

HUNTER JOHNS - DIRECT EXAMINATION BY MS. HUNTER

1 MS. HUNTER: Thank you, Your Honor.

2 May it please the Court.

3 CONTINUED DIRECT EXAMINATION BY MS. HUNTER:

4 Q. Mr. Johns, I'm going to back up a
5 little bit and kind of recap a little bit of what
6 you said. So you're driving down Highway 3 and you
7 guys see something and you stop. Can you kind of
8 start from there?

9 A. Yeah. I saw a car stopped in the
10 opposite lane -- going in the opposite direction,
11 it was stopped. And as I slowed down and got up to
12 it, I saw that there was a lady --

13 MR. STEVENS: Judge, at this time,
14 respectfully, all this was asked and answered. I
15 know they're trying to kind of get back in the
16 groove, but it's literally rehashing the heart of
17 exactly what they went over before.

18 THE COURT: I overrule the objection.

19 MS. HUNTER: Thank you, Your Honor.

20 Q. All right. So earlier you stated you
21 were coming down the road, you were going 55 and
22 now you said you slowed down when you see the car
23 in the roadway. Okay. And if you'll just kind of
24 continue on. You see a stopped car and --

25 A. Sure.

HUNTER JOHNS - DIRECT EXAMINATION BY MS. HUNTER

1 Q. -- what do you see at the stopped car?

2 A. I saw her hand -- her whole entire arm
3 it was waiving outside the window.

4 Q. Okay. How far down was the window?

5 A. It wasn't all the way down, but it was,
6 you know, it was enough to where I could see inside
7 the vehicle.

8 Q. Enough that you could see someone was
9 waiving?

10 A. Right. Right.

11 Q. And keep going. What did you do?

12 A. Well, she screamed, help me! Help me!
13 Help me! So I put the truck in park and I got out.

14 Q. And let me stop you right there. So
15 you were going slow enough that you could see her
16 waiving and that you could hear her screaming for
17 help?

18 A. Right. I mean, I was fairly idling and
19 barely -- not even a mile an hour.

20 Q. Okay. Keep going.

21 A. So I put the truck in park and I hopped
22 out and I ran over to the car where I saw she was
23 getting beat up and he was pretty much sitting in
24 her lap, you know, trying to take control of the
25 wheel.

HUNTER JOHNS - DIRECT EXAMINATION BY MS. HUNTER

1 Q. Okay. What kind of injuries did you
2 see?

3 A. She had her whole face was pretty much
4 -- you know, her eyes were swollen. She had blood
5 somewhere on her face, lip or nose, somewhere
6 around there. And so I yelled -- I'm not sure what
7 I yelled, but I tried to intervene and he yelled at
8 me to stop, this is my wife or something like that.

9 Q. And how close were you to the Defendant
10 at this point?

11 A. Arms length.

12 Q. Arms length. And you -- he spoke to
13 you?

14 A. Right.

15 Q. You could hear him yelling?

16 A. Yes.

17 Q. And what did you do?

18 A. I opened up the door to try to get her
19 out or intervene or do anything.

20 Q. And what did he do?

21 A. He pushed her out of the car.

22 Q. He pushed her?

23 A. Yeah. Yes, ma'am.

24 Q. And so after he pushed her out of the
25 car, what did he do?

HUNTER JOHNS - DIRECT EXAMINATION BY MS. HUNTER

1 A. I tried to get back, you know, tried to
2 open her -- grab the door and he closed it and I
3 tried to open it again and stop him and he sped
4 off.

5 Q. And was the window still down somewhat
6 when you were -- when this was going on?

7 A. I believe I'm sure -- I believe so, but
8 I can't say for sure when he drove off if it was
9 down or up.

10 Q. Right. Okay. And you said that you
11 were at arms distance from him, did you get a good
12 look at the man in the car?

13 A. I did.

14 Q. Can you describe that man to the jury?

15 A. Early 20s, black male, 5'10", 6', you
16 know, somewhere around there. Not too tall and not
17 too short. Average in my opinion. 160, slender
18 build.

19 Q. Like in comparison to you, would you
20 say he was bigger or broader, thinner than you are?

21 A. Thinner.

22 Q. Thinner. And he -- can you tell the
23 jury again about the conditions of the day?

24 A. It was a clear, sunny day.

25 Q. Okay. And this was during the daytime

HUNTER JOHNS - DIRECT EXAMINATION BY MS. HUNTER

1 | you testified to?

2 | A. Right. It was sometime around lunch,
3 | you know.

4 | Q. Okay.

5 | A. I believe it was after we eat lunch so.

6 | Q. And is the man that you saw assaulting
7 | the woman in the courtroom today?

8 | A. Yes.

9 | Q. Can you please point him out and give a
10 | description of what he's wearing?

11 | A. Gray shirt, black tie. Right there.

12 | MS. HUNTER: Please let the record
13 | reflect that Mr. Johns has identified the Defendant
14 | as the man who was assaulting Ms. Nickens.

15 | THE COURT: It is.

16 | Q. So after he pushed her out of the car
17 | and he drove off, what did you do?

18 | A. We were already on the phone --

19 | Q. I'm sorry to interrupt. I know you
20 | were with somebody else so kind of talk about what
21 | y'all did, I guess.

22 | A. Yep. My passenger was already on the
23 | phone with 9-1-1 giving the plate number and all.
24 | I sat her down on the tailgate and tried to, you
25 | know, just comfort her because she had obviously

HUNTER JOHNS - DIRECT EXAMINATION BY MS. HUNTER

1 | gone through something tough. And I got a Ziplock
2 | bag out of my toolbox, filled it up with ice from
3 | my cooler and gave it to her to put on her face.
4 | Gave her some Advil. Just talked to her until the
5 | cops came and then --

6 | Q. And when you say you talked to her, did
7 | she tell you who assaulted her?

8 | A. Yes.

9 | Q. Okay. And I think you've already kind
10 | of described the injuries and you stayed with her
11 | until the police arrived. When the police arrived,
12 | did you give them a statement?

13 | A. Yes.

14 | Q. And you wrote out a statement?

15 | A. I did. Yes.

16 | Q. In that statement, did you necessarily
17 | write every single detail about the crime that
18 | occurred?

19 | A. No.

20 | Q. Okay. Was it just sort of a broad
21 | statement about what happened?

22 | A. Yes. And I was, you know, still amped
23 | up from the altercation, so, yeah, I wrote barely a
24 | page. Yes.

25 | Q. And how were you able to recognize the

HUNTER JOHNS - CROSS EXAMINATION BY MR. STEVENS

1 Defendant today as the assaulter?

2 A. Just because it's, you know, a once in
3 a lifetime thing to come across something like that
4 and I -- really his eyes. You know, I looked him
5 dead in the eyes and I won't forget them.

6 Q. Won't forget them?

7 A. Right.

8 Q. Okay. And how sure are you that the
9 Defendant is the person
10 2 you saw that day?

11 A. Positive. One hundred percent.

12 Q. One hundred percent positive.

13 MS. HUNTER: I don't have any further
14 questions for this witness.

15 Q. Please answer anything the Defense may
16 have.

17 THE COURT: From the Defense?

18 CROSS EXAMINATION BY MR. STEVENS:

19 Q. How are you doing again, Mr. Johns?

20 A. Great.

21 Q. My name is Breen Stevens, I'm with the
22 Defense. I represent Michael Corbitt in the matter
23 as well.

24 I just want to kind of back up and go
25 over some things with you. Okay. First of all, I

HUNTER JOHNS - CROSS EXAMINATION BY MR. STEVENS

1 want to focus first on when you were approaching
2 your truck. Okay. You said you were heading down
3 the highway; correct?

4 A. Yes.

5 Q. And you said you were initially going
6 about 55 miles per hour; right?

7 A. Yes.

8 Q. Okay. And you saw a black vehicle?

9 A. Yes.

10 Q. Pretty dark; right?

11 A. Yes.

12 Q. And you said you saw like an arm
13 waiving out the window?

14 A. Yes.

15 Q. Okay. Now, you said you previously
16 gave a statement to police as well; right?

17 A. Yes.

18 Q. Okay. And you told everybody that it
19 was at least halfway down; right?

20 A. Yes.

21 Q. Or halfway up. Either the cup's half
22 full or half empty; right? Okay. And the windows
23 were tinted; correct?

24 A. Yes.

25 Q. I gotcha. And so you drove on up and

HUNTER JOHNS - CROSS EXAMINATION BY MR. STEVENS

1 you actually stopped past the vehicle; correct?

2 A. Yes.

3 Q. Okay. And you opened the door and got
4 out of your truck?

5 A. Yes.

6 Q. And then you ran over to the car;
7 right?

8 A. Yes.

9 Q. Because you're concerned about the
10 girl; right?

11 A. Yes.

12 Q. Okay. I gotcha. So when you get there
13 you agree that the people inside were fussing;
14 right?

15 A. They were fighting. He was punching
16 her, yes.

17 Q. Okay. Even better. So people moving
18 around a lot; right?

19 A. Yes.

20 Q. Okay. Kind of what happens when fights
21 happen?

22 A. Yes.

23 Q. Okay. And, again, this is a dark car;
24 correct?

25 A. Yes.

HUNTER JOHNS - CROSS EXAMINATION BY MR. STEVENS

1 Q. Okay. And you wanted to reach over to
2 grab the handle?

3 A. Yes.

4 Q. And you opened that door; right?

5 A. Yes.

6 Q. And then she came tumbling on out;
7 right?

8 A. He pushed her out.

9 Q. Regardless, she came tumbling on out;
10 correct?

11 A. Yes.

12 Q. However she went out, she was on the
13 ground; right?

14 A. Yes.

15 Q. You were worried about her; right?

16 A. I was, yes.

17 Q. Okay. I gotcha. So you looked down
18 and you saw her?

19 A. Yes.

20 Q. Okay. Great. The door closed; right?

21 A. Yes.

22 Q. Okay. And then like you said, you
23 weren't certain if the door -- or the window was up
24 or down at that point; right?

25 A. Yes.

HUNTER JOHNS - CROSS EXAMINATION BY MR. STEVENS

1 Q. And the vehicle sped off; correct?

2 A. Correct. Yes.

3 Q. And you said you spoke to police that
4 day; correct?

5 A. Yes, I did.

6 Q. And you gave a statement to police that
7 day; right?

8 A. Yes.

9 Q. And you'd agree that September 23, 2018
10 is a heck of a lot closer to the incident date than
11 today, March 7, 2022; correct?

12 A. Yes.

13 Q. Okay. And that date and time, the only
14 description you gave was not height; right?

15 A. That's right.

16 Q. You did not give a description of eye
17 color?

18 A. Yes.

19 Q. You did not give a description of
20 weight?

21 A. Yes.

22 Q. Didn't give a description of hair?

23 A. Yes.

24 Q. The only thing you said was a black
25 male; right?

ERIC WALKER - DIRECT EXAMINATION BY MS. HUNTER

1 A. Yes.

2 MR. STEVENS: Court's indulgence.

3 Q. Oh, and we've already established or
4 actually the government did.

5 A. I'm sorry.

6 Q. The government already established with
7 your direct testimony that it was Ms. Nickens who
8 actually told you Mr. Corbitt's name; correct?

9 A. Yes.

10 Q. Okay. And one last question. You met
11 with the government prosecutors before today;
12 right?

13 A. I did, yes.

14 Q. No further questions. Thank you,
15 Mr. Johns.

16 THE COURT: By the State?

17 MS. HUNTER: We have no redirect, Your
18 Honor.

19 THE COURT: All right, thank you. Step
20 down, sir. Thank you. Next witness?

21 MS. HUNTER: The State calls Eric
22 Walker, Your Honor.

23 ERIC WALKER,
24 being first duly sworn, was examined and testified
25 as follows:

ERIC WALKER - DIRECT EXAMINATION BY MS. HUNTER

1 THE CLERK: Thank you. You may be
2 seated. Please state your first and last name for
3 the record.

4 MR. WALKER: Eric Walker.

5 DIRECT EXAMINATION BY MS. HUNTER:

6 Q. Thank you, Mr. Walker. Can you please
7 tell the jury where you live?

8 A. Gilbert, South Carolina.

9 Q. I know we're in Orangeburg today, we're
10 going to talk about an incident that happened on
11 September 23, 2018. Do you know what you were
12 doing that day?

13 A. Yeah, I was at a buddy's farm in
14 Blackville, South Carolina.

15 Q. Okay. Great. Mr. Walker, can I ask
16 you to remove your mask so the jury can hear you
17 better.

18 Q. Thank you. So you said you were at a
19 buddy's farm in Blackville. Okay. And who were
20 you with?

21 A. Hunter Johns.

22 Q. Hunter Johns. And did anything
23 significant happen on the way back from Blackville?

24 A. Yes. We witnessed a crime.

25 Q. Okay. I want to talk to you a little

ERIC WALKER - DIRECT EXAMINATION BY MS. HUNTER

1 bit more about that. So can you tell me sort of
2 where you were and what you saw?

3 A. We were on the highway between, I
4 guess, Blackville and where we live and we saw a
5 car, it was driving really erratic. We slowed down
6 to, you know, see what was going on. There was a
7 lady in the car that looked like, you know, her
8 life was in danger, so we kind of pulled over to
9 the side of the road.

10 Q. Okay. And when you pulled over and did
11 you guys get out of your car?

12 A. Yes.

13 Q. Can you tell me whose car was it?

14 A. Hunter's truck, yeah.

15 Q. And who was driving?

16 A. Hunter was.

17 Q. All right. So you guys got out of the
18 car and what did you guys do?

19 A. We both got out of the car and when I
20 got came around from the driver's side, whatever
21 had happened was kind of over with. It happened so
22 quickly. The lady was out of the car and the car
23 was speeding off.

24 Q. Okay. When you guys were driving by,
25 could you see anything that was going on in that

ERIC WALKER - DIRECT EXAMINATION BY MS. HUNTER

1 car?

2 A. Yes. It seemed like two people were
3 entangled in the car. The lady seemed like she
4 pleaded, you know, was pleading for her life. And
5 something seemed really wrong.

6 Q. Can you tell me where the woman was
7 sitting and where the other person in the car was
8 sitting?

9 A. They seemed to be both in the front of
10 the car. And she appeared to be on top of him and
11 they were in some sort of entanglement.

12 Q. And could you tell if he was doing
13 anything to her or she was doing anything to him?

14 A. Yeah. It seemed like that she was, you
15 know, she was in -- definitely in fear for her
16 life. Seemed like there was something wrong. I
17 don't know exactly what happened in the car.

18 Q. Okay. And when you guys stopped, the
19 other car that was in the road, was that car also
20 stopped?

21 A. Yes.

22 Q. Okay. Just wanted to clarify that
23 point. So the car that was in the road was where
24 the person was in the situation was also stopped?

25 A. By the time we got stopped, yes.

ERIC WALKER - DIRECT EXAMINATION BY MS. HUNTER

1 Q. Okay. And when you realized something
2 was going on, what did you do?

3 A. Called 9-1-1, tried to help the
4 situation.

5 Q. Do you remember what you told 9-1-1?
6 Did you give any kind of descriptions or anything?

7 A. A black Nissan Altima. And I believe I
8 gave the license plate.

9 Q. Okay. And you were saying that was the
10 type of car that stopped and there was an
11 altercation?

12 A. Yes.

13 Q. Okay. And you said that -- did you
14 actually approach the car?

15 A. Yeah. I came around to -- from our
16 vehicle and approached it. But like I said, it was
17 already driving off when that happened.

18 Q. Okay. So were you able to get a good
19 look at the person driving off?

20 A. No.

21 Q. Okay. And can you talk about -- you
22 said that she was out in the roadway. So you
23 didn't see the altercation because you were calling
24 9-1-1; correct?

25 A. It just happened so fast. By the time

ERIC WALKER - CROSS EXAMINATION BY MR. STEVENS

1 I came around the car it was already over.

2 Q. Okay. Can you tell the jury about her
3 injuries?

4 A. She just had a lot of wounds to her
5 face. There was blood all over her face. You
6 know, obviously, driving down the road you don't,
7 you know, when you see somebody in that situation
8 like something was really wrong.

9 Q. Okay. And did you stay -- you called
10 9-1-1, did you stay with her until police arrived?

11 A. Yes.

12 Q. And did you give the police a
13 statement?

14 A. Yes.

15 Q. Okay. Did you do anything else that
16 day involving this case?

17 A. No.

18 Q. Thank you.

19 MS. HUNTER: I don't have any further
20 questions for this witness.

21 THE COURT: Cross examination?

22 CROSS EXAMINATION BY MR. STEVENS:

23 Q. How are you doing today, Mr. Walker?

24 A. Doing fine.

25 Q. I'm Breen Stevens, I represent the

ERIC WALKER - CROSS EXAMINATION BY MR. STEVENS

1 Defendant in this matter. I'm just going to ask
2 you a couple of questions if that's all right. I
3 want to kind of back up to where you said y'all
4 were riding down in Mr. Johns pickup truck?

5 A. Yes, sir.

6 Q. And you were the passenger; right?

7 A. Yes.

8 Q. Okay. Good. And when you saw this
9 vehicle, right, it was a black vehicle? It was a
10 black Nissan?

11 A. Yes.

12 Q. Okay. It was pretty dark?

13 A. Yes.

14 Q. Okay. I gotcha. And you said the
15 person was kind of swerving around?

16 A. Yes.

17 Q. And y'all stopped and the vehicle
18 stopped; right?

19 A. Yes.

20 Q. Okay. And you got out of the truck
21 too?

22 A. Yes.

23 Q. And by the time you can wheel yourself
24 around to the front of the truck that vehicle was
25 already gone; right?

ERIC WALKER - CROSS EXAMINATION BY MR. STEVENS

1 A. Yes.

2 Q. That fast; right?

3 A. Correct.

4 Q. Okay. And then you called 9-1-1?

5 A. Yes.

6 Q. Okay.

7 MR. STEVENS: Court's indulgence. No
8 further questions.

9 Q. Thank you, sir.

10 THE COURT: From the State?

11 MS. HUNTER: No redirect, Your Honor.

12 THE COURT: All right. Thank you, sir.

13 You may step down. Call your next witness.

14 MS. HUNTER: Your Honor --

15 MR. STEVENS: If we may approach,
16 Judge, about scheduling.

17 THE COURT: Do you have any other
18 witnesses?

19 MS. HUNTER: No other witnesses today,
20 Your Honor.

21 THE COURT: Ladies and gentlemen, that
22 will do it for this day. I need you back at 9:30
23 tomorrow morning. Please do not discuss the case
24 with anyone or allow anyone to discuss it with you.
25 We'll see you tomorrow morning at 9:30.

1 (WHEREUPON, the jury left the courtroom
2 at 5:07 p.m.)

3 THE COURT: All right. What's the
4 schedule issue? Y'all wanted to approach something
5 about the scheduling.

6 MR. TURNBLAD: We didn't know if you
7 wanted to confer with us before we spoke to the
8 jury or not.

9 THE COURT: No. No.

10 MS. HUNTER: So tomorrow, Your Honor,
11 what time would you like us to have witnesses here
12 to start?

13 THE COURT: 9:30. Don't need any
14 hearings in advance on anybody, do we?

15 MR. TURNBLAD: Not that I'm aware of,
16 Your Honor.

17 (Off the record)

18 THE COURT: We'll be here at 9:30 and
19 ready to go.

20 (WHEREUPON, court was adjourned)

21

22

23

24

25

CADEY KEIGANS - DIRECT EXAMINATION BY MS. HUNTER

1 THE COURT: Any matters before the jury
2 comes?

3 MS. HUNTER: No, Your Honor.

4 MR. TURNBLAD: No, Your Honor.

5 THE COURT: Okay. Let's bring them on.

6 THE BAILIFF: Yes, Your Honor.

7 (WHEREUPON, the jury entered the
8 courtroom at 9:50 a.m.)

9 THE COURT: Good morning.

10 JURORS: Good morning.

11 THE COURT: Welcome back. Day number
12 two, State's case. You may proceed.

13 MS. HUNTER: Thank you, Your Honor.
14 May it please the Court. State calls Cadey
15 Keigans.

16 CADEY KEIGANS,
17 being first duly sworn, was examined and testified
18 as follows:

19 THE CLERK: Thank you. Please be
20 seated. In the microphone, can you please state
21 your full name?

22 MS. KEIGANS: My full name is Mary
23 Cadey Keigans.

24 THE CLERK: Thank you.

25 DIRECT EXAMINATION BY MS. HUNTER:

CADEY KEIGANS - DIRECT EXAMINATION BY MS. HUNTER

1 Q. Ms. Keigans, do you mind removing your
2 mask?

3 A. Sure.

4 Q. Ms. Keigans, can you please tell the
5 jury about your educational background?

6 A. Yes. I have a Bachelor's Degree in
7 Exercise Science from the University of South
8 Carolina, Columbia. And a Bachelor's in Nursing
9 from USC Aiken.

10 Q. And where do you work?

11 A. I work at Aiken Regional.

12 Q. And what do you do at Aiken Regional?

13 A. I previously worked in the emergency
14 department and currently I work in labor and
15 delivery as a nurse.

16 Q. Approximately -- you're a nurse, what
17 type of nurse are you?

18 A. A registered nurse.

19 Q. Registered nurse. Okay. And you said
20 you previously worked in the ER, approximately how
21 long did you work there?

22 A. I worked there from 2017 -- February of
23 2017 to October of 2019.

24 Q. And during that time in the ER, did you
25 have any special role or things you did in the ER?

CADEY KEIGANS - DIRECT EXAMINATION BY MS. HUNTER

1 A. Yes. I was -- in addition to being a
2 registered nurse, I was the SANE nurse in the
3 emergency department.

4 Q. And tell the jury what a SANE is?

5 A. A SANE nurse is a Sexual Assault Nurse
6 Examiner, so we do sexual assault cases.

7 Q. And is there any specific training over
8 and above the other education and training you
9 received to become an RN to become a sexual assault
10 nurse examiner?

11 A. There is. I received training at MUSC.
12 It included 40 hours of classroom time. And then
13 clinical hours at MUSC. And then I had ten
14 supervised cases that were supervised by my
15 director.

16 Q. And when you say supervised cases, what
17 kind of cases were those?

18 A. We did the cases together.

19 Q. What type of cases were you doing?

20 A. Oh, sexual assault cases.

21 Q. And can you explain what the role of a
22 sexual assault examiner is?

23 A. Yes. We provide trauma informed care
24 to our patients along with collecting evidence
25 following a sexual assault.

CADEY KEIGANS - VOIR DIRE BY MR. TURNBLAD

1 Q. Approximately how many exams did you do
2 as a sexual assault nurse in the ER Aiken?

3 A. About 50.

4 MS. HUNTER: Your Honor, at this time,
5 we'd move to qualify Ms. Keigans as an expert in
6 sexual assault exams.

7 THE COURT: Says the Defense?

8 MR. TURNBLAD: I'd object, Your Honor.

9 THE COURT: Pardon?

10 MR. TURNBLAD: I'd object and can I
11 cross on her qualifications?

12 THE COURT: All right. You'd like to
13 put some questions to her?

14 MR. TURNBLAD: Yes, Your Honor.

15 THE COURT: All right.

16 VOIR DIRE BY MR. TURNBLAD:

17 Q. Ms. Keigans, have you ever been
18 qualified as an expert before?

19 A. No, sir.

20 Q. Have you ever written any articles or
21 any journals on the type of work you do?

22 A. No, sir.

23 Q. Have you ever done any peer review
24 studies?

25 A. No, sir.

CADEY KEIGANS - EXAMINATION BY THE COURT

1 Q. And besides, you said 40 hours of
2 training and you did some clinical work, but that's
3 all the training you've had in this kind of area?

4 A. Along with the supervised --

5 Q. Okay.

6 A. -- cases.

7 Q. All right.

8 MR. TURNBLAD: No further questions.

9 EXAMINATION BY THE COURT:

10 THE COURT: Ma'am, if you'll repeat for
11 me your education, training and experience in the
12 area that you work in.

13 A. Yes, sir. I have a Bachelor's Degree
14 from the University of South Carolina in Exercise
15 Science. I also have a Bachelor's Degree in
16 Nursing from USC Aiken. And I received my SANE
17 training from MUSC.

18 THE COURT: Your SANE training?

19 A. The Sexual Assault Nurse Examiner
20 training, yes, sir.

21 THE COURT: And what did that training
22 entail?

23 A. Forty didactic hours at MUSC along with
24 clinical hours. And then I had ten supervised
25 sexual assault cases with my director at Aiken

CADEY KEIGANS - EXAMINATION BY THE COURT

1 Regional.

2 THE COURT: And what did that 40 hours
3 of work consist of?

4 A. The 40 didactic hours is classroom time
5 where we listen to PowerPoint's, it's classroom
6 work. And then we come back for clinical hours
7 where we have live patients that we practice our
8 skills on.

9 THE COURT: And when did that take
10 place.

11 A. I would have to look back exactly, but
12 it was prior to doing any of my cases. So if I had
13 to guess, it would be in 2018 -- middle of 2018.

14 THE COURT: And what kind of work have
15 you done in that area following that training?

16 A. I've done all the cases that I
17 performed at Aiken Regional in the emergency
18 department.

19 THE COURT: And what cases are you
20 talking about?

21 A. The approximate 50 cases that I
22 performed, the sexual assault cases.

23 THE COURT: All right. Additional
24 questions by the State?

25 MS. HUNTER: No, Your Honor.

CADEY KEIGANS - VOIR DIRE BY MR. TURNBLAD

1 THE COURT: By the Defense?

2 MR. TURNBLAD: Your Honor, we would
3 just object to any --

4 THE COURT: Questions by the Defense?
5 Additional questions by the Defense?

6 CONTINUED VOIR DIRE BY MR. TURNBLAD:

7 Q. Do you have any training in psychology
8 at all?

9 A. I have a minor in psychology from the
10 University of South Carolina.

11 Q. Have you done any training in that
12 area?

13 MS. HUNTER: Objection, Your Honor.
14 Relevance.

15 THE COURT: Overruled.

16 Q. Have you had any training in that area
17 or done any work in that area since you graduated?

18 A. No, sir.

19 Q. Okay.

20 MR. TURNBLAD: No further questions,
21 Your Honor.

22 THE COURT: Now, ladies and gentlemen,
23 I'm going to have you step to the jury room for a
24 few minutes. Please do not discuss the case.

25 (WHEREUPON, the jury left the courtroom

1 at 9:59 a.m.)

2 THE COURT: Yes, sir. You wanted to
3 argue something in the presence of the jury?

4 MR. TURNBLAD: I apologize, Your Honor.
5 Yes, sir. If you're going to qualify her as an
6 expert in SANE nursing, I think she can talk about
7 collection and what she did in this case in
8 collecting things.

9 THE COURT: And I'm not familiar with
10 that phrase SANE nursing. What is that?

11 MR. TURNBLAD: It's a sexual assault
12 nurse -- what was the -- I can't remember what the
13 E part stood for.

14 THE COURT: Yeah, I don't know.

15 MR. TURNBLAD: But anyway's. Your
16 Honor, I'm just trying to as far as the question --

17 THE COURT: What does that mean, SANE
18 nursing, ma'am?

19 MS. KEIGANS: It's sexual assault nurse
20 examiner.

21 THE COURT: All right. Go ahead.

22 MR. TURNBLAD: If she's going to be
23 qualified as a sexual assault nursing examiner, I
24 don't have a problem with her talking necessarily
25 about her examination and what she -- what she

1 collected. But if she's going to give any kind of
2 opinion testimony perhaps into delayed disclosure
3 or her opinion on any of the attitude of the victim
4 or what the victim may have been thinking or why
5 she did certain things, I don't think she's
6 qualified as any kind of mental health professional
7 to give any opinion testimony as to why something
8 like that may have occurred.

9 THE COURT: All right. What do you say
10 about it, Madam Solicitor?

11 MS. HUNTER: Thank you, Your Honor.
12 We're not asking her to testify as a psychologist.
13 We didn't try to qualify her as a psychologist.
14 We're qualifying her as Sexual Assault Nurse
15 Examiner which is very common in all sexual assault
16 cases. And any sexual assault case where a victim
17 goes to the hospital, she's examined by a sexual
18 assault nurse. Certain physical evidence
19 collected, swabs are taken, and although
20 Ms. Keigans has never been qualified as an expert
21 before, everyone has to be -- has to have a first
22 time being qualified as an expert. She's done this
23 for over a year --

24 THE COURT: Well, he started his
25 sentence by saying if you qualify her for an expert

1 then it should be limited. So that's the part I'm
2 -- want to know your --

3 MS. HUNTER: The part of her limited
4 testimony?

5 THE COURT: As argued by the Defense
6 lawyer.

7 MS. HUNTER: She won't be testifying to
8 what the victim's thoughts were which is what the
9 Defense had questions about. And their other
10 argument was her testifying to --

11 MR. TURNBLAD: Mainly to any delayed
12 disclosure --

13 MS. HUNTER: And she won't be
14 testifying about delayed disclosure.

15 THE COURT: So then we don't have a
16 problem. There's no disagreement.

17 MS. HUNTER: No, sir. But we would ask
18 that she be qualified as a sexual assault nurse.

19 THE COURT: And do you object to that?

20 MR. TURNBLAD: If it's just for the
21 purposes of collection examination, no, Your Honor.

22 THE COURT: I don't know about just, I
23 mean, a nurse does various things.

24 MR. TURNBLAD: I understand.

25 THE COURT: I don't know what all she

1 does. Of course, that's why you have experts who
2 have been trained to do it so they can tell us
3 about it whatever it is, I don't know.

4 MR. TURNBLAD: Well, Your Honor, I
5 don't think it's necessary to be an expert just to
6 tell them what you did.

7 THE COURT: You don't think the field
8 of nursing is a field of expertise?

9 MR. TURNBLAD: I'm not debating that it
10 could be a field of expertise. I'm just talking
11 about --

12 THE COURT: That it could be or that it
13 -- it either is or it isn't.

14 MR. TURNBLAD: Well, as far as being
15 qualified as an expert, there's obviously not every
16 nurse is going to be qualified as an expert. So
17 the field of nursing couldn't have somebody
18 qualified as an expert --

19 THE COURT: Well, we're talking about
20 the particular field of nursing that she has
21 testified that she's had special training in.

22 MR. TURNBLAD: Your Honor, she -- and,
23 Your Honor, it's not necessarily whether she's
24 qualified as an expert witness, but whether this is
25 necessary for the -- for her to be an expert for

1 the jury to understand the evidence.

2 THE COURT: Well, it's the State's
3 case, they decide what they're trying to prove.
4 Whether it's necessary or not, it's --

5 MR. TURNBLAD: Well, Rule 702 says
6 otherwise under expert testimony.

7 THE COURT: Otherwise about what?

8 MR. TURNBLAD: That it's not necessary
9 for the jury to understand -- for her to be an
10 expert for them to understand the evidence that's
11 collected. And that's your gatekeeper.

12 THE COURT: I'm missing what you're
13 saying.

14 MR. TURNBLAD: All right. I'm saying
15 that she can testify about what she did and tell
16 the jury what she did. It's not necessary for her
17 to be qualified as an expert for them to understand
18 what she did.

19 THE COURT: Response?

20 MS. HUNTER: Your Honor, that she meets
21 the qualifications. The State has moved to have
22 her qualified as an expert and I don't think the
23 Defense has come up with an argument as to why she
24 should not be. She meets the training, education,
25 and expertise for it.

1 THE COURT: She meets all of that and
2 the rule says that she may testify thereto in the
3 form of an opinion or otherwise. The question --
4 the objection is what's the limits of the opinions
5 you're seeking from the expert. Because as we well
6 know, this is an area that is right for reversals
7 of convictions where experts have gone too far in
8 trying to do some of the things that's being
9 objected to.

10 MS. HUNTER: Yes, Your Honor. And I
11 believe that we've assured the Defense that those
12 are -- the two things that they're very concerned
13 about, delayed disclosure and whatever else it was,
14 I can't remember off the top of my head, that those
15 are two things that we are not -- that she will not
16 be testifying to. And I think that as the
17 testimony goes, if they have an objection to
18 something that she's testifying to, they can then
19 object and it can be taken up at that point in
20 time. I don't think we need to go through her
21 testimony --

22 THE COURT: That's why we're taking it
23 up right now.

24 MS. HUNTER: I mean, do you want me to
25 go through all of her testimony outside the

1 presence --

2 THE COURT: No, I don't. I just wanted
3 to know. What else? What else is there from
4 either side on this issue?

5 MR. TURNBLAD: Your Honor, I'm just
6 arguing like I said under Rule 702 you're the
7 gatekeeper of this and I don't think her expert
8 opinion is necessary like I said for them to
9 understand what she did. That's --

10 THE COURT: Well, I disagree with you.
11 I believe that an expert witness in the field that
12 she is being asked to be qualified in and tell some
13 specialized knowledge, training and experience is
14 beyond that of lay testimony.

15 MS. HUNTER: Yes, Your Honor.

16 MR. TURNBLAD: Thank you, Your Honor.

17 THE COURT: And the -- of course, in
18 the criminal sexual conduct -- misconduct cases or
19 realm of cases that exists involving -- what is
20 that case? Not *Kromah*, (phonetic), but *Kromer*; is
21 that it? Have any of you heard of any such cases?

22 MS. HUNTER: Off the top of my head,
23 Your Honor, I'm not sure.

24 THE COURT: I'm clicking and no
25 information. I believe -- and most of these are

1 involving child rape victims. I'm not getting any
2 assistance from any legal minds, so let me take a
3 moment here.

4 MR. TURNBLAD: Yes. I was going to
5 say, *State v. Kromer* is correct, Your Honor.

6 THE COURT: Now I'm getting something.
7 How do you spell that word, *Kromer*?

8 MR. TURNBLAD: I believe it's
9 C-R-O-M-E-R; is that correct? I'm sorry, it starts
10 with a K, K-R-O-M.

11 Your Honor, you want me to give you the
12 citation, Your Honor?

13 THE COURT: Give me the spelling again.

14 MR. TURNBLAD: K-R-O-M-A-H. And that's
15 at 401 S.C. 340.

16 THE COURT: *State v. Kromah*, Justice
17 Beatty. So that was, again, a child case. And --
18 which I think the whole nature of psychology is
19 introduced of trying to testify under -- when the
20 testimony is based on forensic interviews which we
21 do not have here in this case. And that's -- was
22 the focus of the court in many of the cases trying
23 to shoot down various testimony of forensic
24 interviewers. So that's what immediately comes to
25 mind in a -- to me, in a CSC case, but none of

CADEY KEIGANS - DIRECT EXAMINATION BY MS. HUNTER

1 | that's -- but that's not relative to what we're
2 | talking about here today. So we'll see where this
3 | goes.

4 | MS. HUNTER: Yes, sir.

5 | MR. TURNBLAD: Thank you, Your Honor.

6 | THE COURT: I'm going to qualify her as
7 | an expert. If you can bring the jury.

8 | THE BAILIFF: Yes, Your Honor.

9 | (WHEREUPON, the jury entered the
10 | courtroom at 10:12 a.m.)

11 | THE COURT: Okay. This witness is
12 | qualified as an expert witness in -- what was the
13 | area proposed?

14 | MS. HUNTER: As an expert in sexual
15 | assault examinations, Your Honor.

16 | THE COURT: Expert in the field of
17 | sexual assault examinations. You may -- and,
18 | ladies and gentlemen, an expert witness may offer
19 | opinions in areas of their expertise under certain
20 | limited circumstances according to our rules of
21 | evidence and you may proceed.

22 | MS. HUNTER: Thank you, Your Honor.

23 | CONTINUED DIRECT EXAMINATION BY MS. HUNTER:

24 | Q. Ms. Keigans, can you tell the jury what
25 | a SANE exam entails?

CADEY KEIGANS - DIRECT EXAMINATION BY MS. HUNTER

1 A. Yes. In general, a SANE exam entails a
2 pertinent medical history which could include
3 things like a last period, current medications that
4 are being taken, hygiene since the sexual assault,
5 things like that and consensual intercourse
6 recently.

7 Following that, I ask the patient to
8 recall what happened and I document that.

9 Q. When you say, "recall what happened,"
10 are you -- what are you talking about?

11 A. Details related to the sexual assault.

12 Q. Okay. Thank you.

13 A. After that, I have my patient
14 completely undress and I collect clothes that are
15 pertinent to the current case. Next, I do a
16 complete head to toe exam with just the naked eye.
17 I document findings such as injuries on the SLED
18 case. Next I do the same thing with the UV light,
19 a complete head to toe assessment. After that I
20 collect swabs for evidence and then a speculum exam
21 of the genitals is performed and then prophylactic
22 treatment for STD's and pregnancy is given.

23 Q. Thank you. And where is the sexual
24 assault exam done?

25 A. In the emergency department.

CADEY KEIGANS - DIRECT EXAMINATION BY MS. HUNTER

1 Q. And did you perform a sexual assault
2 exam on a patient identified to you as Keandra
3 Nickens?

4 A. Yes, ma'am.

5 Q. When and where was that done?

6 A. 9/24/2018.

7 Q. And where?

8 A. In the emergency department at Aiken
9 Regional.

10 Q. Aiken Regional. Okay. Was anyone with
11 her during that exam?

12 A. No.

13 Q. Okay. Id you speak with Keandra to get
14 a history of the assault?

15 A. I did.

16 Q. And did she describe how she was
17 assaulted?

18 A. Yes, she did.

19 Q. Can you explain to the jury how the
20 assault occurred?

21 MR. TURNBLAD: Objection, Your Honor.
22 Hearsay.

23 THE COURT: That's yes or no? Yes or
24 no?

25 MS. HUNTER: To?

CADEY KEIGANS - DIRECT EXAMINATION BY MS. HUNTER

1 THE COURT: You posed the question and
2 the answer is yes or no.

3 MS. HUNTER: Oh, did you want the
4 witness to answer?

5 THE COURT: Yes or no, yes.

6 Q. The question is, did she describe to
7 you how the assault -- how she was assaulted?

8 A. Yes, she did.

9 MS. HUNTER: Can I continue, Your
10 Honor?

11 THE COURT: Yes.

12 MS. HUNTER: Thank you.

13 Q. And can you explain to the jury how she
14 was assaulted and how that is relevant to your
15 examination?

16 MR. TURNBLAD: Objection, Your Honor.
17 Hearsay.

18 MS. HUNTER: Your Honor, I believe it's
19 applicable under -- as an exception under 803(4).

20 THE COURT: What was the question
21 again?

22 MS. HUNTER: To ask her to explain how
23 -- how the victim explained to her that she was
24 assaulted for purposes of the medical examination.

25 THE COURT: 803(4) statements made for

CADEY KEIGANS - DIRECT EXAMINATION BY MS. HUNTER

1 purposes of medical diagnosis of treatment and
2 describing medical history or past or present
3 symptoms, pain or sensations or the inception or
4 general character of the cause or external source
5 thereof as reasonably pertinent to diagnose as a
6 treatment provided, however, that the admissibility
7 of statements made after commencement of the
8 litigation is left to the court's discretion. This
9 is an exception to the hearsay rule. And your
10 response is?

11 MR. TURNBLAD: Your Honor, I think it's
12 barred under 801(d)(1). And I think in that it's
13 allowed for them to tell -- it's limited -- her
14 testimony is limited to the time and place of the
15 incident.

16 THE COURT: Limited to what?

17 MR. TURNBLAD: I believe her testimony
18 on this should be limited to the time and place of
19 the incident not to any identification, Your Honor.

20 THE COURT: 801(d)?

21 MR. TURNBLAD: (D)(1).

22 THE COURT: A statement is not hearsay
23 if the declarant testifies at the trial or hearing
24 and is subject to cross-examination concerning the
25 statement, and the statement is inconsistent with

CADEY KEIGANS - DIRECT EXAMINATION BY MS. HUNTER

1 the declarant's testimony or consistent with the
2 declarant's testimony and is offered to rebut an
3 express or implied charge against the declarant of
4 recent fabrication or improper motive or influence.
5 However, the statement must have been made before
6 the alleged fabrication or before the improper
7 influence or motive arose. One of identification
8 of a person made after perceiving the person --
9 perceiving the person or consistent with the
10 declarant's testimony in a case -- in a criminal
11 sexual conduct case or attempted criminal sexual
12 conduct case where the declarant is alleged victim
13 and the statement is limited to the time and place
14 of the incident.

15 So under State 801(d)(1), the statement
16 it is not hearsay. Under 803(d), it's an exception
17 to the hearsay.

18 Anything else?

19 MR. TURNBLAD: Your Honor, and I just
20 wanted to point out in my argument just that it's
21 limited. I'm not saying that it isn't necessarily
22 hearsay, I'm saying under 801(d)(1) it's limited to
23 the time and place of the incident, no more.
24 Looking at the last part of
25 (d)(1)(d).

CADEY KEIGANS - DIRECT EXAMINATION BY MS. HUNTER

1 THE COURT: And your response is?

2 MS. HUNTER: I believe that under 801
3 it's not hearsay. And under the other exception if
4 they are arguing it's hearsay it qualifies as an
5 exception.

6 THE COURT: I overrule the objection.

7 MS. HUNTER: Thank you, Your Honor.

8 THE COURT: Will you restate the same
9 question.

10 MS. HUNTER: Thank you, Your Honor.

11 Q. Nurse Keigans, can you please tell the
12 jury about how she described -- how Keandra
13 described how she was assaulted and how that's
14 pertinent to your medical exam?

15 A. Sure. Ms. Nickens described to me that
16 she was in a vehicle when she was initially
17 physically assaulted by being punched in the face
18 and having her hair pulled. Then after she was
19 driven to a wooded area, she was pulled out of the
20 vehicle where she was sexually assaulted when the
21 alleged assailant penetrated her vagina with his
22 fingers and then followed with his penis.

23 She was pulled back into the vehicle by
24 her hair and her arm. And she was continued to be
25 physically assaulted until they came to a gas

CADEY KEIGANS - DIRECT EXAMINATION BY MS. HUNTER

1 station. And that point she was able to get into
2 the driver's seat to attempt to drive away.

3 THE COURT: All right. And I think the
4 question pertained to as it relates to medical
5 treatment.

6 MS. HUNTER: Yes, Your Honor. I
7 believe she's just finishing talking about the
8 extent of the assault that she got from her before
9 she's going to talk about how she treated -- how
10 she knew -- to know what the injuries were.

11 THE COURT: The only testimony in
12 relation to what is necessary involving medical
13 treatment.

14 MS. HUNTER: Okay.

15 THE COURT: Just a moment. Yes, sir?

16 MR. TURNBLAD: Thank you, Your Honor.

17 MS. HUNTER: Yes, sir.

18 THE COURT: All right.

19 Q. Okay. I'm going to get you to stop
20 after having discussed the physical assault and the
21 sexual assault. So did you ask her questions
22 pertinent to vaginal penetration to know where to
23 swab?

24 A. Yes.

25 Q. And can you tell the jury how she was

CADEY KEIGANS - DIRECT EXAMINATION BY MS. HUNTER

1 | vaginally penetrated?

2 | A. The alleged assailant inserted his
3 | fingers into her vagina and his penis.

4 | Q. Did you ask her if he ejaculated inside
5 | of her?

6 | A. Yes.

7 | Q. And did he?

8 | A. No.

9 | Q. And did you ask Ms. Nickens about
10 | postassault hygiene?

11 | A. I did.

12 | Q. And explain to the jury what type of
13 | hygiene we're talking about?

14 | A. In general or specific to this?

15 | Q. Specific to this?

16 | A. Specific to this, Ms. Nickens told me
17 | she had -- let me look at my notes right quick.
18 | She had urinated about four times since the
19 | assault. She had brushed her teeth the morning
20 | that I met her. She had showered a couple of times
21 | since the assault and also drank fluid since the
22 | assault.

23 | Q. And why does that matter?

24 | A. Each time any of these things occur,
25 | evidence is getting washed away from the body.

CADEY KEIGANS - DIRECT EXAMINATION BY MS. HUNTER

1 Q. Thank you. Can you tell the jury about
2 her physical appearance and demeanor?

3 A. She was disheveled when I met her, but
4 she was appropriate for her age. Very quite and
5 calm.

6 Q. And did you perform a physical exam on
7 Ms. Nickens?

8 A. Yes, I do a head to toe exam.

9 Q. Okay. Can you explain that exam that
10 was performed?

11 A. Yes. So I do a head to toe exam with
12 just the naked eye. I document all of the injuries
13 that I can see on the SLED forms that are provided.
14 After that, I do a head to toe exam with a UV light
15 to see things that I can't see with just the normal
16 eye.

17 Q. And were there any injuries that you
18 noted?

19 A. Yes, ma'am.

20 Q. And can you explain to the jury what
21 those injuries were on Ms. Nickens?

22 A. Yes. On Ms. Nickens she had an
23 abrasion located on her right buttocks. She also
24 had an abrasion located on her left wrist. She had
25 three missing acrylic fingernails on both hands, so

CADEY KEIGANS - DIRECT EXAMINATION BY MS. HUNTER

1 six total missing. She had a bruise located on the
2 back of her left arm. She had a partial bite mark
3 located on her right hand. She also had a scabbed
4 over abrasion that was located in the middle of her
5 forehead. Another bruise was located underneath
6 her left cheeks and she had two black eyes. She
7 had a full bite mark located on her right thigh
8 with bruising around it and a circular bruise
9 located on her left thigh. And then I had positive
10 UV noted on her left hand.

11 Q. Okay. Thank you. And were -- did she
12 also have a genital exam done?

13 A. Yes.

14 Q. Okay. And can you explain sort of the
15 position of that to the jury?

16 A. So during a genital exam, we have -- at
17 Aiken Regional our policy is to bring in the ER
18 physician. So there is a physician and myself in
19 the room. The patient has to lie on their back and
20 expose their genitals where the physician does a
21 visual assessment of the area for potential
22 injuries and then also performs a speculum exam
23 where a swab is then collected of the area.

24 Q. Thank you. And during this exam were
25 -- of Ms. Nickens, were any swabs taken?

CADEY KEIGANS - DIRECT EXAMINATION BY MS. HUNTER

1 A. Yes.

2 Q. Nurse Keigans, I'd like to show you
3 what's marked as State's Exhibit 14.

4 A. Okay.

5 Q. Do you recognize this?

6 A. I do.

7 Q. And how do you recognize that?

8 A. It has my initials on it.

9 Q. Okay.

10 MS. HUNTER: And, Your Honor, we'd move
11 at this point to enter State's Exhibit 14 into
12 evidence.

13 THE COURT: Any objection?

14 MR. TURNBLAD: No, Your Honor.

15 THE COURT: It's admitted.

16 (WHEREUPON, State's Exhibit Number 14
17 was entered)

18 Q. Can you tell the jury what that is?

19 A. This is pieces of the sexual assault
20 kit.

21 Q. And that's a kit that you collected?

22 A. Yes.

23 Q. So you can explain to the jury what
24 those swabs are?

25 A. Sure. The swabs that I collected was

CADEY KEIGANS - DIRECT EXAMINATION BY MS. HUNTER

1 -- included a known DNA standard which is a buccal
2 swab.

3 Q. Let me stop you there. What's a buccal
4 swab?

5 A. A buccal swab is done to collect DNA
6 evidence of my patient that I'm seeing at the time.

7 Q. So in this case that would be Ms.
8 Nickens?

9 A. Correct.

10 Q. And where do you collect the buccal
11 swab from?

12 A. I swab the inside of the cheeks and
13 along the gumline.

14 Q. Thank you.

15 A. Next is pubic hair combings.
16 Fingernail scrapings, suspected saliva swabs, oral
17 swabs, and vaginal swabs.

18 Q. Okay. Thank you. And where on her
19 body were those swabs taken from?

20 A. The suspected saliva swabs, I swabbed
21 the thighs where the bite marks were located. And
22 then the oral swabs were done in the mouth.
23 Vaginal swab is done in the vagina.

24 Q. Okay. Thank you. Anything else in
25 that CSC kit you collected?

CADEY KEIGANS - DIRECT EXAMINATION BY MS. HUNTER

1 A. Yes. There is a bag which I put her
2 leggings in and a debris collection sheet.

3 Q. And explain to the jury what the debris
4 collection sheet is and how it's used?

5 A. So I have the patient stand up. It's a
6 paper sheet that the patient will stand on so when
7 they remove their clothing if there was any debris
8 located in it then it falls on the white sheet and
9 I fold it up and put it into the bag.

10 Q. Okay. Thank you. And after you
11 collected each swab, what did you do with them?

12 A. After each swab is collected, they have
13 to dry in a dryer. Once they're completely dry
14 then they're placed in the corresponding envelope.
15 I seal them with tape and also an evidence
16 collection sticker and it's initialed by myself.

17 Q. And in this case was that sealed and
18 initial by yourself?

19 A. Yes, it was.

20 Q. Okay. And once you finish doing that
21 what do you do with the kit?

22 A. The kit stays in my possession until an
23 officer arrives and we follow the chain of custody
24 and I sign it over to him.

25 Q. Thank you.

CADEY KEIGANS - CROSS EXAMINATION BY MR. TURNBLAD

1 MS. HUNTER: I don't have any further
2 questions for this witness.

3 THE COURT: By the Defense?

4 MR. TURNBLAD: Yes, Your Honor.

5 CROSS EXAMINATION BY MR. TURNBLAD:

6 Q. You swab under the fingernails to check
7 and see if somebody else's DNA was there possibly?

8 A. Yes, sir.

9 Q. Okay. So like if somebody maybe
10 scratched somebody or something it would get under
11 their fingernails?

12 A. Correct.

13 Q. Okay. And y'all did a genital
14 examination like you said pretty thorough of Ms.
15 Nickens; correct?

16 A. Correct.

17 Q. And she didn't have any injuries to her
18 genital area whatsoever?

19 MS. HUNTER: Objection, Your Honor.
20 She testified that she was present for it, but that
21 she didn't actually do the physical -- the genital
22 examination, so she can't testify to that.

23 THE COURT: Are you asking her for her
24 observations or for a medical opinion?

25 MR. TURNBLAD: It was in her report and

CADEY KEIGANS - CROSS EXAMINATION BY MR. TURNBLAD

1 I'm just asking for her observation, Your Honor.

2 THE COURT: Yes.

3 MS. HUNTER: I'm sorry. That part of
4 the report, she's not the one who does that part of
5 the exam, Your Honor. That was all I was getting
6 at.

7 THE COURT: Restate the question again
8 for me, please.

9 Q. Were any injuries found to her genital
10 area?

11 A. The documentation, that's not done by
12 myself states they were within normal limits.

13 Q. Okay. And if they're within normal
14 limits, you can't tell if somebody was assaulted or
15 not, can you?

16 A. That's not true.

17 Q. But it's consistent -- let's put it
18 this way, if you don't have injuries that's
19 consistent with not being assaulted or can be
20 consistent with that; correct?

21 A. Not necessarily true. Especially in
22 the vagina.

23 Q. So anytime somebody is assaulted there
24 would be no injuries?

25 A. I'm not saying that.

CADEY KEIGANS - CROSS EXAMINATION BY MR. TURNBLAD

1 Q. But it's possible if they were not
2 assaulted for there to be no injuries? If somebody
3 was not sexually assaulted are there going to be
4 injuries to their vagina?

5 A. Can you repeat the question?

6 Q. If somebody is not sexually assaulted
7 and has not had sex, would there be injuries to
8 their vagina from sex?

9 A. If they have not been sexually
10 assaulted?

11 Q. Yes. Will there be injuries from an
12 assault on their genitals if they had not been
13 assaulted?

14 A. You could potentially have injuries to
15 the vagina from consensual sex.

16 Q. Okay. But if somebody had not had sex,
17 would not having injuries be consistent with that?

18 A. If they have not had sex?

19 Q. Yes.

20 A. There's a good chance there is not
21 injuries to the vagina.

22 Q. Okay.

23 MR. TURNBLAD: One second, Your Honor.
24 No further questions, Your Honor.

25 THE COURT: Any redirect?

MICHAEL WILLIAMS - DIRECT EXAMINATION BY MR. GIESE

1 MS. HUNTER: No, Your Honor.

2 THE COURT: Thank you, ma'am. You may
3 step down. Call your next witness.

4 MR. GIESE: The State calls Michael
5 Williams.

6 MICHAEL WILLIAMS,
7 being first duly sworn, was examined and testified
8 as follows:

9 THE CLERK: Please be seated. State
10 your full name in the microphone, please.

11 MR. WILLIAMS: Yes. My name is Michael
12 Scott Williams.

13 THE CLERK: Thank you.

14 MR. GIESE: May it please the Court,
15 Your Honor.

16 DIRECT EXAMINATION BY MR. GIESE:

17 Q. Deputy Williams, where do you work?

18 A. Aiken County Sheriff's Office.

19 Q. And how long you worked there?

20 A. Sixteen years.

21 Q. What are your duties at the sheriff's
22 office?

23 A. I'm a part of the forensic warrants
24 team.

25 Q. Okay. What were your duties back in

MICHAEL WILLIAMS - DIRECT EXAMINATION BY MR. GIESE

1 September of 2018?

2 A. I worked uniform patrol.

3 Q. In the course of those duties, did you
4 become involved in this case?

5 A. Yes, sir.

6 Q. Can you explain to the jury how you
7 became involved?

8 A. Yes, sir. On September 24th of 2018,
9 approximately around 2100 hours, I was dispatched
10 to Aiken Regional Medical Center to pick up a CSC
11 kit for Orangeburg County.

12 Q. Okay. And what did you do when you got
13 -- what hospital did you go to?

14 A. Aiken Regional Medical Center.

15 Q. And what did you do when you got there?

16 A. Yes. I met with the ER nurse, I
17 believe her name is Ms. Keigans and retrieved the
18 sexual assault kit from her.

19 Q. Okay. What condition was the sexual
20 assault kit in when you received it?

21 A. I believe it was sealed.

22 Q. Okay. Did you receive it directly from
23 Ms. Keigans?

24 A. Yes.

25 Q. Okay. What did you do with it at that

MICHAEL WILLIAMS - DIRECT EXAMINATION BY MR. GIESE

1 point?

2 A. I took custody of it. I also filled
3 out the Aiken County Sheriff's Office evidence
4 receipt and transported it to the Aiken County
5 Sheriff's Office and placed it in the evidence
6 freezer.

7 Q. Okay. Is that standard protocol?

8 A. Yes, sir.

9 Q. So did you create a chain of custody
10 form?

11 A. Yes, sir.

12 Q. I'm showing you what's been marked as
13 State's Exhibit 15. Do you recognize that?

14 A. Yes, sir.

15 Q. What is that?

16 A. That's the evidence receipt I filled
17 out.

18 Q. Okay. Is that filled out by you?

19 A. Yes, sir.

20 Q. Did Ms. Keigans sign that?

21 A. Yes, sir.

22 Q. Did you sign it as well?

23 A. Yes, sir.

24 Q. And then did you provide -- put it in
25 the case file and provided it to Orangeburg County?

MICHAEL WILLIAMS - CROSS EXAMINATION BY MR. STEVENS

1 A. I believe so.

2 Q. Okay.

3 MR. GIESE: Your Honor, at this time,
4 the State moves State's Exhibit 15 into evidence.

5 THE COURT: Any objection?

6 MR. STEVENS: Judge, I think, again,
7 the foundation for identification, I don't think
8 they've actually completed the foundation for it to
9 be moved into evidence with all the other names
10 that's responsible for this document.

11 THE COURT: What says the State?

12 MR. GIESE: Your Honor, we'll build
13 that foundation. I understand.

14 THE COURT: Okay.

15 Q. Mr. Williams, after taking it to the
16 evidence locker, did you do anything else in this
17 case?

18 A. No, sir.

19 MR. GIESE: No further questions, Your
20 Honor.

21 THE COURT: Cross examination?

22 MR. STEVENS: Thank you, Judge. Very
23 briefly.

24 CROSS EXAMINATION BY MR. STEVENS:

25 Q. How are you doing today, Deputy

MICHAEL WILLIAMS - CROSS EXAMINATION BY MR. STEVENS

1 Williams?

2 A. I'm okay.

3 Q. My name is Breen Stevens with the
4 Defense. I just got a couple quick easy questions
5 for you.

6 You were nowhere near the incident of
7 the allegedly problems here for which we're in
8 trial on September 23, 2018; correct?

9 A. Correct.

10 Q. So you didn't personally see or hear
11 any of the allegations that actually purportedly
12 occurred; right?

13 A. No, sir.

14 Q. Okay.

15 MR. STEVENS: No further questions.

16 Thank you, Judge.

17 THE COURT: Anything further?

18 MR. GIESE: No, Your Honor. Thank you.

19 THE COURT: Okay. Thank you, sir.

20 MR. GIESE: May it please the Court.

21 The State calls Mary Francis O'Grady.

22 MARY O'GRADY,

23 being first duly sworn, was examined and testified
24 as follows:

25 THE CLERK: Thank you. Please be

MARY O'GRADY - DIRECT EXAMINATION BY MR. GIESE

1 seated. State your full name in the microphone.

2 MS. O'GRADY: Mary Francis O'Grady.

3 THE CLERK: Thank you.

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

6 THE COURT: Yes.

7 DIRECT EXAMINATION BY MR. GIESE:

8 Q. Ms. O'Grady, where do you work?

9 A. I am retired from the Aiken County
10 Sheriff's Office.

11 Q. And how long you been retired?

12 A. Since April of last year.

13 Q. Okay. Where did you work -- how long
14 were you at the Aiken County Sheriff's Office?

15 A. Sixteen years.

16 Q. And so were you working there back in
17 September of 2018?

18 A. I was.

19 Q. What were your duties there at that
20 time?

21 A. I was the forensic
22 investigator/evidence room manager.

23 Q. Okay. In the course of those duties,
24 did you become involved in this case?

25 A. I did.

MARY O'GRADY - DIRECT EXAMINATION BY MR. GIESE

1 Q. And how did you become involved?

2 A. I basically took the criminal sexual
3 conduct kit out of the refrigerator that we have by
4 the lockers out front and then placed it into
5 evidence in the back.

6 Q. Okay. Can you kind of describe that
7 process? Like, did someone notify you that it's
8 there?

9 A. We have to empty the lockers every
10 morning and we basically take inventory of what was
11 there and what wasn't. Anything that was
12 biological in nature would be stored into a
13 lockable refrigerator. And then we'd empty it out.
14 Put it immediately into the following refrigerator
15 which is in the evidence room itself. And then we
16 go back and finish up the paperwork.

17 Q. Okay. When you -- in this case when
18 you made that transport was this item sealed?

19 A. Yes.

20 Q. Did it appear to be tampered with?

21 A. No.

22 Q. What would you have done if it appeared
23 to be tampered with?

24 A. We notify your chain of command and
25 actually notify the corresponding agency which

MARY C'GRADY - DIRECT EXAMINATION BY MR. GIESE

1 would have been Orangeburg.

2 Q. Okay. I'm showing you what's been
3 marked as State's Exhibit 15. Do you recognize
4 that?

5 A. That's the chain custody.

6 Q. Okay. And what is that a chain of
7 custody for?

8 A. It's for the criminal sexual conduct
9 kit and a white bag which would probably be
10 clothing or something to that affect.

11 Q. Okay. And who did -- did you sign that
12 form?

13 A. I did.

14 Q. And who put that in the evidence
15 locker?

16 A. I did -- oh, Michael Williams put it in
17 originally.

18 Q. And does he work for Aiken County
19 Sheriff's Office?

20 A. Yes.

21 Q. Okay. And who picked it up -- who was
22 it then transported to?

23 A. It was given back over to Orangeburg.

24 Q. Okay. Is there anyone on there?

25 A. Kimberly Pugh.

MARY O'GRADY - CROSS EXAMINATION BY MR. STEVENS

1 Q. Okay. Thank you.

2 MR. GIESE: No further questions, Your
3 Honor.

4 CROSS EXAMINATION BY MR. STEVENS:

5 Q. Good morning, Ms. O'Grady, how are you
6 doing today?

7 A. What's going on?

8 Q. Not a whole lot. I'm just going to ask
9 a couple of brief questions. Just basically, you
10 were not there at any incident location for this
11 case in September of 2018; correct?

12 A. No.

13 Q. So you didn't witness anything of the
14 allegations here; correct?

15 A. No.

16 MR. STEVENS: No further questions.
17 Thank you.

18 THE COURT: Thank you, ma'am. You may
19 step down. You may call your next witness.

20 MR. GIESE: State calls Kimberly Pugh.

21 KIMBERLY PUGH,
22 being first duly sworn, was examined and testified
23 as follows:

24 THE CLERK: Please be seated. In the
25 microphone, please speak loud and clear your first

KIMBERLY PUGH - DIRECT EXAMINATION BY MR. GIESE

1 -- your full name.

2 MS. PUGH: Kimberly Pugh.

3 THE CLERK: Thank you.

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

6 DIRECT EXAMINATION BY MR. GIESE:

7 Q. Ms. Pugh, where do you work?

8 A. I work at the Orangeburg County
9 Sheriff's Office.

10 Q. And how long have you worked there?

11 A. About 20 years.

12 Q. What are your duties there?

13 A. I work in the evidence room.

14 Q. In the course of those duties, did you
15 become involved in this case?

16 A. I did.

17 Q. How did you become involved?

18 A. I collected a CSC kit and some clothing
19 from Aiken County Sheriff's Office.

20 Q. Okay. Can you describe how you
21 collected it?

22 A. I met with their evidence room person
23 and she passed them over to me. I signed for them
24 and brought them back to Orangeburg.

25 Q. Okay. I'm showing you what's been

KIMBERLY PUGH - DIRECT EXAMINATION BY MR. GIESE

1 marked as State's Exhibit 15. Do you recognize
2 that?

3 A. I do.

4 Q. What is that?

5 A. It's a transfer sheet. A property
6 transfer sheet.

7 Q. Is that the sheet you just indicated
8 you signed?

9 A. I did.

10 Q. Okay. And who did you receive it from?

11 A. McGrady?

12 Q. Ms. O'Grady?

13 A. O'Grady.

14 MR. GIESE: Your Honor, at this time,
15 State moves State's 15 into evidence.

16 THE COURT: What says the Defense?

17 MR. STEVENS: Without objection, Judge.

18 THE COURT: It's admitted.

19 MR. GIESE: Thank you, Your Honor.

20 (WHEREUPON, State's Exhibit Number 15
21 was entered)

22 Q. So what did you do once you picked it
23 up?

24 A. I brought it back to Orangeburg and I
25 put the kit in the refrigerator and the clothing in

KIMBERLY PUGH - DIRECT EXAMINATION BY MR. GIESE

1 a box to store.

2 Q. Okay. Is that standard protocol?

3 A. It is.

4 Q. Where did you place it, the CSC kit in
5 particular?

6 A. In the refrigerator.

7 Q. Okay. And where is that located?

8 A. It's inside the evidence room.

9 Q. Is that at the Orangeburg County
10 Sheriff's Office?

11 A. It is.

12 Q. Who has access to that room?

13 A. My supervisor and my coworker who works
14 in forensics.

15 Q. Okay. And yourself, do you have
16 access?

17 A. And me, yes.

18 Q. Okay. Did you eventually take that
19 item to SLED?

20 A. I did.

21 Q. What is SLED?

22 A. The South Carolina Law Enforcement
23 Division, they have a lab.

24 Q. Okay. So why did you take it to SLED?

25 A. To be tested.

KIMBERLY PUGH - DIRECT EXAMINATION BY MR. GIESE

1 Q. Okay. Did you process anything else in
2 this case?

3 A. Process? I didn't process. I took
4 into evidence a buccal swab and Monster drink can
5 with a straw.

6 Q. Okay. Let's start with the buccal
7 swab. Who was the buccal swab from?

8 A. Michael Corbitt.

9 Q. Okay. And what did you do with that
10 buccal swab?

11 A. I took it to SLED.

12 Q. Okay. What about -- where did you
13 receive the Monster Energy drink from?

14 A. Investigator Stuke.

15 Q. Okay. Was he in lead investigator on
16 this case?

17 A. I believe so.

18 Q. What did you do with that Monster
19 Energy drink can once he gave it to you?

20 A. I took that to SLED too.

21 Q. Okay. Was that item in a sealed bag?

22 A. It was.

23 Q. Did it appear to be tampered with?

24 A. No.

25 Q. How about the buccal swabs, were those

KIMBERLY PUGH - CROSS EXAMINATION BY MR. STEVENS

1 in a sealed bag?

2 A. Yes.

3 Q. Did those appear to be tampered with?

4 A. No.

5 Q. And then back to the CSC kit, was that
6 sealed as well?

7 A. It was.

8 Q. Did that appear to be tampered with?

9 A. No.

10 Q. What would you do if it did appear to
11 be tampered with?

12 A. If it was tampered, I wouldn't accept
13 it.

14 Q. Okay. Other than all that evidence
15 collection, did you have any other involvement in
16 this case?

17 A. No.

18 MR. GIESE: No further questions, Your
19 Honor. Thank you.

20 CROSS EXAMINATION BY MR. STEVENS:

21 Q. Hey, Ms. Pugh, how are you doing this
22 morning?

23 A. Good. How are you?

24 Q. I'm okay, thanks for asking. Just very
25 briefly. Your sole role was just the evidence

KIMBERLY PUGH - CROSS EXAMINATION BY MR. STEVENS

1 custodian in this case; correct?

2 A. Yes.

3 Q. And so you were not at the incident
4 location that was alleged in this case in September
5 of 2018; right?

6 A. No.

7 Q. You did not witness anything or alleged
8 incident or alleged conduct; right?

9 A. No.

10 Q. Thank you.

11 MR. STEVENS: No further questions,
12 Judge.

13 THE COURT: You may step down. Call
14 your next witness.

15 MR. GIESE: Your Honor, the State calls
16 William Ketcherside.

17 WILLIAM KETCHERSIDE,
18 being first duly sworn, was examined and testified
19 as follows:

20 THE CLERK: Please be seated. In the
21 microphone, please state your full name.

22 MR. KETCHERSIDE: William Ketcherside.

23 THE CLERK: Thank you.

24 DIRECT EXAMINATION BY MR. GIESE:

25 Q. Investigator Ketcherside, where do you

WILLIAM KETCHERSIDE - DIRECT EXAMINATION BY MR. GIESE

1 work?

2 A. Orangeburg County Sheriff's Office.

3 Q. And how long have you worked there?

4 A. Roughly 16 and a half, almost 17 years.

5 Q. Okay. What are your duties there?

6 A. I am the lieutenant of the forensic
7 services division.

8 Q. In the course of your duties, did you
9 become involved in this case?

10 A. I did.

11 Q. And how did you become involved?

12 A. I was asked to retrieve or collect
13 buccal swabs or DNA swab standards.

14 Q. What are buccal swabs?

15 A. It's basically two Q-tip swabs and we
16 collect from the base of the gum and the cheek to
17 get skin cell and saliva.

18 Q. Okay. And who did you collect these
19 buccal swabs from?

20 A. Michael Corbitt.

21 Q. And can you describe the process in
22 doing that?

23 A. Yes. So wearing gloves you would take
24 -- first of all it would be consent or either a
25 search warrant. In this case it was a consent.

WILLIAM KETCHERSIDE - DIRECT EXAMINATION BY MR. GIESE

1 And then you would take the two swabs and you would
2 collect saliva or skin cells from the base of the
3 cheek. And then you use what we call Shure Cap
4 swabs. It's a plastic cap that seals that swab so
5 it can be sealed immediately.

6 Q. Okay. Did you do that in this case?

7 A. Yes.

8 Q. And what do you do after you seal it?

9 A. I submit it in our evidence storage.

10 Q. Okay. And did you do that in this
11 case?

12 A. Yes.

13 Q. I'm showing you what's been marked as
14 State's Exhibit 16. If you can take a look at that
15 and do you recognize that?

16 A. Yes.

17 Q. What is that?

18 A. It's an envelope containing two buccal
19 swabs for Michael Corbitt. It's got his date of
20 birth and that was on [REDACTED] of '21 at 2:46 p.m.,
21 14:46 hours.

22 Q. Okay. Are those the buccal swabs you
23 just described to the jury that you took from
24 Mr. Corbitt?

25 A. Yes.

WILLIAM KETCHERSIDE - CROSS EXAMINATION BY MR. STEVENS

1 MR. GIESE: Your Honor, at this time,
2 the State moves State's Exhibit 16 into evidence.

3 THE COURT: Says the Defense?

4 MR. STEVENS: Without objection, Judge.

5 THE COURT: It's admitted.

6 MR. GIESE: Thank you, Your Honor.

7 (WHEREUPON, State's Exhibit Number 16
8 was entered)

9 Q. Who did you give the buccal swabs to
10 afterwards?

11 A. Kimberly Pugh, our evidence custodian.

12 Q. Okay. And is that standard protocol?

13 A. Yes.

14 Q. After doing that, did you have any
15 other involvement in this case?

16 A. No.

17 MR. GIESE: No further questions, Your
18 Honor. Thank you.

19 CROSS EXAMINATION BY MR. STEVENS:

20 Q. How are you doing, Investigator
21 Ketcherside?

22 A. Good. How are you today?

23 Q. Well, thank you for asking. Just
24 briefly. You said you were the one who took the
25 buccal swabs from Mr. Corbitt; correct?

WILLIAM KETCHERSIDE - CROSS EXAMINATION BY MR. STEVENS

1 A. Correct.

2 Q. If I heard you correct, you said it was
3 consensual; correct?

4 A. Yes.

5 Q. So he didn't fight you about it?

6 A. No.

7 Q. Didn't bite you or anything?

8 A. No, sir.

9 Q. Just said consensually said sure, go
10 ahead, here you go; right?

11 A. (Nodded)

12 Q. Okay. And one last question. You were
13 not a witness to the alleged incident; correct?

14 A. No, sir.

15 Q. You didn't see anything happen?

16 A. No, sir.

17 Q. Thank you.

18 MR. STEVENS: No further questions.

19 Thank you, Judge.

20 THE COURT: You may step down. Next
21 witness.

22 MR. GIESE: Your Honor, may I have the
23 opportunity to redirect this witness?

24 THE COURT: Yes.

25 MR. GIESE: Thank you.

WILLIAM KETCHERSIDE - CROSS EXAMINATION BY MR. STEVENS

1 REDIRECT EXAMINATION BY MR. GIESE:

2 Q. Investigator Ketcherside, what was the
3 date that you said you collected these buccal
4 swabs?

5 A. August 26th of 2021.

6 Q. And when did this incident occur?

7 A. I'm not sure. I don't know the actual
8 date of the incident.

9 Q. Okay.

10 MR. GIESE: Thank you, Your Honor.

11 THE COURT: Anything further?

12 MR. STEVENS: Nothing from the Defense,
13 Judge.

14 THE COURT: Thank you, sir. Next
15 witness?

16 MS. HUNTER: Your Honor, our next
17 witnesses are coming from Columbia and I think they
18 just arrived. Can I go check?

19 THE COURT: All right. We'll take a
20 break, ladies and gentlemen. Please do not discuss
21 the case.

22 (WHEREUPON, the jury left the courtroom
23 at 10:51 a.m.)

24 (WHEREUPON, there was a short break)

25 THE COURT: Ready for the jury?

THOMAS DARNELL - DIRECT EXAMINATION BY MS. HUNTER

1 MS. HUNTER: Yes, Your Honor.

2 MR. TURNBLAD: We're going to grab the
3 Defendant.

4 THE COURT: Bring the jury.

5 THE BAILIFF: Yes, Your Honor.

6 (WHEREUPON, the jury entered the
7 courtroom at 11:05 a.m.)

8 THE COURT: Okay. Next witness.

9 MS. HUNTER: State calls Tom Darnell.

10 TOM DARNELL,
11 being first duly sworn, was examined and testified
12 as follows:

13 THE CLERK: In the microphone, state
14 your full name for the record.

15 MR. DARNELL: My name is Thomas Edward
16 Darnell. Last name is spelled D-A-R-N-E-L-L.

17 THE CLERK: Thank you.

18 DIRECT EXAMINATION BY MS. HUNTER:

19 Q. Mr. Darnell, where are you employed?

20 A. I am currently employed at the State
21 Law Enforcement Division more commonly known as
22 SLED and I am a latent print examiner within the
23 forensic laboratory.

24 Q. And how long have you been at SLED?

25 A. Total about 30 years.

THOMAS DARNELL - DIRECT EXAMINATION BY MS. HUNTER

1 Q. All right. And you stated you work in
2 latent prints. Did you receive any specialized
3 training in latent print analysis?

4 A. I did.

5 Q. Can you tell the jury about your
6 schooling and training?

7 A. I have a Bachelor's of Science degree
8 in Criminal Justice from the University of South
9 Carolina. I started my -- I actually started my
10 employment at the Richland County Sheriff's Office
11 in '82. When I began working at SLED in 1990, I
12 completed an 18 month inhouse training program that
13 dealt with latent print analysis, latent print
14 processing. And in addition to inhouse training, I
15 completed a number of courses across the state as
16 well as some out-of-state at the FBI academy in
17 Quantico, Virginia.

18 Additionally, I also at an earlier
19 point in my career, I was appointed to be a
20 training officer and I've trained other examiners
21 to do the same job that I'm doing now.

22 Q. Thank you. And, Mr. Darnell, can you
23 tell the jury how many times you have testified as
24 an expert in latent print analysis in circuit or
25 federal court?

THOMAS DARNELL - DIRECT EXAMINATION BY MS. HUNTER

1 A. Approximately 175 times.

2 Q. Thank you.

3 MS. HUNTER: Your Honor, at this point
4 in time, we'd move to qualify Mr. Darnell as an
5 expert in latent print analysis.

6 THE COURT: Says the Defense?

7 MR. TURNBLAD: No objection, Your
8 Honor.

9 THE COURT: He's so qualified.

10 MS. HUNTER: Thank you.

11 Q. Mr. Darnell, can you tell the jury what
12 your duties are as a latent print analyst?

13 A. My duties are to receive physical
14 evidence that's brought into the laboratory by
15 outside agencies. In this case it would be the
16 Orangeburg County Sheriff's Office. My duties are
17 to process the evidence for -- to determine if
18 there's any fingerprints present and to also
19 collect DNA evidence that might be present.

20 Q. Thank you. Mr. Darnell, I'm going to
21 show you what's marked as State's Exhibit 17. Do
22 you recognize this item?

23 A. Yes, I do.

24 Q. How do you recognize it?

25 A. The item has the laboratory number, the

THOMAS DARNELL - DIRECT EXAMINATION BY MS. HUNTER

1 item number, and the -- my initials on the bottom
2 of the can.

3 Q. Thank you. And can you tell the jury
4 what that is?

5 A. This is a -- it's an empty can labeled
6 Monster Energy drink and it also has a blue plastic
7 straw with it.

8 MS. HUNTER: Your Honor, at this point
9 in time, we'd ask to move items 17 into evidence.

10 MR. TURNBLAD: No objection, Your
11 Honor.

12 THE COURT: It's admitted.

13 (WHEREUPON, State's Exhibit Number 17
14 was entered)

15 Q. Mr. Darnell, I'd like to show you
16 what's marked as State's Exhibit 18. Do you
17 recognize that item?

18 A. Yes, I do.

19 Q. How do you recognize that item?

20 A. State's 18 is two small manila
21 envelopes that I used to package DNA swabs within.

22 MS. HUNTER: Your Honor, I'd ask to
23 move State's 18 into evidence.

24 MR. TURNBLAD: No objection, Your
25 Honor.

THOMAS DARNELL - DIRECT EXAMINATION BY MS. HUNTER

1 THE COURT: It's admitted.

2 (WHEREUPON, State's Exhibit Number 18
3 was entered)

4 Q. Can you tell the jury how the -- how
5 item, State's Exhibit 17, which would be the can
6 and straw, how was it when you received it?

7 A. Yes, ma'am. When I received the can,
8 it was within a sealed container. In other words,
9 it was in a container which was -- had evidence
10 tape on it, had a date and initials of the person
11 that brought it in.

12 In fact, anytime evidence comes into
13 the laboratory it has to be in a sealed condition.
14 It can't just be loose, it has to be in a package.
15 When I opened up the container, it had this can in
16 it and the straw was actually inside the can as if
17 someone were drinking out of the can. That's the
18 way it was when I got it.

19 Q. And when you received it, did it appear
20 to be tampered or altered with in any way?

21 A. No, ma'am.

22 Q. Okay. Can you explain to the jury what
23 you did in this case?

24 A. The request that I had was to process
25 for latent prints and also to swab it for DNA

THOMAS DARNELL - DIRECT EXAMINATION BY MS. HUNTER

1 saliva. And being that I've got two requests, I've
2 got to determine which one to do first of course.
3 I don't want to process it for latent prints prior
4 to swabbing it for DNA saliva. If I processed it
5 for latent prints initially, I might would damage
6 or cause any DNA that might be present to not be
7 there anymore.

8 So in this case, what I did was, I
9 swabbed the straw and then I swabbed the mouth
10 opening of the can. How I did that was I used
11 sterile cotton swabs and I moistened those with
12 distilled water and then I swabbed the area -- I
13 swab the outside of the straw as well as the inside
14 of the straw, for example, and then I allow those
15 swabs to air dry. Once they're air dried, I then
16 package them into the brown envelopes that you see
17 in State's 18. And then I also swab the mouth
18 opening of the can for DNA saliva. And the same
19 process was used.

20 Allowing the swabs to air dry and
21 package them into the manila envelopes. These
22 items would have later transferred to the DNA
23 department for further examination. Once I did
24 that then I processed the can to determine if there
25 were any fingerprints that might be present.

THOMAS DARNELL - DIRECT EXAMINATION BY MS. HUNTER

1 Q. And can you explain that process for
2 looking for latent prints on the can?

3 A. When I do a fingerprint examination,
4 one of the first things I do is just particularly
5 do a visual examination just to see if there's
6 anything there that might be visible to the naked
7 eye.

8 In this case, there was not anything
9 really visible, so I had to process it. Which
10 means I've got to use certain techniques trying to
11 develop, trying to enhance any fingerprints that
12 might be present. And that's what I did.

13 Q. And can you explain what the results
14 were for your print analysis on this can?

15 A. When I processed the can in the
16 techniques that I used for anything that's
17 nonporous and that's what this is, it's nonporous.
18 Once I processed it and looked it over very
19 carefully, I did find areas of fingerprints, but
20 the result that I had to render was that they were
21 of no value for comparison. Which what that means
22 is that there were signs of it being touched, it
23 being handled by someone. And I just was not able
24 to determine who last -- or who all may have
25 touched the can at any given time.

THOMAS DARNELL - DIRECT EXAMINATION BY MS. HUNTER

1 Q. And do you always leave prints when you
2 touch something?

3 A. No, ma'am. Unlike how we all like to
4 watch television where you always -- you always
5 seem to get fingerprints on television, we all like
6 to watch TV including myself, in the real world
7 that just does not happen. And there are several
8 reasons for that. The primary reason is that you
9 must understand that fingerprints are primarily
10 nothing but moisture. So about 98 to 99 percent
11 moisture or perspiration. That perspiration
12 exhumes from the pores in your skin. You know,
13 when you touch something, depending on how much
14 you're perspiring, you may or may not leave an
15 impression.

16 You got to think about things that the
17 fact that we all perspire differently, you know, no
18 one perspires the same amount the same way. Were
19 all made differently. And you also have to
20 consider things like weather. You have to consider
21 things like, you know, if something is handled more
22 than one time, prints are very fragile, they could
23 be smeared, they could be smudged in a way that
24 would not allow that print to be suitable for
25 comparison.

THOMAS DARNELL - DIRECT EXAMINATION BY MS. HUNTER

1 Q. And you stated that before you
2 processed the can for prints, you swabbed the can
3 and the straw for DNA. Can you explain how you
4 take those swabs and what happens after you take
5 them?

6 A. Right. Once I allow them the air dry
7 and once they've been packaged into this small
8 brown envelopes, which I filled out. When I put
9 them in the envelope, I filled out the front side,
10 it has the lab number, it has on there an item
11 number which I assign to the swabs. It has a
12 description of what the swabs are and where they
13 came from and then collected by me. It has my name
14 here and my initials and the date that I did this.

15 And then once I allow them to air dry,
16 I place them in this plastic sealed envelope and
17 then I heat sealed it across the top. And I've got
18 the date and the initials. And then once I seal
19 it, it's placed into an evidence room and
20 ultimately it's transferred down to our evidence
21 control department who would then distribute that
22 item to the DNA department for further examination.

23 Q. Thank you. I don't have any further
24 questions. Please answer anything the Defense may
25 have.

THOMAS DARNELL - CROSS EXAMINATION BY MR. TURNBLAD

1 CROSS EXAMINATION BY MR. TURNBLAD:

2 Q. Good morning, Mr. Darnell.

3 A. Good morning.

4 Q. So you examined that can, you can't
5 tell us if Michael Corbitt ever touched that can,
6 can you?

7 A. Well, correct. I can't tell who
8 touched it. I can tell that someone touched it.
9 It could have been him or could have been anybody
10 else for that matter. But the prints are simply of
11 no value for comparison.

12 Q. My question was, you can't tell us yes
13 or no whether he touched that?

14 A. No, I cannot.

15 Q. Okay. And you can't tell us if he was
16 ever anywhere near that can?

17 A. No, sir.

18 Q. Okay. And they -- the sheriff's
19 department, they didn't send you any fingerprints
20 or anything to analyze from the car at all?

21 A. No, sir. The only thing I received was
22 the State's, I believe it was 17.

23 Q. Okay.

24 MR. TURNBLAD: No further questions.

25 THE COURT: Anything further?

RACHEL NGUYEN - DIRECT EXAMINATION BY MS. HUNTER

1 MS. HUNTER: No, Your Honor.

2 THE COURT: All right. Thank you, sir.
3 You may be excused. Your next witness?

4 MS. HUNTER: State calls Rachel Nguyen.

5 RACHEL NGUYEN,
6 being first duly sworn, was examined and testified
7 as follows:

8 THE CLERK: Please be seated. In the
9 microphone, state your full name.

10 MS. NGUYEN: My name is Rachel Nguyen,
11 N-G-U-Y-E-N.

12 THE CLERK: Thank you.

13 DIRECT EXAMINATION BY MS. HUNTER:

14 Q. Hi, Ms. Nguyen. Can you tell the jury
15 where you work?

16 A. I'm currently employed at the South
17 Carolina Law Enforcement Division most commonly
18 known as SLED.

19 Q. And what is your position at SLED?

20 A. I'm a forensic scientist within the DNA
21 case work department.

22 Q. Okay. And did you receive any
23 specialized training in schooling to work in that
24 department?

25 A. So I have two Bachelor's of Science

RACHEL NGUYEN - DIRECT EXAMINATION BY MS. HUNTER

1 | degrees from the University of New Haven. One in
2 | Forensic Science and one in Biology.

3 | Q. And you said you worked in the DNA
4 | department within SLED in the forensic science
5 | department, what exactly do you do with the DNA?
6 | What part of the DNA do you work with? Am I asking
7 | that right?

8 | A. Can you rephrase the question?

9 | Q. Sure. Sure. Your role at SLED in the
10 | forensic science department involving DNA --

11 | A. Like my general lab duties?

12 | Q. Yes. Correct.

13 | A. Okay. So as a serologist in the DNA
14 | department, we do body fluid identification, so we
15 | do various testings for blood, semen or saliva. We
16 | also do evidence processing which is usually to
17 | collect any potential other touch of DNA besides
18 | body fluids. Like skin cells, you know, from
19 | handling certain items. In addition to that, my
20 | other duties include what we call the direct DNA
21 | process. Which is we are performing a portion of
22 | the DNA analysis for our DNA analyst.

23 | So that means we're doing part of the
24 | lab portion to include extraction quantitation,
25 | extracting, trying to remove any DNA on swabs,

RACHEL NGUYEN - DIRECT EXAMINATION BY MS. HUNTER

1 cuttings from article of clothing, and then
2 quantitation which is to see if any human DNA is in
3 fact present on those items.

4 Q. Okay. Thank you. Give me just one
5 second. Ms. Nguyen, I'm showing you what's marked
6 as State's Exhibit 14. Do you recognize that item?

7 A. May I review my notes?

8 Q. (Nodded)

9 A. So, yes, I do recognize this item. I
10 recognize it based on the unique lab number on the
11 exterior of the pouch. I also recognize it by the
12 seals on the side, have my initials and my date
13 from when I went into the heat sealed pouch.

14 And then also several items that I
15 assign unique item numbers two are found within
16 this pouch.

17 Q. Thank you. I'd also like to show you
18 what's marked as State's 18. Do you recognize that
19 item?

20 A. I do recognize this item for the same
21 reasons there's a unique case number. In addition
22 to at the bottom is my initials and the date that I
23 sealed this pouch after I was finished. Each of
24 the envelopes inside the packaging also have my
25 initials and date when I opened them.

RACHEL NGUYEN - DIRECT EXAMINATION BY MS. HUNTER

1 Q. And did either of those items appear to
2 be altered, tampered with when you received them?

3 A. When I received them they did not
4 appear to be altered or tampered with.

5 Q. And if they had what would you have
6 done?

7 A. If they appeared to be altered or
8 tampered with meaning if the pouches seemed to be
9 open or the seals weren't intact, I would have made
10 documentation on two areas. One within our
11 electronic system at SLED which has like all the
12 case files, the item numbers in the case, so it
13 would have been placed there. In addition, it
14 would have been placed on my evidence worksheet
15 which is where I document everything I do in a
16 case.

17 So there would have been a comment
18 there noting that I noticed there was possible
19 tampering with or the pouch was opened or if it
20 wasn't sealed, things like that.

21 Q. Thank you. Can you explain to the jury
22 what you did in this case?

23 A. Yes. So as I previously mentioned in
24 terms of direct DNA analysis, that is what I
25 performed on these samples. So there was no body

RACHEL NGUYEN - DIRECT EXAMINATION BY MS. HUNTER

1 fluid identification performed. It was -- it just
2 went directly to DNA analysis.

3 So the items of evidence are primarily
4 swabs. Yes, they're all swabs. So I would cut a
5 small portion off of these swabs, I'd put it into a
6 small tube. I would add reagents which are
7 chemicals to help try to separate the DNA from
8 whatever the portion of the swab. Just to be
9 clear, a swab is a sterile Q-tip like collection
10 method.

11 And then after adding the reagents, it
12 goes on to a instrument which is a scientific
13 instrument machine, I'm sorry, which will help to
14 separate the DNA from other things that -- possible
15 dirt, you know, proteins that are also found within
16 your body, that type of thing. It wants to purify
17 it and just get the DNA by itself.

18 After that, it will go on to another
19 instrument which will detect like if the human DNA
20 is present. So how much is there and if so -- if
21 not, it will read that there is no DNA present.

22 Q. Okay. And if you can kind of go
23 through each one. So on the CSC kit exactly, what
24 did you do with these?

25 A. So upon receiving a sexual assault kit,

RACHEL NGUYEN - DIRECT EXAMINATION BY MS. HUNTER

1 | it comes in one outer packaging like this and it's
2 | assigned a number. When I receive it, I open this
3 | packaging and take out any collection envelopes
4 | that are found within it. I will then assign each
5 | of those envelopes a unique item number. And then
6 | I will -- as I mentioned, prepare it for analysis.
7 | Some items in here are hair, so I will examine
8 | those things to see if there is hair present. And
9 | then from there the cuttings will go on to the
10 | process I just explained.

11 | Q. Okay. Thank you. And did you do
12 | essentially the same for items 2.1 and 2.2?

13 | A. Yes. Items 2.1 which are the swabs
14 | from the loose straw inside item 2 can and 2.2,
15 | swabs from mouth opening from item 2 can. Both
16 | went through the same process as the swabs found in
17 | the sexual assault kit.

18 | Q. Okay. And can you explain to the jury
19 | how you know where to cut these swabs for possible
20 | DNA from?

21 | A. So within the sexual assault kit there
22 | were vaginal swabs, oral swabs, suspected saliva
23 | swabs from bilateral bite marks on thighs and, yes,
24 | those. So you would anticipate different types of
25 | body fluid being present. So I look at these swabs

RACHEL NGUYEN - DIRECT EXAMINATION BY MS. HUNTER

1 under an ultimate light source. Imagine it's like
2 a flashlight that emits UV rays. That aides in
3 showing any fluorescents. Based on any possible
4 fluorescents on these swabs I would then cut where
5 I see the highest concentration in order to target
6 potentially the highest amount of DNA in that area.

7 As for the fingernail swabs that were
8 submitted, I would not look at those under an
9 ultraviolet light source, but I did note that there
10 was some stain on it, so I would have cut that
11 staining.

12 Q. Okay. Thank you. In your report you
13 also mention item 3, what did you do with that? It
14 would be State's Exhibit 16. It would be the
15 buccal swab from Michael Corbitt.

16 A. Yes. I did also do the DNA extraction
17 quantitation method on the buccal swabs from
18 Michael Corbitt.

19 Q. And after you do these extractions,
20 where does -- where do those items go?

21 A. So the evidence itself in addition to
22 the liquid component that I have for them from my
23 various processes will all go to a DNA analyst from
24 the DNA department. In this case it was Ryan
25 DeWane.

RACHEL NGUYEN - CROSS EXAMINATION BY MR. TURNBLAD

1 Q. All right. Thank you.

2 MS. HUNTER: I don't have any further
3 questions for this witness.

4 CROSS EXAMINATION BY MR. TURNBLAD:

5 Q. Good morning, Ms. Nguyen?

6 A. Good morning.

7 Q. So you -- just so I can understand a
8 little bit better. You basically get everything
9 sent to you and you get it ready for the testing
10 for another person to examine it?

11 A. In a way. So I will take all of these
12 items, I will prepare them for analysis. I will do
13 the essentially the first half of the lab portion
14 of DNA analysis and then the DNA analyst will do
15 the second portion. There's essentially four
16 steps. So think of it as I do steps one and two.

17 Q. Okay. So you have no way of being able
18 to tell if Michael Corbitt's DNA was on anything
19 besides maybe his buccal swab; correct?

20 A. I do not formulate the profiles. I do
21 not generate any kind of specific data in terms of
22 that. I just perform the beginning steps and then
23 hand it off to the analyst to determine those types
24 of things.

25 Q. My question though you can't tell us if

RACHEL NGUYEN - CROSS EXAMINATION BY MR. TURNBLAD

1 his DNA was present on any of the samples to
2 compare to though; correct?

3 A. No, that's not my job to read the data.

4 Q. And you weren't sent any DNA swabs from
5 say the car handle, the steering wheel of the car,
6 the gear shift, anything having to do with the car,
7 did you?

8 A. Based on my notes, all that I received
9 in terms of my involvement in the case was the
10 sexual assault kit, the swabs that were collected
11 from the can, and the buccal swabs from Michael
12 Corbitt.

13 Q. Okay. So you didn't receive anything
14 from any other places anywhere in the car; correct?

15 A. I didn't receive anything from a car.

16 Q. Okay.

17 MR. TURNBLAD: No further questions,
18 Your Honor.

19 THE COURT: Anything further?

20 MS. HUNTER: No, Your Honor.

21 THE COURT: Thank you. You may step
22 down. Yes, ma'am?

23 MS. HUNTER: Your Honor, may I
24 approach?

25 THE COURT: You want to break for a

1 period of time?

2 MS. HUNTER: Yes, Your Honor.

3 THE COURT: What time will you be ready
4 to resume?

5 MS. HUNTER: Would 1 o'clock be okay,
6 Your Honor?

7 THE COURT: All right. Ladies and
8 gentlemen, we're going to break now and resume at 1
9 o'clock. Now, I'm talking to the jury. We're
10 going to break now and resume at 1 o'clock. Please
11 do not discuss the case, allow anyone else to
12 discuss it with you and meet you back at 1 o'clock.
13 Thank you.

14 (WHEREUPON, the jury left the courtroom
15 at 11:31 a.m.)

16 THE COURT: All right. Now, at 1
17 o'clock who do you have coming?

18 MS. HUNTER: At 1 o'clock, Your Honor,
19 we're doing the SLED analyst that is in Washington
20 -- the State of Washington, so we'll do that over
21 zoom.

22 THE COURT: All right. And his
23 testimony would be on the same screen over there?

24 MS. HUNTER: Yes, Your Honor. It will
25 show on this screen pointing to all of us and then

RYAN DEWANE - DIRECT EXAMINATION BY MR. GIESE

1 that screen pointing towards the jury.

2 THE COURT: All right. One o'clock.

3 MS. HUNTER: Thank you.

4 (Lunch break)

5 THE COURT: Are you ready?

6 MR. GIESE: Yes, sir, Your Honor.

7 THE COURT: Bring them on.

8 THE BAILIFF: Yes, Your Honor.

9 (WHEREUPON, the jury entered the
10 courtroom at 1:20 p.m.)

11 THE COURT: Call your next witness.

12 MR. GIESE: The State calls Agent Ryan
13 DeWane.

14 RYAN DEWANE,
15 being first duly sworn, was examined and testified
16 as follows:

17 THE CLERK: Please state your name.

18 MR. DEWANE: Ryan DeWane.

19 THE CLERK: Thank you.

20 MR. GIESE: May it please the Court,
21 Your Honor.

22 THE COURT: Yes.

23 DIRECT EXAMINATION BY MR. GIESE:

24 Q. Agent DeWane, where do you currently
25 work?

RYAN DEWANE - DIRECT EXAMINATION BY MR. GIESE

1 A. I am a forensic scientist assigned to
2 the high-throughput DNA laboratory in Vancouver,
3 Washington within the Washington State Patrol.

4 Q. Okay. And how long have you worked
5 there?

6 A. Approximately two months.

7 Q. Where did you work prior to that?

8 A. I was a forensic scientist assigned to
9 the DNA case work department at the South Carolina
10 Law Enforcement Division.

11 Q. Is that where you worked back in
12 September of 2018?

13 A. Yes, that is correct.

14 Q. What were your duties at SLED?

15 A. I would receive evidence from agencies
16 across from the state. I would then attempt to
17 develop DNA profiles from the evidence and compare
18 it to the DNA profiles of individuals associated
19 with the case. I then wrote a report of my
20 findings and would testify in court when needed.

21 Q. Okay. What training and education have
22 you received while trying to achieve that position?

23 A. I have a Bachelor's of Science degree
24 in Biology preprofessional from Appalachian State
25 University in Boone, North Carolina. I also have

RYAN DEWANE - DIRECT EXAMINATION BY MR. GIESE

1 two miners in Chemistry and English. I'm currently
2 pursuing my Master's of Science degree in Biology
3 from Clemson University in Greenville, South
4 Carolina.

5 During my education, I completed
6 courses in molecular biology, genetics, statistics
7 and biochemistry. These four courses are
8 considered the foundations of forensic biology.
9 Upon being hired at SLED, I underwent an extensive
10 training program. This training program included
11 practice samples, training samples, mock cases,
12 written exams for DNA and serology. A report
13 writing exam and oral exam, a technical review
14 exam, a mock court exam and a competency.

15 Q. Okay. Were you required to achieve any
16 further training while holding the position?

17 A. Yes. We were required to get eight
18 hours of continuing education yearly.

19 Q. Okay. Have you ever testified as an
20 expert in the field of DNA before?

21 A. I have.

22 Q. Approximately how many times?

23 A. Eleven times.

24 Q. Were those all in South Carolina?

25 A. Yes, they were.

RYAN DEWANE - DIRECT EXAMINATION BY MR. GIESE

1 MR. GIESE: Your Honor, at this time, I
2 would like to qualify Ms. DeWane as an expert in
3 the field of DNA analysis?

4 THE COURT: What says the Defense?

5 MR. TURNBLAD: No objection, Your
6 Honor.

7 THE COURT: She's so qualified.

8 MR. GIESE: Thank you, Your Honor.

9 Q. Ms. DeWane, can you please explain to
10 the jury what DNA is?

11 A. DNA stands for Deoxyribonucleic Acid.
12 This is simply a chemical found on all of our
13 bodies. We get half of it from our mother and half
14 from our father. And aside from identical twins,
15 no two people will have the same DNA.

16 Q. Okay. And what it is used for?

17 A. In forensics we use it for
18 identification purposes.

19 Q. Okay. How it is analyzed?

20 A. There are four basic steps to the DNA
21 analysis process. The first step is called
22 extraction. This is when we are separating the DNA
23 from the physical evidence and then purifying it.

24 The second step is called
25 quantification. This is when we figure out how

RYAN DEWANE - DIRECT EXAMINATION BY MR. GIESE

1 much DNA we're working with going forward.

2 The third step is called amplification.

3 This is a process where we multiply the DNA into
4 millions of copies so that our instruments can
5 detected it.

6 And the last step is capillary
7 electrophoresis. This is creating a visual
8 representation of your biological DNA and this is
9 what we call your DNA profile.

10 Q. Okay. Did you analyze DNA in this
11 case?

12 A. Yes, I did.

13 Q. How did that DNA get to you?

14 A. I received the evidence in this case
15 from a direct transfer from forensic serologist
16 Rachel Nguyen.

17 Q. Okay. Well, let me show you -- I'm
18 going to show you a couple of items. I'm going to
19 show you what's been marked as State's Exhibit --
20 or it's been entered into evidence as State's
21 Exhibit 16. Do you recognize that?

22 A. Yes, I do.

23 Q. What is that?

24 A. That is SLED item 3 which are buccal
25 swabs from Michael Corbitt.

RYAN DEWANE - DIRECT EXAMINATION BY MR. GIESE

1 Q. Okay. And how do you know that?

2 A. Because the LET-14065 is the SLED case
3 number and number 3 indicates item 3.

4 Q. Okay. Is that the yellow sticker right
5 here?

6 A. Yes, that's correct.

7 Q. And did you -- what are buccal swabs?

8 A. Buccal swabs are what we call a known
9 standard. This is DNA taken directly from an
10 individual for the purpose of comparison.

11 Q. Okay. And how do you use them?

12 A. We use them to develop a profile and
13 compare it to the profiles developed from the
14 evidence.

15 Q. Okay. Did you -- did you collect or
16 use any other buccal swabs in this case?

17 A. Yes. Item 1.7 were buccal swabs from
18 Keandra Nickens.

19 Q. Okay. I'm showing you what's been
20 entered into evidence as State's Exhibit 14. Do
21 you recognize that?

22 A. Yes. That is SLED item 1. Which is
23 the sexual assault evidence collection kit from
24 Keandra Nickens.

25 Q. Okay. And did you analyze this piece

RYAN DEWANE - DIRECT EXAMINATION BY MR. GIESE

1 of evidence?

2 A. I analyzed DNA extracts from that
3 parent item, yes.

4 Q. Okay. Is this the condition they were
5 in when you tested them?

6 A. Yes.

7 Q. Okay. What were your findings?

8 A. For item 1.1 which were vaginal swabs.
9 A DNA profile suitable for comparison was developed
10 from the sperm fraction. Likelihood ratios for
11 this profile were calculated using cervix. The
12 likelihood ratio is simply a mathematical
13 comparison of two possible scenarios that could
14 best explain the DNA profile that was developed.

15 Scenario one is always going to be the
16 individual was included verses scenario two that
17 they're excluded. And the result of that
18 comparison is supporting which of those two
19 scenarios is more likely to have created DNA
20 profile.

21 So for item 1.1, the vaginal swabs.
22 The DNA profile was interpreted as a mixture
23 originating from two individuals. Keandra Nickens
24 is contributing to the mixture. This is an
25 intimate item because they are vaginal swabs taken

RYAN DEWANE - DIRECT EXAMINATION BY MR. GIESE

1 | directly from her body, so we know that her DNA is
2 | present. She will be in both scenarios.

3 | Scenario one is Keandra Nickens and
4 | Michael Corbitt contributed to the mixture. Verses
5 | a scenario two where Keandra Nickens and an
6 | unidentified unrelated individual contributed to
7 | the mixture meaning not Michael Corbitt.

8 | The result of that comparison is
9 | Michael Corbitt is excluded as a contributor to the
10 | mixture under the listed propositions. No
11 | additional genetic information was developed from
12 | the non-sperm fraction of this item.

13 | Item 1.2 are oral swabs. The DNA
14 | profile developed is attributable to Keandra
15 | Nickens.

16 | Item 1.3 are suspected saliva swabs.
17 | They were labeled bilateral bite marks on thighs.
18 | The DNA profile developed is attributable to
19 | Keandra Nickens. The presence of a minor male
20 | contributor is indicated, but is insufficient for
21 | interpretation.

22 | For item 1.4, these are fingernail
23 | swabs. A DNA profile suitable for comparison was
24 | developed. The DNA profile was interpreted as a
25 | mixture originating from two individuals. Keandra

RYAN DEWANE - DIRECT EXAMINATION BY MR. GIESE

1 Nickens is contributing to the mixture.

2 Scenario one is Keandra Nickens and
3 Michael Corbitt contributed to the mixture verses
4 scenario two where Keandra Nickens and an
5 unidentified unrelated individual contributed to
6 the mixture. The result of that comparison is
7 Michael Corbitt is excluded as a contributor to the
8 mixture on to the listed propositions.

9 Item 1.5 were pubic hair combings. No
10 hair was found.

11 And item 1.6 was the debris collection
12 and no analysis was performed.

13 Q. Okay. Can you describe to the jury
14 what a major contributor is and what a minor
15 contributor is?

16 A. Yes. A major contributor in a mixture
17 of DNA is the individual who's contributing a lot
18 of DNA to that profile. A minor contributor will
19 be -- have their DNA present, but it's much lower
20 than the major.

21 Q. Okay. In your experience, is it
22 possible to touch something and not leave your DNA?

23 A. Yes, that is possible.

24 Q. Is it possible to have sexual
25 intercourse with someone and not leave your DNA?

RYAN DEWANE - DIRECT EXAMINATION BY MR. GIESE

1 A. Yes, that is possible.

2 Q. What's the difference between DNA in
3 semen and touch DNA?

4 A. DNA from semen it comes from the sperm
5 cells in the semen which is usually a very high
6 content of DNA. Touch DNA are skin cells that are
7 left behind when you touch something and they
8 oftentimes are -- we expect to get less DNA from
9 touch than we do from the biological fluid like
10 semen.

11 Q. Okay. Now, you mentioned Michael
12 Corbitt was excluded as a contributor. When
13 someone is excluded as a contributor that's just
14 based on the sample you tested. That doesn't mean
15 you exclude them from having intercourse with that
16 person?

17 A. DNA analysis cannot determine how or
18 when DNA were to get on an item. From the piece of
19 evidence that I collected, he was excluded.

20 Q. Okay. I'm going to show you another
21 item. This has been entered into evidence as
22 State's 17. I'm going to show you the back of it
23 first then I'm going to show you the front. Do you
24 recognize this item?

25 A. Yes, I do.

RYAN DEWANE - DIRECT EXAMINATION BY MR. GIESE

1 Q. And what is this?

2 A. This contains items -- oh, I'm sorry.
3 This is item 2 which was a Monster Energy drink
4 can.

5 Q. Okay. Is there anything else inside
6 there?

7 A. Can you please show me the front again?
8 (Mr. Giese complies)

9 A. No, it should just be item 2.

10 Q. Is it written on there that there's a
11 -- with blue straw?

12 A. Yes. Yes, a blue straw inside item 2.

13 Q. Okay. Did you test these -- or analyze
14 these items?

15 A. Yes, I did.

16 Q. And what were your findings?

17 A. Item 2.1 were swabs from the blue straw
18 inside item 2 which was the Monster Energy drink
19 can. A DNA profile suitable for comparison was
20 developed. The DNA profile was interpreted as a
21 mixture from two individuals. In this -- for this
22 item this is no longer an infinite item so we are
23 comparing both Keandra Nickens and Michael Corbitt.

24 This first comparison, that is just
25 Keandra Nickens. The first scenario is Keandra

RYAN DEWANE - DIRECT EXAMINATION BY MR. GIESE

1 Nickens and an unidentified unrelated individual
2 contributed to the mixture verses scenario two
3 where it's two unidentified unrelated individuals
4 that contributed to the mixture.

5 The result of that comparison is the
6 DNA profile is approximately 15 octillion times
7 more likely if Keandra Nickens and an unidentified
8 unrelated individual contributed to the mixture
9 than if two unidentified unrelated individuals
10 contributed to the mixture.

11 The second comparison set is just
12 comparing Michael Corbitt under the same scenarios.
13 And the result of that comparison is Michael
14 Corbitt is excluded as a contributor to the mixture
15 under the listed propositions.

16 Item 2.2 are swabs from the mouth
17 opening of that item 2 can. A DNA profile was
18 developed. Due to the limited information obtained
19 and the inability to determine the number of
20 contributors, no further interpretation will be
21 offered.

22 Q. Okay. And was your testimony earlier
23 about the major and minor contributors, is that the
24 same in testing this item?

25 A. Yes, that is correct.

RYAN DEWANE - DIRECT EXAMINATION BY MR. GIESE

1 Q. And the same with touch DNA, that's the
2 same in this item?

3 A. Can you --

4 Q. Your analysis for both items are the
5 same?

6 A. Yes, that is correct.

7 Q. Okay. Rather than me go through --
8 have you answer all those questions again. What do
9 you do with these items when you're finished with
10 them?

11 A. Once the report in cases are undergone
12 technical review from another qualified analyst,
13 the evidence is then returned to our evidence
14 control department.

15 Q. Okay. And all of these items, I think
16 I probably already asked you about the swabs, but
17 all of the items you received in this case, were
18 any -- did any of those appear to be tampered with?

19 A. No.

20 Q. What would you do if they appeared to
21 be tampered with?

22 A. The analysis would be stopped and the
23 submitting agency would be contacted if it came
24 into the laboratory like that. If it came from
25 another analyst like that, they would be contacted

RYAN DEWANE - CROSS EXAMINATION BY MR. TURNBLAD

1 to determine the condition of the item when it was
2 in their custody.

3 Q. Okay. When you completed testing was
4 that the extent of your involvement in this case?

5 A. Yes, it was.

6 Q. Okay. Thank you. Please answer any
7 questions Mr. Turnblad has.

8 CROSS EXAMINATION BY MR. TURNBLAD:

9 Q. Afternoon. How are you doing?

10 A. Good afternoon.

11 Q. So you said earlier, DNA is used for
12 identification purposes; is that correct?

13 A. Yes, that is correct.

14 Q. Okay. And you compared Michael
15 Corbitt's DNA to these samples you had; correct?

16 A. Yes, I did.

17 Q. Okay. And so there was a sample from
18 under Ms. Nickens's fingernails that you tested;
19 correct?

20 A. Yes, that is correct.

21 Q. And Michael Corbitt was excluded;
22 right?

23 A. Yes, that is correct.

24 Q. Okay. There was another sample taken
25 from a bite mark or supposed bite mark on the

RYAN DEWANE - REDIRECT EXAMINATION BY MR. GIESE

1 thigh; correct?

2 A. Yes, that is correct.

3 Q. And you couldn't say that Mr. Corbitt's
4 DNA was conclusively there; correct?

5 A. I cannot compare him so he is neither
6 included or excluded from that item.

7 Q. And then there was a vaginal swab done;
8 correct?

9 A. Yes, that is correct.

10 Q. And Michael Corbitt was excluded from
11 that one as well, wasn't he?

12 A. Yes, that is correct.

13 Q. Okay. And were you sent any DNA swabs
14 from the vehicle or anything like that, any other
15 DNA to look at besides what you testified?

16 A. I apologize. I do not recall which
17 items were submitted to the laboratory, but these
18 were the only items that were tested.

19 Q. Okay.

20 MR. TURNBLAD: No further questions.

21 THE COURT: Anything further?

22 MR. GIESE: Yes, Your Honor, briefly.

23 REDIRECT EXAMINATION BY MR. GIESE:

24 Q. Ryan, just because DNA is not found on
25 an item doesn't mean that someone did not touch

JOHN STUKE - DIRECT EXAMINATION BY MR. GIESE

1 that item; is that correct?

2 A. Yes, that is a possible -- yes, that is
3 possible.

4 Q. Okay.

5 MR. GIESE: No further questions, Your
6 Honor. Thank you.

7 THE COURT: Anything further?

8 MR. TURNBLAD: No, Your Honor.

9 THE COURT: All right. Thank you.

10 MR. GIESE: Thanks, Ryan. May it
11 please the Court, Your Honor. The State calls
12 Investigator John Stuke.

13 JOHN STUKE,
14 being first duly sworn, was examined and testified
15 as follows:

16 THE CLERK: Please be seated. In the
17 microphone, state your full name for the record.

18 MR. STUKE: John Stuke.

19 THE CLERK: Thank you.

20 MR. GIESE: Please the Court, Your
21 Honor.

22 THE COURT: Yes.

23 DIRECT EXAMINATION BY MR. GIESE:

24 Q. Investigator Stuke, where do you work?

25 A. For the Orangeburg County Sheriff's

JOHN STUKE - DIRECT EXAMINATION BY MR. GIESE

1 Office.

2 Q. And how long have you worked there?

3 A. I've worked for the sheriff's office
4 here for seven years, with a total of just over 20
5 years in law enforcement.

6 Q. Okay. What are your duties with the
7 sheriff's office?

8 A. Currently assigned to the major crimes
9 division with the focus on sexual assaults and
10 child abuse.

11 Q. In the course of your duties, did you
12 become involved in a case on September 23rd of
13 2018?

14 A. Yes, sir.

15 Q. What were you doing that day?

16 A. I was actually assisting the patrol
17 division helping them respond to calls for service.

18 Q. Okay. Where were you dispatched?

19 A. To the approximately 7400 block of
20 Capital Way in Springfield, South Carolina.

21 Q. Okay. Is that in Orangeburg County?

22 A. Yes, sir.

23 Q. What did you observe when you first
24 arrived on scene?

25 A. I first arrived on the scene there was

JOHN STUKE - DIRECT EXAMINATION BY MR. GIESE

1 a pickup truck was parked on the side of the road.
2 I observed a black female and two white males that
3 were there at the vehicle. The subjects were later
4 identified. The black female is the victim in this
5 case, Ms. Keandra Nickens. And two witness in the
6 case, a Mr. Hunter Johns and Eric Walker.

7 Q. Okay. And whose truck was that?

8 A. I believe it was Mr. Hunter Johns.

9 Q. Okay. Did you take statements from
10 Mr. Johns and Mr. Walker?

11 A. I did.

12 Q. Okay. Did you take a statement from
13 the victim in this case?

14 A. I did. I gave her a moment when I
15 first arrived there on the scene. She was doing a
16 little self treatment with the assistance of the
17 two gentlemen with an ice pack on her face. Once I
18 give her the opportunity, yes, sir.

19 Q. What was her demeanor when you arrived?

20 A. She was very upset.

21 Q. Okay. Did she have any visible
22 injuries?

23 A. Yes, sir.

24 Q. And what were those?

25 A. She had swelling around both of her

JOHN STUKE - DIRECT EXAMINATION BY MR. GIESE

1 eyes as well as her cheeks and facial area. I saw
2 some small remnants of blood around her face as
3 well as on her clothing. And what appeared to be a
4 bite mark on her right hand.

5 Q. Okay. Did you photograph those
6 injuries?

7 A. Yes, sir.

8 Q. Were those injuries consistent with
9 what she told you happened?

10 A. Yes, sir.

11 Q. At some point do y'all eventually leave
12 the scene?

13 A. Yes, sir, we did.

14 Q. And where do you go?

15 A. Ms. Nickens took me on the path of kind
16 of the events that had happened that day. We went
17 to the Horizon gas station located there in
18 Springfield as kind of a starting point. She then
19 brought me through the Town of Springfield down
20 several back roads. We stopped at an intersection,
21 if I can consult my reports of Florida Street and
22 Barnwell Street there in Springfield. She had
23 advised us this is where the first assault had
24 occurred.

25 She then brought me by an address on, I

JOHN STUKE - DIRECT EXAMINATION BY MR. GIESE

1 | believe it's Kingland Street there in Springfield
2 | that she identified as the residence of Mr. Corbitt
3 | and his mother. Where she advised another assault
4 | had occurred there. And then eventually brought me
5 | to the end of Furtick Lane, the end of the paved
6 | portion of Furtick Lane.

7 | Q. Okay. Did she identify who assaulted
8 | her?

9 | A. She did.

10 | Q. And who was that?

11 | MR. TURNBLAD: Objection, Your Honor.

12 | THE COURT: Basis for the objection?

13 | MR. TURNBLAD: I --

14 | THE COURT: The basis for the
15 | objection.

16 | MR. TURNBLAD: I'm sorry. Rule
17 | 801(d)(1) again. That was the hearsay rule we
18 | argued earlier that he can testify to maybe time
19 | and location, but not to identification.

20 | THE COURT: Any response?

21 | MR. GIESE: I withdraw the question,
22 | Your Honor.

23 | THE COURT: Okay.

24 | MR. GIESE: Thank you.

25 | Q. So where did you go next?

JOHN STUKE - DIRECT EXAMINATION BY MR. GIESE

1 A. After we went down the dead end of
2 Furtick Lane, after I got done there, was able to
3 process that scene a little bit, we then returned
4 back to the Horizon gas station which was where she
5 advised the last part of this incident had occurred
6 prior to the vehicle making its way to Capital Way.

7 Q. Okay. And what did you do there?

8 A. On Furtick Lane?

9 Q. Yes.

10 A. While I was up there at Furtick Lane, I
11 photographed kind of both directions on Furtick
12 Lane in the area that she had explained where the
13 sexual assault which I later found out about as
14 well as the physical assault at that location.
15 While we were there, I located a Monster Energy
16 drink can that had a blue straw in it. Ms. Nickens
17 had advised that that can had been in her car, so I
18 collected that as evidence as well.

19 Q. Okay. Can you describe that area?

20 A. It's a very remote area. A lot of
21 trees and bushes. And then once the paved portion
22 ends right there at the dead end, it transitions
23 into an open field area.

24 Q. Okay. What did you find there?

25 A. The -- basically just that Monster

JOHN STUKE - DIRECT EXAMINATION BY MR. GIESE

1 Energy drink can which I collected.

2 Q. Okay. And how did you collect it?

3 A. Like anytime I'm handling any sort of
4 evidence, I put gloves on and then collected the
5 can, place it in a bag and then that sealed bag was
6 then given into the Orangeburg County property room
7 to Ms. Kimberly Pugh who is our evidence custodian.

8 Q. I'm going to show you what's been
9 entered into evidence as State's 17. Do you
10 recognize this?

11 A. Yes, sir.

12 Q. What is that?

13 A. That's the can I collected from the end
14 of Furtick Lane.

15 Q. Okay. And this the one you submitted
16 into evidence?

17 A. Yes, sir.

18 Q. Okay. And what else did you collect
19 other than the can?

20 A. Photographs of the scene and then just
21 the can and the straw.

22 Q. Okay. And the straw. Was that can --
23 did you testify was that can sent off to SLED for
24 testing?

25 A. Yes, sir, it was.

JOHN STUKE - DIRECT EXAMINATION BY MR. GIESE

1 Q. Okay. Eventually, were you contacted
2 about this case a couple of days later?

3 A. Yes, sir.

4 Q. Who contacted you?

5 A. The shift supervisor, one of our
6 deputies, Rogers who was working with us at that
7 time. He had advised that he had received a report
8 from the Aiken County Sheriff's Office regarding --

9 MR. TURNBLAD: Objection, Your Honor.
10 Hearsay.

11 MR. GIESE: It's a business record
12 exception, Your Honor.

13 THE COURT: Overrule the objection.

14 MR. GIESE: Thank you.

15 Q. Okay. At some point did you speak with
16 Ms. Nickens again?

17 A. Yes, I did.

18 Q. Did she elaborate in her second
19 interview?

20 A. Yes, sir, she did.

21 Q. Did she change her first statement from
22 her -- from the first interview?

23 A. No, sir.

24 Q. Did she identify any other consensual
25 sexual partners in that statement?

JOHN STUKE - DIRECT EXAMINATION BY MR. GIESE

1 A. Yes, sir, she did.

2 Q. And who did she identify?

3 A. Subject named Johnny Brown.

4 Q. Okay. Did she describe the sexual
5 assault to you?

6 A. She did.

7 Q. And who did she say sexually assaulted
8 her?

9 MR. TURNBLAD: Objection, Your Honor.
10 Hearsay again.

11 THE COURT: Response?

12 MR. GIESE: It's not for the truth of
13 the matter asserted, Your Honor.

14 MR. TURNBLAD: Your Honor, it's
15 prohibited. And once again Rule 801(d)(1) is
16 limited to any hearsay statements are limited to
17 time and location not to identification.

18 THE COURT: I overrule the objection.

19 Q. Did -- was that interview recorded?

20 A. Yes, sir.

21 Q. Did she also give a written statement
22 that day too?

23 A. Yes, sir, she did.

24 Q. Okay. And then did she eventually
25 leave that day?

JOHN STUKE - DIRECT EXAMINATION BY MR. GIESE

1 A. Yes, sir.

2 Q. Did you ever go to the Horizon gas
3 station?

4 A. Yes, sir, I did.

5 Q. And why did you go there?

6 A. The hope was that I could collect some
7 sort of surveillance video that may have been
8 captured on the cameras there at the Horizon gas
9 station.

10 Q. Okay. And what did you do there?

11 A. I attempted to obtain copies of any
12 surveillance video. Unfortunately, the only person
13 who is able to access their cameras is a district
14 manager who was not there. I made several
15 additional attempts to meet with the district
16 manager up there to obtain copies of the video.
17 Unfortunately, by the time he was able to actually
18 meet me there, the retention time had expired on
19 that particular day.

20 Q. Okay. Did y'all eventually find the
21 vehicle that was involved in this?

22 A. Yes, sir.

23 Q. Where did you find the vehicle?

24 A. The vehicle actually had been recovered
25 by family members at a location somewhere in

JOHN STUKE - DIRECT EXAMINATION BY MR. GIESE

1 Springfield.

2 Q. Okay. Did you take photos of that
3 vehicle?

4 A. Yes, sir, I did.

5 Q. Was there a crack in the windshield?

6 A. Yes, sir.

7 MR. GIESE: Your Honor -- or excuse me.

8 Q. Investigator Stuke, I'm showing you
9 what's been marked as State's Exhibits 7, 8 and 9.
10 Kind of leap through those and tell me if you
11 recognize those.

12 A. Yes, sir, I do.

13 Q. What are those photos of?

14 A. These are the photographs that I took
15 of Ms. Nickens' Altima.

16 Q. Are those fair and accurate
17 representations of the state that vehicle was in
18 when you took those photos?

19 A. Yes, sir.

20 MR. GIESE: Your Honor, at this time,
21 the State moves State's Exhibit 7 through 9 into
22 evidence.

23 MR. TURNBLAD: No objection, Your
24 Honor.

25 THE COURT: They're admitted.

JOHN STUKE - DIRECT EXAMINATION BY MR. GIESE

1 (WHEREUPON, State's Exhibit Number 7
2 through 9 were entered)

3 Q. I'm going to show you these pictures on
4 the screen. Before I do that, did you process the
5 vehicle?

6 A. No, sir, I did not.

7 Q. And why did you -- why didn't you
8 process the vehicle?

9 A. Since the vehicle was not actually
10 taken or located by the Orangeburg County Sheriff's
11 Office or any law enforcement agency and the
12 vehicle had been already removed and occupied by
13 family members, in my opinion that particular for
14 lack of a better term crime scene the integrity was
15 no longer valid.

16 Q. Okay. I'm going to show you these
17 three photos again, State's Exhibits 7 through 9.
18 Can you describe to the jury what's in State's
19 Exhibit 7?

20 A. It's going to be the victim's car, the
21 black color Nissan Altima.

22 Q. Okay. How about State's Exhibit 8?

23 A. That's another photograph verifying via
24 the tag number that was the vehicle that's in
25 question.

JOHN STUKE - CROSS EXAMINATION BY MR. TURNBLAD

1 Q. And then finally, State's Exhibit 9?

2 A. Was a picture of the crack that I saw
3 in the windshield.

4 Q. Okay.

5 MR. GIESE: Beg the Court's indulgence,
6 Your Honor. No further questions, Your Honor.
7 Thank you.

8 THE COURT: By the Defense?

9 CROSS EXAMINATION BY MR. TURNBLAD:

10 Q. Afternoon?

11 A. Good afternoon, sir.

12 Q. Some video you were just never able to
13 get it?

14 A. Correct, sir.

15 Q. Okay. But there was a video at some
16 point in time?

17 A. I can't say one way or the other. No
18 one ever observed the video.

19 Q. Okay. Did you think about subpoenaing
20 the video?

21 A. No, sir.

22 Q. Okay. Now, as far as the car. I know
23 you say that it might not have been preserved
24 anymore because you got there, but did you even try
25 to look, to dust for fingerprints at all?

JOHN STUKE - CROSS EXAMINATION BY MR. TURNBLAD

1 A. No, sir. Because like I said, with it
2 no longer having really the integrity of a crime
3 scene, I did not.

4 Q. Okay. So you didn't try at all?

5 A. No, sir.

6 Q. And you -- supposedly Mr. Corbitt's
7 head hit this windshield so hard that it broke the
8 windshield?

9 A. That was what was told to me, yes, sir.

10 Q. Okay. Did you even try since there is
11 such a hard impact there, did you even try to get a
12 DNA swab from the window?

13 A. I did not, sir.

14 Q. Okay. And did -- so you were told that
15 these two people were together?

16 A. Yes, sir.

17 Q. Did you try to get either of their cell
18 phone records?

19 A. No, sir.

20 Q. Have you collected cell phone records
21 in the past?

22 A. I have, sir.

23 Q. Okay. And sometimes those can show
24 people's locations; correct?

25 A. Yes, sir.

JOHN STUKE - CROSS EXAMINATION BY MR. TURNBLAD

1 Q. And you didn't get those at all in this
2 case?

3 A. No, sir.

4 MR. TURNBLAD: No further questions,
5 Your Honor.

6 MR. GIESE: No redirect, Your Honor.
7 Thank you.

8 THE COURT: All right. Thank you, sir.
9 Next witness?

10 MS. HUNTER: Your Honor, the State
11 rests.

12 THE COURT: All right. Ladies and
13 gentlemen, that is the State's case. I need you to
14 go to the jury room for a break. When you return,
15 Ms. McCoy, I'm going to appoint you to serve as the
16 foreperson of the jury. And you -- it will be your
17 responsibility to be the spokesperson for the jury,
18 to preside over the jury deliberations, and to
19 complete the verdict form representing the
20 unanimous verdict of the jury.

21 Please go to the jury room.

22 (WHEREUPON, the jury left the courtroom
23 at 1:52 p.m.)

24 THE COURT: Any matters of law?

25 MR. STEVENS: Thank you, Judge. May it

1 please the Court.

2 THE COURT: Yes, sir.

3 MR. STEVENS: At this time, the Defense
4 respectfully moves for a directed verdict acquittal
5 pursuant to Rule 19(a) of the South Carolina Rules
6 of Criminal Procedure, *State verses Brown*.

7 THE COURT: And the basis for the
8 motion?

9 MR. STEVENS: The basis for the motion
10 is failure of the government to prove each element
11 or have direct circumstantial or substantial
12 circumstantial evidence to each element of the
13 charged offenses, kidnapping, criminal sexual
14 conduct first degree, carjacking, and assault and
15 battery in the first degree.

16 THE COURT: All right. Response by the
17 State --

18 MS. HUNTER: Thank you, Your Honor.

19 THE COURT: -- as to each offense?

20 MS. HUNTER: As to each offense, Your
21 Honor?

22 THE COURT: Yes.

23 MS. HUNTER: As to the criminal sexual
24 conduct charge, Your Honor, Ms. Nickens testified
25 that Mr. Corbitt penetrated her while she was

1 confined during kidnapping, so I believe that her
2 testimony alone is enough to convict him of
3 criminal sexual conduct in the first degree.

4 Her testimony alone is enough to
5 convict him of kidnapping. She got on the stand
6 and testified that he was -- she was not free to
7 leave essentially in the places he took her.

8 For the carjacking, Ms. Nickens and
9 Mr. Hunter Johns' testimony that he pushed her out
10 of the car and -- that Michael Corbitt was the one
11 who pushed her out of the car and stole her car. I
12 believe that is enough for carjacking, Your Honor.

13 And for assault and battery first
14 degree, Ms. Nickens testified as to her injuries.
15 And, again, that she was not free to leave while he
16 was assaulting her. And that was corroborated by
17 Hunter Johns and Eric Walker. It was corroborated
18 by the SANE, it was corroborated by Investigator
19 Stuke.

20 THE COURT: Any response?

21 MR. STEVENS: Not at this time, Judge.

22 THE COURT: That being, the motion is
23 denied.

24 MR. STEVENS: Thank you, sir. Next, we
25 respectfully renew all of our previous motions made

1 during the course of the trial, Judge.

2 THE COURT: Any one in particular?

3 MR. STEVENS: Well, I understand you
4 already ruled on it, Judge, but the previous motion
5 we had regarding in court identification by
6 Mr. Johns specifically under the two bases we
7 argued that one, that *Biggers* obviously should
8 apply not just for a hearing, but to apply the
9 factors.

10 Also the Court deemed that that
11 previous taint of him hearing the name and identity
12 of Mr. Corbitt the day of. And normally get hit
13 when giving identity of a black male and yet still
14 pointing him out for the first time in open court
15 is not satisfying *Biggers* itself then going along
16 with the other case albeit out-of-state that has
17 transpired since the *State verses Lewis* that does
18 show that majority of jurisdictions are going along
19 with still applying the *Biggers* factors and
20 therefore which is why obviously a written motion
21 that we produced both to the Court and to opposing
22 counsel on Friday of last week in advance.

23 And on those basis especially which we
24 understand the Court has already ruled against us
25 on both of those bases, we simply reraise those

MICHAEL CORBITT - EXAMINATION BY THE COURT

1 again, Judge.

2 THE COURT: Any response?

3 MS. HUNTER: No, Your Honor, you've
4 already ruled on those motions.

5 THE COURT: All right. So noted for
6 the record.

7 MR. STEVENS: Thank you, Judge. Next,
8 we respectfully request the Court to advise
9 Mr. Corbitt regarding his Fifth Amendment rights of
10 testifying or remain silent in the matter.

11 THE COURT: All right, we'll do.
12 Mr. Corbitt, if you'll come and stand in front of
13 me. He needs to be sworn.

14 MICHAEL CORBITT,
15 being first duly sworn, was examined and testified
16 as follows:

17 EXAMINATION BY THE COURT:

18 THE COURT: Mr. Corbitt, at this time
19 I'm going to explain to you certain of your rights.
20 If you do not understand anything that I say,
21 please let me know and I will explain it in greater
22 detail if need be. Do you understand?

23 A. Yes, sir.

24 THE COURT: We have now reached the
25 stage of the trial where you may present your

MICHAEL CORBITT - EXAMINATION BY THE COURT

1 defense. You have the right to claim the
2 protections given to you by the Fifth Amendment to
3 the Constitution of the United States. This
4 Amendment states in part that no person shall be
5 compelled in any criminal case to be a witness
6 against himself.

7 This means that you cannot be required
8 to testify; however, you do have the right to
9 testify on your own behalf if you would like to,
10 but no one can make you testify. Whether or not
11 you testify is a personal right that you have and
12 no one can waive that right except you. Do you
13 follow me?

14 A. Yes, sir.

15 THE COURT: Now, if you decide to
16 testify, you will be subject to the same rules that
17 govern other witnesses and you may be examined and
18 cross examined on any relevant issue in this case.

19 A. Yes, sir.

20 THE COURT: In addition, if you have
21 any convictions involving dishonesty or false
22 statement or for crimes punishable by imprisonment
23 for more than one year and I determine that the
24 probative value of admitting this evidence
25 outweighs it's prejudicial effect to you, the

MICHAEL CORBITT - EXAMINATION BY THE COURT

1 | solicitor then will be able to introduce your
2 | record to attacked your credibility. Understand?

3 | A. Yes, sir.

4 | THE COURT: Now, am I correct he does
5 | not have any impeaching convictions?

6 | MS. HUNTER: That's correct, Your
7 | Honor.

8 | MR. TURNBLAD: That's correct, Your
9 | Honor.

10 | THE COURT: So that does not apply
11 | since you have no record. If you decide to
12 | testify, this decision on your part must be freely,
13 | voluntarily, and intelligently made with knowledge
14 | of the protections given to you by the Fifth
15 | Amendment and the consequences of your decision to
16 | testify.

17 | A. Yes, sir.

18 | THE COURT: If you decide not to
19 | testify, I will instruct the jurors that they
20 | cannot give the fact that you did not testify any
21 | consideration whatsoever. And that there is to be
22 | absolutely no prejudice to you because you did not
23 | testify. And now it's left entirely up to you
24 | whether or not you testify. You may talk with your
25 | lawyers, your family, friends, anyone else you have

MICHAEL CORBITT - EXAMINATION BY THE COURT

1 available to talk to, but the final decision will
2 be left entirely up to you. Do you understand what
3 I've explained to you?

4 A. Yes, sir.

5 THE COURT: Have any questions about
6 what I've explained?

7 A. No, sir.

8 THE COURT: Have you discussed with
9 your lawyer whether or not you should testify?

10 A. Yes, sir.

11 THE COURT: Can't hear you?

12 A. Yes, sir.

13 THE COURT: Do you wish to talk with
14 your lawyer or lawyers anymore about whether or not
15 you should testify?

16 A. Yes, sir.

17 THE COURT: All right. So how much
18 time do y'all need to talk?

19 MR. TURNBLAD: Maybe about five
20 minutes, Your Honor.

21 THE COURT: I'm not trying to rush you,
22 I just want to know.

23 MR. TURNBLAD: Sure. I don't think it
24 will take more than five to ten minutes, Your
25 Honor.

MICHAEL CORBITT - EXAMINATION BY THE COURT

1 THE COURT: Okay. Just let me know
2 when you're ready.

3 MR. TURNBLAD: Okay. Thank you, Your
4 Honor.

5 THE COURT: All right. We'll be in
6 recess.

7 (WHEREUPON, there was a short break)

8 THE COURT: All right. Mr. Corbitt,
9 you made your decision about testifying or not
10 testifying?

11 A. I'm not going to testify.

12 THE COURT: Sir?

13 A. No, sir.

14 THE COURT: You haven't made your
15 decision?

16 A. Yes, sir.

17 THE COURT: And what's your decision?

18 A. Not testifying.

19 THE COURT: You're not testifying?

20 A. Yes, sir.

21 THE COURT: All right. And, Counsel,
22 you conferred with him on that?

23 MR. TURNBLAD: I have, Your Honor, and
24 he's not going to testify at this time. We have a
25 few witnesses to call if something changes, we'll

1 alert the Court and let you know.

2 THE COURT: Okay. Very good. Are you
3 ready for the Defense?

4 MS. HUNTER: Well, Your Honor, if
5 they're going to call witnesses, I guess we need to
6 be provided their dates of birth and Social
7 Security numbers to run rap sheets on them for
8 impeachment purposes.

9 THE COURT: All right.

10 MR. TURNBLAD: I'll go get that real
11 fast, Your Honor.

12 THE COURT: Okay.

13 MS. HUNTER: Okay. Thank you.

14 THE COURT: What are we waiting on now?

15 MR. TURNBLAD: I gave everything to
16 their office administrator. She's running the rap
17 sheets right now.

18 THE COURT: Do you need to do that
19 before we proceed?

20 MS. HUNTER: Well, if they're going to
21 testify, I think we should know if they have a rap
22 or --

23 THE COURT: Well, the first person
24 who's testifying, do they have a record?

25 MR. TURNBLAD: The first two I plan on

1 calling do not have records, Your Honor.

2 MS. HUNTER: According to them or y'all
3 have run them?

4 MR. TURNBLAD: Well, Amir G. is
5 ten years old, so I doubt he has a record. We
6 don't have his Social Security number.

7 MS. HUNTER: Your Honor, if we're going
8 to have a ten year old testify, can we do a -- can
9 they put him on the stand outside the presence of
10 the jury and do a competence hearing to make sure
11 he's qualified to testify?

12 THE COURT: Why is that?

13 MS. HUNTER: He's a child, Your Honor.
14 We don't know anything about what he's going to
15 testify to. If he knows the difference between a
16 truth and a lie. Any of those.

17 THE COURT: Every person is presumed to
18 be competent to testify.

19 MS. HUNTER: Yes, Your Honor.

20 THE COURT: Do you object or does it
21 matter or what?

22 MR. TURNBLAD: I mean, I object. I
23 think -- we were looking for the rule real quick.
24 I think he's deemed to be competent. Do y'all need
25 to have something that's fine, but I think he's

1 competent to testify, Your Honor.

2 THE COURT: Well, you know, you -- of
3 course with the witness yesterday when you decided
4 to have unnecessary hearings that gives witnesses
5 an opportunity to prepare and maybe the lawyer
6 think you're preparing, but it gives the witnesses
7 opportunities to prepare for your questions. It
8 may not apply for a child to say one thing this
9 time and something else later. But let's see what
10 we have a child as witness.

11 MR. TURNBLAD: Just a second, Your
12 Honor. It's under the competency rule, Your Honor,
13 Rule 601 under witnesses. Every person is
14 competent to be a witness except those provided by
15 statute of these rules. There's the
16 disqualification of witness right underneath it
17 where it says they're determined to be disqualified
18 if the proposed witness is incapable of expressing
19 himself which is not the situation here. He can
20 express himself. To be understood by the judge and
21 the jury, so we don't have any problems with his
22 physical ability to testify.

23 So the next prong would be whether he's
24 incapable of understanding the duty of a witness to
25 tell the truth. I think Your Honor could ask him

1 if he knows about telling the truth or not.

2 THE COURT: That's what they want me to
3 do now; is that right?

4 MS. HUNTER: Yes, Your Honor.

5 MR. TURNBLAD: I'm fine as long as it's
6 outside the presence of the jury, Your Honor.

7 THE COURT: All right. Bring him on.

8 MR. TURNBLAD: All right. Amir
9 G.

10 THE COURT: Is this an eyewitness or a
11 charter witness.

12 MR. TURNBLAD: He's an alibi witness,
13 Your Honor.

14 THE COURT: Alibi witness.

15 AMIR G.

16 being first duly sworn, was examined and testified
17 as follows:

18 THE CLERK: Please be seated. Please
19 state your full name.

20 MR. G. : My name is Amir G.

21 .

22 THE CLERK: Thank you, sir.

23 THE COURT: Did you want to pose
24 questions to him?

25 MR. TURNBLAD: Yes, Your Honor.

AMIR G. - DIRECT EXAMINATION BY MR. TURNBLAD

1 DIRECT EXAMINATION BY MR. TURNBLAD:

2 Q. Amir --

3 A. Sir.

4 Q. Yes. Do you know what telling the
5 truth means?

6 A. Yes, sir.

7 Q. And you know in court that you are
8 supposed to tell the truth?

9 A. Yes, sir.

10 Q. And are you aware that you could get in
11 trouble if you don't tell the truth?

12 A. Yes, sir.

13 Q. And you know the difference between the
14 truth and something that's not real; correct?

15 A. Yes, sir.

16 MR. TURNBLAD: No further questions,
17 Your Honor.

18 MS. HUNTER: Can you ask him examples
19 of that so we know he understands?

20 MR. TURNBLAD: Okay.

21 Q. Is it true that a bird can fly?

22 A. Yes, sir.

23 Q. Okay. Is it true or false a snake has
24 legs?

25 A. False.

AMIR G. - EXAMINATION BY THE COURT

1 Q. Okay.

2 MR. TURNBLAD: That's all we have, Your
3 Honor.

4 THE COURT: Mr. G. -- do you have
5 questions Ms. Hunter?

6 MS. HUNTER: No, Your Honor.

7 EXAMINATION BY THE COURT:

8 THE COURT: Last name is G. ?

9 A. Yes, sir.

10 THE COURT: Do you have any personal
11 recollection about the events occurring on
12 September 23, 2018?

13 A. What that mean?

14 THE COURT: Do you remember that day,
15 September 23, 2018?

16 A. Yes, sir.

17 THE COURT: And why do you remember
18 that day?

19 A. Say it again?

20 THE COURT: Why do you remember that
21 day?

22 A. Because usually my grandma always
23 usually leave because she had to go to the grocery
24 store to get --

25 THE COURT: She usually leaves when?

AMIR G. - EXAMINATION BY THE COURT

1 A. On the weekends, Saturday.

2 THE COURT: And was September 23, 2018
3 a weekend?

4 A. Sir?

5 THE COURT: Was September 18th -- I'm
6 sorry. Was September 23, 2018 a weekend day?

7 A. Yes, sir.

8 THE COURT: What day of the week was
9 it?

10 A. Saturday.

11 THE COURT: It was a Saturday?

12 A. Yes, sir.

13 THE COURT: And you remember that
14 because your grandmother normally goes shopping on
15 a Saturday?

16 A. Yes, sir.

17 THE COURT: And where were you on that
18 day?

19 A. I was in my grandma room watching TV
20 with my uncle.

21 THE COURT: And who is your uncle?

22 A. Uncle Michael.

23 THE COURT: Michael Deangelo Corbitt is
24 your uncle?

25 A. Yes, sir.

AMIR G. - REDIRECT EXAMINATION BY MR. TURNBLAD

1 THE COURT: And what were you watching
2 on TV?

3 A. He was watching TV. He was watching
4 Criminal Minds.

5 THE COURT: And that's a program that
6 comes on -- of course on the weekend it comes on
7 all the time or does it come on in the morning,
8 noon or night?

9 A. Sometimes -- it will come on daytime
10 because he would always used to watch it late --
11 but not late, I mean, night, yeah.

12 THE COURT: I have no additional
13 questions. Any from anyone?

14 MR. TURNBLAD: I'm sorry, Your Honor.

15 THE COURT: Do you have any questions?

16 MR. TURNBLAD: Sure.

17 REDIRECT EXAMINATION BY MR. TURNBLAD:

18 Q. Amir?

19 A. Sir.

20 Q. Was it Saturday or Sunday?

21 A. Saturday.

22 Q. Are you sure of that?

23 A. Yes, sir.

24 Q. September 23rd?

25 A. Yes, sir.

1 MR. TURNBLAD: No further questions,
2 Your Honor.

3 THE COURT: Any questions from the
4 State?

5 MS. HUNTER: No, Your Honor.

6 THE COURT: Okay. The witness is
7 competent to testify. Are you ready for the jury?

8 MS. HUNTER: Yes, sir.

9 THE COURT: Is the Defense ready for
10 the jury?

11 MR. TURNBLAD: I'm sorry, Your Honor.

12 THE COURT: Are you ready for the jury?

13 MR. TURNBLAD: Yes, Your Honor.

14 THE COURT: Okay. You can bring the
15 jury.

16 THE BAILIFF: Yes, Your Honor.

17 MR. TURNBLAD: Your Honor, could we
18 call a different witness first?

19 THE COURT: Yes, it's your Defense.
20 Whatever you like.

21 MR. TURNBLAD: Okay. We would call
22 Kashawn Robinson. Amir, you can go back in the
23 hallway.

24 (WHEREUPON, the jury entered the
25 courtroom at 2:40 p.m.)

KASHAWN ROBINSON - DIRECT EXAMINATION BY MR. TURNBLAD

1 THE COURT: Very good. Madam Forelady,
2 how is the jury doing?

3 MS. MCCOY: Good.

4 THE COURT: Great. You've heard the
5 State's case, it's now the Defense's turn. You may
6 call your first witness.

7 MR. TURNBLAD: Defense calls Kashawn
8 Robinson.

9 KASHAWN ROBINSON,
10 being first duly sworn, was examined and testified
11 as follows:

12 THE CLERK: Please be seated. In the
13 microphone, state your full name.

14 MR. ROBINSON: Kashawn Tyquan Robinson.

15 THE CLERK: Thank you.

16 DIRECT EXAMINATION BY MR. TURNBLAD:

17 Q. Kashawn, how old are you?

18 A. Nineteen.

19 Q. Okay. And where do you live?

20 A. Springfield, South Carolina.

21 Q. Okay. What's your address in
22 Springfield?

23 A. [REDACTED] Kingland Drive.

24 THE COURT: Pull your mask down.

25 Q. Okay. And do you know Michael Corbitt?

KASHAWN ROBINSON - DIRECT EXAMINATION BY MR. TURNBLAD

1 A. Yes, sir.

2 Q. How do you know him?

3 A. He's my cousin.

4 Q. Okay. And does he live at the house
5 with you?

6 A. Yes, sir.

7 Q. All right. Do you remember September
8 23rd?

9 A. Yes, sir.

10 Q. Okay. What were you doing that day?

11 A. Me and him was watching TV at the
12 house. He was watching us.

13 Q. Okay. And that was at your address [REDACTED]
14 Kingland?

15 A. Yes, sir.

16 Q. Okay. And what time of the day was
17 this?

18 A. I can't remember, but we was watching
19 -- I can't remember the time.

20 Q. Okay. Was Michael Corbitt with you all
21 day?

22 A. Yes, sir.

23 Q. Do you ever recall him leaving?

24 A. No, sir.

25 Q. And what did y'all do while you were

KASHAWN ROBINSON - DIRECT EXAMINATION BY MR. TURNBLAD

1 there that day?

2 A. We was watching TV.

3 Q. Okay. Anything else?

4 A. Not really. Just watching TV.

5 Q. And how to you know it was September
6 23rd?

7 A. Because my aunt was -- she went to go
8 get groceries while he was watching us.

9 Q. All right. And who was watching who?

10 A. Michael Corbitt was watching us.

11 Q. Watching you?

12 A. Yeah.

13 Q. How old were you back then? That would
14 have been three years ago, sorry.

15 A. I was 16, 17.

16 Q. Okay. Did your aunt ever leave you
17 home alone?

18 A. Sometimes, but not all the time.

19 Q. Who was usually watching you?

20 A. Michael Corbitt.

21 Q. And that's when your aunt was gone who
22 usually watched you?

23 A. Michael Corbitt.

24 Q. All right.

25 MR. TURNBLAD: Court's indulgence just

KASHAWN ROBINSON - CROSS EXAMINATION BY MS. HUNTER

1 one moment. No further questions, Your Honor.

2 THE COURT: Cross examination?

3 MS. HUNTER: Thank you, Your Honor.

4 CROSS EXAMINATION BY MS. HUNTER:

5 Q. Mr. Robinson, who were you watching TV
6 with that day?

7 A. My cousin, Michael Corbitt.

8 Q. Anybody else?

9 A. And my little cousin, Amir G. .

10 Q. You were with Amir and Mr. Corbitt.
11 And what time did you wake up that day?

12 A. Like around 7.

13 Q. Seven a.m. Is that normal for you,
14 you're normally up by 7 a.m.?

15 A. Yes, ma'am.

16 Q. Okay. And did you watch TV from the
17 moment you woke up until the moment you went to
18 bed?

19 A. Not really, but most of the day.

20 Q. Most of the day. What time do you
21 normally go to bed?

22 A. Around like 8, 9.

23 Q. Eight, 9. Okay. And what were you
24 guys watching?

25 A. Criminal Minds.

KASHAWN ROBINSON - CROSS EXAMINATION BY MS. HUNTER

1 Q. Criminal Minds. What was the episode
2 about?

3 A. I can't remember. It's a lot of them.
4 I can't remember.

5 Q. You can't remember what the show was
6 about?

7 A. Yes, ma'am.

8 Q. But you specifically remember that day?

9 A. Yes, ma'am.

10 Q. And you know it was that day?

11 A. Yes, ma'am.

12 Q. And you said your aunt went to get
13 groceries, what grocery store did she go to?

14 A. Piggly Wiggly.

15 Q. And what town is that in?

16 A. Neeces.

17 Q. In Neeces. How far a way is Neeces?

18 A. About like 20 minutes.

19 Q. Twenty minutes. What kind of groceries
20 did she get?

21 A. Just like --

22 MR. TURNBLAD: Objection, Your Honor.
23 Relevance.

24 THE COURT: Pardon?

25 MR. TURNBLAD: I said objection,

KASHAWN ROBINSON - CROSS EXAMINATION BY MS. HUNTER

1 relevance.

2 THE COURT: Overruled.

3 Q. You don't remember what kind of
4 groceries she got?

5 A. (Nodded)

6 Q. What did you guys have for breakfast
7 that day?

8 A. Like eggs, sausage.

9 Q. Eggs and sausage. What did you have
10 for lunch that day?

11 A. Like fries and chicken tenders.

12 Q. Where were the fries and chicken
13 tenders from?

14 A. Piggly Wiggly.

15 Q. Who brought those home?

16 A. My aunt.

17 Q. So you ate those for lunch. About what
18 time did you eat lunch?

19 A. About like 3 or 4.

20 Q. Around 3 or 4. What time do you think
21 she left to go to the store?

22 A. About 11 or 12 in the morning.

23 Q. And what is your aunt's name that went
24 to the store?

25 A. Lawanda Corbitt.

KASHAWN ROBINSON - CROSS EXAMINATION BY MS. HUNTER

1 Q. Lawanda Corbitt. And what time do you
2 think she went to the store?

3 A. At 11 or 12.

4 Q. Okay. Did you tell law enforcement
5 this story?

6 A. Yes.

7 Q. You did?

8 A. Tell them --

9 Q. You went to the Orangeburg County
10 Sheriff's Office and talked to law enforcement?

11 A. No.

12 Q. You didn't. So you didn't tell them
13 the story?

14 A. (Nodded)

15 MS. SPIRES: Is that a no or yes?

16 A. No.

17 Q. No, you did not give law enforcement
18 the story?

19 A. No.

20 Q. This is the first time today?

21 A. What, telling the lawyer?

22 Q. Sir?

23 A. You said the lawyer?

24 Q. To the lawyer?

25 A. Who?

KASHAWN ROBINSON - REDIRECT EXAMINATION BY MR. TURNBLAD

1 Q. When was the first time that you gave
2 this story?

3 A. It was a long time ago.

4 Q. A long time ago you gave the story?

5 A. (Nodded)

6 Q. And you think it was over a year ago?

7 A. Yes.

8 Q. Over a year ago and you gave that story
9 to that lawyer right there?

10 A. Yes, sir -- I mean, yes, ma'am.

11 Q. You're positive you gave that story to
12 Jason Turnblad over a year ago?

13 A. Yes, ma'am.

14 Q. Okay.

15 MS. HUNTER: One second. Beg the
16 Court's indulgence. Thank you. I don't have any
17 further questions for this witness.

18 REDIRECT EXAMINATION BY MR. TURNBLAD:

19 Q. Kashawn, did the police ever come to
20 you and ask you about anything?

21 A. No.

22 Q. So they never came and asked you to
23 give a statement, did they?

24 A. No, sir.

25 Q. Okay. And you recall being home all

LAWANDA CORBITT - DIRECT EXAMINATION BY MR. TURNBLAD

1 day with your uncle, Michael Corbitt?

2 A. Yes, sir.

3 Q. Okay.

4 MR. TURNBLAD: No further questions,
5 Your Honor.

6 THE COURT: Anything further?

7 MS. HUNTER: No, Your Honor.

8 THE COURT: You can step down. Next
9 witness?

10 MR. TURNBLAD: Your Honor, the Defense
11 calls Lawanda Corbitt.

12 LAWANDA CORBITT,
13 being first duly sworn, was examined and testified
14 as follows:

15 THE CLERK: Please be seated. In the
16 microphone, can you please state your full name?

17 MS. CORBITT: Lawanda Gleaton Corbitt.

18 THE CLERK: Thank you.

19 DIRECT EXAMINATION BY MR. TURNBLAD:

20 Q. Good afternoon, Ms. Corbitt?

21 A. Good afternoon.

22 Q. Do you know Michael Corbitt?

23 A. Yes.

24 Q. How do you know him?

25 A. That's my son.

LAWANDA CORBITT - DIRECT EXAMINATION BY MR. TURNBLAD

1 Q. Your son?

2 A. Yes.

3 Q. Okay. And do you remember September
4 23rd of 2018?

5 A. Really, I don't.

6 Q. You don't?

7 A. No.

8 Q. Okay. But when you leave the house, do
9 you ever leave your -- let me back that up. Does
10 anybody else live at your house with you besides
11 Michael?

12 A. At that time it was me, Michael,
13 Kashawn, and Amir.

14 Q. And who is Amir?

15 A. My grandson.

16 Q. And Kashawn is who?

17 A. My nephew.

18 Q. Okay. So the four of y'all -- let me
19 make sure I'm straight. Amir, Kashawn, you, and
20 Michael lived in the house?

21 A. Yes.

22 Q. Okay. And when you left the house --
23 whenever you left the house to go grocery stopping,
24 for instance, do you take anybody with you or do
25 you leave anybody at home?

LAWANDA CORBITT - DIRECT EXAMINATION BY MR. TURNBLAD

1 A. I leave them at home.

2 Q. Who do you leave at home?

3 A. Michael, Amir, and Kashawn.

4 Q. Why do you leave Michael at home?

5 A. Because he watches them for me.

6 Q. Okay. So when you leave, does Michael
7 always watch them for you?

8 A. Yes.

9 Q. And he doesn't leave them alone to your
10 knowledge?

11 A. Not to my knowledge.

12 Q. Okay. And do you remember the day that
13 Michael was arrested?

14 A. Yes.

15 Q. Okay. And was Keandra Nickens there at
16 the house when Michael was arrested?

17 A. Yes.

18 Q. Had she spent the night there?

19 A. Yes.

20 Q. Okay. And between September 23rd and
21 when Michael was arrested, did -- I'm talking about
22 2018 now. Did Keandra come over to your house
23 pretty regularly?

24 A. All the time.

25 Q. All the time. Did she spend the night?

LAWANDA CORBITT - DIRECT EXAMINATION BY MR. TURNBLAD

1 A. Yes.

2 Q. Okay. And --

3 MS. HUNTER: Objection, Your Honor.

4 He's leading the witness. I apologize for the
5 delayed objection.

6 THE COURT: Next question.

7 Q. So Keandra -- was Keandra there when he
8 was arrested?

9 A. Yes.

10 Q. Okay. Did you ever talk to Keandra
11 after that?

12 A. Yes.

13 Q. Did Keandra ask you to do anything?

14 A. No.

15 Q. Did Keandra ever ask you to do anything
16 for Michael?

17 A. She gave me money to give him.

18 Q. Okay. That was when he was in jail?

19 A. Yes.

20 MS. HUNTER: Objection, Your Honor.

21 Leading.

22 THE COURT: Sustained.

23 Q. Is that when he was in jail?

24 THE COURT: Sustained. What is the
25 question?

MICHAEL CORBITT - DIRECT EXAMINATION BY MR. TURNBLAD

1 Q. When she gave you money where was
2 Michael?

3 A. In jail.

4 Q. Okay.

5 MR. TURNBLAD: No further questions,
6 Your Honor.

7 THE COURT: Cross examination?

8 MS. HUNTER: I don't have any questions
9 for this witness, Your Honor.

10 THE COURT: Thank you. You may step
11 down. Call your next witness.

12 MR. TURNBLAD: Your Honor, the
13 Defendant has decided he would like to testify.

14 THE COURT: You may call your next
15 witness.

16 MR. TURNBLAD: Michael Corbitt.

17 MICHAEL CORBITT,
18 Being first duly sworn, was examined and testified
19 as follows:

20 THE CLERK: Please be seated. In the
21 microphone, state your full name.

22 MR. CORBITT: Michael Deangelo Corbitt.

23 THE CLERK: Thank you.

24 DIRECT EXAMINATION BY MR. TURNBLAD:

25 Q. All right. Michael, how are you doing?

MICHAEL CORBITT - DIRECT EXAMINATION BY MR. TURNBLAD

1 A. I'm doing fine.

2 Q. All right. Back in 2018, were you
3 seeing Keandra Nickens?

4 A. Yes, sir.

5 Q. Did you -- were you seeing anybody else
6 at the time?

7 A. Yes, sir.

8 Q. Was she seeing anybody else at the
9 time?

10 A. Yes, sir.

11 Q. Okay. Did you have a problem with her
12 seeing anybody else?

13 A. No, sir.

14 Q. Did she have a problem with you seeing
15 anybody else?

16 A. Yes, sir.

17 Q. I'm sorry?

18 A. Yes, sir.

19 Q. Okay. Did you ever beat Keandra
20 Nickens?

21 A. No, sir.

22 MS. HUNTER: Objection, Your Honor.
23 He's asking leading questions.

24 MR. TURNBLAD: That's not leading, Your
25 Honor.

MICHAEL CORBITT - DIRECT EXAMINATION BY MR. TURNBLAD

1 THE COURT: I overrule the objection.

2 Q. Did you ever rape Keandra Nickens?

3 A. No, sir.

4 Q. Did you ever steal Keandra Nickens'
5 car?

6 A. No, sir.

7 Q. Did you ever kidnap Keandra Nickens?

8 A. No, sir.

9 Q. And throughout the fall and winter of
10 2018, did you see Keandra Nickens?

11 A. Yes, sir, regularly.

12 Q. I'm sorry?

13 A. Regularly.

14 Q. Okay. How -- did she come over to your
15 house?

16 A. Spend the night. Every day she get off
17 at work at 11:30 at night she come. She go home
18 and check on her son with her momma and then she
19 come to my house.

20 Q. Okay. Did anybody put money on your
21 books when you were in jail?

22 A. Keandra gave my momma money.

23 Q. I'm sorry, who?

24 A. Ms. Nickens gave my momma money to put
25 on my books.

MICHAEL CORBITT - DIRECT EXAMINATION BY MR. TURNBLAD

1 Q. Did anybody ever come visit you in
2 jail?

3 A. Ms. Nickens came and visited me the day
4 before Valentine's.

5 Q. Okay.

6 MR. TURNBLAD: The Court's indulgence.

7 Q. The day you were accused of doing this,
8 where were you?

9 A. I was at home with my nephew, Amir
10 G. , and my cousin, Kashawn Robinson.

11 Q. Why were you at home?

12 A. Because I can't leave them home while
13 my mom go because they're kids.

14 Q. Where was your mom?

15 A. My mom went grocery shopping.

16 Q. Do you remember what time of day that
17 was?

18 A. She probably left around about 7, 8
19 o'clock that morning.

20 Q. What time did she come home?

21 A. She got back around about 2 o'clock in
22 the afternoon.

23 Q. So from 7 to 2, where were you?

24 A. I was home with my nephew, Amir
25 G. , and my cousin, Kashawn Robinson, watching

MICHAEL CORBITT - DIRECT EXAMINATION BY MR. TURNBLAD

1 | them.

2 | Q. Okay. And did any of you leave?

3 | A. No, sir.

4 | Q. Were y'all home the entire day?

5 | A. Yes, sir.

6 | MR. TURNBLAD: No further questions,
7 | Your Honor.

8 | THE COURT: Cross examination?

9 | MS. HUNTER: No further questions for
10 | this witness, Your Honor.

11 | THE COURT: You may step down. Call
12 | your next witness.

13 | MR. TURNBLAD: Your Honor, the Defense
14 | rests.

15 | THE COURT: Ladies and gentlemen,
16 | you've heard the Defense's case. Any reply by the
17 | State?

18 | MS. HUNTER: Yes, Your Honor. I
19 | believe we will have a -- we are possibly going to
20 | have a reply witness. Can we have a couple of
21 | minutes?

22 | THE COURT: All right. Ladies and
23 | gentlemen, we have to take another break. Please
24 | do not discuss the case.

25 | (WHEREUPON, the jury left the courtroom

1 ata 3:00 p.m.)

2 (WHEREUPON, there was a short break)

3 MR. STEVENS: Judge, at the perfect
4 time, we would like to renew some motions on the
5 record again.

6 THE COURT: Motions?

7 MR. STEVENS: Thank you, Judge. May it
8 please the Court. Again, since it's at the close
9 of the Defense's case, the Defense respectfully
10 reraises our motions for directed verdict as well
11 as again reraising all our previous motions to the
12 Court.

13 THE COURT: Based on any new evidence
14 or additional evidence or based on everything you
15 said before?

16 MR. STEVENS: Well, I believe
17 especially when it comes to the rules of law we
18 have all heard here, especially when it comes to
19 Rule 19 and for directed verdict, we have to
20 reraise it again at the close of the Defenses's
21 evidence and that's when, of course, the Court
22 takes into consideration all the evidence before it
23 to determine whether there is any direct or
24 circumstantial evidence regarding the elements of
25 the charges before it.

1 THE COURT: Any response by the State?

2 MS. HUNTER: About a directed verdict
3 motion?

4 MR. STEVENS: Reraising all of our
5 previous motions including the DV motion --

6 MS. HUNTER: Your Honor, I believe
7 you've already ruled on all those motions.

8 THE COURT: Yeah, I ruled at the end of
9 the State's case and he's renewed them at the end
10 of the Defense's case. And my question was whether
11 it's based on anything new or based on what you
12 previously argued?

13 MR. STEVENS: Yes, sir. It's based on
14 what we previous argued. But my understanding
15 regarding preservation law is that we're required,
16 even though it's kind of perfunctory to go ahead
17 and reraise it again at the close of evidence once
18 again. In this case the Defense's case in chief.
19 Thank you.

20 THE COURT: All right. And, Ms.
21 Hunter, what do you say about that?

22 MS. HUNTER: That no new evidence has
23 been put forth that changes the prior motions and
24 prior rulings.

25 THE COURT: I respectfully deny any of

1 the motions. Essentially the same evidence that I
2 ruled on before.

3 MS. HUNTER: Yes, sir.

4 THE COURT: Except for, I guess, some
5 alibis -- purported alibis.

6 MS. HUNTER: Yes, sir.

7 THE COURT: All right. Who do you have
8 coming next?

9 MS. HUNTER: If you can give us a few
10 more minutes, Your Honor.

11 THE COURT: How many minutes is that?

12 MS. HUNTER: Five to look a few things
13 up.

14 THE COURT: Okay. We'll take five
15 minutes.

16 MR. STEVENS: Thank you, Judge.

17 (WHEREUPON, there was a short break.

18 MS. HUNTER: Regarding when
19 Mr. Turnblad started representing Mr. Corbitt, the
20 witness testified that he gave Mr. Turnblad a
21 statement to --

22 THE COURT: Yeah, I recall the
23 testimony.

24 MS. HUNTER: Yes, Your Honor. At that
25 time, Mr. Turnblad wasn't representing Mr. Corbitt.

1 THE COURT: When did he start
2 representing him?

3 MS. HUNTER: He won't give us that
4 exact information. They're saying it's
5 attorney/client privilege, but it had to of been
6 after the summer. It had to of been like --

7 THE COURT: Don't you have files, court
8 orders, or things of that nature down here in
9 Orangeburg?

10 MS. HUNTER: That's what we're checking
11 on right now. I mean, we've spoken with the public
12 defender's office and they said it would have been
13 after July of 2021 that he would have started
14 representing him. And I believe the witness
15 testified that it was over a year ago. It hasn't
16 been a year since then. So we're asking the Court
17 to take judicial notice that Mr. Turnblad was not
18 representing Mr. Corbitt at the time or allow us to
19 get something to put into evidence.

20 THE COURT: Take judicial notice based
21 on what? Based on what you just told me?

22 MS. HUNTER: We would ask that
23 Mr. Turnblad be -- have to give us a date that he
24 actually started representing Mr. Corbitt.

25 THE COURT: You're talking about

1 judicial notice?

2 MS. HUNTER: Yes, sir, I was asking
3 about judicial notice.

4 THE COURT: Of what?

5 MS. HUNTER: Of the date that
6 Mr. Turnblad started representing Mr. Corbitt.

7 THE COURT: I have no basis -- I have
8 no knowledge, no information.

9 MS. HUNTER: And we're trying to get
10 you that.

11 THE COURT: Based on what you just told
12 me.

13 MS. HUNTER: And we're trying to get
14 that information together right now. If you want
15 somebody from the public defender's office to
16 testify --

17 THE COURT: I have no desire to help
18 anyone on either side do anything. But in most
19 areas, if a lawyer is appointed, then there is an
20 order of appointment that's typically in a court
21 file somewhere.

22 MS. HUNTER: Yes, Your Honor. We've
23 been to our clerk's office. The way it works here,
24 my understanding, is that when cases get
25 transferred from public defender to public

1 defender, it's an internal thing. It's not
2 something filed with the clerk's office.

3 THE COURT: From public defender to
4 public defender?

5 MS. HUNTER: Yes, Your Honor. So
6 Mr. Corbitt was represented by an individual named
7 Brian Kiel in the public defender's office. Mr.
8 Kiel left the office over the summer and then I
9 know that Mr. Turnblad represented him by August of
10 2021.

11 THE COURT: Did you have notice of
12 representation or y'all don't do that here?

13 MS. HUNTER: They send a list of who
14 the new lawyers are. They don't do notice of
15 representation, Your Honor.

16 THE COURT: Okay. All right. Yes,
17 sir?

18 MR. TURNBLAD: Your Honor, two issues.
19 One it's attorney/client privilege. It's something
20 that may be in my file.

21 THE COURT: What is attorney/client
22 privilege?

23 MR. TURNBLAD: Discussions with my
24 attorney -- I mean, with my client, Your Honor. I
25 would have at some point in time discussed with him

1 when I was -- became his lawyer. Additionally,
2 they're trying to make me with a witness to my own
3 case.

4 THE COURT: Well, but your contention
5 is when you started representing him it's
6 attorney/client privilege?

7 MR. TURNBLAD: I think anything that's
8 in my file is attorney/client privilege. I'm not
9 going to put myself in an ethical situation where I
10 disclose information from my file.

11 THE COURT: Well, and you're not also
12 going to put yourself in an ethical position that
13 you're allowing a witness to misrepresent facts to
14 a jury. Which is worse? You cannot knowingly
15 allow a witness to misrepresent facts to a jury.

16 MR. TURNBLAD: And I didn't know what
17 he was going to say, Your Honor.

18 THE COURT: You know at this point in
19 time. You know when -- there are a number of
20 issues involved in what you just said to me. When
21 a lawyer's representation begins is not
22 attorney/client privilege. How can it be?
23 Typically when there's -- when a lawyer begins
24 representing someone, they enter a notice of
25 appearance. That's official notice to the court

1 that they represent someone. Then they're
2 responsibility kicks in at that point in time when
3 the court is notified that they are representing
4 someone.

5 And this is the first time I've ever
6 heard that when a lawyer begins representing
7 someone is attorney/client privilege. I've never
8 heard that before. I can't conceive of that being
9 the case. It's not about what discussions you've
10 had with your client. Then obviously all of that
11 attorney/client privilege, but when you started
12 representing him?

13 Now, if the only record that exists is
14 within the public defender's office as to when and
15 there's nothing in the court record then we have
16 nothing -- it's almost as if you have no basis to
17 be representing him here if there's no official
18 notice to the court anywhere in Orangeburg County
19 that you're his lawyer. It's like almost as if
20 you're interlope or just appearing and talking to
21 the jury without any -- without permission of the
22 court, without any authorization, without any
23 notice to anyone. Notice that you say that may or
24 may not be in your file. That's -- I'm just
25 thinking out loud. I'm not lecturing.

1 MR. TURNBLAD: I understand, Your
2 Honor. And if they have a letter that was sent to
3 them stating when I became the new lawyer then
4 that's the letter they have.

5 THE COURT: Yeah. Don't y'all receive
6 something from defense lawyers says I'm his lawyer,
7 please give me discovery or...

8 MS. HUNTER: So, Your Honor, when they
9 initially are appointed with his prior attorney,
10 yes, we did do that. We did receive -- I can tell
11 you specifically on this case, we needed a buccal
12 swab from Mr. Corbitt and we were trying to figure
13 out who has his case been assigned to, who has this
14 case been assigned to because it kept on not being
15 reassigned. And it was finally reassigned to
16 Mr. Turnblad and we appeared in Calhoun County for
17 a bond hearing on his other charge because his
18 lawyer and Mr. Turnblad came that day and that was
19 the first time that Mr. Turnblad had appeared and
20 that was in August of 2021. I believe August 3rd
21 or August 6th. But, no, we never received --

22 THE COURT: Well, I'm not taking
23 judicial notice of what you're asking me to take
24 judicial notice of. Because I have no clue. And
25 you have no clue.

1 MS. HUNTER: Your Honor, would you
2 allow us to get time to get the list from the
3 public defender's office?

4 THE COURT: We just -- you needed time,
5 we took ten minutes. You need more time?

6 MS. HUNTER: Yes, Your Honor, we need
7 more time.

8 THE COURT: How much more time do you
9 need?

10 MS. HUNTER: Until the public defender's
11 office can turn over the list to us about when they
12 were reassigned. And I've been to their office and
13 I've asked for it. And their response to me was
14 that Jason knows, I needed to ask Mr. Turnblad that
15 he will know the day.

16 THE COURT: Subpoena someone from the
17 public defender's office to appear instantly,
18 immediately?

19 MS. HUNTER: And testify.

20 THE COURT: What do you want?

21 MS. HUNTER: And testify that
22 Mr. Turnblad would be able to give us the date.

23 THE COURT: I don't know what they
24 would testify to. I'm the judge not one of the
25 litigants.

1 MS. HUNTER: I do think we need a
2 witness, Your Honor.

3 THE COURT: Pardon?

4 MS. HUNTER: I do believe that we will
5 need a witness from the public defender's office or
6 his former attorney.

7 THE COURT: It's your case. I thought
8 y'all were ready to go.

9 MS. HUNTER: We've been trying to get
10 -- I wanted to -- Your Honor, if I may?

11 THE COURT: You know what, as I cited
12 to Mr. -- I want to say Turnblad.

13 MR. TURNBLAD: Turnblad, Your Honor.

14 THE COURT: Turnblad from the movie.

15 MR. TURNBLAD: Yes. Exactly.

16 THE COURT: One of my children's
17 favorite movie. What was her name? Tracy.

18 MR. TURNBLAD: Tracy Turnblad, yes,
19 Your Honor.

20 THE COURT: As I said to Mr. Turnblad,
21 the remedy for very -- these things are is cross
22 examination and argument. So -- and if you bypass
23 the cross examination part and you don't want to go
24 to the argument part, you want to do which part?

25 MS. HUNTER: Well, Your Honor, I have

1 spoken now with -- through text message and he just
2 attempted to call me back, Mr. Corbitt's prior
3 attorney who represented him through May of 2021.

4 THE COURT: All right. Does that help
5 you or hurt you or what?

6 MS. HUNTER: Would you like -- sir?

7 THE COURT: Does that help you or hurt
8 you or do you still want that person to be a
9 witness or no?

10 MS. HUNTER: That would help me, Your
11 Honor.

12 THE COURT: All right. Where is the
13 witness?

14 MS. HUNTER: He's in Beaufort.

15 THE COURT: Oh, Beaufort.

16 MS. HUNTER: He is now an attorney in
17 Beaufort, South Carolina. That's the reason he
18 left this office and he's gone to Beaufort. I'm
19 happy to get him -- attempt to get him on the phone
20 for the Court. But he can tell the Court or you
21 can see the text message that he said he did
22 through May of 2021. Which would be less than a
23 year ago.

24 THE COURT: So what do you want me to
25 do?

1 MS. HUNTER: I'm asking if we get that
2 information that the Court will then take judicial
3 notice that Mr. Turnblad was not his attorney that
4 he had another attorney --

5 THE COURT: I am not taking judicial
6 notice of anything under any circumstances that
7 interjects the Court --

8 MS. HUNTER: Then I would ask that
9 Mr. Kiel be able to testify virtually.

10 THE COURT: What's your position
11 regarding that?

12 MR. TURNBLAD: Your Honor, he's
13 available to come here in person. I would presume
14 -- I don't know his availability.

15 THE COURT: Recess until tomorrow
16 morning? Of course he's in Beaufort. How far away
17 is that? It's a couple of hours? An hour and a
18 half?

19 MS. HUNTER: I think it's about two
20 hours, yes, Your Honor.

21 THE COURT: Well, I'm just in limbo
22 like the jury. I mean, I'm ready to move on. And
23 if you need more time based on this surprising
24 allegation of something you want.

25 MS. HUNTER: I would ask that you give

1 us at least 15 more minutes to make a decision
2 whether or not we need to be in recess until
3 tomorrow.

4 THE COURT: All right. Anything else
5 from you on this, Mr. Turnblad?

6 MR. TURNBLAD: No, Your Honor.

7 THE COURT: All right.

8 MS. HUNTER: Thank you.

9 THE COURT: We'll take 15 more minutes.

10 (WHEREUPON, there was a short break)

11 THE COURT: Yes, ma'am.

12 MS. HUNTER: Thank you, Your Honor.

13 May it please the Court. We've spoken with the
14 Defense and they have agreed to stipulate that
15 Mr. Turnblad did not begin representing Mr. Corbitt
16 until June 25th of 2021.

17 THE COURT: Is that correct?

18 MR. TURNBLAD: That's correct, Your
19 Honor. We spoke with the prior attorney and to
20 save him a journey from Beaufort up here, and we
21 double checked and made sure things were accurate
22 and we'll stipulate to that date.

23 THE COURT: And the stipulation you
24 began representing when?

25 MS. HUNTER: June 25th of 2021. And

1 Ms. -- we're happy to email you that stipulation
2 statement of it if you would like.

3 THE COURT: All right.

4 MS. HUNTER: Is that a, yes, sir, you
5 would like an email?

6 THE COURT: No. It's a pretty simple
7 stipulation. I can remember that.

8 MS. HUNTER: Okay.

9 THE COURT: Is that a Saturday or
10 Sunday or a Monday? (Laughter)

11 Okay. So the jury comes back for the
12 State's reply, then you'll announce what the
13 stipulation is?

14 MS. HUNTER: Yes, Your Honor.

15 THE COURT: All right. And then at
16 that point the State is resting?

17 MS. HUNTER: Yes, Your Honor.

18 THE COURT: Then I'm going to let the
19 jury go until 9:30 tomorrow morning and we'll stay
20 and discuss jury charges.

21 MS. HUNTER: Yes, sir.

22 MR. STEVENS: Thank you, Judge.

23 THE COURT: So we can bring the jury
24 back.

25 THE BAILIFF: Yes, Your Honor.

1 (WHEREUPON, the jury entered the
2 courtroom at 3:54 p.m.)

3 THE COURT: From the State?

4 MS. HUNTER: Yes, Your Honor. We have
5 a stipulation --

6 THE COURT: All right.

7 MS. HUNTER: -- that we'd like to read
8 into the record. May I do that now?

9 THE COURT: Yes.

10 MS. HUNTER: Thank you. The State and
11 the Defense, the parties in this case, have
12 stipulated that Mr. Turnblad, the Defense attorney,
13 did not begin representing Mr. Michael Corbitt on
14 these charges until June 25th of 2021.

15 THE COURT: Is that correct,
16 Mr. Turnblad?

17 MR. TURNBLAD: Yes, Your Honor, that's
18 correct.

19 THE COURT: All right. Ladies and
20 gentlemen, a stipulation is an agreement between
21 counsel which eliminate the necessity of providing
22 proof on that particular point. And the parties
23 have stipulated that Mr. Turnblad started
24 representing Mr. Corbitt on June 25, 2021.

25 Any further reply by the State?

1 MS. HUNTER: No, Your Honor. The State
2 rests.

3 THE COURT: All right. So, ladies and
4 gentlemen, we have heard all of the testimony in
5 the case. The next thing will be closing
6 arguments, jury charge, and jury deliberations.
7 Due to the lateness of the hour, we're going to do
8 that tomorrow morning. So we're going to let y'all
9 go to have you come back at 9:30 tomorrow morning.
10 Have a good evening. Please do not discuss the
11 case.

12 (WHEREUPON, the jury left the courtroom
13 at 3:57 p.m.)

14 (WHEREUPON, they are discussing jury
15 charges)

16 THE COURT: Why don't you put that on
17 the record.

18 MR. STEVENS: Thank you, Judge.

19 THE COURT: Just say you renewed your
20 last motions as a part of the record.

21 MR. STEVENS: I appreciate it, Judge.

22 THE COURT: Okay. No problem.

23 (WHEREUPON, court was adjourned)
24
25

CLOSING ARGUMENT BY MS. HUNTER

1 THE COURT: All right. Anything before
2 the jury comes?

3 MS. HUNTER: No, Your Honor.

4 (WHEREUPON, the jury entered the
5 courtroom at 9:58 a.m.)

6 THE COURT: Good morning.

7 THE JURORS: Good morning.

8 THE COURT: Madam Forelady and members
9 of the jury, you've heard all of testimony and
10 received all of the evidence. It is now time to
11 hearing closing arguments from the counsel from the
12 lawyers. First by the State?

13 MS. HUNTER: May it please the Court?

14 THE COURT: Yes.

15 CLOSING ARGUMENT BY MS. HUNTER:

16 MS. HUNTER: Keandra Nickens is a
17 classic battered victim. And like many classic
18 battered women, she went back to her abuser after
19 the assault occurred. This is very common. But it
20 doesn't mean that it didn't happen. It doesn't
21 mean that Michael Corbitt didn't physically assault
22 her and sexually assault her. Ask yourselves why
23 would she make up that Michael Corbitt did those
24 things to her and tell all these people that that's
25 what happened and be consistent from day one about

CLOSING ARGUMENT BY MS. HUNTER

1 who her abuser was.

2 Ladies and gentlemen, I want to thank
3 you for your attentiveness this week and for
4 serving on jury duty. As Judge Newman told you at
5 the beginning of this trial, it's one of the most
6 important duties you can perform for your country.
7 So we thank you for paying close attention to the
8 testimony you've heard over the past few days.

9 Now, Judge Newman also instructed you
10 that each of us has a role to play during this
11 trial. As prosecutors, we're ministers of justice.
12 The defense lawyers are supposed to be zealous
13 advocates for their client. Judge Newman's job is
14 to rule on the law. And it is your job to listen
15 to the testimony, apply the evidence to the law,
16 and render a verdict. And that's what we're asking
17 you to do today. To take the evidence, apply it to
18 the law, and render a verdict and find Mr. Corbitt
19 guilty. You and you alone are the decision makers
20 of the evidence.

21 Now, before I get started talking about
22 the facts in the case, I do want to talk to you
23 about the law. As you heard in Mr. Giese's
24 opening, the Defendant is charged with criminal
25 sexual conduct in the first degree. We commonly

CLOSING ARGUMENT BY MS. HUNTER

1 refer to that as CSC first. That is engaging in a
2 sexual battery with a victim where that victim has
3 been kidnapped or forcibly confined. A sexual
4 battery under the law is defined as sexual
5 intercourse or any intrusion however slight of any
6 part of a person's body. Any intrusion, ladies and
7 gentlemen.

8 Kidnapping might not be exactly what
9 you'd think. You don't necessarily have to
10 completely abduct someone and take them to, you
11 know, an unknown location. In South Carolina,
12 under the law kidnapping, is to unlawfully seize,
13 confine, inveigle, kidnap, abduct, or carry away
14 any other person by any means whatsoever without
15 authority of law. This includes restricting their
16 movement, preventing their ability to leave.

17 Michael Corbitt is also charged with
18 assault and battery in the first degree. And in
19 South Carolina, if you unlawfully injure another
20 person and that involves nonconsensual touching of
21 that person's private parts with lewd intent,
22 you're guilty of assault and battery first.
23 Additionally, you can be found guilty of assault
24 and battery first degree if you unlawfully injury
25 another person while committing a kidnapping or

CLOSING ARGUMENT BY MS. HUNTER

1 theft.

2 Lastly, the Defendant is charged with
3 what we commonly refer to as carjacking. If you
4 take or attempt to take a motor vehicle from
5 another person by force and violence or by
6 intimidation while that person is operating the
7 vehicle or while that person is in the vehicle,
8 you're guilty of carjacking in South Carolina.

9 Now, in all cases -- in criminal cases
10 in South Carolina, the State has the burden of
11 proving criminal intent. Criminal intent is a
12 conscious wrongdoing. It's a mental state. And
13 while we can't dissect the Defendant's brain to
14 know what he was thinking at the time, we can look
15 at his actions before, during, and after a crime to
16 determine his criminal intent.

17 The judge will instruct you that you
18 and you alone determine the credibility of all
19 witnesses who testified on that stand. You can
20 choose to believe all of what a witness says or
21 none of what a witness says. You can choose to
22 believe one witness over many or vice versa. You
23 are the sole judge of their credibility. There's
24 some factors you can use to assist you in
25 determining how credible a witness was. Was the

CLOSING ARGUMENT BY MS. HUNTER

1 witness forthright and hesitant of the testimony?
2 What was the witness' demeanor as they testified
3 before you? Was a witness consistent in her
4 testimony? Was the witness' testimony corroborated
5 by any other evidence or by any other witnesses?
6 Is there a reason for a witness on the stand to be
7 biased or prejudiced.

8 Now I want to remind you that this
9 applies on the credibility of witnesses, you're to
10 judge the Defense's witnesses in the same regard as
11 you judge the State's witnesses and hold them to
12 the same high standard.

13 The most important thing you guys can
14 use in determining a witness' credibility is your
15 common sense. As Mr. Giese told you in his
16 opening, you don't abandon your common sense when
17 you walk through those metal detectors on Monday
18 when you come to the courthouse. You all interact
19 with individuals at work, at school, at the grocery
20 store, every single day. You know when someone is
21 telling you the truth and when someone isn't.
22 Common sense is the most important factor you can
23 use in determining the witness' credibility.

24 The last thing I want to talk to you
25 about is reasonable doubt. The State has the

CLOSING ARGUMENT BY MS. HUNTER

1 | burden of proving each of these crimes and each
2 | element of these crimes beyond a reasonable doubt.

3 | Now, ladies and gentlemen, that is not
4 | beyond any doubt, it is a reasonable doubt. And
5 | the judge will instruct you at the end of the trial
6 | that if you are firmly convinced of the Defendant's
7 | guilt, you must return a guilty verdict.

8 | At the beginning of this trial you were
9 | instructed that a lawyer's words are not evidence.
10 | What I say isn't evidence. What Mr. Giese says is
11 | not evidence. And what Mr. Stevens and
12 | Mr. Turnblad talk about, that's not evidence. The
13 | only evidence in this case that you are to consider
14 | is what has been entered through evidence and what
15 | has been testified to from that witness stand for
16 | the past two days.

17 | And I want to talk to you about some of
18 | the evidence in this case. You first heard from
19 | the victim in this case, Keandra Nickens. She told
20 | you that she and the Defendant were in a
21 | relationship. But on September 23, 2018, there was
22 | an argument in the car over possible infidelity.
23 | The Defendant assaulted her. He punched her. He
24 | slapped her and he pulled her hair out. That
25 | assault continued on Furtick Lane on that wooded

CLOSING ARGUMENT BY MS. HUNTER

1 road that was somewhat remote. He drug her out of
2 the car and he sexually assaulted her. He pulled
3 down her leggings. He put his finger inside of her
4 and then he put his penis inside of her. It was an
5 unwanted and unconsensual sexual assault.

6 The Defendant was angry that he had
7 spent all this money on her during the course of
8 their relationship and he wanted it back. He
9 stopped assaulting her when she agreed to take him
10 to an ATM and pay him back the money. When he got
11 to the convenience store, she tried to get away.
12 She hopped back in the car, locked the doors. The
13 victim -- but the Defendant wouldn't let the victim
14 get away.

15 He jumped on the hood of the car. She
16 drove for a distance before stopping because she
17 was concerned about his safety. She didn't want to
18 kill him while she was driving down the road and he
19 was grabbing on to the hood. When she stopped the
20 car and was yelling at him to get off the hood, he
21 managed to get back in through the window and
22 continue the assault.

23 You heard her testimony and Hunter
24 Johns and Eric Walker's that she was flailing her
25 arms out the window yelling for help. She was

CLOSING ARGUMENT BY MS. HUNTER

1 clearly in distress. And luckily Hunter Johns and
2 Eric Walker stopped to help her. Had they not
3 stopped, this could have been much worse.

4 They called 9-1-1 and waited for the
5 police to arrive. At that point in time, she told
6 the two men and she told Investigator Stuke that
7 Michael Corbitt was the person who assaulted her.
8 She has been consistent since day one about who her
9 assaulter was.

10 The Defense tried to bring up that
11 Ms. Nickens gave two different statements -- or two
12 statements to law enforcement. And they tried to
13 tell you they're different statements. Ladies and
14 gentlemen, they weren't inconsistent different
15 statements. In her first statement to police, she
16 told them about the physical assault. She didn't
17 tell them about the sexual assault because she was
18 embarrassed to tell a male investigator,
19 Investigator Stuke how a guy she was in a
20 relationship with drug her out of the car and
21 sexually assaulted her. It wasn't until she talked
22 to her mom and her friend who convinced her to go
23 to Aiken Regional the next day to get a sexual
24 assault exam that she then came back to the police
25 and gave them the full story. Adding to the

CLOSING ARGUMENT BY MS. HUNTER

1 physical assault and telling them there was also a
2 sexual assault. She wasn't trying to lie or hide
3 anything. She was just embarrassed. Like many
4 victims of sexual assault are.

5 The Defense also made a big deal to you
6 guys about how Ms. Nickens got back together with
7 Mr. Corbitt after this incident happened a few
8 months later. That's classic battered victim. We
9 have cases every day where women get abused by men
10 and go back to them.

11 MR. TURNBLAD: Objection. Facts not in
12 evidence. Objection. She's arguing facts not in
13 evidence. Sixth rule of the violation talking
14 about battered spouse.

15 THE COURT: It's in the record, you may
16 proceed.

17 MS. HUNTER: Thank you, Your Honor.

18 The Defense also brought up the fact
19 that at Mr. Corbitt's bond court, Ms. Nickens told
20 the judge she wanted to drop charges. But what she
21 didn't say is that this didn't happen. That
22 Michael Corbitt didn't assault me. The Defense
23 didn't ask her why she wanted to drop charges. She
24 didn't say it didn't happen. She didn't say
25 Michael Corbitt didn't do this. That's not what

CLOSING ARGUMENT BY MS. HUNTER

1 she testified to. She just didn't want to be
2 involved in the situation because like she told
3 you, she was embarrassed. It's a small town. This
4 is an embarrassing thing to happen. She got up in
5 front of all of you and told you about it. That's
6 not what she wanted to do today and keep reliving
7 this event.

8 Ladies and gentlemen, the victim's
9 testimony is proof beyond a reasonable doubt. It's
10 proof beyond any doubt that Michael Corbitt is the
11 person who physically and sexually assaulted
12 Keandra Nickens on September 23, 2018.

13 Now, you also heard from Hunter Johns
14 and Eric Walker who corroborate Ms. Nickens' story.
15 They said they were on the way home from a hunting
16 trip in Blackville. They saw a stopped car on
17 Highway 3 -- they saw a stopped car on Highway 3
18 with a lady flailing her arms out the window
19 yelling for help. As they approached, they could
20 see a black male and a black female entangled in a
21 fight.

22 Eric walker said they were close enough
23 that he could see Ms. Nickens' injuries. He could
24 see the blood in her face and on her shirt. Hunter
25 Johns told you that he was within arms reach of the

CLOSING ARGUMENT BY MS. HUNTER

1 Defendant.

2 The victim and Hunter Johns both
3 testified and they corroborate each other that
4 Michael Corbitt said to them, stay out of this,
5 this is my wife. He was trying to get them to
6 leave. Luckily they didn't. Hunter Johns saw
7 Michael Corbitt throw Ms. Nickens out of the car.
8 And Mr. Stevens tried to put words in Hunter Johns'
9 mouth and he used the phrase that the victim
10 tumbled out of the car. Remember, Mr. Stevens'
11 words aren't evidence and that's not what Hunter
12 Johns told you happened.

13 He told you that Michael Corbitt threw
14 Ms. Nickens out of the car. She didn't tumble.
15 Mr. Stevens tried to use the word fussing. He said
16 they weren't fussing, they were fighting. It was a
17 physical altercation where Michael Corbitt was
18 physically beating on Keandra Nickens that day.

19 And the Defense wants you to believe
20 that Hunter Johns didn't get a good look at Michael
21 Corbitt, but he told you he was close enough to
22 touch him. He was closer than we are right now.
23 But it was broad daylight. It was a sunny day
24 around lunchtime.

25 The Defense tried to bring up that the

CLOSING ARGUMENT BY MS. HUNTER

1 window was tinted and the window was halfway up.
2 Well, Hunter Johns told you, he could see the
3 window was at least halfway down. And at one
4 point, the door was open and he was at the car,
5 could touch the Defendant. He saw him. He told
6 you that he remembered the Defendant's face. It
7 was something he would never forget because this
8 wasn't an incident that happens on a daily basis.
9 This is not something he regularly encounters.

10 He remembered the fact that the
11 Defendant was about 5'10", weighed about 165
12 pounds. He said he remembered the Defendant's
13 eyes. And he was able to point out the person who
14 he saw physically assault Keandra Nickens and throw
15 her out of the car on September 23rd out of that
16 black Nissan Altima. And he told you he was one
17 hundred percent sure that it was Michael Corbitt.
18 He pointed him out. One hundred percent positive
19 that was him. He was the assaulter.

20 Ladies and gentlemen, we talked about
21 the credibility of witnesses. Why would Hunter
22 Johns lie? He doesn't know Michael Corbitt. He
23 doesn't know Keandra Nickens. He is just a random
24 passerby that luckily for Ms. Nickens stopped to
25 help her that day.

CLOSING ARGUMENT BY MS. HUNTER

1 Again, Ms. Nickens told Hunter Johns
2 and Eric Walker that Michael Corbitt was the man
3 who assaulted her. She's been consistent since day
4 one.

5 Y'all heard Nurse Keigans testify, she
6 was the sexual assault nurse. Keandra went and had
7 an uncomfortable and embarrassing sexual assault
8 exam. Ms. Keigans talked to you about Keandra's
9 physical injuries. The bruises, the bite marks on
10 her hands and thighs. The two black eyes that she
11 had. And this is important. Nurse Keigans told
12 you all that doing certain activities between the
13 24 hours that occurred from the rape and going to
14 the hospital to have a rape kit done can wash away
15 evidence. Showering, going to the bathroom,
16 brushing your teeth, changing clothes. Evidence
17 gets lost when you do that.

18 And she told you that Keandra Nickens
19 had showered twice. Had been to the bathroom at
20 least four times. Had brushed her teeth and had
21 changed clothes. So when the Defense makes a big
22 deal about the Defendant's DNA not being found on
23 the victim, that's why.

24 The Defendant did not ejaculate inside
25 of Ms. Nickens. Ms. Nickens told you that. She

CLOSING ARGUMENT BY MS. HUNTER

1 told Nurse Keigans that and she told Investigator
2 Stuke that. So we wouldn't expect to find his DNA
3 inside of her. And, again, Ms. Nickens told the
4 sexual assault nurse that it was Michael Corbitt
5 who assaulted her.

6 Now, the State is going to get up here
7 -- I'm sorry. The Defense is going to get up here
8 and make a big deal about the SLED analyst that we
9 had testify in this case. You heard from Tom
10 Darnell, our latent print analyst. And he told you
11 all that these cases that we deal with every day
12 are not like the court cases that you see on TV.
13 Those shows like CSI. We do not always find
14 fingerprints, DNA, and other forensic evidence in
15 these cases.

16 But that does not mean that someone
17 wasn't there. That the Defendant didn't touch a
18 can. That the Defendant didn't touch Ms. Nickens.
19 And the Defendant didn't assault Ms. Nickens. The
20 Defendant didn't put his penis inside of Ms.
21 Nickens. Just because they weren't able to develop
22 prints doesn't mean that it wasn't Mr. Corbitt who
23 did it.

24 And the State also brought up the fact
25 that Ms. Nickens' car wasn't processed. Well,

CLOSING ARGUMENT BY MS. HUNTER

1 Investigator Stuke told you that there had been a
2 delay from the time the assault occurred and the
3 time the car was recovered. And because of that
4 delay, it compromises the integrity of the vehicle
5 and the evidence they could potentially find in it.

6 And you know what, ladies and
7 gentlemen, if they had processed the car and if
8 that he had found the Defendant's DNA or prints in
9 the car, the Defense would get up here and tell
10 you, of course his prints and DNA were in the car.
11 He and Ms. Nickens were in a relationship. He was
12 in her car all the time. You can't tell when
13 someone touches something, when someone leaves a
14 print, when they leave their DNA. That's not how
15 that science works. So they would be making that
16 argument to you if we did have his DNA or prints.

17 You also heard from the DNA analyst,
18 Ryan DeWane. And she told you that we don't always
19 expect to find DNA inside of someone on such like
20 vaginal swabs and things because it depends on how
21 the assault occurred. Touch DNA is not as
22 prevalent as a more liquid DNA such as semen. So
23 we wouldn't expect to find his DNA inside of Ms.
24 Nickens or on Ms. Nickens' body again because she
25 had showered. The victim told you the Defendant

CLOSING ARGUMENT BY MS. HUNTER

1 did not ejaculate inside of her. His semen would
2 not be inside of her.

3 Another thing that does corroborate the
4 victim's story however, is when she took
5 Investigator Stuke down Furtick Lane where the
6 assault occurred, there was a Monster Energy drink
7 can sitting in the wooded area in the grass. And
8 Investigator Stuke collected that because Ms.
9 Nickens said it came out of her car. And when it
10 was tested, that blue straw did have Ms. Nickens'
11 DNA on it. That corroborates her story. But this
12 is -- this is what happened and this is where the
13 assault happened.

14 Now what Ryan DeWane did testify to and
15 I hope you all paid attention to was that the
16 vaginal swabs had DNA of the victim and an
17 unidentified unrelated person. Well, the victim
18 told Investigator Stuke who that was and the victim
19 told you all who that was. She told you when she
20 testified that she had had consensual sex with
21 Johnny Brown hours before this assault occurred.
22 And that Johnny Brown did ejaculate inside of her.
23 That's whose semen is found inside of her. Not
24 some random stranger like the Defense is going to
25 want you to believe. And, again, why would the

CLOSING ARGUMENT BY MS. HUNTER

1 victim make this up. An embarrassing sexual
2 assault. What reason does she have to lie on
3 Michael Corbitt and say Michael Corbitt did this
4 when he didn't.

5 Now, as a last ditch effort to save
6 himself, Michael Corbitt did put up a few
7 witnesses. He had his cousin get on the stand and
8 testify to you. And his cousin didn't remember
9 really any details of this day. He didn't give any
10 specific reason about what his aunt had bought from
11 the grocery store, exactly what TV show they were
12 watching. So how does he remember that Michael
13 Corbitt was home with him on this Sunday, why not a
14 different Sunday.

15 He told you that he never came forward
16 before and gave a statement to law enforcement.
17 What he did tell you was that he had come forward
18 and given a statement to Mr. Corbitt's attorney,
19 Jason Turnblad a long time ago, over a year ago.
20 Well, you heard the stipulation that we agreed to
21 that was told to you at the end of the evidence.
22 Jason Turnblad wasn't representing Michael Corbitt
23 over a year ago. Jason Turnblad didn't start
24 representing Michael Corbitt until June 25th. You
25 can't believe anything that man testified to. He's

CLOSING ARGUMENT BY MR. TURNBLAD

1 a liar. He lied to you under oath.

2 And the Defendant and his mom, their
3 testimony about the victim being around after the
4 assault occurred, again, it's very common for women
5 of abuse. Any victims of abuse to go back to their
6 abusers. It happens every day.

7 The Defendant wants you to believe that
8 some other guy committed this crime. But the
9 evidence is overwhelming against Michael Corbitt.
10 Why would the victim lie? Why would Keandra
11 Nickens lie on Michael Corbitt? More importantly,
12 why would Hunter Johns come in here and make this
13 up and say Michael Corbitt did it if he didn't?
14 Hunter Johns is a complete innocent bystander
15 unbiased. Doesn't know the Defendant. Doesn't
16 know the victim.

17 Use your common sense, ladies and
18 gentlemen. Find the Defendant guilty of all four
19 charges.

20 MR. TURNBLAD: May it please the Court?

21 THE COURT: Yes, sir.

22 MR. TURNBLAD: Opposing counsel.

23 CLOSING ARGUMENT BY MR. TURNBLAD:

24 MR. TURNBLAD: Ladies and gentlemen of
25 the jury, this is the last voice you will hear from

CLOSING ARGUMENT BY MR. TURNBLAD

1 the Defense. We have no rebuttal. The government
2 has the last word. In an introductory fashion, I
3 would just like to state to you that only you will
4 judge this case as far as the facts go. This is
5 your solemn responsibility and it is an awesome
6 one. You will be the ultimate arbitrators of the
7 fate of this man.

8 In deciding this case, we are relying
9 upon your oath and that you will decide it only on
10 the facts. Whether you like or don't like the
11 Defendant, that is unimportant. You might detest
12 Mr. Corbitt. For all I know, you may love him.
13 That's unimportant. What is important is that you
14 remember that he is an innocent man. He remains
15 innocent now and he remains innocent while you're
16 back there deliberating.

17 So let's first talk about what you
18 heard. You heard that Michael's DNA wasn't found
19 anywhere. Not in her vagina. Not under her
20 fingernails and not on the alleged bite mark on her
21 leg. In fact, he was completely excluded from
22 being a contributor of the DNA by the expert in DNA
23 who testified.

24 Additionally, we heard that there was
25 some DNA under Ms. Nickens' fingernails that was

CLOSING ARGUMENT BY MR. TURNBLAD

1 from a mixture of two different people's DNA and
2 that other person was not Mr. Corbitt. Her
3 fingernails were swabbed because the same nurse
4 told you that it can show if someone scratched
5 someone else, probably scratching them if she was
6 being attacked. And one thing we know for sure is
7 that it wasn't Michael Corbitt's DNA under her
8 fingernails.

9 So who was it? Who was really there?
10 That isn't a question for you to decide, but is a
11 reason for you to doubt Ms. Nickens' story. And it
12 is reasonable doubt that Michael wasn't there. And
13 why do we know that Michael wasn't there? Because
14 we heard that Michael was somewhere else. Michael
15 told you he was with his cousin. And his cousin
16 Kashawn corroborated that story saying they were
17 home together that day. He said that his
18 grandmother or aunt, I'm sorry, brought him home
19 chicken tenders and french fries from the Piggly
20 Wiggly.

21 Furthermore, you heard from Michael's
22 mother, Ms. Corbitt, that she left Michael home
23 while she went shopping to watch Kashawn and his
24 nephew, Amir. And Michael told you he was there
25 the whole time. We also heard straight from

CLOSING ARGUMENT BY MR. TURNBLAD

1 Michael testifying that he didn't commit any of
2 these atrocities and he was home with the kids.

3 Now, let's talk about some things that
4 just don't make sense. Keandra Nickens told you
5 that she continued to go over to Michael's house a
6 couple of times a week even spending the night
7 there, voluntarily I might add, for three to four
8 months after this supposedly happened. If you were
9 so scared of someone, why do you keep voluntarily
10 spending time with them? It just doesn't make
11 sense.

12 Furthermore, she told you she even
13 visited him in jail and gave him money while he was
14 in jail. It just doesn't make sense. She even
15 expressed her interest in dropping the charges.
16 Possibly because she regretted wrongfully blaming
17 him for this. Just ask yourself, does any of that
18 behavior make sense?

19 Then Ms. Nickens told you that rather
20 than calling the police, honking the horn until
21 someone came to her aid or better yet driving to
22 the Dollar General or somewhere else where there's
23 lots of other people in downtown Springfield, she
24 instead drove to the middle of nowhere. That
25 doesn't make any sense.

CLOSING ARGUMENT BY MR. TURNBLAD

1 Finally, wouldn't it have made the most
2 sense to drive to the police station to get help?
3 It's only a block or so away from where this gas
4 station was. Once again, none of her story makes
5 sense.

6 Additionally, ask yourself what wasn't
7 done in this case? Investigator Stuke told you
8 that he didn't swab the windshield for DNA. The
9 State wants you to believe that Michael's head hit
10 the windshield so hard that the glass broke. But
11 they didn't check that spot to see if there was any
12 DNA there. Ask yourself, could that have been
13 helpful in determining who was actually in that car
14 that day?

15 They also could have dusted the car for
16 fingerprints, but they didn't do that either.
17 Finally, he told you they never got the videotape
18 from the Horizon station. A video that could have
19 conclusively shown us if anything did happen or who
20 the real perpetrator really was. Investigator
21 Stuke admitted he could have subpoenaed it, but he
22 never did. Ask yourself, what could this
23 information possibly have shown us and why doesn't
24 the government have it for you?

25 You heard that Mr. Johns, that he saw

CLOSING ARGUMENT BY MR. TURNBLAD

1 | an incident, but there was a fleeting moment.
2 | Well, we can't trust his identification of Michael.
3 | Why not? Well, Eric Walker, the other guy
4 | testified that the incident happened so quickly
5 | that by the time he got around their truck to see
6 | the car, the car was already speeding off. And
7 | Mr. Johns, he told you that he was worried about
8 | the girl, that it was a dark car with dark windows,
9 | and immediately after the incident, all he knew at
10 | that time when his memory would have been at its
11 | absolute best right after this happened, is that he
12 | saw a black guy. No other description at that
13 | time. Back when this actually supposedly happened,
14 | he couldn't tell you how tall he was. He couldn't
15 | tell you how much he weighed back then. Just a
16 | black guy. He couldn't even tell you if he had
17 | facial hair on his face.

18 | And the only reason they thought it was
19 | Michael is because Ms. Nickens blamed it on
20 | Michael. She said it was Michael Corbitt. Not
21 | Hunter Johns. At that time, Mr. Johns couldn't
22 | tell you anything about what he looked like once
23 | again. But then when he's in court, three years
24 | later, mind you, testifying in a case where the
25 | subpoena he got is *State v. Michael Corbitt*, so he

CLOSING ARGUMENT BY MR. TURNBLAD

1 | knew Michael Corbitt would be here, he said that
2 | Michael was the guy. He actually described him to
3 | you while he was looking right at Michael. Not
4 | only that, but Michael had on a mask when he was
5 | supposedly identifying him. How can you trust that
6 | identification when he couldn't even see his face
7 | the other day. You have to ask yourself is that
8 | identification truly reliable? I submit to you
9 | that it is not.

10 | Why couldn't he describe him three
11 | years ago? Because he just didn't get a good -- he
12 | couldn't get a good look enough at him back then
13 | that's why he couldn't describe him three years
14 | ago. So how could he possibly know for sure who
15 | the person is if he didn't know three years ago?

16 | Finally, I would like to point out that
17 | Ms. Nickens told you she was dating some other
18 | people at the time. Michael also told you he was
19 | seeing other people. You heard from Michael that
20 | he did haven't a problem with Ms. Nickens seeing
21 | other people, but she might have had a problem with
22 | him seeing other women. Ask yourself, could this
23 | be a reason that Ms. Nickens blamed Michael?
24 | Perhaps she wanted him out of the picture. She
25 | told you she was trying to patch things up with her

CLOSING ARGUMENT BY MR. TURNBLAD

1 child's father. She wasn't being serious with
2 Michael. Maybe she was assaulted by one of her
3 other boyfriends and blamed Michael because she
4 didn't want to blame Johnny Brown.

5 Because of things not done by the
6 police in this case, we may never really know who
7 was really in that car that day. And it is most
8 certainly not your job to guess or speculate who
9 was in the car with her. That is the government's
10 job and I submit to you the government doesn't have
11 an answer to that question. They never solved this
12 crime.

13 In summation, I want to ask each and
14 every one of you to use your common sense. Ask
15 yourself, what makes sense in this case? Ask
16 yourself, what wasn't done in this case? Ask
17 yourself if the police really solved this case
18 because I submit to you they did not. They thought
19 as soon as they heard Michael's name from Ms.
20 Nickens that they had their case solved and they
21 had their guy and that is not true. And it is
22 certainly not your job to solve this case for them.

23 Your job is not to fill in the gaps in
24 the government's case. Your job isn't to solve
25 their case for them. Your job is to render a

REPLY CLOSING ARGUMENT BY MS. HUNTER

1 | verdict based on what you've heard or on what you
2 | haven't heard and perhaps most importantly on the
3 | fact testified to by the government's witnesses
4 | that Michael's DNA wasn't found anywhere.

5 | Michael is not guilty of assault and
6 | battery. Michael is not guilty of criminal sexual
7 | conduct. Michael is not guilty of kidnapping and
8 | he is not guilty of carjacking. We ask that you
9 | remember this while in the jury room and return a
10 | verdict of not guilty only all counts. Thank you.

11 | THE COURT: Reply by the State?

12 | MS. HUNTER: Yes, Your Honor.

13 | *REPLY CLOSING ARGUMENT BY MS. HUNTER:*

14 | MS. HUNTER: Ms. Nickens and Hunter
15 | Johns' testimony is proof beyond any doubt that
16 | Michael Corbitt is the person who committed these
17 | offenses. What Ryan DeWane testified to was that
18 | he was excluded only on the samples that was
19 | provided. That doesn't mean that he wasn't there.
20 | It doesn't mean that he didn't put his hands on
21 | her. It doesn't mean that he didn't put his penis
22 | inside of her.

23 | And the alibi witnesses that the
24 | Defense brings up. His cousin and his mom, they
25 | can remember completely random day, three and a

REPLY CLOSING ARGUMENT BY MS. HUNTER

1 half years ago, but he can't remember any details
2 about the day. He wasn't arrested that day. What
3 makes that day so special that they can remember
4 that day? They can't.

5 And the Defense is up here blaming Ms.
6 Nickens. Classic victim blaming. It's offensive.
7 For them to say that Ms. Nickens' story doesn't
8 make sense, it does make sense. And it's
9 corroborated by Hunter Johns and by Eric Walker.
10 And Hunter Johns told you that he did give a
11 statement that day. Although he gave a brief
12 statement. Nobody asked him for a more detailed
13 description. He was able to describe him. He knew
14 his height. He knew his approximate weight. He
15 remembered his eyes, he knew his face. It was a
16 face he would never forget he said.

17 And the video at the Horizon that they
18 bring up. Investigator Stuke went to the Horizon
19 three times. Don't blame Ms. Nickens because some
20 gas station attendant wouldn't turn over a video.
21 Lots of times these videos don't even exist or if
22 they do have cameras, they're not necessarily
23 pointing to exactly where this scene occurred. You
24 can't expect to always capture everything on video.
25 Just like you can't expect to always have

REPLY CLOSING ARGUMENT BY MS. HUNTER

1 fingerprints, always have DNA.

2 And because Ms. DeWane testified that
3 he was excluded on certain combinations from the
4 DNA, it doesn't mean that he wasn't there. It
5 doesn't mean that he didn't assault her. It just
6 means that the comparison levels were too low.
7 They couldn't find that DNA under those examples.

8 And, again, Ms. Nickens going back to
9 her abuser, that's classic. Ms. Nickens has been
10 consistent since the day this assault happened and
11 when she testified again on Monday that Michael
12 Corbitt is the person who assaulted her. She said
13 it then. She got back together with him. And she
14 says it to you this week. That that is the person
15 who did it. She has never said that it was someone
16 else. Ever.

17 Hunter Johns is one hundred percent
18 sure that Michael Corbitt is the person he saw.
19 That alone is proof beyond any doubt that Michael
20 Corbitt is the person who committed these offenses.
21 Find him guilty of all four counts. Thank you.

22 THE COURT: Ladies and gentlemen, let's
23 stand for a moment.

24 (WHEREUPON, everyone is stretching)

25 JURY CHARGE BY THE COURT:

JURY CHARGE BY THE COURT

1 THE COURT: All right. Madam Forelady
2 and members of the jury, you've heard the
3 testimony, received the evidence, and heard the
4 arguments of the State and the Defendant. I will
5 now explain to you the law that applies to this
6 case.

7 Under the Constitution of the laws of
8 South Carolina, you are the finders of the facts in
9 this case. I do not have the right to pass upon
10 the facts or even to express any opinion that I
11 might have as to them because this is a matter
12 solely for you the jury to determine. As jurors
13 then it is your duty to determine the effect, the
14 value, the weight -- and the weight of the evidence
15 presented during this trial.

16 As the trial judge, it is my
17 responsibility to preside over the trial of this
18 case and I have the duty to rule upon or pass upon
19 the admissibility of the evidence offered during
20 this trial. You are to consider only the testimony
21 which has been presented from this witness stand
22 together with any other exhibits which have been
23 made a part of the record and any stipulations of
24 counsel.

25 I have the additional duty to charge

JURY CHARGE BY THE COURT

1 you to law applicable to this case. And as a
2 presiding judge, I'm the sole judge of the law of
3 this case. You must accept as correct because it
4 is your duty to accept as correct the law as I now
5 state it to you then deliberate in an effort to
6 reach your verdict.

7 And, finally, I charge you in this
8 regard that you should not be concerned with what
9 you think the law ought to be, but what I charge
10 you that the law is. You are also the judges, the
11 sole judges of the credibility that is the
12 believability of the witnesses who have testified
13 and of the evidence offered. In considering
14 credibility, you may take into consideration many
15 things. Such as the demeanor or manner of
16 testifying, whether the witness had reason to be
17 biased or prejudiced. Or whether the testimony was
18 contradicted on the one hand or supported and
19 corroborated on the other hand. You may believe a
20 small portion of the testimony of a witness and
21 disregard the larger or vice versa. All these
22 things you will consider bearing in mind that you
23 should give the Defendant the benefit of any
24 reasonable doubt.

25 It becomes your duty as jurors to

JURY CHARGE BY THE COURT

1 analyze and to evaluate the evidence and determine
2 that evidence which convinces you of its truth.
3 The testimony of a police officer is not entitled
4 to more weight than that of any other witness
5 solely because of being a police officer. You are
6 the sole judges of the credibility of all
7 witnesses. And you are not to give more credence
8 to the testimony of a police officer solely because
9 he or she is a police officer.

10 Normally a person cannot give opinion
11 testimony. When a person testifies, they must
12 testify as to what they either saw, heard or sense
13 by smell or something of that nature. However,
14 there is an exception when someone is qualified
15 because of education and experience. These expert
16 witnesses are permitted to give their opinion in
17 certain areas if the Court qualifies them that way.
18 To give opinion testimony in that area that does
19 not mean that you must accept the opinion, but it
20 is evidence for you to use in any way you see fit
21 and give it the weight and credibility you believe
22 important.

23 There are two types of evidence which
24 are generally presented during a trial. Direct
25 evidence and circumstantial evidence. Direct

JURY CHARGE BY THE COURT

1 evidence directly proves the existence of a fact
2 and does not require deduction.

3 Circumstantial evidence is proof of a
4 chain of facts and circumstances indicating the
5 existence of a fact. Crimes may be proven by
6 direct evidence or circumstantial evidence. The
7 law makes no distinction between the greater value
8 to be given either direct or circumstantial
9 evidence.

10 However, to the extent the State relies
11 on circumstantial evidence, the circumstances must
12 be consistent with each other and when taken
13 together point conclusively to the guilt of the
14 accused beyond a reasonable doubt. These
15 circumstances merely portray the behavior of the
16 Defendant as suspicious, the proof has failed. The
17 State has the burden of proving the Defendant
18 guilty beyond a reasonable doubt. This burden
19 rests with the State regardless of whether the
20 State relies on direct evidence, circumstantial
21 evidence, or some combination of the two.

22 The fact that the Defendant was
23 arrested, charged and indicted in this case is not
24 evidence and cannot be considered by you as
25 evidence of guilt. Nor does it create any

JURY CHARGE BY THE COURT

1 | presumption or inference of guilt. These
2 | indictments are simply the formal written
3 | instruments which contains the charges made against
4 | the Defendant. The indictments are the formal
5 | documents by which this case is brought into this
6 | court.

7 | The Defendant has pled not guilty to
8 | each of these indictment -- each of these
9 | indictments. That plea puts the burden on the
10 | State to prove the Defendant guilty. A person
11 | charged with committing a criminal offense in South
12 | Carolina is never required to prove himself
13 | innocent. I charge you that it is an important
14 | rule of the law that the Defendant in a criminal
15 | trial no matter what the seriousness of the charge
16 | may be will always be presumed to be innocent of
17 | the crime for which the indictment was issued
18 | unless guilt has been proven by evidence satisfying
19 | you of that guilt beyond a reasonable doubt.

20 | The presumption of innocence does not
21 | end when you begin your deliberations, but it
22 | accompanies the Defendant throughout the trial
23 | until you reach a verdict of guilt based on
24 | evidence satisfying you of that guilt beyond a
25 | reasonable doubt. The presumption of innocence is

JURY CHARGE BY THE COURT

1 | like a robe of righteousness placed about the
2 | shoulders of the Defendant which remains with the
3 | Defendant until it has been stripped from the
4 | Defendant by evidence satisfying you of the
5 | Defendant's guilt beyond a reasonable doubt.

6 | The presumption of innocence is not a
7 | mere legal theory. It's not just a legal phrase.
8 | It is a substantial right to which every Defendant
9 | is entitled unless you the jury are satisfied from
10 | the evidence of the Defendant's guilt beyond a
11 | reasonable doubt.

12 | The State has the burden of
13 | establishing every essential fact necessary to
14 | prove the Defendant guilty beyond a reasonable
15 | doubt. Some of you may have served as jurors in
16 | civil cases where you were told that it is only
17 | necessary to prove that a fact is more likely true
18 | than not true. Such as a greater weight or
19 | preponderance of the evidence. Other civil cases
20 | use the clear and convincing evidence standard. In
21 | those cases, it is necessary to prove the fact is
22 | highly probable. But this is a criminal case and
23 | the burden of proof is more powerful than those
24 | burdens of proof.

25 | In criminal cases, the burden of proof

JURY CHARGE BY THE COURT

1 on the State is proof beyond a reasonable doubt.
2 Proof beyond a reasonable doubt is proof that
3 leaves you firmly convinced of the guilt of the
4 Defendant.

5 Now, there are very few things in this
6 world that we know with absolute certainty. And in
7 criminal cases the law does not require proof that
8 overcomes every possible doubt. It is based on
9 your consideration of the evidence you are firmly
10 convinced that the Defendant is guilty of the crime
11 charged, you must find the Defendant guilty.

12 If on the other hand you think there is
13 a real possibility that the Defendant is not
14 guilty, you must give the Defendant then the
15 benefit of every reasonable doubt and find him not
16 guilty.

17 The indictment alleges four offenses
18 against the Defendant. The charges are kidnapping,
19 criminal sexual conduct first degree, assault and
20 battery first degree, and taking or attempting to
21 take a vehicle from a person by force without great
22 bodily harm commonly referred to as carjacking.
23 Each indictment charges a separate and distinct
24 offense. You must decide each indictment
25 separately. You will be asked to write a separate

JURY CHARGE BY THE COURT

1 verdict of guilty or not guilty for each
2 indictment.

3 And indictment number one, the
4 Defendant is charged with kidnapping. The
5 Defendant is charged with kidnapping Keandra
6 Nickens. The State must prove beyond a reasonable
7 doubt that the Defendant knowingly and unlawfully
8 seized, confined, inveigled, and decoyed,
9 kidnapped, abducted or carried away another person
10 without authority of law. To do a thing unlawfully
11 is to do it willfully against the law. Knowingly
12 means with knowledge, consciously not accidentally.
13 Seize means to take hold of suddenly or forcibly.
14 Confine mean to limit, restrict or enclose within
15 bounds, imprison, shut or keep in. Inveigle means
16 to lure, entice, or lead astray by false
17 representations, promises or other deceitful means.
18 Decoy means to lure by or as if by decoy. A decoy
19 is something to entice a person into a trap.
20 Kidnap is to remove a person against their will by
21 unlawful force or by fraud. Abduct means to carry
22 off secretly or by force for an illegal purpose.
23 Carry away means to remove. The State does not
24 have to prove that the Defendant did all of these
25 things. Instead if you find beyond a reasonable

JURY CHARGE BY THE COURT

1 | doubt that the Defendant did any of these things
2 | you may then find the Defendant guilty of
3 | kidnapping.

4 | Something done without authority of law
5 | is something which the law does not sanction,
6 | permit, allow, condone or provide justification for
7 | it. The kidnapping does not have to be for any
8 | personal or monetary gain for any illegal purpose,
9 | but it may be for any reason whatsoever.

10 | The Defendant is charged with criminal
11 | sexual conduct in the first degree. In order to
12 | prove criminal conduct -- sexual conduct in the
13 | first degree, the State must prove beyond a
14 | reasonable doubt that the Defendant committed a
15 | sexual battery against Keandra Nickens. A sexual
16 | battery is sexual intercourse. Cunnilingus,
17 | fellatio, anal intercourse, or any intrusion,
18 | however slight of any part of the body of a person
19 | or of any object into the genital or anal openings
20 | of another person's body except when the intrusion
21 | is accomplished for medically recognized treatment
22 | or diagnostic purposes.

23 | If you find that the State has not
24 | shown beyond a reasonable doubt that a sexual
25 | battery occurred, you must stop deliberating and

JURY CHARGE BY THE COURT

1 your verdict would have to be not guilty of first
2 degree criminal sexual conduct.

3 If you find that a sexual battery did
4 occur, you must then decide whether the State has
5 proven beyond a reasonable doubt, one, that the
6 Defendant used aggravated force to accomplish the
7 sexual battery.

8 Aggravated force meaning the use of
9 physical force or physical violence of a high and
10 aggravated nature to overcome the victim or the
11 victim submitted to sexual battery while the victim
12 was also the victim of forcible confinement,
13 kidnapping, robbery or any other similar act or
14 offense.

15 Indictment number three. The Defendant
16 is charged with assault and battery first degree.
17 In order to prove assault and battery first degree,
18 the State must prove beyond a reasonable doubt the
19 Defendant unlawfully involved or committed the act
20 of nonconsensual touching of the private parts of
21 Keandra Nickens either under or above clothing with
22 lewd and lascivious intent or occurred during the
23 commission of a robbery, burglary, kidnapping or
24 theft. Private parts means the genital area or
25 buttocks of a male or female or the breasts of a

JURY CHARGE BY THE COURT

1 female.

2 A person may also commit the offense of
3 assault and battery in the first degree if the
4 person unlawfully offers or attempts to injure
5 another person with the present ability to do so
6 and either is accomplished by means likely to
7 produce death or great bodily injury or occurred
8 during the commission of a robbery, burglary,
9 kidnapping or theft.

10 Great bodily injury means bodily injury
11 which causes a substantial risk of death or which
12 causes serious permanent disfigurement or
13 protracted loss or impairment of the function of a
14 bodily member or organ.

15 Indictment number four. The Defendant
16 is charged with taking or attempt to take a vehicle
17 from a person by force without great bodily harm,
18 otherwise carjacking. The Defendant is charged
19 with the offense of taking or attempting to take a
20 vehicle from Keandra Nickens by force without great
21 bodily harm. In order to prove carjacking, the
22 State must prove beyond a reasonable doubt that the
23 Defendant took or attempted to take a motor vehicle
24 from Keandra Nickens by force and violence or by
25 intimidation while Keandra Nickens was operating

JURY CHARGE BY THE COURT

1 the vehicle or while Keandra Nickens was in the
2 vehicle.

3 In order to establish criminal
4 liability, criminal intent is required. Criminal
5 intent must be proven by the State beyond a
6 reasonable doubt. Criminal intent is always a
7 matter that must be determined by the jury from the
8 circumstances surrounding the situation. There's
9 no way to prove intent to a mathematical certainty.
10 There's no way a medical science can dissect the
11 brain of a person and determine what the person had
12 in mind. So the law says that criminal intent may
13 be inferred from the circumstances shown to have
14 existed. This is how you make a determination of
15 whether or not the element requiring intent was
16 present.

17 Criminal intent is a mental state. A
18 conscious wrongdoing. It is up to you to determine
19 what the Defendant intended to do based on the
20 circumstances shown to have existed.

21 The Defendant has raised the defense of
22 alibi. In order to establish an alibi, it must be
23 shown that the Defendant was at another place at
24 the time the crime was committed and that,
25 therefore -- it was therefore impossible for the

JURY CHARGE BY THE COURT

1 Defendant to have been at the scene of the crime.
2 Mere denial of presence at the scene of a crime
3 does not constitute an alibi. There is no burden
4 on the Defendant to prove an alibi. The burden is
5 on the State to prove beyond a reasonable doubt
6 that the Defendant was actually present at the
7 scene of the crime actually participated in it and
8 was not some place else. In other words, the State
9 has the burden of disproving the alibi defense of
10 the Defendant.

11 An issue in this case is the
12 identification of the Defendant as a person who
13 committed the crimes charged. The State has the
14 burden of proving identity beyond a reasonable
15 doubt. You must be satisfied beyond a reasonable
16 doubt of the accuracy of the identification of the
17 Defendant as the person who committed the crime or
18 crimes before you may convict the Defendant.

19 You've heard testimony -- you've heard
20 testimony of eyewitness identification. Such
21 identification is a statement of an impression by
22 the witness as with any other witness you must
23 decide whether the witness is telling the truth as
24 he/she or they understand it. You must also decide
25 how accurate the identification was. Whether the

JURY CHARGE BY THE COURT

1 identification in fact -- the witness in fact saw
2 with he or she thought they saw and give an extent
3 of how much of an opportunity the witness had to
4 observe the offender at the time of the conduct and
5 given the circumstances under which the witness
6 later made the identification.

7 It up to you to determine not only the
8 truthfulness, but also the accuracy and reliability
9 as you assess the testimony of a witness. In
10 evaluating the eyewitness testimony, you should
11 remember that the State must prove the identity of
12 the Defendant as a person who committed a crime
13 beyond a reasonable doubt. And in evaluating the
14 reliability of the identification, you must
15 consider the circumstances under which the
16 eyewitness made the identification. In this
17 regard, you may consider whether the witness knew
18 the Defendant before the crime took place, whether
19 the witness had a good opportunity to see the
20 person, whether the witness seemed as though he was
21 paying careful attention to what was going on. The
22 description given by the witness, how much time
23 passed between the crime and first identification
24 by the witness. Whether at the time of the first
25 identification by the witness, conditions were such

JURY CHARGE BY THE COURT

1 | that the witness was likely to make a mistake
2 | because he was cued by the circumstances, whether
3 | the witness and the Defendant are the same or of a
4 | different race, and if so, whether the witness is
5 | sensitive to differences among persons of another
6 | race and how certain or confident the witness was
7 | and as to the identification.

8 | Now while the arguments of counsel are
9 | a beneficial part of every trial, you should
10 | remember that the statements made by counsel are
11 | not evidence. In presenting their arguments,
12 | counsel often refer to the evidence. However, you
13 | should base your verdict on the evidence as you
14 | remember it. If there are any conflicts between
15 | the recollection of counsel about the evidence and
16 | your own recollection, you should rely on your own
17 | understanding of the evidence.

18 | Madam Forelady and members of the jury,
19 | I'm required to charge the law as I have done
20 | through these instructions now being given to help
21 | guide you to a just and lawful verdict. Whether
22 | some of these instructions apply will depend upon
23 | what you find to be the facts. The fact that I
24 | have instructed you on various subjects must not be
25 | considered as indicating an opinion of this court

JURY CHARGE BY THE COURT

1 as to what you should find to be the facts or what
2 your verdict should be.

3 Now you've been chosen and sworn to
4 give the parties a fair and impartial trial. When
5 you have done so, you will have complied with your
6 oath and no one will have a right to criticize your
7 verdict. You must not be influenced by opinions or
8 expressions of opinions you may have heard outside
9 of the courtroom, but rather should base your
10 verdict solely on the testimony of the sworn
11 witnesses who took the stand, the exhibits received
12 into evidence, and the law which I have stated.

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

18 It is your duty as jurors to consult
19 with one another and to deliberate in an effort to
20 reach an agreement. Each of you must decide this
21 case for yourself, but only after an impartial
22 consideration of all of the evidence with your
23 fellow jurors. In the course of your
24 deliberations, do not hesitate to reexamine your
25 own views and change your opinion if you become

JURY CHARGE BY THE COURT

1 convinced it is erroneous. However, do not
2 surrender your honest conviction as to the weight
3 or affect of the evidence solely because of the
4 opinion of your fellow jurors or for the mere
5 purpose of returning a verdict.

6 As I stated earlier, you are the
7 judges, judges of the facts. Your verdict must
8 represent the considered judgement of each juror.
9 In other words, your verdict must be unanimous.
10 Now you may have noticed that I have read these
11 instructions. I do so to give you the law as
12 accurately as possible. I will give you a copy of
13 these instructions to have in the jury room. You
14 may refer to these instructions to assist you in
15 your deliberations. You must consider the
16 instructions as a whole and may not follow some and
17 ignore others.

18 And, Madam Foreperson, it will be your
19 duty to preside over the deliberations of the jury.
20 If during your deliberations you should desire to
21 communicate with the Court, please reduce your
22 message or question to writing, signed by your
23 foreperson, and the foreperson only, and pass the
24 note to the bailiff who will bring it to my
25 attention. I will respond as promptly as possible

JURY CHARGE BY THE COURT

1 either in writing or by having you return to the
2 courtroom. I caution you, however, with regard to
3 any message or question you might send that you
4 should never specify or state your numerical
5 division at the time.

6 Now you've heard the evidence and you
7 have heard the law. Whatever your verdict, Madam
8 Forelady, you will indicate it -- you will indicate
9 the verdict of guilty or not guilty on the back of
10 each indictment. There's a space, it says verdict,
11 guilty or not guilty. Sign and date each
12 indictment after you decide the verdict.

13 Remember that although the foreperson
14 is the only juror who writes the verdict, it is not
15 hers alone. The verdict has to be unanimous. And,
16 Madam Forelady, you're not authorized to write the
17 verdict until all of you have agreed on the
18 verdict.

19 Now, ladies and gentlemen, I will send
20 all of you to the jury room except for the last two
21 jurors who were chosen. First of all, out of the
22 first 12 jurors who were selected, if any of you
23 cannot continue with the deliberations, please let
24 me know at this time. If you're sick, whatever,
25 can't continue with the deliberations, please let

JURY CHARGE BY THE COURT

1 me know at this time by raising your right hand.

2 All first 12 jurors are good to go, so
3 therefore, the last two jurors who were accepted,
4 the two alternates who are Number 107 Keenan and 76
5 Jennifer, if y'all will stay with us while the
6 others go to the jury room. But do not begin your
7 deliberations until you have received a copy of
8 this jury charge, the indictments, and the
9 exhibits. Once you receive these things that will
10 be your signal to begin your deliberations.

11 Once you begin deliberations, you will
12 deliberate until you have reached a verdict. At
13 which time you will knock on the door, advise the
14 bailiff and we will bring you out to receive your
15 verdict. If it appears that your verdict is going
16 through lunchtime, we will have lunch brought in
17 for you.

18 So please go to the jury at this time,
19 all jurors except for the last two jurors.

20 (WHEREUPON, the jury left the courtroom
21 at 11:05 a.m.)

22 THE COURT: Are there any additions or
23 exceptions to the charge other than what was
24 previously noted?

25 MS. HUNTER: No, Your Honor.

VERDICT

1 at 11:15 p.m.)

2 THE COURT: Is there a verdict?

3 THE BAILIFF: Yes, Your Honor.

4 THE COURT: Bring them out.

5 (WHEREUPON, the jury entered the
6 courtroom at 1:22 p.m.)

7 THE COURT: Madam forelady, if you will
8 stand for me. Have you reached a verdict?

9 MS. MCCOY: Yes, we have, Your Honor.

10 THE COURT: Is it unanimous?

11 MS. MCCOY: Yes, it is, Your Honor.

12 THE COURT: Okay. If you would pass it
13 up and you may be seated.

14 THE BAILIFF: Your Honor, may I
15 approach?

16 THE COURT: Yes, ma'am. If the
17 Defendant will rise. You may publish the verdicts,
18 Madam Clerk.

19 THE CLERK: I call to the Court's
20 attention to indictment numbers 2019-GS-38-0483,
21 0484, 0485, and 0486. The State of South Carolina
22 verses Michael Corbitt.

23 As to the charge of take or attempt a
24 vehicle from person by force without great bodily
25 harm: Guilty.

VERDICT

1 As to the charge of assault and battery
2 first degree: Guilty.

3 As to the charge of criminal sexual
4 conduct first degree: Guilty.

5 As to the charge of kidnapping:
6 Guilty.

7 Signed and dated by madam forelady,
8 Kelsey McCoy on March 9, 2022.

9 THE COURT: If this is the verdict of
10 each and every juror, please let it be known by
11 raising your right hands.

12 All hands are raised. Thank you very
13 much.

14 Any additional polling requested?

15 MR. TURNBLAD: Yes, Your Honor, we'd
16 ask you to poll the jury.

17 THE COURT: All right. Madam Clerk, if
18 you will poll each juror individually.

19 THE CLERK: Juror Number 155, Marvin
20 King. Was this your verdict and is it still your
21 verdict?

22 MR. KING: Yes, it is.

23 THE COURT: Thank you. You may be
24 seated.

25 THE CLERK: Juror Number 185, Susannah

1 Mount. Was this your verdict and it's still your
2 verdict?

3 MS. MOUNT: Yes, it is.

4 THE CLERK: Thanks. You may be seated.
5 Juror Number 204, Zachary Phillips. Is this your
6 verdict and it's still your verdict?

7 MR. PHILLIPS: Yes, ma'am, it is.

8 THE CLERK: Thank you. You may be
9 seated. Juror Number 58, Deanna Davis. Is this
10 your verdict and it's still your verdict?

11 MS. DAVIS: Yes, it is.

12 THE CLERK: Thanks. You may be seated.
13 Juror Number 63, Victor Davis. Is this your
14 verdict and it's still your verdict?

15 MR. DAVIS: Yes, ma'am.

16 THE CLERK: Thanks. You may be seated.
17 Juror Number 230, Monica Rudd. Is this your
18 verdict and it's still your verdict.

19 MS. RUDD: Yes, it is.

20 THE CLERK: Thanks. You may be seated.
21 Juror Number 51, Eartha Corbitt. Is this your
22 verdict and it's still your verdict?

23 MS. CORBITT: Yes, it is.

24 THE CLERK: Thank you. You may be
25 seated. Juror Number 257, Rachel Strickland. Is

1 this your verdict and it's still your verdict?

2 MS. STRICKLAND: Yes, it is.

3 THE CLERK: Thank you. Juror Number
4 277, Sarah Wannamaker. Is this your verdict and
5 it's still your verdict?

6 MS. WANNAMAKER: Yes, it is.

7 THE CLERK: Thank you. Juror Number
8 177, Kelcey McCoy. Is this your verdict and it's
9 still your verdict?

10 MS. MCCOY: Yes, it is.

11 THE CLERK: Thank you. Juror Number
12 220, David Robertson. Is this your verdict and
13 it's still your verdict.

14 MR. ROBERTSON: Yes, it is.

15 THE CLERK: Thank you. Has all jurors
16 been polled? Your name?

17 MS. EHRHARDT: Madison Ehrhardt.

18 THE CLERK: Juror Number 70. Is this
19 your verdict and it's still your verdict?

20 MS. EHRHARDT: Yes, ma'am.

21 THE CLERK: Thank you. Has all jurors
22 been polled?

23 (No response)

24 THE COURT: All right. All jurors have
25 been polled and the verdict is a unanimous verdict

1 of the jury. Any post-trial motions?

2 MR. STEVENS: Judge, at this time, we
3 simply reraise all of our previous motions again
4 regarding directed verdict as well as all of our
5 previous motions during trial at this time, Judge,
6 as well as to set aside these verdicts.

7 THE COURT: All right. Thank you. The
8 Court considered during the trial all motions made
9 outside of the presence of the juror and ruled on
10 all those motions. I find that the case involved
11 issues of credibility for the jury, was for the
12 jury to determine. The jury has found the
13 Defendant guilty. I support the juries' verdict
14 and I respectfully deny all post-trial motions.

15 MR. STEVENS: Thank you, Judge.

16 THE COURT: Ladies and gentlemen, when
17 you find a person guilty then it becomes my duty to
18 impose a sentence. You are not part of the
19 sentencing process, but I know that most jurors are
20 -- having invested their time and energy into
21 deciding a case are typically -- are interested in
22 what happens beyond a guilty verdict. So we'll
23 proceed into that phase of the trial at this time
24 if the parties are ready.

25 MS. HUNTER: We are, Your Honor.

1 THE COURT: All right. State's ready.
2 Defense?

3 MR. TURNBLAD: Yes, Your Honor.

4 THE COURT: All right. From the State?

5 MS. HUNTER: Thank you, Your Honor. We
6 are having sentencing sheets brought up at this
7 time. I know they haven't been provided to the
8 Court yet. They're being printed and brought up.
9 You heard the evidence in the case,
10 Mr. Corbitt does have a prior assault on his
11 record. He does have --

12 THE COURT: What prior assault is on
13 his record?

14 MS. HUNTER: It's an assault and
15 battery third degree, Your Honor, and malicious
16 injury to property.

17 THE COURT: When did that occur?

18 MS. HUNTER: Your Honor, I don't have
19 his rap sheet in front of me. I will be happy to
20 grab that though if you'd like me to.

21 THE COURT: When was that?

22 MR. CORBITT: 2016.

23 MS. HUNTER: 2016.

24 THE COURT: 2016. Who was the victim
25 of that assault?

1 MS. HUNTER: Your Honor, you'd have to
2 ask the Defense that question. I don't have the
3 prior --

4 THE COURT: Was it in Orangeburg
5 County?

6 MS. HUNTER: Some of his stuff was out
7 of Aiken, Your Honor, because he's on the border
8 and some is from Orangeburg.

9 MR. CORBITT: That case is particular
10 in Aiken County.

11 MR. TURNBLAD: It's an Aiken County
12 case, Your Honor.

13 THE COURT: Who was the victim?

14 MR. CORBITT: It was Hope Williams.

15 THE COURT: Huh?

16 MR. CORBITT: Hope Williams.

17 THE COURT: A female?

18 MR. CORBITT: Yes, sir.

19 THE COURT: Okay. Go right ahead.

20 MS. HUNTER: Your Honor, he does have
21 other arrests that are nonconvictions or that were
22 dismissed for other assault charges.

23 THE COURT: You think the people in the
24 courtroom can hear you or are you just talking to
25 me?

1 MS. HUNTER: I'll speak louder.
2 Mr. Corbitt does have prior arrests for other
3 assault charges, Your Honor, that have not been --
4 that he was not convicted on. They were either --
5 I believe most of them were dismissed. They were
6 not cases that I personally handled. I do not have
7 the information involving those background cases.

8 I can tell you that Mr. Corbitt also
9 currently has a pending murder charge that I am
10 prosecuting.

11 THE COURT: That you are prosecuting?

12 MS. HUNTER: Yes, Your Honor. We chose
13 to go forward on this case first, his murder charge
14 has not yet been dealt with.

15 You heard the facts in this case, Ms.
16 Nickens bravely took the stand and told the jury
17 what happened. I know that she doesn't wish to
18 address the Court at this time. If there's
19 anything specific you want me to ask her and --

20 THE COURT: Yeah, I would like for her
21 to come.

22 MS. HUNTER: You would like her to come
23 up here?

24 THE COURT: As you may recall, Ms.
25 Hunter -- Mubarak, as you may recall, it's not

1 always whether the person would like to address the
2 Court as to whether I would like for the person to
3 address the Court.

4 MS. HUNTER: I'm aware, yes, Your
5 Honor. And we told her that you might want to ask
6 her some questions. But based on -- based on the
7 Defendant's history, we are -- and is in the
8 current pending charges and mainly he's being
9 sentenced for this crime, I believe he's facing up
10 to 90 years if they were all to run together. We
11 are asking for a consecutive sentence in this case.
12 We are asking you to sentence him to a very high
13 number to put him away for a very long time, Your
14 Honor.

15 THE COURT: Of course the Court will
16 not and cannot consider any pending charges in
17 posing a sentence unless sentence based on the
18 facts and circumstances of this case.

19 MS. HUNTER: Yes, Your Honor.

20 THE COURT: He is nevertheless facing a
21 significant number of years with respect to this
22 case as was discussed with him prior to the
23 beginning of this trial.

24 Ms. Nickens, so you a little emotional,
25 what would you like to tell me? Speak loudly,

1 please.

2 MS. NICKENS: I just wanted to say, you
3 know, thank you to you guys and thank you to the
4 jurors for everything, you know. First just
5 believing me and just -- I just wanted to say thank
6 you.

7 THE COURT: All right. And, you know,
8 some of the details of you and the case either I
9 wasn't listening carefully or I didn't understand
10 such as how old are you?

11 MS. NICKENS: I'm 28 now.

12 THE COURT: Twenty-eight?

13 MS. NICKENS: Now, yes, sir.

14 THE COURT: Did you testify to that?

15 MS. NICKENS: Yes, sir, I would.

16 THE COURT: Did she testify to that?

17 MS. HUNTER: I don't believe we talked
18 about her age, Your Honor.

19 THE COURT: Okay. I thought I missed
20 it. And how old is Corbitt?

21 MR. TURNBLAD: He's 28 years old.

22 THE COURT: Both 28. And how long have
23 you known him?

24 MS. NICKENS: Probably maybe a total of
25 maybe two to three -- two years at the most tops.

1 THE COURT: At the time that this
2 occurred?

3 MS. NICKENS: Yes, sir.

4 THE COURT: And what has been the
5 impact of this on you, this -- of what he did to
6 you, what has been the impact of that on your life?

7 MS. NICKENS: Hard. Just, you know,
8 trusting people. Just watching over my shoulder.
9 You know, thinking somebody's always out to get me.
10 You know, just overall embarrassment. Not just
11 solely on him, on me too. Because, you know, I
12 make my own decision. I am grown. And, you know,
13 it just gave me better judgement and it made me
14 more appreciative of life. I have a child and I
15 wasn't thinking. You know, me going back that did
16 play a part in it and that was my blame, you know.
17 But I've learned like, you know, I take life a lot
18 more serious now.

19 THE COURT: How old is your child?

20 MS. NICKENS: He's 6. He just turned 6

21 [REDACTED].

22 THE COURT: Six. All right. Any other
23 thoughts? Anything else on your mind?

24 MS. NICKENS: No, sir.

25 THE COURT: All right. Thank you. You

1 | can have a seat. Anything else from the State?

2 | MS. HUNTER: No, Your Honor. Thank
3 | you.

4 | THE COURT: From the Defense?

5 | MR. TURNBLAD: Yes, Your Honor, may it
6 | please the Court. As you heard, Michael is 28
7 | years old. He does have a prior record, but it's
8 | very minimal misdemeanor charges in magistrate's
9 | court, nothing with general sessions prior to this.

10 | And, obviously, the murder charge came
11 | after, this so we'd ask you not to take that into
12 | consideration, Your Honor.

13 | THE COURT: I'm not going to consider
14 | the murder charge. I know nothing about it and
15 | that will not be considered.

16 | MR. TURNBLAD: Thank you, Your Honor.
17 | After this, and Michael was seen by mental health
18 | evaluator and he was diagnosed with having severe
19 | depression. Actually had suicidal ideations at the
20 | time. He was very depressed. He's been in so for
21 | 1,152 days, I just wanted to note that for Your
22 | Honor while it was on my mind.

23 | His family has been here the entire
24 | trial. His father is here, some other family
25 | members. His mother sat here the whole time. He's

1 got strong family support who has always believed
2 in him and loved him.

3 THE COURT: You said he was suffering
4 from depression and did you say suicide?

5 MR. TURNBLAD: Suicidal ideation, Your
6 Honor.

7 THE COURT: Suicidal ideations?

8 MR. TURNBLAD: Yes, Your Honor.

9 THE COURT: Okay.

10 MR. TURNBLAD: But we would ask you to
11 be as lenient as possible. And we'd also ask for
12 the sentences to run concurrent as was --

13 THE COURT: Leniency is not in my DNA.
14 Mercy, yes. Leniency, no.

15 MR. TURNBLAD: I guess I used both of
16 them synonymously and I know there's a difference
17 in the two. But I guess we'd ask then for whatever
18 mercy you can show, please, Your Honor.

19 As you heard, the facts are one
20 continuous string of events, so we'd ask you to run
21 these charges concurrent, particularly the assault
22 and battery first and the CSC first because the
23 assault and battery first had alleged sexual --
24 assault of a sexual nature which would be very
25 similar to a CSC first. So we definitely believe

1 | those should be run concurrent, Your Honor. And
2 | we'd ask for all the sentences be run concurrent.

3 | Additionally, I've advised Mr. Corbitt
4 | not to address the Court just for appellate
5 | reasons, but we'd just ask you to throw as much
6 | mercy as you can show.

7 | THE COURT: All right. You don't want
8 | him to say anything. Do you have anyone who wants
9 | to say anything on his behalf?

10 | MR. STEVENS: Court's indulgence. I
11 | think he wants to talk with Mr. Turnblad very
12 | briefly and may address the Court right after.

13 | THE COURT: Sure.

14 | MR. STEVENS: Thank you, sir.

15 | MR. TURNBLAD: All right. Your Honor,
16 | the Defendant's going to remain silent at this
17 | time.

18 | THE COURT: Do you have anyone who
19 | wants to say anything on his behalf?

20 | MR. TURNBLAD: Would you like to speak
21 | on his behalf? All right.

22 | THE COURT: You can come up.

23 | MR. DAMON: Skylar, S-K-Y-L-A-R. Last
24 | name Damon. He's my second cousin, but he's my god
25 | brother.

1 MR. STEVENS: Thank you, Judge.
2 Standing before you is Mr. Skylar Damon, second
3 cousin.

4 THE COURT: Yes, sir. Say the name
5 again.

6 MR. STEVENS: Skylar Damon.

7 THE COURT: Skylar Damon. How are you
8 doing today, Mr. Damon?

9 MR. DAMON: Good morning, Judge.

10 THE COURT: Yes, sir.

11 MR. DAMON: Just for what it's worth,
12 he's always been a good kid. Family oriented.
13 Loves his family, you know. Never been in any
14 trouble that I've known of. My mom helped his mom
15 raise him, he's like my god brother. He's a good
16 kid, man. He works hard. People like to put his
17 name and stuff, you know, that's always been the
18 case with him in a small town. But overall, man,
19 he's a good kid. He's a good kid. Family
20 oriented. He loves his family. He loves kids.
21 Everything, you know.

22 Like they say, just a little mercy, you
23 know what I mean?

24 THE COURT: So what do you make of this
25 situation?

1 MR. DAMON: If it was all proofs of
2 facts, I think it's wrong, you know, but it is what
3 it is.

4 THE COURT: I mean, he committed the
5 crime. He did what the young lady said he did.
6 And, you know, people do things of that nature from
7 time to time --

8 MR. DAMON: I've been talking --

9 THE COURT: -- maybe not to the extent
10 that he did on this occasion, but --

11 MR. DAMON: I understand.

12 THE COURT: -- what do you make of all
13 this?

14 MR. DAMON: I've talked to him. It's
15 all three and some change years, I was one of the
16 main once answering --

17 THE COURT: I missed what you just
18 said.

19 MR. DAMON: While he's been
20 incarcerated, I was one of the main ones talking to
21 him and got a pretty clear head, man, you know.

22 THE COURT: Has he been incarcerated
23 just for this or did he post bond and got locked up
24 later on?

25 MR. DAMON: That's what it was. He

1 posted bond for this one and then they picked him
2 up and -- they picked him up for the murder and I
3 guess that's what happened.

4 THE COURT: And tell me again how are
5 you connected with him?

6 MR. DAMON: He's actually my second
7 blood cousin, but he's my god brother as well. My
8 mom helped raise him.

9 THE COURT: Are you from Springfield
10 too or the Springfield area?

11 MR. DAMON: I was born in Sally. My
12 mom moved me to Columbia when I was four.

13 THE COURT: That's where you live now?

14 MR. DAMON: Yes, sir. And I had plans
15 for him, you know. I build homes. Got a moving
16 truck, you know. Like he's a good kid, man. Like
17 I love him, but I just hate it for him, man.

18 THE COURT: Thank you, sir. All right.
19 Any other words to be spoken?

20 MR. TURNBLAD: No, Your Honor.

21 THE COURT: Of course, the kidnapping
22 is -- kidnapping used to be life in prison
23 automatic, you know, back when people tied people
24 to trees and various other things. Tied people up
25 and thrown them in back of cars and did various

1 things. Kidnapping was automatic life in prison.
2 Probably about 20, 25 or 30 years ago they changed
3 it from automatic life to 0 to 30 years which is
4 classified as a most serious offense which you can
5 get up to 30 years for kidnapping.

6 Criminal sexual conduct is a -- carries
7 the same possible punishment. And it's also
8 classified as a violent offense, the most serious
9 offense.

10 Assault and battery first degree
11 carries up to 10 years.

12 Carjacking, take or attempt to take a
13 vehicle by force without great bodily harm. It's
14 classified as a serious offense. What's the
15 possible punishment for that?

16 MR. STEVENS: Twenty, Judge.

17 THE COURT: Twenty?

18 MR. STEVENS: For that subsection, yes.
19 Zero to 20 years.

20 THE COURT: So, Ms. Nickens, I want you
21 to come up one more time.

22 (Ms. Nickens complies)

23 THE COURT: So, Ms. Nickens, these are
24 pretty tough choices as you can imagine and in a
25 touch choice for me because I have to sentence him.

1 And many times when people commit crimes, they
2 don't realize the consequences of their actions.
3 They don't realize how much time they can get.
4 They don't realize they can do one thing that -- or
5 two things that ends up being four or five crimes.
6 That when he forced you to put your head down from
7 Sonic to wherever to wherever to wherever, maybe he
8 didn't realize he could get 30 years in prison for
9 doing that.

10 When he sexually assaulted you, he
11 might not have realized he could get 30 years for
12 that. When he took your car, forced you out the
13 car and drove off, leaving you there with those
14 guys, he didn't realize he could get 20 years for
15 that. When he was beating you up, punching you and
16 all, he didn't realize he could get 10 years for
17 that. So, he's been found guilty of all of this.
18 The jury has believed everything that you told them
19 or, I mean, believed everything that relates to him
20 being guilty.

21 Of course, as you mentioned, you had
22 all kind of feelings about this from time to time
23 and I see it all the time where people initially
24 bring criminal charges then they try to change
25 their mind. Of course, it's not up to the victim,

1 it's up to the State when someone is a victim.
2 It's not your decision whether or not a case is
3 prosecuted. It's totally out of your hands.
4 You're a victim, but you're a witness and you have
5 testified as a witness.

6 But considering the mental back and
7 forth that you've experienced in this whole thing
8 and I'm sure you're still going through that mental
9 situation at this time, I need to know, you want me
10 to throw the book at him or what do you want me to
11 do?

12 MS. NICKENS: Yes, sir.

13 THE COURT: Pardon?

14 MS. NICKENS: Yes, sir.

15 THE COURT: Pardon?

16 MS. NICKENS: Yes, sir. I'm sorry, but
17 yes, sir.

18 THE COURT: Throw the book at him?

19 MS. NICKENS: Give it to him.

20 THE COURT: Why is that?

21 MS. NICKENS: He deserves it. Because
22 that was my biggest mistake. Me going in that
23 courtroom and possibly let him go do -- and he do
24 it to somebody else. And I felt bad, like at the
25 end of the day, I was embarrassed and I was

1 ashamed, but that was one of my biggest mistakes
2 out of my whole 28 years of life. I wouldn't wish
3 that on nobody. My baby could have grew up without
4 a mom. And I couldn't possibly imagine that -- and
5 with that being somebody else, it's not fair.

6 THE COURT: You think -- you thought he
7 was going to kill you if he could?

8 MS. NICKENS: Possibly, yes, sir.

9 THE COURT: And your windshield that
10 got cracked, how did it get cracked?

11 MS. NICKENS: He jumped through my
12 window and I slammed on brakes and then he flew in
13 the windshield and --

14 THE COURT: And his head hit --

15 MS. NICKENS: When he came through the
16 windshield he was still striking me.

17 THE COURT: Did he ever get medic --
18 did he ever go to the -- how long was it before he
19 got locked up for this?

20 MS. NICKENS: About a couple of months
21 later.

22 THE COURT: A couple of months?

23 MS. NICKENS: (Nodded)

24 THE COURT: And in the meantime, did he
25 get medical treatment or did it bust his head or

1 anything?

2 MS. NICKENS: Not that I know of.

3 THE COURT: And how did you get your
4 car back?

5 MS. NICKENS: It was retrieved by this
6 guy that stays in Springfield which is his cousin
7 and it was gave back to my mom.

8 THE COURT: How long did he have your
9 car?

10 MS. NICKENS: Probably like the same
11 day or next day, I think, one of the two. It
12 wasn't long.

13 THE COURT: How far away do you live
14 from these people?

15 MS. NICKENS: Maybe a good 30 minutes.
16 At the most, 15 minutes.

17 THE COURT: Do you live in -- you said
18 you live in Blackville?

19 MS. NICKENS: Uh-huh.

20 THE COURT: And Blackville has had its
21 share of rough situations.

22 MS. NICKENS: Yes, sir.

23 THE COURT: It was just a few years
24 ago, three or four years ago that we had when I was
25 presiding in Barnwell there are like five or six

1 murders right around and in town in Blackville.

2 You knew any of those people?

3 MS. NICKENS: Yes, sir.

4 THE COURT: Which ones you knew?

5 MS. NICKENS: Probably out of all the
6 five that, I think I'm correct, but the ones you're
7 talking about, probably four out of all the five.

8 THE COURT: Then we had a teacher over
9 there who was driving her brand new car through
10 Blackville and this boy jumped in and kidnapped her
11 and drove her back to her home in Barnwell and beat
12 her up and cut her up and everything. She's a well
13 known teacher in that area. You heard about her?

14 MS. NICKENS: Yes, sir.

15 THE COURT: Of course, I don't know
16 what happened to his case whether it's over or
17 still pending. So these people who are out of
18 control whether they have mental problems or
19 otherwise, it creates a very dangerous situation
20 for all of us. And, you know, I certainly
21 understand the danger and the consequence -- I
22 mean; the bad. You know, I have two daughters and
23 certainly I wouldn't wish on them or anyone else
24 what occurred to you on that day.

25 It's kind of unusual when I have a

1 Defendant who has nothing to say. So, therefore, I
2 have to make my assessment of a sentence without
3 any input from that person. Even though, you know,
4 they have a right to remain silent. They don't
5 have to say anything. So I've talk with god
6 brother, second cousin and I've listened to the
7 lawyers and solicitors and I'll give y'all one more
8 go around before I put the pen to the paper.

9 Ms. Hunter Mubarak -- Mubarak Hunter?

10 MS. HUNTER: As the victim stated, I
11 mean, we're -- she wants you to throw the book at
12 him. I mean, I think he deserves consecutive time
13 in this case. This is a violent offense, a most
14 serious offense. I think based on his prior
15 arrests, he's a violent person and he deserves --

16 THE COURT: Do you know the other
17 victim Hope Williams?

18 MS. HUNTER: Your Honor, we actually
19 had discussed that with her because of his prior
20 arrests for offenses and asked if she knew any of
21 the other victims and tried to get some information
22 about those priors and were unable to. She doesn't
23 know who it was.

24 THE COURT: What happened with the
25 other victim? Or what kind of situation it was?

1 MS. HUNTER: No, Your Honor.

2 THE COURT: Was it another domestic
3 situation or? Sir?

4 MR. CORBITT: Just speaking on the
5 other situation. I was also charged with
6 kidnapping. And the only reason why I lost because
7 in the court, because I represent myself. With the
8 public defender office and the solicitor dismissed
9 the kidnapping because it was proven by witnesses
10 that I did not commit that crime.

11 THE COURT: You had a trial in this
12 courtroom?

13 MR. CORBITT: No, sir, in Aiken County.

14 THE COURT: In Aiken County big court
15 over there?

16 MR. CORBITT: Not in the big court, in
17 Wagner magistrate's court I had a trial. And I got
18 sentenced to 60 days. But with the kidnapping, the
19 solicitor came and talked to me with my public
20 defender and he dismissed the charges. Because
21 like with this case right here, she tried to say I
22 supposed to had grabbed her shirt with the DNA, and
23 they ran my DNA, her DNA, and they thought it was
24 makeup, it wasn't blood on her shirt. Same
25 allegations that's going on in this case right

1 here, Your Honor.

2 THE COURT: And sometimes that's the
3 worst thing that can happen to a person who might
4 commit something and then as you might say beat the
5 case and then these cases come back again. Or, you
6 know, people who -- I mean, if you faced a
7 kidnapping charge before and kidnapping and assault
8 and only did 60 days in jail because the solicitor
9 didn't pursue, the kidnapping and assault and
10 everything that this Hunter is pursuing and
11 Mr. Giese is pursuing here, you know, things can
12 escalate until people die. And people die from
13 these same set of circumstances.

14 So we're happy that she's here to tell
15 us about it. Not only could she have died, you
16 could have died. If you're on the hood, she saved
17 your life. If you're on the hood of her car and
18 she's steaming -- flying down the road, you know,
19 that's the stuff you see in a movie. And unless
20 you're some kind of bionic person, you know,
21 usually you don't end up holding on. How did that
22 happen? How did you not kill him?

23 MS. NICKENS: I'm just not that type of
24 person. I didn't really -- I didn't want to. I
25 just didn't want to even though he did that stuff,

1 I still did not want to. Like, I just didn't want
2 to do that. Initially, my first thought was like,
3 I'm just going to take him back to Blackville and
4 just drop him off at the police station like on the
5 hood of my car. But I was going so fast and he
6 kind of flew up, I got scared, I was like, I'm
7 going to go to jail if I run him over even though
8 he did do this stuff to me I was scared I didn't
9 want to go to jail.

10 THE COURT: So what do you make of him?
11 Does he have mental problems or what's wrong with
12 him? I'm sure you didn't just pop up on this day
13 and start doing stuff like this.

14 MS. NICKENS: He has some anger issues.

15 THE COURT: All right. Anything else?

16 MR. TURNBLAD: I believe the Defendant
17 would like to say one more thing, Your Honor.

18 THE COURT: Yes, sir?

19 MR. CORBITT: I just want to let it be
20 known on record that if I actually committed --

21 THE COURT: Sir, let me tell you this.
22 You know, I'm dealing with sentencing right now.
23 I'm not dealing with whether or not you're guilty
24 or not guilty. The jury has decided the case. You
25 wanted a trial, you've had a trial. The jury has

1 decided the case which is that you're guilty.

2 MR. CORBITT: I understand what you're
3 saying.

4 THE COURT: I agree with all the
5 evidence. I believe Ms. Nickens what she said and
6 all that, sir. In my mind I'm satisfied you're
7 guilty. So I'm not -- and the lawyers don't want
8 you to say anything that might affect your appeal
9 if you want to file an appeal. But I'm dealing
10 with the issue of sentencing and anything you want
11 to tell me about sentencing, I'm happy to hear. I
12 don't know you. You know, I've rolled into
13 Orangeburg and this is day number three --

14 MR. CORBITT: I just asking --

15 THE COURT: -- and I'm ready to deal
16 with your case and then we're going to move on to
17 some probation violations and other cases after
18 your case. So -- but I'm happy to hear from you, I
19 just wanted to tell you that. Go ahead.

20 MR. CORBITT: I just ask that you have
21 mercy for me.

22 THE COURT: Okay. And tell me why.

23 MR. CORBITT: Because I've been praying
24 to god about this whole situation.

25 THE COURT: Talk louder.

1 MR. CORBITT: I've been praying to god
2 about this whole situation and I ask that you judge
3 righteously and that you have mercy for me.
4 Instead of just throwing me away for the rest of my
5 life as they want, you know. That's just about it,
6 Your Honor. I'm not a victim to anyone. It's just
7 like, I was never running with this situation. I
8 was home the whole time. I didn't know that I had
9 any warrants on me until I got arrested.

10 MR. STEVENS: Judge, if I may. Thank
11 you, sir. I appreciate it. I got you, buddy. I
12 think what he's asking for, is pleading for the
13 mercy of the Court. Our position, Judge, is that
14 no one is disposing human beings themselves are not
15 disposable. We'd ask for mercy from the Court,
16 Your Honor, in any fashion that it can for him.
17 And in that vain I think is why he was also letting
18 you know that he has found god.

19 THE COURT: And that defense might well
20 have worked if you're dealing with a stranger and
21 quite often we have strangers who are people
22 kidnap, carjack, rape, assault strangers and who
23 have no way of identifying whoever did it to them.
24 And those are the -- this case was prosecuted
25 pretty much as if it was one of those cases. But

1 in this instance you have a victim who knew you
2 well and eyewitnesses who testified as to what they
3 encountered and the corroboration by -- through the
4 investigation of the officers and gave it all to
5 the jury that they needed to make this decision.

6 So, like I said, I certainly understand
7 that you're in a bad situation. That's why I'm
8 back to where I started out saying, people quite
9 often don't understand the serious consequences of
10 their action, you know. I can understand your
11 second cousin there, Mr. -- Mr. Damon and his hurt
12 for you or your hurt for yourself that you didn't
13 have enough self-control to not do what you did.
14 But you did and now we're here as a consequence of
15 what you did and you have to face the consequences
16 of what you did.

17 So I usually go through all this long
18 talking, it helps me decide what my sentence is
19 going to be. I give everyone a fair opportunity to
20 say whatever they want to say that might have any
21 impact on my sentence. And nobody else has
22 anything else to say. I look around the whole
23 courtroom from the bailiff to everybody except the
24 jurors. From the bailiff to the police to the --
25 where is your momma?

1 MS. NICKENS: Right there.

2 THE COURT: All right. I like to hear
3 from the momma's. Come on up momma. What's your
4 mother's name?

5 MS. NICKENS: Nickens like mine. Same
6 thing, Nickens.

7 THE COURT: First name?

8 MS. NICKENS: Angela.

9 THE COURT: All right. Ms. Angela
10 Nickens. You've been going through this ordeal
11 with your child.

12 MS. ANGELA NICKENS: Yes, sir.

13 THE COURT: And what would you like to
14 tell me?

15 MS. ANGELA NICKENS: I'd just like to
16 say and I would look at him, but I'm not going to
17 do that and I'm not supposed to, but I will tell
18 everyone when you have a child and when you go to
19 pick that child up and you see your child, you
20 know, in that type of shape and looking the way,
21 you know, he left her, it hurts. And emotionally,
22 she's been going through something for the last
23 couple of years and she still is as of today.
24 Thinking that he's going to get out and come and
25 kill her or kill me. Because there was several

1 threats, you know, and she was very afraid and
2 still is as of to this day. And he has to really
3 done something to her dramatically.

4 And like I said, for anyone who has a
5 child and to go and pick their child up and see
6 their child looking the way that he beat her and
7 almost killed her, there's just no sense in that.

8 THE COURT: What do you think he was so
9 mad about?

10 MS. ANGELA NICKENS: I'm not sure. I'm
11 not sure what he was so upset about. But, you know
12 --

13 THE COURT: He said he had another
14 girlfriend himself.

15 MS. ANGELA NICKENS: She is a pretty
16 girl and, you know, I think it was a lot of just
17 jealousy there. And when you --

18 THE COURT: How long was she his
19 girlfriend?

20 MS. ANGELA NICKENS: Probably, I don't
21 know, I guess maybe about a year, maybe. I'm not
22 sure how long that was. But I just knew, you know,
23 every night when she left it's like something was
24 in me telling me, you know, I constantly called
25 her. Where are you? You know. What time you

RULING OF THE COURT

1 coming home? You know. And when she didn't come
2 home that morning, I just knew something was wrong.
3 And, you know, and when I got down there to
4 Springfield and she was with the Lieutenant here,
5 officer, and when I looked at my child, you know,
6 it's just so much hurt that you go through as a
7 parent to see your child in that type of shape and
8 you weren't there to help them.

9 So, I would say that he has damaged her
10 in more ways than he can ever imagine. And he
11 should pay for everything that he has done to my
12 child. And that's all I have to say.

13 THE COURT: All right. Thank you very
14 much for expressing yourself. Anything else from
15 the Defense side?

16 MR. TURNBLAD: No, Your Honor.

17 THE COURT: For criminal sexual conduct
18 first degree, the sentence is 16 years.

19 For kidnapping, the sentence is 16
20 years.

21 For assault and battery first degree,
22 the sentence is 10 years.

23 For carjacking, the sentence is 16
24 years.

25 He's given credit for -- how many days

RULING OF THE COURT

1 did you say it was?

2 MR. TURNBLAD: 1,152.

3 THE COURT: Credit for 1,152 days. All
4 the sentences will run concurrent.

5 MR. TURNBLAD: Thank you, Your Honor.

6 MR. STEVENS: Thank you, Judge.

7 THE COURT: Good luck to you, sir. All
8 right. Ladies and gentlemen, and that effect is I
9 gave him a sentence of 16 years and sentences will
10 run concurrent as Defense counsel mentioned, it's
11 out of one sequence of events. Even though they
12 equal these four separate crimes, I felt that was
13 the appropriate sentence particularly concerning
14 the hurt and pain that he caused. These are no
15 parole offenses; is that right, Ms. Mubarak Hunter?

16 MS. HUNTER: I believe they're 85
17 percent, Your Honor.

18 THE COURT: Eight-five percent. So he
19 will have a long time for this offense. And I
20 don't know the details of this murder trial case,
21 but he's facing life on that and all of -- if he's
22 convicted of any other most serious crimes and
23 whether it could be attempted murder, it will all
24 equal life without the possibility of parole if the
25 State serves him notice of that since he's now been

1 convicted of most serious offenses.

2 And that's my decision as to a
3 sentence. And I want to thank you all. You all
4 didn't volunteer for this service, but y'all
5 responded to the call of duty and I want to thank
6 you on behalf of the citizens of Orangeburg County,
7 solicitor's office, and everyone else involved in
8 our judicial process.

9 So thank you very much. I'd like to
10 speak with the foreperson -- I would like to speak
11 with the foreperson after everyone else leaves
12 concerning this case. And with that, this case is
13 over, we're in recess.

14 For the jurors, if you need anything,
15 the clerk will give you excuses for your jobs.
16 She's going to be downstairs on the first floor to
17 give anyone who needs an excuse from work -- for
18 work. You're not qualified to serve for the next
19 year and for two additional years you may be
20 exempted from service, no person is required to
21 serve more often than once every three years. And,
22 of course, for many people, it takes a lifetime to
23 be called upon. So you all have done your duty.
24 Thank you very much and you are free to go.

25 (WHEREUPON, the jury left the courtroom

1 at 2:10 p.m.)
2 - - -END OF REQUESTED TRANSCRIPT OF RECORD- - -
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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

I, KATHERINE A. SPIRES, Registered Professional Reporter for the First 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 the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Orangeburg County, South Carolina, on the 7-9th of March, 2022.

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

September 6, 2022

s/Katherine A Spires

Katherine A. Spires

Registered Professional Reporter

WITNESSES

John H Stuke

DOCKET NO. 2019GS38-0483

The State of South Carolina

County of ORANGEBURG

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant


Orangeburg County Sheriff

2018-0006656

ARREST WARRANT NUMBER

2018A3810700796

Arrested: January 3, 2019

ACTION OF GRAND JURY



JUL 14 2021

Foreperson of Grand Jury

Date: July 14, 2021

VERDICT

Guilty

Foreperson of Petit Jury

Date:

3/9/22

SC Code: 16-3-910

THE STATE
vs.

Michael Deangelo Corbitt

Indictment for
KIDNAPPING

COURT OF GENERAL SESSIONS

July 19, 2021 TERM

Defendant

Witness:

C.C.C. PLS. AND G.S.

CLERK OF COURT
ORANGEBURG, SC

2021 JUL 14 AM 9: 47

FILED FOR RECORD
WINNIFA B. CLARK

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)

INDICTMENT
2019GS38-0483

At a Court of General Sessions, convened on July 14, 2021 the Grand Jurors of Orangeburg County present upon their oath:

KIDNAPPING

That in Orangeburg County, South Carolina, on or about September 23, 2018, the Defendant, Michael Deanglo Corbitt, unlawfully did seize, confine, inveigle, decoy, kidnap, abduct or carry away the victim, Keandra Nickens, without authority of law. This offense in violation of Section 16-03-910, of the South Carolina Code of Laws, as amended.

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



Catherine Mubarak Hunter, Solicitor

WITNESSES

John H Stuke

DOCKET NO. 2019GS38-0484

The State of South Carolina

County of ORANGEBURG

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant


Orangeburg County Sheriff

2018-0006656

COURT OF GENERAL SESSIONS

July 19, 2021 TERM

I hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

2018A3810700797

THE STATE
vs.

Defendant

Arrested: January 3, 2019

ACTION OF GRAND JURY
TRUE BILL


Justin P. Sales

JUL 14 2021

Foreperson of Grand Jury

Date: July 14, 2021

VERDICT

Guilty

Witness:

Michael Deanglo Corbitt

C.C.C. PLS. AND G.S.

CLERK OF COURT
ORANGEBURG, SC

2021 JUL 14 AM 9:47

FILED FOR RECORD
WINNIFA B. CLARK

SC Code: 16-3-652

Foreperson of Petit Jury *Rekey McCoy*

Date: *3/9/22*

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

INDICTMENT
2019GS38-0484

At a Court of General Sessions, convened on July 14, 2021 the Grand Jurors of Orangeburg County present upon their oath:

CRIMINAL SEXUAL CONDUCT - FIRST DEGREE

That in Orangeburg County, South Carolina, on or about September 23, 2018, the Defendant, Michael Deanglo Corbitt, did commit a sexual battery upon the victim, Keandra Nickens, and the victim did submit to sexual battery under aggravated force, and/or the victim was subjected to forcible confinement, kidnapping, robbery, extortion, burglary or any other similar offense or act in that the defendant did hold the victim against her will and used aggravated force to sexually assault her. This offense in violation of Section 16-03-652 of the South Carolina Code of Laws, as amended.

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



Catherine Mubarak Hunter, Solicitor

WITNESSES

John H Stuke

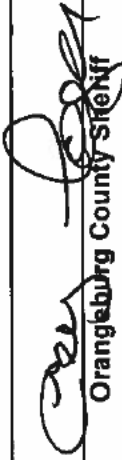
DOCKET NO. 2019GS38-0485

The State of South Carolina

County of ORANGEBURG

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant


Orangeburg County Sheriff

2018-0006656

ARREST WARRANT NUMBER
2018A3810700798

Arrested: January 3, 2019

ACTION OF GRAND JURY
TRUE BILL


Date: JUL 14 2021
Foreperson of Grand Jury
Date: July 14, 2021

VERDICT

Guilty

Foreperson of Petit Jury 
Date: 3/19/22

THE STATE
vs.

Michael Deanglo Corbitt

Indictment for
ASSAULT / ASSAULT AND BATTERY
1ST DEGREE

Defendant

Witness:

C.C.C. PLS. AND G.S.

FILED FOR RECORD
WINNIFA B. CLARK
2021 JUL 14 AM 9:46
CLERK OF COURT
ORANGEBURG, SC

SC Code: 16-3-600(C)(1)

STATE OF SOUTH CAROLINA)
)
 COUNTY OF ORANGEBURG)

INDICTMENT
 2019GS38-0485

At a Court of General Sessions, convened on July 14, 2021 the Grand Jurors of Orangeburg County present upon their oath:

ASSAULT / ASSAULT AND BATTERY 1ST DEGREE

That Michael Deanglo Corbitt did in Orangeburg County, on or about September 23, 2018 unlawfully injure Keandra Nickens and the injury involved nonconsensual touching of the private parts of another person, either above or under the clothing, with lewd and lascivious intent, occurred during the commission of a robbery, burglary, kidnapping, or theft, or offered or attempted to injure another person with the present ability to do so and the act was accomplished by means likely to produce death or great bodily injury, or occurred during the commission of a robbery, burglary, kidnapping, or theft, to wit: the defendant did choke, bite, and punch the victim numerous times causing injury, thereby violating Section 16-3-600 (C)(1), Code of Laws of South Carolina, 1976, as amended.

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



Catherine Mubarak Hunter, Solicitor

WITNESSES

John H Stuke

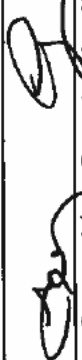
DOCKET NO. 2019GS38-0486

The State of South Carolina

County of ORANGEBURG

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant


Orangeburg County Sheriff

2018-0006656

ARREST WARRANT NUMBER
2018A3810700799

Arrested: January 3, 2019

ACTION OF GRAND JURY
TRUE BILL


JUL 14 2021
Foreperson of Grand Jury
Date: July 14, 2021

VERDICT

Guilty

Foreperson of Petit Jury 
Date: 3/9/22

THE STATE
vs.

Michael Deanglo Corbitt

Indictment for

TAKE OR ATTEMPT A VEHICLE FROM
PERSON BY FORCE WITHOUT GREAT
BODILY HARM

SC Code: 16-3-1075(B)

Defendant

Witness:

C.C.C. PLS. AND G.S.

CLERK OF COURT
ORANGEBURG, SC

2021 JUL 14 AM 9: 46

FILED FOR RECORD
WINNIFA B. CLARK

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

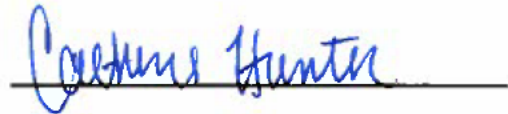
INDICTMENT
2019GS38-0486

At a Court of General Sessions, convened on July 14, 2021 the Grand Jurors of Orangeburg County present upon their oath:

**TAKE OR ATTEMPT A VEHICLE FROM PERSON BY FORCE WITHOUT
GREAT BODILY HARM**

That in Orangeburg County, South Carolina, on or about September 23, 2018, the Defendant, Michael Deangelo Corbitt did willfully and unlawfully did take or attempt to take, a motor vehicle from Keandra Nickens by using force, violence or intimidation while Keandra Nickens was operating the vehicle or inside of the vehicle. This offense in violation of Section 16-3-1075 of the South Carolina Code of Laws, as amended.

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

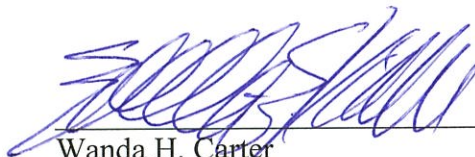


Catherine Mubarak Hunter, Solicitor

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Wanda H. Carter
Deputy Chief Appellate Defender

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

ATTORNEY FOR APPELLANT

This 30th day of October, 2023.

RECEIVED

Oct 30 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Orangeburg County

Honorable Clifton Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

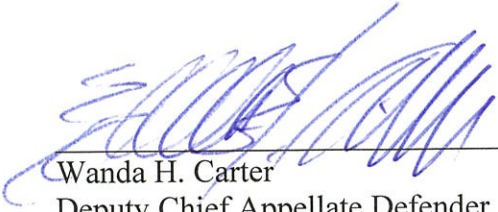
V.

MICHAEL DEANGLO CORBITT,

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 Amie Clifford, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS) this 30th day of October, 2023.



Wanda H. Carter

Deputy Chief Appellate Defender