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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Beaufort County

Honorable Robert J. Bonds, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

SHEMUAL N. YISRAEL,

APPELLANT

APPELLATE CASE NO. 2022-001044

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INDEX

INDEX	i
MOTIONS HEARING TRANSCRIPT DATED JUNE 10, 2022	1
STATE’S MOTION TO CONTINUE.....	6
<i>PRO SE</i> RESPONSE NOT OBJECTING TO CONTINUANCE	9
COURT’S RULING CONTINUING	13
COURT GIVES <i>FARETTA</i> WARNINGS	14
TRIAL TRANSCRIPT DATED JULY 11-13, 2022.....	20
<i>PRO SE</i> MOTION TO RECUSE JUDGE BONDS BY MR. YISRAEL.....	30
COURT’S RULING DENYING DEFENSE MOTION TO RECUSE	42
SELF-REPRESENTATION COLLOQUY WITH DEFENDANT.....	48
COURT’S RULING APPOINTING STANDBY COUNSEL	52
DEFENSE MOTION TO DISMISS UNDERLYING ARREST WARRANT BY MR. YISRAEL	72
RESPONSE BY MS. LEMPESIS	75
CONTINUED DEFENSE MOTION TO DISMISS ARREST WARRANT	77
COURT’S RULING DENYING MOTION TO DISMISS UNDERLYING ARREST WARRANT	78
OPENING STATEMENT BY MS. LEMPESIS	114
OPENING STATEMENT BY MR. YISRAEL.....	118
DEFENSE MOTION TO ENTER CASSETTE TAPE EVIDENCE BY MR. YISRAEL.....	132
RESPONSE BY MS. LEMPESIS	134
CONTINUED DEFENSE MOTION TO ENTER CASSETTE TAPE EVIDENCE BY MR. YISRAEL	135
CONTINUED RESPONSE BY MS. LEMPESIS	136

COURT’S RULING EXCLUDING CASSETTE TAPE EVIDENCE	142

COLLOQUY WITH DEFENDANT REGARDING POTENTIAL PENALTIES OF CONVICTION.....	145

TESTIMONY

SAMUEL WATSON

Direct Examination by Ms. Lempesis	156
Cross-Examination by Mr. Yisrael.....	172
Redirect Examination by Ms. Lempesis.....	197
Recross-Examination by Mr. Yisrael	200

ROBERT BYRD

Direct Examination by Ms. Lempesis	206
Cross-Examination by Mr. Yisrael.....	215

STATE RESTS	221

RENEWAL OF DEFENSE MOTION TO DISMISS UNDERLYING ARREST WARRANT BY MR. YISRAEL	222

DEFENSE MOTION FOR DIRECTED VERDICT BY MR. YISRAEL	226

RESPONSE TO DEFENSE MOTIONS BY MS. LEMPESIS	229

COURT’S RULING DENYING DEFENSE MOTION FOR DIRECTED VERDICT	233

COURT’S RULING DENYING DEFENSE MOTION TO DISMISS UNDERLYING ARREST WARRANT	236

DEFENSE RENEWAL OF ALL PRIOR MOTIONS BY MR. YISRAEL.....	236

TESTIMONY

GREGORY ALEXANDER

Direct Examination by Mr. Yisrael	241
Cross-Examination by Ms. Lempesis.....	260
Redirect Examination by Mr. Yisrael.....	261

JOSEPH LOADHOLT

Direct Examination by Mr. Yisrael	265
Cross-Examination by Ms. Lempesis.....	271

TESTIMONY COLLOQUY WITH DEFENDANT	278

DEFENSE PROFFER OF 911 CALL BY MR. YISRAEL	291
COURT’S RULING ALLOWING DEFENSE TO ENTER 911 CALL.....	293
DEFENSE MOTION TO RECALL WITNESS GREGORY ALEXANDER BY MR. YISRAEL	328
RESPONSE BY MS. LEMPESIS	330
COURT’S RULING ALLOWING PROFFER WITH WITNESS GREGORY ALEXANDER	333

TESTIMONY

GREGORY ALEXANDER (<i>IN-CAMERA</i>) Direct Examination by Mr. Yisrael	335
COURT’S RULING DENYING DEFENSE MOTION TO RECALL WITNESS GREGORY ALEXANDER	336

TESTIMONY

SHEMUEL YISRAEL Direct Examination by Mr. Yisrael	340
Cross-Examination by Ms. Lempesis.....	364
Redirect Examination by Mr. Yisrael.....	370
DEFENSE RESTS	373
DEFENSE RENEWAL OF ALL PRIOR MOTIONS BY MR. YISRAEL	375
COURT’S RULING DENYING ALL PRIOR DEFENSE MOTIONS.....	375
CHARGE CONFERENCE	377
CLOSING ARGUMENT BY MR. YISRAEL	398
CLOSING ARGUMENT BY MS. LEMPESIS	407
VERDICT	449
DEFENSE RENEWAL OF ALL PRIOR MOTIONS BY MR. YISRAEL.....	449
DEFENSE MOTION FOR A NEW TRIAL BY MR. YISRAEL.....	449

SENTENCING	466
INDICTMENT.....	470
SENTENCE SHEET.....	472
CERTIFICATE OF COUNSEL	474

1 STATE OF SOUTH CAROLINA IN THE GENERAL SESSION COURT
2 COUNTY OF BEAUFORT 14th JUDICIAL CIRCUIT

3 -----

4 STATE OF SOUTH CAROLINA,

5 vs. CASE NO. 2018-GS-07-00702

6
7 SHEMEUL YISRAEL, TRANSCRIPT OF HEARING
8 Defendant.
9

10

11 TRIAL BEFORE: THE HONORABLE ROBERT J.
12 BONDS, JUDGE PRESIDING

13 DATE: JUNE 10, 2022

14 REPORTED BY: KYMBERLEE M. WILLIAMS, CSR/RPR
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1	I N D E X	
2		
3	PROCEEDINGS	04
4		
5	PROCEEDINGS CONCLUDED	19
6		
7	CERTIFICATE OF REPORTER	20
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

PROCEEDINGS

WEDNESDAY, JULY 13, 2022

BEAUFORT, SOUTH CAROLINA

(The following proceedings were held in open court. All parties were present.)

THE COURT: Mr. Yisrael, come on up, sir.

Hey, Mr. Yisrael. Good morning, sir. Good to see you again.

Mr. Yisrael, we are here for the State's motion. They filed a motion to continue the case, your case, for failure to stop for a blue light charge. That is the case that I set for trial for next week.

This motion hearing was supposed to commence at 9:30. She called and said she was running late and was in court across the street. My understanding is, sir, that she is on the way. So I expect that we will be able to commence hearing probably within the next five to ten minutes.

I want to let you know that I don't take lightly your time, sir. I don't take lightly my time. I was here at 9:30 this morning, sir. Actually, I was

1 here at 9:00. So I want to let you know, sir, that I
2 am not taking your time lightly, but she did provide
3 with information that she was in another court, and
4 she is coming right now, in fact. So we should should
5 be able to commence the hearing within the next ten
6 minutes; okay, sir?

7 MR. YISRAEL: Okay.

8 THE COURT: All right. Thank you, Mr.
9 Yisrael.

10 (Solicitor Lempesis enters the courtroom.)

11 MS. LEMPESIS: Your Honor, I apologize.

12 THE COURT: That's okay. I'm not put off. I
13 understand what it's like to have to be in two
14 places at one time.

15 THE COURT: I believe this is State v.
16 Shemeul Yisrael. This is failure to stop for a blue
17 light. Indictment 2018-GS-07-00702. As both of you
18 know, the Chief Justice of our Supreme Court has
19 assigned this case to me, sir. So I am responsible
20 for this case and hearing this case.

21 This is a 2018 case. To that extent, what I will
22 tell both of you is that recently we have been
23 informed that we have got to move older cases. As a
24 result, I put this case on the trial roster for the
25 trial to commence next week.

1 Solicitor, I received from you a motion
2 for a continuance; is that correct?

3 MS. LEMPESIS: That's correct, Your
4 Honor.

5 THE COURT: Before me right now is this
6 motion this morning, and I am happy to hear from
7 you.

8 MS. LEMPESIS: Thank you, Your Honor.
9 You did set this case for trial at a status
10 conference hearing that we had -- a phone call,
11 actually, status conference. You had asked the
12 State to try to confirm witnesses, which I did.
13 Unfortunately, the week that has been set, which
14 is next week before Your Honor, the officer
15 involved in this case who was the officer for
16 Yemassee P.D. does not work for them anymore. He
17 is going to be out of the state for the graduation
18 of his son from college.

19 So it's for that reason and his
20 unavailability. He is a necessary witness. He is one
21 of probably only two witnesses for the State. We
22 would ask for a continuance. I would ask that it be
23 set instead for your next term of Court in Beaufort,
24 which is in July, I believe, July 11.

25 THE COURT: All right.

1 MS. LEMPESIS: I have submitted to Your
2 Honor per your request an affidavit from the
3 witness, Lance Corporal Byrd.

4 THE COURT: I've got that. Was a copy of
5 the affidavit provided to you, Mr. Yisrael?

6 MS. LEMPESIS: I emailed it. I copied
7 Mr. Yisrael on your email to your law clerk.

8 MR. YISRAEL: I have never seen this. Is
9 it an affidavit or what?

10 MS. LEMPESIS: It's from the officer. He
11 is saying he is not available.

12 THE COURT: They have got a witness that
13 they say cannot be in court next week. As a
14 result, they are asking that the case be
15 continued.

16 Do you follow me?

17 MR. YISRAEL: Yes.

18 THE COURT: What they have done is --
19 this individual, this officer, has submitted a
20 sworn statement stating why he cannot be here.
21 This is the affidavit that was presented to me.
22 If you want to take a minute, Mr. Yisrael, you
23 certainly can, and you can read it, sir.

24 MR. YISRAEL: Yes.

25 THE COURT: So this individual, sir, is

1 stating that he wants the case to be continued
2 because he is attending his son's college
3 graduation in Atlanta, Georgia and will not be
4 available. So that is the nature and why she has
5 made her motion.

6 My response is, I want to hear from you,
7 sir, on what your response is to the State's
8 motion based upon the information that they have
9 provided me, sir.

10 MR. YISRAEL: I won't be long. I promise
11 you that.

12 THE COURT: Take your time.

13 MR. YISRAEL: Do you have a packet of 95
14 warrants, I filed it with the Court?

15 THE COURT: I don't have anything in front of
16 me. The only thing I have in front me is the motion
17 for continuance, a letter that she addressed to you
18 dated May 31st and the affidavit, sir.

19 MR. YISRAEL: The 95 warrants I consider,
20 I have it listed as Exhibit A. I want to -- this
21 documentation here as Exhibit B.

22 THE COURT: You want to make that an exhibit?
23 Yes, sir.

24 Mr. Yisrael, let her mark that and then show
25 that to Ms. Lempesis; okay?

1 MR. YISRAEL: Exhibit B shows -- like I
2 said, I'll try to be as brief as possible.

3 THE COURT: I'm listening, sir.

4 MR. YISRAEL: In the year 2000, the Town of
5 Yemassee began that year -- they wanted me to -- they
6 tried to get me off abandoned railroad property. At
7 the time in Yemassee it's very valuable property. I
8 refused to move.

9 From that time to the present they have
10 issued over 95 warrants. This shows that from
11 November 16, 2000, to May 4, 2018, there were 22 cases
12 that were dismissed. The majority of the cases were
13 never even prosecuted. I got about 70 cases still
14 standing up in a perpetual pending state.

15 I want to just read this letter to you.

16 MS. LEMPESIS: There is my final exhibit
17 for the day. You said you have nothing before
18 you.

19 THE COURT: Other than what I've told you
20 know. Of course, I have your exhibit, and I see a lot
21 of not guilty's and nolle pross's, yes, sir.

22 MR. YISRAEL: I am not here to oppose the
23 State's motion for a continuance. While the case is
24 continuing, I do request that a criminal investigation
25 begin to get into the nearly 100 false arrests that I

1 have listed. I submit to the Court Exhibit A, which
2 is a copy of the 95 served warrants. So far 26 cases
3 were dismissed. The 70 cases have remained in
4 perpetually pending state for 22 years.

5 The town of Yemassee's Mayors Collendore and
6 Joseph Godwin and it's police chief, Gregory Alexander
7 have for 22 years used false arrests to force me off
8 of the abandoned railroad right-of-way, which I came
9 before anyone else.

10 Sent to Solicitor Stone and Beaufort County
11 Clerk of Court, Jeri Ann Roseneau and many others
12 through the years willfully assisted the Town of
13 Yemassee in their criminal activities. A criminal
14 investigation needs to begin. That is what I hope to
15 do. Have you consider the evidence. I shouldn't have
16 to go through this.

17 THE COURT: All right.

18 MR. YISRAEL: We met on this case last
19 year, I think it was September.

20 THE COURT: This case or a civil case?

21 MR. YISRAEL: There was a civil case also
22 in August.

23 THE COURT: I am sorry.

24 MR. YISRAEL: There was a criminal case, this
25 very same one. I have filed -- I spent \$90 given to

1 the sheriff of Hampton County to subpoena these people
2 to come. Even the judge who signed that order for the
3 blue light. Nobody showed up.

4 I clearly remember telling you that they are
5 not going to prosecute this case because it will show
6 too much of their criminal activity.

7 THE COURT: All right.

8 MR. YISRAEL: What do we have here now?
9 She is continuing it again.

10 THE COURT: All right. Let me make
11 sure -- of course, you still want to represent
12 yourself, right?

13 MR. YISRAEL: Yes.

14 THE COURT: I wish you would let me give
15 you a lawyer. They will assign a lawyer to
16 represent you. You understand that. You have
17 repeatedly told me that you don't want a lawyer;
18 is that correct?

19 MR. YISRAEL: That's correct.

20 THE COURT: Let me do this.

21 The first thing you read to me -- did you
22 make that letter an exhibit?

23 MR. YISRAEL: Yes.

24 THE COURT: The first thing that you read to
25 me in this letter is that you don't oppose the State's

1 motion to continue; is that correct?

2 MR. YISRAEL: That's correct.

3 That's Exhibit C.

4 THE COURT: In that case, sir, the reason
5 that you are before me this morning is to deal
6 with that issue that the State has filed.

7 What you are telling me is that you doesn't
8 oppose the continuance.

9 MR. YISRAEL: No.

10 THE COURT: Hold on. Just give me one
11 second, Mr. Yisrael.

12 Based upon the affidavit that the State has
13 provided me indicating that the former officer who is
14 a key witness here is going to be attending the
15 graduation of his son from college. Based on that, I
16 am going to continue the case.

17 I want to let you all know that this is a
18 case that is going to get called and resoled, via
19 trial or whatever or however else in the immediate
20 future.

21 I am going to tell you, it is going to be on
22 the roster for my June term of Court, but it's not
23 going to be the first case for trial. We have got
24 several cases for trial.

25 Do I have a murder case that week?

1 MS. LEMPESIS: For July 11.

2 THE COURT: All right.

3 MS. LEMPESIS: The case for July 11, I
4 want to let both parties know that I am going to
5 move it, but it will end up probably being the
6 fifth case for trial this week, which I will tell
7 you means this, Mr. Yisrael:

8 Ms. Jordan knows -- Ms. Lempesis knows what
9 that means. That you have got to be ready for trial,
10 but it's also very likely that the case won't get
11 reached. I want to let you know that. Let me ask you
12 this, sir. Do you have email?

13 MR. YISRAEL: Yes.

14 THE COURT: You do have email?

15 MR. YISRAEL: Yes.

16 THE COURT: Do you have his email?

17 THE LAW CLERK: No, sir.

18 THE COURT: Can you give my law clerk
19 your email, sir. What I want to do is, as we get
20 closer to trial, I want to provide both sides with
21 information concerning this roster so we keep you
22 informed. Is that all right?

23 MR. YISRAEL: The only reason I came in
24 today is to hopefully --

25 THE COURT: I understand.

1 MR. YISRAEL: I don't want the FBI. Nobody
2 wants to do anything for me.

3 THE COURT: All right. Mr. Yisrael,
4 thank you, sir.

5 Now, what is going to happen is this:

6 Mr. Yisrael, I really think this case is going to get

7 tried. I want you to know that. I think this case

8 will be tried. I don't think this is going to be a

9 case that is just going to be dismissed. I don't

10 think it is. It could be. Based on your history, who

11 knows what you are telling me. Look at all these,

12 Judge. I see that.

13 Mr. Yisrael, I think this one, though, is
14 going to go. My concern is for you, sir, that
15 your facing -- in the event of a conviction, you
16 are facing up to three years incarceration. This
17 is a serious offense. So what I am telling you,
18 sir, is I would ask that you seek, think about
19 reconsidering whether or not to have a lawyer
20 represent you.

21 What is going to happen is this, Mr. Yisrael.

22 I want to let you know this, sir. Do you hear me?

23 MR. YISRAEL: I'm listening. I'm very
24 intent.

25 THE COURT: If this case gets reached for

1 trial, sir, and it's 2018 you will not be able to walk
2 in that day and ask me for a lawyer. If you need a
3 lawyer, you need to get a lawyer now.

4 If you reconsider that and you want a lawyer,
5 you need to let the clerk know. She will let me know.
6 I will sign an order appointing a lawyer to represent
7 you, sir.

8 But I want to let you know, you have a right
9 to represent yourself. We have been through this
10 before. I do want to let you know, sir, I honestly
11 believe that this will be a case that will be tried.
12 Unlike the other cases that were dismissed, if this
13 case is tried, sir, and you are found guilty -- and
14 I'm not saying you are guilty. But if a jury did,
15 sir, I just want to make sure you understand, sir,
16 that this charge potentially carries up to three years
17 in jail. Again, I am not saying you are going to be
18 convicted. I am not saying that I would oppose a
19 prison sentence. I haven't heard the facts of the
20 case. I don't know anything about the case.

21 I just want to make sure you understand the
22 serious nature of this matter. I think you do, but I
23 have to say that, sir, in doing my job.

24 Do you understand that?

25 MR. YISRAEL: I understand that.

1 THE COURT: Concerning the other matters
2 that you bring up. Mr. Yisrael, those matters are
3 not matters for me. I don't investigate. My job
4 is not to investigate. My job is to try cases
5 that come in front of me. My job is not to
6 initiate investigations into alleged wrongdoing.
7 That is basically what you are saying. You are
8 saying there has been some wrong doing, correct?

9 MR. YISRAEL: Most definitely.

10 THE COURT: All right. And you want
11 somebody to investigate it; right.

12 MR. YISRAEL: Most definitely.

13 THE COURT: I understand that. As a
14 judge, I don't investigate nor do I order
15 investigations. My job is to hear cases that are
16 brought before me.

17 MR. YISRAEL: I would just like to say
18 one thing.

19 THE COURT: Mr. Yisrael, I will let you
20 say everything you always want to say. You know
21 that. You have been in front of me three times,
22 sir, and I don't think I have hardly ever cut you
23 off.

24 MR. YISRAEL: Okay. Civil case
25 2019-CP-07-00894, you signed -- that was in August of

1 last year. You signed a proposed order which says
2 that I filed frivolous and baseless lawsuits. The
3 attorney who prepared that order -- I told you last
4 year that it has you looking like you are a bad guy.
5 You see that exhibit that I show all of the dismissed
6 cases. When the cases get dismissed, I file a
7 lawsuit. I went to jail. Sometimes I have a bail
8 bond. I have spent thousands of dollars through the
9 years.

10 You signed that order, that proposed order
11 that said that my lawsuits were baseless. That is
12 false. One more thing.

13 THE COURT: Yes, sir.

14 MR. YISRAEL: I don't know if anybody
15 gave you the document. I asked that you, Judge
16 Dickson, and Judge Bentley Price be recused from
17 my cases because of what you all did to me in the
18 civil matters. You all signed fraudulent orders.

19 THE COURT: Mr. Yisrael, I am trying to
20 remember the order. My clerk does say that I may
21 have signed some type of order. That is the case
22 where you subpoenaed the entire Yemassee police
23 department here. You had them all sitting here.
24 The whole department.

25 MR. YISRAEL: Yes.

1 THE COURT: Mr. Yisrael, as far as today, I
2 have other people waiting on me. Mr. Yisrael, I am
3 not aware -- I think I am the third judge that has
4 been assigned to this case. What I am trying to do is
5 to allow you, sir, to protect the record, to say
6 everything you want to say, and all I am going to try
7 to do, sir, is to be fair as it relates to this case.

8 I can't initiate investigations concerning
9 grievances that you have with law enforcement. That
10 is not my job. You may want to talk to a lawyer and
11 see what he or she says.

12 MR. YISRAEL: What about you recusing
13 yourself because you signed a fraudulent
14 affidavit, sir.

15 THE COURT: Well, Mr. Yisrael, what you
16 have got to do is -- for me to recuse myself, sir,
17 you are going to have to file a motion, bring that
18 in front of me, and then I will have to make a
19 decision as it relates to that.

20 MR. YISRAEL: I did.

21 THE COURT: I haven't seen the motion,
22 sir. okay. You can get that to the Solicitor,
23 and they will make sure I get it. If not, you can
24 file another one. Then we will go and we will
25 have a hearing. Okay, Mr. Yisrael?

1 MR. YISRAEL: Okay.

2 THE COURT: Is that satisfactory, sir?

3 MR. YISRAEL: That's good enough.

4 THE COURT: All right. Thank you so much,
5 sir.

6 MR. YISRAEL: Take case.

7 MS. LEMPESIS: Thank you, Your Honor.

8 (At 10:15 a.m. the proceedings were
9 concluded.)

10 **

11 END OF TRANSCRIPT

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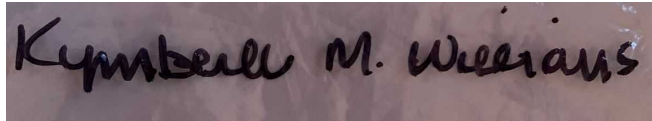
CERTIFICATE OF REPORTER

* * *

I, KYMBERLEE M. WILLIAMS, Registered Professional Reporter, do hereby certify that the foregoing transcript is a true, accurate, and complete record of the matter held in the Court of General Sessions for the Fourteenth Judicial Circuit in the State of South Carolina on the 10th day of June, 2022.

I further certify that I am neither related to, nor counsel for, any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 31st day of May, 2024 at Beaufort County, South Carolina.

A rectangular box containing a handwritten signature in black ink. The signature reads "KyMBERlee M. Williams" in a cursive, slightly stylized font. The background of the box is a light, textured grey.

KyMBERlee M. Williams, CSR/RPR
Official Circuit Court Reporter III
State of South Carolina
Fourteenth Judicial Circuit
kwilliams@sccourts.org

COUNTY OF BEAUFORT

July 11, 2022
Beaufort, South Carolina

The Honorable Robert J. Bonds, Judge Presiding

1

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ALSO PRESENT: COURTNEY GIBBES, ESQ.
(Standby counsel)

INDEX

PROCEEDINGS	5
PROCEEDINGS CONCLUDED	283
CERTIFICATE OF REPORTER	284
WITNESS: SAMUEL WATSON	
Direct Examination	136
Cross-Examination	152
Redirect Examination	177
WITNESS: LANCE CORPORAL BYRD	
Direct Examination	186
Cross-Examination	195
WITNESS: GREGORY ALEXANDER	
Direct Examination	221
Cross-Examination	240
WITNESS: JOSEPH LOADHOLT	
Direct Examination	245
Cross-Examination	251

EXHIBITS

Item Number	Description	Page
S-1	Topo map	147
S-2	Dash cam Watson	149
S-3	Dash cam Byrd	191
D-1	911 CD	274
C-1	Juror Note	61
C-2	Warrant Dismissal	61
C-3	List of warrants	61
C-4	Jury note	128

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
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- 23
- 24
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(The following proceedings were heard in open court. The defendant was present along with his attorney as well as the attorney for the State of South Carolina.)

MS. LEMPESIS: Yes, Your Honor, Mr. Yisrael appeared, as you know now, number one on your trial docket.

MS. LEMPESIS: And he is here. I'm representing the State, and we're prepared to go, and, Your Honor, I don't know if the jury is -- anyway, they're probably ready and in their room --

MS. LEMPESIS: -- and so --

THE COURT: Well, and I know that I'm going to let the jury know that I've been keeping the Madam Clerk, but we also got rid of a 2018 case this morning, and a 2017 case; and so to that extent, I'm sorry, but I'm gonna let them know I had to let them wait, because I wanted to move

1 two old cases.

2 MS. LEMPESIS: Okay.

3 THE COURT: And, you know, sometimes things
4 fall apart. If you don't get them out of the
5 way early, things can fall apart has been my
6 experience, and so I wanted to get those two
7 cases out of the way.

8 MS. LEMPESIS: Yes, Your Honor.

9 THE COURT: What I want to do is, I want to
10 talk for a few minutes about this case, and then
11 see where we are, as --

12 MS. LEMPESIS: Yes, sir.

13 THE COURT: -- it relates to bringing the
14 jury in, okay?

15 MS. LEMPESIS: Yes, sir.

16 THE COURT: All right, Mr. Yisrael --

17 MR. YISRAEL: Yes, sir,

18 THE COURT: Good morning.

19 MR. YISRAEL: How are you?

20 THE COURT: I'm doing great, sir. All
21 right, Mr. Yisrael, the State is ready to move
22 forward in the case against you, the failure to
23 stop for a blue light case. Are you aware of
24 that, sir?

25 MR. YISRAEL: Yes.

1 THE COURT: Okay. Are you ready to move
2 forward?

3 MR. YISRAEL: No, I'm not.

4 THE COURT: Okay. And so tell me why
5 you're not ready to move forward.

6 MR. YISRAEL: Okay, as a last resort this
7 last Friday, I filed a Notice of Appeal.

8 Do you have a copy of that, sir?

9 THE COURT: Yes, sir, I have the Notice of
10 Appeal. I think this is it right here.

11 MR. YISRAEL: Okay.

12 THE COURT: And this is a Notice of Appeal.
13 It says that you are appealing my decision,
14 wherein, I denied your motion, I guess, for him,
15 I guess that means me --

16 MR. YISRAEL: Yes.

17 THE COURT: -- to begin a criminal
18 investigation into the apparent repeated false
19 warrants issued by the Yemassee Police
20 Department, and the Town of Yemassee, and
21 others. Is that the document, sir?

22 MR. YISRAEL: Yes.

23 THE COURT: And then on number two you
24 have, "Although serious conflicts exist between
25 the Appellate and himself, and he refuses to

1 recuse himself," okay?

2 MR. YISRAEL: He had notice of -- I think
3 it was --

4 THE COURT: This --

5 MR. YISRAEL: Can I see that?

6 THE COURT: Yes, sir. And, Mr. Yisrael,
7 what I was going to also do, at this point --
8 fill out the top of that. Do you understand
9 what I'm talking about? Mr. Yisrael, what I was
10 going to do, at this time, sir, is I see that --
11 I assume that you're referring to the Motion to
12 Recuse Circuit Court Judges, that was filed with
13 the Clerk of Court on or about June 3, 2022; is
14 that correct, sir?

15 MR. YISRAEL: Yes, sir, there's three
16 Judges named.

17 THE COURT: Right. You list Judge Price,
18 Judge Dickson and myself.

19 MR. YISRAEL: Yes, sir.

20 THE COURT: That's the motion that you
21 filed back in June?

22 MR. YISRAEL: Yes.

23 THE COURT: So let me ask you this, Mr.
24 Yisrael, it would seem to me that the most
25 appropriate thing to do, at this point, would be

1 -- because I haven't made a ruling on that. I
2 haven't made a ruling on your motion, okay?

3 MR. YISRAEL: Yes.

4 THE COURT: Let's go ahead and argue that
5 motion now, sir, okay?

6 MR. YISRAEL: But the case in on appeal.

7 THE COURT: Well, it's -- no, sir, Mr.
8 Yisrael --

9 MR. YISRAEL: I appealed it.

10 THE COURT: That's fine, Mr. Yisrael --

11 MR. YISRAEL: And --

12 THE COURT: -- but we're not -- the appeal
13 -- you're appealing -- sir, what you're
14 appealing is my failure to investigate alleged
15 and repeated false warrants issued by the
16 Yemassee Police Department.

17 MR. YISRAEL: And the second one.

18 THE COURT: Right.

19 MR. YISRAEL: And we want --

20 THE COURT: Right.

21 MR. YISRAEL: -- we're keeping this open in
22 this case.

23 THE COURT: Well, Mr. Yisrael, the reason I
24 wanted to have this matter heard is, because
25 you're assuming I have not recused myself. We

1 have to have this matter heard. I haven't heard
2 this matter. Do you understand what I'm saying?

3 MR. YISRAEL: I assume that because I
4 haven't heard that you -- because I haven't
5 received a notice that you would recuse
6 yourself --

7 THE COURT: Right.

8 MR. YISRAEL: -- that you were going to --

9 THE COURT: Well, what I would like to do,
10 Mr. Yisrael, is for you -- do you have any
11 further grounds? Is there anything you want to
12 say, as it relates to the Motion to Recuse, sir?
13 I see where you've outlined six factors, or six
14 paragraphs.

15 Is there anything else that you wanted to
16 put on the record, as it relates to this motion
17 for me to recuse myself, sir?

18 MR. YISRAEL: I would like to elaborate --

19 THE COURT: Go right ahead.

20 MR. YISRAEL: -- on what I said, okay?

21 THE COURT: Yes, sir.

22 MR. YISRAEL: In the civil trial that in
23 which you were the Judge, all three Judges that
24 I'd mentioned, yourself, Judge Dickson and Judge
25 Price, they relied upon attorneys, allegations

1 of Peters, Murdaugh, Parker, Eltzroth & Detrick,
2 and others were to write certain orders --
3 proposed orders. The judges signed those
4 orders, but those proposed orders was loaded
5 with lies and deceit.

6 For instance, they say that for 20 years I
7 filed frivolous lawsuits against people. I have
8 been filing lawsuits against people, as a matter
9 of fact, about 20 in the last 22 years, but in
10 those orders it don't mention that I have had,
11 to date, 90-something warrants filed against me,
12 27 were dismissed, and the vast majority were
13 never prosecuted from the year 2000 to the
14 present.

15 Now, surely, I have a right, I'm the one
16 who's being -- the frivolous articles that's
17 being filed in this Court are the warrants, it's
18 not my lawsuit.

19 I have cases that were dismissed. And when
20 the cases were dismissed, I filed lawsuits,
21 based upon those warrants being dismissed. I
22 never -- I didn't commit any crime. The Town of
23 Yemassee's harassing me of filing these
24 frivolous to get me off a certain land that's in
25 the Town of Yemassee, that was abandoned, and

1 it's quite extensive, right in the center.

2 So -- but your orders don't mention that
3 fact, and, of course, the attorneys wouldn't put
4 those facts in there, because there would be no
5 reason for you and the other Judges -- right now
6 I cannot file lawsuits in this Court, because
7 you, and Judge Dickson, and Judge Price said
8 that I have to come up with a \$50,000 bond, or
9 get another -- or get an attorney to represent
10 me, neither of which can I do.

11 Nobody wants to touch this case. I went to
12 this case, I went to the Public Defender, but
13 I'm saying -- my thought of this is, if you were
14 unjust to me -- to this day I don't know if
15 you're doing this deliberately, or you were
16 tricked; but at this point I'm still saying that
17 you were tricked, you were deceived, and to sign
18 this order, you just should not have signed,
19 because it was horrible, it's packed full of
20 lies, sir.

21 I don't file a frivolous lawsuit, and
22 that's -- so I'm worried now, if you would sign
23 something like that in a civil case, what would
24 you do to me in a criminal case, if you were not
25 fair to me then, so I would ask that you recuse

1 yourself.

2 THE COURT: All right. Well, Mr. Yisrael
3 this is -- I've looked at this.

4 First of all, it says, "Motion to Recuse
5 Circuit Court Judges." And so the first says,
6 "Bentley D. Price."

7 Mr. Yisrael, I cannot recuse Judge Price.
8 I don't have the authority to recuse Judge
9 Price, and, in fact, what I would submit is,
10 that the Supreme Court, the Chief Justice, in
11 his infinite wisdom has ordered that I preside
12 over this particular case, all right?

13 I have an order in the file that says that
14 I'm to preside over that case. As it relates to
15 Judge Dickson, sir, I don't have the authority
16 to recuse another Circuit Court Judge.

17 So the only thing -- and since I'm the one
18 presiding over this case, pursuant to the Chief
19 Justice of the Supreme Court of South Carolina,
20 I'm the only person who can decide whether or
21 not to recuse myself. And so the first thing
22 that I look at in your motion, sir, is, number
23 one, you basically acknowledge that you're the
24 Defendant in the case, and you're moving for
25 recusal; and then in number two, sir, you say

1 that the Judges are actively involved in a
2 criminal conspiracy to deny the Defendant
3 justice in criminal and civil cases.

4 What I would say to you, sir, is that I
5 have not spoken -- and I'm assuming that because
6 it said Judges, you're referring to Judge Price,
7 and Judge Dickson and myself, sir, I have not
8 spoken with Judge Price or Judge Dickson
9 concerning this matter, or concerning any matter
10 with you.

11 I have been involved in no exchange of text
12 messages, and correct me if I'm wrong, with
13 Judge Price, or Judge Dickson, concerning you,
14 sir.

15 MR. YISRAEL: Yes.

16 THE COURT: I have not been involved in any
17 emails with Judge Price, or Judge Dickson,
18 concerning you, or any of your cases, sir. I've
19 not had any contact, to the best of my
20 knowledge, sir, in any fashion, whether that's
21 through TikTok, Facebook, Instagram, Snapchat.
22 I don't even do those things, but I know they
23 are out there. I've not communicated with them
24 in any way, sir.

25 And so I would have to respectfully say

1 that I don't think that I'm involved in any
2 civil or criminal conspiracy with two folks, who
3 I have not spoken with, or had any communication
4 with, as it relates to this matter.

5 So as it relates to that, sir, I've got to
6 respectfully disagree with you there. Now,
7 somebody did, apparently, you're telling me,
8 impose a \$50,000, I guess a bond, or something
9 you've got to do before filing any further
10 lawsuits. I haven't seen that.

11 Have I seen that Order? Okay, all right,
12 right. So, sir, I had nothing to do with that -
13 - hold on. That was done in a civil matter, as
14 I recollect, and to my knowledge, I've had
15 nothing to do -- I had nothing to do -- I never
16 ordered that. I never ordered that you have to
17 pay \$50,000, it was not me. It may have been
18 another Judge, but it was not me. I didn't
19 order that, sir.

20 MR. YISRAEL: Sir --

21 THE COURT: Yes, sir.

22 MR. YISRAEL: You're supporting those
23 orders. I'd like to --

24 THE COURT: Well --

25 MR. YISRAEL: -- read here about the lines

1 in the order that you did sign.

2 THE COURT: Yes, sir.

3 MR. YISRAEL: It says -- all right, I'm
4 reading from Order Number -- Case Number 2019-
5 CP-07-07894. In that order, on page six in the
6 second paragraph, you made the statement, "That
7 those orders specifically sanctioned the
8 Plaintiff for his long history of filing
9 baseless complaints against the government."

10 THE COURT: Well, where are reading from,
11 sir?

12 MR. YISRAEL: I'm reading on page six --

13 THE COURT: Okay, hold on one second. Page
14 six, yes, sir.

15 MR. YISRAEL: Okay.

16 THE COURT: Go ahead.

17 MR. YISRAEL: All right, "He," I'm skipping
18 the first two lines, it says, "He," referring to
19 me, "He has filed numerous pro se complaints
20 against various government entities, Judges,
21 government employees, and their counsel over the
22 last 21 years, and discussed in more detail in
23 the sanction for the cases 15, 19 and 52."

24 This is what I want you to pay attention
25 to.

1 THE COURT: Yes, sir.

2 MR. YISRAEL: "Those orders specifically
3 sanction the Plaintiff for his long history of
4 filing baseless complaints against the
5 government." Okay?

6 THE COURT: Yes, sir.

7 MR. YISRAEL: So you're going along with
8 what the other Judges are saying. Here it is,
9 how can I be the one filing baseless lawsuits,
10 when nearly 30 of the warrants that were filed
11 were dismissed, nearly 70 are still pending over
12 this long period of time, over 22 years, and it
13 all began in the year 2000.

14 How can you say that I've been filing
15 baseless lawsuits? My point is this here, that
16 this is the attitude you take towards me in a
17 civil case. What's baseless is what you're
18 saying here, because I have a basis.

19 Your order is ten pages long, and mentions
20 nothing about the cause of arrest, it mentions
21 nothing about the cases being dismissed, it
22 mentions nothing about 90 overall were there.
23 So therefore, and I also told you that you did
24 not write this, you know. I believe it was
25 another attorney who wrote this.

1 THE COURT: I think he presented that to
2 me, as a proposed order. I reviewed that order,
3 and, basically, adopted that order, when I
4 signed it.

5 Now, as I read that, what it's saying is,
6 I'm acknowledging this history that exists. I
7 mean I've got to take prior court orders, sir,
8 and I've got to take those orders as I find
9 them. I can't go back and undo Court orders
10 that have already been signed by Judges.

11 I mean I just -- I don't have that
12 authority, sir. And, you know, again, I'm not -
13 - and wasn't this the hearing, where you got all
14 eight members of the Yemassee Police Department
15 here, and they were sitting here waiting? Is
16 that when this came up, sir?

17 MR. YISRAEL: Yes.

18 THE COURT: Right, and as I recollect --
19 actually, you left the courtroom, and wished me
20 to have a good life because I wouldn't let you
21 record that day.

22 MR. YISRAEL: Yes.

23 THE COURT: And I think that's how we ended
24 this matter; is that correct?

25 Do you remember that?

1 MR. YISRAEL: You went on with the motions
2 here, but you wouldn't let me attend the
3 hearing.

4 THE COURT: No, no, no, well, yes.

5 MR. YISRAEL: I asked -- I had wanted to
6 come back in. You said that you wouldn't let me
7 come back.

8 THE COURT: Right, and you told me --

9 MR. YISRAEL: So I didn't come back.

10 THE COURT: -- to have a good life, and you
11 left, and then they weren't gonna let you come
12 back in, after you elected to leave, right?
13 Isn't that what happened? I'm asking.

14 MR. YISRAEL: You wouldn't let me come
15 back.

16 THE COURT: Right because you left in the
17 middle of the hearing.

18 MR. YISRAEL: See, that's another thing,
19 you had several hearings before my -- I saw the
20 these attorneys stand at this table, and go in
21 and out, and nobody said nothing. Now, here it
22 is --

23 THE COURT: Well --

24 MR. YISRAEL: -- I want to go out just
25 briefly, and come back in, but you wouldn't let

1 me.

2 THE COURT: You --

3 MR. YISRAEL: But you didn't stop the other
4 attorneys.

5 THE COURT: You are -- you're doing great,
6 and I'm with you on that. Lawyers do walk in
7 and out.

8 MR. YISRAEL: Sure.

9 THE COURT: In fact, somebody just walked
10 out.

11 MR. YISRAEL: Sure.

12 THE COURT: But you know what? They didn't
13 walk out during their hearing, during the
14 hearing when they're talking to me, they didn't
15 say, "Have a good life," and leave, right? I
16 mean, in other words, they don't walk out --
17 they may walk out, but they don't walk out while
18 their hearing is taking place --

19 MR. YISRAEL: They did it.

20 THE COURT: Let me tell you what I'm going
21 to do, is there anything else you want to tell
22 me about this motion, sir?

23 MR. YISRAEL: There are other complications
24 besides this.

25 THE COURT: Well, I'm talking about the

1 Motion to Recuse, sir. Is there anything else
2 you want to tell me?

3 MR. YISRAEL: Yes, I think so. I'll show
4 you some evidence here.

5 THE COURT: Okay.

6 MR. YISRAEL: Oh, do you have the '95 -- a
7 copy of the '95 one that I submitted to the
8 Court?

9 THE COURT: I may, I don't have them in
10 front of me, sir.

11 MR. YISRAEL: That's another thing.

12 THE COURT: All right.

13 MR. YISRAEL: I mean if you had seen that
14 it had --

15 THE COURT: I -- and I did, I've seen -- I
16 saw what you presented to this Court I think at
17 the last hearing.

18 MR. YISRAEL: And --

19 THE COURT: Anything else you want to tell
20 me, sir?

21 MR. YISRAEL: And the fact that I'm not
22 getting no help from any governing body to stop
23 these false arrests from repeatedly occurring,
24 and it's that type of thing.

25 THE COURT: All right, Mr. Yisrael, sir,

1 I'm not going to recuse myself from this matter.
2 I haven't heard any grounds for me to recuse
3 myself from this matter.

4 This is a criminal matter, it's separate
5 from the civil matter that I think I was
6 involved in and dismissed, without prejudice
7 mind you, the civil matter in this case. I'm
8 certainly not involved with any conspiracy with
9 other Judges.

10 I can tell you, I've never even talked with
11 them, to the best of my knowledge, or
12 communicated with them at all about you, sir, or
13 about this matter.

14 So I'm going to respectfully deny your
15 motion, sir. And as far as I'm concerned, that
16 now brings us to the matter of your Notice of
17 Appeal. Yes?

18 MR. YISRAEL: There was a second issue on
19 that one.

20 THE COURT: Yes, sir.

21 MR. YISRAEL: I mean is -- on another -- on
22 the notice of appeal?

23 THE COURT: Yes, sir.

24 MR. YISRAEL: I had asked for a criminal
25 investigation to take place --

1 THE COURT: Yes, sir.

2 MR. YISRAEL: -- are you declining to do
3 that?

4 THE COURT: I said that I didn't have the
5 authority to do that.

6 MR. YISRAEL: So a criminal --

7 THE COURT: I don't have --

8 MR. YISRAEL: -- action --

9 THE COURT: Sir --

10 MR. YISRAEL: -- committed in your
11 presence.

12 THE COURT: Sir, I don't have the authority
13 to institute an investigation against the
14 Yemassee Police Department and others that you
15 made reference to.

16 MR. YISRAEL: Could you tell me who would?

17 THE COURT: Well, sir, you could -- I mean
18 I can't -- I will tell you this, I practiced law
19 for over 30 years, until the past 18 months,
20 when I became a Judge. I was about to tell you
21 what my thoughts are on that.

22 The problem is, I realize I can't do that
23 anymore, I'm not a lawyer, I'm a Judge. And I
24 can't give you legal advice, sir. You've got to
25 go see a lawyer about that matter. That's the

1 only person or persons that's going to be able
2 to help you, or give you legal advice,
3 concerning that matter. I can't give you legal
4 advice, and I hope you understand that, sir.

5 MR. YISRAEL: I do.

6 THE COURT: That's not my role now, okay?
7 And so I can't -- I thought to myself Judges
8 can't -- I can't give legal advice.

9 So what I would say is, as to your Notice
10 of Appeal, Mr. Yisrael, your Notice of Appeal,
11 sir, that you filed June the 8th, sir, that
12 Notice of Appeal, that is not going to stop this
13 case from moving forward.

14 You can't just say I filed a Notice of
15 Appeal, and as a result, we can't have this case
16 heard, because, quite frankly, it's just not --
17 these are not grounds for an appeal. Grounds
18 for an appeal don't exist, and there is no -- I
19 find no conflict, or anything that would require
20 the - quite frankly, to even entertain recusing
21 myself; but if I do entertain it, and go back
22 and look, and look through the rules, as it
23 relates to recusal, and I have, I just don't see
24 anything, sir.

25 And so to that extent, what I'm going to

1 tell you is, you filed this Notice, I appreciate
2 that, but I'm going to rule today that that
3 filing is not going to prohibit the Solicitor
4 from moving forward with this case today.

5 Now, I know that you may not agree with my
6 decision, and that's why I've allowed you to put
7 all this on the record, okay, but the case is
8 ready to move forward. And so what I want to
9 ask you is this, sir, as it relates to the case,
10 I understand, I don't want to get into the
11 arguments about the appeal and the recusal,
12 because I think we've discussed those. I've
13 given my ruling, and you may disagree with
14 those, I understand that, but is there any
15 reason, sir, as it relates to this case, sir, is
16 there any reason that we're not ready -- that
17 you're not ready to move forward?

18 MR. YISRAEL: All right, last year I filed
19 some subpoenas for certain Yemassee cops to
20 come, but they did not come.

21 I understand that you're supposed to give
22 the person you filed the subpoena with a ten-day
23 notice. I was only given a two-day notice, I
24 think it was Thursday or Friday, I received a
25 notice that the case would be today, so there

1 was no time for me to file -- to contact
2 witnesses, or to contact -- issue subpoenas for
3 the cop to show up, because I know certain ones
4 are just not going to show up, so -- because of
5 that defect there.

6 THE COURT: Okay. Let me ask you this, do
7 you have a list of the cops that you need to
8 have here? Because if they're a cop, sir, let
9 me just tell you, that ain't gonna be a problem.
10 We can get the cops here, can't we, Solicitor?

11 MS. LEMPESIS: We can, Your Honor, I have
12 subpoenaed Mr. Watson, who's no longer with the
13 Yemassee Police Department, but he is the
14 arresting officer, and the lead officer.

15 MR. YISRAEL: They're here?

16 MS. LEMPESIS: He's not here at the moment,
17 but he will be here, he's on standby.

18 THE COURT: So what I'm asking you is, sir,
19 do you have any witnesses, sir, that you need,
20 any cops, because we can make that happen.

21 MR. YISRAEL: All of the cops who --

22 THE COURT: You give me the names.

23 MR. YISRAEL: Okay, Officer Watson.

24 THE COURT: Okay.

25 MR. YISRAEL: The Police Chief --

1 THE COURT: They'll be here.

2 MR. YISRAEL: Police Chief Gregory
3 Alexander, Officer Joseph Loco, Officer
4 Michael --

5 THE COURT: All right.

6 MR. YISRAEL: -- I don't remember the last
7 name.

8 THE COURT: All right, what we'll do is
9 this --

10 MR. YISRAEL: There's several.

11 THE COURT: -- okay? You understand that
12 the State goes first, they present their case.
13 If you want to present a case, we'll make sure
14 those Officers are here for you, okay?

15 MR. YISRAEL: But the other officers also.

16 THE COURT: Well, sir, I'm going to do the
17 best I can. You did know that this case was
18 subject to be called this week. The last
19 time --

20 MR. YISRAEL: You didn't tell me that last
21 time I was here.

22 THE COURT: Oh, whoa, the last time we met,
23 when I continued the case, I told you there's a
24 possibility it could be this week. You were in
25 Court just a few weeks ago with me and with the

1 Solicitor, and I told you there's another case
2 ahead of this, and we might not be able to go.

3 MR. YISRAEL: Right.

4 THE COURT: But I told you there's still a
5 possibility we could go, and you've got to keep
6 in touch with the Court, particularly when you
7 represent yourself.

8 And you've repeatedly want to represent
9 yourself; is that right?

10 MR. YISRAEL: Yes, and I still do.

11 THE COURT: All right, well, in that
12 case --

13 MR. YISRAEL: What --

14 THE COURT: Hold on, let me stop you right
15 there, you said something very important.

16 Do you remember the last time we were in
17 here --

18 MR. YISRAEL: Yes.

19 THE COURT: -- and I had you sign a piece
20 of paper --

21 MR. YISRAEL: Right.

22 THE COURT: -- saying you want to represent
23 yourself?

24 MR. YISRAEL: Yes.

25 THE COURT: How about do the same thing?

1 It's the same paper. I just like to have that.
2 You understand, Mr. Yisrael, the Court's advised
3 you that you need to have a lawyer. But just
4 hand that to him, I think he's got -- I think I
5 gave Mr. Yisrael a copy of that very document.

6 MR. YISRAEL: I'll be happy to sign the one
7 here.

8 THE COURT: All right. Now, Mr. Yisrael --

9 MR. YISRAEL: And I do have a motion before
10 the trial.

11 THE COURT: Yeah, well, what I want to do
12 is this. What is your motion? Just tell me
13 what it is. What motion? What motion do you
14 have, sir?

15 MR. YISRAEL: Okay. Officer Watson, he's
16 the one that initiated the blue light said
17 warrant. By law, he was -- because he swore out
18 the warrant, he was not supposed to serve the
19 warrant.

20 THE COURT: Okay.

21 MR. YISRAEL: Attempt to serve.

22 THE COURT: Okay.

23 MR. YISRAEL: But he did, so that would
24 negate the charges.

25 THE COURT: All right, and so what we'll do

1 is this, we'll take that up at the appropriate
2 time, okay? We'll take that up. We'll take
3 that up, we'll discuss that, and I'll be able to
4 let you fully talk about that, okay; but what's
5 gonna happen now is this, this is a term of jury
6 court. There's jurors who are waiting out
7 there --

8 MS. LEMPESIS: Yes, sir

9 THE COURT: -- and have been waiting, but
10 it's important that we talk about these matters
11 before we get the jury in here, and these other
12 cases that I pled, it was important that we did
13 that.

14 Now, Mr. Yisrael, what's gonna happen is
15 this, have you sat through a jury selection
16 before, Mr. Yisrael?

17 MR. YISRAEL: Yes.

18 THE COURT: I'm sorry?

19 MR. YISRAEL: Yes, I have.

20 THE COURT: All right, so then you know
21 this, so what's gonna happen is, the jury's
22 gonna come in, and the Clerk's gonna call the
23 roll, and then I'm going to qualify the jury
24 panel.

25 You're aware of that, correct?

1 MR. YISRAEL: Yes.

2 THE COURT: Okay. Well, then what I'm
3 gonna do is, we're gonna take about two minutes,
4 or you can bring them in, I'm gonna step out
5 back. The Court Reporter needs a few minutes
6 also.

7 We're going to bring the jury in here, Mr.
8 Yisrael, okay?

9 MR. YISRAEL: All right.

10 THE COURT: And then we're going to begin
11 the roll call process. Are we good, sir?

12 MR. YISRAEL: Yes.

13 THE COURT: Okay.

14 So let's go ahead and get the jury in, and
15 we'll be at ease for just a few minutes, while
16 the jury comes on, and then we'll begin to
17 qualify.

18 Now, Mr. Yisrael, before I see Ms. Gibbes
19 slip out the back, or Ms. Diggs back there, this
20 is -- would you like to have a standby lawyer?

21 Let me tell you what that means, Mr.
22 Yisrael. All that means is that they might sit,
23 not even at the table with you, if you want them
24 at the table they can, but they can sit, and if
25 you have a question, Mr. Yisrael, they can at

1 least answer a question for you.

2 They're there if you would like to have
3 them. They're not your lawyer, and they're not
4 serving as your lawyer, but maybe an issue comes
5 up that you're not sure of, and you would like a
6 lawyer's opinion. Would you like one of them to
7 sit there during the trial, and to help you, if
8 you have a question, sir? Would you like that?

9 MR. YISRAEL: Sure.

10 THE COURT: I think that would be very
11 smart.

12 MR. YISRAEL: I've done that before.

13 THE COURT: Would you like to do that?

14 MR. YISRAEL: Sure.

15 THE COURT: Okay, then we'll have a standby
16 lawyer. You understand that the individual is
17 not your lawyer, but they're there to assist
18 you, if you have a particular question?

19 You understand that, sir?

20 MR. YISRAEL: Yes.

21 THE COURT: Glad to do that, and I think
22 somebody from the Public Defender's Office can
23 help us with that.

24 MS. GIBBES: Yes, Your Honor, I'll do it.

25 THE COURT: Well -- and you're

1 volunteering?

2 MS. GIBBES: Yes.

3 THE COURT: I wasn't going to recruit you,
4 okay? That's excellent. Thank you very much,
5 ma'am.

6 MS. GIBBES: You're welcome.

7 THE COURT: All right, so we'll be at ease
8 for about five minutes, while the jury comes in.
9 Thank you.

10 MS. LEMPESIS: Thank you, Your Honor.

11 (Recess).

12 ***

13 JURY SELECTION

14 THE COURT: Madam Clerk, thank you very
15 much. All right, Ladies and Gentlemen, I now
16 have certain questions to ask you, to determine
17 your qualifications, as jurors in this Court.
18 These questions determine your general
19 eligibility to serve.

20 State law requires that I ask these
21 questions, and, quite frankly, some of the
22 questions are very personal in nature, and you
23 may not want to stand and disclose this
24 information openly in the presence of your
25 fellow jurors. After each question, Ladies and

1 Gentlemen, if any juror needs to respond, I'll
2 ask you stand. If you don't want to stand,
3 that's fine.

4 At the end of the process, Ladies and
5 Gentlemen, I'll give you a chance to come
6 forward, and speak privately with me and the
7 Clerk. I don't want to cause anybody any
8 embarrassment, so if you don't want to stand,
9 just make a mental note, and remember to come
10 forward at the end, when I ask you to do so.
11 We're dealing with very important matters, and
12 so it's absolutely essential that we have
13 accurate information, and I thank you.

14 All right, the questions regarding the
15 qualifications, as jurors to serve, is any
16 member of the jury panel not a citizen of the
17 United States? If so, please stand.

18 Is any member of the jury panel not a
19 resident and citizen of Beaufort County? Please
20 stand.

21 Is any member of the jury panel unable to read,
22 write, speak or understand the English language?
23 If so, please stand.

24 Does any member of the jury panel have less
25 than a sixth-grade education or its equivalent?

1 If so, please stand.

2 All right, is any member of the jury panel
3 unable, because of mental or physical
4 infirmities to render efficient jury service
5 this week? If so, please stand.

6 All right, what I'm gonna get y'all to do is to
7 come forward.

8 THE COURT: All right, have him come on up.

9 BAILIFF: Juror 195, Your Honor.

10 THE COURT: Hold on one second. All right,
11 so Number 195 will remain with us, okay? Thank
12 you, sir, you can go right around there.

13 BAILIFF: Juror 314, Your Honor.

14 THE COURT: All right, Ladies and
15 Gentlemen, has any member of the jury panel been
16 convicted by guilty plea or trial in a State or
17 Federal Court of record of a crime, punishable
18 by imprisonment for more than one year, and your
19 civil rights have not been restored by a pardon
20 or amnesty.

21 Now, folks, I want you to know that
22 punishable by one year means that you could have
23 received a sentence of more than one year,
24 regardless of what sentence you may have
25 actually received.

1 If that applies to you, I'd appreciate your
2 standing, so you can come forward and talk to
3 me. Does that apply to anybody? Come on up,
4 sir. Mr. Yisrael?

5 BAILIFF: Juror 174, Your Honor.

6 THE COURT: All right, Ladies and
7 Gentlemen --

8 BAILIFF: We've got one more.

9 THE COURT: Yeah, come on up.

10 JUROR 275: 275.

11 BAILIFF: Juror 275, Your Honor.

12 THE COURT: Come on up. All right, Ladies
13 and Gentlemen, has any member -- let's see, is
14 any member of the jury panel a Clerk, or Deputy
15 Clerk of Court, Constable, Sheriff, or other
16 commissioned Law Enforcement Officer, Probate
17 Judge, County Commissioner, Magistrate, or other
18 County Officer, or employed within the walls of
19 any courthouse? If so, please stand.

20 All right, is there any member of the jury
21 panel, who has previously served on jury duty in
22 Circuit Court, and that's not -- you'll hear me
23 say this a lot, that's not City Court,
24 Magistrate's Court, or Federal Court, but in
25 Circuit Court, is there anybody who has served

1 on Circuit Court during this calendar. So is
2 that 2020 -- 2022. Anybody served on jury duty
3 in Circuit Court in the year 2022? All right,
4 thank you-all.

5 All right, has any member of the jury panel
6 served as a member of the Beaufort County Grand
7 Jury during the past several years? If so,
8 please stand.

9 All right, Ladies and Gentlemen, we now
10 move to jury exemptions. State law provides
11 several exemptions to jury service. An
12 exemption does not mean you are not qualified to
13 serve, it simply means that you have the right
14 to say, "I choose not to serve."

15 And let's just start with the one that most
16 people are curious and are ready to answer. If
17 you are 65-years-old or older, and you want to
18 serve, great, we want you to serve; but if you
19 are 65-years-old or older, and you say, "Judge,
20 I would just rather not serve this week," then I
21 Do we have anybody who's 65-years-old, and
22 doesn't want to serve, and would like to
23 exercise that exemption, and be excused this
24 week? If so, you can certainly stand now.

25 Well, obviously, we don't have anybody over

1 65, okay, great. We're glad to have anybody or
2 everybody who is 65 or older remaining with us,
3 thank you.

4 All right, another exemption concerns prior
5 jury service. No person is required to serve as
6 a juror more often than once every three
7 calendar years, therefore, if any member of the
8 jury panel has served on jury duty during the
9 last two calendar years, you may be exempt from
10 service this week, if you choose to be exempted,
11 and, of course, that does not apply if your jury
12 service was in Magistrate's Court, City Court or
13 Federal Court. If this exemption applies to
14 you, and you wish to be exempted, please stand.

15 All right, persons who have served as Grand
16 Jurors in the last five calendar years may also
17 be exempt from service. Is there any member of
18 the jury panel who served on a Grand Jury during
19 the last five calendar years? You may be exempt
20 from jury service this week if you choose to be.
21 If that exemption applies to you, and you wish
22 to be exempted, please stand.

23 All right, Ladies and Gentlemen, the next
24 exemption deals with those of you who have legal
25 custody of young children. Please listen

1 carefully, because there's several parts to this
2 exemption, and all of those parts must apply for
3 the exemption -- for you to be entitled to claim
4 this exemption.

5 You may be exempted from jury service, if
6 you have a child under the age of seven years,
7 you have legal custody of your child or
8 children, you have the principal care, custody
9 and control of your child or children, and you
10 are unable to make arrangements for the adequate
11 care of your child or children, while performing
12 jury duty.

13 If all of those requirements apply, then
14 you may be exempted on this basis. If this
15 exemption applies to you, and you wish to be
16 exempted, please stand. All right.

17 Ladies and Gentlemen, if you are the
18 primary caretaker of a severely disabled person,
19 who's unable to care for himself or herself, and
20 cannot be left unattended, and you are unable to
21 provide adequate care for the person, while
22 performing jury service, you may be exempt from
23 jury duty. If this exemption applies to you,
24 and you wish to be exempted, please stand.

25 All right, Ladies and Gentlemen, the next

1 exemption involves those of you who may be
2 attending school at this time or working in some
3 capacity with a school. If this exemption
4 applies to you, and you wish to be exempted,
5 we'll transfer your service to another term of
6 Court, at which time will not conflict with your
7 school responsibilities.

8 Is there any member of the jury panel,
9 who's a full-time student, Schoolteacher, School
10 Crossing Guard, School Bus Driver, or who serves
11 in any other school-related function, who's
12 unable to serve on jury duty this week, as a
13 result of that school involvement? If so,
14 please stand.

15 Is there any member of the jury panel, who
16 is employed with the Department of Corrections,
17 at a penitentiary? If so, and you'd like to be
18 exempted, please stand.

19 All right, Ladies and Gentlemen, this next
20 question, I'm going to tell you, I know what it
21 is to be self-employed, I was self-employed for
22 many years, before I took this position, and I
23 understand that serving on jury duty is a
24 sacrifice. You're just being here, you're
25 honoring your summons, and I appreciate that,

1 your Count appreciates that. That having been
2 said, I will ask, is there any juror who
3 performs services for a business, commercial, or
4 agricultural enterprise, which are so essential
5 to the operation of the enterprise, that if you
6 were required to perform jury duty, the
7 enterprise would have to close, or stop
8 functioning. If so, and you wish to be
9 exempted, please stand. All right, come on
10 around.

11 BAILIFF: Juror 113, Your Honor.

12 THE COURT: Oh, My Yisrael, come on.

13 BAILIFF: Juror 318, Your Honor. Juror
14 144, Your Honor. Juror 158, Your Honor. Juror
15 324, Your Honor.

16 THE COURT: All right, Ladies and
17 Gentlemen, that concludes the statutory list of
18 qualifications and exemptions for jury service.
19 It may be that you're qualified, and no
20 exemption applies to you, but jury service this
21 week would constitute an extreme hardship on you
22 for some particular reason. I cannot
23 permanently excuse a qualified juror from jury
24 service, but under extreme and compelling
25 circumstances, Ladies and Gentlemen, I may

1 excuse a juror from this term of Court, and
2 transfer the juror to another term of Court,
3 particularly, jurors who have not been
4 previously transferred.

5 Please understand, folks, that general
6 inconvenience is not a sufficient reason to
7 transfer you to another term of Court. To
8 justify a transfer to another term of Court,
9 service this week must constitute an extreme
10 hardship to you.

11 Now, Ladies and gentlemen, this is also the
12 chance for those of you who did not respond
13 earlier to any questions that I asked, and those
14 of you, who have a compelling reason to request
15 a transfer of your jury service to another week,
16 to come forward, if you believe you are
17 disqualified, or exempt from jury service, or if
18 you have any question about whether you are
19 disqualified or exempt, or if you want to be
20 transferred to another term of Court, please
21 come forward at this time, Ladies and Gentlemen.

22 BAILIFF: Juror 11, Your Honor. Your 257,
23 Your Honor. Juror 145, Your Honor.

24 THE COURT: All right, Ladies and
25 Gentlemen, before we begin selecting a jury for

1 this first case, we're gonna take about a ten-
2 minute break, okay, actually, probably 15
3 minutes. If you'll be back in here at ten past
4 12:00, we'll be ready to move forward and select
5 the jury in the first case. So I'll see
6 everybody back at ten after.

7 (Jury exits courtroom.)

8 (Recess.)

9 ***

10 JURY SELECTION CONTINUES

11 THE COURT: Ladies and gentlemen, we are
12 about to begin the trial of the State of South
13 Carolina v. Shemuel Yisrael. Before we select
14 the jury, there are going to be several
15 questions that I will ask you. I know that the
16 clerk has already sworn you in.

17 THE COURT: I will have the solicitor call
18 the case.

19 MS. LEMPESIS: State of South Carolina v.
20 Shemaul Yisrael, 2018GS0700702, failure to stop
21 at a blue light.

22 Ladies and gentlemen, I want you know that
23 the indictment, this piece of paper that the
24 Solicitor made reference to -- I want you to
25 know right now that the indictment is not proof

1 or evidence. It's merely a charging document
2 that basically brings or gets this case into
3 Court.

4 The Defendant has pled not guilty and
5 requested a jury trial. The defendant in this
6 case is Mr. Shemaul Yisrael. Please stand up
7 and face the jurors and let them look at you for
8 a second.

9 Is any member of the jury panel related by
10 blood, connected by marriage, a close personal
11 friend or have any business relations or any
12 connection with Mr. Yisrael in any way? If so,
13 please stand.

14 Thank you, Mr. Yisrael. You can be seated.

15 I see no one standing.

16 Ladies and gentlemen, the State in this
17 case is represented by the Solicitor's office. I
18 would like to have the Solicitor at this time
19 please introduce herself to the panel.

20 MS. LEMPESIS: Thank you, Your Honor. My
21 name is Mary Jordan Lempesis. I am a 14th
22 Circuit Solicitor for the 14th Circuit
23 Solicitor's Office.

24 Sitting with me for this trial is J.D.
25 Williams. He is an assistant solicitor sitting

1 in the courtroom during the trial.

2 THE COURT: All right.

3 Has any member of the jury panel related by
4 blood or marriage, connected through any type of
5 friendship or business relationship with Ms.
6 Lempesis or with Mr. Williams or with any other
7 member of the 14th Judicial Circuit Solicitor's
8 Office?

9 If so, please stand.

10 THE PROSPECTIVE JUROR: 135.

11 THE COURT: If I recollect, you know the
12 Solicitor through children that you-all have?
13 They are in the same class?

14 THE PROSPECTIVE JUROR: They attended the
15 same preschool and they attend the same
16 elementary school.

17 THE COURT: Are you friends with the
18 solicitor?

19 THE PROSPECTIVE JUROR: Yes.

20 THE COURT: Tell me a little bit about that
21 friendship. Do things together?

22 THE PROSPECTIVE JUROR: A casual
23 friendship.

24 THE COURT: The fact that your children
25 were in the same preschool or kindergarten with

1 the solicitor's children, the fact that you-all
2 have a casual friendship, do you believe that
3 having that relationship with her could make it
4 difficult for you to be fair and impartial in
5 this case?

6 THE PROSPECTIVE JUROR: Yes.

7 THE COURT: I will excuse you from service
8 from this case. You will get some instructions
9 about what to do as it relates to later in the
10 week.

11 THE COURT: Ladies and gentlemen, I have
12 been given some potential list of names of
13 potential witnesses in this case. I want you to
14 know just because somebody is on the witness
15 list doesn't mean that they are necessarily
16 going to be called as witnesses.

17 We will list as many names as we can think
18 of anyone who is possibly going to be a witness.

19 Samuel Watson, formerly with the Yemassee
20 Police Department. Greg Alexander, Yemassee
21 Police Depart. Robert Byrd. Joseph Lovell.
22 Officer Michael. Colin Moore, Mayor of
23 Yemassee. D. Pendergraph. Alan Horton. Robert
24 Jenkins, SLED. Jeri Ann Rosenthal.

25 Is any member of the jury panel connected

1 blood, related through marriage, have any close
2 personal or business relationships with or
3 connected in any way with any of these witnesses
4 that I listed?

5 Record reflects no one is standing. Thank
6 you.

7 Ladies and gentlemen, is any member of the
8 jury panel related by blood, connected by
9 marriage, or had any dealings with any members
10 of the town of Yemassee or the Yemassee Police
11 Department?

12 If so, please stand.

13 Ladies and gentlemen, has any member of the
14 jury panel or any family member been the victim
15 of a violent crime. If so, please stand?

16 Any member of the jury panel work for or
17 has someone close to them work in law
18 enforcement? If so, please stand.

19 Ladies and gentlemen, what we are going to
20 do is go forward and pull the jury in this case.
21 The good news is that jury is only going to
22 consist of 12 people plus two alternates. There
23 is a whole lot more than 12 people out there.
24 You may not be selected for this week, but that
25 doesn't mean that you are home free for the

1 week.

2 Madam Clerk.

3 THE CLERK: Juror Number 356, what say the
4 State?

5 MS. LEMPESIS: Please present the juror.

6 THE COURT: Mr. Yisrael?

7 MR. ISRAEL: That's fine.

8 THE CLERK: Juror Number 300.

9 What say the State?

10 MS. LEMPESIS: Please present this juror.

11 THE CLERK: What say the defendant?

12 MR. ISRAEL: Yes.

13 THE CLERK: Juror Number 339.

14 MS. LEMPESIS: Please present this juror.

15 THE CLERK: What say the defense?

16 MR. YISRAEL: Please present the juror.

17 THE CLERK: Juror 358. What say the state?

18 MS. LEMPESIS: Present the juror.

19 THE CLERK: What say the defense?

20 MR. YISRAEL: Present the juror.

21 THE CLERK: Juror 114. What say the State?

22 MS. LEMPESIS: Please present the juror.

23 MR. YISRAEL: Present the juror.

24

25 THE CLERK: 123. What say the state?

1 MS. LEMPESIS: Please present this juror.
2 THE CLERK: What say the defense?
3 MR. YISRAEL: Present the juror.
4 THE CLERK: Juror Number 339.
5 MS. LEMPESIS: Please present this juror.
6 THE CLERK: What say the defense?
7 MR. ISRAEL: Please present the juror.
8 THE CLERK: Juror Number 260.
9 MS. LEMPESIS: Please present this juror.
10 THE CLERK: What say the defense?
11 MR. ISRAEL: Please present the juror.
12 THE CLERK: Juror Number 362.
13 MS. LEMPESIS: Please present this juror.
14 THE CLERK: What say the defense?
15 MR. ISRAEL: Please present the juror.
16 THE CLERK: Juror Number 778.
17 MS. LEMPESIS: Please present this juror.
18 THE CLERK: What say the defense?
19 MR. ISRAEL: Please present the juror.
20 THE CLERK: Juror Number 2.
21 MS. LEMPESIS: Please present this juror.
22 THE CLERK: What say the defense?
23 MR. ISRAEL: Please present the juror.
24 THE CLERK: Alternate 1. Juror Number 117.
25 MS. LEMPESIS: Please present this juror.

1 THE CLERK: What say the defense?

2 MR. ISRAEL: Please present the juror.

3 THE CLERK: Alternate 2. Juror Number 256.

4 MS. LEMPESIS: Please present this juror.

5 THE CLERK: What say the defense?

6 MR. ISRAEL: Please present the juror.

7 THE COURT: Ladies and gentlemen,
8 congratulations. We are going to break for
9 lunch in just a moment or so. I will have you
10 go back to the jury room in just a second.

11 What I want you to know is this, I
12 appreciate your willingness to serve and honor
13 your summons and being here. This is an
14 important day to the State and the defense.

15 The first thing I will tell you over and
16 over again this week, if I forget, I will tell
17 you enough times so you won't forget. Do not
18 discuss this case with anyone. Not with fellow
19 jurors, friends, family until the end of the
20 case and I instruct you on the law to apply in
21 this case. Then you may then discuss this
22 matter.

23 Number 2, do not look to newspapers, do not
24 look to the internet, social media of any type
25 or do any research concerning this matter. Not

1 just during lunch, but at any time during the
2 course of this trial. You are to render your
3 decision based on the evidence that is presented
4 to you and the law that I instruct you on.

5 Those are the two I can think of right off
6 the bat. I will ask that you retire to the jury
7 room. There are several matters that we have to
8 take up during lunch outside of your presence.

9 I will ask that you be back at 3:30.

10 I hope everybody has a good lunch. See you
11 back at 3:30.

12 (Jury exits courtroom.)

13 THE COURT: Are there any matters that we
14 need to take up concerning jury qualification,
15 jury selection, from the State?

16 MS. LEMPESIS: Not from the State.

17 THE DEFENDANT: No.

18 THE COURT: See everyone back at 3:20.

19 (Recess.)

20

21

22 PROCEEDINGS CONTINUED

23

24

25 (The following proceedings were held in

1 open court. All parties were present.)

2 MR. YISRAEL: On May 8th at approximately
3 6:45 a.m., it was 2018, well, let us go back
4 four days. On May 4th, 2018, Officer Watson, he
5 swore out a warrant that I was illegally
6 dumping, and that was the only warrant that was
7 outstanding, at that particular time; and that
8 warrant number was 2018-82520500019, and that
9 was when he falsely accused me of illegal
10 dumping.

11 So four days later, on May 8th, he
12 approaches me, and he yelled out to me that he
13 had a warrant. I ran to my house, I ran out the
14 back door, and I got in my vehicle and left.
15 I've had problems with him and other officers,
16 throughout the years, of getting beat up. I've
17 only gotten beaten up like seven times in a 22-
18 year period, but, believe me, it hurt, and it's
19 caused me to not evade the arrest, but just get
20 to a safe environment.

21 Anyway, because of the law, the South
22 Carolina Code of Law Section 22.5.180, it
23 indicates here that a Judge cannot deputize the
24 officer who swore the warrant, to serve the
25 warrant, and this is exactly what Officer Watson

1 was trying to do. As I said, I evaded him and
2 other officers there, I don't dare hit them
3 back, nothing like that, but I kept going.

4 I stopped at the stop sign, I drove safely,
5 and I made it to the Beaufort County Jail, and
6 while I was on my way to the jail, I was in
7 touch with 911, telling them that I would stop
8 at the jail, but I was in fear of my life. But
9 the point is this here, everything that the
10 officer did, any other officer could have had
11 legitimate -- what am I saying?

12 He was forbidden, by law, to serve that
13 warrant, because he swore out the warrant. So
14 everything that he did, including the initiation
15 of the blue light was unlawful, and on March
16 1st, the following year, that particular warrant
17 that he was serving was dismissed.

18 It says, "This warrant is dismissed on
19 March 1st, 2019, for the following reason. The
20 State cannot prove its element of the events,
21 beyond a reasonable doubt. So not only was he
22 not supposed to be serving a warrant, he should
23 not have initiated the blue light. The warrant
24 that he claimed was true was dismissed, but they
25 were true, and this is -- I'd like to submit

1 these two documents to you, sir.

2 THE COURT: Yes, sir.

3 MR. YISRAEL: Yeah.

4 THE COURT: Yes, sir, be sure to show
5 counsel a copy of them.

6 MR. YISRAEL: The first warrant -- the
7 first item is the warrant dismissal. And I have
8 a list here of other warrants -- other cases
9 that were dismissed -- actually it was 27.

10 I didn't update this list, it's 21 right
11 now, so these two documents here show that this
12 is not an isolated incident, that the officer
13 made a mistake, no, he deliberately told a lie.
14 Can I -- so he never should have -- the warrant
15 was illegally initiated by the officer, who had
16 no legal authority to serve the warrant, so
17 that's what I'm seeking.

18 THE COURT: All right, so let me just make
19 sure I understand, Mr. Yisrael. What you're
20 saying is that the officer that was involved in
21 the failure to stop for the blue light case was
22 trying to stop you to serve a warrant that he
23 issued?

24 MR. YISRAEL: Yes.

25 THE COURT: And you're taking the position,

1 pursuant to the statute that you quoted to me,
2 22-5-180 --

3 MR. YISRAEL: Yes, sir.

4 THE COURT: -- that he couldn't serve the
5 warrant, and as a result, then he didn't have
6 any cause for the stop; is that what you're
7 saying, sir?

8 MR. YISRAEL: Yes, sir.

9 THE COURT: All right, counsel?

10 MS. LEMPESIS: Your Honor, thank you. I
11 think that the -- well, the --

12 THE COURT: Hold on, Mr. Yisrael, you can
13 sit down now, while she's talking, sir. Thank
14 you.

15 MS. LEMPESIS: Your Honor, the Code that
16 Mr. Yisrael is citing to is, referring to when a
17 non-officer, a person swears in a warrant,
18 which, as we know, used to be -- it's still
19 allowed, but it's not a very common practice.
20 If a person were to swear out a warrant, that
21 same person, I guess that's what he's saying,
22 that person could not then be deputized by the
23 Magistrate to then serve that warrant, and
24 that's not the situation here.

25 The situation here is what we always, for

1 the most part have, probably 99 percent of the
2 time, we use an officer, who got a warrant for
3 an arrest, and then served that warrant.
4 There's nothing prohibiting that under the
5 statute. I did do, or I asked my colleagues to
6 do a quick search for case law.

7 There's no cases on this code section since
8 1922 that we can find, and that case deals with
9 a landowner swearing out a warrant. So, again,
10 a person, which is what clearly the code section
11 states, a person swearing out a warrant, not an
12 officer.

13 THE COURT: Right.

14 MS. LEMPESIS: And in this case we have
15 Officer Watson, who was with the Yemassee Police
16 Department, who did get the warrant for an
17 illegal dumping, which was the original warrant,
18 that he was attempting to serve the morning of
19 May 8th, when Mr. Yisrael then ran from him, and
20 got into his car, and the failure to stop for
21 blue lights began.

22 THE COURT: All right.

23 MS. LEMPESIS: It's not illegal dumping,
24 Your Honor, it's littering over 500 pounds,
25 which is a General Sessions level offense.

1 THE COURT: As --

2 MS. LEMPESIS: That's --

3 THE COURT: Go ahead.

4 MS. LEMPESIS: As Mr. Yisrael's second
5 argument, that that warrant was eventually
6 dismissed by the Solicitor's Office, that is
7 really neither here nor there.

8 The fact is, is that it was an active
9 proper warrant at the time, and the fact that
10 the State later dismissed it, for lack of being
11 able to prove it, beyond a reasonable doubt,
12 does not bear on the facts at hand; it makes no
13 difference that it was, ultimately dismissed, it
14 --

15 THE COURT: All right.

16 MS. LEMPESIS: -- was a proper warrant at
17 the time.

18 THE COURT: All right. Mr. Yisrael,
19 anything in response, sir?

20 MR. YISRAEL: Yes. The fact -- all I ask
21 is that the Court don't view this as an isolated
22 incident, that these warrants come back from a
23 -- I need to show the Court that these warrants
24 again and again and again came back dismissed
25 with nolle pros. The officer knew that he was

1 lying. He had -- there's no way that he could
2 prove what he said in that warrant, so he knew,
3 at that time --

4 THE COURT: All right.

5 MR. YISRAEL: -- that it was illegal, and
6 everything that he did after was illegal, trying
7 to serve a warrant that he knows is going to
8 fail because of his lies. And I couldn't find
9 -- there is a law, sir, I just can't find it
10 right now, that indicates that the officer who
11 swears out the warrant, cannot, by law, that --
12 there is a law to that. I can't point it out to
13 you now, but, actually --

14 THE COURT: All right.

15 MR. YISRAEL: -- that he cannot swear out
16 the --

17 THE COURT: All right.

18 MR. YISRAEL: -- he cannot serve the
19 warrant.

20 THE COURT: All right. Okay. All right,
21 Mr. Yisrael, I'm going to deny your motion. Let
22 me go ahead, for the record, and state why.
23 Number one, the officer was attempting to swear
24 out and/or serve a legally valid warrant; is
25 that correct, Solicitor, at the time? I

1 understand that the charge was dropped, but at
2 the time a Magistrate signed the warrant, and as
3 a result, that officer had a duty to serve the
4 warrant.

5 Now, I've looked to your statute, and the
6 statute says 22.5.180, "Swear of warrant
7 precluded from serving it." And I'm with you,
8 and when you look at the caption, it would tend
9 to indicate, sweared-out warrant, precluded from
10 serving it."

11 But I think you have to look at what the
12 actual language of the statute is, and then
13 apply from there. And the language of the
14 statute says, "No Magistrate shall deputize the
15 person swearing out a warrant in any case to
16 serve." No Magistrate shall deputize, well,
17 number one, a Magistrate isn't going to deputize
18 a deputy.

19 I believe that this is talking about a
20 situation where someone goes to swear out the
21 warrant, and then a Magistrate would deputize
22 that individual to go and serve it. And I think
23 that now, quite frankly, is prohibited, but I
24 don't think that that statute stands for the
25 proposition for the law enforcement officer, who

1 then goes out and obtain a duly, pursuant to his
2 affidavit, or testimony in front of a
3 Magistrate, obtains a duly executed warrant, I
4 don't believe that statute prevents him or her
5 from serving that warrant.

6 As it relates to the fact that it was,
7 ultimately, dismissed, I would feel that, sir,
8 but I don't think that's the issue. The issue
9 is whether he had the authority to execute and
10 to serve a duly signed warrant that was lawful,
11 and to that extent, the Magistrate signed it,
12 and so for those reasons, sir, I don't believe
13 the 22.5.180 stands with the proposition that
14 you're referencing, and so for those reasons
15 that's why I'm going to deny your motion, sir,
16 all right? Now --

17 MR. YISRAEL: I can get those two pieces --

18 THE COURT: I'm sorry?

19 MR. YISRAEL: Can I get those two pieces of
20 paper back?

21 THE COURT: Yes, sir, sure. Now, how about
22 just make these a Court's exhibit.

23 COURT REPORTER: Yes, sir.

24 THE COURT: And we'll make a photocopy and
25 give that back to you; is that satisfactory?

1 MR. YISRAEL: Okay.

2 THE COURT: Okay. Just make this whatever,
3 1 and 2?

4 COURT REPORTER: Two and three.

5 MR. YISRAEL: Your Honor, consider the
6 climate in which all those other warrants came
7 back --

8 THE COURT: Hold on one second, let's get
9 her to mark it, because she can't do two things
10 at one time.

11 (Court Reporter marks Defendant's Exhibits
12 Number 1 and 2 as attached hereto.)

13 (Court Reporter marks Defendant's Exhibit
14 Number 3 as attached hereto.)

15 THE CLERK: Do you want me to make those
16 copies now?

17 THE COURT: Yes, ma'am, go ahead and make
18 those copies, and return them to him, that'll be
19 great.

20 All right, I don't think we need her in
21 here right this second. All right, I'm going to
22 return that to you. In regard to your question,
23 yes, sir, I understand what you're talking about
24 is, basically, the totality of the
25 circumstances, sir, part of your argument is to

1 the history, okay?

2 I think that's what you were making
3 reference to, correct?

4 MR. YISRAEL: There's probable cause to
5 believe that he --

6 THE COURT: Yes, sir, stand up for me.

7 MR. YISRAEL: That he deliberately for the
8 lie in that warrant, and it wouldn't succeed.

9 THE COURT: I understand, but the issue in
10 this case is whether he was in the process of
11 executing, or trying to serve a validly executed
12 warrant. And once the Magistrate signed the
13 warrant, then that warrant then takes on a life
14 of its own, and he is, as a law enforcement
15 officer, is under a duty to serve that warrant,
16 or any law enforcement officer, including him,
17 under the duty to serve a warrant, okay? Now,
18 the fact that the warrant may have been bogus,
19 or the fact that the warrant -- and I'm not
20 saying it was, but --

21 MR. YISRAEL: Yes.

22 THE COURT: You certainly believe it was, I
23 would think, I don't want to put words in your
24 mouth, but the fact that there wasn't any cause
25 for the warrant, the fact that it was,

1 ultimately, dropped, sir, I don't think that's
2 an issue for today. I did take that into
3 consideration, but, again, I just don't think
4 that's the issue, as it relates to this point in
5 the trial and your motion. If there's anything
6 else you want to say for the record, I'm happy
7 to let you do that.

8 MR. YISRAEL: That's it.

9 THE COURT: Okay, all right. Now, I've got
10 something else, another problem to talk to you
11 guys about. I was informed a few moments ago,
12 that juror 256, Naquava Pope, who is alternate
13 number two, is having a panic and/or anxiety
14 attack. My understanding, Mr. Bailiff, is that
15 she was on the ground in the jury room, or
16 something along those lines?

17 BAILIFF: Yes, she was in the corner in the
18 restroom for a half an hour. They finally sent
19 Tom in.

20 THE COURT: Hold on, stand up for me.

21 BAILIFF: She was in the restroom in the
22 jury room. The jurors got concerned, knocked
23 on the door, and told Tom. Tom and I went in,
24 and another lady asked to go in first. We let
25 her go in, we let her stay in there for five

1 minutes with her, then I knocked on the door,
2 and said, "You know, do we need emergency
3 personnel?" She said, "No, she's having an
4 anxiety attack." And I went in and Tom went in,
5 and she was like in a corner, in like a fetal
6 position. So we got her out of there, because I
7 was afraid the closed area might contribute. We
8 put her in Courtroom 2. Nicky, the deputy in
9 the back has been with her for the last 20
10 minutes, trying to calm her down, and talk to
11 her, but she's extremely upset, and says she
12 cannot go back into the jury room.

13 THE COURT: All right, can she come into
14 the courtroom?

15 BAILIFF: I believe so, yes.

16 THE COURT: Let's bring her into the
17 courtroom, and let me just ask some questions of
18 her.

19 BAILIFF: Okay.

20 THE COURT: You can tell her I'm a nice
21 guy.

22 BAILIFF: I will

23 THE COURT: All right, and just bring her
24 right there.

25 MR. YISRAEL: Your Honor --

1 THE COURT: Hold on, hold on, let me
2 question her, and then I'll hear from you, okay?

3 MR. YISRAEL: This might make her worse.

4 THE COURT: Well, I don't know what's going
5 to make her, but I have to find out what's going
6 on, okay?

7 BAILIFF: May I approach?

8 THE COURT: Yeah.

9 BAILIFF: This young lady that was sitting
10 right there.

11 THE COURT: Yeah, yeah, I know.

12 BAILIFF: She's real upset. She's
13 stressed, and they're going to call EMS to come
14 over and check. She drove here. She didn't
15 take her medication today, because she didn't
16 think she was gonna be here this long.

17 THE COURT: Well, I'm going to have to talk
18 to her with the Court Reporter and with the
19 party.

20 COURT REPORTER: This happened a few weeks
21 ago.

22 BAILIFF: Yeah, two weeks ago we had the
23 same thing happen.

24 THE COURT: Well, let's find out where -- I
25 mean she's going to have to talk to me.

1 BAILIFF: Okay.

2 THE COURT: And, you know --

3 BAILIFF: Let her check out of here.

4 THE COURT: Hey, how you doing? Well,
5 you're not doing well, I was gonna say how you
6 doing, and you're not doing well. Let me ask
7 you this, Ms. Pope, I understand that you are
8 having some anxiety today about being here in
9 Court, yes?

10 MS. POPE: Yes.

11 THE COURT: Okay, you need to speak up just
12 a little bit for me, so the Court Reporter can
13 get this down.

14 MS. POPE: Okay.

15 THE COURT: Hey, do you normally take
16 medication for anxiety?

17 MS. POPE: Yes.

18 THE COURT: Okay. And so did you take your
19 medication today? No? Okay. Let me ask you
20 this, if you are able to take your medication,
21 let's just say you went home, and came back, if
22 you took your medication, do you think you'd be
23 okay to come back tomorrow? No? Okay. What is
24 it? Is there something going on that's got you
25 upset about this matter? Is it about the case?

1 Tell me about what it's about. I just need to
2 know a little bit.

3 MS. POPE: It's just I have to go out of
4 town on Wednesday.

5 THE COURT: Okay, all right, you have to
6 leave on Wednesday, and this is about -- that's
7 what you're anxious about?

8 MS. POPE: I don't feel I have enough, you
9 know, time.

10 THE COURT: Time for what?

11 MS. POPE: To get ready to go and then to
12 do this, it's overwhelming.

13 THE COURT: Okay. Tell me about your --
14 what type of medication are you on for anxiety?

15 MS. POPE: It's an anxiety pills.

16 THE COURT: All right, and you have to
17 speak up, ma'am.

18 MS. POPE: It starts with an H, I think
19 it's halcion.

20 THE COURT: All right, are you under the
21 care of a doctor?

22 MS. POPE: Yes.

23 THE COURT: Who prescribed that?

24 MS. POPE: I believe it's my psychiatrist.

25 THE COURT: Okay, you see a psychiatrist?

1 MS. POPE: I used to.

2 THE COURT: You used to, and that's who
3 gives you the medication?

4 MS. POPE: Yes, sir.

5 THE COURT: Where is it that you have to be
6 on Wednesday or Thursday?

7 MS. POPE: North Carolina.

8 THE COURT: Where?

9 MS. POPE: Durham.

10 THE COURT: In Durham?

11 MS. POPE: Yes.

12 THE COURT: All right, and so why are you
13 going to Durham?

14 MS. POPE: Because I'm a part of the pre-
15 college program there.

16 THE COURT: For what University?

17 MS. POPE: Duke University.

18 THE COURT: Okay, great, that's exciting.
19 And so what's going on Thursday?

20 MS. POPE: Thursday is I'm gonna have to be
21 there for my resident assistant training.

22 THE COURT: Okay. So are you gonna be an
23 undergraduate there, or are you --

24 MS. POPE: Undergrad.

25 THE COURT: -- going to be a graduate?

1 MS. POPE: I'm an undergraduate.

2 THE COURT: So are you an undergraduate
3 there now?

4 MS. POPE: Yes, sir.

5 THE COURT: Okay, at Duke?

6 MS. POPE: Yes, sir.

7 THE COURT: Congratulation -- well, I went
8 to Chapel Hill, have you ever heard of that?

9 MS. POPE: It's a rival.

10 THE COURT: All right, so it's about seven
11 miles away.

12 MS. POPE: Uh-huh.

13 THE COURT: And we really have an affection
14 and fondness for Duke students, and I know that
15 they have affection and fondness for the Tarheel
16 students, okay? So what year are you there,
17 ma'am?

18 MS. POPE: This will be my senior year.

19 THE COURT: Your senior year? What are you
20 studying?

21 MS. POPE: Biology.

22 THE COURT: Okay, great. What do you want
23 to do with that?

24 MS. POPE: I want to go pharmacy school
25 after this.

1 THE COURT: Excellent, excellent. Well --
2 so the anxiety you didn't take your medication
3 today, and you're concerned about the fact that
4 you're not gonna be able to leave in time to get
5 where you need to be on Thursday; is that it?
6 Yes.

7 MS. POPE: Yes, sir.

8 THE COURT: Anything else? I just want to
9 make sure I understand.

10 MS. POPE: No, sir.

11 THE COURT: Okay. What I'm gonna do is, I
12 think I've got the information I need. Were you
13 back in the other courtroom with her?

14 BAILIFF: Uh-huh.

15 THE COURT: How about just go back there
16 for one minute, let me talk to these lawyers,
17 and we'll know what we're going to do, okay?

18 MS. POPE: Okay.

19 THE COURT: Thanks a lot, ma'am.

20 (Juror leaves the courtroom.)

21 THE COURT: All right, apparently, she is
22 going to be a senior at Duke University,
23 majoring in biology. She has some type of
24 resident assistance program that she's
25 participating in, and has to be there in Durham,

1 I guess, Thursday. I don't know what time
2 Thursday, but Thursday. She indicates that she
3 did not take medication for her anxiety today,
4 and now she is anxious that she's not gonna be
5 finished, or going to have a problem, I guess,
6 getting to Duke on time.

7 She's taking some type of medication.
8 She's been under the care of a psychiatrist, not
9 now, but is taking this medication that's been
10 prescribed by a psychologist. She certainly
11 appears to be a very vulnerable person to me.
12 What's the State's position on this juror?

13 MS. LEMPESIS: Judge, we have two
14 alternates. I guess we could excuse this one
15 alternate. It's not ideal, but I guess I'd
16 defer to Your Honor's judgment. You had a
17 closer look at her. It seems to be becoming a
18 pattern. We had the same issue come up three
19 weeks ago on a jury, where a juror failed to
20 disclose he was claustrophobic, and then was
21 dismissed, so it causes an issue.

22 So on one hand I'm sort of -- I'm opposed
23 to releasing her. I think we'll be done by
24 tomorrow. I have two witnesses to call. I
25 could probably rest today if we can go through

1 it. So, actually, yeah, I don't think she
2 should be excused.

3 THE COURT: All right, let me hear from
4 you, Mr. Yisrael.

5 MR. YISRAEL: I'm looking at this this
6 thing from a racial point of view. First, the
7 trial jurors are all white, two alternates, and
8 one is Hispanic, and the one that's sick now is
9 a black female. And -- what were you gonna say?

10 MS. LEMPESIS: I'm opposed to her being
11 released as a juror.

12 MR. YISRAEL: Your Honor, I honestly can't
13 say what to do, I'm just gonna have to go with
14 whatever decision you make.

15 THE COURT: You know, my concern is that,
16 apparently, EMS is coming to look at her. My
17 concerns is that this ends up being a
18 distraction. I mean we're gonna force her to
19 come back in here, sit down on these chairs, and
20 expect her to listen, no, you're fine, and
21 expect her to listen to this case. And then
22 we're gonna send them back to the jury room, if
23 she goes back tomorrow, and she goes into the
24 bathroom for another 30 minutes, or she falls
25 down on the floor, and my concern is that she

1 becomes a distraction, and that's my concern.

2 MS. LEMPESIS: Your Honor, again, I agree
3 with you on that. If EMS is on the way, it
4 seems like a --

5 THE COURT: Well, I think that they called
6 EMS, because they were really concerned about
7 her. I think they had to get her calmed down,
8 to even come in here and speak with me.

9 MS. LEMPESIS: Okay. Well, then, Judge, I
10 think we should just release her --

11 THE COURT: I --

12 MS. LEMPESIS: And you're right, it will be
13 a distraction it seems to me.

14 THE COURT: I just think that --

15 MS. LEMPESIS: Let's just release her, and
16 go on with the case.

17 THE COURT: But -- go ahead.

18 MR. YISRAEL: Do you understand what I'm
19 saying?

20 THE COURT: I understand.

21 MR. YISRAEL: I'm looking at this from a
22 racial point of view.

23 THE COURT: Well, and I --

24 MR. YISRAEL: The one black person she's
25 gone, but before you questioned her, I had asked

1 you not -- that I had indicated that your
2 question might make her situation worse, you
3 know, but then you went on and questioned her.

4 THE COURT: Yeah, well, I had to.

5 MR. YISRAEL: I'm familiar with the
6 condition that she's under. Like I said, I
7 can't say one way or the other --

8 THE COURT: Well --

9 MR. YISRAEL: -- I understand.

10 THE COURT: So I understand sir, but I felt
11 like I had to go and had to ask and inquire, as
12 to what the situation was. I don't think it was
13 fair to either party not to. I don't think it
14 was fair to the juror for me not to inquire, to
15 try to find out what her situation is. Anybody
16 who's laid up in the bathroom for 30 minutes,
17 has law enforcement, or Court security so
18 concerned --

19 MR. YISRAEL: Right.

20 THE COURT: -- that they've got EMS coming
21 here to see her, I mean I think I had to call
22 her. My problem is, I can tell you, I do not
23 believe -- I've seen people who are trying to
24 use excuses to get out of jury duty, I don't
25 think she's using this as an excuse to get out

1 of jury duty. I think she's got some legitimate
2 concerns about -- and to that extent, I just
3 think she ends up becoming a side attraction to
4 this, and a distraction to this jury. Hold on
5 one second. All right, how about getting her
6 back in for one minute?

7 BAILIFF: Yes, sir.

8 THE COURT: Hey, Ms. Pope.

9 MS. POPE: Yes.

10 THE COURT: Let me ask you one other thing.
11 You found out about having to be in Durham, but
12 when did you find that out?

13 MS. POPE: During lunch.

14 THE COURT: During lunch you found that
15 out? And so is that kind of what sent you into
16 this situation, where you are not feeling well,
17 ma'am?

18 MS. POPE: Yes, sir.

19 THE COURT: Okay. All right, ma'am, well,
20 I'm gonna excuse you from service this week,
21 okay? And to that extent, I wish you luck at
22 your program on Thursday, okay? All right.

23 MS. POPE: Thank you.

24 THE COURT: Yes, ma'am. All right, the
25 reason I wanted to ask her that, I wanted to

1 find out when she got notification, or why she
2 kind of brought this up now. She indicates that
3 she ended up receiving notification, that she
4 needed to report on Thursday during lunch, and
5 for whatever reason, this has sent her, in my
6 opinion, over the edge, given the fact that
7 she's on this medication, given the fact that
8 she failed to take it, given the fact that she
9 is -- has been under the care of a psychiatrist.
10 I don't think there was anything sinister in her
11 failing to disclose this information.

12 I think this, obviously, must be a very
13 important thing to her, and she is just focused
14 on nothing but that; and given the reports about
15 the half hour in the bathroom, EMS potentially
16 coming, I think that -- I understand completely
17 the Defendant's concern, given the fact that
18 this was the only African-American juror.

19 She was the second alternate, but, still,
20 the only African-American juror. I can
21 appreciate that, but I just think that having
22 her there is gonna be more of a distraction than
23 -- and I think it's gonna be disruptive. And I
24 don't want to get into this case, and then have
25 her fall apart, and have jurors focusing on her

1 and not on your case, sir, and that's my
2 justification and -- as to why I'm doing this.
3 And so we will proceed with the trial of this
4 matter with the 12 jurors and one alternate
5 juror.

6 MR. YISRAEL: Is it my right to have two
7 alternates?

8 THE COURT: No, sir, it's not your right.
9 It's your right to proceed with 12, but we've
10 got somebody else now; but, no, sir, you don't
11 have a right to two alternate jurors. All
12 right, anything further?

13 MR. LEMPESIS: Your Honor, I just did want
14 to mention, and we've already discussed it, but
15 I want to -- before I open, I want to make sure
16 it's clear the Court and with Mr. Yisrael, that
17 I intend to discuss and mention the fact that
18 the reason that this encounter started was,
19 because there was an outstanding warrant.

20 I'm not gonna say what the warrant was for.
21 If Mr. Yisrael wants to, he can, I'm not gonna
22 say what it was for, I'm just going to say there
23 was an outstanding warrant, so that the jury
24 gets the full picture, as to why law enforcement
25 made contact initially.

1 I think it's allowed, and I think it's
2 necessary, and so I just -- but I did want to
3 make the Court aware of that, which you already
4 knew, because we've been discussing the warrant
5 at length.

6 THE COURT: All right, Mr. Yisrael, what's
7 your response to that?

8 MR. YISRAEL: I don't mind her mentioning
9 that, if she also mentions that the warrant was
10 eventually dismissed, and that that was just one
11 of at least nearly 30 warrants that were
12 dismissed on nolle pros.

13 MS. LEMPESIS: Well, no, Your Honor, I
14 don't think I have --

15 MR. YISRAEL: I think --

16 THE COURT: Hold on, hold on, hold on, hold
17 on, Mr. Yisrael, go ahead.

18 MR. YISRAEL: I have no objection to her
19 mentioning that warrant, and what it was about,
20 provided she mentions that that warrant was,
21 eventually, dismissed, and there's a cloud of
22 suspicion over that, that that warrant was not
23 an isolated incident.

24 This is a pattern of the Yemassee Police
25 Department to come up with fake warrants, in

1 order to force me to do something criminal, like
2 failure to stop for a blue light. Who's going
3 to stop for a blue light, and the cops --

4 THE COURT: All right --

5 MR. YISRAEL: -- beating you up.

6 THE COURT: -- what about the fact that the
7 warrant was actually ultimately dismissed?

8 MS. LEMPESIS: Your Honor, as we discussed
9 earlier, it doesn't matter that it was
10 ultimately dismissed, it only matters that it
11 was a proper warrant, signed by a Magistrate,
12 and it was a proper warrant at the time. You
13 know, as you know, as Mr. Yisrael's aware, in
14 order to get a warrant, all you have to have is
15 probable cause. Warrants are oftentimes
16 dismissed after-the-fact, when the State goes to
17 determine whether or not they can prove it
18 beyond a reasonable doubt, which is a very
19 different standard.

20 THE COURT: Right.

21 MS. LEMPESIS: So the fact that it was
22 ultimately dismissed, does not bear on the fact
23 that it was proper, and that is the reason that
24 Mr. Watson was making an encounter -- was
25 approaching Mr. Yisrael the morning of the

1 incident. If we don't get to talk about the
2 fact that he had an outstanding warrant, then
3 it's just that law enforcement was walking up to
4 Mr. Yisrael, and they have no -- there's no
5 context for the jury to understand why the
6 officer was there. Why he was --

7 THE COURT: All right.

8 MS. LEMPESIS: -- rightfully there.

9 THE COURT: All right, Mr. Yisrael,
10 unfortunately, I think the law's going to
11 require them to be able to say that there was a
12 warrant that he was executing and serving, and
13 that's why he had a warrant that he was in the
14 process of serving, and that's why he was trying
15 to stop you. I think that's all she wants to
16 do, and I think that's appropriate.

17 MR. YISRAEL: And I mentioned the
18 context --

19 THE COURT: Well, she doesn't -- sir, she
20 doesn't have to mention that, okay? I'm gonna
21 give you some wide latitude, okay? I'm gonna
22 give you wide latitude, but she's saying what
23 she's doing. Now, you know, I --

24 MR. YISRAEL: If she thinks that bringing
25 up the warrant is important --

1 THE COURT: Well --

2 MR. YISRAEL: The warrant -- of bringing up
3 the fact that the warrant was dismissed, and was
4 dismissed among 30 other warrants that was
5 dismissed. I mean really, we're not talking
6 about a lot of time invested in bringing these
7 points out. Why -- what does she want to hide?
8 Remember I --

9 THE COURT: Well --

10 MR. YISRAEL: -- spoke to you about
11 conspiracy, this is what it's about.

12 THE COURT: No, well --

13 MR. YISRAEL: Anything that makes me look
14 bad, then they want to bring it up. Anything
15 that makes me look innocent, like the fact that
16 that warrant was dismissed, and it wasn't among
17 30 other warrants that were dismissed by nolle
18 pros, they want to hide that.

19 THE COURT: Well, Mr. Yisrael, she's just
20 telling me what she wants to do in her opening,
21 okay? And so, you know, what you do in your
22 opening, she may object to some of it, I don't
23 know, but as to what she wants to do, she wants
24 to make reference to the fact that there was a
25 warrant, and to that extent I'm going to allow

1 her -- do you have a copy of the warrant?

2 MS. LEMPESIS: I do, Your Honor.

3 THE COURT: Okay.

4 MS. LEMPESIS: It's in the incident report
5 included, but I can give you a copy, if that's
6 okay?

7 THE COURT: That's all right. All right, I
8 just want to make sure. So that's what my
9 ruling's gonna be, Mr. Yisrael.

10 All right, anything else before we bring
11 the jury in here?

12 MS. LEMPESIS: Nothing else from me.

13 THE COURT: All right, what I'm gonna do
14 is, I'm gonna give them some information on the
15 law, or some opening instructions, then we'll
16 get into openings today, and that's probably
17 gonna be it, all right?

18 I'm sorry about that, I know some other
19 folks might want to try to get their testimony
20 in today, but given the hour, I don't think we
21 are, okay? So let's get the jury in here,
22 please.

23 (Jury enters courtroom.)

24 BAILIFF: The jury's entered the courtroom,
25 Your Honor. The jury's seated, Your Honor.

1 THE COURT: All right, thank you. Ladies
2 and gentlemen, I have released one of the
3 alternates, and that was not a result of
4 anything that she did wrong, or anything of that
5 nature, but I have released her from service on
6 this jury this week, and to that extent, we are
7 ready to proceed.

8 Madam Clerk, are you ready to swear the
9 jury, please?

10 CLERK: Yes, Your Honor.

11 THE COURT: Yes, ma'am.

12 CLERK: If you would, just raise your right
13 hand for me, please. Do you solemnly swear or
14 affirm that you shall well and truly try, and
15 true deliverance make, between the State of
16 South Carolina and the accused, and a true
17 verdict give, according to the evidence, so help
18 you God?

19 JURORS: Yes.

20 CLERK: Thank you.

21 THE COURT: All right. Thank you, Madam
22 Clerk. Ladies and gentlemen, before we begin
23 this trial, I want to tell you that it's
24 probably gonna be different from what you might
25 expect. Many people don't have a chance to

1 attend an actual court session, and they think
2 from watching movies, TV, reading books, that
3 trials are always full of high drama, intense
4 action, and riveting circumstances. And what I
5 would say, ladies and gentlemen, that while all
6 these things may be true at times, this trial's
7 not for entertainment.

8 It's a fundamental part of our democracy,
9 and it's often a slow, deliberative and
10 repetitive process, which is the exact opposite
11 of what you may have seen on TV, movies or
12 books. This courtroom is a place of honor, it's
13 dedicated to the protection and preservation of
14 citizens' rights, to what many have called the
15 greatest justice system ever created.

16 The attorneys appearing before you are
17 advocates of the parties they represent, but
18 first and foremost, they're officers of the
19 Court, sworn to uphold the integrity and
20 fairness of the system. You should expect them
21 to be professional, competent and ethical in
22 their representation of clients. And likewise,
23 ladies and gentlemen, you've taken an oath
24 today, and you are expected to be professional,
25 reasonable and ethical.

1 Now, what I am going to say right now,
2 ladies and gentlemen, is an attempt to serve as
3 an introduction to the trial of this case.
4 These remarks are not a charge on the law. I'll
5 instruct you on the law applicable to this case,
6 at the end of the trial before you retire to
7 consider your verdict. This is merely an
8 explanation of the procedure that we will follow
9 in the trial of this case, so that you may
10 better understand what may be happening.

11 All right, ladies and gentlemen, I'm gonna
12 ask you, please do not take notes during the
13 trial of the case and let me tell you why. Some
14 judges are notetakers, and others are not. The
15 reason that I ask that you do not take notes is,
16 because, occasionally, some folks are better
17 notetakers, or at least appear to be better
18 notetakers than others. And as a result, if
19 somebody's taking great notes, could get
20 something wrong, and then there could be a
21 propensity to, basically, place more weight on
22 what somebody's written down, because they're
23 better notetakers.

24 The other thing that I think is extremely
25 important is, that evidence today is gonna come

1 to you from the witness stand. There may be
2 exhibits that are entered into evidence, but,
3 ultimately, it's gonna be witnesses who are
4 testifying. And one of the things that you're
5 gonna have to do is, you're gonna have to
6 evaluate the credibility, the believability of
7 these witnesses. And being able to observe
8 these witnesses and their testimony in that
9 seat, right there beside me, is critical.

10 And what I don't want to do is, sometimes
11 when you take notes, there's a tendency to
12 doodle, sometimes your thoughts may wander,
13 sometimes you may end up in a situation where
14 you're writing down something, and not observing
15 what that witness is saying, and importantly how
16 that witness is saying it.

17 So for those reasons, ladies and gentlemen,
18 I'm gonna ask that you not take notes, and as a
19 result I believe that, collectively, with
20 everybody paying attention that you're not gonna
21 have a problem recalling information, and I
22 don't look for this to be an extremely long
23 trial, as it relates to the week, and the number
24 of witnesses, so I ask that you not take notes.

25 Now, ladies and gentlemen, the Defendant is

1 charged by an indictment filed in this Court,
2 with the crime of failure to stop for a blue
3 light, and the elements of that charge are going
4 to be explained to you later. And, again, the
5 indictment is simply the charge, by which the
6 case is brought into Court, and it's not in any
7 sense evidence of any of the allegations it
8 contains. The Defendant has pled not guilty to
9 this indictment.

10 The State, therefore, has the burden of
11 proving each of the elements of the indictment,
12 beyond a reasonable doubt, and it will be your
13 duty, ladies and gentlemen, to decide whether
14 the State has met that burden. Now, your
15 purpose as jurors is to find and determine the
16 facts. You're the sole judge of the facts. If,
17 at any time, I make any comment regarding the
18 facts, you must disregard it.

19 You are to determine the facts from the
20 testimony you hear, and the other evidence
21 introduced in court. It's up to you to
22 determine the inferences, which you feel may
23 properly be drawn from the evidence. Now,
24 ladies and gentlemen, it's especially important
25 that you perform your duty in determining the

1 facts diligently and conscientiously, because,
2 ordinarily, there's no way to correct an
3 erroneous determination of the facts by the
4 jury.

5 On the other hand, and with equal emphasis,
6 the same law that makes you the judges of the
7 fact, makes me the judge of the law. The law,
8 as given by the Court, is the only law you may
9 consider. You must accept it, and follow it,
10 even though you may disagree with it. I cannot
11 tell you what the facts are, and you cannot
12 disagree with me about what the law is or should
13 be, your job is to take the law as I give it to
14 you, and apply it to the facts, as you find them
15 from the testimony of the witnesses, and any
16 other evidence that's introduced.

17 After doing that, you will render your
18 verdict under the solemn oath that you just took
19 as jurors. Until I advise you to begin your
20 deliberations, you must not discuss the case
21 with anyone, including your fellow jurors,
22 friends, family members, and anyone involved in
23 the case, and this includes discussions face-to-
24 face, and those by telephone, email, text,
25 blogs, or other methods of communications. You

1 may not use your computer, cellular phone, or
2 other electronic device, with communication
3 capabilities, at any time while in the courtroom
4 or during deliberations.

5 During breaks, or meals, or overnight, if
6 necessary, you can use these devices; however,
7 you may not, at any time, use the devices to get
8 or send information about the case. This
9 includes information about a party, a witness,
10 an attorney, or a court officer, news accounts
11 about the case, research on any topic that you
12 think would be helpful in deciding the case, or
13 any testimony presented by any witness. During
14 the trial do not read, listen to or watch any
15 news reports about the case, this includes
16 anything that may be in the newspapers, or on
17 the Internet, radio or television. You must not
18 consider anything that you may have read or
19 heard about the case outside this courtroom,
20 whether before or during the trial.

21 After the case is submitted to you, ladies
22 and gentlemen, you must discuss it only in the
23 jury room with your fellow jurors. The
24 attorneys and parties in this case have been
25 advised that they are not to talk to you at all.

1 So if you see anyone involved in the case and
2 they don't even say hello, they're not being
3 unfriendly or rude, they're just following my
4 instructions.

5 It's important that you keep an open mind
6 and not decide any issue in the case, until all
7 of the evidence has been presented, the parties
8 have made their closing statements, and I've
9 instructed you on the law of the case. It's
10 your solemn responsibility, ladies and
11 gentlemen, to determine whether the State has
12 proven the Defendant guilty, beyond a reasonable
13 doubt, and your verdict must be based solely on
14 the evidence, as it is presented to you in this
15 trial, and on the laws I instruct you during and
16 at the close of the trial.

17 Now, in just a moment the Solicitor's gonna
18 make an opening statement, in which the
19 Solicitor will explain to you the issues in this
20 case, or at least what the Solicitor thinks the
21 issues in the case are. The attorney for the
22 Defendant may also -- or, in this case, the
23 Defendant may also make an opening statement,
24 although he is not required to do so. What the
25 attorneys tell you during their opening

1 statement, what the Defendant tells you during
2 his opening statement, is not evidence in this
3 case, it's only their contention, as to what the
4 issues are.

5 The evidence in this case will be presented
6 to you by the testimony of sworn witnesses from
7 the witness stand and/or by exhibits that may be
8 introduced into evidence. From time-to-time
9 during the trial, you may hear one of the
10 lawyers say something like, "Your Honor, I
11 believe we have a question of law, or a matter
12 of law to discuss with you," or, "Your Honor,
13 may we approach the bench," or sometimes I,
14 myself, might find it necessary to excuse you
15 from the courtroom for a short while, so the
16 attorneys and I can discuss a matter of law.

17 And the reason for this is, because you're
18 the judges of the facts, and I'm the judge of
19 the law, and sometimes when I'm discussing
20 matters of law with attorneys, it may be
21 necessary for me to make some comment, as to the
22 facts, in connection with a ruling, or whether
23 or not a particular law applies.

24 I am not supposed to tell you what I think
25 the facts are, so I'll excuse you from the

1 courtroom, while these discussions take place,
2 so that in no way you will be influenced by
3 anything that I might say or do, in connection
4 with the facts.

5 In determining what the facts are in this
6 case, you must decide whether or not the
7 testimony of the witnesses is believable. It
8 will be my responsibility to rule, as a matter
9 of laws, whether certain testimony is
10 admissible, at all, or not, but once the
11 testimony is admitted, whether or not you
12 believe it, is solely for you folks to
13 determine.

14 In deciding whether to believe a witness,
15 you have a right to consider the interest of any
16 witness, the bias of any witness, the prejudice
17 of any witness, the opportunity for the witness
18 to have seen the matters and things about which
19 the witness may testify, and the way the witness
20 acts on the witness stand.

21 You have a right to consider anything
22 that's in the record that will help you evaluate
23 the testimony of the witnesses, and that means
24 that it's your duty, ladies and gentlemen, to
25 pay close attention to these witnesses, to

1 observe the witnesses, to listen to the
2 witnesses, and to pay close attention to the
3 attorneys and to the Court. Please try not to
4 let your thoughts wander, but give strict
5 attention to the testimony in this case, so at
6 the end of all the testimony, after the
7 arguments of counsel, and the charge of the law
8 by the Court, you will then be in a position to
9 determine what the facts are, and apply the law
10 to those facts, and, thus, render a verdict.

11 Now, I have not asked you to determine or
12 decide a Foreperson, I don't believe, I did not
13 do that. And one of the things I'm gonna get
14 you to do tomorrow morning, when you come back
15 in here, you-all spend a few moments and elect a
16 Foreperson. The Foreperson doesn't have any
17 greater right than anybody else, all the
18 Foreperson does is, if y'all have a question,
19 the Foreperson writes that question down, hands
20 it to the Bailiff, and then I'll attempt to
21 answer that, or get back to you, as it relates
22 to that question.

23 Also, once you go -- I'll give some
24 additional instructions about what the duty of
25 the Foreperson's gonna be later in the

1 conclusion of the case, all right, but I'm gonna
2 have you-all do that tomorrow morning, before
3 you come back in, and I'll remind you before we
4 break for the day.

5 Now, in order to preserve everyone's
6 rights, I want to give the parties an
7 opportunity to object to anything I've said. Is
8 there anything objection, as it relates to the
9 opening remarks that I've made to the jury from
10 the State?

11 MS. LEMPESIS: Not from the State, Your
12 Honor.

13 THE COURT: Mr. Yisrael?

14 MR. YISRAEL: No, sir.

15 THE COURT: Okay, thank you. All right,
16 ladies and gentlemen, we'll now begin the trial
17 of this case. And, Solicitor, I'm happy to hear
18 from you.

19 OPENING STATEMENT BY MS. LEMPESIS

20 MS. LEMPESIS: The law in South Carolina,
21 but really in any state is, that you stop when
22 you have blue lights and sirens behind you. You
23 either, you know, pull over, because you think
24 you're being pulled over, or you pull over to
25 get out of the way, because there are blue

1 lights and sirens behind you, we all know that.
2 That is exactly what Shemaul Yisrael, Mr.
3 Yisrael, the Defendant in this case, that's
4 exactly what he didn't do.

5 On May 8th of 2018, this is several years
6 ago, Mr. Yisrael, he had an outstanding arrest
7 warrant for him. He was in the Town of
8 Yemassee, which is -- a portion of it is in
9 Beaufort County. The officer with the Yemassee
10 PD went to serve this warrant, and when they
11 did, or he did, the officer approached Mr.
12 Yisrael. Mr. Yisrael then made the first
13 decision that led to his violation.

14 He decided to not speak to the officer,
15 instead he decided to get into his truck, which
16 had a trailer attached to it, and to take off
17 down the road.

18 Now, for whatever reasons that Mr. Yisrael
19 has for doing this, he was approached by law
20 enforcement for an outstanding arrest warrant,
21 he then decided to get into his truck and drive
22 away. That is when the failure to stop for blue
23 lights, the crime that we're here for, that's
24 when it begins. Officer Watson, who will
25 testify in this case, Officer Watson got back

1 into his patrol car, he pursued Mr. Yisrael in
2 his patrol car. He activated his blue lights
3 and sirens, so immediately the lights and sirens
4 are on. This pursuit goes on for about 30
5 minutes.

6 Mr. Yisrael leaves his home in Yemassee,
7 and he drives up onto Church Road, onto Highway
8 21 through the traffic circle on Highway 21.
9 It's about 7 o'clock in the morning, and so
10 people are going to work, and you can believe
11 that, initially, does not have any cars in the
12 roadway, but when you get up to the highway,
13 there are quite a few, and how much traffic is
14 there in the morning about 7 o'clock is
15 increasing.

16 They pursued him for about 30 minutes,
17 lights and sirens on the entire time. Mr.
18 Yisrael never stopped, he was not going to stop.
19 He, at times, drove perfectly, well maybe not
20 perfectly, but at times he drove reasonably. He
21 didn't necessarily go 100 miles an hour, but
22 there were other times where he was quite
23 reckless, and he was pulling -- he was weaving
24 through traffic, he drove into oncoming traffic.

25 At one point, the Yemassee Police Officers

1 attempted to deploy what the call a spike strip,
2 to make his tires stop him from driving. He
3 drove around it, and he kept going. It got to
4 the point that officers decided it was too
5 dangerous, there were too many cars in the road,
6 and so they called off the pursuit.

7 Mr. Yisrael never stopped for the blue
8 lights and siren, in summary. He had no
9 intention to right from the moment he was
10 approached, he was never going to comply with
11 law enforcement.

12 What I have to prove to you, to prove this
13 case, beyond a reasonable doubt, my jobs as the
14 Prosecutor, in order to prove to you that he
15 failed to stop for blue lights and committed
16 this crime is, that he, absent any mitigating
17 circumstances, which there were not, he, Mr.
18 Yisrael, was driving a motor vehicle, that he
19 was driving it on a road, or a street, or a
20 highway in the State of South Carolina, that he
21 was signaled by law enforcement with either
22 lights or sirens, and that he did not stop,
23 that's it.

24 You're going to see this, it's on the
25 dashcam videos from the officers. Officer

1 Watson from the Yemassee Police Department, and
2 also a deputy from the Beaufort County Sheriff's
3 Office, who assisted in this pursuit, to some
4 extent.

5 You're gonna see both of their dashcam
6 videos, and so you'll be able to see from
7 beginning to end how Mr. Yisrael was driving,
8 how the lights and sirens were on, and how he
9 never stopped.

10 And so after you see that, I'm gonna come
11 back, and I'm gonna ask you to find him guilty.
12 Thank you.

13 THE COURT: All right, Mr. Yisrael, do you
14 want to make an opening statement, sir?

15 MR. YISRAEL: Sure.

16 THE COURT: Okay, great, come on around.

17 ***

18 OPENING STATEMENT BY MR. YISRAEL

19 MR. YISRAEL: Try to imagine what was
20 running in your mind when all these people,
21 several hundred people, you want to know what
22 the charge was. And when they told you they
23 stopped for a blue light, they went through all
24 of this for a failure to stop for a blue light,
25 it's not that simple.

1 I studied the law a little bit, 66-years-
2 old, you can get up to three years for failure
3 to stop for a blue light, or something like
4 that. So, to me, it's important that I fight
5 this case, because, like I said, I'm 66, and I
6 don't believe I'm gonna hit 70-years-old, so
7 we --

8 MS. LEMPESIS: Your Honor, I would object
9 to Mr. Yisrael discussing the penalty involved
10 in the case, it's not proper.

11 MR. YISRAEL: Your Honor --

12 THE COURT: I'm going to sustain that. Mr.
13 Yisrael, you just can't talk about the potential
14 penalty, sir. You can go right ahead okay --

15 MR. YISRAEL: Okay.

16 THE COURT: -- but not that.

17 MR. YIRAEAL: I'm going to tell you -- I'm
18 going to repeat what she told you, and what she
19 got down. She said that there was a warrant in
20 existence at the time the chase began. What she
21 didn't tell you was, the warrants were
22 dismissed.

23 MS. LEMPESIS: And, Your Honor, I would
24 object, based on our prior arguments.

25 THE COURT: All right, counsel, Mr.

1 Yisrael, if you-all can approach?

2 (Bench conference.)

3 THE COURT: All right, I'm gonna overrule
4 the objection, Mr. Yisrael, you can continue,
5 sir.

6 MR. YISRAEL: As I was saying, the
7 Prosecutor here, she left out the fact that the
8 warrant that the officer was chasing me on
9 dismissed, like over about 30 other warrants
10 that exists. You're gonna find what's the real
11 story behind this. The foundation of it is a
12 real estate matter.

13 The Town of Yemassee has been trying to
14 force me off the land. So they keep trying to
15 issue warrant, after warrant, after warrant for
16 trespassing, for littering, but all those
17 warrants were dismissed. I shouldn't say all of
18 them, about 31 dismissed, and about 60 or 70 are
19 still pending from the year 2000 to this present
20 day.

21 Another thing she failed to mention, she
22 said something that I didn't have any intention
23 of stopping. I stopped at the stop sign, I
24 stopped at the stop light, and through that --
25 almost that entire journey I was in contact with

1 911. I called them, because I had plans on what
2 to do, because they had beaten me up on several
3 occasions, so I figured don't let them touch me,
4 just go to jail, but don't let them touch me,
5 and that's where I went, I went straight to the
6 jail.

7 And you're gonna find out, if they show the
8 entire video, that at one point, she left this
9 out, one of the officers that was chasing me, I
10 was going south, I was in front of the gas
11 station, she mentioned the gas station, okay?
12 Let me talk about what happened at the gas
13 station. It's true that they did throw some
14 stop sticks out.

15 It's five lanes, he threw out the sticks
16 over two lanes, and I just went around them.
17 Stopped at the red light, no cops get out to say
18 anything to me, to get me out of the car, or
19 nothing. I started up, and come to find out
20 that one of the officers there, the Police
21 Chief, actually forced me into the northbound
22 lane, as I was going south, and it happened so
23 fast. And when I tried to get back into the
24 southbound, to get to the jail, I'm on my way to
25 the -- yeah, I'm on my way to the cops. If they

1 want to arrest me, okay, arrest me at the jail,
2 but not at my house, that's how I got beat up
3 before, okay? She fails to leave that out.
4 Okay, there's a whole lot of things that you're
5 gonna learn, that the Solicitor is going to
6 leave out, and I just ask you, why are they
7 hiding so much? That's all I have to say, Your
8 Honor.

9 THE COURT: All right, thank you. All
10 right ladies and gentlemen, it's been a long
11 day, and I'm going to send you home, and we'll,
12 basically, go and start up with the case
13 tomorrow morning.

14 I'd like for you to be here at 10 o'clock.
15 If you would elect a Foreperson, okay? Just
16 when you do that, you can just tap on the door
17 and let the Bailiff know, and we'll be ready to
18 start tomorrow morning fresh, and the State will
19 be calling their first witness. In the
20 meantime, please don't discuss this matter with
21 anyone, don't do any research on this matter,
22 and I look forward to seeing everybody tomorrow
23 morning at 10 o'clock, okay? Thank you.

24 BAILIFF: Follow me.

25 (Jury exits courtroom.)

1 BAILIFF: The jury's gone, Your Honor.

2 THE COURT: Thank you. Anything further
3 from the State before we break this evening?

4 MS. LEMPESIS: No, Your Honor.

5 THE COURT: Anything from you, Mr. Yisrael?

6 MR. YISRAEL: Oh, yes. I'll go back to one
7 of my civil cases. You didn't even let me bring
8 in my equipment. Now, I have two that I need to
9 play. I would prefer to play phone call of a
10 chase, and when Officer Alexander tracked to the
11 front of me with the tracking.

12 I remember ram me -- he did ram me into the
13 lane now, and he wouldn't let me back into the
14 southbound lane.

15 THE COURT: All right, is that a CD that
16 the State provided you?

17 MR. YISRAEL: It's a copy of a CD that was
18 provided, and I also have a tape recording of
19 Officer Alexander, whereas, he, at one point --
20 see, they use different methods of harassment.
21 At one point, his harassment was he told his
22 officers to put a orange tag on my vehicle,
23 right?

24 So I made a phone call to him, and the
25 orange tag is about -- well, you can put an

1 orange tag on, and you've got 48 hours to move
2 the vehicle. So on that phone conversation you
3 will hear how he won't tell me what my violation
4 is, and why he put the tag on my car, and where
5 can I park?

6 THE COURT: All right.

7 MR. YISRAEL: So I'm showing his character,
8 and the different methods that he used to
9 intimidate me, and try to force me, there's a
10 purpose behind all of that.

11 It'll show medical records, when I was
12 injured, bloodied by this cop. They never
13 accused me of harming them, getting a gun at
14 them, because I never did that. But I do have a
15 consented tape recording that I'd like to
16 present, and you won't like for people to bring
17 in their own tape recorders.

18 THE COURT: Well, let me tell you what,
19 have you got a cassette tape that you need to
20 play?

21 MR. YISRAEL: Yeah.

22 THE COURT: All right, you can bring it.

23 MR. YISRAEL: All right.

24 THE COURT: But now let me tell you what,
25 I've got to decide -- what is this a tape of?

1 MR. YISRAEL: It shows that they constantly
2 harass me.

3 THE COURT: Solicitor?

4 MS. LEMPESIS: I don't know, I haven't seen
5 this tape, I haven't received it --

6 THE COURT: All right.

7 MS. LEMPESIS: -- from Mr. Yisrael.

8 THE COURT: Well, what I'm --

9 MR. YISRAEL: And he wouldn't tell me where
10 I can park. Right now I'm parked in the same
11 spot, where he told me I could not park --

12 THE COURT: Mr. Yisrael.

13 MR. YISRAEL: -- in front of my house.

14 THE COURT: All right.

15 MR. YISRAEL: And why is he doing it? I
16 want the jury -- so that this officer here,
17 'cause --

18 THE COURT: Well --

19 MR. YISRAEL: -- at least he was not
20 honest.

21 MS. LEMPESIS: Your Honor, I don't --

22 THE COURT: Go ahead.

23 MS. LEMPESIS: -- know if it makes the
24 matters easier or not, I'm calling Officer
25 Watson, or former Officer Watson, I'm calling

1 Lance Corporal Byrd, from the Beaufort County
2 Sheriff's Office. Chief Alexander is here, and
3 I, ethically, do not intend to call him as a
4 witness. And so Mr. Yisrael would have to call
5 him as a witness, but -- and then we'd have to
6 take up the matter of this recording, which I've
7 not received.

8 THE COURT: Well, why don't we do this,
9 I've got a 9 o'clock hearing tomorrow morning,
10 so if y'all can get here, and let's play that
11 recording, and see what this recording is. I --
12 she's got to hear the recording, sir.

13 MR. YISRAEL: Okay.

14 THE COURT: Because she's got to decide
15 whether or not she wants to make an objection,
16 and then what that objection might be, okay? So
17 you've got to play this recording for her, so I
18 would encourage you-all to be here early
19 tomorrow, so you can listen to the recording,
20 and then --

21 MR. YISRAEL: And I don't know if they're
22 gonna show the same video that I've got.

23 THE COURT: Well, of course, the recording,
24 sir, you're not calling --

25 MR. LEMPESIS: No, Your Honor.

1 THE COURT: All right, if they're not
2 calling Ray Alexander, then you're gonna have to
3 call Greg Alexander, okay, in your case. So to
4 that extent, you-all can listen to that, and
5 we'll make a decision, as it relates to the tape
6 recording, okay?

7 MR. YISRAEL: And the video.

8 MS. LEMPESIS: Your Honor --

9 THE COURT: The video --

10 MS. LEMPESIS: -- I do intend to play the
11 video. That's the video that came from Officer
12 Watson's patrol car, and I intend to play that
13 with Officer Watson, and I intend to admit it
14 with Officer Watson.

15 MR. YISRAEL: Hey, are you gonna play the
16 part where --

17 MS. LEMPESIS: From beginning to end --

18 MR. YISRAEL: -- all --

19 MS. LEMPESIS: -- Mr. Yisrael, yes.

20 MR. YISRAEL: Specifically --

21 MS. LEMPESIS: Uh-huh.

22 MR. YISRAEL: -- when Officer Alexander
23 forced me into the northbound lane, and when I
24 tried to get back into the southbound lane, he
25 blocked me from doing that, and then he stopped

1 the tape. Are you going to show that?

2 MS. LEMPESIS: Mr. Yisrael, I'm going to
3 play the entire video, which does include that.

4 MR. YISRAEL: I'd ask for you to answer --

5 THE COURT: Well, now that --

6 MS. LEMPESIS: Yes.

7 THE COURT: -- she answered it.

8 MS. LEMPESIS: It does --

9 THE COURT: And she --

10 MR. YISRAEL: No, no, no, she didn't answer
11 it.

12 MS. LEMPESIS: Yes, sir --

13 THE COURT: Mr. Yisrael --

14 MS. LEMPESIS: -- it includes that part.

15 MR. YISRAEL: She didn't answer.

16 THE COURT: Mr. Yisrael, that's how you
17 characterize it. That may not be how she
18 characterized it. The video is what the video
19 is.

20 MR. YISRAEL: But she could cut it off at a
21 certain point.

22 THE COURT: She's going to play the entire
23 video, she said that.

24 MR. YISRAEL: So what --

25 MS. LEMPESIS: That's right.

1 MR. YISRAEL: It's a simple thing to ask --

2 THE COURT: I know.

3 MR. YISRAEL: -- and I want an answer, is
4 she going to show the part where Police Chief
5 Alexander ran me off from out of the southbound
6 lane into the northbound lane, and when I came
7 back, he tried to -- he blocked me again.

8 THE COURT: Yeah, but you understand she
9 may not think -- or he may not take the position
10 that he ran you off, okay? That's a factual
11 issue. The video will show what it shows, sir.

12 MR. YISRAEL: But now is she going to show
13 it?

14 THE COURT: That's my -- that's -- sir,
15 that's my ruling, that's my ruling, the video,
16 she's going to play the entire video. You need
17 to be here early though, so you-all can listen
18 to this recording, and I know she can have Chief
19 Alexander here.

20 I'm sorry to the officers that we couldn't
21 get into testimony today, but I just wasn't
22 going to keep the jury. They've been here
23 since, some of them, before 9 o'clock.

24 So we'll pick back up at 10:00, or a few
25 minutes before 10:00 tomorrow. I've got a -- is

1 the hearing here? When is it? It's a virtual
2 PCR motion to reconsider.

3 CLERK: Yes, sir.

4 THE COURT: So we need the Court Reporter
5 for that?

6 CLERK: Yeah.

7 THE COURT: Yes, all right, great.

8 COURT REPORTER: Yes, sir.

9 THE COURT: Can you be here for that,
10 please?

11 COURT REPORTER: Yes, sir. Yes, sir.

12 THE COURT: Thank you. All right, so
13 anything else? We'll break for the day?

14 MS. LEMPESIS: Nothing else from the State,
15 Your Honor.

16 MR. YISRAEL: Can I ask? At any point can
17 I mention that he was formerly arrested, Officer
18 Alexander.

19 MS. LEMPESIS: No.

20 MR. YISRAEL: He was, I'm --

21 THE COURT: No, sir, you're not going to be
22 able to bring that in.

23 MR. YISRAEL: All right.

24 THE COURT: I think the prejudicial effect
25 of that far out exceeds any productivity and

1 value, and so I'm not going to allow you to get
2 into whether or not he was arrested. And, in
3 fact, the arrest is, you know, I'm not going to
4 allow that in, okay? That's my ruling. All
5 right, thank you, we'll see everybody tomorrow
6 morning.

7 MR. LEMPESIS: Thank you, Your Honor.

8 (At 4:57 p.m. the proceedings were
9 continued until the following day without
10 interruption.

11 END OF VOLUME I
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PROCEEDINGS

TUESDAY, JULY 12, 2022

BEAUFORT, SOUTH CAROLINA

THE COURT: Good morning. Back on the record for the matter of Mr. Yisrael. I see you have your recorder with you for one of the matters we discussed yesterday afternoon. It involved a tape recording that you wanted to play.

The Solicitor has not had an opportunity to hear it. What I wanted to do, Mr. Yisrael, is have you tell me why it is that you think this recording is relevant.

So we will go off the record and then once the recording has been played, I will certainly hear any position from either party as it relates to that.

Mr. Yisrael, tell us what this is a recording of.

MR. YISRAEL: This is a phone conversation between the Yemassee Police Chief and myself. The issue was they kept putting orange tags on my truck, my vehicle, that I had parked at my house. They used different methods of harassment throughout the 22-year period.

1 I have lost a couple of vehicles. I couldn't
2 afford it after they had it towed away.

3 This phone conversation shows that the
4 Yemassee police chief would never tell me where I
5 could park nor why they are trying to push me out
6 of the area.

7 THE COURT: How long is the recording?

8 MR. YISREAL: Eight minutes.

9 THE COURT: Let's go ahead and play the
10 recording.

11 (Audio played for the Court's review.)

12 THE COURT: Thank you.

13 Give me a minute, and I will hear from you
14 Solicitor. All right, Solicitor, Mr. Yisrael has
15 stated the grounds for he wants to have this
16 admitted.

17 Well, if -- I mean he's got to have that
18 admitted. You can't just play it Mr. Yisrael,
19 you're gonna have to -- that's going to have to
20 be admitted in Court.

21 Once the jury's out here, at the appropriate
22 time, you have to admit it, if I allow you to
23 admit it; do you understand that?

24 MR. YISRAEL: Yes, sir.

25 THE COURT: So he's moved to admit this tape,

1 or allow the jury to hear this tape, I guess, if
2 it's properly identified or authenticated.
3 What's your position on this tape?

4 MS. LEMPESIS: Judge, my position is that it
5 does not -- it is not relevant evidence. So like
6 you said, he would have to admit it, where you'd
7 have to have it authenticated, and presumably
8 call, I guess, Chief Alexander in his case.

9 So first of all, I've not been provided with
10 it until today.

11 THE COURT: Right.

12 MS. LEMPESIS: And so, obviously, there's a
13 Rule 5 issue, but beyond that, and more
14 importantly, it's not relevant at all. And, of
15 course, that's Rule 401 of the Rules of Evidence.
16 Relevant evidence means having the tendency to
17 make the existence of a fact, of any fact that is
18 a consequence to the determination of the action
19 more probable or less probable than it would be
20 without the evidence.

21 This is just not at all relevant, it's a phone
22 call with Chief Alexander, regarding parking
23 violations. I don't see how it's at all relevant
24 to the pending case, of the failure to stop for
25 blue lights.

1 THE COURT: All right.

2 MS. LEMPESIS: And we object on the basis of
3 Rule 401.

4 THE COURT: Okay. Mr. Yisrael, I'm happy to
5 hear from you in response to the Solicitor's
6 argument, sir.

7 MR. YISRAEL: Your Honor, this is relevant,
8 as to why I had so much fear of these cops, and
9 why I run away from them when they come to get
10 me, because they do so many evil things. At the
11 end of that tape -- I wasn't even living in the
12 town, because I was afraid they would take my
13 vehicle, they had took several of them.

14 Like I said, I couldn't even get the second
15 vehicle back. I lost several thousand dollars,
16 so I was just living in a place I don't want to
17 mention right now. It shows his criminal
18 activity. An officer is not supposed to tow away
19 somebody's vehicle unless there is a lawful reason
20 for doing so.

21 If he does, he's supposed to notify that
22 person, this is all under law, as to why the
23 vehicle is being towed. The only thing I have is
24 the orange tag, repeatedly put on my car or my
25 truck, and they said, "Not -- this vehicle is

1 considered abandoned." But he's gonna say that
2 on tape, and he knows that the vehicle was not
3 abandoned. It was insured, it was registered,
4 everything was fine, there was nothing wrong with
5 the vehicle. All I want to do is show the jury
6 how corrupt this town is, and how it led up to
7 today. I mean -- well, credibility, I mean or
8 honesty, you know, he's not honest.

9 THE COURT: Well, I think I've heard enough
10 on this. Let me tell you, Mr. Yisrael, I mean I
11 understand your theory of the case, sir, and what
12 you're trying to show, as to explain what you did.
13 I mean I think I understand your theory of the
14 case. Is there something you need to tell me?

15 MS. LEMPESIS: Judge, yeah -- yes, sir, if
16 you don't mind. I do have a case session to hand
17 up, I think Mr. Williams has done for me. If I
18 can elaborate on that.

19 THE COURT: Sure.

20 MS. LEMPESIS: I think, obviously, we
21 understand Mr. Yisrael's point, and I think what
22 he's going to reference that part of the statute,
23 it says, "Absent mitigating circumstances."

24 THE COURT: Yes.

25 MS. LEMPESIS: So Mr. Yisrael's obviously

1 saying he had -- what he's saying is he had
2 mitigating circumstances.

3 THE COURT: I think that's his defense.

4 MS. LEMPESIS: And that's his defense. And
5 what I will say in response to that is, that
6 there's not -- I'm not able to find anything in
7 South Carolina law that defines those mitigating
8 circumstances; however, there is a Fourth Circuit
9 case, it's the United States v. Roseboro, and,
10 yeah, we'll hand this up to Your Honor, and we'll
11 give Mr. Yisrael one. And that's a 2009 U.S.
12 Court of Appeals for the Fourth Circuit case.
13 It's 226, and, Your Honor, it does, on page ten
14 out of 15, if I can direct Your Honor, to --

15 THE COURT: Yes, ma'am.

16 MS. LEMPESIS: -- page 215, at -- let's see,
17 the third paragraph, it does provide some
18 examples, and this case is addressing the strict
19 liability like statutes, but it does provide
20 examples of mitigating circumstances. And one of
21 those, it says, "If a defendant intentionally
22 avoids stopping when signaled to do so, the
23 mitigating circumstances may be as reasonably
24 deemed as being pursued by somebody, other than
25 law enforcement," so that's an example; or the

1 road conditions on the next paragraph, or the next
2 column. "The road conditions were such, that a
3 reasonable driver would not have heard law
4 enforcement's siren or blue lights." So we do
5 have some guidance as to what a mitigating
6 circumstance might be. I don't think that applies
7 to the --

8 THE COURT: Well --

9 MS. LEMPESIS: -- this situation, and I would
10 argue that it's not --

11 THE COURT: All right.

12 MS. LEMPESIS: -- relevant, so --

13 MR. YISRAEL: Can I say something?

14 THE COURT: I'll give you two minutes,
15 because I'm not keeping this jury waiting, all
16 right? And this -- it --

17 MR. YISRAEL: Your Honor --

18 THE COURT: -- is 9:58.

19 MR. YISRAEL: Your Honor, this is mitigating
20 -- this is one of many instances --

21 THE COURT: All right.

22 MR. YISRAEL: -- where this officer had
23 abused the law --

24 THE COURT: All right.

25 MR. YISRAEL: -- and has caused fear in me,

1 and that I should stay away from him.

2 THE COURT: All right.

3 MR. YISRAEL: And that I should get to a safe
4 place, before I turn myself in.

5 THE COURT: All right, okay. Well, first of
6 all, as it turns out, I think the law -- actually,
7 they're looking at modifying -- the Legislature
8 is looking at modifying the law, as it relates to
9 failure to stop for a blue light, to basically
10 include language, as to I think you've got to stop
11 with a mile, and some other things.

12 I don't know if that's passed, but I think
13 that I was reading that somewhere. I don't know
14 if -- or it died, if it's in two years, but they're
15 looking at modifying it.

16 What I would say, counsel -- Solicitor, in
17 regard to your argument, I'm with you on that.
18 It doesn't really define, you've got this Federal
19 Court case, and it does go, and what I'm looking
20 at is the charges in the charge book.

21 MS. LEMPESIS: Yes, sir.

22 THE COURT: And it says,

23 "In determining whether or not there are
24 mitigating circumstances, which would justify the
25 Defendant's failure to stop for a blue light, you

1 may consider the actual road conditions, the
2 actual road sign conditions, and other
3 conditions, such as lighting, weather, officer,
4 driver and/or passenger safety, and any other
5 circumstances you believe to reasonably mitigate
6 the alleged violation."

7 And so to that extent, what I would tell you
8 is, I think that that's broad enough, that as it
9 relates to his defense, you know, that's coming
10 straight from the Judge's charge book, and will
11 tell you, I haven't made my mind up on the
12 charges, but I submit that's a charge that I'm
13 going to use; but I'm not worried about that right
14 now, as it relates to this matter in this tape.
15 Mr. Yisrael, number one, the tape is extremely
16 difficult to understand; number two, it appears
17 to me, at the very beginning, there's some hearsay
18 comments going on about what somebody may have
19 said, or what somebody told you; number three, it
20 references the civil lawsuit, and other
21 litigation.

22 It talks about -- there's multiple issues
23 that are going on during the course of that
24 conversation. There's multiple matters that are
25 being discussed. Some of which are being

1 discussed, sir, that you understand, and Chief
2 Alexander understands, because you-all have this
3 ongoing type of relationship, maybe isn't the
4 right word, but you-all are talking about things
5 in the course of that conversation, more than just
6 that ticket, sir.

7 Finally, you know, it talks -- you're
8 indicating what you believe the law is in that
9 statement, and are asking him to respond. I'm
10 the one that's gonna tell them what the law is,
11 and I just think that -- Solicitor, I disagree
12 with you. I believe that it is relevant. It's
13 relevant -- I mean relevant evidence is anything
14 that moves to needle at such a low bar. I think
15 it's relevant.

16 The problem is, I think that this statement,
17 with the conditions, with the conversations that
18 are included it, with the difficulty that's
19 involved in hearing it. For those reasons, sir,
20 I think it's gonna confuse the jury, or tend to
21 confuse the jury. I don't think that its
22 probative value is going to be outweighed by this
23 confusion that may result therefrom. Now, sir,
24 if you testify, or if you call witnesses,
25 certainly, you can testify, as to a conversation

1 you had, specifically, with somebody. I'll
2 address that actually at the time, if you decide
3 to do that, and we'll get into that. Now is not
4 the time for that.

5 Now is not the time for you to call witnesses,
6 now's -- if you want to, now's not the time for
7 you to testify, if you want to, because you don't
8 have to. Do you understand that?

9 The burden's not on you, it's on them. But
10 right now I'm not going to allow this to be played
11 for the reasons I set forth.

12 Now, I think, technically, it's 403, but I
13 mean I just think that there's a propensity for
14 that tape to confuse the jury, based on the
15 difficulty in hearing it, and also the numerous
16 conversations, numerous matters that are being
17 discussed in that short of period of time. I just
18 think it's -- and to bring up other lawsuits,
19 that's gonna be my ruling, so I'm not gonna allow
20 that tape into evidence, though it's not -- it
21 wouldn't be -- actually, we're getting ahead of
22 ourselves, because it wouldn't be able to be
23 entered into evidence, sir, I don't believe, until
24 an appropriate witness is gonna be called, but if
25 you want to renew your objection later, but I'll

1 note your objection for the record, okay, Mr.
2 Yisrael?

3 MR. YISRAEL: Yes, sir.

4 THE COURT: All right. I know you may
5 disagree with my ruling, and I understand that,
6 but you understand what I've done, and why I've
7 done it, or what my reasons are, sir?

8 MR. YISRAEL: Yeah.

9 THE COURT: And so I'm not going to allow
10 that.

11 MR. YISRAEL: Even though --

12 THE COURT: I'm not --

13 MR. YISRAEL: Even though the last statement
14 on that tape recorder clearly all hear me asking
15 him what is he gonna do, if I brought my truck
16 back there, and he says, "You bring it back here,
17 and you see what happens."

18 THE COURT: Again, Mr. Yisrael, that's my
19 ruling --

20 MR. YISRAEL: Okay.

21 THE COURT: -- as it relates to the tape,
22 okay?

23 MR. YISRAEL: Yeah.

24 THE COURT: All right, so are we ready to
25 bring the jury in?

1 MS. LEMPESIS: Yes, Your Honor, and I
2 apologize, can I just run to the restroom real
3 quickly.

4 THE COURT: Of course.

5 MR. YISRAEL: Your Honor, there was on more
6 thing.

7 THE COURT: Yes, sir.

8 MR. YISRAEL: I did have it transcribed. I
9 had it transcribed and stuff, I have it in
10 writing.

11 THE COURT: Now, I can't allow -- no, sir, I
12 can't do that. The fact that you transcribed it,
13 I can't do that. Because, again, Mr. Israel, I
14 mean you'd have to have somebody -- a professional
15 do that. I can't rely upon your -- what you
16 believe that document says, what that tape says,
17 okay?

18 So we can get -- we've got the tape recorder?
19 Hold on. All right, there's an issue I wanted to
20 bring up, or I wanted to ask. All right.

21 The failing to stop for a blue light, is it
22 a minimum of 90 days, two, three years, or --
23 because I wanted to discuss that. I want to make
24 sure Mr. Yisrael realizes that, and I want to get
25 to the bottom of that. Now, this was in 2017,

1 '18?

2 MR. YISRAEL: 2018.

3 THE COURT: And I'm trying to -- Ms. Gibbes,
4 can you check on that also?

5 MS. GIBBES: Yeah, I believe it can be
6 suspended.

7 THE COURT: Well, that --

8 MS. LEMPESIS: The statute says 90 days, but
9 our understanding and my understanding has always
10 been that in 90 days it would be --

11 THE COURT: All right.

12 MS. LEMPESIS: -- suspended.

13 MR. YISRAEL: And they didn't ask for any
14 extension.

15 THE COURT: No, no, no, no, no, let me --
16 bear with me, Mr. Yisrael, okay? All right. I
17 believe the statute -- the reason I wanted to make
18 sure of this, sir, is because I wanted to make
19 sure that you are aware of what the penalty was,
20 okay, in the event of a conviction.

21 I'm not saying you're going to be convicted,
22 but I wanted to make sure that you were aware of
23 it was, because the law it changes, it bounces a
24 little bit. The law says that there's a minimum
25 -- I believe it says there's a minimum 90-day

1 sentence up to three years, in the event of a
2 conviction, okay? So what that would normally
3 mean -- my next question is, is that a mandatory
4 minimum?

5 In other words, do I have to, in the event
6 that you are convicted, do I have to sentence you
7 to 90 days? Sometimes cases -- the law says that
8 there's a mandatory minimum, and it doesn't matter
9 what I want to do, I've got to sentence somebody
10 to the mandatory minimum. What I understand is,
11 I understand that that is a minimum, but it's not
12 a mandatory minimum, okay?

13 Which means then -- the reality is, that in
14 the event of conviction could sentence you
15 anywhere from zero, no time in jail, up to three
16 years.

17 I just wanted to make sure what the law is,
18 as it relates to that, so that you were fully
19 informed. Is that your understanding, Ms. Gibbs?

20 MS. GIBBES: Yes, Your Honor.

21 THE COURT: All right. Do you understand why
22 I brought that up, Mr. Yisrael? Do you follow me
23 on that?

24 MR. YISRAEL: That's fair.

25 THE COURT: Do you want to ask Ms. Gibbs? I

1 think she might be able to explain it to you.

2 MR. YISRAEL: I was aware of it.

3 THE COURT: Oh, okay, I just wanted to make
4 sure, sir. I want to give the benefit of the
5 doubt to you every time, sir, as it relates to
6 your representing yourself, and making sure
7 you're aware of what's going on, okay?

8 MR. YISRAEL: Yes, sir.

9 THE COURT: All right, we're ready to bring
10 the jury in, and they've elected a Foreperson.
11 The Foreperson is Ella Simmons, who, I guess, is
12 juror number 300, okay?

13 MS. LEMPESIS: Thank you, Your Honor.

14 THE COURT: I'm going to make this exhibit a
15 Court's exhibit, and if you-all want to look at
16 this, you can. Mr. Yisrael, do you want to see
17 this?

18 MR. YISRAEL: What is it?

19 THE COURT: This is just -- remember I asked
20 the jury to appoint a Foreperson?

21 MR. YISRAEL: Uh-huh.

22 THE COURT: And they've appointed a
23 Foreperson, okay? You can get the jury, yes, sir.

24 THE COURT: -- for one minute. All right,
25 did you have a chance to look at that, Mr.

1 Yisrael?

2 MR. YISRAEL: Yes.

3 THE COURT: All right, she's gonna mark that,
4 and I'll give you that back. Thank you. That
5 way I'll know the name.

6 (Court Reporter marks Court's Exhibit Number
7 4, as attached hereto.)

8 MR. YISRAEL: Your Honor?

9 THE COURT: Oh, hold on, I can't -- she's not
10 here, I can't talk to you.

11 MR. YISRAEL: The question I have, the place
12 -- the room for people that's there?

13 THE COURT: My understanding is that's a
14 group of new law enforcement officers.

15 MR. YISRAEL: Correct.

16 THE COURT: And they're just here to observe.

17 MR. YISRAEL: Oh, and another issue I wanted
18 to ask you, that the officers be not present when
19 they hear each other's testimony.

20 THE COURT: All right, so you want the
21 witnesses sequestered?

22 MR. YISRAEL: Yes, sir.

23 MS. LEMPESIS: I have no objection.

24 THE COURT: All right, that's fine.

25 MR. YISRAEL: And I don't see the other

1 witnesses that I had asked to be here.

2 THE COURT: Well, I don't know who you asked
3 to be here. I mean I told you to give her a list.

4 MR. YISRAEL: I gave her the list.

5 THE COURT: Well, first of all, Mr. Yisrael,
6 you're not -- who is it that you want to be here?

7 MR. YISRAEL: Alexander.

8 THE COURT: Is it this? Mr. Alexander, Mr.
9 Watson, Mr. Loadholt?

10 MR. YISRAEL: Yes, he's not here, both of
11 them.

12 THE COURT: Well, he doesn't have to be here,
13 not now, okay? You're calling him as a witness?

14 MR. YISRAEL: Yes, sir.

15 THE COURT: Okay. Mr. Moore, Mr. Pendegrass.

16 MR. YISRAEL: Yeah, that'd be Mr. Moore.
17 Pendegrass is the man who shot me, he's the
18 officer who shot twice.

19 THE COURT: He shot you?

20 MR. YISRAEL: Yes, with a taser.

21 THE COURT: All right. Mr. Jenkins?

22 MR. YISRAEL: Electrocution gun I call it.

23 THE COURT: Okay, all right. What we'll do
24 is, now, you know, technically, it's your
25 responsibility. We got Mr. Alexander here. Who

1 else is gonna be here? But now --

2 MS. LEMPESIS: I've got Mr. Watson and Deputy
3 Byrd, Lance Corporal Byrd, who is not on Mr.
4 Yisrael's list.

5 My understanding yesterday, Your Honor, was
6 that you informed Mr. Yisrael we would try to help
7 him get his witnesses here. He did not have
8 anybody under subpoena. Chief Alexander is here.
9 I certainly did not call Mr. Yisrael's witnesses
10 and tell them to come.

11 THE COURT: All right, Mr. Yisrael, I mean
12 you are responsible for getting your witnesses
13 here. I mean I don't know that --

14 MR. YISRAEL: I requested these witnesses
15 come last year, when this was first set up in
16 September.

17 THE COURT: Well, this case wasn't -- was a
18 status conference, yeah, but, again, Mr.
19 Yisrael --

20 MR. YISRAEL: And I was only given -- on a
21 subpoena you have to give them a court date which
22 to show up. I was only notified of the court date
23 ten days before it happened.

24 THE COURT: All right, we're bringing the
25 jury out, Mr. Yisrael, you're gonna have to take

1 some steps to get your officers here. I can tell
2 you that the Chief can be here, Mr. Alexander is
3 here. And I think the other officers with the
4 Yemassee Police Department, we can make
5 arrangements to have them here, okay? But now
6 I've got no control over the Mayor of Yemassee,
7 and things of this nature.

8 MS. LEMPESIS: And, Your Honor, I would just
9 -- I feel it necessary to put on the record, that
10 Mr. Yisrael has mentioned now twice or more, that
11 he didn't have notice of this case being tried.
12 We had a motion hearing on June -- I don't have
13 the date in front of me now, but we had a hearing
14 in June about the State's motion for a
15 continuance, because it was previous in our June
16 docket, Mr. Yisrael was present, that motion was
17 granted, the case was continued, and you informed
18 him, on the record, that case would be tried this
19 week.

20 At that point, it was not going to be first
21 up, but it could very likely be called for trial.

22 THE COURT: I told him that I didn't know
23 that it was going to be called for trial, but it
24 was on the trial roster. That there was a case
25 ahead of him, but in the event that that case

1 didn't go, it was possible that your case would
2 be reached this week. I specifically remember
3 that.

4 MR. YISRAEL: Yes, and you also mentioned
5 that it's a possibility that it would not be. The
6 thing is, I didn't have the date to write on the
7 subpoena --

8 THE COURT: But --

9 MR. YISRAEL: -- to tell the people when to
10 come.

11 THE COURT: Sir --

12 MR. YISRAEL: And I was only notified about
13 the date --

14 THE COURT: Sir --

15 MR. YISREAL: -- two days before the trial.

16 THE COURT: The way you do it is, you put
17 them down to come Monday morning at 9 o'clock
18 until Friday at 5 o'clock, that's the way it would
19 be done.

20 That's the way you serve a witness, and then
21 you go, and you -- I mean that's one way to serve
22 a witness, okay? You don't know whether the case
23 is gonna start on Monday, or Tuesday, or
24 Wednesday, or Thursday. That's one of the reasons
25 you have a lawyer, is because the lawyer would

1 then able to tell you that's how you serve the
2 witness. You serve them, and say, "Be there
3 Monday at 9:00," okay?

4 MR. YISRAEL: I did serve them, Your Honor,
5 before.

6 THE COURT: Not for this term -- well, then
7 do you have an affidavit of service? We're not
8 -- well, Mr. Yisrael, we can look for that later.
9 We're bringing the jury out to start the trial,
10 because you don't -- those witnesses, you don't
11 have the ability to call them right now, it's
12 their case, okay?

13 So let's bring the jury out and start the
14 trial.

15 MR. LEMPESIS: Thank you, Your Honor.

16 THE COURT: Oh, yeah, so the witnesses are
17 gonna have to -- are there any witnesses in here
18 that need to be sequestered?

19 MS. LEMPESIS: I just asked Deputy Byrd to
20 step out, and Mr. Watson is here, and he's my
21 first witness.

22 THE COURT: Okay.

23 MS. LEMPESIS: Uh-huh.

24 MR. YISRAEL: Could the Chief step out?

25 MS. LEMPESIS: Oh, I've got -- yeah, because

1 he's on Mr. Yisrael's witness list.

2 THE COURT: I think that would be
3 appropriate. Chief Alexander, since it's
4 possible that you might be a witness in Mr.
5 Yisrael's case, if he puts on a case, not that
6 you're required to, Mr. Yisrael, since he might
7 be a witness in that case, sir, and he's requested
8 that the jurors be sequestered, I'd ask that you
9 please just leave the courtroom, okay?

10 CHIEF ALEXANDER: Yes, sir.

11 THE COURT: Thank you. Yes, sir.

12 CHIEF ALEXANDER: Yes, sir.

13 THE COURT: All right, let's get the jury.

14 (Jury enters courtroom.)

15 BAILIFF: Jury's entering the courtroom, Your
16 Honor.

17 THE COURT: Thank you.

18 BAILIFF: The jury's seated, Your Honor.

19 THE COURT: All right. Madam Forelady, were
20 you the last one to show up? Believe me, it
21 happens, it happens. Listen, whether you were
22 the last one to show up and they said, "Here, it's
23 yours," or whether you volunteered to serve, thank
24 you so much. And, again, really your
25 responsibilities are just gonna be the

1 spokesperson for the jury. If something needs to
2 be discussed, you can write it down, give it to
3 the Bailiff. And then also when you go back to
4 deliberate, just making sure that everybody has
5 an opportunity to voice their opinion, and, again,
6 once the jury would then reach a decision on the
7 case, they would then, the jury, as a whole, would
8 instruct you to then fill out the verdict form.

9 It's not your verdict, it's the entire
10 jury's verdict, and I'll go over that in a little
11 bit more detail later. I think we're ready to
12 begin. Solicitor, are you ready to call your
13 first witness?

14 MS. LEMPESIS: Yes, Your Honor.

15 THE COURT: Yes, ma'am.

16 MR. LEMPESIS: Thank you. The State calls
17 Samuel Watson.

18 THE COURT: Thank you.

19 * * *

20 SAMUEL WATSON

21 * * *

22 being first duly sworn, testified as follows:

23 THE COURT: Okay, good morning, sir.

24 ***

25 DIRECT EXAMINATION

1 BY MS. LEMPESIS:

2 Q. Thank you. Good morning, Mr. Watson.

3 A. Good morning, ma'am.

4 Q. Mr. Watson, who do you currently work
5 for?

6 A. AMI Kids.

7 Q. AMI Kids?

8 A. Yes, ma'am.

9 Q. What is that?

10 A. That's a Court Order -- it's like a boys
11 institute, where they're on an island, and it's
12 court ordered, like, for disciplinary actions.

13 Q. Okay, what's your position there?

14 A. Director of Operations.

15 Q. Thank you. And who did you used to work
16 for?

17 A. Yemassee Police Department.

18 Q. And how long did you work for the Yemassee
19 Police Department?

20 A. I worked for Yemasee approximately seven
21 years.

22 Q. Okay, and your position, what was your
23 position with the Yemassee Police Department?

24 A. I was Sergeant over Patrol.

25 Q. Okay. Before you worked for Yemassee PD,

1 who did you work for?

2 A. I worked for Beaufort County, Hampton and
3 Allendale for approximately 28 years.

4 Q. Sheriff's Offices?

5 A. Yes.

6 Q. Okay. So law enforcement for 28 years
7 you said?

8 A. Yes, sir.

9 Q. Okay.

10 A. Yes, ma'am, I'm sorry.

11 Q. That's okay. And before you got into law
12 enforcement, what did you do?

13 A. I was in the Marine Corps.

14 Q. Okay, thank you. So you worked for
15 Yemassee PD for seven years you said. Were you
16 working on May 8th of 2018?

17 A. Yes, ma'am.

18 Q. Okay. And were you working that morning?

19 A. Yes, ma'am.

20 Q. Okay. I want to take you back to that
21 morning. Are you familiar with the Defendant in
22 this case, Mr. Shemaul Yisrael?

23 A. Yes, ma'am.

24 Q. Okay. How did you come into -- how did
25 you encounter Mr. Yisrael on that morning of May

1 8th?

2 A. Okay, on that morning I was patrolling
3 the area, the approximate area where Mr. Yisrael
4 lived. I saw him standing outside the -- outside
5 his residence by his vehicle.

6 So at that time I know that he had an active
7 warrant on him. So I approached him, I drove up
8 to his residency and I called out to him. I got
9 out of the vehicle, called to Mr. Yisrael, said,
10 "Mr. Yisrael, come here, I've got a warrant for
11 you." He indicated not today.

12 Q. He indicated not today, is that what he
13 said?

14 A. Yes.

15 Q. Okay, so he said, "Not today?"

16 A. Yes.

17 Q. And tell me, what time is it when this
18 happened?

19 A. Probably like 6:45, 7 o'clock, early
20 morning.

21 Q. In the morning?

22 A. Yes, ma'am.

23 Q. Okay. All right, so after he says, "Not
24 today," what does he do?

25 A. Then -- well, let me back up. When he

1 saw me pulling up, he started to move close to
2 his residence, like, from his vehicle close to
3 his house. And then that's when I got out of the
4 vehicle and said, "Mr. Yisrael, come here, they've
5 got a warrant for you." He said, "Not today."

6 So when I got out of the vehicle, he ran into
7 this house, so I pursued behind him. I navigated
8 through his house, and realize he wasn't in there,
9 but I saw the back door open. At the time when
10 I noticed the back door was open, I heard the
11 vehicle -- his vehicle crank up.

12 Q. Okay.

13 A. So --

14 Q. What kind of vehicle does he drive?

15 A. I think it was like a blue GMC, blue and
16 gray. A gray GMC.

17 Q. Truck?

18 A. Yes, ma'am.

19 Q. All right. And what does he do now?

20 A. And at that time I think -- evidently,
21 he got into the vehicle, and then when I got back
22 to the vehicle, the vehicle -- when I got back
23 out of the residence, the vehicle was gone, so I
24 got in my patrol vehicle. I saw -- noticed that
25 the vehicle was going down Railroad Avenue, which

1 is a street inside the Town of Yemassee, Beaufort
2 County.

3 Q. Okay, I'm --

4 A. Well ---

5 Q. -- gonna stop you right there. Let me
6 stop you right there. What is Mr. Yisrael's
7 address, this -- where you first encountered him.

8 A. I think it's like [REDACTED] Wall Street --

9 Q. Okay.

10 A. -- which is in the Town of Yemassee in
11 Beaufort County.

12 Q. Thank you.

13 COURT REPORTER: [REDACTED] Wall Street?

14 BY WITNESS:

15 A. I think it's like [REDACTED] Wall Street.

16 Q. And in Beaufort County you said, okay.
17 So what happens next, once you are back in your
18 patrol car?

19 A. At that time I saw him actually going
20 down a side road, so at that time I started
21 pursuing with blue lights and siren.

22 Q. Okay. And blue lights and sirens, do you
23 have to turn those on, or do they come on
24 automatically?

25 How does that work?

1 A. No, I have to actually activate it with
2 the manual control, like, and turning it on.

3 Q. Okay. And I'm gonna stop you right there.
4 What's the weather like on this morning at about
5 6:45 on May 8th?

6 A. It was, basically, somewhat clear. It
7 was like, you know, early morning dew, basically.

8 Q. Okay.

9 A. That's it.

10 Q. At this point, were there many other cars
11 on the road?

12 A. Not at that point, no, ma'am.

13 Q. Okay. All right, well, then what happens
14 after he had evaded your blue lights and sirens?

15 A. Okay, we proceeded to go down Railroad
16 Avenue, and then we crossed on the River Road.
17 As we went onto River Road, we made a -- we
18 continued to pursue.

19 I advised my Dispatch and everything, that I
20 was in pursuit, and I told them to go ahead and
21 -- advised my supervisor -- both my supervisors,
22 Chief Alexander. During that time I pursued him
23 with lights and sirens down River Road. He made
24 a right onto Le Creuset Road. When he made the
25 right, we went down Le Creuset Road and he made

1 another right on Old Sheldon Church Road. Then
2 we came to the stop sign of Old Sheldon Church
3 Road and Castle Hall Road, where he made a left.
4 That left took us to Frampton Road, so that's
5 Frampton Road, which lead -- he made a left and
6 went to Highway 21.

7 Q. Okay. And all the while are your blue
8 lights and sirens on?

9 A. Continuously, yes.

10 Q. Okay, and to backtrack for a moment, the
11 reason that you're pursuing him is, because you
12 know firsthand that he has an active warrant?

13 A. Yes, ma'am.

14 Q. Okay. Okay, so continue on then. Tell
15 us what happened next.

16 A. Okay, once he got on 21 we went north, I
17 guess back towards Beaufort direction.
18 Continuously giving out my location, advising my
19 Dispatch what's going on, speed condition, road
20 condition and traffic -- I mean traffic condition.
21 During that time he was doing, approximately, 55
22 miles per hour, 60 miles per hour.

23 He was also pulling a trailer at that time
24 also.

25 Q. And thank you for mentioning that.

1 So what sort of trailer was it that he was
2 pulling?

3 A. It was a handmade trailer, like a -- I
4 guess it was like to tow items, or --

5 Q. And you said he was driving a truck, did
6 he have any items in the bed of this truck, if
7 you recall?

8 A. I can't remember if he did or not.

9 Q. And that's fine. All right, so -- and
10 sorry for interrupting, continue.

11 A. And also at that time I also called --
12 that's when Dispatch, of course, assisted in
13 getting more assistance out there during that
14 time.

15 Q. Uh-huh.

16 A. I think we had Beaufort County came to
17 assist. The Highway Patrol also came I think
18 during that time.

19 Q. Okay.

20 A. But, basically, during that time we
21 continued to just go up 17 -- I mean -- yeah, 17
22 to 21. We went on Trask Parkway.

23 Q. Uh-huh.

24 A. During the Trask Parkway incident, we
25 were still, you know, giving out directions, and

1 just let everybody know what's going on during
2 that time, and location. Approximately, I think
3 this lasted like 15, 20 minutes into it. I think
4 Chief Alexander came out there with his vehicle.
5 He proceeded past us to lay some spike strips
6 down.

7 And at the -- I think that was the
8 intersection of Shanklin Road and Trask Parkway.

9 Q. And spike strips, we can probably assume
10 what those are, but can you just describe them?

11 A. Spike strips are devices that we use to
12 actually try to penetrate the tire, so that we
13 can disable the vehicle before incidents happen,
14 just, basically, flatten the tires.

15 Q. Okay. Did --

16 A. Yes.

17 Q. -- Mr. Yisrael hit those spike strips?

18 A. No, he did not, he swerved around it.

19 Q. Okay, so he was able to avoid the spike
20 strips?

21 A. Yes, ma'am.

22 Q. Okay. Do you know, approximately, how
23 long this pursuit lasted?

24 A. Approximately 30 minutes.

25 Q. Okay.

1 A. 20, 30 minutes.

2 Q. And, Mr. Watson, how did it end?

3 A. Basically, Mr. Yisrael was like going in
4 and out of traffic. He went into the opposite
5 lane, trying to avoid I mean us pulling him over.
6 When we got into like the Air Station area at
7 Trask Parkway, vehicles -- actually, other
8 civilian vehicles the amount was getting heavy,
9 so we called it off, because it was getting too
10 dangerous for pedestrians and other vehicles like
11 that, so we just called off the chase.

12 Q. Okay. And when you called it off, did
13 you'll just deactivate --

14 A. Stop -- we turned off the blue lights and
15 siren, and just turned around and went the other
16 way and --

17 Q. Okay.

18 A. -- just --

19 Q. Okay. Mr. Watson, I'm gonna hand you
20 what we've marked as State's Exhibit 1, which I'm
21 going to share with Mr. Yisrael.

22 MS. LEMPESIS: Your Honor, may I approach the
23 witness?

24 THE COURT: Yes, ma'am.

25 BY MS. LEMPESIS:

1 Q. Mr. Watson, I'm gonna hand you this
2 exhibit, and just ask you, do you recognize what
3 that is?

4 A. Yes, ma'am, it looks like the line of
5 travel pursuit.

6 Q. Okay, and does that look like a fair and
7 accurate depiction of the pursuit that took place
8 that morning?

9 A. Yes, ma'am.

10 Q. Thank you.

11 MS. LEMPESIS: Your Honor, permission to
12 publish or admit State Exhibit 1.

13 THE COURT: All right, there's no objection
14 to the exhibit, Mr. Yisrael; is that correct?

15 MR. YISRAEL: Can I see it one more time?

16 THE COURT: Sure.

17 MS. LEMPESIS: Sure.

18 THE COURT: I'm sorry, I failed to ask you
19 that if you have any objection.

20 MR. YISRAEL: That's when he stopped chasing
21 me?

22 MS. LEMPESIS: We're not going to discuss
23 that.

24 THE COURT: Right.

25 MS. LEMPESIS: It's just the --

1 MR. YISRAEL: I object to it, because it
2 doesn't show where the several occasions where I
3 stopped.

4 THE COURT: All right, thank you. I'll note
5 your objection for the record. I'm going to
6 overrule your objection. You can publish to the
7 jury, okay?

8 (State's Exhibit 1 entered into evidence.)

9 MS. LEMPESIS: Thank you, Your Honor, and
10 Madam Clerk, can I ask you to --

11 BY MS. LEMPESIS:

12 Q. Mr. Watson, I've shown you what is just
13 a general map of the area; is that correct?

14 A. Yes, ma'am.

15 Q. Okay. And without getting into much
16 detail, can you just -- what am I pointing to
17 right here?

18 A. That's the location of Mr. Yisrael's
19 residence.

20 Q. Okay, and that is in Beaufort County; is
21 that correct?

22 A. Yes, ma'am.

23 Q. Okay. And really what we're looking at
24 is just to provide a reference to the jury.

25 Is this the approximate route that you-all

1 took that morning, when you were pursuing Mr.
2 Yisrael?

3 A. Approximately, yes, ma'am.

4 Q. Okay. And I've got an end point marked
5 here of 2001 Duke Street. Do you know just,
6 approximately, how many miles this was, this
7 pursuit?

8 A. Probably like -- like -- probably 20
9 miles.

10 Q. Okay, all right, and that's fine, thank
11 you. Now, Mr. Watson, you've walked us through
12 what happened that morning. Is your car equipped
13 with a dashcam?

14 A. Yes, ma'am.

15 Q. Okay.

16 THE COURT: Any objection?

17 MR. YISRAEL: No.

18 THE COURT: Well --

19 MR. YISRAEL: I -- I have --

20 THE COURT: Hold on, hold on, hold on one
21 second. Hold on one second. I'm gonna give you
22 an opportunity to discuss this.

23 MS. LEMPESIS: Thank you, Your Honor.

24 THE COURT: Go ahead.

25 MS. LEMPESIS: Okay, and --

1 THE COURT: One second.

2 MS. LEMPESIS: -- Your Honor, permission to
3 approach the witness again.

4 THE COURT: Yes, ma'am.

5 MS. LEMPESIS: Thank you.

6 (Court Reporter marks State's Exhibit Number
7 2, Disk, as attached hereto.)

8 BY MS. LEMPESIS:

9 Q. Mr. Watson, I'm gonna hand you what's
10 been marked as State's Exhibit 2.

11 Do you recognize that item?

12 A. Yes, ma'am.

13 Q. And how are you able to recognize it?

14 A. With the date and my initials, indicating
15 that I saw it.

16 Q. Okay, and is this -- what's on this disk,
17 is it a fair and accurate depiction of your
18 dashcam video?

19 A. Yes, ma'am.

20 Q. Okay. Has it been altered in any way?

21 A. Oh, no, ma'am.

22 Q. All right. Thank you.

23 MS. LEMPESIS: Your Honor, at this time the
24 State would move to admit State's Exhibit 2 into
25 evidence.

1 THE COURT: All right, any objection to
2 State's Exhibit 2, Mr. Yisrael?

3 MR. YISRAEL: I don't know what it's going
4 to show. If it's going to show --

5 THE COURT: Well, then approach.

6 (Bench conference).

7 THE COURT: All right, so I'm going to admit
8 the video over the objection, and note the
9 objection for the record for Mr. Yisrael. Go
10 ahead, Solicitor.

11 (State's Exhibit 2 entered into evidence.)

12 MS. LEMPESIS: Permission to publish to the
13 jury.

14 THE COURT: Yes, ma'am.

15 MS. LEMPESIS: Thank you.

16 (Video being played for jury.)

17 BY MS. LEMPESIS:

18 Q. Mr. Watson, do you know if during this
19 30-minute pursuit, do you know if Mr. Yisrael made
20 any attempts to contact law enforcement?

21 A. Yes, ma'am. I think he called 911, or
22 Dispatch, indicating that he wasn't stopping.

23 Q. Did he say where he was gonna go? Do you
24 know?

25 A. I'm not sure if he said where he was

1 going, but he said he wasn't gonna stop.

2 Q. Okay.

3 A. And then --

4 Q. Okay, and just one last thing, do you see
5 Mr. Yisrael in the courtroom?

6 A. Yes, ma'am.

7 Q. Okay, and can you point him out to the
8 jury?

9 A. That gentleman over there.

10 Q. Okay. And let the record reflect that
11 Mr. Watson has pointed to Mr. Yisrael.

12 THE COURT: Okay, I'll so note that, yes,
13 sir. Thank you.

14 MS. LEMPESIS: I beg the Court's indulgence.

15 THE COURT: Yes, ma'am.

16 BY MS. LEMPESIS:

17 Q. Mr. Watson, I don't have any other
18 questions for you. If you can, please answer any
19 questions that Mr. Yisrael has.

20 A. Yes, ma'am.

21 Q. Thank you.

22 THE COURT: All right, Mr. Yisrael, do you
23 want to cross-examine this witness, sir?

24 MR. YISRAEL: Yes, I do.

25 THE COURT: Okay, sure.

1 MR. YISRAEL: I don't know the definition if
2 I don't ask him this question.

3 THE COURT: Okay, that's fine.

4 ***

5 CROSS-EXAMINATION

6 BY MR. YISRAEL:

7 Q. How you doing, Officer Watson?

8 A. How you doing, sir?

9 Q. Not too good. Is this the first warrant
10 you ever signed against me?

11 A. No, sir.

12 Q. What was on the warrant that you were
13 chasing me -- what was that warrant about?

14 A. I think it was illegal dumping.

15 Q. Excuse me?

16 COURT REPORTER: I'm sorry.

17 BY WITNESS:

18 A. Illegal dumping.

19 Q. So you swore out a warrant that you saw
20 me illegally dumping somewhere?

21 A. Yes, sir.

22 Q. And where was that place at?

23 A. 8 -- 17 Wall Street. At, approximately
24 17 Wall Street.

25 MR. YISRAEL: I'd like to submit Defendant's

1 Exhibit 1, the plat of land on Wall Street.

2 MS. LEMPESIS: Your Honor, I don't -- I object
3 to the relevance of this --

4 THE COURT: Well, let's see, if he can make
5 it relevant.

6 All right, Mr. Yisrael, you need to show him
7 that, and ask him if he recognizes it, or you can
8 go from there, okay?

9 MR. YISRAEL: Don't she need to mark it first?

10 THE COURT: No, no, no, you could -- you're
11 gonna have to go and lay a foundation, sir, before
12 it's gonna get entered into evidence, sir.

13 BY MR. YISRAEL:

14 Q. Is on that plat -- that document that I
15 just gave you, do you recognize the document?

16 A. There's parcels. I don't know the parcel
17 numbers, or anything like that. I'm familiar with
18 it.

19 Q. You say you saw me dumping somewhere. Is
20 the site where you swore that I was dumping on
21 that map?

22 A. I don't know, is it --

23 MS. LEMPESIS: Well, I think he can't ask
24 that question, Your Honor, until Mr. Watson's able
25 to identify it, and he's able to lay the

1 foundation for the exhibit.

2 THE COURT: Yeah, I agree. Mr. Yisrael, you
3 can't just hand somebody something.

4 You've got to -- you're asking -- you want
5 to enter this into evidence, you're asking
6 questions about it, sir. So what you've got to
7 do is, you've got to kind of lay a foundation, so
8 that you can then enter that into evidence, sir..

9 MR. YISRAEL: Okay.

10 THE COURT: I'll sustain the objection. Go
11 ahead, Mr. Yisrael.

12 BY MR. YISRAEL:

13 Q. Is there any ongoing dispute between
14 myself and the Town of Yemassee about land in the
15 Town of Yemassee?

16 A. I have nothing to do with that. I'm not
17 sure.

18 Q. You're not sure?

19 A. Uh-huh.

20 MR. YISRAEL: I would like to submit this
21 document that was used to show where my land is
22 located at. This was used before the Master in
23 Equity.

24 THE COURT: Okay, hold on one second, Mr.
25 Yisrael. Let me have counsel approach.

1 (Bench conference.)

2 THE COURT: All right, Mr. Yisrael, proceed,
3 sir.

4 BY MR. YISRAEL:

5 Q. You swore out a warrant that I had dumped
6 on what address?

7 A. I think that was like 117 Wall Street, I
8 think, approximately.

9 Q. On whose property was that?

10 A. It wasn't yours.

11 Q. I'm asking you, who did the property
12 belong to?

13 A. The -- the County.

14 Q. The County? I --

15 A. The Town of Yemassee.

16 THE COURT: Hold on, I need you to speak up
17 just a little bit. I'm having trouble hearing
18 you, okay?

19 A. The Town of Yemassee.

20 Q. Okay. How do you know that the property,
21 where you saw me -- claim you saw me dumping --

22 MS. LEMPESIS: Your Honor --

23 BY MR. SMITH:

24 Q. -- litter --

25 THE COURT: Hold on one second, Mr. Yisrael.

1 BY MR. YISRAEL:

2 Q. -- belonged to the Town of Yemassee?

3 THE COURT: Yes, ma'am.

4 MS. LEMPESIS: I object to this line of
5 questioning, as to relevance.

6 THE COURT: I'm going to overrule your
7 objection. Ask the question, if he knows the
8 answer you can follow up, okay?

9 MR. YISRAEL: Okay.

10 BY MR. YISRAEL:

11 Q. Were you ever -- how do you know that the
12 property -- you say 17 Wall Street --

13 A. If that's the right number, I'm not sure.

14 Q. Okay, was it -- do I live on Wall Street?

15 A. Yes.

16 Q. Do you know the address where I live?

17 A. Yes.

18 Q. What is the address where I live?

19 A. You lived at [REDACTED].

20 Q. Okay. Now, where is 17 in relation to
21 18 Wall Street, where I live?

22 A. It'll probably be approximately to the
23 right of [REDACTED].

24 Q. So if I was facing my trailer at [REDACTED] Wall
25 Street to the right. What's to the right? What

1 is there?

2 A. It's a memorial. There's a memorial there
3 now with --

4 Q. At the time that you say that I -- in
5 2018?

6 A. There's a building and there's a lot.

7 Q. Okay. So are you saying that I dumped
8 it in that building, or the lot?

9 A. I'm saying it's behind the building, to
10 the right of the building, which is -- coincide
11 with each other.

12 Q. To the right of the building?

13 A. Behind the building to the right of it,
14 at the corner, you know, the building is right
15 -- in the back.

16 Q. And whose property was that?

17 A. The Town.

18 Q. Do you have -- how did you know that that
19 was the Town of Yemassee's? What made you think
20 that was the Town of Yemassee's?

21 A. What?

22 Q. I mean have you ever seen any
23 documentation that that land --

24 A. No, sir.

25 Q. You haven't?

1 A. No.

2 Q. Okay. So what was the situation that led
3 you to believe I --

4 A. I can't remember, sir.

5 Q. You can't?

6 MS. LEMPESIS: Your Honor, I would object
7 again now. This is --

8 THE COURT: All right.

9 MS. LEMPESIS: -- beyond the --

10 THE COURT: I agree, I will sustain the
11 objection. I think whatever point was going to
12 be made has been made, and we're ready for you to
13 move on, Mr. Yisrael.

14 MR. YISRAEL: Okay.

15 THE COURT: Okay, I'll tell you what --

16 BY MR. YISRAEL:

17 Q. What happened to --

18 THE COURT: Hold on one second, Mr. Yisrael.
19 Let's take a break for -- we've been going at it
20 a while. Let's take a break for just a few
21 moments.

22 Sir, I'm going to ask that during the break
23 you certainly can step down, but you can't talk
24 about your testimony to Mr. Yisrael, or anybody
25 with the State, okay?

1 WITNESS: Yes.

2 THE COURT: And ladies and gentlemen, we're
3 just gonna take a break for a few minutes. I'm
4 gonna get you back in here. We'll continue with
5 Mr. Yisrael's cross-examination. Please don't
6 talk about the case, okay? Thank you so much.

7 (Jury exits courtroom.)

8 THE COURT: All right, okay, for future
9 reference, I don't want people leaving until the
10 jury leaves the room, okay?

11 So we let the jury leave, and then you can
12 get up and do whatever you need to do, okay, Mr.
13 Yisrael? So really I was addressing that to you,
14 but I don't want other people leaving while the
15 jury is exiting, okay?

16 MR. YISRAEL: I'm sorry.

17 THE COURT: That's okay. And we'll see
18 everybody back in here at 11:30, okay?

19 MS. LEMPESIS: Thank you, Your Honor.

20 (Recess)

21 PROCEEDINGS CONTINUED

22 ***

23 THE COURT: All right, well that'll be great,
24 okay, that'll be great. Solicitor, thank you for
25 that.

1 MS. LEMPESIS: Sure.

2 THE COURT: Now, Mr. Yisrael, just because
3 you call somebody doesn't mean I'm not -- we'll
4 have to see what they're gonna say and where we
5 go with that. Do you understand that?

6 MR. YISRAEL: Yes, sir.

7 THE COURT: Now, are you ready to proceed
8 with your examination?

9 MR. YISRAEL: Yes.

10 THE COURT: All right. Why don't you just
11 have a seat right there, we'll bring the jury in.
12 Let's get the jury in. If we can get the jury.
13 Thank you.

14 (Jury enters courtroom.)

15 BAILIFF: The jury's in the courtroom, Your
16 Honor.

17 THE COURT: Thank you.

18 BAILIFF: The jury's seated, Your Honor.

19 THE COURT: All right. Madam Forelady,
20 ladies and gentlemen of the jury, welcome back.
21 Mr. Yisrael, I'm happy for you to continue with
22 your cross-examination of this witness, sir.

23 BY MR. YISRAEL:

24 Q. All right, while you were being
25 questioned by the Solicitor, she asked you

1 something about did I make a 911 call, as you were
2 following me.

3 A. Yes.

4 Q. What do you know about that 911 call?

5 A. Not -- not too much.

6 Q. You know that I did make a 911 call --

7 A. Yes, sir.

8 Q. -- to 911? You're certain about that?

9 A. Yes, sir.

10 Q. And do you know about when that call was
11 made?

12 A. No, sir.

13 Q. Okay. You charged me with failure to
14 stop for a blue light; is that correct?

15 A. Yes, sir.

16 Q. What do you mean by that?

17 A. You failed to stop for a blue light, sir.

18 Q. Are you saying I didn't make any stops
19 at all?

20 A. You didn't stop for the blue lights or
21 siren, sir.

22 MS. LEMPESIS: And, Your Honor, I apologize,
23 I think our Bailiff is going to ask Mr. Watson,
24 if he can please speak up for us, okay?

25 WITNESS: I'm sorry.

1 MR. LEMPESIS: Thank you.

2 THE COURT: Unfortunately, that microphone I
3 will tell you that if you're not that far away
4 from it, it really does almost nothing.

5 WITNESS: Okay.

6 THE COURT: And -- but that having been said,
7 if you can just speak up a little bit, I want to
8 make sure everybody hears you, and the Court
9 Reporter, because she's making a record of
10 everything, that the Court Reporter gets
11 everything, all right?

12 WITNESS: Yes, sir.

13 THE COURT: Thank you, sir. Go ahead.

14 BY MR. YISRAEL:

15 Q. Have you read the law on failure to stop
16 for a blue light?

17 A. Yes, I have previously, yes.

18 Q. Okay. Can you recall the first two words
19 in that --

20 A. No, sir. No, I really can't, no, sir.

21 Q. Do you recall it stating that --

22 MS. LEMPESIS: Your Honor, I'm gonna object.

23 MR. YISRAEL: All right, all right.

24 THE COURT: All right, Mr. Yisrael, I'm in
25 charge of the law. I'll instruct the jury at the

1 appropriate time, as to what the law is, sir,
2 okay?

3 So I'm going to sustain that -- I believe
4 that was your objection, Solicitor?

5 MS. LEMPESIS: An objection that you're
6 the --

7 COURT: Okay.

8 MS. LEMPESIS: You will charge the jury on
9 the law.

10 COURT: All right, so I'm gonna sustain that
11 objection, that's my job.

12 So go ahead, Mr. Yisrael.

13 BY MR. YISRAEL:

14 Q. How soon must a person stop after he
15 realizes -- he hears the siren and the --

16 MS. LEMPESIS: And, Your Honor, I object,
17 again, because he's, again, asking about the law,
18 which Mr. Watson may or may not be able to answer,
19 but that's not his purview. He needs to ask
20 questions as to the facts, not to the law.

21 THE COURT: That's asking him to make, quite
22 frankly, ultimate conclusions here, also it
23 involves the law. I'm going to sustain that
24 objection.

25 BY MR. YISRAEL:

1 Q. Did I stop at the traffic light, sir?

2 A. Yes, sir.

3 Q. So would you admit that was one stop?

4 A. No, sir.

5 Q. Why not?

6 A. Because I don't know what your intentions
7 were, you continued on.

8 Q. But you did see me stop, and several cars
9 passed, right? We just saw the film.

10 A. Yes, sir, and I saw you pull --

11 Q. Why did --

12 A. -- off again --

13 Q. Why --

14 A. -- also, sir.

15 THE COURT: Hold on, one second. Allow him
16 to answer, and then you can go and ask a question,
17 okay, Mr. Yisrael?

18 BY MR. YISRAEL:

19 Q. While I was stopped, why didn't you
20 approach?

21 A. You pulled off, sir.

22 Q. Oh, you tried to get out of your car?

23 A. You pulled off, sir. I needed backup. I
24 don't know what your intentions are.

25 Q. I asked you, did you try to get out of

1 your car to come toward --

2 A. No, sir.

3 Q. And why was that

4 A. Officer safety, sir.

5 Q. You was concerned for your safety?

6 A. Yes, sir.

7 Q. What happened next, after I pulled off?

8 A. Which time, sir?

9 Q. After I pulled off from the blue light.

10 A. The blue light?

11 Q. I mean the red light. That the light
12 turned green at the intersection of Long Bay Road
13 and Highway 21.

14 A. And the question?

15 Q. What happened after I pulled off? You
16 said I was there, you -- for officer safety you
17 didn't want to get out of your car, you're waiting
18 for the light --

19 A. Uh-huh.

20 Q. -- in front of the Marine Corps. Air
21 Station, right?

22 A. Yes, sir.

23 Q. Now, what happened after that?

24 A. You proceeded on.

25 Q. And what happened?

1 A. We turned -- we entered a pursuit right
2 afterwards, and you continued on.

3 Q. Did you see any car try to block me?

4 A. Yes, sir.

5 Q. Whose car was that?

6 A. The Chief.

7 Q. Describe what the Chief did with his car,
8 in relation to me.

9 A. He basically got in front of you, sir,
10 and you swerved from behind him and went into the
11 other lane.

12 Q. Yes. When I went into the other lane,
13 according to the film we just saw --

14 A. Uh-huh.

15 Q. -- did I make any effort to get back into
16 the southbound lane?

17 A. Basically, yes, sir.

18 Q. And what prevented me from getting back
19 into the southbound lane?

20 A. Vehicles was there, more than one
21 vehicle.

22 Q. No. According to the film we just showed,
23 did your Police Chief block me from coming back?
24 As I was coming back into the southbound lane,
25 did he try to block me?

1 A. I don't know if he tried to block you. I
2 don't know what his intentions were?

3 Q. You don't?

4 A. I don't know what his intentions were.

5 Q. Was his car -- did he pull up his car
6 next to mine?

7 A. I think you pulled up on the side of him
8 also.

9 Q. You're saying that he pulled up, as I was
10 coming toward him; is that true?

11 A. I'm sorry?

12 Q. You say that your Police Chief pulled his
13 car up, as I was trying to come back into the
14 southbound lane?

15 A. Yes, you went around him, yes, so,
16 basically, yes.

17 Q. Now, when he blocked me from coming back
18 into the southbound lane, according to the film
19 we just saw, what did I do?

20 A. When you got into the southbound lane he
21 was still in front of you -- he was in his position
22 in front of the road, that you was trying to get
23 back into the lane. I mean you was speeding up,
24 I don't know what -- what you had his attention
25 at that time.

1 Q. But you know what you saw.

2 A. Okay. I can't make that decision in what
3 you-all were doing.

4 Q. What -- was I driving safely --

5 A. No, sir.

6 Q. Wait a minute. Was I driving safely up
7 until the time I stopped at the blue light -- I
8 mean the red light?

9 A. Sir, you started swerving in across the
10 left of center. I mean you had a trailer on
11 there, so I would --

12 Q. Was --

13 A. -- say no.

14 Q. Was I -- did you charge me with unsafe
15 driving?

16 A. No, sir. That would be double jeopardy.

17 Q. What that mean?

18 MS. LEMPESIS: Well, I'll object, that's not
19 relevant.

20 THE COURT: I'm going to sustain that. That's
21 getting into something that is not applicable
22 here.

23 BY MR. YISREAL:

24 Q. So you admit that your Police Chief forced
25 me out -- he stopped in front of me, and forced

1 me out of the southbound into the northbound lane?

2 A. No, sir.

3 Q. So you don't know what his intentions
4 were?

5 MS. LEMPESIS: And, Your Honor, I'll object,
6 this has been asked and answered.

7 THE COURT: It has been asked and answered,
8 and we can move on. I'll sustain that objection.

9 BY MR. YISRAEL:

10 Q. You wanted to -- your goal that day was,
11 initially, to make contact with me was to arrest
12 me, and take me to jail?

13 A. Yes, sir.

14 Q. Okay. Then I end up in the jail.

15 A. Yes, sir.

16 Q. Do you know how I ended up in the jail?

17 A. I wasn't there.

18 Q. I'm asking you, do you know how -- I
19 didn't ask you was there.

20 A. I can't speak about something I don't
21 know. I know that you got to jail.

22 Q. So no one told you that I drove to the
23 jail?

24 A. I know you drove there, yes, sir.

25 Q. How did you -- did you see me drive to

1 the jail?

2 A. No, sir.

3 Q. So now you're saying that you know that
4 I drove to the jail?

5 A. You got to the jail. Evidently, you got
6 to the jail.

7 Q. At one point you're saying you don't know
8 how I got to the jail, and you just said that I
9 drove myself to the jail.

10 MS. LEMPESIS: Your Honor, I would just ask
11 that Mr. Yisrael ask Mr. Watson a question that
12 can be covered at this point now.

13 THE COURT: Well, I'm going to overrule that
14 objection.

15 You can proceed, Mr. Yisrael.

16 BY MR. YISRAEL:

17 Q. Did I stop at the jail, sir?

18 A. Yes, sir, I guess.

19 Q. Which is it, yes, I stopped at the jail,
20 or you're guessing that I stopped at the jail,
21 which is it?

22 A. Yes, sir.

23 Q. Taking a wild guess. I did stop at the
24 jail?

25 A. Yes, sir.

1 Q. So why do you say I failed to stop, sir,
2 for a blue light?

3 A. Because you didn't stop for my blue lights
4 and siren, sir.

5 Q. But I stopped at the jail.

6 A. I wasn't there. You didn't stop for my
7 blue lights and siren.

8 Q. Well, whose blue light and siren did I
9 stop for?

10 A. You stopped on your own, sir.

11 Q. Because of what?

12 A. I don't know.

13 Q. You did have a blue light on me at one
14 time and siren.

15 A. And I turned it off also, sir.

16 Q. And before the chase had started, you
17 came to my house, you said you wanted to serve a
18 warrant?

19 A. Yes, sir.

20 Q. So I stopped at the jail, according to
21 your testimony.

22 MS. LEMPESIS: Is there a question, Your
23 Honor?

24 MR. COURT: Yeah, yeah. And you need to ask
25 a question, sir, you can't --

1 BY MR. YISRAEL:

2 Q. Did I stop --

3 THE COURT: Hold up, Mr. Yisrael, don't --
4 when I'm talking --

5 MR. YISRAEL: Okay.

6 THE COURT: -- and I'll share with you the
7 same courtesy, okay, sir?

8 MR. YISRAEL: All right.

9 THE COURT: So you need to ask a question,
10 you can't testify at this point, you ask
11 questions, okay? Go ahead.

12 BY MR. YISRAEL:

13 Q. You came to me at the beginning -- or did
14 you come to me -- did you notify me that you had
15 a warrant that day, sir?

16 A. Yes, sir.

17 Q. Did I go to the jail, sir?

18 A. Yes, sir.

19 Q. And the blue light was behind me?

20 A. At a certain point, sir.

21 Q. So why are you saying that I failed to
22 stop?

23 A. You stop on the demand of the blue lights
24 and siren sir, not when you're ready to stop, sir.

25 Q. And you were going to take me to jail?

1 A. Yes, sir.

2 Q. Are there any exceptions that you know
3 of, where a person may drive longer?

4 MS. LEMPESIS: Your Honor, I'll object,
5 that's asking a question as to the law.

6 THE COURT: Again, Mr. Yisrael, I'll sustain
7 that objection, sir, that I'm the -- I am
8 responsible for the charge of the law here, and I
9 will instruct the jury as to what the law is, sir.
10 Go ahead.

11 BY MR. YISRAEL:

12 Q. You do admit that I did stop on my own
13 at that jail?

14 MS. LEMPESIS: Your Honor, I object, that's
15 been asked and --

16 BY MR. YISRAEL:

17 Q. Or do --

18 MS. LEMPESIS: -- answered.

19 THE COURT: Hold on, Mr. Yisrael.

20 MS. LEMPESIS: I object, that's been asked
21 and answered. I don't know where we're going with
22 this.

23 THE COURT: I'll overrule you, but, Mr.
24 Yisrael, I think you have made your point, as it
25 relates to that. I'll allow you one or two other

1 questions concerning that issue. Then you
2 certainly can continue to cross-examine this
3 witness, but you need to move on, okay, sir?

4 BY MR. YISRAEL:

5 Q. What is your and my relationship like?

6 A. I don't have a relationship with you,
7 sir.

8 MR. LEMPESIS: Your Honor, I would object, I
9 don't know relevance -- object to relevance.

10 THE COURT: Well --

11 BY MR. YISRAEL:

12 Q. In other words --

13 THE COURT: -- I'm going to overrule you on
14 that. Go ahead, sir.

15 BY MR. YISRAEL:

16 Q. Have you ever caused me harm during an
17 arrest?

18 A. No, sir.

19 Q. Was I ever taken to the hospital after
20 you made an arrest?

21 A. After I made an arrest with you?

22 Q. Yes.

23 A. No, sir, not me, no, sir.

24 Q. Did you ever fall upon me in any prior
25 arrests?

1 A. Did I fall upon you?

2 Q. Yes.

3 A. Fall upon you? No, sir. I put handcuffs
4 on you.

5 Q. Did you ever point a weapon at me of any
6 type?

7 A. I can't remember that.

8 Q. You can't remember? Please think.

9 A. I'm sorry?

10 Q. Please think about --

11 A. I can't remember, it's so long ago, sir.

12 Q. So what are you saying, it's possible?

13 A. It can be.

14 Q. Okay. And you have no recollection --
15 or do you have any recollection that I went to
16 the hospital after you made an arrest -- you and
17 another officer made an arrest on me?

18 A. I can't remember.

19 Q. If a person is in fear of an officer, is
20 he allowed to run away from that officer?

21 MS. LEMPESIS: Your Honor, I object, it's
22 asking as to the law and not to the facts.

23 THE COURT: I agree, I will sustain that
24 objection, Mr. Yisrael.

25 BY MR. YISRAEL:

1 Q. Have you served other warrants on me,
2 sir?

3 A. Yes, sir.

4 Q. About how many?

5 A. I don't know.

6 Q. Have you went to trial on any other
7 warrant?

8 A. I can't -- I can't remember that. I can't
9 remember the time.

10 Q. Are you aware that there are many
11 outstanding warrants pending on me?

12 A. I don't know, sir.

13 Q. Are you aware that there are any?

14 A. I don't know, sir.

15 Q. You don't know. Including the one that
16 you served, you don't know if those are still
17 pending or not?

18 A. No, sir.

19 MR. YISRAEL: I may have further questions
20 for him, after I question the other witnesses.

21 THE COURT: Well, I don't think -- well, Mr.
22 Yisrael, do you have any more questions now?

23 MR. YISRAEL: I would just like to read
24 through this list of warrants that were --

25 MS. LEMPESIS: I would object.

1 THE COURT: No, sir. I'm gonna sustain that
2 objection, sir.

3 MR. YISRAEL: Not right now, but I would like
4 to question him later.

5 THE COURT: All right, then I need you-all
6 to approach.

7 (Bench conference.)

8 THE COURT: Yes, sir, all right, go ahead.
9 All right, go ahead, Mr. Yisrael.

10 BY MR. YISRAEL:

11 Q. Before I stop, Officer Watson, I just
12 want to make -- get one thing clear, okay. Your
13 charge against me was for failure to stop for a
14 blue light?

15 A. Yes, sir.

16 Q. And admit that I did stop at the jail?

17 A. At the jail, yes, sir.

18 Q. Thank you.

19 THE COURT: All right, thank you. Is there
20 any redirect, Solicitor?

21 MS. LEMPESIS: Yes, Your Honor.

22 ***

23 REDIRECT EXAMINATION

24 BY MS. LEMPESIS:

25 Q. Mr. Watson, you said in Mr. Yisrael's

1 cross that you did turn your blue lights off at
2 some point, is that once you-all determined that
3 it was becoming too dangerous?

4 A. Yes, ma'am.

5 Q. Okay. And we saw that on the video,
6 correct? You-all turned off lights and did a U-
7 turn and went back to the Yemassee?

8 A. Yes, ma'am.

9 Q. Okay. Mr. Yisrael brought up his prior
10 encounters with yourself. Have you had occasion
11 to be in contact with Mr. Yisrael, when you did
12 not have an outstanding warrant against him?

13 A. Yes, ma'am.

14 Q. What is his response to you, when you
15 don't have an outstanding warrant?

16 A. I mean he's socialized. I see him at the
17 Chinese restaurant. He sometimes call when
18 someone that's at the Amtrak Station, basically,
19 somewhat stranded on the ride. He'll ask them if
20 they want to ride, and he'll gets with them at
21 the train station. If the train station's not
22 even open, he'll call and say, "The train
23 station's not opened, can you open it up?" "No
24 problem at all."

25 Q. But in this instance, on this day, you

1 had an active warrant for him?

2 A. Yes, ma'am.

3 Q. And --

4 MS. LEMPESIS: I beg the Court's indulgence.

5 THE COURT: Yes, ma'am.

6 BY MS. LEMPESIS:

7 Q. When you initiate your blue lights and
8 turn on your sirens, what are you looking for the
9 car to do?

10 A. I mean --

11 Q. Or the driver of the car to do?

12 A. Be able to pull over to the right-hand
13 side of the road, or safely on the side of the
14 road.

15 Q. So if a person just stops at a stoplight,
16 would it be breaching practice for you to not
17 engage at that point?

18 A. Yes, ma'am.

19 Q. You're looking for the person to actually
20 pull over to the side of the road?

21 A. Yes, ma'am.

22 Q. And that's what you would be considering
23 -- that's when you would actually engage and get
24 out of your patrol car?

25 A. Yes, ma'am.

1 Q. I have no further questions for you, Mr.
2 Watson, thank you so much.

3 THE COURT: All right. Thank you, Solicitor.
4 Mr. Yisrael, do you have any other questions of
5 this witness, sir? Do you want to ask any
6 questions, in response to the Solicitor's
7 redirect?

8 MR. YISRAEL: Well --

9 THE COURT: But you may not, I don't know.

10 MR. YISRAEL: I'm just trying to figure out
11 how to do it.

12 BY MR. YISRAEL:

13 Q. I'll just ask one more time, Officer
14 Watson, your goal that day was to get me to the
15 jail?

16 A. I'm sorry?

17 Q. your goal that day was to get me to the
18 jail?

19 A. Yes, with the warrants, yes, sir.

20 Q. You chased me -- how far did you chase
21 me before you turned the blue lights off?

22 A. Like 20 miles. Maybe not 20.

23 Well, it was probably 20 miles, if that, 16,
24 20. I don't know the distance from Yemassee to
25 the Air Station, probably like that.

1 Q. Why didn't you just follow behind me?

2 MS. LEMPESIS: Your Honor, I object, that's
3 outside the scope of the redirect.

4 THE COURT: I will sustain that, that is
5 outside of scope, sir.

6 MR. YISRAEL: No further questions, sir.

7 THE COURT: Okay, thank you. All right,
8 anything else, Solicitor?

9 MS. LEMPESIS: No, Your Honor. I ask that
10 Mr. Watson be released.

11 THE COURT: Great, that'll be fine, yes,
12 ma'am. Thank you. Thank you, sir. Thank you
13 for coming.

14 WITNESS: Yes, sir.

15 THE COURT: All right, Mr. Yisrael and
16 Solicitor, could you'll approach for one minute?

17 (Bench conference.)

18 THE COURT: All right, ladies and gentlemen,
19 since it's noon, I'm gonna go ahead and let you
20 go to lunch. There are a couple matters that
21 we're gonna need to take up, and then I think the
22 State will proceed with calling their next witness
23 when we come back. I'm gonna ask that you be back
24 at 1:15, and we'll be ready to resume testimony
25 at 1:15. Please don't discuss the case, or do

1 any research. Look forward to seeing everybody
2 back at 1:15. Thank you.

3 (Jury exits courtroom.)

4 BAILIFF: The jury's cleared, Your Honor.

5 THE COURT: All right, anything from the
6 State before we break for lunch?

7 MS. LEMPESIS: Nothing from the State, Your
8 Honor.

9 THE COURT: Mr. Yisrael, anything from you
10 before we break for lunch, sir?

11 MR. YISRAEL: I'm still waiting on my extra
12 -- I'm still waiting on my witness.

13 THE COURT: On your what?

14 MR. YISRAEL: I'm still waiting to see if I
15 can get the other witnesses to come.

16 THE COURT: Okay, well, Mr. Yisrael, you're
17 gonna have to try to work with whoever you can,
18 and, again, that's your responsibility, sir.
19 They've said they would help, and I think they
20 agreed to get Mr. Alexander here, and have him
21 here for you, but beyond that, sir, ultimately,
22 it's your responsibility.

23 Also, sir, if there's some books, if you want
24 to look at the Code, you certainly can, sir. I
25 know you've mentioned that up here, okay?

1 MR. YISRAEL: And the one more thing, I have
2 a CD -- I have a disk I need to play. Can I use
3 -- are you gonna let me use your equipment?

4 MS. LEMPESIS: I'll let you use my computer.

5 THE COURT: And --

6 MR. YISRAEL: Can I use it while I'm
7 questioning the next witness?

8 THE COURT: Well, I don't know. What is it
9 a CD of, sir?

10 MR. YISRAEL: It's the 911 call that I made,
11 while they were chasing me.

12 MS. LEMPESIS: Well --

13 THE COURT: I mean that you're going to have
14 to authenticate that, what that --

15 MS. GIBBES:

16 THE COURT: Right. Okay? And let her talk
17 to you about that. Mr. Yisrael, what book is it
18 that you want? Do you want the --

19 MR. YISRAEL: 2022, that same thing -- I just
20 want to take a double look over --

21 THE COURT: 22? Okay.

22 MR. YISRAEL: 17 and 2022.

23 THE COURT: How about I leave you these books.
24 Do you promise to bring them back, Mr. Yisrael?

25 MR. YISRAEL: Do I have to look at them here,

1 or can I take them?

2 THE COURT: Mr. Yisrael, as long as you
3 promise that these books get back after lunch --

4 MR. YISRAEL: I mean do I have to --

5 THE COURT: -- I'll let you --

6 MR. YISRAEL: WHAT?

7 THE COURT: I'll let you remove these books,
8 sir, but if you don't bring these books back after
9 lunch, sir, the Clerk of Courts is gonna get you,
10 okay?

11 MR. YISRAEL: Okay, but can I read them here?

12 THE COURT: Well, I think that -- do you-all
13 keep the courtroom open during lunch? They keep
14 the courtroom open during lunch, that's fine; is
15 that all right, Mr. Yisrael?

16 MR. YISRAEL: Sure.

17 THE COURT: Okay. All right, any other books
18 you need, Mr. Yisrael, because I don't want you
19 coming --

20 MR. YISRAEL: I might, depending on what
21 this --

22 THE COURT: Well, I don't want you coming up
23 here on the bench.

24 MR. YISRAEL: Okay.

25 THE COURT: If you find somebody, and they

1 can get it for you, but I don't want you coming
2 back up here, okay, sir?

3 MR. YISRAEL: Okay.

4 THE COURT: That's just got my papers and
5 stuff here, okay?

6 MR. YISRAEL: Okay.

7 THE COURT: All right, thank you. So we'll
8 be back in here at 1:15.

9 MS. LEMPESIS: Thank you, Your Honor.

10 THE COURT: Thank you.

11 (Luncheon recess.)

12 ***

13 PROCEEDINGS CONTINUED

14 ***

15 THE COURT: Hope all of you had a good lunch.
16 Some of you did, you were at Jimmy Johns.

17 We are ready now for the State to call their
18 next witness.

19 Solicitor, happy to hear from you.

20 MS. LEMPESIS: Thank you, Your Honor.

21 May it please the Court, we call Lance
22 Corporal Byrd.

23 LANCE BYRD,

24 being first duly sworn testified as follows:

25 * * *

DIRECT EXAMINATION

BY MS. LEMPESIS:

Q. Lance Corporal Byrd. Who do you work for?

A. The Beaufort County Sheriff's Office.

Q. How long?

A. Since October of 2015.

Q. What is your position with the Beaufort County Sheriff's Office?

A. I am currently an investigator assigned to the criminal intelligent unit.

Q. Were you working with Beaufort County Sheriff's Office own May 8, 2018?

A. Yes, I was.

Q. What was your position at that time?

A. I was assigned to the northern patrol.

Q. What are your responsibilities with the northern division?

A. People call 911. An officer comes. Things like that.

Q. Did you respond to a call for assistance from the Yemassee Police Department?

A. I did.

Q. How did that information come to you?

A. Notified by the Beaufort County Sheriff's Office dispatch or 911 operator. They had been

1 notified by Hampton County dispatch. There was a
2 pursuit ongoing, and it started in Beaufort County
3 and was currently in Beaufort County headed toward
4 Beaufort city.

5 Q. Are you familiar with where the starting
6 point of this pursuit was?

7 A. Later, not at that time. I did not know
8 the exact location of the pursuit start.

9 Q. If I told you it was ■ Wall Street is
10 that about right?

11 A. Yes, ma'am.

12 Q. Are you familiar with that location now?

13 A. I am.

14 Q. Why that is?

15 A. It's in Beaufort County.

16 Q. At what point -- about what time was it
17 in the day?

18 A. 7:00 in the morning.

19 Q. At what point do you become involved in
20 this pursuit?

21 A. I started to respond to assist another
22 agency.

23 Q. When you become involved, what is your
24 role?

25 A. I -- at that point, our role is, one, we

1 attempt to find out why is there -- why are they
2 chasing him? Also, what are the -- if they're
3 chasing one person or any subject, what are they
4 wanted for? What are the charges? And we're
5 there to assist another agency.

6 If it's a major felony, we will become the
7 primary responsible.

8 Q. So in this instance, what did you do?
9 What do you do, as you are assisting?

10 A. At that time, I located -- I observed the
11 pursuit. I observed Yemassee Police Department.
12 I observed South Carolina Highway Patrol.

13 These units were pursuing at 40, 45 miles
14 an hour. And I was trying -- because Yemassee
15 uses Hampton County Dispatch, we were having some
16 issues trying to get the information of why they
17 were pursuing, and why they were chasing this
18 vehicle.

19 At that time I was observing, not engaging
20 until I found out the particulars of what was
21 going on.

22 Q. Okay. And for about how long then are
23 you sort of tracking behind this pursuit?

24 A. Approximately five, six minutes, seven
25 minutes.

1 Q. Okay. Did you see the Defendant's truck
2 on the roadway?

3 A. I did.

4 Q. Were you able to observe the driving on
5 the roadway, or some of it?

6 A. I did. I observed a blue and white pickup
7 truck. It had trash -- there was a trailer. The
8 Yemassee Police Department was chasing this
9 vehicle with their lights and sirens going. The
10 vehicle was in the number two lane, at the time,
11 it was not stopping.

12 Q. Okay. At any point did you see the
13 Yemassee Police Department -- one of their
14 officers attempted to deploy the spike strips?

15 A. I did. That was -- so Chief Alexander
16 he was at the intersection of Trask Parkway and
17 Shanklin Road. He had gotten ahead of the
18 pursuit. That's a four-lane area with a turning
19 lane onto Shanklin Road. He was off to the
20 shoulder and tried to deploy the tire deflation
21 devices.

22 Q. Okay. Do you -- the patrol car that you
23 were driving, do you have an in-car camera?

24 A. I did.

25 Q. Okay, and was that preserved?

1 A. It was.

2 Q. Okay.

3 MS. LEMPESIS: Your Honor, may I approach the
4 witness?

5 THE COURT: Yes, ma'am.

6 MS. LEMPESIS: Thank you.

7 (Court Reporter marks State's Exhibit 3, as
8 attached hereto.)

9 BY MS. LEMPESIS:

10 Q. Corporal Byrd, I'm going to hand you
11 what's been marked as State's Exhibit 3. Do you
12 recognize that item?

13 A. I do.

14 Q. Thank you. And how are you able to
15 recognize it?

16 A. On July 7th I met with the investigators
17 in the Fourteenth Circuit Solicitor's Office, and
18 observed the video. I initialed it that morning
19 at 9:51 a.m. It has my initials and date.

20 Q. Thank you, and is that a fair and accurate
21 copy of your dash-cam from --

22 A. Yes, ma'am.

23 Q. -- that day? Okay, and has it been
24 altered in any way?

25 A. No, ma'am.

1 Q. Thank you.

2 MS. LEMPESIS: Your Honor, I would move to
3 admit State's Exhibit 3, at this point.

4 THE COURT: Any objection, Mr. Yisrael?

5 MR. YISRAEL: She asked the question; has it
6 been altered in any way.

7 What was she referring to?

8 MS. LEMPESIS: Your Honor --

9 THE COURT: Counsel approach.

10 MS. LEMPESIS: Thank you.

11 (Bench conference.)

12 THE COURT: Okay, so then State's 2?

13 MS. LEMPESIS: Three.

14 THE COURT: Three is admitted without
15 objection.

16 (State's Exhibit 3 admitted into evidence.)

17 MS. LEMPESIS: Thank you, Your Honor, and
18 permission to publish?

19 THE COURT: Yes, ma'am.

20 MS. LEMPESIS: Thank you.

21 (Video is being played for the jury.)

22 BY MS. LEMPESIS:

23 Q. While this is playing, if you can explain
24 to the jury, what are we looking at right here?

25 A. The vehicle that you see in front of me

1 is the primary vehicle responsible for the
2 pursuit. The suspect vehicle is directly in front
3 of that vehicle.

4 Q. Okay, thank you. And, Corporal Byrd, at
5 this point, the -- your recording of the pursuit
6 is over?

7 A. Yes, ma'am.

8 Q. Okay. We -- can you explain what we saw
9 happen at the end there, that you observed?

10 MR. YISRAEL: Objection, Your Honor, it seems
11 like there's something more.

12 THE COURT: On cross-examination, sir, you
13 can inquire about that, if there's anything left,
14 yes, sir. Go ahead, Solicitor.

15 BY MS. LEMPESIS:

16 Q. That's the extent of what your dashcam
17 shows of this pursuit, correct?

18 A. Yes, ma'am.

19 Q. Okay.

20 A. The last little bit at the end right
21 there, you saw vehicles that had turned their
22 lights off, and they were turning around. The
23 last little bit is -- and you keep your camera
24 running for just a little bit to show the pursuit
25 has ended.

1 It goes to show that the vehicle's still
2 traveling at a high rate of speed, if something
3 happens, while we try to terminate the pursuit,
4 we're showing that we're turning around.

5 Q. Gotcha, thank you.

6 Do you know whether or not Mr. Yisrael made
7 any phone calls to 911, when he was being pursued?

8 A. Yes, ma'am. I was notified by the
9 Beaufort County Dispatch that Mr. Yisrael had
10 contacted 911.

11 Q. Uh-huh.

12 A. I was informed that he did not wish to
13 turn himself into the Yemassee Police
14 Department, and he would be driving to the
15 Beaufort County Detention Center.

16 Q. Okay. Did you have any further
17 involvement after your, you know, sort of tracking
18 behind the Yemassee PD officer?

19 A. Yes, ma'am.

20 Q. What was that involvement?

21 A. It -- moments later -- the pursuit ended
22 right there at Parris Island Gateway, right before
23 you enter into the city limits of Beaufort.

24 Moments later I was notified by my Staff
25 Sergeant that Mr. Yisrael was pulling into the

1 Beaufort -- or the Law Enforcement Center right
2 here in Beaufort, which is also right here at the
3 Beaufort County Detention Center.

4 Q. Okay, so did you go to the Detention
5 Center?

6 A. I did.

7 Q. Okay, and did you make contact with Mr.
8 Yisrael at the Detention Center?

9 A. Yes, ma'am.

10 Q. Okay. And did you assist in any other
11 way, at that point?

12 A. Mr. Yisrael was detained. A -- his name
13 and date of birth was ran through the FBI database
14 of MCIC.

15 Q. Okay, and we know that there was an
16 outstanding warrant from Yemassee, and so was that
17 warrant confirmed by the Beaufort County
18 Sheriff's Office?

19 A. Yes, ma'am.

20 Q. Okay. And was he placed under arrest and
21 taken to jail?

22 A. At the time that it was confirmed, he was
23 placed -- he was notified he was under arrest.

24 Q. Okay, thank you. Corporal Byrd, I don't
25 have any other questions for you. If you can

1 answer Mr. Yisrael's questions.

2 A. Yes, ma'am.

3 THE COURT: Mr. Yisrael, do you have some
4 questions? Do you want to cross-examine this
5 witness, sir?

6 MR. YISRAEL: Yes.

7 THE COURT: Yes, sir.

8 ***

9 CROSS EXAMINATION

10 BY MR. YISRAEL:

11 Q. Do you know why no one else involved
12 themselves in trying to stop me from going where
13 I was going?

14 A. I don't understand your question.

15 Q. All right. You didn't try to stop me?

16 A. No, sir.

17 Q. Was the Highway Patrol out there?

18 A. Yes, sir.

19 Q. Did you see them try to stop me?

20 A. Yes, sir.

21 Q. You saw Highway Patrol try to stop me?

22 A. Yes, sir.

23 Q. How did they try to stop me?

24 A. Their lights and sirens were activated,
25 and they were actively involved in the pursuit.

1 Q. That was the extent to their trying to
2 stop me?

3 A. Uh-huh.

4 Q. Their lights and siren? In other words,
5 did they block the highway?

6 A. No, sir, the Highway Patrol did not.

7 Q. Did you see anybody from your department
8 block the highway?

9 A. From my department blocking the highway,
10 I was the unit that was involved, and I did not
11 try to block the highway.

12 Q. Why?

13 A. I was observing. There were multiple
14 units already involved in the pursuit. Beaufort
15 County's policy is, we do not pursue, unless it's
16 an extenuating circumstance that constitutes a
17 reason to pursue; and I was not able to get that
18 information.

19 Q. Give us an example of --

20 MS. LEMPESIS: I object, that he doesn't need
21 to provide an example, he's asked -- he's answered
22 the question.

23 THE COURT: I'll sustain that objection.

24 MS. LEMPESIS: Thank you.

25 BY MR. YISRAEL:

1 Q. Did you notice any officer take any
2 inappropriate actions during the pursuit?

3 A. I -- as the only Beaufort County officer,
4 I am held to the Beaufort County General Order,
5 and standard operating procedures. At that time,
6 I saw no other -- I don't know what other agency's
7 policies and procedures are.

8 Q. Did you see the Yemassee police car try
9 to stop me?

10 A. I saw multiple Yemassee Police Department
11 vehicles attempting to stop you.

12 Q. And how did they try to do that?

13 A. They were activated with their lights and
14 sirens.

15 Q. Did they do anything else?

16 A. There were attempts for a tire deflation
17 advice, or spike strips, and there was also -- it
18 appeared to be as a rolling roadblock.

19 Q. A rolling roadblock. Can you explain to
20 us what that is?

21 A. That's when you try -- the officers will
22 attempt to box in the vehicle, and force it away
23 from traffic, out of traffic, and over to the
24 shoulder or side.

25 Q. So my question to you a while ago, did

1 you see any officer act inappropriately during
2 that chase?

3 A. I don't know what their policy and
4 procedures are. I know that it is an active
5 practice for multiple agencies across the nation.

6 Q. When you saw the rolling stop, in your
7 opinion, was that an appropriate thing to do?

8 A. I --

9 MS. LEMPESIS: I would object, he's not laid
10 a foundation for him to give his opinion.

11 THE COURT: I would agree with you. Sir,
12 he's not here -- he can't give -- he's not been
13 qualified as such to give opinion testimony, sir.
14 You're asking an opinion, he's a fact witness, so
15 I will sustain the objection.

16 BY MR. YISRAEL:

17 Q. Describe what the rolling stop looked
18 like, sir, in your words, what you saw.

19 A. What I saw was Yemassee Police Department
20 attempted to get ahead of the suspect vehicle,
21 Mr. Yisrael's vehicle, slow it down to a safe
22 speed and box it in.

23 Q. And how is he gonna box it in?

24 A. There's multiple units utilized in a
25 rolling roadblock.

1 Q. Did you notice my vehicle -- what did my
2 vehicle do at --

3 A. Your vehicle took an evasive action, and
4 started driving into the oncoming traffic.

5 Q. Okay. Did you see me, at any time, try
6 to get back into the southbound lane?

7 A. Once you had cleared away from the
8 officers that were attempting to pursue you, and
9 they were trying to slow you down and move you
10 over.

11 Q. Prior to that, did you see me try to get
12 back -- you said the officers were trying to box
13 me in, and I went to the left oncoming traffic.
14 Did you see me try to come back in the first time?

15 A. I did. Once you had cleared the vehicle
16 -- cleared away from the officers that were
17 attempting to stop you or slow you down, then you
18 proceeded back into the number one lane.

19 Q. Did you see officer -- all right, let me
20 try to do it with my hands here. Let's say I'm
21 going southbound and I'm in the northbound lane.
22 Did you see me move, and then Officer Alexander
23 move his car quickly, to prevent me from getting
24 in? Did you see that part?

25 A. I didn't -- I wasn't monitoring the speed

1 of Chief Alexander. I saw your vehicle. I did
2 see Chief Alexander's vehicle. He was attempting
3 to stay in front of you for the rolling roadblock.

4 Q. Explain to us one more time, when does
5 the Beaufort County Sheriff's Office would use
6 such a procedure?

7 MS. LEMPESIS: Your Honor, I would object,
8 that's not relevant.

9 THE COURT: I would agree. It's not relevant
10 what Beaufort County's procedures are, sir.

11 BY MR. YISRAEL:

12 Q. Thank you very much, sir.

13 MR. YISRAEL: Oh, there was one more
14 question.

15 THE COURT: Go ahead, sir.

16 BY MR. YISRAEL:

17 Q. Did everything in regards to -- in your
18 report, you mention, "I was informed by Beaufort
19 County Dispatch that the suspect, Shemaul
20 Yisrael, had called into 911, and was informing
21 them he feared for his safety, regarding Yemassee
22 PD, and was enroute to Beaufort County Sheriff's
23 Office LEC to turn himself into deputy." What is
24 LEC first?

25 A. It is the Law Enforcement Center.

1 Q. Okay. Did you -- do you recall anything
2 else from that dispatch, that I said about my fear
3 of Yemassee Police Officers?

4 A. No, sir, not to my recollection.

5 Q. Thank you very much, that's all.

6 THE COURT: Solicitor, do you have any cross-
7 examination of this witness?

8 MS. LEMPESIS: No, I don't, Your Honor.

9 THE COURT: Thank you. Thank you, sir.

10 WITNESS: Thank you.

11 THE COURT: Solicitor, are you ready to call
12 your next witness?

13 MS. LEMPESIS: Your Honor, at this time the
14 State rests.

15 THE COURT: Then the State rests?

16 MS. LEMPESIS: Yes, Your Honor.

17 THE COURT: All right, thank you so much.
18 All right, ladies and gentlemen, the State has
19 rested, that means they've presented their case,
20 and now there are going to be several matters of
21 law that I've got to take up outside of your
22 presence; so I would ask, if you would please
23 retire the jury room, and I'll get you back in
24 here as soon as I can, okay? Thank you so much.
25 Please don't discuss the case.

1 (Jury exits courtroom.)

2 BAILIFF: The jury's cleared, Your Honor.

3 THE COURT: All right. I want to take five
4 minutes. We'll be back in here at five until
5 2:00, and I'll be happy to hear motions, at that
6 time.

7 (Recess.)

8 ***

9 PROCEEDINGS CONTINUED

10 (The following proceedings were held in open
11 court. All parties were present.)

12 THE COURT: Mr. Yisrael, the State has
13 rested. This means they basically put on all the
14 evidence that they are going to put on in their
15 case in chief.

16 Do you have motions that you want to make at
17 this time, sir?

18 MR. ISRAEL: Several.

19 THE COURT: Okay.

20 MR. YISRAEL: The motion to dismiss.

21 THE COURT: All right, get that map.

22 MR. YISRAEL: Your Honor.

23 THE COURT: Yes, sir.

24 MR. ISRAEL: They said that the chase started
25 at that time at my home, which it did.

1 MR. YISRAEL: I knew I had to stop at some
2 point. I tried to stop and I did stop finally,
3 where I told the operator I would stop.

4 THE COURT: Yes, sir.

5 MR. YISRAEL: In absence of the law itself,
6 when it says failure to stop, it doesn't give any
7 indication, as to how far you can go before you
8 stop.

9 THE COURT: Well, let me ask you, Mr. Yisrael,
10 could you just go until you run out of gas?

11 MR. YISRAEL: I guess.

12 THE COURT: Couldn't you just drive 400
13 miles? No, I mean your argument, the law -- hold
14 on. The law doesn't say how far you've got to go
15 before you stop. So would it be your contention,
16 sir, that if you had a full tank of gas, you could
17 just keep going until your car stops?

18 MR. YISRAEL: I'm talking for those type of
19 pursuits --

20 THE COURT: Well --

21 MR. YISRAEL: -- what suspects do.

22 THE COURT: -- what I'm asking is, under your
23 logic, sir, your logic is, that the statute
24 doesn't say that, and so I'm just trying to see
25 -- I'm not following you on that.

1 MR. YISRAEL: Okay. Did I stop after the
2 blue light was initiated? At some point, did I
3 stop? The answer to that is yes.

4 THE COURT: Right.

5 MR. YISRAEL: Did I stop within one minute?
6 No. Did I stop within ten minutes? No. Did I
7 stop within 30 minutes? I don't know the exact
8 amount of time, but let's just say yes.

9 THE COURT: Yes, sir.

10 MR. YISRAEL: I came to a full stop, so that
11 officer could do what he wanted to do. He said
12 he wanted to serve the warrant, so he came --
13 well, somebody came and served the warrant to me
14 at the jail.

15 It cannot be said that I failed to stop. That
16 was one continuous chase. I've seen people on
17 the highway they'll go a mile or more, if they
18 get their blue light, and then they'll make a
19 right-hand turn, and the cop will also make a
20 right-hand turn to get to an area of safety. It
21 would be quite foolish to stop on a highway with
22 people going 60, 70 miles per hour, and you're
23 gonna stand there or whatever.

24 I went to a place of safety, Your Honor, in
25 the same way other drivers go to a place of

1 safety. Some people go where there's more visible
2 light, they go where there's more people located,
3 they'll stop there, but it cannot be said that I
4 did not stop because of that blue light.

5 There was only one reason why I stopped is
6 because of the blue light. How can they say that
7 I failed to stop, when you've got it on the map
8 that I stopped at Duke Street, Beaufort County
9 Detention Center. I stopped and the officer
10 served the warrant, and that's what he was after
11 -- that's where I ended up there with him. As a
12 matter of fact, the way I did it, he was able to
13 serve the warrant even quicker, because he didn't
14 have to search me at my house, anything like that
15 slowing things down, so I did stop.

16 THE COURT: Okay.

17 MR. YISRAEL: And I'm not playing games with
18 the words. Did I stop where he wanted me to stop?
19 First of all, I don't know where he wanted me to
20 stop, but I did not -- the law does not say when
21 you have to stop. The fact that I called 911,
22 and verified by the officer, I was not trying to
23 escape, I was trying to protect my life, because
24 I've --

25 THE COURT: All right.

1 MR. YISRAEL: -- been beaten up by that
2 officer. So I ask that the case be dismissed on
3 that ground, because I -- the proof is I stopped.

4 THE COURT: Okay. All right, as it relates
5 to your motion to dismiss, sir, are there any
6 other issues concerning your motion to dismiss?
7 You may have other motions --

8 MR. YISRAEL: Yes.

9 THE COURT: -- and I'll take those up, but
10 concerning your motion to dismiss, sir, are there
11 any other matters that you want to take up, before
12 I rule on that?

13 MR. YISRAEL: On what?

14 THE COURT: On the motion to dismiss.

15 MR. YISRAEL: On directed verdict --

16 THE COURT: Yes, sir.

17 MR. YISRAEL: -- I want you to reconsider
18 what you said earlier about -- I've got some new
19 evidence, some --

20 THE COURT: Okay.

21 MR. YISRAEL: -- more recent evidence about
22 section -- I already gave both Solicitors a copy
23 of the --

24 THE COURT: Yes, sir.

25 MR. YISRAEL: This comes from the Cumulative

1 Supplement, this is the most recent in 2021, added
2 onto the laws. I want you to give attention to
3 the --

4 THE COURT: Thank you.

5 MR. YISREAL: -- Attorney General's opinion,
6 on that earlier issue that I asked you about. I
7 mentioned -- okay, I mentioned to you Section 22-
8 5-180. The information that you read at that
9 time, and the information that the Solicitor
10 mentioned, it sounded like there was some sort of
11 antiquated laws, that talk about deputized and
12 all that kind of stuff.

13 Well, let's listen to the modern law, okay?
14 I'm reading now from page 31. All right, I'm just
15 gonna read that whole paragraph. "The Court will
16 probably hold that an arresting officer would be
17 the law enforcement officer who makes the case to
18 arrest the subject, or procures the arrest
19 warrant.

20 This officer is the person who is able to
21 testify, regarding the events surrounding the
22 investigation and prosecute the case on behalf of
23 the State." That would have been Officer Watson.
24 Further it says, "Pursuant to Section 22-5-180,"
25 the same exact citation I made earlier, "the

1 acting officer," Watson, "for the arrest warrant
2 should not serve the arrest warrant." This is
3 the reason for the Attorney General's opinion.
4 Did he -- did -- Officer Watson was he the affiant
5 on that warrant? Sure, there's no disputing that.

6 The solicitor knows that, and, honestly,
7 Officer Watson admitted that he swore out the
8 warrant. Did he try to serve that warrant? Yes,
9 and that was the only one -- that was the only
10 warrant that was active at that time.

11 Again, Officer Byrd said that they did a
12 background check on me, and there were no other
13 warrants but that one.

14 According to this recent Attorney General's
15 opinion, Officer Watson should not have attempted
16 to serve that warrant, because he was the affiant
17 on the warrant; and, therefore, everything that
18 he did after that point was also illegal.

19 His trying to serve the warrant was illegal
20 against the law, the current law, and what he did
21 after that, initiating that blue light, in the
22 same vein trying to serve that warrant, okay.
23 Everything -- it's just like -- let's say an
24 officer has a warrant, and there's no Judge's
25 signature on it, okay. They serve the warrant,

1 they lock the person up, and they look at the
2 warrant, oh, oh, there's no Judge's signature on
3 it. With everything that those officers did, is
4 a hypothetical, was illegal. They should not have
5 arrested that person. They shouldn't have put
6 that person in jail. They didn't have a valid
7 warrant. They were not authorized to serve that
8 warrant, because it was not signed by a Judge.
9 And I'm saying, Your Honor, this case should be
10 dismissed, based upon those things I just
11 mentioned.

12 THE COURT: Okay, all right. Solicitor, I'm
13 happy to hear from you in response.

14 MS. LEMPESIS: Thank you, Your Honor. I guess
15 to go backwards, I think that what he's handed up
16 is, as far as 22-5-180 --

17 THE COURT: Yes, ma'am.

18 MS. LEMPESIS: -- is a 10-year-old South
19 Carolina Attorney General opinion. I'm trying to
20 pull up the full opinion, but still we're talking
21 about an Attorney General's opinion is not
22 binding, and the Code section itself is what we've
23 already discussed.

24 It's that the swearing out of warrants
25 precluded from serving it, it's talking about no

1 Magistrate shall deputize a person who's swearing
2 out a warrant in any case of service. It's
3 talking about a person, an individual, not an
4 officer, getting a warrant and serving it, and
5 deputizing that person to serve the warrant.

6 It looks to me that this portion that's
7 cited, and what Mr. Yisrael's provided to the
8 Court is addressing service, perhaps a situation,
9 where an officer serves a warrant, but he doesn't
10 -- he's not actually the affiant on the warrant,
11 and so he just serves it, and he wouldn't be able
12 to testify in court, as to what was in the
13 warrant, because the affiant on the warrant would
14 need to testify in court. So I think we're
15 talking about two very different things here, but,
16 again, I don't have the full opinion. I'm trying
17 to find it right now, but I think that Mr.
18 Yisrael's point is not -- it does not land on the
19 facts that we're discussing here. Mr. Watson,
20 the officer at the time, was the affiant of the
21 warrant, he also was serving the warrant, or
22 attempting to serve the warrant for littering over
23 500 pounds on Mr. Yisrael, and that is well within
24 the rules of our code section for him to be able
25 to do that.

1 THE COURT: Go ahead.

2 MS. LEMPESIS: Thank you. And so then, Your
3 Honor, it goes on, and talking about Mr. Yisrael's
4 argument that it should be dismissed, because he
5 did stop, but the fact that -- he's saying the
6 fact that he eventually stopped at the Beaufort
7 County Sheriff's Office, he doesn't get to make
8 that decision. He said that, you know, "Well, if
9 they were gonna serve the warrant on me, then they
10 could have come and served the warrant on me at
11 the jail."

12 They -- he -- Mr. Watson was trying to serve
13 the warrant on him right there outside of his
14 home, and he decided instead to get into his truck
15 and to flee. Mr. Yisrael mentioned that would it
16 have been safe for him to stop on that busy
17 highway? Well, maybe not, but it certainly would
18 have been safe to stop at any of the other number
19 of places that he could have stopped on his way
20 to the jail, to turn himself in.

21 He has clearly shown his intent to not stop
22 for blue lights, which has been testified to now
23 that he called the police and said, "I'm not
24 stopping." Told Mr. Watson, "Not today," and got
25 in his car and fled, and then clearly failed to

1 stop for blue lights.

2 THE COURT: All right.

3 MS. LEMPESIS: I think for the purposes of a
4 directed verdict, we've clearly -- we've shown,
5 with the testimony of these two officers, these
6 two witnesses, that Mr. Yisrael -- there were no
7 mitigating circumstances, and he did fail to stop
8 for blue lights, and so we think that this should
9 go onto the next phase of the trial.

10 THE COURT: All right. All right, Mr.
11 Yisrael, in regard to the motion to dismiss, as
12 it relates to your first argument, and, basically,
13 the fact that you ultimately stopped, that you'd
14 called 911 and told them that you were gonna stop
15 at the jail, or whatever that -- I understand your
16 issues of that.

17 I follow you completely, sir. At this point
18 in the trial though, I have to look for the
19 existence of evidence.

20 Has the State put forth any evidence that
21 would allow a jury to consider these facts and
22 find them guilty? And the answer to that question
23 is, certainly they have. And I'm not saying the
24 jury's going to agree with them, sir, and I
25 understand your defense and what you're arguing,

1 but I think through the testimony of the two
2 witnesses, the videos, I think that they have
3 shown some evidence that a reasonable jury could
4 conclude and find that you are guilty of failing
5 to stop for a blue light.

6 So at this state in the proceedings, sir, I'm
7 looking for the existence of evidence. Does it
8 exist? Have they shown it at all? And what I
9 would say is, they have. It's a very low
10 threshold that they've got to cross, but I think
11 they've crossed the threshold, as it relates to
12 that.

13 So I'll respectfully deny your motion to
14 dismiss, because I believe they have sufficiently
15 put forth some evidence, that would allow this
16 matter to go to the jury. Now, in regard to your
17 second argument, sir, and the Attorney General's
18 opinion, believe it or not, the Attorney General's
19 opinion arises out of a letter that was written
20 to the Honorable P. J. Tanner, the Sheriff of
21 Beaufort County, dated May 18th, 2012.

22 I had an excellent Law Clerk find that for
23 me in just a matter of seconds, okay? "Dear
24 Sheriff Tanner, in this letter, this office has
25 raised a question related to the prosecution of

1 cases within the jurisdiction of the Magistrate's
2 Courts." I'll stop right there, this is not
3 Magistrate's Court, and this is not prosecution
4 in Magistrate's Court, okay? "By deputies with
5 the Beaufort County Sheriff's Department.

6 By way of background, we present a situation,
7 where a Deputy Sheriff investigated an accident,
8 and obtained an arrest warrant for a subject
9 charging him with simple assault. The warrant
10 was then served on the subject by another deputy,
11 who was assigned to the warrant service section
12 of the department, and had no other connection
13 with the case, other than to serve the arrest
14 warrant. Specifically, you asked whether a Deputy
15 Sheriff, who conducts the investigation, should
16 be the prosecuting officer in the case in
17 Magistrate's Court, and should be considered the
18 arresting officer, although he or she did not
19 serve the arrest warrant."

20 Mr. Yisrael, what that is talking about has
21 nothing to do with this case. It's talking about
22 who is the arresting officer in a Magistrate's
23 Court case, and, basically, whether the
24 prosecuting officer should be the one who,
25 basically, goes and signs the warrant, or is the

1 arresting officer the one who serves the warrant?
2 That's what this case is dealing with. It's
3 completely different from this case. This does
4 not have anything to do with that. That's why
5 we've got to look to the opinion, and see if it
6 is in this last paragraph, that's gonna basically
7 tell you what this is dealing with.

8 This is not dealing with a big court General
9 Sessions charge, and whether an officer -- because
10 officers in Magistrate's Courts, sir, they
11 prosecute their own cases, okay?

12 So the real question is, then who prosecutes?
13 That's what this case is about. That's what the
14 Attorney General's opinion is. I will also tell
15 you I'm not bound by an opinion of the Attorney
16 General, that is just one gentleman's opinion.
17 And so I submit that in this case I don't see
18 anything wrong in the officer moving forward and
19 serving the warrant, or attempting to serve a
20 warrant on you, a warrant that was validly
21 executed and signed by a Judge, even though he
22 was the affiant. I understand the position that
23 you take.

24 I note that for the record, but I'm going to
25 respectfully deny your motion, but I think you've

1 adequately protected the record, to include the
2 Attorney General's opinion of 2012, all right,
3 sir?

4 MR. YISRAEL: I'll renew all my prior
5 motions.

6 THE COURT: You need to stand up, sir.

7 MR. YISRAEL: I renew all my prior motions
8 and objections.

9 THE COURT: I understand, I think that's
10 completely appropriate, sir, and I note that for
11 the record, all right? Thank you. Now, Mr.
12 Yisrael, you, sir, do not have the burden of proof
13 in this case; you understand that?

14 MR. YISRAEL: Yes, sir.

15 THE COURT: The burden of proof is completely
16 on the State of South Carolina. And so what I
17 want to first ask you, sir, is do you want to put
18 forth a case? Do you want to call witnesses to
19 the stand? Okay. And let me explain, to make
20 sure you understand, if you -- has he put anything
21 into evidence?

22 MS. LEMPESIS: No, he did not.

23 THE COURT: All right, Mr. Yisrael, you don't
24 call witnesses, you get closing arguments, okay?
25 What it means is, you get to go last.

1 MR. YISRAEL: Right.

2 THE COURT: Some people would say there's an
3 advantage to going last, okay?

4 MR. YISRAEL: Yes.

5 THE COURT: I'm not trying to talk you in or
6 out of anything, I just want to make sure you
7 understand that. If you call witnesses, sir, then
8 you're gonna lose -- you'll still have a closing
9 argument, but the Solicitor gets to go last. I
10 don't know if you knew that, that you didn't know
11 that, and I just want to make sure you understand
12 that. I'm correct on that, correct, Solicitor?

13 MS. LEMPESIS: Yes, sir.

14 THE COURT: I'm instructing him correctly?

15 MS. LEMPESIS: Yes, Your Honor.

16 THE COURT: All right, I want to make sure,
17 because I'm usually not instructing this, okay?
18 But I want to make sure you understand that,
19 because some people think it's a real advantage
20 to argue last to the jury.

21 So if you call witnesses - you don't have to,
22 but you certainly can. I just want to make sure
23 you consider that. Also, sir, if you decide that
24 you want to testify, there are some questions that
25 I will need to specifically ask you for the

1 record, as it relates to your testifying and
2 taking the stand, okay?

3 MR. YISRAEL: Yes. Yes, sir.

4 THE COURT: So my question to you is, do you
5 want to call witnesses, and/or do you want to
6 testify? Would you like to take a minute and talk
7 to Ms. Gibbes before you let me know?

8 MR. YISRAEL: I'm set in my mind to testify,
9 and to call additional witnesses.

10 THE COURT: That's absolutely fine. Let me
11 ask you this, are you ready to proceed with your
12 case this afternoon, to continue -- it's only
13 2:30, it's 2:20. I'd like to call some of your
14 witnesses.

15 Do you want to -- are you -- or do you -- or
16 I don't know what order. Do you want to testify
17 first, and then call witnesses? What do you want
18 to do, sir?

19 MR. YISRAEL: I think some of the witnesses
20 are here, so can we start with that hearing?

21 THE COURT: Well of course we can, but what
22 I --

23 MR. YISRAEL: Can mine be tomorrow?

24 THE COURT: Yes, sir, we can -- well, we're
25 gonna do everything we can to push forward. I'm

1 gonna give you plenty of time, sir. I think I've
2 given you all the time you want, okay, but so
3 you're ready to call your first witness?

4 MR. YISRAEL: Yeah, but I don't know who's
5 out there.

6 THE COURT: Well who's your first witness?

7 MR. YISRAEL: Officer Alexander, and a couple
8 other officers.

9 THE COURT: All right, well, who -- well,
10 that -- who do you want to call?

11 MR. YISRAEL: Officer Alexander.

12 THE COURT: Is Chief Alexander here?

13 MS. LEMPESIS: He was earlier, I haven't
14 checked for him.

15 THE COURT: All right, let's -- what we'll
16 do is, we'll take a break, let's see if we can
17 call Chief Alexander, I'm sure he's around, and
18 then we can proceed, and that'll be your first
19 witness; is that satisfactory, sir?

20 MR. YISRAEL: Yes.

21 THE COURT: All right, so we're gonna start
22 with Mr. Alexander; is that all right? Is that
23 satisfactory, sir?

24 MR. YISRAEL: Yes, sir. Yes, sir.

25 THE COURT: Yes?

1 MR. YISRAEL: Yes. I would like to call
2 Officer Alexander.

3 THE COURT: All right, let's see if we can
4 get Chief Alexander, and I'm sure we can make him
5 available to testify. We'll take a break, and
6 try to be back in here at 2:30. If there's a
7 problem, we can -- I know we can get him here,
8 okay?

9 MS. LEMPESIS: Sure, thank you.

10 THE COURT: Thank you-all. All right, we'll
11 be at east for about ten minutes.

12 MS. LEMPESIS: Thank you, Your Honor.

13 (Recess)

14 (The following proceedings were held in open
15 court. All parties were present.)

16 (Jury enters courtroom.)

17 BAILIFF: The jury's in the courtroom, Your
18 Honor.

19 THE COURT: Thank you.

20 BAILIFF: The jury's seated, Your Honor.

21 THE COURT: Thank you, sir.

22 Ladies and gentlemen, the State has finished
23 and completed their case, and so now, at this
24 point, we'll give the opportunity for the defense
25 to present their case.

1 All right, Mr. Yisrael, do you want to
2 present a defense in this case, sir?

3 MR. YISRAEL: Yes.

4 THE COURT: Okay. And are you ready to call
5 your first witness?

6 MR. YISRAEL: Yes.

7 THE COURT: All right, that'll be great, we
8 can proceed. Call your first witness, sir.

9 MR. YISRAEL: Officer

10 THE COURT: All right.

11 * * *

12 GREGORY ALEXANDER

13 * * *

14 being first duly sworn, testified as follows:

15 THE COURT: All right, your witness, sir.

16 ***

17 DIRECT EXAMINATION

18 BY MR. YISRAEL:

19 Q. Hello, Officer Alexander.

20 A. Good afternoon, sir.

21 Q. Are you familiar with the warrant that
22 Officer Watson tried to serve on me in 2018, May
23 8th, the day of the chase?

24 A. I am.

25 Q. Can you tell us about it?

1 A. I think it was a warrant for illegal
2 dumping on the Town property. It was over 500
3 pounds of illegal dumping on Town property.

4 Q. Can you describe where was the Town
5 property?

6 A. The Town's property is adjacent to Mr.
7 Yisrael's property. I think he's at number [REDACTED],
8 and we're number 16 on Wall Street.

9 Q. Has there been any issues of who owns --
10 let me ask you this first. 16 Wall Street, is
11 that a building?

12 A. Yes, sir.

13 Q. Are you saying that I dumped inside the
14 building?

15 A. No, sir.

16 Q. All right. Where are you saying that I
17 dumped at?

18 A. On Number 14, which is the old bank back
19 on Wall Street.

20 Q. Okay. Were there ever -- how do you know
21 that that lot belongs to the Town of Yemassee?
22 On what basis do you --

23 MS. LEMPESIS: Objection, relevance.

24 THE COURT: I'm going to overrule that.

25 BY MR. YISRAEL:

1 Q. How do you know that that lot belongs to
2 the Town of Yemassee?

3 A. Because the Town of Yemassee is exempt
4 from taxes, and we have been -- it's been on our
5 tax books for the last 20 years, and we've got
6 receipts that the Town owns that property.

7 Q. You have a what?

8 A. We have tax receipts. The Town of
9 Yemassee owns the property, for 14 and 16.

10 Q. Is 14 separate from 16?

11 A. Yes, sir, it is.

12 Q. I notice you didn't say -- hold on, let
13 me ask you this. Does the Town of Yemassee have
14 a deed, a title deed for 16 Wall Street?

15 A. That's above my pay grade. I'm unsure
16 if we've got a deed to it or not.

17 Q. Now, on the property, where you say I
18 dumped at, does the Town have a deed for that?

19 A. I'm unsure I do know we own it, because
20 on the tax books --

21 Q. You never --

22 A. Well --

23 Q. -- checked to see if the Town had a deed
24 for it?

25 A. I never looked to see if we had a deed

1 to it, no.

2 Q. Why not?

3 A. That was not what we needed to do.

4 Q. Isn't that the first document that a
5 person would need to prove that they own --

6 A. Once we look on the tax books and see
7 that it's taxed to the County of Yemassee every
8 year for the last 20 years, that was sufficient
9 enough for us.

10 Q. But what if they didn't own it? What if
11 they didn't have a deed for it?

12 MS. LEMPASIS: I'm going to object to this.
13 I think he's made a point.

14 THE COURT: I'll sustain that objection.

15 BY MR. YISRAEL:

16 Q. So as far as you know you've never seen
17 a deed from -- of the Town of Yemassee owning the
18 lot, where your officer said that I dumped on?

19 MS. LEMPASIS: I object, it's been asked and
20 answered.

21 THE COURT: Overruled.

22 BY MR. YISRAEL:

23 Q. As far as you know, you have never seen
24 a Town deed to the lot, where your Deputy said
25 that I dumped things on?

1 A. I've seen the tax notices for 14 and 16,
2 but I have not seen the deed.

3 Q. Okay. So you don't really -- you can't
4 really swear that the Town has a deed for that
5 lot?

6 A. No, sir, I can't swear to it. I know
7 it's on the Town in the tax books.

8 Q. Should that be the first thing you look
9 at, the Town's deed -- title?

10 MS. LEMPESIS: It's been asked -- I object,
11 that's been asked and answered.

12 THE COURT: I will sustain that objection.
13 Move on, Mr. Yisrael.

14 BY MR. YISRAEL:

15 Q. What happened -- what was the status of
16 that warrant that's the subject of this case, the
17 illegal dumping? What happened?

18 A. I'm not sure.

19 MS. LEMPESIS: Your Honor, may we approach?

20 THE COURT: Yes, ma'am.

21 (Bench conference.)

22 THE COURT: Folks, I apologize, that took a
23 little bit longer, but otherwise, I'd have to send
24 you out, and by the time you get back there, and
25 somebody use the restroom, I'd be telling you to

1 come back, so I apologize for that. Mr. Yisrael,
2 you can continue, sir.

3 BY MR. YISRAEL:

4 Q. Was the warrant -- do you know if the
5 warrant was dismissed in this case, which started
6 the whole mess with Officer Watson saying about
7 the dumping behind the building?

8 A. No, sir, I do not.

9 Q. Why don't you know?

10 MS. LEMPESIS: Objection.

11 THE COURT: I sustain that objection.

12 MS. LEMPESIS: Thank you.

13 BY MR. YISRAEL:

14 Q. Is this the first time warrants have been
15 issued for me dumping on these empty lots?

16 A. No, sir, it was not.

17 Q. Can you give me an estimate about how
18 many it was?

19 A. I'm going to say about four or five times.

20 Q. Four or five. Do you know the status of
21 any of those?

22 A. I don't. I know that we've got some
23 pending in this report, but I don't know, you
24 know, when things -- with General Sessions you
25 don't get notified on things, the process of it

1 being notified. Like last week I got notified to
2 come to court.

3 MR. YISRAEL: Hold one for one minute,
4 please, Your Honor.

5 THE COURT: Yes, sir.

6 BY MR. YISRAEL:

7 Q. Were there other warrants that were older
8 than this current one, this warrant from 2018?
9 Were there warrants prior to that, that are still
10 pending, prior to 2018?

11 A. That have not been served yet?

12 Q. That are still pending, or --

13 A. That have not been --

14 Q. -- or --

15 A. -- adjudicated, or --

16 Q. That have not been adjudicated --

17 A. -- having served?

18 Q. -- pending?

19 A. I don't understand your question.

20 Q. All right. 2018, this current one, was
21 served by Officer Watson.

22 A. Yes, sir.

23 Q. Were there any other warrants older than
24 that one, that were still -- that are still
25 pending?

1 A. To be adjudicated, or to be served on?

2 Q. To be adjudicated.

3 A. Yes.

4 Q. Why --

5 A. I think so. I'm almost --

6 Q. Why did you skip over those to bring up
7 this particular warrant that's younger than --
8 why not bring up the older ones?

9 A. We have charges in this report, and this
10 particular charge you speak of was for General
11 Sessions Court, this court here. And, you know,
12 with COVID a lot of things were backed up, so
13 that's probably why we're just getting this case
14 here with you.

15 Q. When did you get employed with the Town
16 of Yemassee?

17 A. November 3rd, 2000.

18 Q. Do you know if any -- do you recall if
19 any arrests are still pending from the year 2000,
20 regarding those empty lots and my place, and
21 things on those empty lots?

22 A. I'm not sure.

23 Q. Describe to me -- you pursued me into
24 Beaufort County, right, on May 8th, 2018?

25 A. Yes.

1 Q. You have an accurate reflection of that?

2 A. Yes, sir.

3 Q. All right. And you knew at the time the
4 nature of the warrant, that it was for dumping
5 over 500 pounds?

6 A. Yes, sir.

7 Q. And you knew, at that time that it was
8 for land that you did not even know whether or
9 not the Town had a deed for that land?

10 A. Ask the question again?

11 Q. You knew that I was being pursued, and
12 served with a warrant for dumping on land, that
13 you have never seen the Town -- a deed for that
14 particular land?

15 A. You're right, that's just, like,
16 littering. I didn't see the distinct deed either,
17 but I'm gonna charge you with littering.

18 Q. But you have to charge -- or do you have
19 to charge them for -- basically charge upon a
20 person who owns the land?

21 MS. LEMPESIS: Your Honor, I'm gonna object,
22 this is belaboring the point. It's been asked
23 and answered, and Chief Alexander's answered they
24 didn't charge him.

25 THE COURT: All right. I'm going to overrule

1 your objection, but, sir, he's answered your
2 question, and it's about time to move onto the
3 next line of questioning with this witness, if
4 there is one.

5 BY MR. YISRAEL:

6 Q. Describe to me, to the jury, to everybody,
7 what actions you took in the pursuit on May 8th,
8 2018?

9 A. On May 8th, 2018, I was getting dressed
10 for work, about to leave out the house, and
11 Sergeant Watson was in pursuit with Mr. Yisrael,
12 a man he knew had a warrant for him. I went up
13 Old Sheldon Church Road, and there's several
14 things that we can do to stop a vehicle that we
15 are pursuing.

16 One is, pursuit intervention technique is
17 where we put out front bumper to his back bumper,
18 it's been about -- the traffic was too heavy at
19 the time for me to do that, so I deployed the
20 spike strips. I went around him and deployed the
21 spike strips. Mr. Yisrael went in another lane
22 of traffic, the oncoming traffic, to avoid the
23 spike strips. I then tried our other technique
24 we've got, it's called a rolling block, where you
25 get in front of the vehicle, and you slow down at

1 a slow speed, and another vehicle gets beside it
2 to get the vehicle to stop. When I got in front
3 of this vehicle, provided the Air Station, Mr.
4 Yisrael went around me into oncoming traffic, it
5 was very heavy. At that time it was getting to
6 crazy, he was out of control. I told Sergeant
7 Watson, "To end the pursuit, we know who he is,
8 we'll get him later." And to add to that --

9 Q. Yes.

10 A. -- the reason we tried to get Mr. Yisrael
11 outside his home, because he have feces and what
12 he call concoction that he throws on the officers
13 usually, so we knew that he was outside his home.

14 Q. What did you say, sir, that I throw on
15 officers?

16 A. That you throw urine and feces.

17 Q. Now, when you use that rolling -- you
18 called it rolling block maneuver?

19 A. Yes, sir.

20 Q. On a warrant, wasn't that kind of
21 dangerous?

22 A. A rolling block?

23 Q. Yes.

24 A. A rolling stop?

25 Q. Yeah.

1 A. That's the less invasive one that we use,
2 especially at the low speeds you was going, you
3 was going about 45, 50 miles an hour. It was used
4 in front of you, and slowed down, start slowing
5 down, keep slowing down, and then another patrol
6 vehicle would get beside you to block you.

7 Q. Was there another patrol vehicle on the
8 side of me?

9 A. It was definitely coming, and --

10 Q. Was there -- answer that, you know, was
11 there -- at the time you initiated the roadblock,
12 was there another vehicle on my left side?

13 A. It was -- traffic and all was there, so
14 we --

15 Q. And which direction was that traffic
16 going?

17 A. The traffic's going east.

18 Q. Was it oncoming traffic?

19 A. No, sir. If I remember correctly, I
20 hadn't seen it in quite some time, but I think I
21 was in the number one lane, and you was in the
22 number one land, and there was cars right beside
23 you. So common sense, I was thinking that, okay,
24 he'll stop.

25 Q. Okay.

1 A. You didn't stop. 'Cause usually the way
2 you do is say -- get on, you know, it's the police,
3 so he sees blue light sand he'll stop, but you
4 did not do that. You went into oncoming traffic,
5 almost about to hit people, so at that point I
6 said, "We need to stop the pursuit, it's getting
7 too dangerous."

8 MR. YISRAEL: Your Honor, I'd like to rebuke
9 this -- he says he's forgotten --

10 THE COURT: I'm sorry, what?

11 MR. YISRAEL: Officer here his memory is
12 fuzzy about what he did that day, so I'd like to
13 show the last about five -- from the time he threw
14 out the sticks, until he tried to push me over,
15 we want to see exactly what he did just one more
16 time. I'd like to show that on the video.

17 THE COURT: All right. Can you-all set that
18 up, Solicitor?

19 MS. LEMPESIS: Yes, Your Honor, we will just
20 play it from State's Exhibit 2.

21 THE COURT: Okay. So, Mr. Yisrael, we're
22 going to play this. You're wanting to see the
23 last few minutes of it, so you're wanting to show
24 when you're at the stoplight, and then the light
25 turns green --

1 MR. YISRAEL: When he --

2 THE COURT: -- is that right?

3 MR. YISRAEL: Just before he rolls out the
4 sticks. Didn't he --

5 THE COURT: Oh, so you want to show him
6 rolling the sticks out also, sir?

7 MR. YISRAEL: Yes.

8 THE COURT: All right, then start it before
9 he rolls out the stop sticks.

10 MS. LEMPESIS: And, Your Honor, I'm going to
11 have to sort of skip ahead a little bit.

12 THE COURT: Okay.

13 MS. LEMPESIS: And I'm not quite sure of the
14 time stamp --

15 THE COURT: That's fine.

16 MS. LEMPESIS: -- so --

17 THE COURT: Yes, ma'am.

18 (Video being played for jury.)

19 THE COURT: All right, that's great, that's
20 it right there.

21 MS. LEMPESIS: Okay.

22 MR. YISRAEL: Okay, thank you.

23 THE COURT: All right, thank you, Solicitor.

24 MS. LEMPESIS: Thank you.

25 THE COURT: Thank you, Solicitor.

1 MS. LEMPESIS: You're welcome.

2 BY MR. YISRAEL:

3 Q. Is your memory refreshed now?

4 A. Yes, sir, thank you.

5 Q. Okay. Describe what really happened,
6 what you really did.

7 A. Yes, sir. I pulled beside you, started
8 watching behind you, and was trying to do a
9 rolling block. I continued to try to get in front
10 of you to slow you down and stop you, and you went
11 into oncoming traffic.

12 Q. According to what you just saw, was there
13 a car to my left?

14 A. There was not. It was me to your left,
15 I'm sorry, am I -- is that right? When we pulled
16 up --

17 Q. When you tried to stop -- when you put
18 on your brakes in front of me, when you was in
19 front of me --

20 A. Uh-huh.

21 Q. -- and I came to my left, was there
22 another car there?

23 A. No. Oncoming --

24 Q. Oh, okay.

25 A. -- traffic was -- oncoming traffic was

1 there.

2 Q. Okay, but before we get to -- but it's
3 five lanes out there, at least five lanes, right?

4 A. It's four lanes.

5 Q. Isn't there a center lane?

6 A. Probably.

7 Q. Okay, so at least --

8 A. Well --

9 Q. -- five lanes; would you agree with me
10 on that?

11 A. Yes.

12 Q. So when you forced me over to the left,
13 there was no cars there. You couldn't possibly
14 do a rolling block; is that correct?

15 A. That is not correct. I was in front of
16 you in the lane of travel going eastbound, to slow
17 you down and stop you. You went in the westbound
18 lane going east. No one forced you to go over
19 there, sir.

20 I was staying in my lane of travel, and then
21 I went in the median, and then you go too
22 dangerous, and I called it off.

23 Q. Sir, was that --

24 A. That's what I've seen in the video, sir.

25 Q. So we just viewed -- so you disagree with

1 what we just saw on the video?

2 A. No, sir. What I saw on the video, is you
3 was alluding officers, and went in the westbound
4 lane going eastbound.

5 THE COURT: All right, he's testified as to
6 what he saw. The video speaks for itself. Let's
7 move on from there, okay, sir?

8 MR. YISRAEL: Okay.

9 BY MR. YISRAEL:

10 Q. Did you, at any time, know that I had
11 contacted 911, and let them know that I was on my
12 way to the jail?

13 A. No, sir.

14 Q. To this very day did, at any time?

15 A. No, sir.

16 Q. So if you was to hear a recording of me
17 talking to 911 Dispatch, this is the very first
18 day that you came to knowledge that I said that I
19 was coming to the Beaufort County Detention
20 Center?

21 A. Yes, sir.

22 Q. Why didn't you just follow me? Oh, was
23 on my way -- was I -- if I was going to go to the
24 Beaufort County Detention Center, was I traveling
25 in the right direction?

1 A. Yes, sir, you was going east.

2 Q. Do people also call that eastward
3 direction southbound -- the southbound lane?

4 A. I call it east, because I relate it to
5 going towards the water, so right there eastbound
6 going towards Beaufort, towards the water.

7 Q. Is downtown Beaufort south or -- is
8 downtown Beaufort south of Yemassee?

9 A. Downtown Beaufort is east of Yemassee.
10 South of Yemassee is Walterboro.

11 Q. Yeah. Do you think it was justified for
12 you to attempt to rolling block, in view of the
13 charge of dumping?

14 MS. LEMPESIS: Your Honor, I object, because
15 it's asking him for his opinion.

16 MR. YISRAEL: What? Could you repeat --

17 THE COURT: She said that she --

18 MR. YISRAEL: -- that, please?

19 THE COURT: Hold on, sir. She said she
20 objects because it's asking for his opinion, okay?
21 I'm going to overrule that.

22 MS. LEMPESIS: Okay.

23 THE COURT: I think he's the one who
24 administered the block, and I certainly think he
25 can respond to that question.

1 So, ask your question again, sir, and then
2 Chief can respond to that question, assuming he
3 understand it, and has an answer to it, okay?

4 BY MR. ISRAEL:

5 Q. Were you justified in using a rolling
6 block at a busy intersection, traffic going north,
7 south, east and west; am I correct?

8 A. Yes, sir.

9 Q. For a dumping charge, dumping over 500
10 pounds of litter, was that justified?

11 A. Yes, sir, absolutely.

12 Q. So you would do such a thing again?

13 A. Yes, sir, absolutely I would.

14 MR. YISRAEL: No further questions.

15 THE COURT: All right, Solicitor, do you have
16 any redirect?

17 MS. LEMPESIS: Yes.

18 THE COURT: Or, excuse me, do you have any
19 cross-examination?

20 MS. LEMPESIS: Cross-examination.

21 THE COURT: And I apologize.

22 MS. LEMPESIS: Yes, Your Honor, thank you, I
23 was confused myself.

24 THE COURT: Well, I didn't mean to confuse
25 you.

1 MS. LEMPESIS: Thank you.

2 ***

3 CROSS-EXAMINATION

4 BY MS. LEMPESIS:

5 Q. Good afternoon, Chief Alexander.

6 A. Good afternoon.

7 Q. Chief Alexander, would it be dangerous
8 to --

9 THE COURT: Hold on. You can sit down, thank
10 you. Go ahead, Solicitor.

11 BY MS. LEMPESIS:

12 Q. Would it be dangerous to deploy this
13 rolling roadblock, if the person who you're
14 pursuing actually didn't stop, when you pulled in
15 front of him and slowed down in an attempt to stop
16 him?

17 A. It wouldn't be dangerous at all.

18 Q. Okay. And you just watched the video.
19 Could Mr. Yisrael have stopped behind you, when
20 you pulled in front of him?

21 A. Absolutely.

22 Q. We saw the distance between your car and
23 his, it looked like enough space for him to stop,
24 without even rearending you, correct?

25 A. Yes, ma'am.

1 Q. And couldn't he have also perhaps,
2 instead of veering into the oncoming traffic,
3 veered to the right, where that lane was empty?

4 A. That's correct.

5 Q. And, Chief Alexander, did he ever stop
6 for you?

7 A. Never.

8 Q. Did he ever stop for Officer Watson?

9 A. Never.

10 MS. LEMPESIS: I have no further questions.

11 THE COURT: All right, do you have any
12 redirect limited to the questions that she asked,
13 sir?

14 ***

15 REDIRECT EXAMINATION

16 BY MR. YISRAEL:

17 Q. Officer Alexander, you just said that I
18 never stopped for you, and I never stopped for
19 Officer Watson; is that true?

20 A. That is correct, sir.

21 Q. But where did I stop?

22 A. Detention Center.

23 THE COURT: I'm sorry, what did you say?

24 A. Beaufort County Detention Center.

25 THE COURT: Okay, go ahead, I'm sorry, thank

1 you.

2 BY MR. YISRAEL:

3 Q. So I did stop, right?

4 A. Not during the pursuit you didn't, sir.

5 Q. Excuse me?

6 A. Not during the pursuit you didn't.

7 Q. Did I stop after the pursuit?

8 A. When you got ready to stop, you stopped
9 at the Detention Center, but you didn't stop for
10 us.

11 Q. Well, who was I stopping for at the
12 Detention Center?

13 A. Sir, I wasn't there, I don't know.

14 Q. You don't know who I was stopping for?

15 A. No, sir.

16 Q. You think I was stopping, because you put
17 a blue light on me, and I knew I had to stop at
18 some point?

19 MS. LEMPESIS: Your Honor, I'm going to
20 object, he's being combative, and also --

21 THE COURT: Well, I'm going to --

22 MS. LEMPESIS: -- it's asked and answered.

23 THE COURT: I'm going to sustain the
24 objection, because I don't think it's up to him
25 to be speculating as to what might have been in

1 his mind at the time, so I sustain the objection.

2 BY MR. YISRAEL:

3 Q. Did you not chase me for over 20 miles,
4 sir?

5 A. Yes, sir, I did, until you got so
6 reckless, and you were about to harm other
7 motorists.

8 Q. My recklessness came after what?

9 A. After two attempts to do a spike strip,
10 and after doing a rolling block, and then you --

11 Q. My recklessness came after you tried to
12 -- that rolling block.

13 A. Yes, sir, after we did rolling block.

14 Q. Okay. So you have no idea why I stopped
15 at the Detention Center?

16 A. I was not with you, sir. I would be
17 speculating, if I told you anything --

18 Q. Speculating.

19 A. -- what that was.

20 Q. When did you find out that I stopped at
21 the Detention Center?

22 A. Whenever the Yemassee Dispatcher
23 notifies, "That he stopped at the Beaufort County
24 Detention Center."

25 MR. YISRAEL: No further questions.

1 THE COURT: Anything else, Solicitor?

2 MS. LEMPESIS: No, Your Honor.

3 THE COURT: All right, Chief Alexander, thank
4 you so much, sir.

5 WITNESS: Thank you.

6 MR. YISRAEL: Your Honor, may I keep him here?

7 THE COURT: What?

8 MR. YISRAEL: I object to that, Your Honor.

9 THE COURT: He's finished with his testimony,
10 he's free to stay in the --

11 MR. YISRAEL: Don't I have the right to
12 recall --

13 THE COURT: Not if --

14 MR. YISRAEL: -- if he stays in?

15 THE COURT: He can stay in now, sir.

16 MR. YISRAEL: Do I have the right to recall,
17 if he does stay on?

18 THE COURT: I don't know that you have a right
19 to recall him, unless there's some other rebuttal,
20 sir, or something they bring up. This is your
21 witness, you've asked him about it, I'm not gonna
22 -- if you have a question that you need to ask
23 him, then you need to ask him; otherwise, I'm
24 allowing him to stay in the courtroom.

25 Your objection is noted. Do you have any

1 questions that you want to ask him now, sir?

2 MR. YISRAEL: No, sir.

3 THE COURT: All right. You can be excused,
4 and you can stay in the courtroom, thank you.

5 WITNESS: Thank you, Your Honor.

6 THE COURT: All right, you can call your next
7 witness, sir.

8 MR. YISRAEL: Officer Joseph Loadholt.

9 THE COURT: Okay, is Officer Loadholt here?

10 MS. LEMPESIS: He is at least in --

11 THE COURT: All right, let's see if we can
12 get Officer Loadholt in here.

13 * * *

14 JOSEPH LOADHOLT

15 * * *

16 being first duly sworn, testified as follows:

17 THE COURT: All right, that's your witness,
18 Mr. Yisrael.

19 ***

20 DIRECT EXAMINATION

21 BY MR. YISRAEL:

22 Q. Hello, sir. Are you aware of any warrant
23 that served by Officer Watson on May 8th, 2018?

24 A. No, sir, I've been hearing about it.

25 Q. What did you hear about it? Are you aware

1 of any chase between the officers of your unit
2 after me on May 8th, 2018?

3 A. I heard about it.

4 Q. How soon did you hear about it?

5 A. I can't swear that it was that day, but
6 I heard about it.

7 Q. What is our relationship like through the
8 years with various officers in the Town of
9 Yemassee?

10 MS. LEMPESIS: Objection, relevance.

11 THE COURT: Well, hold on, hold on. I'm going
12 to allow the question to this extent, he can't
13 comment about what other officers' relationship
14 may be, because that's not appropriate; but if
15 you want to ask him what relationship he's had
16 with you, that's fine, but he can't go around
17 testifying as to what other officers are saying.

18 BY MS. YISRAEL:

19 Q. Did I ever have to be hospitalized after
20 any arrest that you were participating in?

21 A. I can't remember.

22 Q. You can't remember? Whoa. Did you ever
23 participate frequently or infrequently with
24 arrests upon me?

25 A. I don't understand the question.

1 Q. Would you say that there was a lot, or
2 just a few arrests that you-all carried out on
3 me?

4 A. It was a few.

5 Q. A few? What do you say, one or two, ten,
6 20?

7 A. It was a few.

8 Q. Like what? You don't want to commit
9 yourself to a number?

10 A. A few.

11 Q. Just give an estimate.

12 A. I just did, I said a few.

13 Q. A numerical estimate.

14 A. I don't want to give an estimate, because
15 I wouldn't be correct, that's why I'm saying a
16 few.

17 THE COURT: All right, he said a few, sir,
18 so -- and he's not able to bind himself to a
19 number, so you can --

20 BY MR. YISRAEL:

21 Q. And you have no recollection of me being
22 injured on several occasions for which I had to
23 go to the hospital after the arrest, that you
24 viewed or you participated in? You have no --

25 MS. LEMPESIS: Your Honor, I object, he's

1 asked and answered that. I believe the officer
2 -- the Captain testified he doesn't remember.

3 THE COURT: Well, I'm going to overrule the
4 objection.

5 MS. LEMPESIS: Okay.

6 THE COURT: You can re-ask the question, sir,
7 and if he knows the answer, he can give the
8 answer, okay? You can reask the question, sir.

9 BY MR. YISRAEL:

10 Q. Are you saying that you have no
11 recollection of me being hospitalized, the
12 ambulance coming to pick me up, after you either
13 participated in or viewed an arrest?

14 A. I can't remember, sir.

15 Q. You can't remember. Do you ever remember
16 me bleeding after an arrest?

17 A. No, sir.

18 Q. No? Do you ever remember using any kind
19 of -- any type of taser, or stun gun on me?

20 A. Have I?

21 Q. Yes, sir, do you remember that?

22 A. For the few arrests, no, sir, I don't
23 remember that, without looking at a report or
24 something, that brings memories back.

25 Q. Is it because you have a bad memory?

1 A. I do. I definitely do.

2 Q. You have a bad memory?

3 A. That's why we do reports, yes, sir.

4 Q. You testify against people, but you have
5 a bad memory problem? Is this a mental condition,
6 or what?

7 A. It's a mental condition, but I don't know
8 which one.

9 Q. Are you deliberately not recalling
10 certain events, when I was actually hospitalized,
11 after you participated in or witnessed --

12 MS. LEMPESIS: Objection.

13 BY MR. YISRAEL:

14 Q. -- an arrest? Are you deliberately --

15 THE COURT: Hold on, hold on, hold on, she's
16 objected. State your objection, Solicitor.

17 MS. LEMPESIS: Object to the form of the
18 question.

19 THE COURT: All right, I'm gonna overrule
20 you. I'm going to allow you to re-ask the
21 question, and then the officer can answer the
22 question, okay?

23 BY MR. YISRAEL:

24 Q. Are you --

25 THE COURT: Go ahead, sir.

1 BY MR. YISRAEL:

2 Q. -- deliberately forgetting incidents, in
3 which you saw me all bloodied up, after an arrest
4 that you actually made or participated in?

5 A. No.

6 Q. So you honestly don't remember those --

7 THE COURT: That's enough of that. He's
8 answered that. I apologize, go ahead and ask your
9 question, sir, I apologize.

10 BY MR. YISRAEL:

11 Q. Well, let me ask you this, did there ever
12 come a time when you injured, whether justifiably
13 or not, any suspect?

14 MR. LEMPESIS: Objection, relevance.

15 THE COURT: I'm going to sustain that
16 objection.

17 BY MR. YISRAEL:

18 Q. You say you heard about the incident of
19 the chase. Is it fair to say that you heard about
20 it within 24 hours after it happened?

21 A. I wouldn't say within 24 hours. I can't
22 give you a time when I heard it. It wouldn't be
23 fair to say giving you an accurate time.

24 Q. Did you hear from other officers, where
25 I had stopped?

1 MS. LEMPESIS: Your Honor, I object, as to
2 lack of personal knowledge.

3 THE COURT: Well, I think that -- yeah, I
4 think it's calling on him to say what other
5 officers are saying, and I think that's an
6 appropriate objection. He can't answer that
7 question.

8 MR. YISRAEL: What other officers told him?

9 THE COURT: No, sir, I'm not gonna allow that.

10 BY MR. YISRAEL:

11 Q. Did you read any incident report on this
12 May 8th incident of 2018?

13 A. I read reports, yes, sir.

14 Q. Did the reports indicate where I stopped?

15 A. No, sir.

16 Q. Thank you very much, sir.

17 A. Yes, sir.

18 THE COURT: All right, Solicitor, do you have
19 any examination for Captain Loadholt?

20 ***

21 CROSS-EXAMINATION

22 BY MS. LEMPESIS:

23 Q. Captain Loadholt, were you involved in
24 this pursuit at all on May 8th of 2018?

25 A. I was not.

1 Q. Thank you.

2 MS. LEMPESIS: I have --

3 MR. YISRAEL: Ask that question, again,
4 please?

5 MS. LEMPESIS: I asked if he was involved at
6 all in this pursuit of failure to stop for blue
7 lights on May 8th, 2018.

8 MR. YISRAEL: Yes.

9 MS. LEMPESIS: And he said no.

10 THE COURT: And his response was he was not.

11 MR. YISRAEL: Okay.

12 THE COURT: All right? Anything else?

13 MS. LEMPESIS: No, Your Honor, thank you.

14 THE COURT: Okay. Anything related to that
15 question?

16 MR. YISRAEL: No, Your Honor.

17 THE COURT: Okay, great. Captain Loadholt,
18 thank you, sir.

19 WITNESS: Thank you, Your Honor.

20 MR. YISRAEL: Your Honor, may we approach?

21 THE COURT: Sure, yes, sir. All right, ladies
22 and gentlemen, there's gonna be a matter of law
23 I've got to take up outside of your presence, so
24 I'll send you back to the jury room. I'll get
25 you back here as soon as I can. Thank you. Please

1 don't discuss the case.

2 (Jury exits courtroom.)

3 BAILIFF: The jury's clear, Your Honor.

4 THE COURT: All right, thank you. All right,
5 Mr. Yisrael, you did exactly what I asked you to
6 do, and I appreciate that. And the reason is,
7 because there is some information, sir, that I
8 need to read to you, and have you acknowledge,
9 and what I didn't want to do is have you bring up
10 or mention testimony in front of the jury, in the
11 event that we then went through this exercise,
12 and you decided not to.

13 I would want to have them hear that, or think
14 of that, okay? So what I'm going to do at this
15 time, Mr. Yisrael, is I'm going to ask, if you
16 would stand, and I'm gonna ask the Clerk to put
17 you under oath, okay, sir?

18 * * *

19 SHEMUEL YISRAEL

20 * * *

21 being first duly sworn, testified as follows:

22 THE COURT: All right.

23 MR. YISRAEL: Your Honor --

24 THE COURT: What?

25 MR. YIRAEAL: -- they can't order them out of

1 here, these two because they might talk to
2 someone, and I'm sure they will that I call them
3 tomorrow out of Yemassee.

4 THE COURT: Well, first of all, Mr. Yisrael,
5 I think that they've given their testimony,
6 they're able to stay in here at this point. If
7 they were to do that, a) they know better than
8 that, b) if they did that, they'd be subject to
9 appear in front of this Court for violating this
10 Court's order, sir.

11 And believe me, if I found out about that,
12 and they're violating this Court's order, as it
13 relates to communicating with each other, or with
14 other potential witnesses who have yet to testify,
15 if I would find out about that, sir, don't think
16 for a second that I wouldn't hold an officer in
17 contempt, to include incarceration, sir. And I
18 think those gentlemen know that.

19 MR. YISRAEL: But I have no way of proving
20 it.

21 THE COURT: Sir, I'm keeping them in here,
22 okay? I'm allowing them -- they've already
23 testified, and I'm not gonna make them leave this
24 courtroom. I note your objection for the record.
25 What I'd like to do now though is, to question

1 you, sir, about your rights concerning --
2 basically, your right to testify --

3 MR. YISRAEL: Yes.

4 THE COURT: -- okay?

5 MR. YISRAEL: Yes, sir.

6 THE COURT: So you've taken an oath, as it
7 relates to that.

8 MS. LEMPESIS: Your Honor, and I'm sorry to
9 interrupt, but just as to that one issue, as to
10 the other officers leaving the courtroom, I will
11 remind Mr. Yisrael, and the Court, as well, that
12 they were not under subpoena, they're here
13 voluntarily.

14 THE COURT: I --

15 MS. LEMPESIS: All right.

16 THE COURT: They are, and --

17 MS. LEMPESIS: And so I --

18 THE COURT: -- I appreciate --

19 MS. LEMPESIS: -- think that that's important
20 to note.

21 THE COURT: They are, I appreciate that, and
22 I appreciate the efforts of the State to assist
23 in obtaining these witnesses, though the State is
24 under no obligation to do so. The obligation is
25 solely yours, sir, and they're assisting in that.

1 I appreciate that, but let me now go, sir, and
2 give you this instruction.

3 MR. YISRAEL: I would like to add something
4 that she said.

5 THE COURT: All right, sure, Mr. Yisrael,
6 I'll let you add anything you want.

7 MR. YISRAEL: In the civil case last year you
8 spoke about how they spent so much time in the
9 courtroom, they had a job to do outside, and I do
10 too.

11 THE COURT: Mr. Yisrael, you had every member
12 of the police force there, every single one.
13 There was no one to patrol the City or the Town,
14 excuse me, and to that extent I don't know if
15 these guys are on duty or off-duty, but if they
16 want to sit in here, sir, they can, okay?

17 MR. YISRAEL: Okay.

18 BY THE COURT:

19 Q. All right. So are you Mr. -- is it
20 Shamaul?

21 A. All right, they have my name spelt wrong
22 on --

23 Q. Okay.

24 A. -- the part on Shemaual, it should not be
25 an A in there, where that A is.

1 Q. All right, spell your name.

2 A. It should be an E.

3 Q. Spell your first name for me, sir.

4 A. S-H-E-M-U-E-L, not A-L, they have that
5 all over the record. I've reminded the Court
6 that --

7 Q. All right, mine says S-H-E-M-U-E-L; is
8 that correct?

9 A. That's correct.

10 Q. Shemuel.

11 A. Shemuel.

12 Q. Is it --

13 A. Shemuel Nahun Ben Yisrael.

14 Q. All right. And that is who you in fact
15 are; is that correct, sir?

16 A. Yes, sir.

17 Q. All right. And at this time, Mr. Yisrael,
18 I'm going to explain to you your rights. If you
19 don't understand anything I say, please let me
20 know. If you want me to explain anything in more
21 detail, please let me know. Do you understand
22 that, sir?

23 A. Yes.

24 Q. Okay.

25 A. Can I sit?

1 Q. Sure you can. All right, Mr. Yisrael,
2 we've now reached the stage of the trial, where
3 you may present your defense, and, of course, you
4 have, but at this point you have the right to
5 claim the protections given to you by the Fifth
6 Amendment of the Constitution of the United
7 States, and that amendment, sir, states, in part,
8 "No person shall be compelled in any criminal case
9 to be a witness against himself."

10 This means, Mr. Yisrael, that you cannot be
11 required to testify in this case. You have a
12 right to testify on your own behalf, okay?
13 However, no one can make you testify. This is a
14 personal right, and no one can waive this right
15 except you. If you decide, Mr. Israel, you will
16 be subject to the same rules that govern other
17 witnesses, and you may be examined and cross-
18 examined on any relevant issue in this case.

19 In addition, if you have any convictions
20 involving dishonesty or false statements or for
21 crimes punishable by more than one year, and this
22 Court determines that the probative value of
23 admitting into evidence outweighs its prejudicial
24 effect to you, sir, the Solicitor will be able to
25 introduce your record to attack your credibility;

1 do you understand that, sir?

2 A. Yes.

3 Q. If you decide to testify, Mr. Yisrael,
4 your decision -- the decision on your part must
5 be freely, voluntarily and intelligently made,
6 with knowledge of the protections given to you by
7 the Fifth Amendment, and the consequences of your
8 decision to testify.

9 Do you understand that, sir?

10 A. Yes.

11 Q. Mr. Yisrael, if you decide not to testify,
12 I will instruct the jurors that they cannot give
13 the fact that you did not testify any
14 consideration whatsoever, and that there is to be
15 absolutely no pressures to you, because you did
16 not testify. It's left entirely up to you whether
17 or not you testify. You may talk with, in this
18 case, you don't have an attorney, but if you'd
19 like to talk with your standby attorney, you
20 certainly can.

21 If you want family, friends, or anyone else,
22 but the final decision will be left entirely up
23 to you.

24 Do you understand that Mr. Yisrael?

25 A. Yes.

1 Q. All right, do you understand what I've
2 explained to you, sir?

3 A. Yes.

4 Q. All right, do you have any questions about
5 what I explained to you, sir?

6 A. No.

7 Q. All right. Do you need any more time to
8 determine whether or not you should testify, sir?

9 A. Just a bathroom break, five minutes.

10 Q. All right, you want to take a bathroom
11 break, and think it over then during that time?

12 A. Oh, no, I've got to go to the bathroom.

13 Q. Well, then let me just ask you this, sir,
14 do you wish to testify?

15 A. Yes.

16 Q. Great. Take a bathroom break, we'll see
17 everybody back in here at 20 'til, okay?

18 MR. YISRAEL: Thank you.

19 MS. LEMPESIS: Thank you, Your Honor.

20 (BREAK)

21 THE COURT: All right, are we ready to
22 proceed, Solicitor?

23 MS. LEMPESIS: Your Honor, yes. Well, no,
24 because we --

25 THE COURT: Okay.

1 MS. LEMPESIS: -- I recalled that we need to
2 listen to that 911 call, that I believe Mr.
3 Yisrael is going to admit during his testimony.

4 THE COURT: Mr. Yisrael, is there a 911 call
5 that you want to admit during your testimony?

6 MR. YISRAEL: Yes, sir.

7 THE COURT: All right, well, let's play the
8 911 call, sir. Well, I'll tell you what, should
9 we proffer this testimony? Shall we have him
10 actually get up on the stand, Solicitor?

11 MS. LEMPESIS: You know, that's how we
12 normally would do it, Your Honor, for the purposes
13 of admitting the 911 call.

14 THE COURT: Well, it's not really the entire
15 testimony. I guess it's the foundation, and then
16 the call.

17 MS. LEMPESIS: Yes.

18 THE COURT: I think they're have to be some
19 testimony concerning the foundation, and then we
20 can hear the call, and I guess he wants to then
21 make a decision, as to whether or not I'm going
22 to allow the call in, but I would think there'd
23 be foundational questions, as it relates to the
24 call.

25 MS. LEMPESIS: Yes.

1 THE COURT: Or are you stipulating to do it?

2 MS. LEMPESIS: I'm not. I actually have not
3 heard it, and Mr. Yisrael got it from the Beaufort
4 County Sheriff's Office, I guess, soon after this
5 incident occurred. I didn't have it. I tried to
6 get it and couldn't.

7 THE COURT: All right, well, how long is the
8 call?

9 MR. YISRAEL: I don't think it's more than
10 20 minutes.

11 THE COURT: All right. I'll tell you what,
12 Mr. Yisrael, let's just -- I just hate to keep
13 the jury waiting 20 minutes, while we play this.

14 MR. YISRAEL: Okay, can we just listen to a
15 little bit of it, to prove that I did call 911,
16 and tell them why I wouldn't stop, and where I
17 was going? And that should come up kind of soon.

18 THE COURT: Well, I mean is there a debate,
19 as to whether he called 911?

20 MS. LEMPESIS: No, there's not, I just
21 don't --

22 THE COURT: So I --

23 MS. LEMPESIS: -- know what else is said.

24 THE COURT: I don't think there's a debate
25 that you called 911. I mean I'm not -- I mean

1 maybe that's something that could be stipulated
2 to, that you called 911, and I don't think that's
3 not in debate.

4 So what's the other issue about the 911 tape?
5 No one debates that you called 911.

6 MR. YISRAEL: Okay, the reason why I could
7 not stop immediately, but I did stop -- I told
8 them where I was going to stop, where it was
9 safer --

10 THE COURT: Right.

11 MR. YISRAEL: -- at the Beaufort County
12 Detention Center, and I did stop, and I went -- I
13 head straight there.

14 THE COURT: All right, I'll tell you what --

15 MR. YISRAEL: I think the jury needs to know
16 why I didn't --

17 THE COURT: I'll tell you what we'll do, let's
18 just go ahead -- how many witnesses do you have,
19 sir?

20 MR. YISRAEL: Oh, that's another thing. I'm
21 going to hold back and we can end this today.

22 THE COURT: No, it ain't gonna be the end of
23 the day, Mr. --

24 MR. YISRAEL: No, the witnesses, forget about
25 them.

1 THE COURT: Oh, so you don't have any other
2 witnesses?

3 MR. YISRAEL: Just myself, and I'm going to
4 -- I think what the jury needs to know why I
5 didn't stop slowing -- that's what I want to focus
6 on. All these other documents that I had planned
7 on present to the Court --

8 THE COURT: All right.

9 MR. YISRAEL: -- I --

10 THE COURT: What you're telling me is, sir,
11 you're going to testify, and you don't need to
12 call any other witnesses?

13 MR. YISRAEL: I'm not gonna call any other
14 witnesses.

15 THE COURT: All right, what I'm gonna do is,
16 I'm gonna send the jury home, all right? And I'm
17 gonna send the jury home for the night, then I'll
18 -- well, I'm not gonna keep it -- it'll be 4:30
19 before we probably could get them in here.
20 They've already been sitting back there for 20
21 minutes, okay?

22 So I just don't think it's fair to keep them
23 waiting cooped up in that room for 45 minutes,
24 because it's gonna be another 30 minutes before
25 we could hear the tape, hear the arguments, and

1 decide what we're gonna do. And so what I want
2 to do is, I want to send them home, have them come
3 back in the morning, have you go present your
4 testimony in the morning, and then we can go and
5 argue and charge, and, hopefully, finish this case
6 tomorrow. Is that satisfactory for the State?

7 MR. YISRAEL: No.

8 THE COURT: Oh, hold on.

9 MS. LEMPESIS: Yes, Your Honor.

10 THE COURT: All right, so, Mr. Yisrael, let
11 me hear from you, because you kind of threw the
12 disk down. I want to accommodate you any way I
13 can, I just don't want the jury waiting a bunch.

14 MR. YISRAEL: Okay, I'm gonna sweeten the
15 pot, okay, we'll get to the closing arguments.
16 I'm just gonna present what I'm gonna present at
17 closing arguments, and ask that --

18 THE COURT: Well, Mr. Yisrael --

19 MR. YISRAEL: But we can't do that today.

20 THE COURT: All right, hold on, Mr. Yisrael.

21 MR. YISRAEL: All right.

22 THE COURT: A couple of things, Mr. Yisrael,
23 we can't do closing arguments today. We're gonna
24 have to come back tomorrow anyway, Mr.
25 Yisrael --

1 MR. YISRAEL: Okay.

2 THE COURT: -- because what I've got to do
3 is, we have jury charges, and there's things that
4 are gonna be -- it's gonna take me 30 minutes to
5 read the jury charges to them, so we can't finish
6 today. And so what I'm saying is, if we go and
7 we let the jury go, I'm confident, if you're not
8 calling any other witnesses, other than yourself,
9 and I'm not holding to you that, sir.

10 I'm not gonna be the type of Judge -- I don't
11 want to say I'm not gonna cut you off, it's
12 possible that I would, but I don't think I have
13 thus far; and what I want to do is, I want to
14 accommodate you, sir, this is the fourth day in
15 an important case for you, and I understand that,
16 so what I want to know is, if we let the jury go,
17 we'll listen to this this afternoon --

18 MR. YISRAEL: All right.

19 THE COURT: -- and then we'll decide, and
20 then you can testify in the morning, we'll take a
21 break, send them out, and we'll move forward with
22 argument and charge; is that satisfactory?

23 MR. YISRAEL: Let's do it that way.

24 THE COURT: Okay, are you sure?

25 MR. YISRAEL: Today we're gonna list to this.

1 THE COURT: Right.

2 MR. YISRAEL: We're gonna send the jury home,
3 we're gonna listen to this, we're gonna decide if
4 I can use it, and then tomorrow I come back and
5 testify.

6 THE COURT: All right, is that satisfactory,
7 Solicitor?

8 MS. LEMPESIS: Yes, Your Honor.

9 THE COURT: All right, I think that's the
10 best thing.

11 MR. YISRAEL: With that option that if I come
12 in with some witnesses, I don't have to, but I'm
13 not gonna bring anymore.

14 THE COURT: You can bring anybody you want.

15 MR. YISRAEL: Okay, good, good.

16 THE COURT: That's up to you, sir.

17 MR. YISRAEL: Okay.

18 THE COURT: Now, that doesn't necessarily
19 mean that I'm gonna let them testify, I've got to
20 -- you understand that?

21 MR. YISRAEL: I understand.

22 THE COURT: But, you know, you're gonna need
23 to get those witnesses there, okay?

24 MR. YISRAEL: Okay.

25 THE COURT: So if there are other witnesses,

1 you need to think of that, so let's get the jury
2 in here please.

3 MR. YISRAEL: Your Honor, just one more time.
4 What?

5 THE COURT: I believe these are police
6 recruits or --

7 (Jury enters courtroom.)

8 BAILIFF: The jury's in the courtroom, Your
9 Honor.

10 THE COURT: Thank you.

11 BAILIFF: The jury's seated, Your Honor.

12 THE COURT: All right. Ladies and gentlemen,
13 I've got good news and bad news. The good news
14 is, that I'm gonna send you home at 4 o'clock.
15 Some of them are really smiling, okay? I'm gonna
16 send you home.

17 The bad news is, I'm gonna have to bring you
18 back tomorrow. And let me just tell you, I told
19 you-all at the beginning, this trial is not for
20 entertainment. This is not TV, the books, movies,
21 no take one, take two, we've got to take our time
22 and make sure we get this right, and I told you
23 this is a slow, deliberative and often repetitive
24 process, and that's because we're dealing with
25 important matters. These matters are important

1 to the State, it's important to the Defendant.

2 I appreciate the time that you put in this
3 week, you've paid attention, you've done a great
4 job listening, and so to that extent, I want to
5 discharge you today. I'm gonna ask that you be
6 back at 9:30 tomorrow morning, and we will proceed
7 with the Defendant's case at 9:30 tomorrow
8 morning. Again, don't talk about the case, no
9 research, things of that nature. I look forward
10 to seeing you at 9:30 tomorrow morning. Thank
11 you so much.

12 (Jury exits courtroom.)

13 BAILIFF: The jury's cleared, Your Honor.

14 THE COURT: Thank you. Do you need to take
15 a break before we start listening to this tape?

16 COURT REPORTER: No.

17 THE COURT: All right.

18 COURT REPORTER: I'm good.

19 THE COURT: All right. All right, is
20 everybody ready to move forward and listen to this
21 tape? Does anybody need a break before we do
22 that?

23 MS. LEMPESIS: No, Your Honor.

24 THE COURT: All right, good. So, Mr. Yisrael,
25 what you want to do is, you want us to listen to

1 this DVD?

2 MR. YISRAEL: It's an audio, yes.

3 MS. LEMPESIS: We don't need this screen, you
4 know, Your Honor --

5 THE COURT: Uh-huh.

6 MS. LEMPESIS: -- unless we need the screen
7 in order to --

8 MR. YISRAEL: There's nothing on the screen.
9 It's just an audio.

10 MS. GIBBES: So you can just play it.

11 MS. LEMPESIS: Hold on, Mr. Yisrael. There
12 you go.

13 THE COURT: All right, Kym, are we just gonna
14 play this, or just record it, whatever you need
15 to do.

16 COURT REPORTER: Yes, sir.

17 THE COURT: Thank you.

18 COURT REPORTER: I've got it going.

19 THE COURT: Thank you.

20 MS. LEMPESIS: Is that thunder?

21 THE COURT: We had a bunch of rain. It rained
22 all day yesterday.

23 BAILIFF: No, it's sunny out right now.

24 MS. LEMPESIS: Oh, is it?

25 COURT REPORTER: Oh, it was raining?

1 MS. LEMPESIS: It was raining.

2 THE COURT: Well, I heard it rained all day.

3 (Audio is played in courtroom.)

4 MS. LEMPESIS: Is that the end?

5 COURT REPORTER: Is that the end?

6 MS. LEMPESIS: Oh, there it goes.

7 (Audio is played in courtroom.)

8 MR. YISRAEL: I'm going to bring the original
9 tomorrow, that should be clearer, the original CD
10 that I got --

11 THE COURT: Okay.

12 MR. YISRAEL: -- from the Sheriff's office.

13 THE COURT: So, Mr. Yisrael, do you want to
14 play that for the jury?

15 MR. YISRAEL: Yes.

16 THE COURT: Solicitor, what's your position
17 on this? I will have to tell you, it certainly
18 sounds authentic, all the way down to the brakes
19 and silent treatment that you get from time-to-
20 time with the 911 here in Beaufort County.

21 MS. LEMPESIS: Yeah.

22 THE COURT: So what's your position on this
23 911 tape? I'm assuming he would get on the stand
24 and testify th at he requested it, and
25 they sent it to him, and this is the document they

1 sent to you?

2 MR. YISRAEL: Yes.

3 MS. LEMPESIS: Yeah, Judge, I have no
4 objection to that.

5 THE COURT: And you have no objection to
6 the --

7 MS. LEMPESIS: I think we can --

8 THE COURT: -- 911 tape coming in?

9 MS. LEMPESIS: No objection, and --

10 THE COURT: All right.

11 Now, Mr. Yisrael --

12 MR. YISRAEL: Yeah.

13 THE COURT: -- she's agreeing to something
14 that you want to let in --

15 MR. YISRAEL: Yes.

16 THE COURT: -- okay?

17 MR. YISRAEL: Yeah.

18 THE COURT: Think that through, sir. I'm
19 asking you, sir, are you sure you want that in
20 evidence?

21 MR. YISRAEL: Yes.

22 THE COURT: Talk to your standby lawyer, sir.
23 Talk to your standby lawyer. I'll do whatever
24 you want to do.

25 MR. YISRAEL: I'm ready.

1 THE COURT: Okay.

2 MR. YISRAEL: I do want to present this.

3 THE COURT: That's absolutely fine, sir,
4 that's absolutely fine. You consulted with your
5 standby lawyer, that's exactly what she's there
6 to do.

7 I appreciate that very much for talking and
8 listening to her, sir, and taking her -- and then
9 you go and do what you think you need to do. I
10 think that's completely appropriate, sir. That's
11 what you're supposed to do, and that's what she's
12 there to do.

13 So what happens is, you want to go ahead and
14 play that. If you can bring the original, that's
15 fine, it doesn't matter. We know that one plays,
16 they're good, and they're gonna allow you to go
17 and testify. You get on the stand and just
18 testify that you requested that, you've got it,
19 and you can play it, okay, sir?

20 MR. YISRAEL: Yes. I -- just one question,
21 I hope you have an answer for me. I'm gonna bring
22 some medical records, and I'm gonna compare them
23 with the warrants, that these officers got on the
24 stand and said they couldn't recall whether I went
25 to the hospital or not, so I'm gonna bring those

1 medical records.

2 THE COURT: Well, you can bring whatever
3 records you want to bring, okay?

4 MR. YISRAEL: Uh-huh.

5 THE COURT: But that isn't going to mean that
6 I'm going to allow them in, as it relates to the
7 records, okay? I mean I can't tell you what I'm
8 gonna do tomorrow about something that's not in
9 front of me now, okay, sir? I can't do that.
10 Now, Mr. Yisrael, I think what my Clerk has handed
11 to you, and handed to the Solicitor, are jury
12 charges and a verdict form, okay?

13 Those are proposed charges, and a proposed
14 verdict form, okay? The reason I give that to
15 you, Mr. Israel, because I want you to review that
16 document tonight, okay?

17 MR. YISRAEL: Yes, sir.

18 (Defendant's Exhibit 1 marked for
19 identification.)

20 THE COURT: This is what I propose to read
21 to the jury. I have to read to them what their
22 job is, what types of evidence there is, directed
23 circumstantial evidence, charge them on
24 reasonable doubt, charge them on proof beyond a
25 reasonable doubt. I've got all sorts of things

1 I've got to charge them on there. I charge them
2 on the law, as it relates to what failure to stop
3 for a blue light is, okay? So those are all the
4 charges that I propose to read to the jury. Now,
5 the Solicitor's gonna review it, I want you to
6 review it. If there are objections to the
7 charges, we'll take that up tomorrow. You also
8 need -- you don't have to read it now, I'm gonna
9 give you --

10 MR. YISRAEL: I'm listening to you.

11 THE COURT: All right, and I'm also gonna
12 give you a copy of the verdict form. And that
13 verdict form, again, is for you to look at. And
14 consider, and, of course, Solicitor, likewise, if
15 there's modifications, there are things that need
16 to be made, we can take that up tomorrow. Is that
17 satisfactory from the State?

18 MS. LEMPESIS: Yes, Your Honor.

19 THE COURT: Or for the State?

20 MS. LEMPESIS: Yes, Your Honor.

21 THE COURT: Mr. Yisrael, is that
22 satisfactory, sir?

23 MR. YISRAEL: Yes, sir.

24 THE COURT: All right, is there anything else
25 that we need to talk about today before we break

1 for the evening?

2 MS. LEMPESIS: Your Honor --

3 MR. YISRAEL: Well, I plan on reading into
4 evidence the status of all the warrants from 2000
5 to the present date. There's 70 outstanding
6 warrants, about 30 were dismissed on nolo pross.

7 THE COURT: Well, again --

8 MR. YISRAEL: I want the jury to know these
9 things.

10 THE COURT: Well, Mr. Yisrael, that matters
11 not before me right now.

12 MR. YISRAEL: Okay.

13 THE COURT: I'm not gonna sit here and
14 entertain something that's not before me, okay?

15 MR. YISRAEL: Okay.

16 THE COURT: So we're not gonna get into that
17 right now.

18 THE COURT: All right, then probably what
19 we're gonna do is, we're gonna go ahead and finish
20 this trial tomorrow, and then go to work Thursday
21 on non-jury matters.

22 MS. LEMPESIS: Yes, sir, okay. Perfect.

23 THE COURT: I feel like we've had -- we'll
24 have this case resolved, hopefully, and I think
25 we've had a good week, because we've moved five

1 or six older cases. Yes, sir?

2 MR. YISRAEL: A couple weeks ago the Town of
3 Yemassee was supposed to show up at an ADR that
4 was going by Circuit Court.

5 THE COURT: Yes, sir, I know what you're
6 talking about.

7 MR. YISRAEL: Okay. The first time they
8 failed to show up, I showed up immediately, and
9 they didn't show up. The second time the Town of
10 Yemassee --

11 THE COURT: Right.

12 MR. YISRAEL: -- arrested me, and the day
13 before they were supposed to -- we were supposed
14 to have that meeting in Beaufort. They made sure
15 that I missed that meeting.

16 THE COURT: Okay.

17 MR. YISRAEL: It was scheduled --

18 THE COURT: All right, so what's that got to
19 do with this case?

20 MR. YISRAEL: I just wanted you to ask them,
21 they seem to come up with these false arrests out
22 of convenience. I'd just like to know and
23 probably you can ask them, "Do he have any
24 outstanding warrants that he -- "

25 THE COURT: Well --

1 MR. YISRAEL: -- intending on serving between
2 now and tomorrow morning?"

3 THE COURT: Well, let me tell you --

4 MR. YISRAEL: And ask them --

5 THE COURT: You know, it's interesting that
6 you bring that up, because it's something that I
7 haven't told you about. Number one, I can't
8 believe that they would go and serve an
9 outstanding warrant, such that they would prevent
10 you from being here in Court. I think they want
11 to have this case resolved as much as you do.
12 Number two, if they do pick you up on any
13 outstanding warrants, sir, we will know where you
14 will be.

15 You'll be in jail, and it's -- and so I say
16 that tongue in cheek, we can get you over here.

17 MR. YISRAEL: Yeah, but I want to have my
18 evidence.

19 THE COURT: Oh, believe me, if I have to send
20 them back to Yemassee to get your evidence, you'll
21 have your evidence. You don't have to worry about
22 that. But you bring that up, and I do want you
23 to know, sir, that your responsible for being
24 here, and that if you're not here, then a bench
25 warrant would be issued for your arrest.

1 I've been meaning to tell you that this week.
2 But, no, sir, if they've got an outstanding
3 warrant right now, they're not gonna serve that
4 warrant, sir. They're gonna allow you to be here
5 tomorrow to complete that case. We've got the
6 Chief right here, you've got the Captain, they're
7 not gonna play those games, okay?

8 MR. YISRAEL: They've played them before --

9 THE COURT: Sir --

10 MR. YISRAEL: -- like in the past.

11 THE COURT: Sir, I'm not getting into that,
12 okay?

13 MR. YISRAEL: Okay.

14 THE COURT: Let me ask, Solicitor, has there
15 been any discussion concerning a possible plea,
16 or a resolution to this matter?

17 MS. LEMPESIS: No, Your Honor, and I will say
18 I did not initially have this case. There's never
19 been really any indication from Mr. Yisrael that
20 he'd entertain even such a discussion

21 MR. YISRAEL: I don't know, a few moments ago
22 I was ready to do closing arguments and forget it
23 all, and take a chance, but I'd have to hear what
24 the plea is.

25 THE COURT: Well, Mr. Yisrael, let me tell

1 you, I don't know, I have no idea what the plea
2 is. Let's not -- let standby counsel slip out
3 right here.

4 MS. GIBBES: Yeah, I'm standing up.

5 THE COURT: All right, Mr. Yisrael, okay, one
6 of the things you did a few moments ago, that I
7 complimented you on is, the fact that you did sit
8 and listen to your standby attorney, or at least
9 see what she had to say, okay? I don't know if
10 they've got an offer or not, but it may be
11 something that you want to consider. It may not
12 be, and you're the boss, you decide that, not me.

13 MR. YISRAEL: Yeah, let me hear it. I'm not
14 gonna tell you --

15 THE COURT: Well, that doesn't have to be --
16 that plea doesn't have to be on the record, okay?
17 That's nothing that I've got to hear today, but
18 if she wants to -- if y'all want to discuss
19 something that -- maybe if your standby lawyer
20 talks to the State, she could talk to you, however
21 you want to do it, sir, because you're
22 representing yourself, but you may want to
23 consider it, because there could be potential
24 consequences in the event of a conviction. At
25 the same time, there's risk for the State, they

1 could lose.

2 I mean there's give and take. Who knows what
3 a jury's gonna do, but it's in -- but I think it's
4 fair for you to at least listen to that. You-all
5 may want to talk about that, otherwise, I'll see
6 everybody back in here about 9:15 in the morning.

7 MR. YISRAEL: But you're under no obligation
8 to accept an offer.

9 THE COURT: You're under no obligation to do
10 anything.

11 MR. YISRAEL: No, I'm saying you --

12 THE COURT: On what?

13 MR. YISRAEL: -- you're under no obligation
14 to accept the recommendations of the prosecutor,
15 if there is a plea agreement. It's still up to
16 you, you can change your mind.

17 THE COURT: As it relates to that, if the
18 plea is coming to me, as a recommendation, then
19 it is possible that I could not accept the
20 recommendation, and I could deviate from that
21 recommendation.

22 In other words, if the recommendation was X,
23 and I could give Y, okay? Now, I could give, Mr.
24 Yisrael, I could. The other thing is, there are
25 other ways to approach this. You're standby

1 attorney might talk to you about a negotiated
2 plea, okay? A plea, that if I accept it, we move
3 forward, and great, and it's resolved; and if we
4 don't accept it, then you stand down, and we move
5 on, okay? So if it's a negotiated plea, then I
6 can't change it. There's a lot of things that
7 are out there.

8 You might want to spend just a few minutes,
9 talk to her, and, again, I'm not suggesting that
10 you plea, I'm not suggesting that you do anything,
11 I just want you to be fully informed, so that when
12 you make your decisions, and as we move forward,
13 sir, you're fully informed, as to what your rights
14 are, okay, sir?

15 MR. YISRAEL: Yeah. You mentioned that I
16 wore you out, sir, I wore myself out.

17 THE COURT: Well, I don't know about that,
18 all right? So --

19 MR. YISRAEL: But you know --

20 THE COURT: -- I'll see everybody at 9:15
21 tomorrow morning. Thank you.

22 (At 4:47 p.m. the proceedings were continued
23 the following day without interruption.)

24 ***

25 END OF VOLUME I

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CERTIFICATE OF REPORTER

I, Kymberlee M. Williams, Certified Shorthand Reporter/Registered Professional Reporter for the 14th Circuit of the State of South Carolina do hereby certify that the foregoing is a true, accurate and complete transcript of the proceedings held in this case, relative to appeal, in the Court of General Sessions for Beaufort County, South Carolina on the 11th and 12th Days of July, 2022.

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

This, the 24th day of February, 2023.

[REDACTED]

Kymberlee M. Williams, CSR/RPR

STATE OF SOUTH CAROLINA IN THE GENERAL SESSIONS COURT
FOR THE 14TH JUDICIAL CIRCUIT
2018-GS-07-00702

COUNTY OF BEAUFORT

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State of South Carolina)
)
)
)
vs.) TRANSCRIPT OF JURY TRIAL
)
SHEMEUL YISRAEL) VOLUME II
)
PAGES 284 - 449
)
Defendant.)

July 13, 2022
Beaufort, South Carolina

B E F O R E:

The Honorable Robert J. Bonds, Judge Presiding

Kymerlee M. Williams, CSR/RPR
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Standby counsel

INDEX

PROCEEDINGS	287
WITNESS: Gregory Alexander	
Voir Dire Examination (Y)	315
WITNESS: Shemuel Yisrael	
Direct Examination	320
Cross-Examination	344
Redirect Examination	350
CLOSING ARGUMENT BY MR. ISRAEL	378
CLOSING ARGUMENT BY MR. ISRAEL	387
JURY CHARGE	396
READING OF THE VERDICT	428
SENTENCING HEARING	433
PROCEEDINGS CONCLUDED	448
CERTIFICATE OF REPORTER	449

EXHIBITS

D-1	CD 911 CALL	322

PROCEEDINGS

WEDNESDAY, JULY 13, 2022

BEAUFORT, SC

(The following proceedings were held in open court. The defendant was present along with his attorney and the attorney for the State of South Carolina.)

THE COURT: Solicitor, is there anything that we need to take up before bringing the jury in this morning from the State?

MS. LEMPESIS: Not from the State, Your Honor, unless you wanted to discuss your verdict form and jury charges now, or do you want to wait until after?

THE COURT: Okay.

Is there anything we need to take up from the defense before we bring the jury in?

MR. YISRAEL: I have some questions.

THE COURT: Yes, sir.

MR. YISRAEL: Okay. I read the charges, and --

THE COURT: I don't want to talk about the charges right now. When we talk about the

1 charges is when the jury goes out and you have
2 finished your testimony, assuming you are
3 calling no other witnesses, which if you want to
4 call any other witnesses, you can. But if you
5 don't call any other witnesses, once you
6 testify, sir -- assuming you still want to
7 testify -- then what will happen is, I will send
8 the jury out. At that point we will sort of
9 take a little break.

10 At that point I would propose let's go
11 ahead and go over the jury charges. And then we
12 will finish, and I will give you all about five
13 minutes to make your final preparations for your
14 closing arguments.

15 MR. YISRAEL: Another thing before I
16 testify, you said that you'll -- I want to
17 testify how I see the law.

18 THE COURT: How you view the law?

19 MR. YISRAEL: Yeah, I want to mention what
20 the law states. In other words, the law about
21 failure to stop for a blue light. I believe it
22 starts off saying something like --

23 THE COURT: Yes.

24 MR. YISRAEL: It starts off as a
25 mitigating --

1 THE COURT: Yes, sir.

2 MR. YISRAEL: -- circumstance.

3 THE COURT: Right.

4 MR. YISRAEL: I want to make sure that
5 you're --

6 THE COURT: That's what your closing
7 argument is for. At the closing argument, okay,
8 you will stand before the jury, and you will
9 probably end up saying something along the lines
10 of, "Ladies and gentlemen, you know, it says,"
11 but I can't tell you what to do.

12 MR. YISRAEL: Okay, I know.

13 THE COURT: But you would say, "The law
14 says absent mitigating circumstances."

15 Of course, I don't have to give away the
16 farm because that's been your entire defense in
17 this case, and the State's well aware of it.
18 And so then you would probably want to go into
19 explain what your mitigating circumstances are.

20 MR. YISRAEL: I can't say it while I'm
21 testifying?

22 THE COURT: No, not while you're
23 testifying, okay?

24 Again, remember, you're testifying as to
25 facts, you're a fact witness, or you are the

1 witness. You're the Defendant in this case, and
2 so if YOU choose to testify, again, you don't
3 have to, but if you do, you can't give your
4 opinion as to the law, and you can't go and
5 argue, okay, what the law is.

6 That's what your closing is for. That's
7 when you'll bring that up.

8 Do you follow me?

9 MR. YISRAEL: Yeah, but my whole mindset
10 was --

11 THE COURT: Well, I can't --

12 MR. YISRAEL: -- my study of the law, and
13 why I acted the way I did, why I --

14 THE COURT: Well, again, again, that's what
15 your closing is for. Your closing is to --

16 MR. YISRAEL: I understand.

17 THE COURT: -- stand before the jury, as it
18 relates to that.

19 MR. YISRAEL: Yeah, because as I was
20 preparing it, I was trying to see how can I
21 avoid stating what the law is, and my action was
22 based upon my study of it.

23 THE COURT: Well, you should tell-- I mean
24 I'm not telling you what to say, but you --

25 MR. YISRAEL: I know.

1 THE COURT: -- would tell them what you
2 did, sir, or, you know, I mean, Mr. Yisrael, I
3 think I've given you a lot of leeway, but what I
4 want you to know is, and if you step out of
5 bounds, or you do something, then that'll be up
6 to the State to object during your testimony,
7 and then I would rule on the objection; but I'm
8 just telling you, you can't tell them, while
9 you're on the stand, that this is the law, and
10 that this is, you know, here's the absent of
11 mitigating circumstance, you can't say that,
12 okay?

13 MR. YISRAEL: Well, if I slip and do it,
14 Your Honor --

15 THE COURT: Well --

16 MR. YISRAEL: -- I've honestly tried
17 practicing at home, how can I get around not
18 mentioning the law?

19 THE COURT: Well, number one, I'm --

20 MR. YISRAEL: It won't be that.

21 THE COURT: Well, number one, I'm telling
22 you right now, you can't say that; and, number
23 two, if you do slip up and say that, believe me,
24 I won't even wait for your objection, Solicitor.

25 I will anticipate an objection, but even if

1 I don't hear it, I'm going to stop you and tell
2 you not to do that, okay?

3 MR. YISRAEL: Okay.

4 THE COURT: Okay.

5 THE COURT: All right. Now, let me ask you
6 this, do you want to take two minutes and talk
7 to your standby lawyer about -- a little bit
8 about what I said this morning?

9 MR. YISRAEL: No, we have already discussed
10 it.

11 THE COURT: Okay. Oh, I didn't know, but
12 you --

13 MR. YISRAEL: She said, basically, what you
14 said.

15 MS. LEMPESIS: Well, there you go.

16 THE COURT: Mr. Yisrael, she's a very good
17 lawyer. She knows what I'm going to say, so,
18 okay, that's good, I just want to make sure you
19 had an opportunity to talk to her about that,
20 all right?

21 MS. LEMPESIS: Well, Your Honor, I do have
22 a question, as far as procedure, I guess.

23 When Mr. Yisrael is on the stand, is he
24 going to -- is this -- I imagine it's just gonna
25 be sort of his testimony, and, certainly, he's

1 not gonna ask himself a question, and then
2 answer it, but just his testimony, and my -- I
3 will object during his testimony, essentially,
4 is that --

5 THE COURT: That would be the only way I
6 know how to do it.

7 MS. LEMPESIS: Okay. That's what I was --

8 THE COURT: So, yes, I would expect him to
9 take the stand, take an oath, and do -- Mr.
10 Yisrael, I don't want to get too much into your
11 testimony, that's up to you, as long as it's in
12 the balance of the law.

13 And so you'll get up there, and you'll
14 swear to take an oath, and then he can talk
15 about getting the 911 tape, and if he wants to
16 play it, we'll play it, and we'll go from there,
17 okay?

18 MS. LEMPESIS: Okay.

19 MR. YISRAEL: Oh, if there's any evidence I
20 want to present, do we discuss it now?

21 THE COURT: Well, let's talk about that
22 now. What evidence do you want to present?

23 MR. YISRAEL: The plat where they say that
24 they -- that I dumped the illegal --

25 THE COURT: Let me see the plat. I haven't

1 had a chance to look at it.

2 Can I look at it, sir? All right, thank
3 you. And you would purport that this is a plat
4 of what, sir?

5 MR. YISRAEL: That's -- we -- that's the
6 plat that was submitted to Judge Thomas
7 Kimmerlin in the year 2000, 2001.

8 THE COURT: Judge Kimmerlin?

9 MR. YISRAEL: Yes. He was a Master then.

10 THE COURT: I know who he is.

11 MR. YISRAEL: He is here for 22 years now.

12 THE COURT: Right.

13 MR. YISRAEL: The property is here, and
14 that is the sole plat, as the law he gave.
15 Judge Kimmerlin said that I have to get off of
16 the property that was --

17 THE COURT: Well --

18 MR. YISRAEL: -- belonging to the Town of
19 Yemassee because I couldn't claim adverse
20 possession, so --

21 THE COURT: Well, I understand, but none of
22 that's coming in, what Judge Kimmerlin told you.
23 What I want to know is -- and I -- what's the
24 significance? What is it that you're --

25 MR. YISRAEL: Okay.

1 THE COURT: -- hoping to how from the plat?

2 MR. YISRAEL: The -- do you remember when
3 they testified yesterday that there was a deed -
4 -

5 THE COURT: Yeah.

6 MR. YISRAEL: -- to the land, where I had
7 -- where they accused me of putting the dump --
8 dumping stuff?

9 THE COURT: Yes, sir.

10 MR. YISRAEL: Okay, that wasn't the Town
11 property. They knew in advance that that --

12 THE COURT: Yeah, but what does this show?
13 This doesn't show anything.

14 MR. YISRAEL: It shows a lot. If it shows
15 that, first of all, obviously, the Town of
16 Yemassee owns nothing.

17 THE COURT: Well, the plat doesn't show who
18 owns anything.

19 MR. YISRAEL: That's the whole thing, I
20 took a look at the property. If that would --

21 THE COURT: No --

22 MR. YISRAEL: -- show -- if the parcel was
23 labeled Town of Yemassee, and that's where I
24 dumped the stuff, I would -- at least I -- so I
25 deal with a lot of junk.

1 THE COURT: No, no, no, look --

2 MR. YISRAEL: And you can't tell where
3 Yemassee's name is there because they don't own
4 anything. It's their own survey. That was the
5 plat that the Town of Yemassee had.

6 THE COURT: Solicitor, what's your position
7 on the plat?

8 MR. LEMPESIS: I don't see how it's at all
9 relevant in the case at-hand.

10 THE COURT: All right.

11 MR. YISRAEL: It's relevant in that they
12 know that that warrant was false.

13 THE COURT: What you --

14 MR. YISRAEL: So the whole basis --

15 THE COURT: Let me --

16 MR. YISRAEL: -- is false.

17 THE COURT: Let me tell you what I'm going
18 to do.

19 MR. YISRAEL: All right.

20 THE COURT: I -- the plat, is a plat that
21 was prepared for the Town of Yemassee. The plat
22 doesn't say who owns what property, other than
23 it purports to say that Mr. Yisrael owns, or
24 someone --

25 MR. YISRAEL: Right.

1 THE COURT: -- owns something right there.
2 But, again, it's not a deed, and so to that
3 extent, I'll let you present this to the jury,
4 Mr. Yisrael, but I have a feeling I'm not gonna
5 be able to let you say what you want to say, as
6 it relates to this plat, 'cause this plat
7 doesn't mean anything. This plat doesn't show
8 -- this plat doesn't mean ownership. It doesn't
9 mean you own it.

10 MR. YISRAEL: Okay. It means that the Town
11 of Yemassee does not own it.

12 THE COURT: No doubt.

13 MR. YISRAEL: But my --

14 THE COURT: A plat doesn't -- Mr. Yisrael,
15 we're good to go. I'll let you try to bring up
16 whatever it is you want to bring up, as it
17 relates to the plat, but I'm telling you I've
18 got a feeling, and maybe you can pull it
19 together, so I understand the relevance, but --

20 MR. YISRAEL: The whole thing was false.

21 THE COURT: Well, that's --

22 MR. YISRAEL: That's another one.

23 THE COURT: I know what the Solicitor's
24 position is on that, as it relates to that
25 issue.

1 MR. YISRAEL: And --

2 THE COURT: And I'll note an objection, an
3 ongoing objection, as it relates to the plat,
4 Solicitor.

5 MR. LEMPESIS: Yes, Your Honor.

6 THE COURT: Yes, sir?

7 MR. YISRAEL: And this is --

8 MS. LEMPESIS: Can I see the plat again?

9 THE COURT: Yes, ma'am.

10 MS. LEMPESIS: Is it a certified copy?

11 THE COURT: Well, I don't that it's
12 certified, but it's got the -- it's --

13 MS. LEMPESIS: It's got the seal on it.

14 THE COURT: -- got the seal on it, thank
15 you.

16 MS. LEMPESIS: Mr. Yisrael, do you intend
17 to admit it as an exhibit?

18 MR. YISRAEL: If I can.

19 MS. LEMPESIS: Okay.

20 THE COURT: Well --

21 MS. LEMPESIS: Because I just want to -- I
22 mean I'm not going to object. If it's
23 certified, it can come in under the 902.

24 THE COURT: Right.

25 MS. LEMPESIS: That's a self-authenticated

1 document, and it does look like it's certified.

2 THE COURT: I does to me.

3 MS. LEMPESIS: I'm not going to argue --

4 THE COURT: It's got a seal on it, and

5 so --

6 MS. LEMPESIS: Yeah, I'm not worried about
7 it.99

8 THE COURT: I mean it's not a raised seal,
9 Solicitor --

10 MS. LEMPESIS: Okay.

11 THE COURT: -- but, yeah, I'm going to
12 allow that in --

13 MS. LEMPESIS: Uh-huh.

14 THE COURT: -- for what it's worth,
15 assuming that he can show that it's --

16 MS. LEMPESIS: We'll still object, as to
17 relevance.

18 THE COURT: -- relevant. Okay? Mr.
19 Yisrael, your lawyer knows what -- your standby
20 lawyer knows where I'm going with this, and
21 so -- but I understand. All right, so what's
22 your question on the status of the warrant, sir?

23 MR. YISRAEL: Okay.

24 THE COURT: Or this active warrant?

25 MR. YISRAEL: That's actually -- that's the

1 property line in the year 2000. They have
2 intimidated me with false threats for the past
3 22 years. And that shows the jury that the
4 majority of them were never prosecuted, and I
5 have one more document that shows --

6 THE COURT: Well, doesn't that undercut
7 your theory of the case? Your theory of the
8 case is, that you were so fearful that you
9 didn't stop, and now you're going to show all of
10 these times where you won, where it was
11 dismissed.

12 MR. YISRAEL: That would support what I've
13 been saying, they kept intimidating me.

14 THE COURT: You weren't scared of them.

15 MR. YISRAEL: That's your opinion.

16 THE COURT: Well, I'm just looking at all
17 these cases that were dismissed. I'll tell you
18 what I'm gonna do. I mean -- so what do you
19 want to do? You just want to put this into
20 evidence?

21 MR. YISRAEL: Yes, and that's --

22 MS. LEMPESIS: And I --

23 MR. YISRAEL: And I'm going to refer to it
24 while I'm testifying.

25 THE COURT: What's your position on this,

1 Solicitor?

2 MS. LEMPESIS: I object to that document
3 being admitted as evidence. Mr. Yisrael's typed
4 notes, and I mean I do appreciate the
5 organization that he has, you know, listed the
6 warrants very clearly, but it's just his typed-
7 up notes from what he says is pending on the
8 index for Yemassee Municipal Court's records.

9 Actually, I think he said yesterday that he
10 was basing these on just notices he received in
11 the mail.

12 THE COURT: I'm sorry?

13 MS. LEMPESIS: Basing all that just on
14 notices that he's received in the mail. So I
15 have to object that it's not -- there's no way
16 that that can come in under the rules. It's not
17 anything under that can be self-authenticated
18 under Rule 902, and under 901, seven public
19 records or reports --

20 MR. YISRAEL: I'd have to say that --

21 THE COURT: Hold on, sir. I'm gonna give
22 you plenty of time. Go ahead, Solicitor.

23 MS. LEMPESIS: Yeah, so if he could have
24 authenticated it under 901(b) under
25 illustrations, under Section 7, public records

1 or reports, but there's nothing -- this is just
2 his -- these are just his notes. If he wanted
3 to present this, he need to pull every public
4 record that shows it, not just his compilation.

5 THE COURT: Now I'm happy to hear from you,
6 sir.

7 MR. YISRAEL: Now?

8 THE COURT: Yes, sir.

9 MR. YISRAEL: The case numbers are there.
10 At which time -- and the prosecutor has seen
11 them, she could have checked it, those cases,
12 with the Town of Yemassee, and she could have
13 checked. So it's not that I only have that
14 info, she could have checked it.

15 And she could be telling you right now
16 whether or not those -- that's the accurate
17 representation of the current status of those
18 cases. Okay, she could have done that. This
19 was not hidden.

20 THE COURT: She could have.

21 MR. YISRAEL: As a matter of fact, I got
22 that information from them, from --

23 THE COURT: From them?

24 MR. YISRAEL: -- the prosecutor.

25 THE COURT: Them who?

1 MR. YISRAEL: The prosecutor's office. The
2 dismissed case I didn't even have to go to trial
3 for it, the majority of the cases that were
4 dismissed. There was about 30 cases that were
5 dismissed, 70 are still pending, you know,
6 almost 75.

7 THE COURT: Let me tell you what, Mr.
8 Yisrael, anything else you want to tell me about
9 this?

10 MR. YISRAEL: No. Oh, I had one more
11 document. Your Honor, I've done lost it.

12 THE COURT: I'm talking about this warrant
13 list.

14 Is there anything else you want to talk to
15 me about this?

16 MR. YISRAEL: No.

17 THE COURT: All right, well, let me tell
18 you what my ruling's gonna be on this. You are
19 100 percent right that the Solicitor's office
20 could have gone perhaps, and looked all this up,
21 but I don't know that they were under an
22 obligation to do that, even though the burden's
23 on them, and I told you that. I don't know that
24 they're under an obligation to do that. What I
25 do know is, sir, you want to enter this into

1 evidence, sir? If you had a lawyer, you'd have
2 known that that summary in that packet is not
3 going to be appropriate to come into evidence.
4 You could have pulled it, you could have gotten
5 the verified information, you could have had all
6 the official information that you needed, the
7 summary that you put together is not.

8 You could have gone and requested and
9 gotten certified copies of what the status is of
10 those cases. And if you had those certified
11 copies, then maybe that would be a different
12 situation we're addressing, but in this case,
13 sir, it's a summary of documents that you've
14 got.

15 And, you know, Rule 10.06 the contents of
16 writings, records or photographs, which could
17 not conveniently be examined in court, may be
18 presented in the form of a chart summary and
19 calculation, provided the underlying data are
20 admissible into evidence, the originals are
21 duplicates, and shall be made for examination
22 copy by parties, by the other parties, by both
23 parties at the time and place the Court may
24 order they be produced.

25 Again, sir, I think that it would have been

1 your burden, at this point, to obtain the
2 documents, to then go, if you wanted to produce
3 and put that into a more -- into a summary
4 portion, excuse me, you could then consult with
5 the Solicitor, or if you needed my help, we
6 could have an agreement, then I might have
7 allowed you to do it. Now, what I will do is
8 this, I will allow you to -- if you want to tell
9 the jury that you've been arrested or summons or
10 -- 57 times, or 62 times, or 95 times over 20
11 years, I think that's admissible. I think if
12 you want to tell them that the vast majority of
13 those matters were nolle prossed, I think you
14 can do that, sir. I think, quite frankly, I
15 don't disagree, I don't think that's not the
16 case, but I think you can do that.

17 Now, the Solicitor's probably gonna tell me
18 you can't, and I'll listen to her, but that's
19 what I'm going to allow you to do. I'm not
20 going to allow you to sit here and read from
21 this document, which is your summary, which we
22 don't have the information to back this up,
23 okay? Solicitor, as it relates to what I said
24 about what I think he can testify to, do you
25 have an objection to that?

1 MS. LEMPESIS: I don't actually. I think
2 that -- I do not have an objection, Your Honor.
3 I think that if he wants to get into his
4 criminal history, and all of his prior arrests
5 with the Yemassee PD, I think that he can.
6 Obviously, he'll be subject to my cross on that.

7 THE COURT: Right.

8 MS. LEMPESIS: And I actually don't think I
9 would have an objection, as to his telling the
10 jury about the results of some of those cases
11 because he would have knowledge, I guess, of
12 what -- if a warrant was dismissed against him.

13 THE COURT: She's allowing you to do a lot
14 more than I thought, sir, okay? But now also,
15 one of the things she said, you've got to
16 understand, some of the things that are in
17 there, might not be things that I would
18 ordinarily let in, convictions.

19 MR. YISRAEL: I understand. I understand.

20 THE COURT: But if you open up the bag,
21 then I think that she wants to bring up some of
22 the contents, that's on you, you with me?

23 MR. YISRAEL: I understand.

24 THE COURT: Are you following me on that?
25 Do you need to talk to your standby lawyer?

1 MR. YISRAEL: We discussed that.

2 THE COURT: All right, good.

3 MR. YISRAEL: She told me, and you told me
4 yesterday about it, you know.

5 THE COURT: Mr. Yisrael, all I want to do
6 is make sure you understand what's going on, and
7 I think you do, but I just want to be careful
8 and make sure you do, okay, sir? So is there
9 anything else, Mr. Yisrael, we need to take up,
10 before --

11 MR. YISRAEL: This --

12 THE COURT: -- hold on, before we bring the
13 jury in, sir?

14 MR. YISRAEL: This dismissed warrant that's
15 on one sheet of paper, she has a copy of it, I
16 kind of lost it.

17 THE COURT: All right.

18 MR. YISRAEL: Can I present that?

19 MS. LEMPESIS: I object to that being
20 presented for the same reason, his whole --

21 THE COURT: The --

22 MS. LEMPESIS: -- list of warrants. And to
23 that point, Mr. Yisrael said that I have it, I
24 could have confirmed it. That's not my
25 responsibility, it's his exhibit. And if he

1 wanted to get it properly, he could have
2 prepared it and --

3 THE COURT: And, Solicitor, you're correct,
4 and I believe I stated that.

5 MS. LEMPESIS: You did.

6 THE COURT: I stated that, while that
7 information may have been available to her, I
8 don't think that was her burden. I think that
9 was your burden, if you're going to put
10 something into evidence, you've got to prepare
11 that document properly, such, it could be
12 admitted.

13 So you can't -- you can testify, but the
14 documents themselves can't come in. I will
15 allow you to get the plat up in front of them,
16 and if you can tie all that in, then I'll allow
17 the plat perhaps to come into evidence, okay?
18 So what else, Mr. Yisrael?

19 MR. YISRAEL: I do have one more witness
20 before I take the stand.

21 THE COURT: Okay.

22 MR. YISRAEL: A recall, a Yemassee Officer,
23 Greg Alexander.

24 MS. LEMPESIS: Your Honor, I'd ask for what
25 purpose?

1 THE COURT: I'm sorry?

2 MS. LEMPESIS: I'd ask for what purpose?

3 THE COURT: Yeah, why are you wanting to
4 recall Greg Alexander, sir?

5 MR. YISRAEL: Okay, the testimony that his
6 officers gave yesterday --

7 THE COURT: Yes, sir.

8 MR. YISRAEL: He said he couldn't remember
9 if -- well, I don't want to get into -- can this
10 officer step outside for a minute?

11 THE COURT: Mr. Alexander, can you step
12 outside for one second, sir?

13 MR. ALEXANDER: Yes, sir.

14 THE COURT: Thank you, Chief Alexander. Yes,
15 sir.

16 MR. YIRAEAL: The officer said he couldn't
17 remember whether or not I was abused by them.

18 THE COURT: Are you talking about Loadholt?

19 MR. YISRAEL: Yes.

20 Now, what I want to do, I'm hoping to, what
21 I want to do was to ask them some different
22 questions that I didn't ask yesterday to jog their
23 memory. A simple question is, at any time, within
24 the last 22 years, were you investigated by the
25 FBI or South Carolina Law Enforcement Division

1 for my allegations of abuse, physical abuse, after
2 jogging him. That's the main question I want to
3 ask or should have asked him. And that's directly
4 related to what I'm saying, mitigating
5 circumstances, that I was in fear, and there were
6 several investigations.

7 THE COURT: All right, Solicitor, what do you
8 say about that limited question?

9 MS. LEMPESIS: Your Honor, he should have
10 asked it yesterday. A witness -- I'm looking at
11 the rule, in these rules 611, under the rules of
12 evidence, "A witness may be re-examined, one, as
13 to the same matters to which he testified, and
14 then discussed with the court."

15 Two is, "A new matter brought up during
16 cross-examination. After the examination of the
17 witness has been concluded by all parties, he may
18 be recalled only at the discretion of the court."
19 Mr. Yisrael does not own the right of an attorney
20 to recall a witness.

21 So it's clearly in Your Honor's discretion,
22 but I will object for relevance, if he were able
23 to be recall him. And I think it would be -- he
24 just said it himself, he should have asked him
25 yesterday.

1 THE COURT: Yeah. All right.

2 MS. LEMPESIS: I mean we are going down a
3 rabbit hole.

4 THE COURT: Well, I -- all right, let me tell
5 you what I'm gonna do. I understand your position
6 completely, Solicitor, yeah, it should have been
7 asked yesterday -- go ahead.

8 MS. LEMPESIS: And I would also add that he's
9 asking -- he's saying he was gonna ask maybe about
10 something that Captain Loadholt didn't remember,
11 so --

12 THE COURT: And I think the question was
13 whether the Chief or any of his officers, I think
14 that's -- in the years that the Chief was there,
15 I mean you can't --

16 MR. YISRAEL: Except from 2000.

17 THE COURT: Chief's there since 2000? I don't
18 know.

19 MR. YISRAEL: He wasn't the Chief in 2000,
20 but he was there before as an officer.

21 THE COURT: All right.

22 MR. YISRAEL: And he was part of the -- he
23 was the investigator about the incident, but
24 because I had --

25 THE COURT: About who?

1 MR. YISRAEL: About beating up on me.

2 THE COURT: Well --

3 MR. YISRAEL: His officers.

4 THE COURT: So let's --

5 MR. YISRAEL: It's relevant --

6 MS. LEMPESIS: How --

7 MR. YISRAEL: -- because it will show my --

8 THE COURT: Hold on, hold on, go ahead, go
9 ahead.

10 MR. YISRAEL: It's relevant, directly
11 relevant to what I'm saying are mitigating
12 circumstances. I'm afraid, I'm terrified --

13 THE COURT: All right.

14 MR. YISRAEL: -- of them people.

15 THE COURT: So, Solicitor, what about it? I
16 mean I -- I'm happy to hear anything else from
17 you, but I think that is his -- I mean that's why
18 he said he did what he did. Not that I -- I mean
19 I'm just saying that's his theory of the case.

20 MS. LEMPESIS: And he's offered absolutely no
21 proof of it, except for questions asked of his
22 witnesses, and which have been responded to in
23 either in the negative, or in that they cannot
24 recall. And there are rules that he could have
25 followed, if a person can't recall, but --

1 THE COURT: All right.

2 MS. LEMPESIS: -- he didn't file it until --

3 THE COURT: Let me tell you what I'm gonna
4 do. I'm gonna bring Greg Alexander in, I want to
5 get him up here, I want to put him under oath.
6 I'm gonna proffer testimony. I'm gonna ask that
7 question, and whatever response he's stuck with,
8 he's stuck with.

9 If it ends up being a guess, then I may let
10 him go ahead and put that in front of the jury,
11 just note it, and move on down the road. That's
12 what I'm gonna do. That's giving you the
13 opportunity, sir, when you should have asked the
14 question yesterday. The only reason I'm gonna
15 allow you to do this, quite frankly, is because
16 you're pro se.

17 I'm gonna give you that opportunity, and
18 you're stuck with the answer, okay?

19 MR. YISRAEL: Thank you.

20 THE COURT: Now, depending on what his answer
21 is, I may give you a little more leeway here, but
22 let's see what he's gonna say.

23 MR. YISRAEL: But if he says, yes, there were
24 several instances?

25 THE COURT: Well, then I may allow it.

1 MR. YISRAEL: Then that would sort of --

2 THE COURT: I'll --

3 MR. YISRAEL: You understand what I'm saying?

4 THE COURT: What I'm saying --

5 MR. YISRAEL: The officer was lying
6 yesterday. He knew that he was part of it.

7 THE COURT: Mr. Yisrael, I will allow you to
8 ask that question. Let's get Chief Alexander in
9 here.

10 THE CLERK: Put him back under oath?

11 THE COURT: What's that?

12 THE CLERK: I'll put him back under oath?

13 THE COURT: That'll be great. Chief --

14 MS. LEMPESIS: Your Honor, I --

15 THE COURT: Uh-huh.

16 MS. LEMPESIS: Just to mention that I don't
17 have any of this information provided by Mr.
18 Yisrael.

19 THE COURT: Okay.

20 MS. LEMPESIS: None of this has been turned
21 over.

22 THE COURT: Chief Alexander, come on in here,
23 and take the stand for me, please.

24

25

1 * * *

2 GREGORY ALEXANDER,

3 being previously sworn, testified as follows:

4 THE COURT: All right, Mr. Yisrael, you can
5 ask him this one question, sir, if that's what
6 you -- you said you have a question, you can ask
7 Chief Alexander a question, sir. Go ahead and
8 ask him, raise your question.

9 ***

10 VOIR DIRE EXAMINATION BY MR. YISRAEL

11 ***

12 BY MR. YISRAEL:

13 Q. Were you, or any of your officers, at any
14 time, from the year 2000 to the present, involved
15 in any -- were you involved in any kind of
16 investigation by the South Carolina Law
17 Enforcement Division and/or the FBI concerning
18 your treatment of me?

19 THE COURT: No, no, no, no, treatment -- it's
20 about you, sir.

21 MR. YISRAEL: About me.

22 THE COURT: You didn't ask that.

23 MR. YISRAEL: About --

24 THE COURT: About --

25 MS. LEMPESIS: Treatment of you, correct?

1 THE COURT: Treatment of you.

2 MR. YISRAEL: Yes.

3 THE COURT: All right, that was your
4 question. Do you understand that question, Chief
5 Alexander?

6 WITNESS: Yes, sir, I do.

7 THE COURT: Okay, and so assuming you
8 understand the question Mr. Yisrael asked, you
9 certainly can respond to that question, sir.

10 BY WITNESS:

11 A. I do know that you called the FBI on us,
12 and they called us and told us you called them on
13 us, that it caused an investigation? No, sir.

14 Q. You were contacted by the FBI?

15 A. Yes, sir.

16 THE COURT: All right, thank you, sir, you
17 can step down.

18 MR. YISRAEL: Or was he contacted --

19 THE COURT: Wait.

20 MR. YISRAEL: Did SLED call you also?

21 THE COURT: You're done here. Thank you,
22 Chief Alexander.

23 All right, Mr. Yisrael, I'm not gonna allow
24 you to recall this witness. This witness has
25 testified that he was contacted by the FBI, but

1 there was no investigation. I'm not gonna allow
2 you to get into evidence or get into the fact that
3 they may have been contacted merely by the FBI.
4 They weren't investigated by the FBI. You're
5 stuck with his answer. You know, if you knew
6 this, or you thought this was gonna be an issue,
7 you could have gotten somebody from the FBI here,
8 you could have gotten records, or some type of
9 other documents to verify that. And that they
10 were investigated, I'm not gonna allow you to get
11 that into evidence, and have the jury speculate
12 as to what that means because that's just calling
13 for speculation about the matter, so I'm not going
14 to allow that.

15 Is there anything else, sir?

16 MR. YISRAEL: Okay, I am ready to move
17 forward.

18 THE COURT: All right, if we can get the jury
19 in here. Anything from the State?

20 MR. LEMPESIS: No, Your Honor.

21 THE COURT: All right, great. Get the jury
22 in here. Is everybody ready? Do we need to take
23 a break for five minutes before we start? We're
24 good?

25 MS. LEMPESIS: I'm fine.

1 MS. LEMPESIS: Yeah, I was just gonna say you
2 just let me know at what point you want to play
3 911, I'll come up here and --

4 MR. YISRAEL: That's the plan. That's gonna
5 be the first thing.

6 MS. LEMPESIS: And, initially, you're gonna
7 have to admit it.

8 MR. YISRAEL: Yeah.

9 MS. LEMPESIS: And I'm not going to object.

10 THE COURT: No, no, no.

11 MS. LEMPESIS: But you need to go through the
12 process --

13 THE COURT: Right.

14 MS. LEMPESIS: -- of admitting it, so it's
15 for the record.

16 THE COURT: Mr. Yisrael, is that the DVD?

17 MR. YISRAEL: Yes.

18 THE COURT: Okay, what will happen is, when
19 you get on the stand, I'll lead you through a few
20 questions, and we'll see if we can get that going,
21 and get that video played, okay?

22 MR. YISRAEL: Yes, one more question. In
23 order to give like a brief history of what led up
24 to the arrest --

25 THE COURT: Mr. Yisrael, when you get on that

1 stand, I'm gonna let you do what you want to do.
2 Well, I mean I will --

3 MR. YISRAEL: I understand.

4 THE COURT: Go ahead, let's get the jury in
5 here.

6 (Jury enters the courtroom.)

7 THE BAILIFF: The jury's entered the
8 courtroom, Your Honor. The jury's seated, Your
9 Honor.

10 THE COURT: All right, ladies and gentlemen,
11 good morning, glad to see you, and I believe that
12 we are ready to move forward with the defense's
13 case. And so, Mr. Yisrael, do you plan on
14 presenting the case, sir?

15 MR. YISRAEL: Yes, sir.

16 THE COURT: And you can call your first
17 witness, sir.

18 MR. YISRAEL: I'm calling myself, Shemuel
19 Yisrael.

20 THE COURT: All right, come one around. Yes,
21 sir.

22 MR. YISRAEL: Can I bring notes to the stand?

23 THE COURT: You can bring whatever you want
24 to the stand, sir.

25

1 * * *

2 SHEMUEL YISRAEL

3 * * *

4 being first duly sworn, testified as follows:

5 THE COURT: All right, Mr. Yisrael, we're
6 happy to -- the jury's happy to hear from you,
7 okay?

8 MR. YISRAEL: Thank you.

9 ***

10 DIRECT EXAMINATION

11 BY MR. YISRAEL:

12 Good morning, ladies and gentlemen.

13 First thing I want to do is enter in some
14 evidence that was not presented in the prosecution
15 case, what my side of the story was. This is a
16 -- I'd like to introduce this tape from the --
17 this is the official tape that I received from
18 the Beaufort County Sheriff's Office. It's dated
19 May 8th, 2018, and it has a -- some kind of serial
20 number up here. I'm going to state that serial
21 number. C18194367.

22 THE COURT: All right, sir. Mr. Yisrael, let
23 me ask you this. Did you request that? That's
24 a copy of the 911 call?

25 MR. YISRAEL: This is the actual copy that I

1 received.

2 THE COURT: And you requested that from the
3 Sheriff's Department --

4 MR. YISRAEL: Yes.

5 THE COURT: -- is that correct?

6 MR. YISRAEL: Yes.

7 THE COURT: And that's the actual disk that
8 you received?

9 MR. YISRAEL: Yes.

10 THE COURT: And it's been in your possession,
11 sir?

12 MR. YISRAEL: Yes.

13 THE COURT: And you haven't altered or
14 amended --

15 MR. YISRAEL: No.

16 THE COURT: -- or doctored with --

17 MR. YISRAEL: No way.

18 THE COURT: -- it, have you?

19 MR. YISRAEL: No.

20 THE COURT: All right, great. Any objection?
21 You want to move that into evidence, sir?

22 MR. YISRAEL: Yes.

23 THE COURT: Any objection, Solicitor?

24 MS. LEMPESIS: No objection from the
25 State --

1 THE COURT: Okay.

2 MS. LEMPESIS: -- Your Honor.

3 THE COURT: All right. And you'd like to
4 publish that to the jury? That you want to --

5 MR. YISRAEL: Yes.

6 THE COURT: -- play that, sir?

7 MR. YISRAEL: Yes.

8 THE COURT: That'll be fine.

9 (Defendant's Exhibit 1 entered into
10 evidence.)

11 Can you come around and get -- thank you,
12 Solicitor, I appreciate it.

13 MR. YISRAEL: Oh, before you start, I should
14 state this, for a foundation for what you are
15 about to hear. You saw the tape yesterday that
16 this prosecution presented of the officer chasing
17 me with siren on, his blue light on, and you saw
18 me driving. But what you did not hear and what
19 I was saying to a 911 operator, that is what this
20 tape -- this CD is.

21 THE COURT: All right, go ahead.

22 (Audio played for the jury.)

23 MR. YISRAEL: I think that's it.

24 THE COURT: All right. Solicitor, thank you
25 very much for your assistance in that.

1 All right, Mr. Yisrael, you can continue,
2 sir.

3 BY MR. YISRAEL:

4 Okay, to give you a brief background on what
5 led up to this mess, and why I didn't stop right
6 away. It's obvious I did not stop right away,
7 okay? Let's get that straight. I'm not trying
8 to deceive you, elude you into that, but I'm
9 charged with failure to stop for a blue light.
10 My facts show that I did stop at -- were you gonna
11 say something?

12 THE COURT: Sir?

13 MR. YISRAEL: Oh, I thought you were gonna
14 say something.

15 THE COURT: No, sir.

16 BY MR. YISRAEL:

17 That I did stop, just not right -- not
18 immediately, but I did stop. Because of the blue
19 light I knew that I had to stop, and this was
20 years into planning. Like I said, this went on
21 -- or this incident happened in 2018. Okay, the
22 Town of Yemassee in the year of 2000 proceeded to
23 -- with false warrants against me, to remove me
24 from several million dollars' worth of abandoned
25 railroad property that's situated right in the

1 middle of the Town of Yemassee. I had been there
2 since 1990, for ten years, so I had civil rights.
3 I'd beat everybody too, 'cause I'm the person on
4 the land because I had bought a trailer on a small
5 lot, and that's when I started walking around on
6 the land, and I was just wondering who was owning
7 all of that land.

8 And I started looking in the ground, I
9 noticed that I saw railroad ties, and I saw
10 abandoned metal bar rails in there. It hadn't
11 been occupied in the last maybe 100 years or more,
12 I don't know, but I claimed that property through
13 mine, and I have a valid claim to it. I moved in
14 that area in 1990, and in the year 2000 everything
15 hit the fan. The Town of Yemassee ordered me off
16 that land, and they started moving my stuff, the
17 junk, I recycle.

18 Those of us who are in the recycling business
19 know that it's a profitable business. You can
20 sell rusted cars, brand new cars, you can sell
21 them, or fix those things, bicycles, anything for
22 the house, basically, or transportation, or
23 tools, and stuff like that.

24 And this -- yes, and I did have a junkyard,
25 it looked junky, definitely. There's not a

1 junkyard on this planet that don't look junky,
2 and I was right in the center of town. People
3 would be complaining about it, but there was no
4 legal justification to move me off the land, but
5 the Town wanted that land, and certain developers
6 wanted it also.

7 So from the year 2000 to the year 2018 they
8 kept piling these false warrants against me. I
9 knew what they were trying to do, they were trying
10 to get me to commit a crime, get frustrated, hit
11 a cop, get a gun. I don't mess with those things,
12 but I planned what to do. I will call the FBI
13 when I got beat up by the cops on several
14 occasions, maybe about six or seven occasions.
15 And I was hospitalized, the cops would take me -
16 - no, the ambulance would take me to the hospital,
17 and the cops would take me from the hospital
18 because they wanted to beat me up. And these
19 warrants that they arrested me on were dismissed,
20 or remain pending to this very day. I've got
21 warrants that are still pending, 20, 22 years,
22 about ten, 15, 20 years. They didn't want to
23 prosecute me because they know they'd been caught
24 lying.

25 They kept saying I was trespassing Town

1 property, or littering on Town property. None of
2 that property belonged to the Town of Yemassee,
3 not a one. That's why the warrant that they
4 served on me during the year 2018, May 8th, that's
5 when they chased me. They had swore out a warrant
6 for littering over 500 pounds for littering. And
7 he said, quoting testimony yesterday, they said I
8 was on 17 Wall Street behind the building.

9 It's an empty lot behind a particular
10 building, and that lot is never listed as
11 belonging to the Town of Yemassee. The Town of
12 Yemassee doesn't have a deed for it. They sued
13 me twice to remove me, but the Master in Equities,
14 in that 22-year period we had three Master in
15 Equities, one the Honorable Kimmerlin, that's the
16 picture of him over there, not this one, that one,
17 he's passed. He wouldn't order me off of the --

18 MS. LEMPESIS: Your Honor, I'm just going to
19 object that he's sort of getting outside well of
20 the facts, so --

21 THE COURT: Well, hold on.

22 MS. LEMPESIS: -- relevant --

23 THE COURT: Hold on.

24 MS. LEMPESIS: -- information here.

25 THE COURT: All right, thank you.

1 MS. LEMPESIS: I'm gonna object to the
2 relevance.

3 THE COURT: All right, I'm going to sustain
4 the objection, and not let you testify as to what
5 Judge Kimmel said or did, sir, okay?

6 MR. YISRAEL: Okay.

7 THE COURT: You can proceed.

8 BY MR. YISRAEL:

9 At no time in that 22-year period was I ever
10 given a written order, was I accused of contempt
11 of court. I was ordered -- well, I can't say
12 that, at no time, so I remained. It's a civil
13 matter it had to be solved in civil court, and it
14 was solved in civil court.

15 So that takes us to May 5th, no, May 8th. I
16 was trying to give you a background, as to what
17 happened. And don't forget that I said that I
18 was beaten several times in 2000 to 2018. Several
19 times that I went to the FBI, South Carolina Law
20 Enforcement Division. They made inquiries, they
21 came to the Town. They would not proceed criminal
22 charges against anyone because they've got this
23 race, well, he don't have a --

24 MS. LEMPESIS: Your Honor --

25 THE COURT: All right.

1 MS. LEMPESIS: Your Honor, I'm going to
2 object, I don't think he can testify as to why
3 the FBI didn't proceed with any criminal charges.

4 THE COURT: I sustain --

5 MS. LEMPESIS: If he could just --

6 THE COURT: I sustain your objection. You
7 can't testify, as to why SLED, or FBI, or anybody
8 else did or didn't do what they did, sir. You
9 can't testify to that.

10 So you can proceed, Mr. Yisrael.

11 BY MR. YISRAEL:

12 So I found myself -- I couldn't get any help
13 from the government, despite the obvious. I have
14 some evidence. Can we approach the sidebar?

15 THE COURT: Sure, Mr. Yisrael, come on
16 around.

17 (Bench conference.)

18 THE COURT: All right, what I'm going to do
19 is, I'm going to sustain the objection -- well,
20 actually it wasn't an objection. You wanted to
21 discuss a matter at sidebar. I think we answered
22 that, you can move on, sir.

23 MR. YISRAEL: Thank you.

24 THE COURT: Yes, sir.

25 BY MR. YISRAEL:

1 So that's the big question that I think that
2 you jurors would want to know, why didn't I stop
3 sooner, why did I keep going? I was in great fear
4 of my life. I had to come up with a methodology
5 that would be legal to protect myself. So long
6 before 2018 came around, and I'd seen that I
7 wasn't gonna get any help, I did some mediation,
8 and I said, "Why don't you just turn yourself in
9 anytime they come with a warrant." I knew that
10 I wasn't gonna get a fair -- and I knew that the
11 warrant wouldn't be prosecuted because it was
12 all fake.

13 So I sat back over the months and years,
14 and came to the conclusion, do not get guns, do
15 not do anything illegal, follow the law to the
16 letter. And if I was involved, the officers
17 came to me, and a foot chase was involved. I
18 was to run as fast as possible away from the
19 cop. And I was surprised I was able to get to -
20 - I've turned myself in a few times. The cops
21 came, I ran through the woods. I had people
22 prepared to take me straight to the courthouse -
23 - the jail, but the officer sat on this warrant.
24 Another methodology I thought of, I read the
25 laws about failure to stop for a blue light.

1 And I was saying to myself, "What happens if
2 they stop me on the road? What do I do?" The
3 plan was this, obey all traffic laws. You may
4 have heard on the tape they said that I ran
5 through a red light, but you saw the tape, I
6 stopped appropriately, green lights.
7 I mean I stopped appropriately at the red
8 lights, and I proceeded to turn. The lady, the
9 Dispatcher did not see -- I don't even know why
10 she came to that conclusion of somebody telling
11 her that. I know what you saw. I obeyed the
12 traffic laws, stopped at the stop sign, stopped
13 at the redlight.
14 So these things were all planned years in
15 advance. There was no last plan for the charge
16 because I knew they were not going to leave me
17 alone until I get off that land. I filed a
18 number of lawsuits myself, and that caused the
19 investors to back off. It was real money, and I
20 was told his way -- the way to get rid of me
21 somehow, kill me --

22 MS. LEMPESIS: Objection, Your Honor.

23 THE COURT: All right.

24 MS. LEMPESIS: This can only go on so long.

25 THE COURT: I --

1 MS. LEMPESIS: Relevance.

2 THE COURT: I'm going to sustain the
3 objection. We're talking about -- well, we're
4 not gonna talk about what investors may or may
5 not be doing. We're not gonna get into that, Mr.
6 Yisrael. We need to move on, okay, sir?

7 MR. YISRAEL: Yes, sir.

8 BY MR. YISRAEL:

9 So I need a plan of action to protect myself,
10 to protect the cop, to protect the public. Never
11 do anything that would hurt me or someone else,
12 but the plan was if a blue light was initiated by
13 a cop from Yemassee and only Yemassee, I would
14 proceed to the jail, and while I was on the way,
15 this is pre-planned, call 911, and let them know
16 what's going on, what I was about to do, and
17 that's what you've heard with Dispatch. Yes, they
18 tried to get me to stop, but I had to stick with
19 the plan.

20 If I stopped out there in the middle of the
21 woods, I'm thinking this guy's gonna beat me up.
22 I hurt so much, I had to make it to a place of
23 safety. The jail was a safe place. I was never
24 beaten at the jail, I'm glad of that. The only
25 place I was beaten up was inside my house, or

1 immediately outside. My house is a hell hole,
2 put it that way, and the best thing I can do, run
3 to the jail, drive to the jail, and stop only at
4 the jail, or stop at the stop signs and traffic
5 signals, so on and so forth. Don't let the cops
6 put their hands on me.

7 So I'm not trying to elude this jury into
8 thinking that I stopped right away, I didn't, but
9 I did stop. Why did I stop? Because the blue
10 light made me stop only at the jail approximately
11 22 miles away. I won't keep you much longer, I'm
12 just trying to get my --

13 THE COURT: All right, Mr. Yisrael, it's
14 something that you said there because I think that
15 you have covered that issue sufficiently, sir.
16 It's time to move on.

17 BY MR. YISRAEL:

18 I wanted to tell you my personal opinion --

19 MS. LEMPESIS: Your Honor, I object to
20 him --

21 THE COURT: Yeah, I'm not --

22 MS. LEMPESIS: -- stating his personal
23 opinion.

24 THE COURT: Well --

25 MR. YISRAEL: Well --

1 THE COURT: Hold on, sir. Let me -- I'm going
2 to overrule you, let's see what the question --
3 what the statement is, and I'll revisit that.

4 MS. LEMPESIS: Yes, sir.

5 THE COURT: All right, go ahead, sir.

6 BY YISRAEL:

7 I was the crime, not in the official sense,
8 but that's the crime of what happens to me, what
9 would I do in the situation?

10 THE COURT: Now, we've already discussed your
11 situation.

12 MR. YISRAEL: Okay.

13 BY MR. YISRAEL:

14 My opinion, if someone looks at you.

15 THE COURT: If someone what?

16 BY MR. YISRAEL:

17 If someone was on trial, and they were in
18 fear --

19 MS. LEMPESIS: Object, Your Honor, I think
20 he also just said, if I was a juror, and he
21 cannot --

22 THE COURT: Well --

23 MS. LEMPESIS: -- it's improper.

24 THE COURT: Mr. Yisrael, you're starting to
25 give opinions based upon your being a -- I think

1 you said a student of the law. We're not going
2 to get into that. I'm not going to allow you to
3 give your opinion, sir, that's not appropriate.

4 BY MR. YISRAEL:

5 I never would say a person was guilty from
6 running away from a hazardous situation. I would
7 never say that person was wrong.

8 THE COURT: Well, I'm --

9 THE COURT: Mr. Yisrael, you can't testify
10 what you would think a person is, or if a person's
11 guilty, that's not your province, and that's not
12 the position -- or this is not the place, as you
13 as a witness to be able to testify to that, sir.
14 You can proceed.

15 BY MR. YISRAEL:

16 And I want this jury to remember what the
17 officer said yesterday, when he was on trial, when
18 I asked him --

19 THE COURT: That's not appropriate, that
20 would be something that you bring up in closing,
21 Mr. Yisrael. You need to move on, okay, sir? Go
22 ahead.

23 BY MR. YISRAEL:

24 I just thought -- I gave testimony as to why
25 I didn't stop right away. You'all would want to

1 know that. That's all I have to say about that.

2 THE COURT: All right. Mr. Yisrael, anything
3 else you want to tell the jury? I know that you
4 made some objections, okay, and told you some
5 things you can't go into, but I don't want you to
6 feel that I'm rushing you off. Is there anything
7 else you want to say, sir?

8 Do you want to come around here? I mean it's
9 an important day, sir, come around.

10 (Bench conference.)

11 BY MR. YISRAEL:

12 Just one more thing I wanted to do.

13 THE COURT: Do you want some help? Do you
14 want us to help you hold it, or what would you
15 like to do, Mr. Yisrael?

16 MR. YISRAEL: Does that open up?

17 THE COURT: Okay, Mr. Yisrael, what is it
18 that you have in your hand, sir?

19 BY MR. YISRAEL:

20 I have a plat that was used -- the Town of
21 Yemassee presented to the Court, the civil court
22 and Master in Equities. This says, "This plat is
23 prepared at the request of the Town of Yemassee."
24 It's dated October 10th, 2000, and it was a survey
25 of TGS Land Surveying.

1 MS. LEMPESIS: I can't hear him.

2 THE COURT: Okay.

3 BY MR. YISRAEL:

4 And it was --

5 THE COURT: Mr. Yisrael, and thank you for
6 pointing that out. She -- the jury -- some of
7 the jurors couldn't hear you, sir because amongst
8 other things you're away from the microphone, and
9 you're facing the Court Reporter, so I need you
10 to speak up, okay? Thank you.

11 BY MR. YISRAEL:

12 I'm presenting a plat, which is the basis for
13 this whole conflict, land, abandoned land, okay?
14 It's -- the Town of Yemassee presented this to
15 the Court, to the Master in Equities --

16 THE COURT: No, sir, you're not going to be
17 able to testify --

18 MR. YISRAEL: Okay.

19 THE COURT: Hold on. You can testify to what
20 he says right there, "This plat --

21 MR. YISRAEL: This plat --

22 THE COURT: Read that.

23 MR. YISRAEL: -- prepared at the request of
24 the Town of Yemassee.

25 THE COURT: Okay.

1 MR. YISRAEL: And it's dated October 10th, the
2 year 2000, and it was prepared by TGS Land
3 Surveying Company of Ridgeland.

4 THE COURT: All right.

5 BY MR. YISRAEL:

6 This is the plat. Do you notice there it
7 says abandoned railroad right-of-way. And you'll
8 notice that most of this area here, you don't see
9 anybody's name on this sheet.

10 MS. LEMPESIS: I object because that's not
11 the purpose of the plat.

12 THE COURT: Well, I'm going to sustain that.
13 Mr. Yisrael, you can't make comment on what the
14 plat -- you believe the plat shows. The plat is
15 what the plat is, sir, but I sustain your
16 objection, Solicitor.

17 BY MR. YISRAEL:

18 Okay, you see that it says abandoned --

19 THE BAILIFF: Mr. Yisrael, they can't see
20 that.

21 MR. YISRAEL: I'm gonna come down.

22 BY MR. YISRAEL:

23 Right over here, abandoned railroad. I live
24 in the trailer on this lot here. The warrant in
25 this case said that I dumped -- see this is a

1 building, an old bank building, behind this
2 building. You'll notice that it just says Parcel
3 B. It doesn't say who owns it. Just like the
4 abandoned railroad. it doesn't say who owns it.
5 This is why the warrant was dismissed.

6 THE COURT: Well, hold on, Mr. Yisrael.

7 MS. LEMPESIS: I object.

8 THE COURT: You can't testify as to why you
9 believe the warrant was dismissed. There could
10 be a number of reasons why a warrant may have been
11 dismissed, sir.

12 So strike that, ladies and gentlemen, and go
13 ahead, Mr. Yisrael, you can proceed.

14 BY MR. YISRAEL: As you can see, there are
15 no names on it, who owns --

16 MS. LEMPESIS: I object. I object, we've
17 already covered that.

18 THE COURT: Right.

19 MS. LEMPESIS: Your Honor --THE COURT: I
20 agree.

21 MS. LEMPESIS: -- all of this is not proper,
22 he shouldn't be -- he's not --

23 BY MR. YISRAEL:

24 The fact is --

25 THE COURT: Hold on, Mr. Yisrael, don't talk

1 while she's talking, sir, okay?

2 MR. YISRAEL: Okay because I like --

3 MS. LEMPESIS: I object again --

4 THE COURT: Yes, ma'am.

5 MS. LEMPESIS: -- as to relevance.

6 THE COURT: All right. Mr. Yisrael --

7 MR. YISRAEL: I just wanted to --

8 THE COURT: Mr. Yisrael, don't talk when I'm
9 talking, sir, okay? All right, Mr. Yisrael, I
10 don't know that this is relevant. I haven't heard
11 anything that makes it relevant, and so I'm gonna
12 ask that you -- I'm going to have to stop you on
13 this plat, and going further on the plat, sir.
14 All right?

15 MR. YISRAEL: Okay. They will not be able
16 to consider these?

17 THE COURT: No, sir, I'm not gonna enter the
18 plat into evidence because I just don't -- I don't
19 see the relevance, as it relates to the plat, sir.

20 BY MR. YISRAEL:

21 I just wish that this jury -- just remember
22 why I didn't stop right away.

23 THE COURT: Mr. Yisrael --

24 MR. YISRAEL: Okay.

25 THE COURT: -- and that's --

1 MR. YISRAEL: I'm finished, Your Honor.

2 THE COURT: That's for closing. You'll be
3 able to tell them that, okay?

4 MR. YISRAEL: I'm finished for now.

5 THE COURT: Yes, sir. Yes, sir.

6 MR. YISRAEL: Thank you.

7 THE COURT: Thank you.

8 MS. LEMPESIS: Well, I just --

9 THE COURT: Hold on, Mr. Yisrael. I'll tell
10 you what, Mr. Yisrael, sit down for one minute.
11 Let's take five minutes --

12 MS. LEMPESIS: Okay.

13 THE COURT: -- okay? Let's take a five-
14 minute break, and then you'all have laughed at me
15 because a five-minute break, she said, right, a
16 five-minute break, maybe ten minutes, okay? And
17 you're still laughing, no, we'll get you back in
18 here, and the Solicitor will have an opportunity
19 to cross-examine Mr. Yisrael, and then I don't
20 know what -- if he has any additional witnesses
21 to call, we'll deal with that then, but we'll take
22 about ten minutes, okay? So please don't talk
23 about the case. Thank you very much.

24 (Jury exits courtroom.)

25 THE COURT: Mr. Yisrael --

1 MR. YISRAEL: Oh, I'm sorry, I forgot what
2 you said. I have to stick around for the jury.

3 THE BAILIFF: The jury's out there, Your
4 Honor.

5 THE COURT: Yes, sir. All right, anything
6 from the State before we take a break?

7 MS. LEMPESIS: No, Your Honor, and I won't
8 have any questions on cross.

9 THE COURT: Well, I wasn't sure, I didn't
10 think you would, but it was just a good time to
11 take a few minutes, okay?

12 MS. LEMPESIS: Yes, it is, yes.

13 THE COURT: Mr. Yisrael, let's take a break,
14 and we'll be back in here at ten after, okay?

15 MR. YISRAEL: Yes.

16 MS. LEMPESIS: Thank you, Your Honor.

17 THE COURT: Yes, ma'am.

18 (BREAK)

19 THE COURT: All right, Solicitor, are we
20 ready to move forward, get the jury back in here,
21 and have you begin your cross-examination?

22 MS. LEMPESIS: Yes, Your Honor.

23 THE COURT: I didn't mean to catch you while
24 you're eating.

25 MS. LEMPESIS: I'm good.

1 THE COURT: You obviously had just put it in
2 your mouth.

3 MS. LEMPESIS: I'm totally finished, thank
4 you.

5 THE COURT: All right. Are we ready to go,
6 sir?

7 MR. YISRAEL: Can I move this for mitigating
8 circumstances?

9 THE COURT: Well, what -- not at this point,
10 but there will be a time, sir, that you will go
11 and be able to reassert and make some new motions,
12 and I'll be able to listen to you then, okay?

13 MR. YISRAEL: All right.

14 THE COURT: That will be the appropriate time
15 to then go and raise those issues, okay, Mr.
16 Yisrael?

17 MR. YISRAEL: Yeah.

18 THE COURT: All right, was Mr. Yisrael on the
19 stand when the jury left?

20 MS. LEMPESIS: Yes, Your Honor. Well, no --

21 THE COURT: Let's --

22 MS. LEMPESIS: -- he wasn't, Your Honor.

23 THE COURT: No, he wasn't, okay.

24 MS. LEMPESIS: 'Cause he was seated in Court.

25 THE COURT: I had him step down.

1 MS. LEMPESIS: Uh-huh.

2 THE COURT: So what I'm gonna do is, I'm gonna
3 bring the jury back in, and once they're seated,
4 I'm gonna ask you to come back around for your
5 cross-examination, okay, Mr. Yisrael?

6 MR. YISRAEL: She said she wasn't going to.

7 MS. LEMPESIS: Well --

8 THE COURT: She said she only had a few
9 questions.

10 MR. YISRAEL: Oh, I thought you said you
11 wasn't going to cross me.

12 THE COURT: No. All right, so let's get the
13 jury in here.

14 (Jury enters courtroom.)

15 THE BAILIFF: The jury's in the courtroom,
16 Your Honor.

17 THE COURT: All right, thank you.

18 THE BAILIFF: The jury's seated, Your Honor.

19 THE COURT: Thank you, Mr. Bailiff. All
20 right, ladies and gentlemen, we're ready to
21 continue with the trial.

22 Mr. Yisrael, will you come on back around and
23 have a seat? Take your time.

24 MR. YISRAEL: Are you gonna ask me any
25 questions about what I had? I'll just bring my

1 book back.

2 THE COURT: All right, that's fine. All
3 right, Mr. Yisrael, I will remind you, sir, that
4 you're still under oath, okay?

5 MR. YISRAEL: Yes, sir.

6 THE COURT: All right, Solicitor, your
7 witness.

8 MS. LEMPESIS: Thank you, Your Honor.

9 ***

10 CROSS-EXAMINATION

11 BY MS. LEMPESIS:

12 Q. Mr. Yisrael, you talked a lot about all
13 of the warrants that have been dismissed against
14 you. You've also been found guilty of a lot of
15 those warrants also, correct?

16 A. No.

17 Q. Haven't you? You've been found
18 guilty --

19 A. No.

20 Q. -- haven't you?

21 A. Ask that question again?

22 Q. You've been found guilty of many warrants
23 that have been brought --

24 A. Oh, no.

25 Q. -- against you?

1 A. No, no.

2 Q. Okay. So you've never been convicted of
3 anything?

4 A. Oh, yeah, oh, yes.

5 Q. Okay.

6 A. But not many, and that's why I wanted to
7 show --

8 Q. So you've showed us all --

9 A. -- exactly --

10 Q. So you showed us all the cases where you
11 weren't convicted, but we also know that you've
12 been convicted of many warrants brought by the
13 Town of Yemassee. Now, you've also filed --

14 MR. YISRAEL: Your Honor, objection.

15 THE COURT: All right, I'll --

16 MR. YISRAEL: She's saying I've been found
17 guilty --

18 THE COURT: Hold on. I'll sustain the
19 objection, as it relates to the last comments in
20 the case, all right?

21 MS. LEMPESIS: Yes, Your Honor.

22 THE COURT: All right, the last comments that
23 you made Solicitor, go ahead.

24 MR. YISRAEL: Oh.

25 MS. LEMPESIS: Thank you, Your Honor.

1 BY MS. LEMPESIS:

2 Q. You've also filed lawsuits in the past
3 20 years, and a lot of those lawsuits have been
4 dismissed; isn't that correct?

5 A. Well, I'd rather be more specific as to
6 numbers.

7 Q. Well, can you tell us, specifically, how
8 many lawsuits you filed that have been dismissed?

9 A. From the year 2000 to the present, I filed
10 20 lawsuits, and a few are still pending for the
11 abuses that I received, when the cops beat me up.
12 I received settlements for that whole 22 years of
13 \$24,000.

14 The majority of them were dismissed on some
15 kind of technicality, some -- certain legal things
16 I didn't do properly.

17 Q. Okay. You talked -- Mr. Yisrael, you
18 told us something about your plan, or the plan
19 that you had that you make in how you're going to
20 avoid being arrested. Part of your plan is to
21 --

22 MR. YISRAEL: Objection. I never said
23 how --

24 THE COURT: Hold on, when you object you
25 address the objection to me, sir.

1 MR. YISRAEL: Your Honor --

2 THE COURT: What -- state your objection.

3 MR. YISRAEL: She said that I -- how I'm going
4 to avoid arrest.

5 THE COURT: All right, I'll --

6 MR. YISRAEL: I'm avoiding getting hurt.

7 MS. LEMPESIS: I believe that's exactly --
8 almost exactly what he said.

9 MR. YISRAEL: It's not because I'm --

10 THE COURT: Hold on, Mr. Yisrael. I'm going
11 to overrule the objection, and you can answer the
12 question, sir.

13 BY WITNESS:

14 A. What's the question?

15 Q. Well, you told us about your plans about
16 how you're going to avoid arrest. One of those
17 plans includes putting urine and feces on your
18 body; isn't that correct?

19 A. I never told you how I was -- my plans
20 to avoid arrest.

21 Q. That's not the question. Isn't it correct
22 that sometimes you spread urine and feces on your
23 own body, in order to keep the police from
24 arresting you; isn't that correct?

25 A. Yes.

1 Q. Thank you. And isn't it also true that
2 sometimes you have to be taken to the hospital
3 after you do this because of the -- I believe you
4 have referred to as a burning -- there's a burning
5 sensation that happens, and so you ask to be taken
6 to the hospital? Isn't it correct --

7 A. No.

8 Q. -- that some of the times you've been to
9 the hospital is because you've spread urine and
10 feces on your own body to keep the police from
11 arresting you? Is that --

12 A. No.

13 Q. Isn't that correct?

14 A. That's incorrect.

15 Q. That's incorrect? Okay. All right,
16 and --

17 A. I was only taken to the hospital for
18 injuries that I received from the cops. I was
19 sutured up. I was never -- I wouldn't put --

20 Q. Okay.

21 A. -- urine and feces on me, if it would
22 cause me to go to the hospital.

23 Q. Okay, all right, Mr. Yisrael. So if part
24 of your plan is to call 911 whenever you're being
25 pursued, if that's part of your plan, your plan

1 not to stop, and your plan to call 911, why didn't
2 you call -- actually, scratch that. You didn't
3 call 911 until you got to Highway 21 in Beaufort,
4 all the way, about 15 minutes, 20 minutes into
5 this pursuit; isn't that correct?

6 A. I called them, approximately, seven miles
7 after. I called them when I got to Sheldon.

8 Q. You called them when you got to Sheldon?

9 A. Just before I got to Sheldon.

10 Q. Okay, and that's Highway 21; isn't that
11 correct?

12 A. Yeah, it's just after you leave Castle
13 Hall Road.

14 Q. Okay, so you called them about seven miles
15 into this pursuit, okay. Mr. Yisrael, wouldn't
16 it have been safe for you to stop? Let me
17 rephrase. Isn't it correct that you could have
18 stopped when the Beaufort County Sheriff's Office
19 became involved and the South Carolina Highway
20 Patrol? When we heard you say, "The Sheriff's
21 Office has got their blue lights on now too,"
22 isn't it correct that you could have stopped then?

23 A. Ma'am --

24 Q. Answer the question, isn't it correct
25 that you could have stopped then?

1 A. Not according to my plans.
2 Q. Not according to your plan.
3 A. My plan was to stop --
4 Q. Okay.
5 A. -- at --
6 Q. No, that's fine.
7 A. -- the jail --
8 Q. Mr. Yisrael, thank you.
9 A. -- at the jail.
10 Q. Not according to your plan, got it.
11 MS. LEMPESIS: I have no further questions.
12 THE COURT:
13 All right, Mr. Yisrael, do you have any reply
14 testimony, sir? And that reply would be related
15 to just the questions that the Solicitor asked
16 you, sir. Do you have anything in response?
17 ***
18 REDIRECT EXAMINATION
19 BY MR. YISRAEL:
20 As regards to why I went to the hospital,
21 you're trying to say it's because of the urine
22 and the feces that I put on myself? You know --
23 THE COURT: You don't --
24 MS. LEMPESIS: You don't --
25 MR. YISRAEL: She's --

1 THE COURT: Hold on. You don't ask questions
2 to the Solicitor, sir. You have the opportunity
3 to, basically, you're, in essence, calling
4 yourself to reply to -- if you have any reply
5 questions, in regard to what she asks. Reply
6 meaning, you tell the jury, as though your lawyer
7 would ask you a question, you're asking yourself
8 a question. What do you want to tell them, in
9 regard, if anything, in regard to what she told
10 you, or asked you, sir? Excuse me.

11 BY MR. YISRAEL:

12 Never was I treated at the hospital for
13 putting urine and feces on myself. I was treated
14 at the hospital because of bumps and bruises and
15 cuts.

16 THE COURT: All right.

17 MR. YISRAEL: Okay?

18 THE COURT: All right, anything else?

19 BY MR. YISRAEL:

20 That's why.

21 THE COURT: Okay.

22 BY MR. YISRAEL:

23 My plan -- you asked me whether or not I could
24 have stopped with the Beaufort County Sheriff
25 Deputies. I could not stop because that was not

1 part of the plan because the police officers from
2 Yemassee were near me, and could have beaten me
3 before anybody else got to me. So my thing was
4 to stop for the blue light at the jail, where it
5 was safe, that's all.

6 THE COURT: All right. Anything else, sir,
7 concerning just the testimony -- just the
8 questions that she asked you, sir, anything else?

9 BY MR. YISRAEL:

10 She asked me about the lawsuits. One of the
11 main reason why my lawsuits failed, is because I
12 kept being falsely arrested, having to put a bail
13 to get myself out of jail, instead of using that
14 money toward the lawsuits. You'd have to -- even
15 though I'm representing myself, you still have to
16 -- and one time I lost a lawsuit because I
17 couldn't come up with the transcript money. I
18 just could not finance it because of the constant
19 -- was 95 warrants from the year 2000 to the
20 present.

21 About 30 were dismissed, 70 are still pending
22 from the year 2000, 2005, '10, so on, and so on,
23 and so on. Certainly, you cannot possibly give
24 attention to the lawsuits, if you're being
25 constantly intimidated and beaten up by the

1 Yemassee Police force.

2 THE COURT: All right.

3 MR. YISRAEL: That's all I have to say.

4 THE COURT: All right. Do you have anything
5 in reply?

6 MS. LEMPESIS: No, Your Honor.

7 THE COURT: All right, okay, or recross?

8 MS. LEMPESIS: No, Your Honor.

9 THE COURT: All right, thank you. All right,
10 Mr. Yisrael, you can step down. Thank you, sir.
11 Be careful.

12 All right, Mr. Yisrael, do you want to call
13 your next witness? Is there any other witnesses
14 you're going to call, sir?

15 MR. YISRAEL: That's it, I'm -- that's it,
16 I'm finished. The defense rests.

17 THE COURT: The defense rests, okay. Ladies
18 and gentlemen, you have heard all of the testimony
19 in this matter. There are several matters of law
20 that I have to take up, and when I finish those
21 matters of law, I'll get you back in here, at
22 which time closing arguments will be presented to
23 you.

24 Now, I don't know that this is going to take
25 very long, but I also have some extra special good

1 news for you, okay? I believe the Clerk is
2 providing lunch for you today, okay?

3 So lunch is going to be delivered, and
4 probably we'll have lunch I suspect about the time
5 you're going to be deliberating. Sometimes --

6 THE BAILIFF: It's gonna be available at
7 12:00.

8 THE COURT: It's gonna be -- oh, even sooner,
9 okay. Well, the lunch is going to be provided,
10 then I think they went down to Hall's Chophouse
11 in Charleston, and they've got some wonderful
12 filets for everybody, bacon wrapped, it's gonna
13 be very nice, but I'm gonna send you back, and
14 we're gonna address these motions as quickly as
15 we can, get you back in here. Please don't talk
16 about the case. Thank you.

17 (Jury exits courtroom.)

18 THE BAILIFF: The jury's clear, Your Honor.

19 THE COURT: All right, any motions from the
20 State at this time?

21 MS. LEMPESIS: No, Your Honor, not from the
22 State.

23 THE COURT: All right, I just wanted to make
24 sure. All right, and so at this time, Mr.
25 Yisrael, do you have any motions on behalf of

1 defense, sir?

2 MR. YISRAEL: I'm just renewing all of the
3 motions that I've had in the past.

4 THE COURT: Yes, sir. And I'll note that for
5 the record, and I would deny those motions,
6 respectfully, based upon the same arguments and
7 the same rationales that I gave earlier throughout
8 the course of this trial, okay, sir? Mr. Yisrael
9 is there anything else that you want to discuss
10 at this point, as it relates to any motions, or
11 anything else?

12 Because what I plan on doing now is, going
13 over the jury charges with you. So other than
14 jury charges and the verdict form, is there
15 anything else you want to bring to the Court's
16 attention, sir?

17 MR. YISRAEL: It still remains in my mind
18 about that --

19 THE COURT: Well, I don't know that there is,
20 I'm just --

21 MR. YISRAEL: I'm gonna say --

22 THE COURT: -- asking.

23 MR. YISRAEL: -- about the code of laws, that
24 indicate that the swearing out of a warrant is
25 precluded from serving. You mentioned the other

1 day that the Attorney General's opinion did not
2 pertain. It was -- he was talking about issues
3 that happened in Magistrate Court.

4 THE COURT: Yes, sir.

5 MR. YISRAEL: But the law itself, there's no
6 way that indicates that that law does not apply
7 to General Session. There's nothing that
8 indicates that, just a blank statement, stating
9 that a server is precluded from -- to swear out a
10 warrant is precluded from serving the warrant.
11 Officer Watson was the affiant, he attempted --
12 he served the warrant.

13 He was not supposed to do that, if he wasn't
14 to initiate the blue light, none of this mess
15 would have happened.

16 THE COURT: All right. Solicitor, I don't
17 notice anything new, but do you want to respond?

18 MS. LEMPESIS: No, Your Honor, I'll just rely
19 on my previous argument.

20 THE COURT: And, Mr. Yisrael, I understand
21 the argument, it's part of what you renewed. I
22 don't think there's anything new that you argued.
23 I'm not gonna change my opinions or my rationale,
24 as it relates to denying it, sir. I believe that
25 it does only apply making reference, primarily,

1 to a Magistrate Court case. On top of that, I
2 don't think that I'm obligated to file -- or this
3 Court is obligated to file an advisory opinion by
4 the Attorney General's office.

5 And also I think when you look to the statute,
6 beyond or below the heading, I think it makes it
7 clear that we're talking about that the actual
8 language in the statute is referring to a
9 situation that is not akin to that, which is so
10 inspired in this case, so that will be my ruling,
11 sir.

12 Now, what I want to do is, I'd like to go
13 over the jury charges, okay? Do you have the jury
14 charges in front of you, Mr. Yisrael?

15 MR. YISRAEL: Somewhere.

16 THE COURT: Okay.

17 MR. YISRAEL: You can go ahead, Your Honor.

18 THE COURT: No, sir, I would like you to have
19 a copy of the jury charges in front of you because
20 what I like to do is, I like to go into -- do you
21 want to bring another copy for him?

22 MS. LEMPESIS: I can, it will take a moment.

23 MR. YISRAEL: All right, I've got you.

24 THE COURT: Okay. So what I like to do, Mr.
25 Yisrael, is I like to -- because jury charges are

1 important, sir, I like to go and to start at the
2 very beginning, and to that extent these are
3 charges that I'm gonna read to the jury, sir,
4 okay? This -- I'm gonna read this package of
5 information to the jury.

6 And so I want to do is, I want to ask the
7 State, is there any objection, for instance, is
8 there any objection to my initial charge found on
9 page one and two, and I would ask the State, does
10 she have an objection? And the Solicitor would
11 then respond whether she's got an objection or a
12 concern, or she would say that she doesn't have
13 an objection or a concern. And I would then ask
14 you, do you have any objection to my initial
15 charges on page one and two.

16 So, Solicitor, let me ask you, do you have
17 any objection to the Court's initial introductory
18 language found on page one or two of the jury
19 charge?

20 MS. LEMPESIS: No, Your Honor.

21 THE COURT: All right. Mr. Yisrael, do you
22 have any objection to page one and two of the jury
23 charge, the initial language, sir?

24 MR. YISRAEL: No.

25 THE COURT: Okay. All right, to this charge.

1 MR. YISRAEL: Yes --

2 THE COURT: So what I have done is, I have
3 changed -- mine actually says on page two, the
4 last paragraph, "To these charges," mine now will
5 read, "To this charge." Is that satisfactory,
6 Mr. Yisrael? Page two, the second paragraph, it
7 will now say, "To this charge."

8 MR. YISRAEL: Yes, it won't refer to several
9 charges.

10 THE COURT: Right, we're not gonna do that.

11 MR. YISRAEL: That's --

12 THE COURT: Okay.

13 MR. YISRAEL: -- that's it.

14 THE COURT: Okay, but as it relates to now
15 page one and two, is that satisfactory, sir?

16 MR. YISRAEL: Yes.

17 THE COURT: Solicitor?

18 MS. LEMPESIS: Yes, Your Honor.

19 THE COURT: All right. On page three, charge,
20 arrest, indictment not evidenced. Any objection
21 from the State?

22 MS. LEMPESIS: No objection from the State.

23 THE COURT: Mr. Yisrael?

24 MR. YISRAEL: No. No objection, Your Honor.

25 THE COURT: All right, on page four and five,

1 the duties of the Judge. Any objection from the
2 State?

3 MS. LEMPESIS: No objection from the State,
4 Your Honor.

5 THE COURT: Mr. Yisrael?

6 MR. YISRAEL: No objection.

7 THE COURT: Yeah, if you'll remove that.
8 She's going to remove -- there is a -- on page
9 four it says, "Where there's any stipulations of
10 counsel," where is that marked?

11 MS. LEMPESIS: On page --

12 THE COURT: It's on that first long
13 paragraph?

14 MS. LEMPESIS: The end of the long paragraph.

15 THE COURT: All right, the end of the long
16 paragraph, and any stipulations made by counsel
17 of record, if there were any, we're gonna take
18 that out because I don't think there were any
19 stipulations of counsel.

20 Is that satisfactory, Solicitor?

21 MS. LEMPESIS: Yes, Your Honor.

22 THE COURT: All right.

23 Do you see that, Mr. Yisrael, page four? The
24 last sentence of the long paragraph it says,
25 "Together with any exhibits admitted into the

1 record of this case," and then it goes on and
2 says, "and any stipulations of counsel made to
3 the record, if there were any." What we're gonna
4 do is, we're gonna put a period at case, and
5 strike out and any stipulations of counsel made
6 into record, if there were any. Because there
7 weren't any stipulations that you'all made.

8 A stipulation is when you'all would agree to
9 a fact. Like if you'all agreed that a mile was
10 5,280 feet, that would be a stipulation.

11 MR. YISRAEL: You're only changing and
12 altering punctuation?

13 THE COURT: No, what I'm taking -- on page
14 four, sir --

15 MR. YISRAEL: Okay.

16 THE COURT: If you see -- go down and --

17 MR. YISRAEL: Into the record of this case
18 of any stipulation counsel made into the record,
19 if there were any.

20 THE COURT: Hold on, one second.

21 Do you see where it says case?

22 MR. YISRAEL: Yes.

23 THE COURT: I'm gonna put a period right
24 there.

25 MR. YISRAEL: Right.

1 THE COURT: And then where it says and to the
2 end --

3 MR. YISRAEL: Yes.

4 THE COURT: -- I'm gonna take that out. And
5 any stipulations of counsel --

6 MR. YISRAEL: Oh you're not making any
7 reference to stipulation?

8 THE COURT: Right because there weren't any.
9 In other words, this is a generic charge that I
10 use in lots if difference charges, and since there
11 weren't any stipulations, I think it reads easier
12 just not to have it in there because there were
13 no stipulations.

14 Do you understand what I want to do, or what
15 I'm asking?

16 MR. YISRAEL: Oh sure.

17 THE COURT: Okay, well then --

18 MR. YISRAEL: Well, I want to object to
19 removing it because it clearly states if there
20 were any. So there weren't any, so --

21 THE COURT: All right, so that's --

22 MR. YISRAEL: Yes.

23 THE COURT: All right, so no objection to
24 removing that?

25 MR. YISRAEL: No.

1 THE COURT: Okay, great. All right, so page
2 six and seven --

3 MR. YISRAEL: No, oh, excuse me.

4 THE COURT: Go ahead.

5 MR. YISRAEL: We did five?

6 THE COURT: Well, five, basically, you'all
7 -- duties of the Judge is page four and five.

8 MR. YISRAEL: All right, so we're on page six
9 now?

10 THE COURT: Do you have any objection to the
11 duties of Judge, page four and five?

12 MR. YISRAEL: No.

13 THE COURT: All right, the State I think you
14 do not?

15 MS. LEMPESIS: That's correct.

16 THE COURT: All right, what about page six
17 and seven, credibility of the witnesses?

18 Any objections or concerns from the State?

19 MS. LEMPESIS: No, Your Honor.

20 THE COURT: Mr. Yisrael?

21 MR. YISRAEL: No objections.

22 THE COURT: All right. Page eight and nine,
23 presumption of innocence, any concerns or
24 objections from the State?

25 MR. YISRAEL: Your Honor --

1 THE COURT: Yes, sir.

2 MR. YISRAEL: It was in -- no, it's on page
3 ten.

4 THE COURT: All right, okay.

5 MR. YISRAEL: I believe it's page ten, yeah.

6 THE COURT: All right, what about page eight
7 and nine, Mr. Yisrael, presumption of -- hold on,
8 I don't know if you've agreed to -- all right,
9 so, Mr. Yisrael, on page six and seven,
10 credibility of the witnesses, do you have any --

11 MR. YISRAEL: No.

12 THE COURT: -- concerns?

13 MR. YISRAEL: No.

14 THE COURT: All right, page eight and nine,
15 presumption of innocence. From the State, any
16 concern?

17 MS. LEMPESIS: No, Your Honor.

18 THE COURT: Mr. Yisrael, page eight and nine,
19 sir?

20 MR. YISRAEL: No, Your Honor.

21 THE COURT: All right. What I am going to
22 do is, I hope this -- Mr. Yisrael, I'm changing
23 the plural to singular, innocent of this charge;
24 are you with me?

25 MR. YISRAEL: Yes. And I was going to say

1 that because I got arrested for --

2 THE COURT: All right, so that's what I'm
3 going to do. Is that satisfactory, sir?

4 MR. YISRAEL: I just want to -- before I say
5 anymore. Okay.

6 THE COURT: That's satisfactory?

7 MR. YISRAEL: Yes.

8 THE COURT: Yes, sir, we're gonna remove that
9 and make it crime, sir.

10 MR. YISRAEL: No further objection on that.

11 THE COURT: All right, super. All right, on
12 page ten and 11 from the State, reasonable doubt?

13 MS. LEMPESIS: No objection, Your Honor.

14 THE COURT: Mr. Yisrael?

15 MR. YISRAEL: No objection.

16 THE COURT: All right, page 12 and 13, direct
17 and circumstantial evidence. From the State?

18 MS. LEMPESIS: I'm sorry.

19 THE COURT: That's okay, I didn't ask you.

20 MS. LEMPESIS: Direct and circumstantial, no
21 objection.

22 THE COURT: Mr. Yisrael?

23 MR. YISRAEL: No objection.

24 THE COURT: Okay. All right, page 14 and 15
25 and ten? From the State?

1 MS. LEMPESIS: No objection.

2 THE COURT: Mr. Yisrael?

3 MR. YISRAEL: No objection, Your Honor.

4 THE COURT: All right. All right, what about
5 page 16 and 17, the blue light statute.
6 Solicitor?

7 MS. LEMPESIS: No objection.

8 THE COURT: All right, Mr. Yisrael?

9 MR. YISRAEL: Your Honor, is there any way
10 that you can insert a copy of that law into this?
11 Because when I read the law it said, "Unless a
12 mitigating circumstance," that's the first words
13 of that law, failure to stop for a blue light.
14 That's -- when you read that law, the first couple
15 words, "Unless mitigating circumstance," and I
16 want the jury to see that law.

17 Now you go into mitigating circumstances, but
18 it's kind of buried. I just want to let the jury
19 know that the legislators thought it important to
20 put mitigating circumstances as the first couple
21 words. This mitigating circumstance --

22 THE COURT: All right, hold on one second.

23 MR. YISRAEL: All I ask is that law -- that
24 they see that law for themselves.

25 THE COURT: All right, let me tell you what

1 I'm gonna do, Mr. Yisrael, this charge comes
2 straight out of the charge book, okay? That's
3 what that gives me. I am going to keep the charge
4 as is, but what I will do is this, I will place
5 emphasis on the end, "Determining whether there
6 are mitigating circumstances, which would justify
7 the Defendant's failure to stop, you may consider
8 the following."

9 And I will put some added emphasis on that.
10 I think that's fair, and I think that gets into
11 not having to go back and read the entire statute,
12 and, again, I am pulling this out of the charge
13 book, sir.

14 MR. YISRAEL: But like I say, that word, the
15 mitigating circumstances --

16 THE COURT: All right.

17 MR. YISRAEL: -- is like buried in these
18 charges, and when reading the law it's primary,
19 it's up front, it's not buried within the law.

20 THE COURT: Solicitor, what's your position
21 on that?

22 MS. LEMPESIS: I mean -- well, he's not wrong
23 that it is the first line in the statute, but it's
24 actually -- it doesn't -- this -- the charge goes
25 further, and outlines what mitigating

1 circumstances might be, which is not in the
2 statute. And so I mean I think this provides more
3 emphasis on mitigating circumstances, and I
4 think, if Mr. Yisrael --

5 MR. YISRAEL: Your Honor --

6 MS. LEMPESIS: But I think --

7 THE COURT: Hold on, hold on.

8 MS. LEMPESIS: -- this emphasizes mitigating
9 circumstances much more than just reading the
10 statute.

11 THE COURT: All right, what I'm gonna do is
12 this, I think I'm going to state, "I charge you
13 that in the absence of mitigating circumstances,
14 it is unlawful for a motor vehicle driver, while
15 driving on a road, street or highway of the State,
16 to file to stop when signaled by a law enforcement
17 vehicle, by means of a siren or flashing light.

18 The Defendant is charged with failing to stop
19 for a blue light. In order to prove this crime,
20 the State must prove beyond a reasonable doubt."
21 That's what I'm going to do. I'm just gonna put
22 the first sentence at the very beginning of my
23 charge, and then I'm going to read my charge.

24 MR. YISRAEL: What are you going to say the
25 first time?

1 THE COURT: I'm going to read this, Mr.
2 Yisrael, I'm gonna say, "In the absence of
3 mitigating circumstances, it is unlawful for a
4 motor vehicle driver --

5 MR. YISRAEL: That's what I want, Your Honor.

6 THE COURT: Sir?

7 MR. YISRAEL: That what I want.

8 THE COURT: There you go, you've got it, okay?
9 So what we're gonna do is, we're gonna put that
10 first sentence of the statute at the very
11 beginning of the charge, sir, and then I'm going
12 to go, and I'm going to read the balance of my
13 charge. Is that acceptable --

14 MR. YISRAEL: Sure.

15 THE COURT: -- Mr. Yisrael?

16 MR. YISRAEL: Sure.

17 THE COURT: All right, do you have any
18 objection to that, Solicitor?

19 MS. LEMPESIS: No, Your Honor.

20 THE COURT: All right, thank you. All right,
21 and then it looks like the last thing then would
22 be the conclusion, or the ending conclusory
23 language that I basically read to the jury. Any
24 objection from the State?

25 MS. LEMPESIS: No, Your Honor.

1 THE COURT: Any objection from you, Mr.
2 Yisrael?

3 MR. YISRAEL: What page are you on, sir?

4 THE COURT: Sir, I'm on page --

5 MS. LEMPESIS: 19.

6 THE COURT: -- 19. Page 18 is actually blank,
7 it's not supposed to be on there. The last one
8 is page 19, sir.

9 MR. YISRAEL: Oh, there we go again. Fourth
10 line from the bottom.

11 THE COURT: Yes, sir.

12 MR. YISRAEL: "When you, the jury, arrive at
13 a verdict, as to the offenses --

14 THE COURT: Offense charge, how about that?

15 MR. YISRAEL: Yeah, we don't want that.

16 THE COURT: Yes, sir. Can we get that?

17 MS. LEMPESIS: Yeah, I already got it.

18 THE COURT: You already got it, okay.
19 Anything else, sir?

20 MR. YISRAEL: No.

21 THE COURT: Defense charge on page 20, the
22 last line of the first paragraph.

23 MR. YISRAEL: It's made singular, not plural.

24 THE COURT: Yes, sir.

25 MR. YISRAEL: Okay, I'm satisfied with page

1 19.

2 THE COURT: Okay, great. And what about the
3 rest of it, sir?

4 MR. YISRAEL: Page 19?

5 THE COURT: Yeah, well, the charge 19, 20 and
6 21.

7 MR. YISRAEL: You see how it says at the top
8 of the page in the real dark letters, "All 12 of
9 you?"

10 THE COURT: Yes, sir.

11 MR. YISRAEL: Can we have those bold letters
12 on mitigating circumstances?

13 THE COURT: No.

14 MS. LEMPESIS: No.

15 THE COURT: No. That is an ending charge,
16 where I basically instruct the jury that they have
17 to all 12 have to agree to the verdict.

18 MR. YISRAEL: Yes, it's even more emphasis
19 when it's blackened like that, so you'll just say
20 not to?

21 THE COURT: Mr. Yisrael --

22 MR. YISRAEL: Yes.

23 THE COURT: -- I'll note your objection to
24 that, if you want to object, and then let's move
25 on.

1 MR. YISRAEL: Okay. I have no further
2 objections, Your Honor.

3 THE COURT: All right, so I think we've made
4 the changes, or we're gonna make the changes. All
5 right, what about the verdict form? Any objection
6 to the verdict form from the State?

7 MS. LEMPESIS: No, Your Honor.

8 THE COURT: Mr. Yisrael?

9 MR. YISRAEL: No objection.

10 THE COURT: All right, no objection to the
11 verdict form. Yes, ma'am. All right, any other
12 matter, sir, before we get ready to have closing
13 arguments? From the State?

14 MS. LEMPESIS: Just a very brief recess.

15 THE COURT: Oh I'm --

16 MS. LEMPESIS: Oh, nothing else for the
17 record.

18 THE COURT: Right. I'm gonna give you a
19 break.

20 MS. LEMPESIS: I guess we should talk about
21 order.

22 THE COURT: Okay.

23 MS. LEMPESIS: Since he did present a case,
24 I would get to go first, and he goes, and then I
25 go.

1 THE COURT: That's correct.

2 MS. LEMPESIS: Unless I want to waive that
3 first opening on the -- I don't have to open on
4 the law, I can just finish last, if I want.

5 THE COURT: You just want to waive your
6 initial opening? That's what you want to do?

7 MS. LEMPESIS: Yeah, I do, yeah.

8 THE COURT: All right.

9 MS. LEMPESIS: Uh-huh.

10 THE COURT: Okay. Mr. Yisrael, yes, sir, any
11 other questions concerning the jury charge or the
12 verdict form, Mr. Yisrael? You looked like you
13 were thinking, sir.

14 MR. YISRAEL: I had a question about the --
15 not about that, not about the jury form.

16 THE COURT: All right. What do you have a
17 question about, sir?

18 MR. YISRAEL: When I make the closing
19 arguments, can I make the statement, can I
20 emphasize what the law is?

21 THE COURT: You --

22 MR. YISRAEL: Can I say something like this?
23 I did not stop because of mitigating
24 circumstances.

25 THE COURT: I think that's appropriate. I

1 think you can -- and, yes, sir, I think you can
2 explain what you believe the mitigating
3 circumstance is. I think that's fair game. The
4 Solicitor may disagree, the Solicitor may object,
5 and I'm not saying that's my ruling per se, but
6 something along those lines probably would be
7 acceptable, sir, okay?

8 MR. YISRAEL: Okay.

9 THE COURT: Now, that having been said, do
10 you have anything else, sir, before we get ready
11 to move forward with closing arguments?

12 MR. YISRAEL: That's it, Your Honor.

13 THE COURT: All right, you understand that
14 the State's waiving their opening?

15 MR. YISRAEL: Yes.

16 THE COURT: That means you're going to go
17 first, and then they get to go last.

18 MR. YISRAEL: Yes.

19 THE COURT: Because otherwise they get to go
20 first, then you go, and then they get to go last.
21 They get to go last no matter what, since you put
22 on a case, okay?

23 MR. YISRAEL: Okay, and I can't rebut?

24 THE COURT: No.

25 MR. YISRAEL: Okay.

1 THE COURT: The State gets to rebut or go
2 last because they had the burden of proof. That's
3 the way the law works, okay?

4 MR. YISRAEL: Yes, sir.

5 THE COURT: All right, any questions?

6 MR. YISRAEL: Since she opened the issue
7 about the lawsuits, she did that, she questioned
8 it, I'm going to dwell on that.

9 THE COURT: Well, you can only dwell on what's
10 in evidence, sir, and we'll see where that goes
11 with your argument. I mean there's some
12 discussion there, but dwelling that may not be
13 the appropriate word. We'll see, we'll take that
14 up at the appropriate time, sir.

15 MS. LEMPESIS: And I would disagree that I
16 opened the door to it. Mr. Yisrael had already
17 come out and testified about his lawsuits.

18 THE COURT: Well, it -- yes, ma'am, I
19 understand.

20 MS. LEMPESIS: Yes.

21 MR. YISRAEL: She said opened the door
22 about --

23 THE COURT: Mr. Yisrael, you make your
24 closing argument. If there's something that she
25 wants to object to, then I'll rule on it then.

1 I'm not gonna get into ifs and buts, okay?

2 MR. YISRAEL: Okay.

3 THE COURT: Anything else, sir?

4 MR. YISRAEL: That's it, Your Honor.

5 THE COURT: All right, so let's take five
6 minutes, and at five until 12:00 be back in here.
7 I'm going to instruct the jury on closing, and
8 then we'll proceed with Mr. Yisrael, okay? So in
9 five minutes. If you need to go to the bathroom,
10 whatever you need. Is five minutes satisfactory,
11 Solicitor, to --

12 MS. LEMPESIS: Can we just take ten minutes?

13 THE COURT: Ten minutes?

14 MS. LEMPESIS: Exactly ten minutes.

15 THE COURT: Exactly ten minutes?

16 MS. LEMPESIS: Yes.

17 THE COURT: Solicitor, when would I ever hold
18 anybody to exactly ten minutes or 11 minutes?

19 MR. YISRAEL: So we're not gonna take a break
20 before the jury makes its --

21 THE COURT: We're going to break for ten --

22 MR. YISRAEL: Before you're sending them --
23 no, I'm talking about like a lunch break.

24 THE COURT: Lunchbreak? What's gonna happen
25 -- no, what's gonna happen is this, we're gonna

1 come back in here at noon. And then I'm going to
2 tell the jury you'all are getting ready to close,
3 you're all gonna make your closings.

4 I'm gonna read this information to the jury,
5 send them back. They can start their eating, and
6 they can start their deliberating, and we'll have
7 a few other questions, okay?

8 MR. YISRAEL: Okay. So in other words, I
9 have to stay nearby?

10 THE COURT: Yeah, you're not going anywhere.
11 You're going to go use the bathroom, whatever you
12 need to do, and be back in here at noon, okay?

13 MR. YISRAEL: There's no such thing as an
14 hour lunchbreak before they make their decision?

15 MS. LEMPESIS: Not --

16 THE COURT: Not today, no, sir.

17 MR. YISRAEL: Uh-huh.

18 THE COURT: I gave you a two-hour lunchbreak
19 the other day, that makes up for the other day.
20 No, I'm just joking. No, no lunch break.

21 (BREAK)

22 THE COURT: All right, we can bring the jury
23 in.

24 (Jury enters the courtroom.)

25 THE BAILIFF: The jury's entering the

1 courtroom, Your Honor.

2 THE COURT: Thank you.

3 THE BAILIFF: The jury's seated, Your Honor.

4 THE COURT: All right, thank you. Madam
5 Forelady, ladies and gentlemen of the jury, the
6 parties have presented their evidence in this
7 case.

8 It's now time for the attorneys to make their
9 closing arguments. The arguments of the attorneys
10 are the attorney and Mr. Yisrael, in this case,
11 they are not evidence in this case. Their
12 statements and arguments are meant to help you
13 understand the evidence and apply the law to the
14 evidence.

15 You should disregard any remarks, statement
16 or argument, which is not supported by the
17 evidence presented during the trial, or the law
18 that I will explain to you after these arguments.
19 Thank you very much. Mr. Yisrael?

20 ***

21 CLOSING ARGUMENT BY MR. YISRAEL

22 MR. YISRAEL: We meet again, ladies and
23 gentlemen of the jury. There are two words that
24 I want you to remember, if you don't remember
25 nothing else, my whole defense is that there's

1 only two words, mitigated circumstances. I'm
2 charged with failing to stop for a blue light.
3 Did I stop for the blue light? I swear the
4 evidence shows I did, but only I stopped at the
5 jail, so I stopped. Did I stop immediately? No.
6 Did I stop within one mile? No. Did I stop about
7 23 miles? Yes.

8 Why didn't I stop as soon as I saw the blue
9 light and heard the siren? I was afraid that
10 something would happen. And I couldn't get help
11 from nobody, so I had to help myself. What could
12 I do from keep from being injured or killed by
13 these crooked cops in Yemassee without breaking
14 the law? Run. Of course, every time I paid
15 people money and run through the woods, this was
16 all prepared. I tell my friend, "I've got \$50, I
17 need you to take me to the Sheriff for me right
18 now," and he did it.

19 That was all planned ahead of time. Not to
20 escape the service of the warrant, but to escape
21 the beating. You heard the Solicitor mention that
22 I went to the hospital because I put urine and
23 feces on myself. I was never treated for exposure
24 to my own urine and my own feces, no, the cops
25 would leave me alone, when I put that stuff on,

1 and I would go to the jail the next day, or
2 something like that, they wouldn't beat me up.
3 That's one method, it's nasty, but it worked.
4 When I see the cops surrounding my house, there
5 was a time that I ran up on the roof of my house.
6 The cops will never come up on the roof, I didn't
7 get hurt, cops didn't get hurt, nobody and their
8 mother got hurt, it's another way.

9 But what about when it comes the time, and I
10 knew it would come one day, when they put a fake
11 blue light on me, what do I do? I went and read
12 the laws on it, and the first two words you can
13 see in that law is, "Except for mitigated
14 circumstances." In other words, the legislature
15 who wrote that part, now are open for
16 circumstances to occur where you would not stop
17 for that blue light immediately. Something was
18 in the way.

19 And I'm glad the Solicitor mentioned all
20 those lawsuits that I lost, but that was another
21 form of protection. I was losing, losing, losing,
22 I don't -- like I said, I did get a few
23 settlements, but I noticed that the more lawsuits
24 I filed, the less false arrests. When I backed
25 off the lawsuits, I'm getting more false arrests.

1 Did you notice what the officer said yesterday,
2 Officer Loadholt, when I asked him was he ever
3 present during an arrest, did he ever participate
4 or see me getting beat up during an arrest? What
5 was his answer? He didn't say, "Yes," he didn't
6 say, "No." He said exactly what I thought he
7 would say, like before in the lawsuits, he
8 couldn't recall. Ain't that something? On
9 several occasions he beat me up.

10 MS. LEMPESIS: I object, as that's --

11 MR. YISRAEL: All right.

12 MS. LEMPESIS: -- not in evidence.

13 THE COURT: Hold on, Mr. Yisrael, counsel,
14 you'all approach.

15 (Bench conference.)

16 THE COURT: All right, I'm going to sustain
17 your objection, Solicitor. All right, let's go
18 ahead.

19 MR. YISRAEL: Yes, Officer Loadholt said he
20 could not remember any actual abuse by himself,
21 or anyone else, at their office. Is there any
22 evidence at all that I was afraid?

23 I called 911, let them know what I was doing.
24 "I'm gonna stop at you'all's place, coming to the
25 Beaufort County Sheriff's Department, that's

1 where I'm gonna stop." That's why I do that.

2 Did I fail to stop for the blue light? I
3 tell you, I swear I did stop, I just stopped a
4 long -- a good distance away from when I first
5 heard it. Why? I -- got me because of mitigating
6 circumstances. I was tired of getting hurt.

7 The lawsuits did me a little bit of good, it
8 would make them back off for a while, but it would
9 always come back. So I didn't know when the next
10 attack would occur, so I had made up in my mind,
11 turn yourself, just turn yourself in and go
12 straight, don't stop until you get to an area of
13 safety. If you've ever been pulled over at a blue
14 light, and you're in a busy -- a real busy
15 highway, you can't pull right over.

16 I've seen this happen many times. The cars
17 keep going, the cop car is following them, and
18 then at the next exit they make their right-hand
19 turn and they pull over.

20 A mitigating circumstance it would be
21 absolutely dangerous to stop on the highway with
22 people going 60, 70 miles an hour. You've got to
23 pull off. There was a time somebody from New
24 York, the cops took a blue light on a vehicle I
25 was in, I wasn't driving, but my stepson was in

1 the vehicle.

2 MS. LEMPESIS: Objection, that's not in
3 evidence. He can't just --

4 THE COURT: Yeah.

5 MS. LEMPESIS: -- testify.

6 THE COURT: I'm going to --

7 MR. YISRAEL: The law allows --

8 THE COURT: Mr. Yisrael, allow me to -- I'm
9 going to sustain her objection --

10 MR. YISRAEL: Yes, sir.

11 THE COURT: -- as it relates to that line of
12 argument, sir. You can move on.

13 MR. YISRAEL: I hate being repetitive and
14 boring, I bore myself, so I know I must be boring
15 you'all. But the reason why I did not stop
16 driving, not even at the time I got by the
17 Deputies because I know that Yemassee cops -- the
18 Yemassee cops will get to me first. Do you ever
19 notice in like how if you stick to the plan, that
20 you're better off?

21 My plan was to stop, yes, stop for that blue
22 light at the Beaufort County Detention Center,
23 call up 911. Did I sound fearful? Any time you
24 call -- that's what I told them.

25 The Solicitor also had an Officer Byrd in his

1 statement, in his testimony, and in writing, he
2 said that 911 officer -- the 911 Dispatcher told
3 him that I didn't feel safe to stop. Was it my
4 intention to break the law? No. The State did
5 not prove that I intended on breaking the law.

6 I intended on keeping the law. The stop, so
7 that the law enforcement officer could serve the
8 warrant. I didn't speed. You heard the statute
9 say something about I failed to stop for a red
10 light. You saw the film, I don't know where she
11 got that information.

12 She was not with me, but I did stop at the
13 red light. Okay, keep the law, keep with traffic,
14 and don't speed. But it's planned, I intended
15 and I did keep the law. The officer was able to
16 come to the jail and serve the warrant. That's
17 why I was not charged with fleeing to resist
18 lawful service of a warrant, that's not what I
19 was doing. I was fleeing because I was scared.
20 And at all times somebody with law enforcement
21 knew exactly where I was. I just want to get a
22 copy of the map.

23 THE COURT: Yes, sir.

24 MR. YISRAEL: This is the State's Exhibit 1.
25 I'm not gonna say anything, I want to walk along

1 back and show it to you. Up here is where I live
2 in the Town of Yemassee. That's where the mess
3 started at.

4 Their own testimony that I stopped here at
5 the Beaufort County Detention Center --that's the
6 address of Beaufort County Sheriff.

7 So I didn't fail to stop for the blue light.
8 I had a blue light chasing me 20 miles. That's
9 why I went to the jail because of the blue light.
10 I knew I had to go, obey the law, get served with
11 the warrant. Had I been treated justly, first of
12 all, there wouldn't have been any warrants, but
13 having treated justly, the officer would have did
14 his duty, served the warrant, take me to jail.
15 Why should I have to stop at the hospital first?
16 Because they hit me. But they did not prove that
17 I had intended to break the law because they know
18 I did not intend on breaking the law, studying
19 the law. This is what I did.

20 THE COURT: All right, I think counsel and
21 Mr. Yisrael, if you'll approach for one second.

22 (Bench conference.)

23 MR. YISRAEL: At all times I drove safely.
24 When I was driving, it caught me by surprise.
25 That wasn't part of my plan. I did not plan to

1 go into I believe the southbound lane and go into
2 the northbound. He just came out of nowhere.

3 Mitigating circumstance, I didn't stop
4 because I was afraid. There were numerous lawsuit
5 that I filed in the last 22 years, 20 lawsuits.
6 Some of the cases were dismissed. I filed them,
7 and I just can't win. I got in civil court \$24,000
8 for that whole year -- the whole 22 years that's
9 all I got in different cases. Please put yourself
10 in those circumstances, what would you do? Thank
11 you.

12 MS. LEMPESIS: Your Honor, I object to the
13 last thing Mr. Yisrael said.

14 THE COURT: And I was just saying that, jury,
15 disregard the last statement, yes, sir, yes,
16 ma'am.

17 MS. LEMPESIS: Thank you, Your Honor.

18 THE COURT: All right. Mr. Yisrael come here,
19 please, sir.

20 (Bench conference.)

21 MR. YISRAEL: And one last thing, regardless
22 of what your verdict may be, thank you for taking
23 the time away from families, jobs, education and
24 all of that stuff. I appreciate it. I don't care
25 what the verdict you come back with, I thank you

1 for at least giving me the opportunity to present
2 my case. Thank you one more time, and remember,
3 mitigating circumstances.

4 THE COURT: All right, thank you, Mr.
5 Yisrael. Solicitor?

6 MS. LEMPESIS: Thank you, Your Honor.

7 THE COURT: Yes, ma'am.

8 ***

9 CLOSING ARGUMENT BY MS. LEMPESIS

10 MS. LEMPESIS: You're putting yourself and
11 others at risk, you need to pull over. That's
12 what you heard the 911 Dispatcher say, "You need
13 to pull over, you're putting yourself and others
14 at risk." That's what he didn't do.

15 Apparently because he had a plan, now we
16 know, his plan did not include stopping, is never
17 going to stop, he did not stop. I don't have to
18 prove his intent. Mr. Yisrael just said many
19 times just now that we can't prove his intent, I
20 don't have to, it's not required. The Judge is
21 going to read the law to you in his jury charge,
22 okay? He's going to read it to you, and he will
23 explain the law.

24 MR. YISRAEL: Objection. Your Honor, may we
25 approach?

1 THE COURT: Yes, yes.

2 (Bench conference.)

3 THE COURT: All right, Solicitor, I'm going
4 to overrule the objection, you can proceed.

5 MS. LEMPESIS: Again, he's going to charge
6 you on the law to apply in this case.

7 I have to prove beyond a reasonable doubt
8 that he was failing to stop for blue lights. I
9 have to prove that he was driving the motor
10 vehicle. You saw him driving his truck, so I
11 identify the person who was driving that day by
12 Officer Watson, okay? We know he was driving on
13 a road or a street or a highway.

14 We know that he was signaled by law
15 enforcement by means of either a siren or a
16 flashing light, in this case both, and that he
17 did not stop. Now, Mr. Yisrael talked a lot about
18 -- he mentioned a lot about mitigating
19 circumstances. And the statute does say in the
20 absence of mitigating circumstances, defendant,
21 you must stop.

22 My argument to you today is that there are
23 certainly not mitigating circumstances here. The
24 Judge is going to read this to you, but I'm gonna
25 go through it now. The mitigating circumstances,

1 in determining whether or not there are mitigating
2 circumstances, which would justify Mr. Yisrael's
3 failure to stop for blue lights, you can consider
4 actual road conditions.

5 There were no road conditions that prevented
6 him from stopping. You can consider actual
7 roadside conditions. So nothing on the side of
8 the road that was going to prevent him from
9 stopping. You can consider other conditions, such
10 as lighting and weather, the officer, the driver,
11 and your passenger safety. And here's the part
12 that we didn't talk about, any other circumstances
13 you believe to reasonably, reasonably mitigate
14 the alleged violation.

15 So reasonably mitigate Mr. Yisrael not
16 stopping. Mr. Yisrael has, obviously, told us
17 that he is terrified of the Yemassee PD. He
18 obviously has a long history with them. He has
19 made allegations here in his testimony and in his
20 cross-examination of the witnesses, or his direct
21 examination, that they have beat him up.

22 That is it. He's not provided anything else
23 to prove that to you. Not one other stitch of
24 evidence, just his statements really, that's it.
25 Nothing else to prove this long history of them

1 beating him up, or any of the atrocities that he's
2 accused them of. Nothing to prove that. But what
3 he has proven is that he has a plan, he had a
4 plan.

5 He had developed this plan, apparently, years
6 in the making. He was planning this method of
7 running from the police, and he's admitted that
8 he has committed this crime over and over and
9 over. I mean, honestly, I can just tell you to
10 remember what he said to you, all the different
11 times he's admitted to committing this crime. He
12 has proven the case for the State.

13 He has admitted to driving and to not
14 stopping, and there are no mitigating
15 circumstances. Even if you want to believe that
16 it's reasonable -- these mitigating circumstances
17 were reasonable because he's terrified of the
18 Yemassee PD, and he thinks that if he gets pulled
19 over in Yemassee, he's gonna get beat up or
20 killed, all the things that he said. Even if you
21 believe that, he had the opportunity, when he got
22 to Highway 21, he had the Highway Patrol behind
23 him, he's got the Beaufort County Sheriff's Office
24 behind him.

25 You've heard him on the 911 call, he said,

1 "Oh, Beaufort County Sheriff's Office is here now,
2 they've got their lights on too." So he's also
3 failing to stop for the Beaufort County Sheriff's
4 Office blue lights, and the Highway Patrol blue
5 lights. If he was so afraid of Yemassee PD, now
6 he's got other law enforcements officers there
7 who could protect him from this.

8 He also questioned one of the witnesses, when
9 some of the testimony that came out was, you know,
10 he puts a lot on stopping at that stoplight, and
11 how -- and, "Why didn't you come out and get me
12 out of the car, when I was stopped at the
13 stoplight? Why didn't you get me and arrest me
14 then?"

15 That's not what it means to stop for blue
16 lights. It's wonderful that he obeyed some
17 traffic laws while he was fleeing from this,
18 that's wonderful, and I appreciate that. He
19 didn't drive crazy speeds, you saw that, he
20 didn't. He certainly ran a stop sign, which you
21 saw at the beginning of the video. He was
22 certainly swerving out of lanes.

23 There were absolutely traffic violations that
24 he committed. It's not like he was just driving
25 perfectly, I won't give him that. But they have

1 no responsibility to jump out of their car, and
2 try to arrest him, and pull him out of his
3 vehicle, when he's stopped at the stoplight.

4 He was supposed to pull over, and he had
5 multiple chances to do that. And if he was so
6 afraid of the Yemassee PD, then he had the chance
7 with other deputies there to pull over, and he
8 could have surrendered himself to the Beaufort
9 County Sheriff's Office. He's obviously not
10 afraid of the Beaufort County Sheriff's Office
11 because he didn't, he drove himself to the
12 Detention Center next door and turned himself in.
13 He had plenty of opportunity. He didn't choose
14 to call 911 -- we all heard the 911 call, and,
15 no, he called and what? "I'm not gonna stop,"
16 there you go, again, the case is proven beyond a
17 reasonable doubt. He called 911 and said, "I'm
18 not going to stop, I'm gonna go to the Detention
19 Center."

20 He didn't do that until he was about seven
21 miles -- he said -- testified about seven miles
22 into it. I would -- I think it's probably about
23 the 20-minute mark on the video. If you want to
24 watch it again, you can. That's when he called
25 911. So he drove all that way not reporting the

1 fact that he wasn't gonna stop. He waited until
2 he got further down the road.

3 Maybe that was part of his plan, I don't know.
4 I hear Mr. Yisrael, I feel his pain, you can feel
5 his frustration, I hear him, the State is not
6 ignoring that. I'm not here to say, ignore this
7 man. I feel his frustration, I sense his pain
8 and his anguish, but that does not give him the
9 right to decide to just disregard the law, he just
10 doesn't. The law could not be more clear, he's
11 driving, blue lights and sirens, he has to stop,
12 and there were no mitigating circumstances, no
13 reasonable mitigating circumstances.

14 The morning, broad daylight. There were no
15 cars on the road at first, and then there were
16 cars, which either, if he was concerned about
17 getting beat up by Yemassee PD, do you think that
18 was going to happen on the side of the road in
19 front of all the cars that were going to the Air
20 Station that morning? There was no reasonable
21 mitigating circumstance for Mr. Yisrael not to
22 stop.

23 And his repeated accusations, and his
24 repeated allegations against Yemassee PD is not
25 why we're here. Whether or not he refused that

1 warrant, the warrant that Officer Watson was there
2 to serve, the warrant for littering over 500
3 pounds, that was the warrant. Whether or not he
4 disputes the lawfulness of that warrant, it
5 doesn't matter, that was an active warrant.

6 And you heard testimony from Deputy Byrd,
7 Lance Corporal Byrd from the Sheriff's Office,
8 they confirmed that that warrant had been an
9 active warrant in MCIC, which is in the system,
10 and they confirmed it. He said they knew it was
11 an active proper warrant that Officer Watson was
12 there to serve.

13 And so there is no mitigating circumstances
14 because it's a proper warrant that Officer Watson
15 had every right to go serve on Mr. Yisrael that
16 morning, that Mr. Yisrael did not have a right to
17 flee from. I'll just point out that we've
18 provided evidence. Obviously, this was not a
19 particularly complicated case with two witnesses,
20 but you did see the video, the dashcam video from
21 Officer Watson's vehicle.

22 And like I said, if you wanted to watch it
23 again, you could. We also provided the dashcam
24 footage from Corporal Byrd's video -- or dashcam,
25 and if you wanted to watch that, again, you can,

1 as well; but that clearly shows, and that's the
2 evidence in this case, that and the testimony of
3 the Officers is the evidence that shows you that,
4 and proves to you, beyond a reasonable doubt that
5 Mr. Yisrael's guilty of this crime. Mr. Yisrael
6 testified he called Chief Alexander, and he called
7 Captain Alexander. He's provided no evidence.
8 He provided the 911 call, he did submit that, and
9 we had testimony of that 911 call during the
10 State's case, but he did provide that 911 call,
11 and, you know, it was enlightening.

12 So beyond his 911 call, what he has
13 essentially done is not provided any other
14 evidence to prove to you that he had any sort of
15 mitigating circumstances, besides his own
16 testimony and his own reported history between
17 himself and Yemassee PD. I just want to go back
18 to Mr. Yisrael's calling 911, and also his
19 testimony again.

20 He told you he had planned a plan to evade
21 the police, and he was gonna make sure of it.
22 Like with anybody, he wouldn't have a gun or
23 anything. Think about what Ms. Hatcher said when
24 he called 911, and said, "You need to pull over,
25 you're putting yourself and others at risk." He

1 was putting himself and others at risk, and
2 there's evidence of that, and his plan has to be
3 stopped. I am asking that you find him guilty,
4 and that's what I'm asking you to do. Thank you.

5 THE COURT: All right, thank you, Solicitor.

6 ***

7 JURY CHARGE

8 All right, ladies and gentlemen, it's now my
9 duty, as the Trial Judge, under the Constitution
10 of the State to charge and instruct you, ladies
11 and gentlemen, on the law applicable to this case.
12 It's your duty, as jurors, to accept and apply
13 the law, as I will now state it to you.
14 Furthermore, it's your exclusive duty to decide
15 all issues of fact in this case, and determine
16 the effect, value and weight of the evidence.
17 Both the State and Defendant have a right to
18 expect that you will carefully consider and
19 evaluate the evidence, and apply the law of this
20 case to it, so that in the end both the State of
21 South Carolina and the Defendant will receive a
22 fair and impartial trial.

23 I want you to understand, ladies and
24 gentlemen, that when I use the word Defendant, I
25 refer to Mr. Shemuel Yisrael. Furthermore, it's

1 important to understand that the State of South
2 Carolina charges the Defendant with the offense
3 known as failure to stop for a blue light. To
4 this charge, the Defendant has entered a plea of
5 not guilty. This plea of not guilty places the
6 burden of proof on the State to prove guilt of
7 the Defendant to you, the jury, beyond a
8 reasonable doubt.

9 Ladies and gentlemen, I'll remind you the
10 fact that the Defendant was arrested, charged and
11 indicted in this case, is not evidence in this
12 case, and cannot be considered by you as evidence
13 of guilt in this case, nor does it create any
14 presumption or inference of guilt. The indictment
15 is simply the formal written instrument, which
16 contains the charge made against the Defendant.
17 It's the formal document by which this case is
18 brought into Court.

19 Now, during the trial, ladies and gentlemen,
20 you and I have had separate duties to perform.
21 As the Trial Judge, it's my responsibility to
22 preside over this trial, and I also have the duty
23 to rule upon the admissibility of the evidence
24 offered during the process of the trial. In that
25 regard, you are to consider only the competent

1 evidence before you, and you are to disregard from
2 your mind any testimony that may have been ordered
3 stricken from the record, during the process of
4 the trial, if there was any, and I will tell you
5 that there were not any information that was
6 stricken from this trial, and you are only to
7 consider the testimony which has been presented
8 from the witness stand, together with any exhibits
9 admitted into the record of this case.

10 Furthermore, I have the additional duty to
11 charge you on the applicable law of this case,
12 and in that regard, I'm the sole judge of the law
13 of the case. It's your duty, ladies and
14 gentlemen, to accept the law as I state it to you.
15 And if you have any preconceived ideas, as to what
16 the law is, or what the law ought to be, and it
17 does not agree with what I tell you the law is,
18 you are obligated, ladies and gentlemen, under
19 your oath, to abandon these preconceptions
20 because you are sworn to accept the law precisely
21 as I state it to you.

22 Now, ladies and gentlemen, in this trial
23 you're the sole and exclusive judge of the facts,
24 and I'm the judge of the law. And I want you to
25 know, do not infer that I have any opinion about

1 the facts in this case from anything that I've
2 said during the course of this trial. In ruling
3 upon the admissibility of any evidence, or
4 otherwise, from anything that I say during the
5 course of this charge to you. In this regard,
6 the law simply does not permit me to have an
7 opinion about the facts.

8 As jurors, it's your duty alone to determine
9 the effect, value, and weight of the evidence
10 presented during the trial. Now, ladies and
11 gentlemen, in determining what the facts in this
12 case are, you must judge the credibility, which
13 simply means the believability of the witnesses,
14 and the value or weight to be given to their
15 testimony.

16 You alone must decide the force and effect
17 of the testimony. In making this decision, there
18 are many things that you may and should take into
19 consideration, such as, the appearance and manner
20 of the witness on the stand, a characteristic
21 often referred to as the demeanor of the witness.
22 Was the witness forthright or hesitant? Was the
23 witness' testimony consistent, or did it contain
24 discrepancies? What was the ability of the
25 witness to know the facts about he or she

1 testified to? Did the witness have a cause or
2 reason to be biased and prejudiced in favor of
3 the testimony he or she gave? Was the testimony
4 of the witness corroborated or made stronger by
5 other testimony in evidence, or was it maybe
6 weaker or impeached by such other testimony in
7 evidence?

8 As jurors, please understand, you have the
9 right to believe a small portion of a witness'
10 testimony, and disregard the larger portion, or
11 vice versa. You may believe all of the witness'
12 testimony or none. You may believe the testimony
13 of a single witness against that of many
14 witnesses, or the other way around. In exercising
15 your mental processes in attempting to decide the
16 verdict, the law simply requires that you exercise
17 your good judgment and reason and your experiences
18 in life. You may then apply these attributes to
19 the evidence and apply the law as I state it to
20 you and thus arrive at a verdict.

21 Now, ladies and gentlemen, it's vital to
22 understand that the Defendant is presumed, under
23 the law, to be innocent of this charge. The
24 Defendant has no obligation to prove his
25 innocence. It is a fundamental rule of our law

1 that a defendant, irrespective of the seriousness
2 of the charge against him is always presumed
3 innocent of the charge for which he is charge --
4 of the crime of which is he charged, unless and
5 until his guilt has been proven by evidence that
6 satisfies you, the jury, beyond a reasonable
7 doubt. The presumption of innocence is not a mere
8 legal theory, or legal phrase.

9 The presumption of innocence is very
10 important, and you need to understand that this
11 presumption accompanies the Defendant from the
12 time of his arrest and appearance in this Court,
13 and continues with the Defendant even after you
14 retire to the jury room to deliberate. In other
15 words, the Defendant receives the benefit of the
16 presumption of innocence until the very end of
17 this trial, when you, the jury, will deliberate
18 upon the evidence and decide whether the State
19 has proven his guilt, beyond a reasonable doubt.

20 Now, ladies and gentlemen, what is a
21 reasonable doubt in the law? A reasonable doubt
22 is the kind of doubt that would cause a reasonable
23 person to hesitate to act. Proof beyond a
24 reasonable doubt is proof that leaves you firmly
25 convinced of the Defendant's guilt. There are

1 very few things in this world that we know with
2 absolute certainty. So even in criminal cases
3 the law does not require proof that overcomes
4 every possible doubt; however, if based upon --
5 if based on your consideration of the evidence
6 you are firmly convinced that the Defendant is
7 guilty of the crime charged, you must find him
8 guilty.

9 If on the other hand, you think there's a
10 real possibility that he is not guilty, then you
11 must give him the benefit of the doubt and find
12 him not guilty. Jurors, please understand that
13 reasonable doubt may arise from evidence, which
14 has been presented in the case, or from the lack
15 of evidence in the case, it's your responsibility
16 to determine whether or not reasonable doubt
17 exists, as to the guilt of this Defendant.

18 I charge you that the Defendant is entitled
19 to every reasonable doubt arising from the whole
20 case. If upon any issues of fact essential to
21 conviction and a verdict of guilty, you have a
22 reasonable doubt as to how that issue should be
23 resolved, it would be your duty, ladies and
24 gentlemen, to resolve that reasonable doubt in
25 favor of the Defendant.

1 Thus, in summary, it's important to
2 understand that the Defendant is not required to
3 prove his innocence, instead, the State is
4 required, by law, to prove every essential element
5 of the offense charged against the Defendant, by
6 evidence which satisfies you of his guilt, beyond
7 a reasonable doubt. Only then can you convict
8 the Defendant and find him guilty. Now, folks,
9 there's generally two types of evidence that are
10 presented during trial, direct evidence and
11 circumstantial evidence.

12 Direct evidence directly proves the existence
13 of a fact and does not require deduction.
14 Circumstantial evidence is proof of a chain of
15 facts and circumstances indicating the existence
16 of a fact. Crimes may be proven by circumstantial
17 evidence. The law makes a distinction between
18 the weight or value to be given to either direct
19 or circumstantial evidence.

20 However, to the extent the State relies on
21 circumstantial evidence, the circumstances must
22 be consistent with each other, and when taken
23 together, point conclusively to the guilt of the
24 accused, beyond a reasonable doubt. If the
25 circumstances merely portray the Defendant's

1 behavior is suspicious, the proof has failed. The
2 State has the burden of proving the Defendant
3 guilty, beyond a reasonable doubt. This burden
4 rests with the State, regardless of whether the
5 State relies on direct, circumstantial or
6 circumstantial evidence, or some combination of
7 the two.

8 Now, ladies and gentlemen, in order to
9 establish criminal liability, criminal intent is
10 required. For example, the mental state required
11 to be proven by the State, for a particular crime,
12 might be purpose, intent, knowledge, recklessness
13 or criminal negligence. Criminal intent must be
14 proven by the State, beyond a reasonable doubt.
15 Criminal intent is always a matter that must be
16 determined by the jury from the circumstances
17 surrounding the situation.

18 There is no way to prove intent to a
19 mathematical certainty. There's no way medical
20 science can dissect a person's brain, to determine
21 what the person has in mind. So the law says
22 criminal intent may be shown from the
23 circumstances shown to have existed. This is how
24 you make a determination of whether or not the
25 element requiring intent was present. It is not

1 necessary to establish intent by direct and
2 positive evidence, but intent maybe established
3 in the same way as any other fact, by taking into
4 consideration the acts of the parties, and all
5 the facts and circumstances of the case. Criminal
6 intent is a mental state, a conscious wrongdoing.
7 It's up to you determine whether Defendant
8 intended to do, based on the circumstances shown
9 to have existed. Criminal intent can arise from
10 action, or a failure to act.

11 It may arise from negligence, recklessness,
12 or an indifference to duty, or to consequences
13 that is considered by the law to be the equivalent
14 of criminal intent. Now, ladies and gentlemen, I
15 charge you that in the absence of mitigating
16 circumstances, it is unlawful for a motor vehicle
17 driver, while driving a vehicle on a road, street,
18 or highway of the State, to fail to stop, when
19 signed by a law enforcement vehicle by means of a
20 siren or flashing light.

21 The Defendant is charged with failure to stop
22 for a blue light. In order to prove this crime,
23 the State must prove, beyond a reasonable doubt,
24 that the Defendant was driving a motor vehicle,
25 that the Defendant was driving a motor vehicle on

1 a road, street or highway of the State, that the
2 Defendant was signaled to stop by a law
3 enforcement vehicle, by means of a siren or
4 flashing light, and that the Defendant did not
5 stop.

6 In determining whether or not there are
7 mitigating circumstances, which would justify the
8 Defendant's failure to stop for the blue light,
9 you may consider actual road conditions, actual
10 road side conditions, other conditions, such as
11 lighting, and weather, officer, driver and/or
12 passenger safety, and any other circumstances you
13 believe to reasonably mitigate the alleged
14 violation.

15 An official signal requiring a motorist to
16 stop may be a siren or flashing lights, but both
17 are not required. In an attempt to increase speed
18 of a vehicle, or in some other manner avoid the
19 pursuing law enforcement vehicle, when signaled
20 by a siren or flashing light, may be considered
21 as evidence of failure to stop for a blue light.
22 However, it is merely an evidentiary fact to be
23 taken into consideration by you, along with all
24 the other evidence in the case, and to be given
25 the weight that you decide it should receive.

1 Now, ladies and gentlemen, I want you to
2 clearly understand that you are not partisans or
3 advocates for the State of South Carolina or the
4 Defendant. It is your duty, by your joint
5 deliberations to determine the facts in this case,
6 giving to the Defendant the benefit of every
7 reasonable doubt on each and every issue. Then
8 to the facts, which you determine to be true, you
9 should take and apply the law, which has been
10 given to you by this Court, and thus arrive at a
11 verdict in this case.

12 Thus, when you have accomplished these
13 responsibilities, you will have satisfied your
14 oath as jurors, and you will have discharged your
15 duty to this Court. Once you retire to the jury
16 room, the Bailiff will give you the verdict form,
17 will give the verdict form to the Foreperson.
18 When you, the jury, arrive at a verdict, as to
19 the offense charged in this case, the Foreperson
20 will select the verdict, as to that offense on
21 the verdict form.

22 If the State has failed to prove guilt of the
23 Defendant, beyond a reasonable doubt, your
24 verdict will be not guilty. Likewise, if the
25 State has proven guilt of the Defendant, beyond a

1 reasonable doubt, your verdict will be guilty.
2 Once a decision has been made, the Foreperson will
3 check whichever choice is the verdict of the jury,
4 as to the alleged offense charged.

5 The verdict that you render in this case must
6 be the verdict of each and every juror. It must
7 be your unanimous verdict. All 12 jurors must
8 agree on the verdict, which you authorize the
9 Foreperson to write for the jury.

10 Now, ladies and gentlemen, I want you to
11 further understand that the order in which the
12 choices of the verdict appear on the verdict form,
13 are not suggestive of any verdict on the part of
14 this Court. The verdict in this case is to be
15 determined by you, the jury, not the Court.
16 Furthermore, ladies and gentlemen, please
17 understand that even though I will give the
18 verdict form to the Foreperson, it is not their
19 verdict or her verdict alone, it is the verdict
20 of all 12 of you, and I emphasize, again, it must
21 be unanimous. You must consider the instructions
22 that I've given you, as a whole, and not follow
23 some and ignore others.

24 Now in just a moment I'm gonna ask you to
25 retire to the jury room, but do not begin your

1 deliberations until you are told to do so. The
2 law requires that I now consult with the
3 attorneys, or the attorney and with Mr. Yisrael
4 to make sure I've not left anything out of these
5 instructions.

6 After I've checked with the attorneys, the
7 Bailiff will bring the verdict form and instruct
8 you to begin your deliberations. Also, if you
9 have any questions during your deliberations, you
10 must put them in writing and send them to me by
11 the Bailiff. The Court Bailiff will be placed
12 immediately outside of the jury room during your
13 deliberations.

14 If you have a question, please do not write
15 the breakdown of your vote on the paper that you
16 give the Bailiff. We don't want to know if
17 there's a breakdown, so many for, so many against,
18 or whatever it may be. If you have a question,
19 your write that question down, okay, on a piece
20 of paper, but don't ever indicate what your
21 breakdown may be, all right? Now, once you've
22 reached a verdict, your verdict, please knock on
23 the jury door, and ask the Bailiff to advise the
24 Court that you've reached a verdict, and we'll
25 have you return to the courtroom as promptly as

1 possible.

2 Now, ladies and gentlemen, one other thing
3 before I ask you to go back to the jury room, let
4 me just bring this right up here. All right, this
5 is the verdict form, okay? And I'm going to send
6 it back to you. Madam Forelady, it will be about
7 right here, the verdict form. And what is' gonna
8 say is, "We, the jury, in the above-captioned case
9 on the charge of failure to stop for blue lights
10 without death or injury, first offense, find the
11 Defendant," and the Foreperson shall check one,
12 not guilty or guilty, okay?

13 And, Madam Forelady, I'd ask that you sign
14 here, and if you would date, and then you simply
15 can knock on the door, once that form is completed
16 and once you've reached your verdict. So, again,
17 I'd just ask that you not begin your deliberations
18 because I've got to go over it, and make sure I've
19 covered everything that needs to be covered. When
20 we do that, I expect that the Bailiff will then
21 bring this form back with any other exhibits that
22 may have been entered into evidence, and you can
23 begin your deliberations.

24 The Bailiff will tell you when to begin your
25 deliberations, all right? Thank you'all very

1 much.

2 (Jury exits the courtroom.)

3 THE BAILIFF: The jury's cleared, Your Honor.

4 THE COURT: All right, anything from the
5 State concerning my instruction to the jury of
6 the charges, and my instruction to the jury, as
7 it relates to the jury form?

8 MS. LEMPESIS: No, Your Honor.

9 THE COURT: Mr. Yisrael?

10 MR. YISRAEL: No, sir.

11 THE COURT: All right, great, thank you'all.
12 All right, what I want to do is, I'm gonna hand
13 the verdict form to the Bailiff. I'm gonna ask,
14 are there any exhibits that are going to be going
15 back, Solicitor?

16 MS. LEMPESIS: Yes, Your Honor.

17 THE COURT: All right. If you and Mr. Yisrael
18 can talk about that for a minute?

19 Mr. Yisrael, what we're gonna do is, we want
20 to make sure that the matters that were entered
21 into evidence go back with the jurors, along with
22 the verdict form, okay?

23 MR. YISRAEL: Yes, sir.

24 MS. LEMPESIS: Mr. Yisrael, it's just my one,
25 two and three, and then your one exhibit.

1 MR. YISRAEL: All right.

2 MS. LEMPESIS: Is that it?

3 THE COURT: All right, so we've got the --
4 do we have all the exhibits that are going to go
5 back from the State?

6 MS. LEMPESIS: Yes, Your Honor.

7 THE COURT: Mr. Yisrael?

8 MS. LEMPESIS: Yes, his --

9 MR. YISRAEL: Yes.

10 THE COURT: Those were all the exhibits that
11 were entered into evidence, sir?

12 MR. YISRAEL: Yes, not all that I wanted.

13 THE COURT: I understand that completely,
14 sir. Now, and here's the verdict form. You'all
15 have had an opportunity to look at the verdict
16 form.

17 MR. YISRAEL: I did.

18 THE COURT: All right, and so I'm gonna hand
19 this -- there you go, sir. Now, before we go
20 back, as it relates to the alternate juror, I
21 would go ahead and suggest that we release the
22 alternate juror. Any objection from the State to
23 releasing the alternate juror?

24 MS. LEMPESIS: No, Your Honor.

25 THE COURT: Mr. Yisrael?

1 MR. YISRAEL: I would let -- I would rather
2 wait until they reach a verdict.

3 THE COURT: All right, well, the alternate
4 juror cannot be back there during deliberations,
5 okay? Because I can only allow 12 jurors to
6 deliberate; do you follow me? I can't have a 13th
7 juror in there.

8 MR. YISRAEL: I --

9 THE COURT: So --

10 MR. YISRAEL: -- understand, but I'd feel
11 better, if he stayed because then if he didn't
12 and someone didn't --

13 THE COURT: Well, I --

14 MS. LEMPESIS: I don't think you're exempting
15 the alternate once the jury deliberation started,
16 it's --

17 THE COURT: Well, that's kind of an issue
18 that's come up.

19 I think there's been some argument that
20 actually you could do that, ask them to begin
21 their deliberations, again, that having been -- I
22 think we've had that issue come up, didn't we?

23 Ms. Cornwell informed us of that, and I think
24 had some research to show that; is that correct?

25 MS. CORNWELL: That's correct.

1 THE COURT: So what I'm gonna do though is,
2 I'll tell you what, I note your objection for the
3 record, I'm gonna go ahead and excuse this juror,
4 sir, okay?

5 THE COURT: We will be at ease in this matter.

6 MR. SHEDD: Your Honor, may I approach?

7 THE COURT: Yes, sir.

8 (Bench conference.)

9 THE COURT: It does say page one of two at
10 the bottom. Yeah, why don't we get that fixed.
11 I'm gonna have her take off page one of two. So
12 page one of two at the bottom.

13 MS. LEMPESIS: Okay.

14 THE COURT: And so since there's only one
15 page, somebody made an error.

16 MR. SHEDD: I understand.

17 THE COURT: And we're gonna remove that. Is
18 that okay from the State?

19 MS. LEMPESIS: Yes, Your Honor.

20 THE COURT: Mr. Yisrael, any objection to
21 that?

22 MR. YISRAEL: So you're just gonna blot it
23 out?

24 THE COURT: I'm gonna have her print it and
25 take off page one of two.

1 MR. YISRAEL: I mean what are you gonna put
2 there, one of one, or just nothing?

3 THE COURT: Nothing.

4 MR. YISRAEL: Okay.

5 THE COURT: And if you would, before you ask
6 them to commence, just have them bring the
7 alternate back out. The alternate needs to gather
8 his or her stuff, and I'll discharge them.

9 THE BAILIFF: Yes, sir.

10 THE COURT: And if they want to grab a
11 sandwich, you can go back in a grab a sandwich
12 for them, or whatever they want.

13 All right, if you'all want to look at this,
14 it's the identical form.

15 MR. YISRAEL: I see it.

16 THE COURT: All I've done is taken off
17 the --

18 MR. YISRAEL: I see it.

19 THE COURT: -- one -- page one of two, all
20 right?

21 So I'm gonna give you that, and, Mr. Bailiff,
22 thank you very much, and if you can bring me the
23 alternate, that'd be awesome.

24 THE BAILIFF: Yes, sir.

25 THE COURT: Let's go ahead and tell them they

1 can begin their deliberation.

2 THE BAILIFF: Yes, sir.

3 MR. YISRAEL: If I'm guilty, can I get the
4 sentence today?

5 THE COURT: Hold on one second, I've got an
6 alternate about ready to come in here.

7 THE BAILIFF: Here's your alternate, Judge.
8 If you can stand right here and face the Judge,
9 please.

10 THE COURT: Hey, Mr. Alternate, I'm sorry,
11 the law only requires 12 folks back there
12 deliberating, okay? And so I'm sorry that you've
13 got to be here all week, and then get pulled away
14 at the last minute and not be able to participate
15 in the deliberation.

16 What I'm going to do is -- the good news is,
17 number one, I discharge you from the remainder of
18 the jury panel for the rest of the week, so you
19 have completed your service. I thank you for
20 honoring your summons, for being here on behalf
21 of your County and your service. And so to that
22 extent, I'm going to discharge you from your
23 obligation of your service this week. And I would
24 also tell you, sir, if you want to stick around
25 and see what happens, you can; or in the

1 alternative, you're free to go, but I thank you
2 so much for your service this week, okay?

3 ALTERNATE JUROR: Yes, sir.

4 THE COURT: Yes, sir. All right, Mr. Yisrael,
5 you had a question, sir?

6 MR. YISRAEL: If they say I'm guilty, are you
7 going to make your decision today, as far as the
8 sentence?

9 THE COURT: Yes, the sentence will imposed
10 today.

11 MR. YISRAEL: Okay. If that happens, I was
12 trying to figure out when would be the best time
13 to ask you could I get at least ten days to get
14 my affairs in order?

15 THE COURT: Well, first of all, Mr. Yisrael,
16 now would not be the time to bring that issue up
17 because amongst other things, we don't know. I'm
18 not going to sit here and guess on something that
19 may or may not happen, or start thinking about
20 things that -- I'm not gonna start crossing
21 hurdles that we get to; but, yes, I would
22 anticipate entering, if, you know, imposing the
23 sentence, announcing the sentence today, okay?

24 So at this point, what we are going to do is,
25 we are going to stand down for a few minutes, and

1 we'll be at ease. Thank you.

2 MS. LEMPESIS: Thank you, Your Honor.

3 MR. YISRAEL: Thank you.

4 THE COURT: Mr. Yisrael, if you want to go
5 down and get a snack or whatever, just -- I'd ask
6 that you not leave because, you know, we'll see,
7 I don't know how long the jury will be, but if
8 you can just stick around, so we can find you, or
9 Ms. GIBBES can help run you down, okay?

10 MR. YISRAEL: Well, I guess I'll go to my car
11 in the parking lot.

12 THE COURT: All right, that's fine, yes, sir.

13 (Recess.)

14 THE COURT: All right, I have been informed
15 that the jury has a question or actually
16 questions, two questions. The first question,
17 "Does the Defendant have proof of physical
18 assault/hospital records?" That would be the
19 first question.

20 The second question, "Does the Defendant have
21 reports/phone calls to the FBI/SLED?" Signed by
22 the Foreperson, okay? So there is the note. I'm
23 gonna have that marked a Court's exhibit, and what
24 I will do is, if you want to look at this, I'm
25 gonna have the Court Reporter mark it, and then

1 have it placed at the bench here, so that you can
2 review that, if you'd like to review it.

3 MR. YISRAEL: I would like to review it.

4 THE COURT: Whoa, whoa, whoa, hold on.

5 MR. YISRAEL: I'll go ahead and look.

6 THE COURT: Just give her one second.

7 (Court Reporter marks Court's Exhibit Number
8 5, Jury questions, as attached hereto.)

9 THE COURT: All right, we're gonna mark that
10 as Court's 5.

11 COURT REPORTER: Your Honor?

12 THE COURT: Yes, ma'am.

13 COURT REPORTER: Can I pass it to him or to
14 you?

15 THE COURT: Absolutely, you can hand that,
16 or put that right up there for him to look at.

17 COURT REPORTER: Mr. Yisrael?

18 MR. YISRAEL: I could have what they're
19 asking for.

20 THE COURT: Oh, no, no, no, sir.

21 First of all, I wanted you to look at the
22 document. I wanted to make sure that I'm reading
23 it correctly, and that's what it says.

24 All right, Mr. Yisrael, do you agree with how
25 I've read that document, the two questions, sir?

1 MR. YISRAEL: "Does the Defendant have proof
2 of physical assault." To me, that's one question.
3 "Does the Defendant have proof of hospital
4 records?"

5 That's two questions. "Does the Defendant
6 have reports/phone calls to the FBI?" I'm looking
7 at that as like four questions.

8 THE COURT: Okay.

9 MR. YISRAEL: I can have it within an hour
10 and 45 minutes.

11 THE COURT: All right, well --

12 MR. YISRAEL: I don't have it with me.

13 THE COURT: Okay, Mr. Yisrael, what I need
14 you to do now, let's do this, can we make a copy
15 of that? Let's make a copy of that, and I'll hand
16 that to Mr. Yisrael, and he can have a copy.

17 THE BAILIFF: Yes, sir.

18 THE COURT: Okay, hold on one second, let's
19 let her make a copy of it. Mr. Yisrael, just go
20 right back around there, and I'm gonna have the
21 Bailiff bring you a copy of the question.

22 MR. YISRAEL: Do you want me to wait until I
23 get the copy? I have something to say.

24 THE COURT: Yes, I'm gonna hear from
25 everybody in just a minute. I just don't want to

1 be interrupted. I want him to bring the copy
2 back, when I'm going to give you a copy, sir. All
3 right, Mr. Bailiff, if you would hand the original
4 back to the Court Reporter, and if you would hand
5 Mr. Yisrael the copy, that'd be great.

6 MR. YISRAEL: Thank you.

7 THE COURT: Thank you, sir. All right,
8 Solicitor, you've heard the -- what I perceive to
9 be two questions, whether it's two questions or
10 four questions, I don't think it really matters,
11 basically, you understand what it is that they're
12 requesting, Solicitor?

13 What say the State regarding this request?

14 MS. LEMPESIS: Your Honor, I think you should
15 just reply that they have to rely on the evidence
16 that was presented.

17 THE COURT: All right. Mr. Yisrael, what
18 would be your response?

19 MR. YISRAEL: As to the first question, do I
20 have proof of physical assault/hospital records,
21 that's two questions to me. I have the proof. I
22 tried to enter the proof as to the scars I had on
23 my body. I tried to enter that.

24 THE COURT: I understand, sir, but I
25 overruled that.

1 MR. YISRAEL And I do have, unfortunately,
2 the hospital records are at home, and I do have
3 some -- at least one correspondence, maybe two
4 correspondence from the FBI, it's all at home.

5 THE COURT: Okay. All right.

6 MR. YISRAEL: So --

7 THE COURT: Well, Mr. Yisrael, the reality
8 of it is, even if you had it with you --

9 MR. YISRAEL: Yes.

10 THE COURT: -- it wasn't entered into
11 evidence during the trial.

12 MR. YISRAEL: Yes.

13 THE COURT: And so at this point -- now I
14 understand your objections that you made, and your
15 objections are still all preserved, sir, okay?

16 MR. YISRAEL: Yes.

17 THE COURT: That's fine, but as far as my
18 response to their question, they can only consider
19 the evidence that has been presented in this
20 trial. And so my response to them would be,
21 "Ladies and gentlemen, you have all the evidence
22 that you are to consider in this matter."

23 Is that satisfactory from the State?

24 MS. LEMPESIS: That is satisfactory, Your
25 Honor.

1 THE COURT: Mr. Yisrael?

2 MR. YISRAEL: Can you add you have the
3 evidence Alexander, the FBI, did call, and can
4 you add that the Solicitor she made reference to
5 me going to the hospital.

6 THE COURT: Those things are -- those
7 things --

8 MR. YISRAEL: That's in evidence.

9 THE COURT: That's in evidence. Mr.
10 Alexander's statements are not in evidence, sir,
11 that was not presented before the jury. Those
12 were proffered, if you recall. The jury was not
13 in the courtroom. And the reason the jury wasn't
14 in the courtroom because, basically, I ordinarily
15 would not allow anyone to just go and recall the
16 witness, but I gave you some deference to recall
17 the witness because you'd indicated that the FBI
18 had investigated them, and the question involved
19 whether they were investigated. His response was,
20 no, and I wasn't gonna get into that can of worms.
21 That could have been explained, as a result of
22 potential documentation evidence, that you may
23 have been able to get in, as it relates to the
24 FBI, or a SLED investigation.

25 And also, sir, it could have been brought in

1 by your subpoenaing FBI employees or agents and/or
2 SLED. Having failed to do that, sir, that's not
3 going to be appropriate for me to make any
4 additional --

5 MR. YISRAEL: And you can't tell them that I
6 do have the evidence at home, but even if --
7 exactly what you're telling me, but even if I did
8 bring it, I couldn't enter it? Can you tell them
9 that?

10 THE COURT: No, sir. I can't tell them that
11 you have the evidence, but you didn't bring it,
12 so it's not before them. I can't tell them,
13 number one, I don't know if the evidence would
14 have been admitted or not, and if it wasn't
15 admitted, then we couldn't tell them you've got
16 it, if it's not admitted. It doesn't work that
17 way.

18 The only thing that would be appropriate, and
19 I'm just going to tell you what I'm going to
20 respond. I'm going to respond, "Ladies and
21 gentlemen, you have all the evidence that you are
22 to consider in this matter."

23 MR. YISRAEL: Thank you.

24 THE COURT: All right? Now you can bring the
25 jury in.

1 MS. LEMPESIS: Thank you, Your Honor.

2 THE COURT: Thank you.

3 MR. YISRAEL: The jury said they're ready?

4 THE COURT: Yeah, we're gonna bring the jury
5 in, I'm going to read them the questions, and then
6 I'm going to tell them what the response is. My
7 response to their question is --

8 MR. YISRAEL: Oh, no, when you said bring the
9 jury, I thought you meant that they were ready
10 with the verdict.

11 THE COURT: No, no, no, no, this is just the
12 question. I would assume they have not reached a
13 verdict, sir.

14 (Jury enters courtroom.)

15 THE BAILIFF: The jury's in the courtroom,
16 Your Honor.

17 THE COURT: All right, thank you. All right,
18 Madam Forelady, ladies and gentlemen of the jury,
19 I understand that there appears to be two
20 questions here. The first read, "Does the
21 Defendant have proof of physical assault/hospital
22 records?" I believe that was one of the
23 questions. And the second appears to be, "Does
24 the Defendant have reports/phone calls to the
25 FBI/SLED?" And I believe those were the two

1 questions that Madam Forelady wrote down. Ladies
2 and gentlemen, I will instruct you that you have
3 all of the evidence that you are to consider in
4 this matter.

5 All of the evidence that you've heard that
6 evidence, you've got everything, all the evidence
7 that you are to consider in this matter, okay?
8 Thank you very much. Please go back, and you can
9 continue your deliberations.

10 (Jury exits the courtroom.)

11 THE BAILIFF: The jury's cleared, and the
12 door's closed, Your Honor.

13 THE COURT: All right, thank you. Anything
14 further from the State, concerning my instruction
15 to the jury?

16 MS. LEMPESIS: No, Your Honor.

17 THE COURT: Mr. Yisrael?

18 MR. YISRAEL: I object to it.

19 THE COURT: Okay, what's your grounds, sir?

20 MR. YISRAEL: I tried to enter the evidence
21 about my injury --

22 THE COURT: yes, sir.

23 MR. YISRAEL: -- during the trial, but you
24 wouldn't let me do it.

25 THE COURT: I understand that. What I was

1 basically --

2 MR. YISRAEL: All right.

3 THE COURT: -- asking is, as it relates to
4 what I told them, I understand you've got an
5 objection, as to the fact that I didn't let you
6 get the scar in, I understand that, yes, sir,
7 that's fine.

8 MR. YISRAEL: On my arm and leg.

9 THE COURT: Yes, sir. All right, thank you.

10 MR. YISRAEL: All right.

11 THE COURT: All right, we'll be at ease. I'm
12 gonna hand this back to the Court Reporter.

13 COURT REPORTER: Thank you, sir.

14 THE COURT: Thank you.

15 You'all can do whatever you want to do. I
16 don't know how long we'll be.

17 (OFF RECORD)

18 MR. YISRAEL: Your Honor --

19 THE COURT: Yes, sir.

20 MR. YISRAEL: -- I have a pacing problem.

21 THE COURT: You can move -- you're free to
22 do whatever you want to do.

23 MR. YISRAEL: My phone number is 843 --

24 THE COURT: Hold on, hold on.

25 MR. YISRAEL: 843-510-[REDACTED].

1 THE COURT: 510?

2 MR. YISRAEL: Yes. [REDACTED].

3 THE COURT: All right, that's great.

4 MR. YISRAEL: I won't go no farther than
5 the --

6 THE COURT: No, sir.

7 MR. YISRAEL: -- parking lot.

8 THE COURT: Yes, sir.

9 (OFF RECORD)

10 THE COURT: Have we got everybody here? I'm
11 informed that we have a verdict, okay?

12 So anything we need to take up from the State
13 before we bring the jury back in?

14 MS. LEMPESIS: Not from the State, Your
15 Honor.

16 THE COURT: Anything from the defense?

17 MR. YISRAEL: No, sir.

18 THE COURT: All right, let's get the jury.

19 THE BAILIFF: Yes, sir, Your Honor.

20 (Jury enters the courtroom.)

21 THE BAILIFF: The jury's in the courtroom,
22 Your Honor.

23 THE COURT: Thank you.

24 ***

25 READING OF THE VERDICT

1 THE COURT: Ladies and gentlemen of the jury,
2 madam forelady, I understand we have a verdict.

3 THE FOREPERSON: Yes.

4 THE COURT: Hand the verdict form to the
5 bailiff, and he will hand it to me.

6 Thank you very much.

7 Madam Clerk, what I would like to do is please
8 publish this verdict form for me.

9 Mr. Yisrael, if you would stand for me, sir.

10 THE CLERK: Members of the jury, in
11 Indictment Number 2018-GS-07-00702, we the jury
12 in the above-captioned case on the charge of
13 failure to stop for a blue light, find the
14 defendant guilty.

15 THE COURT: All right. Before I discharge
16 the jury, are there any motions from the State?

17 MS. LEMPESIS: Not from the State, Your
18 Honor.

19 THE COURT: Anything from the defense?

20 Any motions, Mr. Yisrael, before I discharge
21 the jury?

22 MR. YISRAEL: Thank you very much. I will
23 renew all my motions.

24 THE COURT: Okay. Is that it?

25 THE DEFENDANT: My motion for a new trial.

1 THE COURT: We will get to that in just a
2 second. Mr. Yisrael, do you want to poll the
3 jury, sir?

4 MR. YISRAEL: Yes.

5 (Jury was duly polled.)

6 THE COURT: All right, and thank you very
7 much. Anything else from the State?

8 MS. LEMPESIS: Not from the State, Your
9 Honor?

10 MR. YISRAEL: No.

11 THE COURT: Okay, you can sit down, Mr.
12 Yisrael, that's great, thank you, sir. All right,
13 ladies and gentlemen, thank you, thank you for
14 your service to your County this week. Thank you
15 for honoring your subpoena.

16 I've got a bit of good news, in addition to
17 lunch, the good news is that I've released the
18 jury panel for the week, so you're finished.
19 You've concluded your jury service for the next
20 three years. Of course, that doesn't apply to
21 Magistrate Court, Federal Court or City Court,
22 okay?

23 So that having been said, I want to thank you
24 for the time that you put into this week. We deal
25 with important matters here. You took it

1 seriously. Everybody was paying attention, and I
2 know that both parties, the State and Mr. Yisrael,
3 appreciate it, and I appreciate it.

4 By way of reference, they're gonna probably
5 need some brief motions that are going to be made
6 in this courtroom within the next few minutes,
7 and then we would move directly into sentencing,
8 okay? I will tell you that if you want to stay
9 for that, you can, and the Bailiff will show you
10 where you can go, and go back and sit in the
11 gallery. If you're ready to go, I certainly
12 understand that also, and I would tell you you're
13 free to go, and will discharge you at this time.
14 So if you'd like to stick around, you can, I just
15 want you to go back and stay in the gallery; and
16 if not, thank you so much for your service, all
17 right?

18 You're discharged. Everybody remain seated
19 while the jury leaves.

20 THE BAILIFF: The jury's cleared the jury
21 box, Your Honor.

22 (Jury exits courtroom.)

23 THE COURT: All right, thank you. Solicitor,
24 is there any matters from the State before we go
25 into sentencing?

1 MS. LEMPESIS: No, Your Honor.

2 THE COURT: All right, Mr. Yisrael, are there
3 any matters that you want to take up, or any
4 motions that you want to make before we go into
5 sentencing?

6 MR. YISRAEL: New trial.

7 THE COURT: I'm sorry?

8 MR. YISRAEL: Motion for a new trial.

9 THE COURT: Okay.

10 MR. YISRAEL: I am renewing all my motions
11 again.

12 THE COURT: All right, you're renewing all
13 your prior --

14 MR. YISRAEL: Yes.

15 THE COURT: -- objections, and all your prior
16 motions, right?

17 MR. YISRAEL: Yes, Your Honor.

18 THE COURT: And a motion for a new trial?

19 MR. YISRAEL: Yes, sir.

20 THE COURT: Okay.

21 Anything else, sir, that you want to tell me,
22 as it relates to the motions, okay? We're going
23 to get into sentencing issues in just a few
24 minutes.

25 MR. YISRAEL: Nothing, I'm at the end of it.

1 THE COURT: Okay, great. In that case, thank
2 you, sir. You can be seated. Is there any reason
3 -- all right. Are we ready to go into sentencing,
4 Solicitor?

5 ***

6 **SENTENCING HEARING**

7 MS. LEMPESIS: Yes, Your Honor, I'm just
8 going to need the sentencing sheet from the
9 printer, can I just run to the printer first?

10 THE COURT: All right. Well, I'm happy to
11 hear from you, Solicitor.

12 MS. LEMPESIS: Thank you, Judge. You
13 obviously have heard all the facts of the case.
14 I will tell you Mr. Yisrael's prior record, his
15 prior convictions. He does have a number, as he
16 referenced, he's got a lot of charges pending in,
17 but those are not convictions.

18 As for convictions, his record is from 1996,
19 he had a business license violation, an assault
20 and battery of a high and aggravated nature. He
21 got an 18 months sentence, suspended to 90 days
22 and three years with probation on that in 1996.

23 In 2009 he was convicted of grand larceny by
24 more than a thousand, less than 5,000. He got a
25 five-year probationary sentence on that offense.

1 I can't tell --

2 THE COURT: I'm sorry, what was that,
3 Solicitor? I apologize.

4 MS. LEMPESIS: Grand larceny value more than
5 a thousand, less than 5,000.

6 THE COURT: Yes, ma'am.

7 MS. LEMPESIS: That was from 2009, and he
8 received a five-year probationary sentence. He
9 does have many -- he has four other cases pending
10 in General Sessions Court, as well, to include
11 another failure to stop for a blue light, so just
12 was -- and he was just arrested for it about a
13 month ago, or less than a month ago, and those
14 cases are supposed to be pending.

15 THE COURT: Is that with the County MC also?

16 MS. LEMPESIS: Yes, that one is. And a
17 warrant to arrest him -- they were unable to
18 arrest him. He failed to stop for blue lights,
19 they called it off, and then they arrested him at
20 a later date for that offense, the failure to
21 stop.

22 Yet, he failed to stop for blue lights, and
23 he went home, and he climbed up to -- onto the
24 roof of his house, and didn't come down, and so
25 they called off that pursuit, and then he

1 eventually was served with the failure to stop
2 for blue lights.

3 He also has pending breach of trust by more
4 than \$10,000, and that's a Beaufort County
5 Sheriff's Office charge. And he has another --
6 he has a malicious injury of personal property
7 charge pending, as well. Your Honor, the State's
8 recommendation --

9 THE COURT: So what General Sessions charges
10 are pending?

11 MS. LEMPESIS: A malicious injury to personal
12 property value I believe 2,000 and \$10,000, and a
13 breach of trust with fraudulent intent by more
14 than \$10,000, and a failure to stop for blue
15 lights, that is from June 22nd --

16 THE COURT: All right.

17 MS. LEMPESIS: -- of this year.

18 THE COURT: All right, and, of course, those
19 are -- I understand that those are just
20 allegations, Solicitor.

21 MS. LEMPESIS: They are, Your Honor.

22 THE COURT: So, Solicitor, remind me one more
23 time, what the prior General Sessions charges
24 were? There was an assault and battery, high and
25 aggregated nature. What else?

1 MS. LEMPESIS: In 1996 an assault and
2 battery, high and aggravated nature, and in 2009
3 a grand larceny value more than 1,000, less than
4 5,000.

5 THE COURT: All right.

6 MS. LEMPESIS: Your Honor --

7 THE COURT: Yes, ma'am, go ahead, I didn't
8 mean to cut you off.

9 MS. LEMPESIS: That's fine, Your Honor. The
10 State's recommendation is a two-year sentence in
11 the South Carolina Department of Corrections. I'm
12 going to hand up the sentencing sheet for Your
13 Honor.

14 THE COURT: All right.

15 MS. LEMPESIS: Judge, I haven't signed, and
16 I have not had Mr. Yisrael sign. I don't usually
17 sign the sentencing sheets when it's a
18 conviction --

19 THE COURT: No, ma'am.

20 MS. LEMPESIS: -- after a jury verdict. Thank
21 you. Some Judges are asking us to sign them,
22 but --

23 THE COURT: All right. All right, Mr.
24 Yisrael.

25 MR. YISRAEL: Yes?

1 THE COURT: Okay, at this point, is there
2 anything that you want to tell me, sir, concerning
3 sentencing? I'm happy to hear from you, sir.

4 MR. YISRAEL: Your Honor, that assault case
5 in 1996, 26 years ago.

6 THE COURT: I understand that.

7 MR. YISRAEL: It's old assault cases. I just
8 want to elaborate on the charge.

9 THE COURT: Yes, sir, I'm listening.

10 MR. YISRAEL: What was the second one you
11 said?

12 MS. LEMPESIS: Grand larceny --

13 MR. YISRAEL: Grand larceny, I spent time for
14 that. That was a time when -- see, we were
15 fighting over real estate.

16 THE COURT: Yes, sir.

17 MR. YISRAEL: And I saw the surveyors
18 telescoping there. Well -- and I removed it
19 because I couldn't find him, but when I did find
20 him, he showed up, and I said, "Sir, you need to
21 leave the property because I have your tripod."
22 He called the police, and I spent I think four
23 months in jail.

24 Okay, those were the ones from the past,
25 right?

1 MS. LEMPESIS: Yes, that's everything from
2 your prior record --

3 MR. YISRAEL: Okay, now, the present where
4 we're at --

5 THE COURT: Yes, sir.

6 MR. YISRAEL: -- Your Honor, that was this -
7 - the last one. I was almost at my house, half
8 a block, all I had to do was cross the railroad
9 track and park my car when Alexander had turned
10 on his light, okay?

11 So that's just pending now. He said actually
12 he was stopped on the other side of the track.
13 And what was the other pending one?

14 MR. YISRAEL: You're talking about General
15 Sessions?

16 MS. LEMPESIS: Uh-huh. And, again, those are
17 not convictions, pending is --

18 MR. YISRAEL: I know, but you mentioned it.

19 MS. LEMPESIS: Breach of trust valued more
20 than \$10,000.

21 MR. YISRAEL: Oh.

22 THE COURT: Thank you, Solicitor.

23 MS. LEMPESIS: Thank you, Solicitor.

24 MR. YISRAEL: Breach of trust valued more
25 than \$10,000. I was assisting this lady -- she

1 has helped me -- she's literally helped thousands
2 of people, but as she got older and in her 80s
3 her mind became demented, and I was --

4 THE COURT: Hold on, one second. Number one,
5 I don't know that I'm gonna put a lot of weight
6 -- any weight on that, and, number two, since
7 that's a pending charge, sir --

8 MR. YISRAEL: Yeah.

9 THE COURT: -- I don't know that you want
10 to --

11 MR. YISRAEL: Yeah.

12 THE COURT: -- go into that because you don't
13 want to potentially incriminate yourself, not
14 that you did anything wrong, but I don't know that
15 you want to go into that because we're on the
16 record. Do you understand that, sir?

17 MR. YISRAEL: Can I do it briefly?

18 THE COURT: Well, sir, I'm just warning you,
19 but --

20 MR. YISRAEL: I know.

21 THE COURT: -- I'm gonna let you do whatever
22 you want to do, sir, okay?

23 MR. YISRAEL: Okay. I was taking care of
24 this lady, I was sort of the official, but
25 unofficial guardian of her, as she kept getting

1 worse and worse. I fixed her car better than
2 mine. She complained about me taking her to the
3 hospital, and different places, shopping , so I
4 fixed her car.

5 I had it for two weeks. They took her
6 license, she was blind, she had several accidents.
7 I filed something with the Probate Court, and it
8 got too big for me, and I would not return the
9 car to her because I felt she would hurt herself
10 or someone else, but police ordered me to return
11 it. I have it right by my house, and they took
12 it away, and they say that I breached her trust
13 to leave. I kept the trust, I didn't want the
14 lady to have it, and I was leaving it up to the
15 Probate Court, that car is mentioned, that's the
16 car at issue.

17 THE COURT: Okay.

18 MR. YISRAEL: But the car is mentioned in the
19 Probate paper. I had no intention of taking her
20 car from that lady, and then about four weeks
21 later -- and then Judge --

22 THE COURT: Yes.

23 THE COURT: -- during the bail hearing, she
24 said, "I have read your probate report, sir, but
25 she's entitled to her car back." And I said --

1 I told them, "Why don't you let the Judge decide."
2 Anyway, what was the other one?

3 THE COURT: That you've been accused of?

4 MR. YISRAEL: Yes.

5 MS. LEMPESIS: Malicious injury to personal
6 property --

7 MR. YISRAEL: Oh.

8 MS. LEMPESIS: value --

9 MR. YISRAEL: It goes back to -- I know what
10 that is.

11 MS. LEMPESIS: Uh-huh.

12 MR. YISRAEL: That goes back -- that's
13 another pending one that goes back to fighting
14 over the land.

15 THE COURT: Okay.

16 All right. Is there anything else, sir, and
17 those are all allegations, so I'm not --

18 MR. YISRAEL: I understand.

19 THE COURT: -- necessarily gonna put a lot
20 of weight, if any weight on those, okay?

21 MR. YISRAEL: Yes, sir.

22 THE COURT: What I want to know is, is there
23 anything else you want to tell me before I order
24 your sentence, sir?

25 MR. YISRAEL: Your Honor, there's been no

1 more assaults. That was self-defense then, that
2 was not a true assault and battery charge, but I
3 was convicted of it 26 years ago. I'm not a wild
4 person.

5 THE COURT: I understand.

6 MR. YISRAEL: And you understand my whole
7 thing dealing with these police, even though they
8 kept harassing me, I was in retreat mode, get away
9 from them.

10 When you see them coming, go to the jail.
11 That's what I've been -- these cops are not gonna
12 get hurt by me. None of them have ever been hurt
13 these cops, or anybody else. I'm asking for --
14 to be released today on just probation. The issue
15 with the blue light, like I said, I had planned
16 years ahead of time what -- how could I obey the
17 law, and yet protect myself?

18 And my plan was to -- if I was exposed to a
19 blue light, go directly to the police station,
20 and that's what I did.

21 THE COURT: All right.

22 MR. YISRAEL: But in this last --

23 THE COURT: All right.

24 MR. YISRAEL: Well, what I want to tell you
25 now is because of what Gregory Alexander stated

1 yesterday, I asked him on the stand, when he --
2 the method he tried to stop me with, a rolling
3 box maneuver, and you saw how things got out of
4 hand. People could have gotten hurt, and I was
5 fumbling around in my mind, should I continue to
6 do that, or don't do it?

7 Well, yesterday I asked him a question,
8 "Would you try to stop me like that again?" And
9 do you remember, Your Honor, he stated, "Yes."
10 So I am removed -- I will -- even though I may
11 get the mess beat out of me --

12 THE COURT: All right.

13 MR. YISRAEL: -- I will not ever again fail
14 to stop immediately for a blue light.

15 THE COURT: All right.

16 MR. YISRAEL: Rest assured with that, so I'm
17 asking that you release me and keep me on
18 probation. I am not a violent person. All of
19 these, I never hit one of those cops, never.

20 THE COURT: All right. All right, thank you,
21 sir. All right, we'll be at ease for about five
22 minutes.

23 (Recess.)

24 THE BAILIFF: All rise, this Court's back in
25 session.

1 THE COURT: All right, thank you, be seated.
2 All right. All right, Mr. Yisrael, the jury in
3 this case has found you guilty of this crime,
4 beyond a reasonable doubt, sir. And I will have
5 to say that, even though this wasn't a high-speed
6 chase --

7 THE COURT: Yes.

8 MR. YISRAEL: -- but, Mr. Yisrael, there's no
9 doubt in my mind you endangered, sir, countless
10 people on the highways. This was a pursuit that
11 crossed two U.S. Highways, sir, in Hampton County
12 or in Beaufort County right when it started.

13 Sir, you ran a stop sign, and a car had to
14 stop. There was a car at the small intersection,
15 and I forget where it is, it's kind of where you
16 cut through to go to -- where I would cut through
17 to Walterboro to go to Low County Council of
18 Governments, right around there, you were about
19 to go through Yemassee, right in there, sir.

20 You ran a stop sign and cut a car off. Sir,
21 you drove left to center on rural roads in
22 Beaufort County. It may have all been in Beaufort
23 County, depending on where the Embassy -- I know
24 some of it's in Walterboro, some of it's in
25 Colleton, some of its Hampton, some of it's in

1 Beaufort, but you were on a rural road, you were
2 driving left to center, sir. And what I will tell
3 you is, sir, to then see you go left to center,
4 and I understand what your position is, sir, but
5 I see what I saw, and what I saw, sir, you had an
6 opportunity to stop, but you chose, sir, to go
7 left to center, and were facing and coming
8 oncoming traffic on 21 in the morning at rush
9 hour, I guess rush hour, it's everybody getting
10 to work. Sir, this was a calculated plan.

11 MR. YISRAEL: Excuse me?

12 THE COURT: This was a calculated plan. You
13 said it throughout the course of this week, you
14 intended this result. You intended to run from
15 the police. You intended to lead them on a chase.
16 You knew that they would follow you, sir, and
17 that's what you did.

18 And I think what happened is, amongst other
19 things, was unintended consequence, that is, you
20 sure hated to go left to center, but you did, sir,
21 and you know you endangered lives when you did
22 that. And you can't sit there and blame that on
23 Gregg Alexander, sir, that's your fault, that's
24 your fault.

25 I'm not gonna send you home, sir, I'm not

1 gonna give you probation. I'm not gonna sentence
2 you to two years in prison. Let me tell you what
3 I am going to do.

4 All right, in case number 2018-GS-07-00702,
5 sir, State of South Carolina v. Shemuel Yisrael,
6 with the offense of failure to stop for a blue
7 light, sir, I'm going to sentence you to the State
8 Department of Corrections for a period of three
9 years, provided that upon the service of 20
10 months, the balance is suspended, with 12 months
11 probation.

12 So that will be my sentence in this case.
13 Solicitor, any questions concerning my sentence?

14 MS. LEMPESIS: No question, Your Honor, but
15 I looked up to see how much time Mr. Yisrael
16 served.

17 THE COURT: Thank you.

18 MS. LEMPESIS: He bonded out the next day,
19 so one day. You actually can put it down for two
20 because we --

21 THE COURT: I'm gonna put down two days --

22 MS. LEMPESIS: Yes.

23 THE COURT: -- that's what I typically do.

24 MS. LEMPESIS: Thank you, Your Honor.

25 THE COURT: All right, Mr. Yisrael, I know

1 you may not agree with my sentence, but you
2 understand my sentence, sir, three years,
3 suspended upon the service of 20 months, with 12
4 months' probation, sir.

5 MR. YISRAEL: Thank you, sir.

6 THE COURT: All right, and, Ms. Gibbes?

7 MS. GIBBES: Yes, Your Honor.

8 THE COURT: There are other charges that are
9 pending --

10 MS. GIBBES: And actually we have discussed
11 those.

12 THE COURT: You may want to talk with the
13 Solicitor --

14 MS. GIBBES: He would like the Public
15 Defender's Office to deal with it, Your Honor.

16 THE COURT: Okay, that'd be great, and
17 perhaps you and the Solicitor could talk, and
18 maybe a resolution to reach, or -- I'm glad to do
19 that.

20 I suspect, as I've indicated, I was assigned
21 by the Chief Justice to preside over this case,
22 which I take the position that means that I will
23 continue to the end. And so, for instance, if
24 there's probation violations and other matters, I
25 want to make sure that this case, pursuant to the

1 Chief Justice's order, comes back to me.

2 So I just want to make sure everybody
3 understands that, all right? All right, we'll be
4 at ease.

5 MS. LEMPESIS: Thank you, Your Honor.

6 THE COURT: What about the rest of the
7 afternoon, Solicitor? Do we have other matters
8 to take up?

9 MS. LEMPESIS: Nothing else.

10 THE COURT: Ladies and gentlemen, thank you,
11 that will conclude this case, and I appreciate
12 your service this week.

13 (At 3:42 p.m. the proceedings were
14 concluded.)

15 ***

16 END OF VOLUME II

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CERTIFICATE OF REPORTER

I, Kymberlee M. Williams, Certified Shorthand Reporter/Registered Professional Reporter for the 14th Circuit of the State of South Carolina do hereby certify that the foregoing is a true, accurate and complete transcript of the proceedings held in this Sessions for Beaufort County, South Carolina on the 11th - 13th Days of July, 2022.

I do further certify that I am neither of kin, counsel, or interest to any party hereto.

This, the 3rd day of March, 2023.

[REDACTED]

Kymberlee M. Williams, CSR/RPR

470 ESSES

S. Watson / Yemassee PD

DOCKET NO. 2018GS0790702

The State of South Carolina

County of Beaufort

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

October Term 2018

I
hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

2018A2520500020

THE STATE

vs.

Shemuel Nahum Ben Yisrael

ACTION OF GRAND JURY

True Bill

Indictment For

Failure to Stop for Blue Lights

SC Code: 56-5-750(B)(1), 56-5-750(A)

CDR Code: 0065

Foreperson of Grand Jury

Date: 10-18-18

Defendant

VERDICT

Guilty

Witness:

Foreperson of Petit Jury

Date: 7/13/2022

INDICT

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

INDICTMENT
2018GS0700702

471

At a Court of General Sessions, convened on October 18, 2018, the Grand Jurors of Beaufort County present upon their oath:

Failure to Stop for Blue Lights

That in Beaufort County, South Carolina, on or about May 8, 2018, the Defendant, Shemuel Nahum Ben Yisrael, did, as a motor vehicle driver driving on a road, street, or highway of the State, fail to stop when signaled by a law enforcement vehicle by means of a siren or flashing light, all in violation of Section 56-5-750(B)(1), 56-5-750(A), et al. of the Codes of Law of South Carolina.

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



Solicitor

True Bill

STATE 472 SHEMUEL NAHUM BEN YISRAEL

INDICTMENT/CASE#: 2018GS0700702

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF BEAUFORT

STATE

VS.

INDICTMENT/CASE#: 2018GS0700702

SHEMUEL NAHUM BEN YISRAEL

A/W#: 2018A2520500020

AKA:

Date of Offense: 05/08/2018

Race: Black Sex: Male Age: 62

S.C. Code §: 56-5-750(B)(1)

DOB: [REDACTED]/1956 SS#: [REDACTED]

CDR Code #: 0065

Address: [REDACTED]

City, State, Zip: [REDACTED]

SENTENCE SHEET

DL#* [REDACTED] SID# [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Failure to Stop for Blue Lights

In violation of § 56-5-750(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0065

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. [REDACTED] (def.'s initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,

for a determinate term of 3 days/months/years/Time Served ☐ Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of 20 days/months/years/Time Served and or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with **probation** for 12

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDoc.

2 days/months

☐ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

SCCA/217 (07/2021)

Page 1 of 2

STATE

SHEMUEL NAHUM BEN YISRAEL

INDICTMENT/CASE#: 2018GS0700702 ⁴⁷³

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning: _____
☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	\$ _____
§14-1-206 (Assessments 107.5%)			\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)		\$100	\$ _____
§14-1-211 (A)(2)(DUI Surcharge)		\$100	\$ _____
§56-5-2995 (DUI Assessment)		\$12	\$ _____
§56-1-286 (DUI Breath Test)		\$25	\$ _____
§14-1-212 (Law Enforce. Funding)		\$25	\$ 25.75
§14-1-213 (Drug Court Surcharge)		\$150	\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		\$41	\$ _____
§50-21-114 (BUI Breath Test Fee)		\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)		\$40/ea	\$ _____
3% to County (if paid in installments)		TBD	\$.75
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees		\$500	\$ _____
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		TBD	\$ _____
		TOTAL	\$ 25.75

Clerk of Court/Deputy Clerk: _____
 Court Reporter: _____

Presiding Judge: _____
 Judge Code: _____
 Sentence Date: _____

Kathy Bawls
 2770
 7/13/21

CERTIFICATE OF COUNSEL FOR APPELLANT

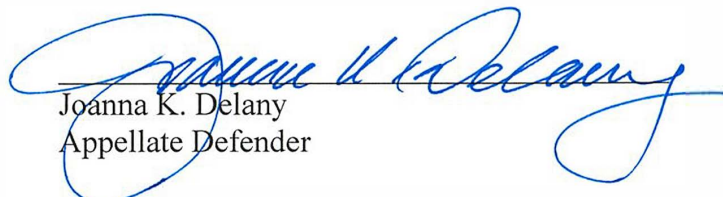
Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED

Jul 29 2024

SC Court of Appeals



Joanna K. Delany
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 29th day of July, 2024.

RECEIVED

Jul 29 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Beaufort County

Honorable Robert J. Bonds, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

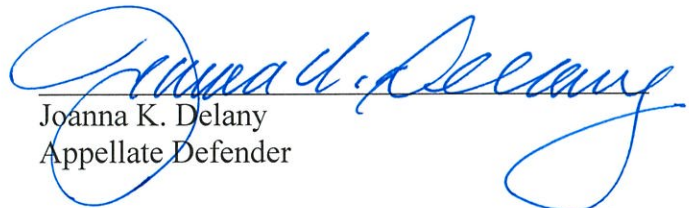
SHEMUAL N. YISRAEL,

APPELLANT

APPELLATE CASE NO. 2022-001044

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 Ambree Muller, Esquire, at the primary email address listed in the Attorney Information System (AIS), this 29th day of July, 2024.



Joanna K. Delany
Appellate Defender

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

ATTORNEY FOR APPELLANT

From: [Pollard, Shelby](#)
To: [Ambree Muller](#); [Grace Sommer](#)
Cc: [Delany, Joanna](#); [Warren, Kaylynn](#)
Subject: Record on Appeal - The State v. Shemual N. Yisrael - 2022-001044
Date: Monday, July 29, 2024 12:19:00 PM
Attachments: [2022-001044 The State v. Shemual N. Yisrael Record on Appeal.pdf](#)

Good Afternoon,

Attached for service in the above-referenced case is the Record on Appeal. This will be filed today, July 29, 2024, with the Court of Appeals via email filing.

Thank you,
Shelby

Shelby Pollard

Administrative Assistant
South Carolina Commission on Indigent Defense
Appellate Division
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Columbia, SC 29201-1589
(803) 734-1330 – Telephone
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