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SC Court of Appeals

The State of South Carolina In the Court of Appeals

APPEAL FROM SUMTER COUNTY

Honorable R. Kirk Griffin, Circuit Court Judge
Appellate Case No. 2022-001444

The State.....Respondent

v.

Brittany Martin Appellant

RECORD ON APPEAL – VOLUME II

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SW - T. GAYLE - CROSS

1 A I can't tell you what Ms. Martin or who
2 she was speaking for?

3 Q But you are able to tell us that she was
4 directly threatening you?

5 A I was standing on the steps, yes, ma'am.

6 Q And the statement, or rather, the question
7 that she asked, "Are you ready," you consider that a
8 direct threat?

9 A I did, yes.

10 Q So every time you put that vest on, every
11 time you leave for work, part of your training has
12 told you, based on what you said, is that you may
13 not come home. So wasn't she simply saying what you
14 already know?

15 A She was. But, again, I like to go home
16 with my family at night.

17 Q But she actually said what you already
18 know, that every time you come to work you are
19 putting yourself at risk, right?

20 A Yes.

21 Q And that part of being a police officer
22 means that you're putting yourself at risk ---

23 MS. MCELVEEN: Objection, no question.

24 BY MS. ROSADO:

25 Q ---is that correct?

SW - J. SINKLER - DIRECT

1 THE COURT: Overruled.

2 BY MS: ROSADO:

3 Q Does being a police officer mean that
4 you're putting yourself at risk in this community?

5 A Yes, ma'am.

6 Q Thank you so much.

7 MS. MCELVEEN: Thank you, First Sergeant
8 Gayle. Thank you.

9 THE COURT: You may step down, ma'am.

10 MS. MCELVEEN: The State would call James
11 Sinkler.

12 THE COURT: If the attorneys would
13 approach real quick while he's taking the stand.

14 First Sergeant Sinkler, you are still
15 under oath.

16 THE WITNESS: Yes, sir.

17 (WHEREUPON, counsel approached the
18 bench for an off-the-record discussion.)

19 **DIRECT EXAMINATION**

20 BY MS. MCELVEEN:

21 Q Welcome back again, sir.

22 A Yes, ma'am.

23 Q You've observed the testimony in this last
24 day-and-a-half?

25 A Yes.

SW - J. SINKLER - DIRECT

1 Q Were you present for the other instances
2 you testified about May 31st -- remind me, were you
3 present for June 1st on the steps?

4 A Yes.

5 Q Were you present for June 2nd on the steps
6 of the police department?

7 A Yes, I was.

8 Q And you were present for June 3rd?

9 A Yes, I was.

10 Q Did you hear Ms. Martin direct those
11 threats or say that statement?

12 A Yes, I did.

13 Q Did you take it as a threat?

14 A Yes, I did.

15 Q Tell me about why and tell me about your
16 experience in other protests and why this statement
17 affected you the way it did and how it affected you
18 please, sir.

19 A The day leading up to it. It just built
20 on organized chaos and it got worse every day. Like
21 I said, I've been to some protests before and I
22 never seen it get to this part where they making
23 kind of physical threats about what they're gonna
24 do. Just like when she said that, "We're gonna call
25 our hitters and those vests ain't gonna save you,"

SW - J. SINKLER - DIRECT

1 to me that's a threat. I mean, that's a direct
2 threat to all of us that were standing there. She
3 didn't call my name, but I was standing right there.
4 I mean, that's what she was saying. And she said
5 that they were all strapped. I don't know who that
6 was. She said they would call their hitters. Don't
7 know who their hitters are, but I know every day we
8 were on those steps out there so I don't know. I
9 didn't know what was going to happen while we were
10 standing on the steps every day.

11 Q May I ask you, you said you didn't know
12 what was going to happen on those steps. Have you
13 ever been shot?

14 A Yes, I have.

15 Q So that was present in your mind?

16 A Yes.

17 Q What does it mean to say someone is
18 strapped?

19 A That mean they carrying. They carrying a
20 weapon or something like that. When they say all
21 people are strapped, I mean, I mean, it's common. I
22 mean, I know that mean. Most everyone in that room
23 would know what that mean.

24 THE DEFENDANT: Object. Strapped.

25 BY MS. MCELVEEN:

1 Q And you're -- Sergeant Sinkler, I'm sorry,
2 you felt threatened that day?

3 A Yes, I did.

4 Q Not just because of your past, but because
5 of the threat, what she said, correct?

6 A Right, and everything that was building up
7 to that. I mean, from every day being out there
8 just watching it grow intense and more intense while
9 we were out there. It just grew till it was out of
10 control.

11 Q Thank you. Thank you for your testimony
12 today.

13 THE COURT: Ms. Rosado, cross-examination.

14 **CROSS-EXAMINATION**

15 BY MS. ROSADO:

16 Q Sergeant Sinkler, is asking a question a
17 threat?

18 A No, ma'am.

19 Q And do you think Ms. Martin should be
20 responsible for the level of stress over the days
21 leading up to that particular question?

22 A No, ma'am.

23 Q Thank you, sir.

24 MS. MCELVEEN: No further questions.

25 Thank you.

SW - R. SINGLETON - DIRECT

1 THE COURT: You may step down, sir.

2 MS. MCELVEEN: At this time the State
3 would call Captain Singleton back to the stand,
4 re-call.

5 THE COURT: Captain Singleton, please come
6 forward. You are still under oath.

7 **DIRECT EXAMINATION**

8 BY MS. MCELVEEN:

9 Q Also welcome back, Captain Singleton.

10 A Thank you.

11 Q We heard you testify about June 1st. Were
12 you present for June the 2nd on the police
13 department steps as well?

14 A Yes, ma'am.

15 Q Were you present on June the 3rd for that
16 incident as well?

17 A Yes, ma'am.

18 Q And you knew a curfew was in place?

19 A Yes, ma'am.

20 Q And barricades were up?

21 A Yes, ma'am.

22 Q You heard what she said. How did that --
23 how did you take it? Did you -- how did you receive
24 that comment?

25 A I perceived it as a direct threat.

SW - R. SINGLETON - DIRECT

1 Q Did you see it as a threat to you and your
2 fellow officers?

3 A Everybody that was on the step.

4 Q Can you tell me a little bit about how
5 that comment affected you personally as an officer?

6 A Well, when I first heard it and she
7 mentioned the fact about the vest, she's referring
8 to our body armor; and so that statement about
9 hitters and strapped, it's common for us to know
10 what she meant by that. And by her referring to our
11 vest, it told me that she knew where we were
12 protected and knew where we were vulnerable and that
13 the only added protection that we can wear is -- is
14 body armor on the vest. So I felt as though she was
15 aware of that and she was telling her folks to call
16 the hitters to call those that are strapped, the
17 vests aren't gonna save us. I don't know how
18 anybody could not interpret that as a threat.

19 As far as how the incident affected me
20 personally, not only a threat but just being there
21 for so many days, in this job -- and maybe you guys
22 will understand this but -- in this job we depend on
23 each other more than the average job. This
24 profession is so important to have established
25 relationships with co-workers because they're

SW - R. SINGLETON - DIRECT

1 literally your lifeline in situations where in the
2 typical industry your coworkers may not feel that.
3 And so to be standing on the steps with family, as
4 the Sumter Police Department is a family, and
5 knowing everybody as closely as we know them and
6 working alongside who we would consider historical
7 figures in this profession like Cleveland Pinkney,
8 like Jeffery Jackson, like James Sinkler, Chief
9 Roark. To be an African-American male police
10 officer at a time where it's not popular, tough,
11 hard to be a police officer during that time, for
12 them to put on the badge and say something about
13 them and the upmost adoration or respect for that,
14 and so it's difficult to hear young people or crowds
15 that Brittany Martin brought to disparage those
16 officers and try to tarnish that career and the
17 noble profession that they chose when it was
18 uncommon for African-American male and females to
19 choose the profession to police when they policed.
20 So it did affect me personally and it continues to
21 affect me personally.

22 You heard Sinkler say that he had been
23 shot and we have all seen that video; it's
24 terrifying. And he stood on that front step brave
25 with the threat of getting shot again. And during

1 the protest, throughout the protest, another
2 African-American officer ---

3 MS. ROSADO: Your Honor, asked and
4 answered. Is there a question?

5 MS. MCELVEEN: I asked how it affected him
6 personally, Your Honor.

7 THE COURT: Overruled.

8 THE WITNESS: Who I know to be a preacher
9 just got his first full-time preaching assignment in
10 a church, was told in the street in my presence,
11 where is your daughter at, I'm gonna essentially
12 rape your daughter. Somebody like Cleveland Pinkney
13 has got a distinguished service of over 40 years to
14 get told you're on the wrong side, be called Uncle
15 Tom, it's just not right. And we're all family at
16 the Sumter unit and so it affected me greatly.

17 BY MS. MCELVEEN:

18 Q Thank you. Thank you for your service.

19 THE COURT: Ms. Rosado.

20 **CROSS-EXAMINATION**

21 BY MS. ROSADO:

22 Q Captain Singleton.

23 A Yes, ma'am.

24 Q Is calling names a threat?

25 A Calling names? Not in and of itself, no,

1 ma'am.

2 Q And you spoke of the family that -- the
3 camaraderie that you experience as a police officer
4 and the requirement that you back each other up. Do
5 you think that people of color have a similar
6 camaraderie?

7 A Yes, ma'am, I do.

8 Q Do you feel if it's fair for them to back
9 each other up if they see someone being murdered or
10 being hurt?

11 A Yes, ma'am.

12 Q Do you feel as if it's alright for them to
13 be upset because they see people being murdered and
14 hurt?

15 A Yes, and it's upsetting to us too. And a
16 family at the police department within the walls in
17 and of itself may seem a little divisive, but you
18 have to know Sumter to know that the police
19 department and the community are one. And when
20 someone comes in to challenge that and to threaten
21 that, we police our friends and neighbors and we
22 ourselves are our friends and neighbors; and when
23 somebody comes in and tries to drive a wedge is, is
24 how I interpret it. It's tough.

25 Q So you're saying that the culture of your

1 police department is a neighborhood policing
2 approach?

3 A We have a very strong community policing
4 approach.

5 Q And so in 2016 when there was an incident
6 where an African-American man was killed by the
7 police department, was that part of the community
8 approach?

9 MS. MCELVEEN: Objection, relevance on
10 another incident entirely.

11 MS. ROSADO: We were discussing the
12 culture ---

13 THE COURT: If he knows anything about
14 that, he can answer the question.

15 THE WITNESS: I was not directly involved
16 with that. I was directly involved in the planning
17 and support that we showed to the family following
18 that incident. I was assigned to -- the family
19 wanted to do a march, and the Chief asked me as a
20 part of the traffic division that I assisted in the
21 planning and preparation for that march and so that
22 was done with some other police officers that had
23 some relationships with the family. And the Chief
24 wanted to show them as much support as possible and
25 so they had a plan to walk from the mall to the

1 location where the incident took place, and I
2 remember that they didn't have plan on how to get
3 back. It was literally cold and rain and the Chief
4 had arranged for a Charter bus to be at the end of
5 the walk.

6 So we set up traffic control along the
7 route to make sure everything was safe, blue lights,
8 closed the road down so that they could walk. At
9 the end, I remember being at the end of that walk
10 being a part of the prayer service that we held with
11 the family. First Sergeant Sinkler was there.
12 Everybody that's back there was there. And remember
13 giving an escort to the charter bus back to the
14 starting location so they don't have to walk one way
15 and then have to try to figure out how to get back.
16 That was my involvement with that.

17 Q Thank you.

18 MS. MCELVEEN: Thank you, Captain
19 Singleton. Thank you.

20 THE COURT: Thank you, sir. You can step
21 down.

22 MS. MCELVEEN: Your Honor, at this time we
23 would call Cleveland Pinkney to the stand please.

24 THE CLERK: Place your left hand on the
25 Bible, state your name.

SW - C. PINKNEY - DIRECT

1 THE WITNESS: Cleveland Pinkney, Jr.

2 THE CLERK: You solemnly swear or affirm
3 your testimony to the Court shall be the truth,
4 whole truth, nothing but the truth, so help you God?

5 THE WITNESS: Yes, sir, I do.

6 WHEREUPON,

7 **CLEVELAND PINKNEY, JR.,**
8 having been duly sworn by the clerk, testified
9 as follows:

10 THE CLERK: Step around please. State
11 your name for the record and spell your last name
12 please.

13 THE WITNESS: Cleveland Pinkney, Jr.,
14 Spelling of my last name is P-I-N-K-N-E-Y.

15 **DIRECT EXAMINATION**

16 BY MS. MCELVEEN:

17 Q Sergeant Pinkney, good afternoon.

18 A Good afternoon.

19 Q Can you please tell us a little bit about
20 yourself and your history, your professional
21 history, years of service, sir?

22 A Yes. I was born in Sumter, South
23 Carolina. My family relocated to Harlem in New York
24 City in the fifties, and since then we relocated to
25 the South Bronx where I grew up. Grew up in the

SW - C. PINKNEY - DIRECT

1 South Bronx and it -- to me it was a struggle in the
2 early sixties. I never liked it in New York, never
3 wanted to be a part of the gangs and the activity in
4 New York so I, you know, struggled hard; and just as
5 I got old enough, my way out of New York was
6 enlisting in the United States Marine Corp. And
7 this, to me the United States Marine Corp was a game
8 changer. It changed my life. And I wanted a better
9 life for myself, and I did everything I could to
10 maintain myself in the Marine Corp, became a
11 military police in the Marine Corp, and relocated to
12 southeast Asia, saw a number of jungle patrols and
13 so forth and ultimately ended up with jungle rot and
14 after surgery I was medevaced back to the United
15 States and back to New York and we got involved in
16 the church, got saved. I told my wife that I wanted
17 to relocate back to my place of birth which was
18 Sumter, South Carolina. Relocated back here in
19 Sumter in 1976 and struggled for a couple of years
20 in investigations, private investigations, and I
21 always had law enforcement in mind; and, of course,
22 I was ultimately hired by the Sumter Police
23 Department in late 1977 I believe it was, and it was
24 a struggle then but. So I had a total of 43 years
25 in law enforcement. At three years of -- through

SW - C. PINKNEY - DIRECT

1 State Law Enforcement Division as a state police
2 constable, three years, and nine years with the
3 Sumter County Sheriff's Department as the
4 coordinator for convicted sex offenders in Sumter
5 County for a period of nine years, and a total of 31
6 years with the police department where I wore many
7 hats: Criminal investigations, forensic technology,
8 and so forth, crime scene investigations. And most
9 of that time I was working homicides so I was very
10 active in the homicides. It took, it took a toll on
11 me for a while. 14, 14-and-a-half years I
12 investigated 23 murders in Sumter.

13 Q And now you're -- are you still working
14 or?

15 A No. I worked for five police chiefs and I
16 -- and I was so proud that I was able to work for
17 Chief Roark. It was a pleasure working for Chief
18 Roark. With the new technology and so forth and his
19 vision for the department and for the -- for the
20 Sumter community, you know, it was first class. So
21 it was -- it was a honor to work for him and it came
22 to a point where my son who retired from NFL said,
23 daddy, I'm 42-years old and you've been in law
24 enforcement before I was born so it's time for you
25 to go. So through the family I talked to Chief

SW - C. PINKNEY - DIRECT

1 Roark and made him aware that I felt I was -- after
2 43 years it was necessary for me to bow down and
3 step out.

4 Q Thank you very much.

5 A I loved it very much and it was an honor
6 to serve in the Sumter community.

7 Q An honor to have you on the stand, sir.
8 Can you please tell me, have you ever experienced
9 protests and civil unrest before?

10 A Yes.

11 Q How did it compare to what you experienced
12 over these days that we've heard testimony about,
13 this May 31st through June 3rd?

14 A That to me was the worst. It was the
15 worst. The other protests and marches and so forth,
16 I was ordered to march with the -- three times with
17 the Ku Klux Klan in Sumter. And, you know, as a
18 young police officer back in the early eighties, you
19 know, asked to march with the Ku Klux Klan and stand
20 next to the confederate flag and march down the
21 street with them, you know, it made me feel some
22 kind of way, but a lot of these things happen to
23 make me stronger. And there was testimony earlier
24 that we have to have thick skin, thick skin in law
25 enforcement. That's not anything you train for;

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1 that's something that you condition yourself for.
2 'Cause I, you know, went through quite a bit and but
3 everything I went through, ultimately I said it made
4 me a better person. I have no regrets.

5 The only problems I had marching with the
6 Klan was that, you know, they, number one, they
7 didn't like us, and here I am, you know, a young
8 police officer having to walk down the street. And
9 being an ex-marine I, you know, any time I have to
10 walk along, I end marching so it looked like I was
11 with them and it was some of them that spit down on
12 the ground in front of me and so forth and, you
13 know, and again, thick skin, you know. That I knew
14 after a while was going to fizzle out so, you know,
15 it just help to make me a better person. It
16 didn't -- it didn't bring about hate, you know.

17 Q And you witnessed the incidents May 31st
18 in the street. Were you there for that, the May
19 31st in the street?

20 A Yes, ma'am.

21 Q Were you there for June 1st on the steps
22 of the police department?

23 A Yes, I was.

24 Q For the hugging and ---

25 A Yes, I was, very much so.

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1 Q How did that -- how did you take that
2 situation?

3 A If I might say, with everything that was
4 going on -- the cussing, the offer of violence and
5 so forth and the threats on our lives -- it bothered
6 me because we're human. You know, we're not robots;
7 we're human. And again, even with thick skin,
8 sometime it bothers you. This particular night, you
9 know, I was on the front steps at the law
10 enforcement center at the police department; and
11 after everything was kind of gotten a little
12 haywire, I noticed it was -- excuse me, it was a
13 young, young white female that came up to me and
14 said, officer, I'm so sorry for what y'all are going
15 through. And I looked at her and she was kind of up
16 close and personal and she said, can I hug you. You
17 know, I did that kind of jerked knee jerk, you know,
18 and I looked in the face and I said, yes, ma'am, you
19 can. And she hugged me. And when she did, I mean,
20 I just felt the love, I felt the love right then.
21 And I said, you know, I don't care what happens the
22 rest of the week, this young lady made my night
23 because what was revealed to me was that something
24 that I've always practiced, that love will concur
25 hate and we have to believe that and we have to live

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1 that. Love will conquer hate. Hate is not
2 everlasting and love will conquer. And, you know,
3 that's -- that's the way I lived.

4 Q Were you there the night of June 2nd for
5 the Sunoco incident?

6 A For?

7 Q Before the Sunoco -- were you on the steps
8 of the police department on June 2nd?

9 A Yes.

10 Q And then were you there ultimately for
11 June 3rd when the curfew had been put in place?

12 A Yes, ma'am.

13 Q And did you witness that statement that
14 Ms. Martin made?

15 A Yes, I did.

16 Q Did you feel threatened?

17 A Yes. I kind of took it personal because,
18 you know, she was making gestures and she was
19 actually pointing her fingers at us and it was like
20 three or four of us that she was actually pointing
21 the fingers; and she actually looked me in the face
22 when she said it, you know, that your vest is not
23 gonna protect you, our people are strapped and
24 they're on the way, you know. And I kind of took it
25 personal; and yes, it was, it was a threat. My

1 family made me, you know, during this period of time
2 I wore -- I didn't just wear a vest, I wore the
3 armor which is extra protection, if you would.

4 Q And you felt like you needed to do that in
5 light of the events that had been happening,
6 correct?

7 A Yes.

8 Q Thank you very much. Thank you for your
9 testimony. Thank you for being here out of
10 retirement. Thank you so much for all you've done.

11 A Yes, ma'am.

12 THE COURT: Ms. Rosado.

13 **CROSS-EXAMINATION**

14 BY MS. ROSADO:

15 Q Thank you for your service, your
16 sacrifice, and congratulations on your retirement.
17 That's amazing.

18 A Thank you, ma'am.

19 Q You marched with the KKK in the eighties,
20 wow, that was hard work. When you did that march,
21 was there a riot at that time?

22 A Which time, ma'am?

23 Q When you marched with the KKK in the
24 eighties?

25 A No. There was a little unrest, but it

1 didn't become violent. Some things that happened
2 behind me. I was kind of in the first group that
3 was marching and there was some struggling or
4 whatever going on behind me, but I didn't -- I
5 didn't feel any ways threatened because we had
6 sufficient amount of officers. It was broad
7 daylight and it was more in control; and the other
8 agents that I was walking with was SLED, State Law
9 Enforcement agents, so we were up front so I didn't
10 feel threatened by whatever was going on.

11 Q So have you ever seen a riot, experienced,
12 involved in handling a riot?

13 A Yes. Well, it was actually a after- riot
14 and this was in 1972. It was a major riot that took
15 place on a USS Tripolee helicopter carrier. It was
16 a major racial riot where several people was killed.

17 Q Wow.

18 A It was -- it was a dark day for the Marine
19 Corp and Navy as well.

20 Q What statement was made on the steps by
21 Ms. Martin that threatened your life?

22 A Ma'am?

23 Q What statement was made on the steps by
24 Ms. Martin that threatened your life?

25 A Well, she started pointing her finger. I

1 think she got very agitated and she started pointing
2 her finger at a few of us, and she said, said that
3 our people are strapped and said something to the
4 effect that she didn't mind losing her life for the
5 blacks. And she started pointing her finger and
6 said, and our people are strapped and they are on
7 the way and those vests are not gonna protect you.

8 Q Is pointing a finger at someone illegal in
9 Sumter?

10 A No, but it's a directive that, you know,
11 you're the intended target.

12 Q And is it illegal for Ms. Martin to hate
13 the fact that Breonna Taylor and George Floyd were
14 just a culmination of black men and women who have
15 been murdered by police in this country?

16 A Is it what now?

17 Q Is it illegal for her to hate that fact?

18 A No, ma'am, it's not -- it's not illegal
19 for her.

20 Q Thank you.

21 **REDIRECT EXAMINATION**

22 BY MS. MCELVEEN:

23 Q Is it illegal for someone to threaten
24 officers to kill them?

25 A Yes, it is.

1 Q Is it illegal for them to threaten to send
2 people to kill them?

3 A Yes, it is.

4 Q Is it illegal to breach the peace in a
5 high and aggravated nature to the point where a
6 curfew and barricades are needed?

7 A It's illegal.

8 Q Is it illegal to incite a riot? Even if a
9 riot doesn't occur, is it illegal to try to incite a
10 riot?

11 A It's illegal.

12 Q Thank you.

13 THE COURT: Recross, Ms. Rosado.

14 **RECROSS-EXAMINATION**

15 BY MS. ROSADO:

16 Q During that Klan rally that you were a
17 participant in, officer participating and helping
18 with, were there people who were charged with
19 inciting a riot during that rally?

20 A I don't have that knowledge, ma'am. I
21 can't testify to that because whatever took place,
22 took place on the rear and it was several Klan
23 members there, but I was -- my job, my duty, my
24 assignment was to march with the front, which was
25 the flag carriers.

1 Q Do you remember any of those Klan members
2 being arrested?

3 A I don't have the personal knowledge of
4 that 'cause once -- once the, you know, once they
5 achieved their goal and got to their staging point,
6 we kind of broke up. So whatever happened behind
7 me, it was handled by the Sumter County Sheriff's
8 Department under -- at the time it was under I. Byrd
9 Parnell was the sheriff.

10 Q Thank you.

11 THE COURT: Mr. Pinkney, you can step
12 down. Thank you, sir.

13 THE WITNESS: Thank you, sir.

14 MS. MCELVEEN: Thank you so much,
15 Sergeant.

16 Your Honor, at this time I think it would
17 be an appropriate spot if you're trying to get -- I
18 think the next witness will be a little bit longer.

19 THE COURT: All right. Ladies and
20 gentlemen of the jury, it is a good time for us to
21 take a recess for lunch. I'm gonna ask that you be
22 back in the jury room at 2:15. We will resume the
23 trial shortly thereafter, probably closer to 2:30.
24 Please do not begin deliberations. Please do not
25 discuss this case with anyone. Do not seek to do

1 any research while you're on the lunch hour about
2 any issue raised in this case by any means
3 whatsoever. I hope you enjoy your lunch break and
4 we'll have you back at 2:15 and resume trial
5 sometime between 2:15 and 2:30. Thank you very
6 much.

7 (WHEREUPON, the jury was removed from
8 the courtroom at 12:46 p.m.)

9 THE COURT: All right, folks, we'll be in
10 recess. In an effort to avoid any inadvertent
11 contact between the parties, I'm gonna ask that the
12 folks who are associated with the Defense go ahead
13 and leave the courtroom first and the folks who are
14 associated with the State's case will remain in the
15 courtroom while they leave.

16 (Whereupon, a lunch break was taken.)

17 THE COURT: Good afternoon, everybody.
18 Are we ready for the jury?

19 MS. MCELVEEN: Yes, sir.

20 THE COURT: Defense ready? All right.
21 Bring us the jury please.

22 (WHEREUPON, the jury was returned to the
23 courtroom at approximately 2:24 p.m., and the
24 following proceedings commenced in open court.)

25 THE COURT: All right, ladies and

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1 gentlemen, this afternoon we will resume the State's
2 case.

3 Ms. McElveen.

4 MS. MCELVEEN: Yes, Your Honor. At this
5 time the State would call Captain Angie Rabon back
6 to the stand.

7 THE COURT: Captain Rabon, please come
8 forward. I remind you, you're still under oath.

9 THE WITNESS: Okay.

10 MS. MCELVEEN: Your Honor, does she need
11 to spell her name or anything for the record?

12 THE COURT: It's already in the record.
13 She's good to go.

14 MS. MCELVEEN: Just making sure. Thank
15 you.

16 **DIRECT EXAMINATION**

17 BY MS. MCELVEEN:

18 Q Captain Rabon, thank you for being back up
19 on the stand this afternoon.

20 A Yes.

21 Q As we heard you testify already as to the
22 June 1st incidence when we heard you this morning,
23 now that we've heard about all five days, can you
24 please tell me, you're in a supervisory role over
25 the police department, correct?

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1 A That's correct.

2 Q After assessing all of this information,
3 can you please tell us why a curfew was issued, why
4 barricades were put up, and the general thoughts
5 about how the days had escalated? If you can please
6 give me a brief rundown of kind of what your
7 office's response was to these events.

8 A All right. As the course of the week,
9 which began, I guess, that 31st for us, you know,
10 initially people were there protesting for the
11 incidence that occurred and the emotional feeling
12 that was there in the nation. But as we see -- we
13 were able to see and experience throughout the week,
14 it looks like it just -- everything was escalating.
15 Each day we tried to manage it; we did the best we
16 could. We didn't in any way try to escalate
17 anybody's emotions or anything; but we just saw the
18 division in the community from -- when I say
19 "community," I mean the two groups of people that
20 were protesting, which is Brittany and the group
21 there versus the people that were there, for what I
22 feel was for a purpose to make things better to
23 change. So it escalated throughout the week. The
24 1st was just a terrible time. That was when we
25 witnessed all the community coming together for us

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1 and going against Brittany's group in an effort to
2 try to say, look, we need to come together, let's
3 love, not hate. We had that occur. And the 2nd, it
4 was just terrible on the steps, just these young
5 people with Brittany and her, like, encouraging that
6 behavior towards us and then the Sunoco. We had to
7 do something to get control 'cause it -- there was
8 just no stopping what they were doing other than at
9 that time force arrests which we were trying to make
10 it, you know, I don't want to say leniency but
11 trying to be understanding and empathetic.

12 So when the 3rd came, the curfew was in
13 effect. We wanted to relay that to Brittany so she
14 can relay that to the people with her, this is how
15 it's going to be, these are the rules, these are the
16 guidelines, this is what you have to follow, like,
17 enough is enough. This is where you're supposed to
18 protest. We did a designated area for that so that
19 they know where to go, there's no misunderstanding.
20 The curfew was put in place so there's no
21 misunderstanding. It was all a warning. We didn't
22 do that to surprise them to try to catch them
23 offguard and simply trick them. Everything was
24 explained and told to them so they would understand
25 how to basically behave and to make it normal, so

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1 that's what's done.

2 Q But they were still allowed to exercise
3 their First Amendment right of free speech?

4 A That's correct. That's right.

5 Q Were you there on June 3rd?

6 A I was.

7 Q On the steps?

8 A Yes.

9 Q And what was the quote that was -- where
10 -- in fact, where are you standing at the time that
11 Ms. Martin gives this quote?

12 A I guess if you're looking out to the
13 parking lot from the doors, I'm kind of to the left
14 in the front.

15 Q All right. You're seen in the video,
16 correct?

17 A That's correct.

18 Q What is it exactly that Ms. Martin says to
19 you guys, to the group of officers?

20 A To the group? It's kind of lengthy. I'd
21 like to read it if I could. She says, "You can't
22 tell -- tell us how to fucking protest and where to
23 F to protest. We are around this bitch. We aren't
24 leaving this bitch. Y'all want war, y'all got it.
25 Go call all our hitters now." That's when she turns

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1 to the people with her, and they start walking away.
2 She's like, "Go call all our hitters now. You tell
3 them to get ready. Everybody strapped, everybody."
4 And then she said "Y'all better be ready." Then she
5 turns to us. "Them vests ain't gonna save you.
6 Some of us gon' be hurt, some of y'all gon' be hurt,
7 and we're ready to die for this. We're tired of it.
8 You better be ready to die for the blue. I'm ready
9 to die for the Black. I'm dying for the Black. You
10 better be ready to die for the blue." And then she
11 calls out to the Chief, like, "it's your call, you
12 got your people, I got mine."

13 Q Did you feel threatened that day?

14 A Yes.

15 Q Did you feel like your fellow officers
16 were threatened that day?

17 A Definitely.

18 Q Did that statement affect you personally
19 too?

20 A It did.

21 Q In what way?

22 A I feel like her calling and telling
23 others -- which we've already seen throughout the
24 week, that she was telling others and controlling
25 others in their demeanor and their behavior -- she's

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1 telling them go call all of our hitters. I don't
2 know who that is. They made several statements
3 throughout the week that they are armed. I never
4 saw a gun; I'm not saying that. But they did make
5 reference to being armed, Second Amendment: You
6 come at us with excessive force, we'll exercise our
7 Second Amendment. They're in and out of their
8 vehicles. I feel like she was telling whoever to
9 come attack us, and I think -- I feel that was
10 telling them all to get strapped, y'all's vests
11 ain't gonna save you. I mean, we were gonna be shot
12 at, didn't know if it was going to be drive-by while
13 we were on the steps; but I feel like we were going
14 to be targeted and shot.

15 Q And she took ownership of the protest on
16 May 31st, correct?

17 A Right.

18 Q On June 1st on a car, correct?

19 A Yes.

20 Q On June 1st in front of the police
21 department in front of other protestors, correct?

22 A That's correct.

23 Q On June 2nd at Sunoco, correct?

24 A Correct.

25 Q And then that day of June 3rd, did she

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1 claim it as her protest ---

2 A That's right.

3 Q --- making sure she's the leader?

4 A That's right.

5 Q On June 3rd did she make any mention of
6 anybody except herself in the middle of all this?

7 A The beginning days I'm not sure if she
8 mentioned George Floyd at all, but it was -- for me,
9 you never really knew what her purpose was, like,
10 what is she trying to change. There was no focus
11 except for attack on us. The other protestors, and
12 even some of the ones that were there initially with
13 her, they had a focus and you could hear them on,
14 like, one -- one gentleman was yelling, you know,
15 everybody come vote. You know, another one was
16 talking about what they wanted changed, that
17 officers need to step up against other officers
18 doing wrong. There was always a purpose; there was
19 never any purpose. It was just her, it was her
20 protest. When you -- it wasn't a protest; I don't
21 know what she was protesting. It was causing
22 discontent, disorder.

23 Q And you are -- so you're in leadership
24 position. Were you proud of your officers and how
25 they held strong those days?

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1 A Definitely. It was -- it hurt to see
2 that. Like when Captain Singleton was saying, the
3 black officers really took a lot and it was sad to
4 see; but the whole agency as a whole took a lot from
5 her group. But the day when the community stood up
6 for us against them, that meant the world and that
7 we -- that showed we were doing the right thing, and
8 we stood together and the community supports us and
9 we support the community.

10 Q And just to make sure, at the beginning
11 many olive branches were extended and concessions
12 given, correct?

13 A That's correct.

14 Q You guys did give Ms. Martin and her --
15 the people who were with her, the opportunity to
16 peacefully demonstrate, correct?

17 A That's right. That's correct.

18 Q Escorts were provided, correct?

19 A Yes.

20 MS. MCELVEEN: Beg the Court's indulgence
21 one second.

22 THE COURT: Yes, ma'am.

23 BY MS. MCELVEEN:

24 Q Captain Rabon, one more time just to make
25 sure. Can you please -- were you -- did you feel

1 threatened that day? After all the events, did you
2 feel threatened that day when she made that
3 statement?

4 A I did, definitely.

5 Q Thank you. Please answer any questions
6 Defense may have.

7 THE COURT: Ms. Rosado.

8 **CROSS-EXAMINATION**

9 BY MS. ROSADO:

10 Q So 2020 was a fabulous year for us all;
11 wasn't it? Were you aware that there were other 140
12 cities and 21 states that had marches and protests
13 after the George Floyd incident?

14 A I didn't know the number. I know it was a
15 good many.

16 Q And you're aware that in Minneapolis
17 businesses were set on fire by protestors?

18 A Yes.

19 Q And a man was shot in the head protesting
20 in Austin, Texas?

21 A I didn't know that.

22 Q St. Louis officers were wounded by
23 protestors?

24 A Yes.

25 Q New York cops were injured. You aware of

1 that?

2 A Yes.

3 Q Do you think it's fair for people who have
4 been the target of racial injustice to be upset
5 about it?

6 A Yes.

7 Q Were you ever attacked during any of this
8 protesting?

9 A Not attacked like, I mean, I know there's
10 different definitions, but I was never beat or
11 struck, just that one moment with the chest bumping
12 with me. I tried to stop that, even control that
13 situation so it would not escalate to that.

14 Q Do you think any of this unrest was also
15 related to the pandemic?

16 A I'm sure that was frustration during that
17 time, but I think it was America hurting and the
18 community hurting based on what happened in March
19 and then again in May.

20 Q Were you aware that Ms. Martin asked for
21 there to be a community meeting to try to mediate
22 these issues?

23 A When was that?

24 Q During the march.

25 A No.

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1 Q Thank you so much.

2 MS. MCELVEEN: Thank you. No other
3 questions.

4 THE COURT: Captain Rabon, you may step
5 down. Thank you.

6 MS. MCELVEEN: Your Honor, at this time
7 the State will call Chief Roark, or Chief Russell
8 Roark.

9 THE CLERK: State your name.

10 THE WITNESS: Russell Roark.

11 THE CLERK: You solemnly swear or affirm
12 your testimony to the Court shall be the truth,
13 whole truth, nothing but the truth, so help you God?

14 THE WITNESS: I do.

15 WHEREUPON,

16 **RUSSELL ROARK,**
17 having been duly sworn by the clerk, testified
18 as follows:

19 THE CLERK: Thank you, sir. Step around
20 please. State your name for the record and spell
21 your last name please.

22 THE WITNESS: Yes. My name is Russell
23 Roark, R-O-A-R-K.

24 **DIRECT EXAMINATION**

25 BY MS. MCELVEEN:

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1 Q Good afternoon. I think I already gave it
2 away, but can you tell us what you do, where you
3 work, and about your professional history?

4 A Absolutely. I grew up in Union, South
5 Carolina. After joining the military and
6 transitioned to the National Guard I eventually
7 became a state trooper in South Carolina. My first
8 assignment was here in Sumter in 1982. Between 1982
9 and nineteen ninety-- '89, '93, was transferred back
10 and forth from Columbia. I retired as a colonel
11 with the South Carolina Highway Patrol in 2008.
12 After retiring, I worked for a company called Ward
13 Services as a contract consultant. In 2009, then
14 Chief Patty Jaye Garrett Patterson and I had some
15 conversations about me joining the Sumter Police
16 Department. After having those conversations, I
17 became the deputy chief of the police department in
18 December of 2009. And she retired in 2011. I
19 became the police chief in September of 2011 and I
20 currently serve in that position ---

21 Q Thank you. You were obviously the chief
22 during all of these events ---

23 A I was, yes, ma'am.

24 Q ---for the Department. Can you tell us a
25 little bit about what you observed as a big picture

SW - R. ROARK - DIRECT

1 about how your agency responded and what was
2 provided, kind of a rundown of what you saw and how
3 the agency responded, or what they provided in the
4 form of support.

5 A So if I may digress, even prior to the
6 terrible incident on May the 25th when George Floyd
7 was killed by a police officer during an arrest, as
8 far back as 2014/2013 we began to look across the
9 nation of how law enforcement is interacting with
10 the community. We serve a very diverse community.
11 Our population density is 1 percent Hispanic,
12 50 percent African-American, 49 percent of white.
13 So we know we serve a very diverse population so our
14 agency should reflect the community not only in our
15 demographics, but also our thought. There's a
16 company called the Doland Institute, and the Doland
17 Institute developed a training program about
18 de-escalation. Now prior to the Doland Institute
19 doing that, in the eighties and nineties there was a
20 similar program called Verbal Judo. We began to
21 look at training and equipping our officers with the
22 very best tools, not only tools you can hold in your
23 hand but tools that you can train with and glean
24 back on and go back to when you're involved in a
25 critical incident. We sent two officers for

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1 training the training program, and we used that
2 program to teach officers a tool by which to
3 de-escalate. Our role is to de-escalate situations.
4 What people may see on TV about law enforcement and
5 how they interact is far from the reality.

6 A municipal police department is the law
7 enforcement of this country. I know we have the
8 FBI; we have state agencies. But we serve every
9 man, woman, and child that's in this community. We
10 are responsible for the safety of every woman and
11 child in this community. What we believe, it is our
12 job to improve the quality of life for our all of
13 our citizens, create good will every opportunity
14 possible, and treat people fairly and equitably. So
15 that's our culture, that's our formal training.
16 Relative to using empathy and deescalation, our
17 guidance and we continue to talk about -- I'm
18 meeting with every new officer, new hire -- and talk
19 about our community, talk about our interaction,
20 talk about treating people fairly. We talk about
21 empathy and to provide them that training.

22 On May 25th when this terrible accident --
23 incident took place, it left a mark on me, this
24 nation. It was a horrible, horrific thing to watch.
25 It is not in any way the proper way to deal with an

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1 issue. Even after May the 25th and prior to May the
2 29th is when most of the social unrest began in
3 South Carolina. We were watching it across the
4 nation. But we also required all of our officers
5 that week to go back through virtual academy, which
6 is a different type of training modular we have, and
7 redo and refresh the deescalation training.

8 Once we noticed the -- what was occurring
9 in Columbia, our capital city, relative to social
10 unrest and we begin watching our community, watching
11 social media, working in the community, and we
12 received intelligence that there was some
13 individuals that wished to protest at the police
14 department so we began staffing our agency in layers
15 to address the situation. The first day, if you
16 watch the -- some of the videos, it was about
17 keeping people safe. We want people to have the
18 opportunity and the ability to protest in a safe
19 manner. If you go back to the video in the first
20 portion of when persons are in the roadway, you got
21 to think about Lafayette is U.S. Highway 15 South.
22 It's a four lane road with about a 20-foot painted
23 median, yet there's no rise in between the median.
24 In front of our police department it's just south or
25 toward the Manning Avenue area, particularly at

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1 Lafayette and Calhoun, there's a huge curve there at
2 Loring Drive. As the traffic backs up when people
3 get in the roadway, it's very dangerous for persons
4 to do that. So our intent was to provide them a
5 location by which to protest safely. So we began
6 that interaction on that very first day based on the
7 first video you saw for that purpose.

8 Q How did you respond after watching your
9 officers interact as the days followed?

10 A So Colonel Jackson and I, along with the
11 command staff, had many conversations. We didn't
12 make decisions in a vacuum. We didn't -- we wanted
13 to give people an opportunity to express themselves.
14 The situation was very volatile across our nation.
15 You know, we've been asked why didn't we arrest
16 someone for doing something immediately. And it's
17 risk versus reward. So as we continued to interact
18 with our citizens who were protesting in the manner
19 for which you've seen on the video, the Colonel and
20 I talked about that, who at that time based on my
21 knowledge identified as Ms. Martin as the person
22 that was in charge or presented herself as being in
23 charge of the group, they wished to protest, they
24 wanted to march. I'm not giving you a bureaucratic
25 answer; I'm giving a factual answer that in order to

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1 march on a U.S. highway, a permit has to go through
2 DOT. Now the reality is, it's an emotional time;
3 we're cognizant of that. So we advised that we
4 would allow and assist in the march. We asked them
5 to stay on the sidewalk. Again, it's a four lane
6 U.S. highway. We were going to have trailing
7 officers to attempt to prevent them from being
8 struck by a vehicle. As we started that process,
9 some of the persons in the protest got in the road
10 anyway. We continued to work with that and brought
11 them back to the police department.

12 Q Watching -- why did you put a curfew? Why
13 did making a curfew come into effect? How did that
14 come about? What steps did you take and why?

15 A I report to the city manager who reports
16 to the mayor and the council, and we were having
17 conversations throughout. Defense counsel mentioned
18 Covid. Prior to George Floyd Covid had taken a big
19 toll on our community, on our nation, on our state.
20 Businesses were closed because of Covid. The last
21 thing that I wanted to recommend was to do a curfew
22 'cause in doing so, it closes businesses. We just
23 came off of closing businesses for Covid. But as
24 things began to escalate and continued to move
25 forward, my concern was that we could have a

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1 situation where violent activity starts. And what I
2 mean by that is, my concern was that from day one up
3 to the night of the 2nd, which was the morning of
4 the 3rd, when you saw the actions on the video, that
5 it was becoming more and more volatile. At 2:34 in
6 the morning -- and I don't have that written down; I
7 just remember -- and I called the city manager on
8 the night of the 2nd, the morning of the 3rd, and
9 requested that we enact a curfew the next day from
10 6 a.m. to 6 p.m. And the purpose to do that was to
11 provide a time for things to calm down to prevent
12 potential violent activity or destruction of
13 property. We were in a fine balance. When I say
14 "we," we in law enforcement. We understand why
15 people were upset. We understand why many people
16 wanted protests. We also were hurt and appalled by
17 the activity of the officers and their conduct. At
18 the same time, there's about 45,000 people in this
19 city and we've got to protect everybody. We
20 cannot -- at that time my concern was and my
21 judgment was, the longer we allow this to go on,
22 there's a high potential for a critical incident
23 where someone could lose their life whether it be a
24 police officer or civilian or one of our citizens,
25 and I didn't want that to happen. So we placed a

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1 curfew in place. I spoke with our attorney Mr.
2 Danny Crowe, who is on contract with the City, and
3 got some guidance relative to locating a known
4 location on public property, which is our police
5 department, as an offer for an area to protest. We
6 designated an area on the grounds of the police
7 department. We welcomed anyone that wished to
8 protest there. However, for everybody's safety, our
9 requirement was to protest in the designated area.
10 Ms. Martin took issue with that as you all saw on
11 the video and left and then was later incarcerated.

12 Q Watching these officers, do you think your
13 training worked?

14 A I think they showed much restraint. I
15 understand that there's emotion. Arresting someone
16 at that very moment for traffic violations was not a
17 smart thing to do. There's a lot of ways you can
18 describe that there's a cost benefit analysis. My
19 grandfather was a wise man that graduated from
20 second grade and he once told me that measure is the
21 juice worth the squeeze, okay. So the potential
22 issues that could have been caused by arresting
23 persons right away can further inflame other
24 activities. So our concern was, we're going to give
25 ground, give ground as long as we could; and,

1 unfortunately, the night of the 2nd, the morning of
2 the 3rd, was the point that my -- my concern, my
3 fear quite frankly, was that someone was going to
4 get hurt or injured.

5 Q And do you have to wait for an injury or
6 actual battery to occur before you as the police
7 department step in to try to deescalate, or do you
8 try to deescalate before something happens?

9 A Well, we were deescalating one on one or
10 attempting to throughout the week. I don't think it
11 was prudent for us to continue down the path we were
12 going for it to continue to get more elevated, more
13 aggravated, where someone could get injured. In my
14 view, the best of the worst situation was to have
15 that curfew as a timeout, if you will, to try to
16 have cooler as prevail to come back at a later time
17 and then perhaps be able to protest in a way that
18 was safe for the persons that wished to protest in
19 the community.

20 Q And is community safety one of your number
21 one priorities as well?

22 A Everyone's safety is a priority, including
23 the persons that were protesting.

24 Q Thank you.

25 MS. MCELVEEN: Your Honor, I'm going to --

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1 I'd like to mark this as State's Exhibit 3 for
2 identification purposes with the hope of eventually
3 introducing it into evidence. And here is 2. And,
4 Your Honor, for the sake of the record, I did just
5 also hand Ms. Bakis-Ray the State's Exhibit 2, the
6 two videos that were not on State's Exhibit 1 but
7 have been entered into evidence without objection
8 and published to the jury. I handed her the
9 physical copy, Your Honor.

10 THE COURT: All right.

11 (WHEREUPON, State Exhibit No. 3 was marked
12 for identification only.)

13 BY MS. MCELVEEN:

14 Q Chief Roark, can you identify the item in
15 your hand?

16 A So this is a copy of an article that was
17 placed in the Sumter Daily Item on the 10th of June
18 and of an event that took place on the Sunday
19 before, I believe it was the 7th of June. After the
20 initial protest we were receiving some intelligence
21 that three groups that identified as the Bloods,
22 Cripps, and GDs, which are identified as gangs,
23 wished to come together and protest.

24 MS. MCELVEEN: Your Honor, we'd like to
25 publish that evidence to the jury.

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1 THE COURT: Ms. Rosado.

2 MS. ROSADO: Yes, sir, that will be fine.
3 Thank you.

4 MS. MCELVEEN: Your Honor, I've got a copy
5 ---

6 THE COURT: Ms. McElveen, are you offering
7 it as an exhibit and publishing it to the jury?

8 MS. MCELVEEN: Yes, sir, offering it as an
9 exhibit, but I've got a paper copy because we don't
10 want to give up a framed copy, Your Honor. This is
11 a picture of the framed copy.

12 THE COURT: Okay.

13 MS. MCELVEEN: Thank you.

14 THE COURT: State's No. 3 is admitted
15 without objection.

16 MS. MCELVEEN: Thank you.

17 (WHEREUPON, State Exhibit No. 3 was
18 admitted into evidence.)

19 BY MS. MCELVEEN:

20 Q So in light of all of what was going on,
21 can you tell us about opportunities you did provide
22 for peaceful protests and what sort of groups you
23 came together with over those challenging days?
24 Basically, what concessions were allowed and how was
25 Ms. Martin's -- how are her actions different?

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1 A So on -- as I said, on June the 7th we
2 received some intel information that these three
3 groups wished to protest. I asked two of our
4 investigators, one who is trained in gang and gang
5 activity, to meet with the persons at the tobacco
6 shop on Lafayette, which is almost directly across
7 the Sumter Fire Department and engage the persons
8 that was in charge between the three organizations,
9 what they wanted to do and what their plan was. And
10 their plan was that they wanted to come together and
11 tie their flags, which are these colors here, and
12 walk in solidarity as a truce walk with -- to bring
13 attention to police brutality and racism. So once I
14 met with the officers that spoke with each faction,
15 we offered the opportunity and we would assist them
16 if they would, to walk on the sidewalk, which they
17 accommodated and then we would trail them in
18 vehicles to make sure they were safe and they would
19 walk on the sidewalk from the tobacco store to the
20 police department. We stopped the traffic. We
21 crossed them across the street to make sure they
22 were safe and then proceeded south on Lafayette and
23 went down to, I believe, Hampton and made a turn --
24 or it may have been Lafayette, I cannot remember how
25 far exactly they went. But they went down, we gave

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1 them water. They came back to the police department
2 and then as a group asked that we take a photo
3 together -- that's me in the photo -- in solidarity
4 of this action. It was cordial. It was -- we
5 provided them with the opportunity to do so. They
6 were able to do so together with us in a safe and
7 efficient manner.

8 Q Were other efforts made to allow peaceful
9 protests and peaceful demonstrations, other
10 partnerships that ended up cordial and fine?

11 A So on the 14th which was the next Sunday,
12 a group of pastors came together. Reverend Newton
13 and Reverend Clay Smith orchestrated this event
14 where members of the clergy and our members of the
15 community met to walk on Calhoun Street to the old
16 courthouse. We joined them in that effort and it
17 was pulling law enforcement, the community, and
18 pastors together. We arrived at the -- I'm gonna
19 say the old courthouse; it's the judicial center.
20 It's the courthouse across the street on the side
21 where Tuomey Hospital is. And came together and I
22 spoke, Sheriff Dennis spoke. We had music; we had
23 prayers. And we came together as an opportunity to
24 attempt to begin to heal as a community as we move
25 forward.

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1 MS. MCELVEEN: Your Honor, I'd like to
2 submit State's Exhibit 4 for identification purposes
3 for now, for Chief Roark to identify, submit into
4 evidence.

5 (WHEREUPON, State Exhibit No. 4
6 was marked for identification only.)

7 BY MS. MCELVEEN:

8 Q Can you identify this item, State's
9 Exhibit 4, sir.

10 A This is actually in our annual report from
11 2020. And it's *Pastors and Police March Against*
12 *Racism and for Nonviolence* June 14th at 5:00 p.m.,
13 Grace Baptist Church to the Sumter County
14 Courthouse. And in the photograph is myself, many
15 officers including Colonel Jackson, First Sergeant
16 Gayle, Sergeant Major Sinkler, and others as we
17 proceeded to the courthouse.

18 MS. MCELVEEN: Your Honor, we'd like to
19 have State's Exhibit 4 admitted into evidence at
20 this time.

21 THE COURT: Ms. Rosado.

22 MS. ROSADO: No problem. Thank you, Your
23 Honor.

24 THE COURT: State's No. 4 admitted without
25 objection.

SW - R. ROARK - DIRECT

1 (WHEREUPON, State Exhibit No. 4 was
2 admitted into evidence.)

3 BY MS. MCELVEEN:

4 Q Chief Roark, can you read what it says at
5 the top of that page in your annual report?

6 A Indulge me to put on my reading glasses
7 for a second.

8 Q Sorry, I should have warned you.

9 A This is our annual report. We do one
10 every year. "The senseless and tragic death of
11 George Floyd illuminated the importance of law
12 enforcement accountability and community trust. In
13 the wake of the national unrest, our community came
14 forward not only to have their voices heard but also
15 to forge new levels of partnership. A unity march
16 against racism and violence was held on June 14th
17 organized by local clergy. The event brought
18 together the faith community, citizens, and law
19 enforcement. The show of solidarity highlighted a
20 shared commitment to stand against racism and bias
21 based ideology."

22 Q How were these demonstrations and these --
23 first, these exercises of First Amendment rights
24 different from Ms. Martin? Why is Ms. Martin
25 exceptional in the fact that she was charged?

SW - R. ROARK - DIRECT

1 A We gave Ms. Martin -- we provided
2 Ms. Martin the same opportunity that we provided the
3 group on June the 7th. We provided the same
4 opportunity on June 14th. As we begin on the first
5 day and proceeding days after, it became more
6 antagonistic. It became more threats against
7 officers and against the community at large. You
8 see people climbing on top of vehicles and riding
9 down the roadway. Many rode that distance to the
10 Holiday Inn which is on Broad Street, a video you
11 saw. That was dangerous for them and dangerous for
12 our community. We gave every opportunity possible.
13 We wanted them to have the opportunity to have their
14 voices heard, but not at the expense of the entire
15 community at large. That is the difference between
16 those three events.

17 Q You've heard the statement made on the
18 steps. Did you -- was that a threat to your -- to
19 the police department and to the officers that work
20 under your supervision?

21 A The situation is that we've got police
22 officers standing for our community. The situation
23 that happened with George Floyd touched us as a
24 nation, as a community, as an industry in law
25 enforcement, that set us back as a policing agency,

1 not only us, but across the nation as police
2 professionals. It set us back for years in order to
3 build off of that in some positive way to make sure
4 that never happened again, punishing people which
5 was involved in and use that as an example of not
6 how to interact with the community.

7 Having -- I have a responsibility for the
8 police department. I don't say that they work for
9 me; I am responsible for them. I am responsible for
10 their safety, and I'm responsible for this
11 community. I am responsible for the safety of this
12 community. And when you have individuals, it takes
13 such liberties -- and I've been to many, many
14 protests. I have never experienced a group of
15 people that were so uncooperative, so egregious, and
16 were potentially violent against officers in the
17 community as I experienced during this night.

18 Q Thank you. Thank you for your testimony.
19 Please answer any questions Defense may have.

20 **CROSS-EXAMINATION**

21 BY MS. ROSADO:

22 Q Good afternoon, sir.

23 A Yes, ma'am.

24 Q Thank you for your service also.

25 A Thank you, ma'am.

1 Q You've had a very productive career as a
2 law enforcement officer and I appreciate that. Your
3 statement that this was not the way to deal with
4 this particular issue, I -- I'm sorry, let me
5 rephrase. You required your officers to go to
6 deescalation training that week. Is that correct,
7 sir?

8 A I did.

9 Q And you made that decision based upon your
10 experiences as a law enforcement officer?

11 A So one of the habits that I have is every
12 day I read every newspaper in South Carolina as much
13 as the newspapers will allow now by paying online.
14 I look at -- at least six TV stations in South
15 Carolina. I follow the national news relative to
16 how -- what's happening in other communities. I do
17 that in order to prepare ourselves if there's an
18 issue in our community can very well land here. I
19 try to educate myself so that we can prepare
20 officers with the appropriate training. In fact,
21 after probably two weeks after all of the
22 protests/First Amendment freedom of speech events we
23 had, that we began doing a duty to intervene
24 training where we videoed it, had role players where
25 there were officers. We were the first agency in

1 South Carolina, the Criminal Justice Academy, that
2 had a lesson plan approved to train our officers to
3 intervene should we ever find ourselves in a
4 situation similar to what terrible thing happened to
5 George Floyd. So it's a constant training and
6 reminding of how we are to behave and how we are to
7 interact.

8 Q So would you say your experiences helped
9 you deal with this particular situation?

10 A I think prayer helped the most. I think
11 the fact that we've invested in this community.
12 When we say -- when we say words like "quality of
13 life and creating goodwill and interacting," it's
14 not just words pen-on-paper. The best way to get
15 our word out and it's not as popular with young
16 people now as it was before the platform of
17 Facebook. And if you go back and you look at our
18 Facebook and you see over the last 10 or 12 years
19 that we've invested in the community. We've
20 invested in neighborhoods. We've had -- we have --
21 now Covid was a little bit different. You know, we
22 can all blame Covid on a lot of things and it seems
23 to get blamed for a lot of things. We do a black
24 history month essay every year bringing kids to
25 Chuck E. Cheese, and we do a back-to-school bash in

1 Crosswell Park every year. We didn't do one last
2 year because of Covid, or the year before. We bring
3 partners together, give some kids haircuts, to
4 provide a meal, to provide instructional material.
5 We really believe that it's our job to serve the
6 community.

7 The things that we see on TV, there was a
8 show on -- they were saying off the air right after
9 this tragedy, or maybe right before, Live PD. So
10 I'm gonna say something that's not grammatically
11 correct, but even that ain't real. What law
12 enforcement does at the local level is assist people
13 with problems. Many people show up at our front
14 doors because there's nowhere else to go, and we've
15 got to have a partnership. And what is important
16 about good will is when you have terrible, tragic
17 situations that happen between particularly the
18 minority community and law enforcement. You've got
19 to have that good will in your community. And we
20 talked a lot about through all these events, not
21 just George Floyd, as far back as Ferguson,
22 Missouri, that even though it may not happen here,
23 it will affect us. And we have discussed that and
24 talked about that and tried to move forward with our
25 methodology relative how we address people and how

1 we address our community. So I'm very invested in
2 how we interact with people and how we serve.

3 Q The Doland Institute, did it train your
4 officers about dealing with people who are angry?

5 A So deescalation by definition would be a
6 way to deescalate the situation. If you notice on
7 the video Captain Rabon hugging Ms. Martin, that is
8 a technique of deescalation, to humanize people, to
9 empathize and understand. But we still have to make
10 sure that even the persons that wish -- in this case
11 wish to protest -- have got to do so in a safe
12 manner because we're responsible for them. So,
13 deescalation by definition obviously is a technique
14 and a tool by which to bring people down, empathize
15 with them, and try to address the situation in a
16 nonviolent, nonconfrontational, non-arrest method.

17 Q And the Verbal Judo Institute, did it do
18 the same thing?

19 A That -- that was a part and parcel to
20 deescalation. I think some of the methodology
21 relative to what the Doland Institute adapted in
22 that particular curricula came from that; but
23 it's -- it's a more way of communicating with people
24 now, of talking to people.

25 Q And in that institute and in the Verbal

1 Judo training, is one of the tactics they use to
2 yell at you and say mean things to try to get you
3 off your game?

4 A I don't understand what you said.

5 Q Do you they use tactics where they yell at
6 you, they yell at the officers to try to throw them
7 off? Is that one of the techniques they use there?

8 A So, that would really -- we did much of
9 that in our duty intervene training. People do --
10 so there's one thing that you absolutely cannot
11 count on. I think part of your professional life is
12 you did a lot with computers and cyber issues so
13 that's pretty definitive. You create a program;
14 it's pretty definitive. The thing that's the most
15 unpredictable is human factor and how someone will
16 act under stress, why is someone behaving in such a
17 way, is it a distractionary method, are they trying
18 to hide something, are they trying to push you away
19 from the real reason? So it's not a
20 one-size-fits-all with just raising their voices and
21 acting in such a way.

22 Q Given your career, what were the
23 circumstances surrounding your retirement from the
24 highway patrol?

25 A So there was -- I'm glad you asked me that

SW - R. ROARK - CROSS

1 question. I served at the pleasure of the director.
2 There was three incidents that had taken place in
3 South Carolina: One in 2004 that was four years
4 before my retirement, whereby, a trooper used the N
5 word during an arrest, and he was in the upstate in
6 McCormick County. My first thought was to
7 immediately terminate the trooper. The captain of
8 that troop was a man named June Jones. June Jones
9 was the second African-American troop captain in
10 South Carolina. And what I mean by troop captain is
11 the patrol side of South Carolina. The highway
12 patrol is developed into seven individual troops.
13 He was the second in the history. It is a very
14 rural area and most people don't want to work there
15 frankly. The largest town, if you will, is in
16 Greenwood County. It's very difficult to get people
17 to assign there. There was only other one
18 African-American trooper in that troop. Junie, who
19 when he and I came through the ranks together, asked
20 me to please not terminate him, that he has worked
21 with him for many years, he knows that's not in his
22 heart. He asked that I please not do that. Against
23 my better judgment I didn't. I did that because of,
24 frankly, as you got a African-American captain in a
25 troop that may feel certain pressures, and I wanted

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1 to help him mitigate the situation. So he was --
2 the trooper was sent to training and was suspended.
3 Four years later came up with two other situations.
4 We had an officer in Greenwood County that struck a
5 person with a car on purpose, in my view. The case
6 was provided through the chain of command. I
7 requested through our then attorney for the
8 department to send that particular case to the U.S.
9 attorney to do a civil rights investigation. He did
10 not meet with that same agreement. That case was
11 given to the South Carolina Law Enforcement
12 Division. Law enfor-- SC SLED did the
13 investigation. They sent it to the solicitor's
14 office and the Solicitor's Office refused to
15 prosecute it. Another case, we had a gentleman that
16 was in a dump truck on I-95 in Florence County, he
17 wouldn't stop. I think they ended up shooting his
18 tires out to get him stopped because he in, like, a
19 16-wheel dump truck. He was placed on the ground.
20 A trooper ran over there and he kicked that the man
21 in the head. We referred that case to the SLED for
22 investigation. It went to the Solicitor's Office.
23 The Solicitor refused to prosecute. We didn't hide
24 anything; we didn't try to change anything. And
25 as -- it was time for our director to be

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1 reappointed, he was not going to get reappointed. I
2 made a decision. I am attached to the director. I
3 am an at-will position. So I retired. And after
4 retiring, as I said earlier, I worked for Ward
5 Services, a company in Columbia. I believe that I
6 still had something to offer. I wanted to serve the
7 community. Chief Patterson and I have known each
8 other for a long time. I served this community
9 before. And she -- and she gave me the opportunity
10 to be the deputy chief and then I became the chief.

11 We've had -- the agreement that I had with
12 the city manager or when I came here is that we're
13 not going to always agree, I understand, and I
14 understand my -- the role. I understand that -- who
15 I work for and who I report to; but if we have any
16 situations that I believe are so egregious that that
17 person needs to be terminated, if we can't come to
18 an agreement, then that's my last day. And I don't
19 mean that as a threat, it's just I have been there,
20 been involved with that, have the scars to prove it,
21 and I'm very cognizant about communities. I've very
22 cognizant about what our officers do. I'm very,
23 very cognizant about how we discipline people, how
24 we manage people.

25 We've had two incidents since I've been

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1 here, one as a deputy chief and one as a chief,
2 where an officer made mistakes on use of force and
3 they were immediately terminated. One case was
4 turned over to the United States attorney for civil
5 rights violation. The other case was handled by the
6 Solicitor's Office. So I -- I left the agency
7 because -- and some of it frankly was political, but
8 we -- it was -- I made the decision that it was time
9 to move and I moved on. And coming here to this
10 department has been the best career move that I've
11 ever made.

12 There's one thing about being in a state
13 agency or federal agency is that you're a support
14 agency. We're the grass roots dealing with people.
15 We -- we make a difference in people's lives, and
16 there's many opportunities for many things that
17 we're able to do to help people that many people
18 never know anything about, so I'm glad I'm here.

19 Q Do you remember an incident where an
20 officer under your command said "You better run
21 there because I'm gonna F'ing kill you?" Do you
22 remember that instance?

23 A The one that I remember is the one I
24 mentioned is the very first one where he used the N
25 word. He was fighting with a person on the ground.

1 That one may have been after I was gone. I don't
2 know anything about that one.

3 Q Oh.

4 MS. ROSADO: Beg the Court's indulgence.
5 I'm going to send some paperwork over to the
6 prosecutor's office so we can have it printed.

7 THE COURT: Yes, ma'am.

8 (Pause.)

9 MS. ROSADO: Thank you.

10 THE WITNESS: Yes, ma'am.

11 MS. MCELVEEN: Thank you, Your Honor.

12 **REDIRECT EXAMINATION**

13 BY MS. MCELVEEN:

14 Q Chief, your agency leads with empathy,
15 correct?

16 A That's correct.

17 Q Your officers conducted themselves that
18 way over those days, correct?

19 A Yes.

20 Q Opportunities were given for peaceful
21 demonstrations, correct?

22 A Yes, ma'am.

23 Q And Ms. Martin violated those boundaries
24 put in place and totally infringed on others'
25 rights, correct?

1 A Correct.

2 Q Thank you. No further questions.

3 THE COURT: Any recross?

4 MS. ROSADO: Your Honor, we're going to
5 reserve our recross for later. We're still trying
6 to get the printing going so we can move on so we
7 won't waste any of the time.

8 THE COURT: Let me see the attorneys up
9 front real quick.

10 (WHEREUPON, counsel approached the
11 bench for an off-the-record discussion.)

12 THE COURT: Ladies and gentlemen, we're
13 having some technical issues with ability to print
14 documents so it's probably a good idea for us to
15 take an afternoon recess so I'm going to send you to
16 your jury room at this time. I ask that you not
17 begin your deliberations, that you not seek to do
18 any research about any issue which may have been
19 raised in this case while you're outside the
20 courtroom. We will get you back in as soon as
21 possible once we get these technical issues ironed
22 out. So if you'd go to your jury room now. Thank
23 you.

24 (WHEREUPON, the jury was removed from
25 the courtroom at 3:26 p.m.)

1 MS. MCELVEEN: Your Honor, if Chief Roark
2 can be allowed to step down from the witness stand.

3 THE COURT: Sure, just as long as any
4 interaction you have with the Chief is as to his
5 schedule for tomorrow so we can figure out when
6 Ms. Rosado will resume her questioning with Chief
7 Roark.

8 You understand that, Chief Roark?

9 THE WITNESS: I do.

10 THE COURT: She's gonna ask you about your
11 schedule and that's it. All right?

12 THE WITNESS: I'm available.

13 THE COURT: We'll be in recess until?

14 MS. MCELVEEN: Your Honor, he's available
15 tomorrow. I thought he was not unavailable for some
16 reason.

17 THE COURT: Well, y'all -- y'all get
18 together on whatever printing problems are being --
19 whatever printing problems exist. If I can assist
20 in any way, let me know. We'll be in recess until I
21 hear from counsel.

22 MS. MCELVEEN: Okay.

23 MS. ROSADO: Thank you, Your Honor.

24 (WHEREUPON, a recess was taken from the proceedings
25 and Defense Exhibits Nos. 1, 2, and 3 were marked

1 for identification only.)

2 THE COURT: All right. Do we have
3 everything need be printed? Has it been
4 accomplished?

5 MS. ROSADO: Yes, sir. Thank you so much.

6 THE COURT: All right, Chief Roark, if
7 you'd resume the stand, sir.

8 THE WITNESS: Yes, sir.

9 THE COURT: And are we ready for the jury?

10 MS. MCELVEEN: Yes, sir, Your Honor.

11 THE COURT: Bring us the jury please.

12 (WHEREUPON, the jury was returned to the
13 courtroom at approximately 3:43 p.m., and the
14 following proceedings commenced in open court.)

15 THE COURT: We will resume the
16 cross-examination of Chief Roark.

17 MS. ROSADO: Thank you, sir. Thank you
18 everybody for your indulgence.

19 **RECROSS-EXAMINATION**

20 BY MS. ROSADO:

21 Q Chief, is it possible that Ms. Martin was
22 not confident that you would be friendly to her
23 cause given some of the things in your history with
24 dealing with your own troopers? Is that possible?

25 A I have been the police chief here for, by

1 that time, eight years, had been the deputy chief
2 two years before that. There has been nothing to
3 call in question to my personal views of anyone. We
4 serve everybody equally. We're fair and impartial
5 with everyone. So the situation by which you are
6 asking about or suggested, I've answered those the
7 best of my ability. I was the commander of the
8 South Carolina Highway Patrol which is a large
9 agency stretched across the state with many layers
10 between the average trooper and myself.

11 MS. ROSADO: Your Honor, this is Exhibit
12 No. 1. The prosecutor has already seen it. May I
13 approach?

14 THE COURT: You may.

15 BY MS. ROSADO:

16 Q Do you remember this article where the
17 racial slur by *SC Trooper Forces Your Retirement?*
18 Did you remember that you had been forced to retire,
19 sir?

20 A I'm reading, give me just a moment please.
21 I wasn't asked to retire by anyone. On February
22 the 28th, 2008, the director of public safety called
23 my -- called my residence and told me that he was
24 not going to be reappointed. I made the call to the
25 governor's office that evening myself; and because

1 of the situation, it was time for the State and the
2 agency to heal. I was the colonel. I was
3 responsible for the actions of every person in that
4 agency; and I made a choice to retire, for which I
5 did.

6 Q Do you remember the governor asking you to
7 retire?

8 A The governor never asked me to retire. In
9 fact, I have a letter -- I don't have it with me --
10 after I retired about my service to the State. I
11 never had a conversation with the governor or anyone
12 else about retiring.

13 MS. ROSADO: May I approach, Your Honor?

14 THE COURT: You may.

15 MS. ROSADO: Thank you.

16 BY MS. ROSADO:

17 Q So this HP commander talks about forced
18 retirement. You didn't give that interview, sir?

19 A Because the headline says HP commander
20 talks about forced retirement doesn't -- it's a
21 headliner. So if you'd just allow me to read it for
22 just a moment, if you don't mind please. Again,
23 some of this is the words of the person who did the
24 interview or wrote the article. I was never forced
25 to retire; I was never asked to retire. I knew by

1 virtue of having that position that you have to take
2 responsibilities for others. I knew that the
3 director was not going to get reappointed, and I
4 retired prior to the new director.

5 Q Do you remember this incident where the
6 officer said you better run, nigger, because I'm
7 fixing to kill you?

8 A I don't remember the exact words. I
9 remember the N word being used. I believe it's the
10 same situation that was -- that I referenced earlier
11 in McCormick County. That's the only one that I
12 know about in 2004.

13 Q Do you remember ever reprimanding that
14 officer for that statement?

15 A We did. Based on the information that I
16 provided earlier, after talking with Captain Jones
17 he was sent to training and was disciplined.

18 Q Was he ever charged criminally for making
19 that threat to kill?

20 A No, he was not.

21 MS. ROSADO: May I approach?

22 THE COURT: Yes, ma'am.

23 BY MS. ROSADO:

24 Q Are you aware of this article, sir, that
25 says SCHP ---

1 MS. MCELVEEN: Objection. She's saying
2 what the article says. If she can let him read it
3 ---

4 MS. ROSADO: Yes.

5 MS. MCELVEEN: ---and authenticate it
6 before publishing.

7 THE COURT: And what -- what number is
8 that?

9 MS. ROSADO: No. 3.

10 THE COURT: State -- or Defense 3?

11 MS. ROSADO: Yes, sir.

12 (Pause while witness reads Defense Exhibit No. 3.)

13 THE WITNESS: I do remember doing an
14 interview with Watch Fox 57. I remember I was at my
15 home. I did a telephonic interview. I haven't read
16 everything. Put my glasses on. I -- I do recall
17 telling the reporter at the time that I had served
18 this community for many years before as a trooper
19 and me living here, that people that truly know me
20 know my heart, know who I am as an individual. So
21 to say that I was ousted, I think that's a matter of
22 semantics and a play with words on a headline.
23 Again, as I stated earlier, I retired based on the
24 fact that the director was not going to be
25 reappointed and I was attached to the hip to the

1 director.

2 BY MS. ROSADO:

3 Q Thank you.

4 MS. ROSADO: If I can have this admitted
5 into evidence at this point. They've already been
6 marked.

7 THE COURT: Ms. McElveen.

8 MS. MCELVEEN: Your Honor, I mean, if
9 they're gonna be admitted, can the articles be read
10 in full?

11 MS. ROSADO: Well, if they're admitted,
12 the jury can ---

13 MS. MCELVEEN: Review them at their own.

14 THE COURT: And review them in their
15 deliberations. Do you have any -- any other
16 objection other than?

17 MS. MCELVEEN: Your Honor, they're
18 hearsay. They're articles covering hearsay. I
19 mean, what the article -- the captions as the chief
20 testified to is not what he has testified to so
21 they're hearsay.

22 THE COURT: Well, I mean, portions of them
23 would be hearsay, portions of it would not.

24 MS. MCELVEEN: Your Honor, I don't think a
25 news article written by somebody is going to

1 sufficiently authenticate it to use to impeach any
2 sort of comment made by Chief Roark. Once he said I
3 retired on my own, if they want to bring someone in
4 to say, actually, no, I ousted him, that's a
5 different story, but that's not ---

6 THE COURT: All right, here -- here's what
7 I'm going to do. Ms. Rosado, if there are any
8 portions of those articles that contain statements
9 which were directly made by Chief Roark, you can
10 question him about those, but I'm not letting the
11 documents go in as evidence. They are statements by
12 another party outside of court offered for the truth
13 of the matter asserted so anything that he said in
14 those articles you ask him about because those are
15 his own statements; but I'm not gonna let the
16 editorial comments of the author go back to the
17 jury. So if you want to ask him some more questions
18 about those, about those articles, you may; but they
19 are certainly hearsay under Rule 801 of the South
20 Carolina Rules of Civil Procedure so you -- as I
21 stated, any statements he made within those articles
22 are fair game; the rest are not.

23 MS. ROSADO: Okay.

24 BY MS. ROSADO:

25 Q Chief, when you were interviewed by

1 Columbia WIS, do you remember this interview that I
2 showed you earlier where it says HP commander talks
3 about forced retirement ---

4 MS. MCELVEEN: Objection, Your Honor.
5 Reading the title of a comment made by an editorial
6 by the author. If she can just ask about the
7 questions and the statements that Chief Roark made,
8 not what the author claims to have taken away from
9 it or has written as a title in its accuracy that
10 he's testifying is not accurate, Your Honor.

11 MS. ROSADO: May I read ---

12 THE COURT: His -- if they are ---

13 MS. ROSADO: His statements.

14 THE COURT: --- his statements.

15 MS. ROSADO: May I read those portions?

16 THE COURT: Read the -- read the statement
17 and give him the opportunity to say, yes, sir, to
18 accept the statement or deny making it and then
19 we'll see where that leaves us.

20 MS. ROSADO: Okay.

21 BY MS. ROSADO:

22 Q Do you remember saying, "Well, I was taken
23 aback. I would actually have someone interact with
24 an individual and use the N word," says embattled
25 Colonel Roark. Do you remember saying that?

1 A I do not. That was, I think, 14 years
2 ago, 15 years ago. I do not.

3 Q Do you remember saying -- in the tape you
4 hear, you better run, nigger, I'm fixing to kill
5 you. And you find this very offensive?

6 A Oh, absolutely, I do.

7 Q Do you remember saying that it never
8 crossed your mind to fire that trooper?

9 A I do not. I stand by my earlier testimony
10 whereby and it's been since 2004 that I'm pretty
11 sure it's the same situation. That's 'cause that's
12 the only one I -- I ever remember that happened in
13 the troop 2 area with Captain Jones and I stand by
14 my earlier testimony relative to where he asked me
15 to salvage him, and in spite of the fact that I felt
16 as if he needed to be terminated.

17 Q Do you remember saying "Looking at the
18 tape it's very shocking; and although it was a
19 horrible mistake, can this person be salvaged, can
20 we fix this through training and behavior?"

21 A I do remember saying that, yes.

22 Q Do you remember saying that after an
23 internal investigation your answer was, yes, you
24 thought you could salvage that person after talking
25 to the captain who happened to be African- American?

1 A I don't -- I don't understand. I have to
2 read that for myself if you want me to look at it
3 for a second.

4 Q Sorry.

5 A That's okay.

6 MS. ROSADO: May I approach?

7 THE COURT: Yes, ma'am.

8 MS. MCELVEEN: Your Honor, at a certain
9 point I think we're at asked and answered stage
10 where he has testified about what happened in
11 McCormick County, how he's associated with the
12 director. He knew he was going to retire and
13 changed then; he made that decision on his own.
14 Your Honor, this is -- what does this have to do
15 with Sumter Police Department ---

16 MS. ROSADO: I think that ---

17 THE COURT: Y'all step up a minute.

18 MS. MCELVEEN: ---fifteen years ago.

19 THE COURT: Y'all step up.

20 (WHEREUPON, counsel approached the
21 bench for an off-the-record discussion.)

22 BY MS. ROSADO:

23 Q Sir, do you remember saying that at the
24 end of the day the decision to make the
25 recommendation is me and I certainly will stand by

1 that decision, sir?

2 A I think that's consistent with my
3 testimony today that as the commander of that agency
4 that time, just as being the police chief of the
5 city of Sumter now, that I bear the responsibility,
6 the actions of everyone; I understand that. I also
7 in earlier testimony, even in spite of yielding to
8 request from a troop commander who had much
9 different life experience than myself should have
10 been dealt in a different manner. The man should
11 have been terminated. I did speak with the captain.
12 He did ask me to salvage this individual. He did
13 tell me that he knew him, had worked with him. The
14 decision that was -- the final decision -- and as a
15 colonel of the highway patrol you do not have the
16 authority to terminate anyone; it has to be by the
17 dep-- by the director. The recommendation should
18 have been termination.

19 Q Do you remember saying, "I'm not bitter
20 with anyone, I'm not angry with anyone, I support
21 the governor, I support Jim Swyster?"

22 A Absolutely.

23 Q Is it reasonable, sir, to think that if
24 someone had seen these articles could believe that
25 you do not have their best interest in mind if they

1 were African-American?

2 A Well, since being here, several
3 African-American troopers that -- or at least two
4 for one, actually three, came to work with me at the
5 police department, James Sinkler being one. I've
6 worked with Sergeant Major Sinkler many years.
7 James Porter was another trooper that I actually
8 worked with as a young trooper throughout his career
9 and my career. We had another trooper from Columbia
10 that came here. I dare say I believe that if there
11 was a belief system within that agency that I felt
12 in such a way towards African-Americans or any other
13 group of ethnicity that he wouldn't be here today.
14 I have demonstrated time and time again that we're
15 going to be fair, we're going to be impartial. I
16 cannot control the belief systems of others. I'm
17 not in any way shying away from what occurred. I
18 will tell you again that I was in charge. That's my
19 responsibility; that's on me. That's why I'm not
20 bitter. And as I said earlier, it's a -- it was a
21 decision that could have been made in a different
22 way; it wasn't. What I -- what I bring forward with
23 that is how we interact now and we -- when we have a
24 situation, we discuss it with the commanders and
25 myself that we make sure we do the fair and proper

1 thing. As I said earlier, we've had two situations
2 since I've been -- I've been here, where persons
3 behaved in such a manner that was outside of policy
4 in how we interact with the public, and they were
5 promptly terminated.

6 Q So when your officer said, "You better
7 run, nigger, because I'm fixing to kill you," and
8 your statement, "He relayed to me that this officer
9 was a solid employee, this was certainly out of
10 character for this trooper says Corporal Moore, this
11 was a result of him being excited, which does not
12 excuse that word in any way." Do you remember
13 saying that?

14 A That is what the captain told me about the
15 person. I didn't know him.

16 Q So you don't remember saying that this was
17 a result of him being excited, which is not ---

18 A How, how the article was written by the
19 author, I can't control that. The word relative to
20 he was a solid trooper, he was excited, those are
21 not my words; those are the words of the captain.

22 Q So it's your contention they were
23 misattributed---

24 A No, I think he says -- I think in the --
25 if you'll give me that document back ---

1 Q Sure.

2 A ---let me look at it again.

3 Q It's quotation marks around it.

4 A I got you, no problem. It says he said he
5 thought troopers captain happens to be
6 African-American, he relayed to me -- which means
7 I'm saying what Captain Jones relayed to me in the
8 quote -- that the officer was solid employee in his
9 view. I was merely relaying what I had been told by
10 the captain as I've testified throughout this
11 process.

12 Q And the next line down, sir, where it says
13 he was excited and that's why he did this. Is that
14 your ---

15 A Again, those are the words that I received
16 from the captain.

17 Q Thank you. So just to repeat those words,
18 that's what you're saying, sir?

19 A I expressed what the conversation that I
20 had with the captain and what he had relayed to me
21 with relations to the individual.

22 Q So a police officer can say you better
23 run, nigger, because I'm fixing to kill you, is okay
24 and doesn't merit criminal charges?

25 A It's not okay and it very well could.

1 Q Did it merit any criminal charges?

2 A Not to my knowledge.

3 Q Do you remember the governor saying that
4 failing to fire him was an absolutely intolerable
5 behavior?

6 A I do not.

7 Q Did your officers arrest Ms. Martin for
8 failure to stop on June the 2nd?

9 A Say again.

10 Q Did your officers arrest Ms. Martin for
11 failure to stop ---

12 A The night she was arrested, I do not know
13 all the charges. She was arrested, I know, for a
14 curfew violation. I'm not familiar with the rest of
15 the charges.

16 Q Are you familiar with the fact that she
17 bailed out on the 3rd?

18 MS. MCELVEEN: Objection, Your Honor. If
19 we may approach.

20 THE COURT: Yes.

21 (WHEREUPON, counsel approached the
22 bench for an off-the-record discussion.)

23 BY MS. ROSADO:

24 Q Thank you, Chief.

25 A Yes, ma'am.

1 THE COURT: Any redirect, Ms. McElveen?

2 **FURTHER DIRECT EXAMINATION**

3 BY MS. MCELVEEN:

4 Q Chief Roark, you lead the police
5 department on empathy forward, right?

6 A Yes, ma'am.

7 Q Do you make sure to emphasize inclusivity?

8 A I do.

9 Q Do you tolerate injustice?

10 A Do not.

11 Q Do you support everyone no matter the
12 color of their skin, their ethnicity, their
13 religion? You support everyone?

14 A I do. In fact, I think that I -- if you
15 go look at our agency for the last twelve years,
16 we've demonstrated that in our actions.

17 Q Do you protect and serve everyone in our
18 community?

19 A Everybody counts or no one counts.

20 Q Thank you. No other questions.

21 THE COURT: Anything else, Ms. Rosado?

22 MS. ROSADO: Thank you.

23 **FURTHER CROSS-EXAMINATION**

24 BY MS. ROSADO:

25 Q Chief, do you think that your forced

SW - R. ROARK - FURTHER CROSS

1 retirement helped you learn how to deal with diverse
2 communities?

3 A I don't, but ---

4 MS. MCELVEEN: Objection. Did she say
5 forced retirement? I'm sorry, Your Honor, that was
6 not testified to at all. In fact, he said quite the
7 opposite; it was his choice.

8 THE COURT: She's asked the question. He
9 can answer it, I'm sure. He'll answer the question
10 the way he sees fit.

11 THE WITNESS: Would you ask the question
12 again.

13 BY MS. ROSADO:

14 Q Yes, sir. Do you feel as if your forced
15 retirement taught you any lessons that you've
16 brought here to Sumter, made you ---

17 A Okay. As I testified ---

18 Q --- a better ---

19 A I'm sorry.

20 Q It made you a better commander now?

21 A As I testified earlier, I was not forced
22 to retire. On February the 28th when I was notified
23 by the director that he was not being reappointed, I
24 called the governor's office that was evening and
25 offered my retirement. I've worked in a lot of

1 diverse communities. I've lived in this county with
2 the exception of a few years that I've lived in
3 Columbia for the last 40 years. I've worked all
4 sides of this community. I certainly -- the
5 takeaway from this horrible incident is much what I
6 relayed when I talked with the city -- the city
7 manager about my coming here. I take what I do very
8 seriously. I take the wellbeing of everybody very
9 seriously. I will take input from my troop -- from
10 my captains, but I'm going to make the decision
11 about disciplinary actions based on the severity
12 because I'm gonna bear the brunt of the
13 responsibility; I learned that, okay. I'm not gonna
14 substitute how others feel for the way I believe how
15 something should be done, and that's very difficult
16 sometimes.

17 When you're with the State Highway Patrol,
18 you may be so far removed that the people you're
19 dealing with you've never even met. The difference
20 here, we're an agency of about 120 people. You're
21 invested with them. People make mistakes; people do
22 things wrong. But there's a bridge too far in using
23 words such as that. There's a bridge too far in
24 treating people unfairly. So, yeah, I've learned
25 something from it. What I've learned from it is

SW - R. ROARK - FURTHER CROSS

1 I -- I'm gonna be held responsible and I knew that,
2 so I'm going to make the decision. And that is one
3 of the conversations that I had with the city
4 manager in leadership is I'm -- if I can't make the
5 decisions for which I am gonna be responsible for,
6 then perhaps they need to find someone else and that
7 is the very unfortunate part of being in charge of a
8 large agency, or for that matter, any agency.

9 Q And ultimately, sir, then you said you
10 were responsible so you were ultimately responsible
11 for not ever having that officer charged even though
12 he said he was going to kill that man?

13 A The criminal portion would be held by
14 another agency. I -- it would be inappropriate for
15 me to charge anyone criminally that I'm responsible
16 for, okay. My -- my responsibility was I allow-- I
17 allowed the influence of the captain to make the
18 decision that I knew at the time we do it was not
19 the appropriate decision; however, I was giving him,
20 him being the captain, the support and benefit of
21 the doubt. Having to do that over again, it would
22 never happen.

23 Q Thank you, sir.

24 MS. MCELVEEN: Thank you, sir.

25 THE WITNESS: Thank you.

1 MS. MCELVEEN: Your Honor, at this time
2 the State would rest.

3 THE COURT: All right. Thank you, Ms.
4 McElveen.

5 Ladies and gentlemen of the jury, the
6 State has rested its case, and therefore, the law
7 requires me to deal with some matters of law so I'm
8 gonna send you to your jury room at this time and
9 you, again, not to begin your deliberations. Do not
10 seek to talk about this case or do any research by
11 any means whatsoever while you are in the jury room.
12 We'll bring you back out as soon as we can. Thank
13 you very much.

14 (WHEREUPON, the jury was removed from
15 the courtroom at 4:14 p.m.)

16 THE COURT: All right. Since we have
17 reached the stage where the State has rested, do we
18 have any motions?

19 MS. ROSADO: May I approach? Can we
20 approach?

21 THE COURT: Hold on one second.

22 (WHEREUPON, counsel approached the
23 bench for an off-the-record discussion.)

24 THE COURT: All right, Ms. Rosado, if you
25 would put your grounds for -- or your motions for

1 directed verdict on the record please.

2 MS. ROSADO: Yes, sir. The State has
3 failed to demonstrate that Ms. Martin knowingly and
4 willfully conveyed a threat to take the life or
5 inflict bodily harm upon any public official. She
6 has -- the State has provided information concerning
7 people's feelings, people's perceptions, but they
8 have not provided any direct threats that she
9 knowingly and willfully provided or made at any time
10 and so we would ask the Court to dismiss those
11 charges. Additionally, in the area of a riot or
12 instigating a riot, Ms. Martin has not -- there was
13 no violent and unauthorized activity that created a
14 likelihood of public terror and alarm. Nothing
15 we've seen on the videotapes rose to that level. It
16 may have been a march, it may have been a protest,
17 but there was no public terror and alarm that anyone
18 has spoken of. And for those reasons, we'd ask that
19 those charges all be dismissed.

20 THE COURT: Thank you, Ms. Rosado.

21 Ms. McElveen, I'll be happy to hear from
22 you.

23 MS. MCELVEEN: Yes, Your Honor. Beg the
24 Court's indulgence. For the instigating or
25 participating in a riot, Your Honor -- well, let me

1 start first with the knowing and willful indication
2 to take life and threaten bodily harm of a public
3 official. Your Honor, the record is full of quotes
4 that Ms. Martin provided. May 31st, "We ready. You
5 hear me like I am. You bleed like I do. You cut my
6 arm, I cut your arm. You black my eye, I black my
7 eye -- your eye. You kill me, I kill you, and
8 that's real." Again, on May 31st, "If we get met
9 with any excessive force, we're gonna use our Second
10 Amendment. I'm telling you that y'all be about.
11 I'm telling you right now that everybody's ready.
12 Let them fall. If anyone gets touched, everybody
13 knows what's up." May 31st, "Now they worry about a
14 riot? They ready, we are ready. Don't worry about
15 that, y'all. Y'all come on and get ready." Another
16 statement, June 1st, "She want trouble, we're gonna
17 bring it. I'm telling you, you want to fuck with
18 me, I'm the wrong one to F with." June 2nd in front
19 of a SLED officer, "It's attack time, N word, it's
20 attack time, N word." June 2nd, "We built this
21 mother 'm down. We built this MF'er for free.
22 We -- that's why we gonna burn it down." June 3rd,
23 "We are a threat now, but we've been a threat. You
24 can't tell us how to F'ing protest and where the F
25 to protest. We around this bitch. We aren't

1 leaving this bitch. Y'all want more, y'all got it.
2 Go call all our hitters now. You tell them to get
3 ready. Everybody strapped, everybody. Y'all better
4 be ready. Them vests ain't gon' save you. Some us
5 gon' be hurt and some of y'all gon' be hurt. We
6 ready to die for this. We tired of it. You better
7 be ready to die for the blue. I'm ready to die for
8 the Black. I'm dying for the Black. You better be
9 ready to die for the blue. Chief, it's your call.
10 We got our people. You got your people."

11 Your Honor, those statements alone are
12 indication of knowing and willful indication to take
13 a public official's life and to threaten bodily
14 harm. As to the riot, she is charged with
15 instigating a riot, inciting a riot. And, Your
16 Honor, an actual riot does not have to occur. You
17 can still take steps to instigate or incite even
18 without the riot ensuing. Evidence of the fact that
19 she had incited or instigated enough, the fact that
20 barricades had to be put up, curfews are put in
21 place, and third party businesses were calling for
22 assistance from the police department because they
23 were in fear of their safety while executing their
24 duties as a clerk in the store.

25 THE COURT: All right. Thank you, Ms.

1 McElveen.

2 Ms. Rosado, any -- any response to any of
3 the issues that were raised by Ms. McElveen?

4 MS. ROSADO: Your Honor, making statements
5 and spoken does not amount to a threat. Asking
6 questions about whether or not someone is ready does
7 not amount to a threat. It's making statements
8 about, I'm ready, if you're gonna hurt me I'm gonna
9 fight back, does not threaten the police. They've
10 been trained. They're ready. They are not afraid
11 of Ms. Martin. They simply were aggravated by
12 Ms. Martin. Being aggravated by Ms. Martin is
13 different from being frightened by Ms. Martin.
14 Being aggravated by Ms. Martin is different from
15 being threatened by Ms. Martin.

16 As far as the riot goes, someone else
17 shoplifting and a person calling because someone's
18 shoplifting has nothing to do with Ms. Martin at
19 all. And the fact that they set up barricades that
20 were never breached, they -- or even attempted to be
21 breached, that they set up eventually a facade to
22 prevent marchers from getting close, the marchers
23 never overran the door. This was not a January 6th
24 event, Your Honor. This was a standing around,
25 talking trash event, and talking trash is not

1 against the law, Your Honor. And making people
2 irritated should not be against the law. This is a
3 First Amendment exercise, albeit, a very aggravating
4 one, a very rude one, but simply a First Amendment
5 exercise. No different from people standing up and
6 telling things, saying black power, someone taking a
7 knee in the middle of an NFL game. This is free
8 speech, Your Honor, not a threat. She did not
9 directly say I am going to kill you officer. She
10 said, you better be ready, everybody better get
11 ready. Those are statements. She asked questions
12 and made statements about readiness and said, you
13 hurt me, I'll hurt you. It's our right in this
14 state, in our country, to defend ourselves.

15 People of color live in a constant reality
16 where the police pull us over, we have to be
17 concerned about something going wrong. If I call
18 the police, I have to be concerned that they may
19 think I'm the perpetrator. That is the reality we
20 live in. If anyone is afraid, it's the people of
21 color in America. So Ms. Martin didn't make
22 threats; she simply made statements that were
23 politically oriented. She did not cause a riot.
24 She did not attempt to cause a riot. She held a
25 march. She led a march. She talked about the

1 problems and asked for resolutions.

2 THE COURT: All right. Directed verdict
3 motions under South Carolina Rules of Criminal
4 Procedure are governed by Rule 19. And in ruling on
5 motion the trial judge shall consider only the
6 existence or nonexistence of evidence and not its
7 weight. Taking the threatening the life or bodily
8 harm to public official charges first, it's clear
9 there's case law that is right on point that police
10 officers are public officials, not public employees;
11 and as I stated before, this Court is concerned with
12 the existence of evidence, not its weight. These
13 are factual issues for the jury to determine whether
14 some of y'all are going to be hurt is a threat of
15 bodily harm, whether the vest ain't gonna save you
16 is a threat of bodily harm or death, you better be
17 ready to die for the blue. It's a fact-- factual
18 consideration to be determined by the jury. There
19 are no matters of law in that situation. Whether
20 these were threats or whether they were free speech,
21 the jury will make that determination.

22 MS. MCELVEEN: Thank you, Your Honor.

23 THE COURT: And with regard to the riot,
24 the elements of that offense or instigating a riot,
25 that Ms. Martin knowingly and willfully did

1 instigate and promote the commission of a riot while
2 present in front of the Sumter Police Department
3 between May 31st and June 3rd of 2020, the intent
4 portion of that charge, the knowing and willfully,
5 that is always a question of fact for the jury. In
6 fact, the criminal intent portion of the jury charge
7 basically gives those determinations to the jury.
8 And further, the case of State versus Albert is a
9 1971 case. It defines riot in the state of South
10 Carolina -- if there's a recent case, I haven't been
11 able to find it. I'm certainly willing to consider
12 any more updated definition of riot. But that case
13 defined riot as a tumultuous disturbance of the
14 peace by three or more persons assembled together of
15 their own authority, with the intent mutually to
16 assist each other against anyone who shall oppose
17 them, and putting their design and execution in a
18 terrific and violent manner, whether the object was
19 lawful or not. Again, I think these charges are
20 based upon the facts of what happened. The jury is
21 the fact finder. There's no question that based on
22 my view of the videos that three or more persons
23 were assembled together in their own authority.
24 Their intent to mutually assist each other and
25 anyone and against anyone who shall oppose them is a

1 question of fact. And whether they put their design
2 in execution in a terrific and violent manner are,
3 likewise, factual determinations for the jury. I
4 would be exceeding my authority as the trial judge
5 to make these determinations because they are, in my
6 view, factual issues that only the jury can decide.

7 For those reasons, Ms. Rosado, I
8 respectfully deny your motions for directed verdict.
9 I think these matters are factual determinations,
10 and I can only consider the existence of evidence
11 and not its weight.

12 MS. MCELVEEN: Thank you, Your Honor.

13 THE COURT: Ms. Rosado, it is almost 4:30
14 and we still need to cover the issue of whether your
15 client, Ms. Martin, is going to testify or not.
16 Have you had an opportunity to discuss those issues
17 with her?

18 MS. ROSADO: Yes, Your Honor. Ms. Martin
19 will be testifying and we -- given the hour,
20 unfortunately, I think tomorrow will be a better
21 time.

22 THE COURT: Well, I still need to go over
23 her rights with her so I'm -- I'm gonna do that.
24 I'm gonna bring the jury in and excuse them for the
25 day, tell them they will hear the Defense's case

1 starting in the morning.

2 Ms. McElveen, if there are any issues with
3 regard to Rule 609 with -- and I don't know whether
4 any of the witnesses on either witness lists have
5 any issues with regard to Rule 609; but if there
6 are, we need to be prepared to deal with that first
7 thing. I'm just planting that seed.

8 MS. MCELVEEN: Yes, sir, Your Honor.
9 We've asked the dates of birth for all witnesses on
10 defense counsel's witness list, and we are awaiting
11 that information so we'll be prepared to answer Your
12 Honor's inquiry tomorrow.

13 THE COURT: All right. Ms. Martin, could
14 you stand up for me please, ma'am. Will you raise
15 -- will you raise your right hand for me. You
16 swear or affirm the testimony you give this Court
17 today will be the truth, whole truth, nothing but
18 the truth, so help you God?

19 THE DEFENDANT: Yes, sir.
20 WHEREUPON,

21 **BRITTANY MARTIN,**
22 having been duly sworn by the Court, testified as
23 follows:

24 THE COURT: All right, thank you, ma'am.
25 Put your hand down. Remain standing for me please.

1 THE DEFENDANT: Oh, I'm sorry.

2 THE COURT: That's okay. Ms. Martin, you
3 heard your lawyer say that you are going to take --
4 take the stand in your own defense; is that correct?

5 THE DEFENDANT: Yes, I am.

6 THE COURT: You understand that you have
7 the right to remain silent and nobody can make you
8 get up on the stand and testify in this case.

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And you understand that if you
11 were to choose -- even though you said you're gonna
12 testify, even if you overnight decide you know what,
13 I don't want to testify, that is your right,
14 correct?

15 THE DEFENDANT: Yes.

16 THE COURT: And you understand that if you
17 were to change your mind, the jury could not hold
18 your failure to testify against you?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: And, in fact, I would instruct
21 the jury that they -- that the law does not allow
22 them to hold -- hold it against a defendant for not
23 testifying. You understand all that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: You understand that this is

1 your decision and your decision alone, but that this
2 decision should be made with consultation with the
3 advice of your counsel?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: And you understand that -- and
6 I don't know what kind -- if you have any record or
7 no record, I don't know anything about you, ma'am,
8 other than what you've been charged with in this
9 case. You understand that if you testify, you may
10 be questioned about any prior record assuming that
11 prior record falls within certain parameters under
12 the law?

13 THE DEFENDANT: Yes, sir, I understand
14 that.

15 THE COURT: Okay. All right. And has
16 anybody forced you to make this decision?

17 THE DEFENDANT: No.

18 THE COURT: And you're doing this freely
19 and voluntarily?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: You satisfied with the advice
22 that Ms. Rosado has given you with regard to your
23 right to choose whether to exercise your Fifth
24 Amendment right to remain silent?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: All right. Thank you, ma'am.
2 I find she's made a knowing and voluntary waiver and
3 she has chosen to testify so that issue has been
4 resolved. Anything else before I bring the jury in
5 to excuse them for the balance of the day?

6 MS. MCELVEEN: Nothing, Your Honor, from
7 the State.

8 THE COURT: All right. And, Ms. Rosado,
9 you have no -- no issue with me telling the jury
10 that they will hear from the Defense in the morning?

11 MS. ROSADO: No, sir.

12 THE COURT: Okay. So there's no chance
13 that -- even if Ms. Martin changes her mind, you
14 still intend to put up other witnesses?

15 MS. ROSADO: Yes, sir.

16 THE COURT: Okay. I just wanted to make
17 sure. I didn't want to misstate anything.

18 MS. ROSADO: No. Yes, sir.

19 THE COURT: Okay, good enough. Bring us
20 the jury, Mr. Tomlin.

21 (WHEREUPON, the jury was returned to the
22 courtroom at approximately 4:31 p.m., and the
23 following proceedings commenced in open court.)

24 THE COURT: Ladies and gentlemen of the
25 jury, thank you for your patience as we dealt with

1 the matters of law outside your presence. Given the
2 hour, after consulting with the attorneys, made the
3 decision we're gonna adjourn for the day. Tomorrow
4 morning when we reconvene, the Defense will present
5 their side of this case. So I'm gonna send you home
6 for the evening. I'm gonna make the same
7 instruction that you can probably recite. You
8 haven't heard all the evidence in this case. Please
9 do not begin deliberations amongst yourselves.
10 Please do not discuss this case with friends,
11 family, children, significant other. Don't seek to
12 do any research by any means whatsoever about any
13 fact or issue raised in this case, and we will have
14 you back tomorrow morning. We're gonna start at
15 9 a.m. and if you could be here a few minutes ahead
16 of 9 so hopefully we can start promptly at 9. I
17 appreciate the attention you've paid today and I
18 hope you have a good evening. Thank you very much.

19 (WHEREUPON, the jury was removed from
20 the courtroom at 4:34 p.m.)

21 THE COURT: All right, folks, y'all can be
22 seated. We're about to adjourn. In an effort to
23 avoid what occurred at the lunch break with in terms
24 of having to wait for the jurors to take the
25 elevator, I want everybody to remain in the

1 courtroom for a few moments. There were no issues;
2 but I don't want anybody riding the elevator, riding
3 the elevators with the jurors. That just creates
4 the likelihood that there may be some discussions so
5 I'm gonna ask that everyone remain in the courtroom
6 for a few moments, give the jurors time to get on
7 the elevators, and then we will excuse -- I'll
8 excuse everyone in the manner that we used earlier
9 today and allow the defense side to leave first and
10 the prosecution side to leave after that. So if
11 someone could watch the elevator for me and make
12 sure that the -- all the jurors have gotten on the
13 elevator, then we can excuse everyone else. All
14 right.

15 THE BAILIFF: Yes, sir.

16 THE COURT: Just let me know when they
17 are -- have all gotten on the elevator.

18 (Pause.)

19 MS. ROSADO: Your Honor, I'm sorry to ask
20 a question of prosecution. There's a Order of
21 Protection against Ms. Martin because -- for the
22 police so she can't go to the police station, but
23 she has a case that she needs to address and she
24 wants to make sure she's not going to violate by
25 trying to get her car accident issue taken care of.

1 THE DEFENDANT: And they didn't write the
2 report right.

3 MS. ROSADO: So she needs to talk to the
4 police, but she can't.

5 THE COURT: Understood.

6 MS. MCELVEEN: And, Your Honor, I think
7 Chief Roark indicated that the middle of the trial
8 wasn't a time to address that, that after the trial
9 he was happy to address it if she needed.

10 THE DEFENDANT: I wanted to make sure I
11 wasn't violating.

12 THE COURT: Okay, so, Tyrone Moore was the
13 driver of this vehicle and the owner is Brittany
14 Valencia Boyd. Ms. Martin, is that you?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Okay.

17 THE DEFENDANT: The report isn't written
18 up right, Your Honor, so I have to leave with
19 whoever to get it addressed. Officer Boyd who was
20 in charge of the report so I don't understand why he
21 did write the report that way.

22 THE COURT: When is -- what are the
23 timeframes covered on the Order, covered on the
24 Order of Protection, Ms. Rosado? Do you know?

25 MS. MCELVEEN: Your Honor, it's a part of

1 her bond. She's not be allowed to go back to the
2 police department on this charge.

3 THE DEFENDANT: Well, Your Honor, Officer
4 Boyd is ---

5 THE COURT: Ms. Martin, let Ms. Rosado
6 speak for you.

7 (Ms. Rosado confers with defendant.)

8 MS. ROSADO: She was told that she could
9 come in and pick up the report and leave the
10 property and so she did that, but there's some
11 inconsistencies that she doesn't want to submit to
12 the insurance company and have it fall against her,
13 and that's why she's trying to find out about
14 getting it fixed before she turned it over.

15 CHIEF ROARK: Your Honor, if I may.

16 THE COURT: Yes, sir.

17 CHIEF ROARK: We're happy to take a look
18 at it. I can actually take a look at it. If
19 there's some change to be made, we may can do that
20 that and look at the body camera. If there's still
21 some concerns about it, we'll -- after the trial
22 we'll help you in any way we can based on the facts
23 of it.

24 THE COURT: Yeah, I think it's probably --
25 probably a good idea to focus on the matters at hand

1 while they're hand-- Ms. Martin, you heard it
2 straight from the chief. His department will assist
3 you for this matter; but it's probably a better
4 course of action to do that after, after this trial
5 is over. So I certainly don't think that as long as
6 you're there for legitimate business unrelated to --
7 to this case, that anybody would see that as a
8 violation. We've covered it on the record. The
9 chief has offered to assist you in any way they can,
10 so I don't think that's gonna be an issue.

11 THE DEFENDANT: Thank you, Your Honor.

12 THE COURT: All right. I've been informed
13 by nods from the bailiffs that -- that the jurors
14 have all exited the building so, Ms. Rosado, I'm
15 gonna hand you this incident report and anybody with
16 the defense can leave now.

17 Ms. Martin ---

18 THE DEFENDANT: Yes, sir.

19 THE COURT: I'm gonna give you the same
20 advice I gave you, or the same instructions I gave
21 you yesterday evening. I'm not gonna call your bond
22 at this time. I gonna advise you that failure to
23 return will not delay the trial that will proceed
24 tomorrow regardless. And I'm certain you'll be
25 here, but I just want to cover on the record that

1 the case will go forward if you choose not to attend
2 tomorrow. So, folks affiliated with the defense,
3 you're free to leave the courtroom now.

4 If y'all would give the folks with the
5 defense time to get to the elevators and the State
6 can leave after they have gone.

7 (WHEREUPON, the proceedings were concluded
8 for the day at 4:42 p.m. and reconvened on May 13,
9 2022.)

10 THE COURT: Good morning, everyone.
11 Before we get started -- and this is in no way any
12 effort on my part to rush anybody or do anything to
13 try and speed up this case but, Ms. Rosado, it looks
14 to me like if you call even a portion of the
15 witnesses you've listed, we are likely to not finish
16 this case today. Is that a correct assessment? And
17 I'm not gonna hold you to it; but what I'm getting
18 at is, if this case is gonna extend into Monday,
19 I've got lots of things I've got to do to procure an
20 order extending my jurisdiction and things of that
21 nature so I'm trying to plan ahead and I thought
22 this would be a good opportunity for us to at least
23 begin discussion about that because as -- as Friday
24 progresses, you know, I'm gonna have to rely on
25 people in Columbia court administration to make some

1 things happen and I just wanna -- if I'm gonna have
2 to do that, I want to do it earlier rather than
3 later so. And, again, I'm not gonna -- I'm not
4 trying to squeeze you or rush you in any way, but I
5 just want to get a sense of where we're going and
6 how many witnesses the Defense anticipates calling.

7 MS. ROSADO: Thank you, Your Honor.

8 We want -- in the interest of justice we would hope
9 that we would finish today, but at this point we are
10 unsure. We don't know how the testimony will play
11 out.

12 THE COURT: Okay. All right. Well, I
13 appreciate that and, I mean, you know, sometimes
14 cases take turns that you don't anticipate and
15 either go a lot faster or a lot slower so we'll --
16 we'll just have to monitor, monitor the situation
17 and see where we are as we get further along today.
18 Is there anything else that needs to be addressed
19 before we bring in the jury?

20 MS. MCELVEEN: Nothing from the State,
21 Your Honor.

22 THE COURT: All right. Bring us the jury
23 please.

24 (WHEREUPON, the jury was returned to the
25 courtroom at approximately 10:24 a.m., and the

1 following proceedings commenced in open court.)

2 THE COURT: Ladies and gentlemen, as you
3 were informed by the bailiff, we had some rather
4 severe technical issues with the audio/visual system
5 in the courtroom this morning. I appreciate your
6 patience as we got those issues sorted out. I
7 believe that we are ready to proceed, and those
8 issues are -- have been taken care of so I would
9 recognize Ms. Rosado to call the Defense's first
10 witness.

11 MS. ROSADO: Thank you, Your Honor. The
12 Defense would like to call Chief Russell Roark back
13 to the stand.

14 MS. MCELVEEN: Your Honor, she had the
15 opportunity to direct and cross.

16 THE COURT: Y'all come up here.

17 (WHEREUPON, counsel approached the
18 bench for an off-the-record discussion.)

19 THE COURT: Ladies and gentlemen of the
20 jury, in my opening remarks to you when this case
21 got started, I believe I told you there would be
22 times I would have to send you out of the courtroom
23 to take up matters of law with the attorneys in
24 order to make rulings on the law. Unfortunately,
25 even though you've only been in those seats for a

1 few moments, I'm gonna have to send you back to your
2 jury room to take up a matter of law with these
3 attorneys, ask that you don't begin your
4 deliberations, don't do any research about any
5 matter which has been raised in this case. Don't
6 discuss the case amongst yourselves at this point.
7 We'll get you back out as soon as we possibly can.

8 (WHEREUPON, the jury was removed from
9 the courtroom at 10:30 a.m.)

10 THE COURT: Just for the record, we had a
11 bench a few moments ago where the attorneys and I
12 discussed the issue of the Defense's request to
13 re-call Chief Russell Roark who was examined
14 yesterday with a full direct, full cross, and I
15 believe at least a recross and a redirect and a
16 recross. Rule 611(d) of the South Carolina Rules of
17 Evidence governs reexamination and re-call and
18 states a witness may be reexamined as to the same
19 matters to which he testified only in the discretion
20 of the court; but without exception, he may be
21 reexamined as to any new matter brought out during
22 cross-examination. After the examination of the
23 witnesses has been concluded by all parties to the
24 action, that witness may be re-called only in the
25 discretion of the court. This rule shall not limit

1 the right of any party to re-call a witness in
2 rebuttal.

3 I asked Ms. Rosado what question she had
4 for Chief Roark that could have been asked
5 yesterday. She responded with some questions
6 concerning Sumter Police Department policy and
7 reiterated that she was having technical issues with
8 her evidence that she could not use yesterday, so I
9 think the only course of action that the Court can
10 take is to have this reexamination of Chief Roark
11 proffered because I, I don't know what her questions
12 are, I don't know what his answers will be, and I
13 don't know if any of this is or is not admissible.
14 So in abundance of caution, we are gonna do this
15 outside the presence of the jury so, Chief, if you
16 would please come forward.

17 THE WITNESS: Take the stand?

18 THE COURT: Yes, sir. And, Chief, you are
19 still under oath.

20 THE WITNESS: Yes, sir.

21 **PROFFER EXAMINATION**

22 BY MS. ROSADO:

23 Q It's very slow; it's a very old computer.
24 This is the body cam that I was provided with and so
25 this is State's exhibit -- actually, it's not in

1 their first exhibit or their second one, but it's
2 No. 1831.

3 MS. MCELVEEN: Your Honor, would Defense
4 be entering this evidence?

5 THE COURT: Well...

6 THE COURT REPORTER: It's my understanding
7 it's on the disk.

8 THE COURT: Okay. It's on the disk marked
9 as what?

10 THE COURT REPORTER: State's 1.

11 MS. ROSADO: State's 1?

12 MS. MCELVEEN: 1.

13 THE COURT REPORTER: I'm assuming that's
14 what you have; isn't it?

15 MS. ROSADO: Is that all part of that same
16 disk?

17 MS. MCELVEEN: Yeah, probably.

18 MS. ROSADO: Okay. So then it's ---

19 THE COURT REPORTER: Okay.

20 MS. ROSADO: It's already marked and
21 entered, okay. So it's 1826-2.

22 MS. MCELVEEN: So it's not 1831, it's
23 1826.

24 MS. ROSADO: No, 1826-2.

25 (Publishing of video.)

1 MS. ROSADO: And I'm going to fast forward
2 it so we don't watch the entire thing, to 2.04.

3 BY MS. ROSADO:

4 Q Chief Roark, what's at 1067?

5 A Looks like code, 10 code for an arrest.
6 (Publishing of video.)

7 BY MS. ROSADO:

8 Q Chief Roark, is this a riot?

9 A It certainly is reached the level where
10 they're not responding to the directions of the
11 officers and some in a violent way where they're
12 chest bumping the officers as they're asking them to
13 leave the right way.

14 Q Thank you, sir.

15 (Publishing of video.)

16 BY MS. ROSADO:

17 Q Chief Roark, what type of gun is that?

18 A It looked like a teargas weapon.

19 Q Thank you.

20 A Say again?

21 Q I said thank you, sir.

22 (Publishing of video.)

23 BY MS. ROSADO:

24 Q Sir, in the use of force escalation that
25 you have in your department, is it your policy to

1 put on teargas outfits and use teargas against
2 people who are yelling in the street?

3 A That is not part of the use of force
4 continuum if you're talking about use of force
5 continuum. This is a secondary layer of techniques
6 used in order to disburse crowds. If you listen to
7 the video, the officer that's on the scene, he's
8 calling for alpha 1, 2, or 3, which would be myself,
9 the deputy chief, or Captain Evans. Once we were
10 notified that they were going back to their
11 vehicles, they felt threatened, that they were going
12 to prepare in the event they need to use the
13 weapons. Captain -- excuse me, Colonel Jackson went
14 out and intercede -- intervened, and then further
15 conversation with the crowd to deescalate the
16 situations without introducing the gas munitions.

17 (Publishing of video.)

18 BY MS. ROSADO:

19 Q Thank you, sir.

20 A Yes, ma'am.

21 THE COURT: Any questions, Ms. McElveen?

22 MS. MCELVEEN: No questions for Chief
23 Roark, Your Honor.

24 THE COURT: All right.

25 MS. MCELVEEN: I mean, if I -- I would

1 recross. I would ---

2 THE COURT: Absolutely, in terms of ---

3 MS. MCELVEEN: But I'm not ---

4 THE COURT: In terms of the threshold
5 issue.

6 MS. MCELVEEN: No, no, sir.

7 THE COURT: All right. First, this item
8 is in evidence. I'm having a hard time
9 understanding why these questions couldn't have been
10 asked yesterday, Ms. Rosado.

11 MS. ROSADO: I wasn't given the disk with
12 the evidence on it until yesterday afternoon as I
13 departed.

14 MS. MCELVEEN: Your Honor, we had the disk
15 ready last week for Ms. -- Dr. Rosado, and the fact
16 that, I mean, I did not know it was -- there were
17 some technological issues with it. As soon as we
18 got her copies, this was not brought to my
19 attention. As soon as it was yesterday morning, we
20 had it to her yesterday at lunch time so I got them
21 to her as soon as I could. Rule 5 has been complied
22 with. We were -- stated there were items for
23 inspection, copy available upon request. I had no
24 idea that she had this technological issue until
25 yesterday when she told me, and I quickly corrected

1 the issue.

2 MS. ROSADO: The disk that IT burned was
3 blank and so what I was given had nothing on it, and
4 I went through several iterations attempting to
5 figure out if it was my failure. And then I figured
6 out it was not and we -- I brought the disk back to
7 the prosecution and they recognized that the disk I
8 had been given was blank, and so yesterday they
9 burned it to a pin drive which was not blank. It's
10 been two years since this event occurred, and the
11 very first Rule 5 motion that was made was responded
12 to with one video only.

13 THE DEFENDANT: Uh-huh.

14 MS. ROSADO: And this response that I got
15 yesterday had about 15 videos on it, which I then
16 had to go ---

17 THE COURT: What time were you provided
18 with the drive, Ms. Rosado?

19 MS. ROSADO: Maybe 12.

20 MS. MCELVEEN: I think it was 1:30.

21 MS. ROSADO: I stayed awake all night
22 watching the videos to find those things. And in
23 the interest of justice, Your Honor, I'm sure no one
24 here wants a trial by ambush. We want to see the
25 evidence and review it clearly.

1 THE COURT: Right. Well, I certainly
2 don't think that there was any intentional hiding
3 the ball.

4 MS. ROSADO: Not at all.

5 THE COURT: And this is a unusual
6 situation and a situation that, I think, as things
7 move towards digital production and things being
8 saved in a cloud and things of that nature,
9 unfortunately we see these, these types of issues a
10 lot where electronic transfer of discovery there may
11 be glitches. Given the fact, you know -- Ms.
12 Rosado, ordinarily I don't think I would allow this
13 testimony, but given the fact that you were given
14 the disk around an hour before we resumed the trial
15 yesterday afternoon and while I think most judges
16 would be hesitant to do this, under the totality of
17 the circumstances based on the rule given that it's,
18 I guess, agreed upon by all the parties that the
19 production in a viewable format was made during the
20 trial. And, Ms. Rosado, what you proffered, is --
21 that's the extent of the questioning you have for
22 Chief Roark?

23 MS. ROSADO: Yes, sir.

24 THE COURT: All right. Well, if you go --
25 if you go beyond that, I'm gonna call you both up

1 and discretely remind you that we on the proffer
2 that -- those portions of disk and the questions
3 that have already been asked Chief Roark so we're
4 not gonna, not gonna go any further than what's been
5 proffered. But based on everything that I've heard
6 and based on Rule 611(d), I will allow the Defense
7 to re-call Chief Roark for this limited purpose.

8 MS. MCELVEEN: Thank you, Your Honor.

9 THE COURT: All right. Are we ready for
10 the jury?

11 MS. ROSADO: Yes, Your Honor.

12 THE COURT: All right.

13 (WHEREUPON, the jury was returned to the
14 courtroom at approximately 10:44 a.m., and the
15 following proceedings commenced in open court.)

16 THE COURT: Ladies and gentlemen, thank
17 you for your patience. We are in a position to
18 resume the Defense's case.

19 Ms. Rosado, you may call your witness.

20 MS. ROSADO: Thank you, Your Honor. The
21 Defense would like to call Chief Roark.

22 MS. MCELVEEN: Your Honor, I believe we're
23 gonna start at the 2 minute and 4 second mark.

24 MS. ROSADO: 2:04, thank you.

25 MS. MCELVEEN: It's where Dr. Rosado

1 intentionally started.

2 (Publishing of video.)

3 **DIRECT EXAMINATION**

4 BY MS. ROSADO:

5 Q Chief Roark, what was the 1067 statement?

6 A 1067 is a code for an arrest.

7 Q Yes, sir.

8 (Publishing of video.)

9 BY MS. ROSADO:

10 Q Chief, the events that precipitated these
11 actions, was that considered a riot?

12 A I think the actions could come under
13 definition of a civil unrest whereby they're in the
14 roadway unlawfully. If you watch the video, you
15 even see one truck on the other side of the road
16 carrying horses. As we talked about where the
17 location was earlier, yesterday, that this is real
18 close to a major intersection. They asked them to
19 get out of the roadway. They refused to remove
20 themselves from the roadway, some way chest bumping
21 the officers. They go back to get a less than
22 lethal munition as you'll see in the video. So in
23 my view, to the definition of what a common riot
24 would be, perhaps not. Civil disobedience, civil
25 disobedience, absolutely.

DW - R. ROARK - DIRECT

1 Q Thank you, sir.

2 (Publishing of video.)

3 BY MS. ROSADO:

4 Q Can you explain to the jury what that
5 equipment is that we see.

6 A The equipment is civil unrest response
7 equipment. The device he has in his hand is a
8 launcher for a chemical munitions.

9 Q What are chemical munitions?

10 A Teargas.

11 Q Thank you, sir.

12 A Uh-huh.

13 (Publishing of video.)

14 BY MS. ROSADO:

15 Q Chief Roark, is it department policy to
16 utilize teargas against protestors?

17 A Well, there's a -- so let's talk about use
18 of force if that's what you're asking. There is a
19 use of force continuum within the police department
20 that starts with officer present, soft empty hand
21 techniques, and less lethal. A chemical munition is
22 a less lethal device used to disburse crowds. So it
23 is within the department's -- it is in the layer of
24 use of force within the agency.

25 Q The training that you said yesterday that

1 you all participated in, did it dictate that this
2 would be an appropriate use of course in that
3 situation?

4 A Which training are you speaking of?

5 Q The -- what was it called? Golden
6 Institute or the Verbal Judo Academy?

7 A So we didn't do Verbal Judo. We did
8 escalation training. And there's -- it's a
9 different comparison of deescalation. So this is a
10 form of deescalation using less lethal munitions if
11 officer presence doesn't resolve the issue and the
12 persons remain in the roadway. However, as you
13 listen to the video, the officers on the scene are
14 calling alpha 1, 2, or 3. My call number is alpha
15 1. The assistant chief's call number is alpha 2.
16 You can also hear on the video where he told them to
17 stand by and was going to meet with them to assess
18 the situation prior to authorizing the use of any
19 munitions in attempt to deescalate, which he did,
20 and the munitions weren't used.

21 Q Thank you, sir. No other questions, sir.

22 THE COURT: Ms. McElveen.

23 **CROSS-EXAMINATION**

24 BY MS. MCELVEEN:

25 Q Sir, Chief, I don't want to have to

1 cross-examine Chief, but did you use chemical
2 munitions that day?

3 A We did not.

4 Q And they were just there for backup in
5 case it escalated, correct?

6 A You have to have a layer of method by
7 which to deal with issues. Less lethal is within
8 our use of force continuum for that purpose.

9 Q And they were not used that day?

10 A Were not.

11 Q Thank you. No further questions.

12 MS. ROSADO: Thank you. Your Honor, the
13 Defense would like to call Curtis Hickson -- Hilton.

14 THE COURT: All right. Mr. Hilton, please
15 come forward, sir.

16 THE CLERK: Place your left hand on the
17 Bible, raise your right hand.

18 THE WITNESS: Your Honor, it is against my
19 religion to place my hand on the Bible and swear.
20 I'm a Judeo Christian so I will not place my hand on
21 the Bible and swear. I don't believe that swearing
22 validates my truth; but I will state in open court I
23 will tell the truth, but I don't have to place my
24 hand on the Bible to make the Court or anyone
25 believe that I'm telling the truth.

DW - C. HILTON - DIRECT

1 THE COURT: Mr. Hilton, you affirm that
2 you will tell the truth, the whole truth, nothing
3 but the truth?

4 THE WITNESS: Yes, sir.

5 THE COURT: All right. Take the stand.
6 WHEREUPON,

7 CURTIS HILTON,
8 having been duly affirmed by the Court, testified
9 as follows:

10 **DIRECT EXAMINATION**

11 BY MS. ROSADO:

12 Q Good morning. I guess it's just good
13 morning. This is not time ---

14 A Good morning.

15 Q Are you a resident of Sumter?

16 A Yes, I am.

17 Q And how long have you been a resident?

18 A I've been a resident for Sumter over 20
19 years.

20 Q And is your family still here?

21 A Yes.

22 Q And your parents still live in this
23 community?

24 A My dad is here. My mom is currently
25 missing at the moment so, no, she's not here.

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1 Q And were you a participant in this protest
2 march?

3 A Yes. I was heavily involved in the
4 protest march.

5 Q How were you involved, sir?

6 A I was one of the main orchestrators. Most
7 of the marches that was -- that we were doing in
8 that time frame, I was the one that put the marches
9 together. I met Ms. -- Ms. Martin actively on the
10 battlefield or on the protest field so I was the
11 first resident from Sumter that was participating in
12 the actual march. I met Ms. Martin as her family
13 and from that day forward we just decided that, you
14 know, what we're trying to fight for is bigger than
15 this and we just decided to, you know, just speak
16 out on any way that we could as far as injustice,
17 yes, ma'am.

18 Q What prompted you to participate in this
19 kind of thing?

20 A Watching the video, you know, seeing --
21 seeing George Floyd, you know, the video, him
22 calling out for his mom in that video, me going
23 through my situation with, you know, my mom as well.
24 I was just compelled to do something. I was
25 actually on the way to Columbia to protest; but I

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1 just seen, you know, Ms. Martin along with her
2 family and I was just compelled to get out,
3 introduce myself and then we just started from
4 there.

5 Q How many protestors were out when you
6 arrived?

7 A When I arrived it was Ms. Martin, along
8 with her family, so I will roughly say six to seven
9 people.

10 Q And how many police officers were there?

11 A It was a -- it was a good presence of
12 police. You know, when I pulled up I was on a bike
13 so, you know, Ms. Martin and along with her family,
14 they were just, you know, protesting in the road,
15 they were in the median. To my understanding, to my
16 knowledge I didn't see any disturbance. We were
17 just in the median just holding up signs. The most
18 disturbance I seen from that day was just people,
19 you know, blowing the horn.

20 Q Did you see the police put on their
21 teargas gear?

22 A Yes.

23 Q Did it frighten you?

24 A Yes, yes. You know, as participating in
25 the protest, it's not my first run to see any police

1 put on those type of -- that type of gear, you know.
2 Of course, you know, you're frightened. You know,
3 we wasn't there to portray an actual narrative that
4 we were there to destroy anything and we were just,
5 you know, emotional, hurt, pain. It's a lot, you
6 know, to -- to go through what you're going through
7 and what we're doing is trying to express our pain
8 and frustration so.

9 Q Did you attempt to create a riot?

10 A Not at all. Now we attempted to express
11 our frustration of what's going on, but I don't
12 think that defines as an actual riot.

13 Q And what was so frustrating about seeing
14 George Floyd being murdered?

15 A Just the fact, you know, being a black man
16 in America just feeling helpless, to see someone, an
17 officer who is basically there to serve and protect.
18 You know, watching the video for 9 minutes and 46
19 seconds, you know, having that man call out for his
20 mom. You know, just feeling like helpless, feeling
21 helpless, feeling hopeless you know. So as a black
22 man in this country, you know, I felt some type of
23 way looking at that video, you know, 'cause that --
24 that could be me, you know. I've had, you know,
25 interactions with the police that didn't go too

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1 pleasant so when I seen that video it just took me
2 back to a time where I've been in a situation where
3 I didn't like so.

4 Q Did you hear Ms. Martin threaten the lives
5 of the police officers on any of these days that you
6 participated?

7 A No, ma'am, not at all. What I ---

8 Q I'm sorry, did you participate each day of
9 this?

10 A Yes. I was there every single day.

11 Q Did you see other people yelling and being
12 upset about this, other than Ms. Martin?

13 A Of course. You know, it's a protest.
14 Again, you know, when we're there, everyone is
15 hurting. You know, I really don't believe you can
16 define how you can hurt, how you can express your
17 anger so no blows were thrown. We were just
18 venting. You know, if anything, I just believe that
19 we were just act, you know, irritating them,
20 irritating the pol-- based on what were saying. You
21 know, again, like you said yesterday, freedom of
22 speech is something that in this country that it's a
23 double edged sword. You know, we use it, and then
24 again, you know, a lot of people don't feel the need
25 to take what someone is saying as truth so.

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1 Q Did Ms. Martin try to encourage you all to
2 do violence to the police?

3 A No.

4 Q Did she -- did she tell you secretly she
5 wanted to do violence to the police?

6 A No, she did not.

7 Q Did she make a speech during this event
8 saying she wanted to kill the police?

9 A No.

10 Q Were there people who had posters that
11 said "F the police"?

12 A Yes.

13 Q Were there people chanting things like
14 they hate the police or negative statements about
15 the police?

16 A Yes.

17 Q Was Ms. Martin one of those people?

18 A No.

19 Q Were you arrested based on this protest
20 march?

21 A I was not.

22 Q I'd like to play some video. And this is
23 State's Exhibit 1 also.

24 MS. MCELVEEN: I'm sorry, 1870?

25 MS. ROSADO: 1870.

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1 (Publishing of video.)

2 MS. MCELVEEN: If you're looking for
3 Mr. Hilton's presence, where he is, I think around
4 the four-minute mark they go out to the street.

5 MS. ROSADO: I'm not looking for that.
6 I'm playing what I need. All right, thank you.

7 MS. MCELVEEN: Okay. But, Your Honor,
8 from watching the video I thought Mr. Hilton has to
9 be able to say that's the scene, he's not present.

10 THE COURT: It's in evidence.

11 MS. ROSADO: It's already in evidence.

12 MS. MCELVEEN: Okay, that's fine. I'm
13 just trying to save time.

14 (Publishing of video.)

15 BY MS. ROSADO:

16 Q So are you familiar with this gentleman?

17 A Yes.

18 Q Was he a part of your march or was he part
19 of some other march?

20 A He was a part of our march.

21 Q So do you know his name?

22 A Yes.

23 Q What is it?

24 A Dante.

25 Q And so Dante is asking, please don't kill

DW - C. HILTON - DIRECT

1 anybody. Is that what you heard?

2 A Right.

3 (Publishing of video.)

4 BY MS. ROSADO:

5 Q So some of the protestors, part of your
6 march, were also trying to get people out of the
7 street?

8 A Yes.

9 (Publishing of video.)

10 BY MS. ROSADO:

11 Q So Mr. Dante who was praying for the
12 police, he was a part of your group also?

13 A Yes.

14 Q And did he pray anymore that day? Did he
15 continue that activity throughout the day?

16 A Yes, we -- we left several prayers
17 throughout that day. What I want people to believe,
18 to know, is that we are a faith based organization
19 so we do put God first, even though that we may
20 appear to speak with a freedom of speech. But we
21 all, everyone in our organization strongly believes
22 in a supreme being and we exemplify that. Just
23 because we have a fearlessness that, you know, some
24 others may try to take away from us and being that
25 is something radical, we're just very passionate

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1 people about what we believe in and who we are as a
2 people.

3 (Publishing of video.)

4 BY MS. ROSADO:

5 Q Did you hear Ms. Martin saying if she was
6 met with excessive force she would use her rights?

7 A Yes.

8 Q Did you consider that a threat to kill
9 anyone?

10 A No.

11 Q Did you consider that her attempt to say
12 she would defend herself ---

13 MS. MCELVEEN: Objection, calls for
14 speculation about what Ms. Martin was thinking.

15 THE COURT: Sustained.

16 (Publishing of video.)

17 BY MS. ROSADO:

18 Q What is meant by "no justice no peace"
19 chant that you kept saying?

20 A That just basically, you know, what it
21 means. You know, no justice, no peace. And peace
22 is not defined as, you know, putting, putting your
23 hands on someone or messing up anyone property.
24 Peace can just be defined as just being noisy or
25 just coming together and just advocating on what's

1 going on. Again, you know, I just don't believe
2 there's no specific way to protest. You can't, you
3 know, when someone's hurting, when someone's in
4 pain, you can't essentially tell them how to express
5 what they're going through; and I just believe that
6 we're just dealing with something that is, you know,
7 bigger than what we're in this courtroom for.

8 Q Was saying "No justice no peace" a threat
9 to the police?

10 A No, sir.

11 (Publishing of video.)

12 BY MS. ROSADO:

13 Q Have you heard people quote the Bible and
14 say eye for an eye?

15 A Yes.

16 Q And make statements that if they were
17 hurt, they would try to return that hurt before?

18 A Yes.

19 Q Did you consider that a threat?

20 A No.

21 (Publishing of video.)

22 BY MS. ROSADO:

23 Q So was it the group's plan to try to march
24 to the courthouse as the police say in the video?

25 A Yes.

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1 (Publishing of video.)

2 BY MS. ROSADO:

3 Q At this point how many people were outside
4 protesting?

5 A I would say at least about a good 20.

6 (Publishing of video.)

7 BY MS. ROSADO:

8 Q About how many police officers were on the
9 scene?

10 A During that time I would -- 15 to 20.

11 Q So would you say it was about the same
12 number of police officers as protestors?

13 A Yeah.

14 (Publishing of video.)

15 MS. ROSADO: I'm going to go to 18:23.

16 And this is State's Exhibit 1.

17 (Publishing of video.)

18 MS. ROSADO: And I'm going to scroll to
19 9:48.

20 (Publishing of video.)

21 BY MS. ROSADO:

22 Q Were you aware of two different groups
23 protesting at this time?

24 A No. They were all -- it was one group.

25 (Publishing of video.)

1 BY MS. ROSADO:

2 Q The profanity and the loudness that is
3 coming from the group that's protesting, did you
4 think that that was appropriate?

5 A Yes, because, again, you know, we're
6 dealing with death. You know, we just -- the world
7 watched someone die on camera so you can't really
8 tell someone how to exemplify or express what
9 they're dealing with internally. Again, this is not
10 something -- this is not first case basis. We've
11 been watching black men and women die at the hands
12 of others for 400 some odd years now. So we just at
13 a time where we're just being more vocal about it
14 and we're -- and we're just tired. We're the
15 generation that's advocating and trying to speak out
16 more on what we've been enduring for so long. So
17 this is just a combination -- a culmination, I'm
18 sorry, of everything that has been happening since
19 we arrived here on the shores of South Carolina.

20 (Publishing of video.)

21 BY MS. ROSADO:

22 Q Did you consider your actions up until
23 that point worthy of being teargassed?

24 A No.

25 (Publishing of video.)

1 BY MS. ROSADO:

2 Q Were you aware that Ms. Martin asked them
3 to block the street off so they could continue to
4 protest if they were concerned?

5 A Yes.

6 (Publishing of video.)

7 BY MS. ROSADO:

8 Q Ms. Martin is saying stay there, stay
9 there. What is she speaking about?

10 A She's referring to some of her -- some of
11 the group basically staying on the sidewalk.

12 Q Was she keeping them where the police told
13 them to be?

14 A Yes. During that entire protest Brittany
15 was definite a crowd controller.

16 (Publishing of video.)

17 MS. ROSADO: I'm going to scroll forward
18 to 15.5.

19 (Publishing of video.)

20 BY MS. ROSADO:

21 Q Do you know Ms. Belcher, the person
22 they're speaking of here?

23 A Yes.

24 Q Was she arrested for not getting out of
25 the road?

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1 A No.

2 Q Is she indeed running from there, or was
3 she then?

4 A At the time, yes.

5 Q I'm going to change to 18:26, still
6 State's Exhibit 1. I'm gonna scrub to 2:04. Are
7 you familiar with that woman on the screen?

8 A Yes.

9 Q Is that Brittany Martin, the one in front?

10 A The one in front, no.

11 (Publishing of video.)

12 BY MS. ROSADO:

13 Q I see a lot of chests there. Is that
14 Brittany Martin's chest next to that other woman's
15 chest?

16 A Yes.

17 (Publishing of video.)

18 BY MS. ROSADO:

19 Q Did Ms. Martin place her body in between
20 the police officer and the woman with the much
21 larger breast?

22 A Yes.

23 (Publishing of video.)

24 BY MS. ROSADO:

25 Q Was Ms. Martin trying to stop this young

1 lady here who is very agitated?

2 A Yes.

3 (Publishing of video.)

4 BY MS. ROSADO:

5 Q Is that Ms. Martin escorting that very
6 agitated young lady away?

7 A Yes. That's a young man behind.

8 (Publishing of video.)

9 BY MS. ROSADO:

10 Q Is that Ms. Martin pushing those people
11 back away from the police?

12 A Yes.

13 Q And put her body in between the two?

14 A Yes.

15 (Publishing of video.)

16 BY MS. ROSADO:

17 Q Are you the little fellow that needs to go
18 to jail, sir?

19 A No, ma'am.

20 Q Okay. I was unsure. I'm gonna change now
21 to 1826-2, State's Exhibit 1.

22 MS. MCELVEEN: Your Honor, I believe that
23 one has already played, right? I think that was the
24 first one that was played.

25 MS. ROSADO: 18:26.

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1 MS. MCELVEEN: That was played during
2 Chief Roark's testimony.

3 THE COURT: Hold on one second. Pause it
4 for a second. Y'all come up.

5 MS. ROSADO: If it's a duplicate I can
6 skip it, be glad to.

7 (WHEREUPON, counsel approached
8 the bench for an off-the-record discussion.)

9 THE COURT: For the record, State's
10 objection was sustained.

11 MS. MCELVEEN: Thank you, Your Honor.

12 MS. ROSADO: I'm gonna go to 1827-2 and
13 scrub.

14 MS. MCELVEEN: 1827-2?

15 MS. ROSADO: 2. And scrub to 1:05.

16 (Publishing of video.)

17 BY MS. ROSADO:

18 Q Did you hear Ms. Martin when you were
19 there yelling and asking for a police escort?

20 A Yes.

21 MS. ROSADO: And to be clear, this is -- I
22 scrubbed to 2:57.

23 (Publishing of video.)

24 MS. ROSADO: It's got to catch up.

25 (Publishing of video.)

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1 BY MS. ROSADO:

2 Q Is that Ms. Martin?

3 A The one that's speaking? No.

4 (Publishing of video.)

5 BY MS. ROSADO:

6 Q Were you present in this frame?

7 A Yes. I was slightly adjacent on the
8 sidewalk on the side.

9 (Publishing of video.)

10 BY MS. ROSADO:

11 Q Did you hear the police saying mask up,
12 mask up?

13 A Yes.

14 Q Did you know what that meant?

15 A Yeah.

16 Q What did it mean?

17 A That basically means that they about to
18 prepare for a riot or to get in preparation for a
19 riot or some type of disturbance where they feel as
20 if they have to protect themselves with extra layer
21 of clothing or technical gear.

22 Q Did that frighten you?

23 A It put me on -- it put me on awareness.
24 You know, I wasn't terrified, but I was aware why
25 because, you know, being in those -- that wasn't my

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1 first protest. So being there and just, you know,
2 seeing the -- seeing the faces of the officers, I
3 just think that they were more agitated at us being
4 there overall just wanting to protest, just wanting
5 to speak out on what's going on because, mind you,
6 this is the same week that they're protesting in
7 Columbia as well. Unlike Columbia, you know,
8 Sumter, we didn't have any type of property damage.
9 We didn't have anyone physically harmed. I just
10 think it's more of the fact that we're just voicing
11 our opinion and just expressing how we feel. That's
12 what's causing so much turmoil. We're not the ones
13 that's gonna sit back and not say or not say
14 anything about it. We're gonna be vocal and speak
15 up about it.

16 Q You said you participated in other protest
17 marches. Was this one a lot more violent in your
18 opinion?

19 A No. This was kind of fairly peaceful.
20 I've been to protests to where I've seen people get
21 slammed, seen people get arrested, seen -- seen --
22 seen people shoot a gun so. To say this is, this
23 march is in comparison to a Klan's parade, that's
24 preposterous.

25 Q Thank you.

1 THE COURT: Cross-examination.

2 MS. MCELVEEN: Yes, Your Honor.

3 **CROSS-EXAMINATION**

4 BY MS. MCELVEEN:

5 Q Mr. Hilton, thank you for being here
6 today.

7 A Yes, ma'am.

8 Q You stated you were present on May 31st,
9 correct?

10 A Right.

11 Q And you said you were in the sidewalk?

12 A Uh-huh.

13 Q And that had been indicated by you were
14 present for First Sergeant Gayle's testimony that
15 that was where the more peaceful protestors were
16 standing, correct?

17 A No. Actually, everyone was all together.
18 There's no separate -- there's no separate group so
19 I'm not understanding how can we put separation on
20 one group that's peaceful protesting and one group
21 that appears to be just protesting so I don't
22 understand what you're saying.

23 Q So you said you met Ms. Martin on the
24 battlefield, right, on the battlefield that day?

25 A Correct.

1 Q So you were a group with her the day you
2 met although you were two lanes of traffic away not
3 standing in the road, not bumping chest with
4 officers. You were standing on the sidewalk and
5 there were no issues, right ---

6 A Right.

7 Q --- for you?

8 A Everyone has their approach to protesting.
9 Just because I choose not to be more or less
10 confrontational, that doesn't define my protest as
11 weaker or less than what she's doing. We have an
12 agreeance. You know, she was muscle, I was the
13 brains. So we're still one group. We can't
14 separate us because I was there on a peaceful
15 protest by myself. I met them there and became part
16 of something bigger than myself. That's not two
17 separate groups.

18 Q So you met her that day and immediately
19 determined that you're the brains and she's the
20 muscle. How did you know she's the muscle?

21 A I can see from her character and her
22 demeanor that she's more vocal than I am. My voice
23 doesn't travel as far as hers because I was raised
24 in the south as opposed to being in the north where
25 your voice can travel because they're more noise.

1 So that doesn't -- that means I'm not belittling
2 her. I'm just saying that her voice carries over my
3 soft spoken voice.

4 Q But you didn't say she's more vocal, you
5 said she's more muscle. Why -- what made you think
6 she's more physically muscle and you're the brains?
7 You didn't say the mouthpiece.

8 A Uh-huh.

9 Q You said the muscle. Why the muscle?

10 A When I say "muscle," I mean by the way she
11 speaks. Her voice carries. She's being from the
12 north, me have families from the north, me going on
13 the north, up north, being raised there, so that
14 doesn't mean that she's muscle as in broad. That
15 just means a terminology.

16 Q Were you out there chest bumping officers?

17 A No, ma'am.

18 Q Did you know these officers?

19 A Yes.

20 Q Have you known these officers pretty well
21 since 2013?

22 A Yes.

23 Q Do you regularly speak with these officers
24 and do they provide assistance to you as much as
25 they can?

1 A When you say regularly speak to them, can
2 you define that?

3 Q If you need any assistance in regards to
4 the investigation that's ongoing with your mother,
5 do they provide assistance to you and speak with you
6 and show a desire to help you?

7 A There's been times where I've spoken to
8 all individuals regarding my case, but I don't
9 understand how that plays into what's going on right
10 now.

11 Q But you've given videos with the police
12 department to further investigation and they've
13 asked you to do videos to help revive cases that are
14 a little bit older and that can help hopefully in
15 finding out more information, correct?

16 A Correct.

17 Q And you've worked with them and they've
18 worked with you extensively, correct?

19 A Correct.

20 Q You knew these officers that day, right?

21 A Right.

22 Q And you didn't say you were scared. In
23 fact, you said that they were putting on gear to
24 stop a potential riot, right?

25 A Right.

1 Q But you weren't being threatened by
2 officers, right?

3 A I never said I wasn't threatened. I just
4 said I wasn't afraid. That has -- that's two
5 different terminologies. I can be -- I can feel
6 threatened without being afraid. Again, you know,
7 they're doing their job so they're putting on
8 tactical gear. That doesn't place me out of harms
9 way because I'm with the group that they're
10 associated with.

11 Q But you're two lanes traffic away, right?
12 On the sidewalk, right?

13 A No. During the time, if you re-play the
14 video, I'm adjacent to the sidewalk. I'm halfway in
15 halfway out. I'm moving around. I'm talking to
16 people. I'm not just -- just stagnant on the
17 sidewalk.

18 Q Right. I'm not calling your cause weak.
19 I'm saying you were not chest bumping officers,
20 correct?

21 A Correct.

22 Q You're not standing in the middle of the
23 road saying "F you pig, F you, F you," correct?

24 A Correct. But just because I have a
25 different way of protesting, that doesn't mean that

1 I don't have the same passion that Ms. Martin has.
2 Just because I choose not to curse ugly or chest
3 bump, I still have the same passion that she has and
4 I still feel the same that she feels. I just choose
5 to use -- I just think more. Not saying that she
6 doesn't, but me as a man, I know that if I were to
7 go chest bump with a police officer, it's highly --
8 it's more likely that I'm gonna be hurt as opposed
9 as a woman doing it. So it's -- it's strategy when
10 you're protesting. You're not gonna send a man to
11 do physical confrontation with an officer when you
12 know that nine times out of ten the police officer
13 is gonna to be more lenient to women as opposed to
14 me and brothers are chest bumping. More than likely
15 we're gonna get hurt or going to jail or die in that
16 same set so everything is strategic to what we do.

17 Q But do you approve of what Ms. Martin was
18 doing by chest bumping officers that day and by
19 yelling "F you, pig," and talking about they're on
20 the wrong side. Officers, African-American
21 officers, and saying they're on the wrong side? Did
22 you ever think about how African-American male
23 officers felt that day? Did you think about that
24 when you're thinking about how you're gonna protest?

25 A Yes, I always think about everything.

1 But, again, to see a man die on camera for nine
2 minutes and to be killed for 9 minutes and 46
3 seconds, we're out there because of death. And if
4 the officers, you know, to my understanding if they
5 have the empathy, they should be able to understand
6 why we're out there so.

7 Q Did anyone ever tell you they didn't
8 understand why you were out there?

9 A No.

10 Q Didn't officers say what happened to march
11 at the courthouse, right? You heard that. What
12 happened to the march at the courthouse? Did you
13 hear that?

14 A Right.

15 Q And you heard Officer Gayle talking about
16 how there are separate groups, and you heard Joe
17 Lane talk about how we're not trying to hurt
18 anybody, we just need you out of the road.

19 A Huh.

20 Q Over and over, out of the road, out of
21 the road. Nobody is stopping any sort of First
22 Amendment right.

23 MS. ROSADO: Your Honor, is there ---

24 BY MS. MCELVEEN:

25 Q Correct?

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1 MS. ROSADO: ---a question there?

2 THE WITNESS: But you can't -- correct,
3 but you can't -- you can't ---

4 THE COURT: Hold on one second. Hold on
5 one second.

6 THE WITNESS: You can't tell me how to
7 protest.

8 THE COURT: Sir, hold on one second.

9 THE WITNESS: Oh, I'm sorry.

10 THE COURT: Ms. McElveen, I think that was
11 a compound question so let's, let's break it up into
12 smaller pieces.

13 BY MS. MCELVEEN:

14 Q So did you ever -- were you ever told to
15 stop peacefully protesting?

16 A Was I ever told stop -- no, I wasn't.

17 Q Were you given a place to peacefully
18 protest?

19 A Not the very first day, no, I wasn't.

20 Q You weren't on the sidewalk? You were
21 bothered on the sidewalk?

22 A Well, that wasn't an actual space that was
23 given to us. That's where we decided to park the
24 actual vehicle so it's not like they were given our
25 designated space. We decided to start off on the

1 sidewalk because that's the direction of where we
2 came from. Again, I was by myself, I was on a bike.
3 I seen the sidewalk. I seen the area. I parked my
4 bike and I got in the road to grab a sign and
5 starting protesting. So it's not like no one had
6 certain spots to where you were protesting. Again,
7 when someone is in pain and when they're hurting,
8 when they see someone die, you -- in a perfect world
9 you want to have a peaceful, perfect protest. But
10 if you're dealing with death and you watch someone
11 die on camera, how can you define what is an actual
12 legitimate way to protest.

13 Q My question is this: Was four days of
14 tormenting police officers, threatening their lives
15 and breaching the peace to the point where Sumter
16 had to shut down and have a curfew, along with
17 stealing from convenience stores and threatening,
18 making other members of the community feel
19 threatened, is that an effective way to further a
20 cause that should end besides unity ---

21 MS. ROSADO: Your Honor, she's not --

22 BY MS. MCELVEEN:

23 Q Is that the effective way?

24 THE COURT: Hold on one second. Well, she
25 can ask leading questions on cross-examination but,

1 again, ---

2 MS. MCELVEEN: Compound.

3 THE COURT: ---smaller pieces.

4 BY MS. MCELVEEN:

5 Q Is that an effective way to unify the
6 community?

7 A Again, ma'am, when I'm hurting, at the
8 initial moment everyone is upset, everyone is
9 angered, so I can't -- I can't say that it's right
10 or wrong. What I can say is that when dealing with
11 that situation to watch someone die on camera, you
12 don't know the reaction of, of that person. You
13 know, we as African-American, as black people, we
14 feel each other's pain so to watch another black man
15 die on camera, I don't, you know, I don't know what
16 to go out there -- I'm supposed to go out there and
17 sing and hug and kiss? Like, I'm upset, I'm angry.
18 I'm a black man in America that has no essential, no
19 rights here. And the one right that I hold near and
20 dear to is freedom of speech so I feel like this,
21 this -- we are essentially being punished for
22 exercising that right to express the hurt that we're
23 going through.

24 George Floyd happened two years ago, 2020.
25 It is now 2022. I'm, I'm a resident here in Sumter.

1 I haven't seen any program that's -- that's been set
2 in place since George Floyd died to combat what's
3 going on here in this city, what's going on with the
4 youth violence, what's going on with our missing
5 people here. We currently have 21 missing people
6 here in Sumter spanning back since 1978. And if go
7 on the Sumter police website, there's no notice of
8 that.

9 Q Your mother's case, though, was recently
10 revived through social media and they've asked you
11 to be a part of trying to get more information,
12 correct?

13 A Correct, only because of the community
14 placing a -- placing the news out there. I, myself,
15 in the past since my mom has been missing in the
16 past two years since meeting Ms. Martin, we have
17 essentially talked to every agency in the state of
18 South Carolina, sheriff and city, letting people
19 know what's going on with the situation, trying to
20 advocate on the missing people here in this city and
21 the state. And all I'm saying is that this
22 situation can eventually happen to anyone. So what
23 I believe is going on at the moment is just a
24 distraction. This case is a distraction from a
25 bar-- from a far bigger than we're dealing with.

1 Again, we have 21 missing people here dating back
2 since 1978, and there's no public message about the
3 people that's missing.

4 Q Thank you very much.

5 A You're welcome.

6 Q The missing persons boards, you see those
7 all over Sumter, correct?

8 A Again, the missing person board, everyone
9 is not able to get to a Walmart. Everyone is not
10 able to get to a Piggly Wiggly. So how is that
11 person who has no transportation, how are they
12 notified about the missing people. We don't have
13 ---

14 Q Do you see about missing peoples on --
15 missing persons on social media?

16 A How does the homeless person who has no
17 cellphone, how are they informed about people being
18 missing? We need to -- we need to tackle all
19 avenues, and that's what essentially I've been
20 trying to do. They keep trying to portray us as
21 this radical group are two separate groups, but I'm
22 the one that's orchestrated all the marches. I have
23 orchestrated the marches. That gang march, that was
24 my march. That pastor march, that was my march.
25 There's no separation in different groups. We're

1 all one body of people who just want to unify the
2 city. The problem that we're having is this, we're
3 young and our mouth -- we don't have the same mouth
4 as our ancestors. We're more vocal, we're more
5 outspoken, and that's the problem.

6 Q And I commend your efforts that as the
7 chief spoke about those two events that happened,
8 they were fantastic events, and they did not involve
9 violence, right?

10 A No event had -- no event I've been
11 associated with since meeting Ms. Martin has
12 involved violence at all.

13 Q But the day you met you are on the
14 battlefield meeting her, right, and she was the
15 muscle, correct?

16 A Correct.

17 Q Were you there on June 3rd on the steps of
18 the police department?

19 A I was there the entire duration of the
20 protest.

21 Q Did you hear Ms. Martin say to officers,
22 "We are a threat now, but we've been a threat. You
23 can't tell us how to F'ing protest and where the F
24 to protest. We are around this bitch. We are
25 leaving this bitch. Y'all want more, y'all got it.

1 Go call all our hitters now. You tell them to get
2 ready. Everybody strapped, everybody. Y'all better
3 be ready. Them vests ain't gonna save you. Some of
4 us gon' be hurt and some of y'all gon' be hurt. We
5 ready to die for this. We tired of it. You better
6 be ready to die for the blue. I'm ready to die for
7 the Black. I'm dying for the Black. You better be
8 ready to die for the blue. Chief, it's your call.
9 We got our people; you got your people." You heard
10 that?

11 A Yes, ma'am, I did.

12 Q And you don't think that's a threat to
13 officers?

14 A It sounds like a general statement that
15 she's making.

16 Q So ---

17 A I don't ---

18 Q A general statement to do what?

19 A A general statement just letting, you
20 know, letting people know what's going on. Again, I
21 don't perceive that as a threat. I don't perceive
22 that as a threat. I've been to many protests and
23 I've seen people say far harsher words than what
24 Ms. Martin has said. I don't see that as a threat.

25 Q So you've been at protests where they've

1 gotten shoved on the ground, slammed, shots have
2 been fired?

3 A Uh-huh.

4 Q Do you think that -- do you want a protest
5 to get to that point before police intervene? Is
6 that the ideal protest?

7 A No, I don't want it to get to that point;
8 but again, you can't define on -- you can't -- you
9 can't tell me how to feel when I'm hurting. And it
10 sounds as if I'm -- we are being punished for
11 basically speaking on what we feel on the pain of
12 what's going on. Again, this is not the first time
13 that we've seen someone die on camera and ---

14 Q Have you been -- have you been arrested?

15 A I have.

16 Q For this? For this -- for these protests,
17 have you been arrested?

18 A No, I was not arrested for this protest,
19 but I have been arrested.

20 Q Thank you.

21 A You're welcome.

22 **REDIRECT EXAMINATION**

23 BY MS. ROSADO:

24 Q What's this battlefield?

25 A It's just the terminology, you know, just

1 something we use. Any time that we protest or any
2 time we go to a place where it's gonna be protest we
3 refer to it as a battlefield.

4 Q Now is Ms. Martin the queen of your group?

5 A She is.

6 Q And are you the king?

7 A I am.

8 Q And are these other young ladies that are
9 parties, are they queens also?

10 A For sure.

11 Q Do you use the terminology queen and king
12 to indicate something positive?

13 A Yes.

14 Q Does it indicate that she's the only
15 person in charge?

16 A No, it just indicate that she has a full
17 understanding of her heritage.

18 Q So you say queen or king, you're speaking
19 to heritage?

20 A Correct.

21 Q And when you say battlefield, you're
22 speaking of protesting or trying to fix things in
23 the community?

24 A Absolutely.

25 Q And the four days of shutting the city

1 down and torturing the police officers, do you think
2 that helped unify the city?

3 A Yes, because I believe that we stay in a
4 city to where we don't have a lot of outspoken
5 people here. We live in a city where the city is,
6 you know, ran and controlled by a lot of older
7 conservative people, and we're at a point in time to
8 where the younger generation is on the rise, we've
9 seen what's going on. We have the wisdom of our
10 parents. We have the understanding to -- to be
11 youthful. So we're just at a -- this is basically
12 the changing of the torch to where we have a lot of
13 older people here in Sumter that don't want to see
14 this young new group of people really take the city
15 where it needs to be.

16 Q Do you feel as if it's your place to be in
17 front in a march as a man or in the back?

18 A Me, personally, in the back honestly. How
19 marches have -- how marches have been set up to
20 where I've been in, in a -- in agreeance with, that
21 most women are at the front. Most men are at the
22 back. The women are at the front because more women
23 are more outspoken, they're more emotional, so
24 that's where you're gonna get more of the profane
25 language, more of the stuff that's gonna rattle the

1 cages whereas opposed in the back, the men are the
2 more strategic. They're -- they're overthinking.
3 They're seeing who they need to speak with, who --
4 to possibly mend the bridge. So that's what I'm
5 saying. It's no real -- you can't define what's a
6 way to protest because everyone has their own
7 strategic way of trying to get things done in their
8 community. So to say someone is loud and cursing
9 and this person is more drawn back and soft spoken,
10 they still have the same passion. This person just
11 is more outspoken; this person is more drawn back.
12 That doesn't make this person more radical than this
13 person just because they're more outspoken.

14 Q Having grown up in the south, would you
15 say that you've been taught to ---

16 MS. MCELVEEN: Objection, leading.

17 BY MS. ROSADO:

18 Q Having grown up in the south, how do you
19 feel about what your parents taught you about being
20 careful and being a black man in regards to the
21 police?

22 A It plays into the notion that I'm already
23 a bad guy because if I've been taught that when I
24 see the police or when I get pulled over, to be on
25 my best behavior. Or it plays into the notion that,

1 well, what am I doing wrong that I have to be on my
2 best behavior; that I have to exemplify a demeanor
3 that shows that I'm scared or I'm compliant. When
4 this person is just -- is just human like I am, he
5 just has a job. You know, and what I think is
6 that---

7 MS. MCELVEEN: Your Honor, may I interrupt
8 quickly and ask if we can approach with Dr. Rosado.

9 THE COURT: Yes.

10 (WHEREUPON, counsel approached the
11 bench for an off-the-record discussion.)

12 MS. MCELVEEN: Thank you, Your Honor.

13 BY MS. ROSADO:

14 Q Did Ms. Martin help you advocate for your
15 mother?

16 A Yes, ma'am.

17 Q As a protestor, do protestors have one
18 body and one mind, or do the individual protestors
19 have their own minds and try to act as a body?

20 A Yes. We have our mind, own body, you
21 know, but what brings us together is the common
22 cause of just one wanting to see whatever you're --
23 in this case Sumter -- just wanting to see a better
24 Sumter, yes.

25 Q Ms. Martin was characterized as being the

1 muscle on the battlefield. What do you mean by
2 that?

3 A I mean her approach, you know. Her being,
4 you know, from the north. You know, her being --
5 her voice being more elevated than mines. That's
6 what I meant by that. You know, she has the voice
7 that it carries, as opposed to me being raised in
8 the south, me speaking more soft spoken so that's
9 what I mean by her being the muscle. Her voice, her
10 demeanor.

11 Q And you said that you've been around these
12 protests and stuff and seen how it goes. Does the
13 protest with people of color seem to be the same as
14 the Klan protests or are they different?

15 A It's definitely a difference. It seems
16 like it's more lenient towards the Klan's protest as
17 opposed to black people protesting.

18 MS. MCELVEEN: Your Honor, may we
19 approach.

20 THE COURT: No need to. That's
21 irrelevant.

22 MS. MCELVEEN: Thank you, Your Honor.

23 THE COURT: That should be stricken from
24 the record.

25 BY MS. ROSADO:

1 Q Have you met with the police in an attempt
2 to bridge the gap and create new programs with the
3 community?

4 A Yes.

5 Q And what kind of meetings have you had?

6 A I've had several meetings. I had a meeting
7 with Chief Roark. I had another meeting with Chief
8 Roark and the city manager and Captain Rabon. I've
9 had a meeting with Captain Jackson. And
10 essentially, in those meetings I'm basically saying
11 the same thing. I'm basically advocating on -- what
12 I'm advocating on is trying to -- my focus is the
13 youth. I just believe that the way to better
14 Sumter, the way to better South Carolina, the way to
15 better the nation, is to provide more programs for
16 the youth, to provide character enrichment programs
17 to where these young men are able to be outstanding
18 men. You know, we live in a state and a city to
19 where 79 percent of African-American -- 79 percent
20 of African-American children are being raised by
21 single parent households, so essentially that's a
22 lack of discipline. That's a lack of guidance
23 because most of these young men, you know, even
24 though their mom can tell them everything correct,
25 they don't identify as being a woman. So a lot of

1 these programs, you know, they are fair-- fairly
2 aware of what I'm trying to do.

3 MS. MCELVEEN: Your Honor, may we approach
4 again about relevance. Your Honor, I appreciate his
5 cause, but we are going way off topic ---

6 MS. ROSADO: It's no different than the
7 gigantic pushing we had yesterday concerning the
8 programs that the chief of police has prepared so
9 I'm sorry that the prosecution doesn't want him to
10 discuss it.

11 (WHEREUPON, counsel approached the
12 bench for an off-the-record discussion.

13 (Juror speaks to bailiff.)

14 MS. MCELVEEN: Your Honor.

15 THE COURT: Ms. Rosado, I've got a message
16 that the jury needs to take a brief recess so it's
17 a good time for us to take a break. We will be in
18 recess until 12:15. Ladies and gentlemen, please do
19 not begin your deliberations. Do not discuss this
20 case at all. Don't seek to do any research by any
21 means whatsoever. We'll have you back at 12:15.
22 Thank you.

23 (WHEREUPON, the jury was removed from
24 the courtroom at 12:04 p.m.)

25 THE COURT: All right, folks, we'll be in

1 recess until 12:15. Sir, you can step down from the
2 stand, but you cannot discuss your testimony with
3 anyone.

4 THE WITNESS: Yes, sir.

5 (WHEREUPON, a recess was taken from the
6 proceedings.)

7 THE COURT: Mr. Tomlin, bring us the jury
8 please.

9 THE CLERK: Yes, Your Honor.

10 THE COURT: Mr. Hilton needs to retake the
11 witness stand.

12 (WHEREUPON, the jury was returned to the
13 courtroom at approximately 12:24 p.m, and the
14 following proceedings commenced in open court.)

15 MS. ROSADO: No further questions for this
16 witness, Your Honor.

17 THE COURT: All right.

18 MS. ROSADO: Thank you.

19 THE COURT: Any recross at this time?

20 MS. MCELVEEN: Beg the Court's indulgence.
21 No questions, Your Honor.

22 THE COURT: All right. Thank you, sir.
23 You may step down.

24 MS. ROSADO: Your Honor, the Defense would
25 like to call Brittany Martin to the stand.

1 THE COURT: All right. Let me see the
2 lawyers up here real quick.

3 (WHEREUPON, counsel approached the
4 bench for an off-the-record discussion.)

5 THE COURT: Ladies and gentlemen of the
6 jury, as you can see it's almost 12:30. It's
7 probably a good time for us to take lunch. I'm
8 gonna send you to lunch at this time and ask that
9 you be back at 1:45. Please do not begin your
10 deliberations. Do not do any research about any
11 matter raised on this case while you're on lunch
12 break. We'll see you back at 1:45.

13 (WHEREUPON, the jury was removed from
14 the courtroom at 12:27 p.m.)

15 THE COURT: We'll be in recess until 1:45.
16 Again, the folks on the defense side can leave the
17 courtroom now and would ask the State to remain in
18 the courtroom until they've had a chance to leave.

19 (Whereupon, a lunch break was taken.)

20 THE COURT: Good afternoon, ladies and
21 gentlemen. Are we ready for the jury?

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

23 MS. ROSADO: Yes, sir.

24 (WHEREUPON, the jury was returned to the
25 courtroom at approximately 1:53 p.m., and the

1 following proceedings commenced in open court.)

2 THE COURT: Ms. Rosado, you may call your
3 next witness.

4 MS. ROSADO: Thank you, Your Honor. Your
5 Honor, I'd like to call Brittany Martin to the
6 stand.

7 THE COURT: Ms. Martin, please come
8 around.

9 THE CLERK: Place your left hand on the
10 Bible what you.

11 THE WITNESS: Okay.

12 THE CLERK: Okay Do you confirm your
13 testimony ---

14 THE COURT: Hold on. Hold on one second.
15 She's got to raise --

16 THE CLERK: Your Honor, I'm gonna get---

17 THE COURT: You got to hold her Bible
18 and ---

19 THE CLERK: That's what I'm gonna do. I'm
20 ---

21 THE COURT: --- she's gonna raise her
22 hand, okay. All right.

23 THE WITNESS: Raise which hand?

24 THE COURT: Place your left hand on the
25 Bible and raise your right hand.

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1 THE WITNESS: Okay.

2 THE CLERK: Do you confirm your testimony
3 to the Court shall be the truth, whole truth,
4 nothing but the truth, so help you God?

5 THE WITNESS: Yes, sir.

6 WHEREUPON,

7 **BRITTANY MARTIN,**
8 having been duly confirmed by the clerk, testified
9 as follows:

10 THE CLERK: Thank you much. Step around.
11 State your name for the record and spell your last
12 name please.

13 THE WITNESS: Brittany Martin,
14 M-A-R-T-I-N.

15 **DIRECT EXAMINATION**

16 BY MS. ROSADO:

17 Q Good afternoon, Ms. Martin.

18 A Good afternoon, Queen.

19 Q Where are you from?

20 A From Peoria, Illinois.

21 Q And how long have you been in South
22 Carolina?

23 A Well, I've been back now two years, but I
24 lived here before. Let me see, before the two-year
25 stretch I had left for four years. I had lived here

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1 probably about a year-and-a-half, two years, at that
2 time so that was about 2015, '16.

3 Q So you were in college when you moved to
4 South Carolina?

5 A Yes, ma'am. I went to college in Georgia.
6 I was double major. I went to the Cordon Blue; I'm
7 a chef. And then I went to Saint Leo University
8 majoring in business.

9 Q And have you been employed as a chef?

10 A Uh-huh. Yes, ma'am. I've worked in -- I
11 ran the Radisson Hotel in Marietta, Georgia. I was
12 executive chef there. I was actually the opening
13 chef. I was -- I'm sorry. I worked at the
14 University of Alabama, Phi Zeta Kappa Fraternity. I
15 helped those boys chef for a while. I actually
16 worked here at the Sunset Country Club, and I was
17 the head chef out there for about six months.

18 Q And beyond working as a chef, what do you
19 consider your profession?

20 A Well, I'm a activist so, I mean, that's my
21 real -- that's my real profession, you know, but I
22 just -- what I did was I took everything I learned
23 in life and put it into one. I started my own
24 organization. I have a -- I'm the founder of a
25 nonprofit called Mixes Sistaz United. We're a civil

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1 rights organization. We're also like a culinary
2 revolutionary team. So we feed a lot of people,
3 that's our main goal. And we stand up for what's
4 right and stand up against what's wrong.

5 Q But it seems like you've done a lot of
6 wrong in your life.

7 A I come a long way. I've done a lot.
8 Like, I can't even -- where I'm from it's a rough
9 neighborhood so you have to be the baddest or you --
10 or you'll get crushed. And so, you know, my father,
11 he actually used to train us. My daddy older; he's
12 82-years old so, you know, he was into boxing. And
13 he also had a barbecue business in my hometown. He
14 was a activist as well and so he did a lot in my
15 community and my hometown so that's where I get my
16 activism from, my father. And daddy just taught us
17 how to fight. He taught us how to fight physically.
18 He taught us how to fight spiritually, mentally.
19 And that's my dad.

20 Q So it seems like you've used those tactics
21 a lot, but why is it that you have so many different
22 activities that have brought you in front of the
23 law?

24 A Because I was hardhead, you know. I
25 was -- I wasn't -- I was a leader then but didn't

1 know my way, didn't know -- I didn't have any
2 structure yet. I was growing; I was learning. I
3 had to bump my head a lot of times to get it right,
4 you know. And thank God, God always brought my
5 through, gave me a chance to get it right and I
6 always learned more and more as I went on in life.
7 So, yeah, I mean, I'm definitely -- if you -- you
8 wanna -- I'm definitely I'm a -- I'm sorry. It's an
9 example of a reformed person.

10 Q So you -- have you ever been arrested
11 beyond this time?

12 A Plenty of times. I can't even count.

13 Q For what kinds of things?

14 A Fighting mostly. I used to fight a lot
15 back in the day. Like I say, where I'm from you
16 have to be the baddest so everybody fought, you
17 know. In my neighborhood, you go outside, you go to
18 school, you're gonna fight, you looking to fight,
19 someone is gonna try you. So it took a while for me
20 to transform from that, to transform from that
21 mentality, you know, of physical fighting all the
22 time. So then I learned how to take my fight more
23 spiritually and politically, you know. I just -- I
24 have the same fight, but I turned it around the
25 right way.

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1 Q When I first met you and you asked me to
2 take your case, I came here and someone told me --
3 well, the first thing someone told me was something
4 about you hitting your son with a car?

5 A Yes. Yes. Like, I'm -- like I said, I'm
6 a activist, nationwide traveling activist. I travel
7 everywhere. So that was a major thing in my life.
8 Everybody love to ask me about that. Any time I'm
9 doing interviews, that's the first question that's
10 asked. And if you're a parent with teenagers, you
11 know, you might understand me; if not, you might not
12 understand but. My oldest child, Courtney, rest in
13 peace, that's the one y'all seen me get emotional
14 about. He been gone four months now. He got
15 murdered in Waterloo, Iowa. But my baby, he was a
16 good boy. Like, that was my honor roll student. I
17 had no problems with this kid whatsoever. And so,
18 when that time came where he began to go through his
19 teenage stages and get rebellious, I didn't know how
20 to quite handle that. And so I was pregnant with my
21 son Juda. He's two years old. Was it Juda? Yeah,
22 it was Juda. And I was pregnant with him. I had
23 just got injured at my job so I was wheelchair
24 bound. Like, I was, you know, really down. And my
25 son, he had just kind of went crazy. I mean,

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1 honestly, I thought he had got on drugs; but when I
2 went to take him to get drug tested, there was
3 nothing in his system. It was a spiritual attack on
4 my family, you know.

5 But he just got to busting out the windows
6 in the house. The first time he did it, you know, I
7 got on him, I let it slide. He did it another day
8 and that was the day I had it. And so, you know, me
9 personally, I don't like to have to call the police
10 into my home because I know by me having these
11 strong black men that I'm raising, you know,
12 anything can go bad when they're having some kind of
13 maybe mental breakdown. I didn't know what my baby
14 was going through; but I know I wasn't going to
15 stand for it as a parent, you know. And when I
16 called the police in Iowa, that officer came to my
17 house and told me, Ms. Martin, what you call us for,
18 this your child, ain't nothing we can do about it
19 and we're not taking him to jail. He had bust out
20 all my windows all because I said that he couldn't
21 go with his friends, you know. I was a strict
22 parent, no where but school and work.

23 My child was very spoiled. Sometimes you
24 can overly spoil your children. You can spoil them
25 rotten. You know, he got his driver's permit when

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1 he was 14 so I bought him a car at 14. He didn't
2 have -- I bought him four cars, you know what I'm
3 saying. He was just -- he wasn't the child to walk
4 to the games. He was the child to drive to the
5 games. He was the child to drive to the homecoming,
6 you know what I'm saying, so it kind of made him a
7 target, you know what I mean, and just overly
8 spoiled, you know. He couldn't take no for an
9 answer, you know, so.

10 Anyway, this particular day when the
11 officer came to my house, he told me that he wasn't
12 gonna do anything. I said, you right, why did I
13 call you for my house, this my problem, you're
14 right. And I couldn't think to do nothing. I was
15 actually -- it wasn't planned. I was leaving to get
16 some air and this child thought in his mind that he
17 had gotten away with, you know, basically murder and
18 he looked at me and he smiled. He looked just like
19 me, you know. So when he looked at me, he gave me
20 that smirk, shit, I scared the living hell out of
21 him. I went -- took my truck and I bumped him. But
22 what I didn't do, I didn't break any bones, my baby
23 didn't have no blood, my baby didn't have a scratch.
24 I just scared the hell out of him, don't try me, you
25 know what I'm saying. I was, like I said, disabled

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1 from my injury and my pregnancy. You know,
2 sometimes when you weak or when you going through
3 sickness, you get tried a lot. You know, people
4 think that you can't do nothing or defend yourself.
5 And me as a parent, you know, my father, he old
6 school. He come from Durant, Mississippi. And he
7 used to steady telling us, I brought you in, I'll
8 take you out, you know what I'm saying so. I -- I
9 stuck to that with my child and so. Again, I
10 knocked him. I knocked him straight to college. He
11 graduated a whole year early after that. You know,
12 we ain't had no more problems. He went to -- he
13 graduated high school a year early. Then he started
14 law school at the age of 17, you know, so my baby
15 was on his way. He was on his way. I wish he had
16 of had a little bit more time on this earth to -- to
17 be that leader to turn his fight. As y'all can see
18 on that camera, you know, he's just like me. Turn
19 his fight the right way, you know. That was a up
20 and coming leader. That was a up and coming freedom
21 fighter that I spent a lot of time on raising, a lot
22 of time on shaping and molding for this world and
23 society, you know, and so.

24 Q So were you charged with hitting him with
25 your car?

1 A Uh-huh. They charged me with willful
2 injury and leaving the scene.

3 Q So after you hit him with the car you left
4 the scene?

5 A Yeah, I left, I went home. Then, you
6 know, I was scared, I mean, 'cause I lost it. You
7 know, I'm human. We -- we sometimes lose it, I lost
8 it. And as my child, you know, I'm his momma, he
9 love me, I love him. You know, I love all my
10 children. And he didn't want to press charges on
11 me. He didn't wanna, you know, go any further with
12 it. The State was pushing it, you know, and so my
13 -- my son did everything he can to, like, try to get
14 them -- he was filling out affidavits and just doing
15 everything he can to get them to drop these charges
16 on his mother, and they wouldn't -- excuse me --
17 abide so.

18 In trial, in that trial -- I took it to
19 trial because one thing about being at trial you
20 have to be able to face your accuser; that's your
21 Sixth Amendment right. And my child did not come to
22 court on me. And the State's attorney and the
23 judge, you know, was violating all my rights all
24 through that trial and so I ended up being
25 convicted; but he came in right when they was

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1 getting ready to -- right when the jury was doing
2 the deliberation and, you know, he snapped when they
3 found me guilty. And that same son who they was
4 finding me guilty for, came up in the courtroom and
5 looked at the prosecutor and said, didn't I tell you
6 my momma didn't hurt me, B. And he ran after her.
7 And so when he ran after her to attack her, I ran
8 with my son. They had to kill us both, you know
9 what I'm saying. And so they had him and roughing
10 him up in the courtroom, roughing me up in the
11 courtroom. And I mean, thank God the judge
12 understood what was going on and seen that I would
13 go out -- we was going out together, you know. And,
14 you know, he didn't revoke my bond, he let me stay
15 out. And we got through that. I mean, I'm still on
16 probation for it now actually so.

17 Q So was your son arrested for threatening
18 or ---

19 A Oh, yeah. That was his first time being
20 arrested. Like I say, he had -- he wasn't a
21 troubled kid so, you know, he was a nerdy, little
22 cool nerd, you know. So they -- well, they -- I
23 think they held my baby -- I think they held him 30
24 days for that. I think -- I believe he was held for
25 30 days, yeah, in juvenile detention center.

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1 Q And it seems like you've had some run-ins
2 with the police quite a few times too, huh?

3 A Yeah. I'm -- you know, like I said, just
4 as -- I have a long wrap sheet but, just like my
5 wrap is long, I have a book of my goods just as
6 thicker, you know what I'm saying. So, like I said,
7 I went through my adolescent phase, stages. I went
8 through my trouble which is why I'm able to convert
9 and -- and do what I'm doing now which is why I'm
10 able to understand troubled individuals which is why
11 I'm understanding -- I'm able to understand reformed
12 people which is why I know that to have -- still
13 have hope in people, you know what I'm saying.
14 Prayer is powerful, you know what I'm saying.
15 Prayer and work is powerful. So me, I'm not one to
16 just give up on someone when they're troubled. You
17 know, me personally, I would rather chose to be with
18 the troubled individuals. I know a lot of people
19 say, oh, they're too troubled, I don't want to deal
20 with them. No, give them to me, come on, send them
21 my way, you know what I'm saying so. That's just me
22 because if I can change, if I can do it, anybody
23 can.

24 Q So you feel as if you changed from being
25 more criminally oriented into an activist?

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1 A Yes, ma'am. You know, I -- honestly,
2 going through all of that is what gave me my fight.
3 Going through all that trouble is what prepare me
4 for today. Look at me, I'm against a whole police
5 department, you know what I'm saying. If I hadn't
6 been through that trouble earlier in life and
7 learned from that trouble, I wouldn't even have the
8 heart to sit here and go through what I'm going
9 through, you know what I'm saying.

10 Q Do you feel as if you are -- have learned
11 anything from this experience?

12 A With this experience here?

13 Q Yes.

14 A No. I mean, what? What can I learn? I
15 had a -- I had a valid reasoning for being out
16 there. Stop killing us. Stop killing my people.
17 Stop hurting my people. Stop doing this, you know
18 what I'm saying. We're tired. I mean, me
19 personally, I was anointed for this. Me personally,
20 we were born for this. We were born. We were
21 prophecized. We are -- we are truly the -- the
22 answer, prayers of our ancestors; that is who we
23 are. And that's just what it is. I have chosen,
24 chosen. This wasn't an easy decision for my life to
25 be -- me having to have 24-hour security, me having

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1 to live on always looking around, looking for
2 officers trying to get me, looking out for my own
3 community trying to get me. I mean, this is an easy
4 life to be a fighter, you know what I'm saying.
5 My -- one of our elders, pillars in the community of
6 Sumter, Sumter -- I work in different states. But
7 I'm sorry, not Sumter, South Carolina, was just
8 killed, Dr. Sonia Lewis. I don't know if y'all know
9 her; but she was just killed last Saturday, day
10 before Mother's Day. She was the elder of all the
11 activists in South Carolina. And she was at her
12 event and they -- and she -- she was actually, you
13 know, working on a case that involved the police and
14 got killed at her event. So we didn't have a
15 regular Mother's Day, you know what I'm saying. All
16 the activists of South Carolina, we come together
17 crying over our elder that is -- that gave her life.
18 I see people die behind this.

19 My son was targeted. That's the reason --
20 that's one of the reasons he was murdered because he
21 was my son. Police department, feds, kept, kept
22 coming for my son, kept coming for my son, you know
23 what I'm saying so ---

24 Q Do you think all this ---

25 A --- this is really not a game. It's not a

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1 game for me. I got -- I done lost blood behind
2 this. That when I was out there protesting in front
3 of the police department, we had just lost a family
4 member. Well, not exactly blood related but he is
5 my little cousin's father so family still, by the
6 hands of the police. They had a little war in my
7 hometown, Peoria, Illinois. Bodies laying
8 everywhere, yeah, and there was teenagers,
9 adolescent children. Yeah, about four bodies laying
10 over here. You had a couple of cops hurt over here.
11 Kimbo, he done died. They got killed. You know,
12 then George Floyd get killed; Breonna get killed.
13 It was just too much. And enough is enough.

14 So, yes, me personally, when I protest --
15 everybody protests different. Everybody grieve
16 differently. That was grieving. Protesting is
17 grieving, okay, a form of grieving anyway. And me
18 personally, I -- even now I cuss. I'm very
19 spiritual, y'all. I mean, I'm a praying woman, I'm
20 a praying woman, I'm a praying woman; but I will
21 cuss your tail out if I feel I need to and that's
22 something God will deal with me with if I'm wrong,
23 you know what I'm saying. He'll take my tongue
24 if -- if it ain't right, but he ain't took it yet.

25 Q Do you feel as if all of those experiences

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1 influenced the level of upsetness you had in 2020?

2 A Yes, ma'am. You know, my first protest
3 that I threw was in 2016 right in front of the old
4 police station here in Sumter for Philando Castile
5 when he got killed in -- was it Saint Louis,
6 Missouri, I believe that was? And I had a -- that's
7 when I was working at Sunset Country Club, and I had
8 a protest out there. They didn't come out there
9 agitating us like they did on this day. You know,
10 they trying to make it seem like we was just bumping
11 the police, starting it with them. Y'all -- I mean,
12 it's funny how people try to paint the narrative;
13 but we're watching videos, we're seeing what's going
14 on. We were in the street because we're getting
15 ready to march. We're getting ready to leave from
16 you guys and host a march that my partner
17 constructed, you know what I'm saying. And so you
18 guys come out there bumping us, agitating us,
19 thinking you can control our narrative. It don't
20 work like that. When we come out to protest, we're
21 not coming to make you comfortable. That is the
22 objective to make you uncomfortable as possible
23 to -- so that we can be heard, you see what I'm
24 saying. Why would I come and protest, you know, on
25 their -- on their terms; it just don't make sense.

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1 Q Don't you think that four days was more
2 than enough?

3 A Ma'am, let me tell you something. I was
4 so tired. Y'all heard me on the video trying to
5 holler and I couldn't. My voice was gone which is
6 why -- I'll tell you what I did learn in this. I
7 learned different ways of adding different things
8 like you -- when you protest for so long, you're
9 constantly yelling and screaming and fighting and,
10 you know, your voice goes. So I've learned how to
11 use music as one way. Some days we'll just straight
12 just use music all day and protest that way. We
13 always feed the people. I know one of the cops got
14 up here and said something about her feeding
15 somebody. When? When we was -- we was out there
16 offering y'all pizza. We had the food every day,
17 you know what I'm saying, so. And then they try to
18 paint the narrative like I hate cops. I do not hate
19 cops. I have great relationship with different cops
20 in different cities which is why I was able when my
21 son got killed, you know what I'm saying. To my
22 friend, she's connected to the feds. Her whole
23 family is fed. I call my friend up, I need you to
24 push for me for my son. That's what she did, you
25 know what I'm saying. I don't hate -- I don't hate

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1 all police. I hate injustice. I hate injustice. I
2 hate when police go and they don't -- and they go
3 beyond their job, when they're not doing their jobs.
4 Yes, we're gonna have to call the police. If
5 somebody is breaking my house right now, yeah, I got
6 to report it. I'm dealing with an accident right
7 now. My car just got totaled last week. Guess
8 what? I have to go to the city to take care of my
9 accident report, you see what I'm saying. There are
10 certain things we have to deal with with them. But
11 my thing is, do your job, do your job. They get
12 into them uniforms and they get dehumanized.
13 They're like they're not human no more. They're
14 like they really separate themselves from us and
15 it's, like, how. How, when you got daughters, when
16 you got mothers, when you got -- I mean, come on,
17 sons, when you got family, you got cousins, how, how
18 can you do that? You know what I'm saying? I don't
19 understand them, some of them anyway, not all of
20 them. Because guess what, our sheriff here, I love
21 him. I love Anthony Dennis. I love him. You want
22 me to tell you why I love Anthony Dennis. I love
23 him because he'll -- he will hear us. He will
24 listen. Chief Roark, I done try to connect with
25 him; he will not connect. He will not even try to

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1 hear us, you know what I'm saying. So, like, why
2 can't we have a relationship with our police
3 department? Why are we -- the County, we have no
4 problem with. The County, like, they're -- they
5 real, and they do their jobs and they don't -- I
6 haven't seen them step out the way in any kind of
7 way, you know what I'm saying. The stuff I have
8 seen, I address and it's fixed, you know what I'm
9 saying. We address as a community and it's fixed.
10 Chief Roark there, they -- ain't no ear for nothing.
11 You can't even go in their city council meeting. Go
12 to the city council meeting, see -- see -- if you're
13 not a resident in the city, they won't even hear
14 you. How is that? How you not gonna hear me if
15 I -- yeah, I may live in the county; but when I
16 cross this line, I'm in the city and you're my mayor
17 in this city. I work in the city. I feed the
18 homeless in the city. I'm working on a homeless
19 shelter in the city so how can I not come and talk
20 to you about issues in the city, you know what I'm
21 saying. They're not right. And Sumter needs
22 change. Sumter need this; I need to be up here. I
23 have to be the one in this hot seat because this has
24 to be addressed. This is the only way that we will
25 be heard. All of this, all of this is a part of the

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1 movement, all of it.

2 Q So you feel like this is an extension of
3 your protest for the George Floyd ---

4 A Oh, yes, ma'am. For one, it's been two
5 years, two years. We never -- I never -- as y'all
6 can see in the videos, I never told the people, come
7 on, let's go mess the police up, y'all, y'all come
8 on, let's -- I never led the people into hurting
9 them. We led our people into -- we did a balloon
10 release. We did a lay down where everybody laid
11 down on the ground for nine minutes like George
12 Floyd. We did a -- our marches. We ate. I mean,
13 we had different speakers. We had so much more
14 going on. They just showed y'all the drama when
15 they came and brought it, when they came and brought
16 it to us. And no, just because you're an officer
17 don't mean I fear you; I don't. I'm not gonna sit
18 up here and act like I'm not me because I cannot do
19 that. I don't fear them because they have a suit
20 on. They chose to be officers; I chose to be a
21 chef. We human.

22 Q Did any officers join you in laying down
23 on the floor?

24 A Yes. Corporal -- I always call him Cocola
25 because I don't know how to pronounce his name, but

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1 he is from the County. And so the same night of the
2 Sunoco incident, we rode to El Cheapo. We had a big
3 caravan going on in the city, like, so everybody was
4 just following each other in our cars and stuff.
5 You know, we had our elders, our kids, we did the
6 march. So everybody was just, you know, marching
7 through the city in our cars. And we end up pulling
8 up to El Cheapo and, you know, we was, you know,
9 rough out there, you know. You got to understand,
10 people that was out there with us, the people that
11 was protesting, these aren't professional
12 protestors, you know. At that -- I mean, at that
13 time -- I've even gotten better since then, you know
14 what I'm saying. What this has taught me to make
15 sure you watch your words. I know you thought you
16 was watching them then, but still, just make sure.
17 That's what I learned from this, you know what I'm
18 saying.

19 But Corporal, I'm gonna spell for it y'all
20 'cause I don't know how to pronounce his name.
21 C-O-L-C-L-O-U-G-H. And that man, they wanted --
22 they say, what do you need, what do you want so that
23 you -- so this trial -- I mean, so that this crowd
24 can be disbursed? They said, if you lay down -- I
25 think it was my -- my organizer Simba, I mean,

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1 Curtis Hilton. He said you lay down on the ground
2 for like George Floyd did and we'll leave, feel our
3 pain. That man got down on that ground with no
4 problem and showed empathy to the people, you know
5 what I'm saying.

6 Q So the officer laid on the ground?

7 A Yeah, he laid on the ground. And guess
8 what we did? When he got up, we all hugged him. We
9 all showed him our -- we thanked him for even
10 empathizing. You showed us -- you know, I'm -- you
11 what you showed when you laid down with us? You
12 know what I'm saying? So it's -- it's deep.

13 Q How did that event influence you later?

14 A Huh?

15 Q How did that event influence you there?

16 A I mean, it just showed ---

17 Q When your bail hearing came around?

18 A Oh, Ms. McElveen, 'cause -- let me tell
19 you something. That lady is a lieing thing. She
20 do. She be lieing a lot and Imma tell it like it
21 is, okay.

22 MS. MCELVEEN: Your Honor.

23 THE WITNESS: At my bail hearing ---

24 MS. MCELVEEN: Objection.

25 THE COURT: Hold on one second, Ms. --

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1 Ms. Martin.

2 MS. MCELVEEN: Your Honor.

3 THE COURT: You can testify about your
4 feelings about what went on during this time frame,
5 but we're not gonna call -- call people who
6 aren't -- we're not gonna call people names from the
7 witness stand.

8 THE WITNESS: Well -- okay, yes, sir.
9 Yes, sir.

10 THE COURT: And we're going ---

11 THE WITNESS: But, you know, she was
12 lieing on me ---

13 THE COURT: Hold on one second, let me
14 finish.

15 THE WITNESS: --- at my bail bondsman.

16 THE COURT: I'll let you talk but you got
17 ---

18 THE WITNESS: Okay.

19 THE COURT: --- to let me finish. We're
20 gonna strike those last remarks from the record.
21 And, Ms. Martin, don't do that again or there could
22 be repercussions.

23 THE WITNESS: Okay. Well, at my bail
24 hearing she told the judge that I made an officer
25 lay on the ground, made an officer lay on the

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1 ground. She turned -- I mean, she did so much.

2 BY MS. ROSADO:

3 Q And how did that affect your bail hearing?

4 A They raised my bail, what, \$60,000,
5 over nonviolent events, offenses. That was --
6 that's what was crazy about this whole thing. We
7 never had a riot in the city. We never burned down
8 anything. When I -- when we did make it to Sunoco,
9 mind you, if you -- in the video you will see how my
10 car, when Rabon came up, my car and my sister car
11 were the last two vehicles to, you know, to follow
12 the march. Whenever I'm leading a march, I always
13 do that for safety reasons. Why we have vehicles?
14 For one, we be having our elders out there and the
15 babies. It be hot or sometimes it be real cold and
16 we have to make sure people are -- aren't falling
17 out in this march. We got to make sure people stay
18 hydrated in this march. Marching is exercise and
19 everybody can't, you know, complete that exercise so
20 we have the vehicles for safety measures which is
21 why we, you know, did -- which is why we rode like
22 we did.

23 Also, I'm always the last because me,
24 personally, we are a formation. Like, we really
25 move like military, you know what I'm saying. It's

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1 a certain way that we move, no man left behind. So
2 why I have my -- some of my people in the front
3 leading, I'm in the back making sure everyone is
4 okay, you know, so, which is why I ended up getting
5 to Sunoco last. After we left El Cheapo we end up
6 going to Sunoco. And honestly, I don't know why
7 people went to Sunoco; I was just following them.
8 But when I got there, it was some people up in there
9 stealing; they was shoplifting. And I wish they
10 showed that video of how I went up in that store and
11 tell 'em y'all need to stop, we're not here for
12 that, we're here to stand. And they say, yes,
13 ma'am. They put the stuff down. They came the hell
14 out the store. That same gas station, I am part--
15 my organization is partner with today. That's where
16 we do one -- our Gas on God at. You know, we give
17 the -- in our Gas on God events, that's when we give
18 the people free gas in the community. Come on out
19 and get you some free gas, come get some free food
20 and register to vote.

21 I'm partner with Black Voters Matter. I'm
22 a member of the South Carolina Black Democratic
23 Party. I sit at big tables with some big dogs. I
24 know how to fight politically, the right way. You
25 know, they were trying to say some -- one of the

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1 testimonies where they said something about attack,
2 whatever they said about the attack. I know you'll
3 probably get to it or somebody will get to it. But
4 when I say it's -- it's attack time, that mean
5 politically. Fighting -- political fight is not
6 easy; it is not easy. That is a fight. Going down
7 here canvassing, knocking on people's doors, passing
8 out literature, going -- having -- kept paying part
9 of the stuff, that is work. That ain't nothing easy
10 getting someone put in seat, you know what I'm
11 saying. And I go, like I said, not just here in
12 Sumter, I'm everywhere. I'm all over South
13 Carolina, Georgia. We -- we -- our team helped flip
14 Georgia blue, you know what I'm saying. So, like,
15 we really put in this work, you know; and that's the
16 reason honestly I'm sitting up here on this stand
17 today, I believe, because it's voting time.
18 Primaries are June 14th. They know I'm organizing
19 in the city and strategizing. Mayor Merchant hates
20 my guts and I can't stand him neither.

21 Q Okay. So, in your activism do you feel
22 responsible for other people?

23 A Yes, ma'am, which is why I snapped the way
24 that I did. On that last video, June 3rd, when I
25 snapped and said all that I said, the reason why I

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1 even went there, y'all, is because this particular
2 day -- okay, for one, they -- well, let me just
3 rewind it just a little bit. They said that I was
4 out there without a solution. They -- they were
5 lying. The first thing I asked them for was a
6 community meeting. I said, y'all give us a
7 community meeting, we will stop that protest. The
8 community just wants to meet with y'all to come to
9 some agreement. Mind you, I had to bring the tough
10 to Sumter. It wasn't like they never had any police
11 killings here before. They killed my cousin-in-law.
12 I was married to this guy named Nolis Boyd. That is
13 who brought me to Sumter. Waltki Williams was
14 killed here by the police department ---

15 MS. MCELVEEN: Objection, Your Honor.

16 THE WITNESS: --- in 2016.

17 MS. MCELVEEN: No ---

18 THE WITNESS: No, that's why I was
19 standing.

20 THE COURT: Hold up.

21 MS. ROSADO: She's explaining.

22 MS. MCELVEEN: Your Honor, may we
23 approach.

24 THE COURT: Yes.

25

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1 (WHEREUPON, counsel approached the
2 bench for an off-the-record discussion.)

3 THE COURT: All right. For the record,
4 the objection is overruled.

5 THE WITNESS: Yes, sir. Waltki Williams
6 was killed in 2016. This man used to come eat with
7 me. This wasn't nobody I, I, I heard of; this was
8 somebody I know. This was my husband's -- well, my
9 ex-husband's, this was his family. This was our
10 family. Kiki had -- we call -- I -- I'm sorry, we
11 call him Kiki. Kiki had just lost his mother not
12 too long before that so he was so hurt, he was so
13 broken anyway. He was grieving. They -- and, I
14 mean, I understand that officers lives be on the
15 line too, like they -- I mean, when they get -- I
16 know that they have a dangerous job, and I'm not
17 gonna even put, you know, take that from them. But
18 to shoot a man 19 times. They shot Kiki 19 times.
19 That was overkill, overkill, and I still feel
20 passionate about that. I still have a problem with
21 that. Why 19 times? Why you couldn't shoot him and
22 take him down real fast. If he had a gun, take him
23 down. Why 19 times did y'all have to overkill? And
24 that was the city of Sumter that did this, this
25 wasn't Minnesota; this wasn't Georgia. That was

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1 right here in our home and somebody I personally
2 know.

3 BY MS. ROSADO:

4 Q So for you, the George Floyd incident, the
5 Breonna Taylor incident, those things struck more of
6 a personal accord because of your personal
7 experience?

8 A Yes. When they killed Kiki. Like, Kiki
9 was the only person before then that I knew that was
10 actually killed by the police. And, like I -- I
11 couldn't believe it, you know. I couldn't believe
12 it. I actually left here right after that. I left
13 here for a little bit. I went home with my mama,
14 you know, spent the last six months with my mama.
15 She passed away. I went right after that to go take
16 care of my dad. And my dad has dementia and so I
17 was taking care of my daddy for them years that I
18 was gone. And when I moved back here in 2020, my
19 daddy came with me.

20 Lemme tell you something, when they
21 arrested me -- we'll get to my arrest in a minute;
22 we're gonna really talk about that. But when they
23 arrested me, this city here is so evil, so evil. I
24 had just got here. I wasn't even here a month,
25 y'all. I wasn't even here a month. Rent wasn't due

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1 yet; I had just paid rent deposit. They took my
2 home, they took my possessions, and they took my
3 daddy from me. Sent my sick daddy -- and I'm still
4 trying, you know -- sent my daddy to Illinois to be
5 with another 81-year old, his ex-wife. And the only
6 reason I'm allowing it is because when I talk to my
7 daddy, he say, Brit, I'm happy with my wife, I wanna
8 stay with her a little bit, Daddy'll call you when
9 I'm ready to come home. I said, okay, dad, you
10 know. I know he's sick, but I want him to have his
11 happiness. I want him to have whatever he need, you
12 know what I'm saying, because, I mean, I got to get
13 old and I want my kids just because, you know, they
14 feel like they're over me -- you know, my dad did
15 put me in charge of him. He took me to the attorney
16 before he got real sick and made me his power of
17 attorney over everything, you know what I'm saying.
18 So, yeah, I can come and use my power and take my
19 daddy; but me personally, I'm still, no matter how
20 old he is, no matter how sick he is, I still have
21 that, I won't say fear but that respect for what my
22 parents say so I listen. And so until he say, I'm
23 ready to come home, then that's when Imma push. But
24 right now he's happy. I can always pull up on him
25 and check on him. He seem like he's doing good. He

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1 seem like he -- he alright, so.

2 Q How long did you spend in jail when you
3 were arrested initially?

4 A Queen, they kept me in there twen-- well,
5 hold on.

6 MS. MCELVEEN: Objection, Your Honor. May
7 we approach.

8 THE WITNESS: Oh, she don't want me to
9 talk about that, and that's imperative.

10 (WHEREUPON, counsel approached the
11 bench for an off-the-record discussion.)
12 BY MS. ROSADO:

13 Q So, Ms. Martin, let's start talking about
14 the protest march.

15 A Yes, ma'am. Can I just add one more
16 thing?

17 Q Nope.

18 A Okay.

19 Q When you first heard about the George
20 Floyd incident I'm sure you were upset; and the six
21 or seven people that you initially had out
22 protesting, what was your intent at that point?

23 A It was way more than six. See, I have
24 five children by myself so it was 15 of us, just my
25 family. Excuse me, y'all, this baby got me so sick,

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1 I can't keep nothing down. But anyway, we were --
2 like I said, we had just moved in this city. And
3 I'm very spiritually led, very -- I do nothing
4 without God. I don't step without him, no matter
5 what I do. No protest, no state house, nothing, no
6 event, even this courthouse, or cover. And I
7 literally, like, the spirit led me, go stand at that
8 po-- that police station. And, you know, I said,
9 Lord, is this what you want me to do, you sure? You
10 know, I have to ask him, you sure you want me to go
11 stand at this police station right now? You know,
12 I'm on probation for my son, I don't need no
13 trouble. That's why I was questioning, you know,
14 questioning myself 'cause I know I didn't need no
15 extra trouble, you know. And the spirit led me to
16 go. We went out there and then that's when my
17 sisters and brothers of this community started to
18 join our family and started to stand with us. Yes,
19 we had some people that was peacefully protesting
20 with their signs. Yes, you had some that was
21 peacefully protesting with, like, laying down and
22 stuff like that. A lot of people just kept laying
23 down like George Floyd. Then you have me, which I
24 was peacefully protesting but with my mouth. I
25 didn't hit an officer. I didn't point a weapon at

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1 an officer. We did not run up in their police
2 station. We just stood our ground and stood on
3 their necks, leave us alone. I sat there and
4 watched Calvary House live -- I was live streaming.
5 I forgot the media company I was live streaming
6 with -- kill Anthony, I forgot his last name,
7 Huggins I believe. He was a white man up there
8 protesting and standing for the black community.
9 He, like, hey, leave them alone. My white friends,
10 that's what they feel like. They feel like, just
11 leave them alone, just, you know, leave them alone;
12 and that's, and that's what I respect, you know what
13 I'm saying. And I sat and watched this man, this
14 kid anyway, go and kill that man on live. That's
15 the -- that's the feed that they showing to the
16 world when that case was going on. I was actually
17 watching it live when it happened, and y'all don't
18 understand how that -- how that broke me.

19 Q So are you saying that that was live and
20 you were watching that on your device while you were
21 at this protest?

22 A No, not at this protest. Well, hold on.
23 No, I wasn't at this protest, but all that was
24 around the same time. All of it was around the same
25 time. But I watched -- I mean, what I'm saying --

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1 what I'm trying to say is, yes, I'm, you know, black
2 people, we are targeted the most but it's -- I mean,
3 a lot of us are targeted. When I went into the
4 county jail I seen white people being mistreated
5 like it was nothing, like, getting drug in there,
6 getting treated like nothing. So what I stand for
7 is everybody for real. You know, I don't like for
8 them to try to make me seem like I'm a racist, make
9 it seem like I hate all cops; I don't like that. I
10 keep it real. I keep it real and I stand for
11 everybody. I stand against any injustice and I
12 stand for what's right and I stand against what's
13 wrong, period. And the only thing I miss, really,
14 to talk about is really stand for is my culture.
15 That's all know is my culture. I'm a black woman
16 come from a -- from the duck, the Harrison home. We
17 call it the duck. I ain't see nothing but black
18 faces all around me. So the only thing told, that's
19 my experience, my culture. But that don't mean I
20 don't love you, I don't love you. You feel me? I
21 love my people, though, and I'm tired of what we've
22 been going through for 400 years. They talking
23 about four days. What about 400 years for us? I
24 don't know about y'all 'cause y'all used to living
25 down here; but every time I ride past a cotton

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1 field, I feel some type of way, I feel some type of
2 way. I feel my ancestors. I feel my -- I feel
3 their spirits; I see 'em. I'm that in tune with my
4 people, with my elders.

5 Sergeant Pinkney got up here telling his
6 story. I don't even know that man from a can of
7 paint. Don't know that man. I don't even remember
8 him being out there really, but he got up here
9 telling his story about how he had to, because his
10 job, march with Klan members. You know what that
11 make me feel like, listen to my elder having to --
12 to be degraded like that. You know what that make
13 me feel like listening to my elder having to be -- I
14 mean, to -- come on, that took his self-esteem.
15 That took his pride.

16 The reason I lost my job at Sunset Country
17 Club right here in Sumter is because they asked me
18 to cater. I was head chef there. They asked me to
19 cater a confederate flag party. They don't call
20 them KKK parties no more. They call them
21 confederate flag parties. I told them y'all can
22 kiss my tail; I wouldn't dare. Guess what I left
23 out with? I ain't had no job, but I had my dignity.
24 I got it today. And when I see my elders having to
25 bow down like that and forget who they are and where

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1 they come from and forget we their kids and forget
2 our pain, I got a problem with that. And -- and
3 it's just sad because you should never -- no one
4 should disconnect from their culture like that, no
5 one. No one should.

6 Q Now on May 31st when you first began to
7 march and you're outside of the police station, what
8 was the interaction you had with the police?

9 A Well, like I say, my first -- my first
10 person I talked to was Corporal Jackson, well, Chief
11 Jackson. I actually thought he was the head chief
12 at that time; I didn't know. I didn't find out till
13 after I was out of jail that he wasn't the head
14 chief. I thought he was the chief. Work never came
15 to me. Chief, I had told him we wanted a meeting
16 with the leaders in the community. Until then we
17 was going to be out there protesting. And I told
18 him that we wanted to march, we was gonna lead a
19 march. I said y'all can join us if y'all want, but
20 we're getting ready to march, you know. If y'all --
21 he was like, well, we want y'all off the streets and
22 we don't want y'all doing this and so and so. I
23 said, well, listen, if y'all care about our safety,
24 give us a escort, you know, be a part of it, but
25 y'all not stopping this, we marching. And that's

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1 what happened.

2 MS. ROSADO: I'm gonna play 1817, the
3 Exhibit 1 from the prosecution.

4 (Publishing of video began.)

5 MS. ROSADO: Let me revise that. It's
6 1817-2 apparently. I don't see 1817 on the file,
7 and I'm going to go to 802.

8 (Publishing of video began.)

9 MS. ROSADO: I think it actually must be
10 1817. Ah, there it is. So it's 1817 at 608 first.

11 (Publishing of video.)

12 BY MS. ROSADO:

13 Q What did you mean by, "If we get met with
14 excessive force?"

15 A What I -- exactly what it sounded like.
16 You know, if you guys come while we're peacefully
17 protesting, we're not hurting anybody, we're not
18 hurting nobody, we just rattling some feathers
19 around here, we're making some noise, and if y'all
20 come and try to hurt us we're gonna fight back, and
21 I mean that. And even to this day I stand on that,
22 they know that. I'm not gonna get up here and act
23 like I'm not gonna fight back. It is my God given
24 right to live. Death before dishonor. Death before
25 bondage. And I -- and I live to the core of that,

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1 to the core. I would rather die before I live on my
2 knees, and that's word. So if you come at me or you
3 come and hurt any of my family. My daddy was out
4 there that day. Especially my daddy, I don't play
5 by my daddy.

6 Q So I want to play 1817 at 8-0 -- starting
7 at 801.

8 (Publishing of video.)

9 BY MS. ROSADO:

10 Q Are you threatening to kill the police
11 officer?

12 A No, I ain't threatening to do nothing.
13 I'm telling them they set the tone. I'm telling
14 them I give you what you give me. I'm telling them
15 I really believe in a eye for an eye in that bible.
16 Psa-- as a matter of fact, Psalms 144 say bless be
17 the Lord who prepares our hands for war. Honey, I
18 stand on that. You will not hurt me. You will not
19 hurt my people because we -- I'm here exercising our
20 First Amendment right. If we have not come at them
21 with -- with any weapons. We cussing. I'm cussing
22 you out. And lemme tell y'all something, cussing is
23 a form of expression. Cussing is a form of, of --
24 what should I say? I always say it all the time.
25 It's -- it's a let-out for me. It's a let-out.

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1 It's a way of fighting for me, cussing. You know, I
2 know a lot of people ears are sensitive, a lot of my
3 elders. Excuse me elders, for real, I'm sorry. You
4 know, I love -- a lot of our elders don't like to
5 hear that, hear that mess; but, you know, from the
6 life I live, the lifestyle that I -- it works, it
7 works. So I got to do what I got to do to protect
8 me and mine, and any protestor that's protesting
9 with me, not just my family.

10 See, I couldn't, you know how I would
11 feel -- in every protest I have ever lived, there
12 has never been no one getting hurt. I have never
13 been in a real violent protest. Well, just one, but
14 that wasn't my protest; that was someone else's
15 protest, but that was the only time I seen violence.
16 But my protests, no one's never got hurt, none of
17 us. Why? When I see things getting to a certain
18 point where they are getting ready to really, really
19 escalate like on June 3rd, I felt that. Like I
20 said, I'm spiritually led. I felt that they was up
21 on -- on roofs ready to snipe us. I mean, it was
22 crazy because we were protesting. They was like,
23 they was -- they set a curfew to agitate so you
24 telling me we got to be gone by 6:00 and you know
25 we're not leaving at 6:00 so, therefore, that gives

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1 you all legal authority to come down here and think
2 y'all can teargas us, think that y'all can do
3 whatever y'all thought they was gonna do because
4 what, like I had said, whatever they give us, we
5 give back, and that's just word. And I don't think
6 that's threatening. I don't think that's, you know,
7 I think that's just fair. As a child we know, you
8 hit me, I hit you back. As a child we learn keep
9 your hands to yourself. You don't want anybody to
10 hurt you, don't hurt them. That's something we
11 learn as children, as adolescents. So for an adult
12 not to exemplify that, no. It's sad. And
13 especially if you call yourself a leader, a police.

14 Q Did you feel threatened when you saw the
15 officers put the teargas masks on and bring out the
16 teargas?

17 A Yeah. And so a lot -- I guess I did. And
18 a lot of people, when they saw that, we had some
19 protestors go and get milk. They went and got milk
20 and for, you know, 'cause the milk will help your
21 eyes when you been teargassed. And they had the
22 masks and they was getting ready for war. They were
23 getting war ready because those people wasn't
24 leaving; and they were ready to fight back, even I
25 was. I was ready to fight back. Y'all killing us.

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1 Look what I'm irate for. I'm not irate just, you
2 know, for a simple violation, you know what I'm
3 saying, or you know, someone being held and, you
4 know, unjusticely locked up. We're out here for
5 blood. There is blood shed. There is -- this is
6 death. We sat and watched that man suffer, suffer
7 for nine minutes, not just be killed, but suffer.

8 Now we all know we have a day that we born
9 and we know we got a day we die. Y'all know my son
10 had just was murdered, January 8th. He got -- he
11 got murdered the same day I buried my other son 15
12 years ago, January 8th. Lost two kids that day on
13 the same day. Ain't that something? But anyway, my
14 baby, what I thank God every day for is that my son
15 did not suffer. My baby got shot in his head one
16 time. Misery put out he was gone. My baby did not
17 have to suffer, and I thank God for that. I thank
18 God he didn't suffer. We supposed to sit here and
19 watch this man suffer.

20 Q Do you protest because you feel as if
21 people in America are suffering?

22 A Yes, we are. Look, I'm up here fighting
23 for my First Amendment right, Queen, in 2022. In
24 2022 I'm up here fighting over my freedom of speech.
25 Over my freedom of speech? Come on now. Catch up

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1 with the times.

2 MS. ROSADO: I'm gonna play 1826 from
3 prosecution's Exhibit 1. I'm gonna scrub to 204.

4 (Publishing of video.)

5 BY MS. ROSADO:

6 Q Is that you trying to get in front of this
7 other girl?

8 A Yes, ma'am, that's my sister, my baby
9 sister.

10 Q And ---

11 A And, you know, she didn't go and run
12 towards the cops. They came at her as y'all can see
13 in this video, bumping her. The first thing she
14 said was, y'all better not touch me, y'all better
15 not touch me. They came agitating -- the Sumter
16 Police Department came agitating us, you know, and
17 they did. And so it's like they wanted, they wanted
18 a fight, they really wanted it. They wanted a war.
19 As y'all can see later on in the video they talking
20 about they going to get teargas, get all that.
21 Yeah, get ready 'cause we getting ready too, you
22 know.

23 Q And so they were gonna teargas you because
24 you all touched your breasts to their ---

25 A Chest. I call it chest to vest.

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1 Q Chest to vest?

2 A Yeah. In the line of work we do, we call
3 it chest to vest. A lot of times we are like that
4 with cops a lot when we protest. And my partner
5 that was up here, he's the president of my
6 organization, Curtis Hilton. Like he was telling
7 y'all about our formation, whenever we go and we
8 fight. Usually, us women, we do not allow our men
9 in front of us. We know they'll be so quick to
10 shoot them down. They'll be so quick to hurt them,
11 so quick to hurt our men. We don't allow that. We
12 stand in front of our men. They have our back, you
13 know what I'm saying. So that was formation that we
14 was getting in.

15 MS. ROSADO: I'm gonna play 1826, 3
16 minutes and 54 seconds in.

17 (Publishing of video.)

18 THE WITNESS: He talking about my baby.

19 BY MS. ROSADO:

20 Q Now did that little fella go to jail?

21 A No, ma'am.

22 Q Do you feel like you were targeted even
23 though other people broke the law at that time,
24 Ms. Martin?

25 A Of course. Of course, because I was the

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1 most boisterous, I mean. That's just -- that's just
2 my life. Like, I -- no matter where I go I can
3 never be low key. No matter what job, no matter
4 what school, and no matter how hard I try to be out
5 the light, try to -- try be low key, it just don't
6 work. I'm always seen, I'm always noticed, my
7 voice, my personality, the way -- it just me, me
8 being me, you know. And, you know, at first I
9 thought it was, you know, before I became who I am
10 today, you know, I thought it was a curse, like,
11 Lord, why can I never have no peace. I just want to
12 go to work and work without being targeted, without,
13 you know what I'm saying. But now I see it's my
14 power, it's my gift, you know what I'm saying, and
15 so I embrace it. I embrace that now and I know how
16 to utilize who I am, the woman that I am. And, I
17 mean, I mean, and me being who I am, me being who I
18 am -- and I'm not trying to sound cocky, but it's
19 just real, I'm special. I'm special. Everybody
20 can't live this. I was -- I was -- I was anointed
21 in 2012 but didn't know what I was being anointed
22 for. This lady was crying for me. It was a big
23 table of people crying for me. Africans I had never
24 met anointed me, and I didn't know what they were
25 anointing me for. Well, now I know.

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1 Q Okay. I'm gonna play 1856, prosecution's
2 Exhibit 1. I'm gonna scrub to 3 minutes.

3 A Okay.

4 (Publishing of video.)

5 BY MS. ROSADO:

6 Q Is that you saying that the police really
7 do want to help you all and so everybody should be
8 cool?

9 A Yes, ma'am. I mean, like I said, I don't
10 want nobody being hurt. I'm not out there to get
11 anyone hurt. You know, I would feel bad if a
12 protestor ended up being killed and one of my
13 protestors were, you know, get seriously injured.
14 I -- shit, that would hurt me. So I try to -- I try
15 to work with, you know, the police too.

16 Q Okay.

17 (Publishing of video continued.)

18 BY MS. ROSADO:

19 Q Is that you working with the officers to
20 control the march and make sure it doesn't get out
21 of hand?

22 A Yes, ma'am. I mean, that's -- that's what
23 I'm saying. I'm not here to ---

24 Q Is that where the riot started?

25 A We never had a riot. It never -- there

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1 was never a riot. So how was I charged with
2 instigating or whatever they call it, whatever they
3 charge me with, a riot that never happened.

4 (Publishing of video continued.)

5 BY MS. ROSADO:

6 Q Is that the officers giving someone her
7 Gatorade?

8 A Yeah, she giving Crystal, my co-founder, a
9 Gatorade.

10 (Publishing of video continued.)

11 BY MS. ROSADO:

12 Q Is that the officers speaking saying we're
13 gonna get you on the roadway?

14 A Yes, ma'am. We was working with them.

15 (Publishing of video continued.)

16 MS. ROSADO: I'm gonna scrub to 2148.
17 This is the officer following in the car so we don't
18 need to see that.

19 (Publishing of video continued.)

20 BY MS. ROSADO:

21 Q And the people that are marching on the
22 sidewalk there and saying "I can't breathe," are
23 they being literal when they say that?

24 A No, ma'am. I mean, well, shit -- I mean,
25 I'm sorry, forgive my -- forgive my mouth. These

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1 days I -- I really feel it though, I can't breathe.
2 It get to a point where I feel like we can't
3 breathe. No matter where we look around we got to
4 fight, continuously fight, fight for what's right,
5 fight if we're right, fight if we're wrong, just
6 fight, fight, fight, fight, fight. Yeah, let me
7 catch my breath, I can't breathe.

8 (Publishing video continued.)

9 BY MS. ROSADO:

10 Q Is that the officer saying she was proud
11 of you all for ---

12 A Yeah, ---

13 Q --- marching?

14 A --- she was. That's why I'm surprised she
15 is the one that really wrote a statement against me
16 and not even thought after two years to -- you know
17 what, I'm not gonna be a part of this, this mess.
18 Just let me drop my portion. Y'all do what y'all
19 do, you know what I'm saying. I'm surprised
20 because, I mean, a few -- even Rabon, she surprised
21 me too. Those two women surprised me, you know,
22 'cause I thought Rabon was -- Captain Rabon was
23 feeling us. She acted like she was very, very
24 sympathetic, you know what I'm saying. And I call
25 you Sheeka 'cause my cousin named Sheeka. I don't

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1 know her full name but. She was out there
2 supporting too. I mean, I don't know. I guess they
3 got to back the blue.

4 (Publishing of video continued.)

5 BY MS. ROSADO:

6 Q Is that the officer saying she's gonna go
7 park ---

8 A They hang out with us, yes, ma'am.

9 Q Hang out?

10 A And she did, most of them did. You know,
11 we was at a point where we was just, you know, we
12 would cry for me. Well, we didn't -- y'all, I
13 didn't fight, I didn't yell and shout and scream and
14 cuss the whole time. You know, that just be at
15 certain times when we're getting agitated when I
16 feel that it's needed. The point is to grieve. We
17 out there grieving, you know what I'm saying. So we
18 even offer them something to eat. We had a lot of
19 pizzas out there. We had drinks out there.

20 Q What did you mean when you said "I'm gonna
21 die for the Black, are you willing to die for the
22 blue?"

23 A Just exactly what I meant, Queen. It was
24 my statement. It was my statement.

25 Q You were threatening to kill police

1 officers?

2 A It was -- no, 'cause -- it wasn't a threat
3 to them. I didn't try to take it -- I didn't try to
4 give it to them as a literal threat. I was
5 basically it's warning. Warning come before
6 destruction. You don't come and hurt me. We got --
7 we're gonna have all our elders out here all week
8 for, anyway, those -- for those three, four days.
9 We had been having our babies out there for days;
10 and now y'all want to come on the 3rd, on June 3rd,
11 in riot gear ready to fight. For what? For what?
12 We hadn't -- we hadn't done nothing, nothing but
13 cuss their ass out, hurt some feelings.

14 Q Was June 3rd dramatically different from
15 May 31st?

16 A It was to me because on the 31st they were
17 talking about gearing up and deciding if they was
18 going do it. I didn't know what stopped it. Now I
19 see it was Chief Jackson. But on the 3rd, oh, they
20 were ready. They was ready to hurt us. They were
21 ready. They was ready to take us out. They was
22 ready to fight, all that.

23 Q Did you believe they had snipers on the
24 roof pointed at you?

25 A Ain't no believe, they -- they did. They

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1 had drones on us. They had snipers on top of the
2 roofs. Like, they were on -- and not just on top of
3 the police station. They was in different areas,
4 all around, like ready for -- like, we had been out
5 there like strangers hurting them. I'm trying to
6 understand, like. I've been cussed out. People
7 cuss me out, I cuss back, and that's about it. You
8 know what I'm saying. I've had it, it's over with,
9 you know. They talking about tough skin training.
10 Where? Where y'all see tough skin? Like, I ain't
11 see none. And y'all 'posed to be officers of the
12 law, crying 'cause I cuss their ass out, excuse my
13 French, you know what I'm saying. Where, I mean,
14 where your tough skin at. I'm a civilian. I'm a
15 activist. I know y'all ain't letting me be tougher
16 than y'all.

17 Q Did you have any ---

18 A And this for the city, I ain't talking
19 about the county.

20 Q Did you have any weapons?

21 A No, ma'am, not with me.

22 Q Did you all destroy any property?

23 A Ma'am?

24 Q Did you destroy any property?

25 A No property was destroyed. I mean, why

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1 would I tear down my own community that I got to
2 build. That don't make sense to me; it don't. You
3 know, tearing down this community, I'm not getting
4 nothing out of that. Where I learn how to fight
5 where it's effective, what works, is your vote
6 power. It's strategizing and organizing, getting
7 the wrong people out the seats and the right people
8 in so that they can take care of situations like
9 this. See, if we had a good mayor in the seat that
10 was really for the people and about righteousness, I
11 would not be on trial today. He wouldn't even let
12 this happen, he or she. But because we have
13 Merchant who don't know what he doing and -- and
14 he -- he -- he something else. He full of hate.
15 That is why I'm here. That's who sent them,
16 Merchant. Merchant is -- I'm really fighting the
17 mayor right now. This ain't them. It's the mayor
18 coming for me, you know what I'm saying, because you
19 see me, like I said, organizing and strategizing.
20 And I told him and I tell him all the time to his
21 face at the city council meetings where it's
22 recorded, I'm coming for you, I'm coming for that
23 seat, I'm on your ass.

24 Q You say that?

25 A I tell him ---

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1 Q You say "I'm coming for you?"

2 A --- all the time.

3 Q Do you mean you're coming to kill him?

4 A No. And Sinkler is my witness 'cause
5 Sinkler be the cop there and Merchant love to send
6 him at me whenever I be at the city council, talking
7 about, get Ms. Martin, get Ms. Martin. Sinkler come
8 right on up to Ms. Martin, come on, calm down, Ms.
9 Martin, you know how ---

10 Q So you said at the city council meeting
11 "I'm coming for you?"

12 A Yes, plenty of times and they know -- they
13 know I'm not talking -- when I say "I'm coming for
14 you," that don't mean I'm offering to come and hurt
15 you, I'm fixing to come and shoot. They got
16 feelings just like I got one. I don't want nobody
17 hurt my people; I'm not gonna hurt them. I give
18 people what they give me. Like, it's just that
19 simple, y'all, like, really. I don't care what they
20 paint me out to be. I don't care what I was in the
21 past. I'm talking about where I am today, where I'm
22 at right now. I give what's given. You give me
23 respect; I give you respect. You give me love; I
24 give you love. You give me understanding; I will
25 give you understanding. You give me war; I give you

1 war. Period.

2 Q One moment please.

3 A Yes, ma'am.

4 Q Do you feel as if your current pregnancy
5 affects your emotional state, Ms. Martin?

6 A Of course it does. My pregnancy, my pain,
7 my grieving, all of it. You know, I mean, and even
8 if I -- I mean, as y'all can see, I wasn't pregnant
9 then. I had just had a baby. I'm breastfeeding at
10 the time. My baby was about maybe two or three
11 months at that time. And ---

12 Q So did you have your three-month old baby
13 out at this march?

14 A Yeah, he was with us. It was hot. I had
15 my baby out there, my daddy, my 80-year old daddy.
16 There was a couple other elders out there too, you
17 know, that was with different families; but as y'all
18 can see, I wasn't pregnant then and I'm still
19 passionate. My passion is -- is real. It don't got
20 nothing to do with my pregnancy, really, I mean. My
21 pregnancy kind of, you know, make me a little bit
22 more, you know, but, this is who I am, this is me.
23 And after this, I know y'all can't look at it now,
24 but follow me on social media, you'll see, you'll
25 see who I am. Look me up, Google me.

1 THE COURT: Ms. McElveen, hold on one
2 second.

3 MS. MCELVEEN: Yes, sir.

4 THE COURT: I think it might be a good
5 id-- good time before you begin your cross for us to
6 take a recess so I'm gonna send the jury room -- the
7 jury to its jury room for about a little over ten
8 minutes. We'll be -- we'll resume the trial at
9 3:25. This is a good time for our afternoon recess.

10 Ladies and gentlemen, do not begin your
11 deliberations. Don't do any research by any means
12 whatsoever. We'll get you back out at 3:25.

13 (WHEREUPON, the jury was removed from
14 the courtroom at 3:10 pm.)

15 THE COURT: All right, folks, we'll be in
16 recess until 3:25.

17 THE WITNESS: I can step down, Judge?

18 THE COURT: Ms. Martin, you can step down.

19 THE WITNESS: Okay.

20 THE COURT: Do not discuss your testimony
21 with anybody.

22 THE WITNESS: Yes, sir.

23 (WHEREUPON, a recess was taken from the
24 proceedings.)

25 (WHEREUPON, State's Exhibit No. 5

1 was marked for identification only.)

2 THE COURT: All right, folks, we ready for
3 the jury?

4 MS. MCELVEEN: Yes, sir.

5 MS. ROSADO: Yes, sir.

6 THE COURT: All right. Ms. Martin, if you
7 would re-take the stand please.

8 (WHEREUPON, the jury was returned to the
9 courtroom at approximately 3:37 p.m., and the
10 following proceedings commenced in open court.)

11 THE COURT: Ms. McElveen,
12 cross-examination.

13 MS. MCELVEEN: Yes, sir, Your Honor.

14 **CROSS-EXAMINATION**

15 BY MS. MCELVEEN:

16 Q Good afternoon, Ms. Martin.

17 A (There was no response.)

18 Q You described your personality, your --
19 how you are, many times during your direct. Can you
20 tell us more about your personality. How would you
21 describe yourself overall as a personality?

22 A Caring person. I mean, you have to have a
23 heart to do what I do. Maybe I may seem a little
24 extreme in my way. Everybody got their own way, but
25 it's my way. And I -- and the only way for me to

1 get up and go and to continue doing what I'm doing,
2 I have to care about other people outside of myself,
3 care about other people's situations outside of
4 myself. I'm not selfish; I'm selfless.

5 Q You refer -- you kept saying "me
6 personally" over and over again during your
7 testimony. Were you aware that you continually
8 refer to yourself: "Me personally, I, me, my"?

9 A I mean, so I can attest to up here, yes,
10 probably.

11 Q And you called yourself a traveling
12 activist, right?

13 A Uh-huh.

14 Q You were a voice for all people, you stand
15 for everyone, and stand for everybody, right?

16 A Yes, I do.

17 Q And the Lord anointed you for this, you
18 are a prophet, and an answered prayer for your
19 ancestors, correct?

20 A I didn't say prophet, but I am a
21 prophetist.

22 Q You said the Lord led you to do all of
23 this, correct?

24 A Yes, ma'am.

25 Q And all of this is a part of a movement,

1 right?

2 A Uh-huh.

3 Q And I think -- through your testimony, how
4 many -- how many people have victimized you? Tell
5 me about all the people that have victimized you.

6 A I mean, I feel like I've been victimized
7 since I was born.

8 Q Okay. Have you ever thought about how
9 other people are victimized by you?

10 A I mean, of course -- like I said, I come
11 from a crazy past. I've been asking -- I've asked
12 for forgiveness and been forgiven. As far as now, I
13 really don't live off the likes of others. I'm
14 strictly spirit lead, whatever the, you know,
15 whatever I feel is necessary I do; but I don't care
16 about the likes of others, I don't.

17 Q But, again, have you ever thought about --
18 so you haven't thought about how you victimize
19 others. That's essentially what you're saying. You
20 don't worry about the likes of others. You don't
21 care about how you victimize others, right?

22 MS. ROSADO: Sorry, Your Honor, I'm gonna
23 ---

24 THE WITNESS: One thing I'm not gonna do
25 ---

1 THE COURT: Hold on one second, Ms.
2 Martin.

3 THE WITNESS: ---is play no games witchu.
4 I ---

5 THE COURT: Hold on.

6 MS. ROSADO: Object. That's asked and
7 answered, sir.

8 THE WITNESS: Yeah, I'm not -- and one
9 thing, and you got -- trust me, Sybil, I got me.

10 THE COURT: Hold on, Ms. Martin. When --
11 when one of the lawyers objects, I have to make a
12 ruling on that objection.

13 THE WITNESS: Yes, sir.

14 THE COURT: And when -- and when I'm
15 deciding what I'm gonna rule, I need specifically
16 the witness who is on the witness stand, whether
17 it's you or anybody else, to be quiet until I can
18 rule on the objection.

19 So the objection as to asked and answered
20 is overruled.

21 BY MS. MCELVEEN:

22 Q So, again, have -- do you not think about
23 how you've been victimized? Please answer.

24 A What I'm not gonna do is sit up here and
25 play games because you been playing games for two

1 days, so I'm not gonna answer anything that I think
2 is foolish.

3 THE COURT: Ms. Martin, ---

4 THE WITNESS: I plead the Fifth on that.

5 THE COURT: All right, but just for a
6 future reference, I'll decide which questions get
7 asked and which -- or which questions get answered
8 based on whether they're admissible.

9 BY MS. MCELVEEN:

10 Q So the way you characterize the testimony
11 by Sergeant Pinkney, you talked about how his pride
12 was taken away?

13 A Uh-huh.

14 Q But did you ever think that maybe Sergeant
15 Pinkney's pride was not taken away and do you think
16 him sitting there and telling about that might
17 actually make him proud for the man he's become and
18 for what he did and what he got through? Did you
19 ever think about it that way?

20 A No, I, I can't look at it that way. I
21 cannot. Because I have a 82-year old father again,
22 you know what I'm saying, so I know the pain of, of
23 the culture of my people and I know -- and like, he
24 even said hisself that he was asked because of his
25 job, otherwise, he wouldn't -- he wouldn't have been

1 there. So right now he was choosing money over
2 dignity. All money ain't good money.

3 Q So do you think that maybe you just
4 degraded him more than him having to march with the
5 KKK did? Do you think maybe you degraded him more
6 with your testimony and your response to his
7 testimony?

8 A If I did, my apologies, but I can't do
9 nothing but just tell the truth and that's all I'm
10 up here to tell is my truth.

11 Q "My truth"?

12 A My truth.

13 Q So there back to that "my." "Me," right?

14 A Yes, ma'am.

15 Q And people can protest if they protes--
16 allow you to do the things you want to do, right?
17 It's okay until they take it away, right?

18 A I mean, I need you to be more specific.

19 Q The peaceful protestors hugging, you threw
20 them off. You said they were ---

21 A It wasn't ---

22 Q ---weak asses, ---

23 A Yeah, I do.

24 Q ---no lukewarm shit.

25 A I said all that because at that time we

1 hadn't come to a resolution so it was not time for
2 hugs. We had not gotten our meeting with the
3 community leaders like we were standing for. We
4 were tired. Me, personally, I'd been out there for
5 four -- we had been out there all them days. I was
6 tired.

7 Q "Me personally."

8 A Yeah, me personally. That's who I can
9 speak for, me.

10 Q So, so why were -- you can speak for you
11 so why were you allowed to speak for those people
12 protestors and say it's not time to hug, we hadn't
13 gotten our meeting, there was no reconciliation.
14 Why are you the person to decide that?

15 A Because I'm the voice.

16 Q You were the voice ---

17 A I'm the voice.

18 Q --- for all people?

19 A I'm the voice. And guess what, it is
20 mine, it is my blessing, it is my calling, and you
21 can't have it, ma'am.

22 Q Have you ever heard of a narcissistic
23 personality disorder?

24 A Call it what you want to call it, but I
25 call it -- I -- I call it real.

1 Q Have you heard of a narcissistic
2 personality disorder?

3 A They had -- they come up with all type of
4 stupid slogans, stupid stuff these days, yeah. I
5 heard ---

6 Q So which ---

7 A --- of a narcissistic. I know all about
8 narcissist, whatever, however you say it.

9 Q So would you see any link in your behavior
10 to a personality disorder and a mental condition in
11 which people have an inflated sense of their own
12 importance, ---

13 A That's a good question.

14 Q ---a deep need of excessive attention and
15 admiration, troubled relationships ---

16 MS. ROSADO: Your Honor, ---

17 BY MS. MCELVEEN:

18 Q ---and a lack of empathy for others?

19 A Let me answer.

20 THE COURT: Hold on.

21 THE WITNESS: Please let me answer that.

22 THE COURT: Hold on a second. All right.
23 What's your objection?

24 MS. ROSADO: She's not a doctor ---

25 UNIDENTIED PERSON: You can't comment,

1 sir.

2 MS. ROSADO: ---no training in that.

3 THE COURT: I don't need any assistance
4 from -- from the crowd.

5 SECOND UNIDENTIFIED PERSON: What are you
6 looking at me for? I ain't said nothing.

7 THE COURT: All right.

8 SECOND UNIDENTIFIED PERSON: I didn't say
9 anything.

10 THE WITNESS: Hold on. Hold on.

11 SECOND UNIDENTIFIED PERSON: I didn't say
12 anything.

13 THE WITNESS: Hold on, that's my 15-year
14 old child.

15 THE COURT: Wait a minute. Wait a minute.

16 THE WITNESS: Antonio Lamont.

17 THE COURT: Wait a minute.

18 THE WITNESS: Hush your mouth and don't
19 say another word while we're in this courtroom.

20 THE COURT: Hold on.

21 THE WITNESS: You hush your mouth. Mama
22 got this.

23 THE DEPUTY: Brittany.

24 THE WITNESS: Hush.

25 THE DEPUTY: Brittany.

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1 THE COURT: Hold on now.

2 THE WITNESS: Now I don't want my child
3 hurt ---

4 THE DEPUTY: Brittany ---

5 THE WITNESS: ---so I'm trying to ---

6 THE DEPUTY: Brittany ---

7 THE COURT: Easy on ---

8 THE WITNESS: ---to keep my baby under
9 control.

10 THE COURT: All right, folks. We
11 can't have -- we talked about this earlier. We
12 can't have any outbursts. The only people who can
13 speak are the lawyers and the witness on the witness
14 stand, and anymore outbursts will result in the
15 person who's making the outburst being removed from
16 the courtroom. As I stated before, I've got to
17 maintain order in this room and what goes outside
18 these four walls will not be allowed within these
19 four walls. That is what's gonna happen. If you
20 can't control the urge to respond or make any
21 comments, you can remove yourself from the courtroom
22 now; but we're gonna maintain order and this trial
23 can't function unless order has been maintained.

24 Ms. Rosado, your objection is sustained.

25 MS. MCELVEEN: Yes, Your Honor.

1 BY MS. MCELVEEN:

2 Q Back to victimization of others, you
3 mentioned that you were brought up in a way and you
4 want new way of protesting where you're constantly
5 fighting, right?

6 A Yes.

7 Q And you said "fight, fight, fight, fight,
8 fight," right?

9 A Yes, I did. Those are my words.

10 Q And you said, "We are out here for blood,"
11 right?

12 A Yeah, for spilled blood that your team
13 that you're defending is spilling.

14 Q And you understand ---

15 A Back in 2016, Waltki Williams, they shot
16 him down like a dog 19 times. Yes, I was out there
17 for his blood.

18 Q Okay. So if you know about that, did you
19 know that Waltki Williams was assaulting a female
20 continually and was stalking her?

21 A That's fine, and guess what he was
22 supposed to have been doing.

23 Q That's fine?

24 A He's supposed to have been in court
25 getting judged by 12, not killed by 19 shots.

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1 Q Did you know that he had that female in a
2 car and then left the scene in a high speed chase?

3 A I know all about what happened. He's a
4 family member of mine. That don't still give you
5 the right or nobody else to take his life. Are you
6 God?

7 Q Did you know that he shot at officers?

8 A What I said was as an officer, if you --
9 since you want to retract -- track my words, let's
10 talk about them right. I said as a officer I know
11 their jobs are not easy. I said if he was a threat
12 and if they do have a perp that is a threat, take
13 them down the right way. Isn't that what I said?
14 Why not have shot him in his leg or below the waist
15 level and take him down. Why overkill? Explain
16 that.

17 Q Did you know he had a gun in his hands
18 underneath him he was trying to shoot officers with
19 when he was with them?

20 A Girl, he dead, he can't attest to that so
21 that's your story.

22 Q But you can, right?

23 A All I know is ---

24 Q You're the voice for all people?

25 A All I can say -- only thing I could --

1 only thing I said -- I didn't tell a story. I said
2 facts. Y'all can Google it and see y'all shot him
3 down 19 times and there hasn't been any justice for
4 that case, for that family. Talk about that.

5 Q Back to victimization. Your daddy in
6 Illinois, right? He was here for those protests,
7 right?

8 A Right here. I learned from the best.

9 Q But ---

10 MS. MCELVEEN: Your Honor ---

11 THE WITNESS: I made him -- I made my
12 father very proud.

13 MS. MCELVEEN: Can I mark this as State's
14 Exhibit 6.

15 (WHEREUPON, State Exhibit No. 6 was
16 marked for identification only.)

17 BY MS. MCELVEEN:

18 Q Was your father legally allowed to be with
19 you down here in Sumter at that time?

20 A Do you need me to pull out my order, I
21 mean, my power of attorney paperwork?

22 Q I asked you ---

23 A When he took me to our attorney? Do ---

24 Q I asked you ---

25 A You have this paperwork. This is right

1 here ---

2 THE COURT: Wait a second. Wait one
3 second. All right.

4 THE WITNESS: I asked do she want physical
5 facts.

6 THE COURT: Hold on one second. Let Ms.
7 McElveen ask her question and then I'll give you a
8 chance to answer her question and explain your
9 answer. We can't have each of you talking ---

10 THE WITNESS: Yes.

11 THE COURT: --- over each other.

12 THE WITNESS: Yes, my father was legally
13 allowed to be with me. My sisters are doctors. I
14 have one sister who is an officer in Missouri. I
15 have another sister who is a doctor. I have another
16 sister who is a nurse. I have another sister who's
17 over the VA; she's voted to her position in Oregon.
18 So I have big dog sisters, okay, and I'm the baby,
19 you know what I mean, so their money trumped me and
20 daddy's power. So as you can see, Charlotte Vann,
21 which is my big sister, came for me, it was a family
22 fight. She just jealous of me and my father's
23 relationship because my dad want to be with me where
24 he was, and she came for me through money and your
25 team while I was locked up because if I hadn't have

1 been locked up, it wouldn't have happened. Y'all
2 held me illegally for 21 days with no bond, right?

3 MS. MCELVEEN: Objection, Your Honor.

4 THE WITNESS: Let's talk about that.
5 That's how you were able to take my father.

6 MS. MCELVEEN: I mean ---

7 THE COURT: Ms. ---

8 THE WITNESS: Naw, I'm -- shoot, Imma tell
9 it all.

10 THE COURT: Ms. Martin, you got to be
11 responsive to the question that is asked.

12 THE WITNESS: Huh.

13 BY MS. MCELVEEN:

14 Q Ms. Martin, is that a petition where your
15 father had to be returned to Illinois for a possible
16 abuse of a vulnerable adult because you took him out
17 and you did not have medical attention that he
18 needed?

19 A Girl, that's -- lemme tell you something.
20 This here is a packet full of lies, lies. At that
21 time in 2020 it was Covid, Covid. And no, my -- my
22 daddy was not going to a doctor unless he was
23 deathly ill. As long as I had his medication and
24 his -- and we was moving here so I had to get his
25 doctors established here. He wasn't even here a

1 good two weeks before I went to jail. Didn't even
2 have time to get his doctors established so how was
3 I suppos-- so all of that got construed again when
4 y'all came and arrested me and held me illegally for
5 21 days.

6 Q And so, again, you're the victim of ---

7 A Yes.

8 Q ---the victimization of your father?

9 A Oh, yes, I am.

10 Q Okay.

11 A 'Cause if it's a crime to take care of
12 your parent like you're supposed to, something's
13 wrong. You got some people that -- that's praying
14 for their children to come and be a part of their
15 lives and be there for them. I fought for my daddy.
16 I love my father. He took care of me so it was my
17 turn to take care of him; and if that's -- if that
18 makes me a criminal, so be it.

19 Q But, again, your father was required to go
20 back to Illinois to receive medical treatment and
21 proper ---

22 A No. What you mean back to Illinois? He
23 never came from Illinois. See, that's how you
24 know, ---

25 Q That's right, Iowa.

1 A --- don't know what you're talking about.
2 Yeah, Iowa.

3 THE COURT: Again, hold on one second.
4 Let Ms. McElveen get her question out. She will let
5 you answer; and if she doesn't, I will tell her to
6 let you answer the thing. The court reporter can't
7 maintain an accurate record if two people are
8 talking at the same time.

9 THE WITNESS: Okay, just for the court
10 reporter's respect.

11 THE COURT: Well, and -- and for the court
12 system.

13 THE WITNESS: And for you too, I'm sorry,
14 Mr. Griffin. You know I like you; I just don't like
15 her.

16 BY MS. MCELVEEN:

17 Q Thank you. So, again, your father had to
18 go back to Iowa and a court order had to be filed in
19 Iowa to get him returned, and the police department
20 had to intervene to get him back into safety in Iowa
21 where he received medical treatment, correct? Yes
22 or no?

23 A I don't know what you talking about. I
24 plead the Fifth to all that. I don't know what you
25 talking about. He was safe with me. I got my dad.

1 Q You mentioned that you're a victim of all
2 these people, and you said that you don't have a
3 problem with the sheriff's office?

4 A I don't.

5 Q And that Colclough, Major Colclough, is
6 with you and laid down on the ground for you?

7 A I didn't say he was with me. I said that
8 he empathized with the people, all power to the
9 people. That is why I'm up here being judged by 12
10 and not by one 'cause I put my power in the hands of
11 the people.

12 MS. MCELVEEN: Your Honor, we'd like to
13 enter State's Exhibit 6, the order from Iowa, into
14 the record, the family court order from Iowa.

15 THE WITNESS: Which is all lies. And my
16 thing is, ---

17 THE COURT: Hold on, Ms. Martin.

18 THE WITNESS: --- how is this being able
19 to be into evidence.

20 THE COURT: Hold on a second.

21 THE WITNESS: What this got to do with
22 that fake arrest?

23 THE COURT: Ms. Martin, she hasn't asked
24 you a question. We've got to deal with this
25 evidentiary matter before we can go any further.

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1 THE WITNESS: Sybil better deal, yes, sir.
2 Don't worry about me and my daddy. Probably, you
3 probably ain't have one.

4 THE COURT: Ms. Martin.

5 THE WITNESS: Huh?

6 THE COURT: Ms. Martin, please.

7 THE WITNESS: Yes, sir.

8 THE COURT: Don't have any comments that
9 aren't in response to a question.

10 (Ms. Rosado reviews State's Exhibit No. 6.)

11 THE WITNESS: That's a personal family
12 fight, Sybil, me and my big sister fighting over
13 daddy, and she still don't want him.

14 MS. ROSADO: Shhh.

15 THE COURT: Ms. Martin.

16 THE WITNESS: Well, I ---

17 THE COURT: I'm doing ---

18 THE WITNESS: ---didn't have time to
19 explain that to my attorney 'cause she just now
20 pulling it up so I'm telling my attorney what it is.

21 THE COURT: I'm ---

22 THE WITNESS: That's family issues.

23 THE COURT: I'm doing my best to be
24 patient, Ms. Martin. Again, don't make any comments
25 that aren't in response to a question from either of

1 these lawyers.

2 (Attorneys confer.)

3 MS. MCELVEEN: We're gonna wait on
4 Exhibit 6. I'm gonna let Dr. Rosado have time to
5 review that document thoroughly. In the meantime,
6 we would like to publish State's Exhibit 5 for the
7 record in reference to the Major Colclough incident
8 that Ms. Martin testified to.

9 THE COURT: Okay. Is -- is State's No. 5
10 a video?

11 MS. MCELVEEN: Yes, sir. Sorry, it's a
12 video and Ms. Bakis-Ray has got the envelope marked.

13 THE WITNESS: I wondered why you ain't
14 played that video anyway.

15 THE COURT: Has it been offered as of yet,
16 Ms. McElveen? The last thing I had was State's 4.

17 MS. MCELVEEN: Yes, sir. And so we had
18 marked that as State's 5 and we were hoping to have
19 that entered.

20 THE COURT: You have any -- Ms. -- I know
21 you're reading that document, Ms. Rosado. Do you
22 have any objection to State's 5, which is apparently
23 a video of the interaction with Terrence Colclough
24 being admitted?

25 MS. ROSADO: No, sir.

1 THE COURT: All right. State's 5 is
2 admitted without objection.

3 MS. MCELVEEN: Thank you, Your Honor.

4 (WHEREUPON, State Exhibit No. 5 was
5 admitted into evidence.)

6 BY MS. MCELVEEN:

7 Q And, Ms. Martin, you mentioned that the
8 same day that you went to the Sunoco you first went
9 to the El Cheapo?

10 A Uh-huh.

11 Q So June 2nd you went to the police
12 department and then to the El Cheapo with Major
13 Colclough ---

14 A Uh-huh.

15 Q --- and the sheriff's office. And then
16 you went to Sunoco, correct?

17 A Uh-huh.

18 Q With the police department and SLED, the
19 Myrtle Beach SLED agent?

20 A Yes, I did. That same agent that had just
21 called me a nigger a week before and then he ran
22 right back up on me. It was perfect timing.

23 Q And then after this night, the curfew was
24 put into effect, correct?

25 A Uh-huh. Y'all got upset because Corporal

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1 Colclough showed empathy to the community so
2 y'all -- that -- that -- I guess that made y'all
3 feel defeated. That's why y'all put that curfew in.

4 Q Who's all?

5 A You and your team and who you represent,
6 the blue.

7 Q I thought it was against Mayor ---

8 A And Mayor ---

9 Q --- Merchant.

10 A --- Merchant. Y'all are related.

11 Q Did you know that Mayor Merchant ---

12 THE COURT: Wait a second.

13 THE WITNESS: Y'all are related. Ain't
14 you related to the mayor?

15 THE COURT: Hold on one second.

16 THE WITNESS: Answer my question.

17 THE COURT: Ms. Martin.

18 THE WITNESS: I got questions too.

19 THE COURT: Okay. The lawyers ask the
20 questions. Again, y'all are continuing to talk over
21 each other. It is making this lady's job near
22 impossible.

23 THE WITNESS: Well, King, you better off
24 had to have brought Finney up here to cross-examine
25 me because me and -- you know me and McElveen don't

1 get along.

2 THE COURT: Well, I don't have any --
3 anything to do with who is assigned your case,
4 ma'am. All I can do is maintain order in this
5 courtroom, and I've got to maintain an accurate
6 record so it is of vital importance that you let
7 Ms. McElveen ask the question. I will let you
8 answer. If she starts asking you another question
9 before you're finished answering, I will stop her.
10 I will treat you both the same way, but we can't
11 have the two of you talking at the same time.

12 THE WITNESS: Yes, sir.

13 THE COURT: All right.

14 BY MS. MCELVEEN:

15 Q So, again, "y'all," is me and the team I'm
16 defending, right?

17 A Uh-huh.

18 Q Did you know I'm a lawyer for the State of
19 South Carolina?

20 A Girl, I don't care about who you are.

21 Q Did you -- you said Mayor Merchant is the
22 person to blame for these charges, right? Wasn't
23 that your testimony? That's why you're on trial,
24 for Mayor Merchant?

25 A Yeah, he pushed you guys to pursue. I'm

1 not even supposed to be on trial right now. You
2 have eight people ahead of me that was on the trial
3 docket. You have two murder trials ahead of me.
4 How am I here? Why? 'Cause it's election time,
5 June 14th primaries, you know.

6 Q Did you know that Mayor Merchant wasn't
7 even the mayor when all these acts took place?

8 A I know, McElveen was, your people.

9 Q So why would Mayor Merchant have anything
10 to do with these charges ---

11 A McEl-- because he's related to McElveen.
12 All you guys are wrapped up in one. We all know
13 that.

14 Q How are you -- what relationship do you
15 think the Merchants are to the McElveens?

16 A You know what, that is irrelevant to this
17 case.

18 Q Where are you from?

19 A Next question please. I plead the Fifth.

20 Q Where are you from?

21 A Where I'm from? You heard where I from.
22 Peoria, Illinois. And from what I studied, I
23 studied enough about this mayor and you.

24 Q Thank you.

25 MS. MCELVEEN: If we can play that

1 footage.

2 (Publishing of video.)

3 MS. MCELVEEN: Will you hit pause?

4 BY MS. MCELVEEN:

5 Q That's you right there in front of the
6 sheriff's deputy, right?

7 A In front of Sharkhead.

8 Q But those are sheriff's deputies, right?

9 A Yes, ma'am.

10 Q Okay. And that's up here at the El Cheapo
11 before you go to Sunoco?

12 A Yeah, protesting.

13 Q Okay.

14 A And they -- and they didn't give us any
15 threat and we didn't give them none either.

16 MS. MCELVEEN: If you can please play,
17 Investigator Caufield.

18 (Publishing of video.)

19 THE WITNESS: He said he took his
20 daughter. She said ---

21 MS. MCELVEEN: You can pause there.

22 BY MS. MCELVEEN:

23 Q So more -- another person had to step
24 between you and Sharkhead because you were in his
25 face threatening him that night?

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1 A Girl, bye. You just seen for yourself and
2 everybody else that we're not gonna play any mind
3 games. I'm not getting ready to play into your
4 foolery. I'm not about games. This is real ---

5 Q Did you rip an American ---

6 A --- life for me.

7 Q Did you rip an American flag off of his
8 vest that night?

9 A No, he took it off. Continue to play
10 this. Continue playing it. He took off his own
11 flag.

12 Q Upon your demand, right?

13 A No, upon the brothers who was recording
14 the man. And that right there playing killer
15 credibility, please show that part. Please show it.

16 Q You are having influence on that crowd to
17 force Major Colclough to get on the ground ---

18 A I need you to stick ---

19 Q --- that night.

20 A --- to what you just said, and I need you
21 to play that part on that video.

22 THE COURT: No, ma'am. You're not gonna
23 ---

24 THE WITNESS: You ain't gonna believe me.

25 THE COURT: Ms. Martin, you're not gonna

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1 make -- you're not gonna ---

2 MS. MCELVEEN: We can ---

3 THE COURT: --- make demands from the
4 witness stand.

5 THE WITNESS: What you talking about, she
6 making lies, and I want to prove it right on the
7 video.

8 MS. MCELVEEN: It's the 22 minute mark.

9 THE WITNESS: She -- that's what she did
10 at my bond hearing. She told the judge -- I forgot
11 all about that one too.

12 THE COURT: Ms. Martin.

13 THE WITNESS: That I made the officer
14 strip off his flag ---

15 THE COURT: Ms. Martin.

16 THE WITNESS: Yes, sir.

17 THE COURT: I'm not gonna say it again.

18 THE WITNESS: There you go.

19 THE COURT: I'm not gonna say it again.

20 MS. MCELVEEN: Please stop it.

21 THE COURT: Hold on one second. Don't do
22 anything, Mr. Caufield.

23 This is about the fifth time I've had to
24 say this same thing, and I'm getting tired of it,
25 not just from you. I'm getting tired of people

1 talking at the same time. Questions are gonna be
2 asked and you can answer the questions; but while
3 she's asking you a question, do not talk over her.
4 Again, this is because a record has to be made of
5 this case. This lady seated to your left is taking
6 down every word that's being said and she can't do
7 her job if two people are talking at the same time.

8 THE WITNESS: Yes, sir.

9 THE COURT: I don't know why this is so
10 difficult.

11 THE WITNESS: 'Cause I'm trying. It's
12 hard for me to sit ---

13 THE COURT: I ---

14 THE WITNESS: ---and discuss and talk to
15 an enemy; it's hard to do that.

16 THE COURT: Well, ---

17 THE WITNESS: It's hard. It's hard to
18 keep my composure with somebody that's a liar.

19 THE COURT: Well, ma'am, again, you can
20 respond to questions. What I'm saying to you right
21 now is not a question, so. Answer questions, don't
22 make these extraneous comments. You can answer her
23 questions and you can explain your answer and then
24 your lawyer is gonna get a chance to do what's
25 called redirect and ask you some more questions.

1 But your role right now is to answer questions, and
2 we've got to have a question asked, an answer given,
3 and they can't occur at the same time.

4 THE WITNESS: Yes, sir, Judge.

5 MS. ROSADO: Your Honor, can we also
6 remind counsel that if she's still answering that to
7 begin asking another question is inappropriate.

8 THE COURT: We're gonna -- everyone is
9 gonna -- the person asking the questions is gonna
10 ask her complete question. The person answering is
11 gonna answer in full and then another question will
12 be asked.

13 MS. MCELVEEN: Thank you, Your Honor.

14 If you can play the 22-minute mark,
15 Investigator Caufield, please.

16 (Publishing of video.)

17 MS. MCELVEEN: Pause.

18 BY MS. MCELVEEN:

19 Q Do you think that victimized Major
20 Colclough at all?

21 A No.

22 Q You think he wanted to get on the ground
23 and have a knee put on his neck?

24 A You think we wanted to be out there
25 fighting for spilled blood?

1 Q Do you think Major Colclough wanted to get
2 on the ground, have a knee put on his neck, so that
3 you guys would leave?

4 A I'm pretty sure he didn't, but do you
5 think we wanted to be out there for those reasons?

6 THE WITNESS: And what I would like, Your
7 Honor, is to for the video to be wind to the
8 21-minute mark.

9 MS. MCELVEEN: Your Honor, we just showed
10 the relevant ---

11 THE COURT: Your -- your counsel will have
12 the opportunity to ---

13 THE WITNESS: 21-minute mark.

14 THE COURT: --- present any things that
15 she feels is relevant when she's on redirect.

16 BY MS. MCELVEEN:

17 Q And you are the leader of this movement,
18 right?

19 A We are all leaders.

20 Q But you said ---

21 A We are all leaders.

22 Q Okay. So when you said that you were a
23 voice for all people, you stand for everybody, and
24 you're the one that makes all these decisions,
25 that's not the case now? You're not?

1 A Based -- based on my -- in my
2 organization. But when we're pro-- a large crowd, I
3 cannot control a whole large crowd, you see what I'm
4 saying. Everyone is out there for their own
5 reasons. Everybody move how they want to move.
6 And, yeah, I'm the organizer so, yes, they do come
7 to me for certain moves. But at the end of the day,
8 they are all adults and they're gonna move how they
9 wanna move. For example, you just sat here and said
10 I made a cop -- to I -- you said I tore off his
11 flag, right? So I can't wait for we -- so that we
12 can watch that part on the video 'cause you also
13 said that at my bond hearing too. And then you said
14 I made him lay down. We all just seen that.
15 Corporal Colclough laid down on empathy. He
16 empathized with the people. He empathized with his
17 community.

18 Q Is Major ---

19 A And we left like we told him we was gonna
20 do.

21 Q When he got down on the ground and you put
22 a knee on his neck, you left, right?

23 A Yes, we did.

24 Q So you required -- or your group after
25 tormenting these officers, required him to get on

1 the ground and put a knee on his neck before you
2 left; ---

3 A Huh.

4 Q ---is that correct?

5 A What about George Floyd's torment? He
6 actually died from it, from the hands of law
7 officials. What about his torment and his family's
8 torment? Let's talk about that.

9 Q Ms. Martin, you did --

10 A Did he lay down for nine minutes and
11 suffer? Did that hurt your little feelings, your
12 little entitled feelings because he laid down for a
13 minute with his community? That hurt you? That
14 victimized that cop? Because he showed his
15 community love and that he understand. Lady, you
16 the devil and I'm gonna call it like it is.

17 THE COURT: That's nonresponsive. Strike
18 that from the record.

19 Ms. Martin.

20 THE WITNESS: Yes, sir. Now y'all know
21 how my nerves is. Y'all know me ---

22 THE COURT: We ---

23 THE WITNESS: So ---

24 THE COURT: We've talked about ---

25 THE WITNESS: --- what we gonna do?

1 THE COURT: We've talked about calling
2 people names from the witness stand. You can
3 explain your answers as long as your explanation is
4 relevant to the question. Your personal feelings
5 regarding the prosecutor in this case are irrelevant
6 to matters before the court, and regardless ---

7 THE WITNESS: That's a grown man, Your
8 Honor.

9 THE COURT: ---of how you feel about her,
10 I'm not gonna allow that to happen again.

11 THE WITNESS: Yes, sir. That's a grown
12 man, Your Honor. How Imma make a grown man get
13 down? How Imma -- how I made that man get down.
14 Those -- we -- those activists asked that man,
15 sympathize with us and we will leave, and that is
16 what he did.

17 MS. MCELVEEN: Your Honor, may I ask, can
18 I continue asking questions?

19 THE WITNESS: So if you would like to call
20 him up here yourself after I leave from up here,
21 that's fine. He can testify to why and tell you why
22 he got on the ground, and he can testify hisself.
23 He's right here. He been in here with us all week.
24 And tell you did Brittany Martin make him get on
25 that ground and did Brittany Martin put a knee in

1 his neck. We just watched the video. Talk about me
2 being narcissistic, she sound like the narcissistic
3 one.

4 THE COURT: All right, Ms. -- Ms. Martin,
5 again, that's -- that's not responsive to the
6 question she had asked.

7 Ms. McElveen, ask your next question.

8 BY MS. MCELVEEN:

9 Q Ms. Martin, you said you had no problem
10 with the sheriff's office, right?

11 A I don't, at all.

12 Q And you said you would rather die than
13 live on your knees; isn't that right?

14 A Damn skippy.

15 Q So why would you think it was okay to be a
16 part of a group of protestors who is forcing an
17 officer to get on his knees so that you will leave
18 the scene?

19 A Why?

20 Q Why is that okay?

21 A Why?

22 Q Do you think he'd rather die?

23 A I'm sorry. Imma shut up. I really --
24 that was a mistake for real, Judge Griffin. Imma
25 shut up.

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1 THE COURT: It may be -- it may be better
2 if you could ask questions that were a little bit
3 shorter ---

4 MS. MCELVEEN: Yes, sir.

5 THE COURT: --- and more -- and less
6 compound. That may make the back and forth a little
7 bit easier.

8 MS. MCELVEEN: Yes, sir.

9 THE COURT: All right.

10 BY MS. MCELVEEN:

11 Q You said you'd rather die than live on
12 your knees, right?

13 A Of course.

14 Q Major Colclough just got on his knees. Do
15 you think he would rather die than be on his knees?

16 A I'm pretty sure he wouldn't.

17 MS. ROSADO: I object, Your Honor,
18 speculation.

19 THE WITNESS: Thank you.

20 THE COURT: Ms. Martin, ---

21 THE WITNESS: I should have plead the
22 Fifth on that.

23 THE COURT: ---no more of that please.
24 Your objection is sustained.

25