

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Appeal from Richland County
Honorable Clifton Newman, Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

MARTIN DIXON,

APPELLANT

APPELLATE CASE NO. 2023-000597

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1 Mr. Dixon's interview. I will replace their CD
2 when I find my copy.

3 THE COURT: All right.

4 MS. ZMROCZEK: But I do need to -- I'm
5 going -- I'm going -- it's marked as State's 33.
6 So obviously, I'm going to put a defense sticker
7 on it.

8 THE COURT: All right.

9 Is it already in evidence as State's 33?

10 MS. ZMROCZEK: It's not in evidence,
11 Your Honor. And I'll make sure to go through the
12 proper channels.

13 THE COURT: Any objection to it being
14 admitted?

15 MR. SCOTT: No, Your Honor. If it's just the
16 interview with him, no. There's been some -- if I
17 may, Your Honor?

18 THE COURT: Yes.

19 MR. SCOTT: A little bit of a different
20 topic. I don't how to handle this. I saw some
21 requested jury charges. Alibi was one. We found
22 a reciprocal Rule 5 asking for any evidence of
23 alibi. To this day, we have received none. I
24 don't know what the specifics as far as if there's
25 an alibi defense.

1 **THE COURT:** Was a notice of alibi filed?

2 **MR. SCOTT:** No.

3 **THE COURT:** Okay.

4 **MR. SCOTT:** So when I don't know if we need a
5 motion in limine or not. I just happened to see a
6 requested jury charge.

7 **MS. ZMROCEK:** And -- and that's the one that
8 I addressed yesterday, Your Honor. I said I
9 wasn't sure whether or not we were going to go
10 forward on that. Obviously -- so what will be
11 defense (inaudible), Your Honor, he tells the --
12 he tells the officers that he was not even in
13 South Carolina. Do I think that that arises to an
14 alibi charge? I think that that's certainly up to
15 the Court's determination.

16 We did not file a written alibi notice. I --
17 so -- so I understand that that certainly, you
18 know, may not be an issue. But he's certainly
19 going to testify that he was not in South -- well,
20 you'll hear what he testifies to, Your Honor.

21 And also the investigator testified that he
22 did not give any statement, which is why we will
23 be impeaching that investigator with this
24 interview. Because he does, Your Honor, make a
25 statement to the investigator that says, "I wasn't

1 even in South Carolina."

2 **THE COURT:** All right.

3 Anything else?

4 **MR. SCOTT:** Nothing from the state.

5 **THE COURT:** All right.

6 We'll take a couple of minutes and then press
7 on. Take a couple of minutes and then press on.

8 **MS. ZMROCZEK:** Thank you.

9 And Your Honor just for -- for -- for -- I'm
10 sorry -- your time. I know how awful this sounds.
11 Just for time, this will be our only witness,
12 except for having to recall the investigator after
13 he testifies about that he did give a prior
14 inconsistent statement. That's it.

15 **THE COURT:** Okay.

16 **MS. ZMROCZEK:** Thank you.

17 (A recess is taken.)

18 **THE COURT:** Bring the jury.

19 (The jury enters the courtroom at 4:04 p.m.)

20 **THE COURT:** Ladies and gentlemen, you've
21 heard the State's case. It's now the defense's
22 turn.

23 You may call your first witness.

24 **MS. ZMROCZEK:** Thank you.

25 Your Honor, we call Martin Dixon.

1 **THE BAILIFF:** Come around to be sworn, sir.
2 Place you left hand on the Bible, raise your right
3 hand, turn around and face the clerk for me.

4 **THE CLERK:** State your full name, please.

5 **THE WITNESS:** Martin Dixon.

6 **THE CLERK:** You solemnly swear the testimony
7 you're about to give in this case will be the
8 truth, the whole truth, and nothing but the truth
9 so help you God?

10 **THE WITNESS:** I do.

11 **THE CLERK:** Thank you, sir.

12 You can have a seat right there.

13 **THE BAILIFF:** Watch your step. Watch your
14 step up. Watch your step right there. Watch that
15 microphone right there. See that microphone right
16 there? Watch that one. Okay?

17 **THE WITNESS:** All right.

18 **THE BAILIFF:** All right.

19 Thank you.

20 **MARTIN DIXON**

21 having first been duly sworn, testifies as follows:

22 **DIRECT EXAMINATION**

23 **BY MS. ZMROCZEK:**

24 **Q** Mr. Dixon, will you -- I want you to
25 introduce yourself to the jury. Tell them how old you

1 are and where you are from.

2 A Okay. I'm 53 years old. I'm originally from
3 New York.

4 Q You said New York?

5 A Yes.

6 Q Where in New York?

7 A Queens.

8 Q Queens?

9 A Yes, ma'am.

10 Q How long were you in New York?

11 A Just about all my life.

12 Q Okay. Poorly-asked question.

13 A Yeah.

14 Q How old were you when you moved to South
15 Carolina?

16 A I believe I was in my twenties.

17 Q In your twenties?

18 A Yes, ma'am.

19 Q And have you been to South Carolina since
20 then?

21 A (No audible response.)

22 Q Have you -- has South Carolina been your home
23 most of the time?

24 A Yes, ma'am.

25 Q Okay. How far did you go in school?

1 A 12th grade.

2 Q Okay. Did you graduate?

3 A Yes.

4 Q Okay. Were you in any special classes or
5 regular classes?

6 A I was in regular classes.

7 Q You were in regular classes, right?

8 A Yes, ma'am.

9 Q You -- when you lived in New York, did
10 anything traumatic happen to you?

11 A Yes, ma'am.

12 Q Tell the jury about that.

13 A One of my friends had shot in the head in
14 front of me for his car. And my mom wanted me to come
15 down.

16 Q And what happened to you after that?

17 A I've been in a bad car wreck.

18 Q And I yell at people because I can't hear
19 them. And so I'm going to do the same to you.

20 A Okay.

21 Q I know it's awkward. But just try to keep
22 your voice up, okay?

23 A Okay.

24 Q And so you said how did it affect you? I'm
25 sorry.

1 **A** I've been -- I had head injuries and I been
2 in a bad car wreck. PTSD and a couple of other things.

3 **Q** So were those two separate instances?

4 **A** Yes.

5 **Q** How far apart where they?

6 **A** Not too far apart.

7 **Q** Okay. That happened when you were in New
8 York?

9 **A** Yes, ma'am.

10 **Q** Were you ever hospitalized in New York?

11 **A** Yes, ma'am.

12 **Q** And where were you hospitalized?

13 **A** I've been to an institution called Bellevue,
14 Bellevue Hospital.

15 **Q** Have you ever been hospitalized in South
16 Carolina?

17 **A** Yes, ma'am.

18 **Q** Where?

19 **A** A place called the Three Rivers.

20 **Q** Three Rivers?

21 **A** Yes, ma'am.

22 **Q** Do you remember what year that was? Was it
23 the same year or a different year?

24 **A** It was the same year.

25 **Q** It was two separate times in the same year?

1 A I believe it was three.

2 Q Okay. And what year was that?

3 A I believe it was 20 -- 2019, I believe.

4 Q 2019?

5 A Yes, ma'am.

6 Q Okay. Was it before August 2019 or after
7 August 2019?

8 A It was before.

9 Q Okay. So all the times that you were
10 hospitalized at Three Rivers was before, right?

11 A Yes, ma'am.

12 Q Okay. You -- now why -- what diagnoses do
13 you have?

14 A I have manic-depressive -- it was -- I think
15 it was schizophrenia, I believe.

16 Q Let me ask you this: What medications do you
17 take?

18 A I'm taking Zoloft.

19 Q You're taking what?

20 A Zoloft.

21 Q Zoloft?

22 A Yes, ma'am.

23 Q Anything else?

24 A No. Not anymore.

25 Q Okay. Have you been taking a lot of

1 medications in the past?

2 A Yes, ma'am.

3 Q Okay. So let me ask you this, when you were
4 arrested in October 16, 2019, where did you go after
5 that? When you -- when they arrested you, where did
6 they take you?

7 A When they arrested me in North Carolina?

8 Q Right. Out of North Carolina.

9 A They brought me to South Carolina.

10 Q Okay. And they brought you to South
11 Carolina?

12 A Yes, ma'am.

13 Q Where did they take you in South Carolina?

14 A To the police department.

15 Q Okay. Where did they take you after the
16 police department?

17 A They took me to jail.

18 Q Okay. There we go. So they took you to
19 jail.

20 A Yeah.

21 Q And that was in October 2019?

22 A Yes, ma'am.

23 Q Have you been in jail ever since?

24 A Yes. I been there the whole time.

25 Q Do they allow you to take all of your

1 medications while you're in jail or do they alter them?

2 A They let me take them.

3 Q Okay. So you -- how do you have income?

4 A I get disability.

5 Q You get disability?

6 A Yes, ma'am.

7 Q How long have you gotten disability?

8 A Ever since the accident. Long time ago.

9 Q Okay. In 2019, how much were your disability
10 checks?

11 A It was over a thousand.

12 Q Over a thousand dollars?

13 A Yes, ma'am.

14 Q Okay. Do you know Michelle Jones?

15 A Yes, ma'am.

16 Q Tell the jury how you know Michelle Jones.

17 A Michelle Jones was my girlfriend.

18 Q How long were y'all boyfriend and girlfriend?

19 A A few months.

20 Q A few months prior to you being arrested or
21 prior to the dates that we're here for today in August?

22 A Prior to me being arrested.

23 Q Okay. Do you know Antrone Dubose?

24 A Yes, I do.

25 Q Okay. How do you know him?

1 **A** I have known Antrone for quite a while. He
2 was a friend of mine.

3 **Q** Okay. And did you ever rent out a trailer to
4 him?

5 **A** No. No, ma'am.

6 **Q** Okay. Did y'all ever live together?

7 **A** Yes, we have.

8 **Q** So tell the jury about that.

9 **A** We used to live in North Charleston. I let
10 him stay with me. And he didn't -- he didn't have no
11 money. I knew I was trying to help him. I seem like a
12 brother. I had more money income. So I didn't have no
13 problem with helping him out.

14 **Q** Okay. Did -- why did that arrangement ever
15 change? Like what changed? Did -- did he always live
16 with you? Or why did he stop living with you?

17 **A** He wanted to go and hang out. I guess he was
18 mad because I met, you know, Michelle and I started
19 helping her.

20 **Q** Okay.

21 **A** It was like I was caught in the middle
22 between a friend and girlfriend.

23 **Q** Okay. And did they know each other
24 independently of you?

25 **A** Yes.

1 Q Okay. And so you were -- when you say you
2 started helping Michelle out, tell the jury what you
3 mean by that?

4 A I would buy her food, clothes. I paid for
5 the phone. She never had a phone. She wanted one. I
6 got her one.

7 Q There's been more than implications that you
8 were taking advantage of Michelle. Were you ever doing
9 that?

10 A No, ma'am.

11 Q What about Mr. Dubose? Did you ever use him
12 or take advantage of him for anything?

13 A No, ma'am.

14 Q Now let me ask you this: Did he ever take
15 you places in his car?

16 A Yeah. We went places.

17 Q Did you ever demand that he pay you to do
18 that?

19 A No.

20 Q Okay. I want to -- I'm going to speed this
21 along. But I want to ask you a few questions. So
22 Three Rivers, where is that located?

23 A I believe that's in Lexington, I believe.

24 Q Okay. So close to West Columbia?

25 A I think so. I'm not too familiar with

1 Columbia.

2 Q Okay. So that's what I want to ask you. How
3 did you end up at Three Rivers and in Columbia in
4 general? Tell the jury a little about that.

5 A Oh, I was -- I was admitted over there to get
6 help. I didn't know nothing about that place. They
7 sent me there.

8 Q Who sent you there?

9 A It was Police Department and doctors and
10 stuff because I had a breakdown that I was dealing
11 with. Their situation. Them arguing all the time. I
12 couldn't do it anymore.

13 Q Okay. So you had a breakdown?

14 A Yes.

15 Q So the police -- because you had a breakdown,
16 the police were there to help you make?

17 A Yeah, I called them.

18 Q You called them. And what did you tell them?

19 A I wasn't feeling right. My hands were
20 shaking and short of breath. I stopped to the store.
21 And they told me to stay on the line. And I stayed on
22 the line with my phone. And first a fire truck pulled
23 up, and then an ambulance and police pulled up.

24 Q Okay. Where did they take you?

25 A They took me to Lexington Hospital at first.

1 Q That was -- where were you when you called
2 the police?

3 A I was in Cayce.

4 Q Okay. Why were you in Cayce?

5 A I don't remember why -- how -- I think I
6 caught a ride with somebody.

7 Q Okay.

8 A I was trying to get to Lexington Hospital,
9 but I didn't know the area.

10 Q Uh-huh.

11 Why were you trying to get to Lexington
12 Hospital?

13 A Because I wasn't feeling right.

14 Q Okay. So do you know people here in -- in
15 the Columbia area where we are?

16 A No, ma'am.

17 Q Okay. So when you caught a ride and you were
18 in Cayce, how did that work out?

19 A I ran into a person at a store and I offered
20 to pay them money to drop me off. And they said,
21 "Well, I can drop you off to the store. That is as far
22 as I'll go." So I said that would be fine. And I was
23 going to try to find someone else and, you know, try to
24 get there.

25 Q What were you doing in this part of the town

1 versus in Charleston?

2 **A** Well, I came down far as before I came down
3 with Antrone.

4 **Q** Okay.

5 **A** You know, he wanted to come down here. But I
6 had to go to, what you call that? Strom Thurmond
7 building?

8 **Q** Uh-huh.

9 **A** And we all knew where it was.

10 **Q** Uh-huh.

11 **A** I had to go there because I had to keep
12 changing my check.

13 **Q** Okay. You -- you had to -- you have to
14 update your information?

15 **A** Right.

16 **Q** And you've done that how many times?

17 **A** I had done that in a while in the past.

18 **Q** Okay. Let me ask you this: Do you have
19 family?

20 **A** Yes, I do.

21 **Q** Okay. Where do they live?

22 **A** My mom stays in Holly Hill. That's --

23 **Q** Okay.

24 **A** -- on the outskirts of Orangeburg.

25 **Q** Okay. Did you spend any time there? Did you

1 live there for any significant period of time?

2 A Yes, I have.

3 Q And Holly Hill's kind of almost -- really
4 almost halfway between here and Charleston, right?

5 A Yes.

6 Q Okay. I'm going to show you State's Exhibit
7 29. Can you recognize that?

8 A Let's see. Yes, I recognize that.

9 Q Okay. And it's already in evidence. And
10 it's a letter. And it says Martin Luther Dixon. Who's
11 that?

12 A That's me.

13 Q All right.

14 Then it says [REDACTED] -- I got to get better
15 eyes -- Boy Scout Road, Gaston, South Carolina. Who
16 lived there?

17 A Me.

18 Q You lived there?

19 A Yes.

20 Q And this says May 2019?

21 A Yes.

22 Q Okay. So do you remember what month you were
23 in Three Rivers the first time you went there?

24 A No. That --

25 Q Was it before May?

1 A Yes.

2 Q When you got out, what did you do?

3 A I went and got me a place.

4 Q In Gaston?

5 A Yes.

6 Q Okay. And then the second time when you went
7 back to Three Rivers, do you recall about the dates of
8 when that was?

9 A It was -- I'm -- I'm not sure exactly.

10 Q Was it many weeks before August or a few
11 weeks before August?

12 A It was -- it was a few weeks.

13 Q A few weeks?

14 A Yes.

15 Q Okay. And you -- and so when you get out the
16 second time from Three Rivers, where was your -- where
17 were you planning on living? When you were in Three
18 Rivers, was it a day? How long was it?

19 A Maybe two or three weeks.

20 Q They kept you there for weeks at a time,
21 right?

22 A Yes, ma'am.

23 Q Okay. So when you got out the second time,
24 what was your -- what were your plans?

25 A I was going to move to North Carolina.

1 Q You were going to move to North Carolina?

2 A Yes, ma'am.

3 Q Tell the jury why you were going to move to
4 North Carolina.

5 A It was -- to me, it was -- where I was going
6 was a better environment. Because down here, they got
7 gangs and stuff. And I didn't want to be around that.
8 So I went through -- I had a friend down there.

9 Q You had a friend there?

10 A Yeah.

11 Q Okay. And so when you were in Three Rivers,
12 was Michelle with you?

13 A No, ma'am.

14 Q Okay. Did you know her -- or did you -- when
15 did you -- how did you meet back up with her and when?

16 A I met back up with Michelle when I went to
17 Charleston.

18 Q Okay. And what happened in Charleston?

19 A Me and Mr. Antrone went to Charleston. And I
20 met up with her. And they -- you know, start -- they
21 argued all the time.

22 Q How was that -- was that good for your mental
23 health?

24 A No.

25 Q Okay. You -- I want obviously to -- to -- to

1 talk about why we are here. Okay?

2 A Yes, ma'am.

3 Q So obviously, you understand why we are here.
4 We're in a trial, right?

5 A Yes, ma'am.

6 Q And you've seen Mr. Dubose testify, right?

7 A Yes, ma'am.

8 Q And Ms. Jones testify, right?

9 A Yes, ma'am.

10 Q How does it make you feel to hear what they
11 had to say about you?

12 A It hurts me.

13 Q Why does it hurt you?

14 A Because I can't see why they would just sit
15 up there and lie like that. And they know all I tried
16 to do was help and got caught in the middle of them
17 bickering and arguing and fighting all the time about
18 something that happened in the past that I didn't even
19 know nothing about.

20 Q Okay. I want to show you State's 41. I know
21 that your eyes are about as great as mine.

22 A Okay. I see it.

23 Q Okay. Do you know -- do you know what that
24 is?

25 A A receipt.

1 Q That's a receipt for a hotel, right, or a
2 motel?

3 A Yes, ma'am.

4 Q Tell the jury how this -- and the dates on
5 here, August 1 through August 5?

6 A Yes, ma'am.

7 Q And it has your name, right?

8 A Yes, ma'am.

9 Q So tell the jury -- tell the jury about why
10 you -- why you rented this motel room?

11 A I rented that because during the time, as far
12 as me trying to deal with paying for the house and
13 paying for all of these things, I ended up losing my
14 place.

15 Q Okay.

16 A So we had to go to a hotel. You know, I
17 couldn't stay in the street, so I ended up paying for
18 that.

19 Q Okay. And so a lot of these items -- well,
20 minus the receipt, but the envelope, the State's 30,
21 which are some medical records, which I know I'm not
22 even going to ask you to read the date, but the date's
23 on there. And -- and the jury can see that.

24 A Yes, ma'am.

25 Q So you had all of these papers. Why did you

1 have all of these papers in -- in Mr. Dubose's car?

2 A It was in the car when I went down to the gas
3 station and he decided he wanted to leave. He left.
4 He drove off.

5 Q Okay.

6 A I looked and I said I know he didn't do me
7 like that.

8 Q And I want to come back to that. But -- but
9 were you living out of Mr. Dubose's car?

10 A No. I had papers -- I just had my papers and
11 stuff in there.

12 Q You just had your papers and stuff in there?

13 A Yes, ma'am.

14 Q Because you had been kicked out of your
15 house?

16 A Right.

17 Q You had lost, not been kicked out?

18 A Not kicked out.

19 Q Right. You lost your house, right?

20 A Yes, ma'am.

21 Q And that was right around this time that you
22 had just gotten out of Three Rivers again?

23 A Yes, ma'am.

24 Q Okay. And so -- so I want to be real clear
25 about the timeline. Okay. So August 1, you checked

1 into the motel?

2 A Yes.

3 Q And you checked August 5?

4 A Yes, ma'am.

5 Q Okay. And what happened August 5, 2019,
6 where did y'all go?

7 A We went to the hospital and we went to the
8 gas station.

9 Q Okay. So let's stop there. You went to --
10 when you say "we," who are you talking about?

11 A Me, Michelle Jones, and Antrone Dubose.

12 Q Okay. And why did you go -- which hospital
13 did you go to?

14 A We went to Lexington.

15 Q Okay. And clearly from the paperwork that
16 was in the car, you had been to Lexington, you had been
17 to Lexington before, right?

18 A Yes, ma'am.

19 Q And so were you familiar with the hospital?

20 A I was familiar with that area because of
21 Three Rivers.

22 Q Okay. Okay. And so why did y'all go to the
23 hospital on August 5?

24 A Went to -- Michelle wanted to go.

25 Q Okay.

1 **A** She wanted to go to the hospital for
2 something.

3 **Q** And -- and -- and -- let me ask you this: Do
4 you have a license?

5 **A** No, ma'am.

6 **Q** Okay. Okay. Why didn't have a license?

7 **A** My license was suspended because I failed to
8 turn in a tag. You know how you hold -- you hold a
9 tag. And I didn't know that they were going to suspend
10 my license. I took the insurance off the car. And I
11 didn't turn the tag -- I couldn't find the tag. And
12 they suspended my license.

13 **Q** Okay. So are you supposed to drive if you
14 don't have a license?

15 **A** No, ma'am.

16 **Q** Okay. And have you done that once before?

17 **A** Yes, ma'am.

18 **Q** And what happened?

19 **A** I got arrested.

20 **Q** You got arrested for?

21 **A** I did.

22 **Q** So did you drive -- were you driving?

23 **A** What?

24 **Q** I'm sorry. That was a terrible question.
25 Going back to August 5, 2019, were you driving?

1 A No. Antrone was driving.

2 Q Okay. Did you want to get arrested again for
3 driving without a license?

4 A No, no, no, no, no. Huh-uh.

5 Q All right.

6 Or driving under suspension. Sorry.

7 A No.

8 Q Okay. So -- so Mr. Dubose drives y'all to
9 the hospital?

10 A Yes, ma'am.

11 Q All right.

12 Do you recall how long you were there?

13 A It was -- it was a while.

14 Q Okay. Do you recall what time of day it was?

15 A It was at night.

16 Q Okay. It was at night?

17 A Yes, ma'am.

18 Q And so she was -- she was treated at the
19 hospital. We've seen the --

20 A Yes, ma'am.

21 Q -- the records, right?

22 A Yes, ma'am.

23 Q And they gave her some prescriptions --

24 A Yes, ma'am.

25 Q -- right? And who picked you up from the

1 hospital? Or did he pick you up? Tell me how that --
2 how that work?

3 A Antrone was -- he was outside.

4 Q Okay. He didn't come inside?

5 A No, ma'am.

6 Q Okay. Did you have a phone at this time?

7 A Yes, ma'am.

8 Q And did Michelle have a phone at this time?

9 A Yes, ma'am.

10 Q And did Antrone have a phone at this time?

11 A Yes, ma'am.

12 Q Okay. Do you know Mr. Dexter Dubose?

13 A No, ma'am. I don't.

14 Q Ever talk to him on the phone?

15 A No, ma'am. That's the first time I actually
16 ever seen him.

17 Q Okay. You -- so it's the nighttime and she
18 gets released from the hospital?

19 A Yes, ma'am.

20 Q And tell the jury what happens after that.

21 A We went to the gas station. We stopped to
22 the gas station. So me and Michelle get out. He pulls
23 off.

24 Q "He" who?

25 A Antrone Dubose.

1 Q He pulls off?

2 A He pulls off. He got all our stuff,
3 paperwork in the car and stuff. He just drives off.
4 I'm saying to myself, "I know he ain't doing me like
5 this."

6 Q All right.

7 So you and Michelle were at the gas station.
8 Did you have a ride?

9 A No.

10 Q Your ride just took off, right?

11 A Yes, ma'am.

12 Q So then -- so then, what happened next?

13 A I ended up having to call my friend in North
14 Carolina.

15 Q Who was your friend?

16 A T.

17 Q And you called T. What did you ask of T?

18 A I asked T -- you know, I told T that, you
19 know, that he drove off and had all of our stuff in the
20 car and could he come and get us.

21 Q Okay.

22 A Cause we were stranded.

23 Q Okay. And that was August 5, 2019?

24 A Yes, ma'am.

25 Q Okay. Do you recall about -- is it still

1 nighttime or is it --

2 **A** It's at night.

3 **Q** The middle of the night or --

4 **A** It was probably like eight, nine maybe.

5 **Q** Okay. P.m.?

6 **A** Yes, ma'am.

7 **Q** And so did he come and get you?

8 **A** Yes, he did.

9 **Q** And where did he take you?

10 **A** He took us to North Carolina.

11 **Q** To Hickory, North Carolina?

12 **A** Yes, ma'am.

13 **Q** And this was a friend that you had known

14 previously?

15 **A** Yes, ma'am.

16 **Q** Now let me ask you this: When you were

17 arrested in October 2019 in Hickory, North Carolina,

18 did you have your -- did you have a phone at that time?

19 **A** Yes, ma'am.

20 **Q** And what happened to that phone? Did the

21 police take it?

22 **A** Yes, ma'am.

23 **Q** Okay. Did you have Mr. -- did you have T's

24 number memorized?

25 **A** No, ma'am.

1 Q Okay. Have you been able to have any contact
2 with him --

3 A No, ma'am.

4 Q -- after you were arrested?

5 A No, ma'am.

6 Q Okay. So what did you do while you were in
7 Hickory?

8 A Well, we was -- we were at the hotel.

9 Q Okay.

10 A And I was planning on putting down for a
11 house the next day. Because I had -- I had my check.

12 Q Okay.

13 A I paid -- me and Michelle paid together on
14 that room.

15 Q Okay.

16 A So we could put together a down -- deposit
17 and first-month rent. And our friend was going to help
18 us as well, you know.

19 Q So how -- how is it that you got arrested
20 when you were in Hickory?

21 A I went and paid the -- the -- the room.

22 Q Okay. And when you paid, did you have to
23 give them any information?

24 A Yeah. My name and everything.

25 Q Could you give them any identification?

1 **A** Yes, I did.

2 **Q** Okay. What happened after you did that?

3 **A** After that, it must've been maybe 20 minutes
4 maybe went by. And I get a phone call in the room. I
5 was on the third floor. And I picked the phone up.
6 And they telling me to come to the desk. I asked them
7 why. They said, you know, nothing really, just come to
8 the desk. I said okay, fine. So me and Michelle, we
9 went. We left out. We went in the elevator. We went
10 down. As soon as the elevator open, I get guns in my
11 face.

12 **Q** Okay. Did you ever see Mr. Dubose after he
13 drove off and left you Michelle at the gas station?

14 **A** No, ma'am.

15 **Q** All right.

16 Did you -- did you hear about what happened
17 to him?

18 **A** No, ma'am.

19 **Q** Okay. When did you learn about what
20 happened?

21 **A** After the police told me I was under arrest
22 for attempted murder. I had to ask him, "You sure you
23 talking about me?"

24 **Q** Now which police told you that? Was that in
25 North Carolina?

1 **A** Yes, ma'am.

2 **Q** Okay. And so that was October 16, right?

3 **A** Yes, ma'am.

4 **Q** And did you spend a little bit of time up
5 there in the jail before they brought you down here?

6 **A** Yes, ma'am. They took me to their jail down
7 there.

8 **Q** Okay. Let me ask you this: Did you -- did
9 they ask you if they could -- if you would agree to --
10 to -- to be released to South Carolina?

11 **A** Yes, ma'am.

12 **Q** Okay. And did you fight extradition?

13 **A** No, ma'am.

14 **Q** So how long do you think it took for you to
15 get brought back down to South Carolina?

16 **A** I left the 24th.

17 **Q** Okay. So -- so on the 16th, you were read
18 the warrant. So at that point -- at that point, you
19 knew that -- you knew the facts that were in your
20 warrants, right?

21 **A** Yes, ma'am.

22 **Q** Okay. And did you -- were you ever allowed
23 to have any communication Ms. Jones after y'all were
24 both arrested?

25 **A** No, ma'am.

1 Q Okay. So you don't know anything about where
2 she learned her information?

3 A No, ma'am.

4 Q Okay. O you know anyone named Mike here in
5 Columbia?

6 A Yeah. We -- we have a mutual friend.

7 Q Okay. Did you ever talk to Mike?

8 A I talked to Mike on the phone.

9 Q Uh-huh.

10 Okay. And -- and that was after you were
11 arrested, right?

12 A Yes.

13 Q Okay. Did you ask him questions -- don't
14 tell me what he told you. But did you ask him
15 questions? Were you trying to find out information at
16 that point?

17 A Yes, ma'am.

18 Q Okay. Let me ask you this: Did you hit
19 Mr. Dubose -- I'm showing you State's 39. Did you ever
20 hit Mr. Dubose with this?

21 A No, ma'am.

22 Q Okay. Did you ever put him in the trunk of a
23 car?

24 A No, ma'am.

25 Q Did you ever order Michelle to put him in the

1 trunk of a car?

2 A No, ma'am.

3 Q Did you burn Mr. Dubose's car?

4 A No, ma'am.

5 Q Did you try to burn it?

6 A No, ma'am.

7 Q Do you know what happened to Mr. Dubose after
8 he left y'all at the gas station?

9 A No, I don't.

10 Q Mr. Dixon, I think those are all the
11 questions I have. No. I lied. I do have a few more
12 questions. When the -- who -- when you got to South
13 Carolina, who did you talk to?

14 A When I got to South Carolina?

15 Q Uh-huh.

16 Which police did you talk to?

17 A I guess Columbia.

18 Q Okay. The Columbia Police Department?

19 A Yes, ma'am.

20 Q And with that being Mr. Montgomery right
21 here?

22 A I'm not -- I don't remember.

23 Q Okay. Did they bring you to a room?

24 A I remember being brought me to a room that
25 looked something like First 48. And they handcuffed me

1 to a table.

2 Q They handcuffed you to a table?

3 A Then they walked out of there. Then they
4 came back.

5 Q Okay. Did they ask you any questions?

6 A He asked -- he went to ask me something. And
7 I told him --

8 Q What did you tell him?

9 A I told him I wasn't even in South Carolina,
10 you know. I was trying to figure out what was going
11 on. But he was, you know, being --

12 Q You told the -- you told the police that you
13 weren't even in South Carolina?

14 A I told them that.

15 Q Did you tell them that -- that -- that they
16 could -- that they could prove that?

17 A Yes.

18 Q Okay. How did you tell them to -- what did
19 you tell them to -- to try to help you to help them
20 understand you weren't in South Carolina?

21 A I told them where I was. I told them they
22 could call where I was at the hotel where I registered
23 at. And I also had my phone with me.

24 Q Did you talk to them about technology?

25 A Yes.

1 Q Okay. Were -- what was your expectation when
2 you told them that you weren't there and -- and -- and
3 that they could look it up?

4 A I thought they were going to actually look it
5 up and, you know, come to me and tell me okay, it was a
6 mistake. That didn't happen. It just -- it just
7 went -- you know, people just started believing what
8 they wanted to. And nobody wanted to say nothing to me
9 after that. And here I am.

10 Q And so -- and so when you got to South
11 Carolina, and you're in the jail, did you have a
12 lawyer?

13 A Yes, ma'am.

14 Q Was it me?

15 A No, ma'am.

16 Q Did you have a few lawyers before me?

17 A I had -- what was it? One?

18 Q Okay.

19 A Yes, it was one.

20 Q And then -- and then, was I appointed -- when
21 was I appointed your case? Do you recall?

22 A After I fired her.

23 Q Okay. All right.

24 And so was that recently fairly?

25 A Yes, ma'am.

1 Q Okay. So -- so you didn't say nothing to the
2 police, right?

3 A No, ma'am.

4 Q You told them --

5 A Yes.

6 Q -- that you were --

7 A I just wasn't --

8 Q -- you weren't even in the state?

9 A Yes, ma'am.

10 Q And did you know that that room had video
11 cameras?

12 A Yes, ma'am.

13 Q Okay. Now, those are all the questions I
14 have for you, Mr. Dixon. But you can't leave yet.

15 A Okay.

16 Q Okay. I want you to answer questions either
17 Mr. Scott or Mr. Whitmire has for you?

18 A Okay.

19 Q Okay?

20 THE COURT: Cross-examination.

21 CROSS-EXAMINATION

22 BY MR. SCOTT:

23 Q Mr. Dixon, so tell me -- so how do you wind
24 up -- you live in Gaston. I heard that part. Then you
25 lost your house. How does it come to be that you are

1 back in Charleston and then coming to Columbia with
2 Antrone and Michelle?

3 A Because that's where Michelle was.

4 Q Okay.

5 A That's where she was living.

6 Q She wasn't living with you in Gaston?

7 A Not at first, no.

8 Q When did she move in to Gaston?

9 A After she said she didn't want to be in North
10 Charleston anymore.

11 Q So she moved up to Gaston, you lose the
12 house, go back to Charleston?

13 A Yes.

14 Q How did you get down there?

15 A Rode with Antrone.

16 Q Antrone came up to Gaston from Charleston to
17 pick you up and take you down?

18 A We was all together.

19 Q He was living in Gaston with you?

20 A Anywhere I went, he stayed. Because he
21 didn't have no money to pay no rent or nothing.

22 Q Wait a minute. I heard you say earlier he
23 lived somewhere in Summerville with you. Now you're
24 saying he lived up in Gaston?

25 A I never said Summerville. We never lived in

1 Summerville.

2 Q Where was it?

3 A We lived in North Charleston --

4 Q North Charleston.

5 A -- together.

6 Q Okay.

7 A Never been in Summerville.

8 Q I didn't hear you say anything about him
9 living in Gaston with you?

10 A Yeah. He lived there, but for a second. It
11 was -- it was a quick second.

12 Q A quick second?

13 A Yep. Because I lost it trying to help him
14 and Michelle.

15 Q You just always helping everybody, aren't
16 you?

17 A I mean, those are my friends.

18 Q Okay.

19 A And you know, and I try to do what I can.

20 Q All right.

21 So you lose your place. And y'all go back
22 down to North Charleston?

23 A Yeah. We went back down.

24 Q Where did you stay there?

25 A We just stopped down there and came back up.

1 Q Why did you stop down there?

2 A Michelle wanted to go.

3 Q Okay. Y'all don't have any -- Antrone is
4 y'all sole mode of transportation; is that right?

5 A No, not really.

6 Q What's your other mode of transportation?

7 A I have a couple of other friends in North
8 Charleston. But he was always living with us. So he
9 wanted to drive. And I always give him money for gas
10 and paid the gas and helped him out. I mean, he
11 borrowed money from other people. I tried to get him
12 out of situations. He was like a little brother to me.
13 I told him I didn't want him to get in no trouble.

14 Q Okay. So you lose your house in Gaston. You
15 go to Charleston, North Charleston, for a quick second.
16 You turn around and come back up here?

17 A Yes, sir.

18 Q And then you're just spending money for
19 hotels at that point, right?

20 A I had no choice. I mean, it's three of us.

21 Q Y'all got to live together? What you call
22 that? Is that a throuple? Have you heard that term?
23 Are you-all living together as
24 boyfriend/girlfriend/boyfriend?

25 A No. Just friends. We was just friends.

1 Q Okay?

2 A And she was my girlfriend. He was my -- he
3 was like my best friend. I was like a big brother to
4 him. And she was my girlfriend.

5 Q Doesn't seem ideal if he and Michelle are
6 arguing all the time. That's what you said. You said
7 it kind of --

8 A Yeah.

9 Q Wait a minute. You said it kind of drive you
10 crazy, but you're tagging them along with you all over
11 the state. Why were you doing that? Just cause you
12 have a big heart?

13 A No. They didn't have nowhere to go. I mean
14 I'm not going to just turn my back on my friends. I
15 wouldn't want nobody to do that to me.

16 Q Heard about Antrone's family --

17 MS. ZMROCZEK: Your Honor, I asked that he be
18 allowed to finish his statement.

19 BY MR. SCOTT:

20 Q You're not done?

21 A Yes. I didn't just want to turn my back on
22 him because he wouldn't have done that to me.

23 Q He wouldn't have done that to you. Right.
24 He would not have turned his back?

25 A Not on the street.

1 Q He would not have turned his back on you is
2 what you just said?

3 A Yeah.

4 Q Okay.

5 A During that time, yeah.

6 Q And we all know that Antrone has family down
7 in Moncks Corner. He's got a brother here in town.
8 He's got places to go. You just tag him along with
9 you. Because he had the wheels, right?

10 A No.

11 Q You got to have him if you want to get
12 around?

13 A No. He wanted to come. And I have other
14 friends with cars.

15 Q Okay. So you're down in Charleston. You
16 just kind of keep coming back to Columbia and you want
17 to be in Columbia, why?

18 A Well, I had to come to Columbia for the Strom
19 Thurman Building to get my paperwork and stuff changed.
20 And he had to get some things changed because he know
21 people down here. I didn't really know too many people
22 down here.

23 Q Why were you wanting to settle in Columbia?
24 I don't get it. That wasn't explained to me.

25 A Different environment. During that time, you

1 know, she wanted to get out of Charleston.

2 Q All right.

3 Now tell me this: When did you decide I want
4 to get out of Charleston and get to Columbia because I
5 don't like Charleston? Was that around -- you checked
6 into the hotel August 1, 2019?

7 A What do you mean?

8 Q You checked into the hotel August 1, 2019?

9 A I believe so.

10 Q The OYO Hotel in West Columbia?

11 A Yes, sir.

12 Q Okay. That's when you made your decision
13 that you got to get out of North Charleston --

14 A No.

15 Q -- and go to Columbia?

16 A No. We -- all three of us had sat down and
17 decided what we want to do.

18 Q And when did y'all decide?

19 A When we were in North Charleston.

20 Q When were you in North Charleston?

21 A A while before that.

22 Q When was that?

23 A I don't know the exact dates. But we always
24 talked about leaving because of the violence that was
25 there. But we didn't know about the violence that was

1 here. We didn't know about it because cause we didn't
2 know too much about Columbia.

3 Q Because you don't have any ties to Columbia,
4 right?

5 A I don't know.

6 Q So you-all come here and the idea is we're
7 just going to live in a hotel together? I mean, is
8 that --

9 A No.

10 Q -- a long-term plan?

11 A No.

12 Q What's the long-term plan?

13 A That was -- that was a situation where we had
14 no choice -- well, we had a choice. We could have
15 stayed in the car. I was like no, she's a female. She
16 don't need to be, you know, in no car.

17 Q Could have stayed down in North Charleston
18 where y'all got family and connections and support,
19 right?

20 A We was trying to do it on our own.

21 Q So the plan was we're just going to live, all
22 three of us in a hotel together. We don't really have
23 any plan beyond that. That's -- that's your testimony?

24 A I mean, we had -- we had plans. We were just
25 trying to figure out, you know, what we was going to do

1 because everything was falling on me.

2 Q Okay.

3 A And I tried to do the best I could by myself.
4 I couldn't do it. I thought I could. I couldn't do
5 it.

6 Q Right.

7 A I couldn't do it.

8 Q And I imagine those two arguing all the time
9 was messing with your head too?

10 A I just felt bad.

11 Q Yeah.

12 A I wasn't angry or nothing. I felt bad
13 because I felt like I was in the middle of a situation.
14 And I couldn't take sides. And Antrone would get upset
15 when I, you know, tell him, "She's a female; just let
16 it go. Oh, you're just taking her side." And then, if
17 I tell her, then she get mad with me. So it's like I
18 couldn't win for losing.

19 Q So you just kind of caught in the middle. So
20 why not say, "Antrone, you need to go be with your
21 family, man"?

22 A See, Antrone -- Antrone been through a lot of
23 stuff.

24 Q Yeah. He has.

25 A And I -- I wouldn't -- I wouldn't do him like

1 that. And there was people out there that were trying
2 to take advantage of him.

3 Q Uh-huh. People take advantage of Michelle
4 too, don't they?

5 A Michelle too, yes. So I had to feel like I
6 had to protect them both from, you know, people who
7 trying to take advantage of them. Because I didn't
8 need anything from them.

9 Q But you don't know people in Columbia. Tell
10 me about being in Cayce. Okay. When y'all were at the
11 hotel in West Columbia. Tell me all the different
12 places y'all checked out as far as living.

13 A I can't remember now.

14 Q What steps did you go through? Did you talk
15 to somebody about renting an apartment or -- if so,
16 who?

17 A Actually, I was looking on my phone --

18 Q Uh-huh.

19 A -- and looking at different places and prices
20 of stuff.

21 Q Did you go visit any places?

22 A Yeah, we did.

23 Q Where?

24 A Went to -- we went to Lexington one time. We
25 went to -- I remember this place called King Street.

1 Q King Street?

2 A Yes. King Street. It's down -- it's a
3 street called King Street.

4 Q Where is that?

5 A Only thing I remember is a Suds gas -- Suds
6 washing machine place and a store on the corner. It's
7 a block. But I noticed it was a lot of guys standing
8 out there and it wasn't a good area. It was like --
9 the rent was cheap, but I said no.

10 Q Okay. So that's about the only place you
11 checked out, King Street?

12 A It's a couple of other places we was looking
13 at. I don't remember all of them.

14 Q None of them were good enough for you?

15 A I don't remember all of them. That was a
16 long time ago.

17 Q And then you checked out of the hotel August
18 5. So you spent about four days looking at places and
19 nothing ever suited you. That's your testimony?

20 A No. After we -- after we left, that was a
21 wrap.

22 Q That was it?

23 A No, that was a wrap. We went to the hospital
24 and then we went to the gas station. That was the last
25 time I seen him. After he drove off, I ain't -- I

1 ain't even seen him no more. The plan was over with.

2 Q Antrone would never turn his back on you.

3 But now you're saying he just left you high and dry?

4 A He drove off. I ain't never thought he would
5 do that. He did that.

6 Q Okay.

7 A He did that.

8 Q And what was your plan? If he hadn't left,
9 where were you going to go after you checked into the
10 hotel?

11 A We weren't sure. We weren't sure. I
12 wanted -- I wanted to go -- what I wanted to do was go
13 to North Carolina.

14 Q What's the plan?

15 A That was the plan.

16 Q And you were going to take Antrone up there
17 with you?

18 A Yeah. He wanted to go.

19 Q Just three musketeers going from North
20 Carolina to Columbia to Cayce to Lexington, up to
21 Hickory, North Carolina. All the while your girlfriend
22 and he don't get along, so much so that it messes with
23 your head and drive you crazy?

24 A I thought that I could -- somewhere in my
25 mind I thought that I could -- wanted to -- them be

1 friends.

2 Q Uh-huh.

3 A Maybe they were going to stop. I was like,
4 you know.

5 Q Because you got a big heart and you're always
6 trying to help people, right?

7 A I don't know about all of that.

8 Q You said it earlier.

9 A I try to help. That's how you get your
10 blessings. I try to help people. And it always bite
11 me. It always. Always. My mom always tell me that's
12 going to be my death.

13 Q Helping people. You got such a big heart?

14 A I'm in handcuffs. I'm in here.

15 Q God bless you. So the plan is you checked --
16 we want to live in Columbia?

17 A Yes, sir.

18 Q And then we stop paying on a hotel room and
19 we don't really know where we're going to go after
20 that. We don't really have no clue. Then Antrone
21 leaves. And so, well, I guess we'll just go up to
22 Hickory, North Carolina. You made a split-second
23 decision?

24 A No, we was going.

25 Q Wait. Wait. You made a split-second

1 decision. We're not going to look around here in
2 Columbia anymore. We're just going to go up to
3 Hickory, North Carolina. That's -- that's how it
4 happened?

5 A We was already going to go up there because I
6 had a friend up there.

7 Q You just said you were looking all through
8 Columbia?

9 A Yes. That was waiting for --

10 Q You went King Street?

11 A Yes.

12 Q You went to Lexington?

13 A Yes.

14 Q And then you just said let's shift midstream
15 and go up to Hickory, North Carolina?

16 A It was cheaper. And I had a friend up there
17 that I knew that was going to help me because I
18 couldn't do it myself.

19 Q It was a good friend?

20 A Huh?

21 Q It was a good friend?

22 A Yes.

23 Q And what was his name?

24 A T.

25 Q All right. What's his last name?

1 **A** Ordum.
2 **Q** Pardon me?
3 **A** Ordum.
4 **Q** Pordum?
5 **A** Yes.
6 **Q** T Pordum.
7 **A** Ordum.
8 **Q** Would you spell that?
9 **A** I don't know how you spell that.
10 **Q** It's a good friend of yours?
11 **A** Uh-huh.
12 **Q** T Ordum?
13 **A** Uh-huh.
14 **Q** Okay. So we can look him up and give him a
15 call?
16 **A** Yeah.
17 **Q** T Ordum. What's his first name? How do you
18 spell that?
19 **A** I -- that's -- T. I just know him as T.
20 **Q** Just the letter T?
21 **A** Correct.
22 **Q** Hickory, North Carolina. And I'm going to
23 call him and he's going to come down here and talk to
24 us some?
25 **A** I don't know about all of that.

1 Q Well, why wouldn't he?

2 A I don't know what he's doing. I ain't talk
3 to him. I've been locked up for almost four years. I
4 don't know.

5 Q You haven't had any chance to research where
6 T Ordum is?

7 A No, I didn't do all of that.

8 Q Why not? That's a good friend of yours.

9 A I been in jail.

10 Q Yep. And you had a lawyer too. You just
11 talked about having a couple of lawyers.

12 A No. One lawyer.

13 Q You said you fired one.

14 A That's it.

15 Q Then you have this one here at?

16 A Yeah. I have her.

17 Q Did you say, "Hey. We got to find this T
18 Ordum. He's in Hickory, North Carolina. Hickory ain't
19 that big. And there ain't that many Ordums I've ever
20 heard of."

21 A I didn't know that I was having -- even
22 having to go through all this.

23 **MS. ZMROCZEK:** Your Honor --

24 **THE WITNESS:** I didn't know it was going to
25 be in jail this long.

1 **MS. ZMROCZEK:** Your Honor -- Your Honor, I'm
2 sorry. I have a matter of law.

3 **THE COURT:** Take it up later.
4 You may proceed.

5 **MS. ZMROCZEK:** Thank you.

6 **BY MR. SCOTT:**

7 **Q** T Ordum. All right.

8 We're going to see if we can find him. You
9 haven't asked anybody to find T Ordum all these -- all
10 this time?

11 **A** I've been in jail for almost four years.

12 **Q** You got lawyers?

13 **A** I don't have my phone. I don't have
14 anything. I don't -- and in the jail that I'm in,
15 you'd be lucky if you get a phone call.

16 **Q** Listen. How did Aimee Zmroczek know about T?
17 Y'all were just talking about T.

18 **A** Okay.

19 **Q** Did you ever say I need you to find this T
20 guy? We need him here?

21 **A** No.

22 **Q** Never thought that --

23 **A** I didn't -- I didn't think I was going to
24 have to go through this. I thought it was going to be
25 open and shut.

1 Q Well, if this is a real person, he's going to
2 find him, okay? T Ordum.

3 Let's remember T Ordum, everybody.

4 And it's about two and half hours to get from
5 here to Hickory, right?

6 A I guess -- I guess so.

7 Q Well, that's where you wanted to live. You
8 don't know how long it takes to get there?

9 A I don't know like that.

10 Q About two and a half hours? Would you
11 disagree with me?

12 A I don't know. I can't really disagree with
13 you. I don't know. I'm not sure.

14 Q Well, for argument's sake, had you ever been
15 there before?

16 A I been there one time before.

17 Q You remember it being about two and a half
18 hours from Columbia?

19 A I know it was a long ride, but I can't say
20 exactly.

21 Q You wouldn't argue with me, though. So T
22 Ordum on the night of August 5, you call him up. And
23 you say, "Hey, T. I'm stranded over here in West
24 Columbia off 378. I need a ride. Would you come from
25 Hickory, North Carolina, and pick me up?" Right?

1 That's how it happened?

2 A Somewhat.

3 Q And did he say, "You crazy. Jump on
4 Greyhound, man"?

5 A Nah. I don't have friends like that.

6 Q Okay. So he said, "All right. Let me drop
7 what I'm doing. I will drive down to" -- and by the
8 way, where are you. You say you're at that gas
9 station? Where? Where's the gas station?

10 A Down there in Lexington.

11 Q Lexington County? You were still in West
12 Columbia? Where are you?

13 A I guess Lexington. I don't know Columbia
14 like that. All I know is Lexington. I know downtown.
15 I don't know, like, the area like that. I'm not from
16 here.

17 Q Back in August, you were wanting to live
18 there. So T Ordum comes down two and a half hours from
19 Hickory, picks you up, turns around and drives two and
20 a half hours back to Hickory? And why didn't you stay
21 with T Ordum?

22 A T stays with his mom.

23 Q Okay. Okay. You said I'm just going to
24 (inaudible). About three months, you rented a hotel up
25 there?

1 **A** Somewhere around in there.

2 **Q** How much money did that cost?

3 **A** A lot.

4 **Q** Wouldn't it had been smarter to maybe like
5 put that money down for a down payment on a -- you were
6 looking for long-term living area, weren't you? You
7 just said I'm going to rent a hotel, I guess?

8 **A** Well, the money -- the money I had, I was
9 trying to -- I was going to get a house. I was going
10 to get a place. I had to spend the money on food and
11 hotel. And that -- that -- that eats it up. If you
12 ever rented a hotel and you had to buy food out in the
13 street, you know how quick your money would go. It
14 don't last that long.

15 **Q** The point is: Why spend it on down payment
16 for apartment or house or something instead of just
17 throwing it away on a hotel for three months? That's
18 exorbitant, a lot of money?

19 **A** I agree; I wasn't thinking on that. It
20 happens like that sometimes.

21 **Q** Do you do a lot of things without thinking?

22 **A** No.

23 **Q** No? All right.

24 So tell me about -- which one of those
25 fingers did you injure in an accident at Boeing?

1 **A** Boeing?

2 **Q** Boeing.

3 **A** What about Boeing?

4 **Q** What about it? Did you ever work there?

5 **A** No.

6 **Q** You never told anybody you worked at Boeing?

7 **A** I never worked at Boeing. I had got
8 disability.

9 **Q** Okay. You know that you're under oath?

10 **A** Yeah.

11 **Q** Did you tell anybody you injured your finger,
12 fourth finger on your left hand at an accident while
13 working at Boeing?

14 **A** I got my fingers.

15 **Q** Okay. And did you injure one finger that had
16 to require screws to be put in it?

17 **A** No.

18 **Q** You never would have told anybody that, would
19 you?

20 **A** I probably was playing around with somebody.
21 But you can clearly see I got my fingers.

22 **Q** Okay. Let me see that finger right there.

23 **A** This one.

24 **Q** What's going on with that? Hold it up. Hold
25 it up. Show the jury. Your ring finger on your left

1 hand, what's going on there? That's what I'm asking
2 you about.

3 A What about it?

4 Q You got screws in it, right?

5 A No. This finger been broke. This finger
6 been broke. I ain't -- no screws in my fingers.

7 Q You remember at some point talking to a
8 Dr. Richard Frierson?

9 A I don't remember him.

10 Q All right.

11 MS. ZMROCZEK: Your Honor, he didn't generate
12 that report, so I believe that's improper
13 impeachment.

14 THE COURT: Overruled.

15 BY MR. SCOTT:

16 Q Take a look right here. Can you read it?

17 A I got --

18 Q Don't read it out loud. But read this part.
19 See if that refreshes your memory.

20 A There you go.

21 Q Okay. Why'd you say that?

22 A First of all, during that time, they changed
23 my medication. I was on -- what's the name of that
24 medication. It will have you delusional and stuff.
25 They had to take me off it. Cause I -- it had me

1 commit suicide, almost commit suicide in the -- in the
2 jail during the time. They gave me the wrong kind of
3 medication.

4 Q Tell me --

5 A So they sent me to the hospital.

6 Q What did you tell the doctor about your
7 finger?

8 A I don't even remember, cause I was on the --

9 Q Did that not refresh your memory?

10 A No.

11 Q You didn't tell them you smashed it?

12 A I probably told them all kind of stuff. I
13 was under some kind of medication and they give me the
14 wrong kind of medication. Hospitalized. I actually
15 hung myself.

16 Q You hung yourself?

17 A Yes.

18 Q So do you tell people a lot of things
19 sometimes that's not true?

20 A No. That was -- that was the only answer
21 that -- during that time. I took -- they gave me the
22 wrong medication at the hospital. And I actually hung
23 myself. And they cut me down and took me. You can
24 look that report up. They took me to the hospital.
25 And I've been on mental health hold the whole time.

1 That's why I didn't shave or nothing. Cause they don't .
2 let you get, you know. I been there on mental health
3 hold the whole time.

4 Q Okay. Are you getting nervous?

5 A No.

6 Q Show the jury your hand again. Hold the
7 other one up. I'm talking -- why do you keep hiding
8 the left hand, man? Hold it up. What's going on with
9 that finger right there?

10 A It was broke before.

11 Q Okay. How'd you --

12 A This one was broke. This one was broke.
13 This one was broke.

14 Q How did you break it? How'd you break this
15 one that won't stay straight?

16 A Fighting.

17 Q Fighting?

18 A Yeah.

19 Q Okay. Did you have to have screws put in it?

20 A No.

21 Q All right.

22 So you have a very noticeably-injured finger.
23 You don't disagree with me?

24 A I don't have no screws or nothing.

25 Q Why did you tell the doctor that?

1 **A** Like I told you, I was on medication. I
2 don't remember -- I don't remember telling him none of
3 that stuff. They will tell you I was under some -- I'm
4 trying to remember the name of that medication. Had me
5 hallucinating and everything to the point where I hung
6 myself.

7 **Q** This your lawyer just showed you, that's your
8 Defense 6. That's an interview recorded that you had
9 with Investigator Wayne Montgomery. Do you remember
10 that?

11 **A** Somewhat.

12 **Q** Did you tell him the truth?

13 **A** Yeah.

14 **Q** The whole truth?

15 **A** Yeah. I told him I wasn't -- I wasn't in
16 South Carolina.

17 **Q** Right. And you --

18 **MS. ZMROCZEK:** Your Honor, again, I would ask
19 that he be allowed to answer the question.

20 **THE COURT:** You may proceed.

21 **BY MR. SCOTT:**

22 **Q** You told him the whole truth, right?

23 **A** Yes.

24 **Q** So everything you said on this is the whole,
25 complete truth.

1 Did you tell him about T Ordum?

2 **A** I don't know -- I don't remember if he asked
3 me.

4 **Q** How would he know to ask you about T Ordum?

5 **A** I don't remember what he asked me, really. I
6 remember one thing. He said was I in South Carolina.
7 And I told him no.

8 **Q** Okay. Did you tell him --

9 **A** I -- that's the only thing I remember.

10 **Q** Did you tell him where you were?

11 **A** I told him I was in North Carolina.

12 **Q** So if we watch this, that's what it will say?

13 **A** I guess. I know I told him I wasn't in South
14 Carolina. I remember telling him that.

15 **Q** And you -- you said, "Hey, man. Go talk to T
16 Ordum. And he's going to tell you where I was"?

17 **A** No. I didn't know I had to go through all
18 that. I didn't really know what was going on. At the
19 time, it didn't -- it didn't make sense to me.

20 **Q** Did you watch this with your attorney your
21 interview? Do you remember it?

22 **A** No.

23 **Q** Do you want to watch it?

24 **A** (No audible response.)

25 **Q** I mean, you're on the stand. You want to

1 watch what you told him or you want me to just admit it
2 and let the jury watch it later?

3 A You can watch it.

4 MR. SCOTT: Okay. Your Honor, the state --

5 THE WITNESS: I would like to see that
6 myself.

7 MR. SCOTT: This is Defense No. 6. And the
8 state, I guess, moves to introduce State's No. --

9 MS. ZMROCZEK: I did not introduce it yet.
10 But you can. It was marked for ID as Defense 6.
11 I'm fine moving it in as Defense 6, Your Honor. I
12 don't have a problem with it.

13 MR. SCOTT: Okay. Defense 6.

14 THE COURT: It's admitted.

15 (Defense Exhibit No. 6 is admitted into the
16 record.)

17 (Defense Exhibit No. 6 is played.)

18 BY MR. SCOTT:

19 Q You talked about working at Boeing right
20 there?

21 A Yeah.

22 Q Now, you remember?

23 A Yeah. I'd lied to him on there on that part.

24 Q Okay. But a minute ago, you said you didn't
25 remember?

1 **A** I didn't remember. It was what? Four years
2 ago. I didn't remember that.

3 **Q** You just testified to a bunch of stuff you
4 remembered crystal clear?

5 **A** No. That's -- that's the only thing I didn't
6 remember.

7 **Q** That -- that's the --

8 **A** That, I didn't remember that.

9 **Q** And you remember telling Wayne Montgomery
10 that you'd never been in trouble and you don't have a
11 record?

12 **MS. ZMROCZEK:** Your Honor, we have a matter
13 of law.

14 **MR. SCOTT:** It's a question on a defense
15 exhibit, Your Honor.

16 **THE COURT:** It's something that's on the
17 exhibit?

18 **MR. SCOTT:** Yes, sir.

19 **THE COURT:** That the defense introduced?

20 **MR. SCOTT:** Yes, sir.

21 **THE COURT:** Ms. Zmroczek.

22 **MS. ZMROCZEK:** Your Honor, I believe that if
23 we are to properly argue it, it needs to be
24 outside the presence of the jury.

25 **THE COURT:** Skip the question and proceed.

1 BY MR. SCOTT:

2 Q Okay. Everything you told that officer was
3 100 percent the truth?

4 A Except for that. I showed him everything
5 else.

6 Q Except for what?

7 A Except for the Boeing part.

8 Q That's the only --

9 A Everything else, I showed him.

10 Q Everything else you told him was the truth?

11 A Yes. I showed proof.

12 Q Okay. So if I showed you something else,
13 you're telling me you didn't lie to that officer when
14 you were talking to him?

15 A I just told you I did as far as Boeing thing.

16 Q Just the Boeing thing?

17 A And I show -- I handed him the paperwork and
18 showed him everything else that he wanted to see. The
19 other officer took the copies. They've got copies of
20 it.

21 Q No. You took it back from him, if you watch.
22 You didn't let him make a copy.

23 A Before I left, they got -- they got that
24 paperwork. I don't even have that paperwork.

25 Q What was it?

1 **A** I don't even remember. I just know it was a
2 lot of paperwork I had on me. I don't remember exactly
3 what it was. But I know it was something that would
4 have proved me, you know, somewhere else. I wasn't --
5 and I showed it to him.

6 **Q** Okay. Why did you just -- you offered -- you
7 said yourself, "I don't get in trouble." Why did you
8 tell him that?

9 **A** Since 2007.

10 **Q** Huh?

11 **A** Since 2007 I haven't been in no trouble.

12 **Q** You said you don't have any record?

13 **A** I don't know about that. I mean, how long --
14 I don't know how long they hold it. How many years do
15 they hold it on you? I thought it was seven years.
16 That's why I was like I don't have anything.

17 **Q** I mean, that's not true, though. Why did you
18 tell him that?

19 **A** I don't know how long they hold it. That's
20 what I just said. I don't know. I thought they hold
21 it only for seven years. After that, you don't
22 supposed to have anything.

23 **Q** Okay. But that wasn't true when you told him
24 that?

25 **A** But it was seven years. Seven years went by.

1 What?

2 Q Who told you that?

3 A That's what I assumed. I didn't know.

4 Q You just assumed that?

5 A I assumed that.

6 Q What else did you tell that lawyer that you
7 just assumed to be true?

8 A Just that.

9 Q So now just that and just the Boeing; those
10 were the only two lies?

11 A That was my assumption. The Boeing thing was
12 a lie. That was my assumption, like I told you. I
13 didn't know they hold it more than seven years. I
14 thought after seven years, you know, you don't supposed
15 to have nothing on you.

16 Q That's -- and you just assumed that?

17 A That's what I believed.

18 Q You still believe that?

19 A Not now. I mean, you're bringing it up.

20 Q Yeah. I just wonder --

21 A I just learned something. I didn't know
22 that.

23 Q I just wonder why you told that officer that.
24 I mean, what else did you tell him that maybe wasn't
25 true?

1 **A** Nah. That was -- like I told you, I believed
2 that. It wasn't like it wasn't true. I really
3 believed that.

4 **Q** Okay. Huh. And the jury is going to have
5 this?

6 **A** Uh-huh.

7 **Q** So they will get to here when you say,
8 "Investigator Montgomery, going talk to T Ordum. He's
9 going to tell you everything you need to know about my
10 whereabouts"?

11 **A** Okay.

12 **Q** He's going to say that on that -- you're
13 going to tell him that on the video?

14 **A** I don't remember the whole video, like I told
15 you.

16 **Q** Tell the jury.

17 **A** I don't remember the whole video. It been
18 almost four years ago. And I've been all these
19 different kind of medications. I've been in jail. I
20 don't remember every -- I don't remember everything.
21 I'm not going to say I did or I didn't. I don't
22 remember.

23 **Q** You sound -- you just -- and by the way, the
24 phone. You said you had that phone that they found on
25 you about eight days. Is that what you told them?

1 **A** Eight days.

2 **Q** They asked you about the phone. When did you
3 get the phone that they have?

4 **A** That wasn't my only phone.

5 **Q** Not long before?

6 **A** I had another -- I had two phones.

7 **Q** Where is -- why do you have two phones?

8 **A** Because I wanted one.

9 **Q** You wanted one, but you had two.

10 **A** Yes.

11 **Q** Why did you have two phones?

12 **A** I wanted to get me a newer phone. And I did.

13 **Q** What did you do with the old phone?

14 **A** I don't remember.

15 **Q** Just gone?

16 **A** I don't remember. I don't know if they got
17 the phone, the other phone in my property. I don't
18 even know.

19 **Q** They got the one that you had on you. But
20 you don't know where the other one is?

21 **A** I don't know.

22 **Q** Because you keep saying technology is going
23 to help, but you -- you gave them the phone that you
24 only had eight days before this?

25 **A** I don't know if that was the one or not.

1 Q But we're going to keep --

2 A I had more than one phone. I don't know if
3 that was it or not.

4 Q We're going to keep looking for T Ordum.

5 A You can.

6 Q Okay. And he's going to -- that was somebody
7 you didn't think Wayne Montgomery needed to know about
8 because you didn't tell him anything about that video,
9 did you?

10 A I didn't know I was in trouble. At first,
11 I'm like -- I'm trying to figure out what was going on.

12 Q You didn't handcuffs and --

13 A Yeah. But I know I didn't do anything wrong.

14 Q You were in handcuffs to bring you from North
15 Carolina and you didn't think you were in trouble?

16 A I mean, I didn't know what was going on. I
17 wanted to find out what was going on. So you know, I
18 talked to them. I asked them. And I said I wanted to
19 talk to the lawyer. I didn't know nothing about that.

20 Q But anyway, you told them -- you did talk to
21 a lawyer. You told them about T Ordum?

22 A I don't remember.

23 Q Okay.

24 A I don't remember exactly.

25 Q Okay. So it's your testimony that Antrone

1 ditched you and Michelle. And now, even though you're
2 on video lying any time you get a chance, it's them;
3 they were lying on you. That's your testimony?

4 **A** Only lied about one thing, like I told you.
5 And everything else, I showed them paperwork.

6 **Q** Well, you lied to the doctor about your
7 finger because you're now saying you didn't hurt it at
8 Boeing?

9 **A** I was under medication at that time. I
10 actually hung myself.

11 **Q** Then you'd lied to the jury about saying you
12 never worked at Boeing?

13 **A** I never did.

14 **Q** And then on that video, you're telling the
15 officer you worked at Boeing?

16 **A** Yeah. I told them a lie.

17 **Q** And then you told the officer you didn't have
18 a record, you never have been in trouble. And that was
19 a lie too?

20 **A** I don't know about all of that. I know about
21 the seven-year thing. I was thinking I shouldn't have
22 nothing on my record. That's what I was thinking.

23 **Q** All right.

24 **A** You know, after seven years. I've not get in
25 trouble since 2007. I did -- I didn't get not even a

1 ticket. So I don't -- I didn't think of nothing that.

2 Q So even in this brief cross-examination
3 that's been about 20 minutes now, you've lied under
4 oath or admitted to lying under oath, what was that?
5 Five or six times just in our brief conversation?

6 MS. ZMROCZEK: Your Honor, I would object to
7 the characterization that he lied under oath.

8 THE COURT: Objection overruled.

9 BY MR. SCOTT:

10 Q Just in our brief little conversation, how
11 many times have you lied?

12 A I lied? I never told you I worked at Boeing.

13 Q Listen to me. I asked you earlier about
14 hurting your finger working at Boeing. You said I
15 never hurt my finger. Then we looked --

16 A I never told you that. I told you my finger
17 was broke.

18 Q Okay. You told the doctor you hurt it at
19 Boeing, right?

20 A I don't remember what I -- I know I was under
21 medication during that time.

22 Q And I asked you if you worked at Boeing, you
23 said never?

24 MS. ZMROCZEK: Your Honor, that's been asked
25 and answered numerous times.

1 At this point, he's badgering the witness.

2 **THE COURT:** Objection sustained.

3 **BY MR. SCOTT:**

4 **Q** How many lies did we just uncovered here,
5 though, talking?

6 **A** Like I told you, I didn't lie to you about
7 nothing because, first of all, I never told you I
8 worked at Boeing. You assumed that.

9 **Q** We just watched a video, man.

10 **A** Yeah, I told the officer. I'd lied to him.

11 **Q** How come --

12 **A** One time.

13 **Q** How --

14 **A** Because I showed him paperwork. That's the
15 difference between someone saying something to someone
16 actually showing you something. That's two different
17 things. I showed him. That's just like saying, Okay,
18 I've got a gun, but I don't show you one. But if I
19 show you I've got a gun, then you know I've got one.

20 **Q** You ever done that?

21 **A** No.

22 **Q** Mr. Dixon, how do we know --

23 **A** Wow.

24 **Q** How do we know -- listen. Listen to me. I'm
25 trying to figure out Martin Dixon speak. How do we

1 know when you're lying to us and when you're not?
2 Because you said sometimes you telling the whole truth
3 to Montgomery. But now you tell us you lied to him a
4 bunch of times. How can we know when you're lying?
5 What's the code to crack?

6 **A** Paperwork.

7 **Q** Where's the paperwork? Give it to me.

8 **A** Ask him.

9 **MR. SCOTT:** Where's the paperwork? Did he
10 give you paperwork?

11 **THE WITNESS:** He looked at it.

12 **BY MR. SCOTT:**

13 **Q** Where is it? What did it say?

14 **A** Ask him. He looked at it.

15 **Q** I'm asking you. You're on the stand?

16 **A** I don't remember exactly. You've got to ask
17 him. He -- he -- he looked at it. His partner looked
18 at it. You know, they didn't have no problems with it.
19 So I don't -- I don't remember a day for a day 'cause
20 it been four years ago. I wish I could help you with
21 that, but I can't.

22 **Q** What we can watch is the video and it is
23 helpful. All it was was your fugitive paperwork. It
24 didn't say anything. It didn't help you one lick.

25 **A** I don't --

1 **MS. ZMROCZEK:** Your Honor, is he now saying
2 that he knows what the paperwork is? This line of
3 questioning is --

4 **BY MR. SCOTT:**

5 **Q** It's on the video. It's on the video. When
6 he reads it, he says this is just your fugitive
7 paperwork, right?

8 **A** I seen him -- I handed him -- it looked like
9 a couple of papers. I don't know what it was.

10 **Q** Anyway, the jury -- your lawyer has
11 introduced that as Defense Exhibit 6. So were you
12 lying the whole time to the officer or were you telling
13 the truth the whole time?

14 **A** We just went through this. I'm going to say
15 it again. I lied one time about the Boeing situation.
16 I gave them paperwork to show everything else that was
17 facts.

18 **Q** Okay. But we just don't -- we can't tell
19 when you're lying or when you're telling the truth,
20 right?

21 **A** Paperwork tells the truth.

22 **Q** All right. Give me the paperwork.

23 **A** You've to get it from him.

24 **Q** Fugitive paperwork. How is that going to
25 help you? That is what Hickory gives you --

1 **A** I don't know what he has.

2 **Q** -- when they get you back to Columbia.

3 **MS. ZMROCZEK:** Your Honor, again, this has
4 been asked and answered numerous times.

5 **MR. SCOTT:** Nothing further.

6 **THE COURT:** Overruled.

7 **REDIRECT EXAMINATION**

8 **BY MS. ZMROCZEK:**

9 **Q** Mr. Dixon, he asked you about going to see
10 Dr. Frierson, right?

11 **A** Yes.

12 **Q** Right?

13 **A** Yes. Right.

14 **Q** And Dr. Frierson had some medical diagnoses
15 for you, right?

16 **A** Yes, ma'am.

17 **Q** Because you have major depressive disorder?

18 **A** Yes, ma'am.

19 **Q** And so they were having trouble getting your
20 medication right?

21 **A** Yes, ma'am.

22 **Q** Okay. And were -- when you were talking to
23 Dr. Frierson in a medical setting while you were having
24 trouble with your medication, did he say --

25 **MR. SCOTT:** Objection to hearsay.

1 BY MS. ZMROCZEK:

2 Q Were you put under oath?

3 A No, ma'am. What are you talking about? In
4 here?

5 Q You were put under oath in here, right?

6 A Okay.

7 Q When you talked to Dr. Frierson, were you put
8 under oath?

9 A I don't remember. In the -- in the -- in the
10 room?

11 Q I mean, did he put your hand on a Bible and
12 tell you?

13 A No, ma'am.

14 Q Okay.

15 A No.

16 Q When the police on that video were asking you
17 questions, did they say you're under oath?

18 A No, ma'am.

19 Q Okay. Did you tell them that you were being
20 assassinated?

21 A No, ma'am.

22 Q Okay. Were you -- what were your feelings?

23 A I felt -- I felt like I was -- like, they
24 just wanted to make an arrest. You know, they wanted
25 to arrest me. I didn't understand what was going on.

1 You know --

2 **Q** So you were confused?

3 **A** Yeah.

4 **Q** Were you scared?

5 **A** No. Because I didn't do anything. I know I
6 didn't do anything. So I was like -- that's why I just
7 said what I said to him, 'cause he wouldn't listen. I
8 was like okay. Actually, I was being sarcastic with
9 him, which I shouldn't have been. But yeah.

10 **Q** You -- he was asking you about how that
11 you're just a bighearted person.

12 Now, Mr. Dixon, did you -- did -- did -- did
13 you get help from Michelle and Antrone when they could
14 give it to you? Was it a mutual relationship or were
15 you just taking care of everybody?

16 **A** I was -- I was doing it. I was doing it.
17 Because I know they was paying -- they was paying bills
18 on other things. They didn't have no money like that.
19 They didn't have no money like that. So me, during
20 that time, I didn't have no big bills. Whatever I
21 could help with, I help with. That's what friends do.
22 You don't -- you know I wasn't into loaning nobody no
23 money. That breaks up friendships if they don't pay
24 you back. So I help when I can.

25 **Q** Okay. And -- and we saw the video. Were

1 they -- were they -- were they talking to you nicely or
2 were they talking to you aggressively?

3 **A** They were aggressive, very aggressive.

4 **Q** Did they kick back -- did -- did Investigator
5 Montgomery kick back and -- and laugh and -- and -- and
6 joke with you?

7 **A** No.

8 **Q** Did he make you feel comfortable?

9 **A** No.

10 **Q** Did you tell him you weren't in the state?

11 **A** I told him. I told him a couple of times. I
12 told him.

13 **Q** Were you thinking clearly?

14 **A** Yeah, I was.

15 **Q** Okay. Were you hoping that they would --
16 would -- would scratch that. That's a terrible
17 question.

18 Did you ever deny knowing Michelle or
19 Antrone?

20 **A** No.

21 **Q** Did you ever tell them that -- that you were
22 going to be assassinated?

23 **A** No.

24 **Q** Did you ever -- you -- we talked about
25 suicide. So this major depressive disorder, what does

1 that do to you?

2 **A** It's -- I get real depressed, real depressed
3 to the point where my hands start shaking and, you
4 know, suicidal thoughts and stuff like that.

5 **Q** Is that something that you've been working on
6 and addressing?

7 **A** Yes, ma'am.

8 **Q** Did you -- when you were reading the warrants
9 about the charges that you received, how did that make
10 you feel?

11 **THE COURT:** Ms. Zmroczek, that's improper --

12 **MS. ZMROCZEK:** Okay.

13 **THE COURT:** -- redirect.

14 **BY MS. ZMROCZEK:**

15 **Q** When he was asking -- when Mr. Scott was
16 asking you about paperwork and things like that --
17 scratch that question.

18 Did they ever ask you -- let me rephrase.

19 Your Honor, I'm sorry. I'm just trying to
20 make sure I ask the correct -- the question properly.

21 When you got on the stand today, what is
22 different about the testimony that you gave here versus
23 when you were in that room? Were you -- did you put
24 your hand on the Bible?

25 **THE COURT:** How many questions you want to --

Motion for Mistrial

1 you're going to ask?

2 **MS. ZMROCZEK:** Your Honor, I'm just about
3 done.

4 **BY MS. ZMROCZEK:**

5 **Q** Did you kidnap Mr. Dubose?

6 **A** No, ma'am.

7 **Q** Did you attempt to murder Mr. Dubose?

8 **A** No, ma'am.

9 **Q** Thank you. I have no further questions.

10 **THE COURT:** Anything further?

11 **MR. SCOTT:** No, Your Honor.

12 **THE COURT:** You may step down.

13 Call your next witness.

14 **MS. ZMROCZEK:** Your Honor, the defense rests.

15 **THE COURT:** Any reply by the state?

16 **MR. SCOTT:** No, Your Honor.

17 **THE COURT:** All right.

18 Ladies and gentlemen, the state has rested.

19 The defense has rested. No reply by the state.

20 That means you have heard all of the testimony.

21 The next thing is closing arguments, which we will

22 do tomorrow morning at 9:30. Have a good evening.

23 Please do not discuss the case.

24 (The jury exits the courtroom at 5:24 p.m.)

25 **THE COURT:** Any matters of law?

1 **MS. ZMROCZEK:** Yes. Thank you.

2 First, Your Honor, I need to place -- I
3 stated I had a matter of law and you said to make
4 sure I place it on the record afterwards. Your
5 Honor, I object to the burden shifting of the
6 questions by Mr. Dix- -- by Mr. Scott.

7 Your Honor, the best inference that you can
8 raise in closing, but to burden shift -- to burden
9 shift to tell -- to ask questions about Mr. Dixon
10 saying, Well, where is he? Your Honor, that --
11 that burden never shifts. The burden is not on
12 Mr. Dixon to prove himself innocent. Those
13 questions were absolutely burden shifting.

14 At this point, I would have to again move for
15 a mistrial based on the improper burden shifting
16 by the questions asked by Mr. Scott.

17 **THE COURT:** Mr. Scott.

18 **MR. SCOTT:** Your Honor, I think the state,
19 January 18 of 20 -- of this year, we did ask for
20 notice of any alibi. On the stand, he mentioned T
21 Ordum for the first time, which we never heard of.
22 I asked him simply if he could aid the state in
23 any way in locating Mr. Ordum so that we could vet
24 this new disclosure that was previously asked by
25 the state for notice of -- never received notice

1 of. I think that was an appropriate question.

2 He answered it. He had no idea how to find
3 Mr. T Ordum. This was something that was elicited
4 by his defense attorney on direct. I think an
5 appropriate question is please help the state in
6 locating Mr. Ordum if that's the first time we're
7 hearing that after asking for notice three or four
8 months, Your Honor.

9 **THE COURT:** The Rule of Criminal Procedure
10 provides a notice of alibi that -- by defendant
11 upon written request of the prosecution stating
12 the date, time, and place of which the alleged
13 offense occurred. The defendant shall serve
14 within 10 days or at such time as the Court may
15 direct upon the prosecution a written notice of
16 his intention to offer an alibi witness.

17 The notice shall state the specific place or
18 places at which the defendant claims to have been
19 at the time of the alleged offense and the names
20 and addresses of the witnesses upon whom he
21 intends to rely to establish such an alibi.

22 Was a notice of alibi filed in this case?

23 **MS. ZMROCZEK:** It was not, Your Honor.

24 **THE COURT:** All right.

25 **MS. ZMROCZEK:** Which is why --

1 **THE COURT:** Just one question. Yes; no.

2 **MS. ZMROCZEK:** No.

3 **THE COURT:** Well, there's no notice of alibi
4 filed in this case. Despite that fact, the
5 defense submitted to the Court a request for the
6 Court to charge alibi. In addition, the defense
7 has put a witness on the stand who claims to have
8 had an alibi or had an alibi, claiming that he was
9 someplace else at the scene of the crime. The
10 defense has violated the rules and claimed the
11 alibi without giving proper notice pursuant to
12 Rule 5(b).

13 Had they provided notice of Rule 5(b), then
14 the question by the state would not have been
15 necessary since the rules would otherwise require
16 the defense to disclose specific information about
17 the witness as they claim to rely. I find that
18 the line of questioning was appropriate and was
19 not burden shifting and deny any objection to that
20 line of questions.

21 **MS. ZMROCZEK:** Thank you, Your Honor.

22 **THE COURT:** Anything else?

23 **MS. ZMROCZEK:** Yes, Your Honor. At this
24 time, I would like to have a charge conference.
25 As I have told the Court previously, depending on

Requests for Jury Instruction

1 what the testimony was that I would request an
2 alibi charge. But I said it will depend on the --
3 the evidence. So Your Honor, I guess at this
4 time, it would be proper to have a charge
5 conference so that we could properly argue any --

6 **THE COURT:** At this time, the Court is
7 entertaining any motions at the end of the
8 evidence.

9 **MS. ZMROCZEK:** Thank you.

10 Yes, Your Honor. We would also move again
11 for a directed verdict and we move all of our
12 previous motions based on our previous arguments.

13 **THE COURT:** And the Court respectfully denies
14 all of those motions.

15 We're now at Rule 20. Time for requests.
16 Requests of legal instructions that the jury show
17 be submitted at the close of the evidence or at
18 such earlier time, the trial judge shall
19 reasonably direct. All requests must include
20 accurate citations to authorities relied upon.
21 What -- what has been submitted in compliance with
22 that rule?

23 **MS. ZMROCZEK:** I'm sorry, Your Honor. I was
24 dropping things and didn't hear your question.

25 **THE COURT:** The Court has been provided a

1 laundry list of words, general charge,
2 (inaudible), reasonable doubt, and a list of many
3 other -- many other topics. Have not been
4 provided any specific requests for charge.

5 MS. ZMROCZEK: Your Honor, I did include the
6 specific *Logan* request in the e-mail that I sent
7 and I cited *Logan* in the e-mail.

8 THE COURT: You said direct and
9 circumstantial evidence dash *Logan* charge.

10 MS. ZMROCZEK: Yes, Your Honor.

11 THE COURT: I don't see any -- any specific
12 requests for charge.

13 Now, jury charges are, as you-all know, they
14 are detailed written instructions to the jury.
15 All requests for legal instructions to the jury
16 shall be submitted at the close of evidence or at
17 such time as the trial judge shall reasonably
18 direct -- direct.

19 All request must include accurate citations
20 to authorities relied upon. That's Rule 20 of the
21 Rules of Criminal Procedure.

22 MS. ZMROCZEK: I will pull them up,
23 Your Honor, since we have just closed the
24 evidence.

25 THE COURT: Those were requested last week

Requests for Jury Instruction

1 per my law clerk.

2 MS. ZMROCZEK: Did I overlook the state's as
3 well, Your Honor?

4 THE COURT: Pardon?

5 MS. ZMROCZEK: Did I overlook the state's
6 request?

7 THE COURT: We received nothing from the
8 state nor anything from the defense.

9 Any -- any requests to charge by the state?

10 MR. SCOTT: No, Your Honor.

11 THE COURT: The state has no requested
12 charges.

13 MS. ZMROCZEK: Then, I will submit mine right
14 now, Your Honor.

15 THE COURT: We will take a three-minute break
16 while you search for --

17 MS. ZMROCZEK: Thank you.

18 Thank you.

19 I'm just typing in the correct information.

20 THE COURT: All right. Well, e-mail to me
21 whatever it is that you are looking for if you
22 find it.

23 MS. ZMROCZEK: Thank you.

24 (A recess is taken.)

25 MS. ZMROCZEK: E-mailing it now, Judge.

1 (Pause.)

2 THE COURT: Regarding presumption of
3 innocence, that's a standard charge. The request
4 for reasonable doubt is a standard charge.

5 MR. SCOTT: Judge, your -- your reasonable
6 doubt is *Victor v. Nebraska*?

7 THE COURT: Combination of the two.

8 MR. SCOTT: Oh, right. But it does have
9 firmly --

10 THE COURT: Firmly convinced.

11 MR. SCOTT: Okay.

12 MS. ZMROCZEK: The only additional standard
13 charges, Your Honor, that don't require citations,
14 I would refer back to the e-mail. But I did
15 submit the proper citations for the *Logan* -- *Logan*
16 circumstantial evidence charge.

17 THE COURT: The request for circumstantial
18 evidence is not a correct circumstantial -- direct
19 and circumstantial evidence charge under the
20 current law. This particular request for charge
21 says all of the circumstances must be consistent
22 with each other.

23 The Court has indicated that's an improper
24 charge --

25 MS. ZMROCZEK: That is the charge under

Requests for Jury Instruction

1 *Logan, Your Honor.*

2 **THE COURT:** Pardon?

3 **MS. ZMROCZEK:** That is the charge under
4 *Logan.*

5 **THE COURT:** That is -- not what you forwarded
6 to me.

7 **MS. ZMROCZEK:** I'm sorry?

8 **THE COURT:** What you forwarded to me is not
9 the --

10 **MS. ZMROCZEK:** Okay.

11 **THE COURT:** -- correct charge.

12 You have in the requested charge all of the
13 circumstances must be consistent with each other.
14 In the latest approved charge, all of that's to be
15 deleted. Therefore, the Court will charge the --
16 these charges cited 2013 and 2014. They have
17 since been updated to delete all of that.

18 Prior bad acts. I didn't hear any testimony
19 of prior bad acts.

20 **MS. ZMROCZEK:** I believe that that's what he
21 was eliciting, Your Honor, from the stand on
22 cross-examination of Mr. Dixon.

23 **THE COURT:** What -- what was the prior bad
24 acts that he elicited?

25 **MS. ZMROCZEK:** That he had been in trouble

1 before.

2 **THE COURT:** So he was --

3 **MS. ZMROCZEK:** Your Honor, we'll withdraw
4 that. We'll withdraw that request.

5 **THE COURT:** All right.

6 And those are all that you submitted.

7 **MS. ZMROCZEK:** With citations. The
8 previous -- the other -- Your Honor, the other
9 requests are the standard charges, the credibility
10 of witnesses; multiple charges -- the
11 identification is a standard charge that we would
12 request, which is in the charge book so I don't --
13 intent; probable cause for arrest, which is a
14 standard charge.

15 **THE COURT:** Standard charge as to what? How
16 do I charge probable cause to arrest someone?
17 He's been indicted by the grand jury.

18 **MS. ZMROCZEK:** Okay.

19 **THE COURT:** And that's what we are here on.

20 **MS. ZMROCZEK:** We requested a charge on prior
21 inconsistent statements, the standard charge.

22 **THE COURT:** Spoilation --

23 **MS. ZMROCZEK:** We withdraw that request,
24 Your Honor.

25 **THE COURT:** (inaudible).

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1 **MS. ZMROCZEK:** Your Honor, I believe that was
2 before... sorry. Hang on. (Pause.)

3 Your Honor, we submitted that when he was
4 still -- the indictment for robbery was still --
5 excuse me, for arson was still in play. We would
6 withdraw that request.

7 **THE COURT:** All right.
8 Kidnapping and attempted murder was sent last
9 night.

10 **MS. ZMROCZEK:** Yes, sir.

11 **THE COURT:** Malice is contained in the
12 charge.

13 **MS. ZMROCZEK:** Yes, sir.

14 **THE COURT:** A&B third.

15 **MS. ZMROCZEK:** So Your Honor, as I argued in
16 my directed verdict motion, we would ask for a
17 lesser included charge. Obviously, we said A&B
18 third. I think that in order to get to A&B third,
19 the proper -- the proper requests revolves around
20 assault and battery aggravated nature, which is a
21 lesser-included charge of -- less included --
22 lesser-included offense of attempted murder. And
23 then, Your Honor, we would ask that it also be
24 assault and battery first, assault and battery
25 second, and assault and battery third.

1 **THE COURT:** Was that inconsistent with his
2 alibi?

3 **MS. ZMROCZEK:** Well, Your Honor since we --

4 **THE COURT:** Or you're withdrawing the alibi
5 charge or request?

6 **MS. ZMROCZEK:** I was unsure if the Court was
7 going to charge alibi since we didn't properly
8 request it. So that's where -- I think that's
9 where we have a miscommunication.

10 I -- I agree that that would be inconsistent
11 with his alibi. If you are going to charge alibi,
12 then we wouldn't ask for the lesser included. If
13 you're not, then we would ask for lesser-included.

14 **THE COURT:** What says the state?

15 **MR. SCOTT:** Your Honor, basis of the
16 attempted murder which presumably would be the
17 lesser-included -- or the basis of the
18 lesser-included A&B third, all of the testimony
19 has been the attempted murder stems from the
20 placing him inside the trunk of a car and setting
21 the car on fire.

22 I think there's been some argument by the
23 defense about the hitting him over the eye and
24 everything. That was the least of Antrone
25 Dubose's trouble that day. That was not the basis

Requests for Jury Instruction

1 of the attempted murder. Clearly, the basis of
2 the attempted murder would be setting the car on
3 fire with him in the trunk. So A&B third, or
4 really any other assault and battery type charge,
5 would be in appropriate based on the only facts
6 giving in this case by --

7 **THE COURT:** What's the state's position
8 regarding alibi?

9 **MR. SCOTT:** Your Honor, it was never
10 appropriately noticed despite our requests for
11 some ample notice and saying that that goes up
12 until the day of trial, please give us some notice
13 so that we can vet it. It was never given.

14 I don't think -- you know, the jury heard his
15 version. But I don't know. I would argue against
16 a jury charge from the judge on alibi whenever the
17 state did everything it could do to get some kind
18 of notice of alibi and that still failed. So I
19 would -- I argue against charging the jury on
20 alibi.

21 **MS. ZMROCZEK:** Your Honor, I think that the
22 violation of the rule is the basis for you
23 allowing him to ask him the names, etc., etc.
24 *State v. Robbins*, 275 S.C. 372 [sic], which is a
25 1980 charge, an alibi charge is requires when

1 there is evidence that the defendant did not
2 perform the criminal act, was in another place at
3 the time of the commission, thus making it
4 impossible for him to be at the scene of the
5 crime.

6 They were on notice on October 24 when he
7 told them I was not in the state or South
8 Carolina.

9 **MR. SCOTT:** Something just seems wrong,
10 Judge. It seems like it should be procedurally
11 barred when the rules say, hey, when the state
12 asks for some notice, the rules say give it to
13 them. It's almost like --

14 **MS. ZMROCZEK:** You have a copy of that
15 notice? I just don't have a copy of that notice.

16 **MR. SCOTT:** It was clocked in with the clerk
17 of court's office. You should have a copy. It
18 was e-mailed directly to you on January 18, 2023.

19 **MS. ZMROCZEK:** That's why was I asking for
20 it. Thank you.

21 **MR. SCOTT:** I don't know what else we could
22 of done. We've been in constant contact and --
23 and communications regarding this case. At any
24 point, they could've indicated that here's where
25 he's going to say he was. Here's the witness

Requests for Jury Instruction

1 who's going to attest to that. All of these
2 things that the rulebook says that the state needs
3 to do if you're entitled to that information,
4 we've done it.

5 **THE COURT:** Anything else on this alibi
6 issue?

7 **MS. ZMROCZEK:** Nothing further, Your Honor.
8 (Pause in proceeding.)

9 **THE COURT:** I am kind of conflicted on this
10 charge of alibi and not charging alibi. I agree
11 that --

12 **MR. SCOTT:** Your Honor, would you -- sorry.

13 **THE COURT:** -- assault and battery should not
14 be charged because it's attempted murder -- the
15 basis for the attempted murder charge is not the
16 injury, but the -- well, part -- the injury -- the
17 injuries are part and parcel of it. But the
18 charge is attempted murder. Either he is guilty
19 of that or not guilty. If he did what the state
20 claims, than he can't be guilty of assault. It
21 would have to be, I would think, murder.

22 With regard to alibi, the defendant has not
23 properly raised alibi. But the state did not
24 object to testimony regarding alibi when the
25 defendant claimed that he was in North Carolina

1 and wasn't here. There was no objection to that
2 testimony. So from that point, the issue, that
3 alibi was litigated through testimony. So I'm
4 going to -- of course, part of the charge of alibi
5 is mere did now at the scene does not constitute
6 an alibi. The state has to disprove alibi, which
7 is -- in order to prove he's the one who did it,
8 then that is, in effect, disproving his alibi.

9 So I think based on the testimony litigating
10 the alibi issue that even though the defendant did
11 not give notice of alibi, because it was
12 introduced and not objected to, I'm going to
13 charge alibi. I'm not going to charge assault and
14 battery.

15 Ms. Zmroczek, did you want one or the other?

16 **MS. ZMROCZEK:** I -- I -- I believe that
17 that -- that would be proper.

18 **THE COURT:** All right.

19 Anything else about the requested charges?

20 **MR. SCOTT:** Your Honor, will you e-mail us a
21 copy so we can study it tonight a little bit.

22 **THE COURT:** All right.

23 **MS. ZMROCZEK:** That would be my request as
24 well.

25 **THE COURT:** Yeah. She'll send it to you

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1 tonight.

2 **MR. SCOTT:** I said earlier --

3 **THE COURT:** Pardon?

4 **MR. SCOTT:** I'm sorry. I said earlier that
5 we didn't have any. Would you consider a
6 hand-of-one charge, Judge? I went and printed one
7 that I had on file. It's just the standard one.

8 **THE COURT:** What says the defense to
9 Your Honor, I would argue against the
10 hand-of-one/hand-of-all. The
11 hand-of-one/hand-of-all charge requires testimony
12 that there was -- they were working together in
13 concert as an act. Their -- the witness I think
14 that they were relying on hand-of-one/hand-of-all
15 would be Ms. Jones who said -- testified ad
16 nauseam that she was forced to do everything.
17 There was no joint meeting of the minds. So I do
18 not believe hand-of-one/hand-of-all is appropriate
19 in this charge -- in this case.

20 **THE COURT:** Mr. Scott?

21 **MR. SCOTT:** The testimony of Antrone Dubose
22 is that they both worked in together to force him
23 into the trunk of the car. She was kicking him.
24 Of course, Mr. Dixon was hitting him in the head
25 with the tire iron, threatening him the whole

1 time.

2 Then, of course, Ms. Jones today indicated
3 that she helped force him into the trunk of the
4 car along with Mr. Dixon. And in her recorded
5 statement, which is actually in evidence now, at
6 some point, she indicated that she lit some of the
7 paper that was thrown into the vehicle that
8 ultimately leads to attempted murder.

9 So I have some evidence through testimony and
10 through some of the core evidence that they both
11 worked in concession with one another, joint goal
12 of kidnapping the defendant -- the victim, rather,
13 and ultimately killing him. So I think it would
14 be appropriate in this case based on the evidence
15 that has been introduced.

16 **THE COURT:** All right.

17 Ms. Zmroczek.

18 **MS. ZMROCZEK:** Thank you.

19 Again, even the testimony where she said she
20 lit the paper, she said that she was ordered to,
21 that it was not done in concert.

22 **THE COURT:** All right.

23 The victim said they both beat him up and
24 both put him in the trunk. Her defense was,
25 "Well, I did it, but I was forced to." But the

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1 testimony in the record is that she along with
2 Mr. Jones -- Mr. Dixon that facilitated the
3 commission of the crime. So I'm going to charge
4 that.

5 **MR. SCOTT:** Thank you, Your Honor.

6 I think I've seen yours and I'm fine with
7 this. The one I have may very well be the exact
8 one you have.

9 **MS. ZMROCZEK:** And, Your Honor, based on your
10 ruling, I think that mere presence then should
11 also be charged if you're going to charge
12 hand-of-one/hand-of-all.

13 **THE COURT:** All right.

14 Mere presence is inconsistent with alibi.

15 **MS. ZMROCZEK:** Well, certainly. I would
16 maintain that, you know, that I -- I think that
17 part of the requirements of jury charges that they
18 get to consider although that I disagree that
19 hand-of-one/hand-of-all is -- is appropriate and
20 they say that they were together. So, Your Honor,
21 I think that based on relying on -- on
22 Mr. Dubose's testimony, I think that mere presence
23 then should additionally be charged if it's going
24 to be hand-of-one/hand-of-all.

25 **THE COURT:** I'm not going to charge alibi and

1 mere presence because they're inconsistent. You
2 can't have an alibi -- he can't be mere present --
3 merely present if he's in North Carolina.

4 **MS. ZMROCZEK:** Well, certainly. And
5 Your Honor, we would then argue -- if we have to
6 choose between the two, we're not choosing mere
7 presence.

8 **THE COURT:** I'm not going to charge mere
9 presence. I am not going to charge mere presence.
10 (Pause.)

11 There's a component of mere presence
12 contained within the hand-of-one charge. A
13 portion of it says, that I was just handed up, it
14 says: However, mere presence at the scene is not
15 sufficient to convict one as a principal. The
16 theory of aiding and abetting intent is also a
17 necessary element. Must be a common design in the
18 crime being committed pursuant with the person
19 aiding and abetting in the overt act. So that --
20 intent as well is part of the hand-of-one charge.

21 You want an identification charge?

22 **MS. ZMROCZEK:** I do, Your Honor, specifically
23 with regards to the testimony of Dexter Dubose.
24 That was the basis for that request, because he
25 said that he -- he was talking about voice

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1 identification that he had talked to him before.
2 And -- and it was the same person that was trying
3 to charge him \$600 for the trailer. So that was
4 the basis -- that testimony was the basis of that
5 request, Your Honor.

6 **THE COURT:** I give a standard identification
7 charge.

8 All right.

9 Anything else?

10 **MR. SCOTT:** Nothing from the state.

11 **THE COURT:** All right.

12 Well, we will send you-all it tonight. If
13 you have e-mail, e-mail whatever issues you may
14 have with what is sent to you. And then, we'll
15 hopefully, proceed at 9:30 tomorrow morning.

16 How long do y'all plan to argue?

17 **MS. ZMROCZEK:** Eight hours. Just kidding,
18 Your Honor. You said 9:30?

19 **THE COURT:** Yes.

20 **MS. ZMROCZEK:** Your Honor, I -- I would
21 expect that it would be probably 45 minutes. I
22 don't -- I don't anticipate going any longer than
23 that.

24 **MR. SCOTT:** That's what I was thinking, 30 or
25 40 minutes.

1 **THE COURT:** All right.
2 We'll see how it goes. Again, at 9:30. See
3 you-all then.
4 (The Court recesses for the day.)
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CERTIFICATE

1
2 I, the undersigned, Teresa B. Johnson, Official
3 Court Reporter, do hereby certify that I transcribed
4 the electronic recording of the remote hearing in this
5 matter; and that the foregoing is a true transcript of
6 said electronic recording.

7 I do further certify that I am not a relative,
8 employee, attorney, or counsel of any of the parties
9 connected with the action, nor am I financially
10 interested in the action.

11
12 Dated: August 20, 2023

13
14 /s/Teresa B. Johnson

15 Teresa B. Johnson

16 Official Court Reporter
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25

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	
COUNTY OF RICHLAND	)	Case No.: 2020GS4001501,
	)	2020GS4001502
	)	
State of South Carolina,	)	
	)	
vs.	)	
	)	
Martin Dixon,	)	
	)	
Defendant.	)	April 6, 2023
_____	)	

TRANSCRIPT OF TRIAL - DAY 4 OF 4

BEFORE THE HONORABLE CLIFTON B. NEWMAN
Circuit Court Judge, presiding

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

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P R O C E E D I N G S

(Court is called to order on Thursday, the 6th day of April 2023, at 9:40 a.m.)

THE COURT: Good morning. Are y'all ready for the jury?

MS. ZMROCZEK: Yes.

THE COURT: Bring them on.

(The jury enters the courtroom at 7:42 a.m.)

THE COURT: Good morning.

All right.

Ladies and gentlemen, you've heard the case and received the evidence. It's now time to hear closing arguments from the lawyers.

First, from the State.

MR. SCOTT: Thank you, Your Honor.

May it please the Court?

THE COURT: Yes, sir.

MR. SCOTT: Ladies and gentlemen, vulnerable people are always going to be pray and victim to someone or something.

In August of 2019, Antrone Dubose was and is a special-needs adult who was homeless, in need of help. But he was used and taken advantage of and ultimately left for dead by Martin Dixon. The intent of Martin Dixon had been for Antrone Dubose

1 to die in the trunk of his own car, burned alive.

2 Antrone Dubose was an easy mark for a
3 predator like Martin Dixon. A predator like
4 Martin Dixon realizes that rather quickly.
5 Antrone had been taken advantage of his whole
6 life. And you heard from him. He has several
7 disabilities, including a learning disability, for
8 which he does receive a monthly check. People are
9 always looking to get their hands on this money as
10 we've heard. And apparently, it's not all that
11 difficult to separate Antrone Dubose from his
12 money that he gets. On top of that, Antrone had a
13 car. And he's the guy people like Martin Dixon
14 used to give them rides to wherever they want to
15 go.

16 Sad thing in this case, and it seems like
17 Antrone really believed Martin Dixon was his
18 friend. He really believed Martin Dixon had his
19 best interest in mind. Vulnerable people are
20 always going to be pray and victim to someone or
21 something. Sad thing is the vulnerable person
22 doesn't usually realize that until it's too late.

23 So the testimony was August 2019, Martin
24 Dixon wanted to go to Columbia. Why he wanted to
25 go to Columbia is a bit confusing. But it was

1 testified to that he was wanting to come here and
2 he was dating Michelle Jones. Michelle Jones is
3 another vulnerable adult who has suffered with
4 bipolar disorder, schizophrenia most of her life.
5 She, too, has been used and abused by Martin Dixon
6 with him using physical and mental abuse to
7 control her. Martin Dixon tells Antrone that both
8 of them should go to Columbia to look for a place
9 to live. Martin Dixon does not tell Antrone that
10 he intends on taking Michelle Jones too.

11 When it comes time to leave Charleston for
12 Columbia, Antrone was surprised and apparently a
13 little bit upset to find out that Michelle Jones,
14 too, is coming along for the ride. This had been
15 communicated to him. And he was against it
16 because as you've heard, he and Michelle Jones
17 never get along. They would argue amongst one
18 another. They were never really friendly with one
19 another. So this was problematic for Antrone
20 Dubose who had been told that we're going to
21 Columbia, you and me, and we're going to find a
22 place to live together. That was never Martin
23 Dixon's intent. It was never his intent to come
24 to Columbia to look for housing.

25 But they leave Charleston and the

1 misadventure begins. They run into trouble rather
2 quickly it seems. It was testified to that there
3 is a flat tire and it was discovered that the car
4 needed at least two replacement tires. I think
5 the oil needed to be changed.

6 Michelle Jones was directed or offered to pay
7 for these repairs. And testimony was it cost
8 somewhere in the range of \$400. It was testified
9 to that it was Michelle Jones who paid for that
10 using her disability check or the money from that
11 check.

12 The three continued to Columbia and ended up
13 over in West Columbia, at a hotel called the OYO
14 Hotel. It's apparently no longer there. But
15 right off the Frontage Road, 378, and I-26 right
16 there near the Lexington Medical Center. Once
17 again, Michelle Jones money was used to pay for
18 the hotel. This was August 1, 2019. Remember,
19 Antrone is found in the trunk of the car August 7,
20 2019.

21 It appears the three spent their time
22 aimlessly in Columbia over the next several days.
23 If they were there to look for apartments or
24 rentals or any kind of living arrangement, they
25 failed. They failed at that. Doesn't appear much

1 effort was made to search for any kind of home or
2 any living quarters.

3 When the money ran out for the hotel, the
4 three rode around Columbia in the car. It looks
5 like they spent time in the parking lot of
6 Lexington Medical Center. Other than that, they
7 just sort of aimlessly spent their time in
8 Columbia.

9 August 6, 2019, Antrone Dubose had had
10 enough. They weren't making any real effort to
11 find a home. That was his reason for coming to
12 Columbia from Charleston with Mr. Dixon. He
13 thought they were going to find somewhere to live.
14 'Cause again, he had been driven out of his car
15 down in North Charleston for some time. So the
16 prospect of finding a home with who he thought was
17 this friend probably seems like a pretty good
18 plan. But there was no effort being made. He saw
19 that.

20 At the same time, he had a doctor's
21 appointment back down in Charleston. He mentioned
22 this and he mentioned he was tired of driving
23 around. Martin Dixon wasn't having it. He tells
24 him, "Well, just find a doctor up here." Antrone
25 says, "That's not really how it works. I have one

1 down in North Charleston who sees me and
2 understands my disabilities and other things that
3 I've been treated for." This was not a good
4 enough answer for Mr. Dixon.

5 Mr. Antrone Dubose decided he needed to call
6 his brother Dexter. Again, it -- it's unclear
7 what Martin Dixon was really doing in Columbia.
8 Anyone who heard the testimony understand his
9 tent and intent was never to find any sort of
10 living space. It was clear he was up to something
11 in Columbia. Whatever it was he was wanted to do
12 here he was not finished and he wasn't ready to go
13 back to Charleston. Martin Dixon tells Antrone
14 that they were going to be staying here, and
15 that's the deal. He's the shot caller. I think
16 everybody understands that.

17 Antrone, whenever he had a chance, like I
18 said, he calls Dexter Dubose -- we heard from him
19 his brother -- and says, "Look, I'm -- I'm up here
20 in Columbia. I'm ready to go home. I'm with
21 these two and they're not letting me go home."

22 Dexter had already kind of -- he had some
23 information about this misadventure, if you will.
24 Because Antrone had mentioned to him before they
25 left Charleston, "I've got to take these people up

1 to Columbia. Dexter understood it as kind of like
2 an informal Uber type thing that he was going to
3 be paid to take them from Charleston up to
4 Columbia. So he was already kind of skeptical
5 about it. Of course, he remembered Dixon from
6 when Antrone and Dixon lived together years
7 before.

8 Dexter tells Antrone Dubose, "Just tell them
9 you're ready to leave."

10 Antrone said, "I tried that. That's not
11 working."

12 Dexter says, "Put him on the phone with me."

13 Dexter testifies that -- that he spoke with
14 Martin Dixon who -- who was rather upset and
15 who -- who claimed that Antrone owed him money.

16 Dexter said, "I don't know what you're
17 talking about to let him go home." He said, "He
18 ain't going home. He owes me money."

19 An argument ensued, ultimately, leading up to
20 Martin Dixon hanging up the phone. Dexter Dubose
21 testified he tried to call back a number of times,
22 but the phone had been turned off.

23 Martin Dixon's immediately yelling at Antrone
24 Dubose now for making his spot hot. "You made
25 this spot hot now. Why did you do that?" And

1 again, it's unclear. You know, what is Martin
2 Dixon up to that he's worried that Antrone was
3 snitching on him, telling about his whereabouts
4 and what he was doing? We don't know. But we do
5 know he wasn't looking for housing here. He was
6 up to something.

7 Martin Dixon is angry now. They pulled
8 behind an abandoned building, an empty parking
9 lot. Martin Dixon gets into it with Antrone
10 Dubose, telling him he wants to go home so bad
11 he's going to have to cough up that \$400 that he
12 owed for the car repairs. Antrone tells him he
13 doesn't have that kind of money on him. But
14 that's not good enough.

15 Martin Dixon hits him in the head with what
16 has been referred to as either a tire iron or a
17 crowbar. We -- we do know it was something hard
18 enough and he was hit forcefully enough to open up
19 his left eyebrow and cause some bleeding. It's
20 not difficult to imagine Antrone Dubose being
21 stunned at this point. His supposed friend had
22 just struck him in the head with some hard object.
23 He's bleeding on top of that.

24 Now, he's got Martin Dixon and Michelle Jones
25 screaming at him, kicking him, telling him to get

1 into a trunk, a very -- the trunk of his own car.
2 He's told to get in that trunk. And then, he has
3 pushed him and the threat of more violence if he
4 didn't do as he was told.

5 And to imagine the next several minutes for
6 Antrone is -- it's rather terrifying. It's a fear
7 of mind. It's hard to see that he was crammed
8 into such a small, already-cluttered space.
9 Inside that trunk was a lot of his belongings.
10 You'll see the pictures of the spare tire in
11 there.

12 Antrone testified. And you've seen him.
13 He's about a 260-pound man. But he's cramped into
14 that dark, hot cluttered space. It's August in
15 Columbia.

16 Now, Martin Dixon's moving the car. He's
17 driving. He's driving over curbs. He's braking
18 hard.

19 Now, Martin Dixon is talking out loud for
20 Antrone Dubose to hear. I'm going to drive this
21 car into the lake with you in it. It's
22 terrifying. It's hard to imagine being in that
23 kind of a situation.

24 And now, Martin Dixon's saying, "I'm going to
25 burn this car. That's what I'm going to do. You

1 love this car so much; you're going to die in it."

2 The old Lexis was driven down a narrow access
3 road off of Elmwood Avenue down to what I call
4 Elmwood Cemetery and into a section of that large
5 cemetery called Randolph Cemetery. That's the
6 very last one before you get to the river. Martin
7 Dixon gets out of the car and directs Michelle
8 Jones to do the same.

9 The two of them light paper on fire and throw
10 it into the vehicle. They place a rag into the
11 gas tank, light it on fire too, and then take off
12 running into the night.

13 What they didn't know at that time, though,
14 was their efforts to kill Antrone Dubose have
15 failed. Y'all heard the fire department captain,
16 Chris Ford, who was testifying to the three things
17 you need for a successful fire. You need fuel.
18 They had that. You need heat. They had that.
19 And you need ample oxygen. The only reason
20 Antrone Dubose is alive now is because they didn't
21 count for the ample oxygen. They threw the paper
22 into the car, shut the door, they were unable to
23 get the rag far enough into that gas tank and to
24 provide enough oxygen to light the gas on fire.
25 But make no mistake. That was the intent. That

1 was the intent. The intent was to kill Antrone
2 Dubose area. And for what? What could that man
3 have ever done to meet a fate like that? Martin
4 Dixon was able to call for a ride to pick he and
5 Michelle up to get them out of town.

6 Next morning, Freddie Free, he shows up at
7 Randolph Cemetery. He was the very first witness
8 you guys heard from. He was the fellow who goes
9 out every couple of weeks and cuts the grass there
10 at Randolph Cemetery. By now, I think this is
11 a -- if you're from Richland County or a live in
12 Richland County as we all do, you probably are
13 familiar with the cemetery. Here, we have a view,
14 bird's-eye view looking towards Columbia from
15 I-26. If we left here and jumped on 126 toward
16 Chapin, Spartanburg, this would be that cemetery
17 on the right that you would see.

18 And you-all think about it, think about how
19 it's way up on the hill as you go down 126. From
20 the road up to the top is almost 25/30 feet. It's
21 interesting because Michelle Jones who's not from
22 here talked about the cemetery, you know, the one
23 by the freeway; the one up on the hill. Wonder
24 how she knew that? How did she know about that?

25 Y'all have seen the cemetery. What you can't

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1 usually see from 126 is the access road that goes
2 alongside. It's a frontage road and it's the way
3 you get into the cemetery.

4 The car Freddie Free found on the morning of
5 August 7, 2019, was located at the curve in the
6 little access road. You see from the other
7 pictures there, there was a retaining wall that
8 makes it invisible from the highway there. The
9 black Lexus that was Antrone Dubose's most prized
10 possession had been given to him by a former
11 employer, had become his home in recent times.
12 The very thing that made him valuable to the
13 predator, Martin Dixon, was this car. And it
14 was what Martin Dixon intended on it being his
15 coffin as well.

16 This is what Freddie Free found. The doors,
17 of course, were closed at the time. And the car
18 begins to move as he gets closer. And it's hot
19 out. And he's -- he's -- he's wondering why the
20 car is moving. He doesn't see anybody on the
21 inside. But the car is moving. But nobody is
22 talking. But he is sure, and you can hear it in
23 the 911 call, that someone is in there.

24 Officers arrive. They can't figure out any
25 way to open the trunk. The latches are broken.

1 It's unable to be opened. They have to use the
2 Jaws of Life to cut it open. And they find an
3 unconscious Antrone Dubose suffering mildly from
4 heat exhaustion and dehydration with a gash over
5 his left eyebrow.

6 It is difficult even looking at the picture
7 to imagine even in an empty trunk being crammed in
8 there, but this one is -- is cluttered with all --
9 all sorts of items. This is what Martin Dixon
10 intended on being Antrone Dubose's coffin.

11 It was evident immediately that somebody had
12 attempted to burn the car. Of course, the rag
13 getting stuck in the gas tank or attempted to be
14 stuck in the gas tank, the soot, the burn marks
15 all along the car. And the inside, it was clear
16 evidence that -- this would be the passenger --
17 front passenger seat of paper -- of paper being
18 lit on fire and thrown into the car. The tire
19 iron was found in the passenger seat as well.

20 Front driver seat, too, had paper and other
21 items that -- that somebody had attempted to light
22 on fire. So sit is very clear to any
23 investigator, certainly any fire department
24 employee, that this car, somebody had intended to
25 burn it.

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1 In looking through the car, they began
2 finding items that didn't belong to Antrone
3 Dubose, the victim, the owner of the car, but
4 Martin Dixon found medical paperwork. They found
5 medicine; various forms of medical paperwork.
6 They found various letters that had Martin Dixon's
7 name on it.

8 Antrone Dubose gets to the hospital. Again,
9 he's treated for heat exhaustion, dehydration.
10 He's -- he's got an open wound over his left
11 eyebrow.

12 Wayne Montgomery. Wayne Montgomery, the
13 investigator in that case, the bogeyman, according
14 to Martin Dixon because he was so mean and
15 aggressive in his interview. Of course, you guys
16 will get to watch that interview. You'll get to
17 see you get to see how mean and aggressive Wayne
18 Montgomery is.

19 Investigator Montgomery, veteran police
20 officer at the Columbia Police Department, goes to
21 the hospital and speaks with Antrone Dubose.
22 Antrone Dubose, from the first time he is asked
23 until this week, has always maintained two names,
24 two names only who are responsible for him being
25 in the trunk of the car, two people who were

1 responsible for attempting to kill him after
2 kidnapping him in the trunk of his own car. He's
3 never wavered.

4 I don't mean to disparage. But Antrone
5 Dubose is -- is not a sophisticated, complex
6 thinker, I don't think. I don't think anybody who
7 seen him or heard him testify -- he himself admits
8 he's got some learning disabilities. His brother
9 talked about that as well.

10 He has always maintained two people were
11 involved with this. And those two people were
12 Michelle Jones and Martin Dixon. That was the
13 very first thing he told Wayne Montgomery. And he
14 has never wavered; never given any other name.
15 Martin Dixon and Michelle Jones did this to him.

16 Officers put Martin Dixon and Michelle Jones
17 in the system that flags them for arrest whenever
18 anybody could catch up with them. They certainly
19 can't find them anywhere around town. Months go
20 by. And in October, they are finally found living
21 out of a hotel in Hickory, North Carolina. They
22 had absolutely no connections to Hickory, North
23 Carolina. They are brought back to Columbia and
24 interviewed.

25 Michelle Jones was spoken to, again, by mean

1 old Wayne Montgomery. But Wayne, as you're
2 watching in her interview, he listens carefully as
3 she speaks. Michelle Jones, her afflictions,
4 they're obvious, too, in the interview. At one
5 point, she may be talking about vast conspiracies
6 to assassinate members of her family. At another
7 point, she may be touting her successful rap
8 career. But she's also able to provide details
9 that are compelling to Investigator Montgomery.

10 She talks about certain details of
11 Mr. Dubose's kidnapping and attempted murder that
12 she really shouldn't have any knowledge of, but
13 for being there. You know what I'm saying? She
14 knows about certain things that how would she had
15 ever have known that.

16 She brings up the car repairs on the way to
17 Columbia and how Antrone Dubose owes her money for
18 those repairs. You know, she mentions Martin
19 Dixon's name as being involved unprompted. She
20 talks about how Antrone Dubose had been trying to
21 call his brother while they were in Columbia. How
22 would she know these things, but for being there?

23 She says the beating happened in a parking
24 lot near the alleyway. She mentions the attempted
25 murder happening in a graveyard. She brings that

1 up without anybody mentioning that to her. You're
2 going to see it unfold in her interview. How does
3 she know those things if she wasn't there? How
4 did she know those things if she was in North
5 Carolina at the time of this with Martin Dixon?

6 It seemed at times during cross-examine --
7 the cross-examine yesterday. You understand when
8 I call state witness, it's direct examination.
9 And then when the defense gets up there and
10 questions a state's witness, is called
11 cross-examination.

12 But the cross-examination yesterday did seem
13 at times that Michelle Jones was being mocked by
14 Martin Dixon's lawyer. You know, the defense turn
15 around and would ask Michelle a question and then
16 laugh at the answer and kind of smirk at you guys
17 when she would speak and rather delusional type
18 things she was saying about maybe somebody working
19 for NASA or Illuminati. And she was being mocked
20 on the stand. There's no way around it.

21 But, of course, somebody like Michelle Jones
22 that's been mocked and made fun of her whole life.
23 Ms. Zmroczek's not the first one who kind of smirk
24 when she says something a little off-the-wall
25 or -- or, you know, roll her eyes or anything like

1 that. That's just -- that's just how it is. And
2 the idea is to completely discredit anything and
3 everything Michelle Jones has to say. She has
4 schizophrenia and bipolar disorder. She, like
5 Antrone Dubose, has been mocked and made fun of
6 and beaten and taken advantage of her whole life.

7 She has those maladies, ladies and gentlemen.
8 But as far as I know, she's never been diagnosed
9 with any psychic ability, okay? So if she doesn't
10 have supernatural, psychic ability, how on earth
11 does she know all these facts about the case
12 unless she was truly right there when it happened?
13 The natural and logical conclusion is that she was
14 speaking about something she herself had witnessed
15 and experienced and was involved in. She admitted
16 to that. It's not that she used psychic ability
17 or that she was a fantastic guesser. It's that
18 she was there, right?

19 She sat up there on that stand and answered
20 questions for me and Martin Dixon's lawyer. And
21 she told you what she remembered happened. And
22 you heard it. And you'll get to watch the video.
23 The first thing she told Wayne Montgomery when she
24 got out of the patrol car from Hickory, North
25 Carolina.

1 Martin Dixon, make no mistake, he's a
2 flimflam man. Okay? That's a con artist. And
3 you saw yourself yesterday. He's a user of
4 people. He's the worst kind of user of people
5 though because his prey is the vulnerable, the
6 most vulnerable amongst us. He surrounds himself
7 with people who suffer from learning disabilities
8 and other disabilities who he can easily direct
9 and control and persuade. He is deceitful. The
10 truth of the innocent -- or rather, the trust of
11 the innocent is the liar's most useful tool. And
12 these innocent, vulnerable people certainly put
13 their trust in him. And that is very useful to a
14 liar and a con man like Martin Dixon.

15 Martin Dixon is interviewed too by mean and
16 aggressive Wayne Montgomery. And immediately, the
17 flimflam man tries to con the police. You -- you
18 see, the con man, he's so used to conning the
19 unsophisticated that he figures his (inaudible)
20 will work on a professional like Wayne Montgomery.

21 He launches into this paperwork. Remember
22 that from the video? He has it with him. He
23 pulls it out. He's got several copies of these
24 papers that -- that will prove he couldn't have
25 been in South Carolina in August of 2019.

1 Now, mind you, his interview is in October
2 24, 2019. It looks like about seven or eight days
3 after Antrone was found in the trunk of his car.
4 But he is saying and I was not in South Carolina.
5 He doesn't tell Wayne Montgomery where he was, but
6 just that he wasn't in South Carolina. He just
7 knows that.

8 Wayne Montgomery asked, "Can I see those
9 papers you got that are going to show you were
10 elsewhere?" Alas, they're just copies of his
11 fugitive from justice warrants. Completely
12 useless and have no relevancy really to this case.
13 Those are just the warrants he was served when he
14 was picked up as fugitive from justice in North
15 Carolina and brought back here. Dixon then takes
16 those forms back and tells Wayne Montgomery that
17 he'll get them after he gets a lawyer.

18 **MS. ZMROCZEK:** Objection, Your Honor.

19 **MR. SCOTT:** It's in the video.

20 **THE COURT:** Basis for the objection?

21 **MS. ZMROCZEK:** *Doyle v. Ohio*, Your Honor.

22 **MR. SCOTT:** It's a --

23 **THE COURT:** What was the statement? What did
24 you say?

25 **MR. SCOTT:** The statement was the forms he

1 has in the videos, the defense exhibit, and Wayne
2 Montgomery asked if he could make copies. And he
3 says, "You can after I get a lawyer." It's a
4 defense exhibit that's going to be with the jury.

5 **THE COURT:** Overrule the objection.

6 **MR. SCOTT:** He takes the forms back from
7 Wayne after handing them to him and says, "You'll
8 get them -- I'll give them back to you after I get
9 a lawyer." He promises Wayne he will get him
10 camera footage and witnesses who will say he was
11 somewhere else. He tells his interviewers he
12 wasn't in South Carolina at all in August. Of
13 course, we all know that's not true. We got him
14 checking into the OYO Hotel. But that's what he
15 is immediately telling Wayne Montgomery because he
16 is so used to conning these unsophisticated people
17 that -- that he thinks it will work with a veteran
18 police officer.

19 He discloses he has a phone and it will
20 exonerate him too. But he just got that phone 30
21 days ago. Again, he's been on the lam for 78
22 days. Thirty days ago doesn't help us with
23 August 7, 2019. What did he do with the phone
24 back then or whether he had a phone at all? We
25 don't know what he did with it.

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1 He tells Wayne Montgomery that he works at
2 Boeing in Charleston and that he has no record, no
3 criminal record. You guys are going to have that
4 interview. It's not long. He doesn't talk long.
5 It's not going to take a lot to watch it.

6 Because I heard yesterday that Martin Dixon
7 said he was scared because Wayne Montgomery was
8 aggressive. Wayne Montgomery was and is a
9 professional. If Martin Dixon was frustrated, it
10 wasn't because Wayne was being aggressive, it's
11 because he's not falling for the con man's lies.
12 But you'll never see Wayne Montgomery act in
13 anyway aggressive. But that's what the flimflam
14 man is trying to tell you from the stand
15 yesterday.

16 He took that stand and it was immediately
17 apparent the striking difference even in how he
18 speaks and how Antrone Dubose speaks and how
19 Michelle Jones speak. It's clear who the shot
20 collar was in that trio. You think for one minute
21 Martin Dixon has ever been taken advantage of by
22 Antrone Dubose? You think he's ever been used by
23 Michelle Jones? You think either one of them ever
24 would be able to pull one over on him? He thinks
25 he's a better con man than he really is, though.

1 He tried to con a veteran police officer and then
2 yesterday he tried his best to con you. That's
3 all that testimony was. One big rambling lie.

4 First of all, he wanted everyone to know he
5 was the victim in all of this and it's because he
6 had such a big heart. He surrounds himself with
7 all of these vulnerable people, not to use them;
8 it's that he's got such a big heart. He can't
9 help it. Not because they have a check that comes
10 in the mail every month and not because they -- he
11 can get them to drive him all over South Carolina.
12 It's just out of the goodness of Martin Dixon's
13 heart. That's what he told you.

14 And his story was essentially this. He had
15 been living in Charleston County. But he had
16 moved to Lexington County a few years before our
17 incident date, to Gaston, he says. And he says
18 that because he knows we found the envelope in the
19 car that has a Gaston residence. He lost at home
20 due to financial hardship and had to go back to
21 Charleston. Okay? This was the testimony
22 yesterday.

23 Then, he decides in August to come back to
24 Columbia to find a home. Michelle Jones is his
25 girlfriend at the time. So he, you know, wants to

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1 live with her. But also, he wants to bring
2 Antrone Dubose alone to live with him, I guess as
3 a trio, a home in Columbia.

4 He says Michelle and Antrone never get along
5 and argue constantly, so much that it was greatly
6 stressful for him, yet he's trying to move to
7 Columbia with the two of them. Does that make any
8 sense? And he -- he struggled at times really
9 when I was asking him what was the plan. And he
10 really was all over the place and did a poor job
11 explaining what his plans were in Columbia.

12 However, despite those two people, Jones and
13 Dubose not getting along, Martin Dixon decided he
14 would come to Columbia, look for houses for them
15 to live in with both of them. All three them
16 would live together. He agrees he used his name
17 on August 1 to check into the OYO Hotel and then
18 paid in cash. That was on the stand. Now he
19 tells Wayne Montgomery I wasn't even in South
20 Carolina in August. He's got to have his
21 testimony match evidence.

22 So when I show him, "Hey, we've got a ticket
23 that you were in South Carolina in August," he's
24 got to switch his story up.

25 "Oh, yeah. That's right. I was lying to

1 Wayne when I said it. Now, I'm telling the truth.
2 I used my name to check into the OYO Hotel, August
3 1, 2019, and paid in cash. We paid in
4 August 5th."

5 And then, they check out because they run out
6 of money. That's why they said they checked out
7 of the OYO, August 5. Again, they were in
8 Columbia because they were supposed to be looking
9 for houses. But he couldn't really name anywhere
10 they had viewed. He mentioned there was one in
11 Lexington and one on King Street. He said he had
12 also been searching for them on his phone while
13 they were in town.

14 His story is this, though. After checking
15 out of the OYO Hotel, the three of them go to some
16 unnamed gas station. Michelle and Martin Dixon go
17 inside. Antrone Dubose stays outside, stays
18 outside in his car. When Michelle and Martin
19 comes back out, Antrone is gone, never to be seen
20 again.

21 Now, he never tries to call Antrone, "Hey,
22 man. Where are you? You didn't leave us, did
23 you?"

24 No, he doesn't try to do that. He doesn't
25 really try to do anything else, you know, after

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1 being supposedly abandoned. He then testifies to
2 this: After being abandoned by his rider, he
3 doesn't call Antrone. He doesn't call his mother
4 just down I-26 in Orangeburg. He says -- he
5 suddenly pivots and says, "You know what? We've
6 been saying we want to live here in Columbia, but
7 let's go move to Hickory, North Carolina."

8 That was his testimony yesterday. After
9 being abandoned and standing in a parking lot of a
10 gas station, the only reason he's in Columbia is
11 to look for a place to live. He suddenly says,
12 "Let's move to Hickory. What the hell."

13 So that was his testimony. I didn't make
14 that. You-all heard that yourselves. I want to
15 live in Hickory.

16 So he has this very close, very good friend
17 in Hickory, North Carolina, he says. This friend
18 is so close to him that he thinks I'm going to
19 give this friend a call. Because, you see, this
20 is the kind of friend who will drop everything on
21 a Monday night. Okay. August 5, 2019, was a
22 Monday. This friend is so close he's going to
23 drop everything and drive two and a half hours
24 from Hickory, North Carolina, down to some gas
25 station in West Columbia. He's going to pick

1 Martin Dixon and Michelle Jones up, just at the
2 drop of a hat, and then drive the two and a half
3 hours back to Hickory, North Carolina. That's a
4 good friend. I always think of when you try to
5 name close friends, those are the friends who will
6 drop everything at 3 a.m. and -- and come pick you
7 up if you're in a hard spot. That's the kind of
8 friend apparently this was for Martin Dixon.

9 And we know this guy's name is T. And I say,
10 "Well, great. What's T's last name?" And Martin
11 Dixon paused. You saw it. He stopped for a
12 second. And I asked him again, what's T's last
13 name. And he muttered. I asked him to repeat
14 himself. And I think what we got was Ordum, T
15 Ordum. Nobody's ever heard of such a name. I
16 never heard that last name in my life. T Ordum.
17 So I said, "Okay. Well, great. Let's -- how you
18 spell that?"

19 "I don't know. I don't know how to spell
20 that. That's all I know, T Ordum."

21 "Where does he live?"

22 "I don't know."

23 "Where is he?"

24 "I don't know."

25 So there's no such person as T Ordum. There

Closing Argument by Mr. Scott

1 is no T Ordum of Hickory, North Carolina. The
2 flimflam man is trying to sell you a bill of goods
3 that is a complete lie. That's what he does.

4 Never explained how he ran out of money to
5 pay for the hotel in West Columbia, but suddenly
6 was able to find enough money to rent a hotel for
7 just over 70 days in Hickory, North Carolina. How
8 does that happen?

9 I asked Martin Dixon about something rather
10 minor, the injury to his finger. Y'all remember
11 that yesterday? It was rather a minor thing, but
12 it was indicative of a larger problem with Martin
13 Dixon. He's unable to tell the truth about even
14 about the smallest things. He has a visibly
15 maimed finger. He is unable to straighten that
16 particular finger. He reported to a doctor that
17 he had injured it while working at Boeing. Okay?
18 Just a minor detail of the case, right? He has an
19 injured finger that is visibly mangled.

20 I asked him about it. And he wouldn't show
21 it to me. Remember that? He was doing all this
22 kind of stuff and putting his left hand down.
23 Hey, man. I'm just asking you about your finger
24 on your left hand.

25 I asked him if he hurt it while working at

1 Boeing. He said under oath, sworn oath, "No.
2 Because I never worked at Boeing."

3 I said okay. I showed him a document. I
4 asked, "Why did you told a doctor you had hurt it
5 while working at Boeing and it required screws to
6 be put in it?"

7 He indicated that, "I lied to the doctor. I
8 lied to the doctor. That was untruthful."

9 Why would you lie to your doctor? The person
10 who is opposed to be treating you and looking out
11 for your best interest and your health? I said,
12 "Wait a minute. Didn't you tell Wayne Montgomery
13 you had worked at Boeing too? What's -- what's
14 going on here? Why are we lying about this?"

15 He said he never told Wayne Montgomery that
16 he worked at Boeing. So I played that video which
17 you will have. And he -- there he is he's clearly
18 telling Wayne Montgomery that he worked at Boeing.
19 He said, "Oh. I was lying to police too. You've
20 got to believe me. I lied to my doctor. I lied
21 to police. But today, I'm telling the truth."

22 That's what -- that's kind of what happened
23 yesterday. That's exactly what happened yesterday
24 on the stand. Why would he want to lie to police?
25 And why would he want to lie about something that

1 minor?

2 He tells Wayne Montgomery he's never been in
3 trouble; has no record. I said, "Now, Martin, why
4 would you have said that the way Montgomery?
5 Isn't that a lie?"

6 He said, "No. It's not a lie. I -- I just
7 assumed a record only goes back a couple of years.
8 And then -- so I didn't have to tell him that."
9 When you lie and you lie and you lie, it kind of
10 becomes your language. And that is the language
11 of a con man. That's the language of a flimflam
12 man. Lie, lie, lie. Flimflam man is going to con
13 and con. It may work for some people, but not
14 with discerning people.

15 I asked him, How did you break the Martin
16 Dixon code and determine? You know, when he's
17 telling the truth and when he's just lying about
18 even the smallest issue. He was unwilling to give
19 us that particular code. So we are left to judge
20 ourselves to judge his credibility and what makes
21 sense and what makes absolutely no sense and why
22 he lies and lies and lies or why he surrounds
23 himself with these vulnerable people and why he
24 uses them like he does. Cause a con man can lie
25 so much and so broadly that there really is no way

1 to tell if he ever tells the truth. Liars and
2 users and abusers make lies their language, always
3 looking to get something they want or dig
4 themselves out of a tight spot.

5 Martin Dixon is a con man who prays on the
6 vulnerable, surrounds himself with those who
7 easily fall for his deceit. The truth is, as it
8 seems, Antrone Dubose was not going along with the
9 plan. He was going against what Martin Dixon was
10 demanding. He's involving people like his
11 brother, Dexter Dubose who Martin Dixon could
12 never control. He was involving other people and
13 was wanting to take his car and go home. And that
14 didn't sit well with Martin Dixon. Martin Dixon
15 kidnapped that man in the trunk of his own car.
16 Martin Dixon tried to kill that man by burning him
17 alive in the trunk of his own car.

18 Antrone Dubose was, from the very first time
19 he was asked, he said it was Martin Dixon and
20 Michelle Jones who did this to him. He said that
21 on August 7, 2019, when he was arrested. He said
22 it this week on the stand and he said it today.
23 Why would he make that up? And why would Michelle
24 Jones make that up? These two people who don't
25 even get along amongst one another, why are they

1 in concert with the fact that there were three
2 people out there that day, there were three people
3 who were pushed in that car and there were three
4 people who were at the cemetery when it was set on
5 fire? Cause Michelle Jones said it too. She said
6 it when she was arrested and she said yesterday
7 from the stand.

8 Now, you-all are here today to hear this
9 case. And the charges that I have presented to
10 you-all for your consideration are those -- two
11 charges of kidnapping and attempted murder. And
12 it's interesting. I've tried kidnapping cases a
13 lot. The law -- the law in South Carolina, the
14 law I expect the judge to read to you in
15 essentially this form: Whoever shall unlawfully
16 seize, confine, abduct, or carry away any person
17 by any means whatsoever without authority of law
18 is guilty of kidnapping.

19 Now, we have a lot of cases where the
20 kidnapping is simply somebody holding onto
21 somebody's arms and not letting them out of a room
22 for a brief period of time. Statutorily, it meets
23 the element of a kidnapping. But most people when
24 they think of a kidnapping, they think of our
25 current situation. So in those other situations,

1 I'm left trying to convince the jury, well
2 statutory not letting somebody out of a room does
3 rise to the level of kidnapping. And I will say
4 sometimes to them, Everybody has a preconceived
5 notion that kidnapping involves throwing someone
6 into the trunk of a car and driving away with
7 them. We actually have that in this situation.
8 We literally have somebody forced into the trunk
9 of a car, breaking the safety latch, and driving
10 off with them in it.

11 So kidnapping, unlawfully seize, confine,
12 abduct, or carry away any other person by any
13 means whatsoever. "Seize" means to take a hold of
14 suddenly and forceably. "Confine" means to limit,
15 restrict, or enclose within bounds, imprison, or
16 shut in. "Abduct" means to lead someone away by
17 force.

18 This -- this is the best example, our case,
19 of a textbook kidnapping that you can have. And
20 that's what Martin Dixon is charged with. That's
21 what Martin Dixon is guilty of: Kidnapping that
22 man; putting him in the trunk of the car with no
23 access; breaking the safety latch so he can't even
24 get out.

25 Attempted murder, a person who with intent to

1 kill attempts to kill another person with malice
2 aforethought, either impressed or implied. That's
3 attempted murder. Of course, if he follows
4 through, Antrone Dubose ends up dying, that's
5 murder. This was an attempt. Thankfully, Antrone
6 Dubose is here with us today. So he is guilty of
7 attempted murder. His intent was clearly to kill
8 the man. You don't throw somebody in the trunk of
9 the car and light it on fire without having that
10 intent.

11 What is malice aforethought? Malice is
12 hatred, ill will, or hostility towards another
13 person. It is the intentional doing of a wrongful
14 act without just cause or excuse and with an
15 intent to inflict an injury or under circumstances
16 of the law would infer an evil intent. I don't
17 know of any intent more evil than what Mr. Dixon
18 did to Antrone Dubose.

19 When does malice need to form in the mind for
20 an attempted murder? It does not require that
21 malice exists any particular time before the act
22 is committed, but it must exist in the mind of
23 Martin Dixon just before and at the time the act
24 was committed. Therefore, there must be a
25 combination of previous evil intent and the act.

1 Malice.

2 We've heard testimony from two witnesses that
3 as Martin Dixon was driving down the road
4 vocalizing his intent, vocalizing his malice, "I'm
5 going to drive this car in the lake. Nope. I
6 change my mind. I'm going to set it on fire."
7 That's, ladies and gentlemen, is what is called
8 expressed malice.

9 So how can malice be shown? It can be
10 expressed or inferred.

11 **MS. ZMROCZEK:** Your Honor --

12 **MR. SCOTT:** It can be expressed or inferred.
13 It don't mean different kinds of malice, but
14 merely the manner in which malice may be shown to
15 exist. It's either by direct evidence or by
16 inference from the facts and circumstances which
17 are proved. Again, expressed malice is shown when
18 a person speaks words. It's expressed hatred or
19 ill will for another person or when the person
20 prepared beforehand to do the act which is later
21 accomplished.

22 Malice may be inferred from conduct showing a
23 total disregard for human life. A good example of
24 inferred malice, trying to light a car on fire
25 when someone is locked in the trunk. A good

1 example of expressed malice: "Since you love your
2 car so much, you're going to die in it." Those
3 are both forms of malice. That is what we have
4 here.

5 I have to prove my case, ladies and
6 gentlemen, beyond a reasonable doubt. Every case
7 I try in this Court, every case any prosecutor
8 tries from here to Portland, Oregon, if there's a
9 conviction, the jury had to find the defendant
10 guilty beyond a reasonable doubt. What does that
11 mean?

12 It's the highest standard, really, we have in
13 the law. And it's a standard I accept every trial
14 I do. And if I can't pass the test, if I can't
15 pass muster and prove to you all beyond a
16 reasonable doubt that he's guilty, you cut him
17 loose. And I accept that. I go to sleep every
18 night and I sleep well. And I don't look back
19 and -- and question, you know, a jury's decision.

20 If I don't prove this case beyond a
21 reasonable doubt, acquit him. Find him not
22 guilty. If you believe the flimflam man, find him
23 not guilty.

24 Beyond a reasonable doubt, does it mean
25 beyond all doubt? I think it's safe to say

1 there's a number of things in this case we wonder
2 about. Does it mean that you have to go beyond
3 all doubt his guilt? No. It means that you have
4 a doubt that's reasonable. And based on logic,
5 you should find him not guilty. Just like I told
6 you, if you have a logical believe that he wasn't
7 involved in this, that he didn't get together with
8 Michelle Jones, throw the man in the trunk of the
9 car and then help her light the car on fire and do
10 it all alone, acquit him.

11 But if your doubt is not reasonable or your
12 doubt is not really logical, you should find him
13 guilty. That's what beyond a reasonable doubt
14 means. You have to be a hundred percent certain
15 this judge is going to tell you no, that there's
16 very few things in this world we know with
17 absolute certainty. And in criminal cases, the
18 law does not require proof that overcomes every
19 possible doubt.

20 If based on your consideration of evidence,
21 you are firmly convinced -- I put this in bold.
22 The Judge is going to use that term twice, "firmly
23 convinced." When you think about reasonable
24 doubt, here is the question to ask yourself. It
25 is as simple as this: Are all 12 of us firmly

1 convinced he did this? If the answer is yes, you
2 convict him. That doesn't mean, Well, I'm firmly
3 convinced, but I still wonder, you know, about
4 this part or I still wonder about that part. If
5 you are firmly convinced, find him guilty. You
6 must find him guilty, rather.

7 That's the case. I will have one more brief
8 reply argument. But now, you -- you get to hear
9 from the defense attorney. But you-all have heard
10 the facts.

11 The unsophisticated. I don't know how many
12 of you have children. But when children are
13 young, it -- it's usually fairly easy to catch
14 them in a lie. Because with a lie, you -- you
15 have to maintain that lie over time. And you can
16 catch somebody slipping up and eventually, you
17 know, it's easy to kind of vet out a lie with a
18 child or somebody rather unsophisticated.
19 Sometimes they stray away. And sometimes they
20 just outright say, okay, you got me.

21 Again, not to disparage. Antrone Dubose is
22 not a sophisticated man. Michelle Jones is not a
23 sophisticated woman. They have maintained since
24 August 7 and October 2019 who was there that
25 night? Who was there when he was stuffed in the

1 trunk? Who was there when the car was set on
2 fire? They have consistently maintained that.
3 There's never been any other names and there's
4 never been any other variation of how this
5 happened. Okay? I want you to consider that. I
6 want you to consider any credibility that he is
7 owed when he took the stand yesterday and whether
8 his story made any sense.

9 I want you to deliberate. And I want you to
10 render the only verdict that speaks the truth; the
11 only verdict that provides any justice to the
12 victim in this case. It's what Martin Dixon is on
13 trial for. I asked you to find him guilty of both
14 of those charges: Guilty of kidnapping and guilty
15 of attempted murder. Thank you.

16 **THE COURT:** Ladies and gentlemen, we'll take
17 a five-minute break. Please do not discuss the
18 case.

19 (The jury exits the courtroom at 10:33 a.m.)

20 **MS. ZMROCZEK:** Your Honor, may I please put
21 something on the record?

22 **THE COURT:** Yes.

23 **MS. ZMROCZEK:** Thank you.

24 And we probably need to pull up the slide.

25 Your Honor, I objected and continuing to

1 object. You -- you e-mailed us the charge last
2 night, the perfect attempted murder charge.
3 Because attempted murder has been written over and
4 over and over litigated, mostly by me.

5 Your Honor, your charge is -- is -- is -- is
6 actually follows the law under *State v. Burdette*
7 where we don't talk about inferred or implied
8 malice. He puts up there about what inferred
9 malice is, and he reads it up there. It's not
10 allowed. I understand that you're going to charge
11 the law.

12 But Your Honor, when the jury comes back, I
13 would request that you tell the jury that any law
14 only comes from you. It does not come from the
15 slide that says inferred malice. There's no
16 inferred malice under *State v. Burdette*. I don't
17 know why we're still having this argument at this
18 time. But that's my objection.

19 **THE COURT:** Mr. Scott?

20 **MR. SCOTT:** I don't know *Burdette*. I think
21 malice can be inferred by complete disregard for
22 human life. That's what I said. That's what I
23 believe malice is. Of course, they know and I've
24 told them that the judge of the law is the judge
25 on the bench, not me.

1 **THE COURT:** And I don't follow you,
2 Ms. Zmroczek. Tell me again what you were saying.

3 **MS. ZMROCZEK:** Your attempted murder charge
4 that you're going to read to the jury says malice
5 is --

6 **THE COURT:** Well, I know what my charge says.

7 **MS. ZMROCZEK:** Right, right. Your charge
8 doesn't include inferred malice, implied malice.
9 And that was what was argued to the jury by
10 Mr. Scott, which is a violation of *State v.*
11 *Burdette*.

12 **THE COURT:** *Burdette* says you cannot infer --
13 specifically says the trial court shall no longer
14 instruct the jury that malice may be inferred by
15 the use of a deadly weapon. You had a deadly
16 weapon? And I did not hear any reference of that
17 by Mr. Scott.

18 **MR. SCOTT:** None was made, Your Honor.

19 I know *Belcher*; I don't know *Burdette*. I
20 think *Belcher* was the case that said malice cannot
21 be inferred by the use of a deadly weapon. I have
22 never -- I haven't use that particular inference
23 in years. I certainly wouldn't do that today. I
24 said inference -- inference may be made or malice
25 may be implied through reckless disregard for a

1 human life. I think that's still the law.

2 **THE COURT:** Inferred malice is still a proper
3 charge. Just you cannot -- *Burdette* and *Belcher*
4 applied to -- I overrule the objection that was
5 made in this case.

6 You are correct, Ms. Zmroczek. This charge
7 does not indicate anything regarding inferred
8 malice. But it does not mean that it was an
9 incorrect statement of law.

10 **MS. ZMROCZEK:** Right. Your charge is
11 correct, Your Honor. And I guess I -- I just
12 would ask that you reiterate to the jury that not
13 what the lawyers say is the law but what you say
14 is the law. Thank you.

15 **THE COURT:** I think they will get that from
16 the charge.

17 **MS. ZMROCZEK:** Thank you.

18 **THE COURT:** Okay. We'll take five minutes
19 and then press on.

20 **MS. ZMROCZEK:** Thank you.

21 (A recess is taken.)

22 **THE COURT:** Before the jury comes in
23 regarding Mr. Forney and Mr. Scott regarding the
24 competency hearing that I began with the lady,
25 Ms. Jones, I understand she is not here today for

1 me to complete that. I am going to decide on the
2 record her issue of competency having received
3 this evaluation. We can schedule it next week or
4 I will be presiding in General Sessions the week
5 after. We can do it that Monday, the 17th. Any
6 problems with that?

7 **MR. FORNEY:** I would, Your Honor, like to get
8 her evaluated again. The evaluation you have is
9 four years old. She has had some previous -- some
10 additional care since then.

11 **THE COURT:** I understand now you're arguing
12 it outside of her presence. I'm going to schedule
13 a hearing and everything that you're wanting to
14 raise now, you raise with your client present.
15 And I will make that determination.

16 **MR. FORNEY:** Thank you, Your Honor.

17 **THE COURT:** All right.

18 It will be on the 17th. I'm going to say
19 noon, noon on the 17th.

20 If you'll bring the jury.

21 **MR. SCOTT:** Off the top of my head, I think
22 that's fine for me. I just want to check my
23 calendar.

24 **THE COURT:** All right.

25 (The jury enters the courtroom at 10:48 a.m.)

1 **THE COURT:** All right, Ms. Zmroczek.

2 **MS. ZMROCZEK:** Thank you, Your Honor. May it
3 please the Court.

4 Competent, credible evidence. I want to say
5 that one more time. Competent, credible evidence.
6 As I was preparing for closing argument last
7 night, which seems to gone on a little longer than
8 I expected, I thought about when we first
9 introduced ourselves to each other and we
10 introduced y'all to the case. We talked about
11 things that you would be looking for.

12 Mr. Whitmire got up and said, "This is --
13 this is not a whodunit." And I disagreed. In my
14 opening, I told you that I would ask you to look
15 for confidence, credible evidence. We're going to
16 do a little discussing of that, hopefully, for not
17 too long over the next couple of minutes. Because
18 I have the pleasure, the distinct pleasure of
19 representing Mr. Dixon in this case. I also have
20 the additional obligation of representing the
21 Constitution. And I want to talk to you a little
22 bit about that.

23 The Constitution is something that we risk
24 our lives, fellow Americans, defending these
25 freedoms, the freedoms that are protected under

1 the Constitution, freedom of speech, right to bear
2 arms, the right to ask for an attorney. You-all,
3 in a few moments, will be joining me in that
4 fight. Because as jurors, you are taking on the
5 role of defending the Constitution.

6 What I'm going to do this morning is go
7 through and evaluate, much as Mr. Scott did, some
8 of the evidence. And I'm going to continue to ask
9 you to review the evidence that's competent and
10 credible.

11 I want to explain to you that this is my last
12 opportunity to be able to talk to you. When I'm
13 done, Mr. Scott gets to come back up, as you
14 heard, and do what is called a "rebuttal
15 argument." I'll tell you that's the hardest time
16 for a defense attorney because we can't stand up
17 again and we can't respond. But it's done that
18 way for a very important reason.

19 Judge Newman will tell you that the state has
20 the burden of proof in this case. And even though
21 I've put up a case, entered evidence, put
22 testimony, challenged witnesses, that burden never
23 ever shifts to Mr. Dixon. That burden remains
24 with the state.

25 Judge Newman's going to read you the law.

1 And he's going to define reasonable doubt and talk
2 a little bit more about that later. He's going to
3 tell you that affirmative defenses have been
4 raised, alibi, and that the state also has to
5 disprove that beyond a reasonable doubt.

6 The reason the state gets the opportunity to
7 rebut, like I said, is because the proof that they
8 have to reach is the highest in American
9 jurisprudence. And it's done that way for a
10 reason. You-all have been sitting here for going
11 on four days now to answer a very serious question
12 of fact. And if you don't have the evidence to
13 answer that question, Judge Newman will tell you
14 that the law will be your guide. The law will
15 guide you as to what a just and proper verdict is
16 in this case.

17 When reviewing all of the evidence that y'all
18 heard from the stand and listening to Mr. Scott in
19 his -- in his closing remarks, sometimes you hear
20 or see or remember things differently. The beauty
21 of a jury is that each and every one of you
22 individually makes your own determination as to
23 what you heard as to what was said and as to what
24 the evidence is. Not what I think. Not what
25 Mr. Scott thinks. It's not what anybody thinks

1 but you. And that's a -- that's the beauty of
2 deliberations. Twelve people, 12 citizens with
3 the same rights and the same protections get to go
4 in and deliberate and talk about what evidence is
5 credible, what evidence is competent. Is there
6 enough evidence to convict Mr. Dixon?

7 Now, how I've set up my closing remarks, I've
8 kind of broken it down, tried to stay organized
9 into three things. The first thing I want to talk
10 about is my fear, my fear about what's going to
11 happen in that jury room. I want to talk about
12 it, get it out there, explain it to you so it
13 gives you an -- additional things to think about.

14 After that, I want to briefly go through the
15 evidence. I'm not going to recite everybody's
16 testimony. Y'all have sat through here. You've
17 listened very closely. You'll have all of the
18 evidence back there with you. You'll have a
19 computer. You can watch the evidence. You can
20 evaluate it. And I want you to do that.

21 And then, lastly, I'll discuss very briefly
22 the law. Judge Newman's going to charge you on
23 the law. And this is simply my opportunity to
24 tell you what facts apply to the law and how that
25 makes a difference in how you deliberate in this

1 case.

2 So before I talk about the first set of
3 witnesses, I want to talk about my fear. My fear
4 in this case is that as you are sitting there and
5 when you go back into the jury room, you say,
6 "Ms. Zmroczek, why didn't you call T? Why didn't
7 you give us those phone records? Why didn't you
8 prove that he was in North Carolina?" And the
9 answer is simple.

10 When the Judge instructs you about the burden
11 of proof, he will instruct you that a defendant is
12 never required to prove his innocence. Would we
13 have liked to? Absolutely. You've heard from the
14 witness stand the problems with how time has gone
15 on, three months, five years, and 22 days has
16 passed since Mr. Martin was arrested, even longer
17 since the charges were taken out. I know that
18 each and every one of you will take those
19 responsibilities seriously and that you will
20 follow the law.

21 I want to talk about the first kind of group
22 of witnesses. One thing that's always challenging
23 as a defense attorney is cross-examining law
24 enforcement. Because their job is to serve and
25 protect. I respect law enforcement. And I ask

1 nothing less of them. And when I cross-examined
2 Investigator Montgomery about how he's been
3 trained and qualified throughout the last 26
4 years, I was tough in my questioning. And the
5 reason I was is because the gravity of the
6 situation at hand requires that law enforcement
7 maintain their professionalism toward individuals
8 and communities that they are charged with
9 serving.

10 The importance of thorough and diligent
11 police work is crucial when you are conducting a
12 comprehensive investigation. You want to gather
13 all the necessary evidence to ensure that justice
14 is served. Failing to do so can end up in
15 wrongful convictions. It can end up with people
16 who committed the crime going free.

17 That's why they have spent years and years
18 and years gathering more tools to use. Because
19 they want to make sure that when you make a
20 decision, that you-all -- you have all of the
21 facts, especially in a case like this where the
22 state relies solely on two witnesses.

23 And in fact, from what I understand the crux
24 of the state was these two witnesses are so
25 damaged like little children that we just -- we --

1 we want you to ignore the things that don't make
2 sense. Even if they weren't damage, even if they
3 had their PhDs, witness testimony is inherently
4 unreliable. That's why we rely on the other stuff
5 to corroborate it.

6 The other stuff, it's not rocket science.
7 It's not 2080 future -- futuristic tools. These
8 are tools that we use every day, phone records.
9 Everybody has a phone. That phone follows you
10 everywhere.

11 I asked Investigator Montgomery, you can
12 get -- issue a subpoena for a phone with a couple
13 of clicks of a mouse. And they e-mail it to you.
14 Not right back. It takes some time cause they
15 have to gather it. And when you get that back, it
16 has data; it has locations; it has text messages;
17 it has call logs.

18 So that when Mr. Dubose who, as described by
19 the state, is so childlike that instead of having
20 to attack him and say, "What time was that call?
21 When was it? would just look at the phone records
22 and say, "Okay. Here we go." Because what the
23 state is asking you to do, ladies and gentlemen,
24 is overlook some problems with the tapes.

25 I want to talk about the evidence that was

1 collected by George Potash. You heard him on the
2 stand. Ten years been trained. He and another
3 investigator from whom we didn't hear. But he was
4 able to tell us all of the things that were
5 collected. (inaudible) one on the backside of
6 each of the bumpers.

7 You'll have all of these pictures back there
8 with you because crime scenes tell stories.
9 That's why we have crime scene investigations.
10 Because crime scenes tell stories. And sometimes,
11 those stories reveal that a childlike witness
12 might not have been telling the truth. Maybe they
13 were confused.

14 But ladies and gentlemen, he, Investigator
15 Potash, collected tire iron, wrench, whatever we
16 want to call it. Silver, black. You don't have
17 your glasses on? In fact, when he was up here on
18 the stand, he had his gloves on. It's not going
19 to be tested now, so no gloves need. But you put
20 gloves on to protect any evidence, any biological
21 evidence that could be on when someone says, I was
22 hit in the head with a tire iron." Okay. So you
23 take them as their word.

24 Ronald Reagan, favorite thing he ever said,
25 "Trust, but verify." Trust, but verify. So it

1 was easy to call Mr. Dixon a liar over and over
2 and over, even though he's on the same social
3 security income that the other two witnesses were.

4 But when somebody says hit with a tire iron,
5 trust, but verify. We had 11 separate
6 fingerprints listed. And let me just tell you why
7 those are important. Because in rebuttal, I
8 expect Mr. Scott to stand up and say, "They were
9 living in the car." We'll get to that. "They
10 were -- all of their stuff was in the car. We
11 expected that to be there."

12 These are not fingerprints that were lifted
13 from the inside of a car. And that's why I
14 painstakingly went through with Investigator -- or
15 -- yeah, Crime Scene Investigator Potash because I
16 said where these located. Fingerprints on the gas
17 can, right around a gas can where you had to hold
18 it in. Fingerprints on the bumper, fingerprints
19 on the doors, outside, not inside.

20 So when Mr. Dixon said, "I was in North
21 Carolina. I was not in South Carolina.
22 Investigator Potash who has done his job right
23 there on the scene can say, "I got these great
24 prints. We don't even have to send them to SLED.
25 Let's run them through our database. Let's see

1 what matches."

2 Ladies and gentlemen, it doesn't cost any
3 more money. It doesn't take any more time. But
4 it helps us verify what happened. Two DNA swabs
5 inside the vehicle. Three cell phones. Three
6 cell phones.

7 None of that was tested. And that was
8 evidence that we have, evidence that wasn't even
9 gathered, no phone records, no GPS, no data, no
10 gas stations videos. They didn't know what gas
11 station it was. Mr. Dubose told him it was the
12 one right by the hospital, the Pit. Did you even
13 take five minutes to go and look at it?

14 No hospital videos. No follow-ups on Jones'
15 witness statement. One thing that I think I'm
16 going to continue to argue and I hope that you
17 continue to challenge and to ask and I've got a
18 few of the clips is that the state is asking you
19 to believe what Ms. Jones says but only when it
20 corroborates what they want it to corroborate,
21 otherwise, she's delusional.

22 These are commonsense questions. They
23 completely relied on Dubose and Jones. They took
24 their special-needs witnesses at their word.

25 One thing that struck me as just shocking,

1 quite honestly, when I asked Investigator
2 Montgomery isn't possible -- possibility that
3 Mr. Dubose testified he was mad, he was mad that
4 he was cut off, that he left? Impossible.
5 Impossible anybody else could have done this.
6 Impossible that he goes to a location filled with
7 homeless people and doesn't get into a fight. It
8 is impossible, not a possibility. Ladies and
9 gentlemen, I submit it's a possibility. They
10 ignored independently verifiable evidence.

11 This receipt is an independent, verifiable
12 evidence. We know when somebody was in a hotel.
13 And in fact, Ms. Jones continued to say, "No, I
14 paid for the hotel. He didn't put his name down."
15 When you watch her original video, you'll see: We
16 never even went to a hotel. But she is not lying
17 because she's delusional.

18 Call it what you want, but the state is
19 always held to their burden. This isn't a -- this
20 isn't a "somebody took my cell phone out of a car"
21 case. This isn't a petty little case. This is a
22 very serious case.

23 Three witnesses, Mr. Free, Officer Dwyer, CSI
24 Potash. They all talked about -- and they gave
25 their own quantitative descriptions of the

1 homeless population ranging from there's a lot to
2 many. And eventually, substantial. Is it
3 reasonable to inquire, since Mr. Dubose himself on
4 that stand testified that when he was in the
5 hospital set to be released, he told his worker --
6 his social worker, "I want to go to a homeless
7 shelter in Columbia."

8 Is it reasonable to ask if this anger at
9 Mr. Jones and Mr. -- and Ms. -- excuse me,
10 Ms. Jones and -- and Mr. Martin set him off? Is
11 it reasonable? Okay.

12 I want to talk about Antrone Dubose's
13 testimony for a bit. So the testimony was that
14 they were all homeless or the implication was that
15 they were all homeless and living out of the car.

16 Ladies and gentlemen, you're going to have
17 each and every one of these car pictures. I'm not
18 going to go through them all. But what I ask you
19 to do when you are evaluating the evidence and
20 you're deliberating is to ask yourself: Does this
21 look like a vehicle that was housing three grown
22 adults? Or does it look like somebody had a
23 recently-gathered hospital bag that's stumped on
24 the floor? And I want -- I want to get to that.
25 I want -- but this point seems to have been lost

1 on the state.

2 The hospital records. You have them in here.
3 August 6. Monday, August 6. Everybody agrees on
4 one thing. Everybody agrees that Mr. Dubose in
5 that parking lot says that he -- they left the
6 hospital and that's when all this transpired. So
7 are now we to believe he was in a car for two
8 days? That's just a silly little fact. Don't
9 worry about that.

10 But, ladies and gentlemen, the Judge is going
11 to tell you that you should worry about that. You
12 should inquire about individual questions: Is it
13 a reasonable question? Is it reasonable to ask?

14 I'm not -- I'm not pulling red herrings out
15 of my pocket. I'm following the facts. And the
16 fact of the matter is if we had cell phone
17 records, we could tell you.

18 So Mr. Dubose testified he had an undisclosed
19 disability. If you hear Mr. Scott talk, he's
20 childlike. He's childlike enough to get a
21 driver's license and have a vehicle. He has a
22 cell phone. You heard his brother testify he had
23 multiple cell phones. He was employed. He was
24 employed at car dealerships, Ruby Tuesday, and
25 Burger King.

1 The last time he worked was in 2020. This
2 adult child who is so fragile, has a driver's
3 license, a car, a cell phone, and job, the last
4 time he worked was 2020. But not only that, evil,
5 evil Mr. Martin Dixon is just taking advantage of
6 people. He didn't charge two people \$100 to drive
7 them to Walmart.

8 Mr. Dubose testified he didn't know anything
9 about Columbia. But his brother with whom he's
10 very close to lives in Columbia. Michelle Jones
11 testified that he, Mr. Dubose, was the one who
12 drove to that parking lot slash alley. If you're
13 going to consider her testimony, then you have to
14 consider all of it.

15 Going back to the tire iron injury. Remember
16 when I asked Investigator Potash where he
17 collected the -- the two blood -- well, we don't
18 know if there were blood, they -- they tested
19 presumptively positive at this scene. But then
20 nobody bothered to go further. We've got blood on
21 this side of the bumper, passenger side. And then
22 he testified we have blood on the driver's side of
23 the -- of the car. Is it reasonable to inquire if
24 that is an indication of perhaps a struggle? Was
25 Mr. Dubose perhaps trying to -- trying to

1 negotiate with people to get some more money?

2 And ladies and gentlemen, this is a tire
3 iron. (Demonstrating.)

4 This is a resulting injury of getting hit in
5 the head with a tire iron? This. No skull
6 fracture. Not even stitches. He needed a
7 Band-Aid.

8 When you consider the evidence, you have to
9 consider all of the evidence. These are some
10 commonsense questions. One thing that us lawyers
11 do sometimes, we get so worked up about all of the
12 legalese and paid a lot of money to get this
13 education, when a lot of times, you just have to
14 rely on your common sense in conjunction with all
15 of this.

16 I asked him on the stand -- he didn't give us
17 an answer -- "So let me get this straight,
18 Mr. Dubose. You're so tortured that you want to
19 leave Columbia. You're in your car that you own
20 by yourself with your cell phone and your keys and
21 you're telling me you didn't just leave?"

22 I submit to you, ladies and gentlemen, he did
23 just leave. He did just leave, which is why --
24 which is why this recently-used hospital bag is
25 right there. Because he testified that he was

1 being cut off and he was passed off about it.

2 Is it reasonable to infer that he just left?
3 Does that give you a hesitation? Is it something
4 that could happen? And if the answer, ladies and
5 gentlemen is yes, then there is your answer. And
6 you don't have to go any further. The Judge is
7 going to tell you: If you have any reason to
8 doubt, any reason, not space aliens, not any of
9 that, this is a legitimate reason.

10 Also, when he was found the keys, the phone,
11 they were all in the car. And again, I already
12 talked about April -- or excuse me, August 5, that
13 evening he claims all this happens. But he's not
14 found until August 7. But we're going to skip
15 over the fact that there's a whole 24 hours that
16 are not accounted for.

17 The Judge is going to read you the charge on
18 the law about evaluating credibility. And so this
19 is what he's going to read you here. Things that
20 you can use. But not just these things. Again,
21 you-all have your common sense. Things that you
22 can use to evaluate someone's credibility, their
23 demeanor, manner of testifying.

24 I couldn't have sat any closer. Because I
25 was trying to hear the answers to the questions,

1 the questions that weren't being asked. Sometimes
2 I even had to get a voice raised by Mr. Scott. No
3 eye contact. Hesitate with his answers, which
4 again was just used against Mr. Dixon. "Oh, when
5 I asked him something, he hesitated." Mr. Dubose
6 didn't even answer some of the questions. Ladies
7 and gentlemen, those aren't all of the things that
8 you consider. Those are just some of the things
9 that I have. But I'm not the juror; you are.

10 Whether the witness had a reason to be biased
11 or prejudiced. What bias did Mr. Dubose have to
12 testify that Ms. Jones or Mr. Dixon did this to
13 him? Could it be that he was cut off? Could it
14 be that he was mad just like he testified? Is
15 that a bias? Is that a prejudice? Could it be
16 that he owed him money? That he owed Ms. Jones
17 money, could that be a reason?

18 The judge will then tell you to consider the
19 testimony was contradicted on the one hand or
20 supported or corroborated on the other hand. I
21 promise I'm not going to mention -- I probably
22 will. I'm going to try not to mention the date of
23 the hospital again. But that is not the only
24 information that's not corroborated. Was he found
25 in the back of the trunk? Yes. That is

1 corroborated.

2 The question that you have to be firmly
3 convinced with your answer is: How did he get
4 there? How did he get there? Did he get into a
5 fight? Is that why there's blood on both sides?
6 Is that his blood on both sides? Whose blood is
7 that? Whose -- whose scratch? Whose fingernail
8 is that little cut above the other little cut?

9 Okay. So Mr. Scott said this in -- in -- in
10 his closing. And he said: "How would she know?
11 How would Michelle Jones know these things?"
12 That's a great question. I would love to tell you
13 some of my theories on the answers.

14 The evidence that you saw and that you'll get
15 to see -- you'll get to take all of these videos
16 back there and watch them completely. But this is
17 what they're saying is corroborated testimony.
18 (Exhibit is played.)

19 **MS. ZMROCZEK:** So what they want you to -- to
20 do is, again, find her delusional when she's
21 talking about assassination, right?

22 And -- and when you watch the whole video,
23 you'll get to hear what year she's talking about.
24 She's talking about 2018. You know what the
25 easiest way to figure out when it was? All those

1 papers, all that paperwork that was in the car
2 that's in the custody of the police, where are the
3 receipts? Where's the tag? She said she just
4 five minutes later, she paid tag. Well, then
5 surely we have a receipt of that. Because I
6 assure you the government keeps track of all of
7 that.

8 That's why the question mark there. One of
9 the things that -- the first thing that they
10 mentioned that she corroborated the testimony on
11 was she know about the car and it's being changed.
12 (Exhibit is played.)

13 **MS. ZMROCZEK:** So this is some more of the
14 corroborated testimony about she knew facts the
15 only people would know who had been there. But
16 when you watch that, she never said light, she
17 never said fire. What she said is -- well, when
18 she sat down, and you will see it, she gets read
19 the warrant. It says: Car was lit on fire, blah,
20 blah, blah, blah, blah.

21 And then, as he's asking what's happening,
22 she's not mentioning any writing of any papers or
23 any rags getting stuffed in any trash cans. But
24 you know who is mentioning it? Investigator
25 Montgomery. Want to talk about taking advantage

1 of people with special needs. Just trying to
2 gather information that helps you and ignoring the
3 ginormous red flags that she said the word
4 "assassination" over 50 times at these interviews.
5 (Exhibit is played.)

6 MS. ZMROCZEK: Here is some more of the
7 corroborated testimony. How would she know this?
8 (Exhibit is played.)

9 MS. ZMROCZEK: Well, we know how she knows
10 Antrone because he assassinated her boy cousin and
11 her girl cousin.
12 (Exhibit is played.)

13 MS. ZMROCZEK: Intimate detail of somebody
14 that had to have been there that did these heinous
15 crimes, but she can't remember what time it is?
16 Don't worry, Investigator Montgomery, because
17 she's going to fix that for us.
18 (Exhibit is played.)

19 MS. ZMROCZEK: Was that her testimony or was
20 that his?
21 (Exhibit is played.)

22 MS. ZMROCZEK: Took her to a parking lot -- I
23 mean, an alley. And as you watch the full
24 testimony, Mr. Dubose testified that he was
25 kidnapped at that point even before he was in the

1 trunk. He doesn't know Columbia. But Ms. Jones,
2 who does she say drives there? Mr. Dubose.
3 Ladies and gentlemen, these are the two witnesses
4 with the intimate knowledge, again, on August
5 5 this allegedly is occurring.

6 (Exhibit is played.)

7 **MS. ZMROCZEK:** Intimate details that she
8 didn't know because she didn't know until he
9 introduced that fact to her. There's something --
10 I think there's a Netflix document about it.
11 There's something -- this phenomenon of false
12 confession is where you have people who are easily
13 susceptible. So you tell them something and they
14 know that's what you want to hear, right?

15 She's chained to a table. She's chained to a
16 table. She doesn't want to be chained to a table.
17 You heard she's getting assaulted and all of these
18 kind of things in jail. But the intimate details
19 they want to tell you that only she would know,
20 they don't come from her brain. They come from
21 Montgomery's mouth.

22 (Exhibit is played.)

23 **MS. ZMROCZEK:** Okay. So it corroborates that
24 she said that she hit him. Well, that's not
25 exactly what she said. It said she hit him

1 because he hit her. Self-defense.

2 (Exhibit is played.)

3 **MS. ZMROCZEK:** The contradicted testimony.

4 So Mr. Scott, you know, and the devil Mr. Dixon is
5 that he is, oh, he was hiding that finger from
6 y'all. Remember, he didn't want to show you. He
7 was hiding that finger. Well, guess what,
8 Mr. Dubose when I finally could get him to answer,
9 I said, "Did you tell Investigator Montgomery that
10 he was missing a finger?"

11 "No, I did not. I did not tell him that."

12 Interesting that that fact came from some
13 medical records that were in the possession of
14 Investigator Montgomery.

15 Some of the contradicted testimony from
16 Mr. Dubose said he didn't know any money. Drove
17 to an alley versus a building. It's all the same.
18 He knew Columbia.

19 Who struck him? Who struck who?

20 He, also, you know, when Mr. Dixon says that
21 he was left in a gas station, some gas station.
22 But when Mr. Dubose said he went to a gas station
23 by himself and called his brother and then they're
24 in the parking lot of McDonald's later own,
25 (inaudible).

1 Driving to Charleston for the Strom Thurmond
2 building. You heard testimony that each and every
3 one of these individuals receive social security
4 disability. Oh, well, he just has PTSD and
5 depression. He's way better than them. He's
6 evil. He's taking control of them. I'm not going
7 to debate disability. We don't know what
8 Mr. Dubose's disability was because he wouldn't --
9 he wouldn't tell us.

10 (Exhibit is played.)

11 **MS. ZMROCZEK:** So I'm not -- I'm actually not
12 going to make y'all sit here and listen to this.
13 Y'all can do that if you want.

14 Although aside from the nature of how I get
15 to listen to this testimony and cross-examine this
16 person, it would be comical. But there's nothing
17 comical about the state solely relying on the
18 testimony of this woman and Mr. Dubose.

19 (Exhibit is played.)

20 **MS. ZMROCZEK:** There so many, several
21 instances of contradicted testimony that I was
22 going to play for all of y'all. But I think you
23 get my point. And I don't want to waste your
24 time. Okay.

25 Next, let's talk about Mr. Dexter Dubose. He

1 is the brother of -- of -- of -- of child Antrone
2 Dubose. But the first time he ever spoke with
3 anyone about this case was in February of 2022.

4 Also, which I appreciate because he was under
5 oath, he didn't confirm the identity of Mr. -- of
6 Mr. Dixon. He didn't say, yes, that's his voice.
7 I knew it is him. He said there's some guy that
8 tried to swindle him out of \$600 for two weeks and
9 a trailer. I don't know who that was. The judge
10 is going to give you a charge on identity. And
11 that is -- that is specifically related to
12 Mr. Dubose testimony, Dexter Dubose.

13 Michelle Jones. Again, I'm just going to
14 encourage y'all to watch the entire interrogation.
15 I mean, you -- you saw what -- what the testimony
16 was here. It didn't matter who was asking the
17 question or how we asked, she was going to answer
18 how -- how -- how she thought that we wanted her
19 too. And I don't take joy in that. I don't think
20 she should've been called because I think there's
21 so many problems with her testimony.

22 But I don't bring these cases. The state
23 did. And the state relied on her testimony so
24 they had to call her. The internal inconsistency
25 alone while she was on the stand makes it so hard

1 to follow. But the state doesn't want you to say
2 that she's a liar. Lying Dixon, lying Dixon,
3 lying Dixon. She's just delusional.

4 She was also calling him "Dickerson." Her
5 fiancé? She's facing 75 years in prison, ladies
6 and gentlemen. I assure you that her intimate
7 knowledge is sparked by what she's facing.

8 How -- how -- the question was posed to you
9 how could she have outside knowledge, how could
10 she have any outside knowledge of what happened
11 that night? There were only three people there.
12 (Exhibit is played.)

13 **MS. ZMROCZEK:** Wait. Wait. He got out right
14 afterwards? Ladies and gentlemen, we know that's
15 not true. That's not intimate knowledge.
16 (Exhibit is played.)

17 **MS. ZMROCZEK:** Mike. Mike seems to have
18 intimate knowledge. Would it have taken an
19 incredible amount of time to find Mike? Well, she
20 didn't give his last name. That's okay, cause
21 listen to what she does give.
22 (Exhibit is played.)

23 **MS. ZMROCZEK:** I'm sorry. I'm sorry. What
24 did she say? Mike -- this Mike has intimate
25 knowledge. She says, "You've got -- you've got my

1 phone. Just look at the message. It's right
2 there. Right there." Independent, verifiable
3 information with their phone in their possession.
4 I'm not asking to move mountains or make miracles.

5 Okay. So one thing that the judge is also
6 going to charge you on the law is this -- this
7 accomplice liability or hand of one is the hand of
8 all. It's -- it's a law that we have in South
9 Carolina that allows the jury to consider that the
10 hand of one is the hand of all.

11 If one person is involved in it, then
12 everybody's responsible for it. But when he gives
13 you -- and he's going to send the charge back with
14 you, so you can read it for yourself. But it says
15 joined in -- and with another. Join in.
16 Responsible for everything and all the natural
17 consequences.

18 For example, two people can be guilty of
19 killing one person if only one has the gun. But
20 that's because they joined in.

21 So the state is asking you to now convict
22 Mr. Dixon on hand-of-one/hand-of-all because
23 Mr. Dubose said they both did it. But then, he
24 has to say but you have to ignore the testimony of
25 Ms. Jones who said, "I was forced." That's not

1 hand-of-one/hand-of-all. That's not joining. You
2 can't -- you can't have your cake and eat it too.
3 These are issues that are too important. She was
4 acting in self-defense because she was being
5 assassinated and Martin was being assassinated.

6 And she also testified both on the video and
7 on the stand one of the times that she was
8 consistent that she was never a willing
9 participant. I submit to you the facts do not
10 support convicting Mr. Dixon under
11 hand-of-one/hand-of-all.

12 I want to talk -- and I promise you I'm
13 almost done. I want to talk a little bit about
14 Mr. Dixon. So one of the rights that we have in
15 the Constitution is your right to remain silent.
16 That means that you don't have to talk until or
17 unless you want to. Because -- because y'all are
18 protecting the innocent. You are innocent until
19 proven guilty. But somehow Mr. Scott wants to
20 say, "Oh, you watch that video. He's all comfy
21 with those cops. And he yelled 'my lawyer, my
22 lawyer.'" So he's guilty because he was asserting
23 a constitutional right?

24 I want you to look for the differences in the
25 approach to the interrogation. So Mr. Scott said

1 you'll get to see that video. You'll get to see
2 Mr. Bully Montgomery. How -- you guys are the
3 finders of the factor. You get to decide whether
4 or not there were any differences in his
5 testimony. But I would -- I would ask that you --
6 you look for a few things that I noticed. Because
7 you'll have the videos back there and you'll have
8 the date.

9 And one thing I was getting all these clips
10 together last night, I looked. And 10/24/19,
11 Mr. Dixon goes into his interrogation room.
12 10/24/19, Ms. Jones go into her interrogation
13 room. Both around 1500, which makes sense,
14 because they were arrested and transported, right?
15 But they're in different interrogation rooms.

16 So -- so these are happening at the same
17 time. But for one whole hour, Mr. Dixon is
18 chained up -- you'll see it. Because you'll get
19 the video -- in his room. Nobody is talking to
20 him. I'm not lying. I misspoke. At 48 minutes
21 into the process, someone comes in, undoes him,
22 takes him to the bathroom. And then he sits for a
23 long time. So he's sitting in a room by
24 himself -- you'll hear it on the video -- with no
25 food. Cause he hadn't eaten. And he is in there

1 just sitting.

2 And then, you'll turn to Ms. Jones. Oh, oh,
3 and it's not just him when they finally do come in
4 an hour and three minutes later. It's two people.
5 And you will see Investigator Montgomery sitting
6 in this chair over here. You'll see the fugitive
7 task force guy read him the warrants. I want you
8 to look and compare that to Mr. Jones' interview.

9 Because first, you have the task force
10 warrant guy by himself. He's in there. Then you
11 have Investigator Montgomery. And he comes in the
12 room. And he's not sitting in the middle of the
13 room. He's cozied up right at the table. His
14 feet kicked out. And he's laughing, you know,
15 when she doesn't get her facts right. Watch and
16 evaluate the differences in the approach to the
17 interrogation.

18 So evaluating the credibility, again, of
19 Mr. Dixon, because each and every witness should
20 be evaluated for their credibility. Because if
21 that's what you're going to rely on to convict
22 somebody, you want to make sure that you got it
23 right. So you got to see his demeanor.

24 Mr. Scott's recollection of -- of -- of
25 Mr. Dixon's demeanor, my recollection of

1 Mr. Dixon's demeanor, it doesn't matter. What we
2 think doesn't matter. We're not the finders of
3 fact; you are.

4 You get to ask yourself: Was he coherent?
5 Was he consistent and logical? Did he admit that
6 when he lied to the officer he was scared because
7 he didn't know what was going on? Did he admit to
8 that? Yes. But that doesn't mean it was a lie
9 when he admitted to it. He wasn't under oath in
10 that room. He was under oath in front of you.
11 And he told you, yeah.

12 And then the doctor that supposed to protect
13 him, even though he doesn't really have problems
14 because he's (inaudible). Mr. Dixon told you that
15 he was on medication. Yeah, he lied. "That makes
16 him a liar. You can believe anything he says."

17 Whether he has a reason to be biased or
18 prejudiced, of course. Of course. But he wants
19 to testify truthfully because two people that he
20 cared about and that he took care of and spent a
21 lot of time with were not getting along and making
22 his life miserable. So much so that he told you
23 that Mr. Dubose just takes off in the car with
24 their stuff, which is convenient, but then he
25 wants to turn around and say that he did this

1 because they got all of their stuff in there. So
2 of course. Of course, they did it.

3 Whether the testimony is contradicted or
4 supported or corroborated. So Mr. -- Mr. Scott
5 says that he recall the testimony, that he lied
6 about the hotel. I recall it differently.
7 Doesn't matter what either one of us recall. It's
8 what you recall. Do you recall how he told you he
9 had recently been released from Three Rivers for
10 his suicidal problems? And that because of that,
11 he lost his house and he got a hotel? Is that
12 denying that he was in a hotel?

13 Those are the facts that you get to assert.
14 Was he candid when he, you know, was lying to the
15 cops. And did he explain why? And was that
16 sufficient enough? Because he didn't lie on the
17 stand because he told you. He didn't say, "I
18 never was at a hotel on the video," and then get
19 on the stand and say, "I think I was. I don't
20 know." He's consistent.

21 Okay. So much of these things. And again,
22 this is the body language that I know that y'all
23 will look for when you get to go back in there.
24 But most importantly, look at the time that has
25 elapsed.

1 (Exhibit is played.)

2 MS. ZMROCZEK: I'm sorry. They walk in the
3 door within one minute and he says "I wasn't in
4 South Carolina." So much has been made that
5 Mr. Dubose has been inconsistent with his
6 testimony since the very first time he was
7 questioned.

8 I submit that Mr. Dixon has as well. Because
9 at 16:03:13 when they walked in the room, by
10 16:03:52, the first statement he says, "I wasn't
11 even in South Carolina."

12 (Exhibit is played.)

13 MS. ZMROCZEK: 16:05, two minutes later, I
14 wasn't in -- I wasn't even in Columbia, South
15 Carolina. And Investigator Montgomery hands on
16 his knees, leaning over, far away, Mr. Dixon here
17 in the corner chained to a table with another
18 investigator. Could that -- is it reasonable that
19 he would feel that that was intimidating? Those
20 are -- those are questions that you get to ask and
21 you get to decide. Those are facts for you to
22 decide. But I submit within the first two minutes
23 of having any contact with Investigator
24 Montgomery, he tells him twice "I wasn't in South
25 Carolina."

1 (Exhibit is played.)

2 MS. ZMROCZEK: The third time at 16:06, he
3 again says "I wasn't in South Carolina." They
4 want to tell you that -- that there was evidence
5 presented that he had switch phones and changed
6 phones. I believe I was here for the whole trial.
7 Not once did I see an expert witness testify that
8 there were multiple phones, that there were phones
9 with different dates, phones that didn't match. I
10 didn't see that testimony. But the state wants
11 you to consider it.

12 (Exhibit is played.)

13 MS. ZMROCZEK: For the fourth time, he says
14 Investigator Montgomery says August 7. And he
15 goes, "I was not in South Carolina." August
16 7 followed by, "I was not in South Carolina." Is
17 that the same consistent statement as to what
18 Mr. Dubose said? Why does his get more weight
19 than Mr. Dixon? I submit it's because it's the
20 only information that is sought in this case.

21 (Exhibit is played.)

22 MS. ZMROCZEK: He says, "You have a phone?"
23 He was like, "No, I don't have my phone."
24 "Yeah. The police have your phone."
25 "Yeah. What's your password?"

1 He's so diabolical and he's so evil that he
2 doesn't even have a password on his phone. But
3 then, he remembers, "Wait, phone, radio towers,
4 GPS, you can find me."

5 And Montgomery says, "Yes, yes."

6 Didn't even issue information.

7 So the judge is also going to charge you on
8 the law of alibi. And sure, would we have loved
9 to have found this elusive person that they claim
10 doesn't even exist. I'm going to talk about that
11 in a minute. But the judge is going to along with
12 all the other charges ask you -- not ask you,
13 order you to consider the charge of alibi as well.
14 And it's kind of a reverse -- the state has to
15 prove their case beyond a reasonable doubt. It's
16 kind of the reverse with alibi. They have to
17 disprove it beyond a reasonable doubt.

18 And -- and -- and so much has been maintained
19 about this elusive T, this person who is being
20 made up.

21 And ladies and gentlemen, the -- the -- the
22 next group of slides that -- that I'm going to --
23 to show for you to me are the most important,
24 especially given the -- the tone of the closing
25 and my challenge of this investigation in this

1 case.

2 THE COURT: Ms. Zmroczek, you said you needed
3 45 minutes and you're about an hour in, I believe.

4 MS. ZMROCZEK: Thank you, Your Honor.

5 I have two more slides.

6 (Exhibit is played.)

7 MS. ZMROCZEK: She's got some intimate
8 knowledge. This intimate knowledge is one that
9 supports Mr. Dixon.

10 (Exhibit is played.)

11 MS. ZMROCZEK: It's on the phone. They want
12 to challenge Mr. Dixon who's been in jail for
13 three years, five months, and 22 days. They have
14 the evidence right here in front of them on one of
15 their witnesses that they want you to believe.

16 (Exhibit is played.)

17 MS. ZMROCZEK: He was in Hickory at his mom's
18 house. You can recall the testimony about when he
19 was being questioned because he was lying. He was
20 like, "I don't know. He lives with his mom."
21 Ladies and gentleman, you have to consider all of
22 the evidence in this case.

23 Again, I have to sit down. I'm way past my
24 time. I -- I don't get to come back and respond
25 to the rebuttal. I just ask as you're doing your

1 duty in protecting our Constitution that you asked
2 Mr. Scott some of the questions that we've asked
3 here: Why -- why -- why didn't you just get the
4 cell phone evidence? Why when Mr. Dixon doesn't
5 say what you want him to is he a liar, but the
6 other people aren't?

7 Ladies and gentlemen, when you get this case
8 in just a few minutes and you go back and you
9 listen to the arguments, but more importantly,
10 read the law and deliberate the facts and you come
11 back with your verdict, I want you to be proud to
12 say the state has not met their burden and that we
13 proudly find Mr. Dixon not guilty.

14 Thank you, Your Honor.

15 **THE COURT:** All right.

16 Reply by the state.

17 **MR. SCOTT:** Alibi. The Judge has to charge
18 alibi if anybody brings up any kind of alibi --
19 oh, sorry.

20 **THE JUROR:** Bathroom break, Judge.

21 **THE COURT:** All right.

22 Ladies and gentlemen, you can go to the jury
23 room. Please do not discuss the case.

24 (The jury exits the courtroom at 11:54 a.m.)

25 **THE COURT:** Okay. We'll take five minutes.

1 (A recess is taken.)

2 **THE COURT:** You can bring the jury on in.

3 (The jury enters the courtroom at 12:03 p.m.)

4 **THE BAILIFF:** The jury is present,
5 Your Honor.

6 **THE COURT:** All right.

7 Thank you.

8 Mr. Scott?

9 **MR. SCOTT:** Judge is going to tell you that
10 lawyers' arguments aren't evidence. We merely try
11 to point things out that we find compelling. And
12 a lot of information was talked about in the last
13 four days. We try to distill it. The problem is
14 when a lawyer gets up and starts talking about
15 things that aren't in evidence and starts
16 mischaracterizing evidence. And as she said,
17 Abraham Lincoln once said, "Trust, but verify."

18 But when she tells you -- when a lawyer tells
19 you that it was five years ago that Martin Dixon
20 was arrested, check the numbers real quick. Do
21 the calculations. You'll realize it was three
22 years. Was that a mistake on her part? Was it
23 faulty math? Or was she just mischaracterizing
24 the evidence? I don't know. That was the first
25 thing she said and one of the first things. "It's

1 been five years." In reality, it's been three
2 years.

3 So that's why you don't take lawyers'
4 argument as evidence. Just like when she stands
5 up and says, "Well, an unknown homeless man did
6 this to Antrone Dubose. He said he wanted to go
7 to a homeless shelter." Granted, we have
8 Transitions over here on Elmwood. We have the
9 Oliver Gospel Mission. So if he wanted to go to a
10 homeless shelter, he could've done that.

11 But no, she testified, tried to testify the
12 wall that she drove his car down to Elmwood
13 Cemetery, Randolph Cemetery in Elmwood Park and
14 was sleeping that night and an unknown homeless
15 man did this to him. Why -- why wouldn't Antrone
16 just say as he wakes up from getting hit in the
17 head at the hospital, "Wayne, it was a homeless
18 guy who did this. I don't know who it was. It
19 was a homeless guy?"

20 He was very specific. Has no chance to make
21 up any kind of story. He has no need to. Why
22 would he do this against Michelle Jones and Martin
23 Dixon? I guess you could argue, well, he put
24 Michelle Jones into it because they never got
25 along. But why Antrone? They're friends.

1 They're formal roommates. They were going to move
2 in together. Doesn't make any sense. But that is
3 Antrone Dubose steadfast assertion for the last
4 three years. No bias. That's what you are
5 looking for.

6 She testifies, no, a unknown homeless man did
7 that and that was a fingernail scratch. I heard
8 her testify to that. There's been absolutely no
9 evidence of that.

10 So he was cut off. He had been getting paid
11 by Martin Dubose -- Martin Dixon. He was suddenly
12 cut off. There was no evidence of that.

13 What you just saw was a mischaracterization
14 of the evidence and what you saw was a number of
15 clips that she had taken out of context. And
16 you're going to have the video. And I challenge
17 you to watch that. And again, if -- if when
18 Montgomery says to her who hit somebody with a
19 tire, she said it wasn't a tire iron, it was a
20 crowbar. That's very interesting because that's
21 what Antrone Dubose said too. He called a
22 crowbar. Things like that. Things like this
23 happened in a cemetery, unprompted.

24 Now, I understand what she's saying. He
25 asked what color car it was. It was a grayish

1 color. He said, "Could it have been black?"

2 "Yeah, it is black. It was black."

3 If that is him insinuating an answer, so be
4 it. But there are other parts of that interview
5 that she decided conveniently not to play for you.
6 It happened in a graveyard. The victim was trying
7 to call his brother. Martin Dixon. She brings up
8 his name first. Jones paid for the car. Just
9 watch the video. I'm not going to try to take out
10 little clips and play them out of context like she
11 did.

12 Why if there is an alibi, okay? Michelle
13 Jones is up in Hickory with him when he gets
14 arrested. With Martin Dixon when he gets
15 arrested. Why isn't she asserting this alibi?
16 Her lawyer has been sitting in here the whole
17 time. Why aren't they coming to me and saying,
18 "Dale, you don't know about this T Ordum guy.
19 We've got all the information. We're going to
20 lead you to him. He's going to clear all of this
21 up."

22 T may exist, but he wasn't taking them up
23 there August 5. He may have been the one that got
24 in them out of the graveyard after they set this
25 car on fire and they need to leave town.

1 And you're being question by Wayne
2 Montgomery. "Why did you sit like that with him
3 and you didn't sit like that with her?" That's
4 just a silly argument. He's being aggressive
5 because he sits this way when he talked to Martin
6 Dixon. He sits that way when he talks -- I'm
7 going to leave it up to you guys. But if that's
8 what the defense attorney and Martin Dixon find
9 aggressive behavior, I don't know -- I don't know
10 what to tell you, Wayne.

11 It certainly seemed to be a conversation
12 where he's allowing Martin Dixon to give as
13 much or as little information as he wants. He's
14 advised of his rights. Martin Dixon -- she's
15 right. Right off the bat. "I wasn't here. I was
16 never even in South Carolina in August." That is
17 a lie right off the bat. He's already
18 contradicted himself on the stand. Yes, you were.
19 Now, on the stand, he said, "All right. Well, I
20 was, but I left before this happened."

21 When he was talking to Wayne, "I've got
22 people who can clear this up. I've got videos.
23 I've got all of this stuff." Why didn't he
24 mention T Ordum then? I don't know. Why are we
25 just now hearing about this guy? I don't know.

1 It's been three years. There may be a T named
2 Tony that Michelle's talking about. That may have
3 been the person who got them the hell out of
4 Columbia after, you know, the car's on fire and
5 they need to get out of town.

6 If there's an alibi, Michelle Jones and her
7 lawyer, I would hope they would come to me and
8 say, "Dale, she wasn't here." But she's not
9 saying that. She is on the stand under oath
10 putting herself in this. She's represented.
11 There's the lawyer's back there. He's been
12 watching the whole time. Why would she do that if
13 she had any valid alibi that made any sense or
14 held any water?

15 Sometimes -- there's a theory called Occam's
16 razor. Okay? And it's a cool name for a very
17 simple idea. And that is, you know, the solution
18 that takes the least amount of jumps to
19 conclusions, the solution that has the simplest
20 answer is probably the one that we should take and
21 probably the one we should use. If we are trying
22 to defy logic and defy reason, we're probably
23 reaching too far. We're probably trying to jump
24 to conclusions.

25 Just ask yourself, Why would Antrone have

1 named these two right off the bat right after --
2 after he's waking up from being medically treated
3 and he's got a police officer in his face? Why
4 isn't he saying, "It was some homeless guy who did
5 this to me"? Why is Michelle Jones coming in here
6 and putting herself in it if she wasn't even in
7 it? Why is she testifying under oath to being a
8 part of something like this?

9 You heard it. She is facing zero to 30
10 years. She can get anywhere from probation up to
11 30 years. And it's up to the judge. When her day
12 in court comes, this isn't her day in court.
13 She's a testifying witness. But why would she put
14 herself in this? That makes no sense if you
15 weren't involved. How would you have these
16 details? How would you have these -- this
17 knowledge of this case if you weren't there?

18 She gets down from Hickory, North Carolina.
19 Wayne Montgomery is the first person that she's
20 talking to. Martin Dixon, that's the first thing
21 she brings up. They never mentioned anything
22 about Martin Dixon. You listen to them read the
23 warrants to her. She knows the charges. They
24 don't list the victim's name in the warrants.
25 They'll read them out. So that you can hear that

1 in the interview. Doesn't say anything about a
2 graveyard. Unsolicited, she starts talking about
3 these things. Okay?

4 And I get she's saying, "Well, you know,
5 Montgomery said, "Could it have been a black
6 car?" Maybe that suggestive. But there's other
7 things completely unprompted. This happened in a
8 graveyard. Martin Dixon was involved. The car
9 repair issue and how Antrone owed her money.
10 Unsolicited, she brings that up. On her own. I
11 don't know if she's ever been diagnosed with any
12 psychic ability. But she would have to have it to
13 know these things unless you were there.

14 Credibility is at issue. Who do you think's
15 calling the shots? Y'all heard everybody
16 testifying. Who -- who is -- who is lying on the
17 stand? Who is contradicting themselves on the
18 stand and -- and just unable -- unable to explain
19 to us why he's lying about little things and
20 unable to tell the truth about the most simple
21 things?

22 What does Antrone Dubose and what does
23 Michelle Jones have to gain at all whatsoever?
24 Three years later, steadfast in her story? What
25 do they have to gain from this? Nothing.

1 Sometimes the simplest solution is -- is the
2 right answer. And I am not asking you to jump to
3 any conclusions. I'm not asking you to reach.
4 You-all have heard the evidence. You've watched
5 him testify.

6 The only thing that makes sense -- you know,
7 cell phones are great. That's great. Okay? But
8 they don't do us much good if we are looking for
9 what happened on August 7? Where were you August
10 7? You ditched that phone and you've gotten a new
11 one. Why did you do that? Why did you get rid of
12 the old phone? What did you do with it anyway?
13 Did you crush it? Is it in a drawer somewhere?

14 Help us help you, man. If you're going to
15 claim alibi, give us something to go on, man, not
16 just when you're on the stand talking about a T
17 Ordum who doesn't exist. Does that make sense?
18 That you've got a solid alibi, airtight, and you
19 don't produce them to anybody?

20 Beyond a reasonable doubt -- again, you don't
21 hurt my feelings, and I don't -- I know it's not
22 even a concern of yours. But I present these
23 cases. And -- and I just hope I have logical,
24 reasonable people and, of course, fair people who
25 can weigh the evidence. And you've guys have seen

1 enough life. You've guys seen enough deceitful
2 people to be able to judge credibility. But what
3 makes sense here? The only thing that makes sense
4 is guilt. That's what I'm going to ask you to do.

5 Once again, find him of those two
6 indictments: The indictment for kidnapping and
7 that indictment for attempted murder. Thank you.

8 **THE COURT:** Mr. Foreman and members of the
9 jury, you have heard the testimony and received
10 the evidence and heard the arguments of the state
11 and the defendant.

12 I will now explain to you the law that
13 applies to this case. Under the Constitution and
14 laws of South Carolina, you are the finders of the
15 facts. I do not have the right to pass upon the
16 facts or give any opinion that I might have,
17 because this is a matter solely for you, the jury,
18 to determine.

19 As jurors, then it is your duty to determine
20 the effect, the value, and the weight of the
21 evidence presented during this trial. As the
22 trial judge, it's my job to preside over the trial
23 of the case and to rule upon the admissibility of
24 the evidence offered during the trial. You are to
25 consider only the testimony that came from that

Jury Instruction

1 witness stand together with any other evidence or
2 exhibits which have been made a part of the record
3 as well as any stipulations of counsel.

4 I have the additional duty to charge you the
5 law applicable to this case. And as the presiding
6 judge, I am the sole judge of the law. It is your
7 duty as jurors to accept as correct and apply the
8 law as I now state it to you, then deliberate in
9 an effort to reach a verdict. Finally, I charge
10 you in this regard that you should not be
11 concerned with what you think the law ought to be,
12 but rather what I charge you that the law is.

13 You are also the judges, the sole judges of
14 the credibility, that is, the believability, of
15 the witnesses who have testified and of the
16 evidence which has been offered. In considering
17 credibility, you may take into consideration many
18 things, such as the demeanor or manner of
19 testifying, whether a testimony was contradicted
20 on the one hand or supported on the other hand and
21 whether the witness had reason to be biased or
22 prejudiced.

23 You may believe a small portion of a witness'
24 testimony and disregard the larger or vice versa.
25 All of these things, you should consider bearing

1 in mind that you should give the defendant the
2 benefit of any reasonable doubt. It becomes your
3 duty as jurors to analyze and to evaluate the
4 evidence and determine that evidence which
5 convinces you of its truth.

6 There's been -- there has been evidence
7 presented that witnesses have made prior
8 statements which are not consistent with the
9 witness' present testimony. You may use this
10 evidence to decide whether to believe the witness.
11 You may also use evidence of the earlier
12 contradictory statement to determine the truth of
13 those things.

14 It is up to you to determine whether to
15 believe the earlier statements or the testimony
16 given at trial. If a witness is shown to have
17 knowingly testified untruthfully concerning any
18 material matter, you may consider this in
19 determining whether to trust a witness' testimony
20 as to other matters. You may reject all testimony
21 of that witness or give all or part of the
22 testimony you think it deserves.

23 The indictments in this case allege two
24 separate offenses against the defendant.
25 Indictments are kidnapping and attempted murder.

Jury Instruction

1 Each indictment charges a separate and distinct
2 offense. You must decide each indictment
3 separately on the evidence and the law applicable
4 to it, uninfluenced by your decision as to any
5 other indictment. A defendant may be convicted or
6 acquitted on any or all of these other charges or
7 charged offenses. And you will be asked to write
8 a separate verdict of guilty or not guilty for
9 each indictment.

10 Now, the fact that the defendant was
11 arrested, charged, and indicted is not evidence
12 and cannot be considered by you as evidence of
13 guilt. Nor does it create any inference or
14 presumption of guilt, the indictment is simply the
15 written instruments which contains the charges
16 against the defendant. The indictments are the
17 formal documents by which this case is brought
18 into this court.

19 The defendant, Martin Dixon, has pled "not
20 guilty" to the indictments. That plea puts the
21 burden on the state to prove the defendant guilty.
22 A person charged with committing a criminal
23 offense in South Carolina is never required to
24 prove himself innocent. And I charge you that --
25 that it is an important rule of law that the

1 defendant in a criminal trial, no matter what the
2 seriousness of the charge may be, will always be
3 presumed to be innocent of the crime for which the
4 indictment was issued unless guilt has been proven
5 by evidence satisfying you of that guilt beyond a
6 reasonable doubt.

7 This perception of innocence does not end
8 when you begin your deliberations. But it
9 accompanies the defendant throughout the trial
10 until you reach a verdict of guilt based on
11 evidence satisfying you of that guilt beyond a
12 reasonable doubt.

13 The presumption of innocence is like a robe
14 of righteousness placed about the shoulders of the
15 defendant which remains with the defendant until
16 that has been stripped from the defendant by
17 evidence satisfying you of the defendant's guilt
18 beyond a reasonable doubt.

19 The presumption of innocence is not a mere
20 legal theory. It's not just a legal phrase. It
21 is a substantial right to which every defendant is
22 entitled unless you the jury are satisfied from
23 the evidence of the guilt of the defendant beyond
24 a reasonable doubt. The state must prove the
25 defendant guilty beyond a reasonable doubt. So

Jury Instruction

1 what is a reasonable doubt in the law?

2 A reasonable doubt is a doubt which makes a
3 reasonable, honest, sincere, and conscientious
4 juror hesitate to act. Proof beyond a reasonable
5 doubt is, therefore, the proof of such a
6 convincing character that a reasonable person
7 would not hesitate to rely and act upon it in the
8 most important of his or her own affairs. Proof
9 beyond a reasonable doubt can also be described as
10 proof that leaves you firmly convinced of the
11 guilt of a defendant.

12 Now, there are very few things in this world
13 that we know with absolute certainty. And in
14 criminal cases, the law does not require proof
15 that overcomes every possible doubt. If based on
16 your consideration of the evidence you are firmly
17 convinced that the defendant is guilty, then you
18 must find him guilty. If, on the other hand, you
19 think there's a real possibility that he is not
20 guilty, you must then give him the benefit of the
21 doubt and find him not guilty.

22 There are two types of evidence which are
23 generally presented during a trial: Direct
24 evidence and circumstantial evidence. Direct
25 evidence directly proves the existence of a fact

1 and does not require deduction. Circumstantial
2 evidence is proof of a chain of facts and
3 circumstances indicating the existence of a fact.

4 Crimes may be proven by circumstantial
5 evidence. The law makes no distinction between
6 the weight or value to be given either direct
7 evidence or circumstantial evidence. However, to
8 the extent the state relies on circumstantial
9 evidence, the circumstances must be consistent
10 with each other and when taken together point
11 conclusively to the guilt of the defendant beyond
12 a reasonable doubt. If the circumstances merely
13 portray the defendant's behavior as suspicious,
14 the proof has failed.

15 The state has the burden of proving the
16 defendant guilty beyond a reasonable doubt. This
17 burden rests with the state regardless of whether
18 the state relies on direct evidence,
19 circumstantial evidence, or a combination of the
20 two.

21 The defendant, Martin Dixon, is charged with
22 attempted murder. In order to prove this crime,
23 the state must prove beyond a reasonable doubt
24 that the defendant had the specific intent to kill
25 Antrone Dubose with malice aforethought. Specific

Jury Instruction

1 intent means that the defendant consciously
2 intended the completion of acts constituting
3 murder.

4 Attempted murder is the attempt to kill a
5 person with expressed malice. Or more completely
6 defined, attempted murder is the performance of an
7 act or acts which tend or fail to kill a human
8 being when such acts are done with the expressed
9 malice; namely, with the deliberate intent to
10 kill.

11 Malice is hatred, ill will, or hostility
12 toward another person and is the intentional doing
13 of a wrongful act without just cause or excuse and
14 with an intent to inflict an injury. Malice
15 aforethought does not require that malice exist
16 for any particular time before the act is
17 committed. But malice must exist in the mind of
18 the defendant just before and at the time the act
19 is committed.

20 Therefore, there must be a combination of the
21 previous evil intent and the act. Expressed
22 malice is shown when a person speaks words which
23 express hatred or ill will for another or when the
24 person prepared beforehand to do the act which was
25 later accomplished. For example, lying in wait

1 for person or any other acts of preparation going
2 to show that the deed was in the defendant's mind
3 would be expressed malice.

4 A specific attempt includes an intent to do a
5 particular criminal act along with an act falling
6 short of the act intended. The state must show
7 more than mere preparation and intent. There must
8 be some overt act committed in an effort to commit
9 the crime. The defendant is charged with
10 kidnapping. The state must prove beyond a
11 reasonable doubt that the defendant knowingly and
12 unlawfully seized, combined, inveigled, decoyed,
13 kidnapped, abducted or carried away Antrone Dubose
14 without authority of law. To do a thing
15 unlawfully is to do it willfully against the law.

16 "Knowingly" means with knowledge,
17 conscientiously -- consciously, not accidentally.

18 "Seize" means to take hold of suddenly or
19 forcibly.

20 "Confined" means to limit, restrict, enclose
21 within bounds, imprison, or shut or keep in.

22 "Inveigled" means to lure, entice, or lead
23 astray by false representations, promises, or
24 other deceitful means.

25 "Decoy" means to lure by or as if by decoy.

Jury Instruction

1 A decoy is something to entice a person to a trap.

2 "Kidnap" is to remove a person against his
3 will by unlawful force or fraud.

4 "Abducted" means to carry out secretly or by
5 force for an illegal purpose.

6 "Carry away" means to remove.

7 The state does not have to prove that the
8 defendant did all of these things. Instead, if
9 you find beyond a reasonable doubt that the
10 defendant did any of these things, you may find
11 the defendant guilty of kidnapping.

12 Something done without authority of law is
13 something which -- which the law does not
14 sanction, admit, allow, condone, or provide
15 justification for. A kidnapping does not have to
16 be for any personal or monetary gain or any
17 illegal purpose, but may be for any reason
18 whatsoever.

19 In order to establish criminal liability,
20 criminal intent is required. For example, the
21 mental state required to prove -- to be proven by
22 the state for a particular crime might be purpose,
23 intent, knowledge, recklessness, or criminal
24 negligence.

25 Criminal intent must be proven by the state

1 beyond a reasonable doubt. Criminal intent is
2 always a matter that must be determined by the
3 jury from the circumstances surrounding the
4 situation. There is no way to prove intent to a
5 mathematical certainty.

6 There is no way medical science can dissect a
7 person's brain and determine what the person had
8 in mind. So the law says that criminal intent may
9 be inferred from the circumstances shown to have
10 existed. This is how you make a determination of
11 whether or not the element requiring intent was
12 present. It is not necessary to establish intent
13 by direct and positive evidence. But intent may
14 be established by inference in the same way any
15 other fact by taking into consideration acts of
16 the parties and all the facts and circumstances of
17 the case.

18 Criminal intent is a mental state, a
19 conscious wrongdoing. It is up to you to
20 determine what the defendant intended to do based
21 on the circumstances shown to have existed.

22 Criminal intent can arise from actions or
23 failure to act. It may arise from negligence,
24 recklessness, or indifference to duty or to
25 consequences that is considered by law to be

Jury Instruction

1 equivalent to criminal intent.

2 The defendant has raised the defense of
3 alibi. In order to establish an alibi, it must be
4 shown that the defendant was at another specific
5 place at the time the crime was committed and that
6 it was, therefore, impossible for the defendant to
7 have been -- to have been at the scene of the
8 crime. Mere denial of presence at the scene of a
9 crime does not constitute alibi.

10 There is no burden on the defendant to prove
11 alibi. The burden is on the state to prove beyond
12 a reasonable doubt the defendant is actually
13 present at the scene of the crime, actually
14 participated in the crime, and was not somewhere
15 else. In other words, the state has the burden of
16 disproving the defendant's alibi defense.

17 If the crime was committed by two or more
18 people who are acting together in committing the
19 crime, the act of one is the act of all. A person
20 joins with another to commit an unlawful act is
21 criminally responsible for everything done by the
22 other person, which happens (inaudible) natural
23 and probable consequences of the acts done in
24 carrying out the common plan and purpose.

25 For example, two people can be guilty of

1 killing a person when only one of the two had a
2 gun, there was only one bullet and only one of the
3 two fired the shot that caused the death. If two
4 or more people are acting together -- are together
5 and acting together, assisting each other in
6 committing the offense, the act of one is the act
7 of all or as it is sometimes said, the hand of one
8 is the hand of all.

9 Prior knowledge that a crime is going to be
10 committed without more is not sufficient to make a
11 person guilty of that crime. Mere knowledge that
12 another person is going to commit a crime, even if
13 the defendant is present when the crime is
14 committed, is not sufficient to convict the
15 defendant as a principal. Guilt as a principal is
16 shown by actual or constructive presence at the
17 scene as a result of a prior arrangement.
18 Therefore, a finding of a prior arranged plan or
19 common scheme is necessary for a finding of guilt
20 as a principal.

21 The state must prove beyond a reasonable
22 doubt with competent evidence the theory of the
23 hand of one is the hand of all. A principal in a
24 crime is one who either actually commits the crime
25 or who is present, aiding, abetting, or assisting

Jury Instruction

1 in the commission in committing the crime. When a
2 person does an act in the presence of and with the
3 assistance of another, the act is done by both.
4 When two or more acting with a common plan or
5 intent are present at the commission of a crime,
6 it doesn't matter who actually commits the crime,
7 all are guilty, hand of one is the hand of all.

8 Present at the commission of a crime means to
9 be sufficiently near to aid and abet and assist in
10 the commission of a crime. However, mere presence
11 at the scene of the crime that is not sufficient
12 to convict one as a principal under the theory of
13 aiding and abetting.

14 Intent is also a necessary element. There
15 must've been a common design or intent to commit
16 the crime, and the crime must've been committed
17 pursuant thereto with the person aiding and
18 abetting by some overt act. Intent meaning
19 intending the result which actually occurs not
20 accidentally or involuntarily. Intent may be
21 shown by acts and conduct of the defendant and
22 other circumstances from which you would naturally
23 and reasonably infer intent. The state must prove
24 these elements beyond a reasonable doubt.

25 An issue in this case is the identification

1 of the defendant as the person who committed the
2 crime charged. The state has a burden of proving
3 identity beyond a reasonable doubt. You must be
4 satisfied beyond a reasonable doubt of the
5 accuracy of the identification of the defendant
6 before you may convict the defendant.

7 Identification testimony is an expression of
8 belief or impression by a witness. You must
9 determine the accuracy of the identity -- of the
10 identification of the defendant.

11 You must consider the believability of each
12 identification witness in the same way as any
13 other witness. You may consider whether the
14 witness had an adequate opportunity to observe the
15 offender at the time of the offense. This would
16 be affected by how -- by things like how long or
17 short of time is available, how far or close the
18 witness was, the lighting condition and whether
19 the witness had a chance to see or know the person
20 in advance.

21 Once again, I instruct you that the burden of
22 proof is -- upon the state extends to every
23 element of the crime involved and this
24 specifically includes the burden of proving beyond
25 a reasonable doubt the identity of the defendant

Jury Instruction

1 as the person who committed the crime. If after
2 examining the testimony, you have a reasonable
3 doubt as to the accuracy of the identification,
4 you must find the defendant not guilty.

5 Now, while the arguments of counsel are a
6 beneficial part of every trial, you should
7 remember that the statements made by counsel are
8 not evidence. In presented their arguments,
9 counsel often referred to the evidence. However,
10 you should base your verdict from the evidence as
11 you remember it. If there any conflicts between
12 the recollection of counsel about the evidence and
13 your own recollection, you should rely on your own
14 understanding of the evidence.

15 Mr. Foreman and members of the jury, I'm
16 required to charge of the law as I have done
17 through these instructions now being given to help
18 guide you to a just and lawful verdict. Whether
19 some of these instructions apply would depend upon
20 what you find to be the facts. The fact that I
21 have instructed you on various subjects must not
22 be considered as indicating an opinion of the
23 Court as to what you should find to be the facts
24 or what your verdict should be.

25 You have been chosen and sworn to give the

1 parties a fair and impartial trial. When you have
2 done so, you will have complied with your oath and
3 no one will have a right to criticize your
4 verdict.

5 You must not be influenced by opinions or
6 expressions of opinions you may have heard outside
7 of the courtroom, but rather, should base your
8 verdict solely on the testimony of the sworn
9 witnesses who took the stand, the exhibits
10 received into evidence, and the law which I have
11 stated.

12 You should not be swayed by caprice, passion,
13 prejudice, or improper sympathy for or against
14 anyone. Remember, you have no friends to reward
15 or enemies to punish and all parties are entitled
16 to a fair and impartial trial.

17 It is your duty as jurors to consult with one
18 another and to deliberate in an effort to reach an
19 agreement. Each of you must decide this case for
20 yourself, but only after impartial consideration
21 of all the evidence with your fellow jurors. In
22 the course of your deliberation, do not hesitate
23 to re-examine your own views and change your
24 opinion if you become convinced it is erroneous.
25 However, do not surrender your honest conviction

Jury Instruction

1 as to the weight or effect of the evidence solely
2 because of the opinion of your fellow jurors or
3 for the mere purpose of reaching a verdict.

4 As I stated earlier, you are the judges, the
5 judges of the facts. Your verdict must represent
6 the considered judgment of each juror. In other
7 words, your verdict must be unanimous.

8 You may have noticed I have read these
9 instructions. I do so to give you the law as
10 accurately as possible. I will give you a copy of
11 these instructions to have in the jury room. You
12 may refer to these instructions to assist you in
13 your deliberations. You must consider the
14 instructions as a whole and may not follow some
15 and ignore others.

16 Mr. Foreperson, it will be your duty to
17 preside over the deliberations of the jury. If
18 you, in your deliberations, you should desire to
19 communicate with the Court, please reduce your
20 message or question to writing signed by your
21 foreperson and the foreperson only, and pass a
22 note to the bailiffs who will bring it to my
23 attention. I will, then, respond as promptly as
24 possible either in writing or by having you return
25 to the courtroom. However, I caution you,

1 however, with regard to any message or question
2 you might send that you should never state or
3 specify your numerical division at the time.

4 Now, you've heard the evidence and you have
5 heard the law. Whatever your verdict,
6 Mr. Foreman, you will indicate on the back of each
7 indictment and then sign and date the verdict.
8 These -- the two indictments on the back, there is
9 a spot that says verdict. Underneath that, you
10 will write guilty or not guilty, sign and date it,
11 whatever your verdict might be, that's where you
12 place the verdict.

13 The verdict has to be unanimous. And
14 Mr. Foreman, you are not authorized to write the
15 verdict until all of you have agreed on the
16 verdict.

17 Now, we have selected 14 jurors, but we can
18 only use 12 to deliberate. So out of the first 12
19 seated, if you cannot continue with deliberations
20 for any reason whatsoever, please let it be known
21 at this time while we still have those alternates
22 on the back row. If you cannot participate for
23 any reason, please let me know.

24 That means that the first 12 jurors get
25 together and the alternates will not participate

Jury Instruction

1 in the deliberation. The bailiffs will retrieve
2 the belongings and the lunch for these -- for the
3 two alternates.

4 I'm going to send you in the jury room at
5 this time. But do not begin your deliberations
6 until you have received a copy of this jury
7 charge, the indictments, and the exhibits. Once
8 you receive these things, that will be your signal
9 to begin your deliberations. Once you begin
10 deliberations, you will deliberate until you have
11 reached a verdict, at which time, if you knock on
12 the door and advise the bailiff, and we will bring
13 you out to receive your verdict. So please go to
14 the jury room at this time.

15 Everyone except the last two jurors.

16 (The jury exits the courtroom at 12:45 p.m.)

17 **THE COURT:** All right.

18 I will speak with you in just a second.

19 Are there any additions or exceptions to the
20 charge?

21 **MS. ZMROCZEK:** None from the defense.

22 **MR. SCOTT:** None from the state.

23 **THE COURT:** All right.

24 Very good. If you-all will get together with
25 Ms. Elizabeth about these exhibits, I'm sure

1 you've got them already.

2 **THE COURT REPORTER:** They are ready.

3 **THE COURT:** Good to go.

4 All right.

5 Well, Mr. Brown, they can have at it. Take
6 the exhibits back there. I'm not sure if they
7 have a computer or what back there.

8 (Jury deliberations begin at 12:47 p.m.)

9 **THE COURT:** All right.

10 I understand there is a verdict. They can
11 come in.

12 (The jury enters the courtroom at 2:31 p.m.)

13 **THE COURT:** All right.

14 Mr. Foreman, would you stand for me?

15 **THE FOREPERSON:** Yes, sir.

16 **THE COURT:** Have you reached a verdict?

17 **THE FOREPERSON:** Yes, sir.

18 **THE COURT:** Is it unanimous?

19 **THE FOREPERSON:** Yes, sir, Your Honor.

20 **THE COURT:** If you would pass it.

21 (The verdict form is handed up to the Court.)

22 **THE COURT:** The defendant will stand.

23 Please publish the verdict.

24 **THE CLERK:** May it please the Court.

25 The State of South Carolina, County of

Poll of the Jury

1 Richland, Docket No. 2020GS4001502, indictment for
2 attempted murder, the verdict is guilty. Signed
3 by Foreperson No. 311 on April 4, 2020 --
4 April 6, 2023.

5 In the case of Docket No. 2020GS401501, the
6 State of South Carolina versus Martin Dixon,
7 indictment for kidnapping, the verdict is guilty.
8 Signed by the foreperson, No. 311, on the date of
9 April 6, 2023.

10 Mr. Foreperson, is this your verdict?

11 **THE FOREPERSON:** Yes, ma'am.

12 **THE CLERK:** And the verdict of the entire
13 jury?

14 **THE FOREPERSON:** Yes, ma'am.

15 **THE COURT:** Thank you.

16 Any individual polling requested?

17 **MS. ZMROCZEK:** Yes, Your Honor.

18 **THE COURT:** All right.

19 Madam clerk, if you will call each juror and
20 ask them was that their verdict and is it still
21 their verdict.

22 **THE CLERK:** Juror No. 311, was this your
23 verdict?

24 **THE FOREPERSON:** Yes.

25 **THE CLERK:** Is this still your verdict?

1 **THE FOREPERSON:** Yes.

2 **THE CLERK:** Juror No. 98, was this your
3 verdict?

4 **THE JUROR:** Yes.

5 **THE CLERK:** Is this still your verdict?

6 **THE JUROR:** Yes.

7 **THE CLERK:** Juror No. 235, was this your
8 verdict?

9 **THE JUROR:** Yes.

10 **THE CLERK:** Is this still your verdict?

11 **THE JUROR:** Yes.

12 **THE CLERK:** Juror No. 33, was this your
13 verdict?

14 **THE JUROR:** Yes.

15 **THE CLERK:** Is this still your verdict?

16 **THE JUROR:** Yes.

17 **THE CLERK:** Juror No. 194, was this your
18 verdict?

19 **THE JUROR:** Yes, ma'am.

20 **THE CLERK:** Is this still your verdict?

21 **THE JUROR:** Yes, ma'am.

22 **THE CLERK:** Juror No. 356, was this your
23 verdict?

24 **THE JUROR:** Yes, ma'am.

25 **THE CLERK:** Is this still your verdict?

Poll of the Jury

1 THE JUROR: Yes, ma'am.

2 THE CLERK: Juror No. 40, was this your
3 verdict?

4 THE JUROR: Yes.

5 THE CLERK: Is this still your verdict?

6 THE JUROR: Yes.

7 THE CLERK: Juror No. 230, was this your
8 verdict?

9 THE JUROR: Yes.

10 THE CLERK: Is this still your verdict?

11 THE JUROR: Yes.

12 THE CLERK: Juror No. 146, was this your
13 verdict?

14 THE JUROR: Yes.

15 THE CLERK: Is this still your verdict?

16 THE JUROR: Yes.

17 THE CLERK: Juror No. 99, was this your
18 verdict?

19 THE JUROR: Yes.

20 THE CLERK: Is this still your verdict?

21 THE JUROR: Yes.

22 THE CLERK: Juror No. 165, was this your
23 verdict?

24 THE JUROR: Yes.

25 THE CLERK: Is this still your verdict?

1 **THE JUROR:** Yes.

2 **THE CLERK:** The jury has been polled,
3 Your Honor.

4 **THE COURT:** The jury has been polled. The
5 verdict is the unanimous verdict of the jury.

6 Any posttrial motions?

7 **MS. ZMROCZEK:** Yes, Your Honor. At this
8 time, we would renew all of our previous motions,
9 including specifically the motions related to the
10 testimony of the codefendant.

11 **THE COURT:** Okay. Any response by the state?

12 **MR. SCOTT:** Your Honor, we request you deny
13 the motion.

14 **THE COURT:** Pardon?

15 **MR. SCOTT:** We request you deny that
16 particular motion.

17 **THE COURT:** Motion is denied. The
18 co-defendant testified. The Court found that she
19 was competent to testify. She was subject to a
20 vigorous and thorough examination and found to be
21 a witness whose credibility the jury was able to
22 assess.

23 The jury has unanimously concluded that the
24 defendant is guilty of charges. I respectfully
25 deny the motion.

1 Anything prior to sentencing?

2 MS. ZMROCZEK: Nothing further, Your Honor.

3 I believe that we've been able to preserve the
4 record. And --

5 THE COURT: All right.

6 MS. ZMROCZEK: My -- my client won't be
7 making a statement, Your Honor. I can tell you
8 that and I understand that will be an issue.

9 THE COURT: He'll be given a chance to.

10 Are those the same pants that you had on the
11 other day? They're looking kind of big today.
12 That's your size?

13 THE DEFENDANT: I guess so.

14 THE COURT: From the state.

15 MR. SCOTT: Your Honor, you've heard it. The
16 jury may be interested in hearing it. He's got a
17 criminal history going back to 1992 when he was
18 convicted of a public disorderly conduct;
19 malicious injury to property. He went to prison
20 in 1995 for assault and battery of a high and
21 aggravated nature. He was convicted with that
22 along with another malicious injury of property.

23 1997, he was arrested for pointing and
24 presenting a firearm. 1997, a driving under
25 suspension. That -- we mentioned that during the

1 trial.

2 1998, he was arrested for driving under
3 suspension second and failure to stop for blue
4 lights for which he was convicted. 1998, he went
5 back to prison for failure to stop for blue light
6 and grand larceny.

7 2001, he went back to prison again, this time
8 for criminal domestic violence of a high and
9 aggravated nature along with assault of a police
10 officer while resisting.

11 2007, he was charged and convicted and then
12 convicted of simple assault and battery. 2007 --

13 **THE COURT:** Wait.

14 I see a gentleman out there might take his
15 hat off in the courtroom.

16 **MR. SCOTT:** Lastly, 2007, he was arrested,
17 but later it was nolle prossed, criminal domestic
18 violence of a high and aggravated nature.

19 Judge, I know you've seen a lot of different
20 ways to kill a man. I've never seen anybody put
21 in the trunk of a car and somebody light the car
22 on fire and that person being somebody you've
23 known intimately, you lived with, this person
24 considered you a friend and this person also has
25 diminished capacity in one way or another.

1 A learning disability he testified to. His
2 brother testified he's been a mark his whole life,
3 people taking advantage of him. And now, he
4 almost died at the hands of this man who stuffed
5 him in a trunk after hitting him in the head,
6 tried to light the car on fire, goes up to North
7 Carolina and just forgets about him. Does it as
8 easy as throwing a piece of trash in the trashcan.

9 Judge, you've got a broad range, zero to 30
10 on each of those. I completely respect any and
11 all consideration you give to the facts; you give
12 to his criminal record. I have no real
13 recommendation. I'll say that I told him that if
14 he plead guilty, he would save us all the trouble
15 of bringing Mr. Dubose in here to relieve this.
16 I've recommend 18 years.

17 Now, I've read some stuff in this trial.
18 I've seen him behave. I toss that recommendation
19 out. I think this deserves well in excess of 18
20 years.

21 I will tell you as he walked away as I
22 cross-examine, he turned and smiled the whole
23 time. The con man thought he would con the
24 prosecutor. He certainly thought he would con the
25 whole jury. He's con up to the end.

1 Judge, take all of that into account and
2 sentence him as you see fit. But that's a heinous
3 thing to do, stuff a man in the trunk and set the
4 car on fire.

5 **THE COURT:** Regarding the North Carolina
6 trip, you said the -- the scenario, he was put in
7 the car and lit on fire. And when did they go to
8 North Carolina? The same -- same day or the day
9 after?

10 **MR. SCOTT:** My belief is it was either that
11 night or the next day. The testimony from the
12 only other person besides him who would know for
13 sure that we've heard from was Michelle Jones.
14 She testified that his mother from Holly -- that
15 makes sense. His mother lives in Holly Hill. He
16 calls her. They walked to Finley Park. It's a
17 short distance on the bike path from the cemetery.
18 They go to Finley Park where they hide out. He
19 calls his mother. She comes up, gets him from the
20 park and takes him back to Holly Hill.

21 Then after that, I think the next day -- the
22 time lines are closed, but I think the next day is
23 when they go to Hickory. Thereafter, of course,
24 you heard they were on the lam until October. I'm
25 not sure -- I can't afford to live in a hotel that

Sentencing of the Court

1 long. Somehow they were staying in a hotel for
2 70-something days.

3 **THE COURT:** Hotel, the woods, the streets?

4 **MR. SCOTT:** Maybe all of the above. You're
5 right.

6 **THE COURT:** So Mr. Dubose, come right here
7 and let me talk to you.

8 Have him come down here.

9 All right.

10 How are you doing today?

11 **MR. DUBOSE:** I'm doing good, sir.

12 **THE COURT:** All right.

13 What you think about all of this?

14 **MR. DUBOSE:** Justice been served.

15 **THE COURT:** What you want me to do with this
16 man?

17 **MR. DUBOSE:** Eighteen years.

18 **THE COURT:** How many?

19 **MR. DUBOSE:** Eighteen years.

20 **THE COURT:** Eighteen years? How did you come
21 up with that much?

22 **MR. DUBOSE:** (No audible response.)

23 **THE COURT:** Why did it -- why did he throw
24 you in that trunk and set the car on fire?

25 **MR. DUBOSE:** Cause money that I did not had.

1 **THE COURT:** Pardon?

2 **MR. DUBOSE:** Money that I did not had.

3 **THE COURT:** He was trying to take your money.

4 **MR. DUBOSE:** Money that I did not had, sir.

5 **THE COURT:** Oh, he wanted you to give him

6 some money?

7 **MR. DUBOSE:** Yes.

8 **THE COURT:** How much money was he trying to

9 get you to give him?

10 **MR. DUBOSE:** \$400.

11 **THE COURT:** \$400. Why did he think you had

12 \$400?

13 **MR. DUBOSE:** To pay back all the stuff that

14 he put on the car.

15 **THE COURT:** He spent some money on your car?

16 **MR. DUBOSE:** Yes, sir.

17 **THE COURT:** Why was he fixing -- help you fix

18 your car? Was that to come to Columbia?

19 **MR. DUBOSE:** Yes, sir.

20 **THE COURT:** And why were y'all coming here?

21 **MR. DUBOSE:** Supposed to be looking for a

22 place to stay.

23 **THE COURT:** Why did he get mad with you?

24 **MR. DUBOSE:** Because I -- cause I had wanted

25 to go back to Charleston, not stick around

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1 Columbia.

2 THE COURT: And he didn't want to go back?

3 MR. DUBOSE: Yes, sir.

4 THE COURT: Why do you think he tried to kill
5 you? You were his friend, weren't you?

6 MR. DUBOSE: Yes, sir.

7 THE COURT: I mean, does he kind of go off on
8 the deep end from time to time? You ever seen him
9 act like that before?

10 MR. DUBOSE: One time before.

11 THE COURT: And what he did he do before?

12 MR. DUBOSE: When we was staying together, he
13 done stuff like stabbing me.

14 THE COURT: He stabbed you before?

15 MR. DUBOSE: Yes, sir.

16 THE COURT: Where was that?

17 MR. DUBOSE: (No audible response.)

18 THE COURT: Columbia or Charleston or where?

19 MR. DUBOSE: Charleston.

20 THE COURT: So why did you hang around him
21 after that?

22 MR. DUBOSE: He kind of -- I kind of end my
23 friendship with him after he told me to pack my
24 stuff up and leave.

25 THE COURT: Pack your stuff up and leave from

1 where?

2 **MR. DUBOSE:** From the apartment that we was
3 staying at in Charleston.

4 **THE COURT:** In Charleston. So how did you
5 end up coming to Columbia with him?

6 **MR. DUBOSE:** He -- he contact me back and we
7 became friends again.

8 **THE COURT:** So what kind of friendship did
9 y'all have?

10 **MR. DUBOSE:** I put my trust in him being my
11 friend.

12 **THE COURT:** All right. How long you known
13 him?

14 **MR. DUBOSE:** I known him for a while just
15 like I known Ms. Jones.

16 **THE COURT:** All right.

17 So when they found you in the trunk of the
18 car, were you unconscious or?

19 **MR. DUBOSE:** Yes, sir.

20 **THE COURT:** And how did you pass out? How
21 long were you in there before you passed out?

22 **MR. DUBOSE:** That -- that Tuesday night to
23 the next morning.

24 **THE COURT:** And what caused you to pass out?
25 You couldn't get any air or -- or you know what

Sentencing of the Court

1 caused you to pass out?

2 **MR. DUBOSE:** Heat. Like, air.

3 **THE COURT:** You thought you were going to
4 die?

5 **MR. DUBOSE:** Yes, sir.

6 **THE COURT:** Why did you think that?

7 **MR. DUBOSE:** Because my life was over. I
8 done been through a lot. So I was like my life is
9 like over with.

10 **THE COURT:** You thought that was it, huh?

11 **MR. DUBOSE:** Yes, sir.

12 **THE COURT:** How are you doing now?

13 **MR. DUBOSE:** I'm good. I have some other
14 stuff I deal with now.

15 **MR. SCOTT:** There's a case down in Charleston
16 now where he's the victim. Somebody else taken
17 advantage of him down there. Beat him up and
18 stole \$2 from him. It's a pending prosecution
19 down in Charleston County.

20 We've got him in Moncks Corner now under the
21 watchful eye of some people who care about him.
22 If -- if we can keep him out of North Charleston
23 and keep him in Moncks Corner where there isn't a
24 whole lot going on, he seems to do better. But
25 he's an easy mark.

1 **THE COURT:** Your brother says you are from
2 MacBeth?

3 **MR. DUBOSE:** Yes, sir.

4 **THE COURT:** That's down there by Goose Creek,
5 isn't it?

6 **MR. DUBOSE:** Yes, sir.

7 **THE COURT:** Not Goose Creek, but almost to
8 Bonneau. That's around Bonneau, isn't it?

9 **MR. DUBOSE:** Yes, sir.

10 **THE COURT:** They still have that beach down
11 there?

12 **MR. DUBOSE:** Short State.

13 **THE COURT:** Right near where you are from,
14 MacBeth?

15 **MR. DUBOSE:** Yeah, Short State. Yes, sir.

16 **THE COURT:** Short -- yeah. You used to --
17 you used to go there one time?

18 **MR. DUBOSE:** Yes, sir.

19 **THE COURT:** Your brother say it's pretty
20 rough down in there.

21 **MR. DUBOSE:** It is kind of. All of the old
22 folks that we used to grow up kind of like moved
23 away. We just bury our grandmamma last year.

24 **THE COURT:** You ever took this guy to
25 MacBeth? He ever went there with you?

Sentencing of the Court

1 **MR. DUBOSE:** No, sir.

2 **THE COURT:** Bonneau Beach?

3 **MR. DUBOSE:** No, sir.

4 **THE COURT:** He just hang around Charleston.

5 **MR. DUBOSE:** Yes, sir.

6 **THE COURT:** And Columbia and Holly Hill. And
7 where else?

8 **MR. DUBOSE:** That's -- that's it.

9 **THE COURT:** That's about it? All right.
10 Anything else you want to tell me about this
11 situation?

12 **MR. DUBOSE:** No, sir.

13 **THE COURT:** You talk low sometimes and then
14 you talk loud sometimes. What's going on?

15 **MR. DUBOSE:** That's -- that's normally how I
16 talk. Sometimes I get nervous.

17 **THE COURT:** So I can give him 30 years on
18 each count. Thirty years for trying to burn you
19 up and I can give him 30 years for throwing you
20 and locking you in the trunk.

21 We didn't have the trial on the arson case.
22 That would be 10 more years. That case hadn't
23 come up or it wasn't called for trial.

24 How did you pick 18 out of all of them years?
25 Or were you going along with what Mr. Scott said?

1 **MR. DUBOSE:** (No audible response.)

2 **THE COURT:** You want to see him get out of
3 prison one day?

4 **MR. DUBOSE:** (No audible response.)

5 **THE COURT:** What you think? Do you want him
6 in prison or out of prison one day?

7 **MR. DUBOSE:** Either or. It doesn't matter.

8 **THE COURT:** What's that?

9 **MR. DUBOSE:** I said: Either or. It
10 doesn't --

11 **MR. SCOTT:** He said "either or."

12 **THE COURT:** Say it again?

13 **MR. DUBOSE:** I said: Either or. It
14 doesn't --

15 **THE COURT:** Either or?

16 **MR. DUBOSE:** I just need to move on. I've
17 got to keep -- I've got to get this behind me and
18 move on.

19 **THE COURT:** You've done a good job. You've
20 done a good job. Coming in here and testifying in
21 all of that, you did a good job. You can have a
22 seat.

23 Ms. Zmroczek.

24 **MS. ZMROCZEK:** Thank you, Your Honor.

25 My client is 53 years old. I have laid out

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1 extensively his medical -- or excuse me, his
2 mental health challenges when we had the
3 evaluation hearing. And in fact, even yesterday,
4 when he sat down, he said, "So now do they tell
5 us?" So Your Honor, I would renew the fact that,
6 you know, he is just as mentally challenged as all
7 of the people in this case. However, he's
8 getting, you know, called evil and called names.

9 Your Honor, I think there -- there are --

10 **THE COURT:** Well, any -- anyone who tries to
11 burn someone up in a car have -- has to have some
12 mental problems, some mental challenges.

13 **MS. ZMROCZEK:** I -- I would agree.

14 **THE COURT:** (Inaudible).

15 **MS. ZMROCZEK:** Your Honor, he has very little
16 family to speak of. He has grown up just like the
17 rest of the people involved in this case. I think
18 that he's obviously very nervous to say anything
19 given what the Court intimated during the
20 evaluation of whether or not the co was --
21 co-defendant was going to testify.

22 I think that his smiles and his reactions to
23 thing -- to things, Your Honor, is a product of
24 his disabilities. But yet when he does it,
25 (inaudible). He is someone that I have grown to

1 become protective of because people call him evil
2 and a liar and all of these things, Your Honor,
3 when the same kind of testimony comes from the
4 stand that is clearly untrue. And they are
5 praised for it. So he's in a difficult situation.

6 **THE COURT:** Things that come from the stand
7 are clearly untrue?

8 **MS. ZMROCZEK:** Yes, Your Honor. When the
9 other two --

10 **THE COURT:** When lawyers use the word
11 "clearly," it always raises a red flag.

12 **MS. ZMROCZEK:** When people clearly are not
13 telling the truth. When they say that they --

14 **THE COURT:** Clearly is always subject to
15 interpretation. If things are so clear, we
16 wouldn't have this process.

17 **MS. ZMROCZEK:** Well, I'm pretty sure it's
18 clear he's not in the Illuminati, Your Honor.

19 **THE COURT:** Well, I don't know. What is that
20 anyway?

21 **MS. ZMROCZEK:** We had a full discussion of it
22 from -- from the co-defendant, Your Honor. He --
23 so I'm -- I'm --

24 **THE COURT:** I've heard that word before.
25 There was a guy around town --

1 **MS. ZMROCZEK:** Maybe he is --

2 **THE COURT:** -- published and accused people
3 for being in an Illuminati on a website.

4 **MS. ZMROCZEK:** And Your Honor, and so --

5 **THE COURT:** (inaudible) lawyer Illuminati.
6 And the lawyer fired him as a client. And there's
7 no way he could undo the stuff on the Internet.
8 He said the lawyer is in Illuminati. I still
9 haven't figured out what that is, though.

10 I'm sorry. Go ahead.

11 **MS. ZMROCZEK:** Thank you.

12 Your Honor, I believe that he is similarly
13 situated as far as mental challenges. I think
14 that whatever evidence that the jury did consider
15 to find that would certainly have to be included
16 in that. I do not think that he is somebody who
17 should get 30 years, although he -- provided that
18 that is the option.

19 We talked about his offer ad nauseam because
20 I did explain to him the challenges and how, as
21 you -- as you told the codefendant when she stood
22 up here that, you know, if you make people go to
23 trial, you get more. And that he should
24 (inaudible) himself.

25 **THE COURT:** Don't accuse me of telling

1 anybody that.

2 **MS. ZMROCZEK:** Sorry.

3 **THE COURT:** I've never punished anyone for
4 going to trial. He has a constitutional trial in
5 that respect, especially if he thinks he might
6 win.

7 **MS. ZMROCZEK:** Well, your Honor, I think that
8 his challenges has made it difficult for him to be
9 able to, you know, think clearly through this
10 process, which is why I had to do those whole host
11 of motions yesterday.

12 I would respectfully submit he is 53 and on a
13 mental health hold. Sending him to SCDC for any
14 amount of time is, as you stated before, a life
15 sentence. So we would ask the Court to consider
16 all of those things in sentencing.

17 **THE COURT:** All right.

18 Mr. Dixon, anything you want to say?

19 **THE DEFENDANT:** No, Your Honor.

20 **THE COURT:** Well, we went through the process
21 yesterday of reviewing Mr. -- Mr. Dixon's mental
22 health evaluation. And whereas he has had some
23 issues and has some issues, it's clear to me to
24 the extent that it can be clear that he has the
25 capacity to stand trial.

1 And particularly prior to trial, he was
2 speaking kind of slowly as if he didn't understand
3 things so well. But the -- the more I observed
4 him, the more I listened to him during the course
5 of this trial, it's become quite evident that he
6 was fully competent to understand the charges
7 against him and jury trial process, when he's
8 telling the truth and when he is not telling the
9 truth. And he's had a fair trial. The jury has
10 found him guilty. I agree 100 percent with the
11 jury's finding of guilt.

12 It's a matter of credibility, a matter of the
13 weight of the evidence. The state -- the state
14 proved him guilty beyond a reasonable doubt.

15 Anything else about sentencing?

16 **MS. ZMROCZEK:** That's all I have for
17 sentencing, Your Honor.

18 **THE COURT:** Mr. Dixon, I think putting a man
19 in the trunk of the car -- a friend, putting him
20 in the trunk of a car, locking the car, and
21 putting a rag in the gas tank and lighting it on
22 fire and walking away and lighting some other
23 paper in the car -- you know, actually, this is a
24 -- this type of case qualifies as a death penalty
25 as well, a murder accompanied by aggravating

1 circumstances.

2 **MS. ZMROCZEK:** There was no -- there was no
3 murder, Your Honor.

4 **THE COURT:** Oh, okay. It could have been.
5 Yeah. Through no -- no -- yeah. It could have
6 been. So you -- you've had some luck there.

7 Of course, I have seen a lot of arsonists who
8 try to burn people up and they don't know how
9 fires work as the witness testified to. They
10 think if they strike a match and gasoline -- if
11 they strike a match, it automatically will cause a
12 big flame and burn everything up. And I can think
13 of nothing more evil than for one man to do that
14 to another man.

15 Someone who thought you were his friend? And
16 you try to burn him up in a car? Had him locked
17 in a trunk? The police had to take the trunk off
18 to get him out? How could you do such a thing?

19 And then, to claim that you might not be
20 competent. You obviously have some issues,
21 serious issues to do what you did. But -- and you
22 were smart enough to try to get away. Go all the
23 way to Hickory, North Carolina, of all places.
24 That took some sense, some planning, and
25 conniving.

Sentencing of the Court

1 The sentence of the Court on each count is
2 that you be committed to the State Department of
3 Corrections for a period of 23 years. You'll get
4 credit for any time that you're due credit for. I
5 need to know the exact number of days that he's
6 been in jail. The sentences will run concurrent
7 with each other.

8 **MS. ZMROCEK:** Thank you, Your Honor.

9 **THE COURT:** Any idea as to how many days he's
10 been in there?

11 **MS. ZMROCEK:** It's -- as I misspoke earlier,
12 it's been three years, five months, and 22 days.

13 **THE COURT:** How many days is that?

14 **MR. SCOTT:** I got 1260 days -- well, that's
15 from October 24. Is that the arrest you had?

16 **MS. ZMROCEK:** October 16 is when he was
17 arrested.

18 **MR. SCOTT:** October 16 is going to be a 1268
19 days.

20 **THE COURT:** 1268 days' credit.

21 All right.

22 Mr. Dixon, good luck to you.

23 All right.

24 Ladies and gentlemen, that's it. You-all
25 have come and you've done your duty. Once you've

DOCKET NO. 2020GS4001501

The State of South Carolina

County of

Richland

WITNESSES

(S) Wayne H Montgomery
- Columbia Police Department

COURT OF GENERAL SESSIONS

July 1 TERM 2020

105

ARREST WARRANT NUMBER

2019A4021602479

ACTION OF GRAND JURY
TRUE BILLForeperson of Grand Jury
Date: JUL 15 2020

VERDICT

Guilty

Foreperson of Petit Jury
Date: 4/6/2023Indictment for
KIDNAPPING / KIDNAPPINGSC Code: 16-03-0910
CDR Code: 0095After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

SCANNED

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on July 14, 2020, the
Grand Jurors of Richland County present upon their oath:

KIDNAPPING

That Martin Dixon did in Richland County on or about August 7, 2019,
unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away
one ANTRONE DUBOSE, without authority of law, in violation of Section
16-03-0910, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the
statute in such case made and provided.



BYRON E. GIPSON, SOLICITOR

WITNESSES

(S) Wayne H Montgomery
- Columbia Police Department

DOCKET NO. 2020GS4001502

The State of South Carolina

County of

Richland

Defendant

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

ARREST WARRANT NUMBER

2019A4021602480

COURT OF GENERAL SESSIONS

July TERM 2020

105

THE STATE
vs.

Martin Dixon

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

JUL 15 2020

VERDICT

Guilty

Indictment for
ATTEMPTED MURDERSC Code: 16-03-0029
CDR Code: 3410

Foreperson of Petit Jury

Date:

4/6/2023

SCANNED

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on July 14, 2020, the
Grand Jurors of Richland County present upon their oath:

ATTEMPTED MURDER

That Martin Dixon did in Richland County on or about August 7, 2019, did
with the intent to kill, attempt to kill ANTRONE DUBOSE with malice
aforethought, either expressed or implied. All in violation of SC Code of
Laws § 16-3-29 (1976, as amended).

Against the peace and dignity of the State, and contrary to the
statute in such case made and provided.



BYRON E. GIPSON, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Richland

STATE

VS.

Martin Dixon

AKA:

Race: BLACK Sex: M Age: 53DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: Holly Hill, SC 29059DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020 - GS - 40 - 01501A/W#: 2019A4021602479Date of Offense: 8/7/2019S.C. Code § 16-03-0910CDR Code #: 0095

SENTENCE SHEET

0-30 yrs*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS TO: Kidnapping / Kidnappingin violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s Initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature]73081

Scott, Dale

SC Bar #

Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center, for a determinate term of 23 days/months/years/Time Served ☐ Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDoc. 1,268 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Martin Dixon INDICTMENT/CASE#: 2020 - GS - 40 - 01501**SPECIAL CONDITIONS:**☐ PTUP after _____ months/years**And Other Terms Listed Below:**

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____

		\$
§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$ 3.75

TOTAL \$ 128.75Clerk of Court/ Deputy Clerk: Jessica M. Davis-910
Court Reporter: HAARISPresiding Judge: [Signature]
Judge Code: 0127
Sentence Date: 4-10-2023

STATE OF SOUTH CAROLINA

COUNTY OF Richland

STATE

VS.

Martin Dixon

AKA:

Race: BLACK Sex: M Age: 53DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: Holly Hill, SC 29059DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020 - GS - 40 - 01502A/W#: 2019A4021602480Date of Offense: 8/7/2019S.C. Code § 16-03-0029CDR Code #: 3410

SENTENCE SHEET

0-30 yrs.*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS TO: Attempted Murderin violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature]
Scott, Date73081

SC Bar #

Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center, for a determinate term of 23 days/months/years/Time Served ☐ Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. 1268 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Martin Dixon INDICTMENT/CASE#: 2020 - GS - 40 - 01502**SPECIAL CONDITIONS:**☐ PTUP after _____ months/years**And Other Terms Listed Below:**

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____ \$ _____

\$14-1-206 (Assessments 107.5 %)		\$	
\$14-1-211(A)(1) (Conv. Surcharge)	\$100	\$	100.00
\$14-1-211(A)(2) (DUI Surcharge)	\$100	\$	
\$56-5-2995 (DUI Assessment)	\$12	\$	
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\$14-1-212 (Law Enforce. Funding)	\$25	\$	25.00
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\$34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$	
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\$56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$	
3% to County (If paid in installments)	TBD	\$	
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$	
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$	375
TOTAL			\$1287.50

Clerk of Court/ Deputy Clerk: Jennifer McBride
Court Reporter: JamesPresiding Judge: [Signature]
Judge Code: 2127
Sentence Date: 4-6-2023

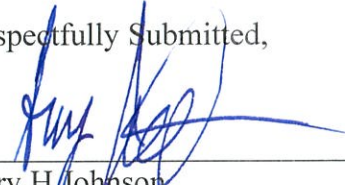
Sep 30 2024

CERTIFICATE OF COUNSEL FOR APPELLANT

SC Court of Appeals

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Gary H. Johnson
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 30th day of September, 2024.

RECEIVED

Sep 30 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County

Honorable Clifton Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

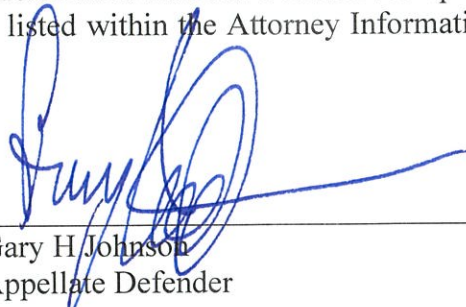
MARTIN DIXON,

APPELLANT

APPELLATE CASE NO. 2023-000597

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Deborah R.J. Shupe, Esquire, at the primary email address listed within the Attorney Information System (AIS), this 30th day of September, 2024.



Gary H. Johnson
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT