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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Fairfield County

Honorable Brian M. Gibbons, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TYSHAWN CORNELIUS ROBINSON,

APPELLANT

APPELLATE CASE NO. 2023-001894

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA - COUNTY OF FAIRFIELD
SIXTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA

PLAINTIFF,

V.

TYSHAWN CORNELIUS ROBINSON

DEFENDANT.

)

) Docket No.

) 2021-GS-20-518

) 2021-GS-20-519

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) JURY TRIAL

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December 4th through 5th, 2023
Fairfield, South Carolina

B-E-F-O-R-E:

THE HONORABLE BRIAN M. GIBBONS

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

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Official Court Reporter

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P-R-O-C-E-E-D-I-N-G-S

* * *

THE COURT: All right. Ladies and gentlemen, thank you so much for being here. I know it's hot. It's hot but -- Judy, did you tell them what the situation was?

MADAM CLERK: No, not really.

THE COURT: I'll tell you, okay.

So this beautiful courthouse, for which y'all are very lucky to have here in the great County of Fairfield County, which is one of my favorite places to hold court in all of the state. I'm Brian Gibbons, by the way. I'm your local, your resident circuit court judge. I'm over Fairfield County, Chester County, and Lancaster County, okay, that's what I do as a circuit judge. And I'm the chief administrative judge over all those counties.

And, you know, I travel all over the state holding court everywhere and it's always a pleasure to be here in Fairfield. I love it, love this courthouse, beautiful courtroom but it's old and because it's old, we have lots of HVAC issues, including what you're feeling right now.

I've been told by maintenance that the water inside the boiler was heated by a boiler. It was over

1 150 degrees and they can't turn it off. When Ms. Judy
2 came in here this morning, it was 90 degrees. If they
3 turn it off, then there won't be heat. And that's fine
4 now, okay, but what if they can't get the heat on in
5 January? So it's, like, pick your poison. Okay?

6 And so that's the situation we're in. I'm
7 going to make this go as quickly as possibly and --
8 excuse me, as we can, as possible and hopefully they
9 will figure out something between today and tomorrow in
10 the event you are picked to serve on the trial jury.
11 Okay? But that's what's going on.

12 Now the good news is, and hopefully you will
13 think this is good news, at the end of January,
14 February, around that timeframe, this courthouse is
15 actually being shut down and closed while they repair
16 and replace all the HVAC in this beautiful building.

17 The can has been kicked down the road until it
18 can't be kicked anymore and they're finally going to do
19 it. "They," being your Fairfield County councilmen.
20 And I'm very pleased with that.

21 The temporary location for the courthouse is
22 still to be determined because we have to have court.
23 There has to be a courthouse. The Constitution requires
24 that. And we're working on that right now. So this
25 won't be an issue, hopefully, this time next year but

1 we'll see where it goes.

2 Thank you for your patience and understanding
3 and that's what we're going to do. Okay?

4 So, Judy, you've told me they've already been
5 sworn, right?

6 MADAM CLERK: Yes, sir.

7 THE COURT: All right. So what's going to
8 happen, ladies and gentlemen, this is a term of general
9 sessions court which is what we call "criminal court" in
10 South Carolina, okay, where people who allegedly have
11 committed criminal offenses are prosecuted by the State
12 of South Carolina.

13 The State of South Carolina is represented by
14 attorneys who we call solicitors of South Carolina,
15 deputy or district attorneys or stuff like that
16 elsewhere. Your elected solicitor, Mr. Randy Newman,
17 from Lancaster is here. Thank you, Mr. Newman.

18 And then, of course, everybody who's been
19 accused of a crime is presumed innocent until proven
20 guilty. So if the government prosecutes, the government
21 has to make sure their constitutional rights are upheld
22 as well. So that's why we have a public defender
23 system.

24 Your circuit public defender, right there, is
25 Mr. William Frick. Thank you, Mr. Frick. He's a

1 circuit defender over those three counties and I'm the
2 circuit judge over those three counties. So that's kind
3 of how everything is lined up.

4 You've already met -- many of you may know
5 your elected clerk of court, Ms. Judy Bonds. And thank
6 you, Ms. Judy, for all you do.

7 All right. So let's jump to the matter at
8 hand. We've got to get you qualified to serve as jurors
9 in this court. The first thing that's going to happen
10 is the clerk of court is going to call the roll of
11 everybody who's been summoned to appear here today.

12 When your name is called, ladies and
13 gentlemen, we need you to stand if you're able to stand.
14 I know it's kind of difficult with those beautiful
15 church pews to get up. If you're able to stand, you
16 need to give us the following information as loud as you
17 can talk, in a loud voice.

18 Number 1: What you do for a living, if you're
19 employed. Okay?

20 Now if you're not employed because you're laid
21 off or retired or disabled or whatever the case may be,
22 or in between jobs, let us know what you used to do.
23 Okay? That is just important general information that
24 the lawyers need as we move forward.

25 The second piece of information we need from

1 you is if you're married. Okay? And if you're married,
2 we need to know what your spouse does for a living, if
3 he or she is employed. Now, if you're not married, if
4 you're widowed, single, separated, divorced, whatever
5 the case may be, just simply say, "widowed, divorced,
6 whatever." Okay? Everybody understand that?

7 That's what we need, those two pieces of
8 information. You've already been sworn in.

9 Madam Clerk, if you'll call the roll.

10 MADAM CLERK: Okay. When I call your name, if
11 you'll stand if you can.

12 (Whereupon, the roll was called.)

13 THE COURT: Thank you, madam clerk.

14 Ladies and gentlemen, I have several questions
15 concerning your ability or qualifications to serve as a
16 juror in this court. State law requires that I ask you
17 these questions.

18 Quite frankly, there's a couple of questions
19 where you could be embarrassed if you were to have to
20 stand and publicly disclose that information. So if you
21 don't want to do it, I'll give you an opportunity at the
22 end to come up here and speak more privately with me and
23 just a few other people around me, rather than publicly
24 stand and disclose whatever information you were asked
25 about.

1 If you want to go ahead and answer, fine. Go
2 ahead and answer where you are. It's the same
3 situation. Stand if you're able to stand and we'll deal
4 with your response. Okay?

5 All right. First question: Is there any
6 member of the jury panel who is not a United States
7 Citizen?

8 If so, please stand.

9 No response.

10 Number two: Is there any member of the jury
11 panel who is not a resident of Fairfield County, South
12 Carolina?

13 If so, please stand.

14 Yes, sir. What's your juror number?

15 PROSPECTIVE JUROR: 199.

16 THE COURT: And where do you live, sir?

17 PROSPECTIVE JUROR: Richland County.

18 THE COURT: You do not stay here anymore?

19 PROSPECTIVE JUROR: No.

20 THE COURT: All right. Well, you need to get
21 your license changed. That's probably how they got you.

22 PROSPECTIVE JUROR: It's already changed.

23 THE COURT: Oh, it's already changed? I don't
24 know how -- where do you-all draw from?

25 MADAM CLERK: License and voters registration.

1 THE COURT: Voter registration and driver's
2 license. So check on that and make sure you're all
3 good. Okay? See you later.

4 199 is free to leave. Thank you, sir.

5 Anybody else in that questions?

6 Next one. Is any member of the jury panel
7 unable to read, write, speak or understand the English
8 language?

9 If so, please stand.

10 No response.

11 Next one. Does any member of the jury panel
12 have less than a sixth grade education or its
13 equivalent?

14 If so, please stand.

15 No response.

16 Next one. Is any member of the jury panel
17 unable, because of a mental or physical infirmity, to
18 render efficient juror service?

19 For example, does anybody have a medical
20 condition that would prevent you from serving on a jury
21 this week?

22 If so, please stand.

23 Next one. Has any member of the jury panel
24 been convicted either by guilty plea or by trial in a
25 state or federal court of record of a crime punishable

1 by more than one year in prison and your civil rights
2 have not be restored either by pardon or by amnesty?

3 "More than one year" means that's what you
4 could have got, not necessarily what the judge gave you.
5 Okay?

6 If you've been on probation before, typically
7 this would apply to you. All right?

8 If this applies for you, please stand.

9 No response.

10 Next one. Is any member of the jury panel who
11 is a clerk or deputy clerk of court, constable, sheriff,
12 other commissioned law enforcement officer, probate
13 judge, county commissioner, magistrate or other county
14 officer or is anybody employed within any walls of any
15 courthouse?

16 If so, please stand.

17 All right. No response.

18 Next one. Anybody served on jury trial this
19 calendar year? Up here, big court, jury duty, anybody?

20 All right. No.

21 Next one. Anybody served on the Fairfield
22 County Grand Jury in the past several years?

23 No response.

24 That's it for qualifications. We're now going
25 to move to what's called exemptions. State law provides

1 for several exemptions for jury service. An exemption
2 for jury service doesn't mean you're not qualified. It
3 simply means you have the choice of whether you want to
4 serve on a jury or not.

5 The first exemption is for those of you who
6 are 65 years of age or older. Because of your age, life
7 experiences and maturity, you've earned the right to
8 decide whether or not you want to do jury duty. Okay?

9 You'd make an excellent juror because of those
10 reasons but I can't force you to serve if you don't want
11 to. So if you are 65 years of age or older and you
12 choose not to serve, please stand.

13 All right. No response.

14 The next exemption concerns prior jury
15 service. You only have to do this once every three
16 years. Okay? I've already asked you about 2023. So
17 I'm talking about 2022 or 2021. If you've come up here
18 and served as a juror or been up here for rollcall like
19 you are right now, you can be exempt if you want to be.

20 If this applies to you and you want to be
21 exempt, please stand.

22 No response.

23 If you've been on any kind of grand jury in
24 the past five calendar years, you can be exempt if you
25 want to be. It could be a federal grand jury or another

1 county's grand jury if you used to live in another
2 county or anything like that.

3 Does this apply to anybody?

4 No response.

5 The next exemption deals with those of you who
6 have legal custody of young children. Listen carefully,
7 this exemption has four parts, all of which have to
8 apply for you to claim this exemption.

9 You can be exempt from jury duty if, one, you
10 have a child under the age of 7, child or children under
11 7.

12 Number 2, you're the legal custodian. That
13 means you have legal custody.

14 Number 3, you're the primary caretaker and
15 you're unable to provide adequate childcare or daycare
16 or babysitter care for them while up here doing jury
17 duty.

18 See, if the child is already in daycare or
19 childcare or after school or whatever, I don't need to
20 hear from you. Remember, all four of those have to
21 apply. I heard several grand-mamma's who are involved
22 with their grandchildren and that's wonderful, but
23 unless y'all have legal custody, I don't need to hear
24 from you.

25 Anybody on that one?

1 All right. Yes, ma'am.

2 PROSPECTIVE JUROR: I have a question.

3 THE COURT: Yep.

4 PROSPECTIVE JUROR: I have to pick my kid up
5 at 3:00. Is that part of your question?

6 THE COURT: Possibly, but that wouldn't
7 matter. That doesn't -- no. You cannot be exempt
8 because of that. I'm trying to put it the best way.

9 But I'm going to give you an opportunity at
10 the end to come talk to me about your specific
11 situation. And so come talk to me at the end of the
12 process.

13 Same with you, you're about to hear your
14 question. All right?

15 So here's the next one.

16 So nobody on that exemption. I'm going to
17 come back to that in a second. Okay?

18 The next question is: If you are the primary
19 caretaker of an elderly or severely disabled person, who
20 cannot be left unattended and you're unable to provide
21 adequate, suitable, substitute care for them while
22 you're up here doing jury duty, you can be exempt.

23 If this applies to you, please stand.

24 All right. What's your juror number, ma'am?

25 PROSPECTIVE JUROR: 37.

1 THE COURT: Juror No. 37 is free to leave.
2 Thank you, ma'am. Thank you for your patience and
3 waiting for that question 'cause I knew it was coming.

4 And, ma'am, right back there, you had a
5 question about the previous question?

6 You pick your grands up in the afternoon,
7 right?

8 PROSPECTIVE JUROR: Yes, but I had to get him
9 out of school at 11:00 in order to be here.

10 THE COURT: Okay. At the end of the
11 process -- I'm about to be through here in the next
12 couple of minutes. I want -- y'all come up here and
13 talk to me so that we can all get it resolved. Okay?
14 Not a problem.

15 Okay. All right. Next exemption.

16 This exemption involves those of you who may
17 be attending school at this time or work in some
18 capacity with the school such as school teacher,
19 crossing guard, cafeteria worker, custodian or full-time
20 student.

21 If this exemption applies to you, it doesn't
22 get you out of court. It doesn't get you out of jury
23 duty but I can transfer you to another term which will
24 not conflict with those responsibilities.

25 That typically means the summer months. I

1 don't want to mess up any vacation plans you may have
2 but understand that's the way it is. And, typically, I
3 only let you transfer one time if that's going to be
4 what the issue is. Okay?

5 Does anybody fit that category and want to be
6 transferred to the summer months for you're a full-time
7 student, teacher or anything like that?

8 All right. Good call.

9 The next one is, anybody work for the state
10 penitentiary?

11 No.

12 And the last one, is there any juror who
13 performs services for a business, commercial or
14 agricultural enterprise, whose services are so essential
15 to the operation of that business, that if you are
16 required to perform jury duty, your business would have
17 to close or stop functioning?

18 If so and you wish to be exempt, please stand.

19 No response.

20 Now, ladies and gentlemen, that concludes the
21 statutory list of qualifications and exemptions. It may
22 be that none of those applied specifically to your
23 situation but jury service this week would constitute an
24 undue hardship on you for a particular reason.

25 Please understand, general inconvenience is

1 not an undue hardship. Okay? You must have an extreme
2 and compelling circumstance and I'm the one who
3 determines whether or not it's extreme or compelling, to
4 either be transferred or get out of jury duty.

5 If you believe you have that extreme and
6 compelling circumstance or if I told you that I needed
7 to talk to you further, now's your time.

8 Meet there in the middle. Watch your step
9 coming off those pews and I'll see you up here
10 individually. Okay?

11 Sir, what's your number?

12 PROSPECTIVE JUROR: 184.

13 THE COURT: All right. 184.

14 PROSPECTIVE JUROR: I have (inaudible) --

15 THE COURT: See ya, sir. You're free to
16 leave.

17 All right. Next one. What's your number,
18 ma'am?

19 PROSPECTIVE JUROR: 147.

20 THE COURT: Number 147. Yes, ma'am.

21 PROSPECTIVE JUROR: I know you said seven for
22 single parents. My son is nine, but I'm the only one
23 picking him up and riding him to school.

24 THE COURT: So would it be easier to move you
25 to a term when he's not in school or is that worse?

1 PROSPECTIVE JUROR: I'm still going to be
2 working.

3 THE COURT: I know that. That's what I'm
4 getting at. See, pick your poison. This week is a
5 short week. One trial this week. And there's only
6 however many people so you may not get picked and we'll
7 not be here Thursday or Friday. So you picking today?

8 PROSPECTIVE JUROR: Yes, sir.

9 THE COURT: This juror will remain with us.
10 Stick around.

11 What's your juror number?

12 PROSPECTIVE JUROR: Number 144.

13 THE COURT: 144.

14 PROSPECTIVE JUROR: I have to pick up my kid
15 at 3:00 every day from school.

16 THE COURT: You're the only one?

17 PROSPECTIVE JUROR: Yep.

18 THE COURT: Well, here's the thing, I can't
19 necessarily -- that don't necessarily get you out of
20 jury duty. I can transfer you to a later term to allow
21 you to make better arrangements. Because if I put you
22 to summer, then who's watching them while you're up
23 here?

24 PROSPECTIVE JUROR: Right.

25 THE COURT: Like I told the previous lady,

1 this is shaping up to be a short week. Can you make
2 other arrangements?

3 PROSPECTIVE JUROR: I can try.

4 THE COURT: Stick around. This juror will
5 remain with us.

6 All right. What's your juror number?

7 PROSPECTIVE JUROR: 118.

8 THE COURT: This juror is exempt.

9 Yes, sir, juror number?

10 PROSPECTIVE JUROR: Number 55.

11 My blood pressure and everything. And I was
12 part of the sheriff in Fairfield and I have pending
13 charges in a different county.

14 THE COURT: You used to work for the sheriff?

15 PROSPECTIVE JUROR: I made a mistake.

16 THE COURT: The chance of you being picked on
17 this jury are slim to none. Just stick with me.

18 Yes, ma'am?

19 PROSPECTIVE JUROR: 16. I'm going to start
20 off like this: My son-in-law said he pays \$900 in child
21 support. With him paying \$900 in child support --
22 that's picking them up. So what that is -- and also my
23 daughter works to provide. I'm sacrificing. I dropped
24 them off at school. In order to be here, pick them up
25 and drop them somewhere --

1 THE COURT: She's exempt.
2 What was your number ma'am?
3 PROSPECTIVE JUROR: 16.
4 THE COURT: 16, you're free to leave.
5 What's your number?
6 PROSPECTIVE JUROR: 168. Last year -- I can't
7 hear anything.
8 THE COURT: I don't mind transferring you.
9 Transfer to the spring.
10 PROSPECTIVE JUROR: Okay.
11 THE COURT: This juror is transferred to the
12 spring, 168.
13 Next one. What's your juror number?
14 PROSPECTIVE JUROR: Number 26.
15 THE COURT: 26.
16 PROSPECTIVE JUROR: You asked if I knew anyone
17 in the courtroom.
18 THE COURT: That's the next set of questions.
19 PROSPECTIVE JUROR: Uh-huh.
20 THE COURT: She'll stay with us.
21 Yes, sir, what's your juror number?
22 PROSPECTIVE JUROR: 185. I work in the
23 Department of Corrections.
24 THE COURT: This juror is exempt.
25 Next.

1 Yes, sir.

2 PROSPECTIVE JUROR: Number 150. I'm a truck
3 driver, self-employed.

4 THE COURT: If you're not making money --

5 PROSPECTIVE JUROR: Right.

6 THE COURT: Short haul or long haul?

7 PROSPECTIVE JUROR: Short.

8 THE COURT: This juror is exempt.

9 What's your juror number?

10 PROSPECTIVE JUROR: 68. I have a funeral --

11 THE COURT: Transfer to the spring.

12 Good luck with that.

13 PROSPECTIVE JUROR: Number 174.

14 THE COURT: 174, yes, ma'am?

15 PROSPECTIVE JUROR: I have a medical
16 appointment on Monday and also --

17 THE COURT: This upcoming Monday?

18 PROSPECTIVE JUROR: My father is 75 living
19 with cancer. I'm the only one who takes care of him.

20 THE COURT: Take care of that. She's exempt.

21 PROSPECTIVE JUROR: 51.

22 THE COURT: 5-1, yes, sir.

23 PROSPECTIVE JUROR: I own a barber shop. I'm
24 the owner and the only one there.

25 THE COURT: He's exempt.

1 Anybody else?

2 The juror panel is now qualified.

3 Is the State ready to call the case?

4 MS. HALL: Yes, sir, your Honor.

5 THE COURT: Call your case.

6 MS. HALL: The State of South Carolina vs.

7 Tyshawn Robinson, Docket Number 2021-GS-20-518 and

8 that's threatening the life of a public official.

9 2021-GS-20-518, resisting arrest under
10 Subsection (b).

11 And then 2023-GS-20-679, that's for hindering
12 an arrest.

13 THE COURT: You got those indictments --,
14 you've handed those to the clerk?

15 MS. HALL: Uh-huh.

16 THE COURT: Madam Clerk, you have the
17 indictments?

18 MADAM CLERK: I do.

19 THE COURT: Ladies and gentleman, let's do
20 this: We're having some technical issues up here, along
21 with it being one of the hottest places. Let's take a
22 brief recess. Y'all don't know anything about the case
23 except the name of the case. Y'all go on outside and
24 get some fresh air. We'll get you back in here in about
25 ten minutes.

1 And what we're going to do is, I'll have some
2 specific questions about the case being called to trial.
3 Y'all head on downstairs and enjoy this beautiful
4 weather.

5 (Whereupon, a short recess was taken.)

6 THE COURT: As you heard before we took a
7 brief recess, the State called to trial Tyshawn
8 Robinson. He has been charged with threatening the life
9 of a public official, teacher or principal. Assaulting,
10 beating or wounding a law enforcement and hindering
11 arrest. The charges against the defendant are contained
12 in these pieces of paper called an "Indictment."

13 An indictment is not evidence of anything.
14 It's simply the written description of the charge made
15 by the State against Mr. Robinson who is presumed
16 innocent until proven guilty beyond a reasonable doubt.

17 Mr. Robinson is not present right now. I've
18 been informed by his attorney that he is in route from
19 his employment. He thought it was tomorrow.

20 Is that correct, Ms. Boulware?

21 MS. BOULWARE: That's correct, Judge.

22 THE COURT: And that's fine. Not a problem.
23 Again, don't hold that against him. Okay? 'Cause the
24 government, the State has to prove him guilty. Just
25 because he may not be here when the jury is drawn up,

1 doesn't mean anything.

2 So having said that, I do -- I'll remind you,
3 you are under oath. I do have several questions to ask
4 you. Before I do that, I'll have each side introduce
5 themselves to you, whoever is prosecuting versus who is
6 defending.

7 Do y'all have a list of witnesses? I have
8 your proposed questions. Do y'all have a list of
9 witnesses?

10 MS. BOULWARE: I have none.

11 THE COURT: First, we'll go to you, Madam
12 Solicitor, if you'll introduce your people and we'll go
13 from there.

14 MS. HALL: My name is Julie Hall. I work with
15 the Solicitor's Office here in Fairfield. It's Riley
16 and myself. He's the deputy solicitor and he will be
17 trying the case with me.

18 THE COURT: Ms. Boulware?

19 MS. BOULWARE: Thank you, Judge.

20 My name is Kay Boulware. I practice criminal
21 law here in Fairfield County. Assisting me with jury
22 selection is William Frick, who you've already met and
23 Attorney Bob FitzSimons.

24 THE COURT: Thank you.

25 The first question I have, ladies and

1 gentlemen: Is any member of the jury panel ever been
2 represented by or prosecuted by any of the attorneys
3 involved in this case? Or is anybody related by blood
4 or marriage or close, personal or social relationship
5 with any of the attorneys?

6 If so, please stand.

7 No response.

8 Is anybody related by blood or marriage or
9 have any close, personal or social relationship with
10 Tyshawn Cornelius Robinson?

11 If so, please stand.

12 No response.

13 I'll read names of possible witnesses in the
14 trial. Same question: Do you know them or do you
15 closely know them or socially or personally or are you
16 related to them by blood or marriage?

17 That's James McLamore with the Fairfield
18 Sheriff's Office; Christopher Mills with the Fairfield
19 Sheriff's Office; Bryant Goodwin with the Richland
20 County Sheriff's Office.

21 Does anybody recognize those names which I've
22 described?

23 No response.

24 Does any member of the jury panel have any
25 bias or ill-will toward prosecutors, law enforcement, or

1 criminal defense attorneys?

2 If so, please stand.

3 No response.

4 Has any member of the jury panel ever been or
5 a member of your family or a close, personal friend ever
6 been arrested by law enforcement in Winnsboro or
7 Fairfield County?

8 If so, please stand.

9 What's your juror number?

10 PROSPECTIVE JUROR: 172.

11 THE COURT: 172. How do you answer that?

12 PROSPECTIVE JUROR: My mom was arrested for a
13 threatening charge.

14 THE COURT: What's your mother's name?

15 PROSPECTIVE JUROR: Sendlenski.

16 THE COURT: All right. How long ago was she
17 arrested?

18 PROSPECTIVE JUROR: A while ago.

19 THE COURT: Would that effect your ability to
20 be fair and impartial if you were selected to be a
21 juror?

22 PROSPECTIVE JUROR: No.

23 THE COURT: Thank you, sir. You can be
24 seated.

25 Anybody else.

1 Similarly, if you or any member of your family
2 or close friend ever been prosecuted by the solicitor's
3 office or district attorney's office here in Fairfield,
4 South Carolina?

5 If so, please stand.

6 No response.

7 Any member of the jury panel or somebody in
8 your immediate family have charges pending in either
9 Chester County, Fairfield County or Lancaster County
10 that's being prosecuted by the Sixth Circuit Solicitor's
11 Office?

12 If so, please stand.

13 PROSPECTIVE JUROR: Lexington.

14 THE COURT: Lexington County? No, sir, that
15 doesn't apply. What's your question -- I'm sorry.
16 What's your juror number?

17 PROSPECTIVE JUROR: 142.

18 THE COURT: 142. Thank you, sir.

19 Anybody else on that?

20 Has any member of the jury panel heard about
21 this case either on social media or news or Facebook or
22 anything like that?

23 No response.

24 Has any member of the jury panel or your
25 immediate family ever been the victim of a crime?

1 If so, please stand.

2 Yes, sir, in the back, what's your juror
3 number?

4 PROSPECTIVE JUROR: You said, "if they were a
5 victim"?

6 THE COURT: Yeah. If you were the victim of a
7 crime.

8 PROSPECTIVE JUROR: Oh, okay.

9 THE COURT: Thank you.

10 Next question. Has any member of the jury
11 panel ever been a witness to a crime?

12 If so, please stand.

13 No response.

14 Any member of the jury panel ever served on a
15 trial jury in court? If you've ever been on a trial
16 jury before, please stand.

17 Yes, ma'am. Your juror number?

18 PROSPECTIVE JUROR: 91.

19 THE COURT: What kind of case was it?

20 PROSPECTIVE JUROR: A murder trial.

21 THE COURT: How long ago was that?

22 PROSPECTIVE JUROR: Probably 40 years.

23 THE COURT: Was that in Fairfield County?

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: What was the verdict?

1 PROSPECTIVE JUROR: Voluntary manslaughter.

2 THE COURT: That was guilty of the lessor
3 offense?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: Would that effect your ability to
6 be fair and impartial to the trial of this case?

7 PROSPECTIVE JUROR: No.

8 THE COURT: Thank you.

9 In the back, yes, sir, what's your juror
10 number?

11 PROSPECTIVE JUROR: 10.

12 THE COURT: Yes, sir.

13 PROSPECTIVE JUROR: I was on a jury trial. I
14 don't know how long ago.

15 THE COURT: What kind of case was it? Do you
16 remember?

17 PROSPECTIVE JUROR: I think a stolen TV, it
18 looked like.

19 THE COURT: Okay. Was it a criminal case or
20 civil case?

21 PROSPECTIVE JUROR: I think so. It's been so
22 long, I just remember being on the jury.

23 THE COURT: Could you be fair?

24 PROSPECTIVE JUROR: Yes, sir.

25 THE COURT: Thank you, sir.

1 Anybody else on that question?

2 Does any member of the jury panel have any
3 legal education or legal training or is employed with a
4 law firm, prosecutors office or criminal defense
5 attorneys office?

6 If so, please stand.

7 No response.

8 Does any member of the jury panel or somebody
9 in your immediate family belong to or contribute to any
10 organizations whose primary purpose is the furtherance
11 of victim rights or prisoners rights like Mothers
12 Against Drunk Driving or Students Against Drunk Driving,
13 Sister Care or any social justice organization like
14 Black Lives Matter, Fraternal Order of Police or Blue
15 Lives Matter? Anything like that?

16 Is anybody a dues paying member or a regular
17 financial contributor to those types organizations?

18 If so, please stand.

19 No response.

20 Any further voir dire from the State?

21 MS. HALL: Nothing else, your Honor.

22 THE COURT: Anything from the defense?

23 MS. BOULWARE: No, your Honor.

24 MS. HALL: I think I'm submitting something.

25 THE COURT: In light of recent news reports

1 and/or reactions to such news on social media, has any
2 juror developed an opinion regarding law enforcement
3 which would effect your ability to be fair and
4 impartial?

5 If so, please stand.

6 No response.

7 I guess I could rephrase that question.

8 Does anybody understand that what you read on
9 social media is not necessarily the truth?

10 No reply.

11 Thank you. Nobody responded thankfully.

12 All right. No further questions from either
13 side. What we're going to do now, ladies and gentleman,
14 is, the clerk of court's office has a software program.
15 We're having a few issues with it -- but I'll explain it
16 to you while they work it out.

17 What it does, is it randomly collates your
18 name. Not alphabetical. Not numerical. Okay? And
19 puts them on a list. Okay? And then from that list,
20 the clerk will call your name and you'll just stand
21 where you are. And then each side gets to decide
22 whether or not they want you to be on the trial jury.

23 That's basically how jury selection works in
24 every county, in every state in our great United States
25 of America. Okay?

1 There's many reasons why a lawyer may not want
2 you on a particular type of case. If you don't make the
3 cut, don't hang your head in shame. Okay? It's okay.
4 So that's what's going to happen.

5 So what we're going to, we'll have 12 jurors
6 and one alternate. So now you can figure out what your
7 odds are. Okay?

8 So while we're waiting on this list to --

9 MADAM CLERK: It's going to take us a few
10 minutes.

11 THE COURT: Okay, that's fine. Judy said it
12 is going to take a few minutes to figure out what the
13 issue is. And once we get it printed out, I'm going to
14 give the defense lawyers and a piece of paper with all
15 the names on it. I'm going to give the State's lawyer
16 the same thing. I'm going to go to the back. I'm going
17 to let them look at it for about five minutes. That's a
18 tight five minutes because it's hot in here. And then
19 we're going to strike a juror.

20 Everybody sound good with that?

21 Now, having said that, if during the next five
22 minute or so you feel like you need to step out and cool
23 off, feel free to because we'll be in recess for the
24 next five or ten minutes while they get the issues
25 worked out. Okay?

1 And then we'll strike this jury and we can be
2 done for the day. Sound good?

3 All right. We're in recess. Don't talk about
4 the case. You don't know anything about it.

5 (Whereupon, a short recess was taken.)

6 THE COURT: Madam clerk, let's strike up the
7 jury.

8 MADAM CLERK: Plaintiff strikes first.

9 Number 26, Khadija Bland. If you'll stand up.

10 THE COURT: What says the State?

11 MS. HALL: Please present the juror.

12 MADAM CLERK: What says the defense?

13 MS. BOULWARE: Please seat this juror.

14 MADAM COURT: You will be one of our jurors.

15 THE COURT: Just have a seat right there until
16 we get y'all up here at once. Okay?

17 MADAM CLERK: Number 128, Karen Mattox. What
18 says the State?

19 MS. HALL: Please present this juror.

20 MADAM CLERK: What says the defense?

21 MS. BOULWARE: Please excuse this juror from
22 this trial.

23 MADAM CLERK: You're excused from this case,
24 Ms. Mattox.

25 Number 163, Alexis Ruff. What says the State?

1 MS. HALL: Please present this juror.

2 MADAM CLERK: What says the defense?

3 MS. BOULWARE: Please seat this juror.

4 MADAM CLERK: You will be one of our jurors,

5 Ms. Ruff.

6 Number 200, Morris Worthington. What says the

7 State?

8 MS. HALL: Please present this juror.

9 MADAM CLERK: What says the defense?

10 MS. BOULWARE: Please seat this juror.

11 MADAM CLERK: You will be one of our jurors,

12 Mr. Worthington.

13 Number 194, Larry Weldon. What says the

14 State?

15 MS. HALL: Please seat this juror.

16 MADAM CLERK: What says the defense?

17 MS. BOULWARE: Please seat this juror.

18 MADAM CLERK: You'll be one of our jurors,

19 Mr. Weldon.

20 Number 182, Janie Trent. What says the State?

21 MS. HALL: Please present this juror.

22 MADAM CLERK: What says the defense?

23 MS. BOULWARE: Please excuse this juror from

24 this case.

25 MADAM CLERK: You're excused from this case,

1 Ms. Trent.

2 THE COURT: You can't leave yet. Just have a
3 seat where you are. I know it's hot. I want to leave
4 too.

5 MADAM CLERK: Number 115, Virginia Killius.
6 What says the State?

7 MS. HALL: Please present this juror.

8 MADAM CLERK: What says the defense?

9 MS. BOULWARE: Please seat this juror.

10 MADAM CLERK: You'll be one of our jurors,
11 Ms. Killius.

12 Number 84, Sandra Hall. What says the State?

13 MS. HALL: Please present this juror.

14 MADAM CLERK: What says the defense?

15 MS. BOULWARE: Please seat this juror.

16 MADAM CLERK: You'll be one of our jurors,
17 Ms. Hall.

18 Number 5, Heather Avery. What says the State?

19 MS. HALL: Please present this juror.

20 MADAM CLERK: What says the defense?

21 MS. BOULWARE: Please excuse this juror.

22 MADAM CLERK: You're excused from this case,
23 Ms. Avery.

24 Number 134, Mark Meadows. What says the
25 State?

1 MS. HALL: Please present this juror.

2 MADAM CLERK: What says the defense?

3 MS. BOULWARE: Excuse this juror.

4 MADAM CLERK: You're excused from this case,
5 Mr. Meadows.

6 Number 71, Richard Fernandez. What says the
7 State?

8 MS. HALL: Please present this juror.

9 MADAM CLERK: What says the defense?

10 MS. BOULWARE: Please present this juror.

11 MADAM CLERK: You will be one of our jurors,
12 Mr. Fernandez.

13 Number 49, Lane Coleman. what says the State?

14 MS. HALL: Please present this juror.

15 MADAM CLERK: What says the defense?

16 MS. BOULWARE: Please seat this juror.

17 MADAM CLERK: You will be one of our jurors,
18 Mr. Coleman.

19 Number 76, Jalisa Gatson. What says the
20 State?

21 MS. HALL: Please excuse this juror.

22 MADAM CLERK: You're excused, Ms. Gatson.

23 Number 45, Kathy Chapel. What says the State?

24 MS. HALL: Please present this juror.

25 MADAM CLERK: What says the defense?

1 MS. BOULWARE: Please seat this juror.

2 MADAM CLERK: You will be one of our jurors,
3 Ms. Chapel.

4 Number 74, Christopher Gantt. What says the
5 State?

6 MS. HALL: Please present this juror.

7 MADAM CLERK: What says the defense?

8 MS. BOULWARE: Please excuse this juror.

9 MADAM CLERK: You're excused from this case,
10 Mr. Gantt.

11 That's five.

12 Number 161, Janet Rodgers. What says the
13 State?

14 MS. HALL: Please excuse this juror.

15 MADAM CLERK: You're excused from this case,
16 Ms. Rodgers.

17 Number 114, Jimmy Kennedy. What says the
18 State?

19 MS. HALL: Please present this juror.

20 MADAM CLERK: Any challenge for cause from the
21 defense?

22 MS. BOULWARE: No, ma'am.

23 MADAM CLERK: You'll be one of our jurors,
24 Mr. Kennedy.

25 Number 172, Noah Sendlenski. What says the

1 State?

2 MS. HALL: Please present this juror.

3 MADAM CLERK: Any challenge for cause?

4 MS. BOULWARE: No, ma'am.

5 MADAM CLERK: You'll be one of our jurors,
6 Mr. Sendlenski.

7 Number 165, Chiquita Sanders. What says the
8 State?

9 MS. HALL: Please present this juror.

10 MADAM CLERK: Any challenge for cause by the
11 defense?

12 MS. BOULWARE: No, ma'am.

13 MADAM CLERK: You'll be one of our jurors,
14 Ms. Sanders.

15 THE COURT: One and two on the alternates.
16 We're just doing one alternate.

17 MADAM CLERK: Number 179, Jacquelin Taylor.
18 What says the State?

19 MS. HALL: Please excuse this juror.

20 MADAM CLERK: You're excused from this case,
21 Ms. Taylor.

22 Number 142, Carl O'Dell. Any challenge by the
23 State?

24 MS. HALL: No challenge.

25 THE COURT: No challenge for cause.

1 MS. BOULWARE: Please excuse this juror.

2 MADAM CLERK: You're excused from this case,
3 Mr. O'Dell.

4 Number 53, Cheryl Crumblin.

5 MS. HALL: No challenge for cause.

6 THE COURT: What says the defense?

7 MS. BOULWARE: Seat this juror.

8 MADAM CLERK: You will be our first alternate.

9 THE COURT: That's it.

10 Ladies and gentleman, listen carefully: The
11 clerk is going to call your names and juror number. As
12 your name and jurors number is called, please come up
13 here and have a seat in the jury box. And then I'll
14 have instructions for y'all momentarily, as well as for
15 everybody else.

16 MADAM CLERK: Khadija Bland; Alexis Ruff;
17 Morris Worthington; Larry Weldon; Virginia Killius;
18 Sandra Hall; Richard Fernandez; Lane Coleman; Jimmy
19 Kennedy; Noah Sendlenski; Chiquita Sanders; and our
20 alternate, Cheryl Crumblin and Kathy Chapel.

21 THE COURT: Any matters of law regarding jury
22 selection from the State?

23 MS. HALL: No, sir.

24 THE COURT: From the defense?

25 MS. BOULWARE: No, sir.

1 THE COURT: Thank you.

2 Ladies and gentlemen of the trial jury,
3 there's -- you can have a seat wherever. There's no
4 assigned seats. Sorry. We'll get into all that
5 tomorrow.

6 What I'm going to do right now is, I'm going
7 to have the bailiff show you where your jury room is.
8 Just stay by there just for a moment while I talk to the
9 rest of your fellow jurors and then I'll let you know
10 what we're going to do today.

11 Madam Bailiff, if you'll take them back to the
12 jury room. Don't talk about the case. You don't know
13 anything about it.

14 (Jurors excused.)

15 THE COURT: Everybody else, again, thank you
16 for your patience with this heat. You're on-call this
17 week, meaning that you don't have to show up everyday.
18 You have a call-in number on your card. Call that
19 number tomorrow after 6:00 p.m. and it will let you know
20 what you're supposed to do for Wednesday. It may be,
21 "show up Wednesday morning" at a certain time; it may
22 be, "you're done," you know, whatever. I don't know.
23 Okay? But just that we've got to figure out what the
24 business is before the Court.

25 Anybody got any questions? If you need a work

1 excuse, you can go downstairs to the clerk's office.

2 Anything else?

3 All right. You're dismissed.

4 (Whereupon, a short recess was taken.)

5 THE COURT: We're back on the record.

6 We have a juror. What's your juror number,
7 ma'am?

8 JUROR NO. 26: 26.

9 THE COURT: Juror Number 26, she raised her
10 hand and said she knows the defendant's mother.

11 How well do you know the defendant's mother?

12 JUROR NO. 26: Not a lot. I know we used to
13 work together.

14 THE COURT: You know that they used to work
15 together?

16 JUROR NO. 26: I worked with her.

17 THE COURT: Do you know the defendant?

18 JUROR NO. 26: No.

19 THE COURT: Can you be fair and impartial?

20 JUROR NO. 26: Yes.

21 THE COURT: Okay. Thank you, ma'am. Just go
22 back to the jury room.

23 (Juror exited.)

24 THE COURT: What says the State?

25 MS. HALL: Keep her for now.

1 THE COURT: Before you answer, the alternate
2 said, "I am the alternate, do I have to be here all the
3 time?"

4 MS. BOULWARE: Keep her for now.

5 THE COURT: Thank you. That takes care of
6 that. We'll see y'all tomorrow.

7 (Whereupon, the jury trial was adjourned
8 for the day.)

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1 P-R-O-C-E-E-D-I-N-G-S

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3 (Whereupon, the jury trial commenced.)

4 THE COURT: Any pretrial matters.

5 MS. BOULWARE: Judge, I do have one.

6 We're just waiting for Julie.

7 THE COURT: Is your client here?

8 MS. BOULWARE: Yes, sir.

9 THE COURT: Okay.

10 (Whereupon, a short recess was taken.)

11 THE COURT: We're back on the record in the
12 State vs. Tyshawn Robinson. I am asking the attorneys
13 if there are any pretrial issues.

14 Are there any from the State?

15 MS. HALL: I just have to have a five-minute
16 *Denno* hearing.

17 THE COURT: I'm sorry?

18 MS. HALL: I probably need another five
19 minutes for a *Denno* hearing.

20 THE COURT: Okay. Are there any issues from
21 the defense?

22 MS. BOULWARE: Well, the only thing that I was
23 going to say, as far as a *Denno* hearing, I'm not really
24 worried about that so much. I was just going to ask the
25 State what of the interview with McLamore that they were

1 going to use.

2 I don't mind if they use the whole thing,
3 except toward the end when he starts talking about being
4 on parole. He was currently on parole at the time and
5 they have a conversation about that and I would like for
6 that to be excluded or redacted from the video.

7 THE COURT: But there's no challenge to the
8 voluntariness of the statement?

9 MS. BOULWARE: No, sir.

10 MS. HALL: I don't think that I should put
11 that in, that he was on parole at the time. If you'll
12 give me the timestamps so I can be very clear about when
13 that is.

14 THE COURT: So there is no need for a *Jackson*
15 *v. Denno* hearing then?

16 MS. HALL: Well, he makes other statements.

17 THE COURT: Well, that's what I'm asking. Are
18 there any other challenges to the voluntariness of
19 the --

20 MS. BOULWARE: Judge, I've watched the video
21 two or three times and the statements I've heard, other
22 than the issues about the parole, I'm fine with those.

23 THE COURT: Is the defense challenging those
24 statements coming into evidence other than the part
25 about him saying he was on parole?

1 MS. BOULWARE: No, sir.

2 THE COURT: Okay.

3 MS. HALL: And just to be very clear on the
4 record. He was Mirandized by McLamore before he was
5 interviewed and before he began to talk to the police.

6 And in those statements, I just want to be
7 clear, that those were voluntary and they were pursuant
8 to Miranda and that that's stipulated to --

9 THE COURT: If the defense doesn't challenge
10 them, there is no *Denno* issue.

11 MS. BOULWARE: Yeah. I don't have any *Denno*
12 issues.

13 THE COURT: Okay. There we go.

14 MS. BOULWARE: Judge, that was No. 5 on my
15 motion in limine. So everything else, other than No. 6,
16 I think we've pretty much covered.

17 THE COURT: I see it now.

18 MS. BOULWARE: I believe I've got all the
19 evidence, all the body-worn cameras. And the only thing
20 in No. 6 is -- and I don't anticipate at this time that
21 my client will testify, but we can address this at the
22 appropriate time if he decides to split the convictions
23 they will use.

24 THE COURT: Right. We can do that after the
25 State rests.

1 MS. BOULWARE: Yes, sir.

2 MS. HALL: Thank you.

3 THE COURT: All right. So then, for the
4 record, then, under defense motion in limine No. 5 is --
5 well, let's go over them, just to make sure the record
6 is clear.

7 No. 1, "The defendant moves that the State be
8 required to reveal on the record the full extent of any
9 plea bargains offered of any testifying witnesses."

10 That's not an issue.

11 MS. BOULWARE: That's not an issue.

12 THE COURT: All we have are law enforcement
13 officers.

14 Okay. No. 2, "All copies of wrap sheets."

15 We don't have anything on that.

16 THE COURT: No. 3, "Any potential witnesses
17 have any" --

18 There's nobody other than law enforcement;
19 right?

20 MS. HALL: Right.

21 THE COURT: Okay. No. 4, they requested a
22 Denno Hearing but they're withdrawing that request
23 because they agree that everything gets to come in
24 without challenge except for a 46-minute timestamp,
25 47:30 timestamp where he talks about him being on

1 parole.

2 MS. BOULWARE: Judge, I would like to amend
3 that. I accidently did not -- I watched it again and he
4 does continue to talk about that after the 47:30
5 timestamp.

6 THE COURT: Okay.

7 MS. BOULWARE: So anything from 46 through the
8 rest of the video. I believe it's not that much left to
9 it after that but it is sprinkled with some
10 conversations about him being on parole.

11 THE COURT: Okay.

12 MS. HALL: Yeah, I don't plan to get past the
13 45:35 timestamp.

14 THE COURT: So anything after 45:35 is not
15 coming in.

16 MS. BOULWARE: Judge, just for efficiency
17 purposes. I don't think much happens between a minute
18 15 and a minute 35. I think it's just a lot of waiting
19 around in the ER. And we can talk about this later if
20 you want too. It could be -- just for efficiency with
21 the jury, it might be quicker to skip through that part
22 unless the State has something in there they want to
23 use.

24 MS. HALL: No. At 40:11 was when I was going
25 to start it. I'm not planing to do anything -- I don't

1 know whose body-cam video we're talking about.

2 MS. BOULWARE: I'm talking about Sergeant Mac.

3 MS. HALL: Okay.

4 THE COURT: Okay. Anything else?

5 MS. BOULWARE: No, sir.

6 MS. HALL: I don't think so.

7 THE COURT: Without any further adieu, we'll
8 go ahead and bring the jury out. We'll get them sworn
9 in and move in to opening statements -- after I talk to
10 them briefly, then we'll get started.

11 (Jurors entered.)

12 THE COURT: Good morning, ladies and gentlemen
13 of the jury. It feels a lot better in here and
14 hopefully it continues to stay that way. If it doesn't,
15 if any of you are uncomfortable, please let me know.

16 Eventually, y'all will elect a foreperson of
17 the jury and we'll get into that later on and that
18 person can let me know. But we've made agreements to
19 move to the family court or magistrates court building
20 in the event it gets too stifling in here. Okay?

21 Right now we're going to go ahead and get
22 started. So at this time, I'm going to defer to the
23 clerk of court.

24 THE CLERK: Please stand and raise your right
25 hands.

1 *You will well and truly try, in true*
2 *deliverance make, between the State of South Carolina*
3 *and the Defendant, and give a true verdict according to*
4 *the law and evidence, so help you God?*

5 ALL JURORS: "I do."

6 THE CLERK: Please be seated.

7 THE COURT: Thank you, ladies and gentleman.

8 Now, before we begin the trial, let me talk
9 briefly to you because this trial is probably going to
10 be different than what you might expect.

11 Many people don't have a chance to attend
12 actual court sessions. And they tend to think that what
13 they see on TV or what they read in books or what they
14 see in the movies is the way that court always is.
15 Okay?

16 That may be true at some time, but typically
17 there's not, you know, riveting action and high drama,
18 intense action, that kind of stuff. This trial is not
19 for entertainment, like TV trials are or movie trials
20 are or even book trials. This trial is a fundamental
21 part of our democracy, to make sure that justice is done
22 between the parties before the Court.

23 You know, making sure that justice is done can
24 sometimes be an often slow, deliberate, and repetitive
25 process, the opposite of what you may be expecting.

1 Now This beautiful courtroom is a place of
2 honor, dedicated to the preservation and protection of
3 citizen's rights through what many have called the
4 greatest justice system ever created.

5 The attorneys appearing before you are
6 advocates for the parties they represent. But first and
7 foremost, they are officers of this court, sworn to
8 uphold the integrity and fairness of our judicial system
9 and to help you reach a verdict.

10 You should expect them to be professional,
11 competent, and ethical in their representation of their
12 client's interest.

13 Remember, you've just taken an oath to try
14 this case and to reach a verdict. You're also expected
15 to act that way.

16 Thank you again for accepting this important
17 responsibility.

18 Now, let me tell you how a trial proceeds.
19 Okay? Typically, the State will make an opening
20 statement to you and kind of give you an outline of what
21 the State believes the evidence will show.

22 The defense can make an opening statement, if
23 they want to, but they don't have to for reasons which
24 I'll get into later on. It's important for you to
25 remember that an opening statement is not evidence.

1 That's a lawyers opportunity to speak directly to you to
2 let you know what that lawyer thinks you will be
3 hearing, what you should do about that. Okay?

4 Now, following opening statements, that's
5 where we being what I called the testimony and evidence
6 phase of the trial. That will consist of testimony from
7 various witnesses right here, as well as the
8 introduction of various exhibits which may be introduced
9 for you to consider when you deliberate your verdict.

10 Following completion of the testimony and
11 evidence phase of the trial, the attorneys again will
12 have an opportunity to speak directly to you by what is
13 called closing arguments.

14 That's when they will argue to you as to what
15 they believe the evidence has shown and as to what your
16 verdict should be. Again, those are not considered
17 evidence; they are arguments. Okay?

18 Now, after all that happens, that's when I
19 will speak again directly to you and I will instruct you
20 on the law of South Carolina as it pertains to the
21 issues which have arisen in this case. So that is a
22 great segue for me to explain what your role is here.

23 You're the judges of the facts. You weigh the
24 facts. You determine the credibility of the facts, the
25 circumstances. That's your job. You're the judge of

1 the facts. I'm the judge of the law.

2 I tell you what the law is at the conclusion
3 and you use the law which I give you along with the
4 facts as you find them to be and that's how you reach
5 your verdict.

6 Now, in following the law which I give you,
7 ladies and gentlemen, you must follow that law whether
8 you agree with it or not. And please don't take
9 anything I may say or do during this trial as indicating
10 what you think I think of the evidence. Because what I
11 think of the evidence, doesn't matter, that's your job.
12 Okay?

13 As you know, this is a criminal case that's
14 been brought by the State of South Carolina, represented
15 by the attorneys that we call solicitors. The State has
16 charged the defendant with hindering an arrest, with
17 assaulting, beating or wounding a law enforcement
18 officer, and threatening the life of a public official,
19 teacher, or principal.

20 The charges against the defendant are
21 contained, again, in these pieces of paper called an
22 indictment. Okay? Again, it's not evidence of
23 anything; it's just away that a case comes into court.
24 It's a written description of the charges made against a
25 defendant.

1 The defendant has plead not guilty to these
2 charges and is presumed innocent, unless and until
3 proven guilty beyond a reasonable doubt by the State of
4 South Carolina.

5 A reasonable doubt is that kind of doubt that
6 would cause a reasonable person to hesitate to act. A
7 defendant has a right not to testify. A defendant never
8 has to prove innocence. A defendant never has to
9 present any evidence. That's why the defendant's
10 attorney doesn't even have to give an opening statement
11 if they don't want to. The burden of proof is always
12 upon the State of South Carolina.

13 Now, just like rules which govern sports and
14 other activities, we have certain rules of evidence in
15 court which controls what can come into evidence.

16 All y'all are familiar with the procedure of a
17 lawyer saying, "objection, your Honor." What that means
18 is that if a lawyer makes an objection to a question
19 that's asked, that that lawyer thinks may violate the
20 rules of evidence, she can make an objection and that
21 then calls upon me to make a legal ruling. Okay?

22 So if I overrule that objection, the question
23 must be answered or the thing must come into evidence.

24 If I sustain an objection, then the question
25 cannot be answered or the thing cannot come into

1 evidence. And that's a legal ruling on my part.
2 Meaning, that you can't speculate what the answer would
3 have been or what the thing would have shown because
4 that's outside your role.

5 You are to only judge the evidence and the
6 testimony that comes into evidence in this courtroom.

7 In deciding the facts of this case, you may
8 have to decide which witnesses to believe and which
9 witnesses not to believe. You can believe everything a
10 witness says or only part of it or none of it. That's
11 what we call credibility of witnesses.

12 You're not going to be allowed to take notes
13 during the trial. So please pay close attention to
14 what's happening so you can accurately recollect when
15 you're deliberating your verdict.

16 And people ask, why don't you let them take
17 notes, Judge? Well, because if you're like me, you tend
18 to doodle a lot and draw things and not really pay
19 attention. And I don't want one person's memory to be
20 better than the other person's memory because they have
21 something written down which may be inaccurate. That's
22 why I want all of you to be able to talk about it as you
23 accurately remember it to be.

24 And you're not going to have a transcript at
25 the end of the trial to consult. It's very costly and

1 time consuming for my court reporter to print out
2 portions of testimony. So please listen while we go
3 through all of this. I'm almost done.

4 And until I advise you -- I told you this
5 yesterday before y'all left. Until I advise you to
6 begin your deliberations, you must not and cannot
7 discuss this case with anyone, even yourselves. Can't
8 discuss with your friends, family members or anybody
9 else involved in this case because all the evidence
10 isn't in yet.

11 Can't do any independent research on the case
12 or go on social media or Google names and that kind of
13 things because that's outside your role as jurors in
14 this case.

15 Now, it's important, ladies and gentlemen, to
16 keep an open mind and not decide anything in this case
17 until all of the evidence is submitted, the parties have
18 made their closing arguments and I've instructed you on
19 the law. It is your solemn responsibility to determine
20 the guilt or innocence of this defendant. And your
21 verdict must be based solely on the evidence presented
22 to you in this trial and solely on the law as I instruct
23 you during and at the close of the trial.

24 Thank you again for your role as jurors in
25 this case. We will now begin opening statements.

1 Madam Solicitor?

2 MS. HALL: Your Honor, may we approach real
3 quick?

4 THE COURT: Okay.

5 (Whereupon, a discussion was held off the
6 record.)

7 THE COURT: Madam Solicitor, opening
8 statements.

9 MS. HALL: Good morning. My name is Julie
10 Hall. I told you that earlier yesterday and I represent
11 South Carolina. And I know his Honor told you guys that
12 at the end of trial, he will tell you what the law is.

13 I kind of think it's important for you to have
14 a general idea of what it is as you're going through so
15 that you know what you're dealing with.

16 And obviously, at the end of the trial, if I
17 say anything that's not exactly what he says, you need
18 to take what he says. But I want to give you a brief
19 overview of what this defendant is charged with before
20 we begin.

21 I want to say a couple of things before we
22 even get into that. This trial will be super short, at
23 least from my standpoint. Three law enforcement's
24 witnesses who were at the scene on the date this
25 occurred. And just because it's short, doesn't mean

1 it's not important. It's very important, I'm assuming,
2 to the defendant and I know it's important to the State
3 and I know it's important to the law enforcement
4 officers who were just trying to do their job the day
5 this all happened.

6 To that end, I want to talk real quick about
7 what he's actually charged with. He's charged with
8 assaulting an officer. It's commonly known as resisting
9 (b), but you don't have to necessarily resist arrest.

10 The facts basically are, on this day, the
11 defendant was at his -- his name is Tyshawn Robinson,
12 was at his house. His brother, Tykavis Sampson, was
13 also at the house. Tykavis Sampson got into an argument
14 with the mother of his child. They were in an argument
15 and you will hear the officer testify about this.

16 It was just to kind of hand over some kids.
17 It started out very benign. So law enforcement was
18 called because he wouldn't give the kids back. Again,
19 not the defendant, this is his brother, we're starting
20 off with him.

21 Now, he won't give the kids back. The cops
22 come out there. And he ultimately hands the kids over,
23 but doesn't hand the bag over and at some point during
24 the argument with the momma, he had taken her phone.

25 And the little child is there and he's not a

1 baby, obviously. He's a little kid. He says, "He's got
2 it in his pocket."

3 The officer goes back to Tykavis Sampson and
4 tells him, "You have to give the phone back," and, "We
5 know you have it," at which point they take him into
6 custody.

7 They take him and try to find the phone. They
8 say, "If you have the phone, just give it to us,
9 otherwise, there's going to be a charge. Just give us
10 the phone, nothing's going to happen."

11 So once they put him in handcuffs, here comes
12 Tyshawn Robinson, the defendant, around the corner. And
13 he's all upset because his brother is in handcuffs and
14 jumps the cop. In doing so, he tells Bryan Goodwin,
15 "I'm going to kill you." There's a lot of screaming in
16 the background. There's a lot going on.

17 The mother of these boys, who's now deceased,
18 she was there at the time so she was screaming and
19 there's some other people around. Like I said, a lot of
20 background noise. So that's basically what happened.

21 And later on, they take them away to the
22 police car and Officer McLamore talks to him and you
23 will hear that. There's a lot of body-cam video that we
24 will play in a minute. We'll try to keep it as short as
25 possible and get to the meat of what's important.

1 But he's charged with three things. He's
2 charged with assaulting an officer, which I've already
3 talked about. It states it's, "unlawful for a person to
4 knowing and willingly assault" -- which assaulting is
5 not necessarily hitting, it's just the threatening to
6 hit -- and assaulting, beating.

7 Thankfully he wasn't wounded while law
8 enforcement officer engages in serving or attempting to
9 serve the allege writ or process.

10 The "process" is trying to detain or
11 investigate something. The officers is trying to do
12 their job when they get jumped by Tyshawn. He knew or
13 should have known they were law enforcement officers.
14 They came in cop cars, had cop uniforms on, so he knew
15 they were law enforcement.

16 The second thing he's charged with is
17 threatening the life of a public official. And I
18 already talked about that too. Public official or
19 public employee. He's obviously law enforcement. And
20 he, according to Goodwin, he said, "I'm going to kill
21 you."

22 And that's a verbal communication as a threat,
23 to take the life of the officer.

24 He's also charged with hindering a police
25 officer which is in this and he's assaulted him while he

1 was trying to do his job. He is also hindering what
2 he's trying to do with Tykavis Sampson. He's trying to
3 prevent him from being taken into custody. And he's
4 trying to interfere with the police officer while trying
5 to do his job. Those are the three things he's charged
6 with. And you will hear the testimony from the three
7 officers who were on the scene that day.

8 And as your Honor has asked you, please pay
9 close attention to everything they say and I submit, at
10 the end of this, you will see he's guilty on all three
11 charges. Thank you.

12 THE COURT: Thank you, Madam Solicitor.

13 Ms. Boulware?

14 MS. BOULWARE: Thank you, your Honor.

15 Good morning. The Solicitor is correct. This
16 is going to be a pretty short trial. She's also correct
17 when she says, "It's important to my client." It's
18 important to Tyshawn Robinson. Tyshawn Robinson denies
19 ever threatening Officer Goodwin. I believe, when you
20 watch the body-cam videos, that probably will become
21 clear to you.

22 What this case is really about, ladies and
23 gentleman, is an officer who basically had a bad day.
24 He overstepped some procedures. He escalated a
25 situation that did not need to be escalated because he

1 didn't follow that procedure.

2 And then what I think you'll see on the
3 body-cam video is how he tries to get his story straight
4 after that, after there's some realization that uh-oh,
5 this probably did not go the way it should have. We'll
6 hear them talk about that in a little bit.

7 But there are two things that I'd like you to
8 keep in mind. One thing the Judge will probably charge
9 you on is intent. What did Tyshawn intend that day? He
10 denies intending any of this.

11 And again, I think once the body-cam videos
12 are played, they will speak for themselves on that.

13 And the other thing the Judge will tell you
14 about at the end of the trial -- and I'll try not to get
15 into it too much now because it tends to get confusing
16 at the beginning -- is reasonable doubt. That's a
17 standard for criminal trials. It's a pretty high
18 standard. The Judge will tell you the law about that
19 and tell you what this is. But in layman's terms,
20 that's kind of how I like to describe it.

21 Is there any other reasonable explanation for
22 why this could have happened?

23 Once all of the evidence has been presented
24 and the testimony, I think you'll see that yes, there is
25 another reasonable explanation. It's that perhaps as

1 hard as these law enforcement officers jobs are -- and I
2 do not disagree with that -- that perhaps sometimes they
3 do have a bad day and things don't go exactly like they
4 are supposed to. Thank you.

5 THE COURT: Thank you, Ms. Boulware.

6 The State can call its first witness.

7 MS. HALL: The State calls Bryant Goodwin.

8 THE CLERK: Please raise your right hand.

9
10 B-R-Y-A-N-T G-O-O-D-W-I-N, the Witness herein, having
11 been sworn by the Clerk of Court, was examined and
12 testified as follows:

13
14 DIRECT EXAMINATION

15 BY MS. HALL:

16 Q. Your name is Bryant Goodwin?

17 A. That's correct.

18 Q. Where are you currently employed?

19 A. Richland County Sheriff's Office.

20 Q. How long have you been working there?

21 A. For about eight months now.

22 Q. And on September 26th of 2021, where were you
23 working?

24 A. Fairfield County Sheriff's Office.

25 Q. And were you on duty that day?

1 A. Yes, ma'am.

2 Q. And did you have occasion to come into contact
3 with Tyshawn Robinson that day?

4 A. Yes, ma'am.

5 Q. And you heard me describe what happened in my
6 opening statement about you guys going to the house.

7 Can you tell the jury how the call initially
8 came out.

9 A. It initially came out as a domestic
10 disturbance between Ms. Mobley and Mr. Tykavis.

11 Q. Tykavis Sampson?

12 A. Yes.

13 Q. And that's the defendants, Tyshawn Robinson's
14 brother?

15 A. Right. Yes, ma'am.

16 Q. Were you the first person on the scene?

17 A. That's correct.

18 Q. And at some point did somebody come and back
19 you up?

20 A. Yes, ma'am.

21 Q. Who was that?

22 A. Deputy Mills.

23 Q. And at some point did another deputy come to
24 the scene as well?

25 A. Yes, ma'am.

1 Q. Who's that?

2 A. Deputy McLamore.

3 Q. You mentioned that the three law enforcement
4 officers that were on the scene during entirety of this?

5 A. That's correct.

6 Q. Nobody else?

7 A. No, ma'am. Nobody else.

8 Q. When you went to the house or to the scene
9 that day, you said there was a domestic -- did you
10 guys -- were you working -- what was that about?

11 A. Basically, Ms. Mobley called and stated that
12 Mr. Sampson refused to return her child. He had a
13 birthday party and took her personal cell phone.

14 Q. And how many children did you deal with on
15 scene?

16 A. There was a lot of people at scene. I don't
17 recall how many children. I dealt with one children
18 specifically -- one child specifically.

19 Q. Was that a little boy or a little girl?

20 A. It was a little boy.

21 Q. About how old was that little child?

22 A. From the age of -- at the time, from what I
23 can remember, five to six years old.

24 Q. And then the baby, infant?

25 A. There was an arm baby there, yes.

1 Q. "Arm baby"?

2 A. It was a smaller child.

3 Q. I've never heard that term before, "arm baby."

4 A. I'm sorry.

5 Q. You get the -- you have the baby and did you
6 talk -- you said Ms. Mobley said that Mr. Sampson had
7 taken her purse with her phone in it; is that correct?

8 A. That's correct.

9 MS. BOULWARE: Objection, your Honor.
10 Hearsay.

11 THE COURT: Rephrase your question.

12 Q. (By Ms. Hall) At that point in time, were you
13 trying to investigate what had happened with
14 Ms. Mobley's phone?

15 A. That's correct.

16 Q. As part of that investigation, did you talk
17 with the five-year-old-child?

18 A. That's correct.

19 Q. And based on what that five-year-old-child
20 told you, did you go back to talk with Mr. Tykavis
21 Sampson again?

22 A. That's correct, yes.

23 Q. And were you doing so in an attempt to get the
24 phone back?

25 A. Doing so until an attempt to make charges as

1 to the investigation.

2 Q. At this point, how long had you been going
3 back-and-forth between Ms. Mobley, the mother and
4 Tykavis Sampson, the brother of the defendant?

5 A. Quite a few times.

6 Q. Quite a few times.

7 Had you gone back-and-forth to try to get the
8 kids and try to get the cell?

9 A. Yes.

10 Q. And just can you describe that, what you did,
11 like in terms of how long it took and how many trips you
12 had to make back-and-forth.

13 A. At least two to three times went and talked to
14 him about giving the phone back. Went back to her and
15 that's when we made contact with the child. The child
16 told us, "I seen him have the phone," and we went back
17 and detain him.

18 Q. When you first go there, did he immediately
19 give the baby back?

20 A. No, ma'am.

21 Q. There was a lot going on with this?

22 A. There was a lot going on that day. Yes,
23 ma'am.

24 Q. You said there was a lot of people, that a
25 party had been going on.

1 A. It was a party.

2 Q. Would you -- at some point in time -- was this
3 frustrating at some point, when you were going
4 back-and-forth between them trying to get the baby back
5 and the cell phone?

6 A. Very frustrating. It was just the two of us
7 on scene and three of us at the time working for the
8 county.

9 Q. There were only three people working at all in
10 the whole county?

11 A. Yes.

12 Q. And you and Mills were?

13 A. Yes, ma'am.

14 Q. And McLamore?

15 A. Yes.

16 Q. I'm going to show you what has been marked as
17 State's Exhibit 1.

18 Do you recognize this?

19 (State's Exhibit 1, Body-cam video, was
20 marked for Identification, as of this
21 date.)

22 Q. (By Ms. Hall) Do you recognize this?

23 A. Yes, ma'am.

24 Q. Is this the body-cam video from the day this
25 incident occurred?

1 A. Yes, ma'am.

2 Q. Have you had time to review this prior to
3 coming to court today?

4 A. Yes, ma'am.

5 Q. And does it accurately display and depict what
6 occurred that day?

7 A. Yes, ma'am.

8 Q. And what you saw and what you observed?

9 A. Yes, ma'am.

10 MS. HALL: Your Honor, I'd like to enter this
11 into evidence as State's Exhibit 1.

12 MS. BOULWARE: Without objection.

13 THE COURT: Without objection, it's entered
14 into evidence.

15 (State's Exhibit 1, Body-cam, was entered
16 into evidence.)

17 MS. HALL: And I would ask to publish this to
18 the jury.

19 THE COURT: Permission to publish is granted.

20 Q. (By Ms. Hall) While we're here, all this
21 occurred in Fairfield County?

22 A. That's correct.

23 Q. What road was this on?

24 A. At the intersection of Doty Road and Fagan
25 Road.

1 MS. BOULWARE: Judge, may I move?

2 THE COURT: Yes.

3 Q. (By Ms. Hall) On this body-cam, for the first
4 30 seconds, is there sound?

5 A. No, ma'am.

6 (Video playing.)

7 Q. (By Ms. Hall) Is that Ms. Mobley in the
8 video?

9 A. Yes, ma'am.

10 Q. Is this the house where you came into contact
11 with Tykavis Sampson and Tyshawn Robinson?

12 A. Yes, ma'am.

13 Q. At this point, are you there by yourself?

14 A. Yes, ma'am.

15 Q. Who is that?

16 A. Mr. Tykavis Sampson.

17 Q. Is that you talking?

18 A. Yes, ma'am.

19 Q. And that's your body cam on this video; is
20 that correct?

21 A. Yes, ma'am.

22 Q. That's Mr. Sampson, that is not the defendant;
23 right?

24 A. Yes, ma'am.

25 Q. This is what you're dealing with, trying to

1 get the baby and the phone. So if we fast forward to
2 kind of save time, is that Officer Mills you talked
3 about a minute ago?

4 A. That's correct.

5 Q. Is that the little kid that you were talking
6 about that we just saw in the video in the background?

7 A. Yes, ma'am. That's the little kid.

8 Q. You say something there that's not very nice;
9 right?

10 A. Yes, ma'am.

11 Q. When you were saying it, did you mean anything
12 ugly by it?

13 A. No.

14 Q. You were just frustrated?

15 A. Just frustration. Yes, ma'am.

16 Q. Is this your car, the black SUV?

17 A. Yes, ma'am. That's my vehicle.

18 Q. When you went back to your car, what were you
19 doing in your car?

20 A. Getting the rest of my equipment out. Yes,
21 ma'am.

22 Q. What is that equipment?

23 A. I guess at the time gloves and stuff.

24 Q. Why do you put on gloves?

25 A. That's our procedure prior to every call, to

1 make sure we're safe on the call, to make sure if we
2 have detained one or go hands-on.

3 Q. If you have to touch somebody, you want to
4 have gloves on?

5 A. Yes, ma'am.

6 Q. And up until this point, you don't anticipate
7 having to touch anybody which is why you did have them
8 on?

9 A. Up to this point?

10 Q. Yes.

11 A. No, ma'am. It's just every call. Yes, ma'am.

12 Q. Is the little kid telling you the phone is in
13 the pocket?

14 A. Yes.

15 Q. What are you doing now?

16 A. We're getting ready to go detain him.

17 Q. Is this you and Mills walking together?

18 A. Yes, ma'am. Me and Mills walking together.

19 Q. Who are you talking to at this point?

20 A. Everybody. The mother that was out there.

21 Everybody starts to come outside.

22 Q. At this point, have you seen Tyshawn Robinson?

23 A. I haven't seen him. No, ma'am.

24 Q. You're not talking to him --

25 A. No, ma'am.

1 Q. Are people coming towards you at this point?

2 A. Yes, ma'am.

3 Q. I'm going to back up that up again because
4 we're probably going to have to watch it a couple of
5 times.

6 (Video playing.)

7 Q. (By Ms. Hall) Who is that and what is going
8 on?

9 A. That's Mr. --

10 THE COURT: -- Robinson.

11 MR. GOODWIN: Robinson. Yes, sir.

12 Q. (By Ms. Hall) Now, did you see where he came
13 from?

14 A. He came from behind me. He wasn't there when
15 we started to detain him.

16 Q. So he comes from behind the house -- cause
17 it's hard to see 'cause apparently things get -- and
18 we'll go into this more in a second.

19 A. Yes, ma'am.

20 Q. What was his demeanor when he came from behind
21 the house?

22 A. Very aggressive.

23 Q. At that point in time, when he's coming from
24 around the house, was he saying anything to you?

25 A. Yes. He said, "I'll kill you."

1 Q. He said that to you?

2 A. Yes, ma'am. I was the closest to him and he
3 said, "I'll kill you." Yes, ma'am.

4 Q. Was all this screaming go on when he said
5 that?

6 A. Yes. His mother was screaming at the time. I
7 heard a female voice and she was screaming. Yes, ma'am.

8 Q. And y'all refer to her as "Boo Kat"?

9 A. Boo Kat, yes, ma'am. That was her nickname.
10 Yes, ma'am.

11 Q. When the defendant's saying, "I'm going kill
12 you," approximately -- and just tell me, I'm going to
13 start walking, was he this close to you?

14 A. He was walking up fast and fast-paced.

15 Q. How close was he to you when he said that?

16 A. As soon as I turned around, maybe two, three
17 steps the most.

18 Q. All right.

19 A. Yes, ma'am.

20 Q. And was he coming towards you still as he said
21 it?

22 A. Yes, ma'am.

23 Q. And after he said it?

24 A. Yes, ma'am.

25 Q. And as he's coming from around the house, you

1 hadn't seen him before; right?

2 A. Hadn't seen him before. Yes ma'am. It was
3 just the two of us and we wanted to make sure we were
4 safe at the time.

5 Q. When he comes up -- I'm going to back it up
6 again. Were you able to get the cuffs on Tykavis
7 Sampson before he came --

8 A. No, ma'am. It happened so fast. We were
9 still trying to secure him and Mr. Robinson came up
10 around that time and approached us. So Deputy Mills was
11 left with Mr. Sampson and I was in a physical
12 altercation with Mr. Robinson.

13 Q. I want you -- is that Tyshawn Robinson coming
14 towards you?

15 A. Yes, ma'am.

16 Q. Does he ever pause or stop as he's walking
17 around?

18 A. No, ma'am.

19 Q. Is that your arm trying to stiff-arm him?

20 A. Yes, ma'am.

21 Q. What is happening here?

22 A. He actually gains control. He pushed me back
23 on the ground. Now we're tussling. And I actually had
24 the chance to actually flip him over and try to get
25 handcuffs on him.

1 Q. So he came to you, he continued to come to
2 you, you tried to strong-arm --

3 A. Yes, ma'am.

4 Q. -- and he's still able to jump you?

5 A. Yes, ma'am. Well, he actually took control
6 and actually got me to the ground first. Yes, ma'am.

7 Q. Your body cam, I don't know if you have one on
8 right now, but where on your body is the body cam? At
9 that time where was the body cam?

10 A. This was like two years ago.

11 Q. Is it on your chest? Is it on your head?
12 Where is it located on your person?

13 A. It's right here on my chest (indicating.)

14 Q. Again, there are more officers than the one on
15 the scene and more officers with body cams than just
16 you; right?

17 A. Yes, ma'am.

18 Q. I want to talk about Mills' body cam real
19 quick and skip to the part.

20 (Video playing.)

21 Q. (By Ms. Hall) That's you going back to get the
22 phone, right? You just left the car with the momma,
23 Ms. Mobley?

24 A. Yes, ma'am.

25 Q. Is that you walking right there?

1 A. Yes, ma'am.

2 Q. Who are they yelling at right there, could you
3 tell?

4 A. No, ma'am. They were just yelling.

5 Q. At which point -- do you know at this point
6 where -- has Tyshawn Robinson come around the corner
7 yet?

8 A. Yes, ma'am. As soon as we started to detain,
9 he came around the corner.

10 Q. Is that you right there?

11 A. That's correct.

12 Q. You took Mr. Robinson over to the car after
13 you got him subdued, for lack of better word?

14 A. Yes, ma'am.

15 Q. And it was your intention to put him in the
16 police car?

17 A. Yes, ma'am.

18 Q. At this -- what does he do?

19 A. He is saying something, a statement that,
20 "he's a Crip." Yes, ma'am.

21 Q. Regardless of what he's saying, what is he
22 doing?

23 A. He got upset. Yes, ma'am.

24 Q. Did you say something back to him to make him
25 made?

1 A. Yes, I told him he wasn't a Crip.

2 Q. And you see another police officer coming
3 around the car. Who is that?

4 A. Deputy McLamore.

5 Q. Had he just gotten there?

6 A. Yes, ma'am.

7 Q. When you put somebody on the ground like that,
8 when you lift them up and put them on the ground, what
9 are you doing?

10 A. He was still resisting and that's a way of
11 taking control of him. Unless we're actually conducting
12 a pat down for weapons and stuff at the time.

13 Q. And that hadn't happened before now?

14 A. No.

15 Q. At the point that he comes -- you know, at
16 this point, he doesn't have a weapons; right?

17 A. Yes, ma'am.

18 Q. Point being, you didn't know what he had at
19 the back of the house. Did you know if he had anything
20 then?

21 A. I didn't know if he had any weapons or what
22 his intention was at the time. No, ma'am.

23 Q. And when he threatened to kill you, you didn't
24 know if he had anything --

25 A. No.

1 Q. -- to be able to use to do that?

2 A. Yes, ma'am. I didn't know.

3 Q. I want you to describe briefly for the jury
4 one more time, as he comes around the house, what you
5 observed and what happened when you made initial
6 contact.

7 A. What I observed is someone approaching me, not
8 knowing if they had any weapons, what their intention
9 was or what they were going to do. It was already an
10 intense situation at the time. I'm not going to let him
11 attack me first. I'm going to attempt to detain him.
12 It's the unknown of any weapons or anything.

13 From then, it went to a physical altercation.
14 Mr. Robinson physically slammed me on the ground. I
15 rolled him over and we detained him.

16 I just want you to know, from my standpoint,
17 when everybody's screaming, people are getting upset, in
18 a domestic situation, it's one of the most violent and
19 most deadly when dealing with law enforcement. And
20 Mr. Robinson, not knowing what he had and came around me
21 trying to detain his brother. That's how that lead to a
22 physical altercation.

23 Q. And he was the aggressor?

24 A. He was the aggressor in the physical
25 altercation. As you can see from the body cam, he's the

1 aggressor and saying, "he's a Crip gang member."

2 Q. And what would you expect from somebody who's
3 a bystander in that situation, would you expect them to
4 follow the rules of law enforcement and not jump on you
5 while you're trying to detain somebody else?

6 A. That's correct. Yes, ma'am.

7 Q. You said he said, "I'll kill you." Did you
8 take that to be directed at you?

9 A. Yes, ma'am. I take that to be directed at me.
10 I was the closest to him. Deputy Mills was still closer
11 to -- on the other side of Tykavis, trying to detain
12 him. I'm the one who heard that at the time, that's why
13 I reacted.

14 Q. And you redacted and tried to retain him?

15 A. Yes.

16 Q. Is it at that point you put your arm out?

17 A. Yes, ma'am.

18 Q. And he continued to move toward you?

19 A. Yes, ma'am.

20 Q. And was it your impression that he was trying
21 to do something to keep you from handcuffing Tykavis
22 Sampson?

23 A. Yes, ma'am.

24 Q. And after you got him contained, he continued
25 to struggle?

1 A. He continues to struggle and Tykavis Sampson
2 ran from the scene.

3 Q. Was he found on the scene later that day?

4 A. No, ma'am.

5 MS. HALL: I don't have anything further.
6 Please answer anything Ms. Boulware might
7 have.

8 THE COURT: Ms. Boulware, your witness.

9 MS. BOULWARE: Thank you.

10 Beg the Court's indulgence just a moment.

11
12 CROSS-EXAMINATION

13 BY MS. BOULWARE:

14 Q. Morning, Officer Goodwin.

15 A. Good morning.

16 Q. So you arrive there because Tykavis Sampson's
17 child's mother called and said she was having some
18 issues with getting the child back, things like that; is
19 that correct?

20 A. That's correct.

21 Q. Then you were advised that he might have a
22 phone in his pocket that belonged to the mother?

23 A. The mother -- actually, Ms. Mobley advised me
24 that he had the phone. We -- the extra witness was the
25 child who actually observed him with the phone in his

1 pocket.

2 Q. In any event, you were told he might have a
3 phone on him?

4 A. I was told he had the phone.

5 Q. You asked him about that phone; right?

6 A. Yes.

7 Q. What did he say?

8 A. He didn't have it.

9 Q. Okay. You said you were going to do,
10 "an investigation to go get the charges."

11 A. That's the process of detaining someone to
12 further the investigation. At the time, the juvenile
13 was stating that he observed --

14 Q. How were you going to investigate if he told
15 you "no," he did not have a phone?

16 A. People lie and say they don't have certain
17 things.

18 Q. I'm not disputing that that happens.

19 A. Yes, ma'am.

20 Q. My question is: Procedurally, how were you
21 going to go about trying to find out if he had the
22 phone?

23 A. We was going to detain him and then go from
24 there as far as detaining him. Yes, ma'am.

25 Q. What does "go from there mean" mean? Describe

1 that procedure.

2 A. What I'm basically saying, ma'am, we was
3 detaining him upon the investigation of -- to see if he
4 had the phone.

5 The first initial process was detaining him.
6 I feel like we had enough. We also had a witness that
7 stated that he seen the phone. He stated what type of
8 phone it was and everything that -- what he took. Yes,
9 ma'am.

10 Q. But Tykavis denied having it?

11 A. He denied having it. Yes, ma'am.

12 Q. Okay. Didn't consider getting a search
13 warrant for this investigation?

14 A. We never got to -- that chance because your
15 client attacked me. Yes, ma'am.

16 Q. So you've been told he has a phone. He's
17 denied he has the phone. You decide to walk back over
18 there and rush him to detain him without stopping to
19 think, well, I'm in somebody's yard and I'm about to go
20 maybe in somebody's house, I don't know what's going to
21 happen here?

22 A. No, ma'am. We wasn't going in the house. We
23 didn't have no reason.

24 Q. Okay. But you didn't really know what was
25 getting ready to happen, did you?

1 A. Ma'am, this goes with the job. You never know
2 what's going to happen, the next step.

3 Q. Do you agree that maybe that would have been a
4 better way to go about it, rather than rushing Tykavis
5 to detain him?

6 A. Ma'am, there's three people in the county. We
7 have to do our job with just us three.

8 Q. What I'm asking is: Wouldn't it have been
9 better to do it that way?

10 A. No, ma'am.

11 Q. Well, okay, so then we get -- exactly, we get
12 to where we are. You get frustrated. You go to get
13 gloves to put on and then you said -- you testified just
14 now that when you said, on the body-cam video, "You jump
15 in this, I'm going to tase the fuck out of you."

16 A. Yes, ma'am.

17 Q. Have you been cussed at by anybody in that
18 yard that entire time?

19 A. There has -- I don't remember it being any
20 curse words. I guess I had used profanity. Yes, ma'am.

21 Q. But do you agree that that might have been a
22 little bit escalating in that situation, that you got
23 that aggressive first?

24 A. No, ma'am.

25 Q. But you said Tykavis wasn't even there. You

1 just testified to that, when that happened?

2 A. He wasn't there?

3 Q. You said he hadn't come around the corner yet.

4 A. Tykavis, we was --

5 Q. Excuse me. Tyshawn had not come around the
6 corner.

7 A. When we was detaining Tykavis, yes, ma'am,
8 Tyshawn wasn't there. As soon as we started, he came
9 around the corner. Yes, ma'am.

10 Q. Officer Goodwin, this is a -- are you a
11 sergeant? I'm sorry, is it sergeant?

12 A. No, ma'am. At the time I was. Yes, ma'am.

13 Q. I see that at the bottom. Do you recognize
14 that?

15 A. Yes, ma'am.

16 Q. Can you read where it starts, "I, Deputy
17 Goodwin," until that period right there.

18 A. "I, Deputy Goodwin, did look behind me and
19 seen the offender approach me in an aggressive manner
20 with a closed fist and screaming, 'What the fuck y'all
21 doing to my brother?' Next, I then stated to the
22 offender 'to get back or he will be tased.'"

23 Q. So that sounds different than what you just
24 testified to?

25 A. No, ma'am.

1 Q. Okay. You said Tyshawn wasn't around when you
2 threatened him to be tased. You said you were talking
3 to everybody, but you didn't see Tyshawn yet?

4 A. No, ma'am. When I'm facing someone and then I
5 look back and see someone coming towards me.

6 Q. That's not what you just read.

7 A. This is basically what I said.

8 Q. Okay. We'll leave that. So then let's talk
9 about the video with Deputy Mills.

10 At some point you look at Tyshawn and say,
11 "I'll fucking beat you."

12 A. I don't remember that, ma'am.

13 Q. We'll get to that in a second too. And when
14 you're trying to put him down on the hood of a car, you
15 keep saying, "stop resisting"?

16 A. Yes, ma'am. He was still resisting in
17 handcuff.

18 Q. What is he resisting?

19 A. Yes, ma'am.

20 Q. What is he resisting?

21 A. He's tensing. He would not relax. His
22 muscles tensing up. He was being very defensive at the
23 time.

24 Q. But what was being done -- but what were you
25 doing at the time?

1 A. He was being detained. Yes, ma'am.

2 Q. What is he resisting?

3 A. Yes.

4 Q. Is he resisting an arrest?

5 A. Yes, ma'am, pending an arrest. Yes, ma'am.

6 Q. Did he know he was under arrest?

7 A. At the time, ma'am, he was actually still
8 resisting and fighting. It's kind of hard --

9 Q. Did you tell him at any point that he was
10 under arrest?

11 A. Yes, ma'am. Once we got the scene secured,
12 that is when he was under arrest. Yes, ma'am.

13 Q. You did not tell him at the time --

14 A. Yes, ma'am. Because he was --

15 THE COURT: Hang on. Let her finish her
16 question. Don't interrupt each other.

17 OFFICER GOODWIN: Yes, sir.

18 I'm sorry, ma'am.

19 Q. (By Ms. Boulware) At the time, when we see on
20 the hood of the car there, you didn't tell him he was
21 under arrest for anything?

22 A. He was physically fighting.

23 Q. You can't say, "you're under arrest," while
24 you're fighting?

25 A. Ma'am, my thing is to make sure that he is

1 safe, that there is no further injuries to him or
2 myself, to secure the scene.

3 If somebody is shooting at me, I'm not going
4 to say, "hey, you under arrest," while he's still
5 shooting at me. We're going to secure the scene first.

6 Q. You're trained to tell people they're under
7 arrest?

8 A. Ma'am, we're trained the proper way, to make
9 sure that the scene is secured, that everybody gets
10 secured within the scene. Then, yes, ma'am, we will
11 advise them that they're under arrest, if there actually
12 was an assault or if anybody's actually resisting.

13 Q. Okay. So you just walk up to people, like you
14 did Tykavis, and detain them and basically kind of
15 attacked him. Just came up out of blue and attacked him
16 without even telling them why?

17 A. I didn't take attack him, ma'am.

18 Q. Okay. Well --

19 A. When somebody's assaulting you, don't have to
20 wait until they hit you to proceed.

21 Q. But when you're trying to say he's resisting,
22 he needs to be resisting an arrest; is that correct?

23 A. Yes, ma'am. That's part of detaining --

24 Q. Does he need to know he's under arrest?

25 A. Yes, ma'am.

1 Q. Okay. Thank you.

2 A. Like I said, it was actually when we were
3 fighting, ma'am.

4 Q. Thank you.

5 So now the other folks in the video -- and I
6 understand they're not here but we can hear it. They
7 start telling you, "Why did you do him like that?"

8 "We saw you put him on the ground."

9 Doesn't sound like he -- he came at you first.

10 MS. HALL: Objection, your Honor.

11 THE COURT: Hang on. Let me hear your
12 objection.

13 MS. HALL: It's a hearsay objection. It's
14 talking about what's on the video, but the jury can see
15 that without --

16 THE COURT: Just rephrase your question.

17 MS. HALL: -- trying to interpret what the
18 people are saying.

19 THE COURT: Thank you.

20 Just rephrase your question.

21 MS. BOULWARE: And Judge, I'll just answer
22 that by saying, she entered the video into evidence.

23 THE COURT: Right, the video is in evidence.
24 The jury is going to be able to look at it but just
25 rephrase your question.

1 MS. BOULWARE: Yes, sir.

2 MS. HALL: My objection, your Honor, is that
3 she's asking him what other people mean. They've said
4 it in the video. The jury can extrapolate on that, but
5 he doesn't need to interpret what they were saying.

6 THE COURT: That's why I said rephrase your
7 question.

8 MS. HALL: Thank you.

9 THE COURT: Thank you.

10 Q. (By Ms. Boulware) Were other people concerned
11 that you put Tyshawn Robinson on the ground first?

12 A. I can't speak for them.

13 Q. Then you tell McLamore later on in this
14 video -- which I don't think we saw this part yet, but
15 we can in a minute -- that he wasn't under arrest, "I
16 was just detaining him"?

17 A. At the time, yes, we was detaining him. Yes,
18 ma'am.

19 Q. Who were you talking about?

20 A. Mr. Robinson -- we was detaining him.

21 Q. Okay.

22 A. When Mr. Robinson did put me on the ground,
23 yes, it lead up to something else. Our thing was, you
24 got to understand, it was just two of us at the time.
25 Approximately more people there than we can deal. So I

1 had to detain him. Yes, ma'am.

2 Q. That's a good point. Why didn't you call for
3 backup before you go and rush Mr. Sampson?

4 A. Well, at the time, as you will see in the
5 video, my radio was actually broken apart.

6 Q. Okay. So then there's -- later on in the
7 video -- or let me ask you this first: Were you there
8 for any other reason other than to see what's going on
9 between Tykavis Sampson and his -- the mother of his
10 child?

11 A. I'm not understanding what you're saying.

12 Q. Did you have a warrant to serve, a search
13 warrant to execute?

14 A. We was dispatched for a domestic disturbance.

15 Q. Okay. But you didn't have a warrant in hand?

16 A. We was dispatched for a domestic disturbance.

17 Q. Yes or no?

18 A. I mean, when the calls come out, it doesn't
19 mean we have a warrant.

20 Q. Did you arrive with a warrant in your hand?

21 A. No, ma'am.

22 Q. Thank you.

23 A. We was dispatched for a call of service.

24 Q. Did you arrive with a search warrant in your
25 hand?

1 A. We was dispatched for a call of service.

2 Q. "No," then?

3 Then later on -- you seem a little upset later
4 on and the jury hasn't seen this part yet, and we'll
5 look at it in a second. You then approached Mills and I
6 believe you said, "You heard him say, 'I'll kill you,
7 right?'"

8 A. Yes, ma'am, because I was the one that heard
9 it. So I'm stating that he heard it as well.

10 Q. "Right" is a part of your words. I'm not
11 saying that. That is you saying that. Mills looks at
12 you and says, "Honestly, I didn't."

13 A. That's fine. That's what he heard. That's
14 part of law enforcement. We're not going to make up
15 anything that we didn't hear.

16 Q. I understand. Would you agree that you kind
17 of put Deputy Mills in a little bit of a bad position
18 with that?

19 A. No, ma'am.

20 Q. Just out of curiosity, how many times has some
21 person you detained or arrested said ugly things to you?

22 A. All the time.

23 Q. And many even going, man, I'm just -- man,
24 I'll kill you, man, something like that. Do you arrest
25 everybody -- let's say that was said, do you arrest

1 everybody who says that? You take that as a threat?

2 A. To be honest, that's the first time anybody
3 ever said that to me and actually attacked me.

4 Q. And how much do you weigh or did you weigh at
5 the time, Mr. Goodwin?

6 A. I do not remember.

7 Q. Guess?

8 A. 200, 225.

9 Q. Okay. Wouldn't you agree that it really
10 didn't get violent until you made it that way?

11 A. No, ma'am. I don't agree.

12 MS. BOULWARE: Beg the Court's indulgence.

13 (Video played.)

14 Q. (By Ms. Boulware) Who is that speaking right
15 there?

16 A. That's Deputy McLamore.

17 Q. At that point you're saying you were speaking
18 about Tyshawn Robinson?

19 A. Yes, ma'am. As far as detaining someone, it
20 doesn't always happen that way. You know, I can detain
21 someone if they're trying to -- if they have a knife and
22 they getting ready to kill themselves, again, for safety
23 reasons. And that was a safety reason for him being
24 detained.

25 Q. What I'm trying to differentiate is, you

1 weren't intending to make an arrest?

2 A. Yes. I was intending to make an arrest,
3 but --

4 Q. Did you tell him that?

5 THE COURT: Let him answer it. Then you can
6 come back.

7 THE WITNESS: Can you state your question
8 again?

9 Q. (By Ms. Boulware) Did you tell him he was
10 under arrest?

11 A. Later on, yes. Because I saw and I actually
12 heard it. Yes, ma'am.

13 Q. Okay. At that point you're upset; is that
14 correct?

15 A. I think anyone would be if they was in a
16 physical altercation with someone. Yes, ma'am.

17 Q. And a little bit worried, weren't you?

18 A. Worried? About what?

19 Q. About whether you really heard him say what
20 you say he said?

21 A. Ma'am, I heard it. Like I said, there's been
22 scenes where some officers hear some things. Some
23 officers don't. There are different perspectives of the
24 incident. Yes, ma'am.

25 Q. How many people were in that yard that you --

1 guesstimate?

2 A. I can't remember. It was two years ago.

3 Q. Was it a lot?

4 A. There was quite a few more people in the
5 house. Yes, ma'am.

6 Q. And Mills says he didn't hear you say it -- I
7 mean, he didn't hear Tyshawn.

8 A. Yes, ma'am.

9 MS. BOULWARE: Beg the Court's indulgence.
10 One moment.

11 THE COURT: Yes, ma'am.

12 MS. BOULWARE: Judge, I don't have any further
13 questions.

14 THE COURT: Any redirect.

15 MS. HALL: No, sir. We'd ask this witness be
16 excused.

17 THE COURT: Thank you, sir. You're free to
18 leave.

19 Ladies and gentleman of the jury, we're going
20 to take a brief mid-morning recess. Don't talk about
21 the case. While you're back there in your jury room,
22 certainly, you can get to know yourselves, but I want
23 y'all to go ahead and elect who your foreperson is going
24 to be, to be the official spokesperson of the jury here
25 in the courtroom. That's also going to be the person

1 who is going to sign and date the verdict form whenever
2 y'all reach a verdict. Okay? But I'll go over all that
3 later on.

4 So if anybody wants to volunteer to do that,
5 y'all can deal with all that back there, that's for
6 y'all to decide. Okay? It cannot be whoever the
7 alternate is. Okay? Somebody other than alternate is
8 going to be the foreperson of the jury. All right?

9 Y'all go ahead and deal with that, but don't
10 talk about the facts of the case. Okay? Y'all head on
11 back to your jury room.

12 (Jurors exited.)

13 THE COURT: Madam Solicitor, you believe
14 there's an issue I needed to resolve during the break.

15 MS. HALL: Yeah. I think there's like one
16 other one now too.

17 THE COURT: Okay.

18 MS. HALL: The first one was that, back in
19 November, I presented -- based on the facts of this case
20 and coming from the same facts of this case, I presented
21 an indictment to the grand jury charging Mr. Robinson
22 with hindering an officer, hindering an arrest. He's
23 not been arraigned on that.

24 I did email Ms. Boulware -- even before it
25 went to the grand jury, I emailed her a copy of it just

1 to let her know I was sending it and that was probably
2 round -- it was the week before Thanksgiving.

3 So I wanted to make the Court aware of that
4 and arraign Mr. Robinson, probably if we need to, unless
5 they're willing to waive that.

6 THE COURT: Ms. Boulware, anything in reply to
7 that?

8 MS. BOULWARE: He'd like to come up, Judge,
9 and be arraigned.

10 THE COURT: Okay. Yeah. Come on up here. I
11 just want to make sure, any issues about the fact that
12 he hadn't been arraigned and we've already heard a
13 witness in the trial, the trial's been called.

14 MS. BOULWARE: Well, Judge, I did have a
15 conversation with Mr. Robinson last week, that that had
16 happened. And I knew -- I did go to the clerk's office,
17 checked that it had been True Billed and had a
18 conversation with Mr. Robinson about that. So I don't
19 think this is a big surprise to him, just this process
20 hadn't been --

21 THE COURT: Well, the purpose of a case going
22 forward to trial is a notice issue, acknowledge issue.

23 MS. BOULWARE: Yes, sir.

24 THE COURT: And obviously, he's pled not
25 guilty to this charge and he's aware of what the State's

1 charging him with. So, technically, it should have been
2 done prior to the call of the case.

3 But for the record, I find it's immaterial and
4 will proceed, because he is aware of this charge, he has
5 denied that he did this. He's presumed innocent until
6 proven guilty. But we will at least go through the
7 formal process now of formally arraigning him on it.

8 MS. BOULWARE: Yes, sir.

9 THE COURT: Sir, you swear to tell me the
10 truth?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: In addition to the other charges
13 you know about, that's the resisting arrest, Subsection
14 (b) and the threatening charge, the State of South
15 Carolina has charged you under Indictment 23-GS-2679
16 with the charge of hindering arrest.

17 The State has said that you did, here, in
18 Fairfield County, on or about September 26th, 2021, that
19 you hindered, prevented or obstructed Deputy Bryant
20 Goodwin -- you just heard him testify -- while in the
21 process of placing Tykavis Sampson in police custody;
22 that you hindered him because you attempted to rescue or
23 attempted rescue Tykavis Sampson from the custody of
24 Deputy Goodwin.

25 Did you hear what the State has charged you

1 with?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: How do you plead to that charge?

4 THE DEFENDANT: Not guilty.

5 THE COURT: And how do you wish to be tried?

6 THE DEFENDANT: By jury.

7 THE COURT: He's been arraigned.

8 MS. HALL: The only other thing I wanted to
9 say is this -- and I think I figured out a way -- on
10 that disc, there were three body-cam videos. One is
11 Bryant Goodwin, one is Mills. We've already shown both
12 of those.

13 And I believe Goodwin is in a position, since
14 those guys were together the entire time, to
15 authenticate both of those videos. I'm going to have to
16 authenticate the third video that's on this through
17 McLamore because there's a private conversation that
18 goes on between he and Mr. Robinson.

19 And so I will authenticate that through him,
20 but I just wanted to make the Court aware that they're
21 all the same. This has been entered but I can't really
22 break it off.

23 THE COURT: Sure.

24 The exhibit has already been entered into
25 evidence without objection?

1 MS. HALL: Correct.

2 THE COURT: You're taking about it for
3 publication purposes?

4 MS. HALL: Yes.

5 MS. BOULWARE: My only issue with that is to
6 make sure the part about him being on parole is not --

7 THE COURT: Again, that's not coming in.
8 Anything after 45 minutes and 43 seconds, I believe is
9 what the State says, is not coming in.

10 MS. BOULWARE: That's my only concern, that
11 they don't accidentally get to that part.

12 THE COURT: The jury won't know that.

13 MS BOULWARE: I did want to verify, there's
14 actually two Mills body-cam videos. We played one, I
15 just wanted to be sure that other one is on that same
16 exhibit.

17 THE COURT: There's two Mills body-cam videos.
18 Is the other one on there also?

19 MS. HALL: Yes. I can break all these things
20 off at lunch or whenever.

21 THE COURT: The only objection to what's being
22 shown to the jury is anything after 45 minutes and 43
23 seconds or 46, is what you said?

24 MS. BOULWARE: Yeah, of the final. Yes.

25 MS. HALL: And I'm not going to go into it.

1 THE COURT: Sounds good.

2 Anything else before we take a break?

3 MS. HALL: No.

4 THE COURT: Let's all go refresh ourselves and
5 be back out here in five, ten minutes, thank you.

6 (Whereupon, a recess was taken.).

7 THE BAILIFF: All rise.

8 THE COURT: Y'all can be seated.

9 The jury sent a note out saying, are they
10 getting lunch?

11 We'll mark it as a court exhibit.

12 (Court's Exhibit 1, Jury Note, was marked
13 for Identification.)

14 THE COURT: Let's bring the jury out.

15 (Jurors entered.)

16 (Court's Exhibit 2, Named Foreperson, was
17 marked for Identification.)

18 THE COURT: All members of the jury are
19 present. To answer your question, we're not getting
20 lunch for you but we're going to take a lunch break
21 probably in less than a hour or so. I usually like to
22 break before 12:30 p.m. and then we'll make sure it's
23 extended enough for -- if you need a ride home or if you
24 live in the outlining areas.

25 The second thing, where is the juror who was

1 choose to be the foreperson?

2 That's you, all right, sir. Thank you.

3 So you're going to be the jury spokesperson
4 here in court, in case y'all need anything or whatever.
5 You'll also be the person who signs the verdict form
6 when y'all deliberate. And you can't sign the verdict
7 form or say what the verdict is until all 12 of you
8 agree because it has to be a unanimous verdict. But I
9 will get into that further.

10 Thank you very much for agreeing to serve in
11 that capacity.

12 The State can call its next witness.

13 MS. HALL: Chris Mills.

14
15 C-H-R-I-S-T-O-P-H-E-R M-I-L-L-S, the Witness herein,
16 having been sworn by the Clerk of Court, was examined
17 and testified as follows:

18
19 DIRECT EXAMINATION

20 BY MS. HALL:

21 Q. Your name is Chris Mills?

22 A. Christopher Mills.

23 Q. You are a deputy with the sheriff's
24 department?

25 A. Yes, ma'am.

1 Q. How long have you worked there?

2 A. Just a little over four years now.

3 Q. And you were on duty on September 26th, 2021?

4 A. Yes, ma'am.

5 Q. And did you respond to this incident on Fagan
6 road involving Tykavis Sampson and Tyshawn Robinson?

7 A. Yes, ma'am.

8 Q. Was your initial response -- and you've heard
9 Deputy Goodwin testify.

10 Your initial response was to a domestic call?

11 A. Yes.

12 Q. And were you backup to him?

13 A. I was the backup officer. Yes, ma'am.

14 Q. Did you arrive -- do you know about how long
15 it was?

16 A. Maybe two to three minutes.

17 Q. And were you involved in the investigation
18 about the baby and giving the baby back and the phone
19 and giving the phone back?

20 A. Yes.

21 Q. And you heard him testify about walking back
22 and forth and trying to resolving this peacefully?

23 A. Yes.

24 Q. And were you standing right there with him
25 and -- I don't know if you were able to see the body-cam

1 video.

2 Have you had a chance to review the body-cam
3 video before coming to court today?

4 A. Yes.

5 Q. Were you standing there with Deputy Goodwin
6 when he was detaining Tykavis Sampson to look for the
7 phone?

8 A. Yes.

9 Q. At some point in time -- and I kind of want to
10 transition in a little bit of detail to coming in to
11 contact with Tyshawn Robinson. Can you describe that,
12 how you went to Tykavis and how Tyshawn comes around the
13 corner and what happens up to that point?

14 A. We approached Tykavis Sampson to detain him to
15 conduct a search due to the fact that we had a witness
16 saying he had the phone.

17 So we went there to detain him, like I said,
18 to do the search. While we were detaining him, the
19 defendant came around the corner aggressively yelling.
20 And about the time we real- -- about time I realized
21 that he was right there, where he was, he lunged at
22 Officer Goodwin and they both went to the ground.

23 At that time I was trying to detain
24 Mr. Sampson and my focus got switched to helping my
25 officer that was on the ground.

1 Q. You said he came around the corner yelling.

2 Do you remember what he was saying?

3 A. I can't recall what he was saying.

4 Q. Do you know what the gist of it was? If you
5 don't remember, it's okay.

6 A. I don't remember.

7 Q. Would you describe the scene as chaotic?

8 A. Yes. It was very chaotic.

9 Q. You said that, I guess, Goodwin kind of handed
10 over Sampson to you. But at some point, you had to kind
11 of stop that and go help Goodwin?

12 A. Yes. So basically at the time we were dealing
13 with -- we address the situation as it comes. So when
14 the defendant came around the corner, Sergeant Goodwin
15 focused his attention on him, to figure out, you know,
16 deescalate the situation. As like Sergeant Goodwin
17 said, there was only two of us there at the time.

18 So as I was taking responsibility for
19 Mr. Sampson, I was going to detain him and then get him
20 away from -- like, get him in a safer area. And as
21 Sergeant Goodwin was taking care of the defendant,
22 that's when, just basically, chaos broke out.

23 Next thing I know, they're on the ground
24 tussling and I took my focus off Mr. Sampson and gained
25 control of the defendant.

1 Q. Was it your impression that the defendant was
2 trying to interfere with the detainment or ultimate
3 arrest of Tykavis Sampson?

4 A. Yes.

5 Q. And you heard on the body cam and you told
6 Goodwin, "I don't remember anything about him saying,
7 specifically, 'I'm going to kill you.'" Right?

8 A. I don't recall.

9 Q. Okay. And then what you said, we can take
10 that for what it was; right?

11 A. Yes.

12 Q. You didn't hear him say that.

13 What would you describe in terms of the sound
14 and everything that was going on at the time?

15 A. Basically, when we went to -- everything
16 started escalating by the time -- when we went to put
17 Mr. Sampson -- to detain him, that's when everybody
18 started yelling.

19 Then, like I said, my focus was on him. And
20 there was just people coming all around us. I just, I
21 don't recall what was actually said or anything like
22 that due to everybody else.

23 Q. You said you saw this Defendant, Tyshawn
24 Robinson, lunge at Goodwin?

25 A. Yes.

1 Q. And get him to the ground. And that's when
2 you decided the best thing -- the most important thing
3 was to help Goodwin; is that right?

4 A. Yes, ma'am.

5 MS. HALL: Thank you. Nothing else.

6 THE COURT: Cross-examination?

7 MS. BOULWARE: Thank you, Judge.

8

9 CROSS-EXAMINATION

10 BY MS. BOULWARE:

11 Q. Morning, Deputy Mills. Just a few questions.
12 Were you with Deputy Goodwin when he
13 approached Tykavis Sampson?

14 A. Yes.

15 Q. Was that you following behind him --

16 A. Yes.

17 Q. -- on the body cam?

18 Would you say that he was frustrated at that
19 point?

20 A. I don't know his feelings. I can't really
21 say.

22 Q. Not his feelings, his demeanor?

23 A. I can't speak for him.

24 Q. Okay. Did he look like he kind of snatched
25 Tykavis around a little bit; right?

1 A. Like I said, at the time all I was focused on
2 was Mr. Sampson.

3 Q. Well, that's who I'm asking about.

4 A. At that time, we had to address the situation
5 that we had.

6 Q. Was Mr. Sampson threatening or getting
7 aggressive with either you or Deputy Goodwin?

8 A. No, ma'am. But during the investigation, we
9 detained him to do a search because we had a witness
10 stating that he had the phone on him. So we went to
11 detain him to conduct a search.

12 Q. Did y'all inform him he was being detained
13 before you turned him around and just snatched him and
14 detained him?

15 A. Yes.

16 Q. Or was it during?

17 A. We informed him as he was being detained.
18 Yes.

19 Q. Right before you did it?

20 A. Yes. As we we're walking up to him, we're
21 like, "you're being detained." It's all in the body
22 cam.

23 Q. I know, that's why I'm asking.

24 Okay. So your focus was on Tykavis Sampson,
25 but you just testified you saw Tyshawn lunge at Deputy

1 Goodwin?

2 A. I was positioned on just an angle, where I had
3 Mr. Sampson in front of me. And I saw in the corner of
4 my eye, Goodwin and the other defendant just in case
5 anything else happened.

6 Q. You said the scene was chaotic. You kind of
7 conflicted a little bit and I'm trying to get --
8 conflicted your testimony a little bit. I'm trying to
9 get clear on this.

10 First you said, next thing I know they're
11 scuffling. And in the body-cam video, that's what --
12 you indicate you really didn't see what lead to that.
13 Is that correct?

14 A. Like I said, I was dealing with the situation
15 that I got dealt with.

16 Q. You don't know what you saw?

17 A. I can -- I have a good -- I know what I saw.

18 Q. Okay. A chaotic situation. You were focused
19 on Tykavis. Next thing you know they're scuffling. But
20 you're quite sure you saw Tyshawn come around the corner
21 and lunge?

22 A. Yes.

23 Q. We'll take a look at the video on that.

24 So at some point, did you choke Tyshawn?

25 A. No.

1 Q. Did anyone ask you about that?

2 A. Like I said, there was a bystander that asked
3 me, but I didn't --

4 Q. You recall discussing that with Sergeant
5 McLamore?

6 A. Repeat the question, please.

7 Q. Do you recall discussing possibly choking
8 Tyshawn with McLamore?

9 A. Yes, to verify that I did not.

10 Q. So you did not hear Tyshawn Robinson say, "I'm
11 going to kill you"?

12 Sounds like you may or may not have seen him
13 lunge at Sergeant Goodwin.

14 Did you get identification from anybody else
15 that they heard those words come from Tyshawn?

16 A. Like I said, it was chaotic. It was only two
17 of us at the time. I can't speak on other peoples'
18 behalf.

19 Q. And Deputy Goodwin came to talk to you about
20 that; right?

21 A. Yes, to discuss the situation that we just got
22 dealt with.

23 Q. And trying to pin you down on whether you
24 heard Tyshawn say that?

25 A. He just asked me a question.

1 Q. Uh-huh.

2 And you seemed a little sad that you couldn't
3 help him out with that?

4 A. No, I did not.

5 Q. Let's go to when you went to the sheriff's
6 office with the mother of Tykavis' child and the person
7 who was with her.

8 Do you recall being asked to go take
9 statements from them?

10 A. Yes, I did go back out there.

11 Q. Did they seem super excited to give you a
12 statement?

13 A. Not really. But like I said, it's just the
14 whole situation was dealt with. And at the time, no,
15 they did not seem too excited.

16 Q. Were they there at the scene exactly where
17 Tyshawn and Tykavis and Goodwin and y'all were when all
18 this was happening?

19 A. You're talking about the people at the scene?

20 Q. Tykavis' child's mother and the person who was
21 with her.

22 A. The mother and child were at scene. The video
23 shows them up at the roadway.

24 Q. How far is the roadway away from where this
25 incident took place?

1 A. I don't know. I can't give an accurate
2 distance.

3 Q. Okay. Then what were y'all getting statements
4 for?

5 A. Like to do an investigation. Basically every
6 incident, we'll do an investigation and get statements
7 of what you see, what you hear.

8 Q. But you just told me they didn't witness this.

9 A. I didn't say that. I said I don't know what
10 they saw and what they -- I can't speak for them.

11 Q. Okay. But that's pretty far away. I mean,
12 you just indicated that too.

13 A. I cannot give a particular on exactly how far,
14 but I mean, you can sit here and see down the road. If
15 you stand out in the street, you can see all the way
16 down to the traffic light.

17 Q. Did they ever give you a reason on why they
18 didn't want to write a statement?

19 A. I can't recall.

20 Q. At what point did you or Goodwin, Deputy
21 Goodwin, let Tyshawn know he was under arrest for
22 anything?

23 A. I can't recall. It's all in the video. I
24 believe we did it during the scuffle.

25 Q. You do?

1 A. I believe. Like I said, I can't recall.
2 There was a lot of yelling. I can't say for sure.

3 Q. Okay. But do you recall Goodwin saying, "I
4 wasn't going to arrest him, I was just detaining him"?

5 A. That was between him and McLamore, I went back
6 to retrieve his radio.

7 Q. So you weren't there when he said that?

8 A. I don't believe so.

9 Q. But you were not arresting Tyshawn?

10 A. I was not the arresting officer. I was the
11 backup officer. I wasn't the primary, I was the backup.

12 Q. So you wouldn't have told him that?

13 A. No.

14 Q. So when Goodwin did approach you about, "You
15 heard him say that; right?"

16 And you say, "Well, I didn't. I don't know
17 what got said."

18 I believe you looked at Goodwin and said, "I
19 don't know, I was doing this. You can watch it on video
20 real quick."

21 And you said, "And then you went at it."

22 Do you recall telling him that?

23 A. Yes.

24 Q. So, once again, we're back at, the only thing
25 you knew, when your attention was really caught, is when

1 they were actually in a physical altercation?

2 A. Yes.

3 MS. BOULWARE: Beg the Court's indulgence?

4 THE COURT: Sure.

5 MS. BOULWARE: No further questions.

6 THE COURT: Any redirect?

7 MS. HALL: No, sir.

8 THE COURT: You can step down.

9 Call your next witness.

10 MS. HALL: James McLamore.

11
12 J-A-M-E-S M-C-L-A-M-O-R-E, the Witness herein, having
13 been sworn by the Clerk of Court, was examined and
14 testified as follows:

15
16 DIRECT EXAMINATION

17 BY MS. HALL:

18 Q. State your name for the record, please.

19 A. James McLamore.

20 Q. How long have you been with the sheriff's
21 department?

22 A. A little over three and-a-half years now.

23 Q. How long have you been in law enforcement in
24 total?

25 A. I got about 13, almost 14 years in. That's

1 including corrections also.

2 Q. You were a correction's officer before you
3 came to the sheriff's department?

4 A. No. Actually I worked at a college police
5 department. Before then, I worked in corrections. Yes,
6 ma'am. DJJ and Alvin S. Glenn.

7 Q. And so you were on duty on September 21st of
8 2021 [sic] involving this incident including the
9 defendant?

10 A. I'm sorry, I didn't hear the first part of
11 your question.

12 Q. Were you on duty on September the 21st of
13 2021, you were called out? Please answer that first.

14 A. Yes, ma'am.

15 Q. Were you called to Fagan Road, involving the
16 incident with the Defendant in this case, Tyshawn
17 Robinson?

18 A. Yes, ma'am.

19 Q. And how did the call come to you?

20 A. It was a, assist an officer involved in a
21 fight call.

22 Q. And so did you then respond to the scene?

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

24 Q. What did you observe?

25 A. When I got there, I observed Deputy Goodwin

1 and Deputy Mills was walking Mr. Robinson up towards the
2 roadway. Mr. Robinson was like yelling and kind of
3 tensing up and so forth. Once I got there, we all got
4 Mr. Robinson at the front of the patrol vehicle, trying
5 to gain control of the arrest by just pat searching him,
6 checking for weapons.

7 Mr. Robinson at that time was tensing up and
8 kind of yelling and refusing any directions that was
9 given by loosening his body so we could conduct a proper
10 search of his persons, checking for weapons.

11 He refused any directives of untensing
12 himself. So I told the other deputies, Mills and
13 Goodwin, to place him on the ground where -- we do that
14 to gain control of the subject. Also so the subject
15 cannot hurt themselves or any other deputies and so
16 forth.

17 We finished the pat search at that time and
18 all three of us guided him up back to his feet and
19 escorted him back to the rear of my vehicle.

20 Q. I'm going to show you what's been marked as
21 State's 1 that's already in evidence.

22 Did have you a chance to review the body-cam
23 video --

24 A. Briefly. Yes, ma'am.

25 Q. -- before coming to court today?

1 A. Yes, a little bit. Yes, ma'am.

2 Q. And you reviewed your body-cam video; right?

3 A. Yes, ma'am.

4 Q. Does it accurately depict the scene and
5 conversation between and Tyshawn Robinson?

6 A. Yes, ma'am.

7 MS. HALL: Your Honor, at this time, we'd ask
8 to publish the video.

9 THE COURT: It's all contained in State's
10 Exhibit 1, which is already in evidence.

11 MS. HALL: Correct.

12 THE COURT: Permission to publish, granted.

13 (Video played.)

14 Q. (By Ms. Hall) Is that your voice?

15 A. Yes, it is.

16 Q. Is that -- was he trying to put his leg up on
17 the car at that point?

18 A. At that point, when I told him to loosen up, I
19 kind of tried to pull his legs to search, pat search
20 between his legs area.

21 Q. Now at this point, I want to make sure, that's
22 Deputy Goodwin and you're walking off?

23 A. Yes, ma'am.

24 Q. And that's your hand and the defendant is
25 right there; is that right?

1 A. That's correct. Yes, ma'am.

2 Q. Do you know where Mills was at this point?

3 A. I believe Mills is on my -- he's right behind
4 me with the crowd, separating myself from the crowd.

5 THE COURT: Pause for just a moment.

6 Turn up the volume. I can barely hear it.

7 MS. HALL: It's up as loud as it goes.

8 THE COURT: Put a microphone in front of it
9 then. I want to make sure everybody can hear it.

10 (Video played.)

11 Q. (By Ms. Hall) Was that the extent of what your
12 conversation was about with the incident?

13 A. Yes, ma'am. Pretty much.

14 Q. When y'all had him placed against the car, was
15 he continuing to struggle? When you initially came up
16 and you saw what was going on, was he --

17 A. Yes. So when I arrived, like I said, Deputy
18 Mills and Deputy Goodwin was escorting Mr. Robinson
19 towards the vehicle in the roadway, and I noticed that
20 he was kind of tensing up and stiff body and kind of
21 screaming and so forth.

22 Once we got him to the car, I kind of took
23 over the search. And once I was searching him, his body
24 was still tense, whereas, I couldn't get a good pat
25 search on his persons.

1 That's the reason I directed my guys -- excuse
2 me, directed the other deputies to place Mr. Robinson on
3 the ground to finish searching his person for weapons
4 and so forth.

5 Q. You said it was -- we heard somebody else
6 testify that there were three people on duty that day.
7 It was you, Deputy Mills and Deputy Goodwin; is that
8 correct?

9 A. Yes, ma'am.

10 Q. Is there a shift supervisor during -- who are
11 those people who would have been on -- shift supervisor?

12 A. On shift that day?

13 Q. Just of those three people.

14 A. Okay. So Lieutenant Erin White at the time.
15 Sergeant Bryant Goodwin and myself. I believe I was
16 corporal at -- I'm not sure if it was corporal or not
17 that day. Nope. It was just Lieutenant White and
18 Sergeant Bryant Goodwin. I was not corporal at that
19 time, who would be third in charge.

20 Q. So Goodwin was the one who was in charge?

21 A. He was supervisor that day. Yes, ma'am.

22 Q. And in your experience as a police officer,
23 when you go to a scene, you don't always know what's
24 going to happen. Is that correct or incorrect?

25 A. That's correct, ma'am.

1 Q. Are you familiar -- so when you go to a scene,
2 you don't necessarily always have -- you can arrest
3 somebody. You don't necessarily have to have a warrant
4 to arrest them when you go; right?

5 A. No. You do not have to have a warrant on a
6 scene.

7 Q. Sometimes things happen that -- crimes are
8 committed in front of you or through investigation that
9 would cause you to arrest somebody but you don't need a
10 piece of paper to do that?

11 A. No, ma'am. You do not, not on scene. No,
12 ma'am.

13 MS. HALL: Thank you. No further questions.

14 THE COURT: Your witness.

15 MS. BOULWARE: Thank you, Judge.

16
17 CROSS-EXAMINATION

18 BY MS. BOULWARE:

19 Q. Good afternoon.

20 A. Good afternoon.

21 Q. I keep calling you sergeant.

22 Are you sergeant or lieutenant right now?

23 A. I'm currently a lieutenant right now.

24 Q. When you got to the scene, they were actively
25 trying to get Tyshawn to calm down; is that correct?

1 A. No, ma'am. When I arrived to the scene, they
2 was escorting Mr. Robinson back to the vehicle. Once we
3 got to the vehicle, yes, ma'am, we tried to gain control
4 and compliance of Mr. Robinson by pat searching him and
5 putting him inside the vehicle. Yes, ma'am.

6 Q. And he did explain to you why he was resisting
7 being -- I think we saw that on the video being placed
8 on the hood of that car saying, "it was very hot," and,
9 "he was prone to seizures." Is that correct?

10 A. After the fact of him getting placed on the
11 car, yes, ma'am. He did not state while at the car or
12 while being pat searched at the time.

13 Q. I understand. But once he realized, he just
14 started resisting that. He just wouldn't let y'all do
15 it, but taking him to the ground, he didn't fight that
16 much; right?

17 A. No, ma'am.

18 Q. When you were finally able to talk with him --
19 and we saw a little bit of this -- I believe later on
20 y'all go to the ER together?

21 A. That's correct.

22 Q. And what was his demeanor with you?

23 A. Due to my experience in law enforcement and
24 due to my training, I've had a lot of classes with
25 deescalating a hostile individual.

1 So my first initial thing was to build a
2 rapport with Mr. Robinson. Once I build that rapport, I
3 tell him and emphasis the importance of respect. As I
4 give it to him, he would give to me. At that time, we
5 did have a calm transaction from the scene to the
6 hospital.

7 Q. And he was respectful to you, wasn't he, that
8 whole time?

9 A. Yes, ma'am.

10 Q. In fact, pretty polite. Would you
11 characterize it that way?

12 A. Yes, but also due to my experience, that once
13 you take an individual away from a crowd and you put
14 them in a one-on-one situation, their demeanor will also
15 change also.

16 Q. Yes, sir.

17 A. That is with my experience and training.

18 Q. I understand.

19 And just getting back to the part about the
20 hood being hot on the car. And we saw on the video,
21 once he got placed in the car, the door was shut on him.

22 But you went back later and opened the door to
23 get him some air, right, 'cause it was kind of warm?

24 A. Yes, ma'am.

25 Q. Do you recall -- and this is the part we

1 haven't seen on the video. We didn't get quite this
2 far, but do you recall, in the ER, I believe Tyshawn
3 telling you, when he tried to go talk to Goodwin and
4 this all of a sudden turned bad, that Goodwin began
5 spitting in his face?

6 A. I do not recall that. Like I said, it's been
7 several years ago. If you can show me on video, I can
8 confirm that.

9 Q. Yes, sir. I can probably get to that point.

10 A. I did write in my report here that, "While at
11 the hospital, Mr. Robinson stated that he should not
12 have approached Deputy Goodwin in that manner."

13 Q. Well, but he didn't say he ever put his hands
14 on him or attacked him or anything like that, did he?

15 A. Well, we can go back to -- once again, to my
16 personal experience in law enforcement, when we arrive
17 on a hostile scene, where there's a lot of individuals
18 that is not compliant, which is what I observed on the
19 camera, that Deputy Goodwin did in fact tell several
20 individuals to back up so he could efficiently due his
21 duty as a law enforcement officer on the scene, and
22 doing what I personally observed on scene, when I
23 arrived there, that I had to personally tell several
24 individuals to back off of -- to -- to several people on
25 scene to back away while deputies could effectively

1 escort Mr. Robinson.

2 So due to my experiences, what I observed on
3 video and what I observed personally, that no one on
4 scene was following any officer directives.

5 So when -- to answer that question, you have
6 to be careful when -- make sure that we don't know what
7 intent anyone on scene was doing. We was at someone's
8 residence.

9 Q. Let me ask you this.

10 A. Yes, ma'am.

11 Q. Since you bring that video up.

12 In that regard and in your training and
13 experience with deescalation classes and things like
14 that, when Tykavis Sampson was first approached --

15 A. Yes, ma'am.

16 Q. -- he was -- and I don't know if you recall
17 this in that video -- he was jerked around and put with
18 handcuffs on him without really being told why. Is that
19 correct?

20 A. Once again, if we go back to it, Mr. Tykavis
21 was not compliant with the officer -- Deputy Goodwin's
22 directives and he was trying to get his side of the
23 story and conduct an investigation.

24 Q. Well, actually, I disagree with you there.

25 A. Okay.

1 Q. Did he not ask him, do you have this phone and
2 Tykavis said no?

3 A. I'm not going to -- essentially, I'd have to
4 look back on the camera.

5 Q. That's what the video shows. And that's what
6 took place and Goodwin got pretty frustrated with that.

7 MS. HALL: Your Honor, I object --

8 THE COURT: Sustained. Sustained. Just ask
9 questions instead of making comments.

10 MS. BOULWARE: Yes, sir.

11 Q. (By Ms. Boulware) Would you have done that,
12 approached Tykavis like that?

13 A. Myself and --

14 MS. HALL: Your Honor, objection.

15 THE COURT: Sustained. Sustained. Improper
16 question.

17 MS. BOULWARE: Well, he did mention he watched
18 the video, Judge.

19 THE COURT: It's irrelevant. Just move on to
20 something else.

21 Q. (By Ms. Boulware) But at the end of day, would
22 you -- let me start with this: Would you have started
23 out cursing with folks?

24 A. Are you asking me personally?

25 Q. Yes.

1 A. I think we all have different rapport with
2 certain individuals. I can't -- honestly, I don't know
3 what I would do in that situation, ma'am.

4 Q. But you didn't with Tyshawn. You seemed
5 pretty calm with him.

6 A. I use what we call "force of a team."
7 Meaning, officer presence, verbal commands, and so
8 forth.

9 Once again, it goes back to, that once he
10 complied with the directives I personally gave him and
11 that's where we have that -- we build that rapport.
12 That's the reason why I took over on scene. I was the
13 last one on scene, and I took the others away to have a
14 conversation with Mr. Robinson.

15 Q. And so when you took over, things calmed down?

16 A. If that's what you want to say.

17 Q. I did just ask you about if Tyshawn mentioned
18 he was getting -- that Goodwin was spitting in his face.
19 I'll play that real quick and see if that refreshes your
20 memory.

21 (Video played.)

22 Q. Do you recall that part?

23 A. I see it.

24 Q. But he's calmly explaining to you that his
25 brother is all of a sudden being detained, nobody knows

1 why really and he's trying to ask Goodwin, "What's going
2 on with my brother?" And he's describing how it
3 immediately escalated, but you weren't there?

4 A. No, I was not there.

5 Q. But you're hearing what he said?

6 A. Yes, ma'am.

7 MS. BOULWARE: Beg the Court's indulgence,
8 once second?

9 (Pause in proceedings.)

10 MS. BOULWARE: No further questions.

11 THE COURT: Anything else?

12 MS. HALL: Just briefly.

13

14 REDIRECT EXAMINATION

15 BY MS. HALL:

16 Q. As the video goes on, does he continue to talk
17 about what goes on at the scene?

18 A. Yes, ma'am.

19 MS. HALL: I'd ask to play that.

20 THE COURT: Turn it up so everybody can hear.

21 (Video played.)

22 Q. (By Ms. Hall) You heard Ms. Boulware say that
23 at some point Mr. Robinson tells you that -- or, I
24 guess, y'all start talking and he was telling you
25 something about, "He shouldn't have approached Goodwin

1 that way"?

2 A. Yes. He stated that to me while I was at the
3 hospital that -- as I wrote in my report, "While at the
4 hospital, Mr. Robinson stated to me that he should not
5 have walked towards -- around the house towards Deputy
6 Goodwin in the manner he did."

7 Q. And that's exactly being quoted from what your
8 notes say?

9 A. Yes, ma'am.

10 MS. HALL: I have anything else.

11 THE COURT: Anything else?

12 MS. BOULWARE: No, sir.

13 THE COURT: Thank you, sir. You can step
14 down.

15 Ladies and gentlemen, we're going to go ahead
16 and take a lunch recess. It's 20 after now. Let's come
17 back at 2:00 p.m.

18 While you're waiting, don't talk about the
19 case with anybody. Not even yourselves. And we'll
20 reconvene at 2:00 p.m.

21 Y'all have a good lunch.

22 (Jurors exited.)

23 THE COURT: Let's go back on the record.

24 Is that it for the State?

25 MS. HALL: Yes.

1 THE COURT: When we come back, you can say you
2 rest and we'll deal with all that other stuff.

3 Does the defense, even though they haven't
4 officially rested yet, do you anticipate calling any
5 witnesses?

6 MS. BOULWARE: I don't at this time, Judge.

7 THE COURT: And I'll deal with all that after
8 they rest officially, when we get back from lunch.

9 The question I have is: My law clerk is going
10 to go through some of the jury instructions now, and
11 since I've heard all the testimony, I've got the charge
12 ready for the offenses charged.

13 Is there a lessor offense included or not?

14 MS. HALL: No.

15 THE COURT: The State does not believe there's
16 a lessor offense of resisting arrest.

17 You've charged him with subsection (b). I
18 guess the question I have: Are y'all seeking to convict
19 him for him jumping the officer when he was trying to
20 take his cousin or his friend or whatever into custody?

21 Is that the assaulting, wounding, or beating
22 or is it him tensing up and not complying with the
23 officers instructions?

24 MS. HALL: It's the assaulting -- Subsection
25 (b), the assaulting, wounding. That's what the

1 indictment was for and the resisting continues through.

2 My position is that it's all one resisting and
3 that it escalated to a (b). I'm not seeking a lessor
4 included.

5 THE COURT: Okay.

6 Go ahead.

7 MS. BOULWARE: Your Honor, I would seek (a),
8 because I think there is evidence that it could very
9 well have been Goodwin who started that. He may have
10 approached him, but I don't know -- Goodwin didn't even
11 testify and there's nobody that -- who says Tyshawn put
12 his hands on him first. It's just, next thing they
13 know, they're just all of a sudden on the ground.

14 THE COURT: I disagree with that argument. I
15 saw the video. The video looked like your guy, you
16 know, came at him and they tussled. And he admitted to
17 tussling with him. And, you know, I mean, that's the
18 very definition under subsection (b).

19 The question is: What actions is the State
20 attempting to convict the defendant of the charge on?
21 Subsection (b), which is what you charged him with or as
22 all your witnesses testified, about him tensing up and
23 not allowing him to put the handcuffs on real good and
24 not complying with him being put on the hood of the car?

25 Is that the resisting arrest you're trying to

1 convict him of? Because if so, that kind of falls under
2 (a), but him getting into a tussle with the initial
3 officer, the younger African-American officer, that's
4 enough evidence to support subsection (b).

5 MS. HALL: That's what I'm talking --

6 THE COURT: I got it. But do you see
7 subsection (a) issue?

8 MS. HALL: I see the issue, yes. I mean, he
9 resisted twice. But my position is, it's all one
10 occurrence and that they're trying to subdue him and
11 detain him because the of -- the assault. He's
12 assaulting the officer, that's the start of the
13 resisting, that's the (b), that's the assault.

14 THE COURT: It's all one big thing.

15 MS. HALL: Then he continues to resist as he
16 gets to the car and before they're actually able to get
17 him into the police car. Because he's under arrest for
18 assaulting the officer and then the resisting continues
19 throughout the course of that. They're trying to detain
20 him for interfering. He won't subdue. He assaults
21 Goodwin and then he continues to resist all the way.

22 THE COURT: The hindering is when he assaults
23 Goodwin or is the resisting when he assaults Goodwin?

24 MS. HALL: The resisting is when he assaults
25 Goodwin. He's hindering, which is why he's being

1 detained.

2 THE COURT: Because Goodwin was trying to
3 arrest another guy?

4 MS. HALL: Correct.

5 THE COURT: Okay. Understood.
6 What's your point?

7 MS. BOULWARE: Since we're talking about jury
8 instructions --

9 THE COURT: Well, not really. I just have an
10 idea. We haven't officially gotten to the charge yet.

11 MS. BOULWARE: Okay. So I can do this then?

12 THE COURT: Yes, I just need to know what to
13 think about. You see what I'm saying? I mean, while
14 over the lunch break, this is the stuff I'm thinking
15 about.

16 MS. BOULWARE: Yeah. And, I mean, I have a
17 defense jury charge, I'd like to also ask for, for that.
18 So whenever you want to hear that, is fine.

19 THE COURT: You show it to Julie and then
20 we'll deal with that after lunch.

21 MS. HALL: One more thing about the resisting
22 charge.

23 If the defense wants a resisting (a) charge on
24 top of the resisting (b) charge, I'm not going to stand
25 in the way of that.

1 I don't think that going forward --

2 THE COURT: That was my question.

3 MS. HALL: For record purposes, I don't think
4 that's a wise thing for me to stand against. So I'm
5 willing to --

6 THE COURT: Well, that's the issue. Right
7 now, I have -- you know, if you think the State's failed
8 to prove, you know, wounding, resisting, blah, blah,
9 blah, whatever it is, you may consider the lessor
10 offense of resisting arrest. And then I define that
11 statute and, of course, it's actually included on the
12 proposed verdict form.

13 MS. BOULWARE: Judge, I'll be honest with
14 you and I'm getting to this further in a directed
15 verdict. But I would like the (a) there. First, it's a
16 much less serious charge and if the jury does, for some
17 reason, find that, then that's a lot better --

18 THE COURT: He's facing one, then ten.

19 MS. BOULWARE: Right.

20 THE COURT: I get it.

21 MS. BOULWARE: So for that purpose, I would
22 like that but we'll get to that later at directed
23 verdict.

24 THE COURT: Fine. This is why I brought all
25 this up. I want y'all to be thinking about the same

1 kind of thing I'm thinking about. And then we can all
2 come back and have a collegial discussion. And then
3 maybe y'all can, you know, see where it is after y'all
4 talk about it. Okay?

5 All right. We're down till 2:00.

6 (Whereupon, a lunch recess was taken.)
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1 P-R-O-C-E-E-D-I-N-G-S

2 * * *

3 THE COURT: Back on the record.

4 Madam Solicitor?

5 MS. HALL: There is one -- the video is in
6 evidence as State's 1. McLamore authenticated this
7 portion of the video. There's one piece of it --
8 McLamore testified, when he was on the stand, that at
9 some point the defendant tells him, "If I hadn't come
10 around the corner like that, things would have been
11 different," or, "I shouldn't have come around the
12 corner."

13 I can't remember exactly the wording, but it
14 was something to that effect. I did not play that part
15 of the video while McLamore was on the stand. The whole
16 thing is in evidence. I want to play it at closing.

17 Do I need to publish it to the jury before I
18 rest on the record? So if I can play it at my closing,
19 I will do that. I just wanted to make the Court aware
20 of that.

21 THE COURT: No. You don't need to do that.
22 Once the thing is in evidence, you can refer to whatever
23 you want to at closing. It's in evidence. The jury may
24 not have seen it yet. Doesn't mean you can't use it or
25 she can't use it in closing.

1 MS. HALL: Thank you.

2 MS. BOULWARE: Judge, I'll just put on --

3 THE COURT: Hang on.

4 What other issues do we need to talk about
5 before we bring the jury back out?

6 MS. HALL: We have this charge.

7 Ms. Boulware --

8 THE COURT: I haven't gotten to that yet. I
9 was going to do that after the State rests.

10 Anything else?

11 MS. BOULWARE: Judge, was just going to go on
12 record to -- as far as the video -- the objection is,
13 that if she wanted it published to the jury, she could
14 have played it while actually in testimony.

15 THE COURT: Your objection is overruled. The
16 item is in evidence. Once something is in evidence,
17 either party can use it as he or she feels necessary in
18 the closing argument he or she makes.

19 Anything else?

20 MS. HALL: No. I'm just going to rest when
21 the jury comes out.

22 THE COURT: When the jury comes back in, I'll
23 let you rest. I'll explain to them that -- you know,
24 that's the procedure we have to do. And then they can
25 go back in there. And then we will do a charge

1 conference. I'll speak to your client about his right
2 to testify and hear anything else we need to talk about.
3 Okay?

4 Bring the jury back.

5 (Jurors entered.)

6 THE COURT: All members of the jury are
7 present. Thank you, ladies and gentlemen.

8 The State can call its next witness.

9 MS. HALL: The State rests.

10 THE COURT: The State rests.

11 Ladies and gentlemen, I know you just got in
12 here but the law requires that I confer with the
13 attorneys outside of y'all's presence about legal stuff.
14 So we're going to do that right now.

15 I know you just got back out here, but I'm
16 going to send you right back to your jury room. Don't
17 talk about the case. We'll get you back out here
18 shortly.

19 (Jurors exited.)

20 THE COURT: Ms. Boulware?

21 MS. BOULWARE: Thank you, your Honor. At this
22 time, the defense would actually request a for a
23 directed verdict. And I'll just address each charge
24 separately.

25 On the hindering charge, this is the charge

1 that was indicted under the statutory law. There's
2 common law hindering, then there's statutory and this
3 one was indicted with the --

4 THE COURT: 16-5-50.

5 MS. BOULWARE: Exactly. There is a case *State*
6 *v. Williams*.

7 THE COURT: You got a copy for me?

8 MS. BOULWARE: I do. I'm trying to find where
9 I put it. Excuse me, Judge. It's *State v. Kirven*.
10 *State v. Williams* is on the jury charge.

11 THE COURT: Okay.

12 MS. BOULWARE: Judge --

13 THE COURT: Hang on. Let the train go by.
14 Go ahead.

15 MS. BOULWARE: Judge, this is a case that
16 actually addresses the use of the statutory hindering
17 charge as opposed to the common law charge.

18 For the statutory use of the charge, this case
19 makes a distinction. It actually says there has to be
20 some sort of warrant served or warrant in hand to be
21 served.

22 And I think we have plenty of testimony to
23 show that there was no arrest warrant, no search
24 warrant, no anything like that to be served on Tykavis
25 Sampson to where Tyshawn would have been hindering any

1 sort of service of that.

2 It does actually say, the common law -- this
3 would probably fall under common law, but it's not.
4 It's part of the statutory version of it that there has
5 to be some warrant, some sort of process that the
6 officer is serving.

7 And I believe if it weren't -- if it didn't
8 intend for it to be an actual arrest warrant or a search
9 warrant, it would have just gone along with common law.
10 And I believe that's what it's distinguishing, between
11 the common law and the statutory law. That, in the
12 light most favorable to the State, there's no evidence
13 that there was any arrest warrant being served at that
14 time. So I would ask for a directed verdict on
15 hindering.

16 THE COURT: Let me hear from the State. I
17 thought about that also, for what it's worth and I had
18 my law clerk look-up what "process" means.

19 MS. HALL: That's what I was going under. He
20 was engaged in the process of arresting him. That is
21 what he was charged to do in the line of duty.
22 Regardless of whether it came up sua sponte or whether
23 it was something he was given to go and walk away and
24 do.

25 This is the first time I've seen this. Quite

1 frankly, I didn't even know that there was a common law
2 versus a statutory and it's a 1983 case. I have no idea
3 if it's any good. I just got it. And I'm assuming that
4 it was checked and was good. But I don't know if
5 there's been clarification of it or anything else.

6 I was operating under the fact that he was
7 serving or in the process -- I can't remember the exact
8 wording under (b), recusing or attempt to recuse such
9 person from investigating officer, hinder or prevent him
10 from serving any other process issued under this
11 provision.

12 That is what I was going by, serving process
13 or process of arresting him.

14 THE COURT: Okay. Let me read the statute.

15 MS. BOULWARE: Judge, I will point out, even
16 though it's a 1983 case, I did compared statutes from
17 1983 to the current one and the only thing that's
18 changed is the penalty.

19 THE COURT: The only thing that changed is
20 what?

21 MS. BOULWARE: Was the penalty in the statute.

22 THE COURT: Here's the current statute that
23 I'm looking at on my laptop, which says it was amended
24 in 2010.

25 [As read]: "A person who shall hinder,

1 prevent, or obstruct any officer or other person charged
2 with the execution of any warrant or other process
3 issued under the provisions of this chapter in arresting
4 any person for whose apprehension such warrant or other
5 process may have been issued; any person who rescues or
6 attempts to rescue such person from the custody of an
7 officer or persons lawfully assisting him; any person
8 who aids, abets, or assists any person so arrested,
9 directly or indirectly, to escape or any person who
10 harbors or conceals any person for whose arrest or
11 warrant shall have been issued."

12 In other words, hiding them.

13 And (d) and (c) really aren't applicable.

14 Well, (c) may be, but (d) is not applicable.

15 In that, it says it's up to three years in
16 prison.

17 Let me look at the case law. Hang on.

18 What does "process" mean? What other process
19 meaning, Ms. Boulware?

20 MS. BOULWARE: Your Honor, I take that to
21 interpret that maybe some sort of -- civil service of
22 some papers or something like that is how I interpret
23 that.

24 The case has not been overturned or anything.
25 And the only reason I think that that is what that means

1 in this case is because there's, otherwise, no reason to
2 have a case distinguishing the statutory law from the
3 common law. Because under common law, anything -- any
4 of this can be happening.

5 But the Supreme Court decided, well, for
6 statutory purposes, warrant or process -- process, to
7 me, I interpret as a civil process.

8 THE COURT: What does your thing say?

9 [As read]: "Process is defined as a
10 formalized procedure by which criminal proceedings are
11 instituted against a person or persons accused of
12 wrongdoing. The purpose of a legal process is to
13 provide the accused of an opportunity to be heard and to
14 give them a fair chance to defend themselves," blah,
15 blah, blah.

16 "In criminal law, the legal process begins
17 when the police investigate a crime and gather evidence
18 against a suspected perpetrator."

19 I think that's the legally correct definition
20 of process. The testimony from the first officer who
21 testified, what was his name, Bryant --

22 THE CLERK: Goodwin.

23 THE COURT: He testified he was there because
24 they got a call of disturbance, which is pretty much
25 synonymous with *State v. Kirven*.

1 During the officers time of investigation of
2 the disturbance, the appellant son, struck the officer.
3 While Officer Thomas was attempting to place the younger
4 son under arrest for assault, the father stepped in and
5 said, "Let me talk to him. Let me talk with him. I can
6 handle it."

7 Then the guy intervening was placed under
8 arrest.

9 It comes down to what "process" means. And as
10 I understand the law, in a criminal statute, if you
11 construe the criminal statute, the statute must be
12 specific; it must be strictly interpreted in favor of
13 the defendant.

14 So for that reason, I respectfully grant the
15 defendant's motion for directed verdict as to the
16 hindering charge. So that's out.

17 MS. HALL: That's out.

18 THE COURT: Okay.

19 MS. BOULWARE: Thank you, your Honor.

20 THE COURT: What's the next one?

21 MS. BOULWARE: On the resisting (b), what we
22 have here is testimony from Goodwin -- I don't even
23 think the testimony he gave rises to, he knows what was
24 getting ready to happen, if anything.

25 I think what we've seen is, Goodwin came in

1 aggressive. He stayed aggressive. He got aggressive
2 with everyone around him. He threatened everyone around
3 him. And there's conflicting testimony as to whether or
4 not Tyshawn, what he heard, when he heard, what, but he
5 was coming over, he asked, "What you doing to my
6 brother?" And next thing you know, when you watch the
7 video, they're on the ground.

8 Tyshawn's walking over, Goodwin sticks his
9 hand out and then tackles him from what I gather in the
10 testimony.

11 I think in the light most favorable to the
12 State on that, that's not -- it's not a resisting (b) in
13 that Tyshawn did not begin that assault. The officer
14 began that assault, which will -- if you let this go
15 forward, we'll get to my jury charge question.

16 But your Honor, I would ask for, at the
17 moment, or right now, you would grant directed verdict
18 on that based on the fact that this assault was not
19 begun by Tyshawn.

20 THE COURT: State's response?

21 MS. HALL: Your Honor, like Mr. Maxwell said,
22 "that's a jury question." And there is evidence that --
23 and it's video evidence that it -- and testimony from
24 the officer that they were trying to effectuate a
25 detainment and intentional arrest of Tykavis Sampson,

1 when Tyshawn comes around the building, in an aggressive
2 manner, and you can see from the video, him coming,
3 walking up to the officer. The officer is going to
4 basically football strong arm against him, to try to get
5 him to stop.

6 And then yes, it's hard to tell what happens
7 after that because the body cam is smashed up against
8 the clothing. But you did have testimony from the
9 officer -- the Court had testimony from the officers,
10 two of whom witnessed the assault. One of them was
11 involved in it.

12 He says that "he jumped me." The other
13 officer, Chris Mills said, he lunged at -- he didn't see
14 the jumping necessarily, but he saw the lunging at --
15 the defendant's lunging at Deputy Goodwin during the
16 course of that and that's an assault on an officer.

17 So for that reason, the State would submit
18 that this motion should be denied.

19 THE COURT: All right.

20 MS. BOULWARE: Judge, first of all, I believe
21 Chris Mills actually said -- he was conflicting in his
22 testimony.

23 First he said, he didn't really see, he was
24 paying attention to Tykavis Sampson and then he said
25 "lunged." He's never indicated that before until he got

1 on the stand today. Then even on the stand, he went
2 back-and-forth on it.

3 Also, as far as the just the resisting arrest
4 part itself, everyone up there all testified that
5 Tyshawn was never aware or told or in anyway would know
6 that he's under arrest.

7 From Tyshawn's point of view, he's being
8 attacked by the officer. And all of a sudden, the next
9 thing he knows, he sees his brother being manhandled by
10 Goodwin. And then he comes around and goes, hey, man,
11 what's going on? 'Cause they're all at their house.

12 He never indicated to Tykavis, to begin with,
13 Sampson, that they were getting ready to do something
14 with him if he didn't hand over this phone. They just
15 decided to do it.

16 And so it all happens like this where Tyshawn
17 is all of a sudden in some scuffle with the officer, not
18 being under -- that he knows of, under arrest for
19 anything. And that actually would go to (a) and (b).
20 But we don't know about (a) yet, so mostly talking about
21 (b).

22 But I would, for that reason, ask for a
23 directed verdict on both if you were to decide (a) is
24 the lessor included.

25 THE COURT: I agree with your interpretation

1 of the second officer's testimony. It did appear to go
2 here, there, and all over the place. But that is a
3 quintessential jury question. That's a credibility
4 issue. And for that reason, it survives directed
5 verdict.

6 So I respectfully deny your motion as to
7 directed verdict for subsection (b) in that statute.

8 Y'all talk to me about subsection (a). We
9 briefly spoke about it prior to the lunch recess,
10 whether or not that's applicable as a lessor offense.

11 Let me hear from the defense.

12 MS. BOULWARE: Judge, if you are inclined to
13 let (b) go forward, which you already ruled it would, I
14 would ask for (a) because I can argue to the jury that
15 this assault was not begun by Tyshawn.

16 I think if -- basically, that Goodwin
17 overstepped. I think he got too excited. He was ready
18 to fight anybody around him and this is pretty much how
19 this proceeded.

20 So if the jury believes that Tyshawn was aware
21 and he was under arrest for something, then I would say
22 that the most he's resisting is trying not to be on that
23 car, but he didn't even resist that much.

24 They were able to get him to the ground. And
25 he asked them -- he kept telling them, "I'm not

1 resisting." Meaning, he told McLamore in the video,
2 that he's worried about getting put on that hot car.

3 Once they put him on the ground, he doesn't
4 have an issue with that.

5 THE COURT: I got you. What's the State's
6 position? Does the State concede that subsection (a)
7 should be charged or given as a lessor offense?

8 MS. HALL: I definitely think subsection (a)
9 is a lessor offense --

10 THE COURT: That's all I need.

11 I will include subsection (a) as a lessor
12 offense. The jury will be able to consider the lessor
13 offense if they find that the State has failed to
14 sustain its burden of proof as to the wounding or
15 assaulting a police officer.

16 What is the last motion?

17 MS. BOULWARE: And this is on the threatening
18 a public official, Judge. Goodwin testified that, okay,
19 "He said, 'I'm going to kill you.'" And there's nobody
20 else around him that can confirm that that was said.

21 Tyshawn denies that was said the entire time.
22 I did look at a couple of cases where they did describe
23 what threatening a public official is. And the examples
24 those cases gave were pretty specific to, "I'm going to
25 get your gun and shoot you," or, let's see, this one is,

1 in the *Interest of Jeremiah W.*, a Supreme Court case,
2 he -- he told the officer that he had a gun and he was
3 going to, "come blow my eff'n head off."

4 And in --

5 THE COURT: So you're arguing that there has
6 to be a specific threat?

7 MS. BOULWARE: Yes, sir. And the other
8 example being even more specific than that is *State v.*
9 *Bridgers*, where Bridgers said, "I'm going to get my gun.
10 I'm going to come to your home in Lake City and I'm
11 going to kill you."

12 So those are pretty specific where an officer
13 could infer that this person's really going to come get
14 me. I think he did testify, "Yes, I've heard nasty
15 things before." He said that's the first time he's ever
16 heard that.

17 But as far as it rising to an actual threat to
18 a public official, even if it was said, which, of
19 course, Tyshawn denies it and there's no other evidence
20 that it was except for Officer Goodwin. I think even
21 with that, the light most favorable to the State, that
22 that directed verdict, we would ask that you grant that
23 as well. I don't think that it rises to the level of an
24 actual threat against an officer.

25 THE COURT: What's the State's response?

1 MS. HALL: The statute doesn't require there
2 be an apparent present ability to carry it out. Just
3 requires a threat to be made.

4 Testimony from the officer that the threat was
5 conveyed, I would submit that that's in the light most
6 favorable to the State and enough evidence for the jury
7 to make a decision about that.

8 THE COURT: I agree. I'm going to
9 respectfully deny your motion for a directed verdict on
10 that issue.

11 So three things going to the jury, is the
12 assault against a police officer; the lessor offense of
13 resisting arrest; and threatening the life of a public
14 official.

15 Hindering a police officer is out.

16 Anything else before I question your client?

17 MS. BOULWARE: You want to do jury charges
18 later?

19 THE COURT: Yeah, let me talk to him first.

20 Sir, come on up here so I can hear you real
21 good. We've got fans on and stuff to try to keep it
22 cool in here.

23 Sir, do you swear to tell me the truth?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: At this time, I want to make sure

1 you understand your rights. If you don't understand
2 anything I say, please stop me and let me know or talk
3 to your lawyer and we can go from there, okay?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: We've now reached the stage of the
6 trial where the State has rested -- and this is where
7 you get to present your defense -- and you have the
8 right in deciding to present your defense. You have the
9 right to testify if you want to, okay, but nobody can
10 force you to, because the Fifth Amendment to the United
11 States Constitution says, "No person shall be compelled
12 in any criminal case to be a witness against himself."

13 That means nobody can make you testify if you
14 don't want to. You can if you want too but nobody can
15 make you do it, okay. The State can't call you as a
16 witness. You don't have to testify if you don't want
17 too. You have the right to remain silent.

18 Do you understand that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: All right. Now, if you decide to
21 testify, the State, the lawyers there, they can
22 cross-examine you and make you look bad in front of the
23 jury. They can try to make you look like a liar or they
24 can bring up any past convictions you have for crimes of
25 dishonesty or anything which may be allowed under the

1 Evidence Rules to attack your credibility and
2 truthfulness as a witness.

3 You understand?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Are there any that the State would
6 seek to impeach his credibility?

7 MS. HALL: Yes, sir. He has a 2016 conviction
8 for strong-arm robbery and a 2019 conviction for
9 attempted robbery.

10 THE COURT: Okay. Any argument against those
11 being allowed to come in?

12 MS. BOULWARE: Judge, just that they're -- I
13 will say they're too remote.

14 THE COURT: They're not. I mean, if you were
15 to testify, I would allow the Solicitor to bring up the
16 fact that you have been convicted of strong-arm robbery
17 and an attempted arm robbery before, and the jury would
18 hear that, okay.

19 And of course, they can think negatively of
20 you for that. And if you choose not to testify, none of
21 that comes out, okay, and I will specifically instruct
22 the jury that they can't even bring up the fact that you
23 didn't testify in front of them in the jury room because
24 they can't hold that against you. Because you have a
25 constitutional right to remain silent and you ain't got

1 to prove anything.

2 The State has to prove everything against you.

3 You understand that?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Do you understand what I've
6 explained to you?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Okay.

9 MS. BOULWARE: Judge, I'd also like to add, as
10 far as objecting to those charges. Under 403, they're a
11 little bit similar to the one. It's kind of an assault,
12 strong-arm robbery. And I feel like that would be too
13 similar and that would put in the jury's head that he
14 has propensity for violence in some way.

15 So that's the other thing that I would put on
16 the record about the distrust.

17 THE COURT: Absolutely. You're protected in
18 the record and I anticipated that in my ruling.

19 All right. So again, if you decide not to
20 testify, sir, I will tell the jury that they can't even
21 bring that up in the courtroom. They cannot hold that
22 against you, okay.

23 So do you understand what I've explained to
24 you?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Do you have any questions about
2 it?

3 THE DEFENDANT: All I want to know is, like,
4 why did the Officer Goodwin, he said that I came around
5 the house aggressive, right. But I came around the
6 house calm and asked him. So how did I come around the
7 house aggressive?

8 THE COURT: I don't know. That's up to the
9 jury to decide or not.

10 THE DEFENDANT: Yes, sir.

11 THE COURT: I mean, do you wish to testify?

12 THE DEFENDANT: No, sir.

13 THE COURT: All right. You've been over with
14 your lawyer about this?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: You all have talked about it
17 Ms. Boulware?

18 MS. BOULWARE: We have, Judge.

19 THE COURT: Do you agree with the strategy of
20 your client not testifying?

21 MS. BOULWARE: Yes, sir.

22 THE COURT: That's fine. I just want to make
23 sure you understand.

24 So the defendant is going to rest then?

25 MS. BOULWARE: Yes, sir.

1 THE COURT: Any other evidence that the
2 defense is seeking to bring up?

3 MS. BOULWARE: No, sir.

4 THE COURT: Thank you, sir. You can have a
5 seat back there.

6 Let's go to jury charges.

7 Okay. Anything specifically you want me to
8 charge?

9 I mean, off the top of my head, all the
10 general stuff.

11 Intent, I'm charging right out of the statute
12 for subsection (b) and right out of the statute for
13 subsection (a). I just kind of reworded it to make it
14 understandable.

15 I defined "process," but since I threw out
16 "hindering," I'll keep in process, we'll get rid of that
17 that.

18 Statement of defendant.

19 What else?

20 MS. HALL: Circumstantial and direct evidence.

21 THE COURT: Who?

22 MS. HALL: Direct or circumstantial evidence,
23 which is standard.

24 THE COURT: Yeah, that's all in there.

25 MS. HALL: Credibility.

1 THE COURT: Get rid of "prior inconsistent
2 statements."

3 Credibility.

4 What you want me to do?

5 MS. BOULWARE: Judge, I've got a jury charge
6 for, "Right to use reasonable force to defend against
7 the use of excessive force by the police officer
8 incident of lawful arrest," which comes directly from
9 *State v. Williams*.

10 THE COURT: I've actually charged this before
11 in a trial that I did down in Richland County.

12 Does the State object to this charge?

13 MS. HALL: I object to that charge. I don't
14 know what the true charge was. But this one, I do
15 object to, in the form that it is, not charged from a
16 substantive standpoint, which is the way that this is
17 written.

18 MS. BOULWARE: Well, it's possible we can
19 agree on a different form.

20 THE COURT: You have a copy of it?

21 MS. HALL: Me?

22 THE COURT: Let's look through this together.

23 MS. HALL: I've pulled the cases too, so...

24 I mean, There's a lot of material in that last
25 paragraph, in the *Williams* decision, that I think

1 probably needs to be incorporated in some way to this.

2 Basically, the problem I'm having with this,
3 is it -- okay, this is what the case says at the end.
4 And it says, in the end, definitely, the defendant has a
5 right to resist an unlawful -- a lawful arrest if
6 excessive force is being used.

7 There's part of this that says, "that, we
8 conclude that an individual under the appropriate
9 circumstances has the right to utilize the amount of
10 resistance reasonably necessary to defend himself in the
11 event excessive force is utilized incident to lawful
12 arrest.

13 This should not be interpreted to mean anyone
14 is entitled to resist a lawful arrest but that the
15 arrest becomes unlawful for purposes of prosecuting the
16 underlining offense.

17 On the contrary, to be entitled to the
18 requested instruction, the evidence must clearly show
19 that the accused complied fully" -- actually, I think --
20 "with all requirements placed upon citizens subject to a
21 lawful arrest and resisted only to the extent necessary
22 to protect himself from serious physical harm."

23 THE COURT: Okay. You don't think it's
24 applicable?

25 MS. HALL: I'm not going to sit here and tell

1 you that she can't argue this to the jury, that he was
2 afraid of physical harm. He's not on the stand to say
3 that. But at the same time, I just feel like the charge
4 that she's presented you with, doesn't include all of
5 this. He was not -- I guess at that portion of it,
6 whether he had the ability to believe that he was under
7 be seriously --

8 THE COURT: Well, isn't *State vs. Williams*,
9 though, a personal arrest? Not when you're interfering
10 with somebody else being arrested?

11 MS. HALL: Yeah. Absolutely.

12 THE COURT: I mean, see, I think that's the
13 key distinction here, if there is a distinction.
14 Ms. Boulware, what's your response to that?

15 MS. HALL: Well, I wanted to say one more
16 thing because it's going to come into probably her
17 response.

18 MS. BOULWARE: Well, no, if she's charging him
19 resisting arrest for his own person arrest, I think this
20 does apply. I mean, otherwise, he wouldn't be charged
21 with resisting arrest; he would be getting the hindering
22 charge.

23 But I will also say that, I believe I heard an
24 argument earlier, that the resisting doesn't start until
25 he's trying -- he's stiffened up, trying not to be

1 placed on the car. And he had a reason for that which
2 he told --

3 THE COURT: Yeah, I get all of that and that's
4 all on the video and audio. They can consider all that.

5 MS. HALL: I want to differentiate this
6 factual too, which is what I was trying to say.

7 You can see in the video, the defendant coming
8 towards the situation. There were words exchanged.
9 This *Williams* case is completely the different.

10 THE COURT: I agree. I'm not going to charge
11 it.

12 MS. HALL: There's a gun involved.

13 THE COURT: I agree. I'm not going to charge
14 it. You can argue it all you want but I'm not going to
15 charge it. I don't legally believe it's applicable in
16 the case for the distinction I just said. But I'm not
17 going to prevent you from arguing that. That goes to
18 the issues of credibility and whether or not the
19 officers acted too aggressively or not. That's
20 something they can consider in determining -- when they
21 read -- when I give them the law and the statute, that's
22 something that they can consider.

23 So it's kind of like -- anyway, that's my
24 ruling. You're protected in the record.

25 MS. BOULWARE: Judge, I just think it's a

1 question for the jury as to whether he complied or not.

2 That's why I was thinking the charge needed to be --

3 THE COURT: Absolutely. That doesn't prevent
4 you from arguing it.

5 MS. BOULWARE: Yes, sir.

6 THE COURT: Again, I construe *State vs.*
7 *Williams* as the person -- under the theory that the
8 State is prosecuting him for the wounding, assaulting
9 the police officer, I mean, I saw the video. The video
10 is your guy coming at the officer.

11 And I'll use my words, again, it doesn't
12 matter what I think, it's what the jury thinks.
13 "Aggressively." And I don't know who threw the first
14 punch or who threw the first tackle or who threw the
15 first arm out there. You know, you don't attack a
16 police officer. Bottom line.

17 I mean, if you attack a police officer, you're
18 going to get charged with something. So bottom line,
19 that's kind of the way I look at it. So he did not have
20 the right to -- forced -- he may have been able to use
21 force to defend an illegal arrest on himself. But *State*
22 *vs. Williams*, it ain't like a self-defense where you're
23 defending others. This ain't a defense of others
24 argument, is the way I look at it.

25 And so that's how I'm framing my decision for

1 the purpose of this record, as I find that *State vs.*
2 *Williams* is inapplicable to the defense of others. That
3 have gives you something to appeal on if you lose.

4 What else?

5 MS. HALL: I have one more question.

6 THE COURT: Yep.

7 MS. HALL: How do you define "arrest"?

8 THE COURT: How do I find "arrest"?

9 MS. HALL: Define.

10 THE COURT: I don't know. I'm going look at
11 it.

12 What does that mean? What do you want me to
13 say?

14 MS. HALL: Well, there's another *State vs.*
15 *Williams* case, that's 237 SC 252, and that defines
16 arrest, "As to constitute an arrest, there must be an
17 actual or constructive seizure or detention of a person
18 performed with the intention to effect an arrest and so
19 understood by the person detained," that's, "physical
20 force, touching, restraint or a formal declaration of an
21 arrest is nonessential as long as the intention to
22 arrest is made plain."

23 THE COURT: Okay.

24 MS. HALL: I don't know what your charge says,
25 that's why I'm asking.

1 THE COURT: I'm not even going to -- I wasn't
2 even going to charge all of that. The only reason I
3 brought up the process thing is because I anticipated
4 Ms. Boulware -- if I'm thinking about it, I know she's
5 going to be thinking about it on that hindering charge.
6 But that's out now so I ain't got to worry about it.

7 MS. HALL: That's fine. I can just argue
8 that. I just didn't know if you had a definition and I
9 wanted to make sure I knew what it was.

10 THE COURT: "The defendant has been charged
11 with assaulting, beating, or wounding a law enforcement
12 officer. The State must prove beyond a reasonable doubt
13 that the defendant knowingly and willfully assaulted,
14 beat, or wounded a law enforcement officer engaged in
15 serving, executing, or attempting to serve or execute a
16 legal writ or process or that;

17 The defendant assaulted, beat, or wounded an
18 officer when the defendant was resisting an arrest being
19 made by the officer, whom the defendant knew or
20 reasonably should have known was a law enforcement
21 officer."

22 That's really the part that's applicable.
23 That is right out the statute. I think people using
24 common sense can know what an arrest is.

25 MS. HALL: Okay.

1 THE COURT: Is there any dispute about that?

2 MS. BOULWARE: I think the fact that the
3 officers could not testify exactly when he was aware
4 that he was under arrest.

5 THE COURT: Great jury argument.

6 MS. BOULWARE: Right.

7 THE COURT: That's a great jury argument.
8 That's why I don't want to --

9 MS. BOULWARE: I mean, it's not addressed in
10 the statute, so...

11 THE COURT: It's not. I don't want to dig
12 that hole and confuse the jury. So I'm just not going
13 to define "arrest" or "process," especially since I
14 dismissed one of the charges against your client.

15 Resisting arrest: If you find the State has
16 failed to prove wounding, assaulting, whatever, you may
17 consider the lessor offense of resisting arrest.

18 The defendant may be found guilty of resisting
19 arrest if he knowingly and willfully assaults, beats,
20 or -- no. No, no, no.

21 Hang on.

22 If you find the State has failed to prove the
23 defendant guilty beyond a reasonable doubt of
24 assaulting, beating, wounding a law enforcement officer,
25 you may consider the lessor offense of resisting arrest.

1 It is unlawful for a person to knowingly and
2 willfully oppose or resist a law enforcement officer in
3 serving, executing, or attempting to serve or execute a
4 legal writ or process or to resist an arrest being made
5 by one whom the person knows or reasonably should know
6 is a law enforcement officer, whether under process or
7 not.

8 Any objection to that?

9 MS. HALL: No.

10 THE COURT: We will reword that. I'm going to
11 write it out and type it up.

12 All right. The threatening the life of a
13 public official: The defendant has been charged with
14 threatening the life of a public official.

15 A law enforcement officer is a public
16 official. The State must prove beyond a reasonable
17 doubt that the defendant knowingly and willfully
18 delivered or conveyed to a public official any verbal
19 communication which contained a threat to take the life
20 of, or to inflict bodily harm upon a public official or
21 members of his immediate family."

22 Any objection to that?

23 MS. HALL: No, sir.

24 MS. BOULWARE: No, sir.

25 THE COURT: Perfect. Then that's it.

1 Anything else on the charge?

2 MS. HALL: Nothing from the State.

3 THE COURT: Anything else on the charge?

4 MS. BOULWARE: Nothing.

5 THE COURT: Good.

6 So when we come back, you're going to rest?

7 MS. BOULWARE: Yes, sir.

8 THE COURT: You'll are ready to proceed right

9 into closings?

10 MS. HALL: Ten seconds.

11 MS. BOULWARE: Well, or maybe ten minutes.

12 THE COURT: Sure.

13 MS. BOULWARE: Is that okay?

14 THE COURT: Ten minutes to get your thoughts

15 composed.

16 MS. BOULWARE: To readjust to the charge.

17 THE COURT: That will give flounder time to

18 type up stuff to the way it should be typed up.

19 (Whereupon, a short recess was taken.)

20 THE BAILIFF: All rise.

21 THE COURT: All right, y'all good.

22 Anything else before we bring the jury back?

23 Is the State ready?

24 MS. HALL: Yes.

25 THE COURT: As far as, when we come back in,

1 you're going say "the defense rests," and then let's
2 talk about closing arguments. The defense didn't put
3 any evidence in so they get to go last if they want too.
4 You don't have too.

5 Do you want to go last?

6 MS. BOULWARE: Absolutely.

7 THE COURT: All right. So the State, you
8 know, you don't have to right of the third argument,
9 then, under the law.

10 MS. HALL: Right.

11 THE COURT: So you go and then you get to go
12 and then I'll charge the jury.

13 Anything else before we bring them out here?

14 MS. HALL: Nothing from State.

15 MS. BOULWARE: Nothing from defense.

16 THE COURT: Thank you.

17 Bring the jury out.

18 (Jurors entered.)

19 THE COURT: Thank you.

20 Ladies and gentlemen of the jury, sorry for
21 the delay. We had to go over things to make sure it's
22 more streamlined for you, for y'all to start your
23 deliberations here momentarily.

24 The State has rested.

25 Now the defense. Ms. Boulware, you can call

1 your first witness.

2 MS. BOULWARE: The defense rests, your Honor.

3 THE COURT: The defense rests. Ladies and
4 gentlemen, we have completed the testimony and the
5 evidence phase of the trial.

6 Remember what I told you, when we do that,
7 three things happen. The lawyers get -- well, the
8 State's attorney, the prosecutor, the Solicitor's office
9 will make a closing argument to you followed the
10 defense. They will make a closing argument to you.
11 Remember what they say is not evidence. It's simply
12 their way of arguing the evidence to you.

13 And at the conclusion of their comments to
14 you, that's when I'm going to charge you on the law and
15 y'all finally get to start talking about it here
16 momentarily.

17 So please listen carefully to the lawyers as
18 well as me when I start talking.

19 Thank you very much.

20 Madam Solicitor?

21 MS. HALL: Thank you.

22 THE COURT: We've got fans going so make sure
23 you talk loud.

24 MS. HALL: It's hot in here again so I'll try
25 to be as brief as I can, but I want to try to be

1 thorough so it might take a second.

2 Everybody's heard the saying, "Don't lose
3 sight of the forest through the tress." And I want you
4 guys to keep that in mind as we go through 'cause I'm
5 going to come back to it in the end.

6 There's a big overview of what's going on, and
7 if you get caught up in all the trees in this, then you
8 get the red herrings of it, where there's things to
9 distract you. I want you to keep in mind that this is a
10 big picture thing too.

11 Again, we went through the law in the
12 beginning. I'm not going to put it back on the screen.
13 The defendant -- there's three things -- three charges
14 that you can consider. His Honor will go over it at the
15 end of both of our closings.

16 One of the things he's charged with is
17 resisting arrest -- or assault on a law enforcement
18 officer. And that he assaulted a law enforcement
19 officer while the law enforcement was involved in carry
20 out the duties of his job. And I'm going to come back
21 to that in a minute.

22 He's also charged -- you are also to consider
23 a lessor included to that. If you find that the assault
24 of a law enforcement, when he was actively resisting
25 arrest, minus the assault, you can find him guilty of

1 that, resisting arrest without the assault.

2 The other thing he's charged with is
3 threatening the life of a public official. He said,
4 "I'm going to kill you," which is what Deputy Goodwin
5 says he said. And of course, the defendant denies that
6 and we'll come back to that in a minute.

7 And if you find that all three of these
8 things, you find separately, so you don't find the
9 threatening, but you do find the assault, that's fine.
10 And you'll have an opportunity to indicate that.

11 I wanted to, first of all, talk about biases
12 and witnesses because you guys are the trier of facts,
13 which means that, His Honor will give you the law, but
14 you got to find out what the facts are. And You
15 determine what the facts are.

16 You've got testimony from the witness stand
17 and you can pick or choose whomever that you hear. And
18 those are the facts that you find them to be and apply
19 the law to those facts.

20 So one of the things that you determine --
21 there's different kinds of evidence too. There's direct
22 evidence, things that you can see, like, videos,
23 testimony. You can judge the credibility of the
24 witnesses. There's direct evidence, there's
25 circumstantial evidence.

1 Direct evidence is things that you can see,
2 things that you hear, like, from the video.

3 Circumstantial evidence is other things and I
4 call them the fill-in-the-blank things where you can
5 infer that something happened because you see or you see
6 the other things that are surrounding that. And His
7 Honor will give you that more clearly.

8 But all of that evidence comes from the
9 witness stand and the credibility of the witnesses is
10 also something that you guys have to look at when you're
11 trying to determine what the facts are. And I want to
12 talk about that for a minute 'cause I don't know what
13 Ms. Boulware is going to say, and your Honor says I go
14 first and I don't get to go again. So I have no idea
15 what she is going to say so I am going to have to sort
16 of anticipate that and try to address it.

17 She's probably going to come up here and say
18 that all those police officers are lying. That none of
19 them are telling the truth. And I would submit to you,
20 that's not a credible argument.

21 These guys, they do this every day. They go
22 to this house because it's a domestic call. You hear,
23 one of them says, "these are the most dangerous calls we
24 go to." It's a domestic call.

25 Not only that, let's compound it with the fact

1 that there was a whole bunch of people around.
2 Everybody is screaming and yelling, coming towards us
3 and it's chaos. There is some level of chaos that's
4 going on at the scene.

5 And they don't -- I would submit that she's
6 probably going to want you to believe that they have
7 some kind of beef with Mr. Robinson, some vendetta.
8 There's nothing -- they're just doing their jobs. They
9 come to this, they do their jobs, they don't have any
10 reason to tell anything other than the truth.

11 And it's been almost three year and -- or two
12 years, a little over two years and it's hard to memorize
13 things, so they wrote it down. She had them refer to
14 their notes. And you do have the video, body cam to
15 actually see what was happening and be able to tell what
16 the scene was like.

17 She's going to want you to second guess law
18 enforcement, to be super critical of everything. All
19 the State is asking, in the end of this, is to render a
20 verdict that speaks the truth. That's all the State is
21 seeking is just the truth.

22 Something obviously happened. Deputy Goodwin
23 came on to the stand and talked about how he went to the
24 call. I'm going to play it while -- because it's the
25 most important thing we have in this. When Goodwin gets

1 there, you can see on the video, he's just trying to
2 figure out what's going on. He's back and forth between
3 the house and car. The mom says to Tykavis Sampson, the
4 brother of the defendant, multiple times is saying, "Can
5 we have the baby? Let me have the baby. Where are the
6 kids?"

7 And you can see that Tykavis Sampson is not
8 really cooperative. He's very belligerent. He's just
9 running them off saying, "I'm not going do that. I'm
10 not giving them back."

11 He won't talk to them. Goodwin's trying to
12 get to the bottom of it and resolve it peacefully. And
13 he even says this to him, he says, "I'm just trying -- I
14 don't want to get -- crosswise with you, I just want to
15 get this straightened out."

16 So we'll watch that.

17 (Video played.)

18 MS. HALL: He says he's trying. He's not
19 upset at all. He's like, this is what I got to do. I'm
20 trying to do my job. If you don't cooperate with me...

21 But now he's coming out, he's basically
22 negotiating to get the baby back and the little boy out
23 of the house.

24 Now he's trying to get the phone. He's like,
25 if you don't cooperate with me, I'm going to have to do

1 something more and I don't want to. Just give me the
2 phone. He's demeanor, he remains calm.

3 Tykavis Sampson obviously is being belligerent
4 towards him. You can tell by the appearance, the way
5 he's acting and Goodwin is cool still and I would submit
6 that he remains that way.

7 (Video played.)

8 MS. HALL: That's where he tells him, if you
9 don't give me this phone, I'm going to conduct an
10 investigation. If I find that you have it, I'm going to
11 charge you. You're going to be arrested.

12 (Video played.)

13 MS. HALL: He says something there and we'll
14 talk about it. He say something that's not very nice.
15 He says, "I'm going to get nasty with these people."

16 I would submit, he's not saying, I'm going to
17 go beat all these people up. He's just frustrated and
18 we've all done that. There's no intention. In fact, he
19 knows at this point, or I would submit to you, he's got
20 some idea that the guy has the phone. And he's probably
21 going to have to arrest him 'cause he's not giving it
22 up.

23 So he goes to his car and gets his gloves.
24 When they touch people, they have gloves on. You can
25 see in Mills' video, he has gloves on too. And up until

1 this point, Goodwin was not putting them on. He wanted
2 to get -- he's anticipating having to make an arrest.

3 (Video played.)

4 MS. HALL: Ms. Boulware had categorized this,
5 at some point when she cross-examined these witnesses,
6 that he goes over there and snatches him up. I will
7 back it up again real quick, and watch the way -- he
8 does grab -- he takes his arm. Mills is right there
9 with him helping him. No snatching or hitting or being
10 ugly about it. And this is just business. This is what
11 we've got to do.

12 He has pants on. The kid said the phone is in
13 the pocket. All he is trying to do is find the phone.
14 Go home. All is good. We don't have to go through all
15 this. I just want you to watch the way -- it's not
16 somebody snatching up.

17 (Video played.)

18 MS. HALL: Now, this is where it starts
19 getting hot. And I believe Ms. Boulware categorized
20 that as "escalating."

21 I would submit to you, he was trying to
22 deescalate, because when you tell somebody, get away
23 from me versus get the F away from me, those are two
24 different statements. He's trying to deescalate this.
25 He's trying to keep these people calm.

1 Even though he says, "I'm going to tase you,"
2 he doesn't and he never has an opportunity to. Here
3 comes Tyshawn Robinson from around the corner. Up until
4 now, he doesn't even know Tyshawn's there. He's trying
5 to deal with Tykavis and get the phone back. And this
6 is a surprise to him. He knows that there are other
7 people there, but he doesn't realize this is about to
8 happen.

9 (Video played.)

10 MS. HALL: He straight arms him. You can see
11 it right there. He's straight-arming him trying to keep
12 him away from him. And Tyshawn keeps coming.

13 (Video played.)

14 MS. HALL: So he's try to subdue him, and you
15 can hear, at some point -- I can play this for you later
16 on -- Tyshawn says, when he's talking to McLamore on the
17 side of the car after he's read his rights, he says, "I
18 got him down on the ground. Took him a long time to get
19 me down. And I tried to get at him again."

20 That's assault. That's assault of an officer
21 while he's trying to perform the duties of this job.
22 This officer didn't go to him. He didn't jump on him.
23 He was simply trying to subdue him when he was being
24 assaulted. I will stop here and come back to that.
25 There's different videos of this, body cams, obviously.

1 This is the other video view since it's not on
2 Goodwin.

3 (Video played.)

4 MS. HALL: See, they're yelling at somebody to
5 shut up and be quite. They're yelling at the defendant
6 to shut up and be quite. Probably because he just said,
7 "I'm going to kill you."

8 He's coming around the corner going, "What the
9 F are you doing to my brother," which is, again,
10 fighting him, attacking, assaulting, coming through
11 aggressively, which is exactly the way law enforcement
12 described it. "Lunging," I believe is the word
13 Christopher Mills used. Aggressively coming around the
14 corner. Both of them testified to that.

15 (Video played.)

16 MS. HALL: There's Tykavis Sampson telling his
17 brother to, "Stop, stop." He doesn't stop, he keeps
18 fighting.

19 (Video played.)

20 MS. HALL: You see, to the extent Officer
21 Mills is in -- this is his body cam. Now you can see
22 what he's having to do to get the defendant off of
23 Goodwin and try to get everything sorted out and calmed
24 down.

25 (Video played.)

1 MS. HALL: He's totally able to put his hands
2 behind his back. He's just resisting and resisting.
3 And this is after the assault and now everybody's
4 screaming and yelling, and he said, according to
5 Goodwin, "I'm going to kill you."

6 And Tyshawn Robinson will come back at some
7 point later on and try to defend his story. If anybody
8 has a reason to tell a different story, to try to make
9 sense of the story that's already been shown, is Tyshawn
10 Robinson.

11 The fact is he's coming back later when he's
12 talking to McLamore and making statements that he did
13 not -- he didn't say, "I'm going to kill you."

14 There's so much chaos going on. He was so
15 close to Goodwin. Goodwin testified to that. That's
16 just something that y'all are going to have to decide
17 and the credibility of the witnesses' statements in
18 terms of the threat.

19 The body cam is so mumbled up because there is
20 so much noise in it in terms of the roughing of the
21 clothing and screaming of the people.

22 (Video played.)

23 MS. HALL: Again, he's said, yeah, he's been
24 assaulted. I'm talking about Goodwin now. He's been
25 assaulted. He's been jumped. He's been rolled around

1 on the ground. He's still calm, I would say.

2 "Put your hands behind your back. Put your
3 hands behind your back. Put your hands behind your
4 back."

5 He's repeating it over and over and over and
6 over again, trying to get him to just comply so he can
7 put the handcuffs on him so all the chaos will end.

8 Goodwin told you too, I think on
9 cross-examination, he said, I've never been -- "at that
10 point in my life, I have never been told by someone,
11 'I'm going to kill you.'"

12 And he was -- he didn't know if Robinson had a
13 gun. He didn't know if Robinson had a knife. He didn't
14 know what Robinson had. He just came around the house.
15 Didn't know he was there. Comes up to him aggressively
16 and jumps on him to keep him from addressing his
17 brother.

18 (Video played.)

19 MS. HALL: He's reacting now. He says, "You
20 don't walk up to somebody and say, 'I'm going to kill
21 you.'"

22 Again, he's calm. He's upset but he's not
23 being super aggressive. He's not doing anything out of
24 line. The only thing he's doing, again, is trying to
25 get the cuffs on this guy to end the chaos and to end

1 the assault.

2 (Video played.)

3 MS. HALL: And he just said, "I came around
4 here, asking what the F is going on with my brother."
5 Aggressively. That's when he admits to coming around
6 the corner and saying that.

7 (Video playing.)

8 MS. HALL: Now things are escalating and I'll
9 get into it in a minute. All these accusations of
10 choking, hitting and hurting, all that -- it's a lot of
11 drama coming from his mother and whoever else this lady
12 is who is on the scene. You never see any of that on
13 video, I'd submit to you, because it never happened.

14 Now, you see Mills begin to -- at this point
15 Goodwin's taken the defendant over to the truck, thinks
16 everything is going to calm down and now you see Mills
17 running up to help him again.

18 (Video playing.)

19 MS. HALL: Again, there's statements by
20 Robinson, later on he tells McLamore, "I was only trying
21 to get away from the hot car because I had a tank top
22 on."

23 Well, I submit to you, he wasn't trying to
24 place him on the hot car until he started fighting him.
25 And they weren't really trying to place him on the hot

1 car; they were just trying to get everything under
2 control. There was yelling and screaming. You can hear
3 the guttural screams that are coming from him. They're
4 still screaming at him before they turn him around and
5 he tries to assault them. He's aggressive. He's angry,
6 aggressive and doing that to a law enforcement officer.

7 All Goodwin is doing is -- at that point is
8 trying to take him to the car, put him in the car and
9 take him to jail.

10 (Video played.)

11 MS. HALL: And even his momma is trying to get
12 him to stop, she's saying, "Put your hands behind your
13 back. Put your hands behind your back."

14 She knows that's what you should be doing to
15 begin with.

16 (Video played.)

17 MS. HALL: Now they're trying to make sure
18 they're safe. They're trying to make sure he doesn't
19 have any weapons. They're saying something and I don't
20 think he's clear. And he doesn't -- because you hear
21 McLamore, he's the peacemaker. Even he was saying he
22 was tensing up, he was fighting us and this is the way
23 we do things. We pick them up and we place them on
24 their stomach, so when they're resisting like that, we
25 can make sure they don't have any weapons on them.

1 That's exactly what they did and then they
2 made sure he was clear. You can see them pick him up
3 and put him back on his feet and in the back of the car.

4 (Video played.)

5 MS. HALL: Now he's having a conversation with
6 McLamore. This is where -- McLamore testified about
7 this too. Now the chaos has subsided to some degree.
8 He's separated all the people. You see Goodwin walking
9 off and McLamore is one-on-one with the defendant.
10 McLamore has this training in how to calm things down.

11 He allows the defendant to -- builds a rapport
12 with the defendant and allows him -- and you know, it's
13 like, if you show respect, you get respect. And I would
14 submit to you that if Tyshawn Robinson showed respect to
15 Goodwin, we wouldn't even be here right now, but he
16 didn't.

17 Now he's in this car, everybody's gone. The
18 momma is away from him and is not being consumed by all
19 this chaos. McLamore also told you that with his
20 training, the more people that get involved in a chaotic
21 situation, the more chaotic it becomes. He now has one
22 on one and Mr. Robinson is able to calm down a little
23 bit and try to, I would submit, make up a story about
24 what happened.

25 (Video played.)

1 MS. HALL: I'm going to skip that part because
2 you guys have already heard it. I think he said, he
3 must have unheard me or misunderstand me or something
4 like that. I would submit to you, at this point in
5 time, his story is straight so he knows what he said.

6 (Video played.)

7 MS. HALL: He's saying he walked up to him,
8 but you see on the video Tyshawn is walking to up the
9 officer while he's trying to -- and the ironic thing is,
10 he's trying to deal with his brother, the one who was
11 getting arrested. And he comes in and he tries to
12 interfere with that and ends up assaulting the officer
13 and the brother gets away.

14 The brother's nowhere to be found. He runs
15 away and this guy is sitting in the back of the police
16 car. The brother was trying to tell him to stop.

17 (Video played.)

18 MS. HALL: That's what he's saying. "It took
19 them a long time to get me down." He saying, "I tried
20 to get at him again. Assault him again." He's trying
21 to get at him.

22 And the interesting thing is he's trying to
23 explain. "I was trying to explain to the officer, it
24 was too hot for me."

25 Well, I submit that that was not true. He was

1 in the middle of trying to subdue him. It's too hot to
2 be on the car. We can go back and listen to it. I'm
3 not going to belabor that. I would submit to you, he's
4 trying to make up a story because he thinks he's in
5 trouble, the most trouble for the threat.

6 That's when he's saying, all three of us was
7 trying to turn around again. Nobody's trying to assault
8 him. Nobody's trying to do anything. All they were
9 trying to do is subdue him which, I submit, is going on
10 this entire time, from the initial visit to when he
11 approached the situation.

12 And I want to come back real quick to another
13 piece of that. You heard McLamore testify, when he was
14 on the stand, about -- he said that when we were in the
15 hospital, Tyshawn said, "If I hadn't come around the
16 house that -- that I probably shouldn't have come around
17 the house that way." I can't remember exactly how he
18 said it. He was saying something to that effect.

19 That's where he said, "I shouldn't have come
20 around the corner like that." It's hard to understand
21 but you can go back and watch it if you need to. I
22 should have asked him calmly, "What's going on," and, "I
23 should have changed my reaction." That's what he said.

24 (Video played.)

25 MS. HALL: And goes on to talk about it a

1 little more. That's where -- there's a point -- like I
2 said, it's hard to hear. You'll have access to this
3 while in the jury room. He says, "If I could take
4 anything back, I should have changed my reaction." And
5 I submit to you, if he hadn't come around the corner
6 screaming in an aggressive manner, coming to the officer
7 and assaulting him and keeping him off his brother, none
8 of this would have never got to this point.

9 In closing, I just want to talk about officers
10 doing their jobs. And again, I'll talk about -- he's
11 doesn't get to that point. You got the video of this
12 and you're able to tell what actually occurred. You're
13 going to see the chaos that these officers had to deal
14 with once they got to this domestic call.

15 I would submit to you that Goodwin wasn't
16 angry. He was frustrated. As for the comment, he said
17 he never threatened anybody. He never threatened to do
18 anything to anybody. He went over there trying to deal
19 with Tykavis Sampson. He's the point of this whole
20 thing. And then got jumped by Tyshawn Robinson, which
21 was never anticipated and never -- yet something that
22 Ms. Boulware talked about. Oh, well, did you have a
23 piece of paper to arrest him? Did you get a search
24 warrant?

25 The idea is that the phone is in his pocket.

1 McLamore touched on it. You don't have to have a search
2 warrant. I mean, wouldn't it be a beautiful world to
3 have a crystal ball the moment we walked up to a
4 domestic violence call? Oh, well, the crystal ball.
5 These people are going to do whatever, so let's get this
6 piece of paper before we go.

7 These things are situations that develop as
8 they occur and sometimes it gets chaotic and you've got
9 to react to the situation. They didn't know they were
10 going to have to deal with a cell phone issue. They
11 didn't know they were going to have Tyshawn Robinson
12 jump on them. They had no idea what was going to
13 transpire.

14 So they had to put people in custody, because
15 at that point time, it was not foreseeable by anybody.
16 So I just want to make that clear.

17 Again, the officers are just doing their job.
18 They have no reason to come in here and tell anything
19 but the truth. You guys can judge what you believe and
20 what you don't believe, if you find him guilty or not
21 guilty, whatever you want to. They don't have a beef
22 with him. They just dealt with the situation, calmed
23 him down and took him to the hospital because we heard
24 him talk about a seizure disorder.

25 So they're going to make sure he's okay before

1 they take him to the detention center. They deal with
2 this kind of stuff over and over and over. They do not
3 expect to have to deal with this type of behavior. They
4 get calls all the time. This is not something -- you
5 don't attack a police officer. That is a bad idea. You
6 don't threaten to kill a police officer. That's also a
7 very bad idea. This is what happens when you do. They
8 have to react and put you under arrest. It's just the
9 way the world works.

10 To that extent and to the ability that you
11 have to see the video, I would submit to you that this
12 man is guilty of resisting -- not resisting, but assault
13 on an officer because that's what he's guilty of.

14 And finally, if you believe what Goodwin said,
15 he's guilty of threatening the life of public employee
16 and threatening to kill him. And he didn't know if he
17 had guns, knives or anything on him when he threatened
18 to kill him. And you're an aggressive person coming
19 towards him, telling him to get away from him.

20 He tried to threaten him with a taser. None
21 of that worked. This was the only way to react and I
22 submit that that was not overreacting, thank you.

23 THE COURT: Thank you, Madam Solicitor.

24 Ms. Boulware?

25 MS. BOULWARE: Thank you, your Honor.

1 THE COURT: Y'all good?

2 FOREPERSON: Yes.

3 MS. BOULWARE: Good afternoon, ladies and
4 gentlemen. Thank you for sitting with us today and
5 listening to all these folks on the stand.

6 Because as I said, when I first talked to you
7 earlier, this is very important to Tyshawn Robinson.
8 And I'm not going to allege that there was a beef with
9 Tyshawn, the Solicitor was correct about that. I'm not
10 going to say any of the officers lied. I don't think
11 they did. I think their version of what happened might
12 not be exactly what happened, but I'm not going to say
13 they lied.

14 The Solicitor also told you, I'm going to --
15 "don't lose sight of the forest through the trees."
16 Ladies and gentlemen, that's my job. That's my job for
17 my client, to defend my client. It's to show y'all the
18 trees in this case. Because the State can run this by
19 and gloss over it and do everything they want to do to
20 get you to vote guilty. That's their job, they charged
21 it. They're the ones that got Mr. Robinson here today.
22 Of course they're going to do that. But don't listen to
23 the trees. Just sit with me for a few minutes to talk
24 about some trees.

25 So most of the law enforcement officers I deal

1 with are great people. They really are trying to do
2 their jobs. But they have good day and bad days, just
3 like the rest of us. I submit to you that Officer
4 Goodwin began to have a bad day. And when the Solicitor
5 mentioned that there's lot of drama going on, yeah,
6 there was a lot of drama going on, after it got ramped
7 up to that.

8 It's our position that it was not Tyshawn
9 Robinson's drama. Officer Goodwin admitted to you that
10 he was frustrated. Yeah, he was frustrated. He's going
11 back-and-forth between this person, who's Tyshawn's
12 brother's child's mother about the phone. The child --
13 through some exchanging of the child, which needed to
14 happen, which did happen.

15 Tykavis's brother did say, okay, I'm supposed
16 to give them over, I will. But baby mamma kept alleging
17 that there was a phone. "Well, ask Tykavis about the
18 phone."

19 "I don't have the phone," is what Tykavis
20 said.

21 Asked him again.

22 "I don't have it."

23 At this point, a couple of different options,
24 right. There's different roads we could have gone down
25 instead of the one we did. At this point, he goes back

1 and the little boys tells him, "Yeah, he's got it in his
2 pocket."

3 Okay. Here's our options at this point. We
4 have quite a few. If we think that there's a phone
5 that's been possibly stolen from somebody, that somebody
6 is alleging is on their person, we can go get a search
7 warrant. We can get an arrest warrant for that. And I
8 say, go back with a piece of paper because that piece of
9 paper is important when that person knows why you're
10 there.

11 He didn't ask Tykavis about the phone. He did
12 tell him, "I might have to bring up charges." He did
13 not tell Tykavis, when I come back across that yard --
14 and I disagree with the Solicitor, I think he did snatch
15 his arm. "I'm going to turn you around and put you in
16 handcuffs without any explanation whatsoever.

17 I'm not going to say, Look, man, I'm going to
18 have to cuff you if you don't produce this phone right
19 now. I'm going to have to get a search warrant if you
20 don't produce this phone. I'm going to go get an arrest
21 warrant if you don't produce this phone. He didn't say
22 any of that.

23 He started it up, went and got his gloves,
24 knew he was going to put his hands on him, and said, "I
25 got to get nasty with these folks."

1 Now, he said up there, "No, I really didn't
2 mean it like that." But when you see what happened
3 afterwards, how Tykavis was approached and what we'll
4 get into with Tyshawn, I think he did intent to get
5 nasty. He was tired of this. Just tired of this.
6 Frustrated. Tired of going back-and-forth with the
7 drama. Tired of all the -- I'm done. I'm ready to go.
8 Somebody's getting locked up.

9 So he and all of the officers testified that
10 when we go somewhere, we don't ever know what's going to
11 happen. And I agree with that, they don't. I've seen
12 plenty of -- more body-cam videos than I care to count
13 of officers getting surprised by things.

14 This should not have been a surprise to
15 Officer Goodwin. He came in there with other options
16 and decided, I'm going to be aggressive. That's what he
17 did. I call that escalating. A person whose job it is
18 to deescalate a situation said, I'm going to go get
19 nasty. I'm going to make this worse.

20 And he did.

21 So then we hear about -- and I don't have to
22 play the video again. Y'all have seen that. Tyshawn
23 comes around. There's conflicting testimony about that
24 folks.

25 First of all, on the video, I don't think you

1 actually see Tyshawn assaulting Officer Goodwin. I
2 think you might see an arm go out as Tyshawn might be
3 walking up. And he says he was asking him, "What's
4 going on with my brother?" That's basically what we see
5 there. And next thing we know, everybody's on the
6 ground. Officer Mills said, "I was paying attention to
7 Tykavis. I really wasn't looking."

8 But then he said he lunged.

9 Then he said, "I don't know."

10 So he doesn't know. As they described, it was
11 chaotic. There was allegedly choking and all this
12 stuff. I'm not necessarily worried about all of that.
13 But here's where we get to the heart of the case.

14 What you got to do is kind of look at this
15 from Tyshawn's point of view. Tyshawn's at home with
16 his family. They're having a party or something. He
17 all of a sudden sees -- by all the things the folks
18 testified to, Tyshawn maybe wasn't around during the
19 back-and-forth between baby momma and his brother.
20 Maybe he wasn't around for that. We don't know. But it
21 doesn't appear that he was.

22 So when he comes around and sees his brother
23 kind of roughly getting put in handcuffs without being
24 told and warned, he said, "he might get go get charges,"
25 but he didn't say, "well, this is what's going to happen

1 to you right now if you don't produce this phone." This
2 is what Tyshawn sees.

3 So he approaches. And you see he did
4 approach. He hears Goodwin threatening and cursing. I
5 thought that was interesting. I noticed no other law
6 enforcement officer in this whole thing was cursing at
7 these folks but that's the first thing Goodwin started
8 out with.

9 Let's go back a second. Speaking of that,
10 "I'll eff'n tase you," he either says it to Tyshawn or
11 the whole crowd, depends on what testimony you believe
12 about that. And "I'll eff'n beat you." Everything
13 seems to be laced with some "eff'n" here, which is not
14 necessary.

15 Again, most people do not react well when they
16 are talked to that way.

17 So again, we see Tyshawn coming by, some arm
18 is going out. Next thing we know, they're all on the
19 ground. What we do know is that Goodwin walked up there
20 just ready to get this over with and do something.

21 So I don't think the State has proof that
22 Tyshawn assaulted him at all. I don't think there's any
23 evidence that Tyshawn started that. He did, like a lot
24 of other family members would do, and came around the
25 corner and said, "What's going on with my brother?"

1 Now, we'll get to where Goodwin says he said,
2 "I'm going to kill you." Well, the thing about that is,
3 Goodwin is the only person who can definitely testify
4 that that was said. I find that to be a big issue. You
5 know it's chaotic. You know a lot of people are
6 yelling. There's a lot going on.

7 Anything could have been misheard. Anything.
8 So I do not think the State has proven that there was a
9 threat made to Goodwin, to which that was reacted to
10 badly as well.

11 The other thing about what they charged
12 Tyshawn with, is you keep hearing about assault on an
13 officer, assault on an officer. What you got to keep in
14 mind about that is that it's resisting arrest/assaulting
15 an officer.

16 He's the other thing about that, Tyshawn was
17 never told he was under arrest for anything. When he
18 came around that corner, everything started going down.
19 He was not told that he's under arrest. They put him on
20 the car. They're trying to -- take him and put him on
21 the ground. He's not told why, what he did or what they
22 think he did or that he's under arrest for something.

23 So first of all, we've got two issues here:
24 One, did he even know he was under arrest? How can you
25 resist something you don't know is happening; and two,

1 who really assaulted who? We don't know.

2 Officer Goodwin is the one who came in there
3 hot. Tyshawn's upset because this is his house, it's
4 his party, my brother's in handcuffs for no apparent
5 reason. I don't know what's going on. Let's find out
6 and ends up on the ground.

7 So if we get to the part where he's on the
8 car, even if you say -- or trying to get put on the car,
9 even if you say, okay, at this point he should have
10 known something was up.

11 He explained why he didn't want to go down on
12 the hot hood of the car. He had no issue going down to
13 the ground. So just kind of think about that.

14 So Tyshawn, throughout the whole entire time,
15 he consistently denies he ever said, "I'm going to kill
16 you." He denies it to McLamore. He denies it all
17 around. He never said -- the Solicitor would like you
18 to think he was getting tripped up with McLamore. I
19 didn't hear him get tripped up. I just heard him relay
20 what happened, one of which is, "I never told him I was
21 going to kill him."

22 So the other part that concerned me about
23 Goodwin that day was on Officer Mills' video. When --
24 Goodwin's having to check with Mills and say, "You heard
25 him say that?"

1 Mills is, "Honestly, I didn't."

2 Two things I'd like to point out about that
3 interaction. Goodwin looks nervous. He knows what just
4 went down. He knows that ain't good. Mills looks
5 guilty for not being able to backup Goodwin and say,
6 yeah, I heard that. I heard that. Totally heard that.
7 Absolutely.

8 So I would ask you, check out their demeanors.
9 If you'd like to watch it again, it's available to you.
10 They will bring you back in and let you watch all you
11 want to. I think that's important.

12 The Solicitor also brought up, well,
13 everybody's telling Tyshawn to stop. They're going,
14 "Stop, stop." I heard that. But let's think about why.
15 It's not just because they believe that he has jumped
16 Officer Goodwin. I think they're afraid of what's going
17 to happen to Tyshawn.

18 When they say stop, they're like, "this might
19 not end well, you need to quit." I think all of this,
20 if you look -- has a whole different perspective to it.

21 I'm not going to keep y'all much longer. I'm
22 just trying to keep up with my notes I was taking while
23 the Solicitor was talking to you.

24 I do want to really talk about McLamore who, I
25 think, due to his training that he descried to you,

1 knows how to handle that. Clearly, he was trained and
2 he did it. Tyshawn's demeanor with McLamore was
3 completely different. He's calm. He's rationale. He's
4 trying to give his side. And yeah, he does say, I wish
5 I could have done that different, or I wish it wouldn't
6 have happened like that, or whatever he said.

7 Well, yeah, I mean, of course he doesn't -- he
8 didn't come around the corner knowing he was about to
9 get into it with an officer. Of course he wished that
10 ended differently. I bet everybody there that day
11 wishes it ended differently. I don't think that shows
12 intent to assault anybody.

13 What that shows is, yeah, I walked around the
14 corner and I got upset and it all went downhill from
15 there. Because who's getting locked up for this? Not
16 Officer Goodwin. It's Tyshawn. So yeah, he doesn't
17 like the way that turned out.

18 But when I asked Sergeant McLamore about
19 Tyshawn's demeanor with him, and he goes, "Yeah. Yeah.
20 I've been through all this deescalation training, that's
21 the reason I was called."

22 So right there you have the knowledge that
23 nothing is getting deescalated here. And when the
24 Solicitor tries to say that all three of them
25 deescalated the situation and got Tyshawn calm, that

1 wasn't all three of them. I think that was Sergeant
2 McLamore. That wasn't happening while Goodwin was in
3 charge of the scene.

4 Now, looking at my chart here and I'm almost
5 finished y'all. Thank goodness it's not as hot today as
6 it was yesterday.

7 So this is a neat chart that I got from one of
8 our seminars that tells you every thought you have about
9 this whole case that has to lead to not guilty. That
10 thought is red. It's the only one that would bring you
11 to a guilty verdict.

12 And the Judge does have some instructions for
13 you. He'll explain exactly what reasonable doubt is. I
14 have tried to do it before during trials and I feel like
15 I confuse people more than I educate them. I'm going to
16 leave that to the Judge.

17 But you have this at all which looks like
18 this, that's what you get. Again, I'll go over -- when
19 we're talking about resisting arrest, there's two
20 different forms of it. One is just resisting arrest
21 when you know you're getting arrested and you're just
22 like laying flat, not putting your hands behind your
23 back and things like that or you run.

24 Sometimes that's considered too, as long as
25 you know that you were under arrest for something. The

1 (b) part, which the Judge will also tell you about,
2 includes the assault. What that means is, while I was
3 resisting arrest, knowingly -- I know I'm under arrest
4 for something, I assaulted an officer. We have two
5 things wrong with that.

6 First of all, I submit that Tyshawn did not
7 know he was under arrest for anything because you heard
8 them sit up here and say, no, we didn't tell him that.

9 And second, I disagree with the State's theory
10 that Tyshawn assaulted Officer Goodwin first. I think
11 Officer Goodwin set that -- he unfortunately came back
12 in with that, like I said, hot with this, "I'm going to
13 get nasty." He is frustrated.

14 I mean, he's tired of people interfering with
15 this. Even people who are asking questions about, "Why
16 you got my brother in handcuffs?" When you look at that
17 mixed with the intent part, intent is -- you're going to
18 have -- he's going to have to knowingly intend to
19 assault him, to resist arrest, and to threaten him.

20 The threatening of a public official -- and
21 the Judge will tell you, the problem we have in this
22 case is there's no credible evidence that happened
23 except Officer Goodwin who said, "I heard him say that.

24 " But then you got Tyshawn consistently
25 saying, "I didn't say that."

1 You've got testimony that it was chaotic. A
2 lot of people were screaming. You have testimony. You
3 have the video to see that. Screaming. All that
4 happened as you saw in one, two seconds. So I don't
5 think we can just definitively say that Tyshawn
6 threatened Officer Goodwin at all. I think that is
7 going to fall somewhere in here but not here.

8 Ladies and gentlemen, I would just ask you --
9 despite what the Solicitor asked you to do, I'm going to
10 ask you to consider the trees I've shown you. And keep
11 that in mind and listen to the Judge's instructions and
12 I would submit to you that you will hopefully find
13 Tyshawn Robinson not guilty.

14 Thank you.

15 THE COURT: Thank you, Ms. Boulware.

16 Y'all good? My part is going to take about 15
17 minutes. Do you want to take a quick restroom break?
18 What y'all want to do? Y'all good?

19 Let's do it.

20 Mr. Foreman, Members of the Jury, you've heard
21 the testimony, the evidence, and the arguments from both
22 the State and the Defense. I will now explain to you
23 the law that applies in this case.

24 I have it all written down because I want to
25 make sure I get it right but I will make sure I try to

1 make eye contact as much as possible so I won't be so
2 boring.

3 As I told you, under the constitutional laws
4 of South Carolina, you are the finders of facts in this
5 case. I don't have the right to express my opinion
6 about the facts because that's a matter solely for you
7 the jury to determine.

8 It's your duty to determine the effect, the
9 value and the weight of the evidence that's been
10 presented during this trial.

11 As a trial judge, it's been my responsibility
12 to preside over the trial and rule upon the
13 admissibility of the evidence offered during this trial.

14 You are to consider only the testimony which
15 has been presented from this witness stand together with
16 any exhibits which have been made part of the record.

17 The only exhibit which has been made part of
18 the record was a DVD of various officer's body-worn
19 camera videos. We don't have anywhere for you to look
20 at them back there during jury deliberations. So either
21 you have to deliberate your verdict based upon your
22 memory of what you've seen or if you want to see
23 something, you have to come back out here to look at it.
24 I just want to make sure y'all know that from the
25 get-go.

1 Now I charge you with the law. And as the
2 presiding judge, I am the sole judge of the law in this
3 case. It's your duty to accept as correct and to apply
4 the law as I now state it to you and use that to reach
5 your verdict.

6 The fact that I may instruct you on various
7 subjects in this case must not be taken by you as any
8 indication of what you think my opinion of the facts
9 are.

10 Also, you should not be concerned with what
11 you think the law ought to be or rather, what I charge
12 you the law is. You're the sole judges of the
13 credibility, also known as the believability of the
14 witnesses who have testified and of the evidence which
15 has been presented.

16 In passing upon credibility, you can take into
17 consideration many things such as the demeanor or the
18 manner in which a witness testifies; whether or not a
19 witness had reason to be bias or prejudice or whether or
20 not a witnesses' testimony was contradicted on the one
21 hand or supported and corroborated on the other hand.

22 All of these things you will consider bearing
23 in mind you should give the defendant the benefit of any
24 reasonable doubt.

25 The fact that the defendant was arrested,

1 charged and indicted is not evidence and cannot be
2 considered by you as evidence of guilt in this case.
3 Nor does it create any presumption or inference of
4 guilt.

5 Like I told you at the outset, an indictment
6 is simply the formal written instrument which contains a
7 description of the charges made against the defendant.

8 There are two type of evidence which are
9 generally offered during a trial. Direct evidence and
10 what's called circumstantial evidence.

11 Direct evidence directly proves the existence
12 of a fact and does not require further deduction,
13 eyewitness testimony, for example, direct evidence.

14 Circumstantial evidence is proof of a chain of
15 facts and circumstances which, when viewed together,
16 indicate the existence of a fact. What's that mean?

17 Just think, when it gets to be really cold
18 weather, hopefully soon, before you go to bed at night
19 you look outside and you see brown dormant grass on your
20 lawn. You wake up the next morning and there's snow on
21 your lawn with footprints in it. Well, you can infer by
22 that, that it snowed when you were sleeping. You can
23 also infer that somebody had been walking on your lawn.

24 These are things you can infer without
25 actually having seen it happen. That's a good example

1 of what circumstantial evidence is. And crimes can be
2 proven by circumstantial evidence. The law makes no
3 distinction between the weight or value to be given to
4 direct evidence or circumstantial evidence.

5 Now to the extent the State relies on
6 circumstantial evidence, all of the circumstances must
7 be consistent with each other and when taken together,
8 point conclusively to the guilt of the accused beyond a
9 reasonable doubt.

10 If these circumstances merely portray the
11 defendant's behavior as suspicious, that proof has
12 failed. The State has the burden of proving the
13 defendant guilty beyond a reasonable doubt. This burden
14 rests with the State, whether they rely on direct
15 evidence, circumstantial evidence, or some combination
16 of the two.

17 Let's talk about presumption of innocence.

18 The defendant, as you know, has pled not
19 guilty to these charges and that plea places the burden
20 on the State to prove the defendant guilty.

21 A person charged with committing a criminal
22 offense is never required to prove himself innocent. I
23 charge you, ladies and gentlemen, and Mr. Foreman, that
24 it is an important rule of law that a defendant in a
25 criminal trial, no matter what the seriousness of the

1 charge or charges may be, will always be presumed to be
2 not guilty of the crime for which he is charged, unless
3 guilt has been proven by evidence satisfying you, the
4 jury, of that guilt beyond a reasonable doubt.

5 This presumption of innocence does not end
6 when you start your deliberations but it accompanies the
7 defendant throughout your deliberations, until you've
8 reached a verdict of guilt, if you find the evidence
9 satisfies you of that guilt beyond a reasonable doubt.

10 Imagine, if you will, a robe just like I'm
11 wearing, a robe of righteousness placed about the
12 shoulders of the defendant -- that's a metaphor -- which
13 remains with him until it's been stripped away from him
14 by evidence satisfying you of his guilt beyond a
15 reasonable doubt.

16 Presumption of innocence is not just a mere
17 legal theory; it's not just a phrase. It is a
18 substantial right which every defendant is entitled,
19 unless you, the defendant [sic], find he's guilty beyond
20 a reasonable doubt.

21 So what is a reasonable doubt? A reasonable
22 doubt is a doubt which makes an honest, sincere,
23 conscientious juror in search of a verdict to hesitate
24 to act.

25 Proof beyond a reasonable doubt must therefore

1 be proof of such a convincing character, that a
2 reasonable person would not hesitate to rely and act
3 upon it in the most important of his or her own affairs.

4 Now, proof beyond a reasonable doubt can also
5 be described as proof that leaves you firmly convinced
6 of the defendant's guilt.

7 Now, there's very few things we know in this
8 world with absolute certainty. And in criminal cases,
9 the law does not require proof that overcomes every
10 possible doubt.

11 If, based upon your consideration of the
12 evidence, you are firmly convinced that the defendant is
13 guilty, then you must find him guilty.

14 If, on the other hand, you think there's areal
15 possibility he's not guilty, you must give him the
16 benefit of the doubt and find him not guilty.

17 Let's talk about intent, criminal intent.

18 What was in a person's mind when something was
19 happening? What was on their mind?

20 Criminal intent is required to establish
21 criminal liability. The mental state required to be
22 proven by the State of South Carolina for a particular
23 crime might be purpose, intent, knowledge, recklessness,
24 or criminal negligence, for example.

25 Criminal intent must be proven by the State

1 beyond a reasonable doubt. Criminal intent is always a
2 matter that must be determined by you, the jury, from
3 the circumstances surrounding the entire situation.

4 See, we're getting right back on
5 circumstantial evidence.

6 There's no way that you can prove intent to a
7 mathematical certainty. There's no way that medical
8 science can dissect a person's brain to show what they
9 had in mind. You have to try to infer intent based upon
10 the circumstances which have been shown to have existed.

11 That is how you make your determination of
12 whether or not an element requiring criminal intent was
13 present. It's not necessarily to establish intent by
14 directed positive evidence. But it can be established
15 by inference in the same way considering all the facts
16 and circumstances.

17 Criminal intent is a mental state; a conscious
18 wrongdoing. It's up to you to determine what the
19 defendant intended to do made from the circumstances
20 shown to have existed.

21 Now, there's been a statement of the defendant
22 that was offered into evidence. Y'all saw it on the
23 video of him talking to law enforcement.

24 Now, while I have determined, the Court has
25 determined, that the statement is admissible, you

1 determine, ladies and gentleman, whether or not the
2 statement made by the defendant was voluntary and of his
3 own freewill, okay. You determine whether or not the
4 statement was freely given and not caused by pressure,
5 force, fear, threats, coercion, or intimidation or by
6 hope or a promise of leniency or award of any kind.

7 Let's talk about the failure of the defendant
8 to testify. This gets back to what I told you at the
9 outset of the trial, that a defendant don't even have to
10 make an opening statement, if they don't want to, okay.

11 I instruct you, ladies and gentleman, and
12 emphasis that the fact that the defendant did not
13 testify in this case is not a factor to be considered by
14 you in any way in your deliberations and in your
15 consideration on the question of his guilt or innocence.

16 It must not be considered by you in any manner
17 whosoever. A defendant has a constitutional right to
18 remain silent. And the assertion of this right must not
19 and cannot be considered by you in your deliberations.

20 So I repeat, under your oath, you are to draw
21 no conclusion whatsoever from the fact that the
22 defendant did not testify. The fact that he didn't
23 testify should not even be discussed in the jury room,
24 Mr. Foreman. The burden of proof, as I've stated to
25 you, is on the State. The defendant is not required to

1 prove innocence.

2 Let's talk about the two crimes that will be
3 up for you to decide. There's a charge called
4 Assaulting, beating or wounding a law enforcement
5 officer.

6 This is what the law says: The defendant has
7 been charged with assaulting, beating or wounding a law
8 enforcement officer. The State must prove beyond a
9 reasonable doubt that the defendant knowingly and
10 willfully assaulted, beat or wounded a law enforcement
11 officer engaged in serving, executing or attempting to
12 serve or execute a legal writ or process;

13 And/or the State must prove that the defendant
14 assaulted, beat or wounded an law officer when the
15 defendant was resisting an arrest being made by the
16 officer, whom the defendant knew or reasonably should
17 have known was a law enforcement officer.

18 That's what the law says. If you find that
19 the State has failed to prove this offense, you may then
20 consider the lessor offense of resisting arrest. It is
21 unlawful for a person knowingly and willfully -- it's
22 unlawful for a person knowingly and willfully to oppose
23 or resist a law enforcement officer in serving,
24 executing or attempting to serve or execute a legal writ
25 of process;

1 Or to resist an arrest being made by one whom
2 the person knows or reasonably should know is a law
3 enforcement officer, whether under process or not.

4 Threatening the life of a public official.
5 The defendant has been charged with threatening the life
6 of a public official. A law enforcement officer is a
7 public official. The State must prove beyond a
8 reasonable doubt that the defendant knowingly and
9 willfully delivered or conveyed to a public official any
10 verbal communication which contained a threat to take
11 his life or inflict bodily harm of a public official or
12 any member of his immediate family.

13 Now, let me say something about your
14 deliberations. The word "deliberation" is defined as a,
15 "careful consideration weighing up with a view to a
16 decision."

17 See, the genius of our jury system, ladies and
18 gentlemen, is that it allows 12 good people, both men
19 and women, different backgrounds and life experiences
20 and perspectives, to consider the evidence, talk about
21 it and ultimately reach a verdict. It's called
22 deliberations for a reason.

23 You are to consider the evidence in this case
24 carefully and deliberately. Discuss it calmly,
25 thoroughly and courteously.

1 Remember, you're not partisans or advocates
2 for one side over the other. You are the judges of the
3 facts. You sort through everything you've heard and
4 seen and find your verdict from the evidence presented
5 and the law given to you.

6 The supreme law of our land, the United States
7 Constitution affords everyone a day in court and a fair
8 trial. So this case is very important to both sides
9 because it's their day. Listen to the views of your
10 fellow jurors, carefully consider their viewpoints and
11 discuss everything.

12 Remember, you're doing something deliberately.
13 You're not in a big hurry and you're tasked with a duty
14 of utmost importance. Your verdict cannot be based on
15 sympathy, passion, prejudice, emotion or any other
16 consideration that's not in evidence.

17 In conclusion, ladies and gentlemen, you've
18 been selected by the State of South Carolina and the
19 defendant to be fair and impartial jurors. It's your
20 duty to determine your verdict in this case giving the
21 defendant the benefit of every reasonable doubt. And
22 from the facts which you determine to give weight and
23 credibility to, you take and apply the law which I've
24 just given to you to use at arriving at your verdict.

25 I've told you the standards you have to apply

1 to the charges in the indictments. You've heard the
2 evidence and now you've heard the law. Whatever your
3 verdict is as to the indictments, guilty or not guilty,
4 Mr. Foreman, you will indicate it by marking the jury's
5 decision in the appropriate blank on the verdict form.
6 You will then sign and date the verdict form.

7 Now, remember, although the foreman is the
8 only juror who writes the verdict, it's not his verdict
9 alone. The verdict has to be unanimous. That means all
10 12 of you must agree before you can write on the verdict
11 form.

12 Ladies and gentlemen, let me go over the
13 verdict form with you real quick. It has his name and
14 the indictment numbers and says, "Verdict Form."

15 As to each charge, we, the jury, find the
16 defendant as follows:

17 As to the charge of the threatening the life
18 of public official, teacher, or principal with the
19 indictment number, you either check "not guilty" or you
20 check "guilty." You check one of them.

21 And then Number 2, as to the charge of
22 assaulting, beating or wounding a law enforcement
23 officer, you either check "not guilty," or check
24 "guilty," or you can check guilty of the lessor offense
25 of resisting arrest. Then you'll sign and date it,

1 okay.

2 So now I'm going to send you back to your jury
3 room, but don't start talking about the case until you
4 receive that exhibit which came in.

5 If you want to look at something, remember,
6 you have to come back out here to do that. So why don't
7 you get back in there in the jury room and talk about it
8 first and then y'all can decide whether you want to do
9 that or not, okay.

10 You can start talking about the case once the
11 bailiff hands you that DVD.

12 At this time, I'm going to have all of you go
13 back to your jury room, except for my alternate.

14 Madam alternate, stay here with me, okay?

15 (Jurors exited.)

16 THE COURT: You have personal belongings in
17 the jury room?

18 MADAM ALTERNATE: No.

19 THE COURT: Any exceptions to the charge by
20 the State?

21 MS. HALL: No, sir.

22 THE COURT: From the defense?

23 MS. BOULWARE: No, sir.

24 THE COURT: You're free to leave. Thank you
25 very much for your service.

1 (Whereupon, the jury was out
2 deliberating.)

3 THE COURT: Bring the jury out.

4 (Jurors entered.)

5 (Court's Exhibit 3, Juror Note, was
6 marked for Identification.)

7 THE COURT: All members of the jury are
8 present. Thank you.

9 Madam Solicitor, publish the video that they
10 want to see.

11 (Video playing.)

12 THE COURT: Is that what you wanted to see?

13 Do You want to see the other angle while
14 you're out here? Okay.

15 (Video played.)

16 THE COURT: Thank you. Head on back to your
17 deliberations.

18 (Continued deliberations.)

19 THE COURT: We have a verdict. Let's bring
20 the jury in.

21 (Jurors entered.)

22 THE COURT: The jury has reached a verdict.

23 Mr. Foreman, was the verdict unanimous?

24 MR. FOREMAN: Yes.

25 THE COURT: Thank you. And it's been handed

1 to me by the bailiff. I've handed it to the clerk of
2 court.

3 Madam Clerk, if you'll please publish the
4 verdict.

5 MADAM CLERK: The State of the South Carolina
6 vs. Tyshawn C. Robinson, as to each charge, we, the
7 jury, find the defendant, Tyshawn Robinson, as follows:

8 As to the charge of threatening the life of a
9 public official, teacher, or principal, Indictment
10 Number 2021-GS-20-518: Not guilty.

11 As to the charge of assault, beating or
12 wounding a law enforcement officer, Indictment Number
13 2021-GS-20-519: Guilty.

14 Signed by the foreperson, December 5th, 2023.

15 THE COURT: Ladies and gentlemen of the jury,
16 thank you very much for your service. Please head back
17 to your jury room. You'll receive instructions here
18 shortly. Thank you very much.

19 (Jurors exited.)

20 THE COURT: Do we have a sentencing sheet
21 ready? Prepare that sentencing sheet and we will be in
22 recess. And I will do sentencing this evening.

23 Thank you very much.

24 We're in recess.

25 (Whereupon, a short recess was taken.)

1 THE COURT: Any motions, Ms. Boulware?

2 MS. BOULWARE: Yes, Judge. I'd like to make a
3 motion to set aside the verdict.

4 THE COURT: And renew all previous objections?

5 MS. BOULWARE: Yes, sir.

6 THE COURT: You're protected in the record,
7 but your motions are denied.

8 (Whereupon, a recess was taken.).

9 THE COURT: Come back to order. Thank you.
10 I'll need the defendant to approach.

11 Madam Solicitor, if you'll give me any prior
12 records and I'll be glad to hear from you in regards to
13 sentence.

14 MS. HALL: Your Honor, the defendant has two
15 prior convictions. A 2016 conviction for strong-arm
16 robbery. He has a sentence under the Youthful Offender
17 Act. He had an active sentence on that. And then he
18 was also convicted at the time with burglar,
19 second-degree.

20 Then in 2019, he was convicted of attempted
21 armed robbery, got 66 months on that.

22 The State's asking for the full ten years.

23 THE COURT: Ms. Boulware?

24 MS. BOULWARE: Thank you, your Honor.

25 Tyshawn still maintains that he was not the

1 aggressor in this; and, of course, we'll be filing an
2 appeal on that. But I don't think -- absolutely, he
3 didn't go looking for that that day. And he did regret
4 how it ended. I've known Tyshawn for a little while
5 now, and we get along pretty good. I think he means
6 well most of the time. He was worried about his brother
7 that day and it turned into something it shouldn't have.
8 And I don't think it was his intent to do that.

9 Again, I'm not even sure exactly what happened
10 there.

11 Judge, he does want to be heard at the
12 appropriate time.

13 THE COURT: Anything else from you?

14 MS. BOULWARE: No, sir.

15 THE COURT: Mr. Robinson?

16 MS. BOULWARE: I'm sorry, Judge. We do ask
17 for mercy on this and for a probationary sentence if
18 you're inclined to do that. I think Tyshawn would
19 probably benefit from a little bit of supervision like
20 that. And I think the end result of this was not -- the
21 officer wasn't injured or anything in it and Tyshawn
22 wasn't injured.

23 I just don't think a full ten-year sentence is
24 going to do him any good and it's going to solve
25 anything in this whole case as far as what I think might

1 have been issues on both sides that day.

2 THE COURT: Thank you, Ms. Boulware.

3 Yes, sir?

4 THE DEFENDANT: All right. When Officer
5 Goodwin said I came around the house aggressive, when I
6 came around the house, when he put his arm out, I felt
7 assaulted because he had touched me first. He did not
8 know if I was walking by passing him or none of that.

9 He just assumed that, oh, this guy is behind
10 me, I'm just going to take him down. And if you want to
11 call for one person, you supposed to detain that person
12 first, right. If you been called to that house to
13 detain that person, why do you feel like when like --
14 like my momma in the video was telling me to calm down.

15 He don't know if my mind was coming down to
16 walk past. He just assumed to put his hands out there
17 on me and I felt like he assaulted me first.

18 And then the only thing, your Honor, I can say
19 is like I'm a father, man. I'm 25 years old. I try to
20 do everything for my kids, like --

21 THE COURT: Were your kids out there that day?
22 All those kids that we saw in the video, were they
23 observing all of this?

24 THE DEFENDANT: No, they wasn't there. I was
25 putting -- like I'm 25 years old. Like, I got two boys,

1 one just turned two. The other one is going to turn two
2 in February, on the 8th. Do you know how bad that going
3 to hurt my son deep down inside to not have his father
4 at his birthday party? I just hope for the best, sir.

5 THE COURT: All right. Thank you.

6 Anything further, Ms. Boulware?

7 MS. BOULWARE: No, Judge.

8 THE COURT: Having duly considered all the
9 facts and circumstances in this case, along with your
10 prior records, Mr. Robinson, I sentence you to seven
11 years in the South Carolina Department of Corrections,
12 credit for any previous time served.

13 Good luck to you, sir.

14 That concludes the trial in this case.

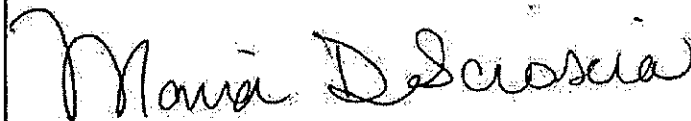
15 Ladies and gentleman of the jury, thank you
16 very much for your service. You're free to leave.

17 (Whereupon, the jury trial in the
18 above-captioned matter concluded.)
19
20
21
22
23
24
25

C E R T I F I C A T E

I, the undersigned Maria DiScioscia, Official Court Reporter for the Sixth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of the record of all the proceedings in the captioned case, in the Circuit Court for Fairfield, South Carolina, on the 5th day of December, 2023.

I do further certify that I am not related, either by blood or marriage, to any of the parties in this action; and that I am in no way interested in the outcome of this matter.

A handwritten signature in cursive script, reading "Maria DiScioscia", written over a horizontal line.

Maria DiScioscia
Official Court Reporter

DOCKET NO. 2021-GS-20-519

The State of South Carolina
County of Fairfield

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2021

THE STATE
vs.

TYSHAWN CORNELIUS ROBINSON

2021 NOV 16 PM 1:47
FAIRFIELD COUNTY
CLERK OF COURT
JUDY M BONDS

WITNESSES

GOODWIN-FCSO

White

ARREST WARRANT NUMBER/DOA

2021A2010100288 (DOA-09/27/2021)

ACTION OF GRAND JURY

TRUE BILL
Foreperson of Grand Jury
Date: 11-16-21

VERDICT

Indictment for
Assaulting, Beating, or Wounding
Law Enforcement Officer

SC Code: § 16-9-320(B)
CDR Code: 0256

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)

INDICTMENT

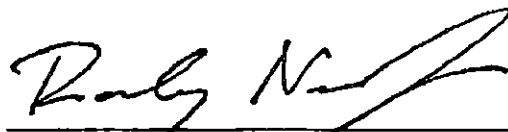
COUNTY OF FAIRFIELD)

At a Court of General Sessions, convened on November 16, 2021, the Grand Jurors of Fairfield County present upon their oath:

ASSAULTING, BEATING, OR WOUNDING LAW ENFORCEMENT OFFICER

That Tyshawn Cornelius Robinson did in Fairfield County on or about September 26, 2021, knowingly and wilfully assault, beat, or wound Deputy Goodwin of the Fairfield County Sheriff's Office, a law enforcement officer, engaged in serving, executing, or attempting to serve or execute a legal writ or process or assault, beat, or wound the officer when the defendant was resisting an arrest being made by the officer, whom the defendant knew or reasonably should have known was a law enforcement officer in violation of § 16-9-320(B), *Code of Laws of South Carolina, (1976), as amended*.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Randy E. Newman, Jr., SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF FAIRFIELD

STATE

VS.

INDICTMENT CASE#: 2021GS2000519TYSHAWN CORNELIUS ROBINSONAKA: Tyshawn RobinsonRace: B Sex: M Age: 25

DOB: [REDACTED] SS# [REDACTED]

Address: [REDACTED] Road

City, State, Zip: Winnsboro, SC 29180-8828

DL#* [REDACTED] SID#

A/W#: 2021A2010100288Date of Offense: 09/26/2021S.C. Code §: 16-09-0320(B)CDR Code #: 0256

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADSTO: Resisting Arrest (NMT 10 years &/or \$1,000-10,000)In violation of § 16-09-0320(B) of the S.C. Code of Laws, bearing CDR Code # 0256☒ 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:

Julie Gamborg Hall, Solicitor	6568	SC Bar #	Defendant	_____	_____	100816
				M. Kay Boulware, Attorney for	Defense	SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 7 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.

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.

SPECIAL CONDITIONS:

☐ **PTUP** after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W'E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ **RESTITUTION** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$	Beginning	\$
§14-1-206 (Assessments 107.5%)			\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100		\$
§14-1-211 (A)(2)(DUI Surcharge)	\$100		\$ 100.00
§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		\$ 3.75
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500		\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD		\$

TOTAL

128.75

Clerk of Court/Deputy Clerk:
Court Reporter:

Judy Bonds
Maria Di Biase

Presiding Judge:
Judge Code:
Sentence Date:

Gibbons 2168

12/5/23

CERTIFICATE OF COUNSEL FOR APPELLANT

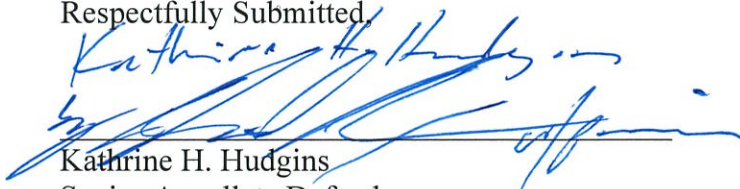
Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

RECEIVED

Dec 12 2024

SC Court of Appeals

Respectfully Submitted,



Kathrine H. Hudgins
Senior Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 12th day of December, 2024.

RECEIVED

Dec 12 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Fairfield County

Honorable Brian M. Gibbons, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

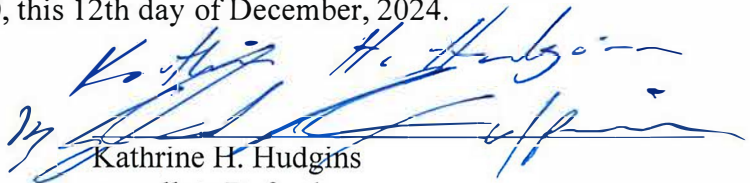
TYSHAWN CORNELIUS ROBINSON,

APPELLANT

APPELLATE CASE NO. 2023-001894

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 Mark Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Tyshawn Cornelius Robinson, #368616, at Broad River Correctional Institution, 4460 Broad River Road, Columbia, SC 29210, this 12th day of December, 2024.


Kathrine H. Hudgins
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT