

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Apr 18 2025

Appeal from Charleston County
Honorable Deadra L. Jefferson, Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

AKIM JAMMAR JEAN-CHARLES,

APPELLANT

APPELLATE CASE NO. 2023-000251

RECORD ON APPEAL

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THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:

STATE’S EXHIBIT NO. 1 (DVD REDACTED)

1 State of South Carolina,) Court of General Sessions
2 Plaintiff,) Ninth Judicial Circuit
3 vs.) CASE NO. : 2018-GS-10-04368
4 Akim Jammam Jean-Charles,) Transcript of Record
5 Defendant.

6 -----
7 February 6th, 7th, & 8th, 2023
8 Charleston County, South Carolina

9 **B E F O R E:**

10 The Honorable, Presiding Deadra L. Jefferson

11 -----

12 **APPEARANCES:**

13 For the State:

14 Lemuel Zeigler, Esquire

15 Kelly Barber, Esquire

16 For the Defendant:

17 Akim Jammam Jean-Charles (Pro Se)

18 Nicholas D'Angelo, Assistant Public
19 Defender as standby counsel

20 Douglas A. Henley, Assistant Public
21 Defender as standby counsel

22 Julie A. Kevish
23 Official Court Reporter

24

25

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

3

(Whereupon proceedings convened Monday, February 6,

4

2023)

5

THE COURT: What did you all need to bring to my

6

attention?

7

MR. D'ANGELO: Yes, Your Honor, thank you. Are we on

8

the record?

9

THE COURT: I don't talk to lawyers without a court

10

reporter taking down everything.

11

MR. D'ANGELO: Thank you, Your Honor.

12

THE COURT: Well, hindsight's always 20/20 and

13

memories are fallible so you don't ever have to worry about me

14

recording anything.

15

MR. D'ANGELO: Thank you, Your Honor, and I mainly

16

asked that, I think Mr. Akim Jean-Charles had officially wanted

17

this on the record.

18

THE COURT: Everything is on the record. We're a

19

Court of record. We don't do anything without a court reporter

20

recording everything.

21

MR. D'ANGELO: Your Honor, at this time Mr. Jean

22

Charles would like me to make a Motion to Dismiss this case

23

based on an illegal warrant affidavit.

24

THE COURT: Say that one more time.

25

MR. D'ANGELO: To dismiss the case based on an

1 illegal warrant affidavit.

2 THE COURT: Are you making this motion in good faith,
3 or is there some legal basis for this, or are you making this
4 because he asked you to make it?

5 MR. D'ANGELO: And exactly, Your Honor.

6 THE COURT: Because you know as a lawyer licensed to
7 practice you have to act in good faith pursuant to Rule 11 and
8 only bring things before this tribunal that has some basis in
9 law. You are under no obligation to do what he asks you to do.

10 MR. D'ANGELO: I understand that, Your Honor, and I
11 have explained that. I believe Mr. Jean-Charles needed to hear
12 that from the Court. He has asked me that I bring this to the
13 Court --

14 THE COURT: Tell me what the basis was again.

15 THE DEFENDANT: I need to speak with Your Honor.

16 THE COURT: No, sir, there's no hybrid
17 representation. I need Mr. D'Angelo to tell me what the basis
18 of the motion is.

19 MR. D'ANGELO: In my opinion, there is no basis to
20 the motion.

21 THE COURT: But tell me the wording that you used.

22 MR. D'ANGELO: The wording that I used is that based
23 on the facts that Mr. Jean-Charles believes Deputy Randolph was
24 not properly under oath at the time of bringing the warrant,
25 that the warrant is insufficient, and therefore, the case

1 should be dismissed. If I may add one more thing, Your Honor?

2 THE COURT: Sure.

3 MR. D'ANGELO: Mr. Jean-Charles has expressed to me
4 just now that if Your Honor ultimately denies this motion, he
5 would like to have me relieved as counsel and he wants to
6 represent himself.

7 THE COURT: Yeah, but we can't to that at this late
8 date because I'd have to have a Faretta Hearing, and I doubt
9 very seriously he can meet the Faretta requirements. Mr.
10 Zeigler, have you ever extended an offer to --

11 THE DEFENDANT: May I speak, Your Honor?

12 THE COURT: Sir, you cannot speak when the Court is
13 speaking. There are rules of court that we have to obey.

14 THE DEFENDANT: Objection.

15 THE COURT: You raising your hand and doing all that,
16 the Court doesn't recognize it. I'll give you an opportunity
17 to speak at an appropriate time. Have you all extended any
18 offer to him, Mr. Zeigler?

19 MR. ZEIGLER: Yes, Your Honor.

20 THE COURT: What was the offer that was extended and
21 when was it extended and what was the expiration?

22 MR. ZEIGLER: Your Honor, before 2020, Shannon
23 Elliott had the case and at that time she offered the Defendant
24 who was representing himself at the time negotiated probation
25 to plead to this offense.

1 THE COURT: What year was that again?

2 MR. ZEIGLER: That was in -- between January and
3 March of 2020.

4 THE COURT: Was it formally rejected?

5 MR. ZEIGLER: So, I believe so. So there are some
6 complications. He actually did go through Faretta Hearings
7 with Judge Culbertson able to represent himself.

8 THE COURT: And what was the result of that and when
9 were those hearings held?

10 MR. ZEIGLER: That was in January of 2020.

11 THE COURT: January of 2020, Judge Culbertson had a
12 Faretta Hearing?

13 MR. ZEIGLER: Yes, Your Honor.

14 THE COURT: And did he issue an order as a result of
15 that hearing?

16 MR. ZEIGLER: Yes, he did.

17 THE COURT: And what were his findings and what was
18 the date of the order?

19 MR. ZEIGLER: On January 16, 2020 he found that a
20 Faretta Hearing was held and the Court found that the defendant
21 knowingly, voluntarily and intelligently waived his right to an
22 attorney and wished to proceed pro se, so at a later date
23 before March of 2020 Judge McCoy ordered the case to be placed
24 on the April 6, 2020 trial docket with Judge Price, it was
25 obviously due to COVID pandemic, cancelled all of the trial

1 terms after, like, I believe, March 3, 2020, so the April 6th
2 trial docket never went forward and this case was continued. I
3 inherited the case in December of 2020, Mr. D'Angelo was
4 ultimately appointed in October of 2022.

5 THE COURT: Who appointed him?

6 MR. ZEIGLER: So you issued a Bench Warrant in March
7 of 2022.

8 THE COURT: March of 2022?

9 MR. ZEIGLER: Yes, Your Honor. The Defendant failed
10 to appear for a plea hearing/status conference date. The Bench
11 Warrant was issued and he was picked up in July of 2022, he sat
12 in jail for 90 days. Mr. D'Angelo was appointed in October of
13 2022.

14 THE COURT: By who?

15 MR. ZEIGLER: I believe just the standard public
16 defenders.

17 THE COURT: After he was screened because he was
18 indigent?

19 MR. D'ANGELO: Yes, Your Honor, and then I was given
20 the case assigned by, probably, Mr. Smith, Your Honor.

21 THE COURT: Gotcha, okay.

22 MR. ZEIGLER: Mr. D'Angelo subsequently reached out
23 to me and asked if there was any offer and I at that time told
24 him I would allow the defendant to plea to time served.

25 THE COURT: And how much time had he served?

1 MR. ZEIGLER: He had served, I believe, 96 days.

2 THE COURT: Does he have any record?

3 MR. ZEIGLER: He does, Your Honor.

4 THE COURT: And what is his record?

5 MR. ZEIGLER: Beg the Court's indulgence. 2009,
6 controlled substance, schedule I, II or III.

7 THE COURT: You said, what was the year again?

8 MR. ZEIGLER: 2009.

9 THE COURT: And what was the controlled substance?

10 MR. ZEIGLER: It looked like marijuana on the rap
11 sheet, but it was initially charged as cocaine, so I think they
12 swapped the CDR code. I don't know how it reads.

13 THE COURT: What's your understanding, Mr. D'Angelo,
14 was it a plea to marijuana?

15 MR. D'ANGELO: My understanding, based on, I was just
16 going on the rap sheet --

17 THE COURT: It wouldn't be controlled substance, it
18 would say, say that one more time.

19 MR. D'ANGELO: So it's --

20 THE COURT: Usually when you have controlled
21 substances something like a pill, oxycodone, Zoloft, something,
22 one it's usually like several, one of the lower schedules, so
23 what exactly did he plead -- did he plead guilty to PWID?

24 MR. D'ANGELO: It says: Convicted, three years
25 suspended to 18 months probation in 2009.

1 THE COURT: So you don't know what substance it was?

2 MR. D'ANGELO: It was my understanding going off the
3 rap sheet that it was marijuana.

4 THE COURT: Okay.

5 MR. D'ANGELO: I have not had a chance to ask my
6 client about that.

7 MR. ZEIGLER: I'll consent to it being marijuana.

8 THE COURT: Is that his only conviction?

9 MR. ZEIGLER: Your Honor, in 2016, he had a
10 trespassing, 2017, he had a failure to stop for blue lights,
11 reckless driving, and disorderly conduct.

12 THE COURT: Were all of those in magistrate's court?

13 MR. ZEIGLER: The reckless driving and disorderly
14 conduct were, in fact, in magistrate's court, as well as the
15 2016 trespassing. The failure to stop was in general sessions
16 court, I believe, he was convicted of that, three years
17 suspended to 120 days and one year of probation.

18 THE COURT: Is that the extent of his record?

19 MR. ZEIGLER: So since this arrest he had a 2021, a
20 couple of trial absences in magistrate court because he failed
21 to appear on two DUI first offenses -- or DUS second offense
22 and a DUS third offense, and then two open containers, a
23 possession of marijuana and a trespassing. Those were all
24 entered in 2021 under trial absence. That's the extent of his
25 record as far as convictions go. He has two pending charges in

1 Berkeley County, as well as --

2 THE COURT: What are those?

3 MR. ZEIGLER: Driving under suspension third as a
4 result of driving under the influence, and I believe maybe it's
5 just two of those and then a 2023 in Charleston County
6 possession of marijuana second offense.

7 THE COURT: That's not magistrate's court?

8 MR. ZEIGLER: Since it's a second offense it's a
9 General Sessions charge.

10 THE COURT: Sir, who was representing him in
11 Berkeley?

12 THE DEFENDANT: I'm representing myself.

13 THE COURT: Did a Court tell you you could represent
14 yourself in Berkeley, or have you been screened by the public
15 defender? What's your circumstances?

16 THE DEFENDANT: I'm not to that stage yet, but I need
17 to speak --

18 THE COURT: Well, sir, you would have gotten to that
19 stage if it's been pending. What were the --

20 THE DEFENDANT: I haven't gotten to that stage yet.

21 THE COURT: What were the dates in Berkeley County
22 with those offenses?

23 THE DEFENDANT: I need to speak, ma'am.

24 THE COURT: Sir, you can't speak until I give you
25 permission to. I'm trying to get a correct procedural

1 background of your case. You need to be patient. This is all
2 in your best interest.

3 THE DEFENDANT: I apologize.

4 MR. ZEIGLER: Okay, Your Honor, in Berkeley County,
5 2021, for the trespassing, I believe 2021 for the driving --

6 THE COURT: I need to know the Berkeley offenses that
7 are Circuit Court, that are pending.

8 MR. ZEIGLER: Okay. Circuit Court, it would be
9 driving under suspension, suspended for DUI third offense was
10 charged in July of 2021.

11 THE COURT: So, sir, you should have reached that
12 process in Berkeley, because your case is now approaching three
13 years old.

14 THE DEFENDANT: This case right here is approaching
15 six years old, ma'am.

16 THE COURT: That's not what I'm talking about, I'm
17 talking about what I asked you about your Berkeley offense and
18 you said you haven't reached that stage yet, but it was charged
19 in '21, so it should've --

20 THE DEFENDANT: That's another example of them
21 prolonging things and pushing things --

22 THE COURT: Well, you've got to get a lawyer so they
23 can deal with it.

24 THE DEFENDANT: I don't have to, I have the right to
25 represent myself.

1 THE COURT: No, sir, you only have a right to
2 represent yourself if the Court says you are capable of
3 understanding the rules and you can represent yourself, and
4 that it's in your best interest, so you don't -- that's not --
5 I think people have a misapprehension about that because that's
6 not accurate.

7 THE DEFENDANT: Well, I need to --

8 THE COURT: The Court is required to go through a
9 Faretta analysis as to whether you're capable to represent
10 yourself. Now, back to what I was asking. Mr. Zeigler, what
11 offer have you all extended to him at this point? Is the time
12 served of 96 days still on the table?

13 MR. ZEIGLER: Your Honor, Solicitor Wilson has
14 informed me that because this reached the trial date and
15 multiple continuances were as to the defendant himself, that
16 there are no offers from the State at this time, however, she
17 would like me, if the defense has some sort of proposal that I
18 believe is reasonable, the chance of her --

19 THE COURT: Was this continued, Mr. D'Angelo, at your
20 request?

21 MR. D'ANGELO: Come again, Your Honor?

22 THE COURT: I apologize if I wasn't clear.

23 MR. D'ANGELO: No, Your Honor, it was not.

24 THE COURT: So how was it continued then? You said
25 multiple continuances at their behest?

1 MR. ZEIGLER: The defendant's multiple failures to
2 appear. Before you issued the Bench Warrant he failed to
3 appear for three trial dockets.

4 THE COURT: But could he have really been reached? I
5 mean --

6 THE DEFENDANT: I have to object to these statements,
7 ma'am, there's too many lies being put on the record right now.

8 THE COURT: Well, sir, it's all on paper. I mean, it
9 will tell us what happened.

10 THE DEFENDANT: I mean, I have to object to why he's
11 saying that.

12 THE COURT: So I need to know -- sir, there's nothing
13 to object to when it comes to procedural history of the case.

14 THE DEFENDANT: So basically I don't have no rights.

15 THE COURT: Sir, you have plenty of rights, but you
16 need to know the rules to know what your rights are, and right
17 now you are confused as to what you believe --

18 THE DEFENDANT: I'm not confused. I'm trying to --

19 THE COURT: -- your rights are. My question is, you
20 made a representation to this Court that it had been continued
21 on multiple occasions, and I need to know when it was continued
22 and why. I need to know each day and why it was continued.
23 And if realistically it was on a trial docket and if it was
24 ever actually going to be reached. And sir, you need to
25 contain yourself and be patient. Like I said, me putting an

1 accurate procedural history on the record is in your best
2 interest.

3 THE DEFENDANT: I understand that, ma'am, but it's
4 being put on the record without an actual procedure.

5 THE COURT: Sir, it's all in the -- it'll be in the
6 court record. I'll be able to confirm it. It ain't his word.
7 He's looking at a docket right now that tells us exactly every
8 single time this case was set and why it would have been
9 continued.

10 THE DEFENDANT: I'm just trying to figure out --

11 THE COURT: -- because I was previously chief judge
12 and I required them to keep meticulous records about it.

13 THE DEFENDANT: I'm just trying to figure how does --
14 how does his words --

15 THE COURT: It's not his words. He's looking at a
16 docket from the court record.

17 THE DEFENDANT: Well, is it from there directly,
18 because if it's not --

19 THE COURT: It's from the court record, sir. We can
20 pull it up on CourtPlus, and I can confirm everything he's
21 telling me. Go ahead. I'm listening.

22 MR. ZEIGLER: Thank you, Your Honor. In June of
23 2021, this case appeared on the August trial docket. He was
24 noticed as he was counsel for himself at that time by the Clerk
25 of Court's Office.

1 THE COURT: That was so long ago. I mean that's --

2 MR. ZEIGLER: I agree.

3 THE COURT: I need to come up to -- yeah.

4 MR. ZEIGLER: He hasn't had any recent continuances.

5 THE COURT: So then really he has -- there's been no
6 bunch of continuances then?

7 MR. ZEIGLER: Not in the last year.

8 THE COURT: Okay.

9 MR. ZEIGLER: Yeah. Since 2021.

10 THE COURT: When we really got back to business.

11 MR. ZEIGLER: Right, that's correct, Your Honor.

12 THE COURT: Because a lots of things require things
13 to be continued in the years preceding that. People had COVID.
14 I mean, it's just a lot of stuff. There's a lot of moving
15 parts, a lot of things going on that really would not -- could
16 not have been contributed to by Mr. Jean-Charles. So I don't
17 know that, you know, that we can say it was continued multiple
18 times because of anything on his part. Okay. So let me see
19 something else I was going to ask. Bear with me one second.
20 How many witnesses does the State have?

21 MR. ZEIGLER: One, Your Honor.

22 THE COURT: How many witnesses do you have, Mr.
23 D'Angelo?

24 MR. D'ANGELO: Just one if Mr. Jean-Charles chooses
25 to testify.

1 THE COURT: And you had a motion to suppress the
2 DataMaster video, Dash Cam, Body Cam. Is that where he made
3 the threat? Alleged threat?

4 MR. D'ANGELO: Correct, yes, Your Honor.

5 THE COURT: Okay. And what would be the basis of the
6 -- because it reflects the DUI?

7 MR. D'ANGELO: Well, it's credible --

8 THE COURT: Or the purpose of the arrest, can't y'all
9 redact that?

10 MR. ZEIGLER: Your Honor, I have provided the --
11 well, this was sent to Judge McCoy.

12 THE COURT: I have it. She and I have already
13 talked. I have it. I've had it since this morning.

14 MR. ZEIGLER: Okay, so I provided five versions of
15 the full video.

16 THE COURT: Which one can y'all agree on?

17 MR. ZEIGLER: I can stipulate that we can end it
18 after the second threat, plus redacting all prior references to
19 his prior DUI charge, as well as his request for continuances
20 and motions to suppress. That would be version D.

21 THE COURT: How do you feel about that, Mr.
22 D'Angelo?

23 MR. D'ANGELO: I would still object because -- so
24 from when the first threat --

25 THE COURT: Do I have version D?

1 MR. ZEIGLER: I have version D hard copy here.

2 THE COURT: I need to see version D so I can see what
3 you're talking about. Which version is this that you left for
4 me?

5 MR. ZEIGLER: That is the full un-redacted raw video.

6 THE COURT: Yeah, I need to know -- to see the
7 redacted one that you would be proposing to use.

8 MR. D'ANGELO: Would you like my argument on that,
9 Your Honor?

10 THE COURT: In a moment.

11 MR. D'ANGELO: May I approach, Your Honor?

12 THE COURT: Yes, sir.

13 THE DEFENDANT: Your Honor. Not to be --

14 THE COURT: Sir, I'm going to give you an opportunity
15 to speak, but I need you to quit interrupting the Court. How
16 long is this redacted video?

17 MR. ZEIGLER: The -- that would be 29, or I guess 26
18 and a half minutes long, Your Honor. The full version goes on
19 for an hour and 30 minutes, but it's really only 34 minutes of
20 content. The defendant leaves the room after the 34-minute
21 mark. And so --

22 THE COURT: This is in the DataMaster room, you say?

23 MR. ZEIGLER: Yes, Your Honor, at the Al Cannon
24 Detention Center.

25 THE COURT: Okay. Before I make any decision

1 regarding the video, I have to review it. But would you say --
2 and I don't want to misinterpret or misrepresent what your
3 thoughts would be, but of all the versions, this would be the
4 one that would be most preferable, Mr. D'Angelo, if it were to
5 come in?

6 MR. D'ANGELO: I guess, in a way, I guess.

7 THE COURT: Have you looked at it to make any
8 additional efforts with Mr. Zeigler to redact anything that you
9 feel is questionable or objectionable?

10 MR. D'ANGELO: We have talked. So my argument would
11 just be, there's essentially two alleged threats. One's at the
12 roughly eight minute and 20 second mark. The other, I believe,
13 is around --

14 MR. ZEIGLER: 15:55.

15 MR. D'ANGELO: -- 15:55. My argument would be
16 everything between that would still be just like the content
17 that comes before the first threat.

18 THE COURT: So let me ask -- so let me a question:
19 then why can't you all just redact everything but the threats
20 that were made?

21 MR. D'ANGELO: That would be what I asked.

22 THE COURT: Why does the Jury need to see everything
23 else, especially if it relates to prior conduct?

24 MR. ZEIGLER: So, Your Honor, since I was able to
25 redact everything, I don't -- I just don't see that --

1 THE COURT: Go ahead, I'm listening.

2 MR. ZEIGLER: Okay. Well, I think taking -- forcing
3 us to redact the entire video other than --

4 THE COURT: The only thing that's relevant are the
5 elements of the offense, which is the threat. Anything else
6 could potentially be prejudicial, and I'm not sure that a
7 curative instruction will help.

8 MR. ZEIGLER: So, Your Honor, the --

9 THE COURT: The only thing is, did he threaten her,
10 did he meet the elements of the offense, and if you can redact
11 it so that all you're showing is a threat, that's all that
12 matters.

13 MR. ZEIGLER: So, Your Honor, the State's position in
14 regards to that is that one of the elements of the offense is
15 that it directly relates to her professional responsibility.

16 THE COURT: That goes without saying, she's a police
17 officer, he wouldn't be with her if she wasn't exercising her
18 authority under the law.

19 MR. ZEIGLER: Okay.

20 THE COURT: Because police just don't randomly roll
21 up on people and have them in a confinement situation where
22 they have the ability to make statements on a Body Cam.

23 MR. ZEIGLER: That's correct, Your Honor, however, in
24 this case, there is also the element of a public official and
25 because of the --

1 THE COURT: It goes without saying she's a public
2 official and y'all can stipulate that. Isn't she a police
3 officer, or was she the DataMaster person? What was her
4 position?

5 MR. ZEIGLER: She was the police -- the arresting
6 officer on the DUI.

7 THE COURT: Then I think you all can stipulate that
8 she's a public -- y'all can stipulate to all that.

9 MR. D'ANGELO: The defense is perfectly fine with --
10 we are perfectly fine with stipulating that she meets that
11 statute.

12 THE COURT: And actually, I think it's within common
13 parlance that if she's a police officer and she's with a police
14 agency that she's acting in her official capacity. She's got
15 no authority, otherwise, to be talking to him.

16 MR. ZEIGLER: I -- yes. No, I agree, Your Honor. My
17 argument as far as the DataMaster video goes, I think that
18 there's --

19 THE COURT: What I'm saying is you can isolate the
20 threats. The rest of it, how he came to be in the DataMaster
21 --

22 MR. ZEIGLER: That's all redacted.

23 THE COURT: Yeah.

24 MR. ZEIGLER: So I've already stipulated to that not
25 coming in. My argument is that when he goes in the DataMaster

1 room, everything that he says -- and I've redacted any
2 reference to prior convictions, any references to prior
3 charges, any reference to him requesting continuances, which he
4 goes on for a few minutes.

5 THE COURT: Yeah, but what have you redacted it down
6 to?

7 MR. ZEIGLER: To everything that he says other than
8 those things. So I want the Jury to see the full picture.
9 Basically what happens --

10 THE COURT: All they need to see is that he
11 threatened her.

12 MR. ZEIGLER: There's going to be somebody on the
13 Jury, you and I both know, that's going to say something like:
14 Well, the State's hiding this from us, the State doesn't want
15 us to see the whole video because --

16 THE COURT: Not unless he -- No because I give a
17 curative instruction. If they ask the factual question, I'm
18 going to tell them all you're entitled to see is what you saw.
19 Because if you let them see the rest of it, and I have to give
20 a curative, you run the risk of having a record that is
21 problematic on appeal because it makes reference to uncharged
22 conduct or charged conduct, which tends to be prejudicial
23 because the juries going to believe that if he did that he did
24 the other thing.

25 MR. ZEIGLER: Yes, Your Honor. I just don't see it

1 substantially outweighing the value of that evidence --

2 THE COURT: I'll have to look at it, but I'm just
3 trying to, you know.

4 MR. ZEIGLER: Yes, I understand, Your Honor, and I
5 appreciate you always being so thorough with your review of
6 everything. The --

7 THE COURT: And I'm going to look at it. I don't
8 know what it shows. I'm going to have to look at it and see.
9 I mean, I briefly sort of looked at this morning, but I was
10 preoccupied with some other stuff, and I didn't have the
11 redacted version, I had this longer version. So at some point,
12 I had to go downstairs and qualify the Jury, so I really didn't
13 -- I mean, I had to cut it at some point --

14 MR. ZEIGLER: Yes.

15 THE COURT: -- and I really couldn't, like, connect
16 the dots. So --

17 MR. ZEIGLER: May I approach with the fully redacted
18 version that only includes the --

19 THE COURT: But I thought this was the D version.

20 MR. ZEIGLER: So that's the redacted version that
21 includes --

22 THE COURT: That has all the stuff you want. You got
23 a redacted version that's only the threats.

24 MR. ZEIGLER: This is just the two threats. It's
25 about --

1 THE COURT: So let me see that.

2 MR. ZEIGLER: It's a full-length video. Thank you.

3 THE COURT: What's this?

4 MR. ZEIGLER: So it's -- I still kept the entire --

5 THE COURT: I've got the entire.

6 MR. ZEIGLER: -- visual of it, but it auditorially
7 redacts the other statements.

8 THE COURT: So why would you -- why would you --

9 MR. ZEIGLER: I didn't want to clip it, but I have
10 the points marked in time.

11 THE COURT: But I have this, right?

12 MR. ZEIGLER: Yes, you have the full video.

13 THE COURT: Yeah. So I --

14 MR. ZEIGLER: Yeah. That is the --

15 THE COURT: Yeah. I have the full one.

16 MR. ZEIGLER: Okay. And then that one's the
17 partially --

18 THE COURT: This is the D.

19 MR. ZEIGLER: -- redacted one.

20 THE COURT: So why do I need that one?

21 MR. ZEIGLER: This one only includes the threats.
22 Everything else is muted. So I just muted the entire video.

23 THE COURT: Yeah, but that's sort of superfluous,
24 like, showing stuff where you can't have audio.

25 MR. ZEIGLER: This is the one that would -- I would

1 enter into evidence if --

2 THE COURT: I'll look at it. That's just -- yeah.

3 MR. ZEIGLER: -- for them to take back with them so
4 that they don't see --

5 THE COURT: That's just problematic for them to see
6 stuff they can't hear. It creates issues, again.

7 MR. ZEIGLER: Well, I also think there's something to
8 say, Your Honor, about the fact that Officer Rainey at the time
9 did nothing to provoke the defendant's comments, and if the
10 Jury doesn't get to see that she --

11 THE COURT: I don't think that question comes up
12 unless somebody raises it somehow.

13 MR. ZEIGLER: Correct.

14 THE COURT: And in the law, it's a strict liability
15 offense. He can't -- she can't do anything that's going to
16 cause him to --

17 MR. ZEIGLER: Correct.

18 THE COURT: I'm not aware of any defense that -- any
19 case law that says that's a defense that somehow you -- the
20 officer raised your ire and therefore you get to threaten them.
21 I'm not -- and I don't see Mr. D'Angelo of good faith as an
22 officer of this court even been raising that. So unless
23 somebody raises it, I don't see a jury conjuring that up in
24 their minds. I've done this a long time.

25 MR. ZEIGLER: I think that's the first thing, these

1 days, in 2023, after what happened in Memphis and after what
2 happened in Minneapolis over the last two or three years that
3 will come up.

4 THE COURT: I don't think they're even remotely
5 analogous to a man who did nothing and was beat like a rag-doll
6 for four minutes. I don't think the situation is analogous.

7 MR. ZEIGLER: I think that some people these days
8 think it's okay --

9 THE COURT: And where he never made any threats. I
10 think people felt about that -- like that way for a long time.
11 I don't think these recent events play into it at all. I think
12 you all can -- I think you all can stipulate that she was
13 acting in her official capacity. I think you all can stipulate
14 it was a lawful arrest that was being made, if it needs to go
15 that far, but I think the juries are astute enough to know that
16 he would not be in a custodial situation and the validity of
17 that situation is not being raised, then it's not an issue.

18 MR. ZEIGLER: Okay. I appreciate it, Your Honor.

19 THE COURT: But I'm going to look at them. I need to
20 --

21 MR. ZEIGLER: Okay.

22 THE COURT: You know, I don't have any point of
23 reference. I haven't seen them.

24 MR. ZEIGLER: May I approach with a proposed
25 stipulation from the State?

1 THE COURT: Have you shown that to Mr. D'Angelo? Let
2 him review it.

3 MR. ZEIGLER: I know we discussed it over the phone.
4 This is just if --

5 THE COURT: Give him a minute to review it. Let's
6 see if that's something y'all can agree on. Now, so the only
7 thing that we need to deal with in terms of evidence are these
8 videos, correct, or video?

9 MR. ZEIGLER: This one singular video, Your Honor,
10 yes, that is correct.

11 THE COURT: Okay. And is there anything -- I saw
12 that there was a motion to suppress by Mr. D'Angelo, which is
13 -- the focus of which is the video.

14 MR. ZEIGLER: Yes, Your Honor.

15 THE COURT: And as I understand it, that would be his
16 only -- that would be your only issue pre-trial, correct?
17 Because all I -- the only other thing I got was your witness
18 list and your voir dire. Is that correct, Mr. D'Angelo? I'm
19 sorry to interrupt you while you're trying to --

20 MR. D'ANGELO: Yes, Your Honor. I think I was able
21 to listen and do this.

22 THE COURT: I apologize, I didn't ask you to
23 multitask.

24 MR. D'ANGELO: So correct. My only -- the objection
25 would be to keep out --

1 THE COURT: Can you bear with me one second? Go
2 ahead, I'm listening.

3 MR. D'ANGELO: Yes, ma'am. And I may have missed a
4 piece of what you asked. I -- so my understanding is, I guess,
5 the State's no longer attempting to introduce the Dash Cam or
6 Body Cam.

7 MR. ZEIGLER: That's correct.

8 MR. D'ANGELO: Therefore --

9 THE COURT: They just want the Version D. I'm going
10 to look at it.

11 MR. ZEIGLER: Version D of the DataMaster.

12 MR. D'ANGELO: Of the DataMaster version, correct.
13 So my objection to those, essentially, would be moot if they're
14 no longer seeking to bring those in.

15 THE COURT: So you could agree to version D is what
16 you're telling me?

17 MR. D'ANGELO: No, ma'am. So version D still has the
18 first threat, the time in between until that second threat. My
19 logic would be that time in between, again, under 401 is not
20 relevant under --

21 THE COURT: Yeah, I'll take full argument after I've
22 read --

23 MR. D'ANGELO: Yeah.

24 THE COURT: -- I've watched it because you -- I mean,
25 I appreciate you trying to, you know, give me some point of

1 reference, but until I watch it, it's -- yeah --

2 MR. D'ANGELO: So --

3 THE COURT: -- it's not going to make sense to me
4 until I watch it.

5 MR. D'ANGELO: In regards briefly, if Your Honor
6 would like the stipulations --

7 THE COURT: I mean, if you all can agree to them, we
8 can take that up later.

9 MR. D'ANGELO: Okay.

10 THE COURT: So can you agree to those stipulations?

11 MR. D'ANGELO: I can agree to four, five, and six.
12 One's to --

13 THE COURT: Let me see your copy, Mr. Zeigler. He
14 had a copy, correct?

15 MR. ZEIGLER: Yes, Your Honor. I have an extra copy.
16 May I approach?

17 THE COURT: And that way, I'll know which numbers
18 you're referring to.

19 MR. D'ANGELO: So I'm referring to three, four, five,
20 and six. I would be able to agree to those.
21 One and two, I just don't think are needed as stipulations.

22 THE COURT: Okay. So you said you can agree to two?

23 MR. ZEIGLER: No, Your Honor. He said three, four,
24 five, and six.

25 THE COURT: Three, four, five, and six.

1 MR. D'ANGELO: Yes, ma'am. Three, four, five, and
2 six.

3 THE COURT: Sergeant Rainey did nothing to -- yeah,
4 that's a factual, yeah, yeah.

5 MR. D'ANGELO: I just think one and two aren't
6 necessarily needed as --

7 THE COURT: Yeah. Unless they bring that into
8 evidence, I think number one isn't needed, only carried on
9 reduced administering the Data -- I think when you say she's a
10 public official and the statements were made directly related
11 to her professional responsibility, or as cumulative of the
12 two, I don't know that you need two.

13 MR. ZEIGLER: Your Honor, there is a separate -- I
14 mean, the way I broke it down myself, that's why I put it in
15 that way. There is a separate element for -- The public
16 official is one element on that.

17 THE COURT: But you say it in four.

18 MR. ZEIGLER: In carrying out her professional
19 responsibilities is the last line of the statute. So public
20 official is one definition for an element that I would request
21 to be charged.

22 THE COURT: But you have three. You stipulated she's
23 a public official --

24 MR. ZEIGLER: Yes.

25 THE COURT: -- or your stipulation that anything that

1 happened was in her official capacity.

2 MR. ZEIGLER: So I'm stipulating that she is a public
3 official, and then number four is stipulating that the
4 statements that were made --

5 THE COURT: I got that. I said those were -- that's
6 fine, but two is cumulative to four, you don't need two.

7 MR. ZEIGLER: Oh, two. The number two. Yes. Okay.
8 I'm sorry.

9 THE COURT: Yeah, I'm sorry on what -- yeah. And I
10 don't think one is necessary either.

11 MR. ZEIGLER: Okay.

12 THE COURT: I think three, four, five, and six are
13 more than adequate.

14 MR. D'ANGELO: I do not have objections to three,
15 four, five, and six.

16 THE COURT: Okay. So that eliminates a lot of what
17 we're dealing with. Alright, now, you have your witness here,
18 Mr. Zeigler?

19 MR. ZEIGLER: Yes, Your Honor.

20 THE COURT: Oh.

21 MR. ZEIGLER: Sergeant Rainey is here in the
22 courtroom with us.

23 THE COURT: Alright. Perfect. Thank you. So now,
24 sir, what did you want to tell the Court?

25 THE DEFENDANT: Me?

1 THE COURT: Yes, sir.

2 THE DEFENDANT: Yes, I have to -- I need to tell the
3 Court the facts of the procedural background.

4 THE COURT: I'm listening.

5 THE DEFENDANT: What was just stated was incorrect.

6 THE COURT: What was incorrect?

7 THE DEFENDANT: It was lies and there were --

8 THE COURT: I need you to specifically tell me what
9 was incorrect and specifically tell me what were lies.

10 THE DEFENDANT: Everything that he said about me
11 being -- missing any magistrate.

12 THE COURT: Sir, we've already resolved that, and
13 I've said it's irrelevant, it doesn't really matter.

14 THE DEFENDANT: I understand, but I'm just putting it
15 on the record because it's extremely --

16 THE COURT: It's not prejudicial to you. I'm the
17 only one that's hearing it, and I'm not a finder of fact --

18 THE DEFENDANT: I'm saying that the -- the reason
19 that we're here six years later instead of one year later, two
20 years later is why this is prejudiced to my defense extremely.
21 Because like the record says --

22 THE COURT: Sir, we don't have any statute of
23 limitations in South Carolina on any crime, and then we had
24 intervening issues with COVID, and it just -- it's beyond
25 anybody's control.

1 THE DEFENDANT: I understand. I understand that,
2 Your Honor. The State v. Langford clearly stipulates that
3 there is speech and the right to a speedy trial regardless of
4 what the specifics are --

5 THE COURT: Sir, they haven't -- yeah, but it wasn't
6 asserted and it wasn't made, and guess what --

7 THE DEFENDANT: Well, the reason --

8 THE COURT: -- even if it were, you wouldn't meet the
9 elements of it.

10 THE DEFENDANT: That's not my argument. I'm just
11 trying to put the procedural background on the record just like
12 you let them do. I'm just trying to do that, as well, the
13 actual one. Well, like I said, January 15th, I was supposed to
14 be -- supposed to be coming here for a court meeting, which is
15 probably like the 10th, 11th status conference that I had in
16 this situation already.

17 THE COURT: You don't have to come to status
18 conferences.

19 THE DEFENDANT: I'm just saying, but I was coming --
20 I'm just letting you know the prejudice on my end because I
21 came -- I came to court like 10 times before that January 15th
22 supposed court date, and when I -- when I responded to this
23 January 15th court date, I responded to James Malone who's in
24 the court right now. I responded to him through email, which
25 is on the record, and I let him know that: Listen, y'all have

1 been sending me these notices for this case multiple times.
2 These notices are not actually summoned properly from what the
3 law says, but since I'm up now with them, I will come down here
4 and I'm going to come down to this court date. I'm letting
5 them know that, but I'm going to be late, that's what I told
6 him in -- in the -- in the email. So I get the court date set
7 to 2:00. I get here about 2:15, 2:20. I see James Malone
8 outside smoking a cigarette. I walk up to the courtroom,
9 there's no court going on that day.

10 THE COURT: I'm just confused as to why you would
11 have ever gotten it -- you must have got roll call notices if
12 it was at 2:00.

13 THE DEFENDANT: No. It was just -- this is what I'm
14 trying to tell you about the prejudice to my case. I've been
15 called down here over 20 times.

16 THE COURT: Sir, that's what happens with roll call
17 until your case gets resolved.

18 THE DEFENDANT: No, no, no, it wasn't roll call, it
19 was just status conference.

20 THE COURT: No, sir, we don't have -- I was chief
21 judge, we don't have status conferences at 2:00.

22 THE DEFENDANT: Ma'am, I have the evidence. I have
23 this, the letter sent to me.

24 THE COURT: Are those in the roll call notices?

25 THE CLERK: I'm looking, Your Honor.

1 THE DEFENDANT: It wasn't the roll call. There were
2 status conferences.

3 THE COURT: It might have been titled that way, sir
4 but it wasn't a judge involved, and those were -- they have --
5 was it on Fridays?

6 THE DEFENDANT: It was on different days. It was
7 just -- it was the --

8 THE COURT: There was nothing scheduled at 2:00 on
9 different days because I conducted them and I know when I
10 scheduled them.

11 THE DEFENDANT: Well, ma'am, like I'm saying --

12 THE COURT: They would have been at 9:30 every
13 morning.

14 THE DEFENDANT: Well, it's in the record. I have
15 proof --

16 THE COURT: I'm having him look it up right now.

17 THE DEFENDANT: It's in the record. So --

18 THE COURT: What notices were sent to Mr. Charles so
19 we can put those in the record, please? I'm still trying to
20 figure out what that -- how that makes a difference to where we
21 are right now.

22 THE DEFENDANT: I'm trying --

23 THE COURT: I'm just getting ready to pick a jury and
24 try your case.

25 THE DEFENDANT: I'm trying to get there. So I'm

1 trying to state facts on the record, so just in case anything
2 -- my rights get violated, I can have remedy in the future. So
3 what I'm saying is that day, I spoke to him, I came down here,
4 there was no court being held. At 2:30, a bailiff came up here
5 and arrested me inside court, inside this -- in front of this
6 door right here on the behest of James Malone. Now, that is a
7 false arrest, for one, because you can't get arrested --

8 THE COURT: Sir, if there was a bench warrant
9 outstanding and they arrested you it was proper.

10 THE DEFENDANT: Ma'am, you have to let me finish.

11 THE COURT: Sir, I haven't interrupted you, but I
12 have to correct things when you make misstatements of what
13 happened so it's accurate.

14 THE DEFENDANT: That's not what was stated. That's
15 not what was stated.

16 THE COURT: Sir, they are entitled to arrest you if a
17 bench warrant was outstanding.

18 THE DEFENDANT: Okay.

19 THE COURT: They did not do anything wrong.

20 THE DEFENDANT: Was it -- is it --

21 THE COURT: And every time you come through that
22 screening downstairs, they check to see if there were warrants.
23 So James would not have been the person to have alerted them to
24 arrest you.

25 THE DEFENDANT: Yes, that's exactly what happened.

1 THE COURT: No, sir. They just wait and they bide
2 their time till they can have you alone and do what they're
3 going to do, but they know when you come down to screening if
4 you have a bench warrant or not.

5 THE DEFENDANT: Is this firsthand knowledge that
6 you're saying, or is it firsthand --

7 THE COURT: Sir, I know how the Court operates, and I
8 know what they do when you come to the screening downstairs.

9 THE DEFENDANT: Can't mistakes may happen?

10 THE COURT: No, not with that.

11 THE DEFENDANT: So mistakes can't happen?

12 THE COURT: They check you as soon as you're coming
13 in --

14 THE DEFENDANT: I just want to make sure that's on
15 the record.

16 THE COURT: -- through the screening to see if you
17 have a bench warrant outstanding. So when you came --

18 THE DEFENDANT: So --

19 THE COURT: -- when you came through, they knew when
20 you emptied out your pockets, they already checked to see if
21 you had a bench warrant. They were just waiting. You don't
22 know that they're checking, sir.

23 THE DEFENDANT: Ma'am, can I finish?

24 THE COURT: They don't ask you or talk to you about
25 it.

1 THE DEFENDANT: Ma'am, can I finish?

2 THE COURT: Sure.

3 THE DEFENDANT: The reason I was arrested that day
4 was for a supposed bench warrant for missing the court date
5 that day. That's what I'm stipulating to you, and it's
6 impossible to have that happen.

7 THE COURT: Well, I'll have him look up everything,
8 so we'll see what it was.

9 THE DEFENDANT: It's in the record, and then the next
10 day, I was released from jail because I was arrested illegally,
11 falsely arrested on this --

12 THE COURT: But tell me how that makes any difference
13 of us picking your jury today?

14 THE DEFENDANT: Listen, I'm trying to get there. You
15 keep cutting me off every time.

16 THE COURT: Well, no, I'm not cutting you off. I
17 just need to get to what's relevant. You being picked up on a
18 bench warrant is not relevant to us picking a jury right now.

19 THE DEFENDANT: I wasn't picked up on a bench
20 warrant. I wasn't picked up on a bench warrant. A bench
21 warrant was issued for --

22 THE COURT: It's all of no import at this point is
23 what I'm trying to tell you.

24 THE DEFENDANT: It is important -- it is important
25 because it led to the Faretta that gives me the right to

1 represent myself.

2 THE COURT: No, sir, that has nothing to do with
3 Faretta.

4 THE DEFENDANT: Ma'am.

5 THE COURT: It's not one of the elements.

6 THE DEFENDANT: Ma'am.

7 THE COURT: Go ahead. I'm listening.

8 THE DEFENDANT: I was locked up on January 15th for
9 missing a court date on January 15th. The court date was
10 supposedly for 2:00. I got locked up in the court in front of
11 the courtroom at 2:30 for missing that court date that day. I
12 don't have to argue any -- I don't need to ask anybody what the
13 law is, I know that's illegal. That's point blank. So the
14 next day, I was released from prison by Judge Culbertson, and
15 that's when he gave me my Faretta Hearing because I let him
16 know what happened. So he gave me my Faretta Hearing and
17 allowed me to represent myself. That's when this case went
18 dark for years and years and years, and then I get -- then I
19 got random notices to come back to court, fishing expeditions
20 hoping that I don't come to court so they can put out a bench
21 warrant for me. So I came to court all those times. Each time
22 I came, it was another thing, status conference, I'm sitting
23 there waiting, and guess what happens? They don't call me.

24 THE COURT: Are they out in the hallway?

25 THE BAILIFF: Yes, ma'am.

1 THE COURT: Go ahead, sir. I'm listening.

2 THE DEFENDANT: They don't call me. They don't call
3 me, and then March 20th -- March 29th comes, and they claim
4 that I missed the court date. Now, the docket of the document
5 that I can look up right now, my name was never on that date.
6 So once again, I'm prejudiced again and locked up for 90 days
7 for missing a court date that was never on the docket. So now,
8 in the midst of that 90 days, a judge appointed a public
9 attorney, a public defender, to my case against my wishes,
10 against my rights that I've already established with Judge
11 Culbertson. So my whole point is that the procedural aspect
12 behind this case prejudiced against me extremely.

13 THE COURT: How are you prejudiced, sir?

14 THE DEFENDANT: I just -- I just let you know, like,
15 how this case --

16 THE COURT: Sir, that does not meet the legal
17 definition of prejudice. I want you to articulate for me what
18 specific prejudice that is legally recognized that you feel you
19 suffered.

20 THE DEFENDANT: It's hindering my defense because I
21 have --

22 THE COURT: How has it hindered your defense?

23 THE DEFENDANT: Because I would have easily defended
24 this case way back when Judge Culbertson allowed me to handle
25 the case. I would have easily defended it right then if they

1 would have brought that action right then. It's upon the State
2 to bring the action, that's on the State's part. It's not my
3 -- it's not my responsibility to move this case on in a -- in a
4 -- in a -- in a distinct way, in a efficient way, that's the
5 State's obligation to do. So the State -- by the State waiting
6 and -- and -- and -- and -- and -- and -- and just fishing and
7 fishing for a bench warrant, that hindered my defense because
8 I'm taking three years, four years, five years going by, I'm
9 forgetting facts of the case, I'm forgetting certain things.
10 I'm not doing anything with the case because they're not doing
11 anything with the case, then out of the blue they lock me up
12 for a court date that's clearly on the docket, look it up right
13 now, March 28th, March 29th, that's when I supposedly got
14 locked up for missing -- I wasn't on the docket that day, so
15 that's another -- two -- that's two false arrests within this
16 one case. Thirdly, after all that been said and done, now with
17 this man -- with me being appointed -- Nicholas D'Angelo was
18 not appointed to me in October, he was appointed August 4th,
19 right after I got locked up.

20 THE COURT: Go ahead. I'm listening.

21 THE DEFENDANT: So right after I got locked up, he
22 was appointed to me. I sent him a private letter letting him
23 know that I -- this is against my religious beliefs. We are
24 not at the same house. Two house -- two -- two -- two people
25 -- a house divided -- So that's another hindrance and prejudice

1 to my defense by putting on the public defender that I never
2 chose against my will. I've already got the right from the
3 judge to represent myself. Now that my -- my public defender,
4 and there's no disrespect to him, I don't know if his caseload
5 is heavy or not, I don't know, but nothing has been put in, no
6 motion, no pretrial motion, nothing to --

7 THE COURT: He did file pretrial motions.

8 THE DEFENDANT: -- nothing to make sure that this did
9 not come to trial.

10 THE COURT: Sir, now you're sort of speaking out both
11 sides of your mouth. You're saying you're prejudiced because
12 it didn't come to trial, and now you're saying you're
13 prejudiced because it has come to trial. I need to know the
14 prejudice.

15 THE DEFENDANT: No, I was prejudiced because it was
16 -- nothing was -- it was lingering around nothing happening for
17 years and years and years. I'm ready to go -- I'm ready to go
18 trial. I'm ready to defend the case. It's very simple.

19 THE COURT: Okay. So did I misunderstand what you
20 were just saying?

21 THE DEFENDANT: No, you misunderstood what I'm saying
22 when it comes to my -- my lawyer. How can I have --

23 THE COURT: No, no, sir. I'm trying to understand
24 your last statement. You said you're prejudiced by going to
25 trial today, and I'm trying to figure out how you're

1 prejudiced.

2 THE DEFENDANT: No, yeah, I'm prejudiced by going --
3 by being --

4 THE COURT: How?

5 THE DEFENDANT: If I go to trial with a lawyer that
6 is appointed to me that I did not want, that's a prejudice
7 against me.

8 THE COURT: How?

9 THE DEFENDANT: Because I've clearly been able --
10 I've clearly been authorized by a judge to represent myself.
11 And now y'all are pushing somebody to represent me on me and
12 telling me that I can't represent myself.

13 THE COURT: Sir, it's been a long -- It's been over a
14 year since he's been -- it's been over a year since he was
15 appointed.

16 THE DEFENDANT: No, it wasn't, he was just appointed
17 on August 4th.

18 THE COURT: When was he appointed?

19 MR. ZEIGLER: Six months or so.

20 THE DEFENDANT: That's what I'm saying.

21 THE COURT: That's still a long time to wait till now
22 to raise this.

23 THE DEFENDANT: I did. I raised it multiple times --

24 THE COURT: When? How?

25 THE DEFENDANT: -- with him privately. I've raised

1 it multiple times. This is another prejudice against me. I
2 was locked up in -- in -- in July. They appointed a public
3 defender to me August 4th. I didn't speak to my public
4 defender in person until October, two months later. So
5 therefore -- and two weeks after I spoke to him, he got me a
6 court date, got me in front of the -- a judge, and I was
7 released from jail. The bench warrant was -- was rescinded.

8 THE COURT: So you're saying that was prejudicial to
9 you that he got the bench warrant rescinded?

10 THE DEFENDANT: I'm saying that him getting the bench
11 warrant rescinded that quickly and that easily could have
12 happened in August once he was appointed, if that's all it
13 took. He didn't even speak to me for two months until then, so
14 literally, I literally sat in jail only because my lawyer
15 wasn't doing due diligence.

16 THE COURT: When were you arrested on the bench
17 warrant, sir?

18 THE DEFENDANT: What was that?

19 THE COURT: When were you arrested on the bench
20 warrant?

21 THE DEFENDANT: I was arrested on the bench warrant
22 on July 21st, which is another fallacy that --

23 THE COURT: So if you were arrested on a bench
24 warrant on July 21st, I'm trying to get the date straight, and
25 Mr. D'Angelo was not appointed --

1 THE DEFENDANT: He was appointed August 4th.

2 MR. D'ANGELO: Your Honor, if I can --

3 THE COURT: He has no control over when the dockets
4 are set.

5 THE DEFENDANT: I'm not talking about the docket, I'm
6 talking about --

7 THE COURT: Well, that's the only way the bench
8 warrant could have got rescinded is if it got on the docket.

9 THE DEFENDANT: But he -- alright, so from that date
10 from August 4th to the date of the motion.

11 THE COURT: When was the hearing?

12 THE DEFENDANT: The motion -- the date that the
13 motion was put in was just four -- or three months later.

14 THE COURT: When did you file the motion to rescind
15 the bench warrant, Mr. D'Angelo?

16 MR. D'ANGELO: I believe it had been that week. I
17 filed for an --

18 THE COURT: Well, I need to know the dates. So when
19 were you appointed?

20 MR. D'ANGELO: So I had the case opened to me on
21 August 10th of 2022.

22 THE COURT: And when did you file the motion to
23 rescind the bench warrant?

24 MR. D'ANGELO: Let's see. Bear with me, Your Honor.

25 THE DEFENDANT: And I wasn't going to just look at --

1 THE COURT: Sir, let him look it up so I can know --
2 the dates don't -- you know, they're empirical, they speak for
3 themselves.

4 THE DEFENDANT: No, I was just saying --

5 THE COURT: So I need to know what date he filed the
6 motion.

7 THE DEFENDANT: I just wanted to --

8 THE COURT: Because that's going to tell me, because
9 he had to get up to speed on the case and he had to find out
10 what was going on.

11 MR. D'ANGELO: I don't have it in my binder. I will
12 probably look it up.

13 THE CLERK: 27th of September.

14 THE COURT: It was filed the 27th of September.

15 MR. D'ANGELO: Thank you, Your Honor.

16 MR. ZEIGLER: And Your Honor, I will say --

17 THE COURT: And when was it heard? Go ahead, Mr.
18 Zeigler.

19 MR. ZEIGLER: October 12th, Mr. D'Angelo went out of
20 his way to get that on the next available docket.

21 THE COURT: Yeah, because it wouldn't have served --
22 and like I'm telling you, I was chief judge. With the backlog
23 we have of motions, the fact that he was able to get it on an
24 October docket is phenomenal because normally you would have
25 had to wait several months for that motion to have been

1 scheduled because we were so behind, and I was scheduling them
2 for blocks of weeks at a time to get us caught up. So that's
3 not a long period between him being appointed, being able to
4 review the file, file a motion in good faith, and he had that
5 motion heard in less than two weeks from when he filed it.

6 THE DEFENDANT: Okay. Well, that's a discretionary
7 thing. I mean, you could say -- you could -- this is --

8 THE COURT: It's not a discretionary thing, he has no
9 control over it.

10 THE DEFENDANT: No, I'm saying it's a discretionary
11 thing in your opinion to say that it's not a long time because
12 I --

13 THE COURT: It is not a long time. It's not a
14 discretionary opinion, it's a valid opinion held by the judge
15 that was in control of setting the dockets, which was me. It
16 was not going to get set the next day. That's not how it
17 works.

18 THE DEFENDANT: But what I'm saying is --

19 THE COURT: You wouldn't get to leapfrog ahead of
20 everybody else that was waiting --

21 THE DEFENDANT: That's irrelevant.

22 THE COURT: -- that wants to have their motions
23 heard.

24 THE DEFENDANT: That's irrelevant to my point,
25 though. My point is that --

1 THE COURT: You told me you suffered prejudice
2 because of delay.

3 THE DEFENDANT: Okay. Regardless of when it was
4 scheduled and when it was heard, I wasn't talking about when it
5 was heard, I was talking about when it was scheduled.

6 THE COURT: Same thing.

7 THE DEFENDANT: No, it's not the same thing because
8 it only took one day to put -- to -- to put that motion on the
9 docket.

10 THE COURT: Sir, he didn't have any control over
11 that, I determined when they got put on the docket based on my
12 instructions.

13 THE DEFENDANT: But you didn't determine on when he
14 puts his motion in. You determined when the motion would be
15 heard.

16 THE COURT: So maybe we're talking in different
17 terms.

18 THE DEFENDANT: No --

19 THE COURT: I'm telling you that him getting
20 appointed in, August 10th, and him filing a motion by September
21 is not a lengthy delay.

22 THE DEFENDANT: It's not a lengthy delay to somebody
23 who's not sitting in jail waiting on their, supposedly, person
24 who's working in their interest to -- to -- to put a motion in
25 to get them out, but it is when you're -- when you're the

1 person sitting in jail, but like I was saying, I -- I know -- I
2 know my rights. I got constitutional protections.

3 THE COURT: And Judge McCoy, for the record, signed
4 the order of the bench warrant decision on October 13th of
5 2022, and she heard it on October 12th of 2022, and one of the
6 main reasons, sir, that she allowed you out of custody is
7 because you had a lawyer.

8 THE DEFENDANT: Exactly. This is my point, though.
9 You're missing the -- you're -- you're -- you're turning a
10 blind eye to all of the -- all of my rights that have been
11 violated. I just told you a fact.

12 THE COURT: No, sir. The reason --

13 THE DEFENDANT: No, ma'am. That's --

14 THE COURT: -- we let people out on bench warrants is
15 because our presumption is that if you have a lawyer, that
16 you're going to comply --

17 THE DEFENDANT: Listen --

18 THE COURT: -- with all of your requirements of being
19 present.

20 THE DEFENDANT: I need you to -- I need you to answer
21 this question then.

22 THE COURT: Sure.

23 THE DEFENDANT: If I was locked up for a bench
24 warrant because I did not come to court on March 29th and my
25 name was not on the docket for March 29th, and I did not have a

1 court date for March 29th, is the judge being legal or being
2 lenient and are you giving me any kind of leeway by letting me
3 go, or is she just basically doing what she has to do? Because
4 at the end of the day --

5 THE COURT: I don't know. That question kind of
6 doesn't make sense to me. I need you to restate it so that I
7 can understand what you're asking.

8 THE DEFENDANT: Okay. Does a judge -- is a judge God
9 in the State of South Carolina?

10 THE COURT: Sir, that's an invalid question. I need
11 you to ask a question that I can answer that makes sense --

12 THE DEFENDANT: Okay.

13 THE COURT: -- in terms of what you're trying -- the
14 information you're trying to ascertain.

15 THE DEFENDANT: Does -- does the decisions that a
16 judge makes in the state of South Carolina, are they based on
17 what that judge feels like or --

18 THE COURT: No, sir. It is based on the law.

19 THE DEFENDANT: -- what that judge was trying to do
20 was based on the Constitution?

21 THE COURT: It is based on the law and the
22 Constitution, sir.

23 THE DEFENDANT: Supreme Court allows -- okay. So now
24 let me ask you this question: when you lock somebody up for a
25 specific reason, and that specific reason is because they

1 missed the court date on the 29th of March, 2022, and then you
2 look at the docket of March 29th, 2022, and that person is not
3 on that docket, then isn't that a clear violation of that
4 person's right for getting locked up for something that never
5 happened?

6 THE COURT: Sir, your -- that's your presumption that
7 it never happened. Judges only sign bench warrants if there's
8 a valid court date and you failed to appear.

9 THE DEFENDANT: Okay, so now I got another question.
10 So judges only sign documents --

11 THE COURT: And they have to provide --

12 THE DEFENDANT: Let me ask you --

13 THE COURT: -- us with verification, sir. We don't
14 just sign.

15 THE DEFENDANT: Okay. Can I finish the question?

16 THE COURT: Sure.

17 THE DEFENDANT: So do judges ever make mistakes? Do
18 judges ever -- is anything that a judge signed does that make
19 it valid because the judge signed it?

20 THE COURT: Sir, that's an invalid question. I
21 issued a bench warrant on 03/29/2022 for your failure to appear
22 for a roll call. This is what it looks like.

23 THE DEFENDANT: Okay. Now check the docket in March
24 29th.

25 THE COURT: I'm looking at it right now.

1 THE DEFENDANT: Is my name on that?

2 THE COURT: Yes, sir.

3 THE DEFENDANT: No. I want the docket.

4 THE COURT: Sir, there wasn't a docket. It was a
5 roll call.

6 THE DEFENDANT: A piece of paper. That's not what
7 you signed. If you signed a piece of paper --

8 THE COURT: It was a roll call that was scheduled on
9 this date that he failed to appear.

10 THE DEFENDANT: Is my name anywhere on this?

11 THE COURT: March 28th, 2022.

12 MR. D'ANGELO: It was for a plea docket.

13 THE COURT: It was for a plea docket. Okay, sir, you
14 were listed on a plea docket for March 28th of 2022 and you
15 failed to appear and as a result, I issued you a bench warrant.

16 THE DEFENDANT: Okay. Can that -- can that -- can
17 that document --

18 THE COURT: And then I rescinded it.

19 THE DEFENDANT: Can that document be issued into the
20 record? Will that document --

21 THE COURT: Sir, it's already in the record. I'm
22 looking at your official filing.

23 THE DEFENDANT: Oh, okay. I'll make sure if not.
24 Now -- now as we go forward, the reason why I'm still being
25 prejudiced is because I just already laid out a whole bunch of

1 reasons. I've been locked up twice illegally. The case is six
2 years old. Y'all putting a public defender on me I do not want
3 and I still don't want, and I put it on the record right now I
4 don't want. I've already had a Faretta hearing, and I've
5 already been cleared to speak for myself. The Constitution
6 gives me the right to speak for myself.

7 THE COURT: Sir, that's been reversed, in essence, by
8 the --

9 THE DEFENDANT: How has it been reversed in essence?
10 I need everything to be on record.

11 THE COURT: Sir, I'd have to have another -- sir,
12 everything we're saying is on the record.

13 THE DEFENDANT: No, I'm talking about records like
14 this and putting in an order on record saying that this has
15 been reversed, that you can represent yourself because you're
16 being --

17 THE COURT: Sir, I can't reverse another --

18 THE DEFENDANT: Exactly, so --

19 THE COURT: Once another order is done, it supersedes
20 the previous order, so you have already been appointed counsel.
21 I would have to have another Faretta Hearing to determine if
22 you're competent to represent yourself.

23 THE DEFENDANT: Well, I'm stating right now on the
24 record --

25 THE COURT: Sir, it's not that simple, I have to go

1 through the --

2 THE DEFENDANT: I have --

3 THE COURT: I have to go through the Faretta issues
4 to determine if you're competent to represent yourself, if you
5 understand the rules of evidence, the rules of procedure, and
6 everything else to determine whether you're competent to
7 represent yourself. I would not suggest it. I'm a lawyer.
8 I've had a license for over 30 years, and I wouldn't represent
9 myself.

10 THE DEFENDANT: Well, I'm sitting next to a lawyer,
11 and he hasn't made any objections to the ones that I said.

12 THE COURT: Because they're not valid. He's bound by
13 the rules of ethics.

14 THE DEFENDANT: South Carolina --

15 THE COURT: He can't do things in bad faith.

16 THE DEFENDANT: South Carolina jurisprudence 27, it
17 stipulates what an affidavit is. It stipulates the three
18 things that constitute an affidavit.

19 THE COURT: Sir, I don't understand what you're
20 referring to when you make reference to an affidavit. What are
21 you talking about?

22 THE DEFENDANT: Ma'am, an affidavit is something
23 that's sworn to by --

24 THE COURT: But an affidavit is not relevant in any
25 of this.

1 THE DEFENDANT: It is.

2 THE COURT: I'm trying to figure out what you're
3 referencing.

4 MR. D'ANGELO: The arrest warrant affidavit, if I
5 may, Your Honor.

6 THE COURT: He's talking about when he was arrested
7 originally?

8 MR. D'ANGELO: Yes, Your Honor.

9 THE DEFENDANT: Ma'am, this is what I'm saying. The
10 Supreme Court of South Carolina says a judge has no power to --
11 to order anything in a void matter. This matter has been void
12 since the beginning because it's been -- it was initiated by an
13 affidavit that's not legally -- it's not an affidavit. It's a
14 piece of paper with words on it.

15 THE COURT: Sir, it's an affidavit that was signed by
16 an affiant and was sworn to before a magistrate, that being
17 Percy Beauford on December 28th of 2017. I'm looking at it.

18 THE DEFENDANT: And that's -- that's why I'm moving
19 it -- that's why I'm moving this court to -- to -- to -- to put
20 on record.

21 THE COURT: Sir, it's already in your records.

22 THE DEFENDANT: No, I -- I want --

23 THE COURT: It's in your court file. I'm looking at
24 it.

25 THE DEFENDANT: Well, I want to move -- I want to

1 move the Court to either --

2 THE COURT: Sir, it's already in the record.

3 THE DEFENDANT: Well, then you can deny the motion.

4 You can say that there is a --

5 THE COURT: It was a valid arrest warrant and it was
6 properly issued, and there's no basis for your dismissal of
7 your case based on a lawfully issued warrant by the Court.

8 THE DEFENDANT: Okay. Now, can you tell me why it's
9 lawful?

10 THE COURT: It is lawful because it was an officer
11 under oath swore to those facts and a lawful magistrate said it
12 was valid, signed it, and swore off the warrant for your
13 arrest.

14 THE DEFENDANT: Objection. That's not what happened.
15 It was not sworn to properly. That's what --

16 THE COURT: Sir, you would not have been present --

17 THE DEFENDANT: Do you want to read it?

18 THE COURT: -- when we swear.

19 THE DEFENDANT: Because --

20 THE COURT: I'm looking at it and I know how warrants
21 are done. An officer swears before you before they sign the
22 document and --

23 THE DEFENDANT: And they have to swear under penalty
24 of perjury and they have to say that it's true and correct.

25 THE COURT: Sir, and that's what this affidavit does.

1 THE DEFENDANT: No, it doesn't.

2 THE COURT: Okay.

3 THE DEFENDANT: Objection.

4 THE COURT: Alright.

5 THE DEFENDANT: So it's on the record.

6 THE COURT: I've entertained this as long as I'm

7 going to. It's a valid arrest warrant.

8 THE DEFENDANT: Well, let the record show that I --

9 I'm not saying --

10 THE COURT: And we'll note your objection.

11 THE DEFENDANT: Let the record show that I have made

12 this objection --

13 THE COURT: That's overruled.

14 THE DEFENDANT: -- and you're ignoring me and you are

15 going to --

16 THE COURT: Sir, I'm not ignoring you.

17 THE DEFENDANT: Yes, you are, because you're not --

18 THE COURT: No, I'm not. When the Court doesn't

19 agree with you, it doesn't mean the Court is ignoring you, it

20 simply means you have no legal or valid basis for your

21 argument.

22 THE DEFENDANT: Okay, but where is the proof of that?

23 You're just talking --

24 THE COURT: I'm looking right at it.

25 THE DEFENDANT: No, you're not, because we can look

1 at -- no, we can look at the law. The law states clearly, an
2 affidavit is somebody stating firsthand knowledge and attesting
3 that this is true and correct under the penalties of perjury,
4 which means that if you lied in that affidavit, then somebody
5 can attack you collaterally and sue you for that lie, but since
6 she did not stipulate it properly and that she did not swear to
7 it properly is not actually --

8 THE COURT: She's the victim, sir. She would not
9 have done the affidavit.

10 THE DEFENDANT: It doesn't matter. You cannot bring
11 an action in court without the charging document.

12 THE COURT: Sir, I need you to listen carefully.

13 THE DEFENDANT: What's the charging document?

14 THE COURT: And this is why you don't understand the
15 rules --

16 THE DEFENDANT: I know the rules. I know the rules.

17 THE COURT: -- and why there's an issue with --

18 THE DEFENDANT: I know --

19 THE COURT: Don't ever speak when the Court is
20 speaking. Let me help you understand. When I speak, the court
21 reporter only takes down what I'm saying. She does not take
22 down what you're saying, okay? That's why you don't speak over
23 people. The officer in this case is considered the victim.
24 The officer does not do the affidavit. The arresting officer
25 does the affidavit. She cannot do the affidavit.

1 THE DEFENDANT: But she was the affidavit -- she was
2 the arresting officer.

3 THE COURT: The officer who did the affidavit, and I
4 can't make out the signature, so if I'm wrong or I'm
5 inaccurate, I apologize. Based on what I'm reviewing in your
6 court record, there's an appropriate affidavit that was sworn
7 out for your arrest, and you were arrested, and it was placed
8 before a magistrate who swore to and subscribed before me on
9 December 28th of 2017, and it is -- and a return was done and
10 it is appropriate. So let me help, just so that you're clear,
11 there is absolutely no good faith basis to challenge your
12 arrest based on the affidavit. The record is correct and it is
13 in order.

14 THE DEFENDANT: Alright, ma'am, can I read this
15 definition of the affidavit to you?

16 THE COURT: Sir, I don't need you to read it to me.
17 I've been doing this a long time.

18 THE DEFENDANT: So this is what I'm saying --

19 THE COURT: I know what's required from an arrest
20 warrant.

21 THE DEFENDANT: -- so we're not going off the law in
22 courtroom then?

23 THE COURT: Yes, we are.

24 THE DEFENDANT: No, we're not because we're just
25 going off your opinions, so your opinion's going to be wrong.

1 THE COURT: Sir, my opinion's based on the law.

2 THE DEFENDANT: And I'm not trying to be
3 disrespectful.

4 THE COURT: You are being disrespectful.

5 THE DEFENDANT: How? Because I'm speaking on my
6 behalf?

7 THE COURT: No, sir, because your opinion is not --
8 you have a misapprehension as to what the law requires and what
9 this Court is. I don't have an opinion. My opinion is based
10 solely in the law. I'm bound by it. I've signed enough
11 warrants to know what is required. As a matter of fact, the
12 State will tell you that most officers lots of times avoid me
13 because I'm a very hard stickler about affidavits, and I don't
14 just sign anything, and in fact, I make them send them to me
15 ahead of time because if they're wrong, I make them fix them.
16 I am what is called a strict constructionist. What the law
17 says is what I'm required to do, and that's what I do. I don't
18 have an opinion outside of the law. My only job is to
19 interpret what the words say and to make sure that they are
20 done appropriately. I don't have an opinion.

21 THE DEFENDANT: Well --

22 THE COURT: I'm like a blank sheet of paper.

23 THE DEFENDANT: Well --

24 THE COURT: And the lawyers in this room will tell
25 you that I have a reputation for being a stickler. They

1 probably say some other things about me, but I consider it a
2 compliment because I feel, and again, it is my own judicial
3 philosophy, that the only way everybody is treated fairly is if
4 the rules are applied equally to everyone.

5 THE DEFENDANT: Is that --

6 THE COURT: And the only way we can do that is if
7 everybody strictly adheres to the law as it is written. There
8 are lots of things in the law, maybe if I allowed myself to
9 have an opinion about it I might disagree with, but I don't
10 ever allow myself to have that kind of an opinion because my
11 only job is to interpret what the legislature does --

12 THE DEFENDANT: Exactly, so that's all --

13 THE COURT: -- period.

14 THE DEFENDANT: -- that's all I'm here to talk about.
15 I'm only here to talk about what's written in the books of
16 South -- the State of South Carolina, not what your opinion is.

17 THE COURT: I don't have an opinion. I've emphasized
18 that for you. I don't have an opinion.

19 THE DEFENDANT: So that's what I'm saying, the State
20 of South Carolina says in South Carolina jurisprudence, which
21 is the things that government and which people write their
22 statutes that they got to go to the jurisprudence, so they have
23 a definition for an affidavit. Do you --

24 THE COURT: Sir, come up.

25 MR. ZEIGLER: May I approach? I have a scheduling

1 question with Mr. D'Angelo?

2 THE COURT: I'm about to pick a jury.

3 MR. ZEIGLER: Okay.

4 THE DEFENDANT: I got to -- I got to --

5 THE COURT: Because I've got people standing out in
6 the hallway.

7 THE DEFENDANT: I've got to put some things on the
8 record then, because right now --

9 THE COURT: Sir, we're going to do it after we pick
10 the Jury because their time is valuable, and I can't have them
11 waiting outside.

12 THE DEFENDANT: Well, my time is valuable, as well,
13 and right now --

14 THE COURT: But I have to balance that, sir, and I've
15 already entertained this, and I'm going to continue to
16 entertain it when we're done picking the Jury.

17 MR. D'ANGELO: And, Your Honor, just to clarify, I am
18 --

19 THE COURT: Yes.

20 MR. D'ANGELO: -- still acting as counsel.

21 THE COURT: You are. And have you shared the witness
22 of -- the juror information with him so that y'all can use your
23 peremptory challenges?

24 THE DEFENDANT: And just to put on the record --

25 MR. D'ANGELO: Yes, Your Honor.

1 THE DEFENDANT: Just to put on the record, I am
2 objecting to --

3 THE COURT: Sir, I'm going to deal with all this.

4 THE DEFENDANT: Are you making a judicial
5 determination for me?

6 THE COURT: Sir, I'm going to deal with all of your
7 objections --

8 THE DEFENDANT: Are you making a judicial
9 determination for me?

10 THE COURT: -- when we're done -- when we're done
11 with this, because --

12 THE DEFENDANT: Are you practicing from the bench
13 right now?

14 THE COURT: -- I have a jury waiting, sir.

15 THE DEFENDANT: Ma'am, are you practicing from the
16 bench right now?

17 THE COURT: Sir, I need you to take your seat or I'm
18 going to have the deputies help you do that.

19 THE DEFENDANT: I just need to ask one more question.

20 THE COURT: I need you to have a seat. Are you
21 making a judicial determination?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: And is he going to want a formal
24 arraignment, Mr. D'Angelo?

25 MR. D'ANGELO: I haven't even had a chance to discuss

1 that with him, Your Honor.

2 THE COURT: Do you want to ask him right quick
3 because we need to do that before the Jury comes in?

4 THE DEFENDANT: Let the record show that the judge is
5 making a judicial determination --

6 THE COURT: Sir, I need you to have a conversation
7 With your lawyer. I've been very clear with you that I will
8 allow you to make any other statements you want after I select
9 this jury.

10 THE DEFENDANT: The Constitution --

11 THE COURT: And that is not prejudicial to you. I
12 will have a Faretta Hearing after I pick this jury, and I don't
13 know any other way to articulate that for you. You're being
14 extremely rude and discourteous. You're also attempting to
15 bully this Court. That will not happen. I need you to talk
16 with Mr. D'Angelo about whether you want a formal arraignment
17 so I can make sure that is done. Now, if you need him to
18 explain to you what a formal arraignment is, I will give him
19 the opportunity to do that.

20 THE DEFENDANT: I'm going to need --

21 THE COURT: But do not attempt to over speak this
22 Court again because then you will put me in the inevitable
23 position, unenviable position, of finding you in direct
24 contempt and having you placed in custody, which is a whole
25 other level of charge, so I need you to be very careful in the

1 statements you make, I need you to take a deep breath, I need
2 you to take a deep breath and get some perspective, I've not
3 cut you off at all as to anything else you will be allowed to
4 pursue, but I have about 50 people standing in that hallway.
5 They've been standing out there for over an hour. I'm not
6 going to allow them to stand anymore. I'm going to select a
7 Jury. They will not be sworn. There's absolutely no prejudice
8 to you. You need to talk to Mr. D'Angelo about whether you
9 want a formal arraignment, and that is all the colloquy the
10 Court is going to entertain at this moment, so have that
11 conversation. Thank you. I'm going to have your Faretta
12 Hearing, sir, but I'm going to have it after I pick the Jury,
13 so you need to fully participate in the jury selection process
14 with Mr. D'Angelo.

15 MR. D'ANGELO: Thank you, Your Honor.

16 THE COURT: You're welcome. The State doesn't have
17 any proposed Voir Dire, correct?

18 MR. ZEIGLER: Your Honor, the last, I believe, page
19 --

20 THE COURT: I haven't received any. Oh, the
21 pre-trials?

22 MR. ZEIGLER: Yes, I include that within the pretrial
23 briefs, so everything's together.

24 THE COURT: That needs to be submitted separately in
25 the future.

1 MR. ZEIGLER: Okay. I will do that, Your Honor. I
2 apologize.

3 THE COURT: Of course, I just needed to know where to
4 look. I found it. Page 15.

5 MR. D'ANGELO: Do you have a copy of the first
6 questions I had submitted, Your Honor?

7 THE COURT: I do, I have your Voir Dire, yes, sir.
8 Have you gone over whether he wants a formal arraignment?

9 MR. D'ANGELO: He would, Your Honor.

10 THE COURT: Okay. We'll do that. Are you ready to
11 do a formal arraignment? Bring in the Jury, please, so we can
12 get a formal arraignment.

13 THE DEFENDANT: And just to put this on the record,
14 that --

15 THE COURT: Sir, I've already put everything on the
16 record.

17 THE DEFENDANT: -- everything that's happening right
18 now is under duress and against my constitutional rights.

19 THE COURT: Sir, do not speak any further. We do not
20 have hybrid representation. You have a lawyer.

21 THE DEFENDANT: Against my will.

22 THE COURT: Do not speak again.

23 THE DEFENDANT: The Constitution gives me a right to
24 speak.

25 THE COURT: I will remove you from the courtroom and

1 have you observe it virtually if you continue to speak.

2 THE DEFENDANT: Your Honor, I need to speak for a
3 moment.

4 MR. D'ANGELO: Can Mr. Zeigler and I approach real
5 quick?

6 THE COURT: Sure.

7 (Discussion was held off the record by Court and counsel)

8 THE BAILIFF: That's everyone, Your Honor.

9 THE COURT: Thank you.

10 (Jury entered the courtroom)

11 THE COURT: Ladies and gentlemen, we appreciate your
12 patience. I've been dealing with some matters of law with
13 counsel, and as you heard me during jury qualification, it is
14 essential that you maintain your impartiality during this
15 process so we exclude you from many of the conversations that
16 take place between the Court and counsel so that in no way will
17 you be prejudiced by anything that is said about the facts and
18 circumstances of this case in your fact-finding capacity.

19 The defendant in this case wishes to have a formal
20 arraignment. I would ask that counsel and Mr. Jean-Charles
21 would stand so that the Clerk can conduct that process. You
22 may proceed.

23 THE CLERK: Case Number 2018-GS-10-04368, State of
24 South Carolina versus Akim Jammarr-Jean Charles, indictment for
25 threatening the life of a person or family of a public

1 official. If you answer to that name, please raise your right
2 hand.

3 THE COURT: Sir, you asked for a formal arraignment,
4 I need you to raise your right hand so that the Clerk can
5 complete this process.

6 THE DEFENDANT: The name called by the State, that's
7 not my name. That's not my actual name.

8 THE COURT: What is your actual name, sir?

9 THE DEFENDANT: Just Akim Jammar.

10 THE COURT: Okay, Akim Jammar, if you would raise
11 your right hand for us, please? Thank you, sir. You may
12 proceed.

13 THE DEFENDANT: I need to object to the previous
14 statement.

15 THE COURT: Sir, continue.

16 THE CLERK: That, in Charleston County, South
17 Carolina, on or about September 5th, 2017, the Defendant, Akim
18 Jammar Jean-Charles, knowingly and willfully did deliver or
19 convey to a public official, teacher or principal of an
20 elementary or secondary school by way of letter, writing,
21 print, missive, document or electronic or verbal communication,
22 a threat to take the life of or to inflict bodily harm upon
23 such public official, teacher or principal or her immediate
24 family and such threat was directly related to her professional
25 responsibilities in violation of Section 16-3-1040 of the South

1 Carolina Code of Laws 1976 as amended. How say you, are you
2 guilty or not guilty?

3 THE DEFENDANT: I'm definitely not guilty and I wish
4 to be seated by myself and represent myself.

5 THE COURT: Sir, that's the extent of the statement
6 you need to make for a formal arraignment. Is there anything
7 further from the Court?

8 THE CLERK: How will you be tried?

9 THE COURT: I've got a not guilty, that is the
10 response, sir.

11 THE DEFENDANT: Oh, yeah, definitely I disagree with
12 that statement because I have a strong disbelief and I do not
13 believe that the principles of this --

14 THE COURT: We'll note your exception for the record.
15 That's the extent of a formal arraignment as requested by the
16 defendant. Sir, you may take your seat.

17 Ladies and gentlemen, we're going to select a jury
18 for the case of the State of South Carolina versus Akim Jammarr
19 Jean-Charles, Indictment 2018-GS-10-4368, an indictment for
20 threatening the life, person or family of a public official.
21 This indictment involves allegations of an incident to have
22 occurred on September 5th of 2017. We're going to go through a
23 process that is called Voir Dire, where I'm going to ask you
24 some questions so that the attorneys can more effectively
25 exercise their peremptory challenges and jury selection. If a

1 question applies to you, please stand, and in a loud and clear
2 voice, tell me your name, your juror number, and an answer to
3 the question, if applicable, and remain standing until the
4 Court has completed questioning you, but before we begin that
5 process I'm going to have counsel for the State to stand and
6 introduce himself, as well as his second chair in this case and
7 tell us the names of the lawyers in his office. You may
8 proceed, Mr. Zeigler.

9 MR. ZEIGLER: ` My name is Lemuel Zeigler and I go by
10 Lem. This is my co-counsel, Kelly Barber, who works for the
11 Ninth Circuit Solicitor's Office for Scarlett Wilson, this is
12 Sergeant Danielle Rainey, for the Sheriff's Office, she's
13 involved in this case. As far as the attorneys in my office:
14 Jennifer Shealy, Daniel Martin, Lauren Frierson, Debbie
15 Herring-Lash, Tyler Whitaker, Anna Outten, Mary Grace Wyndham,
16 Jessica Baldwin, Daniel Cooper, Katherine Fries, Mallory
17 Haliena, Kelsey Davis, Elliott Barrow, III, Richard Hundley,
18 Cassity Brewer, Ryan McCain, Phillip Abshire, Sara Bozarth,
19 Jordan Norvell, Chad Simpson, Amy Harold, Timmy Finch, Price
20 Segal, Mary Haskins, Stephanie Linder, Charles Patrick,
21 Nicholas Uricchio, Richardson Russell and Nina Savas, and
22 obviously, Scarlett Wilson, the Solicitor.

23 THE COURT: Mr. D'Angelo, if you would provide us
24 with the same information, if you would have your client stand
25 and face the panel?

1 MR. D'ANGELO: Thank you, Your Honor.

2 THE COURT: You're welcome.

3 MR. D'ANGELO: My name is Nicholas D'Angelo of the
4 Public Defender's Office. With me is Doug Henley, who is going
5 to be assisting me today, this is my client, Akim Jean
6 Richard --

7 THE DEFENDANT: Jean-Charles, and I want to represent
8 myself today.

9 MR. D'ANGELO: Unlike the Solicitor, but every once
10 in a while I have a list. The attorneys in my office are
11 Rachael Arora, Karen Barker, Cameron Blazer, Stephen Bowden,
12 Kaitlin Goulouze, Taylor Currin, Brendan Daniels, Rodney Davis,
13 Helen Dovell, Megan Ehrlich, Mary Ford, Christopher Hamilton,
14 Ronate Hohman, Jason King, John Kozelski, Benjamin Lewis,
15 Lyndsay Luthringer, Benjamin Mack, Katherine Mangan, Karla
16 Martinez and Amanda Monaco. Thank you.

17 THE COURT: Thank you, I appreciate that. Now,
18 again, ladies and gentlemen, if a question applies to you,
19 please stand and in a loud and clear voice tell us your name,
20 your juror number and an answer to the question, if applicable,
21 and remain standing until I have completed questioning you.

22 (VOIR DIRE)

23 THE COURT: Is there any member of the panel related
24 by blood or marriage to Akim Jammal Jean-Charles,
25 if so please stand at this time. Does any member of the panel

1 have a close personal or social relationship with Akim Jammarr
2 Jean-Charles? If so, please stand at this time. The following
3 are a list of potential witnesses in this case. I would ask
4 that you listen carefully. Sergeant Danielle Rainey? Is there
5 any member of the panel related by blood or marriage to or have
6 a close personal or social relationship with this witness? If
7 so, please stand at this time. Is there any member of the
8 panel who has ever been represented by any of the attorneys
9 involved in this case or any of the attorneys who are employed
10 in their offices? If so, please stand at this time. Is there
11 any member of the panel related by blood or marriage to or have
12 a close personal or social relationship with any of the
13 attorneys involved in this case, any of the attorneys who are
14 employed in their offices, or any person who is employed in any
15 capacity, whatsoever, in their offices? If so, please stand at
16 this time. Yes, ma'am? Tell us your name and your juror
17 number.

18 THE JUROR: My name is Nicole Hlavac, juror 123. Ms.
19 Windham is my first cousin.

20 THE COURT: You said Ms. Windham is your first
21 cousin?

22 THE JUROR: Yes, ma'am.

23 THE COURT: As a result of this experience, do you
24 feel that you can remain fair and impartial and render a fair
25 and impartial decision in this case based solely on the

1 evidence as it will be presented and on the law as the Court
2 will instruct?

3 THE JUROR: Yes, ma'am.

4 THE COURT: You said that kind of slow. There's no
5 right or wrong answer, but I need a definitive answer.

6 THE JUROR: I am not bias, I just don't want anybody
7 else to use that saying that that is bias.

8 THE COURT: So the answer to the question is you can
9 be fair and impartial?

10 THE JUROR: No, I am not bias.

11 THE COURT: Okay, I apologize, it's a long question,
12 and I'm going to need to repeat it. I need you to answer, and
13 again, there is no right or wrong answer. As a result of this
14 experience, do you feel that you can remain fair and impartial
15 and render a fair and impartial decision in this case based
16 solely on the evidence as it will be presented and on the law
17 as the Court will instruct?

18 THE JUROR: Yes, ma'am.

19 THE COURT: Thank you, ma'am, you may take your seat.
20 Has any member of the panel formed or expressed an opinion
21 about any issue or matter involved in this case? If so, please
22 stand at this time. Is there any member of the panel who is
23 aware of any of the facts and circumstances of this case, as
24 alleged, if so please stand at this time. Has any member of
25 the panel read, watched, or listened to any media accounts

1 about this case, if there have been any? If so, please stand
2 at this time. Is there any member of the panel aware of any
3 bias or prejudice toward either the State or the defense in
4 this case? If so, please stand at this time. Is there any
5 member of the panel who was a member of the Grand Jury which
6 issued the indictment in this case? If so, please stand at
7 this time. Is there any member of the panel who is a member of
8 or contributor to any group which has as its primary concern
9 the promotion of law enforcement or victims rights? These
10 groups would include, but are not limited to: Mothers Against
11 Drunk Driving, Students Against Drunk Driving, Citizens Against
12 Violent Crime, People Against Rape, Parents and Power to Save
13 Teens, or the Fraternal Order of Police, Blue Lives Matter, or
14 any other, as well as Black Live Matter, or any other group
15 which has as its primary concern law enforcement or the
16 reformation of law enforcement practices or the advocacy in
17 favor of law enforcement? If so, please stand at this time.
18 Yes, sir, tell me your name and Juror Number.

19 THE JUROR: John Jordan, Number 140.

20 THE COURT: Yes, sir?

21 THE JUROR: Retired New York City Police Sergeant.

22 THE COURT: Are you a member of any of these groups?

23 THE JUROR: I'm a member of the FOP, Fraternal Order
24 of Police.

25 THE COURT: As a result of this affiliation do you

1 feel that you can remain fair and impartial and render a fair
2 and impartial decision in this case based solely on the
3 evidence as it will be presented and on the law as the Court
4 will instruct?

5 THE JUROR: Yes.

6 THE COURT: Thank you, sir, you may take your seat.
7 Is there any member of the panel who is a moral or
8 philosophical or religious opposition to sitting in judgment of
9 a fellow human being? If so, please stand at this time. Is
10 there any member of the panel who has been the victim of a
11 violent crime? If so, please stand at this time. Is there any
12 member of the panel who has an immediate family member who is
13 employed in law enforcement? If so, please stand at this time.
14 I need you to provide me with the following information: Your
15 name, your juror number, which member of your family it is, and
16 which agency, and remain standing. Yes, sir?

17 THE JUROR: Stephen Crocker, juror number 56.

18 THE COURT: Yes, sir?

19 THE JUROR: Berkeley County Sheriff.

20 THE COURT: You said Berkeley County?

21 THE JUROR: Yes, ma'am.

22 THE COURT: And yes, sir?

23 THE JUROR: Wayne Wexler, 281. My cousin, Trenton
24 State Penitentiary.

25 THE COURT: That's in New Jersey, right?

1 THE JUROR: Yes, and now Rikers Island.

2 THE COURT: So he was formally employed in Trenton,
3 but he is now at Rikers Island?

4 THE JUROR: Now Rikers, yes, ma'am.

5 THE COURT: Yes, ma'am?

6 THE JUROR: Number 158.

7 THE COURT: Yes, ma'am?

8 THE JUROR: My children's father is a process server
9 for Charleston County.

10 THE COURT: Is he with the magistrate, or is he
11 employed with the Sheriff's Department?

12 THE JUROR: Sheriff's Department.

13 THE COURT: Yes, ma'am?

14 THE JUROR: Sonya Spruill, Juror, 244. My father
15 works for the Barnwell County Sheriff's Office.

16 THE COURT: You said Barnwell?

17 THE JUROR: Yes.

18 THE COURT: And in what capacity?

19 THE JUROR: He's a deputy.

20 THE COURT: Number 258, if you could remain standing
21 for me, please. I need you to remain standing, yes, ma'am.

22 THE JUROR: Sorry.

23 THE COURT: That's okay. As a result of these
24 experiences, do you all feel that you can remain fair and
25 impartial and render a fair and impartial decision in this case

1 based solely on the evidence as it will be presented and on the
2 law as the Court will instruct? If your answer is yes, please
3 take your seat. Let the record reflect that all answered yes.
4 Is there any member of the panel who has what they were
5 perceive as a negative impression of law enforcement or a
6 negative experience with law enforcement, such that it will
7 affect your ability to be fair and impartial? If so, please
8 stand at this time. Yes, sir, tell me your name and juror
9 number.

10 THE JUROR: My name is Clay Malcom, 162.

11 THE COURT: Sir, do you feel that you have a fixed
12 opinion regarding the subject matter?

13 THE JUROR: In this specific case?

14 THE COURT: No, sir, about your opinions regarding
15 any negative experience.

16 THE JUROR: I just generally believe that law
17 enforcement exists to preserve existing class relations and
18 further the economic oppression of the vast majority of people.

19 THE COURT: Do you feel this is a fixed opinion?

20 THE JUROR: Is it a fixed opinion, is it like co or
21 moral ideology you mean?

22 THE COURT: So that would be a fixed opinion then,
23 correct?

24 THE JUROR: Yes.

25 THE COURT: Do you feel that you could put that

1 opinion aside and consider the evidence as it is presented, the
2 laws the Court will instruct, and render a fair and impartial
3 decision in this case?

4 THE JUROR: Every situation is unique, so yes.

5 THE COURT: So you feel that at your candor, that,
6 yes, you can place this fixed opinion aside?

7 THE JUROR: Yes, indeed.

8 THE COURT: Thank you, sir, you may take your seat,
9 we appreciate your candor. Is there any member of the panel
10 who does not feel the laws of the State of South Carolina apply
11 to you? If so, please stand at this time. Does any member of
12 the panel know of any reason, whatsoever, why he or she should
13 not serve as a juror in this case with particular emphasis
14 being placed on your ability to be fair and impartial to both
15 the state and the defense? If so, please stand at this time.
16 Are there any additional questions from the State?

17 MR. ZEIGLER: No, Your Honor.

18 THE COURT: Any additional questions from the
19 defense?

20 MR. D'ANGELO: No, Your Honor.

21 THE COURT: The strikes will be five and five, and so
22 it's easier, do you all have any exception to the jurors merely
23 standing where they are located so they don't have to fall over
24 anyone?

25 MR. ZEIGLER: No objection from the State, Your

1 Honor.

2 MR. D'ANGELO: I'm certainly fine with that, no
3 objection.

4 (JURY SELECTION)

5 THE COURT: Ladies and gentlemen, we are going to go
6 through what is called the strike process where the attorneys
7 will use their peremptory challenges in jury selection. Each
8 side pursuant to state law has five peremptory challenges that
9 they can exercise in jury selection. We're going to prepare a
10 random list and the Clerk's Office is going to provide us with
11 a random list. If your name is called, and because we're in
12 tight quarters, I've asked that you all be allowed to stand in
13 your place so that you don't have to fall over each and try to
14 get back in your seat. If, however, you are selected, I need
15 you to come forward and be seated in the jury box, and when the
16 Clerk's Office is ready, just let me know. We appreciate your
17 patience. Is one alternate sufficient?

18 MR. D'ANGELO: I believe so, Your Honor.

19 MR. ZEIGLER: No objection. I think that's fine,
20 Your Honor.

21 THE COURT: Counsel, I would ask that you give the
22 Clerk's Office your undivided attention, as well as members of
23 the venire. We appreciate your patience.

24 THE CLERK: Ladies and gentlemen, if your name is
25 called, please stand and face the attorneys. Juror Number 84,

1 Abby Firestine, what say you for the State?

2 MR. ZEIGLER: Please present this juror.

3 THE CLERK: What say you for the defense?

4 MR. D'ANGELO: Please excuse this juror.

5 THE CLERK: Ma'am, you have been excused from the
6 trial of this case. You may have a seat. Juror Number 63,
7 Widney Cupstid, what say you for the State?

8 MR. ZEIGLER: Please present this juror.

9 THE CLERK: What say you for the defense?

10 MR. D'ANGELO: Please seat this juror, Your Honor.

11 THE CLERK: Ma'am, please come forward and have a
12 seat in the jury box. You have been selected as a juror in the
13 trial of this case. Juror Number 197, Krysten Patel, what say
14 you for the State?

15 MR. ZEIGLER: Please present this juror.

16 THE CLERK: What say you for the defense?

17 MR. D'ANGELO: Please excuse this juror.

18 THE CLERK: Ma'am, you may have a seat. You've been
19 excused from the trial of this case. Juror Number 273,
20 Margaret Walton, what say you for the State?

21 MR. ZEIGLER: Please present this juror.

22 THE CLERK: What say you for the defense?

23 MR. D'ANGELO: Please seat this juror.

24 THE CLERK: Ma'am, if you'll please come forward, you
25 have been selected as a juror in the trial of this case. Juror

1 Number 112, Blondell Harley, what say you for the State?

2 MR. ZEIGLER: Please present this juror.

3 THE CLERK: What say you for the defense?

4 MR. D'ANGELO: Please seat this juror. Ma'am, if you

5 grab your belongings, please come forward, you have been

6 selected as a juror in the trial of this case. Juror Number

7 254, Suchart Taylor, what say you for the State?

8 MR. ZEIGLER: Please excuse this juror.

9 THE CLERK: Sir, you may have a seat.

10 THE COURT: I'm sorry, I apologize, I was distracted,

11 Number 254 was excused by who?

12 MR. ZEIGLER: The State, Your Honor.

13 THE CLERK: Juror Number 45, Lucas Cobb, what say you

14 for the State?

15 MR. ZEIGLER: I'm sorry, I missed the number.

16 THE CLERK: 45.

17 MR. ZEIGLER: 45? Please present this juror.

18 THE CLERK: What say you for defense?

19 MR. D'ANGELO: Please seat this juror.

20 THE CLERK: Sir, if you'll grab your belongings and

21 please come forward, you've been selected as a juror in the

22 trial of this case. Juror Number 239, Candice Smith, what say

23 you for the State?

24 MR. ZEIGLER: Please present this juror.

25 THE CLERK: What say you for the defense?

1 MR. D'ANGELO: Please excuse this juror.

2 THE CLERK: Ma'am, you can have a seat.

3 THE COURT: And that was the defense's third strike,
4 correct?

5 THE CLERK: Yes, ma'am.

6 THE COURT: Perfect.

7 THE CLERK: Juror Number 217, Jehuel Rosado Ortiz,
8 what say you for the State?

9 MR. ZEIGLER: Please excuse this juror.

10 THE CLERK: Sir, you can have a seat. Juror Number
11 234, Stacey Simmons, what say you for the State?

12 MR. ZEIGLER: Please present this juror.

13 THE CLERK: What say you for the defense?

14 MR. D'ANGELO: Please seat this juror.

15 THE CLERK: Ma'am, if you'll grab your belongings and
16 please come forward, you've been selected as a juror in the
17 trial of this case. Juror Number 240, Kenny Smith, what say
18 you for the State?

19 MR. ZEIGLER: Please present this juror.

20 MR. D'ANGELO: Please seat this juror.

21 THE CLERK: Sir, if you'll grab your belongings and
22 please come forward, you've been selected as a juror in the
23 trial of this case. Juror Number 140, John Jordan, what say
24 you for the State?

25 MR. ZEIGLER: Please present this juror.

1 THE CLERK: What say you for the defense?

2 MR. D'ANGELO: Please excuse this juror.

3 THE COURT: Defendant's number four.

4 THE CLERK: Juror Number 107, Angela Guinn, what say
5 you for the State?

6 MR. ZEIGLER: Please present this juror.

7 THE CLERK: What say you for the defense?

8 MR. D'ANGELO: Please seat this juror.

9 THE CLERK: Ma'am, if you'll grab your belongings and
10 please come forward, you've been selected as a juror in the
11 trial of this case. Juror Number 281, Wayne Wexler, what say
12 you for the State?

13 MR. ZEIGLER: Please present this juror.

14 THE CLERK: What say you for the defense?

15 MR. D'ANGELO: Please seat this juror.

16 THE CLERK: Sir, if you'll grab your belongings and
17 please come forward, you have been selected as a juror in the
18 trial of this case. Juror Number 93, Charlotte Gadowski, what
19 say you for the State?

20 MR. ZEIGLER: Please present this juror.

21 THE CLERK: What say you for the defense?

22 MR. D'ANGELO: Please seat this juror.

23 THE CLERK: Ma'am, if you'll grab your belongings and
24 please come forward, you have been selected as a juror in the
25 trial of this case. Juror Number 231, Jonathan Shirey, what

1 say you for the State?

2 MR. ZEIGLER: Please excuse this juror.

3 THE CLERK: Sir, you may have a seat.

4 THE COURT: State's third strike.

5 THE CLERK: Juror Number 122, Kalimah Hines, what say
6 you for the State?

7 MR. ZEIGLER: Please present this juror.

8 THE CLERK: What say you for the defense?

9 MR. D'ANGELO: Please seat this juror.

10 THE CLERK: Ma'am, if you'll grab your belongings and
11 please come forward, you've been selected as a juror in the
12 trial of this case. Juror Number 296, Eric Yohe, what say you
13 for the State?

14 MR. ZEIGLER: Please present this juror.

15 THE CLERK: What say you for the defense?

16 MR. D'ANGELO: Please seat this juror.

17 THE CLERK: Sir, you may grab your belongings and
18 come forward, you've been selected as a juror in the trial of
19 this case. Juror Number 119, Michael Hickey, what say you for
20 the State?

21 MR. ZEIGLER: Please present this juror.

22 THE CLERK: What say you for the defense?

23 MR. D'ANGELO: Please seat this juror.

24 THE CLERK: Sir, if you'll grab your belongings and
25 please come forward, you've been selected as a juror in the

1 trial of this case.

2 THE COURT: Alternate strikes are one and two.

3 THE CLERK: Juror Number 272, Joseph Walton, what say
4 you for the State?

5 MR. ZEIGLER: Please present this juror.

6 THE CLERK: What say you for the defense?

7 MR. D'ANGELO: Please seat this juror.

8 THE CLERK: Sir, if you grab your belongings and
9 please come forward, you've been selected as a juror in the
10 trial of this case.

11 THE COURT: Are there any motions regarding the
12 selection of the jury from the State?

13 MR. ZEIGLER: Nothing, Your Honor.

14 THE COURT: From the defense?

15 MR. D'ANGELO: Nothing, Your Honor.

16 THE COURT: Ladies and gentlemen, we appreciate your
17 time and your patience during the jury selection process. I
18 know this has been a long morning for you, and again, we do not
19 take your time for granted. You're excused for the remainder
20 of the day, just please call the jury information line after
21 6:00 this evening for further instructions. Have a great day.
22 You're excused.

23 Ladies and gentlemen, you've been selected for the
24 case of the State versus Akim Jammal Jean-Charles. I need to
25 discuss some scheduling, it's 1:10. What I'm going to do is

1 I'm going to go ahead and let you go to lunch until 2:30, that
2 gives you about hour and 20 minutes, give or take, for lunch.
3 You will find that, as I said during jury qualifications, it's
4 always tourist time in Charleston, so there are is usually some
5 delay and wait at most of the establishments, although it's a
6 little past the cusp of the height of lunch, which was around
7 12:00. You'll need to return directly to your jury room at
8 2:30, at which time I anticipate we will begin the trial of
9 this case. I'm going to turn you over to the competent hands
10 of the bailiffs who are going to show you -- because you're
11 going to come directly to your jury room, you will not go to
12 the assembly room. During this break, please do not discuss
13 this case, anticipate what it may be about, or do any
14 independent research of any type on any issue or matter
15 involved in this case. Again, please confine your interactions
16 with those who have juror stickers on, again, we would not want
17 an innocent conversation to be observed and misinterpreted.
18 Also, please don't make any comments regarding your jury
19 service on any social networking sites, I lost track of how
20 many there are, but there's Instagram, Facebook, Twitter,
21 aren't there like five or ten, I don't know, I don't do social
22 media, so I really would not be able to speak with any
23 authority as to the names of all of them, but believe it or not
24 there are people, I guess, who do not have much to do with
25 their day who look at those sites and call us to let us know if

1 you make any statements, so I would not want an innocent
2 comment to be observed and misinterpreted regarding your jury
3 service, so if you could refrain from that it would be helpful.
4 I hope you all have a good lunch. Again, we've appreciated
5 your patience. We do this every day, so it's a normal process
6 for us, but we know it is something that you are unfamiliar
7 with, and again, we appreciate your patience and we don't take
8 your time for granted. Have a good lunch, and I'll see you at
9 2:30. If you would go with the bailiffs for me, please.

10 **(Jury was excused for a lunch recess at this time.)**

11 THE COURT: Okay, now, Mr. Charles, was there. Mr.
12 Charles, is there anything else you'd like to share with the
13 Court? This is your time to say everything you'd like to say.

14 THE DEFENDANT: Yes. I would like to object to
15 everything that just went down in this courtroom.

16 THE COURT: And I need you to specifically tell me
17 what you've objected to.

18 THE DEFENDANT: I object to you making a judicial
19 determination on my behalf.

20 THE COURT: On what judicial determination did I make
21 on your behalf, sir?

22 THE DEFENDANT: You made the determination that I
23 can't speak for myself.

24 THE COURT: Sir, I have not made any decisions yet.
25 I still have to have a Faretta Hearing, and I've been very

1 clear with you about that. You don't get to just represent
2 yourself. There is a process this Court has to follow and
3 there's no exception to that. I have to have a Faretta
4 Hearing, so no one has made any judicial determination, so I
5 need you to be clear about that. I have not made any findings
6 of fact or conclusions of law.

7 THE DEFENDANT: I object to you stating earlier that
8 any time a judge signs something after a previous judge, that
9 supersedes that. I object to --

10 THE COURT: Sir, I didn't make any such statement.
11 What is your next case -- what -- I need you to get to the
12 heart of what it is you need from the Court today so that I can
13 make any appropriate rulings.

14 THE DEFENDANT: I'm getting to the heart of it, just
15 every single time I object you are being very impartial to me
16 and very --

17 THE COURT: You're correct, I have been very
18 impartial to you because I have been --

19 THE DEFENDANT: I mean partial --

20 THE COURT: No, sir, I'm a very tolerant --

21 THE DEFENDANT: Very partial towards me.

22 THE COURT: I've tolerated a whole lot more than I
23 normally would.

24 THE DEFENDANT: But everything that I've done is
25 legal, so how could you mean you're tolerating things? I'm

1 only asking about all the questions --

2 THE COURT: Sir, you said that this Court was
3 impartial towards you, that is not correct.

4 THE DEFENDANT: That is -- that it is correct,
5 because --

6 THE COURT: Let me poll the courtroom. Is there
7 anyone that perceives this Court has been anything other than
8 impartial to Mr. Jean-Charles, and has this Court been anything
9 other than incredibly patient based on your experience?

10 THE DEFENDANT: That question --

11 THE COURT: Mr. Zeigler?

12 MR. ZEIGLER: In my experience, you've been very
13 patient and understanding of Mr. Jean-Charles.

14 THE COURT: Mr. D'Angelo? If I've been impertinent
15 with your client, you need to tell me.

16 MR. D'ANGELO: I would certainly object if you had,
17 Your Honor.

18 THE COURT: I think you would. Alright.

19 THE DEFENDANT: I think that asking that question is,
20 on it's face, impartial to me.

21 THE COURT: Okay.

22 THE DEFENDANT: They're acting -- they're asking
23 members of the State: Do they agree with you? Of course
24 they're going to agree with you.

25 THE COURT: No, sir, I asked for their objective

1 opinion, and believe me, in my experience, they would tell me
2 if they thought something different.

3 THE DEFENDANT: But this is what I'm saying, all of
4 that is impartial. It's, like, y'all are just, like, y'all
5 group, and y'all only y'all group --

6 THE COURT: Sir, I need you to make any motions you
7 want to make so I can rule on it.

8 THE DEFENDANT: Okay. I object to Mr. D'Angelo
9 representing me. Like I said, I've already been -- had a
10 federal -- Faretta Hearing, I've already been found competent.
11 I'm being prejudiced by the actions of Your Honor today, so by
12 the actions of the Court today, by the actions of my attorney
13 today, I'm being prejudiced.

14 THE COURT: I need you to tell me specifically how
15 you've been prejudiced.

16 THE DEFENDANT: Because ever since January 16th of
17 2020, I was under the impression that I will be fighting this
18 case on -- by myself and when the matter comes -- comes up to
19 my attention, I will be bringing my defense. That was the
20 understanding that I was under. So --

21 THE COURT: But you've met with Mr. D'Angelo since
22 then; haven't you?

23 THE DEFENDANT: Ma'am, I'm not finished yet.

24 THE COURT: Sir, I asked a question and you're bound
25 to answer it, the same way any attorney would be, so I need to

1 know, have you been meeting with Mr. D'Angelo?

2 THE DEFENDANT: No, I have not, the first time I met
3 with him was today.

4 THE COURT: And Mr. D'Angelo, why is that?

5 MR. D'ANGELO: Your Honor, I -- so for the record, I
6 did, obviously, meet with Akim while he was in jail. Once I
7 had the bench warrant lifted, we had a follow-up meeting
8 letting him know that it had been lifted. Once he bonded out,
9 I have attempted repeatedly, I can go through my file if the
10 Court would like, repeatedly phone calls, repeated emails, the
11 email address he provided, I've sent letters. We have not
12 spoken until, I believe it was about, roughly, 4:00 in the
13 afternoon Friday. It was the first time we've spoken since
14 Akim was able to bond out.

15 THE COURT: And what do you perceive that lack of
16 contact to be attributable to? When you say "multiple" -- let
17 me start at the beginning, when you say multiple attempts, give
18 me an estimate of how many times you've called, emailed, or
19 sent written correspondence.

20 MR. D'ANGELO: I sent in the last month, which is
21 when I started really preparing for this case --

22 THE COURT: And while you're getting prepared?

23 MR. D'ANGELO: Yes, ma'am. I believe I've sent three
24 emails, 6 to 10 phone calls, spoke to his mother once, she gave
25 me his current number, I've left, maybe, three voice mails for

1 his mother, and I sent a contact letter.

2 THE COURT: And all received no response?

3 MR. D'ANGELO: Yes, ma'am.

4 THE DEFENDANT: I mean, I did respond, I responded
5 Friday. I can't help of what I didn't see.

6 THE COURT: Sir, don't interrupt Mr. D'Angelo. I'm
7 going to give you an opportunity to speak, but when you make
8 those kind of representations I have to have an accurate record
9 of what he's done for PCR purposes, because if he says he's
10 contacted you and his file reflects that, then I need to have
11 him speak to that. So when you make certain assertions, I have
12 to have a valid record of what Mr. D'Angelo has done. He has
13 acknowledged that he did not see you, but a part of that is
14 because you have not responded to him, and he has made,
15 according to his records, multiple attempts to do that, so you
16 may continue.

17 THE DEFENDANT: Okay. Like I was saying, the reason
18 that I'm being prejudiced, extremely, and I'm being -- my
19 rights are being totally prejudiced, totally violated right
20 now, but the reason for -- another reason why my defense is
21 extremely prejudiced is, like I said, I was under the
22 impression that I was going to be representing myself as of the
23 January 16th decision by Judge Culbertson. After that
24 decision, I never heard anything else from them besides a
25 couple random status conferences here and there that I showed

1 up to, and then when I show up to I'm standing in the back
2 waiting for a trial. So, ma'am, basically what I'm saying is,
3 I have no -- I was not aware that this was even going forward
4 anymore after a certain point because it's been six years, I
5 had no response. Then I get -- I just get arrested out of
6 nowhere. I had no correspondence properly served anything,
7 letting me know I missed any kind of date or anything, I just
8 get arrested out of nowhere, and then I find out that the
9 reason I'm arrested is because of missing a court date that I
10 was never scheduled to come to, that I never got properly
11 served to come to, so that's what I was arrested for it.
12 So only change that happened from January 16th, 2020, when I
13 was granted able to represent myself, the only change that
14 happened from that point was me getting arrested for
15 feloniously on a failure to appear warrant that I'm didn't fail
16 to appeal for, and then after I got arrested, a judge made,
17 without no finding facts, because they didn't have any facts,
18 that I was indigent or that a public defender should represent
19 me.

20 THE COURT: Sir, by virtue of state law, you're
21 indigent when you're in jail and you've sat there a particular
22 amount of time. The law presumes that you're indigent, and the
23 Court doesn't need your permission to appoint anyone.

24 THE DEFENDANT: And what is that time period, ma'am?

25 THE COURT: It could be a day, it could be three

1 hours.

2 THE DEFENDANT: Okay, and --

3 THE COURT: You're in jail, by virtue of that, your
4 freedom is restrained --

5 THE DEFENDANT: Okay.

6 THE COURT: -- you don't have the ability to get a
7 lawyer --

8 THE DEFENDANT: Okay.

9 THE COURT: -- and the law presumes that you're
10 entitled to one.

11 THE DEFENDANT: The law presumes, but once that
12 presumption is rebutted --

13 THE COURT: So there is no rebuttal. There's no
14 rebutting to that presumption.

15 THE DEFENDANT: See? So you're trying to tell me
16 that when a person is locked up in jail, they must be
17 represented by an attorney, even if the --

18 THE COURT: Sir, we make --

19 THE DEFENDANT: -- they say the Constitution says you
20 have the opportunity to represent yourself?

21 THE COURT: Sir, we make -- yeah. The Constitution
22 says you're entitled to legal counsel, if you can't afford it,
23 we're bound to appoint somebody for you because the law
24 recognizes that it is not in your best interest in this complex
25 system for you to not have legal counsel to arguably advocate

1 for your position in the system, and if you are in jail one
2 hour, the Court has the ability to appoint -- for 10 minutes,
3 the Court could be -- you're indigent by virtue of state law,
4 by virtue of federal law, by virtue of the South Carolina
5 Constitution and the United States Constitution, you are
6 indigent, you're entitled to counsel free of charge.
7 The Court does not have to seek your permission to appoint a
8 lawyer to represent you. It's done every day. Multiple orders
9 are signed to give indigent folk representation. Two separate
10 issues that you have co-mingled.

11 THE DEFENDANT: No.

12 THE COURT: The Court has the ability to appoint
13 somebody. If you want to represent yourself, that's a Faretta
14 issue. They're two separate things. They are not co-mingled
15 together.

16 THE DEFENDANT: Well, I object to you stating that
17 this -- like the State's -- it's like the State -- like, you
18 can do what y'all going to do, but people have their rights.
19 The Constitution grants me the right to represent myself if I
20 so choose.

21 THE COURT: No, it doesn't, sir. The Court has to
22 make a determination that you're in -- that you're capable of
23 representing yourself, pursuant to the United States v.
24 Faretta.

25 THE DEFENDANT: Ma'am, I object. Okay.

1 THE COURT: And your objection is noted, but I'm
2 telling you what the law says.

3 THE DEFENDANT: Ma'am, I'm telling you what the law
4 says, too, so now we're having a --

5 THE COURT: Sir, we need to move beyond this point.

6 THE DEFENDANT: You can't move beyond this question
7 --

8 THE COURT: If you're seeking to represent yourself I
9 need you to --

10 THE DEFENDANT: You can't move beyond this question.

11 THE COURT: Do not try to overtalk the Court.

12 THE DEFENDANT: I apologize.

13 THE COURT: I'm trying to help you. You're not
14 listening because you were so stuck on your point.

15 THE DEFENDANT: The law --

16 THE COURT: What you perceive the law to be.

17 THE DEFENDANT: No.

18 THE COURT: That what I'm trying to tell you is that
19 in order for you to represent yourself, the Court has to have a
20 Faretta hearing. You don't get to just say, I want to
21 represent myself. The United States Supreme Court has said you
22 do not have that right, that it might well be contrary to your
23 best interests, so the Court has to have a hearing to determine
24 if you're competent to represent yourself, pursuant to the
25 Faretta Doctrine. That is the law.

1 THE DEFENDANT: Okay, ma'am.

2 THE COURT: Sir, you --

3 THE DEFENDANT: And I didn't dispute that. I didn't
4 dispute that. You -- you can do --

5 THE COURT: No, sir. You did dispute it --

6 THE DEFENDANT: No, I didn't.

7 THE COURT: -- and I need you to be clear as to what
8 the law is --

9 THE DEFENDANT: Ma'am, I'm very clear on what the law
10 is, I know exactly --

11 THE COURT: -- not what you perceive the law to be.

12 THE DEFENDANT: I know exactly what the law is on
13 this matter, ma'am, I do, I really do, and at the end of the
14 day, I was already granted a Faretta hearing, so the point that
15 you just brought up is kind of moot, because I've already been
16 granted that.

17 THE COURT: No, sir, you are appointed Counsel, so
18 the point is not moot, and we have to go through the Faretta
19 process all over again.

20 THE DEFENDANT: Okay. That's fine with me, but
21 that's fine with me, we can go through that, but what I'm
22 saying is I still have to explain why I'm prejudiced in this
23 matter right now.

24 THE COURT: And you have to be specific about that.

25 THE DEFENDANT: I'm being very specific, you're just

1 over me, like, just ignoring what --

2 THE COURT: You can't just make a generalized
3 statement. You cannot make -- no, I'm trying to direct your
4 argument so that you can create an appropriate record. You get
5 just to say I'm prejudiced. Prejudice has a legal definition
6 --

7 THE DEFENDANT: Exactly.

8 THE COURT: -- and you have to satisfy this Court.
9 But it really, at this point, it doesn't matter. At this point
10 where we picked a jury --

11 THE DEFENDANT: That's how I'm being prejudiced.

12 THE COURT: There is no prejudice that you have
13 suffered.

14 THE DEFENDANT: That's how I'm being prejudiced,
15 because y'all are basically just trying to stick to the
16 business and just keep on moving on through, because y'all are
17 busy.

18 THE COURT: So what is your suggestion that we do?

19 THE DEFENDANT: You're not worried about my defense.
20 I'm telling you it's prejudice.

21 THE COURT: What is it that you suggest we do, sir?

22 THE DEFENDANT: I suggest that we relieve these two
23 attorneys, and then we continue this case to give me time to --

24 THE COURT: You've had plenty of time, sir.

25 THE DEFENDANT: I did not have plenty of time, this

1 is what I'm trying to get you to understand, ma'am.

2 THE COURT: This case has been pending since 2017.

3 THE DEFENDANT: Exactly, that's my point, ma'am. I'm
4 the person -- in State v. Langley, the judges clearly state
5 that it's on the -- the burden of proof and the burden of
6 bringing the case and making it move through the system
7 substantially smooth and efficient, it's all on the State's --
8 that's the State's burden. It's not my burden. I'm the one
9 that's being accused of something, so if I'm being accused of
10 something and y'all got the evidence, let's go. Why this case
11 ain't been done in a year? It's because it --

12 THE COURT: Well, we're ready to try it now, sir.
13 That's what you've asked for.

14 THE DEFENDANT: That's what I'm -- but I'm telling
15 you, I'm giving you the reasons of why I've been prejudiced,
16 and going forward with this trial today --

17 THE COURT: It doesn't make sense what you're saying.

18 THE DEFENDANT: Yes, it does make sense, ma'am.

19 THE COURT: You said you want a trial, and you want
20 to represent yourself.

21 THE DEFENDANT: You're conflating what I'm saying,
22 you're being partial to me.

23 THE COURT: No, I'm not.

24 THE DEFENDANT: You're trying to basically make it
25 seem like what I'm saying doesn't makes sense.

1 THE COURT: No, sir, I'm listening exactly to what
2 you're saying.

3 THE DEFENDANT: Okay, then --

4 THE COURT: You said, I want a trial and I want to
5 represent myself.

6 THE DEFENDANT: No, I said, If we're going to -- if
7 y'all are going to force me, under duress to go ahead with this
8 trial today, that I'm going to represent myself, that's what I
9 said. I didn't say that I want to go forward with this trial.

10 THE COURT: Tell me what difference it's going to
11 make whether we do it today or tomorrow if you want to
12 represent yourself.

13 THE DEFENDANT: The difference is because it's never
14 going to go trial if I get my arguments on the record, because
15 what I'm saying is the law, so when I put my arguments on the
16 record --

17 THE COURT: You need to put them on the record right
18 now.

19 THE DEFENDANT: No, I need to put them on the record
20 on paper, so when it gets challenged in court --

21 THE COURT: Sir, you've already done that, it's
22 already in your file.

23 THE DEFENDANT: No, I didn't, that was his -- that
24 was the attorney --

25 THE COURT: No, no, you have handwritten documents in

1 the file.

2 THE DEFENDANT: Yes, you know how long ago that was?

3 You know how long --

4 THE COURT: I don't think anything's changed, based
5 on what you've just said to me.

6 THE DEFENDANT: That's -- but that's your opinion,
7 and that's -- and guess what that is? That's impartiality.
8 You're basically stating that you don't believe that I -- I'm
9 saying -- what I'm saying is valid. When I -- I'm bringing up
10 legal arguments, and if you're not going to allow me to --

11 THE COURT: What are your legal arguments?

12 THE DEFENDANT: If you're not going to allow me to
13 propose them, then that's impartiality.

14 THE COURT: What are your legal arguments?

15 THE DEFENDANT: My legal arguments is that this whole
16 situation is void. You can --

17 THE COURT: How is it void, sir?

18 THE DEFENDANT: It's void because you can't bring an
19 action in court without the initial charging documents. The
20 initial charging --

21 THE COURT: I have the initial charging documents.

22 THE DEFENDANT: Ma'am, can I finish my point? You
23 see how impartial you're being towards me?

24 THE COURT: I am being impartial to you.

25 THE DEFENDANT: You didn't interrupt him --

1 THE COURT: You said the basis of your argument is we
2 don't have the official charging documents. I have them.

3 THE DEFENDANT: Yes.

4 THE COURT: If you'd like, I can give you a copy of
5 it.

6 THE DEFENDANT: And guess what? There's a defect in
7 that official charging document.

8 THE COURT: And what is the defect?

9 THE DEFENDANT: It's not sworn to under penalties of
10 perjury, so it's not --

11 THE COURT: It is, sir.

12 THE DEFENDANT: No, it's not, it says --

13 THE COURT: Can we get a copy?

14 THE DEFENDANT: It's got -- do you see where it says
15 the word, "sworn"?

16 THE COURT: Do you have a copy?

17 MR. D'ANGELO: I have a copy right here, Your Honor.

18 THE COURT: Could you please show it to him that it
19 is sworn under oath and that it was done on the 15th day of --
20 well, this one's the 15th day of January, that's the Possession
21 of Marijuana II, which is not applicable to this case, but I
22 will go back into the file so that you can show him the
23 original affidavit that was sworn under oath, by the magistrate
24 --

25 THE DEFENDANT: I've already seen that, that's the

1 reason that this is my argument.

2 THE COURT: Sir, I need you to tell me specifically
3 how that's defective.

4 THE DEFENDANT: I just told you. It's not sworn
5 under penalty of perjury, ma'am.

6 THE COURT: No, sir, you did not. I need you to tell
7 me how it is defective, sir.

8 THE DEFENDANT: It's defective because it's not sworn
9 to under penalty of perjury.

10 THE COURT: And what is your basis that it is not
11 sworn to by penalty of perjury?

12 THE DEFENDANT: The document itself. It's clear.
13 It's on its face. It's --

14 THE COURT: How is it on it's face?

15 THE DEFENDANT: It's void on its face.

16 THE COURT: I need you to specifically tell me how
17 it's void on its face.

18 THE DEFENDANT: The words I'm using -- prima facia
19 evidence of --

20 THE COURT: No, sir, I need you to specifically
21 articulate for me how it is void on its face.

22 THE DEFENDANT: Okay. The sentence -- let's see
23 here: State -- I mean, okay: Personally appeared before me,
24 the Affiant, D. Randolph, then it has like two letters written,
25 it says: Being duly sworn, deposes and says that Defendant,

1 blah, blah, blah, did within the county and state on about
2 non-debate the State of South Carolina or Ordinance X, blah,
3 blah, in the following particulars. And then it states the
4 statute and then it says: I further state -- I further state
5 that there is probable cause to believe that the Defendant
6 named above did commit the crime set forth, that probable cause
7 is based on the following facts. Then it has the signature,
8 and then it says the arrest warrant. It says: Having probable
9 cause and above Affiant having sworn before me, you are
10 empowered and directly to arrest and it said, blah, blah, blah.
11 Well, see --

12 THE COURT: So tell me how that's defective by
13 statement.

14 THE DEFENDANT: That's what I'm about to do.

15 THE COURT: I'm listening.

16 THE DEFENDANT: That's what I'm going to do right
17 now.

18 THE COURT: And the Court is allowed to ask you any
19 pertinent question to make sure that your argument is clear and
20 cogent for the record.

21 THE DEFENDANT: I understand that. What I'm trying
22 --

23 THE COURT: So how is it defective, and tell me how
24 you've intended it's defective.

25 THE DEFENDANT: It's defective because it's countless

1 case laws. It's countless -- it's in the South Carolina
2 jurisprudence, the same federal law, it's in multiple case law
3 that you cannot just merely state that this is sworn to, blah,
4 blah, blah, it's a three-tier system and threshold that it has
5 to meet, and it has to meet --

6 THE COURT: And what is that three-tier system that
7 you're referring to?

8 THE DEFENDANT: It has to be sworn to under penalty
9 of perjury that the facts therein are true and correct, and it
10 has to be upon firsthand knowledge of that person, and then it
11 has to be signed to and sworn under -- in front of somebody who
12 has the, blah, blah, blah. You can't just say that, hey, I
13 stated that this happened, and then the person say, this was
14 sworn to in front of me, that they stated that this happened,
15 that's not an actual affidavit when we put it under the
16 scrutiny of the real law, the real -- there's many case laws
17 out here before this. That's why --

18 THE COURT: I need you to cite that case law, sir,
19 that you're relying on.

20 THE DEFENDANT: That's why I'm saying that my case is
21 prejudiced today, because I don't have it in front of me,
22 because I was not able to prepare for it, because --

23 THE COURT: Sir, I can assure you, there's no case
24 law that supports the proposition that you just made.

25 THE DEFENDANT: Listen --

1 THE COURT: Mr. D'Angelo, is there any case law to
2 support the proposition that Mr. Jean-Charles just argued?

3 THE DEFENDANT: You're being impartial by saying
4 that.

5 THE COURT: What I'm asking him, as an officer of the
6 court, if there's any case law out there, he does this every
7 day.

8 THE DEFENDANT: There's a loophole in the law.

9 THE COURT: Believe you, me, if he knew it, he would
10 tell me.

11 MR. D'ANGELO: I am not, Your Honor. My client sent
12 me some material last night and in that material, as I
13 responded in the email, it's referencing SCCIVP, South Carolina
14 Civ Pro, rules of evidence.

15 THE COURT: Which is not applicable, sir.

16 THE DEFENDANT: You're being impartial again because
17 you're just jumping on his argument --

18 THE COURT: Sir, I'm looking at your motions that you
19 filed in writing.

20 THE DEFENDANT: Those are old.

21 THE COURT: You make reference to the South Carolina
22 Rules of Civil Procedure, but they do not apply here --

23 THE DEFENDANT: Yeah, but it doesn't matter. You
24 want to know why? Do you know why? Because I was -- you know
25 why? It's called somebody reading public laws because I have

1 the right to do that, I had the right to do myself --

2 THE COURT: Sir, you're not answering the Court's
3 question.

4 THE DEFENDANT: What I'm saying is that I wrote down
5 -- I wrote it down --

6 THE COURT: I need for you to tell me --

7 THE DEFENDANT: -- I didn't understand it all.

8 THE COURT: I need you to tell me -- and that's why
9 you shouldn't be representing yourself if you don't understand
10 what you're reading.

11 THE DEFENDANT: No. I said, back then --

12 THE COURT: But the bottom line is this -- no, you
13 just sent Mr. D'Angelo materials last night that referenced the
14 South Carolina Rules of Civil Procedure.

15 THE DEFENDANT: But do you see how you're being
16 impartial?

17 THE COURT: The criminal rules have their own set of
18 rules.

19 THE DEFENDANT: Don't you see how you're being
20 impartial? You just took one sentence from --

21 THE COURT: Sir, I'm merely stating what was stated
22 to the Court. I need you to articulate what the basis of your
23 motion is, and that's all I'm asking.

24 THE DEFENDANT: And I'm trying to. I'm trying to.

25 THE COURT: And I'm trying to ask that because I

1 can't make a decision if you're not telling me what the basis
2 of your motion is.

3 THE DEFENDANT: I'm trying to, I'm trying, I'm trying
4 to.

5 THE COURT: No, you're not.

6 THE DEFENDANT: Yes, I am.

7 THE COURT: You're not articulating it, you're making
8 very broad statements that are not --

9 THE DEFENDANT: No, I'm making very succinct
10 statements that --

11 THE COURT: No, sir, you're not. I need you to tell
12 me something that's based in the law, not your -- not what you
13 believe the law to be.

14 THE DEFENDANT: Okay. So if we're having an argument
15 about the law, right --

16 THE COURT: I'm not arguing with you, sir, I have a
17 position --

18 THE DEFENDANT: If I'm having questions of law, if my
19 questions are about the law --

20 THE COURT: I can't answer them.

21 THE DEFENDANT: I know that. We have no easy way to
22 do it then, the law. So all I'm saying is this right here.
23 What he just did was another example of you being impartial,
24 because I --

25 THE COURT: No, sir, I need you to tell me

1 specifically how -- you've made an argument that this case
2 should be dismissed --

3 THE DEFENDANT: I'm trying to.

4 THE COURT: -- because the affidavit is -- no, you're
5 not. You sort of vary off into other tentacles that have --
6 that are not related to anything we're talking about. I need
7 for you to tell me what is the basis in the law or statute or
8 rule that makes this affidavit that was filed for your arrest
9 deficient, or defective, such that it would warrant a dismissal
10 of your case, and since you say the law allows you to represent
11 yourself, you have to be articulate about what it is your
12 positions are.

13 THE DEFENDANT: I am, but I can't -- I see what's
14 going on here.

15 THE COURT: No, sir. You have not been, and I need
16 you to answer that question. I need you to tell me
17 specifically, based on the criminal rules of procedure or a
18 statute, or a case interpreting that statute --

19 THE DEFENDANT: I already did. I just answered it.

20 THE COURT: No, sir, you did not. I need you to tell
21 me specifically, so that the record is clear, what is your
22 basis for asking that the case be dismissed based on a
23 defective affidavit.

24 THE DEFENDANT: Now let's get back to what you just
25 said when he was just bringing up the information that I

1 proffered to him giving him clear legal doctrine on this -- on
2 this information. What you just did --

3 THE COURT: And what information is it that you
4 provided to him that you say it relates to --

5 THE DEFENDANT: Can I finish my sentence, ma'am? You
6 --

7 THE COURT: You've already finished your sentence.
8 You said, I clearly gave Mr. D'Angelo information as the basis
9 for my motion --

10 THE DEFENDANT: You cut me off --

11 THE COURT: -- for my motion to dismiss, and I asked
12 you specifically what information did you provide them? And
13 just for clarity, the Court gets to interrupt you. The Court
14 gets to interrupt any lawyer in this courtroom --

15 THE DEFENDANT: That's fine.

16 THE COURT: -- and let me tell you why, because the
17 Court is the finder of fact on certain things, and if the Court
18 is not clear, the law says, I get to interrupt anybody I want
19 whenever I want to. Actually, it's not even considered an
20 interruption, so if the Court is asking for clarity, that's the
21 Court's prerogative, and it helps you, because if I'm not clear
22 what you're arguing, then I get to ask you to be clear with me
23 what it is you're arguing. So if you say you provided Mr.
24 D'Angelo with statutes and case law and rules that support your
25 position, I need you to specify for the record, which is in

1 your best interest, because the record needs to be clear, what
2 did you provide to him that you're contending is applicable to
3 your motion?

4 THE DEFENDANT: Can I answer the question?

5 THE COURT: I just asked you to.

6 THE DEFENDANT: Okay. Because if you're asking me
7 for clarity, then I need you to let me finish my stream of
8 thought so we can be clear.

9 THE COURT: Sir, you were never interrupted.

10 THE DEFENDANT: You just interrupted me again.

11 THE COURT: No, sir, I did not. I need you to tell
12 me specifically what you're basing it on and tell me what you
13 provided to him that you contend is applicable to your motion
14 to dismiss.

15 THE DEFENDANT: I applied -- I -- I gave him an
16 article written by a South Carolina lawyer that obtained --
17 that that basically is all about affidavits and what they need
18 to be affidavits -- what they need to -- what the threshold is
19 to make it an affidavit and -- and of all of the laws -- you
20 know what I'm saying? Not all of them, but a lot of laws apply
21 to that. Now, the reason I say that you was being impartial
22 when you asked me that question is because you just let him
23 answer, and you just took that as the answer, instead of when I
24 answer, you're not taking that as the answer.

25 THE COURT: Sir, there's no mystery. If you provided

1 documents to Mr. D'Angelo, the Court is entitled to ask him
2 what you provided to him and for him to tell me what it is you
3 provided him.

4 THE DEFENDANT: I understand that.

5 THE COURT: Because you say you emailed it to him --

6 THE DEFENDANT: I understand that.

7 THE COURT: -- so he should be able to tell me what
8 you emailed to him.

9 THE DEFENDANT: And when he answered he said -- he
10 said as the facts aren't true.

11 THE COURT: Are you saying that's not the email you
12 sent him?

13 THE DEFENDANT: No. I'm saying you didn't let him --
14 all he said was one thing, and you just went off and said that,
15 Oh --

16 THE COURT: Sir, I didn't go on and say anything.

17 THE DEFENDANT: All he said that there was one thing
18 I said that was Rules of Civil Procedure. My point is, the
19 article --

20 THE COURT: Mr. D'Angelo, for clarity of the record,
21 what documents did he provide to you? What's the date and time
22 on the email? And I need you to show it to him so he can
23 confirm that that's, in fact, what he sent to you.

24 THE DEFENDANT: I know what it is. It's an article
25 that --

1 THE COURT: No, sir. You say that we have
2 misrepresented stuff, and I want to make sure my record is
3 clear.

4 THE DEFENDANT: Ma'am --

5 THE REPORTER: So I need you to stop speaking and I
6 need you to let Mr. D'Angelo show you the email. I need you to
7 look at the attachments. I need you to be very careful, look
8 at everything and review it. I need you to confirm for me that
9 that's, in fact, what you sent him, the time you sent it to
10 him, and then that that's, in fact, what you sent him, and I
11 don't see how that in any way is being impartial to you. In
12 fact, I think it's being very liberal toward you, and I think
13 it's in your best interest. So look at what he's showing you
14 and make sure that's what you sent him.

15 THE DEFENDANT: What am I looking at? Why am I
16 looking at it?

17 THE COURT: Because you're going to confirm for me
18 that that's what you sent him and that's what he received,
19 because then that's not his word; is it?

20 THE DEFENDANT: See? Do you see what you're doing
21 right now?

22 THE COURT: No, sir, I'm not doing anything.

23 THE DEFENDANT: You're trying to make it seem like --

24 THE COURT: I need you to follow the Court's
25 directive and look at the email and tell me if that is the

1 email that you sent to Mr. D'Angelo.

2 THE DEFENDANT: I already -- I already looked at it.

3 THE COURT: Look at it. Is that the date and time --
4 tell me the date and time on the email.

5 THE DEFENDANT: I sent it yesterday.

6 THE COURT: I need you to look at the email itself,
7 because then I don't have to take anybody's word for it. I
8 know empirically what it means --

9 THE DEFENDANT: You see, you're being very --

10 THE COURT: No, sir, I'm not.

11 THE DEFENDANT: You're being very -- what's the word?
12 You're being very petty right now.

13 THE COURT: No, I'm not, sir.

14 THE DEFENDANT: Yes, you --

15 THE COURT: No, I'm not. You said that we've been
16 relying on peoples' word. The only thing I deal with is what's
17 empirical, which is in writing.

18 THE DEFENDANT: Okay.

19 THE COURT: So if you sent an email and you hit send,
20 Mr. D'Angelo would have received it, it has a date, time, name,
21 everything on it, so you say we're not being impartial, I'm
22 being extremely impartial. I want to look -- I want you to
23 confirm for me that that is, in fact, the email you sent him,
24 the date and time it was sent, and if you, in fact, sent that
25 email.

1 THE DEFENDANT: Ma'am, okay. Yes, I did. But can I
2 get to you -- why -- why I even brought that up -- the point --
3 instead of us going back and forth about the email, can I get
4 to why I brought the email up?

5 THE COURT: No, sir, I need the record to be clear
6 that you, in fact, sent him an email and when he got it and so
7 he can confirm he received it and that he has reviewed it.

8 THE DEFENDANT: Yes, I sent him an email yesterday
9 at -- what does it say underneath the time?

10 MR. D'ANGELO: 7:09 p.m.

11 THE DEFENDANT: 7:09 p.m.

12 THE COURT: And what was attached to the email? Let
13 him tell me what he sent to you.

14 MR. D'ANGELO: So there was an attached article. It
15 was a 2010 article written by an attorney in Greenville,
16 submitted, I believe, this is the South Carolina -- this is the
17 South Carolina Lawyer Magazine. It's about attacking
18 affidavits. Obviously, I'm not a civil lawyer, but from
19 reading it, it appears that it's going over the rules of South
20 Carolina Civil Procedure, where in a civil case, you're
21 obtaining witness statements, right, affidavits. There's rules
22 about how lawyers have to get those affidavits done. There's
23 proper steps by which they have to be notarized, et cetera, so
24 that the Court, Your Honor, can use those in a civil case.
25 That's -- to my understanding, I read through the article,

1 that's what the article is about.

2 THE COURT: So is that the only thing you received in
3 the email, or was there something else in the email other than
4 that article?

5 MR. D'ANGELO: That was the only --

6 THE COURT: Sir, I'll need to take your hands out of
7 your pockets. You're making the deputies nervous. Go ahead.

8 MR. D'ANGELO: That was the only attachment. Akim
9 did state that he had additional cases that he could provide,
10 but that it probably wouldn't really be needed since that
11 attachment explained it. I did respond back.

12 THE COURT: So in other words, he wanted -- he said
13 to you that he didn't feel the need to send you any case law
14 because it was in the article?

15 MR. D'ANGELO: Correct.

16 THE DEFENDANT: No, that's not what I said.

17 THE COURT: Okay. Then what did you -- read exactly
18 what the email says.

19 MR. D'ANGELO: Yes, ma'am: I'm unable to access
20 Westlaw, but I'm sure you have access to it. In the secondary
21 resource section of the South Carolina section on there, they
22 have South Carolina jurisprudence, and in there are the
23 technical requirements of an affidavit titled under, quotes,
24 affidavit, end quotes. Furthermore, this link explains the
25 motions and actions we discussed Friday and the relevant law

1 and principles that govern them, written by a South Carolina
2 lawyer. I can produce several more specific case law if
3 needed, but I'm assuming it won't be needed.

4 THE COURT: Okay. And so that's the extent of what
5 you received, which was the email with this 2010 article that I
6 assume was written to the South Carolina lawyer journal
7 publication?

8 MR. D'ANGELO: Yes, Your Honor, that's the title at
9 the bottom of it.

10 THE COURT: Oh, okay.

11 MR. D'ANGELO: Dated 2010.

12 THE DEFENDANT: Now, if you don't mind.

13 THE COURT: Yes, sir, go right ahead.

14 THE DEFENDANT: Before we go further, I just want to
15 stop and decompress the tension in the room because I don't
16 want you to feel like I'm trying to be disrespectful and come
17 at you all these type of ways. What I'm trying to do is
18 express my rights -- I've got the right to do it.

19 THE COURT: Well, let me tell you what I perceive,
20 and then maybe you and I can start off on a new foot, because
21 we seem to be on the wrong foot, and I'm a very pleasant
22 person. I don't take myself very seriously. The bailiffs call
23 me Joe, because I never lose my patience, as a matter of fact,
24 they're astounded at the level of patience I'm able to exercise
25 in a courtroom, because I can tell you my colleagues, as much

1 as I love and adore them and respect them, I just think it's a
2 gift I have, okay? Now, I need us to start over, because you
3 seem to think I'm an advocate, I am not, I don't have a
4 position. I really don't care whether you get convicted or
5 whether they find you not guilty, it don't matter to me. My
6 only role is to make sure there's a level playing field so the
7 State gets to present their case and you get to present yours.
8 Then it's up to those 12 people to decide who they believe, who
9 they don't believe, apply the law to the facts, and render a
10 verdict, that's the beauty of what I do. I used to be a family
11 court judge where I had to sit as a finder of fact, where I had
12 to determine who was telling the truth and who wasn't. I love
13 being a circuit judge. I get to have 12 folks with common
14 sense, ability, experiences, look at the facts of the case and
15 decide all of it and take it off my shoulders. As a matter of
16 fact, I sit on the edge of my seat before every verdict because
17 I never know what's going to happen. It's like watching a TV
18 drama, to tell you the truth, because you never -- anybody that
19 says they can anticipate or predict what a jury is going to do
20 is not telling the truth, because they have to be in the mind
21 of the psyche of 12 ordinary citizens. It just ain't possible.
22 I don't believe anybody when they say they can do that.
23 Now, some people sell that to folk and they believe it, and God
24 bless them if that's what they believe. I don't. So I don't
25 have a position. I'm like the referee at a basketball game.

1 I'm like the referee at a football game that throws flags --

2 THE DEFENDANT: Yeah, you're supposed to be impartial
3 to me.

4 THE COURT: -- calls fouls, determines what comes in
5 or doesn't come in, so I need you to understand that the Court
6 doesn't have a position. This is not an argument between you
7 and I. If anything, I bend over backwards to make sure that
8 your rights are protected and that you -- because sometimes you
9 have to save people from themselves because sometimes they are
10 so stuck in a position that they really don't understand
11 things, and so I think sometimes we don't do a great job
12 explaining that to the public so if I have made any
13 explanations to you it is because I want you to really be clear
14 and understanding about what's going on, not what you think it
15 is, but what it actually is. So I need you just to take a deep
16 breath, meditate for a couple of seconds, and then we can begin
17 this colloquy again, because I don't have a side. Like I told
18 you, it doesn't matter to me one way or the other what happens.

19 THE DEFENDANT: And listen, I don't have nothing
20 against you personally either. All I'm going off of --

21 THE COURT: But you're stuck in a position and you
22 believe that the system is somehow against you and that the
23 Court has not been listening to you. I've listened to
24 everything you said, but I have a burden to make sure what
25 you're saying to me makes sense and that your record is

1 complete for your protection. So when I ask a question, it's
2 for clarity for the record so that if it goes up on appeal, a
3 court of appeals never has to say, I wonder what he meant,
4 because I'm going to make sure they understand what you meant.
5 So when I ask a question, it's not out of blue, it's because I
6 know when they look at a record on appeal, I know what they're
7 going to be asking, because I've sat on the appellate court,
8 and I know the questions that I asked when I'm reading a
9 record. Things become void and nebulous when you're reading a
10 cold record. They weren't there. They didn't hear the
11 witnesses. They weren't in this courtroom. There's not a
12 video of these proceedings, so when they're reading a cold
13 record, they need to know what we meant. They need to know
14 what you meant. So when you say, I've been prejudiced, and I
15 say, what do you mean by prejudiced, that's because I want the
16 Appellate Court to know what you meant. It's not because I
17 care one way or the other, it's because we need a clear record.
18 You don't get to -- and the lawyers don't get to do it either.
19 You don't get to throw out vague concepts and see, you know,
20 and just sort of say it, you have to have some foundation for
21 what you're saying so that an appellate court can understand
22 exactly what you meant so that when they're reading the
23 transcript they don't have to go, gosh, I wonder what he meant
24 by that.

25 THE DEFENDANT: Can I say something?

1 THE COURT: Yeah. So that's why when I ask a
2 question, that's why I'm asking it. It's for your benefit,
3 because the record needs to be clear about what you meant, what
4 you were thinking, so that nobody has to assume what you were
5 thinking or what you meant. The same way when I ask the
6 lawyers, and they don't take it personal because they know why
7 I'm asking it.

8 THE DEFENDANT: I'm not taking it personal either.
9 The reason I'm getting frustrated is because I'm not being able
10 to do what you just said and clarify my point, clarify why I'm
11 being prejudiced. That's the only reason I'm sounding like I'm
12 being frustrated, but I'm not arguing against you personally, I
13 don't know you personally. Now, when it comes to what I'm
14 talking about and partiality, that's because you're giving me
15 the perception that you're being -- so I don't know if you are
16 or not, but you're giving me the perception enough.

17 THE COURT: Sir, oftentimes people have a perception
18 when folks don't agree with them. That doesn't mean I'm not
19 impartial.

20 THE DEFENDANT: I'm just saying, legally, according
21 to the rules of judicial conduct, you're not supposed to give a
22 perception of nothing.

23 THE COURT: Sir, I can tell you, I'm well versed in
24 the rules of judicial conduct, and I can assure you that I have
25 never given any impression of impartiality --

1 THE DEFENDANT: I'm getting that impression.

2 THE COURT: -- that I have in any way prejudiced
3 you -- that's because you're not hearing what you want to hear.

4 THE DEFENDANT: No, that's because I'm not getting
5 answers --

6 THE COURT: Sir, I have allowed you to speak openly
7 and clearly, and when I ask a question, then your perception is
8 I haven't let you talk, but that's not true. I've let you talk
9 for ten minutes and asked the question, and you still haven't
10 answered it.

11 THE DEFENDANT: But you keep taking down the other
12 tangents --

13 THE COURT: That's because the record needs to be
14 clear, and you don't understand that the tangents are the
15 elements that you have to meet. They're not tangents.

16 THE DEFENDANT: But you don't let me respond. Once
17 you tell me to tell you how I --

18 THE COURT: I have allowed you to fully respond and
19 when you don't hear what you want to hear, then you say I
20 haven't let you respond.

21 THE DEFENDANT: Well, can I just finish?

22 THE COURT: Sure, go right ahead.

23 THE DEFENDANT: So the reason that I'm being
24 prejudiced in this matter today is because, like I said, on
25 January 15th, 2020, I came to court ready to face whatever the

1 State had for me, whatever evidence they had, they said that
2 they wanted me to come into court. I came to court, they was
3 not ready to go to trial. I don't feel like you're listening
4 to me right now.

5 THE COURT: I am listening. The beautiful thing
6 about being a woman is I can multitask. I can listen to what
7 James is telling me, I can listen to you, I can observe the
8 lawyers in this courtroom, I'm well adept at that.

9 THE DEFENDANT: Can you listen --

10 THE COURT: And I'm asking him because I want to know
11 what you're telling me is accurate. He's telling me the dates
12 that are in the courts.

13 THE DEFENDANT: Oh, okay.

14 THE COURT: Yeah.

15 THE DEFENDANT: I thought we already got that
16 earlier.

17 THE COURT: No. I want him to go back and look at it
18 from the very beginning so I can have a full recitation of
19 everything that happened according to their computer records.
20 So go ahead, I'm listening.

21 THE DEFENDANT: Okay. So as I was saying, ever since
22 this was case going, I'm ready. I'm ready to face -- defend
23 myself in court. I'm ready to defend the fact that I'm
24 innocent. The State's burden is to bring it, see if he's
25 guilty or not. They didn't want to do that. They played

1 around for two years, three years -- three years. Because the
2 reason they played around is because this case is so weak. The
3 evidence is clearly going to show you when you watch that video
4 that I didn't threaten anybody, but, even -- and I actually
5 apologized to the officer because I know I was being a dick,
6 but I didn't threaten her, legally, that's just out of the
7 question.

8 THE COURT: Yeah. I need you to conform your
9 language to the Court, though. I know you didn't need to be
10 impermanent, but I would ask that you not use those terms.
11 Thank you.

12 THE DEFENDANT: Well, when it comes to how I'm
13 prejudiced in this moment right now is because I did everything
14 I was supposed to do as an accused man in the State of South
15 Carolina, and then the State didn't do what it was supposed to
16 do, so it prejudiced me by just dragging its feet, dragging its
17 feet.

18 THE COURT: So tell me what the State didn't do that
19 you said they should have done.

20 THE DEFENDANT: They should have been brought this
21 case way -- somewhere within a year of that Faretta Hearing,
22 they should have brought this case. The State v. Langley
23 clearly states in there --

24 THE COURT: Is that during COVID?

25 THE DEFENDANT: I've -- let me finish this, ma'am.

1 THE COURT: No, sir, I need you to answer the Court's
2 question. Was it during COVID?

3 THE DEFENDANT: Yes. It was through COVID, but I
4 need to make this point.

5 THE COURT: Okay. So how was the State going to
6 bring it if it was during COVID when we didn't have any jury
7 trials?

8 THE DEFENDANT: So the State didn't bring no trials
9 at all?

10 THE COURT: Not a one.

11 THE DEFENDANT: Listen, ma'am.

12 THE COURT: Not for two years.

13 THE DEFENDANT: Listen, ma'am. The State versus
14 Langley explains all of this. There are certain reasons and
15 certain extensions and all that, blah, blah, blah, but five
16 years is just totally out of the question, even for murder
17 charges. Now, this is something that's so super simple.
18 Supposedly, I threatened somebody, so we should just be able to
19 look at the video, did he say the threat, oh, he did or he
20 didn't, guilty or not guilty.

21 THE COURT: Have you seen the video?

22 THE DEFENDANT: Yes, I've seen it.

23 THE COURT: Okay.

24 THE DEFENDANT: But what I'm saying is, what I'm
25 saying is, this case is so simple that it should have clearly

1 been brought way earlier, and the fact that they didn't bring
2 it on way earlier --

3 THE COURT: So you're telling me you think that's the
4 basis for me to dismiss it?

5 THE DEFENDANT: No, I'm not finished. I'm giving you
6 all of the reasons why I'm being prejudiced. It's not just one
7 reason, it's a culmination of multiple reasons that have led to
8 this day --

9 THE COURT: So ultimately, what are you asking me
10 for?

11 THE DEFENDANT: I already told you. It should be
12 dismissed. But in this -- I don't feel like this motion is up
13 to the standard that I would have liked it as, and that's
14 another reason why I don't feel satisfied with my attorneys.
15 Now, another -- the main thing that I'm saying is, there's a
16 big gap of time between January 16th when I was released from
17 being illegally arrested on this case, so I've already got
18 arrested three times on this case and never found guilty of it,
19 so all of you -- the State does not have the right to just
20 burden somebody for five years if they ain't -- if they ain't
21 got enough evidence to take it to trial. They should have been
22 to the trial and should have got this over with, but since they
23 didn't they prejudiced me by me thinking they're not bringing
24 it. I'm sitting there a year and a half gone by, I already
25 have my Faretta Hearing with Judge Culbertson, I'm ready to go

1 to trial, I'm just waiting on them. Then all of a sudden, out
2 of nowhere, I get arrested for missing a court date for this
3 date. I mean, for this -- for this case, when I never was
4 served anything to come to court that day on March 29th, and
5 you can clearly look it up on your computer right now, I was
6 not on the docket that day, so therefore, I should have never
7 got arrested, and the only reason I'm sitting here today with
8 an attorney is because I got illegally arrested. So I was
9 prejudiced in that form. Then I was sitting in jail. I
10 couldn't defend myself, because I'm in jail. My lawyer is
11 taking two months to respond. I'm not even trying to put
12 everything on him, it don't even matter. The point is, I've
13 been totally prejudiced in this case, and my defense has been
14 totally prejudiced. At the start of this case, I was ready to
15 go. There was no reason why we shouldn't have went. It was
16 before COVID, but This was in 2017, so we're talking about
17 three years before COVID even started because we had all that
18 time to go. So we didn't go then.

19 THE COURT: COVID started in 2019.

20 THE DEFENDANT: We had two years to go then. That's
21 still enough time if we're going by State versus Langley. We
22 had murder -- we had murder cases that they dismissed because
23 it was three years old.

24 THE COURT: No, sir, none of the murder cases in
25 South Carolina have been dismissed on Langley.

1 THE DEFENDANT: So --

2 THE COURT: Not during COVID.

3 THE DEFENDANT: Well, can I ask you a question?

4 THE COURT: Sure.

5 THE DEFENDANT: What -- I didn't say during COVID.

6 I'm saying in that case --

7 THE COURT: I don't know what all those cases were
8 about and I don't know what the delay was.

9 THE DEFENDANT: Well, this is -- this is -- this is
10 -- this is my whole point, though. All of the arguments that
11 I'm bringing up, you don't know off the top of your head, the
12 case off the top, and I'm not --

13 THE COURT: I do know the case law off the top of my
14 head.

15 THE DEFENDANT: You just stated that you don't know
16 all the cases that --

17 THE COURT: I know the cases on speedy trial, and I
18 know what's required --

19 THE DEFENDANT: So you know every single law, so
20 there's not one thing that I can say.

21 THE COURT: No, I didn't say that, sir. You told me
22 I was unfamiliar with speedy trial motions, and I told you that
23 I am and I'm familiar with case law on speedy trials.

24 THE DEFENDANT: -- I said you said you was
25 unfamiliar.

1 THE COURT: No, I did not.

2 THE DEFENDANT: You said, I'm not sure about this and
3 this and that, and all I was pointing out was that that could
4 be the case with all of the arguments I said.

5 THE COURT: No, sir.

6 THE DEFENDANT: Just because you don't -- just
7 because you don't --

8 THE COURT: I did not make that representation to
9 you, sir.

10 THE DEFENDANT: We have an easy way to solve this.
11 We have an easy way to solve this. All we got to do is go to
12 South Carolina Jurisprudence with the affidavit. Let's just
13 look it up. Let's pull up South --

14 THE COURT: Sir, you need to provide me with a
15 criminal rule that applies to what you're arguing. What you're
16 arguing is a civil rule on affidavit, which is totally
17 inapplicable.

18 THE DEFENDANT: Well, let me go back to addressing
19 that point.

20 THE COURT: I'm listening.

21 THE DEFENDANT: That's showing impartiality,
22 perception of impartiality in my book, because you're taking
23 his word for it.

24 THE COURT: Sir, I'm taking the word of the civil
25 rules, I don't need to look at that to know what Mr. D'Angelo

1 said.

2 THE DEFENDANT: You got to understand my point. No
3 disrespect. What I'm saying is, he just stated that they
4 stated a simple thing, and then you automatically disrupted the
5 whole thing.

6 THE COURT: I didn't automatically disrupt anything.
7 I know the civil rules like the back of my hand, and I know the
8 rule he's applying -- referring to it, and it does not apply in
9 this court.

10 THE DEFENDANT: Well, what rule --

11 THE COURT: The statute which deals with our --

12 THE DEFENDANT: What rules are you referring to?

13 THE COURT: Don't think that you and I are in some
14 debate or colloquy, I told you before, I don't have a side. I
15 need you to understand, this goes to the heart of your Faretta
16 issues, which is they're two separate -- this is our rules of
17 court. There's civil rules, family court rules, and criminal
18 rules, they're all different.

19 THE DEFENDANT: No, ma'am.

20 THE COURT: -- they apply in different forms. Yes,
21 sir, they do.

22 THE DEFENDANT: Certain ones --

23 THE COURT: No, sir, they do not.

24 THE DEFENDANT: Yes, they do.

25 THE COURT: No, they do not.

1 THE DEFENDANT: Certain laws intertwine --

2 THE COURT: Only if they're reduced to statute.

3 THE DEFENDANT: Ma'am --

4 THE COURT: -- and the rule you're referring to does

5 not apply in criminal court.

6 THE DEFENDANT: What rule am I referring to?

7 THE COURT: You're referring to the rule on

8 affidavits, and they're not even --

9 THE DEFENDANT: Where is the rule?

10 THE COURT: -- they're not even admissible in a

11 matter before a jury. Go ahead, Mr. Zeigler.

12 MR. D'ANGELO: I hate to interrupt, but I --

13 THE COURT: I know we need some lunch.

14 MR. ZEIGLER: I have a --

15 THE COURT: Your parties can go to lunch if they'd

16 like.

17 MR. ZEIGLER: That's what I was going to ask.

18 THE COURT: That's fine, they can.

19 MR. ZEIGLER: She has a childcare thing going on

20 right now.

21 THE COURT: Go right ahead. They don't have to be in

22 here for this.

23 MR. D'ANGELO: She will return.

24 THE COURT: That's fine.

25 MR. D'ANGELO: What time would you like her, 2:30?

1 THE COURT: Uh-huh.

2 MR. D'ANGELO: Okay.

3 THE COURT: But she could have left a long time ago.

4 MR. D'ANGELO: Yes. Yeah, I should have asked when
5 we released the Jury, I apologize.

6 THE COURT: No worries.

7 MR. D'ANGELO: Thank you.

8 THE COURT: No worries at all. Go ahead, Mr.
9 Charles. I want you to succinctly make your argument so I can
10 make any rulings on it so I can deal with the Faretta issue,
11 but I'm not continuing this case. It's been pending since
12 2017, and if you're as ardent and as adamant as you say you are
13 about representing yourself, you should have been prepared to
14 go forward before today.

15 THE DEFENDANT: This is what I'm saying. Do you see
16 how clearly impartial that is?

17 THE COURT: I need to know if you have watched the
18 video. Have you watched the video?

19 THE DEFENDANT: Yes. I've watched the video. I've
20 watched the video.

21 THE COURT: Has Mr. D'Angelo gone over all the
22 discovery with you, in other words, the evidence the State has
23 against you?

24 THE DEFENDANT: No, I have not seen anything with the
25 State. I've not seen --

1 THE COURT: What evidence other than the video does
2 the State have, Mr. D'Angelo?

3 MR. D'ANGELO: It would be the officer's incident
4 report.

5 THE COURT: Which is not admissible.

6 MR. D'ANGELO: Correct.

7 THE COURT: It can only be used to refresh her
8 memory.

9 MR. D'ANGELO: Correct. So again, it would just be,
10 we've gone over what she is alleging that Akim stated.

11 THE COURT: But there is a video, correct?

12 MR. D'ANGELO: And there is a video of a DataMaster
13 room, yes, Your Honor. And that's the evidence, it is what it
14 is.

15 THE COURT: Okay. So do you need time to go over the
16 officer's report with him?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: Sir, the report's not admissible, and it
19 only comes in if Mr. D'Angelo needs to impeach her.

20 THE DEFENDANT: He told me that it was. You told me
21 that the only thing that we're going off is his answer in the
22 court. I already knew that this is not true, but this is what
23 I'm saying.

24 THE COURT: But sir, we have video, that's why I
25 needed you to watch it.

1 THE DEFENDANT: Okay. This is what's going on right
2 now in the courtroom.

3 THE COURT: Okay.

4 THE DEFENDANT: You just made a judicial
5 determination --

6 THE COURT: I didn't make any determination, sir --

7 THE DEFENDANT: -- after I just told you that I've
8 been prejudiced, I told you I've been arrested in court
9 already, I told you I've been in jail for 90 days. I couldn't
10 get in touch with him. He told you that I -- I was already
11 given a Faretta Hearing and willing to go forward with my case.
12 I told you that I was always ready to go, and you decided today
13 that, okay --

14 THE COURT: I haven't made any decisions, sir.

15 THE DEFENDANT: -- he's doesn't want his attorney --

16 THE COURT: I haven't made any decisions, sir, I'm
17 trying to wait for you to make a cogent argument so I can make
18 a decision.

19 THE DEFENDANT: All of my arguments are cogent. If
20 you're not going to allow me to bring proof of my arguments
21 being true, then --

22 THE COURT: Sir, you should have had them today when
23 you came to Court.

24 THE DEFENDANT: That's how I'm being prejudiced.
25 Y'all are not letting me release my lawyer. I had to remove my

1 lawyer. You said --

2 THE COURT: When did you notify him that he was going
3 to trial, Mr. D'Angelo?

4 THE DEFENDANT: I'm going to object to your statement
5 that you just made, because that's not true. That's a lie.
6 Not a lie. That's just incorrect. The South Carolina State
7 Constitution, Section 14, states that any citizen of South
8 Carolina has the right to defend himself if he so choose with
9 his attorney or without. So that means even if y'all give me
10 an attorney, I got the right from the Constitution to have my
11 own to -- to save myself. Y'all can't make him represent me in
12 a trial.

13 THE COURT: Sir, I've already been very lenient
14 because you have a lawyer, and I don't even have to hear from
15 you. There's no --

16 THE DEFENDANT: Yes, but a lawyer is --

17 THE COURT: There's no hybrid representation, so I've
18 been very lenient to allow you to make all these arguments.
19 When did you notify him he had trial which was on the trial
20 docket?

21 THE DEFENDANT: But you --

22 THE COURT: The hand needs me quiet. When did you
23 notify him of today's?

24 MR. D'ANGELO: I believe it was prior to January 12th
25 that I left a message, but on January 12th, I sent a letter to

1 the address on --

2 THE COURT: That's almost a month ago, correct?

3 MR. D'ANGELO: Yes, Your Honor.

4 THE COURT: You sent him a letter that he was on the
5 trial docket?

6 MR. D'ANGELO: Yes, Your Honor.

7 THE COURT: When did the Court send him a letter he
8 was on the trial docket, James?

9 THE CLERK: December 22nd.

10 THE DEFENDANT: The letter --

11 THE COURT: And what address was that sent to, James?

12 THE DEFENDANT: This is going to be another objection
13 right here.

14 THE CLERK: [REDACTED] Jean Wells Drive in Goose Creek.

15 THE COURT: Say that one more time.

16 THE CLERK: [REDACTED] Jean Wells Drive in Goose Creek.

17 THE COURT: Is that the same address that you used,
18 Mr. D'Angelo?

19 MR. D'ANGELO: It is, Your Honor.

20 THE COURT: And when was the other court dates that
21 he had, James, for the record, so that we can be clear and have
22 empirical evidence as to what exactly took place so that I
23 don't have to rely on anyone's word about what took place
24 regarding Mr. Charles being taken into custody.

25 THE CLERK: He had a status conference on June 15th

1 of 2020 and then --

2 THE COURT: Was that the status conference no-show

3 roster?

4 THE CLERK: No, ma'am, it was with Judge Culbertson

5 that week.

6 THE COURT: Okay. It was the status conference?

7 THE CLERK: Yes, ma'am.

8 THE COURT: Was I not in that one?

9 THE CLERK: It was with Judge Dennis.

10 THE COURT: Oh. That was --

11 THE CLERK: That was 2020.

12 THE COURT: It would help if I look at the year, yes.

13 Go ahead, I'm listening.

14 THE CLERK: And then the bench warrant was issued for

15 failure to appear.

16 THE COURT: Okay.

17 THE CLERK: And then it was brought back on --

18 THE COURT: Who issued the bench warrant for his

19 failure to appear?

20 THE CLERK: Judge Culbertson.

21 THE COURT: And that was from 06/15/20, a scheduled

22 court appearance?

23 THE CLERK: 1/15/20, yes, ma'am.

24 THE COURT: 1/15/20.

25 THE CLERK: And then on 01/16/2020, it was rescinded.

1 THE COURT: And who rescinded that?

2 THE CLERK: Judge Culbertson.

3 THE COURT: Okay. And then what's the next event we
4 have that's on the computer that has been, in regards to this
5 case?

6 THE CLERK: There's been a --

7 THE COURT: Go ahead. We're listening. I need him
8 to be clear about what's in the Court's record since he's been
9 adamant that we have not provided him that.

10 THE DEFENDANT: You were saying -- I thought you were
11 telling -- were you asking me to speak or not?

12 THE COURT: No, sir, I'm asking Mr. James to let us
13 know everything that's in the Court record so that you can be
14 clear.

15 THE CLERK: February 7th of 2020, there was a motion
16 hearing, notice was sent about a motion hearing. Then on
17 October 2nd of 2020, notice was sent for trial. October 13th
18 of 2020, notice was sent for a motion hearing. He had trial
19 the week of April 6, 2020, notice was sent February 21st of
20 2020.

21 THE COURT: February 1st of 2020, notice was sent?

22 THE CLERK: February 21st of 2020 was sent for trial
23 for the week of April 6th of 2020.

24 THE COURT: Okay. And I assume the case was not
25 reached during that term?

1 THE CLERK: Correct, because then there's a notice
2 for the week of trial for the week of August 16th of 2021.
3 Notice was sent July 6th, 2021.

4 THE COURT: July 6th of 2021, notice was sent?

5 THE CLERK: Yes, ma'am.

6 THE COURT: For a trial of August 16th, 2020.

7 THE CLERK: Yes, ma'am.

8 THE COURT: Okay.

9 THE CLERK: And then --

10 THE COURT: Was it reached during that term?

11 THE CLERK: No, ma'am.

12 THE COURT: Okay.

13 THE CLERK: Then notice was sent on October 5th for a
14 trial for the week of November 15th, 2021, was not reached.

15 The notice was sent on October 15th of 2021 for a plea for

16 November 18th of 2021, and then notice was sent for a trial --

17 THE COURT: But what happened with the plea from
18 10/15?

19 THE CLERK: It was not resolved.

20 THE COURT: So nothing happened as a result of that
21 court appearance?

22 THE CLERK: No, ma'am.

23 THE COURT: Okay. Then what happened next in the
24 chronology?

25 THE CLERK: Notice was sent for trial the week of

1 February 28th, 2022. Notice was sent on January 24th, 2022.

2 THE COURT: And so that's for 02/20 --

3 THE CLERK: 02/28/22.

4 THE COURT: I'm sorry, 01/23. I'm sorry. So was it
5 reached during that time?

6 THE CLERK: No, ma'am. It was scheduled for a plea
7 on March 28th, 2022. Notice was sent for the plea on March
8 1st, 2022.

9 THE COURT: And was it reached on that date?

10 THE CLERK: No, ma'am.

11 THE COURT: And what happened as a result of that?

12 THE CLERK: A bench warrant was issued.

13 THE COURT: For his failure to appear?

14 THE CLERK: Yes, ma'am.

15 THE COURT: And then what happened after that?

16 THE CLERK: Notice was sent for trial the week of
17 October 31st, 2022. It was sent on September 19th. It was not
18 reached.

19 THE COURT: So what happened? The bench warrant was
20 rescinded, I assume, that was issued?

21 THE CLERK: So it was rescinded. Motion was filed
22 November 20th -- I'm sorry. September 27th, 2022, the order
23 rescinding the bench warrant was signed October 13th of 2022.

24 THE DEFENDANT: Can I add to that?

25 THE COURT: I'm going to let you do that in a minute.

1 I need him to finish telling me what's in the Court's record.

2 THE CLERK: So then the mailer -- the notice for the
3 week of October 31st, 2022, was sent on September 19th, 2022,
4 it was not reached. Then there was notice of a plea for, it
5 looks like, October 12th. So that would have been the motion
6 here.

7 THE COURT: Okay. So that wasn't a plea, that was
8 the motion?

9 THE CLERK: Correct. And then after that, it was
10 notice for this week's trial, which was sent December 22nd,
11 2022.

12 THE COURT: December 22nd, '22, notice was sent for
13 this week, which is 02/06/2023.

14 THE CLERK: Yes, ma'am.

15 THE COURT: Yes, sir? Was there something you wanted
16 to add?

17 THE DEFENDANT: Yes, ma'am. I have to definitely go
18 down detail about that timeline, and I have to point out
19 something for the record, for the record to understand this
20 issue that's going on in this courtroom right now. Because
21 what was just stipulated to you just now was the timeline,
22 right?

23 THE COURT: Uh-huh.

24 THE DEFENDANT: -- of certain things that -- that --
25 that happened, certain status conferences and things. Now,

1 earlier when I was going down the timeline telling you how many
2 times I had to come out here for a status conference, and this
3 and that, you looked at me, and you said, no, actually --

4 THE COURT: Actually, there was only one status
5 conference, the rest of them were trial and plea notices.

6 THE DEFENDANT: This is what I'm trying to tell you,
7 ma'am, that's not the actual real happening. All I'm pointing
8 out is your response to my earlier statement when I said --

9 THE COURT: I'm just telling you what the Court
10 record reflects.

11 THE DEFENDANT: All I'm saying is you said that there
12 wasn't no status conference, you don't schedule status, you was
13 just stating things as if there were facts.

14 THE COURT: Well, I set the status conferences, so.

15 THE DEFENDANT: It wasn't facts. It was totally
16 opposed to the truth, and I thought that in court in the whole
17 principle of law and --

18 THE COURT: Sir, what you said was you had a bunch of
19 status conferences, and what I said to you was when I was chief
20 judge I would know when those status conferences were set and I
21 asked you James --

22 THE DEFENDANT: But you made it seem like I didn't.

23 THE COURT: -- and I asked James to look them up.
24 Well, that wasn't correct what you said.

25 THE DEFENDANT: But now, see this is what I'm saying.

1 You are being impartial because you're just going with words --

2 THE COURT: No, when I tell you what you don't want
3 to hear it doesn't -- these are facts.

4 THE DEFENDANT: No. I have -- no, these are not
5 facts, because I have proof. This is what I'm saying.

6 THE COURT: Where's the proof?

7 THE DEFENDANT: I have stacks of paper --

8 THE COURT: Okay.

9 THE DEFENDANT: -- of how many times I came down to
10 this court for this case.

11 THE COURT: Well, they're not saying you didn't.

12 THE DEFENDANT: Well, I'm what I'm telling you, I'm
13 explaining to you why this is prejudicing my case today.

14 THE COURT: Okay.

15 THE DEFENDANT: Why this --

16 THE COURT: Okay. I'm listening.

17 THE DEFENDANT: -- and why you are allowing this case
18 to go forward today is a clear impartiality, if you do, because
19 I'm giving you all the reasons right now, and he just read out
20 to you a timeline that's not accurate because --

21 THE COURT: How is it inaccurate?

22 THE DEFENDANT: I'm about to tell you how it's
23 inaccurate.

24 THE COURT: Tell me how it's inaccurate.

25 THE DEFENDANT: Because I have received several

1 notices pertaining to this case that are not on that public
2 docket -- public --

3 THE COURT: And what are those dates?

4 THE DEFENDANT: I don't have them right here at my
5 hand because one of the reasons, like you stated earlier, were
6 if you knew you were coming to court today you should have
7 prepared your motions. The reason I didn't because he just
8 stated to you ten different times I came down here that nothing
9 happened. I was scheduled for a trial, 2020, scheduled for a
10 trial, 2021, scheduled for a trial, 2022, multiple times in
11 both of those years, certain ones he didn't name, that I have
12 the physical documents and paperwork. I came down there
13 multiple times. I didn't continue them. They just didn't even
14 speak to me. They basically looked it -- they basically -- I
15 was just standing there, the last person in the courtroom, they
16 looking around, oh, you haven't been called yet, yeah, I tell
17 them my name, they go, oh, I don't know, then I leave. This
18 happened multiple times that they just called me down here and
19 nothing happened. So what that tells me is that they're
20 fishing for a bench warrant. They're just calling me down here
21 hoping that I don't come here one day. Now, what happened in
22 --

23 MR. D'ANGELO: Your Honor --

24 THE DEFENDANT: -- March 28th --

25 MR. D'ANGELO: -- I'm sorry. In order to address

1 maybe his confusion regarding notices, I believe there were
2 three magistrate-level charges that were associated with this
3 arrest, those would have been sent by the Charleston County
4 Magistrate Court. Those charges have since been dismissed. I
5 talked to Katie Bellheim, the county attorney, and she said
6 that was because of this Defendant's intentional delay tactics.
7 Additionally --

8 THE DEFENDANT: Objection. I'm -- he cannot --

9 MR. ZEIGLER: Additionally, I requested bench
10 warrants after each of those appearances, which were held in
11 your virtual courtroom, so he was not standing physically in
12 the courtroom during those appearances, those were virtual
13 hearings because of COVID that maybe he appeared for, but he
14 was not listed on your computer as being present. So
15 therefore, the State requested bench warrants, and you actually
16 denied, gave them multiple opportunities, three of those
17 requested bench warrants. So I don't know why he continues to
18 do this. The State at this point would move for him to be held
19 in contempt and for us to move forward with the trial of
20 absence.

21 THE DEFENDANT: Objection. Everything he just stated
22 right there was not the truth, and actually, he's using that to
23 prejudice me against you. He's basically trying to point me as
24 in -- in -- in the light of, I'm the person who's been delaying
25 this case, I'm the reason why it didn't go forward, I'm the

1 reason why -- no, I'm not the reason why. All I did was get
2 accused of a crime. All I did was profess my innocence.

3 MR. ZEIGLER: Your Honor --

4 THE DEFENDANT: All I did was wait to go to trial.
5 All he did was -- all they did -- because he's not the first --
6 he's not even the first solicitor who was on the case. There's
7 been multiple solicitors on the case. And all they did was
8 look at the evidence, see that they don't have any kind of
9 trial, prolong waiting -- waiting to go to trial, and hoping
10 that I get in trouble in the meantime. There's no possible way
11 that you can have a claim that I threatened somebody on video
12 and then take six years to bring it to trial and then try to
13 use an excuse as COVID to have it two years later after the
14 trial. We should have been with the trial. Since the fact
15 that the State wanted to prolong, and prolong, and prolong
16 this, he prejudiced me -- prejudiced my defense by making me
17 not even be able to be prepared for it. How many times have I
18 came down to court for notices for a trial and then nothing
19 happens? So why would I think of anything different about this
20 time all of a sudden? So now y'all basically tell me, now
21 we're ready, so now we're just going to prejudice you and if
22 you're not ready, that's not our fault, we're just going to
23 violate your rights. We don't care if you don't want your
24 attorney. We're going to violate the Constitution and not
25 allow you to represent yourself. We're going to just do all of

1 this, no, that's not how the law works. At the end of the day,
2 this charge was being brought by somebody who never swore to
3 the -- to the things that they was talking about so the initial
4 affidavit that was signed, and that would be all of this is
5 void. Rule 60B of the Rules of Civil Procedure that also
6 correlates with criminal, a lot of different laws correlate.
7 Like, an affidavit is an affidavit in civil or criminal court.
8 You -- it doesn't change. Like, if you got an affidavit in
9 civil court, it doesn't change now that it's in criminal court.
10 Oh, now you don't have -- they don't have to -- no, that's not
11 true, and I have the laws to back it up, and if you don't allow
12 me to produce those laws, you are being prejudiced towards me
13 and you're being impartial towards me because you would allow
14 them to get some evidence that they needed it. You allowed
15 them, not you, specifically, but the State has allowed them six
16 years to follow these different excuses, COVID, Or we just --
17 but now I got a valid defense that I want to take myself, and
18 you're saying, no, cannot do that. That's impartiality.
19 That's not the only issue. The Constitution states that I got
20 a right to defend myself in a fair and partial manner.
21 That means not rushing into it with no evidence, no nothing,
22 and just throw it in there and just not fighting -- not
23 fighting guilty. No, that's not how it works, you've got to
24 give me a fair trial and a fair chance, and I believe we can
25 save the State money, we can save everybody money if I'm

1 allowed to proffer my motions, because this won't get to a
2 trial, because at the end of the day the law supports my
3 stance. I can prove that, and I will prove that and if this
4 court goes forward and I'm found guilty, it going to -- it has
5 to be a mistrial because at the end of the day, I'm not -- I
6 don't -- all of this is under duress at this point.
7 I'm not trying to run from nothing. I'm willing to do what I
8 need to do, but everything that's happening right now is a
9 violation of my constitutional rights, constitutionally
10 protected rights, period. No judge has the right to proceed in
11 a void matter. Rule 60B clearly says that a judgment
12 proceeding, more action can be relieved if the judgment -- if
13 the judgment is void. You know what I'm saying? So if it
14 arose from a void action, then everything after that is void
15 and this is clearly void. And if I have the opportunity to
16 show my laws -- not my laws, the law, and offer my argument
17 then I can clearly prove that before any kind of trial, and it
18 will be dismissed if the judge is fair and impartial, and
19 that's just a fact because the law is the law, a threat is a
20 threat, an affidavit is an affidavit. This isn't an affidavit.
21 This is not valid. Furthermore than that, I'm being
22 prejudiced, I don't want an attorney, I want to represent
23 myself. When you was talking about the affidavit that I sent
24 him last night, you let him say that it's about civil court,
25 and that makes -- that this email doesn't make no sense at all.

1 That's not true because you didn't allow me to finish saying
2 that it's way more than just civil court's reference in here.
3 It's criminal cases referenced in here, too, if you allow me to
4 finish that, I would have said that. So if you want to -- now,
5 if you want me to read the actual article, I can prove that
6 it's not just referenced in the civil court. It's referencing
7 federal law, state law, criminal law, it's stating all the laws
8 governing the truth of what affidavit is and the truth of what
9 a fact is. A fact is not just somebody coming in here saying
10 something. A fact is them putting it on the record and
11 swearing to it. So he's just saying a bunch of stuff trying to
12 make me look bad, trying to say that I missed court cases, but
13 where's the facts at? It ain't on the record, he ain't
14 swearing to it, and he shouldn't even be allowed to talk.
15 That's why I object to anything he says if it's not on the
16 record and if he's not swearing to it, then he shouldn't even
17 be able to talk. All this stuff --

18 THE COURT: Who are you referring to, sir?

19 THE DEFENDANT: Him.

20 MR. ZEIGLER: I just swear to everything I just told
21 you.

22 THE COURT: Sir, he doesn't -- an officer of the
23 court can't be made a witness, and he's already --

24 THE DEFENDANT: Exactly. So why --

25 THE COURT: -- he's already under oath by virtue of

1 the fact that he's been sworn in as a lawyer. Everything he
2 says to this is under oath.

3 THE DEFENDANT: A lawyer can only read evidence.

4 THE COURT: A lawyer by virtue of having a license in
5 this State is always under oath. They have an obligation to be
6 truthful with the tribunal. If they fail to do that, their
7 license will be revoked.

8 THE DEFENDANT: I'm --

9 THE COURT: Mr. Zeigler is never going to be sworn in
10 for any purpose because he was sworn in as a lawyer, bound by
11 the rules of ethics. What you're speaking about is not
12 applicable to him. So I need you to continue making your
13 argument, I've allowed you to do it, I need you to continue
14 telling me what the basis of your arguments are so that I can
15 make a ruling regarding them.

16 THE DEFENDANT: Like I said, when it comes to what he
17 just said, you said that he's under oath, I'm glad that you
18 just told me that. So that means that anytime he lies, it's a
19 violation of his --

20 THE COURT: Which is not for you to determine.
21 That's for the Court to determine and refer him to ODC
22 If I think that he's not telling me the truth.

23 THE DEFENDANT: Well, I can tell you for a fact he's
24 not telling the truth because we can just look at the record.
25 He's saying that -- he's saying that I made all these

1 continuances, I tried to delay all this stuff, he's trying to
2 make an image in front of the Judge and make me seem, oh, he's
3 trying to run away, so you can be in your head, oh, yeah, he's
4 holding us up. No, that's not how it actually went, though, so
5 he's lying under oath. He's -- he's lying under oath.

6 MR. ZEIGLER: Your Honor, can I make quote?

7 THE COURT: I'll let you respond.

8 MR. ZEIGLER: Okay. I appreciate it, Your Honor.

9 THE COURT: Yes, sir? Anything further regarding
10 your argument?

11 THE DEFENDANT: Oh, I thought you were letting him
12 respond.

13 THE COURT: I need you to make your argument fully
14 and I need you to bring it to some closure.

15 THE DEFENDANT: I've already presented my argument.
16 You're just ignoring the law.

17 THE COURT: No, sir. I need you -- I've given you
18 every opportunity to tell me the basis of any motions you're
19 trying to make.

20 THE DEFENDANT: My motion is --

21 THE COURT: And you have been speaking now for over
22 30 minutes without interruption and I'm asking you to continue
23 any further argument you would like to make for the Court to
24 consider.

25 THE DEFENDANT: My argument is that -- my rights have

1 been violated, my process, due process, my constitutional
2 rights have been violated by the Prosecutor, my constitutional
3 rights have been violated by Judges in this matter, my
4 constitutional rights have been violated even by my attorney,
5 honestly, and in that matter, there's no possible way that
6 bringing -- see, he sees smiling again. That's not -- and one
7 of the reasons is my religious belief.

8 THE COURT: And what is that, sir?

9 THE DEFENDANT: My religious belief is that a house
10 divided shall not stand. So therefore, this manner that y'all
11 are forcing on me, y'all have no right to do it because it's
12 against me.

13 THE COURT: Sir, I haven't made any decision about
14 that. I just need you to get to the heart of what argument it
15 is you're making so the Court can make a decision.

16 THE DEFENDANT: I've already made my argument, but
17 you are -- you are basically making a judicial determination.

18 THE COURT: Sir, I have not made any judicial
19 determination. I've been very clear. I need you to make your
20 argument so that the Court can consider the State's arguments
21 in response and make a ruling.

22 THE DEFENDANT: The affidavit is void.

23 THE COURT: I've heard that. What is your next
24 basis?

25 THE DEFENDANT: The affidavit is void because it's

1 not signed the proper way, and I have proof of that, and I can
2 read you the laws on it if you allow me to.

3 THE COURT: You've already quoted --

4 THE DEFENDANT: I didn't quote anything.

5 THE COURT: You did, you said Rule 60B, South
6 Carolina Rules of Civil Procedure.

7 THE DEFENDANT: Yeah, well, I said that's if a
8 judgment is void, and basically, all the proceedings are void.

9 THE COURT: So what other rules are you relying on?

10 THE DEFENDANT: The proceeding is void -- the
11 proceeding is void because the proceedings started off --

12 THE COURT: I need you to tell me what other rule
13 you're relying on, sir.

14 THE DEFENDANT: I've already told you that's the rule
15 I'm relying on. If I --

16 THE COURT: No, you just told me that wasn't the rule
17 you were relying on. You said there was another rule that you
18 hadn't had a chance to state and I need know what that is.

19 THE DEFENDANT: They're all connected.

20 THE COURT: Then you to tell me what that rule is.

21 THE DEFENDANT: Okay. So in the State of South
22 Carolina, if you charge a man with a crime, there's a basis and
23 a procedural aspect that has to be followed in that matter.

24 THE COURT: And that is?

25 THE DEFENDANT: You can't just do it because you

1 don't like somebody and you want to lock somebody up, so
2 therefore, if there's laws that you have to follow to lock
3 somebody up, there's procedures that you have to follow.

4 THE COURT: I need you to tell me what that is you're
5 relying on.

6 THE DEFENDANT: One of those procedures are the
7 documentations, the charging documents, the statements that are
8 alleging the crime. What you are alleging the crime in is the
9 affidavit, so that is what starts this whole thing. There is
10 no case without the affidavit. The case starts with the
11 affidavit, the officer alleging something happened. The
12 officer alleged something happened and they did not properly
13 swear to it, properly --

14 THE COURT: And I've asked you what ruling you're
15 relying on in making that statement.

16 THE DEFENDANT: South Carolina jurisprudence,
17 affidavits.

18 THE COURT: You have to have a specific statute
19 you're referring to, sir. That's a large section. I need to
20 know what rule you're relying on.

21 THE DEFENDANT: That's the section --

22 THE COURT: Jurisprudence is not the law.
23 Jurisprudence is --

24 THE DEFENDANT: It is the law.

25 THE COURT: Jurisprudence is a dictionary, basically,

1 a legal dictionary that explains the law, so if there's a
2 statute you're relying on, I need to know what it is. If
3 there's a specific criminal rule you're relying on, I need to
4 know what it is.

5 THE DEFENDANT: Ma'am, so you're telling me that
6 South Carolina -- because I have to clarify before I ask my
7 next -- I mean, before I finish. You're telling me that South
8 Carolina, jurisprudence, the law books, Westlaw, all of that
9 that's in, that you can look up online, that is not relevant
10 and --

11 THE COURT: I didn't say it wasn't relevant. I said
12 it's like a legal treatise, it's like a dictionary for the law,
13 and you are allowed to read that and it lets you understand
14 what the principles of the law are, but you can't just come in
15 court and cite jurisprudence, you have to cite a statute you're
16 relying on or a rule you're relying on, or a case you're
17 relying on.

18 THE DEFENDANT: But there is a specific section that
19 tells you what an affidavit is in the South Carolina
20 jurisprudence and it is -- it is the foundation of where
21 there's --

22 THE COURT: Sir, that is an interpretation of what it
23 is.

24 THE DEFENDANT: -- statute -- that's not an
25 interpretation, that's a fact.

1 THE COURT: Jurisprudence is an interpretation of the
2 law. It is not the law. Like I said, it's like a dictionary.
3 So if there's a rule you're relying on, I need to know what it
4 is. If there's a statute you're relying on, I need to know
5 what it is. If there's a case you're relying on, I need to
6 know what it is. That is the law.

7 THE DEFENDANT: Like I told him, in this email that
8 you had him reading publicly, I already stated I have several,
9 but off the top of my head, I don't have them. I stated it in
10 the email. I have them. If you need me to -- to bring them, I
11 will, but I'm thinking that he's going to do that. He can take
12 care of that, he's my lawyer.

13 THE COURT: He as an officer of the court, he says
14 none exist.

15 THE DEFENDANT: Well, as a -- as a client of that
16 officer of the court, I disagree with him and I feel like
17 that's a total lie, and that's the reason I cannot allow him to
18 represent me. If you're telling me that something that I can
19 read myself -- the law is not a private club for only people
20 who went to school for it. Anybody can look up the law and
21 read it and anybody can say --

22 THE COURT: But you're charged with not having an
23 understanding of it, and that's the problem with the law and
24 medicine and other things, they're disciplines, and people look
25 at what lawyers do and think they can do it, you can't. It's

1 not that simple.

2 THE DEFENDANT: I don't want to do what lawyers do.

3 THE COURT: It's not that simple. You look at what
4 we say, it's grounded in years of experience. It is an
5 analysis when we say something. It's not that we just pull it
6 out of the air and say it, so --

7 THE DEFENDANT: So what's the purpose of having two
8 lawyers going against each other if both of them have the same
9 basis of knowledge? If neither one of them could be wrong,
10 then why have two of them?

11 THE COURT: That's not -- anyway, I'm not going to --

12 THE DEFENDANT: I mean, you're basically saying that
13 --

14 THE COURT: I need to know, sir, what is your basis
15 for -- I need to know what -- you've told me the passage of
16 time that Mr. D'Angelo -- I need to ask Mr. D'Angelo, are you
17 ready for trial? Do you have all the discovery?

18 MR. D'ANGELO: Yes, ma'am. Yes, Your Honor.

19 THE COURT: And you say the affidavit of your arrest
20 is not sufficient, that it's void, based on Rule 60B of the
21 South Carolina Rules of Civil Procedure.

22 THE DEFENDANT: That's not what I said. I said --

23 THE COURT: That is what you just said. If you'd
24 like, I can have the court reporter go back and read it to me,
25 although I'm not going to put her to that trouble.

1 THE DEFENDANT: I said the affidavit is invalid --

2 THE COURT: That is exactly what I just said. You
3 need to listen. I said, I'm going to go back through your
4 arguments to make sure I didn't miss anything. You said the
5 passage of time has prejudiced you. You said, you don't want
6 Mr. D'Angelo because he won't do what you tell him to do,
7 that's in common parlance.

8 THE DEFENDANT: That's not right.

9 THE COURT: I paraphrased what you said, a common
10 parlance, that's what you told me, that you don't want him
11 because he's not doing what you asked.

12 THE DEFENDANT: I don't agree with that because you
13 just --

14 THE COURT: Stop interrupting the Court.

15 THE DEFENDANT: I object though.

16 THE COURT: There's no basis for you to object. I'm
17 trying to go through your arguments to make sure I have them
18 all. You said passage of time, because you've been prejudiced
19 by that; that you don't want Mr. D'Angelo to represent you;
20 that the affidavit, which is the basis of your arrest, does not
21 meet State law and it's a violation of Rule 60B; that it
22 doesn't meet -- of civil procedure, that it does not meet the
23 requirements; that the State waited too long to try you and
24 they had since 2017 to try you and they should have tried you
25 before COVID; That you feel like you're under duress; that your

1 rights were violated, due process under the State Constitution
2 and the Federal Constitution, and they've been violated by your
3 attorney and you have a religious belief that a house divided
4 can't stand. Did I miss anything?

5 THE DEFENDANT: Yes, you missed --

6 THE COURT: Tell me what I missed.

7 THE DEFENDANT: The way that you framed that, you
8 framed it --

9 THE COURT: I wrote down exactly what you said as you
10 were speaking.

11 THE DEFENDANT: Well, you're interpreting it wrong
12 then.

13 THE COURT: No, sir, I wrote your exact words down as
14 you were speaking.

15 THE DEFENDANT: Ma'am, if I'm telling you interpreted
16 it wrong, then you're interpreting it wrong.

17 THE COURT: No, sir.

18 THE DEFENDANT: Yes, you did, that's not what I
19 meant.

20 THE COURT: Then you need to tell me what you meant.
21 That's why I read the list of you. You need to tell me what
22 you mean.

23 THE DEFENDANT: Okay. So when it comes to you saying
24 that I don't want Mr. D'Angelo just because he won't do what I
25 want him to do, that's not --

1 THE COURT: Tell me why you don't want Mr. D'Angelo.

2 THE DEFENDANT: That's not what I said. The reason
3 that I don't want Mr. D'Angelo is because I never agreed to
4 ever giving him in the first place, which is, you know what I'm
5 saying, a constitutional right I have to represent myself, if I
6 so choose, which is another thing that's in appellate cases,
7 many Supreme Court cases, and I have those cases for you. All
8 I need to do is go get them.

9 THE COURT: Sir, what is finding is Faretta, that
10 supersedes everything. You don't have an absolute right to
11 represent yourself, and I've stated that to you multiple times.

12 THE DEFENDANT: Okay --

13 THE COURT: The United States Supreme Court says --

14 THE DEFENDANT: Can I -- hold on --

15 THE COURT: -- that the Court --

16 THE DEFENDANT: I don't agree.

17 THE COURT: -- has to make -- the Courts do agree
18 with Faretta. It is the law of the land.

19 THE DEFENDANT: It is -- every --

20 THE COURT: I have to make a decision that you are
21 competent to represent yourself pursuant to Faretta.
22 You do not have an absolute right to represent yourself,
23 especially if it's contrary to your best interest. So now,
24 let's move on from Mr. D'Angelo. What else did I not
25 understand?

1 THE DEFENDANT: Like I said, I do have an absolute
2 right to represent myself.

3 THE COURT: Move on. I understand what you're saying
4 about that. What's your next point?

5 THE DEFENDANT: The reason I don't want Mr.
6 D'Angelo, like I said, is because he has violated, in my
7 opinion, the rules of professional conduct, when it comes to
8 communication, when it comes to due diligence, and when it
9 comes to honesty. He's broken all those things with me, so
10 therefore, I do not -- I do not feel -- I don't want to move
11 forward with any kind of attorney.

12 THE COURT: Alright. I got that. What's your next
13 argument that I don't understand?

14 THE DEFENDANT: Three reasons for that, and religious
15 beliefs, which is South Carolina's SE Code. I can't remember,
16 but I have all of these codes because I -- these are my
17 defenses, so you not allowing me to get my defenses --

18 THE COURT: Sir, these are not defenses.

19 THE DEFENDANT: Yes, it is.

20 THE COURT: Defenses is something you put before a
21 jury. These are not defenses.

22 THE DEFENDANT: It's called a thing -- so you -- I'm
23 going to ask you a question. So if I'm accused of a crime and
24 I'm arrested, are you telling me that the law in the State of
25 South Carolina is you have no recourse or remedy until trial?

1 You can't put any kind of defenses up before trial?

2 THE COURT: No, sir, not the way you're
3 understanding.

4 THE DEFENDANT: Let the record reflect what she just
5 stated is --

6 THE COURT: Sir, the record doesn't have to reflect.
7 She's taking down what we're saying and it's in the record.

8 THE DEFENDANT: I'm just saying, what you just stated
9 is a clear --

10 THE COURT: No, it's not, sir. Defenses -- it just
11 goes to your inability to understand the procedure of the law.
12 Defenses are a defense you have to this offense.

13 THE DEFENDANT: What is --

14 THE COURT: You put those before a jury, you don't
15 put those before the Court. A Court is not the finder of fact.

16 THE DEFENDANT: What is an affirmative defense?

17 THE COURT: An affirmative defense is something that
18 exists in the civil law, it does not exist in the criminal law.

19 THE DEFENDANT: That's not true, Your Honor.

20 THE COURT: Yes, it is.

21 THE DEFENDANT: So you're trying to tell me that if
22 --

23 THE COURT: Affirmative defenses are detailed by the
24 rule in Civil Procedure on affirmative defenses, and by the
25 way, if you don't assert them in your answer, they're waived.

1 They don't exist forever, so it is not applicable in criminal
2 court.

3 THE DEFENDANT: But my -- my whole point for bringing
4 it up is the fact that you can definitely defend yourself
5 before trial.

6 THE COURT: You can make motions, sir.

7 THE DEFENDANT: Yes, that's what I'm doing.

8 THE COURT: And you have articulated those motions
9 and I'm trying to bring to a close what the basis is because
10 you're kind of repeating yourself at this point.

11 THE DEFENDANT: You're not -- you're trying -- you
12 have a predetermined --

13 THE COURT: Sir, I don't have any predetermined
14 anything. I'm trying to hear arguments so I can make a cogent
15 decision, and I need to give the State a chance to respond, and
16 you've been speaking for over an hour and a half, and I don't
17 know how you can say we haven't been fair to you about that.
18 And you have been repeating yourself, and if I played the tape,
19 you would hear that you're repeating yourself.

20 THE DEFENDANT: I have to repeat myself because every
21 time I get halfway through a sentence, I get cut off.

22 THE COURT: That is not true.

23 THE DEFENDANT: Then I have to start back over again.

24 THE COURT: That is not true. You simply repeated
25 the same statements over and over and over.

1 THE DEFENDANT: Because that's my defense. And the
2 only -- the only pushback I'm getting is you saying, no, that's
3 not the law, but we don't --

4 THE COURT: No, sir, I have not said anything and the
5 Court has not made any decisions. If that's your
6 predisposition and your perspective, I can't control that.
7 That's your reality --

8 THE DEFENDANT: Okay --

9 THE COURT: -- but the court has not made any
10 rulings.

11 THE DEFENDANT: Well --

12 THE COURT: And I think State has been very, very
13 patient, because they're entitled to respond.

14 THE DEFENDANT: Like I said, my religion -- the
15 Southern Religious Freedom Act states that no authority --
16 no -- not authority, because we are -- the people -- the
17 government, but there is no -- there is no -- I lost my train
18 of thought.

19 THE COURT: Take your time. We're listening.

20 THE DEFENDANT: What was I saying? Do you know?
21 See, you're not listening.

22 THE COURT: I'm sorry. What again?

23 THE DEFENDANT: What did I say right before that?

24 THE COURT: I'm not required to repeat what you just
25 said before that. It's up to you to keep up with you're

1 saying.

2 THE DEFENDANT: But did you hear what I said?

3 THE COURT: I heard exactly what you said, but I'm
4 not going to respond to your inquiry. This Court is not an
5 advocate. I don't have to respond to any questions you ask of
6 me.

7 THE DEFENDANT: Okay.

8 THE COURT: I've been very patient, and I have, but I
9 don't have to.

10 THE DEFENDANT: No questions I ask?

11 THE COURT: No, sir, because this Court's not an
12 advocate. I'm not required to give advice, I'm not required to
13 give guidance, it's only my job to understand what is being
14 presented to the Court and then to make rulings, but I've been
15 very, very lenient.

16 THE DEFENDANT: So you --

17 THE COURT: -- and when you ask the Court, what did I
18 just say, I'm not your paralegal, I'm not your secretary, it's
19 not my requirement to tell you what you said. It's for you to
20 keep up with what you're saying. I keep cogent notes of what's
21 being said. I know exactly what you said.

22 THE DEFENDANT: Listen --

23 THE COURT: But if you need time to take a deep
24 breath and remember what you said, feel free.

25 THE DEFENDANT: Yeah, I forgot -- forgot where I was

1 at for a second.

2 THE COURT: Take your time. Take a deep breath and
3 figure out where you were.

4 THE DEFENDANT: Oh, yeah. It's my religious -- South
5 Carolina Religious Freedoms Acts states clearly that there is
6 no judge, committee, no nothing that can super oversee my
7 religious beliefs and make a determination on my religious
8 beliefs. So I'm stating that for once, that's one defense, is
9 that it's my religious belief that working for someone for the
10 State who is not of the House of laws, and my honest belief is
11 in a satanic cult with a lot of other people who are in this
12 building right now, it's totally against my religion to allow
13 somebody like that to represent me in a case that could happen
14 to, you know what I'm saying, affect this. That's my religious
15 belief off top. I can't allow that. That's my -- my religious
16 belief. Any -- any -- any judge or any decision that you make
17 just disregarding our religious beliefs is a violation of my
18 constitutional rights, for one.

19 THE COURT: Sir, how old are you?

20 THE DEFENDANT: 33.

21 THE COURT: How far have you gone in school?

22 THE DEFENDANT: College.

23 THE COURT: How much college?

24 THE DEFENDANT: A couple -- like a semester.

25 THE COURT: Where did you attend college?

1 THE DEFENDANT: At Trident.

2 THE COURT: What did you study?

3 THE DEFENDANT: Computer science.

4 THE COURT: Why did you not finish college?

5 THE DEFENDANT: I had better options.

6 THE COURT: And what were those better options?

7 THE DEFENDANT: Start my own business.

8 THE COURT: And what is that?

9 THE DEFENDANT: Graphic design, music studio.

10 THE COURT: And how long have you been doing that?

11 THE DEFENDANT: Two years.

12 THE COURT: You said two years? When did you attend

13 Trident Tech?

14 THE DEFENDANT: I'm not -- I'm not -- off the top of

15 my head, I'm not -- I don't remember.

16 THE COURT: Was it right after high school? Where

17 did you graduate high school?

18 THE DEFENDANT: Goose Creek.

19 THE COURT: And what year did you graduate from high

20 school?

21 THE DEFENDANT: I'm not sure. I don't remember off

22 the top of my head.

23 THE COURT: You don't remember what year you

24 graduated from high school?

25 THE DEFENDANT: I didn't graduate. I just -- I -- I

1 stopped going.

2 THE COURT: You stopped going. So did you get your
3 GED?

4 THE DEFENDANT: Yes.

5 THE COURT: And when did you get your GED? Was it a
6 year after you stopped going? What was the last grade you
7 finished at Goose Creek High School?

8 THE DEFENDANT: Just to be clear before I finish
9 answering these questions. Are these the Faretta questions?

10 THE COURT: Sir, I have to ask these questions.
11 Faretta requires that I ask these questions.

12 THE DEFENDANT: I wasn't finished. I wasn't finished
13 with my arguments.

14 THE COURT: Sir, I've heard all your arguments. I
15 don't need to hear you -- I don't need to have you rehash them
16 again.

17 THE DEFENDANT: I want you to rule on them.

18 THE COURT: I'm not going to rule on them until I
19 have my Faretta Hearing and I need you to answer my questions.
20 You don't dictate when the Court rules. I can take under
21 advisement if I want to for another 30 days and not make a
22 decision. I need you to answer my questions pursuant to
23 Faretta. What was the last grade you completed in high school?

24 THE DEFENDANT: What was that?

25 THE COURT: What was the last grade you completed in

1 high school?

2 THE DEFENDANT: Eleventh.

3 THE COURT: And how long was it after that that you
4 obtained your GED?

5 THE DEFENDANT: I'm not sure.

6 THE COURT: Just give me an estimate.

7 THE DEFENDANT: Probably a year.

8 THE COURT: How old were you when you got your GED?

9 THE DEFENDANT: I'm not sure.

10 THE COURT: Give me an estimate.

11 THE DEFENDANT: 17, 18.

12 THE COURT: Say that one more time?

13 THE DEFENDANT: 17 or 18.

14 THE COURT: Where were you employed prior to starting
15 your own business?

16 THE DEFENDANT: Gerber.

17 THE COURT: Say that one more time.

18 THE DEFENDANT: Gerber.

19 THE COURT: And what did you do for them?

20 THE DEFENDANT: A cherry picker.

21 THE COURT: And how long were you there?

22 THE DEFENDANT: A year.

23 THE COURT: Is that in South Carolina?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: What part of South Carolina?

1 THE DEFENDANT: Jedburg.

2 THE COURT: And how long were you there? I didn't
3 know they --

4 THE DEFENDANT: One year.

5 THE COURT: And so was that in a factory, or did you
6 have to do it outside? What'd you do?

7 THE DEFENDANT: Warehouse.

8 THE COURT: Warehouse. When you say cherry picker,
9 what did you mean?

10 THE DEFENDANT: There's machine called a cherry
11 picker where you go out and pick the stuff up, ma'am.

12 THE COURT: You mean the goods?

13 THE DEFENDANT: It's like -- yes. You just pick up
14 things and mail, sorting mail.

15 THE COURT: So you were sorting mail?

16 THE DEFENDANT: Not mail, but certain -- sorting
17 certain products that would be sent out, shipped out.

18 THE COURT: Okay. So you worked in the warehouse as
19 a sorter of goods, and you were there for a year?

20 THE DEFENDANT: It was just -- the title was just
21 cherry picker.

22 THE COURT: Okay. And I just needed you to explain
23 for me again so the record could be clear exactly of what
24 capacity you were employed. And what did you do after that one
25 year in between working at Gerber, because you're 33 years old

1 and if you got your GED from between 17 and 18, that leaves a
2 good span of time and I need to know what you were doing during
3 that span of time. Were you employed? How were you supporting
4 yourself in between those years?

5 THE DEFENDANT: In between what years?

6 THE COURT: In between the age of 18 and 33. You
7 told me you were at Gerber for a year. You told me you've been
8 self-employed for two years. That's only three years of about
9 another 16 years. I'm not good at math, so forgive me.
10 Where's my calculator? You said, let's just say for argument's
11 sake, you got your GED at 18. That leaves 15 years. So if I
12 subtract two from that, that leaves 13 years, and a year from
13 that, that leaves 12 years. So what were you doing in the
14 intermittent 12 years between having your own business and
15 working at Gerber?

16 THE DEFENDANT: Various different things.

17 THE COURT: Like?

18 THE DEFENDANT: I've always been doing graphic design
19 and music stuff. I just didn't put it under the corporation
20 yet, so I've been doing it.

21 THE COURT: So you didn't work where you got a W-2 or
22 at a facility?

23 THE DEFENDANT: Yeah. I -- I -- yeah, I worked in a
24 facility.

25 THE COURT: So give me an idea of other jobs you've

1 had.

2 THE DEFENDANT: I've worked just a bunch of different
3 warehouse jobs.

4 THE COURT: I need you to tell me, like warehouse
5 jobs for 12 years?

6 THE DEFENDANT: Most of -- I haven't worked most of
7 the time throughout the 12 years.

8 THE COURT: So how did you support yourself?

9 THE DEFENDANT: I worked for myself.

10 THE COURT: Okay. So you're telling me for 12 years
11 you worked in graphic design for yourself?

12 THE DEFENDANT: Recording. Recording, recording
13 studio, mostly graphic design.

14 THE COURT: And did you own the studio or were you
15 renting time from someone?

16 THE DEFENDANT: I own the studio, it's my studio.

17 THE COURT: Okay. Where is that located?

18 THE DEFENDANT: At my house.

19 THE COURT: And who do you live with, sir?

20 THE DEFENDANT: I live by myself.

21 THE COURT: Do you own a home?

22 THE DEFENDANT: I don't own it, but I live in it.

23 THE COURT: And where's that home located?

24 THE DEFENDANT: Goose Creek.

25 THE COURT: Are you renting that home?

1 THE DEFENDANT: Uh-huh.

2 THE COURT: And how long have you lived there?

3 THE DEFENDANT: Probably about ten years.

4 THE COURT: And is that the -- what was the name of
5 that street again? Was it --

6 THE CLERK: Jean Wells.

7 THE COURT: Jean Wells. And what was the number
8 again?

9 THE CLERK: [REDACTED].

10 THE COURT: And sir, was that at the [REDACTED] Jean Wells
11 address in Goose Creek?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: Okay. Other than receiving your GED and
14 going to about the, excuse me, 11th grade, what other education
15 have you had? And you said you went to tech for a year, give
16 or take, what other education have you received other than
17 that?

18 THE DEFENDANT: Several -- several years of studying
19 law at -- several --

20 THE COURT: Studying law where?

21 THE DEFENDANT: Legal courses online, I have several
22 of those.

23 THE COURT: Through who?

24 THE DEFENDANT: One of them is, How To Win In Court
25 Without a Lawyer.

1 THE COURT: So these are not ABA-accredited
2 institutions?

3 THE DEFENDANT: No, they don't have to be.

4 THE COURT: Yes, sir, to practice, you do need to go
5 to the ABA.

6 THE DEFENDANT: No, I don't practice law. I just
7 told you my --

8 THE COURT: Yeah, but those aren't what we would
9 consider valid or reputable legal sources. We would consider a
10 law school to be training in law or a paralegal program at a
11 tech or a technical school as the appropriate --

12 THE DEFENDANT: Who's who?

13 THE COURT: -- as appropriate. The legal community,
14 the State of South Carolina.

15 THE DEFENDANT: Well, I'm not part of no legal
16 community in the State of South Carolina.

17 THE COURT: Well, I'm just telling you how we gauge
18 legal education, and this would not be considered legal
19 education. Okay. So what other education have you received?

20 THE DEFENDANT: Like I said, self-education,
21 self-certification, education, which is also legal.

22 THE COURT: Where?

23 THE DEFENDANT: Online, online studies, and in my
24 opinion, education in the field, in the legal field, I've
25 represented myself a couple of times.

1 THE COURT: Where?

2 THE DEFENDANT: In court in Berkeley County.

3 THE COURT: And where, what kind of court?

4 THE DEFENDANT: General Sessions.

5 THE COURT: When?

6 THE DEFENDANT: What was that?

7 THE COURT: When?

8 THE DEFENDANT: When? Off the top of my head, I'm
9 not good at getting stuff off the top of my head.

10 THE COURT: You wouldn't have been able to represent
11 yourself in Berkeley County unless the judge had a Faretta
12 Hearing. So was it a magistrate's court that you represented
13 yourself or was it in Circuit Court?

14 THE DEFENDANT: I have to just object to what you've
15 said.

16 THE COURT: Sir, these are not random questions.

17 THE DEFENDANT: You just keep -- you just keep saying
18 things that are --

19 THE COURT: The law requires me to ask these
20 questions and you're required to answer them.

21 THE DEFENDANT: Oh, I'm sorry, I'm sorry about that,
22 yeah.

23 THE COURT: I need to know when you said you
24 represented yourself in Berkeley County, I need to know if that
25 was --

1 THE DEFENDANT: You just --

2 THE COURT: -- in Circuit Court -- or in Circuit

3 Court you could not have without a Faretta Hearing --

4 THE DEFENDANT: But I did.

5 THE COURT: -- but in Magistrate's Court you could.

6 THE DEFENDANT: It was before we even got there, it
7 was the preliminary hearing.

8 THE COURT: That's not Circuit Court, sir. So you
9 represented yourself in a prelim?

10 THE DEFENDANT: It's General Sessions, same thing.

11 THE COURT: Sir, it is not considered the same.

12 THE DEFENDANT: It's not the same, but the --

13 THE COURT: It is not the same. I need clarity. Did
14 you represent yourself at prelim, is that what you're telling
15 me?

16 THE DEFENDANT: Yeah.

17 THE COURT: Okay.

18 THE DEFENDANT: I also represented myself in other
19 cases, as well.

20 THE COURT: And what were those?

21 THE DEFENDANT: Traffic cases, things like that.

22 THE COURT: Okay. You know, like I said, this is not
23 a trick quiz. I need you to answer these questions honestly.

24 THE DEFENDANT: I am answering them honestly.

25 THE COURT: And it's not random.

1 THE DEFENDANT: I'm --

2 THE COURT: These are not questions that are random,
3 these are questions that I'm required and mandated to ask you.

4 THE DEFENDANT: I understand. I've already answered
5 them.

6 THE COURT: Okay. No, you've gotten combative
7 instead of just answering the question, like I have some
8 ulterior motive, I don't. I just need a clear record as to
9 when you say you represented yourself before, because if
10 there's another Faretta order in Berkeley County, I need to go
11 find it and figure out when it is you represented yourself in
12 Circuit Court. Now, other than the occupations you've told me
13 you've engaged in and other than the online classes, have you
14 received any other education other than what you've termed
15 self-education and online studies?

16 THE DEFENDANT: What do you mean by --

17 THE COURT: Any other education you may have
18 received?

19 THE DEFENDANT: Does it have to be created by a legal
20 community?

21 THE COURT: And just this is a simple question, sir.
22 Have you received any other education?

23 THE DEFENDANT: Yes.

24 THE COURT: Where?

25 THE DEFENDANT: Online.

1 THE COURT: Okay. And please don't be offended, I
2 have to ask this question. Are you suffering from any mental
3 disabilities or under the influence of any drugs or alcohol?

4 THE DEFENDANT: No, ma'am.

5 THE COURT: Have you ever been diagnosed with any --
6 do you have any mental health diagnoses?

7 THE DEFENDANT: No, ma'am.

8 THE COURT: And, sir, have you familiarized yourself
9 and do you know the rules of criminal procedure?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: And what proof do you have for me that
12 you have done that and that you know the rules of criminal
13 procedure?

14 THE DEFENDANT: I mean, I don't know how I can prove
15 it to you unless you allow me to get my case ready like I would
16 like to, and I can prove everything I'm saying to you.

17 THE COURT: No, sir, I'm beyond that. I'm talking
18 about in front of a jury, representing yourself. What
19 knowledge do you have of the rules of criminal procedures such
20 that you would be able to navigate? Because Faretta says that
21 you can represent yourself if you are competent regarding the
22 rules, the Constitution, a procedure, and everything, such that
23 you are able to behave just like a lawyer would representing
24 you, and I have to make that determination that you're capable
25 and competent to do that, because there are specific rules that

1 apply: The rules of evidence, the rules of procedure. Like
2 the way you've been behaving with me, you can't do that in
3 front of a jury. You can't just pop up and say in the middle
4 of somebody cross-examining somebody or in the middle of Mr.
5 Zeigler making an opening argument, that I object, I just don't
6 believe this applies. It doesn't work like that.

7 THE DEFENDANT: I know that.

8 THE COURT: And that would prejudice you in front of
9 the Jury. So what I'm trying to figure out is, do you
10 understand the rules sufficient that you're able to navigate
11 this system? Because you're required to be able to navigate it
12 just like a lawyer, you don't get a special dispensation
13 because you pro se. I treat you just the same way I would
14 treat the lawyers, and the same standard I hold them to is the
15 same standard the law requires me to hold you to.

16 THE DEFENDANT: Well, in my research and my study,
17 that is actually 100 percent false when it comes to the State.

18 THE COURT: Tell me how it's false.

19 THE DEFENDANT: Because the State of South Carolina
20 Supreme Court clearly states that when a pro se litigant
21 represents his self then they are leveraged with a little bit
22 more leniency than they all --

23 THE COURT: Sir, the rules don't say that.

24 THE DEFENDANT: See, this is what I'm saying, ma'am,
25 if you're just going to just tell me things that are clearly

1 written in the law are not --

2 THE COURT: Where's it written at that says I get to
3 give you leniency?

4 THE DEFENDANT: It's not leniency.

5 THE COURT: Where does it say I'm not supposed to
6 hold you to the same standards when it comes to procedure and
7 evidence?

8 THE DEFENDANT: In all of the appellate rules and all
9 of those.

10 THE COURT: No, sir, the rules don't say that.

11 THE DEFENDANT: Yes, it does, ma'am.

12 THE COURT: Show me where it does.

13 THE DEFENDANT: The appellate rules are right there
14 so you can -- I'm talking about Appellate Court --

15 THE COURT: No, sir, there are none that exist that
16 say I'm supposed to give you more lenience in the presence of a
17 jury because you decide to represent yourself. You're held to
18 the same standard as what a lawyer practicing in this court.

19 THE DEFENDANT: I have to object to that because
20 that's clearly false. I know where it's cited.

21 THE COURT: Okay. Tell me where you can cite to say
22 that's false.

23 THE DEFENDANT: I can cite it in -- I can -- all I
24 have to do is go to sccourts.org and all I have to do is --

25 THE COURT: Go to sccourts.org for him, please, and

1 let him show you exactly where he's saying that it's applicable
2 of where the Court says that.

3 THE DEFENDANT: I'm going to have to find a pro se
4 case on the search thing, and I'm going to put up the pro se
5 case in the appellate -- it's going to be several different
6 sections were quotes from several different cases that are
7 going to say when a pro se represents himself he is afforded
8 more -- more this and this and that he's not supposed to be as
9 technically required --

10 THE COURT: Sir, I have to hold you to the same
11 standards, that's not fair to the other side, and they're going
12 to complain that I've allowed you --

13 THE DEFENDANT: So you're disagreeing with the
14 Supreme Court.

15 THE COURT: No. I'm just telling you what the rules
16 are.

17 THE DEFENDANT: You're just disagreeing with the
18 Supreme Court with what you just said --

19 THE COURT: Sir, I've been doing this over 30 years,
20 and I can tell you that's not what the rules say, and that's
21 not what the case law says. You're held to the same standard
22 as when a lawyer representing a client, and that's why I have
23 to have this Faretta Hearing, to make sure you're competent to
24 do that.

25 THE DEFENDANT: No, ma'am. What you're doing is

1 you're being impartial and you're trying to put me in a box to
2 make it seem like I'm not --

3 THE COURT: No, sir, I'm just asking questions, and
4 so your eyes wide open with what you're trying to do.

5 THE DEFENDANT: I know exactly what I'm doing because
6 I've -- everything I'm stating is only the law.

7 THE COURT: I need you --

8 THE DEFENDANT: I'm just stating --

9 THE COURT: -- to pay attention to that computer and
10 find what it is you tell me that you can cite to.

11 THE DEFENDANT: I mean, I don't think I should have
12 to do this.

13 THE COURT: Oh, yeah It's your burden.

14 THE DEFENDANT: I know, I'm not saying that.

15 THE COURT: It is your burden to show this to me.

16 THE DEFENDANT: I'm just saying that I don't think --

17 THE COURT: It is your burden --

18 THE DEFENDANT: -- I should have to do something --

19 THE COURT: -- to prove it --

20 THE DEFENDANT: -- with a bunch of lawyers --

21 THE COURT: -- so if it's on that computer --

22 THE DEFENDANT: -- when all of ya'll know this is
23 true.

24 THE COURT: -- you need to find it --

25 THE DEFENDANT: All of y'all know this is true.

1 THE COURT: -- and then have, you know, focus on one
2 thing at a time. Don't try to multitask, find it on the
3 computer and let me know where you find it, and I'll let you
4 read it to me.

5 THE DEFENDANT: That was a prejudiced statement right
6 there.

7 THE COURT: I told you to focus, time is limited, we
8 have all worked through lunch, I'm certain that I have tested
9 the patience of everyone in this courtroom, including my poor
10 court reporter, who probably wants to fire me right now.

11 THE DEFENDANT: And see, that's a problem with --

12 THE COURT: And --

13 THE DEFENDANT: -- the fairness. If we --

14 THE COURT: No, sir, it's not a problem --

15 THE DEFENDANT: Me stating my rights makes --

16 THE COURT: It is not a problem with fairness. They
17 are entitled to be treated fairly and appropriately --

18 THE DEFENDANT: So do you --

19 THE COURT: -- and I have been lenient to you in
20 derogation of their rights and comfort to go to the bathroom,
21 to eat, and do what they need to do. I need you to find what
22 you told me that you could find on the computer. Find it and
23 read it to me.

24 THE DEFENDANT: So this -- I'm telling you that --

25 THE COURT: Find it and read it to me. Since you say

1 it exists, find it.

2 THE DEFENDANT: You're making it seem like their time
3 is more important than the person that's being accused of --

4 THE COURT: Sir, I've got to balance it all.
5 Everybody's time is important. They don't get to be abused
6 because your rights somehow supercede theirs.

7 THE DEFENDANT: I'm not meaning abused, I'm
8 exercising my constitutional rights, what are you talking
9 about?

10 THE COURT: The Jury's back? Do you need to go to
11 the restroom?

12 THE COURT REPORTER: Yes, Your Honor.

13 THE COURT: I know you do. Why don't you go ahead
14 and do that.

15 THE COURT REPORTER: Okay.

16 MR. ZEIGLER: The State has no objection to that,
17 Your Honor.

18 THE COURT: And is that going to cause any problems
19 for your witness?

20 MR. ZEIGLER: So I believe she'll be --

21 THE COURT: I think it could try this case in a day,
22 to tell you the truth. I think it can be, if we start in the
23 morning, and then that doesn't tax the Jury, and that gives Mr.
24 Charles the time to look up whatever it is he says he wants to
25 look up and bring to court, and -- is there any exception to us

1 doing that?

2 MR. ZEIGLER: No. She just returned, Your Honor.

3 There's no objection.

4 THE COURT: And then what I may do is go ahead and
5 ask him any other questions regarding his Faretta and then let
6 you respond to all his arguments, and then we just may break
7 for the day. How does that work for everybody? So y'all can
8 take your seats, and I'm going to have you bring me the Jury so
9 I can let them go home for the day, and then we're going to
10 give this maybe another 20 minutes, and then I'm going to plan
11 for the rest of the day. Does that work for you? Go ahead and
12 go while I bring in the Jury. Thank you. I appreciate your
13 patience.

14 MR. D'ANGELO: Your Honor?

15 THE COURT: I'm sorry?

16 MR. D'ANGELO: Quick question.

17 THE COURT: Yes?

18 MR. D'ANGELO: Were you intending to swear in the
19 Jury at this time?

20 THE COURT: No.

21 MR. D'ANGELO: Okay.

22 THE COURT: No, I'm going to let them go home, and
23 we'll deal with that in the morning.

24 MR. ZEIGLER: Thank you.

25 THE COURT: You're welcome. I assume the State has

1 no exception?

2 MR. ZEIGLER: No, Your Honor.

3 **(Jury entered the courtroom at this time.)**

4 THE COURT: You may be seated. Ladies and gentlemen,
5 there's some matters of law -- actually, we have not broken for
6 lunch yet in full transparency. We've been working since I
7 excused you all, and we anticipate what we need to deal with
8 will take us the remainder of the day, so I'm going to excuse
9 you so that you're not frustrated sitting in a jury room with
10 us being at, you know, 4:00 starting this case. That just does
11 not make good sense to me. This case has two witnesses. I
12 anticipate -- or maybe one witness. I anticipate that we will
13 be able to start and conclude this case on tomorrow for your
14 planning purposes. So I'm going to excuse you for the day,
15 because I feel like you can make better use of your time than
16 just sitting and waiting on us, and we'll resume in the morning
17 with this case.

18 During the break, please do not discuss the case
19 among yourselves or with anyone else. Please don't anticipate
20 or speculate what you think it may or could be about. If there
21 are any media reports about this case, I would ask that you
22 guard yourselves accordingly and not read, watch, or listen to
23 any of them. Again, as the finders of fact, it is essential
24 that you remain impartial and have no predisposition regarding
25 the facts and circumstances of this case. Also, please do not

1 make any comments regarding your jury service on any social
2 networking sites. Again, we would not want any innocent
3 comment to be misinterpreted, and also, you will return
4 directly to your jury room. The bailiffs will show you how to
5 do that. You all will be parking right in the garage that's
6 adjacent to the building tomorrow, and so they will give you
7 instructions regarding that, as well, and how you will come
8 into the building and then proceed to your jury room. I think
9 I'm forgetting something. We're going to resume at 9:30. I
10 hope you all have a wonderful evening, and only talk to those
11 you know to be fellow jurors. We'll see you in the morning at
12 9:30. We appreciate your patience. Have a great evening.

13 THE CLERK: Thank you, Your Honor.

14 THE COURT: You're welcome.

15 Let me see. All right. Now, I was asking you, Mr.
16 Jean-Charles, are you familiar with the rules of criminal
17 procedure? And did you show him that book, please? Oh, he can
18 sit down. It's been a long day here, let him sit. Have you
19 shown him the rules of criminal procedure, Mr. D'Angelo?

20 MR. D'ANGELO: I have not had a chance to go over
21 them.

22 THE COURT: Do you have them with you?

23 MR. D'ANGELO: I have them right here, Your Honor.

24 THE COURT: Okay. Sir, do you understand that that's
25 the book on criminal procedure?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: And do you understand that you're bound
3 to know those rules to be able to represent yourself?

4 THE DEFENDANT: Yeah, that's under rules.

5 THE COURT: Do you have the rules of evidence, the
6 book on the rules of evidence with you?

7 MR. D'ANGELO: Right here.

8 THE COURT: Well, that's the book of evidence. I was
9 talking about --

10 MR. D'ANGELO: You said criminal procedure, I
11 apologize.

12 THE COURT: That's okay.

13 MR. D'ANGELO: I don't have that here, but I have a
14 copy at my office.

15 THE COURT: And if you could go over that. Sir, have
16 you gone over the rules of criminal procedure? Do you know how
17 many rules there are?

18 THE DEFENDANT: I don't know how many rules there are
19 off the top of my head, but I'm pretty sure that it's like
20 70-something.

21 THE COURT: No. Actually, bear with me one second.

22 THE DEFENDANT: I know 70 by sections, broken down to
23 different things, like, I -- I know that --

24 THE COURT: I'm talking about the rules of criminal
25 procedure which would apply to this, not all the other rules.

1 MR. D'ANGELO: I have them right here, Your Honor.

2 THE COURT: Not of the rules apply in this court.

3 MR. D'ANGELO: We have a copy of them right here,
4 Your Honor.

5 THE COURT: Okay. Oh, you got them on the computer?

6 MR. D'ANGELO: Yes, ma'am.

7 THE DEFENDANT: I'm very familiar, just to let the
8 Court know, I'm very familiar with criminal -- the 90 days that
9 I was locked up miscellaneously and feloniously, I was doing
10 my -- I studied there, too, with Westlaw, but before that, I
11 have books like these at my house. My mother actually works at
12 a law firm down the street, so she has a lot of these books
13 that I actually, I keep, and I, you know what I'm saying, study
14 --

15 THE COURT: But you don't live with your mother,
16 right?

17 THE DEFENDANT: No, I don't live with her, but I have
18 a very good relationship with her, and anytime I have legal --

19 THE COURT: But your mother's not a lawyer, correct?

20 THE DEFENDANT: No, she don't have to be a lawyer to
21 --

22 THE COURT: And in what capacity does she work in a
23 law firm?

24 THE DEFENDANT: I don't want to give all her personal
25 information about where she works at but the whole point of me

1 bringing up where --

2 THE COURT: Well, sir, you raised it, so you said
3 that you have --

4 THE DEFENDANT: Yes.

5 THE COURT: -- turned to her for advice, so --

6 THE DEFENDANT: The point of what I'm trying is say
7 is --

8 THE COURT: In what capacity does she work in the law
9 firm? Is she a paralegal? Is she a secretary? Is she an
10 administrative assistant?

11 THE DEFENDANT: I don't want to get into technicals
12 of what her title is because I don't know off the top of my
13 head, but the reason I brought up that she works there is just
14 to -- to let the Court know that I do have access to these type
15 of books, and I have a lot of them. South Carolina rules,
16 South Carolina rules, all that stuff.

17 THE COURT: Sir, there are 40 criminal rules. Are
18 you familiar with them?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: And how are you familiar with them?

21 THE DEFENDANT: Like I said, I've studied them
22 multiple times. I've read them multiple times, and in certain
23 time or certain experiences like the time at the preliminary
24 hearing in Berkeley County when I was representing myself, I
25 used the Rules of Criminal Procedure, Rules of Evidence, all

1 those things to get that case thrown out at the preliminary
2 hearing because a lot of the similarities in that case are in
3 this case, so that's how I know for a fact what I'm saying is
4 actually what I'm saying truth.

5 THE COURT: Sir, what charges are pending against
6 you?

7 THE DEFENDANT: Threatening the life of a public
8 official.

9 THE COURT: And what's the range of penalty for that
10 offense?

11 THE DEFENDANT: I think the maximum was five years.

12 THE COURT: And is it a felony or misdemeanor?

13 THE DEFENDANT: It's a felony but --

14 THE COURT: Sir, do you understand the seriousness of
15 these offenses?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Sir, do you understand your
18 constitutional rights?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: This is a 65 percent offense; is it not?

21 MR. D'ANGELO: Yes, ma'am.

22 THE COURT: Sir, I would advise you that it is never
23 a good idea for someone who does not have a law degree to
24 represent themselves, in fact, it's not a good idea for someone
25 with a law degree to represent themselves. There's certain

1 dangers inherent in self-representation, and it is always
2 advisable to have legal counsel. I need to advise you that if
3 you cannot afford a lawyer, a lawyer will be appointed to you
4 at no cost. Knowing all of this and having been advised that
5 it is contrary to your best interest to represent yourself, is
6 it still your desire to represent yourself?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: Mr. D'Angelo, would you and Mr. Henley --

9 MR. D'ANGELO: Henley.

10 THE COURT: Henley. How do -- I said Henley. I have
11 a Mr. D'Angelo, I'm like, I know that's Mr. Henley, am I like
12 -- because, you know, I'm --

13 MR. D'ANGELO: Well, the second I said it.

14 THE COURT: You know, I like, yeah, you know I like
15 getting people's names right, and so I was thinking to myself,
16 I knew that's Mr. Henley.

17 MR. D'ANGELO: Yeah.

18 THE COURT: Would you and Mr. Henley be averse to
19 remaining as standby counsel for Mr. Charles if the Court were
20 to determine that he could represent himself?

21 MR. D'ANGELO: Absolutely, Your Honor.

22 THE COURT: So you would be okay with that?

23 MR. D'ANGELO: Yes, Your Honor.

24 THE COURT: Okay. Sir, do you understand what
25 standby counsel is?

1 THE DEFENDANT: I understand what standby counsel is
2 in a federal sense. Is it exactly the same?

3 THE COURT: I don't know. Tell me what your
4 understanding of it is.

5 THE DEFENDANT: It's basically just somebody to help
6 you with technical -- basically, technical things, but in my --
7 in my understanding of all of the fiduciary incidents and
8 things that go on behind the scenes with bonds and all that,
9 that's one of the main reasons I don't want anybody --

10 THE COURT: Well, sir, you're out on bond, so that's
11 not applicable.

12 THE DEFENDANT: I'm not talking about that.

13 THE COURT: I need to know if you understand what
14 standby counsel is.

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: Okay. Tell me in your own words what is
17 standby counsel.

18 THE DEFENDANT: Standby counsel is basically just the
19 State or, yeah, the State basically deciding to --

20 THE COURT: No, sir. The State has nothing to do
21 with standby counsel.

22 THE DEFENDANT: I'm saying the State is leading them
23 on the case so they can basically help with --

24 THE COURT: The State has nothing to do with whether
25 you can have legal counsel or not, that's solely within the

1 Court's prerogative.

2 THE DEFENDANT: Yeah, that's what I'm saying, it's
3 the Court, the State, the State, the Court.

4 THE COURT: I'm the Court. I'm the constitutional
5 officer of the State of South Carolina, but I'm the Court. I
6 don't have any advocacy as to regards of State of South
7 Carolina pursuing charges against you. I told you very
8 clearly, it really doesn't matter to me whether you're
9 convicted or acquitted. My only job is I'm the referee. I
10 make sure everybody gets to say everything they need to say and
11 there's an equal and level playing field. It doesn't matter to
12 my day one way or another whether the Jury cuts you loose or
13 they convict you. My only concern is that everybody has the
14 fair ability to present their case according to the rules of
15 evidence and the rules of procedure. I call balls and strikes.

16 THE DEFENDANT: Well, my understanding of what
17 standby counsel is basically they're here to assist you in your
18 representation of yourself, but they are still there to assist
19 you.

20 THE COURT: They basically stand in the shadow.
21 Sometimes they're called shadow counsel, sometimes they're
22 called standby counsel. What they do is they stay here, they
23 observe the proceedings, if you have any questions about how to
24 navigate the process, they're here to assist you.

25 THE DEFENDANT: Well, let me just ask for

1 clarification.

2 THE COURT: Sure.

3 THE DEFENDANT: They're not in any kind of way the
4 authorized representative of the State in that capacity?

5 THE COURT: I'm sorry, I don't understand what you're
6 asking.

7 THE DEFENDANT: Working in the capacity as a standby
8 counsel is in no way that they have some kind of --

9 THE COURT: Lawyers who represent defendants have no
10 connection with the State of South Carolina. They want to win.
11 They're not to help them.

12 THE DEFENDANT: That's not what I -- nevermind.

13 THE COURT: Yeah. I'm trying to figure out what --
14 they have a different role in advocacy. It's the State's
15 responsibility or within the scope of what they do to try to
16 convict you. It's your defense counsel's scope of
17 responsibility to advocate for you zealously so that anything
18 that's available to you, they can bring it to the Jury's
19 attention to make sure that you are not convicted, so they
20 don't work for the State.

21 THE DEFENDANT: No, it's just my understanding that
22 when you -- when a -- a public defender is appointed --

23 THE COURT: A public defender is an employee of the
24 County of Charleston, they are not employees of the State of
25 South Carolina.

1 THE DEFENDANT: My understanding of the -- of when
2 the public defender represents somebody, somebody in a case
3 that, like you just stated earlier when I was trying to speak
4 to you, you basically were saying that it's your choice that
5 you don't have to hear me because, basically --

6 THE COURT: I don't. When Mr. -- as long as Mr.
7 D'Angelo is your attorney, I don't have to hear arguments from
8 you because there's something called hybrid representation --

9 THE DEFENDANT: That's what I'm trying to get to.

10 THE COURT: -- that the law does not recognize.

11 THE DEFENDANT: That's what I'm trying to get to.

12 THE COURT: But to be lenient, I let you say
13 everything you wanted to say.

14 THE DEFENDANT: No, I'm just trying to ask you for
15 clarification.

16 THE COURT: No. You were -- if I let you represent
17 yourself pursuant to Faretta, you say whatever you want to say
18 in front of this Jury at your own risk.

19 THE DEFENDANT: I know that, but --

20 THE COURT: And if you have any questions about how
21 to navigate the system, they'll be sitting at the table with
22 you to answer.

23 THE DEFENDANT: No. The only question I have is
24 nothing to do with that, it has to do with the capacity and the
25 legal standing of the people in question, is what I'm saying.

1 So when, like you said, if you appoint somebody over my person,
2 basically, you were stating that they can't talk directly --
3 you can't talk directly to me. So what that conveys to me is
4 that there is some kind of --

5 THE COURT: Sir, do you know why we do that?

6 THE DEFENDANT: I that's what I'm saying.

7 THE COURT: We did that so you won't inculcate
8 yourself, so you won't say things that can incriminate you.
9 Because I have to be honest with you, everything that you've
10 said today can be used against you.

11 THE DEFENDANT: I'm just saying, my question --

12 THE COURT: I just need you -- that's why we don't
13 let criminal defendants talk when they have lawyers, because
14 lawyers know how to filter what needs to be said and what
15 shouldn't be said.

16 THE DEFENDANT: I'm just saying the Court contract --

17 THE COURT: So the reason we don't -- so the reason
18 -- there's no contract, sir.

19 THE DEFENDANT: That's all I'm saying.

20 THE COURT: There's no contract. A contract is
21 something that is consummated when you pay money and you get
22 some valuable consideration. You have no contract with Mr.
23 D'Angelo.

24 THE DEFENDANT: There is some kind of contract set up
25 --

1 THE COURT: No, sir, only if you went out and hired a
2 private attorney would you have a contract, and that's only for
3 services, and that contract is only to make sure you pay them.

4 THE DEFENDANT: Well, I'm just --

5 THE COURT: So clarify --

6 THE DEFENDANT: -- just trying to make sure -- I'm
7 just trying to --

8 THE COURT: -- for me what you're asking.

9 THE DEFENDANT: I'm just trying to make sure that
10 it's basically saying that him being my public defender, you
11 can't hear directly from me.

12 THE COURT: You're way back in a whole another
13 conversation from an hour ago that's not germane to what we're
14 talking about right now.

15 THE DEFENDANT: You've got to let me finish. It's a
16 callback. What I'm saying is, you bringing that up to me lets
17 me know that there's a difference in capacity and standing when
18 we're in this section like that because you can't legally speak
19 to me. You only can legally hear them.

20 THE COURT: And it's for your protection.

21 THE DEFENDANT: But I'm just -- all I'm only trying
22 to ask for clarification is that a standby counsel, is that --
23 that same relationship is now separate, correct? Or is it the
24 same --

25 THE COURT: Let me define for you again what standby

1 counsel is or shadow counsel. It means they sit at the table
2 with you --

3 THE DEFENDANT: I know what they do, I'm saying the
4 contractually --

5 THE COURT: And if you have -- there's no contract,
6 sir.

7 THE DEFENDANT: So there's no --

8 THE COURT: There's no contract that exists between
9 -- even if he was still your lawyer and I didn't relieve him,
10 there is no contract you have with Mr. D'Angelo.

11 THE DEFENDANT: So how -- nevermind.

12 MR. D'ANGELO: I think what he wants to clarify is
13 that I will not be making any arguments for you --

14 THE COURT: No. You just -- he'll be -- if I let
15 you -- and I need you to -- because you have some
16 predispositions and you sort of get stuck in your head where
17 you are and you really don't listen clearly to what I'm saying
18 because you're sort of stuck at what you want to hear, so you
19 really sometimes don't really listen to what the Court is
20 saying and articulating because you're so stuck where you are,
21 so let me be clear as to what I'm saying.

22 If I were to decide that you are competent to represent
23 yourself pursuant to the Faretta doctrine, I would be inclined
24 to leave Mr. D'Angelo and Mr. Henley as your standby or shadow
25 counsel, so that if you had any questions, procedurally,

1 evidence, or otherwise, that they would be able to answer it
2 for you so that you will be able to navigate what is a very
3 complex system that you seem to think is simple. It is not.
4 Every action has a consequence. Every word has a consequence.
5 Every argument has a consequence. Every question you ask has a
6 consequence. And so I would feel better, and I have not made a
7 decision yet, because I need to think about it when I've had
8 some sustenance and my brain is clear about whether you are
9 competent pursuant to Faretta, which I'm going to go read again
10 and make sure that you're competent to represent yourself. I
11 have to, whether you agree with me or not, make a decision that
12 I perceive is in your best interest. So, I would go back and
13 think about it, if I decide that you're capable and competent
14 to represent yourself I would be inclined to allow these able
15 and competent attorneys to act as standby or shadow counsel so
16 that if you have any questions during this process that you can
17 ask them.

18 THE DEFENDANT: I understand that completely. The
19 only question I had was if -- if I need -- like what was the
20 change? Like what was the change --

21 THE COURT: The change is --

22 THE DEFENDANT: -- legally, like --

23 THE COURT: -- you would be representing yourself,
24 and --

25 THE DEFENDANT: -- it's not -- it's not even a big

1 deal. I was asking --

2 THE COURT: The change is by allowing you to
3 represent yourself and I make them standby counselors, you
4 representing yourself and you proceeding at your own peril.

5 THE DEFENDANT: I understand that part. I was
6 talking about the legal part of it.

7 THE COURT: That is the legal part of it.

8 THE DEFENDANT: I'm saying when you were saying
9 earlier, you was, like --

10 THE COURT: Earlier -- let me be clear.

11 THE DEFENDANT: -- earlier.

12 THE COURT: If he's your lawyer, you can't talk.

13 THE DEFENDANT: That's all I'm saying. That's my
14 point. So now that he's not my lawyer --

15 THE COURT: I haven't said that yet, I told you I'm
16 going to think about it. Let me help you understand so we're
17 clear. If Mr. D'Angelo is your lawyer and he's still appointed
18 as your lawyer and I --

19 THE DEFENDANT: That's what I'm saying.

20 THE COURT: -- and I decide --

21 THE DEFENDANT: I was --

22 THE COURT: Let me finish since you said I have not
23 been clear. Let me be clear. If I decide, pursuant to
24 Faretta, that you're not competent to represent yourself, Mr.
25 D'Angelo will remain as your counselor. No, you will not be

1 able to speak because there is no hybrid representation. The
2 law presumes that he's acting in your best interest and he
3 knows what you should say and what you shouldn't say because
4 you have the right to remain silent. Nothing you say can be
5 used against you. You have no burden in a criminal case. The
6 burden remains on State to prove your guilt beyond a reasonable
7 doubt which means you can sit at that table and say absolutely
8 nothing. There is no burden imposed on you. You can sit
9 through this whole trial. You don't even have to make opening
10 or closing argument. The burden is on them. You can sit there
11 like a lump on a rock and say nothing the entire time, and I
12 would instruct the Jury that that's your right. You have
13 nothing to say. You don't have to have anything to say.
14 You have no burden of proof. But I have been very lenient and
15 I've allowed you to speak in spite of the fact that you have
16 appointed counsel because you said you had a burden to let me
17 know what was on your mind, so I let you do that. Now, if I
18 were to decide on the other side of that spectrum that you are
19 competent to represent yourself, that you have a working
20 knowledge of the rules of evidence and procedure, that you
21 understand your constitutional rights, that you understand the
22 range of penalty, that you understand the jeopardy that you are
23 putting yourself in, and that you are doing that freely and
24 voluntarily and of your own will with no mental disabilities,
25 you're not under the influence of any drugs or alcohol, no

1 duress, and that you have been advised that you could have a
2 free warrant, but in spite of your best interest, you have
3 waived it, then you can say whatever you want to.

4 You do whatever you want to, but it's at your own peril, and
5 you cannot later come back and complain about that because you
6 would have decided and been adamant with the Court that you
7 wanted to represent yourself. So now you won't be able to file
8 a PCR against either one of these attorneys because they're
9 what we call shadow counsel, so now you've let them off the
10 hook, ethically and responsibly for anything you do, because
11 you said that you're competent to represent yourself. You feel
12 like you know the law well enough to articulate your positions
13 and any defenses. So that's the difference.

14 But they'd be able to sit at the counsel table with you, and
15 let's say an evidentiary issue comes up, and you don't know
16 what the answer is, you'd be able to ask them: Should I make
17 an objection about this? What would be the basis of my
18 objection? Because you don't get to just stand up and say, I
19 object, because I don't take speaking objections, so you're
20 going to be able to have to articulate what your objection is,
21 whether it's relevance, leading. Why? Whatever it is, you're
22 going to have to be able to articulate that in one or two
23 words. You don't get to just run on and talk about it in the
24 presence of the Jury. I don't entertain that, which is my
25 prerogative as the Court, because in my mind, any lawyer or

1 anybody else appearing before this Court should have a more
2 than adequate handle on the rules to be able to do that.
3 I shouldn't have to send a jury out every time you have an
4 objection because you're not able to cogently state for me what
5 the basis of your objection is, so if you stand up and say, I
6 object, I will say, what's the basis of your objection, and
7 you're going to have to be able to tell me what it is in one or
8 two words. And then if I feel like I need argument, I'll
9 excuse the Jury, I'll have argument on the motion from both
10 sides, and I'll rule. If I don't feel I need argument, I'm
11 going to rule and I will cite what the basis of my ruling is.
12 So that's why you have standby counsel. If there's evidence to
13 be brought in, like for example, the State says, we want to
14 introduce the DVD, or, we want to introduce, whatever, I'm
15 going to say, do you have any objection to that, and you're
16 going to have to be able to tell me what the basis of your
17 objection is, or to say, I don't have an objection. And if you
18 have a question about that, Mr. D'Angelo and Mr. Henley can
19 answer it for you, but that's one of the things we're going to
20 have to deal with, which is the admissibility of the reported
21 -- purported threats you made against the victim. Because
22 there is, according to the State and Mr. D'Angelo,
23 contemporaneous evidence that was recorded at the time where
24 you purportedly uttered these threats, so you have to have a
25 handle on what is required in terms of them producing that

1 evidence and they're here to ask and answer any questions if
2 you don't understand or if there's something you want to
3 consult with them about. That's the purpose of standby
4 counsel. So did I make it clear for you? Do you understand
5 the difference now?

6 THE DEFENDANT: I mean, I've been already
7 understanding what you meant by what standby counsel does, that
8 was sort of a different question that I was asking.

9 THE COURT: I'm confused. What question are you
10 asking?

11 THE DEFENDANT: It doesn't even matter anymore. I
12 just have to state for the record, not to prolong it, not to
13 get anybody up in arms, but I have to state correctly a couple
14 of things you just said that I have an objection to, you said
15 two things that I have an objection to. You said that: Even
16 if you would allow him to be my representation, which I don't
17 understand and do --

18 THE COURT: Sir, I haven't made a decision.

19 THE DEFENDANT: I'm saying --

20 THE COURT: I'm just giving you the scenarios.

21 THE DEFENDANT: I know. I -- that's what I'm going
22 to do, to give you the scenario. You said even if I still
23 wouldn't be able to speak because then you don't accept hybrid
24 representation.

25 THE COURT: The law does not -- the Supreme Court

1 said there's no hybrid representation.

2 THE DEFENDANT: Okay, that's what I'm objecting to
3 right now. I want --

4 THE COURT: Sir, there's no basis for you to object
5 to it. The Supreme Court has said what it is, and I have to
6 follow it.

7 THE DEFENDANT: You just told me a second ago.

8 THE COURT: Sir, I haven't made a decision yet, so
9 it's just premature.

10 THE DEFENDANT: I know, but you said if I have an
11 objection to state it and then you can --

12 THE COURT: If you're representing yourself.

13 THE DEFENDANT: But I'm just saying, the objection to
14 what you just said is that there is in the South Carolina State
15 Constitution, Section 14 clearly states: Anybody accused of
16 any crime in the State of South Carolina has the right --

17 THE COURT: The South Carolina Supreme Court said
18 there's no hybrid representation. That's the end of the issue.
19 Is there any other question you wanted to ask me? I haven't
20 made a ruling yet. I need time to think about it.

21 THE DEFENDANT: I'm not -- I'm not -- I'm not arguing
22 with you right now. I'm just putting on the record where I --
23 where I disagree with you.

24 THE COURT: Sir, there's nothing to put on the
25 record. The Court hasn't ruled yet.

1 THE DEFENDANT: I understand that, but when the Court
2 says certain things --

3 THE COURT: You don't get to volley back and forth
4 with the Court. It doesn't work like that. I wouldn't
5 entertain it with lawyers, and I'm not going to entertain it
6 with you.

7 THE DEFENDANT: I'm just saying, but I -- my
8 understanding --

9 THE COURT: Actually, if the lawyers did it, I'd
10 report them to ODC with a recommendation of discipline, and
11 they would get a public reprimand, so I need you -- you are
12 bound by the same rules. You don't get to disagree with me
13 when I tell you what the law is, and I made a statement. You
14 and I are not advocates. We're not in some colloquy about
15 what's right or wrong, and your behavior is not appropriate.
16 So I'm letting you know that in the event that I say you can
17 represent yourself, that's one of the guiding principles you're
18 going to have to abide by. When the Court makes a ruling, the
19 rules provide there is to be no further argument. So once the
20 Court says something, the rules say you can't talk no more.

21 THE DEFENDANT: Ma'am, all I'm trying to say is --

22 THE COURT: Please show him the rule.

23 THE DEFENDANT: All I'm trying to say is this, right
24 here.

25 THE COURT: No, sir, you're continuing to talk even

1 though I told you that that's inappropriate and I need you to
2 be able to conform your behavior to the rules of court.

3 THE DEFENDANT: So I can't respond?

4 THE COURT: No, sir. It's not a colloquy. Once the
5 Court makes a statement, that's the end of it.

6 THE DEFENDANT: Once the Court makes a statement?

7 THE COURT: That's what the rules say. I need you to
8 familiarize yourself with it.

9 THE DEFENDANT: Ma'am, I'm giving you a rule right
10 now, that's my point. You're basically saying that what I'm
11 saying is not true.

12 THE COURT: No, sir. What the Court does is it
13 listens to one side, it listens to the other side, it makes an
14 observation, that is called a ruling. Once it is done, that's
15 it, you don't get to talk anymore.

16 THE DEFENDANT: Can I ask --

17 THE COURT: You've already stated the basis of why
18 you disagree.

19 THE DEFENDANT: Can I ask --

20 THE COURT: I've already listened to it.

21 THE DEFENDANT: Can I ask a question?

22 THE COURT: Sure.

23 THE DEFENDANT: The question that I'm asking right
24 now is, does Section 14 of --

25 THE COURT: Sir, I'm not going to answer that

1 question. I've already put that to bed, you're trying to
2 circumvent what I just told you.

3 THE DEFENDANT: I'm just trying to --

4 THE COURT: Alright. Mr. Zeigler, you've been
5 incredibly patient, and you have not had one opportunity to
6 respond to any of what has been over a two-hour -- we've been
7 doing this since about 12:00. We're now approaching 3:00, and
8 I know you're hungry, and I want to give you, however, an ample
9 opportunity to preserve anything for this record that you would
10 like to state and I will assure you that I will be as patient
11 with you as I have been with Mr. Jean-Charles and you state
12 anything you need to for the record.

13 MR. ZEIGLER: Thank you, Your Honor.

14 THE COURT: You're welcome.

15 MR. ZEIGLER: May it please the Court?

16 THE COURT: Yes, sir, you may proceed.

17 MR. ZEIGLER: Regarding the initial stuff about
18 continuances, I would like to point your attention to page 13
19 of my pretrial brief, which you can look at in chambers after
20 we're done here today, before you rule on anything. There are
21 two paragraphs in there which are included in the video that is
22 provided, so you'll hear it when you watch the full video in
23 review of our -- the Defense's Rule 403 motion, but I just want
24 to point your --

25 THE COURT: One quick second while this is on my mind

1 because I'll forget. Mr. D'Angelo, I need you to go over every
2 version of this video with Mr. Jean-Charles so that he is fully
3 versed on what they show so that when we take up that issue
4 about the admissibility of which version, that he will be able
5 to speak or -- if I let him represent himself, that he will be
6 able to speak articulately about which version he could either
7 disagrees with or agrees with.

8 MR. D'ANGELO: Yes, ma'am.

9 THE COURT: So I have three versions. I have a full
10 version, I have a version that is redacted without audio.

11 MR. D'ANGELO: Without audio.

12 THE COURT: Yeah, and I have a redacted version that
13 isolates the threats with nothing else on it.

14 MR. ZEIGLER: Oh, yeah, it just has notes stating
15 what you just said. You've got the version.

16 THE COURT: Yeah. Oh, thank you. So yeah, there's a
17 full version, there's a version that's redacted prior DUI
18 mention of continuances, and there's a redact all but the
19 alleged threats. So I need you to go over all three of those
20 with him today before he leaves so he can have watched them, he
21 knows what is contained on them so that in the event the Court
22 allows him to represent himself, he'll be able to make a clear
23 argument regarding the admissibility of whichever one of those
24 the Court decides is appropriate, and I assure you, I will
25 watch them this afternoon. I will look at them and then I will

1 be able to tell you all which one I think, in terms of the
2 rules of evidence, is appropriately admitted, because as we
3 know, video recordings are self-authenticating and absent some
4 allegation that they have been hypothecated, they come into
5 evidence. I've not heard anything that they would not be
6 relevant because they establish the elements of the offense of
7 16-3-1040, and I've already made you all aware that I think the
8 least reference to anything else is the better course of
9 proceeding, and the elements of threatening a public official,
10 which is 16-3-1040(a) really deals with the threat made.
11 It really doesn't matter how the person came into custody, it
12 doesn't matter what the other attendant circumstances would be,
13 the only elements the State has to meet beyond a reasonable
14 doubt is whether, in fact, he made a threat, knowingly and
15 willfully, which he was consciously, not accidentally or
16 inadvertently, to deliver or convey to a public official or to
17 a teacher or principal of an elementary or secondary school,
18 any letter or paper, writing, print, missive, document, or
19 electronic communication, or what would be applicable in this
20 case, or a verbal, or electronic communication which contains a
21 threat to take the life of or to inflict bodily harm upon the
22 public official. And I think the rest of the language really
23 would be inapplicable, the teacher, principal, I'll have to
24 listen to the tape because I don't know if threats were made
25 toward the person in the immediate family.

1 MR. D'ANGELO: It was not, Your Honor.

2 THE COURT: So all of that stuff, I would -- you
3 know, it's pretty clear cut, almost a strict liability type of
4 statute, directly related to the public official's professional
5 responsibilities, and I think that the stipulation that you all
6 have worked on is really, I think, on point, and it really
7 eliminates the need for any other reference to anything else,
8 in other words, any charges he may have had otherwise, because
9 if we let that in, then I would have to give curative
10 instruction, and it's almost like un-ringing a bell, and since,
11 you know, the elements are pretty clear cut, I really don't see
12 the need to have anything other than the threats themselves,
13 because that's the element.

14 MR. D'ANGELO: Yes, Your Honor.

15 THE COURT: But go ahead. While it's on my mind, I
16 need him to show him all of the copies of the video.

17 MR. D'ANGELO: I'll make him copies of the exact
18 videos that you have. I have, actually, editing software on my
19 computer here and we can watch them once we're done.

20 THE COURT: That's perfect, and really, what you
21 might want to do is ask the aid of the clerks, and you can
22 watch them on this monitor.

23 MR. D'ANGELO: Yeah, and see how they are actually --

24 THE COURT: Try to watch it on that small screen of
25 the -- and actually what we may do is, once I let you make your

1 argument, we may watch version D.

2 MR. ZEIGLER: Okay.

3 THE COURT: Do y'all have version D up on your
4 computer where we --

5 MR. ZEIGLER: Yes.

6 THE COURT: -- can type it in and watch it?

7 MR. ZEIGLER: Yes, I do.

8 THE COURT: I think that might --

9 MR. ZEIGLER: This would be right before --

10 THE COURT: -- be the best. Yeah, because it's,
11 like, eight minutes; isn't it, or something like that?

12 MR. ZEIGLER: So that one is actually, like,
13 26-minutes long, however --

14 THE COURT: How long are the threats themselves?

15 MR. ZEIGLER: About 30 seconds each. I --

16 THE COURT: That's all I need to see.

17 MR. ZEIGLER: Okay.

18 THE COURT: I don't need the rest.

19 MR. ZEIGLER: I --

20 THE COURT: Yeah.

21 MR. ZEIGLER: I would like to also add that, at one
22 point in the video, he does say, I hope they play the whole
23 video for the Court and in front of the Jury so they can see
24 how big of a dumb bitch you are, and so we think the totality
25 of the circumstances and --

1 THE COURT: I don't know.

2 MR. ZEIGLER: -- the amount of times that he calls
3 her a bitch --

4 THE COURT: I have to think about that. We'll take
5 argument once we watch the video but go ahead and finish making
6 the other argument so you can make your record.

7 MR. ZEIGLER: Okay. I really don't have any argument
8 as far as his Faretta stuff or --

9 THE COURT: Well, I think you need to address his
10 arguments, one of which is that the affidavit is insufficient
11 and this case should be dismissed, that the rules and statutes,
12 according to his interpretation, have not been complied with,
13 and therefore the arrest warrant was holding, the applicability
14 of Rule 60B of the South Carolina Rules of Civil Procedure, the
15 delay, that he says that he has been prejudiced by the delay to
16 bring this to trial, and that --

17 THE DEFENDANT: Religious beliefs.

18 MR. ZEIGLER: The religious beliefs, Your Honor.

19 THE COURT: -- his religious beliefs, and that's it.
20 I think that covers all of his bases. I need you to address
21 all of those so we can have a clear break.

22 MR. ZEIGLER: Okay. Yes, Your Honor. Regarding the
23 warrant, this is standard practice in South Carolina to, once a
24 defendant is placed under arrest, a warrant is signed and
25 brought in front of a magistrate judge who then determines

1 whether or not probable cause is valid in the case and then the
2 warrant is then served upon the person who has committed the
3 alleged offense. In this case that is exactly what was done.
4 I believe it was Officer Altman who ultimately signed the
5 warrant in front of Judge Baldwin, and I think it was served
6 upon the defendant that evening at the jail.
7 Regarding Rule 60B of civil procedure, that does not apply in
8 General Sessions Court. Regarding delay, I've asked Your Honor
9 to take a look at page -- in addition to what the Court asked
10 Mr. Malone, the Clerk of the Court to do, the State's position
11 is that a lot of those hearings that the defendant claims he
12 was here for, it would have been impossible for him to be here
13 for because the courtroom may not have been even open due to
14 COVID, And if it were open he would have been permitted to
15 enter the courtroom and he would have appeared on the TVs.
16 Either way, neither was the case. Regardless, Your Honor, in
17 two specific instances denied the State's motion for a bench
18 warrant, at which point we put him on a unilateral plea docket
19 because we were not doing status conferences at that time.

20 THE COURT: So you're saying two times the State asks
21 for bench warrants, and I denied that?

22 MR. ZEIGLER: That's correct, Your Honor. Being
23 extremely lenient with the defendant, understanding that COVID,
24 you know, changed and affected a lot of people's lives, we were
25 receptive to that and then once we started back in full swing

1 in early 2022, we requested a plea, and he did not appear. You
2 issued a bench warrant on March 29th, or signed a bench warrant
3 that was ordered on the 28th, you signed that on the 29th.
4 Again, the State wanted to try the defendant on April 6th of
5 2020, however, again, due to COVID, that, obviously, was not
6 possible. I believe Shannon Elliott had actually requested
7 that date certain back in February, or maybe even --

8 THE COURT: Was the Court sat down on March, I'm
9 trying to remember?

10 MR. ZEIGLER: Yes, Your Honor. So March --

11 THE COURT: And when did they resume?

12 MR. ZEIGLER: March 9th, I think, was the last week
13 of court, I believe, and that might have been a partial week.

14 MR. D'ANGELO: It resumed, because I think I had the
15 second trial back, August of 2022.

16 THE COURT: I'm sorry?

17 MR. ZEIGLER: They resumed back, because I had a
18 second trial back, in August of 2022.

19 MR. D'ANGELO: It was 2021, I apologize.

20 THE COURT: I know we were out -- I know we didn't
21 have grand jury or jury trials for, like, two years, but we
22 conducted other non-jury business by virtual means.

23 MR. ZEIGLER: That's correct, and I believe the
24 virtual non-in-person hearings proceeded in your courtroom at
25 least through the end of 2022, at least with that option --

1 THE COURT: I'm still doing them.

2 MR. ZEIGLER: Yeah, so exactly. For those who are
3 incapable of coming in, whether it's for their health reasons
4 or other reasons --

5 THE COURT: And we've done them to accommodate people
6 who live -- who have moved away because of COVID, and
7 otherwise, where it doesn't make sense for somebody to buy a
8 \$1,000 airline ticket or people who are currently incarcerated
9 and we have such low manpower that we can't transport people or
10 people who are at SCDC. I just think the Court has recognized
11 that there were some positive things that came out of COVID,
12 and there's no reason for us not to continue to utilize those
13 means.

14 MR. ZEIGLER: I agree, Your Honor, and that's just --
15 that's my argument regarding the delay. He was supposed to be
16 tried in April of 2020, and unfortunately, for everybody, that
17 didn't happen, so I wouldn't say that that's the State's fault
18 and when you look at the trial brief and watch the video you'll
19 see exactly what he's doing here today. He's at number two,
20 only, of his reasons to get a continuance. He goes through
21 four of them, the first being, he's just going to get a
22 continuance because everybody gets continuance.
23 The second being, he's going to get a continuance because he
24 wants to get a lawyer. The third being he wants to get a paid
25 lawyer. So he's only at number two. The fourth being because

1 you need proof, and so I think he's mentioning his fourth
2 reason, which he says in the video, and the second reason,
3 which is he doesn't want to have a public defender, so I'm not
4 sure if he's between two and four or if he's just beyond all
5 that, but regardless, he is -- the State's position is he's the
6 primary reason for this delay --

7 THE DEFENDANT: Objection.

8 MR. ZEIGLER: -- and he's even gotten charges
9 dismissed at the magistrate level because of his intentional
10 delay. He is also --

11 THE COURT: Sir, if you would talk with Mr.
12 D'Angelo, you'll realize that there's no basis for you to
13 object. He's making argument, and that is his prerogative to
14 state to the Court his perception of the facts. You don't get
15 to object to that. The same way he doesn't get to object to
16 your perception of the facts. You may continue. Do not speak,
17 Mr. Zeigler is speaking. I've allowed you to speak
18 uninterrupted, he will speak uninterrupted. You may continue.

19 MR. ZEIGLER: Thank you, Your Honor. Regarding
20 religion, the defendant, while he was currently under
21 suspension, his license is under suspension, he's actually HTO
22 through 2027. The State's position on his religion, and we
23 don't really care what his religion is, he has a driver's
24 license in the state, he has to submit to the, you know, rules
25 and regulations, the laws of the state, I don't think that that

1 really pertains to the matter at hand. I think I covered all
2 of his points, but for a Faretta hearing, we do not object to
3 him having standby counsel, or if he wants no standby counsel,
4 that's fine with us, as well, and obviously -- I would also
5 propose that maybe we do a bench trial in this case, sparing
6 the Jury coming back tomorrow, but, of course, the defendant
7 would have to consent to that.

8 THE COURT: I don't think he's going to consent to
9 that because he doesn't think I'm -- I've been impartial with
10 him, and I --

11 MR. ZEIGLER: Alright. That's --

12 THE COURT: -- and frankly, I wouldn't put myself in
13 that position. I think 12 people need to make the decision
14 about whether State's met their burden of proof or not.

15 MR. ZEIGLER: Okay. And I don't have any further
16 arguments.

17 THE COURT: Yeah. Jury trials were suspended 04/03
18 of 2020, they resumed 06/01 of -- no, they couldn't have
19 resumed 06/01 of -- yeah, I don't need that. I need to know
20 when the trials were. Jury trials were shut down by the Chief
21 Justice beginning March 18th of 2020, and they did not resume
22 until 04/05 of 2021, and even then we had a significant backlog
23 and if I go back and look at my statistics, every time we tried
24 to set something everybody's office came down with COVID. It
25 was either a witness, a staff member or a member of law

1 enforcement, somebody had COVID. Most of what we scheduled,
2 despite our ardent attempts, things just didn't go forward, and
3 it wasn't anybody's fault, it was just the nature, we hadn't
4 had the vaccines yet, at least vaccines weren't available to
5 the age group that we were dealing with, but once everybody
6 started getting vaccinated, I think that's when we really
7 started, even then, though, because I remember when y'all's
8 public defenders conference, half the office came back with
9 COVID and they were vaccinated. You know, you just -- it's
10 just one of those things, it was a pandemic, it was a national
11 disaster, there's nothing anybody could do, it wasn't anybody's
12 fault, you know, it just is what it is. We had to just
13 confront it and deal with it the best that we could. So just
14 for the record, that's when trial -- so if he was set to be
15 tried 04/06 of 2020, then trials would have already been shut
16 down two weeks prior to that by order of the Chief Justice and
17 they did not resume and he would not have been at the top of
18 the docket in any event when they resumed in April, but as we
19 all know, we have a rolling docket, and only certain things are
20 date certain and Mr. Charles's case certainly would not have
21 been a date certain. You know, you get called, and if you get
22 reached, you get reached and if you don't, you don't. It's
23 just, unfortunately, we do not have the resources Federal Court
24 has to have everything as a date certain.

25 MR. ZEIGLER: Yes, Your Honor.

1 THE COURT: Yes.

2 MR. ZEIGLER: Lastly, I did send a requested charge
3 to Judge McCoy's chambers. I provided this to Mr. D'Angelo.
4 It just simplifies --

5 THE COURT: So can you just submit it to me so I can
6 look at it and I'll have it marked as a Court's exhibit?

7 MR. ZEIGLER: Yes, Your Honor. I've marked it, and I
8 have a hard copy you can look at as well.

9 THE COURT: Sure.

10 MR. ZEIGLER: May I approach?

11 THE COURT: Sure.

12 MR. ZEIGLER: Thank you.

13 THE COURT: You're welcome.

14 MR. ZEIGLER: And this just simplifies basically what
15 you said earlier on the charge. It eliminates the need, the
16 unnecessary need to confuse the issues with --

17 THE COURT: Yeah, but I have statutes that define
18 bodily harm as well as what -- and we don't need to instruct on
19 public officials because y'all have stipulated to that, and
20 then I'll have to still define knowingly and willfully, which
21 we have case law that defines those.

22 MR. ZEIGLER: Yes, Your Honor.

23 THE COURT: But I'll have a charge conference, I
24 always do that so you can know exactly what I'm going to
25 instruct and so I get feedback from you because I don't think

1 in a silo, and it always helps me for people to make
2 suggestions because, you know, hey, I might learn something, it
3 happens.

4 THE DEFENDANT: I need to respond to something that
5 he said.

6 THE COURT: I'll give you in a moment as soon as he's
7 done. Yes, sir?

8 MR. ZEIGLER: Your Honor, I believe that's all. The
9 State has no further argument.

10 THE COURT: Can you all go ahead and start cueing up
11 the video?

12 MR. ZEIGLER: Yeah, I've gotten it ready.

13 THE COURT: The D1? Or do you want the D1 do you
14 have it on your hard drive?

15 MR. ZEIGLER: I've gotten it saved on my computer,
16 yes, Your Honor.

17 THE COURT: Go ahead and cue it so we can watch it.
18 Sir, what did you want to tell me?

19 THE DEFENDANT: I want to just go ahead and clarify.

20 THE COURT: I need you to stand, sir, when addressing
21 the Court. Yes, sir?

22 THE DEFENDANT: I need to clarify all the falsities
23 and the lies that he just put on the record.

24 MR. ZEIGLER: Sir, please don't make any
25 characterizations regarding Mr. Zeigler or his character. It's

1 not appropriate according to the rules of ethics or the rules
2 of procedure. If there's something that you want to respond
3 to, you should just respond to it. You know, I won't let him
4 make characterizations about you, and I'm not going to allow
5 you to make characterizations about him.

6 THE DEFENDANT: I didn't make characterizations about
7 him.

8 THE COURT: It is a characterization when you
9 basically call him a liar because that's what you just did.

10 THE DEFENDANT: Well, when --

11 THE COURT: And I hate to sound so blunt, but I don't
12 know any other way to say what you said.

13 THE DEFENDANT: That's not -- that's a
14 characterization of what he said.

15 THE COURT: That's a characterization of what you
16 just said. You believe it's a lie. What you need to do --

17 THE DEFENDANT: Because I know that.

18 THE COURT: I'm just trying to help you understand
19 what the rules are because you're going to be held to them.
20 When you respond to what Mr. Zeigler says, no
21 characterizations, when Mr. Zeigler responds to what you say,
22 no characterizations. You get to respond to whatever you want
23 to say, but don't make any characterizations about him.

24 THE DEFENDANT: Okay.

25 THE COURT: I'd be glad to hear anything you'd like

1 to tell me.

2 THE DEFENDANT: So basically, once again, what the
3 State was basically just trying to do was just offer
4 information that is not true. It only makes his side sound
5 better, so he's basically trying to -- he's basically trying to
6 throw off the fact that the State -- the State lack in bringing
7 this case in an efficient way that the State would like these
8 type of cases to be brought. They try to avoid and lie -- not
9 lie -- falsify information about what actually happened in
10 those first three years, because I actually did receive notice
11 for a jury trial within those three years before the 1st April
12 6th meeting.

13 THE COURT: Sir, but you understand how the system
14 works, right? We don't have date certainties. You just -- we
15 have, like, we've put about 20 cases on a roster, and we try
16 one right after the other, so if you get reached, you get
17 reached, if you don't get reached, you get a notice of the next
18 trial term.

19 THE DEFENDANT: That's not my point. My point is he
20 was trying to make it seem like -- like he just stated out of
21 his mouth: He is the reason why this case has not been going
22 on. You know what I'm saying, like, he's the reason, he's
23 doing -- no, I'm not the reason, they're the reason. The other
24 two solicitors before him, none of them have brought this case
25 to trial, none of them have pushed this case forward. They was

1 all twiddling their thumbs, not worried about this case,
2 because there is no case. It's clearly on the video, and they
3 were just avoiding the break and was just trying to get some
4 kind of first. So they already got me in jail once, now they
5 got me in jail another time, that's basically what they're
6 trying to do to avoid pushing this case forward. So everything
7 he just stated --

8 THE COURT: But you're not in jail right now, right?

9 THE DEFENDANT: That has nothing to do with what I'm
10 stating.

11 THE COURT: Answer the Court's question. You are not
12 in confinement right now?

13 THE DEFENDANT: I mean, I don't think I have to
14 answer that question.

15 THE COURT: Sir, it's a yes or no question. Are you
16 currently in confinement, or are you out on bond?
17 Yes or no?

18 THE DEFENDANT: Yes.

19 THE COURT: And you're testing the Court's patience
20 because under the statute I could call your bond and put you in
21 detention until we try the case, but I'm trying to be lenient
22 and not do that --

23 THE DEFENDANT: What reason do you have to do that?

24 THE COURT: -- because I -- that's why I didn't --

25 THE DEFENDANT: What reason do you have to do that?

1 THE COURT: Oh, the law requires me to do it.

2 THE DEFENDANT: Well, what reason do you have to do
3 it?

4 THE COURT: I don't have to have a reason. The law
5 says it's mandatory that I take you into custody once your case
6 is called, but that's why I didn't swear the Jury, again, to
7 your benefit so that you could remain out and I'm going to
8 advise you on your rights of your trial in absence, but again,
9 you continue to say that we haven't been fair with you. I've
10 been -- normally, I would have --

11 THE DEFENDANT: I didn't say anything about you --

12 THE COURT: Normally, I would have already called the
13 bond once I called the case. You would had already been in
14 cuffs and you would have been going to the jail tonight and
15 resume in the morning. So I'm trying to give you as much
16 latitude as I can so that you can get all the stuff together
17 you say you want to share with Mr. D'Angelo, but --

18 THE DEFENDANT: I'm just responding to what you said.

19 THE COURT: -- don't -- when the Court asks you a
20 question it's not optional for you to answer. Again, I'm
21 holding you to the same standard I would an attorney. Do you
22 notice when I ask them a question they answer me?

23 THE DEFENDANT: That was a --

24 THE COURT: That's because they're ethically bound to
25 do so, whether my question is unreasonable or not, I get to be

1 unreasonable. You may perceive this unreasonable, but every
2 question I ask has a logical reason that's connected to a law,
3 a rule, or a statute or a case. I don't do things randomly,
4 I'm extremely methodical. I'm meticulous in everything I do,
5 and that's because I want a good record, which is in your best
6 interest, so when the Court asks you a question, same rules
7 that apply to them apply to you. You have to answer it,
8 whether you think it's reasonable or not. Questions are not
9 random. So my question for the record is, are you currently in
10 confinement?

11 THE DEFENDANT: No.

12 THE COURT: Are you currently out on bond?

13 THE DEFENDANT: Yes.

14 THE COURT: Okay. Now you may continue.

15 THE DEFENDANT: Okay. So what I was talking about
16 was what he said just now, and I was just responding to it. So
17 what he was basically saying is that I'm the reason why this
18 case has not been brought till now. That's a lie. The reason
19 that this case has not been brought in is because the burden of
20 bringing a case, which is on the State, hasn't happened.

21 THE COURT: You just stated all that.

22 THE DEFENDANT: Okay. That's one response to one
23 thing he just said, so.

24 THE COURT: Okay. So --

25 THE DEFENDANT: That's one thing he just said.

1 Another thing that happened in this case, procedural aspects of
2 this case that has been overlooked and not talked about, is the
3 fact that this case has already been dismissed once. This case
4 was dismissed once, and the only reason they got back on the
5 docket with it --

6 THE COURT: When was the case dismissed?

7 MR. ZEIGLER: Your Honor, status change form was
8 submitted for his failure to appear in, I believe, is it -- I
9 believe it was June. It would have been three months after the
10 --

11 THE COURT: Was the case, in fact, dismissed?

12 MR. ZEIGLER: It was FTA. It was placed into failure
13 to appear status.

14 THE COURT: So it was not ever dismissed?

15 THE DEFENDANT: That's not true.

16 MR. ZEIGLER: It was never dismissed. It was --

17 THE COURT: Okay.

18 MR. ZEIGLER: -- placed into failure to appear
19 status, not dismissed.

20 THE COURT: Sir, I'll let Mr. D'Angelo explain to you
21 what FTA status is. The case has never been dismissed, and our
22 records don't reflect it was dismissed, and I've looked through
23 the hard copy of this file, it was never dismissed.

24 THE DEFENDANT: The case was being dismissed. It was
25 going to be dismissed. It had a certain time limit to

1 basically, which the rules say, once the case -- order from the
2 Supreme Court, they --

3 THE COURT: Are you talking about indicting the case?

4 THE DEFENDANT: No, I'm talking about the actual
5 method of how these cases are supposed to go through the
6 system.

7 THE COURT: Yeah.

8 THE DEFENDANT: The process.

9 THE COURT: I'm trying to understand what you're --

10 THE DEFENDANT: It states --

11 THE COURT: -- referring to.

12 THE DEFENDANT: Huh?

13 THE COURT: There is no time frame when a case gets
14 dismissed, so that's what I'm trying to help --

15 THE DEFENDANT: There's a time --

16 THE COURT: As to your --

17 THE DEFENDANT: There's a time period after --

18 there's, like, certain dockets, mine's got put on a certain
19 docket. Then after that certain docket, it was basically put
20 on a dismissal docket where it was about to be dismissed.

21 THE COURT: No, sir. It was never put on a dismissal
22 docket, it was put on FTA docket, which means we couldn't find
23 you so we put it in an active status because we couldn't find
24 you and try you.

25 THE DEFENDANT: That's not correct. That's not

1 correct. I was put -- the thing was about to be dismissed
2 around in February. It was about to be dismissed around in
3 February and the only reason this case was even brought back on
4 the -- on the -- on the docket is because the attorneys, the
5 prosecutors lied on the documentation and stated that the
6 reason that we're reinstating this case is because of failure
7 to appear, but we have to be -- this is another thing that you
8 haven't addressed yet, I've stated this multiple times. There
9 was no court date on March 28th for me. I was not on the
10 docket and I was never properly served so how can I be --

11 THE COURT: Sir, I'm not going to address anything
12 until I rule and I have --

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: I have reiterated to you on multiple
15 occasions that you and I are not in a colloquy and the Court is
16 under no obligations to answer your questions.

17 THE DEFENDANT: Well, the reason I'm bringing it up
18 is just to prove a point.

19 THE COURT: When the Court gets ready to make a
20 decision, I'll address all of your arguments.

21 THE DEFENDANT: Well, yeah, I'm just saying, okay, so
22 I was arrested for a date that never was on the docket and I
23 never should have been arrested for. I was arrested for that
24 date, another violation of my procedural, constitution due
25 process -- due process rights. I was never in violation of

1 that.

2 THE COURT: Sir, you don't get to reargue what you've
3 already argued to me. I need you to respond to Mr. Zeigler.

4 THE DEFENDANT: I'm just responding to what he's
5 saying.

6 THE COURT: No, sir, you're rehashing an argument
7 that we've heard for over two hours. I need you --

8 THE DEFENDANT: No.

9 THE COURT: You're bound by the same rules. You get
10 to respond to what he said. You don't get to reargue
11 everything you've already argued.

12 THE DEFENDANT: I'm responding to what he said. He
13 stood up and said: The reason that this case ain't been
14 brought is because of him and he doing all these tactics and
15 stuff. So now I'm responding with the tactics that would
16 actually happen that were coming from him, so I don't
17 understand why I can't get all of that out.

18 THE COURT: You can respond, sir, but you don't get
19 to reargue what you've already argued.

20 THE DEFENDANT: I'm not rearguing, I'm saying the
21 tactics that the State's used is in total opposition to what he
22 just stated as a fact. He just stated as a fact that it's his
23 fault that this -- this -- this -- that this happened when the
24 actual facts support that, no, the State is the one that was
25 dragging their feet, the State is the one that was making

1 procedural due process violations against me. The State is the
2 one that was about to dismiss the case because there wasn't no
3 evidence and the only reason they dropped the case back into
4 life was because of the so-called listed court date that I was
5 never scheduled to be there for. So my whole point is all of
6 these actions are totally void for those simple reasons. You
7 can't sit there and say that somebody missed a court date for a
8 day that they never was supposed to be there for and then turn
9 around and blame them for not, you know what I'm saying, not
10 being there. At the end of the day, the reason that this case
11 is being brought right now, six years later, after this simple
12 supposed crime is because the State had a weak case and they
13 never had intentions of bringing this case in a legal form.
14 They wanted me to plead out to something, get the public
15 defender, plead out to something, or something like that. They
16 never had a true intentions of trying the case because they
17 know the law is not on their side, so now they're just
18 prolonging it and prolonging it, so now, all of a sudden they
19 want to go to trial out of nowhere when everything is in their
20 field, and at the end of the day, he's not stating the facts,
21 he's falsifying the records, I have all the proof. Like I
22 said, when I come back tomorrow I'll bring everything.
23 I'll bring all the notices, the multiple notices that's not on
24 the computer where we will research everything that happened in
25 this case. There's multiple notices that I got that don't show

1 up there, so that's another thing that's a procedural defect.
2 It's multiple procedural defects, there's multiple affidavit
3 evidential defects, there's multiple -- this whole case is
4 totally felonious, totally --

5 THE COURT: Sir, you've argued all of this before. I
6 need you to address Mr. Zeigler's argument specifically.

7 MR. ZEIGLER: Your Honor --

8 THE DEFENDANT: I heard everything he said, nothing
9 he said was true.

10 MR. ZEIGLER: May I approach with the Notice to
11 Restore, which includes the dates which would be with the FTA
12 returned?

13 THE COURT: I have it. James just looked it over for
14 me. When was it put in FTA status?

15 MR. ZEIGLER: June 10th, 2022.

16 THE COURT: And when was it restored?

17 THE DEFENDANT: Think about it, that doesn't even
18 make sense.

19 MR. ZEIGLER: July 25th, Your Honor, 2022.

20 THE DEFENDANT: But the alleged failure to appear
21 happened March 28th, so why was it ever even put into a failure
22 to --

23 THE COURT: Because when you have a bench warrant,
24 sir, and we can't find you within a certain time, it is put
25 into FTA status until we find you, because it takes it off the

1 docket so we don't have to attend to something where we have an
2 absent defendant, and once you're picked up then it comes back
3 out of FTA status, and then it goes back onto the active roster
4 of cases, but it's not a dismissal.

5 THE DEFENDANT: Okay, but inside the -- the -- when
6 they laid out how the flow of the cases are supposed to go,
7 they stay in there -- when it's put into a certain status that
8 my case was in it's basically because of a lack of evidence,
9 that's what the --

10 THE COURT: No, sir, it's a failure to appear, that's
11 what it means.

12 THE DEFENDANT: No, I'm talking about the docket that
13 was on before that point. It was already basically --

14 THE COURT: Sir, there's no such docket that exists.

15 THE DEFENDANT: So I'm not going to be able to bring
16 that tomorrow where it clearly --

17 THE COURT: Sir, I don't know what docket you're
18 referring to, but you're welcome to bring anything you'd like.

19 THE DEFENDANT: Well, you just saying it don't exist.

20 THE COURT: You're saying that a docket exists where
21 cases are on it being dismissed.

22 THE DEFENDANT: Not a docket. Not a docket. It's a
23 order from the Supreme Court that states: Due to -- State v.
24 Langley -- due to all of these times where y'all people have
25 been bringing --

1 THE COURT: Sir, we don't -- let me -- let me explain
2 some things for you. I'm on the Langley Commission. No order
3 has ever been done pursuing Langford, and it's Langford. It's
4 not Langley, and it deals with the disposition of cases --

5 THE DEFENDANT: Langford, correct.

6 THE COURT: -- it deals with the disposition of
7 cases.

8 THE DEFENDANT: So -- so --

9 THE COURT: And let me finish. Langford was a
10 commission, we have never come up with an order yet.

11 THE DEFENDANT: That's not true.

12 THE COURT: Yes, it is true.

13 THE DEFENDANT: That's not true.

14 THE COURT: I've been at the meetings. I know what
15 took place.

16 THE DEFENDANT: I'll bring the order. I'll bring the
17 order tomorrow.

18 THE COURT: Justice James has now -- I know what
19 Langford says. It talks about the delayed cases being brought
20 and the fact that the Court should handle the docket, not the
21 solicitor's office, and Langford says that it's the Court's
22 responsibility to manage the docket. An order has not yet been
23 done as to that. Justice James and Justice Hearn were just
24 appointed last year to bring conclusion to the issue so that an
25 order can be issued for the entire State of South Carolina.

1 THE DEFENDANT: Judge McGee or somebody --

2 THE COURT: It's Justice Beatty.

3 THE DEFENDANT: They're the person who --

4 THE COURT: Sir --

5 THE DEFENDANT: The order I'm talking about, that's
6 their order.

7 THE COURT: Sir, I assure you there's no order in
8 place.

9 THE DEFENDANT: Well, I'll bring it tomorrow so that
10 you can see.

11 THE COURT: When you bring it, I'll be glad to look
12 at it.

13 THE DEFENDANT: I'll bring it in tomorrow, but what
14 I'm saying is in Langford, the defendant actually argued of why
15 his --

16 THE COURT: So I'm very familiar with Langford, and
17 it's not applicable in these circumstances.

18 THE DEFENDANT: If you're very familiar with it then
19 you would know that it's not just about where the docket is
20 being handled. It's also about what the --

21 THE COURT: Sir, Langford is specifically about how
22 the docket is being handled.

23 THE DEFENDANT: Yes. But there are other principles
24 of laws discussed in that case that pertain directly to this
25 case and there's rulings -- there's rulings and citings from

1 that case that I can -- that I'm going to use in this case, but
2 I'll bring them tomorrow.

3 THE COURT: Sir, you're not going to be able to argue
4 that for the Jury, so I suggest you --

5 THE DEFENDANT: I'm not arguing it before the jury,
6 I'm arguing it before you.

7 THE COURT: But I can assure you that I'm familiar
8 with Langford, and it's no basis for your case to be dismissed.

9 THE DEFENDANT: Well, then that's a very impartial
10 decision that you just made.

11 THE COURT: It's an impartial decision based on the
12 plain and ordinary language of Langford, but I have not ruled
13 yet and I'm telling you for the record that Langford does not
14 stand for the proposition that you're arguing.

15 THE DEFENDANT: What was the proposition I'm arguing?

16 THE COURT: That somehow you're entitled to a
17 dismissal because of the Langford precedent, and you're not.

18 THE DEFENDANT: That's not what I was arguing. I was
19 --

20 THE COURT: Well, then tell me what you're arguing.

21 THE DEFENDANT: I was bringing up the Langford case
22 to point out something that you brought up earlier and how it's
23 wrong because the Langford case basically says that. Now, all
24 --

25 THE COURT: Alright. How else are you responding to

1 Mr. Zeigler's arguments?

2 THE DEFENDANT: I'm basically just responding to Mr.
3 Zeigler's arguments by saying that every single thing that he
4 just said is not true and he has no proof of it besides
5 twisting documents and facts and dates that actually don't even
6 go in line with the true, accurate line of events because the
7 certain court dates that I got called down here for that are
8 not on the public website where you can just pull up and see
9 everything.

10 THE COURT: Sir, just -- no, everything in Circuit
11 Court, we can see.

12 THE DEFENDANT: No, you can't, because I went up
13 there --

14 THE COURT: You can't see, but we can see it.

15 THE DEFENDANT: Ya'll can see --

16 THE COURT: Well, we can see it.

17 THE DEFENDANT: But how do I know?

18 THE COURT: Because your public --

19 THE DEFENDANT: At least you have a record.

20 THE COURT: -- because people's public information is
21 on those sites, and you can't access it --

22 THE DEFENDANT: No. Ma'am --

23 THE COURT: -- because that's Social Security dates
24 and birthdates.

25 THE DEFENDANT: Ma'am, there are certain -- there are

1 certain court notices that I got that are on that -- that
2 website.

3 THE COURT: Sir, you also got magistrate court
4 notices. We've rehashed this over and over.

5 THE DEFENDANT: I'm talking about this case.

6 THE COURT: Sir, I've had all the notices that you
7 received and all the hearing dates you had in Circuit Court
8 published for the record from the database.

9 THE DEFENDANT: So what about bringing some tomorrow?

10 THE COURT: Then I'll have to look at it and see if
11 it's applicable.

12 THE DEFENDANT: That's what I'm saying. You're just
13 making determinations based off of your own --

14 THE COURT: Sir, I have not made any determinations.
15 I need you to stick to the rules and respond to Mr. Zeigler's
16 argument.

17 THE DEFENDANT: I just responded. Everything he said
18 is not true.

19 THE COURT: Okay. Is there anything else you want to
20 state regarding Mr. Zeigler's arguments?

21 THE DEFENDANT: Everything he just said should be
22 stricken from your memory or -- and your -- your determination
23 or consideration to anything that goes on in this case because
24 he did not offer actual facts to base -- what he just said, he
25 just stated about some dates and then said I asked for all

1 these continuances and all this stuff like that, and that's not
2 true.

3 THE COURT: Okay.

4 THE DEFENDANT: -- so.

5 THE COURT: Anything else you want to say in response
6 to Mr. Zeigler's arguments?

7 THE DEFENDANT: Also, when they brought up him --
8 when he brought up them bringing back the case, the case should
9 have never been brought back because -- hold on. Let's see
10 what I have here. Basically -- I lost my train of thought. Oh
11 yeah, that's the point. This is just all about procedural
12 backgrounds, procedural facts, and actually what happened in
13 this case. So after I was locked up, feloniously, on that
14 date, they revoked, they tried to revoke my bond. They revoked
15 my bond without having a bond hearing, without me being present
16 at the bond hearing, without me getting notice of a bond
17 hearing, without me doing anything. All of that violated all
18 of the factors. All the rules that goes on with bonds and --
19 and taking off of -- they violated that totally and purposely
20 made sure not to notify me of those court dates where I would
21 have been given the opportunity to be heard, and then therefore
22 I would have never got arrested for that bench warrant because
23 I would have been able to argue that I never was scheduled to
24 be there and then the Court -- the judge would only have to
25 look at the date and see it on the public docket, you don't

1 have a -- you're not scheduled on there, you're not on the
2 public docket. Then the State would have to prove that then
3 this is proof of service, we sent it, and they're not going to
4 have that because they didn't use service, so basically,
5 everything else after that is thrown out when it comes to, you
6 know what I'm saying, with the State. Everything he's saying
7 is just him coming on the tail end of the case, it was a whole
8 -- now he's trying to talk about all these things that
9 happened, continuances that happened before he was even on the
10 case. So one, he don't have firsthand knowledge yet and so you
11 should not take anything he says into consideration.

12 MR. ZEIGLER: Your Honor, we have a proof of service
13 for the bond --

14 THE DEFENDANT: This is not proof of service because
15 it's not sworn to. That's --

16 MR. ZEIGLER: -- that is an affidavit by my legal
17 assistant Paul Harrison --

18 THE COURT: I got it in the --

19 THE DEFENDANT: This is not an affidavit.

20 MR. ZEIGLER: Additionally --

21 THE DEFENDANT: This is a piece of paper --

22 THE COURT: That happened to be, sir.

23 THE DEFENDANT: -- with words on it.

24 THE COURT: Yeah, but --

25 THE DEFENDANT: So it's not proof. That means if

1 it's challenged, it can be thrown out, motion is struck. If
2 it's not -- if it doesn't coincide with the rules of evidence,
3 it should be stricken from the record. That's clear. That's
4 clear as --

5 THE COURT: Alright, sir. Is there anything further
6 you want to share with the Court?

7 THE DEFENDANT: That's it.

8 THE COURT: Alright. Thank you. You can take your
9 seat. Let's watch this video.

10 MR. ZEIGLER: And if there's anything that you want
11 me to redact, just --

12 THE COURT: I think that you should cut to the chase
13 and just show me the threats, because that's probably all I'm
14 going to let in anyway.

15 MR. ZEIGLER: Okay.

16 THE COURT: I don't think any of the rest of it is --
17 and him saying something to her about letting the whole Jury
18 hit a whole video and all that, that really kind of --

19 MR. ZEIGLER: It was just my argument. One of my
20 arguments as to why --

21 THE COURT: Yeah. It characterizes -- yeah, it's
22 just unnecessary. It's gild the lily. The only element you
23 got to meet is whether he threatened her, whether she was in
24 her official capacity, and whether there were threats, which I
25 think people know what threats are. It's common everyday

1 interpretation and definition of threats. So you can just cut
2 to those parts of the video that show the threats that you
3 report he made and that would meet the elements of the statute,
4 which is --

5 MR. ZEIGLER: I should play version E then because
6 that is the exact --

7 THE COURT: -- the statute, which is 16-3-10-40, and
8 for the record, that would be at 8:23 and no seconds, correct?

9 MR. ZEIGLER: Yes, Your Honor. I'm going to play a
10 little bit before.

11 THE COURT: And the second starts at 10:26.

12 MR. ZEIGLER: Yes, so he says -- at 8:23, he says: I
13 swear to God, if I could, I would slap the shit out of you.

14 THE COURT: I just need you to play it.

15 MR. ZEIGLER: So --

16 THE COURT: It speaks for itself.

17 MR. ZEIGLER: Okay. Yes.

18 THE COURT: I don't need you to annotate it. Just go
19 straight to 8:23.

20 MR. ZEIGLER: Okay. I don't know the exact number
21 that I --

22 THE COURT: It'll tell you on the counter.

23 **(Video Playing)**

24 THE COURT: You can turn it down so there's not a
25 reverberation.

1 (Video Playing)

2

3 THE COURT: You might want to turn it up just a
4 little. Okay. That's what you would purport to be the first
5 threat when he threatens her physically?

6 MR. ZEIGLER: Yes, Your Honor. That's the first
7 threat to --

8 THE COURT: Okay. So then you need to go to 26 in
9 those seconds which you purport to be the second threat?

10 MR. ZEIGLER: Yes, Your Honor.

11 (Video Playing)

12 THE COURT: Okay. Now, to resolve the graininess and
13 the -- of the audio, you probably need to turn your audio down
14 on your computer and let him adjust the audio from --

15 MR. ZEIGLER: Okay.

16 THE COURT: -- the courtroom audio, and I think
17 that's going to make --

18 MR. ZEIGLER: Alright. I'm going to --

19 THE COURT: Don't you think that solves -- maybe,
20 maybe not. Let's try it. No harm, no foul. Okay. We have it
21 up in here. Turn yours down and let's see if we can hear any
22 better.

23 MR. ZEIGLER: I've got the player and the computer
24 down.

25 THE COURT: Yeah, let's go to 8:23 again, and then go

1 back to 26. Yours is all the way down. Yours all the way
2 down? Are you at 8:23?

3 MR. ZEIGLER: I got it halfway on each, so.

4 THE COURT: Yeah, do halfway, and let's see how that
5 works.

6 (Video Playing)

7 THE COURT: I think that's better. It's less
8 reverberation.

9

10 (Video Playing)

11 THE COURT: Turn yours up just a little. Turn yours
12 up just a little and then go to 26. Turn yours up just a
13 little.

14 (Video Playing)

15 MR. ZEIGLER: I think it's better. I've got a
16 colleague, Charlie Patrick, with a set of speakers that I
17 believe he used for the trial when he helped Mr. --

18 THE COURT: We're going to make it a little more
19 clear.

20 MR. ZEIGLER: Just so that -- yeah. Like you said,
21 it's --

22 THE COURT: But let me ask a question, and Mr.
23 D'Angelo, since I have not yet relieved you, would you all have
24 any exception to simply those two portions being played?

25 MR. D'ANGELO: No, I would not, so that's what's in

1 my motion. I am fine --

2 THE COURT: And so what's the State exception to
3 playing just the two threats?

4 MR. ZEIGLER: Your Honor, the totality of the
5 circumstances argument, in addition to the fact that a lot of
6 this --

7 THE COURT: Well, tell me how that would be
8 applicable to the elements of threatening the life of a public
9 official.

10 MR. ZEIGLER: So a lot of what he says, he just -- I
11 think that everything that he says goes towards that these are
12 real threats. You know, he makes statements -- and I just --

13 THE COURT: Like what?

14 MR. ZEIGLER: Like, directly related to her being a
15 Black female --

16 THE COURT: Like what?

17 MR. ZEIGLER: -- law enforcement officer, which goes
18 towards that last element.

19 THE COURT: Like what? I need you to say
20 specifically what it is that he says.

21 MR. ZEIGLER: He specifically says --

22 THE COURT: Sir, take your seat, please.

23 MR. ZEIGLER: Okay. He starts with, she says: Open
24 your mouth, please, in reference to administering the
25 breathalyzer test. He says: Bitch, I ain't opening shit and I

1 don't mean to call you bitch, I'm sorry for that, I'm sorry to
2 the camera for calling you bitch because I don't do that, I
3 don't call women bitches, but she's just dumb. She's so stupid
4 and she's Black, and that's the only part that makes me mad.

5 THE COURT: But is that a threat?

6 MR. ZEIGLER: So I think it goes to the threat. I
7 think he's specifically threatening to carry out, or --

8 THE COURT: How? By saying she's stupid?

9 MR. ZEIGLER: I think that if the Jury just sees
10 these things --

11 THE COURT: I can assure you, if the Defendant told
12 me I was stupid, that's not a threat under the statute,
13 however, if one threatens to set me on fire, like it's
14 happened, and I referred him for prosecution, then that's a
15 threat, and he meant it.

16 MR. ZEIGLER: See, that's -- so --

17 THE COURT: That's a threat. A threat is when you --
18 calling me stupid, I don't care.

19 MR. ZEIGLER: Right.

20 THE COURT: Telling me you unhappy, it ain't going to
21 change nothing, words are words. He's entitled to his
22 impression, if he thinks she's stupid, that's not a threat. I
23 don't think in common parlance that's a threat, but I think it
24 could be used to prejudice him and for the Jury to think he's
25 just a bad person with nasty, foul language --

1 MR. ZEIGLER: So --

2 THE COURT: -- which becomes problematic.

3 MR. ZEIGLER: I've got case law that basically says
4 that just because evidence is unpleasant --

5 THE COURT: Yeah, but that's in a whole different
6 context than this. This is like a strict liability statute,
7 almost like a dog bite. You're held accountable for your
8 words. So if you threaten, it has to be a threat, and when you
9 start talking about what could amount to character evidence or
10 -- and probably it's tap dancing on the line as to whether
11 that's character evidence. You would want that in because you
12 want the Jury to believe he ain't so nice of a person with a
13 foul mouth and he's just nasty, and therefore -- but now some
14 of it might come in in terms of willfulness, deliberateness,
15 knowingly, but I don't see how those words rise to the level of
16 that.

17 MR. ZEIGLER: So yeah, I do agree.

18 THE COURT: Sounds like the rantings of a person
19 who's impaired and intoxicated, and having watched a lot of
20 these, they generally are very nasty when they're talking to
21 people, especially if they're belligerent when they're
22 intoxicated, and that don't come in on the DUI and just so --

23 MR. ZEIGLER: Yes, Your Honor.

24 THE COURT: -- and I've heard them say nastier
25 things. I've had them spit on people in videos.

1 THE DEFENDANT: And in regards dismissing this case,
2 ma'am --

3 MR. ZEIGLER: Throwing bodily fluids.

4 THE COURT: Well, I mean, believe me, I've seen the
5 range and gambit of videos in a breathalyzer room and people
6 are not -- unless you're docile while you're impaired, most
7 people are agitated and nasty and they say all kinds of things
8 and they do all kinds of threat, you know, irrelevant things to
9 people.

10 MR. ZEIGLER: Yes, Your Honor, the Defendant did deny
11 his intoxication that night and the charge was ultimately
12 dismissed.

13 THE COURT: Well, that's not what he's charged with
14 here. He's charged with threatening the life of a public
15 official.

16 MR. ZEIGLER: Yes, that's correct. I just think that
17 everything that he says speaks to that threat and makes it
18 possible. It makes it more, you know -- it makes her -- it
19 strikes more fear in the officer when he's just berating her
20 over and over.

21 THE COURT: She's been doing this a long time. I
22 doubt even -- you can look at her. She's not even moved by
23 what he's saying. If she is that much of a shrinking violet
24 and does breathalyzers, I doubt that.

25 MR. ZEIGLER: I -- yes.

1 THE COURT: I'm sure she's heard worse.

2 MR. ZEIGLER: Your Honor, I don't doubt that either.

3 THE COURT: Yeah.

4 MR. ZEIGLER: I just --

5 THE COURT: Like I said, people are either
6 belligerent or docile, there's no in-between and I'm sure this
7 ain't the first time she heard somebody saying something nasty
8 to her. That's why when you watch her in this video, she's
9 just writing like she doesn't even hear.

10 MR. ZEIGLER: Yes, and so that's the other thing. I
11 just would like the Jury to know, you know, he puts her through
12 all this stuff, and he threatens to --

13 THE COURT: But that's not an element.

14 MR. ZEIGLER: -- beat the F out of her.

15 THE COURT: Yeah, but that's a threat.

16 MR. D'ANGELO: The element.

17 THE COURT: That's a threat, and that's relevant.

18 MR. ZEIGLER: But it's also, I believe that at least
19 my position is that it's relevant that she did nothing but --

20 THE COURT: I don't think that's an issue.

21 MR. ZEIGLER: -- her job in this case.

22 THE COURT: You stipulated she was doing her job.
23 The threats were made in the course of her doing her job.

24 MR. ZEIGLER: Yes, Your Honor.

25 THE COURT: So it's not an issue unless you make it

1 one.

2 MR. ZEIGLER: I understand, Your Honor.

3 THE COURT: Unless Mr. D'Angelo makes it one, which
4 he says he isn't.

5 MR. D'ANGELO: I was just going to say, Your Honor, I
6 would certainly understand, so let's say I made an argument of,
7 you know, Akim was just sitting there nice and pleasant as can
8 be --

9 THE COURT: Then she --

10 MR. D'ANGELO: -- and then you started needling him
11 and then --

12 THE COURT: Although I don't know that would be a
13 viable defense, because it isn't one in the statute.

14 MR. D'ANGELO: It wouldn't be a defense, which is why
15 I wouldn't make it, but if I made something like that, I could
16 understand opening the door to allowing the State to get into
17 it.

18 MR. ZEIGLER: Yes, Your Honor and --

19 THE COURT: So what other statements are there in the
20 video that you contend should come in other than the threats?

21 MR. ZEIGLER: Those are the two threats. I mean, I
22 would like it all to come in, obviously, subtracting -- just
23 version D where you'd subtract all the statements about
24 continuances, all the statements about his prior DUI charges.

25 THE COURT: Yeah, because when you start talking

1 about continuances, you give the Jury the impression that he
2 has all these other charges and he's dilatory, it just, it's
3 not relevant.

4 MR. ZEIGLER: Yes. I am going to try and redact all
5 of that.

6 THE COURT: So you're fine with just the threats?

7 MR. ZEIGLER: If that is Your Honor's ruling, that is
8 Your Honor's ruling.

9 THE COURT: Well, I'm asking. I don't know, I
10 haven't watched the whole thing yet.

11 MR. ZEIGLER: I would still argue for version D over
12 version E of the video. Version D just cuts off. It's all
13 that stuff redacted.

14 THE COURT: But it leaves it to the Jury's impression
15 as to what's being said, and that's the problem. You never put
16 evidence before a jury that leaves them in the position of not
17 knowing why it's being offered and what's being said, because
18 then that leads to questions at the end of the case: What was
19 being said? The volume was down. Can you adjust the volume so
20 we can hear it? It just puts things before them that are not
21 germane to the elements of the offense. It creates confusion,
22 which is the very reason we have the relevance rule.

23 MR. ZEIGLER: Yes, Your Honor.

24 THE COURT: You're never supposed to put anything
25 before a jury that misleads them, leads to confusion, and

1 that's not clear. That's a parenthesis of the rule. It just
2 serves no purpose --

3 MR. ZEIGLER: Yes, ma'am.

4 THE COURT: -- except to gild the lily, in the words
5 of Chief Justice Toal, and it just serves no purpose.

6 MR. ZEIGLER: Yes.

7 THE COURT: I just like a clean record. If the
8 elements are threats, play the threats. You've already
9 stipulated that she was an officer acting in her capacity, that
10 the threats would have been made in her professional capacity.
11 There's no other reason she had him in a DataMaster room, and I
12 suspect everybody on the Jury is going to know that's a
13 DataMaster room, because if they haven't been arrested,
14 somebody in their family has or they've seen it on a cop show.

15 MR. ZEIGLER: Yes, Your Honor.

16 THE COURT: I just think that's probably -- I think
17 most 5-year-olds know what the DataMaster room is,
18 unfortunately, and that's a sad commentary on society, but I --
19 you know, kids watch enough shows, you know, and what's amazing
20 to me is when I talk to school kids, like, a kindergartner can
21 tell me what their Miranda Rights are. They can roll them off
22 to me at 5 years old in 5K. They can tell me what Miranda
23 rights are. They can say to me: You know, so-and-so got
24 arrested, I just don't understand why, and I'm, like, the
25 5-year-olds that have been exposed to this level of an

1 experience is troubling, but I digress. So I'm going to watch
2 them all, and I want to assure you that I'm going to watch them
3 all, but I just think that when you're talking about threats,
4 what is germane are the elements of an offense. The element is
5 that he threatened her, that it was in her public capacity, and
6 --

7 MR. ZEIGLER: Yes, Your Honor.

8 THE COURT: -- everything else, you know, whether he
9 had another DUI, why he was arrested, you know, all of that
10 stuff really becomes superfluous information that can lead to
11 prejudice, which means in our Supreme Court's interpretation, a
12 decision other than what are the elements of the offense,
13 again, breaking it down in a parenthetical without getting in the
14 legalese.

15 MR. ZEIGLER: Yes, Your Honor.

16 THE COURT: Decisions should always be based on
17 exactly what is purported to happen, except in some instances
18 where you need other evidence to show, say, malice,
19 predisposition, or forethought, planning, and clearly, this was
20 a spontaneous event, it did not require planning or any of that
21 stuff. So the only reason I could think any of this other
22 stuff would be relevant would be as to willfulness and
23 knowingness and I think based on what I just heard, there -- I
24 don't know that a good faith argument can't be made -- can be
25 made that he means to say what he said.

1 MR. ZEIGLER: Yes, Your Honor.

2 THE COURT: Or that it wasn't knowingly because he
3 doesn't look, you know, saying it -- willfully means
4 deliberate, not accidentally. I don't think there's any
5 argument that he made these statements accidentally.

6 MR. ZEIGLER: Yes, Your Honor.

7 THE COURT: I don't know that all that other stuff
8 lends any, you know, appreciable value to you meeting your
9 elements beyond a reasonable doubt. Either the jury's will
10 believe he willfully and knowingly delivered a threat against
11 this officer, or not.

12 MR. ZEIGLER: Yes, Your Honor. Well, I would
13 appreciate it if you watched the video.

14 THE COURT: And of course, voluntary intoxication is
15 not a defense to any offense, and we'll have to cross that
16 bridge when we come to jury charges, because --

17 MR. ZEIGLER: Yes, Your Honor.

18 THE COURT: -- I don't know, I'll have to look at it
19 again to see if he appears impaired.

20 MR. ZEIGLER: In the entire video, he does not appear
21 impaired.

22 THE COURT: So I don't even know that unless you all
23 raised that that it would be an issue.

24 MR. ZEIGLER: It would be something that I would be
25 concerned that the Defense might raise, that he didn't

1 knowingly, he was intoxicated, he didn't knowingly make these
2 threats to her.

3 THE COURT: But I don't think Mr. D'Angelo plans to,
4 and if Mr. Jean-Charles represents himself, sir, you don't plan
5 to raise that, do you?

6 THE DEFENDANT: Raise what?

7 THE COURT: That you were intoxicated and you didn't
8 know what you were saying?

9 THE DEFENDANT: I mean, I'm not going to raise any of
10 that and I don't think I have to get to that, but I was
11 arrested for so-called being drunk -- drunk and driving, so if
12 the State's argument is that --

13 THE COURT: They don't get to go into why you were
14 arrested, it's not an element.

15 THE DEFENDANT: I'm just saying -- I'm just saying,
16 but if I'm in the DataMaster room supposed to be getting drunk
17 rights, which I'm guessing anybody else would probably be
18 guessing it's for some drinking-type stuff, so if the --

19 THE COURT: But they're not actually administering
20 it.

21 THE DEFENDANT: But if the State's argument is to say
22 that there's no way at all he was drunk at all, there's no --

23 THE COURT: They're not going to say that.

24 THE DEFENDANT: I understand that, but he's arguing
25 that to you right now.

1 THE COURT: No, what I asked him was --

2 THE DEFENDANT: He's basically trying to make it
3 seems like he's not drunk and all, but I was arrested for,
4 basically, being drunk, so that already shows credibility falls
5 on the officer. If I supposedly don't look like I'm drunk at
6 all, well --

7 THE COURT: Sir, it really doesn't matter why you
8 were in custody, the fact is you were lawfully in custody. The
9 elements of the offense is whether you threatened a public
10 official.

11 THE DEFENDANT: Okay. I just want to say one thing.
12 South Carolina Jurisprudence stipulates exactly what a threat
13 is. A threat, one, cannot be idle, and the person has to be in
14 reasonable fear of their life or in fear that --

15 THE COURT: And she'll have to testify about it.

16 MR. ZEIGLER: And Your Honor, that's also civil law.
17 I've researched it and that --

18 THE COURT: Yeah.

19 MR. ZEIGLER: I can argue that before --

20 THE COURT: I didn't think that --

21 THE DEFENDANT: I was aware that -- listen. I got to
22 say one thing.

23 THE COURT: I'm listening.

24 THE DEFENDANT: Because clearly, in this video right
25 here, it clearly states: If I could, I would do this, so

1 that's already vaguely not a threat. I'm basically saying --

2 THE COURT: Sir, I don't know. The Jury will have to
3 decide if it's a threat.

4 THE DEFENDANT: I know.

5 THE COURT: That's not appropriate for me to
6 consider.

7 THE DEFENDANT: I understand. I'm just -- I'm just
8 saying it to you. Like, when we're going over, and you look at
9 South Carolina Jurisprudence it tells you what a threat is,
10 that's not --

11 THE COURT: That's not for me to decide.

12 THE DEFENDANT: Well, it's for the Jury to decide,
13 but the Jury must know that a threat is considered.

14 THE COURT: I don't know. I'll have to look up and
15 see how the --

16 THE DEFENDANT: I'm going to bring --

17 THE COURT: -- criminal law defines a threat.

18 THE DEFENDANT: I'm bringing all of that tomorrow.
19 I'm bringing all that.

20 THE COURT: Yeah, it needs to be criminal in nature,
21 though, not civil.

22 THE DEFENDANT: None of the stuff I've said is civil,
23 they're just saying it's --

24 THE COURT: Well, sir, rest assured, I'm going to
25 research it myself and look it up and I'll know exactly what

1 the law -- what South Carolina law says, what the Supreme Court
2 has defined --

3 THE DEFENDANT: I'm going to have all of that
4 tomorrow.

5 THE COURT: -- the statute to mean.

6 THE DEFENDANT: I'm going to have all of that for you
7 tomorrow.

8 MR. D'ANGELO: Briefly, if I can, Your Honor?

9 THE COURT: Yes, sir.

10 MR. D'ANGELO: Just in response, I think Your Honor
11 has covered it very fully. In my motion, I draw attention to,
12 ultimately, why I don't think any of the other statements are
13 relevant. Let's say, hypothetical, Akim comes in, sits down,
14 and the first thing out of his mouth, just verbatim, is the
15 first threat right into the second threat, alleged threats, and
16 then stops talking, doesn't say another word. I think the
17 State can still bring the exact same charges that we have here
18 today --

19 THE COURT: They could.

20 MR. D'ANGELO: -- right? The words that are said in
21 those clips are the elements, so anything else, I think under
22 401, is not relevant, and 403, again, is just trying to either
23 confuse the Jury with trying to bring in or --

24 THE COURT: My concern is just that the Jury would
25 look at him as less than a nice person.

1 MR. D'ANGELO: Exactly.

2 THE COURT: And that's not an element of threatening
3 the life of a public official.

4 MR. D'ANGELO: Exactly. Under 403, I think just,
5 because of the language he's using and things like that, it can
6 only and fairly prejudice.

7 THE COURT: I think it could become more prejudicial
8 than probative.

9 MR. D'ANGELO: Yes.

10 THE COURT: It doesn't really meet -- it's not
11 proving an element. If it were a statement that goes to
12 willfulness, it's a statement that goes to knowingness,
13 knowingly, but if it's just a nasty statement, then it then
14 bridges that gap of you're just a nasty person and we want the
15 Jury to believe you're a nasty person and we want them to
16 convict you because you're a nasty person.

17 MR. D'ANGELO: Correct.

18 THE COURT: Which doesn't meet the elements of -- it
19 falls --

20 MR. ZEIGLER: Yes, Your Honor, I understand.

21 THE COURT: -- squarely into more prejudicial than
22 probative because it's not making any issue of consequence more
23 or less probable, which is the definition of --

24 MR. ZEIGLER: And since the Defense is going to
25 stipulate to it, we have that stipulation set up and I'm okay.

1 I mean, it's your ruling today, again, so.

2 THE COURT: And I think that the stipulation clearly
3 ignores to Mr. Charles's benefit, because otherwise, I'd
4 have -- without that stipulation, I probably would have to let
5 the rest of this in --

6 MR. D'ANGELO: Correct.

7 THE COURT: -- to allow them prove their case, so I
8 think it inures clearly to his benefit to have the stipulation
9 I'm referring to three, four, five, and six.

10 MR. D'ANGELO: Correct, Your Honor, that's my
11 position.

12 MR. ZEIGLER: Of course, if Mr. D'Angelo is
13 ultimately relieved, the State would make the motion to play
14 the full video, once he's --

15 THE COURT: Yeah, but if he's ultimately relieved my
16 rulings are no less final.

17 MR. ZEIGLER: Yes, Your Honor.

18 THE COURT: Yeah. So if he agreed to something
19 before he's relieved, you're stuck with it.

20 MR. ZEIGLER: Okay.

21 THE COURT: Yeah.

22 MR. ZEIGLER: I would --

23 THE COURT: You don't get to, like, have a do-over
24 because he's relieved, yeah.

25 MR. D'ANGELO: And I will say, I think it is in Mr.

1 Jean-Charles' best interest.

2 MR. ZEIGLER: I would just, again, ask that you watch
3 the video in full --

4 THE COURT: I am.

5 MR. ZEIGLER: -- so you can make your ruling.

6 THE COURT: I'm going to watch all three of them.

7 MR. ZEIGLER: And I trust that you definitely will.

8 THE COURT: I will. I will definitely watch all
9 three of them.

10 MR. D'ANGELO: That's all I have to say, Your Honor.

11 THE COURT: Okay. I need to deal -- I'm going to
12 think about the Faretta issue overnight, and I'm going to give
13 Mr. Charles the ability to go get all this evidence and other
14 documentation he says he wants to share with you.

15 MR. D'ANGELO: Yes, ma'am.

16 THE COURT: So that, and then I would ask you all to
17 instruct him as to what time to be here so that y'all have
18 ample time to go over it before we get started in the morning.
19 Mr. Charles, in the event that the Court allows you to
20 represent yourself, you need to go ahead and prepare an opening
21 argument if you plan to make one, but you need to make sure
22 it's strictly within the rules because if Mr. Zeigler objects,
23 I'm going to sustain it if it's not within the rules. So all
24 the stuff you've been arguing today, is not within the rules,
25 you're not going to be able to say that to a jury.

1 THE DEFENDANT: Was I --

2 THE COURT: So I'm just telling you well in advance
3 so that you have notice.

4 THE DEFENDANT: You just told me well in advance that
5 everything I was arguing today is not the law, so --

6 THE COURT: Sir, what I'm telling you is that you are
7 bound by the rules of evidence and what you argued to the Court
8 today are matters of law. You don't get to argue matters of
9 law to a jury. The only thing that happens is an opening
10 argument is what you believe the evidence will show. It's
11 probably in your best interest that you not make an opening
12 argument since you aren't required to make one.

13 THE DEFENDANT: It's definitely in my best interest
14 to speak for myself.

15 THE COURT: So it is -- well, I don't know, I think
16 that's subject to debate right now.

17 THE DEFENDANT: Yeah, well, you need to let me --

18 THE COURT: But I think that you need to listen to
19 Mr. -- I'm just telling you when you need to be very clear,
20 eyes wide open, that if you don't comply with the rules, I'm
21 going to sustain the objection. You don't get to argue what
22 you've been arguing to me all afternoon to a jury, it doesn't
23 work that way. I need you to be very clear about it.

24 THE DEFENDANT: I'm going to argue the law.

25 THE COURT: That's fine, but you don't get to argue

1 that to the Jury.

2 THE DEFENDANT: I don't plan on doing that.

3 THE COURT: The law is a court's province, not a
4 jury's province. The Jury's province are facts only.

5 THE DEFENDANT: It's my --

6 THE COURT: So I need you to get yourself acquainted
7 with the rules in the event that I say pursuant to Faretta you
8 can represent yourself and that Mr. D'Angelo and Mr. Henley are
9 your shadow or your standby counsel to give you any direction,
10 you need to come here prepared to comport yourself with the
11 rules. I don't want you to be surprised or blindsided if you
12 veer from the rules and the objections are sustained. I'm
13 telling you in advance that if you don't comply with the rules,
14 I'm going to sustain the objections.

15 THE DEFENDANT: But what --

16 THE COURT: So I need you to go on and prepare your
17 mind. I've told you what the rules require on an opening
18 statement. You're only allowed to argue with the evidence
19 we'll show, which is limited to the facts and circumstances of
20 the case. Legal matters are outside of the Jury's province.

21 THE DEFENDANT: Yes, that's why my -- all my rulings
22 are taking place before the Jury gets in here.

23 THE COURT: That's why -- and I've considered them
24 and I'm about to rule on them, but I'm making you clear.

25 THE DEFENDANT: What I'm bringing tomorrow is to --

1 THE COURT: And I'll look at it, and if it changes --

2 THE DEFENDANT: What I'm bringing tomorrow is all --
3 is all my --

4 THE COURT: And if it changes the ruling, I'll change
5 it, but if not, we'll just roll with what I'm getting ready to
6 do.

7 THE DEFENDANT: But what I'm saying is, if you're a
8 fair and impartial referee, then when I have laws in front of
9 you there's no disagreeing with them or not, It's either this
10 way or that way.

11 THE COURT: Sir, I'm not required to be bound by
12 certain -- what you represent to the Court. The Court has its
13 own independent obligation to rely on its own wisdom and
14 knowledge and its own research.

15 THE DEFENDANT: So the Court does not have any --

16 THE COURT: So I'll listen to your arguments. If you
17 bring anything tomorrow that you need to supplement your
18 arguments with to support any of your arguments, I'll be glad
19 to look at it.

20 THE DEFENDANT: Is the Court governed by the
21 constitution?

22 THE COURT: Sir, I told you before, the Court's not
23 going to answer any of your questions.

24 THE DEFENDANT: So I can't ask a question that this
25 Court is governed to --

1 THE COURT: No, sir, I'm not an advocate. I can't
2 answer any legal questions for you. Since you say you --

3 THE DEFENDANT: That's not a legal question.

4 THE COURT: -- know the rules, you're bound by them.

5 THE DEFENDANT: I'm just trying to ask what is the --
6 the authority it's bound by.

7 THE COURT: It's already been very clear that I'm not
8 answering any legal questions that you compound to the Court.

9 THE DEFENDANT: So this Court is not governed by the
10 constitution?

11 THE COURT: Sir, you keep going in the same circle as
12 if you think if you bully this Court that I'm somehow going to
13 answer a question that's improper.

14 THE DEFENDANT: I'm just asking a question, I just
15 want to know.

16 THE COURT: And I've told you that the Court is not
17 going to answer any of your inquiries.

18 THE DEFENDANT: Okay. Let the record show that.

19 THE COURT: Yes, sir?

20 MR. D'ANGELO: Your Honor, if I could approach
21 briefly --

22 THE COURT: Sure.

23 MR. D'ANGELO: And I can email this to Matthew. It
24 was just a copy of my proposed jury instructions.

25 THE COURT: Thank you. Well, I'll -- actually, what

1 you've handed up and what Mr. Zeigler has handed up, I'll have
2 marked as Court's exhibits.

3 MR. D'ANGELO: Thank you, Your Honor.

4 THE COURT: You're welcome. Mr. Zeigler, you gave me
5 a copy, I'll look at it in just a second.

6 MR. ZEIGLER: Request to Charge, Your Honor.

7 THE COURT: Yeah, what did that do?

8 MR. ZEIGLER: Yeah, that just included a bunch of
9 redactions in the --

10 THE COURT: I'll have them both marked as Court's
11 exhibits right now so that I won't forget. Have that marked as
12 a Court's exhibit and have Mr. D'Angelo's marked as a Court's
13 exhibit. And she can keep those until we come to the point of
14 the trial where that's applicable. Okay. Mr. Jean-Charles and
15 so that the record is abundantly clear, South Carolina Supreme
16 -- the South Carolina Supreme Court has been very clear that
17 there is no hybrid representation in South Carolina, either you
18 represent yourself or you're represented by counsel, but this
19 Court has been inordinately lenient and allowed Mr.
20 Jean-Charles to make any arguments he felt were appropriate,
21 even though the Court advised him that anything he said could
22 be used against him, and it was probably prudent for him not to
23 make any arguments regarding this case. However, he did not
24 take advantage of that wisdom and was more predisposed to make
25 his own arguments and I allowed him to do that, although, the

1 Supreme Court precedent clearly does not support that
2 contention. But I will address each of the matters that he has
3 raised in the order that he has raised them and as I've
4 indicated to him, I'm giving him the latitude to get any
5 information he says he has at home that he did not bring with
6 him, that he was not prepared to have with him today, that I'm
7 giving him the ability to bring that tomorrow and for the Court
8 to review it at such time that he brings it, and if, in fact,
9 it is contrary to any of the Court's rulings, I will reconsider
10 any of those rulings and amend them as appropriate.

11 Mr. Charles has made an argument that somehow he is prejudiced
12 by the passage of time in this case and I have taken that akin
13 to a speedy trial motion and I would find for the record that
14 there has been no violation of his speedy trial rights, nor has
15 his right to speedy trial ever been asserted prior to today.

16 And just so the record is abundantly clear, the delays that
17 have been caused in Mr. Charles' case were caused as a result
18 of the international pandemic, that being the COVID-19 virus,
19 which necessitated our courts being closed for trials on 03/18
20 of 2020 and resuming 04/5 of 2021, with his case having
21 initially been set for trial in April of that year. So we know
22 by function of these dates that it was not possible for his
23 case to have been tried when originally scheduled. He also
24 seems to be under the misapprehension that somehow the State
25 was fully in control of setting cases for trial. They are not.

1 Charleston has an administrative order with certain deadlines
2 and dates and other benchmarks that Judge Dennis more than
3 adequately, I think, ardently monitored and kept everyone
4 abreast of and held them accountable regarding the setting of
5 cases, and I don't think I need to belabor that point, so his
6 case would have been set appropriately pursuant to our
7 administrative order. Again, taking his argument as one about
8 -- in the nature of a speedy trial, he is required to establish
9 by a preponderance of the evidence certain factors in order to
10 be granted relief on a speedy trial motion, those being the
11 length of the delay, which I've already addressed, meaning that
12 the State -- well, the length of the delay really was caused by
13 COVID. The reason for the delay, which requires that the State
14 somehow be culpable, deliberate, or otherwise in the delay,
15 which has not been established, and the accused assertion of
16 his right to speedy trial, which was not done until today, and
17 whether the delay prejudiced him, and that is citing State v.
18 Hunsucker, which is found at 418 S.C. 335, which is a 2016
19 Supreme Court opinion, and Langford, as well as Hunsucker, as
20 well as Wheeler v. State and its progeny indicate and have held
21 that a speedy trial does not mean an immediate one. It does
22 not imply undue haste, for the State, too, is entitled to a
23 reasonable time in which to prepare its case. It simply means
24 a trial without unreasonable and unnecessary delay, and that is
25 citing State v. Langford, where Langford also cited State v.

1 Wheeler, and also citing the United States Supreme Court, which
2 has found that until there is some delay which is presumptively
3 prejudicial, there is no necessity for inquiry into the other
4 factors which go into the balance. So the United States
5 Supreme Court has found that where there is no finding of a
6 presumptive delay, the Court does not have to address the other
7 factors on speedy trial, and that each case is on a
8 case-by-case basis based on the facts and circumstances of each
9 case. Barker v. Wingo, which is the Supreme Court case that
10 I've been citing from, also found that because of the
11 imprecision of the right to a speedy trial, the length of delay
12 that will provoke such an inquiry is necessarily dependent upon
13 the particular circumstances of the case. I would find that
14 the Defense has failed to establish by preponderance of the
15 evidence the trigger required of the interval between
16 accusation and trial, crossing the threshold dividing ordinary
17 delay from presumptively prejudicial delay, citing Hunsberger,
18 where our Court has determined that prejudicial delay exists
19 when an accused is not prosecuted with ordinary promptness, and
20 as I've already cited, because of COVID, that is the main
21 factor in this delay, that precluded this Court from proceeding
22 with the ordinary promptness that it normally would, so the
23 Court would find that there has been no -- the Defendant has
24 failed to establish by preponderance of the evidence a
25 presumptively prejudicial delay in this case. The Supreme

1 Court has found in Barker v. Wingo that while there is some
2 delay, which is presumptively prejudicial, there is no
3 necessity -- until there's a finding of the presumptive
4 prejudice, there is no need for the Court to go into the other
5 factors, but out of an abundance of caution I'm going to
6 address the other factors just so that there is no question
7 regarding the behavior regarding this case coming to trial.
8 Mr. Charles seems to be under the misapprehension that there
9 was a finding in Langford relevant to this case, and it is not.
10 I'm looking at the Langford decision which was heard in April
11 of 2012, and that is the State v. Casey Langford III.
12 Rehearing was denied on December 20th of 2012, and what our
13 Supreme Court found, this gentleman was actually in custody in
14 Edgefield County for a period of, exceeding, or right at two
15 years, and what our Supreme Court found was that it really
16 dealt with the exclusive nature of the docket. It really did
17 not deal with the proposition that has been advanced by Mr.
18 Charles. What the Supreme Court found was that the Defendant
19 suffered no prejudice as a result of having the circuit
20 solicitor determine the trial date and assign the judge
21 pursuant to the statute that vested exclusive control of the
22 criminal docket in the solicitor, that the statute did not
23 violate the Defendant's due process rights, and that pretrial
24 delay did not violate the Defendant's due process rights. So
25 again, addressing his argument that somehow the passage of time

1 in and of itself necessitates the dismissal of his case, it is
2 simply not supported by case law or by our current criminal
3 rules.

4 THE DEFENDANT: Can I respond to that?

5 THE COURT: No, sir, you cannot, and I've been very
6 clear with you, the rules are clear, I'm holding you to the
7 rules. Once the Court is ruling, there is to be no further
8 comment and the rules are very clear on that, and Mr. D'Angelo,
9 if you could share that rule with him so that he is clear about
10 it. I've allowed you over three hours to argue your
11 proposition. Once the Court has ruled, there is to be no
12 further argument, sir, and that is clearly what our criminal
13 rules provide. As it regards -- he has had a bond, he has been
14 out, he has not been incarcerated at the detention center.
15 While he was picked up on a failure to appear bench warrant,
16 and I'll address that separately, he was clearly scheduled for
17 court, did not appear, and met the requirements of the failure
18 to appear statute such that the bench warrant was issued and as
19 Mr. Leapsout is correct -- Mr. Zeigler, I'm sorry -- as he
20 indicated, the Court had on two previous occasions denied the
21 State's request to issue a bench warrant, which I think
22 certainly, the Defendant cannot argue that somehow he's
23 prejudiced in that regard and the Court bent over backwards to
24 give him the ability to appear for court, and it appears that
25 the case was set for trial, but as we know, we have rolling

1 dockets. There are very few date certainties, so you are called
2 for trial, there's nothing unusual for that, and if your case
3 is not reached, that does not abandon your obligation to be
4 present when notified again that your case is set for trial,
5 plea, or otherwise. I find that this case has been prosecuted
6 with customary promptness, even though there has been a lapse
7 of time due to COVID, that the record is devoid of any showing
8 that there has been an inordinate delay of the proceedings
9 precipitated by any actions of the State in prosecuting this
10 case. I also find the Defendant has not established an
11 inordinate delay. The reasons for the delay of disposition of
12 the charges are well within the usual course of trial
13 preparation and no presumptive prejudice has been established
14 by the accused and I find that his request that the case be
15 dismissed due to the mere passage of time is unfounded in our
16 case law and is denied, and that is based on *Barker v. Wingo*,
17 *State v. Langford*, *Wheeler v. State*.

18 That takes us to his next issue, which is regarding
19 the affidavit. I have reviewed the affidavit in this case. It
20 more than meets the statutory requirements, and I'm referring
21 to the applicable statute, which is 17-3-160: Form of arrest
22 warrants and search warrants shall be prescribed by the
23 attorney general. And without going into all of the elements
24 of that statute, that statute was clearly satisfied when the
25 arrest warrant was done in this case. The affidavit was sworn

1 under oath before the magistrate and was appropriately
2 executed, and it appears that the Defendant then appeared
3 before Judge Praylow on January 29th of 2018, at which time a
4 bond was set in his case, and apparently, he posted that bond
5 and was released from custody. The rules that have been cited
6 by Mr. Charles relate to the civil rules of civil procedure
7 regarding the sufficiency of an affidavit, which are
8 inapplicable and have no correlation to these criminal
9 proceedings. In South Carolina, we have separate sets of rules
10 for each type of proceeding that are governed by the applicable
11 case law and the mandates from the legislature as well as the
12 Supreme Court, and the civil rules of procedure are not
13 applicable in criminal court, the criminal rules of procedure
14 are applicable. So his arguments regarding the sufficiency of
15 the affidavit are unwarranted, have no basis in fact or law and
16 form no basis for the dismissal of his charges, and again, that
17 is founded on code section, South Carolina Code Annotated
18 17-13-160, which promulgates the form for an arrest affidavit.

19 He claims that his due process rights have been
20 violated, and I think that I've already addressed that in the
21 nature of a speedy trial motion that was raised on today. I
22 can find no basis in the South Carolina Constitution, as well
23 as the United States Supreme Court regarding any of his
24 religious freedoms being violated and his belief somehow that
25 everyone in the system is involved in the Satanic cult, or nor

1 his assertion that a house divided cannot stand.

2 I'm going to reserve the ruling on the Faretta issue
3 until I have a little more time to study that. Clearly,
4 Officer Altman did the affidavit, it was sworn to and provided
5 by Magistrate Baldwin and then was issued.

6 Now, the other thing I need to address is the bench
7 warrant that he indicates he was picked up on. Our records
8 very clearly indicate that he had an appearance for a plea on
9 03/28/22. Notice was appropriately sent to him by the Clerk's
10 office at his last known address, at which time he failed to
11 appear and had more than 20 days notice, and he failed to
12 appear and a bench warrant was correctly issued. At some point
13 that bench warrant was rescinded and at some point the case was
14 placed into failure to appear status, which contrary to what
15 Mr. Charles has asserted, is not a dismissal. It simply means
16 the case is put in inactive status until the bench warrant is
17 issued and until -- I mean, is served, and at such time that
18 the defendant is picked up, at which time the case goes back
19 into an active status, which is what happened, and without
20 belaboring the hour, because we all work through lunch and
21 everybody, I think, is exhausted, the Clerk's Office has
22 already provided for us a clear, cogent, and correct chronology
23 of all the court dates, all of the motion dates, and all of the
24 times that notice was sent to Mr. Charles at his last known
25 address, when those were dispatched, and when he was to be

1 present for trial. And contrary to what has been asserted by
2 Mr. Charles, this trial is not out of the blue, these charges
3 have been pending since 2017, and if he is as ardent as he
4 claims, if he is as self-taught as he claims regarding the law,
5 as well as any defenses he may have in this case, he has had
6 more than ample time to prepare and to be ready to go forward
7 when he asked the Court to represent himself, and there is no
8 basis for a continuance, and the Court would deny any requests
9 for continuance, however, as I've already indicated, I'm going
10 to give him the time to go to his home and collect any
11 documents he would like to make Mr. D'Angelo aware of regarding
12 this case so that he can review it prior to the trial
13 commencing.

14 The Court can find no good faith basis to continue
15 this matter since it has probably one of our oldest cases and
16 it's been pending since 2017 with the directive from the Chief
17 Justice that cases older be given priority and that they be
18 tried. The Court can find no basis or any rules that require
19 Mr. Charles' indictment to be dismissed based on the passage of
20 time or his charges being dismissed based on the passage of
21 time, and also, if the Court allows him to represent himself
22 pursuant to Faretta, I can discern no prejudice likewise, and
23 it would be consistent with Judge Culbertson's earlier order
24 regarding and allowing Mr. Charles to represent himself.
25 Okay. I think I covered everything Mr. Charles raised.

1 Now, sir, I am going to think overnight about whether
2 you have the ability to represent yourself. I need you to be
3 prepared in the morning so that if I allow you to represent
4 yourself, that you go over the rules with Mr. D'Angelo so you
5 can know what you can state in opening argument and closing
6 argument and just your rights in general. You don't have to
7 make any argument at all. As I've already indicated to you and
8 I've reinforced, you have no burden of proof in this case. You
9 can sit at that table and say absolutely nothing. The burden
10 is on the State to prove your guilt beyond a reasonable doubt,
11 you have no burden. So you really don't have to do anything.
12 You don't have to cross-examine the witnesses, you don't have
13 to do anything. You can sit there and be quiet the entire
14 time, and the Jury would be instructed that that could not, in
15 any sense, ever be used against you, that you have no burden of
16 proof in this case, that the burden remains on the State to
17 prove your guilt beyond a reasonable doubt. I'm going to watch
18 the videos, but I'm inclined to go with what I originally
19 perceived, which is the statute is really almost like a strict
20 liability statute when you deal with threatening the life,
21 person, or family of a public official, which is 16-3-10-40.
22 There are really only two things that need to be proven, which
23 is that the person knowingly and willfully delivered or
24 conveyed to a public official a verbal communication, which
25 contains a threat to take the life of or to inflict bodily harm

1 upon the public official or members of his immediate family if
2 the threat is directly related to the public official's
3 responsibilities. So contrary to what is sort of between the
4 lines been implied, she doesn't have to believe the threat.
5 She doesn't have to perceive she was being threatened. It's
6 more of the nature of a strict liability statute. It just
7 requires that the threat be made, and that's the plain and
8 ordinary reading of this statute, which is not -- it's not
9 vague, it's clear on its face, it's not ambiguous, it don't
10 need to be interpreted.

11 THE DEFENDANT: It has to be interpreted because
12 we've got to determine what a threat is.

13 THE COURT: Sir, I've told you, threat in this common
14 parlance don't need a definition, people know what a threat is.

15 THE DEFENDANT: Okay. That's all I needed you to say
16 on the record. So the word "threat" don't have to be --

17 THE COURT: Sir, a threat -- sir --

18 THE DEFENDANT: Okay.

19 THE COURT: Sir, you're putting the cart before the
20 horse, this is something we don't deal with until the jury
21 charge, and I'll determine whether the Jury be -- and I'll see
22 if there's any case law that defines threat.

23 THE DEFENDANT: There is.

24 THE COURT: The Court doesn't get to go off on its
25 own and make up stuff, I'm bound by the rules.

1 THE DEFENDANT: He just stated earlier that South
2 Carolina Jurisprudence, when it comes to threats, that does not
3 apply to criminal, it only applies to civil. Literally, in
4 that section --

5 THE COURT: Sir, we'll deal with that when it comes
6 to the charge conference, sir.

7 THE DEFENDANT: Literally in the section it says that
8 -- it says that this definition is -- literally only applies to
9 these two -- two -- sorry, statutes, and it literally was the
10 statute in question and the other --

11 THE COURT: Sir, I'll look it up and see if there's
12 any case law that defines threat, okay?

13 THE DEFENDANT: This is very clear. He's a lawyer,
14 and he acts like he don't know that, like, come on.

15 THE COURT: I don't know, sir, I'll have to look it
16 up and see.

17 THE DEFENDANT: It's on Westlaw. Do you know
18 Westlaw?

19 THE COURT: I'll look it up, sir. You know, I live
20 by a very simple adage, trust but verify, I don't trust what
21 anybody says to me, I have to look it up for myself.

22 THE DEFENDANT: Make sure you look up --

23 THE COURT: Sir, I'll look it up for myself and I'll
24 see what it says.

25 THE DEFENDANT: I'm just going send you the citation

1 so you don't have to.

2 THE COURT: Sir, I don't need you to send me the
3 citation, that's why I got a law clerk, he's a licensed lawyer,
4 he'll look it up for me.

5 THE DEFENDANT: I said I was just going to tell you
6 so you don't have to.

7 THE COURT: No, sir, I don't need you to do that for
8 me. I'm going to look it up. You bring it tomorrow. I'll be
9 glad to look at it if you got anything else you want me to see.
10 Now, I need you to hang around, let Mr. D'Angelo show you all
11 those videos, okay? Do you want to do that here, or do you
12 want to do it at your office?

13 MR. D'ANGELO: I would prefer to go back to my
14 office. I think the deputies probably would prefer we go back
15 to my office.

16 THE COURT: They probably want to divorce me, too.
17 Yeah, I need to make sure he looks at all of those videos
18 because if I say he can represent himself, he needs to know
19 what's on those videos. He needs to be clear about the
20 evidence the State has against him, but I am inclined to only
21 do what -- that's why I had them play it in here so everybody
22 could see it and we were all clear, because in my estimation,
23 the only thing that's relevant to this statute is whether a
24 threat was made. It don't matter if she believed it, it don't
25 matter if she felt threatened, the statute does not say that.

1 The statute says: Was a threat delivered?

2 THE DEFENDANT: But what is a threat?

3 THE COURT: I have to look that up and see, sir.

4 There's case law --

5 THE DEFENDANT: South Carolina Jurisprudence.

6 THE COURT: The only thing that applies, sir, is if
7 there's a case from the Supreme Court or the Court of Appeals
8 interpreting the statute that defines threat, and I'm going to
9 look at the definitional section of the statute to see if it
10 defines it. There's a method to it, and I'll look it up.

11 THE DEFENDANT: It's South Carolina Jurisprudence.

12 THE COURT: Sir, I don't need to look at South
13 Carolina Jurisprudence.

14 THE DEFENDANT: Look up the law South Carolina.

15 THE COURT: Sir, I'm going to look at the statute
16 itself.

17 THE DEFENDANT: The statute does not -- this -- the
18 -- the statute doesn't explain what a threat is. That's why --

19 THE COURT: Sir, I don't know, I have to look at the
20 definition in the statute.

21 THE DEFENDANT: That's why you have to look at the
22 secondary sources.

23 THE COURT: Sir, please, don't try to tell me how to
24 research. I've got a law degree, I know how to research stuff.

25 THE DEFENDANT: I'm just saying, how can --

1 THE COURT: I know how to research things. I can
2 find it. I can find it. I'll be okay.

3 THE DEFENDANT: Ma'am --

4 THE COURT: I appreciate you trying to give me some
5 guidance, but I think I can find it.

6 THE DEFENDANT: Well, can I move for a declaratory
7 judgment so we can --

8 THE COURT: No, sir, declaratory judgments don't
9 apply in criminal court, they only apply in civil court and
10 only in non-jury.

11 THE DEFENDANT: What's the nature of this then, is
12 this a criminal, or civil?

13 THE COURT: This is a criminal case with a jury.

14 THE DEFENDANT: I need you to put that on record,
15 criminal.

16 THE COURT: Sir, what else would it be? You've been
17 indicted, it's a criminal case. Now, I need you to stand still
18 because I need to --

19 THE DEFENDANT: There's certain rules --

20 THE COURT: Yeah, they're different rules and civil
21 rules don't apply here, and I've told you that multiple times.
22 There is no declaratory judgment in criminal court. There are
23 actions are in civil court that deal with the Court determining
24 what the law is in certain circumstances without a jury, where
25 the parties have agreed what the facts in the law are and

1 asking the Court to apply the law to those facts. That's what
2 a declaratory judgment is, it doesn't apply in criminal court.
3 Now, I need to advise you, that contrary to my best instincts,
4 I have not called your mom, and I'm not having these nice
5 gentlemen put you in custody and take you to the detention
6 center to be redelivered for court in the morning. I'm going
7 to rely on your word that you plan to appear, however, I need
8 to advise you that your case has been called for trial. It is
9 going forward at 9:30 in the morning. If you fail to appear,
10 this Court will try you in your absence. If you are tried in
11 your absence and found guilty, this Court will sentence you.
12 Your sentence will be sealed, a bench warrant will be issued
13 for your arrest, at which time sentence will be pronounced. Do
14 you understand?

15 THE DEFENDANT: (No verbal response.)

16 THE COURT: Yes or no question. Do you understand?

17 THE DEFENDANT: Somewhat. I don't know, I --

18 THE COURT: What don't you understand about being
19 tried in your absence?

20 THE DEFENDANT: I don't understand how you can just
21 say that the trial is going to go forward --

22 THE COURT: Because the law says I have the ability
23 to do that by statute.

24 THE DEFENDANT: Yeah. But I -- by statute, I -- by
25 statute --

1 THE COURT: Your case has been called, sir. You have
2 a duty to be present. I'm just telling you.

3 THE DEFENDANT: I'm going to be here.

4 THE COURT: I hope so because this is not subject to
5 debate. The law requires that I advise you your trial in your
6 absence rights, and that's what I'm doing.

7 THE DEFENDANT: I'm not --

8 THE COURT: And this record is going to reflect that
9 I advised you. If you fail to show up, that's on you.

10 THE DEFENDANT: I'm not the one that's been -- he
11 violated his rights.

12 THE COURT: Alright. Stop. And there's the ground
13 rules that we need to establish before tomorrow.

14 THE DEFENDANT: I'm not going to do this in front of
15 the jury.

16 THE COURT: Do not get in any debates with the Court
17 tomorrow, okay?

18 THE DEFENDANT: I'm not gonna get in no debates, I'm
19 just bring the law tomorrow, I have the law to bring.

20 THE COURT: Sir, the law is not for the Jury. Please
21 let him know how this works.

22 THE DEFENDANT: I know, I'm gonna bring it to you.

23 THE COURT: Please let him know how this works.

24 MR. D'ANGELO: I will do my best, Your Honor.

25 THE COURT: Because I have tried to really be very

1 like --

2 THE DEFENDANT: So far he hasn't put a motion in
3 since we started.

4 THE COURT: Well, okay, that's why I'm going to
5 consider whether you can represent yourself, which I think is
6 grossly prejudicial to you, but you know sometimes, like my dad
7 says, you have to give people what they want, even if it's
8 contrary to their best interest.

9 THE DEFENDANT: I think the person who the person is
10 knows what's in their best interest, not a bunch of other
11 people around them.

12 THE COURT: I don't think so, I think your judgment
13 can be clouded and you may not know what's in your best
14 interest. That's why you need lawyers.

15 THE DEFENDANT: I'm innocent.

16 THE COURT: Well, that's -- you know, it ain't for me
17 to decide, it's for the Jury to decide.

18 THE DEFENDANT: Exactly, so an innocent man should
19 have the right to defend himself --

20 THE COURT: I don't know, sir, I just need you to let
21 Mr. D'Angelo -- take advantage of his knowledge, let him go
22 over everything with you. I don't see a downside to that. I
23 don't see a downside to having more knowledge.

24 THE DEFENDANT: I'm just -- I just want to keep on
25 the record and keep my -- keep my same stance on the record

1 that I object to all of these proceedings for the reasons that
2 I have and I'm going to bring the law, and at this point at the
3 end of the day I feel like I have not had an opportunity to be
4 heard, which is why I --

5 THE COURT: Sir, you've been talking for three hours.

6 THE DEFENDANT: I don't mean like that, I mean, a
7 meaningful opportunity.

8 THE COURT: Sir, it was meaningful, nobody
9 interrupted you.

10 THE DEFENDANT: It just went in ear and out the
11 other.

12 THE COURT: Sir, you've had the right to say anything
13 you wanted to say for over three hours. I think if I go back
14 and look at the record, it's probably more than three hours.

15 THE DEFENDANT: I apologize, yeah, but it --

16 THE COURT: No, you don't have to apologize, that's
17 why I'm here and that's why I let you talk so you talk until
18 you were exhausted, yeah.

19 THE DEFENDANT: You don't want me apologizing because
20 --

21 MR. D'ANGELO: Thank you, Your Honor.

22 THE COURT: You're welcome, Mr. D'Angelo.

23 MR. D'ANGELO: You have a great night.

24 THE COURT: And you too, and I appreciate if you'd go
25 over everything with him for me.

1 MR. D'ANGELO: Yes, ma'am, we will.

2 THE COURT: Because I want him to have eyes wide
3 open. Now, sir, do you have any interest in resolving this
4 case short of a trial? I always have to ask that question for
5 PCR purposes.

6 THE DEFENDANT: Yes, that's my whole point.

7 THE COURT: Well, it's not going to get dismissed,
8 so.

9 THE DEFENDANT: Well -- your -- okay, I'm glad you
10 put that on the record.

11 THE COURT: I already put that on the record when I
12 did my rulings.

13 THE DEFENDANT: Okay. So no matter what law I bring
14 in tomorrow, it's not going to be dismissed?

15 THE COURT: Sir, that's not my question. I'm asking
16 do you have any interest --

17 THE DEFENDANT: No, I'm asking you a question.

18 THE COURT: You don't get to ask questions. Maybe
19 you're not clear about that. This Court is not your lawyer, it
20 is not your advocate, it is not in a colloquy, I have no
21 obligation to get into this back and forth with you. You seem
22 to be confused about that.

23 THE DEFENDANT: That's not what the judges judicial
24 conduct says. You are allowed to answer my question.

25 THE COURT: Sir, I have no obligation to answer

1 anything, especially when it is not grounded in the law and
2 where it is designed to enter into a fruitless debate with the
3 Court in violation of the rules. Now, I need you to have eyes
4 wide open. I need you to take as much advantage of Mr.
5 D'Angelo and Mr. Henley's advice and counsel so that you can be
6 prepared to go forward tomorrow if I let you represent
7 yourself. I don't want you to be blindsided when the State,
8 who knows the rules, makes founded objections and they get
9 sustained because you may not know the rules, and I need you to
10 put aside any predispositions and thoughts you have so that you
11 can take advantage of those who truly are versed in what you
12 need -- what you need to know, because I really don't think
13 it's in your best interest to represent yourself. Mr. D'Angelo
14 is quite qualified, and so is Mr. Henley, and I think if you're
15 going to get acquitted you've got a better chance with them
16 representing you.

17 THE DEFENDANT: Well, that's why I've got the
18 constitutional right to represent myself so I don't have to go
19 with that.

20 THE COURT: Again, do not speak when the Court is
21 ruling. But contrary to what you think is in your best
22 interest, I may let you represent yourself, and then if you're
23 convicted you have nobody to complain to except yourself --

24 THE DEFENDANT: I'm not going to.

25 THE COURT: -- because you would have been the

1 architect of your own situation.

2 THE DEFENDANT: At the end of the day, I'm innocent.

3 I'm going to --

4 THE COURT: Sir, it don't matter. I told you, I'm
5 not the Jury, I'm not 12 folk, they'll decide whether the State
6 Meets their burden of proof or not.

7 THE DEFENDANT: I know, but I'm just --

8 THE COURT: I'm just the referee.

9 THE DEFENDANT: I'm just letting -- I'm just putting
10 it on the record.

11 THE COURT: Sir, it don't matter.

12 THE DEFENDANT: This is my intention. This is
13 intentions of what I want. You just said it, what I'm saying
14 don't matter, so my questions don't matter.

15 THE COURT: Because you, no, you just -- there are
16 things -- you're caught in a circular loop of logic of things
17 that --

18 THE DEFENDANT: It's not logic.

19 THE COURT: -- really are not germane --

20 THE DEFENDANT: It's not logic, it's the constitution
21 that --

22 THE COURT: -- to what you --

23 MR. D'ANGELO: Your Honor, if I can?

24 THE COURT: Yes, sir.

25 MR. D'ANGELO: Thank you.

1 THE COURT: Thank you so much. I appreciate you, Mr.
2 D'Angelo.

3 MR. D'ANGELO: Have a great night.

4 THE COURT: Please help him out. Thank you. I
5 appreciate it.

6 MR. D'ANGELO: Thank you, Your Honor.

7 THE COURT: Do y'all have any exhibits that are going
8 to need to be pre-marked?

9 MR. ZEIGLER: Your Honor, just the disk, and we'll
10 wait for your ruling on which one we're going to use before we
11 pull them.

12 THE COURT: So we can mark mine?

13 MR. ZEIGLER: Whichever one you choose.

14 THE COURT: Well, I got three, I'll mark the other
15 ones for ID so the record will be clear --

16 MR. ZEIGLER: Alright.

17 THE COURT: -- and then I'll mark the one that's
18 going to be admitted.

19 MR. ZEIGLER: Yes, Your Honor. I do have my version
20 that the officer watched in full and initialed.

21 THE COURT: Say that one ore time. Officer Rainey
22 watched -- Sir, don't leave while the State's talking, you need
23 to hear all this. What are you saying now? Come back up here
24 so you can hear what he's saying. Now, what were you saying,
25 Mr. Zeigler?

1 MR. ZEIGLER: Deputy Rainey watched an initial
2 version that I have. I can provide that to the Court right
3 now, if you please.

4 MR. D'ANGELO: I don't need the -- I mean, unless you
5 --

6 MR. ZEIGLER: But that would be your -- that would be
7 our quote, unquote, authentic version.

8 THE COURT: But see, I have this one. It is the full
9 --

10 MR. ZEIGLER: That is a direct copy of the full
11 version that she watched, yes, Your Honor.

12 THE COURT: Yeah. So I can make that a Court's
13 exhibit.

14 MR. ZEIGLER: Okay.

15 THE COURT: And then I've got the other one that has
16 all of the silent lapses.

17 MR. ZEIGLER: Yes, Your Honor.

18 THE COURT: Which will be marked as a Court's
19 exhibit, and then I have the other one that I think is prudent.

20 MR. ZEIGLER: Yes.

21 THE COURT: Which then will be marked as an exhibit.

22 MR. ZEIGLER: Okay.

23 THE COURT: But I'm going to watch them all.

24 MR. ZEIGLER: Okay. Thank you, Your Honor.

25 THE COURT: You're welcome. You all get something to

1 eat. Get some rest. I'll see you at 9:30.

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10 **(Whereupon proceedings reconvened Tuesday, February 7, 2023)**

11 MR. D'ANGELO: Good morning, Your Honor.

12 THE COURT: Good morning. Mr. D'Angelo, how are you?

13 MR. D'ANGELO: I'm doing well, thank you. How about
14 yourself?

15 THE COURT: Doing good. Have you all been able to
16 located Mr. Charles? I know there are accidents on the
17 interstate where people were delayed, several of our jurors
18 just got here.

19 MR. D'ANGELO: Yes. So I think maybe 20 minutes ago
20 I called him, he answered, it sounded like he was in a vehicle.
21 He told me he was over by about Northwoods area and was headed
22 here, but that traffic was moving at two miles per hour.

23 THE COURT: Yes, it's a parking lot. Is there any
24 way you could call and find out what his ETA is, find out what
25 his current location is so we can gauge like where we're going?

1 MR. D'ANGELO: Sure. I'll step out real quick.

2 (Recess taken)

3 THE COURT: Mr. Charles, how are you this morning?

4 THE DEFENDANT: I'm doing well.

5 THE COURT: Were you delayed by traffic?

6 THE DEFENDANT: Yes, ma'am, but I also want to let
7 the Court know, yes, ma'am, I was delayed by traffic, but I
8 also want to let the Court know that I'm very super tired right
9 now because I've been up all night, I only got like two hours
10 of sleep. I've been trying to get all my laws together and
11 I've got everything together but I haven't reduced it into
12 writing, so I was going to ask the Court for a little time so I
13 can get some things together.

14 THE COURT: We started at 9:30, it's now 10:37, and
15 so I have to be mindful of the jury's time. I need to know,
16 how do you want us to refer to you? Do you want us to refer to
17 you as Mr. Jamar, or do you want us to refer to you as Mr.
18 Jean-Charles?

19 THE DEFENDANT: I don't go by those type of titles.

20 THE COURT: I have to have a name to refer to you
21 because I can't call you Defendant, because that would be, I
22 think, prejudicial to you, so I'm trying to be cognizant of
23 referring to you in a courteous manner, which would be by your
24 surname, so I need to know which surname you prefer to go by.

25 THE DEFENDANT: But I don't actually have a surname.

1 THE COURT: Sir, you have one on your birth
2 cérificate, so you need to let me know, according to the State
3 of South Carolina, you do have a surname.

4 THE DEFENDANT: Well, I mean, the State of South
5 Carolina is it's own --

6 THE COURT: Sir, I'm going to set some ground rules
7 today, I'm going to be real clear. I'm not doing the back and
8 forth, I'm not going around in circles. I look back at the
9 record yesterday and I let you talk in this circles for five
10 hours yesterday. We're not reinventing the wheel today. I
11 need to know which name you want me to refer to you, otherwise
12 I'm going to have to refer to you as the defendant, and I don't
13 think that's in your best interest, so I need to know which
14 name you prefer us to refer to you as.

15 THE DEFENDANT: Like I said, I don't have a surname,
16 I don't go by those rules.

17 THE COURT: But you have to because you're in this
18 Court of Law and you're subject to them, so if you can't give
19 me a name I'm going to refer to you as the defendant and then
20 that will be up to you.

21 THE DEFENDANT: I mean, I already said Akim, but I --

22 THE COURT: I can't refer to you by your first name,
23 that would be disrespectful. I would not refer to Mr. D'Angelo
24 as Nicholas, I would not refer to Mr. Zeigler Lemuel, and I
25 would not expect them to refer to me by my first name. We need

1 to refer to people by their surnames because it is out of
2 respect and decorum. Yes, sir, Mr. D'Angelo?

3 MR. D'ANGELO: Would you be able to consider Mr.
4 Akim?

5 THE COURT: No, that's his first name and it's not
6 appropriate, and if he wants to be in this courtroom, he's
7 going to have to conform to the rules. I wouldn't call you Mr.
8 Nicholas, would I?

9 MR. D'ANGELO: No, Your Honor.

10 THE COURT: And I wouldn't call you Mr. Lemuel, it's
11 not appropriate. It's a lack of respect and decorum, and we're
12 going to abide by courtesy today to everybody, so I need to
13 know which name you prefer, if you don't give me one that's up
14 to you. The record will reflect that I asked for one.

15 THE DEFENDANT: I mean, I don't have a surname, I
16 don't go by -- I don't use those.

17 THE COURT: Your choice, I'll refer to you then as
18 the defendant.

19 THE DEFENDANT: Okay.

20 THE COURT: Okay. Now, let's see what we have left
21 from yesterday. We have left from yesterday, the only thing I
22 think I had left to decide is whether I was going to allow Mr.
23 Charles to represent himself. I conducted a Faretta Hearing --
24 you can take your seat. He provided us with the following
25 information, and just so the record is clear, I allowed a

1 continuance, basically -- not a continuance, but a recess of
2 the matter to accommodate Mr. Charles' request that he be given
3 time to prepare for the trial on today and to collect any
4 documents he felt were at his home that he needed to retrieve
5 so that he could be prepared to go forward on today and to
6 provide that information to Mr. D'Angelo. Mr. D'Angelo, has he
7 provided you with any additional information?

8 MR. D'ANGELO: He has not. I will say I believe that
9 is obviously because he was stuck in traffic and he was not
10 able to get here this morning. We did attempt to discuss some
11 of it in my office last night.

12 THE COURT: And that was my other question. Did you
13 have the opportunity to go over everything with him, including
14 the videos on yesterday?

15 MR. D'ANGELO: We went to watch the video. He told
16 me that he has the video, he has seen the video, and he did not
17 want to spend the time going through the video.

18 THE COURT: Okay. But he had that option?

19 MR. D'ANGELO: He had that option. We went over the
20 rules of decorum in the Court.

21 THE COURT: I don't think he has brought anything
22 with him. Oh, he has stuff with him?

23 MR. D'ANGELO: He has a whole binder.

24 THE COURT: Okay, I didn't see it.

25 MR. D'ANGELO: He has a whole binder.

1 THE COURT: Okay, go ahead, I'm sorry, I didn't mean
2 to interrupt you, go ahead.

3 MR. D'ANGELO: No problem, Your Honor. We went
4 through the Rules of Evidence. We talked about, in my opinion,
5 the applicable ones that would be most pertinent to him and the
6 ones to raise. We talked about the applicable rules of
7 criminal procedure, most importantly, Your Honor, the one that
8 you asked that I share in regards to not speaking over each
9 other when the judge makes a ruling, that is the final ruling.
10 We went over that. The last thing I will just note for the
11 record, I do think it is important, Akim has made it incredibly
12 clear when we were speaking last night and that he wanted me to
13 raise this, he does not want me to be his lawyer. He asked --

14 THE COURT: I think that we know that.

15 MR. D'ANGELO: And just so we're clear, there were a
16 couple of additional motions that he asked me to file.

17 THE COURT: Which were?

18 MR. D'ANGELO: A motion to have Your Honor recused
19 from the trial and a motion to change venue. We discussed
20 those and I said as an officer of the court I do not believe
21 there is any standard that I can file those, and we agreed to
22 disagree, so that's sort of where we're at, but we did go over
23 the material last evening, but obviously, haven't had a chance
24 today.

25 THE COURT: So how much time do you need to go --

1 what do you need to go -- sir, what do you need to go over
2 with Mr. -- actually, I don't know that you need to go over
3 anything with him, but do you desire to go over -- I guess I
4 need to ask that question differently. If you're allowed to
5 represent yourself and Mr. D'Angelo is standby counsel, do you
6 need to go over anything with him?

7 THE DEFENDANT: Just because the motion that I'm
8 speaking about, we pretty much ended the conversation after I
9 was mentioning those first two because he didn't desire --

10 THE COURT: Well, he knows under Rule 11 they don't
11 have any basis, but you can make them and I'll consider them,
12 but I can tell you there's no --

13 THE DEFENDANT: That was my --

14 THE COURT: There's no basis for the Court to recuse
15 itself, and there's no basis for venue. Disagreeing with me is
16 not a basis, and in fine law people can judge shop and do
17 whatever they wanted to do, and clearly, that is what your
18 attendance is, to judge shop, and to delay these proceedings,
19 and I think its dilatory and I think you have gleaned from your
20 interaction with the Court on yesterday that I'm very direct, I
21 don't beat around the bush, I don't mislead people, and that is
22 what your intent would be, would be to delay the inevitable,
23 which is this trial, and I perceive and I think everybody
24 else's courtroom would perceive that when people don't agree
25 with you then you think they're against you, which is -- the

1 Court is under no ethical or legal obligation to agree with
2 you. The Court has one rule, that is to interpret the law and
3 to apply it equally and that's what I've done. Unfortunately,
4 many of the basis that you raised have no applicability in the
5 law, although you perceive that to be to case. When the Court
6 indicates what a party would feel as a predisposition to rule a
7 certain way, the law says that that is wisdom, not
8 predisposition. The law also says that unless you can prove I
9 have some extra judicial reason, that's the basis for somebody
10 to recuse themselves, not their ruling. So you would have to
11 prove for the record that I have been exposed to some extra
12 judicial source about you outside of these proceedings, such
13 that it would make me impartial, and I am not aware, first time
14 I ever had any interaction with you was on yesterday, so I've
15 never met you before, I don't know you, I don't know anyone
16 that knows you, but the Court's inclination to rule a
17 particular way or especially once the Court has ruled a
18 particular way, is not a basis for the Court to recuse itself.
19 As I indicated to you on yesterday, I'm under in no ethical
20 obligation to agree with you.

21 THE DEFENDANT: Yes, ma'am. That was not the grounds
22 that I was asking him to put in a motion on. We didn't even
23 get to the grounds. I didn't have specific grounds that it was
24 unlawful.

25 THE COURT: Go ahead, I'm listening.

1 THE DEFENDANT: That's what I haven't been able to
2 put together. I know what I was trying to put together. We
3 haven't discussed that, I haven't done that yet, but I have all
4 the pertinent laws pertaining to that and I was going to put
5 together that.

6 THE COURT: But you should have done that before
7 today.

8 THE DEFENDANT: I mean, literally that was --

9 THE COURT: It's now 10:45, and the jury was stuck in
10 traffic, too, and all of them were less than five minutes
11 tardy.

12 THE DEFENDANT: I know but --

13 THE COURT: So we've been waiting on you since 9:35,
14 and it's now 10:47.

15 THE DEFENDANT: I'm not sure where they stay at, I
16 stay farther away.

17 THE COURT: They live further away than you, some of
18 them were coming from Summerville and they made it here on
19 time.

20 THE DEFENDANT: I was coming from the Summerville
21 area, as well.

22 THE COURT: Well, they made it here, and I understand
23 there was wreck, that's why I was so lenient and I didn't issue
24 a bench warrant and I didn't proceed to try you in your
25 absence.

1 THE DEFENDANT: Like I was stating, when I was going
2 to do to a recusal thing it was more specific legal --

3 THE COURT: I've just told you what the law is on
4 recusal, so you should be able to tell me what your argument is
5 as to why you would be moving for the Court to recuse itself,
6 other than the fact that you don't like the Court's rulings.

7 THE DEFENDANT: I never said I didn't like the
8 Court's rulings, that was never my grounds, that was never
9 going to be my ground, I never relayed that to you.

10 THE COURT: Then you need to tell us what your
11 grounds are, sir.

12 THE DEFENDANT: Being impartial, once again, but --

13 THE COURT: My impartiality has to be based on an
14 extra judicial source, that's the law.

15 THE DEFENDANT: Well, from my understanding, it can
16 be based on other things, too, like --

17 THE COURT: No, sir.

18 THE DEFENDANT: -- errors of laws.

19 THE COURT: No, sir, that's an appellate issue.

20 THE DEFENDANT: -- use of discretion.

21 THE COURT: That's an appellate issue.

22 THE DEFENDANT: But what I'm saying is -- because I
23 have a constitutional challenges. I have certain things that I
24 want to put before the proceeding of the trial.

25 THE COURT: And you did that on yesterday and I ruled

1 on it.

2 THE DEFENDANT: And you told me that could bring the
3 laws.

4 THE COURT: I told you you could bring anything you
5 wanted to supplement the record with, but I'm not spending
6 another four hours today for you to articulate your position
7 when I was lenient on yesterday and allowed you to articulate
8 positions that had absolutely -- they were groundless, frankly,
9 and I allowed you to speak instead of Mr. D'Angelo, and I'm not
10 recreating the wheel today. I'm not going to have the jury
11 waiting for hours for you to restate what you stated yesterday.

12 THE DEFENDANT: I stipulated yesterday and what I was
13 stating yesterday was coming off the top of my head. I did not
14 have the laws in from of me so every argument that I was making
15 yesterday was not a legal basis of an argument that I was
16 prepared for. Like I stated yesterday, when -- last time I
17 talked to him was Friday coming to do some motions, he was my
18 lawyer. Now, I have the record, the real record here with me
19 to supplement the false record that was put on the record
20 yesterday and that goes directly to how I've been prejudiced,
21 that goes directly to my due process violations and it goes
22 directly to the constitutional challenge that I need to raise
23 before you to move forward in this trial, because we can't move
24 forward in the trial if we don't have a basis on what the
25 statute means. Your Honor stated yesterday to me that in open

1 court that when I reviewed the tape I noticed that that was
2 something that we cannot move forward on until we get the issue
3 straight.

4 THE COURT: I don't understand what you're saying,
5 repeat that please so I can understand what you're saying.

6 THE DEFENDANT: You discussed yesterday when you was
7 discussing with the Solicitor, you was discussing --

8 THE COURT: I discussed with everybody, everybody was
9 here, we didn't have any private discussions.

10 THE DEFENDANT: No, I'm just saying --

11 THE COURT: It was -- 1:28:08 FILE 78 yes.

12 THE DEFENDANT: No, you was discussing with him about
13 admissibility of certain parts of the video, and whatnot, and I
14 was discussing about what the threat is and you stated --

15 THE COURT: Discussed what now?

16 THE DEFENDANT: You were discussing about the threat
17 and where the threat was at, what the threat is, and in that
18 discussion with him you stated that was -- it's not like it had
19 to be in the fear. You basically stated what your perception
20 of what a threat is.

21 THE COURT: Sir, I told him what the statute said and
22 I told him what he had to prove and --

23 THE DEFENDANT: But the statute doesn't --

24 THE COURT: And to your benefit I required him to
25 redact the video to only two very isolated portions instead of

1 playing an hour and a half video, which, frankly, under the
2 evidentiary rules I could have let them play the whole thing,
3 but I was very conservative and said he could only play two
4 parts.

5 THE DEFENDANT: The statute doesn't define what a
6 threat is so we can't move forward until we define what a
7 threat is.

8 THE COURT: The statute, because it's common sense
9 what a threat is and there are cases that say what a threat is.

10 THE DEFENDANT: I have legal precedent, legal laws
11 stating what true threats are.

12 THE COURT: I got that, sir, but you deal with that
13 at the jury charge part of the trial, not at the beginning, it
14 has nothing to do with jurisdiction on the validity of the
15 charge.

16 THE DEFENDANT: Yes, it is, and I also have to raise,
17 that goes directly to what you have so that has to be
18 determined what a threat is.

19 THE COURT: I'm going to give you ten minutes to go
20 through whatever you need to go through with Mr. De'Angelo.
21 This jury has been waiting long enough. This charge has been
22 pending since 2017. You have been adamant since that time that
23 you are competent to represent yourself, therefore, you should
24 have come to court prepared. I'm not entertaining anymore
25 comments from you. Go in the hallway or go into one of the

1 work rooms and do what you need to do with Mr. D'Angelo.

2 MR. D'ANGELO: Are you making a determination?

3 THE COURT: I'm going to make a determination about
4 the Faretta after you do all that.

5 MR. D'ANGELO: Yes, Your Honor.

6 THE DEFENDANT: I'm not sure, Your Honor?

7 THE COURT: I was not inarticulate in what I just
8 spoke to you, I think it was very clear what I just said.
9 There was nothing confusing about what the Court just told you
10 to do, the directive that you were given. Ten minutes, it's
11 10:50, you've got until 11:00.

12 THE DEFENDANT: Ma'am, that's unreasonable. Ten
13 minutes is not enough time for me to put together. I have this
14 much --

15 THE COURT: That is your responsibility. I gave you
16 the time to do it. You should have came to court prepared this
17 morning.

18 THE DEFENDANT: Ma'am, we left court at 5:00
19 yesterday.

20 THE COURT: If he continues to speak, take him into
21 custody. Go into the work room with your lawyer. We'll be at
22 ease for ten minutes. Thank you all.

23 (Recess taken.)

24 THE COURT: They're done? Perfect, if you could ask
25 them to come in for me. Mr. D'Angelo, have you had a full

1 opportunity to go over all of the documents that Mr. Charles
2 has provided that he was given the recess to locate?

3 MR. D'ANGELO: Your Honor, he would request more
4 time. Full candor to the Court, I don't believe that there is
5 anything that I, as I was flipping through these documents,
6 anything that pertains or is relevant.

7 THE DEFENDANT: You've only seen two of them.

8 THE COURT: I've instructed you several times, do not
9 overtalk others. You continue to overtalk other, it is
10 discourteous. When Mr. D'Angelo is speaking, don't speak over
11 him. When Mr. Zeigler is speaking, don't speak over him. Your
12 experience with this Court has been that I've given you ample
13 opportunity to speak. If you want to respond to something Mr.
14 D'Angelo has said, I will give you the opportunity to do that,
15 but do not interrupt anyone else any further in the
16 proceedings. Are we on the same page?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: Mr. D'Angelo, you were saying?

19 MR. D'ANGELO: So Akim would like more time to go
20 over all of the documents with me. We did not have a chance to
21 make it through everything. To be completely honest and full
22 candor to the Court, I don't think it would make much
23 difference if we spent another 30 minutes going through
24 everything.

25 THE COURT: And that is because?

1 MR. D'ANGELO: Because I have not seen, I have
2 flipped through a number of documents that he had presented. I
3 do not see anything in these that apply to our case.

4 THE COURT: Have you got, on yesterday did you go
5 over with him how an opening and closing argument is made and
6 how that procedurally is done?

7 MR. D'ANGELO: We -- I talked generally about each
8 step of the stage. I did not have an opportunity to go over
9 with him as far as opening arguments or not for presenting
10 arguments at that stage or contested facts, that closing is the
11 point to do that, but I did go through procedurally, the State
12 would have an opening, he could if he wanted to, they would
13 have a witness, he can't interrupt, he has to -- he could make
14 objections, he then has his opportunity to cross, there would
15 be a motion for directed verdict once the State has rested, he
16 could testify if he wanted, so I did go through those steps
17 with him.

18 THE COURT: And did you go over if he allowed to
19 represent himself you assisting in him in any direct
20 examination?

21 MR. D'ANGELO: He made it absolutely clear that he
22 does not want me to do anything, so I told him, if myself and
23 Mr. Henley are appointed as standby, we are potting plants. If
24 he has a question on a rule number or something like that, we
25 are happy to answer that, but that we will have no argument

1 presented to the jury and the jury would not perceive us as his
2 lawyers.

3 THE COURT: Okay.

4 MR. D'ANGELO: That is my understanding of the rule.

5 THE COURT: Alright, now, Mr. Charles, what did you
6 want to share with the Court?

7 THE DEFENDANT: I wanted to the record to reflect he
8 said he went through a lot of papers and we literally only went
9 through the first --

10 THE COURT: I need you to speak up for me, I can
11 barely hear you.

12 THE DEFENDANT: I was stating that, I mean, he said
13 that we went through several of the papers and I was just
14 clarifying that we literally only got through two of them
15 because of the rushing that was going on and I basically have
16 my arguments, I mean, my pretrial arguments when it comes to
17 the constitutional challenges that I have.

18 THE COURT: Are those the same arguments you made
19 yesterday?

20 THE DEFENDANT: The ones that you told me that I
21 could bring the evidence on?

22 THE COURT: No, sir, you made full argument on
23 yesterday. I told you if there were any additional case law
24 statutes that you wanted to put into the record I would allow
25 you to do that, but I did not give you the impression that you

1 were going to reargue this matter today.

2 THE DEFENDANT: No, ma'am. You stipulated that you
3 were --

4 THE COURT: Sir, I know what I said, I told you that
5 I allowed you to make full argument on all of your positions on
6 yesterday. I said we were going to recess the matter as an
7 accommodation to you to gather any documents you said you had
8 at your home, that you felt contradicted anything that was
9 presented on yesterday. I did not give you any impression that
10 we were going to reargue today. That is not a good use of our
11 time. It is not judicial economy, and you've already argued
12 your positions to the Court. I told you if you had any
13 documents you wanted to submit, I would allow you to retrieve
14 those from your home. I did not tell you we would be rearguing
15 this today.

16 THE DEFENDANT: Ma'am, you stipulated yesterday that
17 it wasn't argument yesterday, and the only reason --

18 THE COURT: Sir, we did argue yesterday for four
19 hours --

20 THE DEFENDANT: That wasn't --

21 THE COURT: -- and I made rulings yesterday.

22 THE DEFENDANT: But that was -- that was stipulated
23 to, I told you that everything was coming off the top of my
24 head.

25 THE COURT: No, sir, you made full argument on

1 yesterday.

2 THE DEFENDANT: I said everything that was coming off
3 the top of my head is not the law. I needed a chance to get
4 the law and then I could do it better, but you said --

5 THE COURT: Now, sir, I did not give you the
6 impression that we were going to reargue four hours of motions
7 on today.

8 THE DEFENDANT: No, you ruled --

9 THE COURT: -- I told you to supplement the record
10 with any documentation.

11 THE DEFENDANT: You ruled on it and then you told
12 me if --

13 THE COURT: I said if you had any cases you wanted to
14 put in the record I would allow you to do that, but that's not
15 rearguing it.

16 THE DEFENDANT: -- after I go through my stuff --I
17 wasn't under the impression I was arguing yesterday.

18 THE COURT: You were arguing yesterday.

19 THE DEFENDANT: I wasn't under that impression
20 because you kept telling me that I'm not arguing with you. You
21 kept saying that.

22 THE COURT: I think you're misinterpreting what the
23 Court said. I did tell you I was not argue with you because
24 this Court is not an advocate. You and I do not get into
25 colloquies about the law. You make an argument, you state your

1 position, the State makes their position, and then the Court
2 makes a ruling. The Court's not an advocate. The Court
3 doesn't answer questions, the Court doesn't advocate, the Court
4 doesn't debate.

5 THE DEFENDANT: No, ma'am, I understand that, but
6 that's why I kept asking, I was like --

7 THE COURT: I think you have a misapprehension about
8 how the system works. You and I are not adversaries. I don't
9 have a position. There's nothing for us to debate about or
10 argue about.

11 THE DEFENDANT: But that is where I kept complaining
12 about that, that you were being impartial toward me.

13 THE COURT: Sir, I don't know how you could have had
14 that impression when I let you talk for four hours.

15 THE DEFENDANT: Well, every time I was trying to say
16 what I was trying to say you wouldn't --

17 THE COURT: Sir, the record will reflect that you
18 uninterrupted spoke in four hours. If you'd like me to play it
19 back for you when the jury's out, I'll do it. We have a back
20 up digital recording of everything you said yesterday. You
21 spoke uninterrupted for multiple hours.

22 THE DEFENDANT: I just made it -- because I was
23 trying to make -- because I was trying to make sure that I had
24 certain things that I want to put on the record for the record
25 to make it clear. I don't want --

1 THE COURT: And you are allowed to do that --

2 THE DEFENDANT: But I couldn't do it.

3 THE COURT: -- and I'm not going to allow you to
4 misrepresent today that somehow you were prevented from doing
5 that, that you were interrupted, that somehow you did not have
6 the ability to make your full argument. You made a full
7 argument yesterday, I even went back over it to make sure I
8 covered every point that you were attempting to make.

9 THE DEFENDANT: I couldn't make a full argument
10 because I didn't have the information to do it. That was the
11 whole reason you gave me the opportunity to go get it.

12 THE COURT: Sir, that's not accurate. If you have
13 something you want to supplement the record with, I'll be glad
14 to let you do that. If you have any case law you want to put
15 in the record, if you have any, you said you had documents
16 regarding your notices, if you'd like to put that in the record
17 and make us aware of it, I'll be glad to entertain that, but I
18 am not rearguing four hours of your motions again today.

19 THE DEFENDANT: I wasn't trying -- I was just trying
20 to offer the information but I just needed to organize it.

21 THE COURT: I'm giving you that opportunity now. Mr.
22 D'Angelo said he's gone through most of the documents that you
23 presented --

24 THE DEFENDANT: That's not true.

25 THE COURT: -- and they are not applicable. Is that

1 correct, Mr. D'Angelo?

2 THE DEFENDANT: That's not possible he went through
3 all these in ten minutes.

4 THE COURT: He can answer, it don't take us that
5 long.

6 MR. D'ANGELO: I have flipped through the documents
7 on the table, there may be more in his binder.

8 THE COURT: What do you have in your binder so that
9 Mr. D'Angelo can help you with that?

10 THE DEFENDANT: I have the actual reflection of the
11 real record. I have the actual reflection of like a --

12 THE COURT: Well, then show it to him. Why haven't
13 you done that?

14 THE DEFENDANT: Because we were talking about the
15 first things. I have multiple --

16 THE COURT: He said all of the things you were
17 talking about were not relevant or germane to this and were
18 inapplicable, so maybe you need to get to the heart of the
19 matter and show him the things that are relevant.

20 THE DEFENDANT: I wasn't given the chance to.

21 THE COURT: Sir, you were given more than ample
22 chance.

23 THE DEFENDANT: You just told me I had ten minutes to
24 get everything together.

25 THE COURT: Sir, you had since last night. You had

1 since 2017.

2 THE DEFENDANT: Ma'am, with all due respect, I'm not
3 the person who's supposed to bring the case in. They didn't
4 bring the case. It's not my fault that they took this long.

5 THE COURT: I understand that. You argued that for
6 from two hours on yesterday.

7 THE DEFENDANT: And then now I have the facts to back
8 it up, I have the actual records.

9 THE COURT: Then you should have shown that to Mr.
10 D'Angelo already. Mr. D'Angelo, as an officer of the Court are
11 you telling me the things that you've seen already are not
12 applicable to this case?

13 MR. D'ANGELO: The things that I have seen were in
14 regards to the affidavit issues, the being dismissed. I asked
15 for a criminal or criminal procedure rules that were applicable
16 to why it should be dismissed. I have not seen a case. Akim
17 did give me something that lays out the rules that must be
18 followed in a criminal case when an officer is seeking to bring
19 an affidavit for arrest. In that --

20 THE COURT: Is that South Carolina law?

21 MR. D'ANGELO: It is. I don't see anything, though,
22 that he showed me that shows how that was improperly done in
23 this case, so that's where I think we're having the breakdown
24 in communication.

25 THE DEFENDANT: That's the only thing we went over in

1 there, to be clear.

2 THE COURT: I'm going to give you ten more minutes to
3 go over whatever else you need to go through. You've been
4 adamant about representing yourself. The law requires you to
5 be prepared. You should have been prepared before today.

6 THE DEFENDANT: Ma'am, I didn't have an opportunity.

7 THE COURT: Sir, you've been notified since December
8 this case was going forward, we're now in February. The
9 Clerk's office independently sent you a notice that your case
10 was going to trial this week.

11 THE DEFENDANT: Ma'am, I have over 20 notices that
12 said I was supposed to be coming to trial in --

13 THE COURT: Sir, nobody has contested that. The law
14 requires you to be ready every single time they send you a
15 notice.

16 THE DEFENDANT: That's prejudicing me.

17 THE COURT: No, it's not.

18 THE DEFENDANT: You're telling me --

19 THE COURT: You are required the same way the lawyers
20 get notice, every time you get a notice you are required to be
21 prepared. I'm so sorry we don't have date certain every week,
22 it doesn't work that way, we try cases on a rolling basis.
23 Every time you get a notice you should be prepared.

24 THE DEFENDANT: That's why I brought certain laws --

25 THE COURT: Nobody has contested that you didn't get

1 notices. I've already ruled it was not prejudicial to you.

2 THE DEFENDANT: I did contest that I didn't get the
3 notice --

4 THE COURT: Sir, we're only required, the law
5 requires us to send it to your last known address. The law
6 presumes that once it is dispatched that you received it.

7 THE DEFENDANT: Presumes, but once I --

8 THE COURT: That is the law.

9 THE DEFENDANT: But I didn't receive it. I have
10 proof that I never -- I was not supposed to be arrested for
11 that bench warrant. That bench warrant was issued --

12 THE COURT: Sir, that is so beyond the point at this
13 point. It has no relevance to this trial.

14 THE DEFENDANT: It goes to my prejudice to this case.

15 THE COURT: I've already ruled on that.

16 THE DEFENDANT: And you told me that I could bring --

17 THE COURT: I told you you could bring any
18 documentation regarding notices, but it still isn't relevant to
19 anything.

20 THE DEFENDANT: And you said any of the arguments I
21 made --

22 THE COURT: Sir, I know what I told you on yesterday,
23 and I'm not going around this mountain anymore. You got ten
24 more minutes.

25 THE DEFENDANT: So I'm not sure --

1 THE COURT: Make sure you show everything to Mr.
2 D'Angelo with all due diligence, ten more minutes, I'm not
3 having this jury wait any longer. They've all been here since
4 9:35. You were an hour late.

5 THE DEFENDANT: I'm not trying to inconvenience
6 nobody, I'm just trying to exercise my rights.

7 THE COURT: Sir, you continue to speak when the Court
8 has already spoken.

9 THE DEFENDANT: I apologize for interrupting.

10 THE COURT: We'll be at ease for ten minutes.

11 MR. D'ANGELO: Thank you, Your Honor.

12 THE COURT: You're welcome.

13 (Recess taken.)

14 THE COURT: How many documents would you estimate you
15 have?

16 THE DEFENDANT: A lot.

17 THE COURT: I was asking Mr. D'Angelo.

18 MR. D'ANGELO: I would then have to say a lot. I
19 don't quite know what it was all that Akim wanted to go
20 through.

21 THE COURT: What else have you gone through already
22 without a privilege, is there any of it that would be relevant
23 to these proceedings?

24 MR. D'ANGELO: As an Officer of the Court, I don't
25 think so, but I've just taken --

1 THE COURT: You say a bunch of documents, what other
2 documents are there in that accordion folder that you need to
3 show to Mr. D'Angelo?

4 THE DEFENDANT: I don't really need to show him. I
5 just need time to proffer my things properly, that's all.

6 THE COURT: I don't understand what you mean.

7 THE DEFENDANT: If I could sit down and write my
8 stuff down succinctly and meticulously, I could proffer it into
9 the Court --

10 THE COURT: Sir, evidence is for the jury, not for
11 the Court, and you don't write up evidence for --

12 THE DEFENDANT: I misstated, I misstated. I mean,
13 the proper word, evidence, it would be evidence --

14 THE COURT: No, sir, it's not evidence.

15 THE DEFENDANT: Evidence or exhibits --

16 THE COURT: If there's something, if there's case law
17 you want to make the Court aware of, if there's documents you
18 want to put into the record, you need to let me know what those
19 are right now.

20 THE DEFENDANT: They're in --

21 THE COURT: You should have done that before today.
22 I gave you overnight to do it.

23 THE DEFENDANT: I didn't get home until 9:00, ma'am.
24 We didn't leave from here until 5:00, traffic, 7:00, I had to
25 pick my daughter up.

1 THE COURT: Sir, I can't account for your time
2 management.

3 THE DEFENDANT: I told you I only had two hours -- I
4 mean, it's impossible to have that much time within a 12-hour
5 span.

6 THE COURT: I've done it.

7 THE DEFENDANT: You've expanded 12 hours and --

8 THE COURT: I might be more organized than most, but
9 I think you could accomplish what you were trying to accomplish
10 --

11 THE DEFENDANT: I mean, you did state yesterday that
12 men can't multi-task.

13 THE COURT: Well, some men can't.

14 THE DEFENDANT: That's an impartial statement as to
15 that.

16 THE COURT: I said -- either way, it was more direct
17 to the fact that I can multi-task, because you thought I
18 couldn't talk to James and listen to you at the same time, but
19 I can.

20 THE DEFENDANT: I just didn't want you to --

21 THE COURT: And which really has nothing to do with
22 you being prepared over the evening recess, because that should
23 have been your first and only objective or priority.

24 THE DEFENDANT: It was. That's why I had so much
25 stuff that I gathered together and --

1 THE COURT: Sir, you should have done that long
2 before today.

3 THE DEFENDANT: Ma'am, that's my whole argument is
4 that the reason that I didn't is because the flow of this case
5 has prejudiced me so much.

6 THE COURT: Sir, I've already heard that argument,
7 I've already found it has no merit. I'm not revisiting it,
8 you've had since 2017 to be prepared, and you're not, according
9 to your estimation.

10 THE DEFENDANT: Ma'am --

11 THE COURT: What else is it -- you need to show Mr.
12 D'Angelo right now whatever else it is you want to show him. I
13 need to know what cases you said you wanted to put into the
14 record, case law, and I need to know what documents you said
15 you had notices that you wanted to put in the record, and I
16 need to know what those.

17 MR. D'ANGELO: And I can, on behalf of Akim, I took a
18 list. The first thing he wanted entered, it's an article on
19 the right to a speedy trial in South Carolina.

20 THE COURT: That would not be admissible for any
21 purposes on the record.

22 THE DEFENDANT: I knew he was going to try to do
23 this. He's trying to do this.

24 THE COURT: He isn't doing anything, he's telling me
25 what you would want to introduce.

1 THE DEFENDANT: But I wasn't never trying to enter it
2 as evidence. I was going to use the information off it and
3 you -- because there's laws in here, this is basically --

4 THE COURT: Sir, I've already addressed your speedy
5 trial motion. You've had -- can't meet the burden.

6 THE DEFENDANT: You gave me an opportunity to go get
7 facts and documents to --

8 THE COURT: Now, sir. You said that you needed
9 documents about your notices. I told you you could supplement
10 the record with those.

11 THE DEFENDANT: Ma'am, you never said for me to check
12 my notices.

13 THE COURT: I told you if there was any case law you
14 wanted to provide the Court you could provide the Court with
15 that. What is that document that you referred to on speedy
16 trial, Mr. D'Angelo?

17 MR. D'ANGELO: It's an article written in, I'm trying
18 to figure out where this was published, Your Honor, I
19 apologize.

20 THE COURT: It's okay.

21 MR. D'ANGELO: It's just going over the general rules
22 and outlines of case law discussing that defendants have a
23 right to speedy trial under the South Carolina State
24 Constitution, Your Honor.

25 THE COURT: Okay, and then what else do you have?

1 MR. D'ANGELO: Next, I was given, there is a copy of
2 the order that the bondsman filed to go off bond.

3 THE COURT: That's in his file already.

4 THE DEFENDANT: I've got to address the reason why
5 I'm offering that because --

6 THE COURT: For what purpose?

7 THE DEFENDANT: All about the record and why --

8 THE COURT: Sir, it's already in the record.

9 THE DEFENDANT: I'm saying, but it's posed against
10 the record that they laid out yesterday that you took into as
11 the record.

12 THE COURT: I don't understand what you mean.

13 THE DEFENDANT: You asked James Malone to ask the
14 prosecutor about different dates and about --

15 THE COURT: Sir, I saw the off bond motion in your
16 file, it has no relevance to anything we're doing today or
17 yesterday.

18 THE DEFENDANT: But it has relevance because it's a
19 part of my argument of why my due process rights and my
20 constitutional rights are violated and why I'm being prejudiced
21 in this case through undue delay, which is the reason why we're
22 here today and --

23 THE COURT: Sir, the off bond has nothing to do with
24 any delay --

25 THE DEFENDANT: It does, though.

1 THE COURT: -- and I'll note that it's already in the
2 Court file, it was filed by the bondsman, it was already heard
3 and dealt with, and I note it for the record.

4 THE DEFENDANT: But if you don't give me a chance to
5 offer why that --

6 THE COURT: You've already told me why. You said it
7 caused you delay.

8 THE DEFENDANT: No. It's because -- it's because
9 it's not a true affidavit, like I said before, it's not signed
10 --

11 THE COURT: Sir, an off bond doesn't have to be an
12 affidavit, an off bond is governed by the insurance department.

13 THE DEFENDANT: I'm talking about the affidavit that
14 the bondsman proffered to --

15 THE COURT: He only has to comply with what the
16 insurance department requires of him. That bond form he used
17 is regulated by court administration, and he used the form that
18 is required for him to use.

19 THE DEFENDANT: Ma'am, with all due respect, I object
20 because he did not swear to the information --

21 THE COURT: Sir, he doesn't have to.

22 THE DEFENDANT: So then it's not an affidavit.

23 THE COURT: It doesn't have to be. He uses forms
24 that he's directed to use by the Department of Insurance and
25 Court Administration.

1 THE DEFENDANT: But it says affidavit of surrender.

2 THE COURT: Sir, it doesn't matter. It doesn't have
3 anything --

4 THE DEFENDANT: So it doesn't have to be --

5 THE COURT: It doesn't have anything to do with your
6 trial, it doesn't matter.

7 THE DEFENDANT: It does matter because it prejudiced
8 me because I was locked up and then it came off my bond, I
9 never got an opportunity to be heard and in the case ex
10 parte --

11 THE COURT: Then you should have filed something
12 about it being ex parte, but the statute is very clear, you're
13 required to be served with that off bond --

14 THE DEFENDANT: Me and Mike discussed this when I was
15 in jail.

16 THE COURT: -- and do not interrupt the Court.

17 THE DEFENDANT: Sorry.

18 THE COURT: The off bond is not why you were in jail.
19 You were in jail because a bench warrant was executed on you
20 because you failed to appear in court.

21 THE DEFENDANT: Yes, but I was only in jail still --
22 no, that's what I'm saying. All of that goes together.

23 THE COURT: There was a consent order on your off
24 bond, sir, and you could have posted with anyone else whenever
25 you wanted to.

1 THE DEFENDANT: Listen, the reason -- that's what I'm
2 saying, we discussed that and the reason that I didn't go after
3 that is because I was already in jail and I was just going to
4 be out of jail, that was the only reason I got consent, but
5 that consent was after that. It was consented to after it was
6 already void so at that point it doesn't matter, because in to
7 case law it clearly states that anybody that's bond --

8 THE COURT: Sir, that is not applicable to bondsman.

9 THE DEFENDANT: I'm talking about the off bond
10 hearing.

11 THE COURT: It is not -- the statute on the law of
12 bond only requires that you be served with that notice
13 personally --

14 THE DEFENDANT: I never was served.

15 THE COURT: -- and a consent order was done, so
16 anything you could have raised about it, you've waived it, once
17 that consent order was filed --

18 THE DEFENDANT: Ma'am --

19 THE COURT: -- and you could have posted your bond
20 with anybody else you wanted to.

21 THE DEFENDANT: That is not my argument. My argument
22 is that this goes to the fact that I've been prejudiced because
23 of all of these actions that are illegal and against my --

24 THE COURT: Sir, any actions by the bondsman do not
25 play in any motion for speedy trial and I've already ruled on

1 that.

2 THE DEFENDANT: I'm not talking about the bondsman,
3 I'm talking about what the Court decided to do when the
4 bondsman came to come off my bond. The Court did not go by
5 procedure. The Court was supposed to notify me of the --

6 THE COURT: There was a consent order that was filed,
7 sir, and once you do that you're bound by the actions of
8 whomever signed the consent order.

9 THE DEFENDANT: The reason that that consent order
10 was signed was because I was in jail and I stated to him that
11 do I have any recourse after this? He said, you may have some
12 recourse in a civil trial. I said, okay, well, I'm just going
13 do it so I can get out of jail.

14 THE COURT: Your obligation with the bondsman is a
15 separate civil contract. It has nothing to do with the Court.

16 THE DEFENDANT: Ma'am, you're misconstruing why I'm
17 bringing that up. That has nothing to do with what I'm talking
18 about. I'm saying that me being arrested for that bench
19 warrant that was never actually scheduled and properly sent out
20 to me, I was never notified, I was never on the actual docket
21 --

22 THE COURT: You were on the docket, sir, I've already
23 made that finding, you failed to appear. Notice was sent to
24 you at your last known address. I'm not rehashing that.

25 THE DEFENDANT: I have the docket here today.

1 MR. D'ANGELO: Your Honor, there was another document
2 that he provided from the date of, it's a track-C trial docket.
3 It was the week of March 28, 2022. I will say, in all candor,
4 going back and looking at the notes that Mr. Malone provided us
5 yesterday --

6 THE COURT: But that's the trial docket, it's not a
7 plea docket, and he was on a plea docket, not a trial docket.

8 MR. D'ANGELO: Exactly, Your Honor, so I did try to
9 explain that.

10 THE DEFENDANT: This is what I'm saying, that's not
11 true, because --

12 THE COURT: Sir, I've already gone over that. I'm
13 not rehashing it and I've already ruled on it, and it is true,
14 you were on a plea docket, you were not on a trial docket, and
15 you failed to appear and a bench warrant was appropriately
16 issued for your arrest.

17 THE DEFENDANT: You were the one that issued that
18 bench warrant and on that motion you clearly stated that
19 yesterday when we were discussing Langford and you stated
20 that --

21 THE COURT: I said that there is no order that has
22 been produced as a result of the Langford opinion, yes, sir.

23 THE DEFENDANT: Yes, ma'am, but --

24 THE COURT: We have an administrative order for our
25 criminal cases, but it's not pursuant to Langford, it's

1 something that was voluntarily entered into. Although it was
2 subsequent to Langford, it is not the Langford order that the
3 Supreme Court contemplates.

4 THE DEFENDANT: Well, that's what I meant, though.

5 THE COURT: -- it is currently being worked on.

6 THE DEFENDANT: That's what I meant when I was
7 discussing that.

8 THE COURT: That order is not any basis for a case to
9 be dismissed.

10 THE DEFENDANT: What I was saying is it was talking
11 about -- the reason I brought that up is because you was making
12 it seem like Langford only dealt with the fact that the docket
13 --

14 THE COURT: Sir, I'm not rearguing any of this. I
15 told you what the holding in Langford was. I'm not reploting
16 anything we did yesterday. I've asked you a very succinct
17 question, are there any notices that you want to put in the
18 record to supplement your argument that you made yesterday?
19 The answer is yes or no.

20 THE DEFENDANT: Yes.

21 THE COURT: Then you need to give those documents to
22 Mr. D'Angelo so we can have them marked.

23 THE DEFENDANT: But ma'am, this is what I'm saying.
24 I need to state --

25 THE COURT: You've already stated your position on

1 it.

2 THE DEFENDANT: Well, I'm moving this Court to for
3 several different reasons to recuse you from the case --

4 THE COURT: You need to tell me what those reasons
5 are so that I can rule on it and I can hear from opposing
6 counsel.

7 THE DEFENDANT: But you have to give me opportunity
8 to --

9 THE COURT: Sir, you should have already come
10 prepared for that to make your argument.

11 THE DEFENDANT: Ma'am, just like you said, I just met
12 you yesterday, it was 12 hours ago.

13 THE COURT: That doesn't have anything to do with the
14 motion to recuse, sir.

15 THE DEFENDANT: But what I'm saying is, okay, the
16 reason I'm wanting to get a motion to recuse because you stated
17 certain things.

18 THE COURT: You need to make your motion, sir.

19 THE DEFENDANT: I move this Court to recuse herself
20 from this case because of violations of my constitutional
21 rights and partiality that's been shown through statements
22 about women being more able to multi-task and the victim being
23 a woman in this case. You stated that the law -- you stated
24 that the law of threats in South Carolina stipulates that the
25 person threat does not -- the person who the threat is being

1 conveyed against does not have to be in any kind of reasonable
2 fear of the threat. You stated that yesterday. So that is the
3 main reason why I'm moving this Court for a recusal, because if
4 your basis of what a threat is does not coincide with an
5 actual, with what South Carolina law says a threat is, which
6 the Federal Law says a threat is because it's very, very sparse
7 when it comes to threats, there's not much case law out there
8 when it comes to threats, but all of the case law that is out
9 there that coincides with threats, federal and South Carolina
10 jurisprudence, all the same, they all mentioned the mindset of
11 the victim, the fear that they were being so -- you stating
12 that clearly displays to me that I can not possibly have a fair
13 trial because when you're giving instructions to the jury or
14 when you inform the jury of certain things then your
15 interpretation of the law is that the threat doesn't actually
16 have to be -- it could be an idle threat which is totally
17 opposed to what South Carolina jurisprudence says under
18 threats. It says you can't be under threats. If your opinion
19 is that I could never have a fair trial because you're not
20 going to inform the jury that the person being threatened needs
21 to be in fear of the threat, if you're not going to inform the
22 jury of that then they're never going be able to really be able
23 to get the full understanding of what the law is if you're
24 coming at it like that. Also, I want to move the Court for
25 recusal because of the simple fact of the overlooks of my

1 violations of my due process rights. Any and all courts can
2 basically remedy due process violations, and if I'm able to
3 stipulate and show on the record factually where records have
4 been falsified, dates have been changed, certain dates that
5 your scheduled for a plea on one paper but on another paper it
6 says, you missed a Faretta Hearing, and then I get charged
7 here, all of these things are records being falsified that
8 basically prejudice me in this case, delayed this case, made it
9 so I don't really know what's going on in this case and can put
10 me in this situation right here where things pop out of
11 nowhere, I get arrested out of nowhere, people come off of
12 bonds with no hearing to me, I get no opportunity to be heard
13 when the constitution clearly states that any matter regardless
14 of somebody that can -- potentially, that person could
15 potentially be in jail for, or potentially -- you know what I'm
16 saying? Any crime that a person can be accused for needs to be
17 fully heard on all of his requests, and right now, like you
18 said, I didn't meet you until today. Now, where at hyper speed
19 pushing everything through when this case is almost six years
20 old. The claim yesterday that you made was that the only
21 reason that it was properly delayed was because of COVID, but
22 that actually goes directly against State versus Langford,
23 because State versus Langford has a section in there when they
24 breakdown the different thresholds that it would take to reach
25 the prejudice of a person from the delay. So if we got 2017 to

1 March of 2020 is when COVID officially started in the
2 Government and things started shutting down, that gives you
3 three years to bring the case. The prosecution never brought
4 the case those three years, but did bring me down here multiple
5 times for multiple status conferences, and they're not nowhere
6 on the public record to show like how many times I've come. So
7 it's basically like I'm just basically being -- it's -- the way
8 that you stated earlier, if you're being impartial you should
9 be able to agree with me on this, because I stated one thing
10 about a recusal and you stated that it was because of this
11 reason and I'm going to fish for a continuance or I'm trying to
12 fish for a judge, but if you're being impartial you would say
13 the same thing about the prosecution for taking so long and
14 bringing me down here so many times and not moving this simple
15 case forward. Like State versus Langford says, prosecution is
16 supposed to move this case along. There's many orders that are
17 in this circuit, 9th circuit, that stipulate 365-day tracts,
18 180-day tracts, different tracts. You could have had three
19 different tracts before COVID-19. So it's not like they are
20 using COVID as an excuse, but it really goes directly to the
21 delay. It's been delayed for years, I was ready to go the
22 first three years. I was prepared in the first time to go
23 because I wouldn't -- who knows what would be different, it was
24 a long time ago. One of the main things that State versus
25 Langford says is over a five-year period so many things

1 happened. State or prosecution, memories, a lot of things can
2 happen. So at the end of the day, you turned a blind eye to
3 the fact that I was arrested on January 15, 2020 for missing a
4 court date on January 15, 2020. That is a clear violation of
5 the law and for you not to address that so that I can't really
6 have a fair trial, because you should clearly stipulate that
7 that should have never happened and should have been thrown out
8 at that point. And I have proof of that, I have proof of all
9 of what I'm saying. I've got January 15th status conference
10 notice, I sent then an e-mail, I have the e-mail here where I
11 told them I'm going to be here, same way I called you all
12 today. When I got here to court, there wasn't no bench
13 warrant. I got arrested like 30 minutes after that, and then
14 an hour after that the bench warrant was retroactively issued
15 with a timestamp of 4:46 on it when I was arrested at 2:30. So
16 what happened was he knew I was a little late and when I got up
17 there there was no court going on that day so what I would like
18 to address the court to January 15, 2020. You all can look at
19 the docket. I'm not going to be on that one either on what
20 they claim it was. So this is what I'm saying. They are
21 basically prejudicing me by fishing for a bench warrant. They
22 called me down here multiple times, multiple times, multiple
23 times, multiple times, to the point that any reasonable person
24 is going to start thinking that this is just another time
25 they're going to call me down there, I'm going to wait, they're

1 never going to call my name, I'm going to ask what happened and
2 they're going to go, oh, it's just a status conference, just
3 come back next week. That's what kept happening so many times,
4 so many times, so that's a huge prejudice. State versus
5 Langford clearly agrees with what I'm saying, that that's a
6 undue delay. This is one of the most simplest cases,
7 supposedly, you know the State should only take a day, so in
8 any reasonable person's mind why did this not happen before
9 2017 -- I mean, before 2020? The only answer could be undue
10 delay on the part of --

11 THE COURT: Sir, I've already heard your speedy trial
12 motion. If there's any case law you want to submit into the
13 record, I'll be glad to entertain it. If there are any
14 documents regarding your docket notices that you want to make a
15 part of the record, I'll be glad to mark those. If there is
16 any other document that you would like marked for the record,
17 you need to make me aware of it so that we can get it marked.

18 THE DEFENDANT: I need to sit down and write these
19 things --

20 THE COURT: Sir, you should have down it before
21 today.

22 THE DEFENDANT: How? I was here yesterday.

23 THE COURT: Sir, I'm not going to -- I've been very
24 clear, the Court is not going to debate with you, and the Court
25 will not be answering any questions from you.

1 THE DEFENDANT: I mean, why can't --

2 THE COURT: The Court is not an advocate, the Court
3 is only to make sure that each party has a fair and opportunity
4 to try their case on a level playing field. You continue to
5 try to engage and debate with the Court, and I'm just not going
6 to entertain that today.

7 THE DEFENDANT: Yes, ma'am. I have to be able to
8 argue these.

9 THE COURT: You've already argued them, sir. You
10 argued them for four hours yesterday. I've heard nothing new
11 that you said in the last 40 minutes that you didn't say
12 yesterday.

13 THE DEFENDANT: I'm saying, the only thing I'm saying
14 new is I got proof of these dates.

15 THE COURT: Sir, it's not --

16 THE DEFENDANT: I have proof of these dates.

17 THE COURT: And you can mark those into the record.
18 You argued all of that yesterday.

19 THE DEFENDANT: Okay, so if you --

20 THE COURT: You've not said anything new that you did
21 not say on multiple occasions yesterday.

22 THE DEFENDANT: But what I'm saying is, if that's the
23 case, if I --

24 THE COURT: It does not change this Court's decision.

25 THE DEFENDANT: If my rights have been violated and

1 that's why you need to be recused from the case.

2 THE COURT: Do you want to mark the exhibits or not?

3 THE DEFENDANT: I mean, I have multiple things I'm
4 marking.

5 THE COURT: It's a simple question, do you want to
6 mark the exhibits or not?

7 THE DEFENDANT: Yes, but I have multiple things.

8 THE COURT: It will be marked as a Court's Exhibit,
9 Mr. D'Angelo, if you will approach the court reporter. Do you
10 need a paper clip?

11 MR. D'ANGELO: Yes, Your Honor. Thank you.

12 THE DEFENDANT: Let the record show that --

13 THE COURT: Sir, the record is being taken down,
14 that's an antiquated term asking to let the record reflect
15 anything. It's superfluous and it's unnecessary and you do not
16 have permission to speak, and I would ask that you maintain
17 your demeanor and not speak at this time while we have that
18 marked. The court reporter can't write while we're talking.
19 Do you need time to mark those?

20 THE COURT REPORTER: We got them marked.

21 THE COURT: Go right ahead. You already marked?

22 THE COURT REPORTER: Yes.

23 THE COURT: Okay. What other documents would like
24 marked for the record, sir? What other documents do you have
25 over there, Mr. D'Angelo?

1 THE DEFENDANT: I have written documents that I need
2 to put in but I haven't written them yet.

3 THE COURT: You should have done that before today.

4 THE DEFENDANT: I didn't have time, ma'am.

5 THE COURT: What other documents do you have that --
6 you've had more than ample time.

7 THE DEFENDANT: No, I didn't. Twelve hours is not
8 enough time.

9 THE COURT: Please do not speak. However you
10 allocated your time, however you managed your time yesterday,
11 however you managed your time since December, that's your
12 prerogative, you've known since December this matter was going
13 forward, and you've been adamant since before that time that
14 you wanted to represent yourself, so you should have been
15 prepared.

16 THE DEFENDANT: I have to object to what you just
17 said because you just said that --

18 THE COURT: Go ahead, what were you saying, Mr.
19 D'Angelo?

20 MR. D'ANGELO: Thank you, Your Honor. One of the
21 other arguments, it is already part of the record, but he
22 wanted the order from Judge Culbertson allowing him to
23 represent himself pro se.

24 THE COURT: That's already in the record.

25 THE DEFENDANT: No, reason I was even bringing this

1 up was because --

2 THE COURT: Sir, I haven't ruled on the Faretta, so
3 it's immaterial at this moment.

4 THE DEFENDANT: What I'm saying is --

5 THE COURT: It is already in the record.

6 THE DEFENDANT: That's not what I was bringing up to
7 put in the record, I was bringing this up to show that what
8 he's put on the record yesterday is not the case. He told me
9 yesterday that that 15th, the date of the 15th was a plea date,
10 and this is what I'm saying. You act like none of that
11 matters.

12 THE COURT: It is the law of the case and it doesn't
13 matter at this point.

14 THE DEFENDANT: You're being impartial.

15 THE COURT: You did not appeal it, and it's done at
16 this point, I'm bound by it.

17 THE DEFENDANT: No, that could be challenged at any
18 point.

19 THE COURT: No, it can not, sir.

20 THE DEFENDANT: Before the trial, it can be
21 challenged right before the trial.

22 THE COURT: No, sir, not that issuance of that bench
23 warrant, you should have challenged it then, and you didn't,
24 and so it's the law of the case. I cannot review Judge
25 Culbertson's order, I'm bound by what he did. He and I have

1 both have what is called concurrent authority.

2 THE DEFENDANT: I'm not talking about reviewing it,
3 I'm talking about --

4 THE COURT: The law says that when he issued it, it's
5 valued on his face and I'm bound by it. It's the law of the
6 case and it's in the record, and you already argued that on
7 yesterday.

8 THE DEFENDANT: This is the bench warrant, this is
9 the bench warrant.

10 THE COURT: The bench warrant is in your file, sir.
11 It is already a part of the record.

12 THE DEFENDANT: I understand that, I'm not trying
13 to -- I'm trying to tell you that this clearly shows --

14 THE COURT: You said that yesterday, sir.

15 THE DEFENDANT: No, I didn't because I didn't have
16 this yesterday.

17 THE COURT: It doesn't matter, I had it yesterday. I
18 reviewed it. I went over it with you.

19 THE DEFENDANT: But I didn't say what I'm saying
20 yesterday.

21 THE COURT: You did say what you said yesterday, sir.
22 You said the exact same thing.

23 THE DEFENDANT: The exact same thing that I'm about
24 to say right now that you didn't hear yet?

25 THE COURT: Sir, you said the same thing yesterday

1 about Judge Culbertson, that you did not have adequate notice
2 and the bench warrant should not have been issued and you
3 should not have been in jail. That's a parenthesis of what you
4 said multiple times yesterday.

5 THE DEFENDANT: The reason --

6 THE COURT: That order is already in the file.

7 THE DEFENDANT: The I'm bringing it up today is what
8 because of what he said yesterday. I would've not said it
9 yesterday because I didn't have these in my possession so he
10 said that --

11 THE COURT: But I had it in my possession, sir.

12 THE DEFENDANT: But he said the 15th date was plea
13 date, the same way he's making it say that it was --

14 THE COURT: Sir, what you don't understand is when
15 judge Culbertson entered that order it's valid on its face,
16 it's valid the reasons he issued it, and I cannot go back over
17 it.

18 THE DEFENDANT: I'm not saying it's not valid.

19 THE COURT: I can not go back over it.

20 THE DEFENDANT: I'm not saying it's not valid, which
21 it's not.

22 THE COURT: Then what are you saying?

23 THE DEFENDANT: That's not my argument. My argument
24 is that it clearly shows the pattern that's going on and the
25 pattern of me being prejudiced against with false --

1 THE COURT: Well, you made that argument yesterday
2 and I've already found that argument didn't have any validity.

3 THE DEFENDANT: All I'm saying, he said it was a plea
4 hearing. He said March 15th --

5 THE COURT: Sir, it really doesn't matter whether
6 that bench warrant was issued or not. It's not material to you
7 going forward today.

8 THE DEFENDANT: I'm trying to get you to understand
9 I'm not talking about a bench warrant, I'm talking about the
10 date and what he said and the inconsistency of the truth.

11 THE COURT: In the grand scheme of you being ready,
12 it doesn't matter.

13 THE DEFENDANT: So you're trying to tell me you don't
14 care about the truth?

15 THE COURT: No, sir.

16 THE DEFENDANT: So you don't care about the truth
17 then? You don't care if he tells the truth --

18 THE COURT: Sir, I've told you again, and I will
19 reinforce, this Court is not going to respond to any inquiries
20 that you make of it. I am not an advocate, I am not an
21 adversary, I'm not your lawyer, I'm not giving you any advice,
22 and I'm not responding to any questions. If you have any
23 questions you need to ask those of Mr. D'Angelo.

24 THE DEFENDANT: I don't know where in the law it says
25 you can't ask the judge anymore questions.

1 THE COURT: Sir, we have already gone over this, and
2 that bench warrant is in the record.

3 THE DEFENDANT: I'm not talking about the bench
4 warrant, I'm talking about the date and what the date says and
5 what the bench warrant says.

6 THE COURT: It's just not material to anything, sir.

7 THE DEFENDANT: It is material because it goes to my
8 argument of --

9 THE COURT: I need you to move to next issue. Is
10 there any other document you want to have marked, sir?

11 THE DEFENDANT: He stated that the January 15th was a
12 plea date, this bench warrant says that: Akim was sent a
13 notice for a Faretta Hearing and failed to appear, that never
14 appeared. This is what I'm saying. This has happened multiple
15 times, and if you're not going to pay attention to the record
16 and pay attention to all of the time this happened to me, then
17 how can I have a fair trial? You're clearly being partial
18 towards the State. You're allowing the State to have 20
19 continuances, but when I ask for more time just so I can get my
20 evidence together, you're saying, no, you shouldn't have
21 anymore time. The State had way more time. It's their job to
22 bring on the case. I'm the one that's being accused.

23 THE COURT: And you said that yesterday, sir, and I
24 took that into account. Are there any other documents you
25 would like to have marked for the record? That's already in

1 the court file, I don't need to mark that.

2 THE DEFENDANT: I know, but I would like to state --
3 I would like you to --

4 THE COURT: You have with already stated it, amply.

5 THE DEFENDANT: So you don't care that the person who
6 --

7 THE COURT: I'm not answering any questions from you.

8 THE DEFENDANT: You got lies from him.

9 THE COURT: What is the next document that he wants
10 to have marked?

11 MR. D'ANGELO: I was given a copy of the United
12 States Constitution.

13 THE COURT: I think we all know what that says.

14 MR. D'ANGELO: A copy of the Bill of Rights.

15 THE COURT: I think we know what that says.

16 THE DEFENDANT: He's trying to be funny right now.

17 THE COURT: No, he's not.

18 THE DEFENDANT: Yes, he is.

19 THE COURT: He's telling you what other documents you
20 have.

21 THE DEFENDANT: Because he's making it seem -- but he
22 just read through it like --

23 THE COURT: Don't interrupt him again. What are --

24 THE DEFENDANT: You all both --

25 THE COURT: We study constitutional law. We know

1 what the constitution says, sir.

2 THE DEFENDANT: You both know that him proffering
3 that into the --

4 THE COURT: Go ahead, Mr. D'Angelo. Don't interrupt
5 him again.

6 MR. D'ANGELO: Article one, Declaration of Rights of
7 the South Carolina Constitution.

8 THE COURT: Got them.

9 MR. D'ANGELO: Those are the only other documents in
10 the ten minutes, plus the few more that I was given.

11 THE COURT: It was more than ten minutes. It was
12 much more than ten minutes. What other documents, sir, do you
13 have in that accordion that you need to show to Mr. D'Angelo
14 that you could possibly mark as a Court's exhibit?

15 THE DEFENDANT: I'm giving you all of the reasons why
16 --

17 THE COURT: Sir, you gave reasons yesterday, amply, I
18 have not heard anything that you need to amend the record with.
19 You made all those arguments yesterday, and you're simply
20 repeating yourself now.

21 THE DEFENDANT: No, I have not given you all of
22 these --

23 THE COURT: The Court has to manage its time
24 efficiently, the Court is not required to entertain you
25 repeating yourself.

1 THE DEFENDANT: You're being impartial. You're only
2 worrying about the Court's time, you're not worrying about my
3 rights.

4 THE COURT: Sir, I have balanced your time. I have
5 given you more latitude, I've abused these jurors, and I'm not
6 going to do it any further today. If there are any other
7 documents in that accordion that you need to show Mr. D'Angelo,
8 you need to do it right now.

9 THE DEFENDANT: Ma'am, I need to --

10 THE COURT: Sir, I have instructed you in giving you
11 a direct order to show those documents to Mr. D'Angelo right
12 now.

13 THE DEFENDANT: There's a lot in here, but what do
14 you want me to --

15 THE COURT: There's not that really that much in
16 there. If you would stop talking and do what I've directed you
17 to do you could get it done. We've been dealing with this now
18 since 10:47, it's now 12:18.

19 THE DEFENDANT: Because you're being very impartial
20 and you're being --

21 THE COURT: Noted for the record.

22 THE DEFENDANT: I mean, very partial.

23 THE COURT: Go ahead and give him what you need to
24 show him.

25 THE DEFENDANT: And like I said --

1 THE COURT: Sir, instead of talking, find the
2 documents and show them to Mr. D'Angelo.

3 THE DEFENDANT: Ma'am, you can't -- you're practicing
4 from the bench right now.

5 THE COURT: No, I'm not.

6 THE DEFENDANT: Yes, you are. You're telling me how
7 to make my --

8 THE COURT: Sir, guess what, the law entitles me to
9 do that.

10 THE DEFENDANT: Oh, I'm glad you said that.

11 THE COURT: It entitles me to orderly make sure that
12 things go smoothly. You have said you have tried to accomplish
13 a particular thing, I've directed you how to do it. If there
14 are other documents you want marked, you need to show them to
15 Mr. D'Angelo so he can let me know what they are so we can go
16 ahead and mark them and move on.

17 THE DEFENDANT: Are you a fair and impartial referee,
18 because I'm just asking, do I have an opportunity to --

19 THE COURT: Sir, the Court is not answering any
20 questions. I'm not entertaining any debate with you.

21 THE DEFENDANT: I need to state that this is all
22 going to my motion, my move to recuse you and that is because
23 --

24 THE COURT: Sir, I need you to find the documents you
25 want marked. I'm trying to make sure that your interests are

1 protected, so if you have any other documents you want marked,
2 you need to show them to Mr. D'Angelo.

3 THE DEFENDANT: Ma'am, I can't work under you yelling
4 at me, basically telling me to --

5 THE COURT: I'm not yelling, and the record -- you
6 know, that's the funny thing. That's what people do when they
7 are trying to manipulate a record. They say the judge --

8 THE DEFENDANT: You're being partial, you're
9 saying --

10 THE COURT: And that is why we have a digital
11 recording so that my tone will always be reflected so that we
12 don't have to take your word for it. That's what belligerent
13 people do, they say you're yelling at me, you're being unfair
14 to me, you're bullying me, and the record will reflect that
15 none of that has taken place, that I have been fair and
16 impartial to you, I've been incredibly patient, while
17 conversely, you have attempted to bully this Court by
18 threatening it with the Rules of Ethics, which I guess you
19 don't think I'm aware of in tune to, you have threatened this
20 to Court in very subtle ways thinking that somehow you are
21 going to bully it into conceding to your behavior, I am not
22 going to do that. I've directed you to get your documents out
23 so you can show them to Mr. D'Angelo so that they can be marked
24 and that the directive that the Court has given you and I'm not
25 going to go give it to you again. If you forfeit doing that,

1 we're going to move on.

2 THE DEFENDANT: What I'm saying is gave me a
3 directive yesterday, and now you're not allowing me to do that.

4 THE COURT: Sir, I gave you latitude yesterday, I
5 didn't give you a directive yesterday, but I'm giving you a
6 directive now.

7 THE DEFENDANT: So do I have an opportunity to be
8 heard, a full one? I haven't been heard. I'm still trying to
9 get my arguments on.

10 THE COURT: Sir, for the record, let me tell you how
11 long you were heard.

12 THE DEFENDANT: Well, I'm not -- I didn't say --

13 THE COURT: We started with you talking yesterday at
14 11:27, you spoke until 12:37, at which time we did -- actually,
15 I apologize, that is inaccurate. I excused the jury for lunch
16 on yesterday. We started some discussion prior to letting them
17 go to lunch. I let them go to lunch. You spoke from 1:12
18 until 2:30, after which I let the jury go to lunch and we
19 resumed talking, and you spoke again from, then you spoke until
20 2:44. Then you literally spoke from 2:48 until 4:48 on
21 yesterday.

22 THE DEFENDANT: Okay, now, my --

23 THE COURT: So for you to misrepresent that somehow
24 you were thwarted in your ability to present your arguments or
25 to speak unfettered, is inaccurate. In fact, Mr. Ziegler, in

1 deference to you and me allowing you to speak had exactly about
2 eight minutes to respond to all of your arguments, and he's
3 really entitled to more than that. So I think for you to
4 misrepresent for this record that somehow you've been thwarted,
5 treated unfairly, that somehow you have not been allowed to
6 speak, is a misrepresentation, and I'm giving you an
7 opportunity to mark any other documents that you would like,
8 show them to Mr. D'Angelo so that we can see if we can get them
9 marked for the record.

10 THE DEFENDANT: That was a misrepresentation because
11 I didn't have an opportunity to be heard. All you did was give
12 me the opportunity to talk.

13 THE COURT: Sir, I've noted that for the record.
14 We'll note that you don't think you had the opportunity to be
15 heard. I'm telling you again --

16 THE DEFENDANT: A meaningful opportunity.

17 THE COURT: -- if you need the deputies assistance to
18 show those documents --

19 THE DEFENDANT: A meaningful opportunity.

20 THE COURT: -- to Mr. D'Angelo, I can accommodate
21 you.

22 THE DEFENDANT: Ma'am, I need a meaningful
23 opportunity. If you give me an opportunity to talk would you
24 allow me to --

25 THE COURT: Mr. D'Angelo, are there any other

1 documents that he needs to show you out of that folder?

2 THE DEFENDANT: Yes, but if I can't give him no
3 context then how's that --

4 THE COURT: Then you need to open the documents and
5 open the folder and show him the documents.

6 THE DEFENDANT: They are not going to help my case.

7 THE COURT: Sir, he's a lawyer, he knows what he's
8 looking at.

9 THE DEFENDANT: That's being -- ma'am. Oh, my gosh.

10 MR. D'ANGELO: I've asked if there's any additional
11 case law or Rules of Criminal Procedure.

12 THE COURT: Which is what I told him. He said, I
13 need to go look at my documents, and I said, go look at your
14 documents tonight and bring them with you. You said you didn't
15 have the case law with you, you said you didn't have the rules
16 with you, you said you didn't have any statutes with you. I
17 said, I'll give you the time to go find them when you go home
18 and bring them back today and I'll be glad to look at anything
19 you bring. I did not tell you we were going to reargue what
20 you argued yesterday. I do not think that is fair for the
21 Court for you to expect that, I don't think it's fair for
22 counsel, and I certainly don't think it's fair for this jury
23 who has been sitting now while you have been dilatory in
24 getting accomplished what I have instructed you to do.

25 THE DEFENDANT: The Constitution clearly says I have

1 a meaningful opportunity to be heard.

2 THE COURT: And you have said that multiple times.

3 THE DEFENDANT: And I have not got my meaningful
4 opportunity to be heard.

5 THE COURT: And we will note that you don't feel
6 you've had a meaningful opportunity to be heard. Show Mr.
7 D'Angelo the documents.

8 THE DEFENDANT: Ma'am --

9 THE COURT: Sir, do not speak, show Mr. D'Angelo the
10 documents.

11 MR. D'ANGELO: I think the other document that Akim
12 is wanting to direct the Court's attention to is, in the South
13 Carolina Constitution, under article I, Section 14, it
14 discusses that: In a case Defendant will be fully heard in his
15 defense by himself, or by his counsel, or both.

16 THE COURT: But the South Carolina Supreme Court has
17 interpreted that, and it now says there is no hybrid
18 representation, but it really doesn't matter because I let him
19 talk, so next.

20 THE DEFENDANT: But I object to that. There is no --
21 there's no higher thing in the constitution.

22 THE COURT: Sir, there are other cases interpreting
23 that that say there's no hybrid representation.

24 THE DEFENDANT: Well, you're practicing from the
25 bench, you're arguing -- he's supposed to do that.

1 THE COURT: Sir, I've let you talk, so what
2 difference does it make?

3 THE DEFENDANT: Every single time I've brought up an
4 issue you argued against my argument with the law, he's
5 supposed to do that, so you're practicing from the bench and
6 you're not giving me an opportunity to be heard and your being
7 partial towards me.

8 THE COURT: Okay. We'll note that for the record,
9 and I've noted that I let you speak so there is no violation of
10 your rights.

11 THE DEFENDANT: You're letting me speak, but it's not
12 a meaningful opportunity because you're not letting me --

13 THE COURT: Alright. What other document do you want
14 to show to Mr. D'Angelo?

15 THE DEFENDANT: See, that's not a meaningful
16 opportunity.

17 MR. D'ANGELO: Is there anything else?

18 THE DEFENDANT: Yes, I already told you. I already
19 discussed it with you, that I do have things I need, I have
20 motions I want to proffer into the record, I have things that I
21 want --

22 THE COURT: You should have done that on yesterday.

23 THE DEFENDANT: How? I couldn't have done it
24 yesterday, we was in here all day until 5:00.

25 THE COURT: Sir, you made a bunch of motions

1 yesterday, you made seven of them, and I addressed all of them.

2 THE DEFENDANT: No, I did not make motions yesterday.

3 THE COURT: Except the Faretta.

4 THE DEFENDANT: I did not make motions yesterday
5 because he was representing me and you was telling me that you
6 don't accept hybrid --

7 THE COURT: But I let you speak, sir, so you
8 basically were representing yourself yesterday.

9 THE DEFENDANT: So you just violated the Supreme
10 Court then by allowing me to speak.

11 THE COURT: No, I just gave you some latitude because
12 I just -- you wanted to do it, so I let you do it.

13 THE DEFENDANT: But what I'm saying is, you just said
14 that the Supreme Court said you can't hear from me.

15 THE COURT: Sir, I'm not going to entertain this
16 circle of logic again today.

17 THE DEFENDANT: It's not a circle of logic, it's
18 valid questions.

19 THE COURT: Sir, do you have anything else that you
20 would like to show to Mr. De'Angelo that you would like placed
21 into the record?

22 THE DEFENDANT: Yes, defenses, I have defenses that I
23 want to place into the record.

24 THE COURT: Defenses don't go to the Court. I don't
25 make a decision about any defenses, the jury does that.

1 THE DEFENDANT: I have a Motion to Dismiss to put
2 into the record.

3 THE COURT: You made a Motion to Dismiss yesterday.

4 THE DEFENDANT: No, I didn't, he did.

5 THE COURT: Yes, sir?

6 MR. D'ANGELO: Just a moment.

7 THE DEFENDANT: I don't want to put things into the
8 record without the argument behind the record. It doesn't
9 matter, so things I that I put -- I do, but I want a meaningful
10 opportunity to be heard, is what I'm saying. If I'm putting
11 something in in a document and you're not allowing me to
12 explain why it goes against the things that you said yesterday,
13 you said that --

14 THE COURT: Sir, you're attempting to argue with the
15 Court as if I'm your advocate, the Court is not an advocate.
16 Once the Court has ruled, there is no additional argument,
17 pursuant to the rules.

18 THE DEFENDANT: Ma'am --

19 THE COURT: What you're attempting to do is, whatever
20 the Court ruled on yesterday, you're trying to circumvent it
21 with an additional argument, the rules do not allow that.

22 THE DEFENDANT: No.

23 THE COURT: What I told you on yesterday is if you
24 have case law, or a statute, or there's something you wanted to
25 make the Court aware of that had not already been considered,

1 that I would allow you to go home and get it and I would be
2 glad to look at it. This is your time to show me any of those
3 documents. I did not under any circumstances give you the
4 impression that we were going to reargue everything that we
5 argued yesterday.

6 THE DEFENDANT: I disagree 100 percent.

7 THE COURT: And I note your disagreement for the
8 record, and we're moving on.

9 THE DEFENDANT: Because you stated on the record, you
10 said: I'm going to give you a chance to bring the laws in and
11 I will amend --

12 THE COURT: Sir, I don't need you to repeat to the
13 Court what it said.

14 THE DEFENDANT: You said, I will amend my consent.

15 THE COURT: I need you to follow the Court's
16 instructions. I am not entertaining this debate any further.

17 THE DEFENDANT: Well, then I --

18 THE COURT: Show Mr. D'Angelo the documents.

19 MR. D'ANGELO: I don't believe there are any
20 additional documents.

21 THE COURT: Well, then what does he have in the
22 accordion folder that he says is germane to him needing to be
23 in the record.

24 THE DEFENDANT: I have a papers like these.

25 THE COURT: Like what? Tell me what that is.

1 THE DEFENDANT: Papers like these. Like, things that
2 state South Carolina law that I can go directly to what you
3 stated yesterday is the law --

4 THE COURT: But you're trying to debate with the
5 Court about it's ruling, and that's not allowed, sir.

6 THE DEFENDANT: It is allowed because --

7 THE COURT: No, sir it is not allowed. Once the
8 Court has ruled there is no additional argument.

9 THE DEFENDANT: You put on the record yesterday
10 that --

11 THE COURT: Mr. D'Angelo, what is that in his folder?

12 THE DEFENDANT: You said that you was going to
13 amend --

14 MR. D'ANGELO: Mr. D'Angelo, what is that? I did not
15 say I was going to amend anything.

16 THE DEFENDANT: Yes, you did, it's on the record. I
17 have a recording.

18 THE COURT: You don't have a recording, sir, and if
19 you recorded anything in this courtroom it will be taken from
20 you. The only official recorder we here is the court reporter.
21 We only have one official record. If you have had a phone in
22 the opposition, it is going to be taken from you.

23 THE DEFENDANT: No, I said it was recorded.

24 THE COURT: Yeah. Does he have a phone?

25 THE DEFENDANT: It's recorded.

1 THE COURT: We need to make sure, and I need to make
2 sure it's off.

3 THE DEFENDANT: Yeah, I got a phone.

4 THE COURT: Make sure it's off.

5 THE DEFENDANT: It's off. It should be off. You
6 shouldn't even really have it. It should be off.

7 MR. D'ANGELO: Your Honor, this is couple of pages
8 from a case. I don't have the site on it, so I'm not sure --

9 THE COURT: Is it a criminal case or a civil case?

10 MR. D'ANGELO: I do not know, Your Honor.

11 THE COURT: What is the subject matter of the text?

12 THE DEFENDANT: Why do I need to turn it off, though?

13 THE COURT: Because you're not supposed to have
14 phones in the courthouse at all.

15 THE DEPUTY: He put the phone to restart judge, he
16 did not turn it off.

17 THE COURT: The phone should be turned off. All
18 phones should be in the off position.

19 MR. D'ANGELO: It's referencing criminal --

20 THE COURT: This is the only courthouse where you can
21 bring a phone in. You can't bring them in no other courthouse
22 in the state, and including not Federal Court, it's supposed to
23 be off. They're disruptive, they're distracting, it should be
24 off. Go ahead, I'm listening.

25 MR. D'ANGELO: I believe it's about Motion to

1 Dismiss, generally ruling on a M.

2 THE DEFENDANT: Motion to Dismiss under rule 12(b)(6)
3 is --

4 THE COURT: Which is civil law, family law.

5 THE DEFENDANT: See, this is what I'm saying, it's
6 cherry picking. You just -- do you know how many laws is in
7 the --

8 THE COURT: All he said is he's looking at -- I told
9 him to look at the pages and tell me what he sees.

10 THE DEFENDANT: I just pulled out a random paper to
11 show you the example of what I brought, because what you said
12 yesterday, you said that: I'm going to give you an opportunity
13 to bring anything --

14 THE COURT: I told you to bring anything that was
15 applicable to your situation and that is not applicable.

16 THE DEFENDANT: Exactly, applicable to my situation,
17 and then you said if anything is relevant then you amend your
18 decision today, that you made yesterday, that's exactly what
19 you said. You said you was gonna amend the decision.

20 THE COURT: Alright, sir, we'll note that you believe
21 that's what I said. Now, what is next?

22 THE DEFENDANT: I have proof of it.

23 THE COURT: Now, what is the next --

24 THE DEFENDANT: This is ridiculous.

25 THE COURT: If you continue to talk the deputy's

1 going to take you into custody for direct contempt --

2 THE DEFENDANT: For what?

3 THE COURT: Fair warning. Because you're being rude
4 and disruptive.

5 MR. D'ANGELO: This is an article that he has on
6 affirmative defenses qualified immunity, Your Honor.

7 THE COURT: Which does not apply.

8 THE DEFENDANT: Exactly. You're making it seem like
9 I brought --

10 THE COURT: So what else is there?

11 THE DEFENDANT: This is not what you said --

12 MR. D'ANGELO: Your Honor, the two documents --

13 THE COURT: If you continue to talk you're going to
14 be placed in custody for direct contempt, which is a civil
15 separate criminal action for which I can place you in jail for
16 a period of six months to one year.

17 THE DEFENDANT: And that's reasonable?

18 THE COURT: And for six months I don't need a jury.

19 THE DEFENDANT: And that's reasonable?

20 THE COURT: Yes, it is. If you continue to speak, I
21 am going to find you in direct contempt, fair warning. You're
22 being rude. You're being disrespectful to Mr. D'Angelo, you're
23 being disrespectful to every person in this courtroom.

24 THE DEFENDANT: I'm frustrated because my rights are
25 being violated.

1 THE COURT: That doesn't mean you get to be rude.

2 THE DEFENDANT: I'm still not being rude.

3 THE COURT: You are being rude. I determine. I'm
4 the arbiter of what's rude right now, and you're being rude.

5 THE DEFENDANT: Well, I apologize to the Court and
6 anybody --

7 THE COURT: How about apologize with your actions,
8 that speaks louder than your words.

9 THE DEFENDANT: But my actions are still going to be
10 the same if it comes to --

11 THE COURT: And if your actions continue to be the
12 same you're going to continue them in a jail cell downstairs
13 for direct contempt.

14 THE DEFENDANT: I didn't mean it like that.

15 THE COURT: And maybe you're not clear --

16 THE DEFENDANT: I didn't mean it like that.

17 THE COURT: -- that I am being clear and cogent, and
18 this is the last warning I'm going to give you.

19 (Defendant and Mr. D'Angelo discussing documents off
20 the record.)

21 THE COURT: You argued about the affidavit yesterday.
22 If you have a statute or rule or some case law and you want to
23 submit into the record, I'll be glad to look at it and we'll be
24 glad to mark it, but I'm not rearguing your contention on
25 affidavits, I think you did that thoroughly on yesterday.

1 THE DEFENDANT: This goes directly to --

2 THE COURT: What document is that, sir?

3 MR. D'ANGELO: The Supreme Court administrative
4 order, Your Honor.

5 THE DEFENDANT: Signed by Donald W. Beatty?

6 THE COURT: Which administrative order is it, he's
7 issued many?

8 MR. D'ANGELO: It's from 2018.

9 THE COURT: Dealing with?

10 THE DEFENDANT: This is dealing with purposes for the
11 Ninth Judicial Circuit Criminal: Administrative order
12 establishing rules processing criminal cases in Charleston
13 County.

14 THE COURT: We have that, sir. What part of it do
15 you want?

16 THE DEFENDANT: I want it to be part of the record.

17 THE COURT: It's a part of the --

18 THE DEFENDANT: No, it's not a part of this record.

19 THE COURT: It's a part of every record.

20 THE DEFENDANT: See --

21 THE COURT: They have that, we use -- I mean, it was
22 regularly used by all of us. So what section of it are you
23 referring to? What section are you referring to?

24 THE DEFENDANT: This is what I'm saying, this goes
25 directly against what you said yesterday.

1 THE COURT: I need to know what section you are
2 referring to?

3 THE DEFENDANT: The whole thing.

4 THE COURT: No, you have to have a specific section
5 you're referring to that's applicable to you. That's a very
6 lengthy document, all of it does not apply to you.

7 THE DEFENDANT: No, it's not --

8 MR. D'ANGELO: It looks like it's only the cover
9 page, Your Honor.

10 THE DEFENDANT: No, it's only one page.

11 THE COURT: Yeah, so what part of the cover page are
12 you referring to? That order is about 25 pages long. I need
13 to know what specific section of it you're referring to. That
14 document is lengthy and voluminous and all of it does not apply
15 to you.

16 THE DEFENDANT: Yeah, exactly, that's why I
17 gotta look -- I already had it which part I need out of it, but
18 I just brought the whole thing, because, like I said, I only
19 had ten hours to get everything together, minus the couple
20 hours you got to get to sleep to function properly, so I just
21 brought everything with me, and if I got time I can go through
22 this order exactly and then pick out exactly what I already
23 determined I needed.

24 THE COURT: What section of it do you feel applies to
25 you, sir?

1 THE DEFENDANT: I have to go back and see exactly
2 what section --

3 THE COURT: You should know what section you're
4 claiming it applies to you and for what purpose.

5 THE DEFENDANT: Ma'am, we've went over like five
6 different reasons yesterday and each one of those reasons have
7 --

8 THE COURT: But that's why I'm asking the question
9 because I'm fully cognizant of that order and its provisions, I
10 use it every day, and I'm just not aware of any part of it that
11 applies to you, except what track your case would be on, how
12 often it comes up for status conference, there's no basis for
13 dismissal of a case in that administrative order.

14 THE DEFENDANT: You said yesterday that there was no
15 administrative order. The reason I was --

16 THE COURT: No, sir. There is no administrative
17 order pursuant to Langford. I told you, we do have an
18 administrative order in this circuit. It does not form the
19 basis for the dismissal of any cases.

20 THE DEFENDANT: It does if, if it's total violated.

21 THE COURT: No, sir, it does not.

22 THE DEFENDANT: What is it for?

23 THE COURT: It's just to make sure that we process
24 cases in an orderly fashion to give us the structure to do it.

25 THE DEFENDANT: And so when they're not processed in

1 an orderly fashion there's no --

2 THE COURT: There's no -- dismissal is not a
3 recourse.

4 THE DEFENDANT: So, since in South Carolina there is
5 no speedy trial exact date, obviously, when you're in
6 situations like that you have to use the totality of the
7 circumstances in all of that, so when it's a situation like
8 that there clearly is a speedy trial in South Carolina, the
9 constitution states that, we just don't have a time limit on
10 it, so when you have things like orders that stipulate a
11 certain time --

12 THE COURT: Sir, it's clearly administrative, it
13 doesn't form the basis for a dismissal.

14 THE DEFENDANT: I know that it is not the exact
15 timing, but when you have orders like this the totality of the
16 circumstances --

17 THE COURT: It doesn't play into any of it.

18 THE DEFENDANT: No, what I'm saying, the totality of
19 the circumstances show that the majority of most cases go
20 through a certain period of time, so therefore, if you have one
21 case that's --

22 THE COURT: Sir, they really don't, and I was Chief
23 Judge for over a year, a year and a half, and they don't, it
24 varies, it's all over the map.

25 THE DEFENDANT: What I'm saying is, ma'am, this is

1 supposed to be one of the simple cases right here.

2 THE COURT: I don't know, sir, you argued all of this
3 on yesterday.

4 THE DEFENDANT: You stated it yourself.

5 THE COURT: Just so that you know, the administrative
6 order does not form the basis of any dismissal of your charges.

7 THE DEFENDANT: It does, it does.

8 THE COURT: It does not.

9 THE DEFENDANT: It does, you just --

10 THE COURT: If you want to mark that, we'll be glad
11 to mark that front page for you.

12 THE DEFENDANT: No. Why would I just mark it? I
13 just told you --

14 THE COURT: You told me that's a document you wanted
15 to mark.

16 THE DEFENDANT: I told you I brought it for a
17 specific reason just now, and I just realized there's other
18 pages to it so if they're not all right here then, obviously, I
19 have to get that.

20 THE COURT: Okay. Then I'll give you the opportunity
21 to find that. What else do you want to have marked, sir? What
22 other case law are or statute or rule do you want to bring to
23 the Court's attention that you did not bring to my attention on
24 yesterday?

25 THE DEFENDANT: Oh, yeah. All goes -- and this all

1 goes to the prejudice and it all goes to the delay.

2 THE COURT: I'm not rearguing it. If you want to
3 tell me what document you want to have mark to support the
4 argument you made yesterday, I'll be glad to do that.

5 THE DEFENDANT: It's not really arguing, I'm
6 proffering evidence that goes to --

7 THE COURT: Sir, you're not proffering evidence, you
8 made an argument yesterday and I allowed you to supplement your
9 argument with any documentation, so if you have documentation,
10 I need you to tell me what that documentation is.

11 THE DEFENDANT: What do you mean, allowed me to,
12 that's just the rules.

13 THE COURT: Please take your seat, I'm going to send
14 the jury to lunch. Do you all have any objection to me letting
15 the jury go to lunch without bringing them in the courtroom?

16 MR. ZEIGLER: No objection from the State, Your
17 Honor, certainly, we're fine with that, Your Honor. That might
18 be a good time for him to get everything else done, too.

19 THE COURT: I'm going to let them go until 2:00,
20 that's an hour and 20 minutes. You don't have to bring them
21 in, just tell them they can go until 2:00, and I apologize
22 profusely.

23 MR. ZEIGLER: May my witness be released?

24 THE COURT: Yes, to go to lunch. You can go to
25 lunch.

1 MR. ZEIGLER: Thank you, Your Honor.

2 THE COURT: You're welcome, just be back at 2:00.

3 What other documents did he have that he wanted to submit?

4 MR. D'ANGELO: Brief moment, Your Honor.

5 THE COURT: Do you have any other documents you want
6 to have marked, sir? Sir, I'm giving you an opportunity I
7 wouldn't give a lawyer, so I've been very lenient. I would
8 never have allowed this with a lawyer, I'm being very lenient
9 with you. You made your argument yesterday, you stated the
10 basis for your arguments, and you said: I don't have my case
11 law, when I asked you. You said: I don't have my statutes
12 when I asked you. You said: I don't have my other documents.
13 I said: We're going to recess and let you get your documents,
14 bring them tomorrow with any documents you want me to look at,
15 I'd be glad to look at them, if you want to have them marked as
16 an exhibit, we'll do that. So this is your opportunity for you
17 to let us know whatever documents you have that you want to
18 have marked so that they'll go along with the arguments you
19 made yesterday and your record will be preserved as you desire.

20 THE DEFENDANT: That's a misrepresentation of what
21 happened yesterday.

22 THE COURT: Alright, sir, we'll note that you believe
23 that's a misrepresentation. We're back to the original point.
24 What documents do you want to have marked?

25 THE DEFENDANT: I do not necessarily just want to

1 have documents -- I want my --

2 THE COURT: Sir, I've already told you I'm not
3 hearing any additional argument. I'm not going to have you
4 reargue in the court what you've already argued. The Court has
5 ruled. The rules are very clear that once the Court has ruled
6 there's no additional argument. What your intent and desire is
7 to do is to try to circumvent what the Court has already ruled.
8 If you have -- what I said to you is, if you have some that are
9 contrary and different than what you already told me yesterday
10 and contrary to the black letter precedent in this state, I
11 would be glad to look at it, and you've been given ample
12 opportunity since you arrived to provide the Court with that,
13 and you just simply refuse to do it.

14 THE DEFENDANT: Because that --

15 THE COURT: Because I'm not getting into a colloquy
16 about what I've already ruled --

17 THE DEFENDANT: But you --

18 THE COURT: -- I'm not going back over that, I'm not
19 replowing it.

20 THE DEFENDANT: It's not about replowing, ma'am, it's
21 me stating something different. Now I'm stating --

22 THE COURT: I've listened to you now for two hours
23 and you've said nothing different. You said the same things
24 you said yesterday.

25 THE DEFENDANT: Well, I need to put that on the to

1 record, that's my point.

2 THE COURT: You already put it on the record.

3 THE DEFENDANT: No, I'm talking about, I didn't put
4 my point on the record.

5 THE COURT: Then that's when I told you, you need to
6 go ahead and get your documents together so you can put them in
7 the record.

8 THE DEFENDANT: No, I need to put it in writing.
9 That's what I'm saying, I --

10 THE COURT: You should have done that last night, I
11 gave you the chance to do it.

12 MR. ZEIGLER: And I've tried, if I may?

13 THE COURT: Yes, sir.

14 MR. D'ANGELO: Sorry to interrupt --

15 THE COURT: No, not at all.

16 MR. D'ANGELO: I have explained to Akim, for example,
17 Your Honor, if there was a motion or an argument that I wanted
18 to make, I didn't necessarily have to make that motion to you.

19 THE COURT: You don't have to put it in writing.
20 Yeah, the law is, you don't have to write it down.

21 MR. D'ANGELO: Hold up. I could have orally made
22 that motion. The court reporter is there taking all of that
23 down. The Court of Appeals, the Supreme Court --

24 THE COURT: Well, and the criminal rules are very
25 different than the civil rules. In criminal court you can

1 always make an oral motion and civil court you cannot, except
2 under certain circumstances. I don't want to misrepresent what
3 the rules are, because when you're in trial, of course, you can
4 make other motions and other that don't have to be in writing.
5 But sir, if there are any other motions, I gave you an
6 opportunity to make your motions yesterday. You made,
7 according to my notes, and I've went back over those with you
8 to make sure I covered them, one, two, three, four, five, six,
9 seven, eight, nine, ten arguments, eleven that you made
10 yesterday, I've addressed all of them except the Faretta, which
11 I have under advisement. You made a motion to recuse, which
12 I'm going to give the State an opportunity to respond to, and
13 then I'm going to rule on that --

14 THE DEFENDANT: I did not make a motion -- I didn't
15 write it down.

16 THE COURT: You don't have to write them down.

17 THE DEFENDANT: I have to write it down.

18 THE COURT: Yeah, but that's --

19 THE DEFENDANT: I want it to be, that's what I'm
20 saying, that's my whole argument.

21 THE COURT: I understand that, but I'm not doing
22 that, you had since December to do that.

23 THE DEFENDANT: That's what I'm saying, that's why
24 I'm not --

25 THE COURT: I got that. So what other motions do you

1 want to make? Sir, what other motions do you want to make?

2 THE DEFENDANT: Ma'am, I need to make a written
3 motion.

4 THE COURT: Sir, the rules don't require that they be
5 in writing. I need to know what additional motions you would
6 like to make.

7 THE DEFENDANT: I need them to be in writing so I can
8 state the laws in the motion, the grounds for the motion.

9 THE COURT: You should know in general what other
10 motions you want to make, so then I can determine whether
11 they're motions you've already made.

12 THE DEFENDANT: Ma'am, you just said I had ten
13 arguments yesterday.

14 THE COURT: You did.

15 THE DEFENDANT: And then you told me to go home and
16 get any documents and facts and information that goes with
17 those ten arguments.

18 THE COURT: Yeah, but you don't get to reargue it.

19 THE DEFENDANT: But what I'm saying is -- what do you
20 mean, I never argued it yesterday.

21 THE COURT: You don't get to reargue it, you did
22 argue it yesterday, amply. We're not doing yesterday again.

23 THE DEFENDANT: All I was doing was stating what I
24 wanted to do, all I was doing was stating what I wanted to do.

25 THE COURT: Sir, you argued it yesterday --

1 THE DEFENDANT: No, I stated when I --

2 THE COURT: -- and you gave every basis for it.

3 THE DEFENDANT: I stated what I wanted to do, and
4 then you started arguing with me.

5 THE COURT: No, sir, I did not.

6 THE DEFENDANT: You didn't allow me to do what I
7 wanted to do and then you say --

8 THE COURT: No, sir. The Court at no time argued
9 with you. The Court cautioned you about arguing with the Court
10 and trying to engage the Court in debate and argument. The
11 court did not argue with you. You may perceive that when the
12 Court stated the law that was an argument because it was not
13 what you wanted to hear, but the Court at no time argued with
14 you on yesterday.

15 THE DEFENDANT: Well, when did you state the law?
16 I'm just saying on a specific basis, I'm not trying to be --
17 I'm just basically trying to have a fair trial. You can keep
18 on making -- misrepresenting and making it seem like I'm trying
19 to circumvent something and do something that's out of my
20 rights. Everything I'm trying to do is my rights. When I read
21 the constitution and it says that Section 14, I don't
22 understand, there is no interpreting this any kind of way
23 that's not what it says. It says --

24 THE COURT: Let's say for argument sake, I agree with
25 you, I let you represent yourself, so what difference does it

1 make? You were allowed to talk yesterday, to the exclusion of
2 your lawyer --

3 THE DEFENDANT: No, ma'am --

4 THE COURT: -- so tell me what difference it makes.

5 THE DEFENDANT: It says: To be fully informed of the
6 nature and cause of the accusation to be confronted with
7 witnesses in cases and to have the prosecutorial process of
8 obtaining witnesses in his favor and to be fully heard in his
9 defense.

10 THE COURT: That's what we're doing right now.

11 THE DEFENDANT: I'm not getting fully heard --

12 THE COURT: I haven't ruled on the Faretta, sir.

13 THE DEFENDANT: -- in my defense. You're not
14 allowing me to fully put my put a defense up. You didn't allow
15 me to put my --

16 THE COURT: Sir, you don't put a defense before the
17 Court, you put a defense before a jury.

18 THE DEFENDANT: If it's a -- if it's a -- if it's a
19 question on subject matter jurisdiction, if it's a question on
20 --

21 THE COURT: You've already raised that, sir, and I've
22 ruled on it.

23 THE DEFENDANT: No, ma'am. Ma'am, if -- there's
24 certain motions that I have to raise with the judge.

25 THE COURT: And you've already raised them.

1 THE DEFENDANT: No, I haven't.

2 THE COURT: You raised such at that jurisdiction
3 yesterday.

4 THE DEFENDANT: I was not under the impression that I
5 was raising motions yesterday. All I was under the impression
6 that I was bringing up things -- I was telling you things that
7 I wanted to do, things that I wanted to do before this case
8 proceeded, and then you just started going back and forth for
9 some reason and then it lasted for hours, and then you said,
10 you know what, you can go home and get some facts, or whatever
11 like that, and now I go home, I get them, that's only within
12 ten hours and you expect me to have -- a reasonable, fair,
13 prudent person is going to give a defendant who is facing time
14 ample -- I mean, not ample, a fully good opportunity to be
15 heard, especially if he's decided to represent himself. I've
16 already gave you facts of what happened and how this case got
17 to where it's at. I'm not lying about those facts. Those --
18 those things really happened. I really got called down here
19 multiple, multiple, multiple, multiple times, and I came down
20 here all of those times, two times where they claim that I was
21 properly served, and what I claim I wasn't, I didn't come and I
22 got a bench warrant sent out for me, but all of the other
23 times, I came. So this is what I'm saying, that's totally
24 partial towards the State. The State can just do whatever they
25 want, they continuance, continuance, continuance, continuance,

1 I keep coming to all of these court dates, the moment I miss
2 one, even though I'm on e-mail with the person letting them
3 know that I'm still going to come, I'm just going to be a
4 little bit late, I get there at 2:30 and I get arrested for
5 missing a court date at the date. The South Carolina state law
6 says you can't even get arrested in court when you have a court
7 date that day going to or from court, if I'm not mistaken. So
8 the point I'm trying to make is, Section 14 of the
9 Constitution, trial by jury, witnesses and defense: The right
10 of trial by jury shall be with preserved inviolate, which
11 means, name of all to be -- depends on how you feel and you've
12 got them -- and if not you can go. Any person charged with an
13 offense shall enjoy the right to a speedy impartial jury by an
14 impartial jury and to be fully informed of their rights. What
15 I'm saying is I need a chance to be fully heard and the way
16 that I can be fully heard is simple, I'm not trying to waste
17 anybody's time, all I need to do is have time to be able to
18 write a written motion that can rule on, and if you deny it or
19 grant it then you can move on with trial, but I need a full
20 chance to be heard on my arguments on why this trial should not
21 even go with forward, I have the right to do that. I'm
22 accused, I have the right to bring in a defense fully and I'm
23 just asking the Court, respectfully, an opportunity to fully
24 present my defense and fully be heard and I will go along with
25 each and every aspect of this and move on this case

1 proficiently, but now that I know where we're at, finally,
2 because it's been years, I've been -- multiple times I've got
3 notices that never amount to anything, so it's very easy for me
4 to think that this is going to happen again, but now that we're
5 here we're at, I'm asking the court to give me a constitutional
6 opportunity to be fully heard on my defense so I can write
7 these couple motions out and put it into the case and we can
8 move on. Otherwise, moving forward with this to trial the way
9 that it is right now without giving me an opportunity to be
10 fully heard is prejudice against me and it's impartial against
11 me and not giving me a fair trial.

12 THE COURT: Sir, if there are any motions you need to
13 make I'm giving you the opportunity to make them now.

14 THE DEFENDANT: I need to make them in writing.

15 THE COURT: Sir, I've indicated to you how this is
16 going to go pursuant to the rules. If you have a motion, you
17 need to make it now.

18 THE DEFENDANT: Pursuant to what rules?

19 THE COURT: To the Criminal Rules of Procedure.

20 THE DEFENDANT: Which rule of the Criminal Rules of
21 Procedure?

22 THE COURT: Sir, I'm not answering any further
23 questions. If there is any rule -- if there is any motion you
24 want to make I need you to go ahead and make it so I can make
25 sure it's not a motion we didn't already hear yesterday.

1 THE DEFENDANT: I need to make written motions.

2 THE COURT: Sir, I have indicated to you that if you
3 have a motion you want to make you need to make it now so that
4 I can check it against the list of motions you already argued
5 on yesterday, so I can make sure that it's not something that
6 we have not already heard and been ruled on. I'm putting you
7 on notice that if you fail to do it, I'm going to mark the
8 record that you've waived it.

9 THE DEFENDANT: Ma'am, for the record, I'm asking for
10 a full opportunity to be heard.

11 THE COURT: Sir, I've already ruled on that. I told
12 you to make your motions so I can make sure those aren't things
13 we haven't already heard.

14 THE DEFENDANT: I need to make them in writing.

15 THE COURT: Sir, I've already --

16 THE DEFENDANT: I can't make them --

17 THE COURT: I'm not repeating it again.

18 THE DEFENDANT: I can't make them --

19 THE COURT: Well, then you're going to waive it if
20 you don't make it.

21 THE DEFENDANT: I'm not --

22 THE COURT: You know in your mind what you want to
23 make a motion on, you need to tell me what it is.

24 THE DEFENDANT: Literally, all you, for ten days, I'm
25 literally standing up right now.

1 THE COURT: Sir, I need you to tell me what your
2 motions are so I can make sure they are not motions we didn't
3 already hear yesterday.

4 THE DEFENDANT: I need to make a written motion --

5 THE COURT: Sir, I told you I'm not allowing that.
6 Go ahead and tell me what your motions are. I'm not delaying
7 this anymore, I'm not continuing it.

8 THE DEFENDANT: It's not about continuing it, it's
9 about giving me an opportunity --

10 THE COURT: That's what you're asking me to do --

11 THE DEFENDANT: No, I'm not.

12 THE COURT: -- you're asking me to continue it, and
13 I'm not doing that.

14 THE DEFENDANT: I'm asking --

15 THE COURT: We're starting this case 2:00.

16 THE DEFENDANT: You don't have to continue it, I can
17 do it here. I need to make a written motion.

18 THE COURT: You need to tell me what your motions are
19 so that we can break for lunch and I can make sure they are not
20 motions you've not already argued so I can know how we are
21 allocating our time for the rest of the day.

22 A. I cannot properly --

23 MR. D'ANGELO: If I can, everyone?

24 THE COURT: Sure.

25 MR. D'ANGELO: Okay. Let's say you were to make a

1 written motion, the first motion you're gonna write, what is
2 the title of that motion?

3 THE DEFENDANT: I need to write it out.

4 MR. D'ANGELO: Okay.

5 THE DEFENDANT: I need to write my motions out.

6 MR. D'ANGELO: Okay. Alright, what is the title of
7 that motion?

8 THE DEFENDANT: A motion to dismiss.

9 MR. D'ANGELO: Based on?

10 THE DEFENDANT: That's what I need to write out, I
11 need to write the grounds, I need to write each ground.

12 THE COURT: You've already made a Motion to Dismiss
13 yesterday.

14 THE DEFENDANT: No, I didn't.

15 THE COURT: You did, sir.

16 THE DEFENDANT: I -- I --

17 THE COURT: You made a Motion to Dismiss based on the
18 passage of time. You said you were prejudiced.

19 THE DEFENDANT: I object, I didn't understand that.

20 THE COURT: You made a Motion to Dismiss based on Mr.
21 D'Angelo. You made a Motion to Dismiss based on the
22 sufficiency of the affidavits. You made a Motion to Dismiss
23 based on the fact that you felt the administrative order had
24 not been followed, which I told you there is no basis for that.
25 You made a Motion to Dismiss saying you had not had the

1 opportunity to prepare for trial feeling that your due process
2 rights under the South Carolina Constitution and the United
3 States Constitution have been violated. I ruled on that. You
4 made an argument that -- you made other due process arguments
5 saying that your rights have been violated pursuant to the
6 Constitution, I ruled on that. You said that your attorney
7 violated your due process rights pursuant to the South Carolina
8 and the United States Constitution, I ruled on that. You made
9 a motion based on your religious beliefs, and I'm quoting what
10 you said, that a house divided can't stand, and based on the
11 Religious Freedom Act and the fact that you purported that all
12 were involved in a satanic cult. I ruled on that. The only I
13 haven't ruled on is your request under Faretta, and I told you
14 I took that under advisement, and I plan to rule on that here
15 shortly.

16 THE DEFENDANT: I was not under the understanding
17 that I was making motions and arguments yesterday.

18 THE COURT: You argued it and I ruled on it, and I
19 told you that if you -- and I interpreted your argument on the
20 passage of time as a speedy trial motion, and I addressed that.
21 I told you if you had -- you said: I don't have my case law, I
22 don't have -- I said, if you have any case law you want to
23 bring, I'll mark it for the record. If you have any statutes
24 you want to bring, mark them for the record. If you have any
25 other cases you want to submit, I'll mark those for the record

1 or you can make me aware of them, and I took a recess to allow
2 you to gather those things because you said they were at home
3 and you did not bring them with you on yesterday. I have not
4 heard -- now, is there something on this list that's new that
5 you want to argue, or do you plan to think that the Court is
6 going to entertain you rearguing all of this again?

7 THE DEFENDANT: Ma'am, I mean, I was --

8 THE COURT: Simple question.

9 THE DEFENDANT: I was under the impression --

10 THE COURT: Simple question.

11 THE DEFENDANT: I'm giving you my answers.

12 THE COURT: No, no, you're going around the --

13 THE DEFENDANT: No, I'm giving you the answer.

14 THE COURT: You've already told me that already,
15 twice, three times, actually, I want an answer to the question
16 I just asked you.

17 THE DEFENDANT: You stated that you was going to
18 amend your decision if I bring in rules and --

19 THE COURT: Sir, I did not state that.

20 THE DEFENDANT: Yes, you did, you said you were gonna
21 amend --

22 THE COURT: Sir --

23 THE DEFENDANT: You did say that.

24 THE COURT: I need you to answer the question.

25 THE DEFENDANT: Let me ask you this, did she say that

1 she would amend anything that she -- the decisions that she --

2 THE COURT: Apparently, you're the only person in the
3 courtroom that heard that.

4 THE DEFENDANT: She didn't say that? That's not
5 going to appear on the transcript?

6 MR. D'ANGELO: As an officer of the court, she said
7 that if you have any material that you wanted the bring in in
8 the case law or specific rules, that you could bring them in,
9 she would take a look at them and they would be entered into
10 the record, that is my understanding, Your Honor.

11 THE DEFENDANT: And when she said that did she say --

12 THE COURT: And if you brought anything that was
13 contrary to the law that the Court already placed on the record
14 then I would stand to be corrected, you haven't brought me no
15 case law that's contrary to what the case law in South Carolina
16 is --

17 THE DEFENDANT: Because you haven't given me an
18 opportunity to --

19 THE COURT: -- so there's nothing to be amended. You
20 have been given 20 opportunities and you oscitantly refused to
21 follow directions and to take them out of your accordion so
22 that they can be marked.

23 THE DEFENDANT: Because, I'm telling you what I need.

24 THE COURT: Because you want to do it your way.

25 THE DEFENDANT: No, I'm telling you I want to do it

1 the reasonable prudent way that any reasonable prudent person
2 would do.

3 THE COURT: No, sir.

4 THE DEFENDANT: Listen ma'am --

5 THE COURT: No, I've --

6 THE DEFENDANT: You've got all of these --

7 THE COURT: We're going to break for lunch. I've
8 given you a bunch of opportunities to do what you've asked, and
9 you didn't do it, and frankly, I should take you into custody
10 right now because your bondsman called, so I'm going to give
11 you an opportunity to sit in that room with the deputies and go
12 over everything with him, but then he's going to have to be
13 taken into custody because his bondsman called, pursuant to
14 statute, his trial has been called.

15 MR. D'ANGELO: Are we making any determination on the
16 Faretta?

17 THE COURT: I'm going to do that after, before --
18 we'll come back about quarter till, and then I'll make a
19 decision on the Faretta.

20 MR. D'ANGELO: Yes, ma'am.

21 THE CLERK: Thank you, Judge.

22 THE COURT: But if you all could accompany Mr.
23 D'Angelo and Mr. Henley and Mr. Charles in that conference room
24 right there so he can go over everything with his lawyer, give
25 him a, if you all got a pad and pencil let him use it to write

1 out anything he plans he needs to write out, but we're starting
2 promptly at 1:45. If you all would stand outside the door so
3 privilege isn't viciated, just to make sure, but sir, under the
4 statute, once your case has been called for trial, and it has
5 been, I let you go home last night, but your bondsman called,
6 and I'm going to have to take you into custody after lunch, and
7 --

8 THE DEPUTY: Can you give me one second, Judge?

9 THE DEFENDANT: I object.

10 THE COURT: And I'll exception for the record,
11 statute is very clear.

12 THE DEFENDANT: Can you hang on real quick, I'm going
13 to put him in here for just a second.

14 THE COURT: Oh, no, you don't have to take him
15 downstairs, I just need you to hold him.

16 THE DEFENDANT: My bond is paid off.

17 THE COURT: It doesn't matter. That doesn't have
18 anything to do with us.

19 THE DEFENDANT: So what did the bondsman say?

20 THE COURT: Your bond only guarantees your presence
21 once your case is called.

22 THE DEFENDANT: So you're being unreasonable trying
23 to say I'm going to run, even though I called you all and came?
24 You know what I'm saying?

25 THE COURT: Sir, I need to advise you that if you

1 fail to return, you will be tried in your absence, just as I
2 advised you on yesterday, do you understand?

3 MR. D'ANGELO: What time do we need to be back, Your
4 Honor?

5 THE COURT: Quarter until 2:00. Sir, I need an
6 affirmative response on the record. Do you understand?

7 THE DEFENDANT: No, ma'am, I don't understand. I
8 don't understand what's happening.

9 THE COURT: Okay. You've been advised and if you
10 don't return at quarter until 2:00 we're going to proceed with
11 the trial and you can be arrested on a bench warrant.

12 THE DEFENDANT: No, I need to get clarification on
13 what just happened with the bond.

14 THE COURT: Sir, go with your lawyers and take
15 advantage of this time I've generously given you --

16 THE DEFENDANT: So are you not going answer my
17 question?

18 THE COURT: Go with your lawyers and take advantage
19 of the time that I have generously given you, or I will
20 accommodate you and take you into custody.

21 (Lunch recess taken.)

22 THE COURT: Find out where he's at in his writing
23 because we need to get started, and I'll let him finish writing
24 later, but I need to go ahead and swear this jury and get
25 started.

1 MR. D'ANGELO: Yes, ma'am.

2 THE COURT: And I need to rule on the Faretta. Thank
3 you, sir, I appreciate it. He can finish writing later.

4 MR. D'ANGELO: I informed him of that, Your Honor.

5 THE COURT: Tell him he needs to come on in.

6 (Defendant entered the courtroom)

7 THE COURT: Okay. Now, the only motion the Court has
8 not ruled on yet is the Faretta motion where Mr. Charles has
9 been adamant and he wishes to represent himself. I've given
10 you the lunch hour to write down anything you wanted to write
11 down, Mr. Charles, and I was suppose to start back at 1:45, but
12 it's now 2:16, so I gave you additional time for that purpose.
13 If you have not finished writing what you desire to write,
14 you'll have to just complete it at a later time because we need
15 to proceed with the trial.

16 THE DEFENDANT: Well, it goes into the heart of this
17 pretrial motion.

18 THE COURT: Which pretrial motion are you referring
19 to?

20 THE DEFENDANT: This is an Affidavit for a Change of
21 Venue, and I'm writing down the grounds.

22 THE COURT: Sir, I can continue venue -- I could hear
23 a venue motion without you having to write it out, there is no
24 basis for a change in venue. We were able to pick a fair and
25 impartial jury and the elements for venue are very hard to meet

1 to change venue to a different county, but I'd be glad to hear
2 your motion on venue change if you'd like to make it.

3 THE DEFENDANT: I have it written. I'm just going to
4 put it into the record.

5 THE COURT: Yes, you can make the motion for venue
6 change, sir, and tell me what the basis of it is.

7 THE DEFENDANT: I just want to put it into the
8 record, the written record.

9 THE COURT: You're not going to be able to do that,
10 sir. You need to make your motion, you need to articulate it,
11 the court reporter is going to take it down, you need to state
12 the basis for it and then I'll hear from the State and then
13 I'll rule on it. We don't generally take writings and put them
14 into court records and exhibit, you should have followed that
15 ahead of time.

16 THE DEFENDANT: No, it's not just in writing, it's a
17 motion of affidavit.

18 THE COURT: No, you don't file that with the court
19 record, you file that with the Clerk's Office.

20 THE DEFENDANT: Well, I can file it with them.

21 THE COURT: And we'll do it later, but I need you to
22 go ahead and make your motion so I can rule on it.

23 THE DEFENDANT: Ma'am, this is my whole point, what
24 rule are you relying on to allow me --

25 THE COURT: Sir, the criminal rules clearly state

1 that motions can be made orally and the Court does not have to
2 take them in writing. That's the rule I'm relying on.

3 THE DEFENDANT: Well, I mean, I don't know that that
4 rule exists, ma'am. I have the rules if --

5 MR. ZEIGLER: Your Honor, it's Rule 4(a).

6 THE COURT: Thank you. Rule 4(a) of the criminal
7 procedure.

8 THE DEFENDANT: What does it State?

9 MR. ZEIGLER: An application of the Court for an
10 order shall be by motion which unless made during a hearing or
11 trial, which this is, in open court, which this is, with a
12 court reporter present, which this is, shall be made in
13 writing.

14 THE DEFENDANT: Say it again.

15 THE COURT: They're exceptions, sir. In other words,
16 if we're not in court without a court reporter --

17 THE DEFENDANT: That's not what he said --

18 THE COURT: Listen intently to what I'm saying.
19 That's a rule with an exception. What it says is you make your
20 motions orally unless there is no court reporter, we're not in
21 a hearing or not in court, then you do them in writing, which
22 means you file them ahead of time in writing, but if you're in
23 court you make them orally.

24 THE DEFENDANT: But that rule does not say that.

25 That rule says you can put it in writing --

1 THE COURT: Mr. D'Angelo, would you show that to your
2 client, please?

3 MR. D'ANGELO: I could try to look it up here real
4 quick.

5 THE DEFENDANT: That doesn't say you can't put it in
6 writing --

7 THE COURT: It doesn't say you can't, but it says
8 there are exceptions to that rule. It's not like civil court,
9 and I've directed you to make your motion for a change in venue
10 and you can file your written motion later, but I'm not taking
11 anymore time on that because it should have been done ahead of
12 time.

13 (Mr. D'Angelo and Defendant off the record discussion)

14 THE COURT: Sir, I told you you can file it later,
15 and that's what you're going to do, but you're going to make
16 your oral motion right now if you want to preserve it and you
17 want me to hear it and you want me to rule on it.

18 THE DEFENDANT: Objection, Your Honor. The rules of
19 criminal -- the rules of criminal --

20 THE COURT: Sir, I've noted your objection, I've
21 overruled it. Make your motion for a change in venue.

22 THE DEFENDANT: I didn't tell you my grounds for the
23 objection.

24 THE COURT: Sir, I don't have to take argument on
25 objections. That's my prerogative to hear argument on

1 objections.

2 THE DEFENDANT: Well, I need you to rule on them.

3 THE COURT: The purpose on arguing on an objection --

4 THE DEFENDANT: Well, how are you gonna rule on
5 them --

6 THE COURT: -- is if the Court has a question. If it
7 is within the ambit of the Court's common knowledge and it's
8 black leather precedent, I don't have to hear argument.

9 THE DEFENDANT: I just looked up the law and it's
10 exactly why I wrote this --

11 THE COURT: Sir, I know what the law is on the change
12 in venue. Go ahead and make your motion so I can rule on it so
13 the State can respond. I've delayed this as long as I'm going
14 to and I've had a jury waiting, I've given you an additional 16
15 minutes, well, actually, longer than that, to write out what
16 you wanted to write out, you need to go ahead and make your
17 motion. You can file your written motion later.

18 THE DEFENDANT: Your Honor, objection, because I
19 can't make the written motion later because --

20 THE COURT: Yes, you can, I've allowed you to, I just
21 said you could.

22 THE DEFENDANT: The law doesn't allow me to. You
23 cannot do a change of venue on --

24 THE COURT: Sir, the law is what I tell you it is.

25 THE DEFENDANT: The South Carolina Rules --

1 THE COURT: You can file it later.

2 THE DEFENDANT: So the law is what you tell me it is,
3 that's what the law is?

4 THE COURT: I have given you leave to file it later.

5 THE DEFENDANT: But, ma'am, it states that you --

6 THE COURT: Sir, do not argue with the Court.

7 THE DEFENDANT: You can't do a change of venue --

8 THE COURT: I have given you -- I can give you leave
9 to do whatever I tell you can do. I've told you you can file
10 it later. You are making an oral motion, you will follow it up
11 with a written motion. It does not have to be in writing. The
12 Court really requires that it be in writing when it's in open
13 court with a court reporter. The only time you file a written
14 motion in criminal court is when there's no court reporter and
15 you're not in a hearing and you do it ahead of time, and you
16 still won't even have to do it then. It is not like civil
17 court. You need to make your motion, I'm giving you leave to
18 file your written motion at the conclusion of these
19 proceedings, and I have ability and discretion to do that.
20 Most people would say thank you at this point.

21 THE DEFENDANT: I'm just trying to be 100 percent
22 clear on this because I can't --

23 THE COURT: I can't be any more clearer than I
24 already have. Make your motion for a change in venue, sir, so
25 the State can respond.

1 THE DEFENDANT: Why can't I file it the now? I don't
2 understand.

3 THE COURT: Because you said you haven't finished
4 writing it.

5 THE DEFENDANT: I want to file it the way it's
6 written right now because that goes exactly to --

7 THE COURT: Well, then at a break you can go
8 downstairs and file it, but you can't do it right there. We
9 don't a mechanism for you to file it upstairs right now.

10 THE DEFENDANT: The Clerk is right there.

11 THE COURT: We don't keep records up here.

12 THE DEFENDANT: All I'm saying is I have to make this
13 change of venue motion before --

14 THE COURT: And I've given you the ability to file it
15 later.

16 THE DEFENDANT: But once the jury is sworn in you
17 can't hear it anymore.

18 THE COURT: It doesn't matter, sir --

19 THE DEFENDANT: That's what the law says.

20 THE COURT: -- I'm giving you leave to file it later.

21 THE DEFENDANT: No.

22 THE COURT: I'm not repeating myself again. Make
23 your motion, or you're going to waive it.

24 THE DEFENDANT: My motion is not complete. I was
25 going to put on there, I was gonna finish it --

1 THE COURT: He has made a motion for a change in
2 venue. Is there anything you want to add to his motion and
3 change of venue, Mr. D'Angelo, do you think there's any basis
4 in good faith --

5 MR. D'ANGELO: No, Your Honor.

6 THE COURT: -- for a motion for a change of venue?

7 THE DEFENDANT: Objection.

8 MR. D'ANGELO: No, Your Honor. He does have a
9 another motion.

10 THE COURT: And I'll deal with that one in a moment.
11 Mr. Zeigler, would you like to respond to the Defendant's
12 request for a motion for a change in venue?

13 THE DEFENDANT: I have not made my motion, Your
14 Honor.

15 THE COURT: You've made your motion, sir, it's for a
16 change in venue.

17 THE DEFENDANT: No, I haven't.

18 MS. BARBER: Judge, it is the State's position that
19 venue is proper. The incident that occurred took place in
20 Charleston he is in Charleston County. The jurors that have
21 been selected are members of this community, Charleston County,
22 and again, and it is our position in accordance with the
23 Criminal Rules of Procedure that venue is proper.

24 THE DEFENDANT: Objection. Which rule of --

25 THE COURT: Sir, she doesn't have to respond to you.

1 THE DEFENDANT: You told me I had a --

2 THE COURT: She cannot answer your questions. If you
3 want to respond to her argument, you can do that for the
4 record, but do not direct questions at counsel, that is also
5 not permitted by the rules.

6 THE DEFENDANT: Well, I object to what she just said.
7 I need for her to state --

8 THE COURT: We'll note your exception for the record.

9 THE DEFENDANT: Because stated the specific rule but
10 she just stated Langley (phonetic), and yesterday when I stated
11 Langley (phonetic) you told me to state the section.

12 THE COURT: Sir, you need to go ahead and tell me the
13 basis of your motion for a change of venue.

14 THE DEFENDANT: So we're not working on equal
15 protection of the law?

16 THE COURT: Sir, I need you to go ahead and state
17 your basis for the motion of the change in venue.

18 THE DEFENDANT: Okay. So for the record, I'm only
19 stating this under duress because the judge is not allowing me
20 to properly put in my record a motion that she's not allowing
21 me to finish, which is hindering defense in my case and is
22 making this not a fair trial. So this is my motion, the State
23 of South Carolina, County of Charleston: The Akim Jammarr, the
24 accused man, affidavit the change venue in a criminal case.
25 The following is true and correct and I am stating these facts

1 under penalty and perjury under the laws of the United States
2 of America. I, Akim Jammal, wholeheartedly, believe and I am
3 under the understanding that there is no way that I can be
4 afforded a fair and impartial trial in this venue of Charleston
5 County Judicial Center. I am writing this affidavit in good
6 faith and with honest duress and trepidation and in real fear
7 that there is no possible way that I can receive a fair trial
8 in this venue for the following reasons: One, the record in
9 this case. The record in this case has been verifiably
10 misrepresented and falsified in this case, to my understanding.
11 These misrepresentations have greatly prejudiced me and
12 resulted in unlawful arrest twice, to my understanding, when
13 brought to the attention of the Court. I have been dismissed,
14 ignored and been given -- and not been given a full opportunity
15 to be heard on my grievances pertaining to these matters before
16 trial. Number two: It is my understanding that when my bond
17 was surrendered that it was so against my due process rights,
18 the law states that all who are allegedly find by their bond
19 are entitled to a show cause hearing at any time when the bond
20 is being questioned or trying to be revoked, and that is
21 evidence by South Carolina Code 17-15-170 Code of Laws. I was
22 never afforded a notice of this hearing, nor, and this is where
23 my written base stops, so I'm going to add it right here, I'm
24 going to add it in: At this moment I'm unable to finish this
25 to written motion for the change of venue.

1 THE COURT: No, sir, that's not accurate, I have told
2 you you could finish it. You're just not going to finish it
3 right now, you can finish it later and file it downstairs, and
4 I've given you leave to file it later.

5 THE DEFENDANT: The Court has told me that I cannot
6 file my motion, my written motion --

7 THE COURT: Sir, that is inaccurate, I told you that
8 you could file your written motion. I've given you leave. The
9 Court can expand or restrict time on the filing of any document
10 within its discretion. I've given you leave to file your
11 motion to finish it and file it after we take the next break,
12 so you have not been precluded from filing your motion.

13 THE DEFENDANT: I wasn't finished, I wasn't saying it
14 like that: I have been precluded from filing my written motion
15 before the jury is sworn in or before the trial commences and
16 the judge unreasonably, in my opinion, decided that I have to
17 file this written motion later after the trial starts when --
18 that's in Code of South Carolina Criminal Procedures, clearly
19 states that in civil and criminal Change in Venue Motions
20 are -- have to be done before trial, so --

21 THE COURT: It really should have been made before I
22 picked the jury, and you didn't, but I'm still giving you
23 latitude to argue it, even though you really have waived it,
24 and I'm going to address it once I -- and the State's already
25 addressed it. Is that the extent of your motion to change

1 venue?

2 THE DEFENDANT: No, I'm adding to my motion now. The
3 reason that this motion is not completely written when it would
4 be put into -- it's not completely written as it's being put in
5 right now is because the Court going along with this motion
6 has, in my opinion, been greatly partial towards me and not
7 allowing me to fully represent myself and fully defend myself.
8 In my opinion -- no -- all of this is not written, so this is
9 why my motion is not sounding distinct no more, this is my
10 point, this is why I wanted just to put it in in a written way,
11 so at the end of the day --

12 THE COURT: And I've given you leave to do that, you
13 haven't been precluded from finishing it, writing it and filing
14 it.

15 THE DEFENDANT: I mean, I have if the law says you
16 can't put --

17 THE COURT: Sir, I can give you -- I can expand time,
18 I can give you latitude to do lots of things, and I've given
19 you the latitude to finish writing it and filing it later, so
20 there's no prejudice to you, everything you wanted to preserve
21 will be preserved.

22 THE DEFENDANT: Furthermore, James Malone, I've had
23 interactions with him. He's a Charleston County docket
24 manager, I've had personal issues with him when it comes to his
25 directing the officer to unlawfully arrest me. I've already

1 stated to him that I will be bring civil action against him for
2 that after this case is precluded. I've also had issues with
3 my attorney, which is Charleston County Public Defender's
4 Office where we've had several issues where I tell him that
5 he's lying to me and he says he's not lying. I show him
6 documents that kind of show what I'm saying is true, and he
7 tells me that it's not true. We're just -- we just never
8 agreed at any point. I've never asked him to be my attorney
9 and he's just been appointed for me by Charleston judge who
10 doesn't want to hear me when I have to say reasons why I want
11 things released, so the Solicitor, Charleston County, lied
12 multiple times on the record. When I came into court last time
13 with Judge McCoy, he was afforded the chance to speak against
14 my behalf -- speak against me, and I wasn't afforded the
15 opportunity to speak back, so basically, my rights have been
16 violated so much to the point that every single time that I
17 tried to assert a right I get pushback that I'm getting right
18 now as in something as simple as filing a written motion, Your
19 Honor is not allowing me to do. So this is why I have to put
20 these type of things on the record because these are simple
21 constitutional rights that I have as an accused man to be able
22 to defend myself and I'm not being afforded that in this venue,
23 and it's clear now that this is not just me working against
24 just the Solicitor. At this point it's clear that the judge,
25 Your Honor, is being very partial towards the Solicitor, and an

1 example would be something like her stating the Rules of
2 Criminal Procedure and me, distinctly, asking you to ask her
3 which one and you not following up and asking her, but just
4 yesterday, me not being an attorney, when I brought up a piece
5 of -- you made sure and told me that you have to be put it in
6 the specific section. So I mean, that's a clear example of not
7 equal protection under the law, not equal -- it's not like the
8 same thing going on. You told me yesterday that I'm supposed
9 to rise to the same level as them, but now, you're not even
10 holding me to the same standards. So I mean, it's just clear
11 on its face to me it's prima facia evidence that I can't have a
12 fair trial. I'm asking for simple things, I'm asking for
13 putting in motions and I'm being denied, those simple things,
14 so if I cannot even have something that's that simple, it's not
15 possible that I can have a fair trial. I'm already coming into
16 this in a weakened way because my attorney who was going to be
17 representing this case is all switched yesterday, this all
18 happened in one day. I wasn't 100 percent sure what was going
19 to happen Monday because I asked them on Friday about specific
20 motions, so on Monday we were supposed to do them and once we
21 got here they didn't happen the way I expected them to be. I
22 mean, they wasn't even argued, so it was like, I didn't have an
23 actual opportunity to prepare for this case, this time. Your
24 Honor keeps bringing up the fact that this case has been going
25 on six years and keeps claiming that I had all that time to

1 prepare for it, but when we have the record, which is one of
2 the grounds of why I need to change venue, the record is the
3 evidence of impartiality -- I mean, partiality towards me,
4 that's the whole thing I'm trying to say. There's so many
5 discrepancies with the record that are violations of
6 procedure --

7 THE COURT: I hate to cut you off, but you've already
8 said that multiple times on yesterday. Is there anything else
9 you'd like to state regarding your change in venue motion?

10 THE DEFENDANT: Yes. I can't even put my change in
11 venue motion in, and that's why I need a change in venue
12 because you're not going to be fair --

13 THE COURT: I've given you leave to file it later,
14 sir. Do you want to add anything to that, Mr. D'Angelo?

15 THE DEFENDANT: That's after the trial.

16 MR. D'ANGELO: No, Your Honor.

17 THE COURT: Anything further from the State?

18 MR. ZEIGLER: No, Your Honor.

19 THE DEFENDANT: I also have other motions, but I
20 wasn't able to get to them.

21 THE COURT: I'm sorry, what did you say, Mr. Zeigler?

22 MR. ZEIGLER: Nothing from the State, Your Honor.

23 THE COURT: Motion for a change in venue is denied.
24 There is no proof submitted into the record such that it would
25 preclude this defendant from having a fair and impartial jury

1 hear his case. It is not the Court that determines any facts
2 in this case, it is the jury that will hear the evidence,
3 determine the credibility and believability of those witnesses,
4 and then apply the law to those facts and render a verdict.
5 There has been no indication of any newspaper exposure of media
6 coverage or otherwise such that it would prejudice this panel.
7 Each juror went through the voir dire process and through the
8 appropriate voir dire questions indicating and confirming their
9 ability to be fair and impartial jurors. The defendant in this
10 case has failed to meet his burden of proof regarding any
11 motion for a change of venue. The motion is denied.

12 THE DEFENDANT: Ma'am --

13 THE COURT: Again, sir, I've given you leave to
14 continue, finish writing --

15 THE DEFENDANT: You need to call first --

16 THE COURT: Don't interrupt the Court, sir, and that
17 it is the last time I'm going to tell you that. You will be
18 allowed to finish writing out your motion, if you would like,
19 and file it at a later time, at which time it will be filed the
20 Clerk -- or you can file it in the Clerk of Court's Office.
21 What other motion did you want to make, sir, before we begin?

22 THE DEFENDANT: I have to respond to what you just
23 said.

24 THE COURT: No, sir, you can not, the Court has
25 ruled.

1 THE DEFENDANT: Ma'am --

2 THE COURT: The Court has ruled, and pursuant to the
3 rules, there is no further argument after the Court has ruled.
4 That's the end of it.

5 THE DEFENDANT: But your ruling was based on me not
6 offering proof --

7 THE COURT: Sir, appeal it.

8 THE DEFENDANT: -- and you just told me I cannot put
9 anything --

10 THE COURT: If you don't like it, appeal it.

11 THE DEFENDANT: But you told me I --

12 THE COURT: You can't meet your burden of proof, sir.

13 THE DEFENDANT: I have it right here.

14 THE COURT: You've told me all of that, I've seen all
15 of it, it is in the record.

16 THE DEFENDANT: The record is wrong.

17 THE COURT: Sir, I'm not going to debate and go back
18 and forth with you, the Court has ruled, that is the end of it.
19 If you disagree with the Court's ruling, appeal it, it won't
20 hurt my feelings, I get appealed all the time.

21 THE DEFENDANT: It's not about that, though, it's not
22 about --

23 THE COURT: That is your recourse if you don't like a
24 ruling, is to appeal it, it's not to debate with the Court.

25 THE DEFENDANT: I mean, any reasonable person --

1 THE COURT: That's the end of it, sir. What other
2 motions do you want to make before we swear the jury and go
3 forward and before I rule on this Faretta motion?

4 THE DEFENDANT: Like I said, I would like to motion
5 to recuse Your Honor because --

6 THE COURT: You've made that motion earlier and you
7 stated the grounds for it.

8 THE DEFENDANT: No, I didn't.

9 THE COURT: You did make that motion earlier.

10 THE DEFENDANT: Once again, that was another written
11 motion that I wanted to put in and you did not allow me to.

12 THE COURT: Sir, you did make the motion to recuse,
13 and you stated the basis for it before we went to lunch.

14 THE DEFENDANT: You did not, I told you I wanted to
15 write it. I told you I wanted to write it.

16 THE COURT: Mr. de Anglo, did he not make the motion
17 to recuse before we went to lunch?

18 MR. D'ANGELO: Yes, he did, Your Honor.

19 THE COURT: Did he articulate the grounds for his
20 motion to recuse?

21 MR. D'ANGELO: Yes, he did, Your Honor.

22 THE COURT: And was it fairly lengthy, it was about
23 40 minutes, wasn't it?

24 MR. D'ANGELO: Yes, it was, Your Honor.

25 THE DEFENDANT: Did I not say that I will do that?

1 THE COURT: Sir, I will give you leave to write that
2 out if you would like and file that later, as well, but we're
3 not going to spend anymore time on that.

4 THE DEFENDANT: But you forced me to do it orally.

5 THE COURT: No, I did not, sir.

6 THE DEFENDANT: Yes, you did, I told you I needed to
7 write it.

8 THE COURT: The Court has made a statement, I'm not
9 going back and forth with you about it. Would the State like
10 to respond to the defendant's motion to recuse?

11 MR. ZEIGLER: Yes, Your Honor, we think that you have
12 been more than fair to the defendant as indicated by the record
13 as far as not issuing bench warrants after the State's
14 requested on multiple occasions, as well as everything you've
15 done here to accommodate him in the last two full days of him
16 talking, so we think everything you've done and everything that
17 has been happened in this county has been fair and impartial.
18 Thank you.

19 THE COURT: You're welcome. Mr. D'Angleo, for the
20 record, do you think there's any good faith basis? You
21 indicated on yesterday when he asked you to file a motion to
22 recuse, you felt it would be a violation of the ethics rules
23 for you to do that as an officer of the court, correct?

24 THE DEFENDANT: I have the notes here that I need to
25 put on the record.

1 MR. D'ANGELO: As an officer of the Court, no, Your
2 Honor.

3 THE DEFENDANT: This is determining --

4 THE COURT: Do you feel that there's any basis, sir,
5 for a motion for a recusal?

6 MR. D'ANGELO: Speaking to me? No, Your Honor.

7 THE COURT: You've made your motion for the Court to
8 recuse itself, Mr. Charles, and the Court finds as follows: A
9 judge should disqualify himself or herself in a proceeding and
10 which is impartiality that might reasonably be questioned,
11 including but not limited to instances where he or she has a
12 personal bias or prejudice against a party, citing Murphy
13 versus Murphy, 1995 Supreme Court precedent: Such bias,
14 however must stem from an extra judicial source and result in
15 decisions based on information other than what the judge has
16 learned from his or her participation in the case. It is not
17 enough for a party seeking disqualification to simply allege
18 bias. The party must show some evidence of bias, citing Roper
19 Dynamique Concepts, which is a 1994 Court of Appeals precedent.
20 The alleged bias must be personal as distinguished from
21 judicial. Likewise, the bias must stem from extra judicial
22 sources and result in a decision on the merits based on
23 considerations other than what the judge learned from his or
24 her participation in the case with emphasis. A motion to
25 recuse may not be predicated on the judge's rulings in the case

1 before him or her or in rulings on a related case, nor on his
2 or her demonstrated tendency to rule in a particular manner or
3 on a judicial leaning or attitude derived from his or her
4 experience on the bench. Citing, United States versus
5 Grinnell, which is United States Supreme Court precedent and
6 Berger versus United States and Mallett v. Mallett which is a
7 South Carolina Court of Appeals case, as well as its progidy,
8 Parker versus Shecut; Christy versus Christy; Ellis versus
9 Procter and Gamble; Christensen versus Mikell; and Patel versus
10 Patel. The motion is denied. The defendant has failed to meet
11 his burden of proof in that regard and I've already indicated
12 and made by observations for the record regarding the motion to
13 recusal. In other words, whenever Mr. Charles perceives that
14 someone does not agree with his particular position or
15 interpretation of a particular -- or his perception of the law,
16 he feels that that person, therefore, is biased and less
17 impartial with him because they do not agree with his rational
18 or his perceptions, and this Court perceives that he would have
19 that issue with any judge that hears this case because this
20 Court's rulings would be very similar to any other Court
21 because those rulings are based on black letter precedent and
22 well established law.

23 Now, that leaves for me to deal with the Faretta
24 motion. Sir, did you have another motion you want to make
25 other than the recusal and the change of venue?

1 THE DEFENDANT: Well, I would like to respond to what
2 you just said for the record.

3 THE COURT: No, sir, you can not, the Court has
4 already ruled.

5 THE DEFENDANT: Well, I object.

6 THE COURT: There is to be no further comment.

7 THE DEFENDANT: I object.

8 THE COURT: Note your exception. Move on. What's
9 your next motion?

10 THE DEFENDANT: I need you to rule on my objections,
11 ma'am.

12 THE COURT: No, sir, I do not, because they're not
13 founded. You don't speak once the Court has ruled. This is
14 not a colloquy where you and I go back and forth. We're not
15 advocates. The Court has stated the law, the Court has ruled,
16 that's the end of it, and that's the rules, and you will
17 comport yourself accordingly. Now, if there are any other
18 motions you need to make I'll be glad to hear them so we can
19 dispose of them.

20 THE DEFENDANT: I need to ahead and put this in.

21 THE COURT: Sir, you'll file it downstairs.

22 MR. D'ANGELO: The last motion is to recuse me from
23 trial.

24 THE DEFENDANT: It's not a -- this is a notice of
25 termination --

1 THE COURT: Sir, I've got to rule on the Faretta
2 motion, that's premature, you don't even know how I'm going to
3 rule on it.

4 THE DEFENDANT: Well, I want to read this into the
5 record.

6 THE COURT: You don't need to, sir, you've already
7 told me you don't want him to represent you.

8 THE DEFENDANT: Alright, so you're not -- you're
9 practicing from the bench, ma'am.

10 THE COURT: Sir, are you going to tell me something
11 other than you don't want Mr. D'Angelo to represent you?

12 THE DEFENDANT: I'm going to stipulate my grounds. I
13 need to put my --

14 THE COURT: You told me that yesterday for three
15 hours why you didn't want Mr. D'Angelo to represent you.

16 THE DEFENDANT: I already stipulated --

17 THE COURT: You'll file it and we'll put it in the
18 court record downstairs once you file all your other documents
19 downstairs. I need to rule on the Faretta motion, which is
20 probably going to make that irrelevant.

21 THE DEFENDANT: I'm trying to -- I know, but I still
22 want to put it in the record.

23 THE COURT: Well, you don't get to determine how we
24 proceed, the Court does.

25 THE DEFENDANT: So you're telling me I don't have no

1 rights to exercise --

2 THE COURT: I don't think that I was inarticulate
3 when I said what I said just now.

4 THE DEFENDANT: Ma'am, you're denying just denying
5 every open right that I have.

6 THE COURT: Sir, have a seat. Have a seat, and then
7 we're going to establish some ground rules and you're going to
8 abide by them or these nice little gentlemen right here, are
9 going to help you conform your behavior, because you seem to
10 have a challenge with that, and I think, unfortunately, you
11 have taken my kindness and my leniency as weakness, and that's
12 a brave error in judgment.

13 THE DEFENDANT: No, I haven't.

14 THE COURT: You have made a -- there you go again.
15 The Court has spoken, you don't get to speak back, it's rude,
16 it's impertinent. Do you see any of these lawyers talk back
17 when I speak? Because they understand the rules. They also
18 understand common courtesy and respect. I treat them with
19 common courtesy and respect and they treat this Court with
20 common courtesy and respect, and they treat one another with
21 common courtesy and respect, and I expect the same from you.

22 THE DEFENDANT: Well, when I'm getting unlawfully
23 arrested, that's not respect.

24 THE COURT: Sir, and while you're on that point, let
25 me address that, because I meant to address that earlier. The

1 off bond was clearly done appropriately in accordance with the
2 rules. I've looked at the form which was filed October 21st of
3 2020. It was sworn and subscribed to by notary public prior to
4 its filing, and in addition to that, any objections you would
5 have to the off bond are unfounded, you waived them, because a
6 consent order was filed asking that the bondsman be removed
7 from your bond, and that was done. Actually, there's no
8 prejudice to you because you could have posted bond with anyone
9 else whenever you decided to at any time you decided to, which,
10 apparently, you did --

11 THE DEFENDANT: Ma'am --

12 THE COURT: -- because you're here today not in
13 custody.

14 THE DEFENDANT: But, ma'am, that's --

15 THE COURT: The Court has ruled, end of discussion.

16 THE DEFENDANT: That's not my argument.

17 THE COURT: That was your argument.

18 THE DEFENDANT: No, it wasn't.

19 THE COURT: The Court has ruled, no more discussion.

20 THE DEFENDANT: That wasn't my argument, ma'am.

21 THE COURT: As in regards to the Faretta motion,
22 which the defendant -- well, he made a motion, he said he did
23 not want his lawyer to -- if you continue to talk, I have a
24 monitor downstairs where you can watch the proceedings. I've
25 already made arrangements for it. I made arrangements for it

1 yesterday because I knew you couldn't conform your behavior, so
2 you can either stay in here and conform your behavior, or I can
3 put you in a cell with a monitor and some AVI equipment, and
4 you can listen to the trial and watch it from there and
5 participate from there. Make your choice. Do you want to stay
6 in here with us, or do you want to go with the video monitor?

7 THE DEFENDANT: I just -- can I speak?

8 THE COURT: No. I need you to answer my question.
9 Do you want to stay in here with us, or do you want to be taken
10 into custody and put with the monitors?

11 THE DEFENDANT: I want to be able to respond.

12 THE COURT: No, sir, you can't respond once the Court
13 has ruled.

14 THE DEFENDANT: No ruled, you didn't --

15 THE COURT: I did rule.

16 THE DEFENDANT: I'm talking about what you just said
17 right there --

18 THE COURT: Sir, I ruled. That was a finding of fact
19 for the record, I ruled. No further discussions. In case you
20 weren't clear, I ruled. End of discussion. On yesterday, Mr.
21 Charles requested that he represent himself. What he
22 represented for the record was that Judge Culbertson had made a
23 finding that he was allowed to represent himself, he was picked
24 up, and I'm just cutting to the chase, I'm not going through
25 every single -- because I think the record is just so replete

1 with the examples, I don't need to go back through every single
2 detail, because I think the record is clear, as well as the
3 court file is clear, but in short, what he has alleged or what
4 he has argued is that Judge Culbertson allowed him to represent
5 himself, he was then picked up on a bench warrant, and as a
6 result of him being in indigent status in the jail, which is
7 par for the course, the public defenders office sent, which
8 they do when you're chief judge, orders every day asking that
9 lawyers be appointed to represent those who are in custody,
10 because the presumption is they are at a deficit because
11 they're in custody and they cannot retain counsel and by very
12 nature of the fact that they are detained, they are indigent,
13 so then Mr. D'Angelo was appointed to represent Mr. Charles.
14 Mr. D'Angelo, and I find him credible, he has no reason to lie
15 to the Court, he's an officer of the Court, indicated to the
16 Court that after he was retained -- well, he was appointed in
17 August. He, as quickly as he could assess the file, made a
18 motion to have the bench warrant rescinded, he then made
19 multiple attempts to contact Mr. Charles so that he could meet
20 with him and prepare his case, go over the discovery, go over
21 his constitutional rights, and otherwise, and then he had
22 received no response from him, so Mr. Charles cannot argue or
23 complain now that he had no contact with Mr. D'Angelo, when, in
24 fact, he was the architect of that situation by not responding.
25 He has renewed his motion to represent himself, and the Court

1 held a Faretta Hearing on February 6th of 2023, and pursuant to
2 that motion the Court elicited the following information: Mr.
3 Charles is 33 years of age, he attended one semester of college
4 at Trident Technical College, he received his GED after
5 completing the 11th grade in high school, that he owns his own
6 graphic design and music studio business and he's been self
7 employed and for a period of two years and prior to that he was
8 a cherry picker at Gerber for one year in Jedburg, however, he
9 could not account -- he said he had various jobs in the
10 intervening 11 to 12 years, which he did not deem necessary to
11 detail for the Court, except to the extent that they were
12 warehouse jobs and he had worked in self-employment and graphic
13 design. He indicated to the Court that he owns his own studio
14 at his house, that he lives alone, that he is renting for
15 approximately ten years, he is living at [REDACTED] Jean Wells in
16 Goose Creek, South Carolina, which is the address that the
17 Clerk of Courts Office sent his notice of hearing back in --
18 his notice of trial back in December of this year. It was not
19 returned to the Court and there was no indication that it did
20 not comply with the rules, and as I've already explained to Mr.
21 Charles, when a notice is dispatched, the Court presumes it is
22 valid, and it is effective once placed in the mail, according
23 to South Carolina precedent.

24 THE DEFENDANT: Ma'am --

25 THE COURT: That he is for several -- don't interrupt.

1 the Court, sir. That for several years he has been studying
2 law courses online and other self-education he indicates that
3 he has engaged in. He claims that he has represented himself
4 before in Berkeley County at a preliminary hearing, as well as
5 traffic cases. He indicated to the Court that he is not
6 suffering from any mental disability or under the influence of
7 any drugs or alcohol and that he has never received a mental
8 health diagnosis. He also indicates to the Court that he is
9 versed in the Rules of Criminal Procedure, the Rules of
10 Evidence, the range of penalty, as well as his constitutional
11 rights, and he has been adamant that he represent himself, and
12 as such, I'm going to allow him to do that, although, I think
13 it is contrary to his interests and after having been advised
14 that it is contrary to his interest, also having advised him
15 that he has a right to counsel without cost if he cannot afford
16 counsel, and he is clearly aware of that, because he has two
17 lawyers, more than competent, actually, more than well
18 qualified to represent him in this matter. However, because he
19 is adamant about representing himself and because he says he
20 understands the dangers inherent in self representation and he
21 thinks that he knows about his situation objectively better
22 than the rest of those who are actually objectively observing
23 the situation and the seriousness of the matter in light of the
24 fact he's facing a five-year penalty, if convicted. As such,
25 I'm going to allow him to represent himself, but I'm ordering

1 that Mr. D'Angelo and Mr. Henley remain as standby or shadow
2 counsel in the event that he wishes to ask any questions,
3 procedural, evidentiary, or otherwise, during the course of the
4 trial so that he will have competent counsel available to him
5 and should he desire or determine that he wants to avail
6 himself of it. Now, we've already agreed -- well, I reviewed
7 all of the videos last night, and I think it is prudent
8 that the only video that -- I've had them all marked as Court's
9 exhibits, I'm of the mind, and Mr. D'Angelo, prior to me
10 relieving him had already agreed, as well as the stipulation
11 that has already been entered prior to him being relieved, that
12 the only germane portions of those videos are what are
13 purported to be the actual threats that were closeted toward
14 the victim in this case. So everything from the videos has
15 been redacted with the exception of 8.23 through the end of Mr.
16 Charles' comments to the officer, and at 26.00 where he makes
17 the additional comments to the officer.

18 Now, we're going to bring in the jury, I'm going to
19 swear them. Sir, do you wish to make your own opening
20 argument?

21 THE DEFENDANT: Yes.

22 THE COURT: Okey Doke -- did you advise him what he
23 needs to do in opening argument?

24 THE DEFENDANT: I don't --

25 MR. D'ANGELO: I did, Your Honor.

1 THE COURT: Sir, you understand you cannot argue the
2 law to the jury, you can only argue to them what you believe
3 the evidence will show, do you understand that?

4 THE DEFENDANT: I do not understand that, I need an
5 opportunity so we can discuss what a threat is.

6 THE COURT: I'm sorry, because we can discuss what?

7 THE DEFENDANT: We need to discuss what a threat is
8 before --

9 THE COURT: Sir, that's jury charge, that's not, you
10 don't discuss that before you present evidence.

11 THE DEFENDANT: But what I'm saying is, you're
12 interpretation of what the threat is --

13 THE COURT: Sir, that's jury charge, you don't do
14 that now. You might want to discuss that with your standby
15 counsel and get clear about procedure.

16 THE DEFENDANT: I'm saying, you stated yesterday --

17 THE COURT: Sir, that is jury charge time. This is
18 not the time to discuss that. We'll discuss matters of law at
19 the appropriate time. This is not the appropriate time. Get
20 the jury for me, please, and I've appointed Number 122 as the
21 foreperson.

22 THE DEFENDANT: Like I said, Your Honor --

23 THE COURT: Sir, that is a matter of law that is
24 appropriately taken up at jury charge. It is not appropriate
25 to take it up now. It's not something that's going to come

1 before the jury at this moment, and you might want to let them
2 educate you about how we're going to proceed so that you can be
3 clear. We have opening arguments, the State will present its
4 case since they have the burden of proof, you will have the
5 ability to cross-examine any witnesses, and then we'll hear
6 motions, and then you have the ability to present any testimony
7 that you would like, and then we get to the legal part of it,
8 but this is not the time for that, and it's not appropriately
9 presented the jury either.

10 THE DEFENDANT: When we get to the legal part of
11 it --

12 THE COURT: Then we'll deal with that then.

13 THE DEFENDANT: We're going to be able to discuss
14 that, though, right?

15 THE COURT: Of course.

16 THE DEFENDANT: On what is considered a threat,
17 because I have the law here.

18 THE COURT: Yes, sir, and I've already researched it
19 this evening -- last evening.

20 THE DEFENDANT: Did you see the American -- I mean,
21 South Carolina Jurisprudence --

22 THE COURT: Sir, I'm not going to get into a colloquy
23 with you right now.

24 THE DEFENDANT: -- because it's very --

25 THE COURT: I think you should take advantage of this

1 time and talk to your shadow counsel about how you need to make
2 this opening argument.

3 THE DEFENDANT: I already know what I'm going to --

4 THE COURT: Of course, you can waive it, you're under
5 no requirement to give one, I would suggest you take advantage
6 of that, but it's up to you. How many witnesses does the State
7 have?

8 MR. ZEIGLER: One witness, Your Honor.

9 THE COURT: And that witness is present, correct?

10 MR. ZEIGLER: That's correct, Your Honor.

11 THE COURT: Thank you. How many witnesses does the
12 defense have? Do you have any witnesses, sir?

13 THE DEFENDANT: Like I said, I don't have any --

14 THE COURT: Simple question, do you have any
15 witnesses, yes or no?

16 THE DEFENDANT: No, because I'm being --

17 THE COURT: Then take your seat. Thank you.

18 THE DEFENDANT: I'm being forced to go into this
19 trial under duress and I'm not properly prepared.

20 THE COURT: Sir, you really wouldn't have any
21 witnesses anyway. I don't know who you would have that would
22 have been in that BA with you other than the officer.

23 THE DEFENDANT: No. I was gonna call the officer who
24 wrote the affidavit as a witness.

25 THE COURT: Talk to Mr. D'Angelo, see if you could

1 get him here to testify. You should have already done that.

2 That's why you got standby counsel.

3 THE DEFENDANT: I did say that, he said I couldn't do
4 it. I asked him, he said I couldn't.

5 MR. D'ANGELO: At this point, Your Honor --

6 THE DEFENDANT: Not him, him (indicating.)

7 MR. D'ANGELO: At this point, Your Honor, I don't
8 know it would be admissible.

9 THE COURT: I don't know that it would be admissible.
10 They don't have any firsthand knowledge of the incident.

11 THE DEFENDANT: Exactly, that's why I need to
12 question him about the affidavit like that.

13 THE COURT: They don't have to. That is a Franks
14 issue, which is a legal issue, which I've already addressed in
15 sufficiency of the affidavit.

16 THE DEFENDANT: A Franks issue? That's not -- I
17 don't think that would do go to that right now.

18 THE COURT: Alright, I'll take your word for it then,
19 Mr. Charles.

20 THE DEFENDANT: I'm just saying, I'm talking about --

21 THE COURT: Sir, Mr. Charles, I would ask that you
22 not speak anymore. Thank you.

23 THE DEFENDANT: I'm just asking simple questions.

24 THE COURT: And I told you I'm not answering anymore
25 questions. This Court is not your lawyer, not your paralegal,

1 not your legal source. I'm not an advocate. I'm not going to
2 answer anymore questions.

3 THE BAILIFF: Are you ready, Your Honor?

4 THE COURT: Yes, sir.

5 THE BAILIFF: They're all present, Your Honor.

6 THE COURT: Thank you.

7 **(Jury entered the courtroom)**

8 THE COURT: You may be seated. Ladies and gentlemen,
9 we appreciate your patience. I need number 122 to be seated in
10 the foreperson's seat. Who is 122?

11 THE FOREPERSON: I am.

12 THE COURT: Ma'am, you're the foreperson, if you
13 could switch seats in that first seat for me, please. You
14 stay, where you -- yes, ma'am.

15 Ladies and gentlemen, you've been selected for the
16 case of the State of South Carolina versus Akim Jammarr
17 Jean-Charles, which is on the offense of threatening the life
18 of a person of a family or public official. If you would
19 stand, please, so the Clerk of Court can swear you.

20

21 **(Jury panel sworn)**

22 THE COURT: Thank you. Ladies and gentlemen, again,
23 you have my profound and profuse apologies at the delay in this
24 matter. We had some matters of law that took a lot longer than
25 anticipated, but please know, we do not take your time for

1 granted and we truly appreciate your patience.

2 I'm going to give you some preliminary instructions
3 so that you will know how we will be proceeding in the trial of
4 this case and then after which you will hear opening arguments,
5 and I would ask then that you give the individuals your
6 undivided attention in that process. What I will now say is
7 intended to serve as an introduction to the trial of this case.
8 These remarks are not a charge on the law in this case. I will
9 instruct you on the law applicable to this case at the end of
10 the trial before you retire to consider your verdict. This is
11 merely an explanation of the procedure that we will follow so
12 that you may better understand what is happening. During the
13 course of this trial you will be given the opportunity to take
14 notes. Note taking is a privilege that you may choose to
15 exercise or not exercise, and I will give you some additional
16 instructions regarding that near the conclusion of this
17 instruction. There is a white sticker on the front of each
18 note pad, and if you would write your juror number on that
19 sticker so that you will be able to readily identify your
20 notes.

21 The defendant is charged by an indictment filed in
22 this court with the crime of threatening the life, person or
23 family of a public official, the elements of which I will
24 explain to you at the conclusion of the case. The indictment,
25 ladies and gentlemen, is simply the charge by which the charge

1 is brought into the court, and it is not in any sense evidence
2 of any of the allegations it may contain. The defendant has
3 pled not guilty to the indictment. The State, therefore, has
4 the burden of proving each of the elements of the indictment
5 beyond a reasonable doubt, and it will be your duty, ladies and
6 gentlemen, to decide whether the State has met that burden or
7 not. Your purpose as jurors is to find and determine the
8 facts, each of you as the sole judges of the facts in this
9 case. If at any time I make any comment regarding the facts,
10 you must disregard it. You are to determine the facts from the
11 testimony you hear and the other evidence introduced in court.
12 It is then for you to determine the inferences which you feel
13 may be properly drawn from the evidence. It is especially
14 important that you perform your duty of determining the facts
15 diligently and conscientiously, because ordinarily there is no
16 way to correct an erroneous determination of the facts made by
17 a trial jury. On the other hand, and with equal emphasis, the
18 same law that makes you the judges of the facts, makes me the
19 judge of the law. The law as given by the Court is the only
20 law you can consider, you must accept and follow it, even
21 though you may disagree with it. The Court can cannot tell you
22 what the facts are, and you cannot disagree with the Court
23 about what the law is or the law should be. Your
24 responsibility, ladies and gentlemen, is to take the law as it
25 is instructed and apply it to the facts as you find them from

1 the testimony of the witnesses and the other evidence that may
2 be introduced during the course of this trial. After doing
3 that you will render your verdict, a true and just verdict
4 under the solemn oath that you've taken as jurors in this case.
5 Until I advise you to begin your deliberations you must not
6 discuss this case with anyone. That includes your fellow
7 jurors, friends, family members, and anyone involved in the
8 case. After the case is submitted you, you must discuss it
9 only in your jury room among your fellow jurors. The attorneys
10 and the parties have been advised that they should not speak
11 with you at all, so if you should run into them incidentally in
12 the garage, on the street, even in the elevator or in the
13 hallways of the courthouse and they don't speak with you,
14 please don't think they are being unfriendly or untoward,
15 they're simply following the Court's instructions, again, we
16 would not want an innocent conversation to be observed and
17 misinterpreted. During the trial you're not to read, watch or
18 listen to any media reports about this case, if there are any.
19 That includes anything that may be in the newspaper, internet,
20 radio or television. You must not consider anything that you
21 may have read or heard about this case outside the courtroom
22 whether before or during the trial. It is essential that you
23 maintain an open mind and not decide any issue in this case
24 until all of the evidence has been presented, the parties have
25 made their closing arguments, and I have instructed you on the

1 law applicable to this case. It is your solemn responsibility
2 to determine whether the State has met their burden of proof in
3 this case, and your verdict must be based solely on the
4 evidence as it is presented to you in this and on the laws I
5 will instruct you during at the close of the trial. In just a
6 moment the Solicitor will make what is called an opening
7 statement, in which he or she will explain to you what they
8 perceive to be the issues in this case, or what they believe
9 the evidence in this case will show. The defendant may also
10 make an opening statement, although, he is not required to do
11 so. What the attorneys and parties tell you during opening
12 statements is not evidence in this case, it is only their
13 contention as to what they believe the evidence will show in
14 this case. The evidence will be presented to you by the
15 testimony of sworn witnesses from the witness stand and/or by
16 exhibits that may be introduced into evidence. From time to
17 time during the trial you may hear one of the parties say
18 something, like: Your Honor, we have a matter of law to
19 discuss, or: May we approach the bench? Or sometimes I may
20 ask the parties to approach the bench, or sometimes I may have
21 to excuse you from the courtroom for a short while, while we
22 discuss matters of law. The reason we do this, ladies and
23 gentlemen, is because you are the finders of the facts, and we
24 would not want you to be influenced by anything that the Court
25 may say or do in connection with the facts of the case when I'm

1 ruling on matters of law in this matter, so you will be excused
2 so that you won't be influenced. Also from time to time you
3 will hear the parties object to some bit of testimony or
4 evidence that they are seeking to admit. Just as in sports,
5 business, or any other structured activity, there are rules
6 that we must obey in the presentation of evidence. These rules
7 ensure that you receive the most trustworthy and reliable
8 evidence available. An objection is the procedure that is used
9 to call a possible violation of these rules to my attention as
10 the Judge of the Court, and for this reason you should never
11 hold an objection against a party, nor should you conclude from
12 the Court overruling or sustaining an objection that I favor
13 one side or the other. Objections are a healthy part of our
14 process and you should expect objections to be made. In
15 determining the facts in this case you must decide whether or
16 not the testimony of a witness or witnesses is believable. It
17 is my responsible to rule as a matter of law as to whether
18 certain testimony is admissible at all or not, but once the
19 testimony is admitted, ladies and gentlemen, whether or not you
20 believe it is solely a matter for you to determine. In
21 deciding whether to believe a witness, you have the right to
22 consider the interest of any witness, the bias of any witness,
23 the prejudice of any witness, the opportunity for the witness
24 to have seen the matters and things about which the witness may
25 testify and the way the witness acts on the witness stand, what

1 we commonly refer to as demeanor. You have the right to
2 consider anything that is in the record that will help you
3 evaluate the testimony. That means, ladies and gentlemen, that
4 it is your responsibility to pay close attention to the
5 witnesses, to observe them, to listen to them and to pay close
6 attention to counsel and the Court. Please do not allow your
7 thoughts to wander, but give strict attention to the testimony
8 so that at the end of the testimony after the arguments and the
9 instructions on the law is given by the Court, you will then be
10 in a position to determine the facts and apply the law to those
11 facts and render a verdict in this case. As I've indicated,
12 you can take notes. Note taking is a privilege you may choose
13 to exercise or choose not to exercise. Please don't feel
14 you're required to take notes, not everyone finds note taking
15 helpful to them. If you should decide to take notes, please
16 don't try to record everything that is said, it's physically
17 impossible, even the court reporter with her specialized
18 training, she takes things down phonetically with her machine,
19 but even with that, she doesn't produce a transcript until
20 she's listened to the digital backup recording to make sure
21 that she's gotten everything right. So it's not physically
22 possibly to record everything that is said, and in additions to
23 that, your powers of observation are essential, so please don't
24 allow note taking to become a distraction to you. You may want
25 to keep an outline of the main points that are being made so

1 you can let those refresh your memory once you deliberate
2 regarding this case. During breaks and recesses your notes
3 will be left in your seats so to stem any desire to prematurely
4 deliberate, and also I would remind you that your notes are for
5 your specific and your individual purposes. They're only to be
6 used to refresh your own memory, they're not to be shared with
7 anyone else, and as another reminder, your notes -- someone's
8 memory should be considered just as reliable as notes that may
9 have been taken by a fellow juror. It is your added duty,
10 Madam Forelady, to be the jury's spokesperson in court, to
11 write the verdict, but I will give you additional instructions
12 regarding that at the conclusion of the case. Ladies and
13 gentlemen, the foreperson does not have any greater vote or
14 voice than you do, it's simply that we need someone
15 administratively to fill out the verdict and write out any
16 questions you may have during deliberations. In order to
17 preserve everyone's rights I will give each party the
18 opportunity to object to anything that the Court has said by
19 way of opening instruction. Any objection from the State?

20 MR. ZEIGLER: No objection, Your Honor.

21 THE COURT: Any exception to the Court's opening
22 instructions from the defense?

23 THE DEFENDANT: No, Your Honor.

24 THE COURT: Alright. Please give Mr. Zeigler your
25 undivided attention, or it's going to be Ms. Barber. I'm

1 sorry.

2 MS. BARBER: It will be Ms. Barber. Thank you,
3 Judge.

4 THE COURT: You're welcome. You may proceed, I
5 apologize.

6 MS. BARBER: May it please the Court?

7 THE COURT: Yes, ma'am, you may proceed when you're
8 ready.

9 **(Ms. Barber presented an opening statement on behalf**
10 **of the State at this time.)**

11 MS. BARBER: Opposing counsel -- was a threat made
12 and did the defendant willingly make that threat? Those are
13 the two questions that you have to answer throughout this
14 trial. Members of the jury, on September 5th of 2017, Sergeant
15 Rainey was doing her job to fulfill her duties to protect this
16 community. In fulfilling those duties in an effort to protect
17 this community, she came in contact with the defendant, and
18 when she came in contact with the defendant, she spoke with
19 him, she asked him questions, and it was during that time that
20 the defendant decided to threaten the safety of Sergeant
21 Rainey.

22 Now, as the judge has already instructed you, we as
23 the prosecution, we have a duty hear today, as well. We have
24 to prove to you that on that day the defendant threatened the
25 life of a public official, and we'll do that. We're going to

1 do that by first calling Sergeant Rainey to the stand. Now,
2 while she is on the stand she will tell you what happened that
3 day. She will talk about the events surrounding the threats.
4 She will talk about the defendant's demeanor while making those
5 threats. We will also show you video surveillance that is both
6 audio and visually recorded show it. We'll show it on these
7 monitors at which point you will see and hear the defendant as
8 he makes these threats. No one wants to think of being spit on
9 or hit or beaten. These are but a few of the threats that the
10 defendant threatened Sergeant Rainey with on the day in
11 question. Was there a threat? Did the defendant willingly
12 make that threat? This is not a complicated case, members of
13 the jury, those are the two questions that you are here to
14 answer, and if at the end of this trial you find that the
15 answer to both of those questions is, yes, we ask that you find
16 to defendant guilty. Thank you.

17 THE COURT: Does the defense wish to make an opening
18 statement?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: You may proceed, sir, when you're ready.

21 **(The Defendant presented an opening statement at this time.)**

22 THE DEFENDANT: Obviously, I'm not a lawyer --

23 THE COURT: Mr. Charles, I don't mean to interrupt
24 you, but I'm going to need you to speak up loudly and project
25 your voice for me so that -- and your back is to the court

1 reporter a little bit, so she has to be able to hear you to
2 take down everything you're saying both digitally and by her
3 transcription. Okay? So if you could speak up a little loudly
4 for me, I'd appreciate it, and be careful, though with that
5 shelf on that podium because it will collapse, it will fall.
6 Yeah, I wouldn't set my stuff on there, I'd set it on top
7 because it falls without warning and it will startle you.

8 THE DEFENDANT: Okay.

9 THE COURT: You may go forward whenever you're ready.

10 THE DEFENDANT: Okay. So like I was saying, I'm
11 certainly not a lawyer, but I'm innocent, so that's why I'm so
12 adamant about representing myself, speaking for myself, even
13 when everybody suggests that I don't speak for myself, that I
14 just sit there and let everybody else do everything, so
15 obviously, I'm nervous, but what the prosecution is going to
16 point out, I'm not going to try to point out, because not to be
17 disrespectful to anybody or anything like that, I'm more close
18 to your all's class than their class, and I'm not saying you
19 all are lower class, but certain people in this room are on
20 a higher -- actually, in their mind, whatever, so I'm just
21 going to try to stick to what they are not going to give you
22 all. What she stated earlier was basically that, to -- to --
23 alright, so the prosecution is going to try to pull on your
24 heart strings. They are going to try manipulate your all
25 emotions, they are going to try to twist your all emotions

1 against you, like the last two days, against you all. They are
2 going to frame it, they're going to frame it this
3 inconvenienced you all because you all been here like all day,
4 that it's my fault and that should be a part of your all
5 decision and all got to make this decision and you all have
6 been inconvenienced these last couple of days, and I understand
7 that, but I'm not trying to inconvenience anybody, I'm just
8 trying to fight for my rights, basically, you know what I'm
9 saying? So basically, they're going to pull on your emotions.
10 The only thing I'll pulling on is the truth, just the truth, so
11 you're going to hear some things today, and it might sound like
12 I could be a "D" sometimes, and it might sound like I could be
13 an A-hole sometimes, but they are not going to convince you
14 that I broke the law, because I didn't break the law. I didn't
15 threaten anybody. I vented in a disrespectful way, probably,
16 because I was being arrested for something I felt like wasn't
17 guilty for, so and emotions were high, and I stated some
18 things, but what I stated was clearly not a threat, and you're
19 going to see that because you're going to see me say: If I
20 could, I would do this. So by me stipulating that statement,
21 I'm clearly putting it out there that, obviously, I got a case
22 (phonetic). Why do I got a case (phonetic)? Several reasons.
23 It's against the law, I don't want to get in trouble, so all
24 I'm doing is venting and I'm saying: If I could, I would, if I
25 could I would slap you, I said that, I said that, but I didn't

1 convey a threat. I was not saying I'm going to use it, I'm
2 saying, I wish I could, if I could I would, even though I
3 wouldn't in real life, I never hit a woman before in my life,
4 so I was just basically stating -- I was venting, basically.
5 You know what I'm saying: If I could I would, but that implies
6 to myself that I know I wouldn't, so that implies to myself
7 that I know it's against the law, so that implies to myself
8 that I know I'm not being a threat, so I'm innocent of these
9 charges. Am I innocent of being a butt-hole to her that night?
10 No, I'm not. And I have to apologize, I was thinking about her
11 later on, is she going through some things, stuff like that,
12 and I really felt bad for the things I felt that night, so I
13 want to apologize, but I didn't threaten her, I didn't break
14 the law. Was I mean? Yes. Did I break the law? No. My
15 speech is protected by the freedom of speech in the freedom in
16 America. So what they are going to try to do is, they are
17 going to try to paint this picture to say it's my fault that
18 you guys were inconvenienced -- they will not say this
19 directly, but they will attempt to prejudice in your minds,
20 you're going to see the lawyers, you're going to pick up on it
21 now that it's being brought to your attention. So my point of
22 saying that is, with all of the different lawyers, a tactic,
23 not the truth. What I'm doing is, I'm going on the truth, not
24 a tactic, I'm not a lawyer, so I just want you all to pick up
25 on that when you all see this. I want you to pick up on all

1 the other things, too, just put things together that they're
2 not going to put together for you and they're gonna make sure
3 that they don't want you all think of about that day. Remember
4 what the officer said in 2017 that the incident occurred, well,
5 in 2023 they said this is a simple case. Why did this happen.
6 They're gonna get you all to believe it's because of me,
7 because I've been doing all of these things that are not right.
8 Why is it not right? Why is defending my freedom not right?
9 That's not against the law, but they would like you to believe
10 that fighting for your rights are wrong. They are going to say
11 things, like, he's been avoiding us, he's been taking none of
12 this serious. That's why I'm saying in front of you all, I'm
13 obviously taking it serious. I pretty much said all these
14 things already. I'm not on a tactic, I'm on the truth and I
15 didn't threaten anybody.

16 THE COURT: The State may proceed.

17 MR. ZEIGLER: Thank you, Your Honor. The State calls
18 Sergeant Danielle Rainey.

19 THE COURT: If the witness would come to the stand
20 and be sworn.

21 **DANIELLE RAINEY WAS DULY SWORN AT THIS TIME AND**
22 **TESTIFIED AS FOLLOWS:**

23 THE COURT: State your full name for the record,
24 spelling your last name for the court reporter.

25 THE WITNESS: My name is Danielle Dominique Rainey,

1 last name R-a-i-n-e-y.

2 THE COURT: You may proceed.

3 **DIRECT EXAMINATION**

4 BY MR. ZEIGLER:

5 Q. Good afternoon, Sergeant Rainey.

6 A. Good afternoon.

7 Q. Where are you from?

8 A. I'm from Charleston, South Carolina.

9 Q. Where did you go to high school?

10 A. I went to Burke High School.

11 Q. Burke High School. Where are you currently employed?

12 A. I am employed with the Charleston County Sheriff's
13 Office.

14 Q. Where were you employed on September 5, 2017?

15 A. My jurisdiction was the north area and with the
16 Charleston County Sheriff's Office.

17 Q. When did you start at the Sheriff's Office?

18 A. I started October 2nd of 2015.

19 Q. And where did you work prior to working for the
20 Sheriff's Office? Were you in school, or what were you doing
21 before that?

22 A. I went to Tennessee State University, and once I
23 completed there, I started working at Verizon and I completed
24 my Master's Degree and applied to become a Deputy Sheriff after
25 I completed those degrees.

1 Q. Are what is your current rank?

2 A. I am a sergeant.

3 Q. What are you sergeant over?

4 A. Right now I am sergeant over community engagement with
5 recruitment and retention.

6 THE COURT: I'm sorry, could you repeat your answer?

7 A. Right now I am a sergeant over recruitment and
8 retention.

9 THE COURT: And if you could pull that -- that mic
10 can't move, but I need you to speak directly into it, please.

11 THE WITNESS: Can you hear me now?

12 THE COURT: Much better. You may continue.

13 Q. What are some of your duties regarding community
14 engagement and recruitment?

15 A. With community engagement I engage the community with
16 current events. I go to counsel meetings with the Charleston
17 County and as well as community and unincorporated areas. I
18 try to recruit high school students and college students and
19 anyone who has any interest in law enforcement, as well as
20 engaging the children in the elementary, middle schools and
21 high schools, to give them a better view of law enforcement in
22 itself.

23 Q. On September 5, 2017 did you arrest a man named Akim
24 Jean-Charles for an unrelated traffic offense and then
25 transport him to 3841 Leeds Avenue at the Al Cannon Detention

1 Center for booking?

2 A. Yes, I did.

3 Q. Is 3841 Leeds Avenue in Charleston County?

4 A. It is.

5 Q. Is the man you arrested that night in the courtroom
6 today?

7 A. Yes, he is.

8 Q. Can you please identify him for the jury at this time.

9 A. He is the gentleman with the white button-down shirt and
10 denim pants.

11 Q. Thank you.

12 MR. ZEIGLER: Let the record reflect that the witness
13 identified the defendant.

14 THE COURT: You may proceed.

15 MR. ZEIGLER: Thank you.

16 Q. Okay. So moving forward to the booking of this
17 defendant for the unrelated traffic offense. When you got to
18 the detention center, what do you do in those situations?
19 Where do you bring people that you arrest?

20 A. So when we arrest them on the street we bring them to
21 the Sally port where the Sheriff Al Cannon Detention Center is.
22 When we bring them inside, if they have been arrested for DUI,
23 we bring them into the DataMaster room, which is attached to
24 the Detention Center.

25 Q. Okay. And that is in order to provide them with an

1 opportunity to provide a breath sample?

2 A. Correct.

3 Q. And approximately how long does that process take?

4 A. That process can take from 45 minutes to an hour.

5 There's a waiting period of 30 minutes for the machine to get
6 acclimated, and you have to wait per policy for that 30 minutes
7 to check if they have anything in their mouths or anything that
8 is going to happen. From there then they offered the
9 Breathalyzer test. They can refuse or they can accept, but in
10 conclusion of that then we take them right next door, the next
11 door, to the detention there to be booked in.

12 Q. Okay. And is that process video recorded?

13 A. Always recorded.

14 Q. And it's required by law, correct?

15 A. Yes.

16 Q. Okay.

17 MR. ZEIGLER: Your Honor, at this time the State
18 would like to introduce Court's Exhibit, the redacted versions
19 of the --

20 THE COURT: You need to show it to Mr. Charles. Show
21 it to him, please.

22 MR. ZEIGLER: This is the clips video.

23 THE COURT: Any objection to the admissibility of the
24 DVD, Mr. Charles?

25 THE DEFENDANT: No, ma'am.

1 THE COURT: So admitted without objection. That
2 would be State's number 1.

3 MR. ZEIGLER: Yes, Your Honor. This would be State's
4 number one and I'll mark it as such.

5 THE COURT: The Court Reporter needs to mark it with
6 her stickers.

7 MR. ZEIGLER: I'm sorry, I should have marked it in
8 advance.

9 THE COURT: That's alright. State's 1, without
10 objection.

11 MR. ZEIGLER: Thank you.

12 **(State's Exhibit No. 1 was marked for identification**
13 **and admitted into evidence.)**

14 MR. ZEIGLER: Your Honor, may me and Mr. D'Angelo
15 approach briefly?

16 THE COURT: Is it a matter of law I need to take up
17 outside the jury's presence?

18 MR. ZEIGLER: Yes, Your Honor.

19 THE COURT: Madam, Forelady, ladies and gentlemen, I
20 have a brief matter of law to take up with counsel. During the
21 break please do not discuss the case, and you don't have to
22 take them all the way to the jury room, just have them stand in
23 the hallway, it's not going to take long. You can leave your
24 notepads on your seats, we appreciate it.

25 **(Jury exited the courtroom at this time.)**

1 THE COURT: Yes, sir?

2 MR. ZEIGLER: I apologize, Your Honor.

3 THE COURT: That's okay.

4 MR. ZEIGLER: I failed to address this before. The
5 State has provided the Court with the muted version, and that
6 was the fully muted version with the clips remaining with the
7 threats. The State intends to use that in the courtroom
8 because that is the only copy that uses --

9 THE COURT: No, sir, you'll use the one -- I thought
10 you created another one that only had the two threats on it.

11 MR. ZEIGLER: That's correct, however, the headphones
12 that they have been provided with, that's an AVI file format.
13 We tried converting it into an MP4. The MP4 distorted the
14 video, so we wanted to use Court's Exhibit, which is the fully
15 redacted version, I would just fast forward to the portion that
16 is --

17 THE COURT: No. You can only play before them what's
18 been admitted.

19 MR. ZEIGLER: Okay. So may I have Court's Exhibit
20 Number --

21 THE COURT: Which one are you looking for?

22 MR. ZEIGLER: The one that's fully redacted with just
23 the --

24 THE COURT: Which one is that?

25 MR. ZEIGLER: That would be Letter D.

1 THE COURT: So is that one that you need to admit?

2 MR. ZEIGLER: That would be the one that I need to
3 admit for them to listen to in the courtroom, because of the
4 headphones they don't work with AVI files.

5 THE COURT: Yeah, but what have you admitted into
6 evidence? That's the only thing they can hear and observe.

7 MR. ZEIGLER: Currently the only evidence is the
8 clips version, which we can play it with the TV's, but the
9 headsets were provided to them because we were having trouble
10 hearing yesterday with all of the static.

11 THE COURT: I've got that part, but you will just
12 have to rely on them listening to it in the jury room, if they
13 want to. The only thing you can play before them is what
14 you've had marked as Court's -- what's been marked as your
15 exhibit. You can't utilize any other version.

16 MR. ZEIGLER: May I introduce multiple versions so
17 that I can play them?

18 THE COURT: No, because if you introduce multiple
19 versions, multiple versions go back to the jury, and I've ruled
20 that multiple versions aren't going back. The only thing the
21 jury is going to hear are those two clips.

22 MR. ZEIGLER: Thank you, Your Honor.

23 THE COURT: You're welcome. Mr. Charles, did you
24 want to add anything to that?

25 THE DEFENDANT: No, ma'am.

1 THE COURT: Please bring in the jury.

2 (Jury entered the courtroom at this time.)

3 THE BAILIFF: All the jurors are present, Your Honor.

4 THE COURT: Thank you. Ladies and gentlemen, we
5 appreciate your patience. You may proceed.

6 MR. ZEIGLER: Thank you, Your Honor.

7 THE COURT: You're welcome. You may proceed.

8 Q. So every time somebody is brought into this DataMaster
9 room to process, the video is recorded, correct?

10 A. Correct.

11 Q. And approximately how many times have you arrested
12 somebody who required admission into the DataMaster room?

13 A. I don't have the exact number, but quite a few times.

14 Q. Quite a few times. Okay. And it's fair to say that,
15 most times, if not every single time, at least since it was
16 required by law you would offer the person a breath sample?

17 A. Always.

18 Q. And it would always be video recorded?

19 A. Always.

20 MR. ZEIGLER: May I approach the witness, Your Honor?

21 THE COURT: You may.

22 MR. ZEIGLER: I'm handing you what's been marked as
23 State's Exhibit 1.

24 Q. To the best of your knowledge, does that video -- does
25 that CD contain clips pertaining to the DataMaster video

1 recording in this case?

2 A. Yes.

3 MR. ZEIGLER: Your Honor, at this time the State
4 moves the right to publish the clips to the jury.

5 THE COURT: You may proceed.

6 (Video playing)

7 MR. ZEIGLER: Your Honor, may I play the video at the
8 front so the jury can hear it clearly off of my laptop? I just
9 feel uncomfortable that they're not able to --

10 THE COURT: I think you should try to adjust the
11 audio and do the best you can, because there's no way to put it
12 on that bench top and them all be able to see and hear all at
13 the same time.

14 MR. ZEIGLER: I think it's not going through the
15 wires from the laptop to the TVs and that's the issue that
16 we're having.

17 THE COURT: He's checking now. You may want to turn
18 your volume all the way up on your device.

19 (Video playing)

20 MR. ZEIGLER: So in case the jury didn't hear it, I
21 just wanted to go over everything that it said.

22 THE COURT: No, sir. The video speaks for itself.
23 Do you want to question about what she heard or what she
24 believes happened as she experienced it, you can do that, but
25 the video will not be annotated by you or her. The video is a

1 sell authenticate. You may proceed.

2 MR. ZEIGLER: Okay.

3 Q. Everything that he just said there, how did you
4 interpret that?

5 A. If he was not in handcuffs, he would do those things to
6 me.

7 Q. In the DataMaster room, you said it's connected to the
8 Al Cannon Detention Center. Approximately how many police
9 officers are around at the Al Cannon Detention Center at any
10 given time, to the best of your knowledge?

11 A. It just depends on the night, if there are a lot of
12 arrests. At that time it was me and one other police officer.
13 The rest of the officers and deputies inside were detention
14 deputies, and to get to me, it could take up to two minutes to
15 get to me.

16 MR. ZEIGLER: Beg the Court's indulgence?

17 THE COURT: Uh-huh.

18 (Video playing.)

19 Q. Did you interpret his statements as a threat?

20 A. I did interpret his statements as a threat.

21 Q. If you didn't would you have charged him with
22 threatening to inflict bodily harm on a public official?

23 A. Absolutely not.

24 Q. Did you interpret these threats as: When I can, I'm
25 going to?

1 A. Absolutely. I'm a, outside of being a police officer,
2 I'm a mother. I would like to be here to see them graduate,
3 have grandbabies, all of that, and with those threats, I don't
4 take them lightly.

5 Q. And I'm sorry that happened to you. The defendant said
6 in his opening statement that he apologized to you. I never
7 saw that on the video that he actually apologized to you. Did
8 he ever apologize to you, to the best of your knowledge?

9 A. He stated that he apologized for calling me a dumb black
10 bitch: But you still are a dumb black bitch.

11 Q. And did he, as he stated, did he ever apologize to you
12 on Facebook?

13 A. That's alarming. No, no.

14 Q. That is alarming. Did he make any statements while in
15 transit from the arrest location to the jail?

16 A. There was a lot of statements made, a lot of kicking to
17 the back of the cage and his face was literally buried in the
18 cage towards, like, right here saying he was going to kick my
19 ass, I'm a dumb black bitch, I can't believe you did this,
20 you're black, you're just sad.

21 Q. Okay. Thank you.

22 MR. ZEIGLER: Nothing further at this time, Your
23 Honor.

24 THE COURT: Any cross-examination of the witness?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: You may proceed.

2 THE DEFENDANT: Can I address something real quick
3 before I address the witness, just the statement that he made
4 about the Facebook.

5 THE COURT: Sir, you need to ask the witness
6 questions.

7 THE DEFENDANT: Okay.

8 **CROSS-EXAMINATION**

9 BY MR. JEAN-CHARLES:

10 Q. How are you doing?

11 A. Good, how are you.

12 Q. I'm good.

13 THE COURT: Sir, I need you to stay at the podium
14 while questioning the witness.

15 THE DEFENDANT: Sorry about that.

16 THE COURT: Thank you. No, no, at the podium. Not
17 that close. Yes, sir. Thank you.

18 BY MR. JEAN-CHARLES:

19 Q. When you pulled me over that night, I wasn't immediately
20 rude with you, correct?

21 A. When I pulled you over, I stopped you, and the
22 conversation was --

23 Q. And you can let the jury know what that stop was for if
24 you want to, I don't mind, it was for a DUI, right?

25 MR. ZEIGLER: Objection, Your Honor. We can't go

1 that far into it.

2 THE COURT: If he opens the door, that's on him, he's
3 representing himself. If I heard him correctly, he said you
4 can tell the jury what you stopped me for. Is that what you
5 said, sir? I need you to tell me yes or no.

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: Ma'am, do you need the question repeated?

8 THE WITNESS: No, ma'am.

9 THE COURT: You may answer the question.

10 A. The reason for the stop is that you pulled out and you
11 did not have any lights on while operating your vehicle.

12 Q. Okay. And when you asked me why, my response to you, I
13 don't know you can remember, it was six years ago so you
14 probably can't remember, but my response to my lights was off,
15 did I respond by telling you it was my homeboy's car we was all
16 driving, we switched seats at the gas station and that's kind
17 of why I forgot to turn my lights on; is that correct? Is that
18 what I stated to you?

19 A. I don't recall that.

20 Q. Okay. I'm not denying that you don't remember that
21 because you probably don't, but since it was -- after that you
22 saw the open container inside of the vehicle, correct?

23 A. I don't recall.

24 Q. Well, that was the reason you took me out the car
25 because you was certain that it was an open container in there

1 and you was gonna do a field sobriety test, but before you
2 initiated the field sobriety test you discussed that if I
3 passed the field sobriety test you would let me go, correct.
4 Do you remember that conversation?

5 A. Normally when I do a field sobriety test, if you do pass
6 I do let you go.

7 Q. And you initiated the field sobriety test --

8 MR. ZEIGLER: Objection.

9 THE COURT: What is the basis of your objection?

10 MR. ZEIGLER: I just can't hear what he's saying.

11 THE COURT: Sir, it's very hard for us to hear you, I
12 need you to speak up loudly.

13 THE DEFENDANT: You can't hear me? Oh, okay.

14 THE COURT: Yes, it's just almost like really
15 muffled, I need you to really speak up so we can hear you.

16 THE DEFENDANT: I'm going to start the whole line of
17 questioning over then.

18 THE COURT: Pardon me?

19 THE DEFENDANT: I'm going to start that whole line of
20 questioning over again.

21 THE COURT: That's fine, you may proceed.

22 BY MR. JEAN-CHARLES:

23 Q. Okay. That first night when you first, 2017 when you
24 first came into contact with me, when you pulled me over that
25 night, I wasn't immediately rude with you, correct?

1 A. Correct, you weren't rude.

2 Q. Earlier you said I was polite.

3 A. You were polite.

4 Q. Before you initiated the field sobriety test you
5 discussed if I passed that you would let me go, correct?

6 A. Yes.

7 Q. After you initiated the field sobriety test I claimed
8 that I passed and that's when I started getting rude, correct?

9 A. Correct.

10 Q. Alright. You said earlier when you was speaking with
11 Mr. Zeigler, that you said that you brought many arrestees to
12 the DataMaster room, obviously, you're a professional police
13 officer?

14 A. Yes, sir.

15 Q. In your professional experience would it be true to say
16 that a high percentage of times that you take arrestees into
17 the DataMaster room some foul words are said, especially when
18 they are involved in DUI cases?

19 A. Yes.

20 Q. Now, is it fair to say that in your professional
21 experience and training with dangerous criminals and violent
22 people and all that and experiences within the DataMaster room
23 with many arrestees being there -- can you all hear me?

24 MR. ZEIGLER: If you can speak up a little bit?

25 THE COURT: Sir, I need you to speak up, please. I

1 really can't hear you, so I know the court reporter can't.

2 Q. So you stated that you obviously took many arrestees to
3 the DataMaster room and in those instances many times the
4 arrestees are very boisterous especially people, you know,
5 especially when it's involving DUI cases, correct?

6 A. Sometimes, yes.

7 Q. And in your professional experience doing all of the
8 dangerous things you're doing when training and all of that
9 stuff, would it be fair to say that you're very --

10 THE COURT: Mr. Charles, we're still having a hard
11 time hearing you. Why don't you sit at counsel table for me
12 and speak directly into that microphone? I don't have a
13 portable one to bring you, I apologize, but I think that might
14 make it easier for you for us to be able to hear you, because
15 the court reporter has to take down everything you're saying,
16 and I need to make sure the jury can hear your questions, too.
17 Okay?

18 THE DEFENDANT: Okay. Do you want me to sit down or
19 stand up?

20 THE COURT: You can sit down. Why don't you sit, and
21 then I need you to speak your questions directly into the mic
22 so that we can all hear you.

23 THE DEFENDANT: Okay.

24 Q. Would it be fair to say --

25 THE COURT: Much better, yeah, go ahead.

1 BY MR. JEAN-CHARLES:

2 Q. Would it be fair to say that in your professional
3 experience in bringing many arrestees to the DataMaster room
4 involving DUI arrests, would it be fair to say that it's a
5 very, what's the word I'm looking for, it's a very occasional
6 occurrence that these arrestees are belligerent sometimes, and
7 you know, a lot worse than I was even to say, is that fair to
8 say?

9 A. No.

10 Q. Is it fair to say that many arrestees are boisterous and
11 stuff like in the DataMaster room, is it fair to say, in your
12 professional experience?

13 A. Yes.

14 Q. So would it be fair for a reasonable person to ascertain
15 the belief that somebody in your position who has been trained
16 for various physical dangerous things that are not so easily
17 threatened by something that kind of almost happens every
18 single day in your line of work?

19 A. No.

20 Q. You stated earlier -- hold on -- you stated earlier that
21 when you bring people into the DataMaster room that they either
22 accept to take the test or they can refuse to take the test,
23 correct?

24 A. Correct.

25 Q. And on that night in question when we went into the

1 DataMaster room did I accept or did I refuse to take that
2 Breathalyzer test?

3 A. You refused.

4 Q. Okay. And this, we can bring this into the jury's --
5 before I get into it, I don't want to bring this information
6 into the trial. On that DUI, it was dismissed, but would it be
7 fair to say that maybe it was dismissed because of the refusal?
8 Would it be fair to say that?

9 A. I can't make an answer to that because I wasn't privy to
10 that.

11 Q. And I don't mean this in no disrespectful way, I just
12 have to defend myself, and it's the law, would it be fair to
13 say that you worked -- or is it correct, let me rephrase this
14 question. The reason -- let me rephrase this question. Is it
15 fair to say that you were not threatened and that you were
16 making sure that another charge comes on so, because it's a
17 high chance that a DUI would be dismissed if somebody refuses
18 to?

19 A. No.

20 Q. So it wouldn't be fair to say that this charge could
21 possibly be retaliation for some of the actions I took that
22 night, but you weren't honestly threatened because of your
23 professional line of duty?

24 A. I felt extremely threatened.

25 Q. Even with me in handcuffs?

1 A. Yes.

2 Q. At any point that night did you relay your fears to me,
3 or did you, like, did show any kind of body language that would
4 give a prudent reasonable person the impression that you're in
5 fear for your life, or would you say that it's fair to say that
6 you seemed in that video pretty calm and pretty much like a
7 random, pretty much like a regular day in the office, would
8 that be fair to say that that's how it looks?

9 A. Yes, my demeanor is calm.

10 Q. So would it be fair to say for a reasonable person to
11 see somebody's demeanor being calm but to believe that they are
12 in extreme fear?

13 A. I can't answer for anybody else but myself.

14 Q. So is it fair to say that most of the time that you're
15 in extreme fear you're calm?

16 A. Can you rephrase the question?

17 Q. When you're in extreme fear, like, if somebody is, like,
18 you know what I'm saying, like, you stated certain things,
19 like, you have kids, if somebody was to be threatening your
20 kids or putting them in danger, would you be very calm?

21 MR. ZEIGLER: Your Honor?

22 THE COURT: Basis?

23 MR. ZEIGLER: Relevance. Regarding the elements in
24 fear.

25 THE COURT: But you opened the door when you asked

1 that question. Overruled. I'm going to give you a little
2 latitude, but don't take it too far. Ma'am, you may answer the
3 question. Do you need it rephrased?

4 THE WITNESS: Yes, ma'am.

5 THE COURT: Please rephrase or restate the question,
6 sir.

7 THE DEFENDANT: That's fine, I think I got the answer
8 to it.

9 Q. Your incident report of that night, is it 100 percent
10 correct, is that your rendition of what happened that night?

11 A. If I wrote it, yes.

12 THE DEFENDANT: May I approach the witness?

13 THE COURT: Yes, sir, but that report can only be
14 used to refresh her memory, it cannot be read into evidence.

15 THE DEFENDANT: That's all it's for.

16 THE COURT: It's not admissible, and you can only use
17 it to impeach her if she said something inconsistent. I need
18 you to stay, though, at the table to ask any questions, because
19 I need to be able to hear you.

20 THE DEFENDANT: I have it for her to refresh --

21 THE COURT: Do you need her to use it to refresh her
22 memory?

23 THE DEFENDANT: Yes, ma'am, I do.

24 THE COURT: Mr. D'Angelo, can you assist him, I
25 appreciate it.

1 MR. D'ANGELO: Yes, ma'am.

2 THE COURT: I need you to approach and then approach
3 to refresh her memory, if you could assist, because him to stay
4 at counsel table and ask questions. I appreciate your
5 assistance.

6 MR. D'ANGELO: Yes, ma'am.

7 THE COURT: I need you to sit down, sir, so you can
8 speak directly into the mic so we can hear you clearly. Thank
9 you.

10 Q. So just a second ago you stated that if you wrote it,
11 then, what exactly did you say a second ago?

12 A. If I wrote then this is true.

13 Q. So is it fair to -- so you said these things? So you
14 put in your report that on the above date and time --

15 THE COURT: Sir, you can't read that into the record.
16 You have to ask her a direct question and give her the
17 opportunity to review the statement and answer consistently or
18 inconsistently. Those reports are inadmissible, they are
19 hearsay.

20 BY MR. JEAN-CHARLES:

21 Q. In your incident report of that night in question, you
22 put in the report and said --

23 THE COURT: Sir, you need to ask her a direct
24 question. Give her the ability to answer it consistently or
25 inconsistently, and then you can use the report to impeach her,

1 but until then the report is inadmissible, it cannot be used
2 except to refresh her recollection.

3 Q. Is it correct that you put in the incident report that
4 me threatened you by stating, quote, in quotations: I won't be
5 in here long, and I'm going to kick your ass and spit on you?

6 A. Yes.

7 Q. And then is it correct that you put in there
8 Jean-Charles continued to produce slander and refused to do any
9 part of the Breathalyzer test?

10 A. Yes.

11 Q. Is it correct that when officer, the charging officer in
12 this, his name is not clear, the charging officer went to get
13 an arrest warrant for this charge, it would be correct that you
14 stated under oath and under penalties and perjury that the
15 defendant states when he gets out he's going to make Deputy
16 Randolph pay?

17 A. Yes.

18 Q. Will we see any of those statements today?

19 A. You won't see any of those statements about me having to
20 pay because that was done in the car, those videos were not
21 submitted for the vehicle. The video that was submitted was
22 only for the Breathalyzer test.

23 Q. So would it be fair to say in your professional
24 experience, when you charge somebody with a crime and you swear
25 in the affidavit that these are the elements of the crime and

1 this is the crime, that when you get to trial that those should
2 be the same statements in question, not something totally
3 different than what we just -- what we just heard is not what's
4 on the incident report or on the affidavit that's warranted
5 under penalty of perjury?

6 A. They are both on the incident report and the affidavit.
7 What is allowed in court is beyond my control.

8 Q. But it doesn't --

9 THE DEFENDANT: Can I ask the Solicitor?

10 Q. Okay. So word for word, the question -- it's correct to
11 say that everything that you put in here because it's your word
12 that it's true, from what your statements are today, is it true
13 that none of these statements that are inside this affidavit or
14 incident report will be heard today at all by the jury?

15 A. The jury heard that you spit on me, that is true. The
16 rest of this you will not hear because it wasn't admitted into
17 the court.

18 Q. You said if you wrote it, it's correct, correct?

19 A. It is correct.

20 MR. ZEIGLER: Your Honor, asked and answered.

21 THE COURT: Overruled.

22 Q. In your incident report and affidavit, well in the
23 incident report, it's a quoted: I won't be in here long and
24 I'm going to kick your ass and spit on you. Correct?

25 A. Correct.

1 Q. In the video it states: I wish I could spit on you.

2 Correct?

3 A. The video does say that, yes.

4 Q. So is it fair to say that if you wrote it, it's not
5 necessarily true?

6 A. No.

7 Q. Okay. So let me ask this question again. You did put
8 in your report, the incident report, in quotations that: I
9 won't be in here long and I'm going, I'm going, meaning, this
10 is going to happen, this is a threat? Is it fair to say that,
11 "I'm going," and "I wish," completely changes the context of
12 the statement?

13 A. No, sir.

14 Q. Is it correct that for all intents and purposes in a
15 jury's mind and in my mind, is it possible that this could be
16 totally a lie since we don't see it anywhere in the evidence?

17 A. No, sir.

18 Q. Could it be possible that these words were framed in
19 this way so it can fit the statute of a threat so you can
20 ascertain the charge, but once put under scrutiny it's not
21 actually true, is that correct to say?

22 A. No, sir.

23 Q. You charged me with threatening the life of a public
24 official retroactively. I didn't know about it when it first
25 happened, this letter came like a day later, like, when I was

1 in jail already. You charged me retroactively with failure
2 to -- I mean, not failure -- threatening the life of a public
3 official, because the real reason that you pulled me over was
4 thrown out and it failed, correct?

5 A. No, sir.

6 Q. In your professional opinion, when these type of cases
7 occur, in your experience how long do these cases usually take
8 to be decided?

9 MR. ZEIGLER: Your Honor, she's not an expert
10 on timeline.

11 THE COURT: Is there are an objection?

12 MR. ZEIGLER: Yes, Your Honor, objection.

13 THE COURT: What's the basis of your objection?

14 MR. ZEIGLER: May I have the Court's indulgence, Your
15 Honor? Speculation.

16 THE COURT: The objection is sustained to the extent
17 that the question lacks foundation and relevance. You may
18 proceed. Is it fair to say that you have had other cases
19 dealing with threats before?

20 A. Yes.

21 Q. Can I ask you when was the last?

22 A. That's confidentiality to that defendant.

23 Q. I don't need to know his name. How long did that case
24 take to play out, in your experience.?

25 MR. ZEIGLER: Your Honor, relevance. Objection.

1 THE COURT: The objection is sustained. Relevance,
2 sir, none of those questions go to any of the elements of the
3 offense. Move on.

4 THE DEFENDANT: I was just trying --

5 THE COURT: The objection is sustained. The Court is
6 not eliciting an argument, move on.

7 BY MR. JEAN-CHARLES:

8 Q. Is it fair to say that the words: I wish I could have a
9 million dollars, a hypothetical?

10 MR. ZEIGLER: Your Honor, objection. Speculation and
11 relevance.

12 THE COURT: The objection is sustained. It lacks
13 foundation and it seeks an expert opinion from someone who has
14 not been qualified as an expert. You have to phrase that
15 question differently, because you've already asked and answered
16 it twice earlier, but I'll give you another opportunity to
17 rephrase it and ask it one last time.

18 Q. I guess what I'm getting at is grammar and context --
19 context, basically, that's what I'm getting at, context and
20 warrants, because we basically already established that. You
21 said if you wrote it it's true, we pretty much established on
22 the record today that what is in this is not true, correct?

23 A. No.

24 Q. Is there any proof of that?

25 A. There is proof?

1 Q. That exists in where any of us can see it?

2 A. You can easily go down to the police station and pull
3 any video that you want to request.

4 Q. Is it fair to that that would be very odd that that
5 important evidence would be down there and not in this case
6 right now?

7 A. No.

8 Q. So it's not fair to say that what you charge somebody
9 with and what you state that they said word for word in
10 quotations, actually, it doesn't exist anywhere on the video
11 that we see, you're saying that it does, but we can't see it,
12 and it seems like if it was to exist and it was to say exactly
13 what is in here, and this case would have been pretty much have
14 been open and shut and pretty much should have been taken care
15 of a long time ago, is it fair to say that, if this is
16 100 percent right and there's a video it saying that --

17 THE COURT: Sir, you need to rephrase the question.
18 That's very convoluted, I lost track midway, I need you to
19 rephrase that question. I'm sure if I lost track, the witness
20 did, as well, so please rephrase the question and not make the
21 compound question and ask the direct question.

22 Q. Is it fair to say that if these were the exact words
23 that I said that night and that's the reason you put them in
24 the report, legally doing due diligence, wouldn't it make sense
25 to have that piece of evidence?

1 A. Sir, you have an attorney that has done their job that
2 is not here in this court today, so if you want that
3 information to be submitted to the Court it needs to be
4 forwarded. That information was on video, it is not here. The
5 video that is here has been submitted and it is documented in
6 the court documents.

7 Q. I guess my question is --

8 MR. ZEIGLER: Your Honor, may we please ask you a
9 matter of law outside the presence of the jury?

10 THE COURT: Madam Forelady, ladies and gentlemen, I
11 have a brief matter of law to take up with counsel. During the
12 break, please do not discuss the case, please leave your
13 notepads in your seats, and we appreciate your patience. If
14 you can just have them step out into the hall for a moment.

15 **(Jury exited the courtroom.)**

16 THE COURT: Yes, sir?

17 MR. ZEIGLER: The State and defense stipulated in
18 advance, and I understand that Mr. D'Angelo was the defendant's
19 counsel when we made those stipulations, however --

20 THE COURT: You stipulated, and then he went into it
21 on direct, which confused me, I didn't understand why because
22 you had the stipulation and you went into all the stuff that
23 was really superfluous and that you didn't need to go into, so
24 you kind of opened the door to him asking all these questions
25 now, but go ahead, I'm listening.

1 MR. ZEIGLER: In addition, everything has been asked
2 and answered multiple times. She's answer the question and
3 he's getting into stuff that is completely in speculation of --
4 I mean, it's --

5 THE COURT: As cumbersome as that may be to you,
6 you're going to have to make a contemporaneous mis-objection.
7 I cannot rule on his line of questioning wholesale without
8 knowing what it's going to be.

9 MR. ZEIGLER: I think he's made his way through the
10 line of questioning on at least two different times now and
11 he's back to --

12 THE COURT: You're going to have to make a
13 contemporaneous mis-objection and I'll have to rule on it,
14 because I'm not going to eclipse his cross-examination
15 wholesale without knowing the specific question, and I
16 understand he had a stipulation, but you know, you kind of went
17 in, I was a little surprised in direct, all the things you
18 didn't need to go into you did it, so you opened the door when
19 you did it, so now I'm not going to preclude him from asking
20 some of the things he's asking, frankly, you know, a lot of it
21 doesn't go to his benefit, but if you want to ask it.

22 MR. ZEIGLER: I understand, Your Honor. Thank you.

23 THE DEFENDANT: The statement in her report does not
24 exist in the DataMaster video so --

25 THE COURT: Sir, I don't know, and it's not

1 appropriately taken up right now. You need to ask the witness
2 the questions you want to ask.

3 THE DEPUTY: Your Honor?

4 THE COURT: Wait one second, Mr. Hall. I'm sorry.

5 THE DEFENDANT: Yes, Your Honor. The witness just
6 stated on the record that there is another video that exists
7 with those words on it, so basically, she's stating that there
8 is another video out there that she did not turn over in
9 discovery.

10 THE COURT: I'm just trying to figure out how that's
11 germane to anything we're doing right now. We're in the middle
12 of cross-examination. If this goes to the veracity of her
13 testimony, you need to ask her those questions, but there's no
14 matter brought for this Court to take up. You could have had
15 the video -- the crux of their case is not statements made in
16 camera, the crux their case are the statements you made on
17 these videos they just omitted. You can ask her about those
18 videos, but it's on you to get them, not them --

19 THE DEFENDANT: No, ma'am.

20 THE COURT: At this point they don't exist anymore,
21 I'm sure, unless they were maintained in the cloud, and I doubt
22 that at this point. It's been since 2017, and I think you've
23 covered it thoroughly, but whatever other questions you want to
24 ask of her, but there was no matter of law for the Court to
25 take up at this point.

1 **(Jury entered the courtroom.)**

2 THE BAILIFF: They're all present, Your Honor.

3 THE COURT: Thank you, you may be seated. We
4 appreciate your patience. If you all are still having
5 difficulty hearing, I'm going to ask the witness to please
6 speak directly into the microphone and I'm going to ask Mr.
7 Charles to speak directly into the microphone, but you all can
8 put those headsets on. They dial directly into the AV system
9 and that will help you, you might want to try them to see if
10 that will assist you. You may proceed.

11 THE DEFENDANT: Yes, ma'am.

12 Q. You said in that report that: I won't be in here long
13 and I'm going to kick your ass and spit on you. You stated in
14 that incident report that that was said in the DataMaster room,
15 correct?

16 MR. ZEIGLER: Your Honor, that's been asked.

17 THE COURT: I'm going to give a little latitude.

18 MR. ZEIGLER: Okay.

19 THE COURT: Last time that you ask that question.

20 MR. ZEIGLER: Thank you, Judge.

21 THE COURT: That has been asked and answered. Ma'am,
22 you may answer the question.

23 A. That is correct?

24 Q. So you just said a second ago that that was on a
25 separate video that for some reason is not in the case,

1 correct?

2 A. I did.

3 Q. But just now you stated that you did state in this
4 report that I said it, and you quoted it: I won't be in here
5 long and I'm going to kick your ass and spit on you. Correct?

6 A. You did, yes.

7 Q. So if that is true and that's a fact, then that means
8 that either the State choose to against their best interest to
9 not put that evidence on camera where I clearly state what you
10 said I said in the DataMaster room, correct?

11 A. No. Your video is not shown in its entirety for the
12 safety and I guess in the best interest of you. When that
13 statement was made, that was towards you wanting you out of the
14 DataMaster room.

15 Q. But you're saying that that -- so that part of the video
16 does exist in the DataMaster room video, and it's just not in
17 the courtroom right now, is that what you're stating?

18 A. That's not what I said. As we were you walking out you
19 said those words: I won't be in here long, I'm going to kick
20 your ass. You also said that while driving to the Sally port,
21 as well. You also said that: I'm going to continue to ask for
22 a continuance. This is not going to go through. Ha, ha, ha,
23 I'm going to win, you dumb bitch.

24 Q. That wasn't my question, but --

25 THE COURT: It was responsive, sir.

1 THE DEFENDANT: No, no --

2 THE COURT: Sir, it was responsive, the Court has
3 ruled. Ask your next question.

4 THE DEFENDANT: Yes, ma'am.

5 Q. Well, we just have to go back to this issue because it's
6 a very --

7 THE COURT: Sir, no commentary, you need to just ask
8 the question of the witness.

9 THE DEFENDANT: I just want to clarify because she --

10 THE COURT: Sir, no further commentary, ask the
11 question.

12 Q. So just for -- at the end of the day you did state in
13 this report that: I won't be in here long and I'm going to
14 kick your ass and spit on you, and that is in the DataMaster
15 room?

16 A. Yes, sir, as we were walking out the door, it is.

17 Q. Now, so is it your testimony today that I did say those
18 exact words inside the DataMaster room, but it's nowhere on
19 camera in the DataMaster room, and your position is that I said
20 it on the way out the door, so that's the reason it's not on
21 the camera, correct?

22 A. Can you re-ask the question, please?

23 Q. You're stating to the jury today that you want them to
24 believe that I did say these exact words inside the DataMaster
25 room, but it was out of the view of the camera because it just

1 so happened to be perfectly at the time we was walking out of
2 the DataMaster room where there's no other cameras in the whole
3 jail, correct?

4 A. Sir, we were walking out as you were stating those
5 words. It shows that we're walking out. The video is muted
6 for certain parts for your protection, or for your benefit, so
7 unless you allow them to play the full video, then it's not
8 going to be heard.

9 Q. Are you stating on the record that if they were to play
10 the full video that those words right here would be on the
11 video?

12 A. You should be able to hear them.

13 Q. Is it your position that you will, because we all know
14 that that video doesn't exist?

15 A. That video was just what we viewed, it is not played in
16 its entirety, the 33 minutes that is played. The only things
17 that were played are the two threats about you smearing feces
18 in my face and then wanting to attack me in whatever way that
19 you wanted, that's what is shown.

20 Q. But that's the issue I'm getting to is you're stating
21 that I said these things on camera, but they just was not on
22 camera, but what we have on camera happens to go -- it's
23 diametrically opposed to what you put here, it's like almost as
24 if someone purposely tried to fit a certain statute and change
25 the words a little bit to fit, would that be correct, ma'am?

1 A. No, sir.

2 THE COURT: Madam Forelady, and ladies and gentlemen,
3 I have a matter of law I need to take up with the parties.
4 During this break, please do not discuss the case. Please
5 leave your notepads in your seats. We appreciate your
6 patience, and you can take a comfort break if you need to while
7 we're out.

8 **(Jury exited the courtroom.)**

9 THE COURT: Mr. D'Angelo, you might want to have a
10 chat with Mr. Charles and let him know that he's opening a door
11 that was closed for his benefit and he's doing things that are
12 jeopardizing his defense. We'll be at ease for five minutes.
13 Ma'am, if you need to go to the restroom, please feel free to
14 do so, just don't discuss your testimony with anyone, or if
15 you'd like, you can stand and stretch where you are and we can
16 bring you some water.

17 MR. ZEIGLER: Your Honor, he has attempted to impeach
18 my witness and say that she was misleading, basically,
19 everybody in lying in her report and lying about the statements
20 made on the video, the State intends to introduce the full
21 DataMaster video in its entirety.

22 THE COURT: I was looking at the full DataMaster
23 video while we were waiting, and the part he referring to is
24 completely inaudible. I can't hear it. I haven't put on any
25 earphones to see if I could hear it, but I was trying to remind

1 myself whether you could hear what he was saying when they were
2 going out the door, and I'm not sure if you can, but I need to
3 put on some earphones to see if you can, but just from the
4 regular listening to it, it's fairly inaudible, what he was
5 saying.

6 MR. ZEIGLER: Yes, and I do agree with you, it is
7 hard to hear.

8 THE DEFENDANT: I agree with you, too, I can't hear
9 anything on it.

10 THE COURT: Yeah, he does make some remarks to her as
11 they are walking out the door, they're muffled but you can hear
12 them, yes.

13 MR. ZEIGLER: Yes, Your Honor, the questioning
14 implies that no such statements were made --

15 THE COURT: That's why you've got to redirect so you
16 can rehabilitate your witness, correct?

17 MR. ZEIGLER: Yes, Your Honor, I want that video.

18 THE COURT: Yeah, we'll see how it goes. What he has
19 raised is that she made statements in her report that are
20 statements he made in the in car and that you all have not
21 provided that, which is a valid point, you probably should have
22 provided it, but you rested your case on the two statements
23 made in the BA room, and that's for you to argue, it goes the
24 weight, and he could have asked himself but there's no reason
25 for him to ask for it because it would inculcate him, but he

1 can question the thoroughness of the investigation, he can
2 question the veracity of the witness and whether they were
3 thorough and the basis of the charges, I think that's all fair
4 game, but you need to be very careful, Mr. Charles, because
5 you're opening a lot of doors that I closed for your
6 protection, and if you open them I'm going to let the State
7 walk through them. Okay?

8 THE DEFENDANT: Thank you.

9 THE COURT: You're welcome. Thank you, sir. Please
10 make sure you speak directly into the microphone. Ma'am, I
11 appreciate you, because it's hard sometimes because it's such a
12 big vacuoles room, so if you would speak directly into the
13 microphone.

14 THE BAILIFF: Are you ready, Your Honor?

15 THE COURT: Yes, sir.

16 **(Jury entered the courtroom.)**

17 THE BAILIFF: They are all present, Your Honor.

18 THE COURT: Thank you. You may be seated. Sir, you
19 may continue your cross-examination of the witness.

20 BY MR. JEAN-CHARLES:

21 Q. This will be my last question. Just to be clear, that
22 is to only quote that you put in your report that you claim
23 that I said. That's the only quote that you put in your report
24 that you claim I said that was the threat?

25 A. That is the only quote. Excuse me. That was the only

1 quote.

2 MR. JEAN-CHARLES: No further questions.

3 THE COURT: Any Redirect of the witness?

4 MR. ZEIGLER: Yes, Your Honor. May it please the
5 Court?

6 THE COURT: You may proceed.

7 BY MR. ZEIGLER:

8 Q. Sergeant Rainey, do you still have the report in front
9 of you?

10 A. I do.

11 Q. I'd like to just quickly, on that note, refresh your
12 recollection. The last paragraph starting with: Deputy
13 Randolph placed Jean-Charles, the second line starting with
14 "while," can you please read that and then tell me in your own
15 words what that states?

16 A. Do you want me to read from the report?

17 Q. Read it from that and then interpret it.

18 THE DEFENDANT: Objection. Her interpretation of
19 what the words are on that paperwork --

20 THE COURT: Sir, until there's actually a question,
21 there's no objection to be made. He's asking her to refresh
22 her memory.

23 THE DEFENDANT: I'm sorry about that.

24 THE COURT: And then you need to ask her a direct
25 question.

1 MR. ZEIGLER: Okay.

2 Q. The previous question you answered you stated that there
3 was only one threat and in the report I am referring you to a
4 second threat in the report that refers to while being
5 transported to the jail the defendant making a statement to you
6 that could be interpreted as a threat. Do you now recall after
7 look at your report from memory recollection what that second
8 threat, while in transit to the jail was?

9 A. Yes.

10 Q. What was that?

11 A. During the transport the threat was: I am going to
12 fight you. So it was, to simplify, during the ride it was
13 volatile, it was a lot of kicking on the backseat where the
14 cage is, a lot of profanity, and a lot of threats to me.

15 Q. Thank you. So there were multiple threats made in
16 general in this case, in transit and in the DataMaster room,
17 and potentially after?

18 A. Yes.

19 Q. What were some of those threats that he had made to you?

20 THE DEFENDANT: Objection.

21 THE COURT: Basis?

22 THE DEFENDANT: The basis is -- and it's not even to
23 interrupt her testimony --

24 THE COURT: Sir, state your objection. What is the
25 basis of your objection?

1 THE DEFENDANT: The basis is that it's not relevant
2 for him to -- can he rephrase the question because --

3 THE COURT: Sir, he has the ability to rehabilitate
4 his witness and go into --

5 THE DEFENDANT: No.

6 THE COURT: -- any matter that you've gone into on
7 cross-examination. The question is appropriate, the objection
8 is overruled. Rephrase the question or restate the question.
9 She says she doesn't remember at this point.

10 THE DEFENDANT: Can I please state the objection,
11 Your Honor?

12 THE COURT: Sir, you've already stated the objection.
13 Unless the Court asks for argument, there is to be none.

14 Q. Did the defendant or did the defendant not say he would
15 slap the shit out of you? Pardon my language.

16 A. He did.

17 Q. Did he or did he not say he would beat the fuck out of
18 you?

19 A. He did.

20 Q. Did he or did he not say he would punch a woman like
21 you?

22 A. He did.

23 Q. Did he or did he not say that he would beat the fuck out
24 of a woman like you?

25 A. He did.

1 Q. Did he or did he not say that he would spit on you all,
2 ma'am?

3 A. He did.

4 Q. Did he or did he not say he would spit on you all
5 motherfuckers, he wished he could spit on ya'll motherfuckers?

6 A. Yes, he did can.

7 THE DEFENDANT: Objection.

8 Q. And that he was handcuffed --

9 THE COURT: Basis of the objection, sir?

10 THE DEFENDANT: He's making a bunch of quotes that
11 are nowhere in the evidence, nowhere, it's not on video and
12 it's never --

13 THE COURT: Sir, actually, they are in the video --

14 THE DEFENDANT: Where?

15 THE COURT: -- so the objection is overruled, but you
16 need to quit asking leading questions. Ask direct questions of
17 the witness in rehabilitation or redirect.

18 MR. ZEIGLER: Okay. Thank you, Your Honor. And
19 again, did you interpret these statements as: When I can, I
20 will; when I'm not being video recorded, I will; when I'm not
21 handcuffed?

22 A. Yes.

23 Q. And what was the last threat that he made that we've
24 entered into evidence, the second clip? If you need, I can
25 play it again to refresh your recollection.

1 A. I don't need it. He said that he would smear his feces
2 all over my face, with a hand motion while handcuffed.

3 Q. Is it fair to say that he said: I would take a shit,
4 put it in my hand, throw it in your fucking face, smash that
5 shit and rub it on your face?

6 A. Yes, he did.

7 Q. And both of those statements made on the DataMaster
8 video, you interpreted it as a threat, correct?

9 A. Yes, sir.

10 MR. ZEIGLER: Nothing further, Your Honor.

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

12 THE WITNESS: Thank you.

13 THE DEFENDANT: I don't get a chance to redirect?

14 THE COURT: No, sir. The way the rules work, the
15 party with the burden of proof gets direct, the party who does
16 not have the burden of proof gets cross, the party who has the
17 burden of proof gets redirect.

18 THE DEFENDANT: So I can't object to nothing?

19 THE COURT: Sir, I've told you what the rules are.
20 Thank you. Does the State have any further witnesses?

21 MR. ZEIGLER: No further witnesses, Your Honor.

22 THE COURT: How does the State intend to proceed if
23 it has no further witnesses? Is the State resting?

24 MR. ZEIGLER: Yes, Your Honor. The State rests.

25 THE COURT: Madam Forelady, ladies and gentlemen, the

1 State has rested their case. I have some brief matters of law
2 to take up with the parties. During this break, please do not
3 discuss the case, and please leave your notepads in your seats.
4 For your planning purposes, I anticipate that we will conclude
5 this case on tomorrow with closing argument and instruction.
6 If you will go with the bailiffs, please, and please leave your
7 notepads on your seats.

8 **(Jury exited the courtroom at this time)**

9 THE COURT: You may be seated. The State has rested.
10 Are there any motions?

11 THE DEFENDANT: Yes, I would make a motion for a
12 directed verdict.

13 THE COURT: You need to articulate your motions. You
14 need to stand when addressing the Court.

15 THE DEFENDANT: The evidence shows today, clearly,
16 that I did not make a threat to this person. The evidence
17 shows that the charging documents states clearly that the quote
18 in question on the affidavit that started this indictment was:
19 I'm going to -- it stated that: He was going to -- basically,
20 the State -- the threats in question is not the threats that I
21 was proffered in the initial charging affidavit, therefore,
22 they have basically switched what they're trying to charge.
23 They are fighting to prove that I said -- they are fighting to
24 prove that those words that I said on the video: I wish I
25 could spit on you, if I could I would, are threats, but their

1 affidavit and charging document states that: I'm going to be
2 out of here soon and -- hold on, nevermind, I didn't say that.
3 That's the -- I think that a reasonable prudent person can
4 understand that. As a matter of fact, the reason this directed
5 verdict should be put in is because the Solicitor already is
6 using an argument that coincides with my definition of a
7 threat. His main objective up there was to make the jury feel
8 like because she was in fear and because she was scared, that's
9 what made it a threat, so his line of thinking and his line of
10 argument is going along with the fact that I have threats that
11 don't suffice in the South Carolina Jurisprudence when it
12 explains what a threat is, and then it has right under there,
13 it says that it pertains to this code and the other code, which
14 is the municipal version of this offense, and since he's using
15 that argument, we have to use the same standard when it comes
16 to the line of this threat, and I have some federal case law
17 here.

18 THE COURT: Sir, federal case law is not applicable
19 to the State, we have our own body of law. We only look at the
20 federal court and only federal appellate court for guidance
21 sometimes if our law is silent on the issue and our law is not
22 silent on the issue.

23 THE DEFENDANT: But it's very sparse and it's very
24 different.

25 THE COURT: But that doesn't mean it's silent, it's

1 just sparse, but it's not silent. I don't need to look outside
2 on South Carolina state law to determine what our courts have
3 pronounced in making definition on that issue.

4 THE DEFENDANT: Well, what South Carolina
5 Jurisprudence has established is that a threat cannot be an
6 idle one, that doesn't constitute a threat and that a person
7 does have to be in reasonable fear and the person conveying the
8 threat has to actually be knowingly and willfully relaying the
9 threat. I'm the person who said it, I'm testifying under oath
10 under penalty and perjury that that was never my intention --

11 THE COURT: Sir, you haven't testified, so there's
12 nothing in the record regarding your testimony. You made
13 argument, that's not testimony.

14 THE DEFENDANT: And that was my issue earlier about
15 wanting to put things on the record.

16 THE COURT: Sir, that has nothing to do with the
17 directed verdict stage of the trial. You haven't testified and
18 you don't have to testify. The record is void of any testimony
19 as to what your intent was.

20 THE DEFENDANT: Well, I would like to testify.

21 THE COURT: Well, you can when it's your turn, but it
22 ain't your turn yet.

23 THE DEFENDANT: Well, then, so that's my basis of my
24 argument is that it's not a threat because I clearly say: I
25 with I could, if I could I would. That's clearly stating to

1 any reasonable prudent person that I'm aware that I can't: If
2 I could I would. I'm not going but I know I can't, and since
3 I'm locked up right now I'm very mad and I wish I could, but
4 I'm not going to. That's clearly, any reasonable person can
5 see that the law is not on his side and he's not going to
6 produce any law that states, that declares that an idle threat
7 is -- I need him to produce something saying this is a threat,
8 what the words in question were threats. I don't think there's
9 no evidence that exists out there or no state -- no case law,
10 there's no statute that's going to claim that somebody venting
11 and just clearly stating something that they're not going to do
12 could be considered a threat if they're not. The reason that I
13 want it to be a directed verdict is clear. You could see,
14 like, what's on these first documents don't coincide with what
15 they are trying to say now, so I mean, there's a reason for
16 that. The reason is that the words that they put in the
17 initial report fits a threat, but those words are not found
18 anywhere on video, or anything like that. The quote that she
19 said: I'm going -- when I get out of here, I'm going to get
20 out and kick your ass. That was a falsified statement on an
21 affidavit that was signed -- a penalty of perjury, which makes
22 all her testimony not credible because she clearly stated
23 something that we can't find here. Nobody put a statement to
24 proffer it. This whole charge started on that quote. Without
25 that quote, if they would have put the quote that was said in

1 that video, this affidavit would have never got indicted. If
2 the affidavit read on September 5, 2017, approximately at 2:38
3 the victim was administering -- the defendant stated that he
4 was going -- no, the defendant stated he wished he could spit
5 on me. This wouldn't be in court right now if that's what that
6 said and that's why this would be thrown out, because it shows
7 clear intent, intent to defraud the Court, intent to falsify
8 the record, and the record supports my position. It's very
9 clear to me, and if the State doesn't produce any law, I don't
10 think I should have to produce any law either, and if he does I
11 could rebut him on the law, but I don't think he has a law
12 that's going to clearly state what a threat is in South
13 Carolina, and if he does it's going to go to my definition of
14 it, too, because I'm looking at the same stuff. So if he's
15 going to go off any South Carolina case law that's talking
16 about a threat, then it's going to coincide with what I'm
17 saying, and if he doesn't have any law on stating and
18 specifically outlining that these hypothetical words that you
19 phrase can be considered a threat, if there's no, nothing out
20 there that says that, then there's nowhere that says you can't
21 proceed with this matter. This matter was brought on false
22 statements, it's moved on false statements, and it's all about
23 false statements, that's what this case is about, so that's why
24 I would ask the Court to grant me a directed verdict of not
25 guilty due to the law and due to them not proving beyond a

1 reasonable doubt that, well, I guess that wouldn't be the word
2 for directed verdict, but that is all I really have.

3 THE COURT: Would the State like to respond?

4 MR. ZEIGLER: Just briefly, Your Honor. The standard
5 is whether or not direct evidence or substantial circumstantial
6 evidence was entered into evidence during the course of the
7 trial of each element of the crime in this case, we believe we
8 have done so. I submitted a seven-page brief as to the State's
9 position on the word "threat" to you and the defense.

10 THE DEFENDANT: I never got it.

11 MR. ZEIGLER: As far as the position on that goes,
12 Mr. D'Angelo was given a copy, I emailed him a copy last night
13 after we were done here and --

14 THE COURT: He has a copy.

15 MR. ZEIGLER: -- and I can provide him a hard copy.
16 I can give him another hard copy, so if he has one --

17 THE COURT: You said you already gave him a hard
18 copy, when?

19 THE DEFENDANT: I never ever received that. I've
20 never seen that.

21 MR. ZEIGLER: I believe I gave Mr. D'Angelo a copy of
22 it this morning and submitted a hard copy to you before lunch.
23 I don't know if this is the same exact version of it.
24 This is not the same exact version of it.

25 THE COURT: Can you provide your copy of it to him,

1 Mr. D'Angelo?

2 MR. D'ANGELO: I have a copy on my computer I can
3 pull up.

4 THE COURT: He said he gave you a hard copy this
5 morning.

6 MR. D'ANGELO: Oh, I stand corrected.

7 THE DEFENDANT: I object to this because I never had
8 an opportunity to respond to this or come prepared for that.

9 THE COURT: Sir, it's in the nature of the jury
10 charge or request for a jury instruction, it's not a pleading
11 where you would have the opportunity. You can make any request
12 you want for a jury instruction, as well as he can. It's been
13 marked as a Court's exhibit and he needs to give you a copy of
14 it. He gave it to your lawyer at the time because Mr. D'Angelo
15 was still representing you and he's going to get a hard copy in
16 the file to you.

17 THE DEFENDANT: Well, if Mr. D'Angelo was still
18 representing me and he received a copy and did not give it to
19 me and then allowed me to go into a trial without --

20 THE COURT: Sir, none of it is really relevant to
21 directed verdict. It's really a part of the jury charge
22 portion of the trial but you should have gotten a copy of it
23 after I ruled that you should be representing yourself. Before
24 that, your lawyer didn't have to give you a copy.

25 THE DEFENDANT: I'm just receiving this right here.

1 THE COURT: Yeah, well, you just started representing
2 yourself. He gave it to the person who was entitled to get it
3 when he had it, now you have a copy.

4 THE DEFENDANT: No, the person who was entitled to
5 get it --

6 THE COURT: The person who was entitled to get it was
7 Mr. D'Angelo. That's the only person he had a legal obligation
8 to give it to, not you.

9 THE DEFENDANT: But it wasn't --

10 THE COURT: I did not until we got started that you
11 could represent yourself.

12 THE DEFENDANT: I know, but I just got it now --

13 THE COURT: You have it now, review it, satisfy
14 yourself. Mr. D'Angelo does not have to give you any documents
15 he receives. He's under no legal obligation to do that. He's
16 entitled to let you know that something's been submitted to him
17 and to explain it to you, but he does not have to provide you
18 with a written copy of it. When we came in this morning, this
19 is in the nature of a request for instruction. He gave a copy
20 to your lawyer of record at the time. That's what he's
21 required to do, he's not required to give you a copy. You have
22 a copy now.

23 THE DEFENDANT: I would like to preserve my position
24 that this is going with to be --

25 THE COURT: It's a request for instruction, sir, and

1 that's how its been interpreted, and I've already had it marked
2 as a Court's Exhibit. That's the end of the issue.

3 THE DEFENDANT: And you're saying it's grounds for --

4 THE COURT: Proceed with your response to the motion
5 for directed verdict.

6 MR. ZEIGLER: Thank you, Your Honor.

7 THE COURT: Yes, sir.

8 MR. ZEIGLER: That is pertaining to the directed
9 verdict motion. We just believe that her testimony, Sergeant
10 Rainey's testimony, I'm sorry, and the video evidence that was
11 presented this afternoon, are both examples of direct evidence
12 therefore and satisfy the directed verdict motion, or satisfy
13 our requirements to overcome a directed verdict motion.

14 THE DEFENDANT: Well, I would like to proffer
15 something things for the instructions.

16 THE COURT: I didn't hear what you said, sir, what?

17 THE DEFENDANT: I said I would like to proffer some
18 things for the jury instructions.

19 THE COURT: And at the appropriate time, you can. It
20 needs to be in writing, and Mr. D'Angelo has already submitted
21 it, and it's already been marked as a Court's Exhibit on
22 Monday. The motion for directed verdict is denied. When
23 considering a motion for directed verdict the Court is
24 concerned with the existence or nonexistence of evidence, not
25 its weight. At this time the state the Court is required to

1 receive the evidence in the light most favorable to the State
2 which is the non-moving party. Our Supreme Court has mandated
3 that if there is any direct or circumstantial evidence
4 reasonably tending to prove the guilt of the accused, a motion
5 for directed verdict is not appropriate. Mr. Charles has been
6 charged by indictment 2018-GS-10-04368, and that indictment
7 alleges a violation of code section 16-3-10-40 of the code of
8 laws as amended. Contrary to Mr. Charles' position, there are
9 two cases which define threat in South Carolina. This Court
10 does not need to look outside of South Carolina, especially the
11 cases that have not been subject to appellate review for a
12 guidance. In addition to that, our laws are very clear that
13 the Court can look to other treatises, as well as other
14 publications for guidance. Frankly, I'm not certain that
15 threat needs to be defined because I think in common parlance
16 people know what a threat is, but I'm debating whether I'm
17 going to deal with the definition from Black's Law Dictionary,
18 which was used in the two cases in South Carolina. However,
19 what the State must prove beyond a reasonable doubt is that
20 pursuant to 16-30-10-40, Subsection B: They must prove that
21 Mr. Charles knowingly and willfully delivered, conveyed to a
22 public employee a letter of paper, writing permissive document
23 or electronic communication, or verbal or electronic
24 communication which contained a threat to take the life of or
25 to inflict bodily harm upon the public employee or members of

1 his immediate family, if the threat is directly related to the
2 public employee's official responsibilities. The statute
3 defines public official to mean an elected -- I'm sorry, a
4 public employee means a person employed by the state, a county,
5 a municipality, a school district, or a political subdivision
6 of this state, except for purposes of this section. A public
7 employee does not include a teacher or principal of an
8 elementary or secondary school, because that is a separate
9 offense that is articulated in Subsection A of the statute.
10 Immediately family is defined as spouse, child, grandchild,
11 mother, father, sister, brother, of the public official,
12 teacher, principal or public employee, and within our black
13 letter precedent knowingly means with knowledge, consciously,
14 not accidentally, willfully means that it was not done by
15 accident but was done knowingly or intentionally, and clearly,
16 there is direct and substantial circumstantial evidence that
17 exists in the testimony of Officer Rainey who testified that
18 Mr. Charles articulated threats toward her, I'm not going to
19 repeat them because we have heard them and they are also
20 present in the other direct evidence, which is the video, which
21 depicts Mr. Charles articulating certain offensive statements
22 and threats toward Officer Rainey, or Sergeant Rainey, I
23 apologize for not acknowledging her correctly. So there is
24 direct and substantial circumstantial evidence reasonably
25 tending to prove him guilty of the offense of threatening the

1 life of a public official under Subsection B in the statute
2 where it is alleged that he made a knowing and willful threat
3 toward a public employee. He has raised certain issues or
4 statements regarding what was alleged in the arrest warrant.
5 An arrest warrant is merely for the purpose of establishing
6 probable cause for the arrest. It is much like an indictment.
7 It is a notice document. It does not preclude the State from
8 expanding their definition of the offense and presenting
9 additional evidence or expounding on it, and it is certainly
10 not determinative, nor does it limit how the State will present
11 its case, so there is absolutely no merit to that argument.

12 The Court will note it for the record. The motion is denied.

13 Do you have any witnesses you want to present, Mr. Charles?

14 THE DEFENDANT: South Carolina law states that --

15 THE COURT: Sir, the Court has ruled and I'll be very
16 clear with you, I've been very patient, but I'm going to cite
17 to you the rules so that you can be clear regarding it. You've
18 made your motion, you've argued your motion, I allowed the
19 State to respond, and I've ruled. Rule 18(a): Counsel and
20 when a person is pro se, they're their own counsel, shall not
21 attempt to further argue any matter after he has been heard and
22 ruling of the Court has been pronounced. Subsection B:
23 Argument on objection: No argument shall be made on objections
24 to the admissibility of evidence or conduct of a trial unless
25 specifically requested by the Court. Subsection C: No one

1 shall interrupt the other in the course of their argument.

2 Now that you're clear about the rules, I expect you to comport
3 yourself accordingly. Do you have any witnesses?

4 THE DEFENDANT: I need to state something about --

5 THE COURT: You don't need to state anything, sir,
6 you've made your argument and I've ruled. Do you have any
7 witnesses that you wish to present at this time?

8 THE DEFENDANT: Yes, I'll testify, because like I
9 said --

10 THE COURT: Do you want your standby counsel to
11 assist you in that?

12 THE DEFENDANT: I mean --

13 THE COURT: Because you don't get to just get up
14 there and talk, it doesn't work like that.

15 MR. D'ANGELO: I believe he testifies in the
16 narrative, Your Honor, and then it's subject to
17 cross-examination.

18 THE COURT: But he doesn't get to just get up there
19 and talk, that's not the way it works. You might want to
20 assist him to keep him on track so he doesn't open the door any
21 further than he already has, if he asks for your assistance, if
22 he don't want your assistance, that's on him, he proceeds at
23 his own peril.

24 MR. D'ANGELO: Yes, Your Honor.

25 THE COURT: How do you want to proceed, sir? Do you

1 want to testify on your own or do you want Mr. D'Angelo to
2 assist you in any testimony you want to give? Well, actually,
3 before you testify, I need to advise you of your right to
4 remain silent, and some other things, so I need you to stand
5 and raise your right hand to be sworn. It's not optional. I'm
6 required to ask you and make these advisements of you. Raise
7 your right hand to be sworn.

8 THE DEFENDANT: I don't wish to testify anymore.

9 THE COURT: I still have to advise you of your
10 rights. It's not optional, I have to do it. Raise your right
11 hand to be sworn. Do you swear or affirm the testimony you
12 give will be the truth?

13 THE DEFENDANT: I do.

14 THE COURT: You can put your right hand down. State
15 your full name for the record.

16 THE DEFENDANT: Akim Jammarr.

17 THE COURT: Bear with me one second. Sir, we have
18 reached the stage of the trial where you can present a defense.
19 I'm going to explain to you, sir, of your rights. If you do
20 not understand something that I say, please let me know, if you
21 want me to explain anything in more detail, please let me know.
22 Do you understand? You're required to answer that question.
23 Do you understand the statement I just made to you?

24 THE DEFENDANT: Oh, no. Say it again.

25 THE COURT: I need you to focus on what I'm saying.

1 At this time I'm going to explain to certain of your rights.
2 If you do not understand anything that I say, please let me
3 know. If you want me to explain anything in further detail,
4 please let me know. Do you understand?

5 THE DEFENDANT: Yeah.

6 THE COURT: We have now reached the stage of the
7 trial where you may present your defense. You have the right
8 to claim the protections given to you by the Fifth Amendment to
9 the Constitution of the United States. This Amendment reads in
10 part that no person shall be compelled in any criminal case to
11 be a witness against himself. This means that you cannot be
12 required to testify in this case. You have the right to
13 testify on your own behalf, however, no one can make you
14 testify. This is a personal right and no one can waive this
15 right except you. If you decide to testify, you will be
16 subject to the same rules that govern other witnesses and you
17 may be examined and cross-examined on any relevant issue in
18 this case. In addition, if you have any convictions involving
19 dishonesty or false statement or for crimes punishable by
20 imprisonment for more than one year and this Court determines
21 that the probative value of admitting this evidence outweighs
22 its prejudicial effect to you, the Solicitor will be able to
23 introduce your record to attack your credibility. If you
24 decide to testify, this decision on your part must be made
25 freely, voluntarily, knowingly and intelligently, with

1 knowledge of the protections given to you by the Fifth
2 Amendment and the consequences of your decision to testify. If
3 you decide not to testify, I will instruct the jury that they
4 cannot give the fact that you did not testify any
5 consideration, whatsoever, that there is to be absolutely no
6 prejudice to you because you did not testify, it is left
7 entirely up to you whether or not you testify, you may speak
8 with Mr. D'Angelo and Mr. Henley. If you would like, you may
9 talk with family members, friends, or otherwise, but the final
10 decision is yours. Do you understand your rights as I've
11 explained them to you?

12 THE DEFENDANT: Yes.

13 THE COURT: Do you have any questions about your
14 rights as I've just explained them to you?

15 THE DEFENDANT: Yeah, I need to go ask some family
16 members about what's going on.

17 THE COURT: I'm sorry, I can't hear you.

18 THE DEFENDANT: I said I need to talk with some
19 family members about what's going on.

20 THE COURT: No, I said you can discuss with them, but
21 you should have done that before today. You haven't discussed
22 with them whether you want to testify?

23 THE DEFENDANT: Carry on the way you want to carry
24 on, ma'am.

25 THE COURT: No, I'm just --

1 THE DEFENDANT: This is your --

2 THE COURT: What I'm saying is that you can talk to
3 anybody you want to about whether you want to testify, but
4 finally, ultimately, the decision is yours.

5 THE DEFENDANT: Obviously not, because I want to
6 speak to them right now, I want to go call them.

7 THE COURT: Are they here?

8 THE DEFENDANT: No, I want to call them, I want to
9 call them.

10 THE COURT: Well, then we'll take a brief recess for
11 you to do that.

12 THE DEFENDANT: I appreciate that. It will take me
13 two minutes.

14 THE COURT: Go ahead. Why don't you go into that
15 room and have that conversation.

16 THE DEFENDANT: So will I produce my defense when I
17 get back?

18 THE COURT: I can't hear you. Sir, the only defense
19 you would have is if you plan to testify. Other than that,
20 you're going to be resting, unless you've got some other
21 witnesses you haven't told me about. Do you got some other
22 witnesses you haven't told me about?

23 THE DEFENDANT: Won't I be able to --

24 THE COURT: Do it now.

25 THE DEFENDANT: No, I'm saying, when would I be able

1 to use my defense of protective speech, first amendment of what
2 I said?

3 THE COURT: You can argue that, sir, in closing
4 argument. You need to talk to your standby counsel about that.
5 I need you to be mindful of the time. We have people that
6 have to pick children up from daycare that are on the jury, and
7 it's 5:07.

8 (Recess taken.)

9 MR. ZEIGLER: Your Honor, real quick. We're waiting
10 on Mr. D'Angelo.

11 THE DEFENDANT: Do I still have a chance to file my
12 motions?

13 THE COURT: I told you, you can file them whenever
14 you wanted, finish writing the file, then you'll need to do it.
15 Have you understood your rights as I've explained them to you?
16 Mr. Charles?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: Do you understand your rights as I've
19 explained them to you?

20 THE DEFENDANT: I'm just saying yes, but not really,
21 yes, ma'am.

22 THE COURT: You don't understand your right against
23 self-incrimination?

24 THE DEFENDANT: Oh, yeah --

25 THE COURT: I need you to focus on what I'm asking

1 you. I was asking you a series of questions. I advised you of
2 your right against self-incrimination and your right not to
3 testify, that's what we talked about.

4 THE DEFENDANT: Yes.

5 THE COURT: I took a recess when you said you wanted
6 to call somebody, I'm resuming that colloquy, which the Supreme
7 Court requires of this Court. Do you understand your rights as
8 I've explained them to you?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: Do you have any questions about your
11 rights as I've explained them to you?

12 THE DEFENDANT: No, ma'am.

13 THE COURT: Do you need to speak with anyone further
14 about whether you wish to testify or not?

15 THE DEFENDANT: Besides -- never mind, because I
16 would say -- never mind. No, ma'am.

17 THE COURT: Do you wish to speak with Mr. D'Angelo or
18 Mr. Henley any further about whether you should or should not
19 testify?

20 THE DEFENDANT: No.

21 THE COURT: And sir, do you wish to testify?

22 THE DEFENDANT: Yes.

23 THE COURT: How long do you think your testimony will
24 be?

25 THE DEFENDANT: I mean, like, in what fashion?

1 THE COURT: Give me an estimate of how long you think
2 your testimony is going to be.

3 THE DEFENDANT: In what fashion are we going to be
4 doing the testimony, just talking?

5 THE COURT: I don't know, I can't tell you that. I
6 can't give you any legal advice, that's why I left you with
7 shadow counsel so you could ask him those questions.

8 THE DEFENDANT: Probably about, not long, not very
9 long.

10 THE COURT: How long do you think your cross will be,
11 Ms. Barber?

12 MS. BARBER: Yes, ma'am. Depending on his testimony,
13 but he says it won't take long, so I predict that the cross
14 should probably take between seven and 15 minutes, so not long.

15 THE COURT: If you can get the jury for me, please.
16 You can take your seats.

17 MS. BARBER: Yes, ma'am.

18 THE COURT: Thank you. Does he have any record you
19 all will be seeking to use to impeach him?

20 MR. ZEIGLER: No, Your Honor.

21 **(Jury entered the courtroom at this time.)**

22 THE BAILIFF: All jurors are present, Your Honor.

23 THE COURT: Thank you. You may be seated. Does
24 anyone have any scheduling challenges, or can you all stay with
25 us another 30 minutes before we break for the afternoon? Thank

1 you all, I appreciate you all. Mr. Charles, you may proceed.
2 Yes, he has to go to the witness stand, yes. Sir, you need to
3 leave your phone at counsel table. It needs to be off. You
4 need to turn it off, not silent. Thank you.

5 THE CLERK: Do you swear or affirm the testimony you
6 shall give the Court and the jury in the trial of this case is
7 the truth, the whole truth and nothing but the truth, so help
8 you God?

9 THE DEFENDANT: Yes, ma'am.

10 THE CLERK: Please have a seat. If you will state
11 your full name for the record, spelling your last name into the
12 microphone.

13 THE DEFENDANT: It's Akim Jean-Charles. I don't
14 stipulate my last name as a last name, but just my religious
15 belief. I stipulated that's my family name, so it's Akim
16 Jammar Jean-Charles.

17 THE COURT: Sir, I need you to speak directly into
18 the microphone.

19 THE DEFENDANT: It's Akim Jammar, from the family of
20 Jean-Charles, but Akim Jammar Jean-Charles, but for today's
21 purposes.

22 **AKIM JAMMAR JEAN-CHARLES WAS DULY SWORN AT THIS TIME**
23 **AND TESTIFIED AS FOLLOWS:**

24 THE DEFENDANT: Basically, I just wanted to get up
25 here and testify because one of the many things that they told

1 me not to do is to testify, you don't have to testify, you have
2 the right not to testify, anything could be used against you,
3 you're past can be, but I wanted to come to you all and look at
4 you all directly and let you all know that I did not mean to --
5 I was not saying those words with intending her to actually
6 believe these words. I was where literally just venting of the
7 fact that I felt like I was unlawfully arrested for something,
8 and that's where everything started from and that's where I --
9 and am very embarrassed about some of the things that was on
10 the video that were said and all that, but there's no mens rea
11 in my comments because my state of mind was not to actually
12 threaten her, like, to make her think that I'm going to come
13 and get you. I never even said, when I get out of here I'm
14 going to come and get you and fight, but those were the quotes
15 that's in the charging document, so it's, like, if that's what
16 I'm being accused of saying in the charging document that you
17 all brought this whole case up with, then why can't we see me
18 saying that, or why is it slightly changed like that to make it
19 seem like a threat? Like, if she really was truly in fear of
20 her life as a police officer from them words that I was saying,
21 why wouldn't those words be on the affidavit? Why wouldn't the
22 affidavit say Mr. Jean-Charles said he wished he could spit on
23 me, or I don't even remember what I'm talking about, but I know
24 everything I said was "wish," "could," blah, blah, blah, not a
25 threat, so why didn't the charging document say that? Why

1 didn't the charging document say: I wish I could spit on you?
2 Why didn't it say: If I could, I'm going to slap you? I'm
3 going to tell you why it didn't say that, because if they took
4 that document to a judge wanting to get it signed, it wouldn't
5 have fit the statute, so they had to twist it a little bit and
6 say, no, he said he's going to do it and he said when he gets
7 out he's going to come and find you. They tried to twist those
8 words so they could fit the statute into basically making a
9 threat, but I want you all to kind of like -- I'm not
10 placing you all because, you know what I'm saying, I'm not
11 saying place yourself in my shoes, but I want you all kind of
12 to place yourself in my shoes. I'm not saying that any of you
13 all would have even been in that situation, maybe none of you
14 would have even been in this situation to get pulled over in
15 the first place, but just say you was in this situation and you
16 felt like you was innocent of what you were getting taken to
17 jail for, in handcuffs for and all this stuff like that, is it
18 possible that you might say things that you don't really mean
19 at that time? Is it possible that you -- you know what I'm
20 saying? You might -- maybe not for some of you all, but maybe
21 on a slim chance maybe it's possible that somebody would get
22 you a little mad and say things that, I totally regret saying
23 some of those things, all of those bad things, but I stand
24 strong, I stand firm, that I did not threaten her. I never
25 threatened her, I never claimed that I'm going to do this, like

1 she stated in the affidavit. I was on the wall outside, I'm
2 going to run you all through the events of that night just so
3 you all can understand what was going on. So me and my
4 friend --

5 MS. BARBER: Objection, Your Honor.

6 THE COURT: Basis?

7 MS. BARBER: Relevance.

8 THE COURT: I'm going to give him a little latitude,
9 but be very careful about opening any doors, Mr. Charles. You
10 might want to think what you're about to say. Do you want to
11 consult with Mr. D'Angelo before you go any further?

12 THE DEFENDANT: Not really. I don't have any -- not
13 really.

14 THE COURT: Proceed.

15 THE DEFENDANT: So just me and my friend was
16 together. We switched vehicles at a gas station, so switched
17 vehicles at a gas station, and because of that, when that
18 transfer happened, I didn't turn the lights on when I was
19 pulling out because we just switched and I didn't notice that
20 it was on pulling out and going down 52. Going down 52, I
21 guess Ms. Randolph sees that the lights are not on, so she
22 pulls us over, and when she pulls us over, she already stated
23 in her testimony earlier, our first initial approach and
24 everything was polite, not just not belligerent, she didn't
25 just say that, she offered the word "polite," so obviously,

1 she's telling the truth. I was polite. That's when she got
2 into, you know, doing her job, and she said she saw an open
3 container in there, because there was an open container in
4 there, but she used that open container as, you know, the road
5 to go down a DUI charge. So I'm stating to her off the top my
6 innocence, like, no, I'm not drunk, yeah, I had a drink, but
7 I'm not drunk, I just got in the car, blah, blah, blah, blah,
8 blah, and she states: Well, everything will be fine,
9 everything's good, just get out of the car, you do this
10 Breathalyzer test and you can go home. I'm, like, oh, good,
11 I'm not worried about it because I'm actually feeling like I'm
12 innocent, so I'm good. So I do the Breathalyzer test, and in
13 my opinion, still to this day, looking at the video camera, I
14 clearly passed it, so that's what set me off in being angry
15 because I felt like she already predetermined that, regardless
16 if I was going to pass that test or not, she was going to take
17 me to jail that night. That's the feeling I got after --
18 after -- because immediately after I passed the test, she was,
19 like, oh, you failed, she put me in handcuffs. So I was, like,
20 what? Like, you just -- I'm like -- that's when I started "B,
21 "B," "B." Now, this was mean, but this was not a threat. This
22 was just me stating, like I'm mad and I'm saying, like, and it
23 was wrong, and I -- like I said, I apologized to her. She may
24 not have got it, I don't know, but I did seek her out, found
25 her, because I came across the information about her situation